



Disaster Recovery Plan



State Bar Association of North Dakota

P.O. Box 2136 Bismarck, ND 58502
(701) 255-1404 • 1-800-472-2685 • Fax (701) 224-1621
www.sband.org • info@sband.org

Tony J. Weiler • *Executive Director*

Members of the State Bar Association of North Dakota:

Disaster can strike at any time. Lawyers need to be ready to provide low-income individuals with *pro bono* services and protect their firm and client interests.

SBAND continues its commitment to encouraging *pro bono* and providing disaster-related support in the event our citizens need our help. There are rules in place to deal with disasters in North Dakota, and those can be found in the [Admission to Practice Rule 3.2](#). If a disaster does strike, SBAND will notify by email our members and provide you with an opportunity to assist those in need.

The ABA also provides resources and ways for lawyers to help in other states if disasters strike there. Please see [Disaster Legal Services Program](#) that was done in association with the ABA Young Lawyers Division and FEMA to provide *pro bono* temporary legal assistance to disaster survivors. Here is a list of current [disaster legal hotlines](#).

SBAND has created a [Disaster Recovery Plan](#) to assist law firms in recovery following a disaster. This should help your firms and your clients if North Dakota is hit with any disaster.

If you have any questions, please let us know.

Sincerely,

A handwritten signature in black ink, reading "Tony J. Weiler", is positioned below the word "Sincerely,".

Tony J. Weiler
Executive Director

Rule 3.2: Provision of Legal Services Following Determination of Major Disaster

A. Determination of existence of major disaster. For purposes of this Rule, the Supreme Court shall determine when an emergency affecting the justice system, as a result of a natural or other major disaster, has occurred in:

1. this jurisdiction and whether the emergency caused by the major disaster affects the entirety or only a part of this jurisdiction, or
2. another jurisdiction but only after such a determination and its geographical scope have been made by the highest court of that jurisdiction. The authority to engage in the temporary practice of law in this jurisdiction under Section C extends only to lawyers who principally practice in the area of the other jurisdiction determined to have suffered a major disaster causing an emergency affecting the justice system and the provision of legal services.

B. Temporary practice in this jurisdiction following major disaster. Following the determination under Section A of an emergency affecting the justice system in this jurisdiction, or a determination that persons displaced by a major disaster in another jurisdiction and residing in this jurisdiction are in need of pro bono services and the assistance of lawyers from outside of this jurisdiction is required to help provide such assistance, a lawyer authorized to practice law in another United States jurisdiction, and not disbarred, suspended from practice or otherwise restricted from practice in any jurisdiction, may provide legal services in this jurisdiction on a temporary basis. The legal services must be provided on a pro bono basis without compensation, expectation of compensation or other direct or indirect pecuniary gain to the lawyer. The legal services must be assigned and supervised through the State Bar Association of North Dakota, a pro bono program or legal services program, or through another organization specifically designated by the Supreme Court.

C. Temporary practice in this jurisdiction following major disaster in another jurisdiction. Following the determination of a major disaster in another United States jurisdiction, a lawyer who is authorized to practice law and who principally practices in that affected jurisdiction, and who is not disbarred, suspended from practice or otherwise restricted from practice in any jurisdiction, may provide legal services in this jurisdiction on a temporary basis. Those legal services must arise out of and be reasonably related to that lawyer's practice of law in the jurisdiction, or area of such other jurisdiction, where the major disaster occurred.

D. Duration of authority for temporary practice. The authority to practice law in this jurisdiction granted under Section B ends when the Supreme Court determines the conditions caused by the major disaster in this jurisdiction have ended except that a lawyer then representing clients in this jurisdiction is authorized to continue the provision of legal services for such time as is reasonably necessary to complete the representation, but the lawyer shall not thereafter accept new clients. The authority to practice law in this jurisdiction granted under Section C ends 60 days after the Supreme Court declares that the conditions caused by the major disaster in the affected jurisdiction have ended.

