



THE FLORIDA BAR FOUNDATION

BOARD OF DIRECTORS MEETING

Hyatt Regency
Orlando International Airport
9300 Jeff Fuqua Blvd.
Orlando, FL 32827
407-825-1234

Discounted self-parking & valet parking, please see Jessica for parking sticker

Meeting Room:
Regency Ballroom DEF

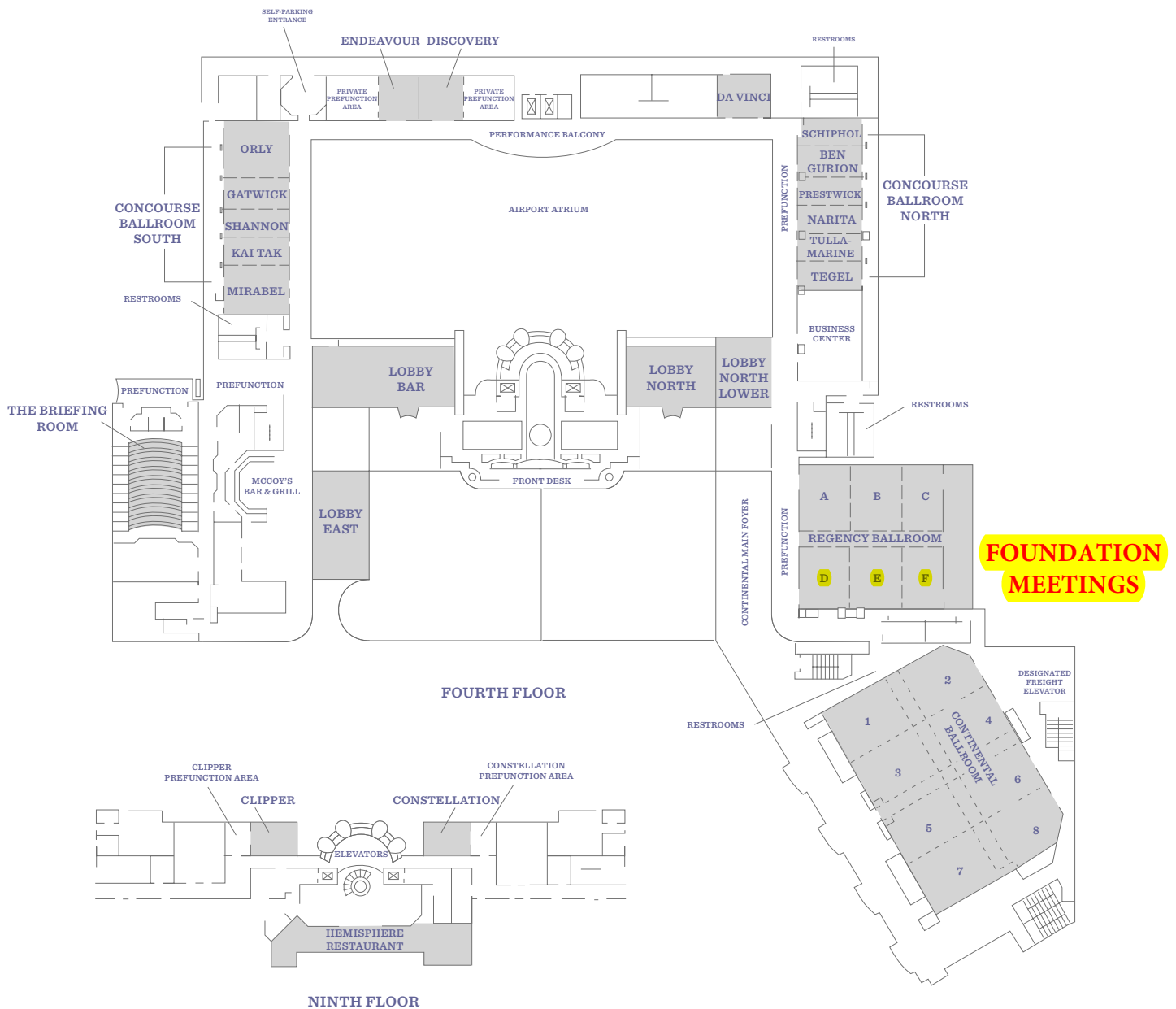
Friday, March 9, 2018
9:00 a.m. – 1:00 p.m.
(breakfast buffet 8:00 a.m. – 9:00 a.m.
board presentation 9:00 a.m. – 9:30 a.m.)

HYATT REGENCY ORLANDO
INTERNATIONAL AIRPORT
 9300 Jeff Fuqua Boulevard
 Orlando, FL 32827
 USA

T +1 407 825 1234
 F +1 407 859 9652
 orlandoairport.hyatt.com



FLOOR PLANS





THE FLORIDA BAR FOUNDATION

Schedule of Activities

Hyatt Regency Orlando Airport
9300 Jeff Fuqua Blvd.
Orlando, FL 32827
(407)825-1234

(Please see Jessica McCabe for discounted parking voucher)

Thursday, March 8, 2018
Regular Committee Meetings and Dinner
10:00 a.m. – 7:30 p.m.

Regular Committee Meetings <i>Meeting Room: Regency Ballroom DEF</i>		
10:00 a.m. – 11:30 a.m.	Investment Committee/Endowment Trustees Meeting	Stephen Senn Chair
11:45 a.m. – 1:00 p.m.	Development Committee Meeting (lunch will be provided)	Paige Greenlee Chair
1:15 p.m. – 2:30 p.m.	Budget & Finance Committee	Thomas R. Oldt Chair
2:45 p.m. – 5:45 p.m.	Grants Committee Meeting	Juliette E. Lippman Chair
6:00 p.m. – 7:30 p.m.	Informal Dutch Treat Dinner* Location: McCoys Bar & Grill (located in lobby) *For convenience, the Foundation will pay the bill for food and invoice you. Because the Foundation will invoice individuals for dinner, alcohol will need to be paid for individually.	



THE FLORIDA BAR FOUNDATION

Schedule of Activities

Hyatt Regency Orlando Airport
9300 Jeff Fuqua Blvd.
Orlando, FL 32827
(407)825-1234

(Please see Jessica McCabe for discounted parking voucher)

Friday, March 9, 2018
Board of Directors Meeting
9:00 a.m. – 1:00 p.m.

Board of Directors Meeting <i>Meeting Room: Regency Ballroom DEF</i>		
8:00 a.m. – 9:00 a.m.	Buffet Breakfast for Board Members and Guests	
9:00 a.m. – 9:30 a.m.	Board Presentation Presented by: Ken Smith, Founder, <i>The Resource</i>	
9:30 a.m. – 1:00 p.m.	Board of Directors Meeting <ul style="list-style-type: none"> • Action on Consent Agenda • Action on allocation of Chase funds for Online Triage • Action on allocation of funds for 2018 Summer Fellows • Action on allocation of funds for Equal Justice Works Disaster Recovery Fellows • Action on allocation of funds for SWFL Disaster Recovery & Immigrant Collective Impact Learning Collaborative • Action on 2018 Goldstein Award Winners • Action on allocation of \$1,467,000 to support specific Children’s Legal Services grants • Action on allocation of \$1,081,000 to support specific Administration of Justice grants, including Online Triage • Action on Updated Pro Bono Benchmarks • Action on Allocation of \$300,000 to support specific Pro Bono Transformation & Innovation grants • Action on election of Foundation Board of Directors for terms beginning July 1, 2018 • Action on 2018 Medal of Honor Winners • Action on 2018 Jane Elizabeth Curran Distinguished Award Winners • Action on Second Reading on Professional Services Policy • Action on Proposed IOTA Amendment of Rules Regulating Trust Accounts 	Jewel White President

THE FLORIDA BAR FOUNDATION
BOARD AND COMMITTEE MEMBER TRAVEL EXPENSE REIMBURSEMENT FORM

Return Completed Form To:
The Florida Bar Foundation, 875 Concourse Parkway South, Suite 195, Maitland, FL 32751
or by email to jmccabe@flabarfndn.org

It is very important to the Foundation that Foundation-related travel costs not be a barrier to service on the board. Accordingly, the Foundation annually budgets funds to reimburse board and committee members for their out of pocket expenses for travel to board and committee meetings and for other purposes when such travel is requested by the Foundation. Board or committee members who choose not to seek reimbursement may have the amount that the Foundation otherwise would have reimbursed recorded as a charitable contribution to the Foundation. Receipts required for amounts over \$25.00

Date Submitted: _____

Name: _____
(please print or type)

Meeting Attended: _____

City: _____ Date(s): _____

Air: _____ Total cost of \$ _____

Car: _____ miles @ 0.545 cents per mile Total cost of \$ _____

Car Rental: _____ Total cost of \$ _____

Lodging: _____ nights Total cost of \$ _____

Food Expenses _____ Total cost of \$ _____

Taxi: _____ Total cost of \$ _____

Tolls: _____ Total cost of \$ _____

Parking: _____ Total cost of \$ _____

Other (Itemize): _____ Total cost of \$ _____

Total Expenses: \$ _____

Type of Reimbursement _____
(see reverse)

Reimbursement Amount: \$ _____
(see reverse)

Please check one:

___ Please reimburse me for the above amount

___ I wish to donate the above amount as a
Charitable contribution to the Foundation

Please make check payable to:

Mailing Address _____

Signature: _____ Date _____

REIMBURSEMENT TYPE (Please enter Your Reimbursement Type above)

1 Reimbursement of Board and Committee Meeting Travel Expenses of Public Members

Upon written request, the Foundation shall reimburse the reasonable, coach-class expenses of public members for travel in connection with Foundation board or committee meetings on which said public members serve. Mileage costs shall be reimbursed at the current government approved rate. Meals shall be reimbursed at actual cost up to a maximum of \$13.00 for breakfast, \$15.00 for lunch, and \$31.00 for dinner.

2 Reimbursement of Board and Committee Meeting Travel Expenses of Judicial Officers and Other Government Employees

Upon written request, the Foundation shall reimburse the reasonable, coach-class expenses of judicial officers and other government employees for travel in connection with Foundation board or committee meetings on which said judicial officers and other government employees serve. Mileage costs shall be reimbursed at the current government approved rate. Meals shall be reimbursed at actual cost up to a maximum of \$13.00 for breakfast, \$15.00 for lunch, and \$31.00 for dinner.

3 Reimbursement of Other Board and Committee Member Meeting Travel Expenses

Upon written request, the Foundation shall reimburse the reasonable coach-class expenses of lawyers serving as directors of the Foundation or on committees, who are not otherwise subject to reimbursement under this policy, in connection with travel to Foundation board or committee meetings on which said lawyers serve. Mileage costs shall be reimbursed at the current government approved rate. Meals shall be reimbursed at actual cost up to a maximum of \$13.00 for breakfast, \$15.00 for lunch, and \$31.00 for dinner. Total reimbursement shall be limited to the lesser of actual travel expenses or \$350.00 for meetings for which overnight travel is not required and \$500.00 for meetings for which overnight travel is required.

4 Reimbursement of Other Foundation-Related Travel Expenses

Upon written request, the Foundation shall reimburse the reasonable, coach-class travel expenses of individuals who, at the request of the Foundation, represent the Foundation at conferences, seminars, or other functions in furtherance of the mission of the Foundation. Mileage costs shall be reimbursed at the current government approved rate. Meals shall be reimbursed at actual cost up to a maximum of \$13.00 for breakfast, \$15.00 for lunch, and \$31.00 for dinner.

To Be Completed by Florida Bar Foundation:

Approved By: _____ Date: _____

The Florida Bar Foundation
Approved 2017-18 Committee Appointments by Committee
August 3, 2017

2017-18 Budget & Finance Committee

The budget and finance committee shall review with management the proposed annual budget (management & general, fundraising, program-related and capital expenses) and make recommendations to the board of directors concerning its adoption, and shall, subject to board policy, consider and make recommendations to the board concerning annual budget amendments. The budget and audit committee also shall make recommendations to the board of directors on matters of policy relating to the financial operations of the Foundation.

*Thomas R. Oldt, Chair
*Juliette E. Lippman, Vice-Chair
*Honorable James M. Barton, II
*Gregory P. Brown
*Carl Domino
*Mary Gardiner Evertz
*Dori Foster-Morales
*Paige A. Greenlee
*Carlos Halley
*Edwin A. Scales, III
*Stephen R. Senn
*Murray B. Silverstein
*Angela Vigil
*Jewel White
*Honorable Reginald K. Whitehead

2017-18 Development Committee

The development committee shall oversee and make recommendations to the board of directors on matters of policy relating to the planning, structure and execution of the Foundation's fundraising programs.

*Paige A. Greenlee, Chair
*Juliette E. Lippman, Vice-Chair
*Connie Bookman
*Mary Gardiner Evertz
Patricia Jaramillo
*Roberto R. Pardo
*David C. Prather
*Murray B. Silverstein
Mark Evan Stein
*George Tinsley
*Honorable Suzanne Van Wyk

*Angela Vigil

*Tad A. Yates

2017-18 Executive Committee

The executive committee shall, pursuant to the authority granted by the Foundation's ByLaws, manage the affairs of the Foundation between meetings of the board of directors.

*Jewel White, Chair

*Juliette E. Lippman, Vice-Chair

*Connie Bookman

*Matthew G. Brenner

*Paige A. Greenlee

*Thomas R. Oldt

*Hala Sandridge

*Edwin A. Scales, III

*Stephen R. Senn

*Honorable Suzanne Van Wyk

2017-18 Grant Allocation Committee

The grant allocation committee, which shall include the chairs of any Foundation grant committee, shall make recommendations to the board of directors concerning establishment and coordination of grant programs and shall recommend annually to the board of directors the allocation of the grant funds among the grant programs/committees for purposes approved by the Florida Supreme Court.

*Jewel White, Chair

*Juliette E. Lippman, Vice-Chair

*John P. Cardillo

*Paige A. Greenlee

Dominic C. MacKenzie

*Thomas R. Oldt

*Hala Sandridge

*Daniel H. Thompson

Honorable Emerson R. Thompson, Jr.

*Honorable Suzanne Van Wyk

2017-18 Investment Committee

The investment committee shall advise and make recommendations to the board of directors, or the executive committee on the objectives, policies, and operation of the Foundation's investment program.

*Stephen R. Senn, Chair

*Hala Sandridge, Vice-Chair

*Gregory P. Brown

*Karen M. Buesing

*Gregory W. Coleman

*Carl Domino

*Carlos Halley

*David Manz

*Roberto R. Pardo
*David C. Prather
*George Tinsley
*Honorable Suzanne Van Wyk

2017-18 Nominating Committee

The nominating committee shall, pursuant to the authority granted by the ByLaws, prepare the slate of nominees for election as officers, assistant officers and directors of the Foundation.

*Jewel White, Chair
*Juliette E. Lippman, Vice-Chair
*Matthew G. Brenner
*Gregory W. Coleman
*Paige A. Greenlee
*David Manz
Kathleen S. McLeroy
*Hala Sandridge
*Angela Vigil

2017-18 Audit Committee

The audit committee shall oversee and present to the board of directors the annual external audit of the Foundation and the endowment, shall receive communications directly from the auditors and shall communicate directly with the auditors as deemed necessary to the conduct of such audit, and shall recommend to the board of directors engagement of the independent audit firm.

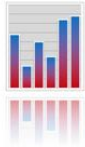
*Edwin A. Scales, III, Chair
*Matthew G. Brenner, Vice-Chair
Joseph A. Epstein
*Roberto R. Pardo
*Hala Sandridge
*Daniel H. Thompson
Honorable Emerson R. Thompson, Jr.
*Honorable Suzanne Van Wyk
*Honorable Reginald K. Whitehead

2017-18 Grants Committee

The grants committee shall develop policy, make recommendations on the operation of the grant programs, review funding requests and make funding recommendations to the board of directors regarding legal assistance for the poor, law student assistance and administration of justice grants. In addition, the grants committee will make recommendations regarding the assessment of grantee performance.

*Juliette E. Lippman, Chair
*Hala Sandridge, Vice-Chair
*Edrick Barnes
*Honorable James M. Barton, II
*Connie Bookman

*Karen M. Buesing
*Robert A. Butterworth, Jr.
*John P. Cardillo
*Dori Foster-Morales
John F. Harkness, Jr.
*Michael J. Higer
Patricia Jaramillo
*David Manz
*Roberto R. Pardo
*David C. Prather
Steve Salzer
*William J. Schifino, Jr.
*Stephen R. Senn
*Murray B. Silverstein
*Michelle R. Suskauer
*Daniel H. Thompson
*George Tinsley
*Angela Vigil
*Jewel White



Summary:
**Assessment of Systemic Work Sample
Submitted by Heart of Florida Legal Aid**

Draft of February 7, 2018
Confidential – Please Do Not Copy or Circulate

A. Overview

This report summarizes the findings of an assessment of systemic cases and projects submitted by Heart of Florida Legal Aid (HOFLA) in 2017. The assessment was conducted by a panel of two expert reviewers under the direction of *The Resource for Great Programs, Inc.* (“The Resource”).

The systemic work assessment is part of a comprehensive desk review of HOFLA by The Resource under a contract with the Florida Bar Foundation (“the Foundation”). The assessment covered a sample of five systemic cases and projects that were underway at the time of the assessment and were selected by the program for review. A final report on this assessment will be included in the final report on the desk review, scheduled to be completed later in 2017.

This Report at a Glance

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2. Full Reports Submitted by HOFLA on the Five Initiatives	A-2

The judges scored HOFLA’s initiative as being between “room for improvement” and “strong,” and suggested ways it could be made stronger.

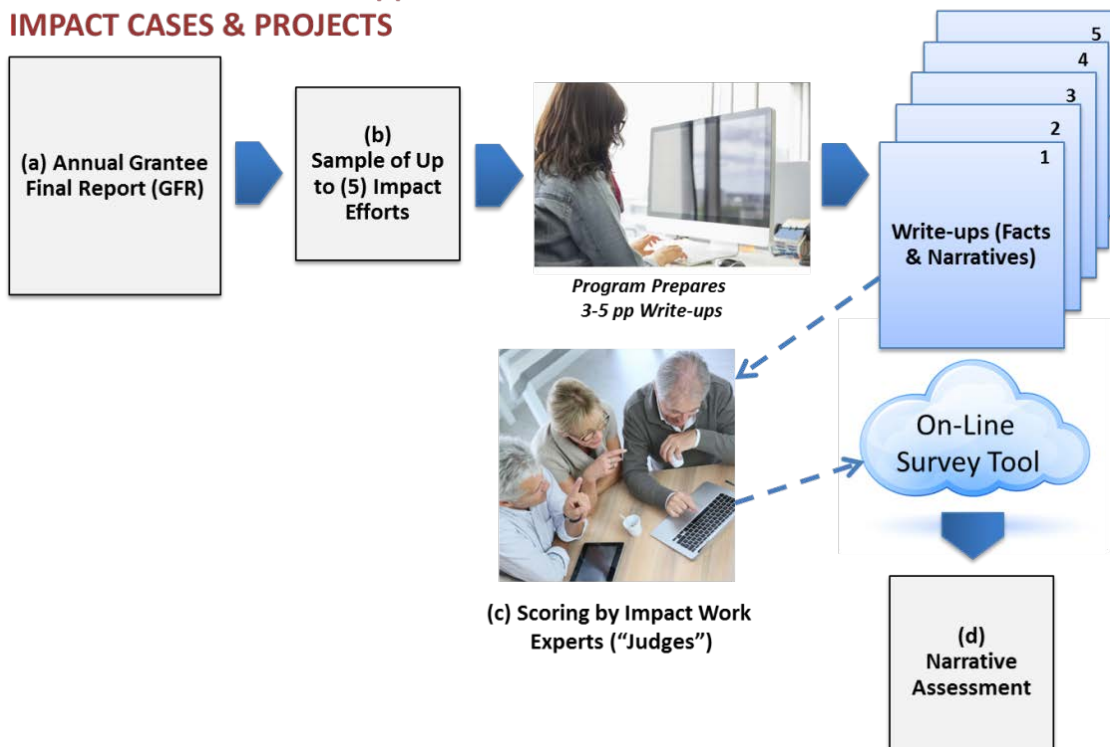
As outlined in the Findings section of this report, the judges gave HOFLA high marks for identifying an important problem (barriers raised by a local law enforcement agency to immigrant victims of sexual violence and other crimes seeking to obtain U-Visas) and recognizing this as a systemic problem requiring a systemic solution. The judges found strengths in the strategies being applied and in the outcomes achieved to date. They raised questions identifying ways of making the outcomes of this ongoing case even stronger in the future, helping more clients to overcome the significant barriers it addresses.

This report summarizes the methodology used in this assessment, the overall findings, and the specific findings of the analysis of the case that was reviewed. The resumes of the two judges and full reports on the five initiatives submitted by HOFLA are provided in the Appendix.

B. Methodology

1. Overview (see Graphic below): The systemic work assessment is a synthesis of (1) a formal scoring system for the assessment of impact work that was developed by the Urban Institute in the late 1970s for the Legal Services Corporation's Delivery System Study¹ and (2) the judging process widely used for evaluating the quality of performance in subjective areas such as athletics or the arts wherein a panel of judges who are themselves respected experts in the areas to be evaluated assign scores to communicate their perspectives on how strong a performance they have observed.

Outcome Measurement Approach for IMPACT CASES & PROJECTS



The events to be rated in this case are **systemic cases or projects** (such as policy advocacy, law reform efforts, etc.) carried out by a civil justice organization.² The expert judges who perform the assessments are **experienced practitioners from legal services programs** who are familiar

¹ See, "The Delivery Systems Study: A Policy Report to the Congress and the President of the United States," Legal Services Corporation, June 1980, page 130, available at <http://legalaidresearch.org/wp-content/uploads/lsc-delivery-systems-study-19801.pdf>

² For purposes of reporting to the Foundation, A "systemic" case or project is "an effort that (1) affects or could potentially affect significant segments of the eligible population, and (2) achieves or potentially could achieve relatively permanent improvement in legal rights or basic living conditions of those affected." Examples of the systemic work evaluated by this assessment include major litigation, legislative or administrative advocacy, community coalition building, multiple cases targeting a systemic problem in the community, media advocacy and other strategies for addressing systemic problems of the low-income community.

with systemic work. **The Resource for Great Programs** has created a framework for this process that includes forms, definitions, instructions, and training for the judges, and is administering the assessment as part of The Foundation’s desk review program.

2. Details of the Method (see *Graphic on the previous page*)

Reporting of systemic work on the annual Self-Assessment Report: Each year, each Foundation grantee submits a Self-Assessment Report (SAR), covering a wide range of programmatic subject matter such as: numbers and types of legal cases handled; output of other services such as community legal education; and outcomes achieved for clients such as major benefits and dollar settlements. Included in this report is a listing of systemic cases or projects that have been active during the reporting period, including such activities as appeals or other major litigation, administrative or judicial advocacy, and community coalition building.

Write-ups of a sample of impact cases or projects to be evaluated – In years in which the Foundation requires a desk review (approximately every three years), the grantee provides additional information consisting of a “Comprehensive Self-Assessment Report” and an instrument for reporting on a sampling of their systemic cases or projects. Using that instrument, they produce a brief (e.g., 3-5-page) write-up on each of the sampled initiatives.³

Scoring of the sampled cases or projects – The assessment is performed by a panel of expert judges, each of whom is a present or former legal aid advocate who possesses extensive experience with the specific type(s) of impact work to be evaluated. Each judge reviews a set of write-ups and assigns a rating to each initiative. The ratings are based on a combination of subjective and objective criteria, which have been developed in a pilot test of this methodology conducted in 2017. The judges use a 3-point rating scale to indicate their assessment of the following dimensions of each initiative:

- **Importance of the problem**
- **Goals sought by the program**
- **Strategies applied**
- **Results/outcomes achieved, *including*:**
 - Strength of the impact in addressing a compelling need
 - Number of people who benefited
 - Economic impacts

The ratings by the individual judges are averaged to derive sub-scores for each criterion and those are in turn averaged to produce a composite score for the overall effort.

The primary purpose of the numerical scores is to indicate the strength of judges’ impressions regarding qualities that are inherently subjective. For example, a “3” indicates that judges thought an initiative was very strong on a particular criterion being evaluated, whereas a “2” rating indicates they found it strong but not exceptional. A “1” would indicate they thought it has significant room for improvement. That score usually would be accompanied by suggestions from the judges as to ways in which the initiative could be strengthened on the criteria being considered.

³ The intent here is to capture the most salient features of the sampled systemic work with the least possible burden on the program. A copy of the form used for this assessment is available on request from the Foundation.

The scores are intended to stimulate discussion and ultimately to produce insights that would not likely surface without a vehicle for expressing how strong the judges felt a particular aspect of the program's performance was.

Beyond that modest purpose, the importance of the scores should not be overblown. Until a larger sampling of systemic efforts has been assessed using this method and the rating scale has been adjusted statistically to control for potential sources of bias – for example, differences of opinion among judges as to what outcomes are most important – it would be inappropriate to compare programs or advocates based solely on the scores they received.

C. Summary of Findings

The table below summarizes the average scores from the two judges who reviewed HOFLA's initiative. As indicated by the table, the judges agreed that the problem was a very important one. They gave the program high marks for taking it on. In their review of the strategies described by the program and the outcomes that have been achieved to date, they found several areas where there was room for improvement. After raising a number of questions for discussion with the program, they assigned an overall score suggesting that with some adjustments in the strategy the effort could readily achieve results in the future that help more clients to overcome the significant barriers addressed by this case.

Assessment Criteria	Average Scores by the Two Judges ○ = "Room for Improvement" ○○ = "Strong" ○○○ = "Exceptionally Strong" <hr/> HOFLA <i>U-Visa Certification by Circuit Court Judge</i>
Importance of Problem Being Addressed	○○○
Goals Sought by the Program	○○ +
Strategies Applied	○ +
Results/Outcomes Achieved <ul style="list-style-type: none"> ● Strength of Impact in addressing a compelling need ● Number of people who benefited ● Economic Impact 	○ + ○ + NA
Overall Average Score	○○-minus

D. Findings on HOFLA's Systemic Initiative

HOFLA-1: Development and Implementation of Circuit Wide Policy for Judicial Execution of Certifications for U-Visas

1. Executive Summary (from Program's Report)

The certification in a U-Visa case is a critical document needed for an undocumented immigrant to prevail in an application for the immigration protection afforded by a U-visa. Unfortunately, there is a particular law enforcement agency in our circuit that has adopted an agency wide policy against executing certificates for U-Visa. This results in litigants who report crimes to that particular agency with little recourse for proceeding with a U-visa application despite their cooperation with law enforcement.

One of HOFLA's Staff Attorneys partnered with a private immigration attorney to assist a client who wanted assistance with filing a U-visa. The client had already retained the attorney prior to coming to HOFLA.

The strategy applied was to successfully litigate the underlying sexual violence protection case and then after successfully prevailing on the substantive matter provide research and guidance to the circuit judge to educate him that he had the authority to execute the U-Visa certification.

The goal of this initiative was to begin to develop the framework for development and implementation of a policy for the 10th Judicial Circuit judiciary to regularly review requests for U-Visa certifications that come before it.

2. Resources Spent on This Effort

- **Funding:** Operating funds came from the program's general support budget.
- **Staff:** 2.0 FTEs (Full-time Equivalents), spent over...
- **Duration:** 7 months
- **Pro bono resources:** \$400 in-kind (market value of billable hours spent preparing the U-Visa certification form on a pro bono basis)

3. Results/Outcomes Achieved (from Program's Report)

After successfully obtaining the injunction for protection against domestic violence, the staff attorney provided to the judge who presided over the injunction hearing a U-visa certification form that the private attorney prepared, along with exhibits and research that the staff attorney gathered independently.

[Read the full description of this initiative in Appendix A-2.](#)

Continued on next page...

4. Judges' Assessment

Assessment Criteria	Score (Out of 3)	Judges' Comments
Importance of Problem Being Addressed	○○ +	<ul style="list-style-type: none"> Obtaining U-Visa certifications is a critical part of successful advocacy for immigrant victims of violence. A law enforcement agency that categorically refuses to consider certification is a huge impediment for clients and is an issue in need of a systemic solution. It is a problem that will affect many people.
Goals Sought by the Program	○○ +	<ul style="list-style-type: none"> Clear goal to establish policies and procedures for the judiciary to exercise their authority to execute certifications. It is an issue which affects many, and it is good for the program to be thinking how to fix the problem beyond one individual. <p>Questions:</p> <ul style="list-style-type: none"> Were there any efforts to change the offending policy of the law enforcement agency? Were there any direct legal challenges to such a policy? Probably not but how carefully was this considered? Were work-arounds with law enforcement agencies with concurrent authority considered? I would like to know what kind of education, publicity, outreach etc. is being done to other affected individuals and to judges to address this issue, beyond this one case.
Strategies Applied <ul style="list-style-type: none"> Litigation or proposed/threatened litigation on behalf of client(s) or client group 	○ +	<ul style="list-style-type: none"> It appears that the program worked with the Circuit judge in some fashion, to educate the Court, and also worked with pro bono counsel to educate counsel. <p>Questions:</p> <ul style="list-style-type: none"> Making change by educating judges regarding the exercise of their discretion can be a successful strategy but is very labor intensive. How many judges in the circuit (relevant to who needs to be persuaded and the appropriate tactics for doing so)? Google says 28 circuit judges http://www.jud10.flcourts.org/?q=content/judges This is an important case, and it is a case that is implementing new law and educating the Court in the process. Identifying it as an important case to take on was excellent. And the case will hopefully have systemic impact. But to consider it a systemic project, I would also like to see it as part of a campaign of some sort, where other clients are identified, the actions of the Court are monitored, publicity is obtained, etc.

Assessment Criteria	Score (Out of 3)	Judges' Comments
Results/Outcomes Achieved		
a. Strength of Impact in addressing a compelling need	○ +	<ul style="list-style-type: none"> ● <i>The goal of getting a Tenth Circuit U-Visa was accomplished.</i> <p>Questions:</p> <ul style="list-style-type: none"> ● <i>To date, the outcome is limited to one favorable case.</i> ● <i>What is the plan going forward? Any additional efforts to follow up, educate, monitor, etc?</i>
b. Number of people who benefited	○ +	<ul style="list-style-type: none"> ● <i>Only one person has benefited to date; however, it was a very important precedent that may have impact on others.</i> <p>Questions:</p> <ul style="list-style-type: none"> ● <i>I did not give it a higher score since there is no indication of work to be done to assure that it has greater impact.</i> ● <i>The program could have gathered and shared data on the extent of the problem (from their data, from court data, from community data). This would have made the scope of the undertaking more compelling.</i>
c. Economic impacts on low-income people	NA	<ul style="list-style-type: none"> ● <i>This case was about providing safety to victims of domestic violence and other crimes, rather than about economic impacts.</i>

“Comprehensive” Self-Assessment Report (SAR)

Required ONLY in “Desk Review” years (generally, every three years)

DRAFT: January 8, 2017

PREFACE:

The Florida Bar Foundation’s Self-Assessment Process for General Support Grant Recipients

The self-assessment process is designed to provide the Florida Bar Foundation with the information about the work of its General Support grantees that the Foundation needs in order to carry out its oversight and program development responsibilities as outlined in relevant Foundation grants policy documents.¹

The process focuses on the effectiveness of the Foundation’s General Support Grant recipients in meeting the needs of individual clients and the larger client community, and in developing and using resources. The goals of the review are to confirm alignment with the Foundation’s General Support Grant Program policies and guidelines; ensure accountability to clients, the public, and funders; and to assist with provider’s self-assessment and improvement.

The newly revised process has four components:

1. A brief, annual Self Assessment Report (SAR) submitted by providers, including a narrative portion and a statistical/financial portion;²
2. A Desk Review process carried out periodically (approximately every three years for general legal aid providers and at intervals to be determined for other program types) by the Foundation based on a detailed analysis of the information from each provider’s Self Assessment Report and other information gathered through ongoing contact with each provider by the Foundation’s Grants Division staff and annual program financial audits;
3. A longer, Comprehensive Self Assessment Report, submitted in years only for which a Desk Review of the grantee will be conducted (as indicated above); and,
4. Ongoing program assessment activities by the Foundation’s Grants Division, including ongoing contacts, peer reviews (if needed), and other evaluation activities consistent with the American Bar Association’s *Standards for the Provision of Civil Legal Aid* (“the ABA Standards”).³

This document focuses on the third of these components, the Comprehensive Self Assessment Report to be submitted by grantees in preparation for their periodic Desk review at intervals of approximately three years. The other components will be described in other documents which are currently under development.

¹ [To be added: reference to applicable Foundation grants policy documents]

² This report is similar in length and scope to the SAR that has been submitted annually by the Foundation’s grantees since the 1980s.

³ The Florida Bar Foundation’s General Support Grant Program incorporates by reference the *ABA Standards for the Provision of Civil Legal Aid*, the *ABA Standards for Programs Providing Civil Pro Bono Legal Services to Persons of Limited Means* and the *ABA Standards for the Operation of a Telephone Hotline Providing Legal Advice and Information*. These documents are referred to collectively as “the ABA Standards.”

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[Contents to be added when Data Portion is finalized]

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**THE COMPREHENSIVE SELF ASSESSMENT REPORT (SAR)
to Be Submitted in “Desk Review” Years⁴**

**Part Two: Qualitative Portion
Assessing Program's Alignment
with Applicable Standards and Guidelines**

The qualitative portion of the Comprehensive Self Assessment Report provides descriptive information that will help the board and staff of the Florida Bar Foundation to better understand your program's capacities, services, and achievements during the reporting period consistent with the ABA Standards⁵ as well as all applicable policies and guidelines for the Florida Bar Foundation General Support Grant Program.

This qualitative information will *supplement* the statistical and financial data provided by your program in Part One (the quantitative portion) of the Comprehensive Self Assessment Report, and the more detailed information you provide in various attachments that we may request, such as your most recent financial audit.

The qualitative portion of the Comprehensive Self Assessment Report is divided into four sections called “Performance Areas” that track relevant themes reflected in the ABA Standards.⁶ As indicated in the following pages of this overview, each section begins by paraphrasing the relevant broad principles of a Performance Area, and then poses a number of concrete questions regarding your program’s approach for applying those principles during the reporting period.

The four Performance Areas of the SAR are as follows:

- **Performance Area One:** *Effectiveness in identifying the most pressing civil legal needs of low-income people in the service area*
- **Performance Area Two:** *Effectiveness in engaging and serving the low-income population throughout the service area*
- **Performance Area Three:** *Effectiveness of legal representation and other program activities intended to benefit the low-income population in the service area*
- **Performance Area Four:** *Effectiveness of governance, leadership, and administration*

⁴ This is the SAR that will be submitted by grantees in years in which a Desk Review is to be conducted. The intervals are anticipated to be approximately every three years for “general legal aid” programs, and will be determined for other program types. Desk Reviews will be conducted by the Foundation, with the assistance of qualified legal aid consultants, based on a detailed analysis of the information from the providers’ Self Assessment Reports and other information including ongoing contacts with providers by the Foundation’s Grants Division staff and annual program financial audits.

⁵ See previous footnote regarding the ABA Standards.

⁶ In dividing the SAR into these four Performance Areas, the Foundation has adopted applicable concepts and best practices developed by the Legal Services Corporation as outlined in the *LSC Performance Criteria*, 2007. That document is based on the ABA Standards, and provides an excellent, practical approach to application of the ABA Standards for purposes of program evaluation and oversight. While many of the Foundation’s General Support Program grantees are not LSC grant recipients, and thus are not required to comply with LSC’s Performance Criteria, they *are* required, under Foundation policy, to comply with the ABA Standards. Accordingly, LSC Performance Criteria serve as a convenient and efficient vehicle for aligning the Foundation’s program assessment process – including the SAR - with the ABA Standards. At the same time, the SAR applies a streamlined approach for specialized programs and statewide programs, in recognition of the differences in mission, focus, and resources of these programs compared with the larger, general legal aid programs for which the LSC Performance Criteria are designed.

PERFORMANCE AREA ONE:

Effectiveness in identifying the most pressing civil legal needs of low-income people in the service area

This Performance Area acknowledges the central importance of strategic planning, and envisions a dynamic model in which such planning is followed by, and interwoven with, implementation and evaluation, constantly adjusting objectives, and strategies to better address the most critical civil legal needs of the low-income population.

Performance Area One does not require one particular form or method of assessment, such as written surveys, nor does it require extensive documentation of the planning process. Rather, the program should be able to demonstrate that it has, through whatever approaches it uses, come to a reasoned, thorough assessment of the most pressing legal needs in the communities it serves. Based on this assessment, the program should set out clearly how it is seeking to address the identified needs.

Your program's alignment with this Performance Area will be assessed through application of the following criteria. *Please answer the questions following each criterion.*

Criterion A: Periodic comprehensive assessment and ongoing consideration of legal needs.⁷

The program periodically undertakes comprehensive assessment of the most pressing legal problems and needs, both addressed and unaddressed, of the low-income population in its service area, including all major segments of that population with special and similar legal needs or access challenges. These comprehensive assessments should be made frequently enough, in light of their cost and administrative burden, to be reasonably calculated to identify new developments and opportunities affecting that population. In between these periodic comprehensive assessments, the program is flexible and responsive enough, and has procedures and systems in place, to recognize and adjust to major new needs of its target population that emerge or develop.

Questions regarding your program's alignment with the above criterion

1. **Periodic Needs Assessment.** Does your program undertake periodic, comprehensive needs assessment obtained through a reasonable methodology designed to identify your target population's most compelling legal needs, as evidenced by some or all of the following?

Please check ALL that apply:

a. The following stakeholders were involved in the needs assessment:

Client-eligible low-income people; Staff; Board members; Private Bar; Partner agencies in the community; Other relevant stakeholders (*please specify in "Narrative" below*).

b. Input is obtained through a variety of methods:

Surveys; Focus groups; Discussions with the private bar; Discussions with community leaders; Other methods (*please specify in "Narrative" below*).

⁷ Reference: ABA Standard 2.1 (on Identifying Legal Needs and Planning to Respond).

c. Relevant data are analyzed:

- Intake data;
- Size and demographics of target population;
- Incidence of legal problems among the target population;
- Capacity of other legal service providers that serve the same target population;
- Other data (please specify in "Narrative" below).

d. Input is sought from hard-to-reach members of the target population:

- Isolated persons (rural populations, institutionalized, those without telephones or e-mail, etc.);
- Those with limited English proficiency;
- Other hard-to-reach segments of your target population (please specify in "Narrative" below).

2. **Narrative Description.** Please insert a brief (200-words, as a guideline) narrative description of your latest needs assessment process, including details as requested by "please specify" in the item above. (Note: Text box will expand as needed to accommodate your response.)

3. **Dates of Most Recent Needs Assessment**

a. Comprehensive assessment: _____

b. Most recent update: _____

4. **Copy of report of your findings.** Please attach a copy or summary of the findings of your program's latest needs assessment process as described in the answer to the previous question.

Criterion B: Setting goals and objectives, developing strategies, and allocating resources.⁸

In light of its assessment of need, and its available resources, the program periodically sets explicit goals and objectives and develops strategies to achieve them. Insofar as possible, these objectives should be expressed in terms of desired outcomes for the target population. The program should then consider and adopt strategies for its delivery approaches and its representation and advocacy that are calculated to achieve the goals and objectives. Next, the program should express its objectives, to the extent possible, in terms of outcomes that can be measured or assessed, and allocate and target its resources, consistent with these goals, objectives, and strategies. To the extent that pressing legal needs have been identified which the program will not, because of resources or other limitations, be able to address directly, the program should consider what other methods might be employed to provide some measure of assistance to affected individuals or communities, including innovative or alternative delivery approaches, other legal assistance activity, or collaboration with or referral to other entities.

Questions regarding your program’s alignment with the above criterion

1. **Actions taken to address needs that have been identified.** *Please check all applicable boxes below to indicate how your program actively strives to address most of the needs it has identified, consistent with available resources, and to describe your efforts to identify and respond to emerging legal needs, as evidenced by some or all of the following:*

- a. Goal and strategy development.** *The program has translated the needs assessment results into actionable program priorities, intake guidelines, case acceptance criteria, and other guidance tools, and makes certain that staff are familiar with them. (Please provide examples in the “Narrative” below that illustrate the most significant efforts of your program on this criterion.)*
- b. Action initiatives and funding.** *The program has created new initiatives designed to address some of the identified needs, and sought funding to support them. (Please provide representative examples in the “Narrative” below of your most successful recent action initiatives.)*
- c. Inclusion of community partners in addressing compelling needs.** *The program has engaged community partners in efforts to address as full a range of the identified needs as possible. (Please provide representative examples in the “Narrative” below of your most successful efforts carried out in partnership with other organizations in the community.)*
- d. Other action for addressing identified needs.** *(Please describe in the “Narrative” below the most successful efforts you have made, in addition to those indicated above, to address the needs you have identified.)*

2. **Narrative Description** - *Please insert below a brief (200 words, as a guideline) narrative summary of the actions reflected in your response to the previous question, including examples as requested in the item above. (Note: Text box will expand as needed to accommodate your response.)*

⁸ The corresponding criterion in LSC’s “Performance Criteria” document refers to the following ABA Standards to underscore the importance of programs’ adopting strategies for delivery approaches that are geared to achieving lasting results for clients.

ABA Standard 2.1 (on Identifying Legal Needs and Planning to Respond)
ABA Standard 2.2 (on Delivery Structure)
ABA Standard 2.3 (on Participation in Statewide and Regional Systems)
ABA Standard 2.6 (on Achieving Lasting Results for Low Income Individuals and Communities)

Criterion C: Implementation.⁹ *The program implements these goals, objectives, and strategies, working to achieve the desired outcomes, through legal representation and assistance, advocacy, and other program work.*

Questions regarding your program’s alignment with the above criterion

1. **Mix of Service Strategies.** *Please check all applicable boxes below to indicate the mix of service strategies that your program currently uses to further its goals, taking into consideration available resources and inter-relationships with other service providers.as evidenced by some or all of the following:*

- a. **Direct representation by staff attorneys**
- b. **Direct representation by pro bono attorneys and/or compensated private attorneys**
- c. **Holistic, or “wrap-around” legal services in combination with other types of assistance** (for example, social worker assistance, job training, financial coaching, etc.)
- d. **Telephone intake, advice and brief services**
- e. **Special projects** (e.g. domestic violence projects, elderly projects)
- f. **Impact cases / projects; legislative and administrative advocacy**
- g. **Pro se clinics / self-help assistance**
- h. **Community legal education**
- i. **Other service delivery approaches** (please specify in “Additional notes” below).
- Additional Notes.** *Please use the space below to provide any further information you think will be useful in describing the actions taken by your program to align with the above criterion (Note: Text box will expand as needed to accommodate your response.)*

Criterion D: Evaluation, adjustment, and resource development.¹⁰ *The program regularly analyzes and evaluates the effectiveness of its delivery strategies and work, in major part by comparing the results actually achieved with the outcomes originally intended, and utilizes this analysis and evaluation to (1) make appropriate changes in its goals, objectives, strategies, and legal assistance activity, and (2) tell a more powerful story about its achievements in connection with its resource development efforts. These efforts should be carried out on a flexible and ongoing basis, not just after the periodic comprehensive assessments.*

Questions regarding your program’s alignment with the above criterion

1. **Evaluation Efforts.** *Please check all applicable boxes below to indicate the evaluation efforts that your program has applied in the last three years to achieve the goals expressed in the criterion above, as evidenced by some or all of the following:*

⁹ ABA Standard 2.6 (on Achieving Lasting Results for Low Income Individuals and Communities)
See generally Section 3 of the ABA Standards, Standards Regarding Provider Effectiveness – Delivery Structure and Methods (3.1-3.6).

¹⁰ ABA Standard 2.11 (on Provider Evaluation)

- a. Surveys of clients** served by the program, to assess their satisfaction with the services they have received and the treatment they have experienced from the program.
- b. Feedback from other stakeholders**, such as program staff, board members, private lawyers, court staff, and/or community partner agency representatives, to obtain their perspectives regarding the results achieved by the program.
- c. Measurement of outcomes achieved for clients**, including dollar benefits received, recorded by the advocates responsible for a case as part of the case closing process.
- d. Evaluations of special projects** in accordance with requirements of the funders of these projects (for example, VAWA, LSC/TIG, United Way, etc.).
- e. Other evaluation efforts** (please specify in "Additional notes" below).
- Additional Notes.** Please use the space below to provide any further information you think will be useful in describing the actions taken by your program to align with the above criterion (Note: Text box will expand as needed to accommodate your response.)

2. Actions taken to grasp opportunities identified through evaluation. Please check all applicable boxes below to indicate actions your program has taken in the past three years to improve its effectiveness and/or expand funding using the insights gained through evaluation, such as the following:

- a. Action initiatives.** The program has created new initiatives and/or made adjustments in its service delivery system aimed at improving effectiveness, quality, and/or efficiency as a result of the insights gained through its evaluation efforts. (Please provide representative examples in "Additional notes" below to illustrate this achievement.)
- b. Application to resource development.** The program has applied its evaluation findings to strengthen its funding proposals and other resource development efforts. (Please provide representative examples in "Additional notes" below to illustrate this achievement.)
- c. Other actions taken to apply the results of evaluation.** (Please describe in "Additional notes" below.)
- Additional Notes.** Please use the space below to provide any further information you think will be useful in describing the actions taken by your program to align with the above criterion (Note: Text box will expand as needed to accommodate your response.)

PERFORMANCE AREA TWO:

Effectiveness in engaging and serving the low-income population throughout the service area.

A program must have effective relations with its clients, on both an individual and service area wide basis. Performance Area Two sets forth the core values and tenets for creating and maintaining effective relations with clients.

Your program’s alignment with this Performance Area will be assessed through application of the following criteria. Please answer the questions following each criterion.

Criterion A: Dignity and sensitivity.¹¹ The program conducts its work in a way that affirms and reinforces the dignity of clients, is sensitive to clients’ individual circumstances, is responsive to each client’s legal problems, and is culturally and linguistically competent.

Questions regarding your program’s alignment with the above criterion

1. Program treats clients with dignity and respect, as evidenced by some or all of the following:

- a. **Timely communication.** Guidelines and/or systems are in place to ensure timely communication with clients.
- b. **Confidentiality.** Program vigorously protects client confidentiality (maintains private client interviewing space, maintains written confidentiality policies, conducts training on client confidentiality practices, etc.).
- c. **Cultural sensitivity** issues are addressed during orientation and in staff training sessions.
- d. **Grievance procedure.** Program advises all clients of the procedure by which they may file grievances about a denial of service or about the quality of representation they have received.
- e. **Frequency of grievances.** Few grievances have been filed, and those that have been filed are promptly addressed by the program.

Number filed in past year (if there were none, please enter “0”): _____

- f. **Prompt service.** Program monitors client wait times on phone intake system and office appointments. **Please enter below the requested statistics** (measured or estimated) indicating the typical number of hours that elapse from when a client contacts the program to when they are served.

Average: _____ Hours

Minimum: _____ Hours

Maximum: _____ Hours

¹¹ ABA Standard 2.4 (on Cultural Competency)
ABA Standard 2.5 (on Staff Diversity)
ABA Standard 4.1 (on Provider’s Intake System)
ABA Standard 4.2 (on Establishing a Clear Understanding)
ABA Standard 4.6 (on Communication in the Primary Languages of Persons Served)
ABA Standard 6.1 (on Characteristics of Staff)

- Additional Notes.** *Please use the space below to provide any further information you think will be useful in describing the actions taken by your program to align with the above criterion (Note: Text box will expand as needed to accommodate your response.)*

Criterion B: Engagement with the low-income population. *The program is engaged effectively with the population eligible for its services, including major and distinct segments of that population and, where appropriate and feasible, incorporates perspectives from that population and its major segments in its work and operations.*

Questions regarding your program’s alignment with the above criterion

1. Program is actively engaged with the low income communities that it serves.

- a. Community contact and engagement.** *Program carries out a variety of efforts that connect it with the client community -- e.g., conducts legal clinics in churches or homeless shelters, works with a variety of groups serving the same population, employs community organizers to maintain regular engagement with the community, etc.*
- b. Community leadership.** *Program staff and / or board members serve on boards of directors, task forces, and working groups of, or as trainers or consultants to, client community organizations.*
- c. Community outreach.** *Program conducts outreach to all major segments of the low income population in its service area through a variety of media and outlets.*
- d. Outreach to isolated people.** *Program has identified isolated population segments and devised outreach strategies to overcome specific barriers to their access to the program.*
- Examples.** *Please use the space below to provide examples of ongoing, systematic engagement with the community and any further information you think will be useful in describing the actions taken by your program to align with the above criterion (Note: Text box will expand as needed to accommodate your response.)*

2. Clients are highly satisfied with the program, as evidenced by some or all of the following:

- a. Client satisfaction tracking methods.** *Program uses a variety of methods to assess client satisfaction with each type of service it offers (brief services, extended representation, private attorney involvement, community legal education, etc.).*
- b. Client satisfaction measure implementation.** *Program assesses client satisfaction periodically, for one or more of its service delivery models, but does not routinely gather feedback from all clients.*
- c. Feedback from non-English speakers.** *Program translates some surveys and other assessment tools into other languages that are prevalent throughout the low income communities.**
- d. Use of results in the program.** *Program shares client feedback and/or other assessment results with staff and takes appropriate steps to remedy client concerns.*
- Additional Notes.** *Please use the space below to provide any further information you think will be useful in describing the actions taken by your program to align with the above criterion (Note: Text box will expand as needed to accommodate your response.)*

Criterion C: Access and utilization by the low-income population. *Consistent with its goals, objectives, and strategies, a program should, within the limits of its resources, be accessible to and facilitate effective utilization by the low-income population in its service area, including all major segments of that population, and all categories of people who traditionally have had difficulties in getting access to or utilizing civil legal assistance.*

Questions regarding your program’s alignment with the above criterion

1. Program operates in a way that facilitates access to its services by low income communities in its service area, to the extent that resources permit, as evidenced by some or all of the following:

- a. Telephone access.** *Program operates an efficient, streamlined phone intake and advice system that is convenient for clients.*
- b. Accessible location.** *Program maintains office(s) in convenient locations that are accessible to clients at all levels of mobility.*
- c. Outreach.** *Program staff are engaged in client outreach efforts.*
- d. Access for working people.** *There is evidence that the program accommodates the need for working people to have access to legal aid. Please indicate in “Additional Notes” below how this is accomplished – for example, by holding evening or weekend hours on some days.*
- e. Program information on the web.** *Program maintains a website that effectively promotes client access to the program and its resources (for example - lists office locations/hours; conveys mission; publishes priorities; provides opportunity for donations, etc.)*
- f. Web access to resources.** *Program maintains a website (or actively contributes to a statewide/regional website) that effectively enhances services it offers to the low income community by offering such resources as pro se forms & educational materials for download, materials for those with Limited English Proficiency, links to other sources of materials, etc.*
- g. Language access.** *Program has staff who speak the primary languages of the client community, and the program has access to translation services when clients' language needs cannot be met in-house.*
- h. Access to people with impairments.** *Program offers services for people with hearing/visual impairments (sign language interpreter, TTD/TTY, Braille, large-print materials, etc.).*
- Additional Notes.** *Please use the space below to provide any further information you think will be useful in describing the actions taken by your program to align with the above criterion (Note: Text box will expand as needed to accommodate your response.)*

PERFORMANCE AREA THREE:

Effectiveness of legal representation and other program activities intended to benefit the low-income population in the service area.¹²

Performance Area Three addresses the program's implementation of its goals, objectives, and strategies through the delivery of services. These services include direct legal representation, activity by private attorneys, and additional services and efforts to benefit the low-income population.

Criterion A: Legal representation. *The program conducts its direct legal representation, in both full and more limited forms, in an effective and high-quality fashion which comports with relevant state requirements, governing professional ethics and practice of law, funding source requirements, and relevant portions of the ABA Standards for the Provision of Civil Legal Aid, and in particular:*

- 1. The program has in place adequate capacity to carry out its work, insofar as its resources permit.¹³*
- 2. The program utilizes systems, approaches, and techniques sufficient to ensure that the representation is carried out with maximum effectiveness.¹⁴*
- 3. The program's legal representation achieves as much as is reasonably attainable for the client, given the extent of the representation, the client's objectives, and the circumstances of the case. Consistent with applicable rules and decisions governing professional responsibility, program goals and objectives, client objectives, and funding requirements, in its representation and work the program maximizes the use of its resources and achieves in its representation and work the greatest possible benefits and systemic solutions for other low-income people who may face similar legal problems, and for the eligible population as a whole.¹⁵*

¹² Section 7 of the ABA Standards, Standards for Practitioners, are particularly valuable supplements to the Performance Criteria because they are addressed to advocates and contain detailed guidance on aspects of practice that programs should reinforce as applicable. These Standards provide guidance for effective lawyering in a broad range of advocacy from advice through litigation strategy to appellate practice. It is the program's responsibility to ensure that its advocates employ effective practice standards.

¹³ ABA Standard 4.1 (on Provider's Intake System)

ABA Standard 4.2 (on Establishing a Clear Understanding) ABA Standard 6.1 (on Characteristics of Staff)

ABA Standard 6.2 (on Assignment and Management of Cases and Workload) ABA Standard 6.3 (on Responsibility for the Conduct of Representation) ABA Standard 6.5 (on Training)

ABA Standard 6.6 (on Providing Adequate Resources for Research and Investigation)

¹⁴ ABA Standard 2.9 (on Use of Non-attorney Practitioners)

ABA Standard 2.10 (on Effective Use of Technology)

ABA Standard 4.1 (on Provider's Intake System)

ABA Standard 5.1 (on Eligibility Guidelines)

ABA Standard 5.2 (on Policy for Acceptance of Applicants for Service)

ABA Standard 6.2 (on Assignment and Management of Cases and Workload)

ABA Standard 6.4 (on Review of Representation)

ABA Standard 6.5 (on Training)

ABA Standard 6.6 (on Providing Adequate Resources for Research and Investigation)

¹⁵ ABA Standard 2.6 (on Achieving Lasting Results for Low Income Individuals and Communities)

ABA Standard 3.1 (on Full Legal Representation)

ABA Standard 3.2 (on Legislative and Administrative Advocacy)

ABA Standard 3.4 (on Limited Representation)

ABA Standard 3.4-1 (on Representation Limited to Legal Advice)

ABA Standard 3.4-2 (on Representation Limited to Brief Service)

Questions regarding your program's alignment with the above criterion

1. Program Capacity and Resources – Program has in place adequate capacity to carry out its work, insofar as resources permit.

- a. **Experienced staff.** Longevity of staff indicates that the program effectively retains a reasonable level of experienced staff and avoids excessive rates of turnover.
- b. **Litigation support.** Program budgets some resources for litigation support, including access to expert witnesses and funds for appeals and access to national experts, when necessary.
- c. **Technology.** Program maintains and effectively uses equipment and technology to enhance program operations and service delivery, as evidenced by some or all of the following:
 - (1) Up-to-date equipment.** The program allocates sufficient resources to ensure that staff members in all locations have access to relatively modern equipment, including computer hardware/software and telephone systems, to support their work.
 - (2) Management support.** There is evidence that demonstrate management's advocacy for the effective and efficient use of technology in most aspects of program operations.
 - (3) Application to training.** The program uses technology to facilitate training of staff in a variety of areas, using such tools as GoToMeeting, Webinar, etc.
 - (4) Innovation.** The program can demonstrate innovation in the areas of technology (for example, was recipient of an LSC TIG grant or other grant targeted to a new technology initiative, partnering with another organization to promote the efficient use of technology, etc.)
 - (5) Alert to evolving technology opportunities.** There are indicators that staff are:
 - Active participants in listservs
 - Involved in statewide technology initiatives (annual training events, technology user group, etc.)
 - Willing to serve as a technology resource
 - (6) Use in calendaring.** Program maintains a computerized system for noting and meeting deadlines in representation such as central calendaring.
 - (7) Use in advocacy.** The case management systems software application is used to support legal advocacy (electronic case notes, legal work supervision, litigation, etc.) and pro bono engagement by private lawyers.
 - (8) Use in research.** Program provides staff with access to a well-provisioned law library, online research capacity, and prior relevant work produced by the program and other similar providers.

- Additional Notes.** Please use the space below to provide any further information you think will be useful in describing the actions taken by your program to align with the above criterion (Note: Text box will expand as needed to accommodate your response.)

2. Quality Control Systems – Program maintains systems and policies that ensure that the program effectively and efficiently meets the needs of the low income communities it serves.

- a. **Legal work assignment.** Program maintains case and work assignment systems that promote quality legal representation by doing some or all of the following:
 - (1) Alignment with priorities.** Ensuring that the acceptance of clients' legal problems and promotion of other service delivery strategies (community education, pro se assistance, etc.) are consistent with program priorities.
 - (2) Alignment with staff strengths.** Matching client needs with expertise and skills of advocates.

- (3) Caseload control.** Providing caseload guidelines that maintain advocates' caseloads within limits allowing high-quality service.
- (4) Monitoring of case assignments** by the supervisors, including supervision of intake units.
- Additional Notes.** Please use the space below to provide any further information you think will be useful in describing the actions taken by your program to align with the above criterion (Note: Text box will expand as needed to accommodate your response.)

b. Staff oversight. Program actively and effectively supervises staff to ensure high quality legal representation, as evidenced by some or all of the following:

- (1) Regular case reviews.** A sampling of each advocate's cases is reviewed by supervisors, with frequency based on experience and expertise.
- (2) Staff performance evaluations.** Staff members are evaluated on a formal, regular basis, assessing performance to explicit standards such as the LSC Performance Criteria and/or the ABA Standards for Legal Services Providers.
- (3) Evaluation of management.** Board evaluates the executive director on a regular basis; supervisors are evaluated on their supervisory performance.
- (4) A supervisor is assigned to all intake units** and regularly reviews intakes and unit correspondence.
- (5) Paralegals work under the supervision of an attorney.**
- (6) Program has a formal peer review system.**
- (7) Legal case work policies and procedures.** Program maintains a uniform system for maintaining client files, requires case plans for extensive legal work, uses centralized calendaring and computerized tickler systems, encourages electronic case notes, etc.
- (8) Case file documentation.** Opening and/or closing memos or their equivalents in another form are prepared for every case, to assure adequate documentation (electronic case notes) in all case files.
- (9) Client feedback to advocates.** Client feedback such as responses to client satisfaction surveys, results of focus group meetings with stakeholders, etc., is shared with advocates.
- (10) Management for results.** Applying external measures of success (client withdrawal rates, client grievances, client satisfaction ratings, outcomes, etc.) and adjusting legal work strategies to enhance performance on these measures.
- (11) Other methods** (please specify in "Additional Notes" below).
- Additional Notes.** Please use the space below to provide any further information you think will be useful in describing the actions taken by your program to align with the above criterion (Note: Text box will expand as needed to accommodate your response.)

c. Private attorney oversight. The program actively and effectively supervises private attorneys (pro bono and / or compensated) to ensure quality legal representation, as evidenced by some or all of the following:

- (1) Case assignment.** Program applies explicit case assignment procedures for private attorney referrals to match client needs with the expertise and skills of advocates.
- (2) Case monitoring.** Program monitors status of each case assigned to private attorneys on a regular basis.

- (3) Case support.** Program provides training, mentoring, research materials, technical support and other resources as needed to private attorneys.
- (4) Client feedback.** Program surveys clients concerning their satisfaction with private attorney services.
- Additional Notes.** Please use the space below to provide any further information you think will be useful in describing the actions taken by your program to align with the above criterion (Note: Text box will expand as needed to accommodate your response.)

3. Outcomes Produced for Clients – Significant results have been achieved in relation to the needs that the program has articulated and has committed itself to addressing, and as evidenced by some or all of the following indicators:

- a. Outcomes data that quantifies numbers of clients** benefiting from such outcomes as avoidance of eviction, protection from domestic violence, and obtaining/preserving income.
- b. Outcomes data that quantifies DOLLAR benefits** achieved for clients such as monthly dollar benefits and/or back awards.
- c. Outcomes information about results achieved through major cases and/or projects** such as impact litigation, legislative or administrative advocacy, and/or community economic development. **Please see Criterion B, below**, regarding outcomes of systemic advocacy.
- d. Client surveys or other feedback from the low income community**
- e. Stakeholder feedback** through periodic interviews, surveys, meetings, or other vehicles for obtaining input from stakeholders such as program staff, board members, community partners, and/or the private bar.
- f. Other program reports and materials that capture results**
- Additional Notes.** Please use the space below to provide any further information you think will be useful in describing the actions taken by your program to align with the above criterion (Note: Text box will expand as needed to accommodate your response.)

Criterion B: Systemic Advocacy. *The program engages in systemic advocacy, or actively participates in a delivery system which includes such advocacy.*¹⁶ In particular:

- 1. The program employs strategies for addressing systemic problems of the low-income population, either by itself or through cooperative arrangements with other entities that provide such advocacy to which the program can refer clients. Examples may include any of the following: class action litigation, other federal court litigation strategically focused individual representation, appellate work, legislative and administrative advocacy, community economic development, and/or legal representation of groups or organizations.*
- 2. The program's systemic work (either internal or through cooperative arrangements) is conducted under policies that ensure adequate support for that work including budget, staff expertise, staffing levels, training, and supervision.*
- 3. The program constantly strives to increase the effectiveness of the strategies that it pursues, including systemic advocacy. It periodically examines whether established strategies are still effective at achieving successful outcomes and lasting results for the entire low income community and explores new approaches that evolve as new issues and opportunities arise.*
- 4. The program has means in place for ensuring it is accountable to the low income population it serves for the direction and conduct of its systemic work.*

Questions regarding your program's alignment with the above criterion

1. Engagement in systemic work – Program has in place the capacity to carry out systemic work as needed by the low-income population it serves, through any or all of the following means – Please check all that are applicable:

- Direct engagement by the program**, using the following strategies to address systemic problems of the low-income community:
 - (1) Direct legal representation**, including any or all of the following legal approaches: class action litigation, strategically focused individual representation, federal or appellate work.
 - (2) Legislative advocacy or administrative advocacy.**
 - (3) Community economic development.**
 - (4) Legal representation of groups or organizations** whose missions address systemic problems of the low-income community.
 - (5) Other** – Please provide examples in item "c" below.
- Indirect engagement through cooperative arrangements with other entities** that make the benefits of systemic advocacy available to the low-income community served by the program. Please provide examples in item "c" below.

¹⁶ ABA Standard 3.1 (on Full Legal Representation)

ABA Standard 3.2 (on Legislative and Administrative Advocacy)

...ABA Standard 3.3 (on Community Economic Development)

...ABA Standard 7.13 (on Legislative and Administrative Advocacy by Practitioners)

...ABA Standard 7.15 (on Transactional Representation)

...ABA Standard 7.16 (on Representation of Groups and Organizations)

- c. **Additional Notes.** *Please use the space below to provide any further information you think will be useful in providing a clear picture of the types and results of systemic advocacy strategies used by your program. (Note: Text box will expand as needed to accommodate your response.)*

2. Program Support – Program provides adequate support for its systemic work, insofar as resources permit.

- a. **Expert staff.** *The program deploys highly qualified and committed staff to its systemic work.*
- b. **Staffing levels.** *Program limits the other workload requirements of staff who take on systemic work so as to ensure they have adequate time to provide high-quality services to clients.*
- c. **Training.** *Program provides encouragement and material support enabling the staff engaged in systemic work to receive the training they need to improve their practice skills and keep current in relevant topics so that they may perform this work effectively.*
- d. **Supervision.** *Program provides the level of oversight of staff involved in systemic work, appropriate for their levels of skill and experience, to ensure that the systemic advocacy provided by the program is high quality.*
- a. **Career development.** *The program provides a clear development path for its advocates, with written career plans, to improve their skills and improve program impacts.*

- Additional Notes.** *Please use the space below to provide any further information you think will be useful in describing the actions taken by your program to align with the above criterion (Note: Text box will expand as needed to accommodate your response.)*

3. Evaluation – The program constantly strives to increase the effectiveness of the systemic strategies that it pursues.

- a. **Regular review of systemic cases and projects.** *Systemic advocacy efforts are reviewed on a regular basis by the management team with frequency based on the substance and strategic considerations appropriate to the specific case or project.*
- b. **Other evaluation methods as deemed appropriate by the program board and staff.**

- Additional Notes.** *Please use the space below to provide any further information you think will be useful in describing the actions taken by your program to align with the above criterion (Note: Text box will expand as needed to accommodate your response.)*

4. Outcomes Produced for Clients – Significant results have been achieved in relation to the needs that the program has articulated and has committed itself to addressing, and as evidenced by some or all of the following indicators:

- a. Outcomes data** *that quantifies numbers of clients benefiting from the results of each systemic effort.*
- b. Outcomes data that quantifies DOLLAR benefits achieved for clients** *such as monthly or annual payouts of award settlements, estimated total benefits, etc., as appropriate to the case or project being evaluated.*

- c. Qualitative description** of results achieved that are subjective or otherwise unquantifiable.
- d. Client surveys or other feedback from the low income community** affected by the systemic effort.
- e. Feedback from other stakeholders** of the efforts that have been undertaken.
- f. Other program reports and materials** that capture results
- Additional Notes.** Please use the space below to provide any further information you think will be useful in describing the actions taken by your program to align with the above criterion (Note: Text box will expand as needed to accommodate your response.)

Criterion C. Private Attorney involvement:¹⁷ *The program effectively integrates private attorneys in its work in order to supplement the amount and effectiveness of its representation and other services to achieve its goals and objectives.*

Questions regarding your program’s alignment with the above criterion

1. **Program enhances its capacity to serve clients through the recruitment and effective use of pro bono attorneys,** as evidenced by some or all of the following:

- a. Participation.** Program has enrolled a high percentage of the private attorneys who practice in its service area to participate in some way in its pro bono program.
- b. Utilization.** During the reporting period, program has actually referred cases to, or requested other help from, a high percentage of its volunteer attorneys who have offered to participate in its pro bono program.
- c. Multiple options for participation.** Program offers more than one option for providing pro bono service (e.g., pro bono staffing of phone intake/advice system, law firm pro bono project, specialized pro bono panels, corporate counsel pro bono project, involvement in pro se delivery systems, participation in community education events, etc.). (Please describe in “Additional Notes” below.)
- d. Active recruitment.** During the reporting period, program has proactively sought to recruit more private attorneys to participate in its pro bono efforts. (Please describe in “Additional Notes” below).
- e. Incentives.** Program enhances pro bono recruitment through effective use of incentives (e.g. offers training for CLE credit in return for pro bono service). (Please describe in “Additional Notes” below).
- f. Partnerships.** Program works with bar association(s) and/or judiciary to expand pro bono participation.
- Additional Notes.** Please use the space below to provide any further information you think will be useful in describing the actions taken by your program to align with the above criterion (Note: Text box will expand as needed to accommodate your response.)

¹⁷ ABA Standard 2.7 (on Integrating the Resources of the Legal Profession and Involvement of Members of the Bar)
ABA Standard 2.8 (on Relations with the Organized Bar)

2. Program enhances its capacity to serve clients through the effective use of compensated private attorneys.

- a. Contract for direct client services.** Program contracts with private attorneys to provide free legal services to eligible CLIENTS of the program and compensates the attorneys for those services.
- b. Contract for services to program.** Program contracts with private attorneys to provide legal services to the PROGRAM (e.g., serving as program counsel) and compensates the attorneys for those services.
- C. Other models.** (Please describe in "Additional Notes" below).
- Additional Notes.** Please use the space below to provide any further information you think will be useful in describing the actions taken by your program to align with the above criterion (Note: Text box will expand as needed to accommodate your response.)

Criterion D: Other program services to the eligible client population.¹⁸ Consistent with its goals, objectives, and strategies, the program provides services in addition to direct client representation that are designed to help low-income people address their legal needs and problems. Such services may include, but are not limited to, community legal education (general legal information not predicated upon a client's particular case or facts), assistance for self-help activities and pro se appearances, offering or facilitating participation in alternative dispute resolution, and other available approaches, utilizing the Internet, websites, interactive media, and other available technologies as appropriate. The program continually seeks to find innovative ways to deliver services and meet client needs.

Questions regarding your program's alignment with the above criterion

- 1. The program provides services in addition to direct client representation that are designed to help low-income people address their legal needs and problems, as evidenced by some or all of the following:**
 - Mix of services.** Program provides services including, but not limited to, direct representation by attorneys and paralegals as indicated by responses to question 1 under Performance Area One, Criterion C (page 5).
- 2. The program continually seeks to find innovative ways to deliver services and meet client needs.**
 - a. Innovations.** During the reporting period, program has implemented one or more innovations for improving its capacity to serve clients in the last three years. (Please provide examples in "Additional Notes" below).
 - b. Results.** There is evidence that the innovations or improvements are producing significant outcomes benefiting clients - e.g., more services, lower costs, higher quality, more people served, new funding, etc. (Please provide examples in "Additional Notes" below).

¹⁸ ABA Standard 2.10 (on Effective Use of Technology)
ABA Standard 3.3 (on Community Economic Development)
ABA Standard 3.5 (on Assistance to Pro Se Litigants)
ABA Standard 3.6 (on Provision of Legal Information)

- Additional Notes.** Please use the space below to provide any further information you think will be useful in describing the actions taken by your program to align with the above criterion (Note: Text box will expand as needed to accommodate your response.)

Criterion E: Other program activities on behalf of the eligible client population.¹⁹

Consistent with its goals, objectives, and strategies, and within the limits of available resources and the terms of its funding, a program engages in other activities on behalf of its eligible client community that have a beneficial effect on systemic legal problems and economic opportunities of the eligible client population. These activities include, but are not limited to, communication and liaison with the judiciary, organized bar, government agencies, academic and research centers, social service agencies, and other information sources, state and national legal advocacy organizations, other organizations working on behalf of low-income people, and other entities whose activities have a significant effect on the eligible client population.

Questions regarding your program’s alignment with the above criterion

1. Collaboration with other community players – Program actively engages in collaborative activities and partnerships with community organizations that have missions complementary to its own.

- a. Campaigns.** During the reporting period, Program has been an active participant in multi-agency campaigns to address priority problems of the client community (please provide examples in “Additional notes” below).
- b. Outreach partnerships.** During the reporting period, Program has partnered with other agencies to jointly sponsor, host, and / or conduct community outreach and education efforts (please provide examples in “Additional notes” below).
- c. Collaborative, broad-scope efforts.** During the reporting period, Program has engaged community partners to develop broad-scope approaches for addressing community needs (please provide examples in “Additional notes” below).
- d. Coordination of efforts.** During the reporting period, Program has formally or informally coordinated its efforts with those of other agencies to enhance the program's effectiveness and more fully serve the needs of the client population (please provide examples in “Additional notes” below).
- Additional Notes.** Please use the space below to provide any further information you think will be useful in describing the actions taken by your program to align with the above criterion (Note: Text box will expand as needed to accommodate your response.)

¹⁹ The ABA Standards listed below emphasize the importance of collaboration with partners in addressing issues affecting low-income persons and communities.

ABA Standard 2.3 (on Participation in Statewide and Regional Systems)

ABA Standard 2.8 (on Relations with the Organized Bar)

ABA Standard 2.12 (on Institutional Stature and Credibility)

PERFORMANCE AREA FOUR:
Effectiveness of governance, leadership and administration.

Performance Area Four establishes that the program should be led and managed effectively with high-quality administrative systems, procedures and performance. Good leadership and strong internal operations increase the likelihood of effective services, and decrease the risk that effective program services will be adversely affected by organizational problems.

Criterion A: Board governance.²⁰ *The program has effective board oversight and involvement in major policy decisions, including board members who are each committed to the program and its mission, and a board that holds program management accountable for effective performance in the areas delineated by these Criteria. The board also meets its affirmative responsibility to help develop resources for the program, promote awareness of the program, enhance its effectiveness and influence, and protect and defend the interests of the organization.*

Questions regarding your program’s alignment with the above criterion

1. Board Performance – *Board actively and effectively participates in critical program functions, including general oversight, priority setting, strategic planning, policy-making, fundraising and committee work.*

- a. Orientation and training.** *Program holds retreats, orientation for new members, and in other ways seeks to maximize its effectiveness.*
- b. Written procedures.** *The Board has formal policies and procedures for effectively discharging its responsibility to oversee the organization and hold program management accountable for day-to-day operations.*
- d. Efficient structure.** *The Board works through committees or uses other means for discharging its responsibilities in an efficient manner.*
- e. Conflicts policy.** *Program has a conflict of interest policy that ensures that all Board members are free from professional and organizational conflicts.*
- f. Achievement.** *During the reporting period, the Board collectively or individually produced significant results –for example, created new policies, expanded funding, brought in new partners, etc. (please provide examples in “Additional notes” below).*
- Additional Notes.** *Please use the space below to provide any further information you think will be useful in describing the actions taken by your program to align with the above criterion (Note: Text box will expand as needed to accommodate your response.)*

²⁰ ABA Standard 1.1 (on Overall Functions and Responsibilities of the Governing Body)
ABA Standard 1.1-1 (on Governing Body Oversight of the Provider)
ABA Standard 1.1-2 (on Prohibition Against Interference in the Representation of Clients)
ABA Standard 1.1-3 (on Fiscal Matters)
ABA Standard 1.1-4 (on Relations with the Chief Executive)
ABA Standard 1.1-5 (on Serving as a Resource to the Provider)
ABA Standard 1.1-6 (on Resource Development)
ABA Standard 1.2 (on Governing Body Members’ Responsiveness to the Communities Served)
ABA Standard 1.2-1 (on Individual Members’ Commitment to the Provider)
ABA Standard 1.2-2 (on Board Members from the Communities Served by the Provider)
ABA Standard 1.2-3 (on Training of Members of the Governing Body)
ABA Standard 1.2-4 (on Governing Body Members’ Conflicts of Interest)
ABA Standard 1.3 (on Governing Body Communication with Low Income and Legal Communities)

2. Board Recruitment – Program recruits board members supportive of its mission who can serve as a resource for the program, assist in community relations and resource development and, when appropriate, engage in forceful advocacy on behalf of the program.

- a. Knowledge of the community.** Some members are knowledgeable about the program service area and are able to provide valuable insight.
- b. Legal expertise.** Skills or knowledge of relevant areas of the law by some members allow them to serve as a resource to staff.
- c. Non-profit expertise.** The Board has some expertise in the operation of non-profit organizations.
- d. Advocacy for Program.** Members advocate on behalf of the program including advocacy to preserve funding.
- e. Fundraising expertise.** The Board has skills or knowledge in relevant aspects of resource development.
- f. Direct engagement in service.** Some members accept pro bono referrals and/or serve as co-counsel with the program.
- Additional Notes.** Please use the space below to provide any further information you think will be useful in describing the actions taken by your program to align with the above criterion (Note: Text box will expand as needed to accommodate your response.)

Criterion B: Leadership.²¹ The program has effective leadership which establishes and maintains a shared sense of vision and mission, and emphasizes excellence, innovation, and achievement of goals and objectives.

Questions regarding your program’s alignment with the above criterion

1. Mission and Vision – Program leadership establishes, maintains, and promotes a compelling vision of how the program improves the lives of clients.

- a. Clear and compelling mission.** Program has a clear mission statement that articulates goals, ascertains the primary means of accomplishing the goals, and identifies the primary constituents to be served. Please copy-and-paste the mission statement into “Additional Notes” below or provide in an attachment.
- b. Leading from the top.** Program leaders actively communicate their vision to staff and to others in the community.
- c. External promotion.** The program articulates and promotes its mission effectively with funding sources and other providers of resources by means such as presentations, newsletters, mailings, annual report, program website and blogs, etc. (Please provide examples in “Additional Notes” below).
- c. Focus on results.** Reports and materials make a clear connection between day-to-day activities and improvements in the lives of clients. (Please provide examples in “Additional Notes” below)
- Additional Notes.** Please use the space below to provide any further information you think will be useful in describing the actions taken by your program to align with the above criterion (Note: Text box will expand as needed to accommodate your response.)

²¹ ABA Standard 1.1-4 (on Relations with the Chief Executive)
ABA Standard 2.12 (on Institutional Stature and Credibility)

2. Peer Leadership – Program provides leadership and acts as a catalyst for initiatives that engage the statewide justice community and other organizations / players in its mission.

- a. Champions.** During the reporting period, program has spearheaded one or more multi-agency campaigns to address priority problems of the client community. (Please provide examples in “Additional Notes” below).
- b. Fundraising.** During the reporting period, program has sought and obtained funding for a significant collaborative initiative -- e.g., a DOJ grant to address domestic violence. (Please provide examples in “Additional Notes” below).
- Additional Notes.** Please use the space below to provide any further information you think will be useful in describing the actions taken by your program to align with the above criterion (Note: Text box will expand as needed to accommodate your response.)

Criterion C: Overall management and administration.²² The program is well managed and administered including: an effective management structure; processes and systems to ensure compliance with all funder requirements and state and federal law; capacity to address problems quickly and effectively; effective utilization of technology; effective administrative procedures; competent personnel; allocation of appropriate resources to management functions; and periodic evaluations of administrative operations.

Questions regarding your program’s alignment with the above criterion

1. Self-Assessment. In your best judgment, how well does your program align with each of the criteria expressed below? Please check (1) most applicable response for each item.

	Exceeds Criterion	Meets Criterion	Under Develop ment** <i>Explain Below**</i>	Not Sure <i>Explain Below**</i>
a. An effective management structure. The program has a management structure in place that is appropriate to its size and the complexity of its operations.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Effective processes and systems. The program has adequate systems in place to ensure compliance with all funder and legal requirements.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Problem-solving capacity. The program has capacity to address problems quickly and effectively.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Technology utilization. The program applies technology effectively in its administrative operations as appropriate for its size and complexity.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. Administrative staff. The program has highly competent administrative personnel.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Resources. The program allocates an appropriate level of resources to management functions, commensurate with	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

²² ABA Standard 2.10 (on Effective Use of Technology)

ABA Standard 2.11 (on Provider Evaluation)

See generally Section 5 of the ABA Standards, Standards for Internal Systems and Procedure (5.1 - 5.5)

See generally Section 6 of the ABA Standards, Standards for Quality Assurance (6.1 - 6.6)

its size.

e. Evaluations. The program conducts periodic evaluations of administrative operations.

****Under Development**** indicates the program has efforts underway to make changes in the near future aimed at aligning with this criterion. Please describe in "Explanations" below and indicate date by which the program will be in alignment.

2. ****Explanations** – Please use the space below to provide explanations or further information regarding any responses you marked "Under Development" or "Not Sure." (Note: Text box will expand as needed to accommodate your response.)

Criterion D: Financial administration.²³ The program has and follows financial policies, procedures, and practices that comport with applicable requirements of the American Institute of Certified Public Accountants, federal, state, and local government, and the program's funding sources, and conducts effective budget planning and oversight.

1. Self-Assessment. In your best judgment, how well does your program align with each of the criteria expressed below? Please check (1) most applicable response for each item.

Exceeds Criterion	Meets Criterion	Under Develop ment** Explain Below*	Not Sure Explain Below*
------------------------------	----------------------------	------------------------------------------------------------	--------------------------------------------

a. Effective financial policies, procedures and practices. The program has systems in place to ensure compliance with all financial requirements of funders and applicable laws.

b. Audit. The program has an annual financial audit by an independent CPA firm.

b. Financial planning. The program conducts effective budget planning and oversight.

d. Compliance. The program currently is in compliance with all financial requirements of funders and applicable laws. Please explain below if program is operating under special conditions or restrictions imposed by funders, courts, or other oversight authorities.

****Under Development**** indicates the program has efforts underway to make changes in the near future aimed at aligning with this criterion. Please describe in "Explanations" below and indicate date by which the program will be in alignment.

²³ ABA Standard 1.1-3 (on Fiscal Matters)

2. *Explanations – Please use the space below to provide explanations or further information regarding any responses you marked “Under Development” or “Not Sure.” (Note: Text box will expand as needed to accommodate your response.)

Criterion E: Human resources administration.²⁴ The program maintains effective human resources administration, including compliance with all applicable laws.

Questions regarding your program’s alignment with the above criterion

1. Staff Training and Human Resource Development – Program maintains training and human resource development policies and practices that support and enhance staff capacity to meet the critical legal needs of the client community.

- a. Professional development.** During the reporting period, program has provided resources for staff to attend professional development seminars and/or hosted in-house training for its staff. (Please provide examples in “Additional Notes” below).
- b. Incentives for improvement.** During the reporting period, program has provided incentives for staff to increase productivity, quality or other performance factors. (Please provide examples in “Additional Notes” below).
- c. Participation in task forces.** During the reporting period, program has provided resources for staff participation in state, regional, or local task forces and team projects – e.g., substantive law, technology, domestic violence, housing, etc. (Please provide examples in “Additional Notes” below).
- Additional Notes.** Please use the space below to provide any further information you think will be useful in describing the actions taken by your program to align with the above criterion (Note: Text box will expand as needed to accommodate your response.)

2. Measures that Foster Staff Retention – Program invests in concrete actions that encourage staff to commit long-term to the program and its mission.

- a. Recognition.** During the reporting period, program has publicly recognized the good work of its staff (e.g. awards event, newsletter articles, etc.). (Please provide examples in “Additional Notes” below).
- b. Positive work environment.** During the reporting period, program has taken steps to foster a positive, supportive working environment. (Please provide examples in “Additional Notes” below).
- c. Benefits.** Retirement, health, and/or other benefits are provided to encourage staff to make a long-term commitment to the program. (Please describe in “Additional notes” below.)
- d. Student loan help.** A loan repayment assistance program is in place or there is evidence of ongoing efforts to provide such assistance. (Please describe in “Additional notes” below.)
- e. Flexibility.** Program demonstrates flexibility, appropriate to staffing capacity, in responding to staff requests for special accommodations such as flex time, educational leave, etc. (Please

²⁴ While the ABA Standards listed below are cited in support of effective human resources administration, they reflect values that are important to the operation of the program as a whole.

ABA Standard 2.4 (on Cultural Competence)
ABA Standard 2.5 (on Staff Diversity)
ABA Standard 6.1 (on Characteristics of Staff)

provide examples in “Additional Notes” below).

- Additional Notes.** Please use the space below to provide any further information you think will be useful in describing the actions taken by your program to align with the above criterion (Note: Text box will expand as needed to accommodate your response.)

3. Efforts to Promote Diversity – Program makes a concerted effort to recruit, hire, and retain a diverse staff reflective of the client community's diversity.

- a. Staff diversity.** Diversity of work force indicates sensitivity to the cultural diversity of the low income communities served by the program.
- b. Management diversity.** The program seeks to achieve diversity among staff who are in leadership positions.
- c. Board diversity.** The Board membership indicates efforts to reflect the diversity of the low income communities (ethnicity, gender, national origin, etc.)
- d. Cultural competency.** During the reporting period, program has provided resources for staff to acquire cultural competency through diversity training or other means. (Please provide examples in “Additional Notes” below).
- e. Recruitment.** Program ensures that vacancies are widely advertised to organizations and groups that target minorities and/or serve the client community.
- Additional Notes.** Please use the space below to provide any further information you think will be useful in describing the actions taken by your program to align with the above criterion (Note: Text box will expand as needed to accommodate your response.)

Criterion F: General resource development and maintenance.²⁵ To the extent possible, and consistent with the program’s mission, the program seeks to maintain and expand its base of funding, with the goal of increasing the quality and quantity of the program’s services to eligible clients. The program also coordinates with and where possible utilizes outside resources such as academic institutions, social service organizations, foundations, corporations, organized bar associations, members of the private bar, and other institutions and individuals to supplement its efforts.

Questions regarding your program’s alignment with the above criterion

1. Resource Development – Program works to increase resources to support and enhance the quality and quantity of services it provides.

- a. Investment in this function.** During the reporting period, the program has invested significant resources (dollars and/or staff and board time) in resource development activities, commensurate with its size.
- b. Strategic approach.** The program has a viable plan for resource development based on a reasonable appraisal of future needs and available opportunities. (Please describe in a few bullets the key elements of your approach in “Additional Notes” below).
- c. Board involvement.** Board members actively raise funds and work to expand support for the program.

²⁵ ABA Standard 1.1-6 (on Resource Development)
ABA Standard 2.3 (on Participation in Statewide and Regional Systems)

- d. Evidence of success.** During the reporting period, the program has achieved significant progress toward expanding and/or diversifying its funding base. (Please provide examples in “Additional Notes” below).
- Additional Notes.** Please use the space below to provide any further information you think will be useful in describing the actions taken by your program to align with the above criterion (Note: Text box will expand as needed to accommodate your response.)

2. Promotion of program and mission – Program effectively promotes itself and its mission among clients, stakeholders, funders and the general public.

Please check below the means used during the reporting period for increasing the program’s visibility and communicating its achievements to stakeholders:

- a. Annual report**
- b. Social media**
- c. E-alerts or newsletters**
- d. Program website – Enter URL:** www. _____
- e. Presentations to community groups**
- f. Newspaper Op-Ed commentary**
- g. Print and/or broadcast media news coverage**
- h. Public service announcements**
- i. Staff participation in bar association and/or community organization activities**
- j. Other communication tools** (please specify in “Additional notes” below).
- Additional Notes.** Please use the space below to provide any further information you think will be useful in describing the actions taken by your program to align with the above criterion (Note: Text box will expand as needed to accommodate your response.)

Criterion G: Participation in an integrated legal services delivery system.²⁶ The program participates in, and seeks to expand and improve, statewide (and regional if relevant) legal assistance delivery systems to achieve equal access to justice and to meet the civil legal needs for low-income persons in the state.

Questions regarding your program's alignment with the above criterion

Please check the applicable boxes below indicating relevant activities in which your program has been engaged during the reporting period:

- a. Leadership role.** *During the reporting period, program leaders have held office or led committees in the state civil justice network.*
- b. Staff participation.** *During the reporting period, program staff members have participated actively in statewide or regional task forces; served as presenters at state or regional conferences, or were engaged in other significant activities of the state civil justice community.*
- c. Collaboration.** *Program is actively engaged with other legal services providers, as appropriate -- including civil legal aid programs, pro bono programs, public interest law organizations or specialized legal services programs -- in joint efforts to better serve the low-income community.*
- d. Support of other organizations.** *Program serves in a support role to other legal services providers -- e.g. provides training, mentoring, physical or financial resources, etc.*
- Additional Notes.** *Please use the space below to provide any further information you think will be useful in describing the actions taken by your program to align with the above criterion (Note: Text box will expand as needed to accommodate your response.)*

²⁶ ABA Standard 2.3 (on Participation in Statewide and Regional Systems)



THE FLORIDA BAR FOUNDATION

**Board of Directors Meeting
Hyatt Regency Orlando Airport
Orlando, FL**

Friday, March 9, 2018

9:00 a.m. -1:00 p.m.

(breakfast buffet starts at 8:00 a.m.)

