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**THE CALM AFTER THE STORM: 45 YEARS OF THE
ABA YOUNG LAWYERS DIVISION'S DISASTER LEGAL
SERVICES PROGRAM**

*Andrew Jack VanSingel**

Every lawyer ought to take part in a disaster relief program. I've worked on some bar association projects which I thought were pretty important from a public interest standpoint, but none of them gave me a more satisfying sense of service by my profession.

-- Paul B. Young, in response to the Jonesboro Tornadoes in June 1973¹

I. INTRODUCTION: IN THE AFTERMATH OF A DISASTER

Few things in life turn one's world upside down like a disaster. In the immediate aftermath, first responders rush in to provide food, water, and shelter to the affected community. Survivors try their best to pick up the pieces of their shattered lives, all while trying to find out where their next meal will come from, where they will lay their head at night, and what lies ahead.

For some, recovery happens in short order. After Hurricane Harvey hit Texas in 2017, Houston Mayor Sylvester Turner

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¹ H. William Allen, *EMERGENCY! BARRISTER*, Winter 1974, at 62. Young's statements are in response to his experience volunteering after the Jonesboro Tornadoes.

proclaimed that 95 percent of the city was “open for business” days after the hurricane.² After Hurricane Michael, survivors in the Florida Panhandle faced a much different reality, as the Associated Press headline read: “Many ‘still hurting’ nearly five months after Hurricane Michael.”³

While disasters do not discriminate, it should come as no surprise that disasters hit the poor the hardest.⁴ Many low- to moderate-income individuals and families are already fighting their battles on a daily basis, trying to secure affordable housing, food, healthcare, education, and a fair wage. Those not in crisis are merely one inconvenience away from it.⁵ After a disaster, many survivors are unprepared and overwhelmed by the uphill battle they will face in the coming weeks, months, and years.

For those who do not have an advocate, ‘normal’ may never return. Many problems arising from a disaster have a legal solution; thus, access to free legal services is an imperative factor in giving the poor a fighting chance at recovery.⁶ For nearly half a century, the American Bar Association Young Lawyers Division (ABA YLD) has been helping disaster survivors address their legal needs through its Disaster Legal Services (DLS) Program.

² Shannon Najmabadi, *Turner says Houston is “getting back on our feet” after Harvey. Here’s what you should know today*, THE TEX. TRIBUNE (Sept. 3, 2019), <https://www.texastribune.org/2017/09/03/turner-says-houston-getting-back-our-feet-post-harvey-heres-what-you-s/>.

³ Mike Schneider, *Many ‘still hurting’ nearly five months after Hurricane Michael*, THE ASSOCIATED PRESS (Mar. 2, 2019), <https://www.apnews.com/07c0b8d0d76741b8934e0bcffec4241>.

⁴ Eleanor Krause and Richard V. Reeves, *Hurricanes hit the poor the hardest*, BROOKINGS (Sept. 18, 2017), <https://www.brookings.edu/blog/social-mobility-memos/2017/09/18/hurricanes-hit-the-poor-the-hardest/>.

⁵ Imagine getting a flat tire today. If you are even of modest means, life will go on. Even if you do not have money in the bank to pay for this unexpected expense, you can put the expense on your credit card and pay it off over time. You could take time off from work since your job provides paid time off, or perhaps your boss is sympathetic, and will not reprimand you for having a flat tire. Now think of a single parent who works at a factory, working paycheck to paycheck. No paid time off. No savings. No credit. You cannot afford to get it fixed, and you do not have a spare. The car sits on the side of the road until it is towed. Now your car sits in a tow yard, and the lot fees pile up. You will never see that car again. Because you cannot get to work, you lose your job. Because you cannot work, you cannot pay the rent and you are evicted. Sadly, many people are just one nail in the road away from a crisis.

⁶ Laura Tuggle, *After a Disaster Like Katrina, Water, Food, and Shelter Are Not Enough*, THE NATION (Aug. 27, 2015), <https://www.thenation.com/article/why-legal-aid-is-crucial-part-of-disaster-recovery/>.

On January 12, 1972, the Office of Emergency Preparedness, (OEP) the predecessor to the Federal Emergency Management Agency, (FEMA) and the ABA YLD entered into a Memorandum of Understanding (MOU) to provide free legal assistance to disaster survivors.⁷ The YLD and FEMA revised the agreement several times over the years, through friendly modifications, and not-so-friendly litigation. Today, the ABA and FEMA remain unified in their mutual goal to provide free legal assistance to *any* individual with insufficient means to hire an attorney.⁸ Through this program, thousands of young lawyers provide free legal advice and representation to hundreds of thousands of disaster survivors in the United States and its territories. Although DLS is the touchstone public service program of the ABA YLD, many non-YLD attorneys, law students, paralegals, and legal professionals devote a significant amount of time to ensure the success of this program.

The DLS program has evolved significantly over the years. What started as a program that focused on “counseling” “hand-holding” and a “dispatcher” has evolved into a program that provides comprehensive civil legal services, such as pursuing claims against insurance companies, landlords, contractors, FEMA and other agencies, as well as helping survivors clear title to their homes, replace vital documents, and create important documents such as wills, trusts, and powers of attorney.

The unique nature of each disaster means that there is not a one-size-fits-all story for the program. Accordingly, the following article seeks to tell the story of the ABA YLD’s Disaster Legal Services

⁷ Memorandum of Agreement Between the Office of Emergency Preparedness and the American Bar Association (Jan. 12, 1973) (on file with author). For a history of the agency, see, *About the Agency*, FEMA, <https://www.fema.gov/about-agency> (last visited Aug. 18, 2019). On July 20, 1961, President John F. Kennedy issued Executive Order 10952, which divided the Office of Civil Defense and Mobilization into two new organizations: the Office of Emergency Planning (OEP) and the Office of Civil Defense. OEP was part of the President’s Executive Office and tasked with advising and assisting the President in determining policy for all nonmilitary emergency preparedness, including civil defense. By 1973, President Richard Nixon dismantled OEP and reorganized the duties under HUD as a new agency, the Federal Disaster Assistance Agency. The FDAA operated under HUD until 1979, when the Federal Emergency Management Agency (FEMA) was created. FEMA was its own independent agency until May 2003, when it joined 22 other federal agencies, programs, and offices in the Department of Homeland Security (DHS), where it remains today.

⁸ Although the ABA YLD strives to provide free legal services through DLS program, the federal government is mandated to do this pursuant to the Stafford Act. (42 U.S.C. § 5182 (2018)).

Program through the lens of its leaders.⁹ This article will detail the legal response from 1969 to 2015 based on interviews of program participants and other anecdotal evidence. The article then shifts to a first person account of the program from the author from 2015 to 2019, and concludes with where the program is at today, and plans for the future.

II. THE FEDERAL STATUTORY FRAMEWORK FOR DISASTER LEGAL SERVICES

The Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988 (“the Stafford Act”) sets out the system by which a presidential disaster declaration or an emergency declaration triggers financial and physical assistance through FEMA.¹⁰ Among other programs, the Stafford Act outlines a provision for disaster legal services:

Whenever the President determines that low-income individuals are unable to secure legal services adequate to meet their needs as a consequence of a major disaster, consistent with the goals of the program authorized by this Chapter, the President shall assure that such programs are conducted with the advice and assistance of appropriate Federal agencies and State and local bar associations.

When the President makes a Major Disaster Declaration and authorizes Individual Assistance, FEMA will then determine the need for DLS.¹¹ If requested, the regional FEMA Human Services Officer

⁹ Over the years, the DLS Program responded to hundreds of disasters in 47 states and 5 U.S. territories. *Disaster Legal Services Program*, AMERICANBAR, https://www.americanbar.org/groups/young_lawyers/disaster_legal_services/, (last visited August 31, 2019).

¹⁰ Robert T. Stafford Disaster Relief and Emergency Assistance Act 42 U.S.C. § 5121 (2018).

¹¹ On proper authorization, FEMA may provide housing assistance, crisis counseling, unemployment assistance, as well as other types of assistance, including disaster legal services. Not every disaster triggers federal disaster aid. *See, The Disaster Declaration Process*, FEMA, <https://www.fema.gov/disaster-declaration-process> (last visited Aug. 18, 2019).

will contact the DLS Director and request DLS through a letter of intent.¹²

The MOU between the YLD and FEMA states that the YLD is the exclusive coordinator of legal services to disaster survivors. In practice, the program can provide scale to existing efforts by complementing the services already provided by legal aid organizations. Many of these organizations receive funding from the Legal Services Corporation (LSC).¹³

The procedure for responding to the letter of intent has changed over the years. In its current format, the DLS Director will reach out to their local ABA YLD contact, typically the YLD District Representative in the affected area, to issue a press release and create a toll-free hotline within 48 hours.¹⁴ The YLD promotes the hotline with its local partners, newspapers, shelters, government agencies, and other direct service providers. Concurrent with the hotline implementation, the DLS team organizes a coordination call with relevant legal and non-legal partners at the state and local level, such as the state bar association, legal aid organizations, the American Red Cross, and FEMA, among others.¹⁵ The coordination call serves as an opportunity for all stakeholders to brief one another and to set up an action plan for the next steps.

¹² Today, the primary point of contact is the DLS Director. Over the years, the position has changed names, such as Disaster Coordinator or Disaster Relief Chair; however, the position's primary responsibilities remain unchanged.

¹³ LSC is the nation's largest single funder of civil legal aid for low-income Americans. Established by Congress in 1974, LSC operates as an independent 501(c)(3) nonprofit corporation and promotes equal access to justice by providing grants to nonprofit legal aid organizations in every state, territory, and the District of Columbia. Every year, LSC distributes more than 90 percent of its federal appropriations to 132 independent nonprofit legal aid programs with more than 800 offices. LSC-funded programs assist Americans in households with annual incomes at or below 125 percent of the federal poverty guidelines. See, *About LSC*, LSC, <https://www.lsc.gov/about-lsc> (last visited Aug. 28, 2019).

¹⁴ The ABA YLD currently has thirty-four District Representatives who represent its affiliated young lawyer organizations across the United States and its territories. District Representatives serve two-year terms, and are responsible for "Coordinat[ing] Disaster Legal Services programs within the district in partnership with the Federal Emergency Management Agency (FEMA), and attend related June training before becoming a District Representative." ABA YLD Bylaws 42 U.S.C. §3.4(b) (AM. BAR ASS'N, current through 2018). For a listing of current DLS hotlines and press releases, see, *Disaster Legal Services Program*, *supra* note 9.

¹⁵ Non-legal groups such as the American Red Cross (ARC) and the Volunteer Agencies Active in Disasters (VOAD) are critical to the success of the program. For example, if the legal response is quickly organized, the ARC can distribute DLS materials, including the toll-free hotline information, to its sheltered population, which is a critical mass of potential clients.

The DLS program is broad in its eligibility guidelines, and requires only that the survivor has “insufficient resources to secure adequate legal services” at the time of the disaster, and that the case is not “fee-generating.”¹⁶ This eligibility test is significantly relaxed when compared to traditional legal aid programs, which is set at 125 percent of the federal poverty guidelines, with few exceptions.¹⁷ This relaxed eligibility standard assures that those who truly cannot afford an attorney will have access to representation. However, since the DLS Program extensively coordinates with many LSC grantees, careful planning is imperative to ensure that the ineligible clients are not being funneled to LSC grantees.¹⁸

Every disaster is unique, which is why the DLS Program has a “whatever it takes” approach to responding to disasters. On the most passive end, the program may simply serve as a connector or facilitator of the local programs to the national stakeholders. On the other side of the spectrum, the program may take a more active role, such as operating a remote FEMA appeals clinic. The program routinely trains volunteers and provides technical assistance to volunteers and national and local organizations. When responding to a specific disaster, the DLS team will record data from its toll-free hotline and submit the report to FEMA weekly. Although not every agency providing disaster legal services partners with the YLD’s program, it is the only one with a formal relationship with FEMA. This relationship allows free access information regarding registration metrics, Disaster Recovery Centers information (such as advance notice of DRC opening and closings, foot traffic, etc.), and access to other state and local contacts.

¹⁶ 44 C.F.R. § 206.164(a) (2003).

¹⁷ 45 C.F.R. § 1611.3(c)(1) (1996). For example, 125 percent of the federal poverty level for a household size of four is \$32,188 (based on 2019 figures set by the Department of Health and Human Services). Certain exceptions to the 125 percent ceiling are outlined in 42 U.S.C. §1611.5(a) which increases the threshold to 200 percent of the federal poverty level (which is \$51,500 annually for a household size of four persons). In addition to income eligibility, the regulations also prohibit services to a non-citizen or an “ineligible alien” (45 C.F.R. § 1626.3) (1996) unless a stated exception in 42 U.S.C. §1626.3 applies.

¹⁸ For example, after Hurricane Harvey, a significant number of disaster survivors were non-citizens who would otherwise be eligible for services by a LSC grantee but for their immigration status. An LSC grantee is not able to make a referral of an ineligible client. In Texas, the disaster hotline is operated by the State Bar of Texas, which routes calls to the three LSC grantees in the state. The YLD worked with the Houston Volunteer Lawyers Program (HVLP) to bypass this method and make direct referrals of non-citizens to HVLP.

III. PRE-AGREEMENT RESPONSE TO DISASTERS

In August 1969, Hurricane Camille traversed through the Gulf of Mexico and made landfall in Waveland, Mississippi as a Category 5 hurricane. At the time, Camille was only the second Category 5 to make landfall in the United States (the first being the Labor Day Hurricane in 1935).¹⁹ Camille had sustained winds of 180 miles per hour and storm surges as high as 26 feet.²⁰ It destroyed nearly every structure along Mississippi's Gulf Coast, killing 239 people, and causing nearly \$10 billion in damages.²¹

Camille hit only six weeks into Pat Scanlon's term as President of the Mississippi Young Lawyer Section (MS YLS). He took immediate action by creating a Disaster Relief Committee and tasked his colleague Len Blackwell to help.

"We knew we had to do something," said Blackwell, who still remembers Camille, 50 years later.²²

That "something" was the first documented, coordinated response to provide free assistance to disaster survivors. The Committee secured a \$25,000 federal grant from the Office of Emergency Preparedness (OEP) to set up three law offices along the Gulf Coast.²³ They also rented a van that doubled as a mobile law office. Volunteers came out in large numbers and provided desperately needed legal services to those suffering from the devastation of Camille.

Several years after Camille, young lawyers again identified the need for a coordinated response to help disaster survivors. On the morning of February 26, 1972, a dam operated by the Pittston Coal Company burst, overtaking two other dams before unleashing over 132

¹⁹ See, *Hurricane Camille – August 17, 1969*, NAT'L WEATHER SERVICE, <https://www.weather.gov/mob/camille> (last visited Aug. 31, 2019) (hereinafter "*Hurricane Camille*"). The National Hurricane Center officially began naming hurricanes in 1950 using the military alphabet (e.g., Alpha, Bravo, Charlie) before moving to a pre-selected list of female names in 1953. *Why do we name tropical storms and hurricanes*, NOAA, <https://www.oceanservice.noaa.gov/facts/storm-names.html> (last visited Aug. 31, 2019). In 1978, male names were added to the list. *Id.*

²⁰ The "intensity" of a hurricane generally refers to its highest sustained wind speed or lowest barometric pressure, measured in millibars (mbar).

²¹ Debbie Lord, *Hurricane Camille: Looking back at the storm that changed the Gulf Coast forever*, FOX 23 (Aug. 17, 2019), <https://www.fox23.com/news/trending-now/hurricane-camille-looking-back-at-the-storm-that-changed-the-gulf-coast-forever/976828587>.

²² Telephone Interview with Len Blackwell, former DLS Director (Mar. 8, 2019).

²³ *Id.*

million gallons of coal slurry and black wastewater throughout sixteen towns along the Buffalo Creek in West Virginia. Out of a population of 5,000, the disaster killed 125 people, injured 1,000 more, and left 4,000 people homeless.²⁴

The survivors filed suit against the Pittston Coal Company for its reckless disregard in the construction and maintenance of the dam. Pittston claimed that it was not responsible, as the dam burst was “an act of god” and not due to any negligence on its part.²⁵

After a long legal battle, the Plaintiffs received a \$13.5 million settlement. The story of the legal battle is memorialized in the book, *The Buffalo Creek Disaster: How the Survivors of One of the Worst Disasters in Coal-Mining History Brought Suit Against the Coal Company—And Won*. This book typically appears on the suggested reading lists for law students.²⁶

After Camille and Buffalo Creek, it became obvious to the ABA and YLD leadership that a national organization assisting with disaster response, recovery, and preparedness could be of great assistance to state and local programs.²⁷

²⁴ Ralph Charles “Chuck” Dusic was the young lawyer involved in the response at Buffalo Creek. Unfortunately, he passed away on March 10, 1997, and the story from his perspective will go untold. Ironically, many of the records kept by the West Virginia Bar Association pertaining to the Buffalo Creek Flood were destroyed due to a series of subsequent floods at the West Virginia Bar Association building. No documents were salvaged when they moved to their new building several years ago. E-mail from Anita Casey, Executive Director, The Virginia Bar Association, to author (Aug. 5, 2019, 09:01 CST) (on file with author).

²⁵ See *The Buffalo Creek Flood: An Act of Man*, Directed by Mimi Pickering, Appalshop (1975), available at <https://www.buffalocreekflood.org/media/BCF-transcript.pdf>. The documentary features the song “The Buffalo Creek Flood,” written by Doug Yarrow and Ruth Yarrow, sung by Jack Wright, which demonstrates the sentiment of the public:

The bacon was sizzling, the coffee was poured,
But the dam up the holler couldn’t hold any more.
And the water raged down, smashed town after town.
Homes dashed to pieces and whole families was drowned.

How could it happen? How could it be?
That dam it belonged to the coal company.
An “Act of God” the bosses did cry.
But God ain’t that cruel, we can see through your lie.

²⁶ See generally, GERALD M. STERN, *THE BUFFALO CREEK DISASTER: HOW THE SURVIVORS OF ONE OF THE WORST DISASTERS IN COAL-MINING HISTORY BROUGHT SUIT AGAINST THE COAL COMPANY-AND WON* (Vintage Books 2d ed. 2008) (1976). The basis for the claim was based on “survivor syndrome,” which is now recognized as Post Traumatic Stress Disorder, see KAI T. ERIKSON, *EVERYTHING IN ITS PATH*, 310 (Simon & Schuster, 1977).

²⁷ Allen, *supra* note 1.

