

SPEAKING OF JUSTICE

News From The Florida Bar Foundation

volume 5

issue no. 4

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Manushka Gilet, second from left, and other members of Florida Youth SHINE talk with Rochelle Koff of the Miami Herald's Tallahassee bureau outside the Florida Capitol.

COURTESY OF FLORIDA'S CHILDREN FIRST

Florida foster youth shine at the Capitol

The abuse Manushka Gilet suffered from the age of 12 at the hands of her stepfather did not stop her from engaging in a wide range of school-sponsored activities as a teenager; it took the laws then governing the foster-care system to do that.

"I'm a very active child. I do debate team, mock trial, swimming, track and field, ballet, all these crazy things," Gilet said. "When I got into foster care, I wasn't able to do anything. It was very difficult

for me to do anything because everyone was very worried about their liability."

Until this year, Florida's foster-care system required kids to get caseworker approval and then go to court in order to participate in everyday activities that put them in contact with their peers and adults who were not their guardians. After-school clubs and extracurricular activities, sporting events, sleepovers and even prom — all were no-can-do without a court order. That's a pretty big stumbling block for a kid. Worse yet, foster youth were in the awkward position of having to ask if their friends' parents would



Leadership and Funding for Justice in Florida

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Message from the President

When most of us think of legal aid, we think of public interest lawyers helping individual clients resolve civil legal problems on a case-by-case basis.

In reality, legal aid goes well beyond helping one client at a time. The expertise and collaboration that has developed among the lawyers at the Foundation's 30-plus legal aid grantees enables them to bring about systemic change that affects Floridians by the thousands.

Take for example the work of Florida Legal Services and Legal Services of Greater Miami on behalf of autistic Florida children on Medicaid. These children were being denied coverage for applied behavior analysis (ABA) therapy, the only effective, evidence-based treatment for their condition, and the best chance they have for leading relatively independent lives. But thanks to a few dedicated and extremely talented lawyers from these two legal aid organizations and one pro bono attorney, now more than 8,000 Florida children are guaranteed coverage for ABA therapy. The Foundation was proud to

recognize their work with the inaugural Paul Doyle Children's Advocacy Award.

Another Foundation grantee, Florida's Children First, led the way for a group of Florida foster youth to advocate for legislation that is making life better for nearly 19,000 Florida children in foster care.

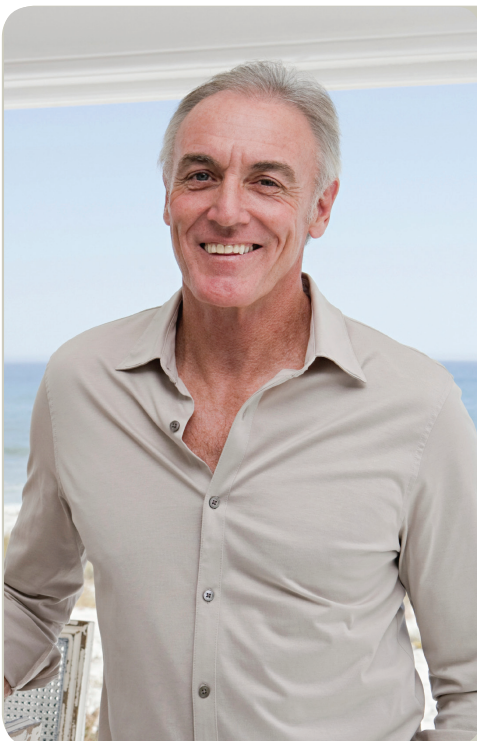
Through these two efforts alone, which you can read more about in this issue, almost 27,000 children's lives have been made better, all by a handful of people working with support from The Florida Bar Foundation and others.

While I am proud of the Foundation's impact on clients young and old, I am always particularly mindful of the importance of the work our grantees do on behalf of children. So, I am also especially grateful to those who support this work, including all of those who give to Children's Legal Services on their Florida Bar annual fee statement or through our end-of-year campaign. This year, I extend my thanks also to Akerman LLP for its gift of \$10,000 to Children's Legal Services in memory of Jim Foster, a highly respected member of their firm.



