

SPEAKING OF JUSTICE

News From The Florida Bar Foundation
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FLORIAN BOEHM

Elizabeth Guzman, left, almost lost her severely disabled daughter. The girl is alive today and Guzman's family is together thanks to the legal advocacy of Ericka Garcia, right, an attorney with the Legal Aid Society of the Orange County Bar Association.

Elizabeth Guzman and Ericka Garcia: The warrior and the soldier

At 4 feet 9 inches tall and 85 pounds, Elizabeth Guzman is dead serious when she calls herself a warrior.

"God only gives us what we can bear," she said. "I wish I weren't so strong."

The 40-year-old cancer survivor is not referring to her ongoing life-or-death

battle with disease. Her own health, all too often, is her last concern.

Guzman reserves her strength instead for her three children, apportioning the lion's share to her 17-year-old daughter Mariha. Born healthy, Mariha contracted spinal meningitis as an infant. The damage to her then 2-week-old brain was catastrophic. But like her mother, Mariha is a survivor. And with her mother's care, she has already long outlived the life expectancy her doctors gave her initially.

see **WARRIOR**, p. 4



Leadership and Funding for Justice in Florida

President's Message

Every day we hear stories of heroes who make our world a better place to live. There is no model for a hero. They come in all kinds of packages. Police officers, firemen, and armed forces personnel come to mind for most of us when thinking of heroes. But at The Florida Bar Foundation, we recognize that heroes can be found in other roles. Heroes in our world do not usually get news coverage and often get no recognition. That is why I am always excited by the stories of our heroes in *Speaking of Justice*.

In this issue, you will meet two lawyers, heroes in our world, who have made a difference in the lives of a mother of a disabled child and a retired person who lost her retirement savings to an investment scam. Ericka Garcia, a Guardian ad Litem attorney with the Legal Aid Society of the Orange County Bar Association, and Dorothy Negrin, a pro bono attorney who volunteers for Dade Legal Aid's "Put Something Back" program, each contributed to helping a family or individual solve a problem that was seemingly overwhelming. Ericka and Dorothy are heroes in my world, and I think they will be in yours as well.

But heroes also do things in other ways. The Florida Bar Foundation received

a second gift of \$75,000 from The Florida Bar Trial Lawyers Section. This makes Section Chair Wayne Helsby and every member of the Trial Lawyers Section a hero to me. This is such a generous gift in a time when funding is down, so we count ourselves fortunate to have such heroes.

On January 31, the Florida Supreme Court hosted the 31st Tobias Simon Pro Bono Award and The Florida Bar President's Pro Bono Service Awards in Tallahassee. As I sat and listened to all the amazing contributions made by the individuals being recognized and heard from Chief Justice Ricky Polston that Florida lawyers contributed over 1,700,000 hours of pro bono service, I realized that there are many more heroes giving of their time and energy to ensure that the justice system works best when it works for all of us. These pro bono contributions are always needed but in this time when funding cuts are requiring our primary service organizations to reduce staff and take fewer cases, I am delighted to know there are so many lawyers willing to help.

I feel energized by these stories of heroism and hope you will as well. I also pledge to work harder to support the efforts of the Foundation and its grantees



Maria E. Henderson

and hope that you will as well so that we can continue to bring you more stories of heroism. As always, I thank you for your support.

A handwritten signature in black ink, appearing to read "Maria E. Henderson".

Maria E. Henderson
President 2012-13



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:

Jane Curran, Executive Director

(407) 843-0045 or (800) 541-2195

jcurran@flabarfdn.org

Trial Lawyers Section makes second 75,000 gift

The Florida Bar Trial Lawyers Section has provided a second gift of \$75,000 to The Florida Bar Foundation to support the work of the Trial Lawyers Section Children's Legal Services Fellow.

The Section made its initial gift in January 2011 in response to the impending loss of legal aid attorney positions due to the prolonged and steep decline in revenue from Florida's Interest on Trust Accounts Program.

The gift has enabled Jessica Rae, an attorney with more than 10 years of experience representing foster youth, to continue the Transitioning Dependent Youth Project at the Community Law Program in St. Petersburg, where over the last nine months she has helped 85 teenagers as they transition out of the dependency system.

"The Trial Lawyers Section is delighted to once again provide The Florida Bar Foundation with this gift of \$75,000," said Trial Lawyers Section Chair Wayne Helsby.

