



rocket matter

**Paperless Webinar Series:
Embracing E-Signature & Secure
Document Sharing with Ethics in Mind**

Larry Port

Husband. Father.
Animal-lover. Coder.
Software Exec. Author.
Little league coach.
Fighter of hate. Seeker
of wellness.

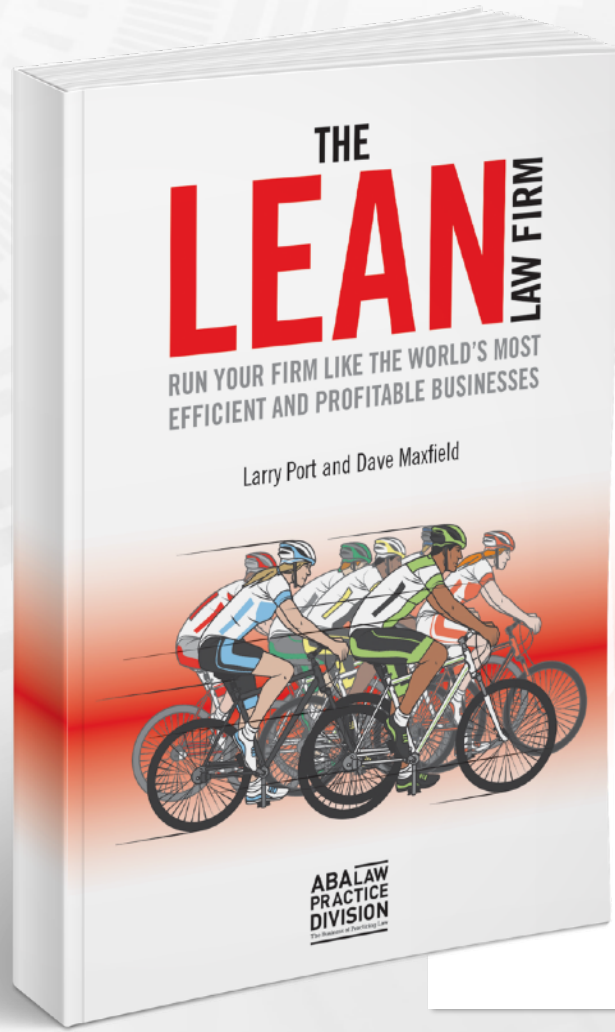


Jason Goldfinger

Husband. Golfer. Great
Dane owner. Poker
player. Home cook.
Uncle. Exerciser.



Larry's Book for the ABA



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Podcasts!

Apple Podcasts Preview



Larry Port and Dave Maxfield

70 episodes

Join us as we discuss ideas to help legal professionals become system thinkers! In The Lean Law Firm Podcast, legal business innovators Dave Maxfield and Larry Port discuss ideas from their new ABA book on Lean. Each episode covers [more](#)

The Lean Law Firm Podcast

The Lean Law Firm Podcast

Business

★★★★★ 4.7 • 10 Ratings

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NOV 3, 2020

Ep 70: Lean Law Firm Business Incub

Larry and Dave talk with David Notowitz, the founder of Video Forensics (NCAVF). David discusses how successful, and what he has practiced to get it to work

[▶ PLAY](#) 34 min

SEP 29, 2020

Ep 69- How Failure Can Lead to Success

This week, Larry and Dave talk about how to drive success. Are you actually progressing or are you just staying stagnant? Embracing mistakes in this engaging episode!

[▶ PLAY](#) 22 min

Apple Podcasts Preview



146 episodes

A legal podcast featuring business, tech, and all things to make law firms more profitable. The 10 Minute Law Firm Podcast is informative, entertaining, and if you find it absolutely horrible, it will be mercifully over soon. Your host is Larry [more](#)

The 10 Minute Law Firm Podcast

Rocket Matter, LLC

Management

★★★★★ 4.7 • 9 Ratings

[Listen on Apple Podcasts](#)



NOV 3, 2020

Ep 118: How Pay-Per-Click Ads Lead To More Clients

This week, Larry Port chats with Zeke Silvani, CRO of Convert IT Marketing, LLC, a digital marketing agency that works exclusively with law firms. Zeke discusses how pay-per-click (PPC) ads convert into clients and how the digital advertising market has changed and expanded over the years.

