

Surviving a Disaster

Guide to Disaster Planning for Bar Associations

[INSERT NAME] BAR
ASSOCIATION
BUSINESS CONTINUITY
PLAN

Updated [INSERT DATE]

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Prepared on behalf of the American Bar Association's
Special Committee on Disaster Response and Preparedness by:



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FOREWORD

As one who lived through Hurricane Katrina, I know firsthand the destructive power of nature and its impact on home, family and business. And as a former Louisiana State Bar Association President, I know how critical it is for the bar to prepare for disasters so that its staff are safe, its members served, and the community supported.

Yet notwithstanding overwhelming evidence to the contrary, too many people believe it can't happen here. But if hurricanes in Vermont and earthquakes in Washington DC don't debunk that notion, nothing will. And even if the chances are small, the consequences to the Bar Association can be great if a tornado or other devastating disaster strikes. Will you know how to communicate with your staff and members, keep essential services operating – including lawyer referral and pro bono programs to assist local survivors of the disaster - assure the integrity of your member records and other vital documents, having adequate insurance, and, in general keep the business of the bar going?

And even if you live in a bubble, protected from all natural disasters, trouble lurks ahead. The local power outage that puts you off line for a day, the flu that keeps your support staff home to take care of family for a week, a fire in your building that makes it unsafe for occupancy, and other non-natural, sometimes accidental, disasters must be anticipated.

Too many businesses, including bar associations, have not taken the time to adequately prepare for a disaster. While most of you have bits and pieces of a plan in place, such as emergency evacuation procedures, phone trees, and data backup services, a comprehensive plan may be lacking. Such a plan is adaptable to any kind of hazard, regularly updated, and widely communicated to staff and member leaders. While there are many excellent on-line resources to aid businesses, this Guide was developed especially for state, local, and specialty bar associations. This Guide contains information that I hope you will never have to use. But if disaster strikes, it can make a huge difference in helping to determine the future of your association.

Sincerely,

David F. Bienvenu

Chair

ABA Special Committee on Disaster Response and Preparedness

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ACKNOWLEDGMENT

The mission of the ABA Special Committee on Disaster Response and Preparedness is to promote and assist lawyers, law firms, bar associations and the justice system prepare for and respond to disasters; to assist lawyers, as needed, recover from disaster; and to ensure that the rule of law is respected and protected in times of major disasters.

The Committee would like to thank the bar associations who shared information and, in many cases, copies of their Business Continuity/Disaster Management Plans, in support of this project.

For more information about the resources the ABA provides to help attorneys prepare their legal practice for a disaster, or to contact us directly, we invite you to visit the Committee's Webpage, www.americanbar.org/disaster.

ABOUT THIS TEMPLATE

At the request of the American Bar Association's Special Committee on Disaster Response and Preparedness, the University of Maryland Center for Health and Homeland Security (CHHS) created this template for state bar associations to draft Business Continuity Plans (BC Plans) to assist them in continuing performance of their essential functions during a disaster or emergency.

Business Continuity Planning is crucial to ensure the continuity of essential organizational functions after a disaster. By preparing in advance for potential emergencies, bar association leaders, employees, and volunteers can help the organization to ensure quick decision-making during an emergency and facilitate continued performance of essential functions during and after a disaster or emergency occurs. This, in turn, will help bar associations to continue serving their members and, in many cases, to provide additional services that may be required following a disaster or emergency, such as attorney referrals for the public and continued provision of pro bono legal assistance programs.

Frequently, lessons learned from real disasters provide the best information for bar associations and other organizations to enhance their own emergency preparedness efforts. By reviewing the issues that were encountered in a real disaster, and the ways in which they were addressed, bar associations can stay one step ahead of the next big emergency. Super Storm Sandy provides one such example. After Sandy rolled ashore and devastated the East Coast, and New York and New Jersey especially, many local bar associations took action to begin responding to the emergency situations created by the storm. We have included an article (Appendix J) that summarizes how bar associations used their emergency plans to not only continue functioning at an organizational level, but also to provide much-needed services to the surrounding communities.

USING THIS TEMPLATE

A Business Continuity Plan is most effective and useful when it is highly tailored to the needs of the organization in question; as such, this template is intended to provide a general framework for state bar associations to draft their own BC Plans, but is designed to be tailored in any number of ways to the needs of each bar association. Individuals using this template for their organization's BC Plan should add and delete sections, charts, appendices, and other information as necessary to customize the Plan to meet their bar association's needs.

The following guidance for drafting is found throughout this template:

[____] Whenever bracketed words are found in the template, an appropriate reference, such as the name of the state or other information, should be inserted.

DRAFTING TIP:

Gray text boxes with "DRAFTING TIP" have been inserted throughout the template. These text boxes provide general guidance and recommendations on the types of information that should be included in each section where such text boxes appear. After each section is drafted, these text boxes should be deleted from the Plan.

NOTICE OF PLAN SECURITY AND DISTRIBUTION

DRAFTING TIP: Bar Associations may wish to consider including a notice from their President or another top official that includes requirements for maintaining plan confidentiality and limiting distribution of the BC Plan. A sample notice is below.

FROM: [Name of sender of security notice letter]
TO: All [Name] Bar Association Personnel and Representatives
DATE: [Month/Day/Year]
SUBJECT: [Name] Bar Association Business Continuity Plan

I hereby authorize the use of the following Business Continuity Plan as the operational plan for responding to emergencies within the [Name] Bar Association. The information contained in this document is **confidential**. The disclosure of some or all of the information in this plan could compromise the safety and/or privacy of [Name] Bar Association personnel and volunteers, and the security of the [Name] Bar Association's essential services, records, equipment, and systems. Therefore, **disclosure to unauthorized individuals is strictly prohibited**.

The contents are not to be disclosed, in whole or in part, without the consent of myself or the applicable Incident Commander during an emergency. This document contains personal and sensitive information and its use is for emergency preparedness, response, and recovery purposes **ONLY**.

RECORD OF CHANGES

Note: Complete a copy of this form as a record of changes made to the Business Continuity Plan. Revisions and updates to the plan should be made as necessary, and at least once per quarter (four times per year).

| Nature of Change | Date of Change | Page(s) Affected | Changes Made by (Print Name) | Signature |
|-------------------------|-----------------------|-------------------------|-------------------------------------|------------------|
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INTRODUCTION

DRAFTING TIP: Bar Associations may wish to consider including information about their Business Continuity Plan's purpose, goals, applicability and scope, etc. Sample language for each section, as well as recommendations for proposed content, are provided below.

Purpose

This Business Continuity Plan (hereinafter, "BC Plan" or "Plan") for the [Name] Bar Association presents a framework of operational policies, procedures, and organizational structures to assure continued functionality of essential services across a wide range of potential emergency situations that may cause significant disruption of the functioning of the [Name] Bar Association. In an emergency, it is important to remember that **human safety is always the highest priority**.

This Plan is an "all hazards" plan, meaning that it is designed to allow the [Name] Bar Association to continue its essential functions after any type of emergency, large or small. The key purposes of this Plan are to:

1. Protect human life and minimize injury, loss of life, and property damage
2. Protect Bar Association facilities, equipment, and other assets
3. Rapidly recover and/or maintain essential operations during and after an emergency
4. Identify and designate BC personnel and volunteers responsible for implementing the Plan's policies, procedures, and essential operations before, during, and after an emergency
5. Achieve a timely and orderly recovery from the emergency and resume full operations in an organized manner

This Plan utilizes the Incident Command System (ICS) model,¹ has been developed in accordance with appropriate laws, regulations, and policies that govern emergency preparedness and response, and reflects current best practices guidance in this area. As such, it is subordinate to any federal, state, or local plan that may be implemented during a disaster by governmental authorities and assumes that Bar Association personnel will cooperate fully with local and state emergency management agencies, first responders, and law enforcement officials.

Applicability and Scope

This Business Continuity Plan is an organizational-level plan that establishes priorities for continuity of the [Name] Bar Association's essential services during and after a disaster. While this plan is the official emergency response plan of the [Name] Bar Association, nothing in this plan shall be construed in a manner that limits the use of common sense and individual good judgment in matters not originally anticipated or covered by the Plan.

¹ For more information on the Incident Command System, see Appendix C.

Provisions of this Plan are applicable to all operations, personnel, and volunteers within the [Name] Bar Association. This Plan is intended to be fully or partially activated whenever any personnel, volunteers, facility, or function are affected or threatened by a disaster or emergency that could impact operations. This BC Plan provides for resuming operational capability within 12 hours and sustaining essential operations for a period of at least 14 days. It also addresses issues related to recovery after BC Plan activation and provides detailed Plan maintenance procedures.

Concept of Operations

This Plan assumes five basic scenarios that may cause a disruption to normal [Name] Bar Association operations. The scenarios include:

| Scenario Type | Examples |
|---|---|
| <p>Level 1: The Bar Association is responding to disasters in other areas that do not involve damage to or destruction of any portion of its primary facility.</p> | <p><i>Intrastate emergency:</i> An emergency in another part of the state causes courts, law firms, and local bar associations in that area to require assistance from the [Name] Bar Association, but does not impact the Association’s main facility.</p> |
| <p>Level 2: Operations are interrupted temporarily in some offices, but the Bar Association as a whole continues to function at the primary facility.</p> | <p><i>Plumbing Emergency:</i> Broken pipes disrupt water flow to some restrooms and cause water damage in part of the Bar Association’s primary facility.</p> |
| <p>Level 3: An event affects the entire Bar Association facility, requiring office functions to be transferred to an alternate site.</p> | <p><i>Building Fire:</i> A fire burns a section of the building, causing smoke and water damage throughout the facility.</p> |
| <p>Level 4: A local area event occurs that requires office functions to be transferred to an alternate site outside of the local area.</p> | <p><i>Hurricane:</i> A large hurricane causes widespread damage to the Bar Association’s building and to facilities throughout the local area.</p> |
| <p>Level 5: An event occurs that poses an urgent threat to the public’s health that may require, in coordination with the local Health Department, social distancing procedures to be implemented and/or require operations to be moved to an alternate facility, in some cases.</p> | <p><i>Public Health Emergency/Pandemic:</i> A pandemic influenza spreads rapidly through the region and needs to be contained promptly.</p> |

Upon notification of an emergency, the Incident Commander (or designated alternate) will implement emergency operations by activating the Bar Association’s Emergency Management Team, evaluate the situation, and activate the necessary protocols using the guidelines set forth in the Plan.

