



Responding a Disaster

Legal Community Moves Quickly to Help Victims of Devasta

— By Phil Favorite —



to

ating Wildfires

By any measure, the wildfires that raged in western and southern Oregon in late 2020 were the largest and most destructive on record in the state.

The numbers alone are staggering. Fueled by an explosive mix of hot temperatures, dry landscapes and powerful winds, the historic combination of wildfires torched more than 1 million acres, killed at least 11 people and destroyed more than 4,000 homes.¹

Needless to say, the images of those events have been lasting: the thick smoke that turned the daytime sky to an apocalyptic orange and made the outside air nearly impossible to breathe; the daily reports of ravaged rural communities and the advancing threats on more populated areas; and the video footage of evacuees fleeing the flames with their families, pets, livestock and the few possessions they could fit into caravans of vehicles.

Making matters worse, all of that occurred during a worldwide health pandemic, in the wake of a summer of national social unrest and in the days leading up to a contentious fall election season, adding yet more fuel to the anxiety that was already tearing at the very fabric of daily life.

In the midst of the mayhem, though, leaders in the state's legal community recognized the myriad problems that wildfire victims — thousands of their fellow Oregonians — would be facing in the days, months and years ahead. Almost immediately, action began to marshal across-the-board resources to help in pro bono relief efforts.

The response was appropriately massive.

Members of the Oregon State Bar, the Oregon Trial Lawyers Association, Legal Aid Services of Oregon, the Oregon Law Center and many other statewide organizations rallied to set up informational websites, organize boots-on-the-ground volunteers and provide pro bono legal services for displaced families, many of whom lost everything they owned to the fires.

“The sum total of the effort was extremely large and extremely quick. And that was the key, that it was quick,” says OSB President David Wade. “The usual sort of processes that you go through to organize something like this were streamlined, and the effort just came together immediately and very effectively.”

In October, the OSB launched a Disaster Legal Services program in conjunction with the Federal Emergency Management Agency, the Oregon New Lawyers Division and the ABA Young Lawyers Division. The program provided legal training to members and pro bono legal services to victims in eight counties that were given Individual Assistance designations.² More than 200 lawyers statewide volunteered to help, and about 100 signed up for a pro bono panel organized through the bar's Referral & Information Services team.³

One of the key areas of need involved assisting FEMA applicants who faced ineligibility because of lost documentation (lease agreements; deeds, photo IDs, etc.). Other areas included contracts for housing repairs; power of attorney/ estate administration; insurance claims (life, medical, property, etc.); mortgage foreclosure; guardianship and conservatorships; consumer protection; and housing challenges.

FEMA alone received more than 24,000 applications for assistance from wildfire survivors, according to Nicolas Granum, a spokesperson for the Region 10 Recovery Division. Although a portion of those applicants faced ineligibility challenges, he says, more than \$35 million in financial assistance was provided directly to eligible individuals and households.

Working alongside members of the Red Cross, the Oregon Governor's Office of Emergency Management, the Small Business Association and other agencies, lawyers and other legal professionals stepped up to help in nearly every way possible — some even putting their professional practice on hold while volunteering their services within their own communities.

“Not only did you have organized efforts like the bar's, but you had individual attorneys who jumped into fire relief with no promise of being paid,” Wade says. “In fact, all of these people jumped in with no promise of being paid.”

Urgency keyed the first efforts by the team at Legal Aid Services of Oregon (LASO), whose initial response centered on getting important information to families freshly traumatized by the wildfires. While gathering information on legal topics such as tenant's rights, unemployment benefits and how to replace destroyed documents, LASO worked to set up a website (oregondisasterlegalservices.org) designed for immediate and long-term relief.

The site also featured training sessions designed to help legal volunteers get up to speed on matters specific to FEMA-related cases, which were relatively foreign to Oregon in comparison to other parts of the U.S.



Jill Mallery

“In the initial months following a disaster, the focus is really on the immediate needs of the survivors,” says Jill Mallery, LASO's statewide pro bono coordinator. “We focused the efforts on the website and making it available to view from wherever people were located, gathering good information and making it accessible in multiple languages so it was available to people when they needed it.”

