

SPEAKING OF JUSTICE

News From The Florida Bar Foundation

volume 5

issue no. 3

INSIDE

- 2 President's Message
- 3 Robert C. Josefsberg receives 2013 Medal of Honor Award
- 4 IOTA founder Arthur J. England Jr. leaves lasting legacy
- 5 Young Lawyers Division gives the Foundation a second donation of \$100,000
- 6 Melissa Pershing named director of legal assistance for the poor / law student assistance grant programs
- 7 Foundation welcomes new board members



PETE CROSS

Legal services icon Paul Doyle retires

After 40 years at the forefront of local, statewide and national efforts to strengthen systems for providing civil legal services to the poor, Paul C. Doyle, 77, a graduate of Harvard Law School, retired June 30.

"The impact Paul has had on access to justice is profound," said Jane Curran, executive director of The Florida Bar Foundation, where Doyle served as director of legal assistance for the poor and law student assistance grant programs for the last 22 years. "He has

led the legal services community here in Florida and nationally to a higher standard, all the while garnering greater support and better results."

In 1990, The Florida Bar and The Florida Bar Foundation formed the Joint Commission on the Delivery of Legal Services to the Indigent in Florida to determine how best to employ the large increase in Interest on Trust Account (IOTA) funds that were becoming available to The Florida Bar Foundation as a result of Florida changing its IOTA program to mandatory. Under the IOTA Program, also known as Interest on Lawyers' Trust Accounts (IOLTA), the interest earned on client funds held in lawyers' trust accounts

see **DOYLE**, p. 4



Leadership and Funding for Justice in Florida

Message from the President

Since *Speaking of Justice* was launched in 2009, it has always carried stories of the work of our grantees, and it will continue to do so.

But with all of the change 2013 is bringing to The Florida Bar Foundation, and with so much generosity of time, talent and financial support to note, we are filling this issue with stories about the people whose efforts enable the Foundation to do its work so effectively.

Among those whose contributions we celebrate, even while we mourn his loss, is Arthur England, who passed away Aug. 1. Arthur, who as a justice of the Florida Supreme Court helped launch the nation's first Interest on Trust Accounts Program, was honored at the Foundation's annual dinner June 27 with the IOTA Founder's Award. Without him, the Foundation certainly would never have been able to provide more than \$400 million in funding since 1982, the first year IOTA revenue was distributed as grant funding to legal aid organizations statewide. We are so glad to have had the opportunity to honor him.

Also celebrated at the dinner was Paul Doyle, who retired June 30 after 22 years as director of the Foundation's Legal Assistance for the Poor and Law Student Assistance grant programs. Paul's leadership has shaped Florida's legal services delivery system into one of the strongest and most effective in the nation. And while it is hard to imagine the Foundation without him, we are so pleased to welcome Melissa Pershing as his successor. Melissa comes to us with extensive experience in legal services and nonprofit management, as well as a broad knowledge of Florida's legal services landscape.

The contributions of these individuals are immeasurable, but the Foundation still could not fulfill its mission without the support of Florida lawyers. Bob Josefsberg, this year's Medal of Honor Award recipient, has a record of pro bono service few could ever match, but he is one of thousands whose volunteer work for Floridians in need is essential to expanding access to justice in our state. Also vital is the financial support



John Patterson

the Foundation receives from individual Bar members, as well as Bar sections and divisions, including the Young Lawyers Division, which recently provided its second consecutive \$100,000 donation to the Foundation. The YLD also held a social media campaign in July that provided an additional donation of more than \$2,000.

For the Foundation, I would like to thank the YLD, all of the Bar sections and divisions who have supported the Foundation, and all my fellow Bar members whose ongoing support is so important.



The Florida Bar Foundation congratulates its past president and Legacy for Justice member Bruce B. Blackwell, shown here with his wife, Julie, for being selected to receive the 2013 Pro Bono Publico Award from the American Bar Association.

