

Emergency Response Preparedness for Lawyers

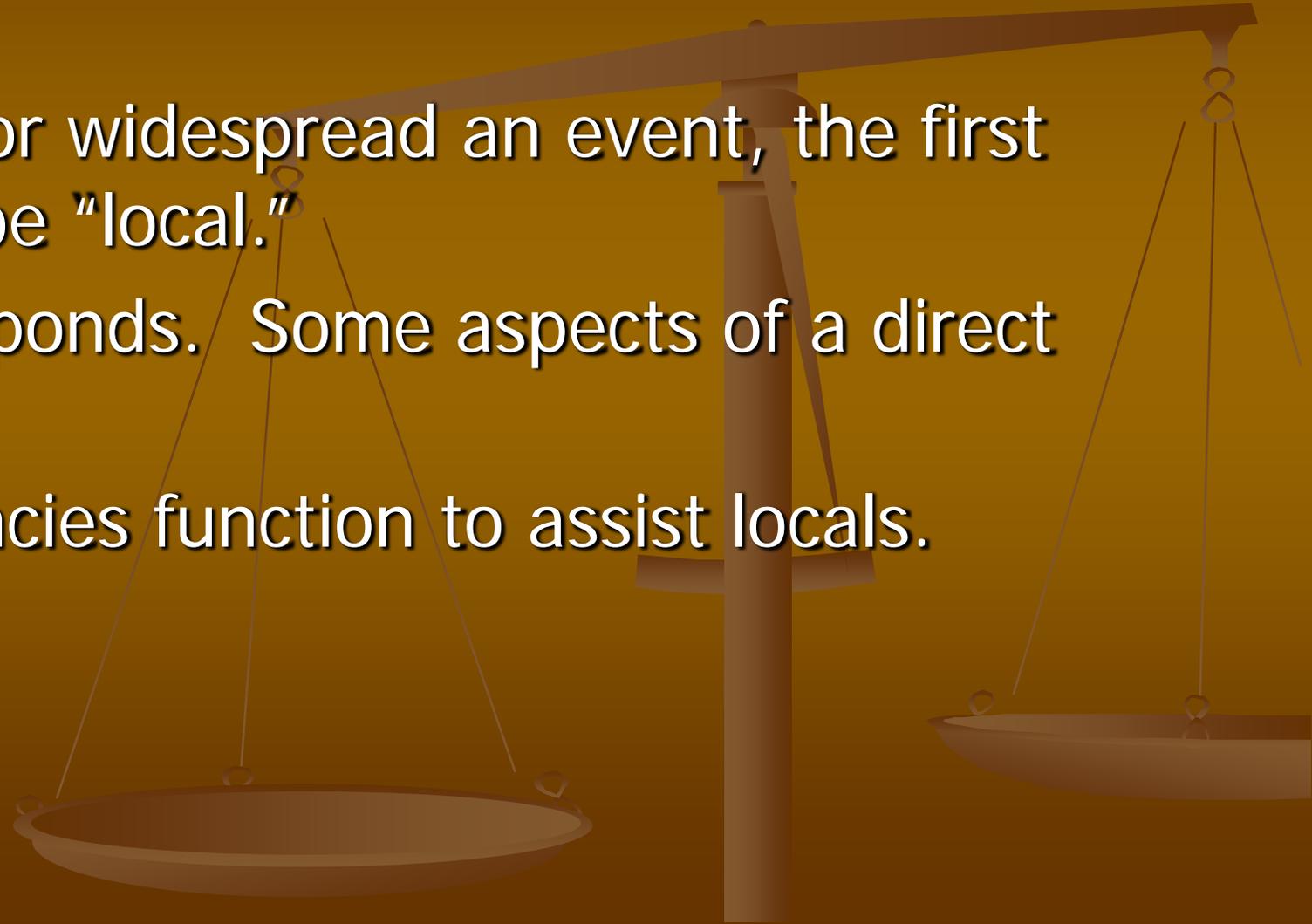
