



# DISASTER PLANNING AND RECOVERY

RISK MANAGEMENT PRACTICE GUIDE OF LAWYERS MUTUAL

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**DISCLAIMER:** *This document is written for general information only. It presents some considerations that might be helpful in your practice. It is not intended as legal advice or opinion. It is not intended to establish a standard of care for the practice of law. There is no guarantee that following these guidelines will eliminate mistakes. Law offices have different needs and requirements. Individual cases demand individual treatment. Due diligence, reasonableness and discretion are always necessary. Sound risk management is encouraged in all aspects of practice.*

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# Disaster Planning and Recovery

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## Risk Management Practice Guide of Lawyers Mutual

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## INTRODUCTION

The news images are shocking. Whether it is tornado damage in the mid-west or flooding after a hurricane in eastern North Carolina, disasters can strike at any time and can come in many different forms. Hurricanes come with advanced warning allowing time to prepare; others happen so quickly they are over before you have time to think. No matter what type of disaster you face, careful planning can make surviving more likely.

Proper leadership makes surviving a disaster easier. Avoiding or reducing the severity of disasters begins with assessing the risks associated with location and office procedures. Once risks are assessed, the disaster recovery plan can be developed so that processes for minimizing damage and recovering afterwards can be established. What are some of the pitfalls to this approach?

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## Designate a Leader

The hardest and most important part of a disaster plan is choosing a leader to be in charge should something go wrong. This person must be someone that everyone in the office will listen to for instruction. Also, this person must be given the authority to make independent decisions for the firm. For larger firms, creating an emergency response team would be appropriate.

What are the functions of emergency leadership? The top priority is the coordination of disaster preparations and responses when one strikes. Periodic reviews of disaster plans and making any updates as necessary would also be part of the duties. Final decisions during emergencies will be the responsibility of the emergency leadership. Some of these decisions include finding alternative office locations should the office be inaccessible, reestablishing computer systems and communications, and recovering files and records.

To ensure that everyone understands what the duties are, define the emergency leadership's decision making authority in your disaster plan. Identify and train for responsibilities, and name an alternative in the event of absence. Name new leaders or alternatives should there be a change in personnel. Communicate all details to employees so that they know whom to expect instructions from when emergencies occur.

### PRACTICE TIP



- Choose a leader to be in charge should something go wrong.
- Identify functions of emergency leadership and top priorities.
- Define the emergency leadership's decision making authority. Communicate all details to employees so they know who to look to in the case of an emergency.

## Assess your Risk

Once you have defined emergency leadership, the next step in the process is to determine the risks associated with your office. Risks can be divided into two major categories: security and physical damage. Assessing your risk and taking appropriate measures can prevent or reduce damages from disasters.

### Security Risks

The best deterrent feature of a building's security system is its visibility. Potential thieves and vandals

typically reconsider their plans if they determine the building has a monitoring device since they can usually find an easier target. Do the windows also have a detection system installed? In addition to the access for the main building, it is advisable to have a separate security system for your individual suite, including locks for doors where files will be stored.

Because so much work is done electronically, proper security for computer files is important to avoid cyber attacks. Layers of security from servers to individual programs help maintain the confidentiality of your

clients' information. Be sure any device that is used outside of the office; laptops, smartphones or any other portable device; maintains proper security when connecting to the system so that information won't be potentially compromised.

### Protecting Against Physical Damage

While no one can prevent natural disasters, or even system malfunctions, there are steps to take that will reduce the amount of damage caused and the recovery time needed. Simple actions can save many headaches, like making sure files are properly stored in file rooms so that an activated sprinkler system will not damage files boxed on the floor or on top of cabinets.

Your office should also be properly equipped with safety devices to protect against damage. Fire

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extinguishers, smoke detectors, sprinklers, fire alarms and other devices should all be in working order. Emergency lighting is another safety feature all office spaces should have.

## PRACTICE TIP



### 2 MAJOR CATEGORIES OF RISK: SECURITY AND PHYSICAL DAMAGE

#### SECURITY.

- Visible security system for the building.
- Separate security system for your individual suite, including locks for doors where files will be stored.
- Proper security for computer files to avoid cyber attacks.

#### PHYSICAL DAMAGE.

- Your physical property should be properly equipped with safety devices to protect against damage, including fire extinguishers, smoke detectors, sprinklers, fire alarms and emergency lighting

## DEVELOP A PLAN

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Once you've assessed your risks, you should develop a disaster response plan. Your plan will focus on the disasters most likely to occur based on your risks and should be tailored to your specific needs. Your disaster plan should also utilize your staff so that everyone works as efficiently as possible toward minimizing a disaster's effects.

### The Human Factor

The first part of any disaster plan is ensuring the safety of your staff. Outline the methods of exit from your office should a disaster strike, designating personnel to aid with any visitors or persons needing assistance. Have a specified meeting location or a safe shelter identified so that you can verify everyone safely exited the building. Hold evacuation drills to ensure everyone knows the proper procedures to follow when an emergency strikes.

Planning for a disaster means coordinating contact after the fact. Create a contact sheet with all personnel's home, cell and emergency contact information and save in multiple locations. This information will be used to establish lines of communication should the office be inoperable. If an employee has special medical needs, and is willing to provide that information, it should be kept with

contact information so that any special requirements are met. Be sure that employees understand any medical information provided for emergency situations is done so strictly voluntarily.

