



- Consider organizing by district? Not office?
- organizing issues?
- checklists?
- Also - what triggers the COP?

CONTINUITY OF OPERATIONS (COOP) PLAN

COORDINATION DRAFT
For Comment

August 13, 2002

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UNITED STATES COURT OF APPEALS FOR THE XXX CIRCUIT

FOREWORD

Government organizations, including members of the Federal Judiciary, have the ethical responsibility for the safety of their employees and the legal obligation to the people of the Nation to be able to continue to operate in a prudent and efficient manner even in the circumstance of an impending or existing threat.

This Continuity of Operations (COOP) Plan provides policy, responsibilities, procedures, and planning guidance for ensuring the ability of the United States Court of Appeals for the XXXX Circuit to continue its essential functions when the use of the United States Courthouse at XXXX is threatened or diminished.

Recommended changes to this document may be addressed at any time to:

XXXX
XXXX
XXXX
XXXX

XXXX
Chief Judge

SECTION I: GENERAL

1-1. REFERENCES.

See Annex A.

1-2. DEFINITIONS.

See Annex B.

1-3. PURPOSE.

This Continuity of Operations (COOP) Plan provides policy and guidance to ensure the execution of essential missions and functions of the United States Court of Appeals for the XXXX Circuit (referred to as "the Court" in this document) when the use of the United States Courthouse at XXXX [address] is threatened or diminished.

1-4. APPLICABILITY AND SCOPE.

a. This document is applicable to all Court personnel assigned to the United States Courthouse at XXXX [address] and specified employees at other designated locations.

b. This document applies to the full spectrum of threats or emergencies that may threaten operations at the United States Courthouse at XXXX [address], up to and including a situation in which the [building, locality, Region] is inaccessible or otherwise nonviable.

1-5. RESPONSIBILITIES.

a. The Circuit Executive has primary responsibility for planning and execution of this COOP.

b. Each Court staff office will identify its respective essential missions and functions and the critical capabilities and individuals to support them, consistent with the guidance provided by this document.

c. See Section III for detailed responsibilities.

1-6. SUPERCESSION.

This document supersedes XXXX.

→ Does CUS/AO have expectations re: responsibilities of CE + Staff of Circuit Court for shepherding + development of these plans?

SECTION II: OPERATIONAL CONCEPT**2-1. OBJECTIVES**

The overarching objective of this plan is to ensure the execution of essential Court functions during any crisis or emergency in which the XXXX Circuit Court building is threatened or not accessible and to provide for the safety and well-being of XXXX Circuit Court employees. Specific objectives include:

- a. Establish an executable plan for the continued operation of the minimum essential functions of the Court of Appeals for the XXXX Circuit Court.
- b. Identify key principals and supporting staff that would be relocated.
- c. Ensure the Alternate Court Site(s) and other relocation site(s) can support minimum essential Court operations.
- d. Train all key personnel responsible for the execution of this plan and train all XXXX Circuit Court of Appeals personnel on actions to be taken in the event this plan is executed.
- e. Protect and maintain vital records.
- f. Ensure there are periodic exercises to test the various components of the plan and the plan in its entirety.

2-2. ASSUMPTIONS

- a. The worst-case scenario is XXXX.
- b. There will be a sufficient number of surviving and available judges with sufficient supporting Court staff members to continue the essential functions of the Court.
- c. The US Marshals Service will provide physical security for Court members at alternate work locations.
- d. Once relocated, the Court will make every attempt to adhere to the schedule established by the Court Calendar.
- e. Execution of the COOP may be required at any time, duty hours or non-duty hours. Following activation, members may be required to move from their home or other non-duty location directly to an Alternate Court Site or other relocation facility.
- f. Some of the information systems and communications systems supporting Court operations during normal non-emergency periods may not be available.

2-3. ESSENTIAL FUNCTIONS OF THE COURT

a. There is one essential function performed by the XXXX Circuit Court of Appeals — under all hazard conditions, the Court must attempt to continue in-progress and scheduled trials and hearings. The essential functions identified by the various Offices of the Court identified in Annexes F through K are conducted in support of this function.

b. It is important to establish priorities prior to an emergency to ensure that the relocated staff can support this essential function. All offices shall ensure that the Court activities can continue or resume as rapidly and efficiently as possible during an event. Any task not deemed essential to immediate Court needs will be deferred until normal operations are again feasible.

2-4. CONCEPT OF EXECUTION

a. Following an incident so severe that the US Courthouse at XXXX is rendered unusable, or if such an event appears imminent, the Chief Judge will direct the Circuit Executive to activate the COOP. The Circuit Executive will notify the senior COOP official in each office that the plan is to be executed.

b. A sudden emergency, such as an explosion, fire, or hazardous materials incident, may require the evacuation of the Court building with little or no advance notice. Building evacuation, if required, will be accomplished in accordance with existing fire and emergency evacuation plans for the building. **The COOP is not an evacuation plan;** rather, it is a deliberate and preplanned movement of selected key principals and supporting staff to a relocation facility.

c. Following a decision to activate the Court COOP, the Court Executive will ensure that key judges and office heads are notified, and that they in turn execute their respective internal notification plans.

d. Selected judges and supporting staff will be directed to move to an alternate courtroom and/or chambers in order to continue the essential functions of the Court.

e. Other Court personnel, such as automation and information systems staff, may move to an alternate site such as XXXX to ensure that the supporting systems remain operational.

f. Court personnel who are not directed to relocate may be directed to move to some other facility, or may be advised to remain at home pending further instructions. COOP activation does not affect the normal pay or benefits of Court personnel.

