

When the Goin' Gets Tough, the Bar Gets Goin'

by W. Terry Ruckriegle

Colorado was hit hard with natural disasters in 2013. First, there were the spring wildfires, which affected many residential areas on the heels of the extensive wildfires of 2012. Then, and most recent, there were the floods resulting from the unusually intense rainstorms in September.

Although the fires were devastating, the vast area and extent of financial damage from the floods was record-breaking. In response to the needs of many Coloradans, the CBA partnered with several organizations to establish the Colorado Flood Legal Relief Task Force (Task Force). From there, a helpline—(855) 424-5347—and a website—colofloodlegalrelief.org—were created.

I want to share with you information behind the monumental effort put forth by bar members, staff, and numerous attorney organizations related to the Task Force. I interviewed four individuals who initiated and maintained the gathering of resources to make the flood legal relief effort a success.

Ahead of the Effort—Behind the Scenes

Philip Mervis serves as staff attorney for the Fifth Judicial District Courts. His primary responsibility is to provide research and writing assistance to the district court judges in civil litigation matters. However, there was a time when he was drafted into service on a particular criminal matter entitled *People v. Kobe Bean Bryant*. His technological skills helped pave the way for the national standard of posting pleadings on the Internet in high-profile cases to allow access by the public and media. Look for a profile of Mervis in the February issue of *The Colorado Lawyer*.

Sharon Mohr currently is on staff at the CBA and coordinates the flood legal relief efforts. She monitors the flood relief helpline, manages the volunteers and case assignments, monitors the website, and manages the FEMA appeals clinic. She previously founded and ran a nonprofit called Elder Justice Colorado, which provided free and low-cost legal services to low-income seniors in the Denver metro area. Mohr also supplied details, information, and statistics about the flood legal relief effort for this article, for which I am most grateful.

Margrit Parker is an attorney with Kennedy Childs P.C. in Denver, practicing professional liability defense of licensed professionals, including medical and legal malpractice. She also represents clients in employment law matters. Parker was heavily involved in creating the helpline for the wildfires and immediately volunteered to participate in the flood relief efforts. She used her extensive experience from the CBA disaster relief efforts for wildfires as a basis for rapidly mobilizing the flood relief team and volunteers.

Lance Timbreza practices law in Grand Junction at Traylor, Tompkins & Black, P.C., where he focuses primarily on commercial and real estate litigation. He is chair-elect of the CBA Young Lawyers Division (YLD) and serves as the American Bar Association (ABA) YLD District Representative for Colorado and Wyo-

ming. He was contacted by the ABA Disaster Legal Services director and representatives to activate the flood relief effort in Colorado.



Gathering the Resources

The national and local initiative for collaboration with the Federal Emergency Management Agency (FEMA) began a few decades ago. Even before the recent fires and floods, Parker's job as ABA YLD Representative in 2009 through 2011 was to ensure that Colorado had a current disaster legal response manual in place. That is precisely what she did when she discovered Colorado's manual had not been updated since 1994. In 2011, a working group of attorneys from the CBA, the Denver Bar Association (DBA), Colorado Legal Services (CLS), and the CBA YLD created an updated legal relief manual that became the template for disaster assistance during the wildfires and, now, the floods.

Timbreza explained that FEMA provides disaster legal services in conjunction with state and local bar associations, through a Memorandum of Understanding entered into with the ABA YLD. Once President Obama declared certain flooded portions of Colorado to be a natural disaster, the ABA YLD was charged with setting up a helpline within forty-eight hours.

On September 17, 2013, after a flurry of calls and e-mail exchanges, a group of bar leaders, along with attorneys and staff from several legal associations, conducted a conference call on how the CBA could participate in assisting flood victims. Representatives from CLS, the Colorado Legal Aid Foundation, the Colorado Trial Lawyers Association, the Colorado Criminal Defense Bar, the Association of Corporate Counsel, Metro Volunteer Lawyers, the Colorado Department of Local Affairs, Colorado Spanish-Speaking Lawyers, CBA sections and committees, and many local bar associations participated in the continuing discussion about development of the relief effort.

Movement Toward Action

The two most pivotal decisions the Task Force made were to create a website and to bring on a staff person at the CBA to spearhead the flood legal relief efforts. The Task Force did more than just set up a helpline as required by FEMA; Mervis worked around the clock and—amazingly—had the initial website up and running in twenty-four hours. Using what he learned from the CBA's efforts to assist fire victims, he worked toward developing a website that would remove some of the obstacles to receiving or providing assistance. He believed that Web access and presence would enhance participation among victims and attorneys, allow for on-line data collection, and alleviate some of the burden that had been placed on attorneys and staff during the wildfire relief efforts. Further, according to Mervis, the website "allows the CBA to share

flood-related legal information with the public through content summaries and news updates." For his part, Timbreza considers the website to be "the lifeblood" of this relief effort. He said, "I think it will set the standard for disaster legal relief going forward."

