

GIFT AGREEMENT

THIS AGREEMENT is made as of this 5th day of March, 2001, by and between Ruden McClosky Smith Schuster & Russell, P.A. ("Ruden"), The Florida Bar Foundation Endowment Trust ("Trust") and The Florida Bar Foundation, Inc. ("Foundation").

1. **Purpose of Fund.** Ruden desires to establish a memorial to Samuel S. Smith. The purpose of the Fund is to support the protection of legal rights of low income persons who are elderly, disabled or otherwise incapacitated (the "Purpose").

2. **The Trust.** The Trust is an exempt organization under Section 501(c)(3) of the Internal Revenue Code (the "Code"), and it is created and operated exclusively for the benefit of the charitable, scientific, literary or educational exempt purposes of the Foundation. The Trustees may accept donations which restrict their uses and purposes, provided such restrictions are within the uses and purposes set forth above, and which limit the time, manner amount or other terms of distribution.

3. **The Foundation.** The Foundation is a duly qualified charitable organization under Section 170(c)(2) of the Code of 1986, as amended, and is not a private Foundation as described in Code Section 509(a).

4. **The Fund.** The Trustees of the Trust will establish the Samuel S. Smith Memorial Endowment Fund (the "Fund"). The Fund will be part of the Trust and shall be invested in accordance with the Trust's investment policy as the same may exist from time to time. The Fund is intended to be an endowment dedicated to the Purpose of the Fund. The Fund shall become operational when the endowment principal reaches a total of \$100,000.

5. **Ruden Gift.** Ruden will contribute \$100,000 principal to the Fund to be paid in equal

annual instalments over five years or sooner. At any time, and from time to time, the balance in the Fund shall be an amount equal to contributions and principal additions to the Fund plus accumulated income to include realized and unrealized gains and losses less distributions and allocable expenses.

6. **Additions to the Fund.** The Foundation shall add to the Fund all contributions it receives that are ear-marked for the Fund by donors. Donors in this case will include any individual or entity that makes a contribution and directs that the contribution be earmarked for the Fund. These shall include contributions from Ruden.

7. **Distributions from the Fund.** Annually, the Trust shall distribute from the Fund to the Foundation amounts in accordance with the spending policy of the Fund. Such policy requires that the Fund pay out of accumulated income an amount equal to 5% of the balance in the Fund (not less than \$5,000) total in a given year, except that the Fund can never pay in a given year more than is in the accumulated income account of the Fund. The Fund shall be charged no administrative expenses, except that annual investment fees and any custodial fees of the Fund shall be deducted from accumulated income. With agreement between Ruden and the Foundation, the Foundation might choose to award nothing in a given year in order to generate a larger amount of at least \$10,000 the following year. Distributions shall be used solely by the Foundation to carry out the Purpose of the Fund. The Fund will be an asset of the Trust to be used solely to carry out the Purpose of the Fund. Ruden may request distributions for specific activities and may request distributions in addition to the spending policy distribution. The Board of Directors of the Foundation shall in all events have final and complete discretion as to the purposes for which distributions are made; provided, however, that no distribution will be made that does not further support the Purpose. If at any time in the future, a need does not exist

for this Fund, or if the terms and provisions of this Agreement should conflict with any laws, statutes, regulations or ordinances, the Board of Directors of the Foundation shall have authority to select an appropriate use for this Fund which shall come as near as possible to fulfilling the wishes of the Donor(s).

8. **Process to Determine Use of Distribution.** The Fund will serve to honor the memory of attorney Samuel S. Smith by making grants to agencies working to protect the legal rights of the incapacitated, elderly and the disabled. Particular consideration will be given to programs of the Dade County Guardianship Program, Inc. In the selection of programs to fund each year, the Foundation will provide an opportunity for Ruden to comment on the approach or approaches for funding. The Foundation's Board of Directors will have final approval on all grants from the Fund.

9. **Prohibited Uses.** No distributions from the Fund shall be used for purposes other than purposes and activities that may be carried on by an organization described in Section 501(c)(3) of the Internal Revenue Code.

10. **Trust Termination.** If the Trust is terminated in the future, the Trustees shall promptly distribute the entire Samuel S. Smith Memorial Endowment Fund to The Florida Bar Foundation, Inc. as an endowment fund to be administered in the same manner as provided herein.

11. **Foundation Termination.** If the Foundation ceases to exist or ceases to be a qualified charity as described in paragraph 2 hereof, then the Fund shall be distributed to one or more organizations who are qualified charities [as described in Code Sections 170(c)(2) and 501(c)(3)] and whose purpose is similar to the Purpose of the Fund.

12. **Entire Agreement.** This Agreement constitutes the entire agreement among the

parties and supersedes any prior understandings, agreements or representations by and among the parties written or oral to the extent that they were in any way related to the subject matter hereof.

13. **Notices.** All notices, requests, demands, claims, and other communications shall be in writing. Any notice, request, demand, claim or other communication hereunder shall be deemed duly given if (and then two business days after) sent by registered or certified mail, return receipt requested, adequate postage prepaid and addressed to the intended recipient as set forth below:

If to the Trust: The Florida Bar Foundation Endowment Trust
 c/o The Florida Bar Foundation, Inc.
 109 E. Church St., Suite 405
 Orlando, FL 32801

If to the Foundation: The Florida Bar Foundation
 109 E. Church St., Suite 405
 Orlando, FL 32801

If to Ruden: Ruden McClosky Smith Schuster & Russell, P.A.
 200 E. Broward Blvd.
 Ft. Lauderdale, FL 33301

14. **Governing Law.** This agreement shall be governed by and construed in accordance with the laws of the State of Florida.

15. **Severability.** Any term or provision of this Agreement that is invalid or unenforceable in any situation in any jurisdiction shall not effect the validity or enforceability of

the remaining terms and provisions hereof or the validity or enforceability of the offending term or provision in any other situation or in any jurisdiction.

16. **Authorization.** The Trust, the Foundation and Ruden represent that each has the full power and authority (including full corporate power and authority) to execute and deliver this Agreement and perform its obligations hereunder.

THE FLORIDA BAR FOUNDATION ENDOWMENT TRUST

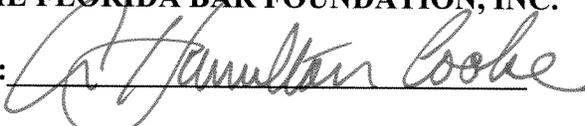
By: 

Name Rene V. Murai

Title Chair

Date 4-16-01

THE FLORIDA BAR FOUNDATION, INC.

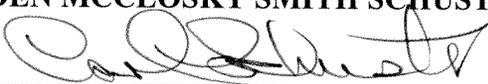
By: 

Name A. Hamilton Cooke

Title President

Date 4-18-01

RUDEN MCCLOSKEY SMITH SCHUSTER & RUSSELL, P.A.

By: 

Name Carl Schuster

Title President and Managing Director

Date 5/9/01

Community Design for New Modes of Legal Service: The Escambia Project

I am part of an ambitious new project in Florida to fundamentally rethink how to get legal help to people—and to do so through an inclusive, interdisciplinary, participatory design approach.

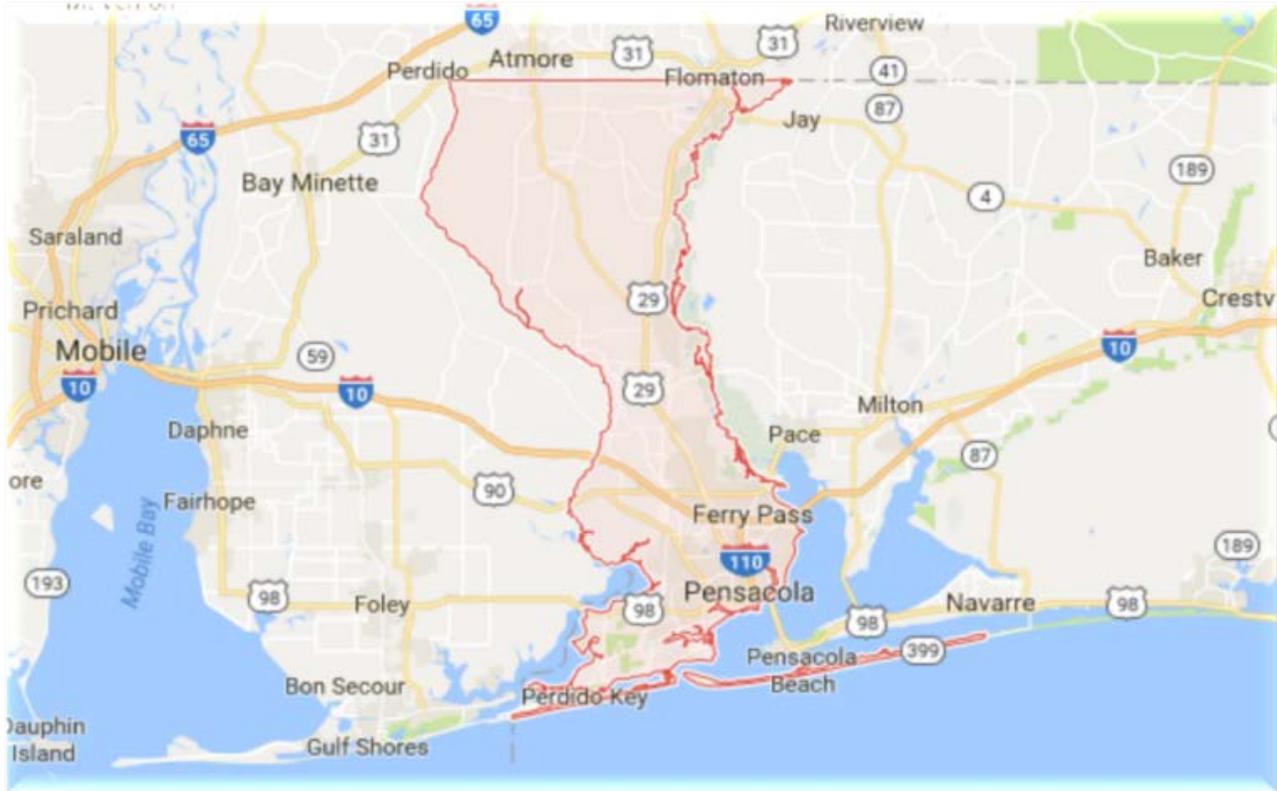


The Escambia Project, right before the final presentations at our 3-day participatory design sprint

In Escambia County, Florida, in Pensacola, [the Florida Bar Foundation](#) and a community center, [Pathways for Change](#), are collaborating to launch a ground-up plan for getting legal support to people who need it. I am taking part as a design facilitator, to guide the direction of the work and to coordinate what we do together.

We're working over the next 8 months to identify promising new ways to serve people in the Pensacola community with legal help, in ways that they want it. Our process is to involve people from the community in all parts of the design and development of these new services. And it is to build these services quickly, test them meaningfully, and then edit, scrap, or scale the initiatives based on what happens during their pilots.

Escambia County, in the Westernmost part of Florida's Panhandle, just right next to Alabama, has the chance to be a great example of how to do community-driven, coordinated legal/social services.



Where is Escambia County? At the far West of Florida

We're approaching it in the model of the participatory service design work going on in [Malmo, Sweden](#) and [Milan, Italy](#). These service innovation labs have brought all kinds of community stakeholders directly into the creation of new, more accessible government services, with a spirit of inclusivity and creativity.

Could Pensacola be the Sweden, or the Milan of the US, when it comes to forward-thinking, people-centered, holistic government systems? That's what the Escambia Project is aiming towards.

What is the Escambia Project?

First, the name "the Escambia Project" is a placeholder name, until we know exactly what it is we are creating. For now, it is a collective of people, mostly

based around Pensacola, who are intent on creating a better network of services and government systems for people who need them.

In the group there are legal aid attorneys, community activists, social service providers, funders, graduates of social service programs, volunteers from community groups, corporate social responsibility representatives, law professors, teachers, and more. Melissa Moss of the Florida Bar Foundation and Connie Bookman of Pathways for Change have brought together this wonderfully diverse group, and organized them into working groups to make things happen.



Design work at Pathways for Change's Family Center, in Pensacola, all around getting better legal help to people who need it

In particular, this group of people is focused on one big question to begin with: **how do we get legal help to those who need it, and who may not even know they need it?**

Rather than starting from the usual lawyer-first or court-first point of view, we are starting with the people. It's not about setting up more traditional law offices or clinics, and hoping that people realize they have a legal need and then find their way to a lawyer.

How instead, can we create services that are people-first: giving them the services they want, in the settings and times they want, and in ways that clearly provide them with the value they want and that solve the problems they have?

What would legal help look like if redesigned from the ground-up? If it were woven throughout the community for people to find and use on their own terms. What if it was created for people to find and use in the easiest, most supportive ways? And what if we didn't even frame it as 'legal' — but just as one more part of a wider set of services?

This proposition of people-driven legal services has been rumbling around as a concept in classes, conferences, and discussions about improving the legal system. With the Escambia Project, we are using human-centered design and agile development to get from talk to action.

Escambia County Legal Service Design

How can we offer legal services in effective and engaging ways through the community center?

Goals



Legal Services offered to people through the community center



User and staff voice in creating these new services



Innovative new service delivery, that is user-friendly and effective

Timeline

	Who & When	What	Deliverables
PREP WORK	Steering Team and Margaret work in November - December 2016	Define specific goals and metrics for project. Research inspiration, analogies, and models. Create an invite list for stakeholders and advisors.	An inventory of concepts and inspiration. A schedule, invite list, and training materials for design sprint.
DESIGN SPRINT	In early 2017, over 2.5 days in person and then 2 weeks after, a wider group of stakeholders and advisors, plus the Steering Team and Margaret.	In-person training in design process. Map specific user needs, requirements. Propose and vet ideas to pilot, then narrow to one.	Research findings written up re: user needs and service maps. Drafts of prototypes and early development plans for piloting.
BUILD SPRINT	In Spring 2017, a Build Team is formed, and they work with the Steering Team and Margaret to create the pilot.	Identify and form the Build Team. Set project timeline. Define data and metrics to evaluate pilot. Create working prototype for pilot.	A working pilot from one of the proposed ideas. Metrics and evaluation plan. Implementation plan
PILOT & REFLECT	In late Spring, early Summer 2017 pilot is launched by the Implementation Team, with Steering Team checking in. In September, all-hands meeting to review.	Pilot is implemented. Checkins every week or 2 weeks for bug fixes or course corrections. Metrics gathered and reviewed. All-stakeholder meeting	Report of projects, findings and process. Internal plan for next steps, edits, new pilots, scaling, etc.

The Project begins with an existing community hub: Pathways for Change, which has a Family Center building located in Pensacola, right in between four public housing blocks, and which already provides a range of social services. It has a holistic, wraparound mission, providing community members with education, counseling, training, links to social services and government agencies, and beyond. Right now it has a little bit of legal assistance as part of its menu of services for its community—in the form of a volunteer lawyer that drops in for occasional consultations.

The starting challenge for the Escambia Project group was how to make legal help more integrated, more meaningful, and more substantial—to serve the community better.

Pathways for Change has made itself open to us, to help prototype, pilot, and test concepts that we create. They have an existing volunteer staff and community base that can root our projects and engage with them. Our mission is to find the right new concepts to build for Pathways' community, and beyond. We will develop new legal service modes with them, with the idea of scaling them up to serve wider communities based on what we learn from an early pilot.

What We've Been Doing

We started The Escambia Project off at the end of 2016, forming teams and laying the groundwork for this year's design and development sessions. I have been leading the Design Team, in planning out a 3-day design sprint and researching inspiration, models, and methods to use during it.

I've been soliciting other examples of community-driven, integrated legal services and collecting these working programs and concept designs on the Access to Justice Innovations page.

Integrating Services into the Community

How can we coordinate services so they're easy to access?





Project Homeless Connect in Colorado

Project Homeless Connect, run by the Colorado Lawyers Committee brings together coordinated services on a single day for homeless individuals. Legal volunteers help people connect to legal assistance, as well as public benefits, medical care, housing, employment, and other needed services. There is also a "Homeless Court" to allow people to resolve ...

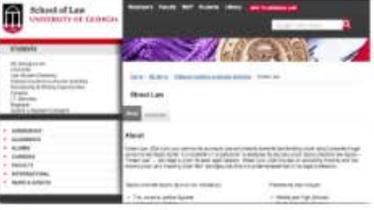
[Current Projects](#) [Integration into Community](#)



Summary of Legal Clinics

The Colorado Lawyers Committee has assembled a list of community clinics that are around the state, to get legal resources to people. There are "Legal Nights" in Denver and Greeley. At these nights, lawyers come to resource centers and churches in the community, with volunteer interpreters. They provide legal info and referrals ...

[Current Projects](#) [Integration into Community](#)



Street Law for 'Know Your Rights' training from Univ. of Georgia

University of Georgia has a Street Law program. It holds sessions to train people, especially young people, on legal topics. Much of their work is focused on how young people can understand the criminal justice system and the social services system, to be smart when navigating them. Street Law UGA conducts ...

[Current Projects](#) [Integration into Community](#) [Training and info](#)



Lawyer in Library program in Providence

The Providence Public Library hosts lawyers who will answer questions for free. It's called "Lawyers in the Library." No appointments are needed, and the series is free. It's run with a Presentation from a lawyer, and then an opportunity with people to speak to that



Pro Bono Services

PRO BONO SERVICES

PRO BONO SERVICES



CHICAGO LAW & EDUCATION FOUNDATION

Legal Clinics in High Schools, from Chicago Law & Education Foundation

Examples and analogies to guide our design work, collected together at [Access to Justice innovations](#)

Our teams began to meet on the phone and email, to greet each other, learn about where we're all coming from, and set out how best to use our in-person time well. I planned out a three day schedule, for our design team to come together in person and get through at least one design cycle, of identifying core needs, sketching out a small menu of possible initiatives, soliciting feedback from a range of stakeholders, and then refining our proposed pilot into a more scoped, certain vision.

We would have other teams—like those doing community lawyering work, outreach and engagement, and the steering group, come at the beginning and the end for input and feedback. A smaller cohort of us would spearhead the design work.

For 3 days in early February, we all met at Pathways for Change's Family Center in Pensacola. Connie hosted us in their conference room, and got us all the sticky butcher paper, post-its, and sharpies we needed. She coordinated many different community stakeholders to participate as team-members, interviewees, testers, and droppers-in.

We had three core working groups, each working on a different set of problems and ideas under the broad challenge of 'better, community-driven legal help'. Various community members were with each team, and others came in to participate for as long as they could, but without the requirement that they stay with us for the (long) full working cycle. We had a drop-in, open-door policy: stay with us for as long as you can, to make the designs better—and leave when you need to.

Our 3 days were structured around the flow of the design process.

Day 1 was starting with our broad challenge, and then moving towards a focus on a specific user scenario that we could address. Day 2 was our creative day, in which we'd brainstorm, look at other models, narrow down to a handful of ideas, test them, and sketch out the most promising ones. And Day 3 was refinement, presentation and consensus. Each team would pitch their most promising concept to a wider audience of community members, experts, funders, and community members, and then we'd have a review and selection process. We'd end the day with a game-plan of what we came to consensus on for a Summer 2017 pilot.

And there was lots of food, coffee, sweet tea, pastries, and Southern food to fuel it all.

Kicking off our design work, focusing in on problems

We started off the 3 day sprint with a goals-check. The steering committee set out what they wanted to get out of our time together.

Then we formed into teams, and started off on our discovery work. What did various community members have to say about what kinds of legal help they needed, if they have seen trends or commonalities in their community, and what stands in their way from currently seeking out help.

One of the big barriers in this conversation is that we, as lawyers, tend to think it's obvious what 'legal help' is, and why people need it. But often, we realize, they don't see their housing, or children, or employment issues as 'legal' ones.

We started to make context maps, personas, and user requirements list from these conversations.

Our three teams focused on three different use cases, about the scenarios for help, the user's preferences, and the types of issues needed to be addressed.

We ended Day 1 with a share out of each group's focal point: what people they wanted to serve, what scenario and use case (meaning, what point in this person's life) they'd be focused in on, and what some guiding insights for designing something should be.

During this focus-in phase, many of the groups were not explicitly focused on solving a "legal" problem for their chosen stakeholders. They were thinking more broadly, and more in tune with the mental model of their chosen person rather than of the lawyer. How can I get my life on track? How can I get my kids back? How can I keep my son safe? How can I get my

driver's license? These are the way our users were framing their needs—nothing about lawyers, clinics, rights, courts, or legal aid.

We pushed our teams to make this bridge—keep the framing around the people's needs, but then bringing the insight of lawyers to think about what services and help the legal system could bring to them. Because our Project mission was about integrating the power of the legal system to help solve people's problems and protect them, we encouraged the teams to follow the needs and value of their user, and then find opportunity areas around where legal empowerment might serve them.

Going Wide with Ideas, Sketching them Out

To start Day 2, I led the teams through three kinds of brainstorms. Each person did an individual 10 idea storm, in which they sketched out 10 ideas per person about what they might do to serve their target audiences. Then they came together into their teams, and had to come up with 20 more concepts—with particular emphasis on being more ambitious, challenging, and orthogonal.

