

# Planning for the “Un”expected

Rachel Edwards

*PLF Practice Management Advisor*

# MCLE FORM 1: Recordkeeping Form (Do Not Return This Form to the Bar)

**Instructions:**

Pursuant to MCLE Rule 7.2, every active member shall maintain records of participation in **accredited** CLE activities. You may wish to use this form to record your CLE activities, attaching it to a copy of the program brochure or other information regarding the CLE activity.

**Do not return this form to the Oregon State Bar. This is to be retained in your own MCLE file.**

Name:		Bar Number:	
Sponsor of CLE Activity:			
Title of CLE Activity:		Program Number:	
Date:	Location:		
<input type="checkbox"/> <i>Activity has been accredited by the Oregon State Bar for the following credit:</i>  _____ <b>General</b> _____ <b>Prof Resp-Ethics</b> _____ <b>Access to Justice</b> _____ <b>Abuse Reporting</b> _____ <b>Practical Skills</b> _____ <b>Pers. Mgmt/Bus. Dev.*</b>	<input type="checkbox"/> <b>Full Credit.</b> <i>I attended the entire program and the total of authorized credits are:</i>  _____ <b>General</b> _____ <b>Prof Resp-Ethics</b> _____ <b>Access to Justice</b> _____ <b>Abuse Reporting</b> _____ <b>Practical Skills</b> _____ <b>Pers. Mgmt/Bus. Dev.*</b>	<input type="checkbox"/> <b>Partial Credit.</b> <i>I attended _____ hours of the program and am entitled to the following credits*:</i>  _____ <b>General</b> _____ <b>Prof Resp-Ethics</b> _____ <b>Access to Justice</b> _____ <b>Abuse Reporting</b> _____ <b>Practical Skills</b> _____ <b>Pers. Mgmt/Bus. Dev.*</b>	

**\*Credit Calculation:**

One (1) MCLE credit may be claimed for each sixty (60) minutes of actual participation. Do not include registration, introductions, business meetings and programs less than 30 minutes. MCLE credits may not be claimed for any activity that has not been accredited by the MCLE Administrator. If the program has not been accredited by the MCLE Administrator, you must submit a Group CLE Activity Accreditation application (See MCLE Form 2.)

**Caveat:**

If the actual program length is less than the credit hours approved, Bar members are responsible for making the appropriate adjustments in their compliance reports. Adjustments must also be made for late arrival, early departure or other periods of absence or non-participation.

\*Personal Management Assistance/Business Development. See MCLE Rule 5.12 and Regulation 5.300 for additional information regarding Category III activities. Maximum credit that may be claimed for Category III activities is 6.0 in a three-year reporting period and 3.0 in a short reporting period.

# Overview

1. Types of disasters
2. Possible effects
3. Ethical duties
4. Planning ahead
5. File retention
6. Inventory
7. Disaster response plan
8. Recovery process
9. Backup

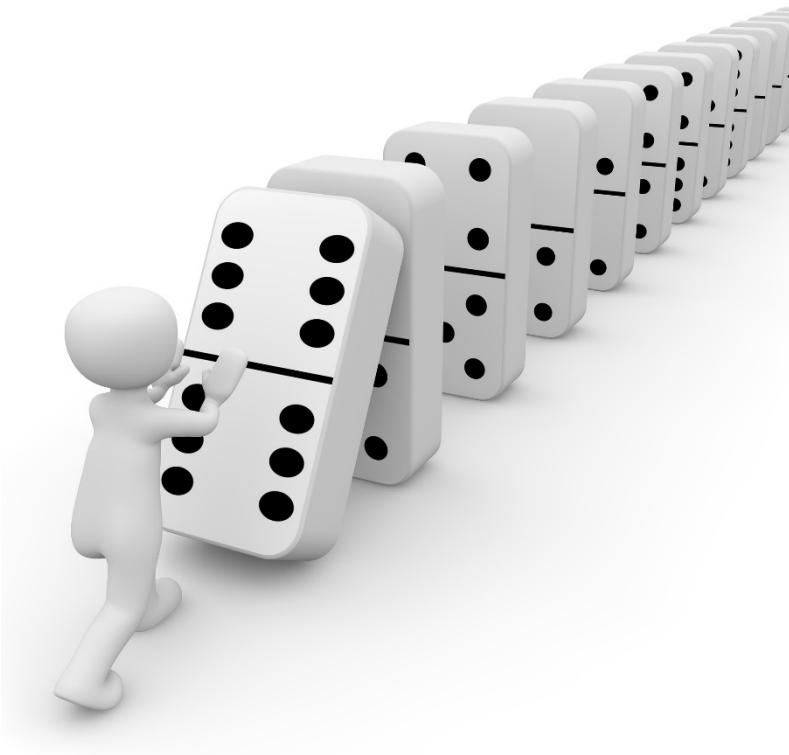


# Types of disasters

1. Natural disaster
2. Man-made disaster
3. System or device malfunction
4. Lost or stolen device
5. Data breach
6. Incapacitation
7. Death



# Effects



1. Malpractice claims
2. Ethics complaints
3. Lost data
4. Lost revenue
5. Stress (attorneys, staff, clients, family)

# Ethical duties

1. **ABA Formal Opinion 482 (9/19/18)** (Ethical obligations related to disasters)
2. **Oregon Rules of Professional Conduct**
  1. 1.1 (competence)
  2. 1.4 (communication)
  3. 1.6 (confidentiality)
  4. 1.15-1 (safekeeping property)
  5. 1.16 (withdrawal)
  6. 7.1-7.3 (advertising)
3. **OSB Formal Ethics Opinion 2005-129**  
(Responsibilities on death of sole practitioner)
4. **OSB Formal Ethics Opinion 2011-188** (Third-party electronic storage)



# Planning ahead



1. **Operating/Trust account co-signer**
  1. *Written*
  2. *Specify when access is granted*
2. **Assisting attorney**
  1. *Written*
  2. *Office access*
  3. *Important information (ex. Passwords, active client matters)*
3. **Insurance**
  1. *Property, contents*
  2. *General commercial liability*
  3. *Business disruption*
  4. *Disability*
  5. *Life*
4. **Detailed, up-to-date client/firm files and calendar**
5. **Create a personal inventory**

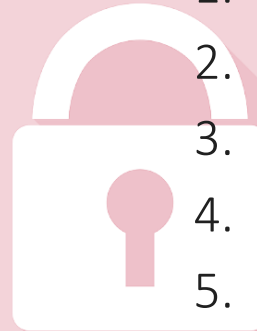
# Planning ahead

## PROTECTING PEOPLE

1. Secure furniture and equipment
2. Fire alarm/smoke detector
3. Fire extinguisher
4. First aid kit and emergency provisions
5. Evacuation plan