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2-5. COURT RELOCATION GROUP

a. If the facilities at XXXX are not available, it will be necessary to establish chambers, courtroom, and supporting staff capabilities at an alternate location, such as another federal courthouse. The judges and other Court personnel who are relocated under this plan are known collectively as the Court Relocation Group (CRG). See Annex XXXX for the initial CRG composition.

b. Because space and support capabilities at the alternate courthouse facility will be limited, the number of personnel to be relocated must be carefully restricted to the minimum number with the skills and experience needed for the execution of the Court's essential functions.

2-6. OTHER RELOCATION GROUPS

Other Court personnel, such as additional administrative staff or automation and information systems staff, may move to an alternate site such as XXXX to continue to support essential Court functions and ensure that the supporting information systems remain operational.

Some Court personnel may be asked to work from home, or remain at home awaiting further instructions.

2-7. EMERGENCY RELOCATION SITE(S) OR ALTERNATE WORK SITE(S)

a. When the normal Court work spaces are threatened or no longer available, designated Court personnel will move to one or more of the following courthouses, in the order of priority shown, to continue the Court's essential functions:

- XXXX
- XXXX
- XXXX

b. Directions and maps to these alternate Court Sites are contained in Annex M.

c. The Circuit Executive will review semi-annually the space allocations and facilities at these sites to ensure the adequacy of assigned space and other resources.

d. Since space and support capabilities at the relocation site(s) and alternate work site(s) are limited, the persons to be relocated to one of these sites must be carefully restricted to the minimum number of personnel with the skills and experience needed for the execution of essential missions and functions.

e. Court personnel who are not designated for relocation to one of these sites may be directed to move to some other federal facility, or may be advised to remain or return home pending further instructions. COOP activation does not affect the normal pay or benefits of Court personnel.

2-8. WARNING CONDITIONS

a. Warning. It is expected that, in most cases, the Court will receive a warning at least a few hours prior to an event. This will normally enable the full execution of this plan with a complete and orderly alert, notification, and relocation of designated Court members.

b. No Warning. The ability to execute this plan following an event that occurs with little or no warning will depend on the severity of its impact on physical and personnel resources, and on whether Court personnel are present in the building at the time. If the operational capability of a key member of the Court is seriously degraded, his/her emergency responsibilities will pass automatically to the designated successor or backup as shown in the order of succession and/or delegation of authority as provided in Annex C.

(1) Non-Office Hours. Because most Court personnel will be located some distance from the Courthouse, it is expected that the majority of Court personnel designated for relocation will be able to comply with this plan when directed by the Circuit Executive to do so.

(2) Office Hours. If possible, the COOP will be activated and designated Court personnel will be directed by the Circuit Executive to move expeditiously to the designated primary or alternate relocation site. Other personnel may be directed to go home or move to other designated location(s) to await further instructions.

2-9. DIRECTION AND CONTROL

a. Authorized successors to the Chief Judge and other key Court personnel are shown at Annex D.

b. Activation of Court COOP emergency plans may be ordered by the Chief Judge, or the Circuit Executive in coordination with the Chief Judge.

c. The Senior COOP Official is the Circuit Executive.

d. The Circuit Executive has responsibility for disseminating Court guidance and direction during the emergency notification and relocation phases. Pending the arrival of the relocating Court personnel at the primary or alternate relocation court site, the senior staff member at the primary or alternate relocation court site will monitor the situation and be prepared to present a full report to the arriving Circuit Executive.

2-10. EMERGENCY NOTIFICATION AND PUBLIC INFORMATION

a. See Annex L.

b. The Circuit Executive is responsible for ensuring that Court personnel are given emergency warnings and guidance to enable a smooth transition of essential Court operations to one or more alternate courthouses. Emergency notification may be in the form of:

(1) A warning order based on advance information concerning a possible or expected event.

(2) An announcement of a COOP activation that directs designated essential Court personnel to move to an alternate location.

c. Add – use of local radio and TV

d. During the emergency period, the Circuit Executive will continue to keep Court personnel informed through the use of memoranda on specific topics (e.g., mail service, telecommunications).

2-11. OPERATING HOURS

a. During COOP contingencies, it is expected that the working hours of most relocated ERG members will be similar to normal non-emergency periods at XXXX.

b. Certain members of the Court staff may need to be prepared to support expansion to a 24-hour-per- day, 7-day-per-week operation.

SECTION III: RESPONSIBILITIES

3-1. OFFICE OF THE CIRCUIT EXECUTIVE

a. Circuit Executive

The Circuit Executive is ultimately responsible for ensuring that all judges and staff personnel are adequately prepared for conducting continuity of operations, on- or off-site. This individual serves as the point-lead in proactively identifying COOP requirements and thereafter accomplishing necessary efforts to allow for a smooth transition of operations from a primary operating facility to an alternate location.

