Planning for Disaster: Making Sure the Flood, Fire, Hurricane or Tornado Isn’t a Disaster for Your Practice

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Overview

- Learn the basics of disaster recovery and business continuity and how they may apply to your law firm
- Understand what you can do to prepare your firm
- Initiate simple steps to improve your preparedness
Disaster Can Happen Wherever You Are

2012 – Disaster Map

Preliminary Significant U.S. Weather and Climate Events for 2012

Sometimes Big Events, Sometimes Small Events

From: 10 STEPS TO DISASTER PREPAREDNESS FOR LAW FIRMS, Presented by the American Bar Association Committee on Disaster Response and Preparedness, Agility Recovery Services and The Center for Professional Development, 2012, available on www.americanbar.org and www.abacle.org
The problems are diverse
Assess your risk both internally and externally

- Lawyers need to consider the various forms disasters may take, their potential risks, and the likely problems they may pose to seamless service to clients, especially during a lengthy trial, a prolonged deposition and discovery schedule, or a pending transaction.
  - What types of emergencies have occurred in the past?
  - What could happen as a result of your office location(s)?
  - What types of emergencies could result from the design or construction of your facility?
  - Which processes or systems are likely to fail?
  - Will you be affected if other businesses are met by disaster?
    - For example, fire on the floor beneath you closes the building.
Identify all resources and personnel required to restore critical functions during a recovery

- What functions are critical to the day-to-day operations?
  - Word Processing, Hearings, Negotiations, Research, HR, Management, Finance, Client Service
  - Typically, critical functions are the business activities that are:
    - Most sensitive to downtime
    - Fulfill legal or financial obligations to maintain cash flow
    - Play a key role in maintaining your businesses’ market share and reputation
    - Safeguard an irreplaceable asset

- What employees and departments are essential?
- How long can you withstand an interruption to those critical functions?
  - 0-24 hrs, 24-48 hrs, 48-72 hrs
Safeguard your supply chains

- Talk to your key vendors and suppliers about their recovery plans.
  - Ask yourself has it been tested?
  - It is not just the direct problems that place you at risk; failures in your vendors also affect your recovery plan
    - For example, if regional power is out for days, will your land line and cell providers be able to keep their systems up
- Develop relationships with alternate vendors.
  - Eliminate single points of failure.
- Insure what cannot be protected.
Create an emergency management plan

- Create a plan effectively and efficiently respond to an event, minimize the impact, protect and reassure your clients and stakeholders and prepare for recovery
  - Plan for what to do during the disaster
  - Plan for what to do immediately after a disaster and during a longer recovery period if necessary

- Facilitate transition between normal business operations and catastrophe response

- Other important considerations:
  - Having access to information necessary to make important decisions and getting information to the right people is equally important, including:
    - Notification and management of employees, clients, vendors, suppliers and the media
Back up your files and data

- Automated, daily back-ups of electronic data.
- Storage of files and data in off-site, secure location.
  - What does that mean where there is potential for widespread damage?
  - Use of cloud storage systems.
    - Are they secure?
    - Is your client data encrypted?

- Test the backups regularly.
Create a crisis communication plan

- Develop a process to make sure all employees, clients, and other stakeholders (internal and external) are aware of decisions and expectations.
- Evacuation Plan
- Ensure redundancies independent of cell or terrestrial networks as much as possible
  - Password protected web page (centralized emergency status)
  - Previously Established Radio/TV/Print News Partners
  - Call-in recording system
  - E-Mail Alert System
  - Text/Data Alert system
Create a crisis communication plan

- Manage member and key vendor/partner communications.
  - Prepare a media communications plan.
    - Consider all your different audiences:
      - Employees
      - Clients
      - Community
      - Media
      - Competitors

- Create an Emergency contact list that includes:
  - Home Phone
  - Alternate Mobile
  - Personal E-mail
  - Family Contact Information

- Store Remotely for Easy Access

- Setup Alert Notifications Program
  - Explain Purpose
  - Test Regularly
  - Update regularly with any changes to your organization
  - Train New Hires
Create a crisis communication plan

- External Communications Strategy
  - Establish a Crisis Communications Team
  - Identify Spokesperson(s) & prioritization
  - Train your Spokesperson(s) on the intricacies and best practices of communicating with the media
  - Ensure all Employees know who the Spokesperson is
Create a crisis communication plan

- **Online Communications and Social Media:**
  - Provide employees, clients, customers and business partners with timely information about your company during a crisis
  - Post real-time status updates
  - Direct clients/employees to alternate locations
  - Provide emergency contact information & instructions

- **Do you have access to your Web Site during an interruption? (remote access)**
  - Consider hosting your website at an alternate location (offsite).
  - Post critical information on Home & Contact pages.
  - Ensure your site has contingencies for any potential SPIKE in traffic during emergency events
Assemble an emergency supply kit

- **Employee Emergency Kits**
  - An emergency or disaster recovery kit should contain:
    - Fresh water, Non-perishable food, Flashlights
    - Extra batteries, Battery-powered AM/FM or NOAA radio
    - First aid kit
    - For a complete list of items, visit [www.Ready.gov](http://www.Ready.gov).

- **Workplace Recovery Kit**
  - CASH
  - Recovery plan
  - Hand Crank or Solar Chargers for Cell Phones
  - Important records (Insurance policies, Fixed asset inventory, Contracts)
  - Operating system and other software install disks;
    - and importantly, licensing keys and passwords
  - Letterhead
  - Office Supplies:
    - Stamps, Writing Utensils, Stapler/Staples, Tape
    - Printer Paper, Calculators
    - What else is important to your office?
Review your insurance coverage

- Assure you are insured for all potential risks.
  - Consider business interruption insurance and added expense insurance.
- Keep photos of your building, equipment lists and policy information stored in a safe and secure offsite location.
Plan for alternate work locations

- Tele-commuting and work from home
- Mobile recovery van or trailer
  - Delivered to a specific location.
  - Ideal for small to medium sized business.
- Hot Site Recovery
  - Permanent, regional facility.
  - First come, first served at time of disaster.
- Other alternatives
  - Reciprocal – agreement with another firm to use their premises
Do a dry run

- Do a periodic (maybe annual?) exercise and update the plan as necessary.
- There is no pass or fail – testing is a process not a project!
  - Make sure to re-educate employees when any changes to the plan are made.

Test Data Restoration
- Can you restore with the information at hand?
- How long will it take?
- Can you recover to new/different hardware?
- Do you have access to the necessary software?

Test Alert Notification
- Can you activate the system remotely?
- Can more than one person access the system?

Test Vendors’ Resilience
- Involve vendors/partners/suppliers in your exercises.
- Know their recovery plan and be able to integrate it into your own plan.

Know Your Power Needs
- Look at widespread disasters like Sandy.
  - Caused multiple, complicated, costly delays.
THANK YOU
AND GOOD LUCK!