

Disaster Recovery for Law Firms

Excerpted from

The Essential Formbook:
Comprehensive Management Tools for Lawyers,
Volume IV

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Please note: This document contains excerpts from Chapter 3 and Chapter 4 of Part I of the *The Essential Formbook*, Volume IV. Form IV-I-3 (Setting Up a Disaster Preparation, Protection, and Recovery Program for Your Law Firm), and Form IV-I-35 (Checklist for Getting Back to Work) are included in this document. References to several additional forms are included in this document. These forms can be found in the in the complete Volume IV. A listing of all of the forms from Part I of Volume IV of *The Essential Formbook* is provided on the last two pages of this document. For more information, please visit [*The Essential Formbook: Comprehensive Management Tools for Lawyers, Volume IV.*](#)

DISASTER RESPONSE STEPS

The disaster response involves a predictable series of steps, even though the nature of disaster dictates that every situation is different. These include:

- Dealing with the crisis—getting through the disaster
- Attending to critical needs including the dead and injured
- Protecting against imminent threats of harm
- Holding onto vital resources
- Reconnecting with clients and the outside world
- Assessing damages
- Replacing what has been lost
- Getting on with business

This may not seem like much, but in times of crisis events transpire at a rate faster than our ability to process them, at least rationally. Our bodies provide ancient protections that give us additional stamina, strength, cognition, and responsiveness, but these resources may not be enough. We do what we can in the heat of moment, and hope that we survive to tell the story to our grandchildren.

The forms associated with this chapter are designed to help the firm through the emergency. Obviously, they are focused more on tactical response than collecting information, as were the forms in Chapter 2. However, much of the information collected during the planning process and described in Chapter 2 becomes vital during the disaster and after the emergency subsides. These forms include the following:

- Form IV-I-21 (Emergency Numbers) should include the most important numbers for use in an emergency written and posted together. These numbers can be distributed to staff, posted at key locations in the firm, or stored electronically.
- Form IV-I-22 (Summary of Emergency Procedures) contains first-response action directions for a number of emergencies:
 - Medical
 - Fire
 - Flood
 - Vandalism
 - Power failure
 - Bomb threat

- Form IV-I-23 (Bomb Threat Report Form) provides specific questions and information that should be elicited from a caller or office visitor making a bomb threat.
- Form IV-I-24 (Biological Threats Received by Mail) and Form IV-I-25 (Guidelines for Handling Mail) address the procedures for responding to bioterrorism delivered through the mail or courier service.
- Form IV-I-26 (Emergency Guidelines for a Power Outage) offers specific suggestions for what to do when the lights go out.
- Form IV-I-27 (Checklist for Response Procedures: Medium-to-Large-Scale Disasters), as the name suggests, describes specific steps to take in a disaster that is truly widespread and catastrophic, in contrast to a disaster that damages a localized situs. Specific procedures are included for:
 - Earthquake
 - Wildfire
 - Hurricane
- Form IV-I-28 (Evacuation Planning for Persons with Disabilities) includes instructions for assisting persons with disabilities to get out of harm's way in the event of disaster. For these people, such assistance may make the difference between life and death. Many firms do not have employees with disabilities (although many do), but all firms are subject to receiving periodic visitors with physical limitations requiring help.
- Form IV-I-29 (Sample Evacuation Route) shows an example of a law office evacuation model with simple procedures. Your firm needs its own floor plans, but this example shows you how the evacuation plan can be laid out. Firms whose offices are on more than one floor need plans for each floor, and firms in high-rise office buildings need building evacuation routes as well. Copies of the evacuation route should be distributed to everyone working in the firm and posted at critical locations. Most newer buildings require exits to be well marked, but older buildings and houses may need to make sure that exits are labeled. It is worth noting that many people survived the World Trade Center attacks because they knew and used evacuation plans and prearranged routes.
- Form IV-I-30 (Persons to Summon when a Disaster Occurs) collects in one place the names, office phones, and home phones of key employees, department heads, and others who may or may not be a part of the disaster response team.

- Form IV-I-31 (Notification Calling Procedure) and Form IV-I-32 (Telephone Tree) provide guidance for contacting staff in an emergency. Form IV-I-31 sets out procedures for contacting staff, while Form IV-I-32 is a simple worksheet for setting up a telephone tree for disseminating information and making contacts.
- Form IV-I-33 (Client and Affiliate Notification) lists contact information for key clients to contact after a disaster. Because clients may be affected to the same degree as lawyers, making these contacts may be critical to continuing or re-establishing client service. It may not be feasible to include all clients on this list, but major longstanding clients and clients with special needs and upcoming trials, hearings, or critical dates should be included. Without a consolidated list such as this, the task of reaching clients could prove formidable.
- Form IV-I-34 (Emergency Supply Checklist) includes a list of emergency supplies on hand. See also Form IV-I-13 (Worksheet for Outlining a Disaster Plan) and the accompanying discussion in Chapter 2, page 45. During the disaster, it may not be possible to make a list of emergency supplies, but if these have been identified and collected during the planning phase, a list of the supplies should be available for use in a disaster.

