

S U M M E R

SPEAKING OF JUSTICE

NEWS FROM THE FLORIDA BAR FOUNDATION

Volume 10

Issue no. 2



For more than three years, Archie Green suffered with a hernia because the Florida Department of Corrections denied his request for surgery, even though a physician declared he met the criteria for an operation. When Florida Justice Institute, which receives funding from The Florida Bar Foundation, filed a complaint on behalf of Green and some 2,000 other prisoners, the FDOC and its healthcare contractor changed course, allowing the surgery. They eventually settled the case and changed their health care policy regarding hernias.

Florida Justice Institute case forces change in prison health care policy

by Jessica Brown

When the pain began, Archie Green knew he needed to see a medical professional.

Though the 40-year-old man was a prisoner of the Florida Department of Corrections (FDOC), he still expected to receive some kind of treatment for increasingly distressing symptoms.

Feeling a knot bulging from his groin, Green asked for an appointment with the

prison medical office. He was told no. Having worked in construction most of his life, Green suspected he'd sustained an injury when he tried to stop a heavy barrel from falling off a trailer while doing his prison job. As the pain became excruciating, he asked six more times for an appointment over the course of a week in 2012.

"I was in a lot of pain. I couldn't exercise no more, they'd taken my gate pass from me,"

said Green. "They put me on restricted activity. I don't think they really cared."

Eventually, he was granted a visit with a physician. He was diagnosed with a hernia, and the doctor stated that he met the criteria for surgery. Yet, he was denied the operation. For three and a half more years, Green would suffer.

The physical pain was not the only consequence. With his gate pass revoked,

see **POLICY**, p. 10



Message from the President

Florida Bar Foundation President Juliette E. Lippman began her term in July. A partner with Birnbaum, Lippman & Gregoire, PLLC, she is a Florida Supreme Court Certified Family Law Mediator. She has received The Florida Bar Family Law Section Chair's Special Award of Merit and the Broward County Bar Association's Joseph J. Carter Professionalism Award. Lippman earned her bachelor's degree at George Washington University and her law degree at Nova Southeastern University School of Law.

Like you, I am passionate about increasing access to justice for our most vulnerable neighbors, co-workers and loved ones. When I first began my legal career, I received funding from the Foundation to work at a clinic at Legal Services of Greater Miami. I later went on to volunteer for Broward Legal Aid. I am now a partner at a small firm of six attorneys; promoting our local legal aid organization is a firm priority.

Recently, I chaired the Foundation's executive director search committee, and I am pleased to announce the appointment of attorney Dominic C. "Donny" MacKenzie as The Florida Bar Foundation's new executive director. Donny was selected after a competitive nationwide search process. His deep commitment to increasing access to justice and his proven effectiveness made him the obvious choice to lead the Foundation.

Donny obtained his bachelor's degree in communications from Florida State University and earned his law degree from the Florida State University College of Law. He became a partner at Holland & Knight in 1994, and his practice specialized in medical and professional malpractice defense, health care litigation, product liability, construction litigation, and personal injury.

Donny has shown a devotion to providing civil legal aid throughout his career, being Holland & Knight's pro bono partner for Jacksonville and serving as a member of the Florida Commission on Access to Civil Justice and co-founder of the Campaign to Maintain Justice in Jacksonville in 1995. He was recognized by The Florida Bar with the President's Pro Bono Service Award for the 4th Judicial Circuit in 1998. Holland & Knight honored him as its Pro Bono MVP Partner in 2006, and he has been recognized by the firm as a Pro Bono All Star since 2005. He has also served on various state and local Bar committees.

After serving on the Foundation's board of directors for eight years, Donny took office as our president in 2015-16. He has served on our Legal Assistance for the Poor, Law Student Assistance, Grants, Interest on Trust Account Operations, Development and Executive Committees. He also chaired our Strategic Reset Committee.

Donny and I are wholly dedicated to continuing the Foundation's work to make the justice system accessible to all, and we are so very fortunate to do so with your support.

Juliette E. Lippman, President



Executive Director Dominic C. "Donny" MacKenzie

Foundation welcomes new board members

by Lizzy Andrews

The Foundation's six designated directors serve in their appointed positions for one year, and our at-large directors serve a maximum of two three-year terms, with one-third selected by The Florida Bar Board of Governors, one-third by the Foundation board, and one-third by the Florida Supreme Court.



Mayanne Downs, Director, 2018-19
Downs is the managing director of GrayRobinson in Orlando. She is the city attorney for Orlando and a former president of The Florida Bar.



