

SPEAKING OF JUSTICE

News From The Florida Bar Foundation

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BARBARA BANKS

Leonardo Leal overcame numerous obstacles, including homelessness, to graduate first in his class at Braden River High School and earn a full scholarship to Stanford University, where he is now a freshman. Without the help of his Foundation-funded legal aid attorney, he might not be in college today.

One student's path to Stanford

by Nancy Kinnally

Growing up in San Juan del Rio, Queretaro, a city on Mexico's central plateau, Leonardo Leal realized from a young age that knowledge would be the key to his future.

His grandmother Magdalena raised him until he was 12, and although she had little education herself, she instilled its importance in her grandson.

"She explained to me the realities of life, how if I didn't have a good job I

would suffer and my family would suffer and how I would create a cycle of poverty, so I learned a lot from that," said Leal, now an 18-year-old freshman attending Stanford University on a full scholarship.

Magdalena's lessons stayed with Leal when his mother and stepfather brought him to live in Florida, but pursuing his education proved difficult. He arrived speaking no English, and throughout high school he was shifted from one household to another due to instability at home.

He lived with an aunt for a while until she married and no longer had room. During his junior year, he tried living with

see **LEONARDO**, p. 4



Leadership and Funding for Justice in Florida

Message from the President

As a family lawyer and a longtime member of The Florida Bar Foundation board, I know that children living in poverty often need legal help in order to secure their rights to special education services, medical and other public benefits, as well as assistance in navigating the foster-care system.

Since the mid 1990s, the Foundation has addressed such needs through its Children's Legal Services (CLS) Grant Program, which in recent years has distributed \$2.8 million a year to 23 legal aid organizations around the state. These funds support the work of a highly specialized workforce of legal aid attorneys who have dedicated their careers to helping low-income children. Unfortunately, we have had to reduce our CLS grants by 20 percent in the current grant year, and anticipate further cuts next year. We hope to be able to restore CLS funding in several years when IOTA revenue is expected to increase.

In the meantime, I hope that each and every person who reads this issue of *Speaking of Justice* will respond to our appeal to donate \$100 or more to the Foundation's year-end campaign for Children's Legal Services. Every dollar raised will go directly to our CLS grantees to provide legal services to children in need.

I've seen so many heartwarming examples of how legal aid attorneys funded by Foundation grants have helped kids overcome barriers and enabled them to succeed in school and in life. This issue of *Speaking of Justice* features one such story about Leonardo Leal, who is now a freshman on full scholarship at Stanford University. Were it not for the legal help he received from a Foundation CLS grantee, Leonardo would probably not be where he is today.

Clearly, Leonardo is an exceptional student. Not every child will end up like him.



Michele Kane Cummings

But every child deserves the chance to reach his or her full potential, and when a lawyer can help make that happen, that's a proud moment for our profession.

Sincerely,

A handwritten signature in dark ink, appearing to read 'MKC', written over a light background.

Michele Kane Cummings
President, 2011-12

Sometimes, kids need lawyers, too.

That's why The Florida Bar Foundation, since the early 1990s, has funded special annual grants to both statewide and local organizations for legal assistance to children.

Among them are children like Ashlyn Sikes, a second-grader whose special education needs were met because of legal assistance provided by a Children's Legal Services grantee.

One hundred percent of all donations support the Foundation's Children's Legal Services grant programs.

Please give generously to the End-of-Year Campaign for Children's Legal Services online at:
www.floridabarfoundation.org/children



COLIN HACKLEY

About 3,000 children like Ashlyn Sikes receive legal help annually through the Foundation's Children's Legal Services grants.

You can help a child in need of legal assistance

Faithful readers might remember from our summer 2011 issue the story of Ashlyn Sikes, the Tallahassee second-grader who finished out the last school year with her best report card ever thanks in large part to four Florida State University Law students who saw to it that Ashlyn's special education needs were met.

FSU's Public Interest Law Center, whose managing attorney Paolo Annino supervised the students' work on behalf of Ashlyn, is one of the 23 Children's Legal Services grantees around Florida who depend on funding from The Florida Bar Foundation to provide free civil legal services specifically designed to address the needs of children.

