

THE FLORIDA BAR FOUNDATION

2011-12 Annual Report

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Leadership and Funding for Justice in Florida

The President's Message

During my year as president of The Florida Bar Foundation, many colleagues congratulated me on the great work the Foundation does.

I am honored to have served and am proud to accept kudos on behalf of the Foundation. While I did my best as a volunteer, the credit really goes to those who have devoted their entire careers to the Foundation's mission of providing access to justice.

This includes not only the Foundation's dedicated employees, but also those of the Foundation's grantees, including the more than 400 legal aid attorneys who have willingly accepted compensation well below that which they could command in the private sector in order to be advocates for Florida's poor, disabled, foster children and elderly.

The number of employees at the Foundation and its grantees is dwindling along with the Foundation's resources through this period of diminished revenue from Florida's Interest on Trust Accounts Program.

The Foundation's staff has shrunk already from 22 to 16, and it's anticipated that Florida will lose as many as 100 legal aid attorneys over the next few years as the Foundation's reserves dwindle. Eventually IOTA revenue will go up, along with interest rates, but by the time it does, we will face a period of rebuilding.

This will be a challenge, especially when coupled with the retirement of Paul Doyle in 2013. A brilliant legal aid lawyer and innovative architect of Florida's legal services delivery system, Paul has worked for 21 years alongside Foundation Executive Director Jane Curran. Together they have made The Florida Bar Foundation a national leader and a model among IOLTA programs. Paul's wisdom and guidance will be sorely missed.

But the Foundation will carry on, thanks to a staff that remains committed in spite of all the challenges of working with fewer resources, and thanks to a board of directors and committee members who are determined to see us through this funding crisis. And of course, thanks to Jane's continued leadership.



I would like to close by extending my congratulations to 2012 Medal of Honor recipient Hank Coxe, and by wishing my successor Maria Henderson a rewarding year as Florida Bar Foundation president. I already envy her, as the opportunity to serve in that role is a privilege and has been one of the true highlights of my professional career.

Sincerely,

A handwritten signature in black ink, appearing to read 'Michele Kane Cummings'.

Michele Kane Cummings
President, 2011-12

Trial Lawyers Section gift provides lawyer for foster youth

In just six months, a \$75,000 gift to The Florida Bar Foundation by The Florida Bar's Trial Lawyers Section has provided nearly 70 foster youth an advocate to protect their legal rights, and more referrals are coming every week.

Jessica Rae, the Trial Lawyers Section Children's Legal Services Fellow at the Community Law Program in St. Petersburg, has had foster youth referred to her by caseworkers, Guardians ad Litem, judges, the general magistrate and the state attorney's office.

Through her Transitioning Dependent Youth Project, Rae represents kids as they navigate the foster-care system. In more than 10 years spent advocating for foster youth, mostly in Maryland, Rae has seen the long-term benefits that legal representation of these children can have.

"When the court is contemplating an order of where a child should be placed, it's really easy to think we're just talking about where this child is going to live for the next year or two years, but those orders have a profound impact on that child's life," she said.

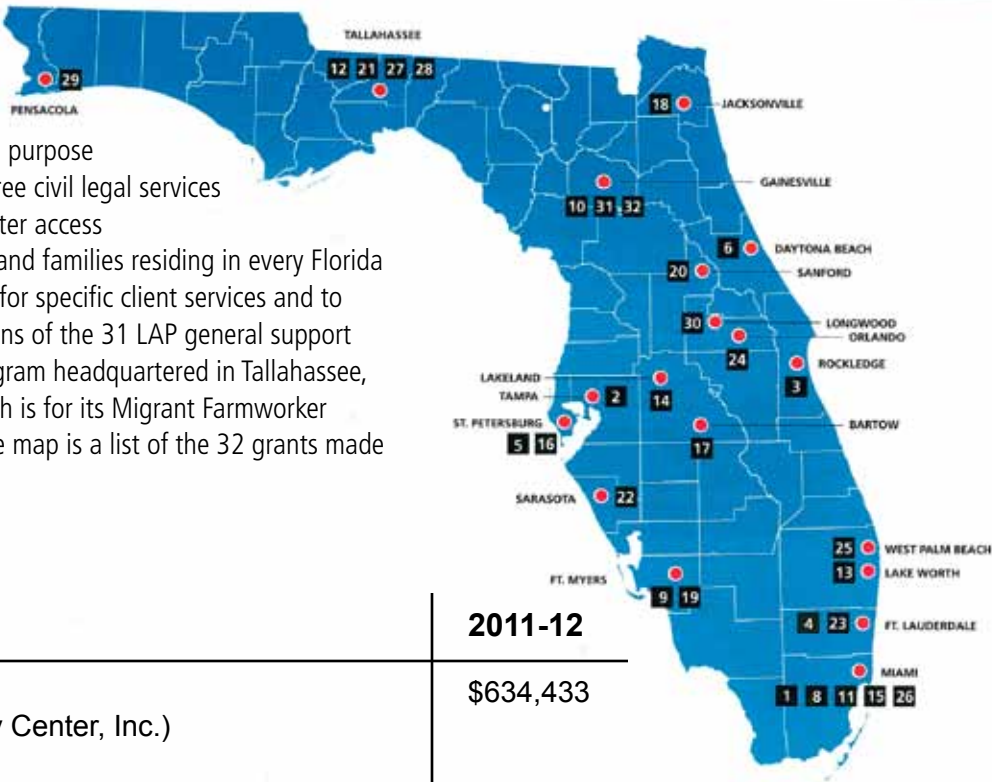
Rae has made a list of the potential impacts. A child's placement, Rae points out, determines whether he or she can:

- have a permanent family or permanent home
- maintain school stability
- maintain medical or therapeutic stability or services
- have access to and contact with the people who are most important to him or her
- qualify for a college tuition exemption
- receive any sort of independent living services, including a monthly stipend he or she can access as a young adult while completing his or her education
- participate in normal teen activities

see **FOSTER**, p. 15

Legal Assistance for the Poor Grant Program

The Foundation's Legal Assistance for the Poor (LAP) Grant Program, supported primarily by IOTA funds, provides general support and special purpose grants to a network of organizations providing free civil legal services to the poor. Together, this network provides greater access to the justice system for low-income individuals and families residing in every Florida county. LAP grants also support legal assistance for specific client services and to specific client groups. The map shows the locations of the 31 LAP general support grantees. Florida Legal Services, a statewide program headquartered in Tallahassee, receives two general support grants, one of which is for its Migrant Farmworker Justice Project, based in Lake Worth. Beneath the map is a list of the 32 grants made to LAP general support grantees in 2011-12.



