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VIRGINIA BEACH MASS SHOOTING NEWS

# \$4.5 million. 16 victims. How the Virginia Beach mass shooting donations were divided

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Attorney Jeffrey A. Breit inside his office in Virginia Beach on Wednesday, Feb. 26, 2020. Breit helped decide how to divide nearly \$5 million that had been donated to the victims and families affected by the mass shooting at the municipal center in 2019. They came to his office, sat on this couch and told their stories. (L. Todd Spencer/The Virginian-Pilot)

**VIRGINIA BEACH** — One by one, they came to Jeffrey Breit's law office and sat on his beige couch — a stream of lives forever turned upside down by a single bloody day at the municipal center.

One by one, Breit boiled down their stories, burrowing beneath pain and emotions to reach the cold, hard financial facts.

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As volunteer point man for the Virginia Beach Tragedy Fund, Breit had to produce a plan for distributing the \$4.5 million donated by thousands of people after the May 31 mass shooting.

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The simplest approach: equal slices. So much to the four who were shot but survived; so much to the families of the 12 who didn't.

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That's how it's often done, the way it's been handled after similar tragedies. Virginia Tech. The Boston Marathon. Orlando's Pulse nightclub.

But Breit chose a more complicated path. He sorted out who should get what based on financial need.

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“It just seemed fairer,” Breit said. “And because we had 16 victims — those other funds had more — it felt like a manageable number. Small enough that I could get to know them all, have time to peel back the layers.”

Not everyone liked that idea. Early on, some recipients objected, preferring all victims receive the same amount. Advisers warned Breit that he was opening himself up to criticism. Painting a target on his own back.

Who did he think he was? What gave *him* the right to decide who deserved help more?

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But Breit, 64, has no shortage of confidence. Plaques and awards litter his Oceanfront office, a testament to four decades as a personal injury and wrongful death attorney working a wide range of cases, including the massive BP oil spill in the Gulf of Mexico, settled for \$20 billion in 2016.

“So I do have a sense of the elements that would make up a claim,” he said. “And after 40 years, I can do this as well as anybody. I knew that if I looked at every life through the lens of need, I could, in good conscience, come up with some kind of assessment.”

Still, this was different. Haunting. Every evening, Breit hit his workout room hard, trying to exhaust himself so he could sleep.

“You really feel it,” he said, “when it happens in your hometown.”

Breit is used to “fighting with insurance companies to get the most money I can. In this case, I knew exactly how much I had to work with.”

It wasn’t enough. Main breadwinners were gone. Young children were left behind. One of the wounded is now a quadriplegic. How could anyone put a price tag on

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But these dollars felt sacred — an offering from a heartsick community. More than 3,500 individuals and 150 businesses reached into their pockets to try to help their neighbors. It seemed like all they could do.

Breit knew he “couldn’t make everyone happy.”

All the money in the world couldn’t erase what happened anyway.

“I didn’t take the job so people would like me,” Breit said. “I took it because this is what I do. And I really wanted to get this right.”

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**Breit expected to** spend last summer consumed by Chinese drywall cases. He was a lead counsel, with witnesses across the country and scores of cases on the docket in Florida.

But when a \$250 million settlement was reached over the toxic drywall, “suddenly my summer was vacant.”

By then, donations had poured into the Virginia Beach Tragedy Fund, overseen by United Way of South Hampton Roads. Typically, such funds have an outside administrator, someone who qualifies recipients and helps guide disbursements.

Ken Feinberg, a D.C. attorney who’s managed several major victim funds, including the U.S. government’s 9/11 compensation fund, has known Breit for years.

When Breit told Feinberg he was thinking about raising his hand for the same kind of role in Virginia Beach, Feinberg advised him to stick to a standard formula.

“Provide the same amounts for each death and the same amounts for physical injuries, depending on how long they were in the hospital,” Feinberg said. “But I give him credit for going in a different direction. If you can pull it off, it’s the fairer way to go. So many difficult decisions, though.”

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Breit's offer to help was quickly accepted by the city. United Way was handling the fund for free — charging none of the usual administrative fees — and Breit was willing to do the same.