Planning Assumptions

DRAFTING TIP: Bar Associations should include assumptions that are specifically applicable to their organization and activation of its BC plan during emergencies. Any assumptions that will generally apply during an emergency should be included in this section. Sample language is included below.

- Activation of the BC Plan may be required at any time – during business or non-business hours, on weekends or holidays, with little notice or some advance notice.
- A wide range of events could potentially disrupt the ability of the Bar Association to deliver its services or a portion of its services. Such events could impact facilities, technology, and/or staff and volunteers, and may render the facility unusable or inaccessible, make technology inoperable, and cause staff and volunteers to be unavailable.
- The succession of events in an emergency is not generally predictable; therefore, the BC Plan should serve as a guide for response but may need modifications in order to meet the requirements of the emergency.
- Personnel and volunteers who have been assigned to carry out specific responsibilities within the BC Plan (“BC Personnel”) are willing and able to carry out those responsibilities.
- Personnel and volunteers will be provided with adequate training on their respective roles **before** an emergency event requiring activation of the BC Plan occurs.
- The BC Plan will be accessible at all times and in all primary and alternate facilities.
- Depending upon the type and severity of the emergency, certain identifiable functions may not be essential to the emergency operations of the Bar Association and can be suspended without harm to personnel, volunteers, members, or the public during the emergency activation period.

Key Roles of the Emergency Management Team (EMT)

The Emergency Management Team’s primary focus is to maintain the [Name] Bar Association’s BC Plan and other emergency plans and to coordinate with appropriate federal, state, and local officials during an emergency in order to preserve life, protect property, and maintain and/or resume the Association’s essential functions during and after an emergency.

This BC Plan utilizes the Incident Command System model for emergency response. An overview of the key ICS roles and responsibilities is below. Please note that, depending upon the Bar Association’s needs, the responsibilities for each role may be carried out by an individual or by a team of individuals, as necessary, to ensure an appropriate response. Additionally, because of the unique role of volunteers in leading State Bar Associations and in assisting with performance of many of the Bar Association’s most important functions, these roles should be assigned to both Bar Association employees and volunteer leaders and other volunteers whose

expertise and authority within the Association qualifies them as the best possible candidates to help guide its activities during and after an emergency.

OVERVIEW OF ICS ROLES DURING ACTIVATION OF THE BUSINESS CONTINUITY PLAN

| | |
|---|--|
| Incident Commander | Assumes command and has overall authority and responsibility for conducting the Bar Association’s emergency response and managing all BC operations. |
| Public Information Officer (PIO) | Coordinates the flow of information internally between the Incident Commander, staff members, and volunteers, and externally with outside organizations, the media, and the public. |
| Finance/Administration Officer | Conducts all accounting, procurement, human resources, and fiscal functions and keeps appropriate records pertaining to these functions during the emergency. |
| Operations Officer | Develops a tactical organizational plan and prioritizes use of resources, personnel, and volunteers to carry out the emergency response. |
| Logistics Officer | Provides facilities, services, and materials to support the Bar Association’s emergency response. Assesses the status of building structure, protection systems, and property involved in the incident and ensures the relocation of personnel, volunteers, equipment, and records to an alternate facility, as necessary. |
| Planning Officer | Develops the incident action plan to prioritize and accomplish the response objectives established by the Incident Commander. |
| Safety Officer | Ensures the safety of all those within the Bar Association’s facility and works with local law enforcement and Emergency Management Teams. |

*DRAFTING TIP: In addition to the ICS roles listed above, the Bar Association may also wish to include an **Information Technology Recovery Team**, which is responsible for the operational recovery of all technology, telecommunications, and major business systems.*

How to Use This Plan

This Plan includes sections detailing the primary policies and procedures that can be utilized by the [Name] Bar Association to prepare for and respond to an emergency, followed by Appendices that offer helpful resources, such as incident management forms, guidance for dealing with the media, recommendations for hazard-specific responses, etc.

This BC Plan is a living document; therefore, staff and/or volunteers must perform routine maintenance on it in order to keep it current and effective during an actual emergency.

OVERVIEW OF THE [NAME] BAR ASSOCIATION

Background and History

DRAFTING TIP: In this section, Bar Associations should consider including a brief history of their organization, including its date of origin, major milestones, primary responsibilities, honors and awards received, etc.

Mission Statement

DRAFTING TIP: In this section, Bar Associations should consider including their organization's mission statement or other relevant information related to the Association's primary focus for operations.

Goals and Objectives

DRAFTING TIP: In this section, Bar Associations should consider including their organization's primary goals and objectives, particularly those goals and objectives that are most significantly supported by the Association's essential functions.

Organizational Structure and Governance

DRAFTING TIP: In this section, Bar Associations should consider including information about the organizational structure and/or governance of their Association, including information about the Association's key governing officials or governing bodies, how major decisions are made, how volunteers are incorporated into the governance structure and assist with operations, etc.

Key Responsibilities

DRAFTING TIP: In this section, Bar Associations should consider including information about the Association's primary initiatives, major responsibilities, and significant services provided to members and the public, particularly those that are strongly supported by its essential functions.

ALERT AND NOTIFICATION

Communications

During an emergency, the [Name] Bar Association will need to coordinate the flow of information, both internally within the Association and its employees and volunteers, and externally to members, stakeholders, the media, and the public. The Association should focus on the following objectives when determining its communications strategies:

- Provide up-to-date information about the impact of the emergency on the Bar Association's operations to Association members; federal, state, county, and city governmental agencies; external stakeholders; the media; and the public.
- Provide current information on revised or amended office processes and procedures. Inform the public and external stakeholders, when necessary.
- Respond to rumors with accurate information.
- Ensure that both internal and external communications systems are interoperable (when possible) and redundant.

DRAFTING TIP: Bar Associations should tailor the above objectives to include those that are the most relevant to their organization's needs, purpose, and objectives.

The framework for the [Name] Bar Association's Communications strategy is below.

Roles and Points of Contact for Communication

DRAFTING TIP: Bar Associations should strongly consider designating a Public Information Officer (PIO) to serve as the Association's single point of contact responsible for disseminating information to the Emergency Management Team, employees, volunteers, members, external stakeholders, and the media.

Depending upon the size of the Bar Association, organizations may choose to designate a Communications Team to coordinate with the PIO to handle communications during and after an emergency.

Information about the Bar Association's primary Points of Contact and responsibilities for communications should be included in this section.

Notification

This section provides an overview of how individuals within the Bar Association (including Bar Association leaders, employees, and volunteers), and external parties, including Association members, stakeholders, the media, and the public, will be notified of an emergency incident requiring activation of the Association's BC plan.

DRAFTING TIP: In this section, Bar Associations should include information about how they will alert the following key groups of an emergency affecting the Bar Association's operations:

- *Bar Association leadership*
- *Bar Association personnel and volunteers*
- *Bar Association members*
- *Key stakeholders (i.e. courts, government agencies, etc.)*
- *Media*
- *Public*

The Bar Association should consider notification of these groups through a variety of means, including : Bar Association website, the Bar Association's Intranet, email/list-servs, recorded messages on the Bar Association's main phone line, recorded messages on a hotline set up by the Association during the emergency, phone trees, text messages, and public announcements through various media outlets.

For each group that needs to be notified, the Bar Association should designate in the Plan which types of communication methods will be used to notify each group and state the priority of use of each form (i.e. if employees and/or volunteers should first look for announcements regarding emergencies on the Bar Association's website, or should call the Bar Association's main line for information about emergency operations, this should be stated in the "Employees and Volunteers" section of this "Notification" section so employees and volunteers know where to look first, second, third, etc, for information regarding emergencies affecting the Bar Association.)

Emergency Communications Equipment

During an emergency requiring activation of the Bar Association's BC Plan, communications may not be possible through regular means (land line phone, cell phone, email, etc.) and emergency communications equipment – such as radios and satellite phones – may be necessary in order to notify appropriate individuals and groups. Emergency communications equipment should be interoperable and redundant.

The [Name] Bar Association maintains the following emergency communications equipment:

EMERGENCY COMMUNICATIONS EQUIPMENT

| Device | Assigned to (Name/Position) | Location of Device | Agency Compatibility | Phone Number/Channel |
|--------|--------------------------------|-----------------------|-------------------------|-------------------------|
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Contact Information

The following sections contain contact information for various individuals and groups that may need to be contacted during an emergency requiring activation of the Bar Association’s BC Plan. Contact information should be updated as necessary, and at least once per quarter (four times/year) to ensure that it is always current.

DRAFTING TIP: Sample charts for contact information are included on the next five pages. Bar Associations should either tailor these charts to their organization’s needs or create charts containing all relevant information.

For the “Stakeholders” chart, Bar Associations should consider including any organization with which they coordinate frequently, including the courts, first responders, government agencies, emergency management agencies, etc.

