**DISASTER RECOVERY PLAN**

**FOR**

[TRUSTEE]

This Disaster Recovery Plan is adopted by and on behalf of [trustee] and is based upon a sample provided by the Office of United States Trustee and [vendor].

The primary office location of [trustee], is located at [business address]. Other business records related to [trustee], P. C., are also located at the residence of [trustee]. The mailing address used for the mailing address for [trustee], Chapter 7 Panel Trustee is [P.O. Box mailing address]. The physical location of the box is at the [address]. The main office telephone number for [trustee] is [number], and the fax number is [number].

[Trustee] is a Chapter 7 Panel Trustee under the supervision of the Office of the United States Trustee for the District of [State], and is a licensed attorney-at-law engaged in the private practice of law, licensed by the [State] Supreme Court (Attorney Registration Number xxxxx) and by the [State] Supreme Court (Attorney Registration Number xxxxx).

***VITAL RECORDS OF THE BUSINESS***

Client Records/Files

Current/Active client records and files for [trustee] are kept in file drawers located in the storage room of the law office of [trustee] at [business address]. These client files are located at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. These files are stored numerically, with two small card file boxes listing the clients alphabetically and referencing the client numerical identification. In the personal office of [trustee] are additional \_\_\_\_\_\_\_\_(description of files).

Closed files which have been closed approximately five years or less, are also stored in the storage room of the law office of [trustee] at [business address]. These files are kept in boxes, and are located at \_\_\_\_\_\_\_\_\_\_. Older closed files that have been closed for approximately ten years or less, but more than five years, are located at the [storage facility], Unit \_\_\_\_\_, located at [address]. These files are stored in boxes. Access to this unit is by a code to enter the storage unit Storage facility and a combination to a combination lock on the garage door unit itself, which is known by [trustee] and [name], another attorney at [business address], and the information is also maintained in the business files of [trustee] at his home address. Access to the business records would also be available through the Wife of [trustee], [name]. The home telephone number is \_\_\_\_\_\_\_\_\_\_\_\_\_.

Chapter 7 Trustee Files

Open Trustee asset file (all files for which the Trustee, [trustee], has not filed a Trustee’s Distribution Report [TDR], a No Distribution Report [NDR], or a Trustee’s Report in Dismissed Case, Trustee Report in Converted Case, or Trustee’s Report in a Minimal Asset Case) are kept at the offices of [trustee] located at [business address]. Generally the cases are kept in \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. Correspondence with the United States Trustee’s Office, docket sheets and other general records are maintained for the current year in the top drawer of the cabinet, the open cases for the current year are filed alphabetically in the second drawer, open cases for all prior years are filed alphabetically in the third drawer, and the bottom drawer contains only files for cases that have had the Trustee’s Final Report submitted, but for which the Trustee’s Distribution Report has not yet been submitted. Additional there are other open cases which are located in boxes on the shelves immediately behind this filing cabinet, which are identified by the name of the case, and other active cases which are stored in the personal office of [trustee], in either boxes or separate filing cases.

Closed files are maintained for two and one-half (2 ½) years at the law offices of [trustee], [business address]. Closed files include Trustee cases in which the NDR, TDR or other closing report has been submitted and filed with the United States Trustee’s Office and/or the United States Bankruptcy Court. At the end of approximately 2 ½ years, the NDR cases, dismissed cases, and converted cases, for which the Trustee has not received any funds, are destroyed, the remaining cases in which the Trustee has administered and/or received funds are moved from [business address] to [storage facility], Unit \_\_\_\_\_, located at [address]. These files are kept in boxes, identified as Trustee files, and are maintained at least for seven (7) years from the date that they are closed. Access to this unit is by a code to enter the [storage facility] and a combination to a combination lock, which is known by [trustee] and [name], another attorney at [business address], and the information is also maintained in the business files of [trustee] at his home address. Access to the business records would also be available through the Wife of [trustee], [name]. The home telephone number is\_\_\_\_\_\_\_\_\_\_\_\_\_.

