

# The Florida Bar Foundation

**Annual Overview  
of the  
*Legal Assistance  
for the Poor Grant  
Program***

**2014**



*The Florida Bar Foundation  
875 Concourse Parkway South, Suite 195  
Maitland, Florida 32751*



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## Providing Access to Justice for Florida's Most Vulnerable Residents.

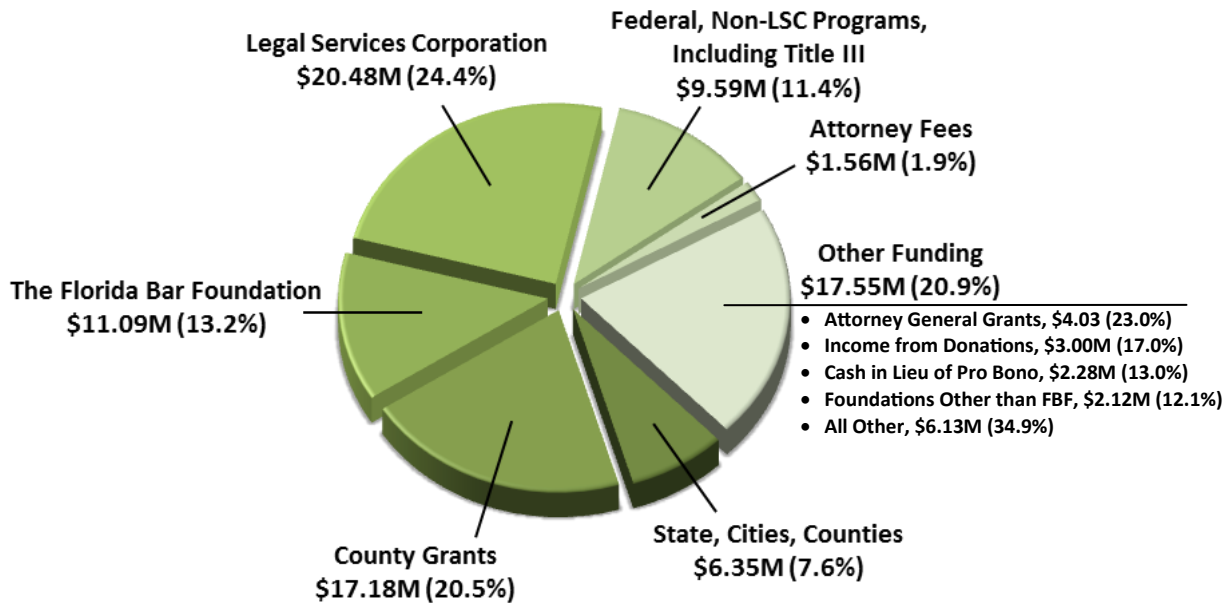
The Florida Bar Foundation (Foundation) offers an integrated, comprehensive system of grant programs and other forms of support to strengthen Florida legal services programs and increase client services. Grants for these purposes are:

### **Legal Assistance for the Poor (LAP) Grant Programs:**

- General Support
  - Children's Legal Services
  - Affordable Housing
  - Staff Attorney Salary Supplementation
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- Of \$83.81 million received by Florida legal services organizations in 2014, \$11.09 million, or 13.2 percent, came from The Florida Bar Foundation.
  - The Foundation is the only funder linking 31 legal services programs in Florida to form a comprehensive, statewide legal services delivery system.
  - Foundation grantees documented direct dollar benefits to clients totaling more than \$75 million in 2014 from sources including child support and federal programs such as Social Security and Supplemental Security Income, which is designed to provide food, shelter and medical care to the elderly and disabled.
  - Foundation-funded providers completed 86,760 cases in 2014.