## PROTECTING PROPERTY

1. Proper locks
2. Surge protectors and battery backups
3. Regular backups and test restores
4. Waterproof & fireproof cabinets/safes
5. Return files to secure location at end of day
6. Passwords and encryption
7. Antivirus protection
8. Options for remote wiping
9. Device(s) for working offsite





# File retention



- **Paper and valuable property**
  - Organized filing system
  - Waterproof & fireproof locked storage
  - Return to secure location at end of day
- **Electronic**
  - Organized filing system
  - Proper security and backup
    - *Passwords and encryption*
    - *Antivirus protection*
    - *Remote wiping capability*
  - *3-2-1 backup (regularly)*

Client files AND important firm documents (ex. templates, partnership agreements, financial documents)

# File closure

- Return original documents and property to clients upon closure
- Clients should either:
  - *Be provided their file and sign an acknowledgment of receipt (attorneys keeps copy); or*
  - *Sign an authorization for destruction of file after a certain period of time (ex. 10 years)*
- Maintain a copy of closed files for at least 10 years from the date of closure

# Inventory

- Equipment
  - Description, make, model, serial number
- Software
- Furniture
- Valuable property
- Contact information
  - Employees, clients, landlord, vendors
  - Also related parties (ex. Opposing counsel, court contacts)
- Client files (open and closed)
- Firm records (contracts, accounting)
- Calendar
- Passwords
- Bank accounts
- Safe deposit boxes
- Create a personal inventory

# Disaster response plan



1. Responsibilities (who/what/when)
2. Emergency evacuation plan
3. Notification plan
4. Meeting place
5. Temporary office space
6. Voicemail and email autoreply
7. Alternative communication system
8. Updated website
9. Data recovery and access
10. Resume work

1. Disaster response person/team
  1. *Prepare disaster response plan*
  2. *Update as necessary*
2. Assess damage
3. Begin repair/salvage efforts
4. Manage implementation of disaster response plan

# Disaster response plan

*Responsibilities (who/what/when)*

1. Existing building evacuation plan
2. Develop your own
  1. *Escape routes*
  2. *Employees requiring assistance*
3. Assign 'marshal' to assure everyone is out safely
4. Post a sign indicating closure and contact information

# Disaster response plan

*Emergency evacuation plan*

1. Access contact names and numbers in inventory
2. Create batch messaging system or call tree
3. Notify employees
4. Notify clients, opposing parties/counsel, court contacts
5. Notify vendors

# Disaster response plan

*Notification plan*

1. Away from immediate area if necessary
2. Examples
  1. *Coffee shop*
  2. *Library*
  3. *Parking lot*

# Disaster response plan

*Meeting place*



# Disaster response plan

*Temporary office space*

1. Away from immediate area if necessary
2. Examples
  1. *Home*
  2. *Shared office space*
  3. *Firm conference room(s)*
  4. *Vacant office space*
3. Identify and ensure access to necessary resources

1. Create appropriate scripts
2. Who will set this up and update as necessary?

## Disaster response plan

*Voicemail and email autoreply*

1. Determine appropriate alternative communication system
2. Who is responsible for responding to inquiries?

# Disaster response plan

*Alternative communication system*

1. Provide an update regarding status of the office
2. Alternative contact information
3. Periodic updates

# Disaster response plan

*Updated website*

1. Who is in charge?
2. Who recovers data?
3. Where is data then stored for access and resuming work?

# Disaster response plan

*Data recovery and access*

1. Review calendars
2. Determine priority levels
  1. *Ex. Trial postponement, SOL*
3. How will work be assigned?
4. How does supervision occur?

# Disaster response plan

*Resume work*

# Disaster response plan

A hand holding a black marker is shown writing on a document. The document features a checklist with several squares, some of which are already checked with a grey mark. Dotted lines are visible on the page, suggesting a structured layout or a flowchart. The background is a light, neutral color.

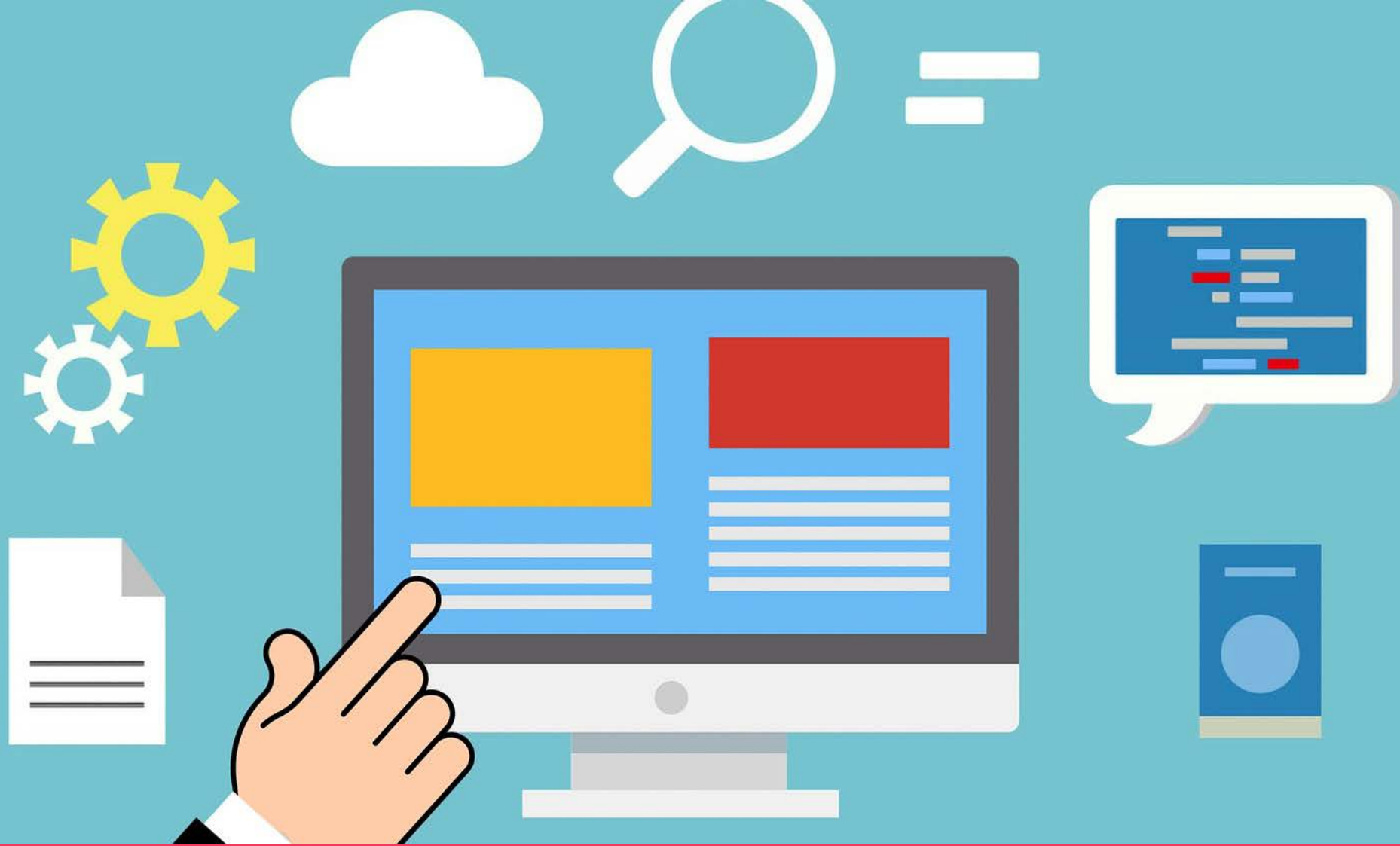
- Written
- Update at least annually
  - *Employee turnover*
  - *Changes in location of firm property*
- Distribute to all firm employees
- 2 copies
  - *Office*
  - *Secure, offsite location*

