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**SPECIAL FEATURE:
LSC 50th
ANNIVERSARY
CELEBRATION**



**Protecting
the Promise**



“We Are All Climate Lawyers Now:” How You Can Navigate the New and Inevitable World of Disaster Legal Services at Your Organization

By Charles Burrows, Staff Attorney,¹ Legal Aid of Southeastern Pennsylvania, and
Josh Gaul, Managing Attorney,² Iowa Legal Aid

One of the most significant issues facing humanity in the 21st Century is the climate crisis. In 2023, there were 28 confirmed climate disaster events in the



Charles Burrows (L); Josh Gaul (R).

United States, each with damages exceeding \$1 billion.³ “You are all climate lawyers now,” John Kerry told the General Assembly of the 2021 American Bar Association (ABA) Hybrid Annual Meeting in Chicago.⁴ Kerry said the 2015 Paris Agreement on climate change, which established the goal to limit global warming to well below 2 degrees Celsius compared to pre-industrial levels, was “making a difference today,” but he said if the agreed-to limits are not met, “life on our planet will become increasingly unrecognizable.”

The World Meteorological Organization (WMO) released its State of the Global Climate report in November 2023 with dire findings. The report confirms that 2023 was set to be the warmest year on record, with global temperatures at about 1.4 degrees Celsius above pre-industrial levels.⁵ In fact, the past nine years, 2015-2023, have each been the warmest year on record.⁶ Our rapidly warming climate is caused by increased concentrations of greenhouse gases (carbon dioxide, methane, and nitrous oxide) in the atmosphere, which also reached a record high level in 2022.⁷

Accelerated temperature increases and concentration of greenhouse gases have significant impacts on extreme weather events. These extreme weather events have been increasing in intensity and frequency throughout the United States. Regions are also experiencing new types of natural disasters for which communities are unprepared. In previous decades, these disasters were exceedingly rare and unfathomable.

Disaster Strikes

Legal Aid of Southeastern PA (LASP) experienced this firsthand, when its four-county service area in the Philadelphia suburbs was hit by the remnants of Hurricane Ida on Sept. 1, 2021. Hurricane Ida brought record flooding and extensive tornado damage. It also destroyed Riverside Apartments in Norristown near the Schuylkill River.⁸ The building, which provided 124 units of affordable housing, was torn down and not rebuilt. Extreme weather events disproportionately impact low-income and vulnerable communities that do not have the resources to adapt or respond to them. The LSC Disaster Task Force Report, released in March 2020, notes, “For low-income disaster survivors, basic subsistence and re-establishing their lives can involve months and even years of serious challenges. Law can be both a barrier and a tool as disaster survivors work to regain their lives.”⁹

In 2023, there were 73 Major Disaster Declarations issued by the Federal Emergency Management Association (FEMA). Major disaster declarations are issued under the Robert T. Stafford Disaster Relief and Emergency Assistance Act for any natural event, including a hurricane, tornado, storm, earthquake, etc. A wide range of federal assistance programs is provided after a major disaster declaration.¹⁰ This includes federal assistance for legal services:

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encompassed LASP's four-county service area of Bucks, Chester, Delaware, and Montgomery counties, plus Bedford, Northampton, Philadelphia, and York counties. LASP applied for and received an LSC Disaster Supplemental Appropriation (DSA) grant. The DSA grant provides funding to LSC-funded organizations providing services to survivors of Presidential (FEMA) Disaster Declarations.¹²

FEMA appeals were a frequent intake topic. The 2022-2025 DSA grant enabled LASP to hire a full-time staff attorney to focus on disaster legal services stemming from this storm. However, hurricanes and other severe weather is not a common occurrence in Pennsylvania. Offering disaster legal services was a completely new legal focus for LASP. Yet, LASP recognizes the likelihood that climate risks will grow and continue to affect its service area.

Staffing Disaster Legal Services

With that in mind, LASP needed to increase its capacity for disaster legal services and train its full-time Disaster Relief Staff Attorney.

