

**Florida's Civil Legal Aid System:  
Strengths, Challenges, Opportunities, and  
Success Stories**

*Building the Bridge to the Future*



**An Executive Summary and Full Report  
to the Florida Bar Foundation  
by Bonnie Allen**

**October 2, 2015**

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# EXECUTIVE SUMMARY

## Florida's Civil Legal Aid System: Strengths, Challenges, Opportunities, and Success Stories

### *Building the Bridge to the Future*

#### A Report to the Florida Bar Foundation

by Bonnie Allen

October 2, 2015

*Florida's civil legal aid system offers a multitude of success story examples in both advocacy and operations. The challenge and opportunity is in stimulating consistent excellence throughout the state, including replicating and improving practices that have generated powerful results for clients and communities, as well as the advocates that serve them.*

*Given the critical role and power of technology to improve direct service delivery and advocacy in Florida's legal aid system, the Foundation will issue a separate report later this year that identifies strengths, challenges and opportunities related to the system's technological capacity.*

#### Strengths

**A common thread across the success stories is a set of relationships and powerful partnerships** that expand the breadth and depth of services and advocacy, increase understanding of community needs, create access to power and financial resources, and influence decision makers. Much of the growth and innovation in Florida's legal aid system over the past two decades has involved partnering more intentionally with the private bar, courts, funders, governmental entities, other advocacy groups, social service providers, and community-based organizations.

**Florida has a long history of legal aid champions in the private bar**, including eight former ABA presidents from Florida with deep commitments to access to justice. The Florida Bar Foundation has provided extraordinary leadership and vision for equal justice for decades. In addition, local bar associations in Florida have a history of creating and supporting pro bono organizations.

*Florida's legal aid community has a rich panoply of different capacities*, including regional LSC-funded entities, regional unrestricted organizations, bar association-affiliated entities, specialty organizations, and statewide advocacy organizations. Many have broad ranges of practice and substantive expertise. Several are highly focused in specific substantive areas of law, which enables their advocates to develop tremendous expertise and serve as a resource to other advocates in the state.

**Florida's legal aid work force for justice is deeply committed to clients and communities. This is the core of the legal aid system and its greatest asset.** This work force has strategic relationships with key individuals and institutions, and a depth and breadth of substantive experience. It includes executive directors and senior staff leaders who have decades of leadership experience and deep connections in their communities. It features mid-level advocacy team leaders and talented younger advocates who are passionate about their work, have new ideas, and already are leading in their organizations and communities. Legal aid practitioners also include paralegals, intake workers, outreach workers, organizers, development and operations staff, and technologists whose varied experience and backgrounds advance a shared mission.

**Florida's legal aid community is funded by a diverse set of sources.** These include the Legal Services Corporation, the Florida Bar Foundation, community foundations, local and state governmental agencies, federal grants, United Way, law firms and other major donors, pro bono "buy-out" contributions, attorneys' fees, and *cy pres* awards. A growing number of legal aid organizations are operating annual fundraising campaigns, and some are reaching beyond the legal community to target the corporate sector and the arts.

**Many of Florida's legal aid organizations and partners are highly committed to training and professional development.** In support of its legal aid work force for justice, there are coordinated statewide training efforts that provide substantive law and skills-based training programs, including leadership development. The Florida Bar Foundation, Florida Legal Services, specialty practice groups, and individual legal aid organizations share leadership for training – often in partnership with the private bar and professional training organizations.

**There is a committed, talented and impactful cadre of legal aid advocates throughout the state that routinely engages in strategic advocacy** designed to address systemic problems and root causes in housing, homelessness, health care, dependency, public benefits, and other areas. This approach does not pit direct services against systemic advocacy; nor does it necessarily distinguish between LSC-funded organizations and those that do not receive this funding. Key to this success is explicitly incorporating strategic advocacy into day-to-day practices, collecting and analyzing data, looking for patterns across individual cases, and strategically choosing points of intervention where it is most likely to create a ripple effect across communities, institutions and systems.

**Within Florida’s legal aid community exist a variety of peer-led networks** and successful collaborations across organizational lines. These networks share information and strategies, engage in collective advocacy, and collaborate organizationally on resource-sharing. The most active and impactful networks have one or two key peer leaders who proactively keep information flowing, connect with other regional and national organizations and networks, monitor administrative, legislative and court processes, identify strategic points for collective intervention, and encourage collaborative efforts to develop action plans to respond to community issues across the state.

### Challenges

**Undoubtedly, this is a time of great challenge and change for legal aid organizations in Florida and the clients they serve.** The decrease in funding from the Legal Services Corporation and the Florida Bar Foundation means that fewer resources are available for general support and operations. At the same time, low-income clients and communities face a difficult policy environment and an economy that is harsh for low-wage workers. All of this combines to create a situation where client demand is up and resources for legal aid are down.

**Despite the increase in annual fundraising campaigns, many of Florida’s legal aid organizations are leaving “big money on the table,”** especially in unrestricted funds from major donors. Only a third of these organizations employ dedicated development staff, and not all legal aid boards and management have shifted to a fundraising culture. A related challenge is the low visibility and lack of a strong brand for legal aid in Florida, and nationally. Recent national polling reveals that over one-third of Americans are unaware of civil legal aid.

**Florida lacks a coordinated, integrated and strategic approach to pro bono engagement** that taps into the full range of resources that law firms, bar associations, law schools, and individual pro bono attorneys can offer. Large law firms are particularly underutilized. The present system is a patchwork of several pieces, many of which do not work together.

**Many legal aid organizations in the state do not significantly engage clients and grass roots community groups in priority setting and other areas of legal aid decision-making.** Part of the challenge in Florida, and most other Southern states, is the lack of a significant community organizing capacity that explicitly seeks to build power in communities to advocate for themselves. Building relationships with grass roots leaders and community organizations can broaden legal aid’s perspective on what matters most to communities, and help vulnerable people increase their ability to directly influence decisions that impact them.

**Florida’s legal aid system remains challenged by significant gaps and duplication of services.** Despite state planning efforts in the aftermath of the 1996 LSC restrictions, the system lacks sufficient capacity to take on types of advocacy and client groups that LSC regulations prohibit – both regionally and statewide. At the same time, some legal aid organizations operating in the same region are engaged in duplicative work. In part, these factors result from organizations maintaining a status quo mode of operation (doing the same work they did before the restrictions and establishment of a “dual delivery system),” and the realities of a grant-driven environment.

**Many younger advocates are anxious to lead but do not see a clear path to leadership; nor have they had the opportunity to develop critical leadership skills.** Some younger advocates also experience isolation – particularly those living in small towns and rural communities.

**Florida’s legal aid system lacks significant racial diversity,** especially at the senior management levels.

**Despite Florida’s commitment to coordinated training programs, there is a need to build in accountability and performance measures to assess the value-added of training** for practitioners’ professional development, as well as to evaluate outcomes for their organizations and clients.

## Opportunities

**The current challenges create the impetus to develop different ways of thinking and acting, resulting in new opportunities, partnerships and resources.** Florida’s legal aid community inherits the benefit of a long history of strong leadership and funding that has fueled a large and diverse set of organizations and capacities. Given current fiscal realities and growing client needs, however, now is the time to take a fresh look at how priorities, structures and “business models” need to shift to adapt to the changing environment.

**The greatest opportunity in Florida is to build on the myriad success stories across the legal aid community to create a more unified vision and infrastructure to support a strategically focused statewide system** where advocates are less “siloes,” and there are fewer gaps in service based on geography or types of client matters. This will necessitate developing an action plan for a shared vision, set of values, language, skills, and tools to shape decisions about why and how practitioners pursue particular advocacy approaches and institutional practices.

**The diversity of capacities and types of legal aid organizations in Florida offers the flexibility to think AS A SYSTEM about how to creatively utilize these varied capacities in a complementary way** that addresses current gaps, reduces duplication and meets emerging client needs.

**The bridge to a future high impact, more cohesive and “collectively intelligent” legal aid system in Florida will involve strengthening and expanding the web of established relationships and partnerships and forging new ones.** This growth will create new leadership opportunities for all levels of legal aid staff, as well as partners in the private bar, governmental agencies, community-based organizations, and other sectors. It also will increase knowledge, provide new skills and tools, access additional financial support and pro bono resources, and strengthen the infrastructure needed to support excellence and impact. Peer-led leadership networks that cross institutional lines and sectors, are less hierarchical, that are not driven by any one funding source, and in which information is easily shared, are most likely to evoke the creativity needed to invigorate and sustain highly effective practitioners, organizations and systems.

**Finally, technology offers tremendous opportunities to create communications platforms** where practitioners can share success stories routinely, and exchange views and tools for understanding, testing and evaluating the merits of particular advocacy strategies, delivery models and organizational practices. These kinds of platforms will reduce isolation and fragmentation by strengthening connections among practitioners, regardless of where they live and work. They also will improve the skills needed to develop, sustain and continuously sharpen the strategic focus and improve outcomes.

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# THE FULL REPORT

## I. INTRODUCTION

### Overview and Purpose

In 2014, the Florida Bar Foundation retained consultant Bonnie Allen<sup>1</sup> to conduct a “Research and Inquiry Project.” The project sought to identify strengths, challenges, opportunities, and success stories in advocacy and operations across Florida’s legal aid system. Consultant conducted the inquiry through a series of interviews, mostly in-person. The interviewees included legal aid executive directors, advocacy directors, staff attorneys, pro bono coordinators, finance, development and operations staff, and board members. She also interviewed legal aid partners in law firms and community-based organizations. In total, Consultant met with 139 individuals in 42 organizations.

The inquiry uncovered a multitude of success story examples in Florida’s legal aid system that produced powerful results. The challenge and opportunity is in stimulating consistent excellence throughout the system, including replicating and improving practices with successful outcomes.

The hope is that this report will encourage the creation of platforms where legal aid practitioners can share success stories routinely, and exchange views and tools for understanding and evaluating the merits of particular advocacy strategies and organizational practices. Ultimately, this can lead to a statewide legal aid system where advocates are less “siloed,” there are fewer gaps based on geography or types of client matters, and legal aid practitioners develop a shared vision, set of values, language, skills, and tools to shape decisions about *why* and *how* they pursue particular advocacy approaches and institutional practices.

Given the critical role and power of technology to improve direct service delivery and advocacy and create a more unified legal aid system in Florida, the Foundation will issue a separate report later this year that identifies strengths, challenges and opportunities related to the system’s technological capacity.

### Context and Process

The project took a “ground up” approach to learn how Florida’s legal aid organizations are successfully innovating and adapting to change. Key questions included:

- ❖ What are you most proud of and excited about right now in your practice or organization?
- ❖ What advocacy models and organizational practices are producing significant results, and why?
- ❖ What would you like to add or change based on what you are learning?
- ❖ What major changes have you made, and why?