# Recovery process

A life preserver with alternating red and white segments and a thick rope handle, floating on a surface of rippling water. The background is a soft, pinkish-red gradient.

- Review and implement the disaster response plan
- Complete a post-disaster debriefing
- Once work has returned to normal, document all work done and expenses incurred in response to the emergency for insurance claims
- Review insurance policies and contact appropriate insurers
- Revisit your disaster response plan and use the experience for improvement





Backup

# Backup

## 1. Onsite

- i. USB flashdrive*
- ii. External harddrive*
- iii. External solid-state drive*
- iv. Network attached storage*

## 2. Offsite

- i. Storage device stored offsite (ex. Home, storage unit)*
- ii. Cloud*

- 3 total copies
- 1 original and 2 backups
- 2 types of storage devices
- 1 backup onsite and 1 backup offsite

# Storage vs. Backup

## STORAGE

- The location where your files are saved
- No automated process for backing up files

## BACKUP

- The act of creating and keeping a copy of your saved files in a location different from where they are stored
- Automated process for backing up files
- Only select information (ex. Word/PDF documents) unless using disk imaging

# File backup vs. Disk imaging

## FILE BACKUP

- Only back up certain files on your computer or network

## DISK IMAGING

- Mirror-image of your computer or network

Ideal: onsite AND offsite disk image backup

# Cloud storage vs. Cloud backup

## CLOUD STORAGE

- Store files in the cloud for accessibility to work remotely or share amongst multiple users
- No automated process for backing up files
- Ex. Box, Dropbox, OneDrive

## CLOUD BACKUP

- Store files/programs in the cloud for disaster recovery purposes
- Automated process for backing up files
- Ex. CrashPlan, Acronis, Spideroak

# Onsite backup options

1. CDs/DVDs
2. Flash drives
3. External hard drives or solid state drives (desktop or portable)
4. Network attached storage

# How to backup to onsite devices

1. Copy and paste selected files
2. Built-in computer backup
  1. *Windows Backup and Restore*
  2. *Apple Time Machine*
3. Built-in external device backup software
  1. *Seagate Backup Plus*
  2. *Western Digital My Passport*
  3. *Samsung T5*
4. Third-party backup software
  1. *EaseUS Todo Backup*
  2. *Paragon Backup & Recovery*
  3. *NovaBackup*
5. Built-in network attached storage device backup software
  1. *Western Digital My Cloud*
  2. *Netgear ReadyNAS*

Ideal: automatic recurring backups

# Offsite backup options

## OFFSITE LOCATION

Store a backup device at an offsite location (ex. Home, safe deposit box, storage unit)

## CLOUD BACKUP

Back up to a cloud-based server managed and maintained by a third-party service provider



# Cloud backup

FILE BACKUP



DISK IMAGING



# Resources

- **InPractice** (blog)
- **InBrief** (newsletter)
- **Forms** (Practice management > Forms > Disaster Response and Recovery)
- **Free CLEs** (CLE > Past/Upcoming)
- **Discounts** (Practice Management > Resources & Discounts)
  - *Practice Management Software*
  - *Billing and Timekeeping Software*
  - *Conflict Checking Software*
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and confidential

### Ethical Obligations for the Worst-Case Scenario

# When Disaster Strikes

By Amber Hollister



**F**looding from Hurricane Florence, power outages in Puerto Rico, wildfires ravaging the West — any casual observer of national news is inured to the images of destruction on television. We often watch these disasters unfold, while quietly hoping it will never happen here. As lawyers, however, we still have a duty to protect our clients.

A recent ethics opinion published by the ABA, *Ethical Obligations Related to Disasters*, provides a compelling analysis of lawyers' ethical responsibilities to protect their clients' interests before, during and after a disaster. The following column outlines one's ethical obligations and points lawyers to resources available to help prepare for a worst-case scenario.

#### No Dial Tone

After a disaster, the tools lawyers normally rely on to communicate with clients may be out of service. Mobile phones, email and even the U.S. mail depend on the functioning of telecom networks, the availability of electricity and the existence

of sound roads. But even in less than ideal circumstances, lawyers are required to communicate with their clients. RPC 1.4.

If a natural disaster is anticipated, lawyers should consider contacting clients in advance to advise them of any emergency communication options. Or better yet, the opinion suggests, "Information about how to contact the lawyer in the event of an emergency may be provided in a fee agreement or an engagement letter."

To cope with the challenges of post-event communication, the ABA formal opinion states that lawyers "should maintain, or be able to create on short notice, electronic or paper lists of current clients and their contact information," which is "stored in a manner that is easily accessible" to the lawyer. This might mean a printout kept at home, or a client contact list stored on a remote server.

With this basic information in hand, the opinion suggests lawyers will be able to meet their obligation under RPC 1.4 to let clients know the status of their matter after the dust has settled. The client will likely be eager to learn whether a lawyer will be able to continue the representation, or if steps need to be taken to secure other counsel.

#### Where Is That File?

Lawyers have a fundamental duty to safeguard and account for the property of others in their possession. RPC 1.15-1. When everything is operating normally, providing an accounting, preserving a client original, sending an invoice or paying court costs is a routine task. Post-disaster, that may not be the case.