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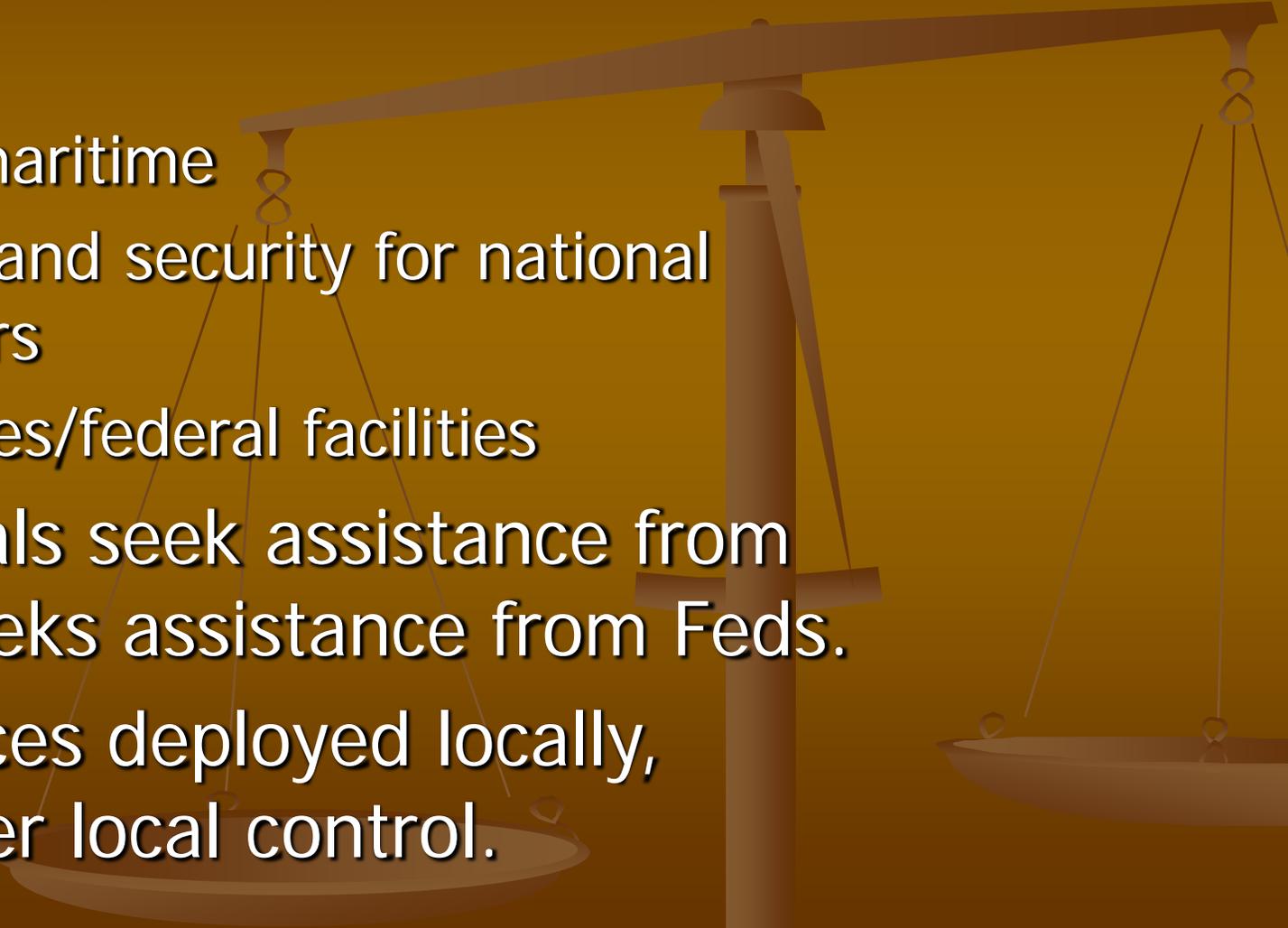
Local, State, Federal Structure