Trustee Financial Records/Documents

Trustee financial documents, primarily including check and deposit stock, are kept in the locked filing cabinet within the office of [trustee]. The sole key to the locked filing cabinet, which is located in the area of the two paralegal desks immediately outside of the personal office of [trustee], is \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. All Trustee Bankruptcy Estate for which Banking Accounts have been established are maintained at [bank], located at [address], with a telephone number of [number], and fax number of [number], for banking issues; and for software support, [vendor name, address, phone number, and fax number].

Financial Records of [trustee]

The law firm financial records, including payroll records, of [trustee] are kept at the residence of [trustee], located in the home office at the above listed address. [trustee] maintains a banking relationship for the business operating account and the attorney trust account at \_\_\_\_\_\_\_\_\_\_\_\_.

Safe Deposit Box

[trustee] maintains a safe deposit box at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, located at \_\_\_\_\_\_\_\_\_\_\_\_\_\_. There are two keys in the control of [trustee] and a second key in the control of [name], and these are the only authorized signors on the box. On occasion client records may be stored in the box, including original promissory notes, original wills, stock certificates and other records of a vital and non-reproducible nature.

No Trustee Estate assets have ever been maintained in this safe deposit box. If there are items that need to be safeguarded, generally the Trustee will retain the services of [firm] to lock these items in the Safe maintained at his facility located at [address]. Contacts at this business are [name] and [name], whose business telephone number is [number].

Attorney Calendar

[trustee] maintains both a physical calendar and also maintains an electronic calendar within the Amicus program located on the computers located at the office of [trustee]. All matters related to the law practice and the Trustee assignments of [trustee] are maintained on both calendars.

***PROCESS IN THE EVENT OF A DISASTER***

**BUSINESS RECORDS AND FILES**

The following steps should be taken to secure the vital records of the business:

1. Secure all trustee and client files to safeguard the confidentiality and protect the integrity of the contents. Files that have locks on them should be locked and keys should be taken into custody and safeguarded.
2. If an evacuation of the office premises is required, all trustee and client files and records should be moved to the offsite [storage facility]. All other files should be boxed if necessary and identified as to client or trustee files. Other financial and business records should be moved to the residence of [trustee].
3. Depending on the type of disaster, all files and records at the business office should be covered with plastic or other protective coverings to protect from water damage.
4. Calendars and computers should be moved to the residence of [trustee]. If all computers cannot be moved, the computer located in the personal office of [trustee] and the computer located at the desk located immediately outside the personal office of [trustee] on the south east wall have priority for protection and safeguarding.

**COMPUTER NETWORK AND PERSONAL COMPUTERS**

Network Server and Workstations

Presently there are three computers at the offices of [trustee]. The two located at the paralegal stations are owned and supplied and maintained by [chapter 7 vendor names address and phone number], as is the HP 4 printer. The computer located in the personal office of [trustee] is owned personally by [trustee] and [wife]. [Trustee] is familiar with all computers, [vendor] maintains an inventory by serial number of their equipment. [Name], whose address is \_\_\_\_\_\_\_\_\_\_\_, telephone number \_\_\_\_\_\_\_, is also familiar with the computer configurations, general ownership and other hardware and software.

The office computers are also connected to a network by a server located in the storage room, which is owned by [name]. The server permits the personal computer of [trustee] and the paralegal station located on the north east corner outside of the personal office of [trustee] (Paralegal Station 2), to connect to the data and [vendor] program located on the computer located on the south east wall (Paralegal Station 1). (The vendor program is the program used to manage all Trustee cases, manage the asset cases, and have a direct link to [bank] for all Trustee banking.

All computers are plugged into a UPS surge protection unit, and the server is further protected by a back-up short term battery system to permit an orderly shut down in the event of a power failure.

The programs that are located on the server include only Timeslips, Amicus and Best Case. Each computer, otherwise, runs the following programs independently, WordPerfect (either version 9 or 2000), Norton Virus Corporate program, Outlook Express, and AOL.

The server is backed up daily by a tape drive located on the Paralegal 2 Workstation. It is set up on the Schedule Wizard to run routinely beginning at about midnight. The tape drive is set to back up all data files for on the server, which includes Timeslips and Best Case.

The [trustee case management system] data is backed up on diskette nightly before either [trustee] or [assistant] leave the office, on diskettes located in the top right desk drawer of Paralegal Station 1, which are identified for Monday - Friday. Additionally on Friday, [trustee] will bring to the office an offsite storage diskette for a backup. The diskettes are retained at the residence of [trustee].

