

SPEAKING OF JUSTICE

NEWS FROM THE FLORIDA BAR FOUNDATION
Volume 15 Issue no. 3



David B. Rothman is presented the 2023 Medal of Honor for a Lawyer by Florida Lawyers Mutual director Kimberly Bald.



Kimberly L. Rodgers is presented the 2023 Jane Elizabeth Curran Distinguished Service Award by Stephen R. Senn of Peterson & Myers, P.A.

STEVEN MARTINE

Miami lawyer David B. Rothman and Sarasota lawyer Kimberly L. Rodgers honored

The Florida Bar Foundation awarded two lawyers with its top honors in June. David B. Rothman, founder of criminal defense firm Rothman & Associates, P.A., in Miami, received the Medal of Honor for a Lawyer for his dedication, commitment and tireless volunteer work on behalf of numerous Bar and legal organizations, and his steadfast integrity while representing those facing criminal charges, as well as lawyers facing disciplinary action.

Kimberly L. Rodgers, who has led Community Law Program (CLP) in Pinellas County since 2004, was honored with the Jane Elizabeth Curran Distinguished Service Award for serving and leading CLP for almost two decades, where her unwavering belief in fairness and equity, her inspiring work ethic, and her zeal for protecting client rights have led to lasting change in her community.

Rothman, who earned his law degree from the University of Florida, served as assistant

state attorney in Miami-Dade County prior to entering private practice. Since 1995, he has been an adjunct professor at the University of Miami School of Law. He served as chair of Innocence Project of Florida in 2013-14 and of The Florida Bar Criminal Law Section in 2014-15.

"David is the epitome of an ethical, professional lawyer. Very few can say they have dedicated as much time and passion as David to championing our profession and



Florida Bar Foundation President Murray B. Silverstein's term began July 1. A partner in the newly-opened Tampa office of Stinson LLP, he practices in the areas of unfair competition, trade secrets, intellectual property and health care litigation. He earned both his bachelor's and law degrees from Stetson University. Silverstein served for eight years on The Florida Bar Board of Governors and chaired The Florida Bar Rules of General Practice and Judicial Administration Committee. He also led committees of the Florida Courts Technology Commission. He was honored with The Florida Bar President's Award of Merit in 2010 and The Florida Bar President's Pro Bono Service Award in 2011. In 2006, he received the William Reece Smith Jr. Public Service Award.

Message from the President

The Foundation has spent more than a year working on changes that will better reflect who we are and what we do. I am pleased to announce that after updating our mission statement, the board of directors approved the adoption of a new name in June.

Once it has approval from the Florida Supreme Court, the Foundation will operate as Funding Florida Legal Aid, or FFLA. We are grateful to our Overall Review Committee, chaired by former Foundation president Connie Bookman, which spent countless

hours analyzing options and crafting our new name. Staff members will begin a re-branding campaign and official rollout of our new name at the end of this year.

The Foundation continues our work to implement the 2021 IOTA rule amendment regarding distributions. After making our first distributions in December, we are refining our work plan and also exploring increased efforts to support pro bono work.

As you know, the Foundation purchased an office building last year. As with any new home, staff worked diligently to move in and

adapt to their new space. We're now ready to show it off, and we invite you to join us at a housewarming event on Dec. 7. Please see the details below.

I look forward to serving as the Foundation's president this year. If at any time you have questions about the Foundation or become interested in volunteering as a board member or making a donation, please don't hesitate to reach out to me or staff.

Murray B. Silverstein

Join us for our Housewarming

Thursday, December 7, 2023 from 4 to 6 p.m.
175 Lookout Place, Maitland, FL 32751



Join us for tours, drinks, light refreshments and live music. We are putting down roots in our new home and hope you can be a part of the celebration. Scan the QR code or visit TheFloridaBarFoundation.org/housewarming to:

- **Register for the event.**
- **Sponsor the event.**
Your support is needed for us to host this event for guests, grantees and industry professionals.
- **Purchase a brick.**
Leave a lasting legacy. Purchase your brick for our Legacy Garden.

