

# SPEAKING OF JUSTICE

NEWS FROM THE FLORIDA BAR FOUNDATION  
Volume 12 Issue no. 1



Domestic violence survivor Elizabeth turned to Seminole County Bar Association Legal Aid Society when she needed to divorce her husband after years of abuse. She was able to secure child support and a custody arrangement, allowing her and her two young daughters to start over without the threat of violence in their lives any longer.

## Domestic violence survivors turn to legal aid for divorce, support

by Jessica Brown

One night during the summer of 2018, Elizabeth\* waited outside her home for her husband to let her back in to get her two young daughters. He had punched her and dragged her outside, barricading himself inside with the girls.

"That was my final straw. I'm never going to pick him over my kids," Elizabeth says now. "When he did that in front of the kids, and the

cops were involved, and I knew DCF was going to get involved, I knew it was time to walk away. I promised myself if it ever happened in front of the kids, I couldn't stay."

Two hours later, her husband released the children and was charged with domestic battery by strangulation and resisting an officer without violence. Police officers referred Elizabeth to an emergency domestic violence

shelter, and she realized it was time to pursue a divorce.

During their relationship, Elizabeth had been subjected to being punched in the head while pregnant, having her finger broken and constant fights during which her husband would accuse her of cheating.

"Every single day was a challenge,"

*\*Name and likeness have been changed to protect the privacy of actual client.*

see **DIVORCE**, p. 10



*Florida Bar Foundation President Hala A. Sandridge began her term July 1. A co-managing shareholder of the Tampa office of Buchanan Ingersoll & Rooney, she is a member of the firm's board of directors and chair of its appellate practice group. She earned her bachelor's degree from the University of Florida and her law degree from the Florida State University College of Law. In 2018, Sandridge was reappointed to the Florida Supreme Court Judicial Nominating Commission. She is a recipient of the Hillsborough County Bar Association's Jimmy Kynes Pro Bono Award, The Florida Bar President's Pro Bono Service Award and the Distinguished Pro Bono Award from Bay Area Legal Services.*

## Message from the President

When most of us think about legal aid, we think about lawyers on the front lines serving clients. But, there are a lot of things going on behind the scenes to ensure that those lawyers have the resources and flexibility they need to provide effective direct legal services.

In December, The Florida Bar Foundation's board of directors approved two projects to help grantees boost their financial positions, allowing them to be more nimble financially. The Limited Matching Funds Grant Program (LMFGP) will provide grantees the opportunity to apply for limited funding in support of or to leverage funding opportunities from other funding sources. The Spending and Reserve Policy will provide greater economic stability and instill a more consistent and predictable grants process for grantees.

The Limited Matching Funds Grant Program was developed in response to Foundation grantees' desire to apply for grants from other funders that require secondary sources or matching funds as a condition of a primary, larger grant. The LMFGP grants are expected to range from \$5,000 to \$25,000 and will be awarded on a rolling basis. The Foundation expects the program will help grantees diversify and leverage their funding, which improves sustainability.

The Spending and Reserve Policy's objective is to develop a systemic approach for the establishment of reserves and resulting spending. The policy establishes a three-year rolling average of Foundation funds available for grant allocation. A dedicated percentage of the rolling average is then allocated for grants with the remainder placed in reserves. The policy provides greater transparency and more notice of expected grant allocations, allowing grantees more time for planning and budgeting. It also helps the Foundation rebuild its reserves, which were decimated due to low interest rates after the Great Recession.

Though behind the scenes, these programs will undoubtedly have a beneficial impact on our grantees' bottom lines, resulting in more funds available for the front lines.

Another win for our grantees is the contract that the Foundation recently signed to continue the use of Legal Server. Legal Server is a web-based case management system that 26 of our grantees use to track cases and need, communicate, and store data. The Foundation funds Legal Server up front and is reimbursed by each grantee. Florida is one of only a few states that coordinates with all of its legal aid programs to be on the same platform. The new contract allows us to lock in our price for up to 31 grantees for at least four years. Legal Server also agreed to provide free hosting as part of the contract, which saves us money and administrative overhead.

Behind the scenes at the Foundation, we welcomed three new employees recently. Eli Mattern is our interim director of technology. Lizzie Tracy is our new IOTA remittance specialist, replacing Emily Silva, who served us for 27 years, and Shayla Connell is our new administrative assistant.

As always, I thank you for your support of The Florida Bar Foundation.

A handwritten signature in blue ink that reads "Hala Sandridge". The signature is fluid and cursive.

Hala A. Sandridge, President

# Fall and Winter Foundation Board of Directors meeting reports

The Florida Bar Foundation Board of Directors met on Sept. 13 in Tampa and on Dec. 13 in Orlando. The meetings were hosted by President Hala Sandridge's firm, Buchanan, Ingersoll & Rooney, and board member Min Cho's company uBreakiFix, allowing the Foundation to save meeting expenses.