- ❖ What are the biggest challenges in your advocacy and organization, and how are you addressing them?
- ❖ Who are your key advocacy or institutional partners?
- ❖ If you had a pot of gold, what would you invest in?
- ❖ What ideas do you have about strengthening the statewide legal aid system?

The Foundation commissioned this project at a time of great challenge and change – both for legal aid organizations and the clients they serve. The Foundation – a major source of general support for legal aid - has experienced dramatic revenue reductions in the past several years due to sharp declines in interest rates. In addition, low-income clients and communities face tremendous challenges as federal and state policy changes threaten basic safety nets and create onerous barriers for people trying to climb out or stay out of poverty. The changing nature of our economy does not bode well for low-wage workers. Glaring racial inequities in our public schools, health care systems, financial institutions, criminal justice systems, and other systems make it increasingly difficult for individuals, families and communities of color to access opportunities.

In times like these, change is not optional. In the words of management expert Peter Drucker, “The greatest danger in times of turbulence is not the turbulence. It is to act with yesterday’s logic.” Crisis and turbulence can create the impetus to shift priorities and develop different ways of thinking and acting, resulting in new opportunities, partnerships and resources. What sets highly effective leaders and organizations apart is how they anticipate and adapt to change and challenges.

The good news is that increasingly, a variety of exciting leadership innovations are taking hold in Florida’s legal aid delivery system and across the country. The onset of Access to Justice Commissions in Florida and 37 other states has created new relationships and synergies among legal aid providers, courts, other governmental institutions, and the private bar. Successful fundraising campaigns have generated hundreds of millions of additional dollars for legal aid. Pro bono partnerships are adding tremendous bandwidth and muscle to impact litigation and policy advocacy. New national public opinion research, message frameworks and heightened media coverage are increasing public awareness of the value of legal aid and supporting fundraising. There is a younger generation of legal aid advocates that are passionate about their social justice missions and ready to lead. Partnerships between legal aid organizations and community-based organizations are producing not only legal solutions, but building power in communities so they can advocate for themselves. Technological advances are creating new ways to deliver legal assistance and enabling legal aid advocates to share knowledge and strategies, identify common patterns, and develop collective advocacy approaches – all strengthening statewide impact. Legal aid organizations across the country are developing and applying evaluation tools and process management/analysis models to better assess whether their advocacy approaches are achieving the outcomes they seek.

## Report Format and Goals

The following framework emerged from the project that organizes a litany of success stories around four interrelated themes. These themes arise out of a web of relationships built through shared values.



These themes cut across both advocacy and operations. Within each thematic area, the report identifies strengths, challenges and opportunities, and then showcases “success story” examples of specific practices (by both individuals and organizations) that have produced noteworthy results. This is not intended to be an exhaustive list; there are many more examples than could be included. Recognizing that there is no “one size fits all” model, the report includes examples from organizations of different shapes, sizes and geographic regions in the state. The report also uncovers some of the common denominators and patterns that point to success across examples.

This report has three goals:

- ❖ It publicly celebrates the successes identified by legal aid practitioners and partners.
- ❖ It challenges the various stakeholders in Florida to work together to develop the tools and infrastructure needed to continuously evaluate and improve successful approaches, share them more easily, and replicate them.
- ❖ It acknowledges the daunting challenges that legal aid organizations and their clients face, and at the same time invites legal aid practitioners and their partners to set a bold vision for the future. This calls for collective leadership that holds the creative tension between WHAT IS and WHAT CAN BE. This kind of leadership is not based on hollow cries for “collaboration,” but on deep learning that requires ongoing cycles of action and reflection. Creative change processes that ask big questions and challenge individual and institutional assumptions will strengthen the system’s capacity to respond to immediate client needs, and to reform the systems that produce and perpetuate poverty and injustice. Lest this seem far-fetched, the report that follows reveals that this kind of collective leadership is already emerging in Florida’s legal aid system, and it has broken ground to build the bridge to the future.

## II. RESEARCH FINDINGS

### A. POWERFUL PARTNERSHIPS

Across the country, legal aid organizations are leveraging the power of partnerships to expand the breadth and depth of services, increase financial support, access power and resources, and influence decision makers. All of this leads to greater impact on the lives of the clients and communities that legal aid serves. Much of the innovation and growth in legal aid over the past two decades has involved partnering more intentionally with the private bar, the courts, funders, governmental entities, other advocacy groups, social service providers, community-based organizations, and grass roots leaders.

#### *Community Partnerships*

##### Strengths

Many legal aid organizations and advocates in Florida have deep ties to community partners serving low-income communities. These partnerships are advancing holistic approaches to expand solutions for clients and communities, and are building power in communities to advocate for themselves. Some involve onsite delivery of legal services at locations that clients frequent for social services or health care. Community partnerships also generate substantial revenue from United Way, state and local governmental agencies, and sub-contracts with community-based organizations.

##### Challenges and Opportunities

In most communities, legal aid competes with other nonprofits for funding from some of the same sources. Given the relatively low visibility of the legal aid brand nationally and in Florida, legal aid is not getting its appropriate share of dollars to meet the needs that it can uniquely address through legal strategies. In addition, legal aid attorneys sometimes bring a “legal-centric” mode of operation that does not fully recognize what other service providers offer to meet the full range of clients’ needs. Finally, legal aid methods that focus on legal solutions alone do not necessarily build power in communities so that they can advocate for themselves. The lack of a strong community organizing presence in Florida presents an additional challenge. Even where it exists, legal aid organizations often are not connected to organizers.

There are opportunities in Florida to develop more “in-place” delivery models through which legal aid practitioners meet clients where they are. Increasing partnerships to offer legal aid services onsite at child care centers, churches, community centers, job training centers, DV shelters, VA centers, hospitals and community clinics, and other locations is a strategy for expanding relationships with other service providers (which often results in funding), as well as increasing client impact.

In addition, there are opportunities to collaborate more with community organizers who have different skill sets and are oriented to long-term capacity building for vulnerable communities. By building relationships with organizing groups, legal aid organizations

can broaden their perspective on what matters most to communities. This will support a “community lawyering” approach in which the goal is to shift the environment so that community voices can be heard, and vulnerable people can increase their power to act for themselves to influence decisions that impact their lives.

### Success Story Examples

- *Jacksonville Area Legal Aid (JALA)* used \$50,000 in settlement proceeds from a case against Wells Fargo to help disabled and elderly individuals “age in place.” This effort was part of a larger project in which *JALA* is using \$400,000 from the Wells Fargo settlement to assist at-risk middle school students living in single family homes needing repair. *JALA* added *Operation New Hope* (which works with ex-offenders) to this project, which determines the physical repairs needed and pays the contractors with Wells Fargo money. Project partners then follow the students forward to see how changing their physical environment impacts their future. This project began with a single client whose home was about to be taken by the City because of code violations. *JALA* stopped the City’s efforts and then, in cooperation with the City and *Northwest Jacksonville CDC*, repaired the client’s home and part of the surrounding neighborhood. The home will be used in perpetuity to assist disabled and elderly individuals age in place in this historic neighborhood. *JALA* also worked with *Northwest Jacksonville CDC* and the arts community to host a fundraiser that raised additional funds for this project.

Outcomes: The client was able to continue to live in his home because it was repaired. On a broader level, many elderly and disabled people will be able to age in place in a rehabbed neighborhood. In addition, at-risk middle school students will benefit from improved physical environments at home.

- *Gulfcoast Legal Services* was instrumental in securing passage of a wage theft ordinance in the City of St. Petersburg. *Gulfcoast* has a longstanding community partnership with *Daystar*, a community-based organization that provides a broad range of services to low-wage workers and homeless people. *Daystar* had the facts and human stories that *Gulfcoast* and other partners needed for a press conference held on the day of the city council hearing.

Outcome: This partnership generated the necessary facts and human stories about theft of over \$3 million in wages, resulting in the passage of a new ordinance.

- *Legal Services of North Florida* is known for its advocacy in the sexual assault and domestic violence field, which includes strong collaborations with state and local agencies and nonprofits, such as *Refuge House*, a domestic violence shelter. *LSNF* attorneys handle injunctions and a full array of civil remedies. Through its contract with *Refuge House*, *LSNF* works specifically with immigrant women whose dual status as domestic violence survivors and immigrants complicates their transition to independence and safety. The approach is deep and holistically focused. In the words of *LSNF* Executive Director, Kris Knab: “Based on input

from *Refuge House* and other domestic violence experts, we changed our practice to secure other forms of relief beyond traditional legal issues.”

Outcomes: *LSNF*’s partnerships have produced better results for domestic violence clients inside and outside of the courtroom, as well as generated new funding sources. Outcomes from *LSNF*’s work with immigrant women are clearer pathways to independence and safety.

*The Spring*, a domestic violence shelter in Tampa, provides funding to *Bay Area Legal Services* to help support a full-time staff attorney and administrative assistant onsite who can offer immediate legal assistance to domestic violence survivors.

Outcome: Residents of *The Spring* have immediate access to attorneys in matters that require urgent attention, thus improving their ability to remain safe and move toward economic independence.

- Shahrzad Emami is a community development attorney at *Legal Services of Greater Miami* who brokers deals with developers, local governments and community-based organizations to increase the affordable housing stock in South Florida. “Nonprofits need lawyers just like corporations,” stated Shahrzad when describing her commitment to building the capacity of community-based organizations to “play ball” with developers. Shahrzad helped groups apply to the federal Neighborhood Stabilization Program, resulting in an \$89 million grant. She also helped create the South Florida Community Development Corporation.

Outcomes: The NSP grant and Shahrzad’s capacity building efforts produced 1200 affordable housing units in Miami through preservation or production.

- *Bay Area Legal Services* provides legal representation and education to staff and families at Kinship Care in three Bay Area counties. Kinship Care is an initiative of the Children’s Home that places children without permanent homes with relatives. It is funded through a \$1 million HHS grant (one of seven in the country) to help relative-caregivers gain access to public benefits, housing, legal assistance, and other resources.

Outcome: 99% of the children served stay out of foster care due, in part, to legal representation.

- Patrick Murphy, the *St. Johns County Attorney*, invests in legal aid and explicitly communicates it as core to the county’s infrastructure and a critical partner. “If there is a weakness in the system, the community suffers.”

Outcomes: The County provides \$300,000 directly to *Jacksonville Area Legal Aid* and \$100,000 in Article 5 funding. The County also provides free office space for *JALA* attorneys.

- *Three Rivers Legal Services* partners with the local bar, *University of Florida School of Law*, *Southern Legal Counsel*, and the local *Public Defender office* to provide a monthly onsite legal clinic at Grace Marketplace, a community providing shelter, meals, access to medical care, and now legal assistance to persons experiencing homelessness. Another “in place” example is the medical legal partnership between *Coast to Coast Legal Aid of South Florida* and the VA outpatient clinic. *Coast to Coast* provides onsite legal services to veterans at the clinic three days a week.