### Protecting Assets

If time allows, you will need to decide which of your physical assets should be evacuated with your personnel. This could be valuable paintings in your office as well as important documents. Since, however, there is a possibility that during a disaster there won't be time to save belongings, taking measures to protect them beforehand is a smart measure of disaster planning.

Important documents, such as your lease agreements, should be stored in a fireproof cabinet or safe, secured in a waterproof container. An even better solution is having a safety deposit box at a bank where such items can be safely stored without fear of damage.

As always, take care to properly insure your assets. This is where photographing or videoing your office is most beneficial. You may overlook some assets that are smaller or not necessarily in open view. Be sure to open desk drawers and image the insides so that



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any items that may be lurking there will be included in the inventory. Inventory lists should include serial numbers, vendors, purchase date and cost. Scanning a copy of the original invoice for equipment will help should it need to be replaced. Be sure to update this information whenever new equipment is purchased or items are replaced.

A minor disaster can be as simple as an attorney losing a wallet or smartphone. Credit card accounts, contacts for phone vendors and other essential information should be kept in a list as well as in a secure location so that banks and vendors can be contacted quickly to prevent any misuse of accounts.

To enable firm startup again after a disaster, create a recovery kit to be stored off-site containing copies of your compiled lists and maintain cash reserves. Safe deposit keys, notary stamps, and other office function items should be included. Copies of your insurance information should be added for all lines of coverage and employee benefits. Include a copy of your computer backup files, but also include a detailed client list should the disaster be extensive enough that computers are inaccessible for an extended period of time. Consider any other items that would be necessary for minimal functionality. Also include a copy of your recovery procedures. The recovery kit should be accessible to the recovery leader so that they can quickly take action if they need to. Consider an out of state backup system for electronic data should a disaster effect an entire geographical area.

### Client Files

Of course, the most important assets in the office are the client files. As noted, keeping files in proper filing cabinets reduces the risk of damage during emergency situations. Client property would be safest in a safety deposit box with your important papers.

## PRACTICE TIP



### DEVELOP A DISASTER RESPONSE PLAN

- Focus on disasters most likely to occur based on your risks, and tailored to your specific needs.
- First ensure safety of your staff — exit plan, safe shelter, evacuation drills.
- Create a contact sheet with personnel and emergency information.
- Protect assets in case of an emergency:
  - store important documents in fireproof and waterproof cabinet or safe, or offsite in safe deposit bank;
  - properly insure your assets.
- Create a recovery kit.
- Keep client files safe, in appropriate filing cabinets or safe deposit boxes. Maintain scanned versions of documents. Keep a list of client contact information in a secondary location.

The easiest method of protecting client files is maintaining a scanned version of documents. Having an electronic database of your files and off-site backup allows you to have a second copy so that you can recreate a file should a disaster occur.

Be sure to maintain a list of client contact information so that each client can be quickly contacted should a disaster force your office to establish operations in a secondary location. Making contact with each client shortly after the disaster will set their mind at ease that the firm is capable and organized.



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## TIPS FOR RECOVERY

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After the dust has settled, it's time to get to work putting the pieces back together. This is the time when the emergency leader takes charge and puts your plan into action. Having the channels of communication pre-planned and direction for how things should be handled helps prevent mass panic because certain steps will be taken to reorganize the office.

### Regrouping

The basic starting point is assembling your staff to begin working again as quickly as possible. Establish a phone tree to contact employees. If it is necessary to operate from another location due to building damage, your disaster plan leader will make the arrangements and pass along the information. To speed up the process of choosing alternate operating locations, select a few options before disaster strikes and keep the information with your disaster kit. Emergency locations can be outside the box, such as a townhouse complex, that might have more availability options with a short term notice.

Once available staff members come together, hold a debriefing meeting. The purpose is to give staff a clear picture of the state of affairs for the firm. This will prevent some watercooler gossip and help establish the operational procedures should there be differences due to changes in circumstances. Teamwork and communication should be prominent topics.

Part of regrouping is helping staff recover from the disaster. Some will cope better than others. For large scale events, consider offering therapy sessions to alleviate post-traumatic stress disorder. Regardless of size, be aware that any major event can cause some personality types great distress and affect their work habits.

Client communication should also be a top priority at this stage. Make every attempt possible to contact your clients as soon as you have reestablished operations to let them know you are available. If they have been affected by the disaster, this is one less worry they have to deal with. If the disaster was not widespread, such as a fire in your building, they will be relieved that their cases have not been thrown off track by events.

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### Returning to Normalcy

Although it will seem impossible when disaster strikes, a well prepared firm will eventually return to normal operations. Files will be recreated from the electronic documents stored in computers. Your calendar will once again require a map to navigate for the untrained eye.

Normalcy, however, may not equal the same as it was before. Changes in surroundings may require changes in procedures. Necessity may present a better way of doing things. Avoid the “this is the way it has always been done” mentality if reasonable alternatives present themselves.

### **Evaluating the Disaster Response**

Once things have settled down, review the disaster response to determine the effectiveness of your strategy. Were there situations you'd overlooked? Did certain strategies prove ineffective and other methods have to be used?

