

# The Florida Bar Foundation

**Annual Overview  
of the  
*Legal Assistance  
for the Poor Grant  
Program***

**2017**

*DRAFT*

*September 11,  
2018*





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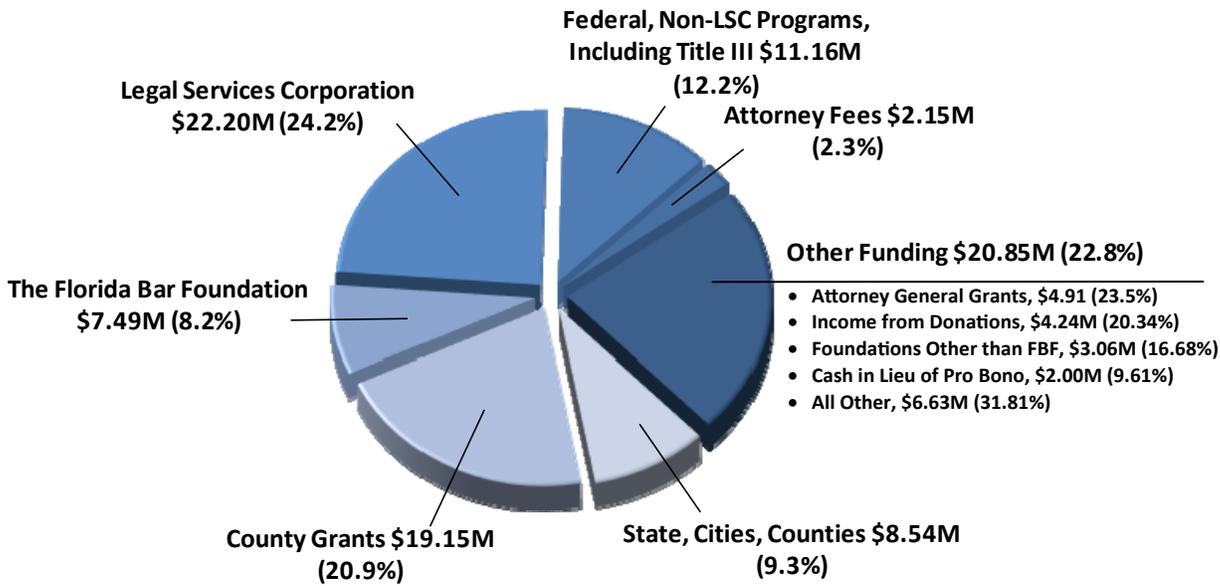
## Providing Access to Justice for Florida's Most Vulnerable Residents.

The Florida Bar Foundation (Foundation) offers an integrated, comprehensive system of grant programs and other forms of support to strengthen Florida legal services programs and increase client services. Grants for these purposes are:

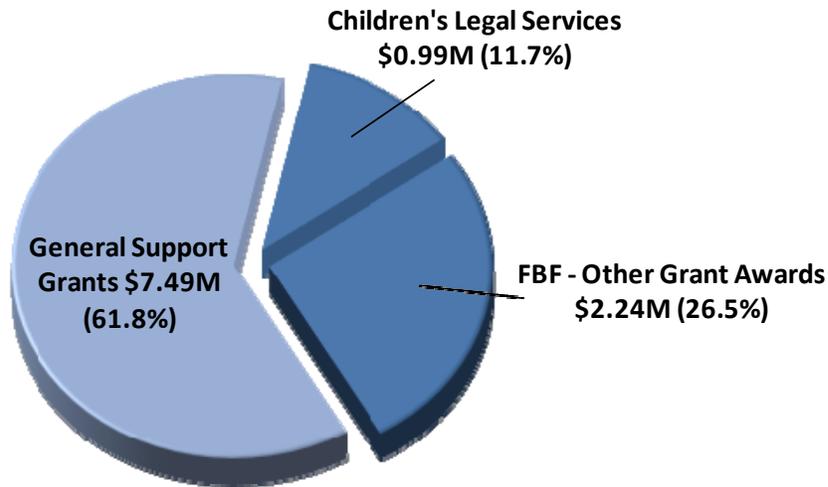
### Legal Assistance for the Poor (LAP) Grant Programs:

