



## ABA Young Lawyers Division Disaster Legal Services Frequently Asked Questions

### HOW IT WORKS

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#### **What is the ABA YLD's relationship with FEMA?**

In about 1978, the Federal Emergency Management Agency (FEMA) entered into a Memorandum of Understanding with the ABA Young Lawyers Division, which created the Disaster Legal Assistance program offered by FEMA. ABA YLD has operated under the current version since 1993.

#### **What does the Memorandum of Understanding entail?**

The memorandum requires the ABA YLD to provide pro bono disaster related legal services to low-income victims of a federally-declared disaster when asked to do so by FEMA.

#### **When does the memorandum apply?**

The memorandum applies when FEMA requests such services. Note that not all federally-declared disasters result in the implementation of disaster legal services.

#### **Who determines whether we should get involved?**

The relevant FEMA Regional Director determines whether our help is needed in a declared disaster.

#### **Can FEMA establish an agreement with another entity at any time under the Memorandum of Understanding?**

Yes. The memorandum is not exclusive, in that FEMA can go to another entity instead of coming to us.

#### **How does the arrangement generally work?**

When disaster strikes and FEMA evokes the Memorandum, FEMA contacts the ABA YLD National Coordinator, who contacts the relevant ABA YLD District Representative. The District Representative contacts the leaders of the state and local bar associations to implement the state's disaster legal service plan. The Representative also sets up and staffs a toll free number that FEMA publicizes throughout the disaster areas for qualified victims to obtain legal services. Victims' initial telephone calls are answered by an intake operator who assesses the issues and determines whether they need to go to a volunteer attorney. If so, callers are asked for a phone number where they can be reached in 24-48 hours. The operator then emails the intake forms to volunteer attorneys who are charged with connecting with the victims within that timeframe to provide service.

#### **What is the purpose of the hotlines?**

Hotlines are established to provide immediate and temporary assistance to disaster victims.

#### **Where is the call center located?**

The ABA YLD establishes a toll-free hotline located in the affected state, disaster recovery centers, and attorney's offices.

#### **Does the ABA get funding to run the hotline program?**

Only reimbursement where applicable, and nothing for the overhead costs to sustain it (e.g., staff time). For example, we get reimbursed for YLD District and National Representatives' annual FEMA training session expenses and for hotline telephone bills. We also serve as a "pass through" to pay call center expenses approved by FEMA incurred by the relevant state and local bar associations.

#### **What do we do in the interim?**

Our District and National Representatives assist and encourage their respective states to devise, update, and implement disaster plans.

## **VICTIMS**

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### **Who is assisted?**

Low-income individuals with disaster-related issues.

### **What if a caller presents a potentially fee-generating case?**

Such callers would be redirected to the local bar association's attorney referral service, as fee-generating cases are not covered under this project.

### **What if a caller wants to sue FEMA?**

Volunteer attorneys will refer the caller to the FEMA hotline and to the lawyer referral network for that particular state, but will not affirmatively assist with such an action.

### **What if a caller wants to appeal a determination by FEMA?**

Victims do not waive their rights to an appeal by using this service. Volunteer attorneys will explain how to appeal but will not affirmatively assist with those appeals (note that the letter FEMA sends to deny benefits includes a written explanation of the appeal process). In addition, DLS volunteers refer individuals to the FEMA hotline and to the lawyer referral network for that particular state for matters for which the program cannot provide assistance.

## **VOLUNTEERS**

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### **Who can volunteer?**

Any appropriately licensed attorney agreeing to participate in the program under its established terms can volunteer. This is true regardless of age, stage, or ABA membership status.

### **Who determines where attorneys volunteering to answer the hotline must be licensed?**

Individual states. If the affected state does not waive its licensing requirements, we cannot let attorneys licensed in another state aid its victims via the hotline. Note that after Hurricane Katrina, Mississippi quickly allowed out of state attorneys to represent clients in pro bono matters, whereas Louisiana took some time to do so. New York never waived the requirement for 9-11 assistance.

### **How experienced does an attorney have to be to assist?**

There is no experience level requirement. Assistance is appreciated by senior attorneys, however, junior attorneys tend to more frequently answer the call.

### **What if an attorney is assigned a case they are not comfortable taking?**

If an attorney feels a case is beyond his/her legal expertise, s/he can call the hotline to have it reassigned.

### **Do attorneys who participate in the hotline get paid?**

No. Attorneys are providing service on a pro bono basis and may not receive reimbursement for their time and effort.



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