When going over the disaster response, be sure to give praise for the things that went according to plan and were executed properly. Letting the team know they did their part to keep the ball rolling boosts office morale. Having an office luncheon to celebrate surviving the disaster is another option.

Have an open discussion with employees about what may have gone astray during implementation of the disaster plan. Determine if anyone felt unsure of their instructions or if something was unclear to them. This is also the time to find out if part of the procedure seemed to be problematic and could have been done better.

Review the suggested improvements to your disaster plan. Include anything you've noted that should be added or changed. Make the necessary changes as soon as possible. Make any other needed changes to your disaster recovery kit. If another event should come your way, you'll be even more prepared the next time around.

## **PRACTICE TIP**



### **AFTER THE DISASTER**

#### **REGROUPING.**

The first step is to assemble your staff. When feasible, hold a debriefing meeting to update on status of firm. Help the staff recover from disaster.

#### **RETURN TO NORMALCY.**

A well prepared firm will eventually return to normal, but that may not be the same as before. Changes in surroundings may require changes in procedures. Necessity may present a better way of doing things; be open to that.

#### **EVALUATING THE DISASTER RESPONSE.**

After the disaster recovery, review the disaster response to measure the effectiveness of the strategy. Praise what went well, and have an open discussion about what went wrong. Review suggested improvements to your disaster plan.

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## SAMPLE SAFETY AND SECURITY PROCEDURES FOR LAW OFFICE POLICIES AND PROCEDURES MANUAL

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*[The following is a sample format for a safety and security section of an office manual. This should be used only as a general guide. Safety procedures must be tailored to each office and to each building.]*

### SAFETY AND SECURITY

1. **Emergency telephone number.** In an emergency, call 911, then immediately notify the BUILDING SECURITY DESK at \_\_\_\_\_. All phones are equipped with a sticker listing these emergency numbers. You should give the following information when reporting an emergency:
  - Address
  - Floor, Suite
  - Type of Emergency
  - Your Name
  - Your Telephone Number
  
2. **Safety monitors.** Complete lists of monitors are maintained by the receptionist. In case of emergency, notify the Building Security Desk, the receptionist, and the Office Manager.
  
3. **Report all incidents.** All incidents of fire, no matter how minor, must be reported to building security. All incidents regarding security, including fires, should also be reported to the Office Manager. This includes thefts, suspicious persons, obscene phone calls, bomb threats or other such incidents.
  
4. **Emergency areas and equipment.**
  - a. Corridor speakers are connected to the building security desk, allowing security professionals to communicate with a floor in danger and control evacuation of that floor. In an emergency you should remain calm and listen for instructions, which will be given over the building public address system.
  - b. Building safety stairwells are specifically constructed to ensure safety from fire for those within them. The internal stairwells (near the reception and library areas) should not be used in an emergency.
  - c. Smoke detectors are located throughout the office and automatically signal the electronic console at the building security desk if smoke is detected.
  - d. Overhead sprinklers are placed in every room or area and are automatically tripped by heat.
  - e. Fire doors at the internal stairwells and in elevator lobbies will shut automatically during a fire. Their purpose is to impede the spread of fire from one area or floor to another. Stay away from them to avoid injury.
  - f. Security doors at the ends of the elevator lobbies are designed to unlock if smoke is detected during off-hours; this will permit those in the elevator lobbies access to the safety stairwell. To unlock the door, break the glass above the lock with the hammer. Do not break the glass except in an emergency in which you need to exit the elevator lobby and the doors are locked.

- g. Fire alarms are located outside the safety stairwell doors.
- h. Fire extinguishers are located in the lunch room and directly outside all rest rooms.

### **5. Evacuation Procedures.**

- a. Listen for instructions from the corridor speakers on each floor. Building security personnel will give detailed instructions as they coordinate evacuation routes and send emergency personnel to affected floors.
- b. Follow the safety monitors' direction. If you are told to evacuate by way of a specific safety stairwell, go directly to that stairwell. If you are told to go to the reception area, do so and wait for further directions there.
  - (1) Walk single file.
  - (2) Move quickly, but do not run.
  - (3) Do not stop to go back to pick up anything.
  - (4) Do not smoke.
  - (5) Do not talk, unless necessary.
  - (6) Before opening a door, feel it. If it is hot, do not open it. Keep a fire confined to a small area.
  - (7) When the monitors are sure that the floor has been completely evacuated, they will close doors behind them. This will slow the spread of a fire.
- c. Use **ONLY** the safety stairwells. **NEVER** use the elevators; **NEVER** use the firm's internal stairwells.
  - (1) Walk up or down the stairs single file on your right. Emergency and fire personnel may be using the stairs and have been instructed to keep to the left.
  - (2) Merge into people already in the stairwell. Do not push.
  - (3) When you reach the floor to which you have been directed, do not congregate near the stairwell. Move away from the stairwell and wait for further instructions.
  - (4) Women should remove high-heeled shoes.
  - (5) If you are relocated to ground level, move away from the building, at the very least, across the street. Do not go into the lobby or stand on the outside sidewalks. You may not be safe, and you will hinder emergency and fire personnel.

