

To: The Board of Directors of The Florida Bar Foundation

The Board of Directors of The Florida Bar Foundation, its strategic reset committee and a select group of others have been engaged in serious and meaningful deliberation for some time regarding a Foundation strategic reset. The time has come to capture the essence of many hours of difficult and far-ranging conversation. This report is intended to articulate the directions that will guide our future and our partnerships with the many stakeholders in Florida and throughout the country committed to access to justice.

We have asked a handful of experienced leaders to help us review this report and provide valuable insight and perspective, trusting their wisdom to help us craft a clear and concise message. We offer this Strategic Reset report for their review as well as for review of the Foundation's Strategic Reset Committee and our Board of Directors.

While much remains to be done, we are proud of the Florida Bar Foundation's many achievements thus far. Our proud history is second to none. The Foundation is prepared to continue its mission to provide greater access to justice in Florida. We stand ready, willing and able to embrace inevitable, imminent and, in many ways, exciting, change.

We commend this report for your consideration.

Respectfully,

**Dominic C. MacKenzie**  
Immediate-Past President  
Chair, Strategic Reset  
Committee

**Matthew Brenner**  
President

**Jewel White**  
President-elect

**Bruce B. Blackwell**  
Executive Dir/CEO

**Melissa A. Moss**  
Deputy Dir/Strategic Initiatives

The Strategic Reset Committee of The Florida Bar Foundation, including a Review Subcommittee:

Darryl M. Bloodworth, Past President, The Florida Bar Foundation  
John Patterson, Past President, The Florida Bar Foundation  
Hala Sandridge, Second Vice President, The Florida Bar Foundation  
Hon. William Van Nortwick, Jr., Past President, The Florida Bar Foundation  
Richard Woltmann, Chief Executive Officer/President, Bay Area Legal Services<sup>1</sup>

---

<sup>1</sup> Mr. Woltmann respectfully recused himself during the reading and proofing process of this report.

## **Executive Summary**

The Florida Bar Foundation, a charitable organization whose mission is to provide greater access to justice, has recognized for the past decade that even with its highest levels of funding, only a fraction of the legal needs of the poor are being met. As a result, on June 16, 2016, The Florida Bar Foundation Board of Directors unanimously resolved to execute a strategic reset which continues its role as a source of funds and expertise and furthers its role as a strategic leader and catalyst for increased access to justice for all.

Three strategic directions are recommended to provide guidance regarding The Foundation's investments in time, energy, and funds for the next five years:

- I. Maximize the impact and effectiveness of civil legal assistance provided to low and moderate income individuals and communities in Florida.*

Collaborations and partnerships will need to be built by grantees with other nonprofit and social services organizations. Sharing and adopting best practices will be key. Grantees will be expected to invest in technology, internal operations, and other systems to support their mission and programs.

- II. Expand the role of the Florida Bar Foundation as an expert facilitator of effective civil legal assistance for low and moderate income individuals and communities in Florida.*

The Florida Bar Foundation has expertise and experience in grant applications, resource development, technology, and crisis communications which is shared with grantees. Expanding this role will require collaboration with strategic partners, developing and sharing the narrative, and expanding its communications program.

- III. Serve as a catalyst for broad-based, systemic change and innovative solutions to reduce and eliminate the justice gap in Florida's civil justice system.*

Current funding levels limit The Foundation's ability to address the overall lack of access to justice for most of Florida's citizens. Updating the delivery system to be client-centered, with measurable results is the goal. Rethinking the historical regional approach to a more targeted investment approach is underway. There are gaps in statewide advocacy that need to be addressed and filled. The Foundation will study those gaps and build plans to address them. We will also adapt to the changing legal delivery system as a way to foster our mission. This document details below more specifically the background and methods for the strategic reset.

# **THE FLORIDA BAR FOUNDATION STRATEGIC RESET**

## **The Florida Bar Foundation Mission**

Established in 1956, the Florida Bar Foundation is a charitable organization whose mission is to provide greater access to justice in Florida.

The Foundation currently pursues its mission through grant making, capacity building, projects and initiatives designed to:

- Expand and improve representation and advocacy on behalf of low-income persons in civil legal matters;
- Improve the fair and effective administration of justice; and
- Promote public service among lawyers by making it an integral component of the law school experience.

As presently structured, the Foundation pursues its mission and purposes primarily through a very traditional grant making process whereby the Foundation provides monies to grantees who deliver services to targeted projects and vulnerable populations. In addition, the Foundation has provided training and guidance to local grantees and has monitored and evaluated programs for best practices and outcomes which the Foundation then shares with other programs.