Meeting Room: Regency Ballroom DEF

8:00-9:00	Breakfast Buffet		
9:00-9:30	Board Presentation - Presented By: Ken Smith, Founder, <i>The Resource</i>		
9:30-9:55	1. Welcome & Introductions a. Mission Statement (See MISSION STATEMENT ON PAGE 1a) b. Conflict of Interest Policy (SEE POLICY ON PAGES 1b)	Jewel White President	Info Info
9:55-10:00	2. Consent Agenda a. Minutes i. Approval of Minutes from December 1, 2017 Board of Directors Meeting (SEE MINUTES ON PAGES 2a(i)) ii. Approval of Minutes from Executive Committee Meeting on January 8, 2018 (SEE MINUTES ON PAGES 2a(ii)) b. Report of the Treasurer i. Financial Summary Fiscal Year 2017-18 (SEE SUMMARY ON PAGES 2b(i)) ii. Operating Expense Statement for Seven Months Ended January 31, 2018 (SEE STATEMENT ON PAGES 2b(ii)) iii. Financial Statements for the Period Ended December 31, 2017 (SEE STATEMENT ON PAGES 2b(iii))	Jewel White President	<u>Action</u> <u>Action</u> <u>Action</u> <u>Action</u>

10:00-10:45	<p>3. Report of the Grants Committee</p> <p>a. <u>ACTION ITEM:</u> Allocation of Chase funds to Grants Committee for Online Triage (Verbal Report, No Supporting Documentation)</p> <p>b. <u>ACTION ITEM:</u> Allocation of funds for 2018 Summer Fellows (SEE WORKSHEET ON PAGES 3b)</p> <p>c. <u>ACTION ITEM:</u> Allocation of funds for Equal Justice Works Disaster Recovery Fellows (SEE REPORT ON PAGES 3c)</p> <p>d. <u>ACTION ITEM:</u> Allocation of funds for Southwest Florida Disaster Recovery & Immigrant Collective Impact Learning Collaborative (SEE REPORT ON PAGES 3d)</p> <p>e. <u>ACTION ITEM:</u> Request for Ratification of 2018 Goldstein Award Winners (SEE REPORT ON PAGES 3e)</p> <p>f. <u>ACTION ITEM:</u> Allocation of \$1,467,000 to support specific Children’s Legal Services grants (SEE WORKSHEET ON PAGES 3f)</p> <p>g. <u>ACTION ITEM:</u> Allocation of \$1,081,000 to support specific Administration of Justice grants, including Online Triage (SEE WORKSHEET & TRIAGE REPORT ON PAGES 3g)</p> <p>h. <u>ACTION ITEM:</u> Presentation of Updated Pro Bono Benchmarks (First Reading with staff request to waive Second Reading) (SEE REPORT ON PAGES 3h)</p> <p>i. <u>ACTION ITEM:</u> Allocation of \$300,000 to support specific Pro Bono Transformation & Innovation grants (SEE WORKSHEET ON PAGES 3i)</p> <p>j. Grants Department Program Goals 2018 (SEE REPORT ON PAGES on 3j)</p> <p>k. 2018 CED Scores & Grant Application (SEE REPORT ON PAGES 3k)</p>	Juliette E. Lippman Chair	<p><u>Action</u></p> <p><u>Action</u></p> <p><u>Action</u></p> <p><u>Action</u></p> <p><u>Action</u></p> <p><u>Action</u></p> <p><u>Action</u></p> <p><u>Action</u></p> <p><u>Action</u></p> <p>Info</p> <p>Info</p>
10:45-10:55	<p>4. Report of the Nominating Committee</p> <p>a. <u>ACTION ITEM:</u> Election of Foundation Board of Directors for terms beginning July 1, 2018 (SEE REPORT ON PAGES 4a)</p> <p>b. Resignation of Board Director Tad Yates effective June 30, 2018 (SEE RESIGNATION ON PAGE 4b)</p>	Jewel White Chair	<p><u>Action</u></p> <p>Info</p>
10:55-11:00	<p>5. Report of the Joint Bar/Foundation Nominating Committee</p> <p>a. The Re-appointment of Foundation’s Public Members for terms beginning July 1, 2018 (SEE REPORT ON PAGES 5a)</p>	Jewel White Chair	Info

11:00-11:30	Executive Session (Foundation staff and guests will be excused from the session)		
11:30-11:40	6. Report of the Medal of Honor Committee a. ACTION ITEM: Request for Ratification of 2018 Medal of Honor Award Lawyer & Non-Lawyer (SEE REPORT ON PAGES 6a) b. ACTION ITEM: Request for Ratification of 2018 Jane Elizabeth Curran Distinguished Service Award (SEE REPORT ON PAGE 6b)	Jewel White Chair	Action Action
11:40-11:50	7. Report of the Budget & Finance Committee a. ACTION ITEM: Second Reading on Professional Services Policy (SEE POLICY ON PAGES 7a)	Thomas R. Oldt Chair	Action
11:50-12:05	8. Report of the Development Committee a. Restricted Gifts Report (SEE REPORT ON PAGE 8a) b. Dashboard of Campaign Fundraising Results (SEE REPORT ON PAGE 8b) c. Development Committee’s Activities presentation (SEE PRESENTATION ON PAGES 8c)	Paige Greenlee Chair	
12:05-12:15	9. Report of the Investment Committee a. Quarterly Investment Performance Review (December 31, 2017) (SEE EXECUTIVE SUMMARY ON PAGES 9a) b. REPORT/POSSIBLE ACTION: Account Rebalances The Investment Committee will meet the day before the board meeting with Christopher Bridges, of Graystone Consulting of Morgan Stanley. They will review any proposed rebalancing recommendations. If board action is required, the recommendation(s) will be handed out in advance of the meeting.	Stephen Senn Chair	Info Info
12:15-12:35	10. Report of the President a. Strategic Reset Consultant Request for Proposal (RFP) update (SEE RFP ON PAGES 10a) b. Executive Director contract modification (SEE CONTRACT ON PAGES 10b) c. Executive Director search firm Request for Quote (RFQ) update (SEE RFQ ON PAGES 10c)	Jewel White President	Info Info Info
12:35-12:40	11. Report of the President-Elect a. 2018-19 committee and board meeting schedule (SEE SCHEDULE ON PAGE 11a)	Juliette E. Lippman President-Elect	Info

12:40-1:00	12. Report of the Executive Director a. ACTION ITEM: IOTA Amendment of Rules Regulating Trust Accounts – Unclaimed/Unidentified Funds (SEE PROPOSED AMENDMENT ON PAGES 12a) b. The Florida Bar Foundation lease (SEE EXECUTED LEASE ON PAGES 12b) c. 2018 ABA Days update d. The Florida Bar loan update e. 2018 Foundation Annual Dinner & Reception	Bruce Blackwell Executive Director	<u>Action</u> Info Info Info Info
	13. Departmental Reports (Non-Verbal Reports) a. IOTA Income Portfolio (SEE REPORT ON PAGES 13a) b. Pro Bono (SEE REPORT ON PAGES 13b) c. Communications (SEE REPORT ON PAGES 13c) d. Escambia Project Update (SEE REPORT ON PAGES 13d)	Staff	Info Info Info Info
1:00 p.m. ADJOURN			

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1. Welcome & Introductions



THE FLORIDA BAR FOUNDATION

THE FLORIDA BAR FOUNDATION

MISSION STATEMENT

The mission of The Florida Bar Foundation, a philanthropic organization established in 1956 by The Florida Bar Board of Governors and the Supreme Court of Florida, is to provide greater access to justice. The Foundation will accomplish its mission primarily through funding of programs that:

- expand and improve representation and advocacy on behalf of low-income persons in civil legal matters;
- improve the fair and effective administration of justice; and
- promote service to the public by members of the legal profession by making public service an integral component of the law school experience.



THE FLORIDA BAR FOUNDATION
CONFLICT OF INTEREST POLICY

ANNUAL CONFLICT OF INTEREST STATEMENT

As required by the Foundation's Conflict of Interest Policy, a copy of which is attached, each non-executive officer (president, president-elect, first vice president, second vice president and immediate past president) and each director or any committee member who is not a non-executive officer or director, shall sign and submit to the Foundation on an annual basis the following statement:

I hereby certify that:

1. I have received a copy of the conflict of interest policy,
2. I have read and understand the policy,
3. I agree to comply with the policy, and
4. I understand the Foundation is charitable and in order to maintain its federal tax exemption it must engage primarily in activities which accomplish one or more of its tax-exempt purposes.

Signature

Name

Date

Please return your signed and dated Annual Conflict of Interest Statement to: Jessica McCabe, Executive Assistant, The Florida Bar Foundation, 875 Concourse Parkway South, Suite 195, Maitland, FL 32751 or by EMAIL to jmccabe@flabarfdn.org.

**THE FLORIDA BAR FOUNDATION
CONFLICT OF INTEREST POLICY FOR
NON-EXECUTIVE OFFICERS, DIRECTORS AND COMMITTEE MEMBERS**

ARTICLE I

Purpose

The purpose of this conflict of interest policy is to protect the interests of The Florida Bar Foundation, Inc., a Florida corporation not for profit (The “Foundation”). This policy is intended to supplement but not replace any applicable state and federal laws governing conflict of interest applicable to not-for-profit and charitable organizations.

ARTICLE II

Statement of Philosophy

The underlying philosophy of this policy is to ensure that all members of the board of directors, the non-executive officers (“officers”), and committee members avoid situations which might involve a conflict between their personal or professional activities or interests and those of the Foundation, particularly in regard to decisions concerning grant applicants and vendors selling or seeking to sell goods or services to the Foundation. It is impossible to enumerate every circumstance which would give rise to a conflict of interest, but ordinarily and individual, in the exercise of good judgment, will know whether a particular situation involves an actual or potential conflict of interest. This policy is designed to list general circumstances in which a conflict might exist, but these enumerations should not be considered all encompassing.

ARTICLE III

Statement of Scope

This policy applies to Foundation officers, to all members of the Foundation Board, and members of its committees. A separate conflict of interest policy applies to Foundation employees

ARTICLE IV

Definitions

1. Interested Person

Any director, or member of a committee with governing board delegated powers, who has a direct or indirect financial interest, or relationship, or bias, or prejudice, as defined below (a “Conflict”), is an interested person.

2. Financial Interest

A person has a financial interest if the person has, directly or indirectly, through business, investment, or family:

- a. An ownership or investment interest in any entity with which the Foundation has a transaction or arrangement,
- b. A compensation arrangement with the Foundation or with any entity or individual with which the Foundation has a transaction or arrangement, or
- c. A potential ownership or investment interest in, or compensation arrangement with, any entity or individual with which the Foundation is negotiating a transaction or arrangement.

Compensation includes direct and indirect remuneration as well as gifts or favors that are not insubstantial.

Family, as used in this policy, means an uninterested person and his or her spouse, his or her siblings, and his or her lineal ascendants or descendants.

3. Relationship

A person has a relationship that gives rise to a Conflict if the person has a fiduciary relationship with an organization that receives funding or is seeking funding from the Foundation. The fiduciary relationship may arise by serving as an officer, director, counsel, or otherwise of or with respect to such an organization. The Conflict shall only apply to the matters involving that organization.

The president of Florida Legal Services, Inc., who sits by designation as a director of the Foundation, shall not vote on any matter before the board or any committee as to which Florida Legal Services, Inc. has any contractual relationship with the Foundation.

4. Bias or Prejudice

If an officer, director, or committee member is conscious of any bias or prejudice with regard to a matter coming before the board or the committee, or if circumstances exist that his or her impartiality with regard to that matter might reasonably be questioned it should be disclosed and the member may be recused from voting. The integrity of board or committee proceedings should never be brought into question because of the failure of a board or committee member to disclose any such circumstances.

ARTICLE V

Procedures

1. Duty to Disclose

In connection with any actual or possible Conflict, an interested person must disclose as soon as identified by that person the existence of the financial interest, relationship, or bias or prejudice and be given the opportunity to disclose all material facts to the board of directors and members of committees with board delegated powers considering the matter.

2. Determining Whether a Conflict of Interest Exists

A board of committee member should not recuse himself or herself in order to avoid participation in a matter for any reason other than a valid ground for recusal. After disclosure of the Conflict and all material facts, the officer presiding at the meeting shall promptly make a decision on whether the person disclosing the Conflict should be recused. Either the person disclosing the Conflict, or any member of the board or committee, may request that the full board or committee, as appropriate, decide the matter. If such a motion is made, the board or committee, as applicable, shall vote and decide the matter. The person seeking recusal cannot vote on the matter.

3. Procedures for Addressing the Conflict of Interest

- a. An interested person may make a presentation at the board of directors or committee meeting, but after the presentation, he/she shall not vote on the matter. The interested person may answer questions but shall not engage in discussions of the matter.
- b. The Foundation president or committee chair shall, if appropriate, appoint a disinterested person or committee to investigate alternatives to the proposed transaction or arrangement.
- c. After exercising due diligence, the board of directors or committee shall determine whether the Foundation can obtain with reasonable efforts a more advantageous transaction or arrangement from a person or entity that would not give rise to a Conflict.
- d. If a more advantageous transaction or arrangement is not reasonably possible under circumstances not producing a Conflict, the board of directors or committee shall determine by a majority vote of the disinterested directors whether the transaction or arrangement is in the Foundation's best interest, for its own benefit, and whether it is fair and reasonable. In conformity with the above determination it shall make its decision as to whether the Foundation should enter into the transaction or arrangement.

4. Violations of the Conflicts of Interest Policy

- a. If the board of directors or committee has reasonable cause to believe a member has failed to disclose actual or possible conflicts of interest, it

shall inform the member of the basis for such belief and afford the member an opportunity to explain the alleged failure to disclose.

- b. If, after hearing the member's response and after making further investigation as warranted by the circumstances, the board of directors or committee determines the member has failed to disclose an actual or possible Conflict, it shall take appropriate disciplinary and corrective action.

ARTICLE VI

Records of Proceedings

The minutes of the board of directors and all committees with board delegated powers shall contain the names of the persons who disclosed or otherwise were found to have a Conflict, the nature of the Conflict, the action taken to determine whether a Conflict was present, and the governing boards or committee's decision as to whether a Conflict in fact existed. The votes of individual members need not be recorded.

ARTICLE VII

Compensation

- a. A voting member of the board of directors or an officer who receives compensation, directly or indirectly, from the Foundation for services is precluded from voting on matters pertaining to that person's compensation.
- b. A voting member of any committee whose jurisdiction includes compensation matters and who receives compensation, directly or indirectly, from the Foundation for services is precluded from voting on matters pertaining to that member's compensation.
- c. No voting member of the governing board or any committee whose jurisdiction includes compensation matters and who receives compensation, directly or indirectly, from the Foundation, either individually or collectively, is prohibited from providing information to any committee regarding compensation.

2. Consent Agenda

**THE FLORIDA BAR FOUNDATION
BOARD OF DIRECTORS MEETING
DECEMBER 1, 2017**

**HYATT REGENCY ORLANDO AIRPORT
ORLANDO, FLORIDA**

Attending:

Edrick E. Barnes	Mary Gardiner Evertz	Murray B. Silverstein
Hon. James M. Barton, II	Dori Foster-Morales	Daniel H. Thompson
Connie Bookman	Paige A. Greenlee	George W. Tinsley
Matthew G. Brenner	Michael J. Higer	Hon. Suzanne Van Wyk
Gregory P. Brown	Juliette E. Lippman	Angela C. Vigil
Karen M. Buesing	Thomas R. Oldt	Jewel White
Robert A. Butterworth	David C. Prather	Hon. Reginald K. Whitehead
John P. Cardillo	Hala Sandridge	
Gregory W. Coleman	Hon. Edwin A. Scales, III	
Carl J. Domino	Stephen R. Senn	

Excused:

Carlos Halley
Roberto R. Pardo
William J. Schifino
Tad A. Yates

Also Attending:

Bruce Blackwell	Donna Marino	Kimberly Sanchez
Jessica Brown	Jessica McCabe	Emily Silva
Andrea Costello	Melissa Moss	Monica Vignes
Michelle Fonseca	Martha Pardo	Jennifer Wimberly
Ericka Garcia	Christy Parish	
Alana Greer	Lushawn Phillips	
Margaret Hagan	Leslie Powell	
Nancy Kinnally	Lou Ann Powell	
Jim Kowalski	Maritza Ramirez	
Jasmine Lee-Gaumier	Manuel Romero	

The meeting of the Board of Directors convened at 9:45 a.m. Jewel White, president, presiding.

1. Welcome & Introductions

President White welcomed board members and guests. She asked members of the board, staff and guests to introduce themselves. She then referred directors to the Mission Statement which was included in the agenda materials for the meeting.

Conflict of Interest Policy

Ms. White referred directors to the Foundation's written conflict of interest policy and asked them to comply with the policy during deliberations and action at the meeting. She reminded directors that Jessica McCabe had extra copies of the form and would be

collecting the completed forms from those who had not previously submitted the form for this fiscal year. The following directors declared standing recusals:

- Tom Oldt – Florida Justice Technology Center
- Edrick E. Barnes – Florida Legal Services
- Daniel Thompson – Legal Services of North Florida

2. Consent Agenda

Ms. White referred directors to the Consent Agenda and called for any items to be removed for separate discussion and action. There being none, the following items were approved or accepted as follows:

1. Approval of Minutes:
 - Minutes from September 7, 2017 Board of Directors Meeting
 - Minutes from October 4, 2017 Executive Committee Conference Call
 - Minutes from November 8, 2017 Executive Committee Conference Call
2. Report of the Treasurer:
 - Financial Summary Fiscal Year 2016-17
 - Operating Expense Statement
 - Financial statements (Foundation and Endowment) for the Period Ended September 30, 2017

It was moved and seconded to approve the Consent Agenda as presented. Motion carried.

3. Report of the Grant Allocation Committee

Ms. White, chair, reported that the committee met via telephone conference call on November 13, 2017 to consider an additional FY 2017-18 grant allocation as discussed by the Committee in August when it allocated \$3 million. Using audited figures, there remains \$841,749 in unallocated funds. Staff's recommendation was to allocate \$600,000 of the \$841,749 additional funds.

Allocation of additional \$600,000 for 2017-18 Grants

Ms. White informed the board that Foundation staff came up with three potential uses for the additional grant funds. Items up for consideration are:

1. \$100,000 to support migrant disaster relief work by FLS (a one-time grant)
2. \$200,000 for a statewide training programs:
 - a. \$100,000 would go to strategically planned advocate trainings preparing them to respond aggressively to impact & systemic poverty issues (e.g. poverty law skills trainings).
 - b. \$100,000 to support DEI work (diversity, equity, inclusion) including: Racial Justice Fellows with a Women's Leadership track included
3. \$100,000 for statewide online intake, with a statewide disaster response as the pilot to launch it.

After a call for question, the committee's recommendation to approve an additional allocation of \$600,000 of Foundation funds for 2017-18 grants was approved unanimously.

4. Report of the Grants Committee

Ms. White called on Juliette Lippman, Chair, to provide the report of the committee.

2018 Loan Repayment Assistance Program (LRAP)

Ms. Lippman moved the committee's recommendation to approve 2018 LRAP loan benefits at a maximum of \$967,925.61 as indicated on 2018 Loan Repayment Assistance Program Funding Worksheet attached hereto and which becomes a part of these minutes.

After a call for question, it was moved and seconded to approve the committee's funding recommendation. Motion carried.

2018-20 Equal Justice Works Fellowships

Ms. Lippman moved the committee's total funding recommendation of \$434,000 as follows: \$372,000 in Bank of America (BOA) funds, \$35,000 in Foundation funds and \$27,000 matching funds from the Florida Bar. The Funding Worksheet for the 2018-20 Equal Justice Works Fellowship is attached hereto and which becomes a part of these minutes.

After a call for question, it was moved and seconded to approve the committee's funding recommendation. Motion carried.

Community Based Civil Legal Services Grants

Ms. Lippman moved the committee's recommendation to approve \$6,371,839 in funding for 26 Community Economic Development grant applicants to be funded by Bank of America funds.

After a call for question, it was moved and seconded to approve the committee's funding recommendation. Motion carried.

Conditional Disaster Relief Grant

Ms. Lippman moved the committee's recommendation to approve \$100,000 in Disaster Relief grant funds to Florida Rural Legal Services to provide post-hurricane legal assistance to immigrants and migrant workers with IOTA as the source of funds for this specific grant to FRLS.

After a call for question, it was moved and seconded to approve the committee's funding recommendation. Motion carried.

Florida Attorney's Charitable Trust Gift

Ms. Lippman called on Executive Director Bruce Blackwell to provide a report on the gift from the Florida Attorney's Charitable Trust.

Mr. Blackwell reported that the Foundation received \$741,201.80 from the Attorney's Charitable Trust. He noted that while the gift itself came without donor restrictions, Bar

officials wanted assurances that the funds would be used for disaster work. Staff recommends board action to designate the gift as follows:

1. \$400,000 to support Equal Justice Works Disaster Relief Corps attorneys who will serve a 2-year fellowship at civil legal aid providers working solely on disaster relief advocacy efforts.
2. \$300,000 to support a Collective Impact project by the Southwest Florida Community Foundation on disaster relief efforts in some of the hardest hit counties: Lee, Collier, Charlotte, Hendry, and Glades with a particular focus on immigrants.
3. \$2,500 to support an Alternative Winter Break by American University Law Students who will come to Miami during the New Year's Holiday week to volunteer at civil legal aid providers.
4. The remaining funds of approximately \$38,701.80 would remain designated to other disaster relief efforts.

After a call for question, the recommendation was moved, and seconded. Motion carried.

2018 Steven M. Goldstein Award for Excellence

Ms. Lippman gave a brief overview of the award and selection process. Ms. Lippman went on to say that that the applications for the biennial Steven M. Goldstein Award for Excellence in 2018 have been distributed to the Foundation's grantee organizations and are due on January 15, 2018. Applications will be reviewed by and the winners will be selected by a special committee appointed by the Foundation Board President. The board will be asked to ratify the Goldstein committee's selections at the March 2018 meeting.

March 2018 Activities

Ms. Wimberly gave a brief overview of what the Grants Committee will be asked to act on at the March 2018 meetings.

5. Report of the Audit Committee

Ms. White called on Hon. Edwin A. Scales, III, chair, to report for the committee.

Judge Scales introduced Melanie Fernandez, Managing Partner, Assurance Services, BDO USA, LLP, who gave a brief overview and PowerPoint presentation of the Foundation's financial position as of June 30, 2017, as reflected in the audited statements. She reviewed the required communication from the Auditor to the board, as outlined in the Audit Wrap Up Report which is attached hereto and becomes a part of these minutes.

After the presentation, Ms. White reported that the audited financial statements were accepted by the Audit Committee. At this point, the board went into executive session with Ms. Fernandez.

6. Report of the Investment Committee

Ms. White called on Stephen R. Senn, chair, to report for the committee.

Investment Performance for the Qtr Ended September 30, 2017

Mr. Senn reported that the committee met yesterday with Christopher Bridges of Graystone Consulting at Morgan Stanley. He informed the committee that our investments have been doing well and didn't recommend any significant changes at this time.

Mr. Senn reported that as of the end of November, we had \$3,421,646 in our Current Operating Account and \$5,045,304 in our Mid-Long-Term Investment Account (MLTI). In addition, we had \$21,732,643 of Bank of America settlement funds in laddered treasuries that were timed to mature over a three-year period to coincide with our expected grants for foreclosure prevention and community redevelopment. The Endowment had \$109,156 in cash equivalents (if we needed to call upon them) and \$4,528,615 in long term funds. The total Foundation funds were \$26,777,947 and total Endowment funds were \$4,637,771.

Mr. Bridges reported that our investments were doing well on the equity side and will probably continue to do so for a while. Because we're pushing the equity ceiling within our investment policy parameters, Morgan Stanley recommended, and the committee approved, a re-balance of 2% PowerShares FTSE US 1000 (large cap equity) to 2% Invesco Balanced-Risk (Hedge funds). They also recommended we take 4% from Cash and purchase a new fund - Federated Institutional Prime Obligations Funds. Mr. Senn reported that the Endowment Trustees took a similar action.

Because the Federated fund is new, the committee unanimously voted to recommend to the board that we purchase shares in this new fund. The motion was seconded and passed unanimously.

7. Report of the Budget & Finance Committee

Ms. White called on Thomas R. Oldt, chair, to report for his committee.

First Reading on Professional Services Procurement Policy

Mr. Oldt referred directors to the Professional Services Procurement Policy provided in their materials. He informed the board that there is no action to be taken at this time as this is the first reading. The second reading will take place at the March board meeting.

Potential 2017-18 Budget Savings to Offset Cost of Strategic Reset Consulting

Mr. Oldt then reported that Foundation staff came up with a list of potential budget savings in 2017-18 for the Strategic Reset consulting fees. The list included in the materials shows a potential savings of \$132,000. He reminded directors that at the June board meeting, staff was asked to come up with \$100,000 from the fiscal year 2017-18 Professional Services line-item to cover the cost of the board approved Consultant (up to \$100,000) to review and evaluate the results of the Foundation's Strategic Reset. The list provided in the materials represents amounts submitted by Department Heads in response to the request.

8. Report of the Nominating Committee

Slate of Officer Nominees for 2018-19

Ms. White, chair, advised that the nominating committee met by telephone conference call on October 27, 2017 for the purpose of considering officer nominees for the Foundation's 2018-19 administrative year. Ms. White then presented the following committee recommended office nominees for election by the board for terms beginning July 1, 2018 and concluding June 30, 2019.

President:	Juliette E. Lippman
President-elect:	Hala Sandridge
First Vice President:	Thomas R. Oldt
Second Vice President:	Stephen R. Senn

After a call for question, the committee's recommendation was moved, and approval seconded. Motion carried.

9. Report of the Development Committee

Ms. White called on Paige A. Greenlee, chair, to report for the committee.

Restricted Gifts Report

Ms. Greenlee reported there were ten restricted gifts to report since the June 22, 2017 board meeting. She then directed directors to Restricted Gifts Report provided in their materials.

Annual Dinner Sponsorships

Ms. Greenlee gave a brief overview of the sponsorship program for the Foundation's upcoming awards dinner to be held in conjunction with The Bar's annual meeting in June. Ms. Greenlee encouraged board members to share the sponsorship opportunity with colleagues.

Major Gift Fundraising Presentation

Ms. Greenlee then introduced Donna Marino, Director of Development. Ms. Greenlee and Ms. Marino presented a PowerPoint presentation of the development committee's and Foundation development's department activities.

10. Report of the President

Status of Request for Proposal (RFP) for Strategic Reset Initiative

Ms. White reported that the Request for Letter of Intent (LOIs) to be submitted for the Strategic Reset Initiative are due today. She went on to say that a special committee has been formed to review each LOI and select which respondents they will invite to submit a formal proposal. The deadline for the proposal will be March 1st.

11. Report of the Executive Director

Foundation Lease Renewal

Mr. Blackwell then reported that the Foundation lease renewal came back from the landlord with favorable terms. He referred directors to the LOI and Amendment that

were provided as handouts. He then noted that if the board agreed with the terms, he will sign the lease renewal next week.

Schedule of Insurance Coverage

Mr. Blackwell referred directors to the Schedule of Insurance Coverage (including cost and renewal dates) included in the materials for the meeting. He noted that this is provided annually so that the board can exercise its oversight responsibility.

There being no further business, the meeting adjourned at 12:54 p.m.

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THE FLORIDA BAR FOUNDATION

Loan Repayment Assistance Program

Board Approved, September 7, 2017

Purpose: To strengthen and expand legal assistance for the poor by supporting the recruitment and retention of the most qualified civil legal aid staff attorneys (staff attorneys) who are employed by legal assistance organizations that receive grant funding from the Florida Bar Foundation for the provision of civil legal aid. Staff attorneys participating in the Loan Repayment Assistance Program (LRAP) are expected to use the funds to pay down and reduce their student loan debt.

Definition: Staff Attorney is defined as an attorney employed by a Florida Bar Foundation funded civil legal aid organization on at least a 50% full-time basis; and is an attorney on staff who provides direct legal services to clients on behalf of the organization.

Included in this definition:

Managing attorneys, supervising attorneys, litigation/advocacy directors, and intake directors are eligible to participate in LRAP as long as they have a caseload and provide direct legal services to clients on behalf of their civil legal aid organization. These legal aid staff members *are eligible* to participate in the Foundation's LRAP.

Excluded from this definition: Executive Directors and staff members who are attorneys by training but who otherwise perform administrative or other services primarily to benefit the organization. For example: technology, finance, human resources, and other staff who provide services primarily to the employing organization rather than providing direct civil legal services to clients. These legal aid staff members *are not* eligible to participate in the Foundation's LRAP.

Also excluded from this definition: Staff attorneys, teaching assistants, fellows, and other legal staff employed by law school clinical and other programs that receive Foundation funding. These staff members *are not* eligible to participate in the Foundation's LRAP. Further, attorneys employed by public service or government agencies such as, but not limited to: Public Defender, State Attorney, Guardian ad Litem, Department of Children and Families, and local government are not eligible to participate in the Foundation's LRAP.

1. **Term of Assistance.** The program will provide benefits to staff attorneys during the duration of their employment at a civil legal aid organization that currently receives grant funding from the Florida Bar Foundation (a qualified legal aid organization). Once admitted as a participant, a civil legal aid staff attorney may remain a participant in the program during their career subject to employer certified and continued eligible employment, bar admission, and re-application.

Continued benefits and the amount and terms of such benefits are ***subject to the Foundation's availability and allocation of annual funding for this program***. In the event that funding is not available, the LRAP program may be suspended or discontinued.

2. **Benefit Award Amount.** Each participant will receive a standardized LRAP amount of \$5,000 per calendar year that they apply for LRAP and are employed at a qualified civil legal aid organization, subject to the Foundation's availability of annual funding for the LRAP program. Participants who receive LRAP benefits in excess of their annual student loan payments shall pay the excess LRAP funds to their student loan lender(s) for the specific purpose of reducing their student loan debt. In the event an applicant's principal balance is equal to or less than the maximum annual benefit amount, an applicant will qualify for a loan in the amount of the principal balance. The benefit amount may be reduced by the Foundation, at its discretion, if funding is not available to maintain benefits at the \$5,000 standardized level.
3. **Nature of Benefits.**
 - a. Benefits will be in the form of one-year loans (loan period) that run from January 1 to December 31. Loans will be forgiven annually at the end of each calendar year provided the staff attorney remains employed on a full time or at least part time (50% or greater FTE) basis for the full loan year by a qualified civil legal aid organization and is in compliance with the LRAP requirements. Benefits are designed to be non-taxable under federal tax law. Loans shall be for one year with loan proceeds disbursed semi-annually. The loan shall be evidenced by a promissory note in a form required by the Foundation executed by the borrower (participant) and shall bear interest at a rate of 3%.
 - b. If an LRAP participant/staff attorney voluntarily resigns (quits) or is terminated for cause during the term of the LRAP loan period, all LRAP benefits received during the course of the LRAP loan period shall be repayable to the Foundation according to the terms of the promissory note.
 - c. Any LRAP participating staff attorney laid off or terminated involuntarily and without cause due to a decline in grantee revenue or funding shortages, shall be eligible for loan forgiveness on a pro rata basis, based upon the actual number of months the staff attorney was employed.
For example, a staff attorney participating in LRAP who is laid off or terminated involuntarily and without cause during the 9th month of their 12 month loan period due to a decline in grantee revenue or funding shortages would be eligible for forgiveness of his/her LRAP loan to the extent of 75% of the amount of LRAP loan for that year. S/he would be required to repay the Foundation the remaining 25% of the LRAP benefits received in accordance with the terms of his/her promissory note.
4. **Eligibility Standards.** Applicants and participants must meet the following eligibility standards:
 - a. Be employed on a full-time basis or at least 50% FTE part time basis by a civil legal aid organization currently receiving a grant from the Foundation;
 - b. Contract attorneys, or attorneys who are employed for a specific duration or for a specific project or purpose and who are not considered to be staff attorneys that receive all of the qualified legal aid organization's benefits, are not eligible to

participate in the Foundation's LRAP;

- c. Applications and supporting materials must be timely submitted during the once annual LRAP application period.
 - d. Admission to The Florida Bar by the end of the first year after having been selected as a participant and thereafter a member in good standing of The Florida Bar; and
 - e. Be in full compliance with LRAP requirements, if a current LRAP participant.
5. Debt Eligibility. The program will cover a participant's student loans associated with obtaining their law degree. Student loans associated with undergraduate, law school, and LLM programs are considered eligible debt for the Foundation's LRAP.
6. Application Process and Selection of Participants. All staff attorneys with student loans who are employed at a qualified civil legal aid organization and who meet the standards of paragraphs 4 and 5 above are eligible to apply. New applicants and current participants must follow the application process as follows:
- a. On-line applications will be available one time per year. Application information will be distributed to grantee organizations for distribution to staff attorneys prior to the application period. Applications will typically be made available three months prior to the upcoming year's LRAP period;
 - b. Applications and supporting materials will only be accepted one time per year. Due to funding limitations, LRAP applications will not be accepted at any other times during the year to accommodate new hires at qualified civil legal aid organizations;
 - c. The Foundation shall make final LRAP participant selection and funding decisions.
7. Timing of Selection, Loan Disbursements, and Forgiveness.
- a. Timing of LRAP Participant Selection: Selection of participants will typically be in December of each year for the upcoming calendar year's LRAP. However, the Foundation reserves the right to change both the selection and loan period for administrative purposes.
 - b. Loan Disbursements: Loan disbursements will be semi-annually. Loan disbursements are subject to and conditional upon participant's continuing eligible employment and certification that the participant is using the loan proceeds in accordance with the terms of this program
 - c. Loan Forgiveness: Participants will be eligible for LRAP loan forgiveness (meaning they will not have to repay their LRAP to the Foundation) after they have been in the program for a 12-month period (the loan period). In order to obtain loan forgiveness, participants shall provide certification of eligible employment and proof of lender payment history showing that they have spent the entirety of their LRAP funds on student loans as detailed in their LRAP application and in accordance with the purpose of the program. The LRAP forgiveness process (the request for forgiveness process) is typically initiated in

the month following completion of a full 12-month period as an LRAP participant. LRAP loans are forgiven at the next Foundation Board of Directors meeting that follows the processing of the participants' requests for forgiveness.

8. Resourcing the Program. To reduce the financial burden to eligible civil legal aid organizations with staff attorneys participating in the Foundation's LRAP, the Foundation will fund the LRAP program in its entirety. Benefits are subject to the Foundation's availability and allocation of funding for the program. In the event that funding is not available, benefits may be reduced, or the program may be suspended or discontinued.

**The Florida Bar Foundation
 Grants Committee Funding Worksheet
 2018 Loan Repayment Assistance Program
 (LRAP Period of January 1, 2018 through December 31, 2018)
 November 30th, and December 1st 2017 Grants Committee and Board Meetings**

**Recommended Total Grant Amount is 8.72% of \$11,100,000.00
 (\$11,100,000.00 represents the total Grants Committee funding available for fiscal year 2017-18, as of December 2017)**

Applicant Number	Date and Time of Application Submission	Employer Organization	Total Student Loan Debt	Staff Recommendation	Committee Recommendation	Board Approval
40	2017-09-29 16:24:19	Americans for Immigrant Justice	\$ 268,713.25	\$ 5,000.00		
77	2017-09-29 17:05:31	Americans for Immigrant Justice	\$ 233,102.71	\$ 5,000.00		
78	2017-09-29 17:05:46	Americans for Immigrant Justice	\$ 262,045.45	\$ 5,000.00		
84	2017-09-29 17:22:51	Americans for Immigrant Justice	\$ 235,654.01	\$ 5,000.00		
86	2017-09-29 17:25:47	Americans for Immigrant Justice	\$ 344,799.99	\$ 5,000.00		
88	2017-09-29 17:33:59	Americans for Immigrant Justice	\$ 177,172.89	\$ 5,000.00		
108	2017-09-29 22:08:31	Americans for Immigrant Justice	\$ 208,541.14	\$ 5,000.00		
123	2017-09-30 17:40:29	Americans for Immigrant Justice	\$ 212,918.00	\$ 5,000.00		
6	2017-09-29 16:05:31	Bay Area Legal Services	\$ 95,102.27	\$ 5,000.00		
10	2017-09-29 16:09:31	Bay Area Legal Services	\$ 31,000.00	\$ 5,000.00		
19	2017-09-29 16:12:35	Bay Area Legal Services	\$ 148,607.90	\$ 5,000.00		
23	2017-09-29 16:13:33	Bay Area Legal Services	\$ 406,984.08	\$ 5,000.00		
29	2017-09-29 16:14:56	Bay Area Legal Services	\$ 250,000.00	\$ 5,000.00		
30	2017-09-29 16:15:18	Bay Area Legal Services	\$ 131,163.88	\$ 5,000.00		
34	2017-09-29 16:19:18	Bay Area Legal Services	\$ 90,388.24	\$ 5,000.00		
63	2017-09-29 16:40:28	Bay Area Legal Services	\$ 51,512.58	\$ 5,000.00		
65	2017-09-29 16:42:50	Bay Area Legal Services	\$ 151,408.99	\$ 5,000.00		
81	2017-09-29 17:09:57	Bay Area Legal Services	\$ 174,954.02	\$ 5,000.00		
132	2017-10-01 18:24:15	Bay Area Legal Services	\$ 106,972.64	\$ 5,000.00		
137	2017-10-02 09:12:10	Bay Area Legal Services	\$ 179,258.53	\$ 5,000.00		
50	2017-09-29 16:29:14	Brevard County Legal Aid	\$ 370,000.00	\$ 5,000.00		
69	2017-09-29 16:48:23	Brevard County Legal Aid	\$ 242,478.67	\$ 5,000.00		
3	2017-09-29 16:04:13	Coast to Coast Legal Aid of South Florida	\$ 201,000.00	\$ 5,000.00		
18	2017-09-29 16:12:04	Coast to Coast Legal Aid of South Florida	\$ 134,457.92	\$ 5,000.00		
8	2017-09-29 16:06:25	Community Legal Services of Mid-Florida	\$ 103,236.00	\$ 5,000.00		
35	2017-09-29 16:20:53	Community Legal Services of Mid-Florida	\$ 240,074.95	\$ 5,000.00		
43	2017-09-29 16:26:06	Community Legal Services of Mid-Florida	\$ 200,000.00	\$ 5,000.00		
49	2017-09-29 16:28:53	Community Legal Services of Mid-Florida	\$ 21,493.43	\$ 5,000.00		

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Applicant Number	Date and Time of Application Submission	Employer Organization	Total Student Loan Debt	Staff Recommendation	Committee Recommendation	Board Approval
57	2017-09-29 16:35:05	Community Legal Services of Mid-Florida	\$ 239,411.86	\$ 5,000.00		
71	2017-09-29 16:54:34	Community Legal Services of Mid-Florida	\$ 99,865.86	\$ 5,000.00		
73	2017-09-29 17:00:43	Community Legal Services of Mid-Florida	\$ 147,135.00	\$ 5,000.00		
82	2017-09-29 17:12:02	Community Legal Services of Mid-Florida	\$ 100,222.19	\$ 5,000.00		
85	2017-09-29 17:24:33	Community Legal Services of Mid-Florida	\$ 105,491.71	\$ 5,000.00		
89	2017-09-29 17:35:02	Community Legal Services of Mid-Florida	\$ 146,059.33	\$ 5,000.00		
91	2017-09-29 17:38:55	Community Legal Services of Mid-Florida	\$ 90,817.12	\$ 5,000.00		
105	2017-09-29 21:09:02	Community Legal Services of Mid-Florida	\$ 43,110.84	\$ 5,000.00		
114	2017-09-30 11:34:41	Community Legal Services of Mid-Florida	\$ 126,755.40	\$ 5,000.00		
125	2017-09-30 23:16:35	Community Legal Services of Mid-Florida	\$ 199,254.73	\$ 5,000.00		
128	2017-10-01 12:32:33	Community Legal Services of Mid-Florida	\$ 98,214.58	\$ 5,000.00		
149	2017-10-02 12:30:31	Community Legal Services of Mid-Florida	\$ 31,726.00	\$ 5,000.00		
151	2017-10-02 12:38:23	Community Legal Services of Mid-Florida	\$ 167,622.00	\$ 5,000.00		
152	2017-10-02 12:47:21	Community Legal Services of Mid-Florida	\$ 29,059.00	\$ 5,000.00		
156	2017-10-02 14:01:18	Community Legal Services of Mid-Florida	\$ 53,673.19	\$ 5,000.00		
161	2017-10-02 20:36:31	Community Legal Services of Mid-Florida	\$ 180,426.00	\$ 5,000.00		
176	2017-10-05 19:43:32	Community Legal Services of Mid-Florida	\$ 341,375.00	\$ 5,000.00		
180	2017-10-09 15:58:39	Community Legal Services of Mid-Florida	\$ 255,107.56	\$ 5,000.00		
183	2017-10-10 18:20:42	Community Legal Services of Mid-Florida	\$ 146,518.89	\$ 5,000.00		
185	2017-10-11 11:56:36	Community Legal Services of Mid-Florida	\$ 89,358.17	\$ 5,000.00		
190	2017-10-12 20:48:00	Community Legal Services of Mid-Florida	\$ 148,951.91	\$ 5,000.00		
191	2017-10-13 12:15:23	Community Legal Services of Mid-Florida	\$ 196,885.23	\$ 5,000.00		
192	2017-10-13 14:23:05	Community Legal Services of Mid-Florida	\$ 95,603.00	\$ 5,000.00		
111	2017-09-30 06:34:45	Cuban American Bar Association Pro Bono Project	\$ 360,937.74	\$ 5,000.00		
145	2017-10-02 11:04:28	Cuban American Bar Association Pro Bono Project	\$ 108,198.00	\$ 5,000.00		
174	2017-10-04 18:02:02	Cuban American Bar Association Pro Bono Project	\$ 134,000.00	\$ 5,000.00		
1	2017-09-29 16:00:19	Dade County Bar Association Legal Aid Society	\$ 105,921.21	\$ 5,000.00		
96	2017-09-29 18:16:40	Dade County Bar Association Legal Aid Society	\$ 213,764.23	\$ 5,000.00		

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Applicant Number	Date and Time of Application Submission	Employer Organization	Total Student Loan Debt	Staff Recommendation	Committee Recommendation	Board Approval
102	2017-09-29 19:22:03	Dade County Bar Association Legal Aid Society	\$ 225,372.94	\$ 5,000.00		
110	2017-09-30 02:47:00	Dade County Bar Association Legal Aid Society	\$ 66,566.98	\$ 5,000.00		
139	2017-10-02 09:20:52	Dade County Bar Association Legal Aid Society	\$ 389.22	\$ 389.22		
141	2017-10-02 09:42:13	Dade County Bar Association Legal Aid Society	\$ 91,201.96	\$ 5,000.00		
148	2017-10-02 11:53:13	Dade County Bar Association Legal Aid Society	\$ 72,078.06	\$ 5,000.00		
157	2017-10-02 14:23:53	Dade County Bar Association Legal Aid Society	\$ 216,884.00	\$ 5,000.00		
162	2017-10-03 09:22:02	Dade County Bar Association Legal Aid Society	\$ 66,569.52	\$ 5,000.00		
187	2017-10-12 12:09:57	Dade County Bar Association Legal Aid Society	\$ 272,576.49	\$ 5,000.00		
106	2017-09-29 21:13:26	Florida Justice Institute	\$ 85,290.00	\$ 5,000.00		
170	2017-10-04 14:28:11	Florida Justice Institute	\$ 110,355.53	\$ 5,000.00		
133	2017-10-01 18:39:52	Florida Legal Services (includes FILS staff)	\$ 112,939.70	\$ 5,000.00		
150	2017-10-02 12:36:23	Florida Legal Services (includes FILS staff)	\$ 166,259.50	\$ 5,000.00		
163	2017-10-03 09:40:30	Florida Legal Services (includes FILS staff)	\$ 175,376.28	\$ 5,000.00		
175	2017-10-05 18:10:28	Florida Legal Services (includes FILS staff)	\$ 79,159.00	\$ 5,000.00		
13	2017-09-29 16:09:51	Florida Rural Legal Services	\$ 137,291.45	\$ 5,000.00		
26	2017-09-29 16:14:18	Florida Rural Legal Services	\$ 208,822.76	\$ 5,000.00		
45	2017-09-29 16:26:30	Florida Rural Legal Services	\$ 167,458.00	\$ 5,000.00		
46	2017-09-29 16:27:31	Florida Rural Legal Services	\$ 129,719.97	\$ 5,000.00		
51	2017-09-29 16:30:19	Florida Rural Legal Services	\$ 75,036.00	\$ 5,000.00		
58	2017-09-29 16:36:24	Florida Rural Legal Services	\$ 38,723.27	\$ 5,000.00		
62	2017-09-29 16:38:28	Florida Rural Legal Services	\$ 85,649.00	\$ 5,000.00		
67	2017-09-29 16:47:13	Florida Rural Legal Services	\$ 172,803.98	\$ 5,000.00		
80	2017-09-29 17:08:59	Florida Rural Legal Services	\$ 8,940.98	\$ 5,000.00		
124	2017-09-30 22:23:09	Florida Rural Legal Services	\$ 232,119.06	\$ 5,000.00		
135	2017-10-02 08:44:59	Florida Rural Legal Services	\$ 8,598.14	\$ 5,000.00		
136	2017-10-02 09:07:25	Florida Rural Legal Services	\$ 208,581.55	\$ 5,000.00		
177	2017-10-07 05:46:28	Florida Rural Legal Services	\$ 118,882.38	\$ 5,000.00		
184	2017-10-11 09:19:41	Florida Rural Legal Services	\$ 122,210.00	\$ 5,000.00		

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Applicant Number	Date and Time of Application Submission	Employer Organization	Total Student Loan Debt	Staff Recommendation	Committee Recommendation	Board Approval
61	2017-09-29 16:38:10	Gulfcoast Legal Services	\$ 205,000.00	\$ 5,000.00		
74	2017-09-29 17:01:52	Gulfcoast Legal Services	\$ 237,964.61	\$ 5,000.00		
107	2017-09-29 21:18:00	Gulfcoast Legal Services	\$ 29,574.03	\$ 5,000.00		
118	2017-09-30 13:52:40	Gulfcoast Legal Services	\$ 188,752.00	\$ 5,000.00		
126	2017-09-30 23:18:29	Gulfcoast Legal Services	\$ 442,413.72	\$ 5,000.00		
41	2017-09-29 16:24:43	Heart of Florida Legal Aid Society	\$ 91,096.84	\$ 5,000.00		
147	2017-10-02 11:52:52	Heart of Florida Legal Aid Society	\$ 43,094.79	\$ 5,000.00		
20	2017-09-29 16:13:12	Jacksonville Area Legal Aid	\$ 21,381.72	\$ 5,000.00		
28	2017-09-29 16:14:44	Jacksonville Area Legal Aid	\$ 154,510.64	\$ 5,000.00		
48	2017-09-29 16:28:16	Jacksonville Area Legal Aid	\$ 70,599.98	\$ 5,000.00		
72	2017-09-29 16:56:51	Jacksonville Area Legal Aid	\$ 84,377.48	\$ 5,000.00		
76	2017-09-29 17:05:20	Jacksonville Area Legal Aid	\$ 203,000.00	\$ 5,000.00		
116	2017-09-30 12:50:44	Jacksonville Area Legal Aid	\$ 151,105.89	\$ 5,000.00		
134	2017-10-01 22:00:17	Jacksonville Area Legal Aid	\$ 199,580.00	\$ 5,000.00		
143	2017-10-02 10:08:14	Legal Aid Foundation of the Tallahassee Bar Association	\$ 52,000.00	\$ 5,000.00		
129	2017-10-01 14:24:43	Legal Aid of Manasota	\$ 152,741.00	\$ 5,000.00		
155	2017-10-02 13:11:54	Legal Aid of Manasota	\$ 230,618.00	\$ 5,000.00		
5	2017-09-29 16:05:30	Legal Aid Service of Broward County	\$ 10,112.27	\$ 5,000.00		
14	2017-09-29 16:09:57	Legal Aid Service of Broward County	\$ 178,637.96	\$ 5,000.00		
21	2017-09-29 16:13:22	Legal Aid Service of Broward County	\$ 81,385.00	\$ 5,000.00		
31	2017-09-29 16:16:11	Legal Aid Service of Broward County	\$ 141,361.85	\$ 5,000.00		
37	2017-09-29 16:22:15	Legal Aid Service of Broward County	\$ 78,827.91	\$ 5,000.00		
75	2017-09-29 17:01:59	Legal Aid Service of Broward County	\$ 42,971.36	\$ 5,000.00		
95	2017-09-29 18:14:38	Legal Aid Service of Broward County	\$ 92,023.98	\$ 5,000.00		
98	2017-09-29 18:26:27	Legal Aid Service of Broward County	\$ 189,735.86	\$ 5,000.00		
100	2017-09-29 18:43:37	Legal Aid Service of Broward County	\$ 32,212.08	\$ 5,000.00		
101	2017-09-29 19:06:56	Legal Aid Service of Broward County	\$ 37,500.00	\$ 5,000.00		
103	2017-09-29 20:08:47	Legal Aid Service of Broward County	\$ 63,043.46	\$ 5,000.00		

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Applicant Number	Date and Time of Application Submission	Employer Organization	Total Student Loan Debt	Staff Recommendation	Committee Recommendation	Board Approval
115	2017-09-30 11:37:46	Legal Aid Service of Broward County	\$ 62,180.08	\$ 5,000.00		
122	2017-09-30 17:19:36	Legal Aid Service of Broward County	\$ 185,000.00	\$ 5,000.00		
131	2017-10-01 15:32:40	Legal Aid Service of Broward County	\$ 34,949.33	\$ 5,000.00		
158	2017-10-02 14:28:43	Legal Aid Service of Broward County	\$ 166,021.10	\$ 5,000.00		
159	2017-10-02 14:40:36	Legal Aid Service of Broward County	\$ 147,031.01	\$ 5,000.00		
169	2017-10-04 11:07:39	Legal Aid Service of Broward County	\$ 111,748.55	\$ 5,000.00		
171	2017-10-04 14:30:16	Legal Aid Service of Broward County	\$ 346,453.79	\$ 5,000.00		
179	2017-10-09 13:49:39	Legal Aid Service of Broward County	\$ 471,106.43	\$ 5,000.00		
188	2017-10-12 18:11:28	Legal Aid Service of Broward County	\$ 239,000.00	\$ 5,000.00		
4	2017-09-29 16:04:47	Legal Aid Service of Collier County	\$ 178,389.29	\$ 5,000.00		
24	2017-09-29 16:13:50	Legal Aid Service of Collier County	\$ 206,788.56	\$ 5,000.00		
25	2017-09-29 16:14:06	Legal Aid Service of Collier County	\$ 250,000.00	\$ 5,000.00		
38	2017-09-29 16:22:57	Legal Aid Service of Collier County	\$ 51,857.34	\$ 5,000.00		
42	2017-09-29 16:26:01	Legal Aid Service of Collier County	\$ 94,464.54	\$ 5,000.00		
113	2017-09-30 10:59:27	Legal Aid Service of Collier County	\$ 211,761.06	\$ 5,000.00		
178	2017-10-08 18:10:32	Legal Aid Service of Collier County	\$ 248,492.75	\$ 5,000.00		
189	2017-10-12 19:33:48	Legal Aid Service of Collier County	\$ 148,330.33	\$ 5,000.00		
12	2017-09-29 16:09:48	Legal Aid Society of Palm Beach County	\$ 121,584.72	\$ 5,000.00		
36	2017-09-29 16:22:04	Legal Aid Society of Palm Beach County	\$ 127,177.70	\$ 5,000.00		
52	2017-09-29 16:30:38	Legal Aid Society of Palm Beach County	\$ 8,377.38	\$ 5,000.00		
54	2017-09-29 16:33:48	Legal Aid Society of Palm Beach County	\$ 275,000.00	\$ 5,000.00		
55	2017-09-29 16:34:07	Legal Aid Society of Palm Beach County	\$ 277,436.23	\$ 5,000.00		
59	2017-09-29 16:36:44	Legal Aid Society of Palm Beach County	\$ 11,387.00	\$ 5,000.00		
60	2017-09-29 16:38:07	Legal Aid Society of Palm Beach County	\$ 20,930.00	\$ 5,000.00		
83	2017-09-29 17:12:52	Legal Aid Society of Palm Beach County	\$ 270,277.21	\$ 5,000.00		
90	2017-09-29 17:35:45	Legal Aid Society of Palm Beach County	\$ 53,683.10	\$ 5,000.00		
97	2017-09-29 18:20:28	Legal Aid Society of Palm Beach County	\$ 115,948.00	\$ 5,000.00		
99	2017-09-29 18:32:47	Legal Aid Society of Palm Beach County	\$ 25,628.37	\$ 5,000.00		

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112	2017-09-30 10:56:16	Legal Aid Society of Palm Beach County	\$ 130,000.00	\$ 5,000.00		
121	2017-09-30 16:59:00	Legal Aid Society of Palm Beach County	\$ 319,016.46	\$ 5,000.00		
140	2017-10-02 09:26:48	Legal Aid Society of Palm Beach County	\$ 114,325.36	\$ 5,000.00		
144	2017-10-02 10:20:25	Legal Aid Society of Palm Beach County	\$ 59,079.63	\$ 5,000.00		
154	2017-10-02 13:03:46	Legal Aid Society of Palm Beach County	\$ 276,939.43	\$ 5,000.00		
167	2017-10-03 21:32:45	Legal Aid Society of Palm Beach County	\$ 57,115.00	\$ 5,000.00		
172	2017-10-04 16:56:16	Legal Aid Society of Palm Beach County	\$ 116,753.19	\$ 5,000.00		
173	2017-10-04 17:13:22	Legal Aid Society of Palm Beach County	\$ 216,655.00	\$ 5,000.00		
181	2017-10-09 22:50:58	Legal Aid Society of Palm Beach County	\$ 296,230.00	\$ 5,000.00		
195	2017-10-27 12:14:33	Legal Aid Society of Palm Beach County	\$ 39,561.05	\$ 5,000.00		
68	2017-09-29 16:48:20	Legal Aid Society of the Orange County Bar Association	\$ 209,037.47	\$ 5,000.00		
79	2017-09-29 17:08:01	Legal Aid Society of the Orange County Bar Association	\$ 246,435.35	\$ 5,000.00		
92	2017-09-29 17:53:38	Legal Aid Society of the Orange County Bar Association	\$ 109,599.22	\$ 5,000.00		
119	2017-09-30 16:42:51	Legal Aid Society of the Orange County Bar Association	\$ 28,739.96	\$ 5,000.00		
164	2017-10-03 09:53:57	Legal Aid Society of the Orange County Bar Association	\$ 7,278.92	\$ 5,000.00		
165	2017-10-03 16:12:58	Legal Aid Society of the Orange County Bar Association	\$ 58,436.51	\$ 5,000.00		
168	2017-10-04 09:35:22	Legal Aid Society of the Orange County Bar Association	\$ 206,307.60	\$ 5,000.00		
182	2017-10-10 10:45:39	Legal Aid Society of the Orange County Bar Association	\$ 2,536.39	\$ 2,536.39		
9	2017-09-29 16:07:56	Legal Services of Greater Miami	\$ 206,274.17	\$ 5,000.00		
17	2017-09-29 16:10:55	Legal Services of Greater Miami	\$ 41,312.96	\$ 5,000.00		
27	2017-09-29 16:14:25	Legal Services of Greater Miami	\$ 51,642.00	\$ 5,000.00		
64	2017-09-29 16:40:49	Legal Services of Greater Miami	\$ 486,782.78	\$ 5,000.00		
66	2017-09-29 16:47:12	Legal Services of Greater Miami	\$ 221,695.14	\$ 5,000.00		
93	2017-09-29 17:58:59	Legal Services of Greater Miami	\$ 96,270.04	\$ 5,000.00		
94	2017-09-29 18:01:31	Legal Services of Greater Miami	\$ 63,973.87	\$ 5,000.00		
104	2017-09-29 20:43:16	Legal Services of Greater Miami	\$ 121,750.21	\$ 5,000.00		
109	2017-09-29 22:35:09	Legal Services of Greater Miami	\$ 76,345.65	\$ 5,000.00		
117	2017-09-30 13:18:52	Legal Services of Greater Miami	\$ 26,629.00	\$ 5,000.00		

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130	2017-10-01 15:30:31	Legal Services of Greater Miami	\$ 284,034.61	\$ 5,000.00		
142	2017-10-02 09:44:33	Legal Services of Greater Miami	\$ 249,100.56	\$ 5,000.00		
186	2017-10-11 17:50:21	Legal Services of Greater Miami	\$ 22,044.62	\$ 5,000.00		
193	2017-10-13 15:36:32	Legal Services of Greater Miami	\$ 32,290.38	\$ 5,000.00		
196	2017-10-26 12:39:14	Legal Services of Greater Miami	\$ 200,171.00	\$ 5,000.00		
32	2017-09-29 16:17:13	Legal Services of North Florida	\$ 51,065.56	\$ 5,000.00		
33	2017-09-29 16:18:49	Legal Services of North Florida	\$ 193,644.12	\$ 5,000.00		
39	2017-09-29 16:23:10	Legal Services of North Florida	\$ 125,000.00	\$ 5,000.00		
53	2017-09-29 16:32:21	Legal Services of North Florida	\$ 255,386.02	\$ 5,000.00		
70	2017-09-29 16:49:35	Legal Services of North Florida	\$ 149,148.95	\$ 5,000.00		
87	2017-09-29 17:26:49	Legal Services of North Florida	\$ 58,478.66	\$ 5,000.00		
120	2017-09-30 16:52:04	Legal Services of North Florida	\$ 115,056.96	\$ 5,000.00		
146	2017-10-02 11:21:14	Legal Services of North Florida	\$ 87,739.00	\$ 5,000.00		
160	2017-10-02 15:55:51	Legal Services of North Florida	\$ 85,557.00	\$ 5,000.00		
194	2017-10-13 15:46:16	Legal Services of North Florida	\$ 40,569.67	\$ 5,000.00		
166	2017-10-03 16:47:34	Seminole County Bar Association Legal Aid Society	\$ 85,461.22	\$ 5,000.00		
47	2017-09-29 16:27:40	Southern Legal Counsel	\$ 86,160.34	\$ 5,000.00		
2	2017-09-29 16:01:16	Three Rivers Legal Services	\$ 128,053.66	\$ 5,000.00		
7	2017-09-29 16:06:08	Three Rivers Legal Services	\$ 27,006.98	\$ 5,000.00		
11	2017-09-29 16:09:38	Three Rivers Legal Services	\$ 202,049.00	\$ 5,000.00		
15	2017-09-29 16:10:14	Three Rivers Legal Services	\$ 54,754.30	\$ 5,000.00		
16	2017-09-29 16:10:31	Three Rivers Legal Services	\$ 14,261.68	\$ 5,000.00		
22	2017-09-29 16:13:25	Three Rivers Legal Services	\$ 184,533.76	\$ 5,000.00		
44	2017-09-29 16:26:20	Three Rivers Legal Services	\$ 138,094.38	\$ 5,000.00		
56	2017-09-29 16:34:13	Three Rivers Legal Services	\$ 22,289.20	\$ 5,000.00		
127	2017-10-01 06:27:13	Three Rivers Legal Services	\$ 6,150.33	\$ 5,000.00		
138	2017-10-02 09:17:05	Three Rivers Legal Services	\$ 138,000.00	\$ 5,000.00		

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Applicant Number	Date and Time of Application Submission	Employer Organization	Total Student Loan Debt	Staff Recommendation	Committee Recommendation	Board Approval
	TOTALS		\$ 27,673,813.63	\$ 967,925.61		

By submission of the above recommendations to the Grants Committee, staff affirms that the above recommendations meet the guidelines of the above grant program description.

Grants Director Approval _____ Date _____

Deputy Director/CFO/COO Approval _____ Date _____

Agenda Item 8(c)

**The Florida Bar Foundation
 Community Based Civil Legal Services Grant Program
 Equal Justice Works Fellowship Allocation for the class of 2018-20
 November 30 and December 1, 2017 Grants Committee and Board Meetings**

Grants Committee Funding Allocation Worksheet

Recommended Total Allocation is 3.67% of \$11,100,000

(\$11,100,000 represents the total Grants Committee funding available for fiscal year 2017-18, as of December 2017. This amount assumes Board approval of an additional \$600,000 to the Committee.)

NOTE: This is a self-administered grant program. The Board is being requested to approve only the allocation of funds to the program. Foundation staff is responsible for approving the specific activity within the approved allocation limits.

Program	FBF Funds Allocation	Matching Funds to the FBF	FN	Staff Recommendation	Committee Recommendation	Board Approval
			1			
Equal Justice Works Fellowship Matching Funds for the class of 2018-20	\$407,000	\$27,000	2, 3	\$434,000		
TOTAL:	\$407,000	\$27,000		\$434,000		

FOOTNOTES:

1. The cost of a two year fellowship for one fellow is \$124,000. The Foundation anticipates funding 4 EJW Fellows for the 2018-20 class. With matching funds from The Florida Bar, the Foudnation will co-sponsor 1 fellowship for the class of 2018-20 with Greenberg-Traurig. 3 Fellows would be fully funded by the Foundation.
2. Matching Funds Breakdown for the 1 co-sponsored Fellowship: Total cost for 1 Fellow = \$124,000. The law firm of Greenberg Traurig committed to provide a \$62,000 matching contribution directly to Equal Justice Works; Staff anticipates a \$27,000 matching contribution from The Florida Bar in August 2018 that will be combined with \$35,000 in FBF funds. EJW invoices the Foundation and Greenberg Traurig for their respective shares of the fellowship cost. Equal Justice Works then distributes all funds to the fellow's host organization.
3. The remaining 3 Fellows will cost \$372,000 and Bank of America funds will be utilized to wholly support those 3 fellows. The total Foundation cost is \$407,000 (\$35,000 for the 1 co-sponsored fellow + \$372,000 in BOA funds for the other 3 fellows.)

Grant Director Approval _____

Date _____

Deputy Director/CFO/COO Approval _____

Date _____



THE FLORIDA BAR FOUNDATION

Grant Program Overview and Grant Program Description

Effective September 9, 2017

I. History and Mission

The mission of the Florida Bar Foundation (FBF/Foundation) is to provide greater access to justice. The Foundation accomplishes this mission through initiatives that:

- ❖ Expand and Improve representation and advocacy on behalf of low-income persons in civil legal matters;
- ❖ Improve the fair and effective administration of justice; and
- ❖ Promote public service among lawyers by making it an integral component of the law school experience.

The Florida Bar Foundation (FBF/Foundation) was formed in 1956 by The Florida Bar Board of Governors. In 1981 the Florida Supreme Court implemented the Interest on Trust Account (IOTA) program, the first in the country, and it has served as a model for the similar programs across the United States.

The Foundation has awarded nearly \$500 million dollars in grant funding over 35 years and has invested in the civil legal aid delivery system to benefit low-income Floridians. Revenue from IOTA accounts is the main support for the Foundation's grant programs. Additional support for investments in Florida's civil legal aid delivery system comes from lawyers and other individuals, law firms, Florida Bar sections and divisions, other foundations and corporations, and cy pres awards.

The Foundation is governed by a 33-member board of directors, which meets quarterly. The board conducts its work through standing and ad hoc committees and are assisted by a staff of 15 Foundation employees located in Orlando, Florida. The names of board members, staff, and other information may be found on the internet at: www.thefloridabarfoundation.org

The Foundation is committed creating lasting change with measurable improvements for low-income Floridians. The Foundation is a convener, collaborator, and catalyst for

broad based systemic change and innovative solutions to reduce the Justice Gap in Florida.

II. Scope of Services

In furtherance of its mission, and in recognition that no single provider or organization can satisfy the documented unmet need for civil legal services, the Foundation supports a variety of programs to ensure the delivery of both high quality and a full range of civil legal services to low- income Floridians through a comprehensive statewide system. Such providers and organizations include, but are not limited to: staff attorney programs, pro bono programs, specialized legal services programs, multi-service programs, technology programs, and statewide programs.

III. Organizations Eligible for Grants

The Foundation shall make grants to organizations, not individuals. Qualified grant applicants must:

- ✓ Be non-profit entities, tax-exempt and qualified to receive charitable donations within the meaning of the Internal Revenue Code;
- ✓ Operate within the State of Florida;
- ✓ Have an audit mechanism that provides accountability of Foundation funds;
- ✓ Agree to satisfy all of the Foundation's reporting requirements, including the submission of audited financial statements;
- ✓ Have a primary purpose of providing legal services to low-income Floridians; or a primary purpose that advances the administration of justice;
- ✓ Be current in all filings required to be made by it with any governmental authority;
- ✓ Maintain open records;
- ✓ Be an equal employment opportunity employer; and
- ✓ Be able to demonstrate that it can utilize any funds granted to it in a manner consistent with rules and policies adopted by the Board of Directors of the Foundation.

IV. Grant Cycles

Grant application periods are announced twice a year inviting potential applicants to submit detailed proposals. Criteria and the process are provided to potential applicants and will be made available on the Foundation's website along with grant requirements.

Applicants are informed of the competitive process and nature since the Foundation receives far more requests for funding than available funds to award.

V. Criteria for Grants

Applicants must provide services pursuant to one of the categories below. Funds may not be used to duplicate a service already funded by another entity or in place of other funds available for the same purpose. Funds shall be used to expand and improve services and fill gaps in service. Funds can be used for operational, administrative, staffing, and supply expenses required to support the proposed projects and the outcomes to be achieved. Funds may not be used for capital expenditures.

1. Community Based Civil Legal Services – Provide civil legal services in one or more substantive legal area and through a full range of legal strategies (direct representation, administrative and policy advocacy, community lawyering, legislative advocacy, etc.) to low-income Floridians.
2. Administration of Justice – Provides services with measurable impact that improve the administration of justice within the broader context of the justice system, including:
 - Enhance civil legal services through innovative and cost-effective means;
 - Provide direct civil legal services either to groups of clients currently underserved by legal aid providers, or in an area of representation (whether substantive or geographical) that cannot be or is not effectively served by individual qualified civil legal aid providers;
 - Improve the operation and management of the court and justice systems;
 - Public education and understanding about the law, including law related education; Innovative and transformative pro bono projects; or
 - Otherwise promote the improvement of the administration of justice.

VI. Specific Grant Criteria

The Foundation, recognizing the size and vast geographic diversity of the state and the unique needs of its various area, will consider the following criteria in making grants:

- Collaborative efforts
- Outcomes to be achieved
- Applicant’s evaluation methods to determine success
- Unmet needs

- The number of other organizations in the service area providing similar services
- The types of legal services provided by the organization
- Track record with the organization
- The number of clients served by the applicant organization
- Availability of other funding for the proposed projects
- Requests for one-time needs, including innovation and/or transformation grants
- Comparison of other similar project's funding
- Funds available in the service area
- Potential for leveraging other resources
- Probability of availability of other future funding sources
- Pro Bono innovation and transformation projects
- Experiential learning for law students who provide direct client services
- Systemic/Impact work: using innovative legal, policy, and other advocacy efforts to address poverty and advance justice that affects more than 1 individual resulting in positive benefits for whole communities and/or vulnerable groups.
- Special populations, including but not limited to:
 - ❖ Immigrants
 - ❖ Institutionalized
 - ❖ Rural
 - ❖ LGBTQ
 - ❖ Children
 - ❖ Disabled and Mental Health
 - ❖ Veterans
 - ❖ Seniors/Elderly
 - ❖ Other marginalized populations.

The Foundation will only accept one application from each organization during grant application cycles.

VII. The Board of Directors and Awarding of Grants

A major function of the Foundation in its grant making capacity is to award grants to exemplary non-profit providers of legal services in a competitive process that will result in the most effective and efficient delivery of legal services by selected Florida non-profit organizations.

In accordance the Foundation's Grantmaking Policy, FBF staff will receive and review all applications. Staff may include outside peer reviewers in the application review process. Staff establishes the eligibility of each applicant; determines compliance with reporting requirements; ascertains accuracy and completeness of the applicant's information; reviews budget and financial information; reviews grantee self-assessment and other reports; and evaluates the application based on the criteria described above.

FBF staff submits funding recommendations and other information to the Grants Committee for review and discussion. The committee relies on staff to share any pertinent knowledge of the applicants that might affect its funding decisions. The committee makes funding recommendations to the Board of Directors, which makes final decisions on grant awards. The board reserves the right to award an amount different (either lower or higher) from that requested by an applicant and to impose any special conditions on the award that the board, in their discretion, determine will improve services or performance by the grantee over the period of the grant.

VIII. Grantee Oversight

The Foundation requires all grantees to complete and submit annual reports detailing successes, challenges, the number of clients served, and outcomes achieved for clients. Grantees must also submit audited financial statements and other records and information requested by the Foundation. Grantees may also be required to participate in and respond to self-assessment reports related to services, generally and more specifically on services related to pro bono.

The Foundation conducts on-site visits to grantees to determine:

- ❖ Compliance with grant requirements;
- ❖ The quality and effectiveness of the grantee's operations and services;
- ❖ Assess the accuracy of information provided in grant applications and reports; and
- ❖ To determine need and offer technical assistance and recommendations to encourage compliance and improve the grantee's services and operations.

The Foundation also requires grantees to participate in a desk-review process that is similar in the nature and scope of the on-site assessments, but that is streamlined through technology for efficiency and effectiveness.

Agenda Item 6b

2018 Florida Bar Foundation Community Economic Development Initiative
Funding From FBF Fiscal Year 2017-18 / Source: Bank of America Settlement
Grant Period Runs: January 1 - December 31, 2017

Grant Application Score Sheet

~Scoring in the upper third of the point range should be reserved for an exemplary response.

~Scoring in the middle third of the point range indicates an average response.

~Scoring in the lower third of the point range indicates a below average response.

Up to 3 points may be deducted for repetitive typos & grammatical errors.

Must score 85 points to be considered. (Reality: we may have to adjust this depending on quality.)

Applicant: _____

Total Score _____

(out of 100 possible points)

Reviewer: 1 2 3 4 5

<u>Category</u>	<u>Total Points Available</u>	<u>Reviewer's Score for Category</u>
Required Documents		
Signed FBF Grant Assurances	0	
Budget Expenditures		
Revenue Spreadsheets		
Board Spreadsheets		
Prof. Liability Insurance Coverage		
Supporting Documents (10 total points)		
Minutes of the last 4 board meetings	5	
Staff Diversity Worksheet	5	
Project Proposal (65 total points)		
Community Need	10	
Organizational Capacity & Strength	10	
Program Description	25	
Collaboration & Collective Impact Efforts	10	
Measuring Results	10	
Financial Evaluation (20 total points)		
Budget Expenses	5	
Revenue	5	
Staffing	5	
Audit/Financial Position	5	
Bonus Points (5 points)		
Letter	2	
Collective Impact Workplan	3	

Reviewer's Comments:

Guidance on Application Review - Does the Application Answer the Following:

Community Need

A clear statement, supported by community characteristics, demographic and statistical data of the problems to be addressed by the proposed services.

The community need should be clearly defined and the case should be clear that there is a need for the proposed services.

Evidence of client and community support for the program.

Evidence of client participation in program planning, priority setting, and operation.

In the case of organizations seeking to serve communities underserved by existing providers, the demonstrated need for additional services.

Measuring Results

Are the intended results well-defined and desirable for clients and/or the community?

Are the proposed indicators an accurate gauge of success?

Are the proposed targets attainable and representative of improvement?

Are the intended results measurable?

Is there a plan for collecting and sharing data?

Do the benchmarks provide adequate context for the specified indicators and targets?

Has the program had a measurably positive impact on the community?

If the proposal is to continue existing work, is there a measurably positive impact on the community?

Program Description

Does the proposal align with the organization's mission and current activities?

Does the proposal address root causes or propose systemic improvement?

Does the proposal have a clear plan for how the applicant will execute the proposed services?

Will the proposal allow the applicant to leverage other funding or other resources?

Will the proposal build the applicant's capacity to delivery more of their services?

Is there development and strengthening of a pro bono model that will generate substantial voluntary legal services?

Financial Evaluation

Did the applicant used the provided budget template?

Is the budget realistic?

Is the amount requested appropriate for the proposed activities and desired results?

Are indirect/overhead costs logical and appropriate for the project?

Has the organization made a good faith effort to determine the most cost-effective options for their expenses?

Evidence of substantial sources of income for the program, in addition to the funds requested.

Is the organization financially sound?

Is there any indication of financial or other troubles that will interfere with the organization's ability to execute the proposal?

Organizational Capacity/Strength

Is the organization and the leadership experienced in the type of work proposed?

Evidence of high professional standards, efficient and quality legal services.

Evidence of methods to ensure quality control of services, including appropriate systems for client intake, case assignment, case management and supervision, training of staff and volunteers and technical support.

Evidence of a governing board that will undertake priority setting, ensure program accountability, and assume leadership in the development of program resources and funding.

Collaboration and Collective Impact

Cooperative proposals from multiple organizations.

Is there a shared vision for change; a common understanding of the problem; a collaborative or collective approach to solving it?

Does the collaborative nature of the proposal maximize resources and enable the leveraging of assets.

Evidence of collaborative efforts already in place to ensure the increased usefulness of grant funds to avoid the duplication of services.

The Florida Bar Foundation
Community Based Civil Legal Services Grant Program
2018 Community Economic Development Initiative
 (Grant Period of January 1, 2018 through December 31, 2018)
 November 30, and December 1, 2017 Grants Committee and Board Meetings

Grants Committee Funding Worksheet

Recommended Total Grant Amount is 57.41% of \$11,100,000

(\$11,100,000 represents the total Grants Committee funding available for fiscal year 2017-18, as of December 2017. This amount assumes Board approval of an additional \$600,000 to the Committee.)

Region	Organization Name	2017 General Support Grant Award	2018 Amount Requested	CED Project Funded by Staff's Recommendation	Notes	Staff Recommendation	2017 Committee Recommendation	2017 Board Approval
Region 1	Legal Aid Foundation of the Tallahassee Bar Assoc.	\$23,500	\$67,000	Partial Fund for Promise Zone & Thunder Dome Projects		\$57,000		
	Legal Services of North Florida, Inc. - <i>LSC Provider</i>	\$98,171	\$674,715	Partial Fund for Access & Tenant's Rights Projects	1	\$283,000		
	North Florida Center for Equal Justice	\$90,294	\$0	Did not apply. May be included as a collaborative partner with LSNF.		\$0		
	Northwest Florida Legal Services	\$122,800	\$0	Did not apply.		\$0		
Regional Total		\$334,765	\$741,715			\$340,000		
Region 2	Jacksonville Area Legal Aid, Inc.	\$380,550	\$323,875	Family Law, DV, Immigration, Low Bono		\$323,875		
	Three Rivers Legal Services, Inc. - <i>LSC Provider</i>	\$40,395	\$80,135	Homeless Project (North Central Florida)		\$80,135		
Regional Total		\$420,945	\$404,010			\$404,010		
Region 3	Brevard County Legal Aid, Inc.	\$37,211	\$109,617	Domestic Violence (conditioned on provider collaboration)	2	\$109,617		
	Community Legal Services of Mid-Florida, Inc. - <i>LSC Provider</i>	\$157,573	\$553,500	Partial Fund for Medical Legal Project <i>(Note: Will also receive add'l funding of \$169,530 under LSGMI's Affordable Housing Collaborative project)</i>	3, 4	\$158,425		
	Legal Aid Society of the Orange County Bar Assoc.	\$217,365	\$205,306	Consumer Advocacy & Removing Barriers to Employment		\$205,306		
	Seminole County Bar Assoc. Legal Aid Society, Inc.	\$29,099	\$75,500	Domestic Violence (conditioned on provider collaboration)	2	\$75,500		
Regional Total		\$441,248	\$943,923			\$548,848		
Region 4	Bay Area Legal Services, Inc. - <i>LSC Provider</i>	\$142,742	\$197,496	Expanding Senior Foreclosure Advocacy		\$197,496		
	Gulfcoast Legal Services	\$461,437	\$304,289	Financial Stability Project		\$304,289		
	Legal Aid of Manasota	\$23,500	\$118,125	Newtown Medical Legal Partnership with Sarasota Memorial Health and FSU College of Medicine	3	\$118,125		
	Community Law Program	\$23,500	\$0	Did not apply.		\$0		
Regional Total		\$651,179	\$619,910			\$619,910		

The Florida Bar Foundation
Community Based Civil Legal Services Grant Program
2018 Community Economic Development Initiative
 (Grant Period of January 1, 2018 through December 31, 2018)
 November 30, and December 1, 2017 Grants Committee and Board Meetings

Grants Committee Funding Worksheet

Recommended Total Grant Amount is 57.41% of \$11,100,000

(\$11,100,000 represents the total Grants Committee funding available for fiscal year 2017-18, as of December 2017. This amount assumes Board approval of an additional \$600,000 to the Committee.)

Region	Organization Name	2017 General Support Grant Award	2018 Amount Requested	CED Project Funded by Staff's Recommendation	Notes	Staff Recommendation	2017 Committee Recommendation	2017 Board Approval
Region 5	Florida Rural Legal Services, Inc. - <i>LSC Provider</i>	\$188,837	\$199,204	Drivers License Restoration Project	5	\$199,204		
	Heart of Florida Legal Aid Society, Inc.	\$71,104	\$100,000	Immigration & DV Representation (conditioned on provider collaboration)	6	\$100,000		
	Legal Aid Society of Palm Beach County	\$157,779	\$243,608	Fair and Affordable Housing		\$243,608		
	Lee County Legal Aid	\$25,119	\$0	Did not apply. Organization in transition.		\$0		
Regional Total		\$442,839	\$542,812			\$542,812		
Region 6	Legal Aid Service of Broward County (includes LASCollier County & Coast to Coast Legal Aid)	\$409,945	\$2,010,306	Partial Fund for Immigration, Disabled Children, & Expungement Projects <i>(Note: Will also receive add'l \$181,000 under LSGMI's Affordable Housing Collaborative Project)</i>		\$301,918		
	Coast to Coast Legal Aid of South Florida	\$23,000	\$0	Did not apply. Is included in LASBC's application.		\$0		
Regional Total		\$432,945	\$2,010,306			\$301,918		
Region 7	Americans for Immigrant Justice	\$358,831	\$200,000	DV/Immigration (conditioned on provider collaboration)	6	\$200,000		
	Cuban American Bar Assoc. Pro Bono Project	\$23,500	\$100,000	DV/Immigration (conditioned on provider collaboration)	6	\$50,000		
	Dade County Bar Assoc. Legal Aid Society, Inc.	\$172,797	\$220,043	Adult Guardianship in South Dade County		\$220,043		
	Legal Services of Greater Miami, Inc. - <i>LSC Provider</i> (includes: CLSMF at \$169,530 includes: LASBC at \$181,082 includes: Disabilities Independence Group at \$10,000 includes: LSGMI at \$310,066)	\$279,782	\$670,678	Affordable Housing Collaborative Project: 1) Representation of non-profit development orgs in development & preservation of affordable housing; & 2) low income entrepreneurs in business transactions	4	\$670,678		
	Guardianship Program of Dade County	\$29,518	\$0	Did not apply per FBF 2016-17 action.		\$0		
Regional Total		\$864,428	\$1,190,721			\$1,140,721		
Statewide	Florida Legal Services	\$1,480,399	\$1,508,485	FL Institutional Legal Services Project; Migrant Farmworker Justice Project; Housing, Health, & Economic Stability		\$1,490,400		
	Florida Justice Institute	\$165,199	\$250,000	Institutionalized; Housing Discrimination; Class Action/Impact Litigation		\$175,200		
	Southern Legal Counsel	\$498,018	\$565,507	Trans Rights; Homelessness; Disability Rights; Driver's License Restoration	5	\$508,020		
StatewideTotal		\$2,143,616	\$2,323,992			\$2,173,620		

The Florida Bar Foundation
Community Based Civil Legal Services Grant Program
2018 Community Economic Development Initiative
 (Grant Period of January 1, 2018 through December 31, 2018)
 November 30, and December 1, 2017 Grants Committee and Board Meetings

Grants Committee Funding Worksheet

Recommended Total Grant Amount is 57.41% of \$11,100,000

(\$11,100,000 represents the total Grants Committee funding available for fiscal year 2017-18, as of December 2017. This amount assumes Board approval of an additional \$600,000 to the Committee.)

Region	Organization Name	2017 General Support Grant Award	2018 Amount Requested	CED Project Funded by Staff's Recommendation	Notes	Staff Recommendation	2017 Committee Recommendation	2017 Board Approval
23	New Applicants	Community Justice Project (South FL & some Statewide) (Year 3 of start-up)	\$0	\$179,143	Partial Fund for Affordable Housing/Gentrification with Community Lawyering focus		\$150,000	
24		Catholic Legal Services, Archdiocese of Miami (South FL: Broward, Miami, Monroe, Palm Beach)	\$0	\$82,051	Partial fund for DV/Immigration (conditioned on provider collaboration)	6	\$50,000	
25		Council on American Islamic Relations Florida (Statewide)	\$0	\$301,063	Partial Fund for Economic Justice: Immigration, employment, anti-bullying (contingent on revision of Articles)	7	\$50,000	
26		LatinoJusticePRLDEF (Central FL: Hillsborough, Lake, Orange, Osceola, Polk, Seminole)	\$0	\$215,962	Partial Fund for Economic Justice: Responding to surge of Puerto Ricans migrating to FL with legal needs.		\$50,000	
	Total New Applicants		\$0	\$778,219		\$300,000		
	Total All Applicants		\$5,731,965	\$9,555,608		\$6,371,839		

NOTES / CONDITIONS:

- 1 Partial funding should allow for the continuation of the FBF-led pilot: The Escambia Project that had an initial investment of \$
- 2 Both Brevard & Seminole Legal Aid are in the 18th Judicial Circuit and shall collaborate on best practices around Domestic Violence advocacy.
- 3 Both CLSMF & LAMS should collaborate and share best practices around Medical Legal Partnership advocacy.
- 4 CLSMF, LSGMI, BCLA, & DIG shall collaborate and share best practices related to complex affordable housing development transactions. LSGMI is the lead partner/backbone.
- 5 Both FRLS & SLC shall collaborate on the Drivers' License Restoration project and share best practices.
- 6 All 3 South Florida Immigration providers: AIJ, CABA, and CCLS-Miami shall collaborate with each other, share best practices with each other, and with HOFLA.
- 7 CAIR-FL shall amend Articles of Incorporation prior to FBF funding being released.

By submission of the above recommendations to the Grants Committee, staff affirms that the above recommendations meet the guidelines of the above grant program description.

Deputy Director/CFO/COO Approval _____
 Lou Ann Powell

Date _____

Director of Grants Approval _____
 Jennifer Wimberly

Date _____

The Florida Bar Foundation
 2017 Disaster Relief Grant Awards
 Executive Committee Action on November 8, 2017
 Grants Committee and Board Action on November 30 & December 1, 2017

Applicant Organization	Name of Project	Counties Served	Total Request	Staff Recommendation					Staff Recommendation Total	Conditions/Notes	Executive Committee Approval	Grants Committee Recommendation	Board Approval
				Damage	Surge Response	Immigrant Response	Comp. Fatigue						
1 Advocacy Partners Team	Diaster Unemployment Assistance and Workplace Displacement Advice (respond to surge)	Miami-Dade (Liberty City specifically)	\$12,000	\$0	\$0	\$0	\$0	\$0		\$0	n/a		
2 Amigos Center	Amigos Center Immigration Services (need to rent new space)	Lee	\$25,000	\$0	\$0	\$0	\$0	\$0	1	\$0	n/a		
3 Bay Area Legal Services	Bay Area Legal Services Disaster Relief Project (50% FTE atty & 2 pro bono clinics)	Hillsborough, Pasco, Pinellas, Manatee, Sarasota	\$45,036	\$0	\$30,300	\$0	\$0	\$30,300		\$30,300	n/a		
4 Brevard County Legal Aid	Space Coast Hurricane Legal Assistance Project	Brevard	\$19,000	\$6,000	\$12,000	\$0	\$0	\$18,000		\$18,000	n/a		
5 CABA Pro Bono	Disaster Legal Assitance Initiave	Miami-Dade & Monroe	\$120,000	\$0	\$70,000	\$42,000	\$1,000	\$113,000	2	\$113,000	n/a		
6 Community Justice Project	Equitable Recovery (visual community messaging & wage theft)	Statewide & Miami-Dade	\$11,500	\$0	\$6,000	\$5,000	\$1,000	\$12,000		\$12,000	n/a		
7 Community Legal Services of Mid-Florida	Disaster Response (damage assessment & rent of new space=\$145,116/(74k = paid salary while closed) statewide disaster response=95,000 mobile pop-up call center=\$69,106)	Statewide	\$310,222	\$36,100	\$25,000	\$0	\$0	\$61,100		\$61,100	n/a		
8 Dade Legal Aid	Put Something Back Disaster Relief Pro Bono Project (new paralegal)	Miami-Dade and parts of Monroe	\$38,500	\$0	\$27,500	\$0	\$1,000	\$28,500		\$28,500	n/a		
9 Florida Legal Services	Disaster Relief Response: (1. Expand Internal Capacity: intake paralegal for 2 years, 50% atty, litigation costs = 198,597 2. Statewide Unrestricted Intake: online & phone= \$71k 3. Community Lawyering for Immigrant & Refugee Families = organizer & surge = \$177,800)	Statewide	\$448,397	\$0	\$25,000	\$132,250	\$0	\$157,250		\$157,250	n/a		
10 Florida Rural Legal Services	Hurricane Irma Immigrant Legal Assitance Project (50% atty & 2 paralegals - Migrant Response re: wages)	Collier, Hendry, Highlands, Polk	\$158,735	\$0	\$0	\$100,000	\$0	\$100,000	3	\$0	See Attachment 5b		
11 Guardianship Program of Dade County	Compassion Fatigue	Miami-Dade	\$1,000	\$0	\$0	\$0	\$0	\$0		\$0	n/a		

Applicant Organization	Name of Project	Counties Served	Total Request	Staff Recommendation					Conditions / Notes	Executive Committee Approval	Grants Committee Recommendation	Board Approval
				Damage	Surge Response	Immigrant Response	Comp. Fatigue	Staff Recommendation Total				
12 Gulfcoast Legal Services	Disaster Relief Services to Immigrants (new paralegal)	Pinellas, Manatee, Sarasota	\$63,945	\$0	\$6,295	\$34,050	\$1,000	\$41,345		\$41,345	n/a	
13 LatinoJustice PRLDEF	Hurricane Response (New Project Coordinator to respond to PR surge)	Lake, Orange, Osceola, Seminole	\$51,000	\$0	\$45,000	\$0	\$1,000	\$46,000	4	\$46,000	n/a	
14 Legal Aid of Manasota	Compassion Fatigue Training	Sarasota, Manatee	\$1,000	\$0	\$0	\$0	\$1,000	\$1,000		\$1,000	n/a	
15 Legal Aid Service of Collier County	Collier Comes Together Community Giving Project (new atty & paralegal for surge & immigrant response)	Collier, Hendry, Highlands, Polk	\$99,225	\$7,997	\$45,114	\$45,114	\$1,000	\$99,225		\$99,225	n/a	
16 Legal Aid Society of Palm Beach County	Disater Relief (new paralegal & online intake translation)	Palm Beach County	\$67,695	\$0	\$45,000	\$0	\$1,000	\$46,000		\$46,000	n/a	
17 Legal Aid Society of the OCBA	Diaster Relief Project (New Project Coordinator to respond to PR surge)	Orange	\$67,246	\$5,993	\$47,246	\$0	\$0	\$53,239	4	\$53,239	n/a	
18 Seminole County Legal Aid	Seminole County Disaster Legal Clinic & Legal Services	Seminole	\$15,800	\$0	\$14,800	\$0	\$1,000	\$15,800		\$15,800	n/a	
19 Three Rivers Legal Services	TRLS Long-Term Recovery Project (new staff attorney to respond to demand)	Alachua, Baker, Bradford, Clay, Columbia, Dixie, Duval, Gilchrist, Lafayette, Levy, Nassau, St. Johns, Suwannee, Union	\$68,242	\$0	\$58,242	\$0	\$0	\$58,242		\$58,242	n/a	
TOTALS			\$1,623,543	\$56,089	\$457,497	\$358,414	\$9,000	\$881,000		\$781,000		
			Request	Damage	Surge Response	Immigrant Response	Comp. Fatigue	Total Recommendation				

Conditions and Notes on Funding Award Recommendations

- 1 Amigos Center serves immigrants but is incorporated as a non-profit/social services agency. The Florida Bar Rules prohibit social services from directing legal work which prohibits the FBF from being able to provide funds.
- 2 CABA Pro Bono is the lead agency that will subcontract funds with Legal Services of Greater Miami.
- 3 Funding decisions for Florida Rural Legal Services to respond to agricultural/migrant needs is conditioned on staffing. The funding decision was tabled by the Executive Committee at the November 7, 2017 meeting and sent to the Grants Committee and Board for review and recommendation.
- 4 LatinoJustice and the Legal Aid Society of the Orange County Bar Association will enter into an MOU and will collaborate and coordinate their response in Central Florida.

By submission of the above recommendations to the Grants Committee, staff affirms that the above recommendations meet the guidelines approved for disaster relief response.

Deputy Director/CFO/COO Approval _____
 Lou Ann Powell

Date _____

Director of Grants Approval _____
 Jennifer Wimberly

Date _____

AGENDA ITEM 5(b)

The Florida Bar Foundation
 2017 Disaster Relief Grant Awards
 Executive Committee Action on November 8, 2017
 Grants Committee and Board Action on November 30 & December 1, 2017

Applicant Organization	Name of Project	Counties Served	Total Request	Staff Recommendation					Conditions/Notes	Executive Committee Approval	Grants Committee Recommendation	Board Approval
				Damage	Surge Response	Immigrant Response	Comp. Fatigue	Staff Recommendation Total				
10 Florida Rural Legal Services	Hurricane Irma Immigrant Legal Assistance Project (50% atty & 2 paralegals - Migrant Response re: wages)	Collier, Hendry, Highlands, Polk	\$158,735	\$0	\$0	\$100,000	\$0	\$100,000	3	n/a		
TOTALS			\$158,735	\$0	\$0	\$100,000	\$0	\$100,000				
			Request	Damage	Surge Response	Immigrant Response	Comp. Fatigue	Total Recommendation				

Conditions and Notes on Funding Award Recommendations

3 Funding decisions for Florida Rural Legal Services to respond to agricultural/migrant needs is conditioned on staffing. The funding decision was tabled by the Executive Committee at the November 7, 2017 meeting and sent to the Grants Committee and Board for review and recommendation.

By submission of the above recommendations to the Grants Committee, staff affirms that the above recommendations meet the guidelines approved for disaster relief response.

Deputy Director/CFO/COO Approval _____ Date _____
 Lou Ann Powell

Director of Grants Approval _____ Date _____
 Jennifer Wimberly

The Florida Bar Foundation
Executive Committee Conference Call Meeting
January 9, 2018

MINUTES

Attending:

Jewel White, Chair
Juliette E. Lippman, Vice-Chair
Matthew G. Brenner

Thomas R. Oldt
Hala Sandridge
Hon. Edwin A. Scales, III

Stephen R. Senn
Hon. Suzanne Van Wyk

Excused:

Connie Bookman
Paige A. Greenlee

Also Attending

Bruce Blackwell
Ericka Garcia
Jessica McCabe

Lou Ann Powell
Jennifer Wimberly

Ms. White called the Executive Committee conference call to order at 4:00 p.m.

REPORT OF THE PRESIDENT, JEWEL WHITE

Strategic Reset Letter of Intent (LOI) consultant update

Ms. White reported that the Strategic Reset LOI Subcommittee met via telephone conference on January 8, 2018 to discuss the LOIs that were submitted to evaluate the Strategic Reset. She advised the committee that the selected candidates will be sent a letter inviting them to submit a formal proposal.

REPORT OF THE CEO/EXECUTIVE DIRECTOR, BRUCE BLACKWELL

Ms. White called on Mr. Blackwell to provide his report.

Loan modification update

Mr. Blackwell reported that he has been in preliminary discussions with The Florida Bar Board of Governors regarding loan modification. Two modifications suggested have been, 1. loan the Foundation the money interest free going forward, a current savings of approximately \$130,000 a year; 2. Give the Foundation an additional 1-2 years to pay off the loan. After a brief discussion of the committee, it was decided that the Foundation will accept, if offered, the elimination of interest on the loan. The committee wants to ask for the ability to revisit the payment deferral issue in a year giving the Foundation time to see if IOTA rates increase.

Mr. Blackwell then noted that he and Jewel are attending the next Board of Governors meeting in which they are expected to discuss the loan modification.

Cy Pres Awards

Mr. Blackwell reported that thanks to the Florida Bar President Michael Higer, the Foundation is

expected to be awarded a cy pres gift in the amount of \$70,000. The Court is expected to sign the award at the beginning of the year.

Mr. Blackwell also reported that past Foundation President Donny MacKenzie and Development Director Donna Marino worked together to update the Foundation's website with language on cy pres awards. The language provides a better understanding on what the award is and who could benefit in receiving them.

Disaster fund

Mr. Blackwell reported to-date the Foundation has raised over \$305,919 for the Hurricane Disaster Relief Fund.

Summer Fellows Program Campaign

Mr. Blackwell asked the committee for their help in soliciting certain law firms around Florida.

