



CLE MANUSCRIPT

PUT INTO PRACTICE:

Risk Management Tips for Your Law Firm

November 11 & 18, 2020

Western NC

February 17 & 24, 2021

Eastern NC



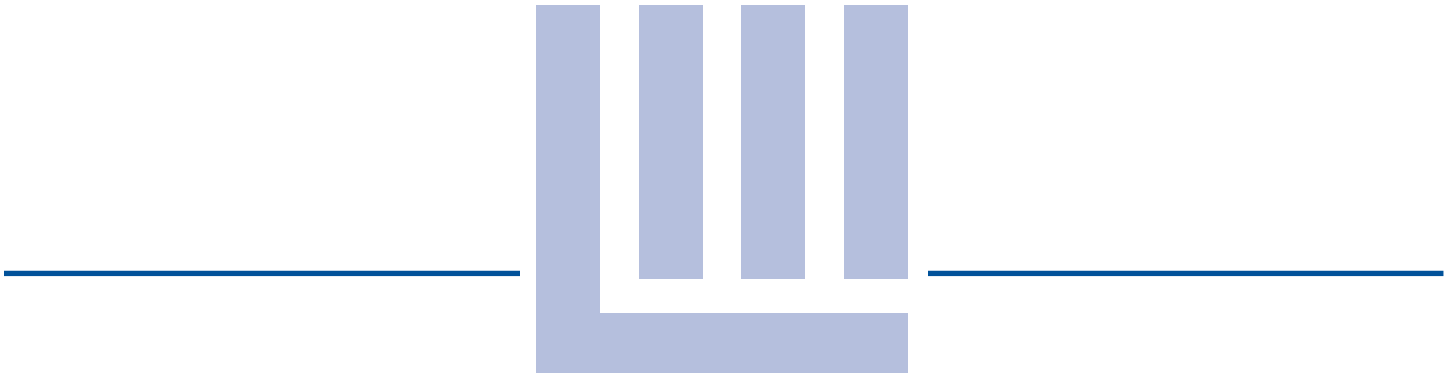
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2020-2021 PUT INTO PRACTICE CLE SERIES VIRTUAL AGENDA

8:30-8:40	Welcome Remarks by Dan Zureich
8:40-8:45	LM Announcements by Julie Beavers
8:45-9:45	Attorney-Client Privilege, Confidentiality, and the Work Product Doctrine: Traps for the Inattentive Lawyer <i>by Warren Savage and Mark Scruggs, Sr. Claims Attorneys, Lawyers Mutual</i>
9:45-9:50	LM Announcements by Julie Beavers
9:50-10:50	The One That Got Away: A Guide to NOT Being Phished <i>by Patrick Brown, VP-Enterprise/Operational Risk Mgmt, Lawyers Mutual</i>
10:50-10:55	LM Announcements by Julie Beavers
10:55-11:55	The Resilience Library™ <i>by Renee Branson, Principal, RB Consulting</i>
11:55-12:00	Closing Remarks by Julie Beavers

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Attorney-Client Privilege, Confidentiality, and the Work Product Doctrine: Traps for the Inattentive Lawyer

*by Mark Scruggs and Warren Savage,
Sr. Claims Attorneys, Lawyers Mutual*

ATTORNEY-CLIENT PRIVILEGE, CONFIDENTIALITY, AND THE WORK PRODUCT DOCTRINE: TRAPS FOR THE INATTENTIVE LAWYER

It's Time For Another Lawyers Mutual Pop Quiz

November, 2020

Warren Savage, Sr. Claims Attorney
Mark Scruggs, Sr. Claims Attorney



START WITH THE PRINCIPLES

The Atty-Client Privilege -- Under North Carolina privilege law, the attorney-client privilege protects communications from disclosure if:

1. the relation of attorney and client existed at the time the communication was made,
2. the communication was made in confidence,
3. the communication relates to a matter about which the attorney was being professionally consulted,
4. the communication was made in the course of giving or seeking legal advice for a proper purpose although litigation need not be contemplated, and
5. the client has not waived the privilege.

Raymond v. N.C. Police Benevolent Ass'n, (NC 2011)



The Work Product Doctrine

Under Rule 26(b)(3) of the North Carolina Rules of Civil Procedure, as interpreted by the North Carolina courts, a party who invokes the work product doctrine has the burden to show:

1. That the material consists of documents or tangible things,
2. Which were prepared in anticipation of litigation or for trial, and
3. By or for another party or its representatives which may include an attorney, consultant, or agent.

Boyce & Isley, PLLC v. Cooper, (NC App 2009)



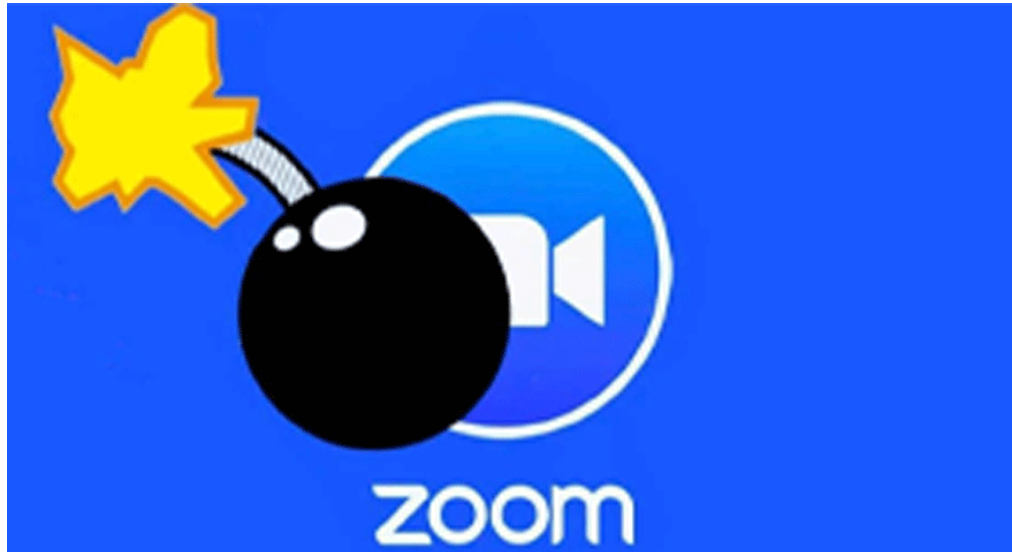
Ethical Duty of Confidentiality

Rule 1.6(a) of the North Carolina Revised Rules of Professional Conduct states that:

A lawyer shall not reveal information acquired during the professional relationship with a client unless the client gives informed consent, the disclosure is impliedly authorized in order to carry out the representation or the disclosure is permitted by paragraph (b) [which **allows** disclosures to prevent commission of a crime, to prevent reasonably certain death or bodily harm, to defend against allegations of malpractice, or to comply with a court order].



CASE STUDY – ZOOM-BOMBING!



CASE STUDY – ZOOM-BOMBING– HYPO #1

Hackers bombed a Zoom teleconference held by Amazon for all of its investors with pictures of Jeff Bezos sitting on his toilet made of gold. Immediately, the call is shut down. Zoom conducted a cyber-security investigation by interviewing its own employees monitoring the call and investors who witnessed the incident. In a subsequent lawsuit by Bezos against Zoom, will the Incident Report created by Zoom's own investigation team be shielded from discovery by the Work-Product Doctrine?



CASE STUDY – ZOOM-BOMBING – HYPO #1

No – As a general rule, ordinary investigations that a business may conduct, even if there is a small prospect of litigation, will not be accorded work-product protection. The test is “whether, in light of the nature of the document and the factual situation in the particular case, the document can fairly be said to have been prepared or obtained because of the prospect of litigation.”

In re Ernst & Young, LLP, (NC App, 2008)



CASE STUDY – ZOOM-BOMBING – HYPO #2

Zoom contacted and hired you today to investigate and advise it on responding to the media controversy caused by the backlash to the public disclosure of Bezos’ Golden Throne. At the county bar luncheon today, others at your table start discussing news about the incident. You tell the table, “Zoom just hired me to represent it.”

Permitted Disclosure?



CASE STUDY – ZOOM-BOMBING – HYPO #2

No – RPC 1.6(a) prohibits the disclosure of any information acquired during the professional relationship unless an exception applies.

The attorney-client privilege and work-product doctrine apply in judicial and other proceedings in which a lawyer may be called as a witness or otherwise required to produce evidence concerning a client. The rule of client-lawyer confidentiality is much broader and applies in situations other than those where evidence is sought from the lawyer through compulsion of law.



CASE STUDY – ZOOM-BOMBING – HYPO #3

Just before the Zoom call's abrupt ending, Bezos yelled loudly, "I'm going to own Zoom after my lawyer gets through with you. You are violating my civil rights!" Zoom asks you to investigate and advise the company on whether there is a valid legal claim against it. You tape the investor-witness interviews and take notes during the interrogations. Are the taped interviews and your notes protected work-product?



CASE STUDY – ZOOM-BOMBING – HYPO #3

Tapes – Yes, but. Work-product protects documents and tangible things prepared in anticipation of litigation. But may have to produce if the party seeking discovery can show that it has “substantial need” of the tape and is “unable without undue hardship to obtain” the equivalent elsewhere. Witness may obtain tape of his own interview. R. Civ. Proc., Rule 26(b)(3).