Historically, the monies used to fund grantees was derived from monies the Foundation received from Interest on Trust Accounts (IOTA Funds). However, at the historical height of IOTA funding revenues, studies showed that roughly only 20% of the unmet legal needs of the poor were being met.<sup>2</sup> And then came the Great Recession, resulting in, among other misfortunes, a mortgage foreclosure crisis. This had two major negative impacts on IOTA revenues resulting in the virtual eradication of the Foundation's primary funding stream:

- 1) The real estate market contracted resulting in a near cessation of real estate purchases and at greatly reduced prices. This meant that there were less monies being held in legal trust accounts generating interest and resulting IOTA revenues; and

---

<sup>2</sup> Documenting the Justice Gap In America: The Current Unmet Civil Legal Needs of Low-Income Americans, An Updated Report of the Legal Services Corporation, September 2009. [www.lsc.gov/sites/default/files/LSC/pdfs/documenting\\_the\\_justice\\_gap\\_in\\_america\\_2009.pdf](http://www.lsc.gov/sites/default/files/LSC/pdfs/documenting_the_justice_gap_in_america_2009.pdf)

- 2) The United States Federal Reserve, in response to the financial crisis, cut interest rates to virtually zero percent. Thus, with a lower interest rate being applied to already diminished trust account balances, the negative impact was compounded.

Here in Florida, annual IOTA revenues averaged approximately \$44 million per year before “the Great Recession” in 2008. Currently, the Foundation receives approximately \$5.5 million per year in IOTA revenues. And, as cited above, \$44 million represented an amount that allowed the Foundation and its grantees to touch about 20% of the unmet legal needs of the poor.

Viewed another way, Florida’s population exceeds 20 million, of which at least 3.1 million people live at or below the poverty level.<sup>3</sup> Currently, there are 410 legal aid lawyers devoted to civil legal aid for the poor. Thus, the ratio between legal aid lawyers and the poverty population is about 1/7,500. This ratio includes only those persons living at or below the poverty level.<sup>4</sup> It does not include the working poor and others whose incomes exceed federal poverty guidelines, but who do not have the money to afford a lawyer.

Similarly, \$44 million dollars in funding equates to about \$14 per every person living at or below the poverty level. Assuming each legal aid lawyer could see each of the lawyer’s 7,500 clients, this sum represents about 3 minutes of an attorney’s time if that attorney’s rate is \$280 per hour.<sup>5</sup> \$5.5 million dollars (current IOTA funding) equates to \$1.77 for each such person. The hourly rate would have to be dropped to \$35.40 in order to give each person living in poverty 3 minutes of an attorney’s time to address their legal crisis.

---

<sup>3</sup> As of July 1, 2016, Florida’s total population was 20,612,439. See <https://www.census.gov/quickfacts/table/IPE120215/12>. Of that amount, 20.7% (4,226,774) are children under the age of 18 of which 883,222 or 24% live in poverty. Elders more than 65 years older comprise 19.4% of the population while 10.5% of that population (419,8750) live at the poverty level. 1 in 10 Floridians are Veterans according to the Housing Assistance Council. 7.4% of that amount, or 113,859 live at the poverty level.

<sup>4</sup> The total population of Florida living at 125% of the established poverty level (and therefore eligible for current LSC funding) is 4,264,880. <http://www.lsc.gov/service-area-demographics>. This means 20.69% or 1 in 5 in Floridians live at this level. And using this number, the ratio between legal aid lawyers and the poverty population is more than 1/10,000.

<sup>5</sup> While the Foundation does not receive funds from the Legal Services Corporation (LSC), LSC funding for the state currently approximates \$21.9 million per year (Florida State Profile, LSC - Funded Programs in Florida <http://www.lsc.gov/state-profile?st=FL>). This equates to just under \$7 per person living in poverty per year. As referenced above, these figures do not include the working poor whose incomes exceed federal poverty guidelines, but who do not have the money to afford a lawyer.

In addition, Florida is one of three states that do not provide funding for civil legal assistance.<sup>6</sup> It is therefore unequivocally clear that funding alone has never been, and will never be, the sole solution. Resources other than increased funding need to be developed in order to adequately address the problem and confront the challenge. For starters, it is unrealistic to assume funding will be increased in significant amounts. And even if funding were increased to past high levels, if historical methods and approaches remain in place, the need would still go largely unmet and untouched for close to 80% of Florida's most vulnerable population.

The Florida Bar Foundation has been acutely aware of this situation for nearly a decade. Since at least July 2008, the Foundation recognized an imminent danger relating to America's mortgage practices and began assessing the impact of a "housing bubble burst" on the overall economy and consequently, on IOTA funding revenue streams. In addition, the Foundation recognized that even the highest funding levels achieved were meeting only a small fraction of the existing unmet legal needs of the poor. A different approach was needed.

As predicted, the economy significantly slowed, mortgage foreclosures skyrocketed and unemployment rates surged. Not only did this lead to the greatest recession ever experienced in United States' history, but it exacted a large toll on legal aid providers as the demand and need for civil legal assistance increased exponentially while funding sources dried up.

