

Disaster Preparedness For Legal Aid Organizations And Their Clients

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INTRODUCTION

This guide is aimed at helping legal services providers prepare themselves and their clients for a disaster. Preparation is critical to mitigating the harmful effects of disasters, and there are many simple steps that can be taken to maximize preparedness. Part I of this guide includes ways in which legal services providers can help prepare clients for disaster. Part II details how legal services providers can best prepare themselves to help clients before and after a disaster strikes.

PART I: RECOMMENDATIONS RELATED TO CLIENT

ASSISTANCE

Advise Maintenance of Particular Documents

In the wake of a disaster, many documents are necessary or helpful on the path towards mitigation and recovery. It is important to advise your clients to keep as many of these documents, or copies of these documents, as possible in a safe and reachable location. You should do the same, for yourself and for your organization, where applicable.

Secure locations should be waterproof and fireproof, and you might want to include a lockbox or a safety deposit box. Online cloud storage is also a viable option for some copies of documents but do note that during a disaster it may be difficult to access documents stored online due to possible power outages.

Preserving important documents will make it easier for your client, yourself, and your organization to handle common issues and legal claims that arise after a disaster, including insurance claims,

bankruptcy claims, and claims for FEMA and other forms of post-disaster assistance/benefits, especially if the original documents are damaged or destroyed in the disaster.

It may be especially beneficial to ensure the safety of these documents during times of high risk for your community, whether recurring (e.g., tornado or hurricane season) or one-time (e.g., a spreading pandemic predicted to reach your area). This is another reason why it is necessary to know your community's risk factors for different types of disasters.

The types of documents that you need to include in your preparedness plan are documents regarding: identification, medical information, proof of residence/address, contact information, insurance information, legal documents, etc.

Documents of Identification

- Why?

In addition to their everyday uses that will continue after a disaster, documents of identification are necessary for a wide variety of post-disaster purposes, both legal and non-legal—including obtaining post-disaster benefits, continuing to receive benefits or protections received before the disaster, filing legal claims such as insurance or bankruptcy, finding lost loved ones, proving ownership of pets or possessions, leaving the country, demonstrating citizenship, and even potentially gaining reentry into one's home.

- Which documents?

- Driver's license or other state identification card; Passport; Green Card, Visa
- Birth Certificate
- Social Security Card

- Veteran's or military ID
- Pet ID tags/Microchip numbers/Vet records
- Recent photos of you, your loved ones, and your pets

Medical Information

- Why?

During a disaster and in the aftermath, clients may require emergency medical attention and/or may not be able to visit their regular healthcare provider for some time. These documents will aid in their medical care during this period and may also prove useful in obtaining post-disaster benefits, such as disability benefits.

- Which documents?
 - List of medications
 - Prescriptions (including eyeglass prescriptions)
 - Blood type cards
 - Accessibility documents (e.g., service animal or emotional support animal paperwork)
 - Disability documentation
 - Physician information
 - Immunization records
 - Allergy information
 - Other important medical records

Proof of Residence/Address

- Why?

These documents are sometimes necessary to apply for post-disaster benefits or to gain reentry into one's home.

- Which documents?
 - Deed
 - Lease agreement
 - Utility bills
 - Homeowner's/Renter's insurance policy

Contact Information

- Why?

After a disaster, it is critical to be able to contact loved ones or coworkers and form a support network. Remember that normal methods of communication may be temporarily disabled, so advise your clients to have multiple means of communication prepared and do the same for yourself and your organization as well.

- Which documents?
 - Contact information for household members (including phone numbers and email addresses)
 - Emergency contacts
 - Alternate addresses
 - Pre-planned disaster meet-up point if communication is unavailable (may be different for different types of disasters)

Insurance Documents

- Why?

Having copies of insurance documents can be vital to collecting benefits from one's insurance plans, and to obtaining medical care during/after a disaster. These documents may also be useful in proving ownership and/or identity.

- Which documents?
 - Life insurance policy
 - Medical insurance policy and proof of insurance card
 - Renter's insurance policy
 - Homeowner's insurance policy
 - Vehicle insurance policy and proof of insurance card
 - Medicaid/Medicare cards

Other Legal Documents

- Why?

These documents may be necessary to continue to receive legal benefits and protections granted prior to the disaster, as well as to obtain disaster benefits. They may also be critical in the case of death or serious injury. Finally, they may be required to continue business operations.

