



## **Steps to Disaster Planning for Legal Services Providers**

After a disaster, the main goal is to resume operations and serve clients again as quickly as possible. The goal of disaster planning is to define what a disaster means to your staff and program, and develop approaches and safeguards to ensure that, after a disaster, staff members are safe, services are available, and data, property, and other assets are protected.

### **Recovery goals:**

- Protect safety of personnel
- Protect safety and security of vital assets, documents, and information
- Resume basic client services
- Return to normal operations

### **Step 1: Form a disaster planning team.**

A legal services provider can have numerous and diverse operations. A diverse team of directors, managers, staff, and volunteers can help analyze these complex operations to identify the preparations needed to ensure that the organization can resume full function after a disaster or at least protect key valuables. Organizations operating multiple sites should include appropriate representation from each location.

### **Step 2: Assess risks and evaluate potential hazards.**

Risk assessment is the process for defining a program's tolerance for, and definition of, a disruption in operations or loss of critical data. By identifying potential events that would result in massive work disruption or data loss – whether localized to your own organization or consequent of a broader community event, – you can evaluate the problems likely to arise from such events, their severity, and the most effective response. Consider risk assessment needs for technology and technical systems, but also for work life in general.

- Identify your organization's mission, goals, and objectives in general.
- Identify essential functions of your organization (*see Sample Form 2*).
- Perform a Business Impact Analysis (*see Sample Form 3*) to identify possible points of failure in the execution of the essential processes, determine the impact of such failures, and create alternatives or remedial strategies.

Evaluating potential hazards involves reviewing any disasters that have already occurred in your organization's history, as well as reviewing what is possible and how those hazards might affect your organization. Try to identify a few situations that would put your organization most at risk. Keep in mind the likelihood of the risk, the threat to life and safety, and the cost of mitigating that risk. Possible hazards may include:

- Internal Disasters: Systems failures, medical emergencies, workplace violence, building decay, personnel loss.
- External Disasters: *Environmental* – Earthquake, hurricane, tornado, severe storm, fire, flood, drought, lightening, landslides, wind damage; *Non-Environmental* – Civil unrest, terrorism, bomb threat, utilities disruption, hazardous material incident.
- Man-Made Disasters: Security breach or sabotage, theft.

### Step 3: Minimize risk.

For each potential risk, identify the policies and systems you already have in place, or could implement to mitigate them.

- Inventory and evaluate emergency supplies and equipment currently on hand.
- Develop evacuation routes and procedures or implement building's evacuation route (*see Sample Forms 4-5*).
- Consider preventative structural maintenance or supply upgrades, such as purchasing fire- and water-proof filing cabinets, ensuring alternate power sources for critical necessities; checking the building's structure for problems; ensuring the fire alarm and sprinkler systems work, etc.
- Photograph and inventory all office furnishings, electronics, hardware, software licenses and installation discs, reference materials, supplies, etc. and arrange to store valuables off-site (*see Sample Form 6*).
- Review and evaluate insurance policies and arrange for a disaster line of credit with your bank representative (*see Sample Form 7*).

### Step 4: Safeguard your digital network and case management system.

Information security does not have a one product, one-size-fits-all solution. It is best to implement the necessary security solutions to common threats while remaining vigilant to new dangers. Be proactive in taking steps to safeguard yourself, your program, and your clients.

- Keep your operating system (OS) up-to-date.
- Install/update firewalls, anti-virus, anti-spyware, and intrusion detection software.
- Secure all computers and network access, i.e., passwords, thumbprint readers.
- Secure wireless networks, i.e., reset administrator password, disable SSID broadcast, limit number of computers, place in center of building, set to infrastructure mode, limit access by MAC address, disable DHCP, and assign static IP addresses.
- Implement a document security policy, i.e., password protection, and secure pdf files.
- Implement an email usage policy, i.e., encryption, disclaimers, spam filters, and storage and retention.
- Implement an internet usage policy, i.e., restrict pop-ups.
- Implement daily back-up procedures and ensure safety of back-up material, i.e., automatic back-up, off-site storage, and encryption.
- Install remote data wiping, encryption software, and anti-theft protection on all portable devices (smart phones, PDAs, laptops, USB drives).