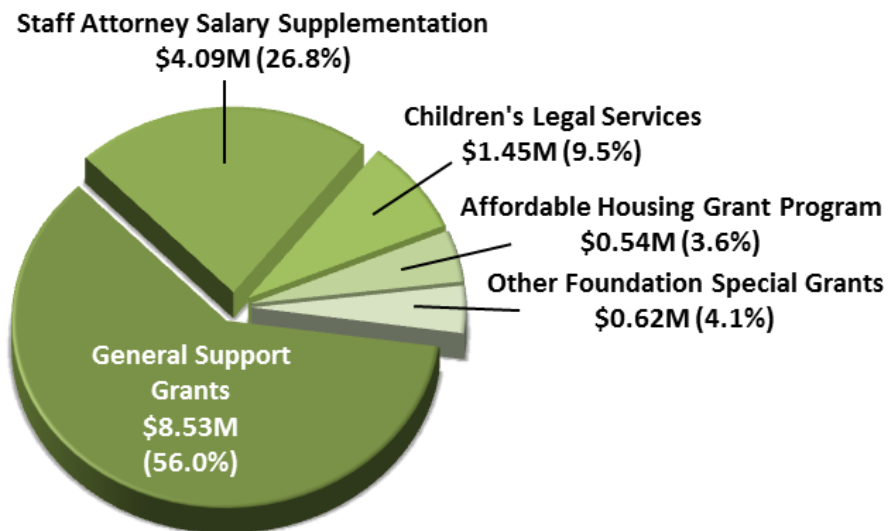
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## Total Funding Received - \$83.81M by Florida Bar Foundation Grantees, 2014



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## Total Foundation Funding - \$11.09M Provided for Calendar Year 2014



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## **General Support Grant Program**

The Florida Bar Foundation awards annual grants to legal aid programs for the general support of the provision of free legal assistance to eligible clients within the service area of each program. The general support grants comprise over 55 percent of the funds provided by the Foundation for the provision of legal assistance for the poor. The general support grants contribute initial institutional support to legal aid programs for the provision of general legal assistance based upon local priorities. These grants are distributed on the basis of the number of poor people in each region under Florida's legal services plan. Several statewide programs are funded on a non-per capita basis and offer statewide legal services, including legislative, administrative, and statewide advocacy, and co-counseling and backup services for local legal aid programs.

For 2014, the Foundation awarded a total of \$6.73 million in general support grants which funded 31 legal aid programs providing a full range of legal services to the low-income population of Florida's 67 counties.

## **Affordable Housing Grant Program**

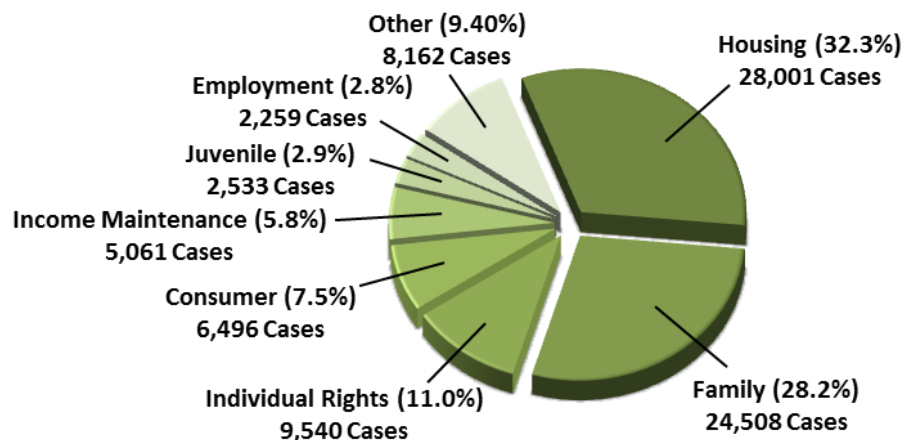
The Foundation has sought to make an impact on the affordable housing crisis for low-income individuals and families through the implementation of a statewide-regional affordable housing project. The goal of the project is to undertake systemic advocacy to prevent the loss of affordable housing units and to support the development of new affordable housing units. Grants support multi-form legal advocacy, including legislative advocacy, administrative advocacy, public policy advocacy and litigation on a statewide and local level in collaboration with local community groups. In March 2014, the Foundation awarded a total of \$500,000 in affordable housing grants that funded six affordable housing projects.

