

## **Legal Mitigation: Protecting Yourself and Your Unit of Government**

Legal mitigation is similar to operational mitigation:

- **Mitigation:** Prevent something from occurring or lessening the impacts of an event
- **Risk Analysis:** Identify what can occur and possible impacts
- **Risk Reduction:** Find ways to reduce risk

Outlined below are some suggested tips for helping mitigate against liability in emergency management functions and operations:

### **Documentation:**

- If it is not written down, it did not happen!
- Document training, standards, daily operations, reports, etc.
- Make sure all documentation is clear, legible, detailed and complete

### **Legal Agreements:**

- Include indemnification and hold-harmless clauses in all contracts and MOU's
- Make sure mutual aid agreements are current
- Keep back-up copies of all legal documents

### **Exercise Due Care:**

- Exercise due care consistent with standards of the profession and standards set by state and federal government
- Stay current on training requirements
- Ensure NIMS compliance for all applicable governmental officials and personnel
- Exercise due care in using volunteers and hiring contractors and vendors

### **Involve Your Local Attorney:**

- Consult on specific areas of concern
- Invite him to participate in table-top exercises and other training programs
- Review your SOP with him to identify any potential gaps that may open up liability issues