Experts*Update*

Local Insurance Agency Trusts Tech Experts For Computer Support and Network Maintenance

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> *Robert Leski, Owner, Leski Insurance Agency*

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Personal insurance is a fast-paced, competitive business, particularly when your agency caters to clients that require a great deal of expertise. Providing excellent customer service requires quick access to customer information, policy data, and billing records, with little tolerance for downtime.

That's why the Leski Insurance Agency trusts Technology Experts with its IT maintenance and support needs.

Robert Leski, a long-time area educator, founded the agency in 1980, focusing on the special insurance needs of school employees with MEEMIC Insurance. As the business has grown, the agency acquired a number of insurance companies to provide insurance to all of Monroe County.

"Our target clients are those who seek quality coverage at reasonable premiums, instead of those who are willing to leave themselves open to inadequate coverage to 'save a buck,'" commented Mr. Leski. "We need a fast and reliable computer system that keeps up with our need to properly service clients."

The company relies heavily on its computer systems. "We use our computers for all of our quoting of insurance premiums," continued Mr. Leski. "We store all of our client information on our server, and having instant access to policy information is critical to providing prompt and efficient service to our clients."

Leski Insurance relies on Microsoft Small Business Server technologies, implemented by Tech Experts. The networked system, configured with Microsoft Windows SBS 2003, provides agents and customer service representatives ("CSRs") with access to local database information on client accounts, as well as e-mail communication with Leski's main office.

All of the agency's full time CSRs are licensed agents. They access the network and Internet

Leski Agency Staff (from left): Timothy Witkowski, Melissa Cady, Christie Gilstorff, Robert Leski, Cassandra Kleinow, and Heather Kreger.

services through local workstations, each configured with high-end APC battery backup units, both to protect client data, and allow employees to continue to service clients in the event of a power outage. The server and telephones are also on battery backup power systems installed by Tech Experts.

Client quoting is done through a combination of locally-installed, networked quoting software and specialized access to insurer's secure agent web sites.

"Because we rely heavily on our computer systems," commented agency assistant manager Melissa Cady, "we just can't have any downtime. One of the things we like most about working with Tech Experts is their quick response."

Mr. Leski does a great deal of agency management and accounting work at his home office, so it is important that his home systems run as efficiently as the systems installed at the agency's office. Tech Experts implemented high-speed, firewalled Internet access, allowing Mr. Leski access to email and to perform web research.

"Our previous provider was too far away, which led to delays," said Mr. Leski. "Tech Experts is always aware of where we are in our tech requirements. We're very happy with their services and performance."

New Federal Ruling May Require Companies To Store All E-mails And Other Electronic Communications

(Disclaimer: Tech Experts is a great IT service and repair company.... But, we're not attorneys. All of our recommendations are related to products and technology. The following article is meant to provide you with a broad overview of the issue at hand. By no means, should you rely on this article as final legal advice. For that, we suggest you contact your attorney. Portions of this article are adapted from a whitepaper published by Inboxer.)

There has been much news coverage lately about a new federal court ruling concerning email, electronic communication, and electronic document retention. IT managers, business owners and legal professionals are asking us every day: Do we really need to archive everything?

The short answer is maybe.

This entire issue centers upon an entity's ability to produce "electronic communications" in the event of a lawsuit, other civil proceeding, or criminal action. Current regulations and generally accepted court rules don't specify what you have to keep; rather, they specify what you have to produce (and how quickly) if you're a party in a legal proceeding.

And that presents a huge complication. Do you simply store a copy of everything, for ever? Or do you selectively pick and choose what you think may be important in the future? Storing everything would take tremendous amounts of space, so selective storage sounds best at first. The hard part with selective storage is in knowing what might be important one, two or five years in the future.

The good news is that cost of magnetic storage has been declining at a rate of 45% per year since 1989. The cost of a terabyte of data, enough storage for 2000 scanned file cabinets, is expected to drop from $420 in 2005 to just $70 in 2008, according to Berghell Associates.

What do you need to save?

Requirements vary by industry, geography, and company type. Your attorney is probably aware of all of the requirements for your company. Here is a sample of mandated requirements:

Sarbanes-Oxley requires accounting firms to keep records for seven years after an audit.

HIPAA requires health care organizations to keep patient data for six years.

Brokerage trading account records must be kept for six years after the account terminates.

Medical records may need to be kept for two years after a patient's death.

Regulatory Requirements

The first obligation of any electronic communication or document retention schedule is to preserve items as required by government agencies.

The new Federal Rules of Civil Procedure protect companies when they delete electronic records as part of "routine, good-faith operation." Unfortunately, the phrase "routine, good-faith operation" is not defined. The authoritative Advisory Committee on Civil Rules said that an entity would usually be protected if it took "reasonable steps to preserve the information after it knew or should have known the information was discoverable."

Clearly, the advice indicates that companies are not protected just because they follow a regular retention schedule. The length of the retention period must consider the relevant statutes of limitation and company contracts.

For example, Louis Testa, a truck driver for a fish wholesaler, unloaded a shipment at a New Hampshire Wal-Mart store. Testa slipped on some ice and snow that covered the dock ramp. He complained to a Wal-Mart employee on the dock at the time, but Testa did not take action for more than two years.

