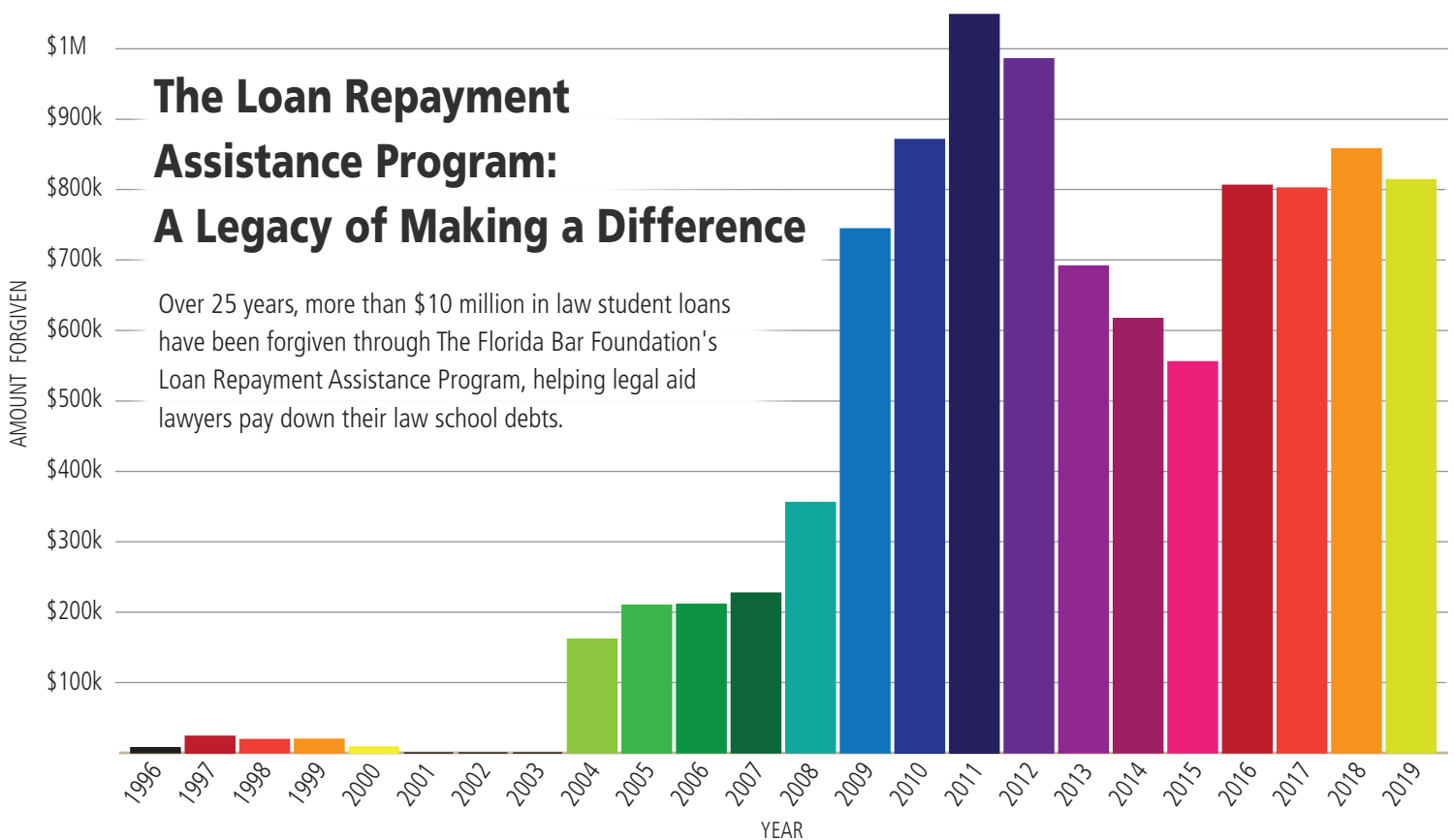


SPEAKING OF JUSTICE

NEWS FROM THE FLORIDA BAR FOUNDATION
Volume 13 Issue no. 1



Since 1996, lawyers employed by Florida's civil legal aid providers have been able to pay down more than \$10 million of their law school loans thanks to The Florida Bar Foundation's Loan Repayment Assistance Program (LRAP).

"But for LRAP, I would not have been able to remain in legal services," says Jena Hudson, Pro Bono Manager at Bay Area Legal Services. "As a new attorney with over \$130,000 of

student loan debt, I began applying for jobs elsewhere after one to two years because I just could not afford to pay my living expenses and my student loans."

"I applied for LRAP as soon as it came into existence," Hudson says. "I still do love my job after 20 years and have dedicated myself to public service despite the lower salary. I continue to have a significant amount of law school debt and even at my

management salary, would still to this day have difficulty continuing to pay my loans and support my son as a single parent if LRAP assistance was no longer available."

Using funds from Florida's Interest on Trust Accounts (IOTA) program, the Foundation loans legal aid lawyers up to \$5,000 each year to pay their law school debts, then forgives the loans as long as the lawyers continue to work for a legal aid program.

[see LRAP, p. 3](#)

Florida Bar Foundation President Stephen R. Senn began his term September 16, 2020. Board certified in appellate practice, Senn is a senior shareholder with Peterson & Myers, P.A. in Lakeland, where his practice includes appeals and federal litigation, as well as employment and business disputes. Senn earned his bachelor's degree and juris doctor from Florida State University. He has served as president of the boards of Florida Rural Legal Services and Florida Equal Justice Center. Senn has been a member of the 10th Circuit Pro Bono Committee since 1999. He earned The Florida Bar President's Pