

#### 4.3 Discussion Regarding the Landscape for Disaster Legal Services Funds



The State Bar *of California*

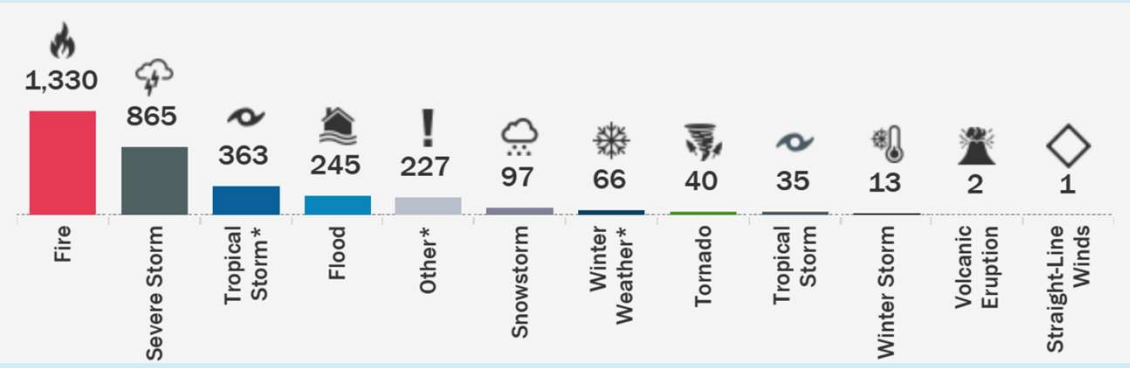
## 4.3 Discussion Regarding the Landscape for Disaster Legal Services Funds

Christopher McConkey, Program Manager, Office of Access & Inclusion

PDI Committee Meeting, May 6, 2025

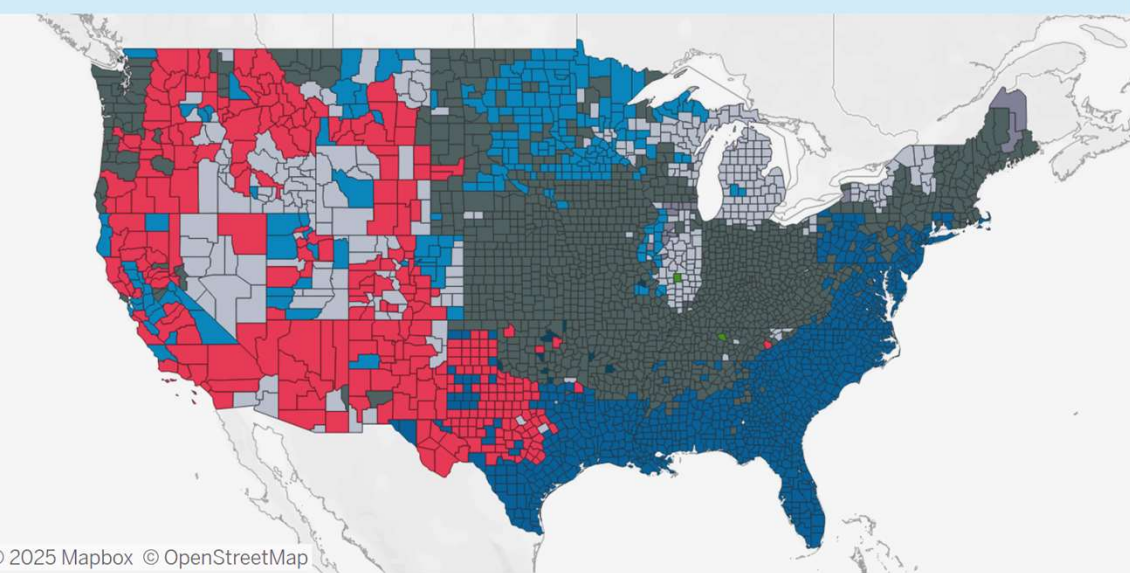
Disaster(s) by Incident Category

\*Includes Subcategories



Most Frequent Incident Category by County

Statewide disasters are not included in the county disaster counts



# Disasters in California

- The federal government has declared 3,284 disasters since January 1, 2000. Of those, 317 were in CA with 273 being fires—mostly in the fall and summer:



Data from the Federal Emergency Management Agency, "Disaster Declarations for States and Counties," available at [www.fema.gov/data-visualization/disaster-declarations-states-and-counties](https://www.fema.gov/data-visualization/disaster-declarations-states-and-counties) (accessed May 5, 2025).

