

The Mississippi Bar Disaster Legal Information Guide

It is impossible to provide comprehensive advice for all disaster situations; however, this guide will help you protect your legal rights until you decide what you should do.

What Should You Expect?

While no catastrophic event can be called a "typical" occurrence, there are people "typically" involved after any major disaster. These individuals 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 -- both lawyers who represent victims of accidents and lawyers who represent and defend the parties involved in a catastrophic event; and
- Members of the news media.

Any or all of the above individuals may want to talk to you. Preserving your legal rights means knowing who wants to talk to you and why. The stress you will naturally feel after a disaster may affect your ability to make decisions and to protect your legal rights. Be sure any person who contacts you clearly identifies himself/herself and tells you who he/she represents or works for. It is important for you to determine who has a financial interest in contacting you about your tragedy. *Do not assume any individual is looking out for your best interest.* You should be skeptical of anyone who stands to gain financially from your misfortune or your reaction to it. You need to know the difference between those who have a job to do and those who are only looking for a job.

For example, police officers or federal investigators are charged by law with the duty to deal with the tragic event, and you usually will want to cooperate with them. On the

other hand, lawyers (or someone representing a lawyer) may try to solicit you as a client, or insurance company representatives may try to settle your claim, and they may ask you to sign something that may affect your legal rights. You should be cautious about what you say to anyone you have never met and whose advice, counsel, or representation you have not sought, or who may ask you to sign something that may affect your legal rights.

Who Will Protect My Legal Rights?

Be cautious in dealing with representatives of companies involved in a catastrophic disaster. Also, be cautious in dealing with insurance adjusters or other insurance company employees. Be particularly careful before signing any papers that promise payment of a given sum of money.

Likewise, a lawyer may offer to represent you or someone who works for a lawyer may try to get you to hire a particular lawyer.

A lawyer may properly advertise for clients on television, radio, by mail or through other media. **However, it is improper for a lawyer you do not know, or someone acting on a lawyer's behalf, such as an investigator, to contact you directly in person, or by telephone or email, to try to get you to hire the lawyer.** Following a disaster, there may be some lawyers who will try to do this.

In addition, only lawyers who are licensed to practice in Mississippi can practice law in this State. A lawyer from another state who is not licensed to practice law in Mississippi may appear in court in Mississippi only with the special permission of the Court and in association with a Mississippi lawyer. Before deciding to employ a lawyer from another state, be sure that you understand how that lawyer is going to represent you if he or she is not licensed to practice in Mississippi.

If you believe that you have been improperly solicited by a lawyer, or by someone on behalf of a lawyer, you should report it immediately by contacting the Consumer Assistance Program of The Mississippi Bar at 601-948-2344. You may also

contact the Bar if you have any questions about a lawyer or lawyer's representative who has contacted you.

You could receive compensation for the various injuries and losses you suffer as a result of an accident. The appropriate amount of compensation to which you are entitled and the appropriate time to discuss settlement or the filing of a lawsuit are questions best answered by a lawyer you select to represent you. 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 precise answer. In some types of accidents, such as a car wreck, it may be necessary to consult an attorney as quickly as possible to preserve the evidence and obtain statements of other victims or witnesses.

Whatever the case, if you have a lawyer who previously represented you, you should consider contacting him or her immediately for advice. In the event you do not have a prior relationship with a lawyer, you may want to contact a lawyer you trust for advice. It is important that you exercise caution and judgment in signing any papers for anyone until you have carefully read the documents and understand their legal effect on your rights. Any questions you may have regarding a document that you may be asked to sign should be reviewed with a lawyer selected by you.

Should you need immediate legal advice and you are not currently represented by a lawyer, perhaps the best advice is to talk to people you trust, such as members of your family, close business associates, or your minister for recommendations about qualified lawyers for your type of case. You may also locate lawyers via the internet or the Yellow Pages. The Bar's online Attorney Directory list attorneys licensed to practice law in Mississippi. You may view it online at www.msbar.org

A Few Final Thoughts

If you need the services of a lawyer, you should decide when to select an attorney to represent you. Since you may be entrusting your lawyer with the final resolution of your or your loved ones' legal rights, you should not make the decision lightly. You should make the decision when you have had time to consider what is best for you and not when you may have been pressured by someone else. Remember....

- **There is no need to rush to any decision**
- **It is important that you protect your rights**
- **Do not take any action until you are sure that you have all available information**