

# The Florida Bar Foundation

**Annual Overview  
of the  
*Legal Assistance  
for the Poor Grant  
Program*  
2015**



*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.

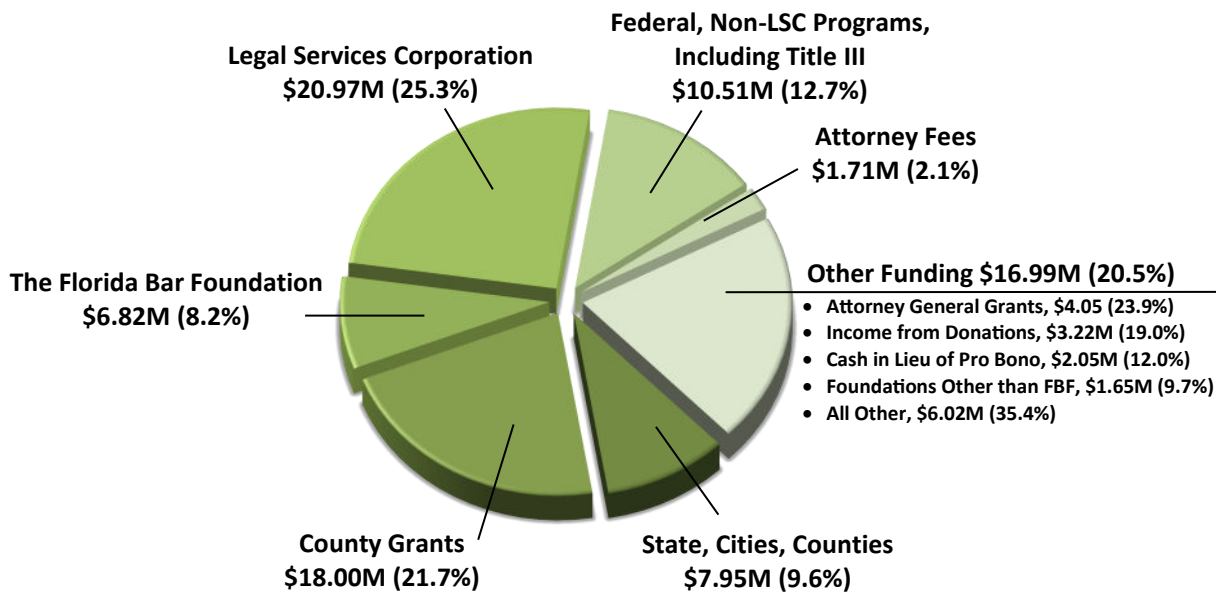
The Florida Bar Foundation (Foundation) offers an integrated, comprehensive system of grant programs and other forms of support to strengthen Florida legal services programs and increase client services. Grants for these purposes are:

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

- General Support
  - Children's Legal Services
  - Special Grant Awards
- 
- Of \$82.95 million received by Florida legal services organizations in 2015, \$6.82 million, or 8.2 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 \$67.4 million in 2015 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 83,355 cases in 2015.

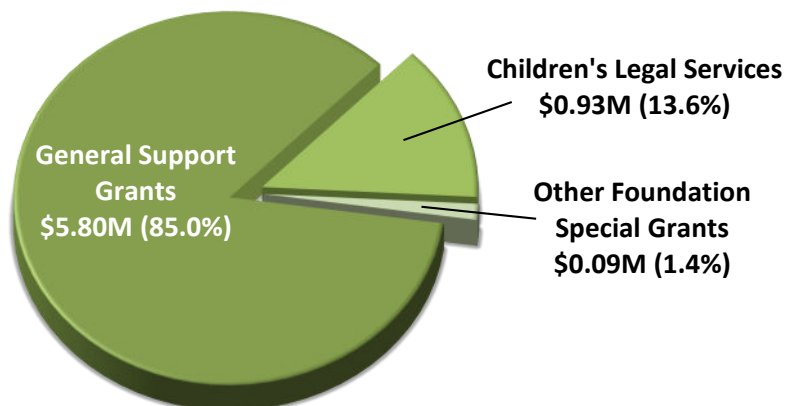
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## Total Funding Received - \$82.95M by Florida Bar Foundation Grantees, 2015



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## Total Foundation Funding - \$6.82M Provided for Calendar Year 2015



