Hurricane Katrina: A Retrospective Five Years Later Howard Shapiro, Managing Partner of Proskauer’s New Orleans Office

In many ways, it is hard to believe that August 29, 2010 marks the fifth anniversary of the flooding of eighty percent of the City of New Orleans. Sadly, it feels like yesterday. This client alert focuses upon important legal issues employers must deal with when preparing for catastrophes. There is an important human element as well that our entire firm dealt with given the devastation of our city and the fact that approximately two-thirds of the New Orleans Office personnel lost their homes in the flood. During this time, two things became clear -- it takes (1) a coordinated team response and (2) advanced planning.

The first and most important effort made by the firm was the herculean task of locating all Proskauer personnel in the days immediately after Katrina struck. The city was without electricity, water, and all forms of power and energy. We learned quickly that given the overload on cell phone towers and their lack of functionality, cell phone calls could not be completed and BlackBerry messages could not be sent. Consequently, text messages became our way of communicating with our personnel. The flooding started on Monday, August 29, 2005; it took us until Thursday, September 1, 2005 to account for all personnel who thankfully were all alive. What we learned from this, and have since implemented, is a phone bank system where cell phone numbers are distributed to all personnel and responsibility is assigned to specific personnel to contact others sequentially in emergencies.

Most of us left New Orleans before the flooding began. Finding temporary shelter for all personnel was a challenge. The firm’s travel department was instrumental in locating hotel accommodations as the exodus from New Orleans accelerated before the hurricane made landfall. This type of relocation effort takes coordination and prior planning. Our travel department has now identified specific areas and hotel accommodations to the north, east, and west of the city for future evacuations.

Despite harsh events, a law firm must keep practicing law -- that is what our clients expected and that is what we did. Mobility and agility are the key factors here. All of our attorneys are fitted with lap top computers. When a catastrophe looms, the Proskauer New Orleans Office servers are redirected to other locations throughout the United States. This requires immense planning ahead by the Information Technology Department. Our New Orleans attorneys were able to resume work as soon as they arrived at a locale that had power and internet access. Not one pleading or other client deadline was missed.

A catastrophe of this size causes severe economic stress. We immediately let our personnel know their livelihoods would be protected. A business has to operate despite the harshness of events. The magnitude of the crisis became apparent by Wednesday, August 31, 2005. With the help of a command team in Proskauer’s New York Office, we were able to maintain contact via e-mail and text messages. By Thursday, September 1, 2005, it was clear we would be unable to re-open the New Orleans Office quickly. Our building had no power (as was true of the entire downtown business area). We had to find a place where we could all work together.

With the assistance of Proskauer teams in New York and Florida, by September 1, 2005, we started planning to reassemble at Proskauer’s Boca Raton Office. Office space was arranged quickly, but housing turned out to be the critical element. I was in the Boca Raton Office by Labor Day, September 5, 2005. Fortunately, the Boca Raton area has a great deal of “seasonal” housing available for rent. We made arrangements immediately and offered housing to all attorneys and staff who wished to relocate to Boca Raton. Within two weeks, ten out of our thirteen attorneys and nine of our twelve staff members relocated to the Boca Raton Office. We learned quickly that having most of us together again in one
office was the healthiest thing for us. During this time of terrible loss that we all experienced collectively, remaining together as a functioning group provided the strength and the glue to function professionally and emotionally. Through firm connections, a therapist was found in the Boca Raton area for those who sought professional help. That she treated us on a pro bono basis was heartwarming.

The economics of relocation and temporary housing were key issues. Recognizing the economic strain, the firm opted to pay for all housing expenses for all personnel who moved to Boca Raton. The firm also paid all relocation expenses for personnel as they traveled to Boca Raton. In addition, the firm started a charitable fund for the New Orleans Office, making an initial contribution of $350,000. All Proskauer personnel were invited to make contributions to this fund, as were the firm’s clients. The fund was used to assist employees in buying clothes, making down payments on new vehicles, and funding other emergency needs. Eventually, the fund was used to assist our personnel in moving back home and purchasing appliances and other necessities.

Today, Proskauer is certainly wiser about contingency planning for catastrophic events. We have teams in place firm-wide that use the Katrina template as a learning curve. We learned from our experience all the small and detailed planning that must be done ahead of time.

December 5, 2005 the day we re-opened Proskauer’s New Orleans Office was one of the most emotional days of my life. It is always difficult for me to look back on this experience without having intense reactions, and in fact, I have a tear in my eye as I write. Our office was able to stay together as a group because Proskauer committed its professional staff and economic resources to ensure the New Orleans Office would work together as a group. I will never forget the outpouring of support from our entire law firm because without that support, I do not know what would have happened to the New Orleans Office personnel.

Howard Shapiro