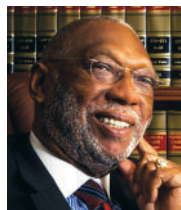
Maria C. Gonzalez, Director, 2018-21
Gonzalez is a board-certified marital and family lawyer. She has served as chair of the Florida Law Certification Committee and the Family Law Section of The Florida Bar.



John F. "Jack" Harkness Jr., Director, 2018-21
Former Florida Bar Executive Director Harkness retired as the longest-serving Bar executive director in the nation in 2017. He is a Florida Bar Foundation Medal of Honor recipient.



Anthony C. Musto, Designated Director
Musto is the president of Florida Legal Services and an adjunct professor of law at St. Thomas University School of Law. He is a past-chair of multiple sections of The Florida Bar.



James E. C. Perry, Director, 2018-21
Justice Perry retired from the Florida Supreme Court in 2016 after serving for seven years. In 2000, he became the first African-American appointed to Florida's 18th Judicial Circuit.



Raymond P. Reid, Jr., Director, 2018-21
Reid is a partner at Pajcic & Pajcic. He has served as assistant state attorney for the 4th Judicial Circuit and assistant general counsel for the city of Jacksonville.



John M. Stewart, Designated Director
Stewart is the president-elect of The Florida Bar and a partner at Rossway Swan. He has served on the Board of Governors since 2007 and received the President's Award of Merit in 2013.



Michelle R. Suskauer, Designated Director
Suskauer is the president of The Florida Bar and a partner at Dimond Kaplan & Rothstein, P.A. She is the first former public defender and the sixth woman to hold the office.



Ashley Sybesma, Director, 2018-21
Sybesma is a senior associate at Smith Hawks, PL, in Key West and received The Florida Bar President's Pro Bono Service Award for the 16th Judicial Circuit in 2018.



YOUR DONATION IS POWERFUL.

Every day, the legal experts at Florida's civil legal aid organizations protect and guide families.

Every day, your gift to the Foundation, no matter how small, assists a Florida family struggling with a legal issue.

Support Legal Aid Today: TheFloridaBarFoundation.org/donate

Howard Talenfeld receives Medal of Honor Award for a Lawyer

Howard Talenfeld, managing partner of Talenfeld Law and founding president of Florida's Children First, received The Florida Bar Foundation's 2018 Medal of Honor Award for a Lawyer at the Foundation's annual reception and dinner June 14 in Orlando.

Talenfeld's legislative efforts have significantly improved services for dependent children with special needs and foster children, and his advocacy has led to an improved child welfare system. He has represented at-risk children and adults for almost 40 years.

"Howard has been a trailblazer and a leader in protecting the rights of children and other at-risk populations through litigation and client representation," wrote Anthony Karrat, executive director of Legal Aid Service of Broward County, in his nomination of Talenfeld. "Howard's career of advocacy, both nationally and locally and in and out of court, exemplifies the philosophy, dedication and commitment to helping others that we should all strive to achieve."

After Talenfeld was the lead counsel in a Broward County foster care class action in 1998, the district nearly tripled its child welfare budget with the settlement that was reached. For almost 20 years after the settlement, Talenfeld continued to work with state and local agencies to implement the terms and improve the delivery of services to dependent children.

Talenfeld helped pass several pieces of legislation to protect dependent and foster children, most significantly a recent statute that provides legal representation to dependent children with special needs.

In 2002, Talenfeld established Florida's Children First, uniting advocates for children across the state. In 2011, he developed the Tracey McPharlin Dependency Pro Bono Project to recruit and train attorneys to provide pro bono representation of at-risk dependent children.



JUDY WATSON TRACY

Former U.S. Representative and 2005 Medal of Honor recipient Dudley Goodlette, left, presents the 2018 Florida Bar Foundation Medal of Honor Award for a Lawyer to Howard Talenfeld on behalf of award sponsor Florida Lawyers Mutual Insurance Company.

Dudley Goodlette, a director of Florida Lawyers Mutual Insurance Company, presented the award to Talenfeld.

"Through his pioneering leadership as founder of Florida's Children First, his indefatigable work to protect the legal rights of children and adults with disabilities, and his zealous advocacy that led to an improved child welfare system, Howard has been a champion of Florida's most vulnerable children and adults," said Goodlette. "He is a formidable legal talent who compelled government agencies to reform welfare and developmental disabilities standards of care, and he is a progressive advocate for children with special needs and foster children."

