

From Day One, Streams of Women Pour Out Katrina Disaster Relief

By Cynthia L. Cooper

The wind howled. The walls shook. Out back, water rose 27 inches above sea level. Peeking out the garage, Stacie Zorn, a workers' compensation defense and civil litigation lawyer in Pascagoula, Mississippi, could see trees snapping as Katrina ripped the Gulf Coast on August 29. "You go through hurricane scares a lot, living down in this area," Zorn says, "but this was the scariest thing I've ever been part of."

Zorn, like other neighbors, had not evacuated. The announcement had come late and destinations were limited. The house escaped damage, but the firm where Zorn works "took water," as they say. The courthouse and other buildings downtown were ravaged.

"Everything was in chaos. And I'm not saying that it's not still in chaos," Zorn says. As soon as communications were re-established, Zorn volunteered to provide legal advice at a nearby Disaster Recovery Center to those in her community who found their lives upended.

The devastation of Katrina, fol-

lowed by levee breaks in New Orleans and Hurricane Rita, left indelible images for anyone who watched television. Up close and in person, the scenes were unimaginable.

"It totally overtakes you when you stand there and see the devastation," says Justice Kitty Kimble of the Louisiana Supreme Court. "It's difficult to explain the enormity of it. Even after you see it on TV, to see it on the ground, you can't conjure it," she adds. Justice Kimble was appointed by Chief Justice Pascal F. Calogero Jr. of the Louisiana Supreme Court immediately after Katrina to oversee recovery efforts for the courts.

Massive Recovery Effort

Women lawyers across the region, while facing personal dislocation, mobilized in a massive recovery effort. They distributed clothes, established legal hotlines, and wrangled with environmental catastrophes and family calamities. They provided legal advice on a myriad of issues including landlord-tenant situations, insurance, adjusters, FEMA, bankruptcy, property

rights, and—later—contractors who weren't being paid. Colleagues throughout the country took on additional challenges.

"'Day one,' 'day three'—everyone talks about it in those terms, as if it were the beginning of time," Kimble says. "It's just incredible—the unintended consequences. We face new issues every single day."

Kimble, who lives 100 miles north of New Orleans, emerged relatively unscathed ("a few limbs down"). Working nonstop from Baton Rouge, she set her first task as locating scattered court employees and judges, many of whom lost homes. She then turned her attention to the 20 court buildings that suffered physical damage, including the Supreme Court. Damage at some was extensive, especially in Orleans Parish, requiring Kimble to find alternative locations for court business, plan repairs, and open discussions with local, state, and FEMA officials about the processes and payment for repairs. Confounding legal concerns also needed to be tackled: expiring time limitations on legal actions; reprocessing of every evacuated prisoner; assignments of judges to temporary courts; and suspensions of trials for lack of jurors.

In Lafayette, Louisiana, a town of 110,000 northwest of New Orleans, 40,000 evacuees arrived. Dawn Fuqua, a commercial lawyer, raced to help at United Way, where she serves on the board. Hundreds of stranded people sought assistance. "I had one man who was born in 1915, and he had no family. I have no idea how he got there," Fuqua says. "We kept having people without their medicine, and without their insulin. I had one woman who had walked through the water; everything she had on was contaminated."

Assistant U.S. Attorney Janice Hebert in Lafayette set up an independent pipeline of supplies with her sister, Julie, a writer in Los Angeles. "We were on the phone every four hours," Janice recalls. "She said,

“People want to send things.” Janice sent a list of urgent needs, and soon her garage filled with 20,000 items that she distributed.

But as urgent needs receded, legal concerns surfaced.

Task Force, Hotlines Established

Judy Perry Martinez, a member of the American Bar Association House of Delegates, reached out immediately to national contacts, making her way to a working pay telephone in Baton Rouge. She called ABA Executive Director Robert Stein. “I thought it was important to hear from an active ABA member how dire the situation is—and continues to be,” Martinez says. The ABA jump-started its Katrina Task Force (www.abanet.org/katrina), providing legal information and resources for victims and lawyers.