Outcomes: Vulnerable populations, such homeless people and veterans, are much more likely to secure better legal and social outcomes when social services and legal services are made available in a holistic, accessible manner in places that these individuals frequently visit.

- *Legal Aid Society of Palm Beach County* operates a Nonprofit Legal Assistance Project that provides legal assistance and training to 42 community organizations, with a particular focus on personnel issues.

Outcomes: Nonprofits enhance their organizational capacity through legal assistance in a specialized area of law that is not readily available through legal aid organizations or the private bar. This improves nonprofit personnel practices, and also saves them time and money in lawsuits and other personnel claims. United Way contributes \$20,000 and the Children’s Council contributes \$30,000 to the *Legal Aid Society* to support this project.

- The *Community Justice Project* is nationally recognized for its cutting edge community lawyering. *CJP’s* approach to engaging communities is grounded in the core value of self-determination and the overall goal of shifting power. One example is *CJP’s* assistance to taxi drivers, in which they helped them access political forums, changed their advisory structure and generated media to bolster public opinion.

Outcome: The taxi drivers in Miami-Dade – many of whom are low-income people of color - now have a voice in decisions that affect their livelihood, including those made by the County Commission.

- *The Community Justice Project* also sponsored “Justice Hack” in partnership with the *Bertha Foundation* and *Center for Constitutional Rights*. This event at LAB Miami brought together 150 people from law, technology, the arts, activism, and social enterprise, to engage in community problem-solving. The goals were to educate, connect, and create products. Community participants included *Miami Workers’ Center*, *Power U*, *the Dream Defenders*, *New Vision Taxi Association*, and *We Count!* The event featured storytelling by farmworkers, taxi drivers and low-income renters, followed by small group structured conversations. “Thought Works” facilitated a session on ideation and design. Justice Hack closed with each table making a pitch of the concrete solutions they would move forward.

Outcomes: Important community justice initiatives are moving forward, and an expanded network of interdisciplinary advocates and thinkers is now in place.

### Patterns and Indicators of Success

Indicators of success include a fundamental understanding that legal solutions alone cannot solve clients' and communities' problems. At the same time, these success stories demonstrate how strategically placed legal advocacy and advocates' connections to power can help broker community solutions. In addition, the success stories show how building relationships with social services providers and community-based organizations pays off in terms of funding and better results for clients.

### ***Private Bar Partnerships***

#### Strengths

Florida has a long history of legal aid champions in the private bar. Florida has produced eight American Bar Association presidents, all of whom had deep commitments to equal justice and pro bono. In 1980, then ABA President William Reece Smith, Jr. led the private bar charge in the halls of Congress to save Legal Services Corporation funding. In addition, the Florida Bar Foundation has provided extraordinary leadership for equal justice in Florida for decades. Local bar associations in Florida also have a long history of creating and supporting pro bono organizations, most of which expanded into freestanding legal aid organizations.

Many of Florida's legal aid organizations, including bar association-based entities, have developed respectable pro bono programs that engage private bar attorneys in individual cases and "counsel and advice" clinics. Some legal aid organizations tap into larger firms for pro bono support of systemic advocacy or signature projects. The Florida Bar established the Standing Committee on Pro Bono Service to coordinate and expand pro bono across the state, including working with local pro bono circuit committees. The Florida Pro Bono Coordinators' Association is a statewide network of pro bono coordinators that meet regularly, share information and new models, and utilize a statewide website ([www.floridaprobono.org](http://www.floridaprobono.org)) with support from Pro Bono Net.

#### Challenges and Opportunities

Pro bono recruitment in Florida occurs primarily on an individual basis, and most lawyers agree to take on pro bono work one case at a time. This is a traditional pro bono model that plays a vital role in delivering legal services, but it should be part of a broader strategy. Increasing strategic engagement of large firms is an area of tremendous potential. While some large firms are co-counseling major cases with *Florida Legal Services*, *Florida Justice Institute* and a few other legal aid entities, most of their systemic work is with organizations outside of legal aid, including the *Southern Poverty Law Center*, *Florida ACLU* and national groups, such as the *ABA Death Penalty Project*. As a result, legal aid organizations are not tapping into the full range of resources that law firms have to offer. These include pro bono or co-counseling arrangements for impact litigation and policy advocacy, developing signature projects where firms agree to

take on large numbers of cases within certain substantive issue areas, conducting research, and providing financial support.

In addition, legal aid engagement with law schools is *ad hoc* in Florida, primarily through externship programs and legal aid staff teaching in clinics. In many other states, law school deans and other administrators, faculty, and clinicians are an integral part of the broader legal aid and access to justice infrastructure. Given the high number and quality of law schools in Florida, these institutions offer significant opportunities for collaborative efforts to strengthen legal aid.

Finally, while [www.floridaprobono.org](http://www.floridaprobono.org) is an important resource for pro bono coordinators, there is not yet a centralized web portal or platform where pro bono staff, pro bono attorneys, large law firms, bar leaders, and law school personnel can share information on a statewide basis, including posting specific pro bono opportunities and training events. In Kelly Carmody's 2008 study<sup>2</sup> for the Florida Supreme Court/Florida Bar's Standing Committee on Pro Bono Legal Service, an overarching finding was that Florida's pro bono framework is in great need of integration.

The present system is a patchwork of several pieces, many of which do not work together.  
The system needs coordinated leadership and action around informed strategies.

---- *Executive Summary, page 3*

With the establishment of the Florida Civil Access to Justice Commission, which includes a focus on pro bono, and the Foundation's new Director of Pro Bono Partnerships position, there is an opportunity to bring a more integrated and strategic approach to tapping into the full range of resources that law firms, bar associations, law schools, and individual pro bono attorneys can offer. The Foundation - with its deep connections to bar leaders and law firm leadership across the state - is well positioned to be the nerve center that supports a broad network that collaboratively develops and implements a vision to take pro bono to the next level in Florida.

### Success Story Examples

- The *Legal Aid Society of the Orange County Bar Association* grew out of the Orange County Bar Association. This bar association is one of the few in the country with a mandatory pro bono requirement, which generates tremendous support for the *Legal Aid Society*. Pro bono is infused throughout the *Legal Aid Society's* culture and integrated it into all areas of its advocacy. *Legal Aid Society* attorneys also are well connected to state and local bar groups. For example, Litigation Director Angel Bello-Billini plays a leadership role in the Florida Bar Family Law Section and is an important resource for legislative advocacy and the Supreme Court Forms work group. He also is very involved in the Orange County Hispanic Bar Association.

Outcomes: *The Legal Aid Society* has been instrumental in galvanizing private bar support in major initiatives, such as anti-trafficking, as well as its statewide leadership role in the Guardian ad Litem program.

- In 2014, *The Legal Aid Foundation of the Tallahassee Bar Association* launched “Thunderdome Tallahassee” based on an ABA best practice model. In 2013, the Tallahassee Bar voted to eliminate the public service requirement for its members, and volunteer attorney participation dropped 75%. When Anne Munson became the full-time Executive Director of the *Legal Aid Foundation* in 2013, she sought new ways to attract and retain pro bono attorneys. Recognizing that lack of substantive experience in family law is a significant barrier to pro bono participation, the Thunderdome model involves extensive mentoring and training. In its first year, 21 volunteer attorneys who do not practice family law agreed to accept a pro bono case. Over a nine-month period, they worked with 11 mentors (experienced family law attorneys) and attended monthly classes taught by mentors, experienced family law attorneys and law school faculty.

Outcomes: *The Legal Aid Foundation* eliminated its client waiting list. It also created an alumni network to broaden its volunteer base and fundraising base, which has already produced impressive fundraising results.

- *Community Law Program* grew out of the St. Petersburg Bar Association. It has a three-person staff, but leverages a panel of 700 pro bono attorneys through a broad range of clinics. Topics include bankruptcy, probate, family law, elder law, housing, and unemployment compensation.

Outcome: The success in this story is the scaling of the capacity of a very small organization through the creative use of volunteers.

- *Holland & Knight* is a homegrown Florida law firm with multiple offices throughout the U.S. and Latin America. The firm’s commitment to pro bono is rooted in its founder, Chesterfield Smith. In 1990, *Holland & Knight* established a dedicated pro bono team focused on high-impact advocacy. Jacksonville-based partner Buddy Schulz has led the firm-wide pro bono department since 2009. 98% of the firm’s young lawyers and 73% of the partners do pro bono work, and pro bono constitutes 3% of the firm’s billable hours. In January 2015, the *Legal Services Corporation* honored *Holland & Knight* with its Pro Bono Service Award, recognizing the Miami office’s work (5000-plus pro bono hours), which included pro bono work with *Legal Services of Greater Miami* and other organizations on complex housing and disability cases. *Holland & Knight* also helped start the Human Trafficking Task Force in Orlando by providing office space and a substantial contribution from a client to hire staff. Florida is second only to New York in calls to the national trafficking hotline. Orlando partner Jim Seay works closely with the Task Force and *Legal Aid Society of the Orange County Bar Association* immigration attorneys. The Task Force trains DOJ judges

and pro bono lawyers each month. The 60-member Task Force focuses on the hospitality industry with support from the Mayor, local businesses, law enforcement, the medical community, and social services.

Outcomes: The trafficking initiative has produced tremendous additional capacity in an area where there are scant legal services and other resources available. The holistic infrastructure that includes a bank of lawyers, doctors, public officials, and other professionals is producing life-changing (and often life-saving) results for trafficking victims.

- *Carlton Fields Jordan Burt* is another homegrown Florida law firm (now with offices in other states) that values pro bono work at its core. *Carlton Fields* partner and former ABA President William Reece Smith, Jr. was known as “the father of pro bono.” The firm expects and encourages pro bono work of all staff, and gives 50 billable hours credit per year for approved pro bono cases. It also frequently pays costs in major cases. Partner Kathy McLeroy chairs the firm’s pro bono committee. She also co-chairs the Standing Committee on Pro Bono Service and serves on the new Florida Access to Civil Justice Commission. The firm is actively involved in pro bono work around the state, including handling all of *Bay Area Legal Services*’ conflict cases. In the *Osterback* case, *Carlton Fields* worked with *Florida Institutional Legal Services* and the *Florida Justice Institute* to address the use of brutal, unrelenting solitary confinement – often for years – on thousands of seriously mentally ill prisoners. In another impact matter, *Carlton Fields* lawyers prevented the passage of an ordinance by the City of Avon Park that would ban the licensing of businesses that trade with illegal immigrants, including leasing property for farmworker housing.
- Outcome: Tapping into the legal talent and connections of *Carlton Fields*’ attorneys saved thousands of rental units for agricultural workers in Avon Park, thus enabling them to remain in the community, earn income and support themselves and their families.
- *Florida Justice Institute* (FJI) has partnered with large private law firms for the past 37 years by obtaining free office space and accessing these firms’ expertise through co-counseling of major cases. Since 2006, FJI has been housed at *Carlton Fields Jordan Burt* in Miami and also has access to the firm’s offices and attorneys in six other Florida cities. In addition to handling its own cases, FJI has a long history of offering co-counseling support to other legal aid organizations in the state.