CONTACT INFORMATION FOR BAR ASSOCIATION OFFICERS AND/OR BOARD MEMBERS

| Title | Name | Office Contact Information | Home Contact Information | Emergency Contact Information | Emergency Contact Information |
|--------------|-------------|---------------------------------------|--------------------------------------|--|--|
| | | Address: Phone: Cell: Email: | Address: Phone: Cell: Email | Contact 1: Phone: Cell: Email: Relationship: | Contact 2: Phone: Cell: Email: Relationship: |
| | | Address: Phone: Cell: Email: | Address: Phone: Cell: Email | Contact 1: Phone: Cell: Email: Relationship: | Contact 2: Phone: Cell: Email: Relationship: |
| | | Address: Phone: Cell: Email: | Address: Phone: Cell: Email | Contact 1: Phone: Cell: Email: Relationship: | Contact 2: Phone: Cell: Email: Relationship: |
| | | Address: Phone: Cell: Email: | Address: Phone: Cell: Email | Contact 1: Phone: Cell: Email: Relationship: | Contact 2: Phone: Cell: Email: Relationship: |
| | | Address: Phone: Cell: Email: | Address: Phone: Cell: Email | Contact 1: Phone: Cell: Email: Relationship: | Contact 2: Phone: Cell: Email: Relationship: |
| | | Address: Phone: Cell: Email: | Address: Phone: Cell: Email | Contact 1: Phone: Cell: Email: Relationship: | Contact 2: Phone: Cell: Email: Relationship: |
| | | Address: Phone: Cell: Email: | Address: Phone: Cell: Email | Contact 1: Phone: Cell: Email: Relationship: | Contact 2: Phone: Cell: Email: Relationship: |
| | | Address: Phone: Cell: Email: | Address: Phone: Cell: Email | Contact 1: Phone: Cell: Email: Relationship: | Contact 2: Phone: Cell: Email: Relationship: |

CONTACT INFORMATION FOR BAR ASSOCIATION PERSONNEL AND VOLUNTEERS

| Title | Name | Office Contact Information | Home Contact Information | Emergency Contact Information | Emergency Contact Information |
|--------------|-------------|---------------------------------------|--------------------------------------|--|--|
| | | Address: Phone: Cell: Email: | Address: Phone: Cell: Email | Contact 1: Phone: Cell: Email: Relationship: | Contact 2: Phone: Cell: Email: Relationship: |
| | | Address: Phone: Cell: Email: | Address: Phone: Cell: Email | Contact 1: Phone: Cell: Email: Relationship: | Contact 2: Phone: Cell: Email: Relationship: |
| | | Address: Phone: Cell: Email: | Address: Phone: Cell: Email | Contact 1: Phone: Cell: Email: Relationship: | Contact 2: Phone: Cell: Email: Relationship: |
| | | Address: Phone: Cell: Email: | Address: Phone: Cell: Email | Contact 1: Phone: Cell: Email: Relationship: | Contact 2: Phone: Cell: Email: Relationship: |
| | | Address: Phone: Cell: Email: | Address: Phone: Cell: Email | Contact 1: Phone: Cell: Email: Relationship: | Contact 2: Phone: Cell: Email: Relationship: |
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| | | Address: Phone: Cell: Email: | Address: Phone: Cell: Email | Contact 1: Phone: Cell: Email: Relationship: | Contact 2: Phone: Cell: Email: Relationship: |
| | | Address: Phone: Cell: Email: | Address: Phone: Cell: Email | Contact 1: Phone: Cell: Email: Relationship: | Contact 2: Phone: Cell: Email: Relationship: |

CONTACT INFORMATION FOR LOCAL BAR ASSOCIATION PRESIDENTS/POINTS OF CONTACT

| Title | Name | Office Contact Information | Home Contact Information |
|-------|------|---------------------------------------|--------------------------------------|
| | | Address: Phone: Cell: Email: | Address: Phone: Cell: Email |

CONTACT INFORMATION FOR STAKEHOLDERS

| Organization | Contact Information |
|---------------------|--|
| | Contact Name: Address: Phone: Cell Phone: Email: |

MEDIA CONTACT INFORMATION

| Entity | Telephone | Website | Other Contact Information |
|-------------------|-----------|---------|-----------------------------|
| RADIO | | | |
| | | | Address: City/State/Zip: |
| TELEVISION | | | |
| | | | Address: City/State/Zip: |
| NEWSPAPERS | | | |
| | | | Address: City/State/Zip: |
| | | | Address: City/State/Zip: |
| | | | Address: City/State/Zip: |

OPERATIONS

Essential Functions

Essential functions are those functions that are critical to the operation of the Bar Association and should not be interrupted or delayed by an emergency incident. Essential functions should be resumed within 24 hours of an emergency and be able to be maintained for up to 14 days following an emergency.

DRAFTING TIP: Sample charts for listing essential functions are included on the next two pages. Bar Associations may tailor these charts to their needs or create their own charts for essential functions.

Because some Bar Associations may have essential functions that only need to be performed during an emergency, two charts have been provided in this template: one for “General Operations” and one for “Emergency Operations.” The chart for “General Operations” should include all essential functions that are performed on a routine basis. The chart for “Emergency Operations” should include any functions that need to be performed because of the emergency circumstances.

Bar Associations should prioritize their essential functions so that the Emergency Management Team knows when and in what order to activate specific functional capabilities. (Note: More than one function can be assigned the same priority.)

Once essential functions are prioritized, Bar Associations should designate the ideal Recovery Time for each essential function. Suggested recovery times should be:

- *Priority 1: Recovery within 12-24 hours*
- *Priority 2: Recovery within 2-3 days*
- *Priority 3: Recovery within 4-14 days*

Sample essential functions are listed on the next page in italics. These essential functions are included only as suggestions and should be tailored to the Bar Association’s specific needs or deleted, as appropriate.

ESSENTIAL FUNCTIONS – GENERAL OPERATIONS

| Priority (Rank 1-3) | Recovery Time | Essential Functions During Normal Operations | Title and Name of Employees Responsible | Title and Name of Alternate Employees (If Any) | Is This a Seasonal Function? |
|----------------------------|----------------------|---|--|---|-------------------------------------|
| | | <i>Maintaining bar admissions</i> | | | |
| | | <i>Maintaining a disciplinary system for attorneys licensed within the state</i> | | | |
| | | <i>Verifying credentials and good standing of attorneys licensed within the state</i> | | | |
| | | <i>Providing attorney referrals to members of the public</i> | | | |
| | | <i>Managing pro bono assistance programs</i> | | | |
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ESSENTIAL FUNCTIONS – EMERGENCY OPERATIONS

| Priority (Rank 1-3) | Recovery Time | Essential Functions During Emergency Operations | Title and Name of Employees Responsible | Title and Name of Alternate Employees (If Any) | Is This a Seasonal Function? |
|------------------------------------|--------------------------|--|--|---|---|
| | | <i>Providing emergency assistance to bar association members and attorneys affected the emergency</i> | | | |
| | | <i>Establishing 800 numbers and other forms of assistance for the public regarding legal issues arising from the emergency</i> | | | |
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Critical Processes and Services

Critical processes and services are those processes and services that are necessary to ensure continuance of the Bar Association's essential functions.

DRAFTING TIP: A sample chart for listing critical processes is included on the next page. Bar Associations may tailor this chart to their needs or create their own chart for critical processes.

When describing critical processes, Bar Associations should consider that it is generally most helpful to break a broadly-defined essential function into more narrowly-defined critical processes. This helps not only in facilitating the identification of resource requirements (equipment and records) for each essential function, but also assists personnel assigned to perform these tasks in carrying them out successfully during an emergency. If the Bar Association has drafted a Procedure Manual for common administrative processes, the "Critical Processes" section of the BC Plan can simply reference this Manual, and then a copy of the Procedure Manual can be included as an appendix to the Plan.

- Example:
 - *Essential Function: Verifying credentials and good standing of attorneys licensed within the state*
 - *Critical Processes:*
 - *Receive inquiry regarding attorney's standing.*
 - *Check attorney's file for credentials re: education, licensure, etc.*
 - *Check database for any past or pending disciplinary actions taken against the attorney.*

For each essential function, the critical process should include: the summary of steps needed to perform the function; where the function is performed normally (at the primary facility); where the function can be performed at an alternate location (either through telework or at an alternate facility); whether the critical process can be performed remotely; and whether any of the steps relevant to the critical process need to be performed by someone with special training, security clearance, or a specific piece of equipment.

CRITICAL PROCESSES

| Priority (Rank 1-3) | Essential Function | Summary of Steps to Carry Out the Function | Primary Location of Function | Alternate Location | Can This Be Performed Remotely? | Does This Require Specialized Training, Security Clearance, or Equipment? |
|--------------------------------|---------------------------|---|---|-------------------------------|--|--|
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Human Capital Management

Human Capital Management, or Personnel Management, involves placing the most qualified personnel in appropriate roles during an emergency to ensure that the Bar Association's essential functions are effectively restored and maintained following an emergency.

Human Capital Management involves:

- Selecting appropriate individuals (in both leadership and support positions) to serve on the Bar Association's Emergency Management Team and to serve as "BC Personnel" to perform the Bar Association's essential functions during an emergency requiring activation of the BC Plan.
- Designating appropriate successors for key positions on the Emergency Management Team and for Bar Association leaders, employees, and volunteers to ensure that the Bar Association's essential functions can be performed even if the primary individuals are unavailable to assist with emergency response. Because many leadership and other roles in Bar Associations are served by volunteers, it is especially important for succession orders for key positions to have at least three listed successors, where possible, as it is likely that many individuals may also be asked to assist with emergency response activities in their place of employment.
- Providing proper training to Bar Association leaders, employees, and volunteers on a regular basis to build the skills and competencies they will need to serve as BC personnel during an emergency.
- Ensuring that Bar Association leaders, employees, and volunteers participate in exercises to test the Association's BC Plan and other emergency plans and to verify that they have a clear understanding of their roles during an emergency requiring activation of the BC Plan.
- Providing guidance to Bar Association leaders, employees, and volunteers regarding key issues, such as pay, leave, staffing requirements, management of volunteers, work scheduling, and benefits, during an emergency requiring activation of the Association's BC Plan.
- Determining any family support measures that may need to be provided (child care, elder care, flexible scheduling, telework, etc.) to allow BC personnel to fully and successfully contribute to emergency response efforts.

Order of Succession and Delegation of Authority

The Order of Succession establishes an orderly transfer of leadership and decision-making authority during emergencies requiring activation of the Bar Association's BC Plan.

Delegations of authority establish successive lines of responsibility for situations in which the individual primarily responsible for the task is temporarily unavailable and allow for a rapid and effective response when normal decision-makers are unavailable.

When responsibility for certain essential functions or for an entire role is delegated to a successor, that individual performs the assigned responsibilities until the emergency is over or the primary individual who is normally responsible for performing those responsibilities is able to fully carry out their performance.

DRAFTING TIP: A sample chart for the order of succession and applicable delegations of authority is included on the next page. Bar Associations may tailor this chart to their needs or create their own chart for the order of succession and delegation of authority.

