



UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF WEST VIRGINIA

CONTINUITY OF OPERATIONS PLAN (COOP)

**UNITED STATES DISTRICT COURT
UNITED STATES BANKRUPTCY COURT
UNITED STATES PROBATION**

SEPTEMBER, 2002

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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF WEST VIRGINIA

Continuity of Operations Plan (COOP)

United States District Court
United States Bankruptcy Court
United States Probation

INTRODUCTION

The Director of the Administrative Office of the United States Courts, L. Ralph Mecham, issued a memorandum on October 17, 2001, *Emergency Preparedness in the Judiciary*, to all the Chief Judges of the United States Courts. This memorandum provided guidance and described available resources to assist the courts in addressing emergency preparedness. Additionally, Mr. Mecham directed each Court to prepare a Continuity of Operations Plan (COOP), the purposes of which are to: (1) ensure the safety and well-being of employees, visitors, and the public; (2) ensure that essential functions and activities are conducted without unacceptable interruption, as determined through the continuity of the operations planning process; and (3) ensure that normal operations are resumed as quickly, safely, and efficiently as possible.

DISTRICT DISASTER OPERATION PLANS

The COOP in the Northern District of West Virginia applies to the United States District Court, Bankruptcy Court and Probation. All personnel, facilities and equipment in this District are considered in this Plan, which is designed to assist the District in continuing operations when situations occur that may result in major damage or outage caused by terrorism, fires, natural causes or other incidents. If a disaster should occur in the District, the COOP provides for an alternative operation strategy and a systematic procedure for recovery.

In addition to the COOP, the District has an Occupant Emergency Plan (OEP) to secure the safety of the employees during working hours. This Plan addresses issues such as when employees should leave the building, what items employees should take with them when leaving, and where they should go once they are out of the building. If there is a disaster during working hours, the OEP should be followed; however, as soon as the building is empty, the COOP Restoration Plan would go into effect.

The following chart describes the applicability of the OEP and the COOP.

APPLICABILITY OF THE OEP AND COOP

Time of Incident	Plan to be Implemented
During Working Hours	OEP COOP for restoration
After Working Hours	COOP

ESSENTIAL ACTIVITIES AND FUNCTIONS

There are three *essential* activities and functions that are vital to Court operations in the District. These include:

- Judicial Chambers' Operations
- Clerk's Office and Probation Office Operations
- Automation

This Plan will discuss each of these operations in the sections that follow.

VITAL RECORDS, SYSTEMS, EQUIPMENT

The vital records of the District and Bankruptcy courts are available in two formats. First, the records of the judicial officers are located in the individual judges's chambers, as well as available electronically. If a disaster should disrupt the chamber's operations, the Clerk's Office can reconstruct the judicial officer's records through the electronic records maintained by the Clerk's Office. Second, the electronic records of the Court are maintained by the Clerk's Office. These consist of case management, financial records, jury information, automation management and administrative records. In the case of an emergency, these records will be recovered according to an Automation Recovery Procedure Plan (ARPP), which also covers the systems and equipment needed for the continued operation of the court. The ARPP is located in the **Restoration** Section of this Plan.

SUCCESSION OF DELEGATIONS OF AUTHORITY

The present hierarchical structure in the District is as follows:

District Court

- Irene M. Keeley, Chief Judge
- Frederick P. Stamp, Jr., District Judge
- W. Craig Broadwater, District Judge
- Robert E. Maxwell, Senior District Judge
- James E. Seibert, Magistrate Judge (FT)
- John S. Kaull, Magistrate Judge (FT)
- David J. Joel, Magistrate Judge (PT)
- Wally Edgell, Ph.D., Clerk of Court
- Ted Philyaw, Chief Deputy Clerk
- David Godown, Deputy-in-Charge, Wheeling
- Eugene Weekley, Deputy-in-Charge, Martinsburg

Bankruptcy Court

- L. Edward Friend, II, Bankruptcy Judge
- Mike Sturm, Clerk of Court
- Anita Swaton, Chief Deputy
- Sheree Burlas - Deputy-in-Charge, Clarksburg

Probation Office

- Jeff Givens, Chief Probation
- Terry Huffman, Chief Deputy

If, during a disaster, the necessity for the succession of authority should arise, the new officer in charge shall immediately notify the Director of the Administrative Office and the Chief Judge of the Fourth Circuit Court of Appeals. This officer in charge will also notify the other judicial officers, the Clerk of Court and the Chief Probation Officer. There will be no limited delegations of authority in the event of an interruption of normal operations.