Outcome: This public-private partnership has enabled FJI to leverage its grant revenue and significantly increase its advocacy capacity.

- *The Miami Pro Bono Roundtable* (based on a model that exists in several other large U.S. cities) convenes lawyers from large law firms and corporations who meet regularly to discuss pro bono projects. Before the recent national crisis

related to unaccompanied children, *the Roundtable* developed a pro bono partnership with the *Cuban American Bar Association* to represent children crossing the border in immigration court. They were ready when the crisis hit. Angela Vigil, Director of Pro Bono and Community Service at *Baker McKenzie*, has been instrumental in leading the Roundtable, along with former *Florida Legal Services* staffer Ruth Reyes, who directed the One Campaign. *The Roundtable* also holds an annual Pro Bono Summit that includes sponsorships and presentations by large law firms and public interest law organizations.

Outcome: Because of the collaboration involving the *Roundtable*, *Florida Legal Services* and the *Cuban American Bar Association*, hundreds of unaccompanied minors received legal representation that dramatically improved results regarding their status.

### Patterns and Indicators of Success

A key indicator of success is the recognition that pro bono is not merely an “add-on,” but is central to the business model for delivering legal services. Where pro bono partnerships are infused into the culture and part of advocates’ day-to-day operations, relationships are built that dramatically increase legal aid organizations’ capacity. These relationships and creative leveraging of volunteer resources increase direct services capacity. They also enable legal aid organizations to tap into the expertise, financial resources and connections of influential lawyers and large firms for systemic advocacy.

## ***Funding Partnerships***

### Strengths

Florida’s legal aid system has an abundance of resources from a diverse set of sources, including the Legal Services Corporation, Florida Bar Foundation, community foundations, local and state government agencies, federal grants, United Way, law firms and other major donors, pro bono “buy-out” contributions, attorneys fees, and *cy pres* awards. A growing number of legal aid organizations in the state operate annual fundraising campaigns.

### Challenges and Opportunities

Major donor fundraising - and the related area of planned giving - presents the best opportunity for significantly increasing unrestricted funds for legal aid. While this kind of fundraising is on the rise in Florida, legal aid is still leaving big money on the table. Part of the challenge is that many legal aid organizations have not invested in the organizational infrastructure and dedicated staffing to support fundraising. Only one-third of legal aid organizations in Florida have development directors. Executive directors and boards face an urgent need to shift organizational thinking and allocate resources to hire fundraising professionals on their staff. Private fundraising is more challenging in rural counties where resources are scarcer and board engagement is more difficult because offices and board members are spread out across a large geographic region. To address these challenges, the Florida Bar Foundation recently partnered with the National Development Institute to sponsor a “Major Gifts Ramp Up” Conference for all of its

grantees. This tremendous investment by the Foundation includes access to an extensive amount of online fundraising materials, as well as tailored technical assistance for each grantee to develop a fundraising plan.

Another major challenge is the lack of a national brand for legal aid. Fortunately, there is a new national resource to help address this issue. With support from the Kresge Foundation and Public Welfare Foundation, *Voices for Civil Justice* was created to serve as a national communication hub for legal aid. In 2013, *Voices* led a public opinion research project<sup>3</sup> that confirmed 2000 research findings that while there is broad general support (82%) for the idea of civil legal aid, over one-third of Americans are unaware of it. The research revealed that the values of fairness, equality and self-empowerment resonate well across demographics. *Voices* is gathering and pitching compelling legal aid stories to national media. Florida advocates can join *Voices*' listserv and suggest Florida stories to be placed with national media. The Foundation's Communication Director, Nancy Kinnally, also is a tremendous resource to the legal aid community. She gathers and publicizes legal aid stories on the Foundation's website and in publications.

Pro bono partnerships with lawyers and law firms and board membership also create new pathways for increasing lawyer giving. National trends show that successful fundraising from lawyers is closely tied to their board engagement and pro bono participation.

A largely untapped funding source in Florida is national foundations. Some legal aid organizations in other states, particularly those engaged in systemic advocacy and community lawyering, receive funding from progressive national foundations. As Florida's statewide advocacy groups step up their fundraising efforts, they can target national foundations (through research and developing connections with national advocacy groups and peer organizations in other states). These foundations fund in specific program areas, such as workers' rights, juvenile justice, children's health, and education. Many have an explicit racial justice focus. Key to succeeding with national foundations is understanding their frameworks and translating legal work into the outcomes they prioritize.

### Success Story Examples

- *Bay Area Legal Services* has a robust private fundraising operation that includes an annual campaign and endowment. Between 2000 and 2014, the endowment grew from \$10,000 to \$2.5 million. Executive Director Dick Woltmann stated: "We foresaw hard times ahead. This year, for example, we had to take out \$100,000 to save a few staff positions. We are 90% grant-driven, and know that diversification is key to our long term sustainability." The key to *Bay Area*'s fundraising success is deep board engagement and strong relationships with the legal community and broader community. In addition to the Board of Directors, there is a Development Council and Legacy Giving Committee that has the specific purpose of building an endowment. For many years, *Bay Area* has invested in a full-time Development Director. Rose Bremong, a former trust officer at Bank of America, currently holds that position. Rose coordinates the

- annual campaign that generated \$438,000 last year and is aggressively reaching out to new audiences beyond the legal community, including prominent women. The Board of Directors leads the Sustaining Law Firm Campaign targeting larger firms. *Bay Area* also generates approximately \$100,000 a year from *cy pres* awards. Craig Rothenberg, a class action attorney who serves on the board, conducted a *cy pres* training for other board members. Recently, *Bay Area* created a new outreach committee focused on building financial support from the business community. Thirty corporate executives attended the first meeting.
- *Legal Services of North Florida* also has an endowment campaign. Over \$2 million has been pledged and \$750,000 already is invested at the community foundation. In addition, *LSNF* has operated an annual fundraiser for 18 years that yields \$50,000 each year, in addition to \$165,000 from pro bono rule buy-outs.
  - *Southern Legal Counsel* is a small organization that has committed itself to private fundraising. In 2011, *SLC* hired Nell Page as a full-time development director with years of fundraising experience in the arts and broad community connections. Since 2011, *SLC* has grown its law firm and individual donor funds from \$32,000 to \$110,000 per year. It also has increased the number of donors from 16 to 159. The 2015 goal is \$200,000. Board education and engagement have been a big part of this success. In addition to individual donor growth, *SLC* is increasing its visibility and success with community foundations in the state.
  - *Florida's Children First* is another example of a small organization that developed a fundraising culture. From the organization's inception, it made a commitment that no more than half of its revenues would come from grants. "We learned how to fundraise because there was not a choice if we wanted to survive and ensure long-term sustainability," stated Robin Rosenberg, the Deputy Director. The staff engaged the board in a process called "Best Fundraising Friends for Florida's Children First" that teaches board members how to reach out to their friends and colleagues. The organization utilizes a variety of marketing tools, including a terrific website that includes fundraising pitches and videos by board members. *Florida's Children First* works hard to get media coverage for legislation related to children, and they take children to Tallahassee so that policy makers can hear their voices. All of these efforts have combined to generate \$150,000 a year from individuals and law firms.
  - *Legal Services of Greater Miami* hosts a variety of fundraising events, including its signature event, the Heart of Giving. Annual giving from non-grant sources yields approximately \$500,000 each year. *LSGMI* has a large board and a campaign committee. Development Director Marcia Rabinowitz, who has an arts background, has tapped into the arts community for events, including a Fisher Island concert and an art auction at the local Design & Arts High School. She is bringing a public relations firm on board this year to help build the brand and generate more effective marketing materials, including more social media. *LSGMI* also hosts the "Closing Argument" competition for lawyers under 40. They pay to

be in it and have the chance to compete in a mock closing argument before local judges. *LSGMI* conducted a successful capital campaign to buy the Chesterfield Smith Center for Equal Justice where it has its offices and leases to other public interest law groups. *LSGMI* recently sold the building for a significant profit.

- *The Legal Aid Society of Palm Beach County* has a nationally recognized private fundraising operation. They host several events each year, including Pro Bono Night – the “see and be seen” event for the legal community – that yielded \$235,000 last year. 700-800 attorneys, judges and community leaders attend. Other events include golf and fishing tournaments, as well as a Brooks Brothers holiday event that contributes 10% of sales to the *Legal Aid Society*. Income from events and the annual campaign totaled \$700,000 in 2014.
- *Collier County Legal Aid Service* has tapped into the Winter Wine Festival, an internationally acclaimed event that features a high dollar auction yielding over ten million dollars a year for children. *Collier Legal Aid* created a new fundraising board and worked with a local consultant who had the connection to the Festival. Last year, they finally broke in and received \$230,000. This year, that amount will increase to \$360,000.

#### Patterns and Indicators of Success

Key indicators of success include the leadership’s shift to a fundraising culture as essential for organizational survival and long-term sustainability. Other indicators are full-time development staff with appropriate expertise and connections, and board engagement in fundraising. In addition, the success stories demonstrate the impact of engaging influential lawyers and large firms (beyond the board) in leadership roles in fundraising. They also reflect the trend to targeting the arts and business communities.

## **B. STRATEGIC FOCUS**

Increasingly, legal aid organizations in today’s competitive nonprofit marketplace are asked to make the case for how they uniquely add value to address complex social and economic problems. Strategic thinking processes help sharpen legal aid’s focus and inform how leaders allocate resources to align with and “tell the story of” their mission and impact. **Strategic thinking is closely related to systems thinking:** a holistic approach that looks at how a system’s constituent parts interrelate and within the context of larger systems. Legal aid intersects with multiple systems, including the legal system, local and global economies, and the broad range of overlapping systems related to health care, education, foster care, consumer finance, public benefits, and criminal justice (just to name a few). As a result, it is important for legal aid organizations to consider how their particular goals and strategies fit into the larger picture.

Legal aid lawyers and leaders, acting alone, often cannot see this “larger picture.” Fundamental to systems thinking is the recognition that different people, from different points of view, need to come together to collectively start to see things that none of them individually can see. As a result, strategically focused advocacy, organizations and the

overall legal aid system require the voices and eyes of community and private sector partners operating in overlapping systems, as well as clients, intake specialists and technologists. Both the ABA Civil Legal Aid Standards (2.6) and the LSC Performance Criteria (Criterion 2) encourage a strategic advocacy focus. As noted in these standards, having a strategic focus starts with making intentional choices about what work will be undertaken, how resources will be deployed, and how services will be delivered - all tied to the results it seeks. This kind of deliberative decision-making can occur at multiple levels, including system-wide, organizational, team, and project levels.