All Disasters Start Locally

- No matter how large or widespread an event, the first response will always be "local."
- Local government responds. Some aspects of a direct state response.
- Otherwise, State agencies function to assist locals.

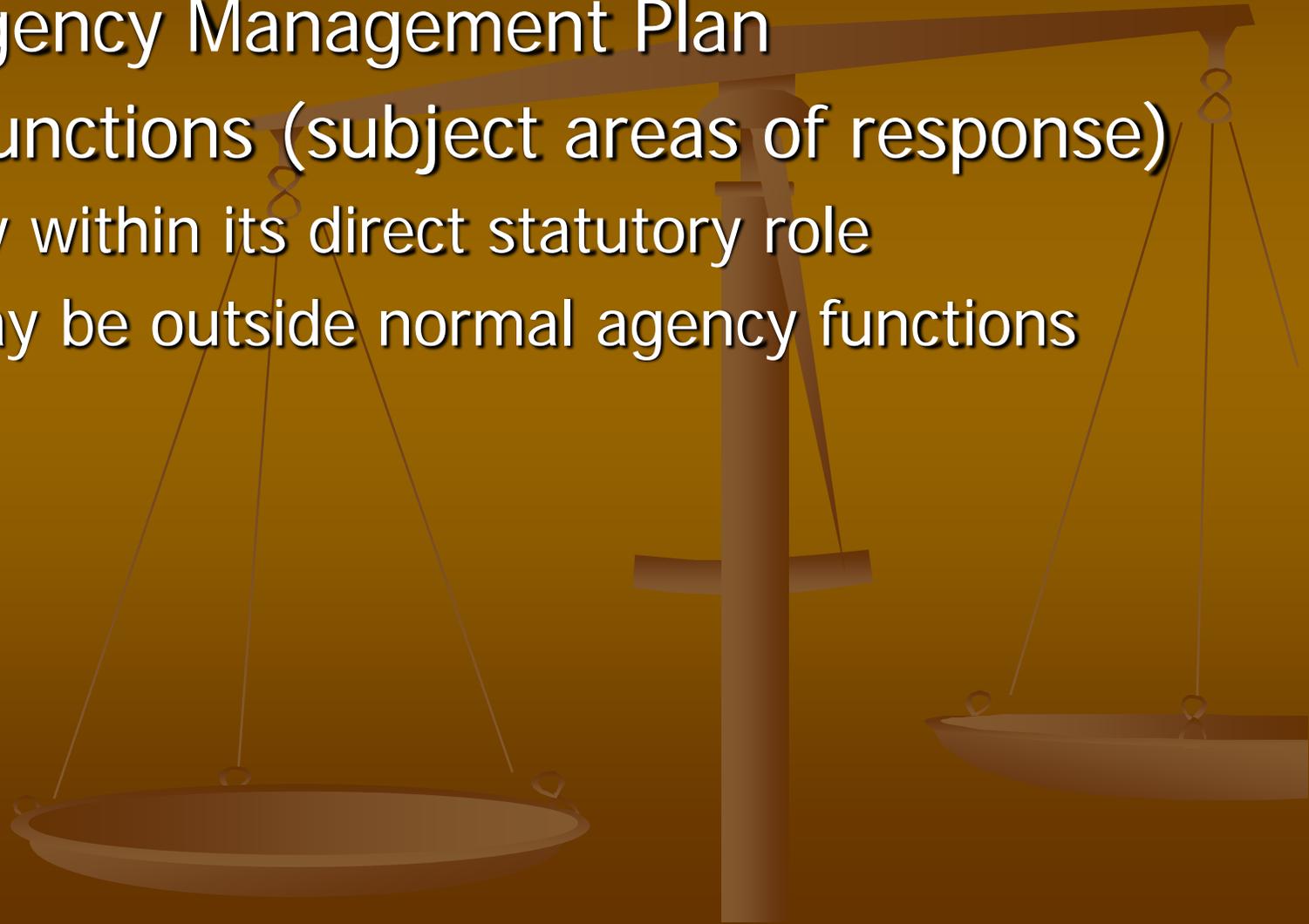


All Disasters Start Locally

- Very narrow avenue for direct federal response:
 - Coast Guard/maritime
 - Military/Homeland security for national security matters
 - Federal enclaves/federal facilities
