



# What Every Attorney Needs to Know About Cybersecurity

Jennifer S. Freel  
Partner, Investigations & White Collar Defense

David Springer  
Legal Counsel, Dropbox Inc.

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

1

## 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

2

## An Attorney's Obligation to Safeguard Confidential Client Information

3



### 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

4

## 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.

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

## Title search: What Every Attorney Needs to Know About Cybersecurity

Also available as part of the eCourse

[2022 eConference on State and Federal Appeals](#)

First appeared as part of the conference materials for the 32<sup>nd</sup> Annual Conference on State and Federal Appeals session "What Every Attorney Needs to Know About Cybersecurity"