

Foreword

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Every year, natural disasters claim hundreds of lives and cause billions of dollars in damage. When hurricanes, flooding, wildfires, and other calamities strike, disaster response organizations and emergency medical personnel rush to the scene to provide immediate assistance and relief. Lawyers—called *third responders* in this important book—also play a crucial role in disaster response.

Legal challenges can haunt disaster survivors for years as they seek to replace legal identification papers such as birth certificates, driver’s licenses, and Social Security cards; apply for disaster benefits; and deal with insurance claims issues. Many survivors face a variety of other legal issues involving their housing, from preventing unlawful evictions and foreclosures to combating contractor scams. Some survivors need assistance with school transfers and transportation and with obtaining food stamps and public assistance.

Timely legal assistance can make all the difference, especially for low-income survivors who cannot easily withstand long delays in getting assistance and benefits. In a speech following the devastating tornado that struck Joplin, Missouri, in 2011, Kansas City Mayor Sly James highlighted the work of disaster response lawyers:

One example was a man with four children who had a job lined up out of state who had lost his clothes and car. His insurance company was delaying payment because the man couldn’t produce proof of what he’d lost. His free legal counsel advised him to list everything of value that he had lost and to provide it to his insurance agent. The man later called to say the insurer cut him a check for the policy limits on the spot, with a little extra for his trouble. That’s the difference local attorneys are making.

When Hurricane Katrina struck the Gulf Coast, it left a path of death and physical destruction. But it also created what Brian Lenard, who was then co-executive director of Southeast Louisiana Legal Services (SLLS), called “the greatest civil legal aid crisis in American history.”¹ Hundreds of thousands of survivors needed legal assistance. In the immediate aftermath, lawyers set up a hotline to help field inquiries and dispense basic information and advice, and assisted survivors in filing for disaster relief. Lawyers helped homeowners establish clear property titles so they could apply for federal rebuilding funds, and when that rebuilding began, fought to protect them from contractor fraud. When landlords tried to displace families so that they could charge higher rents

1. Katy Reckdahl, *The Justice Gap*, Shelterforce (Oct. 1, 2015), https://shelterforce.org/2015/10/01/the_justice_gap/.

to new tenants, these lawyers challenged them in court. Some of this work continues to this day.

Meeting the legal needs of disaster survivors requires coordinated response and preparation. The ABA Young Lawyers Division (YLD) has played a leading role in developing programs to meet these needs.

YLD administers the Disaster Legal Services Program (DLS) with the Federal Emergency Management Agency (FEMA). DLS, which provides free legal assistance to low- and moderate-income disaster survivors, works closely with the Legal Services Corporation (LSC) and the ABA Committee on Disaster Response and Preparedness (SCDRP) to ensure that legal services providers are essential partners in the DLS delivery program. LSC helps educate YLD lawyers about the role LSC and its legal aid grantees play in a disaster response, and it promotes coordination among stakeholders.

Since September 2007, the DLS program has responded to 103 declared disasters in thirty-seven states and U.S. territories, assisting more than 100,000 people.

Important components of these efforts are toll-free hotlines, which are staffed by volunteer lawyers who give free legal advice and make referrals to pro bono lawyers. In major disasters, such as Hurricane Sandy in 2012, these hotlines might receive thousands of calls.

A crucial element in effective disaster response begins before the disaster—with preparation. Most Americans are unprepared when disaster strikes. Many have not developed a plan for securing important documents, medication, and living arrangements, nor have they planned for alternative ways to access critical resources and information.

Many lay volunteers and service providers are also unprepared to help survivors with myriad legal challenges, especially in ensuring that they quickly and accurately complete FEMA benefit applications to prevent benefit denials and avoid lengthy appeals processes that low-income people cannot afford.

The YLD provides a wealth of resources to help both the public and volunteer lawyers prepare for disasters.

Through seminars, websites, instructional videos, resource guides, and instruction manuals for both pro bono and legal aid lawyers, YLD provides vital information and education.

This book is the latest development in YLD's efforts. The ten essays included here range from overviews of the need for pro bono disaster legal assistance and the roles of the organized bar associations and civil legal services providers in meeting it, to informative, nut-and-bolts guides on specific issues in disaster legal aid—such as navigating flood insurance claims, dealing with post-disaster housing and tax issues, and understanding the specific needs of vulnerable populations.

This volume is a valuable resource for the entire disaster response community—and the latest of many contributions from a leader of that community, the ABA YLD.