Leave a Legacy for Justice

The Legacy for Justice recognizes those who have included the Foundation in their estate planning, made a pledge of more than \$10,000, directed a significant cy pres award to the Foundation, or facilitated a colleague's major gift. If you would like to leave a legacy for justice, contact:

Jane Curran, Executive Director
(407) 960-7000 or (800) 541-2195
jcurran@flabarfdn.org

Robert C. Josefsberg receives 2013 Medal of Honor Award

Robert C. Josefsberg, a Miami attorney known for his half century of counsel to governors, judges and clients ranging from a rock star to the poorest of the poor, received the Foundation's 2013 Medal of Honor Award for a lawyer, the Florida legal profession's highest award, at the Foundation's 37th Annual Reception & Dinner June 27 at the Boca Raton Resort & Club.

The late Chesterfield Smith, in his successful nomination of Josefsberg for the 2000 American Bar Association Senior Lawyers Division Pro Bono Award, noted his long pro bono service to individual clients and to local, state and national legal services organizations.

"Robert Josefsberg, over many years, has been a leader among all American lawyers in the legal representation on a pro bono basis of persons or organizations directed to securing and protecting the civil rights, the civil liberties and the public rights of people," Smith wrote.

A trial lawyer and senior partner with the Miami firm of Podhurst Orseck PA, Josefsberg is well known for his defense of Doors lead singer Jim Morrison, who was posthumously acquitted of indecent exposure, but South Florida's poor have been the beneficiaries of his countless hours of work outside the public spotlight.

When accepting pro bono cases from Dade Legal Aid's "Put Something Back" program, Josefsberg often says, "Give me the ones no one else wants," even if the cases are not in his areas of expertise.

"They are the right clients," Josefsberg said, "and they make us the right lawyers. I have learned more representing people pro bono than I have representing some corporate clients, and I've received some more gratitude, which I love."

He has also volunteered his services to dozens of charitable and community organizations, including the Guardian ad



Robert Josefsberg and 2012-13 Florida Bar Foundation President Maria Henderson.

Litem program, the Community Partnership for the Homeless, and Spectrum Drug Rehabilitation Center. His pro bono work was also recognized with the 2010 Tobias Simon Award from the Florida Supreme Court.

Josefsberg has been published extensively and has spoken to bar groups around the world on the topic of civility. He has served the judiciary and the organized Bar in numerous capacities. He is past president and dean of the International Academy of Trial Lawyers, and has served on the ABA Standing Committee on the Judiciary, as chairman of the Southern District of Florida Judicial Evaluation Committee, as a member of the Florida Federal Judicial Nominating Commission, and as an assistant U.S. Attorney for the Southern District of Florida. He has been a member of numerous commissions and task forces in the area of criminal law and served as general counsel to Fla. Gov. Bob Graham.

Judge William A. VanNortwick of the First District Court of Appeal said he knew

of no one more deserving of the Medal of Honor.

"Bob serves as a role model for all of us. He is a true 'lawyer's lawyer.' He is recognized as one of the best trial lawyers in the country and is extensively involved in his firm's practice," VanNortwick said. "He is equally devoted, however, to assuring access to justice. Throughout his career, he has undertaken extensive pro bono legal services for the poor – representing many, many individuals who could not afford to hire any lawyer, much less the best, as well as handling significant law reform litigation. In addition, he has been a leader on numerous task forces and commissions which worked to improve the justice system."

The Foundation's Medal of Honor Awards were established in 1977 to recognize Bar members as well as nonlawyers who have demonstrated a lifelong commitment to duty and service to the public, to improving the administration of justice, and to advancing the science of jurisprudence.

is used for the public good unless the funds can otherwise earn income for the client or third person in excess of the costs incurred to secure such income. The joint commission also developed The Florida Bar's current pro bono rules, which became a model for other states.

Doyle was called on to staff and lead this historic undertaking. After the joint commission issued its report in 1991, Doyle joined the staff of The Florida Bar Foundation to lead advancements in the state's civil legal assistance delivery system based in large part on the commission's recommendations.

"In his position with the Foundation, his leadership has guided all of Florida's legal services programs to maximize their capacities as advocates for justice for the poor. His calm leadership and devotion to equal justice will be missed by all in the justice system," said Judge William A. Van Nortwick Jr. of the First District Court of Appeal.

