

# Being Prepared

## Disaster Recovery Is All About People

BY ED POLL

There are two types of law firms: those that have experienced a disaster, and those that will. “Disaster” for a law firm is not a question of if, but rather of when. The only unknowns are the type of disaster, when it will occur, and how bad it will be. Hurricanes or disease epidemics are disasters, but so too are a burst water pipes or computer system meltdowns to the unprepared.

Law firms that plan for disaster remain the exception rather than the rule, but even these firms typically make two mistakes. First, they focus on common threats, patting themselves on the back if they maintain proper fire safeguards, keep the firm insured, and arrange for regular backups of key data files. This thinking fails to account for a true catastrophe, such as a Hurricane Katrina or a terrorist attack.

But an even bigger flaw in disaster planning is to focus on things – on alarm systems, backup servers, insurance policies. Such a focus is doomed to failure because disaster and recovery planning is ultimately about people. Making sure that a firm’s people are involved and prepared is the best way to make sure that the law firm survives. Administrators responsible for disaster recovery planning should keep these people concerns uppermost in mind.

### PEOPLE CREATE THE PLAN

Developing a disaster recovery plan would be an overwhelming task for one person. You will need acceptance, involvement, and support from a broad cross-section of people in the firm to create the plan. All key firm stakeholders and leaders must be involved or at least lend their full support. Without an investment in the plan’s creation, they will neither feel the need nor have the vested interest to implement it. That includes the people with specific implementation responsibility, as well as senior management and partners.

Do not, however, make the mistake of creating a large, unwieldy group to create the recovery plan, on the assumption that the more people involved, the more acceptance there will be. As in most organizational efforts, such groups typically produce inertia rather than results. Instead, put together a small task force populated with people who have power to make decisions, plus young and innovative firm members, each of whom is known as someone who gets things done. Make the group as diverse as it can be, and treat its work as the most important activity in the firm. Offer participants bonuses or some other form of extra compensation, give them resources, and treat them with respect.



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No matter how good a disaster recovery plan is on paper, it must be regularly reviewed and tested. Once you do create a plan, review and revise it regularly to keep it from going stale and becoming useless.

One important constituency for acceptance that is too seldom considered is the firm's key client base. Look for ways that you can make preparations in conjunction with clients. It is a great way to get senior billing attorneys involved, and it conveys to clients that you are serious about your commitment to them.

#### PEOPLE TAKE OWNERSHIP OF THE PLAN

One of the biggest barriers to implementing a disaster plan is that, given the wide-ranging scope and important-but-not-urgent status of a typical plan, it does not correlate with specific job responsibilities of senior managers in the firm. The best way to make a disaster recovery plan viable is to create ownership of it along functional lines. Consider the following approach:

- Executive Director: Has overall responsibility for disaster planning, including the coordination of all components of the plan, with reporting responsibility for internal technical specialists who work with issues of physical safety, information technology backup, and recovery.
- Chief Financial Officer: Responsible for protecting and recovering the firm's financial assets, including securing emergency funding and continuity in the collections process.
- Chief Information Officer: Responsible for all aspects of protecting and recovering the firm's information assets and communication capabilities.
- Facilities Director: Responsible for protecting and recovering the firm's offices, office equipment, and other physical assets.
- Human Resources Director: Responsible for all aspects of protecting and re-establishing the people who work for the firm (not only internal staff, but also on-site contractors, vendors, and consultants), as well as visitors and anyone else on-site.
- Managing Partner: Responsible for recovering or otherwise providing for matters in progress,

protecting the interests of clients, and ensuring that the full firm supports the recovery of the overall practice.

- Marketing Director: Responsible for the communication process during recovery, including with clients, the profession, and the general community.

#### PEOPLE TEST THE PLAN

The aforementioned key people are best positioned to look for initiatives that can be implemented quickly and have a high likelihood of being successful. Demonstrating the effectiveness of key plan elements is the best way to build momentum for its full acceptance. Key administrators, in their own areas of responsibility, must demonstrate that the plan actually works.

No matter how good a disaster recovery plan is on paper, it must be regularly reviewed and tested. Once you do create a plan, review and revise it regularly to keep it from going stale and becoming useless. More importantly, the firm must periodically pretend there is a disaster, implement the elements of the plan, and change those aspects that didn't work as well as desired.

Here again, the human element is crucial, in terms of demonstrating communication barriers. Key questions:

- Do you provide everyone in the organization with at least a summary of the disaster recovery plan so that they know what should be done?
- Do you have all professionals talking to each other? Do technology specialists extend their thinking about backups to accounting and human resource records? Are there multiple people with knowledge of passwords and security protections?
- Is senior management fully committed to putting the firm's full resources behind disaster readiness testing, regardless of the cost in time and money?

- Will senior managers and partners participate in a disaster preparedness drill? (If they contend it's a waste of billable time, it sends the wrong message to the entire firm. Everyone must take the plan seriously before a disaster to ensure that it is taken seriously when needed.)
- Office Administrator: Notify emergency team members and managers.
- Human Resources and Technology Directors: Collaborate on attorney and staff contact through call-in and electronic messages (the latter on the firm Web site and intranet).

### PEOPLE COMMUNICATE THE PLAN

The goal of disaster planning is making a recovery that ensures the firm's survival. Central to disaster recovery is communication with firm members, clients, vendors, courts, and others who make your practice work.

Disaster recovery begins when communication is re-established, and that means a good communication plan must be in place before disaster occurs.

Execution of your communication plan should utilize the time and talents of your full disaster recovery team. The make-up of this team is central to your preparation. Choosing people who will keep their heads and actually perform the tasks is crucial, and there should be a backup for each in case of absence, illness, or panic on the part of the primary designee.

Adapt the team structure to different aspects of your facility and organization. Involve building management, and assign certain tasks (such as contacting vendors) to staffers (such as in Accounting).

Department managers should propose who is responsible for what and set up a departmental plan for contacting those employees after the event to put the things in motion. Break down tasks and assign one person (with backup person) for each. Potential tasks and contacts:

- Building Management: Contact the Executive Director and Office Administrator.
- Executive Director: Contact firm leaders (Managing Partner, Executive Committee).



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Several people on your emergency team should be trained to send broadcast voicemails to all mailboxes. If people can access the phone system, this is an efficient way to reach them. Designate people to send broadcast e-mails to everyone from and to both office and home e-mail systems. Establish the capability to do this from home PCs and laptops if the office network is down.

Key people should have three complete sets of all information (office, car, home). This does not mean the whole burden needs to fall on your "A Team." Some work may be delegated, which

will not require the person to have access to all information, and much of which should be kept as confidential as possible.

Once the nature and severity of the event is evaluated and an assessment of damage is made, you can determine whether operations can continue (perhaps in a reduced capacity) or if relocation to an alternate facility is required. When decision makers have decided the course of action, the information should be given to your emergency team by the most feasible method available.

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## PEOPLE ARE THE PLAN

Communication is the most important element of disaster planning because the human element is both the first concern and the most difficult with which to deal. Effective disaster recovery planning can mitigate the impacts on individuals within a firm by helping to ensure the firm's survival. Putting personal and professional lives back together is difficult at best, but having a plan on how to proceed can make it less traumatic. Where there is trauma, there can be suffering – but there is also opportunity for those who have made the effort to prepare.



### *about the author*

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