

September 2021

Paradigm

President's Podium:

New Milestones

**A New World:
Emerging from the COVID-19
Pandemic to Changed Workplaces,
Shifting Legal Practices and
New Friends**

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Burch & Cracchiolo is a full-service law firm founded in Phoenix, Arizona, in 1970. Today, the firm boasts 40 attorneys accomplished in a variety of practice areas. Rooted in the Arizona community, Burch & Cracchiolo has a successful history of representing a diverse client base of large corporations, small businesses and individuals in dispute and litigation. The firm’s lawyers are leaders in the areas of business and corporate law, commercial litigation, construction, creditors’ rights, bankruptcy & reorganization, criminal defense, estate and wealth preservation planning, family law, labor and employment, insurance defense, intellectual property, personal injury litigation, real estate law, zoning and land use and taxation.

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Burch & Cracchiolo is regarded as a very civic-minded and generous firm. We sponsor numerous non-profit fundraising events and financially support economic development organizations, such as local chambers of commerce, commercial development organizations and trade associations. Many of our attorneys sit on local boards of directors for entities that address homelessness, animal welfare, critically disabled children, native American youth and families, LGBTQ issues, civil and constitutional rights, justice reform, single parent families, people with mental disabilities and discrimination. In 2019, Burch & Cracchiolo was named one of the “25 Most Philanthropic Companies in Arizona” by *Arizona Business Magazine*.



Alicia Bull

Born and raised in Phoenix, **Alicia Bull** started her professional life teaching in a kindergarten classroom before attending Sandra Day O’Connor College of Law at Arizona State University. Alicia practices in the areas of zoning and land use development, family law and commercial litigation. When she’s not in the office, she enjoys spending time with friends and family and practicing martial arts. Alicia also enjoys traveling to new places and visiting historical sites.



The Remote Practice of Law, a Blessing and a Curse: Cybersecurity and Technology During COVID-19

A common topic of conversation over the last year has been COVID-19 and its effects on various industries. The legal profession is no exception. Many networking calls and video chats focused on what was going on in different areas, how various firms were being affected and how firms and courts were responding to the changing world. In many cases, we turned to technology and how it could facilitate the continued practice of law. Technology was a blessing that is likely here to stay because it promotes increased access to the legal system. But we must be mindful of increased use of technology and its potential effects on our clients and our ability to represent them effectively.

Arizona, like many other states, was ordered to shut down via Executive Order. However, certain professions, including legal practice, were deemed “essential” and exempt from the governor’s stay-at-home order. Nonetheless, many firms closed their doors for a period of time and ordered all employees to work remotely, while others continued as usual, or at least as close as possible. Our firm took a middle-of-the-road approach — attorneys and staff were encouraged to work remotely but were permitted to remain in the office if that was their preference.

As many firms and attorneys likely experienced, switching to predominantly remote work has its advantages as well as its challenges. The advantages are pretty

straightforward — no commute, no need to dress up every day, more freedom, more time with family, etc. The challenges, such as productivity, access to court and technology concerns, may not be as straightforward and are often difficult to address. One of the biggest hurdles, and arguably one of the most important hurdles to working remotely, is technology and cybersecurity.

