

Hurricane Preparedness Update

Special thanks to Rick Krenmayer of Stasmayer, Inc. (www.stasmayer.com) and Scott Cave of Atlantic Business Continuity Services (www.atlanticprep.com) for sharing their insights and expertise on this topic.

As we begin another South Carolina hurricane season, lawyers in all parts of the state are pausing to be sure they are properly prepared for adverse weather events. There are practical issues to consider as well as ethical duties related to every lawyer's duty to "regularly assess their practice environment to identify and address risks that arise from any natural or manmade disaster that may compromise their ability to diligently and competently protect their clients' interests, and maintain the security of their clients' property." Am. Bar Ass'n, Res.116 Adopted by the H.D., at 10 (Aug. 8-9, 2011), available at http://www.americanbar.org/content/dam/aba/directories/policy/2011_am_116.authcheckdam.pdf.

To assist CCBA members in their planning, the Executive Committee has assembled the following summary intended to address a few of the important issues to consider.

PERSONNEL

A law firm's greatest assets is its personnel. Make a list of all personnel and include the following: cell phone number, office email address, alternate email address (in case your server is not functioning), a telephone number for a family member out of town that will always know how to locate the team member. If you have a large number of employees, establish smaller groups to facilitate communication immediately before and after any adverse event. Also, consider if you have any team members who live alone or have special needs and be sure you have a plan in place to assist.

EQUIPMENT

Plan ahead for what needs to be protected and how you will protect it when the threat of danger is upon you. Assign particular duties in advance or appoint a team member to be responsible for at least the following:

1. Conduct a room-by-room walk-through of your office to determine what needs to be secured.
2. Attach equipment and cabinets to walls or other stable equipment.
3. Place heavy or breakable objects on low shelves.
4. Move workstations away from large windows, if possible.
5. Elevate equipment off the floor to avoid electrical hazards in the event of flooding.
6. Unplug electronics, computers and coffee makers.

DATA and COMPUTER SYSTEMS

It only makes sense to contact your IT advisors and plan ahead. Rick Krenmayer, CEO of Stasmayer, Inc., provides outsourced IT systems for law firms around the state and offers specific advice for law firms. Rick suggests, "If your firm operates on a physical server located in our office, plan ahead for backups and access to the data, even if you don't have access to your office." Stasmayer sets its law firm clients up to operate completely "in the cloud" and he ensures his clients know how to access their data remotely. He further suggests that firms be sure to all employees know how to remotely access their firm email accounts and the firm's stored data. Finally, Krenmayer warns law firms to "remember that information stored in the cloud actually has to be stored somewhere physically. Know where your data is housed and if there are contingencies for disaster at that site."

COMPREHENSIVE PLANNING

While our IT systems are likely our most necessary tools for re-starting work after a disaster, a prudent approach to planning will involve much more. Krenmayer encourages Stasmayer's law firm clients to develop a living document called a Business Continuity Plan and further recommends using a professional company to assist in the planning. Scott Cave of Atlantic Business Continuity Services

located in Mount Pleasant explains that “the basis of a solid Business Continuity Plan requires a thorough assessment of the various threats and risks to your business.” “In our daily work,” Cave adds, “we routinely face the unfortunate fact is that most organizations do not really understand how to plan for hurricanes or other disasters, and even when they do plan, their planning is often not comprehensive or flexible enough to lead to a successful recovery.”

The good news, according to Case, is that hurricanes are a relatively straightforward threat for preparedness planning, thanks to the advanced notice that most storms provide before landfall. Following are some of the important topics that a solid preparedness plan ought to address.

Plan to Recover. Planning should always begin with the end goal in mind. The purpose of your hurricane plan should be to **recover** quickly and effectively. We have reviewed many hurricane plans from a variety of organizations, businesses, and municipalities over the years, and have seen first-hand that most plans fall short in the recovery section. The plan may have 20 pages of detail covering the actions to be performed leading up to the hurricane, but only one or two pages of actions after the hurricane. The preparatory steps are important, but the recovery steps are even more important. If you don’t have a detailed recovery plan then your plan is setting your organization up for failure.

