

# SOUTH CAROLINA BAR

# Crisis Management Disaster Response

# Plan

September 2005

## Purpose

The South Carolina Bar has established this disaster response plan to:

- monitor the conduct of members of the Bar and thereby deter violations of the Rules regulating the South Carolina Bar;
- inform the public and Bar members as to the levels of conduct required of members of the Bar; and
- indicate to the victims of disasters and their families the concern of the Bar and ensure that their legal rights are preserved.

The plan outlines various procedures to be followed in

- determining the nature of the crisis and proposed response
- response implementation and
- key Bar leader notification.

This plan has been divided into two sections — Acts of God and Manmade disasters. **Acts of God** include hurricanes, tornadoes and floods. **Manmade** disasters include bombings, commercial plane accidents, train wrecks, hotel fires, chemical spills, environmental damages, civil disturbances and blackouts/brownouts, etc.

Portions of the plan may also be used for legal crises such as illegal or unethical conduct by a Bar official, widespread public outcry regarding a particular law firm's activities, widespread judicial misbehavior and mass protests against the South Carolina Bar.

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# Crisis Management Task Force

## Executive Committee

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## **SC Emergency Preparedness Agency**

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Governor will post all emergency declarations on [www.myscgov.com](http://www.myscgov.com)

## **SC Department of Consumer Affairs**

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# Act of God Disasters

# Steps to Implement Procedures for Act of God Disasters

## *1. President and/or Executive Director make decision to begin implementation of crisis response plan.*

Any member of the Bar, staff or leadership, recognizing a developing issue or reporting a natural disaster, should contact the South Carolina Bar President or Executive Director. The President and Executive Director will assess the need to assume the responsibility for notifying the Crisis Management Task Force through a telephone conference call.

## *2. Crisis Task Force Conference Call*

By utilizing a telephone conference call, the executive committee — with support from other task force members — determines if a crisis exists and what action should be taken. According to the needs dictated by the situation, the staff will:

- gather data prior to the call;
- assess the situation;
- determine potential impact upon segments of the public and the Bar;
- identify third parties to be mobilized if needed; and
- distribute available information immediately.

*The Assistant Executive Director will stay in contact with the YLD representative assigned to work with FEMA immediately after the natural disaster.*

After determining the extent of the natural disaster and pooling all available information, press releases and public service announcements (PSAs) will be issued. A primary and secondary spokesperson also will be designated. Staff will prepare fact sheets, statements or press releases for the public; member communications (letters/releases/PSAs); and/or mailgrams, faxes or e-mails for dissemination to Bar leadership. If necessary, local Bar leaders will be alerted.

In summary, the role of the executive committee and pertinent staff — all of whom comprise the Crisis Response Task Force is to:

- provide assistance with law-related advice to members of the public affected by the natural disaster;
- disseminate the South Carolina Bar “message”;
- dispatch volunteer lawyers; and
- authorize the action plan.

## *3. Implement Action Plan*

Depending upon the nature of the disaster, the SC Bar will work together with other state agencies to issue the following:

- (1) news release/statement to the press;
- (2) possible news conference held at a site to be determined;

- (3) telephone calls to wire services and selected media;
- (4) production and/or distribution of “paid” ads or public service broadcast announcements; and
- (5) news alert to members.

Once the extent of the natural disaster has been determined, the SC Bar will work with sections, committees and task forces to provide specific legal assistance to affected areas. The South Carolina Bar Ask-A-Lawyer telephone lines and Lawyer Referral Service members will be utilized as necessary.

#### *4. Key Bar Leader Notification*

The Executive Director will be responsible for notification of Board of Governors members and local Bar leaders as deemed appropriate. Bar leaders would be informed of the Bar’s action, reasons for such action and contact person for updates or additional background. The following methods can be used:

- a) personal telephone calls;
- b) conference calls;
- c) e-mail;
- d) telephone local bar leaders; and
- e) fax transmission.

#### *5. Report on Results*

Soon after the natural disaster, the Bar staff will host a meeting of groups that were involved in the disaster to obtain input regarding the effectiveness of the disaster plan. The Assistant Executive Director will prepare a written report on the Bar’s actions in response to the disaster for the Board of Governors.

# Responsibilities of Response Team for Act of God Disaster

## **Executive Director:**

- carry out policy (as established by the crisis management task force) and coordinate actions of the team.

## **Bar Staff:**

- contact Young Lawyers Division Disaster Relief and ABA/FEMA representatives.
- if necessary, contact the SC Attorney General's office regarding unlicensed practice of law.
- establish liaison with Red Cross, Salvation Army and victims' organizations to provide assistance to victims and furnish written materials to these organizations.
- contact local Bar officers to set up ad hoc legal advice hotline staffed by local Bar members. Coordinate local Bar activities with state Bar efforts.
- arrange use of Ask-A-Lawyer telephone lines or Lawyer Referral Service members, if necessary.
- develop follow-up report.

## **Assistant Executive Director:**

- if necessary, contact the SC Department of Consumer Affairs to coordinate publicity regarding unlicensed adjusters.
- prepare, make copies and disseminate appropriate generic news releases, "if asked" statements and question-and-answer sheets.
- arrange individual media interviews for spokespersons.
- find an appropriate site for a news conference and arrange for conference, if necessary.
- provide copies of legal tips to media.
- gather background information for response team, as well as monitor TV/radio reports, arrange for special clippings and broadcast monitoring.
- log all media inquiries.
- serve as conduit for release of follow-up information to media.
- distribute appropriate public service announcement and paid advertisement.

## **Attorney General Representative:**

- investigate all reports of lawyer solicitation of victims or victims' families.



10. Do not accept completion and make final payments until the job has been completed to your satisfaction.

Volunteer lawyers from the South Carolina Bar will be available to answer legal questions or refer callers to the appropriate agency or organization. The free legal information line will be open from \_\_\_\_ to \_\_\_\_ on \_\_\_\_\_. To speak to a volunteer lawyer, call 1-888-321-3644.

The South Carolina Bar is providing this assistance as a public service to anyone impacted by the \_\_\_\_\_.

The Bar also operates a free lawyer referral service to help consumer find the name of a lawyer who can help them. The South Carolina Bar Lawyer Referral Service is available on weekdays between 9 a.m. and 5 p.m. The number is 799-7100 in Richland and Lexington counties, and 1-800-868-2284 from other parts of the state. Consumer who cannot afford a lawyer may contact the Legal Services office in their area.