- General Support
  - Children's Legal Services
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- Of \$91.55 million received by Florida legal services organizations in 2017, \$7.49 million, or 8.2 percent, came from The Florida Bar Foundation.
  - The Foundation is the only funder linking 31 legal services programs in Florida to form a comprehensive, statewide legal services delivery system.
  - Foundation grantees documented direct dollar benefits to clients totaling more than \$248 million in 2017 from sources including child support and federal programs such as Social Security and Supplemental Security Income, which is designed to provide food, shelter and medical care to the elderly and disabled.
  - Foundation-funded providers completed 86,028 cases in 2017.

## Total Funding Received - \$91.55M by Florida Bar Foundation Grantees, 2017



## Total Foundation Funding - \$7.49M Provided for Calendar Year 2017



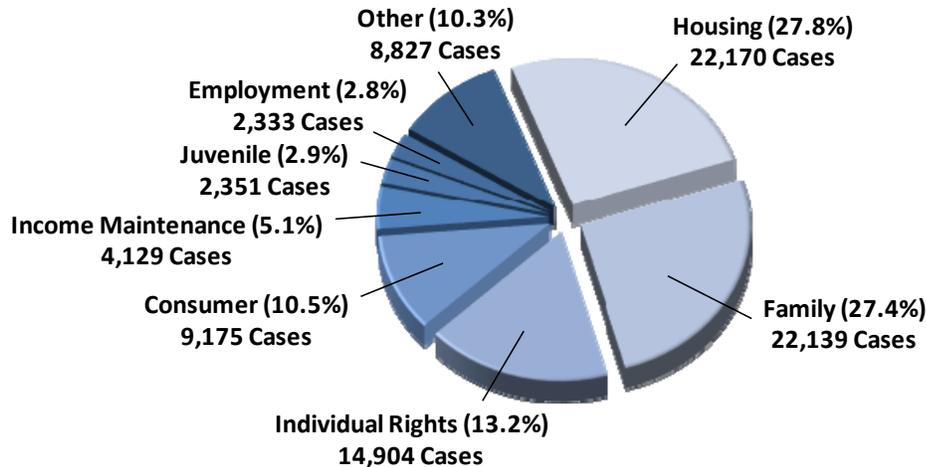
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## General Support Grant Program

The Florida Bar Foundation awards annual grants to legal aid programs for the general support of the provision of free legal assistance to eligible clients within the service area of each program. The general support grants comprise over 75 percent of the funds provided by the Foundation for the provision of legal assistance for the poor. The general support grants contribute initial institutional support to legal aid programs for the provision of general legal assistance based upon local priorities. These grants are distributed on the basis of the number of poor people in each region under Florida's legal services plan. Several statewide programs are funded on a non-per capita basis and offer statewide legal services, including legislative, administrative, and statewide advocacy, and co-counseling and backup services for local legal aid programs.

For 2017, the Foundation awarded a total of \$5.24 million in general support grants which funded 31 legal aid programs providing a full range of legal services to the low-income population of Florida's 67 counties.

## 86,028 Cases Closed in 2017



The following examples of actual cases reflect generally the advocacy undertaken by Foundation grantees and pro bono attorneys.

### Housing Matters 22,170 Cases

- Federally Subsidized Housing Rights
- Homeownership/Real Property
- Landlord/Tenant (Other than Public Housing)
- Public Housing
- Housing Discrimination

