

SUPREME COURT OF LOUISIANA
Emergency Preparedness and Continuity of Operations – “Lessons Learned”

The landfall of hurricanes Katrina and Rita in south Louisiana in August and September of 2005 presented state and local governments along the Gulf South with unprecedented challenges to recovery and continuity of operations. The operations of Louisiana’s judicial branch was not spared the impact, but through the collective efforts of judges, administrators, clerks and other federal, state and local government officials, recovery was achieved and important lessons were learned and steps taken to mitigate against the disruptions that could follow future disasters.

These lessons learned reflect several basic truths about the impact of storms and other disruptive events, and they feature in the disaster preparedness and disaster recovery and continuity of operations plans of the Supreme Court and local courts around the state. These lessons can be broadly categorized as follows.

- In an emergency people are highly mobile. Whether pursuant to an evacuation order or not, many people leave an area that is a potential target of a storm or other disaster. The experience of going through a disaster and displacement has a significant sensitizing effect on people, and such an experience may make them more likely to evacuate, even if no formal evacuation order is given. Their departure from work and home may be planned or it may be sudden. Contingency planning for such displacement and the impact it has on workflow is critical, and clear chains of authority, clear lines of communication, and the assignment of responsibility to both principal and backup staff are key. The Supreme Court’s Continuity of Operations Plan provides for these eventualities, and annual meetings are held at the beginning of each hurricane season between the Chief Justice’s Office and key staff to review plan provisions and to discuss plan improvements.

Further, when judges and court staff and their families leave home, conditions may warrant that they move from place to place before coming back. This was certainly true with Hurricane Katrina, and it has the potential to be true for any major disaster. Accordingly, the Supreme Court’s Community Relations Department updates its roster of contact information for all judges in the state annually, making sure that each judge has provided the Court with backup phone numbers and e-mail addresses. Court staff also update the website constantly (and can do so remotely) with news about the status of the Supreme Court and with postings of all court closure orders. The Court also maintains an alert system that allows for information to be sent to all employees via work and personal e-mail, phone and text message, with information about potential disasters and the Court’s plans and status.

- Regardless of the nature and duration of an incident, every effort must be made by the bench and the bar to provide critical court related services to the public. Key Supreme Court staff are assigned to assist in the preparation of court orders regarding closure, to address rule issues that may be implicated by a disaster, to assist local courts in the event

the ad hoc appointment of judges is necessary, and generally to provide support to local efforts to resume operations. In recognition of the need to promote access to the courts and the legal process, in 2011 the Supreme Court promulgated a rule providing for provision of temporary civil legal services following the determination of a major disaster. (Supreme Court Rule is available here: <http://www.lasc.org/rules/supreme/RuleXLI.asp>)

Following Hurricane Katrina, the Supreme Court also reviewed and made improvements to its alternate power supplies and its backup data center.

- Disruptions resulting in evacuations and absences also require some flexibility – within reason and the parameters of applicable law and rule – regarding staffing and related personnel and human resources issues. Whether they involve evacuation or not, emergencies cause significant stress on employees and their families. Having flexibility in work schedules, work locations and work expectations – and having permissible practices documented by policy – not only eases personal and family stress, it promotes productivity and accountability. Accordingly, the Supreme Court has developed remote access and alternative communication protocols. Remote access to the Court’s network is available to employees, some of whom are provided with Internet access cards to allow them to access the network even if there is no power.

The Court has also developed formal policies governing employee leave, payroll and related personnel and human resources issues that can be applied in the event of a disaster and displacement. Having such policies in place before a disaster occurs, particularly if court closure and displacement result, is critical.

- Disaster preparedness and recovery, regardless of the scale of the event, implicates significant interbranch organization at the local, state and federal level. Accordingly, following Katrina and Rita, the current Chief Justice chaired the Judiciary Subcommittee Southeast Louisiana Criminal Justice Task Force. The meetings of this group, which was comprised of high-level officials from local, state and federal judicial branch entities in the New Orleans area, provided a forum for the coordination of judicial branch recovery efforts in the New Orleans metropolitan area. The task force addressed issues relating to information technology, public defense, and other key operational issues.