The South Carolina Bar, which has a membership of more than 11,500 lawyers, is dedicated to advancing justice, professionalism and understanding of the law.

###



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## SC BAR OFFERS LEGAL INFORMATION LINE FOR VICTIMS OF \_\_\_\_\_

COLUMBIA, S.C. (date)—The South Carolina Bar will provide free legal information over the phone for victims of \_\_\_\_\_.

The free legal information line will be open from \_\_\_\_ to \_\_\_\_  
on \_\_\_\_\_.

Volunteer lawyers from the South Carolina Bar will be available to answer legal questions or refer callers to the appropriate agency or organization.

To speak to a volunteer lawyer, call 1-888-321-3644.

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Leigh Thomas, Communications Manager  
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**SC BAR OFFERS LEGAL INFORMATION LINE  
FOR VICTIMS OF \_\_\_\_\_**

COLUMBIA, S.C. (date)—The South Carolina Bar will provide free legal information over the phone for victims of \_\_\_\_\_.

The free legal information line will be open from \_\_\_\_ to \_\_\_\_ on \_\_\_\_\_.

Volunteer lawyers from the South Carolina Bar will be available to answer legal questions or refer callers to the appropriate agency or organization.

To speak to a volunteer lawyer, call 1-888-321-3644.

The South Carolina Bar is providing this assistance as a public service to anyone impacted by the \_\_\_\_\_.

The South Carolina Bar, which has a membership of more than 11,500 lawyers, is dedicated to advancing justice, professionalism and understanding of the law.

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# Paid Notice

For More Information:

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# Legal Questions Most Often Asked By Disaster Victims

*The following series of short questions and answers is designed to prepare volunteer lawyers for the the types of advice they may be asked to give.*

## GENERAL CONCERNS

1. Q. *If a healthy tree falls across a property line, due to an act of God, who is liable for damages?*  
A. Liability ends at the property line. The owner of the property on which the tree was growing is responsible for damages and removal on his property, and the owner of the property onto which the tree fell is responsible for damages and removal of the tree on his property. (Note: This does not take into consideration negligence if the owner knew that the tree was diseased, dead, etc.)
  
2. Q. *What if my neighbor sues me because the tree fell on his property and damage resulted?*  
A. Although it may not be universally true, most insurance companies will defend such an action.
  
3. Q. *How long does an insurance adjuster have to make contact with the property owner after the property owner has given notice of loss?*  
A. **Consult your policy.** There is no specific statutory requirement.
  
4. Q. *How long does an insurance company have to pay a claim after notice of loss?*  
A. **Consult your policy.** § 38-59-40 provides that if the insurance company has not paid within 90 days, then the insured can file suit to determine whether the failure to pay is unreasonable or in bad faith.

## LANDLORD AND TENANT CONCERNS

1. Q. *If my rental home is damaged so badly by the disaster that I can longer live there, what choices do I have?*  
A. You may do the following:
  - Remove your belongings and write the landlord a letter stating that you want to end your rental agreement.
  - Written notice of termination must be given within seven days.
  - Treat the agreement as if it were in effect and move back in as soon as conditions allow, provided your home is repaired during the rental period.
  - If after written notice of damage and need for repairs, the landlord fails to act in a reasonably timely manner to repair your home, you may sue to ask a judge to order the repairs.
  
2. Q. *If I want to continue renting my home, but can't live in it now, do I have to pay rent?*  
A. Maybe.

- Q. *Can I just withhold part of the rent?*  
A. No. You should talk to your landlord about reducing your rent to the actual fair market value of the home, while it is damaged. You cannot be required to pay more rent than the property is worth, if damaged. If you and your landlord are not able to agree on what is reasonable rent, you should consider paying the amount the landlord demands and going to court to get the disagreement resolved.
3. Q. *If I do not pay the amount of rent that the landlord demands, can the landlord end my lease?*  
A. Yes. Your landlord can seek to have you evicted for violating your lease if you do not pay any rent or pay only a portion of the agreed rent, even if you cannot live in your home. But you cannot be required to pay more rent than the property is worth, if damaged.
4. Q. *If the rental period (month-to-month, year-to-year, etc.) is over while my home is damaged, can the landlord refuse to renew my lease?*  
A. Yes. The landlord may try to make you leave either by not renewing your lease or by increasing your rent far above market value.
5. Q. *Is there anything I can do to try to stop those things from happening?*  
A. Yes. You can ask the court to decide if a landlord is retaliating against you for not paying rent. After hearing everything that has happened in your case, a judge or a jury would decide if the landlord retaliated against you unlawfully.
6. Q. *What should I do to go to court?*  
A. Get a lawyer. But also make sure you let the landlord know as soon as possible that you want to move back in. If you do not know a lawyer, you can call the South Carolina Bar Lawyer Referral Service weekdays between 9 a.m. and 5 p.m. The number is 799-7100 in Richland and Lexington counties, and 1-800-868-2284 from other parts of the state. If you cannot afford a lawyer, you may contact the Legal Services office in your area.  
**[provide list of numbers]**
7. Q. *If I can only use part of my home, what choices do I have?*  
A. If the use of your home is extremely limited, you may do the following:
  - Remove your belongings and write the landlord a letter stating that you want to end your rental agreement. Written notice must be given within seven days.
  - Treat the agreement as if it were in effect and move back in as soon as conditions allow, provided your home is repaired during the rental period.
  - If the landlord fails to act in a reasonably timely manner to repair your home, you may sue to ask a judge to order the repairs.
If your home has not been condemned, you may continue to live in the part that is not badly damaged.
8. Q. *What do I do about my rent if I live in part of my home?*  
A. If you can only use part of your home, you only have to pay for the value of the part you use.
9. Q. *How much do I pay?*  
A. Try to reach a fair agreement with your landlord.
10. Q. *What if we cannot agree?*  
A. You can do the following:

- Pay only what you believe is a fair and reasonable rental price, and get a lawyer to present your case if the landlord takes you to court for nonpayment of rent; or
- Pay what the landlord asks and sue in court to ask a judge to reduce the rent and order the landlord to return your overpayment.