New members join Foundation Board of Directors

The Foundation has six designated directors, including the president of Florida Legal Services, the president, president-elect and immediate past president of The Florida Bar, and two judicial officers. At-large directors and public members serve a maximum of two three-year terms, with one-third selected by the Florida Supreme Court, one-third by The Florida Bar Board of Governors and one-third by the Foundation board. Directors award grants, oversee the fundraising program, set investment and Foundation policies generally, and adopt the annual operating budget. The board of directors can be contacted at BoardofDirectors@TheFloridaBarFoundation.org.



Ayana Barrow, Esq.
Barrow is staff counsel for Acceptance Insurance Company in Central Florida. In 2022, she was elected to The Florida Bar Young Lawyers Division Board of Governors.



Joseph Kadow, Esq.
In 2019, Kadow retired from Bloomin' Brands Inc. after serving as its executive vice president and chief legal officer for 25 years. In 2016, he chaired the board of the National Restaurant Association.



Laura Boeckman, Esq.
Boeckman is assistant general counsel for the city of Jacksonville. She has previously chaired both the Bar's Public Interest Law Section and its Consumer Protection Law Committee.



Kyle Robisch, Esq.
Robisch is a litigation partner at Bradley Arant Boult Cumming LLP in Tampa. He currently serves as Florida Regional Chair for The Legal Mentor Network.









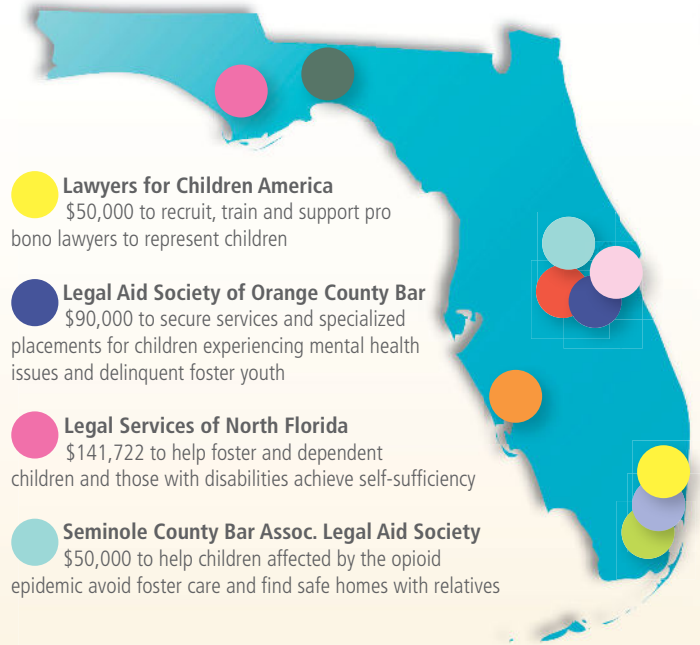
Katie Fackler, Esq.
Fackler is associate general counsel with Baptist Health System in Jacksonville. She is the former chair of the Jacksonville Bankruptcy Bar Association.



A. Dax Bello, Esq.
Bello is a shareholder at Stewart Tilghman Fox Bianchi & Cain in Miami. He will serve as Florida Bar President-elect Roland Sanchez-Medina Jr.'s delegate on the board.

Foundation funds 10 Children's Legal Services grants for 2023-24

-  **Brevard County Legal Aid**
\$80,000 to advocate for children in the care of the state, including those with special needs and those aging out of foster care
-  **CABA Pro Bono**
\$200,000 for the Immigrant Children's Program to represent immigrant children who have been abused, abandoned and neglected
-  **Dade Legal Aid**
\$100,000 to represent dependent and disabled children, including medically fragile foster teens
-  **Florida A&M University College of Law**
\$58,000 to serve children caught in the legal system due to abuse, neglect or dependency
-  **Florida State University College of Law**
\$141,000 to represent infants in the dependency system, children with disabilities and children who have been trafficked
-  **Legal Aid of Manasota**
\$89,890 for the Legal Lifeline for Youth to hire an attorney to help foster children with all matters that impact their lives



