



**CENTRE
FOR LEGAL
INNOVATION**
THE COLLEGE OF LAW

2017 ROUNDTABLES KEY TAKEAWAYS

CYBERSECURITY AND LEGAL PRACTICE

**- WHO IS
RESPONSIBLE
FOR WHAT,
WHEN, WHERE,
HOW AND WHY?**

Cybersecurity and Legal Practice

- Who is responsible for what, when, where, how and why?

Cybersecurity threats are increasing.

The most realistic approach is to accept that this is a "when and not if" scenario. This means that defensive actions must include taking all reasonable defensive actions coupled with a rapid response and business continuity plan to contain and rectify a breach.

Cybersecurity among the nation's legal firms is inadequate and most professionals with responsibility for cyber defences are aware of their vulnerabilities.

The ownership of cybersecurity among law firms is fractured. Cybersecurity is often regarded as an "IT problem" despite the need for it to be addressed at a board level and at the top of everyone's minds in an organisation. Cybersecurity needs to be integrated with risk management strategies, with resourcing and investment given comparable priority. It is not just an operational issue. It also needs a senior management level leader to ensure this happens e.g. Chief Information Officer or the Risk Management Counsel.

The fight against cyber threats is hampered by a lack of resources, especially among smaller law firms without dedicated internal IT capabilities.

Smaller firms tend to rely on the defensive measures taken by their product or service providers because the global reputation of these providers depends almost entirely on sophisticated, high quality deliverables and they will therefore develop and invest in whatever is necessary to protect their consumers.

Some firms have resolved these potential vulnerabilities by keeping the most sensitive client information secured and paper based only. Some clients have specifically requested this of their firms. The fact that paper based records are not without risk like natural disasters or human error was noted.

There is a growing understanding of the need for insurance to assist firms subject to an attack.

Some clients have asked firms if they have these insurances in place before making a decision whether or not to engage the firm.

Employees are the weakest link. The better a firm's defence, the more likely staff will "go around it." This may also occur as a consequence of more people working virtually or remotely from home. In these cases, staff may use commercial software on their own devices to get their jobs done rather than working with equipment provided by their firm and/or accessing firm based information through secure platforms. Striking the right balance between security and useability was seen as an ongoing challenge.

Investment in awareness and training of cybersecurity issues is increasing. As firms realise cyber defence is critical to the continuity of their businesses, a growing number are introducing policies and protocols and conducting regular training to reinforce compliance.

Best practise in Australia includes conducting "hacks" on their own company

where security experts test the strength of their IT systems and the ability of their employees to recognise and resist a cyber-threat. For example, sending staff dummy "Trojan horse" emails and seeing which staff members click and download on attachments and then discussing the findings in internal training sessions.



THE CENTRE FOR LEGAL INNOVATION AT THE COLLEGE OF LAW

Created by The College of Law in 2016, to act as an innovation-focused think tank, The Centre for Legal Innovation (CLI) provides a platform for thought leadership, practical research, solutions to challenges and opportunities for collaboration in the legal profession. Our focus is to support legal professionals as they navigate the disruption and new technologies transforming the legal industry.

CONTACT INFORMATION



Call **+61 7 3234 4541**

Email **CLI@collaw.edu.au** or visit **www.cli.collaw.com**

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