



Supreme Court of Florida

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Contact: Craig Waters

850-414-7641

publicinformation@flcourts.org

Chief Justice Labarga to talk about hurricanes with Texas Chief Justice

TALLAHASSEE – Florida Chief Justice Jorge Labarga will bring Florida’s perspective to a forum at Harvard Law School next Monday when he and Texas Chief Justice Nathan Hecht talk about how the courts and legal communities in their two states responded to Hurricanes Harvey and Irma.

“Natural Disasters, Legal Aid and the Justice System” is one of four panel discussions at the Access to Justice Forum organized by the Legal Services Corporation. Labarga, who created Florida’s Commission on Access to Civil Justice Commission in November 2014, has participated in several forums sponsored by the Legal Services Corp., which is the largest funder of civil legal aid for low-income Americans.

The panels will be held 2 to 5 p.m. October 16 at Harvard Law School’s Wasserstein Hall in Boston. The event will also be live-streamed via Facebook Live. To view it, visit [LSC’s Facebook page](#).

Hurricane Harvey made landfall in Texas on Aug. 25th – the first Category 4 storm to hit the United States since August 2004 when Hurricane Charley hit Florida. Just two weeks after Harvey, another Category 4 storm hit the U.S., when Hurricane Irma made a direct hit on the Florida Keys on Sept. 10. It weakened slightly but was still a major hurricane when it hit Marco Island as a Category 3 storm.

While the Keys sustained some of the worst damage in Florida, the elemental powers of wind and water wreaked havoc up and down peninsula, from flooding in Jacksonville to downed trees and power lines in Miami. Homes, businesses – and courts – all around the state sustained damage. Trial courts in 64 of Florida’s 67 counties were forced to scale back to mission-essential functions during the storm. So too were all five district appellate courts and the Florida Supreme Court.

Although Labarga focused on the impact of Hurricane Irma, he also pointed out that Florida is making preparations to address potential problems faced by Puerto Ricans fleeing to Florida after Hurricane Maria devastated their homes on Sept. 20.

There are many ways to try to understand the magnitude of the damage caused by the storms, Labarga said. For instance, by Oct. 5, some 2.3 million Floridians had applied for federal disaster assistance. Nearly 528,000 of the applications were in Miami-Dade and some 36,000 in the Keys. Florida’s legal aid

groups are bracing themselves for requests for help from people whose applications are denied. Legal aid groups are also anticipating a wave of evictions against tenants who were unable to pay the rent that came due at the beginning of October.

The Florida Bar Foundation has allocated \$750,000 in disaster-related funding to support legal aid groups with infrastructure damage or equipment losses and to help their clients.

Many individual attorneys are volunteering to help hurricane victims, Labarga said. In the first few weeks after Irma, nearly 900 referrals for storm-related legal aid were made by volunteer lawyers staffing the Disaster Relief Hotline. This hotline, set up by the Florida Bar Young Lawyers Division in conjunction with the ABA Young Lawyers Section, heard a variety of issues, including landlord/tenant disputes, other housing problems, consumer protection matters and home repair contracts. Attorneys also volunteered at FEMA centers across Florida.

Other initiatives – such as the Florida Free Legal Answers program – expanded the scope of their work in the wake of Irma. Florida Free Legal Answers is a virtual legal answer clinic operating 24/7 and set up so that people can get answers in real time. A qualifying cap on income-eligibility was temporarily increased after Irma.

The Florida Bar, The Florida Bar Foundation and Florida's local legal aid organizations have been quick to work with government agencies at all levels and a variety of legal, civic and non-profit groups. As one example: The Florida Bar Real Property and Trust Law Section and the Bay Area Legal Services organized a webinar for Oct. 17 to provide information on resources, dealing with FEMA, home title issues and tenancies. This is part of an existing project of the Bay Area Legal Services that, with the support of a grant from the Legal Services Corp., helps people address legal problems with home titles.

Florida court closures are another gauge of the disruption caused by Irma, according to Labarga, whose office issued more than three dozen emergency orders extending legal deadlines. These extensions are necessary to ensure that people who have court cases are not penalized by a disaster that effectively shortens the time they have to file because a court has to close. The last emergency order was issued early this month after the courts in the Keys reported being open and fully operational three and a half weeks after Irma hit.

But all Florida courts, even in the hard-hit Keys, took steps to handle important and time-sensitive due process matters before becoming "fully operational." For example, Monroe County judges conducted first appearances at picnic tables in the mess hall of the Marathon Jail in the days after the hurricane hit.

Labarga pointed to the extensive "continuity of operations plans" that Florida's judiciary first began after Hurricane Andrew hit South Florida in 1992. These "COOPs" evolved into effective disaster management tools after the terrorist attacks of 9-11 and served Florida extremely well in active hurricane seasons, such as 2004 and 2005. They did so again in 2017, the chief justice reported.

Another bright spot in Florida's response: The effective use of social media as a communication tool. Florida courts from the Supreme Court to the county trial courts used both Facebook and Twitter to advise the public at large as well as judges and staff, court partners and court users about the status of courts and other pertinent information.



Monroe Circuit [Judge Luis Garcia](#) conducting first appearances at the Marathon jail on September 14, 2017.

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