

November 1, 2017

Re: Letter from Florida Law Firm Leaders re: Legal Services Corporation Emergency Appropriation in Response to Hurricane Irma

To Members of the Florida Congressional Delegation:

We, the leaders of 23 major law firms in Florida, write to ask your support of the Legal Services Corporation's (LSC) request for a \$12 million emergency supplemental appropriation to help Florida, Georgia, Puerto Rico and the U.S. Virgin Islands recover from Hurricanes Irma and Maria. Hurricane Irma created an estimated \$19 billion of damage in Florida, and LSC estimates that more than 11 million people are now eligible for legal aid in Florida and other affected states and territories.

LSC's Florida grantees are vital leaders in developing the pro bono response to critical legal needs in the wake of the hurricane, providing volunteer lawyers with needed case screening, training and mentoring to handle disaster cases on a pro bono basis.

As our Congressional representatives, we ask that you strongly support LSC's request.

To ensure that LSC grantees focus on helping hurricane survivors fully recover, most of the appropriated funds will be used for constituent services and disbursed by LSC over three years. Smaller amounts will fund online tools to organize legal services as well as pro bono outreach and training. This request, described in detail in the attachment, is consistent with supplemental appropriations given to LSC in the wake of Hurricane Sandy in 2012.

LSC and its grantees play an essential role in helping people put their lives back together after a devastating natural disaster. Private law firms contribute by providing necessary legal assistance to survivors facing FEMA appeals, housing disputes, and other basic human need matters that arise in the aftermath of a disaster – but firms can provide this vital pro bono help only with the assistance of legal services agencies.

To provide just a snapshot of the important legal work spearheaded by LSC grantees across the state: Legal Services of Greater Miami is helping survivors obtain FEMA assistance and food stamps; Bay Area Legal Services has developed an online disaster resources center to assist impacted Floridians; and Three Rivers Legal Services in North Florida is facilitating information sessions to guide Floridians through disaster recovery issues such as construction repairs, housing disputes, and insurance claims.

Emergency appropriations to LSC will serve Floridians most in need of legal assistance as they recover from this natural disaster. LSC grantees will leverage that appropriation into even greater help by supporting the free legal services provided by private lawyers throughout Florida.

Thank you for considering this request.

Respectfully,

Andrew M. Smulian, Chairman & CEO, Akerman LLP (Boca Raton, Fort Lauderdale, Jacksonville, Miami, Naples, Orlando, Tallahassee, Tampa, West Palm Beach)
Richard Alexander, Chairman, Arnold & Porter Kaye Scholer LLP (West Palm Beach)
Robert H. Moore, Florida Managing Partner, Baker McKenzie (Miami)
Kelly Overstreet Johnson, Managing Shareholder – Tallahassee Office, Baker, Donelson, Bearman, Caldwell & Berkowitz, PC (Tallahassee)
James L. Berger, Managing Partner, Berger Singerman (Boca Raton, Fort Lauderdale, Miami, Tallahassee)
Richard E. Berman, Administrative Partner, Blank Rome LLP (Fort Lauderdale, Tampa)
Gary L. Sasso, President/CEO, Carlton Fields Jordan Burt, P.A. (Miami, Orlando, Tallahassee, Tampa, West Palm Beach)
Martin Schrier, Office Managing Partner, Cozen O'Connor P.C. (Miami)
D. Scott Elliott, Office Managing Partner, Cozen O'Connor P.C. (West Palm Beach)
Marc Chapman, President, Dean, Mead, Egerton, Bloodworth, Capouano & Bozarth, P.A. (Fort Pierce, Orlando, Tallahassee, Tampa, Viera/Melbourne)
Mike McNamara, US Chief Executive Officer, Dentons US LLP (Miami)
Joshua Kaye, Office Managing Partner, DLA Piper LLP (Miami)
Kevin E. Hyde, Office Managing Partner – Jacksonville Office, Foley & Lardner LLP (Jacksonville, Miami, Orlando, Tallahassee, Tampa)
Amy S. Rubin, Partner, Fox Rothschild LLP (West Palm Beach)
Hilarie Bass, Co-President, Greenberg Traurig, LLP (Miami, Orlando, Palm Beach County, Tallahassee, Tampa)
Richard Lorenzo, Office Managing Partner, Hogan Lovells LLP (Miami)
Steven Sonberg, Managing Partner, Holland & Knight LLP (Fort Lauderdale, Jacksonville, Lakeland, Miami, Orlando, Tampa, West Palm Beach)
Juan Enjamio, Office Managing Partner, Hunton & Williams LLP (Miami)
Stanley Wakschlag, Shareholder, Kenny Nachwalter, P.A. (Miami)
Robert M. Brochin, Office Managing Partner, Morgan, Lewis & Bockius LLP (Miami)
Robert J. Tannous, Managing Partner, Porter, Wright, Mirris & Arthur LLP (Naples)
Kimberly Leach Johnson, Firm Chair, Quarles & Brady LLP (Naples)
T. Robert Bulloch, Office Managing Partner, Quarles & Brady LLP (Naples)
Kelli A. Edson, Office Managing Partner, Quarles & Brady LLP (Tampa)
James G. Sammataro, Office Managing Partner, Stroock & Stroock & Lavan LLP (Miami)
Wayne LaRue Smith, Principal, The Smith Law Firm (Key West)

