

SPEAKING OF JUSTICE

News From The Florida Bar Foundation
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JASON NUTTLE

Florida's Children First Executive Director Christina Spudeas, Deputy Director Robin Rosenberg and board member Jesse Diner accept the Paul C. Doyle Children's Advocacy Award at the Foundation's 39th Annual Reception and Dinner.

Award-winning project secured lawyers for dependent children with special needs

Attorney Richard Joyce stood before Miami-Dade Circuit Judge Michael Hanzman and stated his 10-year-old client's case in the simplest terms.

"I believe the court has the ability to enforce this child's rights," Joyce said.

The child, who had been in the care of the Florida Department of Children

and Families for several years, had been involuntarily committed nine times for psychiatric evaluation under Florida's Baker Act in spite of the judge's order that he be admitted to a treatment center equipped to address his "severe mental health needs."

Joyce was there to make sure that his client would not fall through the cracks again, his presence in the courtroom courtesy of legislation passed in 2014 through the efforts of Florida's Children First, the 2015 recipient of The Florida

see **AWARD**, p. 4

Message from the President

"These are the times that try men's souls." Immortal words uttered by Thomas Paine in 1776 seem appropriate in many respects today. For instance, as we survey the legal services landscape, it's easy to see that demand for legal services is up and funding is down. Meanwhile, the existing service delivery model has never met more than a fraction of the needs of low-income Americans facing legal problems – even in the best of times.

But Mr. Paine also said that the harder the conflict, the more glorious the triumph and that he who stands now deserves the thanks of man and woman. Paine, of course, was speaking of the cause of the American Revolution. And, just like us, his generation was on the cusp of great change confronted with momentous opportunity.

That's why The Florida Bar Foundation is focusing on bringing innovation to the system, building strong partnerships, and facilitating a new vision for legal services in Florida, while still

providing a base level of funding to 30 legal aid organizations statewide.

Recognizing that technology can streamline a range of processes from client intake to legal self-help, the Foundation has engaged some of the nation's top minds in legal services and court technology and funded the creation of a new nonprofit organization, the Florida Justice Technology Center.

The center will work with a broad array of stakeholders to marshal existing resources and shepherd advances that will increase efficiency, expand service and facilitate statewide legal services technology projects. It also will help turn technology-related recommendations of the Florida Commission on Access to Civil Justice into reality.

The Foundation is also engaged, along with members of the Commission and legal aid representatives, in a project that will involve a major corporate partner providing pro bono business process analysis of legal aid intake. The



Donny MacKenzie

hope is that this project will be replicable nationwide.

The goal of all of these initiatives is to help modernize the legal services delivery system, enabling it to help more people using fewer resources. Technology alone won't close the civil justice gap, but if we embrace technology and work together, we can better help those in need and earn the thanks of future generations.



The best gifts don't come from a store.



Give justice this holiday season.

www.TheFloridaBarFoundation.org/GiveJustice

Foundation to benefit from \$500,000 cy pres award

by Doug Sachs

An Orlando-based U.S. District Judge presiding in the Middle District of Florida has approved a \$10 million funded settlement in a case involving late-fee charges by Bank of America. As part of that settlement, the court directed a \$500,000 cy pres award to The Florida Bar Foundation.

Tampa attorney John A. Yanchunis of Morgan & Morgan Complex Litigation Group represented the class action plaintiffs and asked the court to direct the cy pres award to the Foundation. Yanchunis said the award reflects the Foundation's service and commitment.

"The Florida Bar Foundation serves individuals who need legal assistance but do not have the ability to pay for it," Yanchunis said. "Moreover, the claims at the center of the case were consumer claims. The type of injury suffered by members of our class would probably be individuals without the ability to pursue litigation because of the expense of the litigation. The Florida Bar Foundation was a perfect recipient for the award."

The term cy pres comes from the French, "cy près comme possible," meaning "as near as possible." The doctrine often is applied in class action cases where full restitution to all injured parties is impossible or infeasible, such as when the amount of damage per person is insignificant even though the aggregate damages are large. It also can be employed in probate matters when gifts fail, or in the area of charitable trusts.

Under cy pres, the courts can approve a charitable donation out of unclaimed class action funds or a direct grant in lieu of damages to an organization that could vindicate class member rights in the future. Cy pres awards prevent a windfall for the defendant while serving to deter future violations.