Back in Mississippi, Frank Crosthwait took over for Scanlon as the President of the MS YLS for the 1970–1971 bar year. During his time as President, Crosthwait gave a report at the ABA’s Midyear Meeting in Chicago regarding the Bar’s response to Hurricane Camille.²⁸

Crosthwait’s report in Chicago was compelling. It induced the ABA YLD Chair, Harry Hathaway to attend the Mississippi Bar Convention several months later. By this time, Joe Meadows succeeded Crosthwait as the President of the MS YLS. At the Convention, Hathaway saw firsthand what the MS YLS was doing to help hurricane survivors, and came up with the idea to create a national program. They created the National Disaster Legal Assistance Committee, in which Meadows served as Chair, and Blackwell served as Vice–Chair. The Committee would study the need for legal assistance to those affected by a natural disaster.

The Committee’s findings led Hathaway to draft a proposal to the ABA for a national program. Hathaway cited the need based on survivors being “instant poor,” this is, survivors may have had modest income prior to the disaster, and therefore did not otherwise qualify for state or federal assistance.²⁹ The proposal set out a plan calling on the ABA YLD to work with state and local bar associations to develop a disaster manual with the assistance of the OEP. While the YLD would provide pro bono attorneys, OEP would provide administrative support, office space, and personnel to local legal services units and the young lawyers participating.³⁰ By providing these services in advance, it could avoid the need to react on a disaster–to-disaster basis.

“I spoke with Nixon about this!” Hathaway exclaimed, 45 years later.³¹

Hathaway found himself sitting across from President Nixon on two occasions prior to discussing the DLS program. The first time was to discuss a POW-MIA relief act. The act would enable families to receive benefits for soldiers lost or missing during the Vietnam War. The other occasion was to discuss drug abuse education. Because of

²⁸ *Young Lawyers Division Living Past Presidents*, THE MISSISSIPPI LAWYER, Winter 2012, at 28, <https://www.msbar.org/media/2115/full-issue-winter-11-12.pdf>.

²⁹ Memorandum from Harry Hathaway, YLD Chair, to ABA Administrative Committee (November 17, 1972) (on file with author).

³⁰ *Id.*

³¹ Telephone Interview with Harry Hathaway, former YLD Chair (Aug. 6, 2019). “Bless his soul, he ended up in the tank.” Hathaway joked that his wife would not let him hang a photo of him and the President in the house, but eventually warmed up to him. *Id.*

the inroads he made with the White House on those policy initiatives, Hathaway knew that an agreement was possible, and knew that lawyers could make a profound difference in the lives of disaster survivors.

“As a lawyer, you come into the situation and give some credibility. It’s fairly simple when you think about it,” said Hathaway.³²

On October 19, 1972, Hathaway met with the ABA Board of Governors to discuss the proposal, which would authorize the YLD to enter into an agreement with OEP “to assist in implementation of a supplemental legal services program to ensure that there will be no void in legal services in times of disaster.”³³

The Board of Governors reviewed a draft agreement prepared by OEP.³⁴ While generally supportive, the Board thought that the language of the contract obligated the Association to provide legal services in areas regardless of whether it was feasible to do so.³⁵ Further, the Board felt that Hathaway should consult with the Committee on Legal Aid and Indigent Defendants before the Section entered into the arrangement with OEP.³⁶ The Board tabled the proposal until its December meeting, which gave Hathaway the opportunity to resolve the concerns with the Committee on Legal Aid and Indigent Defendants.

The Board revisited the proposal on December 6, 1972, when Hathaway presented a revised agreement to the Committee.³⁷ The Board unanimously voted to approve the proposal, as memorialized in its meeting minutes:

UPON MOTION DULY MADE,
SECONDED, AND CARRIED:

The Young Lawyers Section was authorized to conduct a Program on Legal Assistance to National Disaster Victims and to enter into the agreement with the Office of Emergency Preparedness to cooperate

³² *Id.*

³³ *ABA Board of Governors Meeting Minutes* (Oct. 19, 1972) (on file with author).

³⁴ *Id.*

³⁵ *Id.*

³⁶ *Id.*

³⁷ *ABA Board of Governors Meeting Minutes*, (Dec. 6, 1972) (on file with author).

with it in legal assistance in national emergencies at the option of the Section.³⁸

On January 12, 1973, George A. Lincoln, Director of the President's Office of Emergency Preparedness, and Hathaway signed the agreement in Washington, D.C., thus officially creating the ABA YLD's Disaster Emergency Relief Committee.³⁹ Hathaway named Meadows as the program's first Chair.⁴⁰

TIME Magazine, the *New York Times*, the *Washington Star-News*, and *The Washington Post* covered the story, making the agreement national news.⁴¹

With the agreement came funding of \$50,000 from OEP to conduct training sessions throughout the United States for all state bar associations that did not have a Young Lawyers Section.⁴²

"We were very well received," said Meadows, "I recall traveling to speak to the Idaho Bar after a disastrous flood literally wiped out most of the state's potato crop. Among other things, we advocated the legislature to declare an emergency and suspend foreclosure of mortgages in affected areas."

Shortly after the execution of the agreement between ABA and OEP, Nixon abolished OEP. When news of OEP's demise made its way to Hathaway, he panicked, thinking that it would be the end of the disaster program. However, the United States Department of Housing and Urban Development (HUD) took over the disaster relief

³⁸ *Id.*

³⁹ Telephone Interview with Harry Hathaway, *supra* note 31.

⁴⁰ Articles over the years provide several dates as the programs creation, *see e.g.*, Debra Baker, *When Disaster Strikes: Recent tornadoes, floods and storms show that lawyers need to be prepared to shift into emergency practice modes to speed recovery for clients and themselves*, ABA JOURNAL, Apr. 1998, at 60 "The ABA Young Lawyers Division has worked closely with [FEMA] since the early 1980s to provide legal assistance to victims of natural disasters." It is possible that since OEP was moved to the FDAA, and then to FEMA, that these incorrect dates align with the dates that the new agreements with the successor agency were signed. Hathaway noted this in a 1998 letter to the editor in the ABA Journal: "Your excellent article, When Disaster Strikes...failed to mention that the ABA has been in the disaster legal assistance field for more than 25 years....The program was born as a national effort sponsored by the ABA Young Lawyers Section in 1972 when I was Chair." Harry Hathaway, Letters to the Editor, ABA JOURNAL, June 1998, at 14, 108.

⁴¹ *Free Legal Aid Planned For Needy Disaster Victims*, N.Y. TIMES, Jan. 13, 1973; *Free Legal Aid Set for Victims Of Disasters*, WASH. POST, Jan. 13, 1973; *Disaster Aid Plan OK'd By White House, ABA*, WASH. SUNDAY STAR NEWS, Jan. 14, 1973; *The Law: Emergency Lawyers*, TIME, Mar. 5, 1973.

⁴² Telephone Interview with Harry Hathaway, *supra* note 31.

responsibilities from OEP.⁴³ The YLD inked another agreement with the “new” agency, the Federal Disaster Assistance Agency (FDAA).

“I’m glad you’re writing the history,” says Hathaway, “In 1973, the old guys [in the ABA] didn’t want us involved. They thought, here is some money, go have a cocktail party. That didn’t happen.”⁴⁴

It sure didn’t.

IV. A HISTORICAL ACCOUNT OF DLS FROM 1973 TO 2015

A. The First Test: Jonesboro Tornadoes

Word spread quickly about the newly formed partnership between the ABA and the OEP/FDAA. In April 1973, H. William Allen, Disaster Relief Committee Chair of the Young Lawyers Section of the Arkansas Bar Association (ArkBar) attended a regional planning meeting in Kansas City with OEP and other community stakeholders. Allen’s participation was under the auspice of the newly executed agreement and paid for by the appropriated program funds. A few days after the regional meeting, Allen returned to Arkansas and pitched a disaster relief program to the ArkBar’s Executive Committee. OEP Regional Representative John De La Garza, who attended the regional meeting with Allen, drove in from Dallas to help sell the program.⁴⁵ What resulted was a team of 40 attorneys from across the state ready to provide free legal assistance.

The foresight to create a disaster program locally in Arkansas was fortuitous. Late in the evening of May 27, 1973—just sixteen days after Allen’s meeting with the ArkBar Executive Committee—a series of F4 tornadoes ripped through Jonesboro, Arkansas. Although meteorologists were tracking the storm, it hit around 12:30 a.m., so most residents did not have a warning.⁴⁶ Three people lost their lives,

⁴³ See, *About the Agency*, *supra* note 7.

⁴⁴ Hathaway further noted, “You have given Meadows, Blackwell, Crosthwait, and me much to gloat over before we all walk into the sunset.” E-mail from Harry Hathaway, former YLD Chair, to author (Aug. 16, 2019, 00:55 CST) (on file with author).

⁴⁵ Allen, *supra* note 1.

⁴⁶ The Jonesboro Tornado shows how technology today impacts how we prepare and respond to a disaster. The National Weather Service did not issue a tornado warning until 12:55 a.m., 25 minutes after the tornado struck. Media coverage was virtually nonexistent as most of the radio stations were not broadcasting at the time of the storm, although the damage to the electrical grid would have rendered any broadcasts of little value.

and the tornado destroyed at least 2,000 homes while substantially damaging 2,000 more.

Thankfully, there was a plan of action on how to respond. Within a few days, Allen recruited 20 volunteers from all over Arkansas to convene in Little Rock to receive training on the type of problems typically faced by disaster survivors. Allen would serve as the on-the-ground coordinator for the program.

Volunteer lawyers assisted roughly 100 survivors on a wide array of issues such as landlord-tenant, insurance, and contractor claims. The *Barrister*, the ABA YLD's bar publication at the time, covered this disaster and many others after it.⁴⁷

John P. Shermer, Jr. of Russellville, Arkansas was one of the volunteers that participated in the program. A *Barrister* article noted that in one case, Shermer was able to convince a local adjuster to increase their original settlement by \$8,000.⁴⁸

In another matter, a client canceled his appointment because the insurance company nearly doubled the claim payout upon discovering that he was seeking services from the DLS program.⁴⁹

"I really don't believe that the larger settlement was a result of brilliant legal maneuvering on my part because the victim had his estimates documented . . . I think the adjuster was swayed because a lawyer was in the picture," said Shermer.⁵⁰

Allen agreed. "In addition to the legal work, we did a lot of hand-holding and provided assurance that they were being treated fairly."

Looking back, Allen said, "What is remarkable about this program is that it operated on no budget. All of the volunteers, most of which were from Little Rock, drove to Jonesboro—which is just over two hours each way—at their own expense to help."

Although spearheaded by young lawyers, half of the members were from the senior bar, including immediate past President of ArkBar Paul B. Young:

Every lawyer ought to take part in a disaster relief program. I've worked on some bar association projects which I thought were pretty important from a

⁴⁷ Allen, *supra* note 1.

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ *Id.*

public interest standpoint, but none of them gave me a more satisfying sense of service by my profession. You are working at the grassroots level where help is really needed and obviously appreciated.

B. The Big Thompson Flood

On July 31, 1976, a year's worth of rain fell over a 70-minute period in the Thompson Canyon, which links the small Colorado town of Loveland to Estes Park. What normally is an 18-inch deep river turned into a 20-foot wall of water that took out boulders, trees, houses, and everything else in its path in the deadliest flash flood in Colorado history, killing 143 people. The flood washed away bodies as far as 25 miles downstream, and some bodies never resurfaced.⁵¹

The rescue stories—most of which were done via helicopter—are remarkable. One such rescue campaign was done by a civilian helicopter company called 'Flight for Life,' rescued 150 survivors over a 19-hour period by flying through the night, battling rain and fog to reach survivors by "plucking anyone they saw out of the canyon one by one."⁵²

After the flood, a local food distributor brought in two refrigerated trailers to keep the corpses cold until a team of 15 dentists could identify them. Dr. Michael Charney, a dental pathologist from Colorado State University, was part of the team. His methodology for identification would then go on to be the industry standard for body identifications after a disaster.⁵³

Richard W. Ball, an attorney, residing in Loveland, Colorado just minutes from the flood path, led the DLS effort. Ball was glad to hear that the DLS program continues to help survivors and shared his experience during that summer in 1976:

⁵¹ See, Richard W. Ball, *Young Lawyers in the Aftermath of the Big Thompson Canyon Flood*, BARRISTER, Winter 1977, at 22-24, 54-55.

⁵² Marc Sallinger, *43 years after the Big Thompson flood, Flight for Life benefits from lessons learned*, 9NEWS (Aug. 3, 2019), <https://www.9news.com/article/news/local/43-years-after-big-thompson-flood-flight-for-life-benefits-from-lessons-learned/73-1b055d71-8047-437d-92bf-166310bf2a74>.

⁵³ Eve Gruntfest, *What we have learned since the Big Thompson Flood: Proceedings of the Tenth Anniversary Conference, July 17-19, 1986, Boulder, Colorado* (1987) FMHI Publications 61, http://scholarcommons.usf.edu/fmhi_pub/61.

I remember taking a helicopter up to Estes right after to drop off [DLS] pamphlets. I plugged in my headset and could hear the pilots talking to each other. They were going back and forth saying ‘where is the road?’ ‘It’s supposed to be here!’ ‘We’re in the wrong spot!’ I thought to myself—no, we are in the right spot—the road is completely gone.⁵⁴

Ball states that it was a mess sorting everything out, and they had to be careful due to downed power lines and other hazards. “I still remember hearing the hissing sound of the upended propane tanks.”

At the time of the flood, Ball was the Chair of the Colorado Bar Young Lawyers Section, which unbeknownst to him at the time, is responsible for implementing DLS: “I remember getting a call from a guy in Rapid City, he said, ‘you’re up, get your shit together.’”

That guy was Michael DeMersseman, the National DLS Chair. DeMersseman had just gone through a similar ordeal after the 1972 Black Hill Floods, which killed 238 people.⁵⁵ Ball says that DeMersseman was a great mentor, and without his guidance, he would not have been able to help in the capacity that he did. Within days, Ball gathered 20 Colorado attorneys who left their practice at a standstill to give what professional assistance they could. There was a continuous presence staffing the one-stop-shops where lawyers focused on providing legal counsel, handholding, and following-up on matters. Other agencies, such as the Small Business Administration (SBA), were at the one-stop-shops as well.

“The SBA really stepped up and had experienced people come in. They knew what they were doing,” said Ball. “They wrote disaster economic loans for some of the businesses that were not directly impacted by the flood, but lost a considerable amount of revenue because the main road was destroyed.”⁵⁶

⁵⁴ Telephone Interview with Richard W. Ball, former YLD District Representative (Aug. 4, 2019).

⁵⁵ Telephone Interview with Michael DeMersseman, former DLS Director (Aug. 17, 2019). DeMersseman noted that after the flood, the city did not allow anyone to rebuild on the impacted property. “They did it right” and got funds to the homeowners so that they could rebuild elsewhere, instead of rebuilding on a floodplain. *Id.*

⁵⁶ Telephone Interview with Richard W. Ball, *supra* note 54. Ball recalled clients of his paying on those disaster loans well into the early 2000s. SBA disaster-loans are long-term, low-interest loans that help provide funds for uninsured losses of real and personal property to businesses and individuals. *Id.*

When asked if anything in particular sticks out from that disaster, Ball shared a story about his uncle, who was upstream in his cabin with his dog Butch:

Around 4 p.m., Butch started acting very strange. He started pacing back and forth and barking uncontrollably. My uncle could not get Butch to calm down, so he said ‘dammit Butch, get in the truck, let’s go for a ride.’ That dog smelled it. He felt it. They got out of there about 30 minutes before the flood hit. If he had not left, surely he would have died.⁵⁷

C. Terrible Tuesday & the Easter Day Floods

April 10, 1979, earned the nickname “Terrible Tuesday” by meteorologists due to the Red River Valley tornados, which struck in Wichita Falls, Texas that Tuesday. The tornados flattened nearly 24,000 homes and apartments in and around Wichita Falls.

Bob Estrada was a YLD member residing in Wichita Falls and the Chair of the State’s Disaster Committee when the tornados struck. Today, Bob is still practicing law in Wichita Falls and remembers the tornado like it hit yesterday.

“It’s one of those things you really remember. Wichita Falls is a small town, and we lost lots of people. There was so much destruction—the tornado was a mile wide and went through our downtown.”

Estrada and his family escaped the tornado without any damage but recalls that the tornado came within a block or two from where his parents lived. This was especially frightening for Estrada, as his daughter was with his parents that day.

“I was very proud of the fact that we had a great response from the local bar association. There were about 20 volunteers, which is a significant number since our local bar association was around 100 members.”

Estrada credits a successful DLS response in part to the resources made available by the Texas Young Lawyers Association (TYLA). TYLA created the framework for the program by putting

⁵⁷ As a dog lover, this had to make it into the article. Ball also recalls a neighbor who escaped peril by climbing out their second-floor window, scaling a pine tree, and stayed in the tree for several hours until the morning. *Id.*

together advance materials and resources that made the implementation much easier.

The Sunday that followed “Terrible Tuesday” was Easter, and the YLD also implemented DLS in response to the “Easter Day Flood,” which wreaked havoc on the communities around the Pearl River in Mississippi. Through the leadership of DLS Chair Suzanne Saunders, 165 volunteers staffed recovery centers in 13 counties and volunteered over 1,200 hours of service.

As the 70s came to a close, the FDAA was eliminated and shifted to a new agency, now called the Federal Emergency Management Agency (FEMA). FEMA would be considered an independent agency until 2003 when it was moved under the newly created Department of Homeland Security.⁵⁸

D. Hurricane Alicia

In August 1983, Hurricane Alicia made landfall near Galveston, Texas and tracked northeast through Houston. Although it was a relatively weak Category 2 hurricane, Alicia was a significant rainfall event, causing widespread flooding, and making it the costliest Atlantic Hurricane at the time.⁵⁹

The Houston Young Lawyers Association (HYLA) President Scott Rozzell helped organize the local response by the Houston legal community. Rozzell recalls that the program was very successful and still had the capacity to do more.

“Houston is a very generous legal community. There was no shortage of volunteers, but the question was always, how we make people aware of the availability of these services,” said Rozzell.

Rozzell coordinated volunteers from HYLA and the Gulf Coast Legal Foundation, which helped enable a full-time presence in the Disaster Assistance Centers (DACs) just days after the disaster. Rozzell cites planning and thorough preparation as key factors in responding to future emergencies.

“Without [TYLA], we at HYLA would not have known what a Disaster Recovery Center was, or how our membership could provide effective legal assistance to our neighbors.”

⁵⁸ *About the Agency*, *supra* note 7.

⁵⁹ John R. Tarpley, *Young Lawyers Offer Legal Services to Disaster Victims*, THE AFFILIATE, November 1984, at 4-5.

Rozzell notes that how we look at disaster response and recovery is much different today.

“The systems are more sophisticated now. The ability to get information out back then was far more limited, and the communication channels we have now were just not around back then.”

