

Insurance is a legal issue

Megan Lawton,
Chief Executive Officer,
Law Society Northern Territory



In June 2011, the National Pro Bono Resource Centre released *Emergency Preparedness and Disaster Planning for the Legal Profession in Australia* (the paper) which included a report recommending that the legal community in each State and Territory should develop an Emergency Preparedness and Disaster Plan that sets out the roles of the key organisations involved in responding to a disaster. It also provided a practical guide to developing that plan. The Society welcomed the report and commenced implementation acknowledging that it would take a time to achieve full implementation.

The paper identified importantly that insurance is a legal issue and legal assistance with insurance claims in the post disaster recovery phase is an issue to be addressed by the profession.

In September 2011 I met with the Commissioner of Police, John McRoberts, who is the Northern Territory Counter-Disaster Controller, to discuss the legal profession's role. I agreed on behalf of the profession that the Society would be the central

contact point for legal assistance in the post disaster recovery phase. The meeting concluded with us both expressing that we hoped a disaster did not occur, but if it did, hopefully we would have effective plans in place.

The next step was to review disaster policies and procedures within the Society – in light of where this co-ordinating role may sit. I also took into account the issues raised by Jonathan Temm, President of the New Zealand Law Society in light of experiences of the Christchurch earth quakes and post disaster communication, particularly that the only communication was radio – with telephone lines (and thus internet) being down. I published information to the profession about disaster planning and the protection of client and trust account files in *Balance*.

Northern Territory Legal Assistance Forum

2012 saw the inaugural meeting of the Northern Territory Legal

Assistance Forum (NTLAF). This forum of legal service providers has been an important point of focus for the development of the Northern Territory Legal Profession's Disaster Response Plan. The Victorian Legal Assistance Forum generously provided their response plan and this has been used as a basis for the Northern Territory Plan. Participants in the forum include (this is not a complete list):

- NAAJA
- CAALAS
- DCLS
- NTLAC
- NAFVLS
- CAWLS
- LSNT

I am pleased to advise that a first draft of that plan has been circulated to the NTLAF members and will be available for comment on the Society's website in due course. It is not a complex document but does set some ground-rules for a co-ordinated response from the legal profession.



The lessons learned from the Queensland flood and Victorian fires experiences are to ensure any legal response team has appropriate personnel available at the time when the peaks in requests for legal assistance are likely to occur. Volunteers may be needed many weeks or months after the disaster occurs.



The Plan deals with:

1. Connecting and contacting plan participants
2. Identifying stakeholders
3. Communication with those affected/ the legal profession/ other key personnel
4. Procedures for activation of the plan
5. Appointment of a media contact and communication protocols
6. Assessment and evaluation of the plan

One of the roles to be undertaken by the Society and other legal assistance providers is co-ordination of volunteers. With the draft plan now in circulation the NTLAF will now be considering the needs that volunteers may be able to fulfil and what if any training can be provided.

The lessons learned from the Queensland flood and Victorian fires experiences are to ensure any legal response team has appropriate personnel available at the time when the peaks in requests for legal assistance are likely to occur. Volunteers may be needed many weeks or months after the disaster occurs.

While volunteers may be highly qualified and experienced legal professionals, they may not have dealt with the kind of clients and issues that arise following a disaster. The paper identified the challenges in managing the many volunteers who wish to assist, particularly:

- managing volunteer expectations
- matching skills and experience with tasks by looking at a potential volunteer's prior experience and their suitability for the task.

A further question for the NTLAF is to consider training for legal

professionals to equip them with the necessary skills well before an emergency occurs. Legal professionals who participate in such training before disaster will make it easier for the legal response when an emergency occurs.

For those lawyers that express interest in volunteering there needs to be an ongoing communication strategy that keeps these lawyers advised about developments, coordination mechanisms and

opportunities to assist. The Society will be looking at ways to communicate with the profession in a post disaster environment, but in the meantime stay tuned to *The Practitioner* and *Balance*.

I conclude by encouraging you all to consider your personal and professional disaster preparedness and I look forward to advancing the NT Legal Profession's response to disaster in 2013.

Until we meet again. ●

Electronic delivery of invoices and remittance advices

As an efficiency measure, the Law Society Northern Territory and the Legal Practitioners Fidelity Fund have recently moved to electronic delivery of invoices and remittance advices. Many of you will be familiar with this method of invoice delivery from other suppliers/creditors.

These emails originating from the Law Society's Attaché accounting software will come from an email address like this <mailto:alex@ds14.mailforalex.com>. "Alex" is the name of the software module that facilitates the automated email delivery function. You may wish to add this address to your white list so it is not treated as spam.

We anticipate that you will find electronic delivery fast and convenient.

Managing Practitioners will be receiving a letter from both the Law Society Northern Territory and the Legal Practitioners Fidelity Funds advising of this move to electronic invoice and remittance delivery.

Please do not hesitate to contact Julie Davis, Law Society Corporate Services Manager, on 89815104 if you have any queries or issues in relation to this matter. ●