

PUBLIC SERVICE IN A TIME OF CRISIS

Association of the Bar of
the City of New York Fund, Inc.

The NALP Foundation for Law
Career Research and Education

Louis Stein Center for Law
and Ethics, Fordham University
School of Law

**A Report and
Retrospective on the
Legal Community's
Response to
the Events of
September 11, 2001**

Public
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in
a Time
of
Crisis

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4	FOREWORD
5	ACKNOWLEDGMENTS
7	EXECUTIVE SUMMARY The New York Legal Community's Response to 9/11
9	PART I Foundations of the Legal Community's Response A. Coordinated, Collaborative Response B. The Facilitator Project C. The Importance of Training D. The Role of Technology
23	PART II Specific Projects Designed to Aid Victims A. Legal Advice/Other Direct Assistance Volunteer Notary Assistance Expedited Death Certificate Assistance Project Legal Aid and Legal Services Help Desk Uniformed Officer and Family Assistance Family Services Guides Immigrant Affairs Help Desk Trust and Estates Help Desk Outreach to Disadvantaged Communities Aid for Detainees and Victims of Discrimination Small Business Legal Relief Initiative B. Assistance by Special Groups In-House Counsel and the Angels Project Law Student and Law School Response The Victim Compensation Fund and the Response of Trial Lawyers New Jersey Victim Assistance
42	PART III Ongoing Efforts and Unmet Needs
43	PART IV Survey Results: Profiles of the Volunteer Lawyers and the Services They Provided
53	PART V Survey Results: Profiles of the Organizational Response
54	PART VI Lessons Learned

Foreword

Judith S. Kaye*

For many reasons, I am honored and delighted to prologue this excellent report, *Public Service in a Time of Crisis*. I'll list just three of my reasons.

First, what an extraordinary *primer* we now have – a comprehensive textbook on how best to deliver pro bono services! One disaster is more than enough for a lifetime of lessons, and September 11, 2001 surely was the ultimate experience. But the fact is that for families facing homelessness, or eviction, or deportation, or foster care, or innumerable other life challenges, every day is also a time of crisis.

Here is a succinct, inexhaustible compendium of how-to's, and who-did's. Here is a nucleus of people who can speak volumes about their own efforts, they can identify others who labored alongside them, and they can help brainstorm about replicating what they did to meet other crises. I disagree with the report only in that it says it contains eighteen "lessons" for responding to a disaster. I see hundreds of lessons here for organizing, delivering, and overseeing pro bono services.

Second, what an extraordinary *chronicle* we now have – the Bar at its finest, its shining hour; thousands of lawyers, paralegals, and staff members, hundreds of thousands of hours enthusiastically volunteered for the public good. Would that this report could be appended to every headline-grabbing story of a lawyer's malfeasance, and to every book and article declaiming our lost and betrayed profession. This is the *real* story of the Bar, the *real* character of New York lawyers and their neighbors.

I am grateful for the chronicle not only as an answer to the cynics but also, for the future, as a perpetual reminder of the value, the importance, the personal satisfaction that comes from pro bono work. This is the complete answer to every lawyer who is "too busy" or "lacks the right experience." You aren't and you don't. We don't need another disaster to remind us of who we are. We can just pull out a copy of *Public Service in a Time of Crisis*.

My third reason is the extraordinary *opportunity* I now have simply to say thank you. Thank you to the dedicated, resourceful, courageous individuals, firms, and organizations who gave their time, resources, and skills in the aftermath of 9/11. That same spirit of helping others motivated this report, for which I express profound thanks to its Project Manager, Matthew L. Moore, and to its three principal sponsors: the Association of the Bar of the City of New York Fund, Inc., the Louis Stein Center for Law and Ethics of the Fordham University School of Law, and the NALP Foundation for Law Career Research and Education. And thank you to every single person – they're named in the Acknowledgments – who brought this terrific project to fruition.

* Chief Judge of the State of New York

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In mid-2002, the three sponsors of this project – the Association of the Bar of the City of New York Fund, Inc. (“City Bar Fund”), the NALP Foundation for Law Career Research and Education, Inc. and the Louis Stein Center for Law and Ethics of Fordham University School of Law – independently began work to document the response of the legal community following the terrorist attacks of 9/11. Upon learning of each other’s efforts, the three separate projects were combined and work began on this Report.

Sponsors’ Working Group

To guide the project as it progressed, a working group was formed consisting of a project manager and representatives from each of the sponsoring organizations. Each of the members of the working group has contributed significantly to this effort and the final Report. The members of the Sponsors’ Working Group were:

Matthew L. Moore, project manager, then Davis Polk*
 Carol Bockner, Director of Pro Bono Initiatives, City Bar Fund
 Professor Matthew Diller, Louis Stein Center for Law and Ethics
 Gail A. Flesher, Davis Polk (NALP Foundation Trustee)
 Professor Bruce A. Green, Louis Stein Center for Law and Ethics
 Maria Imperial, Executive Director, City Bar Fund
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 for Law Career Research and Education
 Paula A. Patton, Chief Executive Officer and President, The NALP
 Foundation for Law Career Research and Education

* Davis Polk & Wardwell = Davis Polk

† Simpson Thacher & Bartlett LLP = Simpson Thacher

Assisting with Research, Conducting Interviews, and Drafting Report Sections

Many individuals volunteered to assist in various ways in the preparation of this Report, including conducting research and gathering data, conducting interviews, and drafting and editing various sections. To all of those who helped, we are deeply grateful.

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Contributing Law Firms

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While all members of the Sponsors' Working Group were involved and supportive, the City Bar Fund's role must be acknowledged. Not only was the City Bar Fund pivotal to the 9/11 response itself, as described in the report, but it was also a key resource and repository for the history and details of the relief effort.

Finally, the vast majority of the research, writing, organizing, interviewing, and overall creation and development of the Report was done by the project manager, Matthew L. Moore. Both as a consultant and then through pro bono work after returning to Davis Polk as a full-time lawyer in February 2003, Matt has provided thoughtful, insightful, and invaluable leadership and guidance and has done excellent work overall. We could not have accomplished all that we have without him.

CITY BAR FUND

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Paula A. Patton, Chief Executive Officer and President

LOUIS STEIN CENTER FOR LAW AND ETHICS,
 FORDHAM UNIVERSITY SCHOOL OF LAW
 Professor Bruce A. Green, Director

Executive Summary

The New York Legal Community's Response to 9/11

“Adversity almost always has a counterpoint. From scandal comes reform; from disease comes medical advance. . . . The tragedy with which we are coping has revealed the bar’s deepest character, and that character is admirable.”

EVAN DAVIS, PAST PRESIDENT OF THE ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK

Introduction

The attacks on September 11, 2001 were unprecedented in scope, and the legal needs that grew out of the attacks were varied and far-reaching. This report summarizes the response of the legal community to these needs. The response was fast, thoughtful, comprehensive, and creative. And as a result, thousands of people were helped and thousands of lawyers were able to use their professional talents and skills in a manner that both led to important services being provided to people in need and resulted in great personal satisfaction.

More than 4,000 individuals and families who were affected by the disaster were represented on a pro bono basis by volunteer lawyers.

Approximately 3,000 lawyers received 9/11 training through the City Bar and in-house law firm programs using City Bar resources and more than 2,800 lawyers registered on the ProBono.net 9/11 website to gain information and resources.

The individuals and families who suffered loss had significant needs.

Survivors had to adjust to the unexpected loss of their loved ones. They also had to oversee numerous other depressingly practical details including arranging funerals and burials, balancing financial obligations, applying for aid, administering estates, applying for death certificates, etc.

Other victims¹ had more basic financial needs – between 3,000 and 6,000 individuals and families were displaced from their homes, hundreds of businesses were destroyed, and more than 100,000 people, by some estimates, lost their jobs.

Still other victims had immigration, deportation, and discrimination fears.

In response to 9/11, the institutions that make up the New York area legal community collaborated in ways never previously imagined. Where turf battles once existed, cooperation prevailed.

The City Bar took the lead in organizing and coordinating the relief effort, serving as the central coordination point for a large majority of the legal community’s individual relief initiatives.

Individual lawyers from all practice areas and all firm sizes poured forth in unprecedented numbers to provide day-to-day counseling and legal advice.

A “Facilitator” concept was developed to provide comprehensive service to each client, eliminating the need for the client to find multiple sources of legal expertise.

Technology was utilized in the intake and referral of new clients and to share information among lawyers providing 9/11 services.

1: The word “victims” is used throughout this report to refer to those affected by 9/11 and its aftermath, either directly or indirectly. As used herein, the term is not limited to those who died or were injured as a result of the 9/11 attacks.

You will find in this report a summary of these efforts. In Part I, we describe what we considered to be the overarching keys to the efforts – what we call the Foundations. These included the collaborative efforts of many legal service providers, the City Bar serving as a central hub to provide overall coordination, the creation of the Facilitator Project, the training that was developed, and the key role of technology.

In Part II we discuss some of the specific projects that were implemented to assist clients, and in Part III we summarize the ongoing efforts and some of the unmet needs. These sections constitute the bulk of the report. The projects that were created were interesting, thoughtfully structured and ultimately very useful to the victims. Unfortunately, but not surprisingly, the reality is that not all needs were identified early enough and not all needs identified were met. Lawyers are, however, continuing to work on providing additional assistance to meet ongoing needs.

Parts IV and V describe the results of surveys we undertook of lawyers and law firms. A total of 293 lawyers completed an online survey, and twenty law firms and corporations answered questions about their 9/11 efforts. While the survey respondents were only a small sample of the total universe of lawyers and law firms that provided pro bono services, the data does provide insight about the volunteer lawyers and their experiences.

Finally, in Part VI we have attempted to distill and identify some of the lessons that the experience of responding to 9/11 has taught us as a legal community. Eighteen such lessons are identified in three broad categories: the community aspects of the response, the more practical aspects of responding to a disaster, and finally, ways in which the 9/11 relief effort could have been improved. Common themes running through the report and the lessons learned include the usefulness of coordination and collaboration, the vital importance of nonprofit legal services organizations, the value of innovation and flexibility, and the willingness of large groups of lawyers to volunteer to help those in need. Suggestions for improving future legal relief efforts include expanding the efforts to obtain feedback from clients and working continually to build relationships with social services agencies like the United Way and the Red Cross.

Summary

We were not able to survey individual clients to directly document the impact of lawyers' work, but our limited feedback shows tremendous gratitude from people who were assisted in dealing with difficult issues. They received crucial assistance at a time of unique vulnerability, and with the passage of time and the cementing of relationships, those few we contacted express their appreciation of this. Likewise, the lawyers found their own lives enriched both by their new relationships with their 9/11 clients and by their satisfaction in having been able to help people in need.

The legal community organized its relief effort for the benefit of those affected by 9/11, but in the end there were many beneficiaries, including those directly affected, the lawyers and other volunteers who helped, and the legal community *as a community*, not to mention New York City itself. There can be little doubt that 9/11 was the catalyst for what can aptly be characterized as a "defining moment" for the legal profession. The pages that follow validate that claim by describing the services provided, profiling the lawyers who delivered them, and illustrating the results.

"One of our volunteers was called by the brother of someone who . . . was killed on the 104th floor of World Trade Center. The brother asked her to meet him for lunch . . . and she went. It was September 11th, 2002 and the brother said to her, 'My tribute to my brother is to meet the person who is helping his family and say "Thank you." That's what I wanted to do today, on September 11th.'"

CHRISTOPHER PLACITELLA, PAST PRESIDENT,
ASSOCIATION OF TRIAL LAWYERS OF AMERICA—
NEW JERSEY

Part I

FOUNDATIONS OF THE LEGAL COMMUNITY'S RESPONSE

A. Coordinated, Collaborative Response

The legal community's response to 9/11 was coordinated and collaborative among all its elements, including the courts, bar associations, legal service organizations, the private bar, in-house counsel, government attorneys, and law schools. Of these, the bar associations, legal service organizations, and private law firms played the key roles in organizing and executing a comprehensive program to aid those affected by 9/11, but each segment of the legal community made special contributions to the effort.

From Planning to Action

Judges from the New York state court system, led by Chief Judge Judith S. Kaye, played various roles in the legal relief effort, including spearheading an early effort to encourage the private bar to work together in responding to the tragic events and, as will be discussed in greater detail later, playing a central role in formulating a plan to provide survivors with expedited death certificates. But even before the events of September 11, 2001, the courts were advancing a collaborative effort by the legal community to respond to the tremendous need for legal services by the poor and disadvantaged. In fact, on the very day of the attacks in New York City and Washington, D.C., New York's first ever Access to Justice Conference was being convened in Albany for the purpose of bringing together members of the civil justice community to exchange ideas and develop partnerships to increase access to the legal system by the poor and others who are disadvantaged.

The more than 250 participants expected at the conference included a plethora of state court judges, court administrators, leaders from organizations in New York City and throughout the state whose organizations provide free legal services to the indigent, executive staff from the major bar associations, law professors, government lawyers, and numerous others from across the country who regularly concern themselves with how America's most vulnerable citizens obtain basic legal services.

The two-day conference was scheduled to open at 11:00 a.m. with a panel discussion that would frame the issues confronting the legal community in its effort to expand access to legal services throughout New York State. The conference had been organized under the leadership of Judge Juanita Bing Newton, Deputy Chief Administrative Judge for Justice Initiatives, and she was thrilled when her staff informed her at 8:30 that morning that everything was in place and ready for the conference.

Shortly thereafter, though, the situation changed radically when the conference planners learned of the terrorist attacks in New York City and participants learned of the tragic events while en route to the conference or as they arrived in Albany. Judge Bing Newton decided the conference should go forward, and while some of the participants decided to return home rather than remain at the conference, approximately two-thirds of the scheduled participants remained in Albany and convened the Access to Justice Conference.

Within hours of the attack and in keeping with the collaborative emphasis of the program, representatives from the various New York City bar associations and legal services organizations met in Albany during the conference's afternoon break and turned their attention to helping those impacted by the attacks. They began strategizing about what their organizations could do and how they might divide up the various aspects of the daunting task of responding to what was certain to be an enormous need for legal services.

Coordination Among the Leaders of the Legal Community

"The private bar has joined forces with Legal Services/Legal Aid, the courts, government agencies and other professions to help the terrorist attack victims and their families. There have been open lines of communication, extensive cooperation, and a willingness to work together to solve the problems that face our respective clients." SURVEY RESPONSE

Bar Associations

The largest bar associations in New York State are the New York State Bar Association ("State Bar"), the Association of the Bar of the City of New York ("City Bar"), and the New York County Lawyers' Association ("County Lawyers"). At the invitation of Evan Davis, then-President of the City Bar, representatives from these three bar associations met on Friday, September 14 to discuss a unified response to the crisis and to allocate responsibility in the legal services relief effort.

During the meeting of the bar leaders, it was agreed that New York County Lawyers – which had lost access to its own headquarters as a result of the attacks – would take the lead on death certificate and estate issues, issues that everyone anticipated were urgent and would arise quickly. The State Bar would take the lead in finding space and resources for the several thousand attorneys who were displaced by the destruction of the Twin Towers and the closure of parts of downtown. The City Bar – because it had significant resources and a large membership, and was located in midtown Manhattan, several miles away from the physical devastation – would take the lead in organizing volunteers to assist the families of victims and others in the New York area

affected by the attacks and their aftermath. The meeting and the agreements reached began a deftly coordinated response and ensured that there would be no unnecessary duplication of efforts nor any tension among the bar associations as the relief effort progressed.

Other bar groups were also actively involved in the relief effort, as highlighted by Chief Judge Kaye: “Bar leaders convened regularly to coordinate and maximize their response with the County Lawyers’ Association, displaced from its offices on Vesey Street, undertaking to represent families of uniformed officers and Port Authority employees; the American Trial Lawyers’ Association forming Trial Lawyers Care to counsel claimants to the federal Victims’ Compensation Fund; the City Bar developed the Facilitator Program to train lawyer-volunteers so they could provide holistic services; the State Bar Association coordinated offers of assistance from Bar groups around the world and provided support for lawyers and clients when law offices were decimated or inaccessible; the Women’s Bar Association provided special services to families and small businesses; and countless local Bar Associations pitched in as well.”²

Legal Services Organizations

Nonprofit and legal service organizations participated in every aspect of the legal relief effort. Lawyers from the Legal Aid Society of New York (“Legal Aid”) and Legal Services for New York City (“LSNY”) helped thousands of clients devastated by 9/11 and trained and advised volunteer lawyers from the private sector, many of whom had little or no experience in the areas of law most vital to those affected by 9/11. New York Lawyers for the Public Interest (“NYLPI”) served as a clearinghouse through which private firms undertook pro bono cases and projects. Legal Aid maintained a significant presence at the assistance centers set up by New York City, with its lawyers actively advising and advocating on behalf of victims as they applied for benefits from the many government and nonprofit relief agencies. Other organizations, Safe Horizon among them, provided training programs for volunteers wishing to assist in interviewing clients for the emergency cash assistance program.

2: Chief Judge Judith S. Kaye, “Enduring Values and Changing Times: Pro Bono and 9/11,” The Marden Lecture, Before the Association of the Bar of the City of New York (March 4, 2002).

Private Law Firms

Like the bar associations and the legal services organizations, the participation of private law firms was vital to the success of the 9/11 legal relief effort. Among other things, private law firms combined their resources and developed economies and efficiencies in their representations by drawing on the strengths of each respective firm and collectively engaging in problem solving as appropriate. As well, when needed to augment their pro bono services, private law firms were often able to identify nonlegal professionals from outside the legal community who were willing to offer free or reduced-cost services to 9/11 clients. Further, while not the focus of this report, law firms and individual lawyers made significant cash contributions to the nonprofit entities helping those affected by 9/11.

Not surprisingly, law firms were the largest source of volunteer lawyers for the relief effort, and the preexisting pro bono structures at many large law firms contributed significant efficiency to the solicitation and coordination of individual lawyers. Attorneys from these firms assisted victims in countless ways, including by performing estate work, assisting in obtaining death certificates, obtaining charitable monies, helping to apply for governmental benefits such as workers’ compensation and Social Security, and advising on applications to the Victim Compensation Fund. These volunteer lawyers organized training sessions, interviewed clients to ascertain the scope of their legal needs, drafted proposed legislation, worked collaboratively to compile guidebooks to legal resources for victims of 9/11, and much more.

The Response of Individual Lawyers

“In the days right after the tragedy, I would have traded in my law degree for experience in rescue operations in a heartbeat. When the opportunity came to help the families of the victims, and to help them in a legal role, I jumped at it.”

SURVEY RESPONSE

Although comprehensive records of the participation of lawyers in the 9/11 relief effort were not collected, we know that at least 3,000 attorneys from New York City were trained to render legal assistance to the 9/11 victims and that more than 4,000 private-sector lawyers volunteered to provide pro bono legal services to help those affected by the terrorism. While the actual number of volunteers was probably much higher, this is the number that trained or volunteered directly through the City Bar Fund and the relief programs that it coordinated.³

3: See Exhibit 2 for a diagram of the various relief efforts coordinated by the City Bar Fund.

Lawyers interested in volunteering were given clear means to do so, thanks in part to the fact that so many organizations – including bar associations, legal services providers, state courts, and pro bono clearinghouses – were coordinating their efforts to provide access to needed information, expedite services, and match clients with lawyers who could meet their needs. The legal relief effort drew volunteer lawyers from an especially wide cross section of the bar, including dozens of government, nonprofit, in-house, and private firm lawyers. At the same time, scores of bar associations, law firms, nonprofit legal organizations, government agencies, and corporate legal departments donated additional personnel, as well as facilities and money to assist those in need.

The collaboration and coordination of the legal community ensured that there would be very little duplication in effort and resulted in a more robust and efficient response to victims with specific legal needs.

The Response of the Philanthropic Community

The philanthropic community, especially the September 11th Fund, provided significant financial support to the nonprofit groups that organized and administered the legal community's relief efforts. While the legal community organized specific projects to assist those affected by 9/11, those projects occupied staff and depleted other resources from the organizing agencies. This depletion coincided with a reduction in their own income from contributions because of the economic fallout from 9/11. Fortunately, the September 11th Fund and the New York Times 9/11 Neediest Fund, in particular, stepped in with financial support for the groups organizing the legal relief effort. Among those receiving funds from one or both of these foundations for their 9/11 legal assistance efforts were the following: the City Bar Fund, Lawyers Alliance for New York, Legal Aid, Legal Services for New York City, New York Immigration Coalition, New York Legal Assistance Group, ProBono.net, and Trial Lawyers Care, Inc. Other foundations also supported the work of these and other legal organizations.

B. The Facilitator Project

“Lawyers who did not know how to help, or had never considered volunteer work before, now had a road map for participation. What was great was that the Bar supported their volunteers. Having mentors matters. Many, many lawyers felt compelled to do something, and not many of us were qualified to assist with rescue and recovery.” SURVEY RESPONSE

September 11th Individual and Family Facilitator Project

Purpose: Have an individual lawyer (a “facilitator”) provide individuals and families affected by 9/11 with legal representation, on an ongoing basis, to assist in dealing with virtually any and all legal issues arising from 9/11. The facilitator would conduct a legal inventory, prioritize the client/family's needs, act as a problem solver to represent or refer the client in an exemplary and expeditious manner, and find other experts to assist with special legal needs.

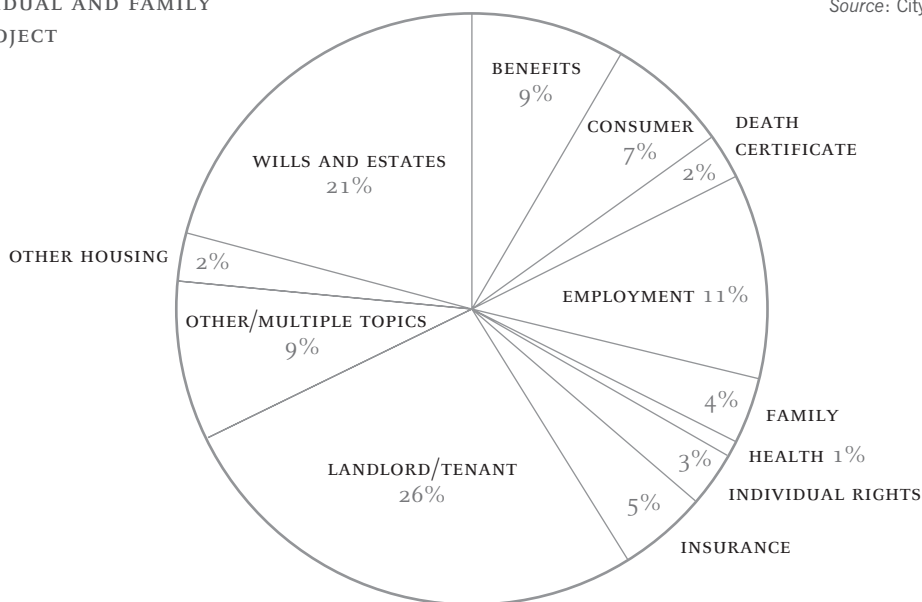
Participants: More than 800 lawyers took a three-hour facilitator training course, though many more than those who completed the training actually volunteered and served as facilitators. Organizational efforts were led by the Association of the Bar of the City of New York Fund, Inc. (“City Bar Fund”) in collaboration with ProBono.net, New York Lawyers for the Public Interest, Volunteers of Legal Service, Legal Services for New York City, Legal Aid Society, Lawyers’ Alliance, inMotion, New York Legal Assistance Group, and others.

Duration: Training of lawyers as facilitators began on October 2, 2001; some facilitators continued to work on behalf of their 9/11 clients more than two years later.

Impact: Facilitators served more than 2,900 clients.

CHART I. INDIVIDUAL AND FAMILY FACILITATOR PROJECT

Source: City Bar Fund



The Genesis of the Facilitator Project

Founded in 1870, the City Bar – officially the Association of the Bar of the City of New York – counts among its members more than 23,000 attorneys in and around New York City, as well as across the nation and worldwide. It has an extensive network of committees that deal with a wide range of legal issues. In 1946 it founded the City Bar Fund – officially the Association of the Bar of the City of New York Fund, Inc. – an organization dedicated to facilitating and improving the administration of justice. Through its various legal outreach and assistance programs, the City Bar Fund provides legal assistance to more than 20,000 low-income New Yorkers annually; typically, its staff and volunteer attorneys serve immigrants, battered women, the homeless, families in crisis, elders, people with cancer, and others who lack the financial assets necessary to access legal resources without assistance.

On September 13, when their offices reopened following 9/11, the City Bar Fund's telephones were jammed with calls from attorneys who wanted to help in some way and were looking to the City Bar and the City Bar Fund for direction. In response to these calls, and based on the agreement reached the next day among the three largest New York-area bar associations that the City Bar would handle organizing and coordinating the efforts of volunteer lawyers to aid victims and the families of those who perished, the City Bar began formulating a tentative legal relief plan, reaching out to and collaborating with other legal services providers about how to respond, and identifying both the most immediate legal needs of victims and the other legal areas where needs were expected to arise. Very quickly the City Bar mobilized its Legal Referral Service ("LRS") and publicized LRS telephone numbers for intake both of victims seeking to obtain legal assistance and of lawyers seeking to volunteer.⁴

On September 19, leaders from the City Bar, ProBono.net,⁵ New York Lawyers for the Public Interest, Volunteers of Legal Service, Legal Services for New York City, Lawyers Alliance, inMotion, and New York Legal Assistance Group met to brainstorm about organization and coordination of the relief effort. At that meeting, a consensus was reached that families should have *an individual lawyer* who would work with the family *on an ongoing basis* and provide that family with *comprehensive legal services*, either directly or by coordinating services through experts in specialty areas of law.

Before 9/11, the prevalent legal service delivery models were based on a strategy of referring clients in need of specific legal services to lawyers who had received training in that specific area. Applied to the 9/11 context, this would have required one lawyer to assist with obtaining a death certificate, another to deal with estate issues, another to assist in obtaining disaster benefits, and yet others should public assistance or Social Security issues arise.

Such an approach would have required those affected by 9/11 to find multiple lawyers, recount their stories multiple times, and thereafter coordinate, interact with, and monitor the many individual lawyers providing the various legal services. The relief effort organizers agreed that such an approach was unworkable and decided, instead, to provide a lawyer with a more holistic focus (called a "facilitator"), much like a family doctor. This "facilitator" model became the heart of the Individual and Family Facilitator Project.

4: Established in 1946 as a joint project between the City Bar and the New York County Lawyers' Association, LRS assists more than 100,000 callers annually with advice and, where appropriate, referral to a lawyer. After 9/11, its phone number was widely publicized by New York City and in the media, and LRS was pressed into service assisting those affected by the tragedy.

5: As discussed more fully below, ProBono.net is a New York-based not-for-profit organization dedicated to developing Internet-based solutions and platforms for use by public interest, legal aid, and pro bono organizations around the country.

As the City Bar's description of the role of the facilitator emphasized: "The importance of a comprehensive approach cannot be overstated. These individuals and families have suffered greatly as a result of the disaster, either by losing a loved one, a home, or a job. Many of these clients have no idea where to turn and need help navigating through the maze of agencies, programs and procedures developed to address their needs. The function of a facilitator is to conduct a legal inventory; to prioritize the family's needs; and then to act as a problem solver." (*The complete description of the role of the facilitator is included as Exhibit 3.*)

Training and Mentoring

After agreeing on the basic elements of the service delivery model, the planners brainstormed about how to implement the model. They quickly focused attention on training – a significant concern since the model called for, at a minimum, hundreds of volunteers delivering services and spotting issues in areas outside their normal practice or expertise. The same issue is often faced and overcome through training when dealing with traditional pro bono programs. But unlike traditional pro bono programs, the services to be delivered in response to 9/11 were not limited to, or even focused on, a single area; instead they involved several key areas, including wills and estates, death certificates, Social Security, state and federal aid, life and health insurance, family law, taxes, and potentially other areas, such as immigration and unemployment. This is illustrated by Chart 1, which shows how frequently particular issues were faced by clients of the Individual and Family Facilitator Project.

