



Continuity of Court Operations

CONTINUITY OF COURT OPERATIONS:
STEPS FOR COOP PLANNING



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The terrorist attacks of 9-11, recent natural disasters from wild fires to catastrophic hurricanes, and concerns about a pandemic flu crisis reinforce the critical need for all courts to have a plan in place when an emergency strikes. The ability of courts to perform their statutory mandates and ensure access to justice and the protection of liberties is particularly crucial when society's traditional standards of operation are in disarray.

A critical component of an emergency preparedness program is a continuity of operations (COOP) plan that ensures mission essential functions continue when normal operations are impaired. This *Guide*, prepared by the National Center for State Courts with the assistance of a [National Coalition](#) of leaders from all sectors involved in business continuity planning for courts and supported by the U.S. Department of Justice, Office of Justice Programs, [Bureau of Justice Assistance](#), provides a step-by-step guide to help courts develop and maintain a viable COOP capability.

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NATIONAL COALITION FOR EMERGENCY MANAGEMENT IN THE COURTS

A number of leaders from various sectors involved in business continuity planning for courts served as a resource for the development of the *Guide*. The [National Center for State Courts](#) gratefully acknowledges their contributions and continued commitment to emergency preparedness for courts.

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National Center for State Courts
September 2007

The preparation of this *Guide* was supported by Grant No. 2006-MU-BX-K019 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance (BJA) is a component of the Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, and the Office for Victims of Crime. Visit [BJA's Web site](#) to learn more.

Points of view or opinions in this document are those of the authors and do not represent the official position or policies of the United States Department of Justice. The [National Center for State Courts](#) gratefully acknowledges BJA's support of this project and, in particular, the contributions of Kim Ball Norris for her suggestions and guidance throughout the project.

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I. COOP PLANNING FOR STATE COURTS

COOP stands for continuity of operations; courts develop a COOP plan to ensure they know what to do if faced with an emergency that threatens continuation of normal operations. Traditionally, a COOP plan is developed and implemented for situations in which the courthouse or court-related facilities are threatened or inaccessible (e.g., as a result of a natural or manmade disaster). A traditional COOP plan establishes effective processes and procedures to quickly deploy pre-designated personnel, equipment, vital records, and supporting hardware and software to an alternative site to sustain organizational operations for up to 30 days. It also covers the resumption of normal operations after the emergency has ended.

Typical goals of a COOP plan (see, for example, [Federal Preparedness Circular 65](#), 2004, p. 3 and Florida's [Keep the Courts Open](#), 2002, p. 68) are to:

- Maintain/preserve the rule of law;
- Continue the court's essential functions and operations;
- Reduce the loss of life, minimize property damage and losses;
- Facilitate decision making processes, including designating who is in charge and what authorities are granted during specific emergencies;
- Reduce or mitigate disruptions to operations;
- Identify alternate facilities and designate principals and support staff to relocate;
- Protect essential facilities, equipment, records, and other assets;
- Recover and resume normal operations; and,
- Maintain COOP readiness through a testing, training, and exercise program.

In addition, a COOP plan should emphasize the importance of coordinating with other justice and local government agencies and ensure effective communications.

More recent COOP planning also takes into consideration the impact a pandemic could have on normal court operations. Although the courthouse facility might remain intact, normal operations are suspended, likely for 90 days or more, because there are too few individuals—due to quarantines, sickness, or death—to perform the court's work or work on which the court relies (e.g., jury duty, prisoner transportation, mail delivery, sanitation activities, equipment repairs). Under these conditions, aspects of the COOP plan may be activated even though the courthouse is not damaged.

The inclusion of pandemic planning within the *Guide* recognizes the critical need for courts to prepare for this type of emergency as well as for other potential disasters. Pandemic planning involves many of the same steps as COOP planning for any emergency. However, there are some special considerations when preparing for a pandemic. The *Guide* highlights many of these (e.g., limiting personal contact through social distancing) and links to currently available resources to address them (see, for example, [Bureau of Justice Assistance](#), 2007, and [Centers for Disease Control and Prevention](#), 2007, Appendix 4). Given the substantial work on pandemic planning in progress by the Centers for Disease Control and Prevention, the U. S. Department of Justice, and many other governmental partners, planners are encouraged to keep current on efforts underway by periodically visiting agency Web sites.

Special Issues for State Courts

COOP planning will vary across jurisdictions depending on the number of courts operating independently in a jurisdiction and the number and types of court facilities involved. For purposes of the Guide, “court” refers to all the judges, court staff, and facilities under the authority of the presiding or chief judge. In some jurisdictions, all courts are unified under the presiding judge of the general jurisdiction court. In others, the general and limited jurisdiction courts may not be unified; in which case, the presiding judge of each should make sure that COOP planning takes place for his or her respective court. If separate COOP plans are developed for different courts in the jurisdiction, it is strongly recommended that representatives from the courts review the various plans with each other to ensure compatibility among the plans, coordinate available resources, and share knowledge.

Court facilities also vary by jurisdiction. For some jurisdictions, all court-related functions occur in a single building under the control of the judicial branch; for others, the functions occur in a county-owned building that might be shared with executive branch agencies; and for others, the functions are spread across the jurisdiction in several facilities that might or might not be under the authority of the judicial branch. The COOP plan needs to coordinate and direct the efforts of all judges and court staff, no matter what the court’s managerial and physical structure. If the court shares facilities with other entities, the court needs to develop its own COOP plan and ensure, to the extent possible, that it is compatible with the COOP plans of the facility’s management.

Getting Started

Creating a COOP plan may seem somewhat daunting, but the *Guide* provides a blueprint to make the process easier. Section II includes a set of steps that walk planners through key issues to discuss, and Section III includes a set of worksheets to facilitate information gathering and decision-making. At the conclusion of the planning process, the information and decisions are recorded in the COOP plan template in Section IV. All of the sections are linked to one another. The *Guide* is intended for courts developing a plan from scratch as well as those wishing to review their current plans to make sure they are up-to-date and include all the key elements. Whichever way the planning team decides to use the *Guide*, the most important step is to begin.

II. COOP PLANNING STEPS

The steps listed below help a court develop a COOP capability in the event of a manmade or natural disaster. Each step includes an explanation of what needs to be done and links to additional resources, as appropriate.

- ❑ [Step 1: Initiate the planning process](#)
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Step 1: Initiate the planning process

In some respects, the planning *process* is as important as the plan itself. The process of planning involves building relationships among judges, court staff, and external partners that all parties will rely on in the event of an emergency. The planning process provides an opportunity to build not only a plan but a real infrastructure to turn to in the event of an emergency.

For some courts, starting the planning process may be one of the hardest steps to undertake. It is difficult to dedicate time to planning when the press of everyday business seems overwhelming. Yet, by taking one step at a time, courts can gradually build a culture of emergency preparedness that maximizes everyone's safety and knowledge of what to do in a crisis. This first step creates the infrastructure for building a preparedness culture and initiates discussions regarding the court's role and responsibilities with those who work for the court and those who are critical partners in the event of an emergency. This step directs courts to:

- [Step 1a: Provide leadership and develop infrastructure](#)
- [Step 1b: Review the court's legal authority in COOP planning and execution](#)
- [Step 1c: Gather information on related COOP planning activities](#)
- [Step 1d: Specify planning assumptions](#)
- [Step 1e: Consider potential disaster scenarios](#)

Step 1a: Provide leadership and develop infrastructure

Leadership support starts at the top. For local courts, this means that the presiding or chief judge underscores the value and importance of emergency planning and encourages the involvement of all judges and court staff through written and oral communications and by committing staff and other resources to the planning process. (See *Guide's* definition of "court" in [COOP Planning for State Courts](#).)

In addition to the support of the presiding judge, other infrastructure elements for developing a COOP plan include a COOP coordinator, a central point of contact for all COOP-related activities, and a planning team representing major court functions. A COOP plan cannot be developed by one or two staff. It requires input from all of the court's key internal stakeholders and consultation with external partners. (For a discussion of how these elements should be reinforced at the state level by the chief justice and state court administrator, see [COSCA](#), 2006, pp. 6-8.)

If the presiding judge does not serve as the COOP coordinator, he or she should delegate the responsibility to another high level official in the court. The [Maryland Emergency Management Agency](#) (2005, p. 8) suggests that the COOP coordinator be someone who is familiar with the organization's various divisions, organized, and comfortable in a leadership position. The COOP coordinator calls meetings of the team, works with the team members to develop information for the COOP plan, ensures that a COOP plan is developed and maintained, notifies court leaders when emergencies arise, and serves as a liaison to emergency responders in the community. See, for example, the duties of Florida's Emergency Coordinating Officer ([Florida Supreme Court](#), 2002, pp. 22-23).

The COOP coordinator, in consultation with the court's leadership, must identify individuals to serve on the COOP planning team. The exact membership of the planning team will vary by jurisdiction but should include representatives from all functional areas such as facilities management, judicial administration, data processing and operations, clerk of court, human resources, judges, jury management, communications and public information, court security, and accounting (see [San Francisco Pandemic COOP Guide](#), 2006, p. A-2 for an example of a COOP Planning Team). Involving individuals from all departments ensures that all issues and needs are addressed, encourages greater investment in the planning process, spreads the workload, and raises the visibility of the planning process ([FEMA Emergency Management Guide](#), 1993, p. 9).

Some courts already have a security or emergency management committee that could be tasked with COOP planning. Although security and emergency preparedness focus on different aspects of a court's overall public safety agenda, there are individuals and concerns (particularly in smaller jurisdictions) that are common to both areas and would benefit from an integrated approach rather than separate committees working independently. If the court prefers to keep its security and emergency preparedness committees separate, it should ensure coordination between the two (see [COSCA](#), 2006, p. 7).

At various points in the planning process, the COOP coordinator should invite representatives from other justice system sectors such as the public defender and district attorney offices, bar, probation, and corrections to planning team meetings to ensure that the court's COOP plan addresses areas in which these agencies intersect with the court. In addition, the coordinator should invite representatives of law enforcement, emergency agencies, and other government agencies (e.g., public health), who are involved in coordinating emergency preparedness across the community, to meetings when broader community issues are discussed. If these external partners do not participate in these meetings, the COOP coordinator should periodically meet with them to ensure that the court is covered in the community's COOP plan and court officials know what to do and who to contact in the event of an emergency (see [COSCA](#), 2006, pp. 8-10).

Step 1b: Review court's legal authority in COOP planning and execution

The Conference of State Court Administrators (COSCA) recommends that state courts review the laws governing emergency planning and execution in the state, starting with the Governor's law enforcement or emergency powers, to understand the roles and responsibilities of the various agencies with which the court will interact. Some of this information may be available from the jurisdiction's emergency management agency, but COSCA recommends augmenting available information with research on issues particularly applicable to the judicial branch. For example, what laws and policies address issues such as suspending or extending statutes governing speedy trial provisions in criminal and juvenile matters, "relief from statutory requirements for competitive bidding in the procurement of office space and essential services and supplies, spending restrictions and emergency borrowing, personnel compensation and personnel policies and procedures, and requirements for creation of a proper court record" (COSCA, 2006, p. 14)? In addition, the planning team should review the court's own rules and related documents (e.g., mission and policy statements, resolutions) for explicit and implicit responsibilities related to emergency planning and execution.

COSCA (2006, p. 10) also suggests that courts reach out to state agencies that work closely with the Federal Emergency Management Agency (FEMA) officials in the region to facilitate coordinated and cooperative responses in the event of an emergency. In doing so, courts should understand that the U.S. Department of Homeland Security requires state administrative agencies to comply with the National Incident Management System (NIMS) if the state receives federal funding for emergency preparedness. For more information on state requirements for NIMS, see [NIMS Compliance and Technical Assistance](#).

The planning team also should review applicable public health law in the event of a bioterrorism or pandemic emergency. Statutory and other regulatory guidance may be limited or somewhat ambiguous when applying it to modern-day public health emergencies. During COOP planning, court and public health officials should discuss their respective responsibilities, duties, and expectations in the event of an emergency. For example, judicial review of petitions to isolate or quarantine may become an essential function in a pandemic situation, and courts may have fewer staff (as a result of the pandemic) to handle the increased workload. The planning team may find it helpful to review state public health law bench books and other judicial resources (see [Centers for Disease Control and Prevention Public Health Law Program](#)) to identify legal issues that might arise during a public health emergency. The [HHS Pandemic Influenza Plan](#) (2005, p. I-14) also identifies several due process issues to prepare for in the event of a pandemic.