General Support Grants

GRANTEE (main office)

GRANTEE (main office)	2011-12
1. Americans for Immigrant Justice (formerly Florida Immigrant Advocacy Center, Inc.) <i>Miami</i>	\$634,433
2. Bay Area Legal Services, Inc. <i>Tampa</i>	\$277,527
3. Brevard County Legal Aid, Inc. <i>Rockledge</i>	\$83,428
4. Coast to Coast Legal Aid of South Florida, Inc. <i>Plantation</i>	\$25,970
5. Community Law Program, Inc. <i>St. Petersburg</i>	\$31,850
6. Community Legal Services of Mid-Florida, Inc. <i>Daytona Beach</i>	\$360,959
7. Cuban American Bar Association Pro Bono Project <i>Miami</i>	\$50,219
8. Dade County Bar Association Legal Aid Society <i>Miami</i>	\$387,412
9. Florida Equal Justice Center, Inc. <i>Fort Myers</i>	\$454,377
10. Florida Institutional Legal Services, Inc.* <i>Newberry</i>	\$587,754
11. Florida Justice Institute, Inc.* <i>Miami</i>	\$362,660
12. Florida Legal Services, Inc.* <i>Tallahassee</i>	\$2,059,423
13. Florida Legal Services, Inc.* <i>Migrant Farmworker Justice Project</i> <i>Lake Worth</i>	\$602,736
14. Florida Rural Legal Services, Inc. <i>Lakeland</i>	\$380,708

GRANTEE <i>(main office)</i>	2011-12 AWARD
15. Guardianship Program of Dade County, Inc. <i>Miami</i>	\$64,800
16. Gulfcoast Legal Services, Inc. <i>St. Petersburg</i>	\$1,012,991
17. Heart of Florida Legal Aid Society, Inc. <i>Bartow</i>	\$112,442
18. Jacksonville Area Legal Aid, Inc. <i>Jacksonville</i>	\$835,418
19. Lee County Legal Aid Society, Inc. <i>Fort Myers</i>	\$56,316
20. Legal Advocacy Center of Central Florida, Inc. <i>Sanford</i>	\$603,657
21. Legal Aid Foundation of the Tallahassee Bar Association <i>Tallahassee</i>	\$42,968
22. Legal Aid of Manasota, Inc. <i>Sarasota</i>	\$31,850
23. Legal Aid Service of Broward County, Inc. <i>Plantation</i>	\$899,949
24. Legal Aid Society of the Orange County Bar Association <i>Orlando</i>	\$534,306
25. Legal Aid Society of Palm Beach County, Inc. <i>West Palm Beach</i>	\$353,740
26. Legal Services of Greater Miami, Inc. <i>Miami</i>	\$640,909
27. Legal Services of North Florida, Inc. <i>Tallahassee</i>	\$224,885
28. North Florida Center for Equal Justice, Inc. <i>Tallahassee</i>	\$75,145
29. Northwest Florida Legal Services, Inc. <i>Pensacola</i>	\$392,660
30. Seminole County Bar Association Legal Aid Society <i>Longwood</i>	\$65,238
31. Southern Legal Counsel, Inc.* <i>Gainesville</i>	\$314,014
32. Three Rivers Legal Services, Inc. <i>Gainesville</i>	\$65,324
TOTAL	\$12,626,068

* These grants are non poverty-population based or have non poverty-population based components that support statewide legal aid services and activities.

All general support grants not marked with an asterisk are poverty-population based.

Foundation Support for Pro Bono Services by Members of The Florida Bar

Florida legal aid grantees reported that members of The Florida Bar donated their time in 2011 to handle 14,211 cases, which represented 14 percent of all cases closed by Foundation legal aid grantees. At an average rate of \$120 an hour, the 102,542 hours contributed by Florida attorneys through organized pro bono programs in 2011 represents \$12.3 million of free legal assistance for low-income Florida residents.

Foundation legal aid grants support the intake and referral of cases to pro bono attorneys and provide such volunteers with backup support and training. There is a wide variety of pro bono service opportunities for Florida attorneys, including:

- Handling cases in family law, housing matters, immigration, etc.
- Transactional attorneys helping community groups develop affordable housing
- Providing advice and counsel through clinics
- Representing children in dependency proceedings
- Co-counseling cases with legal aid attorneys in housing and consumer law
- Assisting particularly vulnerable clients, such as the elderly, the disabled and the mentally ill.

Not all pro bono work has to involve direct representation of clients. For example, pro bono attorneys can also:

- Provide substantive law and skills training to legal aid attorneys
- Serve as mentors to less experienced legal aid attorneys
- Do client intake
- Participate in community legal education programs such as being a panelist at a seminar on domestic violence or speaking to the elderly about protection of their homesteads.

The benefits of involving members of The Florida Bar in serving the legal needs of the poor extend well beyond the positive outcomes for individual clients because attorneys make things happen. When talent and commitment are applied to removing the legal barriers poor people face in stabilizing their lives, entire communities benefit.

Positively Pro Bono: Kenneth Jacobs' Story

Kenneth Jacobs had always worked until his 2008 heart attack.

It was the first in a string of serious health complications that sidelined him from his job as a security guard and left him homeless.

"I was always in the hospital," said Jacobs, 55. "When I kept getting sicker, I got evicted in 2009 and couldn't do the work anymore."

After he was evicted, Jacobs ended up at the Sulzbacher Center, which provides shelter and other services, including health care, for Jacksonville's homeless. Sulzbacher administrators recognized that Jacobs' medical problems had accompanying legal issues and referred him to the North Florida Medical Legal Partnership, an initiative through which medical professionals identify cases where legal issues are creating obstacles to their patients' well-being.

Pro bono attorney Mark Papa of the law firm Harrell & Harrell specializes

in Social Security rights and took Jacobs' case. Although Jacobs was entitled by law to receive Social Security disability benefits, his claims had been denied. With Papa's help, Jacobs got a hearing and won his appeal to receive Social Security disability benefits and Supplemental Security Income.

"When I met Mark it was like meeting a best friend," Jacobs said. "He puts everything so you can understand. You couldn't ask for a better person to handle your case."

Without an attorney, Jacobs most likely would've gotten lost in the shuffle, which is why Papa said attorneys should make pro bono cases a priority.

"I think there's an obligation to do it if you can," said Papa. "There's always time to do it no matter how busy you are. We're privileged in a sense to get through college and law school, and to me it's rewarding to help someone who is not so privileged."



"We're privileged in a sense to get through college and law school, and to me it's rewarding to help someone who is not so privileged."

– Mark Papa

How Legal Assistance Grantees Helped in 2011

Income Maintenance Matters:

(AFDC, Social Security, SSI, food stamps, unemployment compensation, veterans' benefits, workers' compensation)

"Marva" was a bank teller with a 5-year-old daughter and a baby on the way. During her pregnancy she had severe migraines that affected her work. On a particularly bad day, she asked permission to leave work early but her supervisor insisted she remain at her job. That day, she made a mistake on a transaction and was fired. Her employer denied her unemployment compensation, alleging she had committed misconduct. Marva came to legal aid for assistance. On the day of the hearing, she had to pawn her wedding ring to pay her rent and avoid eviction. The employer failed to show up for the hearing. The advocate representing Marva contacted the unemployment office to expedite her case. Rather than having to wait two to four weeks for a check, Marva received the funds that same day. She was able to retrieve her wedding ring from the pawn shop, and she and her family were able to remain in their apartment.

Coast to Coast Legal Aid of South Florida, Plantation

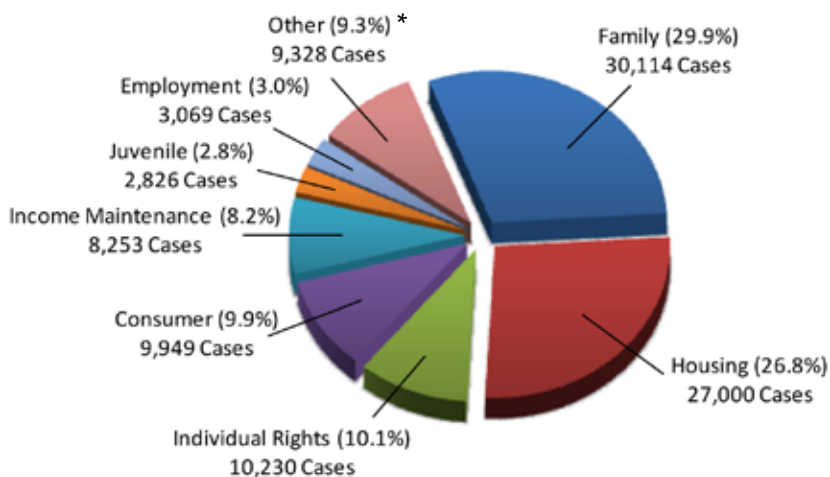
Family Matters:

(adoption, custody/visitation, dissolution of marriage, guardianship/conservatorship, paternity, spouse abuse)

"Gina," a 26-year-old mother of four, had been beaten by her husband, strangled and left unconscious. She had filed petitions for protection before, but dropped them each time after being persuaded by her husband and his family. She had no lawyer and felt she had nowhere to turn, until she found legal aid. With the help of legal aid, Gina got a permanent injunction for protection. Legal aid also obtained needed services for Gina and her children to live independently and is representing her in a divorce action.