John Yanchunis of Morgan & Morgan was recognized in 2010 with The Florida Bar Foundation President's Award for Excellence for his work directing cy pres awards to the Foundation. Under the cy pres doctrine, the courts can approve a charitable donation out of unclaimed class action funds, or a direct grant in lieu of damages to an organization that could vindicate class member rights in the future. Cy pres awards prevent a windfall to the defendant while serving to deter future violations.

PETE CROSS

To support the request for the cy pres award, Foundation CEO Bruce Blackwell provided the court an affidavit outlining the Foundation's mission and service to Florida's low-income residents.

In 2008, Yanchunis had secured a \$295,000 cy pres award for the Foundation stemming from another class action case. The Foundation presented Yanchunis the 2010 President's Award for Excellence for his work in directing cy pres awards to the Foundation and encouraging other attorneys to do the same.

"John Yanchunis has been a stalwart supporter of the Foundation's mission of access to justice for all for decades, and this latest award through his efforts will be very helpful in another year where Foundation revenue is depressed because of bank interest rates," Blackwell said. "Cy pres awards are an effective way to ensure justice from class action recoveries. We hope more lawyers and members of the judiciary will utilize this mechanism to assure genuine justice results from these settlements."

"Cy pres awards are an effective way to ensure justice from class action recoveries. We hope more lawyers and members of the judiciary will utilize this mechanism to assure genuine justice results from these settlements."

**– Bruce Blackwell, CEO
The Florida Bar Foundation**

AWARD, from p. 1

Bar Foundation's Paul C. Doyle Children's Advocacy Award.

Established in 2013 in honor of Doyle, the Foundation's longtime grant program director, the award recognizes and encourages systemic legal advocacy on behalf of low-income children by Florida Bar Foundation grantees. Florida's Children First received the award June 25 at the Foundation's 39th Annual Reception and Dinner in Boca Raton for its Counsel for Dependent Children with Special Needs Project.

With support from a Florida Bar Foundation Children's Legal Services grant, Florida's Children First advocated successfully for passage of the 2014 legislation, which provides attorneys to protect dependent children with special needs who are in the state custody. The Florida Legislature also appropriated \$4.5 million in 2014 to fund attorneys to represent these at-risk children. The bills were sponsored by Sen. Bill Galvano and Rep. Erik Fresen.

"Because they are strong leaders in the Legislature and they had the passion, they understood, and they carried this through," said Florida's Children First Executive Director Christina Spudeas. "We

couldn't have done this without them. They really cared about the children."

Amy Guinan, an attorney with Florida Legal Services who works on health-care issues, said Joyce's representation of his young client – a direct result of the legislation – helped spur needed improvements in the wake of statewide implementation of Medicaid managed care.

"They were still having to use pre-managed care systems in managed care, and all of the players weren't quite sure how it was supposed to work," Guinan said.

"Richard being able to really dig into the issues brought them to light so that the agencies involved in implementing these services began to realize that they needed to work more closely together. The Agency for Healthcare Administration realized they had to step in and do some education as to how this process was supposed to work under managed care."

The case illustrates why it is critical for lawyers to be involved in dependency cases involving children with special needs, which under the legislation include those who reside in a nursing home, have a developmental disability, are human

trafficking victims, or are prescribed psychiatric medication.

These children can be subject to the policies and actions of multiple state and local agencies and care providers who may not always communicate with each other in ways most beneficial to the child and whose resources are finite.

"Having this legislation passed this last year was such a personal, fulfilling feeling of having something lasting," Spudeas said, adding that judges seem pleased with the results.

"There were around 1,100 or 1,200 kids who qualified, and within the first six months there were that many attorneys appointed," Spudeas said. "About 50 percent were pro bono. The statute requires cases first go to pro bono attorneys and then compensated attorneys if available."

Florida's Children First President Howard Talenfeld, a leading children's rights attorney, called the legislation historic when it was passed last year. Florida's Children First will work to ensure continued funding, a top priority following a \$2.2 million appropriation in 2015.

"These children need all the additional protections they can get," Talenfeld said.