Talenfeld was a member of The Florida Bar Legal Needs of Children Committee for more than 10 years, serving as its chair in 2009 - 2010. He is also a recipient of the President's Pro Bono Service Award for the 17th Judicial Circuit.

"No lawyer in Florida has been such a consistent force for change in child welfare and a voice for the voiceless as Howard. His impact on Florida's children is felt far beyond the borders of Broward County."

— Robert Bertisch, executive director of Legal Aid Society of Palm Beach County

Dr. Louis B. St. Petery receives Medal of Honor Award for a Non-Lawyer

Tallahassee pediatric cardiologist Louis B. St. Petery received the 2018 Medal of Honor Award in the non-lawyer category at the Foundation's 42nd annual reception and dinner June 14.

St. Petery's leadership and legislative advocacy on behalf of children on Medicaid have led to funding increases and substantial changes to the system.

When St. Petery sued on behalf of children on Medicaid who weren't receiving the medical or dental care to which they were entitled, he attended more than 40 depositions and almost every day of the 90-day bench trial. Because of his attendance and analysis, he solved the mystery of why so many children were switched from one provider to another, oftentimes having their coverage terminated. The state agencies involved denied children were switched until the litigation showed it was caused by miscommunication between computer systems.

In the end, a settlement was reached that resulted in millions of additional dollars in funding and a multi-year process that would transform the program from one of the worst in the nation to one performing at national norms.

"He has probably done more to help improve medical care for children on Medicaid in Florida over the last decade than anyone else," said Ft. Lauderdale attorney Carl Goldfarb, who nominated St. Petery. Goldfarb served as counsel for the Florida Chapter of the American Pediatrics Society, of which St. Petery was executive vice president for more than 10 years.

In another case, St. Petery recruited counsel to block the Department of Health from using a new screening tool that knocked 13,000 children with special health care needs out of Florida's Children's Medical Services. He served as the plaintiff's pro bono expert witness, and the state was forced to cease using the screening tool. He then testified at the rulemaking workshops, which resulted in an improved CMS screening tool.



Dr. Louis B. St. Petery speaks at The Florida Bar Foundation Annual Reception and Dinner after being awarded the 2018 Medal of Honor for a Non-Lawyer.

JUDY WATSON TRACY

For more than 25 years, St. Petery served as executive director of the Tallahassee Pediatric Foundation, a nonprofit organization formed by the Florida Legislature in 1984 to coordinate the activities of the pediatricians in Tallahassee treating children on Medicaid and the State Child Health Insurance Program (SCHIP).

He was appointed by Gov. Jeb Bush to the Florida Healthy Kids Board, a nonprofit corporation created by the Florida Legislature to oversee SCHIP. St. Petery also served on the CMS Network Advisory Council and on the Legislative Council of the Florida Medical Association.

The Medal of Honor Award, which recognizes outstanding achievements in the improvement of the administration of justice, is given in two categories: lawyer and non-lawyer. The award recognizes truly remarkable individuals who have helped improve the justice system and who embody The Florida Bar's ideals of duty and service.

"He is the leading statewide health care advocate for Florida children. His advocacy has been herculean. Over 1.9 million Florida children on Medicaid have directly benefited from his advocacy and tenacity."

**– Clinical Professor Paolo Annino,
director of the Florida State University
College of Law's Children's Advocacy Clinic**

Goldstein award winners recognized at annual dinner

The Steven M. Goldstein Award for Excellence was created to honor a former member of the Foundation board who, as a legal services attorney and Florida State University College of Law professor, was devoted to defending the rights of the downtrodden, the unpopular and the disadvantaged.

The Goldstein Award, given biannually at the Foundation's annual dinner, recognizes projects of high quality and significant impact work by Foundation grantees.

This year's winning project involved securing accommodations for blind, deaf and wheelchair confined prisoners. In July, after two years of intense investigation and a year and a half of federal litigation, Florida Justice Institute (FJI) settled for its client, Disability Rights Florida, a historic lawsuit against the Florida Department of Corrections (FDOC) for its systemic failure to comply with federal laws protecting individuals with physical disabilities.

FJI's work impacted thousands of prisoners with physical disabilities who were excluded from jobs and programs, not receiving proper medical care, and being denied basic accommodations.

In the suit, FJI cited a deaf prisoner whose important legal call with his attorney was cancelled because no interpreter was provided; a deaf prisoner who was handcuffed behind his back during a disciplinary hearing, making communication impossible; and a deaf and mute prisoner who was sexually assaulted but couldn't communicate with a guard afterward. The FDOC failed to provide and maintain wheelchairs, confiscated and failed to repair prosthetic devices, and failed to consistently provide white canes to blind prisoners.

