

IPN

Immigration Practice News

THE DISASTER-READINESS ISSUE

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DID YOU KNOW?

Every Thursday, AILA's Practice & Professionalism team brings you a short, practical, and proven tip to improve your practice. Get ahead, check out the [practice success tip series](#) today!

Be Prepared: Lessons from Hurricane Katrina

by Kathleen Gasparian

In 2005, Hurricane Katrina devastated the city of New Orleans, where I practice law. When the storm struck, my husband and I were on vacation in New York. We watched the devastation of the storm unfold on television, hundreds of miles away from our home, work, friends, and family. After the levees broke, Katrina became a demarcation point in my life and the lives of almost everyone I knew. We felt powerless and helpless—feelings we would come to know very well over the weeks that followed. Nonetheless, the storm taught me how to manage my law practice effectively—in spite of any disaster.

I had an appeal due at the Board three days after Katrina made landfall. From a friend's apartment in Brooklyn, with scenes of my city flooding on the television, I called the Board and explained why I would miss the deadline. The flood, fire, and

"After [Katrina], we moved our e-mail and client management system to web-based programs, and backed-up our data to a server farm in Arizona. This way, we could handle our cases from anywhere in the world. ..."



famine that struck New Orleans was incomprehensible to me, but missing a deadline was a disaster that I could try to resolve.

My husband and I made our way to my father's house near Destin, Florida. There was endless footage on CNN, but none of it revealed what was happening on my street, with my house, or to my friends. Phone calls in the 504 area code didn't work, but text messages were able to come through. Eventually, slowly, we began reconnecting with friends, colleagues, and employees.

An immense relief was that my law firm had a disaster preparedness plan in place. My then boss and now law partner, David Ware, was determined to have the law practice back up and running. At first, we did the work any way we could—from hotel rooms or homes, on cell phones and personal e-mail.

In accordance with our disaster plan, critical items had been evacuated from the office before the storm. We had our server and data, but no computers to use.

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'THE IMPOSSIBLE DREAM'



The American Immigration Lawyers Association Presents
The Impossible Dream:
U.S. Visas for Foreign Entrepreneurs
A 4 minute cartoon

Watch AILA's first [animation short](#) highlighting the plight immigrant entrepreneurs face when trying to keep themselves—and their businesses—in the United States.

PICKING UP CONTINUED FROM 1 >>

We had the boxes of 3” x 5” cards that comprise our docketing system, but no client files. We had our calendars, emergency information, and client contact information, but no place to work. A few employees were in their homes, some with power and some without, and others that were scattered across the country.

Eventually, we were allowed into our office building to retrieve computers and files. On a hot and horrible day, paralegals and attorneys repeatedly navigated five flights of stairs to grab the essentials. It would be two more months before we could move back into our offices. For some employees, it was much longer before they could even move back into their homes.

We learned many lessons from dealing with the devastating experiences of Katrina. After the storm, we moved our e-mail and client management system to web-based programs, and backed-up our data to a server farm in Arizona. This way, we could handle our cases from anywhere in the world, just as

“Of those businesses that experience a disaster and have no emergency plan, 43% never reopen; of those that do reopen, only 29% are still operating two years later.”

—*The Hartford’s Guide to Emergency Preparedness Planning*

That means that 5,121 AILA members face the possibility of never reopening their law practice after a disaster hits. Don’t just be focused on disaster recovery, focus on disaster preparedness.

A comprehensive disaster preparedness plan will be the difference between a systematic transition back to work and a chaotic work environment post disaster. Even if you think your firm is not in a disaster prone area, an accidental office fire or an electrical outage can destroy property and prevent you and your employees from getting to work.

AILA’s Practice & Professionalism Center has compiled [the resources](#) to help you get on the right track and create an action plan that is best for you, your employees, and your clients.



long as there was internet connection.

