

Business Continuity and Disaster Recovery

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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

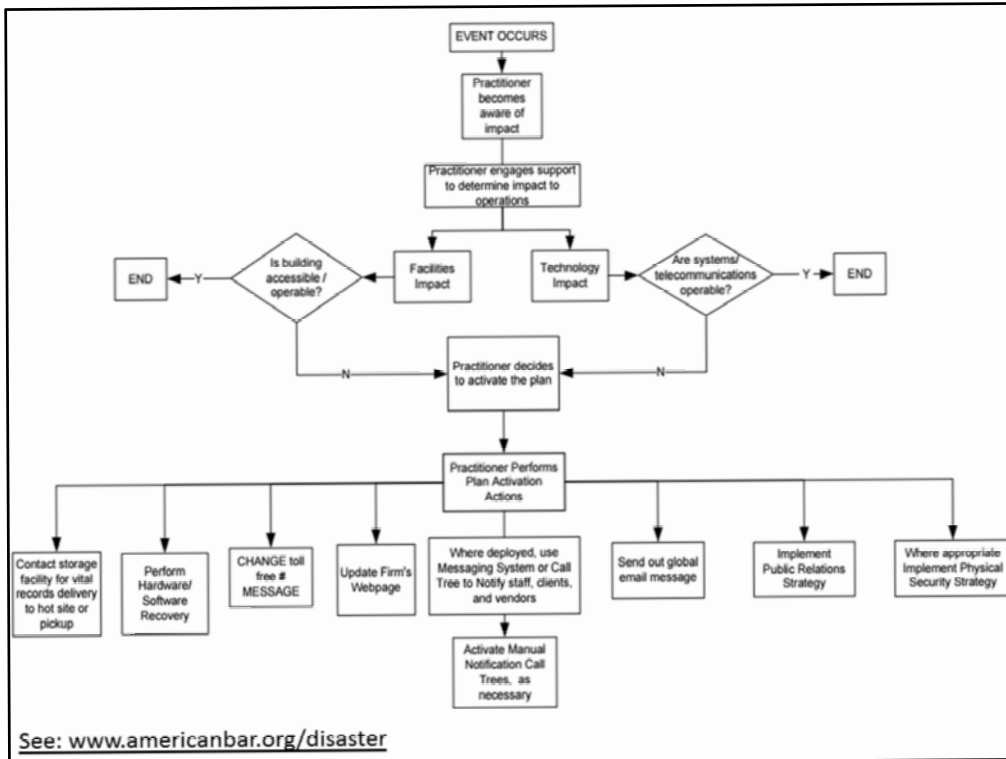
- Adequate insurance
- Computer backups
- Computer security
- Data Mapping
- Process Documentation
- Incident Response Plan

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



Documenting Firm Processes

What to Document

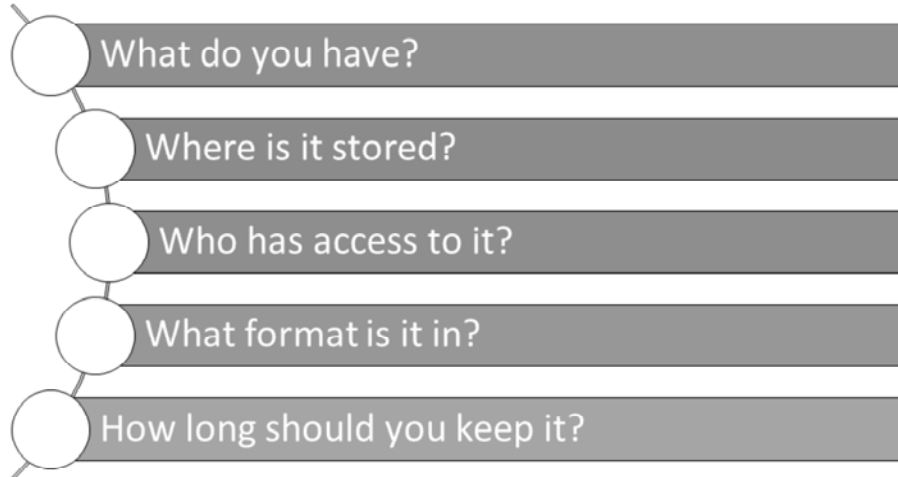
- Time, Billing & Accounting
- Calendar and To Do Lists
- Contacts
- Phone Calls and Messages
- Open Files, Closed Files
 - Know Where They Are
 - Know How to Find Them
- Documents
 - How you Make Them
 - Where You Save Them
- Hardware and Software Documentation

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

FIRM	Client
Human Resources	Matter
Tax	• Correspondence
Payroll	• Client Documents
Information Technology	• Work product (memos, letters)
Insurance	• Filings
Property	Contacts
	Invoices
	Time sheets
	Trust Account

MATTER TYPE (AREA OF LAW)	DESCRIPTION OF RECORDS ASSOCIATED WITH THIS MATTER TYPE	TRIGGER EVENT	LEGAL RETENTI ON REQUIRE MENT	TOTAL RECOMMENDED RETENTION
ACCOUNTING/ TRUSTS	Check copies, trust receipts, disbursement records of funds received or owed to the firm,	Fiscal year end	7 Fiscal Years 26 USC 6501	7 Fiscal Years
ACCOUNTS PAYABLE	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)	Fiscal year end	7 Fiscal Years 26 USC 6501	7 Fiscal Years
ACCOUNTS RECEIVABLE	Documentation of funds receivable including, notated pro formas and documents that support billing to clients; honorariums, refunds, employee personal charges, and lists	Fiscal year end	7 Fiscal Years 26 USC 6501	7 Fiscal Years

Consider (Data) Mobility

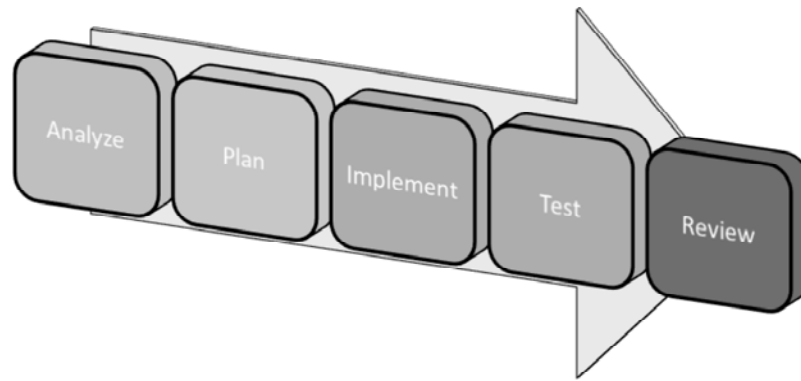
- Data lives on hard drives, thumb drives, email, cloud storage.
- Need a workflow
- Take backup systems into account
 - Are backup systems
 - Records repositories
 - Disaster recovery systems
 - How long does information live on backup in the cloud?
- Data Mobility
 - Incoming
 - Records moved into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



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
- Websites +
 - NextPoint Cloud Preservation, Iterassi



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
- [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>