Rule challenge restores millions in food stamps, mostly to elderly, disabled

Thomas Mayer, 86, lives alone in a two-bedroom, tin-roofed house in the woods of rural Calhoun County, Fla., where his only companion is a 2-year-old Labrador mix named Boy.

Mayer, not his real name, does his own plumbing, air conditioning, electrical work and auto repair, enabling him to live on just $911 a month in Social Security. But when the Florida Department of Children and Families (DCF) notified him that he was no longer eligible to receive $16 a month in food stamps, he finally came up against a problem he couldn’t solve on his own.

A retired Volkswagen engineer who spent his pension on his ex-wife’s medical care when she developed ovarian cancer decades ago, Mayer uses the Internet daily to scout for bargains and troubleshoot, so that’s where he turned in search of legal aid.

He came across the Florida Senior Legal Helpline run by Bay Area Legal Services in Tampa, which is funded primarily by the Florida Department of Elder Affairs and through a $21,590 grant from The Florida Bar Foundation.

“Thomas Mayer,” 86, lives on $911 a month in Social Security and $16 a month in food stamps, the minimum benefit under the federal Supplemental Nutrition Assistance Program. Although he asked that his real name not be used, Mayer agreed to be photographed.
Support the Florida Bar Foundation’s Legal Aid Efforts

The Florida Bar Foundation helps ensure that legal aid will continue to be there for those with nowhere else to turn.

Your support of The Florida Bar Foundation helps ensure that legal aid will continue to be there for those with nowhere else to turn. These cases are real. And for these clients, there is often no other solution.

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Photo credit: Al Diaz / The Miami Herald

Florida Bar Foundation grantees stepping up to help children fleeing violence in Central America

Even though their mother had already died in the Arizona desert on her way north from her native Honduras, Angie, 17, and Oscar, 12, decided their odds of survival would be better if they followed her path than if they stayed at home, where they were under constant threat from gangs.

"Our grandmother told us that no family member of hers would ever make the journey in that way again, but after they shot us up our house, I had no choice," Angie said. "I had to take my brother and leave."

Oscar had been threatened by gang members and robbed at gunpoint.

"I came here because of the drug dealers," he said. "They look for little kids for them to smuggle drugs. I just wanted to go to school."

Oscar and Angie’s story is not unusual among the more than 63,000 undocumented minors who have arrived in the United States via Mexico in the last year or so. Many are from Guatemala, El Salvador and Honduras, which has the highest murder rate in the world.

The response from the legal aid community has been rapid and nonstop, with more than 10 Florida Bar Foundation grantees taking part.

The United Nations High Commissioner for Refugees found that about 60 percent of unaccompanied Central American children they surveyed had potential claims for relief from deportation. Bryan, left, got help from pro bono attorney Yesenia Arocha, right.

Oscar and Angie’s experience is part of a long-term solution.

"We need both immigration lawyers and other lawyers who can help caregivers obtain legal custody in family, probate and dependency issues," said Adriana Díaz, an attorney with Gulf Coast Legal Services in St. Petersburg, who works in support of part by the Foundation.

Although the only immigration courts in Florida are in Miami and Orlando, the need for lawyers to help with custody and dependency issues is widespread, since the children tend to go where they have relatives, or where they are placed.
Foundation's early investments in the fight against human trafficking continue to pay dividends

When her labor pains started, Jacinta Moreno, 15, pleaded to be taken to a hospital to have her baby, but the man who had forced her into labor in a citrus grove wouldn’t allow it.

“He said to me, ‘You can’t go to a hospital, because if you go, they will ask you where you live, and I will end up with problems,’” said Moreno, not her real name.

Having seen her captor shoot a young man in the leg as a warning against escape, she knew she had no choice. So with no doctor or midwife, Moreno had her baby girl in the overcrowded house where she, her father, her brother and more than 20 others were kept prisoner, allowed outside only to work in the groves from 5 a.m. until 7 p.m. as many as six days a week and without the pay they had been promised.