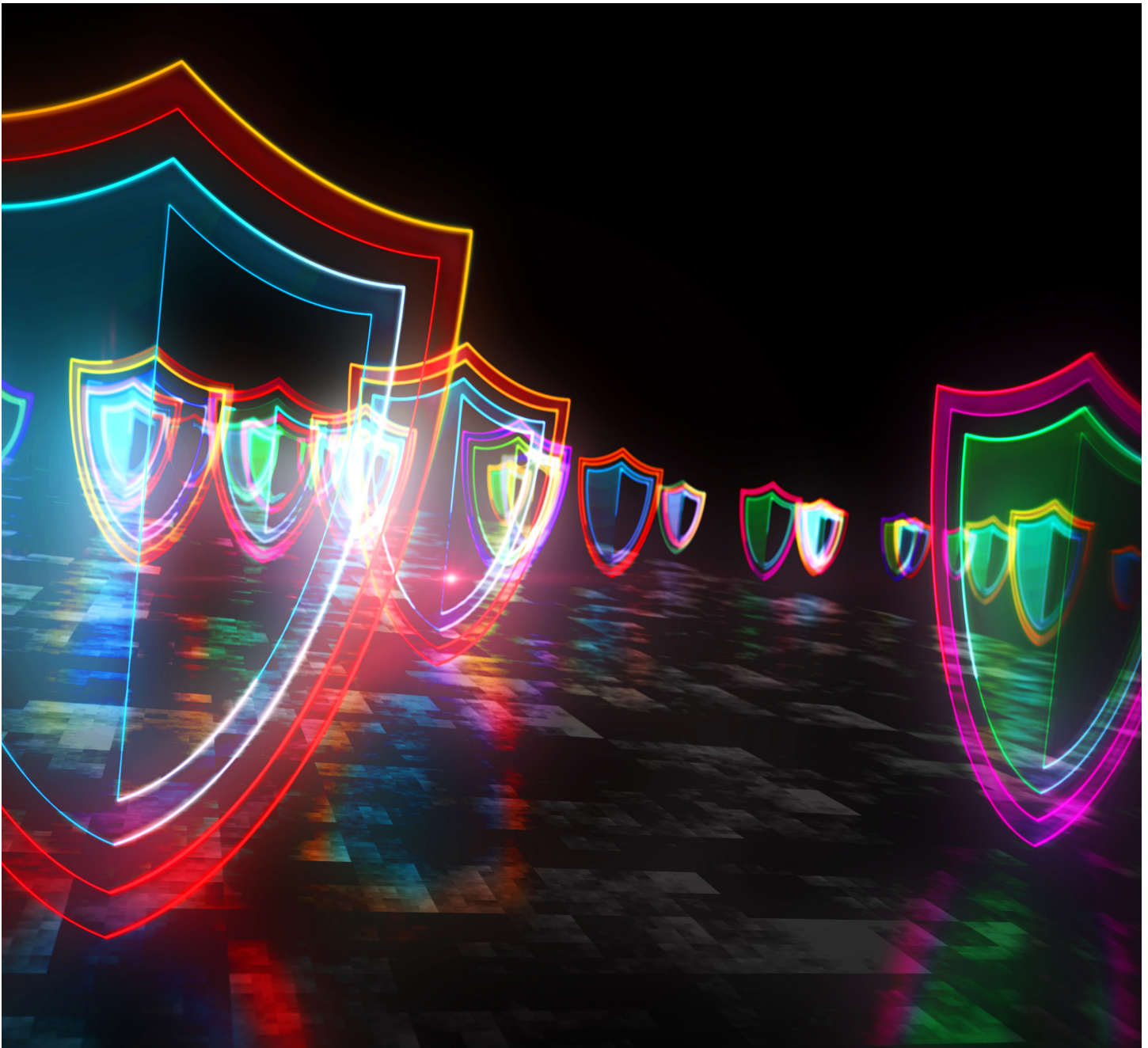
From a practical standpoint, technology was a challenge because not every staff member was equipped to work remotely. Thanks to the hard work of a few key members of our firm, we quickly ensured everyone had the equipment they needed to work remotely. While technology was initially a practical challenge, the bigger challenge was ensuring cybersecurity.

Arizona’s ethical rules require lawyers to “make reasonable efforts to prevent the inadvertent or unauthorized disclosure of, or unauthorized access to, information relating to the representation of a client.” (Arizona Rules of Professional Conduct, ER 6.1(e)). Bolstering cybersecurity and educating staff about safe practices are part of those reasonable efforts to protect client information.

When working remotely, one of the obvious cybersecurity concerns is the prevention of unauthorized access to electronic client files. One of the first steps is to ensure secure access to files. As part of equipping all those working remotely, our firm verified all computers had access to password-protected internet and connected

to files through VPNs equipped with multi-layer security. Another important step is working to prevent unauthorized access gained through emails. We’ve all received the obvious phishing, or scam, email from a supposed potential client or coworker, but we’ve seen an increase in the number and sophistication of such emails. Consequently, our firm increased the security on our email which now traps most of the questionable emails, identifies all emails received from external sources and provides training on identifying safe attachments. While the added security is a great step, it cannot prevent the receipt of all illicit emails, which means it is up to each recipient to recognize suspicious emails and engage in some investigation. Firms should educate all employees about the dangers of illicit emails, what to look for and what to do if they are unsure about an email or think they may have opened the door to a bad actor.


Another related challenge was access to clients and obtaining client documents. As was the case for many firms, our firm was unable to hold client meetings at our office. We overcame that challenge by utilizing various platforms, like Zoom and Microsoft Teams, to hold video meetings and receive documents electronically. While convenient, such practices require security. Fortunately, the video platforms quickly improved their security features and we were able to create password-protected meetings. As for document submissions, we create secure



links where clients can upload documents to us. This is especially important for sensitive documents or if the client uses an unsecure email platform. While it may not seem likely to many of us that someone would intercept client documents, we must remain diligent in our efforts to protect our clients' confidential information.

We must also remember that confidentiality applies to anyone outside your firm and that we must take steps to ensure no one inadvertently learns confidential information. This was probably an area of ongoing concern for many of us

as we adjusted to working remotely, often in the homes we share with family members. Many in our firm found that it was best to have a dedicated and private workspace. When a private space was not possible, it was important to take extra precautions to protect client information. One key piece of technology many in our firm utilized on a daily basis was a good set of headphones. Not only did headphones ensure anyone within hearing distance of the attorney working could not hear the client's side of the conversation, they also prevented interruptions caused by barking dogs or yelling children.

While the last year has been a challenge for many of us, it showed the enduring nature of the legal profession and those who kept practicing. Throughout the year, many of us learned how to use technology we never knew existed, but is likely here to stay. While those technological advances made it possible to continue practicing in a shut-down world, our obligations to our clients remained. We must always stay vigilant in our efforts to protect our clients' information and advance our understanding of technology and how to protect against its potential pitfalls. 

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