In comparison, this hurricane season has been easy. Hurricane Isaac took out electricity in most of the city for several days. We knew the storm was coming and responded to looming deadlines. We followed our protocol and evacuated critical items, such as our boxes of 3” x 5” docket cards.

I have learned that the key to managing

your practice after a disaster is to get back to business as fast as you can, in any way that you can. There is no plan for rebuilding that covers all contingencies, but you can plan ahead to make the rebuilding easier. A good file management system allows you to take the most important, critical files when you have limited amount of time and energy. A good reputation means that your opposing counsel will join you in a motion if you miss a deadline.

And, a good communication plan allows you to get information to your staff and clients when things change frequently. But, most importantly, a good sense of humor will help you weather any disaster.

Kathleen Gasparian is past chair of the AILA Mid-South Chapter, and now serves as chair on the AILA National Liaison Committee to the EOIR.



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Before You Temporarily Close Shop, Remember:

- Decide when and how long the office will be closed;
- Include exact closure information in automatic e-mail replies as well as automated answering systems;
- If necessary, ask outside answering service to relay closure information to clients.

Remember, although your office is closed while you whether the storm, client's still care about their case. Effective communication will not only save you from having to explain to each client why his or her phone call was not returned, but you will have complied with your ethical and professional responsibility of keeping the client informed.

Paul "Woody" Scott is the founding member of The Scott Law Firm, LLC located in Baton Rouge, LA. He practices primarily in deportation and removal defense, criminal defense of non-citizens, and post-conviction relief.

Prepare Clients for Temporary Office Closure

by Paul "Woody" Scott

It's unavoidable. It will happen to every office and every practitioner no matter where they are located. Every office will have to close because of an emergency, whether it is a manmade disaster, an extended power outage, or a natural disaster. My office was recently shut down for two and a half days as Hurricane Isaac plowed through Louisiana. Although the office was closed, the practice of law did not cease, and the obligations as an immigration practitioner continued, including keeping clients apprised to what is happening and how it affects their case.

Most clients don't expect you to brave dangerous weather conditions, but they do want to know what is happening. Non-immigration attorneys seldom have this problem as majority of their client base is local. They do not feel obligated to communicate with their clients regularly as most live in the

same city and are already aware of the storm. Unfortunately, that is not the case in a typical immigration practice where clients are located throughout the country and around the world, and practitioners practice before courts in multiple cities and states. So, what is the best way to keep clients informed in the event of an emergency office closure? Just as with any relationship, the answer is communication.

The first step is to make a decision as to when the office will be closed, and for how long. That decision needs to be clearly communicated to all employees. They will in turn communicate the office closure to callers who call and ask. If you have an automated answering system or an after-hours answering system put the planned closure on that message system. My office employs a live answering service that is located in another state to answer calls when we are not available and after-hours. Before Isaac struck, I notified the answering

service of our office closure plans and advised them to notify all callers of this while we were closed. They, in turn, e-mailed me the messages from callers, many of whom were in other countries and would not have known about the hurricane. Because we were able to communicate our planned closure, we avoided clients becoming upset by thinking we were simply ignoring their calls. The closure should also be communicated on automatic responder e-mails for clients that are e-mailing you while you are out of the office.

Once we returned to the office we were able to return each telephone call and pick-up right where we left off. Luckily, not one person was upset or confused about why they had not heard from us, including courts who called the office while we were closed. This is because the closure, reason for closure, and approximate closure time was clearly communicated to all callers while the office was closed.

Running Your Law Office Remotely

by Ruby L. Powers

With two months notice, my husband informed me that he wanted to move to and work in Dubai. At the time, my practice, the Law Office of Ruby L. Powers, had been up and running for a year and a half. I was suddenly faced with the challenge of managing my Houston law practice from overseas. I had not yet signed an office lease and my overhead was already low, so I immediately focused on making my office as portable as possible and concentrating on an area of law that required little in-person contact.