Thank you to our new Florida Bar Foundation Fellows

Angela M. Adams
Huda Ajlani
J. Allison Archbold
Amy Beller
Imani A. Boykin
Joseph E. Broadus
Mark A. Buckles
Walter G. Campbell, Jr.
John T. Cardillo
Edward K. Cheffy
Min Cho
Patrick Christiansen
Douglas G. Christy, III
Margaret Cooper
Ann D. Davidson
Ryan E. Davis
Avery A. Dial
Al DiCalvo

Iris A. Elijah
Jason M. Ellison
Guy S. Emerich
Porpoise Evans
Gail G. Fagan
Elizabeth W. Finizio
Robert Freedman
Meredith A. Freeman
Alan G. Greer
Lisa Guerrero
Sharon M. Hanlon
Jason E. Havens
Charles M. Hays
Nicole V. Hessen
M. Diane Hodson, PhD, JD
Angela L. Huston
Christopher M. Jones
Robert G. Kerrigan

William Lawton
Barbara Leach
Jeremy P. Leathe
Kristen C. Lentz
Stephanie C. Lieb
Stephen A. Liverpool
Beatriz A. Llorente
Frederick V. Longmire
Zachary D. Ludens
Kimra Major-Morris
Jennifer Mansfield
Raquel Matas
Charles R. Mathis, IV
Clifford W. Mayhall
Jessica McCabe
Robert L. McElroy, IV
Hon. Catherine P. McEwen
Jason Mehta

Victoria Mesa-Estrada
Jennifer L. Morando
Angela Morrison
Andrew L. Moses
Michelle E. Nadeau
Patrick Neale
Katharine W. Payne
Hon. Belvin Perry, Jr.
Anitra F. Raiford
Meshon Rawls
Keith E. Rounsaville
Alex J. Saiz
Diana Santa Maria
Michael Silver
Octavio P. Simoes-Ponce
Heather L. Smith
Hon. Thomas W. Snook
Barry F. Spivey



Alice Sum
Matthew N. Thibaut
F. Joseph Ullo, Jr.
Rebecca M. Vaccariello
Peter D. Webster
Tanya M. Williams
Wm. Reece Smith, Jr.
Leadership Academy, Class II

This list reflects new Fellows since Jan. 1, 2015.

ACTL Fellows provide trial skills training for legal aid attorneys

by Doug Sachs

Linda Smith, 48, her elderly mother and two teenage sons stood to lose their federally subsidized apartment after Jacksonville police found a marijuana plant on the family's back patio, but before they would be evicted they would have their day in court.

Such were the facts of the hypothetical case at the center of a March 4 training presented to South Florida legal aid attorneys by the American College of Trial Lawyers. The day-long event included hands-on litigation training and direct feedback from veteran ACTL attorneys.

Held at Nova Southeastern University Law School, the training exposed 16 legal aid attorneys from Miami and Ft. Lauderdale to the considerable expertise of eight ACTL Fellows, who are carefully selected by the ACTL based on their mastery of the art of advocacy and their demonstration of the highest ethical and professional standards.

In the training, half of the legal aid attorneys represented Smith, and the other half represented her landlord. Nova Law School students played the witnesses. Attorney Gordon James of Ft. Lauderdale helped recruit other ACTL Fellows to serve as volunteer judges.

"This was a wonderful experience for the ACTL attorneys," James said. "I was very impressed with the young legal aid attorneys."

The legal aid attorneys received information packets in advance so they would be ready to try the case at the seminar. Throughout the proceedings, which included an opening statement, direct and cross examination of two witness and closing argument, the Fellows offered feedback and critique. They commented on the quality of the attorneys' preparation and questioning,



Legal aid attorneys learned trial skills from American College of Trial Lawyers Fellows at Nova Southeastern University Law School March 4 as part of an ongoing training series organized by Florida Legal Services.

COURTESY OF NOVA SOUTHEASTERN UNIVERSITY LAW SCHOOL

as well as their appearance, style and effectiveness.

Kathy Grunewald, statewide director of training for Florida Bar Foundation grantee Florida Legal Services, helped organize the event, part of a series that began in September 2014 in Tallahassee. The legal aid attorneys attending the training all work for legal aid organizations supported in part by the Foundation.

The Foundation had helped connect the ACTL and Florida Legal Services after Darryl Bloodworth, chairman of the Florida Access to Justice Committee for ACTL, approached the Foundation looking to start a pro bono project for Fellows.