As noted throughout this chapter, emergencies offer little or no time to get organized. Some victims may even have the resources they need to save themselves but are unable to reach them, cannot find them, or do not know they exist. To the extent that information, procedures, supplies, and other resources have been organized in advance and placed in the hands of people who can utilize them, the likelihood that these individuals can mitigate the harmful effects of a disaster is greatly enhanced.

CHAPTER 4

RECOVERING FROM DISASTER

After the immediate crisis of a disaster, the work of picking up the pieces and going forward begins. It is here that advance planning can help to speed up the recovery and minimize the long-term negative effects of the disaster. This chapter addresses the steps that a law firm can take to get back on its feet again. Before starting, look at Form IV-I-35 (Checklist for Getting Back to Work), a document originally developed by the Lawyers' Club of San Francisco that offers a simple post-disaster list of steps for returning your office to normalcy.

In the days following September 11, law firms and other organizations displaced by the terrorist attack were left with the daunting tasks of assessing their losses, bringing systems back up to speed, retrieving records, and resuming services. At the same time, some of their clients were doing the same things, and frequently a part of what these clients needed was legal assistance. As a result, law firms did not have the luxury of rebuilding slowly; they needed to move as quickly as possible. Having taken stock of the situation, the firms that were able to resume work began rebuilding their delivery systems.

During recovery, however, the leaders of a firm have to take stock, assess the situation, gather the resources to go on, and find a way to persevere. In some ways, the struggle at this point is much like the start-up phase of a practice, but in disaster recovery, it is an established firm that has to behave entrepreneurially and strategically. With the immediate risks to life and limb alleviated, the greatest threat to an emerging firm may be the psychological damage left in the wake of the disaster. Some people may require post-traumatic stress counseling; others may need an empathetic ear. Everyone, staff and clients alike, needs to see the leadership of the organization take steps in the right direction and re-instill confidence in the organization.

POST-CRISIS OPTIONS

When the crisis is over, and the immediate threat has passed, the firm moves from disaster response to disaster recovery. In terms of leadership, the situation is different from the crisis management required in the eye of the disaster, where the tactical skills of on-the-spot assessment and instantaneous decision making are critical. The recovery effort depends on whether the firm needs to be or is able to be up and running immediately, or whether it can or is forced to rebuild more slowly. One firm in the World Trade Center was closed for months because its offices and records were totally destroyed.

In the aftermath of Hurricane Isabel in August 2003, a massive influx of water pushed into the Chesapeake Bay by the storm surge caused extensive flooding in the days after the storm itself passed. In Annapolis, Maryland, water levels reached record heights, and many businesses in the low-lying business district were inundated. When the waters receded, some of these businesses mopped up the mud and reopened within days, while others never opened their doors again. The Chart House restaurant, overlooking the water, closed for several months while it underwent an extensive (and some would say much-needed) remodeling. When the updated establishment reopened in 2004, it was more popular than it had been before the flood. The point of this illustration is that either circumstances or affirmative decisions might lead an organization to postpone its reopening, in which case the decision making process can be more strategic and less tactical than in the situation where the goal is to get up and running as soon as possible. Some of the considerations that affect decisions on the timing of reopening are the following:

- Whether or not the firm has sufficient human, physical and information resources to resume its services
- Whether the needs of clients cases are immediate or more long-term
- Whether the firm has access to alternative facilities and support if the primary office is destroyed or nonfunctional
- Whether the firm has sufficient resources to support lawyers and staff during a period where income may be limited or non-existent
- Whether it is an appropriate time to reflect on the future of the practice with an eye toward restructuring to build for the future

Many firms may need to apply a quick fix to get up and running, but others may be able to employ a Chart House approach, reopening their doors only after thinking strategically about the future, restructuring their staff and services, and remodeling or relocating office space. Even if a firm takes a more deliberate path, the lawyers continue to be ethically responsible for the active cases they supervise, so at least some sort of temporary presence is always needed.

As with planning and response, disaster recovery needs to be managed by a responsible person or team (depending on the size, needs, and culture of the firm). The people who are most likely to be successful leading the recovery might well be different from those who planned for or responded to the disaster, although in a small firm they may be the same in all cases. Form IV-I-36 (Recovery Team Roster) contains a worksheet for listing team members and a checklist of actions for the recovery team to address. Some firms may want to assign the recovery team membership in advance, but if some team members are killed, injured, or otherwise unavailable, the advance list may be of little value, so it may be necessary to select the team from the ranks of available personnel after the disaster.