### *Organizational Focus*

#### Strengths

Florida's legal aid delivery system is comprised of a large and diverse set of organizations. The Florida Bar Foundation funded 30 organizations this year, and that number does not include all legal assistance providers in the state. The system includes regional LSC-funded organizations, unrestricted regional organizations, bar association-based organizations, specialty organizations, and statewide advocacy organizations. Many have broad ranges of practice and substantive expertise. Several are highly focused in specific substantive areas of law, which enables their advocates to develop tremendous expertise on behalf of their clients and serve as a resource to other advocates in the system. Some legal aid organizations have shifted their focus and priorities over time to respond to changing client needs and new resource opportunities in areas that include foreclosure, immigration, veterans, and re-entry.

#### Challenges and Opportunities

Since the onset of the LSC restrictions in 1996, Florida has been challenged by significant gaps and duplication of services. Despite state planning efforts to create a dual delivery system statewide and in every region, the system lacks sufficient capacity to take on types of advocacy and client groups that LSC regulations prohibit. This includes enormous gaps in serving undocumented immigrants in most parts of the state. In addition, there are significant gaps in areas of advocacy that the LSC regulations permit, such as employment and school discipline matters. Some of the unrestricted organizations continue to focus heavily on representation that LSC-funded organizations could be doing, while not expanding to take on unrepresented groups or restricted types of matters. These gaps and duplications result from a combination of factors, including funding challenges and the lack of will among legal aid providers, local bar associations and community partners to shift direction. Of course, changing organizational expectations is very difficult. It should be acknowledged that many other states experienced the same gaps and duplication post-1996 reconfigurations. But the prevalence of this problem does not make it any less important to low-income people and communities.

Dramatic reductions in Foundation funding, which significantly supported unrestricted work, make it imperative for Florida's legal aid community to analyze and reposition itself. To that end, there is tremendous opportunity for Florida's legal aid organizations to collaborate with each other, as well as community partners, to strategically assess how to address gaps and reduce duplication. This kind of process starts with scanning the

landscape (who is doing what), and inviting stakeholder participation by community partners that are close to the ground and best positioned to identify gaps and emerging client needs. It also includes gathering data to support evidence-based approaches and outcomes. As these strategic thinking and planning processes continue, individual organizations can gain greater clarity about how they uniquely add value and whether their particular programs and strategies are producing desired results. Once the focus is clear, organizations are better positioned to consider what kinds of organizational structures can best serve their programmatic needs. This may include collaborative ventures such as office sharing operations, joint regional intake, and shifting the substantive focus of individual organizations.

### Success Story Examples

- *Legal Services of Greater Miami* has been strategically focused since the 1970s when staff, board members and clients held a retreat to develop program priorities. They identified three areas of work: individual services, systemic work and community engagement. Every year, *LSGMI* engages in a process to assess program priorities within these three areas. What is new, emerging, or no longer a priority? They then adopt changes in written policies. *LSGMI* also went through a multi-year strategic planning process to establish a culture of change with outside facilitators from the *National Legal Aid and Defender Association*.

Outcomes: *LSGMI* implemented a new intake system that was easier for clients to access through telephone and online intake. It fast-tracked public benefits cases, letting attorneys give advice more quickly. Staff turnover decreased and staff felt more empowered because they participated on committees and made important organizational decisions.

- *Legal Aid Service of Broward County* and *Coast to Coast Legal Aid of South Florida* operate in the same region and building, and they have established strategic areas of focus. In the words of Executive Director Tony Karrat: “It just didn’t make sense to duplicate services.” *Coast to Coast* handles family law, public benefits, senior law issues, and certain types of veterans’ issues. *Broward* handles other types of veterans’ issues, housing, consumer, homelessness, immigration, and children’s issues.

Outcomes: The result of this focus is a more efficient use of resources. It enables advocates to dig deeper into their respective areas of practice, and not try to be “all things to all people.” Clients, funders and community partners have greater clarity about the two organizations’ respective work.

- *Florida’s Children First* is highly specialized and strategically focused on a deeply vulnerable population. Founded in 2001 by advocates from private law firms, law schools and legal aid organizations, the organization’s goal is to reform systems that affect children. With a very small staff, *Florida’s Children First* leverages the resources of an extensive network of advocates from legal aid

organizations, governmental agencies, law schools, law firms, and community organizations. Its advocacy toolbox includes legislative and policy advocacy, executive branch education and advocacy, training and technical assistance, public education, and filing of amicus briefs.

Outcomes: One example of the impact of *Florida's Children First* strategic focus and influence is the Florida legislature's passage of a bill to provide counsel for dependent children with special needs, including developmental disabilities and trafficking victims.

- *Americans for Immigrant Justice* is a large Miami-based organization focused on protecting the human and legal rights of immigrants. *AIJ* engages in direct legal services, impact litigation, policy advocacy, and public education. Its work encompasses the areas of domestic violence and trafficking, asylum, residency and citizenship, detention, and a children's program.

Outcome: Because of its unique role in the state, strategic focus and national reputation, *AIJ* received a large federal grant that will support legal representation of 432 unaccompanied children in immigration court proceedings.

#### Patterns and Indicators of Success

Key indicators of success include a willingness of leaders to invest time and money in reflective processes that clarify organizational focus and assess whether they could shift their focus to achieve better client outcomes. This includes planning processes with other service providers to consider how organizational structures, including resource sharing, can increase efficiency and impact. The stories also reveal a willingness to let go of some things, specialize or consolidate to accomplish a larger purpose.

### *Strategic Advocacy Focus*

#### Strengths

Florida's legal aid system has a long history of supporting and implementing strategic advocacy that includes impact litigation, policy advocacy in the legislature and local bodies, and administrative advocacy. This history includes representation of clients, including prisoners and undocumented immigrants, that is prohibited by LSC regulations. Strategic advocacy often arises out of individual client representation when attorneys identify patterns across cases that point to agency abuse or "bad actors" that impact multiple individuals. Florida's systemic advocacy is not limited to "unrestricted" organizations. Some of the LSC-funded organizations are engaged in highly strategic advocacy that results in positive change for entire groups of low-income people.

#### Challenges and Opportunities

With the reduction in Foundation funding for general support, legal aid organizations have become increasingly reliant on funding sources that restrict or discourage systemic work. These include some county and city funding, United Way and federal grants that are driven by numbers and "measure and count" direct services in individual cases. This

grant-driven atmosphere has a chilling effect on thinking big and beyond individual cases and clients. Finally, there are tensions between the need to address direct service demands and systemic problems. Many legal aid lawyers report a sense of competition for time and money between these types of work in their organizations.

Legal aid nationally and in Florida has been slow to embrace planning and process management tools and outcome measures that ask questions about whether certain advocacy approaches are producing desired results. However, the tide is turning nationally as high performing legal aid organizations increasingly understand that strategically focused advocacy – backed up by data and other forms of success measures – not only improves results for clients, but it helps organizations “tell the story” to funders and partners of why their organization is a good investment. As previously mentioned, both the LSC performance criteria and ABA standards explicitly encourage strategically focused advocacy. The opportunity in Florida is to learn more about these tools, including theory of change, logic models and process management/analysis, experiment with application, and evaluate their effectiveness. With the new emphasis on technology in the system and the creation of a new technology and justice center supported by the Foundation and The Florida Bar, technology-based tools will be available to support this exploration.

### Success Story Examples

- Jeff Haynie is a staff attorney doing landlord-tenant work at *Jacksonville Area Legal Aid*. Housing cases are fraught with systemic abuses, and Jacksonville has a high number of subsidized apartments with notoriously bad conditions. Despite the barrage of direct services demands, Jeff systematically looks for cases that can create change in apartment complex practices in the course of his individual eviction cases. One example is his representation of a family in a lawsuit against the housing authority and city. The housing authority was illegally sharing juvenile records and terminating families’ assistance on the basis of those records.

Outcome: This one case benefited multiple families because it put a stop to a pervasive illegal activity.

- Jeffrey Hearne directs the Tenants’ Rights Project at *Legal Services of Greater Miami*. He focuses primarily on subsidized housing knowing that if clients lose it, they will not get it back. Jeffrey routinely works with the Miami Housing Authority to get policy changed. In a recent case, he successfully prevailed against the Hialeah Housing Authority on issues related to illegal application procedures.

Outcome: With co-counsel support from the *Florida Justice Institute, LSGMI* secured a consent decree and \$250,000 in attorneys’ fees.

- *Legal Aid Society of the Orange County Bar Association* strategically shifted its Guardian ad Litem advocacy model. “It became clear to the attorneys and judges

over the years that attorneys, acting alone, could not achieve our clients' goals," stated Guardian Ad Litem Litigation Director Bethanie Barber. "We attack social problems through legal solutions, and this requires greater access to social services and other resources. The GAL team moved away from a reactive dependency law representation approach to a proactive model that seeks to learn as much as possible about the full range of clients' needs. The *Legal Aid Society* increased the number of social workers on staff from two to five, which dramatically expanded access to networks of social service providers.

Outcomes: Access to a broad range of social services greatly improved outcomes for the highly vulnerable population of clients in GAL matters.

- *Legal Aid Service of Broward County* receives approximately \$2 million from the County each year for its housing and homelessness advocacy. Originally, these funds were restricted, but *Legal Aid* was able to eliminate the restrictions. *Legal Aid* has filed several impact lawsuits against a major Broward city, including an action related to code violations in African-American neighborhoods. *Legal Aid* prevailed and the city agreed to change its deficient notices to homeowners and removed all code liens assessed against plaintiffs. *Legal Aid* also prevailed against another major city in which the city agreed to change the methods used to cut off water services, adding more notices and hearings. In the Kingston Square case, *Legal Aid* sued HUD and a private developer that allowed a federally subsidized Section 8 housing to deteriorate. *Legal Aid* prevailed in a \$6.5 million win and complete renovation of the housing project.

Outcomes: Because of strong local government partnerships, its success in eliminating restrictions on governmental funding, and its institutional commitment to strategic advocacy, *Legal Aid* routinely and successfully challenges systemic housing abuses.

- *Florida Institutional Legal Services, now part of Florida Legal Services*, focuses on systemic reform related to people incarcerated in state prisons, county jails and mental health facilities. There are 100,000 people in state and federal prisons in Florida, and 250,000 in other kinds of institutions. *FILS* is building a system-wide case over inadequate mental health care in Department of Corrections in-patient units. In the Rainey case in Dade County, where a mentally disabled inmate was scalded to death by guards in an extremely hot shower, *FILS* has put together a dream team that includes private pro bono counsel, multiple firms sharing costs and *Disability Rights Florida* to file two cases. One is an injunctive claim seeking an end to the abuse at Dade County Correctional Institution and meaningful oversight of staff. The other is a damages claim brought by Mr. Rainey's family. The hope is to reform inpatient care, solitary confinement, and lockdown of the mentally ill and create economic incentives for the state to treat more mentally ill people in the community rather than send them to prison.

Outcome: *FILS*' strategic lawyering and outreach to large firms and other partners has leveraged powerful resources to take on a deeply abusive statewide practice.