Sarah, a 73-year-old woman, suffered severe emergency medical problems requiring her to be hospitalized for three months enduring several surgeries to save her life. Upon discharge, Sarah learned that her house was in foreclosure because she missed payments during her incapacitation. BCLA undertook representation in the foreclosure case, filed responsive pleadings to the bank's foreclosure complaint, and immediately sought a mediation with the bank while simultaneously filing an application for a modification of the mortgage. After submitting to the bank multiple applications for a mortgage modification, and after appealing several denials of the applications, BCLA succeeded in convincing the bank to modify Sarah's mortgage. In the modification agreement, BCLA obtained a lower interest rate for Sarah, a longer mortgage term, a waiver of late fees and interest, and forgiveness of some principal. These terms combined to substantially lower the monthly mortgage payment to an amount she could afford on her fixed Social Security income. Prior to becoming sick, Sarah had a job in addition to her monthly Social Security income. After her three-month hospitalization, she could no longer work and, therefore, could not afford to pay her mortgage at the then-current interest rate. Through BCLA's efforts in securing a modification of Sarah's mortgage, Sarah and her two dogs continue to enjoy the home she had worked so hard over her lifetime to purchase. **Brevard County Legal Services**

### Family Matters 22,139 Cases

- Adoption
- Custody/Visitation
- Dissolution of Marriage
- Adult Guardianship/Conservatorship
- Name Change
- Parental Rights Termination
- Domestic Abuse
- Support

Rosa came to the U.S. from Brazil with her young son. She had lost her other son to cancer when she met a man here that had just battled cancer. She felt an immediate connection and were married in less than one year. Once they started living together, things turned ugly. She started finding drugs in the house and pornography on his computer. He also told her that he would not petition for her and her son to become legal permanent residents and that they needed to do what he said or he would have them deported. Rosa worked without documentation and he took her money to buy drugs. After an incident of abuse, she passed out and ended up at the hospital. When she awoke she told the medical personnel about the abuse and sent a friend to get her son from school. She was able to obtain an Order of Injunction for Protection Against Domestic Violence. She and her son were sleeping on a mattress on the floor and were eventually able to rent an apartment. She came to Legal Aid in tears because she did not feel safe as her husband continued calling her in violation of the order threatening to have them deported. We filed a Petition Under the Violence Against Women Act and within three months of filing she obtained a work permit card. A little over a year after we filed her case, we attended an interview in front of an immigration officer and she and her son were granted legal permanent resident status in the U.S. **Legal Aid Society of the Orange County Bar Association**

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Individual Rights Matters  
14,904 Cases

- Immigration/Naturalization
- Mental Health
- Disability Rights
- Human Trafficking
- Civil Rights

A developer, architectural firm, and contractor built three apartment complexes in Jacksonville Beach. The ground floor underneath the complexes was designated for parking with no ground floor residential units. While the architect sketched in the location for a potential elevator, none were installed, therefore no units are handicap accessible as there is no way to access the first available living units via wheelchair. This is an important issue in Jacksonville which has a large number of mobility challenged veterans in need of housing. In 2002 the same contractor was sued by the U.S. Department of Justice for building non-accessible apartments in Kansas. That lawsuit settled in 2007. At the request of JALA, FJI partnered as lead counsel in representing DRF in bringing an FHA lawsuit against the developer, architectural firm, housing manager, and contractor. The complaint was filed July 27, 2016. The lawsuit settled soon after early mediation in the summer of 2017 for a Consent Decree to install elevators in each complex, make a sufficient number of units handicapped adaptable, and the payment of \$340,000 in damages for DRF and its attorneys' fees and expenses. **Florida Justice Institute**

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Income Maintenance Matters  
4,129 Cases

- Welfare
- SSI
- Food Stamps
- Unemployment Compensation
- Social Security
- Veterans Benefits

A social worker at the Veteran Administration Medical Center (VA) in West Palm Beach contacted our Veterans Advocacy Project and expressed concerns that an elderly veteran residing in the VA's assisted living facility was being bilked for fees by his guardian. We were able to obtain records of charges that the veteran was paying to the Guardian and determined that the fees were excessive and unreasonable. In one example, the Guardian charged the Veteran \$250 to deliver 2 packs of Chips Ahoy cookies to the veteran at the VA Medical Center. Our VAP attorney was able to have the guardian judicially resign as the Guardian and permanently barred as an approved guardian for veterans at the VA Medical Center and also recover \$84,000 of the remaining assets of the Veteran. **Legal Aid Society of Palm Beach County**

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Juvenile Matters  
2,351 Cases

- Delinquent
- Emancipation
- Neglected/Abused/Dependent
- Minor Guardian/Conservatorship