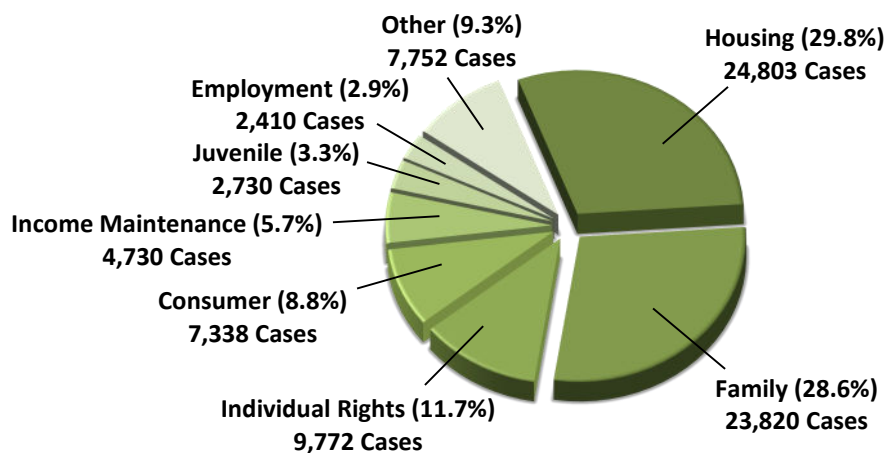
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## General Support Grant Program

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 85 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 2015, the Foundation awarded a total of \$5.80 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.

## 83,355 Cases Closed in 2015



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

### Housing Matters 24,803 Cases

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

Freddie, 69, is deaf and mute and had only recently begun to learn sign language. Freddie was affected by a rainfall of over 10 inches which left a leaky roof, a swollen door that wouldn't close and ultimately a mold problem. Upon filing a FEMA claim, Freddie was referred to legal aid. His attorney soon discovered he was not only a flood survivor, but a fraud victim. Someone claiming to be a family member had tricked him into transferring his interest in his home to her as well as spending his Social Security benefits. Because the house was not titled in his name, he was not able to obtain the home repair assistance he desperately needed. After discovering that Freddie's father had willed him the house, legal aid was able to transfer the title and Freddie reclaimed the alleged relative's interest in the home. With clear title to his property, Freddie was eligible for flood recovery funds. Legal aid meanwhile gathered evidence on Freddie's misappropriated Social Security benefits and presented it to the Social Security Administration, which agreed that his representative payee should be replaced. Freddie asked that his neighbor be named representative payee, and she has been ensuring his benefits are used properly to provide for him in his completely renovated home. *Legal Services of North Florida, Tallahassee*

### Family Matters 23,820 Cases

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

Jack came to legal aid seeking help after his mother died. A few years earlier his sister's parental rights had been terminated by the Florida Department of Children and Families (DCF), and his mother had adopted Brian, Jack's nephew. By the age of 11, Brian had been abandoned by his mother and lost his grandmother, who was legally his mother at the time of her death. Suddenly responsible for raising his nephew, Jack needed legal custody to get counseling services and provide a home for Brian. Legal aid worked with Jack to get temporary legal custody and soon pursued adoption. While working on the adoption, Brian's legal aid attorney discovered that he was entitled to up to four years of college tuition and fees through DCF, since he had been in foster care prior to being adopted by Jack's mom. Brian's family situation and his college education funding are now secure. *Legal Aid Society of Palm Beach County, West Palm Beach*

Individual Rights Matters 9,772 Cases	<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>Julia, 16, a survivor of human trafficking, was referred to legal aid by investigators from the U.S. Department of Homeland Security. Julia had been forced by her own mother to engage in commercial sex acts. A conditional permanent resident, she relied on the status of her mother and step-father to obtain her legal permanent resident status. Legal aid helped Julia request the removal of conditions of her permanent residence under a special exception for those who have suffered extreme hardship. Legal aid was successful in removing the conditions from Julia's residency. She is now a permanent resident who can rebuild her life without her abusive family members. <i>Americans for Immigrant Justice, Miami</i></p>	
Income Maintenance Matters 4,730 Cases	<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>Broward House contacted legal aid on behalf of a Kevin, a Ryan White client in their facility. Kevin is HIV positive, has unrelated severe brain damage, and is unable to handle his finances. His only income is his Social Security Disability, which also pays his Medicare premiums. His partner of many years was his representative payee, and when he died, Social Security stopped Kevin's payments until a new representative payee could be found. Kevin's Medicare benefits also stopped. Kevin had no one to be his representative payee and was accepted into Broward House because he was unable to pay his rent. He also could not see his neurologist because he lost his Medicare. A concerned case manager tried unsuccessfully to locate a representative payee, and when she went to Social Security, she got nowhere. The case manager then turned to legal aid. An attorney researched the Social Security regulations and determined that it was improper for the Social Security office to withhold Kevin's funds. The legal aid attorney went with Kevin to the Social Security office, and the office asked for a month to find him a representative payee. When the local office didn't release the funds after a month, the attorney went to the regional Social Security office. Within a week, Kevin's funds, including the back amount, were provided to him, and his Medicare was reinstated. <i>Coast to Coast Legal Aid of South Florida, Plantation</i></p>	
Juvenile Matters 2,730 Cases	<ul style="list-style-type: none"> <li>• Delinquent</li> <li>• Emancipation</li> <li>• Neglected/Abused/Dependent</li> <li>• Minor Guardian/Conservatorship</li> </ul>
<p>Legal aid represented Janelle, a 17- year-old about to age out of foster care. During an initial meeting, Janelle told her attorney her dream was to become a lawyer, but she was afraid her goals were in jeopardy because there was a plan to uproot her and place her with her father, a man she barely knew who recently had been released from prison. He was hoping to reunify in order to avoid making child support payments. Janelle was concerned for her safety. She wanted to stay in the home where she had been living for many years. In order to prevent Janelle from losing critical educational support services and help her become the first in her family to graduate from college, legal aid advocated against a change in placement. The court agreed. Legal aid's advocacy has ensured that Janelle will qualify for her for Post-Secondary Educational Support Services (PESS) benefits, including free college tuition and a monthly stipend for room and board. With help from legal aid, Janelle was able to remain on track. She continued working part-time while maintaining a 3.8 average in school and filling out college applications. <i>Brevard County Legal Aid, Rockledge</i></p>	