When drafting their BC plans, Bar Associations should consider creating orders of succession for individuals in both leadership and support positions to ensure there are properly trained individuals available to perform all essential functions. When possible, orders of succession should be at least three positions deep and geographically dispersed.

If only portions of an individual's responsibilities should be delegated to the successor, those limitations on the delegation of authority should be noted in the BC Plan (i.e. "Successor may handle accounts payable and accounts receivable but may not authorize purchases over \$500 without permission from the Incident Commander.")

ORDER OF SUCCESSION AND DELEGATION OF AUTHORITY

| Position to be Succeeded | Successors | Authorities to be Delegated during Emergency | What Events Activate and Terminate the Delegation of Authority? | Documentation of Authority (If Applicable) |
|---------------------------------|--|---|--|---|
| | Position: Name: Work Address: Work Phone: Work Cell: Work E-mail: | | Activated: Terminated: | |
| | Position: Name: Work Address: Work Phone: Work Cell: Work E-mail: | | Activated: Terminated: | |
| | Position: Name: Work Address: Work Phone: Work Cell: Work E-mail: | | Activated: Terminated: | |
| | Position: Name: Work Address: Work Phone: Work Cell: Work E-mail: | | Activated: Terminated: | |

Management of Vital Records and Equipment

Vital records and equipment are necessary to carry out the Bar Association's essential functions during an emergency.

Vital Records

Vital records are those databases, records, or documents, regardless of the type of media they are stored on (paper, microfilm, audio or video tape, CDs, DVDs, flash drives, etc.), which, if damaged or destroyed, would disrupt performance of the Bar Association's essential functions, cause considerable inconvenience, and require replacement or re-creation at considerable expense.

DRAFTING TIP: A sample chart for listing vital records is included on the next page. Bar Associations may tailor this chart to their needs or create their own chart for vital records.

Additionally, examples of suggested vital records have been included in italics. Bar Associations should tailor these records to their own needs and delete any suggested examples that are not relevant to their Bar Association's operation.

Vital records should generally include emergency plans (including BC Plans); financial records and budgets; personnel files; membership databases; volunteer files and other records related to volunteer management; property and procurement records; emergency operating records (those needed for continuation of essential functions); and rights and interests records (those necessary to maintain the legal and financial rights of the organization).

Bar Associations should determine which records should be designated as vital records and document their location(s). Contact information for any vendors used to maintain and manage vital records should also be included in this section of the BC Plan.

Vital Equipment

Vital equipment is equipment that, if damaged or destroyed, would disrupt the Bar Association's business operations and require replacement at considerable expense.

DRAFTING TIP: A sample chart for listing vital equipment is included on the next page. Bar Associations may tailor this chart to their needs or create their own chart for vital equipment.

Bar Associations should determine which equipment should be designated as vital equipment and document its location(s). Contact information for any vendors used to repair or replace should also be included in this section of the BC Plan.

VITAL RECORDS

| Essential Function | Name of Vital Record or Database | Location of Record | Frequency and Location of Backup | Is This Remotely Accessible? | Can This Be Hand-Carried to an Alternate Location? | Vendor Contact Information |
|---|----------------------------------|---|---|------------------------------|--|--|
| <i>Providing continued service to Bar Association members who may be affected by the disaster/emergency</i> | <i>Membership records</i> | <i>Bar Association server at [Insert File Path/Hyperlink to Database]</i> | <i>Backup performed daily Backup performed offsite at [Insert location of backup]</i> | <i>Yes</i> | <i>No</i> | Company Name: Address: Contact Name: Phone: Email: |
| | | | | | | Company Name: Address: Contact Name: Phone: Email: |
| | | | | | | Company Name: Address: Contact Name: Phone: Email: |
| | | | | | | Company Name: Address: Contact Name: Phone: Email: |

VITAL EQUIPMENT

| Vital Equipment | Number Needed | Power (Yes/No) | Other Resources Needed for Equipment | Can This Be Hand Carried to an Alternate Location? | Vendor Contact Information |
|-------------------------------------|--|-----------------------|--|---|--|
| <i>Laptop and desktop computers</i> | <i>Laptops: 5 (or 10 laptops if no desktops available) Desktops: 5</i> | <i>Yes</i> | <i>Wireless/Wired internet access Flash drives</i> | <i>Yes</i> | Company Name: Address: Contact Name: Phone: Email: |
| | | | | | Company Name: Address: Contact Name: Phone: Email: |
| | | | | | Company Name: Address: Contact Name: Phone: Email: |
| | | | | | Company Name: Address: Contact Name: Phone: Email: |

Alternate Facilities

An alternate facility is a pre-screened and pre-approved location, other than the normal facility, used to conduct essential functions in the event that the primary facility becomes unavailable during an emergency. The location of the designated alternate facility will depend upon the scale of the emergency.

When an emergency necessitates relocation to an alternate facility, the Incident Commander should evaluate the situation and notify the Emergency Management Team to facilitate preparation of the alternate facility/facilities for arrival of BC Personnel. The Public Information Officer should then disseminate administrative and logistical information to all other arriving Bar Association leaders, personnel, and volunteers. BC Personnel should then begin retrieving stored information, records, and equipment.

DRAFTING TIP: A sample chart for listing alternate facilities is included on the next page. Bar Associations may tailor this chart to their needs or create their own chart for alternate facilities.

Ideally, alternate facilities should:

- *Be sufficiently distant from the Association's primary facility that the same emergency would not necessarily impact both facilities.*
- *Be in a location where the health, safety, and security of Bar Association personnel can be ensured.*
- *Include adequate space and equipment, reliable logistical support, services, and infrastructure systems to sustain operations for up to 30 days.*
- *Have back-up power supplies, which are periodically tested and maintained.*

State Bar Associations should consider making arrangements with sister organizations, such as local bar associations within their state and/or larger law firms located nearby, for mutual use of facilities when a disaster or emergency requires relocation to an alternate facility. In this way, a Bar Association displaced by a disaster or emergency could use some space in a local bar association's facility for a short time, and vice versa.

Bar Associations should formalize agreements to use alternate facilities and include copies of these agreements in their BC Plan.

ALTERNATE FACILITIES

| Office | Location | | | |
|--|-------------------------|--|-------------------------------------|------------------------------------|
| | Primary Facility | Intermediate Scale (Building) | Large Scale (Local Area) | Public Health Emergency |
| [Name] Bar Association | [Address/City/State] | [Address/City/State] | [Address/City/State] | [Address/City/State] |
| [Other offices that may share an alternate facility with the Bar Association.] | [Address/City/State] | [Address/City/State] | [Address/City/State] | [Address/City/State] |
| [Other offices that may share an alternate facility with the Bar Association.] | [Address/City/State] | [Address/City/State] | [Address/City/State] | [Address/City/State] |
| [Other offices that may share an alternate facility with the Bar Association.] | [Address/City/State] | [Address/City/State] | [Address/City/State] | [Address/City/State] |
| [Other offices that may share an alternate facility with the Bar Association.] | [Address/City/State] | [Address/City/State] | [Address/City/State] | [Address/City/State] |

RECOVERY AND RECONSTITUTION

After the emergency (or threat of emergency) subsides, the [Name] Bar Association will need to transition back to pre-event status. At a minimum, recovery actions will need to include steps to:

- Recover from the effects of the emergency and return the Bar Association to pre-emergency operational status; and
- Assess the Association's activation of its BC Plan and emergency response, and document the lessons learned and revisions needed to enhance its emergency preparedness capabilities.

Generally, recovery and reconstitution processes should begin within 30 days after the BC Plan was activated. Please note that, prior to allowing individuals to return to the primary facility following an emergency, the Incident Commander (or his or her designee) must receive confirmation from appropriate government officials that it is safe to return to the primary facility.

The Bar Association's framework for recovery and transition back to normal operations is below.

DRAFTING TIP: In this section, Bar Associations should include detailed information about how they will transition from only performing essential functions to resuming full operations following an emergency requiring activation of the Association's BC Plan.

Recovery plans should include strategies for:

- *Gradually increasing operational status until all normal functions have been resumed.*
- *Transitioning operations, personnel and volunteers, vital equipment, and vital records from an alternate facility back to the primary facility (if operations have been relocated to an alternate facility).*
- *Notifying Bar Association leaders, personnel, volunteers, members, stakeholders, the public, and the media of the return to normal operations.*

While each Bar Association's recovery procedures will need to be tailored to its needs, it may be helpful to pursue one or some combination of the following strategies:

- *Continue to perform essential functions at the alternate facility for up to 14 days;*
- *Begin an orderly return to the primary facility and reconstitute full operations there; and/or*
- *If the primary facility remains unavailable, begin to establish a reconstituted facility in another location to help return the Bar Association to full operational status.*

DEVOLUTION OF CONTROL

Devolution of control involves transferring the responsibilities for the Bar Association's essential functions from its primary facility to another facility for an extended period of time. This would most likely occur when an entire geographic region is devastated by a disaster or emergency and no suitable alternate facilities exist within that region from which the Bar Association can continue to perform essential functions for an extended duration.

DRAFTING TIP: To plan for possible devolution, Bar Associations should:

- *Identify circumstances that may trigger devolution.*
- *Specify procedures for deciding how, when, and what responsibilities will be transferred.*
- *Identify personnel who will be responsible for carrying out responsibilities at the devolution site.*
- *Describe the process for restoring the primary facility to its pre-event operational status following devolution.*

PLAN MAINTENANCE

To ensure continued viability of the Bar Association’s BC Plan, proper maintenance must be performed on a regular basis. Routine maintenance also ensures that adequate resources (i.e. BC personnel and equipment) can be identified and obtained in order to strengthen the Bar Association’s capabilities.

