

# **DISASTER RECOVERY STEPS TO TAKE IN RECOVERY EFFORT**

## Damage Assessment

1. Contact local emergency operations center to register claim for relief.
2. Contact property/casualty insurer. Review policy, talk with representative about loss and coverage. (Loss of income/extra expense, business interruption coverage, etc.)
3. Contact E&O insurer to inform of disaster and obtain information/advice about how to avoid malpractice in event of missed deadlines, etc.
4. Assess damage to determine what, if anything, is salvageable and how long recovery efforts will take.
5. Contact landlord, if applicable, to determine obligations under the lease agreement during time space cannot be accessed and to discuss recovery efforts they are making.

## Business Continuation

1. Communication
  - Contact all firm members and employees to inform them of status of things and to establish contact procedures (telephone trees, emergency information hotline) until office space is located and everyone can get under one roof again.
  - Contact clients and discuss files, records, status of cases.
  - Contact vendors re: temporary location.
  - Contact Post Office and other delivery services to stop delivery to damaged location and re-route to temporary location.
2. Banks
  - Contact banks for replacement checks.
3. Payroll Service
  - Contact payroll service.
4. Office Space/ Furnishings
  - Identify alternative work locations.
    - Call local Realtor to find office space.
    - Share space with others temporarily (lawyers, accountants, hotels)
    - Obtain (rent, borrow or purchase) furnishings (desks, chairs, lamps, filing cabinets, bookshelves)
5. Telephone Service
  - Arrange to have phone calls forwarded to new number or
  - Arrange for telephone answering service with prepared message until new system in place.
  - Arrange temporary service with local telephone company at temporary location.
    - Phones, fax, modem, internet use

## 6. Equipment

- Contact equipment vendors re: existing leases/contracts and your/their performance obligations under the terms of lease or contract.
- Types of equipment needed:
  - Computer
  - Printer
  - Fax machine
  - Copier
  - Dictation equipment
  - Typewriters
  - Computer network
- Identify portable computers/home computers that might be pulled back from home use during recovery period.

## 7. Office Supplies

- Contact supply vendor to obtain necessary supplies
- Contact printer to print stationery, business cards, etc.
- Contact forms vendors (billing forms, other forms)

## 8. Records to be Recovered

- Client Documents (opposing counsel/clients/Secty of State's office/Registrar's office may can assist with copies and reconstruction of events, dates, deadlines, etc.)
  - Leases
  - Wills
  - Agreements
  - Settlements
  - Corporate records
  - Docket and calendar records
  - Pleading files and court papers
  - Client billing information
  - Current address of client's counsel and contacts
  - Billable time and receivables information
  - Correspondence
- Firm Documents
  - Leases/Subleases (landlord, leasing companies may have copies)
  - Agreements (other party may have copy)
  - Client list of names, addresses, phone numbers
  - Client files and billing records (opposing counsel/clients may can provide copy)
  - Accounts receivable information
  - Work in process information
  - Financial records (CPA may can provide copies)
  - Insurance policies, broker information (insurance company has policy)
  - Inventory of physical assets
  - Payroll and employee records (payroll service, employees may can provide information to reconstruct)

## 9. Records Recovery

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*The information provided below was originally prepared by Jean Barr, Records Manager, Sidley & Austin for the 1993 ALA Annual Conference presentation, "Disaster Preparedness". It was forwarded to Suzanne Rose, Management Consultant for TNBAR Management Services, by the Florida State Bar in the hope of being able to assist Tennessee attorneys in the recovery of their documents.*

- Initial Response
  - Once it is determined that disaster is over and space is accessible, begin assessing damage. Make sure all file cabinets or other containers that are to be opened are cold to the touch. If fire was involved, flash fires may occur upon opening a warm cabinet.
  - Call vendors and collect the following supplies:
    - Freezer or waxed paper
    - New boxes, file pockets and folders
    - Plastic milk containers
    - Refrigerated facilities or trucks
    - Plastic garbage cans or pails
    - Sawhorses, plywood and plastic sheeting to wrap wet records for removal
    - Fans and dehumidifiers; pumps, if necessary
    - Mops, buckets, sponges and rubber gloves
    - Hand-held, two-way radios (walkie talkies) or cellular phones
    - Irons, plastic clips and clothesline or nylon fish line if working with a small volume of records
- Assessment Procedures
  - Prioritize damaged documents to be restored in order to protect the most critical documents from further damage. Separate those records that are of critical importance from those that can wait.
  - Determine whether to freeze some of the documents in the hope that they will never need to be restored. It is less expensive to freeze documents than it is to freeze them and restore them. If back-up records are available, the originals should not be restored.
  - Identify the status of materials by the use of colored tape or markers.
    - Black – beyond hope and cannot be recovered
    - Red – to be recovered first and of the greatest importance
    - Yellow – to be frozen and recovered only when needed. Long term storage is possible.
    - Green – does not need any recovery service, not damaged and can be used immediately
- Documentation
  - Destruction of any material should be documented for legal and insurance purposes. Use a disposal certificate to indicate what is beyond recovery and why. Form should contain following information:
    - Client/Matter No. or Record Title
    - No. of file in pockets
    - Inclusive dates
    - Reason destroyed
    - The form should be signed and dated.