Step 1c: Gather information on related COOP planning activities

The COOP coordinator and/or other planning team members should ask the state court office whether there are any existing guidelines for COOP planning that would facilitate the court's efforts. In addition, they should inform local emergency management officials that the court is developing or updating its COOP plan, ask whether the court is included in existing COOP plans prepared for the community, determine how the court is notified in the event of an emergency, and discuss the best way to coordinate the court's efforts with broader local efforts (see, for example, [American University](#), 2005, pp. 2-3). The planning team should also contact other agencies with which the court interacts to determine if these agencies already have a COOP plan. Coordination with local emergency management and other agencies is necessary to ensure consistency among plans, determine whether several plans are relying on the same resources (e.g., alternate sites, critical infrastructure elements such as phone lines, the internet, satellite systems that may be overwhelmed or not available in certain emergencies), and avoid conflicting policies and procedures in the event of an emergency. (See [FEMA Interim Guidance](#), 2004, pp. A-7-8 for additional information.)

In addition, the planning team should be aware of any efforts underway by court departments or other justice/community partners that could affect the implementation of COOP plan elements. For example, is the court's information system undergoing changes, is the court contemplating electronic filing, is the clerk's office changing its file storage policies? This information is critical to ensure that the COOP plan is not dated before it is completed. An easy start to gathering this information is to ask planning team members to identify relevant efforts taking place in their department that might impact COOP planning. This information can be supplemented with contacts to relevant groups not represented on the team.

Step 1d: Specify planning assumptions

The planning team should discuss and agree on a set of assumptions to guide the development of the COOP plan. This will ensure that team members are all starting from the same point and not working at cross purposes. Most organizations adopt some version of FEMA's objectives for a COOP plan (see [FEMA Interim Guidance](#), 2004, p. A-6). These state that the COOP program is:

- Capable of being maintained at a high level of readiness;
- Capable of implementation with or without warning;
- Able to achieve operational status no later than 12 hours after activation;
- Able to sustain operations for up to 30 days; and,
- Takes maximum advantage of existing department or jurisdiction field infrastructures.

The National Association for Court Management (NACM) offers several examples of planning assumptions specifically targeted to courts (see [Special Topic 1](#)). In addition, [Florida State Courts Strategy for Pandemic Influenza](#) (2006, pp. 9-10) and [San Francisco Pandemic COOP Guide](#) (2006, p. 6) provide several planning assumptions related to a pandemic. Both of these, as well as the FEMA objectives listed above, provide a good starting point for the planning team to develop a list of assumptions for the court's COOP plan.

Step 1e: Consider potential disaster scenarios

The planning team should consider types of emergency scenarios that could arise as a context for preparing the court's response. Potential hazards range from weather to terrorist activities, and the team should consider the full range of hazards that might affect the court (see [FEMA Interim Guidance](#) (2004, p. C-1 thru C-6) for a site vulnerability analysis description and worksheets). Depending on the hazard, damage might be confined to the court facility (scenario 1), affect the court facility and its immediate neighborhood (scenario 2), or affect an entire region (scenario 3). A pandemic creates a fourth scenario: the buildings are intact, but the community's public services and transportation are severely limited or completely inaccessible.

The planning team should develop effective responses for each scenario. For example, a nearby building could serve as an alternate site for scenario 1 but would be useless in scenario 3; and while designating backups for each staff position in scenario 1 would be appropriate, scenario 4 might require 10 or more backups if the workforce is significantly reduced.

Step 2: Prepare COOP plan elements

Before the COOP plan can be drafted, the planning team needs to gather information and make decisions about several key elements of the plan. This step provides worksheets and instructions to assist the planning team with this task. Once assembled, the information from this step will serve as the foundation for preparing the implementation procedures discussed in Step 3.

COOP plan elements include:

- [Step 2a: Identify and prioritize essential functions](#)
- [Step 2b: Determine essential functions staff](#)
- [Step 2c: Establish orders of succession and delegate authorities](#)
- [Step 2d: Identify alternate facilities](#)
- [Step 2e: Identify business practices to limit personal contact](#)
- [Step 2f: Identify communications methods](#)
- [Step 2g: Ensure interoperable communications](#)
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Step 2a: Identify and prioritize essential functions

Identifying the essential functions a court must continue in the event of an emergency is the heart of COOP planning. Given the wide array of functions a court performs each day, determining what is essential can be challenging. [FEMA Interim Guidance](#) (2004, p. A-19) suggests breaking the task into components: (1) identify all functions and determine which are necessary under all circumstances; and (2) prioritize the necessary functions based, in part, on the length of time the court can operate without the function.

Planning team members can start this process by meeting with others in their respective department and completing [Worksheet A](#). Each planning team member lists all the department's functions and then considers, in consultation with others, how essential the function is to the court's operation during an emergency period (typically 30 days unless the emergency is a pandemic). Functions mandated by statute are essential. Other functions are judged essential based on criteria such as their importance to the court's mission, their role in maintaining safety, and/or their necessity to the performance of essential functions by other departments or agencies. Examples of essential functions are initial appearances; domestic and civil injunctions; juvenile detention and shelter hearings; arraignments; matters involving emergency medical treatment; time-sensitive administrative matters such as payroll; and matters (e.g., hearings related to public health quarantine and isolation orders) that arise because of the special circumstances of a pandemic. The planning team should review the lists of essential functions across departments to ensure that departments (a) include as essential those functions critical to the performance of other departments' essential functions and (b) are consistent in their interpretation of "essential"—i.e., to avoid some departments listing everything and others listing too little.

The next step is to prioritize the essential functions. Priority is based on a combination of statutory time requirements, if specified, the importance of the function to the court's mission during an emergency, the period of time the court can operate without performance of the function, and the importance of the function to the performance of other essential functions. ([Special Topic 2](#) offers an alternate approach for prioritizing functions based on workforce levels and public demand for services during a pandemic.) Based on these considerations, planning team members should assign a time period to each function to indicate when the function should be back online in the event of an emergency (see [Worksheet B](#)). Typically, priority is given a ranking (e.g., 1-5) based on the time period. For example:

- Priority 1=Functions that should be performed within 24 hours
- Priority 2=Functions that should be performed within 48 hours
- Priority 3=Functions that should be performed within 1 week
- Priority 4=Functions that should be performed within 2 weeks
- Priority 5=Functions that should be performed within 1 month

Beyond statutory time requirements, the time intervals should be based on a court's specific needs and resources. Because of caseloads, for example, some courts may need to have priority 1 functions restored in a matter of hours while other courts may be able to wait a few days, barring no conflict with statutory requirements. In the event that an emergency continues beyond COOP planning scenarios, department heads should revisit other functions in addition to essential functions to determine whether these functions need to/can be gradually brought back online as well.

Step 2b: Determine essential functions staff

Using [Worksheet C](#), the planning team members should identify staff positions that are critical to the performance of each essential function. The goal is to identify the minimum number of individuals necessary to perform the functions adequately. For example, assuming the issuance of temporary restraining orders (TROs) is an essential function, an intake or filing clerk is needed as well as a judicial officer. The filing clerk and judicial officer also will be available to handle other essential functions.

Once all the staff positions needed to perform the essential functions have been identified, the next step is to specify, by name, who will be included as essential staff. In some smaller jurisdictions, this may not be an issue given the limited number of staff available. In larger jurisdictions, there may be several individuals who could perform specific essential functions. [Federal Preparedness Circular 65](#) (2004, p. B-2) suggests the following steps for selecting who is actually designated as COOP staff (also referred to as the “Emergency Relocation Group” or ERG):

1. Determine the knowledge, skills, abilities needed to perform the essential functions.
2. Determine whether any security clearances are needed.
3. Determine who is able to serve as COOP personnel, given personal/family and other special circumstances.
4. Select a mix of personnel to satisfy the knowledge, skills, abilities, and security clearances needed to perform the essential functions.

To the extent possible, it is wise to have several backups in case the primary designee is unavailable. This is particularly true in a pandemic situation when staff levels may be dramatically reduced. (Courts might also consider exploring “mutual aid” agreements with other courts in the state to handle certain functions when staff levels are severely decreased.) [Worksheet D](#) provides a template for recording contact information for essential functions staff. This Worksheet should be reviewed and updated on a quarterly basis to ensure the information is accurate.

For larger courts, with several essential functions staff, it may be helpful to designate some individuals as an Advance Team. The Advance Team would go to the alternate facility first and prepare it for the other staff. If the planning team determines this is a good option, asterisks can be placed next to specific positions in [Worksheet C](#) to designate Advance Team members.

Step 2c: Establish orders of succession and delegate authorities

It is critical to maintain leadership in the event of an emergency to ensure a fast and effective response. Leadership continuity is achieved by identifying successors and pre-designating their authority to act when key decision-makers are incapacitated or otherwise unavailable to exercise authority during an emergency.

The planning team should determine the order of succession for all key positions in the court, i.e., those in charge of ensuring that essential functions are continued during an emergency. The number of key decision-makers will depend on the size of the court and its management structure. In some jurisdictions, a presiding judge and court manager may handle all the major policy decisions for the court. In larger jurisdictions, there may be many layers of management, including executives responsible for satellite court facilities. Successors for all of these positions should be identified prior to an emergency.

The planning team should use [Worksheet E](#) to record all the key decision-makers in the court and their respective successors. Several successors should be identified for each position. This is particularly important in the event of a pandemic when staff levels could become critically low. Obviously, the depth of succession will depend on the number of court officials available to serve as successors. To the extent possible, it is also a good idea to identify at least one successor who works in a different location than the key decision-maker and other named successors.

Once successors are identified, the planning team should delegate authorities. In many cases, the successor will assume authority to perform all the functions that the key position performs under normal operating circumstances. For some successors, however, authority to perform certain functions may be limited. For example, if an assistant accountant is designated as the court's third successor for the finance manager, the planning team may decide to limit the assistant accountant's authority for expenditures to a certain amount. The successor would need to obtain permission from the court manager or presiding judge to authorize expenditures over the designated amount.

After identifying each successor's delegated authorities, the planning team records when a successor's authority is activated and when it is terminated. Because delegated authorities should be specified in writing and approved by court officials, [Worksheet E](#) also includes a column to record where authorities are documented (e.g., statutes, court rules, court policies). The planning team also should consider whether any changes to existing statutes, rules, or policies are necessary to grant a designated successor authority to perform certain functions. For example, the successor may not have access to confidential personnel files or security codes under normal operating conditions. If such access is necessary to exercise certain authorities effectively, documentation of the authority should reflect that.

The planning team should use [Worksheet F](#) to identify the current holders of each key position and their contact information. (This form includes only key decision-makers and their successors; staff, and their respective backups, needed to perform essential functions are identified on [Worksheets C](#) and [D](#).) The Worksheet should be reviewed and updated on a quarterly basis to ensure the information is accurate.

Step 2d: Identify alternate facilities

If an emergency or health risks render courthouse facilities uninhabitable, in all or part, the court must have alternate space options or telecommuting capabilities to perform essential functions. In the best case scenario, the court has a pre-designated “hot site”— a move-in ready facility with the necessary computer, telecommunications, and infrastructure (e.g., water, electricity, heating/air conditioning) to allow the court to continue essential functions. More typical scenarios include facilities that need some or substantial augmentation of equipment and infrastructure to support the performance of essential functions (see [MEMA](#), 2005, p. 40 for alternate site descriptions).

Before looking for alternate facilities, it is best to have some sense of what the court will need in terms of space, equipment, and infrastructure to continue operation of essential functions. [Worksheet G](#) aids this process. The Worksheet begins with the essential functions and essential staff identified in [Worksheet C](#). For each essential function listed, the planning team, in consultation with staff who do the work, determine (a) whether the work can be done manually or whether a power supply is needed and, if so, what type of power and how many outlets; (b) what types of equipment are needed such as desks, chairs, computers, tape recorders, copy and fax machines; (c) the number and types of communication devices such as land line and cell phones, satellite dish, two-way radios and whether network or internet access is needed; (d) the approximate square footage to accommodate the number of staff needed to perform the functions, and (e) whether telecommuting is an option for accomplishing the task.