PERSONNEL LOSSES

The death or incapacity of one or more lawyers may or may not be the product of disaster, but for the law firm, the consequences of business interruption are the same. In a multilawyer office, other lawyers are usually in the best position to take over the work of deceased colleagues, although a particular lawyer may have special relationships, expertise, or skills that cannot be easily assumed by others. Staff members as well may possess experience and knowledge that is difficult to replace. Death or disability may deprive the firm of these individuals permanently or for an extended period of time.

POST-TRAUMATIC STRESS COUNSELING

Post-traumatic stress disorder (PTSD) is a documented psychological condition suffered by many if not all victims of serious traumatic events. During a crisis, we all tend to operate on adrenaline and survival instinct, and it is not unusual for individuals to do things they could not imagine themselves doing at other times. When the danger of the moment subsides, our brains and bodies are left to process events in some meaningful ways. Bodily injuries are often easier to spot than psychological ones, and the great mass of medical service delivery focuses on healing the flesh. Yet, PTSD can prove to be debilitating, even among those who are not physically harmed.

Anyone who is directly impacted by the events of a disaster, who in torts parlance is in the zone of danger, will most likely experience some of the symptoms of PTSD: inability to sleep, nightmares, flashbacks, spontaneous crying, difficulty concentrating, short-term memory loss, free-floating anxiety, unfocused anger, and a variety of other similar behaviors. The symptoms may be simply annoying, or they may prevent some sufferers from working or maintaining personal relationships. They may trigger episodes of substance abuse and other high-risk behavior.

Those not directly in harm's way, including friends and family of victims, and those outside the danger zone who contemporaneously experienced the disaster through television and other media may also have problems. Many people who saw the World Trade Center buildings collapse reported at least some PTSD symptoms.

A law firm, as an employer, should take steps to make counseling available to lawyers and support staff—certainly if the firm was directly hit, but also if there is reason to believe the people in the firm might be having difficulties. Sometimes people fall into patterns of denial and need words of encouragement in order to seek assistance.

TRAINING FOR NEW OR TEMPORARY WORKERS

If death, injury, or unavailability due to transportation problems reduces the staff size, the firm may be forced to operate using a skeleton crew. Moreover, it is necessary to fill critical positions as quickly as possible. To this end, the firm should have relationships both with employment agencies and legal headhunters, as well as temporary services. The firm should know how to contact these agencies in an emergency. As a policy matter, staff members should not be permitted to hoard vital information, lest their loss might shut down the firm. In some organizations, employees view such information as job security, but such behavior does nothing to help the firm. Employees should be cross-trained and job descriptions and office procedures should be detailed in the law office staff manual (see discussion above on page 47).

OFFICE SPACE

Over twelve million square feet of office space was lost in the World Trade Center attack, and New York's displaced lawyers established temporary workstations wherever there was space. Much of the discussion about furniture and equipment, books and documents, and art and heirlooms has already been included in Chapter 2. After the disaster comes the tedious work of replacing those things that have been lost. Some things might never be replaced, and in the case of loss of human life, there is no price tag.

The forms in this chapter are designed primarily to allow the firm's recovery team to assess damage in an organized way. Armed with such information, firm leadership can make decisions about how to proceed. These forms include:

- Form IV-I-37 (Disaster Recovery Strategies), developed by Stanford University, includes a short checklist of strategies to employ in the recovery stage, and a matrix inspired by Y2K planning models for attaining business resumption over a five-day period after the disaster.
- Form IV-I-38 (Damage Assessment Reports) includes forms and procedures for reporting damages. These forms should be distributed to everyone in the organization who has damage to report.
- Form IV-I-39 (Damage Assessment) collects the information reported in one place. This information is necessary for insurance reporting and replacement purposes, as well as for assessing the firm's ability to deliver services.
- Form IV-I-40 (FEMA's Standard Checklist for Business Recovery) represents the effort of the Federal Emergency Management Administration (FEMA) to assist businesses affected by disaster. Although it is a generic form, it represents FEMA's collective experience over many years involving hundreds of disasters.
- Form IV-I-41 (Detailed Personnel Impacts) allows staff members and supervisors to record and report about specific personnel losses and overtime hours.
- Form IV-I-42 (Detailed Space Assessment) is a worksheet for identifying specific work area loss and damage.
- Form IV-I-43 (Detailed Equipment Assessment) is a worksheet for identifying specific equipment damage and loss.