John Patterson

This year my firm, Shutts & Bowen LLP, joined with the law firms of Carey, O'Malley, Whitaker & Mueller PA, Carlton Fields, Fowler White Boggs PA, GrayRobinson, Hill Ward Henderson, and Holland & Knight LLP, to underwrite an ad in *Florida Trend* urging readers to contribute to Children's Legal Services by giving online at www.floridabarfoundation.org/kids. I would like to close by extending that invitation to you with a guarantee that 100 percent of your contribution will go toward helping Florida children in need of legal help, whether as individuals or by the thousands.



Today Jim Nelson changed a child's life

By taking 3 minutes to give to The Florida Bar Foundation's Children's Legal Services grant program, Jim told a child he cares. It's that simple.

Why don't you take 3 minutes and change a life?

The Florida Bar Foundation funds Children's Legal Services projects to protect the legal rights of foster children and children with special-education, mental-health and medical needs. Every dollar you contribute goes to support these projects.

Please give at:

www.floridabarfoundation.org/kids

Akerman LLP remembers Jim Foster with \$10,000 gift designated for Children's Legal Services

During his 16 years at Akerman LLP, Jim Foster was someone colleagues and friends often turned to for advice.

"He was very much a mentor to younger lawyers and even to more experienced lawyers," said Charles Brumback, managing partner of the Orlando office. "Having practiced for 40 years, he had a wealth of experience, and his background was such that if you asked Jim a question he had probably done it, and if he hadn't done it, he knew somebody who had. So people were very quick to seek him out and ask for his advice on a variety of topics, legal and otherwise."

When Foster passed away March 16 at the age of 65, the firm decided to honor him with a \$10,000 memorial gift to The Florida Bar Foundation designated for its Children's Legal Services Grant Program, which funds projects to protect the legal rights of foster children and children with special-education, mental-health and medical needs. The Foundation established the program in the early 1990s to create and energize a statewide network of children's legal services providers.

"In our view, this was an opportunity to make something good happen out of a very, very sad situation. We found an excellent, if not the perfect recipient for this contribution," Brumback said. "The program's goals and accomplishments are directly in line with Akerman's mission to make a difference in the community, particularly in the areas of education and youth development. And it's a fitting tribute to Jim, given his passion for the law and for helping others."

A graduate of the University of Miami School of Law, Foster joined Akerman in 1997 as a partner in the Orlando office. He was a member of



COURTESY OF AKERMAN LLP

Jim Foster is remembered by his colleagues at Akerman LLP as a friend and mentor whose door was always open. Upon his death in March, the firm made a gift to The Florida Bar Foundation's Children's Legal Services Grant Program, which funds projects throughout Florida that protect the legal rights of foster children and children with special-education, mental-health and medical needs.

the firm's Litigation and Bankruptcy & Reorganization practice groups and served as lead counsel for several Fortune 500 companies across the United States in matters involving a wide range of complex business disputes.

"Our clients and the firm benefited not only from Jim's superb acumen, but also from his uncompromising integrity, warmth and generosity of spirit," Brumback said. "He was a good friend to many of us, and this contribution is an expression of Jim's lasting legacy to our firm and the communities we serve."

Foundation President John Patterson expressed his appreciation for Akerman's support of Children's Legal Services. In addition to the firm's gift, a number of Foster's coworkers and friends made their own memorial contributions to the Foundation.

"We are grateful that they chose to honor their colleague in this way," Patterson said. "Their gift will benefit many children in need of the kind of help only a lawyer can provide."

"We found an excellent, if not the perfect recipient for this contribution.

The program's goals and accomplishments are directly in line with Akerman's mission to make a difference in the community, particularly in the areas of education and youth development."

– Charles Brumback
Managing Partner, Orlando office,
Akerman LLP



“I realized that not only am I changing things for myself – like now at my home I don’t have to get background checks – but I am changing things beyond that, for other children in the future.”

**– Manushka Gilet
Florida Youth SHINE member**

mind getting fingerprinted and having background checks before they could hang out at their homes.

“It makes you feel like you are an outlier, like you are not a part of something, like you are missing out on something that could be a wonderful experience,” Gilet, 17, said of the system of rules that had long governed Florida’s foster youth. “It inhibits us from excelling at anything, finding our niche, finding that place we feel comfortable in, finding ourselves.”

But through Florida’s Children First and a program called Florida Youth SHINE, Gilet helped change the system for the better.

