Amanda Alvarez, 18, comes across as that recent high school grad who racked up a long list of achievements. She has the poise, diction and vocabulary of a student council president. With her long, dark hair, tasteful makeup and neat-as-a-pin pencil skirt, she has the grace and style of a homecoming queen.

Out of a desire to help others, she plans to become a registered nurse. She appears so put-together, in fact, that the reality of her high school career is almost unfathomable.

It lasted all of one month before she was kicked out.

And that wasn’t the first time. In spite of her 3.9 grade point average, she was expelled in the eighth grade.

“I would get suspended and then come back and ace the test,” Alvarez said. “I’ve always been intellectual.”

see CYCLE, p. 4
President’s Message

When times are difficult, as they have been for The Florida Bar Foundation for some time now, it’s easy to focus on the hardships. But as Thanksgiving approaches, I think it’s appropriate to remember all the Foundation has to be thankful for as an organization.

First of all, I am thankful to the more than 2,500 individual Florida Bar members who contributed more than $201,000 to support the Foundation’s Children’s Legal Services Grant Program through the 2012-13 Florida Bar annual fee statement. There is, of course, still a huge need but we would be much farther behind were it not for the support we’ve gotten from the Bar and its members.

As evidence of that, you can read in this issue about the tremendous impact in just six months of Trial Lawyers Section Children’s Legal Services Fellow Jessica Rae at the Community Law Program in St. Petersburg. The nearly 70 foster youth Rae has helped since coming on board in April would not have had an advocate were it not for the Trial Lawyers’ generous gift. On behalf of those kids, I would like to say thank you.

Other Bar sections and individual members have stepped up their giving to help kids get access to justice, keeping several more legal aid attorneys like Rae on the job around Florida. My thanks again to the Family Law Section, the Real Property, Probate and Trust Law Section, and the Criminal Law Section. Thanks also to the Young Lawyers Division and the Alternate Dispute Resolution Section for their support of legal aid. Imagine the difference the Foundation could make if it had the support of all of your colleagues.

The Foundation also received a $10,000 award from the Foundation for Improvement of Justice, which I had the pleasure of accepting at the organization’s awards dinner in Atlanta, and I appreciate so much the recognition and the funds, which will be applied to this year’s grants.

Please take a moment to read in this newsletter about Rae’s advocacy, as well as that of former Equal Justice Works Fellow Ashley Walker at the Legal Aid Society of Palm Beach County, whose project for pregnant and parenting teens is helping young women and their children reach their full potential and break the cycle of poverty. Also in this issue, you can learn about two Miami-based organizations that are helping meet the legal needs of highly vulnerable and difficult-to-serve populations: people living with HIV and AIDS, and immigrants who are victims of domestic violence.

I feel privileged to serve an organization that helps make such life-changing work possible. I hope that, like me, you are proud to be associated with the Foundation. And as long as we are on the theme of Thanksgiving, I would like to thank you for your support and wish you a happy and healthy holiday season.

Maria E. Henderson, President

Leave a Legacy for Justice

If access to justice is important to you, consider The Florida Bar Foundation as the beneficiary of your planned giving.

Contact:
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(407) 843-0045 or (800) 541-2195
jcurran@flabarfdn.org
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. One caseworker approached her after a hearing to say that if her child were ever involved in the dependency system, she’d want Rae as the child’s attorney.

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
- 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.

Rae cites the example of an 8-year-old client she once had who was doing well in a placement with his grandmother and little sister. On paper, the placement seemed ideal. But the boy wanted to live with his aunt for a simple reason. There, he could play outside where there were trees and grass. And where he didn’t have to live in constant fear of the drug dealers who controlled his grandmother’s neighborhood.

"Most of us have a really good self-preservation instinct," Rae said. In her experience with hundreds of foster cases, kids are no exception.

“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. Working with her both inside and outside the courtroom, Rae has put a plan in place to get her through high school.

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

Another client managed to get her GED on her own, only to be hit with out-of-state tuition because of a

“It’s an incredible, unfortunate saga when we begin to see second- and third-generation families involved in the foster-care system. When kids have counsel and they can make good choices about what their options are, we can break that cycle.”