Joe first entered foster care when he was 15, after his mother died from a drug overdose. He has never known his father and has no other family. With assistance from his BCLA attorney, Joe battled through multiple foster home placements and school changes. His Legal Aid attorney was able to obtain a placement in an educational program for at-risk students where Joe received the individualized attention of a teacher with whom he felt a connection. His attorney personally met with the teacher, and together with Joe, they created a collective plan for Joe's success. Eight months before Joe turned 18, his BCLA attorney advised him of a program called Extended Foster Care (EFC). Through this program, he was assisted with living expenses until he turned 21. Legal Aid assisted Joe in securing an appropriate living arrangement and Joe continued in high school and eventually earned his diploma. With help from his BCLA attorney, Joe obtained his driver's license through benefits provided by the Keys to Independence Act and recently enrolled in college using the free tuition waiver and living expense stipend offered by the State of Florida to former foster youth. He is now participating in a program known as PESS (Postsecondary Education Services and Support) which qualifies him for a college tuition waiver and living expense stipend. Joe is a testimony to the effectiveness of legal advocacy for children in foster care. With help and individual attention from his attorney, Joe accessed the programs offered by the State of Florida to improve his life and avoid the "pipeline to prison." Statistics show that many foster youth resort to a life of crime, which they feel is their only option, when facing their future with no high school diploma, no driver's license, no job, and no place to live. Extended foster care and the PESS Program, coupled with legal advocacy, give foster youth who are aging out of the system hope for a bright future.

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## Children's Legal Services Grant Program

In March 2017, the Florida Bar Foundation continued to recognize the special legal needs of children by awarding \$999,720 to fund 14 children's legal assistance projects.

These grants reach rural and urban areas throughout Florida and address children's legal needs through staff attorney and private pro bono attorney services. Among the children reached are the following:

- Children who are disabled or have learning disabilities and were being denied special education services required by law;
- Foster care children whose time in foster care could be shortened;
- Children, including foster care children, who need access to medical, mental and other health related services;
- Children seeking benefits so that they can be cared for by loving relatives rather than being placed in the state foster care system; and
- Children aging out of foster care who need transitional assistance and access to their Social Security funds held by the state.

### Programs receiving grants in 2017:

- Americans for Immigrant Justice, Inc.
- Community Legal Services of Mid-Florida
- Cuban American Bar Association Pro Bono Project
- Florida's Children First
- Florida Legal Services Children's Healthcare Access
- Florida Legal Services FILS Children's Project
- Florida State University College of Law
- Legal Aid Society of Palm Beach County
- Legal Aid Society of the Orange County Bar Association
- Legal Services of Greater Miami, Inc.
- Legal Services of North Florida
- Seminole County Bar Association Legal Aid Society
- Southern Legal Counsel
- University of Miami School of Law (Children and Youth Law Clinic)

## Children's Legal Services Grants - Protecting Children, Providing Better Futures

Jackson was a young man who had recently “aged-out” of foster care at the age of 18 when he learned that, without his knowledge or consent, he had been switched from the Medicaid health plan he’d been enrolled in for years into another Medicaid health plan that specialized in serving individuals with severe mental illness. Since Jackson does not have a severe mental illness he was not even eligible for that particular health plan and his placement in it was completely inappropriate. When he attempted to contact the Medicaid choice counselors for assistance, he was told that DCF was responsible for the switch. When he then sought assistance from DCF, he was told that Medicaid choice counseling was to blame. With customer services representatives from both agencies simply pointing their fingers at the other agency and failing to investigate his claim, Jackson was uncertain where to seek help. FLS contacted officials at both DCF and the Medicaid agency to report each agency’s finger-pointing and failure to assist a former foster youth, and Jackson was quickly re-enrolled in the correct Medicaid health plan. **Florida Legal Services Children’s Healthcare Access Project**