Updates and Revisions

Scheduled BC Plan updates are necessary to keep the Bar Association’s BC Plan up-to-date and effective. The [Name] Bar Association will perform maintenance to the BC Plan as necessary, and on the following schedule:

DRAFTING TIP: It is recommended that routine maintenance be performed at least once per quarter to ensure that the Plan is current. When establishing a schedule for BC Plan maintenance, Bar Associations should consider:

- *Who will be responsible for updating the BC Plan*
- *How often the BC Plan will need to be updated (in addition to updates done as necessary, such as when changes in Bar Association leadership, personnel, and volunteers occur)*
- *How changes to the BC Plan will be communicated to individuals involved in the Bar Association’s emergency response efforts*

During routine updates, the following considerations should also be reviewed:

- *Are the Plan’s goals and objectives still applicable?*
- *Do existing essential functions need to be reprioritized for implementation?*
- *Are the essential functions appropriate for the available resources or facilities?*

| Revision/Update | Timetable | Comments | Date Performed | | | |
|---|-------------|----------|----------------|--|--|--|
| Plan Revision | [Quarterly] | | | | | |
| Update Vital Records and Equipment List | [Quarterly] | | | | | |
| Update Employee and Other Contact Lists | [Quarterly] | | | | | |

Storage

Emergencies may occur while Bar Association personnel and Emergency Management Team members are not in the primary facility. As such, the [Name] Bar Association’s BC Plan should be stored in several **secure** locations to ensure that it is always accessible when needed during an emergency.

Additionally, because the Plan may contain confidential and sensitive information, the Bar Association should ensure that distribution of the comprehensive BC Plan is limited to only those individuals who need access to all of the information in the Plan, and that it is always stored in a secure location, both onsite and offsite.

The [Name] Bar Association will be stored at the following locations:

*DRAFTING TIP: The BC Plan should be stored in the alternate facility, if possible, as well as in **secure** locations in the homes of the Incident Commander and members of the Emergency Management Team.*

If the Bar Association would like all Bar Association leaders, employees, and volunteers to have a copy of the BC Plan, it is recommended that a limited group of individuals have access to the comprehensive Plan, and that remaining individuals be provided with a streamlined version of the Plan that has sensitive and confidential information (such as personal contact information) redacted.

Testing, Training, and Exercises

To maintain a viable BC plan, it is vital to regularly train and educate Bar Association leaders, employees, and volunteers about Business Continuity Planning and about activation of the Bar Association’s BC Plan. Formal training on the BC Plan should occur on a regular schedule to ensure that all individuals who may be called upon to implement the Plan’s protocols are familiar with their anticipated role during an emergency.

Regular testing of the BC Plan is also necessary to: identify areas of the plan that require revision or additional development; test access to backup data and vital records; test notification and communication systems; test IT systems; keep it viable for use during a real emergency; and improve the ability of individuals to implement the Plan’s policies, procedures, and strategies during an emergency. Each exercise should include a “hot wash” to reflect on the exercise and obtain feedback from participants on lessons learned from the exercise.

The Bar Association will conduct exercises of its BC Plan on the following schedule:

DRAFTING TIP: The Bar Association should establish a schedule for testing its BC Plan through performance of a tabletop exercise at least once per year to evaluate the state of its readiness to respond to a variety of incidents.

| Type of Exercise | Timetable | Comments | Date Performed | | | |
|-------------------------|------------------|-----------------|-----------------------|--|--|--|
| Tabletop Exercise | [Annually] | | | | | |
| [Type of Exercise] | [Annually] | | | | | |
| [Type of Exercise] | [Annually] | | | | | |

After Action Reports (AARs)

An After Action Report is a narrative report that presents issues found during an incident and provides recommendations on how those issues can be improved and/or resolved. After Action Reports should be drafted for all exercises conducted to test the BC Plan, and also for all incidents or emergencies that occur that require activation of the Bar Association's BC Plan.

APPENDICES

APPENDIX A: DEFINITIONS OF KEY TERMS

After Action Report: A narrative report that presents issues found during an incident and recommendations on how those issues can be resolved. Lessons learned from the After Action Report will assist in the revision of the BC Plan.

Alert and Notification: Sets forth the policies and procedures for the formal notification of all employees and the public that an incident has occurred or is threatened to occur.

Alternate Facilities: A pre-screened and pre-approved location, other than the primary facility, used to conduct essential functions in the event that the primary facility is unavailable. The designated alternate facility will depend on the scale of the event.

Backup: The practice of copying information, regardless of type of media (paper, microfilm, audio or video tape, CDs, DVDs, etc), to provide a duplicate copy.

Business Continuity (BC): An internal effort to ensure the capability exists to continue essential functions during a wide range of emergencies, including localized acts of nature, accidents, and technological or terrorist-related emergencies.

BC Event: Any event that leads to activation of an organization's BC Plan.

BC Plan Maintenance: Steps taken to ensure the BC Plan is reviewed periodically and updated whenever changes occur.

Cross Training: Training to familiarize personnel with duties of positions that they do not normally or regularly perform. This is especially important for individuals whose positions are named in an order of succession or to whom authority may be delegated in the event of a position vacancy.

Delegation of Authority: Identifies the authority a successor has to perform the functions of the key position during an activation of the BC Plan.

Emergency Action Plan: Identifies the necessary actions to be taken during the initial stages of an emergency and is created for the safety and well-being of employees.

Emergency Management Team: The individuals responsible for managing emergency response efforts and implementation of an organization's BC plan.

Emergency Management Team Leader: The individual within the Emergency Management Team who, acting under the command and guidance of the Incident Commander, directs emergency response activities and implementation of the BC Plan.

Essential Functions: The functions that should not be interrupted or delayed by an emergency situation.

Exercise: A variety of simulated disasters designed to keep BC plans viable and improve the ability of staff to execute the BC Plan. The exercise portion of a plan may call for activation several times throughout a year to evaluate the state of readiness or to respond to differing incidents.

Incident Commander: During an emergency, the individual who assumes command of emergency response activities, assesses the situation, implements the BC Plan, determines appropriate response strategies, activates resources as necessary, and oversees all incident response activities.

Incident Tracking: The systems used to report information; locate personnel, goods, and resources; and track the status of an event.

Order of Succession: Establishes a transfer of leadership and decision-making procedures in the event that a person in a leadership position is unavailable during an emergency.

Primary Facility: The site of normal, day-to-day operations.

Public Information Officer: A single point of contact designated to disseminate information from the Incident Commander or Emergency Management Team Leader to all employees, stakeholders, the media, and the public.

Recovery: The process of transitioning back to pre-emergency status and pre-emergency operations once an emergency or threat of an emergency subsides.

Scheduled Maintenance: The maintenance required to keep a BC Plan up-to-date and effective. Provides the benefit of ensuring that adequate resources (i.e. people and equipment) are available to build and strengthen the capabilities necessary to maintain essential functions during an emergency response.

Shelter-in-Place: A precaution aimed at keeping personnel safe while remaining indoors during an emergency. Sheltering-in-place should occur in a small, interior room with few or no windows.

Social Distancing: Procedures issued by the Health Department or other public health officials that are necessary for minimizing the kind of social contact that enables virus transmission.

Test: A demonstration of the equipment, procedures, and systems that support an agency.

Training: Educational sessions conducted to inform employees about Business Continuity and their responsibilities during BC Plan activation. Formal training should be conducted on a regular basis.

Unscheduled Maintenance: Maintenance to the BC Plan that is necessitated by a change in the organization, operations, personnel, or equipment.

Vital Equipment: Equipment that, if damaged or destroyed, would significantly disrupt business operations and/or require replacement at a considerable cost.

Vital Records: Databases, records, or documents, regardless of the type of media (paper, microfilm, audio or video tape, CDs, DVDs, etc.), which, if damaged or destroyed, would disrupt business operations, cause considerable inconvenience, and/or require replacement or reconsideration at considerable expense.

APPENDIX B: ACRONYMS

| | |
|-------------|-----------------------------|
| AAR: | After Action Report |
| BC : | Business Continuity |
| EOC: | Emergency Operations Center |
| EMT: | Emergency Management Team |
| IC: | Incident Commander |
| ICS: | Incident Command System |
| PIO: | Public Information Officer |
| POC: | Point of Contact |

APPENDIX C: OVERVIEW OF INCIDENT COMMAND SYSTEM AND BUSINESS CONTINUITY (BC) PLANNING

The Incident Command System (ICS)

The Incident Command System is the standard structure for organizing emergency response and operations for all hazards and all levels of emergency response. It provides a framework for coordinated response through the establishment of a clear chain of command, use of consistent terminology, and a standardized organizational structure.

During an emergency, personnel are assigned roles within the ICS framework (these roles are explained in greater detail in the section “Key Roles of the Emergency Management Team (EMT)” of this BC Plan.) Most notably, the Incident Commander is responsible for the front-line management of the incident, tactical planning and execution, determining when external assistance may be necessary, and requesting resources.

Although particular individuals are assigned specific roles within the ICS, all personnel should be educated and trained on emergency procedures and on all of the Bar Association’s emergency plans, including its BC plan. Every individual has a responsibility to recognize the early warning signs of an incident and initiate the activation and notification process.

The Incident Command System centers upon several key principles:

- Use of modular organization based on activating only those essential functions necessary to meet the Association’s goals and objectives.
- The application of common terminology to organizational elements, position titles, facility designations, and resources to ensure consistent communication across jurisdictions.
- Use of a unified command structure to ensure organizational elements are linked to form a single overarching structure with appropriate limitations on spheres of authority.
- Application of comprehensive resource management techniques for coordinating resource management for emergency response.
- Use of integrated communication strategies so that information systems can operate as smoothly as possible among all actors engaged in emergency response.
- Designation of a single Incident Commander to ensure that appropriate response decisions are made for all phases of response.

Business Continuity (BC) Planning

Business Continuity Planning describes how an organization has planned to prioritize and carry out its essential functions (or critical business processes) during and after a disaster or emergency. BC planning typically addresses the immediate aftermath of an event, as well as the response activities for a designated period of time after an emergency occurs (usually 14 days).

The main goals of BC Planning include:

- Minimizing loss of life and injury to personnel.
- Reducing or mitigating disruptions to daily activities within the Association.

- Ensuring timely and orderly continuous performance of an Association's essential functions during and after an emergency.
- Protecting facilities, equipment, records, and other assets that support essential functions.

The Incident Command System and BC planning have differing goals, but both are important to the overall success of an emergency response. The ICS is used to manage the activation of the Bar Association's BC Plan and ensures the smooth transition to BC operations, including:

- Relocating to an alternate facility.
- Communicating with Bar Association leaders, employees, volunteers, members, stakeholders, the media, and the public.
- Resuming essential functions within a pre-determined timeframe.
- Moving to an alternate facility, when necessary.
- Planning for recovery and return to normal operations when an emergency has ended.