In the immediate aftermath of Hurricane Ida, LASP sent advocates to meet with survivors at Multi-Agency Recovery Centers (MARC)s, Disaster Recovery Centers (DRC)s, and other sites. Advocates represented clients in landlord-tenant matters, FEMA appeals, and other types of cases. LASP used its website, community contacts, social media, and news releases to share critically important information for survivors. LASP implemented the legal aid disaster helpline for Pennsylvania, using its existing Helpline and staff to handle calls for the eight counties covered by the federal disaster declaration, in collaboration with MidPenn Legal Services, North Penn Legal Services (NPLS), and Philadelphia Legal Assistance (PLA).

Needing to quickly reallocate and identify resources in the immediate aftermath of the storm, a LASP intern became the Hurricane Ida Specialist and upon passing the bar exam, became its first Disaster Relief Staff Attorney in late 2021. She operated the legal aid Helpline for Hurricane Ida in Pennsylvania. One designated legal aid hotline is assigned in each state for each major disaster declaration. LASP, MidPenn, NPLS, and PLA met regularly with LSC, FEMA, and an attorney with Lone Star Legal Aid/ABA Young Lawyers Division's Disaster Legal Services program. Calls outside LASP's service area were referred to the other

legal aid programs. LASP's attorney focused on assisting clients and managed the DSA grant through most of 2022. With LSC funding secured, LASP recruited a full-time attorney to work exclusively on providing disaster-related legal services.

Learning from Others with Disaster Relief Experience

To help LASP develop the capacity to provide disaster legal services, LSC connected LASP with Iowa Legal Aid (ILA) staff as mentors. Since 2015, ILA staff have responded to an avian flu outbreak, several major flooding events, numerous tornadoes, several apartment complex fires, a building collapse, a school shooting, and two derecho events. Three of these disasters led to LSC-funded DSA grants designed to increase ILA's ability to assist disaster survivors. One of these grants is a result of Iowa's 2020 derecho.

Iowa's 2020 derecho event is an example of the increasingly extreme nature of disasters. A derecho is a widespread and long-running severe storm event with straight-line wind speeds in excess of approximately 60 mph. In Iowa's 2020 event, wind speeds maxed out at an astonishing 140 mph. For perspective, that is the same wind speed as a Category 4 hurricane or an EF-3 tornado. Unfortunately, the derecho's max wind speed was experienced near Cedar Rapids — Iowa's second largest city. With \$11 billion in damages caused, the derecho event on Aug. 10, 2020 stands as the costliest severe thunderstorm event in U.S. history.

The difficulty in responding to this event was compounded by the fact that it occurred during the height of the COVID-19 pandemic. In-person contact and outreach was restricted. Supply chain and contractor shortages were rampant, slowing down the overall recovery. Fortunately, ILA was connected to a community of similarly situated disaster legal services projects throughout the country. Beginning early on during the pandemic, disaster staff from various legal services organizations started gathering every other month via Zoom. The purpose of these meetings was to discuss best practices regarding client and partner outreach, FEMA appeals and disaster legal issues, state and local relationships to build, volunteer attorney recruitment and clinic ideas, equipment needs, and staff trainings. LASP has now connected with this ever-growing community. Through these Zoom meetings, LASP has learned from the experiences of organizations in California, Florida, Iowa, Kentucky, Louisiana, Nebraska, North Carolina, Oklahoma, Puerto Rico, Texas, and several others.

Building Relationships with Other Service Providers

In addition to benefiting from the sharing of lessons learned by other organizations nationwide, LASP staff built relationships with providers at the local level. Relationship-building with other local disaster and social service providers is paramount to finding affected survivors. An important aspect of relationship-building is educating providers on the legal issues faced by disaster survivors. Many disaster and social service providers are not aware that many of the issues their clients face post-disaster are legal in nature. Once educated on both the legal issues survivors face and the services provided by a legal aid organization, service providers are more likely to both recognize the potential legal issue and refer the survivor for possible assistance. Much of this education and relationship-building can be conducted simply by attending and sharing at meetings held by state and local VOADs (Voluntary Organizations Active in Disaster).

As a result of ongoing work to help Hurricane Ida survivors, LASP joined the Southeastern PA VOAD (SEPA VOAD) in 2023. In 2024, LASP's disaster relief staff attorney was elected to serve on the SEPA VOAD board of directors and regularly receives referrals for disaster legal services from VOAD partners. Attorneys in states like Florida, Kentucky, and Texas, who are more experienced in responding to natural disasters, offered valuable resources and information that allowed LASP to develop its own services. Mentorship — both through ILA and the disaster team at LSC — gave LASP the tools needed to confidently offer disaster legal services. From September 2021 through January 2024, LASP has assisted 142 clients with legal issues ranging from FEMA appeals to document replacement to protecting renters' rights.