A transgender boy who endured trauma in school and by his father had completely given up on attending high school. He was constantly outed by teachers who referred to his “dead name” and refused to allow him to use the boy’s bathroom. SLC helped him legally change his name, amend his name and gender marker on his IDs, and ensured that school staff refer to him by his male name and pronouns. We sent a demand letter to the school board insisting that it end discriminatory treatment and allow him to use the bathroom consistent with his gender identity. The school board agreed, resulting in a settlement without litigation. In addition to this school-wide impact, we also obtained a comprehensive evaluation and an appropriate behavior plan to address school aversion behaviors. He is now on track academically and emotionally. **Southern Legal Counsel**

Born with Down Syndrome, a heart defect and ambulatory issues, Myriam is wheelchair bound. Her parents have no car and her father relies on a relative who works at the same overnight warehouse facility for rides to work. The district transported Myriam for Kindergarten, first grade and most of second grade. One day, the district contacted the family and told them they would no longer transport Myriam to school, despite having curb-to-curb service included in her IEP. The school informed the family that the “big bus” that had previously transported Myriam was too large to make one of the corners in the student’s neighborhood without running over a homeowner’s grass. Instead of compensating the homeowner, investing in a van (which all other districts have), or paying for private transportation for Myriam, the district simply allowed her sit home for almost 8 months without any education, speech therapy, physical therapy or occupational therapy. During this time, the parents implored the school to help them. They were told that transportation was “their problem” and that they would be in “big trouble” with the law if they didn’t bring Myriam to school. The parents, who are originally from India and speak limited English, believed this to be a threat against their perceived immigration status. After receiving no help from two other advocates, they found their way to CLSMF’s Children’s Rights Unit through a referral by Myriam’s pediatrician. We gave the district one week to re-enroll the student, provide us with an appropriate transportation agreement and a compensatory education plan to make up for the time out of school. The district advised us they had done nothing wrong. As promised, we filed a Florida Department of Education complaint alleging that Myriam and other students in Volusia County were being denied appropriate transportation to school. The FLDOE found for us and awarded Myriam several hundred hours of compensatory education to make up for lost programming and services. More importantly for impact purposes, the FLDOE made the district meet with us to develop an appropriate plan to transport all students with disabilities in the district. The district has also been placed on a state monitoring plan to make sure that required changes actually do occur. After years of transportation issues in Volusia County related to students with disabilities, this was a huge win for students. **Community Legal Services of Mid-Florida**

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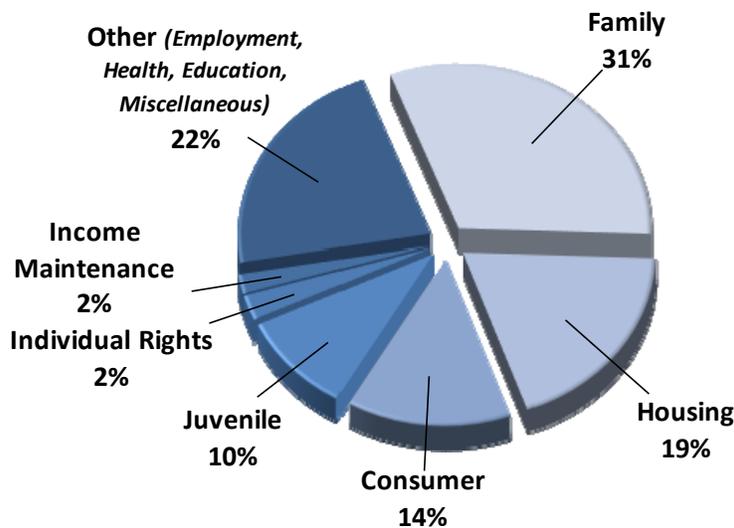
## Pro Bono Participation

With implementation of the Florida Supreme Court’s pro bono plan in 1993, attorney participation in Florida Bar Foundation-funded pro bono projects surged in 1994, then reached a peak in 1998 before tapering off from 1999-2007. In September 2008, the Statewide Standing Committee on Pro Bono completed its groundbreaking study on pro bono titled, “Pro Bono: Looking Back, Moving Forward”. The study, sponsored by Foundation funding, examined the stagnation of pro bono, and decline in pro bono through organized programs. The study also made recommendations as to how to reinvigorate pro bono in Florida through prospective partnerships among the courts, the Florida Bar, the Foundation, local bar associations, law firms, individual attorneys, and pro bono programs that administer pro bono projects.

