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## LEGAL TECH

### Disaster Recovery and Your Court Calendar

Tips to safeguard critical information in a worst-case scenario

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When a physical disaster strikes a law firm office, attorneys have countless issues to worry about, such as the safety of colleagues, locating client contact information and evaluating the status of case files and other important records. Amidst all of the important documentation stored at law firm offices, the court calendar remains one of the most critical. It is also one of the most vulnerable, because many law firms do not have adequate systems to regularly back up their court calendars. When a court calendar is lost or damaged, recreating it can be a painfully time-consuming and error-prone task.

It is virtually impossible to safeguard against all disasters. The only aspect that law firms can control is their ability to prepare for situations that could potentially destroy entire offices, or at least damage them so severely that access is blocked for days or even weeks. If the only up-to-date copy of the court calendar

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is stored at an inaccessible location, attorneys are very likely to miss critical court dates. If an unsympathetic judge rules that the firm should have been more prepared and sanctions attorneys for missing a deadline or even worse, dismisses the case, clients may respond by filing a malpractice lawsuit.

Fortunately, law firms can take steps to safeguard their court calendars before a disaster strikes. By instituting a comprehensive plan ahead of time, attorneys can minimize damage and downtime.

#### Disaster Recovery Planning

When it comes to disaster recovery plans, there is no one-size-fits-all approach; a plan should be customized for each firm. Large law firms with multiple offices around the country will have very different needs than a solo practitioner working with a lone paralegal.

However, there are several factors that should be included in every plan. This includes a system for backing up the court calendar and other files, keeping emergency contact information for each law firm employee in a location that is always accessible and preparing for temporary office space ahead of time, in case it is impossible to access the firm's office for an extended length of time.

Back-up plans should also be reviewed and updated periodically — many firms tend to create disaster recovery plans following a crisis, but then set them on the shelf and forget about them

for years. If your firm does not have a disaster recovery plan in place, now is the time to create one. Once the plan is updated or created, it should be distributed to each attorney and staff member. Attorneys may also want to consider distributing some of the nonconfidential information in the plan, such as attorney contact information, to key clients.

The first step in creating a disaster recovery plan involves taking a realistic look at the firm's situation. Attorneys first need to understand exactly how the court calendar is managed. Is there a master calendar that is frequently updated, or does each attorney and his or her assistant manage their own? Is the calendar regularly backed up and stored offsite? If it is, how long will it take to access the calendar? If not, how long would it take to recreate the calendar?

If attorneys have their own individual approaches to calendaring, there should be a catalogue of all methods employed by each attorney and staff member. Some may be using common, nonlegal specific computer programs. Some may be using paper calendars, while others may utilize more recent technology and store their calendars on their personal digital assistants.

Regardless of the type of calendar, leaving disaster recovery planning to individual attorneys or assistants is not wise. Even those who understand and appreciate the importance of regularly backing up the court calendar may forget to do so. That is why every firm that does not

have a centralized and standardized, firm-wide master court calendar should consider instituting one. When all necessary information is organized in one place and in one consistent format, it becomes much easier to create a reliable back-up.

Next, the disaster recovery plan should factor in how quickly the firm must have a functioning, up-to-date court calendar following a disaster, and then decide where best to store it. Storing an off-site, electronic back-up can be expensive, and it often requires staff that is technically skilled. For larger firms with multiple attorneys who focus on litigation, though, the investment in immediate access to their court calendar may be worthwhile. Smaller firms whose attorneys make less-frequent court appearances may decide they can function for several days without the calendar. Firms should also be wary about relying on a back-up plan that involves having attor-

neys or staff store information at home. While this method may work well in some highly localized disaster situations, such as an office fire, it is unreliable if an entire region is affected by a weather event, for example.

A disaster recovery plan should include more than the court calendar, of course. Firms should also assess how they store case files and client billing records. They should review contact lists for their employees, their clients and the courts in which they practice. If this information is compiled in a logical, easily accessible manner, it will allow attorneys to immediately begin reaching out to all key constituencies after a disaster. This way, the firm can, for example, verify the physical safety of employees and clients and alert those people to the law firm's situation and plans going forward. This type of decisive action and outreach can be a great comfort

to those who may be reeling from a disaster and inspire even more confidence in the firm and its attorneys.

But even the best laid-out plans are useless if they only remain on paper. The plan should be reviewed by each attorney and staff member, and someone at the firm should be designated to oversee it. The firm should also conduct periodic drills so that everyone understands what to do in case of an emergency.

By their nature, the exact timing and scope of disasters cannot be predicted, but they are predictable and attorneys have a responsibility to be fully prepared. That way, if the worst should happen, law firms can spend their time in the aftermath focusing on the needs of their clients, not on locating client case files or recreating the court calendar. With proper planning, the firm can be up-and-running within hours of any unexpected event. ■