Appropriations Supplemental Request for Legal Services Corporation Grantees in the Wake of Hurricane Irma and Maria

September 27, 2017

The Legal Services Corporation (LSC) submits the following request to supplement the request we submitted to provide civil legal assistance in the aftermath of Hurricane Harvey September 5, 2017.

In the aftermath of a natural disaster, legal services providers are a critical component of comprehensive disaster relief. LSC has expertise in working with and supporting a network of legal services and national partners to help the legal aid programs we fund serve low-income clients when disasters or emergencies occur. Through a coordinated national infrastructure, LSC-funded programs provide access to resources and information vital for communities to respond to disasters and emergencies.

When disasters strike, LSC grantees mobilize attorneys to provide pro bono legal assistance and direct representation to low-income survivors in affected communities. Working in partnership with the Federal Emergency Management Agency (FEMA), the American Red Cross, the Young Lawyers Division of the American Bar Association, state and local bars, as well as other national and local recovery organizations, LSC-funded programs set up recovery hotlines and staff FEMA disaster recovery centers.

LSC grantees in Florida, Georgia, the U.S. Virgin Islands, Puerto Rico, and the surrounding communities are facing significant disruptions to their operations due to storm-related damage. LSC estimates that there were **11.5 million** LSC-eligible clients located in the affected states and territories; many thousands more will become eligible for legal aid because of the storm. All the affected areas have been designated for federal disaster assistance.

LSC grantees are struggling to provide legal assistance to thousands of victims of the storms and require emergency supplemental funding to address damage to their own facilities and operations in addition to the increased demand for storm-related assistance.

Damage to LSC Grantee Offices

Several LSC-funded programs in the affected areas have suffered severe damage to their offices and have had to close. Many are without power and are unable to communicate with their staff. Despite these impediments, LSC grantees' staff are continuing to help victims from coordination centers, such as FEMA Disaster Relief Centers, other emergency assistance locations, and even from their homes. Supplemental emergency funding is critical to support these programs as they assist survivors of the storms to recover. Below are some examples describing the extent of the damage to grantee offices.

Legal Services of Greater Miami (LSGM). Hurricane Irma made landfall and severely damaged Monroe County. A substantial amount of the housing in the county occupied by LSC-eligible clients has been destroyed or is now uninhabitable. LSC and its grantees expect years of follow-up to help these disaster survivors. Prior to the storm, LSGM assisted residents in the Florida Keys by traveling to the area because the grantee did not have a permanent office there. In addition to grantee staff, pro bono attorneys provided services at clinics in the Key West courthouse or private law offices. Because of the extent of the destruction in the Keys, including power outages and difficulty traveling to the area, LSGM must secure temporary office space to assist residents and mobilize volunteers throughout the Keys.

Coast to Coast Legal Services of South Florida, serving Broward and Collier counties. The service area is home to thousands of elderly persons who reside in nursing homes and assisted living facilities. Eight elderly residents of a nursing home in Broward County died during the storm. Some of the residents in the program's service area are located 100 miles from the program's offices. To assist survivors, the program needs emergency resources to lease temporary space and equipment to set up a temporary satellite office in Collier County.

Community Legal Services of Mid-Florida's main offices are in Dayton Beach and Orlando. The Daytona office sustained damage due to the flooding from Hurricane Irma. Without power, the office closed and the 28 staff have been relocated to other offices. The grantee expects the office to be closed until the end of the year. Satellite and mobile offices are needed to enable the Daytona office to function in the short term. Additional funds are necessary to replace equipment and IT systems damaged in the storm.

Virgin Islands. The St. Thomas office of Legal Services of the Virgin Islands (LSVI) has been completely devastated from Hurricanes Irma and Maria. In fact, the hurricanes flattened or severely damaged 90% to 95% of the island, including the hospital, police station, and most government buildings. Survivors on St. Thomas need direct assistance from staff attorneys and pro bono volunteers because of the lack of power and phone service. Even if cell service is available, there is no power to charge phone batteries. Disaster hotlines, often an effective means to assist disaster survivors, are therefore impractical. LSVI needs emergency resources to provide assistance through temporary and mobile offices. Emergency generators are required to even begin the recovery process.