RESTORATION PLAN

If a disaster occurs at any building in the District, the restoration of normal functions as soon as practical is the goal of this Plan. This restoration involves five major areas that must be considered: (1) *Relocation/Alternate Work Sites*; (2) *Emergency Organization Teams*; (3) *Communications*; (4) *Preparedness Communications*; and (5) *Automation Disaster Recovery*.

RELOCATION/ALTERNATE WORK SITES

If a disaster occurs at any of the six court locations in the district , the following factors must be considered before definitive alternative work sites will be considered:

- An assessment of the status of the personnel;
- A survey as to the amount of physical damage incurred;
- A survey of the condition of the office equipment; and
- Consultation with other agencies regarding availability of assistance.

Once there has been an assessment of the status of the personnel, then decisions can be made as to the need for medical or professional assistance. If needed, the temporary transfer of employees from other offices to the affected office until operations return to normal is the most efficient response.

The General Services Administration will be asked to expedite a report to the Chief Judge and the resident Judge regarding the damage to the physical structure. This report should include the amount of damage, the approximate cost of repair, the time needed to repair the damage, and if an alternative work site is needed by the Court during the repair stage. The report should include anything else GSA deems necessary. This report is not intended to negate any report GSA is required to report, but is intended to inform the Court of the status of the physical structure in a timely manner.

Pursuant to the Automation Recovery Procedures Plan previously mentioned, damage assessment will proceed immediately. The assessment of the condition of the office equipment such as computers, typewriters, copy machines, fax machines, and telephone systems will be reported to the Clerk of Court or the Chief Probation Officer, whichever is appropriate. In turn, the Clerk of Court or Chief Probation Officer will report the damage assessment to the Chief Judge and the resident judge.

The Clerk of Court or the Chief Probation Officer in conjunction with the Chief Judge, will consult with the GSA regarding the status of the physical structure. A plan will be developed regarding the strategy that GSA, the Fourth Circuit Court of Appeals Space and Facilities Division, and the Administrative Office will implement to renovate the structure.

The following three federal and state agencies will also be contacted:

Ms. Charlotte Herbert Mears, Regional Director
Federal Emergency Management Agency
1-215-931-5608

Mr. Joe Martin, WV State Homeland Security Coordinator
Department of Military Affairs and Public Safety
1-304-558-2930

Mr. Stephen S. Kappa, Director
West Virginia Office of Emergency Services
1-304-558-5380

At all appropriate steps of the assessment and recovery stages, the Court will inform the Space and Facilities Division of the Administrative Office of the status of the recovery. The GSA will consult with the Administrative Office regarding rent. The GSA has stated that the AO will only pay rent for space in use. The rent for the damaged space, whether being renovated or destroyed, will not be charged to the Administrative Office.

According to GSA policy, agencies are responsible for funding their own physical moves and telecommunication costs. However, in cases of emergency relocations, the Public Building Services will fund the moves initially. According to the Pricing Desk Index from the Public Building Service Office of Portfolio Management, the Public Building Service (PBS), working with the Court, will acquire space as quickly as possible and work with the Federal Supply Service (FSS) and the Federal Technology Service (FTS) to acquire furniture, telephones and computers as soon as possible.

If it is decided that the physical structure cannot immediately be returned to duty, or cannot be renovated, alternative work sites will be developed according to the following charts. The Court has negotiated contracts with the management of each of the following locations, thus allowing it to have space available on a priority basis.

Relocation Destinations

<u>Damaged Work Site</u>	<u>Unit*</u>	<u>New Location</u>
Clarksburg	D, P, B	DiMaria Furniture Building and East Pointe Mall Space (Quality Farm and Fleet)
Elkins	D, P	Elkins Plaza (Heilig Meyers Building Space) and Days Inn Motel Office Space and the Tygart Valley Mall
Martinsburg	D, P	Shepherd College and the Tanger Mall
Wheeling	D, P, & B	Wonder Bread Building, Wagner Building and the Elks Club Building

* D - District Court B - Bankruptcy Court P - Probation

If it is determined the Clarksburg or Elkins buildings are not operational, these two locations are in close proximity and the operations from Clarksburg could possibly move to Elkins, or Elkins to Clarksburg. It would be determined at the time whether it would be a temporary or permanent relocation.