Pre-Event – the Circuit Executive ensures that:

- Continuity of operations plans and necessary memoranda of understandings are in place for the administrative court system, including the Personnel Office, the Office of Space and Facilities and the Office of Automation and Technology
- Staff are adequately prepared and trained to conduct Court continuity operations

Execution – the Circuit Executive ensures that:

- Alternate facility locations are operable for administrative court system requirements
- Appropriate notifications are made to judges, senior staff members, and supporting personnel
- Circuit judges are able to continue conduct of meetings, hearings, and trials
- Continuous access to court calendar and docking systems

b. Deputy Circuit Executive

The Deputy Circuit Executive assists the Circuit Executive in the preparation and execution of continuity of operation requirements. This individual is also directly responsible for financial requirements and will hold responsibility for ensuring that an effective budgetary system is in place for use at alternate facility sites. The Deputy Circuit Executive also fulfills the role of Acting Circuit Executive when warranted (see Appendix __ for “Order of Succession/Delegation of Authority”).

Pre-Event– the Deputy Circuit Executive ensures that:

- Assistance is provided to the Circuit Executive in preparation of continuity of operations responsibilities
- Procurement, internal control, and space and property management financial systems are in place to be conducted at alternate sites

Execution – the Deputy Circuit Executive ensures that:

- Assistance is provided to the Circuit Executive in overall conduct of continuity of operations

- Procurement, internal control, and space and property management financial systems are conducted efficiently and effectively at alternate site locations

c. Assistant Circuit Executive for Automation

The Assistant Circuit Executive for Automation is responsible for ensuring that the Court is prepared for automation, telecommunications, and technological continuity of operations. This individual works with the Circuit Executive, Deputy Circuit Executive, and Assistant Circuit Executives to ensure that critical missions and functions as agreed upon by the Circuit Executive are able to be maintained technologically during continuity of operations requirements.

Pre-Event – the Assistant Circuit Executive for Automation ensures that:

- Appropriate equipment is available and operational at alternate site facilities
- Hardware and software requirements are compatible with alternate facility site systems
- Critical information is stored regularly and maintained at alternate facility site locations
- The most up-to-date systems are in place (as realistic) to ensure smooth transition of operations when necessary

Execution – the Assistant Circuit Executive for Automation ensures that:

- Hardware and software systems are operational to conduct critical missions and functions
- Critical information is easily and reliably retrieved from alternate site facilities
- Critical systems are operational
- Scheduled backups of information are completed

d. Assistant Circuit Executive for Space and Facilities

The Assistant Circuit Executive for Space and Facilities has primary responsibility for identifying safe and threat-free alternate site locations (as reasonable) and ensuring that such locations are effectively suited for Court continuity operations. This individual also holds responsibility for acquiring administrative supplies (non-technological) and has systems in place for the receipt and forwarding of hard copy correspondence materials.

Pre-Event – The Assistant Circuit Executive for Space and Facilities ensures that:

- Identifies alternate Court facilities and formalizes memoranda of understanding to ensure utilization as necessary
- Formalizes memoranda of understanding to ensure alternate Court sites will be available when necessary
- Ensures that supporting staff, including the Director of Administrative Services and Administrative Services Supervisors, have appropriate plans in place to ensure adequate continuity of operations related to mail operations

- Develops MOU with United States Marshal Service personnel to ensure provision of security at alternate site facilities if warranted

Execution – the Assistant Circuit Executive for Space and Facilities ensures that:

- Alternate facility sites are spaciously adequate and comfortable for staff personnel
- Facilities are accessible after standard business hours (as necessary)
- Go-kit administrative supplies are provided to staff members to ensure immediate onset of operations at alternate facility site
- Mail correspondence system is fully operational from alternate facility site and that mail is easily acquired from primary facility site (as reasonable)
- Security procedures are in place and that authorized personnel are permitted entrance to the alternate facility site(s)

e. Personnel Director

The Personnel Director ensures that staff members are trained as appropriate in continuity of operation responsibilities. This individual also ensures that vital personnel records are regularly maintained and available at alternate site facilities as necessary. Additionally, the Personnel Director plans to have in place a counseling system for employees in the event of unusual disasters with great emotional consequences (e.g. September 11, 2001.)

Pre-Event - the Personnel Director ensures that:

- Essential and non-essential staff are appropriately trained upon Court continuity operations
- Vital personnel files are updated properly and appropriately stored at alternate site locations
- MOU's are in place with counseling services
- Tracking systems are developed so that personnel will be accounted for properly

Execution - the Personnel Director ensures that:

- Vital personnel files are able to be retrieved and updated at alternate site facilities
- Counseling services are available immediately and for a determined length-of-time (as necessary)
- Tracking system is repeatedly and accurately conducted to determine location and status of all personnel

3-2. JUDGES

In addition to providing the overall leadership to staff personnel, Judges are responsible for ensuring that the essential Court functions – meetings, hearings, and trials – are continued with as little interruption as possible.