# Wildfires in California

- Wildfires in particular harm communities every year in CA.
- The infographic to the right is from a March 2025 LAAC and State Bar fact sheet on the importance of disaster legal services (DLS).
- Since the date of this fact sheet, the number of wildfires in CA in 2025 has reached 851.

## WILDFIRE INCIDENTS IN CALIFORNIA<sup>1</sup>

Wildfires are the most common disasters in California. Below are the total annual wildfire incidents from 2020 to 2025.

|                              | 2020   | 2021  | 2022    | 2023    | 2024  | 2025*  | TOTAL  |
|------------------------------|--------|-------|---------|---------|-------|--------|--------|
| Wildfires                    | 8,648  | 7,396 | 7,477   | 7,386   | 8,024 | 480    | 39,411 |
| Acres Burned                 | 4.3M   | 2.6M  | 331,358 | 332,822 | 1.1M  | 57,687 | 8.7M   |
| Confirmed Loss of Life       | 33     | 3     | 9       | 4       | 1     | 29     | 79     |
| Structures Damaged/Destroyed | 11,116 | 3,846 | 1,279   | 179     | 2,148 | 16,251 | 34,819 |

\*These numbers reflect disasters only through March 5, 2025.

Since 2015, California has experienced 148 federally declared natural disasters including<sup>2</sup>:

**123** Wildfires

**14** Severe Storms

**7** Floods

1. California Department of Forestry and Fire Protection. Incidents. CAL FIRE. Retrieved March 5, 2025, from <https://www.fire.ca.gov/incidents>

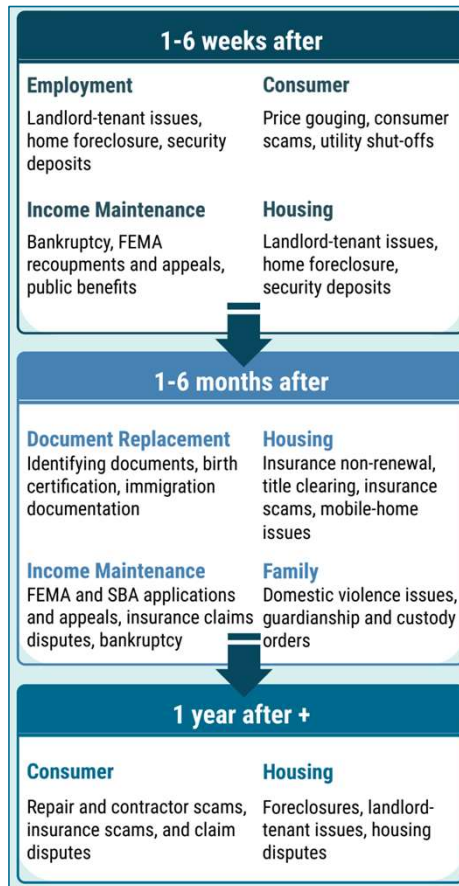
2. Federal Emergency Management Agency. Disaster Declarations for States and Counties: Data visualization. FEMA. Retrieved March 5, 2025, from <https://www.fema.gov/data-visualization/disaster-declarations-states-and-counties>



The State Bar of California



# The Need for DLS in California



- Disasters destroy homes, workplaces, schools, medical facilities, vital records, and personal possessions, creating legal issues that span numerous areas of law.
- Low-income Californians face especially steep barriers to recovery. Those who are also undocumented, LEP, elderly, and/or living with a disability can face extraordinary hurdles.
- LSTFC grantees help communities to recover starting just days after a disaster. The most complex DLS cases, though, can take years to resolve.