## **Staff Attorney Salary Supplementation Grant Program**

In September 2007 the Foundation released the results of an in-depth study titled, "The Quest for the Best: Attorney Recruitment and Retention Challenges for Florida Civil Legal Aid." Eighty-eight percent of the state's legal aid attorneys participated in the study through Web-based surveys, personal and telephone interviews and focus groups. The study found that the median starting salary for a licensed attorney in a Florida legal aid program was \$38,500 and that staff attorneys do not reach a median salary of \$50,000 until nine years after law school graduation.

Common measures of a middle class lifestyle, such as home ownership, proved beyond the reach of legal aid attorneys in spite of their highly specialized and marketable skills. The study also found that "financial pressure due to low salary" was the number one reason former legal aid attorneys left their jobs. In accordance with the recommendations of the study, The Florida Bar Foundation initiated a Staff Attorney Salary Supplementation Grant Program in 2008 to increase staff attorney starting salaries beginning Jan. 1, 2008 to a minimum of \$43,500 and to a minimum of \$46,000 by Jan. 1, 2010. It also established goals that attorneys with three, six, and ten years of experience would be earning a minimum salary of \$50,000, \$60,000 and \$70,000 respectively, by 2010. For 2014, the Foundation provided a total of \$2.50 million to 29 of the Foundation's general support legal aid programs to assist them in achieving these goals and to improve professional development measures, including supervision, and training, etc.

## 86,760 Cases Closed in 2014



The following examples of actual cases reflect generally the advocacy undertaken by Foundation grantees and pro bono attorneys.

### Housing Matters 28,001 Cases

- Federally Subsidized Housing Rights
- Homeownership/Real Property
- Landlord/Tenant (Other than Public Housing)
- Public Housing
- Housing Discrimination

Jacinto came to legal services because he and his family faced foreclosure. He had been successfully self-employed, running a stucco business and even had several employees during the boom years in Florida. When the housing downturn became a crisis, Jacinto's business fell victim to the construction crash. In 2013 a final judgment of foreclosure was entered on his family home. He and his wife have seven children, and he has custody of four of his sister's children, making him responsible for 12 individuals plus himself. Legal services first helped him by obtaining an extended sale date, then an order staying the writ of possession, which granted his family five additional months to find housing. His attorney contacted community leaders and met with service providers to locate assistance for the family and was able to work with The Sarasota Herald Tribune to reach out to the larger community to seek an affordable housing option for the family. Through this story, many readers became interested in helping the family and made heart-warming donations, offers of employment and suggestions for affordable housing. A "Go Fund Me" website was established, and negotiations with the mortgage company continued throughout this time. As a direct result of the work done by legal services subsequent to the actual foreclosure judgment, the mortgage company finally offered Jacinto relocation assistance in the amount of \$20,000. By then the housing market was slowly improving, Jacinto's business had picked up, and his income had become steady again. He relocated his family to a large rental home and is once again able to support his family. *Gulfcoast Legal Services, St. Petersburg*

### Family Matters 24,508 Cases

- Adoption
- Custody/Visitation
- Dissolution of Marriage
- Adult Guardianship/Conservatorship
- Name Change
- Parental Rights Termination
- Domestic Abuse
- Support

Beatriz was brought to the United States from Mexico by her parents when she was 6 months old. At 18 she began dating a U.S. citizen, and after several years she became pregnant. In spite of her boyfriend's temper and jealous rages, Beatriz married him just a few months into her pregnancy. But his drinking increased and he became more violent, even beating their dog and breaking its leg. Although she worried about her baby's safety, being undocumented she knew she would struggle to support the baby on her own, and her husband often threatened that he would keep the child and have her deported if she tried to leave. After he punched her in the mouth one day, a police officer intervened and her husband was arrested. While her husband was in jail she moved out, but after he was released Beatriz contacted legal aid to seek help with obtaining a divorce, gaining custody of the child, and resolving her immigration status. Legal aid succeeded on all counts, and the family court also granted her child support. With legal aid's help Beatriz received immigration relief under the Violence Against Women Act and was finally authorized to work in the United States. Beatriz is now a secretary at the Department of Children and Families, where she helps other children in need. She has since obtained legal permanent residency in the United States. *Legal Aid of Manasota, Sarasota*