This wide breadth of issues far exceeded the experience of virtually all expected volunteers, yet they were the only means to begin to deliver the needed services. To deal with this problem, the working group at the September 19 meeting formulated a training program and developed other tools that would help ensure that every attorney would be equipped to provide effective legal counseling and service. (*See Section C below for more details.*)

More than 800 lawyers completed the first facilitator training course on October 2, which lasted approximately three hours. In addition to training in the areas of law identified by the organizers as potentially relevant to their clients, volunteers received advice from Safe Horizon on how to deal with the emotional needs of clients and how to tailor the legal advice to those needs.⁶ Later, after it became clear that other areas of law were important in a substantial number of cases, additional training sessions focusing on those areas were organized for the facilitators.

6: See, for instance, the Safe Horizon flyer entitled "What to expect after a traumatic event" – which is included as Exhibit 4.

STEPS AND PROCESSES TO THE REALIZATION OF THE FACILITATOR PROJECT

1. Concept development involving key stakeholders throughout the legal community;
2. Creative problem solving to formulate an implementation model;
3. Development of training curriculum, materials, and media;
4. Marketing of the "Facilitator Project" to obtain the support of the community and, especially, law firm leaders;
5. Utilization of the Internet to facilitate communication with and among volunteers;
6. Scheduling and delivering lawyer training in fifteen discrete legal specialties;
7. Recruiting experienced attorneys to mentor facilitators in key areas;
8. Development of lawyer engagement letter;
9. Engineering the lawyer-client assignment and referral processes; and
10. Structuring case management oversight systems and procedures.

While the training session and training materials provided a foundation for facilitators to represent affected individuals and families, organizers realized that the training would be insufficient to enable facilitators to handle some complicated issues in unfamiliar areas. To deal with such issues, volunteer lawyers were encouraged to call upon more experienced attorneys for guidance and assistance with unfamiliar legal processes; within the facilitator model, these more experienced attorneys were known as “mentors” and the organizers of the project sought volunteer mentors throughout the legal community, just as they sought volunteer facilitators. Legal services organizations, such as LSNY and New York Legal Assistance Group (“NYLAG”), and their staffs played a vital role in providing and recruiting mentors with relevant expertise; two individuals who were extraordinarily helpful in this respect were Sandy Russo of LSNY and Randye Retkin of NYLAG.

Recruiting Volunteers

Because a significant percentage of pro bono legal volunteers in New York City have traditionally come from large law firms, the organizers’ next effort was to convince law firms to embrace the facilitator model as quickly as possible and to promote lawyer participation in this special relief effort. To that end, the City Bar called a meeting of law firm representatives and in-house counsel to announce the coordinated relief effort. The meeting was held at Chadbourne & Parke on September 26 and was attended by over fifty leaders of the legal community and law firms. James H.R. Windels, a litigation partner at Davis Polk & Wardwell and Chair of the City Bar’s Committee on Pro Bono and Legal Services, described it this way:

All the big firms were there and all the leaders of the big firms were there. It wasn’t junior people who were sent to attend the meeting, which sometimes happens. You had managing partners of firms; it was very partner heavy. People were filling Chadbourne’s big conference room, and Evan Davis, Maria Imperial and Bridget Fleming all gave overviews, which were very effective and heartfelt and organized. Then there was a broad discussion and a real sense that everyone in the room was at the highest level of enthusiasm and activation and wanting to participate in this effort.

Maria Imperial, the Executive Director of the City Bar Fund, Bridget Fleming, the Managing Attorney of the City Bar Fund, and Michael Hertz, the President of ProBono.net, ran the meeting and explained the evolving pro bono initiatives, including the Individual and Family Facilitator Project. At the meeting, organizers encouraged each law firm and corporation to designate a “September 11 Coordinator” to organize attorneys within their organizations who were interested in volunteering. Going forward, these coordinators would liaise with the City Bar Fund to expedite communication on volunteer opportunities and relief initiatives. In many cases, firms designated their preexisting pro bono coordinators as the September 11 Coordinator, thus allowing the 9/11 effort rapidly to employ the internal pro bono structures and procedures that many law firms already had in place.

The City Bar Fund designated a staff person with primary responsibility for its 9/11 relief effort, including developing and administering programs, coordinating with other groups, making policy decisions, and supervising the work of other City Bar Fund personnel involved in the 9/11 relief programs. Bridget Fleming fulfilled this role initially, and Carol Bockner took over these responsibilities in late October 2001 as the City Bar Fund’s Director of Pro Bono Initiatives.

Not surprisingly, the priority of devising and implementing the Facilitator Project, and coordinating the other relief initiatives, stretched the City Bar Fund’s limited resources. So in addition to the request for law firm participation in the Facilitator Project, at the September 26 meeting the City Bar also sought the donation of the full-time services of lawyers and paralegals for up to six months to serve as case managers in support of the Facilitator Project. The community responded, and two lawyers were made available to serve as case managers at the City Bar Fund – a response that was vital to execution of the facilitator model.⁷ These case managers monitored the needs of victims and the provision of services to the victims and their families, and served as a resource to volunteer lawyers. They tracked results and trends with a goal of better serving victims, and worked in conjunction with the City Bar Fund’s 9/11 Coordinator to ensure that the highest possible quality of service was provided to the victims and their families.

7: Donald Fried, an attorney with Hunton & Williams, and Stacey Mosesso, an attorney with Kelley Drye & Warren LLP, were assigned to the City Bar Fund to handle case management. They both began work at the City Bar Fund in early October 2001; Mosesso remained for six months, and Fried continued serving in that capacity for more than two years.

The Conflicts of Interest Dilemma

The relief effort organizers encountered numerous additional issues along the way to establishing a legal relief program that would gain broad support and participation from the legal community. One such issue involved the need of law firms with diverse corporate client bases to ensure they avoided conflicts of interest with existing clients when undertaking a 9/11 representation. Law firms were particularly concerned about taking on clients whose need for representation could evolve to include litigation against airlines, insurers, or other existing clients.

The Pro Bono and Legal Services Committee of the City Bar was asked to address this issue in the context of the Facilitator Project. It had recently conducted extensive research and analysis of so-called unbundled legal services where a legal services or pro bono lawyer agrees to represent a client, but only for a specific subject matter and with a limited scope of representation. The committee's analysis had focused on significant ethical issues raised by such limited representations, including concerns over whether it is possible under the professional responsibility rules to limit the scope of the lawyer's representation of a client or whether doing so improperly sacrifices the lawyer's duty to zealously represent the client.

In the 9/11 context, the committee addressed the issue by crafting an engagement letter that defined the scope of representation to allow law firms to represent 9/11 clients on a range of issues, while simultaneously limiting representation for tort claims and giving the individual client fair notice of that limitation. The committee sought input on the draft engagement letter from a variety of sources, including ethics experts, law firm representatives, legal services representatives, and in-house counsel, before concluding that the proposed engagement letter could limit the scope of the engagement in conformity with applicable professional responsibility rules so long as it adequately disclosed the limitation to the client and the client gave informed consent.

Once the engagement letter was completed, it was posted on ProBono.net and widely circulated among those interested in providing services through the Facilitator Project. (*A copy of the model engagement letter is included as Exhibit 5.*) Each firm handled the engagement and scope of representation issues in a way it found satisfactory, but the work of the Pro Bono and Legal Services Committee helped guide firms and in-house lawyers as they grappled with these significant issues.

C. The Importance of Training

"I think that everybody was looking for ways to be helpful after September 11 and I think I got an e-mail from the City Bar about a training program, and I saw that it was a serious training program and that was it. It just seemed like I should step forward and do the training, and so I did. . . . For me, it was the perfect program because it trained me not to handle all [my client's] legal problems, but to identify and evaluate her legal problems, then reach out for help to the legal community. People were very responsive to me. . . . I felt good about being able to help my client by doing exactly what the City Bar had trained me to do."

ANN LEWIS, IN-HOUSE COUNSEL AT
PFIZER INC, INDIVIDUAL AND FAMILY FACILITATOR
PROJECT VOLUNTEER

Training plays a key role in most programs designed to deliver pro bono legal services – usually serving several key functions simultaneously, including recruiting, screening, and competency enhancement. Publicizing the training often functions as a recruitment tool for pro bono programs – it simultaneously alerts potentially interested lawyers to the need for services and communicates the next step in addressing that need, that is, attending the training session.

The 9/11 relief effort confirmed the vital importance of effective training to a successful pro bono delivery program and suggests its importance for any disaster recovery relief program that relies on pro bono services. At their very first meeting, the organizers of the Facilitator Project identified training as a crucial issue and began organizing a training program. Their first step was to ascertain the key subject matter areas likely to arise and then to assign those topics among themselves for further development. For each topic, the assigned person created an outline of the most relevant issues and identified the key pieces of information required to assess the clients' needs in that area. The products of this collaborative effort became the basis of the training sessions and comprised the training materials, which included

overviews, frequently asked questions, and other guidance on fifteen different topics. From these materials a comprehensive intake questionnaire was developed to guide the facilitators in taking an inventory of their clients' legal needs. *(The intake questionnaire can be found at www.nalpfoundation.org.)* To assist in developing the training materials, the City Bar Fund also collected existing resources within and beyond the New York City area, including materials prepared by the San Francisco Bar Association in the wake of the 1989 San Francisco earthquake.

In the 9/11 relief effort, wide distribution of training session notices was the most effective recruiting tool organizers had, especially considering the rush to respond quickly. Organizers circulated training session notices by e-mail to their own pro bono contact lists and previous relief effort volunteers, and from there they spread quickly among lawyers. The lawyers' profound desire to help – coupled with the dearth of volunteer opportunities that would draw on their special skills and education – ensured a significant turnout for the training sessions.

Through the coordinated efforts of the New York legal community, five principal training programs were organized and provided for volunteer lawyers: death certificate training, family/individual facilitator training, small business facilitator training, landlord/tenant training, and antidiscrimination training. The volunteer surveys conducted in connection with preparation of this report included several questions about the training sessions that were conducted and their effectiveness; a summary of those results can be found in Part IV, Section J. Other organizations, Safe Horizon among them, provided training programs for volunteers wishing to assist in other ways, such as interviewing clients for the emergency cash assistance program. Each of these training programs found ready volunteers and served to involve more and more lawyers in providing services to those affected by 9/11.

FACILITATOR TRAINING CURRICULUM

The training for individual and family facilitators included basic instruction on fifteen different legal topics:

Death Certificates

Probate (Wills) and Intestacy

Social Security

New York State Aid

Federal Aid

Unemployment Assistance

Life Insurance

Health Insurance

Retirement Plans and Benefits

Family Law

Personal Finance

Tax

Immigration

Landlord/Tenant

Other Resources

(A complete set of the facilitator training materials can be found at www.nalpfoundation.org.)

Other Support Resources: Guides to Legal Issues and Available Benefits

“I sent an e-mail out to the New York office, saying: here is our idea, we are going to put together a handbook and the handbook is going to advise potential victims and their families of what issues they might face, etc. – is anybody interested in helping? The response was both immediate and enormous. . . .”

JAMIE LEVITT, LITIGATION PARTNER,
MORRISON & FOERSTER

Purpose: Create reliable, comprehensive guides documenting the many sources of 9/11-related benefits for use by those affected by 9/11 and those assisting them, including lawyers.

Participants: Numerous New York law firms, including Morrison & Foerster LLP; Cadwalader, Wickersham & Taft LLP; Sullivan & Cromwell LLP; and Nixon Peabody LLP.

Duration: October 2001 through mid-2002, with copies of the guides remaining available as both printed and online resources.

Impact: More than 100,000 copies of the guides were printed and distributed.

Beyond the formal training sessions, members of the legal community undertook to provide additional resources for use by those affected by 9/11 and the lawyers assisting them. One of the difficulties for families of those who died on 9/11 was the need to navigate the legal and benefits systems after the fact. Though still gripped by grief and under the stress of making funeral arrangements, survivors needed to apply for disaster benefits (usually to multiple agencies using multiple forms). These circumstances compounded the confusion resulting from so many organizations offering so many types of benefits, each with its own qualifications, applications, processes, and limitations. In addition, the organizations offering help regularly changed the qualification criteria. While evolution of the rules was necessary and allowed the agencies to provide much more effective aid, the tangle of benefits was incomprehensible to many of those who sought assistance.

Pro bono lawyers helped ease these burdens in some cases, but even the lawyers aiding family members and other survivors found it challenging to identify all the benefits that were available to assist clients through this difficult time. To make the process more manageable, several law firms created written handbooks and benefit guides that provided overviews of legal issues and available benefits. Among those undertaking such efforts were Morrison & Foerster LLP, Cadwalader Wickersham & Taft, Sullivan & Cromwell LLP, and Nixon Peabody LLP, all large law firms with offices in New York City. As well, the Honorable Fern Fisher, an administrative judge in the Civil Court of the City of New York, prepared a legal information and resource guide for property owners and tenants affected by 9/11. Not all efforts can be described in this report in detail, but we will highlight the efforts of Morrison & Foerster and Cadwalader Wickersham & Taft.

Shortly after 9/11, Morrison & Foerster decided to compile a guide to the key issues likely to arise for those victimized by the World Trade Center attack. The firm assembled an internal team of approximately twenty lawyers to work on the handbook, which discussed the fundamental legal issues and listed available resources. In keeping with the collaborative spirit that permeated all legal service responses to 9/11, Morrison & Foerster shared its idea for the handbook with the City Bar, which expressed support for the project. To maximize the handbook's distribution and appeal, Morrison & Foerster asked the City Bar to sign off on the final product and put its seal on the cover.

The forty-page booklet was released on October 3, 2001 and was entitled “Helping Handbook – Legal Resources for Families of Victims of the World Trade Center Disaster.” It covered fourteen subjects: death certificates; probate (wills) and intestacy; Social Security; New York State aid; federal aid; unemployment assistance; life insurance; health insurance; retirement plans and benefits; family law; personal finance; tax; immigration; and other resources. Approximately 40,000 copies were printed free of charge by R. R. Donnelley & Sons Corporation. Distribution locations included Pier 94, public libraries, Safe Horizon, and hospitals, as well as the offices of the legal service organizations involved in the legal relief effort. The City Bar also distributed the handbook widely in connection with its multipronged relief effort, making certain that each of its volunteer facilitators received a copy. The entire handbook was quickly translated into Spanish, and a completely updated handbook was released the following March with financial support provided by Pfizer Inc. (*The updated handbook can be found at www.nalpfoundation.org.*)

Shortly after release of the first handbook in October 2001, the City Bar approached Morrison & Foerster about putting together a similar handbook for small businesses as a companion to the City Bar's Small Business Legal Relief Initiative (*discussed below in Part II, Section A*). Morrison & Foerster undertook the project, which relied on materials generated both internally and by a number of other New York City attorneys and firms. The small business handbook was released in mid-November 2001 and had an initial run of 10,000 copies; the subjects covered were: employment and benefits, loans, insurance, tax, death of a business owner, contracts, bankruptcy, real estate, immigration, nonprofit organizations, and other resources. (*The small business handbook can be found at www.nalpfoundation.org.*)

Cadwalader's leadership role in providing a guide to benefits began differently. Cadwalader was one of the firms responding to an effort by New York Lawyers for the Public Interest to find representation for surviving families of members of two service unions that had many members working in and around the World Trade Center when it collapsed. (*See Part II, Section A, "Outreach to Disadvantaged Communities" for more details about the assistance provided to these survivors.*) Debra Brown Steinberg, a litigation partner at Cadwalader who headed up the firm's effort on behalf of the union members, described the origin of their guide to benefits: "When I first started doing this, I represented a lot of very poor people – indigent people, people living on the edge. They had lost their only wage-earner and they had no savings. And my first job was to secure them financially, to make sure they didn't lose their homes, that their children didn't go hungry. We discovered there was no central resource for what those benefits were and how to access them and who was eligible for them."

That void was the catalyst for an investment of hundreds of hours by lawyers and others at Cadwalader in developing the "Handbook of Public and Private Assistance Resources for the Victims and Families of the World Trade Center Attacks." The handbook was released on November 30, 2001, and was supplemented on January 14, 2002. An updated and expanded edition entitled "Handbook of Public and Private Assistance Resources for the Victims, Their Families, and the Business Community Impacted by the World Trade Center Attacks," was issued June 30, 2002. The comprehensiveness and detail of this handbook are hard to overstate: the original comprised twenty pages, of detailed entries, the January supplement sixteen pages, and the June supplement forty-nine pages. Each edition was organized by type of assistance offered (e.g., business, children, counseling, disaster relief, employment, financial assistance, housing, legal services, scholarships), and included the name of the organization offering assistance, a description of the relief program, a summary of its eligibility requirements, and the organization's address, telephone, website and e-mail contact information. These handbooks proved very helpful for many victims, and their counsel, as they sought to navigate the complicated web of 9/11 benefits. (*Copies of these handbooks are available at www.nalpfoundation.org.*)

D. The Role of Technology

"We posted all of our substantive law material on ProBono.net and asked all of the volunteers to join that service. We used [ProBono.net] to e-mail all of our volunteers . . . and let them know about training events and things like that. We wouldn't have been able to operate our program without ProBono.net and iLawyer." KAREN SACKS, DIRECTOR OF ESSEX COUNTY NEW JERSEY'S VOLUNTEER LAWYERS FOR JUSTICE

The legal community's response effort relied heavily on computer technology, and much of its success can be attributed to the fast and effective use of technology to provide information to volunteer attorneys. The Facilitator Project, in particular, used computer technology in almost every aspect of its implementation: facilitators were recruited through e-mails, training materials and client questionnaires were posted online, and attorneys were assigned to clients through "matching" databases. For the relief effort in general, and the Facilitator Project in particular, the two key technology providers were ProBono.net and iLawyer.

ProBono.net

The effort to maximize the quality of services delivered by the Facilitator Project's volunteer lawyers depended heavily on ProBono.net (www.probono.net). ProBono.net is a not-for-profit organization dedicated to developing Internet-based solutions and platforms for use by public interest, legal aid, and pro bono organizations around the country. The organization and its technological solutions support networks of lawyers and other advocates and deliver information and resources directly to low-income people and other vulnerable communities via a companion website called "LawHelp" (www.lawhelp.org).

For several years prior to September 11, 2001, ProBono.net, founded by Michael Hertz and Mark O'Brien, had been working with legal nonprofits around the country, but especially in New York, to leverage the benefits of online technology to improve and expand the delivery of pro bono services. Due to years of collaborative work on LawHelp/NY, ProBono.net was well-known in the New York pro bono and legal services community.

Hence, when Hertz told the Facilitator Project's organizers that ProBono.net would establish a 9/11 practice area, they immediately recognized this as a valuable and efficient way to make more resources available to volunteers. To maximize the impact of the 9/11 practice area, the City Bar encouraged everyone who attended one of its disaster relief training sessions to join the 9/11 practice area on ProBono.net. New members to the practice area were asked to identify their area of specialization, if any, and what volunteer opportunities or areas were of interest. They were also asked to provide a key piece of contact information, their e-mail addresses.

ProBono.net, in general, and the 9/11 practice area, in particular, included three especially important features: broadcast messaging, document storage and distribution, and interactive messaging.

“September 11 created an unexpected and unprecedented need for immediate legal services for thousands. Technology developed by ProBono.net and LawHelp make it possible to coordinate the broad and varied responses.”

MICHAEL HERTZ,

PRESIDENT OF PROBONO.NET

The first, broadcast messaging, consisted of ProBono.net's ability to distribute e-mail messages to thousands of volunteers quickly and easily. Thanks to a substantial investment in messaging tools, ProBono.net already had this feature in place before September 2001. After 9/11, Laren Spirer – the ProBono.net staff member charged with spearheading its 9/11 efforts – regularly distributed to practice area members items likely to be of interest to those providing legal relief, such as announcements of upcoming training sessions, information concerning new developments, reminders about impending filing deadlines, and information regarding additional resources or benefits available to victims. Not only did Spirer send messages to the entire membership of the 9/11 practice area, but the software also allowed her to send messages to selected subsets of practice area members – such as to all trusts and estates lawyers or to all facilitators. This was a vital means for the City Bar and others to communicate with volunteers, both to keep them up-to-date on developments and to solicit additional assistance when cases needed to be staffed.

The second feature, document storage and distribution, consisted of a well-organized library where ProBono.net staff collected and posted resources to assist volunteer facilitators and others involved in providing legal relief. Spirer posted copies of all available 9/11-related training materials and subject matter summaries, along with guides to resources and benefits, lists of mentors and experts, frequently asked questions, recent legislation, and so on. The library included several hundred documents covering more than twenty subjects. For many facilitators, it was often the first place they turned when researching a subject on behalf of a 9/11 client.

Finally, ProBono.net had a message board that allowed members to post messages in an area where other ProBono.net members could review and respond to them. It was most effective as a forum where members could post questions or describe difficulties they were facing and where others with relevant experience could respond. Spirer monitored the messages posted to the message board, which allowed ProBono.net to identify significant issues being faced by volunteer lawyers. Once an issue was identified, Spirer would develop a response in consultation with others involved in providing legal relief, often individuals at the City Bar Fund, and then post an answer on the message board. When appropriate, answers were distributed via a broadcast e-mail to the entire practice area membership.

The availability of these features from ProBono.net allowed the relief effort to move forward more quickly, more efficiently, and more effectively. Rather than spending resources to fax documents to hundreds of volunteers, documents were distributed by adding them to the practice area library, then announcing their presence via broadcast e-mail to all members of the practice area. While distribution of such material could be accomplished by circulating the documents electronically, either via a list-serve or other large e-mail list, subsequent volunteers would not have ready access to previously distributed material. Thus, the ability to keep documents continually available online for future volunteers represented a significant leap in administrative efficiency of large-scale pro bono efforts. This and similar advancements allowed volunteers to better assist the victims and their families and to help more people by reducing the effort needed to assist anyone.

ProBono.net was especially important for lawyers who were not active in the pro bono community before 9/11. For them, ProBono.net ensured that they had the best available resources at their fingertips, despite their lack of experienced personal connections. Likewise, a sole practitioner facing a difficult issue for the first time could turn to the acquired learning of other members of the practice area via the message board.

It is hard to overstate the importance of ProBono.net. As one lawyer noted: “Given the scale here, it is preposterous to think that this relief effort could have happened without ProBono.net.”

In addition to supporting the efforts of lawyers, especially pro bono lawyers, through ProBono.net, assistance was provided directly to victims through the LawHelp website (www.LawHelp.org/NY). LawHelp was developed in 2000 by a collaboration of legal and justice organizations in New York (including the City Bar Fund, ProBono.net, and a number of other legal services organizations) to help low-income New Yorkers more easily obtain information and resources in various legal areas. In response to 9/11, the LawHelp consortium determined that the LawHelp website could make crucial information – concerning both legal issues and available resources – available to victims of the attacks and their families, as well as to those “indirect victims” of the attacks, including many in the low-income and immigrant communities, who were likely to be experiencing a variety of legal and economic problems stemming from the events of that day.

For this reason, LawHelp/NY created a special 9/11 area on the website. The page included both temporary and emergency contact information for community legal services providers, a broad range of resources for victims of the tragedy, and special legal information on topics of importance to both direct and indirect victims of the tragedy, particularly those with lower income levels. Among the law-related topics covered were housing and eviction prevention, emergency food stamps and Medicaid, special unemployment and disaster relief eligibility, protection from discrimination and hate crimes, custody and guardianship of children who lost family members, home and workplace health and safety, and access to public benefits. LawHelp’s special 9/11 webpage is still maintained and updated for those who continue to need legal help and information connected to the long-term effects of the attacks.

iLawyer

While formulating a model to deliver needed services of adequate quality, the City Bar also had to deal with the challenge of keeping track of incoming clients (who numbered in the thousands) and lawyers willing to help (also numbering in the thousands), and then matching the two together in a prompt fashion.

To accomplish this, the City Bar created a special intake system designed to quickly and efficiently assign cases to volunteer attorneys. Clients would telephone the preexisting Legal Referral Service (“LRS”) hotline, and an LRS counselor would conduct a brief intake including the client’s main legal needs and basic conflict information. This information included the name of the client’s landlord, employer, and mortgage and/or insurance holder.

Initial attempts were made by City Bar Fund staff to match lawyers to clients based on the client’s needs and the lawyers’ main area of practice. This proved too cumbersome as the number of clients and volunteer lawyers calling the hotline mushroomed. The difficulty of coping with the high volume of clients and volunteers was overcome with the help of a web-based case referral application developed by iLawyer.com (“iLawyer”). iLawyer, a San Francisco-based online legal referral service, agreed to customize its case referral software for the 9/11 legal relief efforts on a significantly reduced cost basis.

When individuals called the LRS hotline, the LRS counselor entered their information into the iLawyer system; the iLawyer software then automatically informed a trained facilitator via e-mail that a referral was available for that facilitator’s consideration. The facilitator would access the iLawyer.com website to obtain basic information about the client and the matter, and was given roughly twenty-four hours to accept the referral electronically. Upon acceptance, the lawyer would notify the client that he or she would act as a facilitator and, once the conflict checking procedure was complete, the lawyer-turned-facilitator met with his or her new client to conduct a more extensive intake and sign an engagement letter. If the facilitator refused the referral or failed to respond in the given time, it was automatically sent to another attorney on the volunteer roster.

While some difficulties arose when associates in large law firms accepted electronic referrals before they had been fully vetted through their firm's normal pro bono channels, iLawyer's automated system was crucial to the City Bar Fund's ability to match clients with volunteer attorneys in a timely manner. As it was, some victims complained of the time delay required to put them in contact with a pro bono attorney willing to help them, but if the City Bar Fund had tried to cope without iLawyer, those delays would likely have been much worse.

iLawyer enabled the City Bar in New York and the legal relief task force in New Jersey to match families of victims with one of the more than 1,000 attorneys trained as facilitators. The automated approach of iLawyer improved the usually labor-intensive process of circulating written summaries of cases and allowed the two relief efforts to accomplish more with their limited staff.

The iLawyer software also had the ability to track cases as they progressed and thus served as the City Bar Fund's initial case management system for the Facilitator Project until February 2002, by which time the volume had declined far enough to allow the City Bar Fund to handle the assignment and management functions entirely with in-house software and personnel. Although the City Bar Fund's software did not support referral functions, its more detailed tracking of client matters allowed for greater supervision and trend analysis on an ongoing basis.

Other Technology Issues: Registration of Volunteers

While ProBono.net and iLawyer played key roles in organizing the relief effort, they were not the only computer applications utilized, as they could not solve every problem that arose. For instance, the mass of volunteer lawyers that materialized for the death certificate training program overwhelmed the City Bar Fund's usual volunteer registration system. This resulted in numerous complaints from attorneys who sought to volunteer and others who had preregistered to attend the session but were turned away at the door. The City Bar Fund staff responded by asking Hollis Bart of the law firm Ross & Hardies to find a way to improve the volunteer registration system. Within a matter of hours, with the technical support of her firm's information technology department, Ms. Bart had set up an electronic registration system that enabled prospective volunteers to register via e-mail for the City Bar's 9/11 training sessions.