Brevard County Legal Aid, Rockledge

100,769 Cases Closed in 2011



* Includes employment, health, children, education.

Individual Rights:

(immigration/naturalization, mental health, prisoners' rights, physically disabled rights)

"Li" was brought to the United States from South Korea by her boyfriend, who abused and then abandoned her. She answered an employment ad for a job as an assistant, with benefits that included room and board. When she arrived, the person who placed the ad forced her to work as a prostitute. He raped and threatened her. The trafficker also kept her passport, locked her in the apartment and threatened to have her deported if she attempted to escape. Li ended up being detained by immigration authorities. After interviewing her in detention, a legal aid attorney was able to obtain Li's release based on the fact that she was a victim of human trafficking. The attorney also secured housing and social services for her and successfully filed a T-visa application, allowing her to remain in the United States legally.

Americans for Immigrant Justice, Miami

Housing:

(federally subsidized housing rights, homeownership/real property, landlord/tenant, public housing)

An accident had left "Dan" a quadriplegic. The 21-year-old was totally dependent on others and received a monthly housing subsidy from the federal shelter plus care program administered by a local nonprofit. The organization abruptly terminated Dan's subsidy and was cooperating with the landlord in evicting Dan without complying with the proper legal procedures and fair housing law mandates. Legal aid filed an appeal of the termination decision and made oral argument before a specially convened panel of three hearing judges. The judges determined that the organization had violated Dan's rights in terminating the housing subsidy and had wrongly calculated the amount of the subsidy. The organization was ordered to resume the subsidy at a significantly higher amount and to find a more suitable apartment that would accommodate Dan's disabilities.

Florida Rural Legal Services, Lakeland

Florida kids on Medicaid eligible for autism therapy thanks to legal aid

At 18 months of age, Karls Gonzalez seemed like any other happy toddler. He would return his mother's smile, had a budding vocabulary that included words like "mama," and "papa" and had developed a healthy appetite for solid food.

But by the time he turned 2, he had become a different child. He stopped speaking and making eye contact. He refused any food that was not pureed. At the playground he would just walk in circles, staring at his own shadow or at the wall. He never climbed on the equipment or interacted with other kids.

"He was like a little old man," said his mother Iliana Gonzalez, tears welling as she recalled her son's extreme detachment.

Gonzalez soon learned that Karls had regressive autism, a form of the disorder that often becomes apparent by a child's second birthday. Karls not only stopped engaging with those around him, but also became aggressive. As he grew older, his mother's arms became covered in bruises and bite marks from his frequent outbursts.

After three years of speech, physical, and occupational therapy, which were covered by Florida Medicaid, Karls showed no improvement. Having talked with his neurologist and other experts and done a lot of her own research, Gonzalez knew that the therapy Karls really needed was applied behavior analysis (ABA), a widely recognized, intensive treatment for autism that uses techniques such as positive reinforcement to influence behavior. But Medicaid didn't cover it, and the family couldn't afford it.

Karls' situation changed, however, after a social worker from Baptist Children's Hospital in Miami referred Gonzalez to legal aid.



Karls, 6, began receiving ABA therapy thanks to his attorneys at Legal Services of Greater Miami (LSGMI), Florida Legal Services (FLS) and the Miami law firm of Alderman & Kodsi. His legal team was able to secure Medicaid coverage for the therapy after a preliminary injunction order, and on March 26, 2012, U.S. District Judge Joan Lenard issued a permanent injunction ordering the state of Florida to begin providing coverage of ABA for all children on Medicaid diagnosed with an autism spectrum disorder.

"The Medicaid population of children diagnosed with autism and/or autism spectrum disorder are deserving and will be given ABA treatment in the state of Florida," said Lenard in an oral order from the bench. Following a four-day trial, she referred to the case as one of the most important she had ever heard.

LSGMI attorney Monica Vignes-Pitan worked on the federal case with lead attorney Miriam Harmatz in the FLS Miami office and private attorney Neil Kodsi, whose trial expertise was critical. They also had help from co-counsel Betsy Havens,

"The Medicaid population of children diagnosed with autism and/or autism spectrum disorder are deserving and will be given ABA treatment in the state of Florida."

Oral order issued from the bench by U.S. District Judge Joan Lenard in a case brought on behalf of three Miami children including Karls Gonzalez, left.

an Equal Justice Works Fellow who also has a master's in public health, and whose fellowship at FLS is supported by The Florida Bar Foundation and the law firm of Greenberg Traurig.

While state law has required private insurers to cover ABA therapy for autistic children since 2008, Florida's Medicaid program had continued to deny coverage by claiming, among other things, that the therapy was "experimental." The plaintiffs' rebuttal expert cited an abundance of scientific literature that thoroughly undermined the state's claim.

"Judge Lenard's order will eliminate the tragic disparity between the prognosis of privately insured children with autism, who receive ABA, and those on Medicaid, who do not," said Harmatz, one of the state's leading Medicaid advocates. "This case will have national impact because, while most states mandate that private insurance companies cover ABA, most Medicaid programs do not provide coverage."

Autism advocates pointed out at trial that ABA therapy will provide

see **THERAPY**, p. 11

Children's Legal Services Grants

Since the early 1990s, The Florida Bar Foundation has funded special annual grants for legal assistance to children. Gifts from attorneys to the Foundation from the Children's Legal Services checkoff campaign on the annual Florida Bar Fee Statement help support these grants, along with proceeds from The Florida Bar's Kids Deserve Justice license plate initiative. The Foundation's priorities for its Children's Legal Services grants include representation of foster-care children and access to special education, medical, developmental and mental health services that are required under law.

GRANTEE	2011-12 AWARD
Americans for Immigrant Justice <i>Miami</i> Children's Legal Project	\$50,711
Bay Area Legal Services <i>Tampa</i> L. David Shear Children's Law Center	\$106,711
Brevard County Legal Aid <i>Rockledge</i> Independent Living Project	\$61,200
Community Law Program <i>St. Petersburg</i> Transitioning Dependent Youth Project	\$70,000*
Community Legal Services of Mid-Florida <i>Daytona Beach</i> The Child Advocacy Project	\$113,381
Dade County Bar Association Legal Aid Society <i>Miami</i> Teen Legal Collaborative Project (Jointly with Lawyers for Children America)	\$66,995
Florida Equal Justice Center <i>Fort Myers</i> Schoolhouse-Safehouse	\$102,687
Florida Institutional Legal Services <i>Newberry</i> Children in Custody Project	\$63,360
Florida International University College of Law <i>Miami</i> Children's Education Advocacy Clinic	\$73,364
Florida's Children First <i>Coral Springs</i> Florida's Children First Children's Systemic Initiatives	\$184,640
Florida Legal Services, Inc. <i>Tallahassee</i> Children's Statewide Litigation and Policy	\$103,377

* The Community Law Program is the beneficiary of a \$75,000 gift from The Florida Bar Trial Lawyers Section to fund the Trial Lawyers Section Children's Legal Services Fellow. Read more about the work of Trial Lawyers Section Children's Legal Services Fellow Jessica Rae on p. 2.

