
HOW TO MAKE THE MOST OF
INTERNET RESOURCES IN THE WAKE OF
HURRICANES KATRINA AND RITA

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I. Introduction

_____ In the wake of Hurricanes Katrina and Rita, the information available to attorneys on the Internet to aid them in piecing their own lives and their clients' lives back together is voluminous. Federal and state government web sites, insurance company web sites, and charitable organization web sites comprise just some of the resources upon which a lawyer can rely. Even the American Bar Association and several state bar associations have made information available on the internet to assist their members in this time of crisis. This paper will identify the categories of resources available on the internet to victims of Hurricanes Katrina and Rita as well as specific web sites that most lawyers will find helpful in aiding their clients.

II. What type of assistance will hurricane victims and/or your clients need?

In the weeks that followed the evacuation of New Orleans, I had the opportunity to spearhead the Dallas Trial Lawyers Association's volunteer effort in assisting refugees sheltered at the Dallas Convention Center and Reunion Arena. For fourteen days, we enlisted volunteer attorneys to man tables located in the Convention center to assist individuals and families with whatever help they needed. This opened my eyes to the day to day problems these victims were having in simply trying to get back on their feet.

A. Federal Government Assistance

1. FEMA

The most immediate problem in the days that followed the relocation of victims to Dallas was the overwhelming difficulty people were having in obtaining FEMA assistance. Now that time has passed, this problem has subsided. However, many individuals who were not relocated to organized shelters may still be in need of assistance in obtaining FEMA financial aid. Additionally, business and property owners, farmers and ranchers, and victims who have become unemployed can seek assistance through FEMA and its federal government resources. The following web sites can direct you and your clients to the appropriate agencies for assistance:

FEMA Workers and Business Assistance:

<http://www.fema.gov/press/2005/katrinaworkers.shtm>

FEMA Flood Insurance Assistance:

<http://www.fema.gov/rrr/nfip.shtm>

Banking, Legal, and Insurance Assistance:

<http://www.fema.gov/press/2005/katrinafinancial.shtm>

2. Federal Government Benefits Agencies

Likewise, victims receiving social security checks or veterans disability checks at the time the hurricanes hit, will need assistance in contacting the Veterans Administration and/or the Social Security Administration to begin receiving those checks again. Medicare and Medicaid recipients will need help in obtaining or reinstating benefits and contacting the Department of Health and Human Services will be necessary. Some individuals may not even know what benefits they qualify for but can determine this by contacting the National Council on Aging. The following web sites

can direct you and your clients to the appropriate agencies for this type of assistance:

Centers for Medicare and Medicaid Services:

<http://www.cms.hhs.gov/katrina/>

Veterans Benefits Administration:

<http://www.vba.va.gov/>

Social Security Administration:

<http://www.ssa.gov/emergency/>

National Council on Aging Benefits Verification Page:

<http://www.benefitscheckup.org/>

3. Small Business Assistance

The Small Business Administration offers many disaster-assistance programs to small business owners. However, what many people may not know is that the Small Business Administration also offers loans for military reservists, homeowners, and renters in the wake of the hurricane disaster. The type of assistance available and answers to the most frequently asked questions about the SBA's disaster-assistance program for individuals can be found at the following web sites:

SBA Disaster Loan Assistance:

http://www.sba.gov/disaster_recov/loaninfo/dloanassit.html

SBA Home and Personal Property Disaster Loans:

http://www.sba.gov/disaster_recov/loaninfo/property.html

SBA Military Reservist Loans:

http://www.sba.gov/disaster_recov/loaninfo/militaryreservist.html

B. State Government Assistance

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Many of the State Government web sites provide links to the Federal Government web sites identified above. However, Mississippi, Alabama, Louisiana, and Texas each have regional information available on the Internet regarding schools, employment, and insurance.