- Form IV-I-44 (Sample Right-of-Entry Permit) allows debris removal and other necessary contractors access to your premises in case of serious disaster, in which martial law or curfew may be in force, or where looting or other unauthorized entrance may be at risk. The form gives contractors legal basis to do their work.
- Form IV-I-45 (Media Recovery Procedures) gives you specific instructions, with a list of supplies needed for various forms of information-content storage media, including:
 - Diskettes
 - Film
 - Paper
 - Photographs and transparencies
 - Books
 - Other documents
- Form IV-I-46 (Mail Services) provides information about mail and courier services, which are vital to law firms in delivering legal services. Making contact with these providers after a disaster may be an integral component in reestablishing client service.
- Form IV-I-47 (Media Relations Checklist) provides guidance for law firms and lawyers who may be required to answer questions or make statements to media representatives, clients, families of employees, and others after a disaster. Saying the right thing not only can reduce fears and uncertainty in people's minds, but it can also help restore confidence in the law firm and help to avoid problems that may lead to civil liability.
- Form IV-I-48 (Expense Log) is a worksheet for recording extraordinary expenses associated with disaster recovery. Whether the expenses are relevant for reimbursement purposes, insurance claims, or economic impact analysis, an expense log makes the process of measuring expenses much easier.

Together, these forms can make the recovery go more smoothly, although it would be naïve to suggest that they could eliminate the consequences of disasters or ease the pain of loss. The more quick and organized the recovery effort, the more seamless the transition from emergency to normalcy. A final thought on the recovery process: a disaster may force a firm to reassess its entire business strategy,

and allow the firm to reflect strategically about where it is going. Business as usual may not be possible, and even when the firm finds itself in a position to return to the predisaster status quo, there may be sound reasons not to do so. In this sense, a disaster may be viewed as an impetus to rethink the firm's goals, objectives, services, client mix, and marketing strategy.

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| <p style="text-align: center;">FORM IV-I-3 SETTING UP A DISASTER PREPARATION, PROTECTION, AND RECOVERY PROGRAM FOR YOUR LAW FIRM</p> |
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GOAL: To protect personnel (both staff and clients), vital records such as client files and business data, as well as the physical facilities of the office and equipment from perils that could cause the possible closure, bankruptcy, or failure of the law firm.

I. Listed below are some simple steps that can be followed in preparation of a disaster contingency plan.

A. Assign Program Responsibility

If a contingency plan is ever to be completed, someone must be specifically designated as being responsible for results. The individual must be able to command respect and have available the necessary time to produce results.

B. Conduct a Risk Analysis

One of the first tasks of disaster planning is to conduct a survey of your building and its environment. The objective is to:

1. Identify potential problems that could cause a disaster
2. Identify problems that in the event of a disaster could make matters worse
3. Conduct analysis and classification of problems
4. Select protection method
5. Establish operating procedures
6. Educate staff
7. Test program
8. Constantly monitor and update program

C. Conduct a security analysis

Prior to the establishment of any new system or refurbishing of an old one, it is important to carefully examine and analyze a number of factors and interrelationships, and their impact on the reduction of a security risk.

1. Building type, size, and date of structure

2. Physical features of the building
 - a. Number and use of entrance/exit doors
 - b. Loading docks
 - c. Windows
3. Protection provisions
 - a. Access controlled by guard
 - b. Access controlled by electronic systems
 - c. Security service
 - d. Intrusion detection system
 - e. Automated monitoring and alarm system
4. Vandalism/theft experiences
 - a. Nature of vandalism
 - b. Nature of thefts
 - c. Action taken

The design and sophistication of security measures for any given building will involve many considerations. A significant feature of many of these measures is their deterrent value. If the system has high visibility, in the form of either guards or monitoring devices, the potential thief or vandal may reconsider his/her plans.

II. Disaster Preparedness Planning—Personal Safety

- A. Appoint and train your Emergency Response Team.
- B. Publish Emergency Response procedures for evacuation as part of the firm's office manual.
- C. Maintain a telephone tree in order to contact staff if a disaster occurs after normal working hours. One or two individuals with cellular telephones should agree to allow individuals to call them in case there is no phone service available.
- D. Assign one person to be responsible for assisting anyone on the floor who may need assistance in the event of an emergency.
- E. Educate all staff about Emergency Response responsibilities.
 1. Hold periodic fire drills.
 2. Have fire and police do safety checks and educational presentations.
 3. Contact crisis professionals to assist after any disaster with emotional trauma.
 4. Post appropriate safety notices where needed.

- F. Designate a location outside of the building as a pre-arranged meeting spot in case of evacuation for purposes of doing a head count.

III. Safety and Protection of Building, Equipment, and Data

A. Fire Safety

The majority of fires take place during off-hours when few people are present to sound an alarm or extinguish them while still in their initial stages. It has been reported that better than 70% of all office fires occur between the hours of 9 p.m. and 9 a.m. Thus, these fires happen after most, or all of the law office staff have left for the day. This fact underlies the importance of having an automatic fire detection system.