### **6. Specific emergencies.**

- a. Fire.
  - (1) If it is safe to do so, first call 911, then call the building security desk and report the fire.
  - (2) Notify a receptionist or the main switchboard (0).
  - (3) Use fire extinguishers with care and only if you know how. Generally, however, report a fire rather than trying to fight it yourself.
  - (4) Listen for instructions from the corridor speakers or safety monitors and follow relocation procedures if necessary.
  - (5) If there is smoke on our floors,
    - (a) take short breaths; smoke inhalation is more dangerous than burns in most fires;
    - (b) crawl along the floor; the air is cooler and fresher closer to the floor since heated air rises;
    - (c) hold your breath if forced to dash through flames.

## b. Earthquake.

An earthquake emergency is different from a fire or explosion emergency. You are probably safer inside the building than outside.

- (1) Take cover under a desk or table or against a solid inside wall (one with no glass).
- (2) Stay away from fire doors located by internal stairs.
- (3) Stay away from windows, glass walls, and doors and walls with glass in them.
- (4) Stay clear of file cabinets, bookcases and free-standing partitions.
- (5) Floor monitors will direct immediate evacuation of the libraries, records center and reproduction center.
- (6) Do not leave your floor until you are told to do so by a monitor. There may be a second shock, and the elevators and safety stairwells must be inspected before they can be used.
- (7) Do not use the telephone unless you are injured or need help.
- (8) If you are in an elevator,
  - (a) Do not panic. The car will not fall.
  - (b) The elevator will automatically stop at the next floor, where you should exit.
  - (c) If the doors do not open, press the red alarm button and let the building office know where, who and how many you are. A public address system is installed in each car, and instructions will be given to you over this system. Do not try to force the door open or attempt to exit through the roof. The car may immediately return to the lobby.
- (9) If you are outdoors, keep away from buildings, poles, wires, and walls. Go to a clear area where debris is not likely to fall.

## c. Power Failure.

- (1) An emergency power generator is located in the basement of the building. If the normal power supply is interrupted, the emergency system will take over in a matter of seconds to provide emergency lighting and limited elevator service. The engineering office will restore normal service as soon as possible.
- (2) Turn off all machines - computers, typewriters, adding machines, photocopy machines - to conserve power and avoid overload when power is restored
- (3) Open all doors, shades and curtains to allow natural light to filter throughout the office.
- (4) Stay where you are, unless told by a monitor to evacuate.
- (5) If you are in the elevator, do not panic. The car will not fall. Press the red alarm button and let the building office know where, who, and how many you are. A public address system is installed in each car, and instructions will be given to you over this system.
- (6) All receptionists and safety monitors have flashlights at their desks.

## d. Assault.

- (1) Scream - your voice is one of your best weapons.
- (2) Try to run from the assailant. If you are alone at night, try to reach a telephone.

## e. Bomb Threat.

- (1) If you answer the phone and receive a bomb threat, do not panic. This call may be the only opportunity to obtain information about the bomb. Have someone else listen to the call without letting the caller know, if possible. Listen, except to tell caller that the building is occupied and that to prevent death and injury you must know:

## DISASTER PLANNING AND RECOVERY

- (a) When is the bomb going off?
  - (b) Where is the bomb?
  - (c) What kind of bomb is it?
  - (d) What does it look like?
  - (e) Why was it planted?
- (2) Call the building security desk or building office and tell them you have received a bomb threat. A security guard will discuss all the information you have obtained.
  - (3) Call the Office Manager or one of the receptionists. Speak only to one person, but reach at least one of them. Do not tell anyone else unless directed to do so.
  - (4) During or immediately after the call, fill out the bomb threat checklist at the end of this section.
  - (5) Do not touch any strange object. Report its location to a monitor, and follow the monitor's directions.
- f. Medical emergencies. For any injury or illness requiring emergency medical treatment:
- (1) First call 911, then call the building security desk. Security guards are on duty at all times and can arrange for medical treatment. Be sure to tell the security desk where you are, who you are, the type of emergency and your telephone number.
  - (2) Notify any receptionist to get a first aid kit and find out which firm personnel might be able to render first aid while waiting for professional help to arrive.
  - (3) Any on-the-job injury or illness which is related to job conditions should be reported to your supervisor and the personnel department.
  - (4) When CPR is required (heart attack, fainting, blocked windpipe), call the receptionist on the floor you are on for the names of CPR trained employees on that floor.
- g. Tornadoes.
- (1) Be aware of the signs of a tornado:
    - (a) Strong, persistent rotation in the cloud base.
    - (b) Whirling dust or debris on the ground under a cloud base - tornadoes sometimes have no funnel.
    - (c) Loud, continuous roar or rumble, which doesn't fade in a few seconds like thunder.
    - (d) At night - small, bright blue-green to white flashes at ground level near a thunderstorm. This is an indication of power lines being snapped by very strong wind.
    - (e) At night - Persistent lowering from the cloud base, illuminated or silhouetted by lightning. Look for contact with the ground or blue-green power flashes underneath.
  - (2) If you are under a tornado warning, seek shelter immediately.
  - (3) Relocate personnel to an interior portion of the building, away from doors and windows. In many office buildings, an interior stairwell is a safe place. Go to the lowest point possible.
  - (4) Avoid elevators as you may become trapped if power is lost.
  - (5) Crouch down and cover your head once you've reached a safe location.
  - (6) After the threat has passed, gather employees at a pre-determined location to ensure everyone exited the building safely.
  - (7) Render aid to anyone who is injured. Wait for emergency personnel to arrive.
  - (8) Avoid the use of lighters or matches in the event of damaged gas lines.
  - (9) Avoid downed power lines as they still may carry electricity.