A best first step to prepare for disaster is to back up client files and trust account records. This opinion suggests "lawyers should maintain an electronic copy of

important documents in an off-site location that is updated regularly." Depending on the circumstances, additional advance steps may be possible. For example, the opinion suggests that "a transactional lawyer should review open files to determine if the lawyer should transfer funds to a trust account that will be accessible after the disaster or attempt to complete imminent transactions prior to the disaster if practicable."

Lawyers must come to terms with the fact that they may not be personally available to act in their clients' interests. When facing an impending event, "all lawyers should consider (i) providing for another trusted signatory on trust accounts in the event of the lawyer's unexpected death, incapacity, or prolonged unavailability and (ii) depending on the circumstances and jurisdiction, designating a successor lawyer to wind up the lawyer's practice." See also OSB Formal Ethics Op 2005-129 (noting succession planning is part of providing competent legal representation).<sup>1</sup>

Not only legal professionals may be impacted by a disaster. Depending on the nature and severity of a disaster, financial institutions or other vendors may be impacted and still working to regroup. If a lawyer is unable to access funds in trust post-disaster, the lawyer "must notify clients or third persons for whom the lawyer is holding funds when required disbursements are imminent and the lawyer is unable to access funds." This duty to communicate remains "even if the lawyer cannot access the funds because the financial institution itself is inaccessible or access is beyond the lawyer's capability."

#### Lost Property

When disaster strikes, lawyers may be unable to prevent the destruction of client files or property. The opinion advises that

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## Looks Calm, But What is Lurking? Engage Cogence Early in the Process



Sunset on the Kenyan savanna seems so serene, but unknown dangers remain hidden for a potential ambush.

Contact Cogence Group early in your lawsuit to help avoid the unexpected and bring a new perspective to solving the problem at hand.

Photo by Jay Sickler, Dec. 2017 / Oltre Motorogi Conservancy, Kenya



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lawyers must notify current and former clients “of the loss of documents with intrinsic value, such as original executed wills and trusts, deeds and negotiable instruments.” When client documents that have intrinsic value are lost, lawyers must take steps to reconstruct them or obtain copies from an external source.

Not all documents, however, have intrinsic value or are otherwise important to the client. If the only documents lost are those that have no intrinsic value and do not serve a useful purpose for the client, a lawyer need not notify the client of the loss. This might be the case, for instance, if an electronic copy of all of the lawyer’s files is available off-site.

### Withdrawal From Representation

Recovery may take time. If providing competent, diligent representation is not possible in the wake of a disaster, the only real option may be to seek to withdraw. Rule 1.16(a)(1) requires withdrawal if continuing the representation “will result in a violation” of the rules.

Alternately, the chaos caused by a disaster may give rise to “other good cause for withdrawal.” RPC 1.16(a)(7). “In determining whether withdrawal is required, lawyers must assess whether the client needs immediate legal services that the lawyer will be unable to timely provide.” ABA Formal Op 482.

If withdrawal becomes necessary, lawyers must comply with any law or court rules pertaining to withdrawal, including obtaining the court’s permission, if required. RPC 1.16(c). Even after a disaster, lawyers still must take steps to protect their client’s interest upon withdrawal. RPC 1.16(d).<sup>2</sup>

While a natural disaster or emergency event may be unlikely, a savvy lawyer will still take steps to prepare. Understanding the ethical obligations that arise before, during and after disaster strikes will reduce the risks of running afoul of professional obligations in the worst-case scenario.

### Endnotes

1. See also the PLF publication, *Planning Ahead*, described in sidebar on page 11.
2. See Mark Johnson Roberts, “Sashay Away: When and How to Withdraw From Representation,” *OSB Bulletin* (August/September 2018).

Ethics opinions are published and updated on the bar's website at [www.osbar.org/ethics/toc.html](http://www.osbar.org/ethics/toc.html).

An archive of Bar Counsel columns is available online at [www.osbar.org/ethics/bulletinbarcounsel.html](http://www.osbar.org/ethics/bulletinbarcounsel.html).

Amber Hollister is general counsel for the Oregon State Bar. She can be reached at [ahollister@osbar.org](mailto:ahollister@osbar.org).

### Disaster Resources

The Professional Liability Fund offers a number of disaster-related resources online at [www.osbplf.org](http://www.osbplf.org). To access the PLF practical advice blog, click Blog on the menu bar. To access practice management forms and publications, hover your cursor over the Practice Management heading on the home page menu bar, and select Forms or Publications from the drop-down list.

#### Blog Post:

"Protect Your Practice Against Disaster," by Hong Dao (Sept. 8, 2017); [www.tinyurl.com/ProtectYourPractice](http://www.tinyurl.com/ProtectYourPractice).

#### Practice Management Forms:

- Disaster Planning and Recovery Resources
- Disaster Response and Recovery Checklist
- Managing Practice Interruptions
- Surviving a Disaster: A Lawyer's Guide to Disaster Planning

#### Practice Management Publication:

"Planning Ahead: A Guide to Protecting Your Clients' Interests in the Event of Your Disability or Death," an 87-page handbook with forms by Barbara S. Fishleder (2015); [www.tinyurl.com/PlanningAheadPDF](http://www.tinyurl.com/PlanningAheadPDF).

The PLF practice management advisors are available to help any Oregon lawyer in the areas of disaster planning and prevention, technology protection, transition planning, file retention and destruction, and safekeeping of client property. Their assistance is free and confidential. Call (503) 639-6911 or (800) 452-1639.

—Sheila Blackford

## Welcome New Associates

# Vivek and Katherine



*Vivek Kothari*  
*Former federal prosecutor*  
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*Data privacy guru*  
*Former NASA engineer*  
*Poker-playing pilot*  
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### *Katherine (Kate) Acosta*

*Talented employment litigator*  
*Diligent and determined*  
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# MANAGING YOUR PRACTICE

*An Unexpected Death Can Be a Burden to Others*

## Smart Succession Planning

By Sheila Blackford



Smart planning requires thinking about unpleasant events. Dying unexpectedly certainly fits that bill. But if you pass away and do not have a plan in place, the burden falls upon those closest to you to help clients who now do not have a lawyer and need their retainer funds returned.

I've worked with many law practices that had to pick up the pieces after a lawyer died without planning and have developed seven lessons for you to follow to make it easier on everyone down the road.

### Lesson 1: Provide Access.

Think about all those things you need to access on a regular basis to run your practice — computer system, software programs, mobile devices, websites, cloud-based accounts, financial records, eFiling, business entity or business tax records, voicemail, file storage (such as Clio, QuickBooks, Bill4Time, Office 365, Carbonite, Mozy and Dropbox) and any safe deposit boxes.