Information from Disaster Legal Assistance Collaborative, "Disaster Legal Issue Timeline," available at [disasterlegalservicesca.org/disaster-info/](https://disasterlegalservicesca.org/disaster-info/) (accessed May 4, 2025).



The State Bar of California

## The Need for DLS in California

### In the immediate term (0-30 days after a disaster)

Legal aid helps people find food, shelter, medicine, and other basic needs and to apply for FEMA benefits.

### In the short term (1-3 months after a disaster)

Legal aid attends multi-agency resource centers; this is when most legal claims start to arise.

### In the long term (3+ months after a disaster)

Legal aid holds clinics and takes cases to help with FEMA appeals, title clearing, and other complex legal claims.

- In the first two months after the SoCal Fires, e.g., LSTFC grantees coordinated 400+ pro bono volunteers and provided 1,000+ staff hours—over more than 130 days combined—at Disaster Recovery Centers.
- The [Disaster Legal Assistance Collaborative](#) (DLAC) has met every 1–2 weeks to help coordinate DLS across the state.



## The Need for DLS Funding in California

- The extent to which legal aid can provide quick, broad, and long-term DLS depends on funding. Funding to plan at the organization, regional, and state levels **before** disasters offers an especially high impact.
- Dedicated funding for DLS has been limited in California, however, and might be decreasing. Without dedicated funding, legal aid must divert resources from other critical work.
- The federal Legal Services Corporation (LSC) makes limited disaster grants when Congress appropriates funding for them. These include, e.g.,:
  - Disaster Relief Emergency Grants—funding for LSC grantees to address needs from specific, government-declared emergencies.
  - Disaster Supplemental Appropriation Project Grants—funding for 2–3 years for LSC grantees to prepare to address the complex legal needs that arise from disasters.
- These funds are for only LSC grantees, though. Moreover, Congress has yet to appropriate them since 2022. There is a high chance that they will remain unavailable in the years ahead.



## The Need for DLS Funding in California

- As another example of a changing federal landscape for DLS, FEMA has had to suspend its support for the American Bar Association Young Lawyers Division's DLS Program.
- For federally declared major disasters, the ABA and FEMA partnered with local providers to set up DLS hotlines. The ABA would also coordinate with FEMA to reimburse local partners' hotline-related costs.
- This partnership has existed for over 50 years. In mid-March, however, FEMA notified the ABA that it had to freeze funding for this and other Community Services Programs.
- This may be related to recent [examples](#) of FEMA denying state requests for disaster aid and an [executive order](#) seeking to reform the agency.





## The Need for DLS Funding in California

- Some California agencies including the California Governor's Office of Emergency Services, California Department of Social Services, and California Department of Housing and Community Development, provide funding or services to disaster survivors.
- Despite the increasing severity of disasters in California, and core role that legal aid performs in recovery, there is currently little to no dedicated funding for DLS providers.
- As a result, some LSTFC grantees have had to tap limited, flexible funding sources (e.g., unrestricted donations and county-specific IOLTA funds) to prepare for and respond to disasters. Many grantees, however, are unable to do this.
- For LSTFC grantees of all sizes, limited funding for DLS restrains their ability to fully plan and coordinate statewide and regionally. This leaves many of our state's 58 counties, particularly rural ones, at greater risk after a major disaster.



