

Legal Help After Disasters

"If you can meet with Triumph and Disaster
And treat those two imposters just the same;"
— from the poem "If –" by English poet
and author Rudyard Kipling (1865-1936)

Neighbors in parts of Middle and West Tennessee are recovering from a series of recent tornadoes on "Super-Tuesday," 2008.

Sometimes legal problems appear a few weeks or months after the disaster. For persons who cannot afford lawyers, damage from a tornado or flood may just be the beginning of a disaster.

Q. Is there legal help after a disaster for people who cannot afford a lawyer?

Yes. Whenever the President of the United States declares a disaster, the Young Lawyers Division of the American Bar Association ("ABA") and the Federal Emergency Management Association ("FEMA") help lawyers in the disaster state(s) to provide free legal help to disaster victims who cannot afford a lawyer.

Q. Who can I contact to request free legal help after a disaster?

The toll-free legal assistance hotline for Tennessee (established February 2008) is: 1-877-396-6248

The Tennessee Disaster Legal Services Hotline is for low-income individuals who are unable to secure help with their disaster-related legal needs.

The Tennessee Bar Association and the Tennessee Alliance for Legal Services partner to coordinate legal services through the legal services programs and volunteer attorneys.

Four legal services programs together cover the entire state. They are the Legal Aid Society of Middle Tennessee and the Cumberland, West Tennessee Legal Services, Memphis Area Legal Services, and Legal Aid of East Tennessee. In addition, many lawyers in private practice volunteer to provide free help to eligible persons.

Q. What kinds of legal problems do people have after disasters?

After a disaster, there are many situations where people may need legal assistance:

- Securing FEMA and other government benefits
- Life, medical, and property insurance claims

- Home repair contracts and contractors
- Replacing wills and other important legal documents
- Help with consumer protection matters
- Mortgage and foreclosure problems
- Landlord-tenant problems
- Employment problems due to absence from work (or destruction of the workplace)

Q. Who is eligible for free legal assistance?

Persons are eligible for free legal help if they are in a low-income status – either prior to or because of a disaster.

There are some limitations on disaster legal services. For example, assistance is not available for cases that will produce a fee (that is, those cases where attorneys are paid part of the settlement or award). Such cases are referred to a local lawyer referral service or to lists of area attorneys in the Yellow Pages.

To determine whether an issue qualifies for free legal assistance, individuals should call 1-877-396-6248 between 9 a.m. and 5 p.m. Central time Monday through Friday for more information.

Q. Is legal help available to persons with limited English skills?

State and federal assistance are offered to all affected citizens, regardless of their preferred language.

FEMA benefits are available to U.S. citizens, non-citizen nationals, and qualified aliens. In addition, any parent of a child who is a citizen, non-citizen national, or qualified alien, may apply for assistance on behalf of the child. Many volunteer agencies also provide help, regardless of citizenship or immigration status.

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Note: This community education column from the Legal Aid Society is not intended to take the place of legal advice. All cases are different and need individual attention. Consult with a private attorney of your choice to review the facts and law specific to your case.

The Legal Aid Society is a non-profit law firm, not a government agency, and all calls are strictly confidential. If you need more information on this or other common legal problems, please call 1-800-238-1443 or visit our Web site at www.las.org. Many previous "Legal Notes" newspaper columns are available on the Web site.

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