Pre-Event - the Judges ensure that:

- Clear objectives and direction are provided to support staff to ensure that continuity of operations planning is adequately conducted
- Staff are provided with necessary resources to plan appropriately for continuity of operations

Execution – the Judges ensure that:

- Clear direction and leadership are provided to staff personnel to ensure continuity operation requirements are conducted as efficiently and effectively as possible
- Essential meetings, hearings, and trials are held

3-3. OFFICE OF THE CLERK OF COURT

The Office of the Clerk of Court is responsible for the administrative oversight and management of all appellate cases. The Office administers the life cycle requirements for each case including (among others) in-processing and scheduling new cases; issuing memorandum, petitions, and decisions for current cases; and archiving files upon conclusion of trials.

Pre-Event – the Office of the Clerk of Court ensures that:

- Essential staff personnel are trained and prepared to conduct vital functions at alternate facility sites
- Paperwork for incoming and current cases are able to be transferred (hardcopy or electronically) to alternate site facilities
- The Administrative Division has procedures in place to ensure the continued collection and deposit of funds into federal depositories
- The Records/Intake/Mail Division has procedures in place to establish operations at alternate facility sites to process incoming appeals and documents, as well as to store records appropriately.

Execution – the Office of the Clerk of Court ensures that:

- Essential staff are able to continue operations almost immediately at alternate site facilities
- Funds are able to be collected and either stored securely or deposited as appropriate
- Closed case files continue to be stored appropriately

3-4. OFFICE OF LEGAL AFFAIRS

The Office of Legal Affairs holds responsibility for providing legal advice and assistance to the court, attorneys, and petitioners.

Pre-Event – the Office of Legal Affairs ensures that:

- Essential staff personnel (staff attorneys and clerks) are trained and prepared to conduct vital functions at alternate facility sites
- Law clerks will have equipment and supplies available to continue conduct of research and preparation of bench memoranda

Execution – the Office of Legal Affairs ensures that:

- Essential staff are able to continue operations almost immediately at alternate site facilities
- Alternate site facilities contain the reference documentation and equipment necessary to conduct vital functions

3-5. CIRCUIT LIBRARIES

The Circuit Librarian is responsible for providing legal advice and assistance to the court, attorneys, and petitioners.

Pre-Event – the Circuit Libraries ensure that:

- Vital hardcopy and electronic research sources are pre-identified for use at alternate facilities

Execution – the Circuit Libraries ensure that:

- Essential staff are able to continue their vital research functions at alternate facilities

3-6. UNITED STATES MARSHAL SERVICE (USMS)

The USMS provides security detail to all Federal courthouses nationwide, including the Court. The USMS is responsible for providing perimeter and internal security at both primary and alternate facility sites. The USMS will also be responsible for detainment and transfer of defendants and convicts.

*APS
Holland
Party*

Pre-Event – the United States Marshal Services ensures that:

- Work is conducted in unison with Court (Assistant Circuit Executive for Space and Facilities) to develop security identification system to ensure admittance of approved personnel
- Arrangements are made to have security equipment (x-ray machines, personal defense items) in place at alternate site facilities
- Arrangements are made to have perimeter and internal security personnel in place at alternate site facilities
- Protocols are developed to secure transfer and holding facilities for defendants and convicted prisoners

Execution – the United States Marshal Services ensures that:

- Security is provided at primary facility (as appropriate) and alternate site facilities
- Only authorized personnel are admitted to sites
- The secure transfer and holding of defendants and convicts is conducted to ensure continuation of hearings and trials

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SECTION IV: COOP EXECUTION

In general, the following procedures will be followed in any execution of the Court COOP. As explained in XXXX, the extent to which this will be possible will depend on the amount of warning received, whether personnel are on duty at Court or off duty at home or elsewhere, and possibly the extent of damage to the Courthouse.

4-1. INITIAL ACTIONS FOLLOWING RECEIPT OF EMERGENCY NOTIFICATION.

a. Circuit Executive verifies the availability of a selected alternate courthouse and notifies the Chief Clerk at that courthouse to expect the arrival of Circuit Court personnel.

a. All personnel ensure drive-away kits are complete, with current documents and equipment, and are ready to be moved.

b. All personnel assemble the remaining documents required for the performance of essential functions.

c. As appropriate, Court personnel immediately transfer the most recent version of essential documents, databases, etc., to online system(s) to be accessed from the alternate courthouse locations. Alternatively, essential files may be transferred to removable storage media (Zip disks, CD s, etc.).

d. All offices implement normal facilities security procedures for area(s) being vacated.

e. USMS take appropriate measures to ensure security of Court and equipment or records remaining in the building.

4-2. RELOCATION OF COURT PERSONNEL.

a. The Chief Judge directs the Circuit Executive to begin the relocation of essential Court personnel.

b. The Circuit Executive direct Office heads to begin the planned relocation of designated personnel to a specified alternate courthouse.

c. Designated essential personnel depart with their drive-away kits.

d. Personnel not designated for relocation to an alternate courthouse return to their homes or remain at home awaiting further instructions.

4-3. TRANSITION OF RESPONSIBILITIES TO THE ALTERNATE COURTHOUSE(S).

a. Following arrival at the alternate courthouse(s), the Circuit Executive notifies other courts and agencies that Court operations have shifted to the alternate location(s).

b. If the situation is expected to persist for several days, the Circuit Executive requests the U.S. Postal Service (USPS) to forward mail for the Court to the alternate location(s).

c. As appropriate, vendors and other service providers are notified that the Circuit Court has been relocated.