The settlement agreement requires the FDOC to make sweeping architectural changes, update its policies, and improve its practices for providing accommodations so that prisoners with disabilities have equal access to programs, services, and activities. To ensure compliance, FJI has begun an extensive monitoring effort, which is expected to continue until 2021.

The first runner-up of the 2018 Goldstein



JUDY WATSON TRACY

The Goldstein Award was presented on behalf of sponsor Carlton Fields by attorney Joe Lang, right, to Florida Justice Institute, represented by Erica Selig, Dante P. Trevisani, Carol Berg and Executive Director Randall C. Berg, Jr.



JALA's Pro Bono Director Kathy Para and Executive Director Jim Kowalski accept the first runner-up Goldstein Award from Joe Lang.



JUDY WATSON TRACY

Attorneys Katy DeBriere of JALA, Jeffrey Hearne of Legal Services of Greater Miami, and Kathy Grunewald of Florida Legal Services accept the second runner-up Goldstein Award.

Award was Jacksonville Area Legal Aid (JALA). After seeing a spike in the number of seniors who, despite being in compliance with the terms of their reverse mortgage, are being sued for foreclosure on false allegations that they abandoned their homes or failed to pay taxes or insurance, JALA launched a multi-faceted advocacy approach, including litigating numerous individual cases, advocating for laws and regulations to better protect senior housing consumers, and educating consumers and advocates on the dangers associated with

reverse mortgage products.

The second runner-up was a joint project of Florida Legal Services, JALA, and Legal Services of Greater Miami. The organizations collaborated to combat the terminations of thousands of vulnerable Floridians, many of whom were disabled veterans, from supplemental nutrition assistance (SNAP), commonly referred to as "food stamps." More than a half million low-income Floridians' services were terminated despite having legitimate barriers to employment.

Two long-time attorneys receive Curran Distinguished Service Award

Two lawyers received The Florida Bar Foundation's Jane Elizabeth Curran Distinguished Service Award June 14 at the Foundation's annual reception and dinner.

The award, named for the Foundation's first executive director, recognizes individuals who, over their careers, have achieved meaningful, effective and lasting increases in access to civil justice for the poor in Florida.

Award recipient Sharon Bourassa is Legal Aid Service of Broward County's director of special projects. Bourassa has worked at Legal Aid Service of Broward County since 1981. Her interest and compassion for the low-income community began when, as a divorced mother with two young children receiving welfare assistance and a Section 8 Housing Choice Voucher, she became determined to earn a college degree and go on to law school, not only to help her family but also to help those who faced the same struggles she experienced.

"Sharon has been and remains a stalwart in the selfless pursuit of justice, demonstrating exemplary commitment to solving the legal problems of extremely low-income people," wrote Anthony Karrat, executive director of Legal Aid Service of Broward County, in his nomination letter. "She has been successful in a variety of forums and is known for providing unwavering support to colleagues and others who work in the legal services community."

Bourassa pursues and prosecutes cases that impact the low-income community. She has represented families in cases involving federal and state environmental laws, housing laws and local code enforcement laws. Her successful case outcomes often provide class-wide relief to large segments of the low-income population. Most recently, she has developed programs to represent low-income adults whose legal issues prevent them from continuing their education or job training.

Miami lawyer and Executive Director Emeritus of Legal Services of Greater Miami (LSGMI) Marcia Cypen also received the award.

Cypen joined LSGMI in 1974 as a law clerk and was hired as a staff attorney two years later. She began serving as executive director in 1983, leading the program as the largest provider of broad-based civil legal services for the poor in Miami-Dade and Monroe Counties for the next 30 years.

"Marcia is the rare individual who not only combines compassion for the poor and vulnerable members of our community with legal skill, but she is also an excellent business woman and manager," wrote Monica Vignes-Pitan, LSGMI's executive director, in her nomination letter. "While weathering the constant ups and downs of funding and regulations, Marcia's leadership resulted in Legal Services of Greater Miami becoming a strong institution which will endure well into the future."

Cypen oversaw a 60-member staff, including more than 25 attorneys, who



Sharon Bourassa, right, accepts the Jane Elizabeth Curran Distinguished Service Award from Foundation board member Karen Buesing.

JUDY WATSON TRACY

served 20,000 people a year, resolving the daily legal problems of low-income, vulnerable residents. She challenged issues from Medicaid cutbacks to home care benefit cuts for the elderly, like the case she won for a 73-year-old man with Parkinson's disease who was denied benefits because of where he lived.

