

# SPEAKING OF JUSTICE

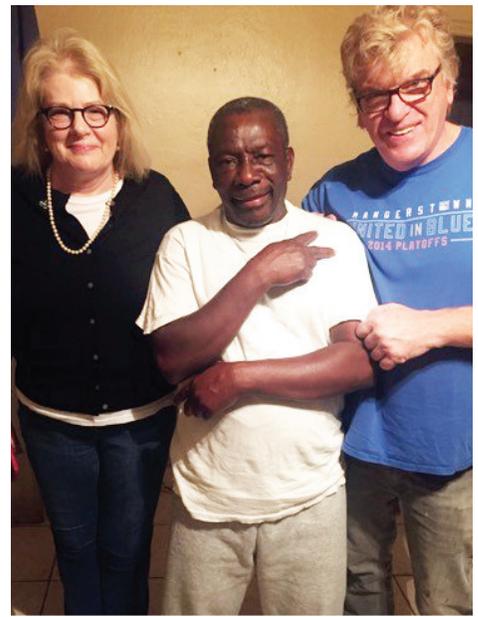
NEWS FROM THE FLORIDA BAR FOUNDATION  
Volume 11 Issue no. 1



Dean McKee, with Innocence Project of Florida (IPF) executive director Seth Miller (right), was released in January of 2018 after DNA evidence cast doubt on his 1987 murder conviction.



After spending 17 years in prison, Dwight Dubose became the 18th person released by IPF when he was freed last April. He is pictured with Anthony Scott (left) and Seth Miller of IPF.



Jules Letemps (center) with Kate Germond and lawyer Paul Casteleiro from Centurion Ministries, which IPF worked with to secure Letemps' release.

## Innocence Project of Florida sees three men freed in one year

by Jessica Brown

After spending a combined 76 years incarcerated, three Florida men regained their freedom with the help of Innocence Project of Florida (IPF). Dean McKee, Dwight Dubose and Jules Letemps were released recently.

IPF receives the majority of its funding from The Florida Bar Foundation, which awarded it \$380,000 through an Improvement in the Administration of Justice grant last year.

"The Florida Bar Foundation was one of the earliest and has been the most consistent organization to invest in freeing the innocent in Florida," said Seth Miller, IPF executive director. "They have been a dedicated partner in our work, allowing us to stabilize our funding and grow to increase our capacity to help the wrongfully convicted obtain freedom and successfully reintegrate back into free society."

Dean McKee, released in January of 2018, spent 30 years in prison on a murder conviction. In 1987, then 16-year-old Dean, his older brother and friends had spent an evening at a club. On their way home, they had an altercation with a homeless man, who ended up dying from a stab wound.

Dean, who tried to stop his brother from killing the man, was framed by his brother who believed that Dean would be treated more

see **INNOCENCE**, p. 10



## Message from the President

*Florida Bar Foundation President Juliette E. Lippman began her term last July. A partner with Birnbaum, Lippman & Gregoire, PLLC, she is a Florida Supreme Court Certified Family Law Mediator. She has received The Florida Bar Family Law Section Chair's Special Award of Merit and the Broward County Bar Association's Joseph J. Carter Professionalism Award. Lippman earned her bachelor's degree at George Washington University and her law degree at Nova Southeastern University School of Law.*

**A**s I write this, I am halfway through my term as the Foundation's president. The past six months have passed quickly, and I've had the pleasure of working with our illustrious board and dedicated staff diligently on several matters. This has been an exciting time, and I am pleased to report on the following:

The Foundation's new executive director, Donny MacKenzie, is off to a spectacular start. Donny and staff are working tirelessly on several things that will enhance the Foundation's operations and processes and increase revenues and public awareness. Our brand new Community Champions program (pg. 9) has gotten off to a promising start and has resulted in a substantial amount of increased revenue for IOTA grants. This will allow the Foundation to fund more programs and initiatives resulting in more access to justice for more people.

Also, pro bono program evaluations and our Florida Pro Bono Law School Challenge are underway. The Challenge has gotten off to a great start and will undoubtedly result in more pro bono opportunities for lawyers and students and, most importantly, more pro bono representation for more Floridians in need. Work has also begun on a spending and reserve policy; Florida's prior reserves served as an example nationally. We have also created a limited matching funds grants program and a building search committee.