Nevertheless, dozens of volunteer lawyers assisted approximately 250 survivors. Volunteers started by assisting survivors in the DAC, but within a few weeks, the foot traffic diminished. To ensure continued utilization of volunteers, Rozzell worked with each location’s DAC manager and provided them with an “on-call” attorney that could help answer questions or refer matters out as needed.⁶⁰

Rozzell remembers landlord–tenant cases being the most common issue. He noted that because it was a flood and not wind event, many apartment complexes only sustained damage on the first floor. Tenants residing above the first floor were unable to access their units, despite being relatively undamaged, as the buildings were tagged as unsafe, or they were locked to keep looters out. In these cases, attorneys advocated for the displaced tenants to get back into their units, at the very least to secure their belongings. This required attorneys to work with individual landlords or management companies, which were often not on site.

“We would have to be persistent to find the chain of title, to get a written authorization to enter the property. We did that with no e-mail or texting. It was a complicated system to navigate, and I remember people being really grateful for our help.”

E. The Loma Prieta & Northridge Earthquakes

The 1989 World Series was unique and memorable. Unique, because it was the first meeting in the Fall Classic of the neighboring rival teams, the San Francisco Giants and the Oakland Athletics. Memorable, because the 6.9 magnitude Loma Prieta Earthquake hit moments before Game 3.

“I tell you what; we’re having an earthquake” exclaimed Al Michaels. After a few moments of chaos, Michaels followed, “Well, I don’t know if we’re on the air or not and I’m not sure if I care at this particular moment.”

⁶⁰ *Id.*

Although 63 people died from the earthquake, Game 3 of the World Series may have saved the lives of thousands of people that night, as traffic in the Bay Area was relatively light. Many commuters left earlier in the day to avoid the game traffic; others were at bars and restaurants to catch the game, and off of the roads.⁶¹

In attendance at Game 3 was Robert James, an attorney with Pillsbury, Madison & Sutro (now Pillsbury Winthrop Shaw Pittman LLP). James recalls the eerie feeling of heading home from Candlestick Park.

“It was a beautiful fall evening, but driving out of San Francisco, we could see the smoke from the fire in the Marina District.”

Information was hard to come by in the days before cell phones, and his group had to exit the freeway from time to time to access gas station payphones to learn what had happened to friends and family.

“No, no, no. This is Fantasyland,” thought Nancy Clinch, in response to what she just heard: a section of the Bay Bridge was down, San Francisco was on fire, a freeway segment collapsed, and the World Series game was canceled.⁶²

Clinch, a board member of the State Bar of California, provided disaster legal services the year prior when wildfires burned in Nevada County. As the “instant expert,” she helped coordinate the relief efforts from the Bar Association of San Francisco (BASF) headquarters. The effort was a collection of dozens of legal aid organizations, law firms, and other organizations with a shared mission of helping earthquake survivors.

James, Clinch, and more than 200 other lawyers volunteered in some capacity through BASF. James reports that some of the advice centered on the landlord–tenant, insurance, and employment law, but much of the effort entailed counseling survivors on how to fill out forms to qualify for disaster relief.⁶³

⁶¹ At least one member of the legal community was not as lucky. Melissa Maxwell, 32, was a fifth-generation Californian and Alameda County Deputy District Attorney who was driving home on the Nimitz Freeway that evening when it collapsed and crushed her as she was driving home from the office. Mireya Navarro and Jonathan Rabinovitz, *11 WHOSE LIVES ENDED AS QUAKE CRUSHED I- 880*, N.Y. TIMES, October 29, 1989, at A1.

⁶² Don J. DeBenedictis, *Earthquake Lawyers*, ABA JOURNAL, Jan. 1990 at 80-84.

⁶³ *Id.* The article cites one attorney having only “one of his 60 open case files with him in his car” and when he reached his office in Santa Cruz, it was red-tagged for demolition. *Id.* He was able to persuade officials to let him in after an engineer said that that it was safe to

The disaster spurred a class action suits against FEMA itself. In the Bay Area, there were approximately 2,000 single room occupancy (SRO) units made uninhabitable by the earthquake. FEMA denied assistance to persons residing in the SROs, who were predominately low-income individuals.⁶⁴

The Legal Aid Society of Alameda County sued FEMA in a class-action suit, which settled favorably for the survivors. Per the terms of the settlement, FEMA provided special housing vouchers for those denied under the 30-day rule and the shared housing rule. The agency was also required to provide notice of appeal rights to individuals and to promulgate guidelines for appeals. FEMA also agreed to make funding available for governments and private owners to replace the destroyed SROs.⁶⁵

A few years later, attorneys in southern California found themselves in similar circumstances. On January 17, 1994, the 6.7 magnitude Northridge Earthquake hit the San Fernando Valley, with its epicenter in Reseda, California. Today, it is the costliest earthquake in U.S. history.⁶⁶

Pro bono attorneys and Legal Aid organizations surrounding the area were on the scene immediately after the earthquake. “Our staff dropped everything to get programs in place,” said Neil Dudovitz, Executive Director of San Fernando Valley Neighborhood Legal Services.⁶⁷

Instead of waiting for clients to come to them, the organization’s 23 lawyers and paralegals took to the streets and

enter. *Id.* He was only allowed 10 minutes to go in the building, where he laid a mattress on the ground and spent all of the time there filling bags up with files, and throwing them out the window. *Id.*

⁶⁴ Class Action Complaint for Injunctive and Declaratory Relief, *Jimmie Smith v. FEMA*, No. C-90-0161 EFL (N.D. Cal. Jan. 9, 1999). The basis for denial was that the applicant: 1) did not continuously reside in the same rental unit for at least 30 days, and were therefore ineligible under the agency’s “30-day rule”; or 2) shared a rental unit with an unrelated individual which made the applicant ineligible under the “shared housing rule.” *Id.*

⁶⁵ In the settlement, FEMA was also required to provide notice of appeal rights to individuals and to promulgate guidelines for appeals. Settlement Agreement and Order Preliminary Approving Settlement, *Jimmie Smith et al. v. FEMA*, No. C-90-0161 EFL (N.D. Cal. May 4, 1990).

⁶⁶ Gregory Wallace, *The 10 most expensive U.S. earthquakes*, CNN BUSINESS (Aug. 25, 2014) money.cnn.com/2014/08/24/news/economy/earthquakes-10-most-expensive/index.html.

⁶⁷ Henry Weinstein, *Legal Aftershocks Will Keep Lots of Lawyers Busy*, L.A. TIMES (Jan. 30, 1994) <https://www.latimes.com/archives/la-xpm-1994-01-30-mn-17071-story.html> (quoting the original article).

distributed literature, in English and Spanish in parks, apartment complexes, and libraries.⁶⁸ The flyers explained their right to emergency housing assistance and food stamps (DSNAP) as well as a flyer explaining how to work with contractors offering home repairs.⁶⁹

At the recovery centers, young lawyers provided face-to-face assistance to survivors. “We do legal triage,” said Daniel M. Crowley, who was in charge of the Disaster Relief Committee for the Barristers, which is the Young Lawyers Section of the Los Angeles County Bar Association.⁷⁰ When survivors would come to the legal assistance table with a problem, they would give advice if they knew the answer, and if not, a volunteer attorney would take the case as a referral.⁷¹

F. Hurricane Andrew

Hurricane Andrew hit Homestead, Florida on August 24, 1992, as a Category 5, which at the time was only the third Category 5 to make landfall on the United States.⁷² Mike Bedke, the ABA YLD Secretary at the time, remembers that moment when the storm hit, “I immediately started reaching out to young lawyer friends who were in south Florida, and could not reach most of them. A few days later, [Craig Clendinen] and I packed a minivan full of water, flashlights, and snacks, and we headed from Tampa to Miami.”⁷³

Bedke and Clendinen arrived several hours later at an airline hangar in Miami, where FEMA was setting up its Joint Field Office.⁷⁴ FEMA directed Bedke to the hardest-hit community—Homestead, Florida.⁷⁵ “It was truly a war zone—flattened buildings, rubble, no traffic lights, ATMs were not working—it was apocalyptic.”⁷⁶

⁶⁸ *Id.*

⁶⁹ *Id.*

⁷⁰ *Id.*

⁷¹ *Id.*

⁷² See *Hurricane Camille*, *supra* note 19. The Labor Day Hurricane (1935); Hurricane Camille (1969). *Id.* Hurricane Michael was the fourth, which occurred later in 2018. *Id.*

⁷³ Telephone Interview with Mike Bedke, former YLD Chair (Aug. 16, 2019); See, David R. Corder, *The People’s Champion*, BUSINESS OBSERVER (Apr. 16, 2004), <https://www.businessobserverfl.com/article/peoples-champion> (highlighting Bedke’s pro bono work after Andrew and the decade that followed).

⁷⁴ Telephone Interview with Mike Bedke, *supra* note 73.

⁷⁵ *Id.*

⁷⁶ *Id.*

Bedke showed up at the DAC in Homestead and said, “we’re volunteer lawyers with the ABA YLD, we’re here to help.”⁷⁷ Somewhat confused as to why lawyers would be showing up at a DAC, the perhaps naïve manager shuffled them outside where they sat on two metal folding chairs under a makeshift canopy made out of a tarp. Bedke and his Clendinen made a sign on a piece of salvaged cardboard that read “FREE LEGAL HELP.”⁷⁸ Survivors lined up to talk to an attorney immediately, and eventually, the DRC manager gave them space inside the building.⁷⁹ They answered the first wave of standard questions, which true to the historical account of this piece, were landlord–tenant, insurance, and disaster benefits related.⁸⁰

Even the New York Times had questions. It rhetorically asked, “[m]ust a Miamian pay his bills on time when his checkbook floats somewhere in the Gulf of Mexico,” in an article highlighting the ABA YLD’s disaster program in Florida and across the country.⁸¹

Ironically, one of the lawyers hit hardest by Andrew was Beth Bloom, Chair of the Florida YLD Disaster Committee.⁸² Despite Andrew destroying her home, Bloom wasted no time helping others and knew she had to act quickly and develop a plan to corral the hundreds of lawyers who were eager to help.⁸³

“We had the ingredients already in place,” referring to the relationship with FEMA and YLD, and the volunteers, “but we needed to develop the recipe,” said Bloom.

Thanks to the tremendous leadership of Hilarie Bass, Mike Bedke, and Raquel Rodriguez, we were able to get a hotline set up, and get calls routed to area law firms. We developed weekly training sessions at the courthouse and law firms so that the volunteer

⁷⁷ *Id.*

⁷⁸ *Id.*

⁷⁹ *Id.*

⁸⁰ Telephone Interview with Mike Bedke, *supra* note 73.

⁸¹ David Margoick, *At the Bar: After the Deluge, Midwest Lawyers Are Offering Free Ports in a Gathering Legal Storm*, N.Y. TIMES, July 30, 1993, at A20.

⁸² Telephone Interview with Beth Bloom, former Florida YLD Disaster Committee Chair (Aug. 16, 2019).

⁸³ *Id.*

lawyers were able to provide the critical answers to the myriad of questions survivors had.⁸⁴

Raquel “Rocky” Rodriguez just became President of the Dade County Bar Association Young Lawyers Section. Rodriguez recalls being in Boston preparing for the ABA Midyear Meeting. She got on the last flight to Miami before Andrew hit. Days after the hurricane, Bloom, and Rodriguez were communicating on their car phones, as landlines were down, about how to respond.

Our goal was to obtain maximum participation from our legal community. There was no e-mail, text messaging, or social media at the time, so we had to rely on word of mouth, print media, and other traditional channels. Once FEMA set up disaster recovery tents in Homestead, we took a caravan of volunteer lawyers and set up tables to meet with persons impacted by Andrew. The drive down was sobering. We saw homes that looked bombed out—windows blown out, roofs gone, only shells remaining.⁸⁵

Through Bloom and Rodriguez’s leadership, they ensured that each one of the 26 DACs had at least two volunteer lawyers staffing

⁸⁴ *Id.* Funding to help amplify the program was made in part by the ABA. 1993 ABE ANNUAL REPORT, ABA JOURNAL, Nov. 1993 at 105-107.

Through a grant from the ABA Fund for Justice and Education, with support from the American Bar Endowment, the YLD committee restructured and broadened its training programs. Three days after a request from federal emergency officials, the YLD Committee, working with local young lawyer groups, held training sessions for volunteer lawyers to staff Disaster Application Centers. Soon after the training, more than 1,000 volunteer lawyers were working in disaster legal assistance efforts.

Id. At the time, Bass was on the ABA Board of Governors. In 2017, Bass became ABA President and again confronted with the devastation of natural disasters, as Hurricanes Harvey, Irma, and Maria hit weeks into her presidency, and in her home state of Florida. Bedke, as discussed above, was the YLD Secretary when Andrew hit. He would go on to be the YLD Chair two years later. Rodriguez succeeded Bedke as the YLD Chair in 1996.

⁸⁵ E-mail from Raquel Rodriguez, former President, Dade County Bar Association, to author (Aug. 18, 2019, 18:39 CST) (on file with author).

the DLS table at all times. The lawyers took cases “ranging from easy to hard to just plain heartbreaking.”⁸⁶

One such story was covered in the *ABA Journal*, which reported that the program assisted a couple that moved to Miami from Massachusetts, and both started new jobs and bought a home.⁸⁷ Andrew left them without jobs and no way to pay their mortgage without assistance.⁸⁸

The result was a volunteer effort of epic proportions. Lawyers provided thousands of hours of legal advice and representation for the community, but also they helped each other. It was quite common for lawyers to provide displaced attorneys a place to stay, transportation, or even a simple gesture of a warm meal.⁸⁹

Bedke thinks that overall, legal aid and pro bono volunteers helped tens of thousands of people, and helped improve the image of lawyers in the community.

“Too many lawyers? Maybe, but I never responded to a disaster where people were complaining that there were too many pro bono lawyers. Regardless of whether we provided quick advice or extended representation, people were extremely thankful for the services we provided.”

G. FEMA enters into Revised Agreement with ABA

On July 13, 1993, the ABA YLD and FEMA executed a revised memorandum of understanding. The MOU created a more expansive relationship between the ABA YLD and FEMA in light of lessons learned after Andrew. It would obligate FEMA to provide funding for

⁸⁶ JeEllen Bursinger, *ABA/YLD Spells Relief*, *ABA Journal*, Dec. 1992, at 132. Hurricane Andrew had a profound effect on Bloom’s career, and confirmed that public service was in her DNA. Bloom continued to volunteer as an attorney, before serving for 20 years as a Florida Circuit Court Judge and then five years as a Federal District Court Judge in the Southern District of Florida, where she currently presides. Telephone Interview with Beth Bloom, *supra* note 82. “Looking back, it was an amazing effort. While so many of us lost our homes or sustained extensive damage, the lawyers realized that there was an opportunity to help so many.” E-mail from Beth Bloom, former Florida YLD Disaster Committee Chair, to author (Aug. 16, 2019, 14:09 CST) (on file with author).

⁸⁷ Bursinger, *supra* note 86.

⁸⁸ *Id.*

⁸⁹ See, Henry J. Reske, *Lawyers in the Storm: ABA volunteers offer free advice to hurricane victims*, *ABA JOURNAL*, Nov. 1992, 28-29. “Everyone was affected by this,” said Dennis Kainen, a Miami criminal defense lawyer. “I wanted to do something, but I’m not skilled with hammers, electric circuits, or plumbing. The best help I can provide is my legal expertise.” *Id.* at 28 (quoting the original).

a toll-free hotline, and training to District Representatives for the first time through various meetings, such as the Affiliate Outreach Program or Midyear Meeting. While most of the provisions of the agreement were positive, one paragraph stuck out:

While operating under this Agreement, participating attorneys may not initiate or counsel a disaster victim to initiate litigation against the Federal, State, or Local Governments, with respect to obtaining disaster assistance.⁹⁰

The agreement prohibited DLS from making claims against FEMA, which led some legal aid agencies to distance their programs from the ABA YLD. This provision would be the subject of litigation shortly after Hurricane Katrina.

H. An Act of Terror in Oklahoma City

On the morning of April 19, 1995, a truck packed with explosives detonated in front of the Alfred P. Murrah Federal Building, killing 168 people, including 19 children, and injuring hundreds more. The blast did not just damage the Federal Building; the force blew out windows for blocks and was felt as far as 30 miles away. Displaced from their jobs or homes, many people needed federal assistance such as housing, unemployment, and food stamps.

Immediately after the bombing, FEMA contacted Bedke to implement DLS. Bedke was soon to take over as YLD Chair that summer but had developed strong inroads with FEMA due to his involvement with Hurricane Andrew several years prior.

“FEMA flew me out there, and I stayed with them. We were sleeping on cots at their staging center. I’ll never forget that.”⁹¹

Indeed, the legal needs were there—especially in the area of guardianship, as 150 kids under the age of 23 lost a parent in the

⁹⁰ Memorandum of Agreement Between the American Bar Association on Behalf of Its Young Lawyers Division and Office of Disaster Assistance Programs, Federal Emergency Management Agency Concerning Disaster Legal Services (July 13, 1993) (on file with author).

⁹¹ Telephone Interview with Mike Bedke, *supra* note 73.

bombing.⁹² Getting these children to their families was one of the first priorities of the volunteers.

We went to a Judge's home at 10 p.m. and had him sign off on guardianship papers to immediately let a child whose parents were killed in the bombing live with her aunt and uncle. The judge told us, 'you call me any time day or night, and we'll get this processed.' There were three or four of these cases in the first few days—we wanted to get these kids with their family rather than further traumatize them.⁹³

Bedke also described one of the more surreal experiences in Oklahoma City, which had nothing to do with providing legal services. After three or four days of search and rescue operations, rescuers noticed that the search and rescue dogs were starting to get anxious because they were not finding survivors.⁹⁴

The dogs were also having an emotional response to being trained to find people and not finding anyone alive. FEMA went and had a few people act as if they were in the rubble to keep the dogs motivated. These dogs are amazing, but they were having this visceral reaction to feeling that they were failing at their jobs.

I. Y2K

As the ball dropped in Times Square on December 31, 1999, the world anxiously awaited what would happen next, ranging from the launching of nuclear missiles from their silos and thus ensuring the end of the world, to a 101-year old now being considered an infant. The ball dropped, we waited, and then breathed a sigh of relief. We

⁹² *The Orphans of Oklahoma City*, NEWSWEEK (April 21, 1996), <https://www.newsweek.com/orphans-oklahoma-city-176492>.

⁹³ Telephone Interview with Mike Bedke, *supra* note 73.

⁹⁴ William Blaiborne, *Searching for Survivors, Rescuers only find Bodies*, WASH. POST, April 22, 1995, <https://www.washingtonpost.com/archive/politics/1995/04/22/searching-for-survivors-rescuers-find-only-bodies/b2156728-f247-4f64-a52e-969524c13a60/>.

could stop stockpiling Twinkies, as a nuclear winter was not likely, for now.