Ms. Wimberly reported that the applications are up, there are 17 placement spots to be filled. She noted that all host sites are sponsored already, what is needed now is money to fund the program. The deadline for students to submit applications is February 9th.

TIG Conference

Mr. Blackwell reported that staff will be at the TIG conference later this week. Director of Pro Bono Partnerships Ericka Garcia and Director of Grants Jennifer Wimberly were asked to present on panels at the conference.

Foundation board reappointments/appointments

Mr. Blackwell provided a brief update on the directors whose terms are set to expire in June, who is eligible for another term and who is ineligible. Mr. Blackwell mentioned a few possible candidates who have expressed interest in applying for a vacant seat on the board.

REPORT OF THE DIRECTOR OF PRO BONO PARTNERSHIPS, ERICKA GARCIA

Ms. White called on Ms. Garcia to provide her report.

Pro Bono Benchmarks

Ms. Garcia reported that the current benchmarks are being reviewed to see what updates are needed. The 1st reading of the revised benchmarks will be in March and hopes to have approval in June.

Florida Pro Bono Matters

Ms. Garcia reported that a chat bot has been launched this week on the Florida Pro Bono Matters website. The chat bot can text lawyers when new cases have been added to the website that they have expressed interest in.

REPORT OF THE DIRECTOR OF GRANTS, JENNIFER WIMBERLY

Ms. Wimberly provided a brief update on what grant applications the grants department is currently reviewing.

Possible March board meeting presentation guest

Ms. Wimberly informed the committee that she has a potential guest presenter for the March board meeting. She noted that Ken Smith has a new pilot program that measures grantee's performances against national performances. She went on to say that she thinks this presentation would be of value due to the strategic reset.

Good of the Order – Adjournment

Jewel White called for questions or other items for discussion. There being no questions, she thanked everyone for their participation. The telephone meeting was adjourned at 5:00 p.m. as the Committee went into Executive Session that staff did not attend.

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FINANCIAL SUMMARY (Dashboard) Thru January 31, 2018

March, 2018

FINANCIAL SUMMARY – FYE 6-30-2018

FINANCIAL STATEMENTS

	Foundation		Endowment	
	Jul 1 - Jan 31, 2018	Audited FYE 6-30-2017	Jul 1 - Jan 31, 2018	Audited FYE 6-30-2017
ASSETS				
Cash	\$ 2,584,029	\$ 1,928,322	\$ -	\$ -
Investments, at market	27,122,113	32,374,374	4,966,604	4,435,471
Other Current Assets	2,380,036	1,185,943	2,981	2,151
Fixed Assets	96,116	130,531	-	-
Other Long-Term Assets	45,413	44,761	104,314	114,760
Total Assets	\$ 32,227,707	\$ 35,663,931	\$ 5,073,899	\$ 4,552,382
LIABILITIES AND NET ASSETS				
Current Liabilities	\$ 7,226,482	\$ 3,377,951	\$ -	\$ 1,060
Deferred Revenues	15,794,236	22,424,375	-	-
Long-Term Liabilities	4,192,997	5,331,076	-	-
Net Assets:				
Net Assets, beginning	\$ 4,530,529	\$ 7,101,369	\$ 4,551,322	\$ 6,239,377
Net Operating Income (Loss)	\$ 483,463	\$ (2,570,840)	\$ 522,577	\$ (1,688,055)
Net Assets, ending	\$ 5,013,992	\$ 4,530,529	\$ 5,073,899	\$ 4,551,322
Total Liabilities and Net Assets	\$ 32,227,707	\$ 35,663,931	\$ 5,073,899	\$ 4,552,382

FINANCIAL SUMMARY – FYE 6-30-18

REVENUES

REVENUES	Jul 1 - Jan 31, 2018	Audited FYE 6-30-2017
IOTA Contributions	\$ 3,774,939	\$ 6,203,542
Contract Revenues	6,632,595	1,147,532
Contribution from TFBF Endowment Trust	-	2,000,000
Other Contributions - Restricted	438,022	817,135
Grants Received	250,000	-
Other Contributions - Unrestricted	858,209	174,583
Cy pres Award	70,327	4,637
Return of Unspent Grant Funds	13	302
Gain (Loss) on Disposal of Assets	(2,045)	1,068
Other Revenues	18,127	59,198
Subtotal	\$ 12,040,187	\$ 10,407,997
Investment Income, net of fees	287,774	376,558
Realized/Unrealized Gains/(Losses) on Investments	314,797	158,952
TOTAL REVENUES	\$ 12,642,758	\$ 10,943,507

FINANCIAL SUMMARY – FYE 6-30-18

IOTA

IOTA NET REVENUE Thru Jan 31,

Jul 1 - Jan 31, 2018	\$ 3,774,939
Jul 1 - Jan 31, 2017	\$ 3,610,551

4.55% increase from prior year

Increase in IOTA Net Revenue due to Principal Balance increase, not interest rates

	FY 2016-17	FY 2017-18
Principal Balance	\$5,916M	\$6,384M
	(Thru 1/31/17)	(Thru 1/31/18)

Projections dated August 2017:

Principal Balance	\$ 6,384,292,579	FY 2017-18 - No rate increase	\$ 6,100,000
Gross Rate, weighted	0.15%	FY 2017-18 - Projected Moderate	* \$ 7,140,000
Net Yield, weighted	0.11%	FY 2017-18 - Projected Aggressive	** \$ 9,100,000
Monthly Service Charges (Net of amounts waived)	\$ 178,458	* Assumes rate increase in April 2018	
Number of Banks	192	** Assumes rate increases in January and April 2018	
Number of Trust Accounts	33,406	IOTA interest rates lag Federal Funds rates and historically increases 7bp for every 25bp increase in the Federal Funds Target Rate	

FINANCIAL SUMMARY – FYE 6-30-18

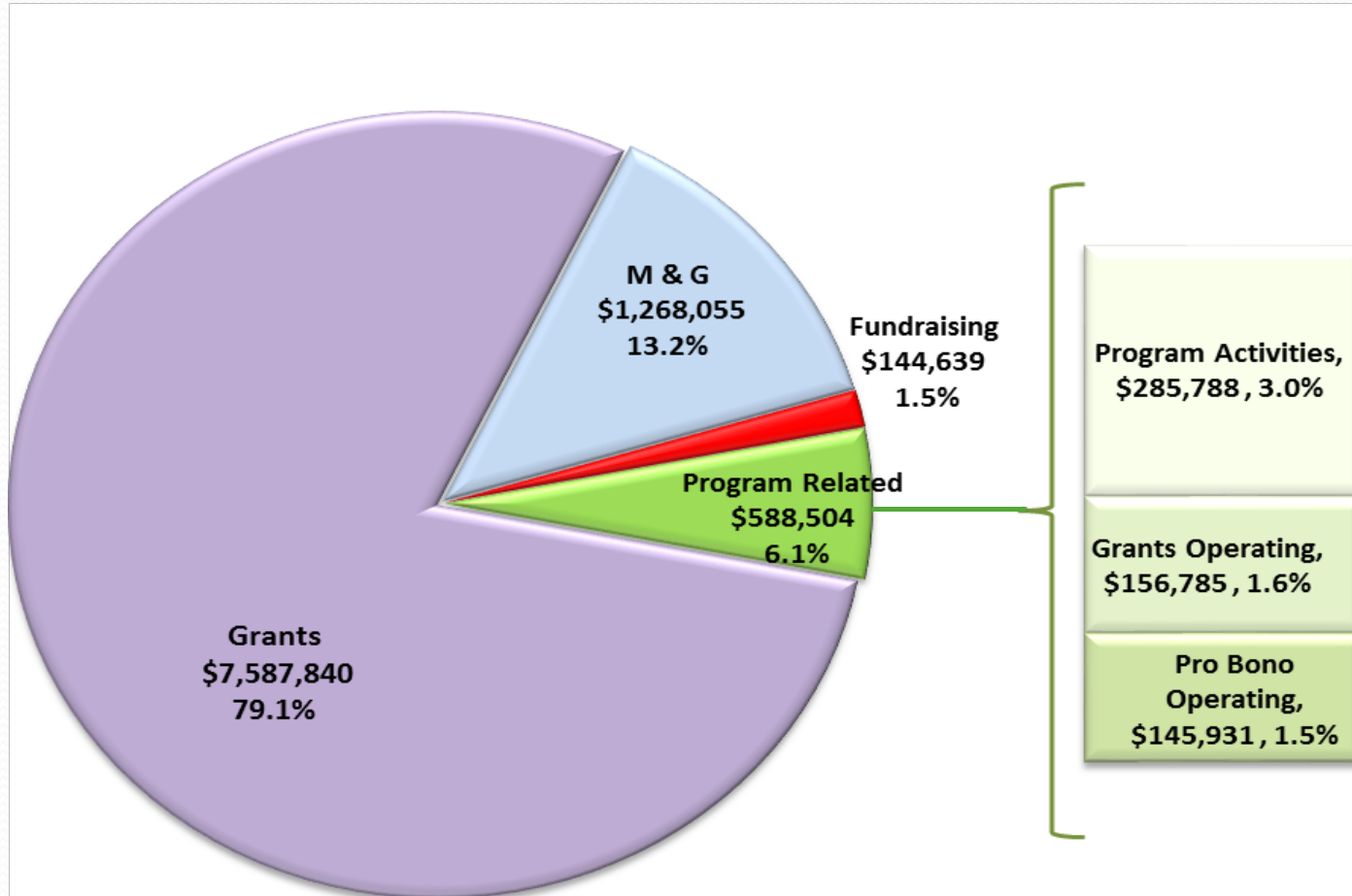
INVESTMENTS			
Investment Portfolio Values at Jan 31, 2018	Cost	Market Value	
Current Operating Account (COA)	\$ 3,427,942	\$ 3,427,942	
Mid-Long Term Investment Account (MLTI)	\$ 23,366,788	\$ 23,688,333	
Endowment	\$ 4,367,923	\$ 4,966,604	
Investment Income at Jan 31, 2018	COA	MLTI	Endowment
Interest, Dividends and Capital Gains	\$ 21,344	\$ 281,546	\$ 69,282
Realized Gains (Losses)	-	\$ 52,510	37,907
Unrealized Gains (Losses)	-	\$ 262,287	404,879
Less Investment Fees *	-	\$ (16,411)	(6,075)
Net Investment Income **	\$ 21,344	\$ 579,932	\$ 505,993
* Investment fees for the Endowment are paid by the Foundation			
** Does not include \$1,294 in bank account interest and interest collected on LRAP notes			

ENDOWMENT		
CONTRIBUTIONS	Jul 1 -Jan 31, 2018	Audited FYE 6-30-2017
Fellows	\$ 13,000	\$ 33,000
Fellows Written-off	\$ (9,350)	\$ (11,025) *
Endowment	\$ 2,842	\$ 15,160
Endowment Written-off	\$ -	\$ -
* Represents unfulfilled pledges from prior years		

FINANCIAL SUMMARY – FYE 6-30-18

Total Expenses including Grants \$9,589,038
(Thru Jan 31, 2018)

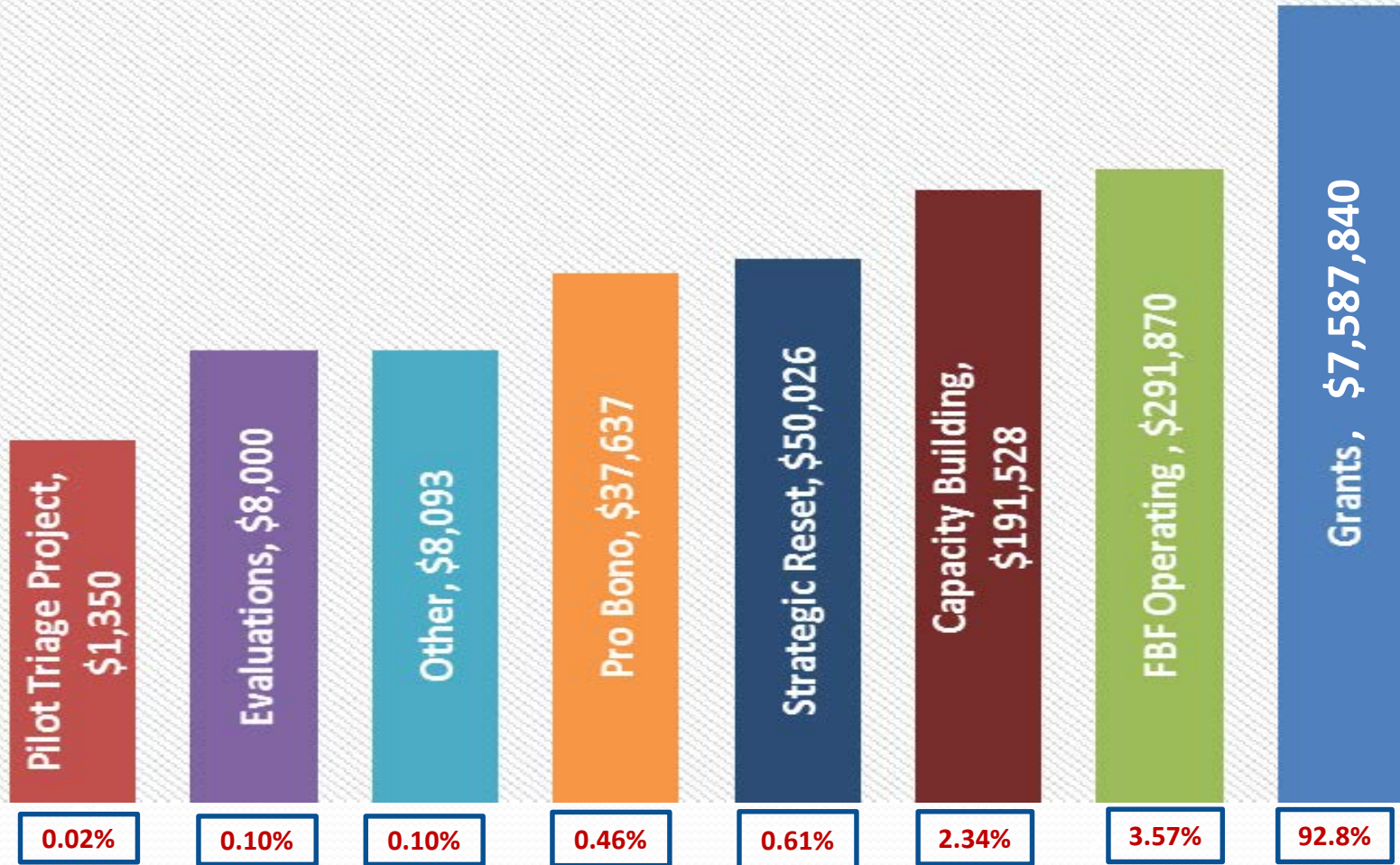
(Before Functional Allocation)



FINANCIAL SUMMARY – FYE 6-30-18

Charitable Activities thru Jan 31, 2018
(Grants and Program Related Expenses by Category)

Total \$8,176,344



FINANCIAL SUMMARY – FYE 6-30-18

PROGRAM EXPENSES

Jul 1 - Jan 31, 2018

PROGRAM	Allocated / Budget	Payments	Awards / Expenses *	Audited FYE 6-30-2017
Grants - LAP/LSA/AOJ	\$11,600,000	\$7,277,752	\$ 8,234,578	\$ 9,688,345
Program Related:				
Grants / Pro Bono Staff	544,583		302,716	480,117
Program Activities	1,242,460		285,788	700,908
TOTAL PROGRAM	\$13,387,043	\$7,277,752	\$ 8,823,082	\$10,869,370

\$588,504

* Current period grants may include release of conditions on grants awarded in prior years.

FINANCIAL SUMMARY – FYE 6-30-18

Expenses (Before Functional Allocation)

EXPENSES	July 1 - Jan 31, 2018			FY 2017-18 Budget			% of Budget to Jan = 58.3%	Audited FYE 6-30-2017
	Operating	Program Activities	Total	Operating	Program Activities	Total		
Personnel	1,201,965	2,395	1,204,360	\$ 2,041,830	\$ 1,000	\$ 2,042,830	59.0%	\$ 1,900,720
Professional Services	130,373	127,729	258,102	286,315	688,000	974,315	26.5%	820,340
Office Expenses	75,031	3,278	78,309	210,015	2,705	212,720	36.8%	154,662
Facilities & Equipment	131,860	94,565	226,425	260,875	210,650	471,525	48.0%	385,380
Meetings/Convenings	25,136	51,870	77,006	100,760	246,815	347,575	22.2%	260,373
Other	151,045	5,951	156,996	347,620	74,750	422,370	37.2%	304,526
TOTAL EXPENSES	\$ 1,715,410	\$285,788	\$ 2,001,198	\$ 3,247,415	\$ 1,223,920	\$ 4,471,335	44.8%	\$ 3,826,001
M & G			\$1,268,055			\$2,337,750		
Fundraising			144,639			346,542		
Program Related			588,504			1,787,043		
Total			\$2,001,198			\$4,471,335		

FINANCIAL SUMMARY – FYE 6-30-18

FY 2017-18 Expense Statement

Jan is 58.3% of the Year
7/1/2017-1/31/18

	FY 2017-18 Budget			7/1/2017-1/31/18			% Expenses to Annual Budget	
	Operating	(Detail Attached)	Total	Operating	(Detail Attached)	Total		
PERSONNEL COSTS								
Payroll	\$ 1,507,200	\$ -	\$ 1,507,200	\$ 925,877	\$ -	\$ 925,877	61.4%	1
Payroll Taxes	117,120	-	117,120	67,749	-	67,749	57.8%	
Employee Benefits	201,940	-	201,940	82,994	-	82,994	41.1%	
Retirement	160,255	-	160,255	92,022	-	92,022	57.4%	1
Workers' Compensation	3,805	-	3,805	1,900	-	1,900	49.9%	
Temporary Help	8,500	-	8,500	13,102	-	13,102	154.1%	2
Personnel Recruitment	5,000	-	5,000	4,936	-	4,936	98.7%	1
Professional Development	38,510	1,000	39,510	13,385	2,395	15,780	39.9%	
Subtotal Personnel	\$ 2,042,330	\$ 1,000	\$ 2,043,330	\$ 1,201,965	\$ 2,395	\$ 1,204,360	58.9%	
PROFESSIONAL SERVICES								
Accounting & Audit Fees	\$ 53,060	\$ -	\$ 53,060	\$ 43,136	\$ -	\$ 43,136	81.3%	1
Professional Services	230,255	688,000	918,255	87,237	127,729	214,966	23.4%	
Legal Services	3,000	-	3,000	-	-	-	0.0%	
Subtotal Professional Services	\$ 286,315	\$ 688,000	\$ 974,315	\$ 130,373	\$ 127,729	\$ 258,102	26.5%	
OFFICE EXPENSES								
Bank Service Charges	\$ 12,500	\$ -	\$ 12,500	\$ 6,427	\$ -	\$ 6,427	51.4%	
Copying Expenses	10,500	-	10,500	7,119	-	7,119	67.8%	1
Insurance	39,985	-	39,985	18,402	-	18,402	46.0%	
Miscellaneous Expenses	3,250	2,555	5,805	298	2,450	2,748	47.3%	2
Office Expenses	32,555	50	32,605	16,367	771	17,138	52.6%	
Postage & Mail Preparation	41,425	-	41,425	8,795	-	8,795	21.2%	
Printing	61,040	-	61,040	12,612	-	12,612	20.7%	
Telephone/Internet	8,260	100	8,360	5,012	57	5,069	60.6%	1
Subtotal Office Expenses	\$ 209,515	\$ 2,705	\$ 212,220	\$ 75,032	\$ 3,278	\$ 78,310	36.9%	
FACILITIES & EQUIPMENT								
Computer Maintenance & Leasing	\$ 75,000	\$ 210,650	\$ 285,650	\$ 30,450	\$ 94,565	\$ 125,015	43.8%	
Depreciation Expense	53,000	-	53,000	32,370	-	32,370	61.1%	1
Equipment Purchases & Leasing	18,850	-	18,850	9,295	-	9,295	49.3%	
Equipment Interest Expense	2,875	-	2,875	2,240	-	2,240	77.9%	1
Rent	108,250	-	108,250	56,571	-	56,571	52.3%	
Repairs & Maintenance	2,900	-	2,900	934	-	934	32.2%	
Subtotal Facilities & Equipment	\$ 260,875	\$ 210,650	\$ 471,525	\$ 131,860	\$ 94,565	\$ 226,425	48.0%	
MEETINGS								
Meetings	\$ 72,760	\$ 75,200	\$ 147,960	\$ 18,013	\$ 11,049	\$ 29,062	19.6%	
Reimbursed Expenses	28,000	171,615	199,615	6,762	40,821	47,583	23.8%	
Subtotal Meetings	\$ 100,760	\$ 246,815	\$ 347,575	\$ 24,775	\$ 51,870	\$ 76,645	22.1%	
OTHER								
Awards	\$ 2,200	\$ 45,000	\$ 47,200	\$ -	\$ -	\$ -	0.0%	
Cultivation/Promotion/Recognition	29,500	9,600	39,100	3,568	1,669	5,237	13.4%	
Dues & Subscriptions	39,195	-	39,195	20,628	-	20,628	52.6%	
Endowment Expenses	21,500	-	21,500	8,114	-	8,114	37.7%	
Other Interest Expense	135,700	-	135,700	69,787	-	69,787	51.4%	
Post Retirement Benefits	3,420	-	3,420	1,882	-	1,882	55.0%	
Staff Travel	116,105	20,150	136,255	47,426	4,282	51,708	37.9%	
Subtotal Other	\$ 347,620	\$ 74,750	\$ 422,370	\$ 151,405	\$ 5,951	\$ 157,356	37.3%	
TOTAL	\$3,247,415	\$ 1,223,920	\$4,471,335	\$ 1,715,410	\$ 285,788	\$2,001,198	44.8%	

1 *Overage due to timing of expenditures*

2 *Under budgeted expense-primarily attributable to the use of temporary help in the ProBono Department. Per our Budget Policy, the Executive Director has re-distributed \$500 in budget dollars from Miscellaneous Expenses to Temporary Help and the overage is within his authority.*

FINANCIAL SUMMARY – FYE 6-30-18

THE FLORIDA BAR FOUNDATION PROFESSIONAL SERVICES BUDGET - DETAIL OF ACTUAL EXPENSES	FY 2017-18 Budget	Actual Expenses 7/1/17- 1/31/18
EXECUTIVE:		
Program Activities:		
Strategic Reset	\$2,500	\$0
Strategic Reset - Realignment Immigration	\$162,000	\$17,992
Strategic Reset - Escambia	\$42,200	\$39,767
Strategic Reset - Funders	\$3,500	\$0
Operating Activities:		
Lobbying for Legal Services Corporation (LSC) funding	\$60,000	\$36,667
Board / Governance Strategy	\$12,000	\$0
Strategic direction and staff development	\$6,000	\$0
Facilitation fee for National Large IOLTA Funder's meetings	\$500	\$0
Subtotal Executive	\$288,700	\$94,426
PRO BONO - Program Activities:		
Web Page	\$1,500	\$984
Benchmarking system	\$10,000	\$5,835
Florida Pro Bono Matters	\$34,000	\$5,386
floridaprobono.org	\$20,000	\$0
Florida Pro Bono Week	\$3,800	\$1,342
Subtotal Pro Bono	\$69,300	\$13,547
GRANTS:		
Program Activities:		
Grantee Audit Review	\$20,000	\$5,056
Capacity Building	\$30,000	\$13,000
Capacity Building-Technology Investment Match-Statewide	\$15,000	\$15,000
Regional/Grantee Program Assessment (Desk Audit)	\$50,000	\$0
Self-Assessment Reporting (SAR)	\$25,000	\$8,000
Grantee Technical Assistance	\$100,000	\$15,000
Legal Needs Assessment	\$110,000	\$0
Chase/AG Triage Pilot Program	\$60,000	\$1,350
Operating Activities:		
Grants Management Software Updates	\$5,500	\$110
Subtotal Grants	\$415,500	\$57,516

FINANCIAL SUMMARY – FYE 6-30-18

THE FLORIDA BAR FOUNDATION PROFESSIONAL SERVICES BUDGET - DETAIL OF ACTUAL EXPENSES	FY 2017-18 Budget	Actual Expenses 7/1/17- 1/31/18
DEVELOPMENT:		
2016-17 Bar Fee Statement mailing and processing fees (In-Kind)	\$12,000	\$0
Year-End Campaign	\$5,000	\$2,532
Planned giving website hosting and materials	\$9,730	\$14,261
Subtotal Development	\$26,730	\$16,793
COMMUNICATIONS:		
Website consulting	\$24,000	\$9,156
Annual Dinner reception video	\$12,000	\$0
Annual Report graphic design	\$2,500	\$0
Newsletter re-design	\$2,000	\$1,240
General Communications and data visualization	\$25,000	\$4,695
Subtotal Communications	\$65,500	\$15,091
INFORMATION TECHNOLOGY		
Computer hardware and network maintenance	\$32,000	\$7,659
Subtotal Information Technology	\$32,000	\$7,659
FINANCE/IOTA:		
Audit - includes audit, Foundation tax return (Form 990) and retirement plan tax return (Form 5500)	\$47,075	\$41,500
Miscellaneous accounting/finance activities	\$2,500	\$1,636
IOTA Revenue Projections, including Moody's forecasting data and purchase of independent interest rate research for Florida banks	\$7,500	\$5,000
Subtotal Finance/IOTA	\$57,075	\$48,136
ADMINISTRATIVE/GENERAL:		
Legal Fees	\$3,000	\$0
Retirement plan third party administration fee for 401(k)	\$2,200	\$0
On-line Payroll Service	\$3,985	\$4,184
Human Resources Consulting / Lease Negotiations	\$8,325	\$0
Staff performance review process and implementation	\$2,000	\$750
Subtotal Administrative/General	\$19,510	\$4,934
Total Professional Services	\$974,315	\$258,102
	Budget to Actual %	26.5%

The Florida Bar Foundation Inc.
Statement of Financial Position
December 31, 2017

	Actual
ASSETS	
Current Assets	
Cash and Cash Equivalents	\$3,655,389.56
IOTA Contributions Receivable	\$596,000.00
Other Contributions Receivable	\$24,683.84
Notes Receivable, net of Allowance	\$906,877.21
Interest and Dividends Receivable	\$169,034.38
Accounts Receivable	\$9,922.50
Travel Advances	\$0.00
Pledges Receivable	\$500.00
Prepaid Expenses	\$235,111.41
Short Term Investments	\$3,421,646.58
Intermediate Term Investments	\$26,856,695.13
Total Current Assets	\$35,875,860.61
Fixed Assets	
Office Equipment	\$126,806.05
Computer Equipment	\$83,258.85
Furniture and Fixtures	\$130,217.92
Computer Software	\$760,032.05
Leasehold Improvements	\$37,802.00
Accumulated Depreciation	(\$1,037,988.53)
Total Fixed Assets	\$100,128.34
Other Assets	
Deposits	\$7,714.50
Contributions Receivable	\$39,622.83
Total Other Assets	\$47,337.33
Total ASSETS	\$36,023,326.28

The Florida Bar Foundation Inc.
Statement of Financial Position
December 31, 2017

	Actual
LIABILITIES AND NET ASSETS	
LIABILITIES	
Current Liabilities	
Accounts Payable	\$99,102.55
Payroll Withholding	(\$774.91)
Conditional Grants Payable	\$2,579,756.42
Grants Payable	\$7,252,840.00
Accrued Expenses	\$174,592.52
Deferred Revenues	\$15,794,235.89
Note Payable, Current	\$1,125,000.00
Other Current Liabilities	\$22,986.46
Due to/Due From	\$0.00
Total Current Liabilities	\$27,047,738.93
Non-Current Liabilities	
Note Payable	\$4,500,000.00
Other Non-Current Liabilities	\$71,143.05
Total Non-Current Liabilities	\$4,571,143.05
TOTAL LIABILITIES	\$31,618,881.98
NET ASSETS	
Temporarily Restricted	
Increase (Decrease) in Net Assets	\$936,647.01
Total Temporarily Restricted	\$936,647.01
Unrestricted	
Increase (Decrease) in Net Assets	\$3,467,797.29
Total Unrestricted	\$3,467,797.29
Total NET ASSETS	\$4,404,444.30
TOTAL LIABILITIES AND NET ASSETS	\$36,023,326.28
 BEGINNING BALANCE WITH CURRENT YEAR ADJUSTMENTS	 \$4,530,529.66
NET SURPLUS/(DEFICIT)	(\$126,085.36)
ENDING NET ASSETS	\$4,404,444.30

The Florida Bar Foundation Inc.
Statement of Activities
For the Six Months Ended December 31, 2017

	Unrestricted	Temporarily Restricted	Permanently Restricted	Total
REVENUES, GAINS and OTHER SUPPORT				
IOTA Contributions	\$3,178,982.63	\$0.00	\$0.00	\$3,178,982.63
Other Contributions	\$841,224.08	\$109,329.13	\$0.00	\$950,553.21
Bar Fee Statement, Check-Off Receipts	\$0.00	\$300,963.00	\$0.00	\$300,963.00
Change in Value of Split-Interest Agreements	(\$193.46)	\$0.00	\$0.00	(\$193.46)
License Plate Campaign Contributions	\$0.00	\$22,200.00	\$0.00	\$22,200.00
Contract Revenues	\$6,632,594.54	\$0.00	\$0.00	\$6,632,594.54
Return of Unspent Grant Funds	\$13.32	\$0.00	\$0.00	\$13.32
Investment Income	\$256,682.50	\$0.00	\$0.00	\$256,682.50
Unrealized/Realized Gains (Losses) on Investments	\$151,833.83	\$0.00	\$0.00	\$151,833.83
Gain (Loss) on Sale of Assets	(\$2,045.24)	\$0.00	\$0.00	(\$2,045.24)
Miscellaneous Income	\$15,170.56	\$0.00	\$0.00	\$15,170.56
Grants Received	\$250,000.00	\$0.00	\$0.00	\$250,000.00
Conditional Grants Awarded	(\$2,579,756.42)	\$0.00	\$0.00	(\$2,579,756.42)
Net Assets Released from Restriction	\$82,063.00	(\$82,063.00)	\$0.00	\$0.00
Total REVENUE	\$8,826,569.34	\$350,429.13	\$0.00	\$9,176,998.47
EXPENSES				
Program Expenses - Grants	(\$7,587,840.00)	\$0.00	\$0.00	(\$7,587,840.00)
Program Related Expenses	(\$477,365.50)	\$0.00	\$0.00	(\$477,365.50)
Supporting Services	(\$1,113,553.88)	\$0.00	\$0.00	(\$1,113,553.88)
Fund Raising Expenses	(\$124,324.45)	\$0.00	\$0.00	(\$124,324.45)
Total EXPENSES	(\$9,303,083.83)	\$0.00	\$0.00	(\$9,303,083.83)
BEGINNING NET ASSETS	\$3,944,311.78	\$586,217.88	\$0.00	\$4,530,529.66
NET SURPLUS/(DEFICIT)	(\$476,514.49)	\$350,429.13	\$0.00	(\$126,085.36)
ENDING NET ASSETS	\$3,467,797.29	\$936,647.01	\$0.00	\$4,404,444.30

The Florida Bar Foundation Inc.
Endowment Trust - Statement of Financial Position
December 31, 2017

	<u>Actual</u>
ASSETS	
Current Assets	
Accounts Receivable	\$3,030.00
Long Term Investments	\$4,783,432.07
Total Current Assets	<u>\$4,786,462.07</u>
Other Assets	
Pledges Receivable	\$76,653.98
Contributions Receivable	\$34,030.00
Total Other Assets	<u>\$110,683.98</u>
Total ASSETS	<u><u>\$4,897,146.05</u></u>

The Florida Bar Foundation Inc.
Endowment Trust - Statement of Financial Position
December 31, 2017

	Actual
LIABILITIES AND NET ASSETS	
LIABILITIES	
Current Liabilities	
Due to/Due From	\$0.00
Total Current Liabilities	\$0.00
TOTAL LIABILITIES	\$0.00
NET ASSETS	
Permanently Restricted	
Increase (Decrease) in Net Assets	\$3,604,991.09
Total Permanently Restricted	\$3,604,991.09
Temporarily Restricted	
Increase (Decrease) in Net Assets	\$1,292,154.96
Total Temporarily Restricted	\$1,292,154.96
Total NET ASSETS	\$4,897,146.05
TOTAL LIABILITIES AND NET ASSETS	\$4,897,146.05
 BEGINNING BALANCE WITH CURRENT YEAR ADJUSTMENTS	 \$4,551,321.71
NET SURPLUS/(DEFICIT)	\$345,824.34
ENDING NET ASSETS	\$4,897,146.05

The Florida Bar Foundation Inc.
Statement of Activities - Endowment
For the Six Months Ended December 31, 2017

	<u>Unrestricted</u>	<u>Temporarily Restricted</u>	<u>Permanently Restricted</u>	<u>Total</u>
REVENUES, GAINS and OTHER SUPPORT				
Fellows Contributions	\$0.00	\$0.00	\$12,000.00	\$12,000.00
Other Contributions	\$7,000.00	\$742.49	\$2,842.50	\$10,584.99
Investment Income	\$0.00	\$63,759.20	\$0.00	\$63,759.20
Unrealized/Realized Gains (Losses) on Investments	\$0.00	\$266,480.15	\$0.00	\$266,480.15
Total REVENUE	<u>\$7,000.00</u>	<u>\$330,981.84</u>	<u>\$14,842.50</u>	<u>\$352,824.34</u>
EXPENSES				
Supporting Services	(\$7,000.00)	\$0.00	\$0.00	(\$7,000.00)
Total EXPENSES	<u>(\$7,000.00)</u>	<u>\$0.00</u>	<u>\$0.00</u>	<u>(\$7,000.00)</u>
 BEGINNING NET ASSETS	 \$0.00	 \$961,173.12	 \$3,590,148.59	 \$4,551,321.71
 NET SURPLUS/(DEFICIT)	 \$0.00	 \$330,981.84	 \$14,842.50	 \$345,824.34
 ENDING NET ASSETS	 \$0.00	 \$1,292,154.96	 \$3,604,991.09	 \$4,897,146.05

3. Report of the Grants Committee



Grants Committee Funding Worksheet

Recommended Total Funding is .92% of \$12,980,202

(\$12,980,202 represents the total Grants Committee funding available for Fiscal year 2017-18 as of March 2018.)

	Student Name	Placement	Law School	School Year	Staff Funding Recommendation	Committee Recommendation	Board Approval
1	Daniela Sirimarco	American for Immigrant Justice	NOVA Shepard Broad Law Center	Rising 2L	\$6,500.00		
2	Elaina Upman	Bay Area Legal	Thomas M. Cooley Law School	Rising 2L	\$6,500.00		
3	Junie Cazeau	Catholic Legal Services	NOVA Shepard Broad Law Center	Rising 3L	\$8,250.00		
4	Marina Millson	Community Law Program	University of Florida Levin College of Law	Rising 3L	\$8,250.00		
5	Anum Shakir	Council on American-Islamic Relations	Thomas M. Cooley Law School	Rising 3L	\$8,250.00		
6	Kelly Hawk	Disability Independence Group	Stetson University College of Law	Rising 3L	\$8,250.00		
7	Nazli Doga Meric	Florida Justice Institute	University of Miami School of Law	Rising 3L	\$8,250.00		
8	Amika Jeffries	Florida Legal Services	Stetson University College of Law	Rising 3L	\$8,250.00		
9	Bianca Baez	LatinoJustice	Florida State University School of Law	Rising 3L	\$8,250.00		
10	Mavic Francisco	Legal Aid of Manasota County	Stetson University College of Law	Rising 3L	\$8,250.00		
11	Crystal Serrano	Legal Aid Service of Broward County	University of Florida Levin College of Law	Rising 2L	\$6,500.00		
12	Hanna Elmasry	Legal Aid Society of the OCBA	Stetson University College of Law	Rising 2L	\$6,500.00		
13	Abigail Adkins	Southern Legal Counsel	FAMU College of Law	Rising 3L	\$8,250.00		
14	Brittany Woodman	Three Rivers Legal Services	University of Florida Levin College of Law	Rising 3L	\$8,250.00		
				TOTAL	\$108,500.00		
				Plus 10% to Grantees to Assist with Payroll Taxes	\$10,850.00		
				Total Funding	\$119,350.00		

By submission of the above recommendations to the Grants Committee, staff affirms that the above recommendations meet the guidelines of the above grant program description.

Deputy Director/CFO/COO Approval _____
Lou Ann Powell

Date _____

Director of Grants Approval _____
Jennifer Wimberly

Date _____

**The Florida Bar Foundation
 Community Based Civil Legal Services Grant Program
 Equal Justice Works Fellowship Allocation for the Disaster Recovery Fellows Class
 March 8 - 9, 2018 Grants Committee & Board Meeting**

Grants Committee Funding Allocation Worksheet
Recommended Total Allocation is 3.08% of \$12,980,202

(\$12,980,202 represents the total Grants Committee funding available for fiscal year 2017-18, as of March 2018.)

NOTE: This is a self-administered grant program. The Board is being requested to approve only the allocation of funds to the program. Foundation staff is responsible for approving the specific activity within the approved allocation limits.

Program	FBF Funds Allocation	Notes	Staff Recommendation	Committee Recommendation	Board Approval
Equal Justice Works Fellowship Funds for 2018 Disaster Recovery Fellows	\$400,000	1	\$400,000		
TOTAL:	\$400,000		\$400,000		

FOOTNOTES:

1. The Foundation anticipates funding 3 EJW Disaster Recovery Fellows starting in 2018. The funding source is the Attorney's Trust from The Florida Bar.

 Grants Director Approval - Jennifer Wimberly

Date _____

 Deputy Director/CFO Approval - Lou Ann Powell

Date _____

**The Florida Bar Foundation
 Community Based Civil Legal Services Grant Program
 Southwest Florida Community Foundation - Disaster Recovery Impact Project for Immigrants
 March 8 - 9, 2018 Grants Committee & Board Meeting**

Grants Committee Funding Allocation Worksheet
Recommended Total Allocation is 2.31% of \$12,980,202

(\$12,980,202 represents the total Grants Committee funding available for fiscal year 2017-18, as of March 2018.)

NOTE: This is a self-administered grant program. The Board is being requested to approve only the allocation of funds to the program. Foundation staff is responsible for approving the specific activity within the approved allocation limits.

Program	FBF Funds Allocation	Notes	Staff Recommendation	Committee Recommendation	Board Approval
Southwest Florida Collective Impact Disaster Recovery Project for Immigrants (Lee, Collier, Charlotte, Hendry, Glades Counties)	\$300,000	1	\$300,000		
TOTAL:	\$300,000		\$300,000		

FOOTNOTES:

1. The Foundation anticipates funding this Collective Impact Learning Community in 2018. The funding source is the Attorney's Trust from The Florida Bar.

 Grants Director Approval - Jennifer Wimberly

Date _____

 Deputy Director/CFO Approval - Lou Ann Powell

Date _____

Steven M. Goldstein Award for Excellence

The Steven M. Goldstein Award for Excellence is a biennial award recognizing high quality, significant impact work by a Foundation grantee organization.

Seven (7) applications were received by the Foundation and were independently reviewed and scored by the appointed selection committee.

2018 Steven M. Goldstein Award Committee Members:

- Hon. William A. VanNortwick, Jr. – Chair
- Hon. Suzanne VanWyk
- Hala Sandridge
- Steve Senn
- Murray Silverstein

The winners will be announced at the Committee meeting. Awards will be distributed as follows:

2018 Steven M. Goldstein Award for Excellence			
Category	Organization	Project Focus	Award
Winner			\$25,000 cash, plus \$3,000 in scholarship funding
1st Runner Up			\$10,000 cash, plus \$1,000 in scholarship funding
2 nd Runner Up			\$5,000 cash, plus \$1,000 in scholarship funding

**The Florida Bar Foundation
2018-19 Children's Legal Services Grant Program
Committee and Board Funding Worksheet
Meetings March 8-9, 2017**

**Grants Committee Funding Allocation Worksheet
Recommended Total Allocation is 11.37% of \$12,980,202**

(\$112,980,202 represents the total Grants Committee funding available for fiscal year 2017-18, as of March 2018.)

	Applicant Name (Calculated)	Project Name	2017-18 Grant Amount	2018-19 Requested Grant Amount	Staff Recommendation	Committee Recommendation	Board Approval
1	Legal Services of North Florida, Inc.	Children's Legal Representation Project - Holistic Child	\$62,000	\$74,859	\$74,900		
2	Florida State University College of Law	Health, Special Education	\$80,000	\$122,745	\$80,000		
3	Southern Legal Counsel, Inc.	Statewide Education Advocacy for Vulnerable Populations	\$90,513	\$90,513	\$90,500		
5	University of Miami School of Law	UM CYLC Children's Advocacy - LGBTQ, Immigrant, Holistic	\$60,000	\$88,705	\$60,000		
6	Dade County Bar Association Legal Aid Society	Children's Legal Collaborative - Holistic Child Representation	\$0	\$50,000	\$50,000		
7	Legal Services of Greater Miami, Inc. & DIG	Education Justice Collaborative - Baker Acts	\$40,000	\$139,160	\$139,000		
8	Legal Aid Society of Palm Beach County	Education Advocacy Project - School to Pipeline	\$61,586	\$63,636	\$61,600		
9	Legal Aid Society of the Orange County Bar Association	Developmental Disabilities Advocacy Project (DDAP) Legal Aid Society of the Orange County Bar Association's Guardian ad Litem Program	\$51,000	\$65,000	\$51,000		
11	Brevard County Legal Aid, Inc.	Brevard County Legal Aid Children's Legal Advocacy Project (CLAP)	\$0	\$50,000	\$35,000		
12	Community Legal Services of Mid-Florida, Inc.	CLSMF's Safe Path Through Education Initiative and CLSMF's Educational Advocate Practitioner Manual	\$99,000	\$214,000	\$100,000		
13	Florida Legal Services, Inc.	FILS Project: Ending Juvenile Solitary Confinement	\$67,354	\$79,400	\$75,000		
14	Legal Aid Service of Broward County	Restorative Justice for Broward Children and Families (RJBCF)	\$0	\$140,729	\$125,000		
15	Cuban American Bar Association Pro Bono Project	CABA Immigrant Children's Program	\$44,585	\$100,000	\$45,000		
16	Florida Legal Services, Inc.	Children's Healthcare Access Project	\$79,809	\$87,779	\$80,000		
17	Three Rivers Legal Services, Inc. & Center for Children's Rights	Hope Pipeline - Collective Impact in Duval County	\$0	\$120,000	\$120,000		
18	Catholic Legal Services, Archdiocese of Miami	Children Fleeing Violence	\$0	\$75,664	\$50,000		
19	Florida's Children First, Inc.	Children's Systemic Initiative	\$175,000	\$175,000	\$175,000		
20	Seminole County Bar Association Legal Aid Society, Inc.	Endless Dreams - Foster Youth to College	\$30,000	\$65,000	\$30,000		
21	Community Law Program, Inc.	Lawyers for Young Adults Project	\$0	\$50,794	\$25,000		
22	Lawyers for Children America	Children's Pro Bono AID	\$0	\$25,000	\$0		
23	Gulfcoast Legal Services	GLS Educational Advocacy Pilot Project - Pinellas	\$0	\$127,435	\$0		
24	Americans for Immigrant Justice, Inc.	Friend of Court for Unrepresented Unaccompanied Minors	\$52,873	\$52,873	\$0		
25	Lee County Legal Aid Society - Did Not Actually Submit	The Light of Liberty Project	\$0	\$46,880	\$0		
			\$993,720	\$2,105,173	\$1,467,000		

By submission of the above recommendations to the Grants Committee, staff affirms that the above recommendations meet the guidelines of the grant program description.

Grant Director Approval: _____

Date _____

Chief Financial Officer Approval: _____

Date _____

**The Florida Bar Foundation
2018-19 Children's Legal Services Grant Program
Committee and Board Funding Worksheet
Meetings March 8-9, 2017**

Scoresheet Aggregate and Averages

Recommended Total Allocation is 11.37% of \$12,980,202

(\$112,980,202 represents the total Grants Committee funding available for fiscal year 2017-18, as of March 2018.)

	Applicant Name (Calculated)	Project Name	2017-18 Grant Amount	2018-19 Requested Grant Amount	Staff Recommendation	Reviewer 1's Scores	Reviewer 2's Scores	Reviewer 3's Scores	Avg Score
1	Legal Services of North Florida, Inc.	Children's Legal Representation Project - Holistic Child	\$62,000	\$74,859	\$74,900	94	89	83	88.66667
2	Florida State University College of Law	Health, Special Education	\$80,000	\$122,745	\$80,000	91	94	80	88.33333
3	Southern Legal Counsel, Inc.	Statewide Education Advocacy for Vulnerable Populations	\$90,513	\$90,513	\$90,500	90	92	77	86.33333
5	University of Miami School of Law	UM CYLC Children's Advocacy - LGBTQ, Immigrant, Holistic	\$60,000	\$88,705	\$60,000	81	97	80	86
6	Dade County Bar Association Legal Aid Society	Children's Legal Collaborative - Holistic Child Representation	\$0	\$50,000	\$50,000	85	94	75	84.66667
7	Legal Services of Greater Miami, Inc. & DIG	Education Justice Collaborative - Baker Acts	\$40,000	\$139,160	\$139,000	89	87	73	83
8	Legal Aid Society of Palm Beach County	Education Advocacy Project - School to Pipeline	\$61,586	\$63,636	\$61,600	82	97	66	81.66667
9	Legal Aid Society of the Orange County Bar Association	Developmental Disabilities Advocacy Project (DDAP) Legal Aid Society of the Orange County Bar Association's Guardian ad Litem Program	\$51,000	\$65,000	\$51,000	79	93	71	81
11	Brevard County Legal Aid, Inc.	Brevard County Legal Aid Children's Legal Advocacy Project (CLAP)	\$0	\$50,000	\$35,000	89	79	70	79.33333
12	Community Legal Services of Mid-Florida, Inc.	CLSMF's Safe Path Through Education Initiative and CLSMF's Educational Advocate Practitioner Manual	\$99,000	\$214,000	\$100,000	91	73	71	78.33333
13	Florida Legal Services, Inc.	FILS Project: Ending Juvenile Solitary Confinement	\$67,354	\$79,400	\$75,000	85	72	78	78.33333
14	Legal Aid Service of Broward County	Restorative Justice for Broward Children and Families (RJBCF)	\$0	\$140,729	\$125,000	89	86	54	76.33333
15	Cuban American Bar Association Pro Bono Project	CABA Immigrant Children's Program	\$44,585	\$100,000	\$45,000	71	83	70	74.66667
16	Florida Legal Services, Inc.	Children's Healthcare Access Project	\$79,809	\$87,779	\$80,000	84	62	76	74
17	Three Rivers Legal Services, Inc. & Center for Children's Rights	Hope Pipeline - Collective Impact in Duval County	\$0	\$120,000	\$120,000	80	67	73	73.33333
18	Catholic Legal Services, Archdiocese of Miami	Children Fleeing Violence	\$0	\$75,664	\$50,000	82	67	69	72.66667
19	Florida's Children First, Inc.	Children's Systemic Initiative	\$175,000	\$175,000	\$175,000	87	48	77	70.66667
20	Seminole County Bar Association Legal Aid Society, Inc.	Endless Dreams - Foster Youth to College	\$30,000	\$65,000	\$30,000	69	60	67	65.33333
21	Community Law Program, Inc.	Lawyers for Young Adults Project	\$0	\$50,794	\$25,000	69	61	57	62.33333
22	Lawyers for Children America	Children's Pro Bono AID	\$0	\$25,000	\$0	40	85	54	59.66667
23	Gulfcoast Legal Services	GLS Educational Advocacy Pilot Project - Pinellas	\$0	\$127,435	\$0	45	70	56	57
24	Americans for Immigrant Justice, Inc.	Friend of Court for Unrepresented Unaccompanied Minors	\$52,873	\$52,873	\$0	47	20	45	37.33333
25	Lee County Legal Aid Society - Did Not Actually Submit	The Light of Liberty Project	\$0	\$46,880	\$0	0	0	0	
			\$993,720	\$2,105,173	\$1,467,000				

The Florida Bar Foundation
Improvements in the Administration of Justice Grant Program
Board and Committee Funding Worksheet for March 8-9-2018
Grant Period: April 1, 2018 - March 31, 2019/ Fiscal Year Funds 2017-18

Grant Applicant	Amount Requested	Prior Year Funding (if any)	Project	Staff Recommendation	Committee Recommendation	Board Approval	Conditions (yes/no)	Conditions
1. Innocence Project of Florida - General Support and - Exonerree Emergency Fund	\$380,000	\$255,000	<u>General Support:</u> \$370,000 <u>Exonerree Emergency Fund:</u> \$10,000	\$380,000			Yes	Exonerree Emergency Fund requires dollar for dollar matching funds prior to distribution.
2. Florida Justice Technology Center	\$350,000	\$500,000	General Support	\$350,000			No	
3. Florida Justice Technology Center	\$350,000	\$0	Online Triage/FLAG Project	\$350,000			Yes	Source of funds is Chase Grant to FBF from FL Atty General through Nat'l Settlement
TOTAL	\$1,080,000	\$755,000		\$1,080,000				

By submission of the above recommendations to the Grants Committee, staff affirms that the above recommendations meet the guidelines of the AOJ grant program description.

Grant Director Approval: _____

Date: _____

Chief Financial Officer Approval: _____

Date: _____



**FLORIDA JUSTICE
TECHNOLOGY CENTER**
coordination | collaboration | innovation

Florida Legal Access Gateway (FLAG)
Evaluation Report - Pilot Program

DATED: November 27, 2017.

Executive Summary

This document reports on the progress of the Florida Legal Access Gateway (“FLAG”) project initiated by Florida Commission on Access to Civil Legal Justice (“Commission”).

FLAG is an online system that uses a dynamic, interactive interview process involving an expert system which intakes and analyzes specific end user information, reviews potential and available resources applicable to the end user’s stated needs, and thereafter provides individualized referral options to the end user. This system is referred to as “triage”, a term borrowed from the medical profession.¹

FLAG was the subject of a pilot program for initial testing which confirmed a triage concept is viable, a need for such exists, and that current technology is capable of accomplishing a successful, statewide FLAG project.

The FLAG Pilot program (“Pilot”) began development on January 1, 2016, and the system launched on October 10, 2016. The Pilot, by design, ended at midnight, June 30, 2017. The Pilot ran in Clay County, Florida and was limited to evictions and simple dissolutions in order to test the viability of the concept as well as basic technologies and logistics.

The Pilot revealed:

1. Proof of Concept - a successful plan: The Pilot successfully created a triage application and demonstrated that an automated triage system is a viable mechanism; that it can help Floridians with unmet legal needs connect to resources, information and referrals; and that these resources, information and referrals can assist in addressing those unmet legal needs. While many states and jurisdictions around the country are contemplating and testing triage systems, Florida has now successfully created and tested a working prototype, taking a theoretical concept and making it a reality.

2 While the need was previously documented by the Commission - 80% of all Floridians cannot meaningfully access the civil justice system - the Pilot revealed an even deeper disconnect. The Pilot confirmed that many who interact with the civil justice

¹ The Access to Justice “Sorting Hat”: Towards of System of Triage and Intake that Maximizes Access and Outcomes (Richard Zorza, 2013)

system do not understand the nature and complexity of their issues.² Again, the Pilot confirmed that triage can assist with this most basic (and often most important) inquiry.³

3. Leveraging technology, with connections to all partners in the civil justice system, is key: harnessing the significant opportunities presented by expert systems with integration of the Clerks, Court, legal aid, pro bono attorneys, and others renders the concept economically feasible.

The ultimate goal is to implement the FLAG project statewide with access available throughout Florida. The first step toward developing a statewide system will involve a structured rollout using existing and successful venues and participants as identified by Florida Pro Bono Matters.

What follows is a brief history of the project, an analysis of the data collected and conclusions reached during the Pilot, along with a description of recommended next steps moving forward.

² This has been the subject of various commentators who have concluded similarly. See eg. *Accessing Justice in the Contemporary USA: Findings from the Community Needs and Services Study*. Rebecca L. Sandefur, American Bar Association (2014).

³ Through one-on-one interviews, user surveys, usage patterns and other data analytics captured, a picture was developed showing how users grapple with their legal issues. Information on how Floridians search for solutions to their legal problems was obtained. Similarly, through the experience of creating and implementing the Pilot real-life requirements for successfully creating and implementing this type of online application was collected. This information will contribute to improvements and enhancements leading to a successful and impactful FLAG project going forward.

Introduction - Florida Legal Access Gateway (FLAG)

FLAG is an online system that uses a dynamic, interactive interview process involving an expert system which intakes and analyzes specific end user information, reviews potential and available resources applicable to the end user's stated needs, and thereafter provides individualized referral options to the end user.

The Florida Bar Foundation serves as the fiscal agent and a primary resource for the FLAG project. The Pilot was funded by a grant from the Florida Bar Foundation consisting of settlement funds the Foundation received from the Florida Attorney General's office.

The Florida Justice Technology Center serves as the FLAG project manager and oversaw the development and implementation of the Pilot program. It also serves as the FLAG primary and initial evaluator of the FLAG project. James A. Kowalski, Jr., Dominic C. MacKenzie, and William A. Van Nortwick, Jr., members of the Florida Commission on Access to Civil Legal Justice serve as project sponsors and the Honorable Tara Green, Clerk of Court for Clay County, Florida, along with her staff, hosted the Pilot program.

Background

Establishing Project Authority

On November 24, 2014, The Florida Commission on Access to Civil Justice was established by the administrative order of Florida Chief Justice Jorge Labarga to study the unmet civil legal needs of disadvantaged, low-income, and moderate-income Floridians.

Subsequent to the creation of the Commission, five subcommittees were established to effectuate its work. One subcommittee, The Access to and Delivery of Legal Services Subcommittee (Access Committee) was, among other tasks, charged with studying and making recommendations on models or best practices for intake systems for providing legal services for the poor and middle class. This task was assigned to a work group (Workgroup 1), which was chaired by Dominic MacKenzie.

Workgroup 1 was guided by the review of materials relating to triaging portals as either conceptualized or in progress elsewhere in the country. In general, Workgroup 1 adopted the principles set forth in *The Access to Justice "Sorting Hat": Towards of System of Triage and Intake that Maximizes Access and Outcomes* (Richard Zorza, 2013), and reviewed a significant number of articles relating to intake and triage authored by persons of expertise. As a result of this national survey, Workgroup 1 was directed to the model in New Mexico, under the leadership of New Mexico Legal Aid executive director Ed Marks, which in turn is supported by partial funding by the Legal Services Corporation (LSC).

The Access Committee prepared a report dated May 15, 2015, summarizing its findings and recommendations which was presented to the full Commission by the subcommittee Chair Van Nortwick on September 18, 2015. Following the presentation, the Commission unanimously recommended, "...the Supreme Court of Florida approve the continued development of the Gateway and approve a Pilot project subject to obtaining adequate funding. If funding is obtained, the Chief Justice or Acting Chair of the Commission should be empowered to authorize the commencement of the Pilot project without further Commission vote."

This recommendation was included in the Commission's Interim report dated October 1, 2015, which was sent to the Florida Supreme Court, which subsequently approved and accepted the recommendation. The project was thereafter launched in early 2016.

FLAG: Project History

The Pilot Project was launched through the establishment of a design team whose membership includes; staff from two legal aid programs (Jacksonville Area Legal Aid and Three Rivers Legal Services), staff from the Clay County Clerk's office, staff of the Florida Bar, staff of the Office of the State Court Administrator, staff of the Florida Justice Technology Center (FJTC) with direct oversight by the project sponsors.⁴ Serving as project manager, the FJTC provided oversight and coordination of the software development, implementation, and evaluation efforts of the project.

The design team met in person and via video conferencing twice a month for the duration of the development effort of the project. As the software was finalized and prepared to launch, design team meetings were reduced to a one a month.

Project Host

Clay County Clerk, Tara Green, agreed to host the Triage Pilot project in her county with the support of her staff. Clerk Green's office has been instrumental in ensuring the project was successfully launched as well as playing a key role in marketing and outreach related to the effort.

The Clay County judges were also consulted as part of the project and at key decision-making points during the project to ensure the system addressed their concerns and would serve the needs of the self-represented litigant.

⁴ In its June 30, 2016 report the initial, temporary Commission recommended that a permanent Commission be formed on a continuing basis, as a means to enhance effectiveness in addressing the long-term and complex barriers facing Floridians seeking meaningful access to civil justice. The Supreme Court concurred with this recommendation and the Commission was made permanent. Under the now permanent commission, the Access to and Delivery of Legal Services Subcommittee has been reconstituted as the Services Options subcommittee as per the June 30, 2016, report. The FLAG project was introduced and reported on during the initial Services Options subcommittee meeting on December 6, 2016. Project Sponsors Van Nortwick, MacKenzie and Kowalski continue as subcommittee members and will continue to provide project oversight.

Project Schedule

The Florida Legal Access Gateway or FLAG was launched on October 11, 2016, for an initial testing period to last through the end of November 2016. The official launch date was scheduled for October 10, 2016 but was delayed by one day by Hurricane Matthew.

As recommended by the project sponsors and project host and approved by the Florida Bar Foundation and the Florida Justice Technology Center's board, the project was extended through June 30, 2017, to allow more data to accumulate.

The Pilot was concluded at midnight on June 30, 2017 – each partner agreed to remove the links from their respective websites shortly after the close of business. FJTC continued hosting a “development” version of the site for two months after the end of the pilot to allow for additional analysis and review.

Initial data was reviewed and analyzed in July-August 2017 and the findings, conclusions and resulting recommendations follow.

The Pilot Project - Purpose and overall assessment

The purpose of the FLAG Pilot was to test the feasibility of an online application to refer Floridians with legal problems to appropriate resources. The Pilot successfully created a triage application and demonstrated that an automated triage system is a viable mechanism which can help Floridians obtain access to resources, information and referrals to address their unmet legal needs.

Many states and jurisdictions around the country are contemplating and testing triage systems. Florida has now successfully created and tested a working prototype, taking a theoretical concept and making it a reality.

In addition to testing the viability of a triage system, the Pilot also sought a better and more informed understanding of the end user experience related to a triage system, especially with respect to individuals with no legal training attempting to confront or solve their legal problems. While it is recognized that gross usage and variables were limited during the Pilot, valuable insight was obtained. One-on-one interviews, user surveys, usage patterns and other data analytics captured a comprehensive picture of how users grapple with their legal issues. Valuable information on how Floridians search for solutions to their legal problems was also obtained.

Similarly, through the experience of creating and implementing the Pilot, real-life requirements for successfully creating and implementing this type of online application

was collected. This information will lead to improvements and enhancements into a successful and impactful FLAG project going forward.

Overall, the Pilot demonstrated that a triage referral system has great potential if designed properly and implemented in an efficient, coordinated and measured manner that is complementary to existing resources with an emphasis on simplicity and ease of use for the end user.

Observations and Lessons Learned - The User Experience

1. *If you have a legal problem, you think you need a lawyer.*

The Pilot data confirms this: members of the public don't look for resources, or information, or organizations that can help - they look for lawyers and law firms. This finding - that members of the public look first for lawyers and firms - is based on the fact that 70% of participants searched immediately for lawyers and/or law firms pursuant to the expectation, "in order to get legal advice, one needs to talk to a lawyer at a law firm." This expectation informs the framework for how users look for legal information and legal help online in Florida.

In addition, the usability study found, "[m]any users expected lawyers to be helpful and point them in the right direction even if they couldn't help them, and to have a lot of flexibility in terms of payment options."

Compounding this situation, the vast majority of participants were unaware of legal aid programs. Lack of awareness of legal aid organizations translates into end users not perceiving that help is available or that other options – besides hiring a lawyer – exist. The FLAG usage data supports this conclusion: 92% of all users exited FLAG on the Welcome page (page 1) or Privacy Notice page⁵ (page 2); and 56%⁶ of remaining users left FLAG after the No Guarantee of a Lawyer page (page 3).

We are conditioned by society, including broadcast television and social media, to search for lawyers. As reported by the Tampa Bay Times in October, 2015,

"A spot count of ads run in major metros for the first eight months of this year placed Tampa Bay first with 164,781, followed closely by Orlando with 142,607, together making Central Florida ground zero for saturation TV advertising in 2015 by trial lawyers [in the entire country]. So says a study being released today by the U.S. Chamber of Commerce's Institute for Legal Reform."⁷

⁵ Total Visits Bounce Rate – Exhibit A, page 10

⁶ Second Bounce Rate of Unique FLAG Visitors – Exhibit A, page 10

⁷ <http://www.tampabay.com/news/business/tampa-bay-leads-the-nation-in-number-of-lawyer-ads-on-tv/2251375>

Consequently, the general public receives daily, if not hourly messages via TV ads, billboards, even court room drama television shows suggesting that one needs a lawyer to address one's legal issue.

These findings illuminate the need to create robust and effective messaging and outreach programs to educate and advise Floridians of all resources available to assist one confronted with a legal issue. These would include both traditional and non-traditional resources from both the legal and non-legal sector covering a full spectrum of services via an online triage from referrals to private attorneys, legal aid organizations, on-line forms, self-help centers, and other community-based social services agencies or volunteers. In that regard, the project is designed to use technology to connect clients with lawyers through the low bono component of the Pilot, while also utilizing non-lawyer resources when available and applicable, to help the user at least start the dialogue regarding their issue.

2. A strong brand clearly identifying the service offered - and its connection to the Florida civil justice system - is paramount.

The FLAG logo and website does not clearly demonstrate the system's capabilities or services. Usability study participants did not come to the website because of the FLAG logo or concept. Users in the usability study also said the FLAG logo lacked visual appeal which affects users' perceptions as to the legitimacy or professionalism of a website or service. This indicates FLAG did not convey a clear message helping the user appreciate and discern the scope and extent of FLAG assistance. This may be a byproduct of the first observation, above (study participants were looking for an actual lawyer and were unaware of other available resources) which led to study participants not pursuing FLAG because they failed to understand that the project may offer more than just a lawyer or list of lawyers. Very high bounce rates for the main (landing) page were observed, which supports the idea that users did not intuitively understand what FLAG is or how it can help.

Capturing user attention and quickly communicating in clear, concise terms the utility of the program will be paramount to a successful triage platform.

Gender-related issues also caused confusion, apparently because of the website's initial construction. For instance, because a domestic violence hotline number was on each screen, some users thought the FLAG project was only for Domestic Violence.⁸

⁸ One of the two subject matters for the Pilot addressed simple marital dissolutions. Because such issues sometimes involve domestic violence, a hotline link was added to the website as a possible resource; especially for exigent circumstances. The Domestic Violence Hotline number was on each screen using red ink and surrounded by lots of white space, causing multiple users to assume the entire system was dedicated to domestic violence victims. In addition,

A refined and intuitive interface design will more clearly demonstrate FLAG's value and usefulness to a broad spectrum of users.

3. Providing more front-end value leads to effective referrals, which leads to more time, exposure and use.

FloridaLawHelp.org was a direct referral source from FLAG during the Pilot and received 242 users from FLAG during the test period. On average, these 242 users stayed on the FloridaLawHelp.org website more than 5 minutes, reading various materials, changing screens and identifying and sharing items of interest or use. These users averaged 4.69 pages per visit. A sample of the type of user activities included,

- 57.05% of users went on to share the FloridaLawHelp.org web address on social media
- 24% of users viewed or downloaded a "Know Your Rights" resource
- 7% looked for legal aid referral information
- 6% went on to view the page with online court forms on FloridaLawHelp.org

The duration on the site and the number of pages viewed suggests that users found the material on FloridaLawHelp.org useful or informative. It also suggests that users' activity on FLAG promoted and introduced FloridaLawHelp.org to first time users which further supports the conclusion that an online assistance and referral system can work and add valuable assistance in helping provide more access to more Floridians. Strong document assembly systems of the sort found at FloridaLawHelp.org, coupled with attorneys charging \$1 per minute for forms assistance proved effective at delivering more and better access.

4. Different legal subject matters result in differing online times and behavior. Not all users are prepared to proceed.

During the Pilot, expert systems focused on the "are you ready" issue, with use varying widely depending on a user's capacity and both the type and complexity of the issue. Users during the Pilot searching for dissolution information spent more time on the site than those inquiring about evictions. About one-half of the dissolution users

because there were only two subject matters "tested" during the Pilot, it is possible that users perceived that the entire project was dedicated to domestic violence resources because only one type of hotline was provided. It is envisioned that other hotlines and resources will be added to other subject matter pages when developed in the future. When more subject matters are introduced, the impact or impression of a singular hotline resource is expected to diminish with respect to user perception of the overall purpose of the FLAG program.

stayed online up to the “low bono” program selection screen.⁹ By comparison, about a third of users inquiring about eviction matters remained active on the site long enough to be directed to online intake for legal aid.

It is unclear if this difference in online behavior is a function of motivation or perceived value. Undoubtedly, the type and complexity of a legal problem will affect the duration and activity levels of users. However, it is understood that online behavior can be affected by many things beyond just the type of legal issue. For instance, the emotional state of the user, the perceived (and actual) complexity of the legal problem, basic education level and literacy, etc.

As the system rolls out statewide, personal data gathering can be developed in an attempt to determine if an end user is “ready” to proceed. Eventually, an intelligent process can be developed to assess and determine if an end user has the ability to essentially comprehend and effectively address his or her current legal issue. For instance, simple “yes/no” questions can be developed to gauge interest, competence and need. Some questions could include,

- If you have paperwork about your legal problem, do you understand them?
- Is your opponent a corporation or government?
- Does the other party have a lawyer?
- Have you gotten advice from a lawyer?
- Have you been to court before?
- Are you comfortable talking to the other party on your own?
- Do you think the other party and you could fix some of your problems if you could sit down and talk about them?
- Have you done any research about your legal problem?
- Will the resolution of this problem have a big impact on your personal finances?
- Do you have someone, who has experience with the same kind of legal problem, to help you?
- Does this problem affect your ability to work?
- Can you take time off of work to address this problem?

⁹ The low bono program consisted of users receiving assistance from private attorneys in reviewing and preparing forms for filing with the Court, but proceeding on their own afterwards. These low bono services were provided at \$1 per minute.

- If you need it, do you have reliable child care?
- Can you easily get to the courthouse?

These (and many other similar) types of questions inform a referral and may offer insight for other services an end user might need.

Replicability Assessment

Part of the charge of the FLAG project was to understand what is needed to successfully implement a triage system into a specific county's justice ecosystem.

Based on the experience of the design team members (captured as part of the debriefing meetings held December 2016 and subsequent conversations with Clay County clerk staff) the following is an assessment of the key factors needed to replicate the FLAG project in other counties.

1. An active and supportive Clerk's office. Much "ancillary" work was accomplished only with the significant help of the Clay County Clerk's office. They provided assistance with outreach to social service organizations, assistance with recruitment of user testing participants, information about local support services, as well as serving as the primary meeting point for the design team and managing much of those related logistics.
2. An active and supportive legal aid program(s). The legal aid partners who participated in the Pilot participated in design teams and offered much substantive help. Going forward, FLAG should be thoroughly incorporated into each program's regular intake process. This effort should be part of the system rollout.
3. Creation and implementation of an outreach plan. This plan must work in parallel with the development of the software. Early and robust outreach and promotion in each locality is needed for the system.
4. Active and supportive judges. Clay County judges were very supportive of the FLAG Pilot as demonstrated by their willingness to participate in design meetings and to offer suggestions from their perspective on how best to serve the community. The judges also issued an administrative order that directed the Clerk's office to include a notice about FLAG in all Summons and Complaint packets.
5. Continued strong project management. A project manager must provide oversight to ensure efficiency, avoid redundancies, resolve conflicts, insure the system remains updated and technologically current, as well as recognize, pursue and capture opportunities and development efforts for expanding the system's capabilities and reach.

6. A variety of services to offer the public. A rich spectrum of service options is necessary to a successful triage platform; including legal aid, lawyer referral, automated forms and educational materials. During the Pilot, the Clay County Low Bono program launched at the same time and was incorporated into the Pilot and proved to be a very popular offering. As the system expands, additional resources can be included. For example, law school clinics, pro bono programs, programs at law libraries, etc. In addition, other referral services such as Pro Bono Matters, The Florida Bar Lawyer Referral Service and the OpenReferral Project should be incorporated into the system.
7. Integrated document assembly system. An effective, responsive and integrated document assembly framework such as [FloridaLawHelp.org](https://www.floridalawhelp.org) is critical to providing value at the front end, while integrating expert systems to give users assistance when needed.
8. Continued focus on access to civil justice for all. FLAG will continue to include the working poor and middle class Floridians who may not otherwise have the means to pay for legal services, guided by the premise, "If you can afford a lawyer, we'll find you a lawyer you can afford."

Proposed Next Steps for FLAG:

A statewide system – with complete coverage in all 67 counties and all areas of civil law - is the ultimate goal.

Given development and funding realities, a statewide rollout should proceed on a structured basis, identifying areas of law and counties ready to support the online application and implementing them sequentially. Each step would afford additional opportunities to improve and refine lessons learned.

In that regard, the next phase should follow the Florida Bar Foundation's Pro Bono Matters¹⁰ project – expanding into areas that have been successfully implemented as part of that project thereby reducing the effort required to include triage in their spectrum of services. Similar to earlier efforts involving judicious use of New Mexico's prototype¹¹ and in an effort to save time, expense and avoid re-inventing the proverbial wheel, reaching out to counties and legal aid programs that demonstrate success in the Pro Bono Matters project will substantially reduce time and expense and foster a faster and more robust implementation of the next phase. As such, based on the foregoing, as well as data collected during the Pilot, the following next steps are proposed:

¹⁰ <https://thefloridabarfoundation.org/florida-pro-bono-matters/>

¹¹ <https://donate.newmexicolegalaid.org/content/online-triage>

1. Finalize and Solicit Proposals for proceeding and establishing applicable parameters for each stage of rollout and development.

Significant portions of a Request for Proposal to solicit bids to create a statewide triage system have already been developed. In particular, a systems specifications document and a design specifications document (incorporating results of this evaluation and our usability study) have been created.

The RFP will be created as two parts. The first part will solicit for proceeding with a structured rollout and development as discussed above. The second part will address an overall, statewide implementation to be developed over time to cover all counties, all areas of civil law, and facilitate recruitment of referral recipient agencies across the state.

2. Structured rollout and development.

The first part of the RFP (referenced and explained above) will essentially:

- Expand the effort following the path of the Florida Bar Foundations' Pro Bono Matters effort. Clay County will be asked to serve as a resource to other clerk's offices.
- Include between two and four new areas of law. Eviction and Dissolution were selected as we expected these areas to be "pain points" or of significant interest to members of the public. We may build on those two areas or select entirely new areas to tackle.
- Iron out the "data transfer" problem – we need to fully automate how user data is transferred between FLAG and each referral recipient system. We also want to be able to follow a user from FLAG usage throughout the case lifecycle.
- Build a new interface design based on the Pilot observations and lessons learned. End user testing will again play a substantial role in the development of a new interface and interview.
- Create a "plug and play" option for referral recipient agencies. An administrative component will be developed to allow other systems to connect to FLAG and to manage that connection.
- More fully exploit automated document assembly and self-help materials.
 - DIY automated forms – both on FloridaLawHelp.org and the DIY e-filing portal should be expanded during this phase of the rollout.
- Partner with existing self-help centers around the state to ensure those resources become a part of FLAG.

- Project oversight will continue to be provided by the original project sponsors, Van Nortwick, MacKenzie and Kowalski.

Immediate timeframes:

2017 – Fourth Quarter

- Complete the RFP and distribute/publish
- Capture the path (by county) of Florida's Pro Bono Matters
- Research and determine new areas of law to be included going forward

2018 – First Quarter

- Review RFP responses and create short list – schedule and hold interviews/discovery days for short-listed vendors
- Determine sufficient user interface design/testing (staffing and/or RFP)
- Review Funding Resources / Finalize cost estimates and budgets

2018 – Second/Third Quarter

- Select vendor(s) and any user interface and/or user testing consultants

Conclusion

Much work has been done and significant and exciting progress has been made. More work is needed, but the creation of a statewide legal assistance system that directs those in need of legal service to a full spectrum of available resources while serving as a model for others has proven to be possible and practicable. The Pilot project shows the concept is viable and technology exists to make the concept a feasible statewide reality.

Florida's effort to harness technology toward the ends of increased access to civil legal justice is within reach, and we are ready for launch. Next steps as outlined above should commence with the same vigor, enthusiasm and dedication as expressed by the Commission, endorsed by the Florida Supreme Court and supported by Florida's Attorney General and other stakeholders.

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FLAG Data Analysis: January 1 – June 30, 2017

I. Overview

This evaluation report covers the FLAG pilot period of January 1, 2017, until June 30, 2017.

The Triage Pilot project is a proof of concept project which explored the feasibility of a triage system at the local (county) level. The testing period allowed us to deep-dive into issue areas identified in the earlier evaluation period, from October-December 2016. It allowed us to conduct additional user testing as well as implement changes in our data collection practices which allowed us to better track end user activity.

Below are the key findings from our evaluation:

- **Users' and the communities' lack of preexisting knowledge about legal aid had a negative impact on FLAG's sense of utility and helpfulness:** The user testing study revealed that Clay County residents' lack of knowledge of legal aid in general, made them not likely to know to search for or pick out the FLAG website from search results when looking for help and info online. Instead, these users gravitated to online resources they "trusted" and were local, such as websites of lawyers of private law firms in their area. It was also noted that this factor also made it more likely that users would not trust the "credibility" of FLAG, and would therefore, be less likely to invest the time to engage or complete the triage experience.
- **Limited legal options can shape the utility of FLAG:** While FLAG has several types of referral options; legal aid, lawyer referral, do-it-yourself automated forms, a low bono program, etc. judges in Clay County noted that the lack of favorable actions open to respondents facing eviction - regardless of the resources available - may affect the rate of follow-through in referrals and resources after using FLAG. This raises questions about how to then best measure impact and effectiveness of FLAG.
- **Users did not complete an online intake, after being referred to by FLAG, but they did not mind spending time on FloridaLawHelp:** Through our analytics, we learned that users who went on to visit FloridaLawHelp from a link at the end of the triage questions, went on to spend an additional 5 minutes on the site. While, FLAG users who were directed to online intake to apply for legal aid, did not complete the interview nor submit an intake.
- **Outreach and marketing are critical to FLAG's success:** A common theme among stakeholders was the lack of marketing and on-the ground outreach for FLAG. There were efforts made to partner with libraries and social service organizations

in helping to increase the visibility of FLAG. Few users were knowledgeable about legal aid and they learned about it by: applying for SNAP, seeing a poster at their local courthouse, and from calling the courthouse for information.

Outreach and marketing efforts on behalf of FLAG need to include raising awareness in the community that other resources – besides a private law firm – are available and are legitimate.

- **Triage portals are not intuitive:** We learned that when people in Clay County are looking for legal help online, the online resources they trust the most are local and familiar. Usability study participants have the expectation that “in order to get legal advice one needs to talk to a lawyer at a law firm”. This expectation becomes the framework for how users look for legal information and legal help online in Florida; members of the public don’t look for resources, or information, or organizations that can help, they look for lawyers and law firms. Potential users are simply not looking for something like the FLAG service and this presents a challenge of how to make participants aware that this service exists and may be of use to them.
- **Simple step-by-step triage workflows have great potential to benefit low literacy, low digital literacy, or non-English speaking communities:** During user testing, users appreciated how the website was split into steps which made it easy for users to understand what they had to do.
- **There is a great potential to incorporate FLAG into the workflows of legal aid and hotline intake programs in Florida:** Legal aid intake staff interviewed were among the most enthusiastic supporters of FLAG and could see clear utility for how FLAG could help their clients and how they could also incorporate FLAG into their workflow as they help users over the phone.

II. Methodologies Used in the Evaluation

The evaluation information was collected by five methods: usage analytics from FLAG, online user testing of the FLAG interface, in-person usability tests using recruited participants, stakeholder interviews, and case management data.

Part I. Usage Analytics: There are currently two tools available for capturing usage information for FLAG: (a) StatCounter and (b) Google Analytics.

- a. **StatCounter:** StatCounter provides us with a comprehensive overview of all visitor pathways and key interactions users have with the portal. It was configured to record a session each time the Florida Triage app was started. It also allowed us to track the referral source, information about the user's system, top exit pages, time of day usage, etc. We also worked with Neota Logic on implementing 23 different "reached" tags, making it easy for the administrator to trace the approximate visitor path a user took during a

session. Due to the detailed visitor data that we could gather, this analytics program replaced the Probono.net triage reports developed for the New Mexico portal¹².

- b. **Google Analytics:** Probono.net created a Google Analytics campaign so we could identify every user who entered FloridaLawHelp.org through FLAG. From there, we gathered analytics regarding user browsing habits, resources accessed, and some demographic information.

Part II. Usability Tests, Usability Study, and Stakeholder Interviews: This grouping of data consisted of user testing interviews and interviews with judges and attorneys from the Clay County low-bono program, and FLAG exit surveys. Below is a breakdown of each:

- a. **Usability testing and landing page evaluation:** We leveraged two online usability platforms, fivesecondtest.com and usertesting.com. The test focused on trying to find out what prospective users thought about FLAG from just the landing page. The usability testing focused on having users rate FLAG in regards to its trustworthiness, efficacy, usefulness, and visual appeal¹³.
- b. **Usability study:** FJTC hired a user researcher to conduct a small usability study. This work included thirteen¹⁴ in-person one-on-one sessions that lasted 60 minutes each with people who live in or near Clay County. The sessions were held between June 13 - June 15, 2017, in Green Cove Springs, Orange Park, and Middleburg, FL. Please see Exhibit B for the full report.
- c. **Stakeholder interviews:** We interviewed eight stakeholder partners identified by the Clay County Clerk's office regarding their opinions and key lessons learned from the FLAG pilot. The stakeholders included Directors of Intake at partner legal aid programs, housing and dissolution judges, and low bono program attorney volunteers.
- d. **Triage exit survey:** At the end of a FLAG session, users were asked to take an optional exit survey. Eighteen exit surveys were completed during this period.

¹² FLAG differs from the New Mexico triage portal in that users directed to a legal aid program are being handed off to Legal Server's online intake form to complete on their own, rather than being routed to a PBN system called the "Agency Portal" that legal aid organizations in NM use to process the referrals and follow up directly with applicants (though Clay County Low Bono may use the Agency Portal.)

¹³ Analytics of FLAG usage from October 2016 to the present show that 51.5% of visitors spend 5 seconds or less on FLAG's homepage.

¹⁴ Nielsen Norman Group maintains that 5 users tell you 80% of what you need to know in a usability test – return on investment drops significantly after that, hence the reason for the very small user group. <https://www.nngroup.com/articles/why-you-only-need-to-test-with-5-users/>

Part III. Case Management Data

- a. **Court case management data:** We analyzed court case management data for the pilot period to determine the number of dissolution and eviction cases opened and closed during this time. This data helped us to contextualize the usage of FLAG portal within the context of the court’s normal case workflow, as well as track the outcome of cases for users that utilized FLAG.
- b. **Online Intake Data:** This data helped us to understand the number of online intakes and referrals to Jacksonville Area Legal Aid and Three Rivers Legal Services. During this period, we had 21 FLAG online intakes initiated but not completed.

III. Demographics of Clay County, 2010

Clay County is in northern Florida, immediately south of Jacksonville. The area includes both rural and suburban communities, with Green Coves Springs (where the clerk’s office is located), Fleming Island, Keystone Heights, Orange Park, and Middleburg being the more commercial, suburban areas. The county is mostly white (87%)¹⁵ and only 13% of the population in Clay County is non-white¹⁶.

Race	Clay County %	Florida %
White	87%	80%
Black	10%	17%
Other	3%	3%

Table 1: Clay County and Florida Population by Race¹⁷

The county is comprised of a younger population as compared to many other counties in Florida. The highest proportion of its residents are in both the 45-64 (27%) and 25-44 (26%) years old age groups¹⁸. The estimated percentage of all persons living in poverty in Clay County was 11% in 2010, compared to an average of 16% across all of Florida¹⁹. Most of the population has achieved a high school diploma (90%), but only 24% have a Bachelor’s degree or higher²⁰.

Demographic	Clay County, 2010
Residents Aged 45-64	27%
Residents Aged 25-44	26%
Individuals living in Poverty	11%

¹⁵ According to the 2010 Census.

¹⁶ The “Other” race category includes American Indians, Asians, and Hawaiian/Pacific Islanders.

¹⁷ Florida Office of Economic and Demographic Research, 2010

¹⁸ Florida Department of Health in Clay County, 2010 Health Needs Assessment

¹⁹ Ibid

²⁰ Ibid

Individuals living in Poverty 18 and younger	15%
High School Diploma	90%
Bachelor's Degree or Higher	24%

Table 2: Clay County Percentages of Age, Poverty, and Education

Florida is one of the most connected states in the country. About 78% of the population reported having access to high-speed Internet at home²¹. The county has a modest network of social service organizations consisting of government agencies, social service groups, food pantries, Church-administered social services, and two legal aid programs: Jacksonville Areal Legal Aid and Three River Legal Services, which were partners on this pilot. The Clay County Library system has five branches. During the pilot period, FJTC visited most of the locations and conducted a focus group in Green Coves Spring Library in November 2016. Most libraries provide computers with Internet access for the community and serve as resource hubs for residents.

IV. Dissolution and Eviction Cases in Clay County from January to June 2017

During the pilot period, 476 dissolution cases and 422 eviction cases were initiated at the Clay County Clerk's office. The table below provides a breakdown of dissolution cases opened and completed per month. The following table compares the number of dissolution cases filed in comparison to cases completed. The most dissolution cases were initiated in March (94). Overall, except for March, the charts show that the figures are consistent.

Dissolutions by Month

<i>Month</i>	<i>No. Of Cases</i>	<i>Cases Completed</i>
<i>January</i>	72	2
<i>February</i>	81	3
<i>March</i>	94	9
<i>April</i>	76	2
<i>May</i>	77	3
<i>June</i>	76	3

V. Table 3: Dissolution Cases in Clay County by Month

VI. Evictions by Month

²¹ Computer and Internet Use in the United States: 2013, US Census.

VII. In terms of evictions cases during the pilot period, June we saw the highest number of cases initiated (84) and the most number of cases completed in February (38). There were no eviction cases completed in April (0). The chart above shows that there is greater variability in regards to eviction cases in Clay County than with dissolution cases.

Month	No. Of Cases	Cases Completed
<i>January</i>	74	36
<i>February</i>	66	38
<i>March</i>	56	4
<i>April</i>	67	0
<i>May</i>	75	16
<i>June</i>	84	14

VIII. **Table 5: Eviction Cases in Clay County by Month**

IX. How did users use FLAG?

Number of Visits, Time of Hour, Location

FLAG had a total of 5,713 visits from January 1, through June 30, 2017. This total number equals all site hits; even from users outside of Clay County and visitors that show they have visited FLAG 5 or more times²².

FLAG received a total of 1,009 unique visits from locations throughout Clay County.

The top three cities where most of the visits came from were: Jacksonville²³ (50%), Orange Park (33%), and Green Coves Spring (9%).

By time of day; 80% of users visited FLAG during working hours (8am-5pm), followed by 15% in the evening hours (5pm-12pm), and 5% during the night or early morning hours, (12am-8am)²⁴.

²² A visit from a single IP address of 5 or greater visits, or a visit from outside of Clay County indicates a tester or developer; not a true user.

²³ Jacksonville is in Duval County, outside of our catchment area, but Jacksonville Area Legal Aid was a stakeholder partner that helped in outreach and promotion of FLAG.

²⁴ In the New Mexico Triage Portal evaluation report, it was noted that their system opened additional opportunities for users to seek assistance outside of normal business hours. In the report, it was noted that

Technologies used by Visitors

615 (or 61%) users accessed FLAG through a desktop computer. The combined number of visits by the mobile device (iPad, iPhone, Android) is 394 or 39%.

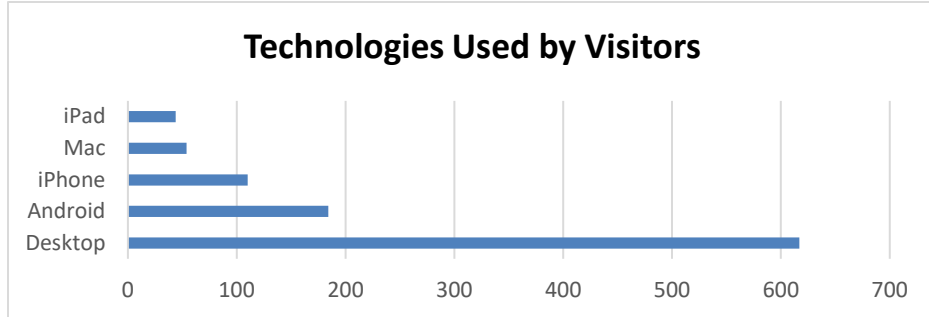


Table 7: Technologies Used by Visitors

Top Referring Pages

The top referring websites bringing traffic to the portal are summarized in the chart below. The top referring website was www.clayclerk.com/ (403, 40%) followed by floridalawhelp.org (303, 30%), and <https://www.jaxlegalaid.org> (121, 12%).

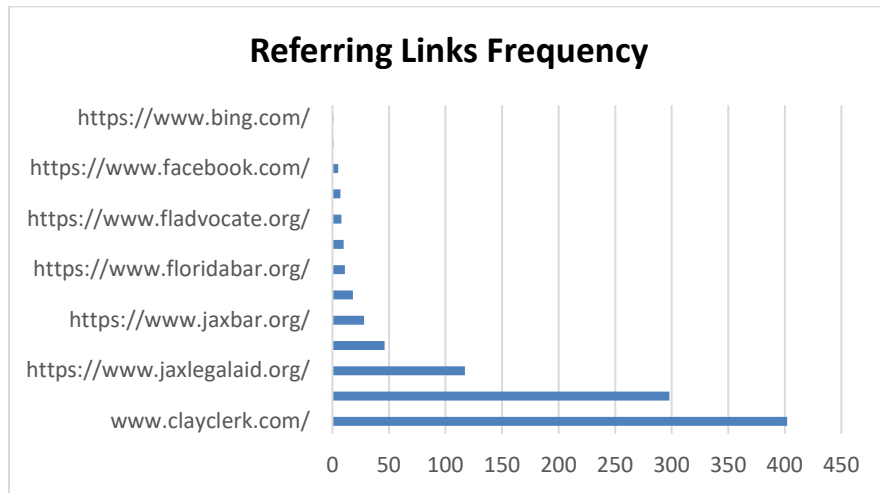


Table 8: Top Referring Sites

“Reached” parts of FLAG

the portal also, signaled “its ability to accommodate low-wage workers who often are unable to take time off work to seek legal help for problem”.

As part of the extended testing, we worked with Neota Logic to create 23 “reached” tags. Reached tags can be placed on specific pages of the application to know if a visitor “reached” or got to that page. Custom reached tags helped us determine how far into FLAG a user got prior to exiting the system. Reached tags makes it easier for us to trace the approximate path a user took during a session. These tags were implemented in January, 2017, and we collected data until the end of the pilot on June 30, 2017.

Utilizing the “reached” custom tags implemented by Neota Logic, we could identify key pathways and bottlenecks, where visitors are not moving forward, but rather exiting the system.

Total Visits = 5,713		Total Unique Visitors = 1,009							
Total Visits Bounce rate = 92% or 5255		Second Bounce Rate = 56% or 568							
		Total FLAG Users = 441							
		Eviction Path (legal aid)	Dissolution Path (low bono program)	Both Path					
	Legal Issue Page (pg 4)	441	441	441					
	first page of eviction	127	217	14	first page of dissolution or first page of both				
Users who chose Legal Aid path					Users who Chose Low Bono Path				
	want to try legal aid?	37	104	4	want to try low bono?				
	Jacksonville Area LA	7	97	4	you qualify for low bono				
	Three Rivers LS	27							
Users who chose Online Forms path					Users who chose Online Forms path				
	Explanation of Online Forms	22	77	2					
	First Page of Online Forms	0	39	0	Eviction forms were on FLH, Dissolution forms were on DIY				
Of 1,009 Number of visitors to FloridaLawHelp					242				
Total Visits =	all site hits, including developers, testers, outside Clay County								
Total Visits Bounce Rate =	of all site hits - users left after viewing the first or second page								
Total Unique Vists =	IP address from Clay County and IP does not have visits equal to or greater than 5								
Second Bounce Rate =	the user left on page three								
Page 1	Welcome to FLAG								
Page 2	User Privacy is Protected								
Page 3	No Guarantee of a Lawyer								
Page 4	Tell Us Your Legal Issue								

Table 9: User Pathways Based on Reached Tags

There are several findings that we can extrapolate from this data.

First, FLAG appears to lose users immediately after they must choose something.

Specifically:

- We lose about 20% of users once they must select a specific legal issue

- We lose between 30-50% of users at the point when they are asked to select a specific type of assistance (legal aid, online forms, low bono program)
- In eviction and on the both path, we lost 100% of those users who requested to use online forms when they reached the transfer page to online forms, and 50% of users in dissolution who reached the same place.

We learned from this behavior – and from the usability study which also identified this behavior among users – that FLAG users have only a vague sense of how the system can help them. **Users want to quickly understand that value of an application before they invest time and energy in moving through screens, answering questions, or filling out forms.**

As one usability study respondent noted;

“There are a lot of things before the information.... I want something a little quicker”.

Additionally, of the 37 users who wanted to explore legal aid, none of those users actually completed and submitted an online intake form; meaning that at some point during online intake the users determined that continuing wasn't worth the effort. The usability study posits that if users do not feel they are getting closer to their goal they will “drop off” or exit the system. Again, demonstrating value in FLAG in a way members of the general public can understand will be key to ensuring high rates of usage.

Second, users with a dissolution problem appeared to have a deeper engagement with FLAG. For example, Table 9 above shows that users on the divorce path were more likely to work their way further into the system; i.e. see if they qualified for the Low Bono program and learn about online court forms. Eviction users seem to have less tolerance for moving through FLAG. This finding should be further explored to understand if user behavior online varies significantly based on types of legal problem.

