



Potential Issues Facing Individuals Affected By The Marathon Bombings

The Boston Bar Association is connecting individuals and small businesses affected by the Boston Marathon bombing to lawyers that can provide pro bono legal assistance. **To access these services, please call the Lawyer Referral Service intake line at 617-742-0625, or Toll Free: (800) 552-7046, or submit an online request [here](http://bostonbarlawyer.org/content/request-attorney):**

<http://bostonbarlawyer.org/content/request-attorney>.

Below is a list of issues facing Marathon bombing victims and the ways a lawyer could be helpful with these many challenges. This list is meant to highlight the various concerns and is not meant as legal advice.

❖ **Financial and other assistance:**

A lawyer can assist victims in navigating and obtaining access to various sources of assistance, including:

- The Massachusetts Victim Compensation Fund (<http://www.mass.gov/ago/docs/victim/victim-comp-app-updated.pdf>)
- The FBI's Office for Victim Assistance (http://www.fbi.gov/stats-services/victim_assistance/seeking-victim-information/assistance-for-victims-of-the-boston-marathon-bombings)
- The Massachusetts Office for Victim Assistance (<http://mov.a.state.ma.us/>)
- The One Fund Boston (<https://secure.onefundboston.org/>)

A lawyer can also monitor emerging sources of assistance, including newly-filed legislation, which if signed into law would provide \$10,000 to victims who lost limbs. An attorney can also help victims and their families establish their own fund or other entity to accept donations for personal assistance.

A lawyer may also assist in identifying and leveraging informational resources, such as those provided by the Massachusetts Executive Office of Health and Human Services (<http://www.mass.gov/eohhs/feature-story/marathon-recovery-resources.html>), the American Orthotic and Prosthetic Association (https://www.aopanet.org/index.php?option=com_content&view=article&id=52&Itemid=330) and Homes for Our Troops (<http://www.homesforourtroops.org/site/PageServer?pagename=homepage>), which builds or adapts homes for disabled veterans and may have relevant expertise for bombing victims and their families.

❖ **Tax issues:**

A lawyer can identify the tax implications for donors of contributions to victims as well as contributions to charitable organizations providing assistance in connection with the Marathon bombings. Lawyers can also help victims analyze to what extent there are tax consequences in connection with funds received as a result of the Marathon bombings.

❖ **Assistance with respect to criminal process:**

A lawyer can assist victims during the criminal process by:

- Providing advice to victims on any criminal proceedings related to a bombing suspect, including questioning of victims by federal or state authorities; and
- Assisting with the preparation of a Victim Impact Statement, which usually is drafted by the victim and presented to the judge at the sentencing hearing of a convicted suspect.

❖ **Insurance claims:**

A lawyer can advise victims about their insurance claims, including the potential for claims under:

- The victim's medical insurance—A lawyer can help the victim determine what types of physical and emotional injury may be covered and who is entitled to make a claim (i.e., can the victim's family recover for loss of

consortium?). The lawyer can also advocate for the victim in negotiating a settlement with the insurer and obtaining ongoing or additional coverage.

- Insurance of the business where the victim was injured
- Insurance of the victim's employer

❖ **Availability of litigation:**

A lawyer can assist victims decide whether to pursue litigation, assessing the viability of a lawsuit and evaluating the effects of any litigation settlement or award on other compensation sources.

❖ **Assistance with the media:**

Some victims may have been contacted by the media to share their stories about the Marathon bombings in exchange for compensation. A lawyer can help victims interested in such paid media appearances negotiate contracts that protect their interests.

In other cases, victims may feel strongly about protecting their privacy and avoiding unwanted media attention. Victims who feel the media is being invasive, bothersome or violating their privacy rights may benefit from contacting a lawyer.

❖ **Housing and transportation:**

Many victims of the Marathon bombings may face challenges with respect to their housing accommodations and transportation needs due to temporary or permanent disability. Under federal law, they may be entitled to make, or have made on their behalf, certain accommodation to their housing. Further, special license plates for disabled victims may be available through the Registry of Motor Vehicles. Many communities also provide transportation services for people with disabilities. A lawyer can help victims identify and access these benefits and services.