In addition, the Foundation began working with Spark Policy Institute last year to create metrics to evaluate the effectiveness and the impact of the Strategic Reset. The Foundation's board reviewed and approved 11 metrics at our December meeting. The metrics include the amount of funding leveraged, the number and ways in which people are trained, the number and types of materials developed and shared, the number and percent of grantees, legal aid providers, and pro bono providers adopting best practices or shared standards of practice, the number of clients using self-help resources or accessing low-cost representation and economic benefits received by clients. We will now work to implement strategies for measuring and evaluating these metrics going forward.

Lastly, we remember with fondness and thanksgiving William A. Van Nortwick Jr., who served as the Foundation's president in 1993-94. Judge Van Nortwick was truly a champion for the cause of equal justice and a cherished and revered member of our Foundation family. The impact he had on the legal aid delivery system is immeasurable and the number of people whose lives were made better by his efforts are countless. We will miss him dearly, and we keep in our thoughts his beloved wife, and my friend, Maria, who is also an invaluable member of the Foundation family and, to date, the only non-lawyer president of our board.

Juliette E. Lippman, President

Thank you to the Family Law Section for donating \$75,000 to the Foundation's Children's Legal Services grant program in January. The section has contributed a total of \$375,000 to the Foundation since 2012. Children's Legal Services grants enable grantees to provide legal assistance to needy children in critical areas which affect their safety, well-being and future development.



## New platform matches Florida law students, lawyers on pro bono cases

The Foundation launched the Florida Pro Bono Law School Challenge on Jan. 7. Using an online platform to match students with alumni mentors, Florida's 12 law schools will compete to see which can take the most pro bono cases during the spring semester.

"A core part of the Foundation's mission is to promote public service among lawyers by making it an integral part of the law school experience," Claud B. Nelson III, pro bono program director, said. "By connecting students with alumni to partner on a pro bono case from a legal aid organization, we hope to inspire both to continue volunteering as pro bono lawyers."

At FloridaLawSchoolChallenge.org, students use a new, cutting-edge interactive platform developed by SavvySuit to pick a pro bono case and be matched with an alumni mentor. Cases posted by legal aid organizations on FloridaProBonoMatters.org will populate the

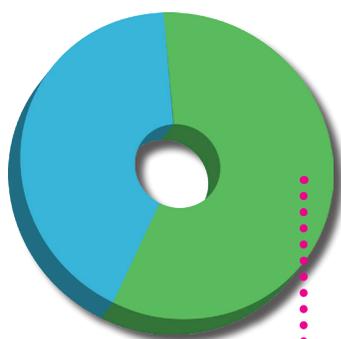
law school challenge site.

The law schools with the most student and alumni participation will be recognized at The Florida Bar's annual convention in June.

"With more than 6,000 law students in Florida having access to available pro bono

cases and mentors at their fingertips, we hope to see a noticeable increase in the number of cases being taken," Nelson said.

"Florida's most vulnerable populations – the elderly, the poor, children – will have more lawyers and advocates in their corner."



**58.2%** of lawyers who provided pro bono services as a law student said doing so made them more likely to provide pro bono after graduating.

### YOU CAN HELP: MENTOR A LAW STUDENT



### Tickets available for Foundation's Annual Dinner Presenting the Medal of Honor



Thursday, June 27, 2019, 6:30 to 9 p.m.  
2019 Florida Bar Annual Convention  
Boca Raton Resort & Club  
501 E. Camino Real, Boca Raton, FL 33432

Sponsorships and tickets may be purchased online at [www.TheFloridaBarFoundation.org/tickets](http://www.TheFloridaBarFoundation.org/tickets)

## Foundation awards \$6.4 million in Community Economic Development grants

The Florida Bar Foundation board on Dec. 7 approved \$6.4 million in grants to 28 legal aid providers to address community economic development. Following a \$16.65 billion settlement agreement between Bank of America (BOA) and the Department of Justice (DOJ) in 2014, BOA agreed to resolve federal and state claims by making donations to state-based Interest on Lawyers' Trust Account (IOLTA) organizations that provide funds to legal aid organizations.

The Foundation received an initial donation of \$1.395 million in 2015, and an additional \$23 million in 2016 from BOA.

The Foundation received 33 grant applications requesting \$11,194,396, and will fully fund 16 of the requests. Twelve requests will be partially funded.