If your organization has never handled a FEMA disaster declaration, don't fret! Thanks to valuable mentorship and resources available through LSC, LASP successfully developed a disaster legal services program with no prior experience in the area. Providing disaster legal services can seem overwhelming in the face of rapid climate change, but lawyers can play a pivotal role in disaster recovery. Funding through LSC empowers legal aid organizations to meet the growing need for disaster legal services throughout the United States. And although the world needs to cut greenhouse gas emissions by at least 45% by 2030 "not just in some countries, in some regions, but all over the world," Kerry said, "the good news... is that we can do it."

"There is still time... but we cannot procrastinate."¹³



NORRISTOWN—Team members from Legal Aid of Southeastern PA (LASP) and Legal Services Corporation (LSC) joined for a walking tour of Norristown on April 25, 2023 to show some of the locations flooded by Hurricane Ida on Sept. 1, 2021. The walking tour also passed by the Montgomery County Intermediate Unit, where Multi-Agency Recovery Centers (MARC)s and mobile Disaster Recovery Centers (mDRC)s were deployed in September and October 2021 in response to the storm, as well as local landmarks such as the Norristown Transportation Center, Montgomery County Courthouse, Montgomery Bar Association, and a Magisterial District Justice (MDJ) court. LASP continues to provide disaster legal services in response to Hurricane Ida, thanks to a grant from LSC.

Front row (from left): C. Shawn Boehringer, LASP Executive Director; Kristine Hansen, LSC Disaster Grants Program Counsel III, Office of Program Performance; Carolyn Johnson, LASP Chief Counsel; Mytrang Nguyen, LSC Program Counsel, Pro Bono Innovation; and Jennifer Pierce, LASP Pro Bono Coordinator. Back row: Ann Tydeman-Solomon, LASP Development Director.

- 1 Charles Burrows joined Legal Aid of Southeastern PA in 2022 as Disaster Relief Staff Attorney in the Community Engagement Unit based in Norristown. Along with

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providing direct services in Bucks, Chester, Delaware, and Montgomery counties, his role in the Community Engagement Unit includes conducting outreach, clinics, community education, and workshops. Charles holds a J.D. from Villanova University Charles Widger School of Law. He holds a B.S. in Management and B.A. in Political Science, cum laude, from Penn State Schreyer Honors College. Charles may be reached at cburrows@lasp.org.

- 2 Josh Gaul has worked for Iowa Legal Aid since August 2009. He has been involved in responding to the legal issues faced by disaster survivors since 2015. He currently serves in the role of Managing Attorney of Iowa Legal Aid's Disaster Project and Rural Justice Project for Older Iowans. Josh graduated from Drake University Law School with High Honors in May 2009. Josh may be reached at jgaul@iowalaw.org.
- 3 2023: A historic year of U.S. billion-dollar weather and climate disasters | NOAA Climate.gov (Jan. 8, 2024) <https://www.climate.gov/news-features/blogs/beyond-data/2023-historic-year-us-billion-dollar-weather-and-climate-disasters>.
- 4 <https://www.americanbar.org/news/abanews/aba-news-archives/2021/08/john-kerry-to-aba—you-are-all-climate-lawyers-now/>.
- 5 Provisional State of the Global Climate 2023, World Meteorological Organization.
- 6 *Id.*
- 7 *Id.*
- 8 <https://www.thereporteronline.com/2022/02/14/montgomery-county-experiencing-lack-of-affordable-housing-options-officials-say/>.
- 9 Legal Services Corporation Disaster Task Force Report (March 2020), <https://lsc-live.app.box.com/s/vro33yjt6nl-gurh434fw9jhb7npz4sh>.
- 10 Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121-5207 (the Stafford Act) §401. 42 U.S.C. § 5182.
- 12 <https://www.lsc.gov/grants/disaster-grants-program/how-apply-disaster-grant>.
- 13 <https://www.americanbar.org/news/abanews/aba-news-archives/2021/08/john-kerry-to-aba—you-are-all-climate-lawyers-now/>.