The Foundation distributed \$2.8 million to these legal aid programs through its Children's Legal Services Grant Program in 2010, but had to cut those

grants by 20 percent in 2011 due to declining revenue from Florida's Interest on Trust Accounts (IOTA) Program. With IOTA revenue expected to remain stagnant into 2013 and 2014, possibly longer due to low interest rates, another round of cuts of 20 percent or more is expected in 2012, which will endanger the jobs of up to 10 highly specialized children's attorneys whose work is currently funded by the Foundation.

You can help soften these cuts by contributing \$100 or more to the Foundation's 2011 End-of-Year Campaign for Children's Legal Services.

Particularly during this temporary slump in IOTA revenue, your support is vital to helping retain the talented attorneys who have dedicated their careers to meeting the legal needs of Florida's children. It's easy to give online at www.floridabarfoundation.org/children.



Amy Sikes and daughter Ashlyn

COLIN HACKLEY

Positively Pro Bono: Kenneth Jacobs' Story

by Gabrielle Davis

Kenneth Jacobs held a job his entire adult life until 2008 when he suffered a heart attack.

It was the first in a string of serious health complications – including coronary artery disease – that sidelined him from work and left him homeless.

"I was always in the hospital," said Jacobs, 55, who worked as a security guard in Jacksonville. "When I kept getting sicker, I got evicted in 2009 and couldn't do the work anymore."

Ultimately, pro bono attorney Mark Papa, assigned to Jacobs' case through the Northeast Florida Medical Legal Partnership (NFMLP), helped Jacobs gain stability.

But there would be obstacles. After he was evicted, Jacobs spent a few

months at a Salvation Army shelter before he started living at the Sulzbacher Center, which provides shelter and other services, including health care, for Jacksonville's homeless.

Sulzbacher administrators recognized that Jacobs' medical problems had accompanying legal issues.

That's when the Sulzbacher Center referred Jacobs' case to the NFMLP, an initiative through which medical professionals identify cases where legal issues are creating obstacles to their patients' well-being. The Florida Bar Foundation provided a two-year grant of just under \$79,000 to Jacksonville Area Legal Aid to increase both referrals of patients by medical providers and placement of patients with pro bono

attorneys. Through the collaboration of medical providers, legal aid and local law firms, the number of referrals and placements were doubled from 2009 to 2010 and are on track to increase by more than 50 percent during 2011. In April 2010, Jacobs was first placed with pro bono attorney Vanessa Lipsky, but before moving away in July, she tapped Mark Papa, of the law firm Harrell & Harrell, who specializes in Social Security rights, to take the case.

Although Jacobs was entitled by law to receive Social Security disability benefits, his claims were denied in April and November 2010.

In the meantime, Jacobs was able to move into his own apartment with help from a rental subsidy provided by the city

see **PRO BONO**, p. 5

his mother, whom he hadn't lived with since he was an infant. But his stepfather kicked him out of their cramped mobile home, where Leal had slept on the floor in a room he shared with his two little brothers.

He had refused to quit school and go to work and was told he took up too much space.

"It was difficult because everything started falling apart," Leal said. "I didn't have a home, and I was thinking to myself, 'Where was I going to stay?'"

He began to doubt that he would be able to go to college. Being undocumented, he thought he might have to return to Mexico.

