

A satellite image of Hurricane Katrina, showing a large, swirling cloud system with a distinct eye, over the Gulf of Mexico. The hurricane is moving towards the left side of the frame.

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KATRINA

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SURVIVING THE STORM

NOTES:

1. The material set out herein is gleaned from our recent experiences with “KatRita” (an amalgam of Hurricane Katrina, which hit Southeastern Louisiana and South Mississippi and Hurricane Rita, which hit Southwestern Louisiana about a month later. Between the two storms, the entirety of coastal Louisiana was affected, to one degree (devastation in New Orleans and the Southwestern towns of Cameron and Lake Charles) or another (tree damage, wind related damage in Lafayette)
2. My intention is to provide some ideas of what we learned, or already knew, about preparing your law firm for a major disaster.
3. Our experience was of the weather variety. We live in hurricane territory, so we can expect to deal with these issues regularly. Obviously there are many emergencies in today’s world that could trigger a need to evacuate your office, staff and attorneys, and not be able to return for some extended period of time. Our Diaspora lasted about 60 days, as Katrina hit August 29, early on a Monday morning after the vast majority of the population of New Orleans, including our attorneys and staff, had vacated the city. Rita visited us in late September, adding insult to injury in New Orleans and other parts of Southeastern Louisiana, and visiting areas of Louisiana that had been completely unscathed by Katrina, causing in many cases evacuees from New Orleans to have to find new refuge.

4. On a personal note, at one point I had “evacuees” (we found that they hated the terms “refugees” or “DP’s”) from both storms in my home. It was common to hear of persons who evacuated from New Orleans to Houston, then saw Rita headed for Houston, so they ran back to Lake Charles, Louisiana, in the Southwestern part of the state, only to then have Rita hit Lake Charles instead of Houston. The kind folks in Houston who took in so many of our evacuees that could not fend for themselves evacuated many to Little Rock, Arkansas, several hundred miles north. Rita came up the border between Louisiana and Texas and drew a bead on Arkansas. Some folks began to feel they must have been very, very bad.

5. Where appropriate, we will note specific issues that arose in our group, mainly to illustrate what we learned from that experience and would do differently next time.

6. Our story, although horrible enough, does not approach the issues that could arise if terrorism strikes your city. I recommend for your reading “Law Amid the Ruins: Doing Business After Disaster,” which served as a report of the ABA National Strategy Forum held May 11-13, 2005. The link is http://www.abanet.org/natsecurity/coop_report.pdf.

7. Milling is up and running again in New Orleans. We moved back to our primary office on Halloween Day, perhaps to show our defiance of Mother Nature. I am told that reservations are very easy to get at the choice restaurants, but there are not too many of those, and paper plates are still in vogue.

BEFORE THE STORM:

- **PERSONNEL IN GENERAL**

- Know your people
- Know their families, their next of kin, their best friends, especially those who live elsewhere
- Know where they would likely run in the face of adversity
- If you have time to plan evacuation, ask where your people plan to go and how to contact them
- Talk to them about evacuation
 - Lead—employees look to you to do that
 - Management should make informed decisions and communicate those decisions
 - Put away your time cards—this is more important than billing
 - Talk about what should be in every evacuee's kit
 - Insurance papers—copy of your policy, agent's contact info, company numbers (remember the agent likely is also on the road with you)
 - Medicines, prescriptions
 - Important phone numbers
 - Address books, contact info
 - Pack as though you won't be right back—we had to very much relax the dress code to accommodate what several folks described as “packing for 3 days at the beach”
- Remember what likely won't work after a storm

- Cell phone systems failed, since they require power and working towers. The WSJ had an interesting note on that on 11/3, talking about the surge in satellite phones
- We found text messaging was much more successful [several New Orleans residents used text messaging to seek helicopter retrieval after Katrina]—if you don’t know how, ask any teenager
- Main problem is the numbers for your locale
 - For example, calls to a number based in New Orleans simply did not work
 - Generally in the U.S., calls from a cell based in New Orleans to a number not based in New Orleans, did work, although the systems were jammed
- 800 numbers failed, or were extremely hard to use—yet, in the aftermath of a storm about a hundred new ones popped up for disaster relief (“1-800-do-something” was my favorite)
- Internet communications failed and/or got overloaded
- Credit card terminals and check verification terminals failed, because they all rely on communication
- For the same reason, ATM’s failed
- **Cash is king, plan ahead!!!**
- Gasoline becomes precious—and “pay at the pump” was a distant memory—see above
- Establish agreed upon points of communications with employees and attorneys
 - Branch offices, if you have them
 - Designated locations to contact, outside your city

