

# SPEAKING OF JUSTICE

News From The Florida Bar Foundation

volume 2

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HILDA PEREZ

Kamesha Grant got the help she needed from Children's Legal Services advocate Bethanie Barber of the Legal Aid Society of the Orange County Bar Association.

## All lawyers can help children thrive

by Gabrielle Davis

**A**t the age of 17, Kamesha Grant made the hardest decision a former foster child could make: to re-enter the foster care system.

What could have been a tragedy is turning into a triumph because of help from a Children's Legal Services advocate funded by The Florida Bar Foundation.

"[My advocate] has done nothing but dedicate herself and her time to me," Kamesha said. "She kept me positive. She kept me focused."

Kamesha's story is an example of how legal assistance can make a life-changing difference, a difference that every lawyer in Florida has the power to make.

On the 2010-11 Florida Bar fee statement, lawyers can help meet the legal needs of thousands of disadvantaged children like Kamesha by donating to the Lawyers' Challenge for Children.

Florida Bar President-elect Mayanne Downs asks every Bar member to make a voluntary contribution of at least \$45 to the Lawyers' Challenge for Children.

see CHILDREN, p. 7



Leadership and Funding for Justice in Florida

Providing greater access to justice

## Message from the President

As my term as President draws to a close, I would like to thank the many bar associations across Florida for providing me with the opportunity to speak to lawyers and non-lawyers alike about The Florida Bar Foundation. From Pensacola to Naples, from Daytona Beach to Miami, and in between, the reception given to me was warm and welcoming and the message was well received.

Simply put, the message is that within The Florida Bar "family" is this amazing, superbly managed charitable foundation known as The Florida Bar Foundation. It uses the interest from lawyers' IOTA accounts all across Florida, as well as charitable donations and funding from the state, to provide civil legal services to those who would not otherwise be able to afford same. In other words, the Foundation provides greater access to justice for all, and **all** lawyers can play a part in ensuring that the Foundation continues to play its critical role in funding Florida's legal aid programs, law school civil clinics and statewide advocacy organizations, as

well as providing grants to the courts and voluntary bar associations for projects that improve the administration of justice and promote pro bono participation. The grantees of the Foundation are too numerous to mention here, but rest assured, the Foundation has made an impact in every community in this state. How can you help? Become a Fellow, make a charitable donation to the Foundation, educate other lawyers about the good work the Foundation does, provide pro bono services to your legal aid provider or do all of the foregoing!

In the course of my travels, I've been privileged to meet many attorneys who have given of their time and talents to help Legal Aid. Every year the Foundation bestows upon one such attorney the prestigious Medal of Honor Award, and this year the very worthy recipient is Joseph P. Milton of Jacksonville, whose selfless dedication to Legal Aid for those less fortunate members of his community has been unwavering. Congratulations, Joe, and thank you for your leadership and commitment to the Foundation's mission.



Adele I. Stone, Esquire

It has been an honor to serve this year as President of The Florida Bar Foundation. Soon, I will turn the gavel over to John Noland, the Foundation's President-Elect. John is an outstanding member of the Bar, and the Foundation will be in good hands under his leadership. I hope he has the opportunity, as I have had, to visit with bar associations across the state to speak to them of this outstanding charitable organization known as The Florida Bar Foundation – **your** Foundation – and one of which we can all be proud.

## Meet Xiomara Medrano

[www.floridabarfoundation/xiomara](http://www.floridabarfoundation/xiomara)

She's one of nearly 3,000 reasons to support the Lawyers' Challenge for Children on your 2010 Florida Bar Fee Statement or at [www.floridabarfoundation.org](http://www.floridabarfoundation.org)



JAY CONNER

### CHILDREN'S LEGAL SERVICES BY THE NUMBERS

**2,969**

The number of cases closed through Foundation-funded Children's Legal Services projects statewide in 2009.

**\$45**

All it takes for you to make a difference with...

**1**

check mark on your Florida Bar Fee Statement.

Who knows how many more children like Xiomara could be helped with your support?

# Joseph P. Milton selected to receive 2010 Medal of Honor

by Nancy Kinnally

For his leadership in promoting professionalism and ethics to fellow members of the bar, Joseph P. Milton will receive the highest honor bestowed upon a lawyer by the legal profession in Florida.