[▶ PLAY](#) 11 min

OCT 20, 2020

Ep 117: Streamline Your Document Automation with Woodpecker

This special edition video podcast features special guest Alex Melehy, founder and CEO of Woodpecker. Alex showcases Woodpecker's robust document automation features with a short demo. Learn about how he came to the conclusion this product was needed in the market, the process

[▶ PLAY](#) 11 min

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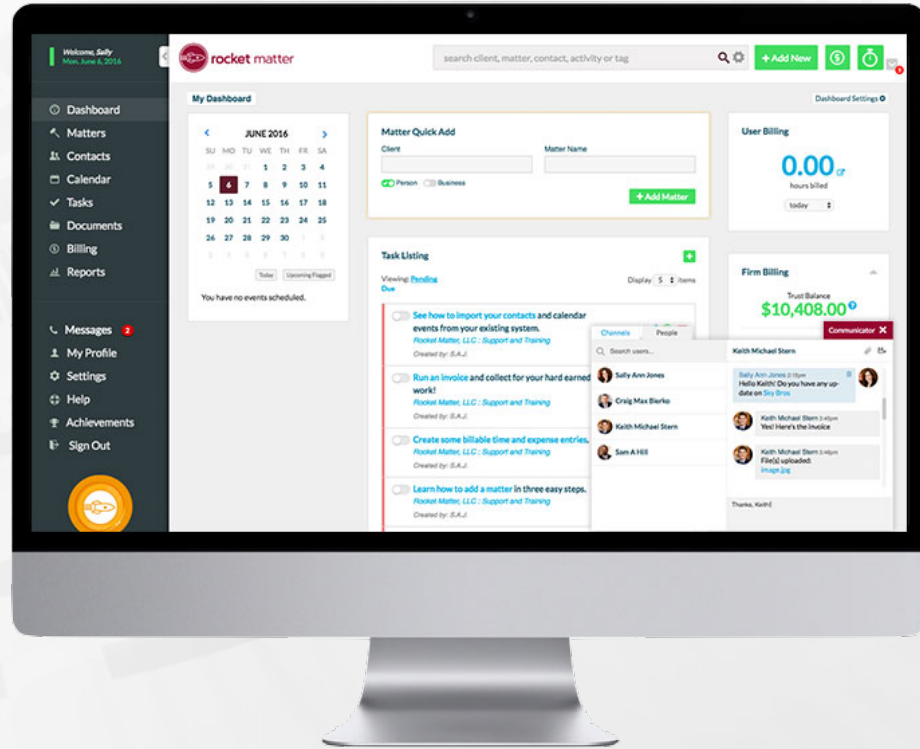
Hog Wild Holiday Snowman Popper

★★★★★ 207

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All Rocket Matter customers (by Nov 30th) get 50 free e-signature sends and a month of ImagineShare!

Part One : E-Signatures



E-Signature Basics

"The Uniform Electronic Transactions Act (**UETA**) is the law in all but a few United States jurisdictions, and the Electronic Signatures in Global and National Commerce Act, 15 USCA §§ 7001 et seq. (**ESIGN**), is federal law."

"The net effect of these rules is that every jurisdiction in the United States has substantially the same rules for the use of electronic signatures."

https://www.americanbar.org/groups/business_law/publications/blt/2020/04/e-signatures/

What is an electronic signature?

114 STAT. 472

PUBLIC LAW 106-229—JUNE 30, 2000

15 USC 7006.

SEC. 106. DEFINITIONS.

For purposes of this title:

(1) **CONSUMER.**—The term “consumer” means an individual who obtains, through a transaction, products or services which are used primarily for personal, family, or household purposes, and also means the legal representative of such an individual.

(2) **ELECTRONIC.**—The term “electronic” means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(3) **ELECTRONIC AGENT.**—The term “electronic agent” means a computer program or an electronic or other automated means used independently to initiate an action or respond to electronic records or performances in whole or in part without review or action by an individual at the time of the action or response.

(4) **ELECTRONIC RECORD.**—The term “electronic record” means a contract or other record created, generated, sent, communicated, received, or stored by electronic means.

(5) **ELECTRONIC SIGNATURE.**—The term “electronic signature” means an electronic sound, symbol, or process, attached to or logically associated with a contract or other record and executed or adopted by a person with the intent to sign the record.

(6) **FEDERAL REGULATORY AGENCY.**—The term “Federal regulatory agency” means an agency, as that term is defined in section 552(f) of title 5, United States Code.

(7) **INFORMATION.**—The term “information” means data, text, images, sounds, codes, computer programs, software, databases, or the like.

(8) **PERSON.**—The term “person” means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, governmental agency, public corporation, or any other legal or commercial entity.