- Implement similar security measures on all computers (personal, home, laptops) employees use to access the organization's network and data.
- Wipe clean all discarded electronic devices.

## **Step 5: Identify potential consequences of each hazard or disaster and work to address them.**

Find out what actually happens in your organization every day.

- **What information is most critical?** Identify the important information that each department (Accounting, Human Resources, Information Technology, Legal, etc.) needs to be operational and ensure that someone can access that information in the event of a disaster (*see Sample Form 8*).
- **What is your program's tolerance for disruption or data loss?** Your program should be able to articulate what constitutes a disaster and when to initiate the disaster plan to resolve any system disruption.
- **Have you defined your Recovery Time Objectives?** For each critical operation, identify your "Recovery Time Objective" – the amount of time between when a disaster is declared and when an application or operation needs to be restored (*see Sample Forms 2-3*). Think about how long you can sustain operations (or non-operations) in a disaster, and the potential consequences of a diminished client base. Prioritize the recovery of operations based on the importance of each operation to your organization's wellbeing and survival, i.e. how long your organization can survive without this operation in place. Also ensure there is sufficient funding (including petty cash) to sustain your program for a period during recovery of data or operations.

## **Step 6: Develop recovery strategies for disasters.**

With the groundwork done, you can think about what strategies you need to respond to disasters appropriately. This will involve getting the work environment and area up and running as well as the technology. You will also want to consider organizational continuity – how to serve clients in case of a disaster, and how priorities will shift in a disaster.

- Make a list of emergency equipment, including location of equipment and floor plans, and prepare emergency kits for general survival and office supply kits for off-site operations.
- Prepare contact lists for staff, volunteers, board members, emergency response agencies, property agents, recovery vendors, clients, and consultants (*see Sample Forms 9-12*).
- Develop a communication plan to alert all personnel, clients, local media, funders, government agencies, and partner organizations of the disaster (*see Sample Form 13*). Include any necessary translations of advisory messages. Make sure communication system is up-to-date.
- Assemble a list of vital records for business continuity; including records concerning both the legal and financial rights of the organization and its personnel, and the continuation of essential processes (*See Sample Form 14*).
- Identify and secure an alternative workspace(s) and the essential resources your organization needs to recover essential operations (*see Sample Form 15*). Keep in mind you may need to relocate different functions to different workspaces, or it may be easiest to utilize remote access for certain functions. After you secure an alternative workspace, make sure you can access your back-up data from that site and test restoring the data.

- Establish memorandums of understanding with bar associations, other legal services providers, law firms, and community organizations for emergency use of space, resources, volunteers, etc.
- Prepare a Business Continuity Plan that describes how your firm intends to return to serving clients and carrying out critical business processes after a disaster occurs, including assessing the status of employees, workspaces and resources, defining steps to recover essential business processes, and, in the event of a community-wide disaster, anticipating disaster-related legal needs of new and existing clients.

### **Step 7: Develop written disaster plan.**

It is important to have a written disaster plan for the program and to coordinate with the community, such as state and regional disaster organizations and local Voluntary Organizations Active in Disaster (VOAD), prior to a disaster and as part of the planning process. Your plan should consider:

- Staff protection and safety
- Internal communication
- How to protect business assets
- What must remain operational
- What to do about office space, property, technology, and data
- Insurance requirements and claim procedures
- How to get back to serving clients (Business Continuity Plan)
- Vendors that can help with recovery
- Coordination with local, state, and federal emergency response agencies

### **Step 8: Develop a disaster team.**

Once a plan is in place, you will need to identify individuals who will be taking charge in the event of a disaster (*see Sample Form 1*). Designate one person to be in command in the event of a disaster and designate an alternate. Determine what each person on the disaster team will be responsible for before, during and after a disaster, i.e., section of a building, department, contacting staff, contacting clients, recovering documents, etc.

### **Step 9: Advise staff, test it, and keep it current.**

Plans are worth their time only if they work. Train your staff and volunteers regularly, make disaster preparation part of the everyday landscape, do walkthroughs, enforce, and review on a regular basis.

# Sample Disaster Planning Forms

Each organization's circumstances and structures are unique. You will need to tailor the forms below to meet your organization's need. To complete this working plan, staff members will need to work together to "fill in the blanks," delete and add sections that are applicable, and expand sections where needed.