<b>Individual Rights Matters</b> <b>9,540 Cases</b>	<ul style="list-style-type: none"> <li>• Immigration/Naturalization</li> <li>• Mental Health</li> <li>• Civil Rights</li> <li>• Disability Rights</li> <li>• Human Trafficking</li> </ul>
	<p>At age 16, Elena was smuggled from Mexico to New York and then to Florida, where her “boyfriend’s” family forced her into prostitution. In 2009, agents of the FBI visited Elena’s apartment as part of an investigation into the prostitution ring involving the boyfriend’s family. Elena cooperated with the investigation, identifying the boyfriend and his uncle and directing agents to venues where other underage girls were working as prostitutes. Elena was afraid of returning to Mexico, believing she would be subject to reprisals. She had just given birth to a baby whose father was likely one of the men she was forced to have sex with while being trafficked. She also had a young daughter still living in Mexico with her mother. Legal aid’s Immigrant Advocacy Project (IAP) worked with the FBI to prepare a legal argument and evidence in support of T Nonimmigrant Status. Elena was granted lawful status and employment authorization for a four-year period. Legal aid meanwhile helped obtain a T visa for her daughter in Mexico. In 2014 Elena and her daughter obtained lawful permanent resident status. Legal aid also helped her access Medicaid coverage after she was denied by the Florida Department of Children and Families. Her attorney explained to DCF staff that while most new immigrants are barred from receiving Medicaid, trafficking victims qualify for immediate eligibility under a special humanitarian exception. <i>Legal Aid Society of Palm Beach County, West Palm Beach</i></p>
<b>Consumer Matters</b> <b>6,496 Cases</b>	<ul style="list-style-type: none"> <li>• Bankruptcy/Debtor Relief</li> <li>• Credit Access</li> <li>• Public Utilities</li> <li>• Collection</li> <li>• Energy</li> <li>• Unfair Sales Practice</li> <li>• Contracts/Warranties</li> <li>• Loans/Installment Purchase</li> </ul>
	<p>Leo paid an auto shop \$2,000 towards the purchase of an 11-year old car. Two days later he paid an additional \$2,500, at which time the sale was consummated. When Leo made the final payment, the seller gave him a written receipt stating that the car was purchased "as is" and that the vehicle was rebuilt. The seller admitted that he did not disclose that the car was rebuilt prior to the sale as is required by Florida law. Upon learning that the car was rebuilt, Leo wanted to return the car and get his money back. The seller refused, so Legal Services represented Leo to sue the seller. The Circuit Court entered a final judgment for Leo ordering the seller to pay Leo \$4,500 plus court costs. The decision is published at 21 Fla. L. Weekly Supp 341. <i>Legal Services of Greater Miami, Miami</i></p>
<b>Income Maintenance Matters</b> <b>5,061 Cases</b>	<ul style="list-style-type: none"> <li>• Welfare</li> <li>• Social Security</li> <li>• Unemployment Compensation</li> <li>• Food Stamps</li> <li>• SSI</li> <li>• Veterans Benefits</li> </ul>
	<p>Neal was referred to legal aid by a local mental health provider. A veteran, he had been homeless with nowhere to sleep at night. He also struggled with serious and untreated mental health issues. His legal aid attorney advised Neal of his right to apply for Social Security disability benefits. She then assisted him in obtaining more than 1,000 pages of medical records, wrote a brief in support of his eligibility for disability benefits, and went to meet with the Social Security staff to argue his case. As a result, Neal is now receiving monthly Social Security disability benefits, as well as medical care. Today, he lives in a furnished apartment and is engaged. He credits legal services with helped him turn his life around and said he could not even have imagined how happily he would be celebrating the holidays in 2014. <i>Three Rivers Legal Services, Gainesville</i></p>
<b>Employment Matters</b> <b>2,259 Cases</b>	<ul style="list-style-type: none"> <li>• Employment Discrimination</li> <li>• Earned Income Tax Credit</li> <li>• Employee Rights</li> <li>• Wage Claims</li> <li>• Taxes</li> <li>• Agricultural Workers Issues</li> </ul>
	<p>Mario worked for years at a plant nursery in Broward County, where his normal workweek was 60 hours or more. Each week, Mario received his pay in two parts. The first 40 hours were paid by check, with all remaining wages paid in cash. Mario was concerned that the company never paid overtime wages to him or his co-workers. With help from legal aid, Mario filed suit to recover the additional wages due him. During the course of the litigation it was discovered that by keeping a large portion of the workers' wages "off the books," the employer saved hundreds of thousands of dollars each year in taxes and worker's compensation insurance premiums. The employer refused to settle the case, resulting in a three-day trial in federal court. The court ruled in Mario's favor, rejecting the employer's argument that the workers benefitted by having part of their wages paid "off the books" and that as an unauthorized alien Mario had no right to minimum or overtime wages. In a lengthy and detailed opinion published in Federal Supplement 3d, the court awarded Mario \$13,324 in back wages and penalties. <i>Florida Legal Services Migrant Farmworker Justice Project, Lake Worth</i></p>