To run a daily, backup of the [trustee case management system] data, these steps are followed before shutting down the computer at Workstation 1:

1. Click on the [trustee case management system] Backup icon on the Windows desktop. Place a diskette into the A: drive and press Enter.

2. Take the disk to an off-site location for added security.

The Tape Backup copies all the programs and files on the computer's hard drive. The network is backed up for the server drive at Paralegal Station 2. The tape backups take at least half an hour to run, which is why they are run after hours. Tape backups are run at least once a week, alternating between two tapes with one kept offsite at the residence of [trustee].

To run the tape backup using the [ ] drive for the [trustee case management system] program and data files, these steps are followed before shutting down the computer at Workstation 1:

1. Insert the tape into the backup drive.

2. From the start menu select Backup Exec, and select the sub-directory, “Backup Exec.”

3. Select One Button backup and choose Start; the backup will begin.

4. The screen will show the progress of the backup and notify you upon completion.

Once completed, choose the Report button to verify completion of your backup.

Virus Protection

To protect the system from computer viruses, [vendor] provides free [] Anti-Virus Scanning soft-ware for [vendor] owned equipment. The software searches for viruses by automatically scanning any file that the computer opens. Updates to the software are available periodically through [], online. The computers are all set to update the virus software weekly after hours. To manually update the [] Anti-Virus software, the following steps are performed from a computer with an outside modem line or by internet connection:

1. Log in to the internet.

2. Select Programs from the start menu, select [] AntiVirus, and then select the subdirectory [] AntiVirus.

3. Select the Live Update button at the right.

4. Choose Next.

5. Select OK to dial into [], and the system will automatically proceed with the steps for downloading the update.

The [virus vendor] website is at:

Protection of the Server Integrity and Office Computer System

The following steps are taken to secure the server located in the storage room at the south central part of the room:

1. Log everyone, except the Paralegal Station 2 computer, off the server immediately and run a full tape backup. Store the tape offsite, either at the home of [trustee].

2. After the tape backup is completed shut the server down by closing all open applications.

3. Turn off all power and unplug all equipment and phone lines, including the internet connection, from wall outlets and from com-ports on the back of the CPU units.

4. Disconnect the printer. (When a scanner is acquired, it too should be disconnected.)

5. Unplug all network connections from the phone jacks on the wall, and disconnect the Server from the connecting portal to the network. Move all equipment away from windows, and off the floor to safeguard in the event of water.

6. Cover the server, monitors and printer, with plastic.

7. Repeat this same procedure, with the exception of the tape backup, for each of the computers. The Computer at the Paralegal Station 1 should also have a complete tape backup made before shutting it down.

After the server, the computer in [trustee]’s personal office, and the paralegal stations 1 and 2 have been secured, secure the receptionist desk computer in the same manner, although this computer is only connected to the network, and contains no known data or sensitive data.

[Vendor] Computer Hardware

In the event of theft, equipment failure, or any other circumstance that may damage the [vendor]-owned computer equipment, [vendor] can provide replacement equipment. To ensure proper and rapid replacement of the hardware the following steps should be followed:

1. Verify that the [vendor] owned computer equipment is covered under the [trustee’s] insurance plan.

2. Documentation of the serial numbers of the [vendor] equipment is maintained with the business records of [trustee] and copy has been sent to [vendor] for an off site reference.

3. Include a list of insurance claim number(s) when returning damaged equipment in need of replacement.

[Vendor] Security

[Trustee case management system] has built in measures to prevent unauthorized access to the bankruptcy data. Only the Trustee, [trustee], has the System Security Maintenance rights, since it allows control over all system access rights. Thus in the event of an emergency or disaster, do not attempt to access the system without [trustee], being present to access the System Security Maintenance.

Passwords are required by the system to be changed on a quarterly basis, and in the event of a disaster or emergency, the passwords may be changed without notice by [trustee].

OFFICE EQUIPMENT, SUPPLIES AND FURNITURE

The office equipment and furniture related to the law firm is owned by [trustee] and [wife], with the exception of the telephone system, the copier, fax and equipment and furniture located elsewhere in the office related to the law practices of other attorneys and professionals sharing office space. Regardless of ownership, however, all property should be protected and preserved.