Recognizing that stories like Moreno’s were all too common in Florida and that the state lacked a comprehensive strategy for addressing human trafficking, The Florida Bar Foundation made a $60,000 Improvements in the Administration of Justice grant to the Center for the Advancement of Human Rights (CAHR) at Florida State University in 2007 to develop the Florida Strategic Plan on Human Trafficking.

The grant enabled CAHR to employ law school faculty member Wendi Adelson to conduct in-depth interviews with representatives of agencies engaged in fighting human trafficking. “We took a three-pronged approach to find out from law enforcement, service providers and state agencies what the state of Florida could do more of,” Adelson said.

“It felt like organizations were reaching out and trying to do what they could but that there wasn’t an overarching picture. People didn’t understand what the state was doing as a whole or what other groups were doing.”

At that time there had been no prosecutions in state courts of any human trafficking cases, CAHR’s grant application noted.

Aimed with information gathered through the grant, CAHR developed the statewide strategic plan and has targeted its efforts and expanded its collaborations, particularly with Florida Attorney General Pam Bondi’s office and with the Florida Department of Juvenile Justice.

“The Foundation’s grant was crucial. It provided the groundwork for the state of Florida to actually look around and realize that we had more trafficking than we had ever imagined,” said CAHR Executive Director Terry Coonan. “And we had it in sectors of the economy that we had not thought about. We discovered that labor trafficking is actually more pervasive than sex trafficking. We’ve got U.S. citizens as well as foreign national victims. Our resort industry has become permeated with this stuff – our hotels and restaurants. This has become, because of subcontractors, a significant part of the Florida economy.”

In fact, Florida ranks third among U.S. states in calls to the National Human Trafficking Resource Center, which had 1,724 phone calls from the Sunshine State in 2012.

With its urban streets lined in hotels, restaurants and strip clubs and its rural areas stretching across a vast patchwork of farmland, Florida is a prime destination for human traffickers. In 2012-13, the Florida Department of Children and Families verified 1,812 victims of commercial sex trafficking in the state.

Besides the ghastly effects on victims, human trafficking leads to the spread of public health problems and organized crime, the disintegration of families, and the loss of human capital, while requiring significant costs for rehabilitation of victims.

Today, six years after CAHR published the Florida Strategic Plan on Human Trafficking, the state’s response to human trafficking is more focused.

Progress includes increasingly widespread training in the detection and prosecution of human trafficking, the expansion of legal services available for victims, and the enactment of legislation such as the 2012 Safe Harbor Act, which turned child prostitution in Florida from a criminal act by the child into an act of abuse.

Prosecutions of sex traffickers have taken off. The Associated Press reported in July that the Miami-Dade state attorney’s office human trafficking unit alone has filed 236 criminal cases in recent years.

Coonan, meanwhile, keeps up a frenetic schedule that includes developing curricula and providing training for agencies including the Department of Economic Opportunity, the Department of Business and Professional Regulation, the Florida Highway Patrol and the Florida Department of Law Enforcement (FDLE).

“[There] hasn’t been a direct result of that initial Florida Bar Foundation grant. It’s a grant that continues to give. We’ve used up the money, but in terms of where we’ve been able to go with it, there’s been a great multiplier effect to it.”

Among victims of human trafficking, Moreno was fortunate. After eight months, she was able to escape. But more than 10 years later she is still paying the price.

Her daughter, now 14, still has no birth certificate or Social Security card because her birth took place under the shadow of 21st Century slavery.

For immigration help, Moreno turned to Gulfcoast Legal Services (GLS), one of 16 Florida Bar Foundation grantees that work with victims of human trafficking.

The human trafficking project at GLS serves immigrants as well as U.S. citizens, many of whom are runaways or homeless people who are preyed upon when they are at their most vulnerable.