When the floods occurred, Mohr told me, "I received a phone call from Kath Schoen [the CBA Director of Local Bar Relations and Access to Justice] on September 18, 2013, about the immediate need for a program coordinator, and I was able to begin work on the flood efforts [at the CBA] on September 19." According to Mohr, her initial focus was to get attorney volunteers to sign up and to create a system and procedure for the helpline to make it possible to respond effectively to the increasing need for legal assistance. The CBA assisted by sending e-mails to bar members, targeting various sections and enlisting their help. In the first week alone after the floods, more than 165 attorneys volunteered, and the helpline received 101 requests for legal assistance.

Helpline and Website at Work

The Task Force helpline is staffed between 8:00 a.m. and 5:00 p.m. weekdays. Although it is not monitored on nights or weekends, callers are given the option to leave a voicemail message and are directed to the website where they can submit an online request for assistance.

A victim is paired with a volunteer attorney who specializes in the area of law in which they are requesting legal assistance. The attorney is asked to make contact with the requesting party within twenty-four hours to provide initial guidance and advice, as well as give referrals to both legal and non-legal resources.

The website has streamlined the intake process and made tracking the cases and volunteers simple and efficient. In Mohr's estimation, one of the best features of the website is that multiple users from various locations can access the system at the same time. Thus, remote and local support is ongoing.

The team envisions providing a robust and thorough website that will allow for a smooth transition from the helpline and the volunteer services to relevant and helpful online legal services. Timbreza said that the FEMA representative assigned to Colorado's flood disaster commented that this was the most effective and impressive use of a website for relief assistance purposes that she had seen during her twenty years with FEMA.

Up and Running

The CBA has responded quickly and creatively to the various needs of the flood victims. The needs are ever changing, as Mohr explained, and the CBA has relied on a variety of partners in creating solutions. First, there was a large influx of calls and online requests to the helpline for short-term, immediate legal assistance. As time passed, Mohr explained, the team quickly saw that a need existed for a limited-scope representation with FEMA appeals. As a consequence, the FEMA appeals clinic was created. This has been especially beneficial, given the paucity of attorneys and staff in the community who have experience with the FEMA administrative process.

Particularly noteworthy is a response program for affected non-profit organizations that has been established through the Colorado Lawyer's Committee. Nonprofits can request legal assistance through the Colorado Nonprofit Association *pro bono* program, using a link on the Flood Legal Relief website.

On November 26, 2013, a team of five volunteer attorneys attended a Greeley Legal Night clinic geared toward assisting flood victims. There were more than seventy attendees at the clinic, with approximately twenty of them having flood-related needs. Mohr stated that the clinic was a success. She added that one of the challenges moving forward is providing options for legal assistance in the immigrant communities such as Evans in Weld County.

Perhaps the most unique requests for assistance have come from the Colorado Department of Local Affairs (DOLA). DOLA requested volunteer attorneys for two distinct purposes: (1) to assist the City of Jamestown with lot-line changes and condemnation buyouts; and (2) to serve on an interdisciplinary task force, with the mission of helping Jamestown come to a selection of a mitigation and redevelopment master plan.

Learning From Others

The monumental efforts put forth by our attorneys in Colorado would not have been as successful without assistance and guidance from professionals in other states who have been similarly affected by natural disasters. The CBA team has received tremendous assistance from folks at the New York and New Jersey Bar Associations in particular. These two bars have been supplying current best practices acquired during their Hurricane Sandy Relief efforts. Additionally, the Oklahoma Bar Association provided support gained from its online tornado relief efforts, and disaster resources in Florida, Illinois, Pennsylvania, and Vermont proved helpful. Mohr noted that "the biggest help was the FEMA training, materials, and resources provided by the other states, because we had no prior experience with this area of law."

The CBA also relied heavily on its membership to provide training materials and CLE programs for the attorney volunteers. Volunteer experts in areas such as insurance, landlord/tenant, and construction law came together, and within two weeks of the disaster, provided memos, live CLE presentations, and other helpful assistance. Mohr said that one of the biggest challenges was that many of the volunteer attorneys did not have experience in the areas of the law related to the flooding. Further, FEMA is a specialized area in which few lawyers have experience. The CBA brought Zach Tusinger (a former Equal Justice Works Disaster Legal Fellow) from the Joplin Missouri area to present a FEMA training for volunteers and to help set up the FEMA appeals clinic. He answered questions from volunteer attorneys on the listserv, assisted attorneys on current FEMA cases, and provided numerous documents and forms for future use by attorneys and victims.