LASO continues to work with the OSB, the Oregon Law Center, the Center for Nonprofit Legal Services, FEMA, the Red Cross and others in building a unified disaster-response organization that can help fire victims now while preparing for future disasters.

“It's been a remarkable effort by the state as a whole,” Mallery says. “It's just been a really strong, coordinated effort. It's been great to see our community come together like this. I think so much has been accomplished because so many groups and agencies worked so well together.”

Like their colleagues at LASO, the Oregon Trial Lawyers Association (OTLA) quickly assembled assets for a comprehensive fire relief website (tinyurl.com/OTLAFireRelief) with links to resources, downloadable intake forms for relief registration and a hotline for questions about pro bono legal assistance. Eighteen attorneys and

legal staff covered 58 half-day hotline shifts, answering questions and pointing fire victims to statewide regional directors who could answer questions more specific to their respective areas.

OTLA volunteers also produced a series of informative videos addressing specific topics such as renter's insurance, smoke damage and additional incurred living expenses. The videos were quickly uploaded for viewing on the organization's website.

With those key pieces set in place, OTLA volunteers fanned out across fire-ravaged areas of the state, hosting 11 in-person events over several weeks in locations as varied as Lincoln City, Eugene, Springfield, Molalla, Estacada and Redmond. Volunteers also hosted three different events in Mill City, a small town decimated by the convergence of the Lionshead and Beachie Creek fires east of Salem.

And more than 25 families attended an event hosted in Talent, a Southern Oregon community that suffered horrible damage in the devastating Almeda fire.

Boots on the Ground

By the time attorney Faith Morse volunteered for the OTLA event at Talent Elementary School, she already had spent weeks at the center of recovery efforts in Jackson County.

Morse had been monitoring the deadly path of the Almeda fire that erupted in Ashland on Sept. 8 and — driven by 40 mile-per-hour winds — quickly swept northward, carving a path of destruction that left thousands of people homeless in just a few hours. The



An massive air tanker drops fire retardant south of Medford in early September 2020 to prevent the Almeda fire, which devastated the communities of Talent and Phoenix, from advancing on more populated areas. Photo by Kelly Anderson



Former OSB President Vanessa Nordyke, a senior assistant attorney general at the Oregon Department of Justice who also serves as a Salem city councilor, tours the remains of homes destroyed by wildfires in the Santiam Canyon area with homeowners Woody Jackson, Jay Hennigan and Scott Bassett. Jackson and Hennigan live in Gates; Bassett’s home overlooked the Santiam River in Mehama. Photo by Miranda Crowell Seble/Factor Kites Photography



Faith Morse

fire destroyed major sections of the towns of Phoenix and Talent as it made a beeline for the more heavily populated city of Medford, where Morse makes her home and practices law.

Morse would soon be advised to evacuate her own family. But even before then, she had sprung into action, volunteering to help area residents move their livestock to safety. She says she quickly came to realize the magnitude of the human toll of the fire damage.

“I was evacuating other people’s horses for several days,” she says, “and by the weekend I was helping people with their insurance claims.”

Morse’s expertise as a personal injury attorney — handling elder abuse and automobile injury cases almost exclusively — and her previous volunteer efforts on behalf of low-income families made

her a perfect candidate for the job. She met with surviving families, helped train other volunteer lawyers in matters related to fire insurance and taped a training video about renter’s rights that was quickly posted on OTLA’s fire relief website.

“The vast majority of the homes that were destroyed in the Almada fire were low-income houses,” Morse says, noting that the fire ripped through multiple mobile home parks. “Many were minority families with multiple generations living together, and suddenly they’re homeless with grandma and a new baby. What do you do?”

Many evacuees found shelter at the Jackson County Fairgrounds in Central Point, where Morse met with families seeking help with insurance claims. Many had lost some or all of their insurance paperwork in the fire, adding to their difficulties.