– Jessica Rae
Trial Lawyers Section
Children’s Legal Services Fellow
Community Law Program
St. Petersburg

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But it’s hard to be the all-American girl when your father is in prison and your mother is abusing drugs and getting you hooked as well. At 17, instead of picking out her prom dress, Alvarez was incarcerated and pregnant. She faced the distinct possibility of losing her baby in two ways. First, she had a high-risk pregnancy, eventually giving birth to a 1-pound, 7-ounce baby girl. Second, she was facing charges that could have resulted in her baby going into the care of the Florida Department of Children and Families.

Enter Ashley Wilson, an Equal Justice Works Fellow funded by The Florida Bar Foundation and the law firm of Greenberg Traurig. A recent graduate of the Florida State University College of Law, Wilson developed an EJW fellowship project that provided legal advocacy for Alvarez and 71 other teenage mothers in Palm Beach County.

Now a staff attorney at the Legal Aid Society of Palm Beach County, where she did her fellowship, Wilson was able to convince the judge at Alvarez’s delinquency hearing that she should be released to a group home and given the right to visit her baby Liliana at the hospital, where she remained for almost four months.

“I could tell she wanted to be a good mother,” Wilson said. And she has been.

Besides being by Liliana’s side throughout her stay in the neonatal intensive care unit, Alvarez has done everything in her power to get her life in order and provide a stable environment for her child.

She passed her GED test, scoring in the 99th percentile in spite of her almost complete lack of a high school education and without taking any GED prep courses. She has enrolled at Indian River State College and gotten a job as a hostess and server at a chain restaurant. So impressed with her drive, a local family has taken her and Liliana in, even though at 18 Alvarez is no longer in the foster-care system.

Again, it was only through Wilson’s advocacy that Alvarez was able to enroll in college and receive the Road to Independence benefits that cover college tuition for former foster youth. A parade of different caseworkers had failed to complete the paperwork necessary for Alvarez to take the GED, so Wilson got a court order requiring them to do it. The state could have tried to deny her Road to Independence benefits on a technicality related to the delay in her taking the GED, but Wilson went to bat for her at her eligibility meeting with the local DCF subcontractor to make sure that didn’t happen.

Alvarez is one of dozens of success stories that have come out of Wilson’s Legal Advocates for Minor Mothers Project (LAMMP), which had its roots in a Public Service Fellowship sponsored by a Florida Bar Foundation grant made to the FSU College of Law.

Through that fellowship, Wilson interned the summer after her first year of law school at the Legal Aid Society of Palm Beach County, where she focused on girls held in detention.

“I saw that they had so much drive and potential, and if they could just be directed in a positive way, they could achieve and accomplish a great deal, not only for themselves, but also for their communities,” Wilson said.

LAMMP is an effort to light the way for teen mothers. Its goal is to break the cycle of dependency and delinquency by making sure teen mothers and babies get the services they need to remain self-sufficient.

Wilson believes in teen mothers because she was raised by one.

“My mom had shown me that it was possible,” she said. “It’s possible to be a teen mom and make it happen for yourself and your family.”
Wilson points out that it is not just the mother and baby who benefit from her project. If Alvarez had been separated from Liliana, that newborn would have entered the dependency system, potentially creating 18 years or more of costs to the state, beginning the cycle anew.

And for Alvarez, there is no telling what would have come next.

“Honestly I would have probably had no motivation,” she said. But with people like Wilson advocating for her, she had the support to make the right choices.

“I don’t want to be a repeat in the cycle,” Alvarez said. “Of all the kids that go into foster care, there aren’t that many who end up well because of the quality of their childhood. Mine just got changed at the end. So, I got more motivation than I would have been able to conjure up on my own.”

It was while spending time with Liliana in the neonatal intensive care unit that Alvarez decided she wanted to be a nurse.

“A huge factor was seeing the kind of work they did in the NICU, being that I was there all the time,” she said. “They had such an effect on my life and Liliana’s life. I would like to have an effect like that on someone’s life. I’ve always aspired to be in that category.”

If Alvarez is one day able to change lives for the better, it will be a fitting way to give back for the way hers was changed. She just hopes other girls in her situation will get that same chance.