The first training session for individual and family facilitators took place on Tuesday, October 2 – exactly three weeks after the September 11 attacks. Hundreds of facilitator and mentor trainees attended that session at the offices of the City Bar. As of that afternoon, many families in need of legal assistance had been entered into the iLawyer system, but because no facilitators had yet been trained, no lawyers were yet available for referral – and thus not a single facilitator referral had yet been made through iLawyer. Everyone understood how vital it was to get clients matched with lawyers as quickly as possible. So, the law firms Robinson Silverman Pearce Aronsohn & Berman LLP and Ross & Hardies agreed to provide legal secretaries and paralegals during the City Bar's training to enter the facilitators' information, and thereby allow iLawyer to begin making the actual referrals more quickly. As explained by Al Charne, the director of the Legal Referral Service: "About every 20 minutes someone would come upstairs with forms containing the basic information for those who would be general facilitators, and the volunteer paralegals and legal secretaries would key the information in at the same time as the trainings were continuing to take place. There were several hundred facilitators keyed into the system within the first two or three days after the first training session."

In less than forty-eight hours, Ms. Bart and her team of Ross & Hardies support staff volunteers, working well into the night, had handled more than 4,000 e-mails, thereby enabling the City Bar Fund to train approximately 1,000 lawyers within one week of the initial planning meeting. Ross & Hardies collected e-mail addresses for all the attorneys who responded to the call for volunteers; these addresses were shared with the City Bar Fund, which used them for ongoing communication about the 9/11 relief initiative.

In the final analysis, the main strengths of the organizational effort that underpinned the legal community's response to 9/11 included the following:

the immediate, collaborative response supporting the organization and launch of the various relief initiatives, including the Facilitator Project;

the availability of an organization (here, the City Bar Fund) to coordinate centrally the various initiatives;

the use of broad-based training programs and materials to prepare lawyers to represent clients in unfamiliar legal areas;

the effective use of the Internet and computer technology for project implementation and ongoing communication with volunteers;

the use of case managers to sustain communication and quality in the delivery of pro bono services;

the use of mentors and experts to support the volunteer attorneys;

the tremendous response from the legal community, which enabled vast numbers of clients to receive legal services; and finally,

the careful analysis and creative problem-solving brought to bear on each new challenge, as illustrated by the efforts surrounding implementation of the expedited death certificate application process (*discussed below in Part II*) and resolution of the engagement letter/potential conflicts issue (*discussed above*).

Part II

SPECIFIC PROJECTS DESIGNED TO AID VICTIMS

The far-reaching impact of 9/11 required far-reaching legal services to address the needs of those affected by the terrorist attacks, especially the families of those killed in the collapse of the World Trade Center. The brief summaries that follow provide an overview of fifteen distinct legal service initiatives spearheaded by the New York and New Jersey legal communities, each of which resulted from early collaboration among bar associations, legal services organizations, the private bar, in-house counsel, government attorneys, and the courts.

A. Legal Advice/Other Direct Assistance

Volunteer Notary Assistance

Purpose: Provide accessible notary services for 9/11 victims and families, with targeted assistance for victims making application to the New York State Crime Victims' Board.

Participants: Safe Horizon, City Bar Fund, scores of volunteer lawyers and nonlawyer notaries.

Duration: September 14, 2001 to February 2002.

Impact: Notarized nearly 35,000 forms, helping on average 150 people per day, seven days a week, serving as a legal basis for distribution of over \$48 million in aid to victims.

Following the attack, the Mayor called upon Safe Horizon – a nonprofit agency in New York City dedicated to victim assistance, advocacy, and violence prevention – to help organize the Family Compassion Center at the Sixty-ninth Regiment Armory and provide services to the victims and their families. Initially, the Armory was primarily concerned with missing persons: providing survivors with a single place to seek out their loved ones and simultaneously find the immediate emotional support they would need. These simple goals grew quickly, though, as it became apparent that the families needed more than emotional and logistical support. One of the first services offered was assistance in applying to the New York State Crime Victims Board for immediate financial assistance.

While the application process for crime victims was fairly straightforward, the applications themselves were required to be notarized by a licensed notary public before they would be considered. In the first few days following 9/11, Safe Horizon sought assistance from the City Bar Fund to provide licensed notaries on short notice. Thus began the City Bar Fund's Notary Project, the first of its many legal relief efforts.

Initially, administration of the Notary Project was handled by the City Bar Fund staff and consisted primarily of soliciting and coordinating volunteer notaries (usually lawyers, legal secretaries, and legal assistants) to staff special notary areas at the Family Assistance Centers in Manhattan, the Bronx, and Staten Island, to notarize the Crime Victims Compensation Board claim forms, as well as other aid applications and documents requiring notarization. Victims would complete the forms, either on their own or with the assistance of a volunteer, and then take the forms to the notary table to be notarized. In the weeks following the attack, these volunteers assisted more than 150 people a day at the Family Assistance Centers. The project continued until the Family Assistance Center at Pier 94 closed in February 2002.

The Notary Project had a significant impact on victims, enabling them to quickly apply for financial assistance and compensation and, oftentimes, receive the aid without additional delay. An additional benefit of this project to the legal community was the ability to involve nonlawyers in providing more substantive, face-to-face assistance than might otherwise have been possible. While numerous volunteers were lawyers, the largest numbers of Notary Project volunteers were paralegals, administrative assistants, and legal secretaries. Thus it turned out to be an extraordinary opportunity to allow more members of the legal community to donate their particular expertise to aid the victims of the tragedy.

Expedited Death Certificate Assistance Project

"In this time of crisis it was truly incredible how agencies and people could come together and take existing law and create a program that could help expedite the delivery to people in need of death certificates and other services that in the ordinary course of business may have taken months, if not years, to accomplish."

ANTHONY CROWELL, ASSISTANT CORPORATION COUNSEL AND DIRECTOR OF NEW YORK CITY'S WORLD TRADE CENTER UNIT DEATH CERTIFICATE PROGRAM

Purpose: Assist surviving family members in applying for and obtaining death certificates in a manner and time frame that responded to their immediate need for access to benefits, charitable funds, and, as appropriate, the victim's assets.

Participants: Corporation Counsel for the City of New York, the Governor of the State of New York, Chief Administrative Judge and Surrogate Court judges, officials from the New York City Mayor's Office, the Commissioner of the New York City Department of Health, the New York City Chief Medical Examiner, the City Bar, the law firm Milbank, Tweed, Hadley & McCloy, and more than 800 volunteer attorneys.

Duration: The collaborative strategy began immediately following 9/11, and the review and issuance of expedited death certificates continued on an as-needed basis through early 2003.

Impact: As of November 2002, 1,800 death certificates had been issued and as of April 2003, a total of 2,369 applications had been processed.

Early estimates of the death toll at the World Trade Center exceeded 6,500, a figure that was revised as survivors were identified and removed from the "missing persons" lists until the final assessment of approximately 2,800 known victims.

"Volunteering for the death certificate project has changed me . . . my listening ability has certainly been sharpened. Participating in the program and seeing the gratitude of the families made me realize how important volunteering is . . . and I suppose it has made me realize the difference that an individual can make in another individual's life." JUNE SMITH, MILBANK, TWEED, HADLEY & MCCLOY LLP, DEATH CERTIFICATE PROJECT VOLUNTEER

It was immediately clear to everyone helping those who lost family members in the World Trade Center that some provision would have to be made to make death certificates available on an expedited basis. While obtaining a death certificate might not be among the first things to come to mind after the loss of a loved one, the importance of this document quickly became apparent. As survivors soon discovered, almost every aspect of the legal and financial recovery required a death certificate. Insurance companies insist on a death certificate before making payment on life insurance policies; banks require a death certificate before allowing access to accounts; local and state governments require death certificates before transferring title to property; wills cannot be probated, or assets distributed, without a death certificate, even to a surviving spouse (unless that spouse was listed as a joint account holder). Likewise, retirement funds could not be paid without first producing a death certificate to document the fact of death.

"I was always amazed when people would come in – it was just a huge step because it had such finality to it. You can apply for benefits, you can talk to investigators, you can provide DNA samples, but when you walk through the door and you have to sit down and you have to put your name on an application that says my spouse, my friend, my fiancée, my brother, my father is dead, and you can see a pile of smoking rubble as you pull up into the parking lot to do that. . . . One of the things that struck me about a lot of the families, is that they couldn't tell you enough of the small details of their lives, and they would bring in pictures of their spouse or a friend standing in front of their house to say 'this is where this person lived.' A lot of families would come in with children or with friends and I think that our whole process provided a great deal of closure for them." Andrew Walko, Office of the Attorney General of the State of New Jersey

The original regulatory process for obtaining a death certificate for someone missing after the World Trade Center disaster was not straightforward. Survivors who lacked remains confirming the fact of death were required by New York State law to wait three years after a person's disappearance before allowing a death certificate to be issued. In addition, the state's process for obtaining a death certificate was onerous, requiring publication of estate proceedings in a newspaper and proof of "diligent" efforts to find the missing person. These requirements posed a significant problem for families who desperately needed death certificates in order to settle their loved ones' estates and gain access to other financial proceeds, which in many cases were needed to pay bills as they came due. In addition to the survivors' difficulties, the courts faced the daunting prospect of adjudicating thousands of petitions seeking missing person death certificates.

The Expedited Death Certificate Assistance Project was an innovative solution to a particularly challenging issue imposed on victims' survivors. Court officials, bar leaders, and city and state government officials collaborated in record time to devise a plan to shorten the process of applying for a missing person death certificate from more than three years to approximately ten days. It was an ambitious project that could not have been implemented without the involvement of a large number of volunteer lawyers. The numerous government agencies involved included the state courts, the Mayor's Office, the New York City Law Department (also known as the Office of Corporation Counsel), the Office of the Criminal Justice Coordinator, the Office of the Chief Medical Examiner, the Department of Health, and several other agencies, all of which cooperated to determine the best course of action to ensure expedited issuance of death certificates.

Together, these agencies formulated an approach to simplify and streamline the application process. The first step was the filing of a lawsuit by the Law Department in New York State Supreme Court on behalf of the City's Chief Medical Examiner against the Commissioner of the City's Department of Health. The lawsuit, though essentially a fiction, provided a legal mechanism to accelerate the release of death certificates. In the suit, the New York City Medical Examiner sought a declaration from the New York State Supreme Court that, in light of the impending crisis, the New York City Department of Health should accept petitions for death certificates for those missing after the attack.

On September 24, 2001, New York Governor George E. Pataki issued an executive order granting easier access to the New York State Surrogate's Court to settle missing persons' estate matters. The order removed all requirements: (i) for paying filing fees in any matter relating to the estates or affairs of those missing as a result of the 9/11 attacks, (ii) for publishing notice of the proceedings in a newspaper, and (iii) restricting proceedings outside the missing person's county of residence. Importantly, the executive order also granted access to certain life insurance proceeds, workers' compensation benefits, and bank accounts by presenting uniform affidavits instead of death certificates.

Meanwhile, attorneys from the Law Department worked with Chief Administrative Judge Jonathan Lippman and Surrogate Court Judge Renee Roth, as representatives of the state courts, to streamline the paperwork required to apply for a death certificate. The judges were integral to the process for many reasons, including their familiarity with the system and the fact that their presence allowed the Law Department to identify in advance what proofs would be sufficient.

The resulting application process consisted of several steps. First, next of kin filed a missing person report, which could be done either at the police precinct in which the person had resided or at one of the Family Assistance Centers established in the tristate area. Next, an intake sheet detailing the missing person's and family member's personal information was completed. Third, next of kin completed, with the assistance of a volunteer attorney, a six-page, twelve-item affidavit explaining, among other things, his or her basis for believing that the missing person was in the World Trade Center when it collapsed and detailing any efforts made to find the person. For those who worked in the World Trade Center, the completed affidavit was cross-referenced against affidavits submitted by employers, listing their employees in the towers. *(Copies of various materials relating to the expedited death certificate application process are available online at www.nalpfoundation.org.)*

Once the affidavit was complete, an attorney from the Law Department would review it, work with the volunteer attorney and next of kin to resolve any problems, and then file a petition in Supreme Court seeking to obtain the death certificate for the missing person. The two New York County Surrogates, Renee Roth and Eve Preminger, served as special state Supreme Court justices and assumed responsibility for reviewing the affidavits and, where appropriate, signing orders decreeing that there was sufficient evidence to warrant an issuance of a death certificate by the New York City Department of Health.

Once the court order was issued, the Department of Health's Office of Vital Records prepared and sent ten certified copies to the next of kin by overnight courier. To speed the process, the Surrogates committed to acting on applications within twenty-four hours of their filing with the court, and the Department of Health responded in approximately forty-eight hours to issue the certificate.

The Mayor's Office and the Law Department quickly realized the large role to be played by the private bar in assisting the next of kin to prepare the detailed affidavit. With little advance notice, Mayor Rudolph W. Guiliani announced on the morning of Tuesday, September 25, that volunteer lawyers would be needed to help survivors apply for death certificates starting on September 27, and asked the City Bar to host a training session the next evening. The City Bar organized the training session and worked with the Law Department to prepare training materials, with attorneys from the Law Department taking the lead role in conducting the training program.

Motivated by the Mayor's call for volunteers and a desire to help survivors, the legal community's response was overwhelming. That evening, more than 800 lawyers filled the House of the Association. The City Bar's largest conference room, which holds approximately 500, was standing room only. Unable to admit the additional assembled volunteers, they snaked out of the conference room on the second floor, down the staircase, through the City Bar's lobby, onto Forty-fourth Street and down the block to Sixth Avenue. Chief Judge Kaye recalled her reaction on seeing the mass of volunteers:

I expected to see a group of volunteer lawyers, but never, never did I expect to see the sight that I saw. I have been a member of that Bar Association for forty years and I'd never seen anything like it. The stairwell was packed, you know, three and four abreast, however many people can cram onto that stairwell. The lobby was packed all the way out to the door. It just took a while to be able to say anything to them, I was just so overcome with emotion . . . to think that all those people had come in response to a request of lawyers for volunteer services to help people in need. I just had never seen anything like it. . . . It was just dazzling, breathtaking to see all those people.

Only 500 of the volunteers could be trained that evening, and the remaining 300 were turned away, but asked to watch for the announcement of future training sessions. The next day, 120 volunteer lawyers began their work at Pier 94 in two shifts of 60 lawyers each; they met with more than 300 families for about forty-five minutes each. Because of the multitude of volunteers, the families experienced little waiting time, and about 900 families were seen by volunteer during the first three days of the program. The emotional trauma of the death certificate application process was at times excruciating for lawyers as well as for family members.

The detailed affidavit that formed the centerpiece of the pro bono task involved hearing the accounts of survivors, of their last good-byes, their last telephone calls, and then recounting those stories in a formal affidavit.

Some of the most dedicated work done in connection with the death certificate project was performed by attorneys employed by the City of New York who, despite being forced from their own offices by the collapse of the World Trade Center, spent long hours reviewing affidavits before filing them with the Supreme Court. This thorough review helped identify potential frauds early in the process, but also helped ensure success before the Surrogates by resolving potential problems in advance. Representatives of the Division of Legal Counsel in the New York City Law Department estimated that more than 100 attorneys from the New York City Law Department reviewed death certificate applications, with attorneys from other government agencies also helping with the review. Andrea Berger and Anthony Crowell, both of the Law Department's Division of Legal Counsel, played key roles in organizing the Law Department's efforts in support of the expedited death certificate project.

In all, nearly 800 private sector lawyers were trained to help next of kin obtain death certificates expeditiously. After the initial training at the City Bar, the Manhattan law firm Milbank, Tweed, Hadley & McCloy LLP took over administration of the volunteer program, including coordinating volunteers and hosting additional lawyer trainings. Milbank's first training session, held on October 1, drew a crowd of 300 more attorneys eager to volunteer.

The Department of Health issued the first death certificates related to the project on Tuesday, October 2, when petitions for forty-one former Cantor Fitzgerald employees were approved by the Supreme Court. Certified copies were delivered to next-of-kin on the morning of October 4. By early November 2001, the Bureau of Vital Records had processed around 1,800 death certificates for missing persons. By April 2003, the Law Department had processed 2,369 affidavits, most of which were approved for death certificates.

The Expedited Death Certificate Assistance Project has been heralded as an overwhelming success story. Government officials collaborated to reduce a lengthy bureaucratic process from years to days. Considering the grim nature of the work, the number of lawyers who volunteered was remarkable. To ensure the success of the program, a multitude of city and state agencies coordinated their efforts with the state court system, bar associations, and nonlegal organizations. The Expedited Death Certificate Assistance Project was a demonstration of extraordinary cooperation among thousands of legal professionals.

Legal Aid and Legal Services Help Desk

“We gave advice on the spot at the tables, but if there were cases that required continuing advice – for instance, if they were facing an eviction and there was a court proceeding – then we would refer the client to the appropriate staff in one of the various Legal Aid offices.”

HELAINÉ M. BARNETT, ATTORNEY-IN-CHARGE OF LEGAL AID’S CIVIL DIVISION

Purpose: Provide direct legal assistance to the economic victims of 9/11 by addressing basic legal issues and needs of clients, including assistance with landlord-tenant matters, disaster benefit applications, immigration matters, public assistance applications, workers’ compensation matters, and the like.

Participants: New York State Bar Association, Legal Aid Society, City Bar Fund, and numerous volunteer attorneys and law students.

Duration: October 2001 through early-2004.

Impact: Unmeasured.

On October 2, 2001, a Disaster Assistance Service Center opened in lower Manhattan at 141 Worth Street for individuals affected by the World Trade Center attack. Unlike the Family Assistance Center at Pier 94, which initially focused on assisting victims and family members of those who perished, the Disaster Center provided assistance to those more indirectly affected, including a large number of economic victims. Similar to Pier 94, the Disaster Center brought together a range of disaster-related resources under one roof, including representatives of numerous federal, state, city, and nonprofit agencies who provided advice and information on disaster housing and relocation, unemployment benefits, mental health counseling, low-interest disaster-related loans, legal and insurance issues, as well as financial assistance for food and clothing and emergency expenses.

Few who received help from Legal Aid knew that the organization itself was a victim.

Legal Aid’s headquarters at 90 Church Street stood only fifty yards from Tower Two and, like many buildings in the area, was rendered uninhabitable by the collapse.

David Weschler, the Attorney-in-Charge of the Community Law Offices in the Volunteer Division of Legal Aid, described how the organization had been affected: “We had more than 400 attorneys and support staff who worked at that site, so when the plane struck we had to evacuate our own staff first. They were in the street watching the horrific events unfold and fleeing up Broadway amidst the debris. We didn’t have much time to find alternative space and get back in business because we were needed so quickly.”

The New York State Bar Association recruited volunteers from the legal community, including private sector lawyers and law students, to staff a legal services table at the Disaster Center. In addition, a City Bar Fund staff member worked at the table nearly every day. Senior lawyers from Legal Aid were also at the legal services table every afternoon from four o'clock to eight o'clock, alongside the other volunteer lawyers. Janet Sabel, Director of Legal Aid's Immigration Unit, told the following story about how Legal Aid ended up at the Disaster Center:

I remember this very clearly because it was Yom Kippur and I woke up in the middle of the night and was coming to the office and had this literal anxiety attack and realized that Legal Aid had to be at the disaster center. It had just been reported in the newspaper that a disaster center was opening that was going to help victims of 9/11 and unlike the disaster center located at Pier 94, this one was really intended for people who were economically impacted and not just people who had lost family members. And reading about that in the newspaper, I sort of made this my mission.

Sabel approached Helaine M. Barnett, Attorney-in-Charge of Legal Aid's Civil Division, with her idea, and Barnett called the President of the New York State Bar Association, Steven C. Krane, to ask whether Legal Aid could help staff the "Legal Services" table. Krane accepted the offer, and shortly thereafter senior staff and supervising attorneys from Legal Aid were at 141 Worth Street providing legal services.

The Legal Aid staff had legal expertise and relevant experience in critical areas. As poverty lawyers, they were familiar with the nature of the problems faced by many economic victims at the Disaster Center. These people needed benefits, whether public or private; they had housing problems, with many facing eviction and rent arrears; they had no health insurance or means of obtaining needed medical care. The expertise of Legal Aid's staff allowed them to be effective advocates on behalf of victims, and their experience dealing with people in crisis enabled them to handle the challenges of the situation expertly. When they found their table situated near the back of the 141 Worth Street facility, and thus one of the last tables visited by those seeking assistance, they seized the opportunity to review the benefits that had been granted or denied by the various agencies for each victim, returning to advocate for a better outcome if the staff felt a benefit had been wrongly denied. In addition, if a victim needed more elaborate or specialized assistance, the lawyers often referred them to various Legal Aid offices in the city, where they could receive ongoing free advice.

Various legal groups, including Legal Aid, LSNY, New York County Lawyers, New York Legal Assistance Group, and the Urban Justice Center, were involved in other key support services as well and provided, among other things, legal counseling and pro bono legal services at the Family Assistance Center at Pier 94 and at various Disaster Assistance Service Centers. These groups continued to provide services to 9/11 victims well after the closing of the various relief centers.

Legal Aid's efforts also included conducting an extensive outreach campaign through community groups in hard-hit areas of the city and continuously operating a toll-free hotline through which other New Yorkers devastated by the economic fallout of 9/11 could avail themselves of Legal Aid's vital services. Legal Aid also found a unique opportunity to help those affected by the disaster when they learned that the collapse of the World Trade Center had knocked out computer lines that connected the State's food stamp database to banks and merchants. Indigent people were going to stores, bodegas, and supermarkets, but could not buy food because the computer outage was preventing the merchants from accepting the electronic debit cards used to distribute food stamps in New York City. Upon learning of the situation, a Legal Aid attorney quickly contacted the Commissioner of the New York State Office of Temporary and Disability Assistance who agreed to guarantee reimbursement to merchants who honored the food stamp debit cards while the computers were unavailable.

Uniformed Officer and Family Assistance

Purpose: Provide legal and financial representation for surviving families of uniformed officers and for the firehouses and uniformed services squads that were directly affected by 9/11.

Participants: Covington & Burling, Federal Bar Council, Lawyers Alliance for New York, Stroock & Stroock & Lavan LLP, Weil Gotshal & Manges LLP, and many additional law firms.

Duration: Fall of 2001 through early-2004.

Impact: Represented 160 families of uniformed officers; represented ten firehouses and uniformed services squads in forming nonprofit foundations.

The huge death toll of uniformed officers on September 11, 2001 included 343 F.D.N.Y. firefighters, 23 N.Y.P.D. police officers, 2 F.D.N.Y. emergency medical services workers, 6 volunteer or private emergency medical services workers, 37 Port Authority police officers, and 3 uniformed court officers. The urge to help the families of those killed in the line of duty gave great impetus to the response of the New York legal community.

Federal Bar Council: When a uniformed officer is killed in the line of duty in New York City, the affiliated union provides legal and other assistance to the family of the fallen officer. After 9/11, Mayor Giuliani made it one of his goals to find a way to provide that same level of support for the families of those killed in the World Trade Center collapse, despite the fact that the huge number of uniformed victims made it impossible for the unions to provide all of those services directly, as was the tradition.

The Mayor contacted Aaron Marcu, a partner in Covington & Burling's New York office, and asked him to take charge of providing the families of the uniformed officers with pro bono legal services. Covington set up a hotline in its New York office, and the fire and police commissioners notified the families of uniformed victims that services were available.

Realizing that no single firm could readily assist all of those in need, Marcu contacted Richard Rothman, a partner at the New York-based law firm Weil Gotshal & Manges, in his capacity as Chair of the Federal Bar Council's Public Service Committee. The Federal Bar Council is one of the many organized bar associations active in New York City and the surrounding area. It consists of lawyers who practice in federal court within the jurisdiction of the U.S. Court of Appeals for the Second Circuit and is dedicated to promoting excellence in federal practice and fellowship among federal practitioners. The Public Service Committee is dedicated to providing both legal representation and nonlegal public service in high-impact areas identified by the Committee, typically on behalf of less fortunate members of society.

Rothman and the Public Service Committee agreed to help, and together Covington & Burling and the Public Service Committee's other cooperating attorneys directly represented the families of uniformed officers who sought assistance. Covington & Burling administered the project and closely coordinated its efforts with the City Bar Fund, including utilizing and building upon the training and other resources the City Bar Fund had organized. As a result of this close collaboration, Covington & Burling and the Public Service Committee adopted a service delivery model that closely resembled the facilitator model. By late 2003 twenty law firms had volunteered to represent more than 160 families in connection with this special relief effort.

Adopt-a-Firehouse: The loss of 343 firefighters impacted firehouses throughout the City and led to the initiation of the "Adopt-a-Firehouse" program, which started the week of September 17. The project began when lawyers from Stroock & Stroock & Lavan walked two blocks down the street to Engine 4, Ladder 15 and volunteered to create a foundation to receive charitable contributions from the public and to provide personal representation to the families of firefighters killed in the line of duty. The generous offer was quickly accepted and then extended to other fire and rescue houses. Before long, Stroock had taken on all the clients it could handle. As word of their effort spread through the city's corps of uniformed officers, additional fire and rescue houses contacted Kevin Curnin – a Stroock litigator and head of its

Public Service Project – prompting him to compile a list of those needing help. In light of the great need, Curnin sought assistance from Lawyers Alliance for New York ("Lawyers Alliance"), a not-for-profit law firm in New York City dedicated to providing business legal services to other New York City not-for-profits.

With a list of firehouses needing help and the model papers Stroock had created in the course of establishing not-for-profit foundations for several firehouses, Lawyers Alliance organized its "Adopt-a-Firehouse" program to provide services to firehouses and other uniformed services units affected by 9/11. The Alliance contacted the firehouses identified by Curnin but also undertook its own outreach effort to identify other uniformed services units that might benefit from their assistance. Staff attorneys from Lawyers Alliance consulted with the uniformed services units to help them determine whether they wished to set up a nonprofit foundation to handle the contributions they were receiving. If they chose to do so or if other legal needs were identified, Lawyers Alliance served as a clearinghouse to match firehouses with volunteer law firms.

Lawyers Alliance regularly works with many law firms in New York City, and thanks to its contacts and the enthusiasm of the legal community, it had a waiting list of volunteers seeking to help uniformed services squads. Lawyers Alliance placed ten different firehouses and uniformed services squads with seven law firms.

At an awards ceremony held in September 2002 overlooking Ground Zero, Lawyers Alliance presented numerous "Cornerstone Awards" to recognize those whose pro bono legal work with charities has set a superior standard for volunteer service by business lawyers. Among those receiving awards were Kevin Curnin and Stroock, as well as the fifteen lawyers and seven firms that participated in the Adopt-a-Firehouse program. The firms recognized for their exemplary service were Davis Polk & Wardwell, Linklaters, Proskauer Rose LLP, Shearman & Sterling LLP, Simpson Thacher & Bartlett LLP, Stroock & Stroock & Lavan LLP, Sullivan & Cromwell LLP, and White & Case LLP.

Family Service Guides

“The purpose we served there was to do the thinking for people who were in too much shock and grief to be able to work their way through the labyrinth of service organizations. But it was hard. You had to know who was offering what assistance, what their criteria were, and how one would impact another.”

BRIDGET FLEMING, MANAGING ATTORNEY OF THE CITY BAR FUND AND VOLUNTEER FAMILY SERVICE GUIDE

Purpose: Provide logistical and advocacy support for victims’ families navigating Pier 94’s Family Assistance Center and its myriad services and benefits offerings.

Participants: Safe Horizon, City Bar Fund, 300 volunteers, including many lawyers, law students, and legal assistants.

