

Mass Disaster: A Victim's Guide



If you are reading this guide as a result of a catastrophic tragedy that has just occurred, please accept our condolences for this unfortunate event and the grief and emotional distress that you are experiencing. We hope this guide will assist you in protecting yourself from any further unnecessary distress.

It is impossible to provide comprehensive advice that will suffice for all situations. Consequently, this guide should assist you in preserving your legal rights until you decide how you will pursue your legal rights in this situation.

WHAT IS A MASS DISASTER?

Simply defined, a mass disaster is an unanticipated and unexpected event of calamitous proportions that causes widespread injury or death. These catastrophic events can be aircraft crashes, train derailments, refinery explosions, natural disasters, or a myriad of other events and occurrences never before experienced.

While no catastrophic event can be called a “typical” occurrence, there are people “typically” involved in the aftermath of any mass disaster. These individuals routinely include:

- Federal, state and local law enforcement agencies;
- Fire, rescue, medical and other emergency personnel;
- Representatives of the individuals or companies involved in the event;
- Representatives of insurance companies that provide coverage for the parties involved in the event;
- Lawyers who routinely represent victims of accidents and lawyers who represent and defend the parties involved in a catastrophic event; and
- Members of the news media.

WHAT TO DO WHEN THE UNSPEAKABLE OCCURS

If you or a family member has been involved in a mass disaster, individuals from any or all of the above categories may want to speak with you.

Preserving your legal rights may depend upon your ability to identify those individuals seeking your attention and to deal with them appropriately. Emotional distress and grief are inevitable after a catastrophic tragedy, and this emotional condition may greatly affect your initial ability to deal with your legal rights. Conversely, the individuals identified in the categories listed previously usually possess extensive training for dealing with a catastrophic disaster of this nature. Do not assume any individual is looking out for your best interests.

It is important for you to determine who has a financial interest in contacting you about this tragedy. A good rule of thumb is to retain a healthy skepticism of anyone who stands to gain financially from your misfortune. For example, police officers or federal aviation inspectors are charged by law to deal with the tragic event; you will probably want to speak freely with them. On the other hand, lawyers may try to solicit you as a client. Or a lawyer may already be representing an insurance carrier providing coverage for one of the parties involved in the catastrophic event. Naturally, your candor with law enforcement personnel or investigatory personnel might not wisely be extended to a lawyer you have never met and whose advice, counsel, or representation you have not sought.

WHO WILL PROTECT MY LEGAL RIGHTS?

Be cautious in dealing with representatives of companies involved in catastrophic disaster. Also, caution and judgment should be exercised in dealing with representatives of insurance companies. If a lawyer solicits you, please call one of our Lawyer Regulation branch offices closest to you:

Ft. Lauderdale (954) 772-2245

Miami (305) 377-4445

Orlando (407) 425-5424

Tallahassee (850) 561-5845

Tampa (813) 875-9821

Be particularly careful before signing any papers in connection with the promise of the payment of a given sum of money. Likewise, a lawyer may

ask to represent you, but that lawyer may or may not be the appropriate lawyer to handle your case. Always ask for written information about a lawyer's qualifications and experience. Any contact by a lawyer or a lawyer's representative in person or by telephone asking to handle your case is a direct violation of The Florida Bar's disciplinary rules unless you have asked the lawyer to contact you. Florida Bar rules also prohibit a lawyer from writing or e-mailing you within 30 days of an accident unless you have asked for information from the lawyer. You should immediately report any lawyer who writes or e-mails you within 30 days of an accident or who contacts you in person or by telephone. You can report a lawyer to The Florida Bar by calling toll free (866) 411-5140.

The appropriate amount of compensation to which you are entitled and the appropriate time to discuss settlement or the initiation of a lawsuit are questions best answered by a lawyer you select to represent your legal rights. The sole purpose of this guide is to help you preserve your legal rights until you are prepared to make an informed decision based on all of the circumstances and unburdened by the emotional trauma and stress imposed upon you by the events of the tragedy.

WHEN DO I HAVE TO DECIDE?

This is an issue that does not lend itself to a definite or precise answer. In some types of accidents, such as a car wreck, it may be necessary to seek the assistance of an attorney as quickly as possible to preserve the evidence and obtain statements of other victims or witnesses. In mass catastrophic disasters — such as an aircraft crash — state and federal regulatory authorities charged by law with the immediate and prompt investigation of the disaster may lessen the need for immediate action in the employment of an attorney.

Whatever the case, if you have a family lawyer, it would be prudent to immediately contact your lawyer for advice and counsel. In the event you do not have a family lawyer, you may want to identify a lawyer you trust to assist you in preserving your legal rights. It is important that you exercise

caution and judgment in signing any papers or documents until you have carefully read the entire document and understand its legal effect on your rights. Any questions you may have regarding a document that you may be requested to sign probably should be reviewed with a lawyer who you select of your own choice and free will.

Should you need immediate legal advice and you are not currently represented by a lawyer, perhaps the best advice is to consult with others you trust such as members of your family, close business associates, or ministers for recommendations about qualified lawyers for your type of case. If you do not feel immediate action is necessary, The Florida Bar, as well as some local bar associations, can assist you through lawyer referral programs in identifying an appropriate lawyer to consult.

If you are from another state, undoubtedly similar programs are in effect where you reside.

A FEW FINAL THOUGHTS

If affected by a catastrophic mass disaster, you will probably need the services of a lawyer. It is your decision when to select an attorney to represent you and your legal rights. Since you may entrust your lawyer with the final resolution of your or your loved one's legal rights, this decision should not be taken lightly. You decide to employ a lawyer to represent you and your interests, and you decide where that employment occurs.

If you feel you have been unfairly treated by any lawyer, please contact The Florida Bar's Attorney Consumer Assistance Program (ACAP) at (866) 352-0707. If you are having a problem with an insurance company, please call the Office of the Attorney General of Florida at (866) 966-7226 or the Florida Department of Financial Services at (800) 342-2762. The Florida Bar is responsible for prosecuting unethical lawyers for sanctions to be imposed by the Supreme Court of Florida. The staff of the state bar will direct you to the appropriate authority if your complaint involves an individual other than a licensed lawyer. It is important to remember that any lawyer who in person or through

a representative or over the telephone contacts you and solicits your representation without your request or invitation most likely is violating the disciplinary rules of The Florida Bar. That lawyer should be reported promptly to The Florida Bar.

The material in this pamphlet represents general legal advice. Since the law is continually changing, some provisions in this pamphlet may be out of date. It is always best to consult an attorney about your legal rights and responsibilities regarding your particular case.

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