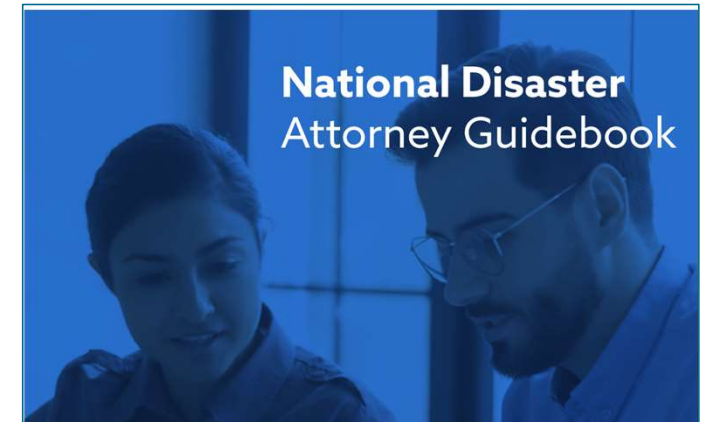
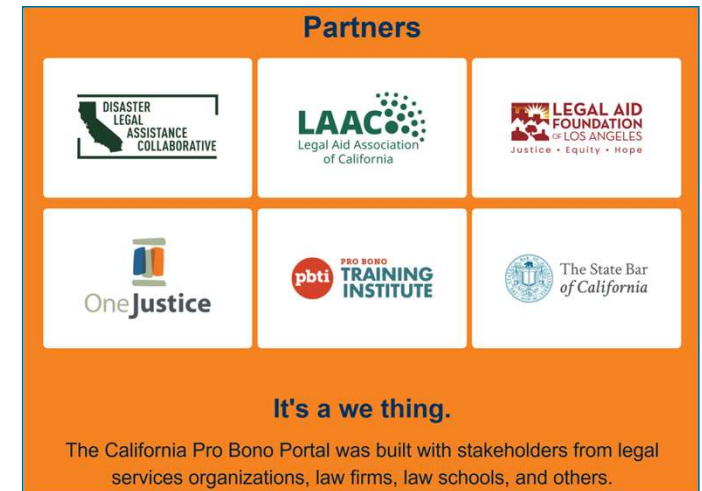
## A Model for DLS Funding in California

- LSC's Disaster Relief Emergency Grants and Disaster Supplemental Appropriation Project Grants provide two models for public DLS funding, including mentorship projects.
- The [Cargill Preparedness Grants](#) offer a model for public-private partnerships. These two-year, renewable grants can fund coordination between legal aid and non-legal aid providers. Domestic awards focus on the Midwest and promote highly integrated recovery systems. Some of their broader disaster recovery partners have included the:
  - American National Red Cross;
  - Catholic Charities USA;
  - LSC;
  - National Foundation for the Centers for Disease Control and Prevention, Inc.;
  - National Voluntary Organizations Active in Disaster, Inc.;
  - Oxfam-America, Inc.; and
  - Regents of the University of Colorado.



## Supporting DLS in California

- The LSTFC and State Bar can also play an important role in supporting pro bono DLS through legal aid. E.g.:
  - Studying what other states have done to encourage pro bono DLS.
  - Helping to find, train, and **retain** pro bono attorneys, law students, and other legal professionals. This includes those who register with the new [California Pro Bono Portal](#)—an exciting partnership of several LSTFC grantees, DLAC, LAAC, and the State Bar.



The State Bar of California

## Supporting DLS in California

- Right after the Southern California fires, LAAC and the State Bar urged the Legislature to consider three proposals during the 2025–2026 budget process:
  - Dedicating \$5 million in one-time funding to build California’s infrastructure for DLS.
  - Expanding eligibility for Interest on Lawyers’ Trust Accounts (IOLTA)/Equal Access Fund (EAF)-funded services to Californians impacted by disasters whose income is up to 300 percent of the federal poverty threshold.
  - Allowing IOLTA and EAF grantees to use their allocations to deploy experienced disaster relief attorneys to other parts of the state after major disasters without worrying about using those funds “out of county.”
- The state is currently responding to major changes in federal programs and an uncertain economy. As a result, we may need to renew and strengthen these proposals next year.



## Supporting DLS in California

- In the meantime, staff is considering other ways to advance DLS in California such as:
  - Continuing to host and support DLAC's meetings;
  - Continuing to advocate for dedicated DLS funding;
  - Exploring whether/how to collect data from grantees to support funding and coordinating DLS;
  - Hosting one or more trainings or panels (e.g., at the intersection of DLS and AI);
  - Updating resources such as sample continuity of operations plans; and
  - Convening grantees—and perhaps other stakeholders—for an in-person workshop to facilitate organizational, regional, and statewide DLS planning.

**How else would the Committee encourage the LSTFC and State Bar to support DLS in California, especially as disaster, funding, policy, and technology landscapes change?**

