

## **The *Pro Bono* Response to September 11th**

In the wake of a disaster, there is usually little that lawyers can do to meet the immediate needs of suffering people. Admittedly, some of us pride ourselves at being able to play the hero and snatch victory from the jaws of defeat, helping someone who has failed to plan to salvage the legal and financial remnants of a life after a (usually foreseeable) debacle. But in the face of a wider, monumental disaster such as occurred on September 11, 2001, the magnitude of which is unthinkable (or at least used to be) and planning for which is beyond the scope of human imagination, the redress of victims' legal issues and the containment of attendant financial woes, while mitigating of the underlying, more basic distress, is at the end of the day a remedy only for various species of externality. The real loss is left for other professions to address – that is, usually.

After the attacks on the World Trade Center and the Pentagon, lawyers (most of them Trusts and Estates lawyers) stepped forward *pro bono publico* in an unparalleled effort to assist the victims of the attacks and their families. But in this instance assistance with legal issues did much as well to ameliorate the agony of real loss. Indeed, William J. Dean, Executive Director of Volunteers of Legal Service, has described September 11, 2001, as a defining moment in the life of the legal profession.<sup>1</sup> As he inventoried the host of projects that attorneys came forward to staff, he chronicled what he and Evan Davis, then President of the Association of the Bar of the City of New York, have described as “an instantaneous eagerness to help,” a feeling of “caring and concern.” In the days and weeks that followed upon the disaster, overflow crowds – more lawyers than could squeeze into the *one thousand seat* Great Hall at the New York City Bar Association – turned out night after night for training in the particular legal issues confronting

individuals and small businesses victimized in the attacks, in order to provide free representation.<sup>2</sup> Lawyers from other jurisdictions also came forward in record numbers to provide assistance *pro bono* to local victims. New Jersey, Connecticut, Pennsylvania, Maryland, Virginia, and the District of Columbia all saw an extraordinary response on the part of the legal community in the face of human tragedy.

Although no precise data is available, it is safe to estimate that in the history of the legal profession no single event has ever led to a greater outpouring of *pro bono* legal work. One of the lowest moments in our nation's history may have led to one of the most extraordinary moments in the history of our profession. The Association's City Bar Fund undertook no less than six major projects. For example, an estimated eight hundred lawyers came forward for training in an expedited procedure, newly promulgated by New York City in the aftermath of the disaster, for the issuance of death certificates.<sup>3</sup> Later, the Family Facilitator Project was developed so that a sad and overwhelmed family could look to one attorney/facilitator to inventory the family's specific needs from potentially diverse and wide-ranging practice areas, assisting the family where able and for other legal problems directing it to volunteers with expertise in other practice areas. A walk-in center was made available to small business owners for help with issues such as insurance, commercial leases, employment, contracts, and bankruptcy. Drove of paralegals and secretaries came forward to notarize New York State Crime Victims Board application forms so that families could obtain immediate financial assistance. Within one week of the attacks, the American Bar Association's Young Lawyers Division established a program jointly with the Federal Emergency Management Agency providing volunteer lawyers.

The list continues: The New York County Lawyers' Association assembled a team of 45 trusts and estates lawyers to handle all estate-related matters of families of emergency workers who were killed in the attack. The two principal providers of civil legal services in New York City – the Legal Aid Society and Legal Services for New York City – trained volunteer attorneys in the areas of housing, immigration, and public benefits. The New York State Trial Lawyers Association and the American Trial Lawyers Association have undertaken to handle cases on a *pro bono* basis for victims and family members eligible to make claims under the federal September 11<sup>th</sup> Victims Compensation Fund. The Lawyer's Alliance of New York addressed the needs of non-profit organizations effected by the attack. The Lawyer's Alliance also provided support to organizations which were not harmed by the attack but which were collecting funds for disaster relief or providing grief counseling or job placement assistance to workers.

We could go on. The quantity of the work has been astounding, even with hundreds of volunteers. (The first day volunteer lawyers assisted families obtain death certificates, 130 lawyers assisted 300 families.<sup>4</sup>) One of the authors alone handled more than a dozen death certificate applications and more than ten administration proceedings. And the effort is on-going. At this writing the City Bar seeks volunteer attorneys to assist with two or three new administration proceedings per week. Further, procedures under the September 11th Victims Compensation Fund to prepare applications to the Special Master (the *pro bono* effort here spearheaded by Trial Lawyers that Care, a special program of the American Trial Lawyers Association) are only now beginning and may take years to complete, since Court approval is usually necessary for the distribution of the funds after the award has been made.

Finally, there has been nothing dry or bureaucratic about this work. Indeed, here the legal dimension has not operated as a distant abstraction, standing apart from grief, but has served as a rubric – a ritual even – by which families took the initial, painful steps of moving forward in time. A major need was to help families obtain death certificates for loved ones whose bodies had not been recovered from the World Trade Center site and where recovery, if ever achieved, was likely to take months. The preparation of affidavits to establish the likelihood of a loved one’s presence at the Towers at the time of the attack was a necessary step in establishing the death of the person so that the family could begin the process of administering the decedent’s estate, gaining access to his possessions, to insurance, etc. But for families this process was often the initial act of surrendering their hopes of discovering loved ones alive – the first step in the arduous undertaking of healing. Navigating this rubric for them – with them – were the hundreds of volunteer attorneys. And as in all these projects, as the legal work here progressed in its characteristically methodical way, all concerned – lawyers included – slowly acquired a visceral understanding of the magnitude of what occurred on September 11, 2001.

Iris Goodwin  
Robert D. Steele

---

<sup>1</sup> William J. Dean, *September 11 and Beyond*, Pro Bono Digest, N.Y.L.J., Nov. 11, 2001 at 3.  
<sup>2</sup> *Bar’s Pro Bono Efforts Enter Second Phase*, N.Y.L.J., Oct. 3, 2001 at 1.  
<sup>3</sup> *Id.*  
<sup>4</sup> *Volunteer Lawyers Aid Kin of Missing*, N.Y.L.J. Sept. 27, 2001 at 1.