Attorney notes – Yes. Mental impressions, opinions, legal theories of an attorney concerning the litigation are absolutely protected.



CASE STUDY – ZOOM-BOMBING – HYPO #4

Following Bezos’ threat to sue, you also interview the Zoom tech-support employees and their managers who were monitoring the call for fact-finding so that you may provide legal advice to Zoom on its defense against the anticipated lawsuit. Are your communications with the company’s employees protected by the attorney-client privilege?



CASE STUDY – ZOOM-BOMBING – HYPO #4

Probably – Generally the atty-client privilege applies to communications made by corporate employees to counsel (1) at direction of corporate superiors, (2) about matters within the scope of employees' corporate duties, and (3) employees aware that they were being questioned so that corporation could obtain legal advice. Upjohn v. US, (USSCt 1981).



CASE STUDY – ZOOM-BOMBING – HYPO #4 -- CONTINUED

However, NC has not specifically adopted the Upjohn test. Brown v. Am. Partners, (NC Ct App, 2007).

Upjohn Test – Emphasis is on the subject matter and purpose of the communication between the lawyer and the employee.

Vs.

“Control Group” Test – Is the employee in a position to control or have a substantial part in a decision about action the corporation may take on the advice of the attorney.



CASE STUDY – ZOOM-BOMBING – HYPO #5

During your investigation you need to interview the supervisor who trained the Zoom tech-support employees on how to block hackers from bombing teleconferences to determine if Zoom may have liability for inadequate training of its employees. You interview the training supervisor who is now retired. Is the communication atty-client privileged?



CASE STUDY – ZOOM-BOMBING – HYPO #5

Under the “Control Group” test, absolutely not. The supervisor is not even an agent of the company. Newman v. Highland School, (Wash. Sup. Ct. 2016).

Under the Upjohn test, maybe. Drew no distinction communications with present or former employees. Still have to look at all of the factors in light of the purpose of the atty-client privilege.



CASE STUDY – ZOOM-BOMBING – HYPO #6

During an interview with one of the Zoom Techies, you discuss your preliminary legal theories about the case. Then the Techie says, “I hate Jeff Bezos and purposely left a hole in our security for hackers to exploit.” Can the Techie prevent you from disclosing her revelation by saying it was atty-client privileged?



CASE STUDY – ZOOM-BOMBING – HYPO #6

Probably Not – When you represent Zoom, you represent the corporation not the individual employees. However, NC R. Prof. Conduct 1.13 requires lawyer to make clear to employees that the corporation, not any individual employee, is the client whose interest the lawyer must protect.



“CORPORATE MIRANDA WARNING”

I am a lawyer for Zoom. I represent only Zoom, and I do not represent you. If you want an attorney, you must hire your own [or the corporation will hire one for you].

Your communications with me are protected by the attorney-client privilege. The attorney-client privilege belongs solely to Zoom. Accordingly, Zoom may elect to waive that privilege and reveal your communications with me to third parties, including the government, at its sole discretion.

Thanks To Matt Sawchak for manuscript with sample Corporate Miranda Warning



CASE STUDY – ZOOM-BOMBING – HYPO #7

Eventually, Bezos and his new wife file a 150-page complaint against Zoom and the production company who produced the investor teleconference alleging invasion of privacy, IIED, mental anguish, loss of consortium, and \$1 billion in punitive damages. Can you share otherwise privileged information with the production company and its lawyers without waiving the privilege?



CASE STUDY – ZOOM-BOMBING – HYPO #7

Yes – The “common interest doctrine” allows parties with a common interest to communicate with their attorneys and with each other to effectively prosecute or defend their claims if there is an actual agreement between the parties. US v. Duke Energy, (MDNC, 2003).

Agreement should probably be in writing so that lawyers will not have to testify to prove the existence of the agreement. However, the written agreement is probably discoverable and admissible.



COMMUNICATIONS WITH INSURER

Similarly, NC courts recognize a common interest in the tri-partite relationship created when an insurance company employs counsel to defend its insured against a claim. Therefore, the exchange of information between the three is protected by the attorney-client privilege as long as the elements of the privilege are met. Raymond v. NC Police Benevolent Ass’n, (NC 2011).



CASE STUDY – ZOOM-BOMBING – HYPO #8

Contemporaneously with your investigation of the incident, in-house counsel at Zoom has been conducting a regularly-scheduled internal compliance investigation required by the watchdog company that certifies Zoom's cyber-security protocols and procedures. During the investigation, the in-house counsel interviewed the Zoom Techies who had monitored the Bezos call. Are those communications between in-house counsel and the employees privileged?



CASE STUDY – ZOOM-BOMBING – HYPO #8

Maybe – Privilege only applies if one of the significant purposes of the communication was to obtain or provide legal advice. However, if the only purpose was to comply with a routine corporate compliance investigation required by regulatory law and corporate policy and not provide legal advice, then not privileged. In re Kellogg, Brown & Root, (D.C. Circuit, 2014). Government enforcement agencies are likely to view in-house lawyer compliance officers as providing business advice as opposed to legal advice.



CASE STUDY – ZOOM-BOMBING – HYPO #9

As you take the deposition of Bezos you discover that he met the previous day with his lawyer and a law student mentee at the lawyer's office. You ask Bezos to recount all of the communications during the previous day's meeting. The opposing lawyer objects on the grounds that the communications are privileged. Is he right?



CASE STUDY – ZOOM-BOMBING – HYPO #9

Probably Not – The presence of a third party who is not an agent of the attorney for the purpose of assisting the attorney in giving legal advice will waive the privilege for the communications during the meeting. Berens v. Berens, (NC Ct App, 2016).

2014 FEO 1 – *Opinion encourages lawyers to become **mentors** to law students and new lawyers (“protégés”) who are not employees of the **mentor’s** firm, and examines the application of the duty of confidentiality to client communications to which a protégé may be privy.*



CASE STUDY – ZOOM-BOMBING – HYPO #10

While you are taking the deposition of Bezos' new wife, you discover that she brought a close friend and neighbor as moral support to meetings with her attorney and to serve as her advisor and consultant. You ask her to recount all of the communications during those meetings. Are the communications privileged?



CASE STUDY – ZOOM-BOMBING – HYPO #10

Maybe – If the neighbor is an actual “agent” of the wife for the purposes of assisting her in communications with legal counsel, there is no waiver of the privilege. Berens v. Berens, (NC Ct. App. 2016).

However, the facts of the Berens case illustrate how easily the privilege may be waived without careful lawyering.



CASE STUDY – ZOOM-BOMBING – HYPO #11

In preparing a Teleconference Cyber-Security Specialist as a standard of care expert to testify at trial, he sends you a rough draft of his expert report. You call him back and ask him to remove part of the report containing his opinion of the picture quality during Zoom calls because it is beyond the scope of his expertise. Is the rough draft of the report protected work product? Is your phone call to the expert privileged?



CASE STUDY – ZOOM-BOMBING – HYPO #11

The actual draft report would be protected work product IF you are in federal court. Rule 26(b)(4) of the Fed Rules of Civ. Proced. protects drafts of any expert report or disclosure as work product. There is no similar rule in state court where expert reports are not required.

The phone call may be privileged unless the expert's opinions given in the final report or during a deposition rely upon information considered during the conversation. Azalea Garden v. Vanhoy, (NC Bus. Ct. 2009).



CASE STUDY – ZOOM-BOMBING – HYPO #12

As you prepare for trial of the case, an associate reveals that he just realized that he missed a case of controlling authority that would have capped Bezos' damages at the price of his Zoom "Corporate Membership Fee" if the defense had been properly pled. You and the associate immediately call the firm's in-house general counsel to address the firm's possible liability and what to do in response to the discovery of the mistake. Is the communication with the in-house counsel privileged from discovery in Zoom's subsequent legal malpractice case against your firm?



CASE STUDY – ZOOM-BOMBING – HYPO #12

Yes, probably – Although there is no NC case on point, the emerging trend nationally is a recognition of intra-firm privilege. St. Simons v. Hunter, (Ga. 2013). Elements are (1) designated in-house counsel, (2) purpose of the communication is risk management, (3) communication is confidential, and (4) No exception to the privilege (such as crime-fraud exception) applies.



CONTACT US



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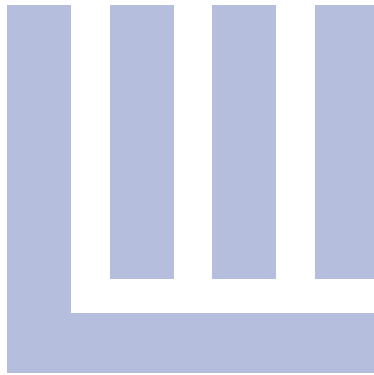
warren@lawyersmutualnc.com
mark@lawyersmutualnc.com

Visit our website for forms, checklists, toolkits and our blog -- A Byte of Prevention!

CONNECT + FOLLOW



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The One That Got Away: A Guide to NOT Being Phished

*by Patrick Brown,
VP-Enterprise/Operational Risk Mgmt, Lawyers Mutual*

THE ONE THAT GOT AWAY

A GUIDE TO NOT BEING PHISHED!



