

## 1.0 INTRODUCTION

### 1.1 Overview of The Document

This document is provided as a resource to attorney volunteers who are fielding questions from those affected by disasters. This document is a starting point and is not intended to be the sole resource for you to rely on in providing legal assistance to those affected by natural disasters.

In 2020, this document was updated with supplemental information related to the legal assistance needed for those affected by COVID-19.

If a matter needs further legal representation that would qualify for submission to the legal aid services organizations or clinics (all of which are based on whether or not the applicant satisfies the intake criteria), you should gather pertinent information as instructed by the organization managing disaster legal services in your area for further processing. See Table 1 below for information regarding the legal services organizations that are providing disaster legal services in the different areas.

**You may also have a duty to report certain criminal activity.**

**NOTE: If you have cause to believe that a child’s physical or mental health or welfare has been or may be adversely affected by abuse or neglect, Texas law imposes a duty on you to report that within forty-eight hours to local law enforcement or the Texas Child Abuse Hotline (1.800.252.5400). For more information, visit this [website](#).**

**NOTE: If you have reason to believe that the client is in danger of dying by suicide, you may reveal confidential information in order to prevent this. Disclosure is allowed only to the extent necessary to obtain assistance. Below are some available resources:**

- **Suicide Prevention Line: 800-273-8255**
- **Texas Lawyer Assistance Program: 800-343-5827**
- **[Mental Health Crisis Services by County](#)**

**Table 1. Listing of Legal Services Providers that Provide Disaster Legal Services**

For a complete list of legal services providers, please see the [State Bar of Texas Referral Directory](#). See also 19.0 Resources & Referral Guide.

<b>LSC Programs (Texas)</b>	
<a href="#">Lone Star Legal Aid</a> (800) 733-8394	East Texas (76 counties, from Galveston to Texarkana, including Houston and the greater Houston area, Beaumont, and Waco)
<a href="#">Legal Aid of NorthWest Texas</a> (888) 529-5277	North and West Texas (114 counties, including DFW and surrounding area, Midland/Odessa, and the Panhandle)
<a href="#">Texas RioGrande Legal Aid</a> (888) 988-9996	South, Central and West Texas
<b>Legal Aid and Bar Associations</b>	
<a href="#">Dallas Volunteer Attorney Program</a> 515 Main St. Dallas, Texas 75201 (214)-243-2236	Dallas metropolitan area, joint program of the Dallas Bar Association and Legal Aid of NorthWest Texas
<a href="#">Disability Rights Texas Headquarters/Central Texas Regional Office</a> 2222 West Braker Lane Austin, Texas 78758 (512) 545-4816 (800) 252-9108 (Intake for New Callers) 1-866-362-2851 (Intake for Individuals who use sign language)	Statewide, advocates legal rights of those with disabilities
<a href="#">Houston Volunteer Lawyers</a> 1111 Bagby, Suite FLB300 Houston, Texas 77002 (713) 228-0732  E-mail: <a href="mailto:info@hvlp.org">info@hvlp.org</a> <a href="#">LegalLine</a>	Houston metropolitan area, the service arm of the Houston Bar Association
<a href="#">Texas Legal Services Center</a> 1920 E. Riverside Dr. Suite A-120, #501 Austin, Texas 78741 512-477-6000	Statewide
<a href="#">Volunteer Legal Services of Central Texas</a> 8001 Centre Park Dr., Ste 120 Austin, Texas 78752 (512) 476-5550	Travis, Bastrop, Hays Counties, non-profit with a Pro Bono network to being access to the civil legal system

## 1.2 The Role of the Volunteer Lawyer

**Type of Legal Services Rendered** – Following a disaster, volunteer lawyers may be asked to assist in several types of disaster legal relief. While the focus at each location may be different based on the current needs of the survivors, the type of assistance you will be providing is similar. Generally, you may provide the following types of legal services:

- **Legal Information.** Provide general legal information including rights on types of different matters following a disaster. Information is generally not specific to the individual's situation.
- **Individual Advice or Counsel.** Legal information or advice for a specific issue the individual survivor is experiencing.
- **Limited Scope Assistance.** Some survivors will need immediate assistance but limited in scope. For example, the survivor may need assistance with completing a FEMA application or writing a demand letter to a landlord to terminate a lease for a flooded rental.
- **Extended Representation.** Some survivors will need longer-term direct legal representation to assist with their recovery or ancillary matters that were impacted by the disaster. The types of legal issues are different depending on the stage of recovery. For example, the survivor may need assistance with a FEMA Appeal when their application is denied, including resolving the cause of the denial (e.g., title clearing). Another example, clients who are displaced due to the disaster may need assistance with child custody modifications. See 1.6, Legal Needs After a Disaster Timeline.

