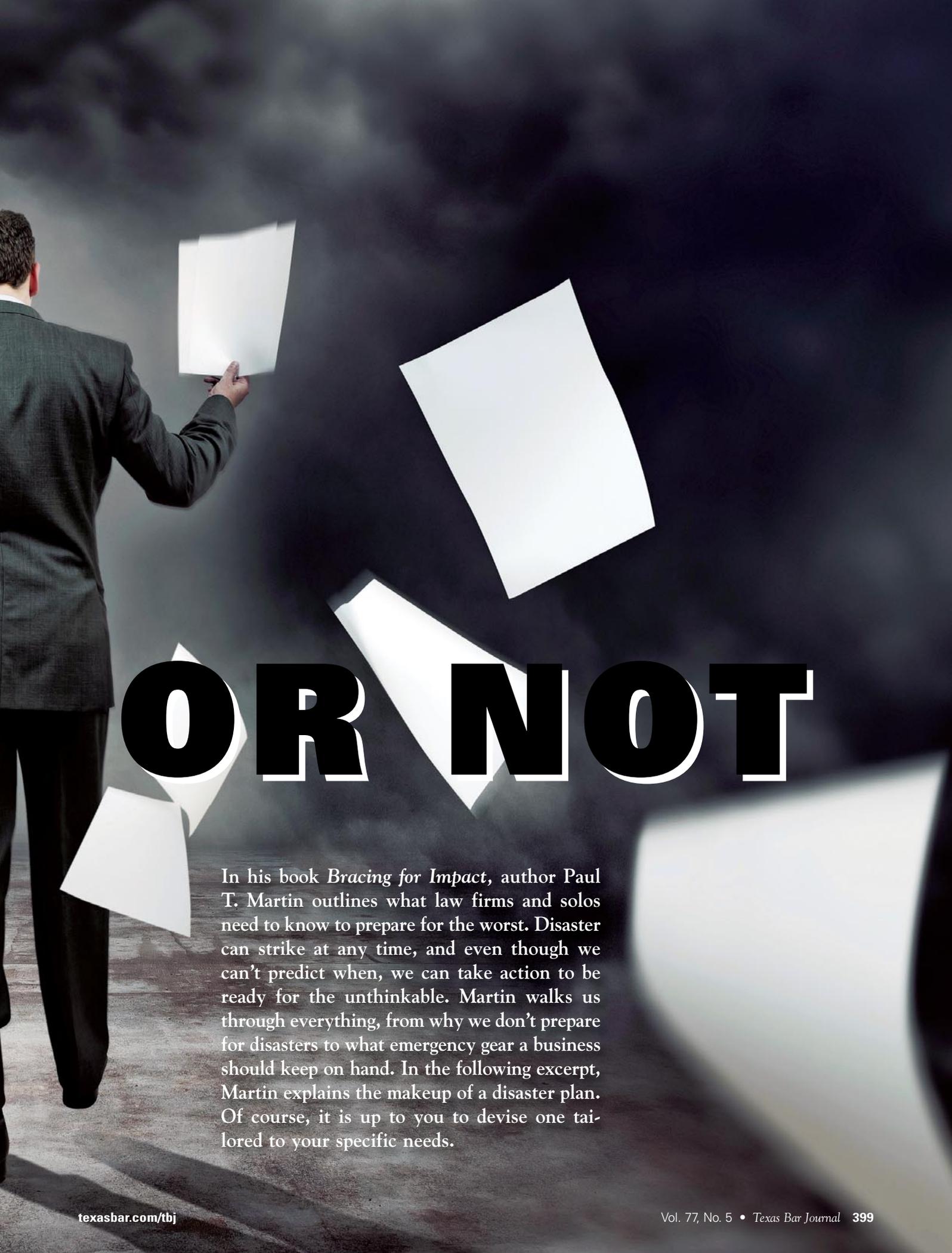


A man in a dark suit is seen from behind, standing on a concrete surface. He is holding a stack of papers, and several sheets are flying through the air around him. The background is a dramatic, stormy sky with dark, swirling clouds and a bright light source breaking through on the left side. The overall mood is one of intense pressure and readiness.