 - Otherwise, locals seek assistance from State, State seeks assistance from Feds.
 - Federal resources deployed locally, ostensibly under local control.
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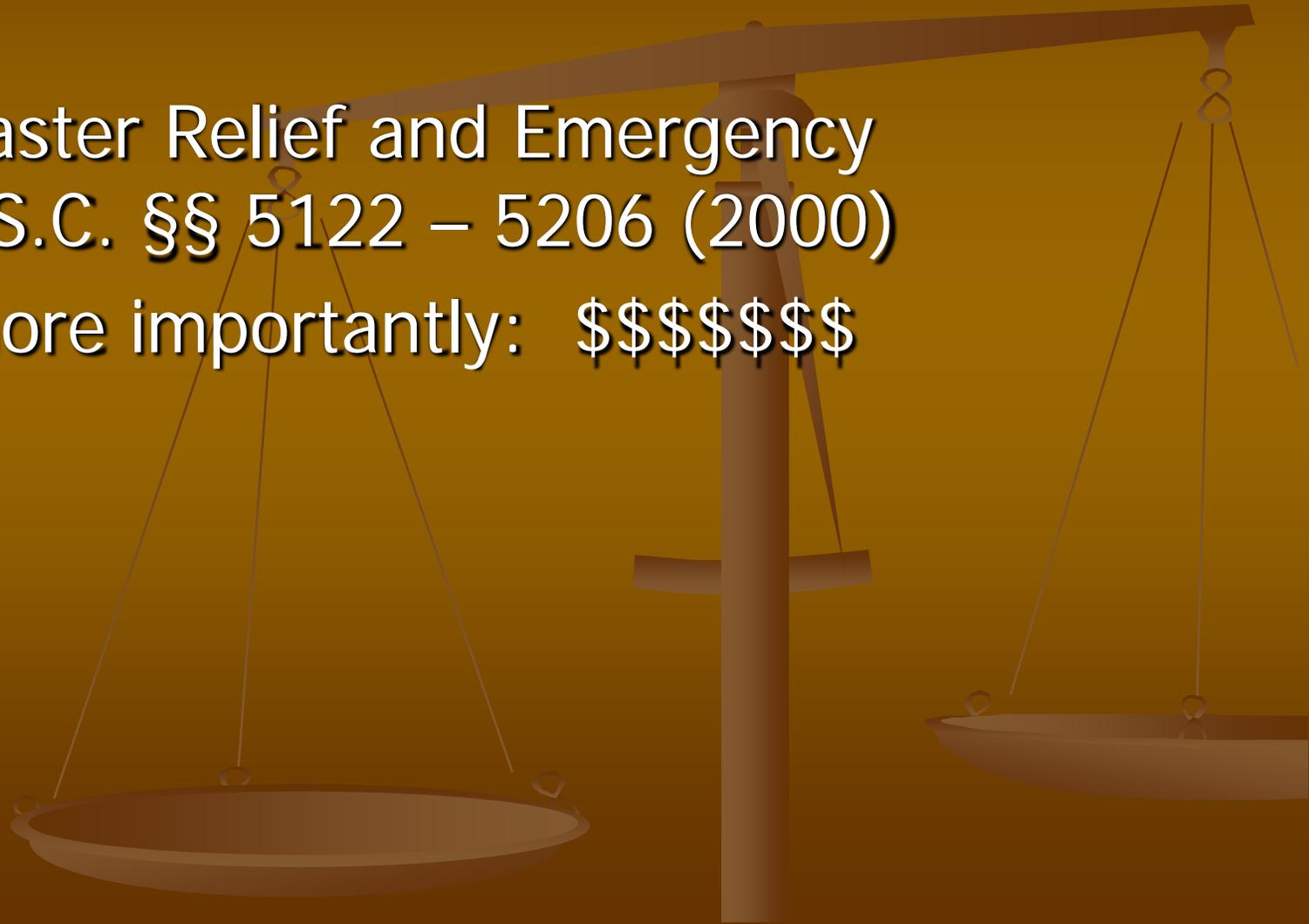
State Agencies

- Comprehensive Emergency Management Plan
- Emergency Support Functions (subject areas of response)
 - Primary agency – likely within its direct statutory role
 - Support agencies – may be outside normal agency functions