After completing Worksheet G, planning team members should make a list of potential alternate sites. The list should start with any facilities maintained by the court. Are there conference, storage, or other rooms available in these facilities that could be used to house staff on a short-term basis? There will be fewer logistical and contractual issues to address if staff can be moved to other facilities under the direct control of the judicial branch. Next, the team should explore potential public and private facilities in the community. These might include schools, colleges and universities, libraries, convention centers, hotels, empty commercial spaces, and so forth. Finally, the team should identify at least a few potential alternate sites located outside of the court’s immediate vicinity in case a disaster affects a wider geographical area. These might include court facilities in other jurisdictions as well as the public and private facilities already mentioned.

Planning team members should visit the potential sites and answer the following questions using [Worksheet H](#):

- Where is the facility located?
- How many staff can the facility accommodate?
- Does it have electricity, a generator, and outlets to accommodate essential functions needs?
- How many desks, chairs, computers and other types of office equipment does it have? Does it have any private offices?
- What types of phone and data lines are available?
- How much floor space does the facility have? Is the available floor space contiguous or on different floors/in different wings?
- How easy is it to get to the facility? Does it have parking? Will transportation or lodging be necessary for staff?
- Is the facility vulnerable (located in a flood zone, easily broken into) in any way?
- What type of agreement (e.g., financial contract, memorandum of understanding/agreement, statutory change to allow the court to sit in another jurisdiction) is necessary to secure the facility for the court’s use?

Once Worksheet H is completed, the team should compare Worksheet G with Worksheet H to see which facilities best meet court requirements to continue essential functions. The team should consider which sites would be good candidates for each of the disaster scenarios identified in [Step 1e](#): (a) damage only to court facility, (b) damage to court facility and immediate surrounding area, (c) damage across the geographic region, and (d) a pandemic. For some scenarios in some jurisdictions, the team may determine that “piecing together” several alternate facilities is the only way to ensure that all essential functions staff are accommodated. For a pandemic, the team may determine that the best option is to allow staff to work from home (see, for example, the [Centers for Disease Control and Prevention](#), 2007, Appendix 4). ([San Francisco Pandemic COOP Guide](#), 2006, p. 8 suggests that, in preparing for a pandemic, courts also identify alternate methods of providing services to the public through, for example, greater use of the internet, telephone, fax, and mail.)

One consideration for the planning team is the cost of alternate facilities. Because securing alternate facilities can be expensive, some teams look at sharing costs with other entities. Some agencies also may be willing to provide space for little or no cost during a disaster. Whatever arrangements are made, they should be clarified in writing to ensure the space is not usurped by another entity during a disaster and that both (or all) parties understand the parameters of the agreement (see sample cooperative agreement in Appendix 1.12 of [Louisiana’s 2006 Disaster Recovery Template](#)).

The sites the planning team selects for each disaster scenario should be recorded on [Worksheet I](#). This Worksheet should be reviewed each year to make sure the sites and agreements are current.

Step 2e: Identify business practices to limit personal contact

During a pandemic, court facilities will remain intact, but routine business practices should be altered to limit personal contact. There are several options available to limit personal contact such as allowing staff to work from home, staggering shifts, and using video conferencing to conduct business. See the [San Francisco Pandemic COOP Guide](#) (2006, p. A19-A20) and the [Centers for Disease Control and Prevention's Community Strategy for Pandemic Influenza Mitigation](#) (2007, Appendix 4) for several suggestions.

The planning team should consider strategies to limit personal contact and list those that are or could be available to the court in [Worksheet J](#). Some options may require purchasing equipment or creating policies to implement. If so, this information also should be noted. Strategies can run the continuum from low-tech and inexpensive, such as social distancing, to high-tech and more expensive, such as installing videoconferencing equipment in the court and residences of some essential functions staff.

Once Worksheet J is completed, the planning team should meet with essential functions staff to determine which strategies are appropriate given the work associated with each essential function. The purpose of this exercise is to have essential functions staff members think through when, how, and with whom they come in contact to perform their duties and what strategies could be used to limit that contact. For example, some essential functions require more contact with the public than others. Strategies such as providing more information on the court's Web site, allowing electronic filing of documents, and limiting personal contact by installing plastic or glass barriers at public counters may be appropriate for functions involving public contact but less necessary for administrative functions that do not require public contact. The appropriate strategies for each essential function should be recorded on [Worksheet K](#).

The planning team should review completed Worksheets J and K to identify priorities for implementing strategies not currently available. This review should consider the resources necessary to implement the strategy and the areas of greatest need. For example, is staff for some essential functions less protected than others? Will some strategies cost more but help staff across several essential functions? The team's discussion of these factors should help identify priorities for moving forward to increase the number of options available to limit personal contact. The team should update Worksheets J and K as options become available to staff.

Step 2f: Identify communications methods

The planning team should identify alternate methods of communicating with various parties during an emergency. [Worksheet L](#) is helpful in this process.

Because it is important to relay consistent information to all parties in a timely manner, the team should identify one individual to coordinate information dissemination. Many courts assign their public information officer (PIO) this responsibility. If the court does not have a PIO, a member of the essential functions staff should be tasked with this duty.

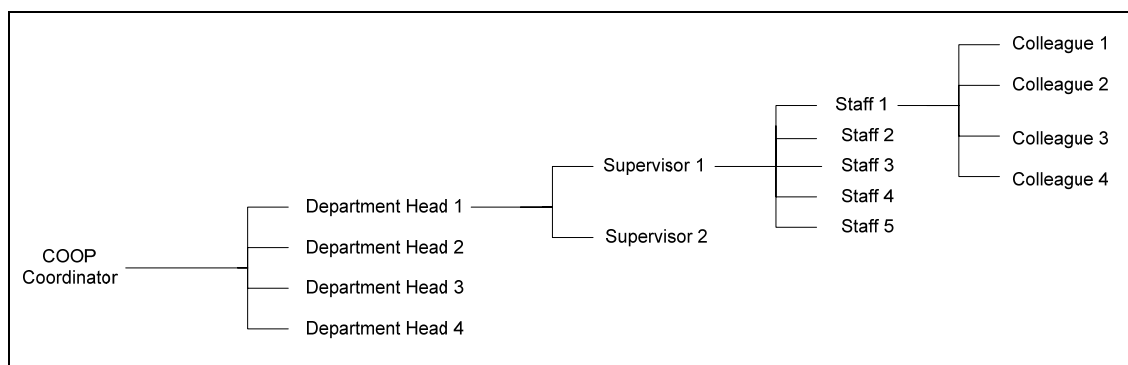
Next, the team should identify parties to notify in the event of COOP plan implementation. Typically, these include:

- Alternate facility manager;
- State court office;
- Advance COOP staff;
- COOP staff;
- Non-COOP staff;
- Critical partners (e.g., other courts, local bar, law enforcement, emergency management and public health officials);
- Litigants, witnesses, jurors;
- General public; and,
- Others with whom the court interacts.

The team should then identify how each party is notified. Because communication systems often break down during an emergency, several alternative methods should be listed for each party. The [San Francisco Pandemic COOP Guide](#) (2006, p. A-16) provides a table of communications methods (e.g., telephonic, electronic, paper, in-person, and media contacts), including their strengths and weaknesses, that can serve as a basis for the team's discussions.

One alternative for notifying staff is a phone tree. A phone tree includes all staff and lists which staff members are contacted by whom (see Diagram 1). If the court does not already have a phone tree, the team should create one. Staff members should keep up-to-date contact information for each person they are responsible for contacting in the event of an emergency.

Diagram 1: Phone Tree Concept



Another method for communicating with staff is to set up a telephone “hotline.” The hotline can provide a recorded message about the status of court operations and allow staff members to leave a message regarding their contact information. An advantage to the hotline is that it can be created with a company outside the court’s geographic area, in case local communications are disrupted and staff members are dispersed to other areas. [Louisiana District Judges Association](#) (2006, Appendix 1.4) provides information on setting up a telephone hotline.

The primary methods for communicating with the general public are through press releases and television and radio announcements. To be prepared, the planning team should identify major local and regional media outlets and record contact information on [Worksheet M](#). In addition, a Web site and backup Web site are potential tools for communicating with both court staff and the public.

Once the alternative communications methods are identified, the team should identify one or more individuals (by position) responsible for notifying each party. The last column of [Worksheet L](#) allows the team to record any additional information that would facilitate information dissemination (e.g., the location of specific contact information).

Step 2g: Ensure interoperable communications

Interoperable communications refers to the technical side of communications: the ability to exchange information through compatible systems. During an emergency, the court needs to maintain communications with the parties listed on [Worksheet L](#) and access electronic databases to conduct essential functions. If the court's primary methods of communication for accomplishing essential functions are disrupted, alternative methods must be available, and these methods must be compatible with those being used by others during the emergency.

To ensure interoperability, the planning team should inventory the court's communications systems/devices, discuss the compatibility of the systems/devices with others with whom the court will need to communicate, determine if there are some parties or information systems that cannot be reached with current backup systems, and, if so, identify options to overcome the deficiencies. Identified options (e.g., satellite phones, two-way radios to contact first responder agencies) should then be added to the original inventory list (and to Worksheet L if not originally listed as an alternative). [Worksheet N](#) helps guide the planning team's effort on this task.

When creating the inventory list, it is important to include communications systems that will be used at the alternate facility. It is important to know, for example, whether the information system available at the alternate facility is compatible with the court's information system in the courthouse. There may be circumstances in which the court's information system is functioning even though the courthouse is not open to judges and staff. If the alternate facility's system is not compatible, other arrangements should be made to ensure access to the relevant information.

When exploring options for greater interoperability, the planning team should reach out to local emergency management officials. Significant work is underway by federal and state governments to increase the interoperability of communications systems across agencies at the local, state, and regional levels (see, for example, [U.S. Department of Homeland Security, 2007](#), for assessments of the efforts of 75 urban/metropolitan areas to improve their communications capabilities). Because of this, local emergency management officials may have recommendations for improving the interoperability of the court's communications systems and suggestions for resources to implement the recommendations.

Step 2h: Identify vital records and databases

Vital records are a subset of court records—those records necessary to continue essential functions in the event of an emergency. If a court already has a records management plan that specifies how records are maintained, protected, and recovered in the event of an emergency; the planning team can take advantage of the plan’s information when completing [Worksheet O](#). (See [The National Archives, 1999](#), [Pennsylvania Historical and Museum Commission](#), and [State of Delaware](#) for information on vital records management plans.) In addition, if the court already has an information technology (IT) disaster recovery plan, the planning team should ensure that information regarding electronic records in [Worksheet P](#) is consistent with the IT plan. (See [Disaster Recovery Journal](#) for IT disaster recovery plan examples and resources.)

For purposes of COOP planning the team should begin by asking essential functions staff to identify all of the files, records, and databases absolutely necessary to perform each essential function listed in [Worksheet B](#). Essential functions staff should understand that the vital files may be temporary or permanent and stored in any format or medium ([Maryland Emergency Management Agency](#), 2005, p. 32). In addition, the planning team should identify any files necessary to restore normal operations following an emergency.

The [Federal Preparedness Circular 65](#) (2004, p. 7) identifies two types of vital records: (1) emergency operating records such as emergency plans and directives, orders of succession, delegations of authority, staffing assignments, and related policies and procedures that provide guidance to staff; and (2) legal and financial records such as accounts receivable records, official personnel files, payroll and insurance records, and property management and inventory records. The [Florida Supreme Court](#) (2002, pp. 41-44) lists several categories of records that should be reviewed for their necessity to the operation of the office and the administration of justice; discusses the relative importance of active, ongoing case files; and identifies records maintained by judges (e.g., notes/research on active files if not stored electronically) that could be designated as vital.

After identifying and describing the vital records, the planning team should determine where and in what form each record is maintained. If the court already has a good records management plan in place, it likely will have duplicate versions of vital records. The medium and location of each form of the record should be included in the Worksheet. All vital records should be available at the alternate facility or included in the drive-away kit for essential functions staff. If some vital records are not backed up and stored in more than one location, stored in risky areas (e.g., a basement likely to flood), or stored on media inaccessible at the alternate facilities; the team should identify additional measures to protect the files and ensure accessibility to essential functions staff in the last column of the Worksheet. The team should also identify how frequently each vital file is updated and determine whether the frequency is adequate.

Finally, the planning team should identify resources for the restoration and recovery of records in the event that records are damaged. Contact information on state offices and companies providing assistance with the restoration of records should be included in [Worksheet P](#).

Step 2i: Develop resources to manage human capital

The planning team should ask personnel staff to complete [Worksheet Q](#) to ensure that contact information for all staff is available when needed (e.g., to provide updates on the court's status, ask additional staff to augment essential functions staff as the court assumes more of its normal operations). In addition, the court should have a list of individuals to contact when a staff person cannot be reached. This information is included in [Worksheet R](#). Personnel staff should review and update the Worksheets on a quarterly basis.

