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Hurricane Andrew: From Devastation and Chaos to Rebirth and Renewal

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Hurricane Andrew: From Devastation and Chaos to Rebirth and Renewal

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Abstract

On August 24, 1992, a Monday at about 5:00 a.m., Hurricane Andrew danced ashore as a whirling dervish - building in intensity until it was a frenzied maelstrom, out of control, unpredictable, and leaving its South Florida dance floor a heap of ruin and rubble.

KEYWORDS: hurricane, chaos, rubble.

ANDREW: FORCE MAJEURE *The Legal Aftermath*

Hurricane Andrew: From Devastation and Chaos to Rebirth and Renewal

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On August 24, 1992, a Monday at about 5:00 a.m., Hurricane Andrew danced ashore as a whirling dervish—building in intensity until it was a frenzied maelstrom, out of control, unpredictable, and leaving its South Florida dance floor a heap of ruin and rubble. By noon that day, it was apparent that the hurricane had been a macabre dance of death and destruction—to an extent never before experienced in our country, let alone our state.

Hurricane Andrew became an unparalleled equalizer within our area: the rich became the have-nots, the arrogant were humbled, the mighty were rendered powerless, and entire neighborhoods, some distinguishable from others by varying degrees of elegance and charm, all became slum-like in their appearance of neglect, assault and desperate chaos.

Days, even weeks, passed before the disaster relief people and inhabitants were to totally discern the full effects of the 160-plus-mile-an-hour winds had on the people and the place they called home. Nearly 200 square miles of suburban Miami were practically wiped off the map. That last week of August and the first week of September, generally celebrated as the last weeks of summer preceding Labor Day, were simply a time primarily to survive. Almost immediately, plans to rebuild were made, and the reconstruction began.

Many South Floridians woke to find they had nothing. They needed it all—food to eat, water to drink, a place to live, a place to work, a place to play. Victims needed baby formula, diapers, food, bedding, cots, insect repellent, can openers, sunscreen, matches, sterno fuel, charcoal, furniture, candles, flashlights, batteries, pots and pans, toilet paper, soap, tents, yard tools. Ice and anything to drink became extremely valuable. Chain saws were sold on street corners for three times their usual retail price.

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And soon our citizens found they could not do some things they used to take for granted: rent an apartment, lease a car, cool off at the beach, visit the zoo, walk in the park and find an open restaurant.

The task ahead is almost daunting. Some 270,000 of the 350,000 elderly in the county were affected with some 70,000 severely impacted and approximately 10,000 found homeless. An estimated total of 250,000 people of all ages became homeless overnight. Some 63,000 homes destroyed. Power in some areas was out for weeks. Some 85,000 jobs were lost. An entire 3,300 acre major air base was destroyed with 8,700 military and civilian jobs affected. Losses were estimated to be more than \$20 billion—the costliest natural disaster in American history.

The Florida Bar has no way of knowing precisely how many lawyers were affected, but a reasonable guess would be of the 9,600 Dade County lawyers, perhaps about 6,000 were directly affected, some 4,000 severely so. Perhaps as many as 2,500 were rendered homeless, at least temporarily. Some courthouses had to be closed—Homestead and Cutler Ridge—while others functioned but with limited staff. A Category 4 hurricane is governed only by the laws of nature and has no respect for our Constitution or legal rights.

Recognizing that the disaster would "temporarily impede the ability of attorneys, litigants, witnesses, jurors and others in the performance of their duties and obligations with respect to many legal processes," the Supreme Court of Florida immediately authorized a two-week hiatus in the time limits required by law for certain legal filings and proceedings.

As evidence of even further disruption in the lives of judges, lawyers, jurors and witnesses, some 1,400 pretrial detainees at the Metropolitan Correctional Center and Federal Prison Camp at Homestead Air Force Base, due to extensive damage, were transferred to several Southeast Regional and contract facilities.

For the past several years, The Florida Bar has had a "Disaster Response Plan" on the shelf. Our "plan" was intended and designed for catastrophic events far more limited and focused in their impact, such as plane crashes, train derailments, and refinery explosions. Basically, the plan calls for a coordinated public response by The Florida Bar, coordination with other agencies, response to requests for advice, and response to press inquiries.

Following the plan, The Florida Bar staff issued a news release the day after the hurricane offering free general legal information to the victims of Hurricane Andrew through distribution of the consumer pamphlet "Mass Disaster: A Victim's Guide." The Bar also asked citizens to report any lawyer solicitation or other improper behavior on the part of attorneys.