“One of the main problems was insurance companies telling people, ‘We want you to pay out of pocket for your hotel room, your food, whatever, then send us the receipts and we’ll reimburse you at some point in the future,’” she says. “These are people who had just lost everything, and insurance companies were telling them to pull money out of their pocket. There were also a fair number of people who came in and said their insurance company was saying they would pay X amount — a number well below their policy limit — and they could either say ‘yes’ now or the amount would not be offered in the future.”

Morse says she took a measured approach when advising folks who were just beginning to piece their lives back together.

On Page 28: Flames consume parts of Talent and Phoenix in an image taken while looking south from Medford on Sept. 8, 2020. Fueled by an explosive mix of hot temperatures, dry landscapes and powerful winds, an historic combination of wildfires torched more than 1 million acres across the state, killing at least 11 people and destroying more than 4,000 homes. Photo by Kelly Anderson



Attorney Damien Hall worked behind the scenes to help the Oregon Internet Response team erect signal towers on hilltops and structures above the McKenzie River Valley east of Eugene. The towers relayed phone and Wi-Fi signals after wildfires cut off service to the area. Photo courtesy of Matt Sayre

“Part of what we do as lawyers is set our emotions aside and realize we’re using very complicated and detailed, nuanced words,” she says. “The people who we’re talking to are in shock and may not be processing what we’re saying. Personally, I did a lot of handwritten instruction, saying, ‘Here are the steps you need to take, here is the phone number you need to call, here’s what needs to happen next.’ Saying it to them, but also sending them with a piece of paper with the information because they’re not going to remember a word you are saying. They’re just not.”

All the while, Morse was managing her own emotions in the wake of a fire that had devastated her community and directly affected her own family. Her home was not damaged by the flames and “we’re fine,” she says, “but a lot of people down here are not.”

“Everybody who I work with professionally is hurt, so I already have a pretty good system in place for dealing with the emotional burden of that,” she says. “There was a lot of shock and panic and fear, and this incredible sense of loss and exhausted resignation in people’s faces. It was heartbreaking.”

As Morse returned to her work with Medford-based Andersen Morse & Linthorst, she says she had the stark realization that it would be years before her community would heal. But she never had a second thought about jumping in to help.

“Yes, it was very stressful and I lost a lot of sleep. I didn’t do anything but work or volunteer for a long time,” she says. “But I guess my perspective is if I could help one family make it through in better

shape than they could without me, it’s worth the time, effort and emotional energy to get there.”

Remote Control

While some lawyers volunteered because their local communities were affected directly, some found themselves serving in ways they never could have imagined when the fires exploded in early September.

Responding to a request from a client, for example, Ball Janik partner Damien Hall volunteered his legal expertise from Portland to help a loosely formed group of technology experts called Oregon Internet Response (OIR). Its mission: restore phone, internet and emergency communication services lost in the wake of the Holiday Farm fire that ripped through the McKenzie River Valley east of Eugene.

“Much like the rest of the year, I did it from my house,” Hall says. “There were communications issues because my clients would go into areas for days at a time that had zero communications. But that’s just logistics, and everybody was pretty motivated on achieving the same thing, so over time we got them there.”

The fire destroyed more than 27 miles of fiber optic cable that provided connectivity to residents of the valley, where satellite coverage is difficult. Local communities did not have any redundant internet coverage to fall back on when the fiber lines were burned; as a result, all forms of communications, including critical services like 911 emergency calling, were wiped out.

The OIR team had a plan for a much-needed, temporary fix: The volunteers would erect a network of signal towers on hilltops and structures above the valley that could relay phone and Wi-Fi signals, restoring service to the area. But the plan came with a few roadblocks to navigate, many of them legal.



Damien Hall

“They needed to figure out what legal permissions were needed, and then we had to figure out how to get this loose group of professional do-gooders some sort of protections themselves,” Hall says. “It’s just a group of individuals, not some established legal entity. They don’t have insurance, but they have a solution. So everybody agreed they should do it. That’s sort of where my role came into play — protecting the volunteers and getting permission to do this without it devolving into a bunch of fighting and lawsuits.”