Finally, we did a call-and-response brainstorm, in which I presented a possible model from other areas of legal and social services, and the team had to adapt this model to their own use case. They didn't have to adopt it wholecloth as an idea, but rather should make the leap to think “how could we adapt this idea of _____ to our person's situation”? I used this method to expose the groups to some of the new trends in legal tech and service design, and to jumpstart some more surprising ideas about how to connect people with help.

The teams then sorted their brainstorms out into a Difficulty vs. Importance matrix, to make sense of which ideas clusters to prioritize.

From these huge maps of ideas, then the teams chose three to sketch out into concept posters. By lunch on Day 2, each of the teams sketched out three of their top brainstormed ideas into a high-level vision: name, sketch, functions, high-level value, target users, and implementation details. The

goal was to get a fleshed out vision, that we could then test with a cohort of community members who would visit for lunch.

There were 3 concepts for our user Joe, the 28 year old who was in jail or just coming out, and wanted to get his life on track. These ideas were **Justice on the Block, Learning the Law, and Justice Allies.**

For Wilma, our mother who was coming out of prison and wanted to get her kids back and life in order, we had another three ideas: **Choose Your Own Adventure Intake, One Stop-Life Shop, and Know Your Rights: You Don't Know What You Don't Know.**

And for our final user, Barbara, a young grandmother who wanted to protect her family and stop her son from going to prison, we had another set of ideas: a platform of **My Journey to Success, including an Avatar/We-Me/BitMoji.**

Early Testing of our Ideabooks

To test these ideas, Connie arranged to have members of Pathways' Men's Residential Treatment program visit the sprint as reviewers. The MRT program is for men who have been convicted of non-violent, non-sexual crimes, who then enter into a multi-stage program of rehabilitation and training provided by Pathways. They live together, go through programs together, and work to get their life reoriented in preparation for release.

Ten of these men visited us for an hour of feedback and testing of our Idea Concept Posters. They each visited with each team and did a 'gallery walk' of the posters, while asking questions, giving thoughts, and explaining what would be most useful to them.

From these rounds of feedback, the teams regrouped and focused in once again. They asked the community members explicitly which ideas should be given priority, and how to shape and detail these concepts to be most useful.

The teams then spent the rest of Day 2 refining the highest priority ideas into a more thought-through project, that they prototyped one level deeper. I introduced some models for this: creating storyboard walkthroughs of

their proposed initiative, acting out the services, or mocking up interfaces for tech tools or paper tools.

Over the course of the day, each team went from two-word post-it level of ideas, to concept posters, to sketched out or enacted prototypes. They got their designs ready for sharing out on Day 3 with an even wider set of stakeholders—and making their pitch about why their concept should be piloted in Pensacola during Summer 2017.

Concept 1: One Stop: Life Shop

Team Wilma focused in on coordinating services in one physical place, at one designated time, to make it very easy for a person to get all kinds of social service and government tasks done conveniently. They termed this One Stop: Life Shop. They prototyped a storyboard, a visual intake app, and an enactment of how a person would arrive, be set up, and flow through multiple service experiences in a short visit.

Concept 2: Justice on the Block

Team Joe had a different concept: make legal services come to the community-member, on their terms, in familiar locations, and upon request. They called this idea Justice on the Block.

The concept involved engaging multiple stakeholder groups: people like Joe who have legal issues and want to find help to resolve them, lawyers with untapped volunteer potential, and community centers that would host outreach and consults.

Concept 3: Smart–Story Intake

The final concept, from Team Barbara, was all focused on the interaction between a community member with legal needs (who might not know they have legal options) and a person (maybe not even a lawyer) who can help screen for issues, and get the person started on their legal journey. It would

also let the person store their relevant, important docs in a safe place, and manage their data.

Our final consensus

After each of the teams presented their concept, our large group of stakeholders and reviewers talked it through. Was it feasible to do? How would they get people to know about it, and excited about it? How exactly would it work? These questions all pushed the teams to be more specific about feasibility, viability, and the devil of details.

After all the presentations were made (and people enjoyed some lunch), we closed out Day 3 with a debrief conversation. Each of the ideas was strong enough for the group to vote for it to be piloted. Then the question was how to simplify each of the ideas down to a manageable scale, and integrate them with each other to make a coherent system.

I mapped out the conversation, into two categories: what to do this summer, what to save for 'bigger vision' scale further down the road.

The conversation suggested we combine the three proposals so that each would be a service touchpoint in a larger system. **Justice on the Block** would allow for more outreach to community centers and people, to have them tuned into legal help opportunities.

Community centers could host free legal help sessions, reach out to their audiences, and integrate pro bono and legal aid lawyers more effectively. A person could come with a query for help, and they could be matched with a free lawyer, to speak with in person, over Skype, at office hours, or upon request.

One-Stop Life-Shop would be one branch out of this network of community-based help. We could run one or two rounds of this Life Shop, bringing together all kinds of service-and resource-providers to Pathways' Family Center. It would be an initial test run of getting these providers coordinated and physically co-located. If it went well, then it could become more institutionalized, or even permanent as a regular warehouse space full of all help-providers together.

Finally, the **Smart Intake and Personal Legal Itineraries** would be a tech-tool that would help with both of these other tracks. It would help an advocate or volunteer (not necessarily a lawyer) better spot when people have a legal issue. Then it would help craft a personalized gameplan for how this person should be accessing legal services.

The more general intake screener at Pathways could adopt this tech-powered version, or it could be run at other community spaces, One-Stop Life-Shop, or anywhere else people might need it. It would be a screener and referral tool, to get more people to the right tracks, resources, and advocates.

What We Will Do Next

Now we are in planning mode, to make sense of all the insights, requirements, and ideas that came out of our sprint. We have marching orders from our stakeholders, about what a possible Summer pilot might be.

In the next few weeks, we are figuring out if we are at the right level of ambition: pushing for a breakthrough, people-oriented system, but in a small enough scale that we can get it off the ground in a few months and test discrete assumptions. We want to create something meaningful and to challenge the status quo, but in just enough of an incremental way that we can actually implement it, fix its bugs, and measure what exactly it's doing.

To do this, we're debriefing in conversations and sketches. For example, here is a map that starts to capture the different tracks of services we'll be developing.

We are also deciding on who we should bring into the Escambia Project's "Build Team", who will be in charge of implementing these various strands of the system. It will be a mix of community managers, software developers, communications and marketing specialists, and others. We need new digital tools built, but our real, more challenging task is to get more people aware of the programs and resources we are building, and more lawyers willing to give their time to them.

We are also in a second-round of scouting out inspiring models and experts in the field. Rather than try to reinvent models, logistics, and best practices, we're looking for people who have already built out similar parts of the system we're creating in Pensacola. We have some leads in Arizona and Indiana, and we're looking for more. If you have suggestions of projects or people that could inform the development of these new access to justice projects, please send them along!

In our open, agile approach, we want to talk to lots of people, and especially those who are building and implementing great services. Our project team is driving forward to start defining in detail what we're going to build, who we're going to partner with, and how we're going to measure it. Please let us know if you can help us with thoughts, contacts, or otherwise.

Meanwhile, we will continue on our schedule, and we'll update more as our prototypes take shape and we prepare for Summer's pilots.

15. Departmental Reports



875 Concourse Parkway South
Suite 195
Maitland, FL 32751
407•960•7000 • 800•541•2195
Fax 407•960•3765
www.floridabarfoundation.org

Profile:**IOTA Income Portfolio**

Data Current thru January 31, 2017

I. Overview

A. Number of Accounts	34,695
B. Principal Balance	
1. Total, all accounts	\$5.90 Billion
2. Total, accounts >\$100,000	\$5.57 Billion
3. Average account	\$170,500
C. Income	
1. Per month, net of bank service charges	\$0.58 Million
2. Annualized	\$6.85 Million*
D. Bank service charges(net of amounts waived)	
1. Per month	\$169,900
2. Annualized	\$2 Million
3. Average per account, per month (weighted average of all accounts)	\$4.90
4. Service charges as percent of gross interest	23%
5. Number (percent) of banks which assess service charges	55(27%)
6. Number (percent) of banks which assess IOTA handling/administrative fees	56(27%)
E. Interest rate earned on IOTA accounts	
1. Gross interest rate (weighted)	0.15%
2. Net yield, after bank service charges (weighted)	0.12%
F. Lawyer Participation	
1. Lawyers participating	33,582
2. Participation rate (out of 50,512 eligible attorneys)	66%
3. Firms actively participating	29,548
G. Bank Participation	
Number of remitting banks	205

II. Interest Rates

	<i>Weighted</i>		<i>Range</i>	
	<i>Average</i>	<i>Median</i>	<i>Minimum**</i>	<i>Maximum**</i>
A. Gross interest rates				
1. All remitting IOTA banks	0.15%	0.10%	0.00%	1.00%
2. 24 Banks holding 75 percent of IOTA principal balances	0.14%	0.11%	0.01%	0.45%
B. Net yields, after bank service charges				
1. All remitting IOTA banks	0.12%	0.07%	0.00%	1.00%
2. 24 Banks holding 75 percent of IOTA principal balances	0.12%	0.10%	0.00%	0.45%

III. Bank Service Charges

	<i>Average, per account per month</i>			
	<i>Mean</i>	<i>Median</i>	<i>Minimum**</i>	<i>Maximum**</i>
All banks				
1. Total service charges	\$6.27	\$0.00	\$0.00	\$85.52
2. Breakdown by type of charge				
a. IOTA handling/administrative fee	\$2.27	\$0.00	\$0.00	\$29.48
b. Maintenance fee	\$2.29	\$0.00	\$0.00	\$25.00
c. Activity fees	\$1.68	\$0.00	\$0.00	\$73.52

*NOTE: Simple annualization based upon the IOTA portfolio for the month presented. This figure will differ from IOTA Contributions that are reported and/or projected for financial reporting purposes.

**NOTE: Banks with less than ten IOTA accounts excluded from computation of min/max figures.



875 Concourse Parkway South
Suite 195
Maitland, FL 32751
407•960•7000 • 800•541•2195
Fax 407•960•3765
www.floridabarfoundation.org

At A Glance:

Ten Largest IOTA Banks

IOTA Income Portfolio

Data current thru January 31, 2017

I. Overview

	1 SunTrust Bank	2 Wells Fargo Bank	3 Bank of America	4 Sabadell United	5 Regions	6 City National	7 BB&T	8 Chase	9 Northern Trust	10 Citibank
A. Number of Accounts	3,334	4,681	4,625	1,346	1,942	529	1,662	1,934	326	598
1. With avg balances < \$100,000	2,576	4,002	3,965	962	1,556	340	1,386	1,677	175	484
2. With avg balances >= \$100,000	758	679	660	384	386	189	276	257	151	114
B. Principal Balances										
1. Total, all accounts (\$millions)	\$631	\$558	\$436	\$329	\$277	\$233	\$188	\$183	\$177	\$171
2. Total, all accts >= \$100K (\$millions)	\$593	\$510	\$395	\$313	\$258	\$227	\$171	\$166	\$173	\$165
3. Average account	\$189,400	\$119,300	\$94,300	\$244,700	\$143,000	\$442,100	\$113,100	\$94,700	\$543,400	\$287,400
C. Income*										
1. Per month, net of bank fees	\$64,100	\$69,400	\$42,500	\$27,100	\$40,700	\$14,100	\$13,400	\$15,100	\$0	\$50,400
2. Annualized	\$754,700	\$817,100	\$500,400	\$319,100	\$479,200	\$166,000	\$157,800	\$177,800	\$0	\$593,400
D. Bank service charges*										
1. Per month	\$88,400	\$0	\$12,900	\$0	\$18,300	\$2,400	\$0	\$0	\$2,100	\$0
2. Annualized	\$1,040,800	\$0	\$157,900	\$0	\$215,500	\$28,300	\$0	\$0	\$24,700	\$0

II. Interest Rates

A. Gross interest rates (weighted average)										
1. This bank	0.28%	0.15%	0.15%	0.10%	0.25%	0.08%	0.08%	0.10%	0.01%	0.34%
2. 24 Banks holding 75% IOTA balances	0.14%	0.14%	0.14%	0.14%	0.14%	0.14%	0.14%	0.14%	0.14%	0.14%
B. Net yields, after bank fees										
1. This bank	0.12%	0.15%	0.11%	0.10%	0.17%	0.07%	0.08%	0.10%	0.00%	0.34%
2. 24 Banks holding 75% IOTA balances	0.12%	0.12%	0.12%	0.12%	0.12%	0.12%	0.12%	0.12%	0.12%	0.12%

III. Bank Service Charges

Average Per Account/ Per Month

This Bank

1. Total service charges*	\$26.51	\$0.00	\$2.78	\$0.00	\$9.42	\$4.49	\$0.00	\$0.00	\$6.44	\$0.00
2. Service Charges as pct of gross interest	58%	0%	23%	0%	31%	14%	0%	0%	100%	0%
3. Breakdown by type of charge*										
a. IOTA handling/administrative fee	\$0.00	\$0.00	\$2.78	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$10.00	\$0.00
b. Other Fees (Maintenance & Activity)	\$26.51	\$0.00	\$0.00	\$0.00	\$9.42	\$4.49	\$0.00	\$0.00	\$0.00	\$0.00

*net of amounts waived



PRO BONO UPDATE

March Board Meeting

LAST QUARTER HIGHLIGHTS

A Florida Pro Bono Matters and Everyone Counts Day logo was unveiled. The logo proudly communicates that Pro Bono is a member of The Foundation family.

Florida Pro Bono Coordinators Association (FPBCA) continues to progress on expanding membership as of January 2017. FPBCA held its first meeting with an expanded membership in January, 2017 and it was a great success.



OUT IN THE COMMUNITY

FBF Pro Bono Team has been engaged in many exciting activities as of the new year:

- **January**- Technology Innovation Grant Conference- Unveiled Florida Pro Bono Matters and Florida Supreme Court Pro Bono Awards and FPBCA meeting
- **February**- Launch of Florida Pro Bono Matters and advertising of Everyone Counts Day
- **March**- Continued promotion of Florida Pro Bono Matters and Everyone Counts Day including at PBI Conference in Washington, DC

UPCOMING BAR RELATED PRO BONO ACTIVITIES

- Continued onboarding of legal services organizations outside of South Florida onto Florida Pro Bono Matters.
- Everyone Counts Day- March 20, 2017
- Everyone Counts Day Reception- April 20, 2017
- South Florida Law Firm Recruitment- April, 2017 through July, 2017
- Equal Justice Conference- May 2017

FLORIDA PRO BONO MATTERS

FBF launched a new website that allows attorneys to sign on to one webpage where they can select a pro bono case of their interest from any legal services entity. Florida Pro Bono Matters' pilot was launched in Dade County in late February and has received an outstanding reception

- 450 webpage views
- Letter from three judges was sent to all attorneys in the 11th Circuit on March 2, 2017. As of today's March 7, 23% of the recipients have opened the e-mail and 7% have clicked on the link to review the website.
- 7 attorneys have selected cases from Legal Services of Greater Miami and 2 attorneys have selected cases from Americans for Immigrants Justice.
- In-person meetings with many of the large firms in South Florida will be scheduled in April through July to continue to momentum.

EVERYONE COUNTS DAY

March 20, 2017

Everyone Counts is the product of discussions involving The Florida Bar's Standing Committee on Pro Bono and all of the Pro Bono Circuit Committees. Members of these committees have sought to determine the needs of the self-represented and how best to address them.

Everyone Counts Day will take place on March 20, 2017, in up to 10 courthouses in Miami-Dade County. The event asks attorneys to engage in observations of court proceedings, with a focus on uncovering the needs of self-represented litigants in Miami-Dade. Attorneys can volunteer for any increment of time that fits their schedules. The ultimate goal is for attorneys to volunteer, witness the need first-hand, and be a part of the conversation and solution to improve our judicial system for all involved. Meanwhile, the information gathered will be useful to groups working to expand access to justice.

34 Volunteer Slots have been filled as of March 7, 2017. 41 Volunteer Slots are still available.

The Florida Bar Foundation Technology Department Report

March 17, 2017

Completed

Special Presentations @ National Conferences

- LSC Technology Initiative Grants Conference (Jan):**
 - ⇒ Hosted panel on our Outcomes 2017 project (see Project Management Section for update). Interactive session designed to help participants work through the process we used to collaborate with grantees, rollout the systems integration with Legal Server, and begin the implementation. Ericka also participated. Well attended (standing room only) and included 5 staff from LSC who affirmed the value of this initiative. Included discussions about advancing nationwide discussions to harmonize outcomes reporting.
 - ⇒ Florida Pro Bono Matters: Rapid fire presentation (3.5 minutes) to give a quick overview and stats on how we developed and started using this one-of-a-kind solution. Emphasized the portability which would allow other states (or ABA!) to roll out as well.
- ABA Midyear/IOLTA meetings:** Participated in data analytics panel using our Outcomes 2017 project as the basis for how we will improve system reporting. Jennifer also participated.

Exchange Server Migration w/Office 365

- Overview from last report: In order to upgrade our existing servers, we first needed to move email management using Exchange Server 2008 to Exchange Online. This new option, integrated with Office 365, is much more flexible than continuing to host the Exchange server locally.
- Migrated all staff mailboxes to Exchange Online (Exchange 2016). Now have anywhere access with a browser.
 - ⇒ Archived all former staff mailboxes to secure, offline file structure for future access if needed. Maintained on local network, not online.
 - ⇒ Worked with each staff member to archive older emails and reduce mailbox size for final migration.
 - ⇒ Fully evaluated and initially configured the new Exchange Online server. Tested mailbox migrations. This server is identical to the on-premise version, about 4 generations more advanced than our older onsite server. Over time, we will deploy additional, new features such as archiving and eDiscovery.
 - ⇒ Deployed a cutover migration in January with follow-up troubleshooting and additional configurations over the next 7 days. All workstations stable as of end of January.

Office 365 Remote Device Support:

- Migrated staff member devices to InTune management platform. Includes full Office 365 support but with improved security such as remote wiping or remote management.
- Positioned for full remote management with new server plus software standardization.

In Process

- IOTA Secure File Transfer:** Approx. 150 smaller banks email their deposit information. Lushawn requested a more secure solution for implementation during Q1.
 - ⇒ We have a new url: FBFIOTAOnline.org with offsite hosting that avoids external access to our servers.
 - ⇒ Banks will use a free, open source client to securely upload files to folders specific to each bank. Folders are password protected so that Bank A cannot access any other bank's information (Bank B, C, etc)
 - ⇒ Lushawn and Emily will then complete the setups and work with the banks to switch to the new file-transfer methodology.
 - ⇒ Will work with Lushawn to create full instructions.
- Paperless Expense Processing:** Continuing to implement. New projected completion around end of April in conjunction with finalizing new budget procedures.
- Paperless Gift Check Processing:** Completed initial design work. Postponed implementation until later March, mid April.
- Online expense reimbursement (intranet):** Postponed until April. Needs to be coordinated with server upgrades.

The Florida Bar Foundation Technology Department Report

March 17, 2017

In Process - Server replacements, workstation software upgrades, disaster recovery

- ☑ **Decided:** We are well within our approved budgeting for the final configurations. Even better, we secured even more hardware and software capacity than originally forecasted, for less money and easier ongoing management. (Approx 6x's speed/capacity improvements).
 - ⇒ **Goals:** Create a hybrid cloud/local server solution that allows anywhere access across any managed device with full disaster recovery options.
 - ⇒ **Purchased:** 2 servers with full 5-yr next day replacement service and dedicated tech support. We currently have 3 servers in use. We will replace 2 and repurpose 1 that was less than 3 years old.
 - ⇒ **Pending purchases:** New firewall appliance for external inbound access (staff working remotely and blocking all hacking/intrusions). Server/workstations operating systems/licensing packs will be finalized by mid March. New backup solutions for server and file structures - more flexible, faster, cheaper managed service.
- ☑ **Comparison:** Our new outlay of \$10K averages to \$2K/year over the 5-yr lifecycle with 6x's the speed/capacity and fully positioned for growth/new technologies. Operating system software licensing not included because we receive a non-profit donated rate from Microsoft (\$500 admin for \$30K worth of server software/licenses)

Items	Cost	Warranty	Usage/Capacity
Old Servers being replaced	\$18,000 +\$4,000 +?	3yr full warranty +2yr parts warranty +\$150/hour replacement	Authentication Email + Files, IOTA/Finance/Fundraising
New Servers	\$10,000 (\$16K value)	Refurbished w/5yr full warranty + dedicated tech support person 6x's speed/capacity improvement	Authentication, Cloud Integration (Office 365) Separate servers for each (better performance): IOTA, Finance/Fundraising, Files Capacity for 6 more virtual servers for new technologies including testing over next 5 yrs.
New Firewall Appliance	\$500 non-profit (\$3K value)	5yr licensing	Inspects all inbound requests before reaching server. Allows only approved VPN for staff remote access (using new app). Note: We often experience 100+ daily hacking attempts, some high risk intrusions.
Server and Workstation OS Software +Security	\$1,600 (\$35K+ Value)	Can re-up every 2 years if new versions needed	We are eligible for non-profit (donation) rates through the TechSoup partner site. Microsoft has increased licensing requirements for their servers and workstations. Also includes full Symantec protection on all domain devices (servers etc).
<i>Bottom Line: Positioned for next 5 years spending <\$15K for >\$50K upgrades (if paid regular price) and will be in compliance with tech audit findings..</i>			

- ☑ **Office 365 and Windows 10 migration (Mar/Apr)**
 - ⇒ Image existing Windows 7 workstation for disaster recovery during upgrades.
 - ⇒ Clean install of Windows 10, Office 2016 using new Office 365 subscription.
 - ⇒ Install staff-specific software and subscriptions
 - ⇒ Fully register and inventory workstations for remote update management.
 - ⇒ Create initial department SharePoint collaboration environments.

