



Staying Afloat When Disaster Strikes

Natural disasters can strike at any time. Is your firm prepared?



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Ten years ago, 70-mile-per-hour winds gusted through downtown Indianapolis. They blew out the windows of Krieg DeVault LLP's headquarters, damaging the framework of the building and sending thousands of papers to the ground below. Immediately, every worker was displaced, and the firm scrambled to get up and running again.

"We had to execute our disaster plan and begin to try to function as normally as possible after that," says Ernie Condra, President of Performance Advisors and former Executive Director of Krieg DeVault LLP.

After relocating and sorting out the damage that was done, the team got back up and running at their downtown location within four months. However, the disaster set them back in terms of productivity and money. They had to move employees around a few times, and ended up spending hundreds of thousands of dollars during the recovery process.

According to President of the American Bar Association Linda Klein, law firms need to extensively prepare for disasters prior to them occurring. "It's not a question of if the next disaster will occur,

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but when. Therefore, every law firm must have a plan on how to function and continue to serve their clients when a disaster turns their world upside down.”

The following are some steps that law firms and their management can take to ensure that when disaster strikes, they are ready.

PUT TOGETHER A DISASTER PLANNING TEAM AND PROTOCOL

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Chauntis Jenkins, Chair of the Disaster Response and Preparedness Committee at the ABA, says that law firms need to start disaster planning early, as well as review their plans on a yearly basis. “The creation of a disaster response team and disaster protocol for the firm should be mandatory. The creation of this plan should incorporate input from firm management and a core disaster planning team. This team should also be charged with developing a business continuity plan to elicit support from colleagues and communicate the importance of disaster planning throughout the firm.”

Once the plan is in place, Jenkins says it should be drilled and tested on a routine basis, and every person in the firm should be aware of any changes. “Without an effective disaster plan that is communicated to all employees, the personal life of an employee can be thrown into disarray because they are unable to meet personal obligations.”

When coming up with the plan, Scott Teel, Vice President of Marketing for Agility Recovery Solutions, says that law firms should assess the risks they face internally and externally, as well as what would happen if man-made or natural disasters struck. They need to analyze the impact of those risks on critical business functions. “Find out the most important functions of your organization that affect your viability, your regulatory constraints and your overall reputation, brand or ability to serve your clients,” says Teel.

PREPARE FOR ALL KINDS OF DISASTERS

Floods, earthquakes, hurricanes and other natural disasters are not the only incidents that law firms should be worried about.

According to Teel, a lot of people get hung up on preparing for natural disasters. “In reality, most business interruptions are related to isolated events that aren’t necessarily newsworthy,” he says.

This can include the server or email network going down, voice services getting interrupted or a power outage occurring. There should be plans for every single event that could qualify as a disaster for the law firm.

SIGN UP FOR INSURANCE

Insurance to protect the law firm is critical especially when it comes to disasters. There’s the standard business property insurance, which will compensate law firms for any property that was damaged or lost, along with business interruption insurance.

When the winds struck Krieg DeVault LLP, Condra and his team used business interruption insurance to ensure that they would be covered for any losses. “After this disaster, I engaged our insurance agent and we tripled the coverage we had,” he says. “It appeared that we were going to exceed our limits on what we had prior.”

Teel notes it’s important for law firms to have expense coverage added onto the policy. It would provide money for expenses like deploying a generator or relocating an office to a temporary facility, which is crucial for a disaster.

KNOW THE OPTIONS FOR AN ALTERNATIVE LOCATION

The first move that Condra and his team made was finding a space for the lawyers to function out of. They placed 80 lawyers in one of their satellite offices in the suburbs, which previously had 18 employees working there.

Then, they transitioned into a vacant space run by their landlord, where they put out folding tables and configured a wired and wireless network system. There were eventually three more offices and temporary spaces set up so the

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employees could comfortably work. “Communication was important, so we developed ways to communicate with our people and our clients quickly,” Condra says. “That way, everybody could know what was going on.”

Often, Teel says, disaster-planning teams will assume that lawyers will be fine in a work-from-home situation. However, there are many issues with that. “It brings its own complications in terms of data security. They overlook the simple fact that their people need a place to work from. At some point, productivity is lost. You can’t meet clients at home. You need a plan for an alternate facility.”

Teel suggested taking the steps that Condra did, which was to set up a temporary off-site location outside the immediate vicinity, and ensure connectivity.

IMPLEMENT A DISASTER RECOVERY PLAN FOR ELECTRONIC DOCUMENTS

Back in 2006, when Condra’s practice experienced the harsh winds, many firms were still paper-intensive. In today’s climate, everyone is using electronic systems to store their documents. However, this has problems of its own. Hacking, security malfunctions, bugs and malware run rampant. If firms are victims to any of these, they can greatly suffer.

In developing a disaster recovery plan for electronic documents, there are several things to consider. “It’s

important to understand where your documents are stored and how they can be accessed,” says Anthony Kessel, Senior Director of Product Management at Sungard Availability Services. Protecting electronic documents largely depends on the applications that are used to access the documents.”

For example, Kessel says that some applications quickly sort images and documents so that they can be found in a swift manner. If these apps go down for some reason, the documents might not be able to be recovered. Kessel notes that law firms must identify their most critical documents and make sure these documents are regularly backed up.

Law firms also have to think of the logistics surrounding the electronic document recovery as well. “A law firm who has documents protected at an off-site location, but doesn’t have a plan for employees to meet at a new location, or a plan for how they will access phones, desks and conference rooms — has not fully prepared for all disasters,” says Kessel.

The disaster recovery plan should be tested frequently, or at least twice a year, according to Kessel. This is because technology and systems are constantly evolving, and teams have to make sure that everything stays in sync with the ongoing changes in their law firms. “The gaps and issues that a test will reveal can’t be fixed after a disaster strikes, so keeping up with system changes by conducting regular tests is crucial,” he says. “Your [disaster recovery] readiness is only as good as your last test.”



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If law firms overlook certain steps or are caught off guard by a disaster for any reason, they still have viable options for getting back up and running as quickly as possible.

When the electronic systems went down, Condra immediately got in touch with his in-house IT team. They worked around the clock to ensure that the server was up and running and a remote back-up system was installed. He also contacted the electronic vendors supplying products to his firm, and they helped out a great deal as well with recovery.

Teel says that if firms are facing a disaster head on, they should first take the time to assess the level of impact. "You don't want to take any actions that are dramatic if the interruption is very brief. Assessing will help determine your response." When going over the damage, Teel says that reaching out to individuals would be ill advised. First, firms have to know exactly what happened, and what action they can take to fix any issues.

Unfortunately, in terms of electronic documents, unless firms are working in the cloud or have some sort of off-site backup, their work very well may be permanently lost in a disaster. "Failure to plan is planning to fail," Kessel says.

The logic behind forgoing planning is that people think it won't happen to them, explains Condra. However, that thinking is flawed. "The problem is that once you have a disaster, if you're not well prepared, it's a significant problem. I would encourage management teams to get some level of protection and think of the scenarios." ■

ABOUT THE AUTHOR

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BE PREPARED



Ernie Condra, President of Performance Advisors, will discuss in detail how his large firm recovered from severe windstorm damage. He'll be presenting his lessons learned at this year's ALA Annual Conference & Expo in Denver. In this 90-minute session, you'll get tips for making sure you have all the necessary plans in place to keep your firm up and running should disaster strike.

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