PATRICK BROWN

VP - ENTERPRISE & OPERATIONAL RISK MANAGEMENT



LAST YEAR...

- Everyone is a Target
- Cost of a Breach
- C-I-A Triad
- Encryption
- Network / Wi-Fi tips
- USB's = toothbrush on the ground!
- Strong Passwords/Passphrases
- MFA, VPN, and other 3-letter acronyms
- Employee Training
- Data destruction

CYBERSECURITY
WITHOUT BREAKING THE BANK!



THE “WHO” AND THE “WHAT” – VERIZON 2020

70% perpetrated by External actors



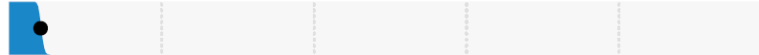
Organized criminal groups were behind 55% of breaches



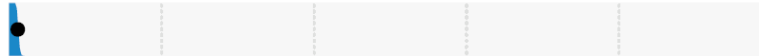
30% involved internal actors



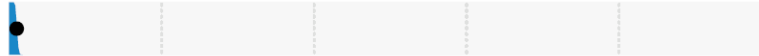
Only 4% of breaches had four or more attacker actions



1% involved Partner actors



1% featured multiple parties



0% 20% 40% 60% 80% 100%



IC3 INTERNET CRIME REPORT - 2019

By Victim Count

Crime Type	Victims	Crime Type	Victims
Phishing/Vishing/Smishing/Pharming	114,702	Lottery/Sweepstakes/Inheritance	7,767
Non-Payment/Non-Delivery	61,832	Misrepresentation	5,975
Extortion	43,101	Investment	3,999
Personal Data Breach	38,218	IPR/Copyright and Counterfeit	3,892
Spoofing	25,789	Malware/Scareware/Virus	2,373
BEC/EAC	23,775	Ransomware	2,047
Confidence Fraud/Romance	19,473	Corporate Data Breach	1,795
Identity Theft	16,053	Denial of Service/TDoS	1,353
Harassment/Threats of Violence	15,502	Crimes Against Children	1,312
Overpayment	15,395	Re-shipping	929
Advanced Fee	14,607	Civil Matter	908
Employment	14,493	Health Care Related	657
Credit Card Fraud	14,378	Charity	407
Government Impersonation	13,873	Gambling	262
Tech Support	13,633	Terrorism	61
Real Estate/Rental	11,677	Hacktivist	39
Other	10,842		

By Victim Loss

Crime Type	Loss	Crime Type	Loss
BEC/EAC	\$1,776,649,688	Employment	\$42,618,705
Confidence Fraud/Romance	\$475,014,032	Civil Matter	\$20,242,867
Spoofing	\$300,478,433	Harassment/Threats of Violence	\$19,866,654
Investment	\$222,186,195	Misrepresentation	\$12,371,573
Real Estate/Rental	\$221,365,911	IPR/Copyright and Counterfeit	\$10,293,307
Non-Payment/Non-Delivery	\$196,563,497	Ransomware	**\$8,965,847
Identity Theft	\$160,305,789	Denial of Service/TDoS	\$7,598,198
Government Impersonation	\$124,292,606	Charity	\$2,214,383
Personal Data Breach	\$120,102,501	Malware/Scareware/Virus	\$2,009,119
Credit Card Fraud	\$111,491,163	Re-shipping	\$1,772,692
Extortion	\$107,498,956	Gambling	\$1,458,118
Advanced Fee	\$100,802,297	Health Care Related	\$1,128,838
Other	\$66,223,160	Crimes Against Children	\$975,311
Phishing/Vishing/Smishing/Pharming	\$67,836,379	Hacktivist	\$129,000
Overpayment	\$65,820,212	Terrorism	\$49,889
Tech Support	\$54,041,053		
Corporate Data Breach	\$53,398,278		
Lottery/Sweepstakes/Inheritance	\$48,642,332		

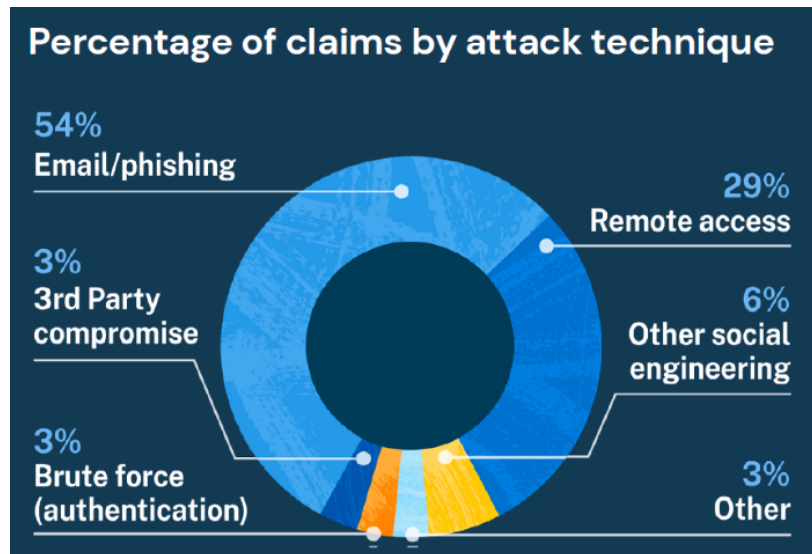




THE COVID-19 EFFECT (CTD.)

- Company vs Personal devices
- Security of home network
- Other people on home/remote network
- Monitoring workforce
- More relaxed at home
- Shared devices / spaces
- Who is managing the updates?
- Less likely to ask for help
- Hiring / Onboarding / Training

2020 ATTACK VECTORS – COALITION INC.



LET'S GO PHISHING!



UNEXPECTED EMAIL / ATTACHMENTS

Subject: Invoice 317840

13:07:24 EST, Tuesday 03 November 2020

From: YCGR Shipping <quickbooks@notification.intuit.com>

To: patrick@lawyersmutualinc.com

Attachments: Invoice_317840_22183.xls



Invoice Due: 11/02/2020
317840

Amount Due: **\$1,880.00**

Dear Customer:

Your PAST DUE invoice is attached. Please remit payment at your earliest convenience

Thank you for your business - we appreciate it very much.

Sincerely,
Accounts Payable



ATTACHMENTS & .ZIP's

Coronavirus Update: China Operations



個人信箱 <sssmith44@...>

Wednesday, February 5, 2020 at 11:46 PM

To: romeo

Factory Contacts an...
43.4 KB

Download All

Preview All

We would like to take a moment and ensure that our clients, partners, etc. are updated regarding the status of our operations in China.

Unfortunately, the New Year has been dominated by the 2019-nCoV (Coronavirus) outbreak. As of today, the number of confirmed cases has reached over 17,000, with over 300 deaths reported. We are monitoring the Johns Hopkins CSSE website that provides real-time data related to confirmed cases.

Wuhan (Hubei Province) is identified as the center of the outbreak and will remain under quarantine as the government continues with containment efforts. An increasing number of countries are now restricting visitors from this area, or China in general. Currently, more than 25 countries have confirmed cases.

Many companies, including manufacturers, in China are being asked to remain closed after the Lunar New Year holiday, through February 9th. We are among the organizations that will remain closed during this time and as advised. Please find attached our rescheduled resumption date including ways to contact our other factories outside China.

██████████ remains proactive throughout the escalation of this virus. Two thousand masks from the U.S. were shipped to offices in China. Team chats are now in place to allow employees to check in and receive ongoing updates. We are grateful there are no cases of the Coronavirus affecting Pro QC employees at this time. Attached is also the approved ways by the WHO to avoid the virus.

We are asking our teams in the region to avoid crowded places as much as possible. And, we will continue to provide regular updates. We will work with the teams in China to continue managing operations from home starting February 3rd.

Please do not hesitate to contact your account manager or info@██████████ for answers to questions, feedback, etc.



INCORRECT & LOOK-A-LIKE LINKS

From: ADPClientServices@adp.com <adpclientservices@adp.com>
Sent: Thursday, June 25, 2020 11:00 AM
Subject: Suspension Notification

Please verify your email

Kindly verify your email to avoid user suspension.

[Verify Now>>](#)

<https://tautlinetiedowns.com/js>



MASKED EMAIL & GIFT CARDS

Re: Request



Daniel M. Zureich
Patrick Brown

12:55 PM

Do you have some spare time to handle a quick task?

Thanks,
Daniel M. Zureich

Re: Request



Daniel M. Zureich
asuala1904@gmail.com

To **You** patrick@lawyersmutualinc.com
Tuesday, November 3, 12:55 PM

Do you have some spare time to handle a quick task?

Thanks,
Daniel M. Zureich

IMPORTANT TASK



Daniel M. Zureich
Patrick Brown

12:55 PM

Hello, can we have a quick chat via mail? I need you to get a task done ASAP
I'm currently having a conference call now and i need you to make a payment to a vendor via Cash App and I need it to hit the account today. You will be reimbursed later today. Can I send you the details?

