

## **When Bad Things Happen: 60 Minutes to Save Your Practice**

**Compiled from materials developed  
by members of the American Bar Association  
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Practice Management Advisors Committee**

Disaster recovery – and disaster planning – took on a whole new meaning in 2001. Even though the United States had never experienced devastation of the type generated by the September 11 terrorist attacks and their aftermath, smaller “disasters” with the potential to destroy a lawyer’s practice happen somewhere every day. From earthquakes and fires to leaking pipes and stolen or “crashed” computers, unpredictable events can leave a single lawyer or every lawyer in a community scrambling to save a practice in 60 minutes.

The key to saving your practice in the precious few minutes available after disaster strikes is to devote 60 minutes periodically to avoiding predictable perils and maintaining up-to-date plans to protect lives and your business if the unthinkable becomes reality. If you actually experience a disruption, major or minor, use the experience as an opportunity to revise your plan with your newly gained practical knowledge of what worked and what didn't.

### 60 Minutes Today – Planning:

- Sole practitioners:
  - Locate and keep in touch with a reciprocal “emergency buddy” who can help with client notification/case handling etc. in case of personal emergency as well as other disasters
    - Be aware of/follow applicable ethical requirements regarding advance client consent, etc.
    - Regularly provide “buddy” with updated information necessary to carry out his/her role
  - Follow procedures outlined below to the extent applicable based on your staffing, location, etc.
  - If you practice from your home, plan evacuation for family, guests, pets, etc. as well as business concerns
- Establish a Critical Incident Response Team
  - Define decision making authority
  - Identify and train members
  - Name alternatives in case of absence
  - Communicate with employees regarding team function and members
  - Appoint new members immediately if turnover
  - Review all Critical Incident Plans periodically and update to take

- account of changes in personnel or environment
- Establish a Damage Assessment/Reporting Team
  - Evaluate damage after disaster
  - Report to authorities
  - Notify insurance carriers, etc.
- Establish Critical Incident Reporting Methods
  - Provide every employee with phone numbers for police, fire, building security, etc.
  - Post emergency phone numbers in prominent locations, such as by all conference room or lobby telephones
  - Train employees to recognize and report possible emergencies
  - Identify types of potential dangers that should be reported to employees/others
    - Assign responsibility for determination
    - Assign responsibility for communication
    - Assign responsibility for follow-up and "all clear"
- Establish Critical Incident Response Procedures
  - Distribute to Team members regularly updated lists of home or mobile phone numbers or e-mails for notification of after-hours emergencies or status in ongoing emergencies
    - Keep a hard copy stored off site
  - Keep updated emergency contact/medical information for each employee
    - Keep a hard copy stored off site
  - Keep updated records of employees who need help evacuating and their location – assign a helper to each, with alternative helpers in case of absence
  - Identify outside resources for follow-up after emergencies, such as crisis counselors, hotlines, etc.
- If you aren't located in a building that has emergency evacuation procedures, develop your own people evacuation plan
  - Establish an Emergency Evacuation Team to make sure everyone gets out of the building and to report to authorities
  - Develop escape routes
  - Develop safety check-in procedures at a gathering place away from the building
  - Regularly hold emergency evacuation drills, first announced drills to get the procedure down and then unannounced drills
  - Establish responsibility for escorting visitors
  - Emphasize employee responsibility to comply with directions of emergency workers and designated Emergency Evacuation Team members
- Identify items (valuable artwork, etc.) to be evacuated, if time permits