-  **Lawyers for Children America**
\$50,000 to recruit, train and support pro bono lawyers to represent children
-  **Legal Aid Society of Orange County Bar**
\$90,000 to secure services and specialized placements for children experiencing mental health issues and delinquent foster youth
-  **Legal Services of North Florida**
\$141,722 to help foster and dependent children and those with disabilities achieve self-sufficiency
-  **Seminole County Bar Assoc. Legal Aid Society**
\$50,000 to help children affected by the opioid epidemic avoid foster care and find safe homes with relatives

Paul C. Doyle Children's Advocacy Award winners recognized

The Paul C. Doyle Children's Advocacy Award was presented during the Foundation's 2023 Annual Award Ceremony and Breakfast on June 22 in Boca Raton.

The award, given biannually, recognizes grantees or philanthropic organizations that have protected, expanded or brought about positive change to a substantial number of low-income children securing their fundamental rights. Paul C. Doyle was the founding director of the Foundation's legal assistance for the poor and law student assistance grant programs.

This year's winning project was Seminole County Bar Association Legal Aid Society's Foster Youth Disability Advocacy Project.

The project ensures that foster youth with developmental disabilities receive the government benefits to which they are entitled. Medicaid home and community based services benefits require a detailed application process. When applicants are denied, there is a complicated appellate process before the benefits can be awarded.

The project's attorneys represent foster youth clients at every stage of the benefits application process, from assembling application packets with medical, legal and educational records to establishing a youth's eligibility and submitting to the state.

If the foster youth applicant is denied, project attorneys represent the foster youth at administrative hearings.

One of the project's staff attorneys represented a client, "D.B.", in a procedural hearing that was a new and innovative way to advocate. The court agreed that D.B.'s fair hearing was legally flawed and remanded the case back for new proceedings.

Without the tenacious and creative advocacy of the attorney, the original denial of the application would have been the last stop. The case has already had a state-wide impact and set legal precedent for future disability applicants.

The first runner-up for the 2023 Doyle Award was Florida Health Justice Project. Their Medicaid Aging Out Project successfully



Donald W. St. Denis of St. Denis & Davey, left, presents the Doyle Children's Advocacy Award to Silvia McLain and Matthew Gripp of Seminole County Bar Association Legal Aid Society for their Foster Youth Disability Advocacy Project.

STEVEN MARTINE



Donald W. St. Denis of St. Denis & Davey, who sponsored the Doyle Award, presents the first runner-up award to Florida Health Justice Project board member Aidil Oscariz.



Americans for Immigrant Justice accepts the second runner-up Doyle Award. Left to right: Donald W. St. Denis, Sofona Castellon, Katty Perez-Pinon, Haydee Rodriguez and Elizabeth Hannah.

STEVEN MARTINE

challenged an unadopted rule that narrowed the pool of medically fragile children eligible for automatic enrollment into a Medicaid waiver program.

Medically fragile children rely on Medicaid for an array of life-sustaining care, including home health, pediatric therapy, and medical supplies. But when a child turns 21, they are no longer protected by the coverage standard, and the most vulnerable children can face life threatening gaps in coverage.

Without automatic enrollment, these children were forced onto a waitlist of 55,000 people. One of those children was Vivian, who

suffered a traumatic brain injury from a car accident when she was 16 and needed 24-hour care.

Florida Health Justice Project's work resulted in the rule being amended and corrective action was undertaken to implement the change, allowing children like Vivian to be automatically enrolled after aging out.

The second runner-up was Americans for Immigrant Justice, whose Lucha Program protects survivors of violence and their children by helping them achieve full residency, reunification with family members, and the opportunity to integrate and contribute to the community in which they live.

Foundation is grateful recipient of donations

In June, The Florida Bar Family Law Section donated \$75,000 to the Foundation's Children's Legal Services grant program. Since 2012, the section has donated \$650,000 to support legal aid efforts that provide legal services to children including those in foster care, and those who have been abused, neglected or trafficked.