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## Children's Legal Services Grant Program

In March 2014, the Florida Bar Foundation continued to recognize the special legal needs of children by awarding \$1.45 million to fund 22 children's legal assistance projects. This funding included a total of \$223,530 in contributions from the Trial Lawyers Section of the Florida Bar, the Family Law Section of the Florida Bar, and the Real Property Probate and Trust Law Section of the Florida Bar. Other contributions totaling \$257,592 included contributions from the Florida Bar's Annual Lawyers Challenge for Children, The Florida Bar Foundation's Kids Deserve Justice License plate campaign, individual contributions from John and Pam Noland, and individual contributions from the Executive Council members of the Real Property Probate and Trust Law Section of the Florida Bar.

These grants reach rural and urban areas throughout Florida and address children's legal needs through staff attorney and private pro bono attorney services. Among the children reached are the following:

- Children who are disabled or have learning disabilities and were being denied special education services required by law;
- Foster care children whose time in foster care could be shortened;
- Children, including foster care children, who need access to medical, mental and other health related services;
- Children seeking benefits so that they can be cared for by loving relatives rather than being placed in the state foster care system; and
- Children aging out of foster care who need transitional assistance and access to their Social Security funds held by the state.

### **Programs receiving grants in 2014:**

- Americans for Immigrant Justice
- Bay Area Legal Services
- Brevard County Legal Aid
- Community Law Program
- Community Legal Services of Mid-Florida
- Dade County Bar Association Legal Aid Society
- Florida's Children First
- Florida Equal Justice Center
- Florida International University College of Law
- Florida Legal Services
- Florida State University College of Law
- Gulfcoast Legal Services
- Jacksonville Area Legal Aid
- Lawyers for Children America
- Legal Aid Service of Broward County
- Legal Aid Society of Palm Beach County
- Legal Aid Society of the Orange County Bar Association
- Legal Services of Greater Miami
- Legal Services of North Florida
- Southern Legal Counsel
- University of Miami School of Law (Children and Youth Law Clinic)



## Children's Legal Services Grants - Protecting Children, Providing Better Futures

Legal aid represented three African-American children after the Osceola County School District, without the parents' knowledge, withdrew the children from a wealthy, majority white, A-rated school because they were homeless and unable to produce receipts for their stays at various motels. The family's mother had severe mental health issues. Instead of providing information on available services, the school harassed the family and questioned motel staff, in violation of the McKinney-Vento Homeless Assistance Act. Through our representation, the three children were quickly re-enrolled and offered compensatory education, including individual tutoring services for each child. The District also agreed to provide its staff with training on McKinney-Vento, which will help protect other homeless families in the county. *Community Legal Services of Mid-Florida – Child Advocacy Project*

Mary was initially removed from her parents due to medical neglect, which was physically evident. Some months later, her parents resurfaced with her older brother, Steve, at the juvenile courthouse and asked the judge to take Steve and his three other siblings. The parents provided no explanation as to why they requested to relinquish custody of their children, but they emphatically told the court that they did not want their children; they wished to immediately terminate their own parental rights. Both Mary and Steve have autism. While their siblings were adopted quickly by another family, achieving permanency was more challenging for Mary and Steve. The first pre-adoptive home, which adopted their siblings, asked for Mary and Steve to be removed after the family did not receive approval for the enhanced stipend they felt was needed to care for them. Through a Wendy's Wonderful Kids recruiter, the Hallmon family was located. Legal aid worked to ensure that the children received access to disability services, including full medical and educational supports, and helped the Hallmon family navigate legal issues with the Agency for Persons with Disabilities. As a result, the children were able to obtain medical, educational, and placement stability; they thrived in their new home and were adopted after spending three years in foster care. *Legal Aid Society of the Orange County Bar Association – Guardian Ad Litem Program, Developmental Disabilities Advocacy Project*