In the years since 2008, the Standing Pro Bono Committee, with the continuing support and guidance of the Foundation, has undertaken several successful initiatives to engage additional private attorneys in the provision of pro bono legal services to low-income families and to improve the pro bono delivery system. One of those initiatives, the One Campaign, continues to engage pro bono attorneys who work with their local legal aid office where they can utilize their unique skills to help regular citizens navigate the law.

A total of 5,745 private lawyers provided direct legal assistance to clients and closed 8,671 pro bono cases in 2017, approximately 10 percent of the total of 86,028 cases closed by Foundation grantees. Over 6,100 private lawyers provided cash contributions of over \$2.0 million. Florida’s lawyers donated 89,592 hours through organized pro bono programs in 2017. At an *average* hourly rate of \$120, this represents a significant private-sector contribution: \$10.75 million worth of free assistance to low-income people across the state.

## Cases Completed by Private Attorneys



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## Foundation-funded Programs are a Good Investment.

### Legal Services advocacy produces millions of dollars in benefits for low-income Floridians.

From the purely economic perspective of dollars generated per dollar invested, the performance of Florida's Legal Aid advocates is outstanding. In 2017, for example, they produced an estimated \$248 million in direct benefits for their clients, including child support payments, Social Security Disability benefits and worker's compensation insurance payments -- benefits to which clients were legally entitled.\*\*

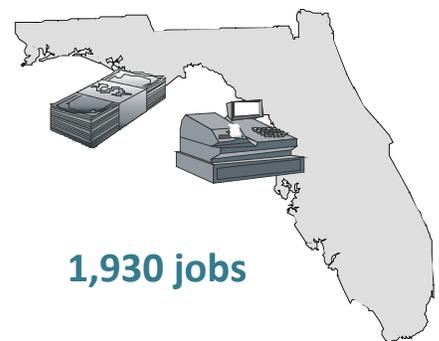
### Foundation-funded programs bring dollars into local economies.

Federal benefits such as Social Security, Supplemental Security Income, Temporary Assistance to Needy Families and Medicaid are vital strands of the safety net. These Federal income support benefits not only help the direct recipients, but also flow immediately into local economies, generating income and jobs for working Floridians that otherwise would be lost to our state.

In 2017, Legal Aid advocates obtained \$146 million in Federal client benefits flowing into Florida communities. These benefits, together with \$33 million\* in Federal grant funds for Foundation-funded programs' own operating support, represented a total of \$179 million flowing directly into local communities in the form of salaries, rent and goods, and services purchased from local businesses. Applying a standard economic activity multiplier of 1.32 produces a reliable estimate of \$236 million in economic activity and 1,930 jobs resulting from these benefits and grants.

## Economic Multiplier Impact...

<b>\$179 Million</b>	...Circulates <b>1.32 times</b>	...providing <b>\$236 million</b>
in Federal grants & benefits obtained for clients...	in local economies...	income for working Floridians.
<ul style="list-style-type: none"><li>• Disability</li><li>• Supplemental Security Income</li><li>• Medicare</li><li>• Other</li></ul>		



\* \$32.7 million total includes \$22.1 million in Federal Legal Services Corporation (LSC) grants and \$10.6 million in other Federal grants.

\*\* In addition to dollar benefits produced for clients and their economic multiplier impact, Florida legal aid programs produced millions in cost savings for communities and taxpayers. In 2015 the total economic impact was \$600 million—See the Foundation's 2016 economic impact study report at [www.thefloridabarfoundation.org/impact/](http://www.thefloridabarfoundation.org/impact/).