During an emergency, staff may need various types of emergency services (e.g., medical assistance, crisis counseling, temporary housing, food stamps, day care). The planning team, in consultation with personnel staff, should identify possible service providers (e.g., local Department of Health and Human Services, American Red Cross, shelters) and complete [Worksheet S](#).

The planning team and personnel staff also should review current policies to identify whether personnel issues related to continuity of operations are addressed and complete [Worksheet T](#). Specific policy issues will vary, in part, due to the nature of the disaster and whether court staff is paid by the state, county, or some combination. The [Arizona Supreme Court](#) (2003, pp. 15, 18-19), [Bureau of Justice Assistance](#) (2007, pp. 3-4, 13-14), the [Centers for Disease Control and Prevention](#) (2007, Appendix 4), [Federal Preparedness Circular 65](#) (2004, pp. H1-H8), and [Florida State Courts Strategy for Pandemic Influenza](#) (2006, p. 17) provide examples of several policy issues to consider such as:

- Work schedules and compensation. Do current policies address whether nonessential staff is paid during COOP plan implementation? Are there criteria under which staff can obtain cash advances, if needed? Can the court require essential functions staff to work overtime or on a compressed schedule to ensure the court is operational within a 12-hour period? Do COOP staff receive overtime payment if the normal workday is extended? Is there a policy for administering payroll if normal processes and databases are unavailable? Are there policies for returning to work after having an infectious disease such as pandemic flu?
- Flexible work hours and teleworking. Do policies provide guidance for granting staff flexible work schedules and/or permission to work from home?
- Leave. Do current policies allow staff members to take paid or administrative leave to stay home or voluntarily quarantine themselves during a pandemic? Can staff members take leave if they or their families are subject to isolation or quarantine? If so, is there a limit? Can the court require a staff member to take leave if the staff member prefers not to use leave and come to work?
- Obtaining additional staff support. If additional staff is needed, are there streamlined procedures/guidelines for hiring temporary staff and/or consultants during an emergency?
- Logistical support. What accommodations (e.g., day care) are available for essential staff members who have dependents and are required to work after normal business hours? What options are available for staff members who need transportation to the alternate facility or temporary housing near the facility? Are staff members reimbursed for these and related expenses?
- Discipline/Liability. What does the court do if essential functions staff refuses to report for work? Is the court liable for exposing staff to other symptomatic individuals in the courthouse?
- Staff education and training. Does the court have a policy requiring education about the COOP plan, staff roles and responsibilities during a disaster, hygiene practices during a pandemic, and helping staff members prepare their families for emergency conditions (e.g., stockpiling water and nonperishable food, keeping a list of emergency phone numbers)?

The third column of [Worksheet T](#) directs court officials to specific documents for guidance on COOP plan personnel issues. Following completion of Worksheet T, the planning team and personnel staff review the third column to identify issues not addressed by current policies and issues needing further clarification. The planning team and personnel staff follow-up by preparing written guidance on these issues and updating the third column of Worksheet T.

Step 2j: Prepare drive-away kits

Ideally, most files, databases, reference materials, and equipment needed to perform essential functions are pre-positioned at the court's alternate facility. Some information, however, becomes dated quickly and will be more helpful to essential functions staff if current or more recent versions are available. [FEMA Interim Guidance](#) (2004, pp. A-36-37) suggests that each member of the COOP staff prepares and maintains a drive-away kit containing items essential to supporting the staff member's duties at the alternate facility. Examples of drive-away kit items are:

- Frequently updated paper and electronic files and databases;
- Reference materials such as the COOP plan, contact lists, and maps and directions to the alternate facility;
- Equipment such as interoperable communications devices;
- Supplies such as electronic storage media;
- Personal items such as medication, special dietary items, and a change of clothing; and,
- Personal items for use during a pandemic such as hand sanitizer, disinfecting wipes, masks, reusable gloves, disposable gloves, eye guards, and liquid soap.

(See [Homeland Security's Ready Business](#) and the [American Red Cross](#) for additional suggestions of items to include in emergency kits.)

COOP staff members should use [Worksheet U](#) as a guide to developing their drive-away kits. Because a disaster could strike after hours or with little time to access drive-away kits in the courthouse, staff members should consider keeping a second kit in their car or residence. Staff also should review and update the contents of the drive-away kits on a regular basis. This should be reinforced with a periodic reminder from the court's personnel staff and/or during tests and exercises of the COOP plan.

Step 2k: Plan devolution process

The court's devolution plan describes what to do if a catastrophic event renders the court's leadership and essential functions staff incapacitated and the court and alternate facilities nonfunctional. During devolution, the court transfers authority and responsibility for essential functions to officials in another court.

As the team prepares the devolution process, it should make sure there are no statutory restrictions regarding where essential functions are performed (e.g., the court cannot sit outside of the jurisdiction) or who can perform them. If such restrictions apply, the team should determine if the restrictions can be suspended during emergency conditions.

At a minimum, the devolution plan should specify:

- Which alternate court or court offices will perform the court's essential functions;
- Who transfers the authority to the alternate court(s);
- What written documentation is necessary to transfer the authority;
- How the alternate court is notified of the transfer;
- What court information (e.g., COOP plan, vital files and records) the alternate court needs to perform essential functions and how the information is provided; and,
- How authority is returned to the court once it has been reconstituted.

The team should use [Worksheet V](#) to record the court's devolution process. (For a more in-depth discussion of a devolution plan, see [FEMA Devolution of Operations Plan](#).)

The state's office of the courts may be a resource for the planning team when trying to identify potential courts to serve as devolution sites. Courts in contiguous geographic areas also may find it helpful to develop mutual agreements to handle each other's essential functions if a disaster strikes.

Step 3: Prepare COOP plan procedures

This step identifies the procedures to follow to activate and implement the COOP plan. The planning team discusses and then records the procedures for each implementation step in the [COOP plan template](#) in Section IV.

The implementation process is critical to COOP planning. During an emergency, court officials and staff are faced with unknown situations. To the extent that a plan of action, sometimes referred to as a concept of operations, has been spelled out prior to an emergency, court officials have a head start in responding to the incident rather than trying to figure out what to do when the emergency is upon them. Written procedures help ensure that implementation goes forward smoothly and that critical decisions and activities are not overlooked because of confusion and stress resulting from the emergency.

Some emergencies come with warning, and others do not. The implementation procedures assume the court has some warning. The actual implementation process will vary depending on the extent of the warning period. Courts need to specify procedures as much as possible prior to an emergency but do so with the understanding that the implementation process may be adapted as events unfold.

The planning team should complete the steps listed below. The steps are based on the three-phase implementation process described in the [Federal Preparedness Circular 65](#) (2004, pp. 10-11). The phases include activation and relocation (steps 3a-3c), alternate facility operations (step 3d), and reconstitution (step 3e). In the event of a pandemic, some of the implementation procedures will differ from standard COOP plan procedures. For example, the second phase likely will involve procedures that allow many staff to work from home rather than moving to an alternate facility. Step 3f covers special procedures for a pandemic.

- [Step 3a: Phase I procedures for COOP plan activation](#)
- [Step 3b: Phase I procedures for alert and notification](#)
- [Step 3c: Phase I procedures for transition to an alternate facility](#)
- [Step 3d: Phase II procedures for alternate facility operations](#)
- [Step 3e: Phase III procedures for reconstitution](#)
- [Step 3f: Modified procedures for a pandemic](#)

Step 3a: Phase I procedures for COOP plan activation

These procedures specify (a) who determines whether to activate the plan, (b) what information is used to make the decision, (c) how the information is obtained, (d) who contacts the alternate facility(s) to ensure availability, and (e) what to do if devolution is necessary. The planning team should decide these issues and record the procedures in the template under [decision to activate the plan](#).

Generally, the presiding judge decides to activate the plan. (In some cases, a higher authority such as the Chief Justice or Governor might require plan activation based on national security warnings or other information.) Often the judge seeks counsel from the COOP coordinator and members of the planning team (see [provide leadership and develop infrastructure](#)) regarding whether to activate the COOP plan. In the event that the primary decision-maker is incapacitated or otherwise unavailable, the COOP coordinator asks the appropriate successor as identified on [Worksheets E](#) and [F](#).

Not every emergency requires activation of the COOP plan. Some emergencies may require a short-term evacuation of the court facility followed by a resumption of normal operations. The planning team should specify the criteria for plan activation. Indiana's Emergency Response Plan Template (2006, pp. 2-4 to 2-5) recommends basing the decision on the following factors: (1) direction and guidance from higher authorities; (2) the health and safety of personnel; (3) the ability to continue to execute the court's essential functions; (4) the potential or actual effects on communication systems, information systems, office facilities, and other vital equipment; and (5) the expected duration of the emergency situation.

Procedures should also include provisions for obtaining decisionmaking information. The decision-maker and COOP coordinator should stay in contact with as many reliable sources of information about the emergency as possible. These might include state and local judicial and executive branch officials, state and local emergency preparedness and law enforcement agencies, and national and local news media. The COOP coordinator should also check with members of the planning team regarding specific conditions within court departments and partner organizations and relay the information to the primary decision-maker.

Additional procedures should specify who contacts the alternate facility to ensure it is ready in the event that the COOP plan is activated. The choice of alternate facility will depend on the disaster scenario as provided in [Worksheet I](#).

Finally, COOP plan activation procedures should include implementation of the court's devolution plan in the event that a disaster renders the court's leadership, essential functions staff, and facilities incapacitated. The procedures should refer to the devolution process outlined in [Worksheet V](#).

Step 3b: Phase I procedures for alert and notification

The planning team should delineate the process for notification and record the procedures in the template under [alert and notification](#). This includes specifying all the parties responsible for preparing and reviewing the notification; identifying the information covered in the notification; designating who disseminates the notification, who receives it, and what methods are used; and providing guidance for preparing emergency orders.

During an emergency, it is important to inform staff and key stakeholders of the court's status as quickly and accurately as possible. Procedures should specify who is in charge of preparing communications and who else should be consulted. For example, the team might designate that the information coordinator (see [Worksheet L](#)) prepares the notification after consulting with the COOP coordinator to obtain the most accurate and up-to-date information. The procedures also should specify whether the presiding judge or court manager reviews the notification before it is disseminated.

Next, the team prescribes the general content of the notification. Typically, notifications will:

- Provide a brief description of the emergency;
- Tell parties of the decision to activate the COOP plan;
- Give COOP staff the go-ahead to implement COOP plan procedures;
- Provide any logistical information about transportation to an alternate facility and/or changes in the court's business hours;
- Direct non-COOP staff to go home or move to another location; and,
- Advise non-COOP staff of their communications requirements and how they can keep updated on the court's status.

The specific content of the notification will depend on factors such as the scope of the emergency, the availability of information, and the time to prepare it. It may take several communications to convey all of the information, especially if the emergency has come with little or no warning. Courts with many staff may prefer to follow-up a general notification to all staff with a more specific notification targeted to COOP staff.

The procedures also specify who disseminates and receives the notification message. Typically the information coordinator begins the notification process by contacting all the "notifiers" listed in Worksheet M to disseminate the message. (Contact information for staff is available in [Worksheets Q](#) and [R](#), and contact information for media outlets is available in [Worksheet M](#).) If the information coordinator has not been involved in the preparation of the notification, the team also specifies who informs the coordinator.

At various points during COOP plan implementation, the court may find it necessary to issue emergency orders. The procedures should specify under what conditions and for what duration these orders can be issued. The [Arizona Supreme Court \(2003, pp. 18-19, 50-54\)](#) and [California Administrative Office of the Courts \(2006, pp. 22-23\)](#) provides guidance to their courts on this matter and lists several examples of the types of orders that might be necessary. The team should consider drafting templates for emergency orders to facilitate preparing orders during an actual emergency.

