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### Disaster Preparedness

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I wish to acknowledge and thank Alexei Batten, Student at Law, for his assistance with this presentation.

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### Agenda and Learning Outcomes

- Importance of having a plan in place
- Understand the types of disaster risks
- Where to start in creating your own contingency plan

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### Many Lawyers are Unprepared

- LSO statistics demonstrate that:
  - 75% of sole practices and small firms have either **no plan** in place or a woefully inadequate one
  - 80% of lawyers surveyed have **no POA** in place for the possibility of future incapacity



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### Why You Should Be Prepared

- Disasters occur more often than you might think
  - Over 50% of companies experienced a downtime event in the past five years that lasted longer than one day
  - 1 in 3 organizations have been infected by malware
- The consequences can be fatal to your practice
  - According to FEMA, 40% of all small businesses do not reopen following a disaster
  - A further 25% fail within one year
- Having a plan in place can drastically increase your chances of surviving a disaster

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### What Can Happen?

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### Assessing Vulnerabilities

- Each practice will have differing vulnerabilities to the various risks we have covered
- Necessary to consider both probability and impact
- Instructions on how to fill LAWPRO's Firm Vulnerability Evaluation Chart available at: <https://www.practicepro.ca/wp-content/uploads/2002/07/2002-07-vulnerability-worksheet.pdf>

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SAMPLE FIRM VULNERABILITY EVALUATION CHART									
EMERGENCY TYPE	AREAS IMPACTED	PROBABILITY	IMPACTS			RESOURCE STRENGTHS		SOLUTIONS	
			Human	Property	Practice	Reputational	Internal		External
1. Theft of laptops	theft of A&S, associate and 1 staff Partner's laptops that happened regularly	4	1	4	4	5	5 (no backup)	4 (should take time to get insurance, record serial numbers, make current backups, enable laptops locks, hold in disk when out; get 24 hour service contract)	
2. Malicious destruction of data on server	destruction of data by staff or hacker	3	1	2	5	5	5 (no backup)	5 (should take time to get new server up and running; lock server rooms; install firewall; implement passwords; start doing regular backups; get 48 hour service contract)	
3. severe storm	destruction of office by storm	1	5	10	5	10	5	4 (very harmful, but very unlikely)	
4. fire	loss of files in real estate area	2	1	10	1	10	3	4 (have extra files and staff person who could meet it)	
On this chart the biggest vulnerability is theft of laptops. The solutions column contains a variety of steps to reduce this vulnerability, both in terms of preventing it (locks, fire in disks, and getting a plan measure to recover if a theft occurs (having a backup, getting a replacement within 24 hours, putting insurance in place).									

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### Claims Consequences

- If disaster strikes your practice, it may cause:
  - Incomplete work
  - Destroyed evidence and client files
  - Missed limitation periods
  - Loss of contact with clients
- All of these events could be grounds for a LAWPRO claim or a LSO complaint against you



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### How to Create a Plan

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### How to Respond to an Emergency

- Human life and safety come first
- Review disaster recovery file and implement your plan
- Report to authorities
- Rescue critical records/valuable property
- Mobilize emergency response person/team
- Make maximum withdrawal from ATM
- Move to the recovery process

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### Minimal Plan

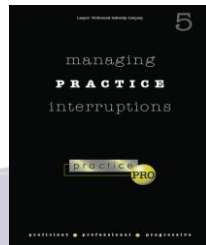
- Backup: Data & Who replaces (you/staff)
- Create emergency contact lists (update/calling tree)
- List of inventory (take pictures!) (user name/passwords)
- Power of Attorney / Will Clauses
- Conduct a risk assessment (assist to prioritize)
- Identify alternatives (premises, equipment, essentials to practice, buddy etc.)
- Maintain adequate and proper insurance coverage
- Share the plan (staff, family, buddy, etc.)