You may volunteer at the following types of events or locations:

- Shelter
- Disaster recovery center (DRC)
- Phone banks
- Legal advice clinics
- Remote assistance

Based on past experiences with disasters, you may be asked to provide advice on a wide range of issues. Again, the types of legal issues may be different depending on the stage of recovery. Types of issues include—

- assisting with filing for emergency assistance;
- assisting with insurance claims (life, property, medical, etc.);
- counseling on lessor-lessee matters, including eviction defense;
- counseling on homeowner and other housing problems;
- assisting with home repair contracts including contractor fraud;
- assisting in consumer protection matters, remedies, and procedures;
- assisting with disaster-related unemployment claims;
- counseling on mortgage foreclosure problems;
- drafting advanced planning documents, such as wills and transfer-on-death documents;
- replacing of important legal documents destroyed in the natural disaster, such as wills and green cards;
- drafting of powers of attorney;
- estate administration, including clearing title (insolvent estates) to qualify for home repair assistance;

- property tax questions;
- federal income tax questions;
- preparation for guardianships and conservatorships; and
- referring individuals to local or state agencies which might be of further assistance (e.g., consumer affairs).

**Practical Assistance** – Depending on the size and scope of a disaster, disaster legal services may need assistance with practical needs including printing materials for distribution, delivering the materials to different recovery locations, and distribution of materials at recovery locations.

### **1.3 Information You May Need in Helping Those Affected by the Disaster**

As part of providing legal services, you may be asked to assist with information gathering or the intake process. The information is needed to determine eligibility for services and appropriate next steps.

The type of information will depend on the type of assistance. Check with the legal services organization which is managing the disaster legal services event on the type of information you will need to collect. Generally, the organization will have an application which includes the information needed.

Generally, you will obtain the following information from the individual you are assisting:

- Full name and the names and ages of family members living with the individual at the time of the disaster
- Whether they are a plaintiff or defendant in any existing cases (if so, you should assist them in locating their counsel)
- Current address and disaster area address, telephone number(s), including landlines, and email addresses, where the individual may be contacted
- Alternate contacts, including names, address, telephone number(s), including landlines, and email addresses, who can contact the individual
- Description of losses and disaster-related problems
- Insurance information
- If necessary for the type of legal assistance you are to provide, citizenship status

**Note regarding FEMA assistance:** Only U.S. citizens and qualified aliens are entitled to FEMA benefits; however, children born in the U.S. to undocumented aliens qualify for FEMA benefits. Undocumented aliens are entitled to noncash assistance through FEMA, including disaster legal services, emergency food and shelter, and crisis counseling. Find more information [here](#).

#### 1.4 Practice Tips for Providing Assistance for Those Affected by Disaster

Below are general tips when working with an individual who has been affected by a disaster.

- **Remember that Individuals May Have Limited Access to Communication.** Individuals may have limited access to different types of communications, and flexibility is necessary. For example, an individual may not have an email account or unlimited access to the internet for virtual meetings; or an individual may have limited minutes on their cell phone plan. If an individual is displaced and currently residing in a shelter or other temporary accommodations, they may not be able to charge their phone.
- **Recognize That Lack of Response Does Not Equal Lack of Interest/Commitment to Their Matter.** Individuals affected by a disaster are generally in survival mode, and they may be addressing other needs that are a higher priority for their situation, resulting in a slower response time to their legal matter. Again, flexibility and patience are recommended. If there is continued non-responsiveness, work with the legal aid provider for appropriate next steps.
- **Work with Their Limited Availability.** Individuals may not have the same flexibility in their schedule for meetings or phone calls. Some individuals will have hourly work schedules, from which they cannot take paid time-off, or they do not have access to childcare. Keep in mind that, on occasion, an individual may make an appointment, but due to work constraints is not able to attend and they may not be able to call you prior to the appointment to cancel.
- **Manage Expectations.** For some individuals, this may be the first time that they have worked with an attorney, and their expectations can vary widely. Take the time to explain your availability to discuss their case and to explain the scope of representation and to manage their expectations of the outcome that they hope to achieve.
- **Provide Trauma-Informed Advocacy.** Survivors of disaster have experienced a trauma, which may have taken a mental toll on the individual. When working with a survivor, be mindful of asking the individual to “relive” the experience multiple times. Reach out to the legal aid provider for assistance with individuals experiencing trauma or other mental health concerns.
- **Use Interpreter Services.** If the individual has limited English proficiency, use an interpreter. For pro bono cases taken through approved legal aid and pro bono services providers, you may have free access to interpreter services, funded by the Language Access Fund, administered by the State Bar Legal Access Division.
- **Be Conscious of Individual Experiences with the Legal System.** Be aware that individual experiences may impact their engagement with you. For example, some individuals do not have positive experiences with the legal system and there may be an inherent distrust of anyone who works within the “system.” Alternatively, some individuals may be intimidated by attorneys.
- **Check Your Misconceptions.** Be mindful of how you perceive potential clients. Survivors will have a range of experiences and background. While it is important to meet individuals where they are, be careful not to make assumptions of where that place is.
- **Ask the Legal Aid Provider for Assistance.** The legal aid provider can assist with resolving a situation you may encounter with your client. Do not hesitate to reach out to the legal aid provider if you have a question.

