

American Bar Association Young Lawyers Division *The Affiliate*

Disaster Legal Services: A Brief Historical Overview

By Matthew T. Besmer

In 1969, before FEMA existed and before the Young Lawyers Division was called the Young Lawyers Division, Hurricane Camille made landfall along the Gulf Coast as a Category 5 storm. Camille devastated the area causing \$8.43 billion in damage (as adjusted for inflation). In response, Mississippi young lawyers mobilized the legal profession's first documented, coordinated response to a disaster offering pro bono legal services to disaster survivors.

A few years later, in 1973, *Time Magazine* ran an article about "a new program [that is] being started to provide emergency legal aid." The legal assistance provided after Camille "proved so beneficial that the Office of Emergency Preparedness [a predecessor to FEMA] and the A.B.A.'s Young Lawyers Section . . . [began] organizing a nationwide network of volunteer attorney groups."

Four decades later, the ABA YLD and FEMA continue to manage the delivery of pro bono legal services to disaster survivors through the Disaster Legal Services (DLS) program. A few things have changed since Camille, though. Today, DLS is a congressionally authorized program under the Stafford Act (see 42 U.S.C. § 5182) and is implemented by regulations (see 44 C.F.R. § 206.164) and a memorandum of agreement between the American Bar Association and FEMA.

Today, upon FEMA's request, the ABA YLD responds to every major disaster declaration in the United States and its territories. This is how the DLS program works.

Disaster Declaration

When a disaster overwhelms state resources, the affected state's governor forwards a request to the President for a major disaster declaration under the Stafford Act. If the President grants the request and makes a major disaster declaration, FEMA responds by providing aid to state and local authorities and to businesses and individuals. On proper authorization, FEMA may provide housing assistance, crisis counseling, unemployment assistance, as well as other types of assistance including DLS.

When the effects of a disaster are such that DLS is needed, FEMA forwards a request for DLS to the ABA YLD's Director of Disaster Legal Services. On receiving this request, the DLS Director contacts the ABA YLD District Representative of the affected area. The District Representative is then responsible for setting up a toll free hotline for disaster survivors to call for legal assistance, and for recruiting volunteer attorneys to staff the hotline and to represent disaster survivors. Often times, legal aid organizations and bar associations volunteer to host the DLS hotline.

Together, the ABA YLD and FEMA have delivered legal services on hundreds of thousands of legal issues to disaster survivors in nearly every state in the country. Legal issues where assistance is provided include help on insurance claims, landlord-tenant issues, critical document replacement (for example, wills, trusts, and powers of attorney lost in a disaster), and help with claims for FEMA benefits, to name a few.

Volunteer Attorneys

Even though much time, work, and energy is invested by the ABA YLD and FEMA into the DLS program, these two agencies are probably the least important players in the program. The critically important players of the program are the volunteer attorneys who selflessly dedicate their services to assisting those in need and the legal aid attorneys who work every day helping people simply for the sake of helping people. Communicating with FEMA and setting up a hotline is the relatively easy part of the DLS operation. Representing and assisting disaster survivors is the demanding part. Without our volunteers and without the legal aid attorneys who step up to the plate time and time again to help disaster survivors, DLS would not be the successful program that it has become over the last forty years.

More About DLS

If you are interested in volunteering with the ABA YLD's Disaster Legal Services Program or for more information about the program, please contact your ABA YLD District Representative.

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For general information about disaster response and preparedness, please visit the ABA Special Committee on Disaster Response and Preparedness's website at www.abanet.org/disaster. For information about FEMA's Individual Assistance programs, please visit www.fema.gov/media/fact_sheets/individual-assistance.shtm.

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