## **The major actions of the board and reports received in September included:**

### **• Grants Allocation and Awards**

► Funding allocation for FY 19-20 grants was approved in the overall range of \$15,471,732 to \$17,971,732, a 42.3 – 65.3% increase from FY 18-19. Up to \$5 million in grant reserves were set aside as were monies sufficient to pay off The Florida Bar loan so as to avoid and save interest charges. The interest payments savings can be used to increase grants for direct services.

► The Board approved awarding \$3,308,423 to nine applicants in all four divisions of the Middle District of Florida through the Engle Grant Program to assist litigants in obtaining representation in court. There remains \$240,564 in available funds and a second round of applications will be processed with emphasis on the Orlando and Tampa divisions.

► Equal Justice Works Fellowships were funded for two classes (2020-2022 and 2021-2023) in the total amount of \$626,000.

► The Board discussed Loan Repayment Assistance Program (LRAP) eligibility rules. It was decided that the issue would be addressed by a subcommittee.

► The board discussed multi-year grants (versus single year grants). The general consensus was that multi-year grants have the potential to assist grantees, save staff resources and promote better budgeting forecasts. The Board asked staff to review the matter further and make recommendations.

### **• Spending and Reserve Policy Approved**

► The Board approved first reading of a spending and reserve policy that provides

greater economic stability to the Foundation and instills a more consistent and predictable grant process for grantees.

### **• Gift Acceptance Policy Amended and New Voluntary Investment Program for Grantees Approved**

► The Investment Committee proposed and the Board adopted an amendment to its Gift Acceptance Policy on disposition of gifts of stock. Irrespective of the dollar amount, all gifts of stock will be liquidated upon receipt as soon as practical.

► The Board approved a Voluntary Investment Program for Grantees in concept. The Investment Committee will prepare the construct of this program and report back.

### **• 2020 Law School Challenge approved**

► The 2020 Florida Pro Bono Law School Challenge was approved for development and implementation. It follows on the heels of the inaugural Law School Challenge in which all 12 law schools participated, and students and lawyers worked on 306 unique cases.

### **• Technology and Innovation**

► The Board authorized a payment of up to \$48,058 to Florida Justice Technology Center in order for it to wind down its operations and tender to the Foundation all of its assets. The Board created a Technology Committee that will research, review and recommend a long-range technology plan. The Board authorized hiring an interim director of technology to oversee and maintain the technology products and assets created by FJTC with Foundation funding.

### **• Limited Matching Funds Program approved**

► The Board approved the creation of a Limited Matching Funds Grant Program to provide grantees limited funding in support of and/or to leverage other funding opportunities from other funding sources. These grants will be conditioned on a grantee successfully obtaining a principal grant and overall funding allocations will be quarterly.

## **The major actions of the board and reports received in December included:**

### **• Foundation receives "clean audit" by independent auditor**

► BDO USA, Inc. audited the consolidated financial statements of the Foundation and the Foundation's Endowment Trust and concluded that such financial statements present fairly, in all material respects, the consolidated financial position of the Foundation and the Endowment Trust as of June 30, 2019, and 2018, and the consolidated results of their activities and cash flows for the years then ended in accordance with accounting principles generally accepted in the U.S. The board approved acceptance of the report along with the determination that there was no need for a forensic audit.

### **• \$6.4 million in Community Economic Development (CED) grants awarded**

► The CED Grant Program is a competitive grant program focused on improving economic development. The Board approved and awarded 25 grants. These will be the last CED grants using BOA settlement funds as the settlement account has been depleted. See pages 4-5 for more.

### **• 235 Loan Repayment Assistance (LRAP) loans approved**

► The Board approved 235 LRAP applications totaling \$1,175,000. The maximum benefit for each applicant is \$5,000, which may be forgiven if the applicant, a civil legal aid staff attorney employed by a Foundation grantee, remains employed with the organization and confirms that he or she has applied the loan proceeds to pay off student loan debt. Due to extra proceeds from the Foundation's annual Medal of Honor dinner in June, and savings from unspent grant monies, the Board was able to fund an additional 35 loans this year. The Foundation was one of the first in the nation to provide LRAP loans, and the program is in its 19th year.

► After the applications were approved, a discussion ensued about the overall program

see **BOARD REPORT**, p. 6



**Florida Legal Services****\$898,823**

Four projects will be funded: Immigrant and Migrant Rights Project; Florida Institutional Legal Services Project; Affordable Housing Preservation Project; Disaster Preparation and Recovery Project

**Legal Services of Greater Miami****\$859,139**

LSGMI will collaborate with six subgrantees on the Florida Community Development Legal Project to provide transactional legal services to 200 clients with affordable housing or job creation needs.

**Jacksonville Area Legal Aid****\$634,630**

JALA will collaborate with Three Rivers Legal Services to use legal remedies to build wealth in vulnerable communities by tackling issues such as foreclosure, debt collection and more. JALA expects to assist 750 clients.

**Gulfcoast Legal Services****\$376,214**

GLS will provide legal assistance, including litigation, for matters such as evictions, tax controversies, medical bills, creditor harassment, identification, SSI/SSD appeals and VA benefits. The project is expected to serve 775 clients.