GLS started its immigration project with help from what was then the Florida Immigrant Advocacy Center, now Americans for Immigrant Justice, also a Florida Bar Foundation grantee. Foundation funding has enabled these and other organizations to provide legal assistance for immigrants, regardless of their status, since Congress restricted the immigration legal services offered by Legal Services Corporation-funded programs in 1996.

“We would not have been doing this work without the Foundation’s support and the Foundation’s mentoring and fostering of Gulfcoast Legal Services becoming an unrestricted program that provides high-quality legal services to immigrants,” said John Dubrule, GLS interim executive director.

The track record GLS developed in providing legal assistance for victims of human trafficking enabled it to obtain a $321,000, two-year Department of Justice grant to expand the work.

“We were one of only a few selected nationwide, so it really was necessary to show that we had the expertise to be able to get the grant, and the fact that we did was due to Foundation funding,” said Lisa Murray, a GLS attorney who works with human trafficking victims.

Even when law enforcement is doing its best to help, victims often struggle to get their stories out. Murray described a recent interview with a police officer in which her client, a victim of sex trafficking, was making the initial report of her victimization.

“Murray found it the most difficult thing she’s done in 10 years at GLS, during which she’s represented many crime victims.

“The client literally could not get it out,” Murray said. After 10 minutes of sitting in silence, waiting for the client to gain the composure to speak, the officer resorted to asking yes or no questions, which were about all the victim could handle.

“It’s upsetting because you see these people have been taken advantage of and manipulated, and you just can’t understand how a person could treat another human being that way. It just doesn’t make sense. It’s so disturbing.”

– Lisa Murray
Gulfcoast Legal Services

Florida ranks third nationally in the number of calls to the National Human Trafficking Resource Center’s hotline, 1 (888) 373-7888. This heat map shows where cases were reported in the last year.
A brief conversation with Mayer about his shopping habits is enough to drive home Arnold’s point. Mayer has found fresh produce too expensive, so he doesn’t buy it anymore. “It’s really too much for me to pay for it, so I buy cans. I eat mostly from vegetable cans,” Mayer said. “The cheapest place is the dollar store where I can get them for about 50 cents each.”

They also shops at Walmart, where he can buy frozen dinners for $1, and adds noodles or potatoes for a little extra bulk. “They used to give five meatballs in those things. Now there are only four in it. It used to be beef. Now it’s chicken and pork, the cheapest meat they can buy,” Mayer said.

The successful resolution of the rule challenge will allow for better nutrition for tens of thousands of elderly and disabled Floridians in small households, as well as millions of federal dollars from SNAP that will be spent at the state’s food retailers.

And the outcome was a bargain from a legal standpoint in that it was minimal litigation. “When faced with an obvious violation it’s often because of a good working relationship with agency counsel that such resolutions are achieved,” said Greenfield, explaining that she and Huddleston have formed relationships and built a reputation with DCF counsel over many years.

“Half of them are probably in pretty bad health on top of everything else,” Mayer said. “They are trying to deal with all the paperwork and that stuff. When they are being told, ‘We can’t pay you anymore,’ they accept it. They say, ‘What can we do?’ and they give up. So I’m glad I did something to help those people, too. It makes me feel great. It makes me feel like a hero,” Arnold said.

A major victory was the minimum allotment was restored. nationally, about 41 percent of those receiving the minimum benefit are elderly, and an additional 25 percent, although not elderly, are disabled, according to the U.S. Department of Agriculture.

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Voluntary bar association issues giving challenge to other bar associations

In celebration of its 15th anniversary, the Florida Trial Court Staff Attorneys Association (FTCSAA) made a donation of $5 per member to The Florida Bar Foundation and challenged other voluntary bar associations in Florida to do the same. Florida Bar Foundation board member Pat Casey addressed the group at its annual conference in West Palm Beach Oct. 16-17 and thanked FTCSAA for its contribution. The FTCSAA was founded by Caroline Emery to promote legal research, writing and efficiency for the benefit of the Florida state court system.

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.

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