

Does It Take a Natural Disaster?



**WSBA President
Steven G. Toole**

It seems to me that earlier in my life it was relatively rare to wake up in the morning, open the newspaper, and see headlines of a natural disaster somewhere in the world killing and injuring thousands of people and displacing thousands upon thousands of families. However, in more recent years this unfortunately seems to be an all too familiar occurrence, and the death tolls from these disasters strike me as being significantly, if not exponentially, larger. Now it seems as though we aren't even able to recover from one disaster before the next one hits.

The headlines from recent disasters are way too fresh in my mind — Hurricane Katrina; the tsunami in Thailand; the earthquakes in Haiti, Chile, and New Zealand; and now the earthquake and tsunami in Japan.

Although the impact of these disasters is most devastating on the people living in the wake of the disasters, the ripples go far beyond. Not only are friends and families of people in the strike zone affected, but even strangers have their lives changed. We feel pain for the victims and their families. We follow news accounts religiously. We contribute to the efforts of organizations like the Red Cross, to help where money can help. If there is any silver lining in these disasters, it is that they tend to bring out the humanity in people. We particularly see this in professionals in the healthcare industry. Doctors and nurses shut down their practices, put their lives on hold, go to the disaster area, and provide support, frequently not only putting their finances at risk, but putting their lives in danger.

When I read about the people who do that, I feel envy. I wish I had the type of life and experience and the financial

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ability to be able to do that. I would love to be able give 100 percent like they do and to accomplish so much good. That is truly leaving a footprint in this world and making the world a better place. We can learn much from these good Samaritans who leave their families, their comfortable homes, and life as they know it to help strangers who are in such great need.

As lawyers, we are in a unique position of our own. We may or may not be able to help the victims of these catastrophic natural disasters, but even without such disasters, there is much we can do. The need for our expertise and

our services is great. What we can provide may look completely different from what we see on the news and read about in newspapers. We may not pull people out of the rubble of demolished buildings or provide badly needed medical care to those who are just barely hanging on to their lives, but we do have the ability to pull people out of rubble and to help people who are just barely hanging on. I am talking about the rubble of lives thwarted by poverty and people who are facing financial ruin in our depressed economy. I am talking about our

abilities and skills to help people maneuver through the morass of obstacles with which they are confronted in trying to navigate our complex legal system, just so they can enjoy the same rights and freedoms to which everyone in this country is entitled; to help them keep a roof over their heads

and food on their tables; and to help them get out of unsafe relationships and to protect them against abuse and threats.

All of us are aware of the massive need for civil legal services. Many of us are already donating time and money, making a significant difference in the lives of others and helping our communities. Some may be tired of the seemingly constant requests to donate time or money to help the poor and those of moderate means. But this is a problem that isn't going away. In response, one of the WSBA's long-term strategic goals is to work to enhance the culture of service

within our membership. Volunteering to take on cases through the WSBA's Home Foreclosure Legal Aid Project or Moderate Means Program, working in a legal clinic, or taking on a pro bono case or two, is what we are talking about. This entire issue of *Bar News* is dedicated to pro bono and civil legal aid. Most of the articles tell stories about people who have been helped by attorneys representing them on a pro bono case. The stories are dramatic and, to some extent, impactful like the stories we read about the volunteers who are helping the victims of our myriad of recent natural disasters.

I am one of those lawyers whose practice is very focused. Pretty much all I do is personal injury work, either as an attorney representing injured people or as a mediator. This isn't exactly an area of law in which there is great need for pro bono help. For several years I resisted volunteering at legal clinics because I felt as though I wasn't qualified. Finally, in the mid-1980s, frankly out of guilt, I decided to at least make an effort. After all, my then 10-plus years of legal experience had to better prepare me to assist people in need than what they could do on their own. So, I started volunteering at legal clinics, and I want to share with you the impact you can make by giving people 30 minutes of legal advice and guidance, as you can do at a volunteer legal clinic.

I found that I was able to help many of the people coming to the legal clinics. Although perhaps I couldn't represent them from start to finish on a family law matter or a bankruptcy or get them a restraining order related to a domestic-violence case, and I might not be able to write a will for them, I could steer them to the right self-help agency or look up relevant law and rules online and give them advice. I could tell them procedurally what they needed to do to act as a *pro se* on a civil litigation matter. I could review their pleadings and provide suggestions. I could show them how to draft the necessary declaration that they needed to support their motion. I could review the manner in which they completed forms to make certain they did it correctly, and I could answer their basic questions. In short, there was much that I could do.

I am writing this article the day after I participated in the King County Bar Association's Eastside Legal Clinic in Bellevue. My shift, which was a typical night at a volunteer clinic, started at 7:00 p.m. I was scheduled to see four clients. My first

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client wanted guidance on how he could vacate two old misdemeanors, which resulted from convictions from 1991 and 1993. Even though the misdemeanor convictions were over 18 years old, they were affecting his ability to get work in a nursing-related field.

The next client had obtained a small claims default judgment for \$5,000 against a national business with a local branch and wanted to know how she could now collect her judgment.

My third client had paid a day laborer \$1,100 to purchase stereo equipment and install it. Although he is in regular communication with the worker, it has now been several months, the job has not been done, and he does not have his stereo equipment. He wanted to know his options.

The final client of the night was a woman who had leased a car, was making payments, and then the transmission blew on the car. She had worked out an agreement with the company that held the lease — it would pay for the repairs and allow her to reimburse the company by tacking on three additional months of payments to the end of the lease to cover the repairs. The leasing company committed in writing to the repair shop

that it would pay the repairs, and then it reneged. Instead of paying the repair bill, the company turned over the title to the car to the repair shop and never even told the woman leasing the car what it had done. The lessor then proceeded to sue her for the balance owing on the lease even though she no longer owned or had possession of the car. She needed guidance as to how to present her defense at the district court trial that was coming up in a few weeks. We concluded at 9:00 p.m.

None of these matters involved areas of law that were precisely within my field of expertise. However, I drew upon my litigation experience, understanding of how things work in court, and basic common sense to give my clients guidance and practical options. I was also greatly assisted by using the Washington Lawyer Practice Manuals that were available at the clinic and online legal research and forms that I could access with my laptop. *At the end of the evening, I had four very grateful and appreciative clients and a deep sense of personal satisfaction.*

This year I am dividing my time among WSBA activities and duties, my law practice, and my family. It is important to me to continue to volunteer at legal clinics approximately once per month. *If I can do it, you can do it.* If you want to represent someone pro bono on a legal case but don't have experience in that particular field, you can get assistance. The WSBA provides free or very low-cost training for many of the areas of law which typically come up in pro bono cases. Many county bars with legal clinics do the same. Not only do you get free training, but you get CLE credit. In some areas, mentoring is available. If you are interested, check with your local county bar, check with the WSBA, or contact me. One of us will help steer you in the right direction. *You don't need to look at those who volunteer their time and energy in the aftermath of natural disasters and think how meaningful it would be for you if you could do that. Give up television for one night and serve those in need in your own community. There's no need to dust off your passport, and it doesn't take a natural disaster to make a difference.* 🌍

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