Up to the turn of the century, the DLS program operated relatively the same. A national point of contact (which had several titles over the years, including Chair, Director, Coordinator, but still had the same essential duties) would work with local contacts (usually a District Representative or delegated disaster point of contact). Most responses relied on face-to-face interaction at recovery centers. As the years went on, more and more responses relied heavily on using a “hotline” to deliver services. The DLS program would publish a toll-free number, which operated in a variety of ways such as live assistor, a callback system, or a call routing feature.

Hotlines worked well, but another medium was beginning to emerge—the Internet. In 1995, only 14 percent of the U.S. adult population was using the internet.⁹⁵ By the year 2000, that number was approaching 40 percent.⁹⁶ The adoption of the Internet was inevitable. Seeing the increased use of the Internet and the opportunity for technology to play a role in the delivery of legal services, Mark O’Brien and Michael Hertz formed Pro Bono Net (PBN).⁹⁷

O’Brien and Hertz formed PBN in response to a series of cases emerging from the 1993 Golden Venture incident, where a cargo ship carrying a large number of Chinese immigrants ran aground on the shore in Rockaway Beach in Queens, New York. O’Brien and Hertz knew that technology could play a significant factor in organizing pro bono lawyers who could help these immigrants with any legal issues.

The creation of PBN is an important arc in the history of the DLS program. PBN would go on to play an instrumental role in 9/11 and Hurricane Katrina. It would create its own dedicated disaster portal called “DisasterLegalAid.org” (DLA) which would be the cornerstone of the response to Superstorm Sandy, and the onslaught of disasters in 2017 and 2018. Today, the ABA YLD and PBN continue to enjoy a close working relationship based on their shared objective in providing legal services to disaster survivors.

⁹⁵ Susannah Fox & Lee Raine, *The Web at 25*, PEW RESEARCH CENTER, February 27, 2014, <https://www.pewinternet.org/2014/02/25/the-web-at-25-in-the-u-s>. Today, the number of U.S. Adults using the internet is just under 90 percent. *Id.*

⁹⁶ *Id.*

⁹⁷ *About Us*, PRO BONO NET, <https://www.probono.net/about/> (last visited Aug. 18, 2019).

J. September 11 Terrorist Attacks

The morning sky on September 11, 2001, was remarkably clear. Parents were taking their kids to school, which had just resumed after Labor Day. Others were making their way to the polls to participate in New York City's primary election. At 8:46 a.m., hijackers aboard American Airlines Flight 11 flew a plane into the North Tower of the World Trade Center. Three other planes were hijacked and crashed. One plane crashed at the South Tower of the World Trade Center, another at the Pentagon. Passengers overtook hijackers of the fourth plane and intentionally grounded it in rural Pennsylvania. The tragedy claimed the lives of 2,977 people.

Thirteen months earlier in August 2000, the ABA held its Fellows Gala, a staple of its Annual Meeting, in New York City. The venue for the gala was "Windows on the World," a swanky restaurant on the 107th floor of the North Tower of the World Trade Center. Among the attendees of the black-tie event was the DLS Director, Cliff Stubbs.⁹⁸

"It's eerie to think about that now," said Stubbs.

Stubbs relinquished his post as DLS Director in August 2001. He remembers contacting his successor, Susan Wissink, on September 11 to give her the "you're up" pep talk, and inform her that FEMA would be contacting her soon.⁹⁹

One of the first calls Wissink made that day was to New York District Representative Jonathan Bing. Wissink looked up Bing's address and saw that his office was located in Midtown Manhattan. It was a tough call to make, and she initially got his voicemail. At the time, she did not know how the attack impacted Bing and wanted to be sensitive to his situation. She also knew, however, there was a significant amount of work ahead of her and the legal responders.

⁹⁸ E-mail from Cliff Stubbs, former DLS Director, to author (Aug. 25, 2019, 10:49 CST) (on file with author). Stubbs' Vice Director, Susan Wissink was supposed to attend the Gala, but at the last minute opted to catch the Broadway performance of *Aida*. She recalls telling her husband, "How often do we get to see an original Broadway cast—we can always go to Windows on the World." Telephone Interview with Susan Wissink, former DLS Director (Aug. 27, 2019).

⁹⁹ *Id.* Stubbs still recalls making that call, and stated that he was standing in line to donate blood in response to a nationwide call to action.

Wissink and Bing were able to connect and develop a plan of action. Bing took the lead on sorting out the local DLS response along with DLS Team Member Rani Mathura.¹⁰⁰

“This was unprecedented in terms of the number of attorneys that needed to be mobilized to redress a tragedy of that scope and size,” said Bing.

The YLD quickly set up a national hotline that focused on providing relief to anyone impacted by the attack. Mathura’s firm at the time, Cummings & Lockwood, hosted the hotline and provided space for attorneys to work during the six-month life of the hotline. Volunteers answered calls from Connecticut, Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, and Washington, D.C.¹⁰¹

Wissink noted the spirit and resiliency of the legal community:

I sent an email on Friday, September 14th to members of my law firm and a few friends in other law firms asking for volunteers for the hotline. When I got to work on Monday morning, I had over 500 emails from lawyers, including the general counsels of big companies and the managing partners of major law firms, offering whatever resources they could provide.¹⁰²

According to Wissink’s closing report, the program provided assistance to 1,017 people. That assistance came in the form of volunteers handling a variety of issues. The legal issues were mostly landlord–tenant related; however, probate and estate issues were more common than prior disasters due to the number of lives lost.¹⁰³ Other

¹⁰⁰ Telephone Interview with Jonathan Bing, former YLD District Representative (Aug. 12, 2019).

¹⁰¹ Telephone Interview with Rani Mathura, former DLS Director (Aug. 14, 2019).

¹⁰² Telephone Interview with Susan Wissink, *supra* note 98.

¹⁰³ There were 19 ABA Members or relatives of members killed in the terrorist attack: Gary Bird, husband of ABA Member Donna Killoughey; Daniel R. Brandhorst, his 3-year old son, David, and his partner, Ron Gamboa; Kirsten L. Christophe; Brian P. Dale; Carol K. Demitz; Stephen M. Fogel; Arlene Eva Fried; Edward Mazzela, uncle to ABA Staff Attorney Mary Ann Scali; Barbara Olson, wife of ABA Member Theodore B. Olson, Solicitor General; Lawrence Michael Polatsch; Todd H. Reuben; Andrew I. Rosenblum; Clarin Schwartz; Edward W. Straub; David T. Weiss; Glenn J. Winuk; Andrew S. Zucker. Robert A. Stein, *EXECUTIVE DIRECTOR’S REPORT: Our Response to the Tragedy*, ABA JOURNAL, Dec. 2001, at 78. On the 10-year anniversary of 9/11, the ABA Journal profiled first-hand accounts

issues involved non-citizens, child custody disputes, and non-legal issues like simply being available for people who wanted to talk or needed an advocate.

Wissink recounted a matter involving the wife of a firefighter who was killed on 9/11.¹⁰⁴ Before the attack, her husband purchased a big-screen television, which was delivered after his death.¹⁰⁵ The wife was distraught and needed help working with the store to take it back.¹⁰⁶ Wissink described:

In that situation, it really did not take a lawyer to help her, but she needed someone who could be her advocate. A lot of disasters we helped with were like that. Often times there are legal issues, but often times the survivor needs a party that is not emotionally invested and can help.¹⁰⁷

There were also reports of non-citizens that were apprehensive to apply for federal disaster benefits, as they feared deportation.¹⁰⁸ Some of these non-citizens worked at Windows of the World, the same restaurant that Stubbs was at the year prior during the Fellows Gala.

One case involved the custody of a child from a same-sex couple, where one of the partners died in the attack.¹⁰⁹ There was a

of attorneys who experienced 9/11, from across the country. See, Kristin Choo, *A Day of Days: ABA Members Recall How 9/11 Changed Their Lives and Their Work*, ABA JOURNAL, (Sept. 1, 2011).

¹⁰⁴ Telephone Interview with Susan Wissink, *supra* note 98.

¹⁰⁵ *Id.*

¹⁰⁶ *Id.*

¹⁰⁷ *Id.*

¹⁰⁸ Telephone Interview with Jonathan Bing, *supra* note 100.

In his final call from the building, Ivahn told his cousin to take care of his mom. But now Gloria is taking care of herself, doing what few relatives of other [non-citizens] have done, filing a claim with the restitution fund. Of the 100 undocumented workers who died that day, only 30 families have placed claims. Most are poor, uneducated, don't speak English, and, for those who live here, afraid of being deported.

Tom Brokaw and Anne Thompson, *Families of Illegal Immigrants Who Died in 9/11 Are Not Applying for Compensation*, NBC LEARN, NBC NIGHTLY NEWS, (Sept. 11, 2013), <https://archives.nbclearn.com/portal/site/k-12/browse/?cuccard=3634>.

¹⁰⁹ Telephone Interview with Jonathan Bing, *supra* note 100.

dispute as to who would be entitled to custody, the surviving partner, or the family of the deceased partner.¹¹⁰ One caller wanted to sue Osama Bin Laden.¹¹¹

“We were unofficial counselors. People needed legal assistance, but they also wanted a friendly voice to talk to, to say that they care and that they will try to help them,” said Bing.

Technology was starting to play a role in the delivery of legal services, and that was apparent during 9/11. The terrorist attack prompted the ABA to create what would be its first iteration of an ABA-sponsored disaster legal services website.¹¹² The page featured information for victims and their families, military personnel, lawyers needing assistance, and lawyers looking to volunteer.

The ABA was not alone in the creation of disaster-related websites. Pro Bono Net collaborated with the New York City Bar Association to create an online resource for attorneys who were interested in doing post 9/11 pro bono work. The website contained information pertaining to training, a resource library, and resources for survivors. The website also had a message board where attorneys could communicate with each other. Nearly 3,000 lawyers registered on PBN’s 9/11 practice area.¹¹³

Although the technology was starting to take off, it was nowhere close to where it is today. The only thing that was “cloud-based” back then was, well, clouds. Many firms near ground zero lost most, if not all, of their files.¹¹⁴ Bing stated that there was lots of camaraderie in the legal community at that time and firms were

¹¹⁰ *Id.*

¹¹¹ Telephone Interview with Susan Wissink, *supra* note 98.

¹¹² Although not an active link, the original disaster website (<http://abanet.org/legalservices/disaster.html>) is still viewable via the Wayback Machine, (archive.org/web) a non-profit organization with a collection of 330 billion web pages. The current link to the DLS program is https://www.americanbar.org/groups/young_lawyers/disaster_legal_services/.

¹¹³ Association of the Bar of the City of New York Fund, Inc, The NALP Foundation for Law Career Research and Education & Louis Stein Center for Law and Ethics, Fordham University School of Law, *Public Service in a Time of Crisis: A Report and Retrospective on the Legal Community’s Response to the Events of September 11, 2001* (2004), <https://www.nycbar.org/pdf/PSTC1.pdf>.

¹¹⁴ Bing stated that the legal culture was different from the Wall Street culture, and that lawyers would work late and arrive to the office later than their finance counterparts, who were in the office before the markets opened. Telephone Interview with Jonathan Bing, *supra* note 107.

more than willing to copy files and hand them over to opposing counsel.¹¹⁵

Mathura agreed, “What sticks out today is how much everyone pulled together to staff the hotline. I would get calls from people passing through town on business and saying ‘Hey, I am available for an hour, can you slot me in?’”¹¹⁶

Laura Farber, the Chair of YLD, recognized their efforts at the YLD Fall Conference in St. Louis that fall.¹¹⁷ Bing recalled that it was the first time he had been on an airplane since September 11, and that was probably the same for many YLD members across the country.

“The Program proved that young lawyers could make a difference in society. Now, as an ‘old lawyer’ I can still say that nothing in my career will reach that level of significance in my life and the lives of the people that we helped.”¹¹⁸

K. Hurricanes Katrina & Rita

I stumbled to recall the date of Hurricane Katrina when interviewing Laura Tuggle, who now serves as the Executive Director of Southeast Louisiana Legal Services (SLLS).

“Back in August, uh, two–thousand, uh...” I fumble.

“August 29, 2005,” Tuggle says, matter–of–factly.

Tuggle did not forget—how could she? August 29 is a date etched into the soul of the city of New Orleans and its inhabitants. On

¹¹⁵ This was not the universal sentiment after Sandy, and perhaps is an indictment on the profession. See, Debra Cassens Weiss, *Hurricane Sandy Didn't Stop Some NY Lawyers—and one Law Firm Chef—From Coming to Work*, ABA JOURNAL (Oct. 30, 2012), http://www.abajournal.com/news/article/hurricane_sandy_didnt_stop_some_ny_lawyers—and_one_chef—from_coming_to_wo (citing that some clients “weren’t giving the firm a pass.”).

¹¹⁶ Telephone Interview with Rani Mathura, *supra* note 101.

¹¹⁷ Heather Dawson, *Mobilizing the Association after 9/11: Disaster Legal Services Team Steps Up*, THE AFFILIATE, Nov. 2011, at 1, 3. ABA President Robert Hirshon recognized the work of the DLS team: “The ABA Young Lawyers Division mobilized the Association’s disaster recovery program, which is implemented in cooperation with the Federal Emergency Management Agency. Division members also organized blood drives in each of their districts and are providing pro bono emergency legal services through a special toll-free disaster legal relief hotline.” *Id.*

¹¹⁸ Telephone Interview with Jonathan Bing, *supra* note 100. In the spring of 2001, Bing announced that he was going to run for state legislature and take a leave of absence from his firm to plan for the campaign. *Id.* Then, 9/11 hit and he withdrew his departure so that he could keep working on the DLS program. *Id.* When he was elected several years later, he talked about the DLS program as an example of the private and public sector working together to make a positive change. *Id.*

that day, Hurricane Katrina made landfall in the Crescent City, forever changing the lives of thousands of its residents.¹¹⁹ One month later, Hurricane Rita would make a bad situation worse, by hitting west of New Orleans, sending a deluge of water across the makeshift and newly placed levees. Rita was a record-breaker in its own right and currently ranks as the fourth most “intense” Atlantic hurricane.¹²⁰

It is difficult to retell the complete history of the legal response in the aftermath of Hurricane Katrina and Rita, let alone the work of the ABA YLD.¹²¹ Recovery took years, and in some respects, is still ongoing. Dozens of organizations were involved in providing legal services, and there were hundreds of pro bono volunteers doing the same.¹²² The legal needs *still* exist today. Just ask any staff attorney at SLLS when the last time they saw a client bring in a recoupment

¹¹⁹ See, e.g., CHRIS ROSE, *Foreword* to 1 DEAD IN ATTIC: AFTER KATRINA (2015) “This book is dedicated to Thomas Coleman, a retired longshoreman, who died in his attic at 2214 St. Roch Avenue in New Orleans’ 8th Ward on or about Aug. 29, 2005. He had a can of juice and a bedspread at his side when the waters rose. There were more than a thousand like him.”

¹²⁰ See, *supra* note 20. Katrina ranks seventh for intensity.

¹²¹ The ABA Journal wrote extensively about the Association’s efforts. See generally, Robert A. Stein, *A TIMELY RESPONSE: In the Wake of Hurricane Katrina, Many Gulf Coast Residents Have Pressing Legal Needs*, ABA JOURNAL, (Dec. 2005), at 74; Terry Carter, *RIDING OUT THE Storm: Even the Best Disaster Plans Can’t Help New Orleans Lawyers Account for Lost Clients, Disruption and Uncertainty*, ABA JOURNAL, (Feb. 2006), at 32-38; James Podgers, Siobhan Morrissey, Geri I. Dreiling, G.M. Filisko, *LONG ROAD TO Recovery: Victims of Hurricane Katrina Face Legal Issues at Every Turn*, ABA JOURNAL, (Feb. 2006), at 46-52; Siobhan Morrissey, *ABA ANSWERS THE CALL: YLD and Other Association Entities Address Legal Needs of Katrina Victims*, ABA JOURNAL, (Feb. 2006), at 66-67; Molly McDonough, *PICKING UP THE PIECES: Gulf Coast Courts Rode Out the Storm—Now They’re Struggling to Come Back*, ABA JOURNAL, (Feb. 2006), at 39-44; KJ Mathis, *OUR SERVING PROFESSION: ABA Addresses the Nation’s Legal Needs Through Public Information and Volunteers*, ABA JOURNAL, (Dec. 2006), at 6; James Podgers, *CONSIDERING NEXT TIME: Speakers Worry That Time May Be Short to Learn Lessons From Gulf Hurricanes*, ABA JOURNAL, (Apr. 2006), at 65.

¹²² In June 2007, YLD District Representative Beth Abramson issued a report titled, *Report and Analysis of the Provision of Disaster Legal Services in Louisiana Following Hurricanes Katrina and Rita*. In her report, Abramson lists a sample of the local legal services corporations and pro bono organizations providing legal assistance after the Hurricanes and their contributions. Those agencies included: The Pro Bono Project, Acadiana Legal Services Corporation, Southwest Louisiana Legal Services Corporation, Southeast Louisiana Legal Services Corporation, Baton Rouge Bar Foundation Pro Bono Project, Capital Area Legal Services Corporation, Metropolitan Battered Women’s Program, Inc., Catholic Charities Archdiocese of New Orleans, New Start Center, Catholic Community Services, Legal Services of North Louisiana, Inc., AIDS Law of Louisiana, Inc., Legal Aid Bureau, and The Arts Council of New Orleans. In particular, however, Abramson reported of the extraordinary efforts by the Louisiana State Bar Association in the provision of disaster legal services following Hurricanes Katrina and Rita. Telephone interview with Beth Abramson, former YLD District Representative, (Aug. 11, 2019).

letter from FEMA. Do not be surprised if they tell you it was last week.¹²³

Rani Mathura knew a thing or two about disasters. She was on the DLS team during 9/11, and when Katrina hit, she was finishing her term as the Program's Coordinator. She worked closely with her successor, Craig Cannon so that there would be a seamless transition. After getting the request from FEMA to set up DLS, Mathura reached out to the Louisiana District Representative, Beth Abramson. As a New Orleans resident, Abramson found herself amid the disaster, as she was under an evacuation order and had to relocate to Baton Rouge.¹²⁴ Mathura then spoke with Louisiana State Bar President Frank X. Neuner, Jr., who resided 120 miles west of New Orleans in Lafayette.¹²⁵

Neuner moved quickly to respond and had some help from the Texas legal community. David Hall from Texas RioGrande Legal Aid, (TRLA), as well as staff from the State Bar of Texas (SBoT), traveled to Lafayette to provide technical assistance. The local LSC grantees and the LSBA followed suit, and the group met to develop a plan of action.

“One of the more poignant memories of that meeting was [TRLA] saying ‘this is not a 6 to 12-month recovery, this is going to last 10 years, and you need to plan accordingly,’” recalls Neuner.