READY

A man in a dark suit is seen from the back, holding a stack of papers. He is standing in a dark, smoky environment. Large, white, geometric shapes, resembling paper or cardstock, are scattered around him, some appearing to be falling or floating. The overall mood is dramatic and mysterious.

OR NOT

In his book *Bracing for Impact*, author Paul T. Martin outlines what law firms and solos need to know to prepare for the worst. Disaster can strike at any time, and even though we can't predict when, we can take action to be ready for the unthinkable. Martin walks us through everything, from why we don't prepare for disasters to what emergency gear a business should keep on hand. In the following excerpt, Martin explains the makeup of a disaster plan. Of course, it is up to you to devise one tailored to your specific needs.

CHAPTER 7 ANATOMY OF AN INCIDENT RESPONSE/ BUSINESS CONTINUITY PLAN

So what does a completed disaster plan look like?

It looks like whatever you want it to look like. I know that's not a good answer, but it's important that you understand that it's *your* plan, not mine. So customize it to make it do what *you* need it to do.

To get you started, I am going to walk you through one example of what you might expect to see if someone handed you a plan for your business. For this discussion, the hypothetical firm has roughly ten attorneys and ten staff employees. The firm is located in Austin, which means it does not have coastal exposure but could still feel the effects of a hurricane hitting the Texas coast.

PLAN FORMAT

We hit our first question in the decision tree right away. Do we use hard copies of the plan, soft copies of the plan, or both?

Hard Copy Pros and Cons

- Hard copies need no electricity or technology.
- Hard copies take up space.
- Hard copies are a pain to update since you have to change every single copy.
- Hard copies provide no inherent security as to their contents (which may be desired as some portions of the plan might contain proprietary information, such as employees' addresses and phone numbers).

Soft Copy Pros and Cons

- Soft copies can be put on a thumb drive and attached to a keychain for ease of use.
- Soft copies are easy to update.
- Soft copies can be password protected (to maintain the security of any proprietary information contained in the plan, as mentioned above).
- Soft copies require computers and electricity to access.
- Thumb drives and external hard drives can crash, making the plan inaccessible.

My personal bias is for hard copies. I place the hard copies in red folders so that they stand out. Further, when I tell the incident response or business continuity team to check their "red folder" for this or that, there's no question what I am talking about. These red folders have never failed to boot and have never been accidentally deleted or made inaccessible due to a software virus. Plus, I tend to be a bit "old school" in that I prefer holding paper in my hand when I absolutely need critical information. Many of you, however, likely shud-

der at the thought of a hard copy. Do what makes sense for you. Whether you use hard or soft copies to record your plans, here are several suggestions about what they should contain.

EMERGENCY INSTRUCTIONS FOR EMPLOYEES

Each member of your organization should have a short, half-page memo detailing what to do in case of fire, severe weather, or other emergency. It should contain the contact numbers for them to call to get further instructions in the event of an emergency.

Why put this in your red folder? I do so because I want to have a copy of the instructions my employees have and are hopefully following. Everyone should be on the same page.

EMERGENCY CONTACT INFORMATION

You need to know how to get in touch with your employees, preferably through multiple means. This means having not only their names, phone numbers, and physical home addresses, but also their "in case of emergency" contacts. The growing practice of abandoning traditional landlines at home in favor of a cell phone means we have one less means of getting in touch with our employees. On the upside, having the ability to send text messages adds a new dimension to our emergency communications.

PHASE CHECKLISTS

When I started developing a disaster plan for my legal department, it dawned on me that we needed to have some protocols to follow both pre- and postdisaster. I drew upon my extremely limited computer training in high school—learning the old BASIC programming language—and wrote out steps to follow and in what order. Grouping these activities into phases makes it easier for everyone to know what activities need to be done and when to do them. For example, if it's time to "implement phase 2 protocols," you simply open up your red folder, turn to phase 2, and read the checklist.