Florida Youth SHINE is a youth-run organization that empowers current and former foster youth to become leaders and advocates within their communities. It is supported and advised by Florida’s Children First, which received a Children’s Legal Services grant of \$124,504 from The Florida Bar Foundation in 2012-13 for its Children’s Systemic Initiative. The multi-faceted initiative focuses on improving the lives of youth, particularly those in the dependency system, through the development and dissemination of information resources and through efforts to influence public policy. Florida Youth SHINE is a key part of the initiative.

Gilet was one of more than 40 members of Florida Youth SHINE who traveled to Tallahassee during the 2013 legislative session to make their voices heard on two important pieces of legislation for foster youth.

SB 164, known as the “normalcy bill,” established that caregivers could apply a “reasonable and prudent parent” standard in deciding whether to allow a child in foster care to participate in extracurricular activities. It also protected them from liability. Meanwhile, SB 1036 gave foster youth the option of staying in care until age 21, whereas previously they aged out of the system at 18 even though

that meant that 30 percent of foster youth were essentially on their own before graduating from high school.

The loss of stability for kids aging out at age 18 can have serious consequences. A 2005 study by the Chapin Hall Center for Children at the University of Chicago found that by age 19 one in seven former foster youth had experienced homelessness, while 25 percent could be categorized as food-insecure and 20 percent had been incarcerated. Meanwhile, those remaining in care were twice as likely to be enrolled in an educational program.

When talking to legislators about the importance of these issues to kids like her, Gilet felt she could almost see inside their heads.

“You could physically see it sink into their minds, through the emotion on their faces, and there was that moment that they were empathizing with us,” Gilet said. “Naturally, after they thought about it, they all agreed, and they said, ‘Wow. This needs to change.’ ”

And change it did. Both bills championed by Florida Youth SHINE passed with overwhelming bipartisan support. The vote on the normalcy bill was unanimous in both chambers.

“The personal testimony by the Florida Youth SHINE young people is what got this bill passed this year. Hearing their stories and meeting them in person certainly made me want to be their champion,” said Sen. Nancy Detert, R-Venice, Senate sponsor of the bill extending foster care to age 21. “In fact, it was an honor and a privilege to carry the bill for foster-care expansion. I hope they learned the lesson that one person really can make a difference.”

Gilet definitely learned that lesson. She called the experience “life-changing” and feels it has set her on a more determined course for her life.

“I realized that not only am I changing things for myself – like now at



Members of Florida Youth SHINE with Sen. Nancy Detert, center, in her Tallahassee office.

my home I don't have to get background checks – but I am changing things beyond that, for other children in the future," Gilet said.

"If a group of individuals tries to reach for a goal, it's very possible, no matter child or adult. It kind of opened

my mind to different prospects for myself and other individuals that also got to experience what I experienced. Although foster care isn't easy, I am grateful for the system. I've grown a lot in it."

All told, Florida Youth SHINE members attended 14 legislative

committee meetings in 12 weeks and met with more than 60 legislators, according to Florida's Children First Executive Director Christina Spudeas. They also prepared through intensive sessions in which they studied up on the branches of government and how a bill becomes law and learned how to advocate.

"These kids worked on this for three years. We went to the Legislature three years in a row. Having those kids' voices, it made the difference this year," Spudeas said, adding that the Foundation's support was critical as well.

"The Florida Bar Foundation was instrumental in the establishment of Florida's Children First and Florida Youth SHINE. Its initial funding and continued support has given the opportunity for both organizations to make positive systemic changes and to advance the voice of the youth."

Lawyers partner with libraries in innovative pro bono effort

As fallout from the recession lingers, legal problems from foreclosure to divorce continue to haunt low-income Floridians just as the resources of legal aid organizations dwindle, which is why volunteer efforts got more innovative than ever during Celebrate Pro Bono Week, Oct. 20-26.

Through a new outreach effort, lawyers from the Panhandle to the Keys volunteered their time in 70 local libraries educating librarians about free, online legal resources in Florida and how to access those resources to help patrons meet their legal needs. Lawyers also talked directly with library patrons about available legal resources, how to find and choose a lawyer, tips for going it alone in court, and why access to justice is important to local communities.

"It would be super if we had the resources and the people to handle all of the legal problems of the folks who qualify for our services, but we don't," said Kathy Grunewald, attorney and statewide training director for Florida Legal Services.