Her vision resulted in one of the first community economic development departments in a legal services program. She also developed innovative programs for veterans, disabled children, people with AIDS, people experiencing homelessness, ex-prisoners and low wage workers. Under her leadership, LSGMI established online intake available in multiple languages, a disaster legal assistance unit in the aftermath of Hurricane Andrew, and most recently a foundation for LSGMI.

YOU CAN HELP: AWARD NOMINATIONS

Nominations for the Jane Elizabeth Curran Distinguished Service Award will be accepted beginning January 2019. Visit our website for more information.

TheFloridaBarFoundation.org



On behalf of Marcia Cypen, Monica Vignes-Pitan, left, accepts the Jane Elizabeth Curran Distinguished Service Award from Karen Buesing, representing award sponsor Akerman LLP.

Foundation support comes from cy pres awards, attorney donations

The Florida Bar Foundation has received a \$500,000 cy pres award from a class action settlement in a case involving rental fees for propane tanks. Jeffrey M. Liggio of Liggio Law in West Palm Beach represented the class against Heritage Operating L.P., now AmeriGas, through more than 12 years of litigation. Philip M. Burlington of Burlington and Rockenbach, P.A., Scott Johni of the Law Office of Scott Johni, P.A., Erin Whittemore Lohmiller and Kent G. Whittemore of the Whittemore Law Group, P.A. and Geoff Stahl of Liggio Law also represented the group.

Judge Pamela Campbell of the 6th Judicial Circuit in Pinellas County approved the cy pres distribution. The Foundation will use the funds to support legal aid organizations throughout Florida. Courts can approve a charitable donation out of unclaimed class action funds.

"There's a whole segment of Florida's society, good folks in distress," Liggio said. "Legal aid is one of the last places they can turn to. It's inspiring to watch these folks help people who have nowhere else to turn."

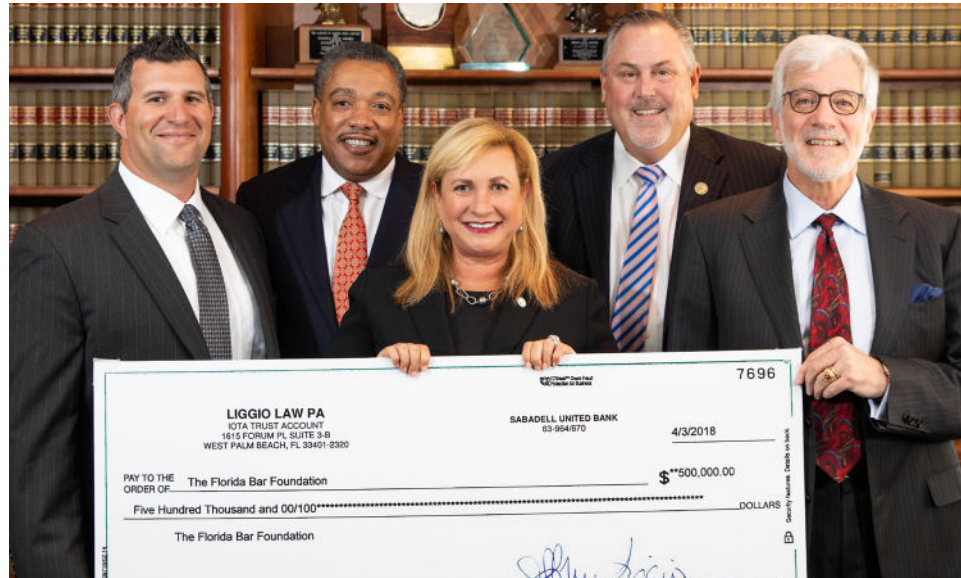
The case involved propane tanks that were buried in homeowners' yards. When Fred Williams, the first class representative, realized he was being charged rent for a propane tank he owned, he sought legal help. His lawsuit ended up affecting more than 65,000 Florida customers.



In June, the Florida Bar Criminal Law Section donated \$25,000 to the Foundation to support the Loan Repayment Assistance Program, which helps lawyers employed at Florida legal aid organizations reduce their student loan debt. The section has donated \$325,000 since 2012.

