

American Bar Association Young Lawyers Division
The Affiliate

American Samoa: A Case Study in Disaster Legal Services

By Elizabeth A. Blair

In September 2009, when an 8.1 magnitude earthquake and subsequent tsunami struck the island of American Samoa (as well as Tonga and Samoa), President Barack Obama declared a major disaster and FEMA mobilized the ABA YLD's Disaster Legal Assistance program (DLS) to provide low-income disaster victims with pro bono legal services. At the conclusion of the DLS program, the remaining open cases moved into the Governor's Post Disaster Legal Aid Team. The Governor's Team handled these open cases as well as any additional legal issues that disaster victims faced.

Unlike many past disasters handled by the ABA YLD's Disaster Legal Services team, DLS encountered challenges in American Samoa not generally faced in the mainland United States. Because American Samoa is not part of the American Bar Association, the ABA Young Lawyers Division does not have a District Representative for the island. Generally, it is the District Representative who is responsible for coordinating disaster legal services in the affected district. Also, the legal system in American Samoa is much different than in the mainland United States. This made it difficult for another District Representative to simply step in.

One commonality between the American Samoan DLS and other DLS operations is that the national DLS team turned to local organizations for assistance with the program. With no large law firms on the island and many attorneys off island, the focus quickly turned to the capabilities of the local bar association.

The American Samoan Bar Association or ASBA was instrumental in the successful operation of DLS and helping the disaster victims. The ASBA President quickly appointed an attorney to handle the DLS response and was able to fully staff the hotline and Disaster Recovery Center. Thanks to the hard work of the American Samoan Bar Association and its dedicated group of volunteer attorneys, American Samoans received the legal assistance they desperately needed after this disaster.

The primary lesson learned from the American Samoan DLS program is that the successful operation of a DLS program requires coordination between many organizations and a cadre of volunteers able to answer legal questions that range from criminal and family law matters to real estate and FEMA issues. These organizations can include state and/or local bar associations, large (or mid-size) law firms, and legal aid groups.

Many more disaster victims will require legal services in the future. As the legal community, it is our job to provide necessary legal assistance when the victims of a disaster are trying to put their lives back together. Below please find a checklist to use to ensure that you, your family, your law firm, and your bar association are prepared should a disaster strike in your community.

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One of the principal public service programs of the ABA Young Lawyers Division is Disaster Legal Services (DLS). When the U.S. President declares a major disaster, public and individual assistance programs may be authorized. One of these individual assistance programs is DLS. Through a Memorandum of Understanding with the Federal Emergency Management Agency (FEMA), the ABA YLD provides low-income disaster victims with pro bono legal services through a toll free hotline and a staff of volunteer attorneys at the local Disaster Recovery Centers. The national DLS team coordinates Disaster Legal Services through the District Representatives, attorneys selected by state and or local bar associations.

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SIDEBAR:

Checklist for Disaster Preparedness

Personal Preparedness

Preparedness starts with individuals. Only when we are prepared ourselves can we help others in need.

- **Make a Plan.** Does your family have a personal disaster plan? How will you contact your loved ones if a disaster strikes during the day when members of your family are in different locations? Be sure to have an out of area contact that each member of your family can call to let you know of his or her safety. Do you know the evacuation routes to safely leave your home or office should a disaster strike?
- **Get a Kit.** Does your family have a personal disaster kit? It should include enough food and water for three-to-five days as well necessary medications and other supplies. Don't forget about your pets, too. They need food, water, and medications as well. It should also have flashlights, emergency blankets, a first aid kit, and a radio.
- **Be Informed.** Be sure to register with your local Reverse 911 or other emergency notification system so that you will receive a call should evacuation orders be issued or other emergency information be provided. Have an emergency radio that works when the power is out.

Business Preparedness (regardless of size)

- **Make a Plan.** Does your law firm have a disaster plan? This plan should include an evacuation route and meeting location, employee contact information, continuity of operations plans, and other emergency information.
- **Get a Kit.** Does your law firm have a first aid kit and other emergency equipment like an AED? This kit could also include the items listed above for personal preparedness.
- **Be Informed.** The law firm also should have an emergency radio so that it can obtain the necessary emergency information provided by local authorities should a disaster strike during the work day.

Disaster Legal Services Preparedness

Here are a few things you can do to assist with DLS in your area.

- **Know Your District Representative.** The ABA YLD coordinates Disaster Legal Services through the District Representative in the local disaster area.
- **Identify Volunteers.** DLS works with volunteer attorneys who provide pro bono legal services, whether it is for one consultation or a case that needs more extensive work. Identifying volunteers who can help staff a hotline and knowing their areas of expertise can assist in the rapid set up of DLS. It can also assist when disaster victims need to be referred beyond the first attorney who assists them.
- **Develop a Plan.** How will DLS be implemented in your area? Will it be done through the local bar association, large law firms, a legal aid group, or a combination of these entities? Resources should be identified before the disaster so that the response is more efficient. As mentioned above, the ABA YLD coordinates Disaster Legal Services through the local bar associations, large law firms, and legal aid groups.

Additional resources can be found at www.abanet.org/disaster/legal_assistance.html.

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