The Florida Bar Foundation, through wise stewardship and prudent planning, set aside reserves which allowed it to maintain nearly 100% funding to its grantees for five years. By all known accounts, no other state bar foundation was able to provide such reserve funding for that length of time. However, economists and monetary experts did not predict that the economy would stagnate for at least 8 years, which it did. Thus, despite having the most reserves than of any other bar foundation in the nation, the Foundation's reserves ran out. Interest rates remained suppressed which resulted in substantially decreased IOTA funds. Consequently, the Foundation had to drastically cut its funding to its grantees and even borrowed money from The Florida Bar to explore and encourage the development of technological solutions to the access problem plaguing all of Florida (and the United States).

---

<sup>6</sup> With a bipartisan majority, Florida passed the Florida Access to Civil Legal Assistance Act in 2002. This act had been funded each year except one since the Act's inception until 2010 when legislative appropriations were vetoed four years in a row. No state funding has been appropriated since.

Along with a recessed economy, other realities have appeared. These include a changing legal marketplace with different delivery models; emerging technology; and a changing dynamic and resulting expectations from both a consumer, governmental and professional standpoint.

As such, three points are now apparent:

1. If access to justice for all is to be achieved, both the civil justice system and the legal aid system must change dramatically;
2. IOTA revenues will increase slowly, if at all, for the foreseeable future; and
3. The role of foundations in the United States is changing. Traditional grant making is no longer the model or norm. This includes IOTA programs.

Taken together, these and other circumstances demand a reconsideration of our traditional grant making role and business model. Not only must we examine our operations and business model, but we must also study the legal services delivery model as a whole and be ready, willing and able to lead and assist in the inevitable and imminent changes forthcoming.

### **The Strategic Reset**

On June 16, 2016, The Florida Bar Foundation board of directors voted unanimously to approve the following resolution:

*RESOLVED, The Florida Bar Foundation should execute a "strategic reset" and establish itself as not only a source of funds and expertise, but as a strategic leader and catalyst in the cause of increased access to justice for all. Its primary goal in the immediate future should be to serve as an agent of rapid, effective and high-impact change.*

The goals and objectives of the strategic reset are self-evident from the Board's resolution. In addition to being a funder and information resource, the Foundation should be a strategic leader and catalyst for increasing access to justice for everyone. And its primary goal is to serve as an agent of rapid, effective and high-impact change in the effort to increase everyone's access to justice.

In order to accomplish these goals, current funding and delivery models and grant evaluation methods must be carefully reviewed and examined. Such examination and evaluation must be comprehensive and thorough. For instance, needs assessments and competency levels must be determined. In addition, actual results, benchmarks, measurable outcomes, efficiencies, redundancies and accountability measures need to be studied and changed where necessary. Resource allocation and distribution needs to be coordinated as well.

Best practices and successes need to be replicated and encouraged and technology needs to be embraced and harnessed. The Foundation also needs to review and expand its knowledge base and abilities to draw on other available resources. It is also critical for the Foundation to identify all competent, available and assistive resources and insure that such resources are used in the most efficient and effective manner possible without duplication by the Foundation or its grantees.

Importantly, the Foundation needs to be clear in both its message and its messaging. Its approach should be client/consumer-oriented for the betterment of the public and its access to the judicial system.

The working poor are to be included in light of the changing legal landscape and the reality that most Floridians simply cannot afford an attorney.

Given the fact that there will never be enough lawyers nor sufficient funds, the Foundation must be a leader in developing an improved, more accessible and more efficient delivery model. This should include the development, coordination and implementation of technology tools which are accessible, user-friendly and understandable. The Foundation needs to foster, create, promote and distribute programs that not only help lawyers help others with their civil legal needs, but also programs that help people help themselves when possible and practical.

### **The Florida Bar Foundation's Strategic Directions**

If adopted by The Florida Bar Foundation Board of Directors, three strategic directions will guide The Foundation's investments of time, energy and funds for the next five years:

- I. Maximize the impact and effectiveness of civil legal assistance provided to low and moderate income individuals and communities in Florida.

- II. Expand the role of the Florida Bar Foundation as an expert facilitator of effective civil legal assistance for low and moderate income individuals and communities in Florida.
- III. Serve as a catalyst for broad-based, systemic change and innovative solutions to reduce and eliminate the justice gap in Florida's civil justice system.

The specific strategies intended to support these strategic directions will be developed and will evolve over time as the circumstances warrant.

### **Strategic Direction One**

**Maximize the impact and effectiveness of civil legal assistance provided to low and moderate income individuals and communities in Florida.**

The Foundation's overarching objective is to assist everyone in increasing access to justice.

As to its existing grantees, the Foundation's objective is to enable and empower them to become self-sustaining and independent.

To gain support from the Foundation, all potential grantees must make the case for how they add value to the delivery of legal services. They must focus on what they do best to advance their mission, articulate a concrete case for support, demonstrate need, and measure how they generate impact.