Either heat or smoke activates fire detectors. A heat detector is preferred because a fire produces heat before any appreciable rise in temperature produces smoke. The best type is the ionization detector that can sense invisible products of combustion even before smoke appears.

In addition to an automatic detection system, ideally the building should have an automatic fire extinguishing system that can put out or limit the spread of fires and eliminate the delays involved in calling the fire department. Regardless of the sophistication of the system used, the fire department should always be called.

B. Fire Safety Procedures

1. Have fire extinguisher, halon and/or any other type of fire suppressor systems professionally serviced on a regular basis.
2. In states where indoor smoking is permitted, restrict smoking to a designated area within the building.
3. Store cleaning solvents or other combustibles in fire-rated cabinets if kept on premises.
4. Ensure that all electrical appliances, coffeepots, computers, etc. are turned off when not in use. Appoint individuals to turn off all equipment before leaving the premises at night. Common-use items such as coffeepots and photocopiers should be on clock timers to automatically turn off during non-standard use times.

C. Fire Evacuation Procedures—Upon discovery of a fire

1. Evacuate personnel out of the immediate area of danger. Use stairwells. Do not use any elevator.
2. Sound the alarm. Go to the nearest fire alarm/pull station and pull the handle (many fires have spread due to delayed alarms). Make sure a designated individual or position is responsible for calling the fire department (911).

3. Extinguish or contain the fire. If the fire is small enough and you have had training in the use of the fire extinguisher and are confident that you can operate it effectively, then and only then should you attempt to extinguish the fire.
4. Confine the fire. If unable to extinguish, confine the fire by closing the door to the fire area and evacuate to the nearest safe exit.

D. When the Fire Alarm Sounds

1. Immediately leave your work area, closing the door behind you.
2. Go to the nearest exit or stairwell and proceed to the outside. **DO NOT USE THE ELEVATOR.**
3. If the exit or stairwell is blocked due to heat or smoke, use an alternate exit.
4. If you are caught in smoke, crawl. Fresher air is nearer the floor.
5. Have a designated meeting place to insure everyone is out.
6. Remember: A fire can be lethal. Get out and stay out. Never go back inside until the Fire Department gives an all clear.

IMPORTANT FACTS ALL EMPLOYEES SHOULD KNOW

- LOCATION OF FIRE ALARMS
- LOCATIONS AND TYPE OF FIRE EXTINGUISHERS
- EXITS AND EVACUATION ROUTES

Fight a fire only if all of the following are true:

- Everyone is evacuated from the immediate area of danger.
- The Fire Department has been called.
- The fire is small and confined to the immediate area where it started (wastebasket, cushions, etc.).
- You can fight the fire with your back to a safe escape route.
- Your extinguisher is rated for the type of fire you are fighting and is in good working order.
- You have had training in the use of the fire extinguisher and are confident that you can operate it effectively.
- If you have the slightest doubt about whether or not to fight the fire—don't. Instead, get out, closing the door behind you.

Procedure for usage of a fire extinguisher

Hold upright and remember the acronym P.A.S.S.

P - Pull the pin

A - Aim the nozzle

S - Squeeze the handle

S - Sweep at the base of the fire

IV. Basic Security and Safety

Personal safety

The refrain “it can’t happen here” has a hollow ring to those who may have seen how a chance accident or minor oversight had catastrophic consequences. An Emergency Response Plan, therefore, must not only outline how a disaster is to be prevented, but also how, if one arises, its impact can be contained and minimized.

- A. Clearly mark staff-only areas as closed to the public.
- B. Escort visitors in non-public access areas.
- C. Ensure that a staff member is always present in the Reception area.
- D. Be aware that terminated employees may pose security risks. Ensure that terminated employees turn in all relevant identification and keys before leaving.
- E. Ensure that all outside windows, doors, loading docks or other entry points are secure.
- F. Ensure that all access control systems, intrusion detectors and automated alarm systems are maintained on a regular basis.
- G. Establish procedures that will be followed in the event of theft and vandalism.
- H. Ensure that all staff and outside service employees are aware of the firm’s security systems.
- I. Ensure that all employees have a place to lock any valuable possessions, e.g., purses, lap-top computers, etc.
- J. Ensure that employees who work overtime or late nights are escorted to their vehicle or driven home in a taxi.
- K. Do not lock or block access to any exit door.
- L. Maintain an appropriate sized and stocked first aid kit.