**Southern Legal Counsel****\$364,656**

SLC's Access to Services for Seniors program is expected to impact 57,000 disabled seniors; their Economic Justice for Homeless People litigation and policy advocacy is expected to impact more than 30,000 individuals.

**Legal Aid Service of Broward County****\$339,386**

The Consumer Law Project's purpose is to stabilize 250 low- to moderate-income clients. Affordable housing impact litigation will benefit more than 200 people. The Veteran's Law Project is expected to serve 100 clients.

**Legal Services of North Florida****\$303,269**

Through their Tenant's Rights Project, Neighborhood MLP project, No Place Like Home Project and Access Project, LSNF will increase the stability of housing, health and finances for 800 low-income families.

**Florida Justice Institute****\$300,000**

The Criminal Justice Reform Through Impact Litigation project is expected to impact more than 10,000 inmates, ultimately benefitting the communities these inmates eventually return to upon release.

**Legal Aid Society of Palm Beach County****\$281,250**

The Affordable Housing in Economically Revitalized Communities Project is designed to create resilient communities by preserving affordable housing for 215 low- and moderate-income individuals and organizations.

**Americans for Immigrant Justice****\$236,250**

The Lucha Program will continue and expand its direct legal services, including litigation, for 225 immigrant victims of domestic violence, sexual assault and human trafficking.

**IDignity****\$230,000**

IDignity provides free civil legal assistance to low-income Central Floridians who need legal help navigating the complex process of obtaining identification documents. It is anticipated the program will serve 585 clients.

**Dade Legal Aid****\$210,000**

The South Dade Guardianship Economic Development Project will work to prevent about 1,200 low-income people, including older foster teens, from becoming homeless, exploited, discriminated against, or victims of predators.

**Bay Area Legal Services****\$178,586**

The Florida Senior Home Ownership Protection Program plans to serve 570 low-income seniors by providing them with legal services that will help them preserve their homes in six counties including Hillsborough and Orange.

## Foundation awards \$6.4 million in Community Economic Development grants

The Florida Bar Foundation board on Dec. 13 approved \$6,443,162 in grants to 25 legal aid providers to address community economic development. Following a \$16.65 billion settlement agreement between Bank of America (BOA) and the Department of Justice in 2014, BOA agreed to resolve federal and state claims by making donations to state-based Interest on Lawyers' Trust Account (IOLTA) organizations that provide funds to legal aid organizations.

The Foundation received an initial donation of \$1.395 million in 2015, and an additional \$23 million in 2016 from BOA.

The Foundation asked applicants to develop creative and sustainable projects that have far-ranging and lasting impact on communities. Applicant projects had to have at least one of the following purposes:

1. Preserve, rehabilitate or develop affordable housing for low- and moderate-income clients;
2. Create sustainable business development or employment opportunities; or
3. Create practical and replicable solutions to attaining social, community or economic justice.

The Foundation received 30 grant applications requesting \$9,938,136. The Foundation will fully fund the five applicants with the highest scores. Twenty applicants will be partially funded at rates of 75%, 70% or 66.3% based on their application scores.

The largest grant was awarded to Florida Legal Services. The Foundation will fund four of its programs, including the Disaster Preparation and Recovery project, which provides legal information, disaster-related legal assistance to low-income clients, and systemic and policy advocacy to ensure that disaster relief is made available. FLS estimates the project will serve more than 15,000 Floridians.

Grant applications were evaluated and scored by a panel of six made up of staff and board members. The Foundation's grants committee reviewed the panel's recommendations and presented the grants for a discussion and vote at the board meeting.

The CENTS project plans to provide legal services, including litigation and community education, to 1,000 low- to moderate-income Central Floridians who are seeking employment. By removing barriers to employment, such as sealing/expungement, immigration help and tax assistance, and addressing consumer issues such as debt and credit, this project will improve financial resiliency, employment, and education and savings, which increases economic development.

Legal Aid of Manasota's MLP is designed to build a healthier, stronger community in Newtown, a low-income historically minority area in North Sarasota. The goal of the project is to reduce health disparities in the medically underserved area, which can be achieved by lawyers and doctors working together on patients' health issues, especially those with acute or chronic illness. The project intends to serve 100 clients.

The Eviction Mediation Project is focused on expanding access to justice for 170 low-income tenants facing eviction by increasing legal representation in mediation and litigation, and creating materials for community education. The program will enhance stability, both economically and personally for the family members affected, and improve the community as a whole.

#### Community Justice Project

\$165,750

The Climate Gentrification Project and the Stabilizing Affordable Housing/Collateral Minor Arrests Issues: Economic, Racial, & Civil Justice in Miami Project will serve 75 clients and benefit 7,558 households.



#### Brevard County Legal Aid

\$150,000

The Survivors of Domestic Violence Advocacy Project provides legal help, including litigation, to victims of sexual assault, domestic violence, dating violence and stalking. The project is expected to serve 200 clients.