As stated in the Federal Preparedness Circular (FPC 65) disseminated by the Federal Emergency Management Agency, the alternate facilities should be capable of supporting operations in a threat-free environment. This can be determined by the geographical location of the facility, a favorable assessment

of any possible local threat, and/or the collective protection characteristics of the facility. Alternate facilities should provide the following:

- (1) Immediate capability to perform essential functions under various threat conditions, including threats involving weapons of mass destruction;
- (2) Sufficient space and equipment to sustain the relocated organization. The District Court will maintain a minimum amount of essential equipment that can be transferred and made available for use so that we can secure continued operations at the alternate operating facilities;
- (3) Necessary communications for essential internal and external organizations, customers, and the public;
- (4) Reliable logistical support, services and infrastructure systems, including water, electrical power, heating and air conditioning;
- (5) Appropriate physical security with the assistance of the United States Marshals Service; and
- (6) Appropriate and sufficient off-site storage requirements.

Each alternative facility will be selected after consultation among:

- The Judicial Officers;
- The Fourth Circuit Court of Appeals Space and Facilities Division;
The Administrative Office of the United States Courts Space and Facilities Division; and
- The General Services Administration.

EMERGENCY ORGANIZATION TEAMS

Emergency Organization Teams will consist of people at each location of holding court who will be responsible for implementing this Plan. As stated in the DISTRICT DISASTER OPERATION PLANS section on page 2 of this Plan, if a disaster occurs outside normal working hours, the following people will immediately adhere to the procedures in this Plan. Also mentioned in that section on page 2, if a disaster occurs during normal working hours, each location of holding court has an Occupant Emergency Plan (OEP) to follow. Training for the implementation of the OEP is sponsored by the United States Marshals Service. The OEP was last updated in October, 2001.

Clarksburg:

Team:
Ted Philyaw - District Court
Jeff Givens - Probation
Sheree Burlas - Bankruptcy Court

Duties:

- (1) Contact appropriate emergency personnel listed below;
- (2) Contact Chief Judge Irene M. Keeley;
also Judge L. Edward Friend, II and Mike Sturm for a Bankruptcy situation;
- (3) Contact Dr. Edgell;
- (4) Assess the damage as soon as possible with assistance from appropriate emergency personnel, GSA, Postal Service, and the Court;
- (5) Develop the appropriate operating plan with the assistance of the Court and according to the District COOP Plan;
- (6) Contact the employees according to the guidelines established in the communications section below as appropriate, and
- (7) Contact the Fourth Circuit Court of Appeals and the Administrative Office of the U.S. Courts as appropriate.

Elkins:

Team:

Wally Edgell, Ph.D. - District Court
Mark Sneberger - Probation

Duties:

Follow steps 1, 2, and 4 through 7 as mentioned above. Dr. Edgell is to contact Judge Robert E. Maxwell, resident District Judge. Mark Sneberger is to contact Jeff Givens.

Martinsburg:

Team:

Eugene Weekley - District Court
Judy O'Connell - Bankruptcy Court
John Miller - Probation

Duties:

Follow all steps as mentioned in the Clarksburg section above. Eugene Weekley is to contact Judge W. Craig Broadwater, resident district judge. John Miller is to contact Jeff Givens, Chief Probation Officer. Judy O'Connell is to contact Judge Friend and Mike Sturm.

Wheeling:

Team:

David Godown - District Court
Mike Sturm - Bankruptcy Court
Terry Huffman - Probation

Duties:

Follow all steps as mentioned in the Clarksburg section above. David Godown is to

contact Judge Frederick P. Stamp, Jr., resident district judge. Terry Huffman is to contact Jeff Givens, Chief Probation Officer.

COMMUNICATION NUMBERS

<u>Individual</u>	<u>Work Number</u>	<u>Home Number</u>	<u>Cell Number</u>
Chief Judge Irene M. Keeley	304-624-5850		
Judge Frederick P. Stamp, Jr.	304-233-1120		
Judge W. Craig Broadwater	304-267-7027		
Judge Robert E. Maxwell	304-636-5198		
L. Edward Friend, II	304-233-1655		
Wally Edgell, Ph.D.	304-636-1445		
Jeff Givens	304-624-5504		
Mike Sturm	304-233-1655		
Ted Philyaw	304-622-8513		
Terry Huffman	304-232-8474		
Mark Sneberger	304-636-7277		
David Godown	304-232-0011		
Eugene Weekley	304-267-8225		
John Miller	304-267-0778		
Administrative Office:			
Emergency Number	1-800-336-0102		
L. Ralph Mecham	202-273-3000		
William Lehman	202-502-1340		
David Mercanti	202-502-1255		
 <u>Clarksburg</u>			
U.S. Marshals	304-623-0486		
U.S. Postal Service	304-622-0791		
Clarksburg Fire Dept.	304-624-1645/911		
WV State Police	304-595-1101		
Clarksburg Police	304-624-1610/911		
Utilities:			
Gas	304-623-8600		
Electric	304-624-7521		
Water	304-623-3711		
Telephone	304-954-6202		
Medical:			
United Hospital Cnt.	304-624-2121		
Ambulance	304-623-6611		

