



Computer files backup: new, improved, cheaper

Failing to back up your office data files is not only stupid, it can be negligent.



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As in all attorney malpractice depositions, I have a few questions for you: How much data do you have on your computers? When was the last time you backed up your computer's files? Do you have backup software, but have never used it? Have you even installed the software? What are the policy limits on your malpractice coverage? What are the names of the banks with which you do business? Do you own your home?

There are many things a lawyer does not like doing. I won't go into the list, as it would be way too long and the point of this article is not to talk about all that. Rather, I want to talk about something lawyers do that they should not: working on a desktop computer with a hand grenade sitting on top, *with the pin almost falling out*.

"What the heck are you talking about?" you ask. I am referring to the current state of affairs if you are not backing up your computer data or have failed to do backups during the past few weeks.

Permit me to be blunt: if you do not back up your computer files, be advised that the State Bar could discipline you and you might even be sued for malpractice. If you did not back up your computer files, and your client sued you for malpractice and you lost everything you own, you got what you deserved.

Why am I being so mean? Well, considering how easy it is to back up computer data in 2009, the excuses of old will no longer suffice. So, what do you do, now that I have caused a few more hairs to turn gray? Read on – I have fantastic news for you.

An easy New Year's resolution

Backing up to USB 2.0 external hard disks is an easy and inexpensive way to back up computer data. Backing up to an external hard disk is so easy that you

can immediately hoof it over to an Office Depot or Staples, purchase an external hard disk and be backing up your computer files within five minutes after plopping back into your office chair.

My fix requires little effort on your part to protect yourself from impending doom. My backup solution takes into account how lawyers work. That is, lawyers do not have the time or the inclination to deal with all of this backup stuff. With motions to oppose, discovery to conduct and trial to prepare for, who has time to think about backing up files? Now on to the specifics.

Backing up is a necessity

The modern plaintiff's lawyer has become completely dependent on computers for running all aspects of the law firm. (Stop reading this article for a minute and stare at your computer.) You will soon realize that your computer contains your life's work. Today, we use computers instead of staff to perform all litigation functions, from research and writing to filing pleadings online.

The trouble is that each day, as we work on our computers, the larger the amount of data that is stored on our computer's hard disks. For example, my main desktop computer and backup hard disks contain 28 gigabytes (GB) of Microsoft Word files. Those Word files go back 20 years and represent approximately 50,000 hours of labor expended in their creation. My litigation files containing PDF-formatted research scans, case files and other materials total about 700 GB. Miscellaneous files, such as my Web site pages, deposition transcripts and video depositions, total about 900 GB. My Web site pages go back to 1996 and represent about 5,000 hours labor.

Why do lawyers fail to back up their files?

Yes, you can bet my stuff has always been backed up. The files are everywhere: on tape, CDs, DVDs and now hard disks. Some storage media are in my safe at



home, others in the office safe and some sitting next to the computers I use every day. So, why do lawyers fail to back up their files?

Over the years, I have observed lawyers failing to back up computer files. I see the biggest problem for plaintiff's lawyers, which explains why they don't back up files, is that they are too busy and computers have become too reliable.

Computer reliability has made lawyers complacent. Because computers always work and rarely fail, lawyers have been lulled into thinking all is well and backing up files is something they can get to later. Backing up files can always be done tomorrow, or next week or sometime after that. It is easy to put off a task for which there is no immediate consequence or harm.

Of course, not doing backups is not the same as missing a filing deadline or failing to get that check to the bank by 4:00 p.m. If you don't back up your files, nothing happens (at least nothing until the sheet hits the fan.)

Why we don't make backups

Here are some other reasons lawyers fail to back up files:

- **Backing up files takes time.** In a plaintiff's practice, with pleadings to be drafted, discovery to respond to, deadlines looming and dealing with difficult clients, plaintiff's lawyers don't even have time for a personal life, let alone backing up computer files.
- **There are too many ways to back up files and most of them are complicated.** Most backup programs have too great a learning curve. More than a one-paragraph explanation, the lawyer says fuggedaboutit.
- Lawyers have tried to do the right thing and back up files, but **things often do not go right the first time.** Once burned, the lawyer gives up and the backup program becomes "shelf ware."
- **Today's backup programs are still based on concepts from the days when everyone backed up their data using proprietary programs to record the data to then-**

common backup media. "Old-style" backup programs, systems or procedures were typically designed to back up *all information* on your hard disk to media.

This backup process created a single huge proprietary monolithic backup file, sometimes called a "container." If you needed to access a single client file, for example, this required a cumbersome process. You had to restore the entire "container" back to your hard disk, from which you could then obtain the needed file. It could take 45 minutes just to get one backed-up file.

The solution to the backup problem

In today's times, there is absolutely no reason why you should not be doing backups. My fix for your failure to back up files is simple. Follow these steps and I will contact the State Bar to tell them they can close their investigation file on you. (Did you know you were on the Bar's "Attorney Watch List" for failing to back up your computer data files? The Bar knows all.)

- Immediately rush out to Best Buy, Radio Shack, Fry's or some other electronics store. Purchase a **USB 2.0 enclosure with hard disk**, or as some call it, **an external hard drive.**

Side note: USB 2.0 refers to the file transfer speed between your USB device and your computer. USB 2.0 ports transfer files about 40 times faster than USB 1.1 ports that are on computers five or more years old. If your computer has USB 1.1 ports, it is time to use that dog for target practice.