Yes, those user names and passwords, and the combination or key to your file storage locker, are critical for the person(s) you entrust to handle your law practice and clients. Without them, the process of protecting your clients' interests is imperiled.

Imagine the struggle left for others if any of these items are inaccessible. Consider creating an inventory of these items.<sup>1</sup>

### Lesson 2: Highlight Open Client Matters.

When your office closes due to your unexpected death, the most important task for the person assigned to handle your needs is to contact each of your clients with open matters to notify them of your passing, instruct them that they need to hire a new lawyer and request their instructions on where to send their client file. This labor-intensive process becomes

If you use a practice management program, leave instructions for accessing the program and how to generate a list of open client matters. I encourage you to adopt a way to organize and maintain a current client list. You might consider using Microsoft Excel or some similar spreadsheet software for tracking names, addresses and telephone numbers.

### Lesson 3: Get A Second Signer.

Be sure there is a second signer on your IOLTA and lawyer trust accounts. Contact the bank or credit union where these accounts are located to arrange for adding a second signer. If you are opening a new trust account, do it properly and have a second signer from the beginning. If you do not have a second signer, then no one (without a court order) can access the trust account and write

*I once closed a law practice where the law firm's ability to pay overhead terminated with the lawyer's life ... the support staff stayed on an extra month with no income or benefits. How needlessly sad.*

unreasonably difficult if the list of your current clients with their contact information is unknown.<sup>2</sup>

Also, consider putting a statement in your engagement letter/fee agreement that your client agrees to notify you within five days of changing their address, phone number or email address. This becomes a tense situation when there is an upcoming court matter and there is no contact information for reaching the affected client. Before you can be withdrawn as attorney of record, your client must give consent for this court motion.

checks to refund trust balances to their rightful owners.

Frequently, clients lack adequate funds to hire new attorneys without a timely refund of their trust account balances. In some circumstances, the family of a deceased lawyer does not want to open a probate or obtain a court order, and instead chooses to ignore doing anything with the IOLTA or trust accounts.

You do not want to create a major financial hardship for your clients with money in your trust account, nor do you intend to betray the trust your clients

placed in you when they provided a deposit to cover anticipated legal fees and costs for their case. What is to be their recourse?

Consult your bank and fill out their paperwork to accomplish the addition of a second signer as banks abhor granting access to trust accounts unless there is strict compliance with their policy and procedures. Note that in Oregon, the second signer does not need to be another lawyer. In Washington, the second signer must be another lawyer.

#### Lesson 4: Maintain Accurate Records.

Beyond a second signer, be sure to maintain accurate records for your IOLTA and lawyer trust accounts. The bank or credit union where your account is located only knows the balance of this account. To them, you have one trust account. The reality is that you have as many trust accounts as you have clients with money held in trust. This is why you are supposed to keep accurate subaccounts for each client when you do your trust accounting.

In the past, law firms kept client ledgers on buff-colored card stock to track individual client monies held in the law firm's trust account. Oh, the good old days. These days, most law firms use an accounting program like QuickBooks or, if included, the trust accounting feature of their case management program. However, if the lawyer did not set up subaccounts to track trust account funds for each client, then it becomes a mess that no one wants to address. Your clear trust accounting records ensure that determining the correct ownership of trust account funds is a straightforward task.

#### Lesson 5: Keep Time, Billing Records Up to Date.

Your estate will need to wind up the business affairs of your law practice. The estate will need to reconcile time records to create accurate bills to send to clients who are billed directly. If the client has funds in the trust account, the estate will need to follow the proper procedure for being paid from the trust account. The money received from billing the clients must be deposited into the law firm general bank account. Final statements of trust account balances will need to be given to clients along with a refund of any remaining balance in their trust account.<sup>3</sup>



### HAVE YOU LOOKED AT YOUR CLIENT'S POLICY LATELY?

#### Did you know

- 69% of all life insurance policies have not been reviewed in the past 5 years
- 20% of those policies are likely to lapse in the next 3-7 years
- 40% of trust-owned life insurance non-guaranteed policies will lapse during the insured's lifetime



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*Likes Mondays*

*Plays five instruments*

*KU basketball devotee*

*Enjoys dystopian fiction*

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### Lesson 6: Keep an Inventory of Important Business Records.

Important business records include leases for your office and office equipment, equipment maintenance contracts, storage facility, post office box and safe deposit box. Don't forget about your business credit cards and the credit card processing company used for handling credit card transactions.

If you served as a registered agent for another business, provide direction for handling the termination of this role. Additionally, if you were a notary, your notarial records and termination of your notary position will need to be addressed by your estate when winding up your business.

Leave information regarding any insurance policies that will be essential to your surviving family. Provide name and contact information for your accountant, your bookkeeper, your insurance broker, your employees and your landlord or property manager.

### Lesson 7: Provide for Business, Family.

I once closed a law practice where the law firm's ability to pay overhead terminated with the lawyer's life. Out of a sense of loyalty and dedication, the support staff stayed on an extra month with no income or benefits. How needlessly sad. And, the lawyer's surviving spouse needed to scramble to cover household expenses. Plans for the future college education of the children were abandoned and scholarship applications were hurriedly collected.

Talk with your insurance agent and investment advisor to tailor a program of insurance and investment vehicles to cover expenses for at least 60 to 90 days. When families and close staff are grieving for your loss, they should not be burdened by being without financial resources. Sit down with an estate planning attorney to memorialize your wishes. Dying intestate will likely hurt the ones you care about the most.

The more organized you can leave these details, the easier time your estate will have taking care that everything is handled correctly.

#### Endnotes

1. For a guide, go to [osbplf.org](http://osbplf.org) and look for "Law Office List of Contacts" in the Forms section under the Practice Management tab.
2. See the PLF practice aid "New Client Information Sheet" available for download at [osbplf.org](http://osbplf.org) in the Forms section under the Practice Management tab. It also gives you a good basis for putting together a similar, helpful document to keep in each client file. Note that there is a "Defense Case Info Sheet," a "Plaintiff's Case Information Sheet" and a "Tort General Information Sheet" in the Litigation category of practice aids that you may prefer.
3. For help with closing your IOLTA accounts, see the PLF practice aid "Closing Your IOLTA Account" available for download at [osbplf.org](http://osbplf.org) in the Forms section under the Practice Management tab. Note that if you had any non-IOLTA trust accounts, such as for a client that could earn net interest, the portion belonging to the client includes any interest payments. Your estate will need to properly issue 1099-INT statements to those clients at tax time. Your accountant will be able to assist with this procedure. Be sure to contact other states where you have established IOLTA accounts to confirm the procedure to follow for closing those accounts.

