



What Every Attorney Needs to Know About Cybersecurity

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*The opinions contained in this presentation belong to the authors and not necessarily their current or past employers.

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Agenda



- I. An Attorney's Obligation to Safeguard Confidential Client Information
- II. Practical Tips for Safeguarding Client Information
- III. Border Searches of Electronic Devices
- IV. Summary

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An Attorney's Obligation to Safeguard Confidential Client Information

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A LAWYER'S RESPONSIBILITIES

A lawyer should keep in confidence information relating to representation of a client except so far as disclosure is required or permitted by the Texas Disciplinary Rules of Professional Conduct or other law.

Preamble, Texas Disciplinary Rules
of Professional Conduct

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1.05 CONFIDENTIALITY OF INFORMATION

What is Confidential Information?

(a) Confidential information includes both privileged information and unprivileged client information. Privileged information refers to the information of a client protected by the lawyer-client privilege Unprivileged client information means all information relating to a client or furnished by the client, other than privileged information, acquired by the lawyer during the course of or by reason of the representation of the client.

1.05 CONFIDENTIALITY OF INFORMATION

(b) Except as permitted by paragraphs (c) and (d), or as required by paragraphs (e), and (f), a lawyer shall not knowingly:

- (1) Reveal confidential information of a client or a former client to:
 - (i) a person that the client has instructed is not to receive the information; or
 - (ii) anyone else, other than the client, the client's representatives, or the members, associates, or employees of the lawyers' law firm.

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