(9) **RECORD.**—The term “record” means information that is inscribed on a tangible medium or that is stored in an

Richard Simmons

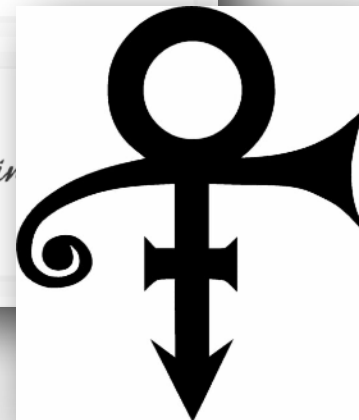
Richard Simmons

Richard Simmons

Richard Simmons

Richard Simmons

Richard Simmons



<https://www.govinfo.gov/content/pkg/PLAW-106publ229/pdf/PLAW-106publ229.pdf>

Electric sounds?



What's so great about them?



Enable contracts during
COVID



Eliminates waste



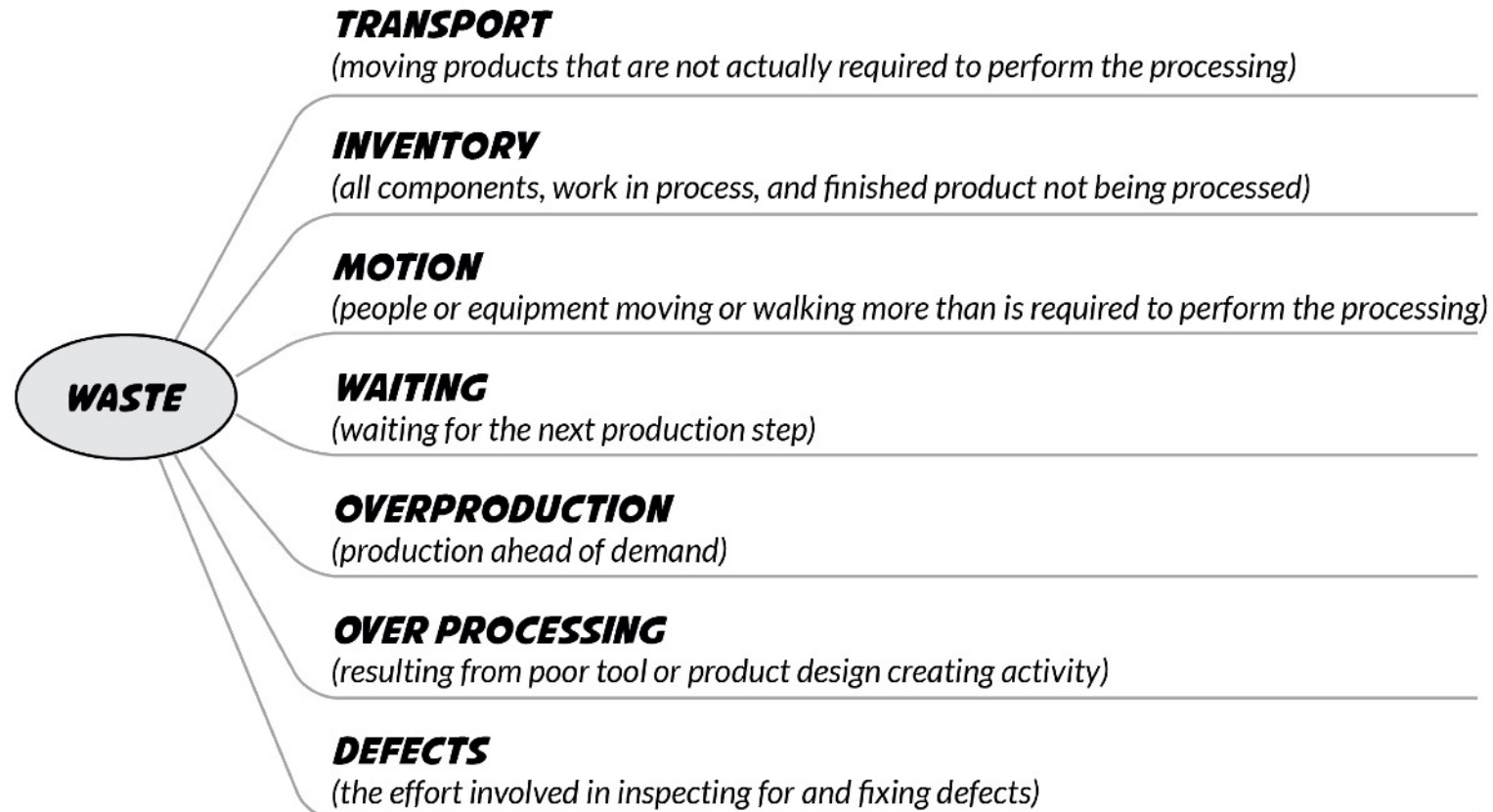
Makes people happy

Top Answers: “Why E-Signatures Matter”