Following Katrina, the Court also began participating in meetings of the State Unified Command Group (UCG). The UCG was established by executive order of the governor to bring senior officials together for the purpose of managing incident related information and making incident related plans. The UCG meets quarterly, other than during a state declared disaster during which time it generally meets daily. These meetings are a critical source of information about emerging and existing threats and about state-level strategies designed to address their impact and support recovery from them. The Court has assigned a staff person to represent it in these meetings. Updates regarding UCG proceedings are shared internally within the branch, as appropriate.

In the immediate aftermath of Katrina and Rita, the Court also began working closely with representatives from the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) and the Federal Emergency Management Agency (FEMA). These interactions continue today. A staff person has been hired to serve as the Court's liaison to GOHSEP and FEMA, and this person coordinates activities relating to the processing of FEMA claims and assisting in the preparation and dissemination of FEMA and GOHSEP related notices and other information. This individual also serves as an invaluable liaison to local judges, court administrators and representatives of local government and the state's risk management agency on issues relating to judicial branch disaster preparedness, hazard mitigation, and the disaster recovery and claims reimbursement process. Immediately following Hurricane Isaac, this individual reached out to all courts in the affected area and conducted a summary assessment of damage and need.

Supreme Court staff also worked closely with GOHSEP staff in connection with the state's efforts to seek accreditation from the Emergency Management Accreditation Program.

- Special programs like drug courts, Court Appointed Special Advocate (CASA) programs and other court annexed programs may require special attention. In Louisiana, the Supreme Court acts as fiscal agent for state and federal funds for the state's drug court programs, CASA programs, and other youth and family serving programs. The treatment and related support needs of participants in these court based programs requires special advance planning to ensure that in the event of a disaster participants are located and supported and that program operations can be revived as quickly as possible. If program impact is extreme and participant displacement is significant, special efforts need to be made to ensure program viability, accountability and responsiveness. These efforts will likely involve outreach to criminal justice and judicial branch partners in neighboring states. Dedicated staff at the Supreme Court are assigned to oversee these programs and support them in the event of a disaster.

It should be noted that Louisiana's judicial branch is decentralized. This reality makes for certain practical challenges as it relates to state level judicial branch continuity of operations and disaster recovery planning. The frequency, scope and impact of storms in recent years, however, has prompted exchanges of information between and among the Supreme Court and local courts that have been very helpful in promoting better and more responsive practices generally. The following activities are examples of such interaction and outreach:

- In 2005, immediately following hurricanes Katrina and Rita, the Louisiana District Judges Association (LDJA) formed a Disaster Recovery Planning Committee. The LDJA developed a disaster recovery template and sent it to every chief judge in the state.
- Since 2006 the Supreme Court has collected and reported on court initiatives in the area of disaster preparedness as part of its yearly judicial performance reporting required by the legislature. The 2005-2006 judicial performance report was devoted exclusively to

the courts' needs, responses, and lessons learned post-Katrina. (This report is available here: http://www.lasc.org/press_room/annual_reports/reports/2005_06_jp.pdf)

- In 2009 the Court conducted an assessment of the status of the emergency preparedness plans of each trial court. Bureau of Justice Assistance Criminal Courts Technical Assistance Project at American University using a template of best practices the project developed with assistance from experts in the field. The template was worked into an online survey which was sent to the chief judge in each trial court.

(The Bureau of Justice Assistance/American University best practices template is

available here:  LA COOP Planning
Final Report 4.134.5)

Survey questions related to the following areas:

- Key plan elements
- Plan Implementation Issues
- Issues Related to Problem Solving Courts
- Facilities and Equipment Issues
- Information Technology and Records Management Issues
- Issues Relating to Preserving Evidence
- Communications Issues
- Human Resource Issues
- Issues Relating to Pandemics/Public Health Emergencies
- Interagency Coordination
- Plan Testing and Training

Key findings from the report, along with the template that was used to develop the survey, were provided to each trial court chief judge and court administrator. The findings from the report and the information provided to the Supreme Court annually in connection with its annual performance reporting are a detailed source of information about the emergency preparedness needs and issues facing local jurisdictions. This information has been very helpful in the development of generally better and more responsive emergency preparedness and disaster recovery practices.

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