(10) Do not enter heavily damaged buildings as the building could collapse at any time.

(11) Wait for emergency personnel to arrive. Listen for information and instructions from emergency crews or local officials.

**7. Office security.**

The firm offices need to be secure because we have valuable items in the office, we are required by the ethical canons to protect the confidentiality of our client materials, and we own proprietary materials which enhance our ability to provide quality legal services to our clients.

- a. Lobby doors. Lobby doors should never be propped open, especially during off-hours, and employees who find them open should shut them immediately. Firm employees are issued keys to permit them access to the offices during off hours. Under no circumstances should the keys be given to anyone who is not an employee of the firm.
- b. Visitors. All visitors to the office must be greeted in the reception area and escorted to the appropriate office or conference room. Please discourage friends and relatives from entering our office directly. Anyone who sees an unescorted, unfamiliar person should tactfully ask that person who he/she is looking for and should offer assistance in locating that person or department. (Please note that a person may be found in private offices as well as in hallways.) If the person says he/she is in the wrong place, he/she should be escorted to the elevator lobby and onto an elevator. Those who are expecting visitors after hours should make arrangements for them to be permitted access to our floors. Standard forms for this purpose are available from the personnel department.

## **AFTER DISASTER STRIKES: A CHECKLIST**

1. Begin the assessment process. Photograph or videotape all damage for claim documentation purposes. To avoid flash fires, make certain that all containers to be examined (file cabinets, etc.) are cold to the touch and safe to open. Start a diary or log of the ways in which the office has been affected by the disaster.
2. Contact all employees to provide them with a status report and assign tasks. As needed, appoint liaisons from your office to work with each of the following entities:
  - Building management
  - Fire department
  - Police department
  - Health department
  - Emergency management agencies
  - Other governmental agencies
  - Utility companies, including electric, gas, water, phone
  - Insurance agent
  - Banker
  - Key vendors
  - Post office
  - Other vital services
3. Establish an emergency communication system to help the firm communicate with the courts, other lawyers, staff, clients, and vendors. This could involve setting up an emergency hotline and recorded message, or arranging for a forwarding number. Keep in mind that after a disaster, it is often easier to make outgoing calls than to receive incoming ones. Therefore, it may be necessary to designate a contact outside the disaster zone who can act as a clearinghouse for information.
4. If you cannot occupy your office, arrange for temporary office space. Depending on the size and location of your firm, possibilities include hotels, motels, trailers, recreational vehicles, space in other law firms with which you have reciprocal agreements, space in your satellite office, other suitable space in your existing building, or space in your home. Post a sign at your old office directing people to your temporary location. Consider advertising that temporary location in the local newspaper, and encourage clients to contact you to touch base. Be sure that anyone answering the phone informs all callers of your new location. Contact your property manager and determine your obligations under the existing lease during the time your space cannot be accessed or used. If necessary, make arrangements for security protection for your damaged space.
5. Get office supplies for your temporary office, including stationery, business cards, legal pads, and pens.
6. Contact vendors to lease equipment or permanently replace damaged items (computers, network servers, printers, fax machines, copier, postage meter, desks, chairs, dictation equipment, typewriters, etc.)



7. Locate the off-site copy of your active client list and start contacting clients. Make appointments for those whose records you must recreate.
8. If you don't have an off-site client list, write down the names of all the clients and pending matters you can remember before too much time passes. Home computers, personal digital assistants (PDAs), and personal calendars may help you recreate this information. Have all staff do the same thing -- and update the list as new names are remembered over the next few days. Start keeping a phone log of all incoming calls and use this as a source to help rebuild your client list.
9. If you can't access an off-site backup of your calendar, start a fresh one. Begin filling in important appointments and deadlines as they become known. If possible, review court dockets or sources such as [nccourts.org](http://nccourts.org) and match this information against your client list.
10. Contact the courts and opposing counsel as needed for setovers, postponements, and the like. If you have moved to a temporary location, send out postcards or similar announcements with your new address, telephone, and fax numbers. Notify the state bar.
11. To ensure the financial health of the office, give priority to collecting outstanding accounts receivable. Until the office is fully up and running, expect to have ongoing work disrupted and to have difficulty bringing in new clients.
12. Contact the post office about an alternate delivery location.
13. Access extra checks stored off-site. Contact your bank for replacement checks.
14. Contact your payroll service.
15. Get immediate professional assistance to help in the recovery and repair of your computer system. Make it clear that your top priority is the data, not the equipment itself. A reputable repair shop can clean and test the system and, if necessary, use a package such as Norton Utilities to recover your data. Keep in mind that while motors and circuitry in your system may have been damaged by the elements, the hard drive itself is vacuum-sealed. More likely than not, the data stored on the drive can be recovered. If the above efforts are not sufficient, it may be necessary to send your drive to a data recovery company, such as Ontrack Data Recovery, [www.ontrack.com/datarecovery](http://www.ontrack.com/datarecovery), 800-872-2599, or DriveSavers DataRecovery, [www.drivesavers.com](http://www.drivesavers.com), 800-440-1904. If you can recover your data, transfer it to a new system as soon as possible.
16. Gather up all available paper records and begin the process of assessing damage, sorting, and prioritizing restoration. Paper records damaged by water will begin to deteriorate within two to three hours; mold, fungal, and bacterial growth will occur within 24 hours. Specific procedures must be followed in order to properly dry or freeze documents. (Freezing will preserve paper for up to six years for later drying.) For help with document reclamation procedures, contact your insurance agent, who can refer you to a professional service. Consider bypassing restoration if back-up records are available.