- Take a lesson from the Cold War: if all else fails,, agree to meet at a designated place after an emergency on an easily remembered date
- Remember that if you don't have a branch office, of it is also likely to be evacuated, plan ahead to have cross referencing with the nearest TagLaw firms in surrounding areas—as they say on the airplanes, remember that the closest may be behind you
- We had multiple contacts with TagLaw members offering assistance, office space, computer help, and wound up with one lawyer based in Frank Young's office.
- So, pack your TagLaw directory in that emergency kit.

- **FOR YOUR LAWYERS:**

- Laptops can be precious—I know, having purchased every one I could find in Lafayette, changing credit cards and addresses to reap every rebate I could find
- Blackberries were useful and generally worked, since they do not depend on the cellular system. Treos do rely on that system for now, although I understand Palm and Blackberry are working on that
- Client lists, addresses are key [particularly important for lawyers who very much need to be able to find their clients—remember you won't have access to your central computer files for a while]
- Take important files—assume you will need to access what you were working on the day you evacuated and the week before, and take the files with you—don't assume you will be able to get access shortly after the storm
- Same dress code issues for lawyers as staff—I had to take Hilton Bell to buy clothes, but he had an excuse, since he was on a hiking trip in when the storm hit [Hilton took the evacuation order seriously, he left the country and went to Banff, BC—but left his car in the office parking garage, so he had to buy a new one in Lafayette]

- Assume your office is vulnerable to wind, rain, etc., and leave your office in a state of preparedness—close the doors, clear the desks
- Fundamentally, pessimism is the best way to think in this instance—you can always laugh at yourselves if it turns out OK
- **WHITHER GOEST THE DATA?:**
 - **BACKUP, BACKUP, BACKUP!!!**
 - Know who has the backup data (tapes, hard drive, etc.), and the responsibility for collecting it
 - Remember that some media used to backup requires expensive devices, not available at Wal-Mart or Radio Shack—especially DAT tape decks, which HP sells for \$1500
 - Plan accordingly—take along the players for the media
 - If you have time, in addition to your tape data, burn data onto DVD's, you can buy those players at Radio Shack and Wal-Mart
 - Remember, an evacuation backup is not business as usual
 - A big decision is whether to actually move servers, which most IT directors will avoid at any cost
 - We are looking now at special carts that act as “docks” for servers, one master power plug, one Ethernet connection
 - Just unplug those items, wheel it out
 - But, you should still have the backup tape, drive, etc.
 - Some of you may use off-premise storage on remote data servers, such as Iron Mountain—good idea, but you still have to have the equipment to download and use the data
 - If you have one or more branch offices, as we did, take some data and any specialized devices needed to read the data, to the office least likely to suffer the same fate.

- Web sites: consider carefully where your web site is hosted—we used a service just across Lake Ponchartrain from New Orleans (a client), who also lost power and had to evacuate. We are looking at alternatives now, since our web site can be a lifeline to your personnel and clients

AFTER THE STORM

• PERSONNEL

- Designate personnel to be proactive in contacting staff
- Use your judgment and resources to make decisions on the likely length of the emergency
- Communicate that judgment by every means possible
- Office space is key, but living space for staff trumps it—many firms were buying houses, renting apartments. We found in Baton Rouge (which saw an increase of 250,000 residents in one week) that every time we had a house leased, it was bought out from under us, so move quickly
- We managed to find space in both Baton Rouge and Lafayette with 1 year leases, I heard of many firms who had to make 3 year commitments, so they now will probably have branches in Baton Rouge
- One New Orleans firm took the prize for applying pessimism, by moving their office to Baton Rouge on the Friday before Katrina hit.
- Apparently it was not enough, though, because they have since released a number of lawyers and staff.
- Remind all personnel when you do hear from them, to get local cell numbers wherever they have landed and communicate those numbers
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- **OFFICE SPACE, EQUIPMENT**