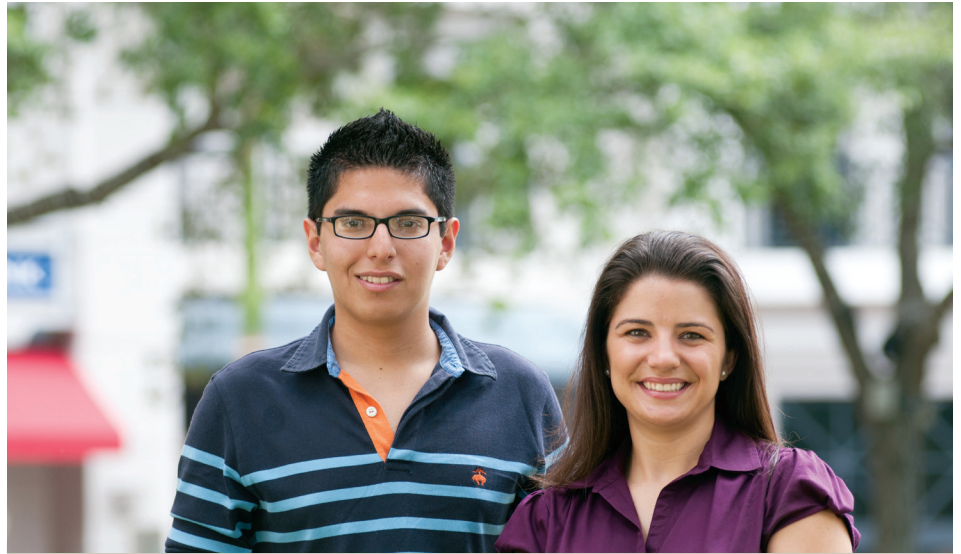
After concerned teachers asked him why he'd suddenly grown so quiet in class, Leal finally shared his story. An art history teacher referred him to Gulfcoast Legal Services (GLS), and a guidance counselor to a program for displaced students called Project Heart, which helped him with books, school supplies, and bus vouchers.

GLS staff attorney Adriana Dinis, whose work is funded in part by a \$57,680 Florida Bar Foundation Children's Legal Services grant, represented Leal at a dependency hearing to establish that he qualified for Special Immigrant Juvenile Status (SIJS), which would enable him to become a permanent resident of the United States and pursue his education.

Dinis succeeded in obtaining permanent residency for Leal through SIJS, a federal protection for neglected, abandoned or abused immigrant children. As an undocumented immigrant, Leal would have otherwise been subject to deportation and ineligible for federal financial aid.

With renewed hope about his future, Leal started working harder than ever in school, taking Advanced Placement courses and college entrance exams.

"I knew that if I committed myself for a whole year – even though it was



Gulfcoast Legal Services legal aid attorney Adriana Dinis, right, helped Leal become a permanent U.S. resident through Special Immigrant Juvenile Status.

BARBARA BANKS

going to be a really rigorous year – I knew it was going to help me in the future and also take away some of the negative things I was thinking at the time," Leal said.

His hard work paid off. Leal graduated first in his class, and scholarship offers poured in from some of the country's top universities, including Harvard, Brown and Stanford. Meanwhile, his story was carried in newspapers and television stations both in Mexico and the United States. He attracted so much attention in Mexico, airport customs officials there recognized him when he went to visit his grandmother, asking, "Aren't you the guy who's going to Stanford?"

Dinis said the remarkable thing about Leal is that he had already achieved so much before showing up on her doorstep.

"I always tell people he did the hard part. I did the easy part," Dinis said.

Still, Leal and Dinis are both aware of an irony that is central to his story: had Leal's stepfather not thrown him out, he would not have qualified for SIJS.

"I see hundreds of kids each year I can't help because they are happy at

home and have never been victims of abuse or neglect," Dinis said. "There's nothing I can do to help."

But Leal believes there is something he can do. He plans to use his story to advocate for passage of the Dream Act, which would give other undocumented immigrant kids the chance he's had.

"I represent the immigrant community, the students who want to go to college," Leal said. "I want to change the misconception about people who come from immigrant backgrounds."

Apart from his grandmother, the only role model Leal has ever looked to is a Mexican president from the 19th century.

"His name is Benito Juarez," Leal said, going on to describe Juarez as an indigenous person of humble origin who rose above his station to become one of the country's greatest leaders. Juarez, who went from being an illiterate shepherd who spoke only his native Zapotec to a five-term president who spoke several languages, began his professional career as a lawyer. Today, his birthday is a national holiday in Mexico.

Among Juarez's most famous quotations is this: "Among individuals, as among nations, respect for the rights of others is peace."