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SECTION V: ALTERNATE COURTHOUSE OPERATIONS**5-1. FOLLOWING THE ARRIVAL OF THE COURT PERSONNEL.**

- a. Upon arrival at the alternate courthouse, Court members will XXXX.
- b. The Circuit Executive will evaluate the adequacy of the capabilities at the alternate courthouse and take appropriate action to correct deficiencies.
- c. The Circuit Executive will disseminate administrative and logistics information to arriving Court members.
- c. Court members move into designated spaces and commence essential operations.
- d. As appropriate, Court members begin to retrieve pre-positioned information and data, activate specialized systems or equipment, etc.

5-2. COURT ADMINISTRATIVE STAFF RESPONSIBILITIES.

As soon as possible following their arrival at the alternate courthouse, Court members will begin providing support for the following functions:

- a. Monitoring and assessing the situation that required the relocation.
- b. Monitoring the status of office personnel and resources.
- c. Continuing essential Court missions and functions.
- d. Reporting the status of operations to other components of the Federal judiciary.
- e. Establishing and maintaining contact with other components of the Federal judiciary, outside agencies, individual attorneys, etc.
- f. Planning and scheduling Court operations.
- g. Providing support for the Court docket.
- h. Preparing and disseminating instructions and reports as required.

SECTION VI: RECONSTITUTION OF THE COURT

6-1. GENERAL.

a. Depending on the nature of the emergency, there may be severe loss of life and/or destruction of physical property, and thus it may necessary to rebuild or reconstitute the Second Circuit Court. The options include:

- Continue to operate from the current alternate courthouse(s).
- Begin an orderly return to the Courthouse at XXXX and reconstitute the Court from remaining personnel and resources.
- Begin to establish a reconstituted XXXX Circuit Court in some other facility in the [building, local, Regional] area.

b. Reconstitution procedures will commence when the Circuit Executive confirms that the emergency situation has ended and is unlikely to recur.

6-2. PROCEDURES.

a. The Circuit Executive will initiate a survey of the condition of the Courthouse at XXXX and attempt to determine the feasibility of salvaging, restoring, or returning to the original Circuit Court offices when the emergency situation subsides or is terminated.

b. The Circuit Executive, in consultation with the Chief Judge, other members of the Office of the Circuit Executive, Chief of the USMS, and GSA representatives, develops a concept for reconstitution of the Court.

c. The Circuit Executive or a designated representative will serve as the Reconstitution Manager to oversee all phases of the reconstitution process.

d. Each administrative office of the Court, in turn, designates a reconstitution POC to work with the Reconstitution Manager and inform their personnel of developments regarding reconstitution.

c. The Reconstitution Manager will guide and monitor the orderly transition of all Court functions, personnel, equipment, and records from the relocation site(s) to the designated facility.

d. When the necessary staff, equipment, and records are in place at the new or restored courthouse facility, the staff remaining at the alternate courthouse(s) transfer essential functions to the reconstituted Court, cease operations at the alternate courthouse(s), and move to the reconstituted courthouse.

SECTION VII: COORDINATING INSTRUCTIONS

7-1. PERSONNEL.

a. Following COOP activation, the Court Relocation Team will move to an alternate court site to continue essential court operations. Other Court personnel may move to one or more designated alternate work locations, or they may be directed to remain at home pending further instructions.

b. Only personnel who needed for the continuous execution of essential missions and functions will be included on COOP relocation rosters. Provided the required telecommunications and information systems remain operational, many Court personnel may be able to continue their essential functions through telecommuting.

c. Based on the situation, the USMS may be required to augment physical security staff at the reaction site(s) and alternate work location(s).

7-2. VITAL RECORDS.

a. All Court offices must ensure the protection and continuous availability of documents, references, and records, regardless of media type, that are needed to support essential missions and functions under the full spectrum of possible emergencies and disasters.

b. Vital records usually include the following.

(1) Emergency Operating Records. Records essential to the continued functioning or reconstitution of the Court during or after an emergency. Examples include emergency plans and directives, policies, procedures, delegation of authority, and sample copies memos or instructions that may be issued as needed following relocation.

(2) Legal and Financial Rights Records. Records that protect the legal and financial rights of the Court, litigants, attorneys and other individuals directly affected by its activities. Examples include briefs, dockets, calendars, official personnel records, time cards, accounts receivable records, payroll records, insurance records, and contract records.

7-3. PRE-POSITIONED INFORMATION.

Without appropriate prior planning, essential information, references, records, and data maintained at the U.S. Courthouse at XXXX may not be available to relocated Court members. Court offices will ensure that databases and other references supporting essential functions of the Court are pre-positioned at the alternate Court site(s) and other alternate work site(s), carried

with personnel as they relocate, or available through a backup process involving online systems and/or paper hard copies.

7-4. TELECOMMUNICATIONS AND INFORMATION SYSTEMS SUPPORT.

In general, the telecommunications and information systems support provided for Court members at XXXX is expected to be available independently at the emergency work locations. It is imperative that Court Offices ensure that unique or critical information system requirements are considered in planning and, if appropriate, are identified as capabilities to be provided by alternate means at the emergency work locations. Court offices should maintain primary and backup copies of all necessary and files, documents, computer software, and databases required to carry out essential functions.