Puerto Rico. LSC provides funding to two programs on the island: Puerto Rico Legal Services and Community Law Office. Legal Services of Puerto Rico is the second largest recipient of LSC funding and has 16 offices across the island. The entire island is without power and reports indicate that power might be out for more than six months. Due to significant damage from Hurricane Maria, the Puerto Rico program's branch offices are closed. Emergency resources are necessary to set up temporary mobile offices while repairs are made to the offices. Emergency generators are required to even begin the recovery process.

Before Hurricane Maria made landfall on Puerto Rico, the LSC-funded programs on the island had volunteered to assist the U.S. Virgin Islands and other programs devastated by Irma with resources and volunteers. As a result of the devastation caused by Hurricane Maria, the Puerto Rico programs are unlikely be able assist the Virgin Islands.

Short-Term Assistance

In addition to the damage to grantee offices, supplemental funding is necessary to provide legal assistance to hurricane survivors. Due to significant flooding and home damage, people will be seeking advice on flood insurance and FEMA assistance. The deadline for applying for FEMA assistance is 60 days. Disaster victims will need immediate assistance to file for these benefits and other disaster-specific assistance such as federal disaster benefits for SNAP, unemployment, a HUD-announced 90-day foreclosure moratorium, FHA insurance issues, documentation replacement for education and medical benefits, and respond to evictions and housing problems.

LSC expects Hurricane Irma and Maria disaster survivors to encounter the following immediate legal problems:

- Lost and destroyed documents needed to apply for benefits (e.g., driver's license, wills, Social Security card, birth certificate)
- Government disaster aid applications and appeals of agency decisions
- Relocation and transitional housing (e.g., landlord/tenant disputes, evictions, lease terminations, foreclosures)
- Home ownership issues: repair scams; contractor problems; insurance concerns; rebuilding barriers; property rights; and tax problems
- Disaster-related food stamps
- Family assistance such as emergency child custody, visitation, and support
- Disaster-related employment issues
- Social Security, Medicaid, and other health-related issues

Long-Term Assistance

Legal challenges can haunt disaster survivors for years. Cases involving the National Flood Insurance Program, FEMA appeals, bankruptcy, and public housing issues will arise. Typically, individuals and families fall prey to fraud and common scams after severe natural disasters. Common post-disaster fraud practices include phony housing inspectors, fraudulent building contractors, bogus pleas for disaster donations, and fake offers of state or federal aid.

Contractor fraud scams typically proliferate when disaster victims start receiving cash payments from insurance proceeds and housing repair grants. Legal aid programs will be called on to provide help with state-specific recovery programs, property/title problems (needed to secure benefits and loans), foreclosure, medical benefits, and bankruptcy. Domestic violence may increase and legal interventions become necessary.

Victims of floods lose track of mortgage payments and could face foreclosure, and evacuees from rental properties and apartments may face evictions, improper raising of

rents, and other issues with unscrupulous landlords. Some survivors will need assistance with school transfers and transportation.

Funding Request

LSC requests a supplemental appropriation of **\$12 million** to provide legal services to disaster survivors in the states and territories affected by Hurricane Irma and Maria. The total amount requested will be specifically designated for hurricane relief assistance to the following LSC grantees in the affected area: six grantees in Florida, two grantees in Georgia, two grantees in Puerto Rico, and one grantee in U.S. Virgin Islands. Emergency supplemental funding is necessary to support additional staff, mobile resources, equipment and technology systems, and disaster coordinators to provide storm-related services to the client population. A breakdown of the anticipated costs follows.

1. Constituent Services (disaster dedicated staff and pro bono coordinators): \$9 million over three years will enable thousands of victims and their families to get legal assistance through a combination of community outreach and short-term and long-term legal services by additional disaster dedicated staff and pro bono coordinators to mobilize volunteers.
 - Year 1: \$4 million
 - Year 2: \$3 million
 - Year 3: \$2 million
2. Pro Bono Outreach/Training/Technical Assistance (for 3 years): \$420,000
3. Computers, mobile resources, technology, virtual and satellite law offices: \$2 million.
4. Administrative Costs: \$571,000. LSC requests 5% in administrative costs for managing emergency Hurricane Irma and Maria recovery coordination and oversight.

LSC Oversight

LSC is a prudent steward of taxpayer dollars and operates a lean and robust oversight program. LSC has adopted rigorous oversight, enforcement, and training programs to promote grantees' compliance with all requirements and restrictions that Congress has enacted. These initiatives include an emphasis on fiscal risks during compliance visits to grantees; use of special grant conditions to improve internal control; and regular coordination, cooperation, and communication with LSC's Office of Inspector General. LSC takes corrective actions against any grantee that does not comply with the LSC Act and other laws and regulations

LSC is the single largest funder of civil legal aid in the country. LSC promotes access to justice by funding high-quality civil legal assistance for low-income Americans. LSC currently funds 133 local legal aid programs in every congressional district and five U.S. territories. With more than 800 offices nationwide, these organizations serve thousands of families, veterans, seniors, victims of natural disasters, and individuals in every congressional district.