They must also collaborate and build meaningful partnerships with other nonprofits and social service agencies serving low-income and vulnerable populations to solve complex social and economic problems. They must be prepared to share their best practices, successes, and lessons learned from their outcomes. They must also be committed to allowing other grantees, non-profits, and social service and governmental agencies to provide other services to their constituents or populations served; especially if such other parties are equally or better able to do so.<sup>7</sup> Finally, they must invest in the internal operations, technological and other systems needed to support their mission and programs. This includes: sufficient professional development efforts to diversify and sustain their funding; and insuring staff is using existing technologies proficiently while willing and prepared to learn and take advantage of new ones.

---

<sup>7</sup> In short, limited resources demands avoidance of redundancies and a commitment to preserving resources to serve those who are truly underserved or not served at all.

The core message to all future grantees is: Competency, Capacity, and Collaboration. The Foundation will invest in:

- Projects, initiatives and organizations that have a clearly focused mission supported by demonstrated need and goals, objectives and outcomes that are both clear and measurable;
- Organizations that have the scale to deliver high-quality services effectively and efficiently and that are sustainable, including having the capacity to attract other funding while using best nonprofit management and operational practices; and
- The creation and maintenance of effective local, state and national alliances, coalitions, networks and partnerships to improve the justice system and its accessibility.

### **Strategic Direction Two**

**Expand the role of the Florida Bar Foundation as an expert and facilitator of effective civil legal assistance for low and moderate income individuals and communities in Florida.**

The Florida Bar Foundation must be willing to continue to share its expertise on issues affecting access to justice and the provision of civil legal services. It should also expand its efforts to serve as a resource to key stakeholders including the legislative, executive and judicial branches of government, the business community, other funders, legal and social services providers, law schools, local bar associations, professional and fraternal organizations, the philanthropic community, and all others. We should seek to liaison with other legal aid grantees, social justice organizations, states, and national and international organizations.

As to The Florida Bar, The Foundation should continue to be a resource for information and a partner in its initiatives to increase access to justice. The Foundation should continue to identify and share best practices with The Florida Bar and others to avoid redundancies, conflicts and wasted effort. It should assist the Bar in its statewide efforts, collaborate and partner on projects consistent with our core mission principles, and implement and oversee project initiations as needed or requested. The Foundation's objective should continue to complement, not compete with working lawyers seeking to provide greater access to courts.

The Foundation's objectives with respect to its interaction with the justice system are identical to those with The Florida Bar. The Foundation should endeavor to increase and expand its knowledge base and it must be constantly ready and willing to assist in the effort to decrease the justice gap in Florida and the United States.

The Foundation has significant expertise and experience. For instance, many people, including grantees, already reach out to Foundation staff for expert assistance with grants, resource development, technology, and crisis communications. In addition, the Florida Commission on Access to Civil Justice relies on staff for research and messaging assistance. The Standing Committee on Pro Bono benefits from the assistance of the Foundation's staff who provide free assistance. Staff and members of The Florida Bar's leadership consider the Foundation as a partner.<sup>8</sup>

To expand our role, The Foundation should:

- Seek out collaborative relationships or strategic partnerships with other entities, including funders;
- Use economic impact, legal needs assessment, and outcomes data to develop and share a compelling narrative with key messages that highlight and demonstrate its expertise, knowledge and willingness to lead; and
- Expand its communications program to increase awareness of the Foundation's expertise.<sup>9</sup>

---

<sup>8</sup> In the last 2 years, Florida Bar Foundation staff members in every department have been invited to serve on panels or present at the national IOTA Workshops, the Legal Aid Fundraising Conference, LSC's Technology (TIG) conference, the Self Represented Litigation Network (SRLN) conference, the ABA/NLADA Equal Justice Conference, The Florida Philanthropic Network (FPN) Summit and local bar continuing legal education sessions.

<sup>9</sup> The awareness strategies currently being used and/or under consideration include: strategically increasing our presence on social media; tweeting in our area of expertise; sharing relevant articles, white papers or videos from other experts; writing blogs on a consistent basis to showcase knowledge and promote expertise; seeking opportunities to speak at meetings, conferences, conventions, podcasts and webinars; writing articles pertaining to our area of expertise for news outlets, law journals and other professional publications; hosting workshops or webinars; and attending conferences related to our expertise to network, connect with other people and actively seek out new information and opportunities for sharing.

Further, Florida's legal aid community has not yet fully developed a viable legal aid "brand" that is well known or that has realized its full potential. Garnering support from other sources in local communities is an important element in this endeavor. The Foundation should consider targeted funding to build system capacity to leverage financial, human, and other resources. Partnering with law firms, corporations and foundations - both in Florida and nationally - should be explored for direct financial support, pro bono support and influence. This capacity building will include support for communications, branding and messaging, as well as promoting partnership models with other types of community-based organizations that can broaden the visibility of legal aid, attract new resources and increase community impact.

### **Strategic Direction Three**

**Serve as a catalyst for broad-based, systemic change and innovative solutions to reduce and eliminate the justice gap in Florida's civil justice system.**

The Foundation should be an agent of change.