- Reduce follow-up calls to clients asking them to sign documents
- Less leg work for the clients
- Ability to sign from anywhere
- Full audit trail
- Firms that start using e-signature don't go back
- Traditional signature processes cost more than e-signature

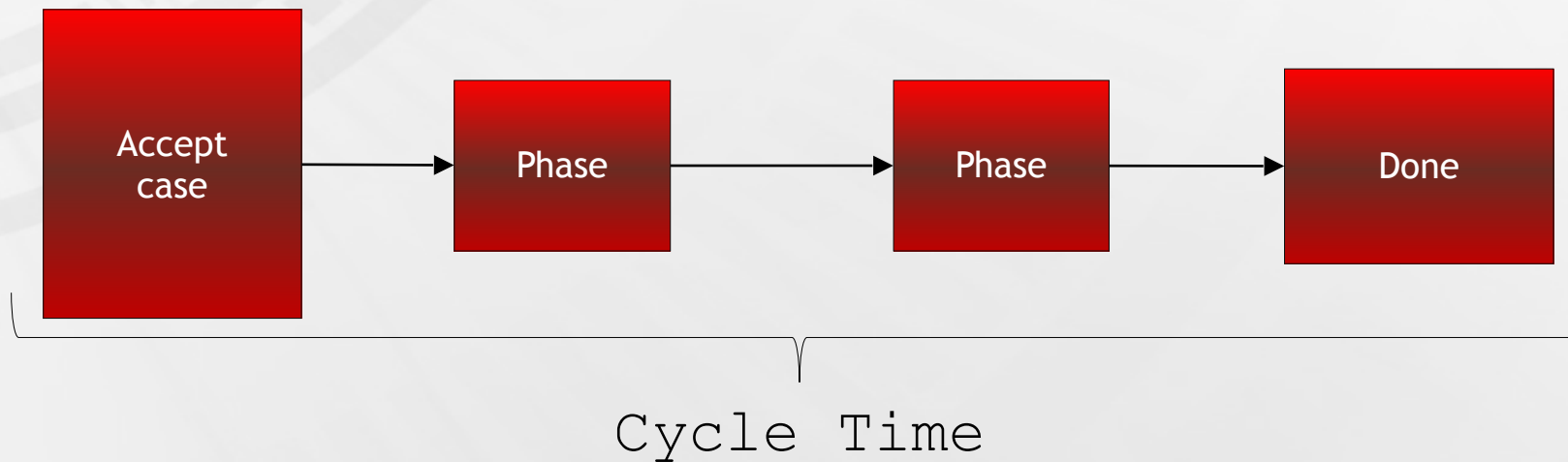


MUDA OR WASTE TYPES



Cycle Time

The amount of time a “case unit” spends between the day you accept it formally and the date that case is considered done.





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ETHICS OPINION DEALING WITH ELECTRONIC SIGNATURES

July 15, 2014 Regular News



Ethics opinion dealing with electronic signatures

FL Bar Ethics

(c) Form of Signature.

(1) The signatures required on pleadings and documents by subdivisions (a) and (b) of this rule may be:

(A) original signatures;

(B) original signatures that have been reproduced by electronic means, such as on electronically transmitted documents or photocopied documents;

(C) electronic signatures using the "/s/," "s/," or "/s" formats by or at the direction of the person signing; or

(D) any other signature format authorized by general law, so long as the clerk where the proceeding is pending has the capability of receiving and has obtained approval from the Supreme Court of Florida to accept pleadings and documents with that signature format.

<https://www.floridabar.org/the-florida-bar-news/ethics-opinion-dealing-with-electronic-signatures/>

Exceptions?

ELECTRONIC SIGNATURES:

*A Review of the Exceptions to
the Electronic Signatures in
Global and National Commerce Act*

June 2003

¹ The nine exceptions to the ESIGN Act involve contracts and records governed by the following documents: 1) wills, codicils, and testamentary trusts; 2) laws governing domestic law matters; 3) state Uniform Commercial Code, except section 1-107 and 1-206, Articles 2 and 2A; 4) court orders or notices; 5) utility cancellation notices; 6) default, foreclosure, or eviction notices; 7) health or life insurance benefit cancellation notices; 8) product recall notices; and 9) hazardous, toxic, or dangerous materials notices.

<https://www.ntia.doc.gov/report/2003/electronic-signatures-review-exceptions-electronic-signatures-global-and-national-commer>

U.S. DEPARTMENT OF COMMERCE
National Telecommunications and Information Administration

What About Estate Planning Docs?