- We bought laptops, rather than desktops (the laptops can now be used by our attorneys), rented office furniture, cleared out file cabinets
- The existence of a branch office saved us—you still need a place to connect to the Internet and work
- In fact, we liked the branch idea so much we are in the process of establishing one in Houston and another on the North Shore of Lake Ponchartrain
- While personnel in the affected office were scattered, the branch office personnel could act, could make decisions without the added impact of living out of a suitcase— was very proud of our staff in Lafayette and Baton Rouge, who found houses, apartments, office space
- The same result, or nearly the same, can also be established with the help of firms such as the ones sitting all around you
- Talk to the TagLaw firms near you in advance of emergencies, so there is an understanding of likely needs, etc.
- Inventory systems, software, etc. So you know where the nearest Groupwise server is, when yours is locked up or under water

- **MAIL AND PHONE SERVICE**

- When your address has suddenly changed, the natural reaction is to notify the Post Office, who publicly announced that when such a notice was received, the mail addressed to the new address would be “instantly” forwarded. We submitted such a form 3 days after the storm, and 30 days later we got the first piece of “forwarded” mail, including checks. Seems 2 of our partners who evacuated to other areas gave the P.O. forwarding notices for their home and business addresses. This caused chaos in the system.
- We also noted that the P.O. computer is so used to last names, that we had to be sure to ask about mail for “Woodward” instead of Milling.

- Another standard reaction is to notify the phone company, in our case BellSouth, whose main switching station in N.O. is across the street from our New Orleans office, to forward calls to our main New Orleans number to the Baton Rouge location where most of the New Orleans folks had settled.
- Guess what? To make such a change, someone has to manually flip a switch at the switching station in New Orleans. Thus, that rollover took 2 weeks. And they wonder why there is so much competition.

- **FINANCES**

- Katrina hit New Orleans 8/29/05. Payroll was scheduled for 8/31 and staff began calling
- Our office became the focal point of that job, with call-in help from personnel involved in the process
- We use an outside pay service (Pay.com), one which is not based in New Orleans, and the data for the pay period had been given to them the week before
- That meant we had only to move the money—but none of our New Orleans administrative personnel were then present or accounted for.
- Then, one member of the administrative team called me, after losing her apartment and most possessions she could not carry, and told me how to get in touch with the payroll service and how the process worked
- Fortunately, we bank with one of the oldest national banks in the area, one we have represented for 100 years, so we were able to contact them and arrange transfers from our credit line to payroll, and everyone who had set up direct deposit got paid immediately
- The one employee who chose to get a check had to wait until we could verify her info
- Lesson: deal with strong banks who have branches in numerous areas; establish lines of credit with them, even if you don't need them in normal operations

- Be sure personnel outside your home office have authority to access the accounts and lines of credit
- One quirk that we found: the Lafayette office had an account with full services, but which normally is only funded for the needs of that office. We found that our bank had no problem moving money from our normal New Orleans operating account, as to which none of us were signatories, to the local account in Lafayette.
 - Meanwhile, our Baton Rouge office had been set up with a “reimbursement account” with a \$500 limit on each check.
 - That meant Lafayette became the banker for the firm, with the smallest office of the three

- **CLIENTS**

- Contact with clients is obviously key
- If you rely entirely on a computer based address book, and don’t back it up to a personal laptop, that contact is difficult
- Same problem with web sites not working well
- Many clients also evacuated, who knows where
- So, backup your address book, and become proactive immediately in finding clients
- If they are affected directly, expect to hear, after expressions of sympathy, what you can tell them about available relief, contracts with governmental agencies, opportunities in your area
- **Yes, opportunities do appear in the midst of rubble—surely you have heard how much \$\$\$ is going to flow through Louisiana and Mississippi!**
- Every firm I know formed a Disaster Relief Team, even if only to find out what the firm could tap into

