

Out in the Community Like Never Before

Pennsylvania lawyers provide pro bono assistance to flood victims

By Don Sarvey



If anything good came out of the flooding that hit portions of Pennsylvania last fall — caused by Hurricane Irene in late August and Tropical Storm Lee in September — it was the way volunteer lawyers stepped up to provide pro bono assistance to victims of the disaster.

In some ways the effort was unprecedented and may well serve as a template for mobilizing assistance in the wake of future disasters.

According to David Trevaskis, PBA pro bono coordinator, a large pool of lawyers donated their time and skills to provide legal information, advice and, in some cases, direct legal services to people in central and eastern Pennsylvania who were displaced or had their homes damaged by floodwaters. There's no way to be sure just how many lawyers were involved, but it was certainly more than 100 and perhaps 200 or more.

The PBA Pro Bono Office helped launch and coordinate the effort, which involved members of the private bar, legal services attorneys and Pennsylvania Office of General Counsel (OGC) lawyers working for a variety of state agencies. Trevaskis

estimated that more than half of the volunteers were OGC lawyers.

Deputy General Counsel Linda Barrett worked with Trevaskis and Sandy Ballard, pro bono coordinator for the Dauphin County Bar Association, to set things in motion. "The three of us put our heads together and we came up with a plan of action that included Pennsylvania Helpline and staffing tables at the disaster recovery center in Dauphin County," Barrett said. "As we went along we identified the fact that there were multiple counties that were going to be part of this disaster initiative. Because OGC has regional offices, I looked to regional counsel to serve as coordinators to get volunteers in their areas to staff tables at the disaster recovery centers." OGC has slightly more than 480 lawyers statewide. "We realized we could utilize our large workforce in assisting our sister agencies and Pennsylvanians," Barrett said. "It was a perfect opportunity for OGC to serve in a really significant pro bono way."

Twenty-one disaster recovery centers were open in central and eastern Pennsylvania by mid-September, and many stayed open deep into October. Volunteer lawyers served alongside representatives of a variety of agencies, including the Federal

Emergency Management Agency (FEMA), the Pennsylvania Emergency Management Agency (PEMA), the federal Small Business Administration and the state departments of Insurance, Health, Transportation, Labor & Industry, Public Welfare, Environmental Protection and Banking.

Flood victims came to the disaster centers with questions about what damages were eligible for insurance coverage, what the terms in their insurance policies meant, what rights they might have as displaced renters, how to go about qualifying for loans and how to deal with flood-related habitability issues such as damage from sewer backups and mold.

Some volunteers from the private bar were in a position to offer direct legal assistance, but the OGC attorneys were limited to providing legal "information," as opposed to legal "advice," and making referrals. Barrett explained that OGC attorneys "were only indemnified for providing legal services to the commonwealth" and didn't have malpractice coverage for dealing with flood victims as clients.

Geoff Ayes, an OGC lawyer who works for the Department of Environmental Protection (DEP) in Williamsport, was one of five DEP lawyers who helped out

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at the Lycoming County disaster recovery center. He described the work as “helping people along in the process to get the answers they needed.” For example, a Columbia County couple who lost their house came to him wanting to know if they would still be eligible for their homeowner tax credit. He was able to refer them to a private lawyer in Williamsport who provided legal advice and representation.

The regional coordinator in Philadelphia, OGC lawyer Gina Thomas, said more than half a dozen members of the PBA Minority Bar Committee rallied along with other OGC lawyers to help provide assistance at the disaster center on South 15th Street. She said some of the volunteers were inspired by the pictures of what happened during Hurricane Katrina in New Orleans and wanted to make sure the same misfortunes didn’t befall their own neighbors. “We were able to provide answers to basic questions fairly quickly,” Thomas said. “We were being responsive to the community.” She said the volunteers each saw two or three people per shift from mid-September through the third week of October.

Joe Burke, executive director of the Wilkes-Barre Law and Library Association in Luzerne County, said the association kept a list of lawyers who went to Louisiana to help out after Katrina and subsequently formed a “Judicorps” unit to serve as a “front line defense” in situations like the recent flooding. According to Burke, when the call went out for volunteers to help flood victims, a dozen members of the county’s private bar got in touch with Mary Woodbridge, the OGC co-coordinator in Luzerne County. He said lawyers from North Penn Legal Services and members of the bar association’s Young Lawyers Division also pitched in.

Woodbridge, a lawyer with the State Workers’ Insurance Fund, and co-coordi-

nator Don Gardner, a lawyer with the Bureau of Employment Security, rounded up between 30 and 40 lawyers overall, including OGC volunteers, and parceled out help at two disaster centers, one at the Luzerne County Community College and the other in Bloomsburg. “Basically [the flood victims] just wanted us to listen to what the problem was, to give them a shoulder to cry on and to help them through the process,” Woodbridge said.

In the community of Athens, in Bradford County, 43-year-old sole practitioner James Carroll found himself in a more direct, hands-on role after flooding devastated his community and displaced him from both his office and his apartment building. The night before the upper Susquehanna River overflowed he was up until midnight filling sandbags and helping a friend try to save wares from his shop. When he got up at 7 the next morning he says he looked out his apartment window and saw floodwaters rising over the road outside. According to Carroll, water was lapping at his car as he just made it to high ground. It took four days for the water to recede, leaving 450 homes in Athens damaged.

Carroll was one of 12 lawyers who were flooded out of their offices, the equivalent of 20 percent of the county’s small bar. He said he felt moved to do something to help his neighbors. “It wasn’t the scene of the town under water that was distressing,” he said. “It was the sight of all the damage, the debris, days later.” He put a notice on Facebook and contacted the local newspaper and radio station to let people know he would be available to provide free legal help to flood victims. For several weeks he went to the community shelter every day from 2 to 5 p.m. He also set up in a local coffee shop and anywhere else he could find a free Internet connection. He had everything he needed on his laptop and kept in touch by cell phone with his secretary, who was working from her home.

Throughout, he took turns living in his ex-wife’s basement, in a hotel, with friends and at his sister’s house.

Carroll estimates that he worked with about 40 pro bono clients, fielding insurance questions, helping people fill out applications for FEMA assistance and handling a lot of landlord-tenant issues. “There were people who lost everything, every single thing they owned. Only now, a month and a half later, are we getting somewhat back to normal,” he said in mid-October.

Gina Thomas, the Philadelphia flood assistance coordinator, said the mobilization of OGC lawyers around the state, combined with the experience of building teams with lawyers from the private bar and legal services agencies, has provided a foundation for what she describes as a “corps of trained volunteers” who can be ready to step up again if the need arises. “We now have a corps of people familiar with the kinds of situations that you encounter in an emergency.”

Linda Barrett credited General Counsel Stephen Aichele for encouraging the effort and allowing OGC lawyers to use work hours to provide help to flood victims. Thomas pointed out that the OGC “has historically allowed its attorneys to do individual pro bono projects. However, to my knowledge [this effort] is the first time that all of the OGC agencies have unified behind one project. I’ve never seen us out in the community like this before.” ♦



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