



DISASTER PLANNING FOR LAWYERS

**PREPARING, REACTING
& RESUMING LIFE**

Prepared by the
State Bar of Texas Disaster Response Task Force

hurricanes Katrina and Rita brought destruction and chaos to the Gulf Coast in 2005. The tornado that hit downtown Fort Worth in 2000 destroyed the Bank One Tower, and a 2001 flood in Houston killed people, destroyed property, interrupted the judicial system and rendered several major downtown buildings unusable for weeks. These disasters significantly disrupted the lives of lawyers, their staffs, clients, and the judiciary. Some lawyers were prepared for these disasters while others were not. The purpose of "Disaster Planning for Lawyers" is to help Texas lawyers prepare for a disaster, execute a plan of action when disaster strikes, and quickly resume life after the event. The suggestions presented are based on common sense and the collective experiences of disaster victims and responders. A comprehensive planning guide with training manuals, court orders, articles and other references is available from the State Bar through the Law Practice Management Department at 800-204-2222, Ext. 1301.

PREPARING

The key to avoiding and minimizing the effects of a disaster is planning for the unexpected – a task no lawyer really wants to undertake. A written plan that is shared with everyone in the office to take home is critical to its successful implementation. At a minimum, the following should be considered:

- Establish several alternative methods of communication for lawyers and staff to contact each other for status reports. The usual means of communicating by landline or cell phones may be disrupted in a disaster setting. Clearly designate the calling plan – state who will call whom and who is the designated person to whom employees should report. Always designate an alternate contact person. Consider giving each person a laminated card with key telephone numbers and home addresses (if your server is down, BlackBerrys and other PDAs will not work).
- Put one person in charge with a second person as backup who is responsible for the plan and its execution. An alternative would be a group command where the responsibilities are clearly defined. If the law practice is

conducted on multiple floors of a building, have one person and a backup in charge of executing the plan on each floor.

- Develop a plan to have information on your computers regularly downloaded and stored at a "safe" location not in your office area and, if possible, not even in your immediate geographic area. This includes all types of essential files necessary for the resumption of your practice, such as client or matter-specific files, accounting files (accounts payable and accounts receivable), time tracking files, etc. Backing up all your computer files on a regular basis (at least monthly) is perhaps the most important preventive task that you can undertake to preserve your practice.
- Be certain important documents that cannot be easily replaced, such as executed wills, are in fire, water and wind safe locations. This also includes licenses for and CD-Rom discs of original software that you purchased because these may need to be re-installed on new computers.
- Participate in building evacuation drills even though they might disrupt current work flow. Remember the Bank One Tower

in the 2000 Fort Worth tornado where immediate evacuation of the building was necessary.

- Be certain that telephone and electrical connections to the building are located above the highest flood level – avoid basements or other underground locations for storage. (Some buildings have backup generators.)
- Keep necessary insurances paid and in force with copies in a safe place for removal upon an evacuation. Another option is to store copies offsite. These coverages may include property, fire, windstorm, flood and business interruption. Remember, it is too late to get insurance when a hurricane is in the Gulf of Mexico.
- Routinely evaluate insurance policies and coverage – type of coverage as well as dollar level of coverage – do this at least annually. For instance, some hurricane-affected lawyers have found that some business interruption policies do not cover for loss of business unless the building was destroyed (loss of power alone, even for 3-4 weeks may not be covered).
- Watch the weather and use the communication system to alert staff to a current or approaching danger – staff not essential to executing the disaster plan should not be exposed to danger.

REACTING

Upon notice of an impending danger, the most important thing to remember is that the safety of your family and co-workers is top priority, far more important than tangible items that can be replaced.

Execute the plan developed for impending disasters. The plan should include at least these following action items:

- If there is an evacuation and you have limited time to respond, quickly gather essential documents such as identification, all insurance policies and insurance carrier contact information, banking information, loan

documents and any readily available and, most importantly, your family. Take available cash because if power or the phone lines are down, there will be no ATM or credit card transactions.

- If you are in your office or can reach your office prior to the evacuation order, move files, equipment, paintings, etc. away from windows to an area protected from wind, driven rain and rising water. In addition, remove or secure important client information and important documents, computers and other essential items necessary for the resumption of your practice.
- Confirm with building management or security the action you have taken to execute your plan before you leave and tell them where you can be reached. Determine how building security will be maintained during the specific threat. If the building has pass code or card entry access — identify who has a key in the event power is still out when you are approved to enter the premises.
- Communicate by email or phone with lawyers and staff on how the plan is being implemented and establish what is expected of them. Their safety should dictate their roles.
- Think about what will be needed to commence client services upon return and take those materials with you.

Remember your family and those who depend on you, including your pets. If you leave the area, take cash, food, water, and one set of work clothes for the return.

RETURN

Contact building management or security concerning the conditions for returning to your office. You may need to find a location from which to place your computer and server and from which to temporarily operate.

- Observe safety warnings about high water, downed power lines, broken glass, etc. If you

prepared well and executed your disaster plan, endangering yourself or others by returning to dangerous conditions should not be necessary.

- Secure the office to protect any confidential client information that may otherwise be exposed.
- Establish a temporary office if necessary in a hotel, rented office space or through an agreement with another law firm or a client. Contact the State Bar or the state's local bar associations for assistance in locating space.
- Using the systems pre-established in your disaster plan, communicate with your other lawyers and staff to update them on conditions and their roles in the return. The State Bar and many local bars serve as clearinghouses and should be contacted if you cannot locate someone.
- Communicate with clients to advise them of the status of their files, cases and projects. Contact opposing counsel on matters that you are handling to obtain extensions to any deadlines that might be coming up. Check with the courts to determine if any schedules or filing deadlines have been modified. Post information on your website and use recorded telephone messages to reach people and give status reports.
- Contact suppliers or the companies with whom you have accounts to arrange any necessary extended payment schedules.
- Take inventory, including pictures, of the damages and contact the insurance carriers immediately. If immediate repairs are required to protect the property from further damage, contact the insurance carrier and keep detailed records.

CONCLUSION

“Disaster Planning for Lawyers” is a bare bones summary of the plans lawyers should consider. The State Bar of Texas maintains comprehensive information on disaster planning in its Law Practice Management Office.

The State Bar also maintains a Disaster Response Plan to assist lawyers in aiding communities affected by a disaster and in providing legal services in the wake of a disaster. Visit www.texasbar.com for further information. Remember, you will not be of much help to clients if you do not take care of yourself and your family so PLAN NOW!

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