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- Records Storage Areas
  - Areas where records are stored should be thoroughly repaired, sterilized and dry before records are returned to them. This includes shelving, cabinets, desks, etc. Carpeting should be removed, dried and treated for mold and mildew. Water damaged carpet liners or padding should be replaced with new. Hidden water dampness under tile or false flooring should be removed. Disinfectant should be used on all surfaces.
  - Inspections of the damaged area for mold, rust and other damage should continue for at least a year after the disaster.
  
- Types of disasters and corresponding responses:
  
- *Water damage*
  
- Paper

Deterioration of paper records will begin within two to three hours. Action must be taken within the first 24 hours to prevent mold, fungal or bacterial growth.

  - Paper records must be removed from the water and then the water removed from the paper.
  - The main short term goal should be to remove the paper from the wet environment and freeze it until it can be dried out. Freezing will preserve the paper up to six years if necessary.
  
- *Procedure:*
  - Stabilize atmosphere
    - Maintain temperature at 50 to 60 degrees. Do not add heat until dehumidification and circulation are established.
    - Maintain humidity at 25 to 33%. Request use of portable dehumidifiers.
    - Maintain circulation with portable fans.
    - Discard any plastic sheeting used as temporary protection.
  - Assess records damage
  - Work with the wettest records first, usually those on the bottom shelf or drawer or closest to the sprinkler system or leaking pipes.
  - Remove metal fasteners or clips to prevent the formation of rust.
    - Loosely pack in plastic sheeting or freezer paper approximately 200 sheets (2 inches) in an upright position with the spine down in crates. Do not stack records on top of each other.
    - Use plastic milk crates to transport the records. Pack the crates about three quarters full.
    - Remove records to be recovered to a dry location or freezers if possible.
    - Maintain list of all records removed.
  - *Small Volume of Paper*
    - Put records that are waiting to be processed into refrigerator freezers if at all possible. This will delay the disintegration process.
    - Separate the sheets of paper by hanging them out to dry on a clothesline, or interleaving them with absorbent paper stock if

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extremely wet or in bound volumes. The interleaved stack should be not more than six inches high and changed every four to eight hours. Use fans to circulate the air if using the line drying method.

- Iron individual sheets of loose paper with low heat from an iron or paper dryer as used in photography. An alternative is to microwave the paper. Remove all staples and metal fasteners first. Bound volumes should have the spine and all binding materials removed first.
- Photocopy papers by using mylar sheets to protect the damaged document; discard the original and use the photocopy.
- Create new file folders, pockets or boxes as required.
- *Large Volume of Paper*
  - Locate outside sources with large freezers that can accommodate the wet records until a commercial service can rehabilitate them.
  - Pack the records in freezer paper or waxed paper.
  - Move the records to be recovered to these freezers as soon as possible after the disaster has occurred.
  - Work with commercial service to have records recovered. They will freeze or vacuum dry the records.
- **Fire Damage**
  - For charred records that are not wet, assess whether or not they are completely obliterated or just have charred edges. If the information is recoverable, photocopying of the document is the best method of recovery. Handle the records as little as possible.

9. Library

- Evaluate possibility/cost of repairing books. (Vacuum/freeze dry method)
- Identify subscriptions/volumes to be replaced immediately.
- Arrange with other firms/universities to use library facilities.
- Establish link with Westlaw/Lexis, etc.
- Publish a resource list for attorneys re: where to go for library services.

10. Contact courts to determine where court will be held, schedules, available records, etc.

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## DISASTER RECOVERY PLAN

### IMPORTANT NUMBERS

Federal Emergency Management Agency	800-462-9029
Tennessee Emergency Management Agency	615-741-0001
American Red Cross	615-327-1931 (Nashville)

#### Insurance Companies Toll-Free Numbers:

AllState	800-547-8676
State Farm	800-732-5246
Tennessee Farmers	800-836-6327
Insurance Planning & Service Co.	800-347-1109
Great American	615-371-3570

#### Records Recovery:

BMS Catastrophe, Inc. Contact: Scott Bevier	800-433-2940
Munters Incentive Group	800-ICA-NDRY
Disaster Recovery Services	800-856-3333
Document Processing (Freeze Dry processing only)	716-554-4500
Association of Record Managers	<a href="http://www.arma.org">www.arma.org</a>

### RESOURCES

Nina Wendt & L.J. Skinner, Managing Emergency Situations in Law Firms, an ALA Planning Reference Guide. (Disaster planning and emergency management)

The Systems Audit Group, Disaster Recovery Yellow Pages (617) 332-3496. Comprehensive list of vendors engaged in disaster recovery services.

LawNet, association of legal information technology professionals. Has a white paper @[www.peertopeer.org/Aid.html](http://www.peertopeer.org/Aid.html)

Disaster Recovery Sourcebook @ [www.alanet.org/periodicals/disaster\\_index.html](http://www.alanet.org/periodicals/disaster_index.html)

TBA Disaster Recovery Plan @[www.tba.org/tnbarms/disaster.html](http://www.tba.org/tnbarms/disaster.html)

CLE materials on data back-up and other kinds of computer system protection approaches are at [www.microlaw.com/cle/otherindex.html](http://www.microlaw.com/cle/otherindex.html), entitled Oklahoma Bar Solo and Small Firm Conference – Things That Go Bump in the Night: Back-up and Electrical Protection.

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Federal Emergency Management Association Web site @[www.fema.gov](http://www.fema.gov).

ABA Division for Bar Services – Web Disaster Relief Resources, includes disaster planning, practice management and law-related disaster relief resources,  
@[www.abanet.org/barserv/disaster/home/html](http://www.abanet.org/barserv/disaster/home/html)

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