With the LSBA's New Orleans office out of commission, Neuner relocated the LSBA to his law office in Lafayette. The Lafayette Bar Association immediately put together 500 binders to help volunteers who would provide pro bono assistance.

Another immediate need was to establish a toll-free hotline for survivors. With the LSBA office badly damaged, the Baton Rouge Bar Association (BRBA) stepped up to host temporarily the disaster hotline. By September 1, the BRBA disaster hotline was operational,

¹²³ This article was published 14 years after Katrina.

¹²⁴ Abramson was not able to return to New Orleans until November 2005, but played an integral role in the YLD's relief efforts and helped managed the program, along with the LSBA, through the Baton Rouge Bar Association's office. “I was handling calls, getting people to volunteer, setting up information sessions, providing information, you name it.” E-mail from Beth Abramson, former YLD District Representative, to author (Aug. 19, 2019, 16:54 CST) (on file with author).

¹²⁵ Neuner was appointed to the LSC Board of Directors on Aug. 1, 2019. See, *Senate Confirms Eight Nominees to LSC's Board of Directors*, LSC, <https://www.lsc.gov/media-center/press-releases/2019/senate-confirms-eight-nominees-lscs-board-directors> (last visited Aug. 19, 2019).

and the phones rang nonstop. The hotline had three phone lines and operated seven days per week, from 8 a.m. to 8 p.m. It received over 11,000 calls resulting in approximately 4,300 intakes. Six weeks later, Louisiana State University (LSU) School of Law took over the hotline and added five additional phone lines. From October 14, 2005, to May 30, 2007, the hotline generated approximately 12,600 intakes.

Volunteer attorneys, law students, and paid staff heard it all—callers were tired, worried, and wondered what to do next:

The stories were endless. I recall a woman who died a few days before the storm. Her home was destroyed by Katrina, and her children were living on the streets for 8 months. The oldest just turned 18 and was unable to obtain access to any of her mother's accounts. They faced all kinds of issues—custody, obtaining financial information, securing vital records. These were the stories. They were all over the place. It was more than, 'my neighbor's tree fell on my house.'¹²⁶

In addition to services provided on the hotline, volunteers and legal aid organizations met with survivors at the Disaster Recovery Centers (DRCs). At its peak, there were 59 DRCs open in Louisiana.

Katrina affected almost every licensed attorney residing in Louisiana. Before Katrina, there were approximately 19,600 attorneys licensed to practice in Louisiana, of which 3,000 lived out of state. Of the approximately 16,600 in-state licensed attorneys, 14,675 were located in parishes covered in the disaster declaration. Those that did not take refuge out of the city were facing the same struggles that other New Orleans residents were facing, even months after the hurricane—how to get basic necessities such as food, water, and electricity. Yet at least 500 of them volunteered in some capacity.

Help was on the way, though. On October 10, 2005, the Louisiana Supreme Court approved a temporary rule allowing attorneys licensed in other jurisdictions to take disaster-related cases from the hotline on a pro bono basis.¹²⁷

¹²⁶ Telephone Interview with Craig Cannon, former DLS Director (May 17, 2018).

¹²⁷ ABA President Michael Greco put out a plea for help from attorneys across the nation. See, Michael S. Greco, *A Call to Action: We Must Do Everything in Our Power to Help the*

On January 20, 2006, the Court approved a supplemental order which allowed similar practice under the supervision of one of six legal services providers. Though temporary, the Court extended the order several times.¹²⁸ The state now has the authority to implement that order by proclamation of the Court. Colloquially referred to as a “Katrina Rule,” other jurisdictions would go on to enact similar rules to promote pro bono work in the wake of a disaster.¹²⁹

Southeast Louisiana Legal Services wasted no time with the order. Due to the outpouring of support, SLLS needed a single point of contact to manage the volunteer efforts. The Co-Director of SLLS, Mark Moreau, appointed Paul Tuttle as the organization’s first-ever pro bono coordinator.¹³⁰

Tuttle remembers going to an ABA conference in Denver shortly after Hurricane Katrina to drum up pro bono interest.

“The details are hazy, but [the ABA] got me to Denver, put me on a stage, and let me talk about what was needed in New Orleans.”

That stage time at the ABA meeting proved crucial, as Tuttle met Tripp Greason, an attorney from the Winston–Salem, North Carolina firm Womble Carlyle (“Womble”), the same firm at which Cannon worked at.¹³¹ Greason was the Pro Bono Director at Womble, and Cannon was on the firm’s Pro Bono Committee. It only made sense that Womble would have a substantial stake in the pro bono efforts.

Over the next few months, Greason, Cannon, and Tuttle worked on a plan to establish a title clearing clinic.¹³² Greason created

Hurricane Victims, ABA JOURNAL, Nov 2005, http://www.abajournal.com/magazine/article/a_call_to_action.

¹²⁸ Although outside the scope of the DLS program, the Court approved a temporary rule allowing the practice of non-admitted Louisiana attorneys to provide pro bono assistance on criminal matters for those in Orleans Parish, and to assist in the prosecution of cases in Orleans Parish with the District Attorney’s Office.

¹²⁹ See, *State Implementation of ABA Model Court Rule on Provision of Legal Services Following Determination of Major Disaster*, AMERICANBAR, https://www.americanbar.org/content/dam/aba/administrative/professional_responsibility/katrina_chart.authcheckdam.pdf (last visited Aug. 28, 2019) (hereinafter “State Implementation”).

¹³⁰ Katrina spared Tuttle’s home, but he did have a 5-month old at that time. “There were no schools or daycare, so my wife and I took turns taking our baby to work with us.” Telephone Interview with Paul Tuttle, former Pro Bono Coordinator, Southeast Louisiana Legal Services (Aug. 10, 2019).

¹³¹ The law firm is now Womble Bond Dickinson.

¹³² Louisiana follows French Civil Code instead of the English Common Law, and their title clearing procedures are costly and time consuming.

a partnership with the New Orleans law firm Stone Pigman, and by the summer of 2006, Womble was sending teams down to New Orleans every week.

“The summer of 2006 is when the legal needs really ramped up. At that time, many of the residents of New Orleans were returning to the city, and their legal disputes, especially those with FEMA, were surfacing,” said Cannon.¹³³

Title issues also referred to as “heirship” or “succession,” were common because applicants were unable to prove that they owned their homes. To be eligible for home repair assistance through FEMA, the applicant must show, among other things, that they own the property. Many New Orleans residents, especially those in the Lower Ninth Ward in New Orleans, lived in the homes that their grandparents lived in, and they did not have the title in their name. Without proof of valid title, FEMA would deny relief.

This is where pro bono attorneys made a significant contribution. The Womble team would work the title issues under the supervision of Greason and Tuttle. Volunteers would go to the convention center to sort documents, inspect them, research the title, and draft succession forms.¹³⁴ Once prepared, Tuttle would review and sign off on them.

Two years went by before the out-of-state attorney involvement started to taper off, but “that was okay, because there were a lot of displaced attorneys that were coming back and picking up the pro bono work,” said Tuttle.

Beginning in 2009, the Louisiana Legislature addressed the flaws in its succession laws. The legislature began amending the rules, and it increased the dollar threshold of a “small succession” from \$50,000 to \$75,000 in 2009, which then increased again to \$125,000

¹³³ Katrina was responsible for the ABA to move its Midyear Meeting from New Orleans to Chicago in February 2006. See, *MIDYEAR MOVES TO CHICAGO: Meeting Site Changed After New Orleans Cancels Conferences Through March*, ABA JOURNAL, Nov. 2005, at 67. The ABA would return to New Orleans for its 2012 Midyear Meeting. James Podgers, *Back to the Big Easy: ABA to Hold Its First Major Post-Katrina Meeting in New Orleans*, ABA JOURNAL, Feb. 2012, http://www.abajournal.com/magazine/article/back_to_the_big_easy_aba_to_hold_its_first_major_post-katrina_meeting.

¹³⁴ Tuttle believes the documents were flash frozen sent to Boston, where they were dried, sorted, and then returned to Louisiana and stored in piles at the convention center.

in 2017. The legislature streamlined the small succession process by making it faster and cheaper than the ordinary process.¹³⁵

The legal community stepped up to ease the burden on the residents of New Orleans. Although many people never fully recovered, the work that volunteers and legal aid attorneys did while living through the disaster themselves should be recognized and celebrated. At SLLS alone, its program worked over 1,100 FEMA claims, recovering over \$8 million for its clients. It also helped over 1,500 homeowners obtain over \$72 million in Road Home funding by clearing title issues in the subsequent years. At one point in time, SLLS represented one-quarter of all of the title work done by all of LSC's 132 grantees.¹³⁶

“It was our darkest, yet finest hour,” said Moreau.¹³⁷

Cannon believes that the DLS program matured through Katrina:

The size and scope of the program had not really changed up to that point. It essentially was a one-person show for years, and that person was on an island. I think the sentiment of the program prior to this was

¹³⁵ The original Act 81 of 2009 had several restrictions on the property that could be transferred, including that the property could not be worth more than \$50,000, that it had to be the Decedent's primary residence, and that it had to be transferred by the laws of intestacy. The new statute proved to be such a great success that in both 2011 and 2012, the Legislature revised the statute to broaden the definition of “small succession property” and to expand the use of this simplified process. The biggest change brought about from the Act in 2009 is that it allowed immovable property (real estate) to be transferred by affidavit. Previously, a succession judgment was needed. This was costly, which led to the problems seen in Katrina, since low-income people could not afford to transfer title legally.

¹³⁶ SLLS accomplished this despite having 100 percent of its staff displaced for at last six weeks after Katrina, of which one third of them never returned to New Orleans.

¹³⁷ Moreau's contributions reached further than the helping the disaster law community. When Congress enacted I.R.C. § 7526 in 1998, it created a new federal grant for the creation and continuation of Low Income Taxpayer Clinics (LITCs). Through Moreau's initiative, SLLS was one of the first recipients of the grant funds and created its own LITC. He became an expert on tax law and authored a self-published comprehensive manual entitled *Tax Law for Legal Services and Pro Bono Attorneys*, for which he shared at no cost to other legal aid organizations. Moreau was one of the pioneers on the inclusion of tax law as a practice area within legal services organizations. My first legal job after law school was running the LITC at Prairie State Legal Services, Inc. in Wheaton, Illinois. One of the first contacts I made was Moreau. Moreau was always friendly, and he would take the time to explain tax law to me, even though it was probably written clear as day in his manual. My time with Mark was limited, as he passed away on February 25, 2014, after a year and a half battle with kidney cancer. He was a dedicated public servant, and champion of those less fortunate. He is sorely missed.

“ok, this is a good program, and periodically we’ll get involved in disasters.” Everything changed because of Katrina.¹³⁸

L. Creation of the ABA Standing Committee on Disaster Response and Preparedness¹³⁹

Shortly after Hurricane Katrina, then ABA President Michael Greco appointed a Blue Ribbon Task Force to address the ABA’s response to Katrina. Then ABA Executive Director Robert Stein convened a parallel staff task force to support the Blue Ribbon Task Force and to coordinate inter-entity initiatives within the ABA.

The Blue Ribbon Task Force evolved in 2006 into the ABA Special Committee on Disaster Response and Preparedness, Co-Chaired by Tommy Wells, Carolyn Lamb, James Baillie, David Bienvenu, and Anthony Barash. The ABA reauthorized the Special Committee annually until 2014 when the ABA House of Delegates approved the transition into the ABA Standing Committee on Disaster Response and Preparedness (SCDRP).¹⁴⁰ Anthony Barash was the first

¹³⁸ At the ABA’s 2008 Annual Meeting, Cannon was named recipient of the *Pro Bono Publico* Award, which recognizes individuals and institutions that have personally delivered or improved the delivery of pro bono legal assistance to the poor and disadvantaged. It would be the first time that a young lawyer received the Award. In addition, at the same Annual Meeting, the ABA YLD named Cannon as a “Star of the Year” recipient.

¹³⁹ E-mail from Anthony Barash, former Chair of the Standing Committee on Disaster Response and Preparedness, to author (Aug. 7, 2019, 12:53 CST) (on file with author).

¹⁴⁰ The jurisdictional statement reads:
Disaster Response and Preparedness. The Standing Committee
on Disaster Response and Preparedness, which consists of up to nine members, shall:

- (a) endeavor to ensure that lawyers, law-related organizations, the judicial system and the public have the resources, legal services and information to prepare for, respond to and recover from major disasters;
- (b) provide technical assistance and planning advice to a wide range of constituents in the field, including bar associations, pro bono programs, legal services offices, bar leaders, law schools, corporate counsel, judges and government attorneys;
- (c) produce publications, maintain an on-line library of materials on a wide range of emergency management topics, and present seminars, webinars and workshops on relevant topics;
- (d) foster the development of disaster planning and recovery programs and activities by law firms, bar associations, corporate legal departments, law schools, government attorney offices and others;
- (e) analyze the scope and function of law-related emergency management programs;

Chair of the Standing Committee (2014-2016), followed by Chauntis Jenkins-Floyd (2017-2019); I took over as Chair in September 2019.

From Task Force to Standing Committee, the Association's disaster committee created numerous continuing legal education programs, webinars, resources, pro bono opportunities, and publications for the disaster legal aid community, which supplements the YLD's program. The Committee also introduced or co-sponsored several substantive disaster-related policy resolutions approved by the ABA House of Delegates.

The Model Court Rule on Provision of Legal Services Following Determination of Major Disaster (the "Katrina Rule") is perhaps the most important resolution on this topic. It is the Katrina Rule that enables the deployment of out-of-state lawyers to provide pro bono legal services in regions affected by major disasters and enables lawyers displaced by a major disaster in their home jurisdiction to provide legal services to similarly displaced clients in other jurisdictions.¹⁴¹ The ABA House of Delegates approved the Model Rule during the Midyear Meeting in 2007.¹⁴² At least 22 states/territories adopted the Katrina Rule in some form.¹⁴³

M. Post-Katrina Litigation Against FEMA

On the one-year anniversary of Hurricane Katrina, TRLA filed a lawsuit in the District Court in Washington D.C. in response to the inadequate information on denial notices that applicants received after

-
- (f) propose and review policy related to legal aspects of disaster response and preparedness, including the delivery of disaster legal services;
 - (g) coordinate among ABA entities and other entities in the legal and emergency management communities the Association's response to major disasters; and
 - (h) endeavor to ensure that the ABA's business continuity plans are up to date and periodically tested.

E-mail from Robin Rone, former Director, Young Lawyers Division, American Bar Association (May 1, 2018, 14:51 CST) (on file with author).

¹⁴¹ See State Implementation, *supra* note 129. For the 2019-2020 bar year, the Standing Committee on Disaster Response and Preparedness has renewed the effort to have every stated covered under a Katrina Rule and will be partnering with the Standing Committee on Pro Bono and Public Service.

¹⁴² ABA House of Delegates Meeting, Feb. 12, 2007.

¹⁴³ See, State Implementation, *supra* note 129.

Katrina.¹⁴⁴ As a result, FEMA was required to resend notices to approximately 4,000 applicants with a detailed basis for denial, which created a new appeal period.¹⁴⁵

This would not be the only post-Katrina lawsuit from the legal community. As stated above, the 1993 MOU between FEMA and the YLD contained a harsh provision that prohibited participating attorneys from bringing suit against any state, local, or federal agency. This was an obvious point of contention for legal aid organizations and DLS volunteers, as most of the legal issues were claims against FEMA. The restriction caused several legal aid groups to distance their programs from the DLS program, thus undermining the collaborative intent of the MOU.

This would all change in 2007. In March, TRLA staff was present in DRCs after a series of tornados struck in Eagle Pass, Texas.¹⁴⁶ While in the DRCs, TRLA attorneys would routinely discuss a variety of legal issues, including appealing adverse decisions by FEMA.¹⁴⁷ The local FEMA staff expressed that the MOU prohibited this type of advice to survivors.¹⁴⁸ TRLA emphasized that they were not part of the DLS effort and that the restriction was the sole reason for the separation.¹⁴⁹ The dispute arose toward the end of the response in Eagle Pass, so the local FEMA staff continued to allow TRLA in the DRC, but provided a warning that they would not do so the next time around.¹⁵⁰

The next time would only be a few weeks later after a severe flood occurred in the TRLA service area. This time, FEMA denied entry in the DRCs to many of the TRLA staff attorneys.¹⁵¹ TRLA immediately filed a lawsuit in federal court in Austin, Texas.¹⁵²

Katrina-era DLS Director Craig Cannon was subpoenaed to testify in the case. Cannon recalls that while on the stand, the Judge asked him what his stance was on the matter.¹⁵³ After telling the judge

¹⁴⁴ Telephone Interview with Tracy Figueroa, Disaster Assistance Group Coordinator, Texas RioGrande Legal Aid (Aug. 14, 2019).

¹⁴⁵ *Id.*

¹⁴⁶ *Id.*

¹⁴⁷ *Id.*

¹⁴⁸ *Id.*

¹⁴⁹ *Id.*

¹⁵⁰ Telephone Interview with Tracy Figueroa, *supra* note 144.

¹⁵¹ *Id.*

¹⁵² *Id.*

¹⁵³ Telephone Interview with Craig Cannon, Former DLS Director (Aug. 19, 2019).

that he thought the provision should be removed, the case was stayed, with an order for the parties to come together and find a solution.¹⁵⁴

Cannon then convened a meeting with representatives from TRLA, LSC, FEMA, as well as the ABA YLD, and the Standing Committee, at the Womble office in Washington, D.C.¹⁵⁵

“They all showed up with their General Counsels, and we spent a few days in a conference room and came up with a new agreement which removed that restriction.”¹⁵⁶

The ABA and FEMA signed a new MOU on June 16, 2007, which struck the prohibition on filing suit against FEMA and state and local government agencies.¹⁵⁷

One month after the execution of the new agreement, Tropical Storm Erin hit the TRLA service area. Thanks to the collaborative effort, TRLA attorneys had access to the DRCs, where they would advise disaster survivors about their right to file claims against the government.¹⁵⁸

“This was the biggest outcome for the DLS program as a result of Katrina,” said Cannon.¹⁵⁹

N. A New Disaster Resource Emerges

Pro Bono Net (PBN) was at the forefront of integrating technology with the delivery of legal services. Although not a disaster legal aid website after 9/11, it operated that way. In 2005, PBN, through the partnership of the ABA, LSC, and the National Legal Aid Defender Association, created the Katrina Legal Aid Resource Center,

¹⁵⁴ *Id.*

¹⁵⁵ *Id.*

¹⁵⁶ *Id.*

¹⁵⁷ Memorandum of Agreement Between the Department of Homeland Security/Federal Emergency Management Agency (DHS/FEMA) and The American Bar Association Disaster Legal Services (June 16, 2007) (on file with author); *See, FEMA And American Bar Association To Enhance Legal Services For Disaster Victims*, FEMA, <https://www.fema.gov/news-release/2007/11/15/fema-and-american-bar-association-enhance-legal-services-disaster-victims> (last visited Aug. 18, 2019).