Sent from my T-Mobile 4G LTE Device

IMPORTANT TASK



Daniel M. Zureich
inboxinfo80@mail.ru

To **You** patrick@lawyersmutualinc.com
Tuesday, November 3, 12:55 PM

Hello, can we have a quick chat via mail? I need



SPOOFED EMAIL & EXTORTION / BITCOIN

Quarantined Email: Preview [some elements are removed for safety]

Subject: account was hacked
From: <patrick@lawyersmutualinc.com> To: [REDACTED] <patrick@lawyersmutualinc.com>

Message ID: <83CD0ED4A640177C32F12B59BF883CD@EJU5HYD15OC>
Return Path: <patrick@lawyersmutualinc.com>
Reply To:
MIME Version: 1.0
Content Type: text/plain; charset="cp-850"

Received:
from mx1-us4.ppe-hosted.com (us4-filterqueue.mdlocal [10.7.20.246]) by pure.maildfilter.com with
ESMTPS id EFE6522005A for <patrick@lawyersmutualinc.com>; Mon, 1 Oct 2018 18:30:57 +0000 (UTC)

from [182.187.124.231] (unknown [182.187.124.231]) by mx1-us4.ppe-hosted.com with ESMTP id
2913A80062 for <patrick@lawyersmutualinc.com>; Mon, 1 Oct 2018 18:30:57 +0000 (UTC)

Hello! I'm a member of an international hacker group. As you could probably have guessed, your account patrick@lawyersmutualinc.com was hacked, because I sent message you from it. Now I have access to you accounts! For example, your password for patrick@lawyersmutualinc.com is [REDACTED]. Within a period from July 7, 2018 to September 23, 2018, you were infected by the virus we've created, through an adult website you've visited. So far, we have access to your messages, social media accounts, and messengers. Moreover, we've gotten full dumps of these data. We are aware of your little and big secrets...yeah, you do have them. We saw and recorded your doings on porn websites. Your tastes are so weird, you know.. But the key thing is that sometimes we recorded you with your webcam, syncing the recordings with what you watched! I think you are not interested show this video to your friends, relatives, and your intimate one... Transfer \$700 to our Bitcoin wallet: 13DAd45ARMJW6th1cBuY1FwB9beV5zW77R If you don't know about Bitcoin please input in Google "buy BTC". It's really easy. I guarantee that after that, we'll erase all your "data" :) A timer will start once you read this message. You have 48 hours to pay the above-mentioned amount. Your data will be erased once the money are transferred. If they are not, all your messages and videos recorded will be automatically sent to all your contacts found on your devices at the moment of infection. You should always think about your security. We hope this case will teach you to keep secrets. Take care of yourself.

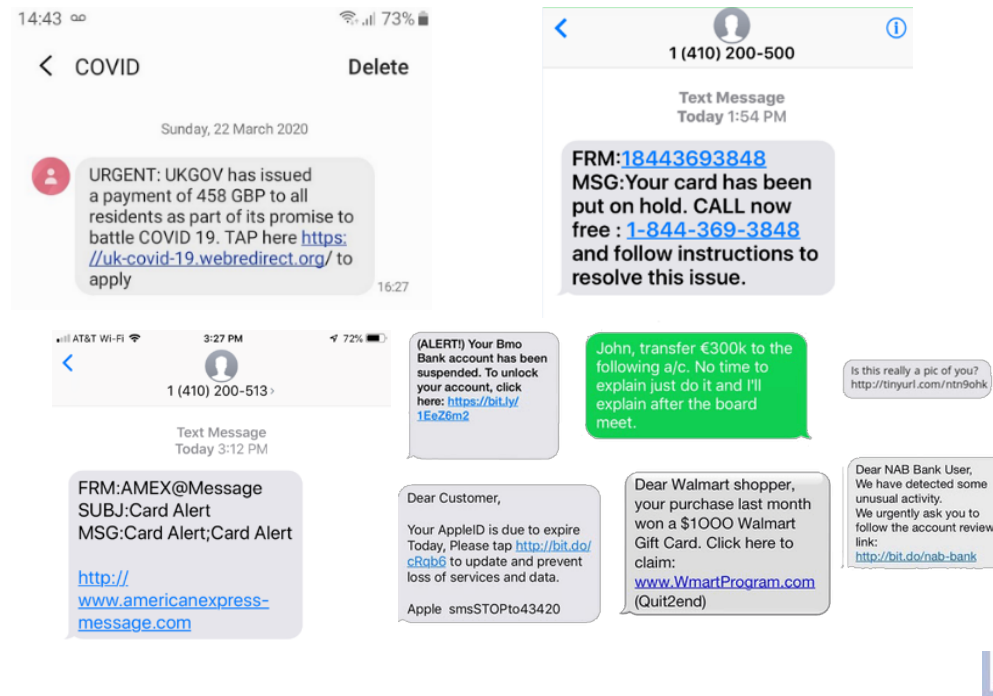


CALENDAR INJECTION = NEW PHISHING

- Most calendars automatically add invites
- Also possible to add without getting notice
- Appointment contains a conference link
 - This is the phishing part!
- Clicking the link “acts” like a legitimate meeting app would act
- Now the “bad guys” have access to your computer



SMSISHING




VISHING

- March 2019
- Unnamed UK energy firm
- Phone call from German parent company CEO to UK subsidiary CEO
- Matched accent, intonation, cadence
- UK CEO wired £200k to a Hungarian supplier per the call
- Voice was created by cybercriminals using artificial intelligence to create a deep fake

<https://www.wsj.com/articles/fraudsters-use-ai-to-mimic-ceos-voice-in-unusual-cybercrime-case-11567157402>

VISHING



PHONE SCAM FAKES CALLER I.D. WITH YOUR AREA CODE

NBC NEWS

<https://www.youtube.com/watch?v=dm2weICqrAE>
November 24, 2017 – NBC News

00:00.00

III



PHISH OR NOT? PLAY ALONG AT HOME!

III

From: Libby Estes <lestes@squidinksushi.com>
 Sent: Monday, August 31, 2020 1:59 PM
 To: Libby Estes <lestes@squidinksushi.com>
 Subject: First Closing Docs Available For Review (Title Commitment, CPL, Draft CD) Attached**

 **First American
Title Insurance Company**

Thank you for selecting First American Title.

Welcome to the Document Delivery Service, a service that allows you to access your Closing Disclosure and other documents electronically. You are receiving this communication because you selected to receive these documents electronically.

To review Closing Documents, use the link below.

[REVIEW CLOSING DOCUMENT](#)

REVISED CD/HUD LTA.pdf

This email contains a unique token and secure link to a document, do not share this email or link with any other person.

Thank You
 Libby Estes
 Vice President - Maryland State Counsel

 **First American**

First American Title Insurance Company
 8840 Stanford Boulevard, Suite 1400, Columbia, Maryland 21045
 Direct: 443-741-4535
 Fax: 877-360-1638
 Email: LibbyEstes@firstam.com

COVID-19 UPDATE:
 How First American is Preparing and Responding
www.FirstAm.com/COVID-19-Update

FORTUNE 100 BEST COMPANIES TO WORK FOR 2017


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 Important lawyersmutualInc Operational update: Make use of document

 patrick@lawyersmutualInc.com
 To Patrick Brown

 Reply  Reply All  Forward 

Wed 8/26/2020 5:22 PM

 If there are problems with how this message is displayed, click here to view it in a web browser.


 Attn: patrick@lawyersmutualInc.com

-You have an important lawyersmutualInc designated Document-

It was scanned and sent to you [patrick@lawyersmutualInc.com] using a Xerox WorkCentre multifunction device on Exchange Portal.

For more lawyersmutualInc-specific information as it relates to you, please visit <https://lawyersmutualInc.com/patrick-documents>

[Retrieve Document](#)



From: Lawyersmutualinc.com
Sent: Monday, June 22, 2020 6:49:50 PM
To: Patrick Brown <patrick@lawyersmutualinc.com>
Subject: Mail Alert

Office 365

Hello Patrick,

Your patrick@lawyersmutualinc.com password is set to Expire today,

Monday, June 22, 2020 at 3:49:49 PM

You can change your password or continue using same password below

Keep Same Password

Lawyersmutualinc.com Support



Войдите с помощью нового средства ShareFile



mail@sf-notifications.com
To Patrick Brown

Reply

Reply All

Forward



Sat 8/15/2020 12:28 PM

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**LAWYERS
MUTUAL** | LIABILITY INSURANCE
COMPANY OF
NORTH CAROLINA

Patrick,

Предпринята попытка входа в учетную запись **lawyersmutualinc** с нового устройства:

OS: Windows 10
Date: 8/15/20
Time: 12:27P

Если это были вы, то никаких действий не требуется. Если это был кто-то другой, сбросьте пароль.

[Reset Password](#)

Trouble with the above link? You can copy and paste the following URL into your web browser:
<https://lawyersmutualinc.citrixdata.com/Authentication/Login#ForgotPassword>

Powered By Citrix ShareFile 2020





Initial Closing Disclosure - Loan #1904613092 - 340 Rd CLOSING Docs out

JS JJ Sullurapeta
To: Patrick Brown

Reply Reply All Forward

Fri 10/9/2020 12:43 PM

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In order to serve you better now and in the future, First American has a Secure E-Mail system. As a result, all users will be prompted to register a user name and password the first time they access this system.

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WHICH IS A PHISH?

