

After Disaster Strikes: A Checklist

1. Within the first 24 hours after a disaster happens, an initial damage assessment should be made. This is a cursory review of damage caused by an emergency or disaster to get a quick financial estimate of damage to report to your insurance company, and if a community-wide disaster, to your local government emergency coordinator. Your damage assessment checklist should include such items as:
 - Facility structural damage
 - Damage to library and supplies, including records and information
 - Damage to office equipment or vehicles
 - Damage to property
 - Personal injuries
 - Cost to recover (library, records, and supplies)
 - Cost to recover (repairs and maintenance)
 - Cost to recover (staff and outside labor)
 - Loss of revenue estimate based on duration of work disruption

2. Recovering water-damaged documents successfully requires drying the documents as quickly as possible. Restoration experts caution that in any weather, mold will appear within 48 hours in unventilated areas. Freeze-drying utilizing sublimation, which changes the frozen water in documents directly to a vapor, is costly, but it will be worth the expense for irreplaceable items or those that would be costly or time-consuming to replace.
 - Check with your insurance carrier before you destroy any records to determine whether your carrier has a special provision for the salvage of records.
 - If you can freeze and store important documents at a temperature of minus 20 degrees Fahrenheit, you can give yourself some time for finalizing arrangements for proper drying and restoration by an authority in restoration. Freezing the documents stops further damage from the diffusion of water but does not kill mold spores.
 - Try to separate documents by wax paper or freezer paper, but handle the documents as little as possible to avoid further damage.
 - If drying documents yourself, remove all paper clips and staples to prevent rust before ironing individual sheets of loose paper with low heat from iron, hair dryer or photographic dryer.
 - Stack documents sheets between sheets of absorbent paper, such as blank newsprint which can be purchased at art stores or your local newspaper. Change the paper every two to four hours as needed.
 - Air circulation, cool temperatures, and dehumidification are important. Leave air conditioning running 24-hours a day and bring in dehumidifiers and fans as needed.
 - Photocopy wet papers inside Mylar document sheet protectors and discard the damaged original if possible.

3. Contact the proper authorities and emergency resources and support such as:
- Building management
 - Fire department
 - Police department
 - Health Department
 - Local utility companies: gas, electric, water, phone
 - Insurance agent
 - Banker
 - Post office
 - Oregon Emergency Management Department at 503-378-2911 or <http://egov.oregon.gov/OOHS/OEM>
 - Federal Emergency Management Agency at www.fema.gov
 - Disaster Help at www.disasterhelp.gov
 - Local Red Cross Chapter Office www.redcross.org
 - Oregon Mountain River Chapter, Bend at 541-382-2142
 - Southern Oregon Chapter, Medford at 541-779-3773
 - Oregon Pacific Chapter, Eugene at 541-344-5244
 - Oregon Trail Chapter, Portland at 503-284-1234
 - Willamette Chapter, Salem at 503-585-5414
 - Oregon State Bar 503-620-0222 or 800-452-8260 or www.osbar.org
 - Professional Liability Fund 503-639-6911 or 800-452-1639 or www.osbplf.org
 - Oregon Attorney Assistance Program 503-226-1057 or 800-321-6227 or www.oaap.org
4. Digitally record or photograph all damage. Include a yardstick or ruler in the picture or videography as a frame of reference for documenting damage.
5. After the initial 24 hours following a disaster, you'll need to look at recovery and salvage processes that will need to be taken. This is when you will prepare a comprehensive damage assessment. Coordinate with your insurance claims adjuster. Do not overlook tracking expenses incurred during the recovery and response process such as:
- Travel
 - Telephone
 - Equipment rentals
 - Temporary facilities
 - Temporary staffing
 - Outside consultants
 - Notification of existing clients, court, other lawyers, and vendors
 - Security measures and risk management to prevent additional damage

6. During the response phase, be prepared to implement any necessary contingency arrangements.
 - Identify hot client matters, especially where postponements are needed. If necessary, review court dockets or access sources such as OJIN or PACER.
 - Locate the off-site copy of your active client list or access your computer backup. Contact clients. If necessary, recreate active client list from calendars, PDAs, incoming phone call log, computer backups, and collective staff memory.
 - Until you can adequately screen for conflicts, resist taking on new clients.
 - Make appointments for clients whose legal documents must be recreated.
 - Establish an emergency communication system for communicating with the courts, other lawyers, staff, clients, and vendors.
 - Designate information liaison outside the disaster zone.
 - Arrange adequate temporary office space.
 - Arrange forwarding number, emergency hotline and recorded message.
 - Post signage at old office with directions to temporary location.
 - Get temporary stationery and business cards printed.
 - Locate alternate storage space for records.
 - Reinstate online legal research tools (see below) or use the local law library or university library or another law firm library.
 - Notify existing clients, opposing counsel, and court personnel.
 - Provide staff with script to inform and reassure callers and clients.
 - Contact vendors to lease equipment or replace damaged items:
 - Computers
 - Copiers
 - Dictation equipment
 - Fax machines
 - File storage
 - Network servers
 - Office furniture
 - Printers
 - Postage meter
 - Scanners
 - Smartphones, PDAs, and other small electronics
7. 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.
8. Get immediate professional assistance to help in the recovery and repair of your computer system. Your top priority is the data, not the equipment itself. A reputable repair shop can clean and test the system. More likely than not, the data stored on the drive can be recovered.