When the Foundation and the more than 30 Florida legal aid organizations it helps fund had to adapt to sweeping changes brought about by the restrictions Congress placed on the Legal Services Corporation in the 1990s, Doyle again led the way.

He commissioned studies and conducted assessments to identify needs, as well as the barriers to meeting those needs. After careful analysis, he established new grant programs to help recruit and retain legal services attorneys and to provide for the special legal needs of children, among other innovative solutions.

On the national level, Doyle counseled IOLTA programs on developing their legal aid grant programs and on peer review systems to assess and strengthen the work of their grantees.

When the Florida Legal Services building in Tallahassee was dedicated as the Paul Doyle Justice Center in 2009, Doyle said the most important word in its name was "justice."

"For the poor, justice is not vague or dispassionate, general justice for all, but a living, ambitious, sometimes controversial and dedicated quest," Doyle said.

A powerful leader in the quest for justice, Doyle began his public service in the General Counsel's office of the city of Jacksonville, where he focused his work on improving opportunities for families in public housing. He embarked in the 1970s on his life's work of leading movements to expand access to civil legal assistance for the poor and disadvantaged. His commitment to legal services began when he was tapped by leaders of the Jacksonville Bar Association to serve as executive director of the Duval County Legal Aid Association, which he expanded

into Jacksonville Area Legal Aid.

After building Jacksonville Area Legal Aid into a preeminent multi-county legal aid program, he went on to serve as executive director of Legal Services of Upper East Tennessee, and then of Florida Rural Legal Services before joining The Florida Bar Foundation.

Kent Spuhler, executive director of Florida Legal Services, called Doyle "a quiet, brilliant and humble leader."

"He never lost the vision of equal justice and instilled a passion and dedication to justice for the poor and disadvantaged in all who had the privilege to work and be mentored by him through his many years of service to others," Spuhler said.

England leaves lasting legacy



2012-13 Foundation President Maria Henderson presents Arthur J. England Jr. with the IOTA Founder's Award for the pivotal role he played as a justice of the Florida Supreme Court in establishing Florida's Interest on Trust Accounts Program.

A little more than a month after receiving the IOTA Founder's Award at The Florida Bar Foundation's annual dinner in Boca Raton, Fla., Arthur J. England Jr., 80, passed away Aug. 1 at his home in Coral Gables.

The Foundation recognized England June 27 for the pivotal role he played as a justice of the Florida Supreme Court in establishing Florida's Interest on Trust

Accounts (IOTA) Program, through which the interest earned on client funds held in lawyers' trust accounts is used for the public good unless the funds can otherwise earn income for the client or third person in excess of the costs incurred to secure such income.

In July 1976 then-Justice England offered a detailed proposal to The Florida Bar's Board of Governors for

see ENGLAND, p. 6

YLD gives the Foundation a second donation of \$100,000

The Board of Governors of The Florida Bar's Young Lawyers Division June 27 presented a \$100,000 check, its second such donation in two years, to The Florida Bar Foundation at the Bar's Annual Convention in Boca Raton.

Paige Greenlee, 2012-13 YLD president, said the decision to make the donation was easy for the division's board.

"All year, with every budget decision we made, my budget chair Hunter Carroll and I kept the Foundation in mind; we wanted to be sure we would be able to match what the YLD had been able to do for the Foundation last year. From before I took office, that was something that was very important to both of us," Greenlee said.

"The YLD has enjoyed a long-standing relationship with The Florida Bar Foundation, and we are so pleased to be able to help it during these difficult economic times, as the Foundation supported us and our affiliates when it was financially able to do so. That is what partners do."

The Foundation will use the unrestricted gift to help offset grant cuts resulting from a steep decline in revenue from Florida's Interest on Trust Accounts (IOTA) Program.