## 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 2015:

- 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

Grey is a medically fragile child with Phelan-McDermid Syndrome and autism spectrum disorder who has difficulty sleeping and exhibits sensory-seeking behavior, which has led to several injuries. Grey's HMO denied coverage of a specialized enclosed "Courtney Bed," saying the specialized bed was an "experimental" medical device and thus posed significant safety risks. A law school-based children's clinic supported by the Foundation filed for external federal review of Grey's coverage denial, and clinical law students conducted exhaustive research on U.S. Food and Drug Administration classification of "experimental or investigational" medical devices before drafting and submitting their appeal brief. The children's legal clinic won under federal external review, and the child now has a bed that will keep her safe. *Florida State University Public Interest Law Center, Tallahassee*

When Charlotte quit her job because she'd been forced to work 10-hour shifts with no break, causing her to faint, she received a notice within two weeks that she was being terminated from extended foster care. Legal aid appealed her termination in the time for her to continue her foster care benefits, but the community-based care agency that was managing her case refused to pay her allowance. Charlotte needed the allowance to afford the Internet service required for her on-line schooling, as well as her prenatal medication and other health-related items. When several legal aid organizations jointly filed an emergency motion to compel the agency to pay the allowance, the judge ruled that a monthly allowance was a necessary service for a youth to remain in extended foster care. This finding will benefit young adults needing to maintain their allowance in all extended foster care cases. *Legal Services of North Florida, Tallahassee (with help from Florida's Children First, Community Law Program of St. Petersburg, Miami's Children and Youth Law Clinic and the Legal Aid Society of Palm Beach County).*

Michael, a 10-year-old boy with autism, was displaying an increasingly dangerous pattern of behavior at school including leaving school grounds, hitting others and screaming, and had led to multiple suspensions and police involvement. His mother sought help from legal aid. To understand what was causing Michael's behavior changes, the staff attorney interviewed school administrators and staff and requested copies of his entire educational file. Through the attorney's extensive review and cross-checking she found Michael was spending the majority of his days either in isolation in a seclusion room, or in a separate classroom without any educational access. In violation of county policy against secluding students with disabilities, elementary school staff continued using the arcane practice of placing Michael behind a barricaded door for hours at a time. The legal aid attorney's research eventually revealed that one staff member even took videos of Andrew in the seclusion room for amusement. Michael's mother had not known about his seclusion at school. When confronted with the evidence, the school district quickly agreed to a settlement in lieu of complaint. Through a negotiated settlement the student was given compensatory education and an appropriate educational placement with highly-trained staff, free of seclusion. *Community Legal Services of Mid-Florida, Inc.*