1. Mississippi

a) Insurance Information

The Mississippi Department of Insurance has created a comprehensive web site that provides information to consumers including an exhaustive list of insurance company contact information, complaint filing procedures, and property loss claim forms for state-issued insurance policies. Additionally, trial lawyers will be particularly interested in the Sircon website (the company retained by the State of Mississippi to process adjuster licenses) which details the licensing requirements and licensing process for adjusters in the state of Mississippi. The following web sites provide helpful information in this regard:

Mississippi Department of Insurance:

Hurricane Memo: http://www.naic.org/topics/katrina/ms_katrina.pdf

Consumer Information: <http://www.doi.state.ms.us/inscon.html>

Insurance Company Contact Information:

http://katrinainformation.org/disaster2/find_a_company/

(Most of the Mississippi Department of Insurance site is worthless for Katrina victims, but the “find a company” site noted above is great to find your insurance company. The web page is entitled Hurricane information center. This site states:

“Policyholders with questions regarding their coverage for damage caused by a hurricane should call the number provided on their policies or contact their insurance agent. Those policyholders unable to get to their policies can contact special toll-free numbers set up by insurance companies. This and other hurricane-related information can be found at <http://www.disasterinformation.org/>

Keep in mind that due to high call volume in the wake of the hurricanes, it may take some time to get through on some numbers—please be patient. Flood insurance policyholders who don't know who their insurer or administrator is can contact the National Flood Insurance Program (800-427-4661). The only information required is your name, the state where you live and your zip code.”

Complaint Filing Procedure:

<http://www.doi.state.ms.us/consumer/howtofileacomplaint.html>

Company Listings:

<http://www.doi.state.ms.us/licapp/downloadlist.aspx>

Hurricane Property Loss Claim Form for Miss. State-Issued Insurance Policies:

<http://www.fairplanclaims.com/> (website no longer available but contact phone number is noted)

Sircon Adjuster Licensing Processing Company:

<http://www.sircon.com/resources/mississippi.jsp>

b) Emergency Management and Small Business Assistance

The Mississippi Emergency Management Agency and the Mississippi Small Business Development Center web sites offer a wealth of information for individuals seeking emergency relief assistance in the wake of the hurricanes. These sites can be found at the following addresses:

Mississippi Emergency Management Agency:

<http://www.msema.org/index.htm>

Mississippi Small Business Development Center Disaster Relief Page:

<http://www.olemiss.edu/depts/mssbdc/>

c) Employment Information

The Mississippi Department of Employment Security offers benefits to the unemployed that

meet the following eligibility requirements in addition to meeting other certain wage earning requirements: (1) Be unemployed through no fault of your own; (2) Be able to work; (3) Be available for work; (4) File a claim for benefits; (5) Serve a one-week waiting period (benefits cannot be paid for this week); (6) Have earned sufficient wage credits; and (7) Be registered for work at the WIN Job & Claims Center in your area.

The following web sites offered through the **Mississippi Department of Employment Security** will enable you to direct victims and your clients to the appropriate

Hurricane Katrina Page: <http://mdes.ms.gov/wps/portal/#null>

Disaster Unemployment Assistance:

http://mdes.ms.gov/wps/PA_1_0_6A/docs/UIFacts2.pdf

How and Where to File a Claim:

http://mdes.ms.gov/wps/portal!/ut/p/_s.7_0_A/7_0_CH/.cmd/ad/.ps/X/.c/6_0_69/.ce/7_0_CK/p/5_0_69/.d/0?PC_7_0_CK_MESCLink=%2FHome%2FDisaster%2FFileAClaim#null

d) Education Information

Mississippi families of displaced students not yet registered in school can contact the Mississippi Department of Education through a hotline to discuss their individual situations. Also, Mississippi offers online high school courses for which students may be able to register. This information can be found at:

Mississippi Department of Education Katrina Recovery Info:

<http://www.mde.k12.ms.us/Katrina/students/index.html>

2. Louisiana

The Louisiana state government web sites for the state's departments of insurance and education are very similar in nature to those of Mississippi's web sites. However, Louisiana has

provided an additional comprehensive web site entitled “Hurricane Information” that incorporates links to a laundry list of helpful sites regarding jobs, missing persons, shelter & housing, business & construction, animals & pets, insurance, hot lines, etc. This site can be found at <http://katrina.louisiana.gov/>. Other helpful government web sites are:

Louisiana Citizens Property Insurance Corporation:

<http://www.lacitizens.com/>

Louisiana Department of Insurance FAQ:

<http://www.txins.org/private/hurricane/la-faq.pdf>

Louisiana Department of Education:

<http://www.doe.state.la.us/lde/>

The Louisiana State Bar has prepared the **best website available for lawyers** to assist their clients in the wake of the hurricane disasters. The Louisiana State Bar Emergency Disaster Training Manual can be found at <http://www.lsba.org/home1/trainingmanual.asp>. This manual compiles every phone number, form, and guideline available to assist clients with obtaining FEMA funds, replacing lost documents such as passports, social security cards, medicare and medicaid cards, Louisiana state drivers licenses, vehicle registrations and titles, birth, death, and marriage certificates, etc. This site is a must see for any lawyers assisting hurricane victims.

3. Alabama and Texas

Alabama and Texas provide helpful government information through the following web sites:

Alabama Department of Insurance:

<http://www.aldoi.gov/>

Alabama Department of Education Hurricane Katrina Student Assistance:

<http://www.alsde.edu/HTML/HurricaneKatrina.asp>

Texas Department of Insurance:

<http://www.tdi.state.tx.us/>

Texas Online - Comprehensive Information and Government Website Links for Hurricane Rita Information:

<http://www.texasonline.com/page.jsp?language=eng&pageId=hurricane-rita>

The **Texas Trial Lawyers Association** have also provided a web site dedicated to Hurricane Rita Member Assistance. This site provides general information to all lawyers and member only access to additional information. It can be found at:

<http://www.ttla.com/TX/index.cfm?event=showPage&pg=ritarelief>.

Texas Watch, a statewide non-partisan consumer advocacy organization, is operating the RITA INSURANCE HOTLINE (1-888-738-4226) for Texans who believe they are being treated unfairly by their insurance company in the wake of Hurricane Rita. They provide the following helpful links on their web site:

Tips for dealing with your insurance company in the wake of Hurricane Rita

http://www.texaswatch.org/issues/insurancetips_hurricanerita.htm

Inventory guide to document your lost and damaged belongings

<http://www.texaswatch.org/documents/TWInventoryList.pdf>

See the web site for tips on dealing with the insurance company and how to contact your legislator about abusive insurance practices.

Important to note is that on October 8th, the attorney general of Texas obtained a temporary restraining order in state district court against Allstate Insurance that mandates it pay living expenses of policyholders who have been unable to return to their homes in southeast Texas. These practices are likely taking place in all of the gulf coast states affected by the hurricanes. Read more about it on the web site: <http://www.texaswatch.org/>

C. Private Insurance Assistance

With the catastrophic property damage that has occurred along the gulf coast, the influx of insurance claims has reached an historic number. Trial attorneys will be called upon to assist in filing claims, aiding in the claims adjustment process, and bringing bad faith claims against the evil insurance companies. The following is a list of web sites for the insurance companies that hold the largest percentage of market shares in Mississippi, Louisiana, Alabama, and Texas. They are as follows:

Mississippi Farm Bureau Insurance Claims Page: <http://www.msfbins.com/claims1.asp>

State Farm Claims Page: <http://www.statefarm.com/claims/claims.htm>

Progressive Claims Page: <http://claims.progressive.com/>

Allstate Catastrophe Information Center:

<http://www.allstate.com/Catastrophe/pagerender.asp?page=main.htm>

Alfa Insurance Severe Storm Center: <http://www.alfains.com/stormcenter/stormindex.htm>

Nationwide Insurance Claims Page:

<http://nwinsurance.nationwide.com/eClaims/default.asp>

USAA Insurance Contact Numbers Page:

https://www.gc.usaa.com/inet/gas_corp/CpLevelZeroContactUs?ContactUsPageId=PublicContactUs

Farmers Insurance Claims Page:

http://www.farmers.com/FarmComm/WebSite/html/common/report_a_claim.html

St. Paul Travelers Insurance Hurricane Information Page:

http://www.stpaultravelers.com/iwcm/STP_HomePageFeaturedNewslinks/Includes/Human_Resources_Information.html