A lawyer may be able to help victims who missed rental payments or paid their rent late because they were out of work or had to spend funds on emergency needs because of the Marathon bombings. Likewise, victims who face eviction as a result of their circumstances since the Marathon bombings may benefit from contacting a lawyer.

❖ **Employment/unemployment:**

Victims unable to work because of physical, mental or emotional trauma resulting from the Marathon bombings may want to seek help from a lawyer regarding employment issues. Similarly, victims whose employment has been terminated since the bombings may benefit from contacting a lawyer.

Under the Family and Medical Leave Act, family members of victims may be entitled to twelve weeks of leave from work to care for a spouse, child or parent who was seriously injured in the Marathon bombings. Victims may also be entitled to twelve weeks of leave if they were seriously injured in the Marathon bombings and therefore cannot perform the essential functions of their jobs. A lawyer can help victims and their families determine their rights under the Family and Medical Leave Act.

Employees of businesses closed in the wake of the Marathon bombings may be entitled to reimbursement of missed pay and may benefit from contacting a lawyer.

❖ **School-related assistance:**

Victims who are unable to pay their own or a child's tuition because of a lost job or increased expenses due to bodily injury or damage to property as a result of the Marathon bombings may be eligible for tuition assistance and may benefit from contacting a lawyer.

Schools may be required to make accommodations and provide services to students who have developed physical, mental or emotional disabilities as a result of the Marathon bombings. A lawyer can help identify accommodations and services available to victims and their families who face such a situation.

❖ **Federal/state benefits planning:**

A lawyer may be able to help victims better understand what federal and state disability and other benefits are available to them and how to apply for those benefits. If necessary, the lawyer can advocate for the victim in the application process. In some cases, a lawyer may be able to advise victims on how gifts may be received so that the funds are available to supplement government benefits without jeopardizing the victim's eligibility for those benefits.

❖ **Estate and trust planning:**

Victims may need the assistance of a lawyer to develop an estate plan to address long-term planning for funds received through gifts or victim assistance funds. In addition, victims with ongoing health issues may need a lawyer's help planning for potential incapacity, including executing a health care proxy and durable power of attorney.

❖ **Estate settlement:**

The family of a deceased victim may need to petition the probate court to open an estate proceeding for the victim if he or she owned property or if it is necessary to have a personal representative appointed in order to make claims on behalf of the victim. A lawyer can help evaluate whether it is necessary to probate the victim's estate, as well as guide the family through the probate process.

❖ **Financial advising and planning:**

Many victims, particularly those with severe injuries, will have significant ongoing expenses. Victims may also receive substantial sums of money through gifts or as awards from charitable or victim assistance funds. It will be important to consider how to use those funds most prudently, protecting and growing them to maximize their utility for the victims. At the same time, victims will need to guard against risky strategies or outright scams that could jeopardize their financial assets resources. A lawyer can help victims understand fundamental financial concepts, access resources, and evaluate proposals from advisors. Federal and state securities regulators also provide resources that may be helpful in avoiding financial scams, including:

- <http://investor.gov/investing-basics/avoiding-fraud>
- http://www.sec.state.ma.us/sct/sctinv/pdf/Top_Ten_Financial_Scams.pdf
- http://www.sec.state.ma.us/sct/sctinv/pdf/10_Dos_and_Donts_for_Investors.pdf
- http://www.sec.state.ma.us/sct/sctinv/pdf/avoid_phishing_scams.pdf
- http://www.sec.state.ma.us/sct/sctinv/pdf/How_to_Avoid_ID_Theft.pdf

❖ **Issues regarding out-of-state, foreign or undocumented victims:**

Many of the victims of the Boston marathon bombings were not from Boston or Massachusetts. Complexities regarding applicable governing law or a victim's immigration status can complicate many of the issues outlined above. A lawyer can help clarify those issues and provide referrals for attorneys in other states when necessary.