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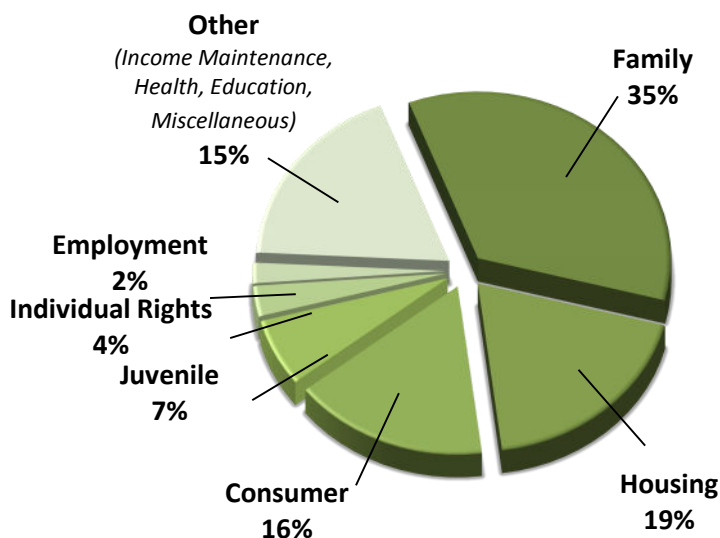
## Pro Bono Participation

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 5,722 private lawyers provided direct legal assistance to clients and closed 11,980 pro bono cases in 2015, approximately 14 percent of the total of 83,355 cases closed by Foundation grantees. Over 6,200 private lawyers provided cash contributions of over \$2.0 million. Florida's lawyers donated 78,777 hours through organized pro bono programs in 2015. At an *average* hourly rate of \$120, this represents a significant private-sector contribution: \$9.5 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.

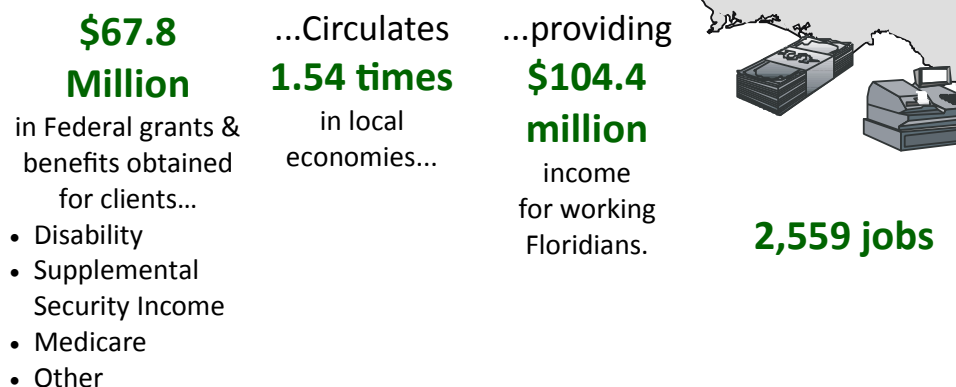
From the purely economic perspective of dollars generated per dollar invested, the performance of Florida's Legal Aid advocates is outstanding. In 2015, for example, they won an estimated \$67.4 million in direct benefits for their clients, including child support payments, Social Security Disability 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 2015, Legal Aid advocates obtained \$67.4 million in Federal client benefits flowing into Florida communities. These benefits, together with \$31.4 million\* in Federal grant funds for Foundation-funded programs' own operating support, represented a total of \$67.8 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 \$104.4 million in new economic activity and 2,559 jobs resulting from these benefits and grants.

### Economic Impact...



*\*\$31.4 million total includes \$20.9 million in Federal Legal Services Corporation (LSC) grants and \$10.5 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 2015, they handled 10 cases for every \$10,000 in funding they received.

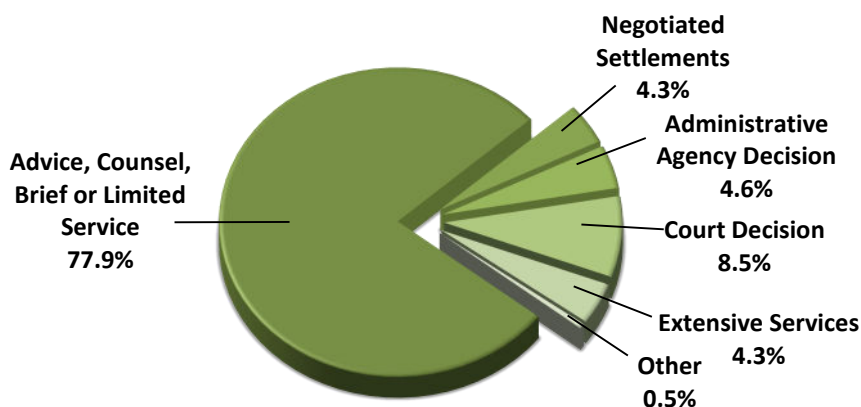
- **A high proportion of cases are resolved without litigation.**

As the graph below indicates, 77.9 percent of the 83,355 cases closed by legal aid in 2015 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 11,980 cases on a pro bono basis in 2015. They donated 78,777 hours of services, valued at \$9.5 million.

### Total: 83,355 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