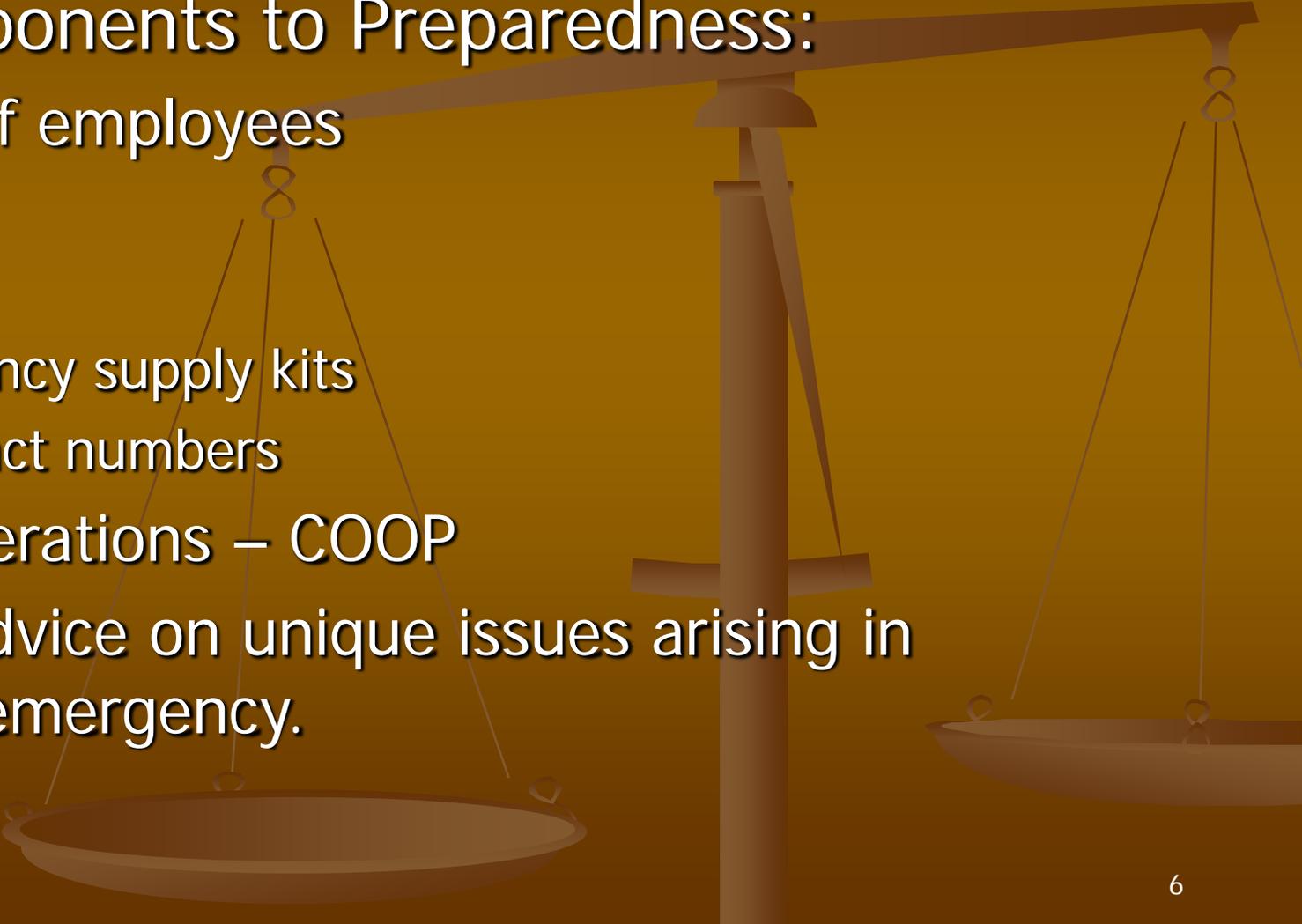
Federal level

- FEMA
- Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5122 – 5206 (2000)
- Resources, yes, but more importantly: \$\$\$\$\$\$\$



Are YOU safe? Are YOU prepared?