The largest grant was awarded to Legal Services of Greater Miami, which will collaborate with Legal Aid Service of Broward County, Community Legal Services of Mid-Florida, Disability Independence Group, Jacksonville Area Legal Aid, Legal Services of North Florida and Bay Area Legal Services to provide services statewide.

This project will address the intertwined problems of the lack of affordable housing and low wages. By representing nonprofit organizations engaged in the development and rehabilitation of housing that is affordable to low- and moderate-income Floridians, the project contributes to an increase in affordable housing in the communities it serves. And, by providing legal services essential to helping low-income entrepreneurs and nonprofits, legal aid programs create opportunities for low-income individuals to increase their income and assets which are necessary to move out of poverty, create employment opportunities, and strengthen neighborhoods and their business institutions.

Grant applications were evaluated and scored by a panel of six staff members. The Foundation's grants committee reviewed staff's recommendations and presented the grants for a discussion and vote at the board meeting.

- 1 **\$1,012,145 Legal Services of Greater Miami & partners**  
Seven programs will collaborate to provide transactional legal services to nonprofits and low-income entrepreneurs.
- 2 **\$677,443 Florida Legal Services**  
Four programs will be funded, including the Immigrant and Migrant Rights Project and Statewide Disaster Recovery Coordination.
- 3 **\$390,265 Jacksonville Area Legal Aid (JALA)**  
Through the Region II Wealth Building Project, immigration, consumer, and sealing and expunging projects will be funded.
- 4 **\$310,163 Legal Services of North Florida**  
The Access Project, designed to reach rural populations, and the Tenants' Rights Project will be funded.
- 5 **\$304,289 Gulfcoast Legal Services**  
The Financial Stability Project will continue to address housing, public benefits, employment, child support and tax issues.
- 6 **\$300,000 IDignity**  
Funding will support civil legal assistance to low-income Central Floridians who lack legal identification documents.
- 7 **\$275,000 Dade Legal Aid**  
Funding will support expansion of the Guardianship Project, which assists family members in obtaining guardianship over disabled relatives.
- 8 **\$270,500 Southern Legal Counsel**  
Two programs will be funded: the Transgender Identification Initiative and the Health Law Project, which focuses on long-term care Medicaid waivers.
- 9 **\$251,774 Florida Rural Legal Services**  
FRLS will expand its Drive to Work Project that provides driver's license reinstatement services.
- 10 **\$250,000 Florida Justice Institute**  
FJI will continue its statewide advocacy and legal services for incarcerated persons.
- 11 **\$243,000 Legal Aid Society of Palm Beach County**  
This project includes housing, transactional support for community groups and small business owners, and creation of disaster preparedness legal kits.
- 12 **\$211,548 Three Rivers Legal Services**  
Funding will support the Ending Homelessness Project and the Home Sweet Home project, which will work with JALA on heir property issues.
- 13 **\$205,306 Legal Aid Society of Orange County Bar Assoc.**  
The Cultivating Empowerment by Navigating toward Stability program will focus on financial education, sealing and expungement, and tax issues.
- 14 **\$200,000 Americans for Immigrant Justice**  
With Foundation funding, the Lucha Program will be able to continue providing legal services for immigrant victims of crime.

JALA's strategies include working more closely with social service partners by embedding staff and providing "low bono" services – legal representation that is more affordable for clients and more sustainable for providers.

BCLA's holistic approach includes obtaining protection, shelter, child support, dissolution of marriage, medical care, and counseling for survivors, ultimately enabling them to remain separated from abusers and gain permanent economic independence.

IDignity helps clients like SJ, whose husband controlled and exploited her, even requiring home births and homeschooling to prevent documentation of their three children. After enduring 21 years of physical and mental abuse, SJ escaped, but had no identification documents or resources. Without identification, she and her children could not secure stable housing for two years.

Then, SJ found IDignity. An IDignity lawyer located her home birth midwife and established critical proof needed to get court orders for the birth certificates of SJ's children. Having identification has enabled SJ and her children to obtain employment, open a bank account, buy a car, get a home, and pursue a better life, including SJ's children's dreams of a college education.

**\$197,496 Bay Area Legal Services**

The Senior Home Ownership Protection Program (SHOPP) helps vulnerable seniors maintain their housing.

15

**\$150,000 Heart of Florida Legal Aid**

Litigation, Education and Advocacy (LEA) for vulnerable immigrants provides representation in immigration, family law and domestic violence proceedings.