Florida State University College of Law Public Interest Law Center <i>Tallahassee</i> Health Care Access/ Special Education Project	\$103,377
Gulfcoast Legal Services <i>St. Petersburg</i> GLS CHILD (Children's Immigration Legal Defense)	\$46,686
Jacksonville Area Legal Aid <i>Jacksonville</i> Crisis in Duval Foster Care Education Systems Project	\$53,356
Lawyers for Children America, Inc. <i>Miami</i> Teen Legal Collaborative Project (Jointly with Dade County Bar Association Legal Aid Society)	\$66,694
Lawyers for Children America, Inc. <i>Miami</i> Miami Youth S.H.I.N.E. Project (Striving High for Independence and Empowerment)	\$46,686
Legal Aid Service of Broward County <i>Plantation</i> Children's Advocacy Program Education Legal Rights Project, Broward and Collier	\$90,038
Legal Aid Society of Palm Beach County <i>West Palm Beach</i> Children's Educational Advocacy Law Project	\$93,372
Legal Aid Society of the Orange County Bar Association <i>Orlando</i> Guardian Ad Litem Project	\$89,371
Legal Services of Greater Miami <i>Miami</i> Special Education Advocacy Project	\$37,750
Legal Services of North Florida <i>Tallahassee</i> Children's Legal Representation Project (CLRP)	\$77,366
Southern Legal Counsel <i>Gainesville</i> Education Advocacy Project	\$100,042
University of Miami School of Law Children & Youth Law Clinic <i>Coral Gables</i> Statewide Foster Children's Advocacy Project	\$78,384
TOTAL	\$1,879,247

Affordable Housing Grants

The Foundation has sought to make an impact on the affordable housing crisis for low-income individuals and families through the implementation of a statewide-regional affordable housing project. The goal of the project is to undertake systemic advocacy to prevent the loss of affordable housing units and to support the development of new affordable housing units. Grants support multi-forum legal advocacy, including legislative advocacy, administrative advocacy, public policy advocacy and litigation on a statewide and local level. In 2011-12, the Foundation provided \$390,000 in affordable housing grants to four regional projects, as well as a \$150,000 grant to Florida Legal Services for its work on affordable housing.

Statewide Special Project Grants

The following grants were made to support statewide initiatives on behalf of the legal aid community.

Project	2011-12 Grant Amount
Statewide Immigration Component (administered by Americans for Immigrant Justice) Provides training and technical assistance to other immigration projects in Florida and provides some assistance to immigrants in areas of Florida not covered by any immigrant programs.	\$153,296
Florida Senior Legal Helpline (administered by Bay Area Legal Services) Provides support for expanded access to legal aid statewide by Floridians aged 60 and over by providing callers free legal advice, brief services and referrals by telephone.	\$45,500
Statewide Website (administered by Florida Legal Services) Internet-based resources provided to Foundation-funded legal aid and legal services advocates, volunteer attorneys who provide pro bono assistance to the poor, and members of the client community who need access to self-help legal information and referrals to Foundation legal aid grantee organizations.	\$141,600
Statewide Pro Bono Project (administered by Florida Legal Services) Provides staff support for the work of The Florida Bar Standing Committee on Pro Bono Legal Service. Of these grant funds, \$50,000 comes from The Florida Bar.	\$108,000
Statewide Supplemental Training Funds (administered by Florida Legal Services) Provides support for organized statewide training events for staff members of Foundation-funded legal aid programs.	\$98,000
Migrant Component (administered by Florida Rural Legal Services) This project, funded primarily by Legal Services Corporation, receives Florida Bar Foundation funding to help support services provided to eligible migrant farmworkers under federal regulations, assisting with wage claims, landlord-tenant matters and other housing issues.	\$51,870
TOTAL	\$598,266

Small Program Special Needs Grants

The purpose of this competitive grant program is to recognize and support small legal assistance programs with a long history of providing legal representation to special needs clients. The recipients are programs not otherwise supported by a Foundation grant. In 2011-12 the Colombian American Service Association and the HIV, Education and Law Project (HELP) Inc. received a total of \$99,400.

Attorney General Mortgage Foreclosure Defense Grant Program

In 2009-10, The Florida Bar Foundation initiated a mortgage foreclosure defense grant program using funds provided by then-Florida Attorney General Bill McCollum from settlement of a class action lawsuit against Countrywide Financial Corporation.

More than \$4 million was made available over the first two years, with another \$1 million awarded to 17 grantees in 2011-12 through a settlement reached by McCollum's successor, Florida Attorney General Pam Bondi in a different case.

The grants have funded lawyer and paralegal positions devoted to providing free assistance to homeowners facing foreclosure on their homestead property who cannot afford an attorney. As of 2012, Florida had the highest foreclosure rate in the nation.

The funds were distributed through the Foundation in the form of annual grants awarded to legal aid organizations. The grants varied in size depending on the number of foreclosures experienced in a particular area.

Florida Access to Civil Legal Assistance Act Grants

The Florida Access to Civil Legal Assistance Act (FACLA) was passed by the Florida Legislature and signed into law by Fla. Gov. Jeb Bush in 2002. Sixty-four legislators cosponsored the act, which was passed unanimously by each subcommittee that reviewed the bill. Before the full Legislature, there was only one dissenting vote.

The free civil legal assistance FACLA has provided to low-income Floridians has furthered the goals of the act to stabilize lives, provide independence and self-sufficiency, and secure protection from domestic violence and abuse.

In the 2012 legislative sessions, \$2 million was appropriated by the Florida Legislature to the unique public-private partnership formed under the act and administered by The Florida Bar Foundation. However, for the second year in a row, the FACLA appropriation was later vetoed by Fla. Gov. Rick Scott.

THE THERAPY, from p. 7

autistic children the help they need to lead productive lives and not be dependent on the state through more costly group homes.

"This order will save thousands of other Florida children from being unnecessarily and permanently disabled," said Viques-Pitan. "And while the intensive therapy can be costly, the evidence also established that providing applied behavior analysis for Karls and other children like him will ultimately save significant public funds."

Karls was one of three autistic Miami children on whose behalf the case was brought, but the outcome has made more than 8,000 children currently in the Florida Medicaid program eligible for ABA therapy.

Meanwhile, Karls began a remarkable transformation after less than five months of ABA therapy.

"Hello. How are you?" he asks upon meeting someone for the first time. Although his words sound rehearsed, a bit like a foreign language student, he speaks

with a sunny confidence and looks his new acquaintance in the eye.

"Say cheese!" he calls out, as he flashes his best Hollywood smile at a stranger pointing a camera his way.

Karls has also stopped hitting and biting and instead started participating in all kinds of activities that would have been unthinkable before. He teaches himself sign language on the computer and has learned how to count to 10 in several languages. He will sit still and pay attention to his speech therapist, enabling him to benefit from a form of therapy that had been wasted on him before. He can understand games like tag, can toss a ball to someone, and will approach other children with interest in what they are doing.

Gonzalez said Karls' neurologist has found his new behaviors remarkable for a child with such a severe form of autism.

"Before, you could call him, 'Karls, Karls!' and you were talking to the air," Gonzalez said. "Now I am seeing the child

I lost. He is bigger. He is older. But he is the child I lost."

