

What to do *Before* and *After* a Disaster Strikes

Whether it's a flood, forest fire, earthquake or the threatened earthquake/tsunami forecasted to hit our coast in the future – disaster can strike at any time and can be devastating. Accidents and disasters can interrupt or destroy a law practice. Disasters may impact a single person, an entire firm, or even a whole city. Foresight, planning, and preparation are critical to minimizing the impact of any accident or disaster, large or small.

Are you prepared for a disaster? If your firm was destroyed by a fire, how long would it take to become operational again? How long would it take to contact all clients, contact your insurer, retrieve lost records, contact opposing counsel, and resume operational capacity?

Who is responsible at your firm for performing these duties? Without a disaster plan, law firms could grind to a halt and may result in missed court appearances, limitation deadlines, negotiation deadlines, closings and breached undertakings. It could also result in the potential loss of clients and records.

Before a disaster strikes

An easy to implement plan can help protect a firm from unexpected practice interruptions. Take the five simple steps set out here to reduce your exposure in a disaster. The better prepared your practice is to respond to a disaster, the quicker your practice will be back up and running. A successful plan requires the support of senior management and the appropriate allocation of budget and resources. Consider a written plan that is distributed to all

FIVE SIMPLE STEPS YOU CAN TAKE – *BEFORE* A DISASTER STRIKES

Even if you do not implement a comprehensive disaster preparation plan, you can reduce exposure by taking five simple steps (not a substitute for the [detailed checklist](#) found below):

1. Create a response team, its responsibilities and priorities including a communication and evacuation plan for staff and others.
2. Maintain adequate and proper insurance coverage (see [Cover Pages](#) for the insurance available on the commercial market).
3. Backup your data – talk to your IT professional about frequency (including staggering).
4. Create a firm emergency contact list.
5. Keep client files safe and store irreplaceable documents in fireproof and waterproof cabinet or offsite where appropriate.

AFTER A DISASTER STRIKES

Below are 10 immediate actions to consider (not a substitute for the [detailed checklist](#) found below):

1. Ensure the safety of those you work with. Supply your employees with all the support resources you can.

The Law Society provides free confidential personal counselling and referral services for BC lawyers, articulated students and their immediate families through [Telus Health One](#) (previously called LifeWorks). These services are available 24/7 toll-free at 1.888.307.0590. Log on to their website for information on coping with a disaster



employees to ensure everyone is prepared to respond.

After a disaster strikes

The actions taken in the initial minutes of an emergency are crucial and can save lives. When an emergency occurs, the first priority is safety, then stabilizing operations and salvaging documents, equipment, and anything that may have been damaged. Consider taking the ten immediate actions set out here to properly manage a disaster.

Other resources

[Disaster Preparation Checklist](#)

Practice Resource

[After a Disaster Strikes Checklist](#)

Practice Resource

[What to do if your laptop or briefcase is stolen](#)

Practice Resource

[Cybercrime Risk Management Tips](#)

[Cloud Computing Checklist](#)

[PreparedBC Top Hazards in BC](#) (includes guidance on earthquakes, wildfires, tsunamis, floods, and other common hazards)

2. Report to your property insurers immediately. If you have a claim they may also provide assistance in dealing with the disaster. If the disaster involves a data or security breach and you have cyber liability or other insurance to respond it may also include assistance from data breach consultants and others regarding required steps.
3. Implement your disaster recovery plan. If you do not have a plan create a response team, its responsibilities and priorities including a communication plan to staff and clients. Coordinate with outside personnel such as banks, suppliers, police, fire department, utility companies etc.
4. Contact your IT professionals to identify the problems, contain damage (they may have immediate tips) and for advice as to whether any client or banking records are compromised.
5. If laptops or other mobile devices have been lost in the disaster consult your IT professional for advice with respect to ensuring the security of the data and see the Law Society's Practice Resource [here](#).
6. Report to the Law Society's Executive Director c/o Manager, Intake and Early Resolution in writing at professionalconduct@lsbc.org under 10-4 (Security of Records). Do not use your work email unless your IT professional says that it is safe.
7. Contact a Law Society [Practice Advisor](#) if you have questions regarding your professional responsibilities. Contact the [Lawyer's Indemnity Fund](#) to see if you should also be making a written report to them.
8. Figure out your legal obligations, including any obligations to third parties (e.g. other counsel, parties, the court). Have staff create a list of important pending matters and key client information that needs to be addressed immediately. Recreate client files as best as possible if information is missing.
9. You may need to set up a telephone hotline to answer questions or a voicemail message.
10. Take care of yourself. Recovery from a disaster is a marathon not a sprint. Disaster brings on an enormous amount of stress. After the dust settles, redesign or design your disaster response plan from what you have learned.