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WHAT SHOULD A LAW FIRM KNOW **BEFORE MIGRATING TO THE CLOUD?**



“Ultimately, the cloud is the latest example of Schumpeterian creative destruction: creating wealth for those who exploit it; and leading to the demise of those that don’t.”

– Joe Weinman, Senior VP at Telx and author of *Cloudonomics: The Business Value of Cloud Computing*

EXECUTIVE OVERVIEW

Cloud technology is rapidly changing the way global organizations conduct business, and as Software-as-a-Service (SaaS), Infrastructure-as-a-Service (IaaS), and Platform-as-a-Service offerings become more refined and secure, law firms of all sizes are leveraging cloud technology to stay competitive. From eDiscovery and remote collaboration tools to data backup and incident response, the cloud is ushering in a whole new cadre of benefits designed to help law firms increase efficiency, boost collaboration, and cut operating costs.

Transitioning a law firm’s infrastructure and applications to cloud-based services may seem a daunting task, especially for firms that rely on mission-critical legacy software systems and on-site data storage siloes. For these firms, simply entertaining the idea of embarking on a massive email archive migration or conversion to off-site data storage can feel like navigating Pandora’s box.

And then there are the issues of security and compliance. While the cloud industry as a whole has made major strides when it comes keeping data secure, law firms are understandably wary of falling victim to a cybersecurity attack or being held liable for ethical violations. According to ILTA’s 2016 Technology Survey, the forecast is improving with respect to cloud adoption; 62% of law firms expect their use of cloud-based solutions to increase, up from just 51% in 2015. The ABA LTRC’s 2016 Legal Technology Survey Report supports this prediction, indicating that the rising number of law firms’ adoption of cloud services is already part of a ‘new normal’, with survey data showing cloud usage grew more than 20% from 2015 to 2016.

With the right tools, careful planning, and an experienced cloud provider leading the way, migrating to the cloud can be a seamless experience that provides maximum ROI and an almost immediate benefit in terms of efficiency, flexibility, and cost-savings.

This white paper from the Legal Practice of All Covered, the IT Services Division of Konica Minolta, presents an overview of the challenges faced by law firms looking to migrate to the cloud, along with an approach to address those challenges and a framework for preparing the firm for cloud migration.

INTRODUCTION

“The cloud services companies of all sizes...The cloud is for everyone. The cloud is a democracy.” – Marc Benioff, Founder, CEO and Chairman of Salesforce

There’s a reason cloud adoption is on the rise for law firms – with an inherent scalability, flexibility, and controlled cost model, companies are discovering that cloud technology makes it possible to benefit from the enterprise-grade applications, file-sharing, and mobile collaboration that has become essential to compete in the modern legal marketplace.

With cloud, organizations can easily scale their technology as their business expands or downsizes, paying for only what they need when they need it. Infrastructure is conveniently located on cloud servers, making initial capital expenditures much more affordable than traditional on-site setups.

And the flexibility is unmatched. With cloud, teams can work remotely from just about anywhere as long as they have an internet connection or mobile hotspot, making important documents, emails, and administrative tasks easily accessible in real-time.

The Cloud Has Gone Mainstream

Even if your firm hasn’t yet moved some or all of its applications and critical infrastructure to the cloud, you’re likely already benefiting from cloud technology. According to ILTA’s 2016 Litigation and Practice Support Technology Survey, 79 % of law firms used cloud-based email and file sharing sites like Microsoft Office 365, Workshare, and ShareFile throughout the year. Law firms aren’t afraid of the IoT either – at least 68 % collected or processed data from some type of mobile device (not including laptops).

Compliance and security are becoming less of a concern as the cloud becomes widely accepted and refined for the legal space. Firms that have paved the way for cloud adoption by adopting native cloud apps developed specifically for the legal industry are finding that many security and compliance requirements are easily handled – and they’re successfully turning what was once considered a weakness into a distinct competitive advantage.