16

**\$135,000 Community Justice Project**

The Housing and Inclusive Development Project protects low-income and historically black communities from displacement due to gentrification.

17

**\$119,950 Community Legal Services of Mid-Florida**

The Foundation will continue to fund CLSMF's Medical Legal Partnership with Grace Medical Home in Orlando.

18

**\$117,405 Legal Aid of Manasota**

LAMS' Medical Legal Partnership with Sarasota Memorial Hospital provides access to civil legal aid to overcome legal barriers related to health care.

19

**\$114,844 Seminole County Bar Assoc. Legal Aid Society**

The John Hamilton Domestic Violence Prevention Project provides expedited access to civil and family legal services for survivors and their children.

20

**\$113,000 Brevard County Legal Aid (BCLA)**

The Survivors of Domestic Violence Advocacy Program holistically addresses the needs of domestic violence survivors.

21

**\$103,448 Legal Aid Service of Broward County**

Funding will restart the Consumer Project, which provides legal services to people facing wage and bank garnishment, foreclosure and debt collection.

22

**\$100,000 Emerald Coast Legal Aid**

Funds will support legal assistance to elderly persons in rural areas and help incarcerated persons with family law issues.

23

**\$93,000 Legal Aid Foundation of the Tallahassee Bar Assoc.**

Two programs will be funded: Thunderdome Pro Bono Legal Services and Promise Zone Pro Bono Legal Services.

24

**\$83,500 Community Law Program**

The Residential Eviction Mediation Program provides low-income residents civil legal help to avoid the consequences of an eviction (pg. 7).

25

**\$72,022 Coast to Coast Legal Aid of South Florida**

The Family Court Self-Advocacy Program embeds an lawyer at the county courthouse to assist self-represented family law litigants.

26

**\$50,000 Catholic Legal Services, Archdiocese of Miami**

The Assistance for Immigrant Victims of Crime Project provides legal representation for law enforcement assistance, legal status and residency.

27

**\$50,000 Cuban American Bar Association Pro Bono Project**

The Podemos Project will serve immigrant victims of crime in family court.

28

## Lawyers travel to Florida Keys on Justice Bus for hurricane clinic

More than a year after Hurricane Irma ravaged the Florida Keys as a Category 4 storm, many low-income Keys residents continue to struggle with hurricane-related and other legal issues that have impacted their economic stability.

In December, pro bono volunteers from Akerman LLP and Legal Services of Greater Miami, Inc. (LSGMI) boarded the Justice Bus to Marathon to provide free legal assistance to residents during a one-day intensive legal clinic. They were joined by lawyers representing the Monroe County Bar Association. LSGMI currently receives Foundation grant funding for Children's Legal Services, Community Economic Development and Pro Bono Transformation.

"It's a fact that many residents of the Florida Keys are still struggling post Hurricane Irma with various legal issues including FEMA, family law issues, employment issues, and housing," said LSGMI's Pro Bono Advocacy Director Jayme Cassidy.

During the five-hour clinic, the pro bono volunteers assisted 30 families with a range of legal issues, from a Korean War veteran rebuilding his home on his own, to a Coast



Lawyers from Akerman LLP and Legal Services of Greater Miami rode the Justice Bus to Marathon, more than 100 miles south of Miami, to provide free legal assistance to Hurricane Irma survivors.

Guard employee struggling with a difficult family situation.

"Unfortunately, there simply aren't enough resources in the Keys to assist every low-income family facing legal issues," said Whitney Untiedt, Akerman's former director of pro bono initiatives.

"The time and expense to travel to Miami to meet with pro bono lawyers can be an insurmountable hurdle for many of these families. The Justice Bus was borne of the idea that justice is best served when lawyers come into the community to meet with people facing legal challenges."

## Foundation funds disaster recovery grant in wake of Hurricane Michael

In November, the Foundation allocated \$50,000 for a disaster relief grant for Legal Services of North Florida (LSNF). Eleven of the 16 counties LSNF serves throughout the Panhandle were impacted by Hurricane Michael in October and federally declared disaster areas.

LSNF also applied for a Legal Services Corporation (LSC) disaster relief grant in the amount of \$330,725 in order to fund their ongoing relief effort, which includes having staff on hand at 13 disaster recovery centers within the hardest hit counties.

Since landfall, LSNF has opened 385 cases, including 147 landlord/tenant cases, in the affected counties - a 26 percent increase from the same period the previous year. LSNF anticipates serving at least 200 clients in the grant's first year.



