

Survivors Speak: Hiring an Attorney to Sue a Utility That Caused or Contributed to a Wildfire

Some destructive wildfires are caused by lightning strikes, campfires or cigarettes tossed out of cars, but some are the result of utility company equipment and/or negligence. Where utility equipment or decision-making is found or suspected to be the cause of a wildfire, people who've lost homes and businesses often retain lawyers and file lawsuits seeking compensation for their uninsured losses and emotional distress and trauma. For wildfire survivors, particularly those whose homes are uninsured or underinsured, litigation proceeds are a critical source of help.

There are a growing number of law firms that specialize in suing utilities after wildfires. In wildfire-impacted areas, it's common to see billboards, ads and events hosted by these law firms soliciting clients. As with any other professional, UP recommends doing your research before you hire. Check references, take your time to make the right decision, don't let yourself be pressured or rushed or scared into hiring an attorney. In some cases, there will be an option to file a claim against the utility without hiring an attorney.

The following was written by Marshall Fire Survivor and UP staff member Lisa Hughes.

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After the Marshall fire occurred in Boulder County, Colorado in Dec. 2021 the lawyers started coming in very soon after trying to sign people up even though the cause of the fire wasn't yet known and wouldn't be for another 18 months. This can be very stressful along with everything else. My family decided to wait until the cause of the fire was released before signing up with a law firm as we thought it would help

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<https://uphelp.org/claim-guidance-publications/survivors-speak-hiring-an-attorney-to-sue-a-utility-that-caused-or-contributed-to-a-wildfire/> Date: February 26, 2024

our case. In many prior wildfires the cause isn't always known, but for us much like those in CA the fire was caused by a utility company.

Some things we learned:

- Take your time hiring an attorney. In Colorado, you have a 2 year statute of limitations from the date of the disaster to sign up with any attorney.
- Do your research- attend meetings from firms you might be interested and if they don't have any in-person meetings that is a red flag. Find out what other wildfire cases they have tried and what were the outcomes and check out their website.
- Any firm that tries to get you to sign up right away or tells you that you are guaranteed \$ or a certain amount is probably one you want to stay away from.
- Use your gut reaction- if their promises seem too good to be true they probably are.
- Know that most cases settle and do not go to trial.
- You can negotiate the lawyers contingency fee if they are amenable. We were able to do this by getting several survivors in our neighborhood to sign up with the same firm. This could save you \$ later on. The average is 33 1/3%.
- If you know previous survivors from other fires, ask for recommendations.
- Call the attorneys with questions before you sign. They should be willing to answer your questions.
- Hiring an attorney with experience litigating against a utility company is a good idea.
- Know that you may have to pay taxes on a settlement you receive.
- Signing up with a firm will not help pay for your rebuild, as you are unlikely to see any \$ until at least a couple of years down the road.
- Most of these types of cases are mass action cases, not class actions.
- You will have to retell your story over and over so be prepared for that.
- You will likely have to do a personal property inventory of some kind if you didn't do one already.
- Picking a firm or attorney you feel comfortable with is important as you will be working with them for quite some time.
- Don't expect an immediate settlement. Depending on how many people sue the utility and the utilities financial strength, it may take years before you recover money or a final settlement.

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