I set up a part-time assistant in an executive suite office in Houston, opened a [Skype](#) account for continual international communication with my assistant and clients, utilized [Dropbox](#), the online file sharing system, and purchased a [ScanSnap scanner](#) for each of us. To cover in-person client interaction, I hired contract attorneys to attend client interviews and master hearings. I also made regular visits to my Houston office every six months.

The time difference between Dubai and Houston presented a challenge. However, I scheduled myself to be available in the US morning hours and conducted Skype and telephone appointments with clients during those hours. To ensure a quick turn-around response time and avoid any significant gap in communication, I checked my e-mail early each morning in Dubai, which was the end of day in the U.S. The normal work week in Dubai is Sundays through Thursdays

which allowed me to offer appointments on Sundays in the U.S. This proved to be very popular as it was convenient for many clients who worked Monday through Friday in the United States.

Eventually, all of my in-person activities became digitized. There were no more trips to the bank or post office! I operated solely online: banking, postage printing, and credit card payments; I even held my consultations via Skype. In fact, I reduced overhead and became more efficient. I went on to record three CLEs via Skype: one for AILA's DC Open House and two for [LawLine](#), used the platform to conduct telephonic hearings, and held countless consultations.

I made the most of my two visits back to Houston and held as many in-person consultations and meetings with existing clients as possible. And although I definitely saw a higher conversion rate of retaining clients by in-person consultations as opposed to electronic consultations, I still managed to maintain a steady stream of business remotely. It worked especially well during the deferred action rush in August 2012. Applicants were usually under 31 years of age and were comfortable with phone and Skype consultations.

Against all odds, and despite the nine-to-10 hour time difference between Houston and Dubai, running my law office remotely has worked. My practice has grown and I have remotely hired three full-time assistants without having met them. I held the interviews via Skype and also had my first assistant help me screen applicants. I am now back in Houston after 14 months



abroad and in the process of moving my entire staff into a larger office.

Running a practice remotely is possible, and I am continually talking with other attorneys to compare notes on various versions of virtual offices. I am proud that I was able to keep my business alive through an unexpected change that would have convinced many to close. Becoming efficient, digital and paperless were key to my office's survival. Digital technologies enabled me to grow my office, despite being a 16-hour flight away.

Ruby L. Powers dedicates her firm to all areas of immigration law with a focus on I-601 waivers. She speaks Spanish and French. Her office is located in Houston, Texas.

Video Conferencing Can Help You Stay Connected

by Mareza I. Estevez and Maryann Palazzo

When personal/work life balance, health, weather, or other factors converge to create havoc with your work plans—don't panic. Instead, manage conflicting workloads and maintain your professional presence by staying connected via technology. Fostering effective communication has become much easier with the explosion and improvement of technology.

As in-house counsel of a Fortune 500 technology company with offices worldwide, we use traditional audio and electronic mail devices to organize, participate in, and conduct conference calls. One of our favorite methods of staying connected is video teleconferencing (VTC). VTC has become indispensable in facilitating close working ties with colleagues thousands of miles away and in supporting work-from-home flexibility. Increased visibility also fosters greater transparency and accountability, improving collaboration. Through VTC, we put faces to voices, observe expressions and mannerisms that add to the communication, and create a highly interactive and collaborative work environment. Accents that were previously impenetrable in a voice-only call become comprehensible. Colleagues who seemed oblique in their voice-only or written communications were better able to present their views and make contributions. It's the next best thing to being physically present. Our company has selected video conference devices that are easy to install and to use at the office, at home, or while traveling. We have

flat screen video conferencing devices in almost every conference room at our offices, as well as individual stand-alone devices for remote and home office usage. Connecting with our colleagues via these devices is an everyday occurrence. For maximum flexibility, VTCs frequently have a number of on-screen video participants as well as voice-only participants who dial into the calls. Additionally, VTC facilitates the sharing of documents for presentations and can be easily connected to laptops to enable jointly working on worksheets, documents, and shared screens.

