Business Continuity and Disaster Recovery

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at The Chicago Bar Association
Business Continuity

“Disaster planning is especially important for lawyers. Not only is it necessary to protect, preserve, and in extreme cases rebuild one’s practice or firm, lawyers also have special obligations to their clients. Lawyers must represent the client competently and diligently, safeguard client’s property, and maintain client confidentiality and communications.

These obligations are neither excused nor waived following a disaster.”

- ABA Committee on Disaster Response & Preparedness
It is all About Mitigating Risks

• Adequate insurance
• Computer backups
• Computer security
• Data Mapping
• Process Documentation
• Incident Response Plan
Failing to Plan = Planning to Fail
Business Continuity Planning
Crafting a business continuity plan

• What is your mission?
• Gather information
  • Vendors, insurance, real estate/landlord
  • Staff, clients, referrals
• Document processes, people
• Risk management
  • What are vulnerabilities that can be mitigated
EVENT OCCURS

Practitioner becomes aware of impact

Practitioner engages support to determine impact to operations

DND

Facilities Impaired

Technology Impaired

Are systems/telecommunications operational?

Practitioner decides to activate the plan

Practitioner performs plan activation actions

Contact storage facility re: vital records delivery to hot site or pickup

Perform Hardware/Software Recovery

CHANGE call tree to MEMO/MEM

Update Firm's Website

Others deployed, use messaging system or Call Trees to notify staff, clients, and vendors

Send out global email message

Impromptu Public Relations Briefing

Where appropriate implement physical security strategy

Activate Manual Notification Call Trees, as necessary

See: www.americanbar.org/disaster
Documenting Firm Processes
What to Document

- Time, Billing & Accounting
- Calendar and To Do Lists
- Contacts
- Phone Calls and Messages
- Open Files, Closed Files
  - Know Where They Are
  - Know How to Find Them
- Documents
  - How you Make Them
  - Where You Save Them
- Hardware and Software Documentation
Tools for Documentation

- Software Asset Management
- Password Management
- Digital Identity Management
- Document Management
- Practice Management Software
- Checklist & Project Management
Mapping Data
Gather Information

- What do you have?
- Where is it stored?
- Who has access to it?
- What format is it in?
- How long should you keep it?
## Start at the Beginning

<table>
<thead>
<tr>
<th>FIRM</th>
<th>Client</th>
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<tbody>
<tr>
<td>Human Resources</td>
<td>Matter</td>
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<tr>
<td>Tax</td>
<td>• Correspondence</td>
</tr>
<tr>
<td>Payroll</td>
<td>• Client Documents</td>
</tr>
<tr>
<td>Information Technology</td>
<td>• Work product (memos, letters)</td>
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<tr>
<td>Insurance</td>
<td>• Filings</td>
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<tr>
<td>Property</td>
<td>Contacts</td>
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<td></td>
<td>Invoices</td>
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<tr>
<td></td>
<td>Time sheets</td>
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<tr>
<td></td>
<td>Trust Account</td>
</tr>
<tr>
<td>MATTER TYPE (AREA OF LAW)</td>
<td>DESCRIPTION OF RECORDS ASSOCIATED WITH THIS MATTER TYPE</td>
</tr>
<tr>
<td>--------------------------</td>
<td>-------------------------------------------------------</td>
</tr>
<tr>
<td>ACCOUNTING/ TRUSTS</td>
<td>Check copies, trust receipts, disbursement records of funds received or owed to the firm.</td>
</tr>
<tr>
<td>ACCOUNTS PAYABLE</td>
<td>Invoices for goods and services purchased by the firm; includes authorization for payment and documentation that payment was made. Includes expenses requiring special approval (travel and entertainment)</td>
</tr>
<tr>
<td>ACCOUNTS RECEIVABLE</td>
<td>Documentation of funds receivable including, notated pro formas and documents that support billing to clients; honorariums, refunds, employee personal charges, and lists</td>
</tr>
</tbody>
</table>
Consider (Data) Mobility

- Data lives on hard drives, thumb drives, email, cloud storage.
  - Need a workflow
  - Take backup systems into account
    - Are backup systems
      - Records repositories
      - Disaster recovery systems
    - How long does information live on backup in the cloud?

- Data Mobility
  - Incoming
    - Records moved into approved repositories
  - Departing
    - Classification for work they take with them (Emails, documents, shared drives, etc.)