The following steps should be taken to secure the office equipment, supplies and furniture:

1. The copiers, fax machine, calculators, telephone system, and all other computers should be turned off and unplugged from electrical outlets.

2. Relocate all equipment from windows, and elevated from the floor where possible.

3. Clear files, notes and documents from desks and store them in the file cabinets, drawers or other secure locations. Where possible move furniture and file cabinets away from windows, and where possible elevated from the floor.

4. Cover all furniture and equipment with plastic.

Telephone System

The office telephone system is owned by [company], and consists of a central phone board located in the north east corner of the storage room and fourteen separate phone units. The phone units are located in each of the offices, paralegal stations, conference room, storage room, and in the waiting area of the office complex.

The telephone system currently has seven business lines connected, two lines for the offices of [trustee]., two lines for the office of [], two lines for the offices of [], and one line for []. There is an additional free standing line used for the fax machine/modem line, which is not connected to the main telephone system.

In The Event of a Disaster, the following steps should be taken to secure the phone system:

1. All telephone lines are automatically call forwarded to voice mail after

five (5) rings.

2. Change the voice mail message to notify callers of the emergency situation and provide some estimate of length of time that the office will be closed due to the emergency. A suggested message might include:

You have reached the Law Office of [trustee]. Our office has been temporarily closed to due an emergency. If you will leave a message along with your telephone number, we will return your call as soon as possible. We are attempting to conduct business from an alternate location. When conditions change, we will update this message. If this is an emergency, you may attempt to contact [trustee] on his cell phone number, which is \_\_\_\_\_\_\_\_\_\_.

3. [Trustee] will update the voice mail messages. Employees may contact [trustee] at the same cell phone number or [wife] at her cell phone number of \_\_\_\_\_\_\_\_\_\_.

4. Telephone service provider is provided by []. [] should be contacted if the disaster is related to telephone service or has an impact on the telephone lines. [] can be reached at [number] for customer service, technical service and support or for any other matter related to the telephone lines.

*RECOVERY PROCEDURE*

Damage Assessment

The first step is to determine the safety and accessibility to the office. All employees should contact [trustee] by his home telephone or cell phone. If the disaster is news worthy check with local radio and television news reports also.

If the offices and building are determined to be safe, staff should report to the Office and being the assessment of the damage. The first step would be to take an inventory of the computer and equipment, files and records, and take immediate steps to protect the business assets as above discussed. The inventory should identify separately the property owned by [vendor], including type of damage, equipment damages, serial numbers and model numbers.

Generally, [trustee] will be responsible for filing any insurance claims that are related to a disaster, however, if for some reason [trustee] or [wife] are unavailable or cannot make contact with the insurance agent or employees, the first staff member on site should contact the insurance carrier.

If the business building or the office premises are determined to be unsafe, are not accessible, or for any other reason are unavailable, the office will be temporarily closed and the business, to the extent possible, will be operated from an offsite location, which likely will be from home. The home office of [trustee] will be the primary coordination center, and the staff will coordinate through that office. Contact will be maintained by telephone and by e-mail. [trustee] will work with [vendor] to obtain equipment and information from [vendor] to being the process of recreating Bankruptcy files and records. The business should be able to respond and be fully operational within two to five days.

**Immediate Response**

All staff members shall make themselves available to meet with [trustee] to review the status and for assignments to restore the business to full operations. The initial meeting will either be at the business premises, if available, and if not available, the meeting will be at the home of [trustee]. Assignment will be made with estimated completion times, and there will be follow-up meeting to review progress and revisions needed.

Computer Systems

Replacement Computers from [vendor] will have basic software required to operate the business, including the [trustee case management system] program, WordPerfect, communication programs (for connection through the modem or internet with Case and the Pacer connection to the U. S. Bankruptcy Court), tape drive backup/restore software, and other required programs.

Once the computers are operational, it will be necessary to restore information. [Trustee case management system] can be restored either from the weekly tapes backup or the daily data backup. Any tape or diskette backups will need to be secured, and if the office backups are not available, the offsite backup diskettes will need to be used. Staff will need to obtain the most recent backup and restore the data from [trustee case management system].