#### Legal Aid Society of the Orange County Bar

\$143,714

LASOCBA's Cultivating Empowerment by Navigating Towards Stability (CENTS) project is a continuing Foundation-funded project.



#### Heart of Florida Legal Aid Society

\$132,600

The Litigation, Education and Advocacy for Vulnerable Immigrants project will provide legal assistance, including litigation, and community lawyering to approximately 80 immigrant survivors of crime and domestic violence.



#### CABA Pro Bono Project

\$132,600

CABA plans to serve 400 clients through the Domestic Violence Podemos Program, the Human Trafficking Victims Representation Program, the Immigrant Children Program and the Veterans Representation Program.



#### Three Rivers Legal Services

\$112,719

The Home Sweet Home funded heirs property project stabilizes communities of color by giving homeowners title to heirs property, preventing future problems. This project intends to serve 250 clients.



#### Legal Aid of Manasota

\$77,840

The 2020 Medical Legal Partnership is an existing, Foundation-funded project. It is a collaboration between LAMS and Sarasota Memorial Hospital.



#### Seminole County Bar Assoc. Legal Aid

\$76,142

The John Hamilton Domestic Violence Prevention and Community Economic Project, which will serve 325 clients, works to reduce incidents of domestic violence thereby lowering the societal costs, generating economic benefits.



#### Legal Aid Foundation of Tallahassee

\$73,456

The Promise Zone Program and the Pro Bono Legal Services Program, including an expungement clinic, a Train the Agencies program and Thunderdome Tallahassee, will serve an estimated 525 clients.



#### Community Law Program

\$58,450

This existing Foundation-funded project helps struggling families avoid homelessness and minimizes the harsh consequences of eviction.



#### Catholic Legal Services

\$57,963

This existing Foundation-funded project will provide legal assistance, including litigation, to 100 South Florida immigrant crime victims. It will also increase awareness and help individuals navigate the system.



#### Emerald Coast Legal Aid

\$49,725

The Legal Assistance for Elderly project will expand community education and litigation services to seniors, and the Community Law Library will provide legal forms and computer access to low-income community members.



and possible need to expand the program with either more applicants or higher loan amounts. An ad hoc committee was formed to consider the issues and report back.

• **New Limited Matching Funds Program adopted**

► Effective Jan. 1, 2020, the Board adopted and implemented a Limited Matching Funds Grant Program to provide grantees the opportunity to apply for limited funding in support of or to leverage funding opportunities from other funding sources. These grants will be conditioned on a grantee successfully obtaining a primary grant, and overall funding allocations will be quarterly with unspent funds not carrying over.

These grants are designed to help grantees identify and secure more partners and funding sources, thus improving their sustainability. They also encourage collaborative partnerships with others, increasing the Foundation's overall impact and reach to more Floridians in need.

• **2020-21 officers elected**

► The Nominating Committee presented, and the Board elected, the following officers for service in 2020-21:

- President Thomas R. Oldt;
- President-elect Stephen R. Senn;
- First Vice President Connie Bookman;

- Second Vice President Hon. Suzanne Van Wyk

• **Technology Committee meeting and hiring of interim director of technology**

► The Foundation's Technology Committee held its inaugural meeting and Chair Murray Silverstein presided. The Committee's charge is to "review, research, develop and recommend a long-range plan for the Foundation as it relates to the promotion, funding and development of technology and innovation for increased access to justice by self-represented individuals, civil legal aid providers, and Florida lawyers." The committee expects to publish a report by Jan. 1, 2021.

► Through a comprehensive nationwide search, 72 applications were received for an interim director of technology. Eli Mattern was recommended by staff and endorsed by the Technology Committee. Mattern was hired effective Dec. 16. Her primary duties consist of managing the Foundation's existing technology portfolio, assisting the Technology Committee in the development of the Foundation's long-range technology goals and coordinating with potential stakeholders.

• **Spending and Reserve Policy Adopted**

► The Board adopted a new spending

and reserve policy, effective immediately. The policy provides greater economic stability to the Foundation and instills a more consistent and predictable grants process for grantees. It also provides grantees greater transparency and more notice of expected grant allocations, allowing them time for planning and budgeting.

The policy is based upon the establishment of a rolling average of Foundation funds available for grant allocation and a dedicated percentage of such funds to annual grants with the remainder placed in reserves.

The policy will establish a three-year rolling average of net revenues and apply an 80% factor to the resulting average to be used for grants and awards until such time as special reserves are capped. Afterward, the funding factor will be increased to 90% with a yearly review by the Board.

• **Budget & Finance Committee report on Community Champions Program and ad hoc committee formed**

► Committee Chair Steve Senn reported that monies for promoting the Foundation's Community Champions program, a program designed to persuade Florida's IOTA banks to waive service charges and raise IOTA accounts' interest rates, were being dedicated in an attempt to get the remaining 58 of Florida's 175 IOTA banks to waive service charges. If successful, an additional \$2.4 million per year could be realized. Director Jody Hudgins exclaimed that increasing IOTA revenues should be the number one priority of the Foundation. An ad hoc committee was formed at Mr. Hudgins' suggestion to review his specific ideas and suggestions.