Paramedical 304-623-6611/911

Elkins

U.S. Marshals 304-636-0332
Elkins Fire Dept. 304-636-2000
WV State Police 304-637-0200
Elkins Police 304-636-0665

Utilities:

Gas 304-636-3106
Electric 800-255-3443
Water 304-636-1411
Telephone 304-924-6202

Medical:

Davis Memorial Hosp. 304-636-3300
Ambulance 304-636-1211
Paramedical 304-636-1211

Martinsburg

U.S. Marshals 304-267-7179
Martinsburg Fire Dept 911
WV State Police 304-267-0000
Martinsburg City Police 911

Utilities:

Gas 304-263-3366
Electric 304-263-3700
Water 304-264-2131
Telephone 304-954-2222

Medical:

Berkeley County Emergency Services 304-263-1345

Wheeling

U.S. Marshals 304-232-2980
Wheeling Fire Dept. 304-234-3711
WV State Police 304-238-1100
Wheeling City Police 304-234-3661

Utilities:

Electric 800-982-4237 (American Electric)
304-686-2650 (Allegheny Power)
Water 304-234-3762
Telephone 304-954-6202

Medical:

Wheeling Hospital 304-243-3280
Ohio Valley Medical

COMMUNICATIONS

Identification of Employees

If there is a disaster, every employee, at all locations, must be provided with the following information:

- 1. Description including the type and extent of the incident;
- 2. Date and location of where to report to work, if known;
- 3. Notification of any changes in work locations for those whose location was not affected; and a
- 4. Contact person for future information.

The following contact list should be used to make certain all employees are properly informed.

Contact People*	People To Be Contacted
Wally Edgell, Ph.D.	All District and Magistrate Judges Ted Philyaw and Kevin Sutton The Administrative Office of the US Courts Fourth Circuit Court of Appeals Circuit Executive
All district and magistrate judges	Their staff
Ted Philyaw	David Godown, Eugene Weekley, Evelyn Howell, Mike Sturm, Jeff Givens Clarksburg District Deputy Clerks
David Godown	Automation Staff and Wheeling District Deputy Clerks
Eugene Weekley	Martinsburg District Deputy Clerks
Evelyn Howell	Elkins District Deputy Clerks
Mike Sturm	Judge L. Edward Friend, II and Bankruptcy Deputy Clerks
Jeff Givens	Probation Officers and Probation Office Employees

*All Contact People should have the US District Court Telephone Directory at their homes.

PREPAREDNESS COMMUNICATIONS

The Court strives to inform employees, visitors and the public of measures to take in case of a disaster. Emergency information includes the location of exit routes, stairwells and doors. Appropriate signs are exhibited by the U.S. Marshals Service, the General Services Administration, Probation, and the Courts.

Daily, the actions and procedures of the U.S. Marshals and the Court Security Officers (CSOs) inform everyone in the buildings that security and safety are major concerns. In particular, the CSOs, who interact with the public on a daily basis, inform visitors to the Courthouses of appropriate safety procedures and precautions. The Marshals Service has designated a Deputy Marshal as the supervisory inspector in charge of overseeing the work of the court security officers, developing building security plans, policies and procedures and conducting security surveys. This will assist the tenants and public in recognizing the security concerns.

All employees are trained in occupant emergency procedures. The U.S. Marshal, along with the unit executives, periodically conduct training which prepares the employees for any disaster.

The Administrative Office of the U.S. Courts prepares memoranda for employees which delineate procedures and precautions to be initiated that will assist employees should a disaster occur.

AUTOMATION DISASTER RECOVERY

I. Goal

The goal of the Automation Disaster Recovery Plan is to guide and assist the court in preparing to restore court systems operations to the status that existed before a disaster occurred.

II. Disaster Overview/Types of Emergencies

Parts I, II and III of this Plan will always be in effect and parts IV through VII will take effect when more than one computer component or a major computer component is unable to function. The types of emergencies which may lead to these include: tornados, fire, machine failure, acts of terrorism, storms, lightning and environmental failure in the computer room.