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### Managing Practice Interruptions (PracticePro)

- Step-by-step guide
  - how to create a plan,
  - how to review and update it over time
  - how to respond when an emergency actually occurs
- <https://www.practicepro.ca/wp-content/uploads/2017/07/Practice-Interruptions-booklet.pdf>



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### Contingency Planning for Lawyers Guide (LSO)

- Explains key contingency planning steps
- Includes sample documents (continuing power of attorney, will clauses, coverage agreement between planning lawyer and replacement lawyer etc.)
- Planning lawyer and replacement lawyer checklists
- <https://lso.ca/lawyers/practice-supports-and-resources/topics/opening,-operating-or-closing-a-practice/contingency-planning-for-lawyers/contingency-planning-for-lawyers>



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### Surviving Chaos in Time of Crisis (CBA)

- Instructions on how to think about disaster preparedness and how to make an effective plan
- Risk assessment procedures
- Tips on how to deal with insurers in the event of a disaster
- Possible event and hazard checklist (more comprehensive than we could cover in this presentation)
- Emergency contact checklist
- <https://www.cba.org/Publications-Resources/CBA-Practice-Link/solo/2014/Surviving-Chaos-in-Times-of-Crisis#3>

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### Disaster Prevention Resources

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### Technology Practice Tips (LSO)

- Extensive series of podcasts covering practical and important issues including:
  - Backups
  - Encryption
  - Ransomware
  - Phishing
  - And much more!
- <https://lso.ca/lawyers/practice-supports-and-resources/topics/technology-practice-tips>



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FOIA May Plenary

<https://www.practicepro.ca/wp-content/uploads/2018/07/Cybercrime-and-Bad-Cheques-2018.pdf>

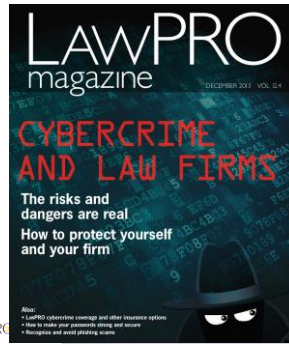


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<https://www.practicepro.ca/wp-content/uploads/2018/10/real-estate-fraud-fact-sheet-oct2018.pdf>



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<https://www.practicepro.ca/wp-content/uploads/2017/09/2013-12-lawpro-magazine12-4-dec2013.pdf>



- LAWPRO co-funds the Member Assistance Program (MAP) with the Law Society of Ontario
- The MAP is a **confidential health and wellness service**, operated by Homewood Health and provided at no cost to all lawyers, paralegals, law students, and judges in Ontario, as well as their family members

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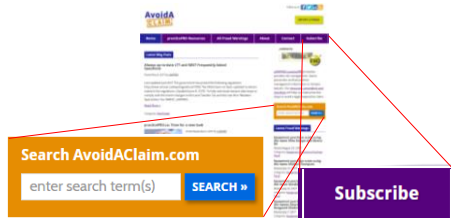


Services offered by the MAP

- **Lifestyle coaching**
  - Coaching on childcare and parenting, elder and family care, financial and legal issues, nutrition and smoking cessation, as well as career, retirement, and workplace issues.
- **Peer-to-peer support**
  - Provides lawyers with a volunteer from the profession who can model recovery while providing empathy and understanding. These volunteers have also lived with mental health and wellness issues in the past and have continued to maintain successful and fulfilling careers.
- **Short and longer-term counselling**
  - Confidential short-term and crisis counselling is available in-person, online, or over the phone from experienced therapists who specialize in issues such as stress, anxiety, substance abuse, depression, burnout, and other personal and mental-health issues.

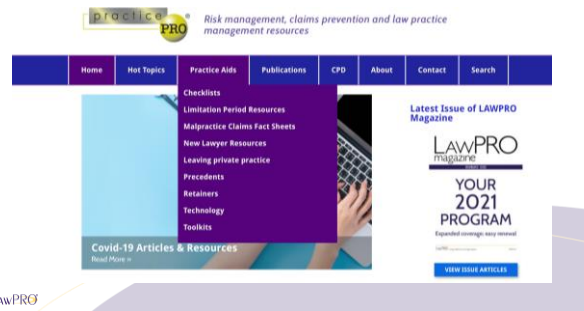
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"Avoid A Claim" blog



Get the latest news on claims prevention and practice management  
<http://avoidclaim.com>  
 Report a fraud at [fraudinfo@lawpro.ca](mailto:fraudinfo@lawpro.ca)

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### Insurance Options

- Errors and omissions
- Fraud / cyber protection  
<https://www.practicepro.ca/2018/01/does-your-firm-need-cybercrime-insurance/>
- Business interruption
- Property / renter's insurance
- Personal: Health, life, critical illness, long term disability, home & auto
- Consult with your insurance broker



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### Questions? - Thank you

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