By phone and email, Hall worked with officials from Lane County to have OIR members formally recognized as county-sponsored volunteers, allowing the group to acquire emergency permits and avoiding the usual hassles involved with land-use and building regulations. That also provided liability protections under federal and state law — the same law, according to Hall, that says, “If a hiker comes along and trips on a trail, they can’t sue the volunteer who built the trail five years ago.”

Hall credits local government officials — as well as the Eugene Water & Electric Board and the U.S. Forest Service — for being “really good partners” in the process, helping to find a straightforward solution for a problem that didn’t involve standardized forms or institutional memory.

“When you have elected officials on board and everybody pulling in the same direction, it’s a lot easier to get folks to agree,” Hall says.

The entire process — with volunteers mapping out a strategy, acquiring permits and protections, securing equipment and installing the network — took a little more than a month, starting while the fire was still blazing.



The small town of Gates was devastated when the Beachie Creek and Lionshead wildfires converged on the Santiam Canyon area with ruinous power in September 2020, leaving behind little but charred remains. Photo by Miranda Crowell Seble/Factor Kites Photography



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“(As of January), we’re currently in month three of being the primary connectivity source in the area,” says OIR volunteer Geoff Turner, whose company, Elevate Technology Group, works with Ball Janik on the firm’s communications network. “We’re hoping the regular providers come back soon so we can start pulling gear and decommissioning.”

Having been part of the group that planned and installed the gear, Turner says he recognizes the crucial role that Hall played in helping the plan come together.

“I think Damien plays it down a little bit,” he says. “But knowing this group and all the puzzle pieces that came together — what he put in place was something that allowed us to move even quicker in helping that community. It really allowed us to move past some of the political boundaries and barriers that existed. We needed to coordinate with everybody, and he got us a seat at the table and put that umbrella over us.

“What he did was absolutely critical,” Turner adds, “and specifically with how quickly he was able to do it.”

Paradise Lost

Former OSB President Vanessa Nordyke felt that same sense of urgency.

Born and raised in Salem and a longtime community activist and presence there, she says she has always viewed the nearby Santiam River Canyon as a gateway to the good life provided by Oregon’s

never realized how much my memories are attached to a sense of place. And when you see that place burn down, it’s devastating.”

Driving up the canyon in the days that followed and witnessing the fire damage firsthand, Nordyke says she experienced a flood of memories. She says she saw a bend in the river and a favorite fishing hole that was shockingly exposed and possibly forever changed by the fires. It reminded her of outings with a family dog that had long since passed away.

But the emotional toll of the fires truly settled in when Nordyke volunteered to deliver food and other supplies to fire victims in the small town of Gates, which was all but wiped out when the two wildfires — the Beachie Creek Fire that started near Opal Creek to the west and the Lionshead Fire that spread from the slopes of Mount Jefferson to the east — converged with ruinous power.

Working at a resource hub at the Gates Community Church of Christ, Nordyke came face to face with victims just days after the fires had ripped through town.

“This was so fresh in terms of timing that folks hadn’t really come to the realization that everything was gone,” she says. “You could tell pretty quickly who was there as a volunteer and who was walking in as a survivor of the wildfires, because the survivors looked shell-shocked. It’s very emotional. It was really hard watching these families put on a brave face for their kids.”

At that point, Nordyke’s volunteer work had just begun. She returned to Salem and soon undertook a series of efforts to provide relief for fire victims, serving in both of her roles as a Salem city councilor and a member of the Oregon State Bar. She used her social media platforms to create urgency and awareness about the need for donations and volunteer support. She pointed volunteers to the state fairgrounds in Salem, where evacuated livestock were being temporarily housed in pens that needed tending.

And she signed on to OTLA’s efforts to provide pro bono legal expertise to help victims with the many problems they would face in the coming months. Specifically, she created a question-and-answer video on the legal remedies available to folks who had lost their homes and belongings in the fires.

Nordyke says she knew a lawyer’s training could help in areas where a solution might not be so obvious at first glance.

