

emotional, or mental state of the person makes it unlikely that the person would exercise reasonable judgment employing a lawyer;

(2) the person has made known to the lawyer a desire not to receive a communication from the lawyer; or

(3) the communication involves coercion, duress or harassment.”

The Supreme Court of Missouri has the authority to discipline attorneys who have violated the Rules of Professional Conduct. On behalf of the Court, the Office of Chief Disciplinary Counsel investigates ethical complaints against attorneys and, if there appears to be a basis for the complaints, begins a hearing procedure.

To report a case of improper solicitation or other suspected ethical violations by an attorney, call the Office of Chief Disciplinary Counsel at (573) 635-7400.

### **When Do I Have To Decide?**

There is no easy answer to this question. In some types of accidents, such as an automobile accident, it may be necessary to seek the help of an attorney quickly in order to preserve the evidence and to get statements from other victims or witnesses. In larger disasters, such as an aircraft crash, state and federal officials whose jobs involve the investigation of such events may lessen the need for prompt action in hiring an attorney.

Whatever the case, if you have a family lawyer, it would be wise to contact him or her as quickly as possible for advice and counsel. If you do not have a family lawyer, you may want to find a lawyer whom you trust to assist you in protecting your legal rights. It is important that you show caution in signing any papers or documents until you have carefully read and understand the entire document and its effect on your legal rights. If you have questions or concerns about a document that you are asked to sign, it should be reviewed with a lawyer of your own choice.

If you need legal advice quickly but are not represented by a lawyer, it would be wise to talk with others whom you trust—such as members of your family, close business associates, or ministers—for recommendations about qualified lawyers for your type of case. If you do not feel that prompt action is necessary, The Missouri Bar and many local bar associations will assist you in finding a lawyer through their lawyer referral programs. If you are from another state, similar programs are probably in effect where you reside.

### **A Few Final Thoughts**

As a victim of a mass disaster, you will probably need the services of a lawyer. The decision to select an attorney to represent you and your legal rights is yours alone. Since you may be entrusting your lawyer with your future financial well-being, this decision should not be taken lightly. Employing a lawyer to represent you and your interests is a decision you should make only after careful consideration.

If you are reading this pamphlet as a result of a tragedy that has just occurred, please accept our sincerest condolences for this unfortunate event and the grief and emotional distress that you are feeling. Our only goal in providing you with this pamphlet is to assist you in protecting yourself from any further distress.

### **For Legal Advice See Your Lawyer**

If you need help finding a lawyer, call the Missouri Bar Lawyer Referral Service at 573/636-3635.

In St. Louis, call  
314/621-6681

In Springfield, call  
417/831-2783

# Mass Disaster Victim's Guide

## The Missouri Bar



# Legal Facts

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This pamphlet has been prepared by The Missouri Bar. The fact that you are reading this pamphlet now means that either you or a family member may have been involved in a mass disaster — a man-made or natural event that involves multiple victims. It is not possible to provide advice that will apply in all situations. Rather, this pamphlet serves only as a guide to assist you in protecting your legal rights until you are able to decide on any further legal steps you may wish to take.

### What Is A Mass Disaster?

A mass disaster is an unexpected event that causes widespread property damage, injury or death. A mass disaster may occur anywhere, including such places as an airport, a freeway, railway, or even at sea. These events may range from aircraft crashes, train derailments, building fires and natural disasters to other events never before experienced. While no such event can be described as “typical,” there are people who are “typically” involved in the aftermath of any mass disaster. These routinely include the following:

- 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 the insurance companies providing 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 the event; and
- Members of the news media.

### What To Do When Tragedy Strikes

In the event that you or a family member has been involved in a mass disaster, any or all of the

persons named above may want to speak with you. The protection of your legal rights may depend upon your ability to identify these people, and then deal with them in the proper manner.

Following a tragedy of the type to which you have been exposed, emotional distress and grief are to be expected. This emotional condition may, in the hours and days following the disaster, greatly affect your ability to deal with the matter of your legal rights. While the persons listed above are usually highly trained specialists who possess extensive personal training for dealing with disasters of this nature, do not assume that any individual’s knowledge will be exercised on your behalf.

Thus, it is important for you to determine who has a financial interest in contacting you about this tragedy. For example, a police officer, in attempting to follow through on his duty to aid and assist the injured and maintain public safety, or a federal aviation inspector charged with investigating the cause of a disaster, are public servants charged by law to deal with tragic events. On the other hand, attorneys may very well seek to solicit you as a client, or an attorney may already be representing an insurance company providing coverage to one of the parties involved in the event.

While it is proper to provide information to law enforcement personnel or to state and federal investigators, one would be wise to avoid giving the same information to a lawyer you have never before met and whose representation you have not sought. During this time of emotional distress, when a variety of problems may affect and distract you, a good rule of thumb is to remain skeptical of anyone who stands to gain financially from your misfortune.

### Who Will Protect My Rights?

You should be cautious in dealing with representatives of large companies involved in disasters, although the chances that such companies will take

unfair advantage of victims is reduced by the bad publicity likely to result from such actions. Caution and judgment should also be exercised in dealing with representatives of insurance companies. Be especially careful in signing papers that promise the payment of a given sum of money. Likewise, just because a lawyer seeks you as a client does not mean that you will receive the legal advice you may need in this situation.

If you or a family member have suffered damages in an accident, you may be entitled to receive compensation from the parties involved. The amount of compensation to which you are entitled, and the proper time to discuss settlement or the filing of a lawsuit, are questions that are best answered by a lawyer whom **you** select to protect your legal rights. The purpose of this pamphlet is to assist you in protecting those rights until you are prepared to make a decision without the stress resulting from the tragedy.

It is important to remember that the actions of Missouri’s lawyers are governed by the Rules of Professional Conduct adopted by the Supreme Court of Missouri. Under these rules, it is ethically improper for a lawyer representing another party to take advantage of a victim in a tragedy through the use of undue pressure in order to secure a settlement and the signing of documents releasing other parties from further liability.

Likewise, the Rules of Professional Conduct prohibit a lawyer from contacting an individual — either in writing or in person — if:

“(1) the lawyer knows or reasonably should know that the physical, emotional or mental state of the person makes it unlikely that the person would exercise reasonable judgment in employing a lawyer. A written communication sent and received or a personal contact made within a reasonable period after an incident giving rise to personal injury or death is presumed to be written at a time or made at a time when the writer knows or reasonably should know that the physical,