Duration: October 2001 through December 2001.

Impact: Unmeasured.

The Family Assistance Center opened at Pier 94 on September 17, replacing the services previously offered at the Armory. Pier 94’s cavernous space allowed many services to be offered, and the services available grew as time passed, until a wide array of organizations populated the Pier. Among those present were: relief agencies, like Federal Emergency Management Agency and the Red Cross, offering direct financial assistance, among other services; government agencies, like the Federal Bureau of Investigation, the Department of Labor, the Immigration and Naturalization Service, the U.S. Attorney’s Office, the Department of Veterans Affairs, the Police Department, and the Social Security Administration; fifteen insurance companies; victims’ services organizations like Safe Horizon; and legal services organizations. As well, other facilities and services were provided to make the survivors as comfortable as possible while at the Pier, including chapels, a cafeteria, translators, day care, massage, a children’s play area, and a television room. (*A map of Pier 94 is included as Exhibit 6; it shows the agencies and services available in October 2001.*)

Incredible amounts of information and assistance were available, but the task of finding relevant information was daunting. By mid-October, the challenge of identifying available assistance and navigating the complex eligibility requirements had overwhelmed many of the surviving family members. In light of this, the leadership at Safe Horizon decided to train volunteers to assist the survivors in making use of the resources available at the center.

Safe Horizon turned to the City Bar Fund for assistance recruiting lawyers to serve as volunteer family service guides at Pier 94. The City Bar communicated the new opportunity to its waiting volunteers, once again quickly eliciting more help than the program required. After a brief training program on October 26 and the distribution of training materials summarizing available benefits, the program began.

Guides met the families, discussed their needs, and escorted them to the different assistance organizations found at Pier 94. Guides, however, also became advocates and compassionate supporters. They assisted the families in completing forms; they made arrangements with third parties, such as funeral home directors, to provide documentation needed for reimbursement of expenses; and, where necessary, they lobbied government relief agencies to interpret their aid criteria broadly.

During the first months after 9/11, three hundred volunteer family service guides, including lawyers, law students, paralegals and other nonlegal professionals, provided services to those affected by the attacks on the World Trade Center.

Immigrant Affairs Help Desk

“We identified really early on that there were immigrants who were not coming to the Disaster Center. There were people who had been working without work authorization – i.e., without permission of the INS – for fifteen or twenty years at Windows on the World or in the hotels around the WTC and in the downtown area. And all of a sudden, these people were completely without employment and terrified to come to the Disaster Center.”

JANET SABEL, DIRECTOR OF LEGAL AID’S IMMIGRATION UNIT

Purpose: Provide comprehensive assistance to recent immigrants, regardless of immigration status, whose livelihoods or families were affected by 9/11.

Participants: New York Immigration Coalition, New York Community Trust, Legal Aid Society, New York Legal Assistance Group, Central American Legal Assistance, Urban Justice Center, City Bar Fund and the Mayor’s Office for Immigrant Affairs.

Duration: October 2001 through October 2002.

Impact: Assistance provided to more than 2,500 individuals between October 2001 and March 2002.

For a large number of immigrants residing in and around New York City, 9/11 was the source of extraordinary loss, grief, and uncertainty. Many immigrants, legal and illegal, died in the fall of the Twin Towers. In addition to these devastating losses, many immigrant survivors lost their immigration status as a result of the death of their family member and faced the prospect of deportation to their home country, where their connections and hopes for recovery assistance were dim. Many additional immigrants worked in and around the World Trade Center, either on the books or off, and on 9/11 their family's sole source of income vanished. Finally, thousands of other immigrants were severely affected by the economic downturn that followed in New York City. The vast majority of these immigrants existed at the bottom of the economic ladder and lacked most of the protections that U.S. citizens would enjoy in a similar circumstance.

Various organizations – including the New York Immigration Coalition, the New York Community Trust, Legal Aid Society, and New York Legal Assistance Group – recognized the impact the disaster would have on immigrants and rapidly began to respond. By October 9, 2001, the New York Immigration Coalition had compiled and issued a guide to relief benefits for immigrant victims of the 9/11 attacks. As well, Legal Aid aggressively lobbied the aid and relief organizations offering assistance at the Disaster Center to provide help and to treat immigrants in a manner that would not discourage them from coming forward in search of assistance. In addition to explaining the special concerns of immigrants to various organizations, including FEMA, the Red Cross, the Salvation Army, Safe Horizon and other relief agencies, the New York Immigration Coalition and Legal Aid collaborated with the New York Community Trust (and later the September 11th Fund) and the Mayor's Office for Immigrant Affairs to organize an Immigrant Affairs Help Desk at the Disaster Center. The September 11th Fund provided a grant to support the help desk in light of the special barriers faced by immigrants.

The Immigrant Affairs Help Desk consisted of the representatives of ten nonprofit organizations with immigration and/or advocacy expertise staffing tables at three different help centers six days a week for about twelve hours per day. During the first six months, Help Desk staff counseled over 2,500 individuals.

The Help Desk, through its affiliated nonprofit organizations, performed various services for immigrants, including escorting immigrants through the help centers, advocating on their behalf with the various relief agencies, and offering basic immigration counseling at the disaster centers. More importantly, the groups staffing the Help Desk also established continuing relationships with the clients and arranged for more in-depth counseling sessions at the groups' regular offices. In this way the groups staffing the Help Desk were better able to address the full range of issues being faced by these immigrants.

"It turned out that immigrants didn't just need immigration assistance . . . they needed someone to go with them to the agencies offering relief to advocate for them. They needed help from trained advocates."
Benjamin Ross, Disaster Relief Coordinator, The New York Immigration Coalition

Trusts and Estates Help Desk

Purpose: Provide legal counsel to surviving family members on matters related to the estates of 9/11 victims.

Participants: City Bar Fund, Shearman & Sterling LLP, Bankers Trust Private Bank, Carter, Ledyard & Milburn LLP, and scores of volunteer trusts and estates lawyers.

Duration: September through December 2001.

Impact: More than 400 families.

The average age of those who died in the World Trade Center on 9/11 was 40, and some 1,050 victims were in their 30s. Many had not yet considered any type of estate planning and did not make arrangements for the young families they left behind. Most of their survivors similarly were unprepared to deal with the complexities of estate administration, and the Trusts & Estates Help Desk fulfilled a vital and immediate need of the survivors.

In the first days of the relief effort, the United States Attorney's Office for the Southern District of New York staffed a table at the Armory in connection with its role under the 1984 Victims of Crime Act. Because the U.S. Attorney's Office was the only service table identified with lawyers, many victims approached it with questions about the estates of their missing relatives. Recognizing a need for expertise in estate issues, and lacking that expertise itself, the U.S. Attorney's Office asked the City Bar to help find volunteers to sit at the table and answer estate questions.

The City Bar turned to Deidre O'Byrne, a trusts and estates associate at Shearman & Sterling, and Paul McGloin, a trusts and estates lawyer and Vice President at the Bankers Trust Private Bank, both of whom had contacted the City Bar Fund immediately after 9/11 and offered their expertise. While the project was organizing over the next two weeks, trusts and estates lawyers from Shearman & Sterling, Bankers Trust Private Bank and Carter, Ledyard & Milburn volunteered their time to staff what came to be dubbed the "Trusts and Estates Help Desk."

Thereafter, many others in the trusts and estates bar came forward via the City Bar and State Bar Association's volunteer hotlines, and many who heard of the project through word of mouth also volunteered. The City Bar turned administration of the Help Desk over to Shearman & Sterling, which took responsibility for scheduling and administrative matters. Volunteer lawyers from 15 different law firms and corporate trusts and estates departments staffed the Trusts and Estates Help Desk continuously while the Family Assistance Center was open.

Outreach to Disadvantaged Communities

Purpose: Ensure legal counsel and representation for disadvantaged or underserved communities impacted by the events of 9/11, including full legal representation, assistance obtaining economic aid, and where appropriate, assistance in regularizing immigration status.

Participants: New York Lawyers for the Public Interest, many private law firms and individual lawyers, New York Association for New Americans, Community Service Society, Legal Services for New York City, Lambda Legal Defense and Education Fund, New York Legal Assistance Group, among others.

Duration: September 2001 through early-2004.

Impact: Legal and financial assistance provided to at least sixty-eight immigrant families, among others.

In addition to the efforts by organized bar associations, many nonprofit groups in the legal community organized their own efforts to assist individuals and groups, often focusing on those who were (or were likely to be) underserved by the existing legal relief efforts.

One such effort to reach underserved victims involved New York Lawyers for the Public Interest ("NYLPI"), a not-for-profit law firm that works to address the problems facing disadvantaged and underrepresented New Yorkers. NYLPI was among the group of legal services organizations convened by the City Bar to help formulate the legal community's response, and a representative from its staff attended the meeting on September 19 where the facilitator model was developed. Though a part of the general collaborative effort, NYLPI sought a special opportunity to use its limited resources to help some of the more vulnerable New Yorkers directly affected by the tragedy. As explained by Brian Pu-Folkes, then-Director of NYLPI's Private Bar Involvement Program, "We basically wanted to channel our energies toward people who might otherwise fall through the cracks."

The effort to identify especially vulnerable communities began the same week as the World Trade Center attacks and resulted in a partnership with two labor unions representing low-income workers in lower Manhattan. The first, Service Employees International Union Local 32BJ, represented more than 1,000 building maintenance workers, including porters, cleaners, security guards and elevator operators, who worked in and around the World Trade Center. Approximately 350 of its members were on duty in the area at the time of the attacks, and 24 lost their lives. The second, Local 100 of Hotel Employees and Restaurant Employees, had 270 members who worked at Windows on the World, the restaurant at the top of Tower One of the World Trade Center, as busboys, waiters, concierges, and bartenders. On 9/11, 44 members of Local 100 were killed while on duty at Windows on the World.

Within days of the disaster, NYLPI met with union officials and began conducting legal intake with a number of the families. It became clear that the diversity and complexity of the issues faced by the families would require expertise in many different areas. To address this, NYLPI adopted a collaborative approach and recruited six law firms – Cadwalader, Wickersham & Taft LLP; Cleary, Gottlieb, Steen & Hamilton; Debevoise & Plimpton LLP; Herrick, Feinstein LLP; Shearman & Sterling LLP; and Sonnenschein Nath & Rosenthal – which agreed to represent all sixty-eight union-affiliated families who had lost a family member.

NYLPI staff had participated in development of the facilitator model at the heart of the City Bar Fund’s Individual and Family Facilitator Project, and the service delivery approach NYLPI implemented reflected that model, including establishing a single point of contact for each family, taking a “general counsel” or comprehensive approach to address all of the families’ problems, and reaching out to specialists to aid the relief effort when necessary. NYLPI closely coordinated its effort with the City Bar and utilized its training and mentoring resources.

NYLPI empowered and coordinated its network of volunteers by forming a steering committee made up of NYLPI staff, representatives from each of the partner law firms, and representatives from other partners from outside the legal community. The steering committee met as often as necessary, which during late 2001 and early 2002 tended to be at least once a week. At these meetings, members of the steering committee shared experiences and brainstormed about the pressing issues and how resources could be brought to bear on the families’ problems. The cooperation and sharing of experiences helped the lawyers overcome any concerns about handling issues outside their particular area of expertise.

As more technical issues and needs were identified, the steering committee strategically added allies and other firms to provide expert assistance. Among the other organizations lending time and expertise were: Fragomen, Del Rey, Bernsen & Loewy, PC, and the New York Association for New Americans, which joined to handle immigration issues; Community Service Society, to provide social services and support; Legal Services for New York City, to assist with public benefit and public service issues; Mellon Bank, to serve as estate administrators in Surrogate’s Court; and Eisner LLP, an accounting firm, and Eco Stat LLC, a firm of economists, to assist with economic analyses in connection with families’ applications to the federal Victim Compensation Fund.

Most of the union workers represented by the NYLPI effort were immigrants who had worked in low-wage jobs. As a result, many of the surviving families faced similar issues (including linguistic and cultural barriers), shared similar concerns, and required similar assistance. This level of commonality among the clients helped improve the delivery of services by the lawyers, who tended to represent multiple families. Lawyers contributing to the NYLPI effort quickly developed extensive expertise in addressing the difficulties faced by these families; this expertise was broadly shared among those participating in the NYLPI effort via the steering committee.

The NYLPI format maximized efficiencies, connections, and synergies for the benefit of sixty-eight low-income immigrant families. The benefits of the format, however, were not limited to the clients; the level of cooperation among the network of supporting firms made the work more rewarding for the lawyers and others who worked on the project.

Another effort to reach the underserved involved Lambda Legal Defense and Education Fund, a nonprofit organization whose mission includes advancing legal protections for lesbians and gay men, among others. In the aftermath of 9/11, same-sex partners of those who perished contacted Lambda Legal’s helpline, and Lambda Legal immediately went to work coordinating representation of those individuals, answering questions from same-sex-partner survivors and those representing them, and grappling with the special issues that they faced. In addition to extensive work with various government and relief agencies to ensure fair treatment of same-sex survivors, Lambda Legal’s staff also undertook direct representation for four clients in connection with the Victim Compensation Fund and provided advice and assistance to at least a dozen others.

Aid for Detainees and Victims of Discrimination

Purpose: Provide legal support for government detainees through “Know Your Rights” campaigns and direct legal representation of detainees.

Participants: Skadden, Arps, Slate, Meagher & Flom LLP; City Bar Fund; Legal Aid Society; Desis Rising Up and Moving; Hebrew Immigration Aid; Catholic Charities; Lawyers Committee for Human Rights; Center for Constitutional Rights; ACLU; ACLU of New Jersey; American Friends Service Committee; National Lawyers Guild; Human Rights Education and Law Project; American-Arab Anti-Discrimination Committee; the Arabic Community for Economic and Social Service; ACLU of Michigan.

Duration: October 2001 through mid-2002.

Impact: Conducted dozens of “Know Your Rights” trainings for individuals detained following 9/11; provided legal assistance to numerous detained immigrants.

After the 9/11 attacks, citizens and immigrants of Middle Eastern descent and individuals practicing the Muslim religion faced unique circumstances. Some of these individuals were arrested and detained, and others confronted threats and discrimination.

Originally housed at the Metropolitan Detention Center, New York area detainees were soon transferred to various holding facilities (including several county jails) in New Jersey, and the names and number of individuals being detained in the wake of 9/11 were not released. These steps made it difficult to understand the scope of the detention program and to deal with the legal needs of the detainees and their families.

There was also a reluctance on the part of many to provide legal assistance to “identified detainees.” As one attorney who participated in the death certificate project recalled, “One meeting I went to after 9/11 was for attorneys interested in representing people who had suffered discrimination because of their ethnicity. The interesting thing was that when I asked several of my coworkers whether they wanted to attend the meeting with me, the reaction was universally negative.” However, as the need for legal services and the plight of these individuals became known, the legal community responded.

Among those responding was Skadden, Arps, Slate, Meagher & Flom LLP, which developed and presented an antidiscrimination workshop to support lawyers who were providing pro bono counsel to those affected by discrimination. In addition, City Bar Fund immigration attorneys acted as mentors to lawyers representing detainees and answered questions from volunteer lawyers. These attorneys circulated biographies of individuals who were missing or in need of legal assistance to nonprofit organizations.

Nonprofit organizations in New York City utilized their existing structures to provide assistance to detainees. For example, organizations such as Desis Rising Up and Moving (DRUM) (a Hindu organization) and Legal Aid provided assistance to immigrants detained as a result of 9/11, although members of their organizations were already busy with immigration work prior to the attacks. Other nonprofit immigration-oriented organizations, such as Hebrew Immigration Aid, Catholic Charities, and Lawyers Committee for Human Rights, worked collaboratively with these organizations to provide assistance to detainees. Legal Aid became the clearinghouse, accepting phone calls from concerned family members, friends, and neighbors, and maintaining a database of the biographies and legal needs of detainees as this information was received from the immigration attorneys at the City Bar Fund.

Many of those detained in the New York region had been moved to Passaic, Middlesex, and Hudson County jails in New Jersey. As a result, the New Jersey Bar was called upon to provide legal assistance to detained immigrants. This expansion into New Jersey necessitated an increased degree of collaboration and more volunteers in order to address the needs of those detained.

Organizations such as Legal Aid, the Center for Constitutional Rights, the American Civil Liberties Union of New Jersey, the American Friends Service Committee, and the National Lawyers Guild conducted “Know Your Rights” presentations and interviews at county jails in order to meet and ascertain the identity of those being detained and to determine whether they had access to lawyers. The presentations included information about the court process, defenses to deportation, bond eligibility, and post-removal order proceedings. These programs served as a form of pre-representation intakes because after the presentations, detainees discussed their individual cases with the presenters. *(A copy of one of the “Know Your Rights” pamphlets and other related material is available online at www.nalpfoundation.org.)*

Among those involved in the “Know Your Rights” workshop interviews were area law school student volunteers who were granted special permission from the INS to enter county jails in order to participate in the presentations. Law students were provided a script from Legal Aid on how to conduct the interviews. In addition, community organizations, such as DRUM and the Human Rights Education and Law Project (HELP), assisted attorneys by providing translators. The national American Civil Liberties Union prepared a pamphlet, in eight languages, entitled “Know Your Rights: What to Do If You’re Stopped by the Police, the FBI, the INS or Customs Service”; it was designed especially for Middle Eastern men between the ages of eighteen to thirty-three, who faced a heightened risk of being investigated by the government.

Additionally, the American-Arab Anti-Discrimination Committee, the Arabic Community Center for Economic and Social Service, the National Lawyers Guild, and the American Civil Liberties Union of Michigan created a “Know Your Rights” telephone hotline to inform individuals about their constitutional rights in the event that they were questioned by the FBI.

The need for experienced immigration lawyers in New York and New Jersey to represent detainees and to provide advice to volunteer lawyers with less experience in immigration law extended through 2002, with additional training sessions for volunteer lawyers organized by the Center for Constitutional Rights and the National Lawyers Guild.

Small Business Legal Relief Initiative

“We’re not doctors, and we’re not construction workers, but there are things that lawyers can do in this awful time.”

EDWIN MAYNARD, CORPORATE PARTNER, PAUL, WEISS, RIFKIND, WHARTON & GARRISON LLP

Purpose: Address the legal needs of small business owners within the restricted access zone located south of Fourteenth Street in Manhattan by providing advice on real estate, tax, employment, insurance, contracts, and miscellaneous corporate issues, excluding tort litigation and bankruptcy filings.

Participants: Private law firms, City Bar Fund, Legal Aid, representatives from mediation and arbitration groups, the judiciary (civil court), and volunteer lawyers.

Duration: September 2001 and continuing through the City Bar Fund’s Small Business Initiative.

Impact: 1,310 small businesses helped to date.

DEVELOPMENT OF THE SMALL BUSINESS RESPONSE

The City of New York acted quickly to establish business relief centers to provide a central location for businesses in need of assistance to consult with representatives from the Small Business Administration, the Federal Emergency Management Agency, and a number of utilities. Though it was apparent from the outset that many small businesses would face catastrophic difficulties as a result of 9/11, the specific nature of those difficulties – and how lawyers might help – was less clear.

Throughout Manhattan, with its unmatched concentration of corporate attorneys, many realized early on that the needs of small businesses presented an ideal opportunity for transactional lawyers to contribute pro bono services. The citywide collaboration on what would become the Small Business Legal Relief Initiative began in earnest on Thursday, September 20 with a meeting organized by the City Bar Fund and hosted by Paul, Weiss, Rifkind, Wharton & Garrison LLP. In addition to Paul Weiss and the City Bar Fund, the meeting was attended by representatives from Davis Polk & Wardwell, Skadden, Arps, Slate, Meagher & Flom LLP, Stroock & Stroock & Lavan LLP, White & Case LLP, Legal Aid Society of New York, Lawyers Alliance for New York, Volunteers of Legal Service, and NYLPI.

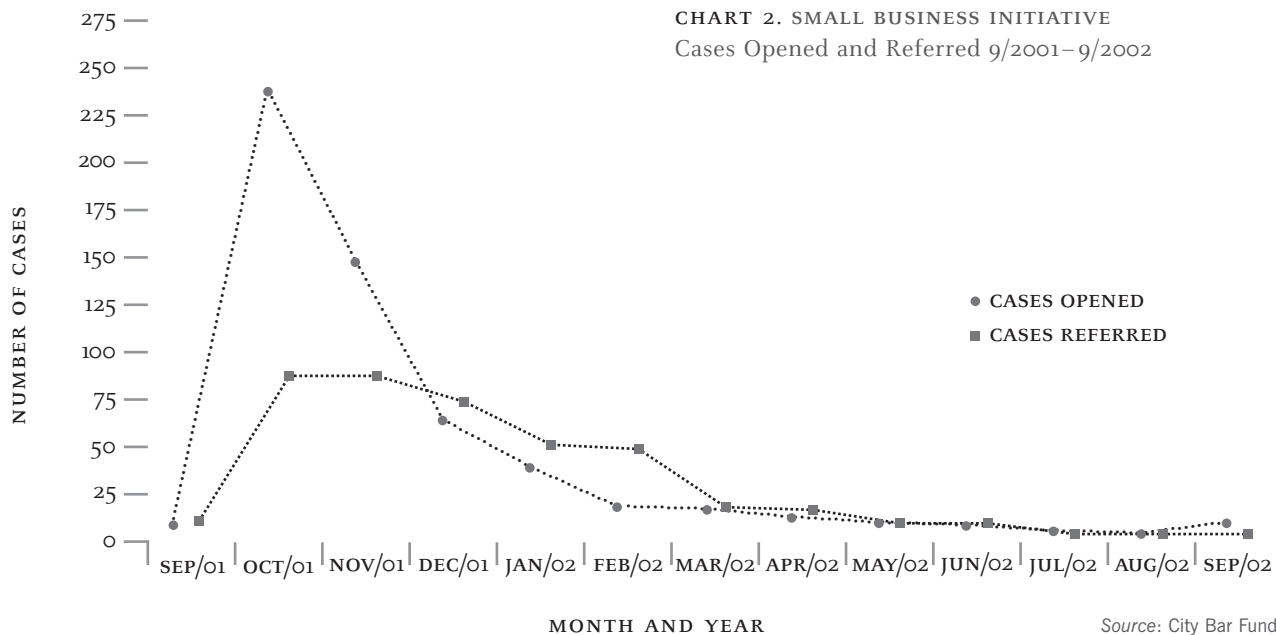
During this meeting, the assembled group agreed that the City Bar Fund would be responsible for the overall organization of the small business relief effort. The City Bar Fund was uniquely positioned to coordinate this undertaking, not only because of its incomparable network of contacts throughout the private bar, public service organizations, and government agencies in the region, but also because it had just engaged Akira Arroyo, a 2001 graduate of Fordham University School of Law and recipient of a two-year fellowship to help the City Bar Fund establish a new project designed to assist low- to moderate-income people in starting businesses.

At the September 20 meeting, the group also discussed procedures for ensuring adequate staffing of intake tables at the Small Business Disaster Relief Centers (there were ultimately four such locations). In order to minimize potential conflicts issues, it was determined that the Small Business Legal Relief Initiative would not support tort litigation or, at least at the outset, bankruptcy filings. The meeting also included a brainstorming session to generate a list of legal topics and issues that were likely to be relevant to the effort. The law firms divided responsibility for each of the topics (real estate, tax, employment, insurance, contracts, and miscellaneous corporate issues) and agreed to prepare briefing materials in a “frequently asked questions” format in anticipation of a training session for volunteer attorneys, which was scheduled for Wednesday, October 3, 2001.

One of the City’s relief centers was located in lower Manhattan at 110 Maiden Lane. Kevin Curnin, pro bono practice coordinator at Stroock & Stroock & Lavan LLP, whose offices are at 180 Maiden Lane, approached relief center officials with the idea of including legal advice in the mix of services provided at the center. The offer was accepted, and the forerunner of the Small Business Legal Relief Initiative was under way by Saturday, September 22, when Stroock attorneys carried a table and chairs to the center from the firm’s offices. As Curnin recalled, “[Clients of the relief centers] were covered in dust and debris; they didn’t know if their business was still standing. They didn’t know if their employees were alive or dead. So being personal about it and being there and offering them a tissue or a glass of water . . . helped the lawyers connect with the victims.”

The group that had met on September 20 reconvened the following Monday, September 24, at the offices of Chadbourne & Parke LLP, but the invitation list was expanded and pro bono coordinators from approximately forty law firms attended, ready to pitch in. As Arroyo recalled, “Everyone was there to help. It was all about ‘What can we do? Where can we fit in?’” At the meeting, lawyers rolled up their sleeves and dug into two topics central to the response: the intake process and preparations for the training scheduled for October 3.

CHART 2. SMALL BUSINESS INITIATIVE
Cases Opened and Referred 9/2001–9/2002



Lawyers who had worked the intake tables over the prior weekend discussed the level of demand for small-business-related legal advice that they saw and the nature of the questions they heard. Demand for legal services seemed somewhat subdued in these early days relative to the magnitude of what had happened. On the other hand, no one was surprised that small business owners might not have legal issues at the top of their list. Most were prevented from returning to their businesses, and indeed some didn't know if their businesses were still standing.

Management of potential conflicts during the small business intake process was identified as a priority. As a result, intake forms were designed to allow the interviewing attorney to collect information from potential clients without establishing an attorney-client relationship. On receiving a case for referral, a volunteer attorney completed a conflicts check prior to contacting the client. Although there were differences of opinion regarding the risk of a conflict arising as a result of a small business client that was referred through an intake center, it was agreed that conflicts checks should be expedited to avoid delaying service to a client in need. Some firms concluded that the risk of conflicts was sufficiently remote that they would allow their attorneys to provide general advice at the intake centers without conducting a conflicts check.

At the first training session for Small Business Initiative volunteer lawyers on October 3, each attendee received a package that included the legal outlines that had been prepared by the volunteer firms, an outline of relief available through the Small Business Administration and the Federal Emergency Management Agency, and samples of an intake form and engagement letter. The three-hour training presentations covered topics as particular to New York City as the Standard Form of Office Lease promulgated by the Real Estate Board of New York, as specific to the disaster as the state and federal tax extensions instituted in late 2001, and as generic as basic contract law questions. (*A copy of the small business facilitator training materials is available at www.nalpfoundation.org.*)

EXPANSION OF THE SMALL BUSINESS INITIATIVE

The detrimental effects on small businesses in lower Manhattan continued to be felt well into 2002, with many businesses, particularly those closest to Ground Zero, yet to re-open into May and June. As a result, many of those businesses had fallen behind in their rent, and their landlords had initiated eviction proceedings in the New York City Civil Court.

The Small Business Legal Relief Initiative and its collaborators sought to provide pro bono lawyers for each small business facing this situation, but owing to the specialized nature of the proceedings and the lack of such experience in most big firm real estate departments, the legal relief effort found it difficult to keep pace with the demand for counsel to handle commercial lease disputes. Kevin Curnin of Stroock & Stroock & Lavan explained, "although we had a lot of volunteers, we didn't have a lot of volunteers with experience in that area and there was a reluctance, I think well-founded reluctance, for people to walk into housing court or the civil court and deal with commercial lease issues."