Attorney General supports mortgage foreclosure defense grants

by Nancy Kinnally

Florida Attorney General Pam Bondi has secured from the settlement of a legal action a \$1 million grant to The Florida Bar Foundation for the Florida Attorney General Mortgage Foreclosure Defense Funding Grant Program.

The funds will be distributed through the Foundation in the form of grants awarded to local legal aid organizations and will support attorney and paralegal positions devoted to providing free assistance to low- and moderate-income single-family occupant homeowners facing foreclosure. The grants will vary in size depending on the number of foreclosures experienced in a particular area of the state.

The Florida Attorney General Mortgage Foreclosure Defense Funding Grant Program was begun in 2009 under then-Florida Attorney General Bill McCollum with \$4 million from a 2008 settlement with Countrywide Financial. The initial funding supported two-year grants.

"We are grateful that Attorney General Pam Bondi recognizes and supports the Foundation's effort to enable legal aid organizations to assist the thousands of low-income Floridians trying to hold onto their homes," said Foundation President Michele Kane Cummings.

"With its strong tradition of leadership as a funder of legal aid, the



Florida Attorney General
Pam Bondi

COURTESY OF THE ATTORNEY GENERAL'S OFFICE

Foundation is well prepared to administer these funds so that they will do the most good."

PRO BONO, from p. 2

of Jacksonville's Welfare Services program. Social Security administrators only had Jacobs' medical records to determine if he was eligible for benefits, which is why he was probably denied, Papa said.

"It was simply a review of medical records, no face-to-face conversation with Mr. Jacobs to tell them how his medical conditions affect him, and no advocacy," Papa said. "It was hardly enough to paint the picture."

In September, Papa obtained a hearing where Jacobs won the appeal to receive Social Security disability benefits and Supplemental Security Income.

And it was just in time.

Three weeks before the hearing the city of Jacksonville notified Jacobs that they were no longer providing the rental subsidy for his apartment, Papa said. Now, with income from his Social Security disability benefits and Supplemental Security Income, Jacobs is able to pay his rent.

"The hearing made all the difference," Papa said. "Mr. Jacobs was able to tell the [hearing officer] those

"I think there's an obligation to do [pro bono] if you can. There's always time to do it no matter how busy you are."

— Mark Papa, pro bono attorney

things that weren't in the medical records and a complete picture was painted."

Papa was a genuine friend in his corner, Jacobs said.

"When I met Mark it was like meeting a best friend," Jacobs said. "He puts everything so you can understand. You couldn't ask for a better person to handle your case."

Without an attorney, Jacobs most likely would've gotten lost in the shuffle,



COURTESY OF MARK PAPA

which is why Papa said attorneys should make pro bono cases a priority.

"I think there's an obligation to do it if you can," said Papa, who's been doing pro bono work for two years. "There's always time to do it no matter how busy you are."

"We're privileged in a sense to get through college, law school, and to me it's rewarding to help someone who is not so privileged."

The Legacy for Justice recognizes major and planned gifts

by Nancy Kinnally

A year after launching a new major and planned giving initiative, The Florida Bar Foundation lists commitments from 41 individuals, organizations and companies whose gifts will help support the organization in a lasting way.

The Legacy for Justice is a new giving society that recognizes those who have included the Foundation in their estate planning, made a pledge or gift of \$10,000 or more, or successfully solicited such a gift from others, and those who have directed a similar cy pres award to the Foundation. Under the cy pres doctrine, the courts can approve a cy pres award to a charitable organization in the settlement of a class action case or out of unclaimed funds.

Maria Henderson, an insurance consultant at the law firm of Akerman Senterfitt and president-elect of The Florida Bar Foundation, was among the first members of The Legacy for Justice. In addition to providing significant financial support for the Foundation each year, she has put the Foundation in her will.

"Having been involved in The Florida Bar Foundation for many years, I feel confident that my bequest will be used wisely and effectively," Henderson said. "It's also the organization whose mission I care about the most."