*Sheila M. Blackford is a practice management adviser with the OSB Professional Liability Fund. If you'd like to reach her, email [sheilab@osbplf.org](mailto:sheilab@osbplf.org).*

### Be an Author

The *Bulletin* is always on the lookout for quality manuscripts for publication on these pages.

We publish articles on a wide variety of subjects and favor such topics as access to justice, legal funding, judicial independence, diversity in the profession, professionalism and future trends. We also publish columns on ethics, practice tips (in specific areas of law), law practice management and legal history, as well as essays on law and life.

The editorial staff welcomes inquiries and is happy to discuss requirements for publication. If you have a manuscript, suggestion or idea, contact Michael Austin at (503) 431-6340. He can also be reached by email at [editor@osbar.org](mailto:editor@osbar.org).

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**LAW OFFICE LIST OF CONTACTS**

**ATTORNEY NAME:** \_\_\_\_\_ Social Security #: \_\_\_\_\_

OR State Bar #: \_\_\_\_\_ Federal Employer ID #: \_\_\_\_\_ State Tax ID #: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Office Address: \_\_\_\_\_  
\_\_\_\_\_

Office Phone: \_\_\_\_\_

Home Address: \_\_\_\_\_  
\_\_\_\_\_

Home Phone: \_\_\_\_\_

**SPOUSE/PARTNER:**

Name: \_\_\_\_\_

Work Phone: \_\_\_\_\_

Employer: \_\_\_\_\_

**OFFICE MANAGER:**

Name: \_\_\_\_\_

Home Address: \_\_\_\_\_  
\_\_\_\_\_

Home Phone: \_\_\_\_\_

**PASSWORDS (FOR COMPUTER SYSTEM, SOFTWARE PROGRAMS, MOBILE DEVICES, WEBSITES, CLOUD-BASED ACCOUNTS, eFILING, VOICEMAIL, OTHER):**

(Name of person who knows passwords or location where passwords are stored, such as a safe deposit box)

Name: \_\_\_\_\_

Home Address: \_\_\_\_\_  
\_\_\_\_\_

Home Phone: \_\_\_\_\_

**LAW OFFICE LIST OF CONTACTS**

**POST OFFICE OR OTHER MAIL SERVICE BOX:**

Location: \_\_\_\_\_

Box No.: \_\_\_\_\_

Obtain Key From: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Other Signatory: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

**LEGAL ASSISTANT/SECRETARY:**

Name: \_\_\_\_\_

Home Address: \_\_\_\_\_

Home Phone: \_\_\_\_\_

**BOOKKEEPER:**

Name: \_\_\_\_\_

Home Address: \_\_\_\_\_

Home Phone: \_\_\_\_\_

**LANDLORD:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

## LAW OFFICE LIST OF CONTACTS

### PERSONAL REPRESENTATIVE:

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Phone: \_\_\_\_\_  
\_\_\_\_\_

### ATTORNEY:

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Phone: \_\_\_\_\_  
\_\_\_\_\_

### ACCOUNTANT:

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Phone: \_\_\_\_\_  
\_\_\_\_\_

### ATTORNEYS TO HELP WITH PRACTICE CLOSURE:

First Choice: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Phone: \_\_\_\_\_  
\_\_\_\_\_

Second Choice: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Phone: \_\_\_\_\_  
\_\_\_\_\_

Third Choice: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Phone: \_\_\_\_\_  
\_\_\_\_\_

**LAW OFFICE LIST OF CONTACTS**

**LOCATION OF WILL AND/OR TRUST:**

Access Will and/or Trust  
by Contacting: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Phone: \_\_\_\_\_  
\_\_\_\_\_

**PROFESSIONAL CORPORATIONS:**

Corporate Name: \_\_\_\_\_  
Date Incorporated: \_\_\_\_\_  
Location of Corporate  
Minute Book: \_\_\_\_\_  
Location of Corporate  
Seal: \_\_\_\_\_  
Location of Corporate  
Stock Certificate: \_\_\_\_\_  
Location of Corporate  
Tax Returns: \_\_\_\_\_  
Fiscal Year-End  
Date: \_\_\_\_\_  
Corporate Attorney: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Phone: \_\_\_\_\_  
\_\_\_\_\_

**PROCESS SERVICE COMPANY:**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Phone: \_\_\_\_\_  
Contact: \_\_\_\_\_  
\_\_\_\_\_

**LAW OFFICE LIST OF CONTACTS**

**OFFICE-SHARER OR OF COUNSEL:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

**OFFICE PROPERTY/LIABILITY COVERAGE:**

Insurer: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Policy No.: \_\_\_\_\_

Contact Person: \_\_\_\_\_

**OTHER IMPORTANT CONTACTS:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Reason for Contact: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Reason for Contact: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Reason for Contact: \_\_\_\_\_

**LAW OFFICE LIST OF CONTACTS**

**GENERAL LIABILITY COVERAGE:**

Insurer: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Phone: \_\_\_\_\_  
Policy No.: \_\_\_\_\_  
Contact Person: \_\_\_\_\_

**LEGAL MALPRACTICE – PRIMARY COVERAGE:**

Provider: Professional Liability Fund  
Address: P.O. Box 231600  
Tigard, Oregon 97281-1600  
Phone: 503-639-6911 or 800-452-1639

**LEGAL MALPRACTICE – EXCESS COVERAGE:**

Insurer: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Phone: \_\_\_\_\_  
Policy No.: \_\_\_\_\_  
Contact Person: \_\_\_\_\_

**VALUABLE PAPERS COVERAGE:**

Insurer: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Phone: \_\_\_\_\_  
Policy No.: \_\_\_\_\_  
Contact Person: \_\_\_\_\_

**OFFICE OVERHEAD/DISABILITY INSURANCE:**

Insurer: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Phone: \_\_\_\_\_  
Policy No.: \_\_\_\_\_  
Contact Person: \_\_\_\_\_



## LAW OFFICE LIST OF CONTACTS

### HEALTH INSURANCE:

Insurer: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Phone: \_\_\_\_\_  
Policy No.: \_\_\_\_\_  
Persons Covered: \_\_\_\_\_  
Contact Person: \_\_\_\_\_

### DISABILITY INSURANCE:

Insurer: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Phone: \_\_\_\_\_  
Policy No.: \_\_\_\_\_  
Contact Person: \_\_\_\_\_

### LIFE INSURANCE:

Insurer: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Phone: \_\_\_\_\_  
Policy No.: \_\_\_\_\_  
Contact Person: \_\_\_\_\_

### WORKERS' COMPENSATION INSURANCE:

Insurer: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Phone: \_\_\_\_\_  
Policy No.: \_\_\_\_\_  
Contact Person: \_\_\_\_\_

**LAW OFFICE LIST OF CONTACTS**

**CLOUD-BASED STORAGE:**

Cloud Provider: \_\_\_\_\_ Account No.: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Location of Password (if not included on page one): \_\_\_\_\_

Cloud Provider: \_\_\_\_\_ Account No.: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Location of Password (if not included on page one): \_\_\_\_\_

**STORAGE LOCKER LOCATION:** (Continued on next page)

Storage Company: \_\_\_\_\_ Locker No.: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Obtain Key From: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Items Stored: \_\_\_\_\_

Where Inventory of Files Can Be Found: \_\_\_\_\_

Storage Company: \_\_\_\_\_ Locker No.: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Obtain Key From: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

**LAW OFFICE LIST OF CONTACTS**

**STORAGE LOCKER LOCATION:** (Continued)

Items Stored: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Where Inventory of Files Can Be Found: \_\_\_\_\_

Storage Company: \_\_\_\_\_ Locker No.: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Phone: \_\_\_\_\_

Obtain Key From: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Phone: \_\_\_\_\_

Items Stored: \_\_\_\_\_  
\_\_\_\_\_

Where Inventory of Files Can Be Found: \_\_\_\_\_

**SAFE DEPOSIT BOXES:** (Continued on next page)

Institution: \_\_\_\_\_

Box No.: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Phone: \_\_\_\_\_

Obtain Key From: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Phone: \_\_\_\_\_

Other Signatory: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Phone: \_\_\_\_\_

Items Stored: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## LAW OFFICE LIST OF CONTACTS

### SAFE DEPOSIT BOXES: (Continued)

Institution: \_\_\_\_\_

Box No.: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_

Obtain Key From: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_

Other Signatory: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_

Items Stored: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Institution: \_\_\_\_\_

Box No.: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_

Obtain Key From: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_

Other Signatory: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_

Items Stored: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**LAW OFFICE LIST OF CONTACTS**

**LEASES:**

Item Leased: \_\_\_\_\_  
Lessor: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Phone: \_\_\_\_\_  
Expiration Date: \_\_\_\_\_

Item Leased: \_\_\_\_\_  
Lessor: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Phone: \_\_\_\_\_  
Expiration Date: \_\_\_\_\_

Item Leased: \_\_\_\_\_  
Lessor: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Phone: \_\_\_\_\_  
Expiration Date: \_\_\_\_\_

Item Leased: \_\_\_\_\_  
Lessor: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Phone: \_\_\_\_\_  
Expiration Date: \_\_\_\_\_

**LAWYER TRUST ACCOUNT: (Continued on next page)**

IOLTA: \_\_\_\_\_  
Institution: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Phone: \_\_\_\_\_

**LAW OFFICE LIST OF CONTACTS**

**LAWYER TRUST ACCOUNT: (Continued)**

Account No.: \_\_\_\_\_  
Other Signatory: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Phone: \_\_\_\_\_

**INDIVIDUAL TRUST ACCOUNT:**

Name of Client: \_\_\_\_\_  
Institution: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Phone: \_\_\_\_\_  
Account No.: \_\_\_\_\_  
Other Signatory: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Phone: \_\_\_\_\_

**GENERAL OPERATING ACCOUNT: (Continued on next page)**

Institution: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Phone: \_\_\_\_\_  
Account No.: \_\_\_\_\_  
Other Signatory: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Phone: \_\_\_\_\_  
  
Institution: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Phone: \_\_\_\_\_

**LAW OFFICE LIST OF CONTACTS**

**GENERAL OPERATING ACCOUNT: (Continued)**

Account No.: \_\_\_\_\_

Other Signatory: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_

Institution: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_

Account No.: \_\_\_\_\_

Other Signatory: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_

**BUSINESS CREDIT CARD:**

Institution: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_

Account No.: \_\_\_\_\_

Other Signatory: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_

Institution: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_

Account No.: \_\_\_\_\_

Other Signatory: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_

**LAW OFFICE LIST OF CONTACTS**

**MAINTENANCE CONTRACTS:**

Item Covered: \_\_\_\_\_  
Vendor: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Phone: \_\_\_\_\_  
Expiration: \_\_\_\_\_

Item Covered: \_\_\_\_\_  
Vendor: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Phone: \_\_\_\_\_  
Expiration: \_\_\_\_\_

Item Covered: \_\_\_\_\_  
Vendor: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Phone: \_\_\_\_\_  
Expiration: \_\_\_\_\_

**ALSO ADMITTED TO PRACTICE IN THE FOLLOWING STATES:** (Continued on next page)

State of: \_\_\_\_\_  
Bar Address: \_\_\_\_\_  
\_\_\_\_\_  
Phone: \_\_\_\_\_  
Bar ID No.: \_\_\_\_\_

State of: \_\_\_\_\_  
Bar Address: \_\_\_\_\_  
\_\_\_\_\_  
Phone: \_\_\_\_\_  
Bar ID No.: \_\_\_\_\_



## LAW OFFICE LIST OF CONTACTS

### ALSO ADMITTED TO PRACTICE IN THE FOLLOWING STATES: (Continued)

State of: \_\_\_\_\_

Bar Address: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_

Bar ID No.: \_\_\_\_\_

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## A Step Ahead of Disaster

In 2008, Scott Adams's law office and home, located a few miles north of Banks, were ravaged by a home fire. Like many rural lawyers who practice out of their home, Scott's office was attached to his house. The fire started while Scott was at home, and he was able to quickly get his family out. Scott has also been a firefighter for almost 20 years. When he first noticed smoke, he began investigating. As he traced the smoke, the utility room adjacent to his office flashed over and exploded in flames. The flames came down three feet from the ceiling in the utility room, the hallway, and his office.

Scott knew it was time to get out of the area. He grabbed his computer from his office and threw it into the backyard – ripping all the cords from it. He then scooped all loose papers that he could manage off his desk and carried them out. These papers included client files, client mail, phone notes, personal mail, Christmas cards, and receipts from his wallet. He could not return to the office to retrieve more documents as the flames were now too low. Every loose piece of paper left in his office was burned or charred. Closed and open client files as well as other papers and media contained in his metal file cabinets were damaged from the smoke but still recoverable. This personal brush with disaster taught Scott a valuable lesson in planning ahead.

Scott does many things differently now than he did eight years ago. First, he now scans contemporaneously. He scanned in the past, but not to the current extent. He has a policy where no piece of paper leaves his desk and gets acted on

unless it has been immediately scanned. Having his files digitized allows him to store them at a location not affected by local disasters.

Second, Scott uses a cloud data storage service to store and sync his data. This allows him to access and retrieve his files anywhere and anytime. Even when he has no Internet connection, Scott can still view his files offline. (This is made possible because the service provider automatically caches or saves a version of the files so they can be accessed offline.) Scott's concern about data loss is minimized by not having to store his data on a physical device that could be destroyed or fail. Before the fire, Scott backed up the data on his laptop to the hard drive of his desktop.

Third, Scott has two working laptops with mirror-image contents ready to go. His essential law office programs – email, practice management, accounting, and Adobe Acrobat – are installed on both computers. Using his cloud storage and syncing service, he's able to access the most current version of his files on either computer. He uses one laptop for his day-to-day work and the other as a backup in case the first one fails or is destroyed. He has his backup computer close to him so he can just take it and leave in the event of a disaster. This will enable Scott to continue serving his clients without much interruption even if his office is completely destroyed by a disaster.

Finally, Scott's disaster plan includes a transition plan. He made arrangements with two local lawyers to assist him in the event of his death or incapacity. One attorney would have access to his computers and files, and the other would take over

### DISCLAIMER

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his cases. He manages his practice with this transition plan in mind. For example, Scott takes time to enter sufficient notes in a matter so the assisting attorneys would accurately know the status of any file. Scott has communicated his transition plans to his family members so they know whom to call when necessary. To create your own plan, see “Planning Ahead: A Guide to Protecting Your Clients’ Interests in the Event of Your Disability or Death,” available at [www.osbplf.org](http://www.osbplf.org).

Scott asks a question that every lawyer should ask herself or himself: If I can’t go back to my office, can I still practice tomorrow? If your answer is no, then now is the time to plan for a disaster. Don’t put off planning just because you don’t live in a danger or disaster zone. Disasters are not limited to natural catastrophes like wildfire, flooding, and earthquake. They include technological meltdown, localized incidents such as a burst pipe, structure fire, industrial accident, or anything that causes a major disruption in services and the operation of a business. Oregon is expecting a major earthquake that will devastate much of the state. Take steps to protect yourself, your law practice, and your clients before it happens. The better prepared you are, the faster you will have your law office up and running again.

Here are some tips to help you prepare for and recover from a disaster:

### **Inventory Your Office**

If you store files in multiple locations – some in filing cabinets, some in cloud file storage providers like DropBox, and some emailed to yourself – make a list of what files are stored where. Without knowing where your files are stored, recreating or accessing your complete files will be challenging after a disaster. Inventory all equipment, software, furniture, and anything of value. You may realize you don’t need much to practice law: possibly just your computer, a few programs, and your data. This will help you decide how best to protect those things. If you practice out of your home, be sure to inventory all your personal belongings, too. It’s easier to assess post-disaster damage with this list. You can provide the inventory list to your insurance claim adjuster later on.

### **Protect and Back Up Data**

Going paperless makes it easier to protect and back up your data. Filing cabinets full of active unscanned files make you vulnerable to a complete data loss. Data can be backed up to an external hard drive or a network attached storage. You can back up your entire computer by disk imaging or disk cloning. Just make sure you protect the backup device

in the event of a disaster. Cloud data storage and backup ensures your data will be saved even if you lose your computer. With advance notice of a disaster, you may be able to remove all contents off your desk or from the filing cabinets to your car and drive to a safe location. But sometimes there is no notice and little time to do anything other than to evacuate. The peace of mind of knowing that your data is protected will let you focus on other urgent matters related to disaster survival.

### **Have a Response Plan**

A response plan will help you figure out what needs to happen next after disaster strikes. There might be people whom you have to call or contact right away. Prepare a list of emergency contact names and numbers and make it available to family members and lawyers and staff in the firm. Make sure you always have an updated list of all client matters you can access after disaster to determine the proper action to take, such as seeking a continuance or postponement. Phone or Internet services may be limited or unavailable, so make sure you have an alternative way to communicate with clients, staff, the court, and other lawyers. Arrange in advance for a temporary office space where you can work and a temporary storage facility for your physical files. It doesn’t hurt to have a list of all vendors and their contact information to cancel or reorder services. Establish a network of support you can rely on for temporary shelter, food, and other forms of assistance.

### **Protect People and Things**

A smart way to prepare for disaster is to have adequate insurance. Scott’s insurance policy at the time of the fire covered the loss of his papers. His insurer hired a company to go through the damaged papers and wipe down each page with special rags to remove smoke residue. This helped to save a lot of Scott’s documents damaged from the smoke.

Many types of insurance are available, from property and content insurance to business interruption insurance to life and disability insurance. Review your insurance policy to see whether the coverage is adequate. You should pay attention to exclusion clauses and limits. Consider getting extra coverage for things like loss of income, replacement value, cleaning/restoring cost, and valuable papers coverage that includes the cost to recreate files. An insurance broker may be able to help you get the right insurance product that will protect you and your practice against a disastrous event.

## Conclusion

A few days after the fire, Scott was able to take care of some basic tasks related to his adoption law practice. He spent the next six months working as much as he could out of a trailer and later a rental house that he and his family were living in while his home and office were being rebuilt. Scott regularly felt the loss of his files, accounting records including checks, and other papers that made up his law practice. It took Scott over a year before he stopped feeling the effects of the damage to his office. Scott feels confident the steps he has taken since the fire will help him better manage and prepare for future disasters.

There are many ways to prepare for a disaster. Scott has come up with one plan that works for him. You, too, should come up with a plan that works for you.

For additional discussion on ways to plan for disaster, please read “Act Now to Avoid Disaster,” by Scott Adams, available at [www.osbplf.org](http://www.osbplf.org). Additional resources on disaster planning are available at the PLF website. See the resources box on page 9.

Thank you to Scott Adams, who still practices adoption law in Banks, for sharing his personal experience and lesson in planning ahead with us.

HONG DAO  
PLF PRACTICE MANAGEMENT ADVISOR

### Resources – Disaster Recovery

- Practice Aids: Disaster Recovery  
[www.osbplf.org](http://www.osbplf.org)>Forms> Disaster Recovery
- Article, “Act Now to Avoid Disaster,” Scott Adams  
[www.osbplf.org](http://www.osbplf.org)>Practice Management> Publications>In Brief>May 2008