Wal-Mart routinely destroyed its records on the event in accordance with its two-year retention plan. However, the New Hampshire's statute of limitations on personal injury was three years.

Testa filed suit after two years had passed. Wal-Mart could not produce evidence that it said included instructions sent to vendors informing them not to deliver merchandise that day. Wal-Mart lost the case (Testa v. Wal-Mart Stores). Wal-Mart had an obligation to keep messages as long as a suit *could have been filed.* If the retention policy had been three years for business-related documents or for ones where a complaint was made, there would not have been a problem.

Using the same logic, companies should identify the length of any contracts that might be contested in a court case. Emails may explain

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Electronic Communications Storage Requirements

what was intended when the contract was written.

The issue is that deleting messages or electronic records may mean that you do not have access to evidence in a timely way and that any related messages that you could use for defense are not available.

It is a good idea to review the lengths of any key contracts and the statutes of limitation where you do business. It may be possible to delete messages after the time period expires.

Conclusion

Companies need to decide how much effort they want to put into managing retention. They can archive email forever, keep messages for the longest mandated retention period or statute-of-

limitations time, or analyze each message and apply the appropriate time period.

Work with your legal counsel and be sure to keep the following in mind:

1. Preserve email and electronic records as required by government agencies for compliance review or for other regulatory and statutory reasons.

2. Maintain messages for the time period of any statutes of limitation or contract period.

4. Minimize storage and legal costs by minimizing the documents to be reviewed by legal teams: (1) spam, (2) duplicate messages, (3) system notices, and (4) personal mail.

5. Deploy systems that pre-categorize and pre-index messages to reduce legal costs.

The "Legaleze:" Summary of Rules 26, 34 & 37

Rules 26 and 34 define what constitutes electronically stored information and requires early conference between parties during which information systems and data locations must be detailed.

Under this rule, a responding party should produce electronically stored information that is relevant, not privileged and reasonably accessible.

A party need not provide discovery of electronically stored information that the party identifies as not reasonably accessible because of undue burden or cost.

Nonetheless the court may decide to order discovery from such sources if the requesting party shows good cause.

Rule 34 confirms that discovery of electronically stored information stands on equal footing with discovery of paper documents.

Rule 34 permits the requesting party to designate the form or forms in which it wants

electronically stored information produced.

The rule recognizes that different forms of production may be appropriate for different types of electronically stored information.

The rule therefore provides that the requesting party may ask for different forms of production for different types of electronically stored information.

Rule 37 specifies when a party is permitted to dispose of electronically stored information by exploiting routine operation of an information system and when a party is under a duty to preserve information because of pending or reasonably anticipated litigation – "Litigation Hold".

The complete description of rules governing discovery of electronically stored information and committee notes may be accessed by visiting the following link:

`http://www.uscourts.gov/rules/ EDiscovery_w_Notes.pdf`

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New, Noteworthy or Need-to-know

Alphabetizing your Start Menu

If you're like most Windows users, you've probably installed many programs.... So many, in fact, that you can have trouble finding the program you're trying to use in the Start Menu list. New programs are loaded at the end of the list. Here's how to alphabetize your Start Menu list of programs:

1. First click on the Start button.
2. Move your mouse to "All Programs."
3. Move your mouse to any of the folders there.
4. Right click.
5. A box will open up. Scroll to "Sort By Names" and click.

All of the folders and programs will be alphabetized. This is one of those simple but useful tips that will help you organize your computer.

Chrysler Expands IPod Integration

Mopar, DaimlerChrysler's original equipment manufacturer, announced it has expanded availability of its factory engineered IPod integration kits for most Chrysler Group vehicles.

The kit provides direct connectivity between the customer's IPod and the vehicle's audio sound system, attaching to a cable port in the vehicle glove box.

The adaptor module is concealed under the vehicle dash, translating and then sending the signal to the vehicle's radio receiver.

Once attached, all IPod control functions are available through the vehicle's audio sound system. The kits range from $139 to $215. More at www.mopar.com.

Windows XP On Screen Keyboard

This might seem like a silly tip or even a silly function, but we've already found a use for it once. Windows XP comes with a built in on screen keyboard. Basically a graphic of a keyboard comes up and acts like your keyboard, you can use your mouse to hunt and peck around.

What uses does this have? Well, it's good for people with disabilities, where it would be easier to use a mouse than trying to type or it's great to use if your keyboard goes crazy. Here is how you launch it:

1. Go to start
2. Go to run and type OSK, then press ENTER

Then the keyboard comes on. It's just that simple.

It's best to make a desktop icon for it or a shortcut, because if your keyboard should malfunction, it would be handy to have it. All you do to create the shortcut is to:

1. Right click on the desktop
2. Click the new shortcut button
3. Type osk, click next twice.

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IT'S AN URGENT EMAIL FROM A NIGERIAN LEPRECHAUN...HE NEEDS A SAFE PLACE TO KEEP HIS POT OF GOLD AND WANTS TO KNOW THE LOCATION OF MY MINE...

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