

A Step Ahead of Disaster

In 2008, Scott Adams's law office and home, located a few miles north of Banks, were ravaged by a home fire. Like many rural lawyers who practice out of their home, Scott's office was attached to his house. The fire started while Scott was at home, and he was able to quickly get his family out. Scott has also been a firefighter for almost 20 years. When he first noticed smoke, he began investigating. As he traced the smoke, the utility room adjacent to his office flashed over and exploded in flames. The flames came down three feet from the ceiling in the utility room, the hallway, and his office.

Scott knew it was time to get out of the area. He grabbed his computer from his office and threw it into the backyard – ripping all the cords from it. He then scooped all loose papers that he could manage off his desk and carried them out. These papers included client files, client mail, phone notes, personal mail, Christmas cards, and receipts from his wallet. He could not return to the office to retrieve more documents as the flames were now too low. Every loose piece of paper left in his office was burned or charred. Closed and open client files as well as other papers and media contained in his metal file cabinets were damaged from the smoke but still recoverable. This personal brush with disaster taught Scott a valuable lesson in planning ahead.

Scott does many things differently now than he did eight years ago. First, he now scans contemporaneously. He scanned in the past, but not to the current extent. He has a policy where no piece of paper leaves his desk and gets acted on

unless it has been immediately scanned. Having his files digitized allows him to store them at a location not affected by local disasters.

Second, Scott uses a cloud data storage service to store and sync his data. This allows him to access and retrieve his files anywhere and anytime. Even when he has no Internet connection, Scott can still view his files offline. (This is made possible because the service provider automatically caches or saves a version of the files so they can be accessed offline.) Scott's concern about data loss is minimized by not having to store his data on a physical device that could be destroyed or fail. Before the fire, Scott backed up the data on his laptop to the hard drive of his desktop.

Third, Scott has two working laptops with mirror-image contents ready to go. His essential law office programs – email, practice management, accounting, and Adobe Acrobat – are installed on both computers. Using his cloud storage and syncing service, he's able to access the most current version of his files on either computer. He uses one laptop for his day-to-day work and the other as a backup in case the first one fails or is destroyed. He has his backup computer close to him so he can just take it and leave in the event of a disaster. This will enable Scott to continue serving his clients without much interruption even if his office is completely destroyed by a disaster.

Finally, Scott's disaster plan includes a transition plan. He made arrangements with two local lawyers to assist him in the event of his death or incapacity. One attorney would have access to his computers and files, and the other would take over

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his cases. He manages his practice with this transition plan in mind. For example, Scott takes time to enter sufficient notes in a matter so the assisting attorneys would accurately know the status of any file. Scott has communicated his transition plans to his family members so they know whom to call when necessary. To create your own plan, see “Planning Ahead: A Guide to Protecting Your Clients’ Interests in the Event of Your Disability or Death,” available at www.osbplf.org.

Scott asks a question that every lawyer should ask herself or himself: If I can’t go back to my office, can I still practice tomorrow? If your answer is no, then now is the time to plan for a disaster. Don’t put off planning just because you don’t live in a danger or disaster zone. Disasters are not limited to natural catastrophes like wildfire, flooding, and earthquake. They include technological meltdown, localized incidents such as a burst pipe, structure fire, industrial accident, or anything that causes a major disruption in services and the operation of a business. Oregon is expecting a major earthquake that will devastate much of the state. Take steps to protect yourself, your law practice, and your clients before it happens. The better prepared you are, the faster you will have your law office up and running again.

Here are some tips to help you prepare for and recover from a disaster:

Inventory Your Office

If you store files in multiple locations – some in filing cabinets, some in cloud file storage providers like DropBox, and some emailed to yourself – make a list of what files are stored where. Without knowing where your files are stored, recreating or accessing your complete files will be challenging after a disaster. Inventory all equipment, software, furniture, and anything of value. You may realize you don’t need much to practice law: possibly just your computer, a few programs, and your data. This will help you decide how best to protect those things. If you practice out of your home, be sure to inventory all your personal belongings, too. It’s easier to assess post-disaster damage with this list. You can provide the inventory list to your insurance claim adjuster later on.

Protect and Back Up Data

Going paperless makes it easier to protect and back up your data. Filing cabinets full of active unscanned files make you vulnerable to a complete data loss. Data can be backed up to an external hard drive or a network attached storage. You can back up your entire computer by disk imaging or disk cloning. Just make sure you protect the backup device

in the event of a disaster. Cloud data storage and backup ensures your data will be saved even if you lose your computer. With advance notice of a disaster, you may be able to remove all contents off your desk or from the filing cabinets to your car and drive to a safe location. But sometimes there is no notice and little time to do anything other than to evacuate. The peace of mind of knowing that your data is protected will let you focus on other urgent matters related to disaster survival.

Have a Response Plan

A response plan will help you figure out what needs to happen next after disaster strikes. There might be people whom you have to call or contact right away. Prepare a list of emergency contact names and numbers and make it available to family members and lawyers and staff in the firm. Make sure you always have an updated list of all client matters you can access after disaster to determine the proper action to take, such as seeking a continuance or postponement. Phone or Internet services may be limited or unavailable, so make sure you have an alternative way to communicate with clients, staff, the court, and other lawyers. Arrange in advance for a temporary office space where you can work and a temporary storage facility for your physical files. It doesn’t hurt to have a list of all vendors and their contact information to cancel or reorder services. Establish a network of support you can rely on for temporary shelter, food, and other forms of assistance.

Protect People and Things

A smart way to prepare for disaster is to have adequate insurance. Scott’s insurance policy at the time of the fire covered the loss of his papers. His insurer hired a company to go through the damaged papers and wipe down each page with special rags to remove smoke residue. This helped to save a lot of Scott’s documents damaged from the smoke.

Many types of insurance are available, from property and content insurance to business interruption insurance to life and disability insurance. Review your insurance policy to see whether the coverage is adequate. You should pay attention to exclusion clauses and limits. Consider getting extra coverage for things like loss of income, replacement value, cleaning/restoring cost, and valuable papers coverage that includes the cost to recreate files. An insurance broker may be able to help you get the right insurance product that will protect you and your practice against a disastrous event.

Conclusion

A few days after the fire, Scott was able to take care of some basic tasks related to his adoption law practice. He spent the next six months working as much as he could out of a trailer and later a rental house that he and his family were living in while his home and office were being rebuilt. Scott regularly felt the loss of his files, accounting records including checks, and other papers that made up his law practice. It took Scott over a year before he stopped feeling the effects of the damage to his office. Scott feels confident the steps he has taken since the fire will help him better manage and prepare for future disasters.

There are many ways to prepare for a disaster. Scott has come up with one plan that works for him. You, too, should come up with a plan that works for you.

For additional discussion on ways to plan for disaster, please read “Act Now to Avoid Disaster,” by Scott Adams, available at www.osbplf.org. Additional resources on disaster planning are available at the PLF website. See the resources box on page 9.

Thank you to Scott Adams, who still practices adoption law in Banks, for sharing his personal experience and lesson in planning ahead with us.

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Resources – Disaster Recovery

- Practice Aids: Disaster Recovery
www.osbplf.org>Forms> Disaster Recovery
- Article, “Act Now to Avoid Disaster,” Scott Adams
www.osbplf.org>Practice Management> Publications>In Brief>May 2008