Nine Engle grants impact thousands of Floridians in Middle District

Megan*, a Seminole County mother of two daughters, was caught in a precarious living situation after the COVID-19 pandemic began taking its toll on Floridians in 2020. She had lost income and owed four months in back rent. By the time she reached out to Seminole County Bar Association Legal Aid Society (SCBALAS), she had received a writ of possession and had 24 hours to move out, with nowhere to go.

But, thanks to the decision of a four-judge panel of the Middle District of Florida to distribute sanctions from Engle tobacco litigation to civil legal aid, The Florida Bar Foundation had created a grant program that funded a lawyer that helped Megan. “The court made an innovative and heroic move in dedicating these funds to legal aid,” Donny MacKenzie, the Foundation’s executive director, said. “In 2019, when these funds were entrusted to the Foundation, no one could have known how desperately so many Floridians would need representation in court as a result of the myriad problems COVID-19 caused. It was serendipitous.”

Megan’s SCBALAS lawyer, funded by an Engle grant, immediately helped her file...
there is a new trend I’ve noticed this year – instead of adopting resolutions for the new year, some are adopting a word for the year. For the Foundation, I would choose “partnership” for 2023. The Foundation is fortunate to work with many partners in our legal community that support our work.

One of our newest partnerships is with The Florida Bar Young Lawyers Division. As a sponsor of the YLD, we have the opportunity to spread awareness of the Foundation among their members, to promote becoming a Foundation Fellow to support our Endowment Trust, and to recruit the next generation of Foundation board members.

The Foundation has a solid partnership with many law firms, and several have generously sponsored our quarterly board meetings. We hold our board meetings around the state so that board members, grantees and others have flexibility to attend. We are always open to building more and stronger relationships with firms. If your firm would like to partner with the Foundation in any way, please reach out to Michelle Fonseca, our development director.

We hope to be of assistance to the Florida Supreme Court as they review the IOTA rule this year and make any needed revisions. The Foundation made the first IOTA distribution under the amended rule in December. Our partnership with grantees in developing the distribution methodology was crucial to ensure fairness and efficiency.

Through the Florida Pro Bono Law School Challenge, the Foundation continues to maintain a strong partnership with our state’s 12 law schools. (Welcome, Jacksonville University College of Law!) On Feb. 6, the Challenge transitioned to a year-round model (see story, page 7). Our grantees are dedicated partners in our pro bono endeavors, posting cases on Florida Pro Bono Matters and shepherding student and lawyer matches through the Challenge.

We are fortunate to continue to have strong, collaborative partnerships with The Florida Bar and our grantees. By way of our grant requirements, grantees are encouraged to collaborate with each other in order to pool their resources, avoid duplication and serve more clients.

We collaborate with The Florida Bar to achieve our collective goals, especially as it relates to increasing access to the legal system and promoting pro bono and mentoring. We also support the Bar by promoting their projects, like the recently announced “Life’s Legal Moments” effort.

Importantly, we are working toward establishing relationships and hopefully partnerships with more community and business leaders thereby creating more grassroots support and lessening the burden on the legal profession in tackling the “justice gap.”

Finally, I’d like to remember Lou Ann Powell for being a true partner in the mission of the Foundation. Lou Ann passed away in November. She was invaluable as our CFO, committed to the mission by giving financially to support the Foundation and recruiting her friends to do so as well.

Connie Bookman, President

Hon. Suzanne Van Wyk, President
Lou Ann Powell, The Florida Bar Foundation’s chief financial officer, passed away in November due to complications from a terminal illness. A certified public accountant since 1980, Powell joined the Foundation in 1991 and oversaw its fiscal administration, including governance, finance and investments.

“Lou Ann loved people, and she loved being around them, almost as much as she loved the Foundation,” Donny MacKenzie, the Foundation’s executive director, said. “She was a big part of the Foundation and served it well for 31 and a half years. We will miss her dearly.”

Powell earned a Bachelor of Science in business administration/accounting from Bowling Green University in Ohio. Before joining the Foundation, she served as corporate controller for a real estate development and management company in Central Florida and as division controller for a restaurant chain.

Powell will be remembered for her three decades-worth of contributions to the Foundation, her mastery of the game of bowling, her kind-heartedness, and her love of cats.

