

**Pro Bono & Natural Disaster Recovery
Interview with Tiela Chalmers from Alameda County Bar Association**

Question: What are some common challenges law firms have trying to participate in pro bono regarding natural disasters from your perspective and experience?

Answer:

- The first challenge is often that it's hard sometimes for folks new to this area to imagine what legal issues there would be related to disasters. So first we have to do a good job to explain the many legal issues that arise – first landlord-tenant or homeowner issues and employment problems, then FEMA denials, insurance claim problems, consumer issues, etc.
- Many of the disaster legal services needs can readily be met by attorneys in large law firms: FEMA appeals are particularly well-suited, and housing and consumer issues also work well. The big category of cases that large law firms cannot usually handle is insurance problems. For these, we generally go to the plaintiffs' bar.
- Of course, there is also the issue of whether the attorneys are admitted in the state where the disaster is. Many states have what is called the "Katrina Rule," which allows attorneys from other states to practice in that state when there has been a major disaster. In California, we are lucky to have a large state, so that even if attorneys in the location of the disaster are impacted and unable to volunteer, there are still many attorneys in other areas of the state able to volunteer.
- I guess the other challenge is that some of our service delivery models after a disaster require attorneys to have some breadth of knowledge. For example, we staff Disaster Recovery Centers, or answer the hotline, and you never know what areas of law you will get questions in. Anyone can watch our 8 hours of training and be fairly ready (with materials on hand) – but often large firm attorneys don't feel comfortable with "on the spot" responses, so they tend to like better those assignments where someone has already screened the client, and they can prepare in advance by reviewing the materials.

Question: From your perspective, how has the rise of the year-long season of wildfires in California given rise to pro bono work?

Answer:

- I'm not sure it's given rise to it, but it has definitely affected it. To some extent the impact is for the worse – when we had a "fire season" and one or two huge events with lots of press, it was easier to recruit volunteers. You see these horrific videos on TV and you want to help. And we got pretty good (as a community) at capturing that interest in the first week of the disaster. But every year the nature of disasters changes. We have them all year round (that's a bad thing). People's issues last for years (that's not new, but it's unfolding in California as we still have clients with issues from the 2017 fires.) And the disasters themselves are smaller, as California gets better at preventing and defending. (That, of course, is a great thing.) So each year we have to adjust. So we:

- Try to keep volunteers engaged all year round with the clients who have lingering issues
- Try to keep up interest despite the more diffused press coverage (there's no magic pill for this).
- Have learned to address new problems, like PSPS (Public Safety Power Shutoffs) – in certain conditions the utilities shut down power to avoid fire, which is good, but for clients who need power for medication, medical equipment, etc., it's a problem. It also has an impact on food insecure folks who cannot afford to lose a refrigerator's worth of food.

Question: What were some unanticipated challenges that arose when creating your program Legal First Responders? What were some difficulties in implementing the program in its beginning stages?

Answer:

- I should say first that I got the idea for the name when we learned in 2017 that there was a really troubling episode at one of the Disaster Recovery Centers. At that time, it was still a challenge to ensure that FEMA would let legal aid in to the DRC's, as they were leery of ambulance chasing lawyers. Ironically, because in Sonoma a particularly scummy lawyer made himself a nylon jacket with "LAWYER" on the back in big letters, kind of like the FBI, and walked around the DRC offering "help" and trying to sign up clients to sue the utilities. I thought, we need to use their methods to do GOOD work!
- When we began, we wanted to have a cadre of pro bono attorneys on standby for when the next big disaster came around. Back then, it was harder to recruit volunteers for a disaster when we weren't having a disaster. (All of us are experts at denial – THAT won't happen again – but perhaps nowhere more so than California, where earthquake danger is something, we are well-practiced at trying not to think about.) So, we came up with the name as a kind of fun way to move people to join.
- We also faced the possibility that the attorneys would not be needed in a particular year (and yet we wanted to offer the American Lawyer minimum hour guarantee as a way to incentivize joining). So, we had to try to persuade law firms to allow the time attorneys spend in our training programs to count as pro bono. Most firms do not count training as pro bono hours, but firms were great about adjusting in light of the need to be prepared.
- With the changing economy as well as the changing nature of disasters, we have moved away from a minimum commitment. Now, to be a Legal First Responder, you just need to be an attorney committed to volunteering with us in any capacity, with any frequency. What we hope is that you will see yourself as part of a team, and volunteer frequently. (We don't have jackets yet, but I'm hoping.)

