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Preparation Tips to Ensure Business Continuity in the Event of a Disaster

In the midst of a hurricane season capable of producing half a dozen or so hurricanes, having a disaster recovery plan is tantamount for firms operating on the East Coast and gulf—whether you're a solo lawyer or a big law firm.

By **Angela Morris** | July 03, 2018



Hurricane Irma 2017.

In the midst of a hurricane season capable of producing half a dozen or so hurricanes, having a disaster recovery plan is tantamount for firms operating on the East Coast and gulf—whether you're a solo lawyer or a big law firm.

As Houston still recovers from Hurricane Harvey, several panels at the State Bar of Texas annual meeting in Houston tackled the steps that lawyers and firms need to

take to prepare and recover from disasters, of any variety.

John Meredith, chief operating officer of Chamberlain Hrdlicka in Houston, said it could also be a fire, bomb threat, active shooter, pandemic or even the building's electricity being cut by accident. As for hurricanes though, there could be 10 to 16 named storms that might transform into five to nine hurricanes this season, per a prediction by the National Oceanic and Atmospheric Administration's Climate Prediction Center, said an [article Meredith wrote \(https://www.law.com/texaslawyer/2018/06/05/hurricane-season-is-timely-reminder-to-firms-for-storm-preparedness/?slreturn=20180505150445\)](https://www.law.com/texaslawyer/2018/06/05/hurricane-season-is-timely-reminder-to-firms-for-storm-preparedness/?slreturn=20180505150445) for Texas Lawyer.

Sammy Ford IV, an associate with Ahmad, Zavitsanos, Anaipakos, Alavi & Mensing in Houston, said that lawyers and firms should read the book "The Checklist Manifesto," by Atul Gawande, to learn about crafting a physical checklist for use in natural disasters. Lawyers should identify all of the types of disasters they need to avoid, so they know how to continue the business and serving clients for each one. They should think through scenarios of what could happen to their practices in any given disaster.

Any disaster plan should start with a method to communicate with colleagues about their safety, as well as emergency contact numbers, Ford said.

Communication among staff was on top of the wish list for Houston Volunteer Lawyers, a pro bono legal organization that coordinated volunteer attorneys to assist flood victims after Harvey. Michael Hofrichter, director of operations and compliance for Houston Volunteer Lawyers, said each staff member had a list of everyone else's phone numbers and email addresses, but the organization needed a way to easily send blast messages saying the office is closed or asking if staff members needed help.

Meredith said it's helped his firm, Chamberlain Hrdlicka, to keep crisis email templates on hand, along with group listings of email recipients, so he doesn't have to spend time drafting a whole email in times of crisis. There should be postings in the firm offices to notify employees about where they should gather in case they must evacuate their building. In larger law offices, there must be a formal plan for opening and closing an

office—which covers those situations when flooding occurs late at night and firm management must make a very early-morning decision about whether to close. Meredith's firm operates a 1-800 number for staff to call about office closings.

To prepare for an approaching storm, staff must power down their computers and equipment, and move valuables away from windows that could blow out in high winds. They should bring their laptops home with them. Past hurricane survivors know to clean out the office fridge—food inside can cause a problem when it sits for days or weeks without power, Meredith explained.

Next, Ford said a disaster plan must identify the way the lawyer is backing up his data, where and how it's stored, how often files get backed up and more.

File backups could save a lawyer if his computer is destroyed, but they also can come in handy when he simply can't get to the office.

Being barred from the office by floodwaters after Harvey was a common predicament for Houston's legal community. For example, Al Harrison, shareholder in Harrison Law Office in Houston, was marooned at home for a week in his flooded home and couldn't navigate the streets to his downtown office. For Harrison, he was still able to access his work files because he'd been storing them in cloud backup services.

Some example of cloud storage services are Dropbox, Google Drive and OneDrive. Larger firms might use a larger online document storage company such as NetDocuments.

However, Harrison noted that a lot of folks lose electricity during natural disasters, and therefore, he keeps battery-operated backup power for his computer and also backs up files on external hard drives, in case he doesn't have internet to access the cloud.

Tyler solo Tony Ray said that backups will only keep copies of data files—not the programs on a lawyer's computer. When Ray's computer suddenly died on him, he was able to rely on backup software called Macrium that created an image of his disc, saved

to a thumb drive. Inserting the drive and running the program automatically turned his new computer into a replica of his old computer. Then his cloud backup system kicked in, and began to automatically synchronize his data files, downloading them to his new computer.

“It was wonderful. I was shocked by how well and easy that program worked,” Ray said, noting that another similar backup software is Acronis. “If you have a disaster, you’re never going to be one day away from where you were before.”

As for the next item on a disaster plan, Ford said it’s helpful to keep a spreadsheet listing all of the insurance coverage—also policy IDs and contact numbers—that could kick in during a disaster. Law firms should list out all the laptops, desktops, iPads and smartphones they own—any device they’d need to recover.

Something that’s often overlooked, but is nonetheless important, is how an attorney will communicate with clients about how a disaster impacts their cases, how the lawyer will keep serving them, or if need be, who else can handle their cases while the lawyer is out of commission.

For example, Plano solo Penny Robe fell off a ladder in 2014 and suffered multiple compound fractures, requiring her to stay hospitalized for a few months. As a solo, Robe’s legal malpractice insurance already required her to identify a “buddy” lawyer capable of managing her practice if she was unable. Her buddy was able to access her office, change her voicemail, handle client responsibilities and even cover for Robe in hearings just after her accident. Robe “triaged” her client list to determine who needed another lawyer, and who could wait. For the latter group, she explained to clients that their cases didn’t have immediate deadlines, and gave them the choice about continuing with the representation.

Disaster Aftermath

After a storm occurs, Meredith's firm utilizes "telephone trees" that divide the office into groups and assign one staffer to personally call everyone in the group, to ask if the employee is OK and whether he or she needs help.

"The employees need to know that it is a firm value: their safety is very important," he said, noting his firm even sent fans and flashlights home with employees.

Meredith said that when employees return to work, they really appreciate it when the firm supplies their breakfasts and lunches. A firm can make staffers more comfortable by allowing them to wear jeans to work the week after they return. It's also great to make sure the lawyers know about counseling resources available to them to cope with traumatic experiences. Meredith said he dealt with a full set of emotions after a hurricane as he coped with his home life and family recovering, while also seeing other offices of Chamberlain Hrdlicka were sending assistance to his Houston office.

"I literally broke down in tears, because I appreciated what they had done," he said.

Appreciation for the goodwill of other lawyers isn't limited to one firm.

281st District Judge Sylvia Matthews of Houston said that after Hurricane Harvey, she was reassured and gratified to see so many in the legal community offer support to Harris County courts. For example, when Harris County courthouses were damaged and inhabitable, judges were invited to use space in Houston's federal courthouse, its two intermediate appellate state courts, and law schools, she explained.

"One of the things I learned from the experience is how generous not only lawyers can be, but others in the legal community," Matthews said.

Angela Morris is a freelance journalist. Follow her on Twitter at @AMorrisReports