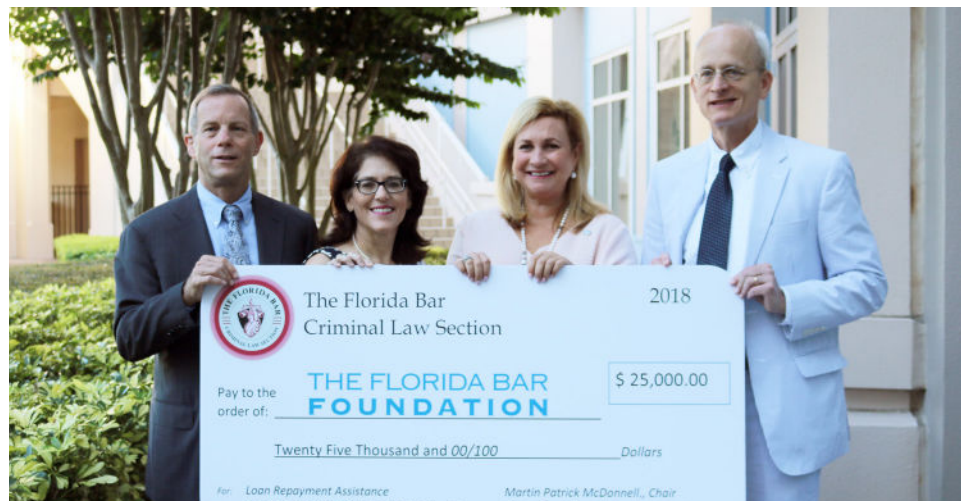


Also in June, in honor of Jack Harkness, the Florida Supreme Court Historical Society donated \$2,000 to the Foundation. Its Board of Trustees individually contributed an additional \$2,500 for a total gift of \$4,500. The donation is earmarked for the Foundation's Children's Legal Services program.



Geoff S. Stahl of Liggio Law, Foundation board member David Prather, Foundation President Juliette E. Lippman, Foundation board member Gregory W. Coleman and Jeffrey M. Liggio

STEVEN MARTINE



Criminal Law Section members David Rothman and Hon. Angelica D. Zayas, Foundation President Juliette E. Lippman and Section Chair Oliver David Barksdale



Historical Society President Edward G. Guedes with Foundation President Juliette E. Lippman

**YOU CAN HELP:
CY PRES AWARDS**

Access to justice organizations like the Foundation are grateful recipients of cy pres or residual funds awards in class action suits. If you are interested in facilitating a cy pres award, contact Donna Marino Kirtland, CFRE, at 407-960-7000.

[TheFloridaBarFoundation.org/
cypres](http://TheFloridaBarFoundation.org/cypres)

Legal aid organizations host law students on spring break

In February, Cornell Law School contacted the Foundation with an unusual request. Their law students wanted to come to Florida for spring break, but not for fun and sun. Instead, they wanted to work for legal aid organizations as part of the school's Spring Break Service Trip program.

The Foundation assisted in connecting the students to five of its grantees in Miami - Cuban American Bar Association (CABA) Pro Bono, Community Justice Project, Dade Legal Aid, Legal Services of Greater Miami, and Catholic Legal Services of Miami.

Under the supervision of staff attorneys at those organizations, the students observed client meetings, researched various topics such

as immigration, guardianship and family law, and attended divorce and domestic violence proceedings.

"Sitting in a judge's courtroom and seeing the rules that I've learned in Civil Procedure and Evidence being used was a real treat," said student Michaela Kamemoto.

"The time at Dade Legal Aid was a fascinating and memorable experience," added Weigang Meng. "The attorneys are great mentors. They took us to court, explained the litigation strategies used in court and gave practical feedback on researching and drafting memorandum of law. I am inspired to know so many respectable and kind attorneys who are really making a difference. The most important



Dade Legal Aid staff attorneys Steve Paulson, Alexandra Mesa, Stephanie Grosman, Evita Féria Laguna and Mark Brown (back row) hosted Cornell Law students Michaela Kamemoto and Weigang Meng during spring break.

thing I learned from them is that being a lawyer is much more than billable hours, he/she should also 'put something back.'"

Law School Civil Legal Clinic grants awarded

In June, the Foundation's board approved three Law School Civil Legal Clinic grants, totaling \$220,946.

Florida State University College of Law: \$100,000

Eliminating Economic Barriers Immigrant Clinic

This clinic will promote economic development by eliminating barriers to employment such as undocumented status, lack of housing, and lack of healthcare for immigrants and farmworkers. It will also educate law students on public interest advocacy. FSU will collaborate with UF to team teach and serve North Central Florida between Madison and Alachua Counties.