17. Keep an inventory of anything that must be destroyed or removed from the premises for drying by a commercial service. For client documents, track:
  - Client/matter name
  - Client/matter number
  - Items destroyed
  - Inclusive dates
  - Reason destroyed
18. Begin replacing lost paper records and client documents. Besides clients, other sources for reconstructing records include the courts, opposing counsel, administrative agencies, and the firm's CPA and payroll service.
19. Repair, sterilize, and dry the areas where records are to be stored -- shelving, cabinets, desks. (Carpet, carpet padding, or liners must be dried and treated for mold and mildew or replaced.) Investigate tile or other flooring for similar damage. Continue inspecting damaged areas for mold, mildew, and other damage for at least one year.
20. Rebuild your form library. Visit [www.lawyersmutualnc.com](http://www.lawyersmutualnc.com) for risk management resources, including forms. If you do not have Internet access as a result of the disaster, call our office at 919-677-8900 or 800-4662-8843 for assistance. First on your priority list should be an intake or new client information form, which can be used in recreating existing client files or interviewing new clients who need your help as a result of a problem that arose from the disaster. The data on the forms can then be used for reestablishing conflict and other office systems.
21. Rebuild your law library. Assess the damage and determine the cost of repairing or replacing books and materials. Identify the items to be replaced as soon as possible. Get sources for legal research on the Internet (Lexis, WestLaw, etc.) up and running. In the meantime, arrange to use the local law library or university library -- or coordinate with another law firm in the area.
22. Exercise case and client control. Resist the urge to take on all new matters that may come to you until you can adequately screen for conflicts.
23. Submit an insurance claim for the damages your office sustained.
24. Determine your eligibility for other forms of emergency relief and submit a claim if appropriate. Identify counseling and support resources for employees.
25. Be cautious about signing releases. Read carefully to ensure that they are not overbroad or seek to capture other funds once they become available (e.g. FEMA funding). Also apply this approach to release presented to clients.

## DISASTER RECOVERY INFORMATION LIST

ATTORNEY NAME: \_\_\_\_\_

Social Security #: \_\_\_\_\_

Federal Employer ID #: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Office Address: \_\_\_\_\_  
\_\_\_\_\_

Office Phone: \_\_\_\_\_

Office Fax: \_\_\_\_\_

Cell Phone: \_\_\_\_\_

E-mail: \_\_\_\_\_

Home Address: \_\_\_\_\_  
\_\_\_\_\_

Home Phone: \_\_\_\_\_

### SPOUSE:

Name: \_\_\_\_\_

Cell Phone: \_\_\_\_\_

Employer: \_\_\_\_\_

Work Phone: \_\_\_\_\_

### OFFICE MANAGER:

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Home Phone: \_\_\_\_\_

Cell Phone: \_\_\_\_\_

### COMPUTER PASSWORDS:

(Name of person or location such as safety deposit box)

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Phone: \_\_\_\_\_

**DISASTER PLANNING AND RECOVERY**

SECRETARY:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Home Phone: \_\_\_\_\_

Cell Phone: \_\_\_\_\_

BOOKKEEPER:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Home Phone: \_\_\_\_\_

Cell Phone: \_\_\_\_\_

LANDLORD:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Home Phone: \_\_\_\_\_

Cell Phone: \_\_\_\_\_

PERSONAL REPRESENTATIVE:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Home Phone: \_\_\_\_\_

Cell Phone: \_\_\_\_\_

ATTORNEY:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Home Phone: \_\_\_\_\_

Cell Phone: \_\_\_\_\_

ACCOUNTANT:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Home Phone: \_\_\_\_\_

Cell Phone: \_\_\_\_\_

**ATTORNEYS TO HELP WITH PRACTICE CLOSURE:**

First Choice:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_

Cell Phone: \_\_\_\_\_

Second Choice:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_

Cell Phone: \_\_\_\_\_

Third Choice:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_

Cell Phone: \_\_\_\_\_

**LOCATION OF WILL AND/OR TRUST:**

Access Will and/or Trust by contracting:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_

Cell Phone: \_\_\_\_\_

**PROFESSIONAL CORPORATION:**

Corporate Name: \_\_\_\_\_

Date Incorporated: \_\_\_\_\_

Location of Corporate Minute Book: \_\_\_\_\_

Location of Corporate Seal: \_\_\_\_\_

Location of Corporate Stock Certif. \_\_\_\_\_

Location of Corporate Tax Returns: \_\_\_\_\_

Fiscal Year-End Date: \_\_\_\_\_

Corporate Attorney: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Home Phone: \_\_\_\_\_

Cell Phone: \_\_\_\_\_

*courtesy of the Maryland State Bar*

**DISASTER PLANNING AND RECOVERY**

**PROCESS SERVICE COMPANY:**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Contact: \_\_\_\_\_

**OFFICE-SHARER OR “OF COUNSEL”:**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Contact: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Contact: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Contact: \_\_\_\_\_