• **New Building Committee convenes**

► Chair Steve Senn reported the committee is exploring opportunities related to the purchase of a building that could house the Foundation, provide needed storage space and potentially raise revenues for the Foundation. If successful, leasing and storage expenses could be offset or eliminated with potential savings amounting to approximately \$135,000 per year.



Florida Bar Foundation staff members volunteered at IDignity's monthly identification clinic in January. IDignity, a Community Economic Development grantee, helps people obtain driver's licenses, birth certificates, Social Security cards and more.

see BOARD REPORT CONT., p. 8



## \$3.3 million awarded to legal aid providers through Engle Grant Program

The Engle Grant Program provides funding to qualified legal aid organizations in the Middle District of Florida to assist litigants in obtaining representation in court. The funding comes from sanctions levied by the Court; funds are required to be allocated in rough proportion to the number of Engle cases filed in each division of the Middle District, with the majority in the Jacksonville division.



### Florida Legal Services - \$539,889

The Immigration Litigation Project provides representation to refugees, asylum seekers and domestic violence survivors. The Institutional Litigation Project represents institutionalized persons on civil issues such as abuse, neglect, medical and mental health care and disabilities.



### Jacksonville Area Legal Aid - \$1,513,952

The Modified Civil Gideon Access Project will provide legal representation in judicial and administrative civil proceedings in areas including labor trafficking, asylum, special immigrant juvenile status, Fair Credit Reporting Act claims, housing and more.



### Three Rivers Legal Services - \$315,551

The Fresh Start program will help low-income families receive discharge of debts in bankruptcy court. The Home Sweet Home program will continue to stabilize communities of color by helping residents get titles to their homes through court actions.



### Brevard County Legal Aid - \$120,000

The Family Law Representation Project will provide trial advocacy for low-income clients who are respondents in family law cases. Clients are faced with urgent deadlines to file responsive pleadings. Advocacy will include issues regarding care and child time-sharing.



### Seminole County Legal Aid Society - \$185,300

The Housing Court Project provides free legal representation in private eviction cases which threaten household and economic security. Roughly 1 in 3 Seminole County households is "severely cost-burdened," spending more than 30% of its income on housing.



### Southern Legal Counsel - \$176,945

The Housing Not Handcuffs project represents homeless individuals in complex affirmative litigation that compels changes to public policies and practices that criminalize and discriminate against the homeless and impede their ability to access housing and services.



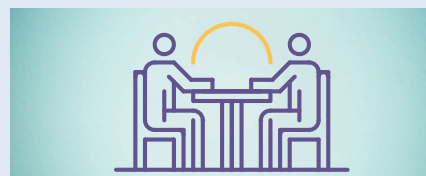
### Bay Area Legal Services - \$295,716

Through the "A Home of Our Own" project, BALS will provide staff and pro bono litigation assistance to low-income clients to resolve housing-related issues to prevent evictions and potential homelessness or establish/preserve clear title and secure home ownership.



### Community Law Program - \$72,600

The Family Law Representation Project will assist litigants involved in family law proceedings such as divorces and paternity actions. With this funding, they expect a 40% increase in the number of litigants they are able to provide representation.



### Legal Aid Service of Collier County - \$88,470

The Access to Justice for Seniors, Veterans and Vulnerable Families project will continue and expand its efforts to help families facing foreclosure or eviction, consumers facing collection actions, senior exploitation matters, garnishments and debt collections.

## Tickets available for Foundation's Annual Dinner Presenting the Medal of Honor



Thursday, June 18, 2020, 6:30 to 9 p.m.

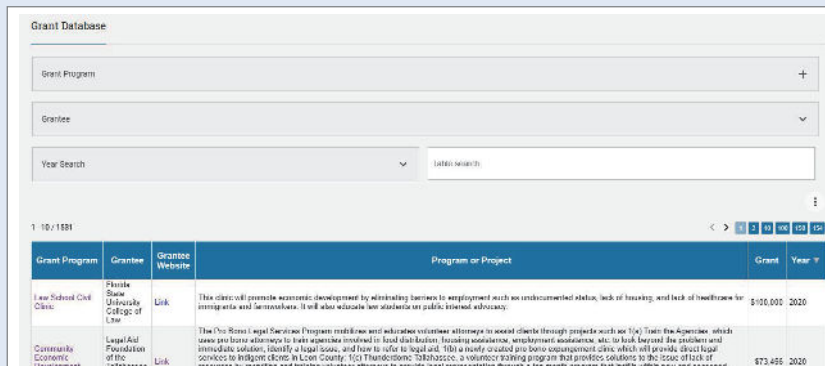
2020 Florida Bar Annual Convention

Hilton Orlando Bonnet Creek

14100 Bonnet Creek Resort Lane, Orlando, FL 32821

Sponsorships and tickets may be purchased online at [www.TheFloridaBarFoundation.org/tickets](http://www.TheFloridaBarFoundation.org/tickets)

