Another Annoyance:
Flash Cookies

Most everyone who regularly surfs the Internet is aware of "cookies", those little snippets of information that are stored on the user's computer to do useful things (like remembering bits of user information so it doesn't need to be repeatedly entered) or do some irritating things (like spying on users to track their surfing habits for commercial gain).

As users visit various web sites, cookies are sent from the web site to the computer. Depending on the user's privacy settings, the cookies are stored on the computer. As the user continues to visit sites on the web, the web pages received can update the cookie and send it back to the site that originally sent it to the computer – or a completely different site.

The latest versions of the most-commonly-used web browsers have options that users can take advantage of to control cookies. Those options allow user computers to delete expired cookies, remove all cookies placed on the computer during the current browsing session, or unilaterally delete every cookie on the computer. It seems like the cookie problem is under control. Or is it?

The difference between cookies and cookies

As it turns out, the settings in the web browser only control "HTTP Cookies".

The structure and behavior of HTTP Cookies have been defined. They are part of the core standards that define how the Internet and web browsers should operate. However, the technoweenies at Adobe came up with a better idea, creating an entity officially known as "Locally Shared Object", but more commonly known as the "Flash Cookie". (Flash® is a product that is marketed by Adobe) They can store approximately 25 times the amount of data in an HTTP cookie which makes them potentially more useful to web site architects. But there are some issues:

- Flash cookies don't go away by themselves. They don't have expiration dates. Only the Flash-enabled application that is aware of the existence of that specific Flash cookie will be able to delete it.

- Flash cookies are unaffected by privacy settings in the browser.

- Flash cookies are becoming more prevalent. It was reported last year that 54 of the top 100 web sites use Flash cookies (Western New York Law Center's web site does not use Flash cookies). The use of Flash cookies is increasing.

- Flash cookies can resurrect deleted HTTP cookies. Consider the following scenario: A user visits a web site. The site places an HTTP cookie and a Flash cookie on the computer. The user deletes the HTTP cookie (but the Flash cookie remains). Any time the user visits a site that looks for that specific Flash cookie, the contents of the Flash cookie could be used to recreate the HTTP cookie.

- Flash cookies are miserable to delete. Web browsers cannot delete them. As a service to the public, Adobe has provided a method to remove them, but the opinion of the people who have gone to the two websites (yes, it requires a visit to two web sites) claim that is "confusing beyond belief".

Dealing with Flash cookies

Unlike the tools provided by Adobe to deal with Flash cookies, there are several simple, easy-to-use products available to computer users:

For users of Mozilla Firefox, the use of the BetterPrivacy add-on will automatically delete all Flash cookies every time the browser is closed. It can be downloaded from https://addons.mozilla.org/en-US/firefox/addon/6623/

If you have a lot of time on your hands, check out the Flash® web site. It claims to have information about the Flash Settings Manager that could help users to manage Flash cookies. The information can be found at http://www.macromedia.com/support/documentation/en/flashplayer/help/settings_manager.html.

The simplest solution of all can be found at http://www.flashcookiecleaner.com/. Go to the site and download the "Flash Cookie Cleaner" application. After downloading the app, just run it (There is no installation procedure). When the program runs, it will display the number of Flash cookies found. Click on "Delete Cookies" to delete them. It couldn't be easier.

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Two Additional Trainings Available

Five new trainings are available for viewing over the web by attorneys and staff. Everyone who wishes to view these trainings must register. There is no charge for viewing any of these training, but there is a processing fee for CLE credit. All of the trainings in this article are currently available.

To view the trainings…

- Start up your web browser and go to this location: http://onlineresources.wnylc.net
- On the left side of the screen, click on "Online Training"
- Click on the desired training; a registration form will be displayed
- Fill out the registration form; then click on "Submit form"
- A link to the presentation will be sent to the email address provided in the registration form

If you are an attorney and wish to receive CLE credit, you must fill out the course evaluation and attorney affirmation forms and mail it to the address on the form along with payment for processing of the CLE credit request. New York State Bar Association rules require that the forms be mailed. They cannot be submitted electronically.

Newly admitted attorneys in New York State can not receive CLE credit for online training.

If you are an attorney who is not licensed in New York State and want CLE credit, please check to see if your state allows New York State CLE credits to be applied to your state's CLE requirements.

Serving Military-Related Clients: Practical Information and Ethical Considerations for Interacting with the Military World

This course is designed to help attorneys understand how to effectively work with military related clients and how to navigate through the military systems. Topics covered include:

- An overview of the military culture and structure
- Civilian Law and the Military involved case, specifically the Servicemembers Civil Relief Act
- Federal Firearms Statues and Orders of Protection, Divorce, Custody
- Family Support issues and special considerations in cases involving Domestic Violence.