1



Dropbox <no-reply@dropboxemail.com>
to mliak

3:33 PM



Hi,

Your Dropbox is full and is no longer syncing files. New files added to your Dropbox folder won't be accessible on your other devices and won't be backed up online.

Upgrade your Dropbox today and get 1 TB (1,000 GB) of space and powerful sharing features.

[Upgrade your Dropbox](#)


For other ways to get more space, visit our [Get More Space](#) page.

Happy Dropboxing!

- The Dropbox Team

P.S. If you need the biggest plan we've got, check out [Dropbox for Business](#).

2



Google <no-reply@google.support>
to mliak

Someone has your password

Hi,

Someone just used your password to try to sign in to your Google Account.

Information:
Tuesday, November 3, 2020 at 3:34:37 PM GMT 05:00
Slatina, Romania
Firefox browser

Google stopped this sign-in attempt. You should change your password immediately.

[CHANGE PASSWORD](#)

Best,
The Mail Team

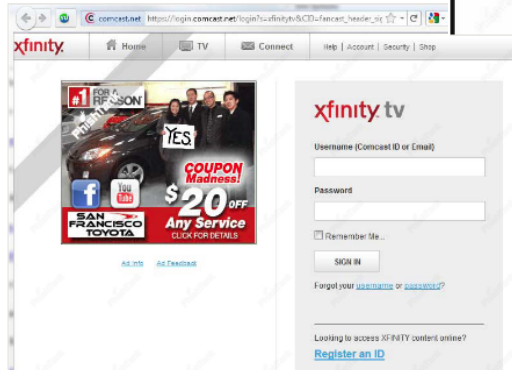
Source: <https://phishingquiz.withgoogle.com/>

WHICH IS A PHISH?

1



2

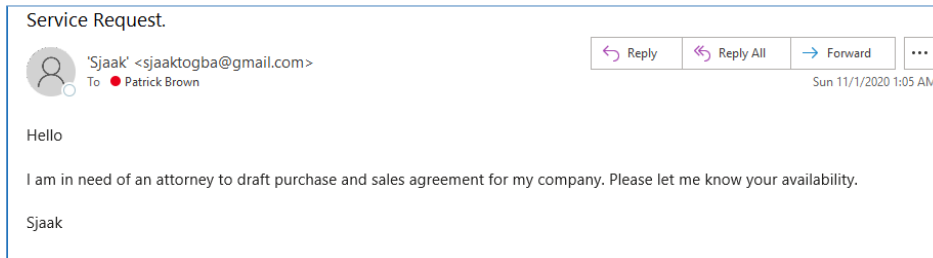


Source: <https://www.opendns.com/phishing-quiz/>



WHICH IS A PHISH?

1



2





THEMES & RED FLAGS

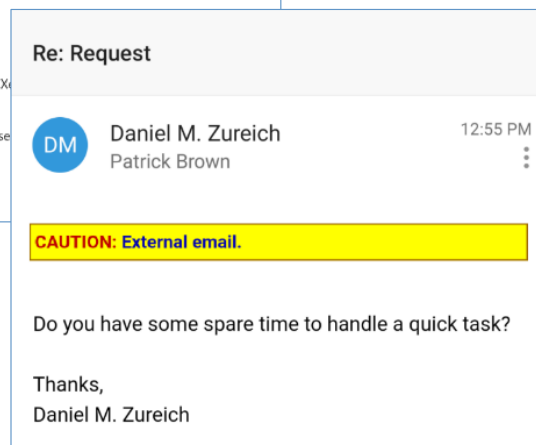
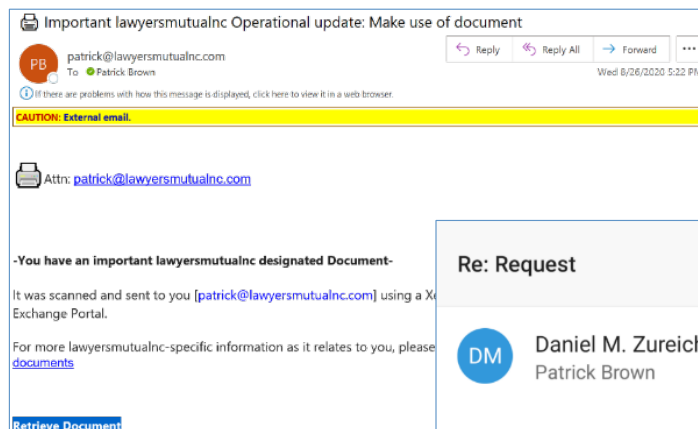
- **Sense of urgency**
 - Password compromised, confirming \$6,000 purchase, “click here now,” “you won \$_____”
- Incorrect, look-alike or masked email/website
 - arnerica ≠ america, Y ≠ Y, bit.ly
- Attachments
 - Generic names (Invoice # ____, Doc____)
 - Ask to run macros / enable content
 - Odd extensions (“.doc.zip”)
- Generic greeting
 - Dear Attorney, “in your area,” uses full/email name

DON'T TRUST – JUST VERIFY

- Stop. Breathe. Think.
- Call the sender to verify
 - Use information you had previously
 - Bank, merchant, vendor, client, counsel, etc.
- Type it yourself
 - Go to the site by typing in a known address
 - Do not click links in emails!
- Ask someone else
 - Colleague, IT, etc.



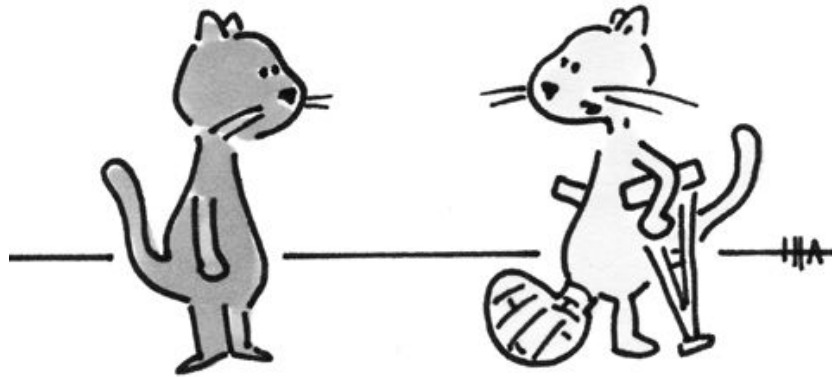
BANNERS HIGHLIGHT SPOOFING



DELETE & REPORT – DON'T INVESTIGATE

© MARK ANDERSON

WWW.ANDERSTOONS.COM



"It's a good thing I was only mildly curious!"



EMPLOYEE TRAINING



EMPLOYEE TRAINING

- At least quarterly
 - Lunch & Learn
 - Outsourced at-your-own-pace
 - Repetition is key to reducing risk
- Friendly phishing + education
- Reward good behavior



DEFENSES, TIPS, & BEST PRACTICES

us-cert.cisa.gov/ncas/alerts/aa20-302a

Mitigations

For a downloadable copy of IOCs, see AA20-302A.stix. For additional IOCs detailing this activity, see <https://git1.github.com/aaronc1/6aa7f61249f53a8dd4b6fa3868324867>.

Plans and Policies

CISA, FBI, and HHS encourage HPH Sector organizations to maintain business continuity plans—the practice of executing essential functions through emergencies (e.g., cyberattacks)—to minimize service interruptions. Without planning, provision, and implementation of continuity principles, organizations may be unable to continue operations. Evaluating continuity and capability will help identify continuity gaps. Through identifying and addressing these gaps, organizations can establish a viable continuity program that will help keep them functioning during cyberattacks or other emergencies. CISA, FBI, and HHS suggest HPH Sector organizations review or establish patching plans, security policies, user agreements, and business continuity plans to ensure they address current threats posed by malicious cyber actors.

Network Best Practices

- Patch operating systems, software, and firmware as soon as manufacturers release updates.
- Check configurations for every operating system version for HPH organization-owned assets to prevent issues from arising that local users are unable to fix due to having local administration disabled.
- Regularly change passwords to network systems and accounts and avoid reusing passwords for different accounts.
- Use multi-factor authentication where possible.
- Disable unused remote access/Remote Desktop Protocol (RDP) ports and monitor remote access/RDP logs.
- Implement application and remote access allow listing to only allow systems to execute programs known and permitted by the established security policy.
- Audit user accounts with administrative privileges and configure access controls with least privilege in mind.
- Audit logs to ensure new accounts are legitimate.
- Scan for open or listening ports and mediate those that are not needed.
- Identify critical assets such as patient database servers, medical records, and telehealth and telework infrastructure; create backups of these systems and house the backups offline from the network.
- Implement network segmentation. Sensitive data should not reside on the same server and network segment as the email environment.
- Set antivirus and anti-malware solutions to automatically update; conduct regular scans.