11. Q. *Even though my home is okay., what are my rights if I can't use the premises?*  
 A. If the hurricane has caused the premises to be damaged badly (for example, outside stairs are badly damaged; trees and fences have fallen all over your yard; your parking lot, driveway or garage has been destroyed and you have no place to park, etc.), you may have the same rights as tenants whose homes have been damaged so badly that normal use and occupancy has been "substantially impaired."
12. Q. *If I want to end the lease and move, what do I have to do to get back my security deposit?*  
 A. If you are moving because your home has been badly damaged, you should let your landlord know in writing that you want to end the agreement within one week after you move. You should, in the same letter, tell the landlord you want your security deposit. The landlord has to return your deposit within 30 days or give you a written explanation of why he is keeping it.
13. Q. *Can the landlord keep my deposit because I don't stay for my full lease period?*  
 A. No, not if you are leaving because your home has been badly damaged.
14. Q. *What can I do if the landlord does not return what I believe he/she should?*  
 A. You could file suit, but you should hire a lawyer before doing so. Send a letter to your landlord that includes your new address. The landlord has 30 days to refund the money or explain why it is being kept. If the landlord wrongfully keeps your deposit, the court can make the landlord pay your lawyer's fees. If you do not know a lawyer, you can call the South Carolina Bar Lawyer Referral Service weekdays between 9 a.m. and 5 p.m. The number is 799-7100 in Richland and Lexington counties, and 1-800-868-2284 from other parts of the state. If you cannot afford a lawyer, you may contact the legal services office in your area.  
**[provide list of numbers]**

# Top Ten List For Home Repair

1. Be patient.
2. Take photographs before making temporary repairs.
3. Do not begin permanent repairs until you have talked with your insurance company's adjuster.
4. Use local licensed contractors. Ask to see his license from the SC Licensing Board for Contractors or the Residential Home Builders Commission. Also, contact the SC Department of Consumer Affairs to see if any complaints have been filed against the company.
5. Take down the drivers license and vehicle number of any contractor.
6. Insist on proof of liability and workmen's compensation insurance.
7. Always obtain three bids.
8. Do not pay or make a large down payment before work has begun. If necessary, offer to put money in ESCROW at the bank.
9. Insist on a written contract that spells out what repairs are to be done, price and completion date.
10. Do not accept completion and make final payments until the job has been completed to your satisfaction.

**Provided as a public service  
of the South Carolina Bar**



# Key Assistance Numbers

## CONSUMER AFFAIRS

(803) 734-4200

(800) 922-1594

Call to report price gouging (including landlords)  
and model repair contracts.

## SOUTH CAROLINA PROGRAM ASSISTANCE LINE (PALS)

(803) 734-2050

(800) 922-2221

Statewide information and referral program for a  
variety of agencies, programs and organizations.

## FEMA HOTLINE

(800) 621-3362

The number for anyone who:  
cannot travel to a FEMA center;  
is seeking information on eligibility; or  
needs to know what documentation to bring with them to their local center.

## SOUTH CAROLINA BAR LAWYER REFERRAL SERVICE

(803) 799-7100 in Richland and Lexington counties

(800) 868-2284, statewide

The number to call if you are looking for a lawyer.  
If you cannot afford a lawyer, you may contact the Legal Services office in your area.

## SOUTH CAROLINA BAR ASK-A-LAWYER

(888) 321-3644, statewide

A free legal information telephone line of the South Carolina Bar.

# South Carolina Legal Services Offices

## SOUTH CAROLINA CENTERS FOR EQUAL JUSTICE

### **Anderson Center**

(864) 226-7216

Fax: (864) 375-9191

### **Anderson and Oconee**

800-234-7216

### **Charleston Center**

(843) 720-7044

Fax: (843) 760-1090

### **Charleston, Berkeley, and Dorchester**

888-720-2320

### **Columbia Center**

(803) 799-9668

Fax: (803) 79-9420

### **Richland, Fairfield, Newberry, and Sumter**

888-799-9668

### **Conway Center**

### **Horry, Georgetown, Marion, and Williamsburg**

866-597-0100

### **Florence Center**

(843) 413-9500

Fax: (843) 413-1013

### **Florence, Dillon, and Clarendon**

### **Greenville Center**

(864) 679-3232

Fax: (864) 679-3239

### **Greenville and Pickens**

800-613-0438

### **Greenwood Center**

(864) 223-4879

Fax: (864) 223-7629

### **Greenwood, Abbeville, Edgefield, and McCormick**

800-922-3114

### **Hartsville Center**

(843) 332-1162

Fax: (843) 332-1159

### **Darlington, Chesterfield, Kershaw, Lee, and Marlboro**

800-613-0438

### **Lexington Center**

(803) 359-4154

Fax: (803) 359-9351

### **Lexington, Aiken, and Saluda**

800-280-1851

### **Orangeburg Center**

(803) 533-0116

Fax: (803) 531-5102

### **Orangeburg, Allendale, Bamberg, Barnwell, and Calhoun**

800-522-9354

### **Rock Hill Center**

(803) 327-9001

Fax: (803) 327-7105

### **York, Chester, and Lancaster**

800-922-3853

### **Spartanburg Center**

(864) 582-0369

### **Spartanburg, Cherokee, Laurens, and Union**

800-922-8176

Fax: (864) 582-0302

**St. Helena Island Center**  
(843) 838-5001

**Beaufort, Colleton, Hampton, and Jasper**

## **OTHER LEGAL SERVICES**

### **CAROLINA REGIONAL LEGAL SERVICES**

**Florence** (843) 667-1896 1-800-304-9939  
(Florence County)

**Manning** (803) 435-2141 1-800-304-9939  
(Clarendon County)

### **NEIGHBORHOOD LEGAL ASSISTANCE PROGRAM**

**Charleston** (843) 722-0107  
(Charleston County)

**Beaufort** (843) 838-5001  
(Beaufort and Jasper Counties)

**Conway** (843) 248-6376  
(Horry County)

**Georgetown** (843) 546-2491  
(Georgetown County)

**Kingstree** (843) 354-7475  
(Williamsburg County)

**Walterboro** (843) 549-9581  
(Colleton and Hampton Counties)

**Marion** (843) 423-5955  
(Marion County)

**Moncks Corner—Dorchester County** (843) 871-6477

**Moncks Corner—Berkeley County** (843) 761-8355

# Manmade Disasters

# Steps to Implement Procedures for Manmade Disasters

## *1. President and/or Executive Director make decision to begin implementation of crisis response plan.*

Any member of the Bar, staff or leadership, recognizing a developing issue or reporting a manmade disaster, should contact the South Carolina Bar President or Executive Director. The President and Executive Director will assess the need to assume the responsibility for notifying the Crisis Management Task Force through a telephone conference call.