- Employee Departures
  - Emails, documents

- Telecommuting and Home Offices
  - What should / shouldn't be maintained outside the office
  - What happens if records are maintained on personally owned resources
Outsourcing Impacts

• IT – motivations to keep or dispose
• HR and Benefits – who owns the records?
• Real Estate and Facilities – who manages the records?
• Accounting – who owns the records?
• Records Management – who has accountability and liability?
Backup
Develop a Backup Strategy

- Analyze
- Plan
- Implement
- Test
- Review
What To Backup

- Data
- Email
- Servers
- Disc Image
- Mobile Devices
- SaaS
- Website/blogs/social media
Belt, Suspenders, and a Safety Pin

• The more redundancy the better
  • Plan for backups to fail, have another
• The more locations the better
  • Not just data – you may need access from a different location
Backup: The Cloud
Cloud Storage and Email

- Is there data co-location and where?
- What is their business continuity plan?
- Are there offline options?
- Export/Data migration
  - Format?
Backup: Email
Back Up Email

• Web-based emails can be lost
• Save local copies of emails
  • Install email software (e.g. in Outlook, Thunderbird, AppleMail)
  • Using IMAP or POP to move emails to a local drive
• Outlook
  • Save to PDF for archival or to the DMS
Backup: Disc Image
Cloning a Hard Drive

• Third Party Tools
  • Acronis True Image, Norton Ghost, Carbon Copy Cloner

• Windows 7
  • Control Panel — Back up your computer — create system image

• Windows 8
  • Control Panel — System & Security — File History — Windows 7 File Recovery

• Windows 10
  • Control Panel — File History — System Image Backup

• Mac OS X 10.5 and up
  • Time Machine
  • Disk Utility
Backup: Data (Local/Network Drives)
Data File Backups

• Do backups daily
• Review the backup log
  • Make sure open files are being backed up
• Regularly do test restores
• Keep all software license numbers and installation discs
  • Use Belarc Advisor to take snapshot of installed software, etc.
• Swap external backup device
• Remove external backup device
Backup Media Options

- CD-RW: low capacity, fair speed, med cost, not automatic
- DVD: med capacity and cost, not automatic, many formats!!!
- Tape: high capacity, slow speed, fair cost, automatic
- Portable hard drive: high capacity, fast, low cost, automatic
- NAS (Network Attached Storage)
What about thumb drives?
Online Backup

• Set it and forget it?
• Home versus Business versions
  • Examples: Carbonite home or business
• Sync tools (Dropbox, SugarSync) versus online backup (Carbonite, Mozy, Crashplan)
• Good option for files
• Storage gets expensive
  • Only backup active files?
  • Cold storage
• Make sure backups are working properly
Backup: Servers
Servers – Replication

- RAID (Redundant Array of Independent Discs)
- Replication to external disc
- Failing well
- About tape backup
  - Outdated
  - Slow
  - Remember "please be kind, rewind"?
Backup: Mobile
Smartphones & Tablets

• Backup in the cloud
  • iCloud
  • Google
  • Windows OneDrive
  • Lookout (iPhone/Android phone) backs up call history

• Local files (Pictures, documents, notes, videos)
  • MicroSD cards
  • Wireless portable drives
Backup: Social Media/Blogs/Websites
Preserve Your Online Presence

• Blogs
  • WordPress plugins like Backup Buddy or BackWPU
  • Your site host

• Social Media
  • Backupify for Facebook Pages and Twitter
  • Social Safe for FB, Twitter, LI, Google+, and more

• Websitcs +
  • NextPoint Cloud Preservation, Iterass
About Paper Files

- Scan them to put them into the electronic backup process
- Originals? Fireproof, waterproof safe
- Keep an electronic index of your files
- Keep duplicate paper copies offsite
  - Locked facilities range from storage locker to Iron Mountain
Computer Security
Policies and Training

• What security policies should be in place?
  • Computer acceptable use policy
    • Email use policy
    • Internet use policy
  • Social media use policy
• Other useful, related policies
  • Employee privacy policy
  • Email/document retention policy
Policies and Training

• Make policies available
  • Shared network drive
  • Intranet

• Enforcement
  • Review and signed at least annually
  • Training sessions to reinforce understanding
  • Make FAQ available
  • Repercussions for non-compliance?
Incident Response Plan
Incident Response Goals

• Verify that an incident occurred.
• Maintain or Restore Business Continuity.
• Reduce the incident impact.
• Determine how the attack was done if the incident happened.
• Prevent future attacks or incidents.
• Improve security and incident response.
• Prosecute illegal activity.
• Keep management informed of the situation and response.
Disaster Recovery
Recovering from Disaster

• 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
Adequate Insurance Coverage?

- Property insurance
- Contents insurance, including extra riders
- Commercial general liability
  - Third-party bodily injury or property damage
- Business interruption insurance;
- Crimes coverage; and
- Disability, life, or other appropriate personal coverage.
Thanks!
Disaster Preparedness/Recovery Resources

- ABA Committee on Disaster Response and Preparedness - [www.americanbar.org/disaster](http://www.americanbar.org/disaster)
- Security, Computer Backup and “The Cloud” – Catherine Sanders Reach
- Disaster Planning: [What We Have and Haven't Learned](#) - Gary Munneke
- Surviving a Disaster: [A Lawyer’s Guide to Disaster Planning](#) (includes sample plan) – from the ABA Special Committee on Disaster Response and Preparedness, prepared by BDA Global LLC
- [Essential Law Firm Technology Policies and Plans](#) – descriptions of plans and links to sample plans by John Simek and Sharon Nelson
- Further reading on process documentation, data mapping [https://csandersreach.box.com/v/documentationfordisasterplan](https://csandersreach.box.com/v/documentationfordisasterplan)