The Florida Bar Foundation Technology Department Report March 17, 2017

Disaster Recovery		
Scenario	Old vs New	Outcome
Main Server reboot	Old (1.5 hours)	<u>All regular work stops (no new email/send + no network file access).</u> <u>Workstations lose network/internet access within 20 minutes.</u>
	New (1/2 hour)	No disruption (new redundant controller server). Email/regular file access handled offsite; no loss in network/internet access
Main Server Hard Drive Failure	Old	<u>All regular work stops (no new email/send + no network file access).</u> 24-hour replacement delivery + repair time. Normally no data loss; potential for up to 1 day's loss (due to backups only run overnight)
	New	No disruption (redundant hard drives). 24-hour replacement delivery + repair time. No data loss.
Office Disaster Server stopped or destroyed. Staff at home	Old	<u>All regular work stops (no email/remote access).</u> Department laptops allow creating new documents or using personal email. If destroyed, recreate from backups after replacement hardware delivered (up to 2 weeks)
	New	Almost no disruption. Email/regular file access unaffected (cloud hosted). Anywhere access. Next fiscal year each dept. head will have option to use new laptop as workstation replacement. On-demand virtual backup servers and workstations allow full use during disaster or recovering from complete server destruction.

Project Management Updates

- ☑ **Outcomes Measurement for Grants:** In use. All grantee systems updated. Conducted special webinar for admins to resolve any final issues. Grants department (and IT) will jointly issue guidelines for "official" start date of June 1. We've already encouraged grantees to begin using the outcome codes, but we're creating a Mar-May break-in period.
- ☑ **Economic Impact Analysis:** Worked with staff (especially Nancy/Communications) to hand off final report for dissemination publically (press conferences etc).
- ☑ **System-wide tech projects:** As part of the program-related budget formulation for the remainder of the year, IT launched all the approved programs:
 - ⇒ **Grantee tech training (CLE eligible):** Launched. Attendance averaging up to 40 per session.
 - ⇒ **Florida Pro Bono Matters listings:** Officially launched. Ericka is sharing more details. We will soon begin planning for next fiscal year's enhancements. The underlying technology is one-of-a-kind nationally, can be configured/deployed for use by any state or any case management system.
 - ⇒ **eTapestry Fundraising application subscription for all grantees:** Launched. We've completed 2 of 3 webinars to help onboard our grantees. We plan to conduct admin phone calls plus user surveys in late May/June to assess use and possible subsidies for next fiscal year.

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THE FLORIDA

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BAR JOURNAL

ADVANCING THE COMPETENCE AND PUBLIC RESPONSIBILITY OF LAWYERS



Inside:
PRO BONO
in Florida



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651 EAST JEFFERSON STREET
TALLAHASSEE, FLORIDA 32399-2300
(850) 561-5600
FloridaBar.org

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PUBLISHER

John F. Harkness, Jr.

EDITOR

Cheryle M. Dodd

ASSOCIATE EDITOR

Melinda Melendez

ASSOCIATE EDITOR

Rawan Bitar

ADVERTISING

Randy Traynor

CIRCULATION/ADMINISTRATION

Cheryl Morgan

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Passion for Pro Bono

In my three decades as a business litigator, I've participated in some exciting trials and helped many clients solve their problems.

But the most impactful case of my career was a pro bono case, and I've never felt better about making such a difference in a person's life.

Years ago, I accepted a pro bono case representing a poor mother embroiled in a nasty divorce. Her husband accused her of abusing their three sons, and the state was trying to take away her little boys.

I remember the case like it was yesterday. Deborah stood about 4-10 and weighed less than 100 pounds, and I believed in my heart she did not abuse anybody. The substance of the abuse allegation was a little red mark on one of the boy's neck — a scrape that any little boy could have gotten on a playground.

But her husband was a big bully who called her a child abuser. So she was kicked out of her house and separated from her boys. She didn't have two nickels to rub together and she thought, "My God, how am I going to navigate out of this swamp?"

I took the case and fought for justice for Deborah and her sons. It wasn't easy. I was shocked when we



lost the case at the administrative level, but I appealed it to the Second District Court of Appeal and won.

This wasn't a case of realigning \$50 million, taking money from one pocket and putting it into another. I'm not diminishing the importance of business litigation, because it's very important to a business when you are able to rectify a wrong.

But when you can see the tears of joy from a mother who gets custody of her children back, wow! That is impactful!

That case not only made a world of difference in the lives of Deborah and her three boys, it made me a better lawyer. It was the right thing to do and it felt good. It underscored my obligation, as mandated by the Supreme Court, to not only serve our clients, but also the citizens of our state who can't afford access to civil justice.

Not only do our pro bono lawyers change the lives of those they help, I truly believe it changes the lives of those lawyers doing that work for the public good. Pro bono, at its very core, shows what a critical role we lawyers can play in society by helping the lives of those who need us most.

Whether it's a child who could be rescued, a veteran who could be treated for mental illness, or a domestic violence victim who could be protected, pro bono work is truly a two-way street. It's about impacting lives. The justice system should work for all, not just those who can afford it.

Pro bono work rarely makes headlines, but it is done day-in and day-out by dedicated attorneys who freely offer their expertise and give a voice to those who otherwise would be left to go it alone.

Florida is one of the few states

“As membership in The Florida Bar has grown, exceeding 104,000 members, pro bono hours have fallen slightly each of the last two years. I have set a goal for Florida lawyers to reach two million pro bono hours annually, and I hope you will join me in that effort by taking a pro bono case.”



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PRESIDENT'S PAGE *(continued)*

that require attorneys to report the hours and dollars they donate each year — because numbers matter. Last year, Florida attorneys collectively donated about \$5.4 million in legal aid and nearly 1.7 hours of free legal service.

While these figures are impressive, sadly, they are still not enough to address the growing needs of citizens across our state. The Florida Bar Foundation estimates that 90 percent of the legal needs of low-income Floridians go unmet.

Those numbers are critical because accessing our system of justice shouldn't be limited to those who can afford it.

As membership in The Florida Bar has grown, exceeding 104,000 members, pro bono hours have fallen slightly each of the last two years.

I have set a goal for Florida lawyers to reach two million pro bono hours annually, and I hope you will join me in that effort by taking a pro bono case.

We all know that being a lawyer is more than a 9-to-5 job, and that our highest calling is to uphold our commitment to the "cause of the defenseless or oppressed" when we took the Oath of Admission to the Bar.

Righting wrongs for clients who deserve justice but can't afford to pay will make you happier as a lawyer, and even prouder for the crucial role you play as guardians of our justice system. □

BJH

OATH OF ADMISSION TO THE FLORIDA BAR

The general principles which should ever control the lawyer in the practice of the legal profession are clearly set forth in the following oath of admission to the Bar, which the lawyer is sworn on admission to obey and for the willful violation to which disbarment may be had.

"I do solemnly swear:

"I will support the Constitution of the United States and the Constitution of the State of Florida;

"I will maintain the respect due to courts of justice and judicial officers;

"I will not counsel or maintain any suit or proceedings which shall appear to me to be unjust, nor any defense except such as I believe to be honestly debatable under the law of the land;

"I will employ, for the purpose of maintaining the causes confided in me such means only as are consistent with truth and honor, and will never seek to mislead the judge or jury by any artifice or false statement of fact or law;

"I will maintain the confidence and preserve inviolate the secrets of my clients, and will accept no compensation in connection with their business except from them or with their knowledge and approval;

"To opposing parties and their counsel, I pledge fairness, integrity, and civility, not only in court, but also in all written and oral communications;

"I will abstain from all offensive personality and advance no fact prejudicial to the honor or reputation of a party or witness, unless required by the justice of the cause with which I am charged;

"I will never reject, from any consideration personal to myself, the cause of the defenseless or oppressed, or delay anyone's cause for lucre or malice. So help me God."

THE PRO BONO PROS

AND HOW YOU

CAN BECOME ONE

by Nancy Maass Kinnally

Dressed in the gray Banana Republic suit she'd originally picked out for her first day at the firm, Audrey Pumariega, 27, stood to address the judge.

The pearls her aunt had given her as a graduation gift felt comforting. She'd put them on that morning, imagining they would make her look more lawyerly.

Just months into the practice of law, Pumariega was in court on a client's behalf for the first time.

In order to prepare her to present the motion to dismiss in Miami-Dade County Circuit Court, two of the partners in her firm, Ann St. Peter-Griffith and Marcos Daniel Jiménez, had

run Pumariega through a mock oral argument.

Now, apart from the judge, opposing counsel, the court reporter, and a clerk, St. Peter-Griffith was the only other person in the room with her. Her clients weren't there. Still, Pumariega felt as though she was standing before the whole congregation of the Baptist church she was representing free of charge.

"I was thinking of the clients, and how important the outcome of the hearing would be to them, throughout the hearing," Pumariega said, reflecting on the hotly contested dispute with one of the church's members.

"You come straight out of law school, and you're just trying to figure out what it even means to be a lawyer. When you get thrown

into the lead role in a pro bono matter, it's sort of like a crash course. It forces you to quickly learn not only the substantive issues, but also the procedure. That first case was a great learning experience. It was my first opportunity to manage a case, argue a dispositive motion in court, and call the shots as to what strategy to take."

Now in her seventh year of practice, Pumariega has volunteered her services on numerous cases through the pro bono program of the U.S. District Court for the Southern District of Florida, the Southern Poverty Law Center, and Lawyers for Children America, among other organizations.

"I think working on pro bono generally, and particularly with Lawyers for Children America, you get opportunities as a young lawyer that you otherwise wouldn't," Pumariega said. "Almost all of my 'firsts' were in pro bono matters: first deposition, first dispositive hearing, first settlement negotiation."

Through Lawyers for Children America, which supports pro bono lawyers in representing and mentoring Miami-Dade teens in foster care, Pumariega successfully contested the wrongful termination of Extended Foster Care benefits for a young man who was aging out of care, protecting his right to due process, and preventing him from becoming homeless. She also prevented the commitment of an abused, pregnant teenager to a locked psychiatric facility, representing her at an evidentiary hearing.

"It was kind of an interesting feeling because it felt great to win for this young girl, but it also was a sobering experience in that I thought about how many children out there don't have lawyers to represent them and wouldn't have been able to oppose that motion the way we did," said Pumariega, a trial attorney at McDermott Will & Emery in Miami.

Why Do They Do It?

There is no single reason for a lawyer to volunteer his or her services. Rather, the reasons are infinite and depend on the lawyer. Pumariega cites a couple of hers.

"First of all, it's our ethical obligation to give back and represent people who wouldn't otherwise have a voice," she said. "It also gives you an opportunity to hone your hands-on litigation skills as a young lawyer, especially at a big firm. If you're representing a Fortune 500 company in an important hearing or at trial, the client wants the bigwig partner to be the one presenting to the judge. Pro bono gives

"I think working on pro bono generally, and particularly with Lawyers for Children America, you get opportunities as a young lawyer that you otherwise wouldn't," Pumariega said. "Almost all of my 'firsts' were in pro bono matters: first deposition, first dispositive hearing, first settlement negotiation."

you an opportunity to be able to do some of those things while you're still a junior lawyer."

Carrie Ann Wozniak, chair of The Florida Bar Appellate Practice Section's pro bono committee, said pro bono can be vital to the career development of appellate attorneys. The section has a pro bono program for its members that matches newer attorneys with experienced mentors. It also provides its members access to a library of resources the section originally developed for continuing legal education programs it offers legal aid attorneys around the state. Most of the cases are in family law, but the section also receives requests for help in landlord-tenant, foreclosure, administrative law, and other noncriminal areas.

"If you're a very young associate, a lot of times you are just researching

one issue for an appeal. You're not actually getting to draft the whole brief, and you are definitely not getting to do oral argument, because there may be millions of dollars at stake," Wozniak said. "And to get board certified in appellate practice you have to have 25 appeals where you have been the primary attorney and five oral arguments. So a lot of people have issues satisfying these requirements, especially with getting the five oral arguments, and doing pro bono work is a great way to get the oral arguments."

Mentors benefit because they get pro bono credit for helping with the case without having to handle some of the most time-consuming aspects, Wozniak said.

But that's just one advantage for those section members with more experience.

Veteran Orlando appellate attorney Tom Young often works on guardian ad litem cases pro bono. He said he does it out of a genuine love of practicing law, for the chance to advocate for children, and because it enables him to use some of his unique experience. One of his recent cases had all of those positives, and even helped influence Florida law (see sidebar page 11).

"I like to be involved from the policy standpoint," Young said. "So it's maybe a selfish thing, but it's the intellectual satisfaction that comes with it."

Experience that counts toward board certification is an example of what is sometimes called the "secondary gain" that accrues to pro bono attorneys. Secondary gain could also come from the opportunity to develop new lines of business or greater esteem in the eyes of peers, partners, and judges.

"I think most juvenile court judges would be thrilled to have pro bono lawyers contact them and ask if they can help represent a foster child," said Carolyn Salisbury, director of Lawyers for Children America's Miami office. "Every day juvenile court judges have to make these most difficult rulings about children over whom they have jurisdiction, but these children have no lawyers to advocate for them."

One judge who is filled with appreciation whenever a pro bono attorney steps into the enormous justice gap she sees daily in her courtroom is Judge Catherine Peek McEwen of the U.S. Bankruptcy Court Middle District of Florida.

McEwen said she only wishes lawyers could sit in her seat for a day during a consumer docket.

“I so desperately want to climb down and get on the other side of the bench and help people,” McEwen said. “It breaks my heart that because they don’t have the means or the knowledge, they will lose. They will lose something that is important to them. For me, it’s like watching a serial TV show, but I’m going to be doing it several hours all together in an afternoon.

“If they could take my seat and watch it, they would be so just struck by the fact that there is such a need. And I think they would be energized to go out and try to do something, because it’s heartbreaking.”

And unlike other desperate needs in the community, the need for legal assistance can only be met by one category of people, said Jamie Billette Moses of Holland & Knight in Orlando, immediate past president of the Orange County Bar Association.

“Anybody can build a home. Anybody can make a meal. Almost anybody can write a check. But only lawyers can provide legal services,” Moses said.

The Flip Side of Paradise

Florida is the nation’s fourth largest economy.¹ The sunshine that gives the state its nickname helps make it one of the world’s top travel destinations and fuels a \$100 billion agriculture industry.²

To many, Florida is paradise. But paradise has a flip-side.

With tourism and agriculture being the state’s primary economic drivers, more than 60 percent of the Florida job openings pay less than \$17 an hour, the living wage for a single adult.³ Not surprisingly, Florida also has the nation’s fifth highest rate of uninsured and one million children

Continued on page 14

HOW YOU CAN BECOME A ••••**PRO BONO**•••• **PRO**

VISIT FloridaProBono.org to identify an organization that does work that interests you or addresses the needs of a population you want to help. This could be your local legal aid or pro bono program, your voluntary bar association or Florida Bar section, the Young Lawyers Division, or an organization that serves children, the homeless, the LGBTQ community, immigrants, or some other vulnerable group.

CONTACT the program or project to let them know of your interest or attend a training session at which the program signs up new pro bono attorneys.

SELECT a case or project and indicate whether you would be willing to handle it yourself or with others in your firm, or whether you would need help. If you do need help, find out if the program will match you with a mentor or if it provides training, webinars, print or online resources, staff support, or other forms of assistance. Many programs do. FloridaProBono.org also provides online resources in many common substantive areas.

FIND out what sort of follow-up is required. Pro bono projects and programs often provide assistance with case closure and record-keeping as well, and they will want to know when the case is resolved.



FloridaProBono.org



Pictured from left to right are Jamie Billotte Moses, Viviane Acarie, Kate York, and Tom Young. They hold a portrait of John Hamilton, the pro bono attorney who completed the majority of the work on the case. Hamilton was diagnosed with lung cancer and went into Hospice the day before the oral argument. He passed away soon thereafter. Photo by Judy Watson Tracy.

When John Hamilton saw the facts of the case, he knew this was not one he'd pass along to another pro bono attorney. No, this one he would keep. He often held onto the toughest ones when reviewing cases for the Legal Aid Society of the Orange County Bar Association.

Even as cancer began to ravage his lungs and spread throughout his body, Hamilton, a veteran appellate attorney with Foley & Lardner in Orlando, would go on preparing for what he figured would be his last oral argument — one in which a little boy's future hung in the balance.

At the last minute, though, he had to call on two other pro bono attorneys, Jamie Billotte Moses and Tom Young, to take his place.

"He was just too sick to do it," Moses said. "He was hospitalized the day before the argument, and went from the hospital to Hospice."

In the year since the murder, the toddler had been in the care of a maternal aunt he'd known ever since he was born. The killer wanted his own mother, who'd lived out of state and visited only twice before the murder, to adopt instead.

Twice denied in her petitions to adopt her grandson, the grandmother was now on her second appeal before Florida's Fifth District Court of Appeal. She and her son did not want the boy now called Lucas to remain with his aunt.

Custody could well have been the killer's motive all along. Since their breakup, he had made threats of violence against Lucas' mother and her family.¹ And yet, under Florida law, he still had a say in the matter.

Kate York, guardian ad litem staff attorney with the Legal Aid Society

Hamilton's Final Act Leaves a Legacy in Florida Law

by Nancy Maass Kinnally

The two-year-old boy had been found clinging to his mother's lifeless body in her blood-soaked bed.

Fifteen shots, and thankfully not one of them had struck him. And now the father who had committed the murder wanted to exercise his parental rights, from jail, to determine who would raise the child he'd left traumatized and orphaned.

“The case came at a serendipitous time in that the Statewide Guardian Ad Litem Office had been working with the legislature to clarify the consideration courts must give to the best interests of the child under the statute. This case became the poster child for the legislative effort, so it was a significant case for the child, but its impact really was statewide.”

of the Orange County Bar Association, said Florida’s adoption statute allows for private interventions and adoptions in dependency cases. York, who had become involved in Lucas’ case, beginning with the shelter hearing at which he was placed with his aunt, had filed a memorandum of law challenging the application of the statute to Lucas’ case.

“There had been some argument in prior cases, right before this one, as to what ‘in the custody of the department’ meant. As in this case, foster care doesn’t mean another relative; the argument being that the legislature didn’t intend for this to become a tug of war between two relatives, but to try to get kids out of foster care. That was my argument.”

The judge had agreed, ruling that the grandmother was not considered a party, but the grandmother had appealed. After Hamilton successfully argued that appeal with the help of Christopher Carlyle, also serving pro bono, the grandmother filed for adoption again, this time in the domestic relations division instead of the juvenile division. After the second case was transferred to the juvenile division, where the dependency case was still pending, the judge declined to allow the guardian ad litem to participate but again denied adoption by the grandmother. Then the grandmother appealed again.

“Our argument on the [second] appeal was that the judge reached the right decision but was incorrect in saying she had no authority to appoint a guardian ad litem, and we pointed to a statute that was very broad in its language that the court could do anything in the best interest of the child, and that includes

appointing a guardian ad litem.”

Moses also asked the court of appeal to give instructions to the trial court or guidance to the legislature on how to resolve the conflict that often arises between parental rights and a child’s best interest, as it had in Lucas’ case. And it did.

“The opinion was basically, ‘You all need to do something to fix this problem. The trial courts must have authority to decide what’s in the best interests of the child in this situation.’ So it was remanded back to the trial court to appoint a guardian ad litem and to jump through the best-interest analysis,” Moses said.

Young said the case came at a serendipitous time in that the Statewide Guardian Ad Litem Office had been working with the legislature to clarify the consideration courts must give to the best interests of the child under the statute.

“And this case became the poster child for the legislative effort, so it was a significant case for the child, but its impact, I think, really was statewide, not because it declared anything extraordinary but because it made the problem personified, and it was so easy to understand at that point,” Young said.

Subsequently amended by the legislature, F.S. §63.082(b)(c) still gives some weight to a parent’s right to determine an appropriate placement, but it now includes language clarifying that courts must consider other factors as well. Among these are the child’s relationship with the established caregiver, the stability of the current home, the desire for continuity of placement, the importance of maintaining sibling relationships, and what is best for the child.

“Now it’s very clear that courts can consider the child’s best interest in determining whether to permit intervention and adoption at the parent’s direction,” Young said.

Hamilton lost his battle with cancer just over a month after the second appeal was won and just before the legislature changed the statute. Moses, who described him as “universally revered as a brilliant appellate practitioner,” said the credit goes to him and to York for preparing the winning arguments in the appeals. Together, they put in hundreds of hours.

“The right thing happened in this case because of gifted advocates that were representing this child for free,” Moses said.

