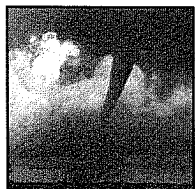


Disaster Legal Assistance: Bar Volunteers Accept Referrals to Help Victims



Funnel cloud in Farmville

BY MARILYN SHAW



The Joplin, Missouri, twister left 154 dead. In Tuscaloosa, Alabama, tornadoes took 63 lives. Nationwide as of June 16, tornadoes have proved fatal to 537 Americans this year.

Severe weather this past spring spawned a reported 1,425 twisters touching down in more than half the states in the country. In Virginia, 30 twisters killed 10 people—the state's first tornado fatalities since 1998—and injured dozens, damaged hundreds of homes, and rearranged futures.

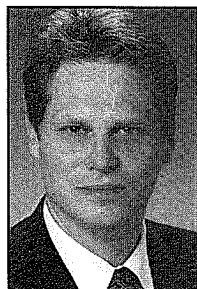
To help the victims of two tornadoes that churned Pulaski County soil on April 8 and high winds, flash floods, and a mudslide from severe weather April 16, first responders mustered out, the governor declared a state of emergency, and The Virginia Bar Association in partnership with the Virginia State Bar mobilized and trained volunteer attorneys to assist victims of these natural disasters.

"We try to do one CLE a year to keep up to date," said Michael P. Nicholson of Williams Mullen in Richmond. He co-chairs the VBA/YLD Disaster Legal Assistance Committee with Ethan Ostroff of Troutman Sanders in Virginia Beach.

"The Emergency Legal Services Program started in the early '90s by the state bar's Young Lawyers Conference and The Virginia Bar Association's Young Lawyers Division," said Glen Sturtevant, Jr., of Hunton & Williams, a VBA member and the Young Lawyers Conference Board of Governors Liaison to the Emergency Legal



Nicholson



Ostroff



VDEM

Virginia State Police captured storm damage in Washington County near Interstate 81.

Services Committee. The purpose is to train interested attorneys to provide pro bono legal assistance to qualifying individuals who are the victims of natural disasters and terrorism.

"The program is always in existence but we only mobilize after the president or the governor declares a state of emergency in Virginia," he explained. "Key people in the VSB and VBA mobilize to arrange CLE training via telephone. We train them and provide materials and background."

The latest free, one-hour telephone CLE on Emergency Legal Services Training occurred April 21, shortly after tornadoes touched down in Pulaski County in southwest Virginia. More than 100 attorneys of all ages registered for the program coordinated by the young lawyers groups.

"That was a great response from attorneys from throughout the state," Sturtevant said. Within two weeks of the Pulaski event, severe weather

affected Deltaville near the Chesapeake Bay, and Washington County in the far southwestern part of the state.

"Folks typically do this not for the CLE credit, but to take on cases" for victims on a pro bono basis, Nicholson said.

"It's so unfortunate we have to mobilize," said Ostroff, who assisted Suffolk residents after a tornado there several years ago. "But it's great to help in some small way."

Volunteers generally handle referrals by phone, providing assistance by phone or email. After the CLE training, lawyers are added to the rolls of volunteers able to help disaster victims.

Four days after the training this spring, the toll-free phone line of the Virginia State Bar's Virginia Lawyer Referral Service became available to take victim requests for free or reduced cost legal services.

In May, just a month after the storms, two calls had come in and were referred to a pair of the 36 volunteer attorneys on the rolls at that time. Three more referrals followed in June. All related to either the cancelation of homeowner's policies or the negotia-



VIRGINIA DEPARTMENT OF EMERGENCY MANAGEMENT

In early April, tornadoes ripped through Pulaski County in Southwest Virginia.

tion for payment on homeowner's insurance claims.

"I thought there'd be a larger need," Sturtevant said. "I've checked with LegalAid folks in southwest Virginia and they hadn't seen a spike in requests for assistance. We take that as good news after significant damage around the state that there are not contractors taking advantage." He said cases involving contractors were referred to volunteers after a tornado struck Suffolk a few years ago.

"With the complexity of the recovery process, navigating insurance [matters], sometimes legal advice is important," said Bob Spieldenner,

director of public affairs at the Virginia Department of Emergency Management.

Nicholson agreed.

"A lot of time what happens is you'll have an event such as tornadoes and then some time will pass. People need a little time to get back on their feet after they get their stuff in order," he said. "The day after a tornado people may not realize they need a lawyer. Other people are helping with their immediate needs."

Nicholson said he believes calls from the spring storms easily could come in well after the damage. "I thought at this time we would have more requests for assistance, but some-



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— Glen Sturtevant Jr.

times these come later on."

Whenever possible, referrals are made on the basis of the lawyer's specialty as well as on proximity to the caller. "Volunteers come from all over the state, even out-of-state attorneys, who can give advice and assist for the long term," said Toni Dunson of the Virginia Lawyer Referral Service.

Volunteers can provide assistance regarding problems with creditors, homeowner's insurance, advice about insurance issues, landlord-tenant matters, home repair contracts and solicitations, how to get lost documents back, and other legal problems stemming from severe weather damage.

"We have not assisted anyone over the last two and a half years because there really haven't been any disaster events or states of emergency, fortunately," Nicholson said.

On June 1, the Atlantic hurricane season opened. Forecasters predict above-normal activity.

"We're probably not the state with the most disasters, but we're in the top third because of our unique terrain, with mountains and the coast," Spieldenner said.



VDEM

Teams of federal, state and local representatives performed early damage assessments in Gloucester County on May 2.