"We can't say enough to thank the Young Lawyers Division for coming through once again with such a substantial gift at this critical time," said 2012-13 Foundation President Maria E. Henderson. "The support we have had from the Bar sections and divisions during this prolonged slump in IOTA revenue has really made a difference to our grantees and their clients, and the YLD has been right at the forefront of that effort. The YLD through its leadership makes us confident that the future of the Foundation is in good hands."

The Florida Bar Foundation is Florida's only statewide funder of civil legal services for the poor, and its grants support the work of more than 30 legal



Foundation President Maria Henderson accepts a \$100,000 check from Florida Bar Young Lawyers Division President Paige Greenlee June 27 at the Bar's Annual Convention.

aid organizations that together serve all 67 Florida counties. With IOTA generating only about \$5.5 million annually due to near-zero interest rates, the Foundation expects to have to cut its legal aid funding by more than 70 percent from 2009-10 levels by 2015-16 if interest rates don't rise. At one time IOTA revenue had supported grant funding of more than \$30 million annually, and the Foundation had still been able to build a healthy reserve fund. But after several years of substantially decreased revenue, that reserve fund has been stretched thin.

YLD social media campaign a success

The Young Lawyers Division held a social media campaign in July that yielded more than \$2,000 to benefit The Florida Bar Foundation.

The YLD gave \$1 to the Foundation for every new like on its Facebook page and that of its Law Student Division, as well as every new follower the two organizations acquired on Twitter.

Several Florida Bar sections have come forward in the last two years with large gifts to help the Foundation bridge a funding gap that is expected to persist until interest rates rise to pre-recession levels.

Other sections that have made gifts to the Foundation recently include the Trial Lawyers Section, the Family Law Section, the Real Property, Probate & Trust Law Section, the Criminal Law Section, the Alternative Dispute Resolution Section, and the General Practice, Solo and Small Firm Section.

"All of the praise for this incredible feat goes to our technology chairs, Zack Zuroweste and Gordon Glover, who brainstormed the fabulous idea to have this campaign benefit the Foundation, and our newsletter chairs, Lindsay Tygart and Bert Wohn, who had the tenacity to announce the campaign their second day as newly appointed governors of our board," said YLD President Melanie Griffin.

Melissa Pershing named director of legal assistance for the poor and law student assistance grant programs

Melissa Pershing, a lawyer and nonprofit manager with more than a decade of experience in legal aid-related work, joined The Florida Bar Foundation staff July 1 as director of legal assistance for the poor and law student assistance grant programs.

"Melissa's experience is perfect for this position," said Foundation President John Patterson. "We are fortunate that she is ready and willing to take on the many challenges we are facing in these times of reduced revenue."

Pershing's role will involve overseeing the distribution of grants to more than 30 Florida legal aid organizations for the provision of free civil legal assistance to low-income individuals and families, as well as formulating grant-making policies to achieve maximum impact and efficiency, assessing the legal needs of the client population, evaluating grantee performance, and reporting results to the Foundation's board. In addition, Pershing will direct efforts to promote public interest and pro bono activities among law students through the Foundation's Law Student Assistance Grant Program once the Foundation is able to restore that program's funding. These grants have been suspended since 2011 due to severely reduced revenue from Florida's Interest on Trust Accounts

(IOTA) Program.

Pershing comes to the Foundation from Indianapolis, where she had served since 2011 as executive director of The Julian Center, Indiana's largest domestic violence shelter. She has also led Indianapolis organizations serving people with ALS (Lou Gehrig's disease) and HIV/AIDS and done consulting in nonprofit management. Her consulting work included leading peer review teams for the Ohio and Massachusetts Interest on Lawyers Trust Account (IOLTA) programs.

Before moving to Indiana, Pershing was executive director of Legal Services Alabama from 2004 to 2007 and Legal Services of North Carolina from 1998 to 2001, during which both organizations were undergoing mergers. After earning her law degree from the Georgia State University College of Law in 1994, she directed the North Carolina Bar Association's pro bono program for three years.

From 2001 to 2004, Pershing served as program counsel/state planning for the Legal Services Corporation, which distributes federal funding for legal services to 134 independent, nonprofit legal services programs in all 50 states, the District of Columbia and all U.S. territories. She was assigned to work with a dozen states, including Florida, on partnerships



Melissa Pershing

and strategic planning, including review and evaluation of management, administrative and technology systems, professional development, succession and diversity planning, resource development and organizational configuration.