Outgoing Family Law Section Chair Magistrate Phil Wartenberg presented the check to Foundation President Hon. Suzanne Van Wyk and Executive Director Donny MacKenzie during The Florida Bar Annual Convention in Boca Raton.

"We're immensely proud of our partnership with the Foundation, and we're deeply grateful for the support of our section members who help make this possible, year after year," Wartenberg said.

The Foundation received \$21,590 as a cy pres award recently. When class action settlements have unclaimed funds remaining after distribution, courts can direct the funds to charitable organizations.

Class action representatives brought a case against Gold Crown Resort Marketing, Inc. for a deceptive, unfair and unconscionable business practice of disclaiming their 'Membership Agreements', and won. The unclaimed funds were donated

to the Foundation. The plaintiff's lawyers were Christopher T. Hill and Steven R. Main of Hill, Rugh, Keller & Main P.L. The defendant's lawyers were David A. Shontz and Jake Monk of Shutts & Bowen LLP.

Finally, Terra Cotta Golf Charities donated \$10,000 to Children's Legal Services. The gift was facilitated by John P. Cardillo, president of Terra Cotta Golf Charities, and former Foundation board member.



John P. Cardillo, Esq.

"These proceeds are the result of the efforts of the Terra Cotta National Amateur Golf Tournament Committee and the members and staff of Naples National Golf Club for the tournament held this past April," said Cardillo.

According to their website, Terra Cotta Charities Inc. is a 501(c)(3) charity that conducts the Terra Cotta Invitational Golf Tournament and invites the best amateur golfers in the world to participate at the Naples National Golf Club each year. The net proceeds generated are donated to local charities benefitting children. The donations come primarily from Naples National Members and golf business sponsors.



Members of The Florida Bar Family Law Section, including section Chair Philip S. Wartenberg (holding check on right), presented a donation of \$75,000 to Foundation President Suzanne Van Wyk, Executive Director Donny MacKenzie and other board members at The Florida Bar's Annual Convention in June.

Foundation begins IOTA collections under amended rule

On May 15, an amendment to Florida Bar Rule 5-1.1(g) took effect, requiring financial institutions that offer IOTA accounts to base their interest rate for those accounts on a new set of terms. Interest earned on lawyers' trust accounts is used by the Foundation to fund legal aid.

The rule language states that "when the Wall Street Journal Prime Rate ('indexed rate') is between 325 and 499 basis points (3.25% and 4.99%), the yield must be no less than 300 basis points (3.00%) below the indexed rate in effect on the first business day of each month. When the indexed rate is 500 basis points (5.00%) or above, the yield must be no less than 40% of the indexed rate in effect on the first business day of each month."

The Wall Street Journal prime rate since 2000 has averaged approximately 4.75%, while the rate paid on IOTA accounts has averaged approximately 0.46%.

Currently, 161 financial institutions offer IOTA accounts in Florida. The Foundation collects IOTA funds from 35,005 accounts. Ten banks hold 63% of all IOTA accounts.

In the month before the amendment went into effect, the three financial institutions with the most IOTA accounts gave those accounts an average interest rate of 1.5%. Once the amended rule took effect, their rates rose to 3.3%. While a seemingly small increase, the additional funds will have a large impact on legal aid.

Interest rates can be volatile, and financial institutions have historically offered a wide range of rates that changes often. The result of the amended rule will be more consistent and predictable rates and a meaningful increase in funds available for legal aid programs.

The Florida Bar Foundation appreciates and supports The Florida Bar's extraordinary effort to increase IOTA collections so that access to our justice system may be increased for those of limited means.

June board of directors meeting report

The Florida Bar Foundation Board of Directors met in Boca Raton on June 22, 2023. The major actions of the board and reports received included:

Adoption of FY23-24 Operating Budget

The Budget and Finance Committee recommended, and the board approved, a FY23-24 operating budget in the total amount of \$2,465,235, which represents a 1.8% decrease from the previous year’s budget. It was also reported that projected actual expenses for FY22-23 were expected to come in under budget by about \$300,000. This represents the fifth straight year in which the Foundation has reduced its annual operating budget and come in under budget. In addition, the board adopted a proposed capital budget in the amount of \$45,000 for expenses associated with the Foundation’s office building purchased in July 2022.