9. If small electronics like cell phones, Smartphones, or PDAs have sustained water damage, take quick action. In some cases, drying wet electronics may be as simple as placing the damaged item in an uncooked bowl of rice. Read these blog posts to learn more:

Lifehacker: <http://lifehacker.com/269427/dry-out-your-soaked-gadgets-in-rice>

eHow: http://www.ehow.com/how_5043830_dry-cell-phone-out-rice.html

Unplgged: <http://www.unplgged.com/unplgged/how-to/how-to-dry-out-and-hopefully-save-wet-electronics-home-hacks-107945>

Alternatively, DRY-ALL has come out with a "Wet Electronic Tablet Emergency Kit" designed to pull moisture out of damaged electronics. The company boasts a 100% success rate and the process takes only 24-48 hours. Read more and watch the video here: <http://www.padgadget.com/2011/01/04/recover-a-wet-ipad-or-iphone-after-it-takes-a-bath/>. The product can be purchased at the DRY-ALL Web site: <http://www.dry-all.com/product-electronic-tablets.htm>.

10. It may be necessary to send your drive to a data recovery company: Ontrack Data Recovery, www.ontrack.com/datarecovery, 800-872-2599, can help with recoveries including servers, media, tape data, desktops/laptops, email, handheld PDA/wireless devices, and various operating systems. DriveSavers DataRecovery, www.drivesavers.com, 800-440-1904, offers service turnaround times to meet your needs: an economy 5-7 business day return, a standard 1-2 business day return, and a priority ASAP rush plan.
11. Time is of the essence with document reclamation: paper records damaged by water will begin to deteriorate within two to three hours; mold, fungal, and bacterial growth will occur within 24 hours. For help with document reclamation procedures, check with the Northeast Document Conservation Center (NEDCC), www.nedcc.org, 978-470-1010, for 24-hour a day advice on drying wet collections and dealing with damage from fire, pests, or mold.
12. Contact your insurance agent, who can refer you to a professional service for help with repairing, sterilizing, and drying 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. Damage from a fire can be more insidious as the smoke penetrates virtually everything. Cleaning is time consuming and must be performed by a professional fire restoration service. See: Scott C. Adams, "Act Now to Avoid Disaster", *In Brief*, no. 104 (May 2008).
13. 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
14. Rebuild your form library. BarBooks, the OSB's online legal research library, contains many practice-specific forms and resources. To access BarBooks, use the Member Login on the OSB Web site, www.osbar.org. If you do not have Internet access, call the bar at 503-684-7413, 800-452-8260, ext. 413 and ask for assistance. The PLF has over 300 forms at its Web site, www.osbplf.org, to help you manage your practice. If you do not have Internet access as a result of the disaster, call our office at 503-639-6911 or 800-452-1639 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.
15. Reinstate online legal research tools or rebuild your law library. Identify items to be replaced as soon as possible. Inquire whether prior vendors will provide a hardship discount for replacing books that had been previously purchased. Remember that the Fastcase online law library is provided as a free member benefit to all Oregon bar members. To access Fastcase, use the Member Login on the OSB Web site, www.osbar.org. If you do not have Internet access, call the bar at 503-684-7413, 800-452-8260, ext. 413 and ask for assistance.
16. You may be eligible for federal disaster assistance with a Small Business Administration (SBA) Loan if you are in a declared disaster area and have suffered any disaster related damage. Visit www.sba.gov. Oregon is served by the U.S. Small Business Administration, Disaster Area 4 Office, P.O. Box 419004, Sacramento, CA 95841-9004, 800-488-5323.

Additional Website Resources for Disaster Recovery

- ◆ The American Bar Association www.abanet.org/barserv/disaster/
- ◆ The Association for Information Management Professionals www.arma.org
- ◆ The Association of Legal Administrators (ALA) at www.alanet.org. (Articles and materials on disaster recovery. Some materials limited to members only.)
- ◆ BMS Catastrophe www.bmscat.com
- ◆ CPM Group www.contingencyplanning.com

- ◆ The Disaster Center www.disastercenter.com
- ◆ Disaster Recovery Journal www.drj.com
- ◆ Disaster-Resource.com www.disaster-resource.com
- ◆ The Florida Bar disaster plan preparation outline <http://tinyurl.com/a5msp>
- ◆ LabMice.net <http://labmice.techtarget.com/disaster.htm>
- ◆ “Managing Practice Interruptions” available at www.osbplf.org. Click on Practice Aids and Forms and follow the link to Disaster Recovery.
- ◆ Rothstein Associates, Inc. www.rothstein.com/
- ◆ Rothstein Catalogue - The Disaster Center Bookstore <http://www.disastercenter.com/Rothstein>