Viviane Acarie, the aunt who adopted Lucas, now six, has been raising him alongside her five-year-old daughter ever since her sister’s murder. She said she thanks God for putting Hamilton on the case.

“He was an angel in my life,” Acarie said.

She said that after three years of therapy, Lucas is doing well, but he has not forgotten his mother, nor what his father did to her.

“He has a drawer at home where he keeps things for her. He makes drawings, goes to the beach and collects seashells for her,” Acarie said, adding that Lucas recognizes her as his mother now, too. “He knows he has two moms, one in Heaven and one on Earth.”□

¹ Elyssa Cherny, *Jury Finds Kristofer Gould Guilty in 2012 Slaying of Ex*, ORLANDO SENTINEL, June 29, 2016, available at <http://www.orlandosentinel.com/news/breaking-news/os-kristofer-gould-murder-verdict-20160629-story.html>.

Near-zero interest rates have essentially turned Florida's Interest on Trust Accounts tap from an annual \$43 million gush to a \$5.5 million drip. As The Florida Bar has grown, pro bono hours have fallen slightly each of the last two years. One thing that has not diminished during that time, however, is the need.

living in poverty.⁴ The state's top industries are also a draw for human trafficking, contributing to Florida's third-place rank behind California and Texas in the number of victims.⁵ Low-income seniors, disabled veterans, victims of domestic violence, and immigrants, including children in the United States without a parent, are also among the vulnerable populations whose circumstances give rise to a wide range of civil legal problems.⁶

In addition, as with Pumariega's clients, many of the more than 22,000 Florida children in foster care⁷ encounter legal hurdles that could seriously affect their futures, as do a number of the 20,000 disabled Floridians on a waiting list to receive a Medicaid waiver that enables them to receive community- and home-based services.⁸

Based on U.S. Census data and studies by the federally funded Legal Services Corporation and others, The Florida Bar Foundation estimates that 90 percent of the legal needs of low-income Floridians go unmet. The Foundation has commissioned a legal needs study in order to obtain more detailed data, the results of which will be out later this year.

In the meantime, looking at just one issue — bankruptcy — in the year ending September 30, 2016, the Middle District of Florida ranked second nationally in the overall number of pro se filings per judge with 525.8, and first in the number of pro se Ch. 13 filings with 240.5.⁹

McEwen said Florida has a special mortgage modification mediation program under Ch. 13 that is highly successful at keeping people in their homes, including elderly people on fixed incomes at risk of losing the homes in which they raised their families.

"It's almost like saving someone's life in a way," McEwen said. "The life as they knew it, you bring it back."

Florida lawyers give generously to legal aid, contributing \$5.4 million in the year ended June 30, 2016.¹⁰ But the dollars will never be enough, especially now. Revenue from interest on lawyers' trust accounts, once the primary funding mechanism for legal aid in Florida and around the country, has been decimated in the last decade. Near-zero interest rates have essentially turned Florida's Interest on Trust Accounts (IOTA) tap from an annual \$43 million gush to a \$5.5 million drip.¹¹

At the same time, Congress has kept a tight lid on funding for the Legal Services Corporation, which several years ago surpassed the IOTA funding administered by The Florida Bar Foundation as Florida's primary source of funding for legal aid.

Pro bono is one way to help make up for the lost dollars.

But as The Florida Bar has grown, exceeding 100,000 members for the first time in 2015,¹² pro bono hours have fallen slightly each of the last two years. After rising steadily each year since 2006, when Florida law-

yers reported to The Florida Bar they had put in 1.4 million volunteer hours, the numbers have gone from a high of 1.9 million hours in 2013-14 to 1.65 million hours in 2015-16.¹³

One thing that has not diminished during that time is the need.

"There are so many folks out there who are struggling and have great difficulties in accessing the legal system, in navigating the legal system, and are greatly disadvantaged in terms of being able to obtain justice in our courts," said Florida Bar President-elect Michael Higer, a partner with Berger Singerman in Miami. "And we are the guardians of that legal system."

The Baskin-Robbins of Law

"Pro bono is like Baskin-Robbins," said McEwen, referring to the ice cream chain long known for variety. "By that, I mean that it comes in all sizes and all flavors to suit what your taste is. If you are a transactional attorney, there is transactional work you can do. There's the big, big, big multiple scoops like a banana split down to the kiddie cone, and all the flavors in between. You may want to do the chocolate that you've never ventured into, but if you want to do the safe thing and do the vanilla for a while that's okay, too."

Gisela Rodriguez's first pro bono case was a great, big banana split with a cherry on top. Through the Legal Aid Foundation of Tallahassee's Thunderdome program, Rodriguez helped reunite a mother with her developmentally disabled son after a six-year custody dispute with a relative. The case was anything but cut-and-dried. After engaging a pro bono psychologist to conduct a parental evaluation the court required, and then helping her client jump through dozens of hoops, Rodriguez had the pleasure of telling Kimberly Conyers that her long wait was over. Her son Jacquez was finally coming home.

The experience got her hooked on pro bono.

"This is what I wish I could do all day long," Rodriguez said. "If I could, that's what I would do because I feel so strongly and am so passionate about helping others with things that

they can't really do by themselves.”

Plantation attorney Elias Leonard Dsouza takes bankruptcy cases referred by the Dade Legal Aid Put Something Back Program, as well as the Legal Aid Service of Broward County. His firm also has a commitment to volunteer on behalf of potential clients who are single mothers, long-term unemployed, or elderly persons whose sole income is Social Security.

“I'm not sure how much difference it makes in the lives of the pro bono clients I serve. But it make a tremendous difference in my life, just the ability to help one more person, and try to make a difference in that one person's life,” Dsouza said.

Some lawyers might be comfortable getting up close and personal with a pro bono client in a family law or bankruptcy case, while others might have chosen their specialties in part because they are more comfortable sticking to business. The good news is that opportunities abound either way.

The Real Property, Probate & Trust Law (RPPTL) Section of The Florida Bar is working on a project that will enable transactional and probate attorneys statewide to help solve a persistent problem — the lack of proper title records among low-income residents.

Often, after a property owner's death, heirs can't afford to probate the property, or a do-it-yourself deed results in an invalid title transfer. Problems often arise after disasters like hurricanes, when only those with title are eligible for relief from the Federal Emergency Management Agency and other sources.

Larry Miller, a member of the RPPTL Section's executive council, said the plan is for section members to serve as trainers to help other lawyers learn how to remedy bad title and for those trained to address title problems, including necessary legal proceedings.

“The trainers are expected, along with the legal aid offices, to teach attorneys in each of the circuits the methodology, the procedures, the funding that will be used to address title issues when they come up,” Miller said.

Called “No Place Like Home” after a

regional program begun by Bay Area Legal Services (BALS) in Tampa that serves as the model, the project will work in cooperation with legal aid offices around the state.

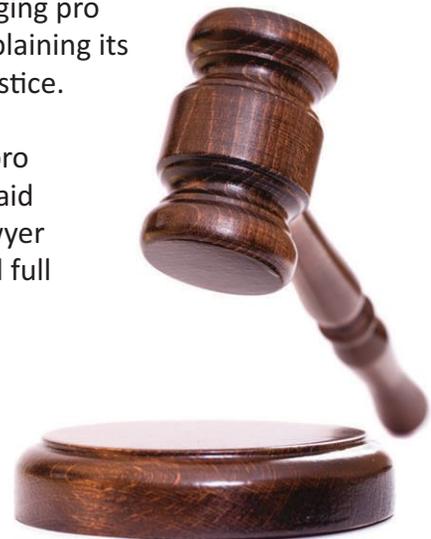
“This is a tremendous opportunity

for the section and its members to assist the public in getting them access to the legal system and relief from a really difficult problem,” Miller said. “There is nothing unique about that in my mind. It's what we should be

How Judges Can Promote Pro Bono

1. Encourage pro bono work publicly.
2. Train inexperienced attorneys, including veteran attorneys who are venturing into a different subject matter area.
3. Promote pro bono at rallies, receptions, and swearing-in ceremonies.
4. Post pro bono information in your courtroom.
5. Launch or promote pro bono campaigns and organize pro bono summits.
6. Work closely with The Florida Bar Standing Committee on Pro Bono Legal Services and your local pro bono committee to ensure their missions are being met.
7. Write articles for local bar journals or other legal publications, as well as mainstream and social media, encouraging pro bono participation and explaining its importance to access to justice.
8. Refer litigants needing pro bono assistance to a legal aid program or a pro bono lawyer if they are unable to afford full representation.

Source: Judicial webinar sponsored by The Florida Bar Foundation, featuring Judge Catherine Peek McEwen, U.S. Bankruptcy Court Middle District of Florida, and Judge Christopher Nash, 13th Judicial Circuit (Oct. 26, 2016).



doing. And this provides a very direct way to do it.”

Another BALS project, the Judge Don Castor Community Law Center, matches transactional attorneys with nonprofit organizations for assistance with business law matters. Project Director Susan Sandler said, since 1993, the project has offered pro bono opportunities for lawyers with backgrounds in corporate, contract, tax, employment, and intellectual property law, as well as risk management and other areas.

“There were a number of business law practitioners who didn’t feel comfortable working outside their area of expertise, and they fell in love with the idea of volunteering in the transactional business law area,” she said.

Sandler said legal aid and pro bono programs around the state will often provide mentoring and guidance to enable volunteer lawyers to help nonprofits in need.

In addition, The Florida Bar Business Law Section periodically hosts nonprofit clinics in various cities around Florida at which transactional attorneys can offer advice that smaller charities might not otherwise be able to afford. During Pro Bono Week last October, the section offered Jacksonville-area nonprofits a free one-hour consultation and a “legal check-up.”

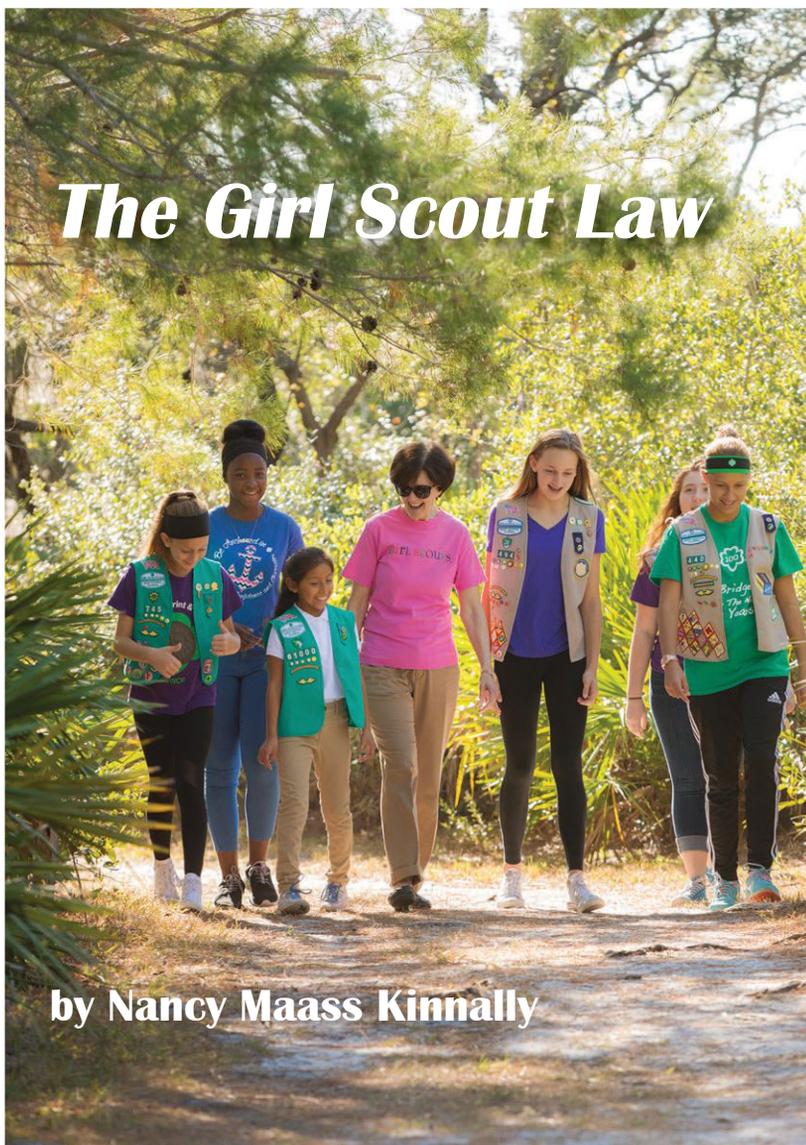
“Get involved in any way you can, wherever you feel comfortable,” Sandler said.

Don’t Quit Your Day Job

Doing pro bono doesn’t require signing your life away. Nor does it require knowledge that any lawyer in any practice area can’t acquire through free seminars or volunteer mentors. Pro bono programs and initiatives throughout Florida provide time-limited opportunities and ample training.

The Bankruptcy Bar Association of the Southern District of Florida, for example, needs lawyers to staff monthly pro se clinics in Miami, Broward, Palm Beach, and Martin counties and to make Credit Abuse Resistance Education presentations at local high schools.

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Even as a transactional lawyer, Lavinia Vaughn still lives by The Girl Scout Law. Photo by Mike Ossola.

A shareholder with Carlton Fields in Tampa, Lavinia Vaughn will expertly explain the team approach her firm takes in representing lenders, borrowers, and developers, but if you really want to hear her gush, ask her about what she and the firm’s real estate and finance team have done for girls.

“I’m pretty passionate about working for girls, and, in my experience, girls who are Girl Scout members and participate in Girl Scout programs tend to become very confident. They tend to become leaders,” Vaughn said. “I can’t tell you how many judges, architects, engineers, and other professionals I’ve encountered who participated in Girl Scouts as girls, or got involved as adults.”

Vaughn grew up in a scouting family in eastern North Carolina, and later, as the mother of two daughters, she founded and led their Girl Scout troops. For a dozen years or so, she also handled cookie sales for 50 troops in the Tampa area.

“Because of that contact, and because of our partner Sylvia Walbolt’s work with the Girl Scouts of West Central Florida, our local council, I was asked to serve on the board of directors,” Vaughn said.

As a real estate and finance attorney, Vaughn was invited to sit on the Girl Scout Council’s Property Committee, and then to serve as chair of their Program and Properties Task Force.

The task force is charged with conducting a thorough review of the Girl Scouts’ more than 1,000-acre property portfolio in an eight-county area. As part of the council-wide strategic visioning, the group is working to position the properties to meet the programmatic needs of the nearly 12,000 girls who use the camps each year and the untold thousands who will use them in the future. The council currently owns five camp properties and leases two in Florida, and has three donated lots in the mountains of North Carolina.

“I thought of the fact we were going to need title information, surveys, and survey reviews — kind of a comprehensive due diligence on all of these real properties, which fit into my toolbox,” Vaughn said. “I then approached [fellow Carlton Fields shareholder] Kathy McLeroy and talked to her about pro bono work that would encompass all of this and would allow real estate paralegals, land use and zoning [attorneys], and other people at the firm in the transaction group to have the opportunity to provide pro bono service.”

Since that time, four attorneys and two real estate paralegals from Carlton Fields have been working on the project, which began in January 2015 and was nearing completion by the end of 2016. Together they put in more than 77 hours the first year working on matters for the Girl Scouts of West Central Florida. In



Vaughn and others from Carlton Fields volunteered to undertake an extensive legal review of all the Girl Scout Council’s properties. She is pictured here at Camp Wai Lani in West Central Florida with, from left to right, Emma Hennesse, Isabella Rodriguez, Mia Schlenker, Abby Hennessee, Jordyn Robinson, and Bayley Edwards. Photo by Mike Ossola.

the current year, Vaughn alone has put in 135 hours, not including her community service time spent at task force and board meetings.

The team has looked at how the Girl Scouts can approach renovations, acquiring or divesting of properties as necessary, and every aspect of the properties in order to put them in the best position to serve the Girl Scout mission.

“The Carlton Fields team is a true partner to the Girl Scouts of West Central Florida. Their expertise and service has helped us advance the strategic goals of our organization,” said Jessica Muroff, Girl Scouts of West Central Florida CEO. “Their wide range of specialties, skill sets, and relationships is ideal for the broad needs we have as an organization.”

Muroff said Vaughn’s leadership on the long-range planning process provided the foundation for its success.

“Her attention to detail, wealth of knowledge, and ability to connect with volunteers is terrific. Our council is developing a very strong, long-term vision for our properties that will enable our girls to enjoy them for years to come.”

The camps offer an array of

natural habitats and phenomena the girls can study, Vaughn said, as well as opportunities for them to go canoeing or kayaking, and to experience camaraderie around the campfire as opposed to interaction via smartphone.

Vaughn said those benefits are what made her excited about participating in the process to enhance the Girl Scout properties. “Also, dealing with the properties involves environmental concerns, it involves a desire to be outdoors, a desire to disconnect from social media and some of those pressures and just become much more acquainted with our natural surroundings,” she said.

Her pro bono work is an extension of everything scouting taught Vaughn from an early age.

For her, the life of a lawyer is not just about applying one’s expertise in federal, state, and local laws and ordinances; it’s also about living by The Girl Scout Law, which says: “I will do my best to be honest and fair, friendly and helpful, considerate and caring, courageous and strong, and responsible for what I say and do, and to respect myself and others, respect authority, use resources wisely, make the world a better place, and be a sister to every Girl Scout.” □

Doing pro bono doesn't require signing your life away. Nor does it require knowledge that any lawyer in any practice area can't acquire through free seminars or volunteer mentors. Pro bono programs and initiatives throughout Florida provide time-limited opportunities and ample training.

For the last five years, the Legal Aid Service of Collier County has offered an annual "Wills for Heroes" program through which pro bono lawyers help veterans, reservists, first responders, and other emergency and law enforcement personnel with basic estate planning documents.

Once a month, the Seminole County Bar Association Legal Aid Society offers a legal advice clinic for veterans at the Seminole County Public Library, where pro bono attorneys offer assistance with family and housing law.

The Legal Aid Foundation of Tallahassee holds monthly "Mobile Law for All" clinics, which send volunteers to community centers in high-poverty neighborhoods to provide free 30-minute consults in civil legal matters such as employment, family, landlord-tenant, and consumer law.

And these are just a handful of examples.

Volunteers are needed in virtually every Florida county to help legal aid and pro bono programs with client intake, to help pro se litigants fill out family law forms at the courthouse, to help domestic-violence victims complete petition-for-injunction forms, and to serve as mentors to less experienced pro bono attorneys. Law school clinics often call upon pro bono attorneys specialized in administrative, juvenile, and health-care law, veterans' issues, and other areas.

Higer, who specializes in complex commercial litigation, has worked on death penalty cases, landlord-tenant and debt collection issues, and termination of parental rights, among other pro bono matters.

To him, a lack of knowledge is not a

valid reason for a lawyer to decline pro bono work.

"I guarantee you that you know a lot more, and you are able to learn a lot more about landlord-tenant or other matters than that person knows. It's not even close," Higer said.

"Secondly, so often with a legal clinic, whether it's small claims clinics or others that I've been involved with over the years, they are happy to train the lawyer in the particular areas in which they need a lawyer's assistance. And it usually takes less than 30 minutes or 45 minutes to give that lawyer the basic tools he or she will need in order to more than adequately represent the indigent client."

In addition, FloridaProBono.org has an online library of materials, including webinars and videos, on commonly occurring substantive areas, including children's rights and dependency, consumer law, domestic violence, and education and schools.

When it comes to offering pro bono assistance to nonprofits in Florida, the National Network of Nonprofit Business Law Pro Bono Providers offers specially designed webinars that address areas of federal law common to most nonprofit charities. The BALS Judge Don Castor Community Law Center is the network's Florida contact.

Local legal aid and pro bono programs, as well as bankruptcy and other courts, offer a host of online resources, webinars, and continuing legal education programs to prepare lawyers to take pro bono cases. Bankruptcy training modules on the National Consumer Law Center website, nclc.org, and Bankruptcy Basics videos at uscourts.gov are excellent starting points for pro bono

attorneys as well as clients.

Some of the training programs available for pro bono attorneys count for continuing legal education (CLE) credit, and sometimes pro bono work itself can count for CLE. Judge Laurel Isicoff of the U.S. Bankruptcy Court for the Southern District of Florida said attorneys who take pro bono cases, or mentor a nonbankruptcy attorney who is working on a pro bono case, can, during a three-year reporting cycle, earn up to three of 12 bankruptcy continuing legal education credits required locally by the bankruptcy court to be admitted to practice in that court.

She adds that judges will often go out of their way to accommodate pro bono attorneys.

"Many of us will first call matters in which an attorney is representing a party pro bono," Isicoff said. "Also, most trustees have agreed to call pro bono cases first on their very lengthy first meetings of creditors."

"Beam Me Up, Scotty"

Pro bono service doesn't have to involve going to court or even to the local legal aid office. In fact, the future of pro bono might look more like *Star Trek* than *To Kill a Mockingbird*.

In the fall 2015, The Florida Bar Foundation hosted a Legal Aid Summit in Orlando facilitated by Margaret Hagan, a fellow at Stanford Law's Center on the Legal Profession and a lecturer at the Stanford Institute of Design.