Former Foundation president John Patterson, who was awarded the 2022 Medal of Honor in June, accepted the award on behalf of the access to justice community, specifically Powell. “She’s always understood the necessity for integrity, accuracy and transparency in the finances of the Foundation. Lou Ann’s hard work helped the Foundation grow and succeed, and her dedication to its mission will continue to inspire us. She will be remembered with fondness and respect by all who had the privilege of working with her.”
The Florida Bar Foundation board of directors held its last two meetings on Sept. 9 and Dec. 16, 2022. Director Murray Silverstein and his law firm Greenspoon Marder LLP graciously hosted the September meeting in Ft. Lauderdale, and the Florida State University College of Law and KE Law Group generously hosted in December in Tallahassee. This saves the Foundation considerable expense and allows local grantees to attend more easily.

The major actions of the board and reports received during the September meeting included:

**Grantee Input and Comments regarding IOTA Trial Run Distribution**

By way of short background, the Board allocated and distributed $1,250,000 pursuant to an “IOTA trial run.” This money was funded using the Foundation’s pre-existing reserves. The purpose was to develop a prototype formula and distribution plan before actual distribution of post-amendment IOTA collections, then test the framework and seek input from grantees. More than 30 grantee representatives attended, and 11 provided input and comments. The Foundation is most appreciative of the grantees’ continuous involvement and input during the development of objective standards and a fair plan for the distribution of IOTA collections.

**FY 22-23 Grant Allocation Approved**

The Grants Allocation Committee, chaired by director Maria Gonzalez, recommended, and the board approved, a total grant allocation of $10,425,792 for FY 22-23.

This amount reflects 85% of FY 21-22 IOTA collections per the amended IOTA rule plus all net revenues received from other sources during the previous fiscal year. In addition, $132,328, the difference between the FY 21-22 projected operating budget and the projected amount of funds received from fundraising and development efforts other than IOTA collections, was added, increasing the total amount available for distribution.

**FY 22-23 Grant Awards**

The total grant allocation amount for FY 22-23, based on current funds, was set at $10,425,792. Of this amount, $2,351,903 consists of non-IOTA collections earmarked for the Administration of Justice Grant Program ($900,000), the Children’s Legal Services Grant Program ($1 million), Law School Civil Clinics ($351,903) and Equal Justice Works Fellowships ($100,000).

Of the remaining $8,073,889, representing 85% of FY 21-22 IOTA collections, $468,663 was approved for the second payment of 2022 Loan Repayment Assistance Program (LRAP) loans with the balance of $7,605,226 to be distributed to qualified grantee organizations on or before December 31, 2022.

The board also approved, subject to actual IOTA collections in FY 22-23, funding LRAP loans in the total amount of $1 million (200 loans at $5,000 each), $200,000 for the Limited Matching Funds Grant Program, and $200,000 for a proposed Training/Technology Initiative under development.

**Paul Doyle Children’s Advocacy Award**

The changes included emphasizing that the award recognizes high quality work that has protected, expanded or brought about positive change for children and their fundamental rights; expanding eligibility to include any non-profit, philanthropic organization whose mission is similar to or compatible with the Foundation’s mission, who is currently involved in projects directly affecting children’s issues and who meet the award’s criteria; not accepting further submissions from a project that has already won the award; and giving a bonus of $1,000 to any first-time applicant or nominee who is awarded.

**Collaboration with Young Lawyers Division**

Motions to purchase a sponsorship of the YLD Division and to invite YLD to apply for membership on the Foundation’s board were passed. Afterward, individual directors volunteered to pay for the sponsorship out of their personal funds.

The major actions of the board and reports received during the December meeting included:

**Foundation officers elected**

Pursuant to its Articles of Incorporation and Bylaws, the Nominating Committee presented, and the board elected, the following officer nominees for a term beginning July 1, 2023, and concluding June 30, 2024:

- President: Joseph R. Greenfield
- Vice President: Sandra J. R. Johnson
- First Vice President: Roberto Pardo
- Second Vice President: T. Paul Doyle
- Secretary: Roberta K. Wozniak
- Treasurer: Charles G. Haines

**Use our online Grant Database to view current and past grants, IOTA distributions**

Do you have questions about grants that the Foundation has awarded? The Foundation’s online grant database has the answers!

Located at TheFloridaBarFoundation.org under the “What We Do” tab, the grant database houses information that dates as far back as 1982. The database can be searched by grant program, grantee, year or keyword.
a notice of appearance and an emergency motion to stop the writ. The judge granted the motion, but Megan was still in jeopardy. Her lease was about to expire, and her landlord did not want to renew it without receiving her back rent first.