## Sample Form 1: Disaster management team.

| Name | Position | Phone Number | Alt. Phone Number | Email Address | Area of Responsibility                          |
|------|----------|--------------|-------------------|---------------|---|
|      |          |              |                   |               | Person in Command/<br>Decision to Activate Plan |
|      |          |              |                   |               | Second in Command                               |
|      |          |              |                   |               | Admin/Operations                                |
|      |          |              |                   |               | Finance/Accounting                              |
|      |          |              |                   |               | Communications/<br>Development                  |
|      |          |              |                   |               | Human Resources                                 |
|      |          |              |                   |               | Information Technology                          |
|      |          |              |                   |               | Legal   |
|      |          |              |                   |               | Client Services                                 |
|      |          |              |                   |               | Other   |

## Sample Form 2: List of critical functions (in order of importance).

| Function | Recovery Time Objective | Alternatives Until Restored | Primary Person Responsible | Secondary Person Responsible |
|----------|-------------------------|-----------------------------|----------------------------|------------------------------|
|          |                         |                             |                            |                              |
|          |                         |                             |                            |                              |
|          |                         |                             |                            |                              |

**Sample Form 3: Business impact analysis.**

| Department | Manager | Process | Vital Records | External Vendors | Resource Requirement | Recovery Time Objective |
|------------|---------|---------|---------------|------------------|----------------------|-------------------------|
|            |         |         |               |                  |                      |                         |
|            |         |         |               |                  |                      |                         |
|            |         |         |               |                  |                      |                         |

**Sample Form 4: Evacuation plan** (attach a list of all office staff to be accounted for).

- Person in charge of evacuation:
- Warning System:
- Assembly Site:
- Alternate Site:

**Sample Form 5: Known persons in need of special assistance.**

| Name of Person | Location | Type of Assistance Required | Person Responsible for Providing Assistance |
|----------------|----------|-----------------------------|---|
|                |          |                             |   |
|                |          |                             |   |
|                |          |                             |   |

**Sample Form 6: Software inventory.**

| Software | Number of Licenses | Version | Product Key | CD Location | Notes |
|----------|--------------------|---------|-------------|-------------|-------|
|          |                    |         |             |             |       |
|          |                    |         |             |             |       |
|          |                    |         |             |             |       |

**Sample Form 7: Insurance information.**

| Policy Type | Policy Number | Agent | Contact Information |
|-------------|---------------|-------|---------------------|
|             |               |       |                     |
|             |               |       |                     |
|             |               |       |                     |

**Sample Form 8: Access to secure information.**

| Information | Primary Person with Access | Phone Number/ Email | Secondary Person with Access | Phone Number/ Email |
|-------------|----------------------------|---------------------|------------------------------|---------------------|
|             |                            |                     |                              |                     |
|             |                            |                     |                              |                     |
|             |                            |                     |                              |                     |

**Sample Form 9: Personnel and board contact information chart.**

| Name/Title | Home Address | Work/Home/ Cell Phone | Email/ Alt. Email | Emergency Contact Name | Emergency Contact Phone Number |
|------------|--------------|-----------------------|-------------------|------------------------|--------------------------------|
|            |              |                       |                   |                        |                                |
|            |              |                       |                   |                        |                                |
|            |              |                       |                   |                        |                                |

- Location of Telephone Tree:
- Emergency Website/Voice Message:
- Person Responsible for Updating:

**Sample Form 10: Local direct service organizations.**

| Organization                            | Location | Phone Number | Service Provided |
|---|----------|--------------|------------------|
| Emergency Services                      |          |              |                  |
| Red Cross                               |          |              | Disaster Relief  |
| FEMA                                    |          |              |                  |
| State Office of Emergency Mgmt          |          |              |                  |
| County Office of Emergency Mgmt         |          |              |                  |
| Department of Health and Human Services |          |              |                  |
| Center for Disease Control              |          |              |                  |
| County Mental Health Crisis Hotline     |          |              |                  |
| County Referral Services                |          |              |                  |
| Department of Transportation            |          |              |                  |
| Small Business Administration           |          |              |                  |
|   |          |              | Food Bank        |
|   |          |              | Shelter          |
|   |          |              | Crisis Center    |
|   |          |              | Community Center |