"As trial lawyers, we fully understand and appreciate the importance of obtaining legal representation in the course of our judicial process. So many Floridians are simply unable to afford that representation. We collectively feel a deep sense of responsibility to assist The Florida Bar Foundation in helping others obtain representation, especially our state's foster children. We are hopeful that this gift will once again prompt other sections in the Bar to contribute a portion of their resources for this most worthwhile cause."

The Trial Lawyers Section's initial gift was instrumental in encouraging other Bar sections to contribute to The Florida Bar Foundation over the last year. The combined generosity of the Bar, its sections and divisions and their members resulted in gifts of more than \$620,000 to the Foundation last year.



Past Florida Bar Foundation President Bruce Blackwell accepts a \$75,000 check from Wayne Helsby, chair of The Florida Bar Trial Lawyers Section, at the Section's 2013 Summit Jan. 18 at the J.W. Marriott in Orlando. The gift, the Section's second in two years, will once again fund the work of Jessica Rae, the Trial Lawyers Section Children's Legal Services Fellow at the Community Law Program in St. Petersburg.

The leadership of the Family Law Section made a \$75,000 contribution to the Foundation's Children's Legal Services Grant Program. 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 RPPTLS members. The Florida Bar's Young Lawyers Division made a \$100,000 gift, which the Foundation has used to help fund its Law School Loan Repayment Assistance Program to help legal aid organizations retain staff attorneys. The Criminal Law Section approved a \$25,000 gift, and the Alternate Dispute Resolution Section gave \$1,000. Additionally, the Bar waived the Foundation's booth fee at the annual Bar convention, allowing the Foundation to recruit additional Fellows at no cost.

The second year of funding for the Trial Lawyers Section Children's Legal Services Fellow comes at a crucial time.

"Like most legal aid organizations, we are still in the midst of a sharp decline in funding from all sources that is not expected to level off anytime soon," said Kimberly Rodgers, executive director of the Community Law Program.

"Despite this outlook, this incredibly generous gift from The Trial Lawyers Section, which has been repeated, has helped us build a formidable wall of protection for young people who need it the most. Many stakeholders in the child welfare community have taken notice of the tremendous impact Jessica's advocacy has made, which is something our organization would never have been able to accomplish without this Section's financial support."

After the meningitis left Mariha with limited vision, hearing, cognition and mobility – and a host of conditions including cerebral palsy and stunted growth – doctors at Yale-New Haven Hospital recommended that she be institutionalized, Guzman said.

“I told them, ‘God gave you the right to save her life, not dictate it,’” she said.

Guzman kept her daughter and gave up her career as an executive assistant to care for her, only to face the threat of having her taken away 16 years later when someone called the Florida Department of Children and Families to report that her three children were missing doctor’s appointments.

That’s when Ericka Garcia, a Guardian ad Litem attorney with the Legal Aid Society of the Orange County Bar Association, met Guzman at a dependency hearing and offered to take Mariha’s case.

Garcia began her career at Legal Aid in 2009 as an Equal Justice Works Fellow funded by The Florida Bar Foundation and the law firm of Greenberg Traurig, each of which provided \$37,500 to support her legal advocacy for foster children with developmental disabilities. The Legal Aid Society already had a Guardian ad Litem project long funded by The Florida Bar Foundation through its Children’s Legal Services grant program, which provided \$89,371 for the project in 2012. But staff had identified the need for a Guardian ad Litem attorney focused on the developmentally disabled population.

The fellowship enabled the Legal Aid Society to create such a position, which was a perfect fit for Garcia, whose brother has a developmental disability and is a source of inspiration for her. Since 2009, Garcia has helped about 300 children who have, or are suspected of having, a developmental disability. Although Garcia’s fellowship ended in 2011, she has been able to carry on her work thanks to Orlando-based Dr. Phillips Charities, which just renewed its support with a grant of

\$42,480 for a second year. Dr. Phillips sees the project as a potential model that can be replicated elsewhere with the help of a procedures manual Garcia will develop.

The day of the dependency hearing at which Guzman and Garcia met, the judge had told Guzman she had not followed through with getting Mariha into school and to the doctor. But it was not for lack of trying. Transportation was a major issue. Guzman couldn’t push two boys in strollers and a daughter in a wheelchair all at once. Added to that, if Mariha is out in the heat for too long she has seizures, and her bones are so fragile, they can easily break if she is handled the wrong way.