The Assistant Executive Director, in liaison with the Board of Governors and local bar presidents, should be responsible for spotting potential problem areas. Members should be encouraged to report issues in their locality that may affect the bar so the task force can evaluate and plan to address them. These issues could be channeled through the local Board of Governors representative(s) or the presidents of local bar associations. Daily media monitoring will also alert the task force to developing issues or events.

## *2. Crisis Task Force Conference Call*

By utilizing a telephone conference call, the executive committee — with support from other task force members — determines if a crisis exists and what action should be taken. According to the needs dictated by the situation, the staff will:

- gather data prior to the call,
- assess the situation,
- determine potential impact upon segments of the public and the Bar,
- identify third parties to be mobilized if needed and
- get all information available "out front" immediately, using only as much detail as needed for understanding.

In manmade disaster situations where speedy decision-making is important to respond in the public interest, the Bar President — or, in his or her absence, the President-Elect, or the Executive Director—will make the decision to dispatch the Crisis Response Team with a follow-up executive committee telephone call for further consultation and confirmation.

After determining the extent of the manmade disaster and pooling all available information, press releases and public service announcements (PSAs) will be issued. A primary and secondary spokesperson also will be designated. Staff will prepare fact sheets, statements or press releases for the public; member communications (letters/releases/PSAs); and/or mailgrams, faxes or e-mails for dissemination to Bar leadership. If necessary, local Bar leaders will be alerted.

In summary, the role of the executive committee and pertinent staff—all of whom comprise the Crisis Response Task Force is to:

- discern the potential impact of the manmade disaster on the public and profession;
- disseminate the South Carolina Bar "message;"
- dispatch volunteer lawyers; and
- authorize the action plan.

## *3. Implement Action Plan*

Depending upon the nature of the crisis or disaster, a determination will be made as to whether a response will be made from Bar headquarters (Columbia), on-site at the disaster, or coordinated from both locations.

### *a) Columbia-based response:*

- (1) news release/statement issued to the press;

- (2) news conference held at Bar building;
- (3) telephone calls to wire services and selected local media;
- (4) production and/or distribution of "paid" ads or public service broadcast announcements.

b) On-site disaster response:

(1) Response team dispatched to scene immediately. Should include Executive Director, Assistant Executive Director, Public Services Director and other designees.

(2) The team will arrive on-site within three hours and confer regarding information gathering and media and victim requests.

(3) Team members will then undertake to accomplish particular assignments.

(4) It is crucial that the disaster response team not become identified with any faction of the potential controversy.

(5) All members of the disaster response team must avoid making statements on the merits of claims that may arise from the disaster.

(6) The team shall emphasize in all public statements that the South Carolina Bar's major and only legitimate concern is for those persons affected by the disaster and the public interest.

(7) The South Carolina Bar's role is limited to monitoring compliance with the Rules of Professional Conduct and to request reports of any violation needing immediate investigation.

(8) The team will remain on scene until determined that their usefulness no longer exists or is not practical.

#### 4. *Key Bar Leader Notification*

The Executive Director will be responsible for notification of Board of Governors members and local bar leaders as deemed appropriate. Bar leaders would be informed of the Bar's action, reasons for such action, and contact person for updates or additional background. The following methods can be used:

- a) personal telephone calls;
- b) conference calls;
- c) e-mails;
- c) telephone local bar leaders; and
- e) fax transmission.

#### 5. *Report on Results*

The Bar staff will convene as soon as possible a meeting to be attended by as many groups as were involved in the disaster to obtain input regarding the effectiveness of the plan in that particular situation. The communications division director shall prepare a written report of all that occurred at the site or in response to the crisis. The report shall be submitted to the Board of Governors.

# On-site Responsibilities of Response Team for Manmade Disasters

## **Executive Director:**

- carry out policy (as established by the crisis management task force) and coordinate actions of the team.

## **Attorney General Representative:**

- investigate all reports of lawyer solicitation of victims or victim's families.

## **Bar Staff:**

- select site for command center (generally a motel/hotel suite near disaster scene that can serve as telephone contact point for victims families and media; suite allows meeting space for team and possible in-person interview site for media. Therefore it must be easily accessible.)
- establish contact(s) with involved parties, for instance airline.
- establish liaison with Red Cross, Salvation Army, FEMA and victims' organizations to provide assistance to victims and furnish written materials to these organizations.
- rent an automobile for travel to site or to other locations.
- contact local bar officers to set up ad hoc legal advice hotline staffed by local bar members. Coordinate local bar activities with state bar efforts.
- develop follow-up report.

## **Assistant Executive Director:**

- prepare, make copies, disseminate appropriate generic news releases, "if asked" statements and question-and-answer sheets.
- compile list of media contacts.
- arrange individual media interviews for president/president-elect
- find an appropriate site for a news conference and arrange for conference, if necessary.
- provide copies of victims' assistance handbook to media.
- gather background information for response team, as well as monitor TV/radio reports, arrange for special clip pings and broadcast monitoring.
- serve as conduit for release of follow-up information to media.
- distribute appropriate public service announcement and paid advertisement.

**REMEMBER:** Do not approach or seek out victims or victims' family.  
Serve only as respondents to contacts generated by media publicity.

# Response Team Traveling Kit

1. Crisis Management Disaster Response Plan.
2. Sufficient number of copies of news release.
3. Adequate number of Mass Disaster: A Victim's Guides and Pocket Legal Counselors.
4. News media lists.
5. *Lawyers Desk Book*.
6. Board of Governors phone numbers/addresses.
7. Bar staff addresses and phone numbers.
8. Scripts of generic public service announcement and paid advertisement.
9. Supply of office material (legal pads, pencils, Bar stationery, business cards, etc.).
10. Personal effects.
11. Cellular phone (hand-held), charger, spare batteries.
12. Cassette tape recorder, spare tapes and batteries.
13. Laptop computer with Internet and e-mail capabilities and diskettes.