The Foundation's mission to provide greater access to justice is implemented through grants that expand and improve representation and advocacy on behalf of low-income persons in civil legal matters, improve the fair and effective administration of justice, and promote public service by making it an integral component of the law school experience.

The Foundation's mission is also dear to Jacksonville estate planning attorney and past Foundation President Ham Cooke, who — with the full support of his wife and children — has put The Florida Bar Foundation in his will, along with several other organizations that provide services to the poor.



Jacksonville attorney and Legacy for Justice member Ham Cooke

"The Foundation's work is particularly appealing to me," Cooke said, "because you get so much bang for the buck. Generally, about 90 percent of your gift is used to provide services. And that's really important. I've seen other charities where you worry that a disproportionate amount is going to administrative costs, and I know that the Foundation makes the dollars stretch as much as possible to provide services benefiting poor people."

As class counsel in a suit involving tiny overcharges applied to a large class of consumers, Tampa attorney John Yanchunis recommended The Florida Bar Foundation as the recipient of a cy pres award, given the impracticality of locating all the members of the class and refunding them what would have amounted to less than 4 cents each.

"Since the injury arose from a consumer class action, and The Florida Bar Foundation has as its charge the funding of legal services for people who can't afford it, I thought it would be the closest connection to the way in which the injury to the class arose," said Yanchunis, a past director of the Foundation.

Some of the other giving vehicles through which people can make major or planned gifts that would qualify them for

"The Foundation's work is particularly appealing to me because you get so much bang for the buck... I know that the Foundation makes dollars stretch as much as possible to provide services benefiting the poor."

- Ham Cooke

**Past Foundation President and
Legacy for Justice Member**

membership in The Legacy for Justice are named endowment funds, outright gifts and pledges of \$10,000 or more, gifts of retirement assets and life insurance and charitable trusts.

Thank you to the members of The Legacy for Justice

The Florida Bar Foundation honors those who have made a special commitment of their resources to ensure that the Foundation's work can be sustained well into the future.

Anonymous

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Anonymous

John Yanchunis**

** Fellow

*Deceased



Leadership and Funding for Justice in Florida

Rod Petrey, a past president of the Foundation, member of The Legacy for Justice, and Florida Trend's 2011 Floridian of the Year, established a charitable gift annuity with the Foundation.

"The Foundation is very near and dear to me," said Petrey. "It does spectacularly good work for legal justice."

Furthermore, Petrey said he knew he could be confident in the Foundation's wise use of his contribution.

"The funds are well invested and well supervised. You know it's going to be spent for very good works that are related to the legal profession and help lawyers fulfill duties to the community."

Members of The Legacy for Justice are recognized on The Florida Bar Foundation website, and in its electronic

newsletters, as well as through an annual listing in The Florida Bar News.

The Legacy for Justice is part of the Foundation's major and planned giving program, developed over the past four years by Tim Bachmeyer, former director of development for the Foundation.

"We are grateful to Tim for bringing his extensive knowledge and experience to the Foundation and helping us develop new giving programs that will play an important role in our fundraising efforts for many years to come," said Jane Curran, the Foundation's executive director. "That will be his legacy."

For more information about the Legacy for Justice, contact Jane Curran at (800) 541-2195 or jcurran@flabarfdn.org.

"Having been involved with the Foundation for many years, I feel confident that my bequest will be used wisely and effectively. It's also the organization whose mission I care about the most."

**- Foundation President-elect and
Legacy for Justice Member
Maria Henderson**

FOUNDATION FACT

The Florida Bar Foundation rates among the best-run charities in the nation, according to Charity Navigator, the leading independent evaluator of U.S. nonprofits.

The Foundation, the only statewide organization that funds civil legal services for the poor, received a four-star rating, the highest possible, for the 2010 fiscal year.

It has received the top rating for four of the past five years. More than 90 cents of every dollar spent by the Foundation go directly to programs that carry out the organization's mission.

Charity Navigator issues ratings from zero to four stars for sound fiscal management and commitment to accountability and transparency.



SPEAKING OF JUSTICE

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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