The Florida Bar Foundation will present the Medal of Honor Award at its 34th Annual Reception & Dinner, to be held June 24 at the Boca Raton Resort & Club in conjunction with The Florida Bar Annual Convention.

After being notified of his selection, Milton said he was proud to be a member of a profession whose members give so unselfishly of their time.

"I have always felt that in addition to helping our clients solve their problems, we should also do whatever we can to help our communities and our profession improve," Milton said, adding that he was grateful to the many family members and colleagues who have supported him in his work on behalf of the bar.

"I also want to thank The Florida Bar Foundation for the marvelous work it does, and has done for years, for those who are disadvantaged in this state," Milton said. "They have certainly set the bar for service and funding to Legal Aid."

Senior partner with Milton, Leach, Whitman, D'Andrea & Milton, P.A. in Jacksonville, Milton has been a pioneer in in promoting professionalism as one of the core values of the legal community.

His chairmanship of the Fourth Judicial Circuit Professionalism Committee led to the circuit and the Jacksonville Bar Association being jointly recognized not only as the outstanding professionalism program of The Florida Bar in 1999, but also as the outstanding professionalism program in the United States by the American Bar Association in 2001. He also worked on the code of professionalism as chairman of the Trial Lawyers Section

of The Florida Bar and served on The Florida Bar Board of Governors when ideals and goals of professionalism were adopted. Milton also has been a strong advocate for the legal needs of the less fortunate. He was recognized in 1981 with the Outstanding Service Award of the Jacksonville Area Legal Aid Clients Council for Individual Contribution in Support of Legal Services for the Poor.

His many leadership roles have included serving as president or chairman of: the Judicial Nominating Commission of the Florida Supreme Court; the Jacksonville Bar Association; the Florida Council of Bar Association Presidents; the United States Federal Magistrate Selection Committee for the Middle District of Florida, Jacksonville Division; the Jacksonville and Florida chapters of the American Board of Trial Advocates; and the ABOTA National Foundation. In this last capacity he greatly expanded the "Justice by the People" program to more than 30 million American schoolchildren.

He has been recognized previously with Lawyer of the Year awards from the Jacksonville Bar Association in 1999 and the Jacksonville Chapter of The American Board of Trial Advocates in 2000, the same year he was named Outstanding Trial Lawyer of the Year by FLABOTA, which has also recognized him with its highest public service award.

"The Medal of Honor recognizes those singular lawyers in our profession who consistently put the needs and welfare of others ahead of their own. Joe Milton is the latest in a series of honorees whose whole life has been to serve the greater good," said Bruce Blackwell, a past president of the Foundation and one of Milton's nominators. "His commitment to serving others lives out our Oath of Admission as lawyers. His approach



*"I have always felt that in addition to helping our clients solve their problems, we should also do whatever we can to help our communities and our profession improve."*

— Joe Milton

should be emulated, and he is to be congratulated for bringing out the very, very best in our profession."

The Florida Bar Foundation Medal of Honor Award Program was established in 1977 to recognize outstanding achievements by members of The Florida Bar in duty and service to the public, improvement of the administration of justice and advancement of the science of jurisprudence in Florida. The award can also be bestowed upon non-lawyers whose accomplishments warrant The Florida Bar Foundation's highest recognition.



# Goldstein Award winners challenged selective code enforcement

by Nancy Kinnally

Lake Worth resident Elena Diego had heard her mother's stories of armed men entering people's homes at night, unannounced, and suddenly forcing them out onto the street during Guatemala's civil war.

Such a thing, she thought, would never happen in America — until it happened to her.

According to federal court documents, Diego testified that she was cooking dinner in her rented apartment the evening of March 8, 2006, when Lake Worth police and code enforcement officers pounded on her door, burst into her home and started taking pictures. Announcements made through a police-car loudspeaker threatened the arrest of anyone remaining in the building after 30 minutes. In the building's parking lot, Diego, her husband and five children found themselves among more than 100 neighbors, also Guatemalans and many of them children. Diego and her family spent the next three weeks sleeping on her sister's living room floor.

It didn't take long for attorneys Lisa Carmona of the Florida Equal Justice Center and Tequisha Myles of the Legal Aid Society of Palm Beach County to figure out that the raid at Diego's complex was part of a systematic, selective code enforcement policy targeting Guatemalans in Lake Worth.

