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In the Eye of the Storm

Two Michigan JAGs on the Frontline in Katrina-Ravaged Gulf Coast

On Monday, August 29, 2005, as Hurricane Katrina made her now notorious and disastrous journey to the Gulf Coast, I sat with my fellow Michigan attorney, Lt. Bryan Pape, starting with unwavering vigilance not into the face of the storm, but into the TV screen and the media's uninterrupted coverage of the biggest natural disaster to ravage the United States in nearly a century. As active duty Coast Guard Judge Advocates (JAGs) assigned to the Coast Guard's Maintenance and Logistics Command Atlantic—the Coast Guard's largest legal field office—Lt. Pape and I never actually thought we would be deployed, and certainly not deployed into something that would later be described as “in theater.”

On Wednesday, August 31, legal teams were formed; both Lt. Pape and I were designated as lead attorneys and sent off to the “theater.” The purpose of this rapidly-implemented legal assistance field support was singular: take care of Coast Guard members and their families so that the members could continue with their mission. “Rescuing the rescuers” is the way we envisioned our mission. To carry out our mission, we spent countless hours driving thousands of miles, often late into the night, along unfamiliar and dangerous roads. We flew aboard Coast Guard, Navy, and contract aircraft to reach our clients in locations inaccessible by car and, of course, accessed many areas by boat.

Many of the people that we counseled during our deployment possessed little more than what they were able to throw into their cars before evacuating from their homes. They lost their homes and all of their possessions, and were now suddenly working and living in convention centers, hotel rooms, and military evacuee housing. These folks



View atop Coast Guard Station New Orleans on September 12, 2005.



Lt. Leibowitz providing an on-site legal brief to the CG New Orleans Marine Safety and Security Team.

USCG photo by Lt. Andrew Grant

had little time to grieve because their jobs demanded so much of them. Despite their own enormous personal losses, their total concentration and commitment to the task at hand was needed and demanded because lives were at stake. Coast Guard members throughout the region worked tirelessly saving lives, property, and the environment. No excuses. No complaints. No “high-fives.” They were just doing their jobs as best they could under extreme circumstances. These were the people we were sent to help.

During one of my first trips, I was diverted to Lockport, Louisiana; not the location of a Coast Guard station, but rather the location of the apartment complex of a young Coast Guard Petty Officer from Station Grand Isle. When it became apparent that Station Grand Isle would suffer a possible direct hit from the storm, the petty officer offered his apartment as a safe haven to his fellow “Coasties” who had no other place to go. About 20

members of his crew took him up on his generous offer, and they ended up spending almost a week in his home. It was in the living room of this cramped, overpopulated apartment that I provided much-needed legal assistance and assurance to a group of young Coast Guard members suddenly made homeless by the hurricane.

However, the most memorable trip during my deployment was my first journey into the city of New Orleans. Once we reached the city limits, our team was escorted by an armed convoy through the city and into Coast Guard Station New Orleans. The military presence was overwhelming; there were literally tens of thousands of troops in encampments throughout the city. When we arrived on site, our members were living and working out of a “tent city,” but the smell they had to endure was unimaginable; it was the smell of natural gas leaking into the air, raw sewage, and decay. I immediately

arranged for an impromptu town meeting in a makeshift bunker. All around us, Coast Guard helicopters were landing every two minutes, taking sandbags to the levy breaks, all of which made for a dramatic setting for a legal briefing. After the briefing, I was able to counsel members individually. I heard their often heart-wrenching stories and did whatever it took to lend a helping hand from a legal perspective.

Lt. Pape was also touched personally by the stories of the members and seeing cities such as Gulfport and Pascagoula ravaged by destruction so devastating that it was beyond description. One member's story was particularly touching. The "Coastie" had been in the Coast Guard only a few months and was ordered to take a patrol boat to Pensacola, Florida to protect the boat from the wrath of the storm. She was living in an apartment without insurance and owned a minimally-insured motor vehicle, which was parked at Coast Guard Station Pascagoula. Both her apartment and vehicle, and all of her pos-

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sessions contained within, were completely obliterated. She had only the clothes on her back. Lt. Pape, like the rest of the JAGs in the field, helped this member and many others work with their insurance companies, FEMA, and other entities to restore their lives to some type of normalcy.

We each served about a month in the impacted area before being relieved by other Coast Guard JAGs from various legal units around the country. Some of the unique legal issues we addressed included whether a divorced parent, whose custody order prevents her from moving out of Orleans Parish, would violate that order by relocating across country when the entire area within Orleans Parish was uninhabitable; whether a lease automatically terminates if the rental property is uninhabitable; and, quite commonly, if an apartment has not been destroyed, but a civil order prevents the tenant from entering the property, is the tenant still required to pay rent during that period?

The most complex legal issues involved insurance companies. The insurance companies would not pay claims until an adjuster assessed the damage; however, the insurance adjusters would not visit residential properties until utilities were restored, which for some areas could take many months. And when insurance adjusters did visit properties, homeowners were often informed that their damage was not from the hurricane, but from flood damage, and thus their homeowner's insurance policy did not cover the damage. In addition to these, and many other issues, the JAGs also fulfilled the tremendous need for revised estate planning and powers of attorney.

As anticipated by the Coast Guard's legal division, legal concerns and issues affecting

the area have now turned from that of a first-responder to a higher degree of legal assistance that may ultimately result in litigation involving complex environmental, property, insurance, and contract law. Regardless of the future legal direction taken by the course of events, Coast Guard JAGs remain *Semper Paratus*—the Coast Guard's motto—always ready. For those of us fortunate enough to have served on these first-response legal assistance teams, the experience gained from working in the field and supporting our teammates was invaluable and unforgettable. ♦



Coast Guard helicopter assists in the repair of the New Orleans levy break.

USCG photo



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Lieutenant Bryan Pape, a native of Spring Lake, Michigan, was admitted to the State Bar of Michigan in 2001. Lt. Pape entered the United States Coast Guard in July 2002 as a direct commission lawyer. He currently serves as a staff attorney at the Coast Guard's Maintenance and Logistic Command Atlantic.

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