# Setting up a Command Center

1. Select a motel/hotel easily accessible to and from disaster scene.
2. Select a suite or adjoining rooms that will provide phone, radio/TV monitoring and team meeting capabilities.
3. Rooms necessary for other staff members should be in close proximity.
4. Investigate on-premise sites for media interviews and news conferences.
5. Check with motel/hotel personnel for fax capability. If none is available, check with lawyers' offices to see if Internet/fax connections are available.
6. Discuss with facility personnel arrangements for photocopying material necessary for press releases and official statements.
7. Contact Bar building in Columbia and provide pertinent information regarding future communications (telephone numbers, e-mail addresses, fax numbers, schedules, etc.).
8. Contact other liaison agencies and media to gather information and provide notice that the Bar is on the scene and the reasons for the official Bar presence.
9. Arrange for the availability of portable cellular phones, spare batteries and chargers.

# Planning a News Conference

Call a news conference when you have information that should be delivered to several media outlets at one time. These news conferences can be simple or elaborate, well-orchestrated or impromptu. Several factors will enter into the decision on how to plan your news conference — the significance of the information to be shared, planning time and locations which might be interested, to name a few.

1. Because the Bar is a statewide organization, important messages should be delivered to the media statewide. The easiest way to do this is by holding a press conference at the South Carolina Bar building in Columbia. Most of South Carolina's major media organizations are located nearby.
2. If there is time, a press advisory should be sent via phone, e-mail or fax to each media outlet, telling briefly (who, what, when, where, why, how format) what will be going on at the news conference. Share enough information to pique the media's interest without telling the whole story. Do not send an embargoed news release. If the news is that interesting, the media will break the embargo by contacting other sources and then eliciting the Bar's "response."
3. If there is not time to issue a press advisory, phone or visit media outlets to let them know what is going on. Start with the Associated Press and the radio and television networks. Then call the large dailies (Columbia, Greenville, Charleston, Spartanburg) and the smaller news outlets. Place a priority on local media, large or small, which might have a particular interest in the story.
4. News conferences should begin with a prepared statement, preferably by one spokesperson, followed by a question-and-answer period. Visual representation of what you are talking about (charts, blow-up photos, etc.) are usually well-received. If possible, pass out a press release. Coach the presenter on possible questions. Always anticipate the most difficult questions and have answers ready for them.
5. Time the event to assure maximum coverage. Consider any conflicting events scheduled and media deadlines. Anything after 4 p.m. probably won't make a 6 p.m. newscast unless carried live. Avoid Fridays, if possible.
6. It may be necessary to hold a news conference outside Columbia, in the midst of a crisis. Most of the above advice is still valid. Grab a copy of the News Media Directory or local yellow pages and call the local media. Ask for the city desk for print and the assignment editor for broadcast media.
7. A news event of major proportions (crash, spill, etc.) will probably attract national media and other media. Some place near the event will probably turn out to be an impromptu news center where the newspeople congregate and periodic reports are made. In this case, have the news conference at this news center (it will probably be a hotel conference room) or as close as possible.
8. When arranging a news conference, look for an appropriate-sized room (hotel conference room, law office conference room, etc.) Most television cameras have battery-powered lights which will operate well in a small to average-sized room. In larger facilities, make sure you know where the power outlets are located and that they will handle the wattage of the television lights that could be connected.
9. It always looks good to have the message delivered from a lectern. A plain background for the speaker is preferred. Make sure there are no visual distractions such as windows, photos, paintings or mirrors that will reflect light or images.

# General Media Response Guidelines

## Do:

- Release only verified information. Speculation may cause undue alarm and will almost certainly create confusion.
- Promptly alert media of relief and recovery operations. It is important that you be seen doing everything you can to help.
- Escort the media everywhere on the emergency site. Maintain strict control to ensure that the media speak only to authorized personnel.
- Have a designated spokesperson and make sure he or she is accessible. A single source of information makes controlling release of information and its content easier.
- Keep accurate records and logs of all inquiries and news coverage.
- Determine and meet media deadlines. Remember that most reporters need to find something new to say in each successive account, and if they can't get it from you they will get it elsewhere.
- Provide equal opportunities for print and electronic media. Both are equally important, and reporters may be less sympathetic if they suspect favoritism.
- Have a clear idea of what can and cannot be released.
- Carefully coordinate planning and implementation of public relations activities with other aspects of your emergency plan.

## Do Not:

- Idly speculate on the causes of the emergency.
- Speculate on the resumption of normal operations. You may raise expectations you will not be able to meet.
- Speculate on the outside effects of the emergency.
- Speculate on the dollar value of the losses. Anything you say will affect perception of your organization.
- Interfere with the legitimate duties of news people.
- Permit unauthorized spokespersons to comment to the media. Few people are trained to deal with the press, and in times of crisis unguarded comments may be especially costly.
- Attempt to cover up or purposely mislead the press.
- Act on the assumption that the truth will not get out—honesty is the best policy.
- Place blame for the emergency.



The South Carolina Bar has established a special telephone line to answer legal questions for victims and their families. The free legal information line will be open from \_\_\_\_ to \_\_\_\_ on \_\_\_\_\_. To speak to a volunteer lawyer, call 1-888-321-3644. The Bar's volunteer disaster response team is also available to meet one-on-one with anyone associated with the \_\_\_\_\_ disaster.

The Supreme Court of South Carolina has the power to discipline attorneys for violating the disciplinary rules governing all lawyers' conduct. If there is a complaint about the conduct of individuals other than an attorney, the Bar will assist in making a report to the appropriate authority.

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## **SOUTH CAROLINA BAR PRESIDENT WARNS LAWYERS CONCERNING \_\_\_\_\_ DISASTER**

COLUMBIA, S.C. (date)— \_\_\_\_\_, president of the South Carolina Bar, has issued the following statement in the wake of \_\_\_\_\_.

“The events of (date) have shocked and saddened not only South Carolinians but the entire country. I would like to assure victims of this tragedy and their families that under the Code of Professional Responsibility, South Carolina lawyers are prohibited from accepting employment in situations where they have given unsolicited advice to obtain counsel or take legal action. Further, lawyers in the state are prohibited by the Code from asking another lawyer or an employee to take this action on their behalf.”

“Out of respect for the victims and family members of \_\_\_\_\_ at a time of unimaginable shock and horror, all lawyers should, at this time, avoid even the appearance of soliciting a client of this catastrophe.”