“There were cracks in the sidewalk for me, and legal aid filled those cracks,” she said. “If they were to take legal aid away or not support it, there wouldn’t be stories like mine.”

Besides $22,000 from The Florida Bar Foundation and $90,000 from the law firm of Greenberg Traurig for Wilson’s 2010-12 Equal Justice Works Fellowship, through which she developed LAMMP, the project received financial support from the Palm Beach County Bar Association, including its Young Lawyers division, and from the William and Helen Thomas Charitable Trust.

Wilson’s work is now supported by the Children’s Services Council of Palm Beach County. She hopes the Legal Aid Society is able to go on raising funds to support her project so that she can not only continue to provide direct representation for teen mothers, but also move ahead with some coalition-building activities she has begun, including Florida’s first-ever statewide coalition for pregnant and parenting teens.

The recent decline in funding available through the state’s Interest on Trust Accounts program, The Florida Bar Foundation’s primary revenue source, worries her. Already it has forced the Foundation to suspend funding for the Public Service Fellows Program that gave Wilson her start while in law school and cut back on its funding of Equal Justice Works Fellows. And then there are the cuts to legal aid funding, which will force the layoffs of more than 100 legal aid attorneys around the state.

“It’s not for my own job that I get scared,” she said. “It’s for the impact on the clients. Any way you slice it I am still going to be a lawyer and be able to have gainful employment. But I am scared for these children that are victims practically from the day they are born.”
Foundation helps legal aid programs meet special needs

Their names are simple and inviting: HELP and CASA, the Spanish word for “home.”

These Miami-area organizations are as welcoming as possible by design because they work with two of the hardest-to-serve client populations. HELP Inc. (HIV Education and Law Project) provides legal assistance to people with HIV and AIDS, while CASA (Colombian American Service Association) offers legal counsel and representation to immigrants, including immigrant victims of domestic violence.

Outreach to both groups is challenging. Fear, poverty, language barriers, and a lack of knowledge of their rights are among the many factors that can keep people who are HIV-positive or victims of domestic violence from seeking help, even in potentially life-threatening situations. To overcome those barriers, both organizations offer a warm, personal, low-key atmosphere and work largely through word-of-mouth within the communities they serve.

The two organizations have another thing in common.

"Without The Florida Bar Foundation we would not be here today," said HELP Executive Director Caryn Lubetsky, whose words are echoed by her counterpart at CASA, Anjenys Gonzalez.

Lubetsky started HELP in 1996 when she was fresh out of law school at the University of Miami. As a student, she had logged volunteer hours at the People with AIDS Foundation.

“It was overwhelming the legal issues they were facing," said Lubetsky, whose organization helps with placement of children who have lost a parent to AIDS and assists people living with HIV and AIDS with housing, family law, accessing public benefits, health-care surrogacy and other legal issues. Preventing homelessness is a big emphasis, since most of the drugs that can keep HIV from developing into AIDS have to be refrigerated and taken on a strict schedule, a near impossibility for someone living on the streets.

With a $25,000 seed grant from the Echoing Green Foundation, Lubetsky was able to open HELP’s doors, but she was a one-woman operation until she was able to attract federal Ryan White funding and hire a few more lawyers and a paralegal. When the organization lost that funding in 2007, Paul Doyle, director of The Florida Bar Foundation’s Legal Assistance for the Poor Grant Program, recognized that a vital service was about to be lost and brought HELP’s story to the Foundation board.

At about the same time, CASA was reeling from the results of a study conducted by experts at Florida International University, who found that domestic violence had affected more than 50 percent of CASA’s client base. At that time the organization, which was founded in 1994, was providing immigration-related legal assistance in general.

“We did not anticipate the results at all. We were floored,” Gonzalez said. "We said, 'Ok, we need to change gears. We need to do something about this,' and we decided to start this [domestic violence] program.”

Miami attorney Julio Jaramillo, then a member of both CASA’s board and the Bar Foundation board, encouraged Gonzalez to reach out to the Foundation.

The result was the establishment of the Bar Foundation’s Small Program Special Needs Grant Program, which has been one of the major funders of HELP and CASA since 2007. Lubetsky attributes the creation of the program to the Foundation’s leadership, particularly the recognition that small agencies like hers fill an important niche in the legal services delivery system.