Faced with this critical shortage, several of the key players organized a meeting to strategize about how to address the problem. Representatives from Stroock, Latham & Watkins, the City Bar Fund, and Legal Aid, and representatives from mediation and arbitration groups, including Safe Horizon and the alternative dispute resolution firm JAMS, gathered to formulate a model, which in the end had three primary elements: first, to draw upon the landlord/tenant bar as a source of lawyers with the requisite knowledge; second, to create a special docket in the Civil Court to handle exclusively 9/11-related commercial lease disputes; and third, to organize pro bono mediation assistance to help bridge the gaps between landlords and tenants. With a strategy identified, the group turned to the Administrative Judge of the Civil Court, the Honorable Fern Fisher, who enabled the project to come to fruition by shepherding creation of the special docket and recruiting volunteers from among regular civil court practitioners.

The final process involved assigning a volunteer lawyer with commercial lease experience to each distressed business, and then placing the matters on the special docket. Once called to court, each dispute was referred to mediation. The process became less adversarial thanks to the help of the volunteer mediators, thereby allowing the parties to focus on problem solving rather than litigation. In many cases, it was the first time that the landlord and tenant actually had sat down together and attempted to sort out the issues.

The results of the project prove its success. As Curnin explained, “Dozens of small businesses have been matched with lawyers and many have gone into mediation. Among those that have gone into mediation, most have ended in settlements. With a commercial lease dispute, a mediated settlement is great: it’s much faster, it’s much cheaper, plus the landlord gets to keep the tenant in the building and the small business gets to stay open. These were small businesses that were all good tenants before 9/11, and they could be good tenants again, given a little bit of flexibility.”

Requests from small businesses for legal assistance resulting from the events of 9/11 declined in late 2002 (as shown in Chart 2). However, the small business community did not forget the leadership of the City Bar Fund, which continued to receive calls for assistance on issues related to the general economic downturn. Additionally, by the first quarter of 2003, planning had begun to present training sessions and complete administrative steps toward the establishment of the City Bar Fund’s Small Business Initiative as it had been conceived prior to 9/11. The lessons learned during the relief effort proved helpful in this regard, as did the new and strengthened relationships between the City Bar Fund and members of the private bar.

B. Assistance by Special Groups

In-House Counsel and the Angels Project

Purpose: Provide a forum for law firms and corporations to donate needed resources to nonprofit legal organizations responding to 9/11.

Participants: Pfizer Inc, Ernst & Young, JP Morgan Chase & Co., Merrill Lynch, Arnold & Porter, Cadwalader, Wickersham & Taft LLP, Epstein Becker & Green, P.C., Hale and Dorr LLP, Kaye Scholer LLP, Morrison & Foerster LLP, Shearman & Sterling LLP, and Skadden, Arps, Meagher & Flom LLP, among others.

Duration: Fall 2001 through late-2003.

Impact: Provided key additional resources to nonprofit legal organizations, thereby enhancing the abilities of those organizations to help others affected by the crisis.

The legal community’s volunteer effort included every element of the profession. However, lawyers working in-house in corporate law departments faced a special challenge. Unlike private practitioners, corporate counsel don’t generally have standard mechanisms for taking on and representing third parties, since they ordinarily represent only their corporate employer and its affiliates. While in-house lawyers found ways to overcome these obstacles and volunteer in connection with most of the legal community’s relief initiatives, they also sought other ways to participate.

Jean O’Hare, Senior Corporate Counsel and Pro Bono Counsel at Pfizer Inc, found a unique way for in-house lawyers to become involved. In the fall of 2001, she organized a luncheon meeting at Pfizer to address the resource needs of not-for-profit legal agencies involved in the 9/11 legal relief effort. She hoped to bring together those who wanted to help (and had the resources to do so) with those who were actively involved in helping others and had stretched their preexisting resources as a result. Representatives from three not-for-profit agencies were invited: the City Bar Fund, Lawyers Alliance of New York, and Legal Aid Society of New York, all of which were heavily involved in the 9/11 legal relief effort. In addition, several “angels” – companies and law firms that were able to provide assistance to not-for-profit agencies involved in the recovery effort – were also invited.

The “angels” included Ernst & Young; JP Morgan Chase & Co.; and Merrill Lynch; and the law firms Arnold & Porter; Cadwalader, Wickersham & Taft LLP; Epstein Becker & Green, P.C.; Hale and Dorr LLP; Kaye Scholer LLP; Morrison & Foerster LLP; Shearman & Sterling LLP; and Skadden, Arps, Slate, Meagher & Flom LLP.

The not-for-profit agencies brought their “wish lists,” which included items such as furniture, file cabinets, computers, and office supplies. The “angels” responded with donations of these items to the organizations. In addition, a number of law firms loaned attorneys to various legal service providers and provided other services, such as photocopying or translation assistance. Pfizer donated two laptop computers each to Lawyers Alliance, Legal Aid, and the City Bar Fund so that these legal service providers could use computers at the emergency assistance centers, where they were responding to the needs of family members and other victims of 9/11. The “angels” also assisted with the processing and accounting functions related to managing the contributions that were sent to United Way of New York after 9/11.

A second “angels” luncheon was organized in the spring of 2002 with the City Bar Fund, New York Lawyers for the Public Interest, InMotion, Inc., and Legal Services for New York City among the nonprofit invitees. As a result of the meeting, Morrison & Foerster LLP updated the Helping Handbook that it had helped write⁸ and Pfizer agreed to help the City Bar Fund produce a video about the legal community’s legal services assistance effort. Pfizer also loaned an administrative assistant to New York Lawyers for the Public Interest for one year.

Subsequent efforts to augment the donations to nonprofits involved in the 9/11 relief efforts were not as successful, likely affected by the severe economic downturn. Such a drop-off in interest or ability is probably to be expected after a disaster. This, combined with the incredible success of the program in the early months, highlights the need to act quickly to organize these types of service opportunities.

Law Student and Law School Response

Purpose: Find or organize volunteer opportunities for law students and law professors to assist those affected by 9/11.

Participants: Law students and law professors.

Duration: September 2001 through late-2002.

Impact: Each law school found a unique way for its students and professors to contribute to the legal relief effort.

The New York City area includes thirteen law schools and on September 11, 2001, those schools had almost fifteen thousand law students enrolled. After 9/11, volunteers from the law school communities quickly stepped forward to help.

An important element of the response of law schools was their early coordination of relief efforts. Professor Stephen Ellman of New York Law School convened a meeting on September 21, 2001, where representatives from ten law schools met with representatives from bar and public interest groups in order to discuss the legal needs created by the World Trade Center attacks and to collaborate on what contributions law schools might make to the legal relief effort.

Because so many volunteer lawyers (most already admitted to the bar) were clamoring to help, it was not always possible for relief effort organizers to find meaningful volunteer opportunities that utilized the limited legal training of law students. Despite this dilemma, students from area law schools found ways to contribute significantly to the relief effort.

Rutgers Law School (Newark and Camden) and Seton Hall Law School student and faculty organizers supported the New Jersey disaster relief effort by assisting facilitators based in New Jersey. Volunteer law students were paired with facilitators, and these law students typically assisted by conducting research, completing forms, making calls, and organizing client files. Approximately 125 law students completed training sessions organized for the purpose of preparing law students for this and other 9/11-related legal relief efforts.

Columbia Law School’s Center for Public Interest Law served as a clearinghouse for law students seeking law-related volunteer opportunities. About seventy law students volunteered for opportunities with thirteen different nonprofit organizations helping to deal with the legal aftermath of 9/11.

At New York Law School, located in Tribeca just north of Ground Zero, Professor Anthony Fletcher organized a small business legal relief clinic that, with the help of law student volunteers, went door to door in the Tribeca neighborhood offering legal assistance to small businesses affected by the attack. The clinic represented approximately forty neighborhood businesses with the help of twelve student volunteers. In addition, NYLS’s Associate Dean for Public Interest and Community Service led an effort to find other volunteer opportunities for interested students.

Volunteer law students from New York University Law School worked to staff the Federal Emergency Management Administration’s (FEMA) disaster hotline, which was operated through the Young Lawyers Division of the American Bar Association. In addition, the Small Business Legal Counsel – an NYU Law School student group – worked with the Small Business Legal Relief Initiative to counsel small businesses affected by the disaster. NYU Law School funded creation of the “September 11th Disaster Relief Network” – an Internet-based clearinghouse of volunteer and pro bono opportunities for members of the legal community. The Network was published via the website of Public Service Law Network Worldwide (PSLawNet), a national public interest opportunity clearinghouse based at the NYU Law School.

Other law schools in the New York City area undertook important volunteer efforts on behalf of those affected by 9/11, including Brooklyn Law School, Benjamin Cardozo School of Law, City University of New York Law School, Fordham University School of Law, Hofstra University School of Law, Pace University School of Law, St. John’s University School of Law, and Touro College Jacob Fuchsberg Law Center.

8: For more information concerning the Helping Handbook, see the discussion in Part I, Section C, concerning Other Support Resources.

The Victim Compensation Fund and the Response of Trial Lawyers

“We have solo practitioners who have signed up for two and three cases. People are not only going the extra mile, but the extra week to help. There are a hundred out-of-state attorneys who offered to fly in at their own expense for the honor of helping a 9/11 victim.” SANDRA W. CUNEO,

TRIAL LAWYERS CARE

Purpose: Reduce or eliminate potentially burdensome personal injury litigation, provide funds for victims and their survivors, and provide direct legal representation for victims’ families seeking compensation from the federal government’s Victim Compensation Fund.

Participants: American Trial Lawyers Association, the City Bar, and more than 1,400 lawyers in private practice.

Duration: Through at least December 2003, the current application deadline for the Victim Compensation Fund.

Impact: More than 4,000 potential Victim Compensation Fund claimants assisted in determining eligibility and deciding whether to file a claim; more than 1,400 cases handled by volunteer attorneys.

Like other sectors of the legal community, trial lawyers found an important role in the aftermath of 9/11. Leaders of the Association of Trial Lawyers of America (“ATLA”) immediately recognized the potential for a mass influx of personal injury lawsuits related to the attacks on the World Trade Center. As a result, after a relatively short period of deliberation, ATLA – for the first time ever – announced a moratorium on civil lawsuits arising from a tragedy. ATLA asked its members to comply with the moratorium and avoid using the traditional tools of litigation to secure restitution for the victims of 9/11 and their families. Larry Stewart, a former ATLA president, said, “It all started the day of the attack. We were thinking principally that we wanted to have a quiet period where people were not running to the courthouse door or jockeying for position.”

Most of ATLA’s state associations followed suit and endorsed the moratorium requested by the national ATLA. For example, Christopher Placitella, then-President of the New Jersey section of ATLA, stated that the filing of lawsuits “would be a terrible reflection on the legal community, and it was not the kind of response the country needed to see at a time when everyone should be hanging together.” In a letter to his constituents, he wrote, “We urge our members to discourage any attorney from advertising for or otherwise soliciting clients who have sustained losses as a result of this terrible tragedy.” This momentous statement was seen as particularly meaningful as trial lawyers demonstrated a clear awareness of the possible damage that a flood of lawsuits could do.

Recognizing the desperate circumstances that families of the dead and injured would soon be facing, ATLA officials lobbied Congress for relief for the victims and their families. ATLA’s lobbyists reasoned that if the airlines were going to receive a financial bailout package that included relief from liability and lawsuits seeking to hold them responsible for the deaths and injuries, the victims should receive similar financial assistance.

On September 20, 2001, Congress passed the Air Transportation Safety and Stabilization Systems Act. The statute offered the airline industry loans and grants, as well as limited protection from lawsuits, and at the same time established a Victim Compensation Fund (“VCF” or “Fund”) to compensate the families of those who were killed or injured as a result of the terrorist attacks.

The VCF was created after it became clear that the airlines could be inundated with lawsuits from those whose family members had been aboard the hijacked planes as well as those killed or injured on the ground. In order to relieve the airlines of this potentially crushing liability, as well as to ensure that the victims’ families did not go without some form of compensation and restitution, Congress created the Fund as an “alternative to litigation.” Claimants on the Fund were required to waive their rights to sue the airline companies, the airport security companies, or any other entity other than the terrorists.

ATLA recognized that the rules and regulations governing the VCF could be daunting to the average claimant, who would be facing a difficult decision as to whether to file a claim with the Fund or file a lawsuit. To help claimants navigate through this unique and complicated process, ATLA established Trial Lawyers Care (“TLC”), a nonprofit organization that offered free legal assistance to any family filing a claim with the Fund.

On October 15, 2001, Leo Boyle, then President of the ATLA, announced that this program would be “the largest free legal services effort ever undertaken.” He stated that the primary purpose of this organization was to ensure that the payments from the Fund went to the victims and their families, and not to lawyers.

To support ATLA’s moratorium and in anticipation that personal injury lawyers would be available to handle any civil lawsuits that might evolve, most legal service providers assisting the 9/11 victims – including the City Bar – deferred providing advice and counsel in the area of personal injury law. ATLA and TLC were therefore able to utilize their expertise and contribute significantly to the pro bono legal service effort. Their coordination of personal injury lawyers provided the added function of a single point of contact for issues in this area of the law, as well as making it easier for victims to find legal assistance to make claims before the Fund.

Upon its establishment, TLC solicited and received assistance from many qualified trial lawyers from across the country. An Idaho lawyer, for example, came to New York two days after TLC was formed and for six months did nothing but work on Fund cases for victims' families. With the assistance of the state trial lawyers' associations of New York, New Jersey, Connecticut, and Maryland, TLC recruited lawyers through e-mails and phone calls. TLC pledged to assist every qualifying claimant throughout the process and attempted to contact all who were eligible for the Fund in order to notify them of TLC's services. TLC reached out to victims and the families of victims through social service agencies, government agencies, and other entities assisting those affected.

The assistance provided by TLC lawyers was not restricted to legal representation. Some lawyers working with victims' families in the claims process found that the Fund application was an opportunity for survivors to create minibiographies about their loved ones. As supplements to the required application form, the lawyers worked with their clients to "humanize" the process that could otherwise be seen as cold and focused on monetary issues. Based on feedback from volunteer lawyers who had prepared applications, TLC estimated that each case required more than 100 hours to prepare. Calculated on an hourly basis, this works out to a donation of upwards of \$25,000 in legal services for each Fund case handled.

Since its inception, over 1,400 volunteer trial lawyers have taken on one or more 9/11 clients, and TLC has assisted more than 4,000 potential Fund claimants in determining their eligibility and deciding whether to submit a claim. While some reports indicated delays in obtaining representation through TLC, as of late 2003 TLC maintained that it had sufficient volunteers to meet the demand for its services.

TLC – which for a time had a paid staff of approximately twenty people – estimated that project costs would exceed \$3.5 million over two and a half years. By August 2003, it had received \$3.29 million from the September 11th Fund and raised additional funds from ATLA members.

SURROGATE'S COURT ASSISTANCE PROJECT

Applicants before the Victim Compensation Fund ("Fund") must be designated a "personal representative" of the deceased or injured victim in order to seek and accept payment. While the Special Master was granted the authority to confer this status upon claimants under the act that established the Fund, he repeatedly expressed reluctance to become involved in disputes among family members over the naming of personal representatives. Therefore, most Fund claimants must apply to a New York State Surrogate's Court in order to receive this designation. In addition, before payment by the Fund is authorized, the personal representative must submit a distribution plan that has been approved by the Surrogate's Court.

TLC lawyers, though experienced in the field of personal injury law, felt generally unqualified to handle these "trusts and estates" issues in Surrogate's Court. Therefore, TLC's officers approached the City Bar about the possibility of providing referrals to lawyers with Surrogate's Court experience. In turn, the City Bar contacted members of its trusts and estates bar for volunteers willing to assist with filing paperwork for designation of a personal representative and preparing a distribution plan for submission to the Surrogate's Court. This endeavor, known as the Surrogate's Court Assistance Project, provided support in more than 100 cases.

New Jersey Victim Assistance

“[Volunteering] was really a privilege. It was not a sacrifice. I was extremely lucky to be in the right place at the right time in my practice and in my life.”

NANCY ERIKA SMITH, A MEMBER OF THE NEW JERSEY LAW FIRM SMITH MULLIN

Purpose: Provide legal representation to individuals and families living in New Jersey who were affected by 9/11.

Participants: Hundreds of lawyers and law students residing in New Jersey.

Duration: September 2001 through 2003 and ongoing.

Impact: Hundreds of families received comprehensive legal assistance through the efforts of the New Jersey legal relief initiative.

Shortly after 9/11, a family assistance center was set up at Liberty State Park in New Jersey to help the New Jersey families of the victims of the World Trade Center attacks, as well as others who were affected. As at the family assistance center at Pier 94, those affected could access a variety of relief services at the Liberty State Park center, including assistance in applying for and obtaining death certificates for missing relatives. Volunteer attorneys from the private and public sectors in New Jersey worked at Liberty State Park assisting victims' families in completing the affidavits in order to obtain New York death certificates.

In the initial days at Liberty State Park, volunteer attorneys often worked under less than ideal conditions. Andrew Walko, a volunteer from the office of the New Jersey Attorney General noted that “there was no electricity, no chairs, no computers, no anything – so the first interview I did was by candle in a dark trailer.” Like their colleagues in New York, New Jersey volunteers had to deal with providing assistance on matters that were highly emotional. Each affidavit in support of a death certificate required sufficient details to justify the issuance of a death certificate, so volunteers had to ask grieving family members heart-wrenching questions about their lost loved ones.

The emotional nature of the work was compounded by the wide-ranging role the volunteers played in the relief effort. While serving as facilitators, volunteers faced complicating factors including, for example, animosity between parents and surviving spouses, multiple past wives and children of prior relationships. In addition to completing the affidavits, some of the volunteers traveled to New York City to submit the affidavits for processing or to obtain additional information on behalf of the victims' families.

Prior to September 11, 2001, and in response to an explosion in New Jersey in the early 1990s, the New Jersey State Bar Association had established a Mass Disaster Response Team to coordinate the New Jersey legal community's response to large-scale disasters. However, following the events of 9/11, it became apparent that the Mass Disaster Response Team was not prepared to handle an event of the magnitude that occurred that day.

Thus, a few weeks after 9/11, the Essex County Bar Association, one of the largest in New Jersey, formed a Task Force on Disaster Relief to coordinate the New Jersey legal community's response to the catastrophe. This task force included representatives from various New Jersey organizations, including the New Jersey State Bar Association, pro bono organizations and private firms, in order to pool the resources of a diverse group of participants.

The New Jersey task force looked to the response of the City Bar in New York as a model upon which to base New Jersey's response. The task force mirrored, with some modifications, the facilitator model developed in New York and, with the help of various private law firms in New Jersey, modified the materials and training programs developed by the City Bar to meet the New Jersey task force's needs, including by incorporating New Jersey law.

As part of the New Jersey legal community's response, a hotline was established for families of victims; once connected, volunteers briefly interviewed callers to determine eligibility and most pressing needs. In conjunction with the hotline, volunteers utilized ProBono.net and iLawyer to facilitate the intake process. iLawyer provided a case management system through which families were matched with one of the more than 300 attorneys who had attended the task force's facilitator training held in mid-October at Rutgers University. ProBono.net posted various resource and training materials on its website and disseminated information regarding training sessions and updates to the large number of volunteers. *(Several key documents from the New Jersey relief effort are available at www.nalpfoundation.org.)*

Part III

ONGOING EFFORTS AND UNMET NEEDS

This report has focused on the period of time from September 11, 2001 through approximately the end of 2002. Despite that focus, it is important to note that as of late 2003, more than one thousand 9/11-related cases remained open and approximately the same number of attorneys continued to represent individuals in dealing with the aftereffects of 9/11. Many of the organizations mentioned herein, including the City Bar Fund, Legal Aid, LSNY, TLC, and other legal services organizations and many law firms and individual lawyers remain actively involved in assisting those affected by 9/11 who still require assistance. Among other things, lawyers continue to work on applications to the Victim Compensation Fund, ongoing estate proceedings, workers' compensation issues, housing issues and dealing with continued unemployment. As well, Legal Aid and LSNY, with the support of the September 11th Fund, continue to actively reach out to low-income New Yorkers suffering adverse economic effects resulting from the downturn sparked by 9/11.

Despite these ongoing efforts, many affected by 9/11 have legal needs that remain unaddressed. The unmet needs fall into three primary areas:

those who suffered economic harm from the fallout of 9/11 but lacked a sufficient nexus to the actual events of 9/11 to qualify for economic assistance programs;

immigrants who suffered directly from the events of 9/11 (and would qualify for such assistance) but who were afraid, because of their immigration status, to come forward and take advantage of the resources that were available to them; and

immigrants who were detained either immediately after 9/11 or as a result of the special registration program implemented by the government in response to 9/11.

In the initial weeks and months following the attacks, those organizing legal relief were reactive – seeking to address needs as they became evident and were brought to their attention. Later, organizations became more proactive, seeking to identify needs that might not be fully recognized or appreciated and seeking to reach out to those communities who had suffered but not come forward on their own. Some needs arose only later, either because of the extended economic downturn in New York City that followed 9/11 or simply owing to the fact that many needs only became evident after the passage of many months.

It is unfortunate to note that although many needs continue to exist, the rush of legal volunteers has diminished. For instance, applications to the Victim Compensation Fund (*discussed above in Part II, Section B*) were due in December 2003, yet a shortage of volunteer lawyers was reported as the application deadline approached. The City Bar Fund also reports that where once lawyers competed for volunteer opportunities, more recently it has been difficult to staff some opportunities, especially those involving a loss of income and requiring special expertise to pursue, such as workers' compensation and landlord/tenant matters.

For additional information concerning those whose needs received less attention and resources, see the June 2002 report of the 9/11 United Services Group entitled *A Study of the Ongoing Needs of People Affected by the World Trade Center Disaster* and the September 2002 report of the Urban Justice Center, entitled *Ripple Effect: The Crisis in NYC's Low-Income Communities after September 11th*.

Part IV

SURVEY RESULTS:

PROFILES OF THE VOLUNTEER LAWYERS AND THE SERVICES THEY PROVIDED

Who were the lawyers who volunteered to provide pro bono services in the wake of 9/11? Were they younger, junior attorneys or older, more experienced members of the bar? Were they the bedrock of ongoing pro bono service or new volunteers? Were they litigators or corporate specialists, family lawyers or tax experts?

To help answer some of these questions, we sent e-mails to members of the 9/11 practice area of ProBono.net and to pro bono coordinators at firms throughout the city, asking lawyers who volunteered to complete an online survey about their experiences. We received responses from 293 lawyers.

The following sections summarize the information gleaned from those surveys and interviews. As with many survey efforts, this one did not begin to reach the majority of those who volunteered. We believe that we received survey responses from fewer than 10% of those lawyers who volunteered to perform 9/11-related pro bono work. In addition, more than twice as many women responded as men, and we do not know whether this is reflective of who actually participated, or whether it is merely reflective of who completed the survey. Nonetheless, the information summarized below provides some very interesting data and highlights a number of things that are informative for analyzing and developing future pro bono programs:

People volunteered because “they wanted to help” more than any other reason, by far.

People who were new to pro bono work volunteered in large numbers. Of the respondents, 30% had spent between 1 and 25 hours in the past on pro bono matters, and 22% had spent no time at all.

The volunteers spanned all levels of experience, with 57% of respondents having at least 4 years of experience.

A vast majority of the respondents found the work to be satisfying. Those who worked the most hours and served the most clients found it to be the most satisfying.

While lawyers from private law firms represented the largest group of respondents (74%), sole practitioners and lawyers from corporations, legal services organizations, bar associations, and government all participated in the relief efforts.

Lawyers with many specialty areas participated, with an almost equal number of lawyers identifying themselves as litigators or corporate lawyers, followed in smaller numbers by lawyers who identified themselves as specializing in trusts and estates, real estate, pro bono, domestic relations/family law, criminal law, landlord/tenant law, tax, bankruptcy, and mass tort.

85% of all respondents expect to perform non-9/11-related pro bono work in the future.

For ease of reference, we have organized the results into related categories:

Section A: Who Volunteered?

Section B: Why Did Lawyers Volunteer?

Section C: How Difficult Was It to Volunteer?

Section D: The Ease of Volunteering Generally.

Section E: How Much Pro Bono Work Had Volunteer Lawyers Done in the Past?

Section F: How Many Clients Did the Volunteers Represent, and How Many Hours Did They Work?

Section G: How Were Clients Referred to the Lawyers?

Section H: What Services Did the Volunteer Lawyers Provide?

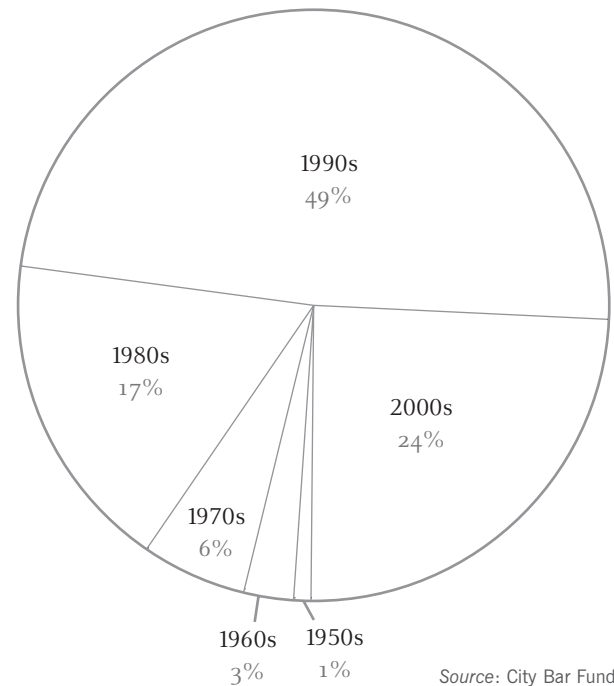
Section I: How Satisfying Was the Volunteer Experience?

Section J: Did Volunteers Receive Training?

Section K: Did This Volunteer Service Change the Lawyers' Motivation to Do Pro Bono Work in the Future?

Section L: What Are the Factors That May Prevent These Volunteers from Performing Pro Bono Work?

CHART A-1. DECADE OF ADMISSION TO PRACTICE LAW—
INDIVIDUAL AND FAMILY FACILITATORS



Section A: Who Volunteered?

The typical respondent was a litigator or a corporate associate who has been a lawyer for over four years and works at a large law firm:

Lawyers with many specialty areas participated in delivery of pro bono legal services relating to 9/11, with an almost equal percentage of lawyers identifying themselves as litigators (35%) and corporate lawyers (33%). Other specialty areas reported included: trusts and estates (15%), real estate (6.5%), pro bono (6%), domestic relations/family law (5%), criminal law (4%), landlord/tenant law (4%), tax (4%), intellectual property (4%), and bankruptcy (2%).

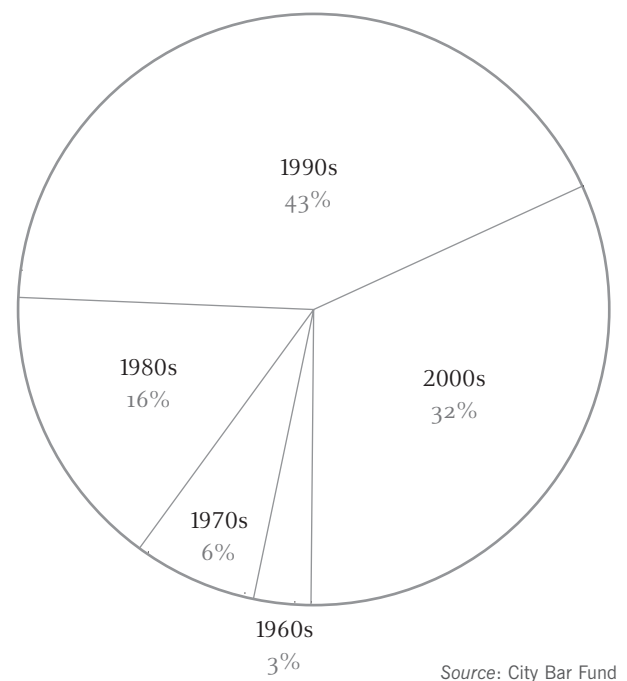
Despite the impression of some that only very junior lawyers have the time or inclination to perform pro bono work, many experienced lawyers provided free legal services to assist those affected by 9/11. More than half of all respondents (57%) reported more than four years as members of the bar and over one-third (39%) had been admitted for eight or more years. On the other hand, 13% had been admitted for less than one year and 22% between one and three years.