Third, users appeared to have a greater tendency to apply for assistance (low bono or legal aid), rather than accessing online court forms. This preference may be a reflection of the user's general preference for working with a lawyer over other types of assistance as illustrated in the usability study.

Finally, the clerk's court management data revealed that there were four cases that were filed as a direct result of FLAG²⁵. The Clay County Clerk's staff captured four Referral IDs generated by the FLAG system. FJTC staff attempted to follow up directly with these users by phone but failed to secure a response from any of the filers. Out of respect for

²⁵ We attempted to connect with, but could not get a response from, the individuals who filed a case after using FLAG.

the sensitive nature of cases that users were involved with at the time, we limited our attempts to two calls per user.

FloridaLawHelp: Data from Google Analytics

Google Analytics allowed us to track users who accessed FloridaLawHelp.org from any link inside FLAG. Based on this data, 242 visitors accessed FloridaLawHelp.org from FLAG. Users stayed on FloridaLawHelp.org on average of 5:11 minutes and viewed an average of 4.69 pages. This behavior suggests that users found the material on FloridaLawHelp.org useful or informative. It also suggests that users may be “primed” by their activity on FLAG to feel there is sufficient benefit in FloridaLawHelp.org.

Sample of FloridaLawHelp.org activities;

- 57.05% of users went on to share the FloridaLawHelp.org web address on social media
- 24% of users viewed or downloaded a “Know Your Rights” resource,
- 7% looked for legal aid referral information
- 6% went on to view the page with online court forms on FloridaLawHelp

Comparing Court Case Volume with FLAG Traffic

We compared the monthly court case volume data (from the Court’s Case Management System) with FLAG StatCounter visitors’ data to understand FLAG’s monthly usage in the context of the number of eviction and dissolution cases opened at the clerk’s office by month.

Dissolution Cases

Month	Cases Opened	Cases Completed	FLAG Dissolution Visits	FLAG visits as a % of Opened Cases
January	72	2	6	8%
February	81	3	48	59%
March	94	9	60	63%
April	76	2	45	59%
May	77	3	37	48%
June	76	3	22	29%

Table 10: Clerk’s # of Cases Opened and Completed when compared to Dissolution related FLAG visits

There does not appear to be any significant relationship between FLAG usage and the number of court cases opened or active.

We did use the case data and FLAG visits to offer a glimpse at potential FLAG activity assuming sufficient outreach and expanded legal topic areas. The chart below is the data above in bar chart form with an added trendline (Linear FLAG Dissolution visits) to estimate what FLAG dissolution visits could be for any given month.

The same analysis was conducted comparing eviction cases opened and closed with FLAG eviction related visits.

Month	Cases Opened	Cases Completed	FLAG Eviction Visits	FLAG visits as a % of Opened Cases
January	74	36	4	5%
February	66	38	32	48%
March	56	4	30	54%
April	67	0	20	30%
May	75	16	19	25%
June	84	14	22	26%

Table 12: Clerk’s # of Cases Opened and Completed when compared to eviction related FLAG visits

The chart below shows that we are capturing a lower percentage of potential eviction cases (per cases opened every month) than when comparison dissolution cases and dissolution FLAG visits. This may be that more outreach is needed or that eviction respondents often default on their cases and therefore are not engaging in any activity to identify resources or assistance.

X. FLAG Usability Study

Marianne Berkovich of Cornell University is an independent researcher working at the intersection of human and computer interaction. FJTC hired Ms. Berkovich to conduct a usability study on FLAG in Clay County. The usability study involved thirteen in-person one-on-one sessions that lasted 60 minutes each with recruited participants who live in or near Clay County. The sessions were held between June 13-15, 2017, in Green Cove Springs, Orange Park, and Middleburg, FL. These sessions involved real and hypothetical legal problems the participants had to solve using whatever resources they could identify online.

The study also included exploration into FLAG’s high bounce rate. Ms. Berkovich designed a quick study using two online platforms – usertesting.com and

fivesecondtest.com – to capture first impressions and observations from these participants about the purpose and value of FLAG.

The results of that study are used throughout the FLAG evaluation report. The Usability Study Report in its entirety is included as Exhibit B.

XI. User Exit Surveys

An exit survey was available for FLAG users to fill out after they have finished the entire interview. Of the 1,009 unique visits, 18 users went on to complete the survey. The feedback from the exit survey was very positive. They all found FLAG either very easy (60%) or easy (40%) to use, see chart below:

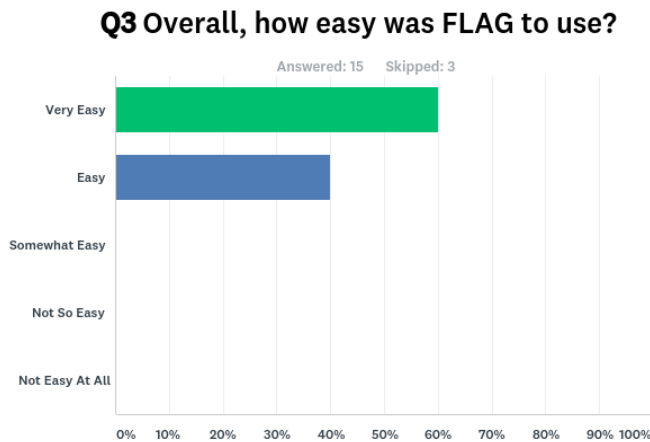


Table 14: FLAG Ease of Use

And 80% of the exit survey respondents were very satisfied to satisfied with the overall responses they got from FLAG. Only 10% of respondents expressed being dissatisfied to very dissatisfied (see chart below).

Q12 How satisfied are you with the response you got from FLAG?

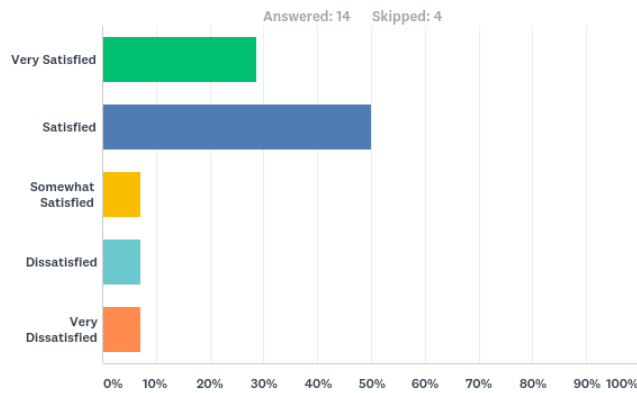


Table 15: Satisfaction with FLAG Responses

Some specific feedback that respondents provided through an open comment box were:

- *“The program did not tell me if I qualified. Just said call to see if u qualified. So, it leaves you in limbo”.*
- *“I’m satisfied with the user-friendly prompts, direct questioning, and short length”.*
- *“It’s very efficient”.*

XII. VI. Stakeholder Interviews

The evaluation team, interviewed eight stakeholders, consisting of intake staff from Jacksonville Area Legal Aid and Three Rivers Legal Services (2), Low Bono volunteer attorneys (3), and Judges from Clay County Clerk's office (3). The questions centered around their experience with the triage program and their perceptions regarding its impact on improving access to justice. Overall, all stakeholders felt that more effort could have been made to increase awareness of FLAG.

Disconnect between the "concept" of FLAG and the sense of its utility on the ground

Many were unable to say whether they saw a direct impact on people's lives, although they all expressed that FLAG was an "admirable" concept. There were some themes around how to best redirect potential users to FLAG. There was an impression that some users were being connected to the Low Bono directly, rather than asking people to visit FLAG to apply. Intake staff think that FLAG may not be useful for everyone based on their level of literacy or mental health. But for more independent and proactive clients, they would not hesitate to refer them to FLAG. Others noted that even when showing FLAG to users, there was a resistance to use it, and most people would continue to ask for someone to speak to.

Using FLAG to make intake more effective and efficient

Intake staff were very supportive of FLAG and could identify ways that FLAG could be integrated in their daily intake work. One stakeholder noted, *"Intake staff are already going through the same line of questionings"*. They added that especially when *"dealing with our intake volunteers - having a technology version of the questions for intake staff, could be very helpful."* One person noted that intake and the FLAG portal are similar options and that this may present a challenge in advertising and determining when it's more useful to send someone to FLAG vs referring them to intake.

Need for greater marketing and outreach

All stakeholders noted that greater outreach and marketing could have been done for FLAG. Some folks expressed that it was important that *"everyone on the ground is clear on its purpose, and that many folks did not know about it."* Another Judge noted that there *"appears to be insufficient awareness in the lay community regarding the program and what it can do"*. Outreach to stakeholders and to the lay community should be seen as essential components of any triage portal project.

Exhibit B:
Marianne Berkovich Consulting
User Study of Florida Legal Access Gateway
(FLAG)

Project: User study of Florida Legal Access Gateway (FLAG)

Client: Florida Justice Technology Center

Requested by: Joyce Raby, Executive Director

Date: June 2017

Introduction & Objectives

The Florida Justice Technology Center is currently running a limited pilot of the Florida Legal Access Gateway (FLAG) through June 30, 2017 in Clay County, FL. To help assess the success of the pilot, the Center was looking for qualitative information about how well the gateway is meeting the needs of Floridians who are dealing with Divorce and Eviction issues. We focused on low education level individuals to ensure the broadest population could make use of the system.

The objectives of this research were to explore:

- How well does the initial landing page communicate the purpose of the site? (Previous research indicated that 77% of visitors leave within 5 seconds)
- When low-income Floridians need legal help, how does getting information online fit into the process when they are in Crisis vs. Curious mode?
- Can users complete the site's wizard workflow and reach the right resources without external help? Why or why not?
- If they do complete the workflow, how confident and prepared do they feel about the next steps they need to take?
- How satisfied were they with the information they received using the site? What differences are there among those in Crisis or Curious mode?
- What is working well about the site? What are areas to improve the site?

We conducted a Five Second Test survey and in-person usability sessions in order to answer these questions.

Key Takeaways

Participants in the survey and usability study misunderstood the purpose of the site. The main reasons for the misunderstanding were:

- the prominence of the easy-to-scan information on the right about Domestic Violence and other issues
- the expectation that the site would give them a list of private lawyers they could contact as few were familiar with or knew to look for legal aid

The site scored low on perceptions of visual appeal and trustworthiness in the survey which could contribute to abandonment of the site by users who don't feel that the site is credible.

We found several barriers to people finding the site in the first place, as **none of the participants in the usability study found the site on their own:**

- few participants were familiar with legal aid, and instead were searching for lawyers or law firms
- several participants came across a page with the FLAG button during their online searching, but none noticed it

Broadly, people seek out legal information in two situations. First, when they are in "crisis mode" - they have an urgent issue and need immediate help and resolution. Second, when they are in "curious mode," - they have a non-urgent issue or are considering their legal options on what to do about them.

We attempted to recruit as many participants as possible who are currently dealing with a divorce or eviction (those in "crisis mode"), but ended up with only 1 participant (P9) who needed help right now. **She was able to complete the flow but was confused by the Options page and the Referral page. However, she was thrilled to discover that a service like FLAG exists and it gave her "hope."** She left the session with the referral information, but had not contacted the organization as of the following week.

The other 12 participants used the site based on a scenario we gave them; their hypothetical use of the site offers limited insight into how actual users would use the site when in crisis mode. All of these participants were able to complete the flow, but also encountered confusion along the way. Some were disappointed when the Referral page did not show them a list of lawyers as they expected. Many indicated that **if the legal matter was not urgent they would prefer to do some research and learn about the topic before reaching out to a lawyer.**

What is working well about the site :

- The name clearly indicates that the site is for Florida, so participants know they are getting information about their jurisdiction
- The flow is split into steps which was easier for low-digital literacy participants to parse

What needs to be improved about the site:

- Target people who don't know about legal aid but might benefit from it, through marketing and outreach. Make it more likely for them to encounter FLAG by embedding it within the content of pages about that particular topic and deep link directly to the topic (such as Divorce) instead of the top level FLAG page.
- The flow and wording should be simplified into 4 steps (see p.22) to reduce redundancy and create one clear path for users to complete

- Increase the visual appeal of the site to boost credibility and prevent mistaken connections such as the site is about Domestic Violence due to the prominence of the phone number on the first page

Methodology

We conducted two research activities in support of these research goals.

Initial Landing Page Evaluation

We posted an image of the FLAG landing page to Five-Second Test (<http://fivesecondtest.com>) and asked 100 participants several questions about the purpose of the site. The test was fielded between June 4 - 6, 2017 using 100 participants in the U.S. We used their education level as a proxy for low-income and selected those who indicated they had “some high school,” “completed high school” or “some college.” Originally we had planned on using Amazon’s Mechanical Turk for this portion of the project, but could not get enough participants who matched the low-income criteria to complete the task.

Usability Study of the FLAG site

We conducted thirteen in-person 1:1 sessions that lasted 60 minutes with people who live in or near Clay County (see p.49). We used education level as a proxy for low-income, excluding anyone who has completed college or has an advanced degree. We tried to recruit as many people as possible who are currently dealing with Divorce or Eviction, and ended up with 3 participants who are and 1 who was in acute need. Several other participants reported having other legal issues (see p. 56)

The sessions were held between June 13 - June 15, 2017 in Green Cove Springs, Orange Park, and Middleburg, FL.

During the session, participants were asked about their experiences looking for legal information in the past. Then we gave them two scenarios (see p. 50) - one involving Denise getting a Divorce and one involving Eddie and Eviction - and asked them to look for legal help online. If they did not find the FLAG site on their own, we then directed them to try that site. For the second scenario, we asked them to again search online on their own, and then directed them to try the Illinois Legal Aid Online site, so that they could compare the two experiences. We switched the order in which the scenarios were presented between participants. Three participants ran out of time before getting to the second scenario.

Only one participant (P9) used the site for her own needs rather than completing the scenarios. She was relieved to learn that such a service exists and that she could get some help through it; she said, “This gives me hope.” Her experience is the closest

approximation to natural use, as other participants were willing to follow the scenarios which is not the same as looking for information for themselves.

Detailed Findings

This section is organized by following the journey of a user becoming aware of, finding, and then using the FLAG site.

Awareness of and Finding the FLAG site

When given the scenario to look for legal help and information online per the scenario, most participants started with looking for general information about legal rights in these situations or about the process. As P5 put it, “I’d like a little knowledge before I talk to them.” See full list of search terms that participants used (see p. 50)

Three of the thirteen participants were familiar with legal aid and free legal services available to those with low-income and they searched using terms like [eviction legal aid] . One found out about legal aid from when she signed up for SNAP years ago and received a getting started packet that included information about getting legal help. Another said he saw a poster about legal aid at the courthouse when he was there for another legal matter. The third said she called the courthouse and they told her about the free legal aid programs available.

Many of the other participants started **looking for individual lawyers or firms** that they would call. Their expectation was that in order to get legal advice one needs to talk to a lawyer at a law firm. They would want to find one that might “work with” Denise/Eddie - meaning that they could work out either a pro bono arrangement or get paid after the settlement. Many expected lawyers to be helpful and point them in the right direction even if they couldn’t help them, and to have a lot of flexibility in terms of payment options.

Because they set their goal as looking for a lawyer or a list of lawyers that they could start calling, participants were **not looking for something like the FLAG service**. This presents a challenge of how to make participants aware that this service exists and may be of use to them.

Between those who were looking for a list of lawyers, and those who went directly to a legal aid site, such as Jacksonville Area Legal Aid, **none of the participants found the FLAG site on their own**. A few landed on pages that had the FLAG logo and link on it, but **none noticed it**. For example, P2, P3, P4 were on FloridaLawHelp.org and P5 was on the Clay County Clerk site, but they did not see the FLAG box.

After using FLAG for the first scenario, **only a few remembered that it had relevant information for the second topic**. This indicates that even if people use FLAG once,

they may not remember that it covers other topics. We asked two of the participants who remembered that FLAG covered the second topic how they might find the FLAG site on their own. They tried search terms like [flag legal services] and [flag legal help] and were not successful in re-finding the site.

RECOMMENDATION: Include an outreach component to let people know that free or reduced fee legal services exist to make them aware of FLAG. Make use of people’s natural inclination to call lawyers, by reaching out to lawyers and ask them to refer people to FLAG if they are unable to help them.

RECOMMENDATION: To increase the likelihood that users come across a link to FLAG, embed it within relevant content, rather than as a sidebar that is ignored. Additionally, this is an opportunity to link directly to the appropriate legal topic, saving the step of having to ask the user about which topic they need help with. This will be particularly helpful as an entry path for people who are not already familiar with legal aid, but are looking for information and help with their legal issue, such as Divorce, so they are on a relevant content page. Reserve the main landing page as an entry point for those who are coming back to FLAG or for those who are familiar with Legal Aid and find the site by searching for something like [florida legal aid].

RECOMMENDATION: To increase the likelihood that users can find the FLAG site again after using it once, ensure that the FLAG site comes up as a top link for focused searches like [flag legal].

Consideration: On the FLAG landing page

The two research activities shed light on people’s perceptions when they encountered the landing page of the FLAG site.

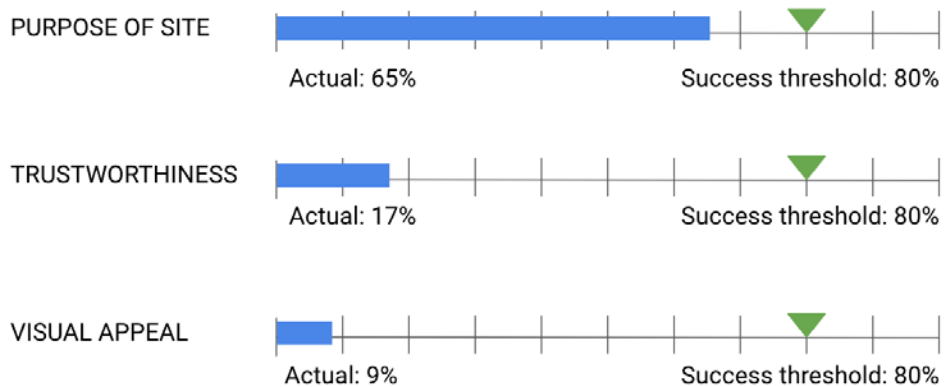


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FIVE SECOND TEST

In the “five second test” respondents were shown the FLAG landing page for 5 seconds and then asked several questions about what they remembered about it²⁶. We set the following success metrics:

- **Purpose of the site:** 80% or more select either "Find a list of lawyers to help with a legal problem" OR "Learn about your legal rights and options"
- **Trustworthiness:** 80% or more select "Very trustworthy" or "Extremely trustworthy"
- **Visual appeal:** 80% or more select “Very appealing” or "Extremely appealing"



Note: Margin of error is +/- 10% for an n=100

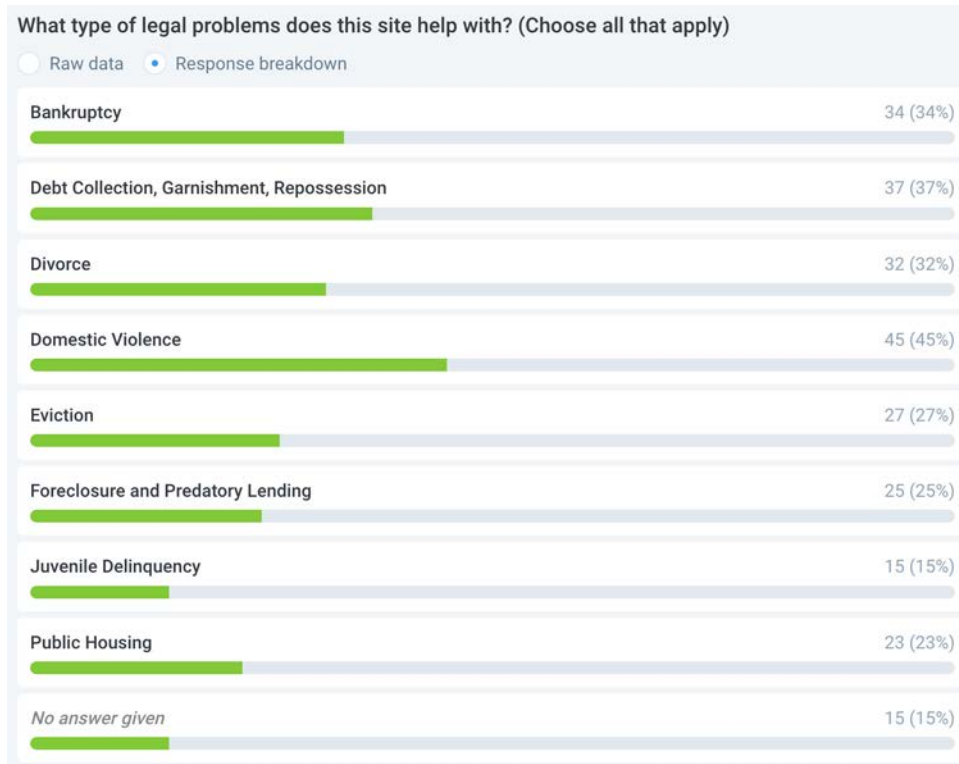
We also asked about the topics that the site helps with. Only **3% selected the right topics** about what the site was for - Divorce and Eviction. Among those three, one incorrectly indicated that the purpose of the site was “Be connected live with a lawyer to discuss a legal problem.” Another 4% selected only either Divorce or Eviction.

The rest did not select the right topics:

- 11% selected all the topics, perhaps indicating that they thought the site was for any topic
- **82% did not select the right subset of topics at all**

Notably, the topic most often selected was Domestic Violence - selected by 45% of respondents. This was perhaps because the Domestic Violence phone number was prominently displayed on the right side of the page, and caught their attention due to its placement with lots of whitespace and near red text.

²⁶ Full data at: <https://docs.google.com/spreadsheets/d/1jVCcLz2RZqvbcu3R-LKnePQQDVi7AuCARujYRBPuYQ/edit#gid=896705623>



USABILITY STUDY

In the usability study, participants were better able to understand the purpose of the site. However, several participants also **connected the right hand side about Domestic Violence to the text description in the center of the page about Divorce and Eviction**. P1 and P6 thought that FLAG was a site for women who are being abused and have to deal with domestic violence or eviction. P1 also was surprised that there wasn't "woman" in the name of the site, and that the look and feel was gender neutral and not "femmed" up with pictures of women or feminine color scheme. P12 thought it was a site for abused people.

This corroborates the confusion we saw in the Five Second Test results; a set of people noticed the Domestic Violence information and assumed the page was about that.

RECOMMENDATION: To avoid confusion about the purpose of the site, consider either:

- Having a deep link from the referring page go directly to the first step of the topic questions
- Move information that might be useful to users to after they've completed the main task; for example on the Referral page with something like "Do you also need help with Domestic Violence?"

As we saw in the Awareness section, many participants were looking for and expecting a list of lawyers to call. Hence, they **incorrectly interpreted what “Refer you to organizations that may provide you with legal help” meant**; they were disappointed when they reached the Referral page and realized that they still needed to find a lawyer. P8 said he was frustrated when he reached the Referral ID because “I still need to find a lawyer.”

RECOMMENDATION: Clearly state the purpose of the site on the first page. For example, something like “FLAG (Florida Legal Access Gateway) can help you connect you with the best Divorce resources such as Do-It-Yourself forms or free or reduced fee legal help through several Clay County, FL legal organizations.” This fits with Nielsen’s credibility factor²⁷ of Upfront Disclosure. This would help ease the frustration of reaching the Referral page and not seeing a list of lawyers, one of whom is guaranteed to take their case.

An added benefit is that it moves the information that the services aimed at people with low-income from the second to the first page - helping those who are not low income from wasting their time and moving forward another page.

RECOMMENDATION: Consider showing a list and/or logos of the organizations that users might be referred to on the first page. This will help with setting expectations that users will not see a list of lawyers, and at the same time boost FLAG’s credibility by being associated with official entities like Clay County Low Bono program, Three Rivers Legal Services, and Jacksonville Area Legal Aid.

When people were searching for legal information before being directed to the FLAG site, we observed that participants paid little attention to who was providing the information, or whether the information was about their jurisdiction. For example, one participant spent a lot of time on a site for Nevada, never realizing that it wasn’t for Florida. Another on a site for Maine residents, and did a lot of reading before realizing that it wasn’t for Florida.

RECOMMENDATION: Keep Florida in the name of the site, and ensure that the URL contains .org or .gov which some participants said was more trustworthy. Consider repeating Florida or Clay County as appropriate to remind users they are in the right place, and to prevent those in the wrong place from wasting time on the site.

No one noticed the tagline under the FLAG logo “Your official connection to legal resources” or the logos at the bottom of the page.

²⁷ <https://www.nngroup.com/articles/trustworthy-design/>

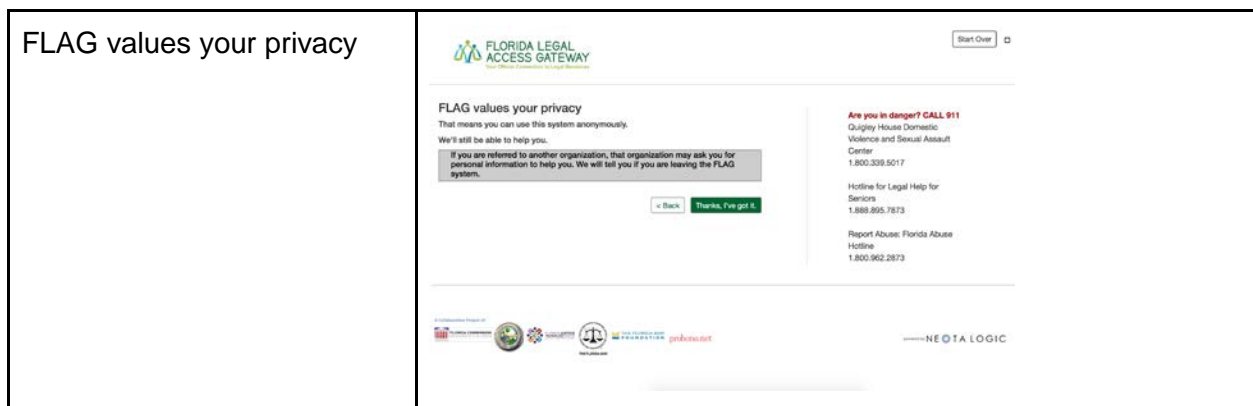
RECOMMENDATION: Consider giving more visual prominence - perhaps as the tagline near the logo to “A collaborative project with the Florida Commission on Access to Civil Justice” , and explore whether to make the partner logos, which add credibility, bigger or featured differently. For example, add an “About Us” page which explains who made the site, and lists the partner organizations and their logos.

Another factor that communicates credibility according to Nielsen is Design Quality. As we saw in the Five Second Test, FLAG was rated very low on Trustworthiness and Visual Appeal. Some participants in the usability study noted that the site didn’t look credible. P13 said that the Illinois Legal Aid Online site looked “professional,” while the FLAG site lacked that “I don’t know if I’d stay on this site or browse away - I don’t think it’s looks legit. The Illinois site looks professional - it looks like they paid someone to design it, while this one (FLAG) looks like a government site.” P3 commented on how the Illinois site was visually organized better than FLAG.

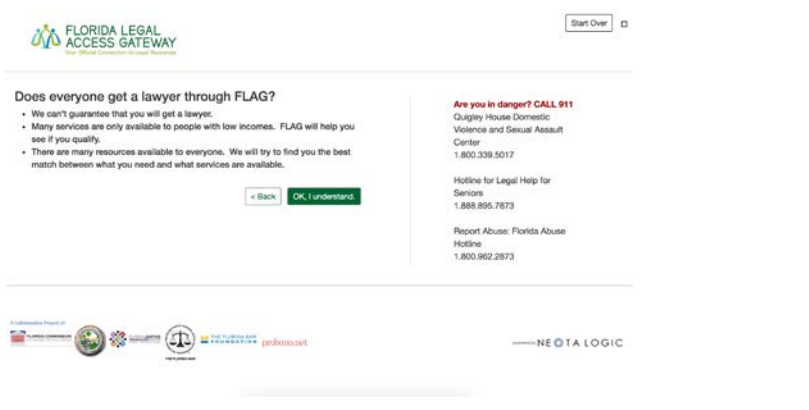
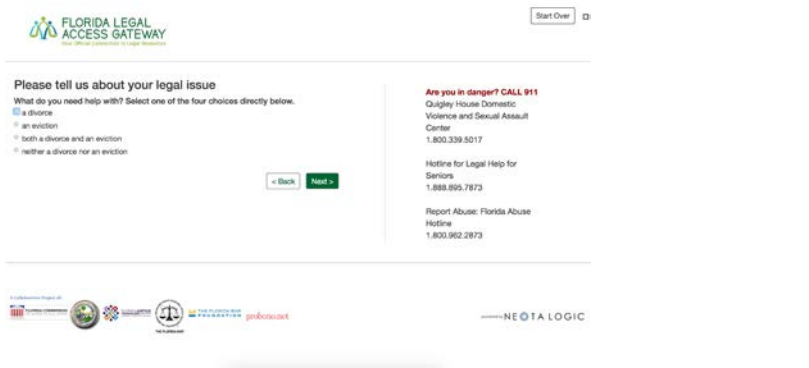
RECOMMENDATION: Since design matters for credibility and trust, consider a more modern and professional visual design that sets the right tone and invites users to continue using the site. Also, there is evidence that “there was a strong relationship between aesthetics and task performance where it was found that performance increased with increasing aesthetics level.”²⁸

Using the FLAG site

In the current FLAG flow, users must click through three pages before they answer questions related to their topic.



²⁸ <http://theses.gla.ac.uk/4256/1/2013salimunphd.pdf>

<p>Does everyone get a lawyer through FLAG?</p>	
<p>Tell us about your legal issue</p>	

These additional steps violate the information foraging theory concept of “information scent,” as each step is an opportunity for users who do not feel like they are moving closer to their goal to drop off. “Human users estimate how much useful information they are likely to get on a given path, and after seeking information compare the actual outcome with their predictions. When the information scent stops getting stronger (i.e., when users no longer expect to find useful additional information), the users move to a different information source.”

P1 said “There are a lot of things before the information.... I want something a little quicker” as she was clicking through these pages.

P2 noted that there was a lot of redundant text that felt inefficient and repetitive to him, particularly around the anticipation of whether he qualifies or not. Here is text from the first six steps of the flow that repeats hedges about qualifying and helping:

- Refer you to organizations that **may provide you** with legal help
- If you are referred to another organization, that organization **may ask you for personal information to help you**. We will tell you if you are leaving the FLAG system.
- FLAG will **help you see if you qualify**.
- You **might want to see if you qualify** for the Clay County low bono program so you have a chance to talk with an attorney
- **See if I qualify** for the Clay County Low Bono Program

- Please answer the following questions about your income to **help us determine if you qualify** for low cost legal help

RECOMMENDATION: Bring some information from these pages to the first page, while streamlining the way it's communicated. Below is possible text that could be used for the landing page that:

- Clearly lists the **purpose** of the site to see if they qualify for free legal help, as mentioned in the previous section
- Indicates that it's for **low-income users**
- States that the site is used **anonymously** - which participants really appreciated. They liked that they don't have to sign up for anything before they are ready, and won't get bombarded with emails from people trying to sell them something
- States that FLAG doesn't guarantee they will get a lawyer
- Indicates **what is involved in getting qualified** - answering three questions, so it doesn't feel like a test. P3 noted that the current structure felt like a test and she didn't know how long it would be

This recommendation assumes that this page is reached from another page about divorce, so that it can be deep-linked to the flow about Divorce, rather than starting at the top level.

Free Legal Help for Divorce

FLAG (Florida Legal Access Gateway) can help you find out if you qualify for free or reduced fee legal help about Divorce through several Clay County, FL legal organizations such as Clay County Low Bono program, Three Rivers Legal Services, and Jacksonville Area Legal Aid. Please note:

- FLAG cannot guarantee that you will get a lawyer through these services
- This site is anonymous. You do not need to provide personal information to find out if you qualify

If you prefer, you can fill out and print the legal forms yourself if you and your spouse have come to an agreement on all issues.

- () See if I qualify for free legal help in 3 questions
- () Show me Online Self Help Forms

Next >]

When comparing FLAG to the Illinois Legal Aid Online site, the theme that resounded among **participants with low digital literacy was having a single clear path.**

- Low digital literacy participants mentioned that they liked how in FLAG there were limited choices - Divorce or Eviction
- Low digital literacy participants liked how FLAG asked them one question per page and found the Illinois site having all the questions on one page to be “overwhelming.” P5 said that’s only “better if you are a fast reader.”
- Several low digital literacy participants got confused in the middle of the flow, noticed the “Start Over” button and clicked it when they wanted to go back a step or two.
- They were also overwhelmed by the type-ahead functionality of the Illinois site (see below), as well as preferring to select than type.

What is your problem about? *

div
Divorce
Getting a simple, agreed divorce (no kids, no home ownership, married less than 8 years, lower incomes)
Dividing property and debt
Pensions and divorce
Income taxes and divorce
Enforcing a court order for divorce
Changing a court order for divorce
Emancipation
An Individualized Education Program (IEP)
Applying for an Individualized Educational Plan (IEP) for a student


Some examples of low digital literacy we observed were participants who:

- Didn’t have basic computer skills such as how to select an item, how to scroll or click an item, or how to go back in the browser
- Used hunt and peck typing
- Had difficulty assessing the credibility or authorship of a site, or simply did not pay attention to these

Note: We did not observe any usage differences of the site based on *demographic characteristics* such as age or gender. The key difference was based on a *behavioral and knowledge characteristic* - low digital literacy.

RECOMMENDATION: Keep the format of asking one question at a time to fit the needs of the target population with low digital literacy skills. Remove the “Start Over” button to prevent users from leaving the flow entirely when they just wanted to go back a step.

EVICTIION QUALIFICATION FLOW



FLORIDA LEGAL ACCESS GATEWAY
Your Official Connection to Legal Resources

Eviction

Please tell us about [your eviction problem](#)

Which option best describes your situation?






- I rent my home or apartment
- I own my home
- I am a landlord trying to evict someone
- I am NOT a landlord - but I need to get a person to stop living in my home
- I am being asked to leave my home by someone who is NOT a landlord


Are you in danger? CALL 911
Quigley House Domestic Violence and Sexual Assault Center
1.800.339.5017

Hotline for Legal Help for Seniors
1.888.895.7873

Report Abuse: Florida Abuse Hotline
1.800.962.2873

a Collaborative Project of:





Several participants got tripped up by the wording of this page which begins with “Tell us about your eviction problem.” Some of the options in the question list problems such as “I need to get a person to stop living in my home” but others aren’t - “I rent my home or apartment.”

RECOMMENDATION: Reword all the options so that they have parallel structure and are all about eviction problems. For example, “I rent my home or apartment” would become “I rent my home or apartment and my landlord is evicting me.”

DIVORCE QUALIFICATION FLOW

Divorce

Find out if you qualify for low cost legal help

Please answer the following questions about your income to help us determine if you qualify for low cost legal help

How many people are in your household (including yourself)?

What's the total income for everyone in your household?

Choose one: monthly weekly daily

Total Amount in \$

< Back

Next >

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 Seniors
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Report Abuse: Florida Abuse
 Hotline
 1.800.962.2873

A Collaborative Project of:



powered by NEOTA LOGIC

Some participants were unsure what to put for income because they themselves had no or very little income, but the spouse they were trying to divorce and still living with did.

RECOMMENDATION: Add clarifying text about whether they need to list total household income or just their own.

UNDERSTANDING YOUR OPTIONS PAGE

Divorce

Understanding Your Options

Clay County Low Bono Program

You might want to see if you qualify for the Clay County low bono program so you have a chance to talk with an attorney IF

- You have the ability to make some attorney fee payments OR
- Your case involves complex problems such as:
 - Time-sharing / custody
 - Alimony
 - Distribution of assets and debts
 - You don't know where your spouse is, or if your spouse lives outside of Florida

There is a small fee for seeing an attorney through the Clay County Low Bono program.

Online Self Help Forms

If you and your spouse have come to an agreement on all issues, then you may want to use Online Self Help Forms and proceed on your own.

[Still More Information About Your Options](#)

Are you in danger? CALL 911

Quigley House Domestic
 Violence and Sexual Assault
 Center
 1.800.339.5017

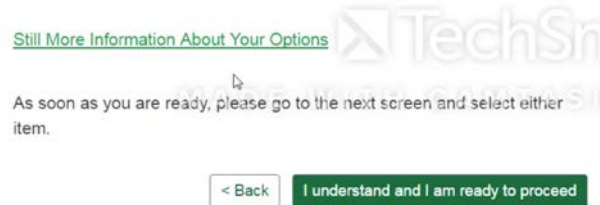
Hotline for Legal Help for
 Seniors
 1.888.895.7873

Report Abuse: Florida Abuse
 Hotline
 1.800.962.2873

P9 was excited by the prospect of getting help: “Wow. This is something that would give me hope. Let me look further, let me read more about where I can get some help.... It’s a refresher. Because even if you don’t have income, for it to say a small fee.... Somebody is going to have a heart and help me or at least guide me in the direction

where I can get some help. When you're on the internet and you're searching, you look to run across somebody that says "We don't offer that, but let me give you this number. Let me lead you to somewhere. They can better assist you."

Several participants were confused by this page. P5 said "I'm not sure if I should go backward or forward" and which option to select:



Some thought that they needed to click on "Still more information about your options" to continue and ended up "veering off the path" as P8 described it, going to other sites they didn't intend to initially visit.

P9 said, "I'm a little confused. I don't know if I would click here [Still More Info about your options] or [I understand and I am ready to proceed]." She re-read the text three time before she was able to make sense of it. When she reached the next page that has the two option radio buttons she said, "This one better explains it. It gives me my two options - see if I qualify or if I want to do it by myself."

RECOMMENDATION: Remove the "Still more information about your options" link on this page since it derails users from the one clear path they were on. Show the information contained in the link in a more organized and streamlined way on the Referral page, after the user has completed their "see if I'm qualified" task and are in a mindset to explore further if they want.

REFERRAL PAGE

Report on this Session of the Florida Legal Access Gateway

Date: Jun 05, 2017
Time: 05:04 PM, -07:00
Referral ID: 10268

Recommended Resources

YOUR NEXT STEP

Based on the information you provided us regarding your family law issue, we recommend you schedule an appointment with the **Clay County Low Bono Program** for legal assistance.

To schedule an appointment with the Clay County Low Bono Program, please call 904-269-6363 between 8:30 am to 4:30 pm Monday through Friday.

The Clay County Low Bono Program provides you with help from a local family law attorney through the Clay County Clerk's Office. You will meet with your attorney at the Clay County Courthouse.

This is a reduced fee Program. You will pay your attorney \$1 per minute with a minimum of 30 minutes (you may purchase more minutes if you would like). During your appointment, the attorney will help you complete appropriate forms, answer legal questions you may have about your family law matter and advise you on your

Are you in danger? CALL 911

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Report Abuse: Florida Abuse
Hotline
1.800.962.2873

Several participants were frustrated and confused by the Referral page. P11 called it a “dead end.” As noted before, some participants were expecting a list of lawyers and were disappointed not to see one after going through all those pages.

P5 tried clicking “Jacksonville Area Legal Aid” and got stuck: “They don’t have my name. How will they call me?” See below that Jacksonville Area Legal Aid is not a link, nor is there a contact phone number:

Recommended Resources

YOUR NEXT STEP

Based on the information you provided us regarding your eviction issue, we recommend you apply to **Jacksonville Area Legal Aid** for legal assistance.

On the other hand, participants appreciated that certain information was included on the page:

- Phone number for Clay County Low Bono
- Opening hours for Clay County Low Bono
- Pricing information (P9 said “Oh, my God! Happy Birthday to me! That is awesome.”)

P11 thought that having a Referral ID made the process feel more official.

RECOMMENDATION: Streamline the layout, information design, and wording of the page to make it easier to parse. An example is below:

Referral ID and Summary Report

Date: Jun 15, 2017

Time: 12:56 PM, -04:00

Referral ID: 10558

YOUR NEXT STEP

Schedule an appointment with **Clay County Low Bono Program**

Phone: 904-269-6363 (Mention your Referral ID for faster processing)
Hours: 8:30 am to 4:30 pm Monday through Friday
Where: Clay County Courthouse, 825 N Orange Ave, Green Cove Springs, FL
Cost: \$1 per minute with a minimum of 30 minutes
(you may purchase more minutes if you would like)

During your appointment, the attorney can help you:

- complete appropriate forms
- answer legal questions you may have about your family law matter
- advise you on your next steps to finalize your legal issue.

This attorney will **not** represent you in court.

Will my case be accepted?

Please understand that this referral does not guarantee your case has been accepted. The Clay County Low Bono Program will let you know if your case can be accepted. If your case cannot be accepted, the Clay County Low Bono program will help you find other resources.

Need additional help?

If you need additional help, please visit:

- FloridaLawHelp.org for information about the law, your legal rights in many areas and organizations offering legal help to moderate and low income Floridians
- [Jacksonville Bar Association Lawyer Referral Service](#) for help finding a lawyer

Download, Print, or Email this Report

Thank you for using the Florida Legal Access Gateway (FLAG).

[Download or print this report](#)

Email this report to: _____

Note: Your email address will only be used to send you a summary report of your session and will not be stored or used for any other purpose. FLAG takes reasonable steps to keep your information confidential. However, please be aware that using FLAG does not create an attorney-client relationship.

We Welcome Your Feedback

Please take a moment to take our [online survey](#) to tell us about your experience with this site.

Appendix

Participants

	Gender	Age	Education	Current Legal Issue	Confidence about being able to find legal help
P1	F	40s	Some college	Domestic violence	Moderately
P2	M	40s	Some college	Auto accident	Slightly
P3	F	30s	Some college	Divorce	Moderately
P4	F	30s	Some college	Child support, auto accident	Moderately
P5	F	30s	HS graduate	Debt, Foreclosure	Very
P6	F	40s	Some college	Debt	Moderately
P7	F	20s	Some college	Civil	Moderately
P8	M	30s	HS graduate	Child support	Slightly
P9	F	50s	Some college	Divorce	Moderately
P10	F	20s	HS graduate	Divorce, child support	Slightly
P11	M	50s	Some college	Guardianship of child	Moderately
P12	M	40s	Some college	Civil	Moderately
P13	M	30s	HS graduate	Auto accident	Moderately

In terms of technology use:

- all 13 use a laptop/desktop to access the internet
- 12 also use a smartphone
- 4 also use a tablet

Scenarios

Below are the two scenarios that participants were given to look for legal information online.

DIVORCE:

Last night, your friend Denise, called you and she was upset. After several months of trying to work things out, she and her husband decided to get a divorce. She's shocked and not sure what to do or where to turn to get this done. Denise wants to get through this difficult time as fast as possible and is asking for your help. She'd like to talk to a lawyer but isn't sure she can afford one, so she'd also like to know about the paperwork involved and see if can do it herself.

What would you do online to get her answers?

EVICTION:

Yesterday, your friend Eddie called with some bad news. He came home to find an eviction notice on his front door. While he is looking for short-term housing for his family, he asked if you could help him deal with the legal side of the situation.

What do you do online to find out his rights, the eviction process and where he might get some legal help?

Search words from User session scenarios

SEARCH WORDS FOR EVICTION:

[tenant rights in eviction in fl]

[how to prevent or delay eviction in florida]

[civil law help center in jacksonville]

[eviction in florida]

[eviction in florida court website]

[eviction in florida clay county]

[eviction legal aid] - heard about Jacksonville Legal Aid through SNAP welcome packet

[legal rights for renters eviction]

[how long do you have to leave with an eviction notice]

[eviction rights in jacksonville fl]

[eviction process in fl without lease]

[eviction lawyers in jacksonville fl]

[eviction timeline in florida]

[free case review]

[clay clerk of courts]

[clay county legal aid] - saw signs at Federal Courthouse

[florida eviction process]
[florida eviction rights]

SEARCH WORDS FOR DIVORCE:

[florida divorce laws]
[divorce lawyers jacksonville]
[divorce in florida]
[court clay county]
[divorce lawyers in jacksonville fl]
[divorce lawyers orange park fl]
[legal aid divorce]
[affordable lawyers for divorce]
[legal aid]
[how to start a divorce process in florida]
[free financial affidavit short form in florida]
[lawyers to help women with divorce]
[divorce lawyers in clay county]
[military lawyer in clay county]
[free legal advice]
[free legal help in jacksonville]
[legal aid florida divorce] (a Google Search suggestion based on previous search)
[free legal advice for divorce]
[consent form divorce clay county florida]
[filing for divorce]
[process for filing for divorce]

REFINDING FLAG

[flag]
[flag legal services] - 2x
[f.l.a.g]
[flag legal]
[flag legal help]

Five Second Test Charts

Below are the charts that show the distribution of answers to the Five Second Test questions.

PURPOSE



TRUSTWORTHINESS



VISUAL APPEAL

How visually appealing or unappealing is the site?

Raw data Response breakdown



Example of a Simplified Four step Flow

This section contains the main text of the Divorce flow, that a user would reach through an embedded link, rather than starting for a FLAG home page.

PAGE 1:

Free Legal Help for Divorce

FLAG (Florida Legal Access Gateway) can help you find out if you qualify for free or reduced fee legal help about Divorce through several Clay County, FL legal organizations such as Clay County Low Bono program, Three Rivers Legal Services, and Jacksonville Area Legal Aid. Please note:

- FLAG cannot guarantee that you will get a lawyer through these services
- This site is anonymous. You do not need to provide personal information to find out if you qualify.

If you prefer, you can fill out and print the legal forms yourself if you and your spouse have come to an agreement on all issues.

- See if I qualify for free legal help in 3 questions
- Show me Online Self Help Forms

Next >]

[

PAGE 2

Florida Residency

Have you or your spouse lived in Florida for 6 months before today?

- Yes
- No

Next >]

[

PAGE 3

About your household

How many people are in your household (including yourself)?

What's the total income for everyone in your household?

- monthly
- weekly
- daily

Total \$ _____

Next >]

[

PAGE 4

Referral ID and Summary Report

Date: Jun 15, 2017

Time: 12:56 PM, -04:00

Referral ID: 10558

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[Download or print this report](#)

Email this report to: _____

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We Welcome Your Feedback

Please take a moment to take our [online survey](#) to tell us about your experience with this site.

Other Legal Situations among Participants

Although FLAG currently only deals with Divorce and Eviction, we heard about other legal issues that participants have currently or recently encountered. In most cases participants said they haven't done anything about the issue, or that they tried to get help but were not successful.

P1 said that she is considering evicting her father who is living with her and her family. She said that he's always had an explosive temper, but recently threatened her and her daughter with a spade. She doesn't know what the process is if she decides to move forward with the eviction and what are the options of where he can go. P1 also had a concern about custody of her teenage daughter since she had her out of wedlock, and has not had contact with the biological father since her daughter was a baby. Her husband has not formally adopted her daughter, so she is worried about who would get custody of her daughter in case something happens to her, and how to keep her in her current situation.

P4 would like to get increased child support from her children's father, but Puerto Rico (where the divorce happened) is not co-operating with Florida, and in addition the father lives in Texas. She needs additional money to support her teenage children.

P5 said that she owns a house that became uninhabitable, so she and her family moved out and stopped paying the mortgage. She is still receiving the bills and knows it has hurt her credit, and is not sure whether she should declare bankruptcy or let the house go into foreclosure. She is waiting to see what the bank does and whether they foreclose.

P6 has had two rounds of cancer in the past several years, causing her to run up large medical bills that she can't pay, so she has judgements against her. Also, her daughter and grandson live with her. She co-signed a car loan for her daughter who was then unable to make payments, so she voluntarily had it repossessed. She doesn't know how to clear these things from her credit report.

P8 has one child with a woman who does not want her daughter in contact with his current girlfriend, and his current girlfriend is having child custody battles with her children's biological fathers, and they have another child on the way together. He would like to resolve the issues with the biological parents of his and his girlfriend's children so that they can move on with their life together. Additionally, he has spent time in jail for drug offenses.

P11 has an adult son who is mentally challenged and he would like to take legal guardianship over him, but couldn't find the information he needed online. He arranged to have his son in a group home with 24-hour support, but one of the other residents was murdered and his son was implicated because he was out of his room. His son was cleared of charges and now he is just trying to get his son home.

This concludes the FLAG evaluation report.



THE FLORIDA BAR FOUNDATION

Benchmarks for Pro Bono Legal Services Programs

Revised February 2018

Introduction

The Florida Bar Foundation (Foundation) provides funding for legal aid organizations that provide pro bono legal services to clients who are low-income individuals or groups that serve low-income individuals. Some of these pro bono programs are a project of a larger legal aid organization and others are stand-alone organizations.

The Foundation expects the pro bono programs it funds and collaborates with to work toward meeting the benchmarks described below. The Benchmarks will be used when the Foundation conducts an external assessment of a grantee and when the Foundation assesses grant applications for general operating or pro bono funding. The *Benchmarks' Self-Assessment Workbook* from the Foundation can be used as part of an organization's internal evaluation of its pro bono program.

American Bar Association Standards

The American Bar Association (ABA) has adopted standards for civil legal aid providers (*Standards for Providers of Civil Legal Services for the Poor, revised 2006*) and additional standards for civil legal pro bono providers (*Standards for Programs Providing Civil Pro Bono Legal Services to Persons of Limited Means, 2013*). The Foundation expects grantees to use both sets of standards as guidelines for their work.

The Foundation's Benchmarks are complementary to the two sets of *Standards*—some repeating a point in the ABA's *Pro Bono Standards* to emphasize its importance to the Foundation and some expanding on a point of a standard in a way the Foundation believes is important. Note that although the Foundation's benchmarks do not directly address the quality of client services or many administrative operations, such as financial accountability, these are important areas for which the grantees should look to the ABA standards for guidance.

The benchmarks include examples of indicators of whether an organization may be meeting a benchmark. The indicators are illustrative of attributes or actions that demonstrate a benchmark is being met. The indicator lists are not exhaustive or exclusive.

Pro Bono Benchmarks

A. Budget. "...the governing body should ensure the organization has sufficient resources to: Meet program priorities; Furnish training and support to volunteers and staff; and Provide adequate salaries and benefits to qualified, experienced staff." (*Commentary to ABA Pro Bono Standard 1.3*). A pro bono program should have the resources necessary to be able to maximize the utilization of pro bono attorneys, whether it is solely a pro bono program or is part of a larger organization with a staff delivery component as well. An organization with a pro bono program

that is a component of its services should have a pro bono budget that is easily identifiable. An appropriate amount and/or percentage of a budget will vary among pro bono programs. For LSC-funded organizations, an appropriate amount may be more than 12.5 percent of the LSC funding if other funding is significant.

Indicators

A.1. The pro bono budget is sufficient to fund staff and activities that maximize the utilization of pro bono attorneys.

A.2. The budget for a pro bono program that is a component of a larger organization is delineated in a line-by-line budget.

B. Staff. “A pro bono program should employ personnel who are skilled, diverse, culturally competent, and committed to the provision of high quality legal services. Program staff should be sufficient in number to ensure that the program can achieve its mission and can work effectively and efficiently with clients and volunteers.” (*ABA Pro Bono Standard 2.1*). A Pro Bono Manager¹ should have “a professional attitude, excellent communication abilities and strong administrative, organizational and interpersonal skills.” (*Commentary to ABA Pro Bono Standard 2.1*). In addition to having a pro bono manager with strong skills and a commitment to the program’s mission, a pro bono program should be staffed with enough skilled individuals, so clients’ cases are processed in a timely manner and volunteer attorney recruitment and support can be done effectively and professionally.

Indicators

B.1. Pro bono staff are skilled.

B.2. Pro bono staff are diverse.

B.3. Pro bono staff are culturally competent.

B.4. Pro bono staff are committed to high quality pro bono legal services.

B.5. Pro bono staff have good communication skills.

B.6. Pro bono staff are high performers.

B.7. Pro bono staff are flexible.

B.8. Pro bono staff use creativity to keep the program fresh, fun and productive.

B.9. New pro bono staff receive orientation and training in pro bono methods, operations and philosophy.

B.10. The pro bono manager is an active member of the Florida Pro Bono Coordinators Association.

B.11. The pro bono manager and other pro bono program staff regularly attend trainings and conferences, including the Equal Justice Conference, to update and improve their skills.

B.12. The pro bono manager and other pro bono professional staff solicit and share pro bono ideas through national, state, regional and local groups, including through national and state listservs.

B.13. Pro bono staff use the resources on the ABA’s website.

B.14. A pro bono manager who is not an attorney has appropriate attorney supervision and support from an attorney who has sufficient time, training, and commitment.

B.15. Staffing is sufficient for timely processing of cases.

B.16. Staffing is sufficient for effective recruitment and support of volunteer attorneys.

¹ The *ABA Standards for Programs Providing Civil Pro Bono Legal Services to Persons of Limited Means* use the phrase “Pro Bono Manager” for the position in charge of the pro bono program. In many programs, this position is called “Pro Bono Coordinator.”

C. Administration. “A pro bono program should develop and maintain internal systems for identifying conflicts and for managing, retrieving and evaluating data regarding prospective clients, clients, volunteers, partner agencies, services provided, and program operations.” (*ABA Pro Bono Standard 2.3*). A pro bono program should maximize the use of its Case Management System (CMS) by ensuring that all pro bono staff are proficient with and take full advantage of the CMS’ pro bono capabilities.

Indicators

- C.1. Pro bono staff have been trained in the CMS and participate in further training, when offered.
- C.2. Pro bono staff use the CMS effectively to check for conflicts, make case assignments, utilize pro bono attorneys appropriately, and maintain data.
- C.3. Pro bono staff send e-mails to groups of volunteer attorneys via the CMS, when appropriate.
- C.4. Pro bono staff, including the pro bono manager, produce reports that assist them and funders to evaluate the pro bono program.

D. Management and Board Involvement. When a pro bono program is part of a larger entity, “...it is especially important for parent program leadership to send a clear message to staff, the legal community and the community-at-large that pro bono is valued. (*Commentary to ABA Pro Bono Standard 1.11*). “The governing body should support the operation of the pro bono program by assisting in activities such as program advocacy, fundraising, volunteer recruitment, volunteer recognition and public relations.” (*ABA Pro Bono Standard 1.4*). “First and foremost, governing body members should be advocates for the program as a key component of the community’s overall legal services delivery system. They should value the role of pro bono legal services delivery and support the value the pro bono program provides for clients, the courts and the legal profession. (*Commentary to ABA Pro Bono Standard 1.4*).

The executive director and other management staff should support the operation of the pro bono program by assisting in such activities as well. Attorney members of the board of directors of a pro bono program should provide pro bono legal services through the program and be involved with recruiting and recognizing their peers.

Indicators

- D.1. The Board of Directors is knowledgeable about the pro bono program.
- D.2. A pro bono program within a larger organization makes a presentation at least annually at a Board of Directors meeting.
- D.3. Board members are effective ambassadors on behalf of the pro bono program.
- D.4. Attorney board members provide pro bono assistance through the pro bono program.
- D.5. The Executive Director recruits volunteer attorneys.
- D.6. Board members recruit volunteer attorneys.
- D.7. The Executive Director thanks individual volunteer attorneys.
- D.8. Board members thank individual volunteer attorneys.
- D.9. The Executive Director and other attorneys, as appropriate, are involved with the bar association(s), developing relationships with attorneys who provide pro bono services with the program and other attorneys who could be recruited to provide pro bono services.
- D.10. Board members are involved with the bar association(s), developing relationships with attorneys who provide pro bono services with the program and other attorneys who could be recruited to provide pro bono services.

E. Collaboration. “A pro bono program should strive to cooperate, collaborate and coordinate with other providers of legal services, the organized bar, the judiciary, law schools and community organizations. (*ABA Pro Bono Standard 2.6*). One good way to accomplish some of this is through collaboration with the Judicial Circuit Pro Bono Committees, which includes many of these stakeholders. Collaboration with The Florida Access to Justice Commission and The Florida Bar’s Standing Committee on Pro Bono Legal Service on pro bono policy development should be a responsibility for many pro bono managers.

Indicators

- E.1. The pro bono program is an active member or supporter of the local judicial circuit pro bono committee(s).
- E.2. The pro bono program cooperates, collaborates and/or coordinates with other providers of legal services in its service area to identify clients’ legal needs.
- E.3. The pro bono program cooperates, collaborates and/or coordinates with other providers of legal services in its service area on the establishment of program priorities.
- E.4. The pro bono program cooperates, collaborates and/or coordinates with other providers of legal services in its service area on the development of training events and materials.
- E.5. The pro bono program cooperates, collaborates and/or coordinates with other providers of legal services in its service area on specific assistance projects.
- E.6. The pro bono program collaborates with other providers of legal services in its service area to have a coordinated delivery system.
- E.7. The pro bono program cooperates, collaborates and/or coordinates with other providers of legal services *outside* its service area.
- E.8. The pro bono program cooperates, collaborates and/or coordinates recruitment efforts with the local bar association(s) and other bar groups.
- E.9. The pro bono program cooperates, collaborates and/or coordinates recognition efforts with the local bar association(s) and other bar groups.
- E.10. The pro bono program involves the judiciary in recruitment efforts.
- E.11. The pro bono program involves the judiciary in recognition efforts.
- E.12. The pro bono program cooperates, collaborates and/or coordinates with the local law school(s).
- E.13. The pro bono program cooperates, collaborates, and/or coordinates with community organizations.
- E.14. The pro bono manager collaborates with the Florida Access to Justice Commission or The Florida Bar’s Standing Committee on Pro Bono Legal Service on pro bono policy development.

F. Integration with Staff Organization. A legal services organization that has both a pro bono delivery component and a staff delivery component should ensure that staff in the two components of the organization work as an integrated delivery system. Staff of the pro bono program and pro bono attorneys should be viewed and treated by all staff as valuable members of the delivery system’s team who can expand the scope and ability of the organization to serve the needs of clients. Where appropriate, new and existing legal projects designed to address a particular issue should utilize pro bono attorneys as part of the project.

Indicators

- F.1. Staff attorneys and volunteer attorneys co-counsel cases.
- F.2. Staff attorneys mentor volunteer attorneys.

- F.3 Volunteer attorneys mentor staff attorneys.
- F.4 Volunteer attorneys and staff attorneys work on projects together.
- F.5 Pro bono staff are respected by staff of the staff delivery component.
- F.6 Volunteer attorneys are respected and valued by staff attorneys.
- F.7 The intake process of the staff and pro bono programs are integrated and result in the most appropriate assignment between staff and pro bono attorneys.
- F.8 Staff attorneys and other staff provide training for pro bono attorneys.
- F.9 Pro bono attorneys provide training for staff advocates.
- F.10 Staff attorneys are involved with the bar association(s), developing relationships with attorneys who provide pro bono services with the program and other attorneys who could provide pro bono services.
- F.11 Staff attorneys recruit volunteer attorneys.
- F.12 The organization's management encourages and facilitates integration of the staff and pro bono program.
- F.13 The pro bono staff is represented on the management team.
- F.14 Pro bono staff periodically attend intake meetings of substantive law units/teams.

G. Attorney Input. “A program should also seek the views of its volunteers regarding their overall satisfaction with the program and any suggestions that they may have for improving it. (*Commentary to ABA Pro Bono Standard 2.18*). A pro bono program should regularly solicit and receive, from a variety of attorneys, advice about its pro bono projects and operations, including how to most effectively recruit and retain volunteer attorneys and improve the program. These attorneys should be from a wide range of ages and a variety of practice settings. They should include both those who volunteer with the pro bono program and those who do not. Input should be solicited as well from judges and from representatives of voluntary bar associations to ensure good communication between the pro bono program and bar associations.

Formal groups may be able to help with this input. Possibilities include an advisory committee for a pro bono program that is a component of a larger organization, a pro bono program's Board of Directors, or a Circuit Pro Bono Committee. Pro bono programs may also obtain advice and ideas from individual attorneys and ad hoc groups and use information gathered by similar pro bono programs.

Indicator

- G.1. The pro bono program regularly solicits and uses suggestions about changes and improvements from a wide variety of attorneys.

H. Volunteer Opportunities for Pro Bono Attorneys. “A pro bono program should establish a design for delivery of legal services which effectively and efficiently meets identified client need and is tailored to local circumstances, including existing resources and services and volunteers' ability and willingness to deliver services.” (*ABA Pro Bono Standard 2.10*). “When possible, a program should try to develop a broad range of volunteer opportunities and systems for delivering service, to increase its ability to recruit volunteers.” (*Commentary to ABA Pro Bono Standard 4.1*).

Having a variety of volunteer opportunities makes it more likely that a pro bono program's volunteer recruitment and retention efforts will be successful. A pro bono program should offer volunteer lawyers a full range of pro bono opportunities that allow them to provide different levels of assistance, including intake (if appropriate), advice, brief service, extended representation, assistance for pro se litigants, and community legal education.

Attorneys who volunteer to assist in an infrequently-needed area of the law, including transactions, should be utilized in their areas as much as possible and encouraged to assist clients in other areas of the law when their specialty area is not needed. They should be offered training that gives them the expertise and support needed for them to do so.

The volunteer opportunities should be in a variety of areas of the law if the pro bono program assists clients in various legal areas.

The volunteer opportunities should offer pro bono attorneys choices for time commitment amounts and should include convenient times for volunteering, including outside regular work hours.

Pro bono programs that have law schools in their service area should provide pro bono opportunities for law students for future attorneys to have experienced pro bono service.

Indicators

- H.1. Volunteer opportunities include a variety of types of legal assistance from advice to extended representation.
- H.2. Volunteer opportunities are offered in a variety of the program's priority legal areas.
- H.3. Pro bono opportunities' time commitments are varied and include convenient times for volunteering.
- H.4. The pro bono program is flexible when developing and implementing volunteer opportunities.
- H.5. New volunteer opportunities are added when client legal needs change or expand.
- H.6. Where appropriate, pro bono opportunities are provided for law students.

I. Recruitment of Pro Bono Attorneys. "A pro bono program should develop effective strategies for recruiting volunteers." (*ABA Pro Bono Standard 4.1*). Although general recruitment is sometimes appropriate, a pro bono program should target its recruitment efforts to maximize results. Attorneys who are of the same racial/ethnic groups of the client community and/or speak the languages spoken by the client community should be recruited to increase a pro bono program's ability to provide culturally competent services. Attorneys who have expertise in the legal areas of greatest needs should be asked to share their expertise with pro bono clients.

A pro bono program should encourage, organize and support efforts for current pro bono attorneys to recruit their peers, e.g., solo practitioners, firm associates, government attorneys, retirees, etc.

"Members of the program's governing body should view recruitment of volunteers as one of their important responsibilities." (*Commentary to ABA Pro Bono Standard 4.1*).

Personal interaction and solicitation (in-person or telephone) should be used as much as possible, while also using methods appropriate for different attorneys, i.e., social media for younger attorneys.

Pro bono programs should cooperate with statewide efforts to recruit volunteer attorneys. The paper and on-line materials used for recruitment should be professional-grade and easy to use. Attorneys should be able to become a volunteer through a pro bono program's website.

“Publicizing the program and its good work is an important recruitment tool....” (*Commentary to ABA Pro Bono Standard 4.1*).

Indicators

- I.1. Pro bono attorneys personally recruit their peers to be volunteers.
- I.2. Volunteer attorneys are recruited for specific projects, when appropriate.
- I.3. Recruitment methods that use the internet, websites and social media are employed.
- I.4. A variety of attorneys, diverse by gender, age, practice setting, and specialty are recruited.
- I.5. New attorneys are specifically recruited when admitted and a year or two later.
- I.6. Former law students who were volunteers or employees of the pro bono program are recruited.
- I.7. The judiciary is involved in recruitment of pro bono attorneys.
- I.8. A clear, detailed description of pro bono opportunities is posted on the program’s website and given to attorneys being recruited.
- I.9. New volunteers can volunteer via e-mail, mail, website and in person.
- I.10. Statewide recruitment materials are used when appropriate.
- I.11. All recruitment materials are professional-grade and easy to understand.
- I.12. Current research findings about civil legal aid communications, including those from Voices of Civil Justice at <https://voicesforciviljustice.org/>, are used.
- I.13. The pro bono program sponsors or participates in Pro Bono Month activities designed for recruitment.

J. Training of Pro Bono Attorneys. “A pro bono program should offer training, mentoring and supervision to its volunteers.” (*ABA Pro Bono Standard 4.8*). “[T]he types of cases that program volunteers are willing to accept can be expanded by offering training and support services in areas that volunteers may not usually handle in their private practices, but would be willing to address if provided with the proper tools.” (*Commentary to ABA Pro Bono Standard 4.8*)

A pro bono program should offer volunteer attorneys access to free, regular training to give them the knowledge and skills they feel they need to provide pro bono legal services. The training may be provided by the pro bono program or made available through another organization. Pro bono programs are encouraged to enlist the resources of local bar associations and other groups to sponsor and assist with training.

Both in-person events and on-line videos/webinars should be offered. Experienced practitioners should be recruited to mentor less experienced volunteer attorneys.

Attorneys being recruited should be told of specific, training resources and when they are available. Training should be offered regularly in the areas in which attorneys are volunteering and in the areas in which a pro bono program would like them to volunteer. Volunteer attorneys should be encouraged to take training in areas outside of their areas of expertise.

Indicators

- J.1. Training is available soon after attorneys are recruited.
- J.2. Training is provided for each volunteer opportunity.
- J.3. Training is free for volunteers and attorneys who agree to be volunteers.
- J.4. Updated training sessions are provided regularly.
- J.5. Training is available in a variety of formats, including events, webinars and manuals.

- J.6. Free CLE credit is available for taking training from the pro bono program.
- J.7. Experienced practitioners are available to mentor less experienced volunteer attorneys.

K. Utilization and Retention of Pro Bono Attorneys. “If the time and skills of...volunteers are unused or underutilized, the stature, credibility and effectiveness of the program are greatly diminished.” (*Commentary to ABA Pro Bono Standard 4.9*). “[I]t is vital that programs develop effective strategies for utilizing volunteers to meet the needs of clients. Such strategies should ensure that every volunteer is utilized as soon after being identified as possible, should make effective use of each volunteer in relation to the volunteer’s resources, level of skill and expertise and should maximize each volunteer’s commitment of time and resources” (*Commentary to ABA Pro Bono Standard 4.9*).

“One of the key elements to successfully retaining volunteers is having a good program in place that is sensitive to the needs of volunteers.” (*Commentary to ABA Pro Bono Standard 3.5-7*).

A pro bono program should ensure that pro bono attorneys are volunteering regularly, and evaluate how it is utilizing pro bono attorneys to determine if other models of service delivery may more effectively and efficiently leverage the volunteer resources to meet client needs.”

Indicators

- K.1. Pro bono attorneys are utilized within a timely manner of their volunteering, including as soon as possible after receiving training.
- K.2. Pro bono attorneys are utilized at least once within a two-year period.
- K.3. Pro bono attorney development occurs where current volunteers are engaged in new pro bono opportunities, including opportunities where they provide higher levels of assistance than they provided in the past.
- K.4. Volunteers who have not participated in the last twelve months are contacted and encouraged to sign up for a specific volunteer opportunity.
- K.5. Active and inactive volunteers are solicited for their comments and ideas about how to improve volunteer experiences.
- K.6. Pro bono attorneys can volunteer for a case through the program’s website.
- K.7. Pro bono attorneys can volunteer for a case through Florida Pro Bono Matters.
- K.8. Pro bono attorneys receive case materials via e-mail, if desired.

L. Recognition of Pro Bono Attorneys. “A pro bono program should develop effective methods for retaining and recognizing its volunteers.” (*ABA Pro Bono Standard 4.12*). “Acknowledgement of the contribution made by program volunteers can provide much satisfaction to volunteers and can be a factor in their decision to remain actively involved in pro bono work. Recognition of current volunteers’ efforts also can aid in the recruitment of new volunteers who learn of the program through recognition events.” (*Commentary to ABA Pro Bono Standard 4.12*).

A pro bono program should use a variety of methods to give recognition to its pro bono attorneys, ensuring that all are thanked personally and recognized publicly. At least once a year, a personal thank-you note should be sent from or a telephone call made by a judge, the pro bono program’s executive director, or a member of the Board of Directors. The firm or employer of a volunteer attorney should be thanked and recognized, if the volunteer attorney wants his/her employer to know of his/her service. Public recognition should include acknowledgement for various types of service, not just the most pro bono service.

Indicators

- L.1. A variety of individual and public recognition methods are used.
- L.2. The judiciary is involved in personal and/or public recognition of pro bono attorneys.
- L.3. All volunteer attorneys who have provided pro bono service are thanked personally soon after their service and at least once a year.
- L.4. The employers of volunteer attorneys are thanked at least once a year, if the volunteer attorney approves of the employer being thanked.
- L.5. Clients are encouraged to write a thank-you note.
- L.6. Individual client satisfaction forms are sent to the client's pro bono attorney when the attorney is expressing appreciation or sharing positive results.
- L.7. The pro bono program sponsors or participates in Pro Bono Month recognition activities.

M. Program Effectiveness. “A pro bono program should strive to achieve meaningful and lasting results responsive to clients’ needs and objectives....” (*ABA Pro Bono Standard 2.16*). “[P]rograms should examine the impact of their work, and design and refine their service delivery models to maximize that impact.” (*Commentary to ABA Pro Bono Standard 2.16*). “A pro bono program should periodically evaluate its operational effectiveness and implement appropriate improvements as needed.”

“Once priorities have been established, the program should periodically review them to ascertain that they continue to reflect the significant legal needs of clients and take into account both the areas of expertise and interest of volunteers and the priorities of other local providers of legal services.” (*Commentary to ABA Pro Bono Standard 2.9*).

“A program should re-evaluate its acceptance policy regularly, taking into consideration changes in: its priorities, its staffing, its volunteer pool, its delivery design and the availability of other resources in the community to provide legal assistance to prospective clients.” (*Commentary to ABA Pro Bono Standard 2.15*).

A pro bono program should use research findings, including those of ABA studies, to inform its inquiries and analysis.

A pro bono program should develop and implement an annual workplan that includes needed changes and improvements.

“A program should periodically review its entire operation because the needs of clients and the needs and interests of volunteers can change, systems can become outdated, and effectively planning for the future necessitates examining past performance.” (*Commentary to ABA Pro Bono Standard 2.18*). A pro bono program should evaluate how effectively it is meeting the ABA Pro Bono Standards and the Foundation’s Benchmarks and take steps to implement needed changes and improvements.

Indicators

- M.1. Immediate case outcomes are collected and analyzed.
- M.2. Long-term client impact is measured and analyzed.
- M.3. Program priorities are reviewed regularly.
- M.4. Case acceptance policies are reviewed regularly.
- M.5. The pro bono program develops and implements an annual workplan that moves the program forward.

- M.6. The management of the pro bono program or the overall organization conducts a self-evaluation of the program at least every two years.
- M.7. The pro bono program has an independent evaluation of the program conducted at least every five years.
- M.8. Improvements are made to the pro bono program based on the results of an evaluation of the program.

Grants Department Program Goals 2018

The Grants Department has created goals for 2018 that are in line with the Florida Bar Foundation's Strategic Reset Plan.

GOAL 1.

Maximize the impact and effectiveness of civil legal assistance provided to low and moderate-income individuals and communities in Florida.

- ❖ Increase Positive Relationships with Grantees so that they are receptive to grant changes.
 - Meet with each Grantee to Discuss CED Grants
 - Grantee Perception Survey
 - Attend PDA Meetings
 - Continue to fund and promote LRAP
- ❖ Improving Grant-Making Procedures to streamline the process and make creation, application, and review of grants easier.
 - Increase grant timelines
 - Standardize grant forms and scoring rubric
 - Create measurable goals for grantees
 - Analyze outcomes
 - Encourage feedback from grantees
 - Update grant benchmarks
- ❖ Support Local Grantees beyond funding.
 - Offer grantmaking trainings for grantees so they may seek supplemental funding for valuable programs
 - Facilitate state-wide meetings between programs to enhance collaboration
- ❖ Pro Bono engagement.
 - Take a pro bono case at a local legal services program
 - Encourage other staff members to volunteer
 - Encourage board members to volunteer
 - Provide advice and support to FBF Pro Bono team

GOAL 2.

Expand the role of the Florida Bar Foundation as an expert facilitator of effective civil legal assistance for low and moderate-income individuals and communities in Florida.

- ❖ Develop Marketing Plan to attract potential funders both locally, in-state, and at a national level. *Collaborate with the Communications and Development Teams.*
 - Podcasts
 - Social media

- Webinars
 - Regularly update FBF website content
 - ❖ Professional Development to solidify FBF's role as a center of knowledge for best practices in providing legal services.
 - Attend conferences throughout the country where creative ideas and innovative strategies are promoted
 - Create and present country-wide trainings on grant-making
-

GOAL 3.

Serve as a catalyst for broad-based, systemic change and innovative solutions to reduce and eliminate the justice gap in Florida's civil justice system.

Tailor grant-making to promote positive change through:

- ❖ Impact advocacy
- ❖ Streamlined civil legal services through statewide online intake
- ❖ Unique solutions such as low bono and community lawyering
- ❖ Diversity within grantee organizations as well as FBF
- ❖ Continue Children's Legal Services, Administration of Justice, and Community Economic Development grants
- ❖ Revitalize Summer Fellows Program

Respond to Immediate Needs of legal service providers and clients

- ❖ Provide funding and other support during emergencies such as natural disasters or other crises
- ❖ Ensure that legal service providers can adequately respond to changing local, state, or federal policy or law that affects client rights

Encourage robust civil legal service clinics at Florida law schools

- ❖ Revitalize the Florida Law School Civil Legal Clinic Program
 - ❖ Tour law school clinics
 - ❖ Create and maintain close relationships with law school clinic professors
-

GOAL 4.

Maintain internal checks and balances

- ❖ Accounting for time and tasks in spreadsheet
- ❖ Updating goals bi-yearly
- ❖ Develop quarterly work plans to include professional and other development
- ❖ At least quarterly meetings with all FBF teams for strategic planning, coordinating and collaborating on projects and events.

**The Florida Bar Foundation
2018 Community Economic Development Grant Application Review
Average Review Team Scores & Total Average**

Sorted By Score

		Total Points Available By Section/Item															
		5	5	10	10	25	10	10	5	5	5	5	2	3	Total Average Score	Add 9 Points to Get Curved Score	
Applicant's Name	Amount Requested in Line 21 of application	Minutes of the last 4 board meetings	Staff Diversity Worksheet	Community Need	Organization Capacity and Strength	Program Description	Collaboration and Collective Impact Efforts	Measuring Results	Budget Expenses	Revenue	Staffing	Audit / Financial Position	Letter of Support (up to 2 pts)	Collective Impact Workplan			
1	Legal Aid of Manasota	\$118,125	5.00	5.00	9.20	8.00	23.20	9.60	8.80	4.20	4.20	4.40	4.80	2.00	2.60	91.00	100.00
2	Brevard County Legal Aid	\$109,617	5.00	4.60	8.80	8.20	22.40	9.00	7.20	3.80	4.20	4.80	4.60	2.00	3.00	87.60	96.60
3	Jacksonville Area Legal Aid	\$323,875	5.00	5.00	8.00	9.60	22.00	8.20	7.80	4.40	4.80	4.80	4.60	2.00	1.00	87.20	96.20
4	Legal Aid Society of the Orange County Bar	\$205,306	5.00	5.00	8.67	9.00	20.67	7.67	6.67	4.33	4.67	4.33	4.67	2.00	3.00	85.67	94.67
5	Three Rivers Legal Services	\$80,135	5.00	5.00	9.33	8.33	20.67	9.00	8.67	2.67	3.33	4.67	3.67	2.00	3.00	85.33	94.33
6	Legal Services of North Florida	\$674,715	5.00	4.67	8.67	8.33	21.33	8.33	7.33	3.67	4.00	4.00	4.33	2.00	3.00	84.67	93.67
7	Southern Legal Counsel	\$565,507	5.00	5.00	8.67	7.67	20.33	7.33	8.67	4.00	4.33	4.00	4.33	2.00	3.00	84.33	93.33
8	Legal Aid Society of Palm Beach County	\$243,608	5.00	5.00	7.50	8.75	20.50	6.75	7.50	4.25	4.75	4.50	4.75	2.00	2.75	84.00	93.00
9	Seminole County Bar Association Legal Aid	\$75,500	5.00	5.00	9.00	8.67	19.00	9.00	7.33	4.33	3.67	3.67	4.33	1.67	3.00	83.67	92.67
10	Florida Rural Legal Services	\$199,204	5.00	5.00	8.00	8.80	20.40	8.80	7.80	4.60	4.40	4.00	4.60	2.00	0.00	83.40	92.40
11	Gulfcoast Legal Services	\$304,289	5.00	5.00	8.00	8.00	19.60	8.60	8.00	3.40	4.00	4.00	4.00	2.00	3.00	82.60	91.60
12	Florida Legal Services	\$1,508,485	5.00	4.60	8.20	8.20	22.40	7.60	8.40	3.60	4.20	4.00	4.00	2.00	0.00	82.20	91.20
13	Legal Services of Greater Miami	\$670,678	5.00	5.00	7.00	7.33	19.33	9.33	7.33	3.33	4.67	4.00	4.67	2.00	3.00	82.00	91.00
14	Catholic Legal Services	\$82,051	5.00	4.60	8.60	7.20	20.80	7.80	8.00	4.00	4.40	4.40	4.80	1.00	0.00	80.60	89.60
15	Dade County Legal	\$220,043	5.00	4.60	8.20	8.80	22.20	4.80	7.40	4.00	4.20	3.80	4.60	2.00	0.00	79.60	88.60
16	Bay Area Legal Services	\$197,496	5.00	4.60	7.60	8.60	19.00	6.40	8.00	4.00	4.60	4.40	4.80	2.00	0.00	79.00	88.00
17	Legal Aid Service of Broward County	\$2,010,306	5.00	5.00	6.75	8.75	18.00	7.75	6.75	3.00	4.00	4.00	4.25	2.00	3.00	78.25	87.25
18	Florida Justice Institute	\$250,000	5.00	4.00	8.60	8.40	20.00	7.80	5.00	4.20	4.40	4.00	4.80	2.00	0.00	78.20	87.20
19	Americans for Immigrant Justice	\$200,000	5.00	4.60	8.00	8.20	21.00	6.40	5.80	3.80	4.00	4.20	4.20	2.00	0.00	77.20	86.20
20	CAIR FL Inc	\$301,063	5.00	4.60	8.40	8.40	20.20	5.60	7.80	4.00	4.60	4.40	3.40	0.00	0.00	76.40	85.40
21	Community Legal Services of Mid FL	\$553,500	5.00	3.40	8.00	7.20	20.00	6.00	8.00	3.40	4.40	3.80	4.60	2.00	0.00	75.80	84.80
22	Cuban American Bar Association	\$100,000	5.00	4.90	8.00	8.00	20.00	6.60	6.80	3.20	3.60	3.60	4.20	0.60	0.00	74.50	83.50
23	Legal Aid Foundation of Tallahassee Bar	\$67,000	5.00	4.00	6.25	6.25	19.25	6.75	7.75	3.00	4.00	3.75	4.00	2.00	0.00	72.00	81.00
24	Community Justice Project	\$477,439	5.00	5.00	4.80	7.00	17.80	7.80	7.60	2.40	3.80	2.80	3.60	2.00	0.00	69.60	78.60
25	Latino Justice PRLDEF	\$215,962	5.00	4.80	8.20	6.80	18.80	6.00	5.00	3.80	3.40	2.80	3.80	0.00	0.00	68.40	77.40
26	Heart of Legal Aid Society	\$100,000	5.00	5.00	7.20	7.40	17.40	5.20	6.40	3.60	3.20	3.20	3.80	0.00	0.00	67.40	76.40

Highlighted are Scores Below 85

**The Florida Bar Foundation
2018 Community Economic Development Grant Application Review
Average Review Team Scores & Total Average**

Alpha Sort

		Total Points Available By Section/Item															
		5	5	10	10	25	10	10	5	5	5	5	2	3			
Applicant's Name	Amount Requested in Line 21 of application	Minutes of the last 4 board meetings	Staff Diversity Worksheet	Community Need	Organization Capacity and Strength	Program Description	Collaboration and Collective Impact Efforts	Measuring Results	Budget Expenses	Revenue	Staffing	Audit / Financial Position	Letter of Support (up to 2 pts)	Collective Impact Workplan	Total Average Score	Add 9 Points to Get Curved Score	
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22	Legal Services of Greater Miami	\$670,678	5.00	5.00	7.00	7.33	19.33	9.33	7.33	3.33	4.67	4.00	4.67	2.00	3.00	82.00	91.00
23	Legal Services of North Florida	\$674,715	5.00	4.67	8.67	8.33	21.33	8.33	7.33	3.67	4.00	4.00	4.33	2.00	3.00	84.67	93.67
24	Seminole County Bar Association Legal Aid	\$75,500	5.00	5.00	9.00	8.67	19.00	9.00	7.33	4.33	3.67	3.67	4.33	1.67	3.00	83.67	92.67
25	Southern Legal Counsel	\$565,507	5.00	5.00	8.67	7.67	20.33	7.33	8.67	4.00	4.33	4.00	4.33	2.00	3.00	84.33	93.33
26	Three Rivers Legal Services	\$80,135	5.00	5.00	9.33	8.33	20.67	9.00	8.67	2.67	3.33	4.67	3.67	2.00	3.00	85.33	94.33
															Highlighted are Scores Below 85		



THE FLORIDA BAR FOUNDATION

Community Based Civil Legal Services: Community Economic Development Initiative

Calendar Year 2018 Grant Application Instructions and Forms

Submission via JotForm Only

Paper or Emailed Applications Will Not Be Accepted

Deadline: 5pm EST on FRIDAY, OCTOBER 20, 2017

Late Applications Will Not Be Accepted

I. History and Mission

The mission of the Florida Bar Foundation (FBF/Foundation) is to provide greater access to justice. The Foundation accomplishes this mission through initiatives that:

- Expand and Improve representation and advocacy on behalf of low-income persons in civil legal matters;
- Improve the fair and effective administration of justice; and
- Promote public service among lawyers by making it an integral component of the law school experience.

The Florida Bar Foundation (FBF/Foundation) was formed in 1956 by The Florida Bar Board of Governors. The Foundation has awarded nearly \$500 million dollars in grant funding over 35 years and has invested in the civil legal aid delivery system to benefit low-income Floridians.

The Foundation is governed by a 33-member board of directors, which meets quarterly. The board conducts its work through standing and ad hoc committees and are assisted by a staff of 17.5 Foundation employees located in Orlando, Florida. The names of board members, staff, and other information may be found on the internet at:

www.thefloridabarfoundation.org

The Foundation is committed creating lasting change with measurable improvements for low-income Floridians. The Foundation is a convener, collaborator, and catalyst for broad based systemic change and innovative solutions to reduce the Justice Gap in Florida.

II. Scope of Services

In furtherance of its mission, and in recognition that no single provider or organization can satisfy the documented unmet need for civil legal services, the Foundation supports a variety of programs to ensure the delivery of both high quality and a full range of civil legal services to low- income Floridians through a comprehensive statewide system. Such providers and organizations include, but are not limited to: staff attorney programs, pro bono programs, specialized legal services programs, multi-service programs, technology programs, and statewide programs.

III. Organizations Eligible for Grants

The Foundation shall make grants to organizations, not individuals. Qualified grant applicants must:

- Be non-profit entities, tax-exempt and qualified to receive charitable donations within the meaning of the Internal Revenue Code;
- Operate within the State of Florida;
- Have an audit mechanism that provides accountability of Foundation funds;
- Agree to satisfy all of the Foundation's reporting requirements, including the submission of audited financial statements;
- Have a primary purpose of providing legal services to low-income Floridians; or a primary purpose that advances the administration of justice;

- Be current in all filings required to be made by it with any governmental authority;
- Maintain open records;
- Be an equal employment opportunity employer; and
- Be able to demonstrate that it can utilize any funds granted to it in a manner consistent with rules and policies adopted by the Board of Directors of the Foundation.

IV. **Criteria for Grants**

Funds may not be used to duplicate a service already funded by another entity or in place of other funds available for the same purpose. Funds shall be used to expand and improve services and fill gaps in service. Funds can be used for operational, administrative, staffing, and supply expenses required to support the proposed projects and the outcomes to be achieved. Funds may not be used for capital expenditures.

Community Based Civil Legal Services – Provide civil legal services in one or more substantive legal area and through a full range of legal strategies (direct representation, administrative and policy advocacy, community lawyering, legislative)

Community Economic Development Initiative:

Proposals should describe how grant funds will be used for community economic development. Proposed projects should support and promote economic development by providing services that revitalize or stabilize low and moderate income communities and that address neighborhood blight resulting from problems facing communities including unemployment, poverty, job loss, environmental degradation, and loss of community control that need to be addressed in a holistic and participatory way.

Projects funded shall support equitable, inclusive, and sustainable efforts that create pathways to build, retain, and stabilize economic self-sufficiency.

Strategies may cross a broad range of options from counseling advocacy groups, transactional law, representation, legislative advocacy or policy and impact work, but should reflect an understanding of the current needs and challenges within the communities served, and knowledge of successful models for meeting those needs. The organization should have established partnerships that are necessary to achieve the stated goals.

The Foundation looks to applicants to develop creative projects that will have far-ranging and lasting impact on communities and that are sustainable beyond the Foundation's initial investment into the project.

Applicants have flexibility in defining community redevelopment assistance.

However, the Foundation will give preference to applications that address the economic needs of the client community and must address at least 1 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.

V. Data Collection and Reporting

All grant recipients will be required to participate in a national data gathering effort.

VI. Total Funding Available for this Initiative: \$6,371,000

VII. Minimum Grant Award: \$25,000

VIII. Timeline

Grant applications made available:	September 19, 2017
Online grant applications due:	October 20, 2017
Grant funding recommendations approved:	December 1, 2017
Grant funding period:	January 1 - December 31, 2018

Funds will be distributed in late January 2018.

The Foundation will only accept one application from each organization applying.

IX. The Board of Directors and Awarding of Grants

A major function of the Foundation in its grant making capacity is to award grants to exemplary non-profit providers of legal services in a competitive process that will result in the most effective and efficient delivery of legal services by selected Florida non-profit organizations.

In accordance the Foundation's Grantmaking Policy, FBF staff will receive and review all applications. Staff may include outside peer reviewers in the application review process. Staff establishes the eligibility of each applicant; determines compliance with reporting requirements; ascertains accuracy and completeness of the applicant's information; reviews budget and financial information; reviews grantee self-assessment and other reports; and evaluates the application based on criteria and factors described below.

A list of applicants is provided to the board along with the Foundation's Conflict of Interest Policy. Committee and Board members disclose affiliations with organizations and recuse themselves from voting on grants involving organizations with whom they have an affiliation. FBF staff submits funding recommendations and other information to the Grants Committee for review and discussion. The committee relies on staff to share any pertinent knowledge of the applicants that might affect its funding decisions. The

committee makes funding recommendations to the Board of Directors, which makes final decisions on grant awards.

The board reserves the right to award an amount different (either lower or higher) from that requested by an applicant and to impose any special conditions on the award that the board, in their discretion, determine will improve services or performance by the grantee over the period of the grant.

X. Specific Grant Criteria

The Foundation, recognizing the size and vast geographic diversity of the state and the unique needs of its various area, will consider the following criteria in making grants:

- Collaborative efforts
- Outcomes to be achieved
- Applicant's evaluation methods to determine success
- Unmet needs
- The number of other organizations in the service area providing similar services
- The types of legal services provided by the organization
- Track record with the organization
- The number of clients served by the applicant organization
- Availability of other funding for the proposed projects
- Requests for one-time needs, including innovation and/or transformation grants
- Comparison of other similar project's funding
- Funds available in the service area
- Potential for leveraging other resources
- Probability of availability of other future funding sources
- Pro Bono innovation and transformation projects
- Experiential learning for law students who provide direct client services
- Systemic/Impact work: using innovative legal, policy, and other advocacy efforts to address poverty and advance justice that affects more than 1 individual resulting in positive benefits for whole communities and/or vulnerable groups.
- Special populations, including but not limited to:
 - Immigrants
 - Institutionalized
 - Rural
 - LGBTQ
 - Children
 - Disabled and Mental Health
 - Veterans
 - Seniors/Elderly
 - Other marginalized populations.

XI. Application Evaluation

Applications will be evaluated as indicated below:

Required Documents Applications missing any of the required documents will be considered incomplete and will not be evaluated.	Signed FBF Grant Assurances	
	Budget Expenditures	
	Revenue Spreadsheets	
	Staffing Spreadsheets	
	Board Spreadsheet	
	Professional Liability Insurance Coverage	
Supporting Documents	Minutes of the last 4 board meetings – 5 Points	10 Points
	Staff Diversity Worksheet – 5 Points	
Project Proposal Specific Questions	Community Need – 10 Points	65 Points
	Organizational Capacity and Strength – 10 Points	
	Program Description – 25 Points	
	Collaboration and Collective Impact Efforts – 10 Points	
	Measuring Results – 10 Points	
Financial Evaluation	Budget Expenses	20 Points
	Revenue	
	Staffing	
	Audit/ Financial Position	
Bonus Points	Letter of Support from a community based organization (no more than 2 letters may be submitted) – 1 Point Per Letter	5 Points
	Collective Impact Workplan – 3 Points	
TOTAL AVAILABLE POINTS		100 Points

Up to 3 points may be deducted for repetitive typos and grammatical errors.

Applications scoring under 85 points will not be considered for funding.

Applications with scores of 85 points and above are eligible for, but not guaranteed funding.

XII. Guidance on Application Writing

Among many factors considered, grant application reviewers will consider the following during the competitive grant application review process:

Community Need

- A clear statement, supported by community characteristics, demographic and statistical data of the problems to be addressed by the proposed services.
- The community need should be clearly defined and the case should be clear that there is a need for the proposed services.

- Evidence of client and community support for the program.
- Evidence of client participation in program planning, priority setting, and operation.
- In the case of organizations seeking to serve communities underserved by existing providers, the demonstrated need for additional services.