Lionel was raised in Guatemala by his grandmother. At age 12 he was forced to live with his father, who made Lionel quit school to work full-time, six days a week, on a construction site. For the next three years, Lionel's father collected Lionel's wages, beat him regularly and didn't feed him. Once, when Lionel was found asking for food at his grandmother's house, he was kicked, thrown to the ground and left bleeding after he attempted to stop his father from hitting his little sister. Another time Lionel was hung by the wrists, suspended in the air and beaten with a rod for nearly an hour. At 15, Lionel made the perilous trip to the United States to be with his mother. Detained by immigration authorities at the border, he was placed in removal proceedings to be returned to Guatemala. Federal authorities identified him as a victim of labor trafficking, and after nine months in custody, he was released to his mother in Florida. Legal aid attorneys worked tirelessly to prepare Lionel's asylum case. In March of 2015, Lionel's application for asylum as a child victim of trafficking and abuse was granted. This opened the door to lawful permanent resident status and meant that he would not be sent back to his abusive father. Currently a junior in high school, Lionel hopes to become a police officer. *Americans for Immigrant Justice – Children's Legal Program*

Florida's Children First, one of The Florida Bar Foundation's Children's Legal Services grantees, does not provide direct representation, but rather engages in legislative advocacy efforts that have had an impact on thousands of children in the dependency system. Its work in ensuring complete access of former foster youth to Medicaid until age 21 already has benefited more than 3,000 children. The organization also advocated successfully for legislation that provides the right to counsel for children in the dependency system who have special needs, which has so far provided counsel for almost 2,000 children. *Florida's Children First – Children's Systemic Initiative*

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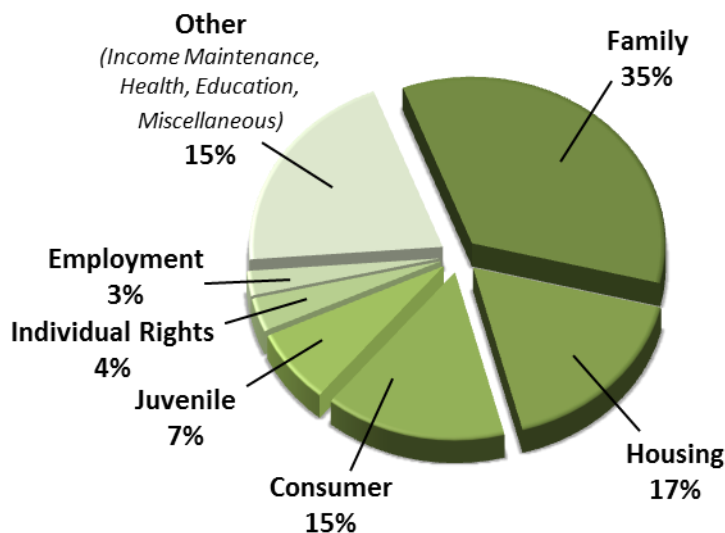
## Pro Bono Participation

With implementation of the Florida Supreme Court's pro bono plan in 1993, attorney participation in Florida Bar Foundation-funded pro bono projects surged in 1994, then reached a peak in 1998 before tapering off from 1999-2007. In September 2008, the Statewide Standing Committee on Pro Bono completed its groundbreaking study on pro bono titled, "Pro Bono: Looking Back, Moving Forward". The study, sponsored by Foundation funding, examined the stagnation of pro bono, and decline in pro bono through organized programs. The study also made recommendations as to how to reinvigorate pro bono in Florida through prospective partnerships among the courts, the Florida Bar, the Foundation, local bar associations, law firms, individual attorneys, and pro bono programs that administer pro bono projects.