Most of the respondents (74%) were from law firms having 2 or more lawyers. Most of these lawyers were from law firms with more than 500 attorneys (56%) or from firms having between 250 and 500 attorneys (18%). Another 12% were from law firms of 25 or fewer attorneys. Of law firm respondents who identified their titles, 77% were associates, 16% were partners, and 7% were counsel.

8% of all respondents reported being sole practitioners.

In addition to our survey data, the City Bar Fund collected statistics in connection with implementing various projects. Their data provides additional perspective on those who volunteered. Chart A-1 shows the decade of admission to practice law in New York State for those serving as Individual and Family Facilitators through the City Bar Fund. Chart A-2 shows the same information, but for those serving as facilitators for small businesses in connection with the Small Business Legal Relief Initiative. Finally, Charts A-3 and A-4 show the areas of specialization for family facilitators and small business facilitators, respectively.

CHART A-2. DECADE OF ADMISSION TO PRACTICE LAW—
SMALL BUSINESS FACILITATORS



Section B: Why Did Lawyers Volunteer?

“Like many people, I just felt the need to help in any way possible. The pro bono experience helped me personally cope with the effects of 9/11.”

The number one reason the responding lawyers gave for volunteering was by far the simplest of motivators: “I wanted to help,” which was reported by an overwhelming majority of all lawyers (85%).

Two other reasons were each identified by almost 60% of all respondents: “I felt it was the right thing to do” (57%) and “I felt it was the best way I could help victims” (59%). On the other hand, 16% reported volunteering because they were asked to help by a colleague, client or victim.

Some lawyers reported volunteering because they wanted the experience (9%) or because “work was slow” (6.5%).

Section C: How Difficult Was It to Volunteer?

“Because these opportunities came in through my employer’s intake help line, they were not difficult to find.”

“I signed up for the death certificate project right away and started on the first day. Then it was easy to become a facilitator – they found me.”

The process implemented in connection with the 9/11 legal relief effort made it easy to volunteer. The survey question asked how difficult it was (because of administrative or bureaucratic hurdles) to find and volunteer for opportunities “to provide free legal assistance to the victims” of 9/11. In response, survey respondents were asked to indicate their level of difficulty a scale from 1 to 5, where 1 was “very easy” and 5 was “very difficult”.

The average of all responses was a low 1.88, with more than 70% marking 1 or 2 on the 5-point scale. Of the 287 responses to this question, only ten individuals indicated having a “very difficult” time volunteering.

The role of organizations in encouraging 9/11 lawyer volunteerism was significant. As noted in Part V, all of the New York City firms that completed our survey actively encouraged lawyers within their organizations to participate in the 9/11 legal services relief effort and supported that encouragement with a centrally organized response system. This probably explains why law firm lawyers found it easier to volunteer than did in-house lawyers or sole practitioners:

Among lawyers affiliated with law firms, 75% rated the difficulty of volunteering as easy or very easy.

On the other hand, only 46% of lawyers affiliated with corporations found it easy or very easy to volunteer for 9/11 projects.

Sole practitioners reported varied experiences, but 63% found volunteering easy or very easy.

Table 1 below compares how various groups found the process of volunteering for 9/11 work compared with how easy it is for those same groups to identify and volunteer for non-9/11 pro bono legal projects of interest to them (discussed more fully in Section D, below). The table clearly shows that volunteering for 9/11 work was significantly easier.

TABLE 1. EASE OF VOLUNTEERING

	% WHO FOUND VOLUNTEERING FOR 9/11 WORK “EASY” OR “VERY EASY”	% WHO FIND IT “EASY” OR “VERY EASY” TO IDENTIFY AND VOLUNTEER FOR PRO BONO LEGAL PROJECTS OF INTEREST TO THEM
LAW FIRM LAWYERS	74.8%	54.6%
SOLE PRACTITIONERS	62.5%	47.6%
IN-HOUSE LAWYERS	45.5%	27.3%
WOMEN	72.1%	52.2%
MEN	70.5%	56.0%
LAW FIRM ASSOCIATES	74.5%	53.5%

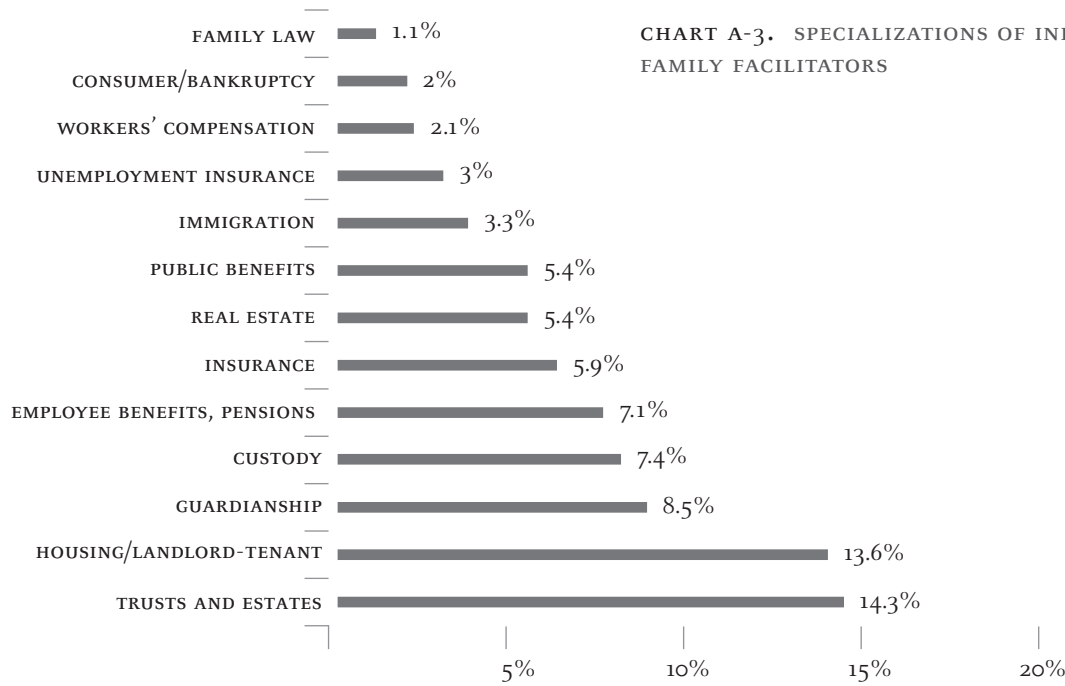


CHART A-3. SPECIALIZATIONS OF INDIVIDUAL AND FAMILY FACILITATORS

Source: City Bar Fund

Section D: The Ease of Volunteering Generally

For this question, survey respondents were asked to indicate on a scale from 1 to 5 their level of difficulty in identifying and volunteering for pro bono legal projects of interest to them. The response scale ran from “very easy,” represented by 1, to “very difficult,” represented by 5.

The majority of lawyers found it easy to find opportunities – 32% chose 1 on the scale, 21% identified 2, and 28% identified 3. A notable 19% said they found it difficult or very difficult to identify and volunteer for appealing pro bono projects.

Those who had done more pro bono work in the past found it easier to volunteer for pro bono projects. Two-thirds (67%) of those who had performed at least 25 hours of pro bono work in the past rated their efforts to volunteer at 1 or 2 on the scale. In contrast, only 36% of those who had no prior pro bono work experience indicated that their efforts to volunteer rated a 1 or 2, and 25% of those indicated a 4 or 5.

Lawyers in law firms were more likely to find it “easy” or “very easy” to volunteer for non-9/11 pro bono matters: 54.6% for law firm lawyers versus 47.6% for sole practitioners versus 27.3% for in-house lawyers.

Section E: How Much Pro Bono Work Had Volunteer Lawyers Done in the Past?

Respondents differed in how much pro bono work they reported having performed in the past:

About one-third of respondents (32.7%) reported logging 35 or more hours annually doing pro bono work.

On the other hand, many respondents were new to pro bono work. Among all survey respondents, 30% reported having spent between 1 and 25 hours in the past on pro bono matters, and another 22% reported no prior pro bono work. This may have resulted both because the circumstances of 9/11 were so compelling as to draw them to volunteer and because the support provided by the legal community provided a clear opportunity to participate. These numbers may also reflect the relative inexperience of a significant percentage of the volunteer lawyers, since 43% of them had been admitted 3 years or less (including 8% who had not been admitted at the time of the survey).

Among participants from law firms, 22% reported having no prior pro bono experience and 27% reported having between 1 and 25 hours of experience in delivering pro bono legal assistance. Another 35% reported working 35 or more hours annually on pro bono matters.

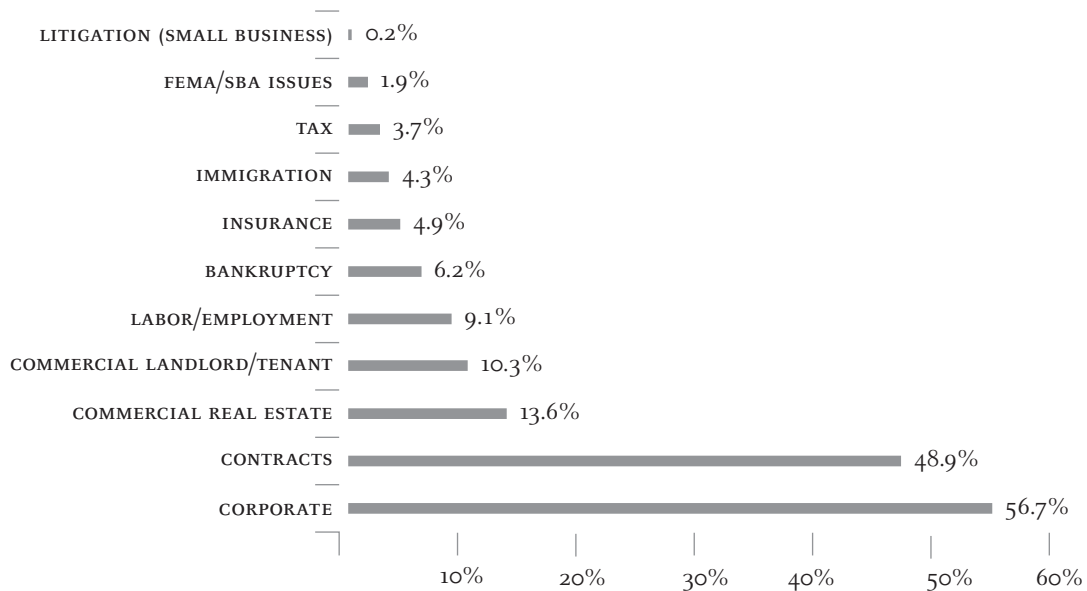
Sole practitioners reported experiences very similar to those of lawyers from larger law firms, with 26% of sole practitioners reporting no prior pro bono experience and 31% reporting from 1 to 25 hours of experience. 26% of sole practitioners reported working 35 or more pro bono hours annually.

Of the 11 respondents working in-house at corporations, 91% reported having worked fewer than 25 hours of pro bono work in the past, with 36% reporting no prior pro bono experience.

Women who had performed less pro bono work in the past were more likely to volunteer than men. Put another way, the men that volunteered tended to have a longer history of pro bono work. More women (25%) reported no prior pro bono experience than men (19%), and more than half of the men (53%) reported 25 hours or more of prior pro bono experience whereas only 45% of the women reported that level of experience.

CHART A-4.

SPECIALIZATIONS OF SMALL BUSINESS FACILITATORS



Source: City Bar Fund

Lawyers with a focus on real estate, landlord/tenant, domestic relations or trusts and estates reported having no prior pro bono experience less frequently (ranging from 6% to 19%) than did lawyers with a focus in corporate (23% reported no prior experience) or litigation (25% reported no prior experience).

Section F: How Many Clients Did the Volunteers Represent and How Many Hours Did They Work?

For purposes of the survey, the definition of a “client” was a single family, single individual, or single small business affected by 9/11, and within that context, survey participants were asked to report how many clients they “represented” or “helped.”

Over one-third (36.5%) of the survey respondents served only one client, including 50% of the lawyers who had no prior pro bono experience. Most of these lawyers (64%) provided *legal representation* (described below in Section H).

26% of the lawyers served 2-4 clients, 15% served 5-10, 4% served 11-15 and 7.5% served 16-30.

A somewhat surprising 11% of respondents served more than 30 clients. Lawyers that served more than 5 clients provided *legal representation* less frequently than average and instead were more likely to provide *legal advice or counsel only*.

Lawyers with more historical pro bono experience were more likely to represent a large number of clients. About one-quarter (24%) of volunteer respondents with 35 or more hours of pro bono experience reported having served 16 or more clients each.

The number of hours spent varied substantially, but most spent fewer than 100 hours.

80% of the volunteers spent between 1 and 100 hours. More specifically, 29% spent 1-15 hours, 30% spent 16-50 hours, and 21% spent 51-100 hours.

Another 18% spent between 100 and 500 hours. The other 2% spent over 500 hours.

Section G: How Were Clients Referred to the Lawyers?

As noted in Part I, above, the role of the City Bar in coordinating the delivery of pro bono services to 9/11 victims was central to the experiences of both clients and lawyers.

45% of respondents met at least one of their clients through the City Bar, 27% met at least one client at a family assistance center and 17% had one or more clients referred to them by a colleague.

Those who provided *legal representation* received a disproportionate number of client referrals through the City Bar, with 59% of the lawyers who provided such services meeting their clients through the City Bar referral system.

As noted above, family assistance centers were also a key starting point.

Those who provided *general advice or notary services* were more likely to have been introduced to their clients at a family assistance center. About half of the lawyers (52%) who provided *legal advice or counsel only*, 47% of those who provided *general advocacy*, and 48% of those who provided *notary services* found clients through a family assistance center.

Section H: What Services Did the Volunteer Lawyers Provide?

The 293 lawyers who responded to the survey identified each type of service that they provided to their clients and their organizational affiliation. The survey provided the following categories to choose from:

Legal Advice or Counsel Only (for instance at a walk-in center or on a telephone hotline, with no ongoing representation undertaken).

Legal Representation This could be marked alone, but the respondents were also asked to check all of the following that applied:

Facilitator or Holistic Services
Trusts and Estates/Probate
Landlord/Tenant
Other Real Estate
Federal Fund Claim Analysis/Application
Preparation/Advice
Immigration
Assisting Nonprofit Organizations Set Up
Tax Relief Funds, etc.
Other

General Advocacy (for example, assisting as a family service guide)

Non-Legal Counseling

Legal Research

Helped Prepare Training or Reference Materials
for Victims or Volunteers

Mentor or Expert

Death Certificate Assistance

Notary Services

Other

Lawyers identified *legal representation* and *legal advice or counsel only* most frequently, followed by, in order of frequency, *trusts and estates/probate*, *facilitator/holistic services*, *general advocacy*, *death certificate assistance*, *federal fund claim analysis*, *notary services* and *landlord/tenant*.

Because of the large number of different projects undertaken by the legal community, as illustrated above in Parts I and II, individual lawyers had a significant amount of choice in selecting what type of 9/11-related volunteer opportunity they participated in. Presumably, some lawyers chose where to volunteer based on which opportunities they found most compelling, which were best suited to their expertise and interests, etc. For this reason, the significant differences in the responses of volunteers based on both their gender and practice specialty are of note. However, whether particular differences are attributable to choices made by individual lawyers in identifying clients or responding to volunteer opportunities – as opposed to choices made by clients or organizers in identifying lawyers – is unknown.

Lawyers with different specialties tended to focus on different types of work as shown in Table 2 below.

Litigators provided legal representation (63%), facilitator/holistic services (33%), legal advice or counsel only (29%), federal fund claim analysis (26%), and trusts and estates advice (21%).

Corporate lawyers provided legal representation (51%), legal advice or counsel only (45%), federal fund claim analysis (23%), and facilitator/holistic services (23%).

As might be expected, lawyers with expertise in trusts and estates and landlord/tenant law tended to provide client services in those practice areas. Among trust and estate lawyers, 79% reported undertaking trust and estate work. Similarly, among lawyers with special expertise in landlord/tenant law, nearly three-quarters (73%) provided services in that realm.

Women and men volunteered to perform different services at different rates.

Even when accounting for their greater representation as respondents (67% of the respondents were women), women provided most of the overall *notary services* (85% v. 15%), *death certificate assistance* (81% v. 19%), *non-landlord/tenant real estate services* (79% v. 21%), and *facilitator or holistic services* (75% v. 22%).

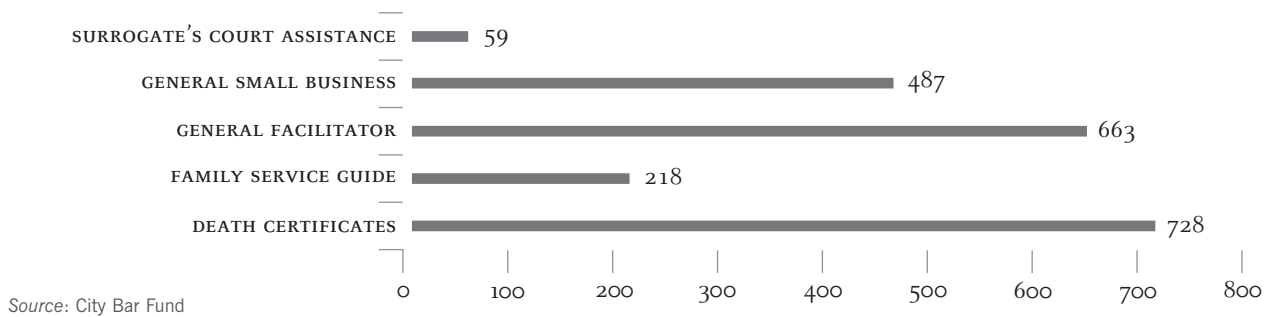
The high percentage of *facilitator or holistic services* that women respondents reported providing (75%) when compared with that reported by men (22%) stands out in light of the importance of the Facilitator Project in the relief effort.

Men reported providing a greater percentage of the *landlord/tenant services* (44% v. 56%) and of *federal fund claim analysis* (40% v. 60%) than their proportional representation in the response pool (33% v. 67%).

TABLE 2. FOCUS ON DIFFERENT TYPES OF VOLUNTEER WORK

	Practice Specialty:	
	LITIGATION	CORPORATE
LEGAL REPRESENTATION	63%	51%
FACILITATOR/ HOLISTIC SERVICES	33%	23%
FEDERAL FUND CLAIM ANALYSIS	26%	23%
TRUSTS AND ESTATES ADVICE	21%	19%
LEGAL ADVICE ONLY	29%	45%

CHART H-1. VOLUNTEERS PER PROJECT



The service most frequently provided by women was *legal representation*, with more than half (55%) doing so. *Legal advice or counsel only* was the second most common service rendered by women, with 36% doing so. About one-quarter of women delivered legal service in each of three other practice areas: *trusts and estates* (27%), *facilitator/holistic services* (26%), and *general advocacy* (24%).

The service most frequently provided by men was *legal advice or counsel only*, with three-quarters (74%) doing so. About half of the men (54%) reported providing *legal representation*. Somewhat less than one-quarter of the men reported delivering services in each of three other practice areas: *trusts and estates* (23%), *federal fund claim analysis* (22%), and *landlord/tenant* (22%).

The number of years of practice experience of the volunteer lawyers correlates in some interesting ways with the types of legal services they provided to 9/11 clients.

Regardless of their years of experience, most lawyers provided *legal representation* for their clients, with about half (55%) doing so overall.

Lawyers with 8 or more years of bar membership frequently provided *legal advice or counsel only* (44%).

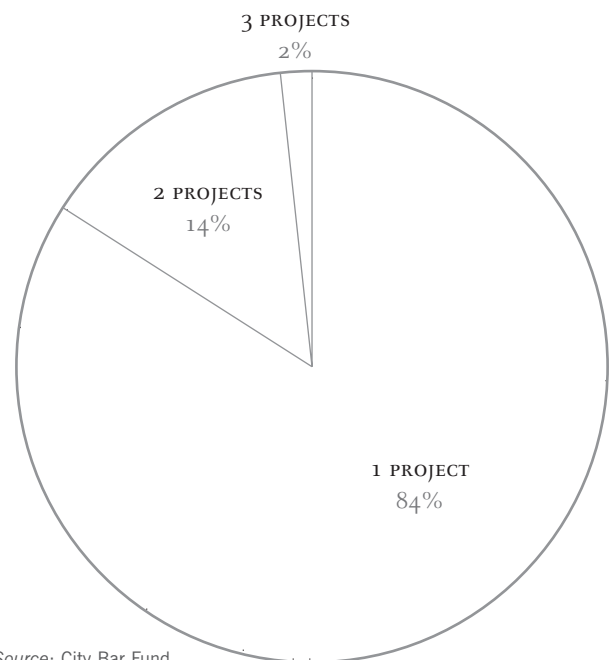
Those admitted to the bar for less than one year most frequently performed *facilitator/holistic services* (32%) or provided services in the *trusts and estates* (30%) or *federal fund claim analysis* arena (30%).

Lawyers admitted to the bar for 1-3 and 4-7 years performed very similar types of pro bono work, with *legal advice or counsel only* performed by 44% and 43%, respectively. More lawyers with 1-3 years of experience provided *landlord/tenant* services (18%) when compared to that of lawyers with 4-7 years (7%).

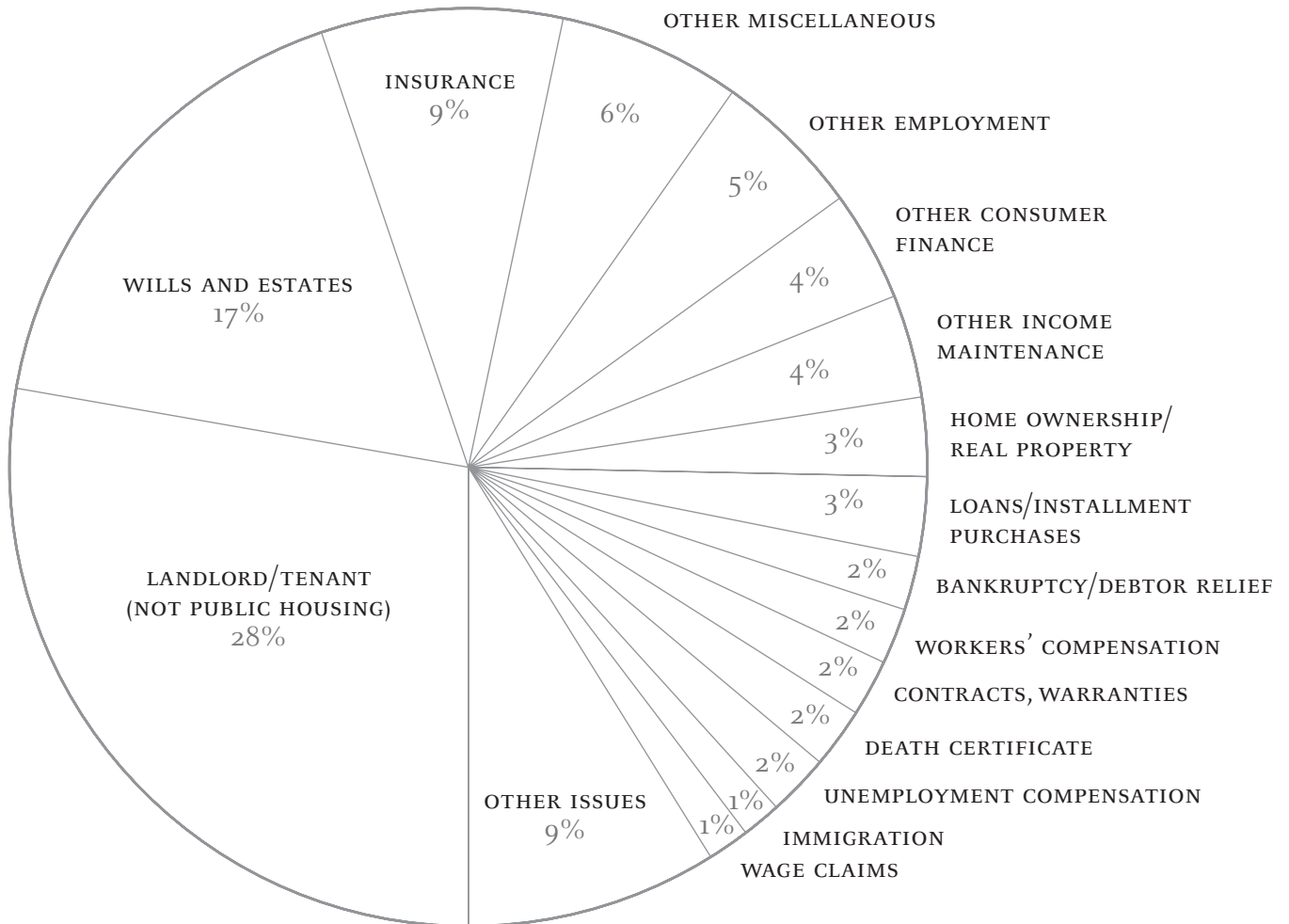
The City Bar Fund's data concerning the number of lawyers who volunteered in connection with the various projects (Chart H-1) and the number of different projects each volunteer participated in (Chart H-2) provide additional context for these survey responses.

The City Bar Fund also provided Chart H-3, which documents the primary issues for clients of its September 11th Legal Initiative. This chart illustrates both the breadth of work performed by volunteer lawyers in connection with 9/11 and the frequency that the various issues arose.

CHART H-2. VOLUNTEER INVOLVEMENT (EXCLUDING MENTORS AND EXPERTS)



**CHART H-3. PRIMARY ISSUES FOR CLIENTS OF THE CITY
BAR FUND'S SEPTEMBER 11TH LEGAL INITIATIVE**



Section I: How Satisfying Was the Volunteer Experience?

The vast majority of respondents found the work to be satisfying – marking 3, 4 or 5 on a scale of 1-5 where 1 was “not at all satisfying” and 5 was “very satisfying.”

Very few of the volunteers ranked their satisfaction at the 1 level. Based on some of the written comments we received, it appeared that where there was dissatisfaction, it may have related more to the event itself than to the work the volunteer did. As one respondent noted: “I found it largely unsatisfying because all of the clients I worked with lost a family member and no amount of legal advice/services could make that loss less devastating for them.”

Nonetheless, there were a few key distinctions among those who were more satisfied than others:

Those who were able to get involved earliest – in September or October of 2001 – were more likely to rate their satisfaction at 5 than were others.

Lawyers with certain specialty areas were more satisfied than others. It is not known why that is, and may be an area for future research or analysis.

Satisfaction was highest among those who specialized in landlord/tenant, trusts and estates, or criminal law.

Satisfaction was lower among those who specialized in corporate, domestic relations/family, or real estate law.

Lawyers who served more clients, served more hours, and served a longer time were most satisfied. Whether the satisfaction came from being more involved or whether lawyers who were more satisfied became more involved is unknown.