Measuring Results

- Are the intended results well-defined and desirable for clients and/or the community?
- Are the proposed indicators an accurate gauge of success?
- Are the proposed targets attainable and representative of improvement?
- Are the intended results measurable?
- Is there a plan for collecting and sharing data?
- Do the benchmarks provide adequate context for the specified indicators and targets?
- Has the program had a measurably positive impact on the community?
- If the proposal is to continue existing work, is there a measurably positive impact on the community?

Program Description

- Does the proposal align with the organization's mission and current activities?
- Does the proposal address root causes or propose systemic improvement?
- Does the proposal have a clear plan for how the applicant will execute the proposed services?
- Will the proposal allow the applicant to leverage other funding or other resources?
- Will the proposal build the applicant's capacity to delivery more of their services?
- Is there development and strengthening of a pro bono model that will generate substantial voluntary legal services.

Financial Evaluation

- Did the applicant used the provided budget template?
- Is the budget realistic?
- Is the amount requested appropriate for the proposed activities and desired results?
- Are indirect/overhead costs logical and appropriate for the project?
- Has the organization made a good faith effort to determine the most cost-effective options for their expenses?
- Evidence of substantial sources of income for the program, in addition to the funds requested.
- Is the organization financially sound?
- Is there any indication of financial or other troubles that will interfere with the organization's ability to execute the proposal?

Organizational Capacity/Strength

- Is the organization and the leadership experienced in the type of work proposed?
- Evidence of high professional standards, efficient and quality legal services.

- Evidence of methods to ensure quality control of services, including appropriate systems for client intake, case assignment, case management and supervision, training of staff and volunteers and technical support.
- Evidence of a governing board that will undertake priority setting, ensure program accountability, and assume leadership in the development of program resources and funding.

Collaboration and Collective Impact

- Cooperative proposals from multiple organizations.
- Is there a shared vision for change; a common understanding of the problem; a collaborative or collective approach to solving it?
- Does the collaborative nature of the proposal maximize resources and enable the leveraging of assets.
- Evidence of collaborative efforts already in place to ensure the increased usefulness of grant funds to avoid the duplication of services.

Reporting Obligations and Payment Schedule

Foundation grantees will be required to submit annual Self-Assessment Reports, closed case data, outcomes, and other reports or information as requested by the Florida Bar Foundation. Annual reporting will include questions to determine if the work describe in the grant application was accomplished, a financial review, staffing, and information related to pro bono services.

Grant payments will be made twice a year. The first payment will be made in late January, after executed grant contracts are returned to the Foundation. The second payment will be approximately 6 months later. Grants payments will be made by electronic funds transfer (EFT).

General Application Submission Instructions (JotForm process)

Applicants are strongly urged to set aside sufficient time and resources for submitting their applications and to submit prior to the deadline of October 20, 2017.

Please note that if an applicant is submitting its application on the date of the deadline and encounters technical difficulties or for any reason cannot finalize the submission of its application, that application will NOT be accepted.

BEFORE YOU START: If you stop the process mid-way, you **will not** be able to log back in and see your answers. All of your data will be lost. This means: you cannot start the online process and then come back to it later. We suggest that you review the draft form that was attached to the email announcement and have all of the information that you will need to complete the online forms nearby. We also suggest that you use Firefox, Chrome, or Safari as your internet browser.

HOW LONG WILL IT TAKE TO COMPLETE: We expect it to take you no longer than 90 minutes to complete the online application (*this is **after** you have spent time preparing your draft application*). In addition to completing questions in this online application, you will have to upload the forms listed below to this application.

WHAT DOES THE RED * MEAN: If you see a **red asterisk (*)** by a question, that means an answer is required.

ARE THERE WORD LIMITS TO THE QUESTIONS: Many of the narrative questions do have word limits to the responses. In the bottom right of the answer box, you will see a word count to let you know when you've reached the limit.

Do not submit any additional materials beyond those requested.

Where actual data is not available, applicants should use best estimates based on available data and their professional judgment.

WHAT FORMS HAVE TO BE UPLOADED TO THE APPLICATION:

The following documents must be uploaded to this grant application:

- 1) Budget, Resources, Staffing, Board, Diversity workbook
- 2) Current & Previous Year's Organizational Budget for your organization in your preferred format
- 3) Proof of Non-Profit Status (IRS determination letter or Other proof of non-profit)
- 4) Professional Liability Insurance (declaration page only, please)
- 5) Signed FBF Grant Assurances

The forms below are attached to your email application announcement. If you have misplaced your email, you can download the forms and save them to your computer following these steps:

To **download the forms described below**, 1) click the link which will open a new window and 2) you will see the file open up in Dropbox. 3) Click on the ...(3 dots) in the upper right corner of the screen and 4) select “download” to download to your computer. Save the forms on your computer for completing and uploading later in the application. **Warning:** do not complete the blank forms prior to downloading them. Your work will not be saved or submitted.

- 1) [Budget, Resources, Staffing, Board, Diversity Workbook](#) (you must download, complete, save, and upload to the application)
- 2) [Grant Application Instructions & All Forms](#)
- 3) [Florida Bar Foundation Grant Assurances](#) (you must download, sign, save, and upload to the application)
- 4) [Case Service Report & Outcomes Guide](#)
- 5) [FBF 2017 Fee Generating Cases Policy](#)

WHAT IS THE DEADLINE: **5pm (EST) on FRIDAY, OCTOBER 20, 2017**

Applications must be submitted online and must be submitted on or before the deadline. Applications will not be accepted by email or regular mail. Late submissions will not be accepted.

WHERE CAN I FIND MORE INFORMATION: For specific grant program guidelines and criteria for funding, please refer to the Grant Application Instructions that was attached to the email announcement.

If you need help, contact Jenn Wimberly at the Foundation: jwimberly@flabarfndn.org .



THE FLORIDA BAR FOUNDATION

2018 Community Based Civil Legal Services Grant Application

Community Economic Development Initiative

INSTRUCTIONS

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HOW LONG WILL IT TAKE TO COMPLETE: We expect it to take you no longer than 45-60 minutes to complete the online application (*this is after you have spent time preparing your draft application*). In addition to completing questions in this online application, you will have to upload the following completed forms to this application.

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WHERE CAN I FIND MORE INFORMATION: For specific grant program guidelines and criteria for funding, please refer to the Grantt Applicaiton Instructions that was attached to the email announcement.

If you need help, contact Jenn Wimberly at the Foundation: jwimberly@flabarfndn.org .

Applicant Information

Tell Us About Your Organization

1. Name of Organization Applying *

Please DO NOT use acronyms

2. Mailing Address *

Street Address

Street Address Line 2

City

State

Zip Code

3. Executive Director's Name *

First Name

Last Name

3a. Executive Director's Email *

example@example.com

4. Name of Contact Person for Application *

First Name

Last Name

5. Email address for Application Contact *

6. Phone number for Application Contact *

Area Code

Phone Number

7. Is the Applicant Organization a Tax Exempt Non-Profit? *

Yes

No

8. If you answered YES to the Question above, identify the IRS Code Section

9. EIN Number

10. Fiscal Year End Date *

Month

Day

Year



11. Date of Annual Change of Board of Directors *

Month

Day

Year



12. Payee Information: If a grant is awarded, please indicate who the award should be made Payable To. *

This is typically the name of the organization submitting the grant application.

13. Payable To Mailing Address: Where should grant payments be mailed? *

Street Address

Street Address Line 2

City

State / Province

Postal / Zip Code

14. If awarded a grant under this proposal, please indicate your organization's preferred method of grant payment: *

- EFT - Electronic Funds Transfer (grant funds deposited into organization's bank account)
- Paper Check - A paper check mailed to the physical location of the organization for signature and deposit.

Current Relationship with The Florida Bar Foundation

15. Is your organization currently funded by The Florida Bar Foundation? *

- Yes
- No

16. If you answered Yes above, what was your organization's 2017 General Support grant award? (FLS, FRLS, & BALS: DO include amounts awarded for for Migrant, Institutional, and Senior Helpline awards in this figure.) If you answered No, enter 0. *

Type 0 if your organization did not receive 2017 General Support.

17. What was your organization's 2017-18 (April 1, 2017 - March 31, 2018) Children's Legal Services Grant Award, if any? If your organization was not funded, enter 0. *

Type 0 if your organization did not receive a Children's Legal Services grant.

18. What was your organization's 2017-18 (April 1, 2017 - March 31, 2018) Bank of America Grant Award, if any? Only the 7 lead agencies should respond to this question - all others should enter 0. *

Type 0 if your organization did not receive a Bank of America grant in 2017.

19. Projected 2018 Total Annual Organization Budget (for all programs, projects, staff, space, etc. related to running your entire organization) *

Total funding for all operations at your (or lead agency) organization in 2018.

20. Total budget for the specific project(s) proposed in this application from all sources of funding *

This should be the total amount of the funding requested in this application, plus funding from other sources that will be allocated to this project.

21. Amount of grant funding requested in this proposal *

The amount you are requesting in this grant application.

22. Amount of other sources of funding dedicated to this specific project to be used in addition to funds requested in this application. *

23. Source (names) of other funding to be used on this specific project, in addition to the funds requested in this application. Please share a list of major sources of revenue, if available. This list should give us a sense of how you operate and who your supporters are. *

0/500

Community Need & Service Delivery

24. Identify any vulnerable or special populations expected to be served with the funding requested. *

- Rural
- Veterans
- Disabled & Mental Health
- Children
- Seniors/Elderly
- LGBTQ
- Institutionalized
- Other
- Immigrants

25. What are the current needs and challenges within the communities to be served by this proposal? Describe the community to be served, including minority populations (including, but not limited to: race, color, religion, gender, sexual orientation, gender identity, gender expression, national origin, age, handicap, disability, marital status), or persons with limited language capacity. Include cites to your data sources. *

Your response cannot exceed 750 words.

0/750

26. Identify any community groups, organizations, and other social & community service providers, non-profits, for-profits, government or others that your organization worked with to identify the need and the response proposed in this project. *

Your response cannot exceed 750 words.

0/750

27. How will the proposed project meet the needs identified? How will the proposed project overcome challenges and obstacles? How will funding under this proposed project be leveraged to meet those needs and challenges? *

Your response cannot exceed 750 words.

0/750

28. What feedback and information will you ask of clients and communities served? What feedback and information will you seek from community partners? *

Your response cannot exceed 600 words.

0/600

29. Describe whether the applicant offers or plans to offer training or professional development to civil legal aid staff, management, volunteers, and/or boards of directors on: diversity, equity, and inclusion; anti-oppression; or other cultural competency issues. Please provide details about the trainings offered (subject matter; constituency served; number of attendees; mandatory or voluntary; number of sessions; in-person or web-based.) *

For Example: Inclusive Legal Services for Transgender Clients

0/750

30. Explain how the applicant's strengths & staffing will support this project and address the community need of the target population(s). *

Your response cannot exceed 750 words.

0/750

Client Eligibility and Geographic Service Delivery

31. Describe who is eligible to receive services under the proposed project, including any eligibility restrictions based on income, location, and/or age. Who is the target population? *

For example: clients with income at or below 300% of the poverty guidelines, needing foreclosure prevention assistance for their homestead, who live in rural DeSoto county.

0/500

32. Describe how individuals and groups will be made aware of the proposed services. Indicate how the proposed outreach methods address any special circumstances of the target populations, for example: language barriers, disabilities, rural service area, etc. Describe how technology will help facilitate outreach. *

Your response cannot exceed 750 words.

0/750

33. Select the Florida counties where the proposed project's services will be provided (listed alphabetically). *

- | | | |
|---------------------------------------|-------------------------------------|---------------------------------------|
| <input type="checkbox"/> Alachua | <input type="checkbox"/> Baker | <input type="checkbox"/> Bay |
| <input type="checkbox"/> Bradford | <input type="checkbox"/> Brevard | <input type="checkbox"/> Broward |
| <input type="checkbox"/> Calhoun | <input type="checkbox"/> Charlotte | <input type="checkbox"/> Citrus |
| <input type="checkbox"/> Clay | <input type="checkbox"/> Collier | <input type="checkbox"/> Columbia |
| <input type="checkbox"/> DeSoto | <input type="checkbox"/> Dixie | <input type="checkbox"/> Duval |
| <input type="checkbox"/> Escambia | <input type="checkbox"/> Flagler | <input type="checkbox"/> Franklin |
| <input type="checkbox"/> Gadsden | <input type="checkbox"/> Gilchrist | <input type="checkbox"/> Glades |
| <input type="checkbox"/> Gulf | <input type="checkbox"/> Hamilton | <input type="checkbox"/> Hardee |
| <input type="checkbox"/> Hendry | <input type="checkbox"/> Hernando | <input type="checkbox"/> Highlands |
| <input type="checkbox"/> Hillsborough | <input type="checkbox"/> Holmes | <input type="checkbox"/> Indian River |
| <input type="checkbox"/> Jackson | <input type="checkbox"/> Jefferson | <input type="checkbox"/> Lafayette |
| <input type="checkbox"/> Lake | <input type="checkbox"/> Lee | <input type="checkbox"/> Leon |
| <input type="checkbox"/> Levy | <input type="checkbox"/> Liberty | <input type="checkbox"/> Madison |
| <input type="checkbox"/> Manatee | <input type="checkbox"/> Marion | <input type="checkbox"/> Martin |
| <input type="checkbox"/> Miami-Dade | <input type="checkbox"/> Monroe | <input type="checkbox"/> Nassau |
| <input type="checkbox"/> Okaloosa | <input type="checkbox"/> Okeechobee | <input type="checkbox"/> Orange |
| <input type="checkbox"/> Osceola | <input type="checkbox"/> Palm Beach | <input type="checkbox"/> Pasco |
| <input type="checkbox"/> Pinellas | <input type="checkbox"/> Polk | <input type="checkbox"/> Putnam |
| <input type="checkbox"/> Santa Rosa | <input type="checkbox"/> Sarasota | <input type="checkbox"/> Seminole |
| <input type="checkbox"/> St. Johns | <input type="checkbox"/> St. Lucie | <input type="checkbox"/> Sumter |
| <input type="checkbox"/> Suwannee | <input type="checkbox"/> Taylor | <input type="checkbox"/> Union |
| <input type="checkbox"/> Volusia | <input type="checkbox"/> Wakulla | <input type="checkbox"/> Walton |
| <input type="checkbox"/> Washington | <input type="checkbox"/> Statewide | |

34. Describe any cultural or historically significant information about the area where services will be provided. *

For Example: Miami-Dade County targeting Miami\'s Little Haiti neighborhood.

0/750

Tell Us About Your Project

Substantive and Collective Impact Information

35. Does this proposal provide direct services to clients? *

- Yes
 No

36. Will staff be required to keep time of direct services provided in the applicant's case management system? *

- Yes
- No

37. Will your organization utilize Florida Bar Foundation grant funds awarded through this proposal in representation where attorneys fees will be sought and collected? *

- Yes
- No

38. If you answered yes to the question above, upload a copy of the policy approved by your organization's board permitting the collection of attorneys fees.

Browse Files

39. Executive Summary: Provide a summary (no more than 1,000 words) of the project for which you are seeking funds and how it fulfills the Florida Bar Foundation's mission and criteria - and - the applicant's mission. *

1000 word limit

0/1000

40. What strategies will be implemented to provide services? (check all that apply) *

- a. advice & counsel
- b. litigation
- c. mediation
- d. policy work (affecting more than 1 client)
- e. impact work (affecting more than 1 client)
- f. counseling advocacy groups
- g. transactional law
- h. direct representation
- Other

41. Describe the proposed activities and services to be provided and how they relate to the criteria for funding, including how the project's goals and objectives are consistent with the use of the funds. *

Your response cannot exceed 1000 words.

0/1000

42. Describe the service delivery model(s) for the proposed services (staff delivery using attorneys and paralegals; pro bono programs; specialized law units; evening clinics; pro se training; mediation; community lawyering; embedding with and/or at other provider's facilities; etc.). Indicate whether and how technology will be used to deliver services. *

Your response cannot exceed 1000 words.

0/1000

43. Describe the methods for supervision and ensuring high quality services: methods for case and/or work assignment; procedures for reviewing/supervising work; provisions for back-up and technical support for paralegals, law students, and other non-attorneys involved in service delivery; provisions for ensuring client confidentiality; provisions for program self-evaluation/data analysis/benchmarking. *

Your response cannot exceed 1000 words.

0/1000

44. In the event that your proposal is not fully funded, what would this project or program look like partially funded? *

1000 word maximum

0/1000

45. Would grant funding awarded through this grant proposal assist in seeking or securing other funding sources? If yes, how much and from whom? *

750 word maximum

0/750

Pro Bono Opportunities

Describe the role that pro bono services will play in realizing the goals of the proposal.

46. How many substantive law training events will be conducted for pro bono attorneys? *

ex: 23

47. In addition to trainings, describe how pro bono attorneys will be mentored and supported

by staff attorneys on cases accepted by pro bono attorneys? *

500 word maximum

0/500

48. How many pro bono cases do you expect to place? *

ex: 23

49. How many in-house cases do you expect to co-counsel with pro bono attorneys? (Pro bono attorneys will be utilized for their expertise on projects and cases handled by staff attorneys.) *

ex: 23

50. List the law firms, corporate counsel, sections of your local bar organizations, sections of The Florida Bar, and others with which you currently partner. *

500 word maximum

0/500

51. List the law firms, corporate counsel, sections of your local bar organizations, sections of The Florida Bar, and others with which you PLAN to partner. *

500 word maximum

0/500

52. How frequently does staff post available pro bono cases on FloridaProBonoMatters.org ? *

- Daily
- Weekly
- Monthly
- Not at All

53 What challenges or obstacles exist in pro bono case placement and acceptance? *

500 word maximum

0/500

Collaborations & Collective Impact

The Florida Bar Foundation, like other funders, recognizes that a collective impact framework is important to solve complex social problems. A collective impact approach calls for multiple organizations from different sectors to come together to support a common agenda, shared measurement, and alignment of effort. For more information: https://ssir.org/articles/entry/collective_impact

In this section, please describe the collective impact of your proposed project(s) in this grant application.

54. Describe existing partnerships that, aside from MOUs or contractual agreements, demonstrate your organization's ability to form lasting, strategic, and impactful collaborations. *

1000 word limit

0/1000

55. Is this proposal a collaborative effort or part of a collaborative effort working towards collective impact? *

- Yes
- No

56. If yes, answer each of the following questions: a) List each organization & a detailed role description; b) what role will each organization play in collecting & measuring data for evaluation; c) how will you share data and best practices within the collective; d) how & when will the collective report to the public; e) what organization is the backbone organization that serves the entire initiative; f) what is the expected time-frame to achieve success; g) do you expect to pivot and change course if your proposed project meets challenges and obstacles?

2500 word maximum

0/2500

Identifying Gaps and Duplication of Services

57. What other providers (legal or other) are providing similar services in your organization's service delivery area? (list the providers) *

500 word maximum

0/500

58. What other providers (legal or other) are providing similar services in Florida? Identify other organizations that could be considered assets or partners in this work - even if your organization does not currently have a relationship with the organization(s). *

500 word maximum

0/500

59. How is the work that you are proposing in this application different? What need will this proposal fill for underserved communities? How will the efforts proposed not be duplicative and how will gaps in service be filled? *

1,500 word maximum

0/1500

60. Other than money and increased funding, what would bring civil legal aid and other providers across sectors together to meet this justice gap in Florida? *

1,500 word maximum

0/1500

Measuring Results

61. Do you expect more than 1 significant result from the proposed project? *

- Yes
- No

62. Result #1: What is the change or improvement that this project is expected to produce? *

0/500

63. Indicators of Success #1: What data collected will show evidence of a change as a result of the proposed activity? *

0/500

64. Targets of Success #1: What number or percentage of the Indicators of Success will define your desired achievement? *

0/500

65. Methods for Measurement of Success #1: How will you collect the data that shows the evidence of change? *

0/500

66. Benchmarks of Success #1: What is the point of reference that your results will be measured or compared against? *

0/500

67. If you answered yes to the question above, label each success chronologically and provide answers for each of the following: a) Indicators of Success; b) Targets; c) Methods of Measurement; d) Benchmarks.

Success 2: indicators, targets, methods, benchmarks; Success 3: indicators, targets, methods, benchmarks; Success 4: indicators, targets, methods, benchmarks; etc.

0/5000

Outcomes and Deliverables

The Foundation requires grantees to follow the mandatory reporting requirements in the attached CSR and Outcomes Guide.

As a condition of receiving funding under this grant program, grantees will be required to collect and report all of the data below, in addition to client stories and main benefit (financial or otherwise) data, to the Foundation. The Foundation will request the data below on all cases closed for all cases funded by all sources (FBF and non-FBF funding) so we have a picture of your entire organization and services it provides.

Data to be collected & reported to the Foundation:

- Case Date Opened
- Case Date Closed
- Legal Problem Category
- Legal Problem Code
- Closing Code
- County of Residence
- Zip Code of Residence
- Date of Birth
- Gender (male, female, transgender)
- Veteran Statuts
- Race
- Percentage of Poverty

2) The total number of all individuals served or benefitted

3) The total number of household members impacted

4) The total number of vulnerable clients served/benefitted, including each of the following populations: children, the elderly, and veterans

5) The total number of non-profits benefitted

6) The total number of small business clients benefitted

7) Financial Benefits obtained for clients - Direct Dollar Benefits to Clients(SSD/I, TANF, SNAP, Medicaid, Medicare, Unemployment/Reemployment Comp, Veteran's Benefits, Child Support, Maintenance/Spousal Support, Affirmative landlord tenant judgments (back rent); Affirmative employment judgments; Affirmative Consumer Judgments, Other: insurance settlements, pension benefits, foreclosure modifications, any and all other financial benefits obtained for clients).

8) Case Outcomes

68. Does applicant agree to collecting & reporting on the specific data as described above? *

- No, applicant does not agree.
- Yes, applicant does agree.

Indicate proposed deliverables for each of the following (a through f).

a. Inclusive of all the sources of revenue and funding utilized by the applicant , how many clients are expected to be served during the calendar year 2018? *

ex: 2.500

b. How many clients are expected to be served with funds awarded through this specific proposal during the calendar year 2018? *

ex: 2.500

c. How many children are proposed to benefit through this specific proposal during the calendar year 2018? *

ex: 23

d. How many veterans are proposed to benefit through this specific proposal during the calendar year 2018? *

ex: 23

e. How many elderly are proposed to benefit through this specific proposal during the calendar year 2018? *

ex: 23

f. How many non-profits are proposed to benefit through this specific proposal during the calendar year 2018? *

ex: 23

g. How many small business clients are proposed to benefit through this specific proposal during the calendar year 2018? *

ex: 23

Budget, Sources of Funding, Staffing, Board, Diversity Information

69. Briefly describe your organization's financial management capacity, internal controls, and the organization's ability to effectively manage awarded grant funds. *

Your response cannot exceed 750 words.

0/750

70. Statement of Financial Position/Balance Sheet

In this section you will provide information about your organization's assets, liabilities, and total net assets.

a. Assets - Cash & Current Assets *

b. Other Assets *

c. Total Assets *

e. Liabilities *

f. Other Liabilities *

g. Total Liabilities *

h. Total Net Assets *

i. What percentage of your assets are unrestricted? *

71. Statement of Activities/Income Statement

a. Revenue *

b. Programs Service Revenue *

c. Other Revenue *

d. Miscellaneous Revenue *

e. Total Revenue *

f. Expenses - Total Program Service Expenses *

g. Total Management & General Expenses *

h. Total Fundraising Expenses *

i. Total Expenses *

j. Use this space to clarify anything about your organization's finances.

500 word maximum

0/500

Projected Budget Expenses, Projected Revenue, Staffing, Board, Diversity

An excel workbook was emailed with the application instructions and the workbook is available for download in this grant application. The workbook has 7 tabs. Complete the spreadsheets in the workbook and upload the completed workbook to this grant application.

You will also submit your organization's overall 2017 expenses and the total projected organizational expenses for all services expected to be provided in 2018. You will upload these documents in the format that it already exists for your organization - there is no template to complete. **This is required.**

1. You will report your organization's total projected budget expenditures for the specific project(s) proposed in this application. **This is required.**
2. You will report your organization's Projected Organizational Revenue reflecting all projected sources of revenue for the organization. **This is required.**
3. You will also complete a form detailing the sources of projected revenue. **This is required.**

- 4. You will provide staffing numbers for the proposed project by position type and work performed. You will also provide specific information about staff who will be working on the proposed project. **This is required.**
- 5. You will provide detailed staffing information for your entire organization. **This is required.**
- 6. You will provide detailed board of directors information for your organization. **This is required.**
- 7. The Foundation is committed to supporting diversity, equity, and inclusion. Complete the staff diversity spreadsheet in the workbook. **This worksheet is worth 5 points in the scoring review.**

Upload the Budget, Revenue, Staffing, Board, Diversity Workbook Here *

No file selected.

Upload the current and previous year's organizational budget for your organization (in the format that works best for you). *

No file selected.

Upload the non-profit status documentation here. *

No file selected.

Upload Professional Liability Insurance Coverage declarations page here (don't upload the entire policy). *

No file selected.

Upload your signed FBF Grant Assurances here. *

No file selected.

YOU ARE AT THE END OF THE APPLICATION!

If you'd like to print the application and your responses, click the Print Form button **BEFORE** you click the Submit My Application button.

Click the Submit My Application button to submit it.

You will also receive an email confirming that your application has been received. If you do not receive an email **CHECK YOUR SPAM** filter before contacting the Foundation.

Submit My Application!

 Print Form

2018 Anticipated Budget Expenditures
Community Based Civil Legal Services
FBF Community Economic Development Initiative

Budget Breakdown - Summarize the applicant's total budget for the project(s) proposed in the grant application. Include all funds you expect to expend on the proposed project and estimate where necessary.

Applicant Name:

 Type the Full Name of Your Organization. Do NOT Use Acronyms. Do not type Legal Aid or Legal Services unless you are typing the entire name of your organization.

Cost Category	FBF Funds Requested to Support the Proposal	Other Sources of Funding (Non-FBF) That Will Support the Proposal	Total Funding to Support the Proposal
	a. FBF Funds	b. Non-FBF Funds	Totals
A. Personnel Costs:			
1. Lawyers			\$0
2. Paralegals			\$0
3. Others			\$0
4. Salary Subtotal	\$0	\$0	\$0
5. Employee Benefits			\$0
6. Total Personnel Costs	\$0	\$0	\$0
B. Non Personnel Costs:			
1. Space/Property & Utilities			\$0
2. Equipment Rental			\$0
3. Training/Professional Development of Staff			\$0
4. Travel			\$0
5. Audit			\$0
6. Litigation Budget			\$0
7. Operating Expenses			
8. Contract Services to Clients			\$0
9. Contract Services to Program			\$0
10. Other			\$0
11. Total Non-Personnel Costs	\$0	\$0	\$0
C. Total Projected Expenditures	\$0	\$0	\$0

The Florida Bar Foundation

Community Based Civil Legal Services
 FBF Community Economic Development Initiative

2018 Projected Organiz Organizational Revenue

For All Projects (FBF & Non FBF Funded)
 Time Period: January 1, 2018 - December 31, 2018

Applicant: _____

Provide a breakdown, by funding source, of the applicant's total projected sources of funds for the entire organization's operations. Report the organization's entire projected revenue. Do not include projected in-kind or donated services in these figures.
Note: These figures should cover the 2018 calendar year. If applicant's fiscal year is not based on a calendar year, please prorate figures.

	Source	Amount
a.	FBF - Proposed CED Project	
b.	FBF - Other Grants	
c.	Foundations Other Than FBF*	
d.	Legal Services Corporation (LSC)	
e.	United Way	
f.	County Grants/Contracts in lieu of filing fees (itemized by county)*	
g.	State, City, or County (other than sources listed in "f" above) funding	
h.	Church/ Religious Organization Funding	
i.	Federal: Title III - Administration on Aging	
j.	Federal: Title XX - Health & Human Services	
k.	Federal: Other Programs*	
l.	Law Schools	
m.	Attorney Fees	
n.	Bar Associations*	
o.	Private Bar: Contributions in Lieu of Pro Bono (Pro Bono "Buy Out")	
p.	Private Bar: Individual Attorney Fundraising	
q.	Income from donations, contributions (<i>other than</i> those included in lines "o" and "p" above), and special fundraising events	
r.	Income from publications, trainings, and other products	
s.	Cy Pres Awards*	
t.	Interest Income	
u.	Other sources* - (<i>itemize if total exceeds \$2,500</i>)	
v.	Sub-Total: Above Sources	\$0
w.	Estimated FBF net assets (deficit) at end of current year	
x.	Estimated Non-FBF net assets (deficit) at end of current year	
y.	Sub-Total: Fund Balance (deficit)	\$0
z.	Projected Total Funding Sources for grant year for which FBF funds are requested (combine lines v and y)	\$0

* Additional breakdown required on next tab of excel workbook

The Florida Bar Foundation
 Community Based Civil Legal Services
 FBF Community Economic Development Initiative
 2018 Anticipated Organizational Revenue: DETAILS

Applicant: _____

REVENUE DETAILS:

Provide breakdowns for the specific revenue categories, listing the source names and the amounts projected to be received by the applicant during the calendar year 2018.

Line C Foundations Other Than FBF

Source:	Amount
1 _____	_____
2 _____	_____
3 _____	_____
4 _____	_____
Total:	\$0

Line F County Grants/Contracts in lieu of filing fees (itemized by county)

Source:	Amount
1 _____	_____
2 _____	_____
3 _____	_____
4 _____	_____
Total:	\$0

Line K Federal: Other Programs

Source:	Amount
1 _____	_____
2 _____	_____
3 _____	_____
4 _____	_____
Total:	\$0

Line N Bar Associations

Source:	Amount
1 _____	_____
2 _____	_____
3 _____	_____
4 _____	_____
Total:	\$0

Line S Cy Pres Awards

Source:	Amount
1 _____	_____
2 _____	_____
3 _____	_____
4 _____	_____
Total:	\$0

Line U Other Sources

Source:	Amount
1 _____	_____
2 _____	_____
3 _____	_____
4 _____	_____
Total:	\$0

**The Florida Bar Foundation
 Community Based Civil Legal Services
 2018 Community Economic Development Initiative
 Project Staffing**

Name of Organization



TYPE THE FULL NAME (NOT ACRONYMS) OF YOUR ORGANIZATION ON THE LINE ABOVE

Report the total number of Full-Time Equivalent (FTE) paid staff persons (including compensated fellows such as AmeriCorps Members, Equal Justice Works, and other fellows) who are expected to be directly involved in the proposed project(s) in the grant application. Also report appropriate allocations of administrative, IT, finance, development, communications, and management staff. This staffing section is reflective of the project(s) proposed.

- ~ 1 FTE is one person working full-time (e.g., 2 people working half-time each should be reported as 1.0 FTE)
- ~ Express FTE in decimals (e.g., 1.5 lawyers)
- ~For staff who divide their time among 2 or more functions, estimate the FTE allocations. For example: Managing Attorney spends half time (0.5 FTE) representing clients (Case Services) and other time (0.5 FTE) supervising other advocates (Supervision of Case Services).
- ~ The total staff reported below should be fully reflected in the Personnel Cost in the Proposed Project Budget.

Staffing: By the Numbers

PAID STAFF (FTE)				
Type of Work Performed	Position Type			Total Paid Staff
	Lawyers	Paralegals	Others	
Case Services				0.00
Client Intake				0.00
Pro Bono Department/Unit				0.00
Supervision of Case Services				0.00
Secretarial-Clerical Work				0.00
Management & Administration				0.00
Other - <i>Specify:</i>				0.00
1				0.00
2				0.00
3				0.00
4				0.00
Total Staff Supported by Funds Requested:	0.00	0.00	0.00	0.00

Applicant: _____

Staff Diversity

Please indicate the total number of **Full-Time Equivalent (FTE)** paid staff persons who have the titles or responsibilities listed below.

A Full-Time Equivalent (FTE) is one person working full-time utilizing a 37.5 hour work week. **Do NOT include consultants.**

Note: Excel Part II, Section G.1. (Staffing FTE totals) and Section I. (Staff Diversity) should both reflect the SAME total number of actual staff who work in your organization's civil legal services program.

	Chief Executive As of 9/90/17	Senior Level Officials (Non-Attorneys) As of 9/90/17	Senior Attorney Managers As of 9/90/17	Supervising Attorneys As of 9/90/17	Non-Supervising Attorneys As of 9/90/17	Paralegals/Advocates As of 9/90/17	Administrative Support As of 9/90/17	Totals As of 9/90/17
A. Ethnicity/Gender								
Caucasian/White								
* Male								0.00
* Female								0.00
* Transgender								0.00
Black or African American								
* Male								0.00
* Female								0.00
* Transgender								0.00
Hispanic or Latino								
* Male								0.00
* Female								0.00
* Transgender								0.00
Native Hawaiian or Other Pacific Islander								
* Male								0.00
* Female								0.00
* Transgender								0.00
Asian								
* Male								0.00
* Female								0.00
* Transgender								0.00
American Indian or Alaska Native								
* Male								0.00
* Female								0.00
* Transgender								0.00
Multi-Racial								
* Male								0.00
* Female								0.00
* Transgender								0.00
Totals	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Male	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Female	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Transgender	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

B. Sexual Orientation

Openly Gay								0.00
Heterosexual								0.00
Unknown								0.00
Total, by Sexual Orientation	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
C. Disabilities								
People with Disabilities								
*Men								0.00
*Women								0.00
*Transgender								0.00
Able-Bodied								
*Men								0.00
*Women								0.00
*Transgender								0.00
Total People with Disabilities	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Able-Bodied	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

Chief Executive: This includes anyone reporting directly to the Board of Directors and who has the power to hire and dismiss employees.

Senior Level Officials: This includes director of development, COO, fiscal director and any non-attorney who attends management meetings.

Senior Attorney Managers: This includes litigation directors, deputy directors, general counsel, and those who attend senior mgt meetings.

Supervising Attorneys: This includes managing attorneys, associate general counsel, special project/unit heads and those with supervisory responsibilities.

Non-Supervising Attorneys: This includes any attorney not in a supervisory role.

Paralegals: This includes non-attorneys who perform specifically delegated substantive legal work for which a lawyer is responsible.

Florida Bar Foundation Grant Assurances CALENDAR YEAR 2018 FUNDING

Applicant is applying for the funds requested in this grant application. If applicant is successful and receives a Florida Bar Foundation grant or contract,

APPLICANT HEREBY ASSURES THAT:

1. It has the legal authority to apply for and receive funds from The Florida Bar Foundation (FBF/Foundation) and that funds received will be used to provide civil legal assistance to eligible clients who would otherwise be unrepresented.
2. It has requested grant funds to provide civil legal assistance to eligible clients for the purpose(s) and by the method(s) described and in the amount(s) indicated in the grant application for a period of one year, or in such other amounts or for such other period of time as the FBF in its sole discretion may award.
3. It understands and agrees that the FBF may, in its sole discretion, award no funds or may award funds in greater or lesser amounts and/or for greater or lesser periods of time than requested in the grant application.
4. It understands and acknowledges that a) funding for all of the Foundation's Grant Programs is subject to monies being available and allocated for those purposes; and b) that the FBF Board of Directors (Board) will determine the amount of grant funds that it will distribute during grant funding periods. Further, the Board may determine and conclude that it will not distribute funds to one or more civil legal aid providers or organization that currently or had previously received funds from the FBF. The Board may make whatever disposition of grant funds as it determines to be proper
5. It understands that a successful applicant may be required to agree to special grant conditions and/or modifications in the requested or approved budget as a condition of receiving the grant.
6. If funding is terminated before the expected expiration date, or if applicant ceases to receive funds from FBF after the expiration of the funding period, applicant hereby gives assurance that it will follow the FBF's directions with respect to the use or disposition of fund balances, records and any equipment, supplies or property purchased with FBF funds and will include a footnote in its annual audit addressing this requirement. *For example:* if FBF funding has been terminated before the expected expiration date of the grant funding period because the grantee has determined that it must wind down business and close the organization, the grantee will notify the Foundation of the wind down, follow the Foundation's guidance in concert with Paragraph 22 of this document, and footnote appropriately in its annual audit.
7. It agrees to provide high quality, economical, and effective legal assistance as measured by ABA Standards for the Provision of Civil Legal Aid, ABA Standards for Programs Providing Civil Pro Bono Legal Services to Persons of Limited Means, and consistent with any applicable code or rules of professional conduct, responsibilities, or ethics.
8. The Florida civil legal aid organizations that use the LegalServer Case Management System (LegalServer CMS) agree to designate a staff member as its primary LegalServer Site Administrator (Site Administrator).

Florida civil legal aid organizations that utilize a different case management system (CMS) also

agree to designate a staff member as its primary CMS Site Administrator.

All Florida legal aid organizations agree that the Site Administrator will be appropriately trained and supported by the organization.

Regardless of the Case Management System utilized, applicant certifies and agrees that:

- a. The Site Administrator is responsible for the technical design, planning, implementation, and the highest level of performance tuning and recovery – including Disaster Recovery - procedures for the Case Management System. Serves as a technical expert in the area of system administration for the Case Management System. Recommends the configuration of operating systems, user accounts and profiles, and system applications. Identifies methods, solutions, and provides project leadership and management in order to provide a high level of service to system users and by extension to the organization's clients. Provides leadership and strategic vision with regard to how the Case Management System can be used to further organizational goals and objectives, increase operational efficiencies, and support expanded service delivery.
 - b. The duties and responsibilities of the Site Administrator may be shared with other IT professionals within the organization (IT Department Manager, Network Administrator, etc.). However the Site Administrator is ultimately responsible to ensure such duties and responsibilities are carried out in a professional and effective manner.
 - c. Grantees may share Site Administrator duties with another Foundation grantee upon written notice to The Foundation and a showing that relevant personnel/parties have signed an agreement assuring that client confidentiality and all other data confidentiality will be maintained at all times.
9. It will not discriminate on the basis of: race, color, religious creed, national origin, sex, age, ancestry, sexual orientation, gender identity, marital status, disability of a qualified person, or any other basis prohibited by law against 1) any person applying for employment or employed by the applicant with respect to any personnel action proposed or taken concerning the applicant or employee; or 2) any person seeking or provided assistance from the applicant or other programs supported in whole or part by grant funds from the FBF.
 10. It will cooperate with all reasonable information collection, including surveys, questionnaires, monitoring, audits, investigations, and compliance or evaluation activities undertaken by the FBF, its consultants, agents, or assigns. Such cooperation shall include making staff available to the FBF its consultants, agents, or assigns for interview and otherwise allowing staff to cooperate with the same. It will submit, for each year of the grant and for each service area for which a grant is awarded, Self-Assessment Reports (SARs) in a format and at a time determined by the FBF.
 11. It will not take or threaten to take any disciplinary or other retaliatory action against any person because of any appropriate cooperation with or the appropriate release of information to the FBF, including its consultants, or other entity authorized to receive such cooperation or information pursuant to applicable procedures and consistent with any applicable law, code of ethics, or rule of professional responsibility. It will notify its employees and volunteers in writing that it will not take any disciplinary or other retaliatory action against an employee or volunteer (including board members) for any appropriate cooperation with the FBF, including its consultants, or other entity authorized to receive such cooperation.
 12. Within 10 business days of receiving notice, it must notify the Foundation's Director of Grants

about any monitoring visit to be conducted by another funding entity on a routine or for a special purpose. Final reports issued as a result of such visits must be provided to the Foundation within 10 business days of receipt.

13. All notices given in connection with grant contracts and these Assurances shall be in writing to the Foundation and shall be made by both email and first-class mail and shall be addressed to the following:
- Jennifer Wimberly, Director of Grants
The Florida Bar Foundation
875 Concourse Parkway South
Suite 195
Maitland, FL 32751
- emailed to: jwimberly@flabarfdn.org
cc: emailed to: mromero@flabarfdn.org
14. It agrees to notify the Foundation within 10 calendar days from the date it receives notice of any of the following events:
- a. Another funding source terminates its grant or contract agreement with grantee because of “cause,” material non-compliance, or other action giving that funding source the authority to terminate the agreement;
 - b. Another funding source, as a result of a review, audit, or monitoring visit has requested reimbursement from the grantee because of “disallowable costs” under that grant agreement and requirements.
15. It will notify the Foundation’s Director of Grants within 24 hours of its discovery that it has or may have been the victim of misappropriation, theft, loss, embezzlement or the like of any Foundation funds. In any of these events, it agrees to accept any additional grant requirements and/or conditions as the Foundation deems appropriate, if any.
16. It agrees to notify the Foundation within 10 calendar days of any EEOC claims; EEOC investigations; EEOC determinations; and of any final monetary judgment, sanction, or penalty in excess of \$500 entered against grantee for matters such as Federal Rule 11 sanctions or sanctions under the Florida Rules or any other Rules of Civil Procedure; malpractice judgments; IRS penalties; penalties arising out of the Americans with Disabilities Act; or any other matter which may have a substantial impact on its delivery of service.
17. It will notify the Foundation’s Director of Grants within 10 calendar days after any of the following occurrences:
- a. a decision to close and/or relocate any main or staffed branch office;
 - b. change of chairperson of the governing/policy body (including the new chairperson’s name, telephone number, and e-mail address);
 - c. change of chief executive officer (including the new chief executive officer’s name, telephone number, and e-mail address);
 - d. change in its charter, articles of incorporation, by-laws, or governing body structure;

change in its main e-mail address or its website address (URL);

- e. any of a grantee's key officials (executive director, chief financial officer, or other key financial official) is charged with fraud, misappropriation, embezzlement, theft, or any similar offense, or is subjected to suspension, loss of license, or other disciplinary action by a bar or other professional licensing organization.

18. It agrees to notify the Foundation within 48 hours of the publication (broadcast, print, web, or social media) of material information that could lead to a negative change in the public perception of the Florida legal aid delivery system or the Foundation or the ability to provide legal services in the community. Links to online publications or broadcasts or scanned/faxed copies of print publications should be included in the notification to the Foundation.

19. It will comply with the policies adopted by the FBF Board of Directors including specifically the attached policies adopted (with subsequent amendments) on the dates shown, as follows:

- Grantmaking Policy December 1993
- Policy Regarding Grantee Employee Seeking/Holding Public Office June 2007
- Eligible Applicant Policy (Revised) September 2008
- Publication Credit and Acknowledgment of Funding Policy September 2009
- Benchmarks For Grantees That Provide Pro Bono Legal Services December 2010
- Fee Generating Cases June 2017

20. It agrees to cooperate with the FBF in its efforts to follow up on audit findings, recommendations, and significant deficiencies or material weaknesses. It agrees to expeditiously resolve all such reported audit findings, significant deficiencies or material weaknesses, and corrective actions to the satisfaction of the FBF.

21. It understands and acknowledges that changes in funding may require structural changes in the operations of FBF grant recipients. These changes might necessitate an adjustment in the amount of FBF funds awarded. Whenever possible, recipients of funding will be given at least 60 days' notice of any such change.

22. In the event that it merges or consolidates with another FBF grantee, changes its current identity or status as a legal entity, or ceases to be a direct recipient of FBF grant funds at the end of the grant term or during the grant term for whatever reason, it agrees:

- a) to provide the Foundation's Director of Grants with written notice at least 60 calendar days prior to any of the above events (except when the FBF grant relationship changes as a result of FBF action);
- b) not to transfer its interests in its FBF grant funding to another entity without prior approval from the FBF for such transfer;
- c) to ensure that any successor entity maintains the Applicant's records, including financial records, for a period of 6 years after expiration of the grant year to which they pertain and maintains client files for a period of not less than 5 years after the closure of the

case to which they pertain;

- d) to submit to the Director of Grants either at the time that it provides the written notice in a) above, or within 15 calendar days from being notified by the FBF that it will cease to be a recipient of FBF grant funds, a plan for the orderly conclusion of the role and responsibilities of the grantee as a recipient of FBF funds.

23. The applicant hereby certifies that it has made available to each member of its governing/policy body and key staff a copy of the grant application submitted to the Florida Bar Foundation for calendar year 2018 grants.

24. The applicant hereby certifies that it understands and agrees that if the application is approved, this certification is made as a condition of receiving the grant.

We have read the assurances and understand that funds received from the FBF will be subject to these assurances. We certify that the grantee will comply with these assurances

Date: _____

Date: _____

Executive Director/CEO

President/Board Chair

Signature

Signature

u:\wp\grants\lap\2018 grant program\community economic development initiative\fbf 2018 grant assurances final.docx



THE FLORIDA BAR FOUNDATION

REPORT OF THE DRAFTING COMMITTEE FOR ADOPTION OF A POLICY ON FEE GENERATING CASES

The Florida Bar Foundation has not previously adopted a formal policy addressing fee generating cases handled by grantees. There has been an informal policy prohibiting the use of Foundation funds to generate and collect fees, which was communicated to grantees in prior years.

At the December 2016 and March 2017 meetings, the Grants Committee considered proposals to relax existing restrictions on the ability of grantees to attempt to recover attorneys' fees. These issues were also considered by the full Board. During Board and Committee discussions, some members expressed concerns about the proposed policy revisions. At the same time, there was general support for adoption of a policy to ease restrictions and allow grantees more discretion in this area. There was general agreement that a carefully drafted policy might be able to address the concerns raised in response to the proposal to expand the freedom of grantee organizations to collect fees.

At the March 2017 meeting, an ad hoc Drafting Committee was established and assigned the task of drafting a proposed policy for consideration by the Grants Committee. The Drafting Committee has prepared and we now provide below a proposed Policy on Fee Generating Cases. In this proposed Policy, we have attempted to take into account and address, to the extent feasible, concerns raised at the December and March meetings, and to provide the grantees with enhanced discretion to exercise greater flexibility in this area.

The primary rationale for allowing grantees to seek to recover attorneys' fees in appropriate cases is clear. Funds available for Florida's legal aid network are not adequate to satisfy the needs of Floridians who depend upon these organizations for civil justice. With the continuing low yields on IOTA funds, and the exhaustion of the Foundation's retained fund balance, the development of other resource options is critical. Collection of fees and costs in appropriate cases as allowed by this policy will generate additional financial resources for grantees to allow them to better serve their missions of civil justice.

While the need for additional funds is uncontroversial, the proposal to allow grantees greater discretion to seek attorneys' fees and costs has raised at least three concerns. First, that grantee organizations should not expend their limited resources on cases where private counsel might otherwise be willing and able to take the case (excepting, of course, where grantees co-counsel with private counsel). Foundation support for grantee organizations is intended to provide legal assistance that would not otherwise be available from the private bar. This assumes that the cases taken by grantees are not of interest to the private bar. We believe this function establishes an

important and defining line that must be respected and guarded: Grantees should not engage in competition with the private bar, and should not expend funds they receive from the Foundation to represent clients that the private bar would otherwise be willing and able to handle. The Drafting Committee believes that this concern may be effectively addressed by a carefully drafted policy with reasonable requirements to assure that grantee organizations refer cases out where the private bar is willing and able to provide representation.

Second, the recovery of contingency fees from client recoveries inescapably amounts to the collection of funds from the grantees' client population. Contingency fees based on a percentage of clients' recoveries effectively require the poorest Floridians to help fund Florida's legal services programs. There is no easy compromise that might resolve this concern. This presents an unavoidable choice as to whether to allow the collection of contingency fees from client recoveries in some cases despite this concern, based on the funding needs of grantees and the possibility that clients with needs in these areas might otherwise have no representation if grantee organizations are not allowed to collect a legally reasonable and authorized contingency fee. Given the continuing environment of severe funding shortfalls, our proposed Policy allows grantee organizations to collect such contingency fees where clients would otherwise lack legal representation. Such contingency fees and contingency agreements must be consistent with the rules and restrictions on contingency fees under Rule 4-1.5(b), Rules Regulating The Florida Bar, and must be confined to areas where the need is sufficiently pressing.

Third, the relaxation of restrictions on fee generating cases could result in an undue incentive to grantees to seek and provide representation in fee generating cases to the exclusion of other, extremely important cases. While that risk is not trivial, ultimately the Foundation must trust in and defer to the discretion of the grantees and their attorneys, executive directors, and boards, to make their own professional judgments in service of their respective missions, considering, first, the needs of their clients based on the grantees' service priorities, and second the additional services that might be provided with the resources that may be derived from fee generating cases.

The policy proposed by the Drafting Committee for consideration by the Foundation Grants Committee is as follows:

Policy On Fee Generating Cases

WHEREAS, historically The Florida Bar Foundation (Foundation) has prohibited grantees from utilizing Foundation grant funds to seek to recover attorney's fees in connection with representation of their clients; and

WHEREAS, due to a significant and prolonged reduction in funding sources, including reduced IOTA revenues, and the loss of FACLA funding in recent years, the Foundation has been required to make major reductions in grants, which has led to significant reductions in services provided by grantees, and to regrettable layoffs of

legal aid staff; and

WHEREAS, the grantee organizations, through the Project Directors Association, have requested clarification of Foundation policy on fee generating cases, and a relaxation of existing restrictions on their ability to seek and collect fees; and

WHEREAS, the Foundation has given the issue extensive consideration, including review of information submitted by the Project Directors Association, information and comments from individual grantees, information from IOTA funding organizations in other states, related policies of the Legal Services Corporation, and discussions among the members of the Board of Directors of the Foundation, members of the Foundation Grants Committee, members of the ad hoc Drafting Committee, and Foundation staff; and

WHEREAS, the Foundation is moving forward with a Strategic Reset Vision to be a catalyst in the cause of increased access to justice for all, which will include the expectation that grantee organizations become more self-sufficient and less reliant upon Foundation funding.

NOW, THEREFORE, BE IT RESOLVED, that the Foundation modifies and formalizes existing policies relating to grantee efforts to recover attorneys' fees and costs by the adoption of the following policy, which shall govern funds from the Florida Bar Foundation to grantees:

1. Grantees may not collect or charge attorneys' fees or costs from or on behalf of clients except as permitted by the terms of this Policy.
2. Grantees may seek to recover attorneys' fees and costs from opposing parties (and, in appropriate cases, from opposing counsel) where such recovery is authorized by statute, rule, contract, or otherwise under applicable law, including but not limited to fees and costs as may be recovered following offers of judgment or proposals for settlement.
3. In cases seeking Veterans' benefits, Social Security Disability benefits, and Supplemental Security Income benefits, Grantees may collect contingency fees and costs from retroactive benefits as a percentage of client recoveries to the same extent as may be recovered by members of the private bar and in accordance with Rule 4-1.5(b), Rules Regulating The Florida Bar, so long as a reasonable effort was first made to obtain representation through a member of the private bar, which was unsuccessful.
4. Grantees may also collect contingency fees and costs as a percentage of client recoveries in cases that fall within the grantee's program priority areas for representation, although limited to cases where the responsible attorney has obtained approval by the grantee's executive director or assistant executive director (or the equivalent) to enter a contingency fee agreement with the client.

Such approval must be based upon a determination that the circumstances of the case indicate that the cause of civil justice would be served by a contingency agreement.

5. Grantees who intend to seek contingency fees under sections 3 or 4 above, or who intend to seek recovery of fees and/or costs under section 2 above, must adopt policies and procedures for referral to private counsel of potentially fee-generating cases where members of the private bar may be willing and able to provide representation. The Foundation will defer to the grantee organizations on the details of such policies and procedures, as such may vary depending on the geographic coverage area, local bar, and other circumstances. But such policies and procedures need to be reasonably effective in ensuring that grantees do not utilize Foundation funds for representation in cases that might compete with private counsel for representation. Grantees must provide the Foundation copies of these policies for review and referral of cases that may be of interest to the private bar.
6. In all cases where fees or costs might be collected by the grantee, the grantee must ensure the client provides express written consent to the terms of representation, in accordance with Rule 4-1.5, Rules Regulating The Florida Bar, and with all other legal and ethical requirements, including those governing contingency fees.
7. The policies allowing recovery of attorneys' fees and costs as stated herein do not require grantee organizations to seek fees and costs or to recover fees and costs; rather, grantees always have discretion to waive or reduce fees where the best interests of the client and the cause of civil justice are best served.
8. Grantees shall provide such periodic reports and other information regarding fee generating cases as may be requested by Foundation staff.
9. This Policy on Fee Generating Cases has been approved by the Foundation at the meeting of its Board of Directors June 22, 2017, and is effective immediately upon approval.

BOARD ADOPTED POLICY: June 22, 2017

The Florida Bar Foundation

Case Service Report (CSR) Guide

Original Date: 2009-2010 Edition

Redistributed: July 2017

Including Updates:

1. Outcome codes
2. February 2016 demographic reporting requirements
3. 2010 Memo on K-Other, X-Codes, Rejected Matter Code, & Deselect Case Code

Further Foundation Updates Expected:

January 1, 2018



THE FLORIDA BAR FOUNDATION

July 12, 2017

To: FBF Grantees

From: Jennifer Wimberly, Director of Grants

Re: Outcomes Reporting, Client Demographics, Closed Case Reporting

Dear Grantees:

Please share this email and the attached CSR Guide and Outcomes Codes with your staff.

As you have heard, the Foundation is requiring that outcomes be reported for closed cases. Many of you are voluntarily recording outcomes as you've closed cases in 2017 and we appreciate your voluntary participation in outcomes reporting. Effective August 1, 2017 all closed cases must have an outcome reported when cases are closed.

In 2015 and early 2016, teams of grantee staff worked with us and the team at The Resource for Great Programs to develop the Foundation's outcomes reporting codes. We worked with PSTI (LegalServer) and paid the development costs to have all of those outcomes codes programmed into your LegalServer case management site. We ask that you not modify and not change the outcomes codes for Foundation reporting. We are considering this a pilot phase, or Phase 1, and later in the year we will get feedback from your staff on suggested modifications, edits, or other changes to the outcomes codes. We will then come to consensus, work with PSTI to update your sites again and pay those development costs, and we will continue to move forward. There will be challenges along the way and we appreciate you working and learning with us.

Why Are We Collecting This Information

What we know from closed case data we receive is just that: how many cases were closed in a given time period. What we don't know is the total number of folks in a household that are impacted by each closed case, we don't know what benefit the client received, and we don't know how client's lives and communities are impacted by the numbers. The Foundation wants to be able to tell our grantees' story, what the business case is for investing in legal aid and legal services, and how Foundation grantees are positively changing communities. Most of you have seen the

Foundation's Economic Impact Study that showed for every \$1 that goes into legal aid, there is a \$7 return. A lot of interpretation, research, and statistical calculation went into closed case data analysis to determine that return on investment. Grantees who voluntarily report monetary outcomes with closed cases were the best organizations to analyze to reach the conclusions in the study. While we have been working on the outcomes project for some time, the study confirmed for us as a funder and supporter of the Florida legal services delivery system and access to justice that we must make outcomes reporting mandatory and we must require standardized data from our grantees.

Required Information Going Forward

Under the premise that the only good data is clean and accurate data, (or garbage in, garbage out) we are implementing the following standards that are mandatory for every Foundation grantee:

- 1) You should be using LegalServer's Outcomes V2 Module that was updated by PSTI for Foundation grantees.
- 2) Closed cases must be reported according to the definitions in the attached 2009 CSR Guide. (this guide will be updated later in the year)
- 3) The following client demographics must be recorded for every case opened & reported to the Foundation: zip code, date of birth, gender (including transgender), veteran status, race, percentage of poverty. These demographics are *in addition to* the usual required information: Legal Problem Category; Legal Problem Code; Case Closed Date; Case Opened Date; Closing Code; County of Residence (client); Zip Code (of client's residence)
- 4) Monetary outcomes are required for closed cases reported.
- 5) Outcomes obtained for clients are required for closed cases reported.
- 6) Effective Date for mandatory demographics reporting (age, race, gender, county, zip code, veteran's status, etc): March 2016.
- 7) Effective Date for mandatory monetary and case outcomes reporting: All cases closed on August 1, 2017 or later. This data will be reported by grantees in the 2017 Self-Assessment Report (SAR).

Data Standardization

Over the next few months we will be working to standardize definitions and reporting requirements for all grantees. It is clear to us that there are various interpretations of terms in our CSR Guide and we will be updating and expanding that guidance in a long-overdue effort by year's end. Until that time, please distribute the attached Guide to

your staff so they are clear on what the Foundation requires for reporting closed cases and levels of service provided. Please also remember that the Foundation is not focused on closed case numbers. Closed case numbers (for example: 80,000+ cases closed in 2016 with 76% of all cases closed at service levels A & B) don't tell us much more than that: of the 80,000+ cases closed by grantees in 2016, most clients got advice and brief service. Our focus is on the impact and the results your organizations are having on communities and the lives that are being changed. Outcomes will help you tell that story. Standardized data will help the Foundation tell the story on a statewide level.

What If You Can't Find an Outcome Code

In addition to the re-issued CSR Guide that includes the outcomes codes at the end of the guide, we have attached an excel workbook with a tab for each substantive legal category, or problem code and the outcomes developed by the teams of grantee staff who worked with us to develop the outcomes codes. We recognize that some outcomes may be missing. We ask you and your staff to keep a list of specific examples of outcomes that are not available so we can collect that information later as work on revising and improving the data points we collect. We also ask you to use your best judgment and use an outcome code that is the closest or most appropriate to what you cannot find. During the initial phase-in we expect there to be some bumps that we will course-correct in the future.

If you have technology or case management system questions like how to find the outcomes screen when closing a case in LegalServer, you need to contact PSTI's helpdesk at support@psti.org. If you have questions related to what problem code, closing code, or outcome code to use, please contact me at: jwimberly@flabarfndn.org.



February 5, 2016

MEMORANDUM

To: Executive Directors, Florida Bar Foundation Grantee Programs

From: Jennifer Wimberly, Grants Director

Re: Foundation Required Close Case Demographics – Effective January 1, 2016

The Foundation requests that Executive Directors share this email with all staff.

In a few short weeks the Foundation will be issuing our annual Self-Assessment Report (SAR) to grantees for activities and closed case data during the January 1 –December 31, 2015 period. More information will follow on the 2015 SAR shortly.

2016 Case Demographics

As we look a year forward to our 2016 SAR, the Foundation will be engaging in more comprehensive data analysis. To assist us with that effort, the Foundation is requiring grantees to collect and report on the following client demographic effective retroactively to January 1, 2016.

Required Client Demographics Effective January 1, 2016

- | |
|--------------------------------------------------------------|
| <ul style="list-style-type: none"> • Zip Code |
|--------------------------------------------------------------|

Virtually all grantee programs *already collect and report this data* to the Foundation with the closed case data in the SAR. This information must be collected and reported for all **cases closed January 1, 2016** and going forward.

Programs will also be required to collect and report this additional client demographic information effective March 15, 2016:

Additional Client Demographics Effective March 15, 2016

- | |
|---------------------------------------------------------------------------|
| <ul style="list-style-type: none"> • Date of Birth |
| <ul style="list-style-type: none"> • Gender |
| <ul style="list-style-type: none"> • Veteran Status |
| <ul style="list-style-type: none"> • Race |
| <ul style="list-style-type: none"> • Percentage of Poverty |

Again, virtually all grantee programs *already collect and report this data* to the Foundation with the closed case data in the SAR. This additional information must be collected and reported for all **cases closed March 15, 2016** and going forward.

If you need assistance configuring these fields in LegalServer, we encourage you to reach out to the 7 LSC funded programs that already collect and report this data. You can also contact the Help Desk at PSTI (LegalServer) at: support@legalserver.org

Grantees that do not use LegalServer as its case management system are still required to record and report this demographic information as directed above.

cc: Andrea Horne
Chuck Hays
Ericka Garcia



July 13, 2010

Sent via e-mail transmission

MEMORANDUM

To: FBF LAP General Support Grantees

From: Paul Doyle, Jennifer Wimberly, and Linda Moore

Re: Case Closing Codes: K-Other, X-Codes, Rejected Matter Code, and Deselect Case Code

In January 2009, The Florida Bar Foundation advised grantee programs that a new Case Service Reporting form (CSR form) would be implemented. We advised programs that the Foundation would be adopting LSC's revised case closure categories (legal problem codes and case closing reasons) and the revised CSR form. A CSR Guide was also distributed to programs to provide clarification regarding key definitions, explain the updated Case Closure Categories, and to provide information regarding the new legal problem codes and case closure codes.

Effective January 1, 2009, the following four case closure codes were discontinued:

- C – Referred After Legal Assessment;
- D – Insufficient Merit to Proceed;
- E – Client Withdrew; and
- J – Change in Eligibility Status

In reviewing the 2009 CSRs, it appears that because the above discontinued closing codes are no longer available, some programs instead closed a considerable amount of cases in the K-Other case closure code that they would have previously included in the above discontinued codes. Because there is no way to identify what type of legal assistance was provided to clients who had their cases closed as a K-Other case, the Foundation is discouraging programs from using the K-Other closing code as case closing code K should **rarely** be used. LSC has advised programs that closing code K should not be used at all. Effective July 1, 2010, programs should only use the K-Other closing code when a case does not fit any of the other CSR case closure codes.

The purpose of the CSR is to report on the number of cases where clients receive legal assistance. This means that if no legal assistance is provided to an applicant through the program's intake system, then that "case" should not be reported on the CSR. Programs that are tracking client services using "X-codes" or "deselect/rejected matters" codes in their case management system should not report that data on the CSR form. Programs may wish to internally track such data, but information should not be reported on the CSR. Please refer back to the CSR Guide for clarification on legal assistance, a case, and who is considered a client.

Before indicating that a case should be closed under the K category, advocates need to determine if they provided any type of legal assistance or legal services to the client and use the appropriate case closure code based on the legal services provided. The examples below *are not* definitive as to the ways a case should be closed; they serve as illustrative purposes to help programs determine the appropriate case closing codes based on the services provided to clients.

Example 1:

X-Codes/Deselected Matters: An applicant goes through the intake process and is interviewed by a law student (or an administrative staff member, or lay volunteer) but is not given any legal advice at intake. Based on the information presented at intake, a case is opened and assigned to a staff attorney. The applicant is contacted to let them know that Legal Aid has accepted their case and will represent them. Before any legal advice is given, the applicant tells Legal Aid that they have changed their mind and they do not want to be represented by Legal Aid. **What Closing Code to Use:** Because no legal assistance was provided to the applicant, this should not be reported on the CSR form. The case should either be rejected as a matter or closed with one of the “X” deselect reasons. In either situation, these records can be filtered out of the CSR when the report is run from the case management system.

Example 2:

Referred After Legal Assessment: A client comes through intake and the staff attorney determines that the client should be referred after reviewing the facts and making a legal assessment.

What Closing Code to Use: If the advocate ascertained and reviewed the relevant facts, exercised judgment in interpreting the particular facts presented by the client, applied the relevant law to the facts presented, counseled the client concerning his or her legal problem, and then referred the client to the Lawyer Referral Service, then the case could be closed using the closing Code A – Counsel and Advice.

Example 3:

Insufficient Merit to Proceed: A private eviction case is assigned to a staff attorney to represent a client who produced several months’ worth of cashed checks at their intake appointment as their proof of monthly rental payment to their landlord. Upon further investigation by the staff attorney, the checks were for partial payment of the monthly rent due and the client is, in fact, behind on their monthly rent. The client does not have the money available and will not be able to obtain it in time to resolve the case before the Judge gets the court file. Despite making phone calls and writing letters, the staff attorney has not been successful in negotiating a settlement with the landlord because the landlord wants your client out of the apartment. Because there is no legal defense to assert, the staff attorney advises the client that there is no legal merit to pursue this case any further in court. The advocate then advises the client on their rights and options to finding new housing.

What Closing Code to Use: Even though there is insufficient merit to proceed in the case, the case could be closed using closing Code B – Limited Action.

Example 4:

Client Withdrew: A staff attorney represents a client in a divorce case and has filed a notice of appearance with the court and has served the opposing party with discovery requests. The staff attorney has also conducted legal research, written letters, and made phone calls about your client’s case. After the opposing party serves your client with discovery requests, your client decides that they do not want to go through with the divorce and says they want to withdraw from the case because they are reconciling. The staff attorney files a motion to dismiss with the court and the case is closed at the courthouse. Other than ruling on the motion to dismiss the case, the court has not ruled on any substantive or litigated issues.

What Closing Code to Use: Because the staff attorney spent a considerable amount of time on the case, this case could be closed using closing Code L- Extended Services.

Example 5.1:

Change in Eligibility Status: A staff attorney represents the custodial parent in a divorce case and has filed a notice of appearance and other pleadings with the court. During the discovery process, the staff attorney found out that the client was over the program’s income guidelines. This means that the client’s eligibility status has changed since the time the case was assigned to the staff attorney after intake. Upon learning the client’s income, the staff attorney consults with their supervising attorney and then advises the client and the court that they can no longer represent the client in the case because the client is over the program’s income guidelines. Due to the nature of the case, the court orders the advocate to continue the representation. The staff attorney continues to represent the client and prior to trial, the case settles and the negotiation agreement is filed with the court.

What Closing Code to Use: Because the staff attorney was able to settle the case prior to trial, this case should be closed using the closing code G – Negotiated Settlement With Litigation.

Example 5.2:

Change in Eligibility Status: A staff attorney represents the custodial parent in a divorce case and has filed a notice of appearance and other pleadings with the court. During the discovery process, the staff attorney found out that the client was over the program's income guidelines. This means that the client's eligibility status has changed since the time the case was assigned to the staff attorney after intake. Upon learning the client's income, the staff attorney consults with their supervising attorney and then advises the client and the court that they can no longer represent the client in the case because the client is over the program's income guidelines. The court allows the staff attorney to withdraw and grants the staff attorney's motion.

What Closing Code to Use: Because the staff attorney represented the client in the case and provided legal assistance to the client before withdrawing with court approval, this case should be closed using the closing code L – Extensive Service .

We hope you find this memo and the examples helpful. Please feel to contact us if you have any questions at: 407-843-0045.

cc: Lea Remigio, Mike Brady

The Florida Bar Foundation
 Post Office Box 1553
 Orlando, FL 32802-1553
 (407) 843-0045
 (800) 541-2195
 (407) 839-0287 Fax

December 31, 2008

Sent via e-mail transmission

MEMORANDUM

TO: FBF LAP General Support Grantees

FROM: Paul C. Doyle, Jennifer Wimberly, and Linda Moore

RE: 2009 – 2010 FBF Case Service Report (CSR) Guide

Attached please find The Florida Bar Foundation's 2009-2010 Case Service Report (CSR) Guide that is effective January 1, 2009. This guide was developed as a result of the Legal Services Corporation (LSC) updating its case closure categories, legal problem categories and codes, and the CSR Form for its grantees. In order to maintain consistency in data reporting among LSC-grantee programs and non-LSC grantee programs in Florida, the Foundation is adopting LSC's case closure categories, legal program categories and codes, and revised CSR form. While the Foundation is adopting these changes, none of LSC's operational or program management policies will be adopted or enforced by the Foundation.

Generally, the Guide should provide you with clarification regarding key definitions; explain the updated Case Closure Categories; and provide information regarding the new Legal Problem Categories.

Transitional Considerations

- 1) All FBF-grantee programs, including LSC-funded programs, will use the current CSR legal problem codes and case closing code categories for their 2008 CSR reports. The Foundation will provide grantees with the appropriate reporting forms.
- 2) *Programs Currently Using the Legal Server Case Management System and LSC Programs*
 These programs will utilize the current CSR forms for cases closed in 2008. The Foundation will provide grantees with the appropriate reporting forms. For all cases closed after December 31, 2008, these programs are required to use the revised case reporting requirements that are described in the attached Guide.
- 3) *Programs That Do Not Have the Legal Server Case Management System Installed As of January 1, 2009*
 For all cases closed **after December 31, 2008**, and **prior to** the program's Legal Server **go-live date**, the Foundation is not requiring grantees to conform to the revised CSR code changes as described in the attached guide or the revised CSR reporting form. These programs may continue to report case data as usual on the current CSR form.

However, beginning with the program's **2009 Legal Server go-live date and that date forward**, grantee programs must implement the changes described in the attached 2009 – 2010 CSR Guide and report case data accordingly on the new and revised forms. The Foundation will provide grantees with the appropriate reporting forms.

This means that in 2010, when reporting closed case information for 2009, a few programs may actually submit two (2) sets of CSR-reporting forms to the Foundation: 1) a "Pre-Go-Live" CSR using the current CSR reporting form that covers the period of January 1, 2009 through their Legal Server go-live date; and 2) a new and revised CSR form that covers the period from their 2009 go-live date through the end of 2009.

We hope you will find the 2009-2010 CSR Guide helpful. Please feel to contact us if you have any questions at: 407-843-0045.

THE FLORIDA BAR FOUNDATION**CSR Guide****2009-2010 Edition****Table of Contents**

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Chapter One: Purpose, Scope, and Effective Date

1.1 Purpose

As of January 1, 2009, The Florida Bar Foundation (FBF) will adopt the Legal Problem Categories and Codes; Case Closure Categories; and the Case Service Report (CSR) form that the Legal Services Corporation (LSC) implemented in 2008. Because some of the Legal Problem Categories and Codes and Case Closure Categories have changed, the FBF is providing this Guide to grantee programs as an informational tool to refer to when closing cases and reporting data on CSR forms. This guide applies to all cases **closed after December 31, 2008** and reported to the FBF.

Please Note: This guide is not regulatory in nature and the Foundation is not implementing or adopting any of LSC's operational or program management policies.

1.2 Scope

The information in this guide applies to the recording and reporting of cases as defined by § 2.1 of this guide.

Please Note: This guide does not apply to FACLA grants.

1.3 Effective Date

The information in this CSR Guide is effective **January 1, 2009**.

Chapter Two: Key Definitions

2.1 Definition of Case

For CSR purposes, **a case is defined as:** “the provision of legal assistance¹ to an eligible client with a legal problem, or set of closely related legal problems, accepted for assistance.

Legal aid organizations may record and report the provision of legal assistance as a **case** only if each of the following criteria are met:

- (a) the client is financially and otherwise **eligible**² to receive legal assistance; and
- (b) the **legal assistance provided** to the client meets the criteria of one of the CSR Closure Categories described in Chapter 3 of this Guide.

2.2 Definition of Legal Assistance

For CSR purposes, **legal assistance is defined as:** “the provision of limited service or extended service on behalf of a client or clients that meets the criteria of the CSR Closing Categories contained in Chapter 3 of this guide. Legal assistance is **specific to the client's unique circumstances** and involves a legal analysis that is tailored to the client's factual situation.” Legal assistance involves applying legal judgment in interpreting the particular facts and in applying relevant law to the facts presented³.

¹ “Legal Assistance” in this guide is synonymous with “legal services.”

² If an applicant is financially ineligible under FBF criteria, but is financially eligible under another funder's criteria (for example, Title III-E or FCADV) then service to that client may be provided with non-FBF funds and may still be reported on the FBF Case Service Report (CSR) form.

³ Assistance that is not legal in nature, for example: a referral to social service agencies, a referral for financial assistance, or a referral for other assistance, is not legal assistance.

2.3 Definition of Legal Information

For CSR purposes, **legal information is defined as:** “the provision of substantive information not tailored to address a person’s specific legal problem. As such, it is general and does not involve applying legal judgment and does not recommend a specific course of action. For example, providing only a Know Your Rights pamphlet or brochure is legal information and not legal assistance.”

2.4 Definition of Client

For CSR purposes, **a client is defined as:** an individual, a client group, corporation, or association that is financially eligible to receive legal services under FBF criteria, or under other grantee funding⁴.

Chapter Three: Case Definition and Closure Categories

3.1 Purpose of Case Closure Categories

The purpose of case closure categories is to delineate the levels of service provided to clients served by legal aid programs. This Chapter includes definitions of common levels of case services that grantee organizations provide to eligible clients during the course of a case. All legal assistance recorded and reported to the FBF as a case must:

- (a) qualify as a case, as defined by section 2.1 of this Guide; and
- (b) be provided to an eligible client, as defined by section 2.4 of this Guide.

3.2 Discontinued Case Closing Categories

The following Case Closing Categories have been discontinued by the Foundation. In an effort to keep case reporting consistent among FBF-grantees, including those funded by LSC and those not funded by LSC, the following Case Closing Categories will no longer be used:

- C – Referred After Legal Assessment;**
- D – Insufficient Merit to Proceed;**
- E – Client Withdrew; and**
- J – Change in Eligibility Status.**

⁴ If an applicant is financially ineligible under FBF criteria, but is financially eligible under another funder’s criteria (for example, Title III-E or FCADV) then service to that client may be provided with non-FBF funds and may still be reported on the FBF Case Service Report (CSR) form.

3.3 LIMITED SERVICE CASE CATEGORIES

CSR Closure Category A – Counsel and Advice

A case closed in which the grantee organization provided **legal advice** to an eligible client should be closed as Counsel and Advice (e.g., the advocate ascertained and reviewed relevant facts, exercised judgment in interpreting the particular facts presented by the client and in applying the relevant law to the facts presented, and counseled the client concerning his or her legal problem).

CSR Closure Category B – Limited Action ⁵

A case closed in which the grantee organization took limited action(s) on behalf of an eligible client that addressed the client's legal problem that is not so complex or extended as to meet the requirements for CSR **Category L** should be closed as Limited Action. *For example*, communications by letter that resolved the client's problem; telephone or other means to a third party that resolved the client's problem; preparation of a simple legal document such as a power of attorney or living will; or legal assistance to a *pro se* client⁶ that involves assistance with preparation of court or other legal documents⁷.

3.4 EXTENDED SERVICE CASE CATEGORIES

CSR Closure Category F – Negotiated Settlement Without Litigation

A case closed in which the program staff attorney(s) or advocate(s) negotiated and reached an actual settlement on behalf of a client without any court or administrative actions pending should be closed as Negotiated Settlement Without Litigation. This category should be reserved for cases in which the organization conferred with another party and reached a resolution of the client's legal problem. This category includes settlements negotiated with an administrative agency prior to the filing of request for a formal administrative proceeding or fair hearing.

CSR Closure Category G – Negotiated Settlement With Litigation

A case closed in which the program staff attorney(s) or advocate(s) negotiated and reached an actual settlement on behalf of a client while a court or formal administrative **action was pending** should be closed as Negotiated Settlement With Litigation. This category should be reserved for cases in which the program conferred with another party in order to reach a resolution of the client's legal problem prior to presenting the case to a judge or hearing officer at trial or administrative hearing. Settlements of pending court or administrative actions should be closed in this category **even if** the court or administrative agency issues an order **memorializing the settlement**.

This category includes only: (1) cases in which an appearance has been entered before a court or administrative agency as counsel of record; or (2) cases in which the settlement was reached prior to the staff attorney's entry as counsel of record, provided that the grantee organization was actually representing the client in the negotiations (not assisting a *pro se* client); and provided that there is documentation of the settlement in the case file – preferably a copy of the actual settlement agreement, written confirmation of the settlement with the opposing party, or, if neither of these are available, a copy of a communication to the client outlining the terms of the settlement.

⁵ "Limited Action" as defined in this Guide is synonymous with "brief services" as used in previous reporting.

⁶ Provided it meets the definition of a "case," depending on the level of service provided to the client, legal assistance to *pro se* clients may be closed as CSR Closure Categories A – Advice and Counsel; B – Limited Action, or L – Extensive Service

⁷ This category is intended to be used for the preparation of relatively simple or routine documents, and relatively brief interactions with other parties. More complex and/or extensive cases that would otherwise be closed in this category should be closed in the new CSR Closure Category L – Extensive Services.

CSR Closure Category H – Administrative Agency Decision

A case closed in which the program staff attorney(s) or advocate(s) represented a client in an administrative agency action that resulted in a case-dispositive decision by the administrative agency or body, **after a hearing or other formal administrative process** (e.g., a decision by the Hearing Officer of the Department of Children and Families, or a Hearing Referee in an Unemployment Compensation case), should be closed as an Administrative Agency Decision.

Please Note: Category H (Administrative Agency Decision) does not include: settlements made during the course of litigation that are then approved by the administrative agency; voluntary dismissals; or the grant of a motion to withdraw as counsel⁸. If the case is *resolved informally* through contacts with an administrative agency, but without any formal administrative agency action, the case should be closed as CSR Closure Category B – Limited Action, or CSR Closure Category F – Negotiated Settlement without Litigation, depending on the level of service.

CSR Closure Category I – Court Decision

A case closed in which the program staff attorney(s) represented a client in a court proceeding that resulted in a case decision made by the court should be closed as a Court Decision. This category is divided into the following three subcategories:

- (a) Uncontested Court Decisions – either there is no adverse party or the adverse party does not contest the case; [reported as **I(a)**]
- (b) Contested Court Decisions – there is an adverse party and that party contests the case; [reported as **I(b)**]
- (c) Appeals to an appellate court taken from a decision of any court or tribunal. [reported as **I(c)**]

CSR Closure Category K – Other

A closed case that does not fit any of the other CSR case closure categories should be closed as Other. Cases that fit two or more CSR categories may not be closed in this category, but should be closed in the category that best reflects the level of service provided.

CSR Closure Category L – Extensive Service⁹ (not resulting in Settlement or Court or Administrative Action)

A case closed in which the program undertook extensive research, preparation of complex legal documents, extensive interaction with third parties on behalf of an eligible client, or extensive on-going assistance to clients who are proceeding *pro se* should be closed as Extensive Service. Some examples of extensive service include, but are not limited to: the preparation of complex advance directives, wills, contracts, real estate documents, articles of incorporation, or other complex legal documents; or the provision of extensive transactional work. This category also includes cases closed after extensive interaction or negotiations with another party that do not result in a negotiated settlement. In addition, cases closed after litigation is initiated in which the program appears as counsel of record that do not result in a negotiated settlement, administrative agency or court decision, or in which an order of withdrawal or voluntary dismissal is entered should be closed in this category.

⁸ See CSR Closure Categories G and L for guidance in closing such cases.

⁹ This closure category should be reserved for cases in which the assistance provided clearly exceeds the amount of work that would be performed for CSR Closure Categories A – Counsel & Advice; or B – Limited Action; and no other closing code is appropriate (Closure Categories F, G, H, or I). Factors that favor selection of CSR Closure Category L include, but are not limited to: 1) a substantial amount of time spent on the case; 2) a high level of factual complexity; 3) a highly sophisticated legal analysis; 4) drafting of non-routine original pleadings or legal documents; and 5) significant legal research.

This Chapter lists common types of legal problems experienced by clients. Legal Problem Codes are grouped into 10 broad Legal Problem Categories and are set out below. **Please be aware that there are changes, additions, or deletions in every group of Legal Problem Categories below.** Changes, additions, and deletions in each category are highlighted in **BOLD AND FULL CAPITAL LETTERS**. All cases closed after December 31, 2008 should be assigned one of the following Legal Problem Codes that most accurately describes the type of legal problem.