There are three key drivers for law firms considering a cloud migration:

- **The need for cost-effective, versatile software applications:** In today’s real-time information technology landscape, law firms and their clients demand user-friendly, cost-effective software applications to streamline the secure and efficient handling of sensitive information. Legal technology companies have responded by developing powerful solutions specifically for law firms – but these products often require massive capital expenditures to implement in house. Cloud native solutions offer a competitive alternative with a low cost of entry and predictable monthly expense.
- **Data Security:** When it comes to the handling of confidential client information, there is no greater risk to a law firm than a data breach. Hackers know that law firms possess vast amounts of sensitive client data, making them a prime target for cyberattack. With cloud providers tailoring their services to accommodate even the most heavily regulated industries, meeting security and compliance benchmarks has become a key component of cloud, making best practices standards easier for law firms to navigate and satisfy.
- **eDiscovery and Data Management:** Law firms are a document and data-driven business, and the massive amount of electronically stored information (ESI) that organizations are required to deal with can be overwhelming. Processing, review, and storage of ESI subject to discovery is made more efficient and secure with advancements in eDiscovery cloud solutions.

1. LAW FIRM IT CHALLENGES

Without question, innovations in legal technology have proven to be indispensable for law firms looking to stay relevant in the digital age. But technology is not without its drawbacks, especially in an industry subject to ever-evolving ethical and compliance standards. Some of the biggest challenges law firms grapple with when it comes to technology are:

- The need to meet ethical standards and maintain regulatory compliance
- Cybersecurity and client audits
- Mobility, flexibility, and on-demand accessibility of resources with little to no downtime
- Rising maintenance and operational IT expenses
- Effective disaster recovery and business continuity planning
- The desire to focus on the business of law, not the management of technology

Cybersecurity and Usability: It's a Balancing Act

In an increasingly volatile cybersecurity landscape, keeping confidential information secure is perhaps the biggest concern for law firms today. Law firms are ideal targets for cyberattack in part due to the type of information they store, especially if they deal with high profile clients – and potential data leaks can be disastrous both in terms of reputation and financial loss.

As firms navigate various methods of addressing IT security issues, they must do so without disrupting the flow of the practice. Balancing cybersecurity with usability and minimal disruption is a priority for busy firms – and it's often difficult to achieve with hard-wired in-house IT systems and applications.

The Need to Attest to Reasonable & Appropriate Security and Compliance

Law firms must take reasonable steps to ensure they minimize the risk to confidential information: these steps include multi-factor authentication, encryption, access control, data storage, and backup and disaster planning.

The American Bar Association's ethical rules and the recently updated Formal Opinion 477R outline the reasonable effort standard: "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."

Simply applying the required IT security and compliance measures is not sufficient – law firms must be able to attest to these efforts as well. To do this, firms must provide demonstrable proof to clients and regulatory bodies that the security they've implemented satisfies applicable guidelines and requirements.

For law firms without a dedicated in-house IT team, these standards can be difficult to manage and even more challenging to demonstrate.

Network Downtime and Performance Issues

Without a dedicated IT team on staff, law firms are often left to deal with network performance issues that disrupt progress and result in costly delays while service tickets are pending. For firms with a dedicated IT team in-house, network downtime and performance issues often mean a diversion from critical cybersecurity tasks like threat detection and incident response.

To keep things running smoothly, firms are seeing an increase in expenses related to software upgrades and infrastructure maintenance – making cutting-edge software applications and technology out of reach for many firms.

Client Cyber Audits Demanding Cyber Accountability

With the constant threat of cyberattack against business – and by default, against their personal information – consumers are understandably wary of any organization that has access to their sensitive or confidential information. For law firms, even a minor attack can jeopardize attorney-client privilege – not to mention the damage to a firm's reputation in the long run.

With the recent high-profile ransomware attack against a global biglaw firm, clients are on high alert – and they're demanding that their lawyers have a comprehensive, proven cybersecurity plan in place as part of the hiring criteria.

According to a recent report by LogicForce, 34% of firms have undergone a client cyber audit – and that number is expected to increase to 65% by 2018.

Keeping up With New Versions of Legacy Software

Legacy software requires constant, extensive upgrading to stay secure and relevant. This leads to IT teams being entangled in a never-ending update and patch cycle rather than staying focused on critical, high-value business tasks. In addition to the diversion of IT resources, legacy software often requires extensive updating of procedural manuals, user training, and other protocols necessary to fully implement the update.

2. CLOUD TECHNOLOGY CONCERNS FOR LAW FIRMS

"If someone asks me what cloud computing is, I try not to get bogged down with definitions. I tell them that, simply put, cloud computing is a better way to run your business."

– Marc Benioff, CEO of Salesforce.com

Even with all the progress made in cloud technology, there are still some drawbacks – especially for law firms. Compliance issues are a major pain point as well, since law firms are subject to strict ethical and regulatory standards that apply regardless of where their data is located. The biggest concern is, of course, security: there is inherent risk any time a law firm relinquishes confidential information to a third party.