Question: How can Legal First Responders and its resources be expanded and applied to other states? Can it be easily replicated in other areas of the country or used to respond to international natural disasters?

Answer:

- I think it's a concept that can be easily applied, particularly in its current iteration. It's basically just a catchy name to encourage attorneys to be part of a team. I'd love to see a partnership of corporate and law firm attorneys get into it and make jackets!
- Internationally, I'm not sure I could say. Of course, it's much trickier – are there attorneys able to practice in the location of the disaster? What about training? I would defer to my colleagues in international work on that.
- One thing that has been incredibly helpful is that Morrison & Foerster has taken on annually publishing its Helping Handbook <https://www.mofo.com/culture/pro-bono/helping-handbooks>
 - A handbook summarizing the law both for the public and for volunteers. This resource is incredible, and other firms or legal departments doing this for other states would be incredible!!!!

Question: With a shortage of lawyers for the increased number of cases post-covid, what are some steps Legal First Responders has taken to combat the problem?

Answer:

- As always, we try to make opportunities as bite-sized as possible. When I was a newer attorney, I took pro bono cases in a bunch of different areas, experimenting with what spoke to me (and what didn't). I think that's still a common experience for newer attorneys, and we try to give them a chance to try out different legal areas, and different service delivery models. We always have a spectrum of opportunities – answer a phone call, draft an answer to an online question, staff a remote or in-person clinic, do a know-your-rights presentation, take a case.
- Our Free Legal Answers platform has been particularly popular, because it is “asynchronous.” Or, in a term I learned from the ABA, it offers you the chance to do Pro Bono in Your Pajamas. Clients post a disaster-related question in on online platform (hosted by the ABA). Volunteers review all the questions posted and select one they want to answer. They draft an answer to the question, and submit it to us, and we forward it to an expert in that field for review and editing. Then it is posted back to the client. It's real legal advice, but you have time to research if you like, and you have the back-stop of expert review. And you can do the whole thing at 3 am if you like, or over a couple of days. Flexible timing seems to be the key these days.

Question: Given your experience, what is the best way for law firms or corporate law departments to engage in pro bono work in natural disasters?

Answer:

- As noted above, Free Legal Answers is one of the best ways, but I don't think there's one best way. But I will say that I think that firms and law departments get the most bang from their buck, so to speak, in pro bono, if they have a mix of individual attorney-driven opportunities, and a group focus. For those attorneys who are passionate about one area or one cause, you want to be able to let them follow that passion. But the firm/legal department gets a lot of benefit from adopting one or two projects and taking them on as a group. For example, if the firm decides that one focus is disaster, it can train attorneys, it can include newer attorneys who aren't sure what

their passions are. It can build a partnership with a corporate legal department. This also means that there are opportunities for non-attorneys (helping to run clinics, or volunteering with the Red Cross, for example). It also offers opportunities for group bonding, good PR, and, of course, jackets.

Question: How has your approach to disaster prep changed over the past 10 years w/ understanding that rate of disasters has increased?

Answer:

- How *hasn't* it changed!? No seriously, there have been a lot of changes. 10 years ago we were still focused on earthquakes – and we still are working hard on that, but the fires shifted us significantly. We have built out all our response modes: FLA, a statewide hotline, remote clinics, in person clinics, DRC staffing, etc. We've also started a Racial Justice/Title Clearing project – this project helps folks whose title is confused to clear it up. (An example is when Grandma has been living in the home she owns with Grandson. She dies, there's no will and no probate – life just goes on. But then the house is burned in a fire, Grandson applies for FEMA and/or insurance benefits, and is denied because he is not on the title of the house. This situation is particularly common in rural areas, and with communities of color who understandably mistrust governmental agencies.)

Question: What are lessons you've learned over time that impact how legal service organizations, law firms and corporate legal departments conduct pro bono work related to natural disasters? What about the work still surprises you today?

Answer:

- I think I've addressed the lessons learned. What surprises me? Well, I am always surprised by how willing people are to step up. I love that, and it still surprises me each time. I'm always also surprised (though I shouldn't be) about how it's different every time. FEMA declarations used to be one fire, one declaration. We plan for that, and then we get one declaration for multiple fires (sometimes geographically disparate). We adjust to that and then we get the PSPS situation, not covered by FEMA. We develop a plan and then we get rain which has different rules, different legal issues, different insurance issues, etc. It can lead to whiplash – but it does keep it interesting!