Step 3c: Phase I procedures for transition to the alternate facility

These procedures cover activities related to the deployment of COOP staff to the alternate facility. The planning team should specify the following in the COOP plan template under [transition to alternate facility](#):

- Who (what position) coordinates the deployment effort and what does this person do? A likely candidate is the COOP coordinator (in consultation with the presiding judge, as necessary). If the court has several buildings, the plan should identify a position in each building to assist the coordinator with deployment activities. Some of the duties the planning team might specify for the coordinator are ensuring that the alternate facility manager is ready for the court's COOP staff, serving as a central resource for coordinating deployment efforts across departments, monitoring the status of activities, and assessing resource needs. No matter who coordinates the effort, the procedures should reference orders of succession and delegations of authorities ([Worksheet E](#)) so the coordinator knows whom to contact for various policy and administrative decisions.
- What procedures should be followed if a trial is in process? Who decides whether to postpone the trial or relocate the jurors and what criteria should be followed for making the decision? If jurors are relocated, who is in charge of the process and how are they transported?
- What actions should COOP staff take prior to departing for the alternate facility, assuming staff has some time to prepare? For example, the plan might specify that COOP staff transfer the current version of essential documents to a medium accessible at the alternate facility (e.g., zip disks, CD, thumb drives, hard copy), ensure that all vital files (see [Worksheet O](#)) are either in place at the alternate facility or in the appropriate staff's drive-away kit (see [Worksheet U](#)), request/order equipment and supplies not already in place, and continue to perform essential functions until the alternate facility is operational.
- Will an Advance Team precede the COOP essential functions staff to the alternate facility? If so, the procedures should specify who (what position) leads the Advance Team, what equipment and vital records the members take with them, and what they do (e.g., set up work stations, retrieve pre-positioned vital records) to prepare the alternate facility. Members of the Advance Team, if the court has one, and their backups are included in [Worksheets C](#) and [D](#).
- How will COOP staff be transported to the alternate facility? For example, if the alternate facility is nearby, the procedures might specify that each staff person should arrange his or her own transportation to the alternate facility, relying on the directions and maps included in each staff person's drive-away kit. If the alternate facility is in another geographic area, the court should have car-pooling procedures or other options to accommodate essential staff who may need transportation.
- What security measures should be taken? What procedures should court security follow to protect, as much as possible, the equipment and records remaining at the courthouse? How will individuals in custody be handled? Do the procedures need to reference any memoranda of understanding with other law enforcement agencies?

Step 3d: Phase II procedures for alternate facility operations

These procedures provide guidance for continuing essential functions at the alternate facility, providing status reports to staff and other parties, and addressing personnel issues and augmenting staff as necessary. The planning team should specify the following in the COOP plan template under [alternate facility operations](#):

- How is COOP staff accounted for at the alternate facility? Who tracks COOP staff to ensure all have arrived safely?
- What information is provided to COOP staff upon arrival? Staff will need to know where to set up working areas, what equipment is available, what information is accessible, and so forth. Procedures should specify who is in charge of providing this information. If the court does not have an Advance Team, the procedures should specify which COOP staff positions are responsible for setting up work stations and equipment and retrieving pre-positioned vital records.
- What updates are provided to staff and other parties? All parties should be informed once the court facility has been officially closed and when essential functions have been resumed at the alternate facility. Subsequent updates should address operational and communications status and the anticipated duration of relocation, if known. Updates addressing specific personnel issues also may be needed for both essential and nonessential staff during the relocation phase. Procedures should specify the frequency of updates (e.g., at least daily), their general content, and the person responsible for providing them.
- What personnel issues should be addressed? [Worksheet T](#) lists several personnel issues (e.g., compensation, work schedules, logistical support) that might arise for both essential and nonessential personnel during an emergency. In addition, some staff may need guidance regarding emergency services such as medical assistance, crisis counseling, or temporary housing (see [Worksheet S](#)). These Worksheets should be included as appendices in the COOP plan template, and the procedures should reference them as guidance to address the issues. Procedures also should specify how essential functions staff is replaced with backups or augmented with nonessential staff as more of the court's functions resume.
- What security measures will be taken to protect the alternate facility? How will judges, other COOP staff, equipment, and records be protected? Do the procedures need to reference any memoranda of understanding with other law enforcement agencies?

Step 3e: Phase III procedures for reconstitution

Reconstitution includes procedures to terminate alternate operations and resume normal operations. The planning team should specify the following in the COOP plan template under [reconstitution](#):

- What initial assessment is done for reconstitution? The procedures should direct court officials to assess the condition of the court facility to determine the extent of damage and options for repairing, rebuilding, replacing, or moving court facilities. In addition, court officials should determine if there are personnel issues to address (e.g., some staff no longer work for the court as a result of the disaster) and the condition of court records to determine whether restoration services are needed.
- Who develops the plan to resume normal functions and what does the plan include? Procedures should identify who is involved in planning the return to normal functions. If the original facility has had minor damage, court officials such as the COOP coordinator and members of the planning team can effectively transfer functions back to the facility. If more extensive damage has been done, court officials may need to consult with other stakeholders to decide whether to move court facilities temporarily while repairs take place or another facility is leased or built. The plan should provide a schedule to phase down operations at the alternate facility and return activities, staff, records, and equipment to the court's old, temporary, or new facility. The schedule should allow information and resources from the alternate facility to be transferred to the primary facility with minimum disruption to the performance of essential functions.
- What information is communicated to staff and other parties? Once the plan has been developed, the information coordinator or other designated court official should inform parties, including all essential and nonessential staff, that the emergency is over, that a process has been developed to resume normal operations, what the general process entails, and that staff members will be informed of their specific duties as the plan is implemented. All parties also should be notified once essential functions at the alternate facility have been transferred successfully to the court's primary facility and the COOP plan implementation has been terminated.
- What follow-up actions are taken once normal operations are resumed? Procedures should specify that court officials, such as the COOP planning team, conduct an immediate after-action review of the COOP process to identify needed improvements and develop a plan, with milestones, to address the needs. Changes and additions to the COOP plan should be communicated to staff and possibly added to staff education and training on COOP operations.

Step 3f: Modified procedures for a pandemic

Many COOP procedures applicable to fires, hurricanes, or terrorist attacks also apply to a pandemic, but some modifications are needed. During a pandemic, for example, court facilities do not suffer the physical damage associated with fire or hurricanes. Absent a specific health-related reason, there is no need to move to an alternate facility. It is essential, however, that court sessions be held in a manner that avoid face-to-face contact, employing strategies such as telephone or video conferencing and allowing staff to work from home. In addition, planners need to contemplate a much longer duration of COOP plan implementation for a pandemic than for most other disasters. The [Bureau of Justice Assistance](#), 2007, discusses many of these issues and offers guidance as planning teams consider how best to modify standard COOP procedures for pandemic emergencies. Suggestions for modifications to specific COOP implementation procedures follow.

COOP plan [activation procedures](#) address the following questions:

1. Who (what position) determines whether to activate the COOP plan?
2. What information is used to make the decision?
3. Who obtains the information and from which sources is it gathered?
4. Who checks with the alternate facility to ensure immediate availability?
5. What does the court do if devolution is necessary?

Procedures for plan activation for a pandemic should note that the Public Health Department is a primary source of information for determining when it is time to activate the pandemic COOP plan as well as information regarding staff absenteeism and increases in the number of staff becoming ill at work. The procedures should also note that deployment to an alternate facility and, consequently, notifying the alternate facility manager may not be necessary. If the court's staff levels become critically low, devolution may be necessary. These modifications are recorded in the template under [modified procedures for a pandemic](#).

[Alert and notification procedures](#) address the following questions:

1. Who prepares the notification? Is there a review?
2. What does the notification cover?
3. Who disseminates the information, who gets the information, and what methods are used?
4. Who has access to interoperable communications devices if normal communications methods are unavailable?
5. What guidelines must the court follow to issue emergency orders?

Procedures for alert and notification remain the same, except the COOP plan may require some staff to work from home rather than moving to an alternate facility. The notification should be modified to reflect this and the changes should be noted in the template under [modified procedures for a pandemic](#).

[Procedures for transition to the alternate facility](#) address the following questions:

1. Who (what position) coordinates the deployment effort and what does this person do?
2. What procedures should be followed if a trial is in process?
3. What actions should COOP staff take prior to departing for the alternate facility, assuming staff has some time to prepare?
4. Will an Advance Team precede the COOP essential functions staff to the alternate facility? If so, who leads the Advance Team and what does the Advance Team do to prepare the facility?
5. How will COOP staff be transported to the alternate facility?
6. What security measures will be taken to protect the courthouse?

During a pandemic, court facilities are operational. Unless there is a specific reason for vacating the facility (e.g., facility closed during quarantine), staff likely will continue working in the court or return home to work. ([Worksheet K](#) indicates which essential functions could be performed at home.) As a result, the COOP coordinator's role does not focus on alternate facilities operations but on staffing issues. Procedures should address this different focus. The planning team should consider how to handle jurors if the COOP plan is activated. What instructions will be given to jurors and by whom? How will jurors return home if they used public transportation to travel to the court? Although staff who will telework need to prepare for deployment, an Advance Team is not necessary. Given the safety issues related to using public transportation during a pandemic, procedures should specify how to transport staff home if access to a car is not available. Security will focus on the personal safety of those who remain in the courthouse (as well as the physical safety of courthouse property). Procedures should discuss prioritizing security needs in the event that security staff suffers a high rate of absenteeism. During a pandemic, security also applies to maintaining a sanitary facility to decrease the spread of the virus (see [California Administrative Office of the Courts](#), 2006, p. 34). These procedural modifications should be recorded in the template under [modified procedures for a pandemic](#).

[Procedures for alternate facility operations](#) address the following questions:

1. How is COOP staff accounted for at the alternate facility?
2. What information is provided to COOP staff upon arrival?
3. What updates are provided to staff and other parties?
4. What personnel issues should be addressed?
5. What security measures will be taken to protect the alternate facility?

Keeping track of staffing levels and the location of individual staff will be critical during a pandemic. As more staff become ill or need to work from home because of ill family members, the performance of essential functions likely will be affected. Procedures should designate who is in charge of monitoring staff levels and making adjustments to staff duties to ensure that all functions continue as best as possible. Procedures also should direct specific officials (named by position) to monitor the priorities of essential functions as priorities may change with the unfolding of events. For example, a sharp rise in certain types of cases may require priorities to be adjusted. COOP staff likely will work in the courthouse or from home (or possibly different community locations if the court holds sessions outside of the courthouse) rather than an alternate facility so procedures for Question 2 should focus on what staff should know to perform their essential functions in these locations. For example, staff should be directed to implement strategies to limit personal contact (see [Worksheet K](#)). In addition, those who work from home should know who to contact for information or other assistance. Procedures also might specify that all essential staff members provide a brief written update of work at the end of each day in case someone needs to resume their work the next day. Updates to staff should cover the status of operations, policy-level job reassignments, policy changes, personnel issues as a result of the pandemic, and reminders about limiting personal contact. In addition, officials should make some provisions for informing staff when colleagues have succumbed to the virus. Personnel procedures generally are covered under the standard COOP procedures, with more emphasis on issues related to teleworking and sick leave. Procedures also should specify who staff contacts if a colleague becomes sick. Unless staff has moved to an alternate facility, security measures remain the same as discussed above in “procedures for transition to the alternate facility.” Finally, because a pandemic may last for several months, the court will need to address how to handle jury trials. Procedures should be added that direct court officials to review options (see, for example, [California Administrative Office of the Courts](#), 2006, p. 35) and determine the best approach given the current state of the pandemic and the court's resources. All modifications should be recorded in the template under [modified procedures for a pandemic](#).

[Procedures for reconstitution](#) address the following questions:

1. What initial assessment is done for reconstitution?
2. Who develops the plan to resume normal functions and what does the plan include?
3. What information is communicated to staff and other parties?
4. What follow-up actions are taken once normal operations are resumed?

The initial assessment considers the effects of the pandemic on the court, its partners, and the public to determine what staff and resources are needed to resume normal functions. The plan must be based not only on the court's staffing levels and resources but on those of critical stakeholders (e.g., attorneys, security officers, caseworkers) and service providers (e.g., mail carriers, technicians, vendors, waste disposal). Even if the court is prepared to resume all functions, it may not be able to because others on whom it relies are not fully functional. Thus, the reconstitution plan must take into account the progress of the court's operational partners to resume normal functions as well as its own progress. The information coordinator or other designated official should inform staff the court is preparing to resume normal operations, outline the general plan, and notify staff of job reassignments and policy changes as a result of the pandemic. Procedures for follow-up activities do not change from the standard COOP procedures. These modifications are recorded in the template under [modified procedures for a pandemic](#).

Step 4: Complete the plan template

Now it is time to bring all the information gathered as part of Step 2 and all the procedural decisions made as part of Step 3 together. Section IV of this *Guide* provides a [template](#) for this purpose. The template describes the information that should be included in each section and, in some cases, offers sample language that can be adapted to fit individual courts. (Suggested language is italicized; information to be added by the court is bracketed.) Where appropriate, template instructions also include links to specific Worksheets and other relevant information in the *Guide*.

