



PREPARING FOR A DISASTER

BY KELLY-ANN F. CLARKE

In 2008, Hurricane Ike devastated the Texas coast. Last summer, Central Texas battled the most destructive single wildfire in the state's history. Texas attorneys may find themselves facing a disaster at any time — fire, flood, tornado, intruder. While there may be no way to avoid emergencies or natural disasters, there are several steps you can take to prepare and protect your law practice.

1. CREATE A WRITTEN DISASTER PLAN

A clear, written plan — even a simple one — can help you, your staff, and your clients rest easier in the face of a disaster. Start by addressing the types of threats you could face. Texas faces a variety of natural disasters each year — what sort of natural disasters threaten your area? We all may have an angry client or litigant who becomes unstable. We can all get sick. Everyone in your office should participate in creating this list, since you likely do not know everything that is going on in the office. For example, you may have an employee who might be going through a bad divorce or an employee with special physical needs — they may offer valuable insight about security or accessibility issues. Evaluate and prioritize your list often.

One important part of your plan should include an analysis of your physical facilities:

- How does your building size, type, and age affect security considerations?
- How does the number and use of doors and windows affect security and evacuation procedures?
- For small freestanding buildings, consider if you have developed appropriate emergency escape routes and procedures for all eventualities — fire, flood, wind damage, violent intruder, etc.
- For large buildings, what are the building's emergency procedures? Have you coordinated your emergency plans with building management and other tenants on your floor?

Other considerations include business concerns: What will you need to continue your business? What documents must you protect? How will you access your files? How will you pay employees, pay yourself, and pay incoming bills? Where will mail go? How will you meet deadlines in courts not affected by the disaster? Will you need temporary staff?

Your plan should also include arranging for your own unforeseen disability or demise. Arrange in advance for one or more lawyers to cover your practice. Get advance authority from clients (in a fee agreement) to associate counsel in case of an emergency. Prepare your files and bring them up-to-date and include a to-do list of uncompleted tasks in each file. Prepare a letter of instruction for your spouse, your partner, and your staff who will be covering your practice. For more on closing a law practice, visit <http://texasbarcle.com/materials/closingpractice.html>.

In case of a natural disaster, you may want to have more than one stand-by attorney, including one that lives in another city. If the disaster devastates your area, your primary stand-by may be affected as well.

2. EDUCATE YOUR STAFF

What good is your plan if no one knows what to do? Make sure everyone knows what is supposed to happen. Post safety information regarding fire exit locations, fire extinguisher locations, escape routes, and emergency phone numbers. Purchase and store emergency supplies and be sure everyone knows where these supplies are kept. Make such information part of new employee orientation and go over it on a regular basis.

Most important, practice building evacuations! It may seem like a waste of time, but how will you know if your plan is practical? Trial runs are the best way to work out any kinks.

Create an alert system for staff. If you are facing a disaster that allows for planning (i.e., a hurricane in the coming week),



email and call staff and clients. Be sure you contact *all* staff — including those that may be out of the office. (There may be something on their desk that is vital to a case.) A simple email and phone call to let everyone know that the plan is being activated and that the office is closing will help to maintain order.

Designate one person to initiate and execute the plan. Likewise, make sure employees know who is responsible for each aspect of the plan. It should be very clear *before* disaster strikes who is responsible for safeguarding important documents, who is responsible for making sure computer files are backed up, and who will contact staff and clients in the case of an emergency.

3. ESTABLISH ALTERNATIVE METHODS OF COMMUNICATION

For disasters that require extended evacuation, consider an alternative 800 number with a voicemail system for employees to call in or a website to post messages. Collect and store alternative contact information off site. This includes home phone numbers, cell phone numbers, and any other contact method (a spouse's, child's, or parent's cell phone number).

Collect contact information for your clients and develop a plan for communicating with them before, during, and after an emergency.

4. REVIEW INSURANCE POLICES AND COVERAGES ROUTINELY

Have you recently added computers or upgraded equipment? Does your insurance policy cover those upgrades? More important, what does it *not* cover? Making sure you have the right kind of insurance — and sufficient coverage — are key to disaster planning. The types of insurance to consider include damage or loss of real and personal property, flood insurance, loss of revenue (business interruption), disability, long-term

care, general liability, valuable papers, and accounts receivable.

To help determine what insurance policies best suit you, take an inventory of your office. Include serial numbers, purchase dates, prices, etc. You should keep a detailed list off site and update the list regularly as equipment and materials are replaced or added. Consider taking pictures or video of your office once a year and store them off site with your written inventory. This helps in insurance claims and office rebuilding or remodeling.

5. DOCUMENT PRESERVATION

In the case of an emergency, you may need to access files from a remote location. Disasters pose a different dilemma to attorneys, who have the duty to protect client information. Back up your computer system to a secure, off-site location. Establish a regular back-up procedure with off-site storage and follow it. Regularly review and test your back-up system carefully.

If you will be storing information off site, learn about the storage facility's policies in a disaster. If you are not comfortable with off-site options, consider storing information electronically. There are a number of secure cloud storage options. As with off-site storage options, it is important to learn about a cloud storage option's security and disaster policies to determine which is best for you.

For more on preparing for a disaster, visit texasbarcle.com, click on the Law Practice Management tab, and then on "Disaster Recovery."



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Are you prepared for a disaster? Assess your risk in a disaster by asking:

- What would I do if my facilities were closed for several days, damaged, or even totally destroyed?
- What could I absolutely not survive without — computers, equipment? What can I do to assure I'm never without them?
- What if there was a prolonged power outage?
- What if my computer hardware is destroyed?
- What if my key suppliers or shippers were shut down, even though I am not?
- Is my insurance adequate to get us back in operation? Do I understand what is covered and what is not?
- Can I pay creditors, employees, and other firm needs during a prolonged shutdown?