

# VBA's Flood Victim Low Bono Project: July-Dec 2023

## **Summary and Background:**

In early July of 2023, devastating floods hit most of Vermont, triggering disaster declarations and pleas for legal help. Flood victims, already traumatized by loss of homes, businesses, livelihoods and possessions, were suddenly confronted with snarls of FEMA and SBA paperwork, struggles with insurance companies, and disputes with neighbors, landlords and local and state authorities. Quick access to legal advice was sorely needed.

The Vermont Bar Association, already experienced in providing no-cost legal services for disadvantaged Vermonters, quickly set up a Flood Victim Low Bono Project within 2 weeks of the first flood losses. With a \$20,000 grant from the Vermont Bar Foundation, the VBA marshaled its lawyer-members to begin providing legal advice and short-term legal assistance, for free, to flood victims.

For the next six months, the VBA received requests for help from 49<sup>1</sup> flood victims, and provided each with legal help ranging from check-in and triage to in-depth assistance on insurance claims, FEMA appeal challenges, negotiations with landlords and public authorities, and much more. The VBA Flood Victim Low Bono Project was discontinued at the end of December 2023, and the few remaining referrals are now sent to Legal Services Vermont and Vermont Legal Aid who have since received substantial grants to provide longer term legal representation for flood victims.

## **Statistics:**

\$20,000 grant was provided by the Vermont Bar Foundation out of BOA Settlement Funds.

Grant funds were used to pay attorneys \$75 per hour for up to 5 hours of legal work per flood victim. Maximum payment was \$375.

As of 1-5-23, \$2,702.25 (out of the \$20,000 grant) has been authorized for payments to attorneys in 13 cases, for an average cost of \$180 per case. Some

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<sup>1</sup> Lisa Maxfield, VBA CFO, reported 54 requests for help through our on-line intake. The number was adjusted to 49 clients to eliminate duplicates, requests for legal help not related to the flooding, and referrals out to sister legal services organizations.

lawyers did all or part of the cases pro bono. Many cases are still open and pending payment.

### **The Lawyers:**

A total of 39 attorneys and one paralegal signed up to assist flood victims in our project.

Lawyers ranged from Vermont solo practitioners-- including 4 Incubator Project attorneys-- to lawyers in large, national firms. One NYC firm took on cases for 5 flood victims.

One local attorney, herself a flood victim, signed up to assist another flood victim with a FEMA appeal because the attorney had just done a similar appeal for her own property losses.

### **VBA Coordination and Resources:**

The VBA created a new low bono project, recruited attorneys, found grant funding, and started matching lawyers with flood victims in just 2 weeks after the initial floods.

The VBA provided and continues to provide all set up and on-going administrative costs at its own expense, as a service to the community.

The VBA hosted 2 CLE programs to train lawyers to help flood victims. The 1-hour programs on the basics of the FEMA and SBA grant processes were provided free of charge. About 80 attorneys attended each virtual program.

The VBA maintains a resources page on its website for the use of attorneys and flood victims; the page contains links to FEMA and SBA programs, trainings from other providers, manuals and other relevant material.

The VBA coordinated with other legal service providers to update the Disaster Legal Assistance Manual first produced in Vermont following Tropical Storm Irene in 2011. The Manual is available on the VBA website free of charge.

### **Partner Organizations:**

Legal Services Vermont and Vermont Legal Aid, acting as Vermont Law Help, helped publicize and steer flood victims to the VBA's program. They also greatly assisted in the updating of the Disaster Manual. These organizations are now staffed to provide more in-depth representation for flood victims.

Vermont Law and Graduate School, partners with the VBA on a small business project, held advice clinics and referred flood victims to the VBA's project.

AAG s with the Vermont Attorney General Office provided legal help for some flood victims.

Vermont Public aired a story featuring the VBA's low bono help for flood victims.

### **Representative Stories:**

A client lost his mobile home in the flood. A VBA low bono attorney helped the client get maximum federal and state assistance to replace the dwelling unit, and stands ready to assist should further issues arise.

A client with disabilities was concerned that her landlord's post-flood repair did not result in a safe and clean home. A VBA low bono attorney assisted the client with compiling information and filing a housing complaint.

In several instances, attorneys familiar with insurance law helped flood victims review insurance documents to determine whether flood damages could or should be covered by the existing policy.

Flood victims suffered damage to their home, but were having difficulty getting an engineer's report in time to meet FEMA deadlines. The VBA low bono attorney assisted them with the FEMA process and in reaching out to local officials for help.

Client had the private road to his home washed out by flooding. FEMA denied the request for funding, and VBA Low Bono attorney worked with client on the FEMA appeal.

When client's mobile home was flooded and made uninhabitable, landlord still demand lot rent. VBA's low bono attorney engaged in negotiations with landlord while also putting client in touch with state program to provide funding for new shelter. The lawyer continues to assist client pro bono with these issues.

A small business client's office space was damaged by flooding. VBA low bono attorney worked with the client to review the commercial lease and is now working toward an amicable early termination of the lease.

Client's home was damaged by flooding. When client filed an insurance claim, she was told that the insurance policy had lapsed. Payments were the responsibility of the mortgage company who was escrowing funds for that

purpose. VBA's low bono attorney is assisting client with claims against the insurer and the escrow agent.