V. Water Leak and Flood Prevention Checklist

- A. Avoid below ground storage. When flooding occurs, water seeks the lowest level.
- B. Avoid storage in an area through which water or sewage pipes pass.
- C. Have the water sprinkler system checked periodically.
- D. Inspect the roof regularly for leaks, especially in the case of flat roofs.
- E. Store more valuable materials on upper shelves or upper floors.
- F. Action to be taken in the event of a flood:
 - 1. Determine the location and cause of the flooding.
 - 2. Call immediately all persons who can help to stop the flood or water break and minimize its damage.
 - 3. Contact the Emergency Response Coordinator.
 - 4. Make sure all electrical circuits in the affected area are turned off. No one should walk through any water until the electrician has been called in and has pronounced the area safe.
 - 5. When safe to do so, remove the contents from the affected area in order of priority.

VI. Bomb Threat Guidelines

The importance of keeping calm and obtaining as much information as possible in a bomb threat situation is crucial. The importance of not touching any suspicious package or article cannot be stressed too much. Explosive devices may appear in a recognizable form, or they may be very sophisticated, designed to not be easily discernible.

VII. Emergency Response Plan Coordinator

The responsibility for the overall allocation of resources and decision-making rests with the coordinator. This individual alone must have the authority to select and implement courses of action. The disaster plan must, of course, provide for alternate coordinators should the Emergency Response Coordinator be unavailable.

Advance preparation

- A. Assembles team members to design and implement disaster plan.
 - 1. Decides on mustering place
 - 2. Issues authorized permit badges

3. Obtains necessary local permission for re-entry
 4. Relays decisions to team members and other personnel
 5. Contacts outside agencies for assistance
- B. Prepares a disaster action plan.
1. Organizes charts
 2. Establishes “hotline” or nerve center
 3. Assembles communication teams
 4. Create procedures for securing office space
 5. Arranges alternative work area
 6. Assigns individual responsibilities
- C. Duplicates and maintains off-site personnel records, including.
1. Employee names, addresses, phone numbers, hospitals
 2. Back-up copies of computerized personnel, payroll histories, etc.
- D. Assembles copies of insurance policies, claim forms
- E. Communicates policies regarding office closure, paid time off, cash advances, alternate work assignments or hours, etc.
- F. Establishes disaster preparedness and re-entry procedures.
- G. Educates personnel concerning disaster procedures and policies.

VIII. Disaster Supply and Equipment Checklist

Some of the supplies may be stored on-site in emergency storage. However, an on-site depot will be of little use if the disaster renders it inaccessible. For this reason, some supplies ought to be stored off-site as well.

- A. Tarpaulins and plastic sheeting to protect materials from water, to insulate windows and to cover tables during salvage operations.
- B. Interlocking plastic crates to pack materials in. Cardboard cartons may be used although moisture from the materials will weaken the cardboard.
- C. Fans and dehumidifiers to promote drying of the materials and reconditioning of the environment.
- D. Pumps to remove water.

- E. Generators to power equipment such as emergency lights, air conditioners, fans, etc.
- F. Wet and dry vacuum cleaners to clean up mud and debris.
- G. Waterproof and grounded heavy duty extension cords.
- H. Washing tanks or large plastic garbage containers.
- I. Sponges, brushes, and hoses to wash materials.
- J. Wheeled carts to move materials.
- K. Absorbent paper such as blank newsprint to absorb moisture.
- L. Freezer paper and/or wax paper to keep items from adhering to each other in a freezer.
- M. Mobile telephones or portable radios to coordinate the disaster team.
- N. Portable battery-operated radios.
- O. Petty cash—ATMs may not operate for some time.
- P. Emergency water and food supplies.
- Q. Wet weather clothing such as boots, hats, gloves, etc.
- R. Toiletries.

IX. Essential Items Needed for Any Emergency

Information the Emergency Response Coordinator should have available at all times at work as well as at home.

- A. Your office disaster plan
- B. Employee telephone numbers, addresses
- C. Building management key personnel phone numbers (work and home)
- D. Vendor contact list
- E. Petty cash
- F. Copies of insurance policies and information regarding coverage
- G. Office lease
- H. Client contact information
- I. Floor plans

- J. Master docket/calendar for firm
- K. Client file index and offsite storage index
- L. Safe deposit keys
- M. Banking account numbers
- N. Clerk of Courts and key Court personnel contact information

X. Initial Responses to a Disaster

The plan should provide guidelines to the recovery of the operation and include provisions for any type of disaster ranging from water to fire or contaminants.

- A. Determine that the disaster is over and the possibility of further danger to personnel from such objects as falling materials, loose wires, running water, or toxic gases has been eliminated.
- B. Begin assessment of the damage as soon as authorities allow. Ensure that all metal cabinets or other containers that are to be opened are not hot. If fire was involved, flash fires may occur upon opening a warm cabinet. If electricity has been restored, extreme caution may be necessary in wet or damp conditions.
- C. Contact the building owner/management and/or insurance company representative regarding steps to be taken to mitigate damage and obtain authorization for immediate salvage and repairs.