- Which documents?
 - Birth Certificates
 - Adoption papers
 - Immigration documents
 - Child custody documents
 - Orders of protection/restraining orders

- Marriage/Divorce papers
- Wills
- Powers of attorney
- Declaration of guardianship
- Orders granting change of name
- Trust documents

Photos of Home, Business, Automobile, and Other Major Property

- Why?

Photos before disasters inflict damage on one's property can prove to be helpful to demonstrate the damage for insurance claims/emergency benefits.

- Which documents?
 - Recent photos of home, business, automobiles, and other personal property owned with date/time stamps—it is helpful if the pictures are taken from various angles, and if you have pictures of model and serial numbers for major electronics

Financial Documents

- Why?

These documents may be necessary to apply for post-disaster benefits, re-establish or access financial accounts, continue payments or credit, and maintain business operations.

- Which documents?
 - Checkbooks
 - Bank books
 - Account documents/numbers

- Loan documents (mortgages, student loans, etc.)
- Sources of income/income verification
- Tax statements
- Information about bills/other financial obligations

List of Possessions

- Why?

Maintaining a list of possessions can help one find or replace those possessions in the aftermath of a disaster.

- Which documents?
 - A list of important and/or expensive possessions that might need locating or replacing.

Advise Maintenance of a Disaster Kit

While largely not legal in nature, a disaster kit is crucial for the maintenance of your clients' wellbeing, and you should advise them to keep one, as well as keep one for yourself/your organization.

Many checklists for disaster kits have been created, and some examples are listed below. The basics of a kit should include:

- Important documents
- Food and water
- First Aid
- Contact info

- Cash
- Flashlight
- Radio
- Cell phone
- Chargers for electronic devices

PART II: RECOMMENDATIONS SPECIFIC TO LEGAL SERVICE PROVIDERS

Know Your Community's Risk Factors ⁱ

Applicable to any area of disaster preparedness is the need to know your community's risk factors and localized needs. Not all communities are at risk for the same types of disasters, and every community has different disaster preparedness challenges. Make sure to understand your community's situation and needs to provide targeted advice for your clients and to better prepare yourself and your organization. It is important to research your area to learn about trends in disasters, demographics, and available resources. You should also stay abreast of the news to predict what types of disasters are on the horizon and when they may strike, locally and nationally. Finally, you should form connections with local organizations and academics who may be able to contribute to a more localized and nuanced perspective.

Search for Disaster Grants

Legal Service Providers (“LSPs”) should regularly seek out grants at the local, state, and federal levels. When disaster strikes, there are usually various funders able and willing to invest in the community’s recovery. These donations can include funds for legal services, home repair, and food and shelter, among many other initiatives. LSPs should maintain regular contact with their local and national non-profit community, government entities, local news, national and state Voluntary Organizations Active in Disaster and Long-Term Recovery Committees/Groups. Regular communication with these groups will ensure that LSPs are informed when new funding opportunities become available. LSPs should not only be considering funds their organization needs to provide legal services, but also be mindful of the funding their clients will need, such as funding for property repairs, food, etc.

There are many foundations that award grants to legal service providers. LSC awards a variety of grants, including Disaster Relief Emergency Grants. Legal Aid Resources has also compiled a variety of federal funding opportunities that support civil legal aid.

Train in Advance for Common Post-Disaster Legal Claims

To be able to provide assistance without delay, your organization and volunteers should be trained in advance for common post-disaster legal claims. Beyond the most basic legal claims, listed below, your community is almost certain to have its own legal claims, based on state/local law as well as local needs. It is therefore important for you and your organization to make sure that you know the particularities and laws of your own community, outside of the claims described here.

Nationwide and local trainings are held by numerous organizations and should be attended where possible. Some can be found on FEMA’s site.

Also vital is building relationships with organizations in your community, legal and non-legal, as well as elected officials and governmental bodies. This will make your training more comprehensive and locally nuanced.

Common, Nationwide Legal Claims/Issues (Each, Where Possible, Linked to Starter Resources on the Topic)ⁱⁱ

- FEMA Applications/Appeals, including temporary housing assistance, repair assistance, replacement assistance, unemployment assistance, supplemental nutrition assistance, and other needs/assistance
- Disaster Benefits Claims
- Insurance Claims
- Tax Claims
- Loan Payment Deferral/Foreclosure Prevention
- Student Loans
- Mortgages
- Disaster Business Loans
- McKinney-Vento Act Claims (Education for Homeless Children)
- Replacing Lost Documents (this process will have localized requirements)
- Public/Federally Assisted Housing Displacement
- Indian Affairs Financial Assistance and Social Services
- Medicaid
- Children's Health Insurance Program
- Emergency Farm Loans and Crop Insurance
- National Flood Insurance Program