“It is really tough without a car in Florida, between the hot, humid weather, the rain and the locations of services, along with the added concerns of taking care of my daughter. I found it impossible to do all those things that the state of Florida felt I should be able to do,” Guzman said.

Even the city’s special bus service for the disabled would not allow the boys to ride along since they were neither disabled nor caregivers.

When Guzman did get Mariha to the doctor, it turned out that she was underweight due to a serious problem with her stomach, which had twisted around inside her contorted little body. Guzman had made an appointment through Children’s Medical Services (CMS) to get a feeding tube, but the appointment was two months away.

Garcia knew Mariha wouldn’t last that long. Her first advocacy role was simply to call CMS and explain to them the gravity of the situation. She knew she had gotten through when the nurse case manager on the other end of the line said her baby weighed as much as Mariha, then 16. Within a few days, Mariha was in surgery to have the feeding tube placed. She then had to be hospitalized for two months until she was stable.

“We wanted to make sure Mariha was going to live, and then we worked on school,” Garcia said.



FLORIAN BOEHM

“I am the warrior, and she is the soldier.”

– Elizabeth Guzman

Guzman had also tried to ensure her daughter could receive an education, even if it was only to learn to communicate her needs and wants – whether she wanted to listen to music or when it was time for a dose of her pain medication. She had explained to the school system on several occasions that Mariha could no longer sit in a wheelchair, that she needed in-home services, but to no avail.

“I kept getting denied. There was no reason for me to get denied,” Guzman said.

“Our life was spiraling out of control, and everyone I asked for help turned me down.”

Everyone, except Garcia.

“When the school system was provided with a court order saying that I was the Guardian ad Litem, that’s when I started getting calls back,” Garcia said. She pursued getting the same services Guzman had already asked for on several occasions.

“Everything that she did, I did, too, and got the ‘no,’” Guzman said.

But Garcia kept up with the phone calls, gathered all the necessary paperwork, and got “all the ducks in a row” until the school system came up with the answer to which the law says Mariha is entitled.

Today, Mariha not only has a teacher who comes to the house, but through the school system she is also getting occupational therapy, speech therapy and physical therapy. She has assistive technology that helps her turn things on and off herself, and aides for communicating her medical needs, such as a laminated mat with different faces she can use to indicate how she is feeling. And she can use technology to play, too. The teacher brings an iPad that Mariha can use to color in drawings with the touch of a finger.

Most importantly, she is alive, and the family is together. Next, Legal Aid will match Guzman with a pro bono attorney who can assist her in establishing guardianship, so that she can continue to

make medical decisions for Mariha once she turns 18.

Guzman and her children still live in poverty, but now they have hope, a hope Guzman first felt the day Garcia came to her house to learn about her situation.

“She walked from my house to the school with the boys, pushing the double stroller while I pushed the wheelchair,” Guzman said. “I cannot express the admiration I hold for her, to walk in my shoes, to see what I endure. No one in my life has ever done that for me.”

Guzman always knew she was a good parent, even when the state challenged that assertion.

“I was doing the best that I could with the cards dealt to me,” she said.

But she had encountered barriers at every turn. What she needed in the end was to have a lawyer like Ericka Garcia on her side, someone to aid her in her struggle.

“I am the warrior, and she is the soldier,” Guzman said.

Foundation continues to fund the Innocence Project of Florida

The Florida Bar Foundation has cut its grants through the Improvements in the Administration of Justice grant program from \$2.7 million in 2008-09 to \$792,000 in 2011-12 due to the lack of revenue from Florida’s Interest on Trust Accounts Program.

Among the projects still funded through the program is the Innocence Project of Florida, which has used DNA evidence to exonerate 13 men wrongfully convicted of crimes. Collectively, these men spent 259 years in prison for crimes they did not commit.

“It’s like a man in the desert that finally finds water,” is how exoneree William Dillon described the feeling of being set free after serving 27 years in prison for a murder he had no involvement in whatsoever, other than being a visitor to the same beach where it took place.

The IPF continues to consider 750 new requests for help each year, with 350

cases currently in the document collection phase.

IPF Executive Director Seth Miller had no doubt about one conviction when addressing The Florida Bar Foundation’s board of directors at its December meeting: “None of this could have happened without the unwavering support of The Florida Bar Foundation.”