UNIFORM ELECTRONIC WILLS ACT

drafted by the

NATIONAL CONFERENCE OF COMMISSIONERS
ON UNIFORM STATE LAWS

and by it

APPROVED AND RECOMMENDED FOR ENACTMENT
IN ALL THE STATES

at its

ANNUAL CONFERENCE
MEETING IN ITS ONE-HUNDRED-AND-TWENTY-EIGHTH
ANCHORAGE, ALASKA
JULY 12-18, 2019



WITHOUT PREFATORY NOTE AND COMMENTS

(c) The acknowledgment and affidavits under subsection (a) must be in substantially the following form:

I, _____, the testator, and, being sworn, declare to the undersigned officer that I sign this instrument as my electronic will, I willingly sign it or willingly direct another individual to sign it for me, I execute it as my voluntary act for the purposes expressed in this instrument, and I am [18] years of age or older, of sound mind, and under no constraint or undue influence.

Testator

FLORIDA BAR NEWS

NEWS ▾ JOURNAL ▾ CLASSIFIEDS ATTORNEYS EXCHANGE NOTICES ARCHIVES

UNIFORM ELECTRONIC WILLS AND REMOTE NOTARIZATION LAW EFFECT

By Jim Ash Senior Editor Top Stories



January 1 marked the beginning of a new digital era in Florida, with the implementation of a law authorizing the remote notarization of most legal documents.

The new law makes electronic wills available July 1.

For the first time, notaries can affix their seals and signatures to most legal documents signed out of their presence, if they witness the signature via live, two-way video links. Third-party witnesses needed for wills and other documents may also

appear remotely.

"This is a bill that essentially brings the law of signing documents in Florida into the year 2019," said bill sponsor Rep. Daniel Perez, R-Miami, at its initial committee stop last session. "It allows the signing of documents to be conducted entirely electronically online via remote presence through video — through the stringent, strict standards that still exist today when it comes to notaries."

<https://www.uniformlaws.org/HigherLogic/System/DownloadDocumentFile.ashx?DocumentFileKey=07c2cdd5-0c30-e07b-667f-403454412bc7&forceDialog=0>



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DEMO:



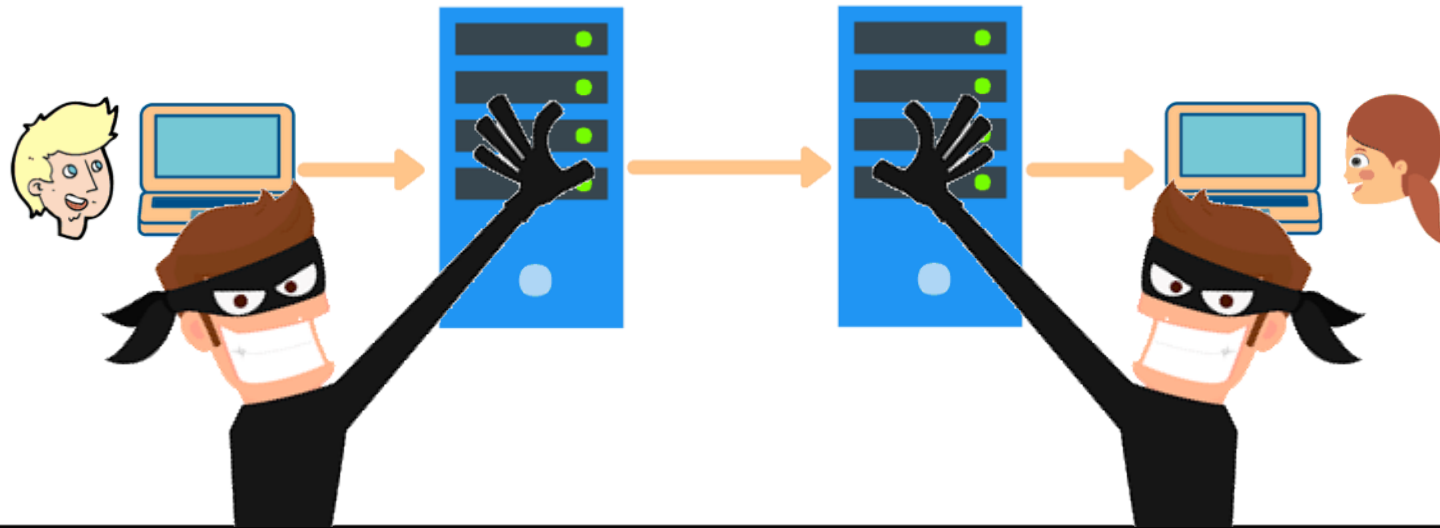
Part Two : Secure File Sharing



Is Email Secure?

Emails don't simply move from your outbox to the recipient's inbox; they are transported across multiple mail servers.

En route, any sensitive data included in those emails is vulnerable to a data breach.