OUTLINE OF ONGOING PRECAUTIONS

What are you doing daily or weekly to prepare for a disaster? For example, what's the plan for backing up computer data? How often do you review the red folder to update it? Outline your ongoing precautions so you can have a clear list of those activities.

SPECIAL CONSIDERATIONS FOR CERTAIN SCENARIOS

Some scenarios don't lend themselves well to the phase checklists mentioned above. Catastrophic events come to mind. Write out special instructions for those scenarios that require it.

SOLUTIONS FOR POSSIBLE PROBLEMS

A disaster is a disaster is a disaster. Many disaster planners would cringe at that notion, but I think it's quite true. For example, if your building is destroyed, does it matter if it was destroyed by fire or weather? If you're having communications issues with your staff postdisaster, does it matter if those issues were caused by a plumbing failure requiring an office evacuation or a shooting in the workplace? You will find that a number of the problems you are trying to solve are identical across the spectrum of the possible disasters that could affect a law office. Take advantage of that and prepare some suggestions on how to handle common problems that might come up postdisaster.

IDENTIFICATION OF ALTERNATIVE WORK SITES

Quick—the building just blew up. Where do you plan to go to work tomorrow? Think about alternative work site issues now and have the possible solutions written down. If you have arranged with another business to partner with them in the event of a disaster to either business, be sure to put in the plan where that business is located. In addition, think about where you plan to receive mail and fax documents, if needed. Write down the names and locations of the places where you can do those things, too.

NOTE ON PERSONAL ITEMS

I suspect most of us do this to one extent or another already. I encourage everyone to keep some basic supplies at work—medications, personal hygiene items, high energy snacks, and maybe even a change of clothes. I keep a razor at work as well, in case we need to “shelter in place” for a given period of time. I also keep a small poncho, a first-aid kit, a powdered sports drink mix, and a few other items to make a disaster more manageable.

PLANS FOR ACCOUNTABILITY/PAR

In the aftermath of a disaster, one of your first orders of business will be to determine the status and location of your staff. First responders often refer to this as taking a *personnel accountability report* or “PAR.” Taking a PAR is a high priority. Think about how you want to go about doing that. Also, for offices where attorneys regularly leave the office for meetings, court appearances, depositions, and travel, how will you determine their whereabouts? Work through those issues and incorporate them into your red folder.

LAUNCH CODE CARDS

Every U.S. president has access to the nuclear weapons launch codes. These codes appear on a card kept constantly close to the president by the military. You should also have your own version of a launch code card available to you at all times.

Your launch code cards enable you to “launch” your incident response or business continuity plans. I created launch code cards for our emergency responders, giving them the basic information they need to get started in the crisis management process. A launch code card might look something like this:

[SIDE 1] EMERGENCY CONTACTS	
Insurance Agent: [phone number]	Computer Support: [phone number]
Neighboring Law Firm: [phone number]	Office Manager: [phone number]
Remediation Company: [phone number]	Managing Partner: [phone number]
Court Reporting Firm: [phone number]	Accounting Firm: [phone number]
Rental Car Company: [phone number]	Office Supplies: [phone number]

[SIDE 2] INCIDENT RESPONSE FIRST STEPS
<ul style="list-style-type: none">• <input type="checkbox"/> Call 911 if necessary• <input type="checkbox"/> Ensure employees are safe/complete PAR• <input type="checkbox"/> Contact insurance company• <input type="checkbox"/> Notify absent employees• <input type="checkbox"/> Take mitigation steps if possible• <input type="checkbox"/> Advise firm leadership• <input type="checkbox"/> Arrange to get employees home if needed• <input type="checkbox"/> Notify court reporters/courts of situation if needed

This launch code card will help you get your head into the game, so to speak. I would suggest making it a credit card-sized list, and then laminate it. Put it in your wallet or purse so that it's always with you. **TBJ**



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