Amanda Kleinrock, a third-year associate with the Legal Aid Society of Palm Beach County, said she and her fellow legal aid attorneys were grateful.

"Legal aid offices often don't have the resources to send us to training of this caliber," Kleinrock said.

She learned several valuable lessons, including the importance of being able to respond quickly to unexpected testimony.

"I learned we need to be more flexible and be able to move with the

facts," Kleinrock said. "For example, one of the witnesses changed his testimony. We need to be ready for that."

ACTL Fellow Kimberly Cook of Miami volunteered to serve as a judge for the seminar.

"It was a very rewarding experience," Cook said. "I always end up learning as much from the people we are trying to help as they do from us. This format is much more meaningful than a lecture approach."

James believes the trial training seminar gives ACTL Fellows an opportunity to make a positive impact.

"I felt we did something good," he said. "I think people got a lot out of it."

The third trial practice training session took place in Orlando July 16, and a fourth session is planned for Pensacola this fall. For more information on this and other Florida Legal Services training, contact Kathy Grunewald, Florida Legal Services statewide training director, at (850) 385-7900.

Florida Bar Leadership Academy makes leadership gift

by Doug Sachs

The Florida Bar Leadership Academy Class II on June 27 demonstrated what being leaders is all about by making a collective \$34,200 pledge to The Florida Bar Foundation, the Academy's first such contribution.

"The Foundation is the hidden gem for lawyers who want to give back and make a difference," said Renee Thompson, chair of Academy Classes I and II. "They do so much to help those who need it the most."

The William Reece Smith, Jr. Leadership Academy is a training program designed to help lawyers become leaders within the legal profession. The Academy began in 2013 and graduated its first Class in 2014. Academy Fellows meet six times a year throughout the state. The Class of 2014 included 61 Fellows, and the Class of 2015 graduated 60.

The Academy is named for the late Smith, the 1981 recipient of The Florida Bar Foundation's Medal of Honor Award, a Florida Bar Foundation Fellow and past president of the American Bar Association.

Development Director Donna Marino said the Academy's Class II initiated the gift on their own.

"The Leadership Academy Class II members contacted the Foundation because they wanted to give the



The Florida Bar's William Reece Smith Jr. Leadership Academy Class II presented a check for \$34,200 to The Florida Bar Foundation at The Florida Bar Annual Convention June 27 in Boca Raton. Thirty-one Class II members have made their \$1,000 Fellows pledge.

PAUL PERDOMO

Foundation respect and support befitting its singular role as the philanthropy supporting 30 legal aid organizations statewide through grants that provide legal assistance for the underprivileged and underserved in Florida," Marino said.

Class II's decision to support the Foundation followed a presentation to the Academy by Foundation CEO Bruce Blackwell.

"We wanted to do something to give back to the Bar. Bruce's comments planted the seed," said Class II Fellow Anitra Raiford. "Our goal was to raise money for The Florida Bar Foundation. We

also encouraged each other to become individual Foundation Fellows."

Foundation Fellows are individuals who pledge to contribute \$1,000 to The Florida Bar Foundation payable over five years, or 10 years for young, government and nonprofit lawyers. Fellows contributions go to The Florida Bar Foundation Endowment Trust, the income from which can be drawn upon to supplement revenue from Florida's Interest on Trust Accounts program and other donations. The Foundation's more than 2,100 Fellows are considered its core supporters.



Patricia Jaramillo accepted the 2015 President's Award for Excellence on behalf of her late husband Julio Jaramillo, who was to serve as the Foundation's president this year but passed away of leukemia in January. In her acceptance remarks, she referenced her husband's Colombian heritage and its role in his spirit of volunteerism. "For somebody who came from a country where access to justice is a privilege that only a few can benefit from, Julio could really value the work the Foundation does every day by helping many families," she told the hundreds gathered for the Foundation's 39th Annual Reception & Dinner. "Julio believed in the Foundation's mission and was very proud to be part of it." Pictured with her are past Foundation presidents John Patterson, left, and Senior Judge Emerson R. Thompson Jr.

Foundation funds Florida Justice Technology Center

A new statewide nonprofit dedicated to increasing access to justice through innovative technology has been launched with \$725,000 in Florida Bar Foundation funding.