Step 5: Maintain and practice the plan

The final step to ensure the court's COOP capability is to develop and implement an ongoing testing, training, and exercise (TTE) program. A TTE program allows the planning team to test the effectiveness of the plan, educate all staff about their respective roles and responsibilities during COOP plan implementation, provide opportunities to practice the plan, and identify needed modifications and enhancements to the plan.

The testing part of the TTE program ensures that the court is in a state of readiness to respond effectively to an emergency and provides feedback for updating and improving the plan. [Federal Preparedness Circular 65](#) (2004, pp.8-9) recommends testing the following components of the COOP plan:

- Alert and notification procedures (for emergencies with or without warning, during work hours and outside of work hours), on a quarterly basis;
- Communication systems for contact during relocation and at the alternate facility, on a quarterly basis;
- Access to vital records, IT, and data needed to perform essential functions, on a semi-annual basis; and,
- Support services at the alternate facility (HVAC, water, electrical power, IT), on an annual basis.

Using [Worksheet W](#), the planning team decides which components of the COOP plan are most important to test and develops a schedule for conducting the tests.

[Worksheet X](#) is used to record the staff training plan. This part of the TTE program includes an orientation to the COOP plan and procedures for all court staff, an annual refresher class for all court staff, an orientation for new staff, and subject-specific education. A well thought-out training program ensures clarity and comprehension of the roles and responsibilities for all staff and for specific groups or divisions within the court.

Special training sessions related to pandemic issues should be included as part of the subject-specific training category. For example, an overview of public health law should be provided to judges to help them address substantive issues such as jurisdiction, venue, privacy and confidentiality, and due process considerations that may arise as a result of the health department's efforts to contain the virus. The [Bureau of Justice Assistance](#) (2007, pp. 7-9, 11-13) summarizes a number of these issues and several states are preparing or have prepared public health law bench books (see the [CDC Public Health Law Program](#)) to help judges better understand this area of law. The [HHS Pandemic Influenza Plan](#) (2005, p. I-14) also identifies several due process issues to prepare for in the event of a pandemic. (See the [CDC Public Health Law Program](#) for health law training resources.)

Other pandemic training should address personal hygiene and other precautions all staff should take in the event of a pandemic. The [California Administrative Office of the Courts](#) (2006, pp. 32-34), and the [Centers for Disease Control](#) provide guidance and resources in this area. In addition, the [Bureau of Justice Assistance Web site](#) has several online videos about a range of pandemic issues.

The exercises component of the TTE program provides the opportunity to practice the knowledge and skills learned during the training programs and ensure staff is ready to activate and implement the COOP plan successfully. The exercise program should address the spectrum of disasters most likely to

affect the court. The exercises typically include a verbal walk-through of COOP plan activation, physical relocation to the chosen alternate facility, and a variety of tabletop exercises for all staff. For a description of specific types of exercises, see [MEMA](#) (2005, p. 68) or [Centers for Disease Control and Prevention's Community Strategy for Pandemic Influenza Mitigation](#) (2007, Section XI). For examples of tabletop exercises for pandemic scenarios, see the [Bureau of Justice Assistance](#) (2007, pp. 19-23). For exercises relating to bioterrorism and biohazards, see the [Pennsylvania Administrative Office of the Courts](#) (2005, pp. 4-6).

The planning team should discuss the various types of exercises available and check with local emergency management officials to determine what kinds of exercises they conduct for COOP plan implementation. Following these discussions, the team should complete [Worksheet Y](#).

III. COOP PLAN WORKSHEETS

The following Worksheets are provided to help courts gather information critical to preparing their COOP plan. The Worksheets are linked to various steps discussed under Section II. COOP Planning Steps.

- [Worksheet A: Determine Essential Functions](#)
- [Worksheet B: Rank Essential Functions](#)
- [Worksheet C: Essential Functions Staff](#)
- [Worksheet D: COOP Staff Roster](#)
- [Worksheet E: Orders of Succession and Delegation of Authorities](#)
- [Worksheet F: Contact Information for Key Decision-makers and Successors](#)
- [Worksheet G: Alternate Work Site Requirements](#)
- [Worksheet H: Alternate Work Site Options](#)
- [Worksheet I: Alternate Work Sites by Disaster Scenarios](#)
- [Worksheet J: Potential Strategies to Limit Personal Contact](#)
- [Worksheet K: Strategies to Limit Personal Contact for Each Essential Function](#)
- [Worksheet L: Communications Plan](#)
- [Worksheet M: Media Contacts](#)
- [Worksheet N: Interoperability of Communications Systems](#)
- [Worksheet O: Inventory of Vital Records](#)
- [Worksheet P: Restoration Resources](#)
- [Worksheet Q: Staff Directory](#)
- [Worksheet R: Emergency Contacts for Staff](#)
- [Worksheet S: Emergency Services Available](#)
- [Worksheet T: Personnel Policies](#)
- [Worksheet U: Drive-Away Kits](#)
- [Worksheet V: Devolution Plan](#)
- [Worksheet W: COOP Plan Testing Program](#)
- [Worksheet X: COOP Plan Training Program](#)
- [Worksheet Y: COOP Plan Exercise Program](#)

Worksheet C: Essential Functions Staff

Instructions: Fill-in the department/division/office name. Using [Worksheet B](#), list the department’s essential functions in order of priority, i.e., all priority 1 functions, followed by all priority 2 functions, and so forth. In the last column, list the position titles of all staff needed to perform the essential function. Use an asterisk to designate which positions would be included in the court’s Advance Team, the group who prepares the alternate facility for other essential staff. See [determine essential functions staff](#) in the *Guide* for more information.

Department/Division/Office: _____

Priority	Essential Function	Essential Staff
1	Issue temporary restraining orders	Filing Clerk Judicial Officer
<i>(Include as many additional rows as necessary)</i>		

Worksheet D: COOP Staff Roster

Instructions: In the first column, list the essential staff positions and their functions from Worksheet C. In the remaining columns, record the contact information for staff and their backups who will fill each position. See [determine essential functions staff](#) in the *Guide* for more information on selecting COOP staff.

Essential Staff: Position Title, Department, and COOP function	Contact Information			
	Primary COOP Staff	Backup COOP Staff 1	Backup COOP Staff 2	Backup COOP Staff 3
Judge, Civil Division, issues temporary restraining orders	Name: Office phone: Home phone: Cell phone: Pager: Office Email Home Email: Nearest contact outside of city:	Name: Office phone: Home phone: Cell phone: Pager: Office Email Home Email: Nearest contact outside of city:	Name: Office phone: Home phone: Cell phone: Pager: Office Email Home Email: Nearest contact outside of city:	Name: Office phone: Home phone: Cell phone: Pager: Office Email Home Email: Nearest contact outside of city:
	Name: Office phone: Home phone: Cell phone: Pager: Office Email Home Email: Nearest contact outside of city:	Name: Office phone: Home phone: Cell phone: Pager: Office Email Home Email: Nearest contact outside of city:	Name: Office phone: Home phone: Cell phone: Pager: Office Email Home Email: Nearest contact outside of city:	Name: Office phone: Home phone: Cell phone: Pager: Office Email Home Email: Nearest contact outside of city:
<i>(Include as many additional rows and columns as necessary)</i>				

Worksheet E: Orders of Succession and Delegation of Authorities

Instructions: In the first column, list key decision-makers (by position) responsible for the court’s essential functions. In the second column, list the designated successors for each decision-maker. It is important to list several backup successors. In the third column, specify whether the key decision-maker’s authorities to perform all functions are transferred to the successor or whether there are some limitations (e.g., authority to spend up to \$X without authorization). In the fourth column, identify the circumstances under which the successor’s authority is activated and terminated. In the last column, note where the authority, including when it is activated and terminated, is recorded. The first row provides an example. See [establish orders of succession and delegate authorities](#) in the *Guide* for more information.

Key Position	Successor	Delegated Authority(s)	Activation/Termination of Delegated Authority(s)	Documentation of Authority(s)
Presiding Judge	Assistant Presiding Judge	All	<u>Activated:</u> Presiding Judge is not available during COOP plan activation <u>Terminated:</u> Presiding Judge is available or emergency is over	Court policies
	Senior Judge A	All	<u>Activated:</u> Presiding Judge is not available during COOP plan activation <u>Terminated:</u> Presiding Judge is available or emergency is over	Court policies
	Senior Judge B	All	<u>Activated:</u> Presiding Judge is not available during COOP plan activation <u>Terminated:</u> Presiding Judge is available or emergency is over	Court policies
<i>(Include as many additional rows as necessary)</i>				

Worksheet F: Contact Information for Key Decision-Makers and Successors

Instructions: In the first column, list each key position and successor named on [Worksheet E](#). In the second column, identify the current occupant of the position and his or her contact information in the event of an emergency. The first two rows provide examples. See [establish orders of succession and delegate authorities](#) in the *Guide* for more information.

Key Position/Successor (Title)	Contact Information
Presiding Judge	Name: Office phone: Home phone: Cell phone: Pager: Office Email Home Email: Home address Nearest contact outside of city:
Assistant Presiding Judge	Name: Office phone: Home phone: Cell phone: Pager: Office Email Home Email: Home address Nearest contact outside of city:
	Name: Office phone: Home phone: Cell phone: Pager: Office Email Home Email: Home address Nearest contact outside of city:
<i>(Include as many additional rows as necessary)</i>	

Worksheet G: Alternate Work Site Requirements

Instructions: In the first column, list all the essential functions recorded on [Worksheet C](#). In the second column, record the number of essential staff for each function (also on Worksheet C). In the third column, note whether each function can be done manually or requires a power source(s); in the fourth column, list what types of furniture and office equipment (e.g., desks, chairs, computers, tape recorders, copy and fax machines) are needed; and in the fifth column, identify communications needs such as land lines, cell phones, satellite dish, two-way radios, network access, and internet access. Give an estimate of the floor space needed to accommodate the staff for each function and note in the last column whether telecommuting is an option for accomplishing the function. See [identify alternate facilities](#) in the *Guide* for more information.

Essential Function	# of Staff	Power	Furniture/ Equipment	Communications	Floor Space	Telecommute?
<i>(Include as many additional rows as necessary)</i>						

Worksheet H: Alternate Work Site Options

Instructions: In the first column, list each potential alternate site identified by the planning team (see [identify alternate facilities](#) in the *Guide* for more information). When visiting the facility, record (a) the number of staff it can accommodate; (b) what type of power supply it has and the number of accessible outlets; (c) the number of desks, chairs, computers and other types of office equipment and whether there are any private offices available; (d) the types of phone and data lines available; (e) the floor space available and whether it is contiguous or on different floors or in separate wings; (e) how accessible the facility is for staff and public—whether parking is available at the facility, and whether transportation and/or lodging for staff will be needed; (f) whether it is vulnerable (e.g., in a flood zone or near hazard materials storage); and (g) what type of financial or other agreements would be necessary to secure the facility as an alternate site.

Facility name, address, and contact	Staff capacity (#)	Power Supply	Offices/ Furniture/ Equipment	Communications	Floor Space (sq. ft.)	Easily Accessible?	Vulnerabilities?	Agreements
<i>(Include as many additional rows as necessary)</i>								

Worksheet I: Alternate Work Sites by Disaster Scenarios

Instructions: Record contact information for each alternate facility identified by the planning team (see [identify alternate facilities](#) in the *Guide* for more information) in column 2. If more than one alternate facility will be used for a specific scenario, provide information for each facility. If at least some essential staff will work from home, list “work from home” as one of the alternate facilities. In columns 3 and 4, list what agreement the court has made with the facility (e.g., MOU for 500 sq. ft.) and when the agreement was made; list any costs associated with the facility in column 4; and provide any additional information about the facility in the last column.