Because of limited funds and a recognition that the delivery model needs to be updated and changed, the Foundation should foster change that is more comprehensive, broader in overall scope, more responsive to Floridian's needs and, hopefully, more enduring. Consequently, the Foundation should support initiatives that will contribute to improvements at a system or sector level and result in increased access and better outcomes for individuals, families and communities.

All efforts should be client-centered and designed to achieve actual results measured in substantive outcomes with priority given to systemic or sector level initiatives. This could include focusing on statewide initiatives, impact advocacy and systemic change efforts. For example, providing pilot or seed money for innovative projects or replicating and scaling projects that have proven to be effective elsewhere may be in order.

Another effort could involve reaching into the roots of communities and empowering its people. As an aside, community lawyering<sup>10</sup> that supports community-led change represents both a new paradigm and a return to the roots of legal aid.

---

<sup>10</sup> Community Lawyering encompasses a wide range of community-building and advocacy-related activities whereby advocates contribute their legal knowledge and skills to support community-identified initiatives that support lasting changes. Ellen Hemley, Supporting Local Communities

In addition, an evaluation of the regional approach to the delivery of legal services to low and moderate income Floridians is in order. This approach divides the state into regions, and funding in the past has been based on the low income population in each region. We need to acknowledge the possibility that this approach has not worked as intended. Consideration of a shift to a more targeted investment approach should be given. This shift could be accomplished in a number of ways including:

- Identification and support of impact advocacy organizations that have the leadership, legal talent, organizational infrastructure, funding base, clear commitment and measurable results needed to pursue and sustain a full range of legal and policy advocacy.<sup>11</sup>
- Targeting of all grant funding to advocacy directed at reforming systems and structures that impact low-income people and communities, along with providing legal assistance to client groups that LSC-funded organizations are prohibited from assisting.<sup>12</sup>
- Supporting LSC-funded providers in different ways, such as providing donor challenge funding (i.e. matching dollars for monies raised in a time limited period and/or matching funds required by other grant funders and/or for specific projects or initiatives for which they agree to be lead agency).
- Conditioning all Foundation investments on demonstrations of need and client (or self-help user) centered approaches to services provided.

---

Through Community Lawyering, 45 Clearinghouse Rev. 505, 505-06 (2012). See also Sargent Shriver, National Center on Poverty Law ("Promoting an expansive view of a legal aid lawyer's role, community lawyering stresses the importance of thinking beyond litigation (while retaining litigation as a vital tool) in addressing the kinds of structural problems low-income communities face. Similarly, Community Lawyering can be organized in conjunction with local community leaders, thus becoming a relationship building exercise in and of itself).

<sup>11</sup> Community outreach and education supported by community lawyering would be considered impact advocacy.

<sup>12</sup> This would result in a discontinuation of funding baseline or core legal services provided by LSC-funded providers. This strategy will need flexibility to respond to changes imposed by the current congress and presidential administration.

- Fostering and requiring collaboration/partnerships among legal aid programs, social service providers and others to fill gaps, avoid redundancies, overlap and inefficiencies and create better and more meaningful results.<sup>13</sup>

In addition, the Foundation currently funds several providers that focus on statewide systemic impact advocacy.<sup>14</sup> The Foundation should identify significant, substantive gaps in statewide advocacy and develop a structure and funding strategy to address these gaps. This could be done by convening and facilitating a planning process to identify and develop a funding and strategic plan to fill the gaps, avoid redundancies and overlap, increase expertise and collaboration, and improve results. This process should include other stakeholders outside of the legal aid community (other foundations, social services and community advocacy groups).

Lastly, the Foundation is cognizant of the imminent changes coming to the legal profession because of advances in technology and marketplace changes. In short, the legal delivery system is changing. The Foundation must be willing to recognize, accept and assist in the oversight of such changes to not only foster the Foundation's mission, but to assist the overall system of justice.

## CONCLUSION

With limited financial resources, the Foundation must draw on its most valuable assets: its people; its proven record of service; its acquired and collective wisdom; and its unwavering commitment to its mission and the rule of law.

From the staff to the board, professionalism and civility are the hallmarks of this organization. Experience and wisdom are the bricks and mortar that makes this organization a "catalytic philanthropist."<sup>15</sup> In the words of Mr. Kramer, four distinct practices make catalytic philanthropists so effective: they have the ambition to change the world and the courage to accept responsibility for achieving the results they seek; they engage others in a compelling campaign, empowering stakeholders and creating the conditions for collaboration and innovation; they use all of the tools that

---

<sup>13</sup> This would mean that legal aid and legal service providers that do not collaborate and sustain meaningful partnerships with other providers will not be funded by the Foundation.

<sup>14</sup> "Impact advocacy" generally focuses on systemic changes rather than advocating on behalf of an individual. Current statewide providers that the Foundation has funded in the past for this type of work include: Florida Legal Services (FLS), Southern Legal Counsel, Americans for Immigrant Justice, Florida Justice Institute, and Florida's Children First.