**Sample Form 11: Services needed in emergency.**

| Company | Service                 | Contact Person | Phone Number | Account Number | Email |
|---------|-------------------------|----------------|--------------|----------------|-------|
|         | Building Management     |                |              |                |       |
|         | Building Security       |                |              |                |       |
|         | Janitorial              |                |              |                |       |
|         | Maintenance             |                |              |                |       |
|         | Mechanical              |                |              |                |       |
|         | Police                  |                |              |                |       |
|         | Fire                    |                |              |                |       |
|         | Ambulance               |                |              |                |       |
|         | Public Works            |                |              |                |       |
|         | Poison Control          |                |              |                |       |
|         | Hospital or Urgent Care |                |              |                |       |
|         | Pharmacy                |                |              |                |       |
|         | Electric Company        |                |              |                |       |
|         | Gas Company             |                |              |                |       |
|         | Telephone Company       |                |              |                |       |
|         | Water Company           |                |              |                |       |
|         | Hazardous Waste         |                |              |                |       |
|         | Electrician             |                |              |                |       |
|         | Plumber                 |                |              |                |       |
|         | Contractor              |                |              |                |       |
|         | Locksmith               |                |              |                |       |
|         | Insurance Company       |                |              |                |       |
|         | Mass Care Facility      |                |              |                |       |



|  |                       |  |  |  |  |
|--|-----------------------|--|--|--|--|
|  | Computer Recovery     |  |  |  |  |
|  | Document Recovery     |  |  |  |  |
|  | Website Coordinator   |  |  |  |  |
|  | Language Line Service |  |  |  |  |
|  | Supermarket           |  |  |  |  |
|  | Other                 |  |  |  |  |

**Sample Form 12: Crucial contacts & key service providers.**

| Company | Service Provided             | Contact Person | Phone Number | Email Address |
|---------|------------------------------|----------------|--------------|---------------|
|         | Vital Records Recovery       |                |              |               |
|         | Hot Site                     |                |              |               |
|         | Payroll                      |                |              |               |
|         | Health Insurance             |                |              |               |
|         | Employee Assist. Program     |                |              |               |
|         | Benefits Admin               |                |              |               |
|         | Legal Counsel                |                |              |               |
|         | Chamber of Commerce          |                |              |               |
|         | Accountant                   |                |              |               |
|         | Bank Representative          |                |              |               |
|         | Creditor                     |                |              |               |
|         | Online Credit Card Processor |                |              |               |
|         | Software                     |                |              |               |
|         | Office Supplies              |                |              |               |
|         | Copy Machines                |                |              |               |
|         | Printer Repair               |                |              |               |
|         | Mail Meter                   |                |              |               |
|         | Truck Rental                 |                |              |               |

**Sample Form 13: Media and community contacts.**

| Organization | Contact Name | Phone Number | Email Address | Relationship                   |
|--------------|--------------|--------------|---------------|--------------------------------|
|              |              |              |               | Newspaper                      |
|              |              |              |               | Television Station             |
|              |              |              |               | Radio Station                  |
|              |              |              |               | Superior Court                 |
|              |              |              |               | County/Local Bar Association   |
|              |              |              |               | Other Legal Services Providers |
|              |              |              |               | Partner Agencies               |
|              |              |              |               | Funders                        |

- Designated Spokesperson:

**Sample Form 14: Critical documents** (Keep a hard copy and electronic copy of as many documents as possible in a central location for easy access in a disaster).

| Document                      | Location | Location of Copies | Person Responsible | Issuing Organization | Contact Info |
|-------------------------------|----------|--------------------|--------------------|----------------------|--------------|
| Incorporation Papers          |          |                    |                    |                      |              |
| Tax Documents                 |          |                    |                    |                      |              |
| Mission Stmtnt/<br>Priorities |          |                    |                    |                      |              |
| Bylaws                        |          |                    |                    |                      |              |
| Branding Documents            |          |                    |                    |                      |              |
| Organizational Chart          |          |                    |                    |                      |              |
| Job Descriptions              |          |                    |                    |                      |              |
| Financial Statements          |          |                    |                    |                      |              |
| Accounting/<br>Budget Rcrds   |          |                    |                    |                      |              |
| Bank Account Info/Checks      |          |                    |                    |                      |              |
| Contracts                     |          |                    |                    |                      |              |
| Insurance Policies & Info     |          |                    |                    |                      |              |