At the summit, each of more than two dozen small groups worked on a solution to one of several challenge questions, including: "How do we serve our communities in more client-centered and strategic ways?"

Hagan coached the groups through a series of design stages that included brainstorming, prototyping, testing, pitching, and debriefing. After teams in each of five challenge areas picked the leading project from their category, the finalists then pitched their ideas to a panel of experts.

A version of the winning project is now being implemented at BALS under the name "iLawyer."

iLawyer connects low-income residents of East Tampa with lawyers through a little technology and the help of law student interns from the

Stetson University College of Law. Clients can attend a monthly after-hours walk-in clinic at the Corporation to Develop Communities of Tampa, Inc., where students triage their legal issues and upload important legal documents to a file at BALS. Clients then connect with pro bono lawyers via Skype to receive legal advice and brief services. This enables clients to avoid taking time off from work or school to visit the BALS office during business hours and enables the volunteer attorneys to help from their own offices, or even from home.

While there's no teleporting involved, it's the next best thing. And if follow-up is needed, BALS can schedule an old-fashioned appointment.

"This is the kind of forward thinking we need to see more of," said Florida Bar President William J. Schifino, Jr. "Doing things the same way we have for the last 50 or 100 years is not going to work. Not if we are going to really make an impact on access to justice."

The Florida Bar Foundation has taken other steps to modernize pro bono, recently launching a pilot project in Miami-Dade for an interactive pro bono website involving virtually all of the county's pro bono programs for civil legal aid. The Foundation eventually hopes to take FloridaProBonoMatters.org statewide.

Previously, attorneys could visit FloridaProBono.org to find local organizations that provide pro bono opportunities in their selected area of the law and with selected populations. Now, FloridaProBonoMatters.org, which can also be accessed through FloridaProBono.org, serves as a marketing tool for specific pro bono cases.

It is designed to allow any organization that wants to advertise pro bono opportunities — whether a law school, law firm, or legal aid organization — to display cases. Developed by Wiedza Creations, LLC, a company based within the University of Central Florida's Business Incubation Program, FloridaProBonoMatters.org puts pro bono attorneys in the driver's seat, giving them a user-friendly way to filter and search for cases that suit their interests.

The Foundation also has hired Anais Taboas, formerly of Florida Rural Legal Services, as its South Florida pro bono

program officer to develop and expand pro bono initiatives and collaborations from the Florida Keys to the Palm Beaches. Housed in donated space in the Miami office of Akerman LLP, Taboas is working with Ericka Garcia, the Foundation's statewide director of pro bono partnerships, to put Florida at the forefront of innovations in pro bono.

Taboas and Garcia hope their work will help Florida Bar members reach a goal Schifino has set, which is to reach two million pro bono hours annually. He sees that benchmark as attainable in the near term.

"We did close to 1.9 million hours with about 10,000 or 15,000 fewer lawyers in 2013," Schifino said. "This is such a joint effort, and we appreciate all that The Florida Bar Foundation is doing to help make it happen."

As president, Schifino has used his bully pulpit all year, beginning with his installation speech, to drive home the message that a lawyer's highest calling is to uphold his or her commitment to "the cause of the defenseless or oppressed" in the Bar's Oath of Admission.

"You may be a transactional lawyer, you may be a business litigator, but some of the most impactful work we can do may be just to help a mother out or to help a child out," Schifino said. "What we do is a lot more than just a 9-to-5 job. It's a profession. When you look at your life, at your body of work, adding that piece, giving back, doing something, so to speak, to move the needle, it's the right thing to do, but it's also the feel-good thing to do."

Higer said Bar members can expect the emphasis on pro bono to continue.

"It's a priority this year, it was a priority last year, and it will be a priority during the year in which I am president, and I fully expect that it will continue to be a priority going forward," Higer said.

"It's important to get lawyers to donate their time. It's important to get lawyers to donate money and to get money from other sources where we can. And I think the Bar Foundation, the Bar, and the Florida Supreme Court are making great strides.

"This is not a lawyer-only problem. But that doesn't mean that lawyers should somehow step aside and say it's not a lawyer-only problem. We still need to do our fair part." □

¹ Justin Walton, *Florida's Economy: The 6 Industries Driving GDP Growth*, Investopedia, <http://www.investopedia.com/articles/ investing/011316/floridas-economy-6-industries-driving-gdp-growth.asp?gl=bt1tn-nowidget>.

² *Id.*

³ Alliance for a Just Society, *The Job Gap: Economic Prosperity Series*, <https://the-jobgap.org/job-gap-2015-low-wage-nation/florida-low-wage-nation-2015/>.

⁴ The Annie E. Casey Foundation, *Florida 2016 Kids Count Profile*, available at http://www.aecf.org/m/databook/2016KC_profiles_FL.pdf.

⁵ Sabrina Mawani, *Human Trafficking, Florida: A Modern Slavery Hub*, Florida National Organization of Women, available at <http://www.fnow.org/trafficking.html#hub>.

⁶ Florida Commission on Access to Civil Justice, Outreach Subcommittee, Messaging for Commission Members' Use 10 (2016), [http://www.floridabar.org/TFB/TFBREsources.nsf/Attachments/E4C05E5495EAFB3B85257E45005B3EEC/\\$FILE/ATJ%20May%2015,%202015%20Meeting%20Handout.pdf?OpenElement](http://www.floridabar.org/TFB/TFBREsources.nsf/Attachments/E4C05E5495EAFB3B85257E45005B3EEC/$FILE/ATJ%20May%2015,%202015%20Meeting%20Handout.pdf?OpenElement).

⁷ Allison Shirk, *New Program Seeks to Reduce High Rate of Foster Care in Volusia, Flagler*, THE DAYTONA BEACH NEWS-JOURNAL, available at <http://www.news-journalonline.com/news/20160926/new-program-seeks-to-reduce-high-rate-of-foster-care-in-volusia-flagler>.

⁸ Amy Sherman, *Rick Scott: Florida Completely Funded the Critical Needs Waiting List for First Time*, Politifact Florida, <http://www.politifact.com/florida/statements/2016/jan/13/rick-scott/rick-scott-florida-completely-funded-critical-need/>.

⁹ Office of the U.S. Courts, *Pro Se Filings per Authorized Judgeship and Rank by Major Chapter* (Sept. 30, 2016).

¹⁰ The Florida Bar, *Florida Bar Pro Bono Statistics Summary July 1, 2015-June 30, 2016* (2016).

¹¹ *BOA Settlement Yields Almost \$1.4 Million for Foreclosure-Related Legal Assistance in Florida*, THE FLORIDA BAR NEWS, May 15, 2015, available at [https://www.floridabar.org/DIVCOM/JN/JNNNews01.nsf/cb53c80c8fabd49d85256b5900678ff6c21c20f8f90fe3c685257e3b0047ca50!OpenDocument&Highlight=0,Foundation,\\$43,million*](https://www.floridabar.org/DIVCOM/JN/JNNNews01.nsf/cb53c80c8fabd49d85256b5900678ff6c21c20f8f90fe3c685257e3b0047ca50!OpenDocument&Highlight=0,Foundation,$43,million*).

¹² *How Many Lawyers Practice in Florida?*, THE FLORIDA BAR NEWS, Nov. 15, 2015, available at https://www.floridabar.org/DIVCOM/JN/JNNNews01.nsf/cb53c80c8fabd49d85256b5900678ff6c21c20f8f90fe3c685257e3b0068190a!OpenDocument&Highlight=0,membership,100,000*.

¹³ The Florida Bar, *Florida Bar Pro Bono Statistics Summary July 1, 2013-June 30, 2014* at 9 (2014); The Florida Bar, *Florida Bar Statistics Summary July 1, 2005-June 30, 2006* (2006).

Nancy Maass Kinnally is the director of communications for The Florida Bar Foundation, a 501(c)(3) nonprofit organization whose mission is to provide greater access to justice. She is also a member of the communications team for the Florida Commission on Access to Civil Justice.



Going the Distance

by Stacey Singer DeLoye

An unscrupulous landscaper's deed scam nearly cost Fred Cooch his home until pro bono attorneys Julie Fishman Berkowitz, Darrell Payne, Joseph Onorati, and Matthew Graham intervened. Pictured above, Cooch sprawls out on the front lawn of his Miami home. Photo by Peter W. Cross.

How many attorneys would stick with a case for three years, preparing for trial multiple times, pulling the full resources of their firm into fighting for their client's best interests, all for zero compensation?

Speaking from his home in Miami, the one his lawyers helped save, disabled former carpenter Fred Cooch wonders aloud about the dedication of his pro bono team, which included Julie Fishman Berkowitz, Darrell Payne, Joseph Onorati, and Matthew Graham, from the firm Stearns Weaver Miller Weissler Alhadeff & Sitterson, P.A., of Miami.

Why did they work so hard for him for so long, for nothing?

"They came in on Saturdays and Sundays and met me there, they prepped me for trial, they'd work late into the evenings," Cooch says. "God bless them."

"At our firm, if we take a case, we are prepared to go the distance," Berkowitz says. "We treated this case like we would treat any paying client."

Berkowitz says she earned something more than money.

Cooch sought help from Legal Services of Greater Miami, Inc., a Florida Bar Foundation grantee, after a series of devastating health problems had cost Cooch his business, his marriage, and, nearly, his home. Through his pro bono attorneys' efforts, Cooch now has sole title to his house once again. Photo by Peter W. Cross.



"You don't always get the warm fuzzies in law, but on this one, I know we really made a difference in somebody's life," Berkowitz says.

Cooch, now 64, had sought help from Legal Services of Greater Miami, Inc., a Florida Bar Foundation grantee, during a difficult, depressing time in his life. A series of devastating health problems had cost Cooch his business, his marriage, and, nearly, his home.

A cancerous growth on his nose required doctors to remove most of it, but no further cosmetic surgery was done, leaving Cooch with a gaping hole on his face. A series of heart attacks left him too weak to operate his furniture restoration business. His wife left him as he began to abuse drugs and alcohol. His home was all he had left, but without his business income, he fell behind on the mortgage payments, and the lender initiated foreclosure.

It was during this dark time that a friend introduced him to a landscaper willing to help him keep the yard up. The landscaper ingratiated himself by fixing a few things up, running errands, offering hope. Cooch thought he had

found a true friend, at a time when he really needed one. So when that friend offered to help him rescue the home from foreclosure by putting his name on the deed, promising to renegotiate a new mortgage, and rent rooms out for income, Cooch thought it sounded like a reasonable plan.

Berkowitz says that's not what the landscaper did, however.

"He never got a loan, he never paid off the existing loan, and he never could have gotten a new loan. He made very minor if any improvements to the property," she says. "We believe our client was tricked, and that was the center of our case."

The attorneys filed suit for quiet title, breach of contract, civil theft, fraud, and fraud in the inducement. In August, after three years of contentious litigation, a summary judgment was granted on the quiet title and breach of contract claims. The court rescinded the agreement and the deed. Cooch had sole title to his house once again. He was then able to settle the rest of the case, and his long ordeal was over.

"He saw this guy with heart attacks

and cancer and figured I was either going to die or I was going to default on my mortgage, so he thought when the house was sold he would get half of the equity of it," Cooch says. "I think he planned it that way all along."

Now Cooch spends his evenings watching TV in his bedroom, in the house he's had for decades, feeling gratitude for people who truly have helped.

"I don't have to worry about anybody taking my house from me now, only making my mortgage payments," Cooch said. "Thank God for the people who are kind to me and help me."

"He has told me many times, 'I want to take you to dinner,' but I don't want him to. I want him to spend that money on his bills and live comfortably in his house," Berkowitz says. "I don't know what would have happened to our client had he not been able to get a pro bono attorney." □

Stacey Singer DeLoye is a freelance writer from Boynton Beach. She is a former member of The Palm Beach Post's editorial board.

Barnett: Why I marched: for justice and the Constitution

Martha Barnett, My View Published 8:00 a.m. ET Feb. 2, 2017 | Updated 8:04 a.m. ET Feb. 2, 2017



On Jan. 21, I joined an estimated 500,000 women and men of every age and background at the Women's March on Washington, along with millions of marchers at similar events around the world.

People ask me why I marched. I had many reasons, but to the surprise of some, it was not in protest. Rather, I was there to stand up for the integrity of the office of the president and the Constitution. Presidents come and go, but the constitutional underpinnings of our democracy must be honored and preserved.

As a lawyer, I marched to affirm the maxim that "No man is above the law," and to support enhancing equal access to justice for all, including those who cannot afford to pay.

Florida is a leader in addressing access to justice issues. A recent example is the Florida Commission on Access to Civil Justice created by Chief Justice Jorge Larbarga. Also, for over 60 years, The Florida Bar

Foundation has worked to promote public service among lawyers and provide access to representation for low-income persons in civil matters.

But the gap between those needing civil legal aid and those actually receiving it has grown exponentially. The Foundation has been forced to cut grants statewide by 78 percent since 2010 due to the impact of the economic downturn and low interest rates on its primary funding source, the Florida Interest on Trust Accounts program. Grant funds have dropped from \$43 million annually to around \$5.5 million. It is not hard to see why the consequences have been dramatic and devastating for children and families on the edge of poverty.

A new study, "Economic Impacts of Civil Legal Aid Organizations in Florida," clearly demonstrates that providing civil legal aid is an investment in stability and the future. A central finding was that each dollar spent on legal services yielded more than \$7 dollars in economic impacts. In 2015, 33 nonprofits received \$83 million in grants and donations with a resulting impact of \$600 in economic growth.

Those funds helped Floridians draw down much-needed federal benefits, stay in their homes, escape from dangerous domestic violence, get a divorce, and resolve an estate, to name a few, and changed the lives of the thousands of vulnerable people.

Repeatedly in the last election we heard that "the system is rigged." So, I marched — to give a voice, not just to my granddaughters and grandsons, but to those who need our help in opening the doors to justice.

I learned many things at the march. One of the most heartening is that We the People still care deeply about the principles that make our country the greatest, chief among them respect for the rule of law, and justice. I returned home recommitted to making these promises a reality.

Martha Barnett is a retired senior partner with the Holland & Knight law firm, and served as the president of the American Bar Association from 2000 to 2001. She also served as a member of the Florida Commission on Access to Civil Justice.

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OP-ED FEBRUARY 1, 2017 7:17 PM

To guarantee justice for all, fund legal aid for the poor

BY FRANCISCO ANGONES

fangones@amglaw.net

Some years ago, I was asked to consider the rights of a young mother of four or five children who lacked the ability to speak. She had just delivered another child, and the state and the hospital wanted to tie her tubes.

They had sought to have her declared incompetent, since she could not speak, and wasn't responding to them for a time. First, a panel including an attorney, a psychiatrist and a social worker had to approve. I went to the mother's home. The family was very, very poor, but there was a loving long-term boyfriend who looked after the children, he fed them by fishing in the Miami River. The mother clearly took care of those children, and nobody would love them more than she did. So I did not agree.

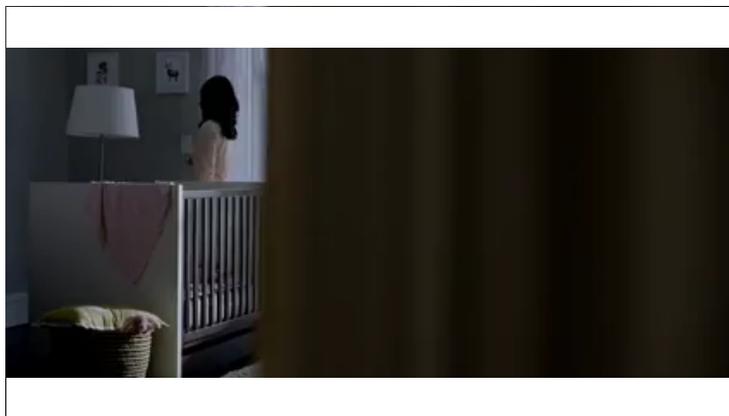
Later, when her oldest son was truant and found shoplifting at a drug store, a social service agency called me to see if I could help. The state was going to take all of her children away from her. In court, I told the judge about the situation. The judge concluded I knew more about the family than anyone else in the room. We arranged for social services supervision, and it was a good outcome for the family. Every couple of years, the agency let me know that the kids were doing fine. That was a good feeling, and a good result. Children belong with their parents.

The U.S. Constitution is an admirable document. It has stood the test of time, in part because it protects the interests of vulnerable people like that mother. Besides life, liberty and the pursuit of happiness, the Constitution safeguards the right to justice.

As a society, we provide legal counsel in criminal justice cases should you be accused of a crime. But that right is not so well protected for civil cases. An estimated 80 percent or more of people who need civil legal assistance in the United States go without, because they cannot afford it. Though they try to represent their own interests, frequently they find the system too complex to navigate on their own.

Civil legal aid has provided that safety net in the past, but it is a safety net that is growing thinner by the day. Investing in civil legal aid does more than benefit vulnerable families and individuals. A new study commissioned by The Florida Bar Foundation makes it clear that spending on civil legal aid benefits all of us by helping stabilize families and communities, increasing employment and helping small businesses.

ADVERTISING



In 2015, each \$1 of civil legal aid funding resulted in over \$7 of impacts in Florida, according to the study, conducted by The Resource for Great Programs. Every \$100,000 of funding enabled legal aid organizations to generate an additional \$719,000 in economic benefits.

Legal aid can help families in many ways. They can recover past-due child support; qualify for Social Security and healthcare benefits; avoid foreclosures and evictions and stabilize housing situations, relationships and jobs. In 2015, the positive ripple effects helped create an estimated 2,243 new jobs for local communities and \$600 million in economic impacts statewide. When you do the right thing, you never know how it will grow.

In Florida, unfortunately, funding for civil legal assistance is at a 10-year low because, in part, to a funding mechanism that is sensitive to fluctuating interest rates, which have been extremely low, near zero. Other sources of support are needed, including philanthropy and additional pro-bono work by attorneys.

Florida's imbalance in access to civil justice should be of concern to everyone, regardless of party or political persuasion. Because a system of justice available only to the wealthy is a system that is vulnerable. I know this on a very personal level.

I was just 9 years old and living in Cuba when Fidel Castro forced out the dictator Fulgencio Batista. The chaos that followed so frightened and worried my parents, a lawyer and a schoolteacher, that they made the anguished decision to send me alone to Miami, with no certainty of when or if we would ever reunite.

It was just a month before my 11th birthday when I arrived here through the Pedro Pan initiative. Fortunately, my parents managed to join me a few months later. But the revolution cost them everything they had built in Cuba. I thrived in school here and eventually enrolled at the University of Miami, where I earned an undergraduate degree in philosophy of political systems and history, concentrating on revolutions, especially those of America, France, Mexico and Cuba. I learned that these revolutions did not occur in a vacuum. When people are abused and feel they have no rights, it is not long before they take action. That is the cause of almost every revolution.

The freedom we enjoy here is protected by the Constitution, but it also depends upon the dedication of the people. Ensuring our system of justice is fair and accessible to all — especially the weak, poor and vulnerable — strengthens democracy and is worthy of greater investment.

FRANCISCO ANGONES IS A SENIOR PARTNER WITH THE LAW OFFICES OF ANGONES, MCCLURE & GARCIA. HE WAS PRESIDENT OF THE FLORIDA BAR FROM 2007 TO 2008.



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Northwest Florida Daily News, Fort Walton Beach, FL



Tampa Bay Times



Column: Investing in civil legal aid pays off

By Melanie Griffin, special to the Times

Thursday, February 2, 2017 1:00am

When Florida's business and philanthropic leaders invest in a cause, they expect strong performance and impactful results. A study released by the Florida Bar Foundation this week finds they're getting that when they help vulnerable Floridians gain access to the civil justice system.

The economic impact study revealed that every \$1 contributed to one of 33 legal aid organizations statewide resulted in a positive impact worth more than \$7 in 2015. That's pretty impressive, but it's not unexpected. Think about it. If people facing eviction or foreclosure can stabilize their living situation, or a single parent can secure past-due child support, or someone who wants to work can obtain the paperwork they need, the burden on social services and entitlement programs is reduced. Those positive benefits spread not just to their families, but through their entire communities.

Investments in civil legal aid resulted in more than \$264 million in income for Floridians, the new study found. Meanwhile, the savings to the community from positive trends like reduced homelessness, fewer police calls and reduced burden on the court system resulted in savings of about \$60.4 million. Avoided costs from domestic violence alone account for \$6.9 million of that amount. Added to that was an economic multiplier effect of \$274.8 million, according to the study conducted by the Resource for Great Programs.

Access to effective legal aid sets off positive ripple effects as neighborhood stability increases. Fewer evictions and foreclosures translates to lower crime rates and higher home values. Workers are more productive, families enjoy less stress, and so children's health and school performance improves, joblessness declines and the fantastic quality of life that we all want to enjoy in Florida is strengthened.

But here's the thing: Legal aid funding in Florida has fallen to its lowest level in 10 years. In 2010, funding from all sources was nearly \$100 million. Last year it was significantly lower at \$83 million, due in large part to the extremely low interest rates we've seen over the past eight years. The Florida Bar Foundation's primary source of funding, IOTA, or Florida's Interest on Trust Accounts program, has been hard-hit. Its revenues have fallen from \$43 million annually to \$5.5 million.