It Only Takes One

After just one breach of a client's data, you can cause irreversible damage to your firm's reputation and face serious fines under data protection regulations.

\$129

Price to hack an email
address

54%

Increase in email
breaches in 2019

5,000+

Number of attachments
sent each year

Model Rule 1.6(c)

(c) A lawyer shall make reasonable efforts to prevent the inadvertent or unauthorized disclosure of, or unauthorized access to, information relating to the representation of a client.

...and let's be honest, 1.1

A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_1_6_confidentiality_of_information/

Florida Bar Ethics and Recommendations

LegalFuel (The Practice Resource Center of The Florida Bar) advises members to “go with paid business class cloud service subscriptions over free service offerings” to avoid inadvertent access to a lawyer’s data and information. (Eckardt, Karla J. **“Things You Should Know About Free Email & File Sharing Cloud Service”** LegalFuel.com, January 22, 2019. Further, check the privacy settings for your email and opt out of any setting that shares your information with a third-party.

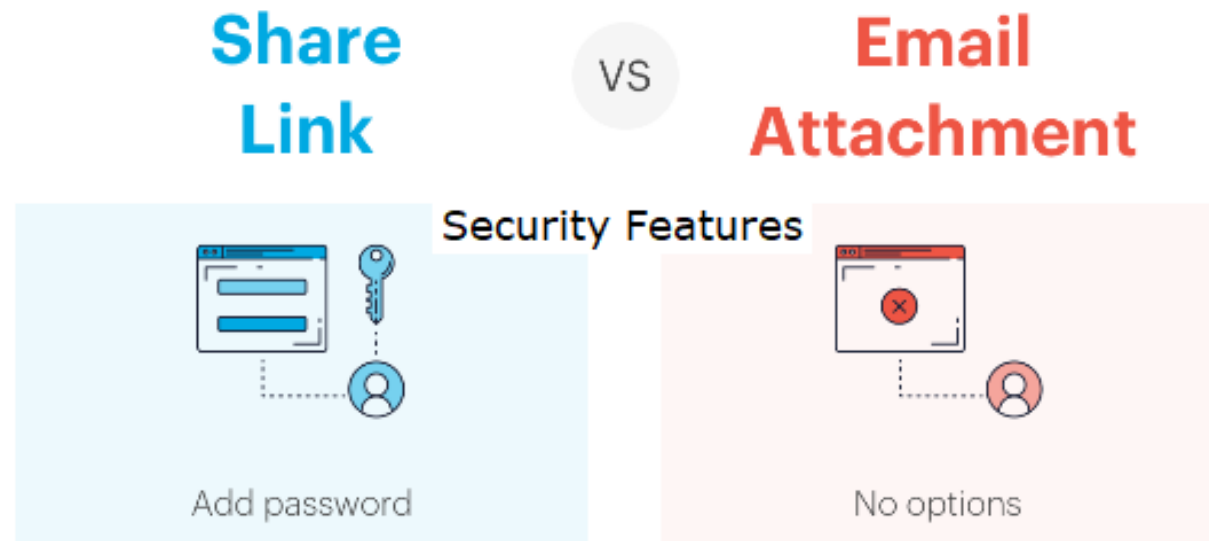
Additionally, this committee has previously opined that lawyers have an obligation to remain current not only in developments in the law, but also developments in technology that affect the practice of law. Florida **Ethics Opinion 10-2**. Lawyers who use cloud computing therefore have an ethical obligation to understand the technology they are using and how it potentially impacts confidentiality of information relating to client matters, so that the lawyers may take appropriate steps to comply with their ethical obligations.

<https://www.floridabar.org/the-florida-bar-news/are-your-client-communications-secure/>

Client Portal Data Security & Authentication

Authentication: Verification of the identity of the individual accessing the data, typically via a unique username and password.

- Clients simply click the share link in the email and log in using their unique username and password.



Client Portal Data Security & Authorization

Authorization: Determination of user privileges or access levels based on the user's identity and permission settings.