Women involved in the ABA Young Lawyers Division (YLD) geared up quickly. Rani N. Mathura in Connecticut monitored weather reports before the storm. She oversees the YLD Disaster Legal Services Program, which has a contract with the Federal Emergency Management Agency (FEMA) to establish legal advice hotlines and arrange volunteer lawyers for relief centers. She oversaw YLD legal efforts following the events of September 11, 2001, as well as the Division’s responses to tornadoes, fires, mudslides, and other hurricanes during the ensuing four years. But, Mathura notes, “the scope of Katrina was so much bigger. The devastation was not contained. The cities themselves were not able to function. It affected so many people in so many states,” she said.

Her regional counterparts also got moving. In Jackson, Amanda Jones, president of the Mississippi Bar Association’s YLD, slipped back to her office when city lights went out and grabbed the disaster relief manual. She initiated a state hotline, which opened within days. At the same

time, Beth Abramson, the YLD coordinator in Louisiana, set up shop in Baton Rouge after being displaced from New Orleans and established a YLD-sponsored phone line to provide legal assistance.

Women lawyers in both states prepared disaster law manuals, even as national experts provided other materials. Randy Paar, a New York insurance expert with Dickstein Shapiro Morin & Oshinsky LLP, helped write a white paper for victims (www.abanet.org/katrina/lawyers.html),

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while Kathi J. Pugh in San Francisco coordinated 48 Morrison & Foerster attorneys to create a Katrina handbook (www.abanet.org/katrina/victims.html).

Abramson soon discovered complicating factors in signing up volunteer lawyers. Of the 15,000 lawyers practicing in Louisiana, 14,500 were located in parishes designated as disaster areas. “Their businesses were interrupted, or they lost their houses, or both,” Abramson points out.

A second difficulty emerged as Louisiana phone lines opened in September and were inundated. The biggest problem: landlord-tenant claims. Some landlords demanded rent for periods when the property sat under water. “Good” property was in demand, and further displacements were under way.

“Most of the people are traumatized to some degree,” says Rowena Jones, managing attorney for the Disaster Legal Project of Southeast Louisiana Legal Services. The legal aid program serves New Orleans clients, although Jones and two other dis-

placed women lawyers are working 300 miles away in Shreveport. Jones’ home in the Broadmoor area of New Orleans was destroyed.

“When the waters rise, it tosses all of your possessions. The furniture splits open, paper melts. It’s messy, stinky, covered with mold. It’s hard because I’ve had to keep working,” says Jones, whose daughter is a student in Shreveport.

She finds herself dealing with issues that never before crossed her desk. “I had a call from an elderly woman whose husband was swept away in the flood,” Jones says. “But his body has not been found, or it is one of the hundreds of unidentified bodies in the coroner’s office. She can’t collect survivor’s benefits because she can’t prove the death.”

Other clients needed to declare bankruptcy or replace lost identification. Family law issues arose because the weekend evacuation meant non-custodial parents had children; many refused to return them.

By week two, bar leaders realized more comprehensive legal assistance was needed. Marta-Ann Schnabel, president-elect of the Louisiana State Bar Association, could not live in her Metairie home or work in her New Orleans office, but she began applying for grants to help lawyers reopen and clients get help. “It’s a total and complete heartbreak,” she says. Schnabel succeeded in securing funds for an upgraded call center for clients and temporary Internet “hot spots” for lawyers.

Call Centers Inundated

In week three, Elizabeth Foote, a lawyer in the mid-Louisiana town of Alexandria, took on coordination of a new pro bono legal program. She planned the Louisiana Legal Assistance Call Center, obtaining donated space at Louisiana State University. The center opened October 14 as central intake and processing for Katrina legal needs with law students hired to answer calls, two on-staff supervising attorneys,

and a pro bono network. “This is where the rubber meets the road,” Foote says. “You are dealing with people whose needs are so basic.” In four weeks, 3,200 calls were fielded.