We all know that with challenge comes opportunity. Civil legal aid organizations must find ways to deliver legal services more efficiently and more creatively. The Florida Bar Foundation is leading discussions on rethinking the service delivery model to make it more consumer-friendly and technologically advanced. Bravo.

Diversifying the sources of funding for programs that provide access to justice will help secure their future stability. As a former president of the Florida Bar Young Lawyers Division, and as a Florida Bar Foundation Fellow, I've made support for access to civil legal aid one of my personal priorities. I'm proud to be a part of the effort to improve access to justice for all in Florida. Strong leadership from the business and philanthropic community now will catalyze improved and expanded civil legal aid in Florida today and in the future. It's a great time to get involved.

Melanie Griffin is managing shareholder of the Dean Mead Law Firm's Tampa office, practicing in the firm's litigation department, focusing on employment, non-compete/non-solicitation, trust/probate and real estate litigation.



Carl Domino: Bridging the justice gap pays off for Floridians in multiple ways

[Guest Author](#) Feb 2, 2017, 5:00 am



Carl Domino

When I was a member of the Florida Legislature, I always supported efforts to expand access to justice. It's a right that's enshrined in the Pledge of Allegiance, the U.S. Constitution and the Florida Constitution: "The courts shall be open to every person for redress of any injury, and justice shall be administered without sale, denial or delay."

But let's be honest. Our legal system can be complex and difficult to navigate without an attorney, and many people cannot afford one. Faced with problems like foreclosure proceedings, evictions, divorces, probate or consumer disputes, they try to manage on their own. That's costly, not just for them, but for all of us.

Investing in civil legal aid makes sense not just because it's the right thing to do, but because that investment pays off for all of us, with a return of more than \$7 for every \$1 spent, according to a newly released study commissioned by The Florida Bar Foundation. From the \$83 million spent on civil legal assistance in Florida in 2015, businesses experienced \$274.8 million in increased revenue, and this, in turn, helped generate 2,243 new jobs, according to the study's calculations.

The overall \$600 million return on investment also comes from savings to the court system as it runs more efficiently and avoids cases that shouldn't be there. It comes from fewer domestic violence calls to police; from less demand for welfare and housing assistance; from more stable

communities and home values; and from payments of past-due child support. And it comes from legal help in capturing the veterans' benefits due to those Floridians who served their country, as well as reimbursements from federal Medicare and Medicaid programs, and more.

I'm a lifelong Republican who, after a long and rewarding career in finance and politics, decided to seize the challenge of studying law in my late 60s. Since passing the Florida Bar exam, I've taken quite a few pro-bono cases, because the need is so great.

These are real people with real problems. They may not be getting alimony payments; their condo association may not be responding to them. Sometimes all I need to do is write a letter, and a situation can be resolved, keeping it out of the courts. Having a lawyer on your side in meritorious cases can really make a difference.

Community-based legal aid agencies have long served as that safety net for low-income Floridians in need of legal support. But due in large part to the interest-rate sensitivity of one of Florida's primary legal aid funding mechanisms, funding for civil legal aid in Florida has fallen to its lowest level in 10 years.

According to the new study, "Economic Impacts of Civil Legal Aid Organizations in Florida," every additional \$100,000 of funding enables legal aid organizations to generate an additional \$719,000 in economic benefits.

That's why bridging the justice gap will benefit us all.

So what's the answer? More volunteering by lawyers would help. Broader philanthropic support of civil legal aid as part of the spectrum of human services would also help. Contributions from businesses, including in-kind support for civil legal aid organizations, would help. The Florida Bar Foundation's study, conducted by The Resource for Great Programs, offers solid evidence that foundations, donors and businesses can make a real positive impact by supporting civil legal services.

Access to the justice system is a basic right, so let's make sure that that access continues, for the good of all.

Carl Domino served in the Florida House of Representatives from 2002 to 2010. He serves on the board of The Florida Bar Foundation. An investment manager who founded Northern Trust Value Investors, in 2014 he earned a law degree from Nova Southeastern University at the age of 70.

POINT OF VIEW Bridging justice gap pays off for Florida in many ways

OPINION



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Carl Domino speaks at the Palm Beach Business Group meeting Aug. 12, 2016 at The Chesterfield. (Lannis Waters / Daily News)

Posted: 7:27 a.m. Wednesday, February 22, 2017

When I was a member of the Florida Legislature, I always supported efforts to expand access to justice. It's a right that's enshrined in the Pledge of Allegiance, the U.S. Constitution and the Florida Constitution: "The courts shall be open to every person for redress of any injury, and justice shall be administered without sale, denial or delay."

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CARL J. DOMINO, JUNO BEACH

Editor's note: Carl J. Domino served in the Florida House of Representatives from 2002 to 2010. This column originally appeared at FloridaPolitics.com

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About the Author

SANDRA NORTUNEN



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Editorial: Trump's crackdown on undocumented threatens PBC economy

The Trump administration's new policy guidelines on cracking down on illegal immigration — if acted upon in full — could be a crippling punch to South Florida's economy. Undocumented immigrants make up a huge amount of the labor force in agriculture, construction and

Viewpoint: Justice helps economy

11:06 p.m. CT Feb. 26, 2017



As Americans, we grow up with an awareness that one of the most fundamental tenets of our democracy is our system of justice. The first sentence of our Constitution states that one of the document's primary purposes is to "establish justice."

We associate justice with words like "fairness" and "equality," but we may not always think of it as directly related to our economic prosperity. And yet, it most certainly is.

A new study commissioned by The Florida Bar Foundation adds to a large body of evidence that supports this assertion. The study found that every dollar invested in civil legal aid in Florida resulted in more than \$7 in economic impacts in 2015. Similar findings have come from studies in many U.S. states, including one issued in 2010 by Florida TaxWatch, which conducted a separate analysis.

The most recent study found \$600 million in total annual economic benefits from civil legal aid, including more than \$264 million in income for Floridians obtained with the help of legal aid and pro bono attorneys.

Think of the veteran who has earned benefits through service to our country but has been unable to obtain them on his or her own. Or perhaps your disabled neighbor should be getting Social Security disability but instead is scraping by because he or she doesn't have the wherewithal to submit a successful application.

Legal aid helps these and many other deserving people secure Social Security and Social Security disability payments, Medicare and Medicaid reimbursements, veterans' and other federal benefits, as well as unemployment compensation and wages. This income generates an additional \$274.8 million in impacts resulting from the economic multiplier effect as that income flows into Florida communities like ours, creating jobs and shoring up home values.

Meanwhile, the savings legal aid accomplishes for communities are substantial, with about \$60.4 million of costs avoided statewide from positive trends such as reduced homelessness, fewer police calls and reduced burden on the court system. Avoided costs from domestic violence alone account for \$6.9 million in savings thanks to the work of legal aid attorneys in helping victims obtain restraining orders, divorces, and child support, or otherwise move on with their lives.

Unfortunately, total funding for civil legal aid in Florida is at a 10-year low. Locally, The Florida Bar Foundation is one of several funding sources for the Legal Services of North Florida, providing a general support grant in 2016-17 of \$98,171. In addition the Foundation provided \$90,294 to support The North Florida Center for Equal Justice, whose service area also includes Escambia County.

But these grants are a fraction of what they once were. This is because the Foundation's primary source of revenue is from the pooled interest on lawyers' trust accounts, and interest rates on these deposits have been near zero since the Great Recession. The Foundation's grants to civil legal aid organizations statewide have fallen by about 80 percent since 2010 and are expected to fall even further. This leaves the vast majority of those who qualify for civil legal aid with nowhere to turn, in spite of the approximately 1.7 million hours of volunteer service by Florida lawyers each year.

The Florida Bar, The Florida Bar Foundation and the Florida Supreme Court are hard at work on solutions to this justice gap through the Florida Commission on Access to Civil Justice. But they alone can't solve this societal problem. As a lawyer and former leader of The Florida Bar, I call on our local business, philanthropic, humanitarian and community leaders to recognize that the challenge of equal justice is one in which we should all be invested. Besides being at the heart of our democracy, it's good economic policy, and it adds to our prosperity as a community.

Alan B. Bookman is an attorney with Emmanuel, Sheppard & Condon and resident of Pensacola.

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CIRCUIT JUDGE TERENCE PERKINS: Provide better access to civil justice

Sunday

Posted Mar 5, 2017 at 2:01 AM

They are one small mistake, one missed deadline, or one improperly filed document away from disaster.

As a judge in a criminal felony division, I watch good lawyers work all the time. The state and every defendant are represented by counsel in all proceedings. When a person's liberty is at stake, they are guaranteed the right to counsel.

But sadly, that right doesn't extend to all legal proceedings. As a civil lawyer for more than 30 years and then as a judge in a civil division, I saw many people embroiled in the civil justice system desperately trying to represent themselves. Although not accused of a crime, they were at risk of losing something just as important to them as their liberty. Often it was their property and their legal rights at stake. They had civil legal problems that could result in the loss of their home, their children, their safety from an abusive spouse, their income, or their access to medical care. And for them, our system of justice offers no such guarantee of legal representation. Often, citizens facing issues such as foreclosure, domestic violence or the wrongful denial of government benefits are on their own in the face of complicated legal issues and procedures.

This problem has not escaped the attention of The Florida Bar or the Florida Supreme Court. Recently, Florida Chief Justice Jorge Labarga appointed me to the now-permanent Florida Commission on Access to Civil Justice, which was

formed to study and address complex barriers faced by Floridians seeking meaningful access to civil justice. I am honored to serve on the commission and to report on our progress.

We know from a recent study funded by The Florida Bar Foundation that for every dollar invested in civil legal assistance in Florida, the state sees \$7 in economic impacts. Last year, that equated to a \$600 million return on our statewide investment in legal aid. As Chief Justice Labarga said, the study is "a powerful piece of evidence that every step we make in solving this societal issue benefits all of us."

When legal aid helps a veteran secure benefits earned through service to our country, those benefits flow directly into the local economy. The same is true for those struggling to get approved for Social Security disability payments or to collect child support. Equal access to justice translates into more efficient use of the court system, quicker resolution of disputes, less time missed from work, less domestic violence and more productive time with friends and family. In short, improved access to civil justice is good for the individual, the family, the employer and the entire community.

Currently, the commission is working to increase the efficiency of the civil justice system, provide better services for those representing themselves, and recommend more user-friendly court rules and procedures. At the same time, we are working with The Florida Bar and law schools to find better ways to pair lawyers capable of helping with the clients so desperately in need of their help. But the lawyers can't do it alone. This is a societal problem that demands a collective solution.

One of the first projects of the commission has been the creation of a central online starting point for finding free or low-cost civil legal help. Called the Florida Legal Access Gateway (FLAG), the project is being piloted in Clay County to help those without representation in tenant evictions and divorce. FLAG is designed to direct users to the resources best suited for their needs, whether offered by legal aid, private attorneys or the courts. If it works, the goal is to expand it to a statewide system encompassing other areas of the law.

Access to justice is a complex societal challenge. I encourage leaders throughout our community to look for ways to contribute to creative and positive solutions to bridging the justice gap, because equal justice for each individual is ultimately in the best interest of us all.

— Perkins is chief judge of the 7th Judicial Circuit and has served on the bench since 2010. He is a member of the Florida Commission on Access to Civil Justice.

Invest in access to civil justice: Where We Stand

This past week, Gov. Rick Scott unveiled his budget proposal for the year that begins July 1. We recounted some, but not all, of the highlights and lowlights in this space on Friday.

Here's another lowlight: While the governor's proposal called for spending \$83.5 billion, a record amount, he couldn't spare a dime for legal assistance for Floridians who can't afford to hire lawyers in civil court, where noncriminal cases are handled.

This is disappointing but not surprising. Scott has not only left out civil legal assistance in his previous budget proposals; he has vetoed a series of modest allocations of up to \$2 million that the Legislature included in its budgets.

But a recent study makes a convincing case for the Legislature to include funding again in this category — and for the governor to break with his pattern and sign off on it.

If you own a home, you should read this. Thousands of homeowners did this yesterday, and banks are furious! Do this now before it's...

Commissioned by The Florida Bar Foundation, the study concluded that every dollar spent on civil legal aid for lower-income Floridians yields more than \$7 in benefits. As Bar Foundation President Matthew Brenner said, "Equal justice under law is not only a basic underpinning of our democracy; it's also good economic policy."

In short, it's a better deal for taxpayers to invest at the front end to help fellow Floridians solve problems in civil court, instead of paying more to deal with the consequences to the state's economy of unsolved problems at the back end. This same logic would apply — and should appeal — to other potential legal aid contributors, including the business community and nonprofits. Here's how the math works:

Civil legal assistance helps lower-income residents secure the benefits to which they are entitled. This includes federal benefits for veterans as well as Social Security, Medicaid and Medicare. It includes state

benefits such as unemployment compensation. And it includes disputed wages and unpaid child support, too. When Floridians get back more of the dollars they're owed, they spend them and support local businesses and jobs.

Legal assistance also reduces the financial burden on government agencies, businesses and nonprofits by helping more Floridians avoid foreclosures, evictions, domestic violence and other personal and family crises. And when people can work through their legal problems and stabilize their lives, they're more likely to be assets for their families, their employers and their communities.

For those who might be skeptical of the recent study, previous ones in Florida and other states have found comparable or even higher returns for every dollar spent on civil legal assistance.

Legal aid is not a middle-class entitlement in Florida. State residents making more than 125 percent of the poverty level are ineligible for help.

Florida is one of only a few states that don't annually provide state funding for this need. The federal government and some local governments in Florida contribute. So do the Bar Foundation and private donors. Still, overall funding in Florida in 2015 fell to \$83 million, its lowest level in a decade. That was enough to cover only about 20 percent of the need that year.

Chief Justice Jorge Labarga of the Florida Supreme Court has made expanding access to civil justice in the state one of his top priorities. He has appointed a commission to consider multiple strategies — not just increased funding, but also more efficient ways, such as better utilizing technology, to meet the need for legal services. This is a sensible approach. There is no silver-bullet solution for a problem this big, and this complicated. But money matters.

Labarga has not pleaded for more funding from the governor or legislators. Now that the Bar Foundation's study has been released, he shouldn't have to.

Scott often cites the return on investment when evaluating state spending. If he applies that standard to civil legal assistance, he'll urge legislators to fill this gap in his budget.

Civil-justice access vital for everyone

As president of the Legal Aid Society of the Orange County Bar Association, I was gratified to read the Orlando Sentinel's Sunday editorial, "Invest in access to civil justice."

The Legal Aid Society provides quality civil legal services for our community's low-income residents, the working poor, children and disadvantaged groups with special legal needs.

As the editorial notes, a study just released by The Florida Bar Foundation adds to ample evidence that civil legal aid provides a hefty return on investment, with an economic impact of \$7 for every dollar invested in civil legal aid in Florida by the foundation and others. This impact comes from helping stabilize clients' income and housing, protecting their safety, and restoring them to productivity.

The Orange County Bar Association requires all its members to accept two pro bono cases a year or contribute \$350 to legal aid. Florida lawyers statewide contributed nearly 1.7 million hours of free civil legal services last year. But lawyers alone could never do enough to ensure that all Floridians have access to justice. Rather, this societal challenge requires societal solutions.

Thank you for recognizing the work of the Florida Commission on Access to Civil Justice and the contributions by the Bar Foundation, local and federal governments, donors and others toward bridging the justice gap.

And thank you also for calling on Gov. Rick Scott and the [Florida Legislature](#) to provide the missing piece — state funding.

David E. Cannella *Orlando*



15d (35)



Our Involvement in Legal Aid

and Pro Bono Positively Impacts the Economy

As members of the Young Lawyers Division, we understand the human impact of helping low-income Floridians receive legal aid. We now have powerful evidence that getting involved in pro bono work and supporting legal aid will also benefit the economy in our local community and statewide.

A new study commissioned by The Florida Bar Foundation found that every dollar invested in civil legal aid organizations by the Foundation, donors and other sources resulted in more than \$7 in economic impacts in 2015.

The study, performed by The Resource for Great Programs, found that investments in civil legal aid resulted in \$600 million in total economic benefits, including more than \$264 million in income for Floridians obtained with the help of legal aid and pro bono attorneys.

The direct dollar impacts come from sources such as Social Security and Social Security disability, Medicare and Medicaid reimbursements, veterans' and other federal benefits, as well as child and spousal support, unemployment compensation and wages. This income generates an additional \$274.8 million in impacts resulting from the economic multiplier effect as that income flows into Florida communities like ours.

In addition, the savings for communities are substantial, with about \$60.4 million of costs avoided statewide from positive trends such as reduced homelessness, fewer police calls and reduced burden on the court system. Avoided costs from domestic violence alone account for \$6.9 million in savings.

The extraordinary findings are impressive and demonstrate the importance of getting involved in legal aid as a young lawyer.

Unfortunately, total funding for civil legal aid in Florida is at a 10-year low.

Statewide, The Florida Bar Foundation provided \$9.5 million in civil legal aid funding during the 2015-2016 fiscal year, a small fraction of the funding it was able to provide at the beginning of this decade. Because of the near-zero interest rates since the Great Recession and the effect on revenue from Florida's Interest on Trust Accounts Program, the Foundation's grants to civil legal aid organizations statewide are down by about 80 percent since 2010 and are expected to fall even further. And total legal aid funding from all sources in Florida has fallen from nearly \$100 million in 2010 to \$83 million in 2015.

The Young Lawyers Division is working with the Foundation to find innovative ways to help fill the gap.

The YLD's Youth on Solid Ground program provides training to enable lawyers to assist low-income families with disabled children in guardianship matters. Offered in collaboration with The Florida Bar Foundation and the Florida Pro Bono Coordinators Association, the program includes free training seminars offering CLE credit.

With a temporary relative custody order in place, the child's extended family member, often a grandparent, aunt, uncle, or older sibling, will have the legal ability to perform basic parental functions, such as enrolling the child in school, meeting with teachers, consenting to basic medical care, and meeting with medical providers. For more information, visit [Youth on Solid Ground here](#).

As lawyers we alone can contribute legal services to those in need, and we have a unique understanding of the importance of civil legal aid to our community. We already knew the satisfaction we get from touching the life of a low-income family. Now we know the economic ripple effects that extend throughout our community when we do.

By supporting legal aid and The Florida Bar Foundation and providing pro bono services we can ensure that our community will continue to thrive and be the kind of prosperous and caring community we want it to be.

GET IN TOUCH

📍 651 E. Jefferson St.
Tallahassee, FL. 32399

Thomas V. Miller, Program Administrator

✉ **Email:** tmiller@flabar.org

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Study Shows Free Legal Services For The Poor Are Good For Business, Not Just To Feel Good

By [WILSON SAYRE \(/PEOPLE/WILSON-SAYRE\)](#) • FEB 9, 2017



(http://mediad.publicbroadcasting.net/p/wlrn/files/styles/x_large/public/201702/case-law-677940_1920.jpg)

The Florida Bar Foundation is trying to make a business pitch about funding legal services.

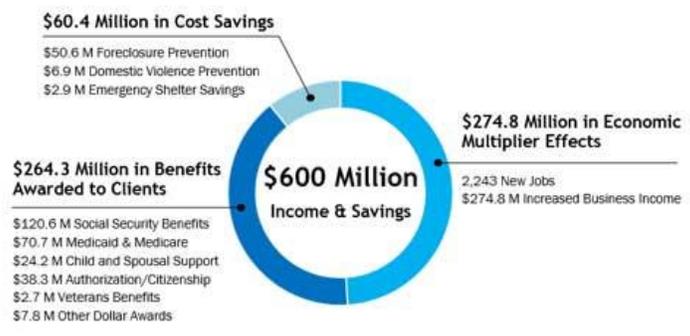
CREATIVE COMMONS

Why should a community fund free legal aid services for its low-income residents?

The Florida Bar Foundation is trying to make the case that these programs, which provide representation by civil legal aid advocates in cases directly affecting families, homes, incomes, jobs and access to vital services, should be funded because they are good for the economy.

A new study (<https://fbfcdn-lwncgfpvgomdk2qxtD0e.stackpathdns.com/wp-content/uploads/2017/02/1-FL-Econ-EXECUTIVE-SUMMARY-FINAL-to-FBF-11-4-2016.pdf>) from the Foundation found that for every dollar spent towards legal aid services, there is a \$7 return on investment.

According to the study of 33 legal services organizations in Florida (<https://thefloridabarfoundation.org/project/general-support-grant/>), the economic impacts came in three areas: 1) direct dollar benefits received by low-income clients and other entities as a result of successful legal assistance, like Social Security payments or Medicaid reimbursements; 2)



cost savings by preventing clients from needing emergency shelters or from foreclosure costs; and 3) an economic multiplier from clients who use their savings and new income to buy things within the state, like groceries.