<sup>15</sup> Mark R. Kramer, Catalytic Philanthropy, Standard Social Innovation Review, Fall 2009.

are available to create change, including unconventional ones from outside the nonprofit sector; and they create actionable knowledge to improve their own effectiveness and to influence the behavior of others.<sup>16</sup>

Throughout the course of its history, the Foundation has exhibited the ambition and courage to improve access to justice by promoting collaboration and innovation. Not only has it used all available tools to implement needed change, in many notable instances, such as the development of IOTA, it has been the one who actually forged and developed those tools for Florida and others.

The Florida Bar Foundation has created actionable knowledge that has improved its effectiveness and influenced the behavior of others. Along the way, it has helped pave the path toward social justice.

The times really are changing. The time for systemic change is now. The present situation demands visionary leadership and the time to lead is now. By realigning its priorities and sharpening its focus, the Foundation is poised to be an agent of positive change through “Catalytic philanthropy.”

-30-

---

<sup>16</sup> Id.

## **ADDITIONAL INFORMATION:**

### **FLORIDA RESET-RELATED**

2016 Memos, FAQ, Webinar Script and Recording and Reference Materials can be found here. <https://thefloridabarfoundation.org/what-we-do/strategic-reset/>

### **ACCESS TO JUSTICE/100% ACCESS**

#### **DOCUMENTING THE JUSTICE GAP IN AMERICA: THE CURRENT UNMET CIVIL LEGAL NEEDS OF LOW-INCOME AMERICANS** An

Updated Report of  
the Legal Services Corporation, September 2009.

[http://www.lsc.gov/sites/default/files/LSC/pdfs/documenting\\_the\\_justice\\_gap\\_in\\_america\\_2009.pdf](http://www.lsc.gov/sites/default/files/LSC/pdfs/documenting_the_justice_gap_in_america_2009.pdf)

**CONFERENCE OF CHIEF JUSTICES/STATE COURT ADMINISTRATORS (CCJ/COSCA) RESOLUTION 5 Reaffirming Commitment to Access to Justice Adopted July 31, 2013** supports the aspirational goal of 100 percent access to effective assistance for essential civil legal needs...includ(ing), but not limited to, expanded self-help services to litigants, new or modified court rules and processes that facilitate access, discrete task representation by counsel, increased pro bono assistance, effective use of technology, increased availability of legal aid services, enhanced language access services, and triage models to match specific needs to the appropriate level of services (also adopted by the Florida Commission on Access to Civil Justice.

[http://www.ncsc.org/~media/Microsites/Files/access/5%20Meaningful%20Access%20to%20Justice%20for%20All\\_final.ashx](http://www.ncsc.org/~media/Microsites/Files/access/5%20Meaningful%20Access%20to%20Justice%20for%20All_final.ashx)

#### **RETHINKING ACCESS TO JUSTICE, JAMES J. SANDMAN, HAWAII ACCESS TO JUSTICE CONFERENCE June 20, 2014**

“Rethinking the service delivery model might be viewed as too hard and as a distraction from the core function of client service. But I believe the undertaking is completely consistent with the goal of client service. When we leave 80 percent of the legal needs of low-income people unmet, when we turn away half or more of those who seek out

service, we have to do something differently.” <http://www.lsc.gov/rethinking-access-justice-james-j-sandman-hawaii-access-justice-conference>

**ACCESSING JUSTICE IN THE CONTEMPORARY USA: FINDINGS FROM THE COMMUNITY NEEDS AND SERVICES STUDY August 2014** Civil justice situations are common and widespread, affecting all groups in the population. 66% (of those surveyed) reported experiencing one or more civil justice situations in the 18 months prior to the survey...yet rarely do they turn to lawyers or courts for assistance.

[http://www.americanbarfoundation.org/uploads/cms/documents/sandefur\\_accessing\\_justice\\_in\\_the\\_contemporary\\_usa\\_aug\\_2014.pdf](http://www.americanbarfoundation.org/uploads/cms/documents/sandefur_accessing_justice_in_the_contemporary_usa_aug_2014.pdf)

**FLORIDA SUPREME COURT COMMISSION ON ACCESS TO CIVIL JUSTICE, FINAL REPORT June 30, 2016** The report documents the significant work and accomplishments of the original study Commission since its establishment in the fall of 2014. It recommends the establishment of a permanent Florida Commission on Access to Civil Justice as a means to build upon the foundation established in the first term.

<https://flaccesstojustice.freshdesk.com/helpdesk/attachments/13009854097>

**CALL TO ACTION: Achieving Civil Justice for All Recommendations to the Conference of Chief Justices by the Civil Justice Improvements Committee** - adopted by the Conference of Chief Justices in July, 2016 The Civil Justice Improvements Committee was formed in 2013 to examine the civil justice system and develop a comprehensive set of recommendations for civil justice reform to meet the needs of the 21st century. The report and recommendations of that Committee were presented to and adopted by the Conference of Chiefs in July, 2016. Call to Action: Achieving Justice for All issues a call to action to the state courts to improve our civil justice system—and a strategic response in the form of thirteen recommendations.