“They understand why these small agencies who are able to help individuals one-on-one without all the red tape are changing lives and saving lives,” she said. “We’ve helped close to 700 people since we got this grant, and quite frankly many of them would be on the streets and many of them would be dead were it not for this program.”

CASA assists about 120 domestic violence victims a year under the Violence Against Women Act and through a program that grants special visas to crime victims willing to work with law enforcement and the state attorney’s office in prosecutions.

Javed Rahman, one of two attorneys in the program, got involved in public interest law while in law school at Florida International University, where he did volunteer hours and then a Bar Foundation-funded Public Service Fellowship at Catholic Charities. At CASA, he has worked with numerous clients who were being held captive by their abusers, literally living under lock and key with no access to a telephone or the Internet.

“It’s important to have them trust you,” Rahman said. “Part of it is that one-on-one contact.”

Both organizations assign an attorney to work directly with each client throughout his or her case so that personal information does not have to be disclosed to three or four different people, and so that important details will not fall through the cracks in cases that take longer to resolve.

Bar Foundation funding for HELP and CASA has fallen from $71,000 each in the 2008-09 grant year to just under $50,000 in 2011-12 and is expected to decline further due to the steep drop in revenue from Florida’s Interest on Trust

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Accounts (IOTA) program, the Foundation’s primary funding source.

In the face of declining funding from the Bar Foundation and other sources, HELP has so far been able to hang on to its three attorneys, one of whom is part-time. But only because all have been willing to take 25-percent pay cuts.

“We have amazing people on our staff who are willing to ride out the storm,” Lubetsky said. “These are people who have a calling.”

She explained the common belief of the staff this way: “The difference between living with HIV and dying from AIDS should not be the amount of money in your pocket. That’s not liberty and justice for all.”

Lubetsky, a triathlete, raises money for her organization through a team of friends that collects pledges when they compete. Next up is the Miami Marathon on Jan. 27. She’s also reapplied for Ryan White funding and is hopeful she will get it back in 2013. CASA, meanwhile, holds soccer tournament fundraisers.

Jaramillo, now Florida Bar Foundation second vice president, said he has seen how programs like CASA benefit not only victims of abuse, but also the communities in which they live.

“Without the Foundation’s help, these victims and their children would simply have to endure,” he said. “The cost to society is staggering when you think about the implications. The children are drawn into a cycle of violence and abuse. They struggle in school and develop behavioral issues. When the victim is instead empowered to break free and live a productive life, the benefits accrue to everyone involved. I am really proud to be associated with an organization that recognized the need for this program and did something about it.”

“[The Florida Bar Foundation’s leaders] understand why these small agencies who are able to help individuals one-on-one without all the red tape are changing lives and saving lives. We’ve helped close to 700 people since we got this grant, and quite frankly many of them would be on the streets and many of them would be dead were it not for this program.”

– Caryn Lubetsky
Executive Director
HIV Education & Law Project

“We said, ‘Ok, we need to change gears. We need to do something about this,’ and we decided to start this [domestic violence] program.”

– Anjenys Gonzalez
Executive Director
Colombian American Service Organization
lack of documentation when in fact she was entitled to a tuition exemption. Rae resolved her issues as well, enabling the 17-year-old to avoid being saddled with $7,000 a year in student loans.

“Clearing that path so she can be successful in college is huge,” Rae said. “Because one of the things we see is that when kids do really well, they tend to leave the foster-care system and never come back into the system. When kids struggle, that’s when we start to see their kids and their kids’ kids [in the system]. And it’s an incredible, unfortunate saga when we begin to see second- and third-generation families involved in the foster-care system. When kids have counsel and they can make good choices about what their options are, we can break that cycle.”

Kimberly Rodgers, executive director of the Community Law Program, said Rae, whose distinguished career protecting children’s rights has taken her from Baltimore to Bolivia and from Washington, D.C., to Afghanistan, 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 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.