15d (39)

CREDIT THE FLORIDA BAR FOUNDATION

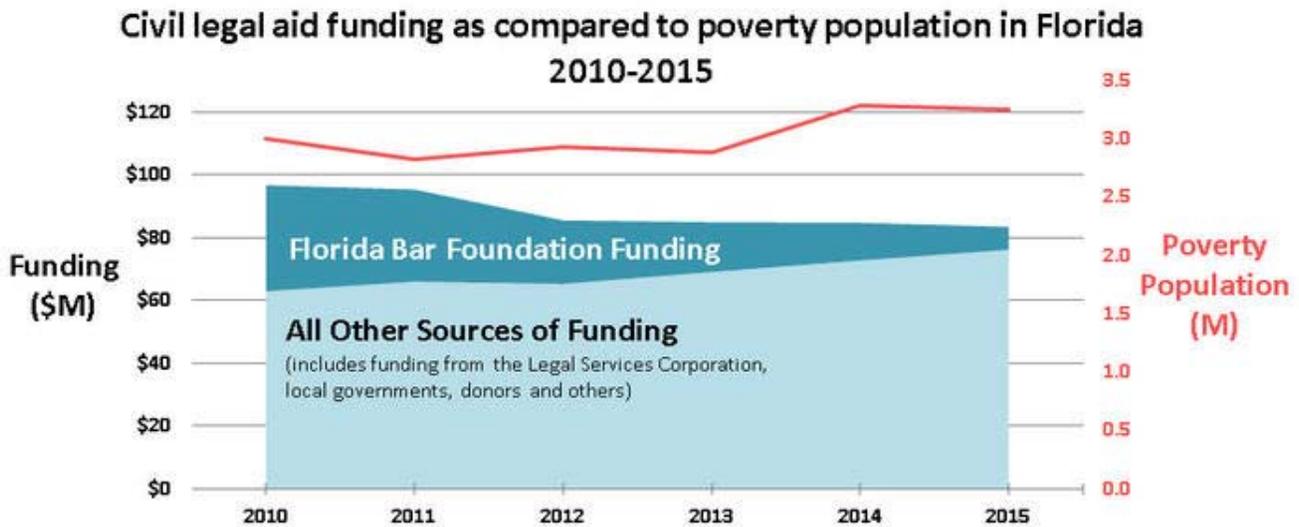
For example, when legal aid services aids a veteran in his/her claims for benefits, direct monthly payments might help stabilize a person's living situation. She might use some of the money to pay for groceries in local stores and won't need emergency medical services to take care of primary care needs because she has insurance that covers doctors visits.

The study reflects similar findings in other states that show a return on investment, like in Texas (\$7.42), Iowa (\$6.71) and Virginia (\$5.27).

"It's good for business, It's not just to feel good," said Bill Schifino, president of the Florida Bar. "It really helps the economy in Florida, so that's the message we're going to scream from the top of the mountain."

Part of the impetus for the study is dwindling funds designed to support legal aid services.

In 2010, legal services got roughly a third of their funding from the Florida Bar Foundation. That shrank to less than 10-percent last year.



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The driver of those shrinking funds is the mechanism that generated that money in the first place. In 1981,

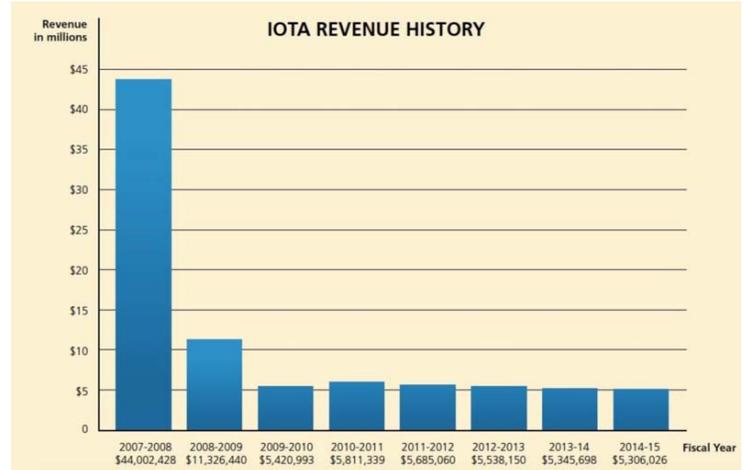
Florida pioneered an approach to funding legal services through an Interest on Trust Account or IOTA program (<https://thefloridabarfoundation.org/iota/iota-rule/>). **15d (40)**

The way it works, when lawyers are working on putting together large financial or real estate transactions, deposits are put into a trust account until everything is finalized. The transaction doesn't happen the next day, in fact it could take several weeks to more than a year. While that money is sitting there, the bank is investing it and earning interest. That interest is then paid into the IOTA fund that the Florida Bar Foundation is responsible for administering.

Almost every state now has a similar system for funding legal aid services.

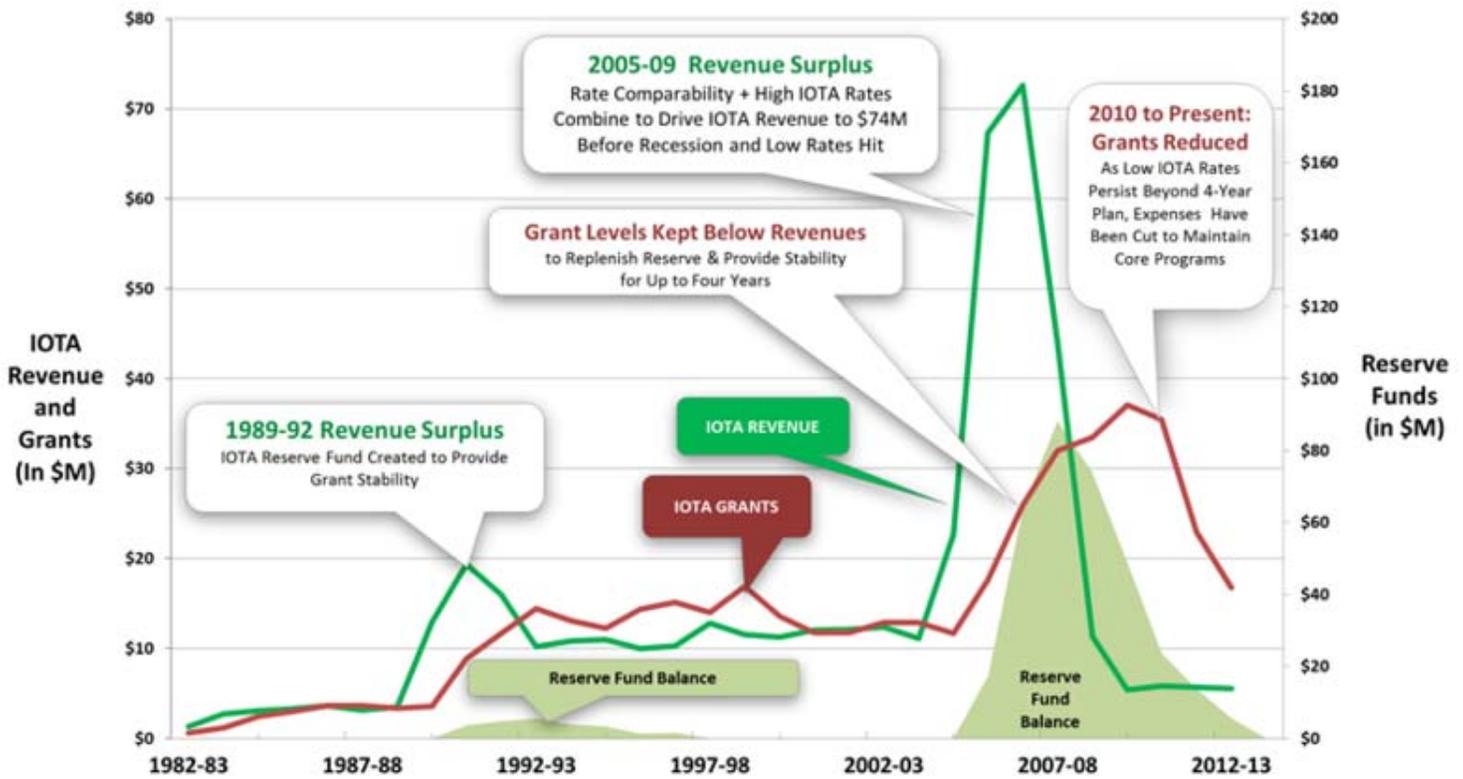
Since the 2007-2009 recession, that fund has not been generating new revenue due to flat interest rates. As a consequence, the Florida Bar Foundation has had to deplete its reserve funds to continue funding legal services.

As you can see from the graph below, revenues from the IOTA Fund, that were as high as \$72.6 million during the 2006-2007 fiscal year, have shrunk to mere \$5.8 million this past year, lower than the revenue made in the 1989-1990 fiscal year. And projections for the next several years suggest the low-revenue streak will continue.



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The (<http://thefloridabarfoundation.org/what-we-do/>)Florida Bar Foundation (<https://thefloridabarfoundation.org/what-we-do/>)uses money from the IOTA Funds primarily to fund legal services, to the tune of \$9.5 million during the 2015-2016 fiscal year. The challenge is how to fill the gap between that revenue and the growing need for legal services.

This is why the Florida Bar Foundation is trying to make the case to the business community that funding legal services will be good for everyone, so they should contribute too.

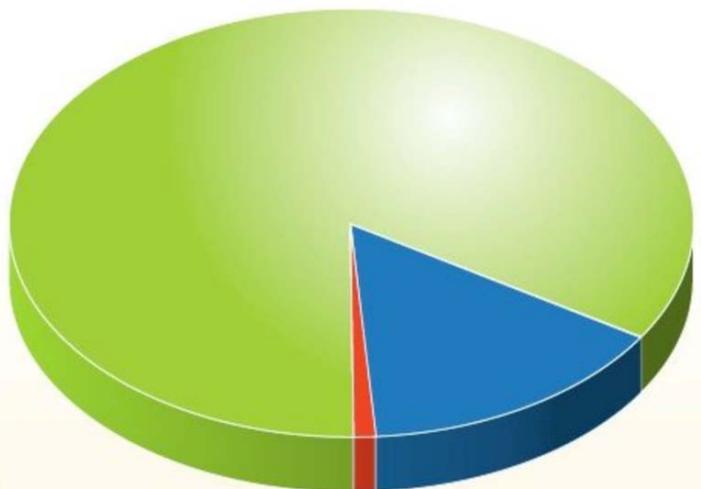
"We have to engage our business community in this. This isn't just a lawyer fix; it can't be. It's just like doctors can't fix the medical problems in the country," said Bill Schifino.

Schifino doesn't want to dismiss other points, like the 1.7 million hours of pro-bono work Florida lawyers donated over the past year, but says the financial need is pretty dire.

"I think we're really missing the vast majority of our middle class," said Schifino. "Clearly you have your poverty level and they have access to legal aid, but you've got this whole middle section that we have a complete gap there."

He estimates that legal services programs and organizations are only able to serve 10- to 20-percent of

2014-15 EXPENSES \$11,513,915



Foundation Grants and Related Activities*	\$8,701,053
Fundraising	\$226,747
Management and General	\$2,586,115

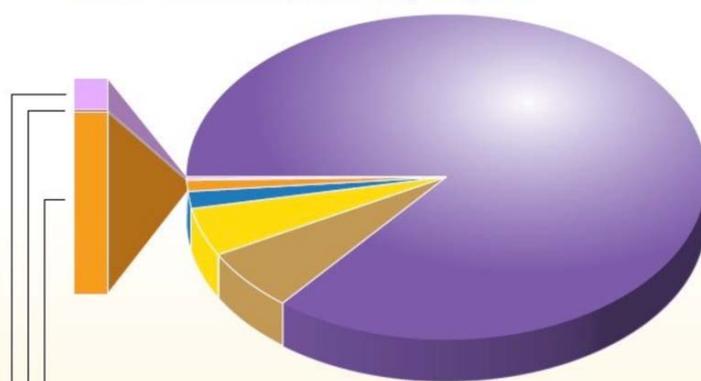
* Of the \$8,701,053 in grants and related activities, \$8,383,053 (96%) was expended on Legal Assistance for the Poor and \$318,000 (4%) was expended on Improvements in the Administration of Justice grants. Management, general and fundraising expenses represent 24.4% of the Foundation's total expenses for 2014-15.

Audited financial statements and the IRS Forms 990 for both the Foundation and The Florida Bar Foundation Endowment Trust are available on the Foundation's website at www.TheFloridaBarFoundation.org/finance

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CREDIT THE FLORIDA BAR FOUNDATION

2014-15 REVENUES \$6,009,076*



* Includes net investment loss of \$114,645 (-1.9%)

the need.

15d (42)

“It is an uphill battle,” said Matt Brenner, president of the Florida Bar Foundation. “It's not just a liberal cause or a cause that is just for poor people, the problem affects everybody. The justice gap that exists in Florida and around the country impacts rich, poor, business, private sector, public sector, it affects everybody.”

He says in light of declining IOTA funding there is no silver bullet and it's unlikely that one-time donations from businesses or law firms will be able to push the needle in any significant way.

The hope is that technology will be able to fill the gap.

While few projects are currently in the works, one suggestion is to create an online portal to help connect clients with simple legal questions to a lawyers who can answer them.

Through the American Bar Association's new innovation center (https://www.americanbar.org/news/abanews/aba-news-archives/2016/08/aba_announces_creati.html), which launched in the summer of 2016, Miami lawyer Hilarie Bass says they're exploring how to design a pilot program that would create a small claims court online, for instance.

“We have to rely on technology do a better job of eliminating the justice gap,” said Bass, president-elect of the ABA (http://www.americanbar.org/publications/governmental_affairs_periodicals/washingtonletter/2016/february/presidentelect.html). “There's no reason why we couldn't have more online.”

And while she is sensitive to concerns of some lawyers who wonder if they will be able to compete as more legal assistance and information is put online for free, “the reality is that an informed public, I view it as always a good thing.”

15d (43)

Florida's top judge calling for expansion of legal aid services



By Mike Vasilinda | Capitol News Service | Posted: Fri 9:46 PM, Feb 03, 2017 |
Updated: Fri 9:52 PM, Feb 03, 2017

By: Mike Vasilinda | Capitol News Service
February 3, 2017

TALLAHASSEE, Fla. (WCTV) -- Florida's top judge is calling for expansion of legal aid services across the state.

The services help people through the court system in divorce, foreclosure, or other civil cases. Advocates say the assistance saves everyone money.



Ten million Floridians qualify for free legal aid, but there are only 408 legal aid lawyers statewide.

Donny MacKenzie, of Holland and Knight and the Florida Bar Foundation, says, "That's about one lawyer for eight thousand clients. You can't do that."

For the last year, a commission has been looking for solutions. It was created by the Chief Justice, who as a trial judge saw too many people who didn't have a lawyer or a clue in his courtroom.

Florida Supreme Court Chief Justice Jorge Labarga Florida says, "It costs money in Florida to file for divorce. It's a big fee here. I think it's over four hundred dollars. You and I can write a check for four hundred dollars, but a lot of people can't, so they just stay married when they don't want to be married."

A study by the Florida Bar Foundation found that every dollar invested in legal aid provides seven dollars in benefits.

MacKenzie says, "When a victim of domestic violence gets the help she needs to move on, those around her get the benefit."

A pilot program in Clay County, outside Jacksonville, asks questions and provides answers and help with needed forms online in two areas: landlord tenant and divorce.

Jim Kowalski, Jacksonville Area Legal Aid CEO, says, "And so this is the digital doorway to the courthouse, tying together online support that we have in place, tying together clinics and self-help centers that the legal aids manage throughout the state."

One idea gaining steam is to have third year law students do a lot less classroom work and a whole lot more legal aid.

The Bar and the Court are not asking for cash from the state yet. But for starters, they are asking corporations and practicing lawyers to do more.

The Clay County study is also piloting what is being called "Low Bono". It's not free help, but lawyers charge just a dollar a minute. Florida is one of only three states that do not budget some dollars for legal aid.



Finding Legal Aid May Get Easier

February 3rd, 2017 by Mike Vasilinda



Legal aid services have never provided help to more than twenty percent of those in need, but since the recession, funding has dropped by 20 percent, Now as Mike Vasilinda tells us, solutions being discussed include a web portal and requiring third year law school students to do more.



Ten million Floridians qualify's for free legal aid, but there ar only 408 legal aid lawyers statewide. Donny MacKenzie, past President of the Florida Bar Foundation, says the math doesn't work.

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The pilot is being overseen by Jim Kowalski, CEO and President of Jacksonville Area Legal Aid.



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benefits such as unemployment compensation. And it includes disputed wages and unpaid child support, too. When Floridians get back more of the dollars they're owed, they spend them and support local businesses and jobs.

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Bar Leaders Promote Economic Impact of Civil Legal Aid

Celia Ampel, Daily Business Review

February 2, 2017

Legal aid programs don't just support the democratic principle of justice for all, bar leaders said Thursday — they also provide \$7 in economic impact for every dollar spent.

That's according to [a new study](#) commissioned by the Florida Bar Foundation, which found that \$83 million in funding for 33 Florida nonprofit civil legal aid organizations in 2015 produced \$600 million in economic impact. Legal aid helps avoid costs associated with catastrophic events such as foreclosure and homelessness, puts dollars into Florida's economy and buoys the productivity of workers who face legal issues, according to the study.

The foundation aims to bring that information to the forefront with Florida civil legal aid funding at a 10-year low. Because of near-zero interest rates, annual revenue from the foundation's [Interest on Trust Accounts Program](#) has fallen to \$5.5 million compared with \$43 million a decade ago.

"Clearly, we can't rely on IOTA programs (alone) to solve the justice gap," Florida Bar Foundation President Matthew Brenner said Thursday at the American Bar Association's midyear meeting in Miami.

Florida Bar President Bill Schifino and American Bar Association President-elect Hilarie Bass, co-president of Greenberg Traurig in Miami, voiced their support for civil legal aid as the study was announced. They said they would push to educate business and government leaders about the economic impact of legal aid programs.

"We must be willing to admit openly that we can do better," Bass said.

Contact Celia Ampel at campel@alm.com. On Twitter: [@CeliaAmpel](#)

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ABA MIDYEAR MEETING

Legal aid spending has a seven-fold economic impact, Florida study finds

POSTED FEB 02, 2017 12:23 PM CST

BY DEBRA CASSENS WEISS ([HTTP://WWW.ABAJOURNAL.COM/AUTHORS/4/](http://www.abajournal.com/authors/4/))



Every dollar spent on civil legal aid for low-income Florida residents creates \$7 in economic impact, according to a study released Thursday.

The study, commissioned by the Florida Bar Foundation, found that one of the biggest economic impacts of legal aid stems from helping low-income people obtain federal benefits, money that is then spent in Florida, according to a press release (<https://thefloridabarfoundation.org/impact>) and executive summary ([https://fbfcdn-](https://fbfcdn-lwncgfpypgomdk2qxt0e.stackpathdns.com/wp-content)

[/uploads/2017/02/1-FL-Econ-EXECUTIVE-SUMMARY-FINAL-to-FBF-11-4-2016.pdf](#)).

Legal aid also saves money for governments that don't have to provide emergency shelter because of help provided to tenants and low-income homeowners, the study found. And it saves money for the homeowners and lenders who avoid foreclosure costs.

The study looked at legal assistance provided in 2015 by 33 civil legal aid organizations in the state. Three press conferences were scheduled to discuss the findings, including one Thursday at the ABA Midyear Meeting in Miami.

In remarks prepared for delivery at the Midyear Meeting press conference, ABA President-elect Hilarie Bass remarked that civil legal-aid funding "offers a tremendous return on investment."

"Civil legal aid helps stabilize families and individuals living at the margins of our economy," Bass said. "It helps restore income streams from sources including Social Security and Social Security disability, child and spousal support, wages, unemployment compensation and veterans' benefits. This income then turns over within Florida's economy, where an estimated 2,243 jobs are created.

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(<http://www.abajournal.com/topic/midyear+meeting>)

"In addition, Florida workers are more productive when they don't have to take time off from work to handle their legal problems on their own, often in inefficient ways or with poor results."

In 2015, the study found, legal aid lawyers helped obtain federal benefits that included \$120.6 million in Social Security payments, \$70.7 million in Medicaid and Medicare reimbursements, \$24.2 million in child and spousal support, and \$2.7 million in veterans' benefits.

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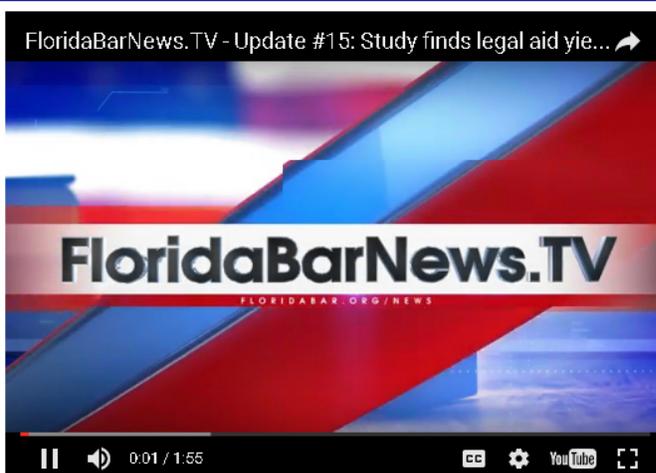
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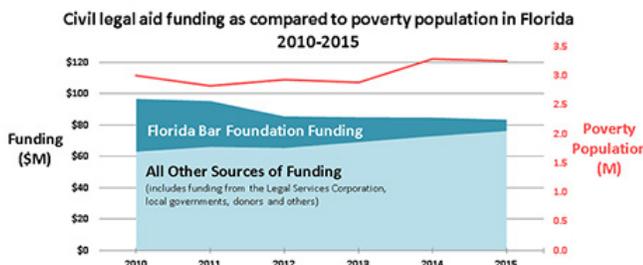


Study finds legal aid yields seven-fold return on investment

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With funding for civil legal aid in Florida at its lowest point in 10 years, a new study shows that every dollar spent on civil legal services for the state's low-income residents yields more than \$7 in economic impacts.

