

# CONFERENCE OF CHIEF JUSTICES

## Resolution 2

### In Support of the Provision of Legal Services following a Major Disaster or Public Emergency

WHEREAS, according to the Federal Emergency Management Agency (FEMA), at least one natural disaster occurs every week in the United States;<sup>1</sup> and

WHEREAS, according to the Legal Services Corporation, low-income families and individuals are most vulnerable when disaster strikes, particularly in the areas of family and housing assistance, identification and documentation recovery, and emergency benefits;<sup>2</sup> and

WHEREAS, the American Bar Association (ABA) has stated that "bar associations . . . have a duty to assist the general public in recovering from a disaster" with the goal of "enhanc[ing] community resilience should a disaster strike";<sup>3</sup> and

WHEREAS, the ABA has urged state and local bar associations to create permanent standing committees dedicated to emergency management planning and response;<sup>4</sup> and

WHEREAS, the ABA has devised a Model Rule on the Provision of Legal Services following Determination of Major Disaster, that would permit out-of-state lawyers to provide pro bono legal services in a jurisdiction affected by such a crisis, and 16 states have adopted that Rule;<sup>5</sup> and

WHEREAS, various states have created a number of resources, such as disaster manuals and emergency-specific guides, to assist organizations that seek to provide legal services after a natural disaster strikes;<sup>6</sup> and

WHEREAS, in the aftermath of Superstorm Sandy in New York, local bar associations and legal aid organizations collaborated to provide disaster-related legal services to victims, and with assistance from the New York State Bar Association, LawHelpNY published a toolkit intending to provide guidance to organizations in publicizing legal aid and disaster-related resources through social media and online search engines;<sup>7</sup> and

WHEREAS, the State Bar of Texas has collaborated with Lone Star Legal Aid to develop a disaster manual structured in a simple question and answer format, which volunteer attorneys can easily use to field questions from individuals affected by disasters, concerning subjects such as FEMA assistance, landlord/tenant issues, real and personal property law, employment law, social security and finance, consumer protection, health

care, bankruptcy, replacement of lost documents, and family law, and linking attorneys to national and local resources to provide to clients;<sup>8</sup> and

WHEREAS, in response to flooding in Illinois in 2011 and 2013, the Illinois Bar Association created a disaster legal services manual targeted at residents and volunteer attorneys to address similar legal questions to those raised in the Texas manual, and further provided a disaster preparedness checklist listing important documents that evacuating residents should collect before leaving their homes;<sup>9</sup> and

WHEREAS, following the impact of Hurricane Florence on North Carolina and South Carolina, the Self-Represented Litigation Network partnered with local organizations and bar associations to use maps displaying demographic information to assess populations with unmet legal needs, and to coordinate a response assisting low-income individuals with civil legal aid;<sup>10</sup>

NOW, THEREFORE, BE IT RESOLVED that state courts encourage the bar associations in each state to establish emergency preparedness committees so that they are prepared to assist individuals of limited means in the event of a natural disaster or other public emergency in their state and in other states and territories.

Adopted as proposed by the CCJ Access and Fairness Committee and the CCJ Security and Emergency Preparedness Committee at the CCJ 2019 Midyear Meeting on February 13, 2019.

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<sup>1</sup> See Federal Emergency Management Agency, *Data Visualization: Summary of Disaster Declarations and Grants*, at <http://www.fema.gov/data-visualization-disaster-declarations-and-grants> (last visited Jan. 16, 2019).

<sup>2</sup> See Legal Services Corporation, *The Role Of Legal Aid In Disaster Recovery*, <https://www.lsc.gov/media-center/publications/role-legal-aid-disaster-recovery> (last visited Jan. 16, 2019).

<sup>3</sup> American Bar Association, *Resolution 116 Adopted by the House of Delegates August 8-9, 2011*, pp. 5, 7, available at [https://www.americanbar.org/content/dam/aba/directories/policy/2011\\_am\\_116.authcheckdam.pdf](https://www.americanbar.org/content/dam/aba/directories/policy/2011_am_116.authcheckdam.pdf).

<sup>4</sup> *Id.* at p. 1.

<sup>5</sup> *Id.* at p. 5; American Bar Association, *Disaster Response & Preparedness: Resources for Courts*, [https://www.americanbar.org/groups/committees/disaster/resources/resources\\_for\\_courts/](https://www.americanbar.org/groups/committees/disaster/resources/resources_for_courts/) (last visited Jan. 16, 2019).

<sup>6</sup> See generally National Disaster Legal Aid, *Resources for Legal Aid Professionals: Disaster Manuals and Trainings*, <https://www.disasterlegalaid.org/legalaidstaff/item.5382-Disaster-Manuals-and-Presentations> (last visited Jan. 16, 2019).

<sup>7</sup> LawHelpNY, *Leveraging Social Media and SEO for Online Disaster Outreach: Lessons from Sandy*, [https://issuu.com/lawhelpny/docs/disaster\\_relief\\_toolkit\\_final](https://issuu.com/lawhelpny/docs/disaster_relief_toolkit_final) (last visited Jan. 16, 2019).

<sup>8</sup> State Bar of Texas, *Disaster Manual*, <http://live-txlg.pantheonsite.io/article/disaster-manual-introduction> (last visited Jan. 16, 2019).

<sup>9</sup> The Illinois State Bar Association, *Disaster Legal Services Manual: A Resource for Illinoisans and Illinois Lawyers*, <https://www.isba.org/sites/default/files/committees/deliveryoflegalservices/Disaster%20Legal%20Services%20Manual.pdf> (last visited Jan. 16, 2019).

<sup>10</sup> See Self-Represented Litigation Network et al., *Stronger Than the Storm: How Civil Legal Help Is Vital to Recovery from Hurricane Florence*, <https://srln.maps.arcgis.com/apps/Cascade/index.html?appid=138b6402721a4acc9fefa5bb338b95e0> (last visited Jan. 16, 2019); Self-Represented Litigation Network et al., *North Carolina after Florence: Who's Most Impacted?*, <https://srln.maps.arcgis.com/apps/MapJournal/index.html?appid=d0bdfd43ff1b4d6192404776801d086e> (last visited Jan. 16, 2019); Self-Represented Litigation Network et al., *South Carolina after Florence: Who's Most Impacted?*, <https://srln.maps.arcgis.com/apps/MapJournal/index.html?appid=018298d2ff7d49fdaed7a5971c211f05> (last visited Jan. 16, 2019).