**OFFICE INSURANCE COVERAGE:**

**Casualty**

Insurer: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Cell Phone: \_\_\_\_\_  
Policy No: \_\_\_\_\_  
Contact: \_\_\_\_\_

**Liability**

Insurer: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Cell Phone: \_\_\_\_\_  
Policy No: \_\_\_\_\_  
Contact: \_\_\_\_\_

**Business Interruption**

Insurer: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Phone: \_\_\_\_\_  
Cell Phone: \_\_\_\_\_  
Policy No: \_\_\_\_\_  
Contact: \_\_\_\_\_

**Worker's Compensation**

Insurer: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Phone: \_\_\_\_\_  
Cell Phone: \_\_\_\_\_  
Policy No: \_\_\_\_\_  
Contact: \_\_\_\_\_

**Professional Responsibility**

Insurer: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Phone: \_\_\_\_\_  
Cell Phone: \_\_\_\_\_  
Policy No: \_\_\_\_\_  
Contact: \_\_\_\_\_

**Health**

Insurer: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Phone: \_\_\_\_\_  
Cell Phone: \_\_\_\_\_  
Policy No: \_\_\_\_\_  
Contact: \_\_\_\_\_

**Long Term Care**

Insurer: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Phone: \_\_\_\_\_  
Cell Phone: \_\_\_\_\_  
Policy No: \_\_\_\_\_  
Contact: \_\_\_\_\_

**DISASTER PLANNING AND RECOVERY**

**Life**

Insurer: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Phone: \_\_\_\_\_  
Cell Phone: \_\_\_\_\_  
Policy No: \_\_\_\_\_  
Contact: \_\_\_\_\_

**OTHER IMPORTANT CONTACTS:**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Phone: \_\_\_\_\_  
Cell Phone: \_\_\_\_\_  
Purpose: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Phone: \_\_\_\_\_  
Cell Phone: \_\_\_\_\_  
Purpose: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Phone: \_\_\_\_\_  
Cell Phone: \_\_\_\_\_  
Purpose: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Phone: \_\_\_\_\_  
Cell Phone: \_\_\_\_\_  
Purpose: \_\_\_\_\_



**LOCATION OF FILES OFF-SITE**

Location: \_\_\_\_\_  
\_\_\_\_\_  
Key or  
Combination: \_\_\_\_\_  
Contact: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Cell Phone: \_\_\_\_\_  
Renewal: \_\_\_\_\_

**SAFE DEPOSIT BOXES**

Institution: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Phone: \_\_\_\_\_  
Box No.: \_\_\_\_\_

Obtain Key From: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Phone: \_\_\_\_\_

Items Stored: \_\_\_\_\_  
Other Signatory: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Phone: \_\_\_\_\_

Institution: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Phone: \_\_\_\_\_  
Box No.: \_\_\_\_\_

Obtain Key From: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Phone: \_\_\_\_\_

Items Stored: \_\_\_\_\_  
Other Signatory: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Phone: \_\_\_\_\_

**EQUIPMENT LEASES:**

Item: \_\_\_\_\_  
Lessor: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Contact: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Expiration: \_\_\_\_\_

Item: \_\_\_\_\_  
Lessor: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Contact: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Expiration: \_\_\_\_\_

Item: \_\_\_\_\_  
Lessor: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Contact: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Expiration: \_\_\_\_\_

Item: \_\_\_\_\_  
Lessor: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Contact: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Expiration: \_\_\_\_\_

Item: \_\_\_\_\_  
Lessor: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Contact: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Expiration: \_\_\_\_\_

**LAWYER'S TRUST ACCOUNT:**

Institution: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_

Account Number: \_\_\_\_\_

Account Name: \_\_\_\_\_

Other Signatory: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_

Cell Phone: \_\_\_\_\_

Institution: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_

Account Number: \_\_\_\_\_

Account Name: \_\_\_\_\_

Other Signatory: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_

Cell Phone: \_\_\_\_\_

**INDIVIDUAL CLIENT TRUST ACCOUNTS:**

Client Name: \_\_\_\_\_

Institution: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_

Account Number: \_\_\_\_\_

Account Name: \_\_\_\_\_

Other Signatory: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_

Cell Phone: \_\_\_\_\_

**DISASTER PLANNING AND RECOVERY**

Client Name: \_\_\_\_\_

Institution: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_

Account Number: \_\_\_\_\_

Account Name: \_\_\_\_\_

Other Signatory: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_

Cell Phone: \_\_\_\_\_

Client Name: \_\_\_\_\_

Institution: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_

Account Number: \_\_\_\_\_

Account Name: \_\_\_\_\_

Other Signatory: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_

Cell Phone: \_\_\_\_\_

**GENERAL OPERATING ACCOUNTS:**

Institution: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_

Account Number: \_\_\_\_\_

Account Name: \_\_\_\_\_

Other Signatory: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_

Cell Phone: \_\_\_\_\_

Institution: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Account Number: \_\_\_\_\_

Account Name: \_\_\_\_\_

Other Signatory: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Cell Phone: \_\_\_\_\_

Institution: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Account Number: \_\_\_\_\_