For those new to video teleconferencing, here are some helpful hints: Competent tech support is key; setting-up and maintaining VTC networks and getting a single call to work will require know-how. It is important that entire groups be conversant in the use of the technology so that it becomes second nature. Just as e-mail may transmit a tone or meaning that

you did not intend in your writing, VTC can similarly mis-transmit unintended messages through facial expression, body language, and the condition on your on-screen appearance or your background (especially for at-home VTC!).

As you acclimate to VTC, you may wish to monitor your on-screen appearance by keeping your self-view on-screen to check your non-verbal presentation. Consider coaching to work on soft-skills, e.g., posture, non-verbal cues, presence, mannerisms, etc. Sometimes the lighting in your office may result in your appearing overly harried or tired. Also, you should guard your at-home privacy if you use VTC. Since incoming VTC are automatically connected, keep your camera lens covered, lest you be caught at an awkward moment by your colleagues.

While the majority of our present VTC meetings are conducted with internal colleagues, this method of communicating is also ideal to engage with external legal advisors, partners, and vendors. VTC and cloud-powered technology enables collaboration virtually regardless of geography.

To survive in this new age of technology, organizations and law firms alike must embrace new management methods and tools to succeed in a virtual work environment.

Mareza I. Estevez ("Rez") and Maryann Palazzo serve as lead in-house immigration counsel to Cognizant Technology Solutions.



Disaster Ready: Minimizing Interruptions

by Eugene Goldstein and Michael J. Goldstein

Catastrophic events do occur, whether it is a hurricane, tornado, earthquake, flood, an act of terrorism—or anything else that is unexpected. Probably, the best preparation for catastrophic business interruptions is to realize that it can happen.

My office is in downtown Manhattan, as it was on September 11, 2001, one block from the World Trade Center. Following the attacks, my office was down for two weeks—the first week, the authorities investigated the crime scene, and the second week they vacuumed out the pervasive dust. Those dark fast moving dust clouds were real (some of the dust still remains underneath a file cabinet in my office).

For two weeks, my three telephone lines were routed through one cell phone (and I was fortunate). Thankfully, my home internet connection still worked. My e-mail was full of messages from clients—some sincerely concerned if they still had a lawyer and a case.

WHAT I LEARNED:

1. It can happen here or anywhere
2. Backup data from client files regularly
3. Backup client contacts as often as possible
4. Backup colleague contacts regularly
5. Keep your backup data someplace else—securely

offsite or “in the cloud”

6. Maintain a network of colleagues for support
7. Maintain a communications plan with staff—have home and mobile phone numbers updated and handy
8. Make sure that staff (and yourself) are both physically and psychologically well. (The incidence of Post-Traumatic Stress Disorder was very high in the downtown area after 9/11.)

Backing up data isn't as much of a hassle as before. Technology has improved, prices have dropped and advances in software have made managing cases much easier. Improvements in scanners have helped to preserve and maintain many files and important documents. Also, flash drives have become extremely portable and convenient. And, of course, there is the cloud and smart devices that can sync with one another for easy access to storing and retrieving information. While these things make working away from the office easier, they can also serve as data backups in the event of a physical catastrophe. My office prefers the use of flash drives over internet-dependent devices and services as they do not rely on third-party hosts. In addition, ethical concerns can arise when releasing privileged information on the cloud.

While communication lines have evolved dramatically in recent years, availability during and soon after

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a disaster are difficult to predict. Many of us have become accustomed to uninterrupted e-mail and smart phone access which may be unavailable in the event of a business interruption. If communication lines are up and running, but access to the physical work place is restricted, video conferencing and face-to-face communications can be achieved through smart devices without the need to share a physical space. There are also many smart device applications (apps) and computer software programs which offer convenient ways to conference when physical meetings are not feasible.

For useful links to information on minimizing business interruptions and disaster recovery please see [AILA InfoNet Doc No. 12073149](#).

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