Hurricane Michael's category four winds left parts of Florida's Mexico Beach in ruins.

LSNF will use its funding to:

- Educate affected residents on their civil legal rights in a disaster
- Prevent wrongful evictions
- Help residents receive FEMA assistance, which may include temporary housing, home repair/replacement and other needs

- Help residents apply for SBA Disaster Loans
- Appeal improperly denied Disaster Unemployment applications
- Work with residents to replace documents (ID, driver's license, SS card, EBT, custody, immigration, deed, etc.)
- Answer questions on insurance claims

## Residential eviction mediation pilot launches in Pinellas

In an effort to make it easier for landlords and their tenants to resolve disputes without the tenant being evicted, the 6th Judicial Circuit launched a six-month pilot program to encourage mediation in January.

Funding for the effort will come from a 2019 Community Economic Development grant from the Foundation to Community Law Program, whose Residential Eviction Access to Justice Project will include working with the 6th Circuit to monitor and evaluate the program and support its expansion countywide.

Historically, once a landlord files a petition to have a tenant evicted, the tenant has to respond in five days and enter the disputed rent in a registry. If the tenant fails to complete either of those two tasks, a judge typically orders the tenant evicted. If, however, the tenant completes those two tasks, the case is set for a hearing.

Under the pilot program, a Pinellas County judge will now ask the landlord and tenant to leave the courtroom to see if they can work out their differences.

"One of the circuit's contracted mediators will be on hand to assist," said Michelle Ardabili, chief deputy court administrator for the 6th Circuit. If the two parties can reach an agreement outside court, both will sign a



The Residential Eviction Access to Justice Collaborative works to expand access to justice for those facing eviction.

court document to that effect, which the judge can then approve. If they cannot, the judge will proceed to hear the full case.

The pilot program will take place at the courthouse in downtown St. Petersburg, where county judges Edwin Jagger and Lorraine Kelly handle eviction proceedings.

The program is one of the efforts made by the Residential Eviction Access to Justice Collaborative to expand access to justice for those in the community facing eviction. Members of the collaborative have visited eviction mediation programs in the 15th Judicial Circuit in Palm Beach County and in the 18th Circuit in Seminole and Brevard Counties.

In addition to setting up the pilot program, the Collaborative has also successfully worked toward amending eviction notices issued by the Pinellas Clerk of Court to include information regarding inexpensive or free legal aid for beleaguered tenants, according to Kimberly Rodgers, Community Law Program's executive director.

Ardabili and Rodgers are members of the collaborative, as are various legal aid lawyers, housing officials, and retired judge David Seth Walker.

## Program connects pro bono lawyers to board-certified lawyers for advice

Certified Lawyers on Call (CLOC) is a new resource created through a partnership between the Board of Legal Specialization and Education (BLSE) and The Florida Bar Foundation's pro bono program.

CLOC connects pro bono and legal aid staff lawyers to Florida Bar board-certified lawyers who will volunteer their time to advise in their area of expertise.

Since its launch in December, more than 200 lawyers have signed up to volunteer through CLOC.

If you are a pro bono lawyer who needs assistance in a particular area of law, contact the CLOC Service Contact Coordinator, Steven D. Rubin, B.C.S., at [CLOC@flabarblse.com](mailto:CLOC@flabarblse.com) or 561-391-7992 to be connected to a volunteer lawyer.



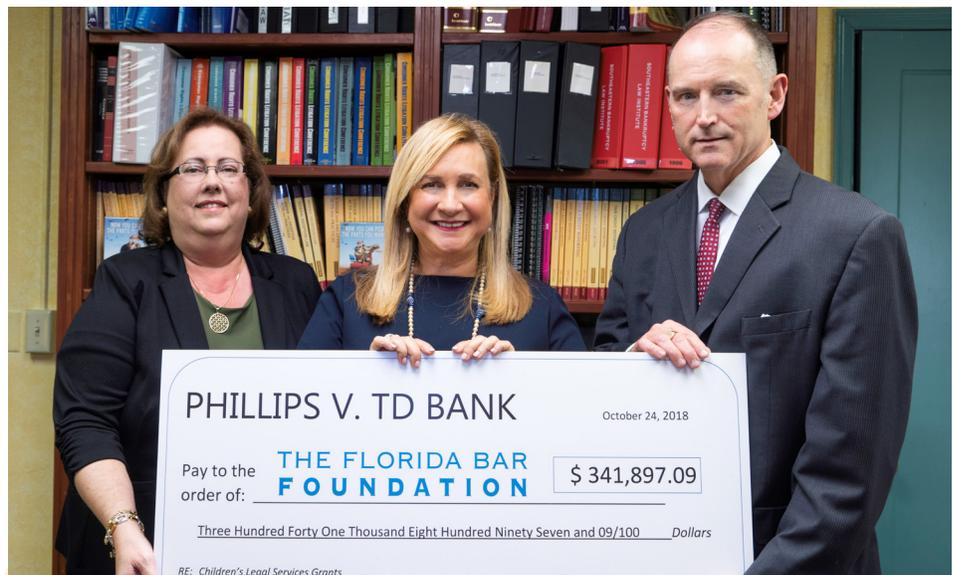
## Foundation receives \$341,897 cy pres award