¹⁵⁸ Telephone Interview with Tracy Figueroa, *supra* note 144; *See, Debra Weiss, Wildfire Volunteer Attorneys Can Sue Gov't, Even FEMA*, ABA JOURNAL, Oct. 29, 2007, available at http://www.abajournal.com/news/article/wildfire_volunteer_lawyers_can_sue_fema; *See also, Siobhan Morrissey, RESPONSE TEAM: New agreement gives YLD more flexibility to marshal legal responses to disasters*, ABA JOURNAL, July 2008, at 62-63.

¹⁵⁹ Telephone Interview with Craig Cannon, *supra* note 153.

located at KatrinaLegalAid.org.¹⁶⁰ The website served as a clearinghouse of information for legal aid attorneys, pro bono volunteers, and public defenders. Pro Bono Net also hosted the Student Hurricane Network, comprised of law students across the country dedicated to helping sort out the legal issues affected by Hurricanes Katrina and Rita.¹⁶¹

In 2008, PBN created DisasterLegalAid.org as an outgrowth of the Katrina Legal Aid Resource Center. This partnership was also among ABA, LSC, PBN, and NLADA.¹⁶² Lone Star Legal Aid joined as a subject-matter expert in 2012 through an LSC Technology Initiative Grant.¹⁶³

DisasterLegalAid.org has gone through several enhancements over the years, including a website overhaul and redesign in 2014. Today, the website serves as a comprehensive resource for legal aid attorneys, volunteers, and disaster survivors. In the wake of Superstorm Sandy, and in partnership with the New York City Bar Justice Center, PBN developed the FEMA Appeals Online Interview Tool, powered by one of PBN's programs, LawHelp Interactive. Survivors can input basic information about their matter, and the widget will generate a formal appeal, which the user can then print and send to FEMA.

O. Superstorm Sandy

In October 2012, the “largest” hurricane to reach the United States would make landfall on one of the most densely populated areas in the country.¹⁶⁴ Sandy triggered Major Disaster Declarations in 12

¹⁶⁰ *National Legal Aid Partners Launch “Katrina Legal Aid Resource Center,”* LSC, <https://www.lsc.gov/media-center/press-releases/2011/national-legal-aid-partners-launch-katrina-legal-aid-resource> (last visited Aug. 19, 2019).

¹⁶¹ See <https://www.studentjustice.org/>. The site is still active, but no longer updated.

¹⁶² *Four Groups Create Online Resource to Provide information for Disaster Victims,* LSC, www.lsc.gov/media-center/press-releases/2011/four-groups-create-online-resource-provide-information-disaster (last visited Aug. 19, 2019).

¹⁶³ Lone Star Legal Aid, *LSC TIG Program Funds Lone Star Legal Aid to Revamp Disasterlegalaid.org*, NAT'L DISASTER LEGAL AID, (Oct. 18, 2012), https://www.disasterlegalaid.org/news/article.449075-LSC_TIG_Program_Funds_Lone_Start_Legal_Aid_to_Revamp_DisasterLegalAidorg.

¹⁶⁴ See, *supra* note 20. There are many ways to “rank” a hurricane. Sandy ranks first in overall diameter, with gale force winds of 855 miles wide.

states and the District of Columbia.¹⁶⁵ At the time, it was the second–costliest hurricane in the United States.¹⁶⁶

Through the leadership of DLS Director David H. K. Nguyen, the YLD helped coordinate the legal response through four state–specific legal hotlines in New York, New Jersey, Connecticut, and Maryland. YLD members would go on to staff these hotlines and coordinate face–to–face assistance at DRCs. The DLS team met with stakeholders in person, immediately after the storm, to participate in volunteer attorney training and meet with FEMA and local bar associations.

“Sandy was one of the first disasters areas that we visited,” said Nguyen. “Before, we would respond remotely by reaching out to local partners over the phone or via e-mail. By meeting with all of the partners face to face, it made it much easier to collaborate.”¹⁶⁷

One of those partners was Touro Law Center. In the days after Sandy hit, Touro held a meeting with staff and faculty to discuss what the school’s response would be. At that meeting was Alena Shautsova, the YLD DR for New York.

“Our YLD rep was one of the first people to reach out to us. [Shautsova] provided critical guidance and resources for setting up a hotline and providing training,said Tom Maligno, Director of Pro Bono at Touro Law Center.”¹⁶⁸

Days after the staff and faculty meeting, Touro Launched TLC–HEART,¹⁶⁹ a disaster hotline staffed by experts to provide free legal assistance to local residents and businesses affected by the storm. TLC–HEART grew into the school’s full–time Disaster Relief Clinic, the first of its kind, which has since handled over 1,600 cases and

¹⁶⁵ Of the 12 disaster declarations, five received individual assistance declarations (which authorizes DLS): New York, New Jersey, Connecticut, and Maryland implemented DLS; however, Rhode Island declined to participate in the program. *Disasters*, FEMA, <https://www.fema.gov/disasters>, (last visited Aug. 31, 2019) (hereinafter “*Disasters*”). The other states, Delaware, Virginia, West Virginia, New Hampshire, Massachusetts, Ohio, Pennsylvania, and the District of Columbia’s limited to Public Assistance. *Id.*

¹⁶⁶ Second to Katrina, but since surpassed by Harvey, Maria, and Irma, all of which occurred in 2017. *Costliest U.S. tropical cyclones tables updated*, NAT’L HURRICANE CENTER, <https://www.nhc.noaa.gov/news/UpdatedCostliest.pdf> (last visited Aug. 31, 2019).

¹⁶⁷ Telephone Interview with David H. K. Nguyen, former DLS Director (Aug. 14, 2019).

¹⁶⁸ Telephone Interview with Thomas Maligno, Executive Director, Touro Public Advocacy Center (Aug. 15, 2019).

¹⁶⁹ Touro Law Center Hurricane Emergency Assistance and Referral Team. *See*, <https://www.tourolaw.edu/tlcheart> (last visited Aug. 20, 2019).

recovered over \$4 million for Sandy survivors.¹⁷⁰ Sandy was a reminder that law students play an important role after a disaster.

Touro was not the only organization responding to Sandy, and Nguyen noted the importance of having the ABA YLD as the facilitating entity. “We have a relationship with FEMA. We are a channel and facilitator to get the parties at the table. If you wanted to provide legal help, and FEMA did not know you, you were not getting into the DRC. You needed the YLD stamp of approval.”¹⁷¹

In Connecticut, advance planning was vital in the program’s success. When Hurricane Irene came through the year prior, District Representative Dana Hrelc prepared for the worst.¹⁷² Although she was personally without power for 13 days after Irene, no Presidential Declaration came, but the Hurricane motivated her and the legal community to have a plan in place in the event of a disaster declaration.

That declaration happened less than a year later with Sandy. “Once Sandy hit, we already had a plan in place; we had our PR materials and intake forms. We just changed the date and the logo, and we were able to get our disaster hotline up and running quickly,” Hrelc said.¹⁷³

In an unfortunate turn of events, Connecticut’s quick response may have contributed FEMA erroneously distributing this number as the hotline for New Jersey. “We were literally getting *hundreds* of phone calls per day from people in New Jersey. We wanted to help them, and thankfully, FEMA took full responsibility and gave us additional funding to help pay for staff to sort out all of the calls,” said Hrelc.

As expected, 90 percent of the calls were flood-related. Many people in Connecticut did not have power for several days, which meant they could not access the internet to get information on what to do next.

¹⁷⁰ Patricia R. Sturm, *Restoring Power: How a Law School Responded to Superstorm Sandy*, Touro Law Center (2014) <https://digitalcommons.tourolaw.edu/cgi/viewcontent.cgi?article=1036&context=jel> (last visited Aug. 20, 2019). This work was researched and compiled by Patricia R. Sturm, Esq. Touro Law Center Class of 2011. Ms. Sturm served as an AmeriCorps VISTA (Volunteer in Service to America) at Touro Law Center from November 2013 through November 2014.

¹⁷¹ Telephone Interview with David H. K. Nguyen, *supra* note 167.

¹⁷² Telephone Interview with Dana Hrelc, former YLD District Representative (Aug. 16, 2019). After serving as the District Representative for Connecticut, Hrelc would later go on to serve as the YLD Chair in 2018, when natural disasters would again be a concern as Hurricanes Harvey, Irma, and Maria hit five weeks apart, early into her leadership year.

¹⁷³ *Id.*

In total, volunteers helped approximately 800 callers with disaster-related issues. Hrelc recalls the significant time investment after Sandy, routinely spending 25 hours per week calling survivors and getting them to volunteers or other resources. “A lot of the people just wanted to talk to someone. They wanted to know what their next steps were, and that is not always legal advice. Sometimes, it is life advice, said Hrelc.”

Despite the considerable amount of time and attention spent on the program, Hrelc found the effort rewarding, “Working in this program gave me a greater appreciation for the impact an attorney can have in their community.”¹⁷⁴

Sandy provided more exposure to the role of civil legal services after a disaster. The Honorable Jonathan Lippman, then Chief Judge of the State of New York, convened a task force to expand access to legal services. In its fourth report, dated November 29, 2013, Nguyen expressed the importance of civil legal services in times of disasters was noted:

Not only [are] survivors...seeking much-needed assistance after a disaster strikes and within the year, and often, the years following, but many have complex legal issues that will last for many years...Without much-needed legal services for the low-income, not only will this vulnerable population struggle to recover, but they will continue to be unprepared for future disasters.¹⁷⁵

V. A FIRSTHAND ACCOUNT OF DLS: 2015 TO PRESENT DAY

A. My First Test As DLS Director

It was Thursday, August 20, 2015, when I got off the plane in Fort Lauderdale. I was heading to a YLD Cabinet Meeting when I got an e-mail from FEMA, requesting implementation of Disaster Legal Services on the island of Saipan after Typhoon Soudelor hit the Commonwealth of the Northern Mariana Islands, a U.S. territory. My term as DLS Director officially began at the beginning of the ABA Bar

¹⁷⁴ *Id.*

¹⁷⁵ The Chief Judge’s Hearing on Civil Legal Services, Second Dep’t, Oct. 1, 2013 (testimony of David H.K. Nguyen, Director, Disaster Legal Services Program, Young Lawyers Division, American Bar Association, at 105:16–112:05).

Year, on September 1, 2015, so I was “up.”¹⁷⁶ After a quick internet search, I discovered where Saipan was: in the western part of the Pacific Ocean. Saipan is closer to the Philippines, Indonesia, and Japan than it is to the continental U.S. It is also 7,200 miles away from my home in Chicago.

It was challenging to provide legal services in a U.S. territory, something that I would figure out all too painfully after the 2017 hurricane season. Given Saipan’s location, the time change is 14 hours ahead of Eastern Time, so my 9 p.m. conference call from Fort Lauderdale was 11 a.m. the next day in Saipan. The sound quality was terrible, as the Typhoon badly damaged most cellular towers on the island, and we spent most of the time repeating ourselves. After that call, I found it easier to communicate via e-mail or Skype.¹⁷⁷ Within a few days, we put a press release together and got the word out that legal services were available.

Another challenge included language barriers. In Saipan, the population is mostly Asian, or Pacific Islander (accounting for 85 percent of the population), and numerous languages are spoken on the island. We did our best to help the residents in Saipan through our partnership with Micronesian Legal Services Corporation, the local LSC grantee, and we learned a lot from that experience, but I always thought we could have done a better job.

B. The Thousand–Year Floods (which happened every year)

When Hurricane Joaquin made landfall in October 2015, it caused flash flooding in South Carolina and washed away bridges, roads, vehicles, and homes. It lives on today as “The Thousand–Year Flood.” This term refers to the probability (one–tenth of a percent) that an area would see a specific amount of rain within a 24–hour period.¹⁷⁸ Parts of South Carolina would go on to see more of these

¹⁷⁶ From August 2015 to August 2018, I was the Director of the Disaster Legal Services program, as such, some of the perspectives during this time may be in the first person, which I know will probably disqualify me for a Pulitzer, but hopefully will give a good perspective of the program.

¹⁷⁷ Most of my interactions were with Lee Pliscou, Executive Director of Micronesian Legal Services, Inc.

¹⁷⁸ See, *What is a 1,000-year flood?* U.S. GEOLOGICAL SURVEY, <https://www.usgs.gov/faqs/what-a-1000-year-flood/> (last visited Aug. 31, 2019).

“thousand-year floods” after Hurricane Matthew (2016) and Hurricane Florence (2018).

At the time, Ashleigh Wilson was the DR for South Carolina and the U.S. Virgin Islands. When she attended FEMA training earlier in the year at the annual YLD leadership training, she recalled seeing a map of the continental United States.¹⁷⁹ South Carolina was included with a handful of other states that had not seen a disaster declaration in the last ten years.¹⁸⁰ “Little did we know that a few months later, we would see one of the largest natural disasters the state had seen in my lifetime!”¹⁸¹

When the local partners first got word of the pending hurricane and its impact, they immediately got together to discuss the response. Identifying the local partners was relatively easy for Wilson, as she just created a plan of action several months earlier.

The plan of action was one of my initiatives for the 2015 bar year. DLS team members and DRs were to design a simple, two-page document that gives anyone holding it a good idea of who the local partners are, their contact information, and an overview of how DLS should operate locally in the time of a disaster.

Days after the flood, the DLS hotline was up and running and South Carolina Bar YLD members were accepting cases. The hotline was very active, receiving nearly 600 calls, largely in part to Wilson’s appearance on a local news segment in Columbia, South Carolina.¹⁸² Wilson notes that the program was very successful, but, at times, volunteers’ lack of subject matter expertise made it challenging to help survivors with every type of legal issue resulting from the disaster.¹⁸³

“Now that we have a few disasters under our belt in South Carolina, we have learned to better manage our resources so that we can effectively run the DLS hotline and provide assistance to disaster survivors in other ways that interest our young lawyers,” Wilson indicated.¹⁸⁴

The four-person DLS team did an admirable job in 2015. However, during my first year with the program, I felt that we could

¹⁷⁹ Telephone Interview with Ashleigh Wilson, former YLD District Representative (Aug. 19, 2019).

¹⁸⁰ *Id.*

¹⁸¹ *Id.*

¹⁸² *Id.*

¹⁸³ *Id.*

¹⁸⁴ *Id.*

be more effective if the team played a more active role in implementing DLS. The current structure relied heavily on the DRs to carry out the DLS duties; however, many of the DRs would respond to one, if any, disasters during their two-year term. This created a perpetual lack of institutional knowledge. The other concern was that from a proximity standpoint, the DRs were no better situated to respond to a disaster than the DLS team members, considering that 34 DRs cover 50 states and territories. For example, Alaska and Hawaii share a district. On alternating years, the DR will rotate between the two states, meaning that a DR from Honolulu may have to respond to an Earthquake in Anchorage.¹⁸⁵

A better way was to have DLS team members more involved in local responses. The DR would still play a part in the process, but the team members would use their experience from handling dozens of disasters to respond quicker and more efficiently. This would require more involvement from the team, so I knew that we would need to increase the team's size.¹⁸⁶

Having come from a legal aid background, I made it a point to recruit legal aid attorneys onto our disaster team.¹⁸⁷ Disaster law is substantially similar to poverty law, as many of the issues that legal aid attorneys handle are similar to the issues arising in a disaster. Legal aid attorneys are also some of the most dedicated and committed public servants you can find, so putting them on the DLS team was an obvious choice.

I had the good fortune of being on the YLD leadership appointment team in 2016 and was able to have substantial input on selection of the DLS team. I selected ten members, all of which either were current or former legal aid attorneys, or had experience working in disasters or emergency management. This was fortuitous, given the amount of disasters we would see over the next 3 years.

¹⁸⁵ Timing is everything. In 2017 and 2018, FEMA activated DLS two times in Hawaii, thankfully when the DR lived in Hawaii. Right after the District rotated to Alaska, a major earthquake hit in November, and the District Representative in Alaska was able to respond. As stated above, South Carolina shares a District with the U.S. Virgin Islands. Another extreme example is Mississippi and Puerto Rico, which share a district.

¹⁸⁶ I also took warning from my predecessor, who stated that disaster declarations increase during election years. See, *Swing States Get More Disaster Declarations – Especially Before Elections*, NPR MORNING EDITION (July 14, 2015) available at <https://www.npr.org/2015/07/14/422800645/swing-states-get-more-disaster-declarations-especially-before-elections>; Daniel Gross *Natural Disasters and Election Years*, NEWSWEEK, (Feb. 28, 2008), <https://www.newsweek.com/natural-disasters-and-election-years-94017>.

¹⁸⁷ See *supra* note 137.

C. The Forgotten Flood of 2016

“Nearly one-third of Louisiana’s parishes were underwater last week, but the country’s attention was fixed elsewhere.”¹⁸⁸ They did not call it a hurricane—it was not a tropical storm or even a tropical depression. Yet the storm with no name dumped 7.1 trillion gallons of water throughout Louisiana, three times more than the rainfall during Hurricane Katrina.¹⁸⁹ The Weather Channel Reported that Watson, Louisiana received more rain in four days (31.39 inches) than Los Angeles, California received in the past 55 months (29.18 inches).¹⁹⁰ For many residents in Louisiana, this was the worst disaster since Katrina struck nearly 11 years prior.

Like the flood in South Carolina, this was a thousand-year flood event. Some of the hardest-hit areas were not considered a flood risk; thus, most homeowners did not carry flood insurance.¹⁹¹

After Katrina, a new organization emerged, the Louisiana Civil Justice Center (LCJC), which would operate year-round to help meet the needs of Louisiana’s low-income residents and reduce the burden of legal aid programs. The LCJC also became the designated entity to host the YLD disaster hotline. Staff from the LCJC would answer disaster calls and provide on-the-spot advice for legal issues. Cases that could not be resolved on the phone would then be referred to volunteer attorneys or Southeast Louisiana Legal Services. The DLS team worked with both the LCJC and SLLS during the 2016 floods.

Tuggle stated that the YLD’s relationship with FEMA through its revised MOU proved to be “key” in getting updates such as DRC

¹⁸⁸ See, Charles W. Boustany, *The painful truth about Louisiana’s ‘forgotten flood’*, FOX NEWS (Aug. 24, 2016), <https://www.foxnews.com/opinion/the-painful-truth-about-louisianas-forgotten-flood>.

¹⁸⁹ Jason Samenow, *No-name storm dumped three times as much rain in Louisiana as Hurricane Katrina*, WASH. POST (Aug. 16, 2016) <https://www.washingtonpost.com/news/capital-weather-gang/wp/2016/08/19/no-name-storm-dumped-three-times-as-much-rain-in-louisiana-as-hurricane-katrina/?noredirect=on>.