E. Court appearances. The authority granted by this Rule does not include appearances in court except:

1. under Admission to Practice R.3, Section A, and, if such authority is granted, the fee imposed under Admission to Practice R. 3, Section A(1)(a)(4) is waived; or
2. if the Supreme Court, in any determination made under Section A, grants blanket permission to appear in all or designated courts of this jurisdiction to lawyers providing legal services under Section B. If such an authorization is included, the fee imposed under Admission to Practice R. 3, Section A(1)(a)(4) is waived.

F. Disciplinary authority and registration requirement. Lawyers providing legal services in this jurisdiction under Section B or C are subject to the Supreme Court's disciplinary authority as provided in N.D.R. Prof. Conduct 8.5. Lawyers providing legal services in this jurisdiction under Section B or C shall, within 30 days from the commencement of the provision of legal services, file a registration statement with the State Board of Law Examiners in a form prescribed by the Board. Any lawyer who provides legal services under this Rule is not engaged in the unlawful practice of law in this jurisdiction.

G. Notification to clients. Lawyers authorized to practice law in another United States jurisdiction who provide legal services under this Rule shall inform clients in this jurisdiction of the jurisdiction in which they are authorized to practice law, any limits of that authorization, and that they are not authorized to practice law in this jurisdiction except as permitted by this Rule. They shall not state or imply to any person that they are otherwise authorized to practice law in this jurisdiction.

[LAW FIRM NAME]

Disaster Recovery Plan

I. DISASTER RECOVERY

Objectives

The principal objective of the disaster recovery plan is to develop, test and document a well-structured and easily understood plan which will help the company recover as quickly and effectively as possible from an unforeseen disaster or emergency which interrupts information systems and business operations. Additional objectives include the following:

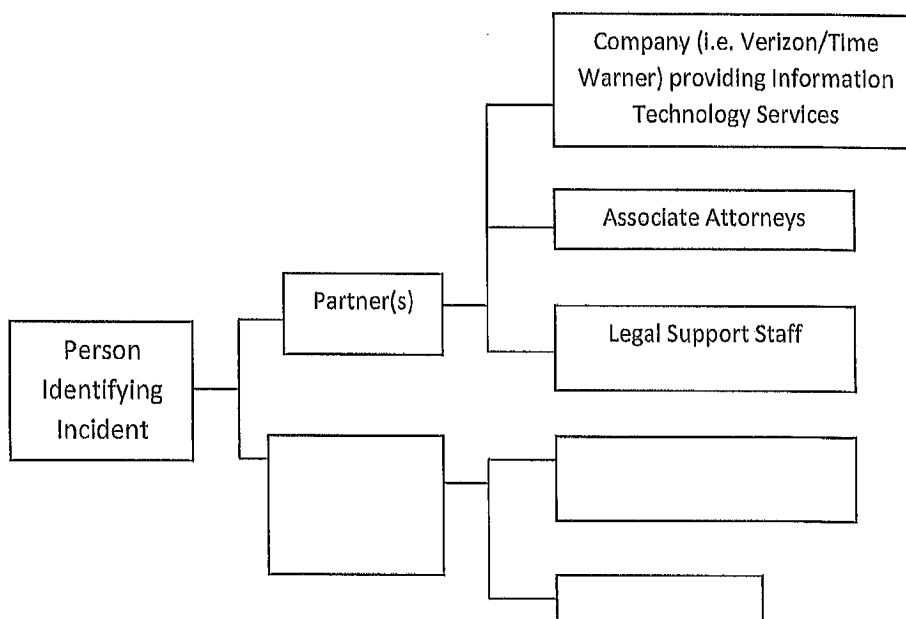
- The need to ensure that all employees fully understand their duties in implementing such a plan
- The need to ensure that operational policies are adhered to within all planned activities
- The need to ensure that proposed contingency arrangements are cost-effective
- The need to consider implications on other company sites
- Disaster recovery capabilities as applicable to key customers, vendors and others