The Foundation has provided more than \$2.2 million in funding for the IPF since its initial grant to the organization in 2004-05. The IPF has been working to diversify its funding base through fundraising events and appeals as well as government grants, which now make up roughly a third of its funding. The IPF board has been instrumental in this effort.

At \$294,000, Florida Bar Foundation funding made up 36 percent of the IPF’s budget in 2012. This amount included \$12,000 in matching funds for the Exoneree Emergency Fund, which provides

limited assistance for exonerees after their release from prison.

Besides working to exonerate the wrongfully convicted, the IPF seeks remedies to the leading causes of wrongful conviction, including witness misidentification, false confessions, junk science and overreliance on jailhouse informants. An IPF eyewitness identification training session co-sponsored by the Florida Association of Criminal Defense Lawyers and the Florida Public Defenders Association had the added benefit of raising \$10,000 for the IPF’s work. Among the organization’s expenses are expert witnesses, forensics such as DNA testing, investigation, litigation and travel.

The IPF will hold its annual Steppin’ Out dinner Friday, April 5, at the Four Seasons Hotel in Miami. For more information visit www.floridainnocence.org.

After losing her life savings, Miami woman gets a fresh start



“It was a really good feeling being able to help her out because I knew she needed the help and was happy with the assistance that she got.”

**– Dorothy Negrin
Pro Bono Attorney**

On the verge of 75, Caroline Pennington found herself starting all over again.

After a lifetime of hard work and solo parenting, the former marketing executive was looking forward to a comfortable retirement until she fell victim to an investment scam that wiped out her half-million-dollar nest egg.

“It was no different than Bernie Madoff, although it wasn’t Madoff,” she said.

Pennington struggled to stay afloat for as long as she could, relying on Social Security and credit cards to pay for basic necessities after she lost a part-time job and her unemployment compensation ran out.

“I tried paying off the credit cards as much as I could, right to the very end,” Pennington said. “I am very honest, and I will give my last cent to do what I have to do that’s right, up until I can’t do it anymore.”

Fearing she would end up on the street, Pennington turned to Dade Legal Aid for help in filing bankruptcy. There she met with staff attorney Annika Miranda, a bankruptcy lawyer with Dade Legal Aid’s “Put Something Back” program. Miranda’s position was initially supported through a \$25,500 Pilot Pro Bono grant from The Florida Bar Foundation in 2010-11, with ongoing support from the Bankruptcy Bar Association. The Florida Bar Foundation also provided Dade Legal Aid with a \$387,412 general support grant in 2011-12, which helps fund the organization’s operations. More than 1,000 lawyers contributed a total of 19,257 hours through the “Put Something Back” program in 2011.

Miranda matched Pennington with pro bono attorney Dorothy Negrin, whose solo practice includes bankruptcy law, real estate and commercial litigation.

“I helped her with actually filing the bankruptcy and getting the discharge she needed to get a fresh start,” Negrin said. The case was resolved in just a few months, thanks not only to Negrin’s

prompt attention – “She went like fire, boom, boom, boom,” Pennington said – but also to Pennington’s diligent follow-through.

“She was very good. She had all the documents together,” Negrin said. “It was a really good feeling being able to help her out because I knew she needed the help and was happy with the assistance that she got.”

In all, Negrin invested 19 hours in the case, hours for which Pennington’s is exceedingly grateful.

“My whole life has changed since the bankruptcy,” Pennington said. “I am no longer harassed.”

Pennington said the constant calls from creditors had left her feeling as though she had no way to move forward.

“You can’t think when you have that kind of pressure on you. You never know what’s coming at you from which way,” she said. “You have to be creative to rebuild, to overcome the psychological effect of going broke completely, nearly going into the street after having a decent life.”

For now, Pennington lives with her 41-year-old daughter, a high school reading teacher. But she wants to get her own place so that they can each have their own lives. She is picking up jobs such as tutoring and assisting with marketing projects to supplement her Social Security. Her goal is to live to be 110 and never quit applying herself to overcoming what happened to her.

“I have a whole life to live, and now that I have another chance that’s what I’ll do,” she said. “Look where I’d be now. I’d probably be very depressed. I’d probably be in a hospital. It can knock you out. It can kill you, that kind of pressure.”

Negrin, who worked for more than 20 years as a computer engineer before going to law school in the evenings at the University of Miami, has done pro bono work since she graduated in 2003.