## **1.5 Locating Missing Family and Friends**

Persons affected by a disaster may notify loved ones of their well-being by registering on the Safe and Well feature at the [Red Cross](#). Click the “Get Help” tab, and then click “List Yourself as Safe and Well.” Concerned family and friends can search the list of those who have registered themselves as “safe and well” by clicking “Search for a Family Member.”

Another source for information on how to locate a family member or friend affected by a disaster is <https://www.usa.gov/after-disaster> (then go to steps 4 & 5 below) or [www.usa.gov](http://www.usa.gov), and follow steps 1–5 below.

1. Go to “All Topics and Services” in the top menu.
2. Click the “Disasters and Emergencies” tab.
3. Then click the “After a Disaster” tab.
4. Next, scroll down to the “Find Family After a Disaster” section.
5. Finally, access the “Find a Missing Person After a Disaster” and “Let Family and Friends Know You’re Safe After a Disaster” links.

1.6 Legal Needs After a Disaster Timeline



1.7 Legal Needs After a Pandemic Timeline

Lifecycle of Civil Legal Issues Post-National Emergency (Pandemic) Declaration

**SHORT TERM**

HOUSING

- Execution of writs of removal (evictions)
- Utility shut-offs
- Foreclosure prevention
- Denial of subsidized housing assistance based on COVID-19 issues (or association of)
- Homeless population not being addressed and lack of access to COVID-19 services
- PHA obligations to protect and accommodate residents from and with COVID-19
- Temporary housing: hotel/motel residents being "evicted"
- Advocacy for individuals with disabilities for continued community integration rather than unreasonable institutionalization

ESTATE ADMINISTRATION

- Probate
- Title clearing

FAMILY

- Divorce
- Right of possession and access
- Emergency protective orders
- Emergency child custody modifications on CPS cases

SMALL BUSINESS

- Insurance claims
- Commercial lease evictions/negotiation

**MID TERM**

CONSUMER

- Fraud Scams
- Identity theft
- Debt collection
- Price gouging
- Bankruptcy

HOUSING

- Foreclosures
- Advocacy on behalf of individuals with disabilities for continued community integration rather than unreasonable institutionalization

ESTATE ADMINISTRATION

- Determination of heirship
- Will probate
- MERP
- Small estate affidavits
- Life insurance

FAMILY

- Divorce
- Domestic violence

REAL PROPERTY

- Property tax payments
- Exemptions

SMALL BUSINESS

- Bankruptcy

**LONG TERM**

ESTATE ADMINISTRATION

- Determination of heirship
- Will probate
- MERP
- Small estate affidavits
- Life insurance

TITLE CLEARING

- Deed drafting

REAL PROPERTY

- Property tax payments and exemptions

SYSTEMIC LITIGATION

- Individuals with disabilities denied access to or benefit from federal/state/ local services and programs

CONSUMER

- Debt collection
- Bankruptcy

SMALL BUSINESS

- Litigation
- Bankruptcy

EDUCATION

- Continuation of services for IDEA or 504 students
- Continuation of programming once schools reopen
- Continued accessibility to public education



Leg. Adv. Paid for by the Texas Access to Justice Commission, Trish McAllister, Executive Director, 1414 Colorado, Austin, TX 78701