

DISASTER RESPONSE AND RECOVERY CHECKLIST

Disaster Response

1. Employee and Client Safety: Take action to protect lives, including relocating, evacuating, or finding shelter when necessary.
2. Emergency Response: Contact emergency services if needed, including police, fire, or the health department. You may also need to contact utility companies (gas, electric, water, etc.), or your property management company.
3. Initial Assessment: Within the first 24 hours after a disaster, make an initial damage assessment. This cursory review may enable you to prevent or mitigate further injury to persons or property. The assessment also establishes an initial estimate of damages for your insurance company. In a community-wide disaster, you may also share the assessment with your local government emergency coordinator.

An initial damage assessment may include the following:

- Personal injuries
 - Facility structural damage
 - Damage to library, supplies, records, and information
 - Damage to property, office equipment, or vehicles
 - Costs to recover library, records, and supplies
 - Costs to perform repairs and maintenance to property and equipment
 - Cost of staff and outside labor
 - Loss of revenue (estimated based on duration of work disruption)
4. Document Preservation: Mitigate damage to wet documents by drying the documents as soon as possible. Paper damaged by water can begin to deteriorate within two to three hours. Mold, fungal, and bacterial growth may occur within 24 hours.

The following techniques may help you avoid further damage to wet documents, when professional assistance is not immediately available.

- Handle affected documents as little as possible. If you can, separate documents with wax or freezer paper.
- Freeze and store papers at minus 20 degrees Fahrenheit. (This may stop further water damage, but will not kill mold spores.)
- Photocopy wet papers inside plastic sheet protectors, and discard the damaged original, if permitted. (Check with your insurance carrier before destroying any damaged documents. Your carrier may have a provision regarding the salvage of records.)
- If you attempt to dry documents yourself, remove paper clips and staples before drying to prevent rust. Use low heat from an iron, hair dryer, or a photographic dryer to dry sheets individually.
- Stack documents between sheets of absorbent paper, like blank newsprint (available at moving and office supply stores). Change the paper every two to four hours as needed.

Disaster Recovery

1. Comprehensive Assessment: Once the initial 24 hours following a disaster have passed, prepare a comprehensive damage assessment. Document damages, and consider what

DISASTER RESPONSE AND RECOVERY CHECKLIST

recovery and repairs are necessary. Coordinate with your insurance carrier. Your agent may be able to refer you to professional services for help with recovering and repairing your practice.

A comprehensive damage assessment may include the following:

- Digital recordings or photographs of all damage (Include a yardstick or ruler as a frame of reference.)
 - Expenses incurred during recovery and response (including travel, notification costs, temporary facilities and staffing, equipment rentals, and efforts to prevent further damage.)
 - Property damage, including water and fire damage (Wet carpet, padding, and liners must be dried and treated for mold and mildew, or replaced. Investigate all flooring types for damage, and continue inspecting wet areas for mold, mildew, and other damage for at least one year. Be aware, damage from a fire can be deceptive, because smoke penetrates virtually everything. Use professional fire restoration services to address damage from smoke and fire.)
2. Document Restoration: After initial mitigation attempts, seek professional assistance to recover wet or damaged documents. Several companies, including [BELFOR](#), [SERVPRO](#), and [BMS CAT](#) offer document (and property) restoration services.
 3. Data Recovery: Contact professional technology support if you need help recovering or repairing your computer system. Data is the top priority, not the equipment itself. Some companies, including [Ontrack](#), [DriveSavers Data Recovery](#), and [Seagate](#), offer data recovery. You may need to send your computer drive(s) or devices away for recovery.

Act quickly if small electronics, like mobile phones, are damaged. In some cases, wet electronics can be dried by placing the damaged item in an uncooked bowl of rice. Read more on the following sites:

- Lifestacker: <http://lifestacker.com/269427/dry-out-your-soaked-gadgets-in-rice>
- Techwalla: <https://www.techwalla.com/articles/how-to-dry-a-cell-phone-out-with-rice>
- apartment therapy: <http://www.apartmenttherapy.com/how-to-dry-out-and-hopefully-s-107945>

Alternatively, several companies sell emergency kits for wet electronics. These kits remove moisture from cell phones, tablets, and other small electronics. Learn more about one example, Dry-All's Wet Smartphone Emergency Kit, by watching the following video: <https://www.youtube.com/watch?v=8hEuNlevNDY>

4. Inventory: Keep an inventory of any documents or property that are destroyed, or that must be removed from the premises for restoration by a professional service.

For client documents, track:

- Client/matter name and number
 - Date range of materials
 - Items destroyed and reason destroyed
5. Resuming Practice: When safe, be prepared to resume practice by implementing contingency plans.

DISASTER RESPONSE AND RECOVERY CHECKLIST

Contingency planning may include:

- Calendar review and postponement of urgent client matters
- Review of court dockets, OJCIN, OECI, ACMS, or PACER
- Access to computer backups, or an off-site copy of the firm's active client list (Following a disaster, it may be necessary to recreate an active client list from calendars, mobile devices, and collective staff memory.)
- Contacting clients and setting appointments with clients whose legal documents must be recreated (Avoid taking on new clients until the firm can adequately screen for conflicts. In addition, prioritize collecting outstanding accounts receivable, since there may be ongoing difficulty bringing in new clients following an emergency.)
- An emergency communication system for contacting active clients, staff, court personnel, opposing counsel and other lawyers, and vendors (Designation of an information liaison outside the disaster zone may be necessary.)
- Temporary office space or alternate storage space for records (When possible, use signage at the old office to direct clients to the temporary location.)
- An updated website
- An updated phone message, including call forwarding or an emergency hotline as needed (Consider preparing a script for staff to inform clients and reassure callers following the emergency.)
- Temporary business cards or stationary
- Alternate methods for legal research, including the local law library, university library, or another firm's library (If you have access to online tools, Fastcase legal research is available free to Oregon State Bar members at www.osbar.org.)
- Building a new form library (If you have access to online tools, log in to the OSB website at www.osbar.org to access BarBooks, or review PLF practice aids at www.osbplf.org for sample forms and resources. Prioritize creating an intake or client information sheet to identify urgent needs and reestablish your conflict system.)
- Contact vendors to lease or replace damaged equipment and items (Inquire whether vendors offer hardship discounts.)

See also our practice aid, [Disaster Planning and Recovery Resources](#).

IMPORTANT NOTICES

This material is provided for informational purposes only and does not establish, report, or create the standard of care for attorneys in Oregon, nor does it represent a complete analysis of the topics presented. Readers should conduct their own appropriate legal research. The information presented does not represent legal advice. This information may not be republished, sold, or used in any other form without the written consent of the Oregon State Bar Professional Liability Fund, except that permission is granted for Oregon lawyers to use and modify these materials for use in their own practices. © 2019 OSB Professional Liability Fund