

## Emergency Preparedness in the Judiciary

How do federal courts respond in a crisis? How did the federal courts in Manhattan respond following the September 11 disaster?

Buildings were evacuated and closed. Alternate courts were designated to accept filings. E-mail and computer networks were rerouted. Cell phones were distributed to key employees and information was posted to websites for the public and court employees. Before buildings reopened, air quality was tested, and facilities and air filters cleaned. Then the real work began.

"The day we reopened," said Second Circuit Executive Karen Milton, "we had six trucks of mail delivered. We were using cell phones because our phone lines were still down. And our court staff was coming to work through dozens of checkpoints in areas of the city that were still closed to traffic."

The Manhattan courts barely missed a judicial beat thanks to attention to detail and a willingness by all to pitch in and get the job done. Milton was at the forefront with an able staff, including Assistant Circuit Executive for Automation Joel Turner. "We were current with filings before September 11," said Milton, "but the disaster didn't create a big backlog." That was largely due to Second Circuit Chief Judge John M. Walker's goal to have the court operational as soon as possible-and to Milton's planning. She even made arrangements for buses and U.S. Marshals to take judges to the closed courthouses to retrieve briefs and keep the court caseload moving. At the district level, District Court Executive for the Southern District of New York, Clifford Kirsch, with Bankruptcy Clerk Kathleen Farrell, arranged for filings to be accepted at the White Plains facility while the Manhattan courts were closed. The public was kept informed of the courts' status through frequently updated postings on the district court's Internet site.

There was an awareness from the start that staff safety concerns must be considered. Chris Stanton, chief probation officer for the Southern District of New York brought in critical incident stress management teams from the District of Maryland and the Western District of New York to talk with staff. "We put out 15 emergency memos with information on conditions," said Milton. "But we also gave our court staff training in emergency preparedness and we had EAP (Employee Assistance Program) counselors available around the clock."

According to Judge Chester J. Straub (2nd Cir.) who heads the circuit's Committee for Facilities and Security, it was the ability of the Circuit Executive's Office to anticipate and make the necessary arrangements that got the court back on its feet. "Karen Milton and her staff, together with the entire office of our Clerk of Court Roseann B. MacKechnie, were extremely effective, and they went out of their way to be at the courthouse under difficult and, at times, dangerous conditions," Straub said. His committee continues to talk about general concerns and meet with circuit and district staff, U.S. Marshals, and court security officers.

Few disasters can be anticipated. But advance planning may mean the difference between a disabled court and a court that reacts efficiently and returns to normal function quickly. Administrative Office Director Leonidas Ralph Mecham noted, "It is important for the

Judiciary to have the capability to perform essential activities and functions without unacceptable interruption under all circumstances and situations, including those that are human-caused, natural, or technological in nature." The federal Judiciary relies upon the General Services Administration, both for accommodations-through its Public Buildings Service-and for security, through the U.S. Marshals Service and GSA's Federal Protective Service. However, each federal court is responsible for planning for its continued operation in the event of a disaster.

### **Occupant Emergency Planning**

Each court should have in place an Occupant Emergency Program (OEP). GSA defines the OEP as "a short-term emergency response program [that] establishes procedures for safeguarding lives and property during emergencies in particular facilities."

The procedures may include plans for evacuating or opening alternate work sites, securing facilities and records, and communicating with employees and members of the public on the court's status. An Occupant Emergency Organization-a command center team of employees and appropriate staff from other agencies, such as the U. S. Marshals Service and GSA- has the responsibility for implementing these emergency response procedures or tasks.

### **Continuity of Operations**

What happens after the disaster? Does the court remain open? Where and when do employees report for work? How do members of the public file documents? How are records, computer systems and other equipment accessed? Continuity of Operations Plans try to anticipate and answer those questions. Each court should prepare a Continuity of Operations Plan and coordinate all plans on a district-wide basis. The purpose of the plan is to ensure the safety of employees, visitors and the public; to conduct essential court functions; and to resume normal operations as quickly, safely, and efficiently as possible. Courts also may wish to contact one of the regional offices of the Federal Emergency Management Agency (FEMA) for assistance in planning for emergencies, or any of the 28 Federal Executive Boards or Associations in cities near major centers for federal activity. Contacts with local police, fire and public health officials also are recommended.

Historically, courts outside the disaster areas have been generous with staff and equipment in coming to the aid of disabled courts. The Administrative Office sends disaster response teams to help courts hit by natural disasters, such as hurricanes, or man-made disasters, such as the Oklahoma City bombing. These teams help courts with everything from acquiring cell phones to working through procurement issues and ensuring paychecks are delivered. "While assistance is at hand, it cannot replace a court's advance planning," said William Lehman, the AO's Emergency Preparedness Coordinator. "In a disaster, such planning helps the court continue to function and may even save lives."

## **Judiciary Moves to Extend Safeguards**

Recent concerns over biological agents carried through the mail have prompted the Judiciary to move quickly to extend safeguards.

On the recommendation of the Committee on Security and Facilities, the Executive Committee

of the Judicial Conference has endorsed a strategy that will provide nationwide testing services for anthrax for federal courts who wish to conduct tests, and that will supply courts with kits for surface testing for anthrax. The Security and Facilities Committee also recommended contracting on a nationwide basis for guidance and advice from experts on biological/chemical threats or in the event of positive test results. The Executive Committee approved this as well. Administrative Office Director Leonidas Meham and his staff worked closely with Conference committees to suggest strategies and outline plans by which courts could be safeguarded.

In addition, to minimize risk to judges and staff, the Administrative Office has moved to expand substantially the electronic delivery of its mail to courts. The AO has used electronic transmission, including e-mail and fax, for its court communications for some time, but recipients were generally limited to chief judges and court unit executives. Now, with an expansion of this capability, many paper mailings to all appellate, district, bankruptcy and magistrate judges will be replaced by electronic transmissions. In addition to ameliorating concerns over tainted mail, the switch-over will actually speed communications, and save printing and postage costs. The Judiciary's J-Net website and the external website at [www.uscourts.gov](http://www.uscourts.gov) remain sources for general communications, information and updates.

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