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Date of presentation: 06/30/2010

Viewing time: 2 hours 24 minutes

Presenter: Ellen C. Schell, Esq., Director of the Military Families Program, The Legal Project, Albany, NY

CLE credit: 1.5 Professional Practice, 0.5 Skills, 0.5 Ethics

Cost for viewing this training if CLE credit is requested: $60.00 for Not-for-Profit Agencies; $90.00 for Private Practice Attorneys. There is no charge for viewing this training unless CLE credit is requested.

Fraud in Real Estate and Mortgage Transactions

This program was designed for attorneys and real estate professionals who want to detect and avoid fraud in real estate and mortgage transactions. The presenters include a variety of professionals from the Buffalo Niagara Association of Realtors, The Appraisal Institute of Western New York, and the Bar Association of Erie County. Additionally, the program will present the federal and state law enforcement response to fraud in these transactions by members of some of those organizations. Presentations include descriptions of recent scams involving mortgages and foreclosures.

Introductory remarks by William J. Hochul, Jr., United States Attorney, New York Western District (WDNY)

Appraiser Issues presented by Adam Alessi, Appraisal Institute of Western New York – Ontario Chapter

- Introduction – Licensing, Standards & Ethics, Oversight
- Appraisal Fraud – Motivations, Economic Impact, Identification and Prevention
- Market Influences, AMC's, BPO's and AVM's
- Institutional Lending Regulatory Compliance – Appraisal Process, Appraiser Independence
- New Legislation and Regulator Environment – Elimination of the Home Valuation Code of Conduct, the Dodd-Frank Act, Implications, Enforcement
- Industry Outlook

Realtor Issues presented by Charlene Zoratti, State Director, New York State Association of Realtors, 2004 President of the Buffalo Niagara Association of Realtors

- Mortgage Fraud is a Lender Issue – NOT
- Mortgage Fraud Quiz
- Case Studies
- Mortgage Fraud is Rising – What is our Role as Realtors
- Everyday Issues Including the Appraisal Process

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Mortgage Fraud and Attorney Ethics in Real Estate Transactions – A Practical Review presented by Michael Lombardo, Esq., Chair, Real Property Law Committee, BAEC; Jennifer Hurley, Esq., Law Offices of Jennifer A. Hurley; Susan Eagan, Esq., Attorney Grievance Committee, Appellate Division, 4th Dept.

Six case patterns dealing with fraud issues through the use of scenarios that reflect practical situations, to assist real estate professionals, and in particular attorneys, to learn how to detect and avoid fraud while ethically providing client representation.

Mortgage Fraud presented by Kathleen Lynch, Assistant US Attorney WDNY

- Civil and Criminal Tools to Combat Mortgage Fraud
- What is Mortgage Fraud and Who Are the Fraudsters?
- What is the WDNY Mortgage Fraud Task Force?
- How Do We Prosecute Mortgage Fraud?

US Department of Housing and Urban Development Response to Mortgage Fraud presented by Heather Yannello, Special Agent, HUD Office of the Inspector General

- The Darling Case Study
- What Can You Do?
- Reflect
- Report
- Responsible

New York State Mortgage Fraud Unit presented by Jack Massaro, Criminal Investigator, Mortgage Fraud Unit, New York State Banking Department

- Mortgage Banking Division Regulatory Oversight
- Criminal Investigations Bureau
- The Arms of the Mortgage Process
- Definition of Mortgage Fraud
- Fraud for Housing vs. Fraud for Profit
- Who Suffers

The FTC's Response to the Mortgage Crisis prepared by Leonard Gordon, Regional Director,   Federal Trade Commission, Northeast Region (presented by Kathleen Lynch, Assistant US Attorney New York Western District)

- Mortgage Advertising
- Mortgage Servicing
- Mortgage Assistance Relief Services

Date of presentation: 12/01/2010

Total Viewing time: 5 hours 26 minutes
CLE credit: 4.0 Professional Practice, 1.5 Skills, 1.0 Ethics

Cost for viewing this training if CLE credit is requested: $150.00 for members of the Bar Association of Erie County; $230.00 for non-members. There is no charge for viewing this training unless CLE credit is requested .

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WNYLC Web Statistics For November 2010

Total Hits…...........................………456,591
Number of Pages Viewed......….....…...141,115
Total Visitors...................................……61,437
Average Hits/Day……......…...……….15,219
Average Pages /Day……….…….…...…….4,703
Top Web Browsers Used:
Internet Explorer 8.x.…………….…......30%
Internet Explorer 7.x.…………….…......31%
Internet Explorer 6.x.………………....19%
Firefox............….…………....….……16%
Google Chrome...1%

Top 5 Operating Systems Used:
Windows 7….........................……….9%
Windows Vista....................…….….……….11%
Windows XP.....................................……38%
Mac OS...................…………….......…2%
Other...............…………………………35%

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