64.5% of those who served more than 10 clients marked 5, whereas only 41% of those who served ten or fewer marked 5 (and 96% of those who marked 1 or 2 served 10 or fewer clients).

64% of those who spent more than 100 hours on 9/11 pro bono work marked 5, compared with only 46% of those who spent fewer than 100 hours.

56% of lawyers who said work is “ongoing” marked 5, and 85% of those who expected to spend more than one year marked 5. Only 43% of those who said “work is not ongoing” marked 5.

Section J: Did Volunteers Receive Training?

“The training sessions, while very sad and sometimes horrific in subject matter, were strangely comforting because they presented us with concrete actions we could take to help people and the city, and also fostered a sense of unity and purpose among the lawyer there.”

“Training materials were clearly put together under very tight deadlines and much stress. They were helpful, but the process was constantly changing and adapting, and things were at times disorganized.”

“The training sessions I attended did not help me at all in my representation. The seminars were excellent, it just so happened that my role with my particular client did not involve the issues presented in the seminars.”

The volunteer surveys conducted in connection with preparation of this report asked several questions about the trainings that were conducted and their effectiveness. Below are summarized the most interesting of those results, including the influence of training on the experiences of the volunteer lawyers.

The responses to questions about training varied significantly and identified an area that was both extremely helpful to the volunteers and, at times, frustrating.

72% of the respondents received some training. In particular, 36% received Family/Individual Facilitation Training, 21% received Death Certificate Training and 11% received Small Business Facilitator Training. On the negative side, several people complained about the lack of space in the main training sessions, and others mentioned that the delays in getting clients reduced the value of the training.

Most people (78%) who assisted with death certificates received that training.

The training sessions that were deemed to be most helpful were death certificate training (weighted average 3.76 on a 5.0 scale), family/individual facilitator training (3.57), and small business facilitator training (3.36). The landlord/tenant training scored a weighted average of 3.22, with the antidiscrimination training receiving only a 3.0 (based on very few responses).

In the busy New York legal world, interested lawyers were not always able to attend the in-person training sessions, thus several were also made available on videotape. More than half (59%) of all volunteer lawyers reported that the in-person training sessions they attended were “helpful” or “very helpful” to them. On the other hand, slightly less than half of the respondents (45%) reported those same levels of helpfulness for videotaped training sessions.

Section K: Did This Volunteer Service Change the Lawyers' Motivation to Do Pro Bono Work in the Future?

Respondents are at least as, or more, motivated to do non-9/11-related pro bono work in the future.

85% intend to perform future pro bono work and 14% were undecided.

42% are either more motivated or much more motivated. 56% said their motivation has not changed. Only 2% are less or much less motivated.

The motivation to do non-9/11-related pro bono work in the future was high across the board:

68% of those who had performed no pro bono work in the past intend to perform more in the future.

100% of those who spent over 300 hours on 9/11-related work intend to perform non-9/11-related pro bono work in the future.

93% of lawyers from firms with more than 100 attorneys expect to perform future pro bono work; 70% of those from firms with 100 or fewer expect to perform future pro bono work.

99% of lawyers from firms of more than 100 attorneys are as or more motivated to perform future pro bono work, as are 95% of lawyers from firms with 100 or fewer attorneys. Lower levels of motivation were associated with lawyers from bar associations, legal services organizations, nonprofit/public interest organizations and government entities. This may at least partly reflect the fact that the nature of their work already encompasses work for people who may not otherwise be able to afford a lawyer.

TABLE 3. FACTORS PREVENTING FUTURE PRO BONO WORK, BROKEN DOWN BY PRACTICE SPECIALTY

	Practice Specialty:	
	LITIGATION	CORPORATE
TOO BUSY	66%	70%
PRACTICE SPECIALTY NOT SUITED TO PRO BONO WORK	9%	29%
ALREADY PERFORM A SIGNIFICANT AMOUNT OF PRO BONO WORK	32%	26%
NOT VALUED BY FIRM OR COMPANY	20%	15%

Section L: What Are the Factors That May Prevent These Volunteers from Performing Pro Bono Work?

When asked what factors may prevent the respondent from volunteering to do pro bono work in the future, more identified being “too busy” than any other reason (66% of law firm lawyers, 44% of sole practitioners), distantly followed by “already performing a significant amount of pro bono work” (30% of law firm lawyers, 17% of sole practitioners) and “practice area not lending itself to pro bono work” (17% each) or “not valued by law firm or company” (21% of law firm lawyers).

As shown in Table 3, there were minor differences between the responses of those practicing in the two major practice areas represented:

The number one reason litigators might not provide future non-9/11 pro bono support is “too busy” (66%), followed by “already perform a significant amount of pro bono work” (32%) and “not valued by law firm or company” (20%).

Corporate lawyers identified “too busy” (70%) most of the time, followed by “my practice specialty does not lend itself to pro bono work” (29%) and “already perform a significant amount of pro bono work” (26%).

Part V

SURVEY RESULTS: PROFILES OF THE ORGANIZATIONAL RESPONSE

Private Practice Law Firms Report on 9/11 Involvement

Many law firms and several large corporations with offices in the New York City area were surveyed to gain additional insight about the participation of those entities in the 9/11 legal relief effort. The surveys were distributed via e-mail to a large group of 9/11 and pro bono coordinators at law firms and corporations in the New York City area, especially those known to have been involved in the legal relief effort. *(A copy of the survey instrument is available at www.nalpfoundation.org.)* Nineteen large law firms and one corporation responded to the survey, including 9 of the 10 largest New York City law firms. The responses illustrate the depth of commitment these firms made and the value they provided victims, the City of New York and the legal profession following 9/11.

This survey is merely a sample of the New York law firm community, as not all of the law firms or corporations that contributed to the legal assistance effort responded to the survey. The results of the survey showed:

All of the law firms reported centrally coordinating their 9/11 response, as well as actively encouraging their employees to become involved in the 9/11 assistance efforts.

About half of the firms offered in-house training for lawyers and staff interested in volunteering. Most of those offering training utilized the City Bar Fund's facilitator training materials; some organized training sessions in other discrete areas, including anti-backlash training, training concerning the Victim Compensation Fund and trusts and estates assistance.

The level of lawyer participation within firms varied. At most of the respondent firms, between 5% and 20% of lawyers participated. At 6 firms, though, the participation rate exceeded 20%, and in one case (involving a firm with slightly more than 80 lawyers) participation exceeded 35%.

Respondents reported the participation of more than 1,550 lawyers (consisting of approximately 81% associates, 16% partners, and 3% other attorneys), more than 370 paralegals, and 200 other staff.

Among the 16 law firms providing data on hours, the estimated collective total dedicated to helping 9/11 victims through the end of 2002 was approximately 55,000 hours of lawyer time, 7,500 hours of paralegal time, and 2,100 hours of time from other law firm staff, resulting in an average of approximately 4,000 hours per firm.

In the aggregate, the firms providing client information reported serving more than 485 clients in the aftermath of 9/11, an average of approximately 28 clients per firm.

Firms reported finding 9/11 clients in a variety of ways, but every firm reported receiving at least one client through the City Bar and its legal relief programs.

While firms were reluctant to report the value of their time spent on 9/11-related matters, 13 firms supplied an estimated dollar value for their 9/11 work. The collective total reported by these 13 firms was over \$15 million – reflecting an average of approximately \$1.16 million per firm.

Several firms reported other details of their relief efforts – most frequently citing the provision of temporary office space for lawyers and others displaced by 9/11.

Part VI

LESSONS LEARNED

It is our hope that the 9/11 legal response will be an instructive example for future legal relief efforts. To that end, we have attempted to distill lessons that the experience has taught us as a legal community. Eighteen such lessons are identified below, falling roughly into three broad categories: the community aspects of the response, the more practical aspects of responding to a disaster, and finally, aspects of the 9/11 relief effort that could have been done better.

Responding as a Community

Lesson One: Collaboration among institutions of the legal profession was fundamental to the 9/11 legal relief effort, where central coordination coupled with wide collaboration and participation magnified the effectiveness of the community's response.

Lesson Two: Although centrally coordinated, the individual 9/11 relief projects were operated and controlled by their own sponsoring organizations, which contributed to the effectiveness of the relief effort.

Lesson Three: Training was crucial – in part because with training, all lawyers are capable of providing pro bono services.

Lesson Four: Every element of the national legal community had a role to play in responding to 9/11.

Lesson Five: The public interest legal services community was a vital contributor to the 9/11 legal relief effort.

Lesson Six: Nonlawyers from within the legal community made significant contributions to the 9/11 response.

Lesson Seven: Fully utilizing technology and online pro bono communities made volunteering easier and brought in many volunteers with little prior pro bono experience.

Responding to a Disaster

Lesson Eight: Swift action following 9/11 was vital to maximizing volunteerism and cooperation.

Lesson Nine: Flexibility, adaptation, and innovation were critical aspects to the 9/11 legal relief effort.

Lesson Ten: The facilitator model eased the burden on clients by providing them with a single person responsible for the bulk of their legal services.

Lesson Eleven: The use of technology and Web-based resources improved the 9/11 response effort.

Lesson Twelve: Although technology played a key role, in several instances unique benefits were realized when people met in person or by telephone to coordinate and enhance their work.

Lesson Thirteen: Funding was essential, though it could have come sooner.

Lesson Fourteen: Professional responsibility rules regarding client conflicts raised difficult issues that had to be addressed, especially with the Small Business Legal Relief Initiative.

Lesson Fifteen: Step back periodically to evaluate the effort and whether all needs are being met.

Lesson Sixteen: People responded when they were asked to help.

Improvements for the Future

Lesson Seventeen: It would have been valuable to have a system for obtaining feedback from clients concerning the effectiveness of the legal relief programs and the legal representation that they received.

Lesson Eighteen: The legal community should continually work to collaborate and build relationships with social services agencies.

Responding as a Community

The 9/11 experience suggests certain steps for legal communities responding to a disaster: (i) communicate with leaders and organizations, both inside and outside the legal community; (ii) acquire disaster response resources from other jurisdictions that have experienced significant emergencies in the past; (iii) involve others, including existing alliances and established institutions whenever possible; (iv) identify an organization or committee to lead the effort and coordinate the response, potentially a newly formed or preexisting emergency response committee; (v) respond creatively and develop collaborative relationships as often as possible; and (vi) seek ways to include all elements of the legal community. Beyond these basic steps we have identified the following lessons:

Lesson One: Collaboration among institutions of the legal profession was fundamental to the 9/11 legal relief effort, where central coordination coupled with wide collaboration and participation magnified the effectiveness of the community's response.

The 9/11 legal response in New York was especially effective because it was well coordinated by one central organization and yet simultaneously involved many different institutions and groups in a collaborative manner. Certain features of the 9/11 disaster and the New York legal community encouraged the response to develop in this manner. First, the sheer magnitude of the disaster heightened the level of the response and reduced potential conflict among those responding. Second, the preexisting collaboration in New York City among legal services groups, law firms, and the City Bar helped lay the foundation for the cooperation and collaboration upon which the 9/11 legal services initiative was built. In another situation or community, a disaster response might not develop in as smooth a manner absent a history of collaboration.

Third, the circumstances of the attack and its fallout left the City Bar uniquely positioned to step in and lead the effort. Bar organizations that might otherwise have competed for the leadership mantle were either too far away (the New York State Bar Association) or too directly affected (New York County Lawyers' Association) to respond as quickly and with the same resources. In addition, the City Bar, as the bar association of the City itself, is well connected within the city and within its legal community. Further, the City Bar already had an established, active pro bono arm – the City Bar Fund – dedicated to delivering free legal services and experienced in coordinating pro bono efforts, and which could immediately turn its attention to responding to 9/11. All of these factors contributed to the City Bar's being the consensus choice to spearhead the relief effort on behalf of individuals and small businesses.

While many agreed that the City Bar – through the City Bar Fund – should lead the effort, the City Bar and the City Bar Fund invited and encouraged the active involvement of many other organizations. Those other organizations drew on their specific expertise and participated through either their own programs or those of the City Bar Fund. The City Bar Fund welcomed the participation of these organizations and worked diligently to coordinate the various efforts; it facilitated the flow of information among all participating organizations and worked to minimize overlapping or conflicting agendas. This high level of cooperation magnified the overall response by maximizing utilization of each group's unique expertise, adding the benefits of joint effort and minimizing the distractions of conflicting approaches or duplicative programs.

In other jurisdictions or situations, it may be appropriate to create a standing disaster planning and response committee, especially if no entity stands out as being well positioned to lead such an effort. Many resources are available to assist legal communities interested in forming such committees, including from the American Bar Association. We are hopeful that this report will also assist those serving on or forming such committees.

Lesson Two: Although centrally coordinated, the individual 9/11 relief projects were operated and controlled by their own sponsoring organizations, which contributed to the effectiveness of the relief effort.

Despite Lesson One's extolling of the virtues of coordination and collaboration, coordination does not mean centralized power or control. In fact, an important lesson of the 9/11 legal relief effort is that organizers of individual relief programs within a larger relief effort should be allowed to control and execute their own projects. This allows the organizations most effectively and efficiently to provide the services they are most capable of providing, while still keeping the centralized point of contact informed to avoid potential duplication of efforts or gaps in service. An example of this is NYLPI's program to help union families. The NYLPI program generally reflected the facilitator approach, but was individually executed and it was focused on a small, disadvantaged community that might otherwise have been overlooked.

Likewise, the comfortable balance between centralization and decentralization accommodated the involvement of many, diverse law firms, each of which sought to participate in the larger effort but each of which is also too individualized to be centrally controlled. Each law firm, for instance, had its own situation and concerns about things like the availability of personnel and resources to devote to pro bono, limitations on in-house expertise, demands from clients for 9/11 assistance, the handling of conflicts issues, and the like. This was demonstrated in the way the firms used the model retention letter that was prepared. Some adopted it as written, but most modified it to satisfy their individual situations and approaches. Absent the ability to accommodate these differences, law firms might not have been as willing to participate in the centralized efforts.

Another example of effective, and crucial, decentralization was the rapid involvement by law firms of their preexisting internal pro bono structures to recruit volunteers and assign the large volume of 9/11 cases. In this way, decentralized execution again complemented the central coordination undertaken by the City Bar.

Lesson Three: Training was crucial – in part because with training, all lawyers are capable of providing pro bono services.

Central to the facilitator model was the idea that with adequate training, any lawyer could provide a range of services to those affected by 9/11. The tailored 9/11 training programs enabled lawyers to be well prepared as they confronted unique and horrifying situations with their pro bono clients.

The importance of creating exemplary training experiences is emphasized by the high percentage of volunteer lawyers who received 9/11-related training – 72% according to our survey. In addition to adequately preparing the lawyer for the expected work, training must ensure that the lawyer is confident in his or her ability to operate in the new area, because if such confidence is not instilled, then the relief effort risks discouraging the lawyer from taking on clients in this project, or even worse, from participating in future pro bono projects.

One myth shattered by the 9/11 response was the common belief that only lawyers with particular skills are able to provide free legal services. Not only were litigators able to participate, but every specialty joined in, often providing services in relatively unfamiliar legal areas. Lawyers and organizers accomplished this unusual feat thanks to the facilitator model and the institutional structures it put in place, namely, expanded training, regular case monitoring, use of experienced specialists to advise and assist where necessary, and implementation of special communication plans to keep volunteers up to date on relevant developments.

Lawyers who believe they cannot find volunteer opportunities because of their practice specialty should reconsider their views in light of 9/11. Organizers of pro bono programs, on the other hand, should expand their training and support structures, as well as their solicitation efforts, to more readily attract and accommodate volunteers from a greater cross section of the legal community.

Lesson Four: Every element of the national legal community had a role to play in responding to 9/11.

The national legal community responded to 9/11 both directly and in support of New York's own response effort. Not only did the American Bar Association's Young Lawyers Division set up a toll-free help line in conjunction with FEMA, but the ABA and other communities with disaster experience also reached out to help. For example, after 9/11 the San Francisco Bar Association sent someone with experience in that city's earthquake disasters to provide insight, guidance and sample materials. Trial Lawyers Care was also a national effort; it was created and spearheaded by a national bar association, the Association of Trial Lawyers of America. While the means of participation for national organizations was different from those for most local organizations, the participation of both reminds us that the national legal community has an important role in responding to local disasters.

Lesson Five: The public interest legal services community was a vital contributor to the 9/11 legal relief effort.

New York City is blessed with a plethora of legal services groups dedicated to providing free legal services to underserved, mostly poor communities. These groups have unparalleled experience ministering to the needs of the poor and working with those in distress, and after 9/11, they contributed to the relief effort in critical ways, including providing legal expertise not widely available in the private bar. As discussed in Part II, Legal Aid, Legal Services for New York City and other important New York City legal services groups were actively involved in aiding victims. These groups focused relief efforts on desperate communities where they had established relationships and otherwise augmented the reach and sophistication of the relief effort. New York's response to 9/11 would have been much different, and much weaker, absent the participation of its many legal services groups.

As well, the existence of a legal services organization associated with and funded by the local bar association was of significant value to the legal relief effort. The City Bar Fund has a staff dedicated to providing pro bono legal services, and as discussed in Part I, its ability immediately to shift resources to the 9/11 relief effort was crucial to getting the project underway quickly.

Lesson Six: Nonlawyers from within the legal community made significant contributions to the 9/11 response.

Several of the 9/11 legal relief projects made effective use of nonlawyers from within the legal community. The Notary Project, in particular, placed heavy reliance on nonlawyer notaries to provide staffing, as did the Facilitator Project in implementing its registration processes. Likewise, law students eagerly sought to participate in the 9/11 relief programs, and in New Jersey, the coordinated legal relief effort welcomed law students by providing them with special training and assigning those who completed the training to assist individual facilitators. These examples teach the value of expanding the focus beyond lawyers in order to increase the breadth of resources available to aid victims.

Lesson Seven: Fully utilizing technology and online pro bono communities made volunteering easier and brought in many volunteers with little prior pro bono experience.

Within the legal community there is a willingness and desire to serve those in need. Thousands of lawyers volunteered following 9/11 – donating dozens, if not hundreds, of hours apiece and packing training sessions to the rafters. Of these volunteers, 52% had served less than twenty-five pro bono hours prior to 9/11, yet 85% of volunteers intend to perform future pro bono work. The legal community must reach out to these and other lawyers who are willing to volunteer but hesitate to do so or have difficulty finding appropriate venues. E-mail, Internet-based resources, and interconnected pro bono communities have the power to advertise opportunities widely and to simplify the act of volunteering. With competing work and family demands, lawyers should not have to battle a bureaucracy in order to get involved in helping those in need. The response to 9/11 shows what can happen when compelling volunteer opportunities are widely advertised and efficiently run.

Responding to a Disaster

Lesson Eight: Swift action following 9/11 was vital to maximizing volunteerism and cooperation.

Quick action is indispensable when responding to a disaster. In the immediate aftermath of the tragic events of 9/11, levels of volunteerism and cooperation within the legal community soared. By acting quickly, the New York legal community effectively harnessed these forces to the tremendous benefit of those affected by 9/11.

Lesson Nine: Flexibility, adaptation, and innovation were critical aspects to the 9/11 legal relief effort.

In many instances, lawyers responding to 9/11 overcame difficulties by creating new, innovative solutions. When faced with inadequate preexisting service delivery models and a shortage of lawyers with specialized skills, the legal relief organizers collaboratively developed an original model – the facilitator model – and implemented it in a few short weeks. Similarly, faced with the unprecedented challenge of providing free legal assistance to thousands of families submitting victim compensation claims, trial lawyers responded by creating a massive pro bono undertaking: Trial Lawyers Care. When a potentially disabling issue arose concerning how to deal with theoretical but unknown conflicts between established clients and 9/11 victims, an effective solution was found to allow the project to move forward.

Seeing victims faced with a confusing matrix of benefits, lawyers responded in two ways: some volunteered to serve as family service guides at the family assistance centers, receiving special training to assist those navigating the centers, while others compiled comprehensive written guides to available benefits and distributed them widely. Yet another example is the resourceful response of dozens of lawyers, judges, and government officials when New York State's death certificate issuance process proved unworkable in the aftermath of 9/11. They overcame many obstacles in the course of establishing an expedited death certificate application process that better served survivors' needs.

Lawyers can be relentless problem solvers, and such tenacity is imperative when responding to any disaster.

Lesson Ten: The facilitator model eased the burden on clients by providing them with a single person responsible for the bulk of their legal services.

The facilitator model was designed to address the various legal issues facing the victims of the 9/11 tragedy and to provide a single point of contact for dealing with the bulk of those needs. Each attorney who volunteered was trained to address a client's full spectrum of legal and administrative needs, relieving victims of the burden of repeating their stories over and over again to many attorneys specializing in different areas of the law.

Comprehensive training was considered essential to enable facilitators to help those suffering the loss of a loved one, home or job in the best possible way. For that reason, attorneys were asked to participate in the Facilitator Project only after they participated in either an in-person or videotaped training session. Experts with extensive experience in the specific legal areas, or in the delivery of pro bono legal services, taught at the training sessions, which provided the volunteer attorneys with an overview of the relevant legal subjects to facilitate issue spotting and to provide basic guidance in addressing those issues.

Thereafter, the volunteer attorney typically handled the client's legal needs directly, relying as necessary on "mentors" – experienced attorneys in different areas of the law who offered guidance through unfamiliar legal processes. Facilitators involved in the legal relief effort found it useful to be able to turn to a mentor for support in the logistically and emotionally difficult task of helping those affected by 9/11.

In some instances, however, facilitators found their clients' legal issues too complex or specialized for them to handle. In these situations, the City Bar recommended that attorneys consult with their clients to determine the best course of action. The client could choose to hire a private attorney if they could afford one, or could be referred to an "expert" – a pro bono lawyer with the necessary specialized expertise. This often resulted in more than one lawyer or law firm working with legal services organizations on behalf of a single client. Even where this happened, however, the model called for the facilitator to remain responsible for tracking whether all of the client's needs were being met.

Though very effective in delivering wide-ranging and direly needed assistance to many, many victims, the facilitator model's effectiveness was not absolute. For instance, specialization concerns – particularly in the torts and wills and estates areas – sometimes prevented law firms from undertaking the broad representation envisioned by the model. As well, because of conflicts among family members, facilitators were sometimes unable to deal with certain issues on behalf of an entire family. Nonetheless, the model proved workable due to the extreme desire of the volunteers to help and the acute need of victims for assistance.

Lesson Eleven: The use of technology and Web-based resources improved the 9/11 response effort.

ProBono.net and iLawyer were indispensable resources that allowed the 9/11 legal relief effort to be organized quickly and efficiently. Among other features, ProBono.net provided a comprehensive library of 9/11-related materials that could be readily accessed over the Internet, allowed for streamlined communications with thousands of volunteers, and enabled volunteer lawyers to request and exchange information about difficulties in providing 9/11 services. iLawyer enabled the central coordinators of the legal relief effort to match lawyers with clients swiftly and with a minimum of effort, thereby allowing them to coordinate the assignment process without overtaxing their limited staff resources. Any future disaster response should likewise maximize reliance on technology and Internet-based resources in order to speed and improve the delivery of assistance.

Lesson Twelve: Although technology played a key role, in several instances unique benefits were realized when people met in person or by telephone to coordinate and enhance their work.

In several instances, representatives of law firms and legal services organizations met regularly in person and by telephone to share experiences and problems in order to complement and improve their individual efforts on behalf of 9/11 victims. Through these meetings and the close coordination of their efforts, these firms were able to enhance the level of service delivered to their respective clients. The steering committee organized by New York Lawyers for the Public Interest in assisting the families of union members killed on 9/11 is one example of this. Another example of the effectiveness of such coordination is the engagement letter drafting process spearheaded by the City Bar's Committee on Pro Bono and Legal Services. Where numerous organizations are working on behalf of different clients facing similar issues, coming together regularly to brainstorm and share experience provides an opportunity to leverage individual efforts for greater collective results.

Lesson Thirteen: Funding was essential, though it could have come sooner.

The legal community's efforts were magnified by the philanthropic support that they received. Coordinating and administering the various 9/11 legal relief projects involved substantial expense and occupied numerous paid staff of the nonprofit legal groups that participated. Financial support from the September 11th Fund and others allowed additional staff to be hired and helped defer the unscheduled expenses of the effort. This support was essential to much of what was accomplished.

Unfortunately, the City Bar Fund and others involved in the legal community response did not begin receiving substantial financial support from the 9/11-focused foundations until November 2001. Earlier access to this support would have eased and improved the effort.

Law firms made substantial contributions to the general 9/11 relief funds, as well as to funds supporting fallen uniformed officers. These were all worthy recipients, but nonprofit organizations within the legal community providing legal assistance to victims were largely overlooked. When distributing such financial support in the future, donors in the legal community (individuals as well as law firms) should not ignore their own community and the ability of its institutions to deliver substantial aid to those who have been adversely affected.

Lesson Fourteen: Professional responsibility rules regarding client conflicts raised difficult issues that had to be addressed, especially with the Small Business Legal Relief Initiative.

Pro bono lawyers provided legal advice to clients at the help and small business recovery centers. However, some law firms were reluctant to provide this service because of the possibility for conflicts of interest between the small business and the firm's other clients. For example, it was conceivable that a lawyer would advise a small business client about the availability of insurance coverage where the insurance carrier was represented by the lawyer's firm. If the lawyer's advice was perceived to be "adverse" to the interests of the firm's other client, the conflict of interest rules might have been implicated at least in a technical sense. Because it was not feasible for lawyers giving brief advice at sites outside their law firms to check for these kinds of conflicts, the small business initiative was almost derailed. This experience demonstrates the wisdom of Rule 6.5 of the ABA's Model Rules of Professional Conduct, which allows lawyers to dispense with conflicts checks when they provide uncompensated services under the auspices of a bar association, court, or other nonprofit organization. To expand the availability of legal representation to those who cannot afford a lawyer, not only in emergency settings but in general, bar associations and courts should remove unnecessary disciplinary impediments, including by adopting ABA Model Rule 6.5.

Lesson Fifteen: Step back periodically to evaluate the effort and whether all needs are being met.

The 9/11 experience shows that additional needs will continue to arise as the immediacy of a disaster subsides. In order to address those later arising needs and minimize the needs that remain unmet, it is important for relief effort organizers periodically to evaluate their efforts and adjust to meet those needs that only become clear or rise in priority with the passage of months or years.

Lesson Sixteen: People responded when they were asked to help.

The task of responding to a disaster is difficult and consumes significant resources, both financial and human. At the same time, the generosity following a disaster can be tremendous. With that in mind, those coordinating a disaster response, especially within the legal community, should have the presence of mind to identify their needs clearly and ask for help in fulfilling them, whether they be personnel, monetary, or physical. In response to explicit requests, law firms loaned the City Bar Fund lawyers and other staff members on a full-time basis for six months and longer. Likewise, the "Angels Project" organized by Pfizer Inc resulted in the donation of laptops and other physical resources to several legal organizations assisting those affected by 9/11.

Improvements for the Future

Lesson Seventeen: It would have been valuable to have a system for obtaining feedback from clients concerning the effectiveness of the legal relief programs and the legal representation that they received.

As a theoretical matter, the facilitator model has strong appeal; after all, what client having been dramatically affected by 9/11 would not prefer to deal with a single lawyer, rather than several? This is supported by the feedback the City Bar Fund received from a handful of clients, all of whom found the services provided by facilitators of great value. Nonetheless, it would have been extremely valuable to have received greater feedback from clients on this and other issues. Such feedback would have allowed the relief agencies to further tailor their response and better evaluate its efficacy. In the future, avenues for client feedback should be carefully considered at the outset and, if possible, implemented as part of the relief effort.

