

Journal of Civil Rights and Economic Development

Volume 18
Issue 1 *Volume 18, Fall 2003, Issue 1*

Article 6

October 2003

Comments on our 9-11 Experience

Joel K. Simon

Follow this and additional works at: <https://scholarship.law.stjohns.edu/jcred>

This Symposium is brought to you for free and open access by the Journals at St. John's Law Scholarship Repository. It has been accepted for inclusion in Journal of Civil Rights and Economic Development by an authorized editor of St. John's Law Scholarship Repository. For more information, please contact selbyc@stjohns.edu.

COMMENTS ON OUR 9-11 EXPERIENCE

JOEL K. SIMON*

September 11 was a terrible day. My partners and I were faced with the destruction of everything we had built. As many of you know, our offices were located on the 33rd Floor of One World Trade Center.

My first concern was for my people. I knew that some of them would have been at the office at the time the first plane hit. By early afternoon, I was able to determine that everyone was accounted for and alive.

Having gone through the 1993 bombing, I already had some idea of how I needed to proceed to put the office back together. After making sure our people were all right, my next priority was to contact my friends and clients. Before I had gotten very far in this effort, I received a telephone call from Eliot Feldman, a partner in the D.C. office of Baker & Hostetler LLP. He immediately offered us the use of excess office space at his firm's recently opened Manhattan Office, an offer I accepted. This was a godsend, as I did not have to expend precious time arranging for temporary office space. In 1993, we quickly began working out of my apartment for a week, and then took temporary office space for several months.

Over the course of the first few days after 9/11, I contacted our clients to let them know that we had survived and that we would be reopening in temporary space as soon as possible. I asked that they bear with us as we reestablished ourselves. We received wonderful support from all of our clients. In fact, we have not lost one client because of 9/11.

Next, I contacted our computer consultants. Our computer system was backed up every weekend. As it happens, our Administrative Assistant, who was in the office when the plane

* Managing Partner of Serko & Simon, LLP.

hit, had the presence of mind to grab the most recent back up tape.

Discussions with our computer consultants led to the conclusion that we could reestablish our information systems in one to two weeks.

High on the priority list was contacting our insurance brokers, beginning the claims processes, and gaining access to any immediate benefits that were available to us. It was vitally important to coordinate with our insurance people to estimate what our benefits were likely to be so that we had some idea of what we could afford as we recreated our offices.

My final priority, and in many respects the most important, was maintaining contact with our people and providing them with any help and assistance that we could. By the Monday after 9/11, we held our first staff meeting at the offices of our computer consultants. This was a continuation of a process that began on 9/11 of making sure our people were taken care of by providing on an individual basis cash advances, counseling, and other assistance if necessary.

Two weeks after the attack, we moved into our temporary space at Baker & Hostetler LLP. We were there until August of 2002 when we moved into our new permanent office at 1700 Broadway. During those months, we spent an enormous amount of time looking for affordable space, dealing with architects and contractors, buying and arranging for the delivery of office furniture and equipment, dealing with recreating our lost files, dealing with insurance issues, and generally trying to return to normal. We continue to deal with these issues today.

On a practical level, I would like to make a few observations based on our experience:

You never have enough insurance and, although generally, our insurance providers have been forthcoming in addressing with our claims, it has been a long, laborious process that continued through the end of 2002.

The cooperation we have received from the Judges and staff of the United States Court of International Trade (CIT) (especially the Clerk's Office), the staff of the International Trade Field Office of the Department of Justice, and the staff of Customs has been nothing short of amazing. This is especially true for the New York Customs personnel, many of whom were in the same

boat as us. Without their understanding and support, our job of getting ourselves back on our feet would have been 100 times harder. Extensions of time for various filings were never an issue. Both the CIT Clerk's Office and the attorneys at DOJ provided us, without charge, copies of any document we asked for.

Nothing ever works the way it is supposed to. Although we had the back up tapes of our computer information, we still today find that much of that information was lost or is not retrievable. I suspect it will come as no surprise to any of you that telephone service has been a major headache. It took months for us to regain our original telephone numbers. Even when we did, service was spotty.

Finally, I wish to raise an issue that I believe is of concern to all here. While Customs administratively declared a series of "Snow Days" extending the 90-day deadline for filing protests, the Court was unable to extend the deadline for filing summonses. I believe that this is an issue that should be dealt with by the bar, the Court, and the Department of Justice. It is unfair that any client lost its day in Court due to a terrorist attack. I would like to suggest that we might need to amend the jurisdictional statutes to allow the Chief Judge to extend the statute of limitations for filing summonses and complaints on an individual basis in times of disaster or emergency.