- Hustle back to your office desk, unwrap your new external hard disk and plug it in to one of your computer's 2.0 USB ports. After you do this, Windows will recognize that a new USB device has been plugged in. Windows will appear, asking what you want to do with the device. Scroll to and click <Open folder to view files>. When that is done, hit the <minimize> icon in the upper right of the Window. Take note of the letter that Windows has assigned for the external

hard disk you just plugged in. Most likely, it will be a D, E or F depending on what other drives you have installed on your computer.

- Open Windows Explorer (what we used to call "File Manager") and locate on your C drive the <My Documents> folder in the directory. It is usually at the top of the directory so it should be easy to find. Put your cursor on the <My Documents> name and right click your mouse. A drop-down menu will appear.

- Scroll down with your cursor to where <copy> is highlighted. Once it is highlighted, left click your mouse. That will tell Windows that you want to copy My Documents> somewhere.

- Maximize the folder that was minimized in Step 2 above. Otherwise, find the drive letter of your now-connected USB 2.0 external hard drive. Double click the drive letter to open it. On the right side of the Windows Explorer pane you will see a large white space. This is the directory of your new hard disk. It should be empty.

- Double click anywhere in the white space. This will tell Windows that you want to do something in this area. While in the white space <right click> your mouse. A drop down menu will appear. Scroll to the word <paste> and double click that. This will tell Windows to paste (or copy) your C drive's <My Documents> that was put into your clipboard as stated above.

Note: Windows may ask you if you want to copy My Documents to the selected drive. If so, answer <yes>.

- After the previous step, magic will happen. You will see your files being copied, or "backed up," from your C drive on to your new external USB hard disk. **Congratulations! You just backed up some of your files.** If there is a fire, theft, virus attack or your computer crashes, you have at least saved some files and all is not lost.

After this "emergency backup procedure," you can take your time to tinker with different backup methods, sample backup software and see what other doc-



uments, file folders and data you might want to back up.

My main concern at this point is that you at least get some files backed up because you never know when disaster might hit. No one can predict when the computer might fail or when an Internet virus attack might fry the hard disk.

Bonus tips

- **Purchasing the external hard disk.** If you rush over to your local office supply or electronics store, such as Best Buy or Radio Shack, the prices for an external hard disk will be slightly higher than they would be online.

If you shop online, a great source is Grassroots Computers. They sell refurbished external hard drives. The hard drives are warrantied and I have used their products for about three years. None of the nine hard disks I purchased from them has ever failed. You can visit them at www.grassrootscomputers.com.

- **Price information.** Some prices for external USB 2.0 hard disks from eBay and other online sources are: 120 GB – \$50; 250 GB – \$85; 500 GB – \$160

The full sized 3.5 mm USB 2.0 hard disk enclosures sell for: 500 GB – \$80; 1 TB (that's one terabyte or 1,000 gigabytes folks!) – \$120.

- **What size means.** The 2.5 mm size refers to the size of the hard disk. 2.5 mm is the size of the hard disk that goes into your notebook computer; 3.5 mm is the larger desktop hard disk.

The 2.5 mm external hard disk is cool because it is so small. The hard disk with enclosure is the size of a PDA or larger smartphone. They are extremely portable, what I would call "pocket size." The bigger 3.5 mm enclosures are about

the size of a thick novel. They are not nearly as portable as the 2.5 mm enclosures.

Consider whether you intend to take the external hard disk home or use it when traveling. If you need to take the hard disk with you, get the smaller 2.5 mm external hard disk.

- **Buy two external hard drives instead of one.** I recommend you initially buy two external hard drives. This is because you will want to keep one of the drives away from the office. Think about it. If there is a fire or theft in your office, you cannot risk that your backup files will be destroyed too. So duplicate your files on to both external hard disks and rotate them home. This means to take one hard disk home and store it. Since the office external hard disk will have the latest backups, take that home, bring the one from home to the office and update that one with latest files. Then repeat the procedure.

- **Figuring out how often to back up.** How often should you back up your work? That depends. Can you lose a day's work on an appellate brief? Can you start over on the summary judgment opposition you were close to completing? If you cannot afford to lose a day's work, then perform daily backups.

- **Investigate backup software.** Once you are comfortable with what backing up is, you can explore the Internet to check out and download various backup software. I strongly recommend that you only consider programs that back up files in original form, as single folders or files. This makes it easy to find files at any time. You simply plug in your external drive and the external hard disk's directory opens. From there

you can do a Windows search to find a file or simply retrieve a copy if you know where it is.

- **Free backup programs.** Keep in mind there are plenty of FREE backup programs out on the market. The free-ware programs are simple and easy to use. Truth be told, backup software is not that complicated to program. Many good freeware programs are about 1 MB in size! That tells you how simple the programs can be. It is beyond the scope of this article to talk about the programs, but you might want to check out the free Microsoft backup program called "SyncToy 2.0." It's pretty cool.

I have a link to Microsoft's page where you can read about SyncToy and download the program at <http://tinyurl.com/ysc45p>. You can also enter SyncToy in Wikipedia and find out all about it. I have provided pictures of the SyncToy interface on my Web site, which you can look at here: <http://www.thelegaluniverse.com/synctoy1.jpg>, www.thelegaluniverse.com/synctoy2.jpg, and <http://www.thelegaluniverse.com/synctoy3.jpg>.

Conclusion

The solution I propose herein will get you an immediate pardon for the crimes you have committed: failing to back up your office computer files. You can rush to the store, buy an external hard drive and be backing up your files within minutes of returning to the office. If you are rushing out the door right now to get a couple external hard drives, congratulations!

