

DISASTER PLANNING

What to do Now



Dear Colleague:

We are pleased to present this disaster planning guide to you with the hope of stimulating thinking about preparing for the unknown. We all lived through the terrible days of 9/11. In 2005, we watched the news coverage of Hurricane Katrina, and later learned about the terrible impact that disaster had on the legal system. When I visited the affected area nearly seven months later, thousands of lawyers were still not back to their practices, there still had not been a criminal trial since the hurricane hit, and clients were left in legal limbo because their records and documents were lost.

While it is human nature to move on with your life as things quiet down in the aftermath of such difficult events, we must learn from these experiences and do what we can to prepare for such contingencies in the future. In the dangerous and complex world we live in, there are many other scenarios which represent significant risks and could have an equally detrimental affect on you, your practice, your clients, and our system of justice. It is not always a major disaster that creates such problems. We all recall recent events in New Jersey where there has been flooding in various parts of the state, fires in law offices, power outages and even a state government shutdown. We must be prepared to face even these smaller scale disasters and help ensure that our practices continue.

For this reason, one of my primary initiatives as president of the New Jersey State Bar Association was to appoint a task force on disaster planning to address what I sense as dangerous complacency by us in the legal profession in New Jersey and our surrounding states. This guide represents the first fruits of the task force, but certainly not the last.

I urge you to begin your disaster planning with this document. Reach out to other resources where necessary. Finally, check the NJSBA website, www.njsba.com, frequently for updates and new resources to assist you in this process and preparation.

Hopefully, you will never need the documents you prepare as a result of this exercise, but if you do, I can guarantee you will appreciate the benefit of them. I very much appreciate the efforts of co-chairs Brian Montag and Kevin McCann for leading the efforts of the Task Force on Disaster Planning, and thank them and their members for this excellent beginning.

Wayne J. Positan



President
New Jersey State Bar Association

The information presented in this brochure does not constitute legal advice, which can only be given by an attorney, nor is the information in this booklet comprehensive. It is intended as a guide to assist readers in preparing their own disaster relief plans, which will ensure the continued delivery of legal services to the public in the event of a disaster.

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1. **Form a disaster team**, consisting of those individuals who will be taking charge in the event of a disaster. Designate one person to be in command in the event of a disaster and designate an alternate. Determine what each person on the disaster team will be responsible for *i.e.*, section of a building, department, contacting staff, contacting clients, recovering documents, etc.
2. **Evaluate potential hazards and minimize risk.** Evaluate the potential hazards for which you are at risk, such as fire, terrorism, inclement weather, energy/power interruption, or other natural disasters, such as hurricane, flood or earthquake. Take steps to minimize damage associated with such disasters, such as purchasing fire and water proof filing cabinets, ensuring there are alternative power sources or at least flashlights or other battery-powered necessities available, etc. Also examine your office space, building and grounds and address any foundation cracks, electrical hazards, roof leaks, plumbing problems, etc. Finally, conduct a fire safety evaluation, make sure all sprinkler and alarm systems are working properly and all important documents are in fireproof cabinets. Conduct these evaluations at least annually.
3. **Identify potential consequences of a disaster and work to address them.** In addition to personal injury and safety issues, you need to plan for business interruption/economic issues as a result of any disaster. Think about how long you can sustain your practice in light of each potential disaster, what are the consequences of a potential loss of client base, how difficult would it be to move your office, temporarily or permanently. If possible, you should make arrangements for alternative work space in advance of actually needing it. Make sure enough funding is accessible to sustain your business for a particular period of time, including enough petty cash in case banks are temporarily inaccessible.
4. **Establish potential alternate work locations.** Think about where an alternate work location should be established—in another county or region of the state. Establish a plan to let employees know where the alternate work location is and how and when they are expected to report there. Determine in advance if the designated alternate work locations can be made permanent if necessary. If the alternate location is only temporary, determine in advance what the limitations are—how long can you stay, what is the cost, etc.
5. **Review all of your insurance policies.** Make sure acts of God are covered and the amount of insurance coverage is adequate to meet your needs in the event of a worst case scenario.
6. **Create an inventory list of all office supplies and other valuables.** Photograph, videotape or computer scan as necessary. Store copies of all lists, photos, videos, etc. off-site.
7. **Protect your data.** Establish a back-up routine to back-up all computer files on a regular basis. Determine what should be backed up and how long it should be maintained. Store the back-up files off-site and establish a procedure for obtaining them in case of an emergency.
8. **Prepare staff contact lists** in case of emergency, including cell phone numbers and pager numbers. Distribute to appropriate staff.
9. **Develop evacuation routes.** Distribute to all staff and post in appropriate places around your building.
10. **Prepare an emergency equipment list**, including locations of equipment and attaching floor plans, as well as emergency kits. The list should include the location of such things as utility cut-off switches and fire extinguishers. Each emergency kit should include supplies like flashlights, batteries, battery-operated radios, tool kits, portable fans, rubber boots, gloves, etc. The kits should be checked periodically to ensure everything is working properly.
11. **Prepare a formal disaster plan document** (a sample is attached), detailing all of the information needed in case of a disaster. Keep adequate copies of the plan on site, as well as at least one copy off-site.
12. **Advise all staff of disaster preparedness plans.**
13. **Schedule routine meetings of the disaster team** to monitor and update disaster planning activities as necessary.

