

ABA YLD AND SBM YLS Michigan Disaster Legal Service Response Program

ATTORNEY VOLUNTEER FAQ

The American Bar Association Young Lawyer's Division ("ABA YLD") and the State Bar of Michigan Young Lawyers Section ("SBM YLS") have established the Michigan Disaster Legal Service Committee (the "Committee") and the Disaster Legal Service Response Program ("DLSR Program"). The DLSR Program is aimed at assisting persons who have incurred legal issues resulting from a declared disaster. President Trump recently declared a state of emergency for Midland, Bay, Isabella, and Gladwin counties due to the severe flooding that occurred in June 2017. The DLSR Program will be providing assistance to persons affected by the declared disaster.

1. Is malpractice insurance available through the DLSR Program?

Malpractice insurance is not provided through the DLSR Program. However, you may be eligible to obtain malpractice insurance, on a case by case basis, through the State Bar of Michigan. For more information, please contact SBM Pro Bono Service Counsel, Robert Mathis at (517) 346-6412 or rmathis@mail.michbar.org.

2. What is the nature of the legal assistance which I am expected to provide?

The role of an attorney volunteer is to provide pro bono legal advice to those affected by the declared disaster. We expect attorney volunteers to offer legal advice consistent with an initial consultation, assist the individual in completing forms, or perhaps send a letter or two on the individual's behalf. The attorney volunteer should listen to the circumstances confronting the individual(s) and provide guidance to them as to how they should proceed (e.g., whether they should pursue filing a claim with their insurer or how they should deal with their landlord or adjacent property owners).

We believe that in many cases, the time required to respond to the issues raised will be minimal. Some survivor's questions can be answered in a half hour, while others may be more involved. We do note that it is not expected of the attorney volunteer to undertake litigation or bankruptcy matters or to draft legal instruments. The attorney volunteer is absolutely prohibited from accepting any fee generating matter from any person referred to them through the DLSR Program. If the attorney decides to undertake more complex matters, it is at the volunteer attorney's sole discretion and the services must be provided on a completely pro bono basis.

If the matter is more complex than the attorney volunteer is willing to handle on a pro bono basis, is a fee generating case, or is a possible contingency matter, the attorney volunteer should refer those individuals to the lawyer referral service offered by the State Bar of Michigan, (800) 968-0738.

3. Do attorney volunteers receive any reimbursement from the DLSR Program?

Attorney volunteers will not receive any reimbursement for telephone calls or other office expenses.

4. Do attorney volunteers have to accept every case assigned by the DLSR Program?

No. Attorney volunteers are given an opportunity to accept or decline a referral before any contact with the individual(s) seeking assistance is made.

5. How does one sign up as an attorney volunteer for the DLSR Program?

Attorneys who wish to volunteer their expertise to the effort must complete an Attorney Volunteer Agreement. The form includes general contact information, which practice areas the attorney agrees to provide assistance in and a certification that the attorney agrees not to charge for his or her legal services.

6. What are the practices areas where legal assistance from attorney volunteers is needed?

Presently, the list includes business insurance, homeowners insurance, automobile insurance, insurance related claims, landlord/ tenant law, real estate law and FEMA appeals. However, on occasion the list grows as new areas of need are identified. We will keep updating the list as necessary.

The type of problems that attorneys can expect to be asked about include:

- Assistance with securing FEMA and other government benefits available to disaster victims
- Assistance with life, medical and property insurance claims
- Help with home repair contracts and contractors
- Replacement of wills and other important legal documents destroyed in the disaster
- Assisting in consumer protection matters, remedies and procedures
- Counseling on mortgage-foreclosure problems
- Counseling on landlord-tenant problems

7. Are there any resource materials available to assist me?

Attorney volunteers will be provided with various resources including Case Intake form, 90 Day Report form, Case Closure form and other relevant informational materials.

8. Are there any limitations to my representation of individuals referred from the DLSR Program?

Yes. The limitations to your representation are as follows:

- **Disaster-related only.** This program is to help persons damaged by a declared disaster in the affected areas (Isabella, Midland, Bay and Gladwin Counties), thus problems unrelated to the disaster and outside of the four listed counties are not covered.
- **Non-fee generating cases only.** Assistance in any declared disaster does not cover fee-generating cases. If the survivor has a case that is potentially fee generating, he or she should be referred to the lawyer referral service offered by the State Bar of Michigan. (See question #2).
- **Conflicts of Interest.** If you have a conflict of interest with an individual referred to you, please notify the DLSR Program that you cannot take the case. Please review your representation for potential conflicts before initial contact with the client.
- **Within legal expertise.** If, after speaking to a survivor, you believe that the case is beyond your expertise, you should contact the DLSR Program and ask that the case be assigned to another volunteer. You may also request assistance from a mentor attorney at the time and if one is available, the mentor attorney will be assigned to you.

9. What is the DLSR Program Disaster Legal Service Hotline referral procedure?

The survivor's initial call into the toll free assistance number will be answered by an intake person who will first determine if the issue is one that should be handled by one of the attorney volunteers. The caller will be asked to provide a telephone number at which he or she can be reached within the next 24 to 48 hours. The intake forms will then be e-mailed or faxed to an appropriate attorney volunteer who will then contact the survivor. In the event the disaster survivor has no number where he or she can be reached, the survivor will be given the name and number of an attorney volunteer who will be contacted directly by the survivor. It may take a while for you to receive a case it often takes a while for those affected to realize that they may need an attorney. Attorney volunteers can help clients navigate through the bureaucratic maze to get the help they need.

10. I cannot individual assistance at this time, is there any other ways to get involved?

If you are unable to provide individual assistance at this time, you may also volunteer on the Committee. The Committee will be working to connect volunteer attorneys with individuals who need further assistance and to develop important resources to assist volunteer attorneys. Experienced attorneys may also volunteer their time by mentoring a less experienced attorney. Attorneys who wish to volunteer as a mentor or on the Committee should complete the Volunteer Attorney Agreement in the same manner.

11. Should attorney volunteers keep records of all actions taken and time spent on cases assigned through the DLSR Program?

When consulted, the attorney volunteers needs to keep careful notes regarding the intake, recommendations, and disposition in each case, for his/her own benefit and the benefit of any attorney who may subsequently handle the case. In some instances, attorney volunteers may need to forward this information to the Committee. If this need arises, the Committee will inform you.

At the outset of the matter, attorney volunteers will complete an Intake Form. The completed form should be sent via fax to 517-432-6831 or michigandisasterlegalservices@gmail.com (*preferred method*). After completion of the matter please complete a Case Closure Form and return it in the same manner. If the matter is still open ninety days after the assignment, the 90 Day Report Form should be emailed in the same fashion. All volunteer attorneys should keep track of the amount of time spent on each case and should include this information in the Case Closure Form.