<https://www.ncsc.org/~media/Microsites/Files/Civil-Justice/NCSC-CJI-Report-Web.ashx>

**JUSTICE FOR ALL STRATEGIC PLANNING GUIDANCE MATERIALS, National Center for State Courts, August 3, 2016** What does 100% meaningful access to justice for all mean? A civil justice system that provides a well-integrated and coordinated supporting infrastructure that permits all persons to have effective assistance to solve their civil legal problems. In short, a system that enables everyone

to get access to the information and effective assistance they need, when they need it, and in a format they can use. In particular, incorporating meaningful community integration, preventative services, triage, and

referrals reinforces the idea that there is “no wrong door” through which to enter the legal system. This is especially important as research shows that when those who do not understand they have a legal problem actually seek help, they often go to a wide array of sources for assistance (e.g., churches, social workers, city agencies, etc.).

<http://www.ncsc.org/~media/Microsites/Files/access/Justice%20for%20All%20Guidance%20Materials%20Final.ashx>

**LSC STRATEGIC PLAN 2017-2020 (adopted September 2016)**

<http://www.lsc.gov/sites/default/files/attach/LSC2017-2020StrategicPlan-Adopted092116.pdf>

**ADMINISTRATIVE ORDER CREATING PERMANENT FLORIDA ACCESS TO JUSTICE COMMISSION**, October 10, 2016.

<http://www.flaccessjustice.org/read-the-administrative-order>

**REPORT ON THE FUTURE OF LEGAL SERVICES IN THE UNITED STATES**, ABA Commission on the Future of Legal Services, 2016

[http://www.americanbar.org/content/dam/aba/images/abanews/2016FLSReport\\_FNL\\_WEB.pdf](http://www.americanbar.org/content/dam/aba/images/abanews/2016FLSReport_FNL_WEB.pdf)

**ABA RESOLUTION 102 - URGES ALL STATE COURTS TO DEVELOP AND IMPLEMENT A CIVIL JUSTICE IMPROVEMENT PLAN**, adopted by the ABA House of Delegates on February 6, 2017 the American Bar Association urges all state courts to consider the Recommendations of Call to Action: Achieving Civil Justice for All as appropriate guidance in their endeavors to achieve demonstrable civil justice improvements with respect to the expenditure of time and costs to resolve civil cases; and urges all state courts to develop and implement a civil justice improvements plan to improve the delivery of civil justice guided by the Recommendations of Call to Action: Achieving Civil Justice for All as endorsed by the Conference of Chief Justices in 2016; and urges bar associations to promote the Recommendations of Call to Action: Achieving Civil Justice for All and to collaborate with judges and lawyers to improve the delivery of civil justice.

<http://www.americanbar.org/content/dam/aba/images/abanews/2017%20Midyear%20Meeting%20Resolutions/102.pdf>

## **ACCESS TO JUSTICE & TECHNOLOGY**

**THE ACCESS TO JUSTICE SORTING HAT: TOWARDS A SYSTEM OF TRIAGE AND INTAKE THAT MAXIMIZES ACCESS AND OUTCOMES, Richard Zorza (2011)** 89 Denv. U. L. Rev. 859 (2011-2012) [HeinOnline] “We know (little) about the processes by which the millions of people who approach courts, legal aid intake systems, and hotlines are directed into them, or the access services they do or do not receive, or indeed the consequences of those choices. All we really know is that these processes are fragmented, inconsistent, and non-transparent.” <http://www.zorza.net/Sorting-Hat.pdf>

**LSC REPORT OF THE SUMMIT ON THE USE OF TECHNOLOGY TO EXPAND ACCESS TO JUSTICE, December 2013** The report was the result of a summit that LSC convened “to explore the potential of technology to move the United States toward providing some form of effective assistance to 100 percent of persons otherwise unable to afford an attorney for dealing with essential civil legal needs.” Although the report focused on the use of technology, it urged a broad rethinking of the traditional service-delivery model. <http://www.lsc.gov/media-center/publications/report-summit-use-technology-expand-access-justice>

**CAN TECHNOLOGY BRIDGE THE JUSTICE GAP?** Melissa A. Moss, The Florida Bar Journal, January 2016, Volume 90., No. 1, p. 83 <https://www.floridabar.org/DIVCOM/JN/JNJournal01.nsf/8c9f13012b96736985256aa900624829/ff24dd56830daa6e85257f29005a4d37!OpenDocument>