Sample Disaster Plan Document

1. Disaster Team

| Name | Office Phone | Home Phone | Cell Phone | Pager | Area of Responsibility |
|----------------------|--------------|------------|------------|-------|------------------------|
| Person in Command | | | | | |
| Alternate in Command | | | | | |

2. Evacuation Plan

Attach a copy of the plan and a list of all staff to be accounted for.

Person in charge of evacuation _____

Warning System _____

Assembly Site _____

Alternate Site _____

3. Known Persons in Need of Special Assistance

| Name of Person | Location | Type of Assistance Required | Person Responsible for Providing Assistance |
|----------------|----------|-----------------------------|---|
| | | | |

4. Alternative Work Location:

5. List of Critical Functions (in order of importance)

| Function | Timeframe for Restoration | Alternatives Until Restored | Responsible Person |
|----------|---------------------------|-----------------------------|--------------------|
| | | | |

6. Crucial Contacts

| Vendor | Service Provided | Contact Person and Info |
|--------|------------------|-------------------------|
| | | |

7. Access to Restricted Areas

| Area | Person with Access/ Location of Access Info | Contact Person and Info |
|------|--|-------------------------|
| | | |

8. Critical Documents

| Document | Location | Location of Copies | Issuing Organization/Contact |
|------------------------|----------|--------------------|------------------------------|
| Incorporation Papers | | | |
| Contracts | | | |
| Partnership Agreements | | | |
| Stocks/Bonds | | | |
| Insurance Policies | | | |
| Bank Account Info | | | |
| Accounting Records | | | |
| Computer Back-Ups | | | |
| Equipment Inventory | | | |
| Deeds | | | |
| Leases | | | |
| Wills | | | |
| Client Lists | | | |
| Client Records | | | |

9. Insurance Information

| Policy Type | Policy Number | Agent | Contact Information |
|-------------|---------------|-------|---------------------|
| | | | |

10. Contacting Staff

Location of Telephone Tree _____

Emergency Website _____

Person Responsible for Updating _____

Acknowledgments

This document was developed adapting materials from *The Essential Formbook: Comprehensive Management Tools for Lawyers, Volume IV: Disaster Planning and Recovery/Risk Management and Professional Liability Insurance*, by Gary A. Munneke and Anthony E. Davis, a publication of the American Bar Association Law Practice Management Section. Copyright 2004 American Bar Association.
www.lawpractice.org/catalog/511-0424V4

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About the New Jersey State Bar Foundation

The New Jersey State Bar Foundation, founded in 1958, is the educational and philanthropic arm of the New Jersey State Bar Association. The Foundation is committed to providing free legal education programming for the public. Programs provided by the Foundation include seminars on such topics as wills, divorce, taxes, retirement planning, disability law and health issues; mock trial programs for students in grades K to 12; training sessions for teachers on the topics of conflict resolution, peer mediation and teasing and bullying prevention; plus publications including *Law Points for Senior Citizens (Second Edition)*, *Consumer's Guide to New Jersey Law*, *Legal Consequences of Substance Abuse*, *AIDS and the Law in New Jersey*, *Disability Law: A Legal Primer (Fifth Edition)*, *Domestic Violence: The Law and You*, *Students Rights Handbook*, cosponsored with the ACLU-NJ, and *Residential Construction and Renovation: A Legal Guide for New Jersey Homeowners*. Some publications are available in Spanish and all are available in alternative formats for the visually impaired. For more information or copies of program materials, visit the New Jersey State Bar Foundation online at www.njsbf.org or call 1-800 FREE LAW.



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