

## Civil Legal Aid's Essential Role In Wildfire Response

By **John Levi and Robert Malionek** (January 27, 2019, 8:02 PM EST)

As the nearly 50,000 people displaced by the October wildfires in California continue to seek refuge where they can — in shelters, hotels, churches, friends' houses and even tents — they are encountering challenges well beyond the flames, smoke and ash of the fall.

Wildfires and other natural disasters, such as hurricanes, tornadoes and floods, present a wide range of often unanticipated civil legal challenges that can haunt survivors for years.

After working with first responders to take care of life and limb, survivors should be able to turn to a second wave of responders from the legal community to preserve their rights and ensure their security.

Survivors often must replace crucial legal documents such as birth certificates, social security cards, driver's licenses and deeds. They may struggle with insurance claims and filing for FEMA and other public benefits. They may also need to get their children access to public education during this displacement.

Survivors may experience landlord price gouging or other landlord-tenant issues, such as getting timely repairs made, as well as fighting unlawful foreclosures and evictions. And to get those repairs, homeowners may need to fend off fraudulent contractors who tend to show up in the wake of disasters.

Some will need to establish powers of attorney for children or seniors. Eventually, they may have to deal with property title clearing, probate and perhaps bankruptcy.

And the stresses of coping with natural disasters often result in an increase in intimate partner violence and child abuse.

Many disaster survivors have no idea how to deal with these issues and may not even recognize that they are legal issues. The impact of natural disasters and subsequent challenges is greatest on low-income survivors. After being battered by nature, they are left stranded in the worst moments of their lives without the resources or wherewithal to access the justice system to protect their rights.

In April 2018, the board of directors of the Legal Services Corp., or LSC, created a disaster task force to



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take a comprehensive approach to preparing for disasters and assisting low-income survivors in recovering from the impact of a disaster. The 63 members include leaders from the business, legal and emergency management communities; LSC grantees (legal aid and legal services organizations); and other stakeholders.

Organizations that specialize in legal aid and legal services can offer resources and information to help low-income survivors respond to disasters and emergencies. When disasters strike, LSC grantees mobilize attorneys to provide pro bono legal assistance and direct representation to low-income survivors in affected communities. Working with other stakeholders, LSC-funded organizations set up hotlines and staff disaster recovery centers.

Despite these efforts, far too many disaster survivors do not receive the help they need. Civil legal aid providers may be focused on other aspects of aid or may not be familiar with the needs that arise in the aftermath of a disaster. They may not have the staff or resources to coordinate with disaster response organizations. Disaster response organizations, in turn, may be focused on other aspects of disaster relief and may be unfamiliar with the legal rights and challenges faced by disaster survivors and the particular needs of low-income communities. Sometimes the disaster is so unexpected that the community's very foundations and institutions are rocked to their core.

The task force will gather best practices from regions across the United States and will share that knowledge from community to community. By learning how communities cope with common disasters, the task force seeks to draw on the expertise of first responders and others who work on the ground in the immediate aftermath. The task force will be able to help communities offer critical legal assistance and replicate historically successful, disaster-specific approaches.

The task force is working with judicial, business and emergency management communities to increase awareness of civil legal aid disaster preparedness, response and recovery. In partnership with these communities as well as with legal aid providers, it is developing a systematic approach to preparing for and responding to the legal needs of low-income Americans who have experienced a disaster.

LSC Board Vice Chair Martha Minow, LSC Board Member Father Pius Pietrzyk and the Honorable Jonathan Lippman, former chief judge of the state of New York and of counsel in the New York office of Latham & Watkins LLP, are serving as co-chairs of the task force. The task force will also develop best practices recommendations and produce a toolkit to help legal aid programs and court systems improve the effectiveness and timeliness of their disaster preparation and response.

Latham & Watkins serves as pro bono counsel to the LSC disaster task force. Latham hosted the task force's organizational meeting in Washington in April and its first field hearing in Houston in December. The task force will hold another field hearing in Miami and will issue its report and findings later this year in Washington.

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