SCBALAS advised Megan to apply for Seminole County’s Emergency Rental Assistance Program. She was approved, paid her back rent and was able to stay in her home with her daughters. Megan’s was just one of 545 eviction cases SCBALAS opened during the two-year period of their grant.

Nine legal aid providers were awarded $3.3 million in Engle grants, and eight have exhausted their funding. Jacksonville Area Legal Aid extended their grant contract and will complete their project in June of 2023. As of January 2023, more than 3,300 cases have been opened as a result of Engle grants.

Community Law Program (CLP), which was awarded $72,600, used their grant to expand the availability of high quality free legal representation in family law proceedings to low-income litigants in the Middle District, particularly in cases where the opposing party was represented so that there was a level playing field in high stakes situations.

CLP recovered $375,121 in financial benefits consisting of child support, alimony, and equitable distribution for their clients. They opened 88 cases and helped 10 different clients obtain, preserve, maintain, modify, or enforce custody and timesharing rights.

One of those clients was Asia Anderson, who sought help after her nine-year-old daughter Gabby’s father, who lived in North Carolina, filed a paternity action against her in Pinellas County seeking to have a judge award primary timesharing to him. That would have meant Gabby would leave her younger brother, mom, her school and her friends to live with her father for the majority of her time.

Community Law Program noted that Gabby’s father was a successful engineer, had a larger home, and had hired one of the very best family law attorneys in Pinellas County to represent him. In addition, he had hired a guardian ad litem (GAL), who had investigated both sides of the case and made a recommendation to the court that Gabby should move to live with her father.

“In family law proceedings where a GAL is involved, most judges give great weight to their recommendations regarding timesharing,” Kimberly Rodgers, CLP’s executive director, said.

Despite Asia’s financial struggles, Gabby was doing well in school and was well adjusted. CLP lawyer Tom McGowan provided zealous advocacy, and after a two-day trial, the judge ruled in favor of Asia, allowing Gabby to remain with her mother and younger brother during the school year, with liberal timesharing with her father during summer and school breaks.

“This case was truly an example of an uneven playing field that tipped in favor of the parent with money. Asia certainly is not a bad parent; she just had not had an opportunity to finish school and was struggling financially.”

*This client requested anonymity. Her name has been changed to protect her privacy.
President: Murray B. Silverstein, Esq.
President-elect: Roberto R. Pardo, Esq.
First Vice President: Ashley N. Sybesma, Esq.
Second Vice President: Maria Gonzalez, Esq.
Immediate Past President: Hon. Suzanne Van Wyk

Board approves payments for 2023 Loan Repayment Assistance Program

The Board received and approved a report from the Grants Committee for FY 22-23 Loan Repayment Assistance Program payments that recommended funding 167 loan applications in the total amount of $835,000. In addition to accepting and approving the one-time loan up to $5,000 conditionally received on receipt of an application acceptable to the staff, if approved, the total outlay for LRAP loans for FY22-23 will be $840,000 with distributions occurring in the spring and fall of 2023.

Training Grant Program approved

The Grants Committee recommended final approval of a proposed Training Grant Program. The Board adopted the program on first reading, voted to suspend the rules (which passed unanimously) and thereafter passed the Training Grant Program description in final. The Training Grant Program will provide applicants periodic opportunities to apply for funding to train qualified legal service providers to better enable them to provide services to meet the legal needs of people in Florida. Grant applications will be accepted on a rolling, as-needed basis and funded on a quarterly basis. Trainings must be provided by qualified grantee organizations and funds must be used to develop and deliver trainings on topics useful to providers in the areas of shelter; health and safety; protective and corrective security; and/or family, community and legal stability. Although there are no minimum or maximum amounts established, the grants are designed to be limited in nature and are expected to range from $10,000 to $30,000.

Investment policy amended to include IOTA collections

After nearly a year of deliberation and review, the Investment Committee recommended passage of an amended Foundation Master Investment Policy Statement to include an IOTA Collections Account. The Board passed the Amended Policy in final.

The Amended Policy establishes an IOTA Collections Account to invest IOTA collections received by the Foundation pursuant to Rule 5.1-11(g) Interest on Trust Accounts (IOTA) Program, Florida Rules Regulating the Florida Bar. Investments objectives for the IOTA Collections Account will be to preserve the IOTA collections, maintain liquidity and provide income for the benefit of the IOTA Program.