“Community Law Program’s Transitioning Dependent Youth Project is among the most impactful of the organization’s projects for me personally,” said Linda Perrigoue, president of the organization’s board of trustees. “We are truly thankful to the Trial Lawyers Section for making it possible for us to continue this incredibly meaningful work.”

Judge Jack Day, one of four judges on the Sixth Judicial Circuit Unified Family Court in Pinellas County, calls Rae “unbelievable” and said she 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 Foundation for Improvement of Justice Inc. selected The Florida Bar Foundation as one of six recipients of the 2012 Paul H. Chapman Award. The Bar Foundation will use the $10,000 award to increase its 2012-13 grant funding.

The Foundation for Improvement of Justice is a private, nonprofit organization founded in 1984 for the purpose of improving local, state, and federal systems of justice in the United States. The Florida Bar Foundation was nominated for the Paul H. Chapman award by past award winner Annette Boyd Pitts, executive director of the Florida Law Related Education Association (FLREA), a Florida Bar Foundation Improvements in the Administration of Justice grantee.

FLREA uses Florida Bar Foundation funds for model civic- and law-related education programs and to support the Justice Teaching Institute, a four-and-a-half-day institute on the judicial branch taught by all seven Florida Supreme Court justices that provides 25 Florida teachers with first-hand experience in the appellate process.

The Foundation for Improvement of Justice annually accepts nominations for the Paul H. Chapman award to “recognize and reward individuals or organizations whose innovative programs and work have made improvements in the various systems of justice.” The awards are given for accomplishments, not grants for future projects. Other 2012 Paul H. Chapman Award recipients are the National Immigrant Justice Center, the National Crime Victim Law Institute, the Maryland Crime Victims’ Resource Center Inc., and two Washington, D.C.-based organizations: Hope House and the National Missing and Unidentified Persons System (NamUs) Team.

Nominations for the Paul H. Chapman award are accepted year-round. The deadline for nominations for 2013 is June 1, 2013. More information is available on the organization’s website at www.justiceawards.com.

Residual funds from Washington class action benefit Florida

The Florida Bar Foundation in June received $2 million as its share of the residual funds from a class action judgment in the state of Washington. The Foundation will use the funds to offset cuts in grant funding made necessary by declining revenue from Florida’s Interest on Trust Accounts (IOTA) program.

Under a rule of the Superior Court of the State of Washington, a set percentage of residual funds in class action cases goes to the Legal Foundation of Washington to distribute in grants for civil legal services for the poor. Ten states, including Washington, have rules relating to the distribution of class action funds to legal services.

Residual funds from Jerry Cooper, Inc. dba Color One Photolab v. Lifequotes of America, Inc. were apportioned to Interest on Lawyers Trust Accounts (IOLTA/IOTA) programs in all 50 states and the District of Columbia based on the number of bad acts by the defendant in each program’s jurisdiction. The program called IOTA in Florida is known as IOLTA elsewhere.

Even with this funding, the Foundation projects grant cuts totaling 69 percent of its legal aid funding from 2011-12 to 2014-15. Further cuts are anticipated after that because interest rates are not expected to increase before 2015, so IOTA revenue will likely remain well below pre-recession levels until 2016, at which point the Foundation’s reserve fund will be depleted.
Manatee County welcomes a dozen new Fellows

Former Manatee County Bar Presidents Kim Bald and Cliff Walters recently brought together current and past leadership of the Manatee County Bar Association and the presidents of Manatee FAWL and Legal Aid of Manasota, as well as a representative of the Manatee Young Lawyers, to learn about The Florida Bar Foundation and its Fellows program.

Fellows are core supporters of the Foundation’s mission who make a $1,000 pledge to the organization payable over five years – or 10 years for government, nonprofit or young lawyers. The Foundation would like to thank Bald and Walters for their leadership and recognize Manatee County’s new Fellows for their help in providing greater access to justice through their support of the Foundation.

New Fellows from Manatee County are:
- David Babner
- Hon. Scott M. Brownell
- Erika Dine
- Gregory S. Hagopian
- John D. Hawkins
- Andrea M. Johnson
- Adam Mohammadhoy
- Patricia A. Petruff
- Richard Barton Ray
- Scott E. Rudacille
- Brian L. Trimyer
- Steele T. Williams

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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.