

New York State Bar Association Hosts Webcast for 2,000 Attorneys on How to Assist Superstorm Sandy Victims

ALBANY, NY (11/20/2012)(readMedia)-- More than 2,000 people – including attorneys from 28 states and three other countries – participated in a webcast for lawyers seeking to provide legal assistance to victims of Superstorm Sandy.

The three-hour program – webcast from the State Bar Center in Albany on November 15 – featured prominent attorneys with expertise in the fields of insurance, business, landlord-tenant issues and related legal matters, as well as representatives from the Federal Emergency Management Agency (FEMA), Red Cross, Coast Guard and other relief organizations.

"We encourage the attorneys who viewed the webcast to work with local bar associations, legal services providers and the State Bar's hotline to help New Yorkers affected by the storm who need legal services," said State Bar President Seymour W. James, Jr. (The Legal Aid Society in New York City).

The webcast was seen by viewers in 28 states, Puerto Rico, Washington, D.C., Canada, Finland and Slovakia. The archived webcast can be viewed at www.nysba.org/superstormsandyfreeclelink. Related program materials can be downloaded from the site.

"This disaster is bigger than Katrina," Stephen A. Becker of FEMA told webcast participants. He outlined his agency's role in responding to emergencies around the nation.

Panelists emphasized the importance of advising clients to: carefully document damages; be aware of deadlines for filing of documents and claims; take advantage of all available government assistance and financial aid; carefully review leases and contracts to protect their rights; beware of unscrupulous contractors; and ensure the welfare of children. Experts in insurance and landlord-tenant issues explained the obligations and rights of business and residential renters, noting substantial differences in how the law applies to each.

Attorney **Adam L. Bailey (Adam Leitman Bailey)** and insurance expert Stephen T. Surace (Adjusters International) explained the rights of residential tenants when withholding rent and breaking leases when properties become uninhabitable or lack water and heat.

On the issue of the rights of commercial tenants, Rolando Gonzalez (The Legal Aid Society) warned that business renters have fewer rights than residential tenants. "If it's not in the lease, it's not enforceable," he said, urging business operators to carefully review their leases and attached riders.

Matthew J. Tierney, principal administrative law judge at the Unemployment Insurance Appeal Board, said claims for Disaster Unemployment Assistance (DUA) from the federal government must be directly related to storms. He urged individuals to be aware of looming application deadlines and to thoroughly document their identification and work history.

Surace and Jason L. Shaw (Whiteman, Osterman & Hanna) also explained the important distinction between a "flood" and other water damage. Homeowners insurance generally covers damage caused by burst pipes and rain entering through holes in roofs. That is not considered damage caused by a "flood." To the insurance industry, the word "flood" refers to damage caused by rising water that enters a home, they said. To ensure that damage is covered, individuals must purchase separate flood insurance.

Tara L. Moffett (Girvin & Ferlazzo) stressed the importance of maintaining continuity in a child's education. She explained that students are entitled to attend school, even if they have been displaced from their homes or local communities. She said students affected by storms can become eligible for assistance to meet their basic needs, such as clothing, medical care and free or reduced-price school lunches.

David A. Rikard (Law Offices of David A. Rikard), a private attorney from the town of Prattsville in the Catskills, whose home and law office were destroyed by Hurricane Irene in 2011, offered this advice when asking government agencies for assistance: "Document. Document. Document."

More than one panelist reminded attorneys to advise their clients that recovering from a major disaster takes time, often many months. "Remember, it is a marathon, not a sprint," said Benjamin S. McCarty of the U.S. Coast Guard.

Panelists noted that recent disasters have made organizations better prepared for events like Sandy, and that there is now a wealth of information available online to assist storm victims with their questions.

The program ended with panelists saying there are many opportunities for fellow attorneys – in New York and elsewhere – to get involved in helping victims of this storm and future storms.

"The question isn't if there will be another disaster. It's when there will be another disaster," said the panel moderator, Professor Tracy L. McGaugh of the Touro Law Center on Long Island.

Out-of-state attorneys – those not licensed in New York – are eligible to provide pro bono services to storm victims, under specific conditions, following a decision by the state Court of Appeals November 14.

The State Bar has created a toll-free hotline (1-800-699-5636) for callers with legal problems related to the storm. Callers receive a free legal consultation of up to 30 minutes from volunteer attorneys. To volunteer, attorneys can visit www.nysba.org/DisasterVolunteerSandy or call 518-463-3200.

Attorneys viewing the webinar will be eligible for 2.0 Mandatory Continuing Legal Education (MCLE) credits, 1.0 in professional practice and 1.0 in skills until December 31. Nonmembers, attorneys, individuals and other professionals may click on www.nysba.org/guestpassandcycle to view the webinar.

The training was sponsored by the New York State Bar Association in conjunction with Touro Law Center, Empire Justice Center, Legal Aid Society of Northeastern New York, Albany County Bar Association, The Legal Aid Society in New York City and The Legal Project.

The New York State Bar Association, with 77,000 members, is the largest voluntary state bar association in the country. It was founded in 1876.