The Florida Justice Technology Center is made possible through the start-up funding, which was included as part of a bridge loan made to the Foundation by The Florida Bar last year. It is modeled on the nation's only other statewide nonprofit access to justice technology entity, the award-winning Illinois Legal Aid Online.

Greg Coleman, immediate past president of The Florida Bar and a member of the Florida Commission on Access to Civil Justice, will serve on an initial five-member board for the center, a governing body that will be charged during the organization's first two years with establishing bylaws and strategic priorities and identifying and recruiting members of the permanent board.

"The Florida Bar's leadership has clearly recognized the urgent need for technological innovation in the legal industry," Coleman said. "We have to keep pace with the rapid advancements in the way the world communicates and does business in order to best serve our customers, and this center will play a key role in that effort."

The Florida Justice Technology Center will work not only with legal aid and pro bono programs but also with the judiciary and the court system, clerks of court, lawyers, law schools, corporations, community partners, and others to develop technology products and services that will expand access to justice for those confronting civil legal issues such as divorce, child custody, foreclosure, landlord-tenant disputes, home ownership, veterans benefits and elder affairs.

The center will coordinate with legal technology developments underway in Florida, such as online systems for creating and assembling court forms and legal documents, as well online client intake.

Joyce Raby, former legal aid technology coordinator for the Washington State Bar Association and co-founder of the Legal Services Corporation Technology Innovations Grant Program is leading the Florida Justice Technology Center.

"My hope and expectation is that Florida will soon be on the leading edge of legal technology," Raby said. "The time is right, and it is the good fortune of the people of Florida that The Florida Bar and The Florida Bar Foundation have made that goal a major priority. The benefits will extend not only to low-income Floridians, but to all of those who need access to legal help and to the courts."

The center will coordinate and promote the use of technology by identifying efforts from around the state and around the country that could be implemented on a statewide basis in Florida. It will offer technology products and services to help advance existing and wholly new endeavors.

The center will not have a physical office but rather will operate as a virtual office so as to eliminate the need for rent, furniture and other costs. Besides Coleman, initial board members are: Kathy McLeroy, a member of the Florida Commission on Access to Civil Justice, co-chair of The Florida Bar's Standing Committee on Pro Bono, and an attorney with Carlton Fields Jordan Burt; Tom Oldt, a Florida Bar Foundation board member and founder of Thomas R. Oldt Investment Services LLC; Adriana Linares, founder of LawTech Partners, a board member of the American Bar Association Law Practice Division Legal Technology Resource Center, and vice chair of the ELawYering Task Force; and James Haggard, staff attorney at Brevard County Legal Aid, an ad hoc member of the technology subcommittee of the Florida Commission on Access to Civil Justice, and founder of Wiedza Creations LLC, a legal tech start up.



"The benefits will extend not only to low-income Floridians, but to all of those who need access to legal help and to the courts."

**– Joyce Raby, Executive Director
Florida Justice Technology Center**



"The Florida Bar's leadership has clearly recognized the urgent need for technological innovation in the legal industry."

**– Gregory W. Coleman, Immediate
Past President, The Florida Bar**



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Garcia joins Foundation as director of pro bono

Former legal aid attorney Ericka Garcia has joined The Florida Bar Foundation staff to support local and statewide efforts to expand pro bono partnerships with bar associations, law firms, courts, law schools and legal aid organizations. As director of pro bono partnerships, Garcia will collaborate with The Florida Bar Standing Committee on Pro Bono Legal Services, the Florida Commission on Access to Civil Justice, The Florida Bar, the Florida Pro Bono Coordinators Association, Florida Bar Foundation grantee organizations and other groups to implement an expanded vision for pro bono in Florida. Garcia comes to the Foundation from the Legal Aid Society of the Orange County Bar Association, which she joined in 2009 as an Equal Justice Works Fellow supported by the Foundation and the law firm of Greenberg Traurig. There, she advocated as a Guardian ad Litem for dependent children with developmental disabilities and recently had taken on added responsibilities related to development and grant administration. "We have no doubt that Ericka's leadership in this position will be transformational for pro bono in Florida," Foundation CEO Bruce Blackwell said.

SPEAKING OF JUSTICE

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