“It’s issue spotting, which we’re all trained to do in law school,” she says. “Lawyers are uniquely qualified for identifying inequities in the system. You have to look through the red tape to help people find what relief is available to them.”

Emotional management is another lawyerly skill that attorneys bring as volunteers in a time of crisis, Nordyke says.

“Lawyers are expected to have complete mastery of their emotions and to not be impacted by their work, which is an absurd standard when you think about it,” says Nordyke, who currently serves as senior assistant attorney general in the trial division of the Oregon Department of Justice. “Finding ways to help clients feel safe, supported and not judged is something that I teach other lawyers and something I practice in my day job. And that’s exactly how I approached these survivors of the wildfires.

“How you approach anyone who’s been through hell,” she adds, “can impact that person’s ability to heal, move on and begin to rebuild.”

Experiencing countless interactions with wildfire victims and evacuees during the recovery process, Nordyke says she was struck by the humility and ruggedness of the canyon residents.



Volunteers John Schmidt, Casey Kopcho (a City of Salem planning commissioner) and Vanessa Nordyke unload donations of food and water at the Gates Community Church of Christ, where they also helped sort clothes and other supplies for wildfire victims. Photo by Nathan Schmidt

natural wonders. But when twin wildfires at opposite ends of the Santiam Highway exploded with terrifying and devastating force around Labor Day 2020, Nordyke realized that life in the canyon would be changed forever.

“Growing up, the canyon was my playground,” Nordyke says. “My family and I have fished, hunted, hiked, gone boating and done much more in the canyon. I spent many of my formative years swimming in Detroit Lake and visiting the local businesses up there. I

“Many of them are not proud of asking for help,” she says. “It’s endemic. It’s a part of their life philosophy, being self-reliant and never having to ask for help. That’s why it was so important to be diplomatic in approaching them with compassion and a genuine desire to help, making sure that they felt that even if it was something simple like shopping for clothes and picking up other donated supplies, they could do so with dignity.”

Moving Forward

Having helped fire victims with some of their immediate legal needs — such as mitigating insurance claims, replacing documents and applying for government assistance — attorneys statewide continue to put more pieces in place to help with long-term needs and to respond with pro bono legal help in future disasters.

In LASO’s Salem regional office, Marianne C. Ober has moved into the newly created position of statewide disaster relief attorney. She will be working alongside bilingual outreach coordinator Cristian Amador to respond to hotline calls and other issues expected to arise in the coming weeks, months and years.



Angelica Vega

Already in place to provide free civil legal services to low-income and elderly Oregonians, LASO now has the ability to respond to issues related to wildfires and other future disasters.

“Our goal is to make it easier for people who are survivors of the wildfires to seek our help,” says Angelica R. Vega, LASO regional director in the Salem office. “We want to get the word out that we’re here and we’re willing to talk with anybody who has been affected by the fires. If you hear the word ‘fire,’ contact us and we’ll help figure out what legal needs there might be and help in any way we can.”

Ober points to the website oregondisasterlegalservices.org as a great place for attorneys to gather more information.

“So many attorneys across the state rallied to help in the aftermath of the wildfires,” she says. “Now we’re educating our legal aid attorneys and creating protocols within our own organization so that we can respond even more quickly, with something in place that will be ready for the next disaster.” ■

Phil Favorite is a Portland-area freelance writer. Reach him at philfavorite@gmail.com.

ENDNOTES

1. The Holiday Farm fire burned just outside of Eugene; the Beachie Creek, Riverside and Lionshead fires burned between Clackamas County and Salem and were centered around the Mount Hood National Forest; the Echo Mountain fire burned near Lincoln City; and several fires burned in Southern Oregon, including the devastating Almeda and South Oben-chain blazes.
2. Counties given Individual Assistance designations: Clackamas, Douglas, Jackson, Klamath, Lane, Lincoln, Linn and Marion.
3. Wildfire victims who need help with a FEMA appeal or other legal issues caused by the disaster are urged to call the OSB Lawyer Referral Service to see if they qualify for free legal assistance through the bar’s wildfire response panel. The numbers: (503) 684-3763 or (800) 452-7636.

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