Account Name: \_\_\_\_\_

Other Signatory: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Cell Phone: \_\_\_\_\_

**BUSINESS CREDIT CARDS:**

Institution: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Account Number: \_\_\_\_\_

Other Signatory: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Cell Phone: \_\_\_\_\_

**DISASTER PLANNING AND RECOVERY**

Institution: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Account Number: \_\_\_\_\_

Other Signatory: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Cell Phone: \_\_\_\_\_

Institution: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Account Number: \_\_\_\_\_

Other Signatory: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Cell Phone: \_\_\_\_\_

**MAINTENANCE CONTRACTS:**

Item: \_\_\_\_\_

Vendor: \_\_\_\_\_

Address: \_\_\_\_\_

Contact: \_\_\_\_\_

Phone: \_\_\_\_\_

Expiration: \_\_\_\_\_

Item: \_\_\_\_\_

Vendor: \_\_\_\_\_

Address: \_\_\_\_\_

Contact: \_\_\_\_\_

Phone: \_\_\_\_\_

Expiration: \_\_\_\_\_

Item: \_\_\_\_\_

Vendor: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Contact: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Expiration: \_\_\_\_\_

Item: \_\_\_\_\_  
Vendor: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Contact: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Expiration: \_\_\_\_\_

**ALSO ADMITTED TO PRACTICE IN THE FOLLOWING STATES:**

State of: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Phone: \_\_\_\_\_  
Bar ID #: \_\_\_\_\_

State of: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Phone: \_\_\_\_\_  
Bar ID #: \_\_\_\_\_

State of: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Phone: \_\_\_\_\_  
Bar ID #: \_\_\_\_\_

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## **ADDITIONAL RESOURCES**

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### **BOOKS/ARTICLES**

*Are You Prepared for a Real Disaster?* Published by Oklahoma Bar Association. Available at:  
[www.okbar.org/members/map/articles/disaster.htm](http://www.okbar.org/members/map/articles/disaster.htm)

*Disaster Recovery for Law Firms* (excerpted from *The Essential Formbook: Comprehensive Management Tools for Lawyers, Volume IV*). Published by the American Bar Association. Available at  
[www.americanbar.org/content/dam/aba/publishing/criminal\\_justice\\_section\\_newsletter/crimjust\\_calendar\\_disaster\\_recovery.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/publishing/criminal_justice_section_newsletter/crimjust_calendar_disaster_recovery.authcheckdam.pdf)

*Managing Practice Interruptions*. Published by practicePRO. Available at:  
[www.practicepro.ca/practice/pdf/Practice\\_Interruptions\\_booklet.pdf](http://www.practicepro.ca/practice/pdf/Practice_Interruptions_booklet.pdf)

*Planning for Disaster Prevention and/or Recovery*. Published by the Texas State Bar. Available at [www.texasbarcle.com/CLE/site/LawOfficeMgmtPracticeMaterials/JGArticle.pdf](http://www.texasbarcle.com/CLE/site/LawOfficeMgmtPracticeMaterials/JGArticle.pdf)

*Preparing for the Unexpected: Anticipate and Plan for Law Office Disasters*. Published by Alabama State Bar Association. Available at [www.alabar.org/pmap/disaster%20info.pdf](http://www.alabar.org/pmap/disaster%20info.pdf)

*Surviving a Disaster: A Lawyers Guide to Disaster Planning*. Published by the American Bar Association. Available for free download at [www.americanbar.org/content/dam/aba/events/disaster/surviving\\_a\\_disaster\\_a\\_lawyers\\_guide\\_to\\_disaster\\_planning.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/events/disaster/surviving_a_disaster_a_lawyers_guide_to_disaster_planning.authcheckdam.pdf)

*When Bad Things Happen: 60 Minutes to Save Your Practice*. Published by Texas State Bar. Available at:  
[www.texasbarcle.com/CLE/site/LawOfficeMgmtPracticeMaterials/When%20Bad%20Things%20Happen.pdf](http://www.texasbarcle.com/CLE/site/LawOfficeMgmtPracticeMaterials/When%20Bad%20Things%20Happen.pdf)

### **WEBSITES**

ABA Committee on Disaster Response and Preparedness.  
[www.americanbar.org/groups/committees/disaster.html](http://www.americanbar.org/groups/committees/disaster.html)

Florida bar IOMAS - Disaster and Risk Management.  
[www.floridabar.org/tfb/TFBMember.nsf/840090c16eedaf0085256b61000928dc/7dc9c97e7fe5b2f85256ef20063fc05?OpenDocument](http://www.floridabar.org/tfb/TFBMember.nsf/840090c16eedaf0085256b61000928dc/7dc9c97e7fe5b2f85256ef20063fc05?OpenDocument)

SOUTH CAROLINA BAR - PREPARE: DISASTER AND EMERGENCY PREPAREDNESS.  
[www.sctbar.org/MemberResources/PracticeManagementPMAP/OfficeManagement/Prepare.aspx](http://www.sctbar.org/MemberResources/PracticeManagementPMAP/OfficeManagement/Prepare.aspx)

Tennessee State Bar - Disaster Recovery: Steps to take in the Recovery Effort.  
[www.tba.org/tnbarms/disaster.html](http://www.tba.org/tnbarms/disaster.html)