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Lawyers Embrace SaaS at Last



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The law market -- a sector steeped in tradition and reluctant to change -- has largely resisted joining the SaaS revolution. Yet lawyers' attitudes may finally be changing. With the number of service-oriented applications targeting the legal community steadily growing, more lawyers are shedding their reluctance and taking advantage of the various cost and performance benefits of SaaS.

Lawyers and SaaS are a natural fit. After all, attorneys have a constant need to collaborate and share information with clients and other attorneys. Yet to target the law market successfully, providers need to address several concerns that are either unique or particular crucial to the legal community.

Data storage

The way data is stored is very important to lawyers. An attorney is bound by ethics and the law to safeguard client documents. Lawyers, therefore, tend to be even more cautious about placing client files on a provider's servers than a typical SaaS customer would be. Attorneys also must ensure that the files they entrust to a SaaS provider will be safe from degradation or destruction, whether from system failure, manmade or natural disaster, or a provider's dissolution or disappearance. Data must also be easily retrievable in a form that can be viewed and edited outside the vendor's system.

Data ownership

Data ownership is another critical issue. Data generated by a law organization and its clients must never be allowed to fall into the ownership of a third party, either inadvertently or intentionally. Though SaaS providers don't typically claim permanent control of client data, this isn't true of all Internet businesses. Just check the privacy policies of many social media services, and you'll see that users are often very limited in what types of data they can upload and how their data can be accessed and used. Such practices have made lawyers highly wary about letting any outside organization touch their files.



Pre-SaaS collaboration (Honoré Daumier's "Two Lawyers Conversing").

Privacy and confidentiality

Finally, privacy and confidentiality concerns cut to the core of the attorney-client relationship. Many lawyers view placing confidential information on a third party's server as an open invitation to third-party snooping, as well as the unauthorized disclosure of contract terms, case strategies, and other types of vital information. Lawyers using SaaS applications expect providers not only to secure their data and back it up regularly, but also to prevent anyone, including employees, from even looking at their documents. Special exceptions may be made in unique situations, such as when troubleshooting a technical problem, yet the provider must always obtain the law customer's explicit consent before beginning the work.

Importance of the SLA

All the issues mentioned above -- data storage, data ownership, and data privacy and confidentiality -- must be fully addressed in the provider's terms of service and/or the service-level agreement, or lawyers will be understandably reluctant to become customers.

If you're a provider, and you're not sure how to go about addressing these issues in your business documents, ask your lawyer for help.

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