Prior to earning her law degree, Pershing worked in agency and corporate marketing communications for 12 years. She earned her bachelor's degree in radio/television (media arts) from Butler University in Indianapolis. Pershing succeeds Paul Doyle, who retired after serving in the position for 22 years.

"I am so excited about the opportunity to join an organization as widely renowned as The Florida Bar Foundation and to follow after one of my professional heroes, Paul Doyle," Pershing said.

ENGLAND, from p. 4

implementation of such a program, which at that time existed in Australia and Canada but not in the United States. In 1981 the Florida Supreme Court gave the Foundation the authority to administer the nation's first IOTA program, which funds civil legal assistance, law student assistance, and programs to improve the administration of justice in Florida.

Since that time, IOTA, known as Interest on Lawyers Trust Accounts (IOLTA) outside of Florida, or the Interest on

Lawyer Account (IOLA) Fund in New York, has spread to all 50 states, the District of Columbia and the U.S. Virgin Islands and has generated more than \$350 million annually to help ensure access to justice.

England's family has designated the IOTA Program administered by The Florida Bar Foundation as the beneficiary of memorial contributions, which will be used to supplement grants to Florida legal aid organizations through the Legal Assistance for the Poor Grant Program.

Memorial donations can be made at www.floridabarfoundation.org.

"While we mourn his loss, we are exceedingly grateful for Arthur England's legacy," said Foundation President John Patterson. "He helped open the courthouse doors to many who otherwise would have been shut out, and through IOTA and IOLTA programs and the organizations they fund in Florida and throughout the nation he will continue to do so for generations to come."

Foundation welcomes new board members



Sarasota attorney **Erin H. Barker** is associate director for development for the Florida State University Foundation and FSU's John and Mable Ringling Museum of Art. With FSU since 2010, she previously practiced law in the Tallahassee office of Pennington, Moore, Wilkinson, Bell & Dunbar and in Sarasota. She earned her bachelor's and law degrees at Florida State University.



As Florida Bar president-elect, West Palm Beach attorney **Gregory W. Coleman** will serve as a designated director on the Foundation's board. A partner with Burman, Critton, Luttier & Coleman, Coleman practices in the areas of commercial litigation, insurance bad faith, professional malpractice defense, personal injury, wrongful death and employment litigation. He earned his bachelor's and law degrees from Stetson University.



As Florida Legal Services president, Jacksonville attorney **A. Hamilton Cooke** will serve as a designated director on the Foundation's board. Cooke, a shareholder with Fisher, Tousey, Leas & Ball, practices in the areas of estate planning, estate and trust administration, and real estate matters. He was president of The Florida Bar Foundation from 2000 to 2001 and received the Foundation's Medal of Honor Award in 2007.



Tampa attorney **Paige Greenlee** is a commercial litigator with Sivy, Barlow & Watson, PA. Her practice includes contracts, real estate, construction, and creditors' rights. Greenlee served as 2012-13 president of The Florida Bar Young Lawyers Division and has served on The Florida Bar Board of Governors from 2011-2013. She earned her bachelor's degree from the University of Pennsylvania and her law degree from Emory University School of Law.



Miami attorney **Yara Lorenzo** is a member of the litigation, arbitration, and employment practice group of Hogan Lovells, where she focuses on international commercial litigation and arbitration. She earned her bachelor's degree from Brown University and her law degree from St. Thomas University School of Law, where she interned at the Florida Immigrant Advocacy Center, a Foundation legal aid grantee now called Americans for Immigrant Justice, and was a Bar Foundation Summer Fellow at Legal Services of Greater Miami.



Tallahassee attorney **Pauline E. Robinson** has served on the board of Florida Rural Legal Services and is a member of the rulemaking committee of the Federal Court Practice Committee of The Florida Bar. She earned her bachelor's degree with honors at Florida State University and her law degree with honors at the Florida A&M University College of Law, where she was a pupil member of The First Central Florida Inn of Court.