On a related matter, the Foundation continues to work toward the development of an appropriate methodology for determining the reasonable allocation of direct expenses attributable to its administration of the IOTA rule and the duties and obligations imposed and required under the rule. To date, the Foundation has not used IOTA collections received since the amended IOTA rule came into effect (July 1, 2020) to pay its operating expenses. Instead, 15% of all IOTA collections received have been placed into a separate account pending further development.

Board awards grants

Ten Children’s Legal Services grants

were approved by the board. The Children’s Legal Services Program provides grants throughout Florida to legal aid programs that serve children and that seek to engage private volunteer attorneys in the provision of legal assistance to needy children by the funding of pro bono programs. The funding criteria established by the Foundation for these grants are designed to encourage local matching funds and collaboration with other agencies providing services to children and among Children’s Legal Services grantees.

The Board previously approved an allocation of \$1,000,000 to fund Children’s Legal Services this fiscal year, which is the same amount as last year’s allocation. The Foundation received 14 applications requesting a total of \$1,645,699 (165% of available funding). The board reviewed and approved funding the projects listed on page three.

Law School Civil Legal Clinic grants were awarded to three law schools. Funding allocated by the board for FY22-23 grants was \$351,903. Eight applications were received requesting a total of \$966,275 (275% of available funding). After review and scoring by a work group and consideration by the Grants Committee, the board approved funding the three projects listed on this page.

Choosing three of eight applications for funding was difficult, but the work group tasked with reviewing, scoring and making an initial recommendation concluded that such was the best and most responsible approach. The group noted there was a clear demarcation in scores and a significant difference between the total amount requested and the amount

available for funding (making a pro rata distribution impossible in terms of providing meaningful funding).

Foundation approves adoption of new name, subject to further approval

Gary Yordon, Vice Chair of the Overall Review Ad Hoc Committee, presented the committee’s recommendation regarding the development of a proposed fictitious name for use by the Foundation. A copy of the committee’s full report is on the Foundation’s website. Mr. Yordon’s team created, developed and tested various ideas for a fictitious name with accompanying graphics and taglines. He explained that current, best practices include the use of acronyms, preferably with descriptive taglines relating to the purpose of the entity involved. He further explained that numerous studies show that flow and alliteration are important aspects in developing brand identification, as well as the choice of colors and contrasts.

After introducing Funding Florida Legal Aid (FFLA) as the committee’s choice for a fictitious name, Mr. Yordon explained that he believed a strong match between the name and tagline complements the Foundation’s new mission statement adopted by the board in March.

It was also explained that the overall purpose of the committee’s work is to position the Foundation so as to better enable it to expand its donor base beyond the legal profession while increasing the public’s awareness of the importance of and need for civil legal aid.

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2023-24 Law School Civil Legal Clinic grants awarded

Funded clinics involve law students in the provision of civil legal assistance with a focus on economic development in impoverished local communities; provide an in-depth educational experience representing low-income Floridians and working with individual clients and client groups in civil matters; and encourage law students to pursue public interest careers and promote a commitment to pro bono representation.

Program	Project	Grant
Florida A&M University College of Law	Addressing the Racial Wealth Gap Project	\$58,000
Florida State University College of Law	Eliminating Economic Barriers Immigrant and Farmworker Clinic	\$125,000
University of Miami School of Law	Immigration Clinic Detention Project	\$93,000
		Total: \$293,000

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performing its duties for the benefit of both clients and other lawyers," Kimberly Bald said when presenting the award on behalf of award sponsor Florida Lawyers Mutual.

Rothman has supported many causes that benefit the courts and the Bar by lobbying and building relationships behind the scenes. While not in the limelight, his efforts are impactful. Most recently, on behalf of the Criminal Law Section, he worked alongside the Board of Governors Disciplinary Procedures Committee to form a rule requested by the Court relating to emergency suspension for lawyers charged with a felony.

