

Would you be prepared in the event of a disaster?

By the LOMAS Staff

I'll get around to it...*someday!* As we all watched in total disbelief the horrific collapse of the World Trade Center in New York, how many of us thought, *again*, that we really do need to prepare our firm's disaster preparedness and recovery plan. Yet even today, a decade after the devastation of Hurricane Andrew and a couple of years after Hurricane Katrina, many law firms in Florida do not have a disaster plan. Unfortunately, even the most comprehensive of plans won't help when no one survives to carry on. Many of the law firms in the World Trade Center had branch offices elsewhere or, most fortunately, someone survived. In those cases, a disaster recovery plan will be of immense assistance in getting reorganized and back in business. Additionally, there are many adjacent buildings that were badly damaged or destroyed. Firms in those buildings with disaster recovery plans in place will find it far easier to get up and running again. No disaster recovery plan however, takes away the pain, angst, and losses. They just make it a little easier to recover.

We've been occasionally asked if LOMAS can provide a sample disaster preparedness plan. As with many things in life, the answer is both yes and no. On the LOMAS portion of the Florida Bar's webpage www.floridabar.org you will find an outline detailing the many considerations and issues that form the backbone of any disaster preparedness or emergency response plan. The detailed planning and implementation can only be accomplished by input and direction from the firm's leadership — not blindly copied from another's planning guide. Many decisions need to be made beforehand and that's a task best accomplished with guidance from the firm's leadership.

Any disaster recovery plan should, *at a minimum*, address the following issues:

- Employee home telephone numbers personal and cell phone numbers, along with home addresses and e-mail addresses will be needed. Establish a telephone tree in order to facilitate staff contact if a disaster occurs. One or two individuals with cell phones should agree to allow individuals to call them in case there is limited telephone service. Lawyers who regularly use a PalmPilot, Blackberry, or similar personal digital assistance can easily update emergency staff information as well as client and case information for use in an emergency.
- Building management and key personnel work and home phone numbers. Information about a building emergency, security following an emergency, and building access is much easier if the key contact information is at hand when needed. The Fire Department Emergency Coordinator in most cases will be working directly with the building management rather than individual tenants during an emergency situation. Having key building management personnel work and home telephone numbers available could be crucial in learning about building access or additional security precautions so that staff can be advised in a timely manner.
- Insurance policy information, including policy numbers, coverage, and contact information following a disaster can be crucial in trying to get the firm operating again as quickly as possible.

- The firm's master docket and firm-wide calendar will be crucial to the continuation of client representation and quick recovery following a disaster. Re-creating a firm's calendar following a disaster could be an impossible task. Emergency preparedness plans should always include a means to restore such vital information. Fortunately, technology today offers a number of alternatives such as: computer backups, personal digital assistants, and off-site data storage.

While disaster recovery plans usually identify the need for finding alternative work locations, I'm afraid New York lawyers, after sustaining the loss of millions of square feet of rental space, will be facing a challenge well beyond anything ever before anticipated in a disaster recovery plan. However, just as in Florida following hurricane Andrew, the law firms in New York are doing everything they can to assist by sharing every available office or conference room. Fortunately, software and the Internet have now advanced technology to the point that working from home is a viable option. While everyone working from home would certainly not be an attractive or first choice option, given the space crunch in New York, it may be the only option.

The first 24 hours following a disaster are critical in preventing irreparable damage. Corrosion and mildew damage begin immediately following a fire or flood. Electrical and electronic equipment, while outwardly looking okay, after the delay of six or seven days, may well be beyond economic repair due to internal corrosion. Paper records and files, if wet, will already be in a state of decay from mold, fungal or bacterial growth after such a lengthy delay. Salvage of wet paper will now be much more difficult — if at all possible. The best hope for document recovery, according to experts in the document restoration business, is to quickly freeze all affected documents until professional help becomes available to begin the restoration process.

When it comes to disaster, reaction after the fact is never an adequate substitute for planning beforehand. I am constantly amazed at the number of firms lacking even the most elementary form of disaster prevention — backing up critical information on their computer system daily and taking the backup off-site every night. Once again, a disaster of this magnitude reminds all of us of the opportunity to prevent the “would've, could've, should've” recriminations of our failure to plan. Foresight and planning can make the difference between your practice surviving a disaster, or not. Isn't it time to get around to it?

Additional information on disaster and recovery planning is available by searching the web (key words *disaster recovery*) or by calling: Federal Emergency Management Agency (800) 462-9029; BMS Catastrophe, Inc., (800) 433-2940; Disaster Recovery Services, Inc., (800) 856-3333.

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