Ransomware Best Practices

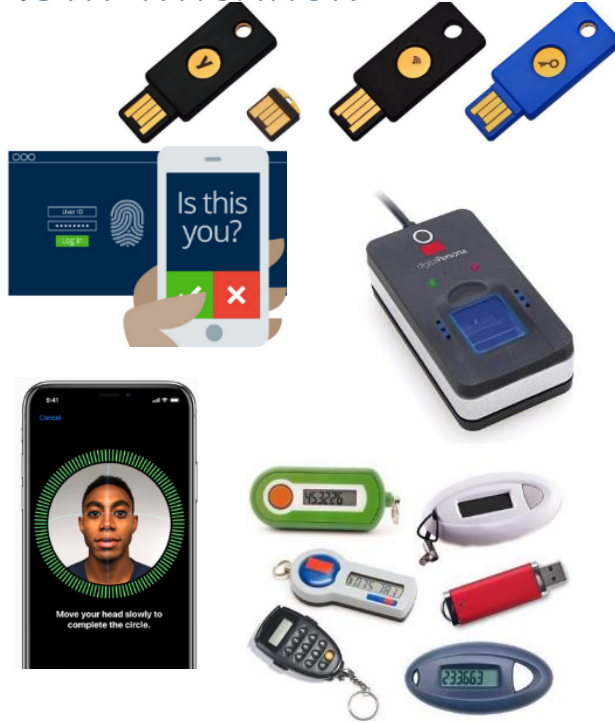
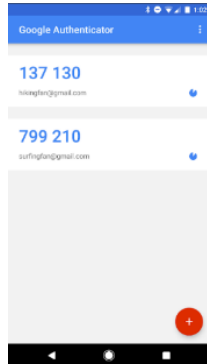
CISA, FBI and HHS do not recommend paying ransoms. Payment does not guarantee files will be recovered. It may also embolden adversaries to target additional organizations, encourage other criminal actors to engage in the distribution of ransomware, and/or fund illicit activities. In addition to implementing the above network best practices, the FBI, CISA and HHS also recommend the following:

- Regularly back up data, air gap, and password protect backup copies offline.
- Implement a recovery plan to maintain and retain multiple copies of sensitive or proprietary data and servers in a physically separate, secure location.

User Awareness Best Practices

- Focus on awareness and training. Because end users are targeted, make employees and stakeholders aware of the threats—such as ransomware and phishing scams—and how they are delivered. Additionally, provide users training on information security principles and techniques as well as overall emerging cybersecurity risks and vulnerabilities.
- Ensure that employees know who to contact when they see suspicious activity or when they believe they have been a victim of a cyberattack. This will ensure that the proper established mitigation strategy can be employed quickly and efficiently.





- Banks Never Ask That!
 - www.banksneveraskthat.com
- Federal Trade Commission
 - www.consumer.ftc.gov/features/scam-alerts
- Avoid A Claim blog
 - avoidaclaim.com
- Lawyers Mutual
 - Alerts, Articles, Blogs



CONTACT US

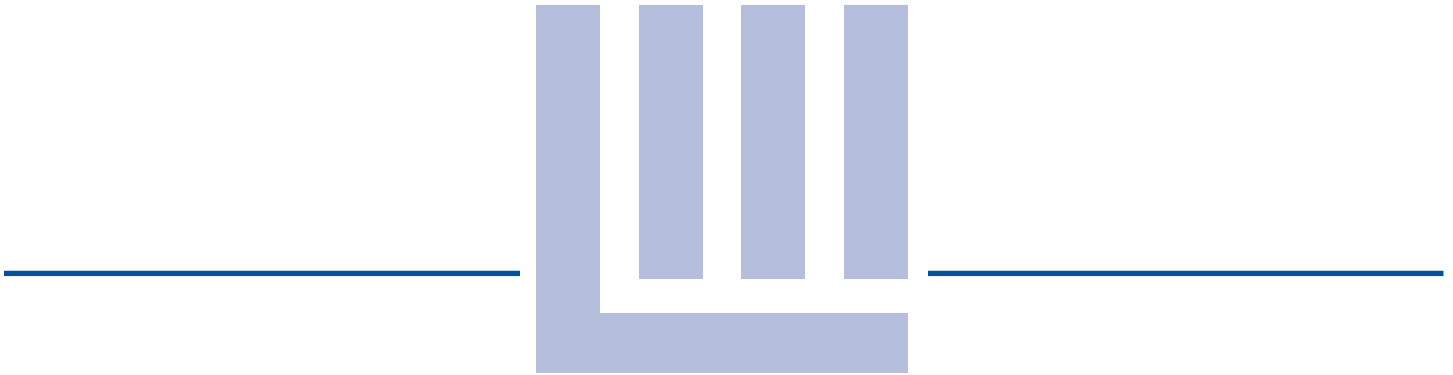
Patrick Brown – Patrick@LawyersMutualNC.com

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The Resilience Library™

by Renee Branson, Principal, RB Consulting



The Resilience Library

Renee Branson, MA, CReC
Founder/Principal, RB Consulting



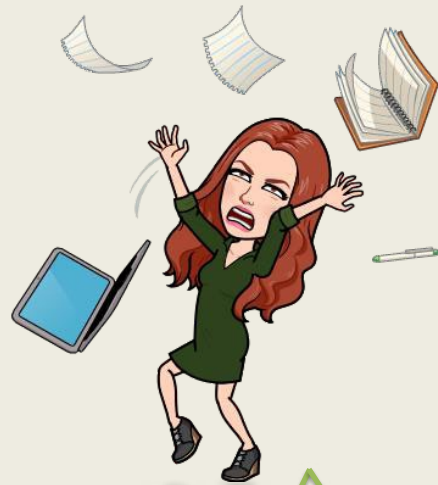
Acute Stress:

- Normal
- Strong emotions
- Physical reaction
- Not all bad



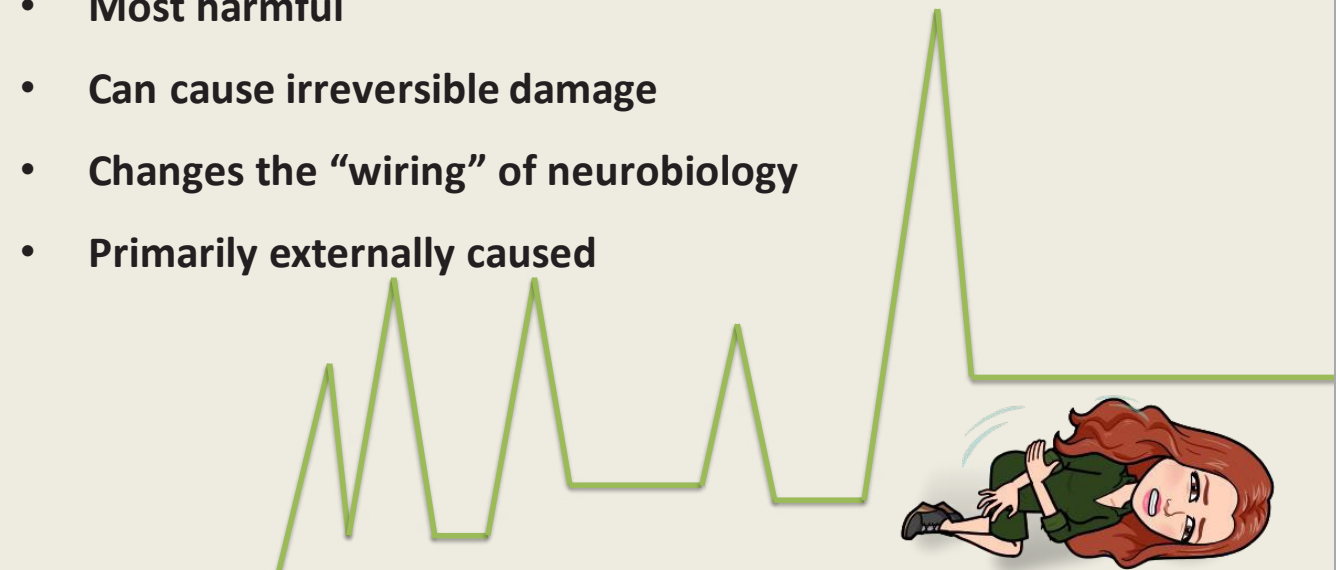
Episodic Acute Stress:

- Abnormal
- Stress overload
- Can be internal or externally created
- Inability to cope
- Harmful



Chronic Stress:

- Most harmful
- Can cause irreversible damage
- Changes the “wiring” of neurobiology
- Primarily externally caused



PANDEMIC FATIGUE

- Heightened anxiety
- Cognitive dysfunction
- Disrupted sleep
- Irritability



Well-Being



What is it, anyway?



Overall happiness
& satisfaction



Self-worth



Meaning & purpose



Autonomy



Self-efficacy



If well-being is the **WHAT**,
Resilience is the **HOW**.

