

# What Lawyers Should Do After a Hurricane

By the LOMAS Staff

After a natural disaster, once basic human needs are met and employees safely located, law firms need office survival answers. The Law Office Management Assistance Service staff of The Florida Bar contacted experts throughout the country for information and advice on data and records restoration. Experts at the Library of Congress and other professionals have spoken with LOMAS staff and recommended certain courses of action.

Questions of what to do first, where to start, whom to contact, etc., are bound to be asked over and over. Mental health advisors recommend the re-establishment of business communication within the community as soon as possible. For some, this will provide the first sense of normalcy in an otherwise topsy-turvy world.

For others both home and office may be destroyed by the hurricane. For those people, returning to normal at the office begins with making contact. This may be through renting a post office box at a postal service or by publishing a cell phone number or home listing, but the important point is to establish a way for clients, the court, and fellow lawyers to make contact.

## **Recovering documents**

What can be done about wet files and documents? Once safety clearance has been given to enter the premises, one of the first concerns is to determine the state of client and office files. The successful recovery of water-damaged documents requires drying of the document as quickly as possible. According to experts in document restoration, in any weather mold will appear within 48 hours in unventilated areas. Unfortunately, time is not on your side. The lack of air circulation, dehumidification, daily rain storms, and in some cases the deteriorating effects of light will have all destabilized the office environment and encouraged mold and mildew growth.

The most effective way to restore water damaged documents is through 'true' freeze drying utilizing sublimation. Sublimation changes the frozen water in the documents (ice) to a vapor, bypassing the liquid state. The vapor is removed by vacuum pressure in the freeze-drying chamber." Freeze drying can also reduce stains and odor. Sterilization procedures and a fungicide can help resist future mold growth. Freezing and storing documents at a temperature of minus 20 degrees Fahrenheit can buy you time to finalize arrangements for proper drying procedures. The main drawback to freeze-drying is cost. However, for non replaceable items it will be worth the expense.

Where the office has been flooded or rain-damaged because of a missing roof, cold storage in a commercial freezer will provide time to organize operations and plans for an orderly assessment or for building repairs to be completed. Freezing stops further damage caused by diffusion of water, but it does not kill mold spores and is not a drying process. If the decision is made to freeze documents in order to buy time, the documents, to the extent practical, should be separated by wax paper or freezer paper. Remember, however, that documents in this condition should be handled as little as possible.

In the short-term, client files, for example, could be pulled from the freezer and restored when needed. This of course, would require an indexing and separation of files for easy retrieval.

### **Do-it-Yourself Salvage**

In attempting a do-it-yourself restoration:

Set priorities. Classify documents or books as: (a) Unimportant; it can be replaced fairly easily. This category would contain duplicate forms, computer printouts for material backed up elsewhere etc.; (b) Important it can be replaced, but it will be time-consuming or expensive; e.g., bank records, correspondence from other lawyers; (c) Irreplaceable. Work with the wettest records first, usually those on the bottom shelf. Put records that are waiting to be processed into a refrigerator freezer if at all possible.

### **Drying Documents**

First, remove all paper clips, metal fasteners and binders to prevent the formation of rust, then: (1) Iron individual sheets of loose paper with low head from an iron, photographic dryer or hair dryer; (2) Interleave sheets with absorbent paper stock, e.g. blotter paper, blank newspaper stock. (Blank newspaper stock may be purchased from your local newspaper. Make interleaved stacks no higher than six inches and change paper every two or four hours as conditions warrant; (3) An alternative to ironing documents is to microwave the paper. Remember, however that removing too much moisture will cause documents to become brittle and crumble at the slightest touch; (4) Photocopy wet papers by using Mylar carrier sheets to protect the damaged document, then discard the damaged original document and use the photocopy; (5) Purchase new file folders, pockets, boxes as required. Time is clearly of the essence as mold growth is encouraged by conditions of high relative humidity and high temperatures. Air circulation must be increased to eliminate the stagnate air. Successful recovery of water-damaged documents will depend on drying documents as quickly as possible. Dehumidification, cool temperatures, and air movement are all extremely important. In some circumstances it may require negotiation with the landlord to leave the air conditioning system running 24 hours a day. Additional fans, dryers or dehumidifiers can be used to supplement the efforts.