Rothman served on the Foundation's board from 2011-17 and previously served on The Florida Bar Board of Governors from 1999-2011, where he chaired its Disciplinary Review Committee for more than 10 years. He is a past president of the Miami-Dade County Bar Association and the Florida Association of Criminal Defense Lawyers, which awarded him the Steven Goldstein Award, their highest honor, in 2019. In 2014, he was awarded the Miami-Dade County Bar's David W. Dyer Professionalism Award.

"David is consistently a strong voice, to lawyers young and old, for the notion that we must keep the prestige and honor in our profession intact," wrote Jason B. Blank, a partner with Haber Blank, LLP, and former chair of The Florida Bar Criminal Law Section, in his nomination of Rothman.

"That begins with an ethical practice from day one and the consistent support of the Bar's members through volunteering and engagement. David's consistent perseverance to better our profession is felt day in and day out in ways that our members never even realize."

Rodgers honored with Curran Award

After earning her law degree from Stetson University College of Law in 1998, Kimberly L. Rodgers worked as a law clerk for the city of St. Petersburg and the U.S. District Court, Middle District of Florida. She opened her own family law firm in 2000 before becoming the executive director of CLP.

CLP serves more than 3,500 clients each year through programs that help families with children avoid eviction, survivors of domestic violence obtain injunctions and foster children who have outgrown the system. Their lawyers also provide bankruptcy, family law, probate and housing rights advice clinics, and assist Pinellas residents with voting rights restoration, driver license issues and records expungement.

"Her tireless efforts on behalf of the indigent community are singular and remarkable for her energy and compassion for the underdog sets her apart in the legal community," Judge Lorraine M. Kelly said in a letter supporting Rodgers' nomination. "Her real-life experiences and deep service to our community illustrate her heart of wisdom and insight that make her stand out in the league of attorneys who have dedicated themselves to representing indigent people."

Rodgers supports her community by volunteering on the boards of the Homeless Leadership Alliance of Pinellas as secretary, the School Advisory Committee of Thurgood Marshall Fundamental Middle School, CASA Pinellas, and Lighthouse of Pinellas.

In 2017, Rodgers was recognized with the Kay B. Myers Pro Bono Coordinator Award by the Florida Pro Bono Coordinators Association.

She has previously been named the INSPIRE! Iconic Woman of the Year by the St. Petersburg Chamber of Commerce and received the Christina Ippolito Award for Outstanding Contribution in Family Law.

2023 Law School Challenge winners recognized



In June, the University of Florida Levin College of Law won the 2023 MVP Pro Bono Champion award for matching the most law students with its own alumni. Interim Dean Merritt McAlister accepted the award from Judge Suzanne Van Wyk, Foundation president (top). Assistant Dean Lourdes Fernandez accepted the Student Engagement Award for St. Thomas University Benjamin L. Crump College of Law (bottom). Not pictured: Barry University Dwayne O. Andreas School of Law won the Alumni Engagement Award.

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After discussion, the committee's recommendation and motion that the board adopt the proposed fictitious name was put forward with a friendly amendment to make such adoption subject to review and approval of the Florida Supreme Court and The Florida Bar. The motion as amended passed.

Passing of the gavel

Murray Silverstein received the President's

gavel from outgoing President Judge Suzanne Van Wyk. Mr. Silverstein announced his committee assignments and dates for board meetings for FY23-24, which were ratified by the board. Mr. Silverstein's term began July 1.

President Van Wyk also recognized those members of the board and the Foundation Endowment Trust who were terming off and thanked them for their service and commitment. Those members are Connie Bookman, John

Cardillo, Esq., Carl Domino, Esq., Kevin McCoy, Esq., and Jewel White, Esq.

President Van Wyk also introduced new directors Katie Fackler, Esq., Laura Boeckman, Esq., Kyle Robisch, Esq., Ayana Barrow, Esq. and Joseph Kadow, Esq. (See page 2.)

Next Meeting

The board scheduled its next meeting on Sept. 15, 2023, in Maitland.



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and we believe the justice system works best when it works for everyone.

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