- *Southern Legal Counsel* has made significant impact over the years with a small staff. In addition to a current declaratory judgment action regarding education funding, *SLC*'s strategic advocacy includes combatting the growing number of local ordinances that criminalize homeless people in public places.

Outcomes: *SLC* won a case against St. Petersburg in the 11<sup>th</sup> Circuit (*Catron v. City of St. Petersburg*) and is now using that case as precedent against other cities that are passing or considering similar ordinances. In Gainesville, for example, the city keeps trying to pass this kind of ordinance but they call *SLC* first. This is a great example of the ripple effect of impact advocacy.

- *Community Legal Services of Mid Florida* represents children in school discipline proceedings. Out of its direct services work arose a Safe Path Through Education Initiative that engages law enforcement, community stakeholders and the school districts of Osceola, Brevard and Volusia to reduce the number of arrests in the schools. As a result, school districts are working with *CLSMF* to change their MOUs with law enforcement, update their code of conduct manuals, train staff in the appropriate use of law enforcement, and allow *CLSMF* attorneys to train students to work effectively with law enforcement.

Outcomes: The school districts have embraced this strategic collaboration, resulting in the reduction of arrests and racial disparities.

- *Florida Legal Services* secured a significant policy victory resulting in landmark legislation that reduced title loan interest rates from 264% to 30%. *FLS* led a broad-based coalition comprised of Florida PIRG, credit unions, the Florida Association of Counties, Florida Association of Cities, Catholic Charities, and other groups. The bill generated extensive media, including an Orlando Sentinel Pulitzer Prize winning article. The coalition was able to secure bipartisan support and sponsorship of the bill. An example of a “defensive” victory was killing drug testing. Working with Florida Impact, the ACLU and other groups, *FLS* led both the litigation and legislative advocacy.
- Miriam Harmatz, Senior Health Law Attorney at *Florida Legal Services*, described *FLS*' role in the statewide Coverage Gap Campaign to expand Medicaid. Florida is one of many states that are convening these campaigns with support from The Atlantic Philanthropies, Community Catalyst, Center on Budget and Policy Priorities, and Georgetown Law Center. Florida Chain is the lead grantee and the League of Women Voters also is involved. *FLS*' role is the inside legislative strategy targeting key legislators. *FLS* sub-contracted with four legal aid organizations: *Brevard Legal Aid*, *Legal Aid Society of the Orange County Bar Association*, *Legal Services of Greater Miami*, and *Community Legal Services*

of *Mid-Florida* to gather client stories and provide community education in certain areas of the state.

Outcome: This collaboration has generated media coverage and important opportunities to provide educational information and stories to key legislators, including Senate Chair Andy Gardiner, a Republican from Orlando who is championing Medicaid expansion.

- *Florida Legal Services* secured a high-impact litigation victory regarding Medicaid coverage for children with autism in *Garrido v. Cudek*. Prior to this case, children in Florida were categorically denied Medicaid coverage of Applied Behavioral Analysis, the only evidence-based treatment found to be effective in treating autism. *FLS* partnered with LSGMI, the *National Health Law Program*, and a Miami trial attorney, Neil Kodsi, to try the case and defend it on appeal.

Outcome: The case resulted in relief for three plaintiffs, and opened the door for over 8,000 other children to become eligible. It also had national impact as advocates in other states used this case to threaten litigation. The federal agency that administers Medicaid issued a directive to include medically necessary Applied Behavior Analysis in federal eligibility.

- Jim Walsh and John Walsh direct the Foster Children’s Project at the *Legal Aid Society of Palm Beach County*. Prior to joining the *Legal Aid Society*, Jim and John ran the legal office at the Department of Children and Families for seven years. That informed their “theory of change.” This theory asserts that legal representation to get children into permanency as soon as possible, as opposed to spending a lot of time representing the “whole child” while he or she remains in the custody of the state, generates better outcomes. “Don’t go down every rabbit hole is our motto,” stated John. They articulated their view and evidence in an article entitled: “The Things We Think and Do Not Say,” in the August 2014 *e-Guardian*, a publication of the National Association of Counsel for Children. Children’s advocates may differ on this theory of change. What is key to this example, however, is that John and Jim thought through an evidence-based approach and developed a strategic focus regarding how they allocate their time and money resources.

Outcome: A 2008 evaluation by the Chapin Hall Center for Children at the University of Chicago reinforced this theory of change, showing that expedited legal representation early in a child’s life makes a significant difference. The study evaluated the impact of legal representation on the nature and timing of permanency outcomes and juvenile court milestones. See “Expedited Permanency: Legal Representation for Foster Care Children in Palm Beach County, Florida,” by Andrew Zinn and Jack Slowriver.

### Patterns and Indicators of Success

The stories surface an important indicator of success: the decision to systematically engage in strategic advocacy and explicitly incorporate it into day-to-day legal practices. This approach does not pit direct services against systemic advocacy. In fact, looking at patterns across individual cases is one of the best avenues for identifying systemic problems. In addition, the stories show how advocates strategically chose cases they deemed most likely to create a ripple effect across a system or systems. Finally, the stories demonstrate how data collection, independent studies and the use of planning tools can help organizations and advocates decide on which particular areas of focus, approaches and models are most likely to produce desired results.

## **C. LEADERSHIP AND LEARNING**

High quality legal aid practice requires advocates and leaders to operate in diverse settings, successfully navigate complex economic and policy environments, develop strategic relationships across lines of power and difference, and understand and address the high-stake challenges facing clients and communities. Current realities call for leadership skills in external advocacy and relations, as well as the individual self-awareness and interpersonal skills needed to lead with authenticity and trust, and to inspire others. Increasingly, thought leaders and practitioners across sectors are recognizing that “leaders” are not just people in positions of formal authority, but actors who imagine and create new realities. This invites the cultivation of leadership at multiple levels, including: individual, institutional, community, and broader systems.

Best practices in adult learning, whether in leadership development or advocacy training, involve a combination of theory, practice and reflection. While work pressures may leave little time for reflection, it is imperative to step back from time to time to assess what we are doing. As stated by leadership expert, Peter Senge: “The core leadership paradox of our time is that action is critical, but the action we need can spring only from a reflective stance . . . .<sup>4</sup>” To address this leadership paradox, “learning communities” are springing up across disciplines, where practitioners connect, inspire, and equip each other to acquire knowledge, learn about new tools, develop and strengthen skills, and test out assumptions – all with the intent to collectively increase and improve their capacity to effect change.

### *Cultivating Leadership*

#### Strengths

Florida has a legal aid work force for justice that is deeply committed to clients and communities, with tremendous longevity, relationships with key institutions, and a depth and breadth of substantive expertise. This is the core of the legal aid system and its greatest asset. This work force includes executive directors and other senior staff leaders who have decades of leadership experience and deep connections in their communities. It also features highly effective mid-level advocacy team leaders and talented younger advocates who are passionate about their work, have new ideas, and already are leading in their organizations and communities. Legal aid practitioners are lawyers, paralegals, intake workers, outreach workers, social workers, and organizers whose expertise and

backgrounds advance a shared mission. They operate within local, state and national networks where they offer critical law-related support as part of broader strategies to solve complex economic and social problems for low-income clients and communities.

### Challenges and Opportunities

Many of Florida's seasoned legal aid advocates are approaching retirement, or have already retired. While some legal aid organizations have been intentional about leadership succession planning and building a multi-generational "deep bench" of substantive advocates, the system overall is at risk of losing tremendous substantive expertise and relationships with agencies, bar leaders, community partners, and other advocacy groups. In addition, many younger advocates are anxious to lead but do not see a clear path to leadership; nor have they had the opportunity to develop critical leadership skills. Finally, Florida's legal aid system, not unlike legal aid in many other states, lacks significant racial diversity. Racial diversity is increasing among younger staff, but senior management across the systems remains predominantly white. All of these concerns are exacerbated by reduced support for policies to enhance retention and retrenchment plans that often favor seniority.

The opportunity in Florida is to increase access to leadership opportunities for all levels of legal aid staff. Externally, this includes formal leadership development programs such as The Florida Bar Leadership Academy, Sargent Shriver Equal Justice Leadership Institute and local "Leadership Tampa" type programs, as well as leadership roles in state and local bar associations and non-profit organizations. Internally, it means a commitment to "grow people" through effective management and supervision structures, teamwork, mentoring, and *ad hoc* leadership roles to improve advocacy and organizational practices.

### Success Story Examples

- *Legal Services of Greater Miami* has a leadership culture in which everyone is versed in the organization's vision and values. They are infused in recruitment, hiring, orientation, training, work planning, and evaluation. *LSGMI* is known for a highly skilled staff across all levels of professional development. It attributes this, in part, to a robust summer law student intern program that enables *LSGMI* to assess talent and passion. It hires most of their new attorneys out of the law student intern pool. During the summer, students are immersed in the culture. *LSGMI* also builds advocate-leaders by sending them to national and in-state trainings to create connections and learn about cutting edge issues.

Outcomes: The combination of hiring out of the summer intern pool, an emphasis on training, and strategically focused advocacy across issues has generated important results. *LSGMI's* staff is highly motivated and talented, and the organization has strong morale and low turnover.

- *Bay Area Legal Services* has an organizational structure in which every staff member is on a team. Team leaders exert authority and are responsible for

fostering and forming new community partnerships. Executive Director Dick Woltmann meets with team leaders once a month and uses 360 evaluations to assess their effectiveness. He also makes leadership coaching available. Dick looks for the “two intelligences” in choosing team leaders: 1) They know the work and have the capacity to do it well and earn the respect of others; and 2) They have the emotional intelligence to work with and motivate others. Team structure not only helps with getting the day-to-day work done, it helps Dick make major decisions in a collaborative environment where feedback is invited. Dick gave the example of convening his team leaders recently to discuss options for dealing with funding cutbacks. Dick had a plan going into the meeting but after listening to the team leaders’ feedback, they chose another option that had less of a negative impact on support staff.

Outcomes: High morale at *Bay Area* results from a teamwork structure, a culture of listening that encourages feedback, and ample opportunities to get involved with the community. In 2014, *Bay Area* was highly ranked in the Tampa Bay Times “Best Places to Work.”

- *Legal Aid Society of the Orange County Bar Association* has a clear expectation of all of its advocate-leaders to identify and work with partners in their substantive work areas. This includes community-based groups, social services, pro bono attorneys, and bar associations. Community involvement is part of the organizational culture, individual’s own legal practices and goal setting each year. Executive Director Mary Anne De Petrillo and her management team have built this expectation into the hiring process, orientation, annual performance evaluations, and advancement. It is infused in each staff person’s leadership and professional development.

Outcomes: Leadership by *Legal Aid Society* advocates in state and local bar groups and community organizations has increased the organization’s visibility and fundraising, and influenced bar and policy decisions.