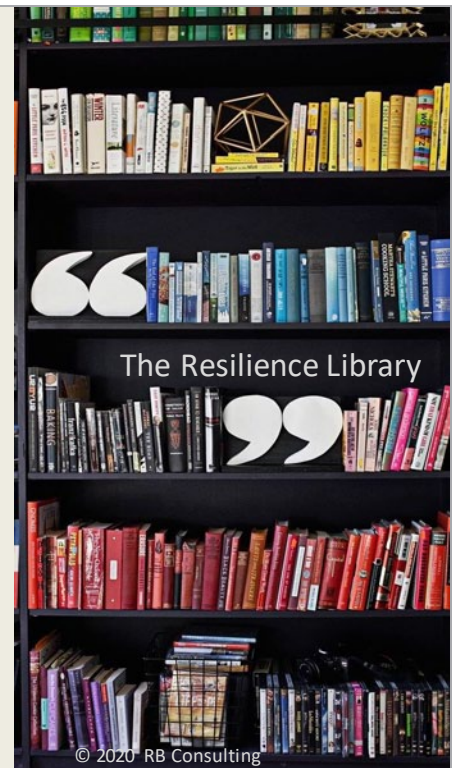
RESILIENCE

The ability to bounce *forward* from crisis, challenge, or change



6 “Books” in the RESILIENCE LIBRARY

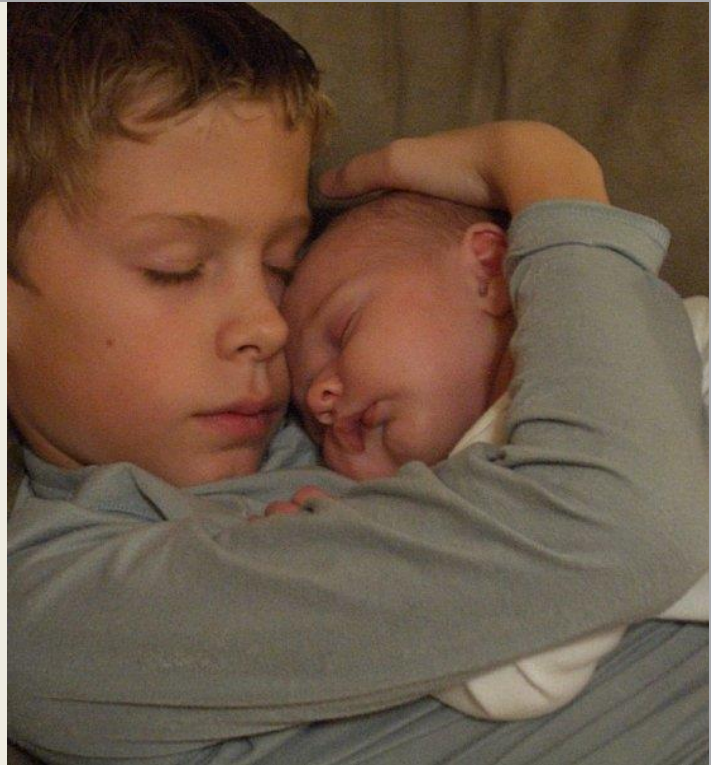
- Calm
- Health
- Values
- Reason
- Optimism
- Connection



CALM:
The ability to
self-soothe &
stay grounded during
moments of
stress & anxiety.

**Self-soothing
is one of the
earliest
things we
learn.**

© 2019 R. Consulting



deep, slow breathing

movement

muscle relaxation

mindfulness

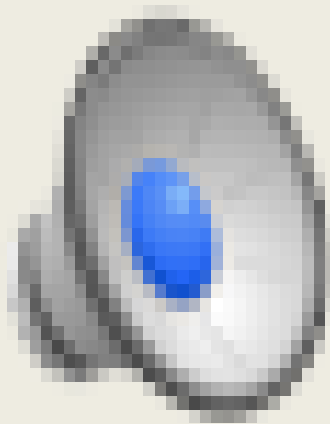


TRIANGLE BREATHING

Inhale for a count of 4

Hold for a count of 4

Exhale for a count of 8



16

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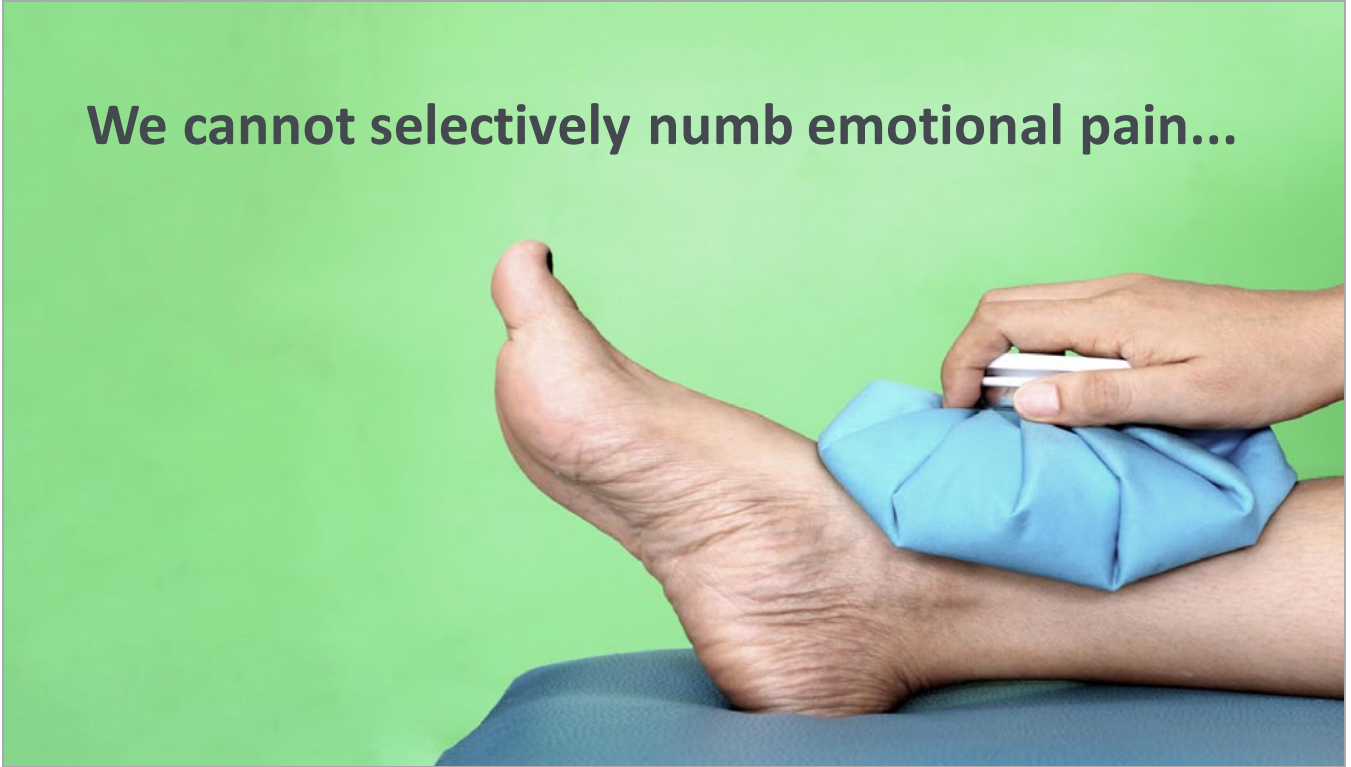
HEALTH:

Our bodies are our truth tellers. How we support our physical health, impacts our mental health.

What is your body saying?



We cannot selectively numb emotional pain...

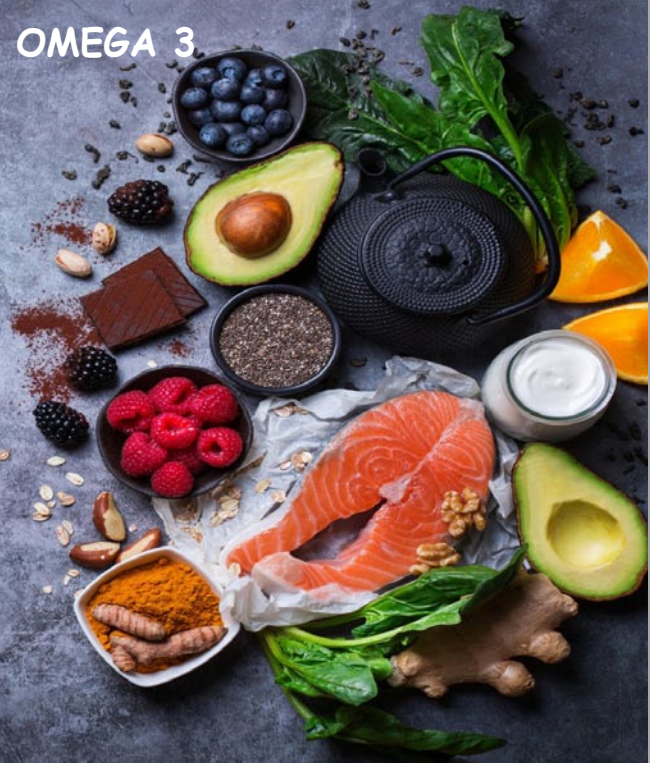


**20 minutes of movement,
4 times a week has a
positive impact on mental
well-being.**



MAGNESIUM + ANTIOXIDANTS + OMEGA 3

Leafy greens
Salmon
Dark chocolate
Berries
Avocados
Green tea
Ginger
Turmeric



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VALUES:
The ability to stay
congruent with our
stated values
maintains our
integrity in times of
crisis.

What is most important right now?

I n t e g r i t y

***Do my actions, thoughts, and behaviors
display what is important?***

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REASONING:

Allows for the ability
to experience growth
during stressful
challenges.