The high profile cyberattacks on Target, Chase, Mossack Fonseca, and even the IRS along with the recent attack on global biglaw firm DLA Piper understandably make law firms think twice about doing business in the cloud.

Key areas of concern for law firms include:

Security and Data Backup

Beyond the obvious need to ensure confidentiality of client information, law firms want to ensure that their data and files will be encrypted and safeguarded from degradation or destruction in the event of a natural or other disaster. Firms need a legal cloud provider that participates in regular third party audits to help establish and maintain appropriate security posture.

Another critical consideration is to require that a cloud provider has strategically-located, geographically diverse data centers for redundancy and backup purposes. That way, in the event one data center goes offline, a firm's data is easily routed another location with limited to no downtime.

Legal and Regulatory Constraints

Law firms are subject to geographic and jurisdictional data regulations when it comes to cloud, especially with respect to electronically stored information (ESI). They have to consider how cloud computing affects their industry and country-specific obligations as well.

Cost

Traditional legal software is an up-front investment in terms of licensing costs – SaaS, on the other hand, presents a subscription-based model that law firms are not accustomed to dealing with. Rather than paying a hefty up-front fee, firms are charged on a monthly basis for the amount of services they consume. If cloud consumption is not regulated, monthly costs may surpass traditional budgets.

Client's Perception of Cloud Technology

With an increase in client audits of IT and cybersecurity practices, firms are concerned about loss of business due to clients' hesitation about cloud technology. As the general consumer market continues to embrace and utilize cloud services, this will likely diminish.

Loss of Control

Law firms are often uncomfortable with the idea of storing confidential data offsite. Operating in the cloud may seem like the firm is giving up control of its resources. Additionally, firms are concerned with the process for regaining control of data if they terminate the relationship with the cloud provider.

Subpoena Response

Firms need a cloud provider that has standards in place to allow for swift response to court orders, subpoenas, and other time-sensitive third party requests.

Potential for Downtime

As with any method of computing, the cloud has the potential for downtime. Firms are concerned with having reliable access to their data 24/7/365 and need a cloud solutions provider that can provide maximum uptime – and one that is willing to outline its commitment in the service level agreement (SLA) or Service Level Objective (SLO). Geographic redundancy is a major concern – the location of data centers is an issue for all law firms, especially those doing business in areas prone to natural disasters.

Long-term Viability and SLO Issues

Firms want to establish a relationship with a cloud vendor that is in it for the long haul. They need a provider who has financial stability and the resources to survive and mitigate potential cybersecurity issues that may result in business interruption for the firm. When signing on with a cloud provider, firms want to see a Service Level Objectives that addresses confidentiality and security issues in accordance with current regulatory guidelines.

3. BENEFITS OF CLOUD FOR LAW FIRMS

“With the cloud, individuals and small businesses can snap their fingers and instantly set up enterprise-class services.”

– Roy Stephan, Founder and CEO of PierceMatrix

One of the main drivers of cloud technology in the legal sector is that it provides a rapid ROI. From remote collaboration software that allows attorneys to work together from any location in real-time to email that's accessible from any number of devices, the cloud offers law firms tangible benefits that are realized relatively early in the transition process.

Cloud Computing Ushers in Substantial Cost Savings

According to Law Technology Today, four out of five cloud adopters reported significant process improvements in just six months, and 82% experienced substantial cost savings. Reductions in capital expenditures are a major benefit of moving to the cloud, since law firms no longer have to purchase and maintain expensive hardware infrastructure and software applications. As an added benefit, IT support is provided by cloud provider – so firms can reallocate in-house valuable IT resources to core business practices.

Cloud Technology Offers Law Firms Access to Enterprise Software

Cloud computing offers law firms access to enterprise-grade software tools that they might not otherwise have access to. The rising costs for innovative applications, seat licenses, and upgrades can add up when purchased under a traditional licensing scheme. In the cloud, law firms pay for only what they consume as part of a monthly subscription that is easily scaled up or down according to business needs.

Cybersecurity Improves with Automated Backup and Recovery

In the cloud, law firms enjoy a heightened level of security that isn't readily available with traditional IT: automatic backups, data recovery, and business continuity are simply part of the routine.