Once the most recent backup has been restored, staff will need to determine the last date for operations to determine if [vendor] will need to be contacted for the banking data from the restored data through the present. [Vendor] has the ability to assist the staff with re-creating banking records. Other information, including full case assets records, case expense records and TFR/TDR records will either need to be re-created from [trustee] file records, if available. If [trustee] file records are not available, the Court file or the U.S. Trustee file records may need to be copied to recreate the [trustee] files. A semi-annual report is filed with the Court which reflects Form 1 and Forms 1 and 2 should be available from the U.S. Trustee’s Office from the last interim report, for asset cases.

Business computer documents files are stored on individual diskettes, located in the top right drawer of the personal desk of [trustee]. These diskettes should be secured for possible re-creation needs.

Notification of Vendors, Contacts and Insurance Agents

Contact [vendor] Bank Help Line and [vendor] Banking Relation to advise them of the disaster situation and to seek any assistance that may be required from them.

Contact [] concerning any and all telephone and fax needs.

Contact [name] at [insurance company] to report the initial loss, theft and casualty, and to advise him of the situation.

Contact the U. S. Trustee’s Office if there will be a business interruption for more than a few days, or if there has been a theft or loss related to asset trustee files, records, or banking documents. The U. S. Trustee’s Office and the Clerk of the U. S. Bankruptcy Court should also be contacted immediately if there will be a business interruption or inability of [trustee] to preside at any Creditors Meetings, court hearings or if there are other pending deadlines.

Contact \_\_\_\_\_\_\_ Bank, as appropriate, if replacement supplies are needed for business operation, or if either the operating or Trust Account check books, or checks, are missing after there has been a break-in. The [state] Supreme Court Attorney Regulation office should also be contacted if the Trust Account check book or any of the checks are missing.

***GENERAL INFORMATION FOR RESPONSE TO AN EMERGENCY***

1. [Trustee’s law firm] shares office space with [], [], and []. If the emergency or disaster is not exclusively isolated to [trustee], P. C., all emergency responses, disaster recovery activities, and other activities related thereto, should be coordinated with all of the other office tenants.

2. The computer network, network server, e-mail provider, telephone system, telephone service provider, West Group internet services and CD services, office space lease, telephone equipment, fax machine, copier machine, postage meter, and office reception and conference room furniture, are owned by [] and may also still be in the name of []. [Trustee] is a shareholder in BBKS, Ltd., and a former member of []. Any emergency or disaster response related to any of these items should be coordinated with [] and [], and [] should be consulted.

3. In the event of an emergency requiring another attorney to handle work for [trustee], contact either [] or [] for client related work. For Trustee work assistance contact the U. S. Trustee’s Office first, and then [] or [].

The following information is provided as emergency telephone numbers and contact information (information not to be released to clients or other parties without permission, with the sole exception to respond to a disaster or emergency situation):

**OFFICE INFORMATION:**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| NAME | Telephone | Spouse | E-mail | Access Code |
|  |  |  |  |  |
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|  |  |  |  |  |

\*Note: Home and cell numbers are not to be given out without permission

**Additional Numbers and Information**

|  |  |
| --- | --- |
| Express Delivery |  |
| Copier Service  Provides full service and supplies | Firm Copier ID: \_\_\_\_\_\_ |
| Office phone numbers |  |
| Building Management |  |
| Computer consultant |  |
| Other tenant phone numbers |  |
| Vendor/banking |  |
| Vendor/software & hardware services/support |  |
| \_\_\_\_\_\_Bank- |  |
| Insurance/Office liability, fire, theft and casualty insurance |  |
| Financial/Professional Liability Insurance Carrier |  |
| Worker Compensation Insurance |  |
| Endowment/Disability Insurance and Office Overhead Insurance |  |
| Telephone service provider - customer service, technical service and support |  |
| E-mail provider  Acct. 20-BA10400 |  |

**TRUSTEE INFORMATION:**

|  |  |
| --- | --- |
| Name | Telephone Number |
| U. S. Bankruptcy Court  Clerk’s Office  File Room  Trustee Creditors Hearing Room |  |
| U. S. Trustee:  [list staff and phone numbers] |  |
| Auctioneer: |  |
| Realtor Contact: |  |
| CPA Contact: |  |