Lesson Eighteen: The legal community should continually work to collaborate and build relationships with social services agencies.

Very early on, the legal community successfully partnered with Safe Horizon and other social services agencies in particular areas. In connection with specific projects, it would have been helpful to partner fully with the United Way and the Red Cross, which together with Safe Horizon spearheaded the overall New York City response to the tragedy. Through greater cooperation, service delivery could have been further streamlined, thereby reducing duplication and improving the quality and range of services available to people affected by the tragedy. To maximize their effectiveness, lawyers must be seen as an integral part of a community's emergency response team and to this end should continually work to build relationships with such social service and disaster response agencies.

Exhibits

- 1 Individuals Interviewed
- 2 September 11th
Legal Assistance Project
- 3 Role of the Facilitator
- 4 What to Expect After a
Traumatic Event
- 5 Model Engagement Letter
- 6 Family Assistance
Center Map

Individuals Interviewed

Name, Affiliation

Akira Arroyo, City Bar Fund

Japheth Baker, Law Student, City University of New York School of Law

Sharon A. Balsamo, New Jersey State Bar Association

Helaine Barnett, The Legal Aid Society

Daisy B. Barreto, Office of the Attorney General of the State of New Jersey

John P. Bender, Office of the Attorney General of the State of New Jersey

Andrea Berger, New York City Law Department, Office of the Corporation Counsel

Jonathan Bing, American Bar Association Young Lawyers Division

Carol Bockner, City Bar Fund

Mindy A. Bockstein, New York State Office of the Attorney General

Raymond Brescia, Urban Justice Center

Patricia K. Bucklin, New York State Bar Association

Ellen P. Chapnick, Columbia Law School, Center for Public Interest Law

Allen J. Charne, Legal Referral Service, Association of the Bar of the City of New York

Sandra W. Cuneo, Trial Lawyers Care

Kevin J. Curnin, Stroock & Stroock & Lavan LLP

Evan A. Davis, Cleary, Gottlieb, Steen & Hamilton

Eva DuBuisson, Lawyers Alliance for New York

Bridget Fleming, City Bar Fund

Karin Kunstler Goldman, New York State Office of the Attorney General

Julie Goldscheid, Safe Horizon

Gayle Gorvett, Latham & Watkins LLP

Elizabeth M. Guggenheimer, Lawyers Alliance of New York

Michael K. Hertz, ProBono.net

John G. Holl, Office of the Attorney General of the State of New Jersey

Maria Imperial, City Bar Fund

Hon. Judith S. Kaye, Chief Judge of the State of New York

Lynn M. Kelly, MFY Legal Services, Inc.

Jamie A. Levitt, Morrison & Foerster LLP

Irina Matiychenko, New York Legal Assistance Group

Hon. Juanita Bing Newton, Deputy Chief Administrative
Judge for Justice Initiatives, New York State Unified
Court System

Nina Nsilo-Swai, Brooklyn Bar Association

Mark O'Brien, ProBono.net

Jean O'Hare, Pfizer Inc

Barbara Berger Opatowsky, Association of the Bar of the
City of New York

Laurence Pettit, White & Case LLP

Christopher M. Placitella, Association of Trial Lawyers of
America – New Jersey; Wilentz, Goldman & Spitzer

Bryan Pu-Fowkes, New York Lawyers for the Public Interest

Randy Retkin, New York Legal Assistance Group

Benjamin Ross, The New York Immigration Coalition

Richard A. Rothman, Weil, Gotshal & Manges LLP

Janet Sabel, The Legal Aid Society

Karen Sacks, Essex County Volunteer Lawyers for Justice

Scott Schell, The Brennan Center for Justice at New York
University School of Law

Marla G. Simpson, New York State Office of the
Attorney General

Nancy Erika Smith, Smith Mullin

Laren Spierer, ProBono.net

Debra Brown Steinberg, Cadwalader, Wickersham & Taft LLP

Jane R. Stern, The New York Community Trust

David S. Udell, The Brennan Center for Justice at New York
University School of Law

Lorie Van Auken, Widow of Kenneth Van Auken

Andrew J. Walko, Office of the Attorney General of the
State of New Jersey

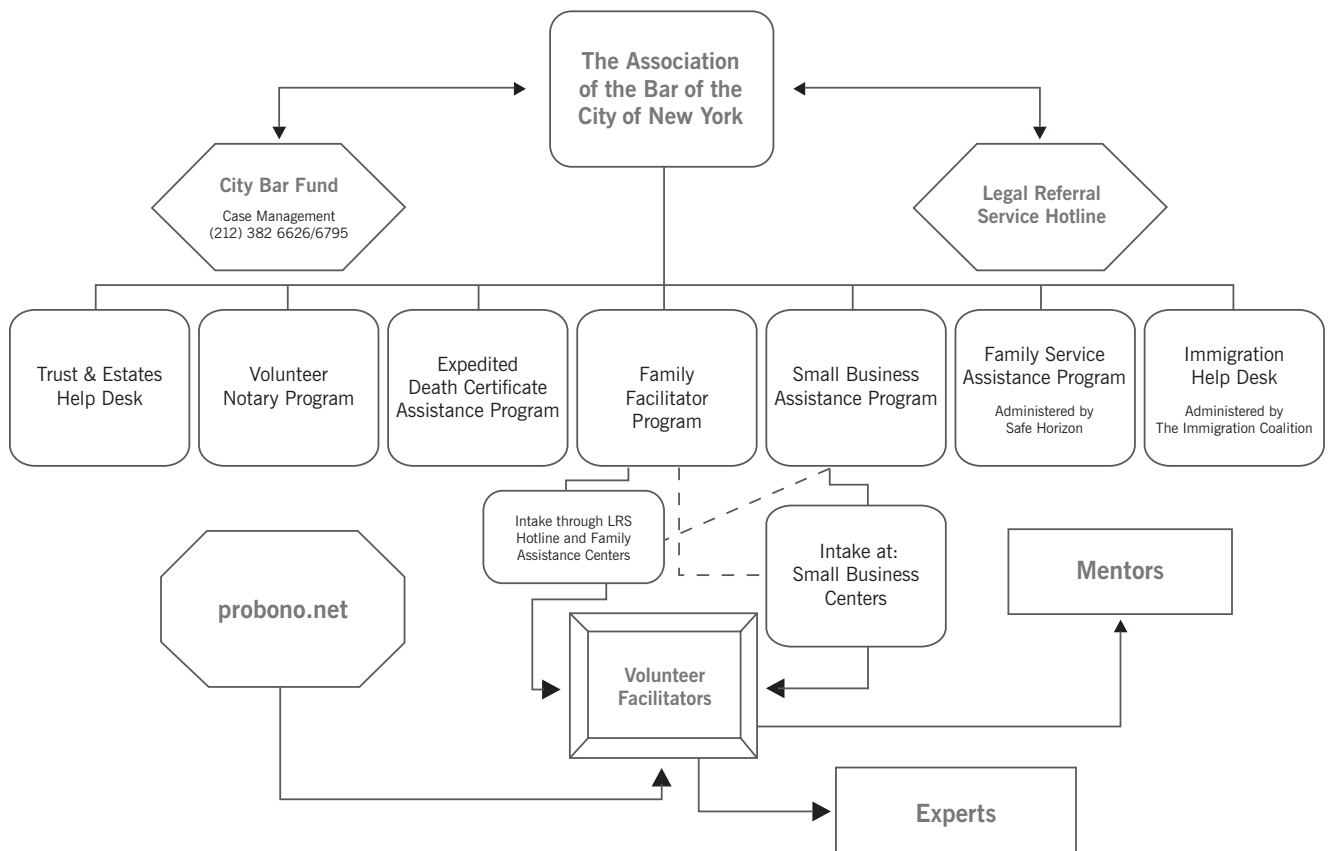
David Weschler, The Legal Aid Society

James H.R. Windels, Davis Polk & Wardwell

Patricia Mullon Zohn, McCarter & English, LLP

Leslie Platt Zolov, PSLawNet, The Public Service Law
Network Worldwide

September 11th
Legal Assistance Project



September 11th Facilitator

The Role of the Facilitator*

The Association of the Bar of the City of New York (“ABCNY”), in collaboration with a number of other bar associations, public interest legal services organizations, law firms and law schools, has developed a “facilitator” model to address the wide range of legal issues that will be faced by individuals and families affected by the September 11th tragedy. Each facilitator – an individual lawyer – will work with a family on an ongoing basis to assess and help solve each family’s various legal problems, in some cases by providing representation and in some cases by referring the family to an expert in a particular area. Lawyers will be eligible to volunteer as a facilitator only after they complete a facilitator training.

Overview of Model

The goal of the facilitator model is to provide comprehensive legal services to these clients. The October 2nd training (and any follow-up trainings by video) will provide facilitators with an overview of the relevant legal subjects to facilitate issue spotting. There is no expectation that a facilitator will become an expert in these areas. The importance of a comprehensive approach cannot be overstated. These individuals and families have suffered greatly as a result of the disaster, either by losing a loved one, a home, or a job. Many of these clients have no idea where to turn and need help navigating through the maze of agencies, programs and procedures developed to address their needs. The function of a facilitator is to conduct a legal inventory; to prioritize the family’s needs; and then to act as a problem solver. A detailed questionnaire has been developed to guide facilitators with identifying client’s needs and to gather the information necessary to address these needs. The questionnaire should help inform the facilitator of the steps, if any, already taken by the client. The questionnaire and any updates to the questionnaire will be posted on probono.net.

* Editors’ note: This document was prepared by the City Bar Fund shortly after 9/11 and was widely distributed in connection with the Facilitator Project.

Assignment of Cases

Clients will call the ABCNY's and the New York County Lawyer's Legal Referral Service ("LRS") hotline (212) 626-7373 or 7374, if they speak Spanish. An LRS counselor will conduct a brief intake, identifying the client's main legal needs and basic conflict information, such as the name of client's landlord, employer, mortgage and/or insurance holder. The client will be told that an attorney facilitator will be contacting them within 48 hours. The LRS counselor will then refer the client to a facilitator and will send the basic intake information and instruction for how to access the client information to the facilitator. The facilitator will receive this information by e-mail and fax. After checking with the September 11th Coordinator at his/her firm, if relevant, the facilitator will reply to LRS within 12 hours by e-mail to inform whether she/he will accept the assignment. If the referral is not accepted within the 12-hour window, LRS will continue to look for another facilitator. After a facilitator agrees to consider accepting the case, s/he should then reach out to the potential client.

When the facilitator completes his or her conflict checking procedure, s/he will meet with the client to conduct a more extensive intake based on the questionnaire and enter into a retainer agreement with the client. A sample retainer agreement has been included in the training materials and is available on probono.net.

Responsibilities of the Facilitator

Once retained, the facilitator will be expected to handle his or her client's basic legal and administrative needs. Experienced attorneys ("mentors") will be available to provide guidance and to assist facilitators with unfamiliar legal processes. In certain areas, such as public benefits or worker's compensation, the facilitator can arrange for the matter to be handled by a legal services program or a member of the Worker's Compensation Bar. In these situations, facilitators should ensure that their client is given an appointment with the legal services office or Worker's Compensation attorney and then follow up to see that the necessary services are being performed.

It is possible that the facilitator may not be able to handle more complicated legal problems even with mentoring. In these situations, the facilitator should use his or her judgment and in consultation with the client, determine whether the client would like to hire a private attorney for the matter through a referral from LRS or other referral service or be referred to a pro bono lawyer with the specialized expertise in the area of need. Experienced attorneys who are willing to accept and handle cases on a pro bono basis ("experts") will be available. The list of mentors and experts will be posted on probono.net.

Facilitators should not handle any matters concerning third-party liability, though they may advise clients of the existence of the federal victim's compensation fund and other assistance programs. Clients interested in pursuing third-party claims should be referred back to LRS.

Pro Bono Net Resources and Coordination

All facilitators, mentors and experts should immediately join the practice area that has been developed by Pro Bono Net to support this and other September 11th volunteer projects. To join, go to the following location: <http://www.probono.net/september11> and click the "Join this Practice Area" button. We will use Probono.net to communicate with you on an ongoing basis and to coordinate our activities. For example, we will post resources (training materials, FAQs, forms, model documents, mentor lists) so that you can find and download them easily. We also will post training events and other volunteer opportunities in this practice area. Probono.net also has message boards that can be used to ask questions and communicate with other volunteers. As each volunteer develops materials that might be useful to other volunteers, please email those materials to info@probono.net so that we can post them on the site.

Case Management

The September 11th Facilitator project will be housed at the City Bar Fund's Community Outreach Law Program. Questions regarding the program on your case assignment should be directed to Don Fried at (212) 382-6626 or Stacey Mosesso at (212) 382-6795.

Emotional Support

The facilitation process may be emotionally draining. We are currently coordinating with the New York City Chapter of the National Association of Social Workers to provide debriefing and counseling for volunteers. In the meanwhile, if any volunteers need emotional support after interviewing their September 11th client, feel free to contact Eileen Travis, CSW who is the director of the ABCNY's Lawyers Assistance Program at (212) 302-5787.

What to Expect After a Traumatic Event*

When Coping with a Traumatic Event
It Is Normal to Have a Broad
Variety of Reactions to a Very
Abnormal Event.

**Trauma may temporarily overwhelm us mentally, physically
and/or emotionally.**

**We often will experience a delay in our reaction (sometimes
hours, days or weeks, following the event itself).**

Sometimes, when we do react, those reactions are strong.

Reactions to a Traumatic Event
May Continue for Some Time (From a
Few Days to Several Months).

**Utilizing some of the helpful hints attached may help the reac-
tions to pass more quickly.**

**If reactions continue for more than 3–5 weeks, it may be pru-
dent to seek the assistance of a mental health professional.**

The Following Are Some Common
Reactions to Traumatic Events.

EMOTIONAL

Grief
Shock (absence of feeling)
Fear
Depression
Anger
Anxiety
Feeling Unappreciated
Feeling Isolated
Guilt

INTELLECTUAL

Nightmares
Flashbacks (To re-experience
the event)
Confusion
Memory Difficulties
Low Attention Span
Hard to Make Decisions
Difficulty Concentrating
Blaming

PHYSICAL

Tired (Weak)
Sleep Disturbance
Change in Appetite
Nausea
Headaches
Blood Pressure Changes
Chills
Sweating
Feeling Uncoordinated

BEHAVIORAL

Withdrawal from Others
Very Alert (Hyper)
Suspicious
Aggression
Increased Alcohol
Consumption
Changes in Speech
Pacing/Fidgeting
Picking Fights

Helpful Hints to Cope with Traumatic Events

Trying Some of These Helpful Hints May Alleviate Some of the Reactions. Just Taking a Personal Interest in Your Own Recovery May Begin the Healing Process.

Try to Rest More Often.

Make Contact with Friends & Loved Ones.

Maintain Healthy Behaviors.

Maintain a Normal Schedule.

Physical Activity Can Be Helpful.

Eat Normal Meals.

Avoid Increase in Alcohol Consumption.

Avoid Increase in Nicotine Use.

Talk with People Who Let You Have Your Feelings.

Find a Good Counselor If Feelings Become More Than You Can Cope With.

Identify a Safe Place to Go to If You Are Feeling Afraid. If You Cannot Identify a Safe Space, Draw One or Imagine One.

Practice Staying in the Present. Remember the Event Is in the Past and You Are in the Present. Use Sensory Clues to Remind Yourself That You Are in the Present:

Smelling Something Good

Tasting Something Delicious

Touching Something That Feels Good

Holding Something That Makes You Feel Safe

Listening to Music That Comforts You

Take Good Care of Yourself.

Treat Yourself to Gentle Gifts.

Recognize the Wounds You Have Received and Care for Them.

Remember How You Have Successfully Survived the Trauma in Your Past and Use It for the Present.

Make Time for Yourself and Your Feelings Every Day.

The information above is not intended to be Mental Health or Medical treatment advice. If you believe you need Mental Health or Medical treatment advice, contact the nearest Mental Health or Medical treatment provider.

SAFE HORIZON CRISIS SUPPORT HOTLINE
1-800-621-HOPE or 212-577-7777

MODEL ENGAGEMENT LETTER

Letterhead of Law Firm, Corporation
or Individual

[Date]

[name of Client]
[address]

Dear [name of Client]:

This letter sets forth our agreement concerning the legal assistance to be rendered to you. Because of the unique circumstances giving rise to your need for assistance, we would like to inform you of the types of services we will attempt to provide to you, and what types of services we will not be able to provide to you.

In this letter, the "Lawyer" refers to [name of individual lawyer] and other lawyers at [name of law firm or corporation] who may provide assistance to you on the matters described below. The "Client" refers to you, as well as your immediate relatives who share your interests in these matters.

A. Scope of Representation and Assistance

Subject to the limitations below, the Lawyer agrees to give the Client legal assistance concerning matters arising from the attack on the World Trade Center on September 11, 2001 (the "Events of September 11, 2001"). That assistance may include an overall assessment of the Client's legal needs arising from the Events of September 11, 2001 and specific matters relating to, for example, wills and estates; employment benefits; governmental benefits; housing; insurance; loss of income or business; and immigration.

At this time the Lawyer does not expect to represent the Client in any lawsuits arising from the Events on September 11, 2001, including, for example, personal injury or wrongful death lawsuits.

The Lawyer reserves the right at any time to limit the scope of the legal assistance provided to the Client and to decline to assist the Client with respect to certain matters. The Lawyer is reserving these rights, because (1) the variety and extent of the Client's legal needs are unknown at this time; (2) the possibility that the Lawyer may not have sufficient expertise to provide assistance to the Client on a particular matter; (3) the possibility that the Lawyer will not have adequate and reasonably available resources to assist the client in a particular matter; and (4) to avoid the possibility that the Lawyer may need to withdraw due to a conflict of interest, as described below.

B. Referrals and the Assistance of Other Lawyers

If the Lawyer limits the scope of representation or declines to represent or assist the Client in connection with any matters arising from the Events of September 11, 2001, the Lawyer will (1) inform the Client of the matters on which the Lawyer is unable or unwilling to represent or assist the Client; and (2) to the extent feasible, refer the Client to either (a) the Association of the Bar of the City of New York, or (b) another lawyer who may be able to represent and assist the Client in connection with the matter.

The Lawyer may also ask one or more lawyers at another law firm or corporation for assistance in providing legal representation to the Client. Prior to making such a request to another lawyer, the Lawyer will consult with and obtain the consent of the Client.

C. Attorneys' Fees

The Lawyer will not accept or receive from the Client any attorneys' fees, either directly or on a contingency basis, for legal assistance provided under this letter.

D. Advantages and Disadvantages of Scope of Representation

The advantages to the Client of the arrangements set forth in this letter may include (1) the receipt of legal services and other assistance without payment of attorneys' fees; (2) an overall assessment and consideration of the Client's legal needs arising from the Events of September 11, 2001; and (3) competent representation by the Lawyer or reference by the Lawyer to other competent lawyers concerning these matters.

The disadvantages to the Client may include (1) that the Lawyer may decline to assist the Client on a particular matter, causing inconvenience and inefficiency for the Client; and (2) the Lawyer may need to withdraw from representation of the Client due to a conflict of interest, as described below.

E. Conflict of Interest

The Lawyer and [his/her] law firm represent many other clients on numerous types of issues, including, for example, airlines, insurance companies, property owners and landlords, employers and governmental entities. Under the ethical rules governing the legal profession, lawyers and their law firms are not permitted to represent a client whose interests in a matter are materially adverse to the interests of another client of the Lawyer or the Lawyer's law firm. Depending on the circumstances, a lawyer may be required to withdraw, or may be disqualified, from representing one or both clients if such a conflict of interest arises.

The Lawyer agrees to inform the Client promptly of any actual or potential conflicts of interest [he/she] becomes aware of that might prevent the Lawyer from representing or assisting the Client on a matter arising from the Events of September 11, 2001. In the event that a conflict of interest were to arise, the Client agrees that the Lawyer retains the right to withdraw from representing or assisting the Client on any matter where such a conflict of interest may be present, and the Client agrees that the Lawyer's representation of the Client shall not be asserted as a basis to disqualify the Lawyer or the Lawyer's law firm from continuing to represent another client.

F. Confidentiality

The Lawyer agrees to keep confidential all confidential or privileged documents and information provided by the Client. The Lawyer will maintain all documents given to [him/her] by the Client and, at the conclusion of the representation, either return the documents to the Client or destroy them, according to the instructions of the Client.

G. Termination

Either the Lawyer or the Client may terminate this agreement and the arrangements described in this letter at any time. If the relationship is terminated, the Lawyer agrees to continue to keep confidential all confidential or privileged documents and information provided by the Client, except as required by law.

Very truly yours,

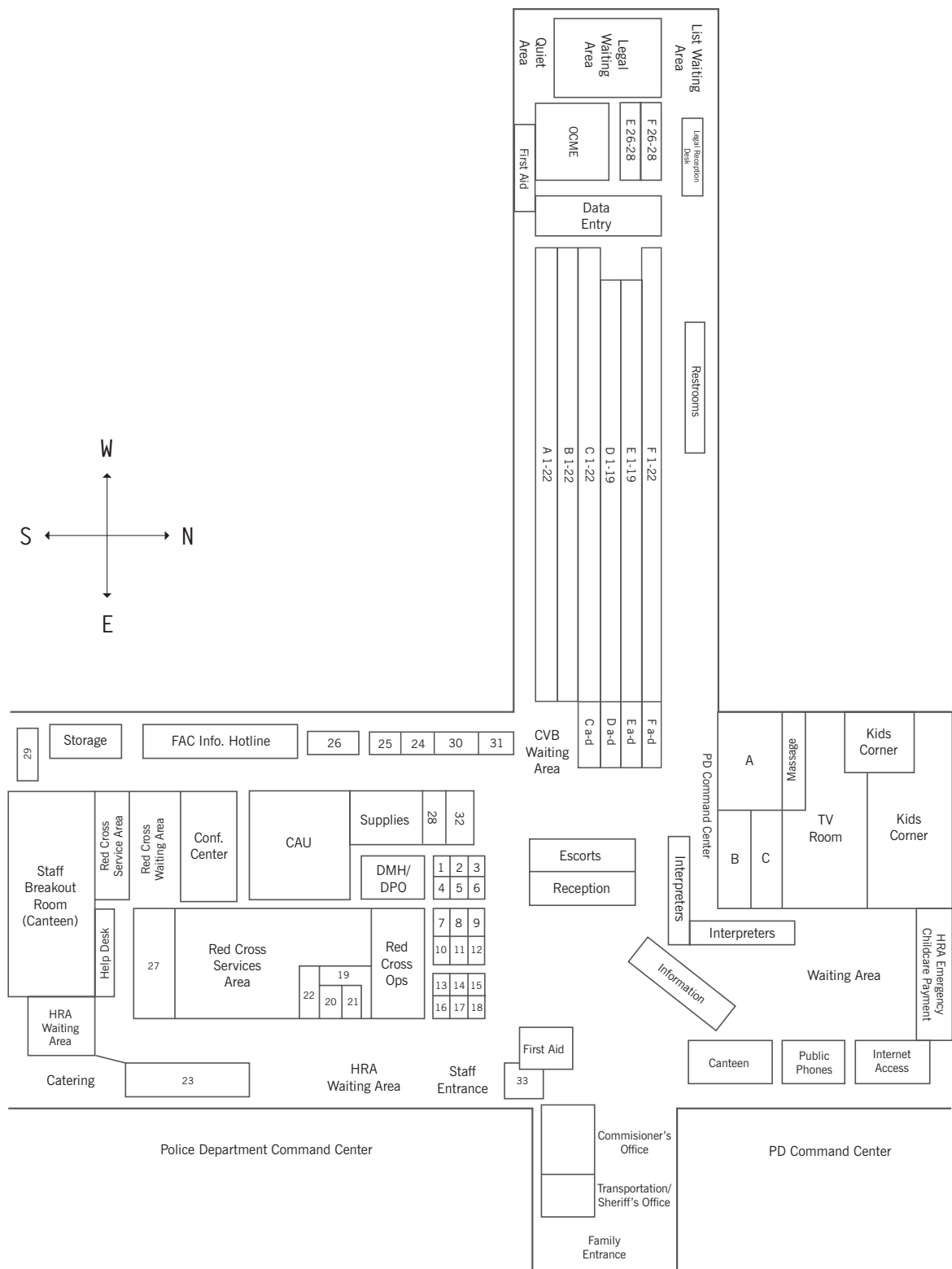
[name of Lawyer]

I have read this letter in its entirety and agree to its terms.

[name of Client]

Date:

Family Assistance Center Map
(Revised October 27, 2001)



West-Side Booths

A-1 to A-22 New York State Crime Victims Board/Safe Horizon
B-1 Department of Labor
B-2 New York State Insurance Fund
B-3 New York State Worker's Compensation Board
B-4 New York State Worker's Compensation Board
B-5 TBD
B-6 New York Insurance Department
B-7 to B-20 Salvation Army
B-21 to B-22 Legal
C-a New York Fire Department
C-b New York Fire Department
C-c New York State Courts Family Support
C-d Federal Emergency Management Agency (FEMA)
C-1 Department of Labor
C-2 AFL-CIO
C-3 Dept of Labor/US Attorney's Office
C-4 INS
C-5 TBD
C-6 VFW
C-7 to C-16 Police Department
C-17 to C-22 Legal
D-a New York Fire Department
D-b Department of Veterans Affairs–Health Care
D-c FEMA
D-d FEMA
D-1 FEMA
D-2 FBI Crime Victims Assistance
D-3 FBI Crime Victims Assistance
D-4 Parents of Murdered Children (POMC)
D-5 Project Renewel
D-6 to D-19 Legal
E-a New York Fire Department
E-b Department of Veteran Affairs–Benefits
E-c Disabled American Veterans
E-d Social Security
E-1 Social Security
E-2 FBI Crime Victims Assistance
E-3 FBI Crime Victims Assistance
E-4 Fiduciary Trust International
E-5 to E-9 Memorial Service Credential Pick-up
E-10 to E-19 Legal
E-26 to E-28 Legal Headquarters
F-a New York Fire Department
F-b Open Company Space
F-c Open Company Space
F-d Social Security
F-1 to F-2 Social Security
F-3 TBD
F-4 TBD
F-5 Chaplain
F-6 Chaplain
F-7 Accenture
F-8 to F-9 Legal
F-10 to F-13 Spiritual Affairs
F-14 to F-16 Public Administrator of New York County

Police Department Command Center

A. DCCA
B. IAB/OEM/Detectives
C. Law Enforcement Agencies (other than NYPD/US Attorney's Office/CT Family Support Service

South-Side Booths

1. Salvation Army Waiting Area
2. Salvation Army Waiting Area
3. International Affairs and Foreign Governments
4. Salvation Army Waiting Area
5. Salvation Army Waiting Area
6. International Affairs and Foreign Governments
7. Tzu-Chi
8. Tzu-Chi
9. Salvation Army
10. HRA
11. HRA
12. HRA
13. HRA
14. HRA-Food Stamps Application
15. HRA
16. HRA
17. HRA
18. HRA
19. Red Cross Operations
20. Red Cross Operations
21. Red Cross LDV
22. Red Cross Debriefing
23. Great Performance Catering
24. ASPCA
25. TBD
26. Red Cross Interview Room
27. HRA
28. Salvation Army Waiting Area
29. Staging Area (Families Only)
30. FBI
31. US Attorney
32. Immigrant Affairs
33. Doctor's Office

Questions? Call the Help Desk at Extension 5000