Plan to Relocate. In the worst-case scenario, a major hurricane could cause enough damage that it may take weeks or even months to return to your office. Your organization needs a long-term plan to conduct business at an inland facility for an extended period of time. This involves more than just finding another building or office space. There are housing considerations, families, pets, children, day care, schools, and a long list of other technical, resource, and planning issues. Make sure your organization takes the time to really unpack all the details associated with long-term relocation of your people, technology, equipment, and communications

Plan to Recalibrate. Even the best plans don’t always play out as expected. In our experience, the best plans are those that have the most options. Make sure your plan has enough flexibility and options to allow your team to recalibrate and adjust as needed based on the conditions of the event. Time and again we see the value of tabletop exercises as the best way to identify gaps or weaknesses in plans that often lead to more plan options. Continue to take time for tabletop exercises to engage your team in the plan and identify those areas that can be improved or strengthened. This practice is invaluable in setting your team up for success to recalibrate and adjust as needed during an actual event.

So where do you start? Following are ten important elements of any hurricane plan. Review or start developing your hurricane plan with these elements, while keeping in mind the three main themes of your plan from above.

1. **Hotel reservations.** It’s far too late to make reservations when evacuation orders are announced. Don’t wait for an evacuation order to make your escape plan. Know your destination, your route, and your accommodation reservations. A good best practice is to start making reservations when the storm first shows a potential impact to your area. Develop a short list of hotels in two or three different areas that are at least 125 - 150 miles inland, and then choose your destination based on the expected path of the storm.

2. **Office Closing.** Some businesses send an advanced team inland before the evacuation order is given, while others close the day before or morning of an evacuation order. Determine your timing to close the doors and send staff home, considering a trigger such as the evacuation order (e.g., 24 hours before evacuation order, or when schools close). Talk to your staff about this pre-established timing so they can plan to prepare their homes and families, knowing when the office will close.

3. **Communications Plan.** Talk to your staff about their evacuation plans and make sure you know where they plan to go and how you can stay in touch with them. Develop a regular daily schedule for briefings or updates to your staff, customers, and other stakeholders. Identify conference call lines, email distribution lists, and alternate methods of communication if landlines and/or cell phones stop working.
4. **Packing List.** Make sure each staff member develops a short list of critical items that are essential to performing their job. Then develop a packing list so everyone knows what they are taking with them during an evacuation to perform their job remotely.
5. **Local Emergency Information.** In South Carolina, our state and county emergency management use Operating Conditions, or OPCONs, to identify the status of their emergency operations. OPCON 5 is normal (good), and OPCON 1 is full operations (bad). For a hurricane in South Carolina, OPCON 1 generally means that an evacuation order has been issued by our Governor. These OPCON changes are generally announced through the local media and government social media channels. Consider using these OPCONs as triggers for actions in your plan.
6. **Re-entry.** Once an evacuation order is issued, a separate process known as re-entry is implemented in phases to return residents, workers, etc. back into the evacuated area. This process varies by jurisdiction, so check with your local county and/or municipal government on their exact process for credentials and procedures. In most cases, pre-registration with government entities is required to allow your key staff to return early (i.e., before the public) to assess office damage and start the recovery process.
7. **Technology.** Make sure your IT systems, including computers, software, data, communications, internet, etc. are all prepared for an extended evacuation. Verify that your staff knows how to access these systems and use them productively while remote for an extended time. Work with your IT partners and vendors to make sure these systems are resilient and ready with a back-up plan if needed. If you need help in this area, I'm certain the good folks at Stasmayer can help!
8. **Insurance.** Make sure you know the process to follow if an insurance claim is required. Get all the proper documentation in order now so it is ready when needed, including policy information, contact numbers, video and photographic documentation, asset lists and values, financial information, etc.
9. **Employees.** Don't forget that all disasters are personal, and you and your staff need to personally prepare yourself, your home, and your family. This includes boarding up windows and protecting garage doors, gathering important insurance documents, taking video of your home and contents, filling prescriptions, making hotel reservations for family members and pets, getting emergency supplies ready, etc.
10. **Customers.** Talk to your customers about your hurricane plan and how you intend to continue to serve them before, during, and after a storm. Ask if they have any concerns or special requirements that should be considered. This type of dialogue is priceless in terms of deepening trust in your business relationships with customers.