"We heard from other advocates that this wasn't the first time something like this had happened in the Guatemalan community," Carmona said. "In another case a single mother with four kids was subjected to a surprise inspection and given 24 hours to vacate."

Carmona said depositions from city police and code enforcement officers revealed that when invited into a home to take a crime victim's report, police would scan the home for code violations and refer their findings to code enforcement,



STEVEN MARTINE

**Plaintiffs Antonia Manuel and her mother Magdalena Diego, attorneys Lisa Carmona and Tequisha Myles, and Manuel's three children stand outside the apartment complex from which several Guatemalan families, including members of the Diego family, were evicted March 8, 2006 by Lake Worth police and code enforcement officers.**

a practice they admitted they did not engage in when responding to calls in the homes of white residents. The legal aid advocates then hired an expert to conduct GIS mapping of police referrals to code enforcement, and of overall code enforcement inspections. The results, Carmona said, showed a pattern of discrimination against Latinos, particularly those of Guatemalan Mayan origin.

The Florida Equal Justice Center, which represents low-income immigrants, along with the Legal Aid Society of Palm Beach County and Florida Legal Services, filed a lawsuit on behalf of eight Guatemalans who were evicted from their homes in Lake Worth along with their children or grandchildren.

The complaint alleged several violations of the plaintiffs' constitutional rights and federal fair housing laws, including that the buildings were habitable and did not require immediate condemnation. It also alleged that many of the code violations could have been immediately remedied, in some cases as simply as by moving propane grills or furniture. Plaintiffs further alleged they were not given prior notice or told of their

right to a hearing. Finally, the complaint claimed that the city's code enforcement policies had specifically targeted Guatemalan immigrants.

Carmona, the lead attorney, and Myles worked together on the case with Charles Elsesser of Florida Legal Services and Peter Sleasman of Florida Institutional Legal Services.

The case resulted in a settlement agreement in which the city of Lake Worth agreed to change the way it enforced codes. The settlement bans night-time inspections except where there is ample evidence one is necessary and appropriate. It also provides that evacuated residents be given a written notice of their right to challenge the evacuation order and given an opportunity for a hearing. Finally, in the event of an emergency evacuation, it requires that displaced residents be provided information about social services agencies that might be able to assist them.

Additional steps taken by Lake Worth officials pursuant to the settlement were: to discontinue the use of police officers in code enforcement; hire a new code enforcement director; and provide

space and support for the Lake Worth Service Center, which offers immigrants access to community services.

The case also resulted in a cash settlement of \$195,000, out of which each of the eight plaintiffs received \$21,000. The \$27,000 that went to plaintiffs' attorneys' fees was slightly less than the cost of litigation, including depositions, interpreters, GIS mapping and the fees of a code enforcement expert.

"Our clients were all mothers, and for them this wasn't so much about the money as it was about peace of mind,"

Carmona said. "It was really important that they knew, and that their kids knew, that they could continue to live in Lake Worth and that this would never happen to them again."

For their collaborative project, the Florida Equal Justice Center, the Legal Aid Society of Palm Beach County and Florida Institutional Legal Services received The Florida Bar Foundation's 2010 Steven M. Goldstein Award for Excellence. The biannual award recognizes a project of significant impact work undertaken by a Legal Assistance for the Poor (LAP) general

support grantee. All three organizations are grantees of the Foundation's LAP grant program. The Goldstein award includes a \$25,000 general support grant and a \$3,000 staff training grant to be shared by the programs.

It will be presented at the Foundation's 34th Annual Reception & Dinner June 24 at the Boca Raton Resort & Club, where runners up Gulfcoast Legal Services and the Florida Legal Services Migrant Farmworker Justice Project will also be recognized.

## 34th Annual Reception & Dinner

June 24, 2010, 6:30 p.m., Boca Raton Resort & Club

The Florida Bar Foundation's annual meeting will be held in conjunction with The Florida Bar's annual convention. The June 24th reception honoring Foundation Fellows and members will begin at 6:30. The awards dinner, sponsored in part by Florida Lawyers' Mutual Insurance Company, will begin promptly at 7:30.

Tickets for the annual dinner are \$75 each (\$70 for Foundation Fellows) and are available by returning the coupon below to the Foundation office. No refunds after close of business June 21.

