



How to Protect Your Rights When Mass Disaster Strikes

*Prepared by the New York State Bar Association
Committee on Mass Disaster Response*

If you or a loved one has been the victim of a catastrophic event, please accept our deepest sympathies. We understand that this is a time filled with grief and emotional distress.

Nevertheless, you may have to make some decisions that could seriously impact your future. It is impossible to provide advice that will apply to all situations. This guide is intended to provide general information that will assist in preserving your legal rights until you decide how you will pursue them.

This guide is provided by the New York State Bar Association Committee on Mass Disaster Response. This is a committee of volunteer lawyers and non-lawyers. We provide guidance and assistance to victims and families of mass disasters, without charge.

Who to talk to

Lawyers can help you on issues arising from a mass disaster. The decision whether to hire a lawyer and who the lawyer should be, is yours and yours alone. The New York State Bar Association (NYSBA) offers the following information in an effort to assist you.

You are not required to speak with everyone

Police, fire and other emergency personnel are there to help. You should always feel free to speak with them. Others may not be there to help you. They may be there to assist insurance companies, or those responsible for the disaster. If you do not know who someone is and why they want to speak with you, do not say anything. Get help from someone you know and trust or from emergency personnel.

If lawyers and insurance company representatives contact you

New York State has rules that control the actions of lawyers following a mass disaster. Lawyers and their representatives cannot contact you, in any manner, for 30 days. Federal law extends the time period to 45 days in cases of air or passenger rail disasters.

At no time may lawyers contact you **in person** seeking to represent you—unless you contact them first.

Please report improper contact by lawyers. You can tell a member of the NYSBA Committee on Mass Disaster Response. You can also call the New York State Bar Association at (518) 463-3200.

When it becomes permissible for a lawyer, a potentially responsible party or its insurance company to contact you, you are not required to speak to them. This contact will likely involve someone you have never met, whose advice you have not sought and whose employer's or client's interests may be against yours.

When to consult or hire a lawyer

You may consider whether to pursue a claim (lawsuit) against those who may be responsible for the disaster. If you decide to hire a lawyer of your choosing, select a qualified lawyer before taking any actions that might jeopardize your rights.

If you know you want to make a legal claim for what has happened, you may want to hire a lawyer soon. This is an important decision. You should make it when your mind is clear and you have the information to make a sound decision. We recommend you speak with a lawyer within 60 days of the disaster if you are considering making a legal claim. That is because some deadlines for filing can come up in as short as 90 days.

There are benefits in hiring a lawyer soon after the disaster. The attorney can conduct a prompt investigation of the disaster; preserve the evidence before it is lost and locate witnesses before their memory of the event fades.

Government agencies conduct the investigation in situations involving commercial air and rail crashes and other incidents to determine the facts of the disaster and possible criminal activity.

Do not sign anything that affects your legal rights without consulting your lawyer first.

You may be offered a financial settlement. You may also be asked to sign documents that give up valuable rights that include making a legal claim. You should not sign a document or accept an offer without consulting your lawyer first.

Choosing a lawyer

If you hire a lawyer, you want someone you can trust. It is important that you have the utmost confidence in your lawyer. You will want someone you feel comfortable with, since you may be working closely with that lawyer over a long period of time. You may wish to interview several lawyers before hiring one. Many lawyers will consult with you without charge.

To find the right lawyer, you may wish to speak with your family lawyer, if you have one. You can also ask friends, relatives, and those you trust for a recommendation. You can call the NYSBA Lawyer Referral Service at (800) 342-4661 for names of lawyers who can assist you.

Final thoughts

You have faced a tragic situation and you may need legal representation.

The decision to hire a lawyer and who to hire should be made calmly and intelligently. We urge you to use the same care you would with any other important decision in your life. Please do not let outside sources pressure or confuse you into making hasty choices at this difficult time.



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