In addition to cost savings, software flexibility, and improved security, law firms who migrate to the cloud enjoy:

Predictable Costs – Computing resources are shared across a common, secure infrastructure, and hardware replacement and upgrades are the responsibility of the cloud provider. Servers are managed and maintained by skilled engineers as part of the cloud package. Law firms pay for only what they need, when they need it.

Faster Deployment and Better Scalability – Servers are rapidly provisioned and immediately available as part of your environment. As your business needs change, All Covered can easily meet the challenge of providing additional resources in a matter of hours instead of weeks.

Reliability and Geographic Redundancy – A reputable cloud provider’s servers are built on enterprise-class reference architectures from industry leaders. Data centers are strategically placed in disparate locations to ensure uptime in the event of a localized disaster.

In the rare event of a major hardware failure at any time of the day or night, servers are back online and data is recovered within a matter of seconds. If a software or user error occurs, systems can be repaired or restored more quickly than with traditional on-site solutions, resulting in less disruption for your firm.

Flexibility – Cloud infrastructure and services are versatile enough to create a technology solution tailored specifically to your business needs. As your organization expands, you can add services as necessary.

Remote Access – As part of the cloud solution, lawyers have access to the firm’s technology resources from anywhere, anytime. Secure access can be granted according to the user’s role so employees, partners, and vendors can access resources – and be logged appropriately – wherever they are located.

Conserves Resources – Law firms that conduct their business in the cloud can shift valuable company resources away from performing in-house IT tasks to the benefit of core company goals. This allows firms to focus on client-centric business and service improvements, which ultimately improves the firm’s reputation and the bottom line.

Data Analytics – Operating in the cloud means a firm has access to data it may not have been privy to with traditional IT systems.

Many firms are turning to big data for insight as to their transactional costs, company expenditures, and productivity tracking. With more visibility into its data, firms can leverage metrics on client success rates and up their cybersecurity game across the entire organization.

4. CLOUD MIGRATION BEST PRACTICES FOR LAW FIRMS

“Line-of-business leaders everywhere are bypassing IT departments to get applications from the cloud (also known as software as a service, or SaaS) and paying for them like they would a magazine subscription. And when the service is no longer required, they can cancel that subscription with no equipment left unused in the corner.”

– Daryl Plummer, Gartner analyst

Industry experts have coined 2017 as the year of the “great migration”. According to Cisco, by 2020, more than 60% of enterprise workloads and 83% of all data center traffic will reside in the cloud.

When making the decision to migrate to the cloud, law firms follow a path similar to other businesses, with the additional considerations of privacy, compliance, and governance requirements. Firms should consider these best practices when making the move to cloud adoption:

1. Assess the law firm’s core business mission.

What are the firm’s areas of specialization, if any? It’s critical to understand the security and governance requirements specific to each area of practice, especially with respect to electronically stored information. Consider whether data can be stored across state lines and even internationally, and look closely at evolving security and compliance requirements. From this effort, create a cloud security and governance plan.

2. Assess the firm’s existing document management and practice management systems.

In order to determine whether the cloud will improve upon existing document management and practice management systems, law firms should consider their current, ongoing operational costs. In many cases, the firm’s data center represents a significant portion of the operating budget, and by switching to the cloud, the firm can realize a substantial cost-savings. This information will also allow the firm to establish which data and applications are good candidates for cloud relocation. Business cases and system migration prioritization can be extracted from this part of the process as well.

3. Create a comprehensive migration plan.

A solid migration plan will include procedures, a timeline, and benchmarks for getting specific data and applications to the cloud. Consult with the cloud provider to determine processes for defining and migrating static data and production data, and consider integration principles that will effectuate a smooth migration.

4. Follow a stepwise path when executing the plan.

Finally, execute the plan and include a stepwise path to migrate non-critical applications and data. Keep security and governance requirements top of mind with each step, and make sure that migration efforts are in line with the needs of daily business operations. Pay special attention to ethical and compliance standards throughout the process so that ESI is protected and in line with ethical guidelines.

5. Consult the ABA Ethical Cloud Opinion to determine whether the firm’s state has specific guidelines for cloud adoption.

Whether law firms can ethically use the cloud has been considered and settled amongst certain state ethics panels, and they’ve answered in the affirmative. While these states agree that lawyers may use the cloud, they also stipulate that law firms must take reasonable steps to minimize the risk of exposure of confidential client information.