“It is constantly busy,” says Linda Johnson, a lawyer who organized the call center systems. “Laws were not written to apply to this situation, and there are so many gray areas,” she says. For example, she notes, clients first learned that a judge stayed evictions. Then the state legislature reinstated evictions with untested procedures.

Soon insurance issues were growing. Was property damaged because of flood or wind? Were the levee breaks due to nature or malfeasance? How can property owners with losses obtain an adjuster or protest if they receive a property valuation or coverage denial they believe is unfair or contrary to statute? What happens if a property owner died, either before or during Katrina, creating issues of succession in ownership? Whose interests will prevail if property owners were divorced or separated from one another and both of them file insurance claims?

Luz Molina, a clinical professor at Loyola Law School, became the only volunteer lawyer on site at the Louisiana call center. While a brother tore out walls in her damaged home so that she, an elderly mother, and teen son could return, she commuted from Mississippi to the call center. “It was challenging, I have to tell you. You’re on the spot. There are a lot of prima facie issues. You’ll get calls from people seeking their child support, but all those court systems were closed. You try to word things carefully, but the clients are too upset to hear,” Molina says. “If you’ve been to New Orleans, it’s not the same. You grieve. I’m struggling along like anyone else.”

New issues popped to the forefront during the next weeks. Recruited immigrant workers were brought to the Gulf Coast to put blue sheeting on roofs or clear flood-ran-

sacked property, but many had complaints of nonpayment. “When you trace where they are working, a lot are FEMA grants,” says lawyer Mary Bauer of the Immigrant Justice Project of the Southern Poverty Law Center. She conducted training on immigrant labor in New Orleans, but, she notes, lawyers were already overwhelmed.

FEMA Issues Take Center Stage

FEMA issues began to take center stage at the Louisiana call center. The agency issued inconsistent rules. Survivors could not get information. Promises were made—and broken.

On week six, national organizations, many under the leadership of women, supplied legal firepower. Executive Director Barbara R. Arnwine pressed into action the

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Lawyers’ Committee for Civil Rights Under Law in Washington, D.C., coordinating major firms and nonprofits. On November 10, they filed a class action in federal court in Louisiana to force FEMA to provide timely aid to Katrina survivors.

“You could be swept away by daily demands,” Arnwine says. “We have tried to stay above the fray and see what is needed.”

After reviewing preliminary information showing that FEMA had a major backlog and had not processed thousands of applications, the judge extended a deadline for hotel evacuation of 42,000 survivors by nine weeks, calling the agency “numbingly insensitive.”

Eva Patterson and Kimberly Thomas Rapp of the Equal Justice Society in San Francisco, co-counsel on the FEMA case, also began

research on international human rights issues. Of concern are treaties that require governments to minimize and eliminate harm, suffering, and displacement because of natural disaster, Rapp says.

Legal activities extended not only to humans, but also to animals. “It wasn’t on anybody’s radar that animals should be saved,” says Barbara Gislason, a lawyer in Minnesota. Gislason initiated an animal disaster relief network with weekly phone conferences of 35 groups. One daunting question: whether the 100,000 rescued animals could be freely adopted out or Katrina survivors could reclaim them.

On week eight, Monique Harden, an environmental lawyer in New Orleans, distributed donated masks and Tyvek suits in the lower Ninth Ward. An expert on toxic waste and disparate racial impact, Harden contends that FEMA and the Environmental Protection Agency should clean up sediment immediately. Tests show it is laced with arsenic, Harden says, the result of decades-old deposits in the bottoms of lakes from now-banned industrial and agricultural uses. “FEMA should be on top of this,” Harden says. “People should be able to return to neighborhoods that are healthy and safe.”

The challenges are only beginning, Arnwine says, and the road ahead for the legal community is long. Justice Kimble, especially worried about children, agrees. “When will it end? I have no idea,” she says. “But there is such an example of human spirit to go back and start again.”

Cynthia L. Cooper is an independent journalist in New York with a background as a lawyer.

To learn more, donate funds, or volunteer services toward Katrina disaster relief, see a list of Web site resources online following this article under What’s New—Perspectives Magazine at www.abanet.org/women/home.html.