Texas Select Insurance Hurricane Claims Page: <http://www.texaselect.com/>

Chubb Insurance Claims Page: <https://extpws09.chubb.com/claims/eloss/index2.html>

Farm Bureau Insurance Texas Hurricane Information Page: <http://www.txfb-ins.com/>

III. The Benefits of Online Forums and List Serves

I belong to numerous list serves and get valuable information from them on a daily basis. I am member of the Texas Trial Lawyers Fellowship and General Membership List Serves as well as the Dallas Trial Lawyers List Serve. These provide members invaluable access to shared knowledge and documents regarding any type of case or legal issue.

An example of the type of knowledge shared via these list serves came in the wake of Hurricane Rita. Some of the members of the Texas Employment Lawyers Association were receiving calls from employees threatened with termination in the event they chose to evacuate dangerous locales in response to a recommendation to evacuate. List serve participants familiar with employment law posted a reminder to all members for their clients and working family members, that adverse actions of that nature can be illegal under Texas law and potentially under the National Labor Relations Act, where concerted activity is involved. The reminder cited portions of the Texas Labor Code so that members had ammunition to help their clients fight adverse employment action:

Discrimination Based on Emergency Evacuation

An employer may not discharge or discriminate in any other manner

against an employee who leaves the place of employment to participate in a general public emergency evacuation. Tex. Lab. Code Ann. §22.002 (Vernon 1996). Such an evacuation occurs when a governing body or other authority issues an official statement recommending the evacuation of all or part of an area threatened by disaster. Id. §22.001(2).

This statute excludes persons employed as emergency services personnel if the employer provides adequate emergency shelter for them. Id. §22.004. It also excludes employees necessary to provide for the general public's safety and well-being and those necessary to the restoration of vital services. Id.

An employee who suffers an adverse employment action because of a violation of this provision may recover lost wages and employment benefits. If the employee is discharged, he or she is entitled to reinstatement at the same or an equivalent position. Id. §22.003.

More recently, the list serves to which I belong have provided important information regarding the new bankruptcy law and how it will effect our practice as trial lawyers. In light of the number of individuals considering filing for bankruptcy in the wake of the hurricanes, this information is important to any trial lawyer's practice. According to the new law, attorneys who represent clients in Chapter 13 cases or who counsel clients about the possibility of filing bankruptcy while their personal injury case is pending will be required to add the following statement to any firm advertisement:

"We are a debt relief agency. We help people file for bankruptcy relief under the Bankruptcy Code."

This requirement is based on the new language added to the bankruptcy code which states:

" A debt relief agency means any person who provides bankruptcy assistance to an assisted person in return for payment of money or other valuable consideration, or who is a bankruptcy petition preparer under section 110, but does not include:

any person who is an office, director, employee, or agent of a person

who provides such assistance or of the bankruptcy petition preparer;

a non profit organization that is exempt from taxation under section 501(c)(3) of IRS code of 1986;

a creditor of such assisted person to the extent that the creditor is assisting such assisted person to restructure any debt owed by such assisted person to the creditor;

a depository institution (as defined in section 3 of the Federal Deposit Insurance Act) or any Federal credit union or State credit union (as those terms are defined in section 101 of the Federal Credit Union Act), or any affiliate or subsidiary of such depository institution or credit union; or

an author, publisher, distributor, or seller of works subject to copyright protection under Title 17 when acting in such capacity.

The American Bar Association and bankruptcy firms in every circuit are planning to challenge the law on numerous constitutional grounds, but this will take time. For now, having this information is important to ensuring your firm is in compliance with the new law and without list serve participation, many trial lawyers would never know of the new laws requirements.

IMPORTANT: Deadline for filing bankruptcies under the old law is 12:01 a.m. on Monday October 17, 2005. So it is prudent to file by 5:00 p.m. on Friday, October 14, 2005.

IV. Conclusion

_____ In conclusion, please help the victims of Hurricanes Katrina and Rita. Hopefully, this information will help you in this noble pursuit.