7-5. DRIVE-AWAY KITS.

a. Court personnel designated to move to an alternate court site or other emergency work location may wish to consider creating a kit of essential items to be carried when relocating. Contents of such a "drive-away kit" may include software disks, copies of databases, printed publications, laptop computers, etc. It may also be appropriate to include personal items such as prescription medicines, health insurance cards, small amount of extra cash, etc.

b. Since an emergency may occur at any time, Court personnel are encouraged to maintain two kits, one in the office and one at home.

c. In lieu of drive-away kits, It is strongly encouraged that absolutely essential items be pre-positioned at the ERS instead of in a drive-away kit, because ERG members may be at home when the order to deploy is received and movement of the drive-away kits may be difficult or impossible.

7-6. EMERGENCY NOTIFICATION AND CALLING TREES.

a. See Annex L.

b. Discuss calling trees

7-7. CHECKLISTS

7-8. WALLET CARDS

7-9. SAMPLE ADMINISTRATIVE MEMORANDUMS AND INSTRUCTIONS**7-10. PUBLIC INFORMATION****7-11. MORALE AND WELFARE****7-12. TRANSPORTATION AND ON-SITE HOUSING/DINING.**

To the extent possible, Court members are encouraged to use public transportation or their privately owned vehicles (POV) to commute to the ERS. Adequate parking space is available at the ERS.

7-13. TELECOMMUTING.

Consideration should be given to providing a capability for computer connectivity between personal residences and emergency work locations to support essential functions during COOP operations.

7-14. CLOTHING.

Business casual dress is generally appropriate operating under emergency conditions at an alternate courthouse.

7-15. EMERGENCY CONTACT NUMBERS.

See Annex xx.

ANNEX A: REFERENCES

1. Federal Government Publications. The following documents establish mandatory guidelines for the preparation of an effective COOP by Federal Departments and Agencies. Although these requirements are not binding on the Federal Judiciary, the documents provide very useful guidance.

a. Presidential Decision Directive 63 (PDD-63), *Critical Infrastructure Protection (CIP)*, dated May 22, 1998.

b. Presidential Decision Directive 67 (PDD-67), *Enduring Constitutional Government and Continuity of Government Operations*, dated October 21, 1998.

c. Federal Preparedness Circular 65 (FPC-65), *Federal Executive Branch Continuity of Operations (COOP)*, dated July 26, 1999.

2. Relevant Judiciary or Circuit Court References

AO guidelines
SCUS memo
Oct 7, 2001 memo guidance
USCA, 2d Circuit rules

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ANNEX B: GLOSSARY – DEFINITIONS

The following terms or phrases are commonly encountered in COOP planning and execution.

Alternate Courthouse. A courthouse other than the U.S. Courthouse at XXXX, to which designated judge(s) and immediate staff (secretary, law clerks) move to continue essential Court missions and functions in the event the U.S. Courthouse at XXXX is threatened or incapacitated

Continuity of Operations (COOP) Plan. An action plan that provides for the uninterrupted execution of essential missions and functions of an organization in the event an emergency prevents occupancy of its primary headquarters building.

Crisis.

Essential Functions. Essential functions are those functions, stated or implied, which are required to be performed by statute or other order, or other functions deemed essential by the Chief Judge, Circuit Executive, and heads of Court administrative offices that should not be interrupted or deferred by an emergency situation.

National Emergency.

Prepositioned Items.

Reconstitute/Reconstitution.

Recovery.

Relocation.

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ANNEX C: SUCCESSION AND DELEGATION OF AUTHORITY

Principal Authority	Authority Delegated To
Circuit Executive	Deputy Circuit Executive
Clerk Of Court	Chief Deputy
Chief Judge	Chairman of Security Committee
Chief, US Marshals Service	Chief Deputy US Marshals Service
GSA	

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ANNEX D: SAMPLE MEMORANDUMS AND INSTRUCTIONS

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ANNEX E: PLANNING AND EXECUTION – JUDGES

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ANNEX F: PLANNING AND EXECUTION – OFFICE OF THE CIRCUIT EXECUTIVE

In general, the following procedures will be followed by members of the Office of the Circuit Executive during in any execution of the Circuit Court COOP. The extent to which this will be possible will depend on the amount of warning received, whether personnel are at work at the Court, or off work at home or elsewhere, and the extent of damage to the Court or personnel.

Item	Action	✓
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1.0 Emergency Notification.

1.1	Upon receipt of a relocation alert from the Chief Judge or designated representative, the Circuit Executive initiates appropriate notification by contacting the POCs for the Office staff. Notification may be via personal contact, telephone, pager, radio and TV broadcasts, or a combination thereof.	
1.2	Persons notified by the Circuit Executive will, in turn, contact the members of their Directorate or Office using their internal telephone notification cascade. (Appendix F-1)	
1.3	The Circuit Executive notifies other departments and agencies that an emergency relocation is anticipated or is in progress. (Appendix F-2)	

2.0 Initial Actions following Receipt of Emergency Notification.

2.1	<u>Court Relocation Group</u> members ensure drive-away kits are complete, with current documents and equipment, and are prepared to be moved.	
2.2	Documents required for the performance of essential functions	
2.3	<u>All organizational elements</u> immediately transfer the most current essential automated data bases to the relocation site. To facilitate reconstitution, backup copies of all data bases should be used for COOP operations	
2.4	<u>All organizational elements</u> implement normal facilities security procedures for area(s) being vacated.	
2.5	<u>Security personnel</u> take appropriate measures to ensure security of the court facility and equipment or records remaining in the building.	