The Florida Bar Foundation received a \$341,897 cy pres award in October from a class action settlement in a case concerning the rights of consumers whose cars were repossessed. Ft. Lauderdale lawyer Robert W. Murphy represented the class against TD Bank, N.A.

Judge John B. Bowman of the 17th Judicial Circuit in Broward County approved the cy pres distribution. Under cy pres, courts can approve a charitable donation out of unclaimed class action funds. The Foundation will use the funds to support legal aid organizations throughout Florida.

"For most Americans, especially those persons of modest means, the car is the biggest investment in the family," Murphy said. "We made a point of negotiating hard to make sure that no money went back to the defendant bank and any money that was left in the residual would go to a nonprofit. Because the Foundation provides funding for legal services offices throughout the state of Florida, Judge Bowman readily approved the designation."

The case, Lynn Phillips v. TD Bank, N.A., involved a financially distressed senior whose vehicle was repossessed by her bank. The lawsuit challenged the way the bank disposed of repossessed vehicles. After an appeal, Murphy mediated the case and settled for \$1.85 million in cash for 942 class members,



STEVEN MARTINE

Foundation board member Maria C. Gonzalez, left, and Foundation President Juliette E. Lippman accept a cy pres donation from lawyer Robert W. Murphy.

and \$7.2 million worth of waivers to forgive loan balances due on the class members' vehicles.

"I would encourage both practitioners and judges to recognize that there's going to be a potential for a cy pres in every single class action that involves money being paid out," Murphy said. "Civil legal aid is a natural cy pres recipient for unclaimed settlement funds."

### YOU CAN HELP: CY PRES AWARDS

Access to justice organizations like the Foundation are grateful recipients of cy pres or residual funds awards in class action suits. If you are interested in facilitating a cy pres award, contact Donna Marino Kirtland, CFRE, at 407-960-7000.

[TheFloridaBarFoundation.org/cypres](http://TheFloridaBarFoundation.org/cypres)

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CALL DONNA MARINO KIRTLAND, CFRE,  
OR MICHELLE FONSECA, CFRE, AT 407-960-7000.



## Stock as a charitable donation

**H**ave you considered appreciated securities or stock as a charitable donation?

Donations to The Florida Bar Foundation may be deducted on your federal income tax return as an itemized deduction. And, donors may escape the unrealized gains on the donated stock.

Donors can send unendorsed stock certificates by registered mail or instruct their broker to make the transfer from their account to the Foundation's account.

The Foundation then may keep or sell the securities.

The deduction for a donation of property to charity may be equal to the property's current fair market value. And when the donated property is an investment, the donor often does not have to recognize the capital gain.

The result is a charitable deduction and avoiding tax on the unrealized capital gains of the donated property,

stock or securities.

If you are considering donating appreciated stock from an investment portfolio instead of cash, view our sample letter to your broker by scanning this QR code with a QR code reader app:



The Foundation has been the grateful recipient of two stock donations from board member Carl Domino.

Domino's combined donations of stock resulted in more than \$20,000 for the Foundation.

## Why I Give



Helen supports the Foundation as a Sustained Giving (Monthly) Donor and Fellow

Helen Von Dolteren Fournier began making recurring automatic quarterly donations in 2016. After becoming a Fellow, she vowed to make at least that same commitment to civil legal aid each year. "I want to help, and believe many of my colleagues do also, but with busy lives and full caseloads we run out of time. So, I put my philanthropic good deeds on autopilot."

