

# **Disaster Planning: Not a Luxury, a Necessity**

## **By Sandra J. Boyer**

Disaster and contingency planning is an essential part of a law firm's strategic plan. Firms that are PROACTIVE rather than reactive in their planning are more successful in facing events that could potentially interrupt business operations, both short term and long term. Firms cannot make the mistake of thinking that disaster won't strike. The development of a Disaster Response Plan is not a luxury, but a necessity.

Developing and regularly updating a Disaster Response Plan can save lives, reduce financial liability and loss, protect firm assets, help firms recover more easily, and provide greater security and control.

The two most important goals of a Disaster Response Plan are insuring the safety of employees and resuming business operations as quickly as possible.

Paul Sullivan in the Illinois Bar Journal, May 2002 Law Office Management & Technology column, suggested a checklist of the important features of a Disaster Response Plan; which include:

1. Designate a responsible person to prepare the plan, coordinate it with others in the office and review it periodically.
2. Determine whether to evacuate or take an alternative approach for specific incidents.
3. Designate exit routes for each part of the office.
4. Designate an assembly area.
5. Assign designated individuals the job of accounting for employees.
6. Assign someone the task of reporting emergencies.
7. Establish a training program (specific training for emergencies, alternate optional training in First Aid, CPR, etc.).

Following are some specific steps law firms should take in developing a successful Disaster Response Plan:

**Step One: Appoint a Disaster Planning and Response Team.**

The Managing Partner or Management Committee should appoint a committee to address disaster planning and response. The team should include the legal administrator, a responsible support staff person, lawyers who have an interest and who have the time to devote to the Committee, the IT person and practice group chairs or designees.

Once the team is appointed, a committee chair must be established. The person must have authority within the firm, the respect of others in the firm and have time to commit to the effort. The Committee must be given specific authority to develop and implement the plan and must have clear lines of authority both in advance of, and during, a disaster response. The support of top management is essential during the development of the plan, and most importantly in the implementation of the plan if needed.

The first focus of the Committee should be to create a timeline for the development and completion of the Disaster Response Plan. The Committee must also create an outline of what the plan should include. The Committee should schedule and hold regular committee meetings, identify deadline dates for the development of documents to be included in the plan and provide regular updates to the firm regarding the activities of the Committee.

**Step Two: Perform a Risk Analysis to Identify Potential Disasters.**

Before developing a Disaster Response Plan, The Committee must identify the most likely types of disasters to face the firm. A risk analysis should be performed to determine which types of disasters might affect the firm, taking into consideration how much advance warning there may be, how long the event will affect the firm and what parts of the firm will be most affected. Among the events that could interrupt business operations are: 1) Software/hardware failure (Virus attacks, Power failure, Sabotage), 2) Network crash, 3) Fire, catastrophic or minor, 4) Flood, 5) Earthquake, 6)Hurricane/Tornado, 7)Bomb/Bomb threats, 8)Snow/wind/ice storm, 9)Personnel, including unexpected lawyer, administrative or support staff issues, and 10)Unexpected financial issues.

The Committee should create a list of events that could most likely affect the firm and then develop the Disaster Response Plan accordingly, creating a response to each type of disaster.

**Step Three: Draft the Plan.**

The Committee must identify individuals who will play a role in the implementation of the plan; identify the responsibilities to be assigned to each

person; identify the outside sources that may be needed to implement the plan; determine expenses that might be incurred during the implementation of the plan; create a communication process, both internal and external; create forms, checklists, contact lists, etc. to be used during the implementation of the disaster response and identify the security measures to be taken prior to, and during, the disaster response.

The Committee must create a written manual that can be provided to all members of the firm. This manual is a working document to be reviewed regularly. The manual must be kept within reach in case of emergency.

**Step Four: Communicate the Plan.**

Communication both internally and externally is essential. The Committee must develop and implement a communication process by which to inform lawyers, administration and support staff that the Disaster Response Plan has been developed and will be implemented if the need arises. Everybody in the firm must be told how to use the manual. The Committee must identify to everybody in the firm, the person who is in charge of the implementation of the plan at the time it is needed.

In the plan, specific assignments will have been given to individual positions within the firm; the Committee must make sure all people who have responsibilities outlined in the plan are aware of the plan and their roll in it.

The Chair of the Committee must also communicate regularly with outside sources that will be used in the implementation of the plan.

**Step Five: Implement and Test the Plan.**

Once the plan is complete, a test program should be created. The Committee should identify the parts of the plan which can be tested to insure effectiveness. A “fire drill” schedule should be created and implemented on an annual basis to test the elements of the plan.

If the “fire drill” demonstrates ineffective elements of the plan, the Committee should make appropriate changes to the plan to allow for a more effective response.

At the conclusion of the “fire drill”, circulate questionnaires to firm personnel testing their comprehension of the plan and the role they play.

The Committee should schedule and conduct appropriate training sessions for all people who have responsible roles within the plan. This is especially true if the

firm experiences regular turnover of firm personnel who have a role in the plan.

**Step Six: Update the plan regularly**

It is essential to review and update the plan annually. The Disaster Response Plan should be an agenda item for lawyer and staff meetings at least quarterly. The Committee members will be rotating off the Committee and will be replaced with new members. The forms, checklists, contact lists, etc. that have been created as part of the plan will need to be updated annually. As changes take place in the firm, the Disaster Response Plan should be reviewed to see if those changes affect the plan.

Proactive planning better prepares law firms for events that could affect firm business operations. The development of a Disaster Response Plan must be coordinated, organized and effective.

For additional information regarding disaster planning visit the American Red Cross online guide <http://www.redcross.org> go to Disaster Services, Be Prepared, or the Federal Emergency Management Agency at <http://www.fema.gov>. go to Library, Preparation & Prevention.