"This is one way that we can promote their access to justice in Florida, because there is right now in Florida a justice gap. So many people are coming to court nowadays without representation — often not knowing what documents or other information they need — that it is causing the court system to slow down. Through this great partnership with our library system, we can reach people in the place they are used to coming for reliable information: their local public library."

The Florida Lawyers in Libraries program was supported by Florida Legal Services Inc., The Florida Bar Foundation, the One Campaign, the Standing Committee on Pro Bono Legal Services of The Florida Bar, the Florida Pro Bono Coordinators Association, The Florida Bar Young Lawyers Division, the Florida Library Association, and Florida's Division of Library and Information Services.

Grunewald plans to make the Lawyers in Libraries program an annual event and expand it to include Law Day presentations in May.

"It would be super if we had the resources and the people to handle all of the legal problems of the folks who qualify for our services, but we don't. This is one way that we can promote their access to justice in Florida, because there is right now in Florida a justice gap."

– Kathy Grunewald
Attorney & Statewide Training Director
Florida Legal Services

Project that secured Medicaid benefits for autistic children receives inaugural Paul Doyle Children's Advocacy Award

A Miami-based legal aid project that enabled more than 8,000 autistic children to gain coverage under Florida Medicaid for the only effective, evidence-based treatment for their condition was recognized with the first Paul Doyle Children's Advocacy Award by The Florida Bar Foundation at its Sept. 20 board meeting.

The first-place "Children's Autism Treatment Project" was a collaboration involving attorneys Miriam Harmatz and Besty Havens of the Miami office of Florida Legal Services Inc., Monica Vignes-Pitan of Legal Services of Greater Miami Inc., and pro bono attorney Neil Kodsi of the law firm of Alderman & Kodsi.

The attorneys filed a federal lawsuit on behalf of three autistic Miami children who had been denied coverage under Florida Medicaid for applied behavior analysis (ABA) therapy. While state law has required private insurers to cover ABA therapy for autistic children since 2008, Florida's Medicaid program had continued to deny coverage by claiming, among other things, that the therapy was "experimental."

On March 26, 2012, U.S. District Judge Joan Lenard issued a permanent injunction ordering the state of Florida to begin providing coverage of ABA for all children on Medicaid diagnosed with an autism spectrum disorder.

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

Florida Legal Services and Legal Services of Greater Miami shared a \$5,000 award from The Florida Bar Foundation.



Monica Vignes-Pitan of Legal Services of Greater Miami Inc., left, and Miriam Harmatz of Florida Legal Services Inc. accepted the Paul Doyle Children's Advocacy Award from Judge William A. VanNortwick Jr., chair of the selection committee.

First and second runners-up received \$3,000 and \$2,000, respectively. The Florida Bar Foundation, which provides about 25 percent of the total funding for more than 30 legal services organizations covering all 67 Florida counties, made the projects of all the applicants for the award possible.

The Florida Institutional Legal Services Project of Florida Legal Services was second runner-up for "Deinstitutionalizing Florida's Children," a project that strives to keep children with mental and behavioral health issues in community-based care rather than juvenile or adult prisons, where they are sometimes housed in extended solitary confinement.

The Miami-based Americans for Immigrant Justice was second runner-up for its "Children's Legal Project," which champions the rights of immigrant

children in detention or foster care, or living in the community without a parent or guardian.

The award, which will be given biennially, honors Paul C. Doyle, who as director of The Florida Bar Foundation's Legal Assistance for the Poor and Law Student Assistance Grant Programs initiated a Children's Legal Services Grant Program in response to an identified need for representation of Florida's low-income children. Doyle retired June 30 at the age of 77 after 22 years at the Foundation. The award was created at the suggestion of the Foundation's Children's Legal Services grantees.

"We are so pleased that our grantees thought to honor Paul in this way and are especially grateful to Jodi Siegel of Southern Legal Counsel for putting forward the idea," said Florida Bar Foundation President John Patterson.

Protecting the legal rights of Florida's migrant farmworkers

Pedro Hernandez Perez, 51, has had his wallet stolen twice — once from a migrant farmworker boarding house and the second time on a bus.

"They took my money and my documents and left me without anything," Perez said.

Each time he was robbed Perez had to apply for replacement of his Green Card so he could return to spending long, hot days in fields up and down the East Coast picking tomatoes, cucumbers, green peppers and watermelon. It's the only kind of work he's ever known.