Across each of the states that have considered cloud ethics, the standard is one of reasonable care – but the specific recommendations and requirements used to evaluate that standard differ slightly. Some of the more pertinent considerations are the reputation and stability of the cloud provider; the ability of the firm to have unrestricted access to its data; the option of retrieving data in a vendor-neutral format; encryption methodologies; backup procedures; and the location of data storage.



5. EVALUATING THE CLOUD PROVIDER TO ENSURE A SECURE CLOUD MIGRATION

Law firms embracing a cloud deployment need to implement a comprehensive cloud migration plan to get there safely. Since the legal profession is a high-production environment with respect to information, data must be secured, backed up, and migrated without missing a beat.

Because moving massive enterprise data securely and without business interruption can be a monumental task, there are certain items that should be considered when determining a suitable cloud provider:

1. What security certifications has the provider earned?

Is the provider SOC2-compliant? An SOC2 report indicates that a cloud provider operates to strict industry standards that require mitigation of security risks and availability benchmarks. Other industry-specific essential certificates may include:

- FISMA Compliance
- PCI-DSS Compliance
- HIPAA Compliance

2. What is the provider's backup and recovery plan?

- Is, at a minimum, a 14-day backup included?
- Do they offer flexible backup retention periods?
- Is there a Data Center Failover option?

3. What is the provider's reporting protocol and their level of transparency?

It's the cloud provider's responsibility to accurately report the status of the firm's data along with any relevant issues. In addition to furnishing this report, the provider should allow the firm to monitor certain metrics, such as memory, network, and disk capacity. A reputable cloud provider will also be transparent about critical issues like usage management, change management, and service-level data integration.

4. What is their level of resource flexibility?

- Do they offer unlimited RAM, CPU, Storage?
- Can the firm colocate client-owned equipment in their data center with cloud servers?
- Do they offer private network circuits to client offices?
- Is there a high-speed SAS storage option?

6. FINAL CONSIDERATIONS BEFORE MAKING THE LEAP TO CLOUD

Stay On Top of Evolving Standards

The Legal Cloud Computing Association (LCCA) is a consortium comprised of industry-leading legal cloud technology providers. The association recently released its inaugural set of security standards, which provides invaluable insight for law firms when considering a cloud migration and determining their cloud provider. Pay special attention to the Section V when evaluating the provider's Service Level Agreement (SLA):

- Section I: Scope of Standards
- Section II: Physical and Environmental Measures: Location of Data, Certifications, and Geographic Redundancy
- Section III: Data Integrity Measures: Encryption, Testing, Limitations on Third-Party Access, and Data Retention Policy
- Section IV: Users and Access Control: End User Authentication, Addition or Suspension of a User, Tracking, Addition or Deletion of Data, and Retrieving Data
- Section V: Service Agreement: Terms of Service, Privacy Policy, Uptime Guarantee, Confidentiality, Ownership of Data, Demands for Data, Data Breach, and Disaster Recovery

Consider This General Preparation Checklist Before Making the Leap:

- Do any stakeholders have reservations about doing business in the cloud?
- Does the firm have an overall cloud strategy or need help developing one?
- Which applications currently in use are mission critical to the firm?
- Does the firm run on-premise virtualization?
- Does the firm use cloud for any critical business processes? (Think Office 365, Dropbox, etc.)
- How will migrating to the cloud impact the firm's day-to-day operations?
- How will the specific cloud model the firm adopts (public, private, or hybrid) affect its daily business?
- Are the firm's current critical applications consistently available?
- What is the firm's current IT architecture's reliability & uptime performance?
- Does the firm only work domestically, or are there international clients?
- Has the firm established a budget for a cloud migration or conducted a ROI analysis?
- Is there a compelling event that is driving the firm's transition to the cloud?

CONCLUSION

The cloud provides law firms with distinct advantages over traditional in-house technology. From cloud-based servers, remote collaboration tools, and secure, accessible-from-anywhere email and data – not to mention 99.9% uptime and 24/7/365 support – cloud computing can enhance lawyer’s productivity, reduce capital expenditures, and boost the firm’s reputation via improved client services.

With All Covered’s Cloud Solutions, your law firm will benefit from a cloud framework that delivers solutions and cost effectiveness from the very beginning. All Covered’s Cloud Services can help your firm improve its operating efficiency with little to no downtime, mitigate cybersecurity risks, and streamline compliance efforts – giving you freedom from focusing on IT-related issues so you can get back to the business of lawyering.

To see how All Covered can help your firm leverage the cloud to gain a distinct competitive edge, contact our Cloud Services team or download our data sheet here.



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