Facts, Figures, and Future

The Colorado Flood Legal Relief Helpline and website have been successful beyond anticipation. As of December 3, 2013, approximately 418 flood survivors had submitted requests for legal advice, and an amazing 413 of them had been matched with an attorney or staffer to provide necessary legal advice or information. I think you will share in my pride at such outstanding statistics!

The types of issues or cases the team of responders is facing is varied. Almost 50% of cases have involved landlord/tenant issues. Another 14% involved FEMA issues. Real estate and insurance issues constituted approximately 10% each.

Mohr observed that "we received advice on the life cycle of the helpline from disaster legal services programs in other states, and

on how legal issues would change over time.” Initially, landlord/tenant issues were at the top of the list. Next, insurance and contractor problems presented themselves. The team anticipated that, as flood victims returned to their homes and begin the building process, issues would involve complex insurance, foreclosure, bankruptcy, and land use and construction.

The Colorado legal community remains committed to continuing with the long-term disaster relief effort, including setting up clinics, recruiting volunteers to provide legal advice, and continu-

ing to adapt to meet the ever-changing needs of the flood victims. Also, the Colorado Flood Legal Relief website continues to run smoothly under Mervis’s expert watch. I encourage you to visit colofloodlegalrelief.org. I know you will find it remarkable and will take pride in the assistance being provided to those unfortunate citizens of Colorado who were victims of the floods. I also hope you might be willing and available to participate in this important effort. ■

CBA Thanks 2013 Colorado Flood Legal Relief Volunteers

Stephen Abbott	Kristin Cisowski	Heidi Gassman	Michael Krueger	Michele Garrick Nave	Laurie Schmidt
William A. Ahlstrand	Sarah Claassen	Tiffany Gengelbach	Robyn Kube	Kristin Nett	Angela Schmitz
Matthew Altaras	Roger Clark	Steven Goldstein	Karl Kumli	Lawrence Newman	Frank Schuchat
Scott Alter	Eben Clark	Steven Goldstein	John Lahner	Georgia Noriyuki	Jennifer Scott
Hope Anastasakis	Alexander Clayden	Andrea Gomez Oxman	Lucy Lamprey	Erin O'Brien	Richard Shearer
Hilary Anderson	Robin Cochran	Ari Gould	Chris Lane	Katherine O'Brien	Edward Shindel
Maria Antill	Alonit Cohen	Lisa Greenberg	Reagan Larkin	Matthew Odom	Gwendolyn J. Shotwell
Jean Arnold	Diane Cohen	Janice Greening	Karen Leaffer	Tracy Oldemeyer	Janne Siegel
Matthew Ashley	Mark Collier	Jessen Gregory	Lisa Lee	James Oliver	William Silverman
Aaron Atkinson	Patrice Collins	William Groh	Sanghun Lee	Elizabeth Osborn	David Simmons
Anthony Austin	Patrick Compton	Levi Guthrie	Michelle Leifeste	Lucia Padilla	Mason Smith
Jennifer Bailey	Kathleen Cook	Sean Hackett	Sophia Lenz	Andrea Paprzycki	Mike Smith
James Baird	Kelly Crandall	Susan Hahn	James Lesuer	Brooke Pardee	Kimberly Sparks
William Baker	Francis Cuddihee	Phil Harding	David Levy	Margrit Parker	Joel Spector
Edward Barad	John Cutler	Tom Harris	Keith Lewis	Ravi Patel	Sheela Stack
Syntha Bayham	Marilyn Davies	Russell Haskell	Marla Lien	Amber Paterson	Todd Stahly
Danielle Beem	Michael Davis	Ryan Heatherman	Megan Lindsey	Kim Perdue	Rebecca Steinebrey
Martin Beier	Karen Dean	Curtis Henry	Evan Lipstein	Nancy Peterson	Gabriella Stockmayer
Sean Bell	Cynthia Delaney	Tamara Henry	David Little	Rob Phillips	Cyndi Stovall
Heather Beller	Lindsey Demrow	William Hine-	Erica Longnecker	Andrew Pi	Daniel Sullivan
Ted Bendelow	Dara Denson	Ramsberger	Charles Longtine	Ken Platt	Steve Suneson
Sarah Benedict	Jerad Denton	Kurt Hofgard	Jennifer Lorenz	Andrew Poland	Amy Swanson
Anne Bensard	Gregory Diamond	Marcy Holland	Natalie Lucas	Satima Porter	Christine Swenson
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Daniel Butler	Marcus Flinders	Anne Kelson	Nancy Miller	Kimberly Ruddell	David Warner
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