When is the best time to prepare for a disaster?

Directly after you’ve experienced a disaster

By Keith Cameron

Being Prepared

To state the obvious, law firm clients have a very limited tolerance for disruptions to the delivery of their legal services, even when the firm is experiencing an understandable business interruption. Examples include the loss of electrical power for two days following a severe storm or inaccessible law office space for four days because of a flood. Many of your firm’s clients have likely overcome obstacles and disruptions of their own and because of this, have an idea of what it takes to keep operations running.

However, instead of giving leeway, they more so expect an established firm to have a plan that will minimize disruption. And in today’s technology-driven era, quick responses, solid communication, accessibility and the ability to work remotely aren’t applauded, they’re expected. In fact, from your clients’ side of things, minimal disruption to service is expected.

Contingency planning, which is a disciplined process for preparing to absorb the effect of a disaster and continue essential services, is done by most companies. Most law firms, however, have only a minimal contingency plan, which oftentimes focuses around their IT services. IT is critical, but it’s certainly not the single key to your operations.

An underlying reason for disregarding such planning is the challenge of planning for uncertainty. Well-intended planning efforts usually get bogged down in the overwhelming possibilities of disasters that may or may not ever happen. I’ve prepared contingency plans in various industries and companies and have encountered the formidable obstacles created by this uncertainty.

Save and Use the Valuable Lessons Learned

With this year’s pandemic, your firm is still navigating the worst business interruption disaster of our time. And even though you and everyone in your firm is “done with this lockdown” and ready to get back to (a new) normal and real work, the central message in this article is to act now and use the valuable lessons you just learned. Remember, there is little uncertainty because you just lived it. The important lessons for your firm can be found by taking two steps:

• Identify what caused the most disruption to delivering your legal services and running the firm during the recent lockdown; and
• Then identify how you resolved those disruptions or would if required to do so again.

Your recent lockdown experience provided real examples of what caused disruptions in your business and how you solved them. It is important to capture those lessons now, as you will forget some of the most important solutions if you wait six months to capture and record your findings. These solutions set the stage for your firm’s practical and cost-effective action plan when faced with the next disaster. The IT people refer to the objective as business continuity, which is a meaningful term in regard to your firm’s entire business operation, not just the IT portion. It refers to the preparation required to run your firm and continue delivering legal services when a disaster strikes.

Identify Your Firm’s Most Essential Solutions

In Seattle, because of the constant threat of earthquake, every resident is urged to prepare a Go Bag. The Go Bag is an actual bag which holds the most essential items one would need in the event of an earthquake. It’s kept by an exit door of the residence so that it – and nothing else – can be quickly grabbed as the person leaves the building at the first sign of a quake. I offer this example as a simple guide as you form your lockdown solutions into your firm’s business continuity (BC) plan. For your plan, strive for three main objectives:

Prioritize the small number of the most essential solutions; keep them where the folks who will need them always know where they are; and keep them current.

Some initial steps to develop your firm’s BC plan might look like the following:

• Appoint a small group of employees who are representative of the different areas of your firm: IT, Accounting, HR, Associate, Partner, etc. with a goal of identifying 1) the key disruptions encountered at the beginning and during the lockdown; and 2) if the disruption was solved, how it was done.
Establish a deadline of no longer than 30 days for this group to deliver its findings to you.

Decide which solutions are essential enough to include as part of your firm’s BC plan.

If these steps look like more than you need, first, remember that you may be unaware of solutions other attorneys and staff implemented during the lockdown. Second, the obstacles your firm encountered and solutions you innovated recently are not burned into the memories of your employees. There’s a good chance that some of these individuals may not be with you during the next disaster. Seize this opportunity to identify the most essential solutions, which are worth recording and institutionalizing, as part of your firm’s BC plan.

Note that your solutions may come in many forms. Some general examples follow:

- A current list of employees’ cell phone numbers distributed by email regularly
- The method and content to communicate reassurance to your clients and employees
- Authority delegated to a given individual to make key financial decisions responsively
- A procedure for reviewing and sending client invoices
- A procedure for accessing your clients’ files
- Special, temporary IT services
- A procedure for receiving and sending U.S. Mail and other deliveries

Implement and Update

I’ve lived through many efforts to establish plans within a law firm as a COO, as well as a consultant. I’ve found that most good ideas never leave the planning table and are quickly forgotten. Don’t let your firm miss the golden opportunity to establish a practical and effective BC plan while the efforts are still current! Implement! Implement the useful ideas you just identified. You may have some improvements to the original version you used during the lockdown, which is to be expected. Begin by assigning responsibility to the appropriate individuals to work on implementation plans to make the solutions real.

The plan should flag any part of a solution which must be periodically refreshed and include recommendations on how to ensure that the information, such as phone numbers and contacts, is updated. Keeping information current is the more elusive of the implementation tasks. To do so takes sustained energy and attention at the highest position of authority in your firm; otherwise the solutions will be far less effective when the next disaster strikes.

Conclusion

Act now to preserve the valuable lessons about what your firm faced and what solutions best worked for you during the recent lockdown. It will prepare you to effectively manage through the next disaster your firm faces.