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On Monday, August 31st, I had published, as president of The Florida Bar, an open letter to the lawyers in the *Miami Herald* and in the *Miami, Palm Beach, and Broward Reviews*—for a total circulation of some 444,000 subscribers. Through this means and subsequently through local bar associations and *The Florida Bar News*, lawyer victims of the hurricane were informed that The Florida Bar's Ethics Hotline was temporarily assigned as the Hurricane Disaster Hotline for Lawyers. The Florida Bar staff gave priority to all calls for emergency assistance, particularly by lawyers whose practices were affected by Hurricane Andrew. For lawyers concerned about rebuilding their practice, replacing or restoring lost or damaged files or documents, obtaining practical help in reconstructing trust account records, or being informed of ethical responsibilities regarding attorney-client relations when the court, community, and communications services are disrupted, the Bar staff either provided advice or found the appropriate assistance.

On September 3rd, as president of The Florida Bar, I had another open letter printed in the same newspapers informing lawyers how they could volunteer their services to the hurricane victims. Specifically, lawyers were asked to volunteer through the ABA's Young Lawyers Division assistance program to (FEMA), the United Way of Dade County, or the Dade County Bar Association.

The Florida Bar mailed 5,000 "Mass Disaster: A Victim's Guide" pamphlets to the Red Cross during the week following the hurricane, and had printed and shipped an additional 50,000 within two weeks after that. The additional pamphlets were printed free of charge as a public service by C&L Qwik Print & Bindery (Tallahassee) for the Florida Publishers Association. For that service we have great appreciation.

The Florida Bar News staff worked indefatigably to gather information regarding the impact of the storm on lawyers, the practice of law and the administration of justice in South Florida. The Bar's Law Office Management Advisory Service (LOMAS) researched and had published tips on recovering documents, computer records recovery and reconstructing trust account documents as well as providing tips for the future protection of records.

On site in South Florida, there are certainly too many heroes and heroines—good lawyers, good people who sacrificed their personal interests to selflessly serve others—to name in an honor roll. And certainly that includes the 800 lawyers who signed up to provide hurricane disaster relief aid at the thirteen DACs.

Bar associations around the state staffed YLD hot lines giving advice on Florida law and the Lee County Bar even sent four attorneys to Miami

to help. The people of South Florida will never forget the help they received from their lawyers when it was most needed.

Space does not permit kudos to all the individuals who deserve praise and recognition. The attorneys mentioned here will have to stand in for all the others. But their efforts have not gone unnoticed. Newspapers around the country praised these volunteer lawyers. A September 9th Associated Press report from Homestead began, "Hurricane Andrew has produced some unlikely heroes. Lawyers, for example." The article went on to detail how lawyers were helping people "through the confusing legal tangle of insurance, policies, contractor's repair bids and government aid programs."

The Florida Bar's Council of Sections endorsed and encouraged its members to help with the publication of a legal aid advisory brochure for victims of hurricanes in Florida. Miami lawyer Stephen T. Maher coordinated the project. The bilingual booklet, printed and also distributed by the *Review* newspaper in Dade, Broward and Palm Beach counties is sixty pages and includes information on how to hire an attorney and basic hurricane-related legal topics that run the gamut from tax issues to landlord and tenant problems. Other articles written by lawyers and *Review* reports include labor and employment, price gouging, insurance, mobile home law and government benefits. We distributed 50,000 copies to various community agencies as well as individual citizens upon request.

Most of the original 17,000 soldiers, sailors and Marines have left. They cleared debris, patched up schools, fixed roofs, constructed four tent cities, and handed out tons of food. The Red Cross handed out tens of millions of dollars in vouchers to victims to be used for rent, deposits, food, clothing, furnishings and other necessities. The Small Business Administration has reviewed applications for assistance in rebuilding businesses. FEMA has processed its reams of paperwork. And now South Floridians are pretty much on their own again.

And with that indomitable spirit that seems to permeate the citizenry throughout our great state, residents of Dade County declared "We Will Rebuild." As a full-page insert in the *Miami Herald* proclaimed, in part, "It will be a Herculean effort. No American community has ever faced physical destruction on such an epic scale. And we are determined to build a better, more just and promising community than before, not just restore the world that Andrew's ferocious winds swept away."

The legal community will do its part and more to make South Florida a community of justice and service to the others. In the next few years (the time some estimate it will take to recover fully), the learned counsel and professional advocacy of many lawyers will be needed. South Florida citizens will experience, and at times be tested by that experience, just what

due process, legal protection, fairness, decency and civilization truly means in the American tradition. It could be our profession's finest tribute and for some individuals, their finest hour.



FLORIDA'S PATH OF DESTRUCTION—HURRICANE ANDREW (Historic Publications, Aug. 1992).