**"I can't brain
today.
I have the
dumb."**



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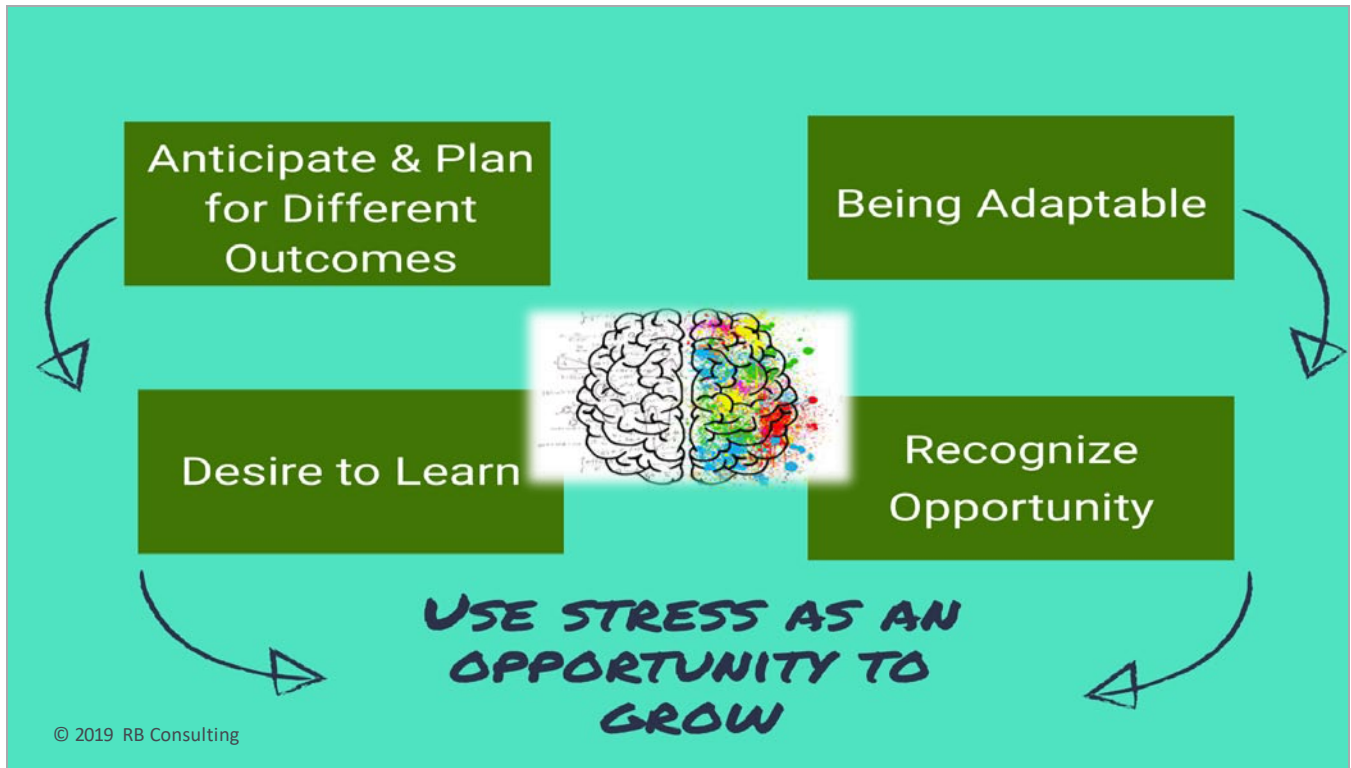
deep, slow breathing

movement

muscle relaxation

mindfulness





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OPTIMISM:
The belief that the
current crisis is
temporary, or
Pervasive, or
Personal



OPTIMISM:
You better be laughing
into your frozen yogurt.

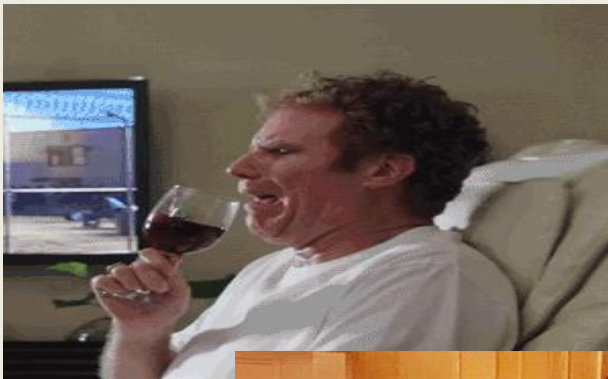


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OPTIMISM:
The belief that the
current crisis is
not...
Permanent,
Pervasive, or
Personal



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© 2020 RB Consulting

CONNECTION:
We are wired for
connection. It
allows us to feel
safe in uncertainty.



© 2019 RB Consulting

Exhausted

Or

Lonely?





reneebranson.blog



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rb@reneebranson.blog



[@reneebranson](https://www.linkedin.com/company/reneebranson)



RB Consulting
Resilient. Bounty.



The Resilience Library

Renee Branson, MA, CReC
Founder/Principal, RB Consulting

2020-2021 SPEAKER BIOGRAPHIES

WARREN SAVAGE

Warren Savage joined Lawyers Mutual as claims counsel in 2005 and was named Senior Claims Counsel in May 2018. He focuses on litigation, insurance law, appellate advocacy, criminal matters and professional responsibility in his work with Lawyers Mutual. A former partner with the law firm of Bailey & Dixon, Warren graduated from the University of Virginia and earned a Master of Arts in Teaching at the University of North Carolina at Chapel Hill before graduating magna cum laude from Campbell University School of Law. He spent several years as a high school English teacher and junior varsity basketball coach before entering the legal profession. Warren currently serves as NC State Bar Councilor for District 10 and speaks frequently at CLEs around the state about professional responsibility and malpractice claims avoidance.

MARK SCRUGGS

Mark Scruggs joined Lawyers Mutual in March 2001 as claims counsel. In May 2018, Mark became Senior Claims Counsel with Lawyers Mutual. Formerly a partner with Spear, Barnes, Baker, Wainio & Scruggs, LLP in Durham, North Carolina, Mark has over 14 years' experience as a trial attorney concentrating in insurance defense litigation. For the last 17 years, Mark has worked with Lawyers Mutual primarily in litigation-related claims and workers compensation and family law matters. Mark is a past chair of the Law Practice Management section of the North Carolina Bar Association. He has served as an Advisory Member of the State Bar Ethics Committee and the Authorized Practice Committee of the North Carolina State Bar. He also served as co-chair of the North Carolina Bar Association's "Transitioning Lawyers Commission" working to address issues facing aging lawyers.

PATRICK BROWN

Patrick Brown is the Vice President of Enterprise and Operational Risk Management at Lawyers Mutual as well as filling the roles of Corporate Secretary and Director of Information Security. He is a North Carolina State Bar board certified specialist in Privacy & Information Security Law and has been designated a Fellow of Information Privacy and a Privacy Law Specialist by the IAPP. Additionally he holds certifications from

the IAPP and ISACA including Certified Information Privacy Professional for US private sector and Europe (CIPP/US & E), Certified Information Privacy Manager (CIPM), Certified Information Privacy Technologist (CIPT), Certified Information Security Manager (CISM), and Certified Data Privacy Solutions Engineer (CDPSE). Prior to joining Lawyers Mutual in 2011 he practiced in the areas of real estate, foreclosure, creditor's rights, and insurance subrogation - actively practicing in North Carolina and Virginia. He is licensed in North Carolina, Virginia, the District of Columbia, and the US Patent & Trademark Office; received his J.D. from Campbell University School of Law and a B.S. in Biology from UNC-Chapel Hill. Patrick serves on several local and state bar association committees, including the North Carolina State Bar's Cybersecurity Committee and the North Carolina Bar Association's Privacy and Data Security Section Council.

RENEE BRANSON, PRINCIPAL, RB CONSULTING

RB Consulting was created to bring the power of resilience into the workplace so that people could cultivate mental well-being and organizations could maintain high-performing teams.

Combining over 20 years as a mental health professional, educator, and non-profit executive, my passion and purpose is helping individuals, teams, and organizations cultivate resilience. After years of working with survivors of trauma and the caregivers who help heal them, I have learned what allows people to not only survive, but thrive through their greatest crisis. The answer is resilience. Resilience is the ability to not merely bounce back from crisis, challenge, or change; it is the ability to bounce forward with growth and adaptability.

It is not only trauma survivors and their caregivers who experience the impact of toxic and chronic stress. It can impact anyone in any profession. In recent years, the legal profession has begun to seek changes that minimize the damage caused by toxic stress, burnout, addictions and mental health concerns. The same is true for other high-risk professions such as the finance, healthcare and non-profit sectors.

As a Certified Resilience Coach (CReC) with a masters degree in counseling psychology, I provide clients with immediately usable tools to increase resilience, well-being, and optimism in the workplace. I work with lawyers, legal marketers, business professionals, non-profit leaders, and others to help them understand and incorporate resilience in their own professional lives and in the teams they lead.

I administer the resilience assessments, presentations, and workshops on The Resilience Library™ for professionals and business organizations. These include law firms, practice groups, non-profits, and business teams within an organization. This allows leaders to address organizational strengths and weaknesses and to implement growth plans through coaching, consultation, and app-based tools.

- Common Use Case Scenarios:
- On-boarding new associates
- Newly formed teams/divisions
- Management training programs
- Organizational restructuring, mergers, large-scale organizational change
- Crisis recovery
- Underperforming/dysfunctional teams