In the years since 2008, the Standing Pro Bono Committee, with the continuing support and guidance of the Foundation, has undertaken several successful initiatives to engage additional private attorneys in the provision of pro bono legal services to low-income families and to improve the pro bono delivery system. One of those initiatives, the One Campaign, continues to engage pro bono attorneys who work with their local legal aid office where they can utilize their unique skills to help regular citizens navigate the law.

A total of 6,375 private lawyers provided direct legal assistance to clients and closed 12,499 pro bono cases in 2014, approximately 14 percent of the total of 86,760 cases closed by Foundation grantees. Over 6,200 private lawyers provided cash contributions of over \$2.3 million. Florida's lawyers donated 86,372 hours through organized pro bono programs in 2014. At an *average* hourly rate of \$120, this represents a significant private-sector contribution: \$10.4 million worth of free assistance to low-income people across the state.

## Cases Completed by Private Attorneys



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## Foundation-funded Programs are a Good Investment.

### Legal Services advocacy produces millions of dollars in benefits for low-income Floridians.

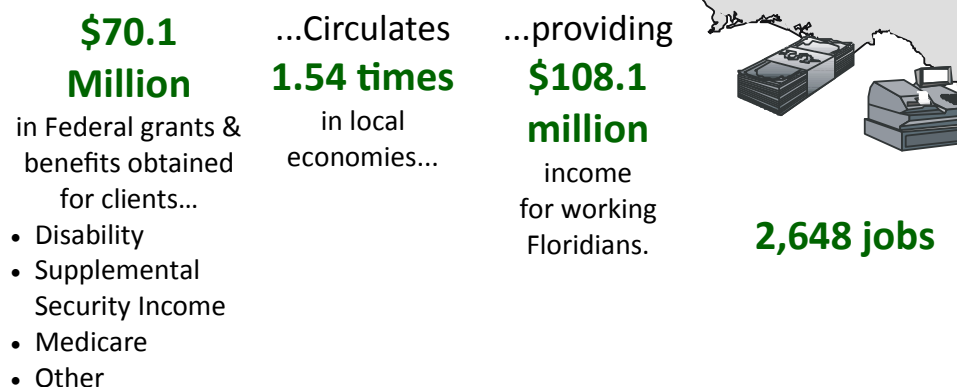
From the purely economic perspective of dollars generated per dollar invested, the performance of Florida's Legal Aid advocates is outstanding. In 2014, for example, they won an estimated \$75.3 million in direct benefits for their clients, including child support payments, Social Security Disability benefits and worker's compensation insurance payments -- benefits to which clients were legally entitled.

### Foundation-funded programs bring dollars into local economies.

Federal benefits such as Social Security, Supplemental Security Income, Temporary Assistance to Needy Families and Medicaid are vital strands of the safety net. These Federal income support benefits not only help the direct recipients, but also flow immediately into local economies, generating income and jobs for working Floridians that otherwise would be lost to our state.

In 2014, Legal Aid advocates obtained \$40.1 million in Federal client benefits flowing into Florida communities. These benefits, together with \$30.1 million\* in Federal grant funds for Foundation-funded programs' own operating support, represented a total of \$70.2 million flowing directly into local communities in the form of salaries, rent and goods, and services purchased from local businesses. Applying a standard economic activity multiplier of 1.54 produces a reliable estimate of \$108.1 million in new economic activity and 2,648 jobs resulting from these benefits and grants.

### Economic Impact...



*\*\$30.1 million total includes \$20.5 million in Federal Legal Services Corporation (LSC) grants and \$9.6 million in other Federal grants.*

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## Foundation-funded legal services are cost-effective.

Legal aid lawyers provide services in a compassionate manner, but strive to serve as many clients as they can with limited resources. In 2014, they handled 10 cases for every \$10,000 in funding they received.