- Disability Claims (will likely have localized requirements)
- Discrimination Claims (will likely have localized requirements)
- Title Clearing (will have localized requirements)
- Landlord/Tenant disputes (will have localized requirements)

Basic Things to Know:

- Eligibility requirements for different claims
- Documentation needed for different claims
- Processes for filing and appealing different claims
- How to issue spot (assess possible legal issues and claims)

Training should:

- Be localized – discuss topics that are pertinent to your geographic location.
- Be updated – ensure that changes in statutory law and regulatory policy on the federal, state, and local level are accounted for on a regular basis.
- Be centralized – work with other organizations and agencies to put all information and training materials in one easily accessible place.
- Be continuous – those who have received training in the past should continue to be retrained, especially when major policy changes occur.
- Be targeted not only at attorneys, but at non-attorney volunteers and civilians trying to prepare themselves and their families
- Be multilingual, including sign language and Braille, where possible
- Be supported by local law firms and the bar, where possible

- Consist of both general, broad overviews and particularized, in-depth trainings, distributed as appropriate for the needs of your community and volunteers
- Be varied to accommodate different learning styles and availability—including in-person, online, video, and written, with multiple meeting times to allow for participation by those with childcare obligations and/or unconventional work schedules
- Be paired with immediate client assignments, to reinforce learning

Have Resources Prepared for Yourself and for Clients, and Know Disaster Point Persons and Programs in Your Area

When disaster has already struck, it may be a scramble to find necessary information, forms, programs, or contact info needed assist your clients, yourself, or your organization. Where feasible, you should try to have as many resources, documents, and information on hand prior to a disaster occurring. You should also know beforehand who your community's disaster point persons are, and what programs are in place to help after a disaster strikes.

While the specifics of what exactly you should have available will vary based on your community, here are some basic things you might need:

- Forms for, and information about common post-disaster legal claims and issues
- List of contact information for organizations active during disasters and shelters in your area
- Information regarding local and federal disaster relief laws, regulations, and policies
- Contact information for disaster point people in your community
- Information regarding any local disaster funds or community disaster plans

- Information about local and state post-disaster programs that are available in your community, such as state home evacuation programs (for example, the Texas STEAR program which assists people with evacuation during disasters).

Present Information in Understandable Mannerⁱⁱⁱ

A critical but often overlooked aspect of disaster preparedness is presentation. If your client or volunteers cannot understand or cannot process the information you are giving them, then they cannot fully utilize it. A detailed guide to presenting information clearly and concisely can be found in the LSC Disaster Task Force Report, but listed below are the basic fundamental points:

- Information should be clearly and simply worded—preferably at no higher than an eighth-grade reading level, where possible. You can check the comprehension difficulty of written information on the Microsoft Office Support Website.
- Information should be concise and tailored to your clients' needs. Extraneous information and descriptive words may be distracting and could bury critical information.
- Checklists can be very helpful, due to their clarity. If used, make sure they are easily located, are printable, and include discrete, specific action items as well as large spaces for individuals to fill in their own information.
- Pictures, graphics, and symbols should be used where appropriate. They should be easy to understand and require little if any outside explanation.
- Information should be provided in multiple languages, particularly those most prevalent in your community.
- Brief videos and personal narratives may be utilized to humanize information and make it more memorable and relatable.

- The most important takeaways should be the most prominent—save this technique for the most critical of information.
- Establish the credibility of the information. This can be done by having multiple voices emphasize the information (especially prominent and well-respected members of your community); by explaining the thought process behind certain steps, and the negative consequences that may result from not taking them; and by including very basic citations or even anecdotes where appropriate.

Legal Service Provider’s Disaster Preparedness Plan

Legal service providers (“LSP”), including LSC grantees, should have a comprehensive Continuity of Operations Plan (“COOP”) in place that is designed to (1) ensure the safety of the organization’s employees and (2) safeguard critical information, including client files. When a disaster occurs, legal service providers will become overwhelmed with increasing community needs for legal services. One LSP director in Louisiana reported that Hurricane Katrina displaced 100% of her workforce for six weeks, and one-third never returned. The employees of an LSP in Puerto Rico worked from their parking lot when Hurricane Maria flooded their office. The employees could only communicate with their clients who came in-person because the entire island had lost power. Preparing a COOP is a prerequisite to ensure your organization can continue to provide desperately needed legal services when a disaster strikes.

To start, legal service providers should brainstorm primary goals for its COOP. Goals can include preserving individual and employee health and safety, minimizing operational disruptions and mitigating damages to facilities and resources, safeguarding clients’ information, and preparing for the needs of disaster survivors.