XI. Assessment Procedures

- A. Priorities must be assigned to the firm's records so that materials may be protected from further damage. The assessment of priorities will separate those files that are of critical importance or are salvageable from those that must wait.
- B. Assemble the Emergency Recovery Team as soon as possible to begin the recovery operation. Freezing, if available, is the most convenient method of preserving documents until an orderly assessment or restore operation can be undertaken.
- C. A color coded system can be used to designate the status of materials that should be frozen or restored according to degree of importance, as follows:
 - 1. Beyond hope of recovery
 - 2. To be restored first and of greatest importance
 - 3. To be frozen for recovery as soon as conditions permit
 - 4. To be frozen and restored only if needed
 - 5. Undamaged and useable immediately

- D. Destruction documentation should be cataloged for any materials destroyed. This log may be needed for insurance or legal considerations. The documentation should indicate what was beyond recovery and why.
- E. Restore working conditions. Hidden water damage may not show up immediately. Mold and mildew are the results of hidden water damage and when found should result in additional disinfectant steps being taken.

XII. Forewarned Disaster Planning

Disasters are not always unforeseen. In the event of a hurricane, nature flooding, fire in a nearby building, or civil disorder, the Emergency Response Team may have time to take precautionary measures. In all cases, however, the safe evacuation of all personnel must be the first consideration.

Forewarning checklist:

- A. Alert the Emergency Response Coordinator.
- B. Close off master electrical switches.
- C. Turn off gas.
- D. Move valuables to a “safe room” on the interior of the building, or if possible to a safe place outside.
- E. Cover valuable materials that cannot be moved with heavy grade plastic and wrap them securely.
- F. Secure loose objects and move them away from windows or glassed-in areas.
- G. Keep materials off the floor.
- H. Back up and take with you as much computer data as time permits.
- I. Re-check supplies purchased for coping with disasters as outlined in the firm’s disaster contingency plan.
- J. Don’t forget to take the plan with you when you depart.
- L. Tape windows to reduce danger of flying glass.
- M. Close the doors to all rooms.
- N. Listen to a radio or television for instructions.

XIII. Post-Disaster Priorities

- A. Listen to a battery operated radio for instructions.
- B. Notify the fire department if any fires have broken out.

- C. Assist those who have been injured by falling debris, glass, smoke, etc.
- D. Evacuate the building if safe to do so. Do not re-enter until the building has been declared structurally sound by the safety department.
- E. Do NOT use the telephone, except in a real emergency. The lines should be kept free for government rescue operations.
- F. Check for broken water pipes, shorted electrical circuits, or leaking fuel. Do not use a match or candle to find your way, since there may be flammable gas in the air. Shut off utilities at main valves or meter boxes. Turn off all equipment.
- G. Ensure that sewage lines are working before running water or flushing toilets.
- H. Institute security measures to take the place of any automatic security systems.

XIV. Power Failure

Power failures are generally without warning. Interruptions may occur during summer thunderstorms or from accidents to nearby transformers. If the power failure appears to be of short duration, little will need to be done beyond protecting sensitive equipment by turning it off. All computer equipment should be protected by having surge protectors and uninterruptable power sources. If these are unavailable, frequent back-ups are crucial.

Power outage checklist

- A. Check to see if anyone is trapped in elevators stopped between floors. Contact the fire department or the building superintendent to free any trapped people.
- B. Notify the electric utility. Telephone lines will probably still be operational.
- C. Check to see if neighboring buildings are affected.
- D. Institute security measures to take the place of any automatic security systems unless they are battery operated.

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| <p style="text-align: center;">FORM IV-I-35 CHECKLIST FOR GETTING BACK TO WORK</p> |
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Checklist for Premises

- Assign one person to maintain contact with
 - Building management
 - Fire Department
 - Police Department
 - Health Department
 - Other relevant government agencies
- Assign one person to make arrangements with
 - Local electric power company
 - Water department
 - Local and long distant telephone company
 - Post Office
 - Computer vendor
 - Other vital services
- Make arrangements for security of premises
- If access is restricted for a long time, arrange removal of essential documents and equipment

Contact with Firm Personnel

- Assign one person to maintain contact with firm personnel
- Install telephone answering device at a designated number to allow personnel to receive status reports regarding the situation

Contact with Clients and Third Parties

- Coordinate contact with each client
 - Assure them re situation
 - Inform them how to contact firm
 - Advise of any relocation
- Coordinate contacts with courts and agencies where there are matters pending
 - Arrange continuances and extensions
 - Obtain copies of destroyed documents

This form is adapted from *When Disaster Strikes: How to Handle Law Office Emergencies*,
American Bar Association (1980).