## Foundation launches grant database



The screenshot shows a web interface for a 'Grant Database'. It includes search filters for 'Grant Program', 'Grantee', and 'Year Search'. Below the filters is a table with columns: Grant Program, Grantee, Grantee Website, Program or Project, Grant, and Year. Two grants are listed:

Grant Program	Grantee	Grantee Website	Program or Project	Grant	Year
Law School Civil Clinic	Florida State University College of Law	<a href="#">Link</a>	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.	\$100,000	2020
Community Economic Development	Legal Aid Foundation of the United States	<a href="#">Link</a>	The (Pro Bono) Legal Services Program establishes and educates volunteer attorneys to assist clients through projects such as: (a) Train the Attorneys, which uses pro bono attorneys to train attorneys involved in food distribution, housing maintenance, employment assistance, etc. to look beyond the problem and identify solutions; identify a legal issue, and how to refer to legal aid; (b) a newly created pro bono engagement clinic which will provide direct legal services to indigent clients in Leon County; (c) Thandocaine Tobacco, a volunteer training program that provides solutions to the issue of lack of resources for seedlings, and teaches volunteers about the process of seedling distribution. It also provides information about the state's seedling distribution process.	\$73,455	2020

In late 2019, the Foundation launched a grant database on its website. Located at TheFloridaBarFoundation.org under "What We Do", the grant database houses information that dates as far back as 2006. The Foundation's grants can be searched by grant program, grantee, year or keyword.

## Legal Aid Society of Palm Beach County collaborates on workshop



In November, more than 80 individuals received legal assistance with the process of sealing or expunging an arrest record thanks to a collaborative second chance workshop sponsored by the Legal Aid Society of Palm Beach County, the Palm Beach Association of Criminal Defense Attorneys, the F. Malcolm Cunningham, Sr. Bar Association, the Reentry Center of Riviera Beach and the Florida Rights Restoration Coalition.

The Legal Aid Society of Palm Beach County offers sealing, expungement and other "clean slate" services in designated areas of Palm Beach County through its Community Economic Development Project, which is funded by The Florida Bar Foundation and the Community Foundation for Palm Beach and Martin Counties.

Florida Commissioner of Agriculture and Consumer Services Nikki Fried participated to help highlight the importance of removing barriers to reentry for individuals in Riviera Beach and throughout the state.

### • Grantee Voluntary Investment Program tabled

► The first reading of a Voluntary Investment Program that would allow grantees to invest their funds using the Foundation's investment policy was presented. The matter was tabled after concerns were raised over the sufficiency of a yet to be written hold harmless agreement which will be required as part of the policy. Questions of existing insurance coverage available to the Foundation for its investment policy were also raised.

► Investment Committee Chair Carl Domino suggested that an ad hoc committee be formed to address these issues and that those who raised such concerns should serve on the committee. President Hala Sandridge appointed an ad hoc committee to report back.

### • Operation Firm Handshake approved for launch

► The board approved funding for Operation Firm Handshake, a project designed to turbocharge Florida Pro Bono Matters by building a pro bono relationship manager tool that methodically recruits pro bono volunteers and keeps them engaged with Florida Pro Bono Matters, the Foundation and all of its grantees. The system will collect and analyze information available and present attorneys with opportunities aligned with their preferences and skills. The project is expected to be implemented statewide in 2020.

### • \$10,000 contribution to Endowment from Criminal Law Section

► The Criminal Law Section of The Florida Bar contributed \$10,000 to The Florida Bar Foundation Endowment Trust. The Foundation is most appreciative of the generous gift and commends the section for its continued support of our mission.

**The next meeting of the board will be on March 27, 2020, in Ft. Lauderdale. Director Murray Silverstein and his firm, Greenspoon Marder, will host. The public is invited to attend, space permitting.**



## Trafficking prevention rule adopted by state board of education

During the fall 2019 semester, law students from the Florida State University College of Law Human Trafficking Exploitation Law Project (HELP) advocated for proposed Florida Department of Education (DOE) rule 6A-1.094123, requiring all Florida school districts to teach human trafficking prevention from elementary school through high school.

The law students researched other states' laws on how to implement preventative measures in schools and drafted comments to the DOE rule to make it a robust, meaningful requirement for Florida's school districts. They presented in favor of their comments at the State Board of Education meeting in Jacksonville in September.

The State Board of Education adopted the comments verbatim and passed the rule, which

went into effect in November. By December 1st of each year, each school district must post their implementation plan, and by July 1st, each school district must submit an annual report verifying compliance.

"This is a major accomplishment in the prevention of trafficking of children in Florida," said Paolo Annino, director of the FSU Public Interest Law Center. "We are hoping that the new rule will teach K-12 students how to protect themselves from traffickers and will make children who are victims of trafficking feel safe to seek help from school personnel."