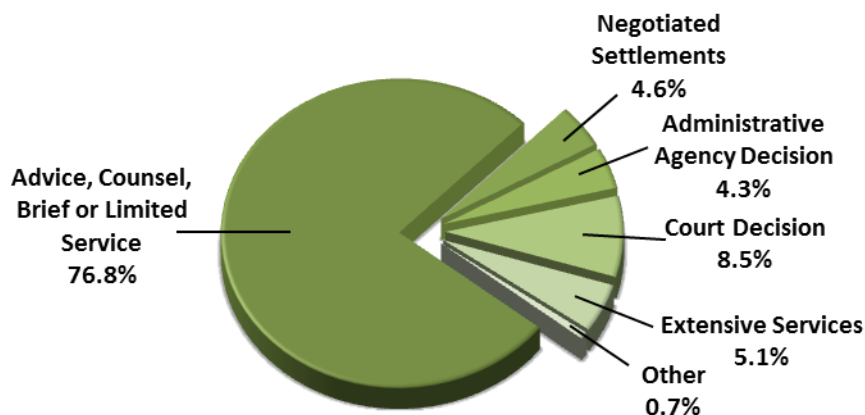
- **A high proportion of cases are resolved without litigation.**

As the graph below indicates, 77 percent of the 86,760 cases closed by legal aid in 2014 were resolved by advising the client about steps he or she could take short of litigation, or by providing non-litigation services such as drafting a letter or making phone calls on the client's behalf.

- **Pro bono efforts of the private bar leverage the investment of dollars in Foundation-funded programs.**

Of the above total number of cases, private lawyers closed 12,499 cases on a pro bono basis in 2014. They donated 86,372 hours of services, valued at \$10.4 million.

### Total: 86,760 Cases



## Legal aid promotes and strengthens families, communities and the children's futures.

Further, and perhaps most important, the legal advocacy of legal aid lawyers and paralegals protects low-income families from the unlawful loss of their homes and transportation to work, the unfair denial of medical benefits and services, and the unjust deprivation of educational services to disabled children. Legal aid lifts the despair of poverty and provides opportunity and justice. This strengthens families, lessens violence in homes and communities, and helps to ensure a stronger society, a society that honors its ideals.

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## **Foundation-funded programs apply technology as a strategy for improving the productivity and accessibility of their services.**

- A computerized case management system (Legal Server) supplied by the Florida Bar Foundation to 28 general support grantees helps with the administration of the day-to-day casework of program lawyers and paralegals. This case management system provides grantees the data and communication needed to manage cases, track outcomes, and efficiently report to funding sources. The system was installed and operational by September 2009 in the grantee programs. The Foundation continues to assist grantees with support through a help desk, additional training, and further development of the case management system.
- Local websites provide 24-hour access to legal education and self-help materials for low-income clients, and for professionals who pass this information on to their low-income clients. A statewide website, operated by Florida Legal Services and supported by the Foundation, links Florida legal aid advocates and pro bono attorneys to training, community legal education materials, legal research resources and other support services. The website also is available to clients for information on available legal aid services, client community education materials, and other resources.
- Full computerized legal research materials and services are made available to legal assistance grantees at a very reasonable rate, with the Foundation handling the centralized billing for a statewide contract with legal research firm Westlaw and providing supplemental funding .
- A web-based grant management system (LegalServer), adopted by the Foundation in 2012, is the companion to the case management system (LegalServer) used by Foundation general support grantees. The grant management system serves as a database of grantee information and allows Foundation staff to solicit and receive electronic grant applications, reports, and outcomes measures from its grantees. Technical support and training is provided by Foundation staff who also support the help desk for grantees using the LegalServer case management system.

## **Planning for the Future...**

Since the collapse of the national economy in the latter half of 2008, the Foundation has experienced significant declines in IOTA revenue. Utilization of a significant reserve by the Foundation has enabled grants to be decreased over a period of several years. However, very significant grant reductions have been necessary. Grant reductions in 2012 resulted in an overall cut in Foundation grants of 30 percent from the prior year's grants. The Foundation has sought funding from other sources to alleviate these reductions over the past few years, and in several instances, the Foundation has been successful in obtaining other funding. However, the new funding obtained has not offset the revenue lost due to low interest rates on IOTA accounts. The Foundation continues to pursue other funding initiatives and prioritize its funding reductions in order to preserve the core of critical civil legal aid to low-income families in Florida.

# Florida's Regional Legal Services Delivery System