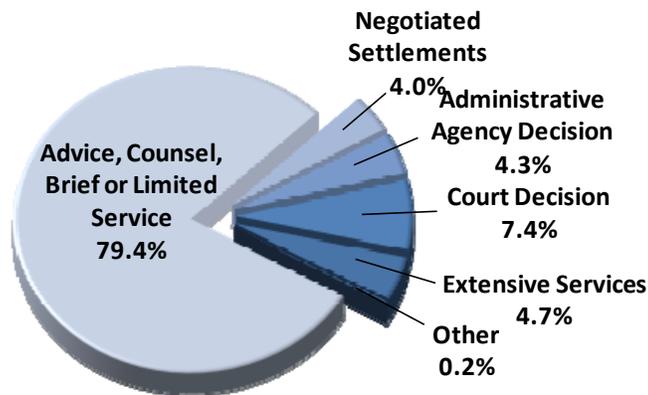
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## Foundation-funded legal services are cost-effective.

Legal aid lawyers provide services in a compassionate manner, but strive to serve as many clients as they can with limited resources. In 2017, they handled 10 cases for every \$10,000 in funding they received.

- **A high proportion of cases are resolved without litigation.**  
As the graph below indicates, 79.4 percent of the 86,028 cases closed by legal aid in 2017 were resolved by advising the client about steps he or she could take short of litigation, or by providing non-litigation services such as drafting a letter or making phone calls on the client's behalf.
- **Pro bono efforts of the private bar leverage the investment of dollars in Foundation-funded programs.**  
Of the above total number of cases, private lawyers closed 8,671 cases on a pro bono basis in 2017. They donated 89,592 hours of services, valued at \$10.75 million.

**Total: 86,028 Cases**



## Legal aid promotes and strengthens families, communities and the children's futures.

Further, and perhaps most important, the legal advocacy of legal aid lawyers and paralegals protects low-income families from the unlawful loss of their homes and transportation to work, the unfair denial of medical benefits and services, and the unjust deprivation of educational services to disabled children. Legal aid lifts the despair of poverty and provides opportunity and justice. This strengthens families, lessens violence in homes and communities, and helps to ensure a stronger society, a society that honors its ideals.

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## Foundation-funded programs apply technology as a strategy for improving the productivity and accessibility of their services.

- A computerized case management system (Legal Server) supplied by the Florida Bar Foundation to 28 general support grantees helps with the administration of the day-to-day casework of program lawyers and paralegals. This case management system provides grantees the data and communication needed to manage cases, track outcomes, and efficiently report to funding sources. The system was installed and operational by September 2009 in the grantee programs. The Foundation continues to assist grantees with support through a help desk, additional training, and further development of the case management system.
- Local websites provide 24-hour access to legal education and self-help materials for low-income clients, and for professionals who pass this information on to their low-income clients. A statewide website, operated by Florida Legal Services and supported by the Foundation, links Florida legal aid advocates and pro bono attorneys to training, community legal education materials, legal research resources and other support services. The website also is available to clients for information on available legal aid services, client community education materials, and other resources.
- Full computerized legal research materials and services are made available to legal assistance grantees at a very reasonable rate, with the Foundation handling the centralized billing for a statewide contract with legal research firm Westlaw and providing supplemental funding .
- A web-based grant management system (LegalServer), adopted by the Foundation in 2012, is the companion to the case management system (LegalServer) used by Foundation general support grantees. The grant management system serves as a database of grantee information and allows Foundation staff to solicit and receive electronic grant applications, reports, and outcomes measures from its grantees. Technical support and training is provided by Foundation staff who also support the help desk for grantees using the LegalServer case management system.

## Planning for the Future...

Since the collapse of the national economy in the latter half of 2008, the Foundation has experienced significant declines in IOTA revenue. Utilization of a significant reserve by the Foundation has enabled grants to be decreased over a period of several years. However, very significant grant reductions have been necessary. Grant reductions in 2012 resulted in an overall cut in Foundation grants of 30 percent from the prior year's grants. The Foundation has sought funding from other sources to alleviate these reductions over the past few years, and in several instances, the Foundation has been successful in obtaining other funding. However, the new funding obtained has not offset the revenue lost due to low interest rates on IOTA accounts. The Foundation continues to pursue other funding initiatives and prioritize its funding reductions in order to preserve the core of critical civil legal aid to low-income families in Florida.

# Florida's Regional Legal Services Delivery System

