

Section News

ABA House Approves Section's Resolution 114

By Benjamin E. Griffith

Mitigation benefits and challenges weigh heavily on economically challenged states and localities across the nation at a time of unprecedented hurricanes, flooding, tornados, and other disasters. There is a paramount need to advance our country's resilience and protection from such hazards, to develop a national mitigation strategy, and to set the stage for future policy and program recommendations. R114 addresses these needs and concerns. Approval of R114 by the ABA House of Delegates on February 14, 2011, assures that the ABA will participate in the development of a national mitigation strategy.

The ABA now endorses the Recommendation for an Effective National Mitigation Effort prepared by the Association of Directors of Emergency Management of the U.S. States and Territories and D.C.

The Section of State and Local Government Law made the case that the ABA's endorsement of the White Paper on Hazard Mitigation (available on our Section's website) would make the ABA a nationally recognized stakeholder in further deliberations in support of its adopted policies. Passage of R114 also would enable the ABA to have a voice at the table and play a vital role in developing and steering the National Hazard Mitigation Collaborative Alliance in a direction that will support ABA policy.

A significant amount of work went on behind the scenes, of course. At the time of the 2010 Annual Meeting in San Francisco, the predecessor to R114 was withdrawn because of objections over endorsing a recommendation from a non-ABA entity. Between then and the 2011 Midyear Meeting in Atlanta, R114 was carefully revised to urge ABA lawyers and the legal profession to (1) support hazard mitigation through disaster preparedness planning, (2) recognize the important roles that states and local governments have in this area, and (3) give due regard to the interests of property owners.

The additional time and work on the resolution's wording paid off.

Thanks to the effective collaboration of our Section's R114 working group, consisting of Lai Sun Yee, Ernest Abbott, Edward Thomas, and our two delegates, Patricia Salkin and myself, Section leaders were able to garner support from other entities in preparing and presenting the final revised version of this resolution as it sailed through the House of Delegates, with visible support from the Section of Real Property, Trust and Estate Law, the Special Committee on Disaster Response and Preparedness, the Tort Trial & Insurance Practice Section, and the Section of Administrative Law and Regulatory Practice.

Benjamin E. Griffith is a partner in the Cleveland, Mississippi, firm of Griffith & Griffith, a Section Delegate to the ABA House of Delegates, and a Past Chair of the Section.