FLS and LSGMI both receive general support grants from The Florida Bar Foundation that enable their staff attorneys to devote the tremendous amount of time needed to pursue such landmark cases.

"This is our legal services community at its best – a very needy client, a local legal aid attorney, an expert attorney from a statewide legal aid program, a new EJW attorney and a pro bono private attorney," said Florida Legal Services Executive Director Kent Spuhler.

Gonzalez said she thanks God for meeting the social worker who referred her to legal aid.

"A lot of kids need this, not just Karls," she said. "There are kids who can take advantage of this from a much younger age, and it will help them even more."

Fostering Public Service Careers

The Florida Bar Foundation offers a number of programs through its Legal Assistance for the Poor grants to encourage law school graduates to choose and remain in public interest careers. This includes providing matching funds for Equal Justice Works Fellows who spend two years working on public service projects, as well as providing loan repayment assistance and salary supplementation to legal aid attorneys employed at Foundation-funded legal aid programs throughout Florida.

Equal Justice Works Fellowship Program

Since 1999, the Foundation and its Florida funding partners have provided matching funds for 68 Florida Equal Justice Works Fellows, who complete two-year public interest fellowships sponsored by the Washington, D.C.-based Equal Justice Works. EJW Fellows have designed and led legal assistance projects in affordable housing, welfare-to-work, domestic violence, special education for disabled children, homelessness, immigration, prisoner rights, environmental justice and family preservation. A 2012 report by Equal Justice Works found that 81 percent of Florida's EJW Fellows continue to work in public interest employment, and 68 percent remain in Florida. Fellows are hosted by Foundation-funded legal assistance organizations. In addition to addressing the civil legal needs of the poor in Florida, the Equal Justice Works Fellowship Program enriches Florida's legal assistance community through the enthusiasm of individual Fellows, who renew and enliven a host program's legal advocacy. In 2011-12, the Foundation approved matching funds for two Fellows in the Class of 2012-14 and was joined by its funding partners, the law firm of Greenberg Traurig and The Florida Bar.

Equal Justice Works Fellowships Class of 2012-14

Host Legal Aid Program	Fellow	Project
Legal Aid of Manasota, Inc., Sarasota	Jamie Rubin	Provide legal assistance to low-income students and parents who qualify for Exceptional Student Education (ESE) services through direct representation and research into unexamined special education issues. Engage in community education and collaboration.
Florida's Children First, Miami	Hasti Barahmand	Provide dependent youth involved in the juvenile justice system with holistic direct representation that extends beyond the courtroom into the community, while creating an effective working practice model for the state.

Loan Repayment Assistance Grant Program

The majority of law students today graduate with educational debt of more than \$100,000. In 2007 the Foundation released the results of an in-depth study titled, "The Quest for the Best: Attorney Recruitment and Retention Challenges for Florida Civil Legal Aid," which found that one of the top three reasons attorneys were leaving public service careers was "financial pressure due to student loans." The study noted that salary increases alone would not be adequate to alleviate the burden of debt payments on legal aid attorneys. In response, the Foundation strengthened its Law School Loan Repayment Assistance Program, which now pays legal aid attorneys up to 80 percent of their annual payments on need-based law school debt for up to 10 years. Annual payments are capped at \$7,500 and are in the form of one-year loans forgiven annually for attorneys who remain employed at a Foundation legal assistance grantee for the full 12-month period. In 2011-2012, the Foundation committed \$810,142 to the program for benefits to 185 legal aid attorneys.

Staff Attorney Salary Supplementation Grant Program

The 2007 “Quest for the Best” study found that the median starting salary for a licensed attorney in a Florida legal aid program was \$38,500 and that staff attorneys did not reach a salary of \$50,000 until nine years after law school graduation. Common measures of a middle class lifestyle, such as home ownership, proved beyond the reach of many legal aid attorneys in spite of their highly specialized skills. The study also found that “financial pressure due to low salary” was the number one reason legal aid attorneys left their jobs. In accordance with the recommendations of the study, The Florida Bar Foundation developed a plan to help increase staff attorneys’ starting salaries beginning Jan. 1, 2008 to a minimum of \$43,500 with an increase to a minimum of \$46,000 in 2010. It also established goals that attorneys with three years, six years and 10 years of experience would be earning a minimum of \$50,000, \$60,000 and \$70,000 respectively by 2010. To enable legal aid programs to implement these salary improvements, along with other professional development enhancements recommended by the study, the Foundation initiated a Staff Attorney Salary Supplementation Grant Program in 2008 for its general support grantees. In 2012, the Foundation awarded salary supplementation grants totaling \$4,219,710 to 30 legal aid programs.

Law Student Assistance Grant Program Suspended

The Florida Bar Foundation made the difficult decision in 2011-12 to suspend its Law Student Assistance grant programs in order to conserve funds for legal aid in the face of the steep and protracted decline in revenue from Florida’s Interest on Trust Accounts (IOTA) Program. The Foundation hopes to reinstate these grant programs once IOTA revenue has fully rebounded and legal aid funding has been substantially restored to pre-recession levels. The programs that have been suspended are as follows:

Legal Aid Summer Fellowship Grant Program

An 11-week program that places first- and second-year law students at Foundation-funded legal assistance programs, Legal Aid Summer Fellowships have long provided additional client service while encouraging law students to enter public service careers and undertake pro bono representation in private practice. The Foundation at one time funded 40 summer fellows a year, but had decreased the number to 20. In 2011-12 it suspended its funding for the program. However, the law firm of Fowler White Boggs contributed \$6,500 to fund a summer fellow to work at Legal Aid Service of Broward County. Monica Jordan, a first-year student at the Shepard Broad Law Center at Nova Southeastern University, was the Fowler White Boggs Diversity Summer Fellow in 2012. She was the second summer fellow to be funded by Fowler White Boggs.

Public Service Fellows Grant Program

Through the Public Service Fellows Program, law students completed internships at legal aid offices, Guardian ad Litem programs and public defender offices, as well as human rights and other public service agencies. The program was established to promote pro bono legal services among future members of the legal profession, to provide law students with direct involvement in public service activities and to promote the concept of public service legal work on law school campuses. The grants were awarded to law schools, which distribute the funds to students in the form of stipends. The Public Service Fellows Grant Program was suspended in 2011-12.

Law School Civil Clinic Grant Program

The Florida Bar Foundation has helped support civil clinics at Florida law schools in an effort to:

- involve law students in the provision of civil legal assistance to the poor;
- provide an in-depth experience in representing the poor and working with individual clients and client groups in civil legal matters;
- encourage law students to pursue public interest careers representing the poor; and
- promote a commitment to pro bono representation of the poor.

Cases handled through the clinics are predominantly in the areas of family law, children’s legal services, homeless advocacy, public benefits (food stamps, Medicaid), immigration, community outreach and education. The Law School Civil Clinic Grant Program was suspended in 2011-12.

Improvements in the Administration of Justice Grant Program

Grantmaking Philosophy

A goal of The Florida Bar Foundation is to focus grants in areas where the funding can have a measurable impact. Toward that end, the Foundation concentrates grants for improvements in the administration of justice in five areas, with emphasis on how the courts can operate more effectively and expeditiously.

Areas of Funding

- Improvement in the operation and management of the court system;
- Improvement and reform of the criminal, civil and juvenile justice systems;
- Public education and understanding about the law, including law-related education;
- Promotion and support for public interest legal representation; and
- Promotion and support for voluntary bar association-sponsored community-service initiatives.

The Foundation occasionally considers projects in other subject areas related to improving the administration of justice in Florida.