Mold and mildew are going to be serious problems because of the optimal condition of heat and humidity in Florida. Unfortunately insect infestation under these conditions will also flourish. Professional fumigation may be the only answer if an extended period has elapsed before beginning restoration. Lysol may be too little to late.

Experts caution that before returning salvaged records to the office, the cabinets and bookcases, desk drawers, etc., should be cleaned, repaired, sterilized and dried.

### **Computer Recovery**

The technology industry has been preaching about data back-ups for years. How many firms actually do is not known. Most, we suspect, do not! After a hurricane, unless the media has been stored in a secured vault, even backed up data is likely to be lost. The loss of data, which might contain work-in-progress, account receivable,

payroll, and past histories of cases, can be crippling. Thus, the recovery of data could be crucial to the life of the law office.

The contaminants in water, such as sand, salt, mud, etc., are all big problems for magnetic media. If you feel technically adept, you may try removing the computer's cover and cleaning boards with freon or freon-alcohol solvent. We recommend you leave this task to the experts, however. Even if the machinery looks dry, if there is any reason to suspect that it has been damaged by water, turn the machine on only after you have determined that there is no water damage and that all equipment, network cables, power cables, peripherals, and power outlets or strips, are dry and grounded. If the machine has been water-damaged and you hope to recover data on the hard disk, do not turn on the computer!

For most firms the data contained on damaged drives is crucial to the operation of the firm, and should be recovered by professionals. Those who are technically proficient may take out the hard drive and contact a company like On-Track Data International that specializes in disk recovery. Their facilities have support personnel to check computers for damage and to recover hard disks in a "clean room."

One word of advice- if you do not believe that your equipment has been damaged, protect yourself by taking a common sense approach in reconnecting your system and powering up when the electricity is restored. Disconnect printers, monitors and other peripherals, and add each piece of equipment to the system one at a time, testing each individually if possible.

Rust will be the major culprit for most other equipment. If not now, it will be. Steel parts and electronic components were not manufactured to be doused with water. Wet toner becomes lumpy and unusable. All equipment should be serviced by a factory representative as soon as possible.

#### Lost Files

Documentation should be maintained for all material that is destroyed. This documentation will be needed later for legal and insurance purposes. A disposal authorization record, as shown below, will dictate what records are beyond recovery and thus were destroyed:

The following is a list of records which were destroyed and not recoverable by any means:

Record Title \_\_\_\_\_

File Nos. \_\_\_\_\_

Inclusive dates \_\_\_\_\_

Reason Destroyed \_\_\_\_\_

I hereby certify that the above named records have been destroyed as a result of a disaster caused by hurricane.

Signature \_\_\_\_\_

Date \_\_\_\_\_

If possible, check with your insurance carrier before you throw any records away. Some carriers may have special provisions regarding the salvage of records. Unfortunately, rodent or insect infestation may prevent the salvage of many records.

## **Reconstructing Documents**

Advertising counsel of The Florida Bar, has advised that advertising for existing clients or members of the Bar for the purpose of attempting to obtain duplicate records on on-going matters does not require prior approval. Other forms of advertising, however, are still subject to all rules and require prior approval.

For firms whose records have been totally destroyed, the only way to reconstruct bank records, both operating and trust accounts, will be by working from bank-held copies of checks, deposit slips and bank statements.

Obviously in a situation like this no one has all the answers, and for some things there are no answers. To the extent possible the staff of the Law Office Management Assistance Service will attempt to provide answers or referrals to the experts and professionals who are too numerous to mention in this article.