She has taken on cases as varied as serving as an Attorney ad Litem for an

infant and helping a mentally disabled man with his immigration status. She looks carefully at each case before deciding she is well-qualified to take it on, but she also finds that the court, legal aid organizations and other lawyers are always willing to help when they know she is handling a case pro bono.

"I consider myself pretty lucky in life so I like to give back, even if it's only a small amount," Negrin said. "It's one case. There are thousands of attorneys in Florida. If everyone took on one case, I'm sure there wouldn't be that much of a need."

Pennington would love to see more attorneys follow Negrin's example.

"I think there need to be many more lawyers like Dorothy Negrin, an exemplary bankruptcy lawyer," Pennington said. "And she got joy from doing it. And I think there are many more lawyers who would enjoy lending that knowledge and helping people."



PETE CROSS

Miami attorney Dorothy Negrin, left, helped Caroline Pennington file for bankruptcy after Pennington lost her life savings in a scam. Negrin volunteers with Dade Legal Aid's "Put Something Back" program, which matches eligible clients with pro bono attorneys.

Moore retires from grants department

Linda Moore, program associate in the grants department of The Florida Bar Foundation, retired in December after more than seven years of service.

One of Moore's major contributions to the Foundation and to the legal aid delivery system in Florida was her work on the Foundation's Staff Attorney Salary Supplementation Grant Program, which has helped legal aid programs throughout Florida retain staff attorneys. The program was established after a 2007 study commissioned by the Foundation found that "financial pressure due to low salary" was the number one reason legal aid attorneys left their jobs. At that time, the median starting salary for a licensed attorney in a Florida legal aid program was \$38,500.

In 2012, the Foundation awarded salary supplementation grants totaling \$4,219,710 to 30 legal aid programs to help them meet minimum salary criteria set under the grant program.

"Linda played a singular role in developing the Staff Attorney Salary Supplementation Grant Program, and in the operation of that important program," said Paul Doyle, director of the Foundation's Legal Assistance for the Poor/ Law Student Assistance Grant Program. "She also played a significant role in our peer evaluations of grantees, and a strong supportive role in all of our grant programs."

Moore came to the Foundation from the Polk County Legal Aid Society in Lakeland, which is now Heart of Florida Legal Aid.

"Linda brought in a great background from her experience as a staff attorney and executive director in legal services in Florida," Doyle said. "She was driven by a desire to help poor people in any way she could, and also by a keen sense of what was right and wrong, and an expertise she had developed based on insight and hard work."



Linda Moore, left, was recognized by Foundation President Maria E. Henderson for her seven and a half years of service at the Foundation's board meeting in December.

GRANTS UPDATE

The Florida Bar Foundation has provided its legal aid grantees with updated projections for anticipated grant cuts through the 2015-16 fiscal year.

By then, the Foundation anticipates that it will have made cuts of 76 percent since 2009-10 in the general support grants it provides 30 legal aid grantees throughout Florida through the Legal Assistance for the Poor Grant Program. Children's Legal Services grants are expected to be cut by a similar percentage.

These estimates are based on projected Foundation income, including donations from Florida Bar Sections, Fellows and other charitable gifts, as well as on the balances in the Foundation's several reserve funds and income from The Florida Bar Foundation Endowment Trust. IOTA revenue is not expected to increase anytime soon in light of the Federal Reserve's December 2012 announcement that it would keep short-term interest rates near zero at least until the unemployment rate falls below 6.5 percent or projected inflation gets above 2.5 percent.

SPEAKING OF JUSTICE

CONTACT THE FOUNDATION

(407) 843-0045

(800) 541-2195 (Toll free in Florida)

EXECUTIVE

Jane Elizabeth Curran, Executive Director & Director, Improvements in the Administration of Justice Grant Program
jcurran@flabarfndn.org

COMMUNICATIONS

Nancy Kinnally, Director of Communications
nkinnally@flabarfndn.org

FINANCE & IOTA OPERATIONS

Lou Ann Powell, Director of Finance & IOTA Operations
lapowell@flabarfndn.org

Lushawn Phillips, IOTA Operations Manager
lphillips@flabarfndn.org

GRANTS

Paul Doyle, Director, Legal Assistance for the Poor & Law Student Assistance Grant Programs
pdoyle@flabarfndn.org

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

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



Leadership and Funding for Justice in Florida