After all, he was born and raised here, the son of a well-to-do attorney.

"I'm fortunate enough to be in a position where I don't have to chase every dollar," Breit said.

He set up meetings with each of the wounded and every family.

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"Many of them didn't want to come," he said. "They thought it would just be too painful. But I told them they had to. The best way I could help them was if they came in here and helped me."

His staff was instructed not to interrupt. No phone calls. No taps on his door. Instead of sitting behind his desk, he pulled a chair up close to the couch.

*Talk to me. Tell me everything. Rent, mortgage, car payments, all of it. Who was supported by this paycheck? How big is the void? How wide is the ripple?*

Fifteen of the 16 victims were city employees. Release forms were signed so he could access their personnel records to analyze insurance, benefits, salaries, beneficiaries.

Some were angry, railing against the city for not doing more to protect its employees from the gunman who shot his co-workers on the job. Breit had to keep reminding them that these meetings were not about potential lawsuits and he was not their attorney.

*My only involvement is with the fund. I have to remain unbiased. A clear head and a clear conscience. Now tell me, how long were you married? How many kids? How old?*

"Their needs became a real important part of my life," Breit said.

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The young man with the shattered jaw showed Breit the bullet hole in the back of his head.

The widow who refused to come to his office wanted no money since no amount could replace her husband.

"It got to me," Breit said. "I exercised for therapy and for sleep. Every night. A pool of sweat."

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**Boxes of records** and notes began filling the table in the firm's conference room. Breit went through drafts, roughing out figures and percentages, overlaying insurance and workman's compensation benefits.

"If one family could afford \$1 million in life insurance and another couldn't," he wondered, "how is that fair?"

Breit's sounding board was Carol McCormack, the now-retired head of United Way of South Hampton Roads. They'd never met before, but now they were conferring on the phone as often as five times a day.

"So many good-hearted people gave to this fund," McCormack said. "The breadth was just amazing. From itty bitty kids who did bake sales and lemonade stands to an elderly couple who sent us \$1 with the sweetest letter. They said they lived on a fixed income and had no money but had to help."

Breit, she said, "worked tremendously hard" to ensure it all went where it should.

As a backstop, he enlisted two local judges to review his payout plan. They asked to remain anonymous — such a sensitive issue — and gave him the same advice as Feinberg: Scrap this whole idea and divide it equally.

But he convinced them, defending each figure through what amounted to "16

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He presented the final version, with a few tweaks from the judges, to the United Way board, which approved it.

Out of respect for the victims and families, Breit won't divulge the payout amounts.

"But we had a minimum for even the best-off. I wasn't about to tell a family who had a death that their loss was worth nothing, even if they didn't need financial help. And I reserved some for the widow who didn't want any. Everyone grieves in different ways. I knew she had needs."

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In the end, Breit said, he got few complaints.

One came from the father of a woman who was killed. He said he had health problems exacerbated by his daughter's death, had fallen on hard times and deserved some help.

"But they were estranged," Breit said, "and her will named her brother — she had no spouse and no children. So, the money was given to her brother and he gave it to their mother, who the decedent had been helping support. Deciding the right family member to hand it to wasn't always easy."

Right now about \$200,000 remains, contributed over the past few months after federal and state legislation made donations to the fund tax deductible — a battle Breit also helped wage.

Before that money is distributed, he plans to contact every victim and family to conduct another survey.

*Has anything changed? Any more surgeries? Whose life has started to unravel?*

Michele Anderson, who replaced McCormack at United Way, said the Virginia Beach Tragedy Fund will remain open at least through May 31, when one-year memorial events are scheduled.

Fundraisers can be added to the United Way website. To do so, contact Kelsey Mohring at [kmohring@unitedwayshr.org](mailto:kmohring@unitedwayshr.org) or 757-853-8500, ext. 125.

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"What we found across the country," Anderson said, "is that people will generally close these funds after six months of receiving no additional gifts."

Until then, donations can be made at [unitedwayshr.org/vabeach](https://unitedwayshr.org/vabeach).

And as always, 100 percent will go to the victims.

After Breit figures out who needs it most.

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