

## **LegalHealth Attorney Reflects on Sandy and How the Storm Affected Him as a Newly Practicing Public Interest Lawyer**

By Brian Hilburn

Hundreds of thousands of low-income New Yorkers are represented by the various legal services organizations throughout the five boroughs. Thousands of dedicated attorneys are employed by these organizations and take on this overwhelming task year after year. Of course, there are also all the paralegals, administrative staff, interns and volunteers who are necessary to keep these machines running. All of these individuals find themselves in a constant struggle to protect and empower New Yorkers trapped in a cycle of poverty or near-poverty. Of all the obstacles that stand in our way in this struggle, one that we usually do not expect to confront in New York is a natural disaster. On October 30<sup>th</sup>, 2012, Hurricane Sandy changed that.

I was one of the lucky ones. My neighborhood in northern Park Slope managed to avoid the loss of power, running water, and access to food and public transportation almost entirely. There were a few days I could not make my way into Manhattan but, all in all, I had it pretty easy. I woke up, however, on Tuesday, October 30<sup>th</sup> to news of the devastation that affected the neighborhoods surrounding me in all directions. I also woke up to news that my place of employment, the New York Legal Assistance Group (NYLAG), was inaccessible. The basement and lobby of our building located in the financial district had been flooded. We eventually learned it would be months before we could return to our offices. Two and a half months later, on January 8, 2013, we were finally able to return to the 18<sup>th</sup> floor of our building that otherwise remained almost entirely empty, and will for potentially months to come.

I am a staff attorney with the LegalHealth unit of NYLAG. We owe a great deal of gratitude to Skadden, Arps, Slate, Meagher & Flom LLP. They put a roof over our heads, including a kitchen, computers, Internet access and phone service, for those two and a half months. The Immigrant Protection Unit of NYLAG shared the floor with us at Skadden.

NYLAG, of course, was not the only legal services organization affected by Sandy. The NYCLU also shared a floor with us at Skadden. The Legal Aid Society's employees located in the financial district were also displaced. We were all fortunate though to receive assistance from the New York City legal community. Generous law firms and organizations throughout the city have housed the various units of NYLAG.<sup>1</sup>

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<sup>1</sup> These firms and organization include: Cooley LLP; Kay Scholer LLP; Kirkland & Ellis LLP; Mayer Brown; SNR Denton; O'Melveny & Meyers LLP; Patterson Belknap Webb & Tyler LLP; Paul, Weiss, Rifkind, Wharton & Garrison LLP; Robert Half Legal; Skadden, Arps, Slate, Meagher & Flom LLP; Weil, Gotshal & Manges LLP; and UJA-Federation of New York.

Despite the generosity of these firms and organizations, it was a real challenge to continue to deliver quality legal services to the low-income residents of NYC. For weeks, we lost access to our server and, thus, all of our notes and contact information for our clients. The phones at NYLAG were down for the entire two and a half months; so our clients had no way to contact us. We weren't permitted at first to enter our building to retrieve our paper files on our clients. Our clients had hearings, appointments and deadlines that needed to be met. For many of them, we were their only key to navigating what can be an exceedingly complex legal system. For days we had no means of reaching them and they no means of reaching their attorneys—their housing, much needed benefits and only means of support hanging in the balance.

After trips by staff to our building with suitcases and backpacks to gather only the most immediately necessary files and an extraordinary effort from our IT team to get our server back up and accessible remotely, we were eventually able to contact most, if not all, of our clients. Unfortunately, that was not the end of the logistical hurdles we faced.

The LegalHealth Unit was operating out of a mailroom at Skadden. Eighteen of us set up camp around a large table covered in computers, phones and stacks of files in every available space in the room. Conversations, either between colleagues or over the phone, were constant. Privacy and a quiet workspace were fond memories. Chairs were constantly bumped or kicked. Mail arrived sometimes weeks late. There was no way of even knowing whether we were receiving all of our mail or whether faxes we sent were received without making phone calls to confirm.

As one walked down our hallway at Skadden, they would likely have seen attorneys and paralegals meeting with clients in storage rooms; pacing up and down the hallway in intense phone conversations with opposing counsel, judges and government entities; or eating lunch on the floor to just get a little alone time.

This experience was, however, an interesting experiment in bonding. Our unit, being trapped in an enclosed space, got to know each other in a way that would have been impossible in a more comfortable environment. Personalities and quirks are seen in a new light when placed in a different, stressful environment. For the most part, this was a positive outcome. Our staff proved itself incredibly resilient and adaptable. Everyone worked overtime and continued to meet our clients' needs as well as assist in NYLAG's ongoing storm relief effort.

This affected different members of our staff in various ways. I, as a new attorney, was just beginning to feel comfortable with the system I had developed for keeping up with a sometimes daunting—though relatively normal for legal services in New York—caseload when that system suddenly crashed and had to be rebuilt from scratch. Another more senior colleague used to receive 10 to 15 calls a day from old clients with either new legal issues or just needing quick advice. She was not able to reestablish contact with many of them throughout our time at Skadden.

In some ways, at least for a new attorney, this change was a blessing in disguise. I suddenly had much greater access to our senior attorneys. Instead of scheduling time to seek advice, I could simply turn my head. I quickly became much more comfortable asking “stupid” questions due the bonding that inevitably occurs in these situations. Moreover, I had to learn to work with fewer resources. My system for keeping up with clients was paired down and made more efficient out of necessity. I came out of this legal services boot camp feeling a little less new.

While Sandy made our work more difficult and our place of work less comfortable, it’s important to remember that the brunt of the storm affected our clients in a much more meaningful way. In the LegalHealth unit, many of our clients face life-threatening illnesses. The complexities of the legal system weigh heavy on those in poverty, but add serious illness and having to navigate the healthcare system and it can become downright impossible to manage on your own. Not all of our clients were affected directly by the storm, but they were all affected indirectly due to the fact that their attorneys were displaced and struggling to keep their heads above water while maintaining the same level of quality legal services that New York public interest attorneys are known for.

As mentioned, we are now back in the 18<sup>th</sup> floor of 7 Hanover Square in the financial district. We are back in our own offices, cubicles and workspaces. We are back with our files, computers, phones, printers, abundant office supplies, and support staff. In some ways, the cramped space and strained conditions we worked in for two and a half months became our new normal. In more ways, our clients and we are happy that we’re back in a more comfortable and more productive environment. In every way, I have been encouraged and inspired by my colleagues at NYLAG and the NYC legal community in general. We all came together in the name of our clients and more than lived up to our oath “to faithfully discharge the duties of the office of attorney, according to the best of [our] abilit[ies].”

*About the Author:* Brian Hilburn joined NYLAG’s LegalHealth Unit as a Staff Attorney in 2012. Brian runs the legal clinics at Harlem Hospital and Maimonides Medical Center. Before joining LegalHealth, Brian interned for the Honorable Robert B. Collings of the U.S. District Court for the District of Massachusetts, the San Francisco County Public Defender’s Office, LatinoJustice PRLDEF, and South Brooklyn Legal Services (SBLS). He graduated from Arkansas Tech University and Northeastern University School of Law.