APPENDIX D: MEDIA COORDINATION

Communication with the media during and after an emergency is important to ensure that accurate information is disseminated to the public and to limit the spread of rumors. General guidelines for media coordination are below.

DRAFTING TIP: The Bar Association is encouraged to develop its own policies and procedures for media coordination. All employees should be trained on proper procedures for media interaction and about the role and function of a Public Information Officer in media coordination during and after an emergency.

Guidelines for Communication with the Media

- Coordinate media appearances through the Public Information Officer (PIO) or the Bar Association's Media Relations Manager and make sure he or she is readily accessible during an emergency. A single source of information makes it easier to control the content of information released to the public.
- Keep accurate records of all media inquiries and news coverage.
- Have a clear idea of what information can and cannot be released to the media, and ensure that all Bar Association leaders, staff members, and volunteers are aware of proper protocols for media coordination.
- If members of the media want to conduct an interview on-site, escort them throughout the facility to ensure that they speak only to authorized personnel and only access authorized areas.
- Do not speculate on any information provided to the media, including possible causes of the emergency, the timeframe for resumption of normal operations, the financial impact of the emergency, etc.

Press Release Templates

DRAFTING TIP: During a disaster or emergency, the Bar Association may find it helpful to have pre-drafted templates for press releases that can be quickly tailored for the emergency at hand. Bar Associations should consider having templates of press releases for a variety of subjects, including information about:

- *The Bar Association's transition to an alternate facility during an emergency.*
- *Legal help lines or hot lines established for victims of a disaster.*
- *Pro bono or reduced-cost legal services being offered to victims of a disaster. and*
- *How to report attorneys for unethical solicitation of disaster victims following an emergency.*

Frequently Asked Questions (FAQs) Templates

DRAFTING TIP: In addition to Press Release Templates, the Bar Association may find it helpful to have pre-drafted templates for Frequently Asked Questions (FAQs) about common issues that may occur following a disaster, including:

- *Landlord-Tenant Law*
- *Insurance Claims and Policies*
- *Consumer Protection Laws*
- *Contractors/Concerns about Fraudulent Contracting Schemes*
- *Applying for Death Certificates*
- *Probate (Wills) and Intestacy*
- *Applying for Federal and State Disaster Aid*
- *Unemployment Assistance*
- *Bankruptcy*
- *Real Estate and Mortgage Law*

APPENDIX E: PERSONAL GO-KITS

Some emergencies may require Bar Association leaders, employees, and volunteers to shelter-in-place at the Bar Association's primary facility or to quickly evacuate to another location. In order to prepare for such situations, it is recommended that these individuals create "Personal Go-Kits" to meet critical needs during the first 24-48 hours of an emergency.

The following supplies are recommended for inclusion in Personal Go-Kits:

- **Water:** Individuals should have at least one gallon of water available per person, per day. Water should be stored in plastic containers that will not decompose or break during an emergency.
- **Food:** Individuals should have enough non-perishable food to sustain them for at least one day (three meals), and selected foods should not require refrigeration, preparation, or cooking. Suggested foods include ready-to-eat canned meals, meats, fruits, and vegetables; canned juices; and granola bars, energy bars, and protein bars. Individuals with special dietary needs should be sure they have foods available that meet those needs.
- **First Aid Supplies:** Individuals should have a supply of adhesive bandages, sterile dressings, gauze pads, adhesive tape, alcohol-based hand sanitizer, anti-bacterial ointment, small scissors, tweezers, a cold pack, and a CPR breathing barrier, such as a face mask or shield.
- **Medications:** Individuals should include all medications (including prescription and non-prescription medications) that they take on a regular basis, including pain relievers, stomach remedies, etc.
- **Change of clothing and footwear:** Individuals should pack at least one change of clothing and footwear, preferably a long-sleeved shirt, long pants, and a pair of closed-toed shoes or boots.
- **Personal hygiene supplies:** Individuals should ensure their Go-Kit contains items such as a toothbrush, toothpaste, a comb or brush, soap, contact lens solution, and, for females, feminine hygiene supplies.
- **Battery-powered radio**
- **Flashlight and extra batteries:** Individuals should use flashlights to find their way around if the power is out. An open flame, such as a candle, should never be used during an emergency due to the possibility of gas leaks being created by certain emergency situations.
- **Other Supplies:** Individuals should include an emergency mylar blanket; paper plates, cups, and plastic utensils; a non-electric can opener; and plastic garbage bags in their Go-Kits.

APPENDIX F: SAFETY AND SECURITY

DRAFTING TIP: The Bar Association should include procedures in its Business Continuity Plan to ensure the safety and security of employees, volunteers, and guests, and of the Bar Association's primary facility. Strong consideration should also be given to including procedures for evacuating the primary facility and for sheltering-in-place.

Bar Association Leaders, Personnel, and Volunteers

Facilities

Evacuation Procedures

Shelter-in-Place Procedures

Hazard-Specific Procedures

The [name] Bar Association has established the following procedures in the event of an emergency to protect the safety of individuals within the Association's primary facility.

DRAFTING TIP: General guidelines are provided below for response to specific types of common hazards, but these guidelines are just recommendations. The Bar Association should tailor these guidelines to best serve the safety and security of its leaders, staff, and volunteers.

1. Fire

- a. Keep combustible material (i.e. paper, trash) away from electrical outlets, heaters, or spark-producing appliances and ensure that it is disposed of on a regular basis.
- b. Keep exit pathways -- including hallways, aisles, stairways, and doorways -- clear and unobstructed at all times.
- c. Use power strips with automatic breakers and surge protectors, rather than extension cords, for additional wiring.
- d. If smoke or fire is detected, all individuals should remove themselves from immediate danger, if possible.
- e. Use the nearest fire extinguisher to attempt to put out the fire (all staff should be trained on proper use of fire extinguishers).
- f. If the fire can't be extinguished manually:
 - i. Call 911 (or the applicable emergency number).
 - ii. Immediately evacuate the Association's offices using designated evacuation routes, if such routes are accessible. If evacuation is not

possible, stay as close to the floor as possible, use caution when opening doors, and cover heads and faces with a damp cloth, if possible.

- iii. Once the building has been evacuated, report to the designated assembly area and do not re-enter the building to search for missing individuals or to retrieve any personal items.
- iv. While assembled at the designated assembly area, attempt to provide assistance -- under the direction of emergency personnel -- to any injured individuals.

2. **Tornado:** In the event of a tornado warning affecting the Bar Association, all individuals should observe the following procedures:

- a. Move immediately to the lowest floor of the building, if possible.
- b. If it is not possible to move to the lowest floor of the building, move as close to the center of the building as possible on the lowest floor that can be safely reached and sit on the floor against an inside wall.
- c. Stay away from windows, glass, and other objects that may cause injury during the tornado.
- d. Once the tornado has passed or the tornado warning has ended, if it is determined to be unsafe to remain in the building, evacuate the facility according to the designated evacuation routes. Once outside, report to the designated assembly area.
- e. Do not turn on any lights, light candles or cigarettes, or start any machinery; the tornado could break gas lines and a fire could start if proper precautions are not taken.
- f. Do not touch any exposed electrical wiring inside or outside of the building.
- g. While assembled at the designated assembly area, attempt to provide assistance -- under the direction of emergency personnel -- to any injured individuals.

3. **Earthquake:** In the event of an earthquake, all individuals should observe the following procedures:

- a. Create a Go-Kit that includes, at a minimum, a 72-hour supply of prescription and non-prescription medications, one gallon of drinking water, and rubber soled shoes.
- b. Do not attempt to leave the building. Individuals are almost always safer inside the building until the earthquake's initial tremors subside.
- c. Move away from windows and move toward the interior of the building, specifically to a doorway or an inside wall, if possible. A doorframe or the structural frame of the building are its strongest points and are therefore least likely to collapse.
- d. Duck, cover, and hold. If glass or other debris is falling, seek cover under a heavy desk or table for protection.
- e. Do not turn on any lights, light candles or cigarettes, or start any machinery; the earthquake could break gas lines and a fire could start if proper precautions are not taken.
- f. Do not touch any exposed electrical wiring.

4. **Chemical Incident:** In the event that a chemical accident or attack occurs near the Bar Association's facility, all individuals should observe the following procedures:
 - a. Remain indoors until the location and nature of the incident are determined.
 - b. Cover your nose and mouth in case the incident has created poisonous or toxic fumes.
 - c. Once the location and nature of the event are determined and it is deemed safe to proceed, evacuate the facility according to the designated evacuation routes.
 - d. After hearing of the incident, do not turn on any lights, light any candles or cigarettes, or start any machinery. The chemical in question may be flammable and a fire could ignite if proper precautions are not taken.
 - e. Once the building has been evacuated, report to the designated assembly area and do not re-enter the facility to search for missing persons or to gather any personal items.

5. **Suspicious Packages/Mail:**
 - a. Be aware of characteristics that ought to trigger suspicion, including letters or parcels that:
 - i. Have any powdery substance on the outside or inside.
 - ii. Have strange odors or stains.
 - iii. Are unexpected or from someone unfamiliar.
 - iv. Are addressed to someone no longer with the Bar Association or are otherwise outdated.
 - v. Have handwritten or poorly typed addresses, incorrect titles or titles with no name, or misspellings of common words.
 - vi. Have no return address, or have one that can't be verified as legitimate.
 - vii. Show a city or state in the postmark that doesn't match the return address.
 - viii. Have excessive postage.
 - ix. Are of unusual weight, given their size, or are lopsided or oddly shaped.
 - x. Have an unusual and/or excessive amount of tape.
 - xi. Are marked with restrictive endorsements, such as "Personal" or "Confidential."
 - b. If a package or letter is received that is believed to be suspicious:
 - i. Do not handle, shake, bump, sniff, or empty the envelope or package.
 - ii. Do not try to clean up any spilled powder or fluid.
 - iii. Put the envelope or package into a plastic bag or other container to prevent the contents from leaking out. If a convenient container is not available, cover the envelope or package with clothing, paper, or a trashcan, and do not remove this cover.
 - iv. Do not panic, but move deliberately and utilize communications near your location to call 911 and report the incident.
 - v. Do not spread the suspicious substance to other parts of the building; isolate yourself and anyone exposed to the package from fellow employees.