Funding Criteria

Preference generally will be given to:

- Applicants seeking start-up funds or seed money over a one- or two-year period;
- Programs with demonstration value or replication potential; and
- Requests for matching funds.

AOJ typically does not fund direct service programs (e.g., drug treatment or counseling), replicas of established programs, local community groups, or programs for which there is a governmental responsibility to provide funding and continuing program support. Due to the lack of IOTA revenue, the Foundation limited its Improvements in the Administration of Justice grants to several ongoing projects in 2011-12. It is expected that the grant program will be restored to prior funding levels once IOTA revenue fully rebounds.

GRANTEE	2011-12 AWARD
American Civil Liberties Union Foundation of Florida Rethinking Restoration of Civil Rights in Florida	\$25,000
Florida Law Related Education Association General Support	\$180,000
Florida Law Related Education Association Justice Teaching Institute	\$28,000
Innocence Project of Florida General Support: \$282,516 Exoneree Emergency Fund: \$12,000*	\$294,516
Public Policy Works! To develop and disseminate independent analyses of the proposed amendments to the Florida Constitution on the November 2012 ballot.	\$50,000**
Public Policy Works! Children's Initiative to promote restorative justice goals as an alternative to zero tolerance in Florida's school districts.	\$200,000**
Self-Administered by The Florida Bar Foundation IOTA Oral History Project	\$15,000**
TOTAL	\$792,516

* requires a dollar-for-dollar match

** These grants were approved in September 2011 using funds carried over from the 2010-11 fiscal year.

Voluntary Bar Association Community Service Grant Program

The Foundation has suspended its Voluntary Bar Association Community Service Grant Program, which used to give grants of up to \$5,000 each to voluntary bar associations in Florida to promote new or significant improvement in existing charitable, community-service projects. The Foundation expects to reinstate this grant program once IOTA revenue has fully rebounded and legal aid funding has been substantially restored to pre-recession levels.

FOSTER, from p. 2

Foster youth often have little say in such matters. Unlike other parties in a dependency hearing, which generally include the state, the child's parent or guardian and a Guardian ad Litem, children have no statutory guarantee of legal representation. Even when a child has a Guardian ad Litem, that person is there to represent what he or she believes to be the child's best interest. That may not coincide with the child's interests or legal rights, and the distinction is important.

"When kids don't have a day in court, that can be incredibly damaging in the long term," Rae said. "They feel like they've got no control of their lives, and in fact, often they haven't because they've been involved in this massive bureaucracy. But when they have an attorney, I feel like they take some of that power back. And that can have a lifelong impact on a child's well-being."

Moving children out of dependency as they approach their 18th birthdays is the major focus of Rae's work. Clients she has helped include a young woman who ended up in the dependency system because of the illness of a parent. Rae has put a plan in place to get her through high school.

"I expect she will be college-bound," Rae said.

Kimberly Rodgers, executive director of the Community Law Program, said Rae has been a tremendous boost to the effectiveness of the program.

"The kids who Jessica represents are the most vulnerable within our client population because oftentimes their parents are dead or incarcerated or strung out on drugs. They don't have a safety net," Rodgers said. "She's a voice for these children, and she gets them the financial and social and educational benefits they need to make them successful adults."

Without the Trial Lawyers Section's generosity, Rodgers would not have been



Representatives of the Trial Lawyers Section presented a check for \$75,000 to The Florida Bar Foundation in January. Kimberly Rodgers, center, hired Jessica Rae, third from right, to represent foster youth as the Trial Lawyers Section Children's Legal Services Fellow at the Community Law Program in St. Petersburg.

able to hire Rae when her predecessor left to take another job, and the Community Law Program's Transitioning Dependent Youth Project would not have been there for vulnerable children in foster care.

Judge Jack Day, one of four judges on the Sixth Judicial Circuit Unified Family Court in Pinellas County, said Rae has exceeded expectations, even after he told her "she was expected to walk on water" based on the reviews he'd heard of her prior work.

"She has taken on all the teenagers I've been able to throw at her, which is a lot," Day said. "She is so good with teenagers, they can see the benefits of her advocating for them."

Day points out that the statistics of the dependency system are grim. According to a 2007 report of the Pew Charitable Trusts, one in four foster youth will be incarcerated within two years of leaving the system and more than one in five will become homeless at some point.

"So, there is a particular need for things to help them find their way to being functioning adults," Day said. "The

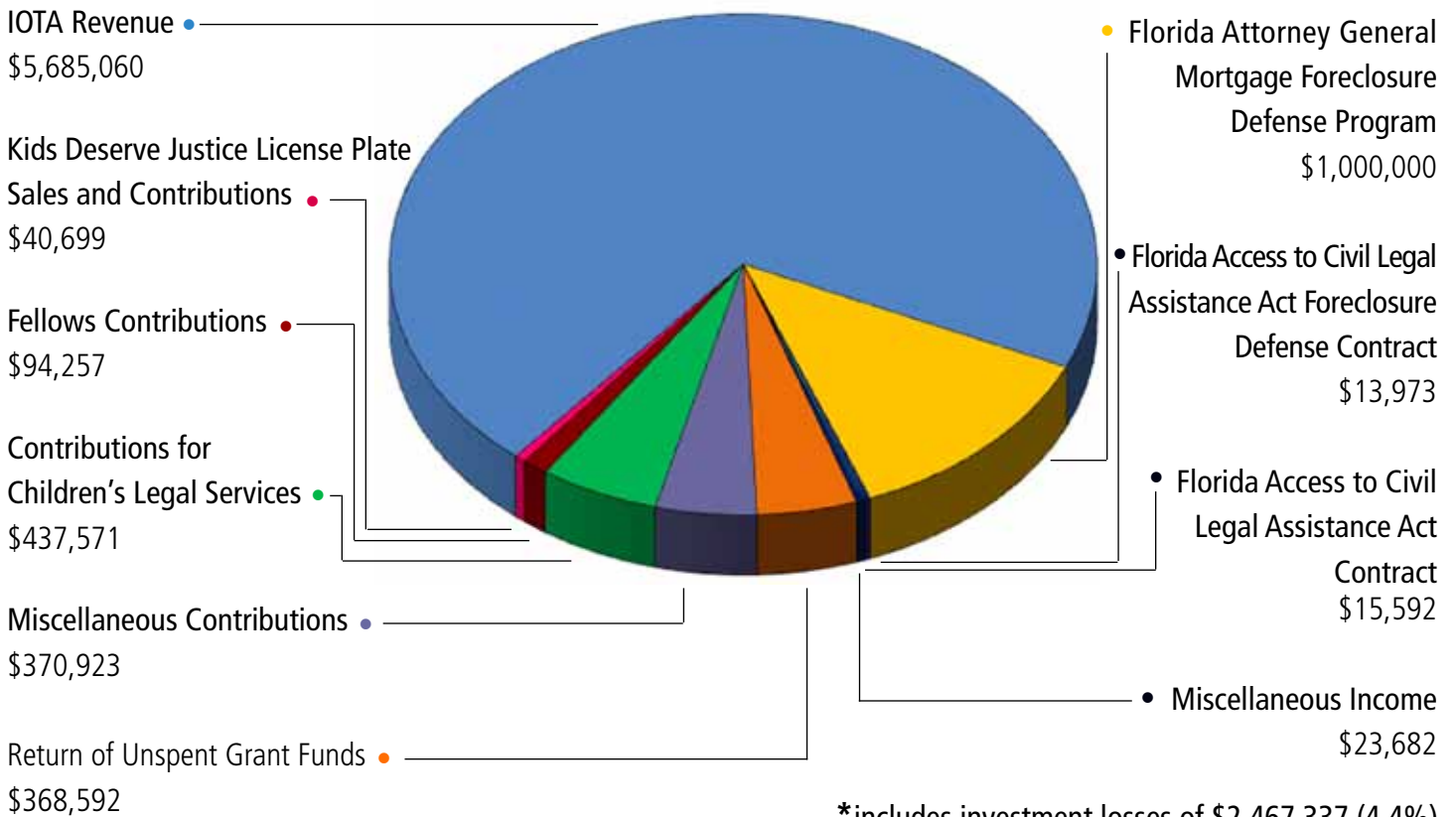
foster-care system has tools to do a lot of those things, but it takes some work to get the right tools in the right hands. There's nothing that compares to having an advocate for the kids before the court to rattle the cage and get the kids what they need. The reality of dependency court is that young people on the verge of adulthood need advocacy or else they get steamrollered."

