What the Internet of Everything Means for Lawyers: Evidence, Privacy and Data Security Implications

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What does the Internet of Everything mean for lawyers? Evidence - lots and lots of new sources of evidence. The continuing loss of privacy. A life that is so connected to the Internet that it will be hard to get through even a few minutes of our day without the Internet having an impact. But we are ahead of ourselves - so let’s step back and analyze an accelerating trend.

We first became interested in the Internet of Everything (known as IoE) when wearable technology became the hot new trend. We’ve heard the words for a couple of years but wearable tech really started to pick up steam in 2014 as companies rushed to the marketplace with, in particular, smartwatches.

Research firm Gartner anticipates that revenues from wearable tech will more than triple by 2016, going from $1.6 billion to $5 billion. A study from IDC says that “the global market for Internet of Things devices and services will exceed $7 trillion by 2020, up from $1.9 trillion in 2013.” Note that this is not just devices- it’s services too – and the numbers are staggering. It is no wonder that companies are rushing to board that train.

**A Day in the Life of an IoE Lawyer**

The day is not far off when we will be awakened by a clock that we have programmed over the Internet. We will wake, by our choice, to slowly increasing light, gradually louder nature sounds, or one of many other possibilities. If you prefer, your smartwatch can do the same thing – or just pulse gently on your wrist or not so gently until you turn it off. Your “smart” home will either sense that you are up through your motion or be programmed to know your wake-up time. Lights, music, TV – everything will come on as you walk down the hall. By the time you get to the kitchen, your coffee will be ready and waiting. Your refrigerator may remind you that you are out of milk – or simply order it for you.

If you hop on the treadmill, your smartwatch will dutifully record your pulse, heart rate, miles logged, speed, etc. and place it all conveniently on the Internet for you. No data entry required.

As you check your e-mail on your smartphone, you can also remotely turn on the car to warm it up if it is cold – and no worries about thieves - the doors are locked and will not unlock until you step outside because only the proximity of your smart key can unlock them. Pull out of the driveway and your smart home will lower the heat and turn off the lights. The car itself will notify your secretary that you are on your way in – and via the car and Bluetooth, you can do a little billing by talking to clients about case strategy while you sit in traffic. In the not too distant
future, the car will drive itself, constantly pinging the Internet for the fastest route in current traffic.

When you get to work, it will be to an office that a previous generation would not recognize – where the Internet is, even more than today, in constant use. Remote appearances in court will be the rule rather than the exception, with real time recording of proceedings and real time machine-assisted translation where needed. And of course, proceedings will be webcast by default.

Your smartphone or smartwatch, both of which have access to your calendar, will softly ping you from time to time so you don’t forget to call a client or attend a meeting – they will know how long it will take you to get to the airport and remind you when it is time to leave. Even while clearing security, you’ll be able to keep up with your e-mails and texts while standing in line thanks to your smartwatch or smartphone. Or if you prefer Google Glass, it can serve the same function – and let you videoconference with clients. And if you don’t mind people thinking you’re talking to yourself, you can inquire from either device about the weather at your destination. Hungry? Stop and grab a burger – and pay with your iPhone via ApplePay.

All of this is only the tip of the iceberg. Hold a Scanadu Scout to your forehead and it will instantly collect over 560,000 data points about you, including your blood pressure, temperature, blood oxygenation, and more.

The Testimony of Your Nest Thermostat
Suddenly, everyone is talking about the Internet of Everything, many about the marvels it will provide and a fair number talking about privacy implications. We recently attended a CLE taught by digital forensics expert (and good friend) Craig Ball who pointed out that the new world has given us many new sources of evidence.

The audience was stunned when he said that one day his NEST thermostat might provide evidence against him.

The Nest Learning Thermostat learns your schedule, when you are away and when you are home – and it can be manually programmed using a browser or an app. While the machine’s “evidence” that you were “likely gone” because of your customary schedule is suspect, if you have deliberately connected to the device over the Net and adjusted the temperature to reflect that you would be away for two days, that action could effectively counter your sworn testimony that you were at home when your business partner was murdered.