**ONLINE COURTS: USING TECHNOLOGY TO PROMOTE ACCESS TO JUSTICE** August 15, 2016. Canada’s online Small Claims Court become mandatory in 2017. In a study of online courts conducted in the UK by the Civil Justice Council’s Online Dispute Resolution Advisory Group, the report cites Canada’s Civil Resolution Tribunal (CRT) and Rechtwijzer 2.0, an online service of the Netherlands Ministry of Justice and Security that helps with matrimonial disputes and other civil matters as examples of effective online dispute resolution (among others). <http://legalmosaic.com/2016/08/15/online-courts-using-technology-to-promote-access-to-justice/#>

## **SELF REPRESENTED LITIGANTS**

### **MICHIGAN LEGAL HELP EVALUATION: An Examination of the Efficacy of the Michigan Legal Help Website in Helping Self-Represented Litigants**

**Successfully Navigate the Divorce Process.** (Michigan 2015) This report analyzes quantitative and qualitative data in responding to the question: How successful are Michigan Legal Help website users in completing the divorce process? Success was primarily defined as reaching a judgment within a reasonable time frame. The experience of Michigan Legal Help website users was compared to that of other self-represented litigants and attorney-represented litigants. <http://www.mplp.org/Taskforces/technology/michigan-legal-help-evaluation-report-1-15.pdf>

**REPORT: RESOURCE GUIDE ON SERVING SELF-REPRESENTED LITIGANTS REMOTELY (SRLN 2016)** The Resource Guide provides options for courts and other entities interested in providing services to self-represented litigants using means that are not face-to-face, instead of, or in addition to, in- person alternatives such as walk-in services, workshops, and clinics. It also describes a study of how eight sites provide remote self-help services to self-represented litigants and its principal findings and recommendations. <http://www.srln.org/node/997>

**ROLES BEYOND LAWYERS: Summary, Recommendations and Research Report of an Evaluation of the New York City Court Navigators Program and its Three Pilot Projects** The American Bar Foundation December, 2016  
[http://www.americanbarfoundation.org/uploads/cms/documents/new\\_york\\_city\\_court\\_navigators\\_report\\_final\\_with\\_final\\_links\\_december\\_2016.pdf](http://www.americanbarfoundation.org/uploads/cms/documents/new_york_city_court_navigators_report_final_with_final_links_december_2016.pdf)

## **COMMUNITY LAWYERING**

**SUPPORTING LOCAL COMMUNITIES THROUGH COMMUNITY LAWYERING,** Ellen Hemley, 45 Clearinghouse Rev. 505, 505-06 (2012).  
<http://povertylaw.org/sites/default/files/images/training/courses/community-lawyering/Supporting%20-Local-Communities-Through-Community-Lawyering.pdf>

**COMMUNITY LAWYERING** Sargent Shriver National Center on Poverty Law  
“Promoting an expansive view of a legal aid lawyer’s role, community lawyering stresses the importance of thinking beyond litigation (while retaining litigation as a vital tool) in addressing the kinds of structural problems low-income communities face. Similarly, Community Lawyering can be organized in conjunction with local community leaders, thus becoming a relationship building exercise in and of itself.”  
<http://www.povertylaw.org/training/courses/community-lawyering>

## **ECONOMIC IMPACT**

**ECONOMIC IMPACTS OF CIVIL LEGAL AID ORGANIZATIONS IN FLORIDA**  
November 4, 2016 <https://thefloridabarfoundation.org/impact>

## **FOUNDATION/PHILANTHROPY TRENDS**

**CATALYTIC PHILANTHROPY** The Stanford Social Innovation Review Fall 2009  
“Each nonprofit functions alone, pursuing the strategies that it deems best, lacking the infrastructure to learn from one another’s best practices, the clout to influence government, or the scale to achieve impact. Collaboration throughout the sector is almost impossible, as each nonprofit competes for funding by trying to persuade donors that its approach is better than that of any other organization addressing the same issue. Very few systematically track their own impact. However generous the donors or hardworking the nonprofit staff, there is no assurance—nor even any likelihood—that supporting the underfunded, non-collaborative, and unaccountable approaches of the countless small nonprofits struggling to tackle an issue will actually lead to workable solutions for large-scale social problems.”  
[https://ssir.org/articles/entry/catalytic\\_philanthropy](https://ssir.org/articles/entry/catalytic_philanthropy)

**SYSTEMS GRANT MAKING** Grant makers for Effective Organizations (GEO)  
“Philanthropy is ever on a quest to increase effectiveness. Over the last few decades, there have been efforts to be more proactive, strategic, outcomes-focused, learning-oriented and inclusive. Along this journey, grant makers have increasingly recognized that impact does not happen in isolation. The daunting problems facing society today are deeply embedded in a web of intractable issues, fragmented relationships and unpredictable events. As a result, philanthropy cannot focus on one issue or set of grantees and achieve long-term change. Instead, grant makers are trying to influence the bigger picture in all its complexity. We call grant making that analyzes and influences systems and learns about

systems change "systems grant making." <http://systems.geofunders.org/systems-grantmaking> See also Geo 2016 Systems Grant making Resource Guide <http://www.geofunders.org/resource-library/all/record/a066000000KkYmsAAF>

#51462627\_v3