- vi. Alert others nearby to relocate to an area away from the site of the suspicious item.
 - vii. Make a list of all people who were in the room when the letter or parcel was opened and provide this list to the police and/or local public health authorities.
 - viii. Direct staff members to shut off any fans or equipment in the area that may circulate the material, including the building's HVAC system, if possible.
 - ix. Remove contaminated clothing and put it into a plastic bag that can be sealed; provide this bag of contaminated clothing to the police.
 - x. Shower with soap and water as soon as possible, but do not use bleach or any other disinfectant on your skin.
 - xi. Contact your health care provider for medical instructions as soon as possible.
6. **Bomb Threats:** Bomb threats can come in the form of a suspicious looking package or in the form of an anonymous phone call to the Bar Association. For suspicious packages, refer to the instructions above. If a bomb threat is placed by phone, personnel should follow the procedures outlined below:
- a. Remain calm and get as much information from the caller as possible. Use the "Bomb Threat Checklist" at the end of this appendix to help obtain relevant information. It is important to keep the caller talking as long as possible.
 - b. Have a co-worker call 911 or another appropriate emergency number.
 - c. If directed to do so by authorities, evacuate the building.
 - d. To the extent possible, do not touch anything that may be considered evidence.
7. **Assaults/Workplace Violence:** Individuals should follow these guidelines for addressing an assault or other incident of workplace violence:
- a. Anyone in sight of the altercation should speak as loudly and clearly as possible to let everyone know that the behavior should stop immediately.
 - b. Obtain help from others within the Association's facility, if possible. Use the "page" button on a telephone to broadcast the altercation to the facility, if possible.
 - c. Get additional help if confronted with a serious fight, especially one that involves weapons; do not try to break up the fight.
 - d. If the individuals in question can be safely separated, try to avoid engaging in additional confrontational behavior by not pointing at those involved, making accusations, or cornering them.
 - e. Give the participants in the incident an appropriate amount of time to "cool off" by talking to them in a calm setting and gradually changing the climate of the incident.
8. **Hostage Situation/Active Shooter**
- a. Individuals affected by the situation should attempt to follow the guidelines below:

- i. Stay calm.
 - ii. Do not attempt to resolve the situation alone.
 - iii. Follow the instructions of the assailant.
 - iv. Cooperate, be friendly (if possible), and don't argue with or antagonize the assailant.
 - v. Inform the assailant of any medical or other needs you may have.
 - vi. Be prepared to wait; the situation may take time to resolve.
 - vii. Don't try to escape and do not try to resolve the situation by force.
 - viii. Be observant and remember everything that is witnessed.
 - ix. If a rescue occurs, lie on the floor and obey instructions from the rescuers.
- b. Individuals not directly affected by the situation should attempt to follow the guidelines below:
- i. Notify law enforcement by calling 911 or the appropriate emergency number.
 - ii. Identify the assailant, if known, and describe his or her location and any weapons he or she possesses.
 - iii. Be prepared to evacuate the building.
 - iv. Keep everyone as calm as possible.
 - v. Avoid confronting the assailant.
 - vi. Try to obtain the tag number, make, and model of the assailant's vehicle, if known.

BOMB THREAT CHECKLIST

Description Detail Report

Questions to ask:

- 1) When is bomb going to explode?
- 2) Where is it right now?
- 3) What does it look like?
- 4) What kind of bomb is it?
- 5) What will cause it to explode?
- 6) Did you place the bomb?
- 7) Why?
- 8) What is your name?
- 9) What is your address?

Exact wording of the threat:

Sex of Caller: _____ Race: _____

Age: _____ Length of call: _____

Number at which call was received:

(_____) _____

Date: ___/___/___ Time: ___ am/pm

Call ended at: _____ am/pm

Caller's Voice: (Circle all that apply)

- | | |
|-----------|------------------|
| *Calm | *Nasal |
| *Angry | *Stutter |
| *Excited | *Lisp |
| *Slow | *Raspy |
| *Rapid | *Deep |
| *Soft | *Ragged |
| *Load | *Clearing throat |
| *Laughter | *Deep breathing |
| *Crying | *Cracked voice |
| *Normal | *Disguised |
| *Distinct | *Accent |
| *Slurred | *Familiar |

If voice is familiar, who did it sound like?

Background Sounds: (Circle all that apply)

- | | |
|----------------|--------------------|
| *Street noises | *Factory machinery |
| *Animal noises | *Voices |
| *Clear | *PA system |
| *Static | *Local call |
| *Music | *Long distance |
| *House noises | *Phone booth |
| *Motor | *Office machinery |
| *Aircraft | *Other _____ |

Threat Language: (Circle all that apply)

- | | |
|---------------------------|----------------------------------|
| *Well spoken/ educated | *Incoherent |
| *Foul | *Taped |
| *Irrational | *Message read by threat maker |

Remarks: _____

NOTES: _____

APPENDIX G: POLICIES AND PROCEDURES

DRAFTING TIP: The Bar Association should consider including copies of the Bar Association Policy Manual or other policies and procedures for Bar Association leaders, employees, and volunteers for quick and easy reference during an emergency.

APPENDIX H: FORMS

DRAFTING TIP: The Bar Association should consider including copies of forms that may be needed during and after an emergency. Sample forms are included in this appendix, but the Bar Association should tailor the appendix to include forms that best serve its needs, including:

- *Preparation and Response Checklists*
- *Rosters for Bar Association leaders, employees, and volunteers (to check off individuals reporting to a designated assembly area)*
- *Damage Assessments*
- *Incident Reports*
- *Inventory Tracking Log*
- *Purchase Tracking Log*

Damage Assessments

DAMAGE ASSESSMENT -- FACILITY

Building _____

Examined By _____ Date _____

| Category | Condition | Priority |
|-----------------------------|-----------|----------|
| Primary Structure: | | |
| Foundation | | |
| Exterior Walls | | |
| Roof | | |
| Ancillary Structures | | |
| Other | | |
| | | |
| Secondary Structures | | |
| Interior Walls | | |
| Floors & Carpet | | |
| Ceiling | | |
| Stairways | | |
| Interior Doors | | |
| Exterior Doors | | |
| Windows | | |
| Racks | | |
| Other | | |
| | | |
| Elevators | | |
| | | |
| HVAC | | |
| Ventilation | | |
| Refrigeration | | |
| Heating | | |
| Other | | |
| | | |
| Plumbing | | |
| Water Service | | |
| Water Piping | | |
| Water Fixtures | | |
| Condensation Drainage | | |
| Gas Service | | |
| Other | | |
| | | |
| Electrical | | |
| Service | | |

| Category | Condition | Priority |
|--------------------------|------------------|-----------------|
| Distribution | | |
| Exterior Lighting | | |
| Interior Lighting | | |
| Other | | |
| Communication | | |
| Service | | |
| Wire | | |
| Cellular | | |
| Switching Rooms | | |
| Other | | |
| Safety | | |
| Fire Alarms | | |
| Fire Suppressant Systems | | |
| Fire Extinguishers | | |
| Other | | |
| Emergency Systems | | |
| Access | | |
| Parking Lot | | |
| Walkways | | |
| Building Entrances | | |
| Delivery Entrances | | |
| Restrooms | | |
| Other | | |
| Kitchen | | |
| Coffee Maker | | |
| Microwave | | |
| Refrigerator | | |
| Other | | |

DAMAGE ASSESSMENT -- OFFICE

Building _____

Examined By _____ Date _____

| Category | Condition | Priority |
|--------------------------|------------------|-----------------|
| Electrical Equip. | | |
| Computers | | |
| Printers | | |
| Monitors | | |
| Peripherals | | |
| Copiers | | |
| Calculators | | |
| Other | | |
| Communications | | |
| Telephones | | |
| Cellular Phones | | |
| Two-way Radios | | |
| Fax Machines | | |
| Switchboard | | |
| E-mail | | |
| Other | | |
| Supplies | | |
| Paper | | |
| Forms | | |
| Other | | |
| Furniture | | |
| Chairs | | |
| Desks | | |
| Credenzas | | |
| Tables | | |
| Lamps/lighting | | |
| Other | | |

Incident Report

Instructions: Use this form to track an incident and how it affects your office.

| | |
|--|-------------------------------|
| Type of Incident: | Date(s) of Occurrence: |
| | Location: |
| Area Affected: | |
| Information Provided By (Name and Title): | Day Phone: |
| | Evening Phone: |
| | Email: |
| Types of Damage: | |
| General Impact: | |
| Response: | |

Inventory Tracking Log

Instructions: Use this spreadsheet to track inventory that has been released during an emergency requiring activation of the BC Plan.

| EMERGENCY INCIDENT: | | | | | | |
|---|----------|----------------------------|----------------------|---------------------------------|---------------------------------|------|
| EMERGENCY DATE: | | | | | | |
| CHART PREPARED BY (Name/Position/Signature): | | | | | | |
| Item | Quantity | Estimated Replacement Cost | Originating Location | Authorized Release by: | Recipient | Date |
| | | | | Name: Title: Office Phone | Name: Title: Office Phone | |
| | | | | Name: Title: Office Phone | Name: Title: Office Phone | |
| | | | | Name: Title: Office Phone | Name: Title: Office Phone | |
| | | | | Name: Title: Office Phone | Name: Title: Office Phone | |

Purchase Tracking Log

Instructions: Use the chart below to track inventory purchased during an emergency requiring activation of the BC Plan. The chart may serve as verification for reimbursement, which may occur during the recovery period after an emergency. In addition, saving receipts in an organized manner might assist in the reimbursement process.

| EMERGENCY INCIDENT: | | | | | | |
|---|----------|------|----------------|---------------------------------|---------------------------------|------|
| EMERGENCY DATE: | | | | | | |
| CHART PREPARED BY (Name/Position/Signature): | | | | | | |
| Item | Quantity | Cost | Supplier/Store | Purchaser | Recipient | Date |
| | | | | Name: Title: Office Phone | Name: Title: Office Phone | |
| | | | | Name: Title: Office Phone | Name: Title: Office Phone | |
| | | | | Name: Title: Office Phone | Name: Title: Office Phone | |
| | | | | Name: Title: Office Phone | Name: Title: Office Phone | |

APPENDIX I: LAWS AND REGULATIONS RELATED TO EMERGENCY RESPONSE

DRAFTING TIP: The Bar Association should consider including copies of laws or proposed laws that may affect emergency response, including laws regarding:

- *Changes to court procedures (filing requirements, requirements to appear in person, etc)*
- *Emergency venue changes and/or emergency relocation of court proceedings during an emergency*
- *Temporary permission to practice for lawyers offering pro bono assistance to disaster victims*

APPENDIX J: SUPERSTORM SANDY PULLS BAR LEADERS TOGETHER, GIVES DISASTER PLANNING RENEWED FOCUS

(Excerpted from the January-February 2013 edition of *Bar Leader*, Vol. 37 No. 3)

By Marilyn Cavicchia

Once Superstorm Sandy had come and gone, Marian Rice, president of the Nassau County (N.Y.) Bar Association, checked her basement and was surprised to find jellyfish in it—along with 4 feet of water and dirt.