Send to: The Florida Bar Foundation, Post Office Box 1553, Orlando, Florida 32802-1553

\_\_\_\_\_ Ticket(s) at \$75.00 per person

\_\_\_\_\_ Ticket(s) at Foundation Fellows rate of \$70.00 per person

\_\_\_\_\_ Check Enclosed

Name: \_\_\_\_\_  
(as you would like it to appear on badge)

Spouse/Guest Name: \_\_\_\_\_  
(as you would like it to appear on badge)

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_

Special Dietary Requirements: \_\_\_\_\_

Please reply by June 18, 2010.

Tickets will be held at the door for replies received after June 18, 2010.

Please make checks payable to The Florida Bar Foundation.

**No refunds after June 21, 2010.** No portion of this ticket is tax deductible.

# Sarasota Young Lawyers reach out: Partnership brings civics education to area students

by Nancy Kinnally

**S**tudents in Sarasota, Manatee and Charlotte counties have been learning this year about the U.S. Constitution, the branches of government, how bills become law and other fundamental principles of American government through a project spearheaded by the Sarasota County Bar Association Young Lawyers Division (YLD).

In partnership with the Sarasota County School Board and the Sarasota Herald-Tribune's Newspapers in Education Program, the Sarasota YLD developed a 20-page magazine packed with articles written by Sarasota attorneys to fill specific gaps in the students' civics education.

"It's been really successful. It provides a lot of the information that teachers are going to need for the new Sunshine State Standards at the middle school level especially," said Bernadette Bennett, program specialist for K-12 social studies for the School Board of Sarasota County.

In the past, the Sarasota YLD had sponsored essay contests and mock trials in celebration of Law Week, but after meeting with Bennett, they decided to create the magazine, which is accompanied by three teachers' guides developed by school personnel – one each for elementary, middle and high school. An added benefit of the magazine is that it is reusable.

"This just has a much more powerful and lasting effect," Bennett said.

Dan Guarnieri, who chaired the committee that developed the magazine, helped recruit 15 other lawyers to write the articles for "Celebrate Freedom, Celebrate Civics" and wrote one of the pieces himself.

"It wasn't difficult to get attorneys to sign up for this because they know this stuff, so that worked out very well," Guarnieri said.



BARBARA BANKS

**Stephanie Simmons' American government students were among 40,000 in the Southwest Florida area who got an extra dose of civics education through a text developed by Sarasota's Young Lawyers in collaboration with the school board and the Sarasota Herald-Tribune. The project was funded in part by a Florida Bar Foundation Voluntary Bar Association Community Service Grant.**

The partnership with the schools and the newspaper enabled the YLD to reach 40,000 students.

"We've always had a lot of success working with the schools," Guarnieri said. "They are a natural avenue where we can reach a large number of kids efficiently."

The Newspapers in Education program provided \$30,000 of the \$40,000 production cost through in-kind support. Of the remainder, \$2,500 came from a Voluntary Bar Association Community Service Grant from The Florida Bar Foundation. The Sarasota YLD also received \$4,200 toward the project by winning the President's Award from The Florida Bar Young Lawyers Division president at the 2009 YLD Affiliate Outreach Conference, which also was sponsored by the Foundation. A little more than a quarter of the President's Award came from Foundation funds.

"It was almost impossible to get sponsorships at the time, as it was when the economy was in the severe stages of a full tilt and we were rejected by several sponsors that we approached for funding," said Nancy Cason, president of the Sarasota County YLD at the time the project was developed. "Had it not been for the Foundation grants, we would not have been able to do this project, which brought civics and the law back into the classroom."

Cason said the YLD had a launch party with school personnel, and the attorneys could see how excited the teachers were about having a new educational tool they could use in their classrooms.

"We got nothing but positive feedback, and we continue to get positive feedback, all thanks to the Foundation grants," she said.



All funds raised go directly to The Florida Bar Foundation's Children's Legal Services Grant Program to address the special legal needs of children, including those with learning disabilities, children aging out of foster care, and abused and neglected kids. No administrative expenses are deducted.

"The need for legal advocacy on behalf of Florida's low-income children is increasing all the time," Downs said. "As lawyers, we have a unique opportunity and responsibility to make an impact on these children's lives. Please join me in supporting this important cause."

### Kamesha's story

Kamesha was just a toddler when she entered the dependency system.

Life in foster care was all she knew until age 9, when she moved in with her great-aunt, who provided discipline and stability. When her great-aunt died suddenly four years later, she was left with her great-uncle.