Reports of lawyer solicitation should be directed to the South Carolina Supreme Court’s Commission on Lawyer Conduct. Written complaints should be sent to: Commission on Lawyer Conduct; South Carolina Supreme Court; PO Box 11330; Columbia, South Carolina 29211.

As part of the effort, the Bar is distributing a Mass Disaster: A Victim’s Guide that offers general advice to the victims of tragic occurrences.

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###



The SC Rules of Professional Conduct prohibit a lawyer, or any other person acting on behalf of a lawyer, to solicit employment or to initiate uninvited contact with any individual. Contact by telephone or in person is prohibited.

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# Draft

## REQUEST FOR PUBLIC SERVICE ANNOUNCEMENT

To: Public Service Directors  
From: The South Carolina Bar  
Re: Request for Public Service Messages (as follows):

“The South Carolina Bar has sent its volunteer Disaster Response Team to offer free legal assistance to the victims and their families of the \_\_\_\_\_ disaster. The team includes a representative of the South Carolina Attorney General’s Office who will monitor the site and report any breaches of the the S. C. Rules of Professional. The S. C. Rules of Professional Conduct prohibit a lawyer, or any other person acting on behalf of a lawyer, to solicit employment or to initiate uninvited contact with any individual. Contact by telephone or in person is prohibited. Reports of lawyer solicitation should be directed to the South Carolina Supreme Court’s Commission on Lawyer Conduct. Written complaints should be sent to: Commission on Lawyer Conduct; South Carolina Supreme Court; PO Box 11330; Columbia, South Carolina 29211.”

**We ask that you air this notice as many times as is practicable  
over the next five days to deter improper activity.**

Thank you.



950 Taylor Street  
PO Box 608  
Columbia, SC 29202-0608  
803-799-6653 Phone  
803-799-4118 Fax  
www.sctbar.org

For More Information:  
Leigh Thomas, Communications Manager  
(803) 799-6653, ext. 161 or leigh.thomas@sctbar.org

**SC BAR OFFERS ASSISTANCE  
TO VICTIMS OF \_\_\_\_\_**

The South Carolina Bar has sent its volunteer Disaster Response Team to the site of the \_\_\_\_\_ disaster to offer free legal assistance to victims and their families on request, and to distribute a Mass Disaster: A Victim’s Guide that offers general advice to the victims of tragic occurrences.

Anyone licensed to practice in South Carolina must be a member of the South Carolina Bar. The S C Rules of Professional Conduct prohibit a lawyer, or any other person acting on behalf of a lawyer, to solicit employment or to initiate uninvited contact with any individual. Contact by telephone or in person is prohibited.

Reports of lawyer solicitation should be directed to the South Carolina Supreme Court’s Commission on Lawyer Conduct. Written complaints should be sent to: Commission on Lawyer Conduct; South Carolina Supreme Court; PO Box 11330; Columbia, South Carolina 29211.

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# Paid Notice

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# Victim Letter

(Date)

Dear families of \_\_\_\_\_ tragedy:

I offer my sincere condolences on the loss of your loved one(s) in the recent \_\_\_\_\_. My prayers are with you and your family during this time of tragedy and bereavement.

Given the natural emotional distress and grief that accompany such a tragic event, the last thing you need to suffer is pestering by lawyers seeking business.

As president of the South Carolina Bar, I want you to know that direct solicitation by lawyers in person or by telephone is illegal and unethical. Solicitation by mail, under strict guidelines, may not occur for a period of 30 days after the incident. If you feel a lawyer has overstepped the bounds of ethical propriety, please contact the South Carolina Supreme Court's Commission on Lawyer Conduct. Written complaints should be sent to: Commission on Lawyer Conduct; South Carolina Supreme Court; PO Box 11330; Columbia, South Carolina 29211.

Attached is a consumer guide that I hope will serve as a guide for you, relieve you of some distress and provide a reasonable perspective in which to view future courses of action.

Again, I am so sorry such a tragic event has placed heavy burdens on you, your family and friends. Please be assured that the vast majority of South Carolina lawyers are honorable, ethical, competent, compassionate, dedicated to the highest ideals and share in your grief.

Sincerely yours,

President  
South Carolina Bar

# Mass Disaster: A Victim's Guide

If you are reading this guide as a result of a catastrophic tragedy that has just occurred, please accept our sincerest condolences for this unfortunate event and the grief and emotional distress that you are experiencing. Our only motive in providing you with this guide is to assist you in protecting yourself from any further unnecessary distress.

It is impossible to provide comprehensive advice for all situations. Consequently, this guide should assist you in preserving your legal rights until you decide how you will pursue your legal rights in this situation.

## What is a Mass Disaster?

Simply defined, a mass disaster is an unanticipated and unexpected event of calamitous proportions that causes widespread injury or death. These catastrophic events can be aircraft crashes, train derailments, refinery explosions, natural disasters or a myriad of other events and occurrences never before experienced.

While no catastrophic event can be called a "typical" occurrence, there are people "typically" involved in the aftermath of any mass disaster. These individuals routinely include:

- federal, state and local law enforcement agencies;
- fire, rescue, medical and other emergency personnel;
- representatives of the individuals or companies involved in the event;
- representatives of insurance companies that provide coverage for the parties involved in the event;
- lawyers who routinely represent victims of accidents and lawyers who represent and defend the parties involved in a catastrophic event; and
- members of the news media.

## What to Do When the Unspeakable Occurs?

If you or a family member has been involved in a mass disaster, individuals from any or all of the above categories may want to speak with you. Preserving your legal rights may depend upon your ability to identify those individuals seeking your attention and to deal with them appropriately. Emotional distress and grief are inevitable after a catastrophic tragedy, and this emotional condition may greatly affect your initial ability to deal with your legal rights. Conversely, the individuals identified in the categories listed previously are usually specialists who possess extensive training for dealing with a catastrophic disaster of this nature. Do not assume any individual is looking out for your best interests.

It is important for you to determine who has a financial interest in contacting you about this tragedy. A good rule of thumb is to retain a healthy skepticism of anyone who stands to gain financially from your misfortune. For example, a policeman or a federal aviation inspector is charged by law to deal with the tragic event; you will probably want to speak freely with them. On the other hand, lawyers may try to solicit you as a client. Or a lawyer may contact you who is already representing an insurance carrier providing coverage for one of the parties involved in the catastrophic event. Naturally, your candor with law enforcement personnel or government investigatory personnel might not wisely be extended to a lawyer you have never met and whose advice, counsel or representation you have not sought.