Still, she counts herself lucky: Her house in a waterfront neighborhood on Long Island is up on pilings, and all of its mechanicals—such as the heating and cooling systems—are on the second floor. “Compared to most,” she says, “my life is not as difficult.”

As of the end of January, the Nassau bar had held 12 legal clinics in various hard-hit Long Island locations and had assisted more than 500 people, mainly with questions about how to file claims with insurance companies and the Federal Emergency Management Agency. The demand isn’t going down, Rice notes, and the bar will continue to hold such clinics “at least through spring.”

Rice is pleased to have 80-some volunteer lawyers she can count on to provide this assistance—some of whom are still displaced from their own homes and sorting through their own legal and personal crises.

But not all of her legal community is yet fully accounted for, even months after the storm.

“We’re still measuring the impact on lawyers,” Rice says. “I’m very concerned for solo and small-firm lawyers who practiced part of the time out of their houses on the water.”

Bar members or not, Rice worries that there may be any number of lawyers with “Main Street practices” who desperately need help and just haven’t been heard from yet.

After a storm that struck hard but relatively quickly, bar executives and elected leaders all along the East Coast, like Rice, say they still have months of work ahead of them. They also have a renewed awareness of the importance of disaster planning and preparedness—and of some critical holes in whatever plans the bar already had in place.

Storm response relies on technology, and points to potential new investments

“We’ve learned a number of lessons from this,” agrees Angela Scheck, executive director of the New Jersey State Bar Association.

For example, she says, the bar’s email servers were inside the building, which was without power and closed for a week. The website was hosted off-site—in Brooklyn, which was also hit

by the storm. The bar's phone system did work, but many members were without phone service themselves.

Midway through the week, the bar was able to move the site to a different hosting location and then post updates there. Another important tool, particularly while the website was down, was social media. Both the bar and the court system used Twitter, LinkedIn, and Facebook to deliver information after the storm.

But, Scheck notes, "our lawyer population is large and diverse as far as use of technology." That is, while some lawyers are regular users of social media, many others are not. Scheck believes that as a result of the disaster, a lot of people are now much more aware that social media can be used for critical information and not just for fun.

Scheck counts herself among that number: She is relatively new to Twitter and found that by "following" two electric companies—one for the bar and one for her home—she received much more accurate and timely service updates than were available anywhere else.

Text messages did go through for a lot of members even when cell phone service was down, Scheck says, adding that the bar is now looking at starting a service where members can sign up to receive emergency updates by text.

Also in the works, per the recommendation of an NJSBA staff task force that has met since the storm, are "mirrored servers" as off-site backup for the ones inside the building.

Another new technology investment will be hotspots that cost \$40 to \$50 each and would enable key staff members to get a signal for their cell phones and other devices even after a major storm.

But one big problem can't be as readily solved, even if cash were available (and the bar lost revenue from three weeks of canceled programming, Scheck adds): There's no easy way to install a generator at the bar headquarters. The building is all-electric, Scheck explains, and a generator requires a gas line. Adding a diesel tank is a way around that, but Scheck says this isn't likely to happen.

And while the bar itself was down and struggling, so, too, were many residents throughout New Jersey, not just on the coast. Two weeks after the storm—and about a week after the bar headquarters itself reopened—the NJSBA had its disaster hotline, in partnership with the ABA Young Lawyers Division and FEMA, up and running. About 250 to 300 volunteers have taken hundreds of calls, with no sign of slowing down anytime soon.

As with most such hotlines, there are the calls during which a volunteer can provide an answer that is enough to get the caller on track—and then there are the ones that are more complex and that require referrals to legal services providers. Scheck says NJSBA Counsel Sharon Balsamo has held regular conference calls with service providers throughout the state to ensure that the entire volunteer legal relief effort is carried out as efficiently and effectively as possible.

“This is the biggest effort that we’ve ever undertaken to provide disaster relief,” Scheck says.

Relief efforts not a short-term project

In Connecticut, the storm damage was “almost exclusively coastal,” says Connecticut Bar Association President Barry Hawkins. But that doesn’t mean the bar hasn’t been assisting with legal questions—and asking some questions of its own.

In addition to the bar’s hotline in conjunction with FEMA and the ABA YLD, its Insurance Law Section has its own separate line. The more general hotline has 16 volunteer lawyers who had helped 24 callers as of mid-January; through the insurance hotline, 18 volunteer lawyers and nine volunteer paralegals had done 25 intakes.

Many of the calls in Connecticut, Hawkins notes, have involved complicated filing questions that depend on whether the storm was still a hurricane by the time it hit the caller’s home or business. There’s a precise order in which claims need to be filed with FEMA and with insurance companies, Hawkins explains, and sometimes FEMA itself is less than clear in its directions. He expects calls to continue to come in as claimants compare notes and wonder why their results aren’t consistent.

There was consensus among all the bar leaders and executives we spoke with that another round of legal needs will likely present itself once some residents’ FEMA claims are denied and they look into whether and how to appeal.

Also keeping Superstorm Sandy at the forefront, Hawkins notes, are the recent reauthorization of FEMA and the \$50.5 billion Sandy relief bill that was signed by President Obama in late January after lengthy congressional debate.

Disaster planning: A top priority, but easy to overlook

When Hawkins thinks about Superstorm Sandy—which caused him to evacuate his home, knocked out power there for eight days, and then resulted in a lawyer friend moving into his pool house for a couple of weeks—he also thinks about Hurricane Irene and the freak snowstorm that blasted much of the Eastern United States on Halloween 2011. What does it mean, he wonders, when “the storm of the century” is now a much more frequent event?

One thing it means, Hawkins and other bar leaders have found, is that the bar’s disaster plan—and the need to improve it—move to the top of the priority list. The problem is, there are so many other things at the top of that list that it’s all too easy to make a plan and then, as Scheck says, “let it get dusty on the shelf.”

The Connecticut bar does have a disaster plan, but it’s “not as good as it needs to be” Hawkins believes. Improving it is now “higher on the agenda,” he says, adding that bar leaders there are

now reviewing more closely the [disaster-related information](#) that was presented at the ABA Annual Meeting in Toronto in 2011.

These bar leaders are by no means alone in admitting that their disaster plans could be better. That's one reason that the National Association of Bar Executives has formed its new Disaster Task Force (of which Scheck is a member). The Task Force, chaired by David Blaner, executive director of the Allegheny County (Pa.) Bar Association, has had two conference calls, both in the months following Sandy.

The Task Force has reviewed the disaster preparedness and response information available through both NABE and the ABA and has found that it is up to date and helpful. What's needed, the Task Force believes, are more frequent reminders regarding the need for disaster planning and business continuity. The Task Force intends to ask the NABE Program Committee and Webinar Committee to consider addressing these topics at Annual and Midyear and online, Blaner says.

Also in the works, he adds, are lists for NABE members to review when making their plans, and perhaps a similar list to be used by law firms and attorneys.

The Task Force also hopes to attain and post a sample disaster plan from a small bar; currently, Blaner notes, the [sample plans](#) available through the ABA Division for Bar Services are from larger bars.

'Amazing cooperation'

The NABE Task Force isn't the only way bars are working together to address the current crisis and prepare for future ones. Rice points to "amazing cooperation" among bars in her region—and outside it—as a key reason the Nassau bar has been able to respond as effectively as it has. Not many of the bar's members were well-versed in FEMA and other disaster-related matters, she notes, and webinars through the New York State Bar Association, the New York City Bar Association, and law firm Skadden have been critical in helping them quickly get up to speed.

Rice also praises NYSBA President Seymour W. James, whom she says immediately got together a biweekly conference call for bar presidents in Downstate New York—the region that includes New York City and suburbs, Long Island, and other areas that were hard hit by the storm.

Both the Louisiana State Bar Association and The Florida Bar have been generous with their storm response expertise, Rice says, noting that it has been particularly helpful to learn from them about the FEMA appeals process and about what types of legal needs tend to come up after major storms, and what specific concerns typically arise at what specific points in the recovery process.

Scheck says it was helpful at the beginning of the recovery process to talk with NYSBA leaders about related efforts in that state. She echoes Rice's gratitude for assistance provided by the Louisiana state bar, and she adds that The Mississippi Bar was "extremely helpful," particularly

regarding the FEMA appeals process, for which it shared a webinar it had developed after Hurricane Katrina in 2005.

Scheck is also quick to praise her own staff and its desire to help others, even though many bar employees were themselves displaced and affected by the storm. The Monday that the bar headquarters reopened, the staff convened over pizza to discuss how to help. The staff then took up a collection of money and items such as bleach and cleaning supplies, diapers and other baby needs, and nonperishable food. Lawyers coming in to the bar for events have also donated, and so far, there have been five or six drop-offs of supplies in communities throughout the state.

“It’s really brought the staff together,” Scheck notes, adding that one of the biggest and most positive lessons from the storm is something she already knew but that has been reinforced: “We have a great group of people here.”