At the same time, Kamesha was beginning to show signs of bipolar disorder, which led to bad grades, school fights and a failed suicide attempt.

At 17, Kamesha resolved to re-enter foster care against her family's wishes.

"It was difficult to do," Kamesha said. "I was going through a huge emotional rollercoaster at the time."

Her saving grace was her poetry. She often reflects on one poem in particular called "Lullaby" about her relationship with her mother.

"Every time I was mad at my mother, like any foster child would be, that poem helped me to realize that I can't be mad at her. If it wasn't for her decisions I wouldn't be where I am today."

With her dependency case reopened, a judge ordered her into a group foster home in St. Cloud. The judge's ruling would be a small victory in an uphill battle

*"She's really a responsible child. She identified what her problems were and then asked what she could do to fix them."*

— Bethanie Barber  
Kamesha's Children's Legal  
Services Advocate



for Kamesha, who would soon be turning 18, the age at which the foster care system essentially cuts children loose.

Kamesha was paired with Guardian ad Litem attorney Bethanie Barber of the Legal Aid Society of the Orange County Bar Association, which received \$138,020 in 2009 through the Foundation's Children's Legal Services Grant Program to provide advocacy to meet the special legal needs of area youth.

Statistics show that when kids like Kamesha don't have an advocate to provide support and legal guidance to help transition them into adulthood, many age out of the foster care system only to face homelessness and unemployment.

"There are a number of documents you need to be successful, including a birth certificate, a state ID, social security card," Barber said. "Without them, it's almost impossible to gain employment."

With proper documents, Kamesha left the group home and moved into a transitional facility for foster youth.

Constant shuffling between schools had put Kamesha behind, so she and Barber worked together on an education plan to get Kamesha back on track to graduate with her classmates.

"She's really a responsible child," Barber said. "She identified what her problems were and then asked what she could do to fix them."

Barber also fought for Kamesha to receive mental health treatment required by law.

Kamesha qualified for the Road to Independence benefit package through the Department of Children and Families, which gives former foster children financial help along with life-skills training to become successful adults, so long as they are enrolled in a full-time education program.

"Now I'm just like everyone else. I'm an adult now," Kamesha said. "Before I was a child, and I trusted other people to do the thinking for me and decide what was best for me."

Kamesha said she wouldn't have gotten far without the help of a legal advocate.

"Ms. Bethanie has helped me tremendously," she said. "If it wasn't for her dedication and her loyalty, I probably wouldn't be graduating this year. I wouldn't have proper medication and treatment because of my bipolar disorder. I'd still be lost today."



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

## FOUNDATION FACT

State **Sen. Mike Fasano** presented Florida Legal Services with a Senate resolution honoring the statewide legal aid organization March 24 during Legal Aid Day at the Capitol. The resolution credited FLS, established in 1973, with connecting legal aid offices throughout the state and working with the Legislature to help safeguard the legal rights of Florida's poor.

Together with **Rep. Rich Glorioso**, Fasano helped ensure that \$1 million in funding for the Florida Access to Civil Legal Assistance Act was in the 2010-11 budget approved by the Legislature. **Rep. Sandy Adams**, **Sen. Arthenia Joyner** and **Sen. Victor Crist** each played vital roles in securing an additional \$1 million appropriation for foreclosure assistance to low-income families. As of press time, the budget had not yet been signed by Gov. Charlie Crist.

## SPEAKING OF JUSTICE

### CONTACT THE FOUNDATION

(407) 843-0045

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

#### EXECUTIVE

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

#### COMMUNICATIONS

**Nancy Kinnally**, Director of Communications  
nkinnally@flabarfndn.org

**Gabrielle Davis**, Communications Coordinator  
gdavis@flabarfndn.org

#### DEVELOPMENT

**Tim Bachmeyer**, Director of Development  
tbachmeyer@flabarfndn.org

**Michael Cooper**, Annual Giving Manager  
mcooper@flabarfndn.org

#### FINANCE & IOTA OPERATIONS

**Lou Ann Powell**, Director of Finance & IOTA Operations  
LAPowell@flabarfndn.org

**Lushawn Phillips**, IOTA Operations Manager  
lphillips@flabarfndn.org

#### GRANTS

**Paul Doyle**, Director, Legal Assistance for the Poor & Law Student Assistance Grant Programs  
pdoyle@flabarfndn.org

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*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.*



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