Disaster Scenario (I-IV)*	Alternate Facility(s) Name, Address, Phone #, and Contact	Agreement	Date of Agreement	Annual Cost	Notes
Scenario I: Primary Backup	1. Name: Address: Phone: Contact:				
	2. Name: Address: Phone: Contact:				
Scenario I: Secondary Backup	1. Name: Address: Phone: Contact:				
	2. Name: Address: Phone: Contact:				
Continue table for Scenarios II-IV					

*Scenario I=damage only to court facility; Scenario II=damage to court facility and immediate surrounding area; Scenario III=damage across geographical region; Scenario IV: pandemic

Worksheet J: Potential Strategies to Limit Personal Contact

Instructions: In the first column, list the strategies (e.g., social distancing, use of gloves and/or masks, glass/plastic barriers over counters where the public does business, teleconferencing, videoconferencing, and working from home) that are or could be available to the court to limit personal contact between staff and between staff and members of the public. In the second column, indicate whether the strategy is currently available (e.g., yes, to a limited extent, no). List any requirements (e.g., permissions, development of new procedures, special education) necessary to implement the strategy in the third column, and list any special equipment or resources needed in the fourth column. See [identify business practices to limit personal contact](#) in the *Guide* for more information.

Strategy to Limit Personal Contact	Currently Available?	Requirements to Implement Strategy	Equipment/Other Resources Required
Social distancing (maintaining a distance of at least three feet between persons)	Yes	Staff education	Possibly assistance from Department of Health expert
<i>(Include as many additional rows as necessary)</i>			

Worksheet K: Strategies to Limit Personal Contact for Each Essential Function

Instructions: Staff charged with performing each essential function (see [Worksheet C](#)) reviews [Worksheet J](#) to determine which strategies for limiting personal contact are appropriate for each function. Staff lists essential functions in the first column, appropriate strategies in the second, and notes whether the strategy is currently available (taken from Worksheet K) in the third column. See [identify business practices to limit personal contact](#) in the *Guide* for more information.

Essential Function	Strategy to Limit Personal Contact	Currently Available?
Essential Function		
Essential Function		
Essential Function		
Essential Function		
<i>(Include as many rows as necessary)</i>		

Worksheet M: Media Contacts

Instructions: Identify the name of local and regional media outlets in column two, and provide the names and phone numbers of contacts for each in column three. See [identify communications methods](#) in the *Guide* for more information.

Media Category	Name	Contacts
Newspapers		
Radio Stations		
Television Stations		
<i>(Include as many additional rows as necessary)</i>		

Worksheet N: Interoperability of Communications Systems

Instructions: In the first column, list the communications systems/devices included under “methods of notification” in [Worksheet L](#) as well as information systems that support essential functions. Also include communications systems available at the alternate facility if different from those already listed. In the second column, list the provider of the service (e.g., AT&T, Sprint, Verizon) or the maker of the system/device. In the third column, list the location of the system/device. Keep in mind that some emergency equipment (e.g., satellite telephones) may be stored in the alternate facility or at staff member’s residence. List each unit and its location. The fourth column identifies who has access to the system/device and could use it during an emergency. The final column lists all parties with whom the user could exchange information using the system/device. In some cases, “parties” refers to the ability of computers to exchange data. See [ensure interoperable communications](#) in the *Guide* for more information.

Communication System/Device	Who Provides Service/Makes System/Device?	Where Is System/Device Located?	Who Has Access?	With Which Parties Can it Communicate?
Voice Lines	Name of company	Throughout courthouse	Courthouse users	<ul style="list-style-type: none"> ▪ Across courthouse ▪ Alternate facility staff ▪ All external partners ▪ General public
Fax Lines				
Data Lines				
Cellular Phones				
Pagers				
Email				
Internet Access				
Instant Messenger Services				
Blackberry and other PDAs				
Radio Communication Systems				
Court Hotline				
<i>(Include as many additional rows as necessary)</i>				

Worksheet R: Emergency Contacts for Staff

Instructions: For each staff member listed in [Worksheet Q](#), list individuals to contact in the event of an emergency. See [develop resources to manage human capital](#) in the *Guide* for more information.

Staff Member	Primary Emergency Contact	Backup Emergency Contact	Nearest Contact Outside of City
	Name: Address: Home phone: Cell phone: Home Email: Office phone: Office Email:	Name: Address: Home phone: Cell phone: Home Email: Office phone: Office Email:	Name: Address: Home phone: Cell phone: Home Email: Office phone: Office Email:
	Name: Address: Home phone: Cell phone: Home Email: Office phone: Office Email:	Name: Address: Home phone: Cell phone: Home Email: Office phone: Office Email:	Name: Address: Home phone: Cell phone: Home Email: Office phone: Office Email:
	Name: Address: Home phone: Cell phone: Home Email: Office phone: Office Email:	Name: Address: Home phone: Cell phone: Home Email: Office phone: Office Email:	Name: Address: Home phone: Cell phone: Home Email: Office phone: Office Email:
	Name: Address: Home phone: Cell phone: Home Email: Office phone: Office Email:	Name: Address: Home phone: Cell phone: Home Email: Office phone: Office Email:	Name: Address: Home phone: Cell phone: Home Email: Office phone: Office Email:

(Include as many additional rows as necessary)

Worksheet T: Personnel Policies

Instructions: The first column includes examples of personnel areas in which guidance might be needed in the event of COOP plan implementation, and the second column offers examples of specific issues that might arise within each area. Modify/replace these examples to best fit your court’s potential personnel needs. In the third column, identify the source of authority (e.g., administrative order, personnel policy) court officials should access to address each issue. Write “none” if guidance currently is unavailable. See [develop resources to manage human capital](#) in the *Guide* for more information.

Personnel Areas	Specific Personnel Issue	Guidance Available
Work schedules and compensation	Payment of nonessential staff	
	Overtime for essential functions staff	
	Overtime payment for essential functions staff	
	Payroll administration when normal processes unavailable	
	<i>(Include additional issues here)</i>	
Flexible work hours and teleworking		
	<i>(Include additional rows as needed)</i>	
Leave		
	<i>(Include additional rows as needed)</i>	
Obtaining additional staff		
	<i>(Include additional rows as needed)</i>	
Logistical support		
	<i>(Include additional rows as needed)</i>	
Discipline		
	<i>(Include additional rows as needed)</i>	
Liability		
	<i>(Include additional rows as needed)</i>	
Education and training		
	<i>(Include additional rows as needed)</i>	
Other		
	<i>(Include additional rows as needed)</i>	
Other		
	<i>(Include additional rows as needed)</i>	

Worksheet U: Drive-Away Kits

Instructions: Each essential functions staff (and backups) identifies items to include in his or her personal drive-away kit. (Kits include only items that are not pre-positioned and maintained at the alternate site.) The first column provides examples of the types of items that could be included, the second column identifies the specific items necessary to the staff person’s essential functions duties, and the third column records the last time the contents were reviewed and/or updated. See [prepare drive-away kits](#) in the *Guide* for more information.

Drive-Away Kit for: _____

Types of Content	Specific Item and Brief Description	Last Review/Update
Paper files		
	<i>(Include additional rows as needed)</i>	
Electronic files and databases		
	<i>(Include additional rows as needed)</i>	
Reference materials		
	<i>(Include additional rows as needed)</i>	
Special tools and equipment		
	<i>(Include additional rows as needed)</i>	
Supplies		
	<i>(Include additional rows as needed)</i>	
Personal items		
	<i>(Include additional rows as needed)</i>	
Personal pandemic items		
	<i>(Include additional rows as needed)</i>	
Other		
	<i>(Include additional rows as needed)</i>	
Other		
	<i>(Include additional rows as needed)</i>	

Worksheet V: Devolution Plan

Instructions: Prepare a basic devolution plan by completing the form. See [plan devolution process](#) in the *Guide* for more information.

Basic Devolution Plan

1. Provide contact information for alternate court(s) available to perform essential functions. (Add as many rows as necessary.)

Court	Contact Information

2. Prepare written agreement with alternate court(s) and keep with vital records.
3. List the officials and their successors (by position, not name) allowed to transfer authority to perform essential functions. (Add as many rows as necessary.)

Authorities and successors allowed to implement devolution plan:

-
-

4. Provide plan for transferring vital records and other materials necessary for performing essential functions to alternate court(s). For example, will vital records and materials be stored and updated on the same schedule as those stored with alternate facilities?
5. List procedures for notifying the alternate court of devolution.
6. List procedures for returning authority once court is reconstituted.

Worksheet W: COOP Plan Testing Program

Instructions: In the first column, list the COOP plan components that require testing. The components suggested by [Federal Preparedness Circular 65](#) (2004, pp.8-9) are already listed. In the second column, identify how each component will be tested. In the third column, identify who is responsible for testing each component; and in the fourth column, record the frequency of testing. An example is provided in the first row. See [maintain and practice the plan](#) in the *Guide* for more information.

Plan Component	Method(s)	Who is responsible for testing	Frequency
Ensure access to vital records needed to perform essential functions	Check that data and records at the alternate facility are complete and current	Division supervisors	Quarterly
Test communications systems			
Test alert and notification procedures			
Check alternate facility readiness			
<i>(Include as many additional rows as necessary)</i>			

Worksheet X: COOP Plan Training Program

Instructions: List the kinds of training (e.g., orientation, refresher course, subject-specific information for different audiences) needed in the first column, the recipients of the training in the second column, the method (e.g., face-to-face meeting, in-person training session, broadcast session, Web-based program) for delivering the training in the third column, and the frequency with which the training will occur in the last column. See [maintain and practice the plan](#) in the *Guide* for more information.

Type of Training	Recipients	Method(s)	Frequency
Orientation	▪ All judges and staff	▪ In-person training program	Once
	▪ New judges and staff	▪ CD or Web-based program	Once
<i>(Include as many additional rows as necessary)</i>			

Worksheet Y: COOP Plan Exercise Program

Instructions: List the types of exercises (e.g., verbal walk-through, tabletop, physical relocation) that will be conducted in the first column and the individuals or groups (e.g., all judges and staff, essential functions staff) required to participate in the exercise in the second column. In the third and fourth column, note the frequency (e.g., biannual, annual, semiannual, quarterly) with which the exercise will be conducted and the location of the exercise (e.g., courthouse, alternate facility). See [maintain and practice the plan](#) in the *Guide* for more information.

Type	Participants	Frequency	Location
Verbal walk-through	Entire staff	Biannual	Courthouse

IV. COOP PLAN TEMPLATE

This template offers courts a guide for preparing their own continuity of operations (COOP) plan. Each section describes the information that should be included and, in some cases, offers language that can be adapted to fit individual courts. Suggested language is italicized; information to be added by the court is bracketed.

Many of the sections require courts to work through several steps and make decisions before the section can be completed. These sections are linked to information and worksheets provided in [*Continuity of Court Operations: Steps for COOP Planning*](#) to help courts in this process.

Go to [Template](#).

Template

Insert Cover Page for your court. For example:

Continuity of Operations (COOP) Plan

[Insert Name of Court]

[Insert Effective Date]

[Insert Court Seal or other Graphic]

Include any restrictions on dissemination. For example:

Distribution of this COOP Plan is limited to those who are involved in activating and implementing the Plan. [If applicable, include any statutes or rules that cover exemption from public disclosure.] Prior written approval is required by [insert authority] to reproduce the Plan, in whole or in part.

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 - A: Essential Functions
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 - D: Alternate Sites
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 - J: Interoperability of Communications Systems
 - K: Templates for Emergency Orders
 - L: Vital Records
 - M: Drive-away Kits
 - N: Essential Functions Staff by Position
 - O: COOP Staff Roster
 - P: Personnel Policies
 - Q: Emergency Services Available
 - R: Restoration Resources
 - S: Strategies to Limit Personal Contact

1. Purpose

This section should explain what a COOP plan is and why the court is developing one. For example:

A continuity of operations (COOP) plan is developed and implemented for situations in which the court must restrict its operations to mission essential functions. For example, courthouse or court-related facilities may be inaccessible because of a natural or manmade disaster, or staff resources may be critically low because of a pandemic or other health hazard. A COOP plan establishes effective processes and procedures to quickly transition the court from normal operations to mission essential functions for up to 30 days for impaired facilities or 90 days for a pandemic. In the case of impaired facilities, this includes deployment of pre-designated personnel, equipment, vital records and supporting hardware and software to an alternative site. In the case of a pandemic, deployment to an alternative site may not be necessary; but some business practices will be altered to limit personal contact and some staff may need or be required to work from home for personal, medical, or public health reasons.

Refer to [COOP planning for state courts](#) in the *Guide* for examples of typical goals and objectives of COOP plans that the court may want to include here.

2. Applicability and Scope

This section describes what entities/individuals are covered by the plan and under what types of circumstances. For example:

This plan applies to the (Court name) and its related facilities (specify name/locations). It covers all individuals who work or conduct business in these facilities. The plan takes an “all hazards” approach. That is, it applies to all emergencies, natural or man made, that affect the essential operations of the court.