To set up your recurring gift – quarterly or monthly – please visit

[TheFloridaBarFoundation.org/recurring-gifts](https://TheFloridaBarFoundation.org/recurring-gifts)

## Community Champions program recognizes banks that go above and beyond

**I**n December, the Foundation introduced a recognition program for participating banking institutions that go above and beyond the IOTA rule requirements of Florida's Interest on Trust Accounts (IOTA) Program.

These "Community Champions" are committed to ensuring the success of the IOTA program and the mission of the Foundation by fostering a partnership to enhance and increase funding for legal aid to Florida's most vulnerable populations.

When a bank pays 10 basis points over comparable rates on IOTA balances of \$100,000 or more and does not deduct permissible service charges and fees from interest earned, it will be recognized as a Platinum Community Champion. Diamond Community Champions pay 10 basis points over comparable rates on IOTA balances of

\$100,000 or more.

The first bank to be recognized through the program was Wells Fargo Bank, which was named a Gold Community Champion. It is paying comparable rates on IOTA balances and does not deduct permissible service charges and fees from interest earned.

The rise of interest rates in 2018 will give the Foundation an estimated \$7 million more in projected revenue. The interest generated

will fund civil legal aid, enabling stronger communities and a more robust economy.

In fact, a recent study shows that for every dollar invested in Florida civil legal aid, \$7.19 is generated in community investment. These dollars increase property values, keep communities intact and lower crime.

Community Champions make a significant, meaningful and positive difference in the lives of all Floridians.



## INNOCENCE, from p. 1

leniently as a juvenile. Dean was convicted of murder and sentenced to life in prison. His brother served one year.

Dean maintained that he was innocent, and in 2007 he petitioned the court for a DNA test of biological evidence from the victim. IPF entered the case using DNA results that showed Dean was not the person who stabbed the victim. And, new witnesses testified to the fact that he was framed by his brother. His conviction was overturned.

Dean became IPF's 17th freed client, and he now lives with his fiancé.

Just months after McKee's release, Dwight Dubose, 45, also walked out of prison.

Dubose was convicted of murder in 2001 in Tampa and received a mandatory sentence of life without parole.

The murder victim had been found strangled, and witnesses pointed to Dubose. However, there was no physical evidence found to link Dubose to the crime.

Dubose contacted IPF, which reviewed his case and concluded that DNA testing was needed. The victim had DNA under his fingernails, so IPF filed a request to test it. The results were exculpatory – the DNA did not match Dubose – and the court vacated his conviction. IPF then worked through a state appeal.

Dubose was met by his son and

grandchildren when he was released.

Like Dubose, Jules Letemps was convicted for a crime in which there was no forensic evidence linking him to the victim.

In 1989, Letemps, a Haitian immigrant who spoke little English, was sentenced to four consecutive life sentences for a sexual assault.

Though a rape kit was not performed, a robe that the victim used to cover herself after the attack was kept as evidence. The robe had a stain from the perpetrator, but it was too small to identify the blood type.

When the victim later visited the crime scene, she saw Letemps walking to work. She identified him as the man who assaulted her.

Based on that identification, Letemps was found guilty, though he and his partner said he was home at the time of the attack.

In 2010, staff from Centurion, an organization dedicated to vindicating the wrongfully convicted, began investigating Letemps' case. They found that the stain on the robe was sufficiently large enough for blood type identification, and that it had actually excluded Letemps. That evidence was not used by Letemps' lawyer; in fact, she had moved to suppress it during the trial.

Centurion called on IPF's Miller as additional counsel on the case as they litigated. A retrial was granted, but the prosecution dismissed the charges in 2016.

*"Every single one of the individuals we have freed, who have spent a combined 375 years in prison wrongfully, might not have achieved this vindication without the Foundation."*

– Seth Miller, executive director,  
Innocence Project of Florida

Unfortunately, Letemps was not immediately released. He was taken into immigration detention, but won his immigration case. He has now reunited with his family in Miami.

IPF is currently working on 30 cases that are in litigation and hundreds more that are in some stage of screening.

"Every single one of the individuals we have freed, who have spent a combined 375 years in prison wrongfully, might not have achieved this vindication without the Foundation standing with IPF on behalf of those clients," Miller said.