**Share
Link**

VS

**Email
Attachment**



Expiration can be set

Expiration



Can be revoked

Revoke



Never expires

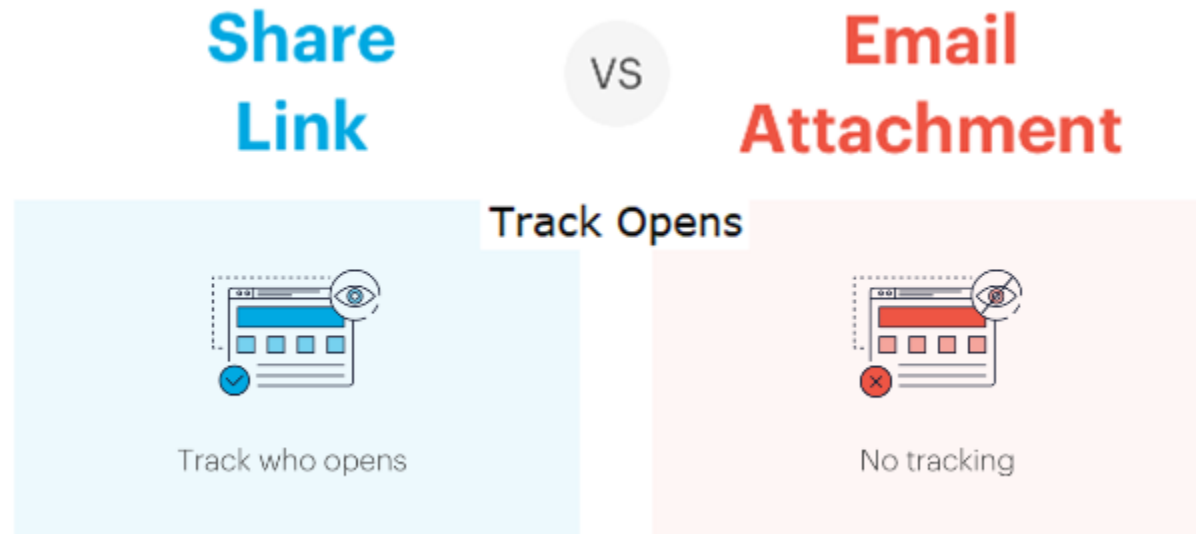


Emails cannot be revoked

Client Portal: Data Security & Audit

Audit: Examination of historical activity within a system, including which users took specific actions and when.

- Audit logs allow you to see which users uploaded, accessed, or modified a document and at what time.



Client Portal: Other Advantages

**Share
Link**

VS

**Email
Attachment**



1GB or more



No spam filters for links



Require no space in your storage

File Size Limit

Delivery Failure

Storage



Limited around 10MB



Spam filters can block attachments



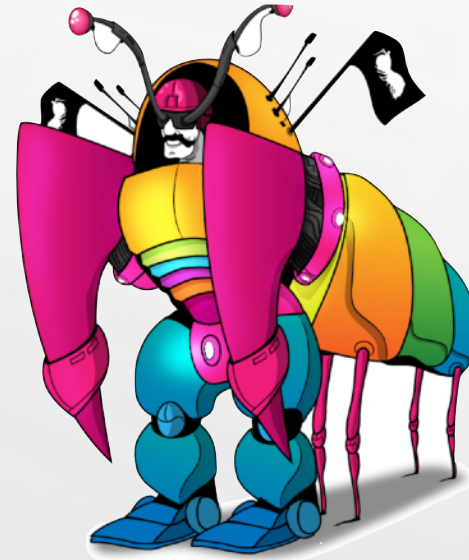
Can pile up in your storage

Top Answers: “Why Portals Are a Pain”

- Clients have trouble creating an account
- They forget their login information
- They don't remember how to get to the portal
- You have to constantly maintain files and folders
- You'll spend hours and hours playing tech support for your clients

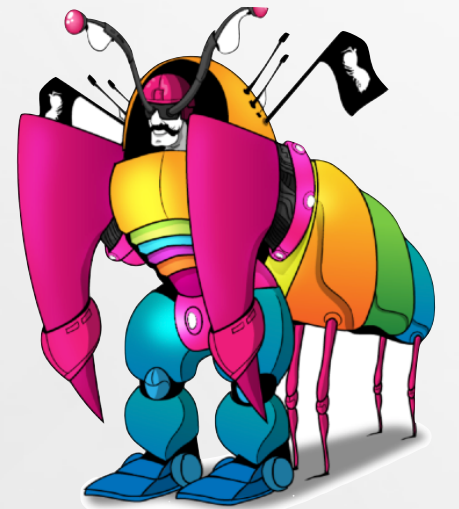


File Sharing Self-Deceptions



Acted and interpreted by [The Oatmeal's Mantis Shrimp](#) and Log from Red and Stimpy.

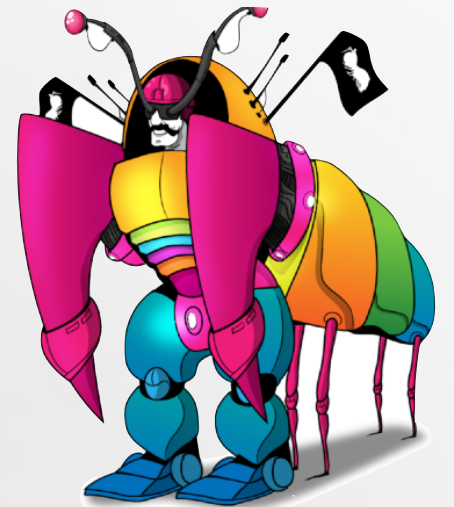
My clients
have never
had any
issues with
files I've
sent them.



