

Boston Business Journal

Lawyers, planners pitch in to help Back Bay businesses

By Mary Moore

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As the Back Bay gradually returns to normalcy following the Boston Marathon bombings, local professional organizations are offering pro bono services for business owners with property damage, financial challenges and displaced workers.

The **Financial Planning Association of Massachusetts**, for one, is offering free financial coaching and planning for those who were affected by the bombings. Planners can help define financial goals, create budgets and savings plans, and navigate the bombing-related funds and benefits that have been set up. The **Massachusetts Bar Association**, too, is offering free legal advice through its Dial-A-Lawyer program and during certain hours on May 8 and May 30. The lawyers group is also rallying its members to provide pro bono legal services, an effort spearheaded by Boston attorney Paul White at **Sugarman, Rogers, Barshak & Cohen**.

The **Boston Bar Association** was among the first to step up with help, by recruiting volunteer attorneys to help with victims of the Patriots Day bombings. Roughly 125 attorneys, five law firms and two law schools already have signed on since the bar association's appeal went out last week, said J.D. Smeallie, the Boston Bar Association's president and a partner at **Holland & Knight**.

Business owners are likely to have an insurance policy in place, such as business interruption insurance, he said, and helping them negotiate the policies is one obvious area where a lawyer can help.

Boston officials have formed what they are calling the Back Bay assistance response team to work with business owners and the Boston Bar Association's lawyers. One priority is making sure business owners get responses from their insurance carriers. Smeallie said business owners may discover there are exclusions in their insurance coverage that would include losses caused by terrorist acts, he said. "A terrorist exclusion is typical on many policies," Smeallie said.



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J.D. Smeallie, president of the Boston Bar Association, says the BBA has recruited volunteer attorneys to provide pro bono services to business owners affected by the Patriots Day bombings.

"(Business owners) may need advice."

Other areas where the volunteer attorneys may be helpful would be in negotiating other kinds of insurance claims, understanding their leases and whether relocation costs might be covered, as well as workers compensation or disability claims from employees who were injured.

"I've worked through other crises with employers, but nothing quite like this," said Will Hannum, one of the BBA's volunteers and a managing partner of **Schwartz Hannum**, an Andover-based employment law firm.

Among the issues that Hannum said he expects business owners in Back Bay will encounter are questions around allowing employees to telecommute and, if so, what types of agreements they will have.

Also, Hannum said, there are questions about whether workers compensation insurance would cover injured workers in a

situation like this — and whether it would be adequate. Beyond physical injuries, he said, employees also may be experiencing emotional and mental issues that make it difficult for them to return to work.

One caution for affected business owners, Hannum said, is that they could "get themselves in trouble for being perceived as unfair to employees." For example, he said, firing employees who are too upset by the events to make it into work.

That said, business owners that have taken an enormous hit as a result of the bombings cannot be expected to provide benefits they simply cannot afford, he said.

"This is a situation in which people are going to work together and get through it together," Hannum said. "There's going to be some shared sacrifice to go around. Finding a way to work that will be in the employers' best interest at the same time as the employees' best interest."