¹⁹⁰ Paul Huttner, *‘It’s Just Insanity.’ Louisiana flood a sign of things to come?* MPR NEWS, Aug. 22, 2106 <https://www.mprnews.org/story/2016/08/22/its-just-insanity-louisiana-flood-a-sign-of-things-to-come>; see also

Sean Breslin (@sean_breslin), TWITTER (Aug. 16, 2016, 11:53 CST), https://twitter.com/Sean_Breslin/status/765592352304029697 (tweeting graphic from The Weather Channel).

¹⁹¹ St. Helen Parish, one of the hardest hit areas, had less than one percent of the homeowners had flood insurance.

openings and closures.¹⁹² Although they did not realize it at the time, in retrospect, she thought that FEMA might have been more receptive to listening to SLLS since the YLD was involved in those discussions.¹⁹³

“They let their guard down, and it was a collaborative environment. This just was not the case during Katrina,” said Tuggle.¹⁹⁴

When comparing Katrina to the Baton Rouge floods, advocates noted that FEMA was much easier to work with, especially on proof of ownership issues. For example, if the applicant’s name appeared on a tax record or another document, FEMA would accept that as an alternative proof of ownership. As discussed above, the title issues after Katrina were expensive and time-consuming for survivors; however, by allowing alternative documentation, survivors could get their cases resolved much quicker.

“It is much better, but not perfect.”¹⁹⁵

D. Hurricane Harvey

Where does one even begin when trying to discuss the YLD’s disaster efforts in 2017, a year that would turn out to be the costliest on record for natural disasters?¹⁹⁶ That year, there were 16 separate ‘billion-dollar disasters’ with the total price tag of at least \$306 billion.¹⁹⁷ Registrations for assistance increased tenfold from the year before to 4.7 million.¹⁹⁸ The devastating trio of Hurricanes Harvey,

¹⁹² Telephone Interview with Laura Tuggle, Executive Director, Southeast Louisiana Legal Services (Aug. 9, 2019).

¹⁹³ *Id.*

¹⁹⁴ *Id.*

¹⁹⁵ *Id.*

¹⁹⁶ See, *Megadisasters devastated America in 2017. And they’re only going to get worse.*, VOX, <https://www.vox.com/energy-and-environment/2017/12/28/16795490/natural-disasters-2017-hurricanes-wildfires-heat-climate-change-cost-deaths> (last visited Aug. 22, 2019).

¹⁹⁷ Doyle Rice, *Natural Disasters caused record \$306 billion in damage to U.S. in 2017*, U.S.A. TODAY, Jan. 8, 2018, <https://www.usatoday.com/story/weather/2018/01/08/natural-disasters-caused-record-306-billion-damage-u-s-2017/1012924001/>; see also Adam B. Smith, *2017 U.S. billion-dollar weather and climate disasters: a historic year in context*, CLIMATE.GOV, Jan. 8, 2018, <https://www.climate.gov/news-features/blogs/beyond-data/2017-us-billion-dollar-weather-and-climate-disasters-historic-year>.

¹⁹⁸ Joel Achenbach, *Federal aid claims jump tenfold in 2017, after series of record-breaking natural disasters*, WASH. POST, Nov. 18, 2017, <https://www.washingtonpost.com/national/federal-aid-claims-jump-tenfold-in-2017-after->

Irma, and Maria all hit within five weeks of each other, followed by record-setting fires in California. The timing and location of the disasters made it difficult for the agency to respond, and forced deployment of its “Surge Capacity Workforce” by the time Maria hit Puerto Rico and the U.S. Virgin Islands.¹⁹⁹

By the middle of 2017, it would have sounded foolish to proclaim that 2017 would be the worst year ever for disasters. Throughout the year and up until August, the DLS program was nearly idle. Several declarations occupied the team’s time: Floods in early February in Louisiana. Tornadoes in Missouri and Arkansas in May. A flood in Michigan in June.

On August 18, 2017, the President signed a Major Disaster Declaration for four counties in West Virginia. A paltry 500 Individual Assistance Applications were approved. The West Virginia disaster hotline rang less than a dozen times, half of which were likely calls originating from the DLS team to make sure the line was working.

One week before the West Virginia declaration, trouble was brewing off the coast of Africa. In early August, gusts of wind rolled off of the Sahara Desert and flowed to the scattered islands of Cape Verde, where the system picked up speed and intensity over the warm waters in the Atlantic Ocean.²⁰⁰ At one point, the formation degenerated to a Tropical Wave, but then rapidly intensified days before making landfall in Texas.

Knowing that this may be a “big one,” the DLS team organized a pre-event coordination call on Friday, August 25. Since it was unclear where Harvey would hit, partners from Texas and Louisiana were gathered. Both states had a disaster hotline already operational and were ready to hit the ground running. The pre-event coordination call was something that FEMA had not done in the past but adopted as a best practice for future short-notice disasters.

series-of-record-breaking-natural-disasters/2017/11/18/662887ce-bd8d-11e7-8444-a0d4f04b89eb_story.html.

¹⁹⁹ The Surge Capacity Workforce is a rare occurrence that that pulls employees from other federal employees to help. See, *Thousands of FEMA workers still helping with hurricane recovery in Texas and Florida*, WASH. EXAMINER, <https://www.washingtonexaminer.com/thousands-of-fema-workers-still-helping-with-hurricane-recovery-in-texas-and-florida> (last visited Aug. 22, 2019).

²⁰⁰ Many Atlantic hurricanes form near the Cape Verde Islands, which is why they may be referred to as ‘Cape Verde hurricanes.’ As the winds travel across the warm Atlantic waters, the systems usually intensify. The most catastrophic hurricanes to hit the United States have all been Cape Verde hurricanes.

By August 26, Harvey was now a Category 4 hurricane, making landfall at its peak intensity on San Jose Island, Texas, with sustained winds of 130 mph. Upon hitting the shore of Texas, Harvey stalled and dumped trillions of gallons of rainwater for two days before returning to the Gulf on August 26. By Monday, August 28, FEMA issued a letter of intent to DLS, and we were ready to roll out the program.

There was a problem. Lone Star Legal Aid's (LSLA) flagship office in Houston was on fire. An explosion and subsequent fire destroyed most of the building.²⁰¹ The explosion also destroyed the organization's e-mail server, which made communicating challenging at first.

Harvey was an event that we had not seen since Hurricane Katrina. Despite the vast improvements in means to communicate, there were still challenges, either through unintentional silos or egos getting in the way.²⁰² *Everyone* wanted to help. One way to try to corral everyone was to report our activities through daily e-mail updates. Below is an excerpt from our initial contact to many of the Texas partners, which was sent to anyone remotely related to the recovery efforts in Texas (hyperlinks removed):

Greetings – you are receiving this message because you either emailed directly regarding Harvey, or one of your colleagues dragged you into a thread. You are all BCC'd. My plan is to send a daily briefing at night to keep you up to speed on the DLS program, along with some other updates obtained from FEMA and the Red Cross. If you want out, just let me know. I started this thread because I am starting to see lots of “well-intentioned silos” develop, and I want to make sure that we are all moving forward, together, in the same direction. Most of you have already heard from me already, and are aware of the DLS program. For those of you who are not familiar, you can get more info

²⁰¹ At the time of publication, the office is still not operational. The Houston office of Latham and Watkins and McGuire Woods donated space for Lone Star attorneys and staff while they were displaced.

²⁰² The late George Bernard Shaw said “the single biggest problem in communication is the illusion that it has taken place.” Silos and egos continue to be a significant barrier to collaboration. Either the parties are unaware of the other efforts going on, or they choose not to engage in collaboration for a variety of reasons.

here. In short, when there is a disaster, the ABA YLD steps in to help broker disaster survivors with pro bono attorneys, with the assistance of the legal aid community. Subsequent updates will be rather short. This one is a tad long, but hopefully it gets everyone on the same page.

The most common question from attorneys around the country was how they could help.²⁰³ Many well-meaning people give clothing to shelters, as was the case in Texas; however, in most cases, this causes more problems than it solves. The reality is that there is generally no shortage of clothing after a disaster. Unsolicited donations complicate recovery efforts because it causes the receiving organization to pull resources away from other critical operations and directs them towards sorting and finding a place for the unsolicited donations.²⁰⁴

Another problem in a disaster is spontaneous unaffiliated volunteers (SUVs). SUVs are not associated with any part of the existing emergency management response system, and because of their spontaneous nature, their offers of help are often underutilized or even problematic for other reasons.²⁰⁵ To mitigate the occurrence of SUVs, we tried to give frequent updates on what the current need is so that

²⁰³ The ABA Journal put out information See, Andy Lefkowitz, *How you can help those affected by Hurricane Harvey*, ABA JOURNAL (Aug. 30, 2017), http://www.abajournal.com/news/article/how_you_can_help_those_affected_by_hurricane_harvey; Lee Rawles, *How can lawyers help Hurricane Harvey victims? Disaster response attorneys share tips (podcast)* (Aug. 29, 2017).

²⁰⁴ Disasters trigger an automatic response to help, many individuals lack the global impact of their actions in the aggregate, See, e.g., *How Bad For The Environment Can Throwing Away One Plastic Bottle Be? 30 Million People Wonder*, the ONION (Jan. 19, 2010), <https://www.theonion.com/how-bad-for-the-environment-can-throwing-away-one-plast-1819571260>. Even solicited donations cause logistical complications. In Beaumont, Tyson foods delivered a considerable amount of frozen chicken, but the locals needed to find a place to keep it cold. Telephone Interview with Baylor Wortham, former YLD District Representative (Aug. 28, 2019).

²⁰⁵ POINTS OF LIGHT FOUNDATION & VOLUNTEER CENTER NAT'L NETWORK, *Preventing a Disaster Within the Disaster: The Effective Use and Management of Unaffiliated Volunteers, National Criminal Justice Reference Service* (2002), <https://www.ncjrs.gov/pdffiles1/Archive/202852NCJRS.pdf>. The subtle difference with our deployment to Beaumont was that our resources were “pulled” from the local effort, and not “pushed” on to them. This is a common strategy for donation management—items should be in response to an identified need, not a suspected need, and most importantly, need to be coordinated.

volunteers can respond to a specific task, and not provide what they think is needed.

I saw the unsolicited donation problem firsthand when I went to Texas after Hurricane Harvey. I found myself in Port Arthur with nine volunteers, where we spent hours sorting and loading clothing into a pickup truck to be transported to a warehouse. The clothing needed to be taken care of immediately as a helicopter was expected to land in the area later that day, and having thousands of items of clothing in the landing area of a helicopter would be a disaster in itself.

How I ended up in Port Arthur is a perfect example of the spirit of the DLS program. A few days earlier, I booked a last-minute flight to Houston to help coordinate our DLS efforts. As I walked down the jetway and onto the plane, it dawned on me that I never bothered to figure out where to stay for the four nights that I was in Houston.

Alissa Gomez, who was transitioning from the Houston Volunteer Lawyers Program (HVLP) to the University of Houston Law Center, knew that I was heading to Texas that weekend. In a series of frantic text messages in the minutes before the plane took off, Gomez connected me with her mother, Rozanne, and after a few minutes, we resolved my housing issue for the weekend. Rozanne and her husband were extraordinary hosts. I would have been content sleeping in a rental car, but instead they provided me a comfortable bed and a full breakfast each morning. Rozanne also made sure that I had snacks to get me through the day.

As someone born in 1982, the first thing I did when I landed was to pull out my phone and check Facebook. While in the cab from the airport to Rozanne's home, I saw my friend and Beaumont resident Baylor Wortham post a photo of a dry erase board with items of critical need listed. I shared that photo and asked my friends and other YLD members to chip in a few dollars so that I could purchase supplies. Overnight, the post generated nearly \$1,300 in donations.

I then connected with YLD member Ray Panneton, who worked his magic to secure a 12-passenger van (rental cars were extremely hard to come by). Through donations from people all across the country, we checked every item of critical need of the list. We loaded the van, and the next morning, Panneton and seven of his friends joined me as we headed east to Beaumont to connect with Wortham. In a true act of selflessness, Wortham sent us to a church in Port Arthur where we unloaded the supplies. Wortham stated that the

town of Port Arthur was hit even harder than Beaumont, and that they were probably in more dire need of the supplies.

That takes us to Thomas Jefferson Middle School in Port Arthur, where we spent the remainder of the day helping the locals with their shelter operation, which included loading piles and piles of clothing on trucks to be warehoused at another location.

To address the unanswered questions of “what can attorneys do” I tried my best to update the legal community. In an e-mail to our Texas partners, I wrote:

I WANT TO HELP. WHAT CAN I DO?

In short, local attorneys are needed to address the immediate legal needs of survivors, which for the most part is providing legal information and legal advice (e.g., can my landlord do this, or can my employer do that, or how do I obtain a new birth certificate, etc.). The best way to help these individuals is to set up a table at local shelters. It does not take that long to get up to speed on these initial issues, and as you will read below, this is a coordinated effort with the Legal Aid community. Longer-term issues may be more complicated, but certainly learnable, as they will address issues such as denials of FEMA and insurance claims, contractor and other consumer matters, trusts and estate issues, and landlord/tenant issues. If you are unable to donate time or skills, consider donating money. In addition to the national members, The Texas Voluntary Organizations Active in Disaster (Texas VOAD) has a list of vetted disaster relief organizations providing services to survivors. Texas VOAD represents more than three dozen faith-based, community, nonprofit and non-government organizations. Harvey and Irma should serve as a call to action to get your own house in order. Also, September is National Preparedness Month, so think about what disaster preparedness and resilience means for your family, your work, and your community.

There is a reason the flight attendant asks you to secure your own mask before assisting others.²⁰⁶

Our response to Harvey would be an all hands on deck event. The DLS program worked with the State Bar of Texas, which operated the disaster hotline. Callers would self-identify which part of Texas they were calling from, and then be referred accordingly to Texas RioGrande Legal Aid, Lone Star Legal Aid, or Legal Assistance of North West Texas. The local LSC grantees would then work the cases or refer some of them to pro bono volunteers.

Although the state's disaster hotline is open all year, we officially closed our Harvey response on July 31, 2018. During that period, the LSC grantees worked 8,865 cases for Texans impacted by the hurricane. Survivors that were not eligible for LSC services, such as noncitizens or those who were over LSC income limits, were for the most part assisted by HVLP.²⁰⁷ The legal aid programs staffed a hotline, provided attorneys to help at disaster recovery centers, and provided outreach and training to both private attorneys and the general community.

Although everyone *wanted* to help, not everyone *actually* helped. The number of people who volunteered was reported as high as 1,600 to 2,600, but only a fraction of that number actually provided services.²⁰⁸ Our program recorded nearly 700 attorneys helping under the DLS program, as well as a handful of paralegals, translators, as well as assistance from approximately 300 law students.

E. Irma Hits the U.S. Virgin Islands and Florida

In the first week of September, Linda Anderson Stanley had a lot going on, considering she was the primary DLS team member assigned to coordinate the Texas response after Harvey. As a Tampa resident, she was anxiously preparing for a hurricane for the first

²⁰⁶ E-mail from Andrew VanSingel, DLS Director, to Texas legal partners (Sept. 8, 2017, 21:14 CST) (on file with author).

²⁰⁷ See *supra* note 18.

²⁰⁸ Debra Weiss, *Lawyers offering help to Hurricane Harvey victims include 1,600 volunteers from across the nation*, ABA JOURNAL (Sept. 6, 2017), http://www.abajournal.com/news/article/lawyers_offering_help_to_hurricane_harvey_victims_include_1600_volunteers_f.

time.²⁰⁹ As the likelihood that Irma would cause mass destruction in Florida, she was reassigned to coordinate the Florida response. Soon, she found herself packing her most important possessions, her two dogs, cat, and husband into their SUV and headed to Nashville to ride out the storm.²¹⁰ While her husband was behind the wheel, Stanley took care of DLS business from the passenger seat.

During Stanley's 19-hour evacuation drive, she set up and attended numerous conference calls with YLD District Representative Anthony Palermo,²¹¹ the Florida Bar, and all of the LSC grantees in the state to ensure that the response would be coordinated and that there was a clear plan for establishing the hotline.²¹² By the time she arrived safely in Nashville, conversations continued so that everyone was on the same page.

"Meanwhile, I was left wondering whether or not I would have a home to return to."

The planning paid off. With lots of credit to the Florida Bar and the Florida YLD, the response in Florida proved to be a model for other jurisdictions. Palermo distributed the DLS plan of action and began soliciting volunteers even before Irma made landfall. When the effort concluded, he published an article in *Law Practice Today*, which outlines the herculean effort made by the Florida legal community.²¹³

Prior to Irma making landfall in Florida, it took a swipe at the U.S. Virgin Islands (USVI), specifically St. Thomas and St. John, while sparing St. Croix. The sparing of St. Croix seemed fortuitous at first, as St. Croix would initially be the staging operation for responding to the needs of St. Thomas and St. John. Then Maria came, and wiped out St. Croix, leaving the entire USVI without food, water, or electricity for weeks.

²⁰⁹ Stanley moved from Chicago to Tampa in July 2014. Telephone Interview with Linda Anderson Stanley, current DLS Director (Aug. 17, 2019).

²¹⁰ For posterity purposes, during the editing process I told Stanley that this reads like her husband is a possession, and she said to keep it as is.

²¹¹ Palermo is the District Representative for Florida. He was succeeded by Austin Thacker, who established Florida's plan of action after Hurricane Matthew.

²¹² Telephone Interview with Linda Anderson Stanley, *supra* note 209.

²¹³ Anthony Palermo, *Lessons Learned in Providing Disaster Legal Services in Florida*, LAW PRACTICE TODAY, (Dec. 14, 2017), <https://www.lawpracticetoday.org/article/lessons-learned-providing-disaster-legal-services-florida/>. In the article, Palermo discusses the importance of the plan of action "which we realized need not be an immaculate law review article, but rather a working, accessible document that contained lists of relevant contacts, resources, and the 'big picture' of our response while maintaining room for adaptation to best deliver legal services." Now, Anthony has that immaculate law review article.

U.S. Virgin Islands District Representative Casey Payton had the challenging task of implementing DLS remotely. Although she is a USVI resident, she evacuated to Virginia.²¹⁴ Because of the work the LCJC did in Baton Rouge, I suggested to Casey that they administer the disaster hotline for the USVI and Puerto Rico.²¹⁵ Irma and Maria knocked out most of the cellular towers, making a local hotline of limited utility, at least in the first few weeks, when survivors are the most desperate for legal information.

When Irma and Maria survivors could make calls and establish contact, the hotline was serviceable. However, it did have limitations. If callers were not able to immediacy get through, they would leave a message, and it would be difficult to make return phone calls due to the lack of cellular service and power.