We're too
small,
hackers don't
care about
us.



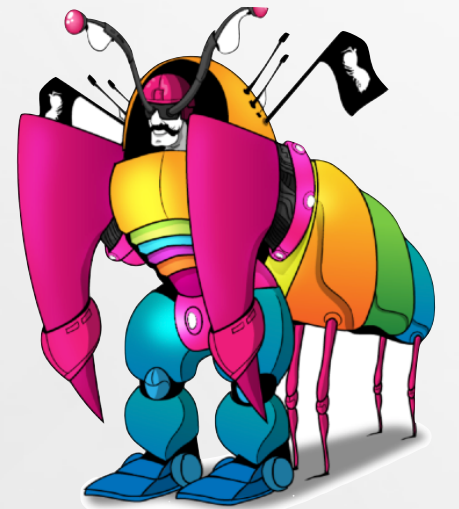
We've never
had a data
breach.






I tell my clients
that their stuff
should be secured,
so I make sure they
tell me it's ok for
me to send it
unsecured before I
do.

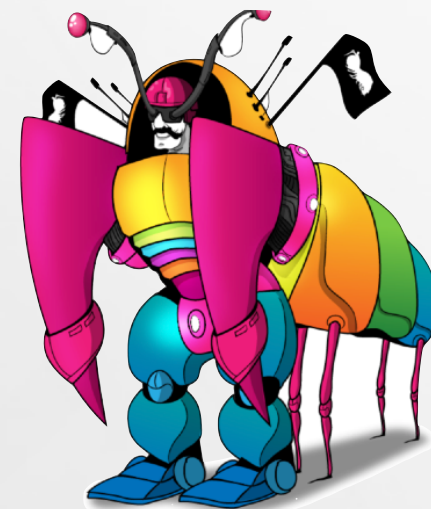
We've been
doing things
this way for
years and
never had a
problem.





We're
efficient
with the way
we do things.

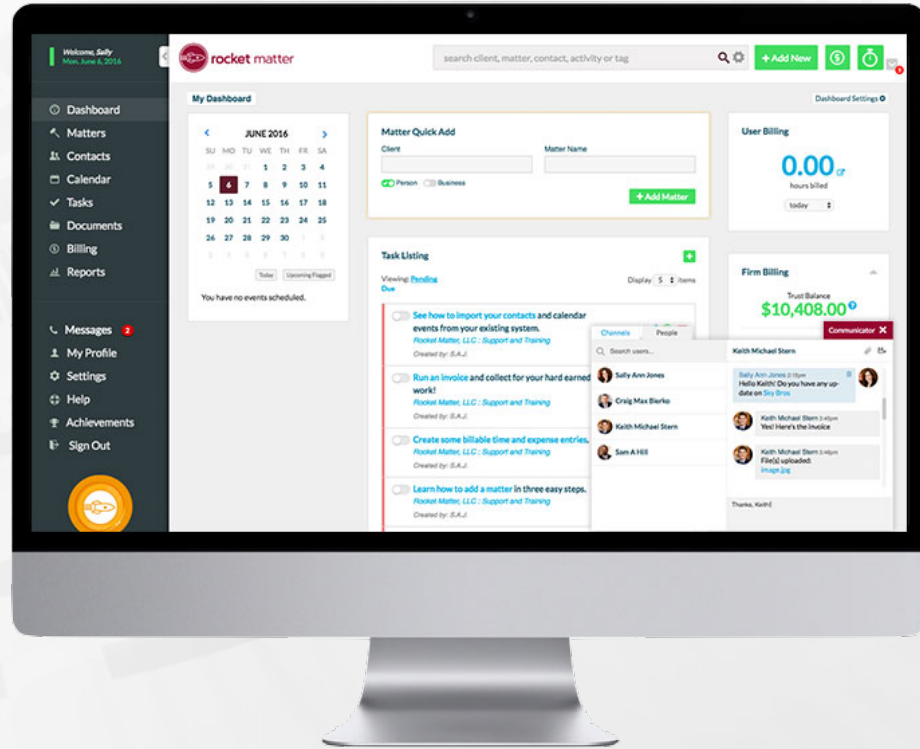
Clients don't
want to do
things this
way, I
haven't had
anyone ask
for it.



DEMO: Secure File Sharing



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FL CLE# 4313

1 hour of General

1 hour of Technology

1 hour Ethics



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Thank You!

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