## Who Will Protect My Legal Rights?

Be cautious in dealing with representatives of large companies involved in catastrophic disaster. Generally, such companies will not take unfair advantage of victims because of the adverse publicity likely to result from such overreaching. But there could be exceptions. Also, caution and judgment should be exercised in dealing with representatives of insurance companies.

## **Who Will Protect My Legal Rights?**

Be cautious in dealing with representatives of large companies involved in catastrophic disaster. Generally, such companies will not take unfair advantage of victims because of the adverse publicity likely to result from such overreaching. But there could be exceptions. Also, caution and judgment should be exercised in dealing with representatives of insurance companies.

Be particularly careful before signing any papers in connection with the promise of the payment of a given sum of money. Likewise, a lawyer may solicit your case, but that does not assure you of the representation you may need for this particular situation. Moreover, in person solicitation by a lawyer is a direct violation of the South Carolina Bar's disciplinary rules. The lawyer who improperly solicits your representation should be reported promptly to South Carolina Supreme Court's Commission on Lawyer Discipline. Written complaints should be sent to: Commissioners on Lawyer Discipline; South Carolina Supreme Court; PO Box 11330; Columbia, South Carolina 29211.

Unless you are personally involved in causing the tragic accident, you could possibly receive compensation for the various damages you suffer. The appropriate amount of compensation to which you might be entitled and the appropriate time to discuss settlement or the initiation of a lawsuit are questions best answered by a lawyer selected to represent your legal rights. The sole purpose of this guide is to help you preserve your legal rights until you are prepared to make an informed decision based on all of the circumstances and until you are unburdened by the emotional trauma and stress imposed upon you by the events of the tragedy

## **When Do I Have to Decide?**

This is an issue that does not lend itself to a definite or precise answer. In some types of accidents, such as a car wreck, it may be necessary to seek the assistance of an attorney as quickly as possible to preserve the evidence and obtain statements of other victims or witnesses. In mass catastrophic disasters — such as an aircraft crash — state and federal regulatory authorities charged by law with the immediate and prompt investigation of the disaster may lessen the need for immediate action in employing an attorney.

Whatever the case, if you have a family lawyer, it would be prudent to contact him or her immediately for advice and counsel. In the event you do not have a family lawyer, you may want to identify a lawyer you trust to assist you in preserving your legal rights. It is important that you exercise caution and judgment in signing any papers or documents for anyone until you have carefully read the entire document and understand its legal effect on your rights. Any questions you may have regarding a document that you may be requested to sign probably should be reviewed with a lawyer whom you select of your own choice and free will.

Should you need immediate legal advice and you are not currently represented by a lawyer, perhaps the best advice is to consult others you trust, such as members of your family, close business associates or ministers for recommendations about qualified lawyers for your type of case. If you do not feel immediate action is necessary, The South Carolina Bar can assist you through its lawyer referral program in identifying an appropriate lawyer for you to consult. You may speak to a representative of the Lawyer Referral Service by calling 1-800-868-2284 or in Richland or Lexington counties by calling 799-7100. If you are from another state, similar programs likely are in effect where you reside.

## **A Few Final Thoughts**

If affected by a catastrophic mass disaster, you will probably need the services of a lawyer. It is your decision when to select an attorney to represent you and your legal rights. Since you may be entrusting your lawyer with the final resolution of your or your loved one's legal rights, this decision should not be taken lightly.

# Response Team Traveling Kit

1. Crisis Management Disaster Response Plan.
2. Sufficient number of copies of news release.
3. Adequate number of Victim's Guides.
4. News media lists.
5. Lawyers Desk Book.
6. Board of Governors phone numbers/addresses.
7. Bar staff addresses and phone numbers.
8. Scripts of generic public service announcement and paid advertisement.
9. Supply of office material, e.g., legal pads, pencils, Bar stationery, business cards.
10. Personal effects.
11. Cellular phone (hand-held), charger, spare batteries.
12. Cassette tape recorder, spare tapes, batteries.
13. Laptop computer, modem, diskettes.

# Planning a News Conference

Call a news conference when you have information that should be delivered to several media outlets at one time. These news conferences can be simple or elaborate, well-orchestrated or impromptu. Several factors will enter into the decision on how to plan your news conference—the significance of the information to be shared, planning time and locations which might be interested, to name a few.

1. Because the Bar is a statewide organization, important messages should be delivered to the media statewide. The easiest way to do this is by holding a press conference at the South Carolina Bar building in Columbia. Most of South Carolina's major media organizations are located nearby.
2. If there is time, you should send a press advisory via phone or fax to each media outlet, telling briefly (who, what, when, where, why, how format) what will be going on at the news conference. Share enough information to pique the media's interest without telling the whole story. Do not send an embargoed news release. If the news is that interesting, the media will break the embargo by contacting other sources and then eliciting the Bar's "response."
3. If there is not time to issue a press advisory, start phoning or visiting the offices of each media outlet to let them know what is going on. Start with the Associated Press and the radio and television networks. Then call the large dailies (Columbia, Greenville, Charleston, Spartanburg) and the smaller news outlets. Place a priority on local media, large or small, which might have a particular interest in the story.
4. News conferences should start off with a prepared statement, preferably by one spokesperson, followed by a question-and-answer period. Visual representation of what you are talking about (charts, blow-up photos, etc.) are usually well-received. If possible, pass out at least a press release or a comprehensive media kit if necessary and if you have time. (A press kit could include photos, biographies, charts, legislation, anything which will tell your story or give background information.) Coach the presenter on possible questions. Always anticipate the most difficult questions and have answers ready for them.
5. If you have time and footage, have 3/4-inch videotapes on hand to give to television reporters.
6. In the case of all news conferences, time the event to assure maximum coverage. Are there any conflicting events scheduled (the Legislature, an out-of-town convention, etc.)? What are the media deadlines? Anything after 2 p.m. or 3 p.m. probably won't make a 6 p.m. newscast. Avoid weekends and Fridays, if possible. Most media people work Monday through Friday, with Monday being the slowest day. (News has a way of happening as the week progresses.)
7. It may be necessary to hold a news conference outside Columbia, in the midst of a crisis. Most of the above advice is still valid. Grab a copy of the News Media Directory or local yellow pages and call the local media. Ask for the city desk for print and the assignment editor for broadcast media. The wire services and networks have offices in the big cities. The smaller cities probably have stringers. (Call the offices in the big cities first and they'll make the local assignment.)
8. A news event of major proportions (crash, spill, etc.) will probably attract national media and other media. Some place near the event will probably turn out to be an impromptu news center where the newspeople congregate and periodic reports are made. In this case, have the news conference at this news center (it will probably be a hotel conference room) or as close as possible.
9. If you have to arrange for a news conference on your own, look for an appropriate-sized room (hotel conference room, law office conference room, etc.) Most television cameras have battery-powered lights which will operate well in a small to average-sized room. In larger facilities, make sure you know where the power outlets are located and that they will handle the wattage of the television lights that could be connected.

# Draft

Leigh Thomas  
Communications Manager

FOR IMMEDIATE RELEASE

## THE SOUTH CAROLINA BAR RESPONDS TO EMERGENCY

Columbia, SC (date)—The South Carolina Bar has dispatched a disaster response team to the site of \_\_\_\_\_ to offer information to victims of this tragedy and their families and receive possible complaints of solicitation or other improper behavior on the part of attorneys.

The S. C. Rules of Professional Conduct prohibit a lawyer, or any other person acting on behalf of a lawyer, to solicit employment or to initiate uninvited contact with any individual. Contact by telephone or in person is prohibited.

"After an event of this nature, the victims and their families are emotionally devastated, making it difficult to make informed decisions about numerous matters of pressing importance-including their legal rights," said \_\_\_\_\_, executive director of the South Carolina Bar. "They are vulnerable and we're attempting to make sure no one takes advantage of their distress."

Reports of lawyer solicitation should be directed to the South Carolina Supreme Court's Board of Commissioners on Grievances and Discipline. Written complaints should be sent to: Board of Commissioners on Grievances and Discipline; South Carolina Supreme Court; PO Box 11330; Columbia, South Carolina 29211.

As part of the effort, the Bar is offering a "Victim's Guide," that offers general advice to the victims of tragic occurrences.

"Each victim's legal rights are particularly important and the decision to talk to an attorney about these legal rights should be handled cautiously and carefully," \_\_\_\_\_ said.

For additional information call the South Carolina Bar at (803) 799-6653. While the South Carolina Bar cannot provide legal advice to individuals, its staff may be able to answer general questions or provide other assistance.

The Supreme Court of South Carolina has the power to discipline attorneys for violating the disciplinary rules governing all lawyers' conduct.

If there is a complaint about the conduct of individuals other than an attorney, the Bar will assist in making a report to the appropriate authority.

# Draft

Leigh Thomas  
Communications Manager

FOR IMMEDIATE RELEASE

## **SOUTH CAROLINA BAR PRESIDENT WARNS LAWYERS CONCERNING \_\_\_\_\_ DISASTER**

Columbia, SC (date)— \_\_\_\_\_, president of the South Carolina Bar, has issued the following statement in the wake of \_\_\_\_\_.

“The events of (date) have shocked and saddened not only South Carolinians but the entire country. I would like to assure victims of this tragedy and their families that under the Code of Professional Responsibility, South Carolina lawyers are prohibited from accepting employment in situations where they have given unsolicited advice to obtain counsel or take legal action. Further, lawyers in the state are prohibited by the Code from asking another lawyer or an employee to take this action on their behalf.”

“Out of respect for the victims and family members of \_\_\_\_\_ at a time of unimaginable shock and horror, all lawyers should, at this time, avoid even the appearance of soliciting a client of this catastrophe.”

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FOR IMMEDIATE RELEASE

## **SOUTH CAROLINA BAR'S VOLUNTEER DISASTER RESPONSE TEAM SET TO ASSIST VICTIMS AND FAMILY MEMBERS OF \_\_\_\_\_ DISASTER**

Columbia, SC (date)— The South Carolina Bar's volunteer Disaster Response Team has been asked by appropriate governmental agencies to assist in informing the victims of this tragedy and their families of their rights with regard to legal representation and communication with any potentially interested party.

Representatives of the Bar are prepared to meet with individuals when governmental agencies advise that it is appropriate to do so.

"At this point, many family members are still stunned at what happened to their loved ones. We want to help ensure they are not placed in a position where pressure and confusion from outside sources might lead to hasty decisions on their part," said \_\_\_\_\_, president of the South Carolina Bar.

The South Carolina Bar is providing this information free of charge to any family members who have questions or concerns regarding proposed legal representation or their rights concerning possible settlement offers. The lawyers have agreed not to accept any fee generating representation resulting from their contact with the victims and/or family members—nor will they refer any of these families to an attorney.

"At a time of unimaginable tragedy, we have been asked to brief these people as to their legal options to ensure that they can make calm, intelligent decisions should the need arise," \_\_\_\_\_ said.

The S. C. Rules of Professional Conduct prohibit a lawyer, or any other person acting on behalf of a lawyer, to solicit employment or to initiate uninvited contact with any individual. Contact by telephone or in person is prohibited.

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Thank you.



- (3) telephone calls to wire services and selected media;
- (4) production and/or distribution of “paid” ads or public service broadcast announcements; and
- (5) news alert to members.

Once the extent of the natural disaster has been determined, the SC Bar will work with sections, committees and task forces to provide specific legal assistance to affected areas. The South Carolina Bar Ask-A-Lawyer telephone line and Lawyer Referral Service members will be utilized as necessary.

#### *4. Key Bar Leader Notification*

The Executive Director will be responsible for notification of Board of Governors members and local bar leaders as deemed appropriate. Bar leaders would be informed of the Bar’s action, reasons for such action, and contact person for updates or additional background. The following methods can be used:

- a) personal telephone calls;
- b) conference calls;
- c) e-mail;
- d) telephone local bar leaders; and
- e) fax transmission.

#### *5. Report on Results*

Soon after the natural disaster, the Bar staff will host a meeting of groups that were involved in the disaster to obtain input regarding the effectiveness of the disaster plan. The public relations director will prepare a written report on the Bar’s actions in response to the disaster for the Board of Governors.