University of Florida Levin College of Law: \$70,946

Barriers for Immigrants: Joint clinical project of the FSU College of Law and UF College of Law

Currently, UF Law's Intimate Partner Violence Assistance Clinic (IPVAC) provides indigent survivors of family violence with legal representation, mental health counseling, and victim advocacy services. IPVAC pioneers a national model that advances trauma response practices, policies, and professional development through a system of holistic services available in community settings.

St. Thomas University School of Law: \$50,000

Tax Clinic

The Tax Clinic is a single semester clinic for second- and third-year students. As the only tax clinic at a Florida law school, it serves low-income taxpayers and provides legal representation before the Internal Revenue Service and the U.S. Tax Court. Student representatives participate in public outreach which includes community education presentations, particularly for those who speak English as a second language. The clinic also offers tax preparation services.

Students, lawyers speed mentor



In April in Orlando, students from Boone High School's Law Magnet Program spent a morning being "speed mentored."

Law students from Florida A&M University College of Law and lawyers from the American Bar Association's Business Law Section and the Foundation volunteered to mentor the students, answering questions about law school and being a lawyer.

After hearing about a similar event facilitated by the Foundation at Miami Dade College in 2017 with the ABA Section of International Law, the ABA Business Law Section asked the Foundation to organize this event. Nearly 40 students participated.

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Green, a minimum-security inmate, could not complete steps to become eligible for a work release center since he could not leave the prison grounds.

"They wouldn't let me work," said Green. "Completely delayed my process altogether."

In 2014, Green was transferred to Lake Correctional Institution where he met a fellow inmate who mentioned Florida Justice Institute (FJI) and its work for another inmate with a hernia.

Miami-based FJI conducts civil rights litigation and advocacy in the areas of prisoners' rights, housing discrimination, disability discrimination, and other areas. The Foundation awarded FJI a \$175,000 Bank of America Community Economic Development Initiative grant this year.

"So I wrote them," said Green. "It was a short time, in four or five weeks, they got ahold of me, came and seen me. They were really awesome people."

After hearing Green's story, lawyers from FJI asked him and two other prisoners to represent a class of prisoners with untreated hernias in a suit against the FDOC and its medical contractor Corizon, LLC. Their complaint alleged there was a policy and practice of unlawfully denying medically necessary hernia surgeries in an effort to save costs, resulting in possibly thousands of prisoners being left in severe pain, unable to engage in normal activities, and at risk for serious complications such as bowel obstruction, infection, and even death.

"If they can not do treatment, they're saving money," said Green. "If you can get a few guys to speak out and get the treatment, they're still saving money cause

there's thousands of them not getting the treatment. It's business. They said no inmate would be denied medical treatment due to the cost of medical care, medication. It's just not happening."

Just three days after FJI and co-counsel Kozyak Tropin Throckmorton, a firm specializing in complex civil litigation, filed the complaint, Green was called to the prison medical office.

"They said Corizon had changed their mind, and they want to do the surgery," said Green. "About three weeks after that, I was taken in for surgery. I never received treatment til the lawsuit was filed."

Green made a full recovery, and he and about 2,000 other current and formerly incarcerated persons with hernias were awarded a combined \$2.1 million when the case was settled. The Court also required the FDOC to officially change its health care policy to ensure that hernia patients are promptly referred to surgeons for consultations, and that the recommendations from those surgeons are carried out.

"We're pleased that the FDOC has agreed to change its policy on hernia treatment, and that the patients who were affected by it will receive some financial compensation," said Randall C. Berg, Jr., FJI's executive director. "This settlement is one step toward the overall improvement of medical care for all incarcerated people in Florida."

Berg and FJI attorneys Dante P. Trevisani and Erica Selig co-counseled the case with Kozyak Tropin and Throckmorton attorneys Kenneth Hartman, Tucker Ronzetti, and Douglas Wolfe. The firm donated their share of their attorneys' fees to FJI.



JUDY WATSON TRACY

FJI attorney Dante P. Trevisani

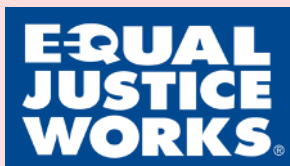
"Hopefully this agreement marks a shift in the way that Florida provides medical care to the people in its custody. This case is just one more illustration of the failure of privatized prison health care."

— Dante P. Trevisani

This spring, Green, now 46, received his settlement check.

Without the help of lawyers, says Green, "I'd still be in pain right now."