"He's had a lot of bad luck," said Colin Abbott, managing attorney of the migrant unit at Florida Rural Legal Services (FRLS) in Ft. Myers, Fla., which helped Perez obtain replacement documents.

Bad luck is in plentiful supply in the migrant community. It just takes a few hours at the FRLS Immokalee outreach office to figure that out. Outside the multi-purpose Amigo Center in downtown Immokalee, an hour southeast of Ft. Myers, chickens peck at the grass and clients gather. It's Wednesday, when legal help is available all day in English, Spanish and Haitian Creole.

Louis Jean Francois, an easy-going Haitian-American with a ready smile, walks in showing a scar on his right arm from where a drunken crew leader stabbed him after Francois asked him to return some money he'd borrowed. Having sought medical treatment and filed a police report, Francois was promptly fired upon returning to work, while the crew leader remained employed at the Virginia farm. Back in Immokalee a few weeks ahead of the fall harvest, he has been denied the unemployment compensation he needs to tide him over.

Next comes Myriam Seide, who was also denied unemployment compensation after the packing house where she'd been

working closed for the summer season. Abbott has helped Seide several times before, including once when he obtained a settlement for her in a federal employment discrimination case, and another time when she was a victim of wage theft.

By handling these bread-and-butter issues, Abbott and his team help put a floor under the precarious living standards of a labor force that is critical to the success of Florida's agriculture industry.

And while most growers play by the rules, those who violate them sometimes do so in shocking ways.

FRLS attorney Amanda Caldwell has worked on two multi-client human trafficking cases. In one, a group of 30 or 40 workers had their documents taken from them, were being threatened with deportation, were being paid next to nothing and were meanwhile charged for their food and housing in what amounted to indentured servitude.

"We've definitely brought attention to human trafficking," said Caldwell, who is now helping some of the victims obtain permanent residency.

Along with non-lawyer outreach workers, Abbott, Caldwell and fellow attorney Andrea Ortega fan out across Florida's rural communities, meeting migrant workers where they congregate, participating in community events so as to establish a presence, and pulling public records to find out when large groups of foreign guestworkers have arrived to work the harvest. While working to protect the rights of foreign and permanent resident laborers throughout Florida, the unit also works with local one-stop employment offices to ensure that U.S. workers are given first crack at farm work before clearance is given for guestworkers to be brought in, as the law requires.

Helping one group helps the other because it improves the system, Abbott said.



Colin Abbott, managing attorney of the Florida Rural Legal Services migrant unit, talks with client Myriam Seide.

"Our clients are often the most disenfranchised, unprotected community no matter if they are American or guestworkers," Abbott said. "When you enforce the rights of a group who is part of the whole, then you are increasing the rights of all the workers."

To that end, FRLS works closely with the Florida Legal Services Migrant Farmworker Justice Program, a Florida Bar Foundation grantee headquartered three hours to the east in Lake Worth, Fla.

"I think our greatest impact is making a difference on the statewide farmworker community level through our education of farmworkers as to what their rights are," Abbott said. "We are empowering them. We are having an impact on them individually, on their families, on their coworkers."

The Florida Bar Foundation provided FRLS a general support grant of \$247,460 in 2012-13 to provide legal assistance to rural Floridians, migrant farmworkers included, as well as \$242,000 to help prop up legal aid attorney salaries. About two thirds of the organization's funding, meanwhile, comes from the federally funded Legal Services Corporation.



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FOUNDATION FACTS

The Florida Bar Foundation is the only funder linking 31 legal services programs in Florida to form a comprehensive, statewide legal services delivery system. Of \$87.12 million received by Florida legal services organizations in 2012, \$21.88 million, or 25.1 percent, came from The Florida Bar Foundation. Foundation grantees documented direct dollar benefits to clients totaling more than \$65 million in 2012 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 89,720 cases in 2012.

SPEAKING OF JUSTICE

CONTACT THE FOUNDATION

(407) 960-7000

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

EXECUTIVE

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

COMMUNICATIONS

Nancy Kinnally, Director of Communications
nkinnally@flabarfdn.org

FINANCE & IOTA OPERATIONS

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

Lushawn Phillips, IOTA Operations Manager
lphillips@flabarfdn.org

GRANTS

Melissa Pershing, Director, Legal Assistance for the Poor & Law Student Assistance Grant Programs
mpershing@flabarfdn.org

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



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