FSU's Public Interest Law Center is funded in part by a Children's Legal Services grant from the Foundation.

The HELP program works to represent individual children who are victims of human trafficking and advocate for law reform



FSU College of Law 2L student Mylena Chin-See presented to the State Board of Education in September.

to prevent vulnerable children from being trafficked.

## Foundation pays off Bar loan 22 months early

In October, The Florida Bar Foundation paid off its loan from The Florida Bar 22 months early. The \$6 million loan, approved by the Bar's Board of Governors in 2014, helped the Foundation continue its mission of providing greater access to justice at a time when Foundation reserves had been depleted after years of historically low and stagnant IOTA revenues.

"The Foundation is grateful for the Bar's commitment to civil legal aid and its trust in the Foundation to be a responsible steward of the loan," Hala Sandridge, the Foundation's president, said. "We are delighted to be in a position that allowed us to repay the loan early."

The terms of the loan required the Foundation to use \$2 million of the loan to fund the startup of the Florida Justice Technology Center and other technology projects, resulting in the development of several statewide websites and technology products including FloridaNameChange.org, Turning18.org, FloridaLawHelp.org, and FLARE (Florida Legal Assistance at Reduced Expenses). The other \$4 million were used to support existing grant programs.

With the final payment of all principal and interest due on the loan, the Foundation effectively reduced its multi-year obligations/total assets ratio from 12.8% to 2%.





## February 3 - April 3, 2020

**DOUBLE** your volunteer impact  
by taking a **PRO BONO CASE**  
and **MENTORING** a Florida law student.


- All 12 Florida law schools are competing to see which can take the most pro bono cases!
- In February, visit the site to pick a case and match with a student.

**THE COMPETITION:**

-  Satisfies lawyers' professional obligation for pro bono
-  Boosts law school pride
-  Introduces lawyers and students to local legal aid programs

## FloridaLawSchoolChallenge.org





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she says. "I stayed at home with the kids for almost six years, and there was constant badgering from him about what I was doing, how I was raising the kids. He had insecurities about our relationship. We had one car, so I was stranded all the time at home alone with the kids. No vehicle, no job, no extra money."

"[Abusers] push you to this point where they control everything," she says. "He'd been putting his hands on me since I was pregnant with our younger daughter. That was a daily thing. You cut your family off. You don't want to keep telling everybody horrible things all the time."

At the shelter, Elizabeth found resources, including a lawyer who referred her to Seminole County Bar Association Legal Aid Society (SCBALAS) for help with a divorce.

SCBALAS has received funding for civil legal assistance for survivors of domestic violence for the past two years through the Foundation's Community Economic Development grant program.

"Our program needs consistent funding so we can always be here for people like Elizabeth," Sue Selsky, a SCBALAS lawyer, says.



Sue Selsky

"Unfortunately, I believe domestic violence will not be eradicated any time soon."

Without legal aid, "tragically, I believe the victim will stay with the

abuser because they believe they have nowhere else to go, there is no option for them to get out," Selsky says. "This is a double tragedy because the children grow up in a violent home, and in turn may become abusers themselves."

According to Legal Services Corporation, civil legal aid is more effective than access to shelters or counseling services in reducing domestic violence by as much as 21%.

As a condition of their grant, SCBALAS works with Brevard County Legal Aid (BCLA) to collaborate on best practices regarding identification and service of domestic violence

clients, on identifying systemic problems and solutions affecting survivors and on utilizing technology and other tools to create efficient practices.

SCBALAS and BCLA share documents and brainstorm about best practices. By working together, the programs are able to fill gaps in knowledge and resources. After BCLA shared a letter it sends to all domestic violence clients about avoiding social media, SCBALAS began doing the same. In October, CABA Pro Bono, another Community Economic Development grant recipient, joined the collaboration, and shared a presentation addressing elimination of cultural bias in the courtroom and a recruitment video to encourage lawyers to take domestic violence pro bono cases.

"Our close relationship with SCBALAS has been instrumental in identifying best practices for providing services to survivors of domestic violence, helping us to improve our methods and techniques for recruiting and training volunteers, and leveraging our collaborative partnerships with other service providers sharing mission space," Rob Johnson, BLCA's executive director, says.

"As local bar-sponsored programs established in the early 70s, our programs share similar histories and our client communities experience many of the same legal issues. Accordingly, we have found that we share long-established priorities for assisting our clients. For this reason, it is especially valuable to our organizations that we work together in identifying funding sources and coordinate our efforts on reporting and grant administration."

For clients like Elizabeth, finding legal aid for a divorce was a great relief. Though she expected a lawyer would just hand her a pile of paperwork, she ended up with a support system.

"It was good to know that when you're walking in a courtroom, you're not alone," Elizabeth says. "You have a team there supporting you. I had a genuine support system. I would not be here today without all of the support and help. A lot of times it's scary, and you don't want to go back, but having the



Elizabeth, a domestic violence survivor who used legal services provided by Seminole County Bar Association Legal Aid Society

*"I've been able to get a new, better job, getting to work from home, which is fabulous being a single mom. My whole life has just turned around. I've been able to actually start a whole new life."*

— Elizabeth,  
domestic violence survivor

support made it a safe place to go and made it easy for me to go."