I. Assessment

Identify risks to your organization: consider where you are located. What kind of disasters (natural or man-made) occur in your area? What kind of disasters is your organization acutely in danger of? Further, consider disasters beyond natural disasters, such as active shooters, pandemics, or acts of terrorism in your planning. Consider seriously the risks your organization may face.

Some factors to start considering include:

Building/property: Is your building structured to withstand disasters that are possible or likely in your area? I.e., is it structured to withstand an earthquake if you live near a fault line?

Access: if road access is blocked to your business and your clients cannot reach you, do you have other ways to serve your clients? Consider ways of serving clients via telephone or videoconference, if possible.

2. Create a COOP preparedness plan. ^{iv}

Sometimes called a business continuity plan, the goal of a Continuity of Operations Plan (COOP) is the same. The goal is to create a plan that lays out how to ensure your organization can function immediately after a disaster. The key to a successful COOP is to focus on resuming organizational activities as seamlessly as possible. To have a thorough COOP, assume as many scenarios as you can: the power lines are down and there is no electricity, employees cannot make it to work, or clients cannot travel. Ensure your COOP addresses these.

Disaster specific: Your plan should specifically address the disasters your organization is in danger of facing.

Disaster toolkits: Visit [ready.gov/business](https://www.ready.gov/business) to access “toolkits” for various disasters in both English and Spanish. There are toolkits for:

- Earthquakes,
- Hurricanes,
- Inland flooding,
- Power outages,
- Severe wind/tornadoes; and
- Videos on a variety of issues, including systems, building construction, physical surroundings, and staff management.

Organization specific plans: Your COOP should reflect your organization's specific needs.

Facilities and property damage: How can you prepare for property damage that may hinder your organizational operations? How can your COOP help mitigate interruptions?

Evacuation plans: determine escape routes and train employees.

Structure: Consider consulting a contractor to see where your structure is weak and if there are ways to further equip your structure to face the strain.

Shelter-in-place: is there a secure place to hide (i.e., a basement that can lock from the inside).

Alternate work locations: Identify and secure alternate work locations. Consider ways for employees to telework, such as by equipping employees with laptops or other means to work remotely.

Workforce: Remember, your workforce will be affected just as much as the clients you are serving. Consider not just their functional need as employees, but also their needs as people facing a disaster.

Training: Train your workforce on the preparedness plan. OSHA has several minimum requirements for certain businesses, such as requiring businesses to have evacuation plans and post-emergency phone numbers. Adhere to these requirements.

Kits: Prepare Disaster Response Kits with essentials to keep in the office.

Stockpile: Stockpile non-perishables in your offices in case employees become stranded there during a disaster.

Staff resources: Consider resources staff may need, such as basic technology, hotel vouchers, food, water, childcare, and physical and behavioral assistance.

Personnel care: Include means for aiding personnel with disabilities or personnel with family members with disabilities (employees may not be able to return to work if they are needed to care for family members).

Mutual aid agreements: Consider entering into a mutual aid agreement with existing legal services providers to provide back up support if your legal staff becomes unavailable or are assigned to disaster recovery duties.

Additional personnel: Provide for additional emergency personnel. Note whether your state permits lawyers admitted in other states to provide pro bono legal aid and consider that lawyers may be conflicted out of work. The “Katrina rule,” adopted by less than half of the states permits out-of-state lawyers (under the supervision of civil legal aid or pro bono programs) to provide temporary pro bono services to residents of another state during a declared emergency. Check your states rules and restrictions regarding the Katrina rule.

Authority: establish which employees have the authority to implement disaster procedures. Identify alternatives if designees are unavailable. Delegate responsibilities to specified roles, not individuals, in case of employee turnover. Avoid vague instructions. Create order of successions with clear hierarchies.

Communication: Invest in multiple means of communication. An ability and plan to communicate with your employees and clients is critical during a disaster.

Employee communication: Consider sending text-blasts to employees when a disaster is coming. Prepare and keep a list of your staffs' emergency contacts, including both primary and secondary phone numbers and emails.

Check-in with employees and/or their emergency contacts after a disaster occurs to ensure they are safe.

Delegate one role to track which employees have reported themselves safe after a disaster. Delegate a second role to the task, in case the first becomes unavailable.

Consider utilizing a Voice over Internet Provider. The Fortinet phone system, for example, allows phone lines to be used on employees' computers. Once implemented after employees are displaced, employees can use their phones via their laptops, without their numbers or extensions being disrupted. Other cloud-based Voice over VoIP systems include RingCentral, Vonage, and 8x8.