without endangering people

- Assign responsibility
- Emphasize human safety over objects
- Develop communications procedures
  - Determine availability/procedure to re-route phone lines to alternative location/person
  - Plan Critical Incident Communication Center
    - Answer normal incoming calls
    - Respond to employee/client/court/etc. questions
  - Notification plans
    - Landlord, if applicable
    - Clients
    - Opposing counsel
    - Courts
    - Vendors, etc.
      - Keep hard copy of contact list stored off site
- Identify and train First Aid Providers
  - Circulate updated list of qualified First Aid Providers (Suggestion: Note on master telephone list those qualified)
  - Provide a triage/treatment area
  - Assure that first aid kits are available and continually stocked
- Space planning
  - Identify possible temporary office space in your immediate area
  - Identify possible temporary office space away from your immediate area
- Telecommuting plan
  - Identify functions that can be performed via telecommuting
  - Identify employees suitable and equipped for telecommuting
  - Develop assignment/supervision plan
- Equipment (non-computer) planning
  - Identify sources of rental equipment
  - Identify possible sources of equipment loans
- Computer planning
  - Develop (or refine) a data back-up plan
  - Identify responsible person(s) and alternatives
  - Identify off-site storage location
  - Develop monthly test of ability to restore
  - Identify sources of rental/loaner computer equipment
  - Identify home computing capabilities of employees
  - Use uninterruptible power supply (UPS) or surge protectors
  - Document all modifications/customizations to computer systems
    - This means all modifications/customizations
    - Store hard copy of documentation off site

- Establish a Safety Monitoring Team
  - Regularly look for hazards
  - Safety training for employees
  - Mechanism for obtaining employees' safety concerns
- Develop conflict resolution procedures
  - Diffuse volatile interactions/situations
  - Deal with ongoing problems
  - Identify potential workplace violence triggers
- Identify, protect and insure
  - Inventory office contents
    - List
    - Videotape or photograph
    - Store a copy off-site
  - Obtain appraisals
  - Protection
    - Sprinklers
    - Fireproof safe
    - Keep files/records off floor
    - Store photographs and negatives separately
  - Purchase insurance as needed
    - Consider all types
      - Review professional liability policy and talk with agent regarding coverage/resources for avoiding malpractice resulting from/occurring after disaster
      - Property insurance (if own building)
      - Business interruption
      - Valuable papers
      - Crimes
      - Disability, life, other personal
  - Regularly evaluate adequacy
    - Replacement value
    - Cleaning/restoration
    - Payment of interim rent
    - Sprinkler/water damage
    - Personal items (does homeowners' coverage protect?)
- Financial Continuation
  - Back-up regularly all financial/billing programs
  - Blank checks stored off site
  - Available line of credit

### 60 Minutes During an Emergency – Implementing

- Human life and safety comes first

- Evacuate and account for all people in premises, report to authorities, obtain emergency medical attention
- Rescue any identified items if time and safety permits
- Mobilize Critical Incident Response Team
- Implement all items from plans created in pre-disaster phase

#### 60 Minutes Immediately After Emergency Ends – Recovery

- Attend to less critical physical and emotional needs of employees
- Mobilize Damage Assessment/Reporting Team
  - Initiate immediate actions necessary to protect and preserve property or eliminate ongoing hazards
  - Determine salvage and recovery requirements and time frames
- Contact all employees for after-hour emergencies and employees who were absent from work for work-hour emergencies and confirm procedures to provide interim status updates
- Implement Emergency Communications Center
- Initiate re-routing of phone lines
- In case of natural disaster, contact local emergency operations center to register claim for relief
- Contact property/casualty insurer; review policy
- Contact professional liability insurer
- Begin notification process (clients, etc.)
- Initiate search for/transition to temporary space
- Implement other aspects of plan as applicable
- Expect the unexpected – there will always be something you didn't plan for
- Ask for help – in an emergency, even your opponents may be your lifeline
- Offer help to others if possible – others may be worse off than you

#### 60 Minutes Hours or Days After Emergency Ends – Debrief

- Thank everyone for their response/understanding of ongoing inconveniences
- Provide as much information as possible about future plans
- Seek input from everyone about what went well and what didn't
- Obtain any additional resources indicated by debriefing

#### 60 Minutes When Things Return to Normal

- Thank everyone for their response/understanding
- Celebrate creativity and caring in the face of disaster
- Revisit the disaster plan, using experience to add, delete, modify, add more detail, etc.

- Communicate with clients, emphasizing disaster response as evidence of your firm's flexibility, ingenuity and concern