Key Personnel Contact Info

Name, Title	Contact Option	Contact Number
	Work	
	Alternate	
	Mobile	
	Home	
	Email Address	
	Alternate Email	
	Work	
	Alternate	
	Mobile	
	Home	
	Email Address	
	Alternate Email	
	Work	
	Alternate	
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	Email Address	
	Alternate Email	
	Work	
	Alternate	
	Mobile	
	Home	
	Email Address	
	Alternate Email	
	Work	
	Alternate	
	Mobile	
	Home	

	Email Address	
	Alternate Email	
	Work	
	Alternate	
	Mobile	
	Home	
	Email Address	
	Alternate Email	

Internal Notification Calling Tree



External Contacts

Name, Title	Contact Option	Contact Number
Landlord / Property Manager		
Account Number		
	Work	
	Mobile	
	Home	
	Email Address	
Power Company		
Account Number	Work	
	Mobile	
	Home	
	Email Address	
Telecom Carrier 1		
Account Number	Work	
	Mobile	
	Fax	
	Home	
	Email Address	
Telecom Carrier 2		
Account Number	Work	
	Mobile	
	Home	
	Email Address	
Hardware Supplier 1 ["Hardware" refers to the physical components comprising computer system, including the Motherboard and Central Processing Unit (CPU)]		
Account Number	Work	
	Mobile	
	Emergency Reporting	
	Email Address	
Server Supplier 1		
Account Number	Work	
	Mobile	
	Fax	
	Email Address	
Workstation Supplier 1		
Account Number	Work	
	Mobile	
	Home	
	Email Address	

Name, Title	Contact Option	Contact Number
Office Supplies 1		
Account Number	Work	
	Mobile	
	Home	
	Email Address	
Insurance – Name		
Account Number	Work	
	Mobile	
	Home	
	Email Address	
Site Security –		
Account Number	Work	
	Mobile	
	Home	
	Email Address	
Off-Site Storage 1		
Account Number	Work	
	Mobile	
	Home	
	Email Address	
Off-Site Storage 2		
Account Number	User ID	
	Password	
	Home	
	Email Address	
HVAC –		
Account Number	Work	
	Mobile	
	Home	
	Email Address	
Power Generator –		
Account Number	Work	
	Mobile	
	Home	
	Email Address	
Other –		
Account Number	Work	
	Mobile	
	Home	
	Email Address	

1 Emergency Response

1.1.1 Plan Triggering Events

Key trigger issues at headquarters that would lead to activation of the disaster recovery plan are:

- Total loss of all communications
- Total loss of power
- Flooding of the premises
- Loss of the building

1.1.2 Personnel and Family Notification

If the incident has resulted in a situation which would cause concern to an employee's immediate family such as hospitalization of injured persons, it will be necessary to notify their immediate family members quickly.

2 Insurance

As part of the company's disaster recovery and business continuity strategies a number of insurance policies have been put in place. These include errors and omissions, directors & officers liability, general liability, and business interruption insurance.

If insurance-related assistance is required following an emergency out of normal business hours, please contact: _____

Policy Name	Coverage Type	Coverage Period	Amount Of Coverage	Person Responsible For Coverage	Next Renewal Date

3 Financial and Legal Issues

3.1 Financial Assessment

The emergency response team shall prepare an initial assessment of the impact of the incident on the financial affairs of the company. The assessment should include:

- Loss of financial documents
- Loss of revenue
- Theft of check books, credit cards, etc.
- Loss of cash

3.2 Financial Requirements

The immediate financial needs of the company must be addressed. These can include:

- Cash flow position
- Temporary borrowing capability
- Upcoming payments for taxes, payroll taxes, Social Security, etc.
- Availability of company credit cards to pay for supplies and services required post-

disaster

Appendix A – Technology Disaster Recovery Plan Templates

Disaster Recovery Plan for<System One>

SYSTEM	
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OVERVIEW	
PRODUCTION SERVER	Location: Server Model: Operating System: CPUs: Memory: Total Disk: System Handle: System Serial #: DNS Entry: IP Address: Other:
ALTERNATE RECOVERY FACILITY/HOT SITE SERVER(IF APPLICABLE)	
APPLICATIONS (Use bold for Hot Site)	
ASSOCIATED SERVERS	