Wayne Helsby, 2012-13 chair of the Trial Lawyers Section, said one of the primary missions of the Section is to protect and preserve access to the courts for all of Florida's citizens.

"The severe decline in IOTA revenue in recent years has jeopardized that access, especially for underprivileged youth in our state," Helsby said. "The Trial Lawyers Section is delighted that our contribution has enabled The Florida Bar Foundation to provide these individuals with an attorney to protect their rights in the course of the legal process. The Trial Lawyers Section is also appreciative of the fact that our donation has prompted other Sections of the Bar to do likewise."

Financial Information

2011-12 Revenues \$5,583,012*



*includes investment losses of \$2,467,337 (4.4%)

Be Sure to Thank Your Banker

September 1981 marked implementation by the Florida Supreme Court of the country's first IOTA Program and the beginning of an important source of support for civil legal assistance to the poor, projects to improve Florida's justice system and programs to promote public service by law students. While we often mark that milestone and thank those responsible, we don't publicly recognize often enough Florida's banking community. IOTA works because of the support and cooperation of Florida banks – from the superb bank staff who make sure monthly remittance information and interest gets to the Foundation, to the teams who worked so closely with the Foundation to implement the interest rate comparability rule, to the leaders of the Florida Bankers Association who step up to the plate and help IOTA achieve its full potential. The Foundation, its grantees and those they serve are very grateful for the successful partnership between the legal and banking communities that is Florida's IOTA Program.

The Foundation Thanks You

Several attorneys, law firms and other individuals and organizations contributed to our success in 2011-12 through pro bono services and other in-kind support of the Foundation itself. We would like to thank:

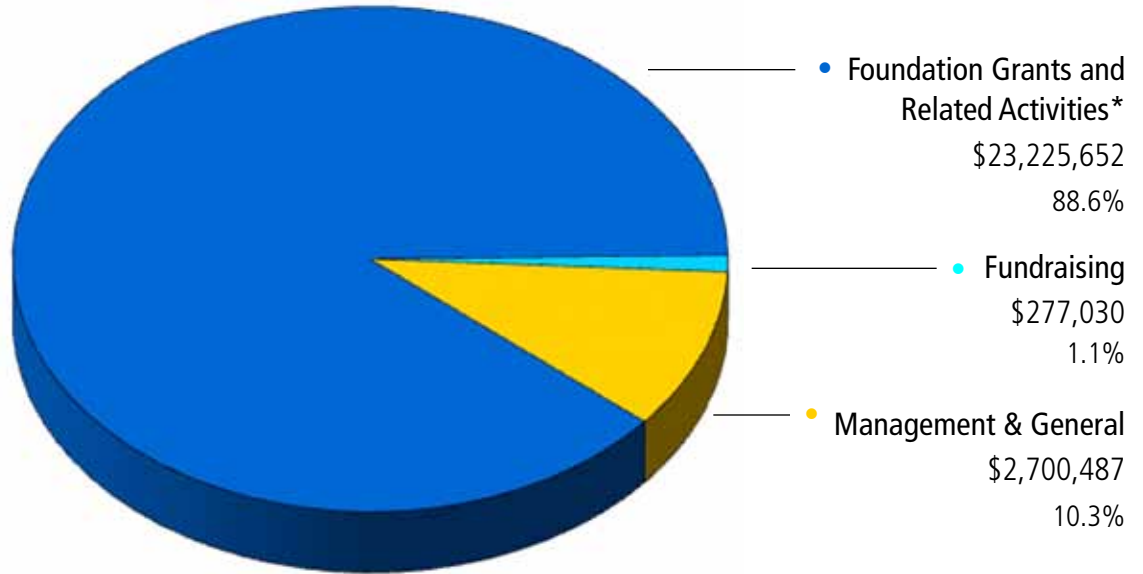
Ava K. Doppelt
Allen, Dyer, Doppelt, Milbrath & Gilchrist, P.A., Orlando

Matthew L. Evans
Thompson, Sizemore, Gonzalez & Hearing, P.A., Tampa

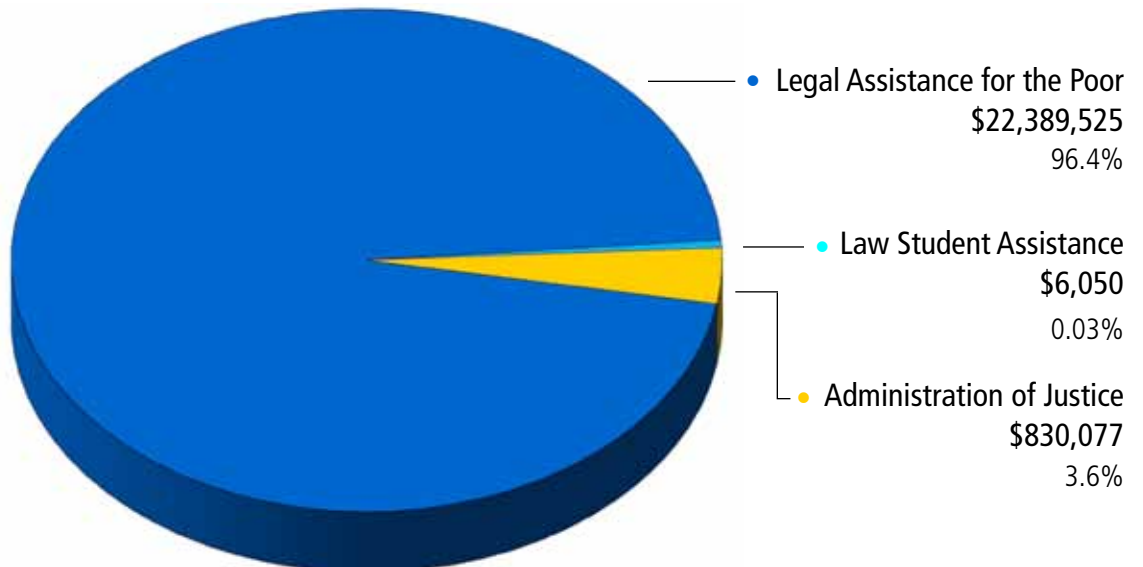
Charles L. Stutts
Holland & Knight, Tampa

Donald Carlton Works, III
Jackson Lewis, Orlando

2011-12 Expenses \$26,203,169



2011-12 Breakout of Grants & Related Activities* \$23,225,652



Management and general and fundraising expenses represent 8.8% of the Foundation's total expenses in 2011-12.

Audited financial statements and the IRS Forms 990 for both the Foundation and The Florida Bar Foundation Endowment Trust are available on the Foundation's website at www.floridabarfoundation.org/finance.