- The *Florida Bar Foundation* partnered with the *Center for Legal Aid Education* (now merged into the *Sargent Shriver National Center on Poverty Law*) to offer a multi-year, statewide Leadership Institute for young legal aid lawyers. In 2009 and 2010, two cohorts made up of a total of 29 advocates from legal aid organizations throughout Florida participated as Fellows, along with 29 Mentors. The Shriver Equal Justice Leadership Institute, which is specifically tailored for the legal aid community, is grounded in legal aid vision and values, and based on seven core leadership competencies. Each Fellow developed a specific leadership initiative as part of the training process. The Institute was well-received. To create a legal aid leadership culture throughout the ranks, however, participants suggested that this training be made available to mid-level managers and senior executives who have the positional power to make change in their organizations and in the entire statewide system.

Outcomes: Several advocates who participated in the Leadership Institute reported that they are still implementing their leadership initiatives and applying skills learned, including managing difficult conversations.

### Patterns and Indicators of Success

The stories reveal the value of intentionally creating opportunities for advocates to meaningfully participate in decision-making, continue to improve their advocacy skills, and professionally develop as lawyers and leaders. They also surface the value of teamwork cultures and shared vision and values throughout the organization. The success stories demonstrate competence in the areas of strategic thinking, communication, and relationship management across a broad spectrum that includes staff, board members, community partners, the legal community, and funders.

## ***Training and Professional Development***

### Strengths

There are statewide training efforts that provide substantive law and skills training to advocates, including those coordinated by *Florida Legal Services* with Foundation support. In addition, substantive groups, specialty networks and individual legal aid organizations – often in partnership with private attorneys - provide local, regional and statewide training and other resources in their areas of expertise.

### Challenges and Opportunities

Despite a long history and commitment to training in Florida, training and professional development opportunities for legal aid practitioners are uneven. Some legal aid organizations have cut back on funding their advocates to attend in-state and national training events. Maintaining a commitment to professional development is even more of a challenge in rural areas where there are fewer local bar training opportunities. Some staff attorneys voice a concern about the lack of professional development and performance standards for legal aid practitioners and the need for statewide best practices. These inconsistencies affect client outcomes, as well as the overall legal aid brand. Additionally, most training programs are not tied to performance or advocacy outcomes. It is difficult to assess the value-added of training without explicit tracking or deliverables related to how advocates apply what they have learned. This form of accountability involves both trainees and supervisors.

The opportunity in Florida is to develop a more strategic approach to legal aid training and professional development that both meets the practical needs of advocates, and creates a forum for linking training to advocacy priorities in the overall system. Many states have a statewide training advisory committee comprised of diverse stakeholders, including seasoned and younger advocates, as well as lawyers in private practice, who can bring different ideas and perspectives to training needs and then work together to identify training resources. These include partnerships with national and Florida-based training groups, as well as state bar sections, law firms, and local Inns of Court, to increase training and mentoring opportunities for legal aid staff. In addition, the Foundation could build accountability and performance measures into the training

programs it supports to assess the value-added of training for practitioners' professional development, as well as to assess outcomes for their organizations and clients.

### Success Story Examples

- With longstanding support from the Foundation, *Florida Legal Services* coordinates a statewide training program that cuts across practice areas. *FLS* periodically surveys advocates on topics of interest and how they prefer training to be delivered (in-person or online). These trainings include substantive areas of law, trial skills and other advocacy skills. Last year, *FLS* partnered with *NITA* to offer a basic trial skills training that was well-received.
- *Legal Aid Society of the Orange County Bar Association* has a contract with the statewide office of Guardian Ad Litem and is a statewide resource on these issues. *Legal Aid Society* attorneys offer multiple forms of Guardian Ad Litem training to pro bono attorneys and legal aid advocates in Orlando and throughout the state. They also create and share practice manuals. Trainings are delivered in-person, through "lunch and learn" sessions and online. The *Legal Aid Society's* GAL training supports 300-400 pro bono attorneys in its own cases, as well as hundreds more pro bono attorneys around the state. The *Legal Aid Society* also conducts a training at the annual statewide Guardian Ad Litem Disability Summit. Its attorneys provide training and technical assistance to local circuits and co-counsel cases, particularly in developmentally disabled cases. Why the emphasis on training? Executive Director Mary Anne De Petrillo states: "It is good professional development for our attorneys to conduct training. It also improves results for clients."
- *The Statewide Housing Work Group* holds a statewide conference for housing advocates annually. This year it will focus on mapping tools, the intersection of bankruptcy and landlord-tenant, and deposition skills, tapping into private attorneys as well as legal aid attorneys. A big part of this Work Group's success is the peer leadership of Jeff Haynie (*Jacksonville Area Legal Aid*) and Jeffrey Hearne (*Legal Services of Greater Miami*), two highly accomplished housing advocates with strong national connections. Jeff and Jeffrey manage the listservs and constantly share information about strategies and challenges.
- *Community Legal Services of Mid-Florida* has hosted a statewide Fair Housing Summit for the past four years. The conference is a deliverable under *CLSMF's* fair housing HUD grant and it includes representatives from counties and cities, HUD, nonprofits, and other legal aid organizations across the state. *Legal Aid Society of Palm Beach County*, *Jacksonville Area Legal Aid* and several municipalities help share the costs of the conference. This year's keynote speaker was James Perry, a nationally-recognized housing advocate who directs the Greater New Orleans Fair Housing Action Center.

- *Florida's Children First* delivers multiple trainings through the statewide network of children's advocates in Florida – both inside and outside of the legal aid community. Deputy Director Robin Rosenberg and other children's advocates have developed and influenced curriculum for advocates across the state through their active participation in the Florida Bar Public Interest Law Section.
- *Jacksonville Area Legal Aid* is piloting an appellate practice mentoring program with the local Inns of Court. The benefits include not only improvement in practice skills, but relationship building with private attorneys and judges.
- Executive Director Jim Kowalski and Consumer and Housing Advocacy Director Lynn Drysdale are highly experienced consumer experts at *Jacksonville Area Legal Aid*. They conducted multiple foreclosure trainings for the 18 legal aid organizations that received Attorney General's office funding. The result is that advocates throughout the state are able to tap into national best practices of foreclosure advocacy, and identify patterns, resources and advocacy tools.
- In 2014, the Florida legislature passed a new law providing counsel to dependent children with special needs. The legal aid community fought hard for direct funding to handle these cases given their expertise in children's law. The legislature failed to do so, and many of the lawyers handling these kinds of cases lack the requisite substantive experience. To address this concern and improve outcomes for impacted children, staff attorney Jessica Rae at *Community Law Program* in St. Petersburg is conducting "brown bag" trainings in her circuit for any attorneys taking appointments under the new law. Jessica, Robin Rosenberg at *Florida's Children First* and other advocates are promoting the practice of local trainings in other circuits as essential to quality assurance.

#### Patterns and Indicators of Success

Indicators of success include centralized coordination and infrastructure (with dedicated staffing and funding) to promote statewide training, along with diffuse, peer-led trainings through various local and statewide networks. The extent of peer leadership demonstrates keen interest and passion throughout the system in sharing training resources.

#### **D. NETWORK IMPACT**

Given the complexity and enormity of social problems, the unrelenting pressure to reduce the cost of creating and implementing solutions, and the proliferation of small nonprofit organizations, networks offer a way to weave together or create capacities that get better leverage, performance and results.

--- "Net Gains," by Peter Plastrik and Madeleine Taylor<sup>5</sup>

Funders increasingly value the role of networks as key to designing and implementing service-delivery models that promote comprehensive, integrated approaches to increase impact. Networks fundamentally challenge the long-held practice of funding and building stand-alone organizations as the primary way to address social problems. What makes peer-led networks unique is that participants have a high degree of both freedom and responsibility when it comes to decision-making. They are less hierarchical and not tied to traditional lines of authority that exist in most institutions. Networks are particularly effective when they include perspectives from diverse individuals and organizations that literally “see” things differently. Taking a systems thinking approach, they recognize that one part of the system may “see” and react to the tip of an iceberg while others look for and treat root causes. When these various components of a system plan and act together, they are more likely to create scale, increase impact, reduce duplication, and develop more integrated and powerful responses to complex problems.

### *Advocacy Networks*

#### Strengths

Several substantive networks of advocates are working statewide to share information and strategies, and engage in collective advocacy on substantive issues. These peer-led networks include legal aid lawyers, other public interest lawyers, private attorneys, and legal educators. Passionate and highly accomplished leaders drive these networks, and they have tremendous substantive expertise, as well as strong connections in Florida and nationally. The most vibrant networks are in children’s legal services, Guardian ad Litem, housing, and disaster recovery.

#### Challenges and Opportunities

Networks are the language of our times, but our institutions are not programmed to understand them.

---- Helen McCarthy, Paul Miller and Paul Skidmore<sup>6</sup>

Networks are an area where Florida could benefit from tremendous learning and growth. Current advocacy networks function primarily through training and posting information and questions on listservs. They could be a more powerful force if they had a more intentional structure and clear goals related to engaging systematically in collective advocacy. Diverse, resilient and integrated networks are a natural outgrowth of systems thinking. They address broad sets of client needs and the complexity of community problems and solutions.

Madeleine Taylor, an internationally known network expert and Founder/CEO of Network Impact, describes three types of networks: information-sharing, aligning and producing. Most networks, including legal aid networks in Florida, are information-sharing with occasional joint action. Producing networks have specific goals and are consistently action-oriented. Learning more about how Florida can organize and evaluate

producing networks could go a long way toward increasing high impact collective advocacy across organizational lines.

### Success Story Examples

- The *Children's Legal Services* network is the largest and most integrated advocacy collaboration in the statewide legal aid system. The Florida Bar Foundation's Children's Legal Services grant program is an important piece of the success. It provides targeted funding, as well as a vehicle for convening grantees and other children's advocates every year. Robin Rosenberg, Deputy Director of *Florida's Children First*, also is key to this network's success. She plays an instrumental leadership role in coordinating the network and leading specific advocacy initiatives in the legislature and other forums. Another strength of this network is that it includes advocates both inside and outside of the legal aid community. It is the "go to" hub for advocacy around vulnerable children in Florida, particularly those in the foster care system.
- The statewide *Housing Work Group* is very active and has a breadth and depth of experience and substantive expertise. It has strong peer leadership that coordinates an active and highly responsive listserv. This network also coordinates on advocacy strategies. In 2010, the Work Group submitted comments to the Florida Supreme Court's proposed foreclosure final judgment because it did not protect the rights of tenants in foreclosure. The Court amended the final judgment to ensure that tenants' rights were protected. More recently, the Work Group filed a Motion to Appear as an Amicus in a federal case involving the rights of non-transient tenants living in hotels or motels. A hotel owner sued the Osceola County Sheriff for not removing tenants under the hotel guest trespass provision. The court granted the motion without hearing.
- The Foundation funded the *Affordable Housing Work Group* for several years. *Florida Legal Services* put together a statewide resource team led by Chuck Elsesser, Peter Sleasman, Jamie Ross, and Kent Spuhler. Many legal aid organizations in the state actively participated in this Work Group, and it generated impressive outcomes. In St. Petersburg, for example, HUD was planning to end its subsidy to a significant development. The Affordable Housing work group went into action and threatened federal litigation. When the owner went into bankruptcy, the Work Group secured pro bono counsel from *Carlton Fields* to represent him. Ultimately, the City found the money to buy the property and presented a renovation plan. HUD restored the subsidy and the owner was released from bankruptcy. In a Sanford case, the Work Group negotiated 100% replacement of public housing.
- *The Disaster Recovery Work Group* is another strong network. Led by Cindy Huddleston (*Florida Legal Services*) and Leslie Powell (*Legal Services of North Florida*), this Work Group is well connected to other disaster recovery groups in Florida, the Gulf Coast region and the nation. The Work Group formed after

Hurricane Andrew, and it played a vital role in disaster recovery following the three hurricanes that swept across Florida in 2004. It also provided essential support to legal aid advocates in other Gulf States following Hurricane Katrina and the BP oil drilling disaster. The Work Group updates the disaster manual periodically, and it is well prepared to respond to the next disaster.