3.0 Departure of Circuit Executive Court Relocation Group Personnel

3.1	The Chief Judge, or other Court official, directs the deployment of Court Relocation Group personnel. (Appendix F-3).	
3.2	The remaining members from each organizational element immediately begin movement, taking with them all office drive-away kits not already transported by the members of the Court relocation Group.	

4.0 Departure of Non-CRG Members: In the absence of guidance to the contrary, non-CRG personnel present at the Court building at the time of an emergency notification will be directed to proceed to their homes or other facilities to await further instructions.

Item	Action	✓
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5.0 Transition of Responsibilities to the Court Relocation Group		
5.1	Following arrival at the Alternate Court Site, the Circuit Executive or his/her designee orders the cessation of operations at the Circuit Court building.	
5.2	The Court Executive notifies other agencies that Circuit Court operations have shifted to the Alternate Court Site. (Appendix F-2)	
5.3	If the situation is expected to persist for several days, the Court Executive requests the U.S. Postal Service (USPS) to forward mail for the Circuit Court to the Alternate Court Site. (Appendix F-4)	

6.0 Following the Arrival of the Remaining CRG Members		
6.1	Upon arrival at the Alternate Court Site, Court Relocation Group personnel check in and receive further instructions.	
6.2	The Court Executive will disseminate administrative and logistics information to the Court Relocation Group members upon arrival.	
6.3	If the situation is expected to persist for several days, the Court Executive requests the U.S. Postal Service (USPS) to forward mail for the Circuit Court to the Alternate Court Site. (Appendix F-4)	

7.0 General Instructions		
7.1	<u>Personnel</u>	
	Following activation and deployment of the ERG, Directorates and Offices may request additional personnel as augmentees at the primary ERS or one of the other relocation facilities if space is available.	
7.2	<u>Vital Records (Appendix F-6)</u>	
7.3	<u>Telecommunications and Information Systems Support Offices</u> shall maintain all necessary and up-to-date files, documents, computer software, and databases required to carry out essential functions. (Appendix F-6)	
7.4	<u>Drive-Away Kits.</u> Office heads are responsible for providing guidance to their members on the contents of these kits, which may contain such items as software, databases, publications, laptop computers, etc.	
	Essential items are pre-positioned at the CRG instead of in a drive-away kit, because ERG members may be at home when the order to deploy is received and movement of the drive-away kits may be difficult or impossible.	
7.5	<u>Telecommuting</u> Circuit Executive offices are encouraged to consider providing a capability for computer connectivity between personal residences of non-CRG members and relocated CRG members at the Alternate Court Site when appropriate and/or feasible during COOP operations.	
7.6	<u>Security</u> Circuit Executive offices will plan for the protection of classified documents and compliance with applicable policies governing physical and personnel security during COOP operations.	
7.7	<u>Emergency Contact Numbers (Appendix F-7)</u>	

Item	Action	✓
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8.0 Alternate relocation Site Location and Office Space Assignments (Appendix F-8)

9.0 Leadership Succession (Appendix F-3)

10.0 Emergency Notification: Information and guidance for Circuit Executive members will normally be passed telephonically using existing emergency calling plans. Depending on the situation, current information will also be available via:

- A COOP hotline (**1-800-XXX-XXXX**).
- Announcements released to local radio and TV stations.

Circuit Executive employees should listen for specific instructions and remain at their office or home until specific guidance is received. (Appendix F-9)
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APPENDIX F-1: CALLING TREES FOR INTERNAL NOTIFICATION

APPENDIX F-2. OFFICE OF THE CIRCUIT EXECUTIVE - OTHER KEY POINTS OF CONTACT

Office or Organization	Name	Title/Function	Phone/Fax/Pager*	E-mail
Court of Appeals Judges		Chief Judge		
		Senior Active Circuit Judge in residence		
		Chair, USCA		
Court of Appeals		Clerk of Court		
		Director, Legal Affairs		
		Circuit Librarian		
District Court		Chief Judge		
		Chair, SDNY Security Committee		
		District Executive		
		Assistant District Executive		
		Chief Deputy		
U.S. Marshal Service		Supervisory U.S. Marshal		
GSA		Building Manager		
		Building Manager		

APPENDIX F-3. OFFICE OF THE CIRCUIT EXECUTIVE – ORDER OF LEADERSHIP SUCCESSION AND DELEGATION OF AUTHORITY

Essential Court functions must proceed without interruption regardless of the availability of any individual. Federal guidance recommends an order of succession of key leadership positions and establishment of delegation of emergency authority plans and a program to ensure the officials expected to assume authorities receive training for carrying out their duties.