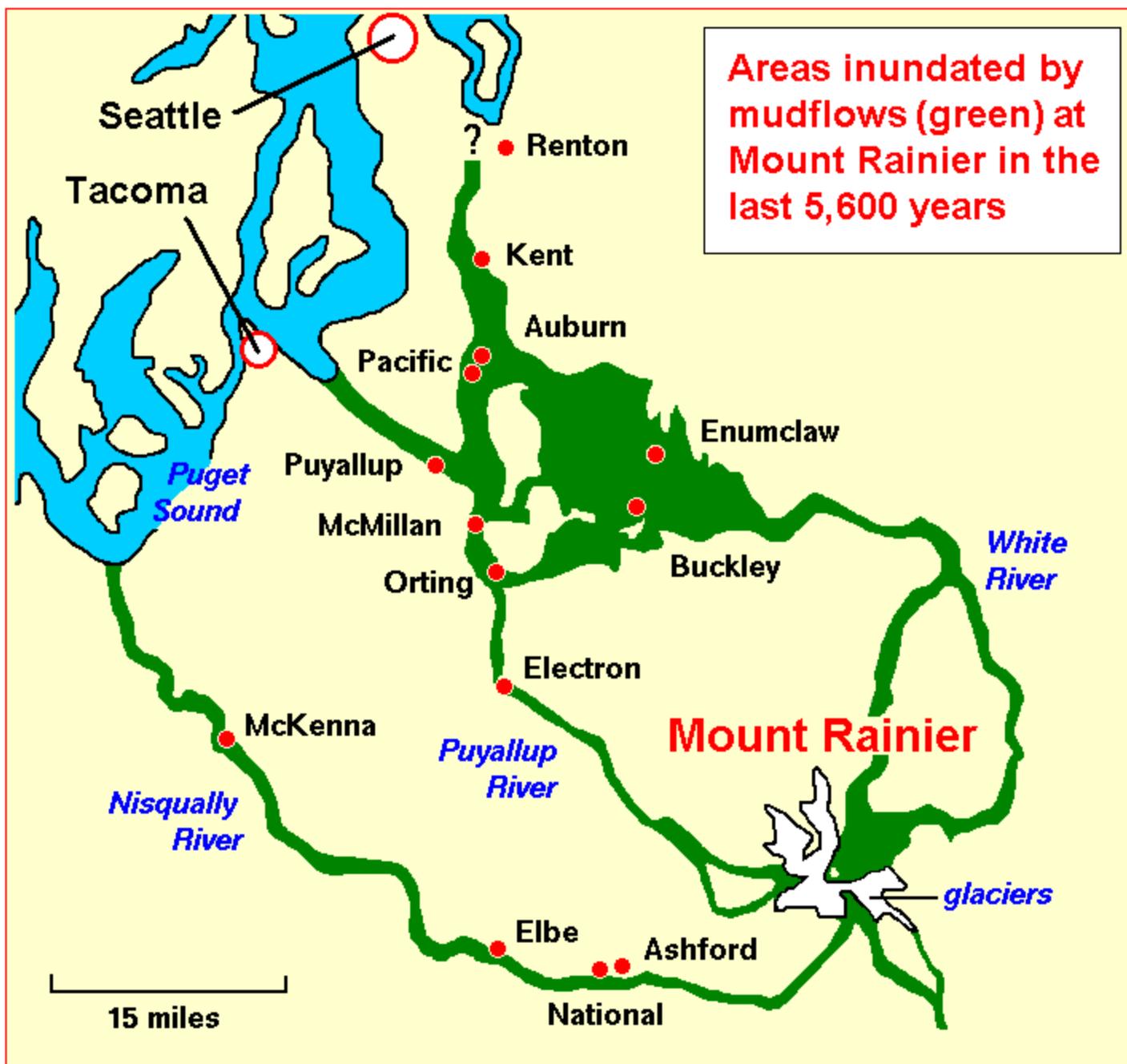
Several Components to Preparedness:

- Personal safety of employees
 - fire drills
 - earthquake drills
 - personal emergency supply kits
 - emergency contact numbers
 - Continuity Of Operations – COOP
 - Providing legal advice on unique issues arising in response to the emergency.
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ALL HAZARDS

- Earthquake
- Riot
- Terrorist Attack
- Tsunami
- Volcano eruption
- Lahar
- Pandemic Flu





COOP

CHICKEN JOKES ARE NOT ALLOWED

- Difference between COOP and COG?
 - COG has specific legal significance for certain federal agencies.
- COOP planning is now required for all state agencies
 - RCW 38.52.030(13) (2015 amendment)
- How do you do COOP Planning?

The objectives of COOP planning are to:

- Ensure the performance of an agency's essential functions during a COOP event.
- Reduce loss of life by minimizing damage and losses.
- Ensure the successful succession to office in the event a disruption renders agency leadership unavailable to perform their responsibilities.
- Reduce or mitigate disruptions to operations.
- Ensure that agencies have alternate facilities from which to operate.
- Protect essential facilities, equipment, vital records, and other assets.
- Achieve a timely and orderly recovery from a COOP situation.
- Achieve a timely and orderly reconstitution from an emergency and resume full service to internal and external customers.

from FEMA

COOP Plans

- **Be capable of implementation anytime**, with and without warning, during duty and nonduty hours.
- **Provide full operational capability for essential functions** not later than 12 hours after activation.
- **Be capable of sustaining operations for up to 30 days.** Agencies must develop operating procedures and acquire resources necessary to sustain operations for up to 30 days.