KEY CONTACTS	
Hardware Vendor	
System Owners	
Database Owner	
Application Owners	
Software Vendors	
Offsite Storage	

BACKUP STRATEGY FOR SYSTEM ONE	
Daily	
Monthly	
Quarterly	

SYSTEM ONE DISASTER RECOVERY PROCEDURE	
<u>Scenario 1</u> Total Loss of Data	
<u>Scenario 2</u> Total Loss of Hardware	

ADDENDUM

CONTACTS	

File Systems

File System as of	Filesystem	kbytes	Used	Avail	%used	Mounted on
Minimal file systems to be created and restored from backup:						
Other critical files to modify						
Necessary directories to create						
Critical files to restore						
Secondary files to restore						
Other files to restore						

Communications Form

- It is very important during the disaster recovery and business recovery activities that all affected persons and organizations are kept properly informed.
- The information given to all parties must be accurate and timely.
- In particular, any estimate of the timing to return to normal working operations should be announced with care.
- It is also very important that only authorized personnel deal with media queries.

Groups of Persons or Organizations Affected by Disruption	Persons Selected To Coordinate Communications to Affected Persons / Organizations		
	Name	Position	Contact Details
Clients			
Management & Staff			
Vendors			
Media			
Partners			
Others			

MAN MADE DISASTERS

Master List of Contacts to Conduct Business

FIRM NAME:

Address:

Phone:

Federal Employer ID Number:

Entity status (Corporation, LLC, PC, Partnership, DBA, etc.)

List of Owners (Shareholders / Partners):

MANAGING PARTNER:

Name:

Address:

Phone:

OCA Registration Number:

Alternate Managing Partner:

Name:

Address:

Phone:

OCA Registration Number:

OFFICE MANAGER:

Name:

Address:

Phone:

Alternate Office Manager:

Name:

Address:

Phone:

LANDLORD:

Name:

Address:

Phone:

Location of Lease:

Date lease expires:

BUILDING SECURITY:

Name:

Address:

Phone:

Alternate phone:

RENTERS:

Name:
Address:
Phone:
Location of Lease:
Date lease expires:

OFFICE-SHARERS:

Name:
Address:
Phone:
Location of Agreement:
Date Agreement expires:

BANK ACCOUNT(S):

IOLA ACCOUNT:

Bank:
Account Number:
Contact person:
Address:
Phone Number:
Signatories:
Access information:
Location of Account Detail (names of clients & amounts):

OPERATING ACCOUNT:

Bank:
Account Number:
Contact person:
Address:
Phone Number:
Signatories:
Access information:

OTHER ACCOUNT:

Description:
Bank:
Account Number:
Contact person:
Address:
Phone Number:
Signatories:
Access information:

SAFETY DEPOSIT BOX:

Bank:
Account Number:
Contact person:
Address:
Phone Number:
Signatories:
Access Information / Location of Key:

CREDIT CARDS:

Institution:
Account Number:
Contact person:
Address:
Phone Number:
Partners / Employees with charging authority:
Partners / Employees possessing cards:

SAFE:

Location:
List of contents:
Access Information:

STORAGE LOCATION:

Company:
Unit Number:
Contact person:
Address:
Phone:
Access Information / Location of Key:
Items Stored:

CRITICAL DOCUMENTS LOCATION:

Incorporation Papers / Partnership Agreements:
Contracts:
Insurance documents:
Accounting records:
Computer backup tapes/discs/flash drives:
Deeds / Leases:
Wills:
Client lists:
Client records:
Stocks/Bonds:
Savings / Checking Iola Account books:

INSURANCE:

HEALTH:

Carrier:
Policy Number:
Contact person:
Address:
Phone:

MALPRACTICE;

Carrier:
Policy Number:
Contact person:
Address:
Phone:

DISABILITY:

Carrier:
Policy Number:
Contact person:
Address:
Phone:

WORKERS' COMPENSATION:

Carrier:
Policy Number:
Contact person:
Address:
Phone:

PROPERTY/ LIABILITY:

Carrier:
Policy Number:
Contact person:
Address:
Phone:

LIFE:

Carrier:
Policy Number:
Contact person:
Address:
Phone:

ACCOUNTANT:

Name:
Address:
Phone:

PENSION:

Administrator:
Account Number:
Contact person:
Address:
Phone:

MASTER LIST OF PARTNERS & EMPLOYEES:

Location:

MASTER LIST OF CLIENTS:

Location:

MASTER CALENDAR:

Location:

MASTER LIST OF PASSWORDS:

Location:

BUDGET:

Location:

EQUIPMENT LEASES:

Item covered:

Vendor:

Address:

Phone:

Expiration:

MAINTENANCE CONTRACTS:

Item covered:

Vendor:

Contact:

Address:

Phone:

Expiration:

COMPUTER / IT SERVICE:

Name:

Contact:

Address:

Phone:

Computer Back up System:

PAYROLL COMPANY:

Name:

Contact:

Address:

Phone:

Location of Employee benefit information: 1

SUPPLIERS:

OFFICE SUPPLIES:

Vendor Name:

Contact:

Address:

Phone:

JANITORIAL SUPPLIES:

Vendor Name:

Contact:

Address:

Phone:

LETTERHEAD:

Name:

Contact:

Address:

Phone:

OFFICE EQUIPMENT:

Vendor Name:

Contact:

Address:

Phone:

OFFICE EQUIPMENT SERVICE:

Vendor Name:

Contact:

Address:

Phone:

LIBRARY:

Vendor Name:

Contact:

Address:

Phone:

PROCESS SERVICE COMPANY:

Name:

Contact:

Address:

Phone:

UTILITIES:

GAS:

Company name:

Contact:

Address:

Phone:

ELECTRIC:

Company name:

Contact:

Address:

Phone:

WATER:

Company name:

Contact:

Address:

Phone:

TELEPHONE:

Company name:

Contact:

Address:

Phone:

ATTORNEY ENGAGED TO RUN / CLOSE PRACTICE ("Caretaker Attorney"):

Name:

Address:

Phone:

Location of Agreement appointing Caretaker Attorney:

OTHER IMPORTANT CONTACTS:

Name:

Address:

Phone:

Reasons for Contact:

EMPLOYEES:

The first concern after any disaster should be to locate and ensure the safety of the firm's Partner's and employees. It is equally important to let employees contact their families and confirm that they are safe.

- Create a list of Partners and Employees with contact information + alternate

CLIENTS:

The next step is to contact your clients to assure them that the firm is in a position to continue to represent them and provide any interim or new contact information.

- Prepare a list of clients who should be notified of a disaster, the recovery location.

COURTS:

If you have cases pending you will need to contact the courts to determine if their facilities were affected by the disaster and, if so, what plan of action has been devised. The courts are also a resource for obtaining records that have been lost or destroyed.

- Create a master application form to the Administrative Judge requesting case adjournment(s)

SUCCESSION:

Establish a succession of management for the company. Determine who will manage the company if key leaders are unavailable.

ATTORNEY DESIGNATED TO MANAGE PRACTICE:

Name:

Address:

Phone:

UNIVERSAL EMERGENCY CONTACT INFORMATION

CALL 911:

POLICE

FIRE DEPARTMENT

AMBULANCE

AMERICAN RED CROSS

786 Delaware Avenue, Buffalo

717.886.7500

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)

1.800.621.3362

FEMA – US Department of Homeland Security

500 C Street, SW, Washington, DC 20472

NATIONAL FIRE ADJUSTERS

One NFA Park, Amherst, NY 14228

716.689.7700

800.777.3333



State Bar Association of North Dakota
1661 Capitol Way, Suite 104LL
Bismarck, ND 58501