CONSUMER/FINANCE

- 01 – Bankruptcy/Debtor Relief
- 02 – Collection
(Including Repossession/Deficiency/Garnishment)
- 03 – Contracts/Warranties
- 04 – COLLECTION PRACTICES/CREDITOR HARASSMENT**
- 05 – PREDATORY LENDING PRACTICES
(NOT MORTGAGES)**
- 06 – Loans/Installment Purchase
(Not Collections)
- 07 – Public Utilities
- 08 – UNFAIR AND DECEPTIVE SALES AND PRACTICES
(NOT REAL PROPERTY)**
- 09 – Other Consumer/Finance

EDUCATION

- 11 – Reserved
- 12 – DISCIPLINE
(INCLUDING EXPULSION AND SUSPENSION)**
- 13 – SPECIAL EDUCATION/LEARNING DISABILITIES**
- 14 – ACCESS
(INCLUDING BILINGUAL, RESIDENCY, TESTING)**
- 15 – VOCATIONAL EDUCATION**
- 16 – STUDENT FINANCIAL AID**
- 19 – OTHER EDUCATION**

EMPLOYMENT

- 21 – EMPLOYMENT DISCRIMINATION**
- 22 – WAGE CLAIMS AND OTHER FLSA ISSUES
(FAIR LABOR STANDARDS ACT)**
- 23 – EITC (EARNED INCOME TAX CREDIT)**
- 24 – TAXES (NOT EITC)**
- 25 – EMPLOYEE RIGHTS**
- 26 – AGRICULTURAL WORKER ISSUES
(NOT WAGE CLAIMS/ FLSA ISSUES)**
- 29 – Other Employment

FAMILY

- 30 – Adoption
- 31 – Custody/Visitation
- 32 – Divorce/Separation/Annulment
- 33 – ADULT GUARDIAN / CONSERVATORSHIP**
- 34 – Name Change
- 35 – Parental Rights Termination
- 36 – Paternity
- 37 – DOMESTIC ABUSE**
- 38 – Support
- 39 – Other Family

JUVENILE

- 41 – Delinquent
- 42 – Neglected/Abused/Dependent
- 43 – EMANCIPATION**
- 44 – MINOR GUARDIAN/CONSERVATORSHIP**
- 49 – Other Juvenile

HEALTH

- 51 – Medicaid
- 52 – Medicare
- 53 – GOVERNMENT CHILDREN'S HEALTH INSURANCE
PROGRAMS (S-CHIP)**
- 54 – HOME AND COMMUNITY BASED CARE
(NOT MEDICAID OR MEDICARE RELATED)**
- 55 – PRIVATE HEALTH INSURANCE**
- 56 – LONG TERM HEALTH CARE FACILITIES**
- 57 – STATE AND LOCAL HEALTH**
- 59 – Other Health

HOUSING

- 61 – Federally Subsidized Housing
- 62 – HOMEOWNERSHIP/REAL PROPERTY (NOT FORECLOSURE)**
- 63 – PRIVATE LANDLORD/TENANT**
- 64 – PUBLIC HOUSING**
- 65 – MOBILE HOMES**
- 66 – HOUSING DISCRIMINATION**
- 67 – MORTGAGE FORECLOSURES
(NOT PREDATORY LENDING/ PRACTICES)**
- 68 – MORTGAGE PREDATORY LENDING/ PRACTICES**
- 69 – Other Housing

INCOME MAINTENANCE

- 71 – TANF (formerly AFDC/WAGES)
- 72 – SOCIAL SECURITY (NOT SSDI)**
- 73 – Food Stamps
- 74 – SSDI**
- 75 – SSI**
- 76 – Unemployment Compensation
- 77 – Veterans Benefits
- 78 – STATE AND LOCAL INCOME MAINTENANCE**
- 79 – Other Income Maintenance

INDIVIDUAL RIGHTS

- 81 – Immigration/Naturalization
- 82 – Mental Health
- 84 – Disability Rights
- 85 – CIVIL RIGHTS**
- 86 – HUMAN TRAFFICKING**
- 89 – Other Individual Rights

MISCELLANEOUS

- 91 – LEGAL ASSISTANCE TO NON-PROFIT ORGANIZATION
OR GROUP (INCLUDING INCORPORATION /
DISSOLUTION)**
- 92 – Indian/Tribal Law
- 93 – LICENSES (DRIVERS, OCCUPATIONAL, AND OTHERS)**
- 94 – Torts
- 95 – Wills/Estates
- 96 – ADVANCE DIRECTIVES/ POWERS OF ATTORNEY**
- 97 – MUNICIPAL LEGAL NEEDS**
- 99 – Other Miscellaneous

01-Consumer

LSC Category	LSC Problem Description	Outcome Table Value	Suboutcome Table Value			
Consumer/Finance	Bankruptcy/Debtor Relief	01-01 - Obtained Federal Bankruptcy Protection	00 - None			
			01 - Obtained Bankruptcy Protection (Chapter 7)			
			02 - Obtained Bankruptcy Protection (Chapter 13)			
			03 - Voided Bankruptcy Judgments			
			Collection (Including Repossession/Deficiency/Garnishment)	02-01 - Stopped or Reduced Debt Collection Activity	00 - None	
					01 - Reduced or Eliminated Debt or Debt Placed in Non-Collection Status	
					02 - Student Loan Indebtedness Discharged Based on Disability of Borrower	
					03 - Prevented or Reduced Recovery of Excessive Charges	
					02-02 - Avoided or Ended Garnishment or Levy	00 - None
						01 - Obtained Release of Lien
02 - Avoided or Ended Wage Garnishment						
03 - Avoided or Ended Other Garnishment						
04 - Prevented Attachment of Personal Property						
05 - Recovered Personal Property						
02-03 - Avoided or Reduced Deficiency Judgments	00 - None					
	01 - Avoided Judgement					
	02 - Reduced Amount of Judgement					
	03 - Satisfied Judgement for Reduced Amount					
	02-04 - Avoided Repossession or Replevin	00 - None				
		01 - Averted Repossession or Replevin of Automobile				
		02 - Averted Replevin of Mobile Home				
		03 - Averted Repossession or Replevin of Other Personal Property				
		Collection Practices/Creditor Harassment	04-01 - Stopped Abusive or Illegal Debt Collection Practices	00 - None		
				04-02 - Stopped Harassment		
01 - Reduced or Eliminated Debt-Related Physical or Mental Stress						
Contracts/Warranties		03-01 - Overcame Unfair or Illegal Sales Contracts	00 - None			
			01 - Overcame Abusive or Illegal Finance Contract			
			02 - Obtained Rescission of Abusive or Illegal Contract			
	03-02 - Overcame Fraudulent Sales Practice		00 - None			
			03-03 - Enforced Sales Contracts or Warranties	00 - None		
				01 - Enforced Motor Vehicle Sales or Financing Agreement		
	Other Consumer/Finance		09-01 - Obtained Insurance Benefits (Other Than Health or Disability)	00 - None		
01 - Obtained Recovery on Insurance Claim						
02 - Obtained Homeowners Insurance Benefits						
09-02 - Obtained or Preserved Credit		00 - None				
		01 - Overcame Discrimination in Obtaining Credit				
		02 - Avoided Negative Impact on Credit Report of Loan Underpayment				
09-03 - Resolved Credit Reporting Errors		00 - None				
		01 - Prevented or Mitigated Negative Impact on Credit Report				
		02 - Created Plan to Increase Credit Score				
09-04 - Obtained Damages Based on Illegal Claim in a Consumer Matter		00 - None				
	09-05 - Recovered or Waived Interest Payments					
	09-06 - Obtained Advice & Counsel on a Consumer Matter					
	09-07 - Obtained Assistance with Pro Se Consumer Matter					
	09-08 - Obtained Non-Litigation Advocacy Services on a Consumer Matter					
	09-09 - Obtained Case Referral on a Consumer Matter					
	09-10 - Obtained Case Referral on a Consumer Matter					

01-Consumer

LSC Category	LSC Problem Description	Outcome Table Value	Suboutcome Table Value
		09-11 - Obtained Household Budgeting Counseling	00 - None
		09-12 - Obtained Monetary Award in a Consumer Matter	00 - None
		09-13 - Obtained Benefits as Member of Class in Successful Consumer Class Action	00 - None
		09-14 - Avoided Paying Attorneys' Fees in a Consumer Matter	00 - None
		09-15 - Obtained Representation on a Consumer Matter (No Other Outcome)	00 - None
	Predatory Lending Practices (Not Mortgages)	05-01 - Overcame Predatory Lending Practices	00 - None
			01 - Overcame Payday Loan Abuse
		05-02 - Overcame Predatory Lending Practices	00 - None
	Public Utilities	07-01 - Avoided or Delayed Utility Termination	00 - None
		07-02 - Obtained Utility Services	00 - None
		07-03 - Reduced Utility Payment Amount	00 - None
	Unfair and Deceptive Sales and Practices (Not Real Property)	08-01 - Overcame Unfair Sales And Practices	00 - None
		08-02 - Overcame Illegal Sales And Practices	00 - None

01-Consumer

02-Education

LSC Category	LSC Problem Description	Outcome Table Value	Suboutcome Table Value
Education	Access (Including Bilingual, Residency, Testing)	14-01 - Obtained an Appropriate Education	00 - None
			01 - Obtained or Maintained Enrollment in Public School
			02 - Obtained Private School Placement
			03 - Overcame Barrier to Enrollment In School
			00 - None
			01 - Obtained Testing
			02 - Obtained Bilingual Services
	Discipline (Including Expulsion and Suspension)	12-01 - Avoided or Delayed Suspension or Expulsion	00 - None
			01 - Avoided or Delayed Expulsion
			02 - Avoided or Delayed Suspension
			00 - None
			00 - None
			00 - None
			00 - None
Other Education	19-01 - Obtained Correction of School Records	00 - None	
		00 - None	
		00 - None	
		00 - None	
		00 - None	
		00 - None	
		00 - None	
		00 - None	
	Special Education/Learning Disabilities	13-01 - Obtained Special Education Eligibility	00 - None
			01 - Obtained Eligibility for Initial Placement in Special Education
			02 - Improved or Obtained Additional Placement in Special Education
	13-02 - Avoided Inappropriate Special Education Classification	00 - None	
		03 - Obtained Other Appropriate Educational or Placement Services	

02-Education

02-Education

LSC Category	LSC Problem Description	Outcome Table Value	Suboutcome Table Value
			01 - Obtained Least Restrictive Placement in Special Education
		13-03 - Obtained Appropriate Educational Plan under Special Education Law	00 - None
		13-04 - Obtained Appropriate Educational Services in an Inclusive and Integrated Setting	00 - None
			01 - Obtained an Aide for ESE Student
			02 - Obtained Accommodations for ESE or 504 Student
		13-05 - Obtained Transition Services as Part of IEP	00 - None
	Student Financial Aid	16-01 - Obtained or Maintained Eligibility for Financial Aid	00 - None
	Vocational Education	15-01 - Obtained or Maintained Eligibility for Vocational Education Services	00 - None
			01 - Overcame Barrier to Obtaining Vocational Education Services

03-Employment

LSC Category	LSC Problem Description	Outcome Table Value	Suboutcome Table Value	
Employment	Agricultural Worker Issues (Not Wage Claims/FLSA Issues)	26-01 - Obtained Damages for MSPA Violation	00 - None	
		26-02 - Enforced Farmworker Employment Contract	00 - None	
	EITC (Earned Income Tax Credit)	23-01 - Obtained EITC	00 - None	
		23-02 - Obtained EITC Audit Reconsideration Relief	00 - None	
	Employee Rights	25-01 - Avoided or Obtained Redress For Wrongful Discharge	00 - None	
			01 - Obtained Reinstatement of Employment	
		25-02 - Delayed Discharge	00 - None	
		25-03 - Obtained, Preserved or Increased Employment Benefit (e.g. Pensions)	00 - None	
			01 - Enforced Pension Rights	
			02 - Enforced FMLA Rights	
			03 - Enforced COBRA Rights	
		25-04 - Resolved On-The-Job Issues (e.g. Safety or Grievance Procedures)	00 - None	
		Employment Discrimination	21-01 - Overcame or Obtained Redress for Job Discrimination	00 - None
			21-02 - Obtained Damages for Employment Discrimination	00 - None
Other Employment		29-01 - Obtained Job Training	00 - None	
			01 - Obtained Tuition for Job Training Program	
		29-02 - Improved Work or Training Program	00 - None	
		29-03 - Obtained Pay While in Job Training Program	00 - None	
		29-04 - Obtained Expungement of Adverse Records	00 - None	
			01 - Sealed or Expunged Arrest Record	
			02 - Sealed or Expunged Unfounded Abuse Report	
		29-05 - Obtained Advice And Counsel on an Employment Matter	00 - None	
		29-06 - Obtained Non-Litigation Advocacy Services on an Employment Matter	00 - None	
			01 - Obtained Assistance With Pro Se Pleading	
		29-07 - Obtained Referral on an Employment Matter	00 - None	
			01 - Obtained Referral on Wage and Hour Matter	
		29-08 - Obtained Representation on an Employment Matter (No Other Outcome)	00 - None	
		29-09 - Obtained Other Benefit on an Employment Matter	00 - None	
			01 - Removed Barrier to Employment	
			02 - Created Plan for Removal of Barrier to Employment	
			03 - Planned Transition From Benefits to Work	
			04 - Obtained Support Services Needed for Employment	
			05 - Obtained Job	
			06 - Obtained Promotion	
			07 - Obtained Affirmative Action Plan	
			08 - Obtained Medical Care for Work Related Injury	
			09 - Eliminated Unsafe Working Conditions	

03-Employment

03-Employment

LSC Category	LSC Problem Description	Outcome Table Value	Suboutcome Table Value
	Taxes (Not EITC)	24-01 - Eliminated Delinquent Taxes Due	00 - None
			01 - Obtained Innocent Spouse Relief for Client
			02 - Obtained Currently Non-Collectible Relief for Client
			03 - Successfully Disputed Tax Debt
		24-02 - Reduced Delinquent Taxes Due	00 - None
			01 - Obtained Offer-In-Compromise Relief for Client
		24-03 - Obtained Installment Agreement	00 - None
		24-04 - Obtained Other Tax Relief	00 - None
			01 - Removed Notice of Federal Tax Lien
			02 - Removed Tax Preparer Fraud
			03 - Brought Into Collection Compliance
			04 - Brought Into Filing Compliance
			05 - Obtained Audit Reconsideration Relief (Non-EITC)
			06 - Obtained Tax Court Litigation Relief
			07 - Resolved Identity Theft
	Wage Claims and other FLSA (Fair Labor Standards Act) Issues	22-01 - Obtained Wages or Back Pay Due	00 - None
			01 - Obtained Fair Labor Standards Relief
			02 - Obtained Wage Increase
			03 - Eliminated Minimum Wage Violation
		22-02 - Received Assistance With Filing of Small Claims Case to Recover Back Pay	00 - None
		22-03 - Obtained Judgment for Wages or Back Pay Due but Unable to Collect	00 - None

04-Family

LSC Category	LSC Problem Description	Outcome Table Value	Suboutcome Table Value
Family	Adoption	30-01 - Obtained Adoption for Dependent Child	00 - None
			01 - Obtained Step-Parent Adoption
			02 - Successfully Defended Adoption of a Minor Child
		30-02 - Avoided or Reversed the Adoption of a Child	00 - None
		30-03 - Obtained Adoption of an Adult	00 - None
		30-04 - Obtained Access to Sealed Adoption Records	00 - None
	Adult Guardian/Conservatorship	33-01 - Obtained Adult Guardianship or Conservatorship	00 - None
			01 - Obtained Adult Guardianship
			02 - Obtained Guardian Advocate for Disabled Adult
			03 - Obtained Conservatorship
			04 - Obtained Order to File Simplified Annual Report
		33-02 - Dissolved Adult Guardianship or Conservatorship	00 - None
			01 - Dissolved a Guardianship
			02 - Dissolved Guardian Advocate
			03 - Dissolved Conservatorship
		33-03 - Prevented Guardianship or Conservatorship	00 - None
	Custody/Visitation	31-01 - Obtained or Maintained Custody of Children	00 - None
			01 - Obtained or Maintained Majority Timesharing (Custody)
			02 - Obtained Sole Parental Responsibility
		31-02 - Established or Preserved Temporary or Concurrent Custody	00 - None
			01 - Established Temporary or Concurrent Custody
			02 - Defended Temporary or Concurrent Custody
		31-03 - Obtained Modification of Custody	00 - None
			01 - Obtained Order of Relocation
			02 - Defended Petition to Relocate
			03 - Defended Modification of Custody
		31-04 - Obtained Enforcement or Contempt of Custody Order	00 - None
		31-05 - Obtained or Preserved Right to Visitation	00 - None
			01 - Obtained a Pick-Up Order
			02 - Defended a Pick-Up Order
		31-06 - Restricted Visitation of Adverse Party	00 - None
		31-07 - Obtained Enforcement or Contempt of Visitation Order	00 - None
		31-08 - Obtained Modification of Visitation	00 - None
		31-09 - Defended Modification of Visitation	00 - None
		31-10 - Obtained Protective Relief for Children (Not Injunction)	00 - None
	Divorce/Separation/Annulment	32-01 - Obtained a Divorce or Annulment	00 - None
			01 - Obtained a Divorce
			02 - Obtained an Annulment
			03 - Obtained Divorce to Gain Eligibility for Benefit (e.g. Habitat, SHIP)
			04 - Obtained Divorce to Promote Client's Safety
			05 - Obtained Divorce for Estate Planning Purposes
		32-02 - Set Aside Divorce or Annulment	00 - None

04-Family

04-Family

LSC Category	LSC Problem Description	Outcome Table Value	Suboutcome Table Value
			01 - Set Aside Divorce
			02 - Set Aside Annulment
		32-03 - Enforced Separation Agreement	00 - None
		32-04 - Enforced Property Settlement Agreement	00 - None
			01 - Obtained Real Property Settlement Agreement
			02 - Obtained Ownership of Home
			03 - Obtained Exclusive Use of Home
			04 - Obtained Personal Property Settlement Agreement
			05 - Obtained Right to Retrieve Belongings
			06 - Obtained Unequal Distribution of Assets (Special Equity)
			07 - Obtained Equitable Distribution of Liabilities
			08 - Obtained Equitable Allocation of Tax Exemption
		32-05 - Obtained Portion of Retirement Benefits	00 - None
			01 - Obtained QDRO to Enforce the Obtained Benefits
	Domestic Abuse	37-01 - Obtained Protection From Domestic Violence	00 - None
			01 - Obtained Protective Order Against Domestic Violence
			02 - Obtained Protective Order Against Sexual Violence
			03 - Obtained Protective Order Against Repeat Violence
			04 - Obtained Protective Order for Victim of Dating Violence
			05 - Obtained Protective Order for Victim of Stalking
			06 - Obtained Extension of Time Covered by Protective Order
			07 - Obtained Other Modification of Protective Order to Provide Affirmative Relief to Victim
			08 - Obtained Temporary Protective Order
			09 - Enforced Protective Order
			10 - Obtained Stipulated No Contact Order (Without Injunction)
			11 - Obtained Temporary or Ancillary Exclusive Use of Home
		37-02 - Defended Against Protective Order	00 - None
			01 - Protective Order Denied
			02 - Protective Order Dismissed
			03 - Petition to Extend Protective Order Denied by Court
			04 - Obtained Modification of Protective Order to Benefit of Defendant
			05 - Obtained Determination of Compliance With Protective Order
			06 - Defended Victim Against Request for Protective Order Filed by Abuser
		37-03 - Obtained Protection From Adult Abuse or Neglect	00 - None
		37-04 - Obtained Protection From Domestic Violence for a Client Aged 60 or Over	00 - None
		37-05 - Avoided or Reversed Administrative or Judicial Finding of Child Abuse or Neglect	00 - None
		37-06 - Obtained Assistance With Safety Planning	00 - None
		37-07 - Obtained Protection From Adult Financial Exploitation	00 - None

04-Family

04-Family

LSC Category	LSC Problem Description	Outcome Table Value	Suboutcome Table Value
	Name Change	34-01 - Obtained Name Change	00 - None
			01 - Obtained Name Change for Violence Victim
			02 - Obtained Name Change for Benefit Eligibility
			03 - Obtained Name Change of Minor Children
			04 - Restored Former Name
		34-02 - Changed Other Identification	00 - None
			01 - Obtained Change of Social Security Number
			02 - Obtained Address Confidentiality
	Other Family	39-01 - Obtained Substance Abuse Evaluation and Treatment	00 - None
		39-02 - Obtained Mental Health Evaluation and Treatment	00 - None
		39-03 - Obtained Batterer's Intervention Program	00 - None
		39-04 - Obtained Parenting Class	00 - None
		39-05 - Resolved Post-Judgment Family Matter	00 - None
		39-06 - Obtained Plan to Improve Client or Family Stability	00 - None
		39-07 - Saved Money for State on a Family Matter	00 - None
		39-08 - Obtained Guardian Ad Litem Services on a Family Matter	00 - None
		39-09 - Obtained Advice And Counsel on a Family Matter	00 - None
		39-10 - Obtained Non-Litigation Advocacy Services on a Family Matter	00 - None
		39-11 - Obtained Assistance With Self-Representation on a Family Matter	00 - None
		39-12 - Obtained Referral on a Family Matter	00 - None
		39-13 - Obtained Representation on a Family Matter (No Other Outcome)	00 - None
		39-14 - Obtained Other Benefit on a Family Matter	00 - None
			01 - Obtained Domestic Partnership Agreement
			02 - Obtained Parenting Agreement for Non-Traditional Family Member
			03 - Obtained Birth Certificate
			04 - Obtained Delayed Birth Certificate
			05 - Awarded Majority Parenting Time
			06 - Awarded Minority Parenting Time
			07 - Obtained Court Order for Passport for Child
			08 - Obtained Court Order for Right to Register Child In Client's School District
			09 - Enforced Other Family Law Award
			10 - Achieved Other Family Law Objective
	Parental Rights Termination	35-01 - Avoided Termination of Parental Rights	00 - None
			01 - Protected Parental Rights Through Delegation of Parental Authority
		35-02 - Avoided Protective Order or Removal of Children	00 - None
		35-03 - Obtained Family Reunification	00 - None
			01 - Obtained Family Reunification on Behalf of Children
			02 - Obtained Family Reunification on Behalf of Parents

04-Family

LSC Category	LSC Problem Description	Outcome Table Value	Suboutcome Table Value
		35-04 - Obtained Foster Care Services	00 - None
		35-05 - Improved Terms of Foster Care Plan	00 - None
	Paternity	36-01 - Established Paternity for Child	00 - None
			01 - Established Paternity to Gain Eligibility for Benefit
		36-02 - Avoided or Reversed Determination of Paternity of Child	00 - None
	Support	38-01 - Obtained, Preserved or Increased Child Support	00 - None
			01 - Obtained Tax Exemption for Child Support
			02 - Obtained, Preserved or Increased Child Support (for TANF Recipient)
			03 - Obtained Temporary Child Support
			04 - Obtained or Maintained or Increased Children's Health Benefits
			05 - Extended Child Support
			06 - Obtained Income Withholding Order
			07 - Obtained Other Enforcement of Child Support Order
		38-02 - Avoided, Terminated or Decreased Child Support	00 - None
			01 - Stopped Garnishment of Pay or Benefits for Child Support
			02 - Children No Longer on TANF
			03 - Obtained Downward Modification of Child Support
			04 - Reinstated or Avoided Suspension of Driver's License for Non-Payment
		38-03 - Obtained, Preserved or Increased Spousal Support	00 - None
			01 - Obtained Spousal Support or Benefits
			02 - Obtained Temporary Spousal Support
			03 - Obtained Rehabilitative Spousal Support Award
			04 - Obtained Bridge-The-Gap Spousal Support Award
			05 - Obtained or Maintained or Increased Spousal Support In Modification Action
			06 - Enforced Spousal Support
		38-04 - Avoided, Terminated or Decreased Spousal Support	00 - None
			01 - Set Aside Alimony Award
			02 - Obtained Downward Modification of Spousal Support
			03 - Reduced or Terminated Spousal Support in Modification Action
			04 - Reduced Support Obligation or Enforcement Against Disabled Payer

05-Juvenile

LSC Category	LSC Problem Description	Outcome Table Value	Suboutcome Table Value
Juvenile	Delinquent	41-01 - Obtained Acquittal in Delinquency Case	00 - None
		41-02 - Obtained Reduced Charges in Delinquency Case	00 - None
		41-03 - Obtained Community Based Disposition in Delinquency Case	00 - None
		41-04 - Obtained Residential Treatment Alternative to Commitment to DJJ in Delinquency Case	00 - None
			01 - Obtained Residential Treatment in Parental Home
			02 - Obtained Residential Treatment in Home of Relative Other Than Parents
			03 - Obtained Residential Treatment in Home of Non-Relative
		41-05 - Obtained Appropriate Service Plan for Child in Custody of DJJ	00 - None
		41-06 - Obtained Appropriate Re-Entry Plan for Child in Custody of DJJ	00 - None
		41-07 - Obtained Dismissal of CHINS Charges	00 - None
41-08 - Obtained Appropriate Services in CHINS Case	00 - None		
41-09 - Obtained Necessary Services Through Filing of CHINS Petition	00 - None		
41-10 - Maintained Placement of Child With Family in Delinquency or CHINS Case	00 - None		
Emancipation		43-01 - Obtained Benefits of Emancipation	00 - None
			01 - Obtained Termination of Parental Rights
Minor Guardian/Conservatorship Neglected/Abused/Dependent		44-01 - Established Guardianship for Child	00 - None
		42-01 - Obtained Protection for Child From Abuse or Neglect	00 - None
			01 - Obtained Protective Order on Behalf of Child
		42-02 - Avoided or Reversed Finding of Child Abuse Neglect by Parents	00 - None
			01 - Avoided Protective Order or Removal of Children
			02 - Avoided or Reversed Admin or Judicial Finding Child Abuse or Neglect
			03 - Avoided Dependency
			04 - Terminated Dependency
		42-03 - Obtained Transfer for Child From Shelter or Foster Care to Residential Environment	00 - None
			01 - Obtained Transfer to Parental Home
	02 - Obtained Transfer to Relatives' Home		
	03 - Obtained Transfer to Adopted Home		
42-04 - Improved Terms of Foster Care Plan	00 - None		
	01 - Obtained a Suitable Performance Agreement		
	02 - Improved Terms of Performance Agreement		
	03 - Obtained New or Improved Health Care Within Foster Care System		
	04 - Obtained New or Improved Mental Health Services Within Foster Care System		
	05 - Obtained Independent Living for Foster Care Youth		

05-Juvenile

LSC Category	LSC Problem Description	Outcome Table Value	Suboutcome Table Value
			06 - Achieved Benefits From The "Road to Independence;" Other Benefits From Current or Former Foster Care Kids; or a Reversal of Cuts in Such Benefits.
			07 - Obtained Other Benefits for Foster Care Youth
		42-05 - Compelled Local CPMT to Provide Necessary Services for Juvenile	00 - None
		42-06 - Compelled Other Public Agency to Provide Services for Juvenile Required or Authorized by Law	00 - None
	Other Juvenile	49-01 - Obtained Expungement	00 - None
		49-02 - Obtained Significant System-Wide Change in a Juvenile Matter	00 - None
		49-03 - Obtained Other Benefit on a Juvenile Matter	00 - None
			01 - Accessed State-Held Trust Funds
			02 - Established Power-of-Attorney Concerning Child
		49-04 - Obtained Advice And Counsel on a Juvenile Matter	00 - None
		49-05 - Obtained Non-Litigation Advocacy Services on a Juvenile Matter	00 - None
		49-06 - Obtained Assistance With Self-Representation in a Family Matter	00 - None
			01 - Obtained Assistance With Self-Representation on a Delinquency Matter
			02 - Obtained Assistance With Self-Representation in a Neglected, Abused or Dependent Matter
			03 - Obtained Assistance With Self-Representation in an Emancipation Matter
		49-07 - Obtained Referral on a Juvenile Matter	00 - None
		49-08 - Obtained Representation on a Juvenile Matter (No Other Outcome)	00 - None

06-Health

LSC Category	LSC Problem Description	Outcome Table Value	Suboutcome Table Value
Health	Government Children's Health Insurance Programs	53-01 - Obtained or Preserved Health Care Benefits for Children	00 - None
			01 - Obtained or Preserved Enrollment in Government Children's Health Insurance Program
			02 - Obtained or Preserved Enrollment in Other Children's Health Program
			03 - Obtained Health or Medical Services for Children
	Home and Community Based Care	54-01 - Obtained, Preserved or Increased Medicaid Waiver to Obtain Community-Based Care	00 - None
			01 - Obtained Medicaid Waiver to Obtain Community-Based Care
			02 - Preserved Medicaid Waiver to Obtain Community-Based Care
			03 - Increased Medicaid Waiver to Obtain Community-Based Care
	Long Term Health Care Facilities	56-01 - Prevented Abuse, Prevented Premature Discharge or Assured Quality Care in Nursing Home or Mental Treatment Facility	00 - None
			01 - Obtained or Preserved Access to Nursing Home or Long Term Health Care Facility
			02 - Prevented Abuse in Nursing Home or Long Term Health Care Facility
			03 - Prevented Premature Discharge From Nursing Home or Long Term Care Facility
		56-02 - Obtained Discharge From Nursing Home, Assisted Living Facility or Mental Treatment Facility	00 - None
		56-03 - Obtained Community Placement From Nursing Home (ACLF)	00 - None
		56-04 - Obtained Long-Term Care Planning	00 - None
			01 - Clarified Obligation for Nursing Home Costs
	Medicaid	51-01 - Obtained, Preserved or Increased Medicaid Benefits or Rights	00 - None
			01 - Obtained Medicaid Benefits
			02 - Preserved Medicaid Benefits
			03 - Reversed Denial of Medicaid Perscription Benefits
			04 - Reversed Denial of Medicaid Private Duty Nursing Hours
		51-02 - Resolved Issue of Medicaid Overpayment or Underpayment of Benefits	00 - None
		51-03 - Arranged Health Care by Provider Desired by Medicaid Client	00 - None
		51-04 - Prepared Medicaid Trust	00 - None
		51-05 - Obtained Assistance With Medicaid Planning	00 - None
	Medicare	52-01 - Obtained, Preserved or Increased Medicare Benefits or Rights	00 - None
			01 - Obtained, Preserved or Increased Part B Coverage
			02 - Obtained, Preserved or Increased Part D Coverage
			03 - Obtained, Preserved or Increased Other Coverage
		52-02 - Resolved Issue of Medicare Overpayment or Underpayment of Benefits	00 - None
		52-03 - Arranged Health Care by Medicare Client's Desired Provider	00 - None

06-Health

06-Health

LSC Category	LSC Problem Description	Outcome Table Value	Suboutcome Table Value
		52-04 - Obtained Assistance With Meeting the Costs of Medicare Premiums and Deductibles	00 - None
			01 - Obtained QMB Benefits
			02 - Obtained SLMB Benefits
			03 - Obtained 011 Benefits
	Other Health	59-01 - Obtained, Preserved or Increased Individual Access to Health Care	00 - None
			01 - Acquired Free Care Under Hill Burton
			02 - Obtained or Preserved Hospice Services
		59-02 - Stopped or Obtained Redress for Harmful Medical Treatment	00 - None
		59-03 - Obtained Other Financial Assistance With Medical Expenses	00 - None
			01 - Obtained Assistance With Medical Bills
			02 - Obtained Forgiveness of Debt
			03 - Obtained Free Prescriptions
			04 - Obtained or Preserved Durable Medical Equipment
		59-04 - Obtained Other Benefit on a Health Matter	00 - None
			01 - Obtained Occupational Health Care
			02 - Improved Working Conditions Under OSHA
			03 - Obtained OSHA-Violation Damages
			04 - Fined Employer for OSHA Violation
			05 - Reduced Client Exposure to Pesticides
			06 - Reduced or Eliminated use of Particular Pesticide
			07 - Obtained Pesticide Exposure Damages
			08 - Fined Employer for Pesticide Violation
			09 - Obtained Change of Payee for Medicaid or Medicare Benefits
		59-05 - Obtained Advice & Counsel on a Health Matter	00 - None
		59-06 - Obtained Non-Litigation Advocacy Services on a Health Matter	00 - None
		59-07 - Obtained Assistance With Self-Representation in a Health Matter	00 - None
		59-08 - Obtained Referral on a Health Matter	00 - None
		59-09 - Obtained Representation on a Health Matter (No Other Outcome)	00 - None
	Private Health Insurance	55-01 - Obtained or Enforced Terms of Health or Disability Insurance	00 - None
		55-02 - Obtained Payment on Health Insurance Claim	00 - None
	State and Local Health	57-01 - Obtained or Preserved State or Local Health Care Services	00 - None

07-Housing

LSC Category	LSC Problem Description	Outcome Table Value	Suboutcome Table Value		
Housing	Federally Subsidized Housing	61-01 - Obtained or Preserved Access to Federally Subsidized Housing	00 - None		
			01 - Prevented Eviction by Negotiating Repayment Plan		
			02 - Prevented Eviction Through Chapter 13 Bankruptcy		
				61-02 - Obtained or Preserved Section 8 Voucher	03 - Prevented Eviction by Other Means
					00 - None
					01 - Obtained Transfer of Section 8 Voucher to New Unit
				61-03 - Preserved or Increased Supply of Federally Subsidized Housing	00 - None
				61-04 - Prevented Eviction From Federally Subsidized Housing	00 - None
				61-05 - Enforced Federally Subsidized Housing Mobility	00 - None
		Homeownership/Real Property (Not Foreclosure)		62-01 - Obtained or Restored Clear Title to Property	00 - None
00 - None					
62-02 - Obtained Resolution of Property Tax or Fines Issue	01 - Obtained Waiver or Reduction in Property Taxes or Fines				
	02 - Obtained Other Resolution of Property Taxes or Fines				
				62-03 - Obtained Reduction in Mortgage Cost	00 - None
					01 - Reduced Mortgage Interest
					02 - Reduced Mortgage Principal
				62-04 - Obtained Other Modification in Mortgage	00 - None
					01 - Voided Mortgage
					02 - Obtained Other Mortgage Modification
		62-05 - Obtained Access to Homeownership Financial Assistance Programs	00 - None		
		62-06 - Removed or Ejected Unlawful Occupant From Residence	00 - None		
Housing Discrimination		66-01 - Overcame or Obtained Redress for Discrimination in Obtaining Housing	00 - None		
			01 - Prevented or Ended or Lessened Race or National Origin Discrimination		
			02 - Prevented, Ended or Lessened Sex Discrimination		
			03 - Prevented, Ended or Lessened Age Discrimination		
			04 - Prevented, Ended or Lessened Family Status Discrimination		
			05 - Prevented, Ended or Lessened Disability Discrimination		
					06 - Prevented, Ended or Lessened Religious Discrimination
					07 - Prevented, Ended or Lessened LGBT Discrimination
					08 - Prevented, Ended or Lessened Other Illegal Discrimination
				66-02 - Obtained Reasonable Accommodation for Disabled Client	00 - None
		66-03 - Avoided Discrimination in Mortgage Financing	00 - None		
		66-04 - Avoided Discrimination in Administration of Foreclosure Process	00 - None		
		66-05 - Obtained Damages for Discrimination	00 - None		
		66-06 - Obtained Landlord Fines for Discrimination	00 - None		

07-Housing

07-Housing

LSC Category	LSC Problem Description	Outcome Table Value	Suboutcome Table Value
	Mobile Homes	65-01 - Gained Access to Mobile Home	00 - None
		65-02 - Increased or Preserved Mobile Home Supply	00 - None
			01 - Avoided Conversion of Mobile Home Park
			02 - Prevented Illegal Mobile Home Zoning Change
		65-03 - Avoided Eviction From Mobile Home	00 - None
			01 - Prevented Eviction by Negotiating Repayment Plan
			02 - Prevented Eviction Through Chapter 13 Bankruptcy
			03 - Prevented Eviction by Other Means
		65-04 - Prevented Repossession of Mobile Home	00 - None
		65-05 - Overcame Illegal Sales Contract or Financing of Mobile Home	00 - None
		65-06 - Prevented Rent Increase by Mobile Home Park	00 - None
	Mortgage Foreclosures (Not Predatory Lending/Practices)	67-01 - Avoided Foreclosure or Other Loss of Home	00 - None
			01 - Avoided Foreclosure Through Court Action
			02 - Avoided Foreclosure Through Negotiation
			03 - Avoided Foreclosure Through Chapter 13 Bankruptcy Filing
			04 - Avoided Foreclosure Through Reinstatement or Modification of Mortgage
		67-02 - Negotiated Short Sale of Property	00 - None
		67-03 - Negotiated Deed in Lieu of Foreclosure	00 - None
		67-04 - Avoided Deficiency Judgement	00 - None
		67-05 - Avoided Negative Tax Implication of Foreclosure	00 - None
		67-06 - Obtained Damages or Award in Foreclosure Matter	00 - None
		67-07 - Obtained Compensation for Timely Vacating Foreclosed Property ("Cash for Keys")	00 - None
	Mortgage Predatory Lending/Practices	68-01 - Stopped or Prevented Mortgage Predatory Lending Practices	00 - None
			01 - Prevented "Mortgage Foreclosure Rescue" Scam
	Other Housing	69-01 - Obtained Temporary FEMA Housing	00 - None
		69-02 - Cleared Credit Record to Obtain Housing	00 - None
		69-03 - Obtained or Preserved Other Access to Housing	00 - None
		69-04 - Delayed Eviction or Foreclosure Providing Time to Seek Alternative Housing	00 - None
			01 - Delayed Federally Subsidized Housing Eviction
			02 - Delayed Private Housing Eviction
			03 - Delayed Migrant Housing Eviction
			04 - Delayed Mobile Home Eviction
			05 - Delayed Foreclosure
		69-05 - Obtained Access to Personal Property	00 - None
		69-06 - Obtained Return of Security Deposit	00 - None
		69-07 - Avoided or Obtained Redress For Illegal or Unfair Charges by Landlord	00 - None

07-Housing

LSC Category	LSC Problem Description	Outcome Table Value	Suboutcome Table Value
		69-08 - Resolved Issue of Overpayment of Rent	00 - None
			01 - Resolved Overpayment of Rent in Federally Subsidized Housing
			02 - Resolved Overpayment of Rent in Private Housing
			03 - Resolved Overpayment of Rent in Migrant Housing
			04 - Resolved Overpayment of Rent in Mobile Home Park
		69-09 - Overcame Denial of Tenant's Rights Under Lease	00 - None
		69-10 - Stopped Prohibited Practice by Landlord	00 - None
			01 - Ended Lockout
			02 - Ended Utility Shutoff
			03 - Stopped Other Prohibited Practice
		69-11 - Obtained Damages From Landlord for Prohibited Practice	00 - None
		69-12 - Enforced Rights to Decent, Habitable Housing	00 - None
			01 - Obtained Repairs
			02 - Eliminated Mold Contamination
			03 - Obtained Termination of Lease
			04 - Obtained Other Improvements in Housing Conditions
		69-13 - Formed Tenants' Group	00 - None
			01 - Created or Assisted Tenant Group for Federally Subsidized Housing
			02 - Created or Assisted Tenant Group for Migrant Housing
			03 - Created or Assisted Tenant Group for Mobile Homes
		69-14 - Obtained Housing Counseling	00 - None
		69-15 - Obtained Housing Search Assistance	00 - None
		69-16 - Obtained Advice and Counsel on a Housing Matter	00 - None
		69-17 - Obtained Non-Litigation Advocacy Services on a Housing Matter	00 - None
		69-18 - Obtained Assistance With Self Representation in a Housing Matter	00 - None
		69-19 - Obtained Referral on a Housing Matter	00 - None
			01 - Referred Fair Housing Complaint to HUD, DOJ or FHAP
			02 - Referred to Foreclosure Prevention Service
		69-20 - Obtained Other Benefit on a Housing Matter	00 - None
		69-21 - Obtained Representation on a Housing Matter (No Other Outcome)	00 - None
	Private Landlord/Tenant	63-01 - Gained Access to Private Rental Housing	00 - None
		63-02 - Created or Preserved Supply of Private Rental Housing	00 - None
			01 - Obtained Private Agency Funding
			02 - Preserved Migrant Housing Createdor
			03 - Created or Preserved Supply of Other Private Rental Housing
		63-03 - Prevented Eviction From Private Housing	00 - None
			01 - Prevented Eviction by Negotiating Repayment Plan
			02 - Prevented Eviction Through Chapter 13 Bankruptcy

07-Housing

LSC Category	LSC Problem Description	Outcome Table Value	Suboutcome Table Value
			03 - Prevented Eviction by Negotiating Move-Out Date
			04 - Prevented Eviction by Other Means
		63-04 - Prevented Tenant Eviction in Foreclosure Action	00 - None
		63-05 - Evicted or Ejected Tenant or Housemate	00 - None
		63-06 - Avoided or Reduced Tenant Monetary Assessments	00 - None
			01 - Obtained Reduction in Rent or Back Rent
			02 - Avoided or Reduced Late Fees
			03 - Avoided or Reduced Other Monetary Liability
		63-07 - Resolved Housing Code Violations	00 - None
	Public Housing	64-01 - Obtained or Preserved Access to Public Housing	00 - None
			01 - Obtained Admission to Public Housing
			02 - Maintained Eligibility for Public Housing
			03 - Obtained Desired Transfer of Public Housing
		64-02 - Preserved or Expanded Supply of Public Housing	00 - None
			01 - Avoided Conversion of Public Housing
			02 - Prevented Illegal Public Housing Zoning Change
		64-03 - Prevented Eviction From Public Housing	00 - None
			01 - Prevented Eviction by Negotiating Repayment Plan
			02 - Prevented Eviction Through Chapter 13 Bankruptcy
			03 - Prevented Eviction by Other Means
		64-04 - Prevented Denial of Public Housing Tenant's Rights	00 - None

08-Income Maintenance

LSC Category	LSC Problem Description	Outcome Table Value	Suboutcome Table Value	
Income Maintenance	Food Stamps	73-01 - Obtained, Preserved or Increased Food Stamps Eligibility or Right	00 - None	
		73-02 - Corrected Food Stamps Overpayment or Underpayment	00 - None	
			01 - Waived Food Stamps Overpayment	
			02 - Obtained Payment Plan for Food Stamps Overpayment	
		73-03 - Redressed Food Stamps Sanctions or Fraud Referral	00 - None	
		79-01 - Obtained, Preserved or Increased Workers Compensation Benefit or Right	00 - None	
	Other Income Maintenance		79-02 - Corrected Workers Compensation Overpayment or Underpayment	00 - None
			79-03 - Redressed Workers Compensation Sanctions or Fraud Referral	00 - None
			79-04 - Obtained or Preserved Retirement Benefits	00 - None
				01 - Obtained or Preserved Private Retirement Benefits
				02 - Obtained or Preserved Public Retirement Benefits
			79-05 - Obtained, Preserved or Increased Black Lung Benefits or Rights	00 - None
79-06 - Obtained or Increased FEMA Benefits		00 - None		
79-07 - Obtained Assistance With Business Start or Development		00 - None		
79-08 - Obtained Advice and Counsel on an Income Maintenance Matter		00 - None		
79-09 - Obtained Non-Litigation Advocacy Services on an Income Maintenance Matter		00 - None		
79-10 - Obtained Assistance With Self-Representation in an Income Maintenance Matter		00 - None		
79-11 - Obtained Referral on an Income Maintenance Matter		00 - None		
79-12 - Obtained Representation in an Income Maintenance Matter (No Other Outcome)	00 - None			
Social Security (Not SSDI)		72-01 - Obtained, Preserved or Increased Social Security Benefit or Right (Not SSDI)	00 - None	
			01 - Obtained, Preserved or Increased Social Security Retirement Benefit or Right	
			02 - Obtained, Preserved or Increased Social Security Survivors' Benefit or Right	
		72-02 - Corrected Social Security Overpayment or Underpayment	00 - None	
			01 - Waived Social Security Overpayment	
			02 - Obtained Payment Plan for Social Security Overpayment	
	SSDI		74-01 - Obtained, Preserved or Increased SSDI Benefit or Right	00 - None
				01 - Acquired SSDI Benefit or Right
				02 - Increased Existing SSDI Benefit
				03 - Preserved SSDI Benefit or Right
			74-02 - Corrected SSDI Overpayment or Underpayment Issue	00 - None

08-Income Maintenance

LSC Category	LSC Problem Description	Outcome Table Value	Suboutcome Table Value
			01 - Waived SSDI Overpayment
			02 - Obtained Payment Plan for SSDI Overpayment
		74-03 - Redressed SSDI Fraud	00 - None
	SSI	75-01 - Obtained, Preserved or Increased SSI Benefit or Right	00 - None
			01 - Acquired SSI Benefit or Right
			02 - Increased Existing SSI Benefit
			03 - Preserved SSI Benefit or Right
		75-02 - Corrected SSI Overpayment or Underpayment	00 - None
			01 - Waived SSI Overpayment
			02 - Obtained Payment Plan for SSI Overpayment
		75-03 - Redressed SSI Fraud	00 - None
	State and Local Income Maintenance	78-01 - Obtained, Preserved or Increased Child Care Benefits	00 - None
		78-02 - Obtained LIHEAP or Utility Assistance	00 - None
		78-03 - Obtained Placement in Workfare or Jobs Program	00 - None
		78-04 - Obtained Transportation Assistance	00 - None
		78-05 - Overcame Denial of Emergency Assistance By DSS	00 - None
		78-06 - Overcame Illegal or Unfair Application of Welfare Work Requirement	00 - None
		78-07 - Avoided Wrongful Placement or Term of Training	00 - None
	TANF	71-01 - Obtained, Preserved or Increased TANF or Other Public Income Support	00 - None
			01 - Obtained, Preserved or Increased TCA Benefits
			02 - Obtained, Preserved or Increased Wages Benefits
			03 - Obtained, Preserved or Increased WTP Benefits
			04 - Obtained, Preserved or Increased Other Public Assistance Support
		71-02 - Corrected TANF Overpayment or Underpayment Issue	00 - None
			01 - Waived TANF Overpayment
			02 - Obtained Payment Plan for TANF Overpayment
		71-03 - Remedied TANF Sanctions or Fraud Referral	00 - None
		71-04 - Enhanced Welfare-To-Work Transition	00 - None
			01 - Tailored Job Participation to Client's Desires
			02 - Obtained Training or Education Assistance
			03 - Tailored Education Participation to Client's Desires
	Unemployment Compensation	76-01 - Obtained, Preserved or Increased Unemployment Insurance Benefits or Rights	00 - None
		76-02 - Corrected Unemployment Compensation Overpayment or Underpayment	00 - None
			01 - Waived Unemployment Compensation Overpayment
			02 - Obtained Payment Plan for Unemployment Compensation Overpayment

08-Income Maintenance

LSC Category	LSC Problem Description	Outcome Table Value	Suboutcome Table Value
		76-03 - Redressed Unemployment Compensation Sanctions or Fraud Referral	00 - None
	Veterans Benefits	77-01 - Obtained, Preserved or Increased Veterans Benefits or Rights	00 - None
		77-02 - Obtained Compensation for Veteran's Service-Connected Disability	00 - None
		77-03 - Obtained Pension for Veteran's Non-Service Connected Disability	00 - None
		77-04 - Obtained Veteran's Medical Benefits	00 - None
		77-05 - Obtained Veteran's Education or Training	00 - None
		77-06 - Obtained Veteran's Re-Employment	00 - None
		77-07 - Improved Veteran's Discharge Status	00 - None
			01 - Obtained Military Discharge Records
			02 - Obtained Change or Upgrade In Discharge Status
			03 - Successful Appeal of Discharge Status to Discharge Review Board
		77-08 - Corrected Veteran's Benefits Overpayment or Underpayment	00 - None
			01 - Waived Veterans Benefits Overpayment
			02 - Obtained Payment Plan for Veterans Benefits Overpayment
		77-09 - Redressed Veteran's Benefits Sanctions or Fraud Referral	00 - None

09-Individual Rights

LSC Category	LSC Problem Description	Outcome Table Value	Suboutcome Table Value	
Individual Rights	Civil Rights	85-01 - Obtained Tort Relief Under Civil Rights Claim	00 - None	
		85-02 - Preserved or Established a Civil Right	00 - None	
		85-03 - Prevented or Ended Discriminatory Treatment	00 - None	
			01 - Ended Discrimination in Public Services	
			02 - Ended Discrimination in Private Services	
			03 - Ended Zoning Discrimination	
			04 - Prevented Other Discriminatory Treatment	
		85-04 - Obtained Positive Change in Civil Rights Policy	00 - None	
		85-05 - Obtained Damages or Monetary Award for Client in a Civil Rights Matter	00 - None	
	Disability Rights	84-01 - Obtained, Preserved or Increased Access to Public Facilities or Accommodations	00 - None	
			84-02 - Preserved Ability to Live Independently	00 - None
			01 - Obtained Discharge From Institutional Setting (e.g. Hospital, Nursing Home)	
			02 - Maintained or Improved Independence	
			84-03 - Obtained Appropriate Treatment Plans in Institutional Setting	00 - None
			84-04 - Obtained Investigation of Abuse and Neglect in Institutional Setting	00 - None
			84-05 - Prevented Abuse or Neglect of Disabled Person	00 - None
				01 - Prevented Abuse or Neglect in an Institutional Setting
		84-06 - Obtained or Preserved Other Rights of Institutionalized Persons	00 - None	
		84-07 - Obtained Vocational Rehabilitation Training Services	00 - None	
	84-08 - Obtained, Maintained or Advanced in Employment for Disabled Person	00 - None		
	84-09 - Obtained Access to or Maintained Housing for Disabled Person	00 - None		
	84-10 - Obtained Access to or Maintained Health Care for Disabled Person	00 - None		
	84-11 - Obtained or Maintained Assistive Technology Devices or Services	00 - None		
	84-12 - Obtained Community Residential and Support Services	00 - None		
	84-13 - Obtained Advice and Counsel in a Disability-Related Matter (Not SSI/SSDI)	00 - None		
	84-14 - Obtained Non-Litigation Advocacy Services in a Disability-Related Matter (Not SSI/SSDI)	00 - None		
	84-15 - Obtained Assistance With Self Representation in a Disability Matter	00 - None		
	84-16 - Obtained Referral in a Disability Matter	00 - None		
	84-17 - Obtained Other Benefits Related to Rights of Disabled Persons	00 - None		

09-Individual Rights

LSC Category	LSC Problem Description	Outcome Table Value	Suboutcome Table Value
			01 - Expunged Adverse Health Records
			02 - Obtained Positive Change in Policy
			03 - Obtained Damages or Award in a Disability Matter
		84-18 - Obtained Representation in a Disability-Related Matter (No Other Outcome)	00 - None
	Human Trafficking	86-01 - Obtained Protection From Human Trafficking for Non-Immigrant	00 - None
		86-02 - Obtained Advice and Counsel on a Human Trafficking Matter (Other Than Immigration)	00 - None
		86-03 - Obtained Non-Litigation Advocacy Services on a Human Trafficking Matter (Other Than Immigration)	00 - None
		86-04 - Obtained Referral on a Human Trafficking Matter (Other Than Immigration)	00 - None
		86-05 - Obtained Pro Se Assistance on a Human Trafficking Matter (Other Than Immigration)	00 - None
		86-06 - Obtained Full Representation on a Human Trafficking Matter (Other Than Immigration) (No Other Outcome)	00 - None
	Immigration/Naturalization	81-01 - Obtained Citizenship for Immigrant	00 - None
		81-02 - Obtained Asylum for Immigrant	00 - None
		81-03 - Obtained Adjustment of Legal Status: Family Based Relief	00 - None
		81-03 - Obtained Adjustment of Legal Status: Family-Based Relief	01 - Kept Immigrant Family Intact
			02 - I-130 Petition Approved (Child)
			03 - I-130 Petition Approved (Spouse)
			04 - I-130 Petition Approved (Other Relative)
			05 - I-730 Petition Approved (Child)
			06 - I-730 Petition Approved (Spouse)
			07 - I-730 Petition Approved (Other Relative)
		81-04 - Obtained Adjustment of Legal Status: Refugee/Asylee-Based Relief	00 - None
			01 - Obtained Adjustment of Status for Refugees
			02 - Obtained Adjustment of Status for Asylees
		81-05 - Obtained Adjustment of Legal Status: VAWA-Based Relief (e.g. U Visa, T Visa, VAWA Self Petition)	00 - None
			01 - T Visa Granted
			02 - U Visa Granted
			03 - I-360 Petition Approved (VAWA)
			04 - I-360 Petition Approved (VAWA Derivative)
		81-06 - Obtained Adjustment of Legal Status: Special Immigrant Juvenile	00 - None
		81-07 - Obtained Family Court Declaration That Undocumented Minor Is Abused, Neglected or Abandoned (Initial Step For Adjustment of Legal Status Based on Special Immigrant Juvenile)	00 - None

09-Individual Rights

LSC Category	LSC Problem Description	Outcome Table Value	Suboutcome Table Value
		81-08 - Obtained Adjustment of Legal Status: Country Specific Humanitarian Relief (e.g. Haitian Relief, NACARA)	00 - None
		81-09 - Obtained Adjustment of Legal Status Under Cuban Adjustment Act	00 - None
		81-10 - Obtained Adjustment of Legal Status: Other (e.g. Employment Based)	00 - None
			01 - I-130 Petition Approved (Other)
			02 - I-360 Petition Approved (Other)
		81-11 - Obtained Employment Authorization (No Other Outcome)	00 - None
		81-12 - Obtained Eligibility For Education or Other Benefits Through Change in Status (No Other Outcome)	00 - None
		81-13 - Obtained Petition Approval For Alien Relative to Enter U.S.	00 - None
		81-14 - Obtained Other Immigration Benefit	00 - None
			01 - Replaced or Renewed Green Card
			02 - Obtained Travel Document Approved
			03 - Corrected or Obtained Other Replacement Documents
			04 - Renewed or Extended Non-Immigrant Status
		81-15 - Obtained Non-Immigrant Status: TPS	00 - None
		81-16 - Obtained Non-Immigrant Status: DACA and DAPA	00 - None
		81-17 - Obtained Non-Immigrant Status: U Visa and T Visa	00 - None
		81-18 - Obtained Non-Immigrant Status: VAWA Cancellation	00 - None
		81-19 - Obtained Non-Immigrant Status: Other	00 - None
		81-20 - Terminated EOIR Proceeding, Regardless of Whether Immigrant Had Been Detained (No Other Outcome)	00 - None
		81-21 - Obtained Release From ICE Custody (No Other Outcome)	00 - None
		81-22 - Avoided Involuntary Deportation (No Other Outcome)	00 - None
			01 - Released From Detention
			02 - Voluntary Departure Granted
		81-23 - Prevented Other Negative Immigration Action	00 - None
		81-24 - Obtained Advice and Counsel on an Immigration Matter (No Other Outcome)	00 - None
		81-25 - Obtained Non-Litigation Advocacy Services on an Immigration Matter (No Other Outcome)	00 - None
			01 - Investigated Appropriateness of Child's Immigration Status
			02 - Conducted In-House Consultation with Immigration Attorney
		81-26 - Obtained Pro Se Assistance on an Immigration Matter (No Other Outcome)	00 - None
		81-27 - Obtained Referral on an Immigration Matter (No Other Outcome)	00 - None
		81-28 - Provided Full Immigration Screening and Identified (No Other Outcome)	00 - None

09-Individual Rights

LSC Category	LSC Problem Description	Outcome Table Value	Suboutcome Table Value
		81-29 - Provided Full Representation in an Immigration Matter (No Other Outcome)	00 - None
			01 - Advocated for SIJ Order
			02 - Advocated for Adjustment of Immigration Status
			03 - Advocated for Extended Jurisdiction Immigration Order
	Mental Health	82-01 - Obtained or Preserved Mental Health Services	00 - None
			01 - Obtained Residential Treatment
			02 - Obtained Medication for Mental Disorder
			03 - Obtained Inter-Agency Support and Services
			04 - Obtained Least Restrictive Treatment Environment
		82-02 - Prevented or Reversed Involuntary Mental Health Treatment	00 - None
			01 - Prevented or Reversed Involuntary Institutionalization
			02 - Prevented or Reversed Finding of APD
			03 - Prevented or Reversed Finding of Incompetency
			04 - Prevented or Reversed Involuntary Medication
		82-03 - Obtained Advice and Counsel in a Mental Health Related Matter	00 - None
		82-04 - Obtained Non-Litigation Advocacy Services in a Mental Health Related Matter	00 - None
		82-05 - Obtained Assistance With Self Representation in a Mental Health Related Matter	00 - None
		82-06 - Obtained Referral on a Mental Health Related Matter	00 - None
		82-07 - Obtained Representation in a Mental Health Matter (No Other Outcome)	00 - None
		82-08 - Obtained Other Benefit in a Mental Health Matter	00 - None
	Other Individual Rights	89-01 - Obtained or Maintained Employment for Incarcerated Person	00 - None
		89-02 - Improved Prospects of Rehabilitation for Incarcerated Person	00 - None
			01 - Obtained Administrative Relief From Misconduct
			02 - Expunged or Sealed Criminal Record
			03 - Received Certificate of Exemption
			04 - Obtained Restoration of Civil Rights
			05 - Received Services to Increase Likelihood of Employment
			06 - Enabled to sit for Test or Certification
			07 - Obtained Identify Documents
			08 - Obtained Eligibility for Public Housing
			09 - Obtained Assistance with Pardon or Clemency Process
		89-03 - Obtained Advice and Counsel on an Individual Rights Matter (Other Than Immigration)	00 - None
		89-04 - Obtained Non-Litigation Advocacy Services on an Individual Rights Matter (Other Than Immigration or Human Trafficking)	00 - None
		89-05 - Obtained Referral on an Individual Rights Matter (Other Than Immigration or Human Trafficking)	00 - None

09-Individual Rights

LSC Category	LSC Problem Description	Outcome Table Value	Suboutcome Table Value
			01 - Referred Client to Other Social Service Agency
			02 - Referred Client to Government or Administrative Agency
			03 - Referred Client to Another Legal Aid
		89-06 - Obtained Pro Se Assistance on A Civil Rights Matter (Other Than Immigration or Human Trafficking)	00 - None
			01 - Assisted Client With Completing Forms
		89-07 - Provided Full Representation in an Individual Rights Matter (No Other Outcome)	00 - None

10-Miscellaneous

LSC Category	LSC Problem Description	Outcome Table Value	Suboutcome Table Value
Miscellaneous	Advance Directives/Powers of Attorney	96-01 - Obtained a Living Will, Health Proxy or Durable Power of Attorney	00 - None
			01 - Obtained Limited Durable Power of Attorney
			02 - Obtained a Specific Power of Attorney
			03 - Obtained a General Power of Attorney
			04 - Obtained a Revocation of a Power of Attorney
			05 - Obtained Anatomical Gift or Uniform Donor Card
			06 - Obtained Pre-Need Guardian Designation
			07 - Obtained a DNR Order
			08 - Obtained Other Type of Health Care Directive
	Indian/Tribal Law	92-01 - Resolved Indian Tribal Issue	00 - None
	Legal Assistance to Non-Profit Organization or Group (Including Incorporation/Dissolution)	91-01 - Obtained Incorporation or Tax Exempt Status	00 - None
		91-02 - Obtained The Dissolution of a Corporation	00 - None
		91-03 - Resolved Other Structural or Governance Issues	00 - None
			01 - Resolved Personnel Issues
			02 - Resolved Negotiation Issues
			03 - Resolved State or Local Tax Issues
			04 - Resolved Federal Tax Issues
			05 - Resolved Regulatory Issues
	Licenses (Drivers, Occupational, and Others)	93-01 - Obtained or Preserved Driver's or Other License	00 - None
			01 - Obtained Driver's License
			02 - Avoided Suspension or Restriction of Driver's License
			03 - Obtained Occupational License
			04 - Avoided Suspension or Restriction of Occupational License
	Municipal Legal Needs	97-01 - Obtained City Services	00 - None
		97-02 - Obtained Zoning Variance	00 - None
		97-03 - Obtained Legal Services of Community Counsel	00 - None
			01 - Resolved Structural Issues
	Other Miscellaneous	99-01 - Obtained Collection of a Judgment	00 - None
		99-02 - Obtained Identity Documents (e.g. Birth Certificate, Social Security Card)	00 - None
		99-03 - Lifted Household out of Poverty	00 - None
		99-04 - Obtained Transfer of Venue	00 - None
		99-05 - Resolved Disaster Relief Issue	00 - None
		99-06 - Obtained Advice and Counsel on Miscellaneous Matter	00 - None
		99-07 - Obtained Non-Litigation Advocacy Services on a Miscellaneous Matter	00 - None
			00 - None

10-Miscellaneous

LSC Category	LSC Problem Description	Outcome Table Value	Suboutcome Table Value
		99-08 - Obtained Assistance With Self-Representation in a Miscellaneous Matter	00 - None
		99-09 - Obtained Referral on a Miscellaneous Matter	00 - None
		99-10 - Obtained Representation in a Miscellaneous Matter (No Other Outcome)	00 - None
		99-11 - Obtained Benefit (Not Listed)	00 - None
	Torts	94-01 - Avoided or Reduced a Tort Judgement	00 - None
		94-02 - Obtained Damages or Award for Client	00 - None
	Wills/Estates	95-01 - Obtained a Will	00 - None
			01 - Obtained a Will With Custody Preference
			02 - Obtained a Will but not Executed
		95-02 - Obtained a Codicil (Will Amendment)	00 - None
		95-03 - Obtained Revocation of a Will	00 - None
		95-04 - Obtained Deeds In Anticipation of Probate	00 - None
		95-05 - Completed a Probate Estate	00 - None
			01 - Testate - Completed a Probate Estate With a Valid, Complete Will
			02 - Intestate - Completed a Probate Estate Without a Valid or Complete Will
		95-06 - Obtained a Caveat to a Probate Action	00 - None
		95-07 - Obtained Probate Financial Assistance	00 - None
		95-08 - Resolved Probate With Benefit to Client	00 - None
			01 - Obtained Real Property
			02 - Obtained Relief From Illegal Seizure of Property
			03 - Obtained Car Title
			04 - Solved Tax Issue
			05 - Prevented Foreclosure
			06 - Obtained Homestead Exemption
			07 - Obtained Eligibility for Home Repair
			08 - Obtained Other Benefit

4. Report of the Nominating Committee

THE FLORIDA BAR FOUNDATION
NOMINEES FOR SELECTED DIRECTOR SEATS
PRESENTED FOR ELECTION BY THE BOARD OF DIRECTORS

February 16, 2018

The Nominating Committee of the Foundation met by telephone conference call on February 16, 2018 for the purpose of considering nominees for two "Foundation" seats to be filled for three-year terms beginning July 1, 2018.

Pursuant to the Articles of Incorporation and ByLaws of The Florida Bar Foundation, the nominating committee of the Foundation presents the following slate of director nominees for action:

<u>Seat No.</u>	<u>Name</u>	<u>City</u>	<u>Term</u>
FDN 1	John F. Harkness, Jr., Esq.	Tallahassee	Three Years
FDN 4	Phillipe Mario Raymond Reid, Jr., Esq.	Jacksonville	Three Years

Respectfully submitted,

Jewel White, Chair
Juliette E. Lippman, Vice-Chair
Matthew G. Brenner, Past President
Gregory W. Coleman
Paige A. Greenlee
David Manz
Kathleen S. McLeroy
Hala Sandridge
Angela Vigil

R:\governance\board\nominate\slates\slate of director nominees for 2018-19.doc

From: [Bruce Blackwell](#)
To: [Tad Yates](#)
Cc: jewelwhite71@gmail.com; [Juliette Lippman](#); Hala.Sandridge@bipc.com; tom@troldt.com; [Stephen Senn](#); [Lou Ann Powell](#); [Jessica McCabe](#)
Subject: Re: Florida Bar Foundation Resignation effective June 30, 2018
Date: Tuesday, February 13, 2018 11:15:27 AM

Tad: Throughout your professional life you have been the polestar on making a difference in other's lives. From your service forever on the Ninth circuit JNC, your service as president of our OCBA Legal Aid Society, your service as president of the OCBA, and so many other community boards, you have left a mark of servant leadership for generations of others to model. I have been in awe of all you do. For the last five years you have helped the Foundation move toward the future, and in my current role we would not have made this difficult reset without, in part, your help and guidance. So, go with pride at your many accomplishments. Your Florida Bar Foundation knows the demands on your time. And we know you will continue to serve others as you accept new challenges. We will darn sure miss your leadership. But you still have to be our registered agent!!!! And I will do this only once—GO GATORS. Your friend and colleague. Bruce.

Sent from my iPhone

On Feb 13, 2018, at 9:55 AM, Tad Yates <Tad@tadyates.com> wrote:

Dear Bruce,

Thanks for speaking with me yesterday. Per our discussion, this June will mark my fifth year on the FBF Board. Based upon commitments to two other boards and also my busy solo practice, I think it best that I offer my resignation from the Foundation Board effective this June.

Thanks for speaking with me about this and for your understanding.

All the best-

Tad A. Yates

The Law Offices of Tad A. Yates, P.A.
3431 Edgewater Drive
Orlando, FL 32804

407.608.7777

www.tadyates.com

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5. Report of the
Joint Bar/Foundation
Nominating Committee

THE FLORIDA BAR FOUNDATION

Report of the 2017-18 Joint Bar/Foundation Nominating Committee

March 1, 2018

The Joint Bar/Foundation Nominating Committee is planning to meet in March to consider the re-appointment of three public members of the Foundation's board to be filled for three-year terms beginning July 1, 2018.

<u>Seat No.</u>	<u>Name</u>	<u>City</u>	<u>Term</u>
Public 1	George W. Tinsley, Sr.	Winter Haven	Three Years
Public 2	Carlos Halley	Miami	Three Years
Public 3	Connie Bookman	Pensacola	Three Years

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6. Report of the Medal of Honor Committee

THE FLORIDA BAR FOUNDATION

Report of the Medal of Honor Awards Committee
February 23, 2018

Request for Action
Ratification of 2018 Medal of Honor Award Committee Selection

The awards committee met by telephone conference call on February 23, 2018 to consider nominees. Enclosed is a brief summary of the nominations submitted, along with copies of the full nomination and supporting materials for the committee's selectee in the lawyer category as well as the "non-lawyer" category.

Board action is requested to ratify the work of the Foundation's awards committee in selecting the recipient of the 2018 Medal of Honor Award for a lawyer and non-lawyer.

2018 Medal of Honor Award – Lawyer

Howard Talenfeld, Esquire

2018 Medal of Honor Award – Non-Lawyer

Dr. Louis St. Petery – Pediatric Cardiologist, Tallahassee Primary Care Associates

Respectfully Submitted:

Jewel White, Chair
Juliette E. Lippman, Vice-Chair
Hon. James M. Barton, II
Gregory W. Coleman
Michael J. Higer
Donny MacKenzie
David C. Prather
Hon. Edwin A. Scales, III
Stephen R. Senn

**THE FLORIDA BAR FOUNDATION
AWARDS COMMITTEE
2018 MEDAL OF HONOR AWARDS**

2018 Lawyer Nominee Summary (2017 Carryover)

Nominee: **Howard Talenfeld**, Attorney, Talenfeld Law

Year(s) Nominated: 2005, 2017

Principal Activities: For his lifelong devotion in advancing the legal rights and interests of society's most vulnerable people, children, and persons with disabilities.

Nominated By: Anthony Karrat, Esquire

Letter(s) in Support: Robert A. Bertisch, Esquire
Jesse H. Diner, Esquire
Bernard P. Perlmutter, Esquire
Christina L. Spudeas, Esquire
Adele I. Stone, Esquire

The Florida Bar Foundation - 2017 Medal of Honor Award - Lawyer Nomination Form

Fellow yes

Submission Date	2017-02-03 10:43:06
1. NAME OF PERSON NOMINATED	Howard Talenfeld, Esq.
2. TITLE	Managing Partner, Talenfeld Law
3. ADDRESS	Talenfeld Law 1776 N. Pine Island Rd. Plantation FL 33322 United States
4. PHONE NUMBER	(754) 888-5437
5. NOMINEE'S EMAIL	howard@justiceforkids.usa
6. NOMINATED BY	Anthony Karrat, Esq.
7. ORGANIZATION (IF APPLICABLE)	Legal Aid Service of Broward County
8. TITLE	Executive Director
9. ADDRESS	Legal Aid Service of Broward County 491 N. State Road 7 Plantation FL 33317 United States
10. PHONE NUMBER	(954) 736-2417
11. NOMINATOR'S E-MAIL	akarrat@legalaid.org

12. DESCRIPTION OF QUALIFICATIONS

Legal Aid Service of Broward County is honored to nominate Howard Talenfeld, Esq., for the Florida Bar Foundation Medal of Honor Award in recognition of his almost 40 years of legal service to those most at risk in our community and across the state. In the course of his lengthy career, Howard has demonstrated a deep awareness of the needs of at risk children and adults and, through innovative legal representation, community involvement and legislative advocacy, he has protected their rights, improved the services they receive and made their lives better. Since the late 1980's, Howard has focused his practice exclusively on advocating for and protecting the rights of vulnerable and at risk individuals in the areas of disability and child welfare. His litigation efforts over the years have resulted in significant and lasting improvements to the Florida child welfare and developmental disabilities systems of care. While tirelessly advocating systemically for Florida's at risk populations he has always been available to provide pro bono representation to at risk clients who would not otherwise be represented in proceedings affecting their lives and well being. As a result of Howard's untiring work over his entire legal career, the child welfare system of care is dramatically improved and children have protections and benefits that wouldn't have been available without his efforts.

Howard has been a trailblazer and a leader in protecting the rights of children and other at risk populations through litigation and client representation. His unique and progressive approach to litigation has improved the administration of justice and advanced the science of jurisprudence by utilizing a remarkable and unique process that promotes systemic changes and improvements while protecting the rights of his individual clients.

Howard began his legal career by representing the State of Florida in major class action lawsuits involving the foster care system, children's mental health system, the juvenile justice system, state psychiatric hospitals and the provision of Medicaid services to the developmentally disabled. While zealously advocating on behalf of his state clients he pioneered defending the cases through advocacy for the improvement and reform of human service systems while protecting states' rights and avoiding federal over-sight. Using his same approach of zealous advocacy coupled with system reform he has improved statewide foster care, delinquency and Medicaid programs while representing Florida governors, Secretaries of state agencies, Florida's Insurance Commissioner, the Florida Legislature and Florida's Auditor General in civil rights cases in federal and state court.

Howard continued to improve the administration of justice and advance the science of jurisprudence as counsel for clients in class action cases and in 1998 served as lead counsel in the Broward County foster care class action, Ward v. Kearney. The resulting settlement greatly improved the District 10 child welfare system and nearly tripled the District's child welfare budget. However, the settlement was the beginning and not the end of the case for Howard. For many years after the settlement Howard worked with state and local agencies to implement the terms of the settlement and to improve the delivery of child welfare and educational services to dependent children; nineteen years after the initiation of the Ward case Howard continues to work with local and state stakeholders to improve the child welfare system. In 1999, Howard scored a major victory for Florida's developmentally disabled population in *Baumstein v. Sunrise Community, Inc.*, by establishing the existence of a private cause of action for damages for the violation of Florida's Bill of Rights for the developmentally disabled; yet another example of his ability to improve the administration of justice and advance the science of jurisprudence.

Howard's work over the years has improved the administration of justice by facilitating substantive changes in Florida law that provide critically needed protections to dependent children. Howard was instrumental in the drafting and passage of a law that provided critically needed protections to dependent children and improved the child welfare system by requiring mandatory reporting of child-on-child sexual abuse in community facilities. Howard was also instrumental in the drafting and passage of section 39.4085, Fla. Sta., Legislative findings and Declaration Of Intent For Goals For Dependent Children, a landmark statute in Florida that established clear goals intended to make the health and safety of children in state care the principle that directs the delivery of child welfare services. This was the first legislation to recognize the role of attorneys in representing children in their dependency cases.

Howard's legislative efforts were instrumental in the passage of the landmark Florida Pilot Project on Representation of Foster Children and the recent passage of section 39.01305, Fla. Stat., which provides legal representation to dependent children with special needs. Section 39.01305 ensures that children who are victims of human trafficking, require psychotropic medication, require placement in a residential treatment center, are developmentally disabled or require placement in a skilled nursing facility have attorney representation in all legal and administrative proceedings; representation that was not previously available to children. Howard was also instrumental in the development and passage of Florida's interagency education bill assuring that children in foster care receive all the educational services they are entitled to, including transportation to remain in their home school. Were it not for Howard's devoted and dogged determination to help dependent children, none of these critical child welfare measures would have become law.

Howard was a moving force on the steering committee responsible for establishing the Broward County Children's Services Council and in 2014 he co-chaired the political action committee that successfully advocated for the reauthorization of the Council. As a result of his efforts the children of Broward receive over sixty million dollars a year in project funding that includes legal representation to dependent/delinquent children, kinship placements and a new program providing representation to children birth to five years of age newly entering the child welfare system.

Howard has shown a dedication and commitment to the welfare of dependent children that sets the standard for duty and service to the public that all members of the Bar should strive to reach. In 2002, Howard united Florida's child welfare community by establishing Florida's Children First, the premier state-wide child advocacy organization in Florida. Howard has been the organization's first and only president and he has worked tirelessly for 15 years, pro bono, to see the organization grow in size and stature. Howard's efforts on behalf of those at risk also include chairing the Broward Day's Children's Issues Team 2000-2014, Director of the Youth Law Center in San Francisco from 1996-2001, sitting on the Steering Committee for Citizen's for Broward's Children, Board Member of Hurricane Relief for Miami Foster Kids, Inc., serving as a Big Brother and coaching various sports teams. Howard is a community leader who, by being involved in the big projects that benefit many and the small ones that make a difference in the life of one child, sets the bar for all of us.

In 2011, recognizing the need for members of the Florida Bar to step up and address the legal needs of dependent children, Howard initiated development of the Tracey McPharlin Dependency Pro Bono Project, a first of its kind project in Florida providing pro bono representation to dependent children. Uniting the efforts of the Broward County Bar Association, The Pro Bono Committee of the 17th Judicial Circuit, Legal Aid Service of Broward County, The Chief Judge of the 17th Judicial Circuit, the Administrative Judge of the 17th Judicial Circuit Juvenile Dependency and Florida's Children First, Howard facilitated the creation of the Project and the recruitment and training of 100 attorneys who provide pro bono representation to at risk dependent children. Howard continues to support the Project through donations and the provision of his expertise at pro bono trainings. Quite simply, the Project could not have happened without the efforts and leadership of Howard.

Throughout his career, Howard has been a forceful advocate for change and he has argued for systemic change before many state and national groups, including the U.S. Congress, the National Association of State Mental Health Lawyers, the American Public Welfare Association and many Florida legislative committees. Howard's career of advocacy, both nationally and locally and in and out of court, exemplifies the philosophy, dedication and commitment to helping others that we should all strive to achieve.

We at Legal Aid Service of Broward County believe that Howard, through his almost 40 years of legal practice and advocacy for those most at risk, has demonstrated the consistent and on-going dedication to the principles of duty and service to those most at risk in our community with the resultant improvement of the administration of justice and advancement of the science of jurisprudence that make him the ideal nominee and hopefully recipient of the Florida Bar Foundation 2017 Medal of Honor Award.

13. BRIEF BIOGRAPHICAL SKETCH

Provided by email as per email from Jessica McCabe 2/3/17 10:19 am.

14. UPLOAD ARTICLES/LETTERS

[05-19-2016 Professional Excellence 2016 DBR.pdf](#)
[1-2015 Plantation Town Times.pdf](#)
[12-12-2011 DBR - 2011 Most Effective Lawyers - Finalist.pdf](#)
[12-14-16 Attorney at Law - Heart Gallery.pdf](#)
[12-2009 Florida Trend.pdf](#)
[2017.02.02 Letter to Bruce Blackwell re Howard Talenfeld.pdf](#)
[4-19-16 UM Law.pdf](#)
[FBF Letter Howard Talenfeld 2_1_17.pdf](#)
[FCF .pdf](#)



TALENFELD LAW

Fighting for abused, disabled and injured kids

HOWARD TALENFELD
MANAGING PARTNER, TALENFELD LAW

www.justiceforkids.us

754 888-5437

Practice Areas

- Children's and Disability Rights. Civil Rights and Personal injury

Prior Law Firm

- 1981–2014 Shareholder Colodny, Fass, Talenfeld, Karlinsky, Abate, & Webb, P.A.

Professional Associations and Memberships

- Florida Bar Association, admitted 1980
- United States Supreme Court
- United States District Court of Appeals – 1st, 5th and 11th Circuits
- United States District Court for the Southern and Middle Districts of Florida
- National Association of Council for Children
- Former Florida Bar Association Legal Needs of Children Committee – Chair (2009-2010)
- Former Representative for the State of Florida to the National Association of State Mental Health Lawyers and the American Public Welfare Association

Professional and Community Involvement

- Florida's Children First - Board President (2002 to present)—
<http://www.floridaschildrenfirst.org/>
- 2014 Citizens for Broward's Children Co-Chair of the Committee that advocated for the reauthorization of Broward County Children's Services Council
(<https://www.facebook.com/CitizensforBrowardsChildren/>)
- Florida Bar Legal Needs of Children Committee (Chair 2009-2010; Member 1999-2010)
- Broward Days, Chair Children Issues Team (2000 to 2015)
- Former Director with the Youth Law Center, San Francisco, CA (1996-2001)
- Former Florida's Voice on Developmental Disabilities, Director (2002-3), Member (2002-present)
- Citizens for Broward's Children Steering Committee member to advocate for the creation of Broward County Children's Services Council (2000)
- Former City of Parkland Planning Zoning Board, Chair (1990-1996) and Chairman (1990-2007)
- Former Board Member of Hurricane Relief for Miami Foster Kids, Inc. (1992-3)
- Former Big Brother

- Former coach, for 20 youth baseball, softball and soccer teams

Special Recognitions

- Heart Gallery of Broward County, Child Advocate of the Year (2016)
- University of Miami Law School Alumni Achievement Award (2016)
- Daily Business Review, Professional Excellence Lifetime Achievement award (2016)
- Leaders in The Law Finalist (2015)
- Lifestyle Media Group, Leaders in Law Winner -Personal Injury (2014)
- Daily Business Review, Most Effective Lawyer recognition, Public Interest (2013)
- South Florida Business Journal “Key Partners Awards” honoree (2012)
- Daily Business Review, Most Effective Lawyer recognition, Pro Bono (2011)
- Featured in Florida Super Lawyer Magazine Article “Fostering Hope” (2010)
- Florida Bar Association “President’s Award of Merit” (2010)
- Broward Days “Community Advocate Award” (2010)
- Lawyers for Children America “Policy Advocate Award” (2010)
- South Florida Business Journal’s Let’s Do Something Giant Award Recipient, Legal Category (2008)
- President’s Pro Bono Service Award for the 17th Judicial Circuit (2006)
- Daily Business Review, Most Effective Lawyer recognition (2006)
- Leading Men Cystic Fibrosis Foundation (2004)
- Russell Carlisle Award from Legal Aid Service of Broward County 2004 for outstanding contributions to social justice in Broward County
- Kathleen Wright Award for a professional who has improved the quality of life for children in Florida, Family Central (March 2002)
- “Making a Difference” Award, Justice for Children and Families (April 27, 2002)
- Blue Ribbon Hero Award for Guardian ad Litem Pro Bono Attorney (2002)
- Outstanding Citizen of the Year, Broward Committee for Prevention of Child Abuse (April 2000)
- Florida Super Lawyer (2006-2016)
- AV Preeminent® Top Rated Lawyer by Martindale-Hubbell™ for 30 years
- “Top Lawyer” South Florida Legal Guide (2007 - 2017)

Selected Speaking Presentations

- Panelist at Tower Forum Breakfast on “It’s Not Like When We Were Young, Safeguarding, Representing, and Protecting our Youth” (2016)
- “Children with Disabilities in Foster Care,” Presented to Broward County Guardian ad Litem office (2014).
- “Disarming Opposing Experts and Leveraging Your Experts,” Florida Guardian ad Litem Disabilities Training Conference (May 22, 2014). Link to video presentation: <http://centervideo.forest.usf.edu/galconf2014/additional/disarming.html>
- “Accessing Medicaid and Medicaid Waiver Services for Children with Disabilities in Foster Care,” Tracey McPharlin Dependency Initiative, Attorney Training, sponsored by the Broward County Bar Association and Legal Aid Service of Broward County. (June 20, 2014).
- Presentation to Palm Beach County Guardian ad Litem Office, “The Federal Rights of Dependent Youth,” Palm Beach County, May 9, 2008
- Presentation on Children’s Mental Health Issues to Judge Steven Leifman, Special Advisor to the Florida Supreme Court, May 22, 2007
- Presentation to Florida Coalition for Children on Avoiding Legal Risk Management within Case

Management, November 4, 2004

- Testimony before the United States House of Representatives Subcommittee on Human Resources, Hearing on Child Protection Programs in Florida, December 14, 1998
- Presentation before New York State (NYS) ARC, Inc., Presentation discussing issues relating to waiting lists for residential services for persons with mental retardation and developmental disabilities in Florida, Albany, New York, August 1, 1998
- Annual Education Meeting of the Florida Conference of Circuit Judges With Florida's Federal Trial Judges and the Judges of the Eleventh Circuit Court of Appeals, "The Hidden Powers of the Juvenile Court Judge to Protect the Rights of Children," Jacksonville, Florida, November 30-December 3, 1997
- Florida State Guardianship Association, Inc., 9th Annual Conference, "Abuse and Neglect-What Every Guardian Should Know," Dania, Florida, September 20-21, 1996
- National Association of State Mental Health Attorneys – 13th Annual Conference and Annual Conference of Interstate Compact Coordinators on Mental Health, "Institutional Reform Litigation and Mental Health: The Impact of Federal Supervision on Mental Health Systems through Section 1983 Litigation," San Antonio, Texas, October 24-27, 1993
- HRS District Legal Counsel Workshop, "Federal Court Update and Status of Section 1983 Liability," Tallahassee, Florida, May 6-7, 1993
- National Association of State Mental Health Attorneys – 12th Annual Conference and Annual Conference of Interstate Compact Coordinators on Mental Health, "Defenses Unique to State Entities and Officials in State and Federal Courts and Class Action Suits," Portland, Oregon, September 19-23, 1992
- Testimony before the United States Senate Finance Subcommittee on Social Security and Family Policy, Impact of the Suter Amendment, Washington, D.C., September 17, 1992
- Fourth Annual ACLU of Florida Lawyers Conference, Presentation on Children's Rights and Parent's Rights, Key West, Florida, August 21-22, 1992
- National Association of State Mental Health Attorneys, Presentation of Section 1983, "Strategies for Defending Class Action Claims for Injunctive Relief," Orlando, Florida, October 15, 1991
- American Association of Public Welfare, Presentation regarding Florida's experience in defending child welfare litigation at the state and local level, Washington, D.C., July 23, 1991
- HRS District Legal Counsel Seminar, Presentation to all District Legal Counsel on utilization of Extraordinary Writs, Tallahassee, Florida, May 23, 1991

Education

- University of Miami, J.D. 1979, *Cum Laude*
- University of Miami, B.S. 1974

 January 31, 2017

Children and Youth Law Clinic
1311 Miller Drive, Suite F305
Coral Gables, FL 33146

Phone: 305-284-3123
Fax: 305-284-4384

Florida Bar Foundation
875 Concourse Parkway South
Suite 195
Maitland, FL 32751

To Whom It May Concern:

I am honored to submit this letter in support of the Legal Aid Service of Broward nomination of Howard Talenfeld for The Florida Bar Foundation's 2017 Medal of Honor Award.

I've known Howard for over a quarter of a century. I first met him as an opposing counsel in a class action lawsuit on behalf of Florida foster children against the state that I filed with a team of lawyers at Legal Services of Greater Miami. Howard was a very tough lawyer to litigate against. He sometimes infuriated us by raising difficult defenses or thrusting procedural hurdles in our way. But I remember him mostly as a force for justice, deeply passionate about changing unconstitutional practices in the treatment of children in state custody. He ultimately became our ally in trying to remedy historic wrongs and improve conditions for these vulnerable children as an "insider," representing the Governor and state agencies charged with caring for the children.

When Howard changed sides to defend children rather than the interests of the state, we gained a powerful advocate with immense legal talent that he harnessed to press for change as an outsider. The Legal Aid letter of nomination details his illustrious career, which I won't repeat here. I wish to emphasize my 15-year collaboration with Howard in forming and leading Florida's Children First, which has, in a decade-and-a-half, become the state's preeminent children's rights organization with a sterling national reputation. A major factor in FCF's many accomplishments has been Howard's untiring, ceaseless and incredibly generous leadership as its one and only President since it was founded in 2002. Although the FCF staff is very productive and hard-working, Howard's vision, sense of purpose, and ethical values have guided all of us associated with this organization. Everything it has accomplished for children in our state is traceable to his influence and guiding spirit.

These are dark times for those of us who care for the most vulnerable in our society. I have faith in the Bar in standing up to the forces that would silence the voices of children, persons with disabilities, immigrants and others who cannot speak for themselves. Howard is an exemplar in upholding the ideals of our profession through his life of dedication to the principles of duty and service to the public to improve the administration of justice and use the law as a force for good.

I am honored to support Howard Talenfeld's nomination for the Bar Foundation's Medal of Honor Award.

Sincerely yours,



Bernard P. Perlmutter
Clinical Professor of Law
Roger Schindler Fellow
Co-Director, Children & Youth Law Clinic

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February 2, 2017

VIA EMAIL (bblackwell@flabarfdn.org)

Mr. Bruce Blackwell, Executive Director
The Florida Bar Foundation
875 Concourse Parkway South, Suite 195
Maitland, FL 32751

Re: The Nomination of Howard Talenfeld for the Florida Bar Foundation Medal of Honor Award

Dear Bruce:

It is our distinct pleasure to write this letter in support of the nomination of Howard Talenfeld, Esq. for the Florida Bar Foundation Medal of Honor Award. During Howard's nearly 40 years as a practicing lawyer, he has consistently demonstrated his devotion to helping at risk children and adults. We've personally witnessed how Howard's efforts have resulted in many improvements to the Florida child welfare and developmental disabilities systems of care. In addition to a busy private practice, Howard has provided countless hours of pro bono representation to at risk clients, adults and children alike, and has been a staunch advocate for the most vulnerable in our community.

Howard has achieved many noteworthy accomplishments in his pursuit of justice for children. As a result of his tireless efforts for many years to have legal representation for dependent children, Section 39.01305 of the Florida Statutes was recently enacted to provide for legal representation to dependent children with special needs. On a local level, Howard was instrumental in establishing the Broward County Children's Services Council, and in 2014 he co-chaired the political action committee in the successful effort to have the Council reauthorized. These efforts contributed to Broward County's receipt of over \$60 million a year in project funding for a myriad of local programs in the child welfare system.

In 2002, Howard established the 501(c)(3) organization, Florida's Children First, and by acclamation has been its President since its inception. That organization has been a staunch advocate for children's rights and one of its programs, Florida Youth Shine, run by current and former foster children for foster children, has been instrumental in advocating for children aging

Mr. Bruce Blackwell, Executive Director
The Florida Bar Foundation
February 2, 2017
Page 2

out of the foster care system. The members of Florida Youth Shine, themselves, sponsor leadership programs and promote public awareness of the foster care system.

Our letter simply highlights a few of Howard's numerous significant achievements. While we are proud to call Howard our dear friend, we strongly feel Howard's relentless advocacy for children and the disadvantaged in our community, our state and our nation merits awarding him the Florida Bar Foundation's Medal of Honor.

Very truly yours,



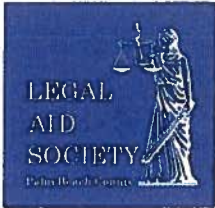
JESSE H. DINER



ABELE I. STONE

/js

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February 1, 2017

Florida Bar Foundation
2017 Medal of Honor Committee
875 Concourse Pkwy S #195
Maitland, FL 32751

Dear Committee Members:

I am writing to recommend Howard Talenfeld for the Florida Bar Foundation's Medal of Honor award. No lawyer in Florida has been such a consistent force for change in child welfare and a voice for the voiceless as Howard Talenfeld.

Howard first came to the attention of the Legal Aid Society of Palm Beach County in the late 90's when he brought a class action suit against the Broward County foster care system. The impact he had on Broward County's foster care budget was tremendous and we took notice.

Since then we have partnered with Howard on numerous child welfare issues and cases. He has proven to be a tireless advocate and champion for children. Most notably, he has been an invaluable partner in pressing for representation for children in Florida. As Founding President of Florida's Children First, he created the state's most consistent and influential voice for foster children. From that organization, Florida Youth Shine was born, and foster children finally had a vehicle for self-advocacy with the Florida's lawmakers. The impact of these two groups on positive change in child welfare legislation in this state cannot be overstated. His advocacy for the passage of HB 561 was critical to its success. For the first time, Florida law mandated representation of certain dependent children.

Howard has been a friend of the Legal Aid Society of Palm Beach County and a generous supporter of our mission. His impact on Florida's children is felt far beyond the borders of Broward County. His life's work exemplifies the best of what an attorney can be: a voice for the voiceless. For these reasons, the Legal Aid Society of Palm Beach County is proud to support the nomination of Howard Talenfeld for the Florida Bar Foundation's Medal of Honor.

Sincerely,

Robert A. Bertisch, Esq.
Executive Director



Additional Funding Provided by Palm Beach County



Fighting for Children's Rights

FLORIDA'S CHILDREN FIRST, INC.

1401 N. UNIVERSITY DRIVE SUITE 408, CORAL SPRINGS, FLORIDA 33071

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February 1, 2017

Re: Florida Bar Foundation Medal of Honor nominee, Howard Talenfeld.

Intro: Nominees in the lawyer category must have a demonstrated dedication to the purpose of The Florida Bar, which strives to inculcate in its members' the principles of duty and service to the public, to improve the administration of justice, and to advance the science of jurisprudence.

Letter in Support for Howard Talenfeld:

Florida's Children First is pleased to provide this letter in support of the nomination of our Board President and founding Board Member, Howard Talenfeld as the Florida Bar Foundation Medal of Honor nominee.

Howard has dedicated his legal career to advancing the legal rights and interests of society's most vulnerable people, children, and persons with disabilities. Whether through his employment in government or numerous years in private practice, Howard has directed his focus and his formidable legal talent on making the government agencies (and their contract providers) that serve people, do a better job.

In private practice, Howard not only fights hard for his individual clients who have been injured in the care or custody of the State, but he uses the information he learns in that litigation to identify problems that cry out for systemic reform. Then he makes that reform happen. The Ward v. Kearny class action in Broward County in the late 1990s is a model for that kind of litigation. Proving the systemic failures that led to children being sexually abused by other children, Howard secured a settlement agreement that implemented measures to protect children and helped secure nearly triple the funding for the child welfare system. In his private practice, he also trains and mentors new attorneys to build a cadre of children's rights lawyers in the state. His individual legal work alone, makes him a worthy candidate for the Medal – but it is not all.

In order to magnify the kind of work he was able to do in his own practice, Howard joined with several other lawyers to form Florida's Children First so that children around the state would have the benefit of the expertise of Florida's foremost child advocates. In helping create FCF, Howard ensured an independent organization would have the ability to advocate in multiple forums – not simply in the courtroom. His vision to use

resources to advocate at the Executive and Legislative branches has proven invaluable in securing

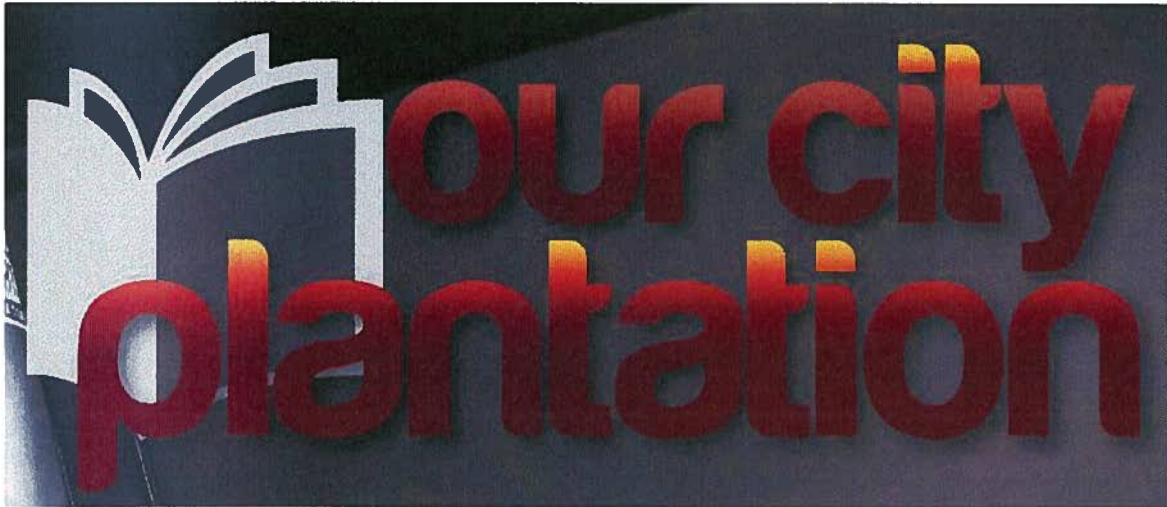
systemic reform in child welfare. His commitment to the principle of independence has included his personal sustained commitment to raise funds from multiple private donors so FCF would not be impaired in its advocacy by the restrictions of grantors. Howard's work in helping to establish and maintain the viability of FCF makes him a worthy candidate for the Medal – but that is not all either.

Howard is committed to the core principle that high quality legal advocacy can make a tremendous difference in the lives of vulnerable children. He used his personal and professional good offices and political skills to work within the Florida Bar to bring very divergent constituencies to a consensus position in order to get the Florida Bar to adopt a legislative position in support of the provision of attorneys for children in the Dependency System. Then he worked with FCF staff and lobbyists for years to bring that position to fruition with the passage of the first ever law providing some children in state care with the right to counsel. Howard is a leader for the rights children within the Florida Bar, and that by itself is worthy of the Medal.

Howard is relentless personally, professionally, and in the community at large in advocating for the support for and improvement of the systems that serve vulnerable children. For all the reasons listed above, we urge the Florida Bar Foundation to select Howard Talenfeld as its Medal of Honor recipient.

Sincerely,

Christina L. Spudeas, Esq.
Executive Director
Florida's Children First



January 2015

INSPIRING INDIVIDUAL

Plantation Resident Named A "Champion for Children" By Florida's Children First

BY JILL SHARPE

PLANTATION RESIDENT HOWARD TALENFELD, one of the nation's preeminent children's rights attorneys, recently received an award for being a Champion for Children from the organization he founded, Florida's Children First (FCF). Comprised of advocates from throughout the state of Florida, FCF works through multi-forum advocacy before the executive branch, the Florida Legislature and the Florida Courts to protect children who are at risk in foster care and in the delinquency system in Florida. Talenfeld has served as FCF President since 2002.

FCF Executive Director Christina Spudeas said Talenfeld's efforts in the past decade have improved the lives of thousands of children. "He realized long ago that there were problems across Florida affecting children in care, and that without an organized effort to make positive systemic changes, he could only help one child at a time," Spudeas said.

As a litigator, Talenfeld, who recently launched Talenfeld Law, the first law firm in Florida to focus exclusively on protecting the rights of physically and sexually abused, medically fragile, foster and other at risk children, has been instrumental in changing Florida's laws and policies regarding this population and his advocacy has changed how governmental and private institutions care for children and the disabled.



Talenfeld accepting the Champion for Children award. (L to R): Debby Beck, FCF Development Coordinator, Christina Spudeas, FCF Executive Director, Howard Talenfeld, and former State Senator Nan Rich.

FCF is responsible for most of the legislation in the last ten years protecting Florida's foster children including educational, independent living legislation, right to records and protecting the budget for this population. Through the organization, Talenfeld was instrumental in the passage of landmark legislation, including the Foster Children Bill of Rights, Florida's pilot project on representation of foster children in Dependency Court, and Florida's breakthrough inter-agency education bill for foster children.

Talenfeld said he was honored to receive the award from FCF. "It's a privilege to work with FCF's talented board of directors and child advocates, like former State Senator Nan Rich, State Senator Eleanor Sobel, Statewide Guardian ad Litem Executive Director Alan Abramowitz, Representative Erik Fresen and so many others across the state who work tirelessly helping at risk, injured and disabled children," he said.

Earlier this year, Talenfeld was instrumental in the passing of a measure that will provide attorneys to protect dependent children with special needs who are in the legal custody of the Florida Department of Children and Families (DCF)-Florida's most vulnerable. He co-chaired Citizens for Broward's Children, the group that successfully advocated for the permanent reauthorization in November of the Children's Services Council of Broward County. He also was on the original steering committee that advocated for the creation of this organization, which funds approximately \$62 million a year to 100 not-for-profits that protect children such as the YMCA, JAFCO and HANDY.

"Talenfeld's history of defending the most vulnerable children speaks volumes about his character," said Senator Eleanor Sobel, Chair, Florida Senate Committee for Children, Families and Elder Affairs.



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DAILY BUSINESS REVIEW

MOST EFFECTIVE LAWYERS 2011



South Florida attorneys
who scored significant
victories for their clients



Most Effective Lawyers 2011 Pro Bono finalist: Case shows a little time, plenty of dedication can 'save somebody's life'

December 12, 2011

Howard Talenfeld and Colodny Fass of Talenfeld Karlinsky & Abate

In late 2008, South Florida attorney and child advocate Howard Talenfeld took a disturbing call from a Legal Aid Society of New York attorney. The attorney said he needed a Florida lawyer willing to help out on a case involving a former New York City foster child who was swindled by his adoptive parents out of \$400,000.



Howard Talenfeld

The money represented the life insurance left him by his birth mother, who was fatally stabbed by his father. The money was given to Markus Kim, now 25, after his 18th birthday. It was the only money he had in the world and he was now destitute, the lawyer said.

In 2000, after the murder of his mother, Kim, then 14, was placed in foster care with a New York couple, Radhames and Asia Oropeza. He believes they learned of the windfall he'd receive at the age of 18 and adopted him that year. Then they convinced him to let them help him manage his money, Talenfeld was told.

Next thing Kim knew, the money was gone. The couple left Kim and moved to Polk County, Florida, where they bought several properties.

Kim contacted Legal Aid in New York, but a Florida lawyer was needed to pursue the couple. Talenfeld unsuccessfully tried to find a pro bono lawyer in Polk County, so he called the U.S. attorney's office in the Middle District of Florida and persuaded federal prosecutors there to file criminal charges against the duo, forwarding bank account statements and other financial information. Talenfeld urged the prosecutors to pursue criminal rather than civil charges, which would have taken far longer to resolve.

After a three-year investigation by the FBI and Florida Department of Law Enforcement, Radhames Oropeza was found guilty of conspiracy to commit wire fraud and sentenced to three years in federal prison. Asia Oropeza pleaded guilty to wire fraud and is also serving a three year-sentence.

Best of all, prosecutors were able to recover all Kim's money. In July 2011, he received a check for \$409,662, which represents the stolen money plus interest.

Talenfeld, a Colodny Fass shareholder, has spent hundreds of pro bono hours helping children; representing the state of Florida in major class-action lawsuits related to the foster care system; founding Florida's Children First, an advocacy group; and pushing for passage of landmark legislation protecting children in Florida, including the Foster Children's Bill of Rights.

The Kim case, while taking just 30 hours of work, sends a powerful message to other lawyers, Talenfeld said.

"What this case shows is that lawyers can spend relatively small amounts of time and save somebody's life," he said. "You don't have to put in 200 hours, you don't have to be a child welfare expert or a seasoned expert on child dependence law to make this kind of impact. You just have to use your common sense — and be willing to help."

Howard Talenfeld Honored as Child Advocate of the Year by The Heart Gallery of Broward County



Howard M. Talenfeld, a preeminent children's rights attorney, was recognized by the Heart Gallery of Broward County as Child Advocate of the Year at the annual "Eat Your Heart Out" culinary feast.

The Heart Gallery of Broward County is a respected not-for-profit committed to finding loving families for the hardest to place foster children. The organization started in 2007 as a traveling photography exhibit of foster children who were waiting to be permanently adopted, and has evolved to work closely with ChildNet and local foster care providers to seek adoptive families and other connections for these children.

Talenfeld is the Founder and Managing Partner of Talenfeld Law, the first law firm in Florida to focus exclusively on protecting the rights of physically and sexually abused, medically fragile, foster and other at-risk children. His work on behalf of at-risk individuals has earned multi-million dollar awards and resulted in sweeping judicial and legislative reforms.

Among his wins, Talenfeld earned significant damages awards and settlements against New York City and the Archdiocese of Brooklyn, which together paid more than \$27 million in the case of Judith Leekin, a foster mother whose "house of horrors" imprisoned, abused and starved 10 disabled foster children. In Florida, he is responsible for scores of million dollar plus

victories in federal civil rights claims against DCF employees and providers also resulting in the landmark decisional law protecting the rights of children and disabled persons. Talenfeld was among the first attorneys nationally to utilize the federal civil rights damage statute 42 USC section 1983 to recover damages for injured foster children. In the 2001 case *Roe v. Florida Department of Children & Family Services* he recovered a \$5 million damage award, an amount in excess of Florida's sovereign immunity limit of \$100,000, on behalf of six foster children. In another example, the state agreed to pay more than \$14 million in a case where foster mother Nellie Johnson repeatedly and brutally beat her foster children, even after the Florida Department of Children and Families knew of the harm they were enduring.