Interestingly, compromised cellular networks did not prevent Virgin Islanders from communicating with each other. WiFi was still available in several parts of the islands, which allowed people to communicate via social media, Skype, and WhatsApp. The Facebook page “What’s Going on St. Thomas” routinely served as a message board for anything disaster-related, from where to get a warm meal, to how to get legal assistance. The DLS team periodically shared DLS information on this page.

The legal community in the USVI overcame tremendous odds to assist those affected by the Hurricanes. Due to telephone connectivity issues, the first wave of volunteers on the island provided face-to-face advice and information. Without power or cellular service, many local attorneys jumped at the opportunity to help, as their own practices were at a standstill until the courts reopened and the power was restored.

The second wave of volunteer mobilization happened when cell and internet services resumed, and attorneys were able to contact clients and take cases to court.

Irma and Maria caused parents to evacuate their children to the mainland to stay with friends or relatives. Since the hurricanes destroyed most of the schools, those children stayed stateside so that

²¹⁴ Telephone Interview with Casey Payton, former YLD District Representative (Aug. 26, 2019).

²¹⁵ Lee Rawles, *ABA helps set up hotline for islanders needing legal assistance after hurricanes*, ABA JOURNAL, (Sept. 21, 2017), http://www.abajournal.com/news/article/aba_helps_set_up_hotline_for_for_islanders_needin_g_legal_assistance_after_h.

they could continue with their schooling. This gave rise to one of the most immediate needs after the disaster, which was obtaining guardianship paperwork.

The guardianship paperwork required the signature of a local judge, of which there were only two on the island, one in St. Thomas, and one in St. Croix. Lawyers had to improvise to get the paperwork prepared. Payton stated that lawyers were taking thumb drives to the courthouse, where the court would open the word document, and in some cases make minor edits, and then email the form back to the lawyer. Payton estimates that Legal Services of the Virgin Islands did at least 50 guardianships, and volunteers contributed another 50–100.

The DLS team found other ways to help. A friend of mine, David Hertz, works for Mophie in Kalamazoo, Michigan. Mophie manufactures battery packs for cell phones and other devices. Electricity was so hard to come by, so I thought that a donation by the company could make a big difference. Thanks to the generosity of Mophie, our partners at the American Red Cross received the shipment, and we were able to secure 500 battery packs. These packs were divided among private and government lawyers, offices that support the legal community (e.g., Supreme Court, Superior Court, Recorder of Deeds, Cadastral, Tax Assessor's Office, Tax Collector's Office); volunteer recovery workers with organizations including My Brothers Workshop and the Family Resource Center in St. Thomas, Love City Strong in St. John, and others in need. Steve Hardy, a YLD member on the island coordinated the distribution. In an e-mail to Hertz, Hardy expressed his appreciation on behalf of all of the recipients:

Everyone was extremely excited to receive the Mophie chargers. Many have asked me to pass along their gratitude and to let you know that the chargers have allowed them to keep in touch with loved ones and to continue to conduct business during these tough times. We do not expect that power will be fully resorted for a few months, so the chargers will continue to be invaluable for the near future. On behalf of all the recipients, thank you so much for the generous

donation. Mophie has really helped make this recovery period easier for 500 people and families.²¹⁶

F. Hurricane Maria

Hurricane Irma played a cruel joke on Puerto Ricans. News outlets advised everyone to prepare for the worst, but Irma merely grazed the far eastern part of the island, as well as the territory's eastern islands of Culebra and Vieques. As Maria was approaching Puerto Rico, some of the residents stated that they did not take the warnings seriously, and stated that Irma gave them a false sense of security.²¹⁷ Instead of a near miss, Maria made a direct hit on Puerto Rico, and its impact will be felt for at least the next decade.

The DLS program coordinated with *Servicios Legales de Puerto Rico*, the local LSC grantee on the island. The LCJC referred callers from the DLS hotline on matters that could not be resolved over the phone. As the Puerto Rico judiciary did not adopt a Katrina Rule, our ability to provide pro bono work in the territory was severely hindered.

Unfortunately, we were not as successful as we could have been in Puerto Rico, but not for lack of effort. In the early stages of our response, we reached out to a grassroots organization in Puerto Rico to discuss a partnership. The organization believed that the DLS program was an extension of FEMA, and surmised that it would create a conflict of interest and not in the best interest of disaster survivors if they partnered with us. Despite numerous pleas, which included having other LSC grantees “vouch” for us, the grassroots organization declined to work with the YLD on the recovery effort. It is worth noting that this grassroots organization in question did go on to help thousands of Puerto Ricans through its brigades across the island, and their work should be celebrated. We hope that in the future, we can partner with this organization to help assist in Puerto Rico legal recovery efforts.

Maria displaced many attorneys who were living in Puerto Rico, some of which would never return. Nicole Del Rio experienced this firsthand. Del Rio is a staff attorney at Bay Area Legal Services in Tampa and represented a significant amount of Puerto Ricans that

²¹⁶ E-mail from Steve Hardy, DLS Volunteer to David Hertz, Custom Print Manager, Mophie (Oct. 17, 2017, 09:08 CST) (on file with author).

²¹⁷ Interview with Alejandro Figueroa Quevedo, Deputy Director, *Servicios Legales de Puerto Rico*, in San Juan, P.R. (July 3, 2018).

fled the island. Many of the evacuees struggled financially due to the transition and commonly had housing issues. Avoiding an eviction is the highest priority when working these cases:

In Florida, it becomes a vicious cycle. Once you have an eviction on your public record, whether there is or is not a judgment, whether it is open or closed, whether it was dismissed or not, future landlords will not rent to you. For those that we catch before this happens, we work hard to prevent an eviction or resolve it in Court in the most favorable way if possible.²¹⁸

Del Rio, who is also Puerto Rican, was personally affected by Maria. Discussing it is still difficult for her. Her grandfather lived in Puerto Rico and passed away the Sunday after Maria made landfall on the island. Although he was sick at the time, the conditions on the island certainly contributed to his passing.

It is still a sensitive topic in my family. The lack of communication was incredible. My family had to drive over an hour around the island to find cell service. We could not get any information here in Florida from my family. My father missed his father's funeral because his flights kept getting canceled. The only way we found out family members were okay was because my father went to the island.²¹⁹

Nearly a year after the storm, ABA President Hilarie Bass and President-Elect Bob Carlson joined me during a visit to the USVI and Puerto Rico. One of the objectives of the visit was to discuss the implementation of the Katrina Rule so that volunteers residing off-island (or non-USVI or Puerto Rico admitted attorneys) could be able to provide pro bono legal assistance for any lingering hurricane-related cases, or for future disasters. The Supreme Court of the USVI quickly adopted a Katrina rule; however, we are still advocating for such a provision in Puerto Rico.

²¹⁸ Interview with Nicole Del Rio, Staff Attorney, Bay Area Legal Services (Aug. 19, 2019).

²¹⁹ *Id.*

G. 2018: Not Much Better

The price tag of the 2018 disasters was \$91 billion. Although this is only a fraction of the \$306 billion cost from the year before, the statistics are still sobering.²²⁰ In 2018, the DLS team responded to 17 disaster declarations, six of which were outside of the continental United States. During a four week period in September and October, the team would respond to five disasters, two of which were large scale incidents (Hurricanes Michael and Florence). The following is a list of disasters that the DLS team worked on in 2018:

- DR-4357 – American Samoa (March 2) Typhoon Gita
- DR-4362 – Alabama (April 26) Tornadoes
- DR-4363 – Indiana (May 4) Flooding
- DR-4364 – North Carolina (May 8) Tornadoes
- DR-4365 – Hawaii (May 8) Mudslides
- DR-4366 – Hawaii (May 11) Lava flow
- DR-4377 – Texas (July 6) Flooding
- DR-4382 – California (August 4) Wildfires
- DR-4393 – North Carolina (September 14) Hurricane Florence
- DR-4394 – South Carolina (September 16) Hurricane Florence
- DR-4396 – Northern Mariana Islands (September 29) Typhoon Mangkhut
- DR-4399 – Florida (October 11) Hurricane Michael²²¹
- DR-4400 – Georgia (October 14) Hurricane Michael
- DR-4402 – Wisconsin (October 18) Flooding

²²⁰ Umar Irfan and Brian Resnick, *3 Key Lessons from the Disasters that Hammered the US in 2018*, Vox, (Feb. 6, 2019), <https://www.vox.com/2018/12/27/18150160/natural-disasters-2018-hurricanes-wildfires-heat-climate-change-cost-deaths>.

²²¹ Michael never got the credit it was due. It was only the fourth time a Category 5 Hurricane made landfall in the United States, and the first since Andrew struck in 1992. The debris from the hurricane would be 10 times more in cubic tons than that of Irma. See, Jim Turner, *Hurricane Michael debris remains 'huge, huge undertaking,' says Ron DeSantis*, PENSACOLA NEWS JOURNAL (Jan. 17, 2019) <https://www.pnj.com/story/news/2019/01/17/hurricane-michael-debris-still-huge-huge-undertaking-says-desantis/2603579002/>. This is a remarkable statistic considering Irma hit the entire state of Florida, and Michael impacted only the Panhandle. *Id.* “I’m just constantly surprised at the scale of the debris,” DeSantis said. “For a storm that hit a relatively small portion of our state to have 10 times the debris of a storm (Irma) — that, granted, wasn’t as powerful but really ran up the whole state — that is a huge, huge undertaking.” *Id.*

- DR-4404 – Northern Mariana Islands (October 26) Typhoon Yutu
- DR-4407 – California (November 12) Wildfires
- DR-4413 – Alaska (January 31) Earthquake²²²

While all of these responses are worthy of their own story, the one that sticks out the most is our response to Typhoon Gita in American Samoa.

H. DLS in American Samoa

Sixty-five hundred miles away from Chicago, Illinois is Pago Pago, the capital of American Samoa. On February 7, 2018, Tropical Storm Gita decimated the territory. The following month, FEMA requested the activation of DLS. We faced a big challenge up front—who would do the legal work? Most attorneys on the island work for the government and are prohibited from taking pro bono cases. The handful of private practice attorneys on the island already bill at a fraction of the hourly billable rates on the mainland and were not in a position to volunteer.

Taking the lead from my experience with Harvey, I knew that we would have a better sense of the need and increase our chances of success if we could establish face-to-face contact on the island. This decision would lead to the DLS program doing something it had never done before—operating a remote FEMA appeals clinic.

While in American Samoa, I met with local leaders in the legal community. My main point of contact was Fainu’ulelei Ala’ilima-Utu (Fatu), Executive Director of American Samoa Legal Aid (ASLA). ASLA treated me like family when I was on the island.²²³ I provided the organization and volunteers with an overview of the DLS program, as well as training on typical substantive issues that arise after a disaster.

Another wrinkle in implementing DLS in American Samoa is that the legal system follows the Fa’amatai, which is the chiefly system

²²² See *Disasters*, *supra* note 165.

²²³ Prior to arriving to American Samoa, I worked with ASLA to identify any unmet needs. We leveraged our relationship with the ABA Fund for Justice and Education (FJE) to secure a grant of \$5,000 for ASLA, as well as \$600 in equipment. I also leveraged my relationship with Ladder Up, Chicago-based Volunteer Income Tax Assistance (VITA) program to donate two used laptops for the DRCs.

in Samoa. The village Chiefs, or Matai, handle disputes involving, among other things, property ownership. Property ownership is based on a communal land system, which accounts for approximately 90 percent of the property on the island. Communal land is held in accordance with Samoan custom and usage and is not owned individually. Among other things, the Matai resolves disputes concerning communal land. As stated in the discussion about Katrina, certain forms of relief under the Individuals and Households Program (IHP) require proof of ownership, which are difficult to produce due to the communal land system. To resolve this potential issue, we would get an affidavit from the Matai on the issue of ownership.

With the idea of remote work in mind, I met with the Honorable Michael Kruse, Chief Justice of the American Samoa Supreme Court, to discuss the DLS program. During this meeting, I asked for permission for mainland attorneys to be authorized to perform pro bono work for residents in American Samoa. Justice Kruse was amenable to our proposal. Attorneys would be permitted to be admitted on a *pro hoc vice* basis, so long as we provided the court with a certificate of good standing from the volunteer's practicing jurisdiction.

Upon returning home, I got to work on creating a remote appeals clinic from the ground up. Knowing that I would lose my mind if I did this myself, I brought in two superstars from the DLS team, Amanda Brown and Linda Anderson Stanley. Our collaborative efforts were essential to creating this new clinic.

The process started by making a friendly, and then desperate appeal for help.²²⁴ In sum, approximately 150 people signed up to help. Half of those volunteers washed out almost immediately when asked to provide a certificate of good standing. Two dozen more declined to take a case, leaving us with a group of 43 volunteers that took 51 cases.²²⁵

With a budget of exactly zero dollars, we got creative on how to recruit and manage volunteers. We created a signup sheet via Google forms. Those volunteers were vetted and then imported into

²²⁴ The friendly appeal netted six responses, the desperate plea, around 140.

²²⁵ We were very aggressive in our onboarding process and advised people to be realistic about their ability to commit. We wanted to avoid what we saw in Texas, where approximately 2,500 people signed up to volunteer, but less than 15 percent of the people took a case, resulting in an administrative nightmare for the State Bar of Texas. Because of the immediate desire to help, any volunteer effort needs to have advance planning, clear messaging, quick follow up, and lots of oversight.

Google sheets. Since the information was cloud-based, the three of us had secure access to the information so that we could make updates on-the-fly. As cases were sent to us from ASLA, we created a virtual folder on Box, a cloud-based file storage company. We then set the privacy settings so that only the assigned volunteer and the three DLS team members had access to each client folder.

Our remote clinic worked well, but it was not without its challenges. Specifically, FEMA does not send decision letters to third party representatives, despite an authorization being on file. In many cases, FEMA would send a denial or an award to the client, and the volunteer would be unaware of any communications. In some of these cases, further advocacy may be warranted, as the volunteer could submit a subsequent appeal.²²⁶ This required our impromptu clinic to also supervise the cases that were sent to volunteers. The deprivation of notice to third parties is a constant source of frustration, and to be honest; I am surprised nobody has filed suit against the FEMA because of this.

As stated above, we had issues with a handful of well-intentioned volunteers who failed to follow through on their commitment to take a case. On several occasions, we had to reassign a case because a volunteer would back out at the last moment. Some attorneys would have the courtesy to inform us of this, albeit on short notice, but others only gave notice when we made contact to follow up. Thankfully, we had volunteers like Elí Salomón Contreras and Kathy Bergin, who would drop everything to take cases on short notice.

Although the number of cases we took was relatively low, it still required a significant amount of time and coordination. To illustrate this point, I sent 174 e-mails regarding our American Samoa effort between February 2018 and August 2019. During the same period, I received 1,951 e-mails on the subject. This does not factor in the communications that Brown or Stanley made.²²⁷

After 18 months, the remote clinic is winding down. We are working with FEMA to secure decisions that were sent directly to applicants without the knowledge of a volunteer attorney. If

²²⁶ 44 CFR § 5189(a). Although the regulations permit only one appeal, the custom of the Agency is to allow multiple appeals if new information is presented.

²²⁷ A week prior to Harvey, I created a dedicated DLS e-mail account to better organize DLS communications. In the two years that followed, I sent or received 29,103 e-mails on DLS matters.

appropriate, we will continue to advocate for additional funds for survivors, which may extend the program for several more months.

Our response in American Samoa should further emphasize that the legal recovery still exists in the weeks, months, and even years after the first responders leave the disaster.

IV. CONCLUSION: DLS TODAY & IN THE FUTURE

The DLS program has come a long way since its initial agreement with OEP in 1973. Today, we maintain strong relationships with legal partners such as LSC and its grantees, Pro Bono Net, and state and local bar associations, including numerous YLD affiliates. We continue to cultivate relationships with non-legal partners, such as the American Red Cross and the Volunteer Organizations Active in Disaster. We continue to have a good relationship with FEMA, and routinely meet with the agency to discuss about best practices, lessons learned, and to resolve systemic issues.

As we look to the future, we will keep moving the program forward by continuing to integrate technology into our service delivery model. While advances in technology can build scale to a response, a great disaster plan can come to a standstill if it is overly reliant on cellular and WiFi connectivity (as we saw in the USVI and Puerto Rico). Nothing will ever replace the empathetic ear of an advocate volunteering in a shelter or a DRC, and our disaster plans must continue to have face-to-face contact with survivors.

Time spent preparing saves even more time responding. A common theme in the people interviewed was that advance planning was the single most important factor in their ability to adequately respond to the legal needs of the community. We will continue to work with disaster-prone areas on strengthening their disaster plans, as well as working with areas that have not experienced a disaster, to develop their own plan. True to our “whatever it takes” approach, our team is on standby to come to your state to help build a more resilient community—whether that is a CLE, an all-day planning session with area stakeholders, or anything else.

Concurrent with the publication of this article, LSC will publish its report on its Disaster Task Force, a year-long endeavor to foster and promote better cooperation, coordination, and collaboration between stakeholders. Like LSC, we will continue to promote the importance of preparedness and best practices in response and

continue to champion our program. Although disasters bring out the darkest of times, the future of the YLD's Disaster Legal Services program is bright.

In his closing address at the ABA Annual Meeting in San Francisco, ABA President Bob Carlson retold a story from Fred Rogers, the host of Mr. Rogers Neighborhood. When Mr. Rogers was a boy, he would watch the news and see scary things. His mother would comfort him by telling him, "Always look for the helpers; you will always find people who are helping."²²⁸

One of the scary things Carlson saw during his year as President of the Association were natural disasters.

As your President, I tried to help by calling attention to the helpers among us, who provide pro bono legal services to disaster survivors in locations across this country, far too numerous to mention. On behalf of a grateful Association, let me thank the Young Lawyers Division for their continued leadership in this area, and all the legal aid, and state and local bar programs who work with us. And thank you to those who have helped by doing pro bono about and spreading the word about opportunities to help.²²⁹

If anything, I hope this article shined a light on the DLS program, and on those who helped along the way. Many of these helpers stated that this was the most significant work of their legal career.²³⁰ I also hope it stirs a desire for you to be a helper. For all of the program's success over the years, we still need more helpers, whether they are law students, young lawyers, old lawyers, or non-lawyers.

We need to be helpers.

"For as Mr. Rogers noted – If you look for the helpers, you'll know that there's hope."²³¹

²²⁸ Bob Carlson, ABA President, Farewell address to the ABA House of Delegates at the ABA Annual Meeting in San Francisco, California (Aug. 12, 2019).

²²⁹ *Id.*

²³⁰ Bing, Bloom, Cannon, and Wissink all stated in their respective interviews that the work they did in the DLS program was one of the highlights of their legal career.

²³¹ Carlson, *supra* note 228.