

# **RHODE ISLAND BAR ASSOCIATION**

## **DISASTER RESPONSE PLAN**

Although the Rules of Professional Conduct specifically govern lawyers' solicitation of clients (rules 7.1, 7.2, 7.3 and 8.5), these rules are not well known by the public and are sometimes ignored by a small minority of lawyers. In the last several years, solicitation of personal injury cases at the sites of mass disasters has especially given rise to real and perceived abuses by some lawyers. The Rhode Island Bar Association ("RIBA") disaster response plan: alerts the public to these disciplinary Rules; monitors attorney compliance with these Rules; and requests reports of any violations of these Rules.

The implementation of a disaster response plan will allow the RIBA to play a key role in providing information to the public about the role of lawyers and the legal system. This, in turn, will help build and preserve the public's confidence in the legal system. Accordingly, the following Disaster Response Plan has been established.

### **I. The Disaster Response Team**

- A. The Disaster Response Team will be made up of the following:
1. President of the RIBA and the President-Elect; and Executive Director
  2. At the discretion of the President the following may be invited to serve on the team: Chair of the Committee on Ethics, or his/her designee; Chair of the Public Services Committee and the Directors of Communication and Public Services.

B. The President may appoint as members of a Disaster Response Team such other persons as the President deems appropriate.

C. All possible members of a Disaster Response Team shall receive appropriate training in order to be able to fulfill the duties outlined in the Plan.

## **II. Implementation and Coordination**

### **A. Implementation**

The President shall decide whether implementation of the Plan for a particular event is appropriate. In the absence or unavailability of the President, the President-Elect shall make the decision. If both the President and the President-Elect are absent or unavailable, the Executive Director shall make the decision.

### **B. Coordination**

The President (or his/her designee) and the Executive Director will be the coordinators of the Disaster Response Team. The coordinators shall confirm the individuals who will make up the Disaster Response Team and will assign specific responsibilities to the Team members.

## **III. On Site Representation**

A. In the event of a mass disaster, the Disaster Response Team shall be at the disaster headquarters within two (2) hours.

B. The Disaster Response Team's availability at the site should be made known to victims and their families.

C. The Disaster Response Team shall establish a liaison with the Red Cross, the Salvation Army or any other victims' organizations present at the site.

D. The Disaster Response Team shall provide assistance to the victims their families and the organizations helping the victims and shall furnish written materials to them when requested.

E. The legal service will be furnished on a volunteer, non-fee basis and involves matters such as the following: 1) assistance with insurance claims; 2) counseling on landlord/tenant problems; 3) assistance with home repair contracts; 4) assistance in consumer protection matters, remedies and procedures; 5) counseling on mortgage foreclosure problems; 6) replacement of wills and other important legal documents destroyed in a major disaster; 7) drafting of powers of attorney; 8) assistance with utility restoration; and 9) referring individuals to local and state agencies which might be of further assistance. Naturally, volunteer lawyers of this program are prohibited from accepting fee-generating cases in the course of providing services to disaster victims. These fee-generating cases will be referred to the Rhode Island Bar Association's Lawyer Referral Service.

F. The Disaster Response Team must avoid making any comments on the merits of claims that may rise from the disaster, and at no time shall the team become identified with any party of any controversy stemming from the occurrence of the disaster.

#### **IV. Publicity**

A. In general, the Director of Communications will be the contact person for the news media.

B. In order to establish an awareness and sensitivity prior to disaster situations, the Disaster Response Plan shall be publicized through the Rhode Island Bar Journal, stressing that the Plan is an effort to advise and assist the public in the event of a disaster.

C. As soon as possible after the formation of the Disaster Response Team for a particular disaster, an appropriate news release shall be prepared and disseminated.

D. Thereafter, news releases shall be prepared and disseminated as the Disaster Response Team deems appropriate.

E. The President or President-Elect shall be the Bar Association spokesperson

F. All news releases and comments must be evenhanded and not favor any party involved in the disaster.

V. **Follow-up Report**

As soon as possible following any disaster, the President shall prepare a written report of all Bar Association activity that occurred at the disaster site. The written report shall be submitted to the House of Delegates.