## Wrongful conviction contributing factors

According to IPF, "the exonerations of innocent people have shown that our criminal justice system is fundamentally flawed. DNA exonerations do not solve the problem – they provide scientific proof of its existence, and they illuminate the need for reform." IPF recognizes five major contributing factors to wrongful convictions:



### Perjury/False Accusation

In more than 2,000 cases of wrongful conviction counted by The National Registry of Exonerations, more than half involved perjury or false accusation.



### Official Misconduct

Destroying evidence, withholding exculpatory evidence, misleading jurors, and other behaviors contribute to wrongful convictions.



### Mistaken Eyewitness ID

Mistaken eyewitness identification plays a role in more than 70 percent of convictions overturned through DNA testing nationwide.



### Misuse of Forensic Science

Misapplication of forensic science, like contaminating specimens or using unreliable methods, is found in 45 percent of DNA exoneration cases.



### False Confession

More than 1 out of 4 people wrongfully convicted but later exonerated by DNA made a false confession or incriminating statement.

## Retired lawyers, law professors now eligible to take pro bono cases

Understanding the importance of helping those who cannot afford a lawyer, Lawrence "Larry" Moncrief began pro bono work when he was a corporate lawyer in the '80s. Though he retired in 1991, Moncrief's legal career was far from over. In fact, he still had decades of pro bono work left to do.

Now, at 91, Moncrief volunteers as a pro bono lawyer for Legal Aid Society of Palm Beach County (LASPBC). And, thanks to a Bar rule amendment that took effect in 2018, more retired judges, law professors and lawyers like Moncrief are eligible to provide pro bono services. The Florida Bar amended rules to expand the pool of individuals eligible to serve as pro bono emeritus lawyers for legal aid organizations.

"Larry continues to exemplify all that is best in the legal profession by serving every one of his clients with compassion and respect regardless of their circumstances or socio-economic status," said Robert Bertisch, executive director of LASPBC. "He has impacted the lives of hundreds of disabled individuals by his outstanding legal skills and representation resulting in significant social security disability back and future awards. It has been an honor and privilege to have him."

Moncrief makes his own hours, usually visiting the LASPBC office once a week to help three to four clients. The organization provides a place for pro bono lawyers to meet with clients as well as support staff as needed.

"I spend 10 hours a week on research," said Moncrief. "I do most of my work at home."

Moncrief enjoys the flexibility of pro bono work, and the appreciation he gets from clients and organization staff.

"It makes me feel great," Moncrief said. "My life is worthwhile. I still have something to consider – to help other people."

Moncrief was particularly affected by a client who suffered a brain injury and could not work. When Moncrief began working on his case, the client was homeless.

"We got him social security disability, and they gave him retroactive pay," Moncrief said.



Larry Moncrief, 91, volunteers as a pro bono lawyer for Legal Aid Society of Palm Beach County. Now, thanks to a Florida Bar rule amendment that took effect in February 2018, more retired judges, law professors and lawyers like Moncrief are eligible to provide pro bono services. Moncrief, center, is pictured with Kimberly Rommel-Enright, left, supervising lawyer for the pro bono project at LASPBC, and former LASPBC employee Britt Holm.

"With that, he got himself an apartment, and he lives well now because of our help. Otherwise he'd still be in the street."

While Moncrief's expertise was in corporate law, his pro bono work has focused on social security disability appeals. He wasn't hesitant to try out a new practice area.

"In law school, you have a very broad education in very different fields. Lawyers learn how to handle cases of all kinds in law school," Moncrief said. "So, even though I specialized in corporate law, I knew how to handle cases. I attended a couple seminars that were helpful, and I read the books and read the law."

"Retired attorneys sometimes worry that they will be asked to handle a case outside of their experience or comfort level," said Kimberly Rommel-Enright, supervising attorney of LASPBC's Pro Bono Project. "We provide training and mentoring in areas of the law that they may not initially feel comfortable handling. We can also pair them with a staff attorney who has knowledge in that particular area, and they can handle a case with a team approach. In addition, we have opportunities such as clinics and intake that do not require representation."

Moncrief wants other lawyers to know they are needed.

"You can help a lot of people out there who need legal aid, who don't have the money to afford it," he said. "You have expertise that could help. Get back in the game."

The Bar rules encourage inactive and retired lawyers to provide pro bono service and specify that lawyers who have voluntarily chosen inactive status remain 'members in good standing.' The rule changes also provide that retired judges and current or former law professors, among others, may register as emeritus lawyers to provide pro bono services.

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