Earlier this year, Talenfeld was honored with the University of Miami Law Alumni Association's Alumni Achievement Award and received the Professional Excellence Lifetime Achievement Award from the Daily Business Review. Additionally, he has been recognized for his efforts with The Florida Bar's "President's Award of Merit" and the Florida Bar President's Pro Bono Service Award for the 17th Judicial Circuit. He also received Legal Aid's Russell Carlisle Award for child advocacy law. Talenfeld is the founding president of Florida's Children First, the state's preeminent nonprofit that advocates for foster children and the developmentally disabled.

About Talenfeld Law

Talenfeld Law is led by one of the nation's preeminent children's rights attorneys focusing exclusively on protecting the rights of physically and sexually abused children, developmentally disabled children and other at-risk children. For more information, visit 844-4KIDLAW or <http://www.justiceforkids.us>.

Florida Trend

December 2009

Of Counsel

(Florida Law)

By Art Levy
[alevy@floridatrend.com]



The Guardian ad Litem program has seen its budget shrink by \$5 million the past couple of years.

On Guard

Are Florida's abused and neglected children getting adequate representation?

In a report issued this fall by the Children's Advocacy Institute and First Star, groups that litigate and advocate on behalf of children, Florida and six other states got an "F" for the legal services it provides to abused and neglected children. The state failed, the groups say, because Florida law doesn't specifically require that children who are the focus of various court proceedings be represented by an attorney. The report comes at an advantageous time for Howard Talenfeld, chairman of the Florida Bar's legal needs of children committee, who is pushing for legislation to require that children in the state's welfare system have an attorney.



Talenfeld

"Very few of these children have lawyers, and yet their entire life is on the line," Talenfeld says. "Clearly, we're at the bottom of the country in terms of representation. That's why we fail."

Assertions that children in Florida aren't being adequately represented in the courts, however, leave Theresa Flury "really upset."

Flury, executive director of Florida's Guardian ad Litem program, says her program, with a client base of 26,000 abused and neglected children in Florida, has 150 attorneys on staff, along with 7,000 volunteers guided by the staff attorneys.



Flury

"There are people who philosophically believe that every child, no matter if they are competent or regardless of their age, have their own attorney," Flury says. "My argument to that is the Guardian ad Litem program represents children's best interests in dependency court — and we do that through volunteers and through legal advocacy. There is a huge misconception that the guardian program does not provide legal representation."

This year, the Legislature cut the Guardian ad Litem's budget by 7.5%, bringing the program's total budget cuts over the last two years to \$5 million. On the job since January, Flury says she hoped to hire another 120 staff attorneys this year, as well as 24 specialized attorneys to focus on education, master trust issues, developmental disabilities, immigration and independent living. Now, she's just hoping the program's \$30-million budget doesn't get cut again. Even fully funded, she says, the program wouldn't have the

capability to provide every child in the system with an attorney.

Still, Talenfeld hopes lawmakers can come up with legislation that would ensure attorneys for children but wouldn't harm funding for the Guardian ad Litem program.

The Children's Advocacy Institute and First Star groups are hopeful, too. Even while giving Florida an "F" in the report, the authors cite the work being done by Talenfeld's committee as a promising sign. "Over the years, the Legislature has not wanted to fund the children having a voice," Talenfeld says. "This year, we finally think we're going to reach consensus legislation."



Law Alumni Association Honors Alums Bidwill and Talenfeld at Broward Judicial Reception

BY:
MIAMI LAW STAFF REPORT
CREATED:
TUESDAY, APRIL 19, 2016



Howard Talenfeld and the Hon. Martin Bidwill

Two Miami Law graduates were honored by the Law Alumni Association recently at the annual Broward County Judicial Reception held in Fort Lauderdale. The Honorable Martin J. Bidwill, JD '90, and Howard M. Talenfeld, JD '79, each received the Alumni Achievement Award, which

recognizes alumni nationally who have excelled in their chosen profession and in service to Miami Law.

“The Association represents over 23,000 alumni around the world, and both honorees this year are excellent ambassadors for the school,” said Edward R. Shohat, JD '72, President of the Law Alumni Association.

The Honorable Martin J. Bidwill is an Administrative Judge with the Seventeenth Judicial Circuit Court of Florida. He is currently assigned to the Criminal Division and was a former Associate Judge on the Fourth District Court of Appeal. He has served as an Assistant Federal Public Defender from 1995-2005 and as Assistant State Attorney in the Broward County State Attorney's Office from 1992-1995. He is the past president of the Stephen R. Booher American Inn of Court, the Federal Bar Association (Broward County Chapter), the National Football Foundation (Brian Piccolo Chapter), and the Bel-Air Civic Association. He also currently serves as chairperson of the Broward County Law Library Committee, the judicial liaison to the Broward County Bar Association, and as the Seventeenth Circuit representative on the Florida Supreme Court Select Committee for Justice Teaching.

Howard M. Talenfeld is a leading Florida foster care abuse attorney and founding president of Florida's Children First, the state's preeminent nonprofit that advocates for foster children and the developmentally disabled. A life-long advocate for children's rights, Howard has spent much of his career defending the rights of and seeking damages for children and the developmentally disabled harmed in cases of child abuse, child sexual abuse, and denial of benefits. He has been recognized for his efforts with The Florida Bar's "President's Award of Merit" and the Florida Bar President's Pro Bono Service Award for the 17th Judicial Circuit. In May, Talenfeld will receive the Professional Excellence Award from the Daily Business Review, and was a past recipient of its Most Effective Lawyer award in the Pro Bono category. He also received Legal Aid's Russell Carlisle Award for child advocacy law.

[View photos](#) from the reception.

THE FLORIDA BAR FOUNDATION
AWARDS COMMITTEE
2018 MEDAL OF HONOR AWARDS

2018 Lawyer Nominee Summary

Nominations received in 2018:

Nominee: Erik Matheney, Partner, Shutts & Bowen LLP
Year(s) Nominated: 2018

Principal Activities: For his devotion of practicing law at the highest ethical standards.

Nominated By: Ella Shenhav, Esquire

Letter(s) in Support: None included

Nominee: Hon. Raymond McNeal, Retired Judge

Year(s) Nominated: 2018

Principal Activities: For his lifetime dedication and contributions to improve our legal system, to help those in need in the community, endless hours given to pro bono services to children and families.

Nominated By: Maria C. Gonzalez, Esquire

Letter(s) in Support: Heather L. Apicella, Esquire
Kathryn M. Beamer, Esquire

Nominee: Richard Milstein, Partner, Akerman LLP

Year(s) Nominated: 2018

Principal Activities: For his strong commitment to the most vulnerable members throughout Florida, particularly children, through pro bono and community service.

Nominated By: Hon. William A. Van Nortwick, Jr.

Letter(s) in Support: Hon. Karen Gievers
Karen J. Ladis, Esquire
Jeffrey A. Rynor, Esquire
Hon. Vance E. Salter

Nominee: **Jerome Solkoff**, Partner, Solkoff Legal, P.A.

Year(s) Nominated: 2018

Principal Activities: For pioneering the field of Elder Law in Florida, he has helped improve the quality of life of Florida' seniors while helping to create one of the fastest growing sections of The Florida Bar.

Nominated By: Scott Solkoff, Esquire

Letter(s) in Support: Charles F. Robinson, Esquire
Hon. Peter M. Weinstein

2017 Carryover Nominee Summary for 2018

Possible Nominees to be Carried Over to 2018 Medal of Honor Selection

The 2017 Medal of Honor Awards Committee agreed that the following nominations should be carried over for consideration by the 2018 Medal of Honor Awards Committee.

Nominee: **Herbert L. Allen**, Shareholder, Allen, Dyer, Doppelt, Milbrath & Gilchrist, P.A.

Year(s) Nominated: 2017

Principal Activities: For his commitment to philanthropy and his tireless devotion of practicing law at the highest ethical standards.

Nominated By: Brian Gilchrist, Esquire

Letter(s) in Support: David King, Esquire
Lawanda Ravoira, President & CEO, Delores Barr Weaver Policy Center
Dorcas G. Tanner, Consultant, D.G. Consulting

Nominee: **Martin McClain**, Attorney, McClain & McDermott

Year(s) Nominated: 2017

Principal Activities: For his advocacy for human rights reform of death penalty law.

Nominated By: Talbot D'Alemberte, Esquire

Letter(s) in Support: Harry Lee Anstead, Esquire
Rosemary Barkett, Esquire
Robert C. Josefsberg, Esquire
Mark Olive, Esquire
William J. Sheppard, Esquire
Sylvia H. Walbolt, Esquire

Nominee: **H.T. Smith**, Attorney, H.T. Smith, P.A.

Year(s) Nominated: 2008, 2017

Principal Activities: For laboring tirelessly to defend the poor, to increase economic parity for the less fortunate, and to advance the science of jurisprudence.

Nominated By: Damian E. Thomas, Esquire

Letter(s) in Support: R. Alexander Acosta, Dean of the College of Law
Cynthia A. Everette, Esquire
Sylvia H. Walbolt, Esquire

Nominee: **Larry Smith**, Attorney, Southern Trial Counsel

Year(s) Nominated: 2008, 2017

Principal Activities: For his distinguished service to insure diversity in the Bar and the Court, and for his advocacy for justice and equality for all.

Nominated By: Burton Young, Esquire

Letter(s) in Support: Ramon A. Abadin, Esquire
Edward R. Blumberg, Esquire
Major B. Harding, Chief Justice, Florida Supreme Court (Retired)

Nominee: **Howard Talenfeld**, Attorney, Talenfeld Law

Year(s) Nominated: 2005, 2017

Principal Activities: For his lifelong devotion in advancing the legal rights and interests of society's most vulnerable people, children, and persons with disabilities.

Nominated By: Anthony Karrat, Esquire

Letter(s) in Support: Robert A. Bertisch, Esquire
Jesse H. Diner, Esquire
Bernard P. Perlmutter, Esquire
Christina L. Spudeas, Esquire
Adele I. Stone, Esquire

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THE FLORIDA BAR FOUNDATION
AWARDS COMMITTEE
2018 MEDAL OF HONOR AWARDS

2018 Non-Lawyer Nominee Summary

Nominee: Dr. Louis St. Petery, Pediatric Cardiologist, Tallahassee Primary Care Associates

Year(s) Nominated: 2018

Principal Activities: For his lifetime commitment to help improve medical care for children on Medicaid in Florida.

Nominated By: Carl Goldfarb, Esquire

Letter(s) in Support: None included

The Florida Bar Foundation - 2018 Medal of Honor Award - Non-Lawyer Nomination Form

Submission Date	2018-02-01 11:57:27
1. NAME OF PERSON NOMINATED	Louis St. Petery
3. TITLE (IF APPLICABLE)	doctor
4. ADDRESS	c/o Tallahassee Primary Care Associates 1132 Lee Avenue Tallahassee Florida 32303 United States
5. PHONE NUMBER	(850) 224-8833
6. NOMINEE'S E-MAIL	lstpetery@gmail.com
7. NOMINATED BY	Carl Goldfarb
8. TITLE	Mr.
9. ADDRESS	c/o Boies Schller Flexner LLP 401 E. Las Olas Blvd, Suite 1200 Ft. Lauderdale Florida 33301 United States
10. PHONE NUMBER	(954) 356-0011
11. NOMINIATOR'S E-MAIL	cgoldfarb@bsflp.com
12. DESCRIPTION OF QUALIFICATIONS	

Dr. Louis St. Petery, a pediatric cardiologist, has probably done more to help improve medical care for children on Medicaid in Florida over the last decade than anyone else. Dr. St. Petery has treated children on Medicaid since 1974 when he started practicing in Florida, not only attending to Medicaid children in his Tallahassee office but also regularly driving from Tallahassee to Panama City to treat children in a special Medicaid clinic for children with special health care needs. Yet notwithstanding his dedication as a medical practitioner, Dr. St. Petery has had greater impact as an advocate, repeatedly spearheading successful litigation on behalf of children on Medicaid in federal and state courts and repeatedly invoking the legislative process to improve the lives of countless children.

In his former role as executive vice president of the Florida Chapter of the American Pediatrics Society (“FCAAP”), Dr. St. Petery, after trying for two decades to improve Florida Medicaid system without legal action, finally recruited counsel to sue three state agencies—the Agency for Health Care Administration, the Department of Health, on behalf of all children in Florida who are now or will be in the future on Medicaid. That litigation began in 2005. The suit alleged that the children on Medicaid were not receiving the medical or dental care to which they were entitled under federal law, partly because Florida’s Medicaid reimbursement rates were so woefully inadequate that not enough providers were participating in the Medicaid program and partly because of a series of administrative obstacles to care.

That litigation, *The Florida Pediatric Society/The Florida Chapter of the American Academy of Pediatrics et al. v. Dudek et al.*, Case No. 05-23037-CIV-JORDAN/O’SULLIVAN lasted more than a decade and following a 90-plus day bench trial, led to a sweeping December 2014 order finding Florida was violating multiple provisions of the federal law. It also led to a 2016 settlement, which shepherded in a multi-year process designed to transform Florida Medicaid in which more than two million children are enrolled from being one of the worst performing Medicaid programs in the country to one performing at national norms. The litigation and settlement have led to a sharp improvement in Florida Medicaid.

The evidence at trial showed that Florida Medicaid reimbursement rates for doctors were in the bottom quintile compared to other states’ Medicaid programs. Under the settlement, AHCA has pumped additional funds into improving the reimbursement rates for certain doctors treating children on Medicaid, increasing such funding by more than \$40 million in the first year under the settlement and more than \$100 million in the second year and also increasing the number of physicians who qualify for the enhanced rate. That commitment has enabled the state to increase payments for qualifying providers from Medicaid rates to the distinctly higher Medicare rates. The evidence presented at trial demonstrated that several years after the case started about 79% of the children on Medicaid were not receiving any dental care. One year Florida was tied for the lowest Medicaid dental utilization rate in the country. The latest statistics show marked improvement, with 36% of children enrolled in Florida Medicaid for at least 90 days receiving some preventative care.

In the court’s findings about administrative obstacles to care, the court determined that thousands of children regularly had their Medicaid provider switched from one doctor to another without their parents’ knowledge or consent. The court also found that at least 25,000 a year and sometimes far more had their eligibility improperly terminated. During his testimony at trial, Dr. St. Petery demonstrated, not only that switching and improper terminations were taking place but also why they were occurring. Dr. St. Petery attended more than 40 depositions of AHCA, DCF and DOH officials in Tallahassee and also attended virtually every day of the 90-plus day bench trial. Because of his attendance at so many deposition and because of his analysis of Medicaid patients’ eligibility records, Dr. St. Petery figured out why so many children were being “switched” from one provider to another, at a time the state agencies involved – AHCA and DCF – were denying that switching was even happening. He was able to show that the problem was caused by miscommunications between DCF and AHCA’s massive computer systems. As Judge Adalberto Jordan wrote in his findings and conclusions, “DCF learned this [the cause of switching] not only during the course of this litigation, but because of this litigation.” April 1, 2015 Order at ¶ 119 (emphasis in original).

As a result of Dr. St. Petery’s testimony and the court’s order, DCF and AHCA finally implemented new computer routines to address the problem. In a sample period following the parties’ agreement to settle the litigation, the number of improperly terminated children was about 50 children a month or less, a small fraction of the number of such terminations during the trial; and switching, which was once a rampant problem, had also been radically reduced.

Not only did Dr. St. Petery continue to spearhead the Medicaid litigation after stepping down as executive vice president of FCAAP, he recruited separate counsel, in an action brought without involvement of the FCAAP, to block the Department of Health from using a new screening tool that it had invoked to screen more than 13,000 children with special health care needs out of Florida’s Children’s Medical Services, a special component of Medicaid (and Title XXI or SCHIP) for children with complex medical needs. That action, *A.R. et al. v. DOH*, Case 15-3735RU (State of Florida, Division of Administrative Hearings), was brought by the Florida State University College of Law’s Public Interest Law Center, where children’s advocacy projects were funded in 2015 by a \$107,000 Children’s Legal Services grant from The Florida Bar Foundation. <https://thefloridabarfoundation.org/foundation-funded-project-protects-the-rights-of-chronically-ill-children-to-specialty-care/>. Dr. St. Petery not only brought this matter to the attention of FSU Law Professor Paulo Annino who led the litigation, he also served as plaintiff’s pro bono expert witness, and he spent innumerable hours with Prof. Annino and his students explaining the nuances of the CMS system.

As a result of a favorable September 2015 ruling in that case by administrative law judge Darren Schwartz, DOH was forced to cease using the tool it had adopted without notice and comment, and the 78,000 children still in the CMS program were protected against that tool. After the administrative judge ruled that the screening tool was an unadopted rule and invalid, Dr. St. Petery participated in rule making and testified at the rulemaking workshops, which resulted in the new improved CMS screening tool that now explicitly takes the medical provider’s opinion into consideration when determining eligibility of the CMS program, which is the only program in Florida for children with serious and chronic medical disorders.

In still another effort, Dr. St. Petery recruited counsel to bring a recent action against the Department of Health in an effort to stop the department from dismantling a committee of pediatric cardiologist that evaluated the surgery programs in Florida pediatric cardiology centers in Florida, approved by the state CMS program. Dr. St. Petery also testified in that action. While that litigation was ultimately unsuccessful, *K.M. v. Florida Dep’t of Health*, No. 3D16–23, 2017 WL 6598525 (Dec. 27, 2017), by the time that case was resolved, Dr. St. Petery, who still serves as the legislative chairman of FCAAP, a purely volunteer position, had helped usher in a partial legislative fix before the Florida Legislature.

Among his other activities, Dr. St. Petery organizes A Child Advocacy Meeting each week in Tallahassee during the legislative session to discuss pending legislative bills and issues that impact children. All the leading children legislative advocacy organization in the state attend. Dr. St. Petery also frequently testifies before legislative committees and sends regular updates to hundreds of children’s advocates throughout the state.

As if that were not enough, Dr. St. Petery was also executive vice president of FCAAP when it brought an action challenging a Florida law, the 2011 Firearm Owner’s Privacy Act, which curtailed pediatricians’ ability to inquire of parents regarding gun safety, just as they would inquire regarding other hazards. That statute was struck down by District Court Judge Cooke, and ultimately, after multiple motions for rehearing and revised opinions, that decision was affirmed by the United States Court for the Eleventh Circuit. *Wollschlaeger v. Governor*, 848 F.3d 1293 (11th Cir. 2017)

I served as counsel for the FCAAP and the other plaintiffs in the class action litigation before Judge Jordan on behalf of all children on Medicare, along with my partner and the lead counsel in that case, Stuart Singer. We can be reached at 954-356-0011 or via email, cgoldfarb@bsflp.com and ssinger@bsflp.com, and would be happy to respond to any questions you might have regarding Dr. St. Petery’s many contributions to improve the administration of justice in Florida and help ensure the legal system works for the most helpless among us. Professor Paulo Annino, pannino@law.fsu.edu, can be reached at 850-644-9930 and would also be happy to respond to any questions.

13. BRIEF BIOGRAPHICAL SKETCH

Dr. Louis St. Petery graduated from medical school at the University of Florida in Gainesville in 1969. He did an internship and residency in pediatrics and a fellowship in pediatric cardiology, all at the Shands Teaching Hospital in Gainesville at the University of Florida. During his training, he was the chief resident in pediatrics at Shands. After finishing his training, he moved to Tallahassee in the summer of 1974 and has been practicing in Tallahassee ever since.

Dr. St. Petery is a pediatric cardiologist and practices with Tallahassee Primary Care Associates. At times he has also done some work as a general pediatrician, while covering for his wife, who is a pediatrician, and for her partners. Dr. St. Petery has always accepted children on Medicaid. He also treats children on Medicaid with special health care needs through Florida's Children's Medical Services, a component of Florida's Medicaid program, which also provides care to Title XXI or SCHIP children with special health care needs. For many years he did a clinic three or four half days a month in Tallahassee. And he also did a CMS clinic in Panama City for half day a month or every other month. He still treats Medicaid children on CMS.

Dr. St. Petery also served as executive director for more than 25 years of the Tallahassee Pediatric Foundation "(TPF)", a non-for-profit organization formed by the Florida Legislature in 1984 to help coordinate the activities of the pediatricians in Tallahassee treating children on Medicaid and SCHIP.

In addition to holding down an active practice and his work for TPF, Dr. St. Petery served as the executive director of the Florida Chapter of the American Academy of Pediatrics "(FCAAP)" from 1981 to 1994 when he became the executive vice president of FCAAP until he retired from that position in June 30, 2015. He still serves as chairman of FCAAP's legislative committee.

Dr. St. Petery has also served on numerous other committees and boards as an advocate for improved health care for all of Florida's children, no matter the circumstances of their birth. He was appointed by then Gov. Jeb Bush to the Florida Healthy Kids Board, a non-for-profit corporation created by the Florida Legislature to oversee Florida's Title XXI or State Child Health Insurance Program "(SCHIP)". He served two-three year terms, the maximum permitted. He also served on the KidCare Coordinating Council from 2000 until 2014. That Council includes the stakeholders in Medicaid and SCHIP including the secretary of AHCA, DCF and the Surgeon General and is charged with making recommendations annually to the legislature and governor regarding the KidCare Program which includes Florida Medicaid and the SCHIP program.

Among other additional positions, Dr. St. Petery served on the CMS Network Advisory Council and on the Legislative Council of the Florida Medical Association.

For years, Dr. St. Petery has hosted and continues to host a child advocacy meeting each week in Tallahassee during the legislative session to discuss pending legislative bills and issues that impact children.

In 2016, Dr. St. Petery received the Clifford G. Grulee Award from the American Academy of Pediatrics for outstanding service to the American Academy of Pediatrics.

[Florida illegally deprived needy kids of healthcare, judge rules_ Miami Herald.pdf](#)

[Pediatricians say Florida hurt sick kids to help big GOP donors - CNN.pdf](#)

[Questions Raised After Kids Moved Out Of Health Program « CBS Miami.pdf](#)

[Settlement of Florida Medicaid lawsuit a victory for children, pediatricians_ AAP News_ AAP Gateway.pdf](#)

14. UPLOAD ARTICLES/LETTERS



STATE POLITICS

Florida illegally deprived needy kids of healthcare, judge rules

BY CAROL MARBIN MILLER
cmarbin@MiamiHerald.com

December 31, 2014 02:57 PM
Updated January 01, 2015 01:29 PM

A federal judge Wednesday declared Florida's healthcare system for needy and disabled children to be in violation of several federal laws, handing a stunning victory to doctors and children's advocates who have fought for almost a decade to force the state to pay pediatricians enough money to ensure impoverished children can receive adequate care.

In his 153-page ruling, U.S. Circuit Judge Adalberto Jordan said lawmakers had for years set the state's Medicaid budget at an artificially low level, causing pediatricians and other specialists for children to opt out of the insurance program for the needy. In some areas of the state, parents had to travel long distances to see specialists.

The low spending plans, which forced Medicaid providers for needy children to be paid far below what private insurers would spend — and well below what doctors were paid in the Medicare program for a more powerful group, elders — amounted to rationing of care, the order said.

"This is a great day for the children in this state," said Dr. Louis B. St. Petery, a Tallahassee pediatrician who is executive vice president of the Florida Pediatric Society and helped spearhead the suit. "This action was taken because we found that children weren't being treated properly if they were on Medicaid. Our position as pediatricians," he added, "is that children do not choose their parents. They don't have a choice to be born into a rich family or a poor family."

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“We feel all children are of equal value,” St. Petery added.

The three state agencies named in the suit authored a short statement Wednesday afternoon: “The Judge’s outdated observations pertain to a Medicaid program that no longer exists. Florida’s new Statewide Medicaid Managed Care (SMMC) program is cost-effective and a working success.” The statement was issued by the Agency for Health Care Administration, or AHCA.

The low billing rates, Jordan wrote, exacerbate a long-standing problem: There is a shortage of pediatricians overall. “The shortage gives pediatricians the ability to treat higher paying patients and either not treat, or limit, the number of Medicaid patients they do treat,” Jordan wrote. “The shortage of pediatricians in rural areas is especially acute.”

Enrollment in the Medicaid program increased from 1.2 million in 2005 to 1.7 million in 2011 — though the number of primary care doctors for children apparently has not risen at all, he added.

Among Jordan’s findings:

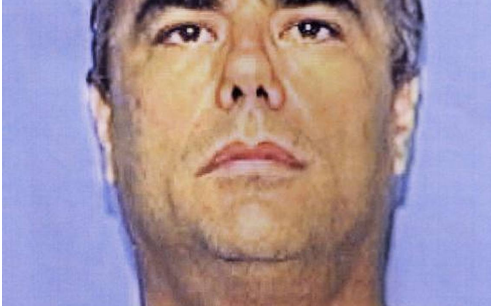
- Almost 80 percent of children enrolled in the Medicaid program “are getting no dental services at all.”
- By squeezing doctor payments, Florida health regulators left one-third of the state’s children on Medicaid with no preventative medical care, despite federal legal requirements — and this was true for both children paying fee-for-service or under managed care. “In addition,” Jordan wrote, “an unacceptable percentage of infants do not receive a single well-child visit in the first 18 months of their lives.”
- Florida health regulators sometimes switched needy children from one Medicaid provider to another “without their parents’ knowledge or consent.”
- The number of needy Florida children able to get a potentially life-saving blood screening for lead is “extremely low, notwithstanding the fact that part of Florida has an aging housing stock, which means children are more likely exposed to lead-based paint.”
- Thousands of children are “terminated” — or kicked out of — the Medicaid program each year, sometimes due to nothing more than bureaucratic error. For every budget year from 2003 to 2007, at least 25,000 youngsters below age 5 were removed from the Medicaid rolls before they had received a year of insurance. One study found that close to 30 percent of terminations or coverage denials for both children and adults “were erroneous.”
- The scarcity of doctors who accept Medicaid insurance in some parts of the state means “children on Medicaid have to travel to other areas of the state and/or wait for several months to obtain care.”

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Transparency Lost: Little disclosure on child deaths

Despite reforms, child deaths still uncounted in Florida



DCF was undaunted by granddad's violent past

Some specialists received a rate increase of 24 percent for treating children on Medicaid in 2004, Jordan wrote, but that was the only fee adjustment in a decade, and it still left such specialists with reimbursements substantially below the rates for equivalent care under Medicare, the program for seniors.

A doctor in Tallahassee, for example, testified that Medicaid would pay about \$85 for a visit to his ear, nose and throat practice, though the average cost for such a visit was \$138. Several doctors testified that they lost money when they treated patients on Medicaid.

Although he called Wednesday's ruling a clear victory for needy children, lawyer Stuart Singer, who litigated the case, said the extent of the victory will hinge largely on whether the Legislature and Gov. Rick Scott will set aside enough new dollars to improve medical and dental care for needy kids. Because the federal government will match each dollar the state spends, Florida would need to appropriate about \$200 million to fix the Medicaid program, Singer said.

"I'm hopeful and optimistic that this is a wake-up call," Singer said. "When a respected jurist renders a decision like this, showing sweeping violations of the Medicaid Act by Florida, one would hope that responsible legislators will take notice."

The dispute began in 2005, when a group of pediatricians, dentists and nine children sued three state agencies, claiming reimbursement rates for pediatric, dental and specialty care for children were so low that they drove most doctors away from treating children insured by Medicaid — in violation of federal law. The three state agencies are AHCA, the Department of Children & Families and the Department of Health.

The lawsuit dragged on so long that the presiding judge, Jordan, was elevated to the Eleventh U.S. Circuit Court of Appeals in May 2011, though he opted to retain jurisdiction over the case. After the Affordable Care Act was passed by Congress, granting the state millions of dollars from a total pot of about \$11 billion to improve reimbursement rates for doctors, lawyers for the state agencies argued the lawsuit had become moot, though the federal subsidies were set to expire Wednesday, meaning reimbursement rates will almost certainly decline dramatically again.

One named plaintiff in the case, Thomas Gorenflo, died, at age 12, of multiple organ failure on Aug. 14, 2011, before Jordan was able to rule. Jordan wrote that "unreasonable delay in the provision of health services" left Thomas' brother, Nathaniel, at "significant risk" while the suit progressed.

In his order, Jordan said he would set a hearing for later this month to determine where to proceed with a remedy.

The judge's order is not unprecedented. Florida long has been at or near the bottom of the 50 states for spending on children, disabled people, and people with mental illness.

In 1996, U.S. District Judge Wilkie Ferguson of Fort Lauderdale, now deceased, ruled the state was violating the U.S. Constitution by requiring severely disabled people to wait years for necessary care and services. When his ruling went ignored for three years, Ferguson declared the state in contempt, and began fining it \$10,000 each day the order was defied.

The fines later were overturned. But by 2001, lawmakers, wary that Ferguson was on the verge of taking over the state's disability program, increased funding for disability services by about \$300 million, removing about 25,000 Floridians from a wait list where they had languished for years. The wait list has since returned to the levels seen in the 1990s.

Two years ago, another federal judge, U.S. District Judge Joan Lenard of Miami, ruled that AHCA had left autistic children from impoverished families at risk of "irreversible" harm by refusing to pay for a critical therapy that can help them lead more normal lives.

The therapy, called "applied behavior analysis," had long been accepted by mainstream medicine as a way to improve the language, behavioral and social skills of children with autism, though AHCA had declared it an "experimental" treatment. Lenard called that claim "outrageous" in a March 2012 order.

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Pediatricians say Florida hurt sick kids to help big

BREAKING NEWS



Senate Democratic Leader Chuck Schumer is at the White House to talk about the spending bill.

Health +

Live TV

St. Augustine, Florida (CNN) — When he was 11 years old, LJ Stroud of St. Augustine, Florida, had a tooth emerge in a place where no tooth belongs: the roof of his mouth.

LJ was born with severe cleft lip and palate, which explained the strange eruption, as well as the constant ear infections that no antibiotic could remedy.

With her son in terrible pain, Meredith Stroud arranged for surgeries to fix his problems.

But just days before the procedures were to take place, the surgeons' office called to cancel them.

Like nearly half of all children in Florida, LJ is on Medicaid, which has several types of insurance plans. The state had switched LJ to a new plan, and his surgeons didn't take it.

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6a (10 of 44)



Doctors: 'Trick question' hurt sick kids 06:39



LJ wasn't alone. In the spring and summer of 2015, the state switched more than 13,000 children out of a highly respected program called Children's Medical Services, or CMS, a part of Florida Medicaid. Children on this plan have serious health problems including birth defects, heart disease, diabetes and blindness.

The state moved the children to other Medicaid insurance plans that don't specialize in caring for very sick children.

Stroud says that for her son, the consequences were devastating. Despite hours of phone calls, she says, she couldn't find surgeons on his new insurance plan willing to do the highly specialized procedures he needed. Over the next seven months, her son lost 10 pounds, quit the football team and often missed school.

"He was in pain every day," Stroud said. "I just felt so helpless. It's such a horrible feeling where you can't help your kid."

LJ filed a lawsuit against the state of Florida, and he was eventually placed back on Children's Medical Services and received the care he needed. But some Florida pediatricians worry about other children with special health care needs who, two years later, are still off the program.

The doctors aren't just worried; they're angry.

First, the data analysis the state used to justify switching the children is "inaccurate" and "bizarre," according to the researcher who wrote the software used in that analysis.

Second, the screening tool the state used to select which children would be kicked off the program has been called "completely invalid" and "a perversion of science" by top experts in children with special health care needs.

Third, in fall 2015, a state administrative law judge ruled that the Department of Health should stop using the screening tool. The state said the children who were kicked off the program didn't enroll in the new plan.

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Finally, parents and Florida pediatricians raise questions about the true reasons why Florida's Republican administration switched the children's health plans. They question whether it was to financially reward insurance companies that had donated millions of dollars to the Republican Party of Florida.

"This was a way for the politicians to repay the entities that had contributed to their political campaigns and their political success, and it's the children who suffered," said Dr. Louis St. Petery, former executive vice president of the Florida chapter of the American Academy of Pediatrics.

Experts outside Florida are also disturbed that the children were switched out of CMS, a program that's served as a model for other states for more than 40 years.

"CMS is well-known and well-respected," said Dr. James Perrin, professor of pediatrics at Harvard Medical School. "It's one of the earlier programs to build in assurances that these kids get the kind of care they need."

"These are the sickest and most vulnerable kids, and (changing their insurance) can mean life or death for them," said Joan Alker, executive director of the Center for Children and Families at Georgetown University. "This is really very troubling."

Dr. Rishi Agrawal, an associate professor of pediatrics at Northwestern University's Feinberg School of Medicine, agreed, adding that Florida should have more carefully considered how the insurance switch would affect the children's health care.

"The process in Florida was particularly abrupt and poorly executed," he said.

Mara Gambineri, a spokeswoman for the Florida Department of Health, said that "at no time (during the insurance switch) did children go without medically necessary services."

State officials, including a spokesman for Governor Rick Scott's office, initially declined to comment directly on the pediatricians' and parents' concerns that the children might have been switched to benefit contributors to the Republican Party of Florida. On Friday, after this story was published, the Florida Department of Health released a statement asserting that such a claim "is 100 percent false."

"The department's number one priority is protecting the health and well-being of all Florida residents, especially children with special health care needs," Gambineri wrote in an earlier email. "The department remains committed to providing quality health care services to Florida's children with special health care needs."

A mother's anguish

In spring 2015, LJ's mother received a phone call from a nurse at the Florida Department of Health.

Stroud had no idea that one word she would say to that nurse -- just one single word -- would cause her son months of pain and suffering.

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What Florida did was "completely invalid," added Dr. John Neff, professor emeritus of pediatrics at the University of Washington, another expert on children with special health care needs.

The pediatricians explained that many children with serious and chronic medical conditions -- such as cleft lip and palate, HIV, diabetes and cystic fibrosis -- are often able to do things other children can do. However, they still require extensive and highly specialized medical care.

The question the Florida Department of Health nurses asked -- "Is your child limited or prevented in any way in his or her ability to do the things most children of the same age can do?" -- would lead to disqualifying children who truly have special medical needs from a program designed for them, said Stephen Blumberg, associate director for science at the National Center for Health Statistics and one of the world's leading experts on the epidemiology of children with special health care needs.

Question No. 3

"Is your child limited or prevented in any way in his or her ability to do the things most children of the same age can do?"

"You would get false negatives. Your conclusion would be that a child does not have special health care needs when, in fact, the child does," he added.

The Department of Health no longer uses the same screening method that resulted in 13,074 children being removed from CMS.

"It is unfortunate the negativity surrounding this issue is a continued topic of inquiry, as the department and our stakeholders have put in a significant amount of time and effort to move past this issue for the benefit of the children we serve,"

wrote Gambineri, the Department of Health spokeswoman.

But pediatricians in Florida point out that many children who were removed from Children's Medical Services using the controversial questionnaire were never put back on.

"This was a truly duplicitous question," said Dr. Philip Colaizzo, a pediatrician in Jupiter, Florida, who said that many of his patients with special health care needs were taken off CMS. "It was a trick question."

"It's a perversion of science," said Dr. Jeffrey Goldhagen, professor of pediatrics at the University of Florida College of Medicine and medical director of the Bower Lyman Center for Medically Complex Children at Wolfson Children's Hospital.

Goldhagen added that he was speaking for himself and not the institutions where he works.

"It was a scam job," added Dr. Nancy Wright, a pediatric endocrinologist in Tallahassee who said that dozens of her patients with diabetes were removed from the program.

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CROSS/ALEXANDRA FOR CNN

Dr. Nancy Wright, a pediatric endocrinologist, says dozens of her patients lost their coverage on Children's Medical Services. "For the children with diabetes that I work with, it was a disaster," she said.

"They really tried their darnedest to kick the kids out of CMS," added Dr. Carol Fenn, an orthodontist in West Palm Beach. "They've messed up kids' lives."

"They're the most vulnerable of our population, and that they can be booted off the plan that was designed to help them is just amazing. How can someone in an office make a decision like that?" asked Dr. John Obi, an adjunct clinical professor in plastic surgery at the University of Florida, who operates on children with cleft lip and palate.

"I congratulate whoever came up with that question," he added wryly. "If you want to exclude virtually anybody, that's the way to do it."

Johns Hopkins expert: 'I'm speechless'

Christina Bethell's team came up with that question -- and she's furious.

Bethell is a professor at the Johns Hopkins Bloomberg School of Public Health. She and her team spent many years and millions of dollars coming up with the right questions to accurately identify children across the United States who might have special health care needs.

The list of questions -- known as [the Children with Special Health Care Needs Screener](#) -- is publicly available on the Hopkins website. Many state and federal agencies use it to help decide which children might benefit from special health services.

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That's scientifically invalid, Bethell said. Using the questions that way -- especially the question about limitations -- would lead to denying children with special health care needs the services they require.

"I'm speechless," she said.

To make matters worse, Bethell said, Florida repeatedly and publicly cited research done by her group at Hopkins - the [Children and Adolescent Health Measurement Initiative](#) -- to support the children's removal from CMS.

"I feel really manipulated," she said.

She thinks of the children who were taken off CMS and fumes that the tool used to remove them was her own work.

"I'm angry," she said. "And I'm crestfallen for these families."

Grave consequences for Florida children

The Shabanehs in Tallahassee are one of those families.

Aref Shabaneh, 8, is blind, and his sister, Yasmeen, 11, is severely visually impaired. Their mother, Reema Shabaneh, says they were kicked off CMS in 2015.

Shabaneh says she told the Florida Department of Health nurse that they didn't have limitations.

"Aref wants to do everything by himself," she said. "He can play ball with friends. The ball has a bell, so he can hear it coming."

After they were kicked off CMS, Shabaneh said, she couldn't find an ophthalmologist on the new insurance plan willing to care for her children.

"I was so scared," she said.

When Jennifer Rodriguez received the phone call from the Department of Health nurse, she said, she told the nurse she didn't know how to answer the question about limitations. Her son, Alejandro, suffers from a congenital heart defect, asthma and kidney problems. Sometimes, his heart races and he has trouble breathing, but other times, he feels up to playing soccer with his friends.

"When I tried to explain the answer, she cut me off and said she was just doing her job and needed a yes or a no," she said.

Rodriguez says she answered that her son, who was 10 at the time, did not have limitations. He then lost his CMS coverage.

"It makes me angry, because you would think that since he's seeing a cardiologist, a nephrologist, a urologist and an asthma doctor, they would see he's not your average child," she said.

LJ, Alejandro and the Shabaneh children filed lawsuits and were put back on CMS. They were represented by the Public Interest Law Center at Florida State University.

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Alejandro Rodriguez wears a nebulizer mask to help him breathe. After he filed a lawsuit, the state put him back on Children's Medical Services.

Many Florida pediatricians say their patients also suffered when they were taken off CMS and put on other Medicaid plans. The doctors say those other plans typically have fewer pediatric specialists than CMS, which specializes in caring for very sick children.

Dr. Lisa Cosgrove, a pediatrician in Merritt Island, Florida, said she had a difficult time finding an orthopedist to treat a 6-year-old with a broken elbow who had been taken off CMS. The girl ended up having surgery later than she should have and now can't extend her elbow all the way.

She said a baby born with a clubfoot also suffered because she couldn't find an orthopedist willing to take the baby's plan. The baby couldn't have the necessary casts to twist the foot back into place and may need surgery, Cosgrove said.

Dr. Elizabeth Curry, a pediatrician in Port St. Joe, Florida, said that last year, she took care of a baby whose eye wiggled back and forth involuntarily, which can be a sign of a brain tumor.

Curry said it took her more than a month to find an ophthalmologist willing to take the baby's Medicaid plan -- and the doctor she finally found was three hours away, in Pensacola.

Fortunately, the baby turned out to be fine.

"This child could have had cancer. That's a kid who should have seen a doctor right away," Curry said. "I feel terrible for these children. It makes me so angry."

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Dr. Elizabeth Curry, a Florida pediatrician, says some of her patients didn't get the treatment they needed because the state had removed them from Children's Medical Services.

Because of problems like these, switching the children's insurance "was a complete dereliction of Florida's responsibility to children," said Goldhagen, the professor of pediatrics at the University of Florida College of Medicine.

Gambineri, the spokeswoman for the Florida Department of Health, said the children didn't suffer as a result of the switch, because the insurance plans they were moved to were "more than capable" of caring for them. She added that even before the 13,074 children were switched, those plans cared for tens of thousands of children with special health needs.

Other pediatricians agree that plans besides CMS have done a good job of caring for these very sick children.

The other plans "do a pretty good job with our families," said Dr. Karalee Kulek-Luzey, medical director of the Pediatric Health Care Alliance, a group practice with multiple locations in the Tampa area. "They're working really hard."

"For the most part, they do a good job," said Dr. Michael Freimark, a pediatrician in Plantation, Florida.

"We have a good relationship with the plans," said Dr. Michael Gervasi, president and chief executive officer of the Florida Community Health Centers, a large medical practice with offices in several counties. Most of the time, he said, the plans take care of the children's needs, but if there's ever a problem, his practice contacts the plan, and they fix it.

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Aref's older sister, Yasmeeen Shabaneh, was also removed from Children's Medical Services. She has a vision condition so serious that even a minor bump could cause her retinas to detach.

Florida's 'outreach' to experts

In January 2016, about eight months after the Florida Department of Health started to move the 13,074 children out of CMS, Jennifer Tschetter, then the department's chief operating officer, [testified](#) before the state legislature. She said that the decision to use the Hopkins screening tool was made "in consultation with ... national experts."

But it remains unclear who those experts were.

Tschetter, who has since left state government, did not respond to phone calls and emails seeking comment.

Gambineri, the Florida health department spokeswoman, said the department did "research" into what Louisiana, California, Texas and New York "were doing and experiences they had in regard to clinical eligibility for children with special health care needs."

When asked for the names of individuals Florida consulted in those states, Gambineri didn't respond.

Gambineri added that "outreach" was made to the federal Health Resources and Services Administration.

An official at that agency said she spoke with a Florida health official.

Dr. Marie Mann, senior medical adviser in the Division of Services for Children with Special Health Needs at the federal agency's Maternal and Child Health Bureau, said she spoke with Kelli Stannard, then interim chief, bureau of network operations, at CMS.

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Mann said she suggested that Florida health officials reach out to Daniel Armstrong and Dr. Jeffrey Brosco, director and associate director respectively of the Mailman Center for Child Development at the University of Miami Miller School of Medicine.

"We will make sure they're both involved in this review process," Stannard wrote back to Mann in an email obtained by CNN under the Freedom of Information Act.

CNN asked Gambineri, the department spokeswoman, whether the department ever reached out to Armstrong to review and make recommendations on using the telephone survey to screen children out of CMS.

"Not to our knowledge," Gambineri answered.

"I played no role in the decision-making process related to the use of the tool for the Children's Medical Services program," Armstrong wrote in an email to CNN.

Brosco said he told the Department of Health that in his opinion, a child should not be kicked off CMS based on a parent's answer to the question about the child's limitations.

"I gave them my feedback, and they said, 'thank you for your work,' " Brosco said.

In July, Brosco was named the Florida Department of Health's deputy secretary for CMS.

Christmas shopping at the Florida Mall

Despite the lack of support from the very experts they'd consulted, Florida health officials forged ahead with using the phone survey to disqualify children from CMS.

They had a schedule to stick to.

In November 2014, state officials set out to "go live" with the phone survey in six months, according to a [timeline](#) developed by the state and obtained by CNN under the Freedom of Information Act.

Before implementing the surveys, the officials gave themselves 21 days to "solicit feedback from the field" about the questions they would ask the parents.

One of the first things they did was to ask one of the state's most experienced pediatricians to leave a meeting.

It was St. Petery, who at the time was the executive vice president of the Florida chapter of the American Academy of Pediatrics and who has an encyclopedic knowledge of Medicaid rules and regulations. He'd served as interim director of CMS for six months during the mid-1970s.

He'd also been a thorn in the side of the state Department of Health for years. He'd been instrumental in a [lawsuit](#) that accused the state of failing to reimburse doctors properly in the Medicaid program and to ensure that children receive adequate care.

His side eventually won that lawsuit, and the American Academy of Pediatrics gave him a prestigious award for being "a tireless advocate for children's health and well-being."

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GROSS/REUTERS/CORBIS OUTLINE

Dr. Louis St. Petery, a pediatric cardiologist and frequent critic of Florida's health policy, was asked to leave a state meeting where Children's Medical Services screening was discussed.

On December 13, 2014, St. Petery showed up at the Department of Health meeting. It was for the regional medical directors of CMS, the group of pediatricians who help run the program. St. Petery wasn't one of the directors, but he'd been attending their meetings for many years in his role with the Florida chapter of the American Academy of Pediatrics.

St. Petery said that just before the meeting started, Tschetter, then the department's chief operating officer, approached him.

"She said, didn't I want to go Christmas shopping at the Florida Mall?" St. Petery remembered. The mall was adjacent to the conference center in Orlando where the meeting was taking place.

St. Petery said he told Tschetter that he hates shopping, especially around the holidays, and wanted to stay at the meeting.

"I protested. I asked her, is this meeting not in the sunshine?" he said, referring to Florida's Sunshine Law, which gives the public the right to access most government meetings.

"After she told me for the third time to leave, I decided not to create a scene," he said.

St. Petery got up and left.

Other doctors watched the action, stunned.

"We were all kind of shaking," said Dr. Barbara Rumberger, one of the CMS regional medical directors who attended the meeting.

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There are no minutes for this meeting, according to Department of Health officials, but a year later, Tschetter presented similar data to the Florida Legislature.

A 'totally inaccurate' analysis

By [Florida law](#), a child can be in CMS only if he or she has a "chronic and serious" condition requiring health care "of a type or amount beyond that which is generally required by children."

The analysis Tschetter presented showed that about half of the children on CMS had lower than average risk scores, an assessment of how much a patient uses health care services.

Tschetter called these results "surprising." By legislative mandate, children on CMS are supposed to have health needs greater those of other children.

"The analysis made clear, certainly to the department, that we were not meeting legislative direction: (that) the children in the plan have both chronic and serious health care conditions," Tschetter told legislators. "It was clear to the department that something had to be done, because complying with legislative direction is certainly not optional."

But an expert who developed the software Florida used to make that data analysis said the state did its calculations incorrectly.



"It was clear to the department that something had to be done."

Jennifer Tschetter, former chief operating officer, Florida Department of Health

"It's totally inaccurate," said Todd Gilmer, co-developer of the Chronic Illness and Disability Payment System and chief of the division of health policy at the University of California, San Diego.

Gilmer's software, which is used by dozens of state Medicaid programs, tracks patients' diagnoses and their prescription drug use to calculate risk scores for each individual.

After viewing Florida officials' analysis of the data, he said they made two errors when they calculated that half the children on CMS had below-average risk scores.

First, he explained that his software relies on doctors' diagnoses, and Florida failed to account for the fact that doctors frequently don't document a child's full diagnosis in the medical record. For example, if a quadriplegic child goes to the doctor because of bedsores, doctors often write down the reason the child came in -- the bedsores -- instead of the more serious diagnosis of quadriplegia.

Second, he said, Florida did the wrong calculation for disabled children, who represent 40% of the patients on CMS, according to Mallory McManus, a spokeswoman for Florida's Agency for Health Care Administration.

He said his software compares disabled children with each other. Even the ones who fall in the lower half of the risk-score spectrum still have serious and chronic illnesses, he said, such as HIV or heart failure.

He said that what Florida did was akin to assembling a group of people who are over 7 feet tall and calling the bottom half of that group short.

Gilmer's software compares disabled children with each other. Even the ones who fall in the lower half of the risk-score spectrum still have serious and chronic illnesses, he said, such as HIV or heart failure. He said that what Florida did was akin to assembling a group of people who are over 7 feet tall and calling the bottom half of that group short.

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Spokeswomen for the Florida Department of Health and the Agency for Health Care Administration did not respond directly to Gilmer's criticism.

Gambineri, the health department spokeswoman, said that the department no longer uses the screening method that it used in 2015 and that parents can ask to have their children re-screened at any time.

"Our mission is now and has always been to provide the best health care possible to the populations that we serve," McManus wrote in an email.

Pediatrician: 'We were just irrelevant'

Pediatricians say that by the time the Department of Health meeting was held at the Orlando conference center at the end of 2014, they felt like Florida was dead-set on screening a large number of children off CMS.

They said state officials didn't listen to their concerns, even though they were stated repeatedly, both in person and in writing.

At the meeting, health officials asked the pediatricians to tell them what was on their minds, according to Rumberger, one of the doctors who was there.

She said she and her colleagues brought up concerns that children might be taken off CMS inappropriately.

The Department of Health official wrote down what the doctors said on pieces of paper taped to the wall, Rumberger said. The official then told the doctors that these were issues to discuss at another time.

"She said, 'We're going to park these. We're putting these ideas in the parking lot for some time, and we're not talking about these things today,' " Rumberger remembered, adding that she was speaking on behalf of herself and not in her role as a CMS regional medical director.

"We were all amazed at what they did," she added.

A few months later, the state held a series of telephone conference calls with the same CMS regional medical directors.

"They didn't ask us 'What do you think?' or 'Do you have any suggestions?' " Rumberger said. "It was just 'This is how we're going to do it.' It was clear they didn't want to have a free discussion."

"It appears to be a very conscious decision to not get input and not receive any dissension," said Goldhagen, the professor of pediatrics at the University of Florida. "We were just irrelevant."

Dr. Rex Northup, another CMS regional medical director and associate professor of pediatrics at the University of Florida College of Medicine, agrees.

"It was like, 'When we want your opinion on a given topic, we'll let you know, and we'll provide that opinion to you,' " Northup said, adding that he speaks for himself and not the university or any other institution.

Several doctors present on those conference calls said they voiced their concerns anyway.

There's no record of these concerns. According to the Florida Department of Health, no minutes were taken of these phone conferences.

CNN asked the Florida Department of Health about the meeting where St. Petery was asked to leave and about doctors' complaints that the state steamrolled through a screening tool that would harm sick children.

"When CMS began the process of implementing a new screening tool in 2014, the department may have under-communicated our concerns," Gambineri, the Department of Health spokeswoman, said. "We were just irrelevant."

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She added that the department has "engaged our stakeholders using several methods" including public meetings to solicit input from patients, parents and providers and "remains open to feedback and input in order to best serve children with serious and chronic medical conditions."

True to its schedule, the state started screening children off CMS in May 2015.

Florida pediatricians repeatedly told the state that it was hurting sick, vulnerable children.

In August 2015, Goldhagen, Rumberger, Northup and 11 other doctors with positions at CMS wrote a letter to a Department of Health official saying the screening process was "flawed" and was removing too many children.

The doctors did not receive a response, Goldhagen said.

Two months later, St. Petery wrote to Department of Health officials, sharply criticizing the use of the screening tool.

He said he never received a response, either.



Dr. Elizabeth Curry, examining Micah Creamer, says she wrote to the Florida Agency for Health Care Administration, expressing her concerns about patients being kicked off Children's Medical Services, but the agency didn't respond.

Curry, the Port Saint Joe pediatrician who practices in a rural area of the Florida Panhandle, said she also complained to the state's Agency for Health Care Administration about children being kicked off CMS, along with other issues affecting children on Medicaid.

She said the agency worked with her on some of the other issues but didn't respond to her complaints about the child

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"Our Agency has been in contact with the provider and is working with the health plan to resolve what issues might be resolved," wrote McManus, the agency spokeswoman.

Curry said she took her complaints even higher.

"I even called the governor's office once and left a message," she said. "I admit that I finally gave up. I'm just trying to take care of my patients."

Pediatricians interviewed for this story said they felt pressure from the state not to speak to the media about the removal of the children from CMS.

On November 15, 2016, Dr. John Curran, then the Florida Department of Health's deputy secretary for CMS, said on a conference call that a CNN reporter was working on this story, according to several doctors on the call.

That evening, a department official wrote an email to the doctors who'd been on the call. It advised these pediatricians that prior to responding to media inquiries, they should contact the department's communications director.

"I'm going to be so fired for saying all these things," Rumberger said.

But she and other pediatricians say they're speaking up because they feel that the Department of Health hurt children because they didn't listen to their concerns.

They say it could be because pediatricians don't tend to have millions of dollars to donate to political campaigns.

But insurance companies do.

'Like a plot in a Carl Hiaasen novel'

All of this -- the telephone survey, the question about limitations, the analysis that's been called flawed -- leaves many Florida parents and pediatricians suspicious about why the state wanted to take 13,074 children off CMS and why it worked so hard and so quickly to do it.

Switching the children from CMS to the other Medicaid plans didn't save taxpayers money, according to McManus, the agency spokeswoman.

The doctors wonder, then, whether the inspiration for the change was political: to send taxpayers' dollars to generous donors to the Florida Republican Party.

CMS is a public program; it's not owned by a private insurance company.

When the children were taken off CMS, they were switched to 11 insurance plans that are owned by private companies. The parent companies of nine of those 11 plans donated a total of more than \$8 million to Florida Republican Party committees in the five years before the children were switched.

"I knew it had to be about money," said Wright, the pediatric endocrinologist in Tallahassee who said that dozens of her patients had their insurance switched. "This sounds very believable for Florida, and I'm from Florida."

"When this was all unfolding, I told my office manager, 'I feel like we're in a plot in a Carl Hiaasen novel,' " she added, referring to the Miami Herald columnist who writes about politics and corruption in Florida.

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Insurance companies' contributions to Florida Republican party committees

From 2010 to 2014, insurance companies with Florida Medicaid contracts contributed millions to the state Republican party.

Prestige Health Choice†	\$5,927,194
Sunshine State Health Plan	\$668,082
Humana	\$482,815
UnitedHealthcare of FL	\$442,500
Staywell	\$438,710
Coventry Healthcare of Florida*	\$365,000
Amerigroup Florida	\$232,500
Better Health & Simply Healthcare	\$90,000

† Florida True Health, an affiliate of Blue Cross and Blue Shield of Florida, owned 40% Prestige Health Choice. In 2015, Florida True Health purchased Prestige outright.

* Coventry Healthcare of Florida was renamed Aetna Better Health of Florida as of February 27, 2017

Source: National Institute on Money in State Politics

Insurance companies' outsize contributions to Florida Republicans

Nearly all states pay insurance companies to insure some of their Medicaid patients; this is not unique to Florida.

And insurance companies often contribute money to state political parties. That's not unique to Florida, either.

What is unusual is the size of the contributions, even for a large state.

Take UnitedHealthcare, an insurance giant with business in all 50 states. From 2010 to 2014, United contributed \$442,500 to Florida Republican Party committees, according to the National Institute on Money in State Politics.

The company's next largest contribution to any other state political party was [\\$145,000](#) to California Democrats -- less than half the Florida amount.

Humana, another insurance company with a national reach, gave substantially more money to Florida Republican Party committees than to any other state political party committees.

From 2010 to 2014, Humana donated \$482,815 to Florida Republican Party committees. Its next largest contribution was [\\$212,000](#) to Florida Democrats. The next largest contribution after that was [\\$20,000](#) to the Illinois GOP.

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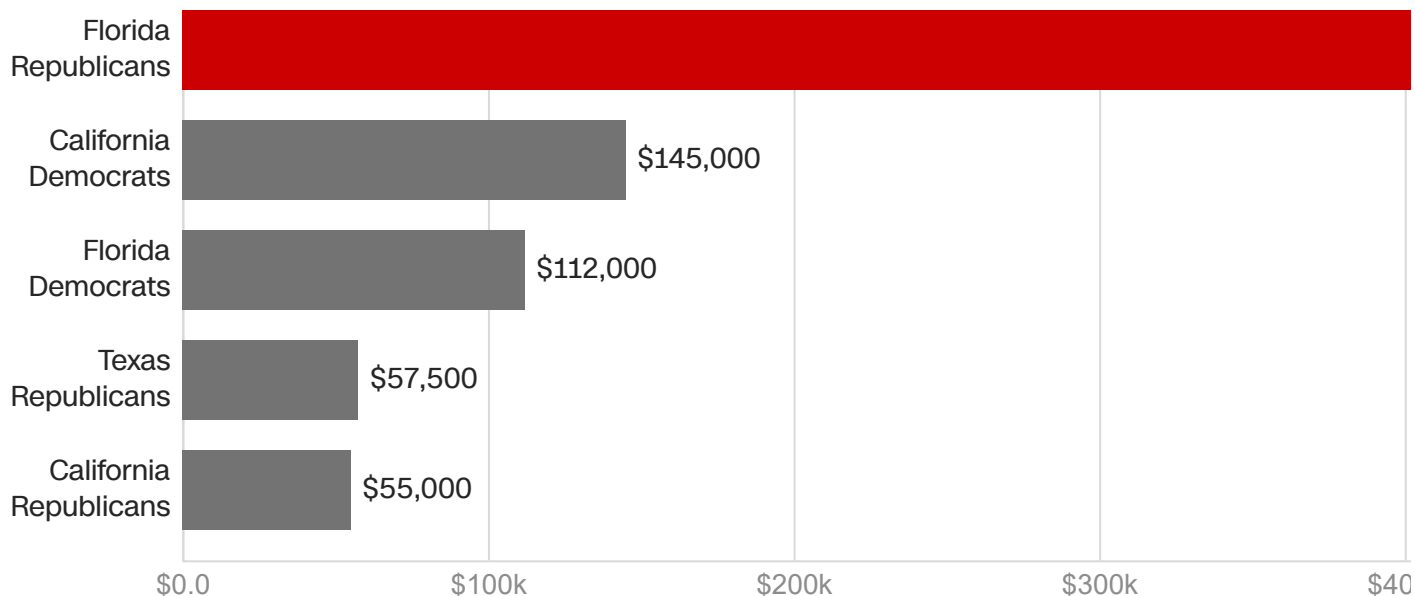
Blue Cross and Blue Shield of Florida gave Florida Republican Party committees \$5.9 million from 2010 to 2014 and gave Florida Democrats [\\$1.8 million](#). The next largest contribution after that from any other Blue Cross and Blue Shield company in the United States was \$730,696 from Blue Shield of California to Democrats in that state -- about one-eighth the size of the contribution to Florida Republicans.

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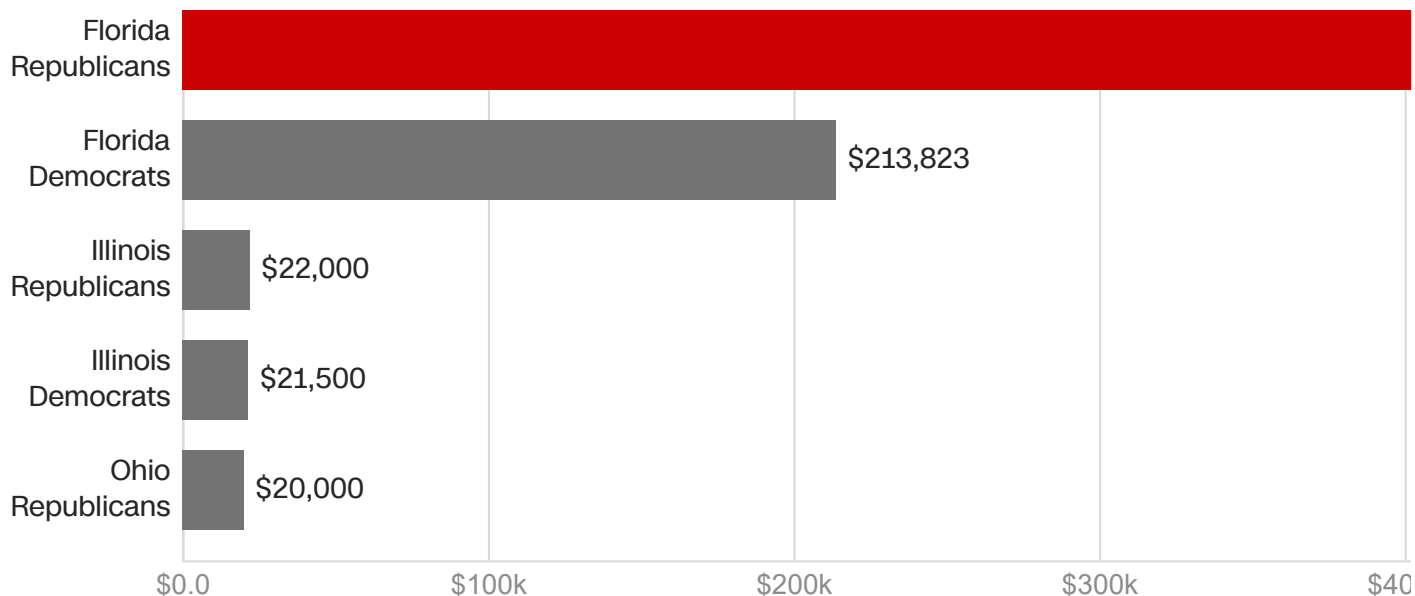
Insurance companies favor Florida Republicans

From 2010 to 2014, national health insurance companies gave more money — by far — to Florida Republican party committees than to any other political party committees in any other state. Below are three companies and their top five contributions.

UnitedHealthcare



Humana



Blue Cross Blue Shield

Florida

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Source: National Institute on Money in State Politics

Florida's payments to the insurance companies

Nearly all states pay private insurance companies monthly premiums to insure Medicaid patients. It's become big business.

The Florida Department of Health declined to say how much it paid the private insurance companies to insure the 13,074 children when they were switched out of CMS.

"If they got 13,000 new kids, (it's) that times however many dollars per member per month," St. Petery said. "I think that's a lot of money when you start talking about that many kids."

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LJ Stroud sued the state of Florida to be put back on Children's Medical Services. He has now had the procedures that he needs.

These children came from CMS, a Medicaid program for sick children, and the state pays insurance companies more money to care for such children.

This is how it works, according to McManus, the spokeswoman for the Florida Agency for Health Care Administration.

Florida takes a look at all the people who've signed up with an insurance company and calculates a risk score for that group based on factors such as the age of the enrollees in the plan and their health conditions.

A plan with the lowest risk score has a "typical population" and might be paid a rate of, for example, \$320 per person per month, McManus said. A plan with sicker enrollees might have a risk score that's twice as high and so would be paid \$640 per person per month, she added.

The numbers can get even higher from there.

"The state will pay a pretty good rate for these children," said Agrawal, the pediatrician at Northwestern who studies health care systems for children with special medical needs.

"They could get paid thousands more per month for a child with serious medical needs," said Steve Schramm, founder and managing director of Optumas, a health care consulting group.

"The enhanced reimbursement may be 10 times what the insurance companies get for a well child," said Goldhagen, former director of Florida's Duval County Health Department.

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ERICK WITTMANN FOR CNN

Yasmeen Shabaneh sued Florida and was placed back on Children's Medical Services.

Sick children are, of course, also costlier for insurance companies because they need more care. But insurance plans monitor that care to manage costs.

"Plans have gotten very sophisticated in their ability to manage very sick kids, so their willingness to take very sick kids is great," said Jeff Myers, president and CEO of Medicaid Health Plans of America, an industry group representing insurance companies.

Pediatricians questioned whether such outsize political donations were an attempt to gain influence and favor with Florida's Republican administration, which orchestrated the transfer of the children out of CMS and to the private companies.

"It certainly raises a lot of suspicion and concern," said Northup, the associate professor at the University of Florida College of Medicine.

"Why would they make contributions in the hundreds of thousands and the millions to Florida Republicans? Why would they be so uniquely committed to Republicans in Florida? It gives one pause," he added. "If you follow the money, at the very least, it's worrisome."

"It's the left-hand-washing-the-right-hand kind of business," said Dr. Joseph Chiaro, who was Florida's deputy secretary of health from 2005 to 2011. "It breaks my heart."

Six Florida pediatricians gathered in Orlando to tell CNN their concerns. They practice in rural, suburban and urban areas. Some of them are Republicans, and others are Democrats.

They said they feared that big donors had influence on the state's decision-making process and that in many cases, the children suffered as a result.

"I do the s
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expense of

"It just comes back to money or power. It's not about health care for the children," said Wright, the pediatric endocrinologist in Tallahassee.

"Just follow the money," said Colaizzo, who runs a rural health care clinic in Pahokee, Florida.

State leaders "don't give a damn about the kids. They don't give a damn about the families," said Dr. Marcy Howard, a pediatrician in Crystal River, Florida.

State officials and insurance companies respond

McManus, the spokeswoman for the Florida Agency for Health Care Administration, wrote in an email. "The Statewide Medicaid Managed Care program was designed to provide comprehensive care to recipients through high quality health plans with a payment structure designed to ensure that plans paid an appropriate rate based on the health conditions of those enrolled in their plan."

"The program currently covers more than 2 million of Florida's children, offers the strongest provider network and access standards in program history, and provides families with a choice of high quality, nationally accredited plans so that they can choose the plan that best suits their needs, including specialty plans for those who qualify," she added.

CNN reached out to officials at all nine insurance companies. Two responded.

"WellCare contributes to a variety of organizations that shape health care policy, including the Florida Republican Party committees, the Democratic Party committees and those without political affiliation," wrote Alissa Lawver, a spokeswoman for WellCare. "The company also discloses and publicly reports all political contributions on its website above and beyond the requirements of state and federal law. As a provider of managed care, WellCare is committed to partnering with the state of Florida to provide access to quality, affordable health care solutions for the state's most vulnerable populations. We maintain a robust provider network and offer comprehensive care management services to create personalized, coordinated care plans to help improve and maintain the health of families and children across the state."

She added that WellCare has accountability to Florida's Agency for Health Care Administration, "which provides careful oversight of the state's Medicaid program to ensure all members, including children that transitioned from Children's Medical Services, receive access to the right care, at the right time and in the most appropriate setting."

Ethan Slavin, a spokesman for Aetna, said the company makes "donations to campaigns for both major political parties to support and address issues that impact our customers and members."

He added that "we are required to meet state rules and regulations regarding our network of health care providers and are consistently compliant with those requirements" and that "we regularly work with our members, health care providers and the state of Florida to move children with special health care needs into the Children's Medical Services program, when appropriate and in the best interest of our members. Our integrated care management program regularly identifies these children and assists in this process."

Miguel "Mike" Fernandez, founder and former chairman of Better Health, said he had contributed several million dollars to both Republicans and Democrats. He added that states move Medicaid patients into the care of private companies so they can "move the risk off their financial books."

A victory for Florida families

Many pediatricians use strong language to describe their anger and frustration with the Florida Department of Health and what it did in 2015 to the 13,074 children.

"This the F By using this site, you agree to the [Privacy Policy](#) and [Terms of Service](#). y, treasurer of

"It's disgusting," said Cosgrove, the pediatrician in Merritt Island. "It's all about money and not looking out for the children."

"Honestly, it makes me want to puke," said Lida Sarnecky, nurse manager of the team at the University of Florida that takes care of children with cleft lip and palate.

"In my heart, what I want to do is go down to Governor Scott's office and ask him, 'What if this were your child or grandchild who couldn't receive the care they needed? How would you feel then?' " she said.

By June 2015, some Florida parents had had enough.

Five children, including Alejandro Rodriguez, and Yasmeen and Aref Shabaneh, sued the state Department of Health to get it to stop using the telephone questionnaire to take patients off CMS, claiming that the state Department of Health hadn't gone through formal rulemaking procedures.

The children won.

The Miami Herald declared "[Judge slaps Florida for purging sick kids from treatment program.](#)"

The state didn't fight the ruling. Instead, it came up with a new way to screen children for the program -- one that doesn't rely on a telephone survey and takes into consideration a child's diagnosis.



Aref Shabaneh lost his Children's Medical Services coverage when his mother told the state he didn't have limitations. "Aref wants to do everything by himself," she said.

Many parents and pediatricians assumed the state would soon reach out directly to parents to let them know they could reapply to have their children put back on CMS.

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Five months after the judge's decision, St. Petery, the Tallahassee pediatric cardiologist, implored the secretary of the Department of Health to reach out to parents.

To St. Petery, the reasoning was obvious: A judge had said that the state had violated the law. Reaching out to the parents was a way of correcting wrongdoing.

The state had a [notice](#) on its website about the ability to be rescreened for CMS, and at a meeting with state legislators, a department official had given out a phone number parents could call. But St. Petery knew that busy parents of very sick children might not attend official state meetings or notice pages on government websites.

"I would hope that you would consider notifying each of the parents of those 13,074 children that the tool by which their child was screened out of CMS has been declared invalid, and that they have the right to appeal that decision," St. Petery wrote to Dr. John Armstrong, then secretary of the Department of Health and the state surgeon general.

Armstrong wrote back that doing so would violate federal regulations, since the children had been switched to other Medicaid insurance plans.

"Federal regulations [prohibit](#) direct marketing to children currently being served by another managed care plan," he wrote back to St. Petery.

CNN was unable to reach Armstrong for comment. Gambineri, the Florida Department of Health spokeswoman, said he "is no longer employed by DOH."

Not satisfied with Armstrong's response, St. Petery sought help from US Rep. Kathy Castor, a Democrat from Tampa. Castor took his concerns to the federal Centers for Medicare and Medicaid Services.

On March 23, 2016, an official at that agency sent an email to Justin Senior, then the Medicaid director at Florida's Agency for Health Care Administration. CNN obtained the email under the Freedom of Information Act.

In that email, the federal official explained to Senior that federal regulations do not prohibit Florida from reaching out directly to families.

"To clarify, 42 CFR 438.104 does not prohibit marketing," [wrote](#) Jackie Glaze, associate regional administrator for the Division of Medicaid and Children's Health at the Centers for Medicare and Medicaid Services, citing a federal regulation.

More than a year later, on July 24, 2017, the Florida Department of Health sent a [letter](#) to parents letting them know that their children could be screened to get back on CMS. The letter was sent to 6,081 parents whose children were removed from CMS and put on another Medicaid plan and were still on that plan and financially eligible for Medicaid, according to Gambineri, the Florida health department spokeswoman.

That letter was sent nearly two years after the judge's decision. Pediatricians say they're angry it took that long to directly let parents know about the possibility of getting back on CMS.

Gambineri said there was concern that parents might get confused.

"It was originally thought to be, and still is considered a risk, in terms of confusion and disruption to families, to send a letter because they have had rescreening available since 2015," Gambineri said a few months before the letter was sent out.

Nelson Mandela and Mr. Rogers

Now that LJ Stroud is back on CMS, he's a happy, strapping 13-year-old who loves to play football and horse around with his brother and sisters in the family's backyard in St. Augustine.

But he [says](#) he would lie or [says](#) he would

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It's not just her son's physical pain that makes Stroud angry; it's his emotional pain.



PHOTO: MICHAEL PEREZ/GETTY IMAGES

Since LJ Stroud was placed back on Children's Medical Services, he's been able to play football again.

When LJ was on CMS, Stroud says, he received excellent care and was a contented, well-adjusted child, never thinking of himself as different despite his birth defect.

But she says that when he was in pain because he couldn't have surgery, he started to feel sorry for himself.

" 'Why did God make me this way?' " she says he asked. " 'Why can't I be like my brothers and sisters?' " "

When she hears about how top Florida officials have spoken with pride of what they did to her son and to more than 13,000 other children, she becomes livid.

Last year, Armstrong, then Florida's surgeon general and secretary of health, made a [presentation](#) to the Florida Children and Youth Cabinet, a panel created by the state Legislature to promote children's welfare.

Declaring that the Department of Health "cares about every child in Florida," Armstrong explained how the state removed the 13,074 children from CMS.

Armstrong's presentation quoted two great advocates for children, Nelson Mandela and Fred Rogers.

First, he quoted Mandela: "There can be no keener revelation of a society's soul than the way in which it treats its children."

And he quoted Fred Rogers, the star of the children's television show "Mister Rogers' Neighborhood": "Anyone who does

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Stroud struggles for words to describe what she thinks of Armstrong quoting these two champions for child welfare.

"It's just -- it's just disgusting," she said. "I feel my blood boiling just thinking about it."

Editor's note: *The original version of this story has been updated to include a new response from the Florida Department of Health, to clarify the CMS eligibility screening process the department uses currently, and to include the full name and position of one its employees.*

CNN's John Bonifield and Aaron Kessler contributed to this story.

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Questions Raised After Kids Moved Out Of Health Program

June 8, 2015 at 3:30 pm

Filed Under: [Children's Medical Services Network](#), [Cindy Arenberg Seltzer](#), [CMS Network](#), [Department of Health](#), [Karen Woodall](#), [KidCare Coordinating Council](#), [Louis St. Petery](#), [Medicaid](#), [Tiffany Cowie](#)



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(Photo by Joe Raedle/Getty Images)

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TALLAHASSEE (CBSMiami) – The state last month removed about 2,000 children from a specialized program that provides services to medically fragile kids, finding that they were no longer “clinically eligible” under a new screening process.

But the move by the Department of Health to re-evaluate children in the Children’s Medical Services Network is drawing criticism from pediatricians and some children’s advocates.

Department spokeswoman Tiffany Cowie said in an email that 7,424 children enrolled in the Children’s Medical Services Network under Medicaid were re-screened between May 4 and May 20. Of those, 2,065 were found to be “not clinically eligible,” while 5,359 were found eligible and kept in the program.

Critics say they’re troubled that the department has stopped enrolling new kids in the CMS Network – except for emergency cases – during a 90-day period while the state re-screens nearly 65,000 children using a new eligibility tool that went into effect last month.

“The CMS Network has a stronger support network for the family of a child with special needs,” said Karen Woodall, director of the Florida Center for

Fiscal and Economic Policy and a member of the state's KidCare Coordinating Council. "There's likely to be more immediate attention than you would get with a regular health-care plan."

During the three-month re-screening period, new applicants for coverage are being enrolled in Medicaid managed-care plans, as are the children who were re-screened and found to be ineligible for the CMS Network under the new criteria.

But some say the CMS Network, which was designed for children with severe and chronic illnesses, does more to help families struggling with such challenges than Medicaid managed-care plans.

"There are severe medical needs that require children to have feeding tubes and (tracheotomy) tubes, and cause their breathing to stop on a regular, intermittent basis," said Cindy Arenberg Seltzer, chief executive officer of the Children's Services Council of Broward County. "There are a lot of very scary issues with which parents of all socioeconomic conditions need support."

The Department of Health, however, "is committed to providing quality care to residents, and especially children, through a number of programs, including Children's Medical Services," Cowie wrote in an email.

She said all the managed-care plans serving Florida children offer "at least the same services as the CMS Network," with the exception of a program known as Partners in Care: Together for Kids, which serves children with life-threatening illnesses.

The 90-day re-screening period will end July 31, and critics are concerned about the lack of children being enrolled during that period.

Louis St. Petery, a pediatric cardiologist and executive vice president of the Florida Pediatric Society, said the delay means that "fragile children, like HIV-exposed newborns or kids newly diagnosed with leukemia, are put at considerable increased risk. ...These decisions are being made by bureaucrats with little or no understanding of caring for children with special health-care needs."

The Department of Health disputes such criticisms. In information offered to CMS providers, it said the department is doing the mass screening because, "We want to ensure we are reaching the intended population in the most expeditious way possible. The goal will remain to provide quality care and needed care coordination services throughout this process."

Cowie said the CMS Network's central office received 11 requests for urgent or emergency enrollment between May 4 and May 20. The department defines emergency as "a situation where the CMSN plan is uniquely capable of covering the child's needs."

"One child will be reviewed with (the Agency for Health Care Administration) this week," Cowie wrote on Thursday. "The remaining 10 children will be able to be served appropriately and will not be considered for urgent/emergency enrollment."

She said all 10 are receiving services from Medicaid managed-care plans — and that those services are the equivalent of what they would have received through the CMS Network.

Woodall, however, said there would be more emergency requests if families knew the CMS Network was an option.

“Families may not understand that they can make a special request to be considered as an emergency case,” she said. “And that could cause a delay in the specialized care that their child might need.”

Critics focus heavily on whether children will receive the same levels of services in Medicaid managed-care plans as they would in the CMS Network.

“As the state moves more and more populations into managed care, it’s particularly high-risk for children who have chronic and serious health conditions,” said Joan Alker, executive director of the Georgetown University Health Policy Institute. “And those are exactly the kind of kids we worry about going into managed care, because it’s hard to make money on those kids.”

House Children, Families & Seniors Chairwoman Gayle Harrell, R-Stuart, said she supports moving some children with conditions such as asthma and attention-deficit disorder from the CMS Network to Medicaid managed care.

But she also said she was watching the transition “very carefully.”

“I do have some concerns to make sure only appropriate children are moved,” Harrell said. “If the (managed-care) programs can handle them, that is fine, but I do have concerns that we make sure we don’t have our critically ill children moved, and it becomes an evaluation process as to what children are appropriate.”

Senate Health and Human Services Appropriations Chairman Rene Garcia, R-Hialeah, said he and Senate President Andy Gardiner were also monitoring the changes.

“Government’s role is to help those that can’t help themselves, and who better than these children?” Garcia said. “So we’re going to continue to look at these issues and hold the Department of Health accountable.”

The News Service of Florida’s Margie Menzel contributed to this report.

Comments

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May 12, 2016

Settlement of Florida Medicaid lawsuit a victory for children, pediatricians

Melissa Jenco, News Content Editor

Low-income children in Florida will have better access to medical and dental care and pediatricians could see increases in Medicaid payment rates, under a recent [lawsuit settlement](#).

The settlement resolves a 2005 lawsuit filed by the Florida Chapter of the American Academy of Pediatrics (FCAAP), the Florida Academy of Pediatric Dentistry and several families against the Florida Agency for Health Care Administration (AHCA). The groups contended that low-income children enrolled in Medicaid were not receiving adequate preventive health care services outlined by federal law.

“Pediatricians in Florida have pursued access for low-income children in their state for more than a decade,” said AAP President Benard P. Dreyer, M.D., FAAP. “The Academy commends those pediatricians and pediatric dentists who began the lawsuit as well as the Florida Chapter leaders who negotiated this important settlement. Pediatricians got a fair deal and families will get improved access to essential medical and dental services.”

Roughly 44% of children enrolled in Medicaid in Florida did not receive a well-child visit from 1999 to 2004, according to [reports at the time](#). Roughly 75% of children in the program did not receive dental care.

These children and their pediatricians faced multiple hurdles, including children being switched to different providers without warning and families being unaware of services available to them, according to Louis B. St. Petery Jr., M.D., FAAP, past executive vice president of the FCAAP. In addition, the state’s payment rate for providers is less than appropriate under federal law.

“The reality is that people can’t open their doors freely to Medicaid kids like they would like to because of the fiscal situation,” Dr. St. Petery said.

In December 2014 following more than 90 days of trial, a federal judge agreed the state had violated federal law regarding Medicaid. Several months later in a separate case, the U.S. Supreme Court ruled doctors cannot sue states over low Medicaid payment rates. Ultimately, the judge in the Florida case ordered mediation that resulted in the recent settlement.

Under the deal, the AHCA will increase Medicaid payment rates through incentives for pediatricians and other providers who meet targets for patient access and outcomes. The state will have 30 months to improve participation.

The AHCA also has agreed to reduce administrative obstacles to care for the 2 million children on Medicaid. It will improve outreach to low-income families to inform them of Medicaid benefits that are available and to promote preventive care for those already enrolled. In addition, the settlement lays out steps to improve access to dental services.

FCAAP President Tommy Schechtman, M.D., M.S.P.H., FAAP, called the case a “long laborious effort by many” and commended all of those who gathered data, gave depositions and attended court hearings.

“Certainly, this was an effort that was put forward by many many pediatricians in the state,” Dr. Schechtman said. “Many pediatric leaders of the chapter were very much engaged in this over the years.”

The ongoing shadow of the lawsuit made it difficult to collaborate with state agencies on children’s health issues, but Dr. Schechtman said the settlement allows all groups to move forward.

“This is a brand new day for children on Medicaid here in Florida,” Dr. Schechtman said. “We look forward to working with the state and trying to improve and build a system of delivery of health care to children that will not only ensure their ability to access that care but also will achieve quality health care outcomes.”

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**THE FLORIDA BAR FOUNDATION
AWARDS COMMITTEE
2018 MEDAL OF HONOR AWARDS**

2018 Non-Lawyer Nominee Summary

Nominations received in 2018:

Nominee: **Connie Bookman**, CEO, Pathways for Change

Year(s) Nominated: 2018

Principal Activities: For her dedication and countless contributions in making the lives of those unfortunate better, and for her work with the Escambia Project.

Nominated By: Mary Gardiner-Evertz

Letter(s) in Support: None included

Nominee: **Ken Burke**, Pinellas County Clerk of the Circuit Court and Comptroller

Year(s) Nominated: 2018

Principal Activities: For his outstanding contribution to the improvement of the administration of justice through his tireless work in promoting access to the judicial system and public education.

Nominated By: Donald Crowell, Esquire

Letter(s) in Support: Joshua T. Chilson, Esquire
Sandra F. Diamond, Esquire
Andrew Blaise Sasso, Esquire

Nominee: **J Douglas Campbell**, Chairman of the Board, Friends of Foster Children of Southwest Florida

Year(s) Nominated: 2018

Principal Activities: For being a persistent advocate for abused and neglected children, and through his work with the Friends of Foster Children of Southwest Florida

that provides these children with the social, educational and financial support not offered by the state.

Nominated By: John P. Cardillo, Esquire

Letter(s) in Support: None included

Nominee: **Rick Scott**, Governor, State of Florida

Year(s) Nominated: 2018

Principal Activities: Is being honored for creating almost 1.5 million jobs in the State of Florida.

Nominated By: James Gayle, Esquire

Letter(s) in Support: None included

Nominee: **Dr. Louis St. Petery**, Pediatric Cardiologist, Tallahassee Primary Care Associates

Year(s) Nominated: 2018

Principal Activities: For his lifetime commitment to help improve medical care for children on Medicaid in Florida.

Nominated By: Carl Goldfarb, Esquire

Letter(s) in Support: None included

2017 Carryover Nominee Summary for 2018

Possible Nominees to be Carried Over to 2018 Medal of Honor Selection

The 2017 Medal of Honor Awards Committee agreed that the following nominations should be carried over for consideration by the 2018 Medal of Honor Awards Committee.

Nominee: **Pat Frank**, Clerk of the Circuit Court, Hillsborough County

Year(s) Nominated: 2017

Principal Activities: For her lifelong commitment in public office in seeking equality and justice for all Floridians.

Nominated By: Erin Jackson, Esquire

Letter(s) in Support: Talbot D'Alemberte, Esquire
Hon. Katherine G. Essrig
Arthenia L. Joyner, Esquire

Nominee: **Bob Graham, Florida's 38th Governor (Retired)**

Year(s) Nominated: 2017

Principal Activities: For being an honorable, humble, tireless, and gracious public servant, who served his community honorably and ably.

Nominated By: Harry Lee Coe IV, Chair, Florida Bar JAEC Committee

Letter(s) in Support: None included

THE FLORIDA BAR FOUNDATION

Report of the Medal of Honor Awards Committee
February 23, 2018

Request for Action
Ratification of 2018 Medal of Honor Award Committee Selection
for The Jane Elizabeth Curran Distinguished Service Award

The awards committee met by telephone conference call on February 23, 2018 to consider nominees. Enclosed is a brief summary of the nominations submitted, along with copies of the full nomination and supporting materials for the committee's selectees in the Jane Elizabeth Curran Distinguished Service Award.

Board action is requested to ratify the work of the Foundation's awards committee in selecting the recipient(s) of the 2018 Jane Elizabeth Curran Distinguished Service Award.

2018 Jane Elizabeth Curran Distinguished Service Award

Sharon Bourassa, Director of Special Projects, Legal Aid Services of Broward County

and

Marcia Cypen, Executive Director Emeritus, Legal Services of Greater Miami

Respectfully Submitted:

Jewel White, Chair
Juliette E. Lippman, Vice-Chair
Hon. James M. Barton, II
Gregory W. Coleman
Jane E. Curran
Michael J. Higer
Donny MacKenzie
David C. Prather
Hon. Edwin A. Scales, III
Stephen R. Senn

**THE FLORIDA BAR FOUNDATION
AWARDS COMMITTEE
2018 JANE ELIZABETH CURRAN DISTINGUISHED SERVICE AWARD**

Nominee Summary

Nominee: **Sharon Bourassa**, Director of Special Projects, Legal Aid Services
of Broward County

Year(s) Nominated: 2018

Principal Activities: For a lifetime career devoted to improving the housing conditions of
extremely low-income individuals.

Nominated By: Anthony Karrat, Executive Director, Legal Aid Service of Broward
County

Letter(s) in Support: Anthony S. Adelson, Esq.
Belinda Keiser, Vice Chancellor, Keiser University
Douglas H. Reynolds, Esq.

The Florida Bar Foundation - 2018 Jane Elizabeth Curran Distinguished Service Award Nomination Form

Submission ID	3946240745012561659
Submission Date	2018-02-16 16:01:30
1. NAME OF PERSON NOMINATED	Sharon Bourassa
2. TITLE	Director of Special Projects at Legal Aid Service of Broward County
3. ADDRESS	491 N SR 7 Plantation FL 33317 United States
4. PHONE NUMBER	(954) 736-2425
5. NOMINEE'S EMAIL	sbourassa@legalaid.org
6. NOMINATED BY	Anthony Karrat
7. ORGANIZATION (IF APPLICABLE)	Legal Aid Service of Broward County
8. TITLE	Executive Director
9. ADDRESS	491 N SR 7 Plantation FL 33317 United States
10. PHONE NUMBER	(954) 736-2401
11. NOMINATOR'S E-MAIL	akarrat@legalaid.org
12. DESCRIPTION OF QUALIFICATIONS	

As the Director of Special Projects at Legal Aid Service of Broward County, Sharon Bourassa selects and pursues and prosecutes significant cases that impact the low-income community. These cases generally seek equitable relief, damages, attorney's fees and costs. Many cases are brought under 42 U.S.C. Section 1983 and the U.S. Constitution and state laws.

The following case highlights exemplify Sharon's thirty-seven years of fighting for justice and the rights of the low-income and underserved populations.

MCCLAIN V FLORIDA AGENCY FOR HEALTH CARE ADMINISTRATION, Case No. 2014 CA 003063

Plaintiff McClain was employed by a nursing home facility for 20 years as a dietary technician. She began working for the facility in 1998 after she was convicted of a felony and had completed her sentence. She passed a background check conducted by the Defendant, Florida Agency for Health Care Administration ("the state agency"). After 20 years of exemplary work with the facility, the state agency conducted another background check around 2014 and based on the old felony, had her removed from the facility. The new background check showed that she failed to pay \$250 in trust fund monies to the court for the initial and only criminal case. The state agency said that these monies constituted a criminal sanction and therefore, Ms. McClain would no longer be exempt to work at the facility. Suit was filed against the state agency and the Secretary, Elizabeth Dudek in her official and individual capacity under the state and US Constitutions for denial of due process and under negligence theory for wrongfully administering the background check. Plaintiff won at the trial court level for purposes of the Motion to Dismiss the case and the state agency is appealing to the 1 DCA under the theory of sovereign immunity. Case is pending.

CURTIS et al v CITY OF HOLLYWOOD AND HOLLYWOOD CIRCLE, LLC, Case No. CACE 14-008722 (07)

The City of Hollywood failed and refuses to implement a relocation plan for the displaced tenants of a 200 unit apartment complex located in a redevelopment area as is required by state law. In addition, the City has failed to provide relocation assistance as required by state law. Further, the developer of the new mega complex to be constructed misled the residents into believing the Townhouse apt. complex would not be demolished for 3-5 years if at all, thus, lulling the 200 residents into renting the apartments. The case has been severed and currently there are 39 plaintiffs against the city and 12 plaintiffs against the developer. Case is pending in the complex litigation unit in Broward Circuit Court. The case was filed as a class action.

MARTES V. FLORIDA AGENCY FOR HEALTH CARE Case No. 10-61666

Five Plaintiffs who were beneficiaries of the Medically Needy program under the Medicaid Program under the SSA were wrongfully charged by state and private hospitals for medical treatment. Plaintiffs filed suit in federal court and then appealed to the Eleventh Circuit Court of Appeals. Court ruled that the Plaintiffs did not have a private right of action under the SSA to force the Secretary of AHCA to enforce the Act.

VELVA TURNER, et al v CITY OF FT. LAUDERDALE Case No. 05-61635-CIV-UNGARO-BENAGES

The City of Ft. Lauderdale targeted a Black Community for purposes of gentrification. The massive code enforcement effort is an attempt to take property without going through eminent domain. The City has imposed exorbitant code fines, liens and threats to foreclose on homestead property in violation of the United States Constitution. In effect, the City's efforts amount to a taking of property. The City has met with developers to acquire the properties for pennies on the dollar. Case settled and the liens against the 4 of the 5 property owners were removed amounting in the hundreds of thousands of dollars Plaintiffs received their costs in the amount of \$42,000 as well.

Michael Leavy v The School Board of Broward County, Florida Case No.: 02-61252-CIV-DIMITROULEAS/SELTZER

Applicants for employment and employees of the Broward County School Board denied employment because of alleged criminal activity. No meaningful notice or hearing provided to Plaintiffs. Federal District court dismissed and case was appealed in the 11th Circuit, which upheld the dismissal based upon no private right of action.

Broward Gardens Tenants Association v EPA and City of Ft. Lauderdale, ("Wingate Superfund site")

Tenants residing in close proximity to a superfund site challenged under the 13th Amendment to the U.S. Constitution that the city discriminated against them in the placement of the site in the colored section of town and in the selection of a remedy. District Court dismissed on jurisdictional grounds under CERCLA. An appeal was brought to the 11th Circuit Court of Appeals, which in a published opinion upheld the district court's dismissal and directed the residents to file case in state court under state law claims.

United States of America v. City of Fort Lauderdale, et al. Case No.: 98-6982-CIV-DIMITROULEAS ("Wingate Superfund Site")

Filed Motion of Non-Parties to be heard in Response to Proposed Consent Decree with video and notarized statements by critical witnesses. Argued to the Federal Court at a hearing held on non-parties motion to enter the case. Judge ruled against the non-parties as to the issue of standing.

Bass Dillard Neighborhood Issues & Prevention, Inc., et al. vs. U.S. Environmental Protection Agency, et al. Case No.: 98-6023-CIV-DIMITROULEAS ("Wingate Superfund Site")

Tenants, minority residents residing in a one-mile radius of a Superfund Site know as Wingate Municipal Landfill, filed a federal action against the U.S. Environmental Protection Agency and the Fort Lauderdale Community Development Corporation for injunctive and other relief for the improper awarding of a technical Assistance Grant to the City of Fort Lauderdale Community Development Corporation.