* Foundation grants are based upon the net revenues of the fiscal year preceding the year being reported. These amounts may differ from the grants listed elsewhere in this report due to conditional and multi-year grants.

Investing in Access to Justice

The 2011-12 fiscal year was remarkable for the outpouring of support from Florida Bar sections and divisions, as well as individual Bar members.

Their generosity resulted in gifts of more than \$620,000 to the Foundation in the past year. This included \$75,000 from the Trial Lawyers Section to fund a Children's Legal Services attorney position at the Community Law Program in St. Petersburg. The Family Law Section subsequently contributed \$75,000 to the Foundation's Children's Legal Services Grant Program, and the Real Property, Probate and Trust Law Section launched an effort that brought in \$85,000 in support for Children's Legal Services, a significant portion of which came from individual donations. The Florida Bar Young Lawyers Division's \$100,000 gift has been used to help fund the Foundation's Law School Loan Repayment Assistance Program to help legal aid organizations retain staff attorneys. The Criminal Law Section made

a gift of \$25,000, and the Alternate Dispute Resolution Section gave \$1,000. Additionally, The Florida Bar waived the Foundation's booth fee at the annual Bar convention, allowing the Foundation to recruit additional Fellows at no cost.

We are so grateful to Scott Hawkins, who as 2011-12 president of The Florida Bar led the Foundation's "Now" campaign along with Foundation President Mickey Cummings. That campaign brought in \$92,000.

Even in the best of times, the need still far outstrips the funds available through IOTA. Your support enables us to go further toward addressing the legal needs of the state's most vulnerable populations.

Your charitable gifts can support current programs or can be added to The Florida Bar Foundation Endowment Trust as a permanent source of support for Foundation programs.

We ask that you continue to support the work of the Foundation by making your



investment in access to justice one of the priorities in your charitable giving.

To learn more about charitable giving opportunities at the Foundation, please contact me.

A handwritten signature in black ink that reads "Jane Curran".

Jane Curran, Executive Director
jcurran@flabarfdn.org
(800) 541-2195 (Toll-free in Florida)
(407) 843-0045

Our Network of Philanthropic Support

Thousands of individuals and organizations have supported The Florida Bar Foundation with their charitable gifts. For many of them, their support for the Foundation has blossomed from their original Fellows gift into an ongoing commitment as part of a personal philanthropic tradition.

In gratitude for their dedication, and for their commitment to the Foundation's sustained success over time, we acknowledge our generous donors for both their lifetime (cumulative) giving and for their gifts in the most recent fiscal year.

Our Lifetime Giving Societies pay tribute to the members at each giving

level, recognizing the generosity they have shown since they made their first Foundation gift. Our Annual Giving Circles represent gift totals in the fiscal year ending June 30, 2012. The Fellows list documents the name of every person who, with his or her pledge of \$1,000, has committed to become a life member of the Foundation. Finally, our Legacy for Justice members have chosen to create a personal legacy on behalf of the Foundation with a significant commitment of resources to help sustain the Foundation's future.

The Foundation is also grateful for the many gifts made through the annual

Florida Bar Fee Statement and End-of-Year campaigns for Children's Legal Services, as well as those made in tribute or in memory of friends and loved ones. For their philanthropic support, which has become so important to the Foundation's mission, we salute our donors. They are recognized individually on our website under:

- Legacy for Justice
- Lifetime Giving Societies
- Annual Giving Circles
- Children's Legal Services Campaign
- Tribute & Memorial Gifts
- Fellows

For a complete listing of donors to
The Florida Bar Foundation, go to:

www.floridabarfoundation.org/donors

The Legacy for Justice

For a special group of dedicated supporters, the mission of The Florida Bar Foundation is of such great personal importance that they have chosen to make a significant commitment of resources to help ensure that the Foundation's work can be sustained well into the future. The Legacy for Justice recognizes those who have either included the Foundation in their estate planning, made a pledge of \$10,000 or more, directed a significant cy pres award to the Foundation, or facilitated a major gift. We offer the members of this prestigious group our sincerest gratitude for their deep and abiding commitment to the Foundation.

Anonymous
 Anonymous Fund of the
 Community Foundation of
 Central Florida
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 Tod Aronovitz**
 James L. Bell**
 Bruce B. Blackwell**
 A. Hamilton Cooke**
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 The Florida Bar Criminal Law Section
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 Law Section
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 Marvin A. Urquhart, Jr.
 Honorable William A. Van Nortwick, Jr.* **
 Robert Craig Waters**
 Honorable John D. Wessel* **

** Fellow
 * Deceased

Legislature and Cabinet offered support for legal aid, foreclosure assistance

We are extremely grateful that Sen. Mike Fasano and Rep. Rich Glorioso helped ensure that \$2 million in funding for the Florida Access to Civil Legal Assistance Act was brought to the attention of the budget committees and appropriated in the 2012-13 budget approved by the Legislature. Unfortunately, this appropriation was later vetoed by Fla. Gov. Rick Scott along with hundreds of millions of dollars for other projects.

In addition, the Foundation was once again selected to administer the Attorney General's Mortgage Foreclosure Defense Fund, which originally directed a portion of the settlement of former Attorney General Bill McCollum's lawsuit against Countrywide Financial Corporation to foreclosure legal assistance grants. The fund initially provided more than \$4 million spread over two years and has since been continued through a separate \$1 million settlement reached by current

Attorney General Pam Bondi in 2011 and a \$462,500 settlement her office obtained in 2012.

This support from the Attorney General's office has helped The Florida Bar Foundation ensure that its grantees were better prepared to address the heightened needs for legal assistance brought on by the recession. Florida now leads the nation in foreclosures, so foreclosure defense is a critical need. Meanwhile, even with severely limited resources, legal aid continues to address rising domestic violence, public benefits claims and other problems associated with families in economic distress.

We are fortunate to have had such wonderful champions in the Florida Legislature and in the Cabinet. Like our supporters all over Florida, they understand that access to justice is critical in the effort to stabilize lives and communities, and to make Florida better for all its residents.



Sen. Mike Fasano



Rep. Rich Glorioso

Governance

The Florida Bar Foundation is a charitable organization established in 1956 by The Florida Bar Board of Governors under the authority of the Florida Supreme Court. Its mission is to provide greater access to justice. Membership is open to all individuals interested in supporting the mission of the Foundation. Members are eligible to hold office and serve as directors of the Foundation. Participants in Florida's Interest on Trust Accounts (IOTA) Program, administered by the Foundation, are automatically entitled to membership. Membership also is available through annual Foundation dues or through the Foundation's Fellows Program. Both annual dues and Fellows payments are charitable contributions to the Foundation. 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. The board comprises the officers of the Foundation, six directors by designation (two judicial officers appointed by the Chief Justice of the Florida Supreme Court, the president, president-elect, and immediate past president of The Florida Bar, and the president of Florida Legal Services, which provides coordination, training and other support services to legal aid programs across the state), at least two but not more than four public members and 18 at-large directors. At-large directors serve a maximum of two, three-year terms, with one-third selected by the Board of Governors of The Florida Bar, one-third by the board of directors of the Foundation, and one-third by the Florida Supreme Court. Committees are appointed annually by the board of directors at the request of the president, and include Foundation directors, members of the bar generally, and the lay public. An executive committee appointed annually by the board meets between meetings of the board.



Leadership and Funding for Justice in Florida

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Jane Elizabeth Curran

Every day, in every city in Florida,

we help legal aid help those least able to afford a lawyer.

We are The Florida Bar Foundation,

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



Leadership and Funding for Justice in Florida