-
- Coordinate contacts with other counsel
 - Arrange continuances and extensions
 - Obtain copies of destroyed documents
 - Arrange for one person to contact vendors and others with whom the firm does business

File Reconstruction and Calendar Matters

- Pre-occurrence planning essential so that copies of vital client records and firm business records are maintained off premises.
- Assign one person to coordinate the reconstruction of client files and calendar from firm sources, court records, other counsel, and clients.
- Assign one person to coordinate the reconstruction of firm business records and financial data
- Assess damage, if any, to computer database; assign one person to coordinate reconstruction with vendor

Insurance and Financial Resources

- Assign one person to coordinate with insurance carrier
- Meet with banker to assess financial impact and arrange credit

Relocation of Office and Replacement of Equipment

- Arrange telephone service
- Arrange mail delivery or pick-up
- Temporary relocation
 - Branch office
 - Other law firm
 - Short term rental
- Additional equipment and furniture may be needed
- Arrange library access
- Send announcements re temporary location if duration warrants
- Notify State Bar

Restoration of and Return to Original Premises

- Review lease re continuing obligations
- Consider claims
 - Under your insurance
 - Under building's insurance
 - Other

Forms and Checklists

| | |
|--|-----|
| Form IV-I-1—Disaster Recovery Plan Outline | 85 |
| Form IV-I-2—Assessment of Potential Disasters | 86 |
| Form IV-I-3—Setting Up a Disaster Preparation, Protection, and Recovery Program for Your Law Firm | 87 |
| Form IV-I-4—Vulnerability Analysis and Hazard Assessment Worksheet | 98 |
| Form IV-I-5—Disaster Planning Team Roster | 99 |
| Form IV-I-6—Assumptions, Purpose, and Objectives | 100 |
| Form IV-I-7—Critical Functions | 101 |
| Form IV-I-8—Business Impact Analysis | 102 |
| Form IV-I-9—Crucial Forms | 103 |
| Form IV-I-10—Critical Documents | 104 |
| Form IV-I-11—Inspection Checklist | 105 |
| Form IV-I-12—Vaults, Keys, and Combinations | 111 |
| Form IV-I-13—Worksheet for Outlining a Disaster Plan | 113 |
| Form IV-I-14—Workspace Requirements | 123 |
| Form IV-I-15—Computer Systems | 124 |
| Form IV-I-16—Vendor List | 126 |
| Form IV-I-17—Insurance Information | 127 |

| | |
|--|-----|
| Form IV-I-18—Prevention/Mitigation Tasks | 128 |
| Form IV-I-19—Property Inventory | 129 |
| Form IV-I-20—Emergency Response Team Roster | 131 |
| Form IV-I-21—Emergency Numbers | 134 |
| Form IV-I-22—Summary of Emergency Procedures | 135 |
| Form IV-I-23—Bomb Threat Report Form | 136 |
| Form IV-I-24—Biological Threats Received by Mail | 137 |
| Form IV-I-25—Guidelines for Handling Mail | 139 |
| Form IV-I-26—Emergency Guidelines for a Power Outage | 140 |
| Form IV-I-27—Checklist for Response Procedures: Medium-to-Large-Scale Disasters | 142 |
| Form IV-I-28—Evacuation Planning for Persons with Disabilities | 154 |
| Form IV-I-29—Sample Evacuation Route | 156 |
| Form IV-I-30—Persons to Summon when a Disaster Occurs | 157 |
| Form IV-I-31—Notification Calling Procedure | 158 |
| Form IV-I-32—Telephone Tree | 159 |
| Form IV-I-33—Client and Affiliate Notification | 160 |
| Form IV-I-34—Emergency Supply Checklist | 161 |
| Form IV-I-35—Checklist for Getting Back to Work | 162 |
| Form IV-I-36—Recovery Team Roster | 164 |
| Form IV-I-37—Disaster Recovery Strategies | 165 |
| Form IV-I-38—Damage Assessment Reports | 167 |
| Form IV-I-39—Damage Assessment | 170 |
| Form IV-I-40—FEMA’s Standard Checklist for Business Recovery | 171 |
| Form IV-I-41—Detailed Personnel Impacts | 175 |
| Form IV-I-42—Detailed Space Assessment | 176 |
| Form IV-I-43—Detailed Equipment Assessment | 177 |
| Form IV-I-44—Sample Right-of-Entry Permit | 178 |
| Form IV-I-45—Media Recovery Procedures | 179 |
| Form IV-I-46—Mail Services | 189 |
| Form IV-I-47—Media Relations Checklist | 190 |
| Form IV-I-48—Expense Log | 191 |
| Form IV-I-49—Checklist for Volunteer Command Post | 192 |
| Form IV-I-50—Community Resources | 194 |
| Form IV-I-51—Supplemental Personnel | 195 |

| | |
|-----------|-----|
| Resources | 199 |
|-----------|-----|