The IOTA account must be invested consistent with the requirements set forth in the IOTA Rule and in a manner that allows for distribution of IOTA funds by the Foundation pursuant to Section 5.1-1(g)(8) of the Rule. Consequently, the IOTA account must be kept separate from other Foundation investment accounts and be designed in a manner that allows for all IOTA funds collected within a fiscal year to be distributed no later than six months after such fiscal year. In addition, the IOTA Collections Account has new cash receipts every month and those new cash assets shall be invested at least monthly.

Board approves Gift Administration Policy for non-IOTA gifts

A Sustainability Sub-Committee of the Development Committee presented its final draft of a proposed Gift Administration Policy to the Development Committee on December 12. This effort took nearly two years and was shepherded and spearheaded throughout by director Ashley N. Sybesma with considerable and substantial assistance from director James Schwarz. The Grants Committee approved the policy on December 15 and recommended its approval and adoption, which the board did at its meeting.

This policy establishes transparent policies and procedures regarding the use of gifts received by the Foundation, addresses donor interests and contributes to the financial sustainability of the Foundation by retaining a small portion of gifts to pay administrative and operating expenses. The policy does not apply to IOTA funds collected by the Foundation or in-kind gifts made to the Foundation.

Executive Director’s Report

Donny MacKenzie’s report provided directors required annual information related to the Foundation’s updated schedule of insurance coverage and summarized ongoing efforts to transition operations from its current, leased location to the building purchased in July 2022. He also discussed and ongoing efforts related to the amended IOTA rule, including the first general distribution of IOTA funds collected, and efforts to secure proposals for services related to the application and interpretation of direct expenses under the amended rule. He also briefly reported on the status of technology asset transfers as approved by the board, and reported on staffing and personnel changes, including the passing of Lou Ann Powell.

Presentation and Review of Audited Financial Statements

Heather Mosier, a partner with Carr Riggs & Ingram CPAs (CRI), presented the written report and results of CRI’s annual audit of the consolidated financial statements and related statements of activities, cash flows and functional expenses of the Foundation and the Florida Bar Foundation Endowment Trust for the year ended June 30, 2022. She stated and opined that such materials present fairly, in all material respects, the financial position of the Foundation and the Endowment Trust in accordance with accounting principles generally accepted in the United States of America. The board, after open discussion and thereafter in executive session, approved and accepted the audit report, which is posted on the Foundation’s website and available for review upon written request.

Next Meeting

The board’s next scheduled meeting will be on March 10, 2023, at Florida Southern College in Lakeland. Past President Steve Senn and his law firm, Peterson & Myers, will be hosting the meeting for which the Foundation is most grateful.
Foundation benefits from donations

The Florida Bar Foundation has recently been the recipient of two generous donations. In 2022, lawyer Matthew Weidner of Weidner Law in St. Petersburg donated $15,523. Weidner incorporated Florida Consumer Justice Advocates in 2013 and raised money from defense lawyers to support consumer efforts. Their efforts wound down, so Weidner donated their remaining funds.

In January of 2023, the Foundation received a $59,662.54 cy pres award that resulted from the matter of Guidry v Penn Credit Corporation.

In 2019, the plaintiff filed a class action complaint against Penn, alleging that Penn violated the Telephone Consumer Protection Act (TCPA) by making cellular telephone calls using an automatic telephone dialing system or artificial or pre-recorded voice to the plaintiff and members of the putative class to which they did not consent.

A settlement was reached, and $4,675,000 was to be issued to members of the class. After attempts to distribute all of the funds to class members were exhausted, just under $60,000 remained. At the final hearing, the parties proposed the Foundation as a cy pres recipient, and the court agreed.


Under cy pres, 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.

Florida Pro Bono Law School Challenge transitions to year-round model

The Florida Bar Foundation has run the annual Florida Pro Bono Law School Challenge each spring for the past four years. The Challenge has matched almost 1,000 lawyers and students on cases.

After reviewing feedback from students, lawyers and legal aid organizations, the Foundation decided to transition the Challenge to a year-round model, with cases available throughout the year rather than just 8 weeks each spring.

“We hope this will allow for more flexibility and opportunities for both lawyers and students,” Hon. Suzanne Van Wyk, the Foundation’s president, says. “Additionally, we hope to alleviate the pressure put on legal aid providers to coordinate a large number of new volunteers with cases in a short amount of time.”

The site, FloridaLawSchoolChallenge.org, launched the 24/7/365 model on Feb. 6. The Foundation will continue to recognize high performing law schools annually, with awards presented each June during The Florida Bar's annual convention.