Orlando criminal defense attorney **Tad Yates** is a past president of both the Orange County Bar Association and the Legal Aid Society of the Orange County Bar Association. Yates earned his bachelor's and law degrees from the University of Florida. He currently serves on The Florida Bar Ninth Circuit Grievance Committee and on the Judicial Nominating Commission for the Ninth Judicial Circuit.

At-large directors serve a maximum of two, three-year terms, with one-third selected by the Board of Governors of The Florida Bar, one-third by the Foundation board, and one-third by the Florida Supreme Court.



Leadership and Funding for Justice in Florida

875 Concourse Parkway South, Suite 195
Maitland, FL 32751

Non-profit
Organization
U.S. Postage
PAID
Permit 273
Orlando, FL

The Florida Bar Foundation is the only statewide organization that provides funding for legal aid and law student assistance and promotes improvements in addressing the civil legal needs of the poor.

FUNDING OUTLOOK

Before the recession brought about a sharp decline in interest rates beginning in 2008, The Florida Bar Foundation was providing about a third of the total funding received each year by 31 legal aid organizations throughout Florida.

Because most of the Foundation's funding comes from Florida's Interest on Trust Accounts (IOTA) Program, its revenue has declined along with interest rates.

As of 2012, the Foundation was still providing 25 percent of the total funding it grantees received, but this percentage will continue to decline until interest rates rise. By 2016, the Foundation will have made reductions of more than 70 percent in its grant funding from 2009-10 levels, making private support for legal aid more important than ever.

SPEAKING OF JUSTICE

CONTACT THE FOUNDATION

(407) 960-7000

(800) 541-2195 (Toll free in Florida)

EXECUTIVE

Jane Elizabeth Curran, Executive Director & Director, Improvements in the Administration of Justice Grant Program
jcurran@flabarfdn.org

COMMUNICATIONS

Nancy Kinnally, Director of Communications
nkinnally@flabarfdn.org

FINANCE & IOTA OPERATIONS

Lou Ann Powell, Director of Finance & IOTA Operations
lapowell@flabarfdn.org

Lushawn Phillips, IOTA Operations Manager
lphillips@flabarfdn.org

GRANTS

Melissa Pershing, Director, Legal Assistance for the Poor & Law Student Assistance Grant Programs
mpershing@flabarfdn.org

OFFICERS

John Patterson, President

Hon. Emerson R. Thompson, Jr., President-elect

Julio C. Jaramillo, First Vice President

Dominic C. "Donny" MacKenzie, Second Vice President

Maria E. Henderson, Immediate Past President



www.facebook.com/TheFloridaBarFoundation

www.linkedin.com/company/florida-bar-foundation

DESIGNATED DIRECTORS

Hon. Marva L. Crenshaw
Second District Court of Appeal

Gwynne A. Young
Immediate Past President
The Florida Bar

Eugene K. Pettis, President
The Florida Bar

Gregory W. Coleman
President-elect
The Florida Bar

A. Hamilton Cooke, President
Florida Legal Services

Hon. Reginald K. Whitehead
Ninth Judicial Circuit Court

PUBLIC MEMBERS

J. Blair Culpepper
Mary Gardiner Evertz

Thomas R. Oldt

DIRECTORS

(terms expire 2016)

Patrick J. Casey
Paige A. Greenlee
Juliette E. Lippman
Pauline E. Robinson
Kathryn D. Weston
Tad A. Yates

(terms expire 2015)

Hon. James M. Barton, II
Gregory P. Brown
Benjamin L. Crump
Philip N. Kabler
Stephen R. Senn
Jewel White

(terms expire 2014)

Matthew G. Brenner
Erin H. Barker
David B. Rothman
Hala Sandridge
Damian E. Thomas

Every day, in every city in Florida,

we help legal aid help those least able to afford a lawyer.

We are The Florida Bar Foundation,

and we believe the justice system works best when it works for everyone.



Leadership and Funding for Justice in Florida

www.floridabarfoundation.org