Elizabeth's divorce was finalized at the end of December 2019.

One study reported that about 83% of survivors represented by a lawyer successfully obtained a protective order compared to only 32% without a lawyer.

"If I would have known [about legal aid], I probably would have had the courage to get out a long time ago," she says.

## Foundation receives \$21,000 cy pres award

In September, the Foundation received a \$21,406 *cy pres* award from a settlement in a case involving fees charged by payday loan companies.

Two cases were consolidated for the settlement that resulted in the *cy pres* award. The cases arose from the class representatives' belief many years ago that the fees charged by payday loan companies, entities that would

hold a customer's check for a short period of time – usually two weeks – in exchange for a fee, were actually usurious interest charges.

Class counsel began working with the class representatives in 1998 and the final hearing before Judge Cymonie Rowe of the 15th Judicial Circuit approving the *cy pres* award occurred more than 20 years later in July 2019. The two cases were before the Florida Supreme

Court six times and the Fourth District Court of Appeal nine times.

Class counsel for the case were E. Clayton Yates of Fee, Yates & Fee, PLLC, in Ft. Pierce; Diana Martin and Theodore J. Leopold of Cohen Milstein Sellers & Toll, PLLC, in Palm Beach Gardens; Sean Estes of Hoyer Law Group, PLLC, in Tampa; F. Paul Bland Jr. of Public Justice in Washington, D.C.; and Richard A. Fisher of Richard Fisher Law Office in Tennessee.

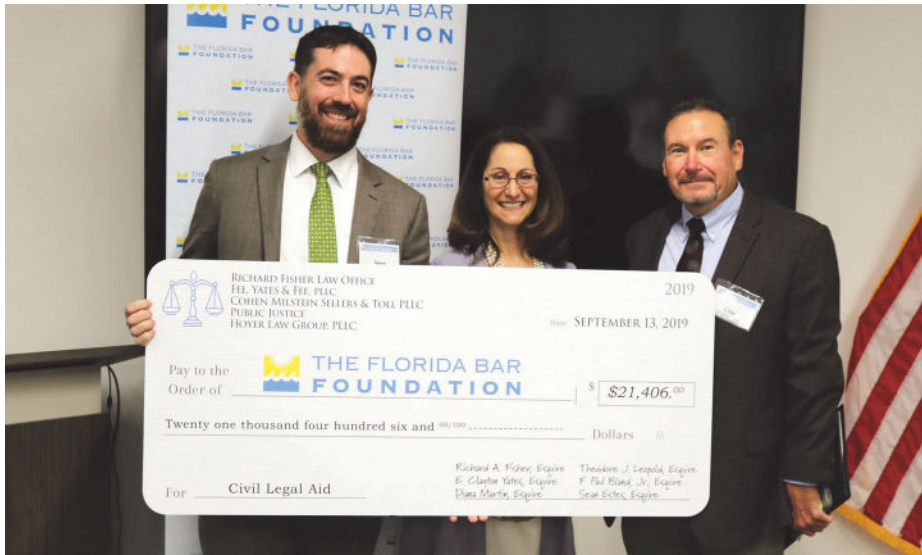
Ultimately, the settlement class members who filed claims were reimbursed about 2.7 times the amount of fees they were charged, with amounts ranging from hundreds to thousands of dollars. Class counsel and their staff, particularly paralegal Julie Boyd of the Richard Fisher Law Office, made every effort to locate and distribute money to class members using two-decades-old information.

"We hope this *cy pres* helps those in similar financial situations as our class members to gain access to the legal representation they deserve, but often cannot afford," Clay Yates said. "We are pleased the unclaimed funds will go to assist the good work of the Foundation and its grantees."

The term *cy pres* comes from the French, "*cy près comme possible*," meaning "as near as possible." 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.

**The Foundation encourages class action counsel and litigants to address and make provisions for possible *cy pres* awards during the settlement phase of litigation rather than afterward. This allows the parties more control over the possibility of unclaimed funds and lessens the Court's burden.**

"We are tremendously thankful that lawyers and judges continue to recognize the positive and significant impact that *cy pres* awards can have for Floridians when the funds are used by The Florida Bar Foundation," Foundation President Hala A. Sandridge said.



Sean Estes (left) of Hoyer Law Group and E. Clayton Yates of Fee, Yates and Fee present a *cy pres* award to Foundation President Hala A. Sandridge.



In September, the Foundation surpassed \$500 million in lifetime grant funding with its board's approval of \$3.3 million to provide nine grants through its Engle Grant program. Pictured left to right: Foundation Executive Director Donny MacKenzie, First Vice President Stephen R. Senn, Past President Juliette E. Lippman, President Hala A. Sandridge, President-elect Thomas R. Oldt and Second Vice President Connie Bookman.





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