from FEMA

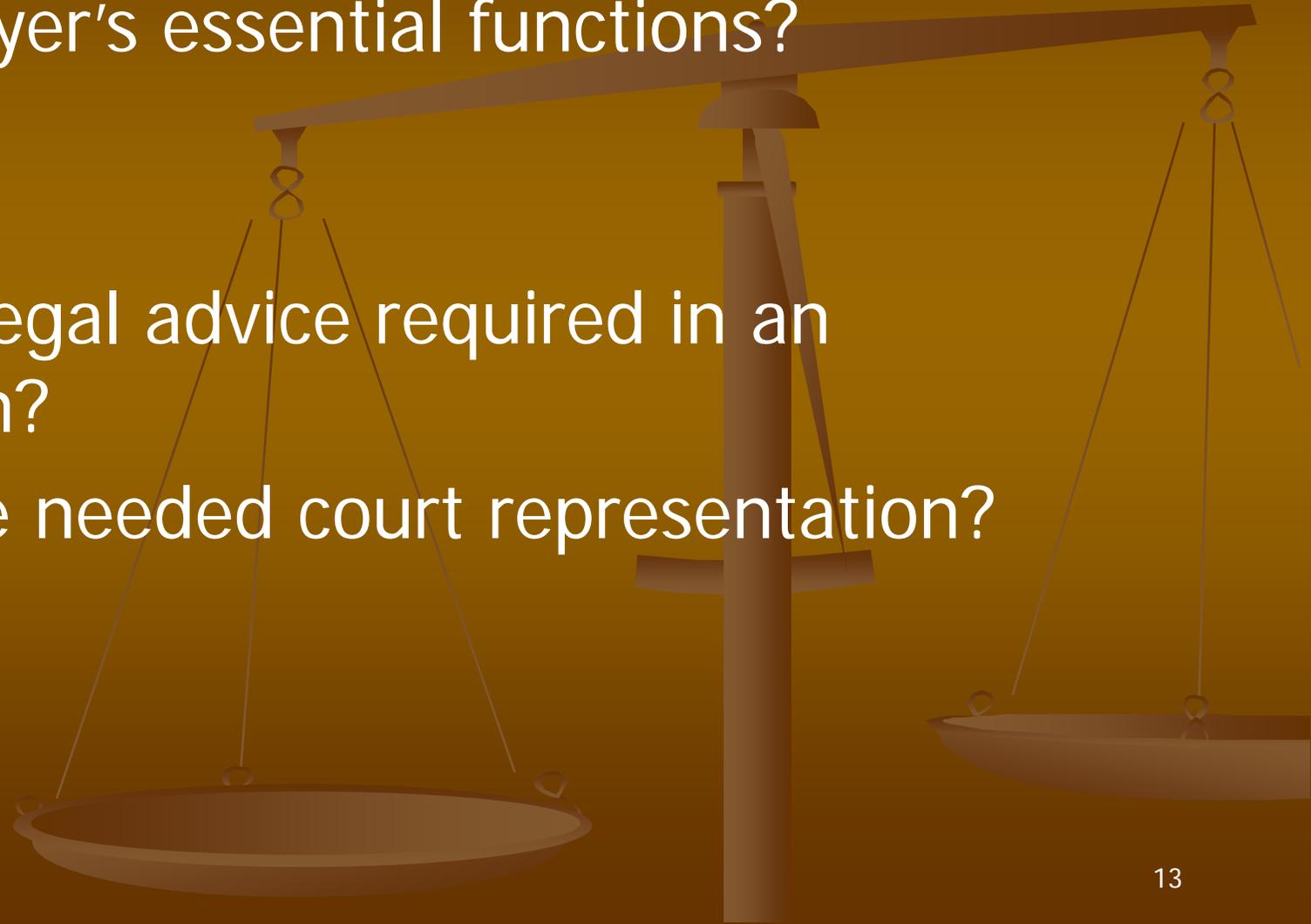
Nine elements of a viable COOP:

- Essential functions
- Delegations of authority
- Alternate facilities
- Interoperable communications
- Vital records and databases
- Human capital management
- Tests, training, and exercises
- Devolution
- Reconstitution