|                             |  |  |  |  |  |
|-----------------------------|--|--|--|--|--|
| Payroll Records             |  |  |  |  |  |
| Employee Records & Info     |  |  |  |  |  |
| Volunteer Records & Info    |  |  |  |  |  |
| Board Member Records & Info |  |  |  |  |  |
| Partnership Agmnts/MOUs     |  |  |  |  |  |
| Grant/Donor Documents       |  |  |  |  |  |
| Evaluation Reports          |  |  |  |  |  |
| Client Info & Documents     |  |  |  |  |  |
| Court Documents             |  |  |  |  |  |
| Computer Back-up            |  |  |  |  |  |
| Software Passwords          |  |  |  |  |  |
| Equipment Inventory         |  |  |  |  |  |
| Vendor Records              |  |  |  |  |  |
| Deeds                       |  |  |  |  |  |
| Leases                      |  |  |  |  |  |
| Translated Disaster Msgs    |  |  |  |  |  |

**Sample Form 15: Alternative work location(s)**

| Location Name | Address | Access/ Security | Directions from Office | Description of Space | Technology Available | Resources Needed |
|---------------|---------|------------------|------------------------|----------------------|----------------------|------------------|
|               |         |                  |                        |                      |                      |                  |
|               |         |                  |                        |                      |                      |                  |
|               |         |                  |                        |                      |                      |                  |

- Tele-working/Remote Access Arrangements:

## **Resources:**

### ***American Bar Association Committee on Disaster Response and Preparedness***

[www.americanbar.org/groups/committees/disaster.html](http://www.americanbar.org/groups/committees/disaster.html)

- Security, Computer Backup, and the Cloud
- Surviving a Disaster: A Lawyer's Guide to Disaster Planning - August 2011

### ***American Red Cross***

[www.redcross.org](http://www.redcross.org)

- Personal Workplace Disaster Supplies Kit
- Preparing Your Business for the Unthinkable

### ***CERT: Community Emergency Response Teams***

[www.citizencorps.gov/cert](http://www.citizencorps.gov/cert)

### ***Collaborating Agencies Responding to Disasters***

[www.cardcanhelp.org](http://www.cardcanhelp.org)

- Workplace Hazard Mitigation Checklist
- Prepare to Prosper: 9 Small Steps that Reap Huge Rewards

### ***Commander Navy Installation Command***

[www.cnic.navy.mil/CNIC\\_HQ\\_Site/index.htm](http://www.cnic.navy.mil/CNIC_HQ_Site/index.htm)

- Operation Prepare: Emergency Kits

### ***Council on Foundations***

[www.cof.org](http://www.cof.org)

- Disaster Preparedness and Recovery Plan

### ***Lawyers' Professional Indemnity Company***

[www.lawpro.ca](http://www.lawpro.ca)

- Managing Practice Interruptions
- Managing the Security and Privacy of Electronic Data in a Law Office

### ***TechSoup Global***

[www.techsoupglobal.org](http://www.techsoupglobal.org)

- The Resilient Organization: A Guide for Disaster Planning and Recovery

### ***United States Department for Homeland Security (FEMA)***

[www.ready.gov](http://www.ready.gov)

- Business Continuity Plan
- Emergency Response Plan

### ***United States Department of Labor, Occupational Safety & Health Administration***

[www.osha.gov](http://www.osha.gov)

- Emergency Action Plan Checklist

### ***United States National Archives and Records Administration***

[www.archives.gov](http://www.archives.gov)

- Vital Records and Records Disaster Mitigation and Recovery: An Instructional Guide

*This resource document was prepared by the State Bar of California's Standing Committee on the Delivery of Legal Services (SCDLS) and the Office of Legal Services. For more information or to provide feedback, contact Sharon Ngim at [sharon.ngim@calbar.ca.gov](mailto:sharon.ngim@calbar.ca.gov) and Jennifer Kregear at [jennifer.kregear@calbar.ca.gov](mailto:jennifer.kregear@calbar.ca.gov).*