Foundation supports three Disaster Recovery Legal Corps fellows



In July, Equal Justice Works launched the Disaster Recovery Legal Corps, a new Fellowship program, made up of 21 lawyers who will deliver legal and recovery assistance to individuals affected by Hurricanes Harvey, Irma, and Maria. The Florida Bar Foundation is funding three fellows in Florida who will work with established legal aid organizations to serve the highest-need communities in disaster-affected areas. Fellows will provide legal assistance on housing, employment, homeowners'/flood insurance, public benefits, and other disaster-related legal issues. The Florida fellows will be hosted by Community Justice Project in Miami, and in Orlando by Florida Legal Services and Community Legal Services of Mid-Florida.

Initiative counts self-represented litigants in a single day

On May 15, the Foundation facilitated Everyone Counts, an initiative to take a census-like count of self-represented litigants on a single day in the Miami-Dade court system.

First conducted March 20, 2017, Everyone Counts found that 63 percent of litigants were self-represented that day, and that domestic violence court had the highest number of self-represented litigants at more than 80 percent.

"This effort, coordinated with the Eleventh Judicial Circuit, gathers data that is currently not available in Florida," said Claud Nelson, the Foundation's pro bono program officer.

Thirty-seven volunteer lawyers and law students observed 482 litigants in 338 hearings at seven of the Miami-Dade courthouses this year. Last year, nearly 40 volunteer attorneys observed 190 hearings involving 277 litigants. Matters included family law, foreclosures, eviction, small claims, property damage and others.

Litigants who represent themselves are at a distinct disadvantage. A Colorado Center on Law and Policy study found that renters who lacked legal representation were evicted 68 percent of the time from private housing. Meanwhile, those who were represented by counsel were evicted only 6 percent of the time.

Everyone Counts found that family law and domestic violence cases consistently have a



The Foundation's 14 summer fellows, who were embedded at legal aid organizations throughout Florida this summer, served as Everyone Counts volunteers after their kick-off training in May.

higher percentage of self-represented litigants. With more cases than legal aid organizations are able to take, clients must turn to resources such as pro bono attorneys and law libraries.

"We have resources to help self-represented litigants navigate the legal system," said Natacha JeanBaptiste, director of Miami-Dade County Law Library. "MDCLL has experienced a dramatic increase in the number self-represented litigants availing themselves of law library resources, particularly since the foreclosure crisis and economic downturn."

In follow-up discussions with judges, the consensus was that attorney representation makes the judicial system function more

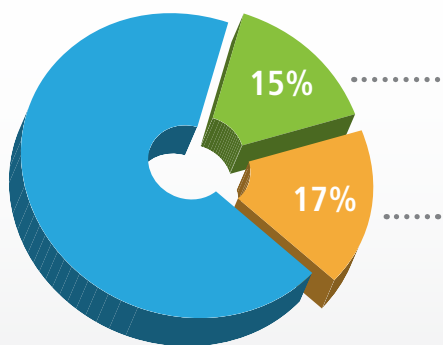
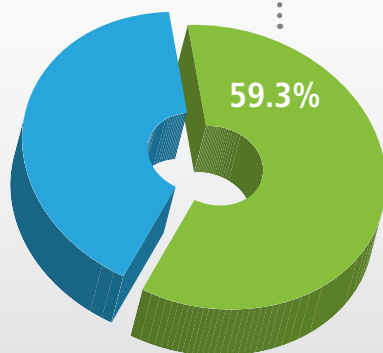
efficiently. By collecting information on those who have no representation, the Foundation hopes to devise effective ways to support these litigants and improve the judicial system.

YOU CAN HELP: PRO BONO

Find a pro bono case online now.
Search by practice area and location.

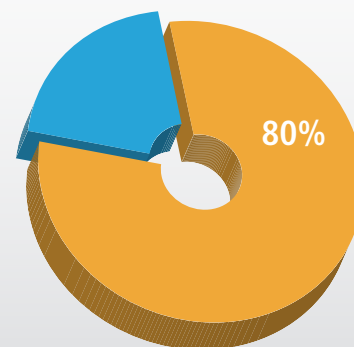
FloridaProBonoMatters.org

In family hearings on May 15, 2018, 59.3% of litigants were self-represented.



In 32% of observed hearings on May 15, 2018, a litigant was self-represented. In 15% of cases, both parties were self-represented; 17% of cases saw a self-represented litigant versus a represented litigant.

In domestic violence hearings on March 20, 2017, 80% of litigants were self-represented. Judges told Everyone Counts organizers that domestic violence cases were sometimes delayed multiple times due to procedural issues that would have been less likely to occur if an attorney had been involved.





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