Alternative communication: Consider utilizing websites, hotlines, radio, social media, voicemail, and local media. Consider how you will communicate with employees, clients, and the public if power is lost.

Authorities: Your plan should explicitly outline which employee/role is to contact local government authorities, FEMA, the courts, opposing counsel, active clients, your insurance company, bank, landlord, payroll service and significant vendors if a disaster occurs.

Client communication: Post updates on your website or create a temporary home page to explain the status of your organization. Advise clients on how to contact your office. Put up a sign at the office too. You may want to advise clients on how courts are handling delays too.

Technological continuity: It is crucial to assess how you can prepare your technology to withstand a disaster so your business can continue. Plan and prepare on the assumption you will, at least temporarily, lose connectivity.

Energy: Maintain surge protectors and uninterruptible power source (“UPS”) units. A UPS is an electrical machine that provides emergency power when the main power fails. Energy is supplied by batteries. UPS systems are available for purchase online.

Digitize hard copies: If your business has important documents only in hard copy, digitize them and back them up to an online platform and move copies off-site.

Isolate sensitive information: Keep financial records, login credentials and other mission-critical information somewhere that provides quick and convenient recovery.

Passwords/Access: if only one person has access to necessary passwords or credentials, be sure to keep them elsewhere in case that person becomes unavailable.

Ensure that you are securing client files in accordance with fiduciary responsibilities. Maintain client confidentiality.

Back-ups: Back-up all files to a cloud service and keep copies of sensitive information off-site. Reputable cloud providers include Carbonite, Backblaze, CrashPlan, and Acronis. Larger organizations should consider enterprise solutions that backs up data both on premise (or a local backup location) and the cloud. Consider utilizing case management cloud services, too, including Clio, Legal Server, and Justice Server. Practice accessing it from off-site equipment.

Cyber Security: Cyber security attacks increase during disasters. Ensure your organization follows cyber security best practices, including the installation and regular updates of a firewall. Train your employees to recognize phishing attacks.

Device access: Enable your devices to be remotely wiped in case they are lost in the disaster. Remote wiping will ensure the security of the data. All devices should be encrypted to prevent unauthorized access as well.

Remote-working: Prepare your business and employees for remote working in case the office is unusable or inaccessible. Consider providing business laptops to employees, which can also serve as their primary work computers when used with docking stations and separate monitors.

Learn more: Review Ready.gov's IT Disaster Recovery Plan to ensure your business has the level of technological precautions necessary for your business needs. A Disaster Recovery Plan specifically focuses on restoring an IT infrastructure operation after a crisis. If you do not have a dedicated IT team that can implement the necessary precautions, consider working with a vendor to ensure your business is ready.

Financial preparedness: Organizations should be prepared to keep its employees on payroll for an extended period. Ensure your payroll is equipped to do so and your organization has the necessary emergency funds to do so.

Insurance: Review your insurance policies. Do they cover the potential disasters in your area? If you are in an area that is at high-risk for disasters, consider purchasing insurance that covers lost time, location rentals, recovery services, and equipment and device replacement. Read more about your business's necessary insurance requirements here.

Implementation: Clearly outline which role will implement each portion of your disaster plan. Appoint primary and secondary employees for each task.

Critical operations: Identify and prioritize essential functions and resources. Maintain lists of key suppliers, vendors, and insurance contacts.

External Coordination: Cooperate with local government, community organizations, and businesses. Prepare a directory of federal, state, and local agencies. See more on establishing relationships with external groups in advance.

3. Implementation

Now that you have created your COOP, it is time to implement the plan. A COOP has no value if employees do not know how to use it.

- **Training:** Train all employees on COOP procedures. Distribute a copy to all employees.
- **Testing:** Conduct regular simulations to test COOP efficiency. Document tests and results.
- **Update:** Routinely update COOP procedures and adapt to better technology as they become available. Delegate a team member to lead an annual review of the COOP with team members across all areas of operations and departments.

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ⁱⁱ *Attorney Disaster Toolkit*, IOWA LEGAL AID https://www.americanbar.org/content/dam/aba/images/disaster/attorney_disaster_toolkit_iowa_la_aug2017.pdf (last visited Aug 28, 2020)

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ⁱⁱⁱ *Report of the LSC Disaster Task Force (2019)*, LEGAL SERVICES CORPORATION, <https://lsc-live.app.box.com/s/vro33yjt6nlgurh434fw9jhb7npz4sh>

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