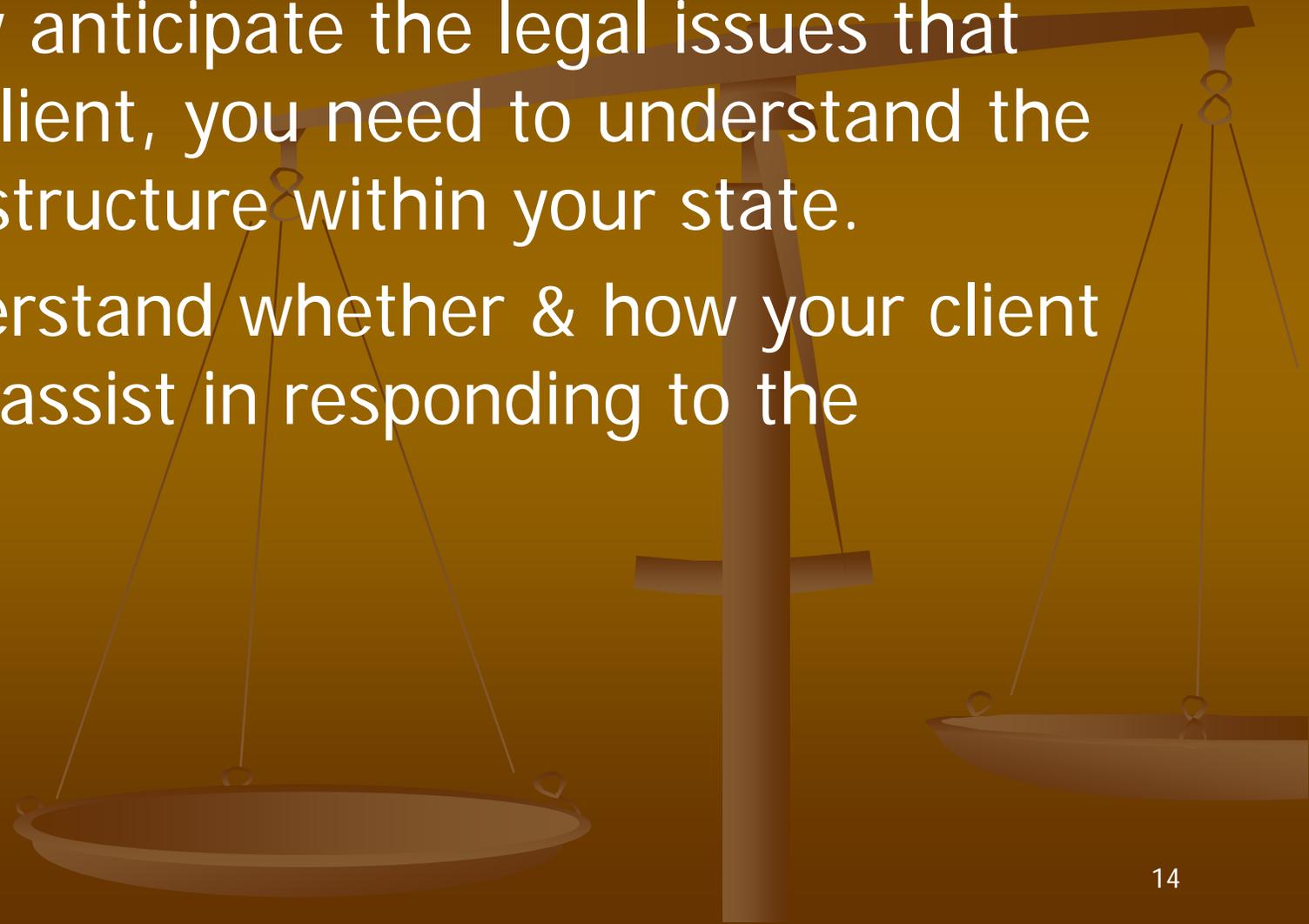
COOP planning and legal advice

- What are a public lawyer's essential functions?
 - legal advice
 - court representation
- How do you plan for legal advice required in an extraordinary situation?
- How do you anticipate needed court representation?



Planning for Providing Emergency Legal Advice

- In order to more fully anticipate the legal issues that may present to your client, you need to understand the emergency response structure within your state.
- You also need to understand whether & how your client will be called upon to assist in responding to the emergency.



Questions? Discussion?



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