Principal Authority	Authority Delegated To
Circuit Executive	Deputy Circuit Executive
Clerk Of Court	Chief Deputy
Chief Judge	Chairman of Security Committee
Chief, US Marshals Service	Chief Deputy US Marshals Service
GSA	

APPENDIX F-4: NOTIFICATION OF US POSTAL SERVICE

APPENDIX F-5: OFFICE OF THE CIRCUIT EXECUTIVE - ESSENTIAL FUNCTIONS

Priority	Essential Function	Primary Responsibility/ Point of Contact	Where It Will Be Performed In An Emergency	Strategy
1				
2				
3				
4				
5				
6				

Position	Responsibilities

**APPENDIX F-6: OFFICE OF THE CIRCUIT EXECUTIVE – EMPLOYEE
ACCOUNTABILITY**

Systems or plans for accounting for employees, visitors, suspects in custody, and officers of the court that have left the facility in an emergency

Plan or System	Office Responsible For Execution

APPENDIX F-7. OFFICE OF THE CIRCUIT EXECUTIVE – VITAL RECORDS AND SYSTEMS

Vital records necessary to sustain essential functions or information that requires special protective measures in the event of a disruption of operations:

- a.
- b.
- c.

Office of the Circuit Executive – Summary of Vital Documents and Data That Must Be Available in an Emergency

Category/ Type	Document Name	Document Description	Supporting Application and/or Information System	Medium		Primary Storage Location	Medium of Backup		Storage Location of Backup Building/ Room	Frequency of Backup
				Electronic	Hardcopy		Electronic	Hardcopy		

**APPENDIX F-8: OFFICE OF THE CIRCUIT EXECUTIVE – EXECUTIVE
MANAGEMENT AND KEY SUPPORT STAFF**

Key Circuit Executive staff for operations at the Emergency Relocation Site(S)/Alternate Work Locations: including support staff (excluding executive management) necessary to continue minimum essential functions.

Name	Title	Phone/Fax/Pager*	E-mail

APPENDIX F-9: RELOCATION SITE(S)/ALTERNATE WORK SITE(S)

Staff Element and/or Business Function	Relocation Site or Alternate Work Site	Description of Site Capabilities (Full/Partial/Minimal)

APPENDIX F – 10: OFFICE OF THE CIRCUIT EXECUTIVE – WARNING AND NOTIFICATION

Emergency Level	Type of Events	COOP Plan Activation Authority/ Trigger That Activates the Plan	Notification Method

Target Audience	Warning/Notification of Initial incident	Resumption of services/ directions for accessing them

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ANNEX G: PLANNING AND EXECUTION – OFFICE OF THE CLERK

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ANNEX H: PLANNING AND EXECUTION – OFFICE OF LEGAL AFFAIRS

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ANNEX I: PLANNING AND EXECUTION – OFFICE OF THE CIRCUIT LIBRARIAN

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ANNEX J: PLANNING AND EXECUTION – AUTOMATION AND INFORMATION SYSTEMS

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ANNEX K: PLANNING AND EXECUTION – SPACE AND FACILITIES

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ANNEX L: EMERGENCY NOTIFICATION

1. Emergency information and guidance for Court members will normally be passed telephonically using existing emergency calling plans. Depending on the situation, current information will also be available via:

- A COOP hotline: XXXX
- Announcements released to local radio and TV stations.
- Court Web site: XXXX
- Internal Contact List (Calling Tree)

2. Employees should listen for specific instructions concerning the XXXX Circuit Court. In the absence of specific guidance, Court employees should remain at their office or home until specific guidance is received.

3. Table L-1 shows Court personnel who are authorized to direct activation of this COOP.

**Table L-1
Personnel Authorized to Direct the Activation of the COOP**

4. Internal Calling Plan. Upon determination that a valid threat or emergency situation exists:

- a. The senior authorized Court official notifies the heads of the Court offices shown in Table L-2, informing them of the current situation and requesting them to execute their internal alert and notification plan.
- b. The heads of the Court offices shown in Table L-2 execute their internal telephone calling cascade in accordance with their internal COOP procedures.
- c. The persons notified then initiate their respective COOP telephone notification cascade, if applicable, by calling the person immediately below them on the cascade and relaying the information and guidance provided by the program head.
- d. Each person that is notified continues the calling cascade, if applicable.

e. When a call or other notification is received by anyone in a calling cascade, the information given by the caller should be carefully recorded to ensure that it can be passed accurately to the next person in the cascade.

f. If the first person in the cascade cannot be contacted, the caller then attempts to contact the next in line, until contact is effected.

g. After a caller has completed an assigned calling cascade, further attempts must be made to contact those who did not respond initially.

h. Callers will report all unsuccessful contact attempts to their primary COOP POC, who is normally the first person on each cascade.

**Table L-2
Heads of Court Offices To Be Notified by the Circuit Executive**

Name	Title	Phone/Fax/Pager*	E-mail

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ANNEX M: ALTERNATE COURTHOUSE SITES

1. U.S. Courthouse, XXXX

- a. Location:
- b. Phone number:
- c. Mailing Address:

- d. Site Support Official:

2. U.S. Courthouse, XXXX

- a. Location:
- b. Phone number:
- c. Mailing Address:

- d. Site Support Official:

3. U.S. Courthouse, XXXX

- a. Location:
- b. Phone number:
- c. Mailing Address:

- d. Site Support Official:

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