



COOKIES FOR YOUR FIRM?

Ellen Freedman, CLM
© 2005 Freedman Consulting, Inc.

Cookies are a misunderstood computer tool. Uh oh, I used the word computer in the first sentence, and have risked losing many of you before you even finish this paragraph. Before your eyes begin to glaze over, let me assure you this article will be in plain English, not technobabble, and relatively brief. Be prepared to amaze your niece, nephew, or grandchild with your newfound technical savvy!

Most people don't really know what a cookie is. There's been much hype and fear about cookies. Some users have disabled acceptance of cookies on their computers, fearing that allowing cookies on their hard drive will compromise their security. When they do that, they unfortunately find that lots of web sites they visit won't function properly. Others regularly delete all cookies. When they do that, return visits to sites require completing fill-in forms all over again. And law firms with web sites are reluctant to use cookies in their design. Just what are cookies, and what is the truth about them?

A cookie is a well-known computer science term that describes a piece of data held by an intermediary device. So what does that mean? A cookie stores information supplied by you when visiting a site, and the site reads it back later. The cookie can only be used to save and recall information. A cookie cannot extract information from cookies belonging to other sites, nor can they read or interact with other data on your hard drive. They are just a little file of text information stored on your computer. If you use Internet Explorer the file is stored in the Windows/Cookies directory. If you use Netscape Navigator the file is stored in the Users folder. Think of the cookie as an electronic post-it note for the web server you visit.

Why do sites use cookies? Well, the file transfer protocol (known as HTTP) which drives the internet is essentially blind. In other words, you are a stranger to a web site every time you access a page. No matter how much information you supply on a previous page or in a prior visit, without the use of cookies, a site can't distinguish someone who has spent twelve hours on the site from someone who has just arrived. Nor can it tell if you are visiting for the first or hundredth time. Nor can the site remember anything about your preferences.

Preferences are very important to users, because it allows a site to be responsive to their needs. Imagine a salesperson who can't remember the name of his best customers, or how those customers like to pay, and even whether or not they've already paid. That would not be a very successful salesperson. Without cookies on a site, the same thing happens. Every time you transfer from one page on the site to another you're a new unknown visitor without preferences if there isn't a cookie providing essential information. Obviously, an e-commerce site cannot be successful without this mechanism for recognizing users as they move from one page to another.

There are a couple of alternatives to cookies. One is called hidden fields, and the other URL state data. (Ok, that's it for technical terms.) Neither works as flawlessly as cookies for ease of use, performance, flexibility and reliability.

Yes, it's true that at least one banner advertising network has used cookies to track and compile extensive data about the user's activities on any of their sites, in order to supply targeted banner ads based on user's interests. Although the use of the information was solely to deliver customized advertising on those sites, users found this practice so unacceptable that the network was forced to provide a free method to disable its tracking mechanism. Ironically, that method is also a cookie.

In reality, you are at greater risk handing your credit card to a waiter than you are when you accept a cookie from a respectable web site. In fact, respectable sites will keep any potentially sensitive information about users, such as address, telephone, email address, credit card and purchasing information, in a firewall-protected secure server database, separate from the web server, and place only a pointer or ID number in the cookie.

Should your law firm web site use cookies? Well, consider that cookies greatly improve the quality of a user's visit to your site. You can store information in a cookie that will let you deliver a better, more personalized experience the next time the visitor comes to your site. If you've ever visited sites where you can organize the appearance of the home page you visit to contain only those areas which are of interest to you, you know the advantage of cookies. Imagine doing that for visitors to your site by generating dynamic pages that highlight topics of interest to the visitor, and even welcome them back by name.

If you do decide to add cookies to your firm's web site, you should include a disclosure statement with specific information about how the site uses cookies. You might state something like "Our Web site utilizes cookies in order to provide a



better experience. We do not collect personal information without your knowledge and permission, nor do we resell or distribute any site visitor data, including information that may be collected during your visit. If you have any questions about our policy, please contact our Webmaster.”

Cookies are not dangerous or evil. You should not be afraid of cookies. However, if you are short of computer disk space, do regularly delete your old cookies for sites you rarely visit. And consider whether adding cookies to your own law firm’s web site may enhance the experience for visitors. If that sounds like something you want to make part of your web site, talk to your web designer. Code for cookies is readily available on the internet.

*A version of this article originally appeared in the December 2, 2002
issue of the Pennsylvania Bar News*

©2005 Freedman Consulting, Inc. The information in this article is protected by U.S. copyright. Visitors may print and download one copy of this article solely for personal and noncommercial use, provided that all hard copies contain all copyright and other applicable notices contained in the article. You may not modify, distribute, copy, broadcast, transmit, publish, transfer or otherwise use any article or material obtained from this site in any other manner except with written permission of the author. The article is for informational use only, and does not constitute legal advice or endorsement of any particular product or vendor.