### Patterns and Indicators of Success

The stories reveal that a key indicator for success is strong peer leadership within and across networks. The most active and impactful networks have one or two key leaders who proactively keep information flowing, connect with other regional and national organizations and networks, monitor administrative, legislative and court processes, identify strategic points for collective intervention, and encourage collaborative efforts to develop action plans to respond to community issues across the state.

## *Collaboration and Resource Sharing*

### Strengths

Most of the successes in Florida's legal aid system arise out of collaboration. This collaboration exists among legal aid organizations, and between legal aid organizations and community-based social service providers, the private bar, government agencies, and other advocacy groups. Many of the executive director and senior advocates in Florida have known and worked together for decades. Information is exchanged through the Program Directors' Association (PDA), Florida Bar Foundation channels, work groups and other advocacy networks, regional provider meetings, and training events. The Foundation historically played a significant role in convening advocates through statewide conferences and other events. In addition, there are several examples of regional and statewide collaboration through hotlines and resource-sharing.

### Challenges and Opportunities

With funding cuts, the Foundation has not been able to convene advocates as often during the past several years. As a result, information is not flowing as freely across organizational lines. Some of the younger advocates express feelings of isolation and have a keen interest in learning more about their colleagues' work in other organizations throughout the state. Moreover, when funding is tight and competition increases, organizations sometimes "dig in" and become more myopically focused. The challenge is to incentivize and prioritize collaborative approaches to advocacy and operations in ways that create a "win-win" for both clients and organizational interests.

### Success Story Examples

- *Coast to Coast Legal Aid of South Florida* and *Legal Aid Service of Broward County* used to be one organization. In response to the 1996 LSC restrictions, they became two organizations and divided the existing staff between them. In an arrangement that complies with LSC regulations, the two organizations share office space and development staff. *Broward* handles the fiscal administration for both programs. *Broward* administers two fundraising events each year, and the

staff and board decided to share proceeds on a prorated basis with *Coast to Coast, Broward's* Executive Director Tony Karrat stated: “We are pushing the image of legal aid together and the fairest approach is to share revenues generated from these public events.”

- *Legal Aid Service of Broward County* has a similar arrangement with *Legal Aid Service of Collier County*. *Broward* did extensive groundwork with *Collier's* board. At the time, it was a one-attorney family law bar program. Now, after its merger with *Broward*, it has a staff of 20. *Broward* spent the time to develop trust with *Collier's* board and bar leaders, and invited them to Broward County to demonstrate how their experience and administrative operations could help. *Broward* Executive Director Tony Karrat stated: “We were in it to ensure that clients in Collier County got services. We agreed not to raid their money and we funnel money to them. We also left their local identity intact.” The organizations were able to use LSC funding to develop *Collier Lawyers Care*, the pro bono program. *Collier's* managing attorney, Carol O’Callahan, is well connected in the local bar and community, and she has a lot of autonomy and local control. *Collier* also has its own development director, Jeff Ahern, who directs the pro bono program, as well. *Broward* handles fiscal matters and operations for *Collier*. Part of the restructuring included *Broward* taking over the Immokalee office and staff of *Florida Immigrants Advocacy Center (now Americans for Immigrant Justice)*. Sister Maureen, a renowned immigrant advocate, joined and continues to work on *Collier's* staff.
- *Bay Area Legal Services* seized the opportunity to pilot a regional telephone hotline in an urban area as part of the state planning process. This hotline encompasses Hillsborough, Pinellas, Pasco, Manatee, and Sarasota counties. The hotline receives 60,000 – 70,000 caller applicants per year. The “gold standard” for *Bay Area* is that every caller will speak with a live person within three minutes, and they meet that standard every year. *Bay Area* uses college students as initial screeners under supervision. This enables the attorneys to focus where their skills and expertise are most relevant. If an applicant meets the criteria, he or she is set for a phone appointment with an attorney, who provides counsel, advice or brief service. Clients needing extended service are referred to staff attorneys or *Bay Area's* pro bono program.
- *Bay Area Legal Services* also operates a statewide Senior Help Line with funding from the Florida Department of Elder Affairs. The Help Line offers free legal assistance and referrals. It also serves as a central point for identifying issues with statewide impact, including consumer fraud scams targeting seniors. Governor Scott is recommending a \$250,000 increase this year to expand the Help Line. One compelling example of the impact of statewide collaboration is the case of an 86-year old man who lived alone in the woods of rural Calhoun County. He received a form letter from the Department of Children and Families terminating his SNAP benefits, stating his income was too high. When *Bay Area's* Senior Help Line attorney took the call from this client, she suspected that the state

misinterpreted a federal rule governing public benefits, and turned to experts at *Legal Services of North Florida* and *Florida Legal Services*. Working together, these attorneys prevailed in a rule challenge and negotiated with counsel for DCF. After acknowledging that its interpretation violated federal law, DCF agreed to identify and retroactively restore benefits to those adversely affected. As a result, more than 33,000 SNAP recipients had their monthly benefits restored, resulting in the distribution of nearly \$3 million additional SNAP benefits.

#### Patterns and Indicators of Success

As illustrated in the stories, an important indicator of success is a client-centered approach that drives decision-making about organizational structure and collaborations. This approach starts with questions about priority needs for clients, and then asks how organizations can share resources and structure their relationships to best serve those needs. It also includes a practical wisdom about “what makes sense” for smaller organizations with fewer staff and financial resources.

### **III. CONCLUSION**

Two central questions emerge from this Research and Inquiry project:

- ❖ How can these success stories, and the lessons they offer, most effectively be used to establish a compelling vision for an adaptive, resilient and powerful statewide legal aid system that meets the future needs of organizations and the clients they serve?
- ❖ What additional information, tools, technology, skills, and infrastructure do Florida’s legal aid practitioners and partners need to advance this vision?

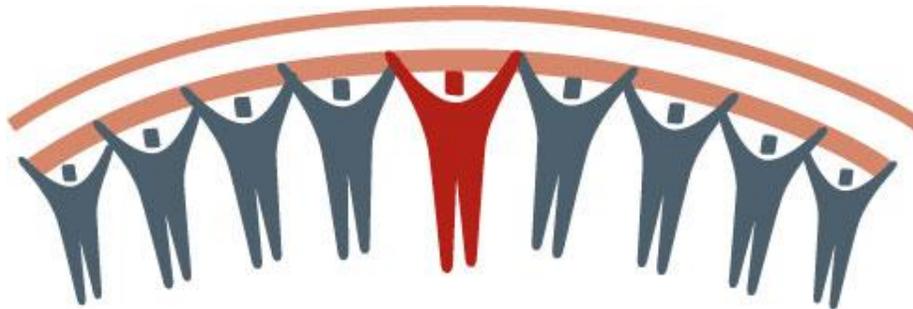
As referenced in the Introduction section of this report and born out in the success story examples, many “pieces of the puzzle” already are in place or are emerging. And yet, to act on our shared legal aid values, stakeholders in Florida’s legal aid system are called upon to continue to dream, plan and assess how best to address the myriad needs of individual clients, as well as to change the systems, structures and policies that send or keep people in poverty. This project is one of several Foundation initiatives designed to create a more adaptive and strategically focused legal aid system in Florida supported by the resources that technology and evaluation tools can offer.

What is clear from conversations across legal aid organizations in Florida is that intentional, values-based relationships undergird success stories, whether it is in advocacy, operations or fundraising. The bridge to the future will involve building on these kinds of relationships and forging new ones to increase knowledge, learn new skills and tools, and create the infrastructure needed to support excellence and impact in both advocacy and operations.

**Systems thinking** is key to building and traversing this bridge to the future. Understanding what it means to think, plan and act as a system with interrelated parts that impact one another and operate within larger systems helps break through assumptions and blind spots that limit our vision, creativity and innovation. As stated by Peter Senge:

Smart individuals are no longer needed; collective intelligence is.<sup>7</sup>

A “collectively intelligent” legal aid system is one that carves out time for reflective processes in leadership networks that include all levels of legal aid staff, as well as partners in the private bar, community-based organizations, governmental agencies, and other sectors. The effective legal aid system of the future will demand peer-led networks that cross institutional lines and sectors, that are less hierarchical, that are not driven by any one funding source, and in which information is easily shared. These kinds of networks are more likely to evoke the creativity and buy-in that is needed to sustain vibrant advocates, organizations and systems. These “communities of commitment and learning” hold a powerful promise to identify, practice and continuously assess the strategies and tools needed to advance the vision and values of legal aid.



## ENDNOTES

<sup>1</sup> Bonnie Allen is Principal of Choose-Change ([www.choose-change.net](http://www.choose-change.net)), a national consulting practice that helps executives, organizations and systems navigate change, raise money and grow leaders. Bonnie’s experience includes leadership roles at the American Bar Association, National Legal Aid and Defender Association and the Mississippi Center for Justice. A native Floridian, Bonnie is a graduate of the University of Florida College of Law, Rhodes College and Garrett Theological Seminary.

<sup>2</sup> “Pro Bono: Looking Back, Moving Forward,” prepared for the Florida Supreme Court/The Florida Bar’s Standing Committee on Pro Bono Legal Service,” by Kelly Carmody and Associates, 2008.

<sup>3</sup> “Expanding Civil Legal Aid: Strategies for Branding and Communications,” conducted by Lake Research Partners and The Tarrance Group, 2013.

<sup>4</sup> “Being the Change: Building Communities of Collaboration and Co-inspiration for Systemic Change,” by Claudia Madrazo and Peter Senge, 2011, p. 7.

<sup>5</sup> “Net Gains – A Handbook for Network Builders Seeking Social Change,” 2006.

<sup>6</sup> “Introduction” in Network Logic: Who governs in an interconnected world? (UK: Demos; 2004), p. 11.

<sup>7</sup> Peter Senge, ONETUSK, March 26, 2015