Commissioned by [The Florida Bar Foundation](#), the study found that 33 Florida nonprofit civil legal aid organizations produced \$600 million in economic impact with \$83 million in total funding from sources including the Foundation, the Legal Services Corporation, local governments, donors, and others in 2015. Florida Bar President Bill Schifino praised the role Bar members play in providing pro bono services, but said more can be done.



The study was released February 2 at press conferences in Miami and St. Petersburg and was presented February 3 at the Supreme Court's Commission on Access to Civil Justice.

"Equal justice under law is not only a basic underpinning of our democracy; it's also good economic policy," said Florida Bar Foundation President Matthew G. Brenner. "This study adds to a large body of empirical data — from Florida as well as other states — that clearly demonstrates that society at large benefits when the rights of the poorest and most vulnerable among us are protected."

One of the largest economic impacts of civil legal aid results from assistance in obtaining the federal benefits, child support, wages, and unemployment compensation to which Florida residents are entitled, income that is in turn spent within Florida. The federal benefits obtained for legal aid clients include:

- \$120.6 million in Social Security benefits;
- \$70.7 million in Medicaid and Medicare reimbursements; and

- \$2.7 million in veterans' benefits.

With civil legal aid helping capture \$264.3 million in such income and reimbursements for Floridians, Florida businesses are estimated to have experienced \$274.8 million in increased income in 2015. Investment in civil legal aid also is estimated to have generated 2,243 new jobs.

Not only does civil legal aid put dollars directly into the economy, it also saves money for the government, businesses, nonprofits, clients, and others in a variety of ways. The study found that:

- \$2.9 million in costs for emergency shelter were avoided for low-income families who, with the assistance of legal aid advocates, were able to avoid eviction or gain time to seek alternative housing;
- \$50.6 million in foreclosure costs were avoided by low-income homeowners, lenders, neighbors, and local governments;
- \$6.9 million in costs associated with domestic violence were avoided.

The study points out that civil legal aid also helps ease the burden on Florida's court system by helping people who are self-represented navigate the system and helping the public understand legal processes. Civil legal aid organizations also support and leverage the pro bono work of private attorneys.

Working with legal aid agencies and on their own, Schifino said last year Florida attorneys collectively provided 1.7 million hours of pro bono service and contributed another \$5.3 million to legal aid organizations.

"Many Florida lawyers do their pro bono work with the support of legal aid organizations that provide expertise and resources to enable them to work in areas of the law that may be outside their typical scope of practice. Legal aid organizations also play a big role in handling the screening and assignment of cases to volunteer attorneys," Schifino said. "Although these [pro bono] figures are impressive, they are sadly still not enough to meet the growing needs. Florida's poverty rate has risen from 11.1 percent in 2005 to 16.2 percent in 2015. A million Florida children are living in poverty — almost one in four. Various studies and reports have shown that even in the best of times about 80 percent of low-income litigants either go it alone or simply give up when faced with a legal challenge."

"Civil legal aid helps ensure fairness in our justice system," said Chief Justice Jorge Labarga. "But its benefits extend well beyond that. A large number of our citizens fall in the legal services gap. They just cannot afford a lawyer at today's prices. This study shows that when they have a good way to resolve their civil legal problems, they can remain important assets to their families, on their jobs, and in their communities."

Results of the study suggest that every additional \$100,000 in funding enables legal aid organizations to generate \$719,000 in economic benefits. The analysis was conducted by The Resource for Great Programs, a research firm with more than 20 years' experience conducting similar economic impact studies.

"That's why it's so important to get the word out that — as Matt said — civil legal aid does more than help individual clients and their families. It makes our communities — and our state — stronger and more prosperous and boosts our economy," Schifino said. "A seven-to-one return on investment is hard to come by in any scenario. I know I'd take that kind of ROI on my investments any day. And that's what civil legal aid gives us. We now have the data to show it. . . . It's the right thing to do, and it's the smart thing to do."

The economic return-per-dollar findings are similar to those from legal aid economic impact studies conducted in other states, including Texas (\$7.42), Iowa (\$6.71), Tennessee (\$11.20), and Virginia (\$5.27), and by other researchers. A previous study performed by Florida TaxWatch in 2010 using 2008 data found an economic impact of \$4.78 for every dollar spent on civil legal aid in Florida.

ABA President-elect Hilarie Bass, co-president of Greenberg Traurig, said funding is needed not only to provide direct services to low-income clients, but also to implement technology that will make the legal system more accessible to all.

"Through innovation, we can maximize the tools that technology affords us to make legal information more readily available to all persons otherwise unable to afford an attorney," Bass said. "We can provide pro se litigants with greater access to the information and forms they need to navigate a complex judicial system, and recognize that there are multiple new forms of assistance for the millions of Americans who seek legal assistance, but who have been turned away for years for lack of funding."

[Revised: 02-14-2017]

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Study shows free legal services for the poor are good for business

by

Posted 2/10/2017

Updated 2 weeks ago

Why should a community fund free legal aid services for its low-income residents?

The Florida Bar Association is trying to make the case that these programs, which provide representation by civil legal aid advocates in cases directly affecting families, homes, incomes, jobs and access to vital services, should be funded because they are good for the economy.

[A new study](#) from the Florida Bar Foundation found that for every dollar spent towards legal aid services, there is a \$7 return on investment.

According to the study of [33 legal services organizations in Florida](#), the economic impacts came in three areas: 1) direct dollar benefits received by low-income clients and other entities as a result of successful legal assistance, like Social Security payments or Medicaid reimbursements; 2) cost savings by preventing clients from needing emergency shelters or from foreclosure costs; and 3) an economic multiplier from clients who use their savings and new income to buy things within the state, like groceries.

For example, when legal aid services aids a veteran in his/her claims for benefits, direct monthly payments might help stabilize a person's living situation. She might use some of the money to pay for groceries in local stores and won't need emergency medical services to take care of primary care needs because she has insurance that covers doctors visits.

The study reflects similar findings in other states that show a return on investment, like in Texas (\$7.42), Iowa (\$6.71) and Virginia (\$5.27).

"It's good for business, It's not just to feel good," said Bill Schifino, president of the Florida Bar. "It really helps the economy in Florida, so that's the message we're going to scream from the top of the mountain."

Part of the impetus for the study is dwindling funds designed to support legal aid services.

In 2010, legal services got roughly a third of their funding from the Florida Bar Association. That shrank to less than 10-percent last year.

The driver of those shrinking funds is the mechanism that generated that money in the first place. In 1981, Florida pioneered an approach to funding legal services through an [Interest on Trust Account or IOTA program](#).

The way it works, when lawyers are working on putting together large financial or real estate transactions, deposits are put into a trust account until everything is finalized. The transaction doesn't happen the next day, in fact it could take several weeks to more than a year. While that money is sitting there, the bank is investing it and earning interest. That interest is then paid into the IOTA fund that the Florida Bar Foundation is responsible for administering.

Almost every state now has a similar system for funding legal aid services.

Since the 2007-2009 recession, that fund has not been generating new revenue due to flat interest rates. As a consequence, the Florida Bar Foundation has had to deplete its reserve funds to continue funding legal services.

As you can see from the graph below, revenues from the IOTA Fund, that were as high as \$72.6 million during the 2006-2007 fiscal year, have shrunk to mere \$5.8 million this past year, lower than the revenue made in the 1989-1990 fiscal year. And projections for the next several years suggest the low-revenue streak will continue.

[The Florida Bar Foundation](#) uses money from the IOTA Funds primarily to fund legal services, to the tune of \$9.5 million during the 2015-2016 fiscal year. The challenge is how to fill the gap between that revenue and the growing need for legal services.

This is why the Florida Bar Foundation is trying to make the case to the business community that funding legal services will be good for everyone, so they should contribute too.

"We have to engage our business community in this. This isn't just a lawyer fix; it can't be. It's just like doctors can't fix the medical problems in the country," said Bill Schifino.

Schifino doesn't want to dismiss other points, like the 1.7 million hours of pro-bono work Florida lawyers donated over the past year, but says the financial need is pretty dire.

"I think we're really missing the vast majority of our middle class," said Schifino. "Clearly you have your poverty level and they have access to legal aid, but you've got this whole middle section that we have a complete gap there."

He estimates that legal services programs and organizations are only able to serve 10- to 20-percent of the need.

"It is an uphill battle," said Matt Brenner, president of the Florida Bar Foundation. "It's not just a liberal cause or a cause that is just for poor people, the problem affects everybody. The justice gap that exists in Florida and around the country impacts rich, poor, business, private sector, public sector, it affects everybody."

He says in light of declining IOTA funding there is no silver bullet and it's unlikely that one-time donations from businesses or law firms will be able to push the needle in any significant way.

The hope is that technology will be able to fill the gap.

While few projects are currently in the works, one suggestion is to create an online portal to help connect clients with simple legal questions to a lawyers who can answer them.

Through the American Bar Association's new [innovation center](#), which launched in the summer of 2016, Miami lawyer Hilarie Bass says they're exploring how to design a pilot program that would create a small claims court online, for instance.

"We have to rely on technology do a better job of eliminating the justice gap," said [Bass, president-elect of the ABA](#). "There's no reason why we couldn't have more online."

And while she is sensitive to concerns of some lawyers who wonder if they will be able to compete as more legal assistance and information is put online for free, “the reality is that an informed public, I view it as always a good thing.”

This story first appeared at WLRN.org.



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January 15, 2017

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Foundation strives to make its grants count

By Gary Blankenship
Senior Editor

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Now in its 60th year and facing continued reduced IOTA income, [The Florida Bar Foundation](#) is focusing its grants to legal aid agencies where they will have the most impact and complement efforts for those agencies to raise other funds.

Foundation President Matthew Brenner, making the Foundation’s annual report to the **Bar** Board of Governors last month, began with a video about the Foundation. The video included this statement:

“There are significant hurdles, but the most pernicious hurdle is fear: fear of change, fear of the loss of control. Fear doesn’t move us one inch closer to justice. We need to rethink the service delivery model from the ground up and to do it from the consumer perspective, not the lawyer’s perspective. Ensuring access to the justice system is our highest calling as lawyers and a fundamental responsibility for a democratic society. We must be willing to think and address that challenge in new ways. Doing things the same way we have for the past 50 or 100 years is simply not going to work.”

Brenner said the Foundation uses the video to inform various groups about the challenges it faces and the changes it is making. There is little choice to make those changes, he added. At its peak 10 years ago, the Foundation took in more than \$70 million in IOTA funds, and used that to build an \$88 million reserve. But for the past seven years, IOTA income has averaged \$5.5 million, and by 2018, all its reserves will be gone.

As a result, Foundation funding, which used to make up one-third of the budgets of legal aid programs in **Florida**, now accounts for 8 percent, Brenner said.

One way the Foundation has adjusted is creating the [Justice Technology Center](#), which focuses on technology to improve legal aid and help consumers address their legal problems. Its highest profile project has been working with the Supreme Court’s [Commission on Access to Civil Justice](#) to create a test program in Clay County where consumers can go online and get help with dissolution and landlord/tenant issues.

“The pilot program is up and running in Clay County. We’re learning things every day, and there be will a more formal report shortly,” Brenner said.

Because of the ongoing financial constraints, “We are strategically resetting our funding priorities and the way we do business,” he added. “The goal of our reset is to ensure The **Florida Bar** Foundation serves as a catalytic leader for access to justice and to do so by leveraging our resources as best we can and to use them strategically to obtain the greatest impact. We want to use our limited resources in an effort . . . to create truly innovative and better solutions to narrow the justice gap.

“After 2018, to the extent we continue to provide support to legal aid organizations, it’s only going to be to programs performing the highest impact work for the most vulnerable clients.”

Brenner said the Foundation will also be looking for organizations that can use the Foundation grants to match other monies raised by legal aid agencies from other local sources.

"We're soon releasing the results of a new study on the economic impacts of civil legal aid in **Florida**; we'll be launching a statewide legal needs study," and will be working with legal aid organizations on how to raise money and make better use of technology to stretch their resources, he added.

"It's a new day, but we're ready for it; we're excited about it, and we're looking forward to the future," Brenner said.

He also announced that Bruce Blackwell, who has served as Foundation executive director for the past two years, has agreed to stay in the post for the next three years.

[Revised: 02-24-2017]

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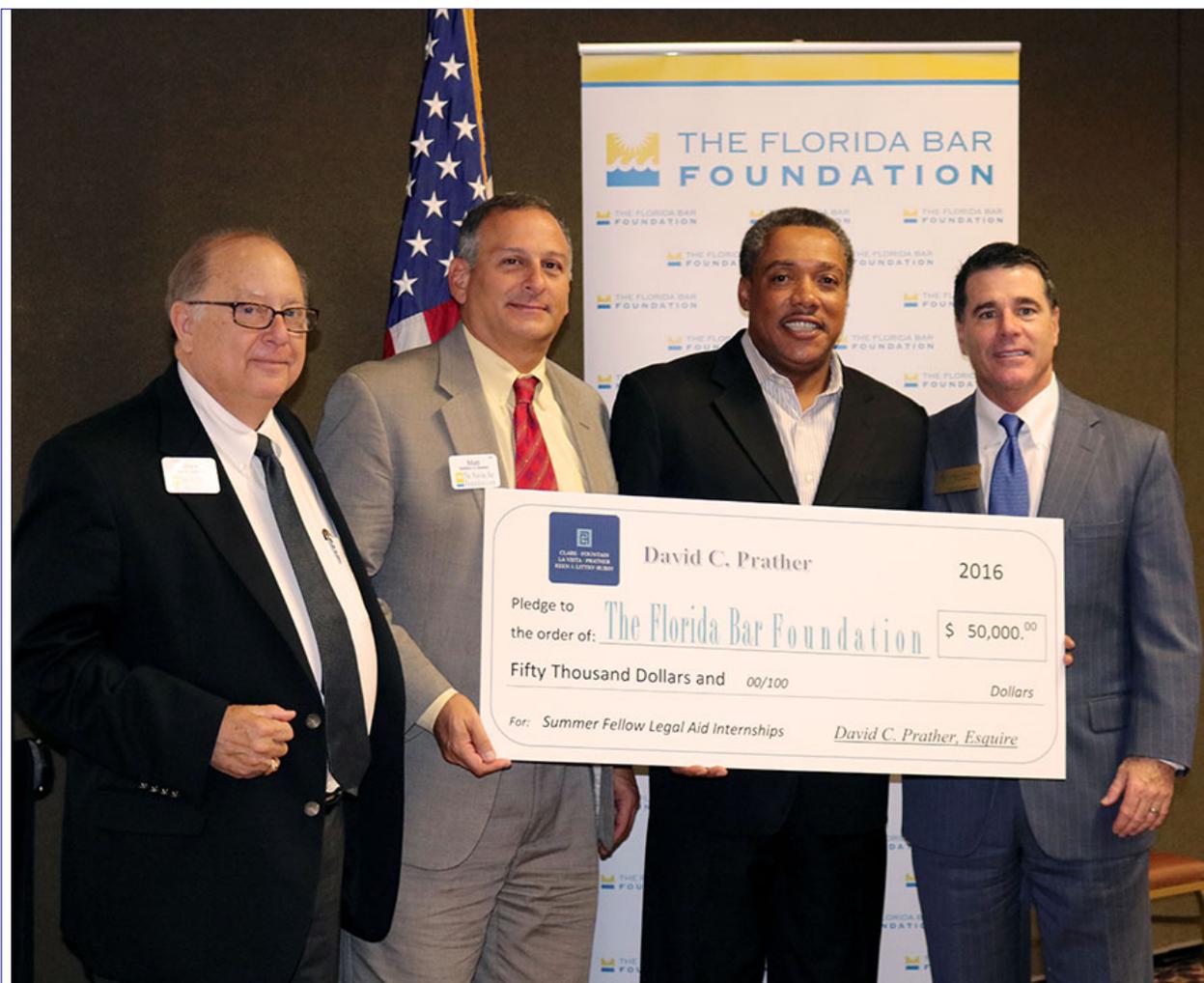
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December 1, 2016



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DAVID PRATHER of Clark, Fountain, La Vista, Prather, Keen & Littky-Rubin in West Palm Beach and a [Florida Bar Foundation](#) board member understands the importance of cultivating a talented legal team. So, through a \$50,000 pledge to the Foundation, Prather is helping Florida's legal aid organizations develop their next generation of talent. His gift will provide seed funding for a campaign to restore the Foundation's Summer Fellows program. Suspended since 2012 due to lack of funding, the program places law students at Florida legal aid organizations to develop projects in areas such as homelessness, juvenile justice, and medical-legal partnerships. Foundation CEO Bruce B. Blackwell and President Matthew G. Brenner, from left, accepted the \$50,000 pledge from David C. Prather at a recent Foundation board meeting. Joining them was Florida Bar President Bill Schifino, a Foundation board member.

[Revised: 02-27-2017]

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December 15, 2016

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FloridaBarNews.TV - News Update #9: Pro bono attorney prevent...



Pro bono attorney prevents wrongful eviction of mother and daughter

By Rayven Wright

Special to the News

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On the eve of her 21st birthday, Brittney and her mother Tina were shocked to receive a notice of noncompliance from their property manager.

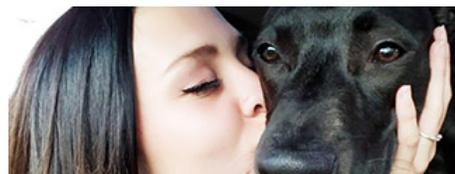
According to the notice, Brittney’s emotional support animal, Panga, was in violation of the community’s height and weight guidelines under the pet policy. If Panga was not removed in seven days, Brittney and Tina were told they would face eviction from their home of six years.

“Our reaction was utter devastation and chaos and sadness,” Tina said. “I know, physically, I was in hives over it. [Brittney] had some major manic attacks.”

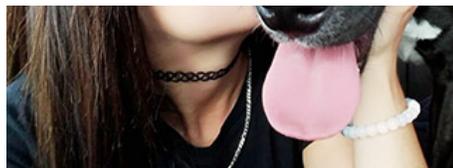
Brittney suffers from post-traumatic stress disorder. Her 40-pound Labrador-mix, Panga, provides emotional support through periods of depression and anxiety. According to Tina, Panga has been instrumental to her daughter’s well-being. Since living with Panga, Brittney has not been Baker Acted, nor has she harmed herself.

Tina and Brittney had been going back and forth with their property manager prior to being issued the notice, and their therapist connected them with Pamela Fields of Legal Aid of Manasota. After they received the notice, Fields connected them with pro bono attorney Merissa Mort the very same day.

“I just can’t even express how thankful and grateful I am that there are people like



Merissa who will fight for those who can't fight," Tina said. "[Pro bono lawyers are] good people fighting for good people. I think there is not enough of that in the world."



Fields discussed this case with Mort because she had recently tackled a similar case through Legal Aid of Manasota and had a successful outcome.

"I asked [Fields] if I could take [Brittney and Tina's] case because I am passionate about housing rights," Mort said.

Brittney and Tina live in a federally subsidized housing complex with a 20-lb. weight restriction on dogs. However, under the Fair Housing Act, comfort animals, like Panga, are exempt from any community rules including breed, size, pet limits or no pet policy.



Mort wrote a demand letter to the property manager explaining that the notice was in violation of Brittney's rights under the Fair Housing Act. Two days later, the community's attorney responded with a letter stating that Brittney's disability meant she would be granted reasonable accommodations regarding Panga and that the seven-day notice would be withdrawn.

"It was a godsend," Tina said. "I think if things had not turned out that way, if legal aid did not accept our case, if they didn't find Ms. Merissa Mort, I think we would be homeless today, for sure. It was happy birthday to Brittney."

This is the second case Mort has handled through Legal Aid of Manasota. Mort feels fulfilled knowing that through pro bono she can help change someone's life in their greatest time of need by simply doing what she loves to do.

"JFK said it best," Mort said. "'For those to whom much is given, much is required.' As attorneys, we have the unique ability of helping people in life-changing matters. Pro bono work doesn't have to be time-consuming. Sometimes pro bono cases take months to complete, and sometimes they are resolved through one simple letter. We should do what we can, when we can, to help others in need."

Brittney says she is thankful to everyone involved in providing legal aid to those who need it, calling them true heroes.

"My life has been a whole lot brighter because someone stepped in and spoke up for me," Brittney said. "It's an amazing thing to feel whole again."

RayvenWright is an intern from the University of Central Florida assigned to [The Florida Bar Foundation](#).

[Revised: 02-27-2017]

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