Kingston Square vs. A. Bruce Rozet, et al. Case No.: 91-6029-CIV-UNGARO-BENAGES

Owners of subsidized housing project sued in federal court by low income tenants in class action for failing to provide safe, sanitary, and decent housing. Settlement for \$500,000.00 for court litigation, complete gutting of project and rehabilitation program, rental rebates and change in ownership due to foreclosure as agreed in Consent Decree.

1995 - Consulted in case with a Miami law firm on a challenge against the Seventeenth Judicial Circuit Court Judges for not providing evidentiary hearings to fathers owing large purge amounts of child support. Fathers did not have ability to pay the large purge amounts and were jailed for criminal contempt massed as civil contempt. Challenge had statewide impact resulting in the judiciary ordering judges to hold hearings comporting with the due process clause.

Kingston Square Tenants Assoc. vs. HUD Case No.: 88-6957-CIV-PAINE

Southern District of Florida 1990 (Complete rehabilitation of 172 apt. complex subsidized by HUD). Class certified by federal district court. Case settled after several years of litigation. HUD foreclosed upon the slum lords and project was completely gutted and renovated by new owners. Defendants, Corporate Landlords, settled for \$280,000 attorney's fees and massive rent reduction for the remaining tenants. HUD also agreed to a 15 year section 8 contract for the low income tenants and the defendant owners were prohibited from operating in USA with HUD subsidies.

Magil vs. Town of Davie Case No.: 83-6773-CIV-MARCUS (S.D. 1987)

Plaintiff, property owner brings an action in federal court against the Town of Davie for due process (procedural and substantive) violations. Town of Davie noticed Plaintiff to demolish his home with no right to appeal. District Court ruled against Plaintiff and Plaintiff appealed to 11th Circuit. The Town of Davie implemented procedures which comported with due process and property owner prevailed on issue of damages and attorney's fees.

Ward vs. DDA, 786 F.2d 1526 (1986)

The Downtown Development Authority (Low-income, minority tenants were displaced by DDA to build a performing arts center. The DDA failed to provide relocation assistance to the tenants. Tenants won on appeal). Tenants received damages and attorney's fees after prevailing in the Eleventh Circuit Court of Appeals.

13. BRIEF BIOGRAPHICAL SKETCH

Sharon Bourassa exemplifies a legacy of distinguished service filled with the pursuit of justice for which this award is given. Her dedication to providing legal services to the poor is truly extraordinary. Sharon's biography, recognitions and awards, and the cases and legal matters she pursues indicate her deep commitment to making an impact in the lives of low-income individuals. Her life's work is, and continues to be, seeking justice for those who would otherwise have no voice.

Sharon has been employed by Legal Aid Service of Broward County since 1981. However, her interest and compassion for the low-income community began long before she entered law school and went on to a lifelong career with Legal Aid. Sharon was a divorced mother with two young children receiving welfare assistance via Food Stamps and a Section 8 Housing Voucher. Sharon became determined to earn a college degree and go on to law school, not only to help her family but also to help those who faced the same struggles she experienced.

Currently the Director of Special Projects Sharon has represented, and currently represents, low-income families in cases involving federal and state environmental laws, federal and state housing laws and local code enforcement laws.

She became involved in representing extremely low-income clients and families in housing matters in 1986. Since then, Sharon has focused her practice on major impact cases that result in significant impact or class wide relief to local, state, and nation-wide segments of the low-income population. She has litigated cases against the U.S. Department of Housing and Urban Development (HUD) for operating federal housing projects that are in clear violation of applicable housing laws, the U.S. Environmental Protection Agency (EPA) for its failure to enforce laws concerning a Superfund waste site, and other governmental entities for failure to either comply with applicable code enforcement, housing, and relocation laws or for improper enforcement of said laws.

Most recently, Sharon has been instrumental in developing programs to represent welfare and low-income women and men whose legal issues are keeping them from continuing their education or job training. This includes representing them in child custody, domestic violence, evictions, foreclosure and other consumer matters. The program's holistic approach ensures these persons receive an appropriate assessment and placement into higher education and/or work activities that lead to a better future for them and their families. These individuals often are unable to access public benefits while they are pursuing their education, therefore the program additionally endeavors to pursue access to cash assistance, food stamps, Medicaid, transportation assistance and tuition assistance as appropriate. Sharon and her team also represent clients who have been unfairly sanctioned by federal and state programs.

Sharon has been and remains a stalwart in the selfless pursuit of justice, demonstrating exemplary commitment to solving the legal problems of extremely low income people. She has been successful in a variety of forums and is known for providing unwavering support to colleagues and others who work in the legal services community.

The following Awards of Distinction and Recognition are a testament to Sharon's impact on the low income landscape in our community.

2016-Legend Award for 35 years of devotion and service, Legal Aid Service of Broward County.

2012-Leadership and Distinction Award, Philippine Consulate Award

2008- Stephen M. Goldstein Award for Excellence, 2nd runner-up, presented by the Florida Bar Foundation

2007- Most Effective Lawyers, Daily Business Review for Zoning Litigation

2006-Urban League Humanitarian Award

2002-Humanitarian Award-South Florida Human Rights Council. Presented to Sharon for her dedication to and continuous involvement with the poor community in Broward County, FL

2002- Thurgood Marshall Award-Urban League of Broward County. Presented to Sharon/ Legal Aid because of her 10 years of hard work challenging the City of Ft. Lauderdale and the U.S. Environmental Protection Agency's failure to provide a safe remedial plan for the Wingate Superfund Site.

1999-Legal Environmental Assistance Foundation Award for Justice (LEAF). This award was presented to Sharon as a result of the three years involvement with litigation challenging the selected remedy for the Wingate Superfund Site and issue of Environmental Justice.

1998-Induction into and recipient of the Broward County Women's Hall of Fame Award, presented to Sharon for significant contributions to society and to the progress and freedom of women.

1998-Dennison Ray Award - This prestigious national award is presented biannually by the Project Advisory Group and the National Legal Aid and Defender Association. Sharon received this award in recognition of outstanding legal services provided to the low income community.

1994 Alumna of the Year Award: This award was presented by Nova Southeastern University, Shepard Broad Law Center on their 20th Anniversary to Sharon for representing the highest moral, intellectual, and professional characteristics of a Nova lawyer.

With her flagship style of undaunted commitment, dogged determination and bottomless compassion, Sharon continues the good fight today. In addition to her critical legal work, Sharon is tirelessly involved with her colleagues in the legal aid community, always willing to assist and share her knowledge, skill, experience, and passion regarding housing and low-income individuals. She has trained hundreds of law students not only in the law, but more importantly, she has imparted to them a passion to fight for these individuals and their families ... illuminating their moral compass and putting a fire in their belly. Faithfully inspiring and mentoring a new generation of first-rate, public interest lawyers.

Sharon made a promise to devote herself to assisting those in need through her legal work. Idealistic and passionate, she came to Legal Aid as an intern and never left. She has kept that promise.

It is in this light that we submit our nomination of Sharon Bourassa for the prestigious Jane Elizabeth Curran Distinguished Service Award. We believe Sharon to be highly deserving of this award.

14. UPLOAD ARTICLES/LETTERS

[Adelsonletter.pdf](#)

[Doug Reynolds letter.pdf](#)

[Keiser letter.pdf](#)

[Tony Karrat letter.pdf](#)

[Ward vs DDA.pdf](#)



February 12, 2018

To Whom It May Concern:

I write this letter in support of the nomination of Sharon Bourassa, Esq. for the annual Jane Elizabeth Curran Distinguished Service Award. I can think of no one who has done more to make positive and lasting changes for civil justice in the state of Florida, or deserves this award more than Sharon.

I first met Sharon Bourassa in 1994, when I was an intern in the Consumer Protection Unit of Legal Aid Service of Broward County. Sharon was the director of litigation, and my office was close to hers in the old Legal Aid building downtown. Following Sharon's advice allowed me to obtain a position as a staff attorney with Legal Aid Service of Broward County once I passed the Florida Bar. During my tenure at Legal Aid I was lucky enough to be able to pop into Sharon's office frequently for some mentoring and words of wisdom. Sharon always made herself available to me, and was an amazing mentor who has given me great advice over the years.

While working at Legal Aid, and in talking with Sharon over the years, I was able to follow the progress of her housing cases. A few years ago Sharon approached me about working with her on a class action suit involving housing and relocation issues, and I jumped at the chance to work with her. I have always felt a debt of gratitude to Sharon for helping me get a full-time job with Legal Aid. What I realized from being around Sharon and watching her work is that there are very few people in any profession that are like her. I have tried to emulate her passion and compassion throughout my professional career, as well as in my personal life.

Sharon Bourassa lives and breathes her cases. Her clients become like family to her, and she does anything and everything necessary to protect them and to fight for their rights. Sharon is a tireless advocate for her clients, and believes deeply in the mission and goals of legal aid. As a single mother raising two children, and putting herself through law school, Sharon Bourassa has known hardship. It is evident that she has been able to utilize her struggles to be able put herself in the shoes of her clients, and to understand what they are going through in a unique way that many others cannot do.

Sharon exemplifies all of the best qualities of an attorney, and is deserving of recognition for a career devoted to promoting civil justice for our society's voiceless and most vulnerable citizens. She has personally touched so many lives, and improved the quality of life for so many people in Broward County and throughout the state. I cannot think of anyone more deserving of recognition for the contributions made over the span of their legal career than Sharon Bourassa.

Sincerely,

A handwritten signature in blue ink that reads 'Anthony S. Adelson'.

Anthony S. Adelson
Attorney at Law

501 Golden Isles Drive, Suite 102, Hallandale Beach, Florida 33009
Telephone: (954) 458-9238 Facsimile: (954) 862-5962



Douglas H. Reynolds
Board Certified Business Litigation
Direct Dial: 954.765-2910
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February 15, 2018

The Florida Bar Foundation
875 Concourse Parkway South
Suite 195
Maitland, FL 32751

To Whom It May Concern:

It is my honor and privilege to support the nomination of Sharon Bourassa for the 2018 Jane Elizabeth Curran Distinguished Service Award. Sharon has dedicated her career to achieving meaningful, effective and lasting increases in access to civil justice for the poor.

Sharon has devoted her exceptional legal skills over the past thirty-five (35) years of her life to improving the housing conditions of extremely low-income individuals. Prior to becoming a lawyer, Sharon was a low-income single mom trying to escape poverty through education and sacrifice. She has brought major impact housing cases, has impacted local and state housing legislation and she has mentored and assisted untold lawyers helping the poor.

I first met Sharon in 1988 when she represented a group of tenants residing at the Kingston Square Apartments in Fort Lauderdale, Florida ("Kingston Square"). Kingston Square was a low income housing complex with over one hundred units. Almost all of the tenants were recipients of Section 8 assistance. As alleged by the plaintiffs, Kingston Square was in dilapidated condition and posed a serious health threat to its hundreds of residents. Sharon filed a class-action lawsuit on behalf of the tenants in federal court in an effort to rehabilitate the project and provide clean, safe housing to the tenants, all of whom were low-income. She sued HUD, the owner and the management company.

I was retained to represent the limited partnership which owned Kingston Square and its management company. During the next eight (8) years of litigation in federal court in two lawsuits, I came to personally observe Sharon's unwavering commitment to and total empathy for the needs of the most underserved and forgotten of our society. She was a relentless advocate and skilled lawyer who put the interests of her clients above her own.

Through our eight-year legal journey together we came to understand that HUD had failed to meet the needs of those to whom it was committed to serve. Our journey took us to Washington, D.C. and the highest levels of the Department of Housing where we learned that the resources that Kingston Square so desperately needed were the subject of political manipulation by HUD political appointments. Unbeknownst to us, HUD had diverted Section 8 resources to other projects, whose owners had made political contributions to preferred congressional

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candidates. Two of the top HUD officials deposed in our case, Deborah Gore Dean and Thomas Demery, were subsequently indicted and convicted.

Ultimately, the lawsuit was resolved, Kingston Square was rehabilitated and hundreds of residents had new, safe and decent housing. It was only because of Sharon's persistence did that occur. She took on the federal government and private enterprise, and prevailed to the benefit of the tenants.

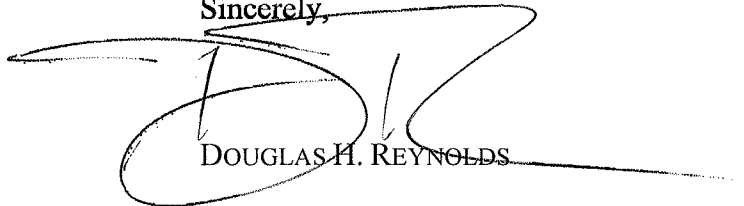
This is only one specific example of her ability to impact the lives of the poor. Her career is full of such stories, both on the individual level as well as in addressing large low-income housing projects.

Since 1986 I have worked with Sharon on numerous other matters to assist those in low-income housing. Sharon's commitment to the poor goes beyond meeting their fundamental housing needs, including but not limited to, finding the resources to meet their economic, emotional and social needs.

Sharon has mentored an untold number of private and Legal-Aid attorneys during her lengthy career, sharing her insights, knowledge and expertise in low-income housing. She has never been too busy to assist those in need. Her legacy is firmly established in the many lives she has touched throughout her career. Every time she mentors a young lawyer, she changes the course of low-income housing and improves the lives of countless tenants unknown to her.

Accordingly, it is a privilege for me, as an old adversary of hers, to state that she is a very worthy candidate for this prestigious award.

Sincerely,



DOUGLAS H. REYNOLDS

DHR\end

February 15, 2018

To whom it may concern:

I have known Sharon Bourassa for 25 years, during my tenure at Legal Aid as the Pro Bono Coordinator, and later when we worked as colleagues on various community service projects. Sharon managed the attorney's litigation efforts at Legal Aid Service of Broward County. She was a relentless, tireless advocate for the poor. Unstoppable and compassionate, she led class action lawsuits determined to provide access to justice.

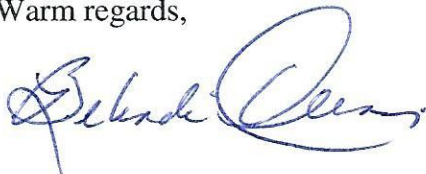
Without question, Sharon Bourassa stands out as a professional who is of high integrity. Ms. Bourassa, driven by her love of the law and her belief that the best are committed to ensuring that no matter what their economic or social standing might be, the people will have a voice and access to the judicial system.

Ms. Bourassa is a leader with a heart of service. Whether the issue is housing, eminent domain, or unfair discriminatory practices, Sharon has served her clients with the utmost respect and persistence. Her commitment to women's economic justice and providing the tools for their long-term independence are both notable and impressive.

In my opinion, Ms. Bourassa has earned the honor of being a recipient of the Jane Elizabeth Curran Distinguished Award.

Please feel free to contact me if you have further questions about Ms. Bourassa.

Warm regards,



Belinda Keiser
Vice Chancellor of Community Relations and Student Advancement
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Displaced Tenants Find Shelter in the Eleventh Circuit: *Ward v. Downtown Development Authority*, 786 F.2d 1526 (11th Cir. 1986)

Jane E. Fedder

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DISPLACED TENANTS FIND SHELTER IN THE
ELEVENTH CIRCUIT:
*WARD v. DOWNTOWN DEVELOPMENT
AUTHORITY*,
786 F.2d 1526 (11th CIR. 1986)

Redevelopment projects designed to rid America's older cities of slums and urban decay increasingly conflict with the rights of displaced tenants.¹ Federal courts grant constitutional protection against the "taking" of a leasehold in limited circumstances.² A minority of courts hold that a tenant-at-will, evicted from federally subsidized housing, retains a substantive property interest until the lessor complies with federal termination procedures.³ In *Ward v. Downtown Development*

1. See generally Comment, *Urban Redevelopment and the Fiscal Crises of the Central City*, 21 ST. LOUIS U.L.J. 820, 822 (1978) (discussion of conflicting goals between government sponsored redevelopment programs and low-income residents in target area); Comment, *Displacement of the Elderly: Policies and Strategies to Combat an Old Problem*, 16 GONZAGA L. REV. 723, 744 (1981) (efforts to revitalize cities often result in displacing low-income owners and renters).

2. See *infra* note 16 and accompanying text. The fifth amendment to the United States Constitution proscribes the taking of private property for public use without just compensation. U.S. CONST. amend. V. This comment focuses on the issue of a tenant's substantive property interest under the fifth amendment. For a general discussion of various aspects of the taking issue, see generally D.R. MANDELKER, *LAND USE LAW* 15-48 (1982).

In addition to judicial remedies, Congress passed the Uniform Relocation Assistance and Real Property Acquisition Act of 1970, 42 U.S.C. §§ 4601-4655 (1976) to aid persons displaced or those deprived of their real property by federal and federally assisted programs. See Comment, *Blight, Redevelopment and Relocation: A Recurring Pattern Under the Uniform Relocation Act*, 51 U.M.K.C. L. REV. 107, 126 (1982) (examines the effect of the Uniform Relocation Assistance Act on residents displaced by redevelopment projects).

3. See, e.g., *Joy v. Daniels*, 479 F.2d 1236, 1241 (4th Cir. 1973) (determining that the National Housing Act and the Housing and Urban Development Act of 1965 create a property right or entitlement to continue occupancy until cause to evict exists other than expiration of a tenant's lease); *Jeffries v. Georgia Residential Fin. Auth.*, 503 F. Supp. 610 (N.D. Ga. 1980), *aff'd*, 678 F.2d 919, 925 (11th Cir. 1982) (affirming the district court's finding that the statute establishing the Section 8 housing program is the source of a legitimate expectation by an at-will tenant that a landlord will not evict him or her without good cause); *Swann v. Gastonia Housing Auth.*, 675 F.2d 1342, 1346

Authority,⁴ the Eleventh Circuit Court of Appeals extended protection under the fifth amendment's taking clause⁵ to situations involving state regulatory guidelines.⁶ The court held that a tenancy-at-will is a protected property interest entitling the tenant to compensation when a state controlled redevelopment agency takes the tenant's interest without adhering to requirements established in the agency's legislative grant of authority.⁷

In *Ward* the Downtown Development Authority (DDA)⁸ purchased apartments as part of a renewal project.⁹ On the DDA's instruction, the apartment managers notified the residents, month-to-month tenants-at-will,¹⁰ to vacate their apartments within twenty days.¹¹ The tenants complied with the eviction notice and later filed suit in federal

(4th Cir. 1982) (a tenant receiving Section 8 housing subsidies has a constitutionally protected property interest in continued occupancy after the lease expires). *See infra* notes 28-57 and accompanying text.

4. 786 F.2d 1526 (11th Cir. 1986).

5. U.S. CONST. amend. V. *See supra* note 2 and *infra* note 16.

6. 786 F.2d at 1526.

7. *Id.* at 1530.

8. *Id.* at 1527. The Florida legislature created the DDA to "plan, construct and maintain public improvements and facilities within the central business district of Fort Lauderdale, Florida." *Id.* 1969 Fla. Laws ch. 69-1056.

9. 786 F.2d at 1527.

10. *Id.* A tenancy-at-will is defined in the RESTATEMENT (SECOND) OF PROPERTY § 1.6 (1977) as "one created to endure only so long as both the landlord and the tenant desire." *See* C.J. BERGER, LAND OWNERSHIP AND USE 205 (3d ed. 1983). At common law, one party could end the tenancy-at-will by giving notice of termination to the other. *Id.* State statutes, like the applicable Florida statute in *Ward*, modify this rule by requiring termination notice equal to, or a fraction of, the rent-paying period. *See, e.g.,* J.R. CRIBBET, PRINCIPLES OF THE LAW OF PROPERTY 56 (1962).

The tenants in *Ward* were paying monthly rent but had no lease. 786 F.2d at 1527. Therefore, Florida law required the lessors to give fifteen days notification prior to terminating their lessees' tenancies. FLA. STAT. ANN. § 83.03 (West Supp. 1985).

11. 786 F.2d at 1527. The DDA hired the former apartment owners as managing agents. Their employment contracts required them to have every tenant sign a statement saying that he or she had no other right than to possess the apartment in accordance with any existing lease or oral agreement, and that said interest would expire on or before October 30, 1985.

Tenants received notice to vacate on October 11, 1982. The DDA failed to hold a public hearing or provide relocation assistance, requirements the DDA must meet prior to approving a renewal project. *See* 1969 Fla. Laws ch. 69-1056 § 21.

The court stated that the agreement that the tenants signed only limited the right of property possession to the lease terms. 786 F.2d at 1528. No contract created a property interest binding the tenant to remain in possession of the apartment until October 30, 1985. Consequently, the court found no breach of contract. *Id.*

court under the taking clause of the fifth amendment seeking compensation for their lost property interests.¹² The district court dismissed the tenants' complaint, ruling that a tenant-at-will's expectation in continued occupancy of his or her apartment is too uncertain to be a compensable property interest under the Constitution.¹³ On appeal, the Eleventh Circuit reversed, holding that a that a tenant-at-will has a protectable property interest.¹⁴ The court determined that the DDA took this interest by terminating the tenancies without either conducting a public hearing or providing the relocation assistance outlined in the state statute authorizing the agency's operations.¹⁵

The fifth amendment to the United States Constitution provides in part that private property "shall not be taken for public use without just compensation."¹⁶ Although the amendment proscribes takings of property, it neither creates nor defines the substantive rights protected.¹⁷ Federal courts traditionally find a property interest when a

12. 786 F.2d at 1527. The tenants also alleged procedural due process violations under 42 U.S.C. § 1983 (denial of relocation assistance without due process of law), equal protection violations (charging that tenants similarly situated received the benefit of relocation assistance under the DDA act), 786 F.2d at 1532, and pendent state law claims for specific violations of the DDA act because of the agency's failure to follow statutory guidelines prior to approving the renewal project. *Id.* at 1527.

13. *Id.* The absence of a compensable property interest also doomed the due process claim. The district court dismissed the tenants' § 1983 claim, determining that § 1983 only provides a cause of action for violations of rights guaranteed by the United States Constitution. Additionally, absent valid federal claims, the district court refused to exercise pendent jurisdiction over the tenants' state law claims. *Id.* See *infra* notes 78-82 and accompanying text.

14. 786 F.2d at 1533.

15. *Id.* at 1530. See *infra* notes 72-82 and accompanying text.

16. U.S. CONST. amend. V. As early as 1897, the Supreme Court recognized that the fifth amendment applies to the states through operation of the fourteenth amendment. See *Chicago, B & Q Ry. Co. v. City of Chicago*, 166 U.S. 226 (1897) (prohibiting a state from taking a person's property without due process of law). See also *Morton Grove Park Dist. v. American Nat'l Bank and Trust Co.*, 78 Ill. 2d 353, 399 N.E.2d 1295 (1980) (the federal constitutional guarantee that private property shall not be taken for public use without just compensation applies to the states through the fourteenth amendment); *Foster v. City of Detroit*, 254 F. Supp. 655 (E.D. Mich. 1966), *aff'd*, 405 F.2d 138 (6th Cir. 1968) (the fifth amendment requirement providing just compensation for the taking of private property for public use applies to the states and is incorporated into the due process meaning of the fourteenth amendment).

17. See *Board of Regents v. Roth*, 408 U.S. 564, 577 (1972) ("Property interests, of course, are not created by the Constitution." The interests come from independent sources [state laws] which secure certain benefits and support claims of entitlement to those benefits). See e.g., *Bishop v. Wood*, 426 U.S. 341, 344 (1975) (a property interest in employment may be created by ordinance or by an implied contract); *Webb's*

person has an expectation in the continued use or enjoyment of property, arising from a legitimate claim of entitlement.¹⁸ Often, the sources of legitimacy for claims of entitlement are state and local laws.¹⁹

Historically, a tenant's expectation in the continued occupancy of a leasehold depended upon the terms of any unexpired lease.²⁰ Consequently, the government must compensate a leaseholder when it takes her land for public use prior to the lease's expiration.²¹ A tenant-at-will, however, has no expectation of continued occupancy beyond the

Fabulous Pharmacies, Inc. v. Beckwith, 449 U.S. 153, 161 (1980) (the Constitution does not create property interests, citing with approval *Roth*, 408 U.S. at 577). See generally C.J. BERGER, *LAND OWNERSHIP AND USE* 3-14 (3d ed. 1983) (discussing what constitutes "property").

18. *Roth*, 408 U.S. at 577 (for a property interest to exist, a person must have more than an "abstract need or desire for it." He or she must have a legitimate claim of entitlement to the property interest). See also *Webb's Fabulous Pharmacies*, 449 U.S. at 161 (1980) (a mere unilateral expectation or abstract need is not a property interest entitled to protection); *Goldberg v. Kelley*, 397 U.S. 265 (1970) (welfare recipients have a claim of entitlement to benefits based on the statute defining eligibility requirements); *Ressler v. Pierce*, 692 F.2d 1212, 1214 (9th Cir. 1982) (applicants for Section 8 housing subsidies have a protectable claim of entitlement to benefits based on the limiting language of the regulations for admissions and selections of the program); *Geneva Towers Tenants Org. v. Federated Mortgage Investors*, 504 F.2d 489 (9th Cir. 1974) (the tenants' interest in avoiding rent increases lies in their statutorily created expectations that they will continue to receive the benefits of low cost housing).

19. See *Chavey v. City of Santa Fe Housing Auth.*, 606 F.2d 282, 284 (10th Cir. 1979) (rules, understandings, and independent sources such as state law, created property interests); *Richmond Elks Hall Assoc. v. Richmond Redev. Agency*, 561 F.2d 1327, 1330 (9th Cir. 1977) (in determining what property rights exist and are, therefore, subject to taking under the fifth amendment, federal courts look to state law); *U.S. v. Certain Property*, 306 F.2d 439, 444 (2d Cir. 1962) (to determine what constitutes a "taking", the court should look to the law of the state where the property is located).

20. See *A.W. Duckett & Co. v. U.S.*, 266 U.S. 149, 151 (1924) (compensation required for the value of lessee's interest when the United States, although not taking the fee, took control of piers where lessees operated an on-going business under a lease with one and one-half years remaining). See also *Alamo Land & Cattle Co. v. Arizona*, 424 U.S. 295, 303 (1975) (government must compensate the holder of an unexpired leasehold interest in land for the value of the interest under the fifth amendment); *Devines v. Maier*, 655 F.2d 138, *rev'd on other grounds*, 728 F.2d 876, 880 (1984) (leasehold interests are property interests protected by the fifth amendment).

21. *Alamo*, 424 U.S. at 303. See, e.g., *U.S. v. Petty Motor Co.*, 327 U.S. 372 (1946). In *Petty*, the court determined that condemnation of all interests in a leasehold should be treated like condemnation of all interests in a fee. *Id.* at 378. Consequently, tenants with a written year-long lease containing a renewal option had compensable property interests because the renewal option created an expectation of continued occupancy. *Id.* at 380.

statutorily guaranteed termination notice period;²² therefore, the government need not compensate the tenant-at-will under the fifth amendment.²³

Federal courts began to acknowledge situations in which a tenant-at-will may retain a constitutionally protected interest despite receiving statutorily sufficient notice of termination.²⁴ In *Joy v. Daniels*²⁵ a landlord receiving rent subsidies from the Federal Housing Administration (FHA)²⁶ followed South Carolina notice procedures to evict an at-will tenant.²⁷ The Fourth Circuit determined that, according to FHA regulations and custom, a property right or entitlement in continued occupancy exists until a cause to evict arises from a condition other than the lease's expiration.²⁸ The federal government's participation in the housing project, combined with the state's eviction procedures, led the court to conclude that the landlord's actions were not "purely private."²⁹ The court determined that sufficient state action existed to invoke the fourteenth amendment's protections.³⁰ Yet, the court noted

22. See *Petty*, 327 U.S. at 380. The Court held that the month-to-month tenants-at-will displaced by the same condemnation proceeding lacked compensable property interests. The Court stated that once the tenants received the requisite fifteen days notice, they received no further entitlement. *Id.* at 380.

23. *But see Pensacola Scrap Processors v. State Road Dept.*, 188 So. 2d 38, *cert. denied*, 192 So. 2d 494 (Fla. 1966). Under the Florida Constitution, a tenant-at-will is a property owner. Therefore, if the state condemns only part of the tenant's leasehold for highway use, the tenant should receive the state's statutory compensation. *Id.* at 43. The court, however, specifically limited its holding to this "partial taking" instance. *Id.* at 43.

24. See *infra* notes 27, 40 and accompanying text.

25. 479 F.2d 1236 (4th Cir. 1973).

26. *Id.* at 1238-1239. The FHA grants rent subsidies, paid directly to the landlord, for low-income residents under the Housing and Urban Development Act of 1965, 12 U.S.C. § 1701(b) (1978).

27. 479 F.2d at 1238. The landlord gave the tenant thirty days notice to vacate her apartment without giving her the reasons for her eviction. South Carolina law requires that a landlord show cause to evict and that the landlord prove these reasons in court. *Id.* at 1242. Prior to *Joy*, the Fourth Circuit held in *Johnson v. Tamsberg*, 430 F.2d 1125, 1127 (4th Cir. 1970) that "public housing tenants are not actually ejected until basic due process requisites are satisfied." *Joy*, 479 F.2d at 1242.

28. 479 F.2d at 1241.

29. *Id.* at 1239. The court stated that these actions had "so far insinuated [the state] into a position of interdependence with the [landlord]" that the landlord's actions were not so purely private as to fall outside the fourteenth amendment. *Id.*

30. *Id.* State action is necessary to invoke the fourteenth amendment protections because the amendment does not inhibit the conduct of individuals acting in a purely private capacity. 479 F.2d at 1238 (citing *Adickes v. S.H. Kress & Co.*, 398 U.S. 144,

that because the South Carolina laws adequately protected the tenant's due process rights by providing the same good-cause notice that the FHA requires, the federal court had no reason to retain jurisdiction.³¹ The court explained that states traditionally regulate landlord-tenant law and that like their federal counterparts, state judges must demand compliance with the fourteenth amendment's due process clause.³²

In subsequent cases, the Fourth and Eleventh Circuits³³ interpreted *Joy v. Daniels*³⁴ to require that once a court holds the fourteenth amendment applicable to the state action involved, it must determine whether a constitutionally protected property interest exists, thus affording relief to a tenant-at-will for deprivation of that interest.³⁵ In *Swann v. Gastonia Housing Authority*³⁶ the Fourth Circuit applied the *Joy* rationale where a Section 8 tenant's³⁷ lease provided for termination on thirty days notice along with a provision for automatic annual renewal unless the landlord follows the proper termination procedures.³⁸ The court reasoned that before the fourteenth amendment ap-

166 (1970)). See also *Jeffries v. Georgia Residential Fin. Auth.*, 678 F.2d 919, 922 (11th Cir. 1982) (there is no precise formula for determining whether conduct constitutes solely private or state action); *Burton v. Wilmington Parking Auth.*, 365 U.S. 715, 722 (1961) (to constitute state action, the state, in any of its manifestations, must be significantly involved in the private conduct); *Jackson v. Metro. Edison Co.*, 419 U.S. 345, 351 (1974) (the relevant inquiry is "whether there is a sufficiently close nexus between the state and the challenged action of the regulated entity so that the action of the latter may be fairly treated as that of the state itself").

31. 479 F.2d at 1243. The South Carolina eviction laws require good cause notice and failure to give such notice provides the tenant with the right to a trial by jury before the landlord may evict the tenant.

32. 479 F.2d at 1243.

33. See *Swann v. Gastonia Housing Auth.*, 675 F.2d 1342 (4th Cir. 1982); *Jeffries v. Georgia Residential Fin. Auth.*, 678 F.2d 919 (11th Cir. 1982). See *infra* notes 35-57 and accompanying text.

34. 479 F.2d 1236 (4th Cir. 1973).

35. See *Swann*, 675 F.2d at 1345-1346, *Jeffries*, 678 F.2d at 922-925.

36. 675 F.2d 1342 (4th Cir. 1982).

37. See Housing and Community Development Act of 1974 § 8, 42 U.S.C. § 1437 (1976). Section 8 of the Act provides rent subsidies to landlords of lower income families, whose incomes are below fifty percent of the median family income in the area. *Id.* at § 1437a(2). The federal government pays the subsidies through Public Housing Authorities (PHAs) to private landlords participating in the Section 8 program. *Id.* at § 1437f(b).

38. 675 F.2d at 1344. Along with giving the tenant the thirty days notice, the landlord must send a copy of the notice to the housing agency for its approval in compliance with federal regulation. See 42 U.S.C. § 1437f (1982) and 24 C.F.R. part 882 (1987). The regulations also provide that tenants may object to their eviction within twenty

plies a Section 8 tenant must have an interest in continued occupancy and the eviction procedure must constitute state action.³⁹ The court found that the lease's automatic renewal feature justified the tenant's expectation of continued occupancy, which endured absent a good cause notice for eviction.⁴⁰ The *Swann* court found that the eviction constituted state action to support the plaintiff's fourteenth amendment claim.⁴¹ Following the reasoning in *Joy*,⁴² however, the Fourth Circuit concluded that the state court system sufficiently protected the tenant's property rights.⁴³

In a situation analogous to *Swann*,⁴⁴ the Eleventh Circuit retained federal jurisdiction without considering the adequacy of a state court remedy.⁴⁵ In *Jeffries v. Georgia Residential Finance Authority (GRFA)*⁴⁶ a private landlord attempted to evict tenants receiving federal subsidies under the existing Section 8 housing program administered by a state agency⁴⁷ for the Department of Housing and Urban

days of the notice. The Swanns requested the Georgia Housing Authority (GHA) to disapprove the termination of their tenancy, and at the very least, hold a hearing before making a decision. The GHA, after holding an informal conference, refused to change its policy of allowing landlords to evict tenants with or without good cause. *Id.* at 1344.

39. 675 F.2d at 1345-46.

40. *Id.* at 1344-46. The court interpreted the federal housing statute to require that the Georgia Housing Authority make a finding of good cause before approving the termination of the tenancy. No provision in the statute, however, required the agency to hold a full-fledged hearing before eviction. Rather, the due process clause of the fourteenth amendment affords the tenant a right to a hearing before the GHA because without receiving good cause notice, the statute assures the tenant he may remain in his home. The due process clause protects this statutory entitlement. *Id.* at 1346. *See, e.g.,* *Goldberg v. Kelly*, 397 U.S. 254 (1970) (holding a recipient's entitlement to welfare benefits is a constitutionally protected property interest).

41. The eviction constituted state action because the federal government helps subsidize the tenancy, the landlord submits to federal regulation, and the local public housing authority determines if good cause exists to terminate a tenancy. *Swann*, 675 F.2d at 1346.

42. *See* 479 F.2d 1236, 1242-43 (4th Cir. 1973). *See also supra* notes 30-32 and accompanying text.

43. *See* 675 F.2d at 1347. The court found the South Carolina eviction statute in *Joy* indistinguishable from the North Carolina statute in *Swann*. Consequently, the state court would adequately protect the tenants' due process rights. *Id.* *See supra* notes 25-32 and accompanying text.

44. *See* 675 F.2d 1342 (4th Cir. 1982).

45. *See* *Jeffries v. Georgia Residential Fin. Auth.*, 678 F.2d 919 (11th Cir. 1982).

46. *Id.*

47. *Jeffries*, 678 F.2d at 921. HUD delegated its administrative authority to the Georgia Residential Finance Authority.

Development (HUD).⁴⁸ The landlord gave the tenants a thirty-day termination notice in compliance with the terms of their lease.⁴⁹ Nevertheless, the court determined that the notice given to the tenants was inadequate to terminate their interest given the connection between the state and private action which triggered the fourteenth amendment's prohibitions.⁵⁰

The *Jeffries* court extended the reasoning in *Joy*⁵¹ and *Swann*,⁵² concluding that the federal government's provision of subsidies gave Section 8 tenants a constitutionally protected property interest.⁵³ The court ruled that a property interest arises where a landlord may withdraw a government benefit only for cause.⁵⁴ In this case, the federal government's program vested the tenant with a property interest.⁵⁵ Although the private landlord gave the tenants sufficient termination notice under their lease, the state agency's involvement coupled with the federal regulations required good cause for termination of the tenancy.⁵⁶ The court concluded that the federal statute creating the Section 8 program was the primary source for the tenants' legitimate

48. *Id.* at 921, 922. Section 8 subdivides housing into four separate programs: Section 8 New Construction, Section 8 Substantial Rehabilitation, Section 8 Moderate Rehabilitation, and Section 8 Existing. Housing and Community Development Act of 1974, § 8, 42 U.S.C. § 1437 (1976). The Department of Housing and Urban Development (HUD) administers the existing Section 8 housing program. *Id.* See *supra* note 37.

49. *Id.* at 925. The tenant's lease provided for termination on thirty days notice by either party.

50. *Jeffries*, 678 F.2d at 923. The court here utilized the language of the Fourth Circuit in *Joy v. Daniels*, 479 F.2d 1236, 1238 (4th Cir. 1973), concluding that the statutory prescriptions of the Section 8 regulations established the responsibility for lease termination and eviction with the state. Therefore, the private landlord could not act without state approval to terminate the lease. *Jeffries*, 678 F.2d at 924.

51. 479 F.2d 1236 (4th Cir. 1973).

52. 675 F.2d 1342 (4th Cir. 1982).

53. See *Jeffries v. Georgia Residential Fin. Auth.*, 678 F.2d 919, 925-926 (11th Cir. 1982). See *supra* notes 43-49 and accompanying text.

54. *Jeffries*, 678 F.2d at 925. In *Joy* and *Swann*, the Fourth Circuit determined the protected property interests at issue arose from the failure of a state agency to establish good cause before evicting the tenants in accordance with federal regulations. See *supra* text and accompanying note 43.

The *Jeffries* court, however, viewed the federal regulations as the primary source of the tenants' property interest in continued occupancy of their apartments because they had a legitimate expectation that they would not be evicted without good cause as the Section 8 program provides. 42 U.S.C. § 1437 (1970). *Jeffries*, 678 F.2d at 925.

55. *Id.* at 925.

56. *Id.*

expectation in continued occupancy, protected by the fourteenth amendment from deprivation without due process of law.⁵⁷ The court failed to consider whether the at-will tenants, once deprived of their property interests, could recover compensation under the fifth amendment's taking clause.⁵⁸

In *Joy*,⁵⁹ *Swann*,⁶⁰ and *Jeffries*,⁶¹ the courts evaluated the existence of constitutionally protected property interests only after they determined that sufficient state action existed.⁶² Soon after the *Jeffries* decision, the Fifth Circuit delivered a different interpretation of state action in a situation involving a federal housing program.⁶³ The court in *Miller v. Hartwood Apts., Ltd.*⁶⁴ acknowledged that federal regulations established the guidelines with which Section 8 lessors must comply.⁶⁵ Nevertheless, the court determined that landlords act as private owners on a daily basis.⁶⁶ The court affirmed the district court's dismissal of

57. *Id.*

58. *See* 678 F.2d 919. The court dealt solely with the tenants' property interest as it related to the due process clause of the fifth amendment, as the tenants did not sue for compensation under the taking clause. *See* U.S. CONST. amend V. Courts determine, however, whether a substantive property interest exists without considering the remedy to protect that interest. *See* 678 F.2d 919, 925-926. The issue is whether the tenants legitimately expected continued occupancy. The *Jeffries* court answered this question affirmatively. *Id.*

59. 479 F.2d 1236 (4th Cir. 1973).

60. 675 F.2d 1342 (4th Cir. 1982).

61. 678 F.2d 919 (11th Cir. 1982).

62. *See supra* notes 29, 30, 35, 50 and accompanying text.

63. *See Miller v. Hartwood Apts., Ltd.*, 689 F.2d 1239 (5th Cir. 1982).

64. 689 F.2d 1239 (5th Cir. 1982).

65. *Id.* at 1244.

66. *Id.* The court found that the private landlord's connection to the federal Section 8 housing program was not a "sufficient nexus" to hold the federal government responsible for the landlord's action. *Id.* at 1243. Nor did the court find any state officials or state laws involved in the day-to-day operations of the apartments. *Id.* at 1243, 1244.

The *Miller* court based its state action analysis on the Supreme Court's decision in *Blum v. Yaretsky*, 457 U.S. 991 (1982). 689 F.2d at 1243. The decision in *Blum* followed only two weeks after the Eleventh Circuit's opinion in *Jeffries v. Georgia Residential Fin. Auth.*, 678 F.2d 919 (11th Cir. 1982). *See supra* notes 44-57 and accompanying text. In *Blum*, Medicaid patients challenged a private nursing home's decision regarding the patients' discharge or reduction in level of care. 457 U.S. at 1005-09. The Court found the nursing home's activities failed to constitute sufficient state action to invoke fourteenth amendment protections. *Id.* Although a state agency implemented the federal Medicaid program, the State is not responsible for the nursing home's decisions at issue. *Id.* A professional makes these decisions according to a patient's medical condition. *Id.* The *Blum* Court stated that despite the federal statutory

the claim,⁶⁷ holding that the federal government had not denied the tenants' constitutional rights.⁶⁸ The Court stated that a different issue may arise if government employees operate the apartments or if governmental eviction procedures are in question.⁶⁹

In *Ward v. Downtown Development Authority*⁷⁰ the Eleventh Circuit extended federal court protection under the taking clause to tenants-at-will not receiving federal housing subsidies.⁷¹ In *Ward*, applying reasoning similar to the *Jeffries*⁷² rationale, the court concluded that tenants-at-will possess a constitutionally protected property interest.⁷³ The court initially recognized that, according to Florida law, a month-to-month tenancy-at-will is a compensable property interest protected

requirement that states provide funding for skilled nursing services, the statute failed to require the states to provide services or to make daily administrative decisions. *Id.* at 1011. Finding that the patients failed to establish "state action" in the nursing home's decisions, the Supreme Court held that the patients also failed to prove a violation of any rights secured by the fourteenth amendment. *Id.* at 1012.

67. 689 F.2d at 1244.

68. *Id.* at 1243. The court rejected the tenants' argument "that the federal government, by and through Hartwood Apartments, acted to violate their constitutional rights." *Id.* For this argument to succeed, the court must determine that the federal government was "actually involved in the activity that causes the injury." *Id.*

See generally Payne, *From the Courts*, 12 REAL EST. L.J. 172, 173 (1983) (interpreting *Miller* to imply that the government's general regulatory involvement in Section 8 programs was too minimal to support a fifth amendment claim under any circumstances).

69. 689 F.2d at 1243. This statement by the court was unaccompanied by any further explanation. Moreover, the court failed to distinguish other cases involving Section 8 tenants. See *Id.* at 1244.

See generally Payne, *supra* note 68, at 172-73, in which the author distinguishes *Miller* from *Jeffries* on the basis of the portion of the Section 8 program involved. In *Miller* the claim of public involvement arose under the "new construction" section, while in *Jeffries* the "existing housing" portion was at issue. As the existing housing program regulation required the landlord to give the tenant good cause notice prior to eviction, the court determined the public agency had a substantive role in the landlord's actions. The new construction portion of the Section 8 housing program contained no such provision. The lease in *Miller*, however, limited evictions to "cause." This implies that "had the tenants not defaulted in state eviction proceedings, it appears that they could have challenged their evictions on the merits, achieving the same result in a different forum than they sought by federal action."

70. 786 F.2d 1526 (11th Cir. 1986).

71. *Id.* at 1530.

72. See 678 F.2d 919 (11th Cir. 1982). See *supra* notes 45-57 and accompanying text.

73. 786 F.2d at 1529-30.

by the state's constitution.⁷⁴

Turning to the Development Authority's argument,⁷⁵ the court agreed that if the landlord had been private, the tenants could not receive compensation for any interest extending beyond the notice period.⁷⁶ Stating that the case was similar in all relevant aspects to *Jeffries*,⁷⁷ the court concluded that because the landlord was a state agency, the tenants retained a protected property interest until the DDA complied with all of the enabling act's requirements.⁷⁸ The court held that the DDA's failure both to conduct a public hearing and to provide relocation assistance to the displaced tenants vested the tenants with a legitimate expectation in continued occupancy.⁷⁹ The DDA deprived the tenants of this expectation when it forced the tenants to vacate their apartments.⁸⁰

74. *Id.* at 1529 (citing *Pensacola Scrap Processors, Inc. v. State Road Department*, 188 So. 2d 38, *cert. denied*, 192 So. 2d 494 (Fla. 1966)). *See supra* note 23.

75. *See Ward*, 786 F.2d at 1529. The DDA argued that it provided the plaintiffs with sufficient statutory notice to terminate their tenancies. According to Florida law, a month-to-month tenant-at-will is entitled only to a fifteen-day notice of termination and any compensable interest terminated at the end of the notice period. FLA. STAT. ANN. § 83.03 (West Supp. 1986).

76. 786 F.2d at 1529.

77. *Id.*

78. *Id.* at 1520, 1530. Prior to approving a renewal project, the DDA must comply with Section 21 of the DDA Act, 1969 Fla. Laws Ch. 69-1056. As stated by the *Ward* court, Section 21 requires the DDA to:

- 1) [D]etermine by resolution that the area affected is a slum or blighted area;
- 2) [S]ubmit the renewal plan to the city planning board for review and recommendations as to the conformity of the renewal project with the general plan for development of the city;
- 3) [H]old a public hearing on the renewal project; and
- 4) [F]ind that "a feasible method exists for the location of families who will be displaced from the renewal area in decent, safe, and sanitary dwelling accommodations within their means and without undue hardship to such families."

786 F.2d at 1529.

The DDA failed to hold a hearing or to determine whether a feasible relocation method existed. *Id.* at 1529.

79. 786 F.2d at 1529-30. The court in *Ward* recognized that the existence of a property interest in *Jeffries* resulted from the Housing Authority's ability to evict only for cause, and not because its authority was conditional. The tenants in *Ward* retained a protected property interest because the DDA could initiate a renewal project only after compliance with § 21 of the DDA Act.

The tenants in *Ward* had a legitimate claim of entitlement to continued occupancy because the DDA failed to comply with statutory authority. The court found this situation indistinguishable from *Jeffries*. *Id.* at 1530.

80. *Id.*

Based on the determination that the tenants had a compensable property interest protected by the fifth and fourteenth amendments, the court remanded the case to the district court to determine whether the DDA violated any of the tenants' rights under the Civil Rights Act of 1871, 42 U.S.C. § 1983.⁸¹ Judge Clark also directed the district court to determine whether the DDA's failure to provide the displaced tenants relocation assistance deprived them of equal protection under the law.⁸² Moreover, because the district court originally ruled that it lacked jurisdiction in the absence of a federal question, the appellate court suggested reconsideration of pendent jurisdiction over the tenants' state law claims.⁸³

Ward v. Downtown Development Authority is important for recognizing that a tenant-at-will possesses a compensable property interest.⁸⁴ The decision is also significant for extending a federal forum to a tenant to whom the state court system may deny adequate relief.⁸⁵ The rea-

81. *Id.* at 1532. The district court based its dismissal on its determination that § 1983 provides a right of action only for violation of those rights secured by the United States Constitution and not for a denial of state-created rights. *Id.* at 1531.

The court of appeals reversed the district court's conclusion. *Id.* at 1531. The court stated that it could not dismiss a § 1983 action for a procedural due process violation solely because the interest at stake is state-created. *Id.* See *supra* notes 17 and 18. The court must inquire into whether state law invests the plaintiff with a legitimate claim of entitlement protected by the due process clause. 786 F.2d at 1531.

The court's finding that a tenancy-at-will is a substantive property interest meant that the state could not eliminate the tenants' entitlement to relocation assistance without due process of law. The court concluded that if on remand the district court determines that the tenants could relocate to "decent, safe, and sanitary accommodations within their means," the court will deny monetary relief for relocation assistance because they "suffered no real loss." *Id.* at 1532.

For further discussion of § 1983 litigation in modern courts, see Madsen and De Meo, 42 U.S.C. Section 1983 as an Emerging Remedy Against Unconstitutional Local Government Land Use Policies, 59 FLA. B.J., August 1985, at 77-81 (§ 1983 is an "effective tool" for property owners to defend their constitutional rights against local government land use policies).

82. 786 F.2d at 1532. The district court failed to address the tenants' claim that the DDA provided other tenants with relocation assistance while denying similar assistance to the plaintiffs because the court found no protected property interest. See *supra* note 80. Judge Clark rejected the district court's analysis, stating: "It is fundamental that the Constitution secures equal protection of the laws. That a complaint alleges arbitrary application of a State law does not render the cause any less Constitutional." 786 F.2d at 1532.

83. *Id.* at 1532, 1533. The tenants alleged specific violations of the DDA Act along with the federal question claims.

84. *Id.* at 1530.

85. *Id.* But see *Joy v. Daniels*, 479 F.2d 1236 (4th Cir. 1973); *Swann v. Gastonia*

soning the court used to reach its conclusion, however, warrants criticism.

The court's reliance on *Jeffries*⁸⁶ to the exclusion of contrary authority weakens the impact of *Ward*⁸⁷ on future decisions. The courts in both *Ward* and *Jeffries* determined that a state agency's failure to follow statutorily prescribed guidelines creates a protected property interest in an at-will tenancy.⁸⁸ In *Jeffries*, unlike *Ward*, a federal statute created the tenant's substantive interest and protected against a taking without due process protections.⁸⁹ The state statute in *Ward* vested the tenants with their property interests, protected by the court under both the due process clause and by the fifth amendment's just compensation clause.⁹⁰ In light of the Fourth Circuit's decisions in *Joy*⁹¹ and *Swann*,⁹² the *Ward* court should have considered the adequacy of state procedures to protect the tenant's rights to compensation.⁹³ If the court in *Jeffries* retained jurisdiction because of the federal government's participation in establishing eviction guidelines,⁹⁴ then the *Ward* court's sole reliance on *Jeffries* fails to adequately distinguish the situation from those in *Joy* and *Swann*.⁹⁵

Housing Auth., 675 F.2d 1342 (4th Cir. 1982); see also *supra* notes 31, 32, and 43 and accompanying text. In both *Joy* and *Swann*, the Fourth Circuit determined that federal housing statutes vested the tenants with a substantive property interest. Nevertheless, both courts found that the judicial systems in their respective states afforded the tenants sufficient protection.

86. 678 F.2d 919. See *supra* notes 44-57 and accompanying text.

87. 786 F.2d 1526.

88. In *Ward* the court found that, because the DDA failed to follow the state's prescribed guidelines prior to approving a renewal project, the tenants retained a compensable property interest. *Id.* at 1530; see *supra* notes 7, 74-79 and accompanying text. The *Jeffries* court determined that the GRFA's failure to follow Section 8 guidelines to terminate the tenancies created the substantive interests. 678 F.2d at 925, see *supra* notes 45-54 and accompanying text.

89. *Jeffries*, 678 F.2d at 925. See *supra* note 88.

90. *Ward*, 786 F.2d at 1529-1530. See *supra* note 88.

91. *Joy v. Daniels*, 479 F.2d 1236 (4th Cir. 1973); see *supra* notes 29-32 and accompanying text.

92. *Swann v. Gastonia Housing Auth.*, 675 F.2d 1342 (4th Cir. 1982); see *supra* note 43 and accompanying text.

93. While recognizing that under Florida law, month-to-month tenancy-at-will is a compensable property interest, the court in *Ward* made no inquiry into the sufficiency of a state court remedy for the plaintiffs. 786 F.2d at 1528-1529. *But see supra* notes 31, 32, 44, 85 and accompanying text.

94. See 678 F.2d 919.

95. See *supra* notes 58, 93 and accompanying text.

Additionally, the Eleventh Circuit in *Ward*, unlike the court in *Jeffries*,⁹⁶ failed to conduct a state action test to determine the applicability of the fourteenth amendment's protection for the tenants' substantive property interest.⁹⁷ Given the Fifth Circuit's narrow state action analysis in *Miller*,⁹⁸ the *Ward* court's interpretation of the DDA's status as a governmental landlord creates uncertainty whether another court will reach the same conclusion in an analogous situation.⁹⁹

The holding in *Ward*¹⁰⁰ exemplifies the continuing trend toward affording greater constitutional protections and procedural safeguards to displaced tenants. Unfortunately, the absence of a more thoroughly supported rationale may cast doubt on its precedential value. For the near future at least, courts may proceed on the assumption that landlord-tenant law remains within "the province of the states."¹⁰¹

Jane E. Fedder

96. See *Jeffries v. Georgia Residential Fin. Auth.*, 678 F.2d 919 (11th Cir. 1982); see *supra* notes 44-57 and accompanying text.

97. See *Ward*, 786 F.2d 1526.

98. See *Miller v. Hartwood Apts., Ltd.*, 689 F.2d 1239 (5th Cir. 1982); see *supra* notes 64-69 and accompanying text.

99. *Miller*, 689 F.2d 1239. In *Miller*, the court concluded that "state action" did not automatically exist where a federal Section 8 housing statute imposed guidelines on private landlords. *Id.* at 1243. The *Jeffries* decision, conversely, found sufficient state action existed to protect the tenants' substantive property interest. *Jeffries*, 678 F.2d at 922-925.

Ward fails to distinguish the two cases because the court did not conduct a state action analysis. See *Ward*, 786 F.2d 1526. The court in *Jeffries* concluded that a substantive property interest existed only after finding sufficient state action to invoke the fourteenth amendment's protections. *Jeffries*, 678 F.2d at 922-925. If the *Jeffries* court had held similarly to the court in *Miller*, no substantive property interest protected in the federal forum would exist for tenants-at-will. Consequently, *Ward*'s sole reliance on *Jeffries* to conclude that a tenancy-at-will is a compensable interest would have little foundation.

100. *Ward*, 786 F.2d at 1530.

101. See *Joy v. Daniels*, 479 F.2d 1236, 1243 (4th Cir. 1973).

**THE FLORIDA BAR FOUNDATION
AWARDS COMMITTEE
2018 JANE ELIZABETH CURRAN DISTINGUISHED SERVICE AWARD**

Nominee Summary

Nominee: **Marcia Cypen**, Executive Director Emeritus, Legal Services of Greater Miami

Year(s) Nominated: 2016, 2017, 2018

Principal Activities: For her commitment to improve access to civil justice for low income communities in Florida.

Nominated By: Monica Vignes-Pitan, Executive Director, Legal Services of Great Miami

Letter(s) in Support: Hon. Vance E. Salter
Jeffrey B. Crockett, Esquire

Letter(s) in Support in 2016:
Hon. Vance E. Salter
Amelia Rea Maguire, Esquire
Benjamine Reid, Esquire
William J. Sheppard, Esquire
Hon. Patricia A. Seitz
Hon. Adalberto Jordan

The Florida Bar Foundation - 2018 Jane Elizabeth Curran Distinguished Service Award Nomination Form

Submission ID	3946120642211224295
Submission Date	2018-02-16 12:41:06
1. NAME OF PERSON NOMINATED	Marcia Cypen
2. TITLE	Executive Director Emeritus
3. ADDRESS	4343 West Flagler, Suite 100 Miami Florida 33134 United States
4. PHONE NUMBER	(305) 4382501
5. NOMINEE'S EMAIL	mcypen@legalservicesmiami.org
6. NOMINATED BY	Monica Vignes-Pitan
7. ORGANIZATION (IF APPLICABLE)	Legal Services of Greater Miami
8. TITLE	Executive Director
9. ADDRESS	4343 West Flagler, Suite 100 Miami Florida 33134 United States
10. PHONE NUMBER	(305) 4383817
11. NOMINATOR'S E-MAIL	mvguespitan@legalservicesmiami.org
12. DESCRIPTION OF QUALIFICATIONS	

Ms. Marcia K. Cypen, the Executive Director Emeritus of Legal Services of Greater Miami, Inc. ("Legal Services") has devoted her entire professional career to promoting Access to Civil Justice. Legal Services is the largest provider of broad based civil legal services for the poor in Miami-Dade and Monroe Counties. The enormity of Marcia's contribution cannot be overstated. For almost 35 years, Marcia led a 60 member staff, including more than 25 top quality attorneys, who serve 20,000 people a year and successfully resolve the daily legal problems of low income, vulnerable residents of Miami-Dade and Monroe counties, as well as the systemic issues which perpetuate poverty and injustice in our society. As a direct result of Ms. Cypen's leadership and commitment, Legal Services is a national leader in providing Civil Justice.

Marcia is a life-long Floridian, and comes from one of Miami's most prominent yet humble and generous families. Marcia was raised to believe that she had a duty to use her many talents and blessings to serve others, and she learned that lesson well. As a student Marcia thought long and hard how she could best fulfill that duty, until one of her professors directed her to Legal Services. There she found her life's calling.

Marcia Cypen joined Legal Services in June 1974. She was hired as a law clerk, and upon graduating Magna Cum Laude from the University of Miami School Of Law in 1976, she was hired as a staff attorney. Even as a new attorney, Marcia was making an impact by representing clients in systemic healthcare advocacy. From 1979 through 1981, Marcia was the Manager of the Health and Income Maintenance Unit, after which she was promoted to the Deputy Director. In June 1983, Marcia was promoted to and served as the Executive Director of Legal Services until October 2017.

Similar to today, the Legal Services Marcia found back in the 1970's was staffed by idealistic, creative and passionate attorneys and staff. Those were the days of fighting to establish basic due process rights, defining concepts of equal protection, human rights, and the role and limits of government power. Marcia brought her legal brilliance coupled with her compassion for her clients, and soon became a leader in the areas of health advocacy and public benefits, working in both federal and state court to enforce and expand the law to protect some of the poorest, sickest and most vulnerable people in Miami-Dade County. Examples of her cases include *Curtis v. Taylor*, 625 F.2d 645 (CA Fla. 1980), *Mot. reh. den.* 648 F.2d 946 (CA Fla. 80). (Successful challenge to Medicaid cutbacks); *Sanchez v. Pingree*, 494 F. Supp. 68 (S.D. Fla. 1980). (Successful challenge to durational residency requirement limiting home care benefits for elderly).

Unlike today, the Legal Services of Greater Miami, Inc. of 40 years ago was a rough and tumble street law firm, lacking sufficient resources, administrative structure and support. Marcia saw that something needed to be done to provide the excellent Legal Services advocates with the leadership, systems and resources necessary to achieve even greater things for their clients. It was at this point that she turned her talents to leading Legal Services of Greater Miami, Inc.

Under Ms. Cypen's leadership, Legal Services of Greater Miami, Inc. grew to be a law firm which is highly regarded in both the state and the nation as a model Legal Services program. Under her leadership, Legal Services represented thousands of underprivileged families to ensure that their rights to housing, food, health care, and education are protected. In the 1980's, Legal Services of Greater Miami, Inc. had the insight that it was not enough to fight to enforce poor people's right to live in safe and habitable housing. Instead, advocacy was also needed to support the development and creation of decent housing that was affordable to low income people. Out of this vision grew one of the very first Community Economic Development departments in a legal services program. Today, Legal Services of Greater Miami, Inc.'s non-profit community development clients develop and preserve thousands of units of housing that is affordable to low and very low income people while contributing to community stability and rejuvenation. Additionally, it is providing leadership in a regional partnership whose goal it is to grow the affordable housing stock from Orlando to Key West. None of this would be possible without Legal Services' expert transactional representation which Ms. Cypen had the foresight to foster and develop.

As a result of Ms. Cypen's in-depth knowledge of the needs of low income people and her many collaborative relationships with all sectors of the local community, Marcia has lead Legal Services in the development of innovative programs which meet the unique legal needs of isolated and vulnerable members of the community, and enhance access to the Civil Justice system. This includes projects to assist veterans returning from service, disabled children seeking to avoid institutionalization, people with AIDS, homeless people, ex-prisoners struggling to reintegrate into the community, and low wage workers.

Throughout her time as Executive Director, she continued to lead and encourage the development of innovative new models to better ensure access to Civil Justice. Examples include the development of online intake available in Spanish, English and Creole which allows people to apply for legal services 24 hours a day regardless of their location or mobility challenges; the development of multiple opportunities for volunteer lawyers and law clerks to provide pro bono legal services thereby expanding the resources necessary to provide access to Civil Justice; the establishment of a Disaster Legal Assistance Unit in the aftermath of Hurricane Andrew to ensure access to essential civil legal services for disaster victims cut off from transportation and communication; and the establishment of programs to educate social service providers about their clients' legal rights and how to effectively assist people access the Civil Justice system.

Marcia Cypen is the rare individual who not only combines compassion for the poor and vulnerable members of our community with legal skill, but she is also an excellent business woman and manager. While weathering the constant ups and downs of funding and regulations, Marcia's leadership resulted in Legal Services of Greater Miami, Inc. becoming a strong institution which will endure well into the future. As a result of Ms. Cypen's vision, Legal Services of Greater Miami, Inc. purchased its main office building through the successful Capital Campaign that she spearheaded. The result is the 'Chesterfield Smith Center for Equal Justice' which for 20 years housed Legal Services' office and a number of other non-profits providing legal and social services to the low income residents of Miami-Dade County. In 2014, the building was recently sold and a new building purchased, and a Foundation was established to provide Legal Services of Greater Miami, Inc. with the long term stability necessary to achieve its vision of Equal Access to Justice well into the next fifty years. The Foundation will ensure that tens of thousands of clients are able to access justice despite funding unpredictability.

Marcia's passion to achieve a more just and equitable society infuses every aspect of Legal Services' decision making. Legal Services of Greater Miami, Inc. is frequently audited by its funders and an independent CPA, and has a reputation for transparency, accountability and integrity. Marcia ensured that her advocates had every opportunity for training, professional development, and access to the resources and technology necessary for the modern practice of law.

Marcia has also had the foresight to develop and foster a highly talented management team who are well respected as leaders in both the Legal Services and the general legal community. In her current role as Executive Director Emeritus, she continues to provide leadership by supporting the new Executive Director and developing the resources for Legal Services to continue its mission of achieving justice through high quality legal representation.

Marcia Cypen quietly grew and developed Legal Services of Greater Miami, Inc. for almost four decades, without seeking awards or public recognition. We are all fortunate, and our community is a better place because Marcia devoted her entire professional life to Legal Services of Greater Miami, Inc. and the ideal of Civil Justice. For these reasons, Marcia Cypen is worthy of the honor of being awarded the Jane Elizabeth Curran Distinguished Service Award.

13. BRIEF BIOGRAPHICAL SKETCH

A native Floridian, Marcia Cypen was born in Jacksonville, Florida and was raised in Miami. She came from a family of lawyers--her father, uncle and three cousins all practiced law together. Yet she was a child of the sixties with a passion for social justice, not private practice. She found her home at Legal Services of Greater Miami, Inc. in the summer of 1974 after her first year of law school. Legal Services was only eight years old at the time and now, as Legal Services has served the community for over 50 years, Marcia was Executive Director for 34 years. She now serves as the Executive Director Emeritus and continues to provide leadership for the organization.

Marcia began as an attorney in the Health and Income Maintenance Unit, successfully handling a major federal Medicaid case early in her career. She always, however, had a strong drive to be a manager and a leader in the program, and seized the opportunity to become Deputy Director under John Powell in 1981. When Powell left in 1983, she was appointed as Executive Director--one of the first women to fill that role in a Legal Services Corporation funded program.

For 34 years, Marcia successfully led Legal Services through both good and bad times--major funding cuts which resulted in layoffs and retrenchment and growth periods resulting from new and increased funding. Under her leadership, Legal Services grew into a nationally regarded model program with creative approaches to solving the legal problems of the poor. Marcia built a strong team of managers who, like her, are committed to excellence and high quality legal representation.

Marcia was also successful in working with local legal and business leaders to develop a strong fundraising campaign. Led by Chesterfield Smith, the Capital Campaign raised the funds for Legal Services to purchase its main office building in 1997--a building which became home for Legal Services and other nonprofits for 20 years. The Together, We Must Campaign raises more than \$500,000 annually and provides a steady stream of revenue to support the vital work done by Legal Services. Additionally, the sale of the building in 2014 provided the organization with the resources to purchase a new building and establish the Legal Services of Greater Miami Foundation.

Throughout much of her career as Executive Director, Marcia was a working mom with two small children born in 1984 and 1986. She was able to manage both her career and her family with support from her mother Raye Cypen and her husband Steven Wisotsky.

14. UPLOAD ARTICLES/LETTERS

[J. Crockett Ltr of support.pdf](#)

[J. Salter Ltr of Support.pdf](#)

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February 15, 2018

The Florida Bar Foundation
Attn: Jessica McCabe
875 Concourse Parkway South, Suite 195
Maitland, Florida 32751

**RE: Letter of Support for the Nomination of Marcia K. Cypen for
the Jane Elizabeth Curran Distinguished Service Award**

Dear Selection Committee:

I am writing this letter in support of Marcia K. Cypen for the Jane Elizabeth Curran Distinguished Service Award. I have been a member of the Board of Legal Services of Greater Miami Board of Directors for some twelve years, and served as its immediate Past President. In this context I have worked closely with Marcia Cypen for many years and can provide first hand testimony as to her excellence, dedication and contributions to the community via her public service.

Marcia's leadership and dedication are an asset not only to the local community but also to the national legal aid community. She is directly responsible, through hiring, supervision and tireless efforts for many decades, for the creation of what is universally regarded as the gold standard of legal services offices throughout the country.

In any area you might mention, the high bar that she sets both for her staff and herself are a model for the country. As a result of her leadership, Legal Services of Greater Miami is a national leader in its financial stability, use of technology, community economic development and systemic litigation. For example, she was the push behind setting up a Foundation to provide stability to Legal Services' finances for years to come, and in setting up a fund raising initiative which raises a half million dollars a year from local attorneys and businesses. She is probably most proud of her team, and their accomplishments in assisting the immense and underserved Miami-Dade and Monroe County poor and near poor. Thousands of tenants have remained in public housing, residents have avoided foreclosure or eviction, and public benefits in the millions have been retained or recovered by the hard and skilled work of Legal Services attorneys. These accomplishments are a direct result of the excellence she expects and the leadership she provides, and seeks (and has found) in both staff and management attorneys.

Marcia transitioned from Executive Director (full time plus) to Executive Director Emeritus (slightly less than full time, focusing on fund raising and management of the Foundation) over the past year, and was instrumental in keeping the excellent team intact despite the change in her own role. In her new role as Executive Director Emeritus, Marcia continues to provide vital leadership and guidance to both the new Executive Director and the organization. Her dedication to both the organization and the Miami Dade and Monroe communities is inspiring to those around her. Essentially, while she has left the role of Executive Director, she has not left the "ship" and remains "on board" to provide fuel and guidance even if she is not the "captain" anymore. Her love and loyalty to the organization should be commended and rewarded.

Marcia's career epitomizes the spirit of this award. I cannot think of anyone more deserving of this honor. Feel free to call me if you would like more information. Thank you for your consideration, I am

Very truly yours,

A handwritten signature in blue ink, appearing to read "Jeffrey B. Crockett". The signature is stylized with a large initial "J" and a long horizontal stroke at the end.

Jeffrey B. Crockett



LESLIE B. ROTHENBERG
CHIEF JUDGE
RICHARD J. SUAREZ
BARBARA LAGOA
VANCE E. SALTER
KEVIN EMAS
IVAN F. FERNANDEZ
THOMAS LOGUE
EDWIN A. SCALES, III
ROBERT J. LUCK
NORMA LINDSEY
JUDGES

DISTRICT COURT OF APPEAL
THIRD DISTRICT
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TELEPHONE (305) 229-3200

MARY CAY BLANKS
CLERK
VERONICA ANTONOFF
MARSHAL
DEBBIE MCCURDY
CHIEF DEPUTY CLERK
MARIA E. MIHAIC
CHIEF DEPUTY MARSHAL

February 12, 2018

The Florida Bar Foundation
Attn: Jessica McCabe
875 Concourse Parkway South, Suite 195
Maitland, Florida 32751

**RE: Letter of Support for the Nomination of Marcia K. Cypen
for the Jane Elizabeth Curran Distinguished Service Award**

Dear Sirs and Mesdames:

I enthusiastically support the nomination of Marcia K. Cypen for the Foundation's 2018 Jane Elizabeth Curran Distinguished Service Award. Marcia, like Jane Curran, has devoted her entire professional life to improve access to civil justice for low income communities.

Marcia was interning for Legal Services of Greater Miami, Inc. (Legal Services) even while a law student at the University of Miami in 1974. Over the intervening, 44 years she rose to Executive Director of an organization that is a model for the efficient and professional delivery of services throughout the state (and country, through her work with the National Legal Aid and Defender Association and the American Bar Association).

Marcia led Legal Services through a number of particularly challenging and difficulty periods—the disastrous results of Hurricane Andrew, the cutbacks in funding and permissible services for legal services programs in the United States in the 1990's, the more recent tsunami of foreclosures, and the reduction in funding by the Interest on Trust Accounts program in the aftermath of the recession and the decline in interest rates payable on attorney trust accounts.

I was fortunate enough to serve as a board member and officer of Legal Services from 1988-2007, while in private practice. I saw first-hand her vision, her ability to collaborate with other non-profits, and her resilience when legal services programs were under attack. In the aftermath of Hurricane Andrew, she immediately drove through Homestead, Florida City and other hardest-hit neighborhoods to plan the legal responses she knew would be required. During that disaster, and continuously, Marcia energized and led not only the Legal Services staff attorneys but also hundreds of pro bono volunteers from our legal community.

Marcia always focused on training and professional development for the staff attorneys, and on clinics and written materials that could be provided to assist low income clients with small claims courts, eviction actions, public benefits, and other categories of legal issues.

Her vision encouraged the Board to explore the acquisition of a building as a home for Legal Services, convenient to public transit and readily accessible by clients, so that Legal Services' lawyers and staff would not be at the mercy of commercial landlords and fluctuating rent rates every five to ten years. I was privileged to participate with her in the site selection, the fundraising, and the financing for that building, and, of course, it was a wonderful success. What is often overlooked in that effort is Marcia's decision to use three floors of the five story building to rent to other non-profits service providers at stable, sub-market rental rates (because the entire building was exempt from property taxes). This resulted in a kind of "one stop shopping" for low income clients, who could also visit Americans for Immigrant Justice, Florida Legal Services and other nonprofits in the building.

In her final years as Executive Director, Marcia did not rest on her laurels. She continued to innovate to further Legal Services' stability. To that end, she established a strong annual fundraising program to augment the annual operating budget. In 2014, Legal Services sold its Biscayne Boulevard building and used the proceeds to purchase a new building (which also houses only nonprofits).

Additionally, the remaining sales proceeds were used to establish the Legal Services of Greater Miami Foundation, thus ensuring the stability of the program for years to come. Those efforts have avoided the draconian cuts in staffing that other legal services providers were forced to implement to continue providing services. In her new role as Executive Director Emeritus, she is focusing her efforts and continues to provide leadership and guidance to the organization.

In thirty years of private practice and ten years on the appellate bench, I have not observed any other person do as much for so many when it comes to improving access to civil justice. I believe she is a worthy recipient for this important award. Please feel free to call me at (305) 222-4133, or to email me at salterv@flcourts.org, if you have any questions or would like to discuss Marcia's nomination further.

Best regards,

A handwritten signature in blue ink, appearing to read "V E Salter". The signature is stylized with a large initial "V" and a cursive "E".

Judge Vance E. Salter

The Florida Bar Foundation - 2016 Jane Elizabeth Curran Distinguished Service Award Nomination Form

Submission Date	2016-03-01 11:12:53
1. NAME OF PERSON NOMINATED	Marcia Cypen
2. TITLE	Executive Director
3. ADDRESS	Street Address: 3000 Biscayne Boulevard Street Address Line 2: Suite 500 City: Miami State / Province: FL Postal / Zip Code: 33137 Country: United States
4. PHONE NUMBER	(305) 4382501
5. NOMINEE'S EMAIL	MCypen@legalservicesmiami.org
6. NOMINATED BY	Margaret Z. Moores
7. ORGANIZATION (IF APPLICABLE)	Legal Services of Greater Miami, Inc.
8. TITLE	Deputy Director
9. ADDRESS	Street Address: 3000 Biscayne Boulevard Street Address Line 2: Suite 500 City: Miami State / Province: FL Postal / Zip Code: 33137 Country: United States
10. PHONE NUMBER	(305) 4382503
11. NOMINATOR'S E-MAIL	MMoores@legalservicesmiami.org

12. DESCRIPTION OF QUALIFICATIONS

Ms. Marcia K. Cypen, the Executive Director of Legal Services of Greater Miami, Inc. ("Legal Services") has devoted her entire professional career to promoting Access to Civil Justice. Legal Services of Greater Miami, Inc. is the largest provider of broad based civil legal services for the poor in Miami-Dade and Monroe Counties. The enormity of Marcia's job cannot be overstated. Marcia leads a 60 member staff, including 25 top quality attorneys, who serve 30,000 people a year and successfully resolve the daily legal problems of low income, vulnerable residents of Miami-Dade and Monroe counties, as well as the systemic issues which perpetuate poverty and injustice in our society. As a direct result of Ms. Cypen's leadership and commitment, Legal Services of Greater Miami, Inc. is a national leader in providing Civil Justice.

Marcia is a life-long Floridian, and comes from one of Miami's most prominent yet humble and generous families. Marcia was raised to believe that she had a duty to use her many talents and blessings to serve others, and she learned that lesson well. As a student Marcia thought long and hard how she could best fulfill that duty, until one of her professors directed her to Legal Services of Greater Miami, Inc. There she found her life's calling.

Marcia Cypen joined Legal Services of Greater Miami, Inc. in June 1974. She was hired as a law clerk, and upon graduating Magna Cum Laude from the University Of Miami School Of Law in 1976, she was hired as a staff attorney. From 1979 through 1981, Ms. Cypen was the Manager of the Health and Income Maintenance Unit, after which she was promoted to the Deputy Director. In June 1983, Ms. Cypen was promoted to and has since been the Executive Director of Legal Services.

Like today, the Legal Services Marcia found back in the 1970's was staffed by idealistic, creative and passionate attorneys and staff. Those were the days of fighting to establish basic due process rights, defining concepts of equal protection, human rights, and the role and limits of government power. Marcia brought her legal brilliance coupled with her compassion for her clients, and soon became a leader in the areas of health advocacy and public benefits, working in both federal and state court to enforce and expand the law to protect some of the poorest, sickest and most vulnerable people in Miami-Dade County. Examples of her cases include *Curtis v. Taylor*, 625 F.2d 645 (CA Fla. 1980), *Mot. reh. den.* 648 F.2d 946 (CA Fla. 80). (Successful challenge to Medicaid cutbacks); *Sanchez v. Pingree*, 494 F. Supp. 68 (S.D. Fla. 1980). (Successful challenge to durational residency requirement limiting home care benefits for elderly).

Unlike today, the Legal Services of Greater Miami, Inc. of 40 years ago was a rough and tumble street law firm, lacking sufficient resources, administrative structure and support. Marcia saw that something needed to be done to provide the excellent Legal Services advocates with the leadership, systems and resources necessary to achieve even greater things for their clients. It was at this point that she turned her talents to leading Legal Services of Greater Miami, Inc.

Under Ms. Cypen's leadership, Legal Services of Greater Miami, Inc. has grown to be a law firm which is highly regarded in both the state and the nation as a model Legal Services program. Under her leadership, Legal Services of Greater Miami, Inc. has represented thousands of underprivileged families to ensure that their rights to housing, food, health care, and education are protected. In the 1980's Legal Services of Greater Miami, Inc. had the insight that it was not enough to fight to enforce poor people's right to live in safe and habitable housing. Instead, advocacy was also needed to support the development and creation of decent housing that was affordable to low income people. Out of this vision grew one of the very first Community Economic Development departments in a legal services program. Today, Legal Services of Greater Miami, Inc.'s non-profit community development clients develop and preserve thousands of units of housing that is affordable to low and very low income people while contributing to community stability and rejuvenation. None of this would be possible without Legal Services' expert transactional representation which Ms. Cypen had the foresight to foster and develop.

As a result of Ms. Cypen's in-depth knowledge of the needs of low income people and her many collaborative relationships with all sectors of the local community, Marcia has lead Legal Services in the development of innovative programs which meet the unique legal needs of isolated and vulnerable members of the community, and enhance access to the Civil Justice system. This includes projects to assist veterans returning from service, disabled children seeking to avoid institutionalization, Haitian women fleeing from domestic violence, people with AIDS, homeless people, ex-prisoners struggling to reintegrate into the community, and low wage workers.

Ms. Cypen continues to lead and encourage the development of innovative new models to better ensure access to Civil Justice. Examples include the development of online intake available in Spanish, English and Creole which allows people to apply for legal services 24 hours a day regardless of their location or mobility challenges; the development of multiple opportunities for volunteer lawyers and law clerks to provide pro bono legal services thereby expanding the resources necessary to provide access to Civil Justice; the establishment of a Disaster Legal Assistance Unit in the aftermath of Hurricane Andrew to ensure access to essential civil legal services for disaster victims cut off from transportation and communication; and the establishment of programs to educate social service providers about their clients' legal rights and how to effectively assist people access the Civil Justice system.

Marcia Cypen is the rare individual who not only combines compassion for the poor and vulnerable members of our community with legal skill, but she is also an excellent business woman and manager. While weathering the constant ups and downs of funding and regulations, Ms. Cypen's leadership has resulted in Legal Services of Greater Miami, Inc. becoming a strong institution which will endure well into the future. As a result of Ms. Cypen's vision, Legal Services of Greater Miami, Inc. purchased its main office building through the successful Capital Campaign that she spearheaded. The result is the 'Chesterfield Smith Center for Equal Justice' which for 20 years housed Legal Services' main office and a number of other non-profits providing legal and social services to the low income residents of Miami-Dade County. The building was recently sold and a new building purchased, and a Foundation was established to provide Legal Services of Greater Miami, Inc. with the long term stability necessary to achieve its vision of Equal Access to Justice well into the next fifty years.

Marcia's passion to achieve a more just and equitable society infuses every aspect of Legal Services' decision making. Legal Services of Greater Miami, Inc. is frequently audited by its funders and an independent CPA, and has a reputation for transparency, accountability and integrity. Marcia ensures that her advocates have every opportunity for training, professional development, and access to the resources and technology necessary for the modern practice of law.

Marcia has also had the foresight to develop and foster a highly talented management team who are well respected as leaders in both the Legal Services and the general legal community. Legal Services is thus well positioned for continuing Marcia's legacy well beyond her tenure.

Marcia Cypen has quietly grown and developed Legal Services of Greater Miami, Inc. for almost four decades, without seeking awards or public recognition. We are all fortunate, and our community is a better place because Marcia has devoted her entire professional life to Legal Services of Greater Miami, Inc. and the ideal of Civil Justice. For these reasons, Marcia Cypen is worthy of the honor of being awarded the Jane Elizabeth Curran Distinguished Ser

13. BRIEF BIOGRAPHICAL SKETCH

A native Floridian, Marcia Cypen was born in Jacksonville, Florida and was raised in Miami. She came from a family of lawyers--her father, uncle and three cousins all practiced law together. Yet she was a child of the sixties with a passion for social justice, not private practice. She found her home at Legal Services of Greater Miami, Inc. the summer of 1974 after her first year of law school. Legal Services was only 8 years old at the time and now, as Legal Services celebrates its 50th Anniversary, Marcia celebrates her 40th anniversary at Legal Services and has been the Executive Director since 1983.

Marcia began as an attorney in the Health and Income Maintenance Unit, successfully handling a major federal Medicaid case early in her career. She always, however, had a strong drive to be a manager and a leader in the program, and seized the opportunity to become Deputy Director under John Powell in 1981. When Powell left in 1983, she was appointed as Executive Director--one of the first women to fill that role in a Legal Services Corporation funded program.

For the last 33 years, Marcia has successfully led Legal Services through both good and bad times--major funding cuts which resulted in layoffs and retrenchment, and growth periods resulting from new and increased funding. Under her leadership Legal Services grew into a nationally regarded model program with creative approaches to solving the legal problems of the poor. Marcia built a strong team of managers who, like her, were committed to excellence and high quality legal representation.

Marcia was also successful in working with local legal and business leaders to develop a strong fundraising campaign. Led by Chesterfield Smith, the Capital Campaign raised the funds for Legal Services to purchase its main office building in 1997--a building which became home for Legal Services and other non profits for 20 years. The Together, We Must Campaign has raised \$500,000 a year for the past six years, and now provides a steady stream of revenue to support the vital work done by Legal Services attorneys,

Throughout much of her career as Executive Director, Marcia was a working mom with two small children born in 1984 and 1986. She was able to manage both her career and her family with support from her mother Raye Cypen and her husband Steven Wisotsky.

14. UPLOAD ARTICLES/LETTERS

[Letter of Support Cori Lopez-Castro Feb 25'16.pdf](#)
[Letter of Support Raoul Cantero Feb 29'16.pdf](#)
[Letter of Support Robert Parks.pdf](#)
[Letter of Support Tracy Nichols.pdf](#)
[Salter letter of support to FAWL May 2010 \(1\).doc](#)

Holland & Knight

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Holland & Knight LLP | www.hklaw.com

Tracy A. Nichols
(305) 789-7717
tracy.nichols@hklaw.com

February 29, 2016

RECEIVED
MAR 03 2016
FLORIDA BAR FOUNDATION, INC.

The Florida Bar Foundation
Jane Elizabeth Curran Distinguished Service Award
875 Concourse Parkway South
Suite 195
Maitland, FL 32751

Dear Sir or Madam,

I write in support of the nomination of Marcia Cypen, Executive Director of Legal Services of Greater Miami, Inc. (LSGMI), for the Jane Elizabeth Curran Distinguished Service Award. I have had the privilege of working with and watching Marcia for over twenty years. My first vantage point was as a young associate who had worked directly for another lawyer legendary for his commitment to increasing access to civil justice for poor people in Florida and throughout the country, Chesterfield Smith. Chesterfield cared deeply about making sure all lawyers honored their obligations to provide legal services to the poor. Chesterfield also knew a thing or two about building law firms. He frequently expressed his admiration for Marcia as the principal architect who helped build and sustain a law firm committed to the principles Chesterfield cared so deeply about. He was pleased to see Marcia exercise her acute business skills and lead the community effort to raise funds to purchase the building where LSGMI operated. Of course, those who know and love Chesterfield know that he was even more pleased and honored to have the building named after him!

My next up close vantage point was some 15 years later when I served as one of the co-chairs for the "Together We Must" Campaign for Justice. This campaign demonstrates Marcia's tenacity and vision. It was started at a time that many thought was one of the worst times to raise money from law firms and lawyers – in 2008, at the height of the Great Recession. But Marcia and other leaders insisted that, more than ever, those who had needed to step forward to contribute time and resources to those who were suffering even more. Marcia worked tirelessly to establish a culture of giving among lawyers and law firms to support the critical work of LSGMI. As a result, the "Together We Must" campaign became a successful model followed by other legal services corporations throughout the country. She and her staff created new programs to serve the endless needs of our community and made do with much less to carry out their important work.

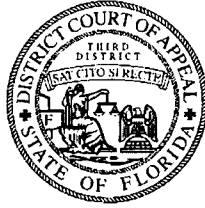
I can think of no more fitting person to receive this award. Both Jane and Marcia dedicated over 30 years to ensuring that civil courts were accessible to the poor. They both demonstrated creativity and ingenuity in carrying out this mission. And they both were extremely effective.

Sincerely yours,

HOLLAND & KNIGHT LLP



Tracy A. Nichols



RICHARD J. SUAREZ
CHIEF JUDGE
LINDA ANN WELLS
FRANK A. SHEPHERD
LESLIE B. ROTHENBERG
BARBARA LAGOA
VANCE E. SALTER
KEVIN EMAS
IVAN F. FERNANDEZ
THOMAS LOGUE
EDWIN A. SCALES, III
JUDGES

MARY GAY BLANKS
CLERK

VERONICA ANTONOFF
MARSHAL

DEBBIE MCCURDY
CHIEF DEPUTY CLERK

DISTRICT COURT OF APPEAL
THIRD DISTRICT
2001 S.W. 117 AVENUE
MIAMI, FLORIDA 33175-1716

TELEPHONE (305) 229-3200

February 22, 2016

The Florida Bar Foundation
Attn: Jessica McCabe
875 Concourse Parkway South, Suite 195
Maitland, Florida 32751

Re: **Letter of Support for the Nomination of Marcia K. Cypen
for the Jane Elizabeth Curran Distinguished Service Award**

Dear Sirs and Mesdames:

I enthusiastically support the nomination of Marcia K. Cypen for the Foundation's 2016 Jane Elizabeth Curran Distinguished Service Award. Marcia, like Jane Curran, has devoted her entire professional life to improve access to civil justice for low income communities in Florida.

Marcia was interning for Legal Services of Greater Miami, Inc. (LSGMI) even while a law student at the University of Miami in 1974. Over the intervening 42 years, she has risen to Executive Director of an organization that is a model for the efficient and professional delivery of assistance to those unable to afford private counsel. She has helped coordinate the allocation of resources and delivery of services throughout the state (and country, through her work with the National Legal Aid and Defender Association and the American Bar Association).

Marcia has led LSGMI through a number of particularly challenging and difficult periods—the disastrous results of Hurricane Andrew, the cutbacks in funding and permissible services for legal services programs in the United States in the 1990's, the more recent tsunami of foreclosures, and the reduction in funding by the Interest on Trust Accounts program in the aftermath of the recession and the decline in interest rates payable on attorney trust accounts.

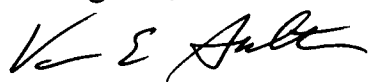
I was fortunate enough to serve as a board member and officer for LSGMI 1988-2007, while in private practice. I saw first-hand her vision, her ability to collaborate with other non-profits, and her resilience when legal services programs were under attack. In the aftermath of Hurricane Andrew, she immediately drove through Homestead, Florida City, and other hardest-hit neighborhoods to plan the legal response she knew would be required. During that disaster, and continuously, Marcia has been able to energize and lead not only the LSGMI staff attorneys, but also hundreds of pro bono volunteers from our legal community.

Her vision encouraged the Board to explore the acquisition of a building as a home for LSGMI, convenient to public transit and readily accessible by clients, so that LSGMI's lawyers and staff would not be at the mercy of commercial landlords and fluctuating rent rates every five to ten years. I was fortunate enough to participate with her in the site selection, the fundraising, and the financing for that building, and of course it was a wonderful success. What is often overlooked in that effort is Marcia's decision to use three floors of the five-story building to rent to other non-profits service providers at stable, sub-market rental rates (because the entire building was exempt from property taxes). This resulted in a kind of "one stop shopping" for low income clients, who could also visit Americans for Immigrant Justice, or Florida Legal Services, or the University of Miami School of Law clinic, or other non-profits in the building.

Marcia has always focused on training and professional development for the staff lawyers, and on clinics and written materials that could be provided to assist low income clients with small claims court, eviction actions, public benefits, and other categories of legal issues. She also organized a fundraising program to augment the annual operating budget, not just to pay off the mortgage on LSGMI's building (although she also accomplished that as well). Those efforts have avoided, or at least mitigated, the draconian cuts in staffing that other legal services providers have been forced to implement in recent years.

In thirty years of private practice and eight years on the appellate bench, I have not observed any other person do as much for so many when it comes to improving access to civil justice. I believe she is a worthy recipient for this important Award. Please feel free to call me at (305) 222-4133, or to email me at salterv@flcourts.org, if you have questions or would like to discuss Marcia's nomination further.

Best regards,



Judge Vance E. Salter

Coral Lopez-Castro, Esq.
clc@kttlaw.com | 305.347.1774

February 25, 2016

The Florida Bar Foundation

Re: Jane Elizabeth Curran Distinguished Service Award-Marcia Cypen Nomination

To whom it may concern:

I am writing to you in support of the nomination of Marcia Cypen for the Jane Elizabeth Curran Distinguished Service Award. I write this as a lawyer who is deeply committed to pro bono legal services. I first worked with Marcia Cypen when I served as President of the Cuban American Bar Association (“CABA”) in 2006. I was determined to take CABA’s Pro Bono Project to the next level. She was an invaluable resource. She did not view CABA as competition but a partner in trying to address problems facing our community.

I also worked closely with Marcia when I served as a co-chair of the Florida Bar’s Standing Committee on Pro Bono Legal Services (“Standing Committee”). As you may recall, the Standing Committee helped launch the One Campaign with a challenge to all Florida attorneys to help one pro bono client with one legal matter. After the One Campaign was launched, the Standing Committee tried to build on the results of the campaign by bringing together key players within our local legal community to develop a plan to integrate pro bono into our culture for years to come. Marcia Cypen was a leader in that effort as she recognized that better coordination was needed. Her ideas and insight were essential for our efforts. More important, her spirit of cooperation was needed.

Although many have assisted with pro bono efforts, Marcia Cypen is one of the most effective voices in this area. I have told her many times – you could run a Fortune 500 company as she is one of the most creative and efficient leaders I know.

In Miami we have made great strides in addressing the legal needs of disadvantaged residents. We would not have gotten this far without Marcia Cypen's extraordinary service. I am in awe of her. I hope you agree.

Sincerely,



Corali Lopez-Castro

CLC/rep

February 29, 2016

VIA E-MAIL: jmccabe@flabarfdn.org

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To whom it may concern:

I write to nominate **Marcia K. Cypen**, for the Jane Elizabeth Curran Distinguished Service Award. I give Marcia my highest recommendation. I believe her qualifications for the award is met with the highest standards.

Marcia was deputy director of the Legal Services of Greater Miami from 1981-1983 and has been the executive director since 1983. I was on the board from 1991-1995 and I have known Marcia professionally for many years. After a stint as justice of the Florida Supreme Court (from 2002-2008), I returned to law practice in October 2008 and now serve on LSGMI's Campaign Committee. Marcia is tireless in seeking ways to fund LSGMI in a dire economic climate, and her hard work has resulted in obtaining close to \$1 million in funds for the organization.

Through her leadership and direction, the LSGMI has represented countless of underprivileged families in receiving free civil legal services in areas like medical benefits, property issues, guardianship and citizenship, to name a few.

In summary, I believe Marcia would be an excellent choice to receive the Jane Elizabeth Curran Distinguished Service Award and would represent it well. Please contact me if you have any questions.

Thank you,



Raoul G. Cantero