Preface

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Lawyers play an extremely critical role in dealing with emergencies. Every year, states, tribes, local governments, businesses, and individuals face the challenge of responding to a natural catastrophe—a fire, flood, hurricane, or earthquake—or to an emergency created by an industrial incident or violent event. In these instances, people in both public and private sectors must act quickly to protect lives, health, and the welfare of their communities and businesses. The American Bar Association is committed to the protection of the Rule of Law in all situations—including those when power and telecommunications are out, roads are impassable, homes are flooded, and businesses cannot function. The best way to assure that laws are respected and followed during such crises is by giving lawyers the resources and tools they need to understand and advise governmental business leaders and citizens on the actions in emergencies that are consistent with applicable legal requirements, including contracting systems.

Lawyers are also critical to efforts by communities across the nation to increase their resilience to natural and non-natural hazards. Disaster resilience requires identification of the hazards faced in a community, an understanding of the vulnerability of a community’s built infrastructure to that hazard, and development of the tools—such as land use planning, building codes, and incentives supporting resilience initiatives—that will reduce the damage to communities, homes, businesses, and economy from winds, floods, fires, explosions, and other hazards.

This Legal Guide provides practical insight and guidance to help legal counsel for state, tribal, and local governments, as well as businesses and citizens to protect lives, property, public safety, and the public welfare consistent with relevant laws and the Constitution—while also ensuring government and business clients act both according to the law and in a way that does not jeopardize their ability to obtain or maintain funding for the extraordinary costs generated by disaster events.