3. Essential Functions

This section defines essential functions and refers to Appendix A for a list of functions deemed essential to the court’s mission. (See [identify and prioritize essential functions](#) and [Worksheet B](#) in the *Guide* for assistance on determining the court’s essential functions.) An example of language for this section is:

During an emergency, the court may not have the resources to maintain normal operations. In these situations, the court will need to restrict its activities to those functions deemed essential to performing the court’s mission. A list of the court’s mission essential functions is included in Appendix A.

4. COOP Implementation Process

This section covers the primary decisions that must be made and actions that must be taken in the event that alternate operations are necessary to continue performance of the court’s essential functions. For example:

The procedures included in the following sections are intended to help ensure that implementation of the COOP plan goes forward as smoothly as possible and that critical decisions and activities are not overlooked because of confusing and stressful events. The procedures address who is responsible for specific decisions and actions at different points in the implementation process. In the event of an emergency, the implementation process should be followed as closely as possible. Flexibility is necessary, though, given some emergencies come with little or no warning and may require that some procedures be abbreviated or otherwise modified.

The implementation process, sometimes referred to as a concept of operations, is divided into four parts: (1) procedures for activation and relocation (Phase I), (2) procedures for alternate facility operations (Phase II), (3) procedures for reconstitution (Phase III), and (4) modified procedures for a pandemic.

Note. The following procedures are described as answers to typical questions that arise during the COOP implementation process. The tables can be included in the template with or without the questions, whichever is preferable to the court.

A. Procedures for Phase I: Activation and Relocation

This section describes what procedures are included as part of “activation and relocation.” For example:

This section includes procedures for (1) determining whether to activate the COOP plan, (2) notifying parties when the plan has been activated, and (3) transitioning from the primary facility to the alternate facility(s). These are discussed below.

i. Decision to activate the plan

This section provides answers to the questions listed in the table below. See [COOP plan activation procedures](#) in the *Guide* for more information. The procedures for Question 1 should reference orders of succession and the delegation of authorities in [Appendix B](#) and contact information for key officials in [Appendix C](#), procedures for Question 4 should reference alternate sites in [Appendix D](#), and the procedures for Question 5 should reference the devolution plan in [Appendix E](#). An example is provided in the table of Question 1.

The following procedures are followed at this stage.

Question	Procedures
<i>1. Who (what position) determines whether to activate the COOP plan?</i>	<i>For example: The presiding judge, in consultation with the COOP coordinator and available members of the COOP planning team, decides if and when the COOP plan is activated. If the presiding judge is unavailable, his or her successor (see Appendices B and C) makes the decision.</i>
<i>2. What information is used to make the decision?</i>	
<i>3. Who obtains the information and from which sources is it gathered?</i>	
<i>4. Who checks with the alternate facility to ensure immediate availability?</i>	
<i>5. What does the court do if devolution is necessary?</i>	
<i>(Note. Add questions to cover any additional procedures the court wishes to specify for this topic.)</i>	

ii. Alert and notification

This section provides answers to the questions listed in the table below. See [alert and notification procedures](#) in the *Guide* for more information. The procedures for Question 1 should reference the communication plan in Appendix F if the information coordinator is involved in preparing the notification. The procedures for Question 3 should reference the communications plan ([Appendix F](#)), staff contact information in [Appendix G](#), staff emergency contacts in [Appendix H](#), and media contact information in [Appendix I](#). The procedures for Question 4 should reference [Appendix J](#). If the planning team has prepared sample emergency orders, these should be added as [Appendix K](#).

The following procedures are followed at this stage.

Question	Procedures
<i>1. Who prepares the notification? Is there a review?</i>	
<i>2. What does the notification cover?</i>	
<i>3. Who disseminates the information, who receives the information, and what methods are used?</i>	
<i>4. Who has access to interoperable communications devices if normal communications methods are unavailable?</i>	
<i>5. What guidelines must the court follow to issue emergency orders?</i>	
<i>(Note. Add questions to cover any additional procedures the court wishes to specify for this topic.)</i>	

iii. Transition to alternate facility

This section provides answers to the questions listed in the table below. See [transition to alternate facility procedures](#) in the *Guide* for more information. Procedures for Question 1 should reference orders of succession and delegation of authorities in [Appendix B](#). Procedures for Question 3 should reference vital records in [Appendix L](#) and drive-away kits in [Appendix M](#). Procedures for Question 4 should reference the court’s Advance Team, assuming the court has one, which is included in [Appendix N](#) and backups for the Advance Team which are provided in [Appendix O](#). If the Advance Team is in charge of vital records, the procedures for Question 4 also should reference [Appendix L](#). For question 5, procedures might reference logistical information (e.g., maps) found in [Appendix M](#).

The following procedures are followed at this stage.

Question	Procedures
<i>1. Who (what position) coordinates the deployment effort and what does this person do?</i>	
<i>2. What procedures should be followed if a trial is in process?</i>	
<i>3. What actions should COOP staff take prior to departing for the alternate facility, assuming staff has some time to prepare?</i>	
<i>4. Will an Advance Team precede the COOP essential functions staff to the alternate facility? If so, who leads the Advance Team and what does the Advance Team do to prepare the facility?</i>	
<i>5. How will COOP staff be transported to the alternate facility?</i>	
<i>6. What security measures will be taken to protect the courthouse?</i>	
<i>(Note. Add questions to cover any additional procedures the court wishes to specify for this topic.)</i>	

B. Procedures for Phase II: Alternate Facility Operations

This section describes what procedures are included as part of “alternate facility operations.” For example:

Part II includes procedures for executing essential functions; establishing communications with staff, the supreme court, other relevant organizations, and the public; and addressing personnel and staffing issues.

This section provides answers to the questions listed in the table below. See [alternate facility operations](#) in the *Guide* for more information. Procedures for Question 1 should reference the COOP staff roster in [Appendix O](#). Procedures for Question 3 might reference the communications plan in [Appendix F](#), staff contact information in [Appendix G](#) and staff emergency contacts in [Appendix H](#), and media contact information in [Appendix I](#). Procedures for Question 4 should reference personnel policies in [Appendix P](#) and emergency services available in [Appendix Q](#). Procedures for Question 6 should reference restoration resources in [Appendix R](#).

The following procedures are followed at this stage.

Question	Procedures
<i>1. How is COOP staff accounted for at the alternate facility?</i>	
<i>2. What information is provided to COOP staff upon arrival?</i>	
<i>3. What updates are provided to staff and other parties?</i>	
<i>4. What personnel issues should be addressed?</i>	
<i>5. What security measures will be taken to protect the alternate facility?</i>	
<i>(Note. Add questions to cover any additional procedures the court wishes to specify for this topic.)</i>	

C. Procedures for Phase III: Reconstitution

This section describes what procedures are included as part of “reconstitution.” For example:

Part III includes procedures to terminate alternate operations and resume normal operations.

This section provides answers to the questions listed in the table below. See [reconstitution](#) in the *Guide* for more information. Procedures for Question 1 should reference restoration resources in [Appendix R](#). Procedures for Question 3 might reference the communications plan in [Appendix F](#), staff contact information in [Appendix G](#), staff emergency contacts in [Appendix H](#), and media contact information in [Appendix I](#).

The following procedures are followed at this stage.

<i>Question</i>	<i>Procedures</i>
<i>1. What initial assessment is done for reconstitution?</i>	
<i>2. Who develops the plan to resume normal functions and what does the plan include?</i>	
<i>3. What information is communicated to staff and other parties?</i>	
<i>4. What follow-up actions are taken once normal operations are resumed?</i>	
<i>(Note. Add questions to cover any additional procedures the court wishes to specify for this topic.)</i>	

D. Modified Procedures for a Pandemic

This section describes what modifications to standard COOP plan procedures are necessary in the event of a pandemic. For example:

Although many COOP procedures are applicable no matter what the disaster, some modifications are necessary in the event of a pandemic. The modifications listed below assume that the standard COOP procedures are followed except where indicated.

Record any modifications necessary to standard COOP procedures in the table below. See [modified procedures for a pandemic](#) in the *Guide* for more information. Modified procedures for Phase I: Transition to alternate facility should reference strategies to limit personal contact in [Appendix S](#).

The following modifications should be made to standard COOP procedures when a pandemic is in effect.

<i>COOP Procedures</i>	<i>Modified Procedures</i>
<i>Phase I: COOP plan activation</i>	
<i>Phase I: Alert and notification</i>	
<i>Phase I: Transition to alternate facility</i>	
<i>Phase II: Alternate facility operations</i>	
<i>Phase III: Reconstitution</i>	
<i>(Note. Add additional procedures the court wishes to specify for this topic.)</i>	

5. Appendices

A: Essential Functions

Insert completed table from [Worksheet B](#) in the *Guide*.

B: Orders of Succession and Delegation of Authorities

Insert completed table from [Worksheet E](#) in the *Guide*.

C: Contact Information for Key Decision-makers and Successors.

Insert completed table from [Worksheet F](#) in the *Guide*.

D: Alternate Sites

Insert completed table from [Worksheet I](#) in the *Guide*.

E: Devolution Plan

Insert completed table from [Worksheet V](#) in the *Guide*.

F: Communications Plan

Insert completed table from [Worksheet L](#) in the *Guide*.

G: Staff Directory

Insert completed table from [Worksheet Q](#) in the *Guide*.

H: Staff Emergency Contacts

Insert completed table from [Worksheet R](#) in the *Guide*.

I: Media Contact Information

Insert completed table from [Worksheet M](#) in the *Guide*.

J: Interoperability of Communications Systems

Insert completed table from [Worksheet N](#) in the *Guide*.

K: Templates for Emergency Orders

Insert sample emergency orders, if available.

L: Vital Records

Insert completed table from [Worksheet O](#) in the *Guide*.

M: Drive-away Kits

Insert completed table from [Worksheet U](#) in the *Guide*.

N: Essential Functions Staff by Position

Insert completed table from [Worksheet C](#) in the *Guide*.

O: COOP Staff Roster

Insert completed table from [Worksheet D](#) in the *Guide*.

P: Personnel Policies

Insert completed table from [Worksheet T](#) in the *Guide*.

Q: Emergency Services Available

Insert completed table from [Worksheet S](#) in the *Guide*.

R: Restoration Resources

Insert completed table from [Worksheet P](#) in the *Guide*.

S: Strategies to Limit Personal Contact

Insert completed table from [Worksheet K](#) in the *Guide*.

V. SPECIAL TOPICS

- [Topic 1: Examples of planning assumptions](#)
- [Topic 2: Ranking functions based on workforce levels](#)

Topic 1: Examples of planning assumptions

This Special Topic is linked to:

- [Step 1d: Specify planning assumptions](#)

Examples of planning assumptions included in the National Association for Court Management's *Business Continuity Management Mini Guide* (2006, p. 11):

- Disruption to the operations of the court and/or courthouse may occur at any time and without warning.
- The ability to continue to use the physical courthouse may be threatened or non-existent.
- The COOP may have to be activated at any hour of the day or night.
- Once the COOP is activated, key personnel and the court's emergency organization will have to be moved to an alternate facility.
- Staff levels may be significantly reduced due to high levels of displacement, injury, illness, lack of transportation, and need to attend to family concerns.
- Remaining workers may be psychologically affected by disease, family concerns, concerns about economic loss, or fear, and require behavioral assistance.
- Staff may be reduced by the need for some workers to attend to family illness/injury or to children remaining at home due to school closures.
- Some court functions, those deemed less vital, will have a lower priority and will be deferred until a later time.
- Information systems, communication, and transportation may not continue to function either unimpaired or at all; plans need to be in place almost immediately to compensate.
- There will be funding constraints.
- Health and safety of employees may be at risk.
- The operational infrastructure, including power, water, and sewer, may be damaged and severely compromised.
- The geographical relocation of some or all of the population may be extensive and/or may impact the resources available for recovery.
- The planning done is adequate for even the most extreme disaster.

Topic 2: Ranking functions based on workforce levels

This Special Topic is linked to:

- [Step 2a: Identify and prioritize essential functions](#)

During a pandemic, court workforce levels may drop by 25 percent or more due to staff absenteeism. [San Francisco's Pandemic COOP Guide](#) (2006, p. A5-A6) directs courts to consider which essential functions they can accomplish given absenteeism rates of 20, 35, and 50 percent. It also suggests that priorities could change based on the public's demand for specific services as the pandemic runs its course.

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