- **LESSONS LEARNED—WHAT WENT RIGHT (AND WRONG) IN KATRINA**

- Backup systems that rely on tape (DAT, cartridge, etc.) suffer from the peculiar nature of the devices needed to read them—which meant ordering new devices at \$1500 per unit
- With the help of some strong-backed (and strong-legged to climb 23 floors) young lawyers, we sent a team to New Orleans and got one server and the hard drive from another, the intent being to put the hard drive into a new server we had ordered
- Wrong—HP decided that servers were fluid in design, so the one we bought did not readily accept the hard drive from another HP server, requiring expensive configuration by our IT consultant, who fortunately had evacuated to Lafayette
- On the other hand, because we were away from the storm, our offices in baton rouge and Lafayette were able to rent space, rent furniture, etc.
- We bought a number of laptops—we knew our desktops at home had survived, so we now have a large inventory of laptops for lawyers
- Most importantly, we housed lawyers and staff who, after wandering around a bit dazed, got to work
- Our staff all came together, with a few deciding they had had enough and moving on to greener pastures
- Working with staff who have lost their homes, cars, boats, and all but what they left with is a humbling experience
- The thing that went the best was the reaction of our brothers and sisters in TagLaw, who opened their wallets to fund a relief fund. After consultation with Peter, TagLaw took information from our non-lawyer staff and made cash awards to people who had lost everything. It is hard to fully express our gratitude to the members of TagLaw who gave this wonderful gift to our staff. From all of them, thank you very much!

- **WHAT IS THE FUTURE OF NEW ORLEANS?**

- New Orleans has been there for 300 years, and has survived the British, hurricanes, floods, pestilence and famine
- We have been made fun of, but have provided fun for many
- We are a resilient people, and do not intend to go away quietly
- We fully expect a long period of recovery, but this is not our first time to rebuild, so we know how to do it
- I recommend to all interested in this question to view <http://www.neworleansonline.com/katrina/index.html> for an excellent response to this question

OPINION

[WORD on the STREET]

KEEP IT
ELIENS | SUSPECT-DEVICE. GDM

SO THERE I WAS, RIGHT? DOING OFFICIAL FEMA BUSINESS.



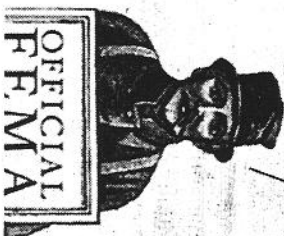
SO I'M ALL LIKE, "HEY, WHOA THERE!" AND THIS GUY SAYS, "YOUR AUTHORITY IS NO LONGER RECOGNIZED HERE."

I HAD TURNED AWAY A COUPLE OF TRUCKS FULL OF WATER, A CONVOY OF MEDICAL SUPPLIES, A FEW DOZEN DOCTORS WITH BOATS FULL OF MEDICINE. JUST YOUR AVERAGE DAY.



HE SAYS, "YOU AND YOUR KIND HAVE DONE NOTHING BUT WORSEN OUR SUFFERING. YOU HAVE DENIED WATER TO THE PARCHED, FOOD TO THE STARVING, MEDICINE TO THE SICK, AND AID TO THE OLD AND THE WEAK AND THE FORGOTTEN. YOU HAVE PROMISED HELP AND DELIVERED ONLY MORE PROMISES."

THIS IS OUR CITY. WE ARE COMING HOME. YOU AND THE REST OF YOUR MERCILESS AUTOMATONS WILL LEAVE FOREVER. AND WE WILL TAKE CARE OF OUR OWN."



WHEN ALL OF A SUDDEN, I SEE ALL THESE PEOPLE WALKING TOWARD ME.



IT REALLY MADE ME THINK. I THOUGHT ABOUT IT FOR A LONG TIME, STANDING HERE.



SO I DO MY USUAL SCRTICK. YOU KNOW, "SORRY FOLKS, NO ONE ALLOWED BACK INTO THE CITY, OFFICIAL FEMA ORDERS. YOU'LL HAVE TO TURN AROUND... AND THEY JUST START PUSHING RIGHT PAST ME, MAN!"



EVENTUALLY, THIS DOG CAME FLOATING BY, SO I HIT IT IN THE HEAD WITH MY SIGN. I FELT A LITTLE BETTER AFTER THAT, BUT NOT MUCH. NOT MUCH.



BY CHRIS PE