

ABA Young Lawyers Division Disaster Legal Services Frequently Asked Questions

HOW IT WORKS

What is the ABA YLD's relationship with FEMA?

In about 1978, the Federal Emergency Management Agency (FEMA) entered into a Memorandum of Understanding with the ABA Young Lawyers Division, which created the Disaster Legal Services program offered by FEMA.

What does the Memorandum of Understanding entail?

The memorandum requires the ABA YLD to provide pro bono disaster legal services to low-income survivors of a federally-declared disaster when asked to do so by FEMA.

When does the memorandum apply?

The memorandum applies when FEMA requests such services. Note that not all federally-declared disasters result in the implementation of disaster legal services.

Who determines whether we should get involved?

The relevant FEMA Regional Director determines whether our help is needed in a declared disaster.

How does the arrangement generally work?

When disaster strikes and FEMA evokes the Memorandum, FEMA contacts a member of the ABA YLD DLS Team who contacts relevant ABA YLD District Representative. The District Representative contacts the leaders of the state and local bar association, local legal aid groups, and/or local law firms to implement the state's disaster legal service plan. The District Representative coordinates the setup and staffing of a toll free number that FEMA publicizes throughout the disaster areas for qualified survivors to obtain legal services. Survivors' initial telephone calls are answered by an intake operator who assesses the issues and determines whether they need to go to a volunteer attorney. If so, callers are asked for a phone number where they can be reached in 24-48 hours. The operator then forwards the intake forms to volunteer attorneys who are charged with connecting with the survivors within that timeframe to provide service.

What is the purpose of the hotlines?

Hotlines are established to provide immediate and temporary legal assistance to disaster survivors.

Where is the call center located?

The ABA YLD through its District Representative establishes a toll-free hotline located in the affected state either at the FEMA disaster recovery center, local and state bar associations, or attorney's offices.

What do we do in the interim?

Our District and National Representatives assist and encourage their respective states and organizations to devise, update, and implement disaster plans.

SURVIVORS

Who is assisted?

Individuals with disaster-related issues who are without financial means as a result of a disaster to seek legal assistance.

What issues are handled?

Some examples of disaster-related issues that have been addressed are:

Bankruptcy	Civil Rights	Contract/Contractor Problems
Criminal	Employment	Family
Federal Assistance Rights	FEMA Related	Immigration
Insurance	Landlord/Tenant	Real Estate/Mortgage
Succession/Wills/POA		

What should a survivor expect on their phone call with the Hotline?

Survivors should be prepared to provide basic information such as their name, address, and phone number, as well as a basic description of the issues they need addressed. Hotline lawyers will work on indentifying their issues as well.

What if a caller presents a potentially fee-generating case?

Such callers would be redirected to the local bar association's attorney referral service, as fee-generating cases are not covered this program.

VOLUNTEERS

Who can volunteer?

Any attorney licensed in the affected state agreeing to participate in the program under its established terms can volunteer.

Who determines where attorneys volunteering to answer the hotline must be licensed?

Individual states. If the affected state does not waive its licensing requirements, we cannot let attorneys licensed in another state aid its survivors via the hotline. Note that after Hurricane Katrina, Mississippi quickly allowed out of state attorneys to represent clients in pro bono matters, whereas Louisiana took some time to do so. New York never waived the requirement for 9-11 assistance.

How experienced does an attorney have to be to assist?

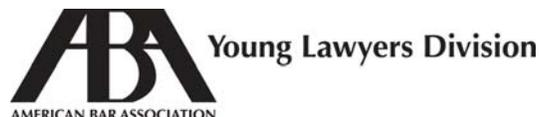
There is no experience level requirement. Assistance is appreciated by senior lawyers; however, young lawyers tend to more frequently answer the calls.

May volunteer lawyers assist disaster survivors in obtaining FEMA benefits or appealing the denial of FEMA benefits?

Yes. However, with respect to appeals, the volunteer lawyer should first instruct the disaster victim to contact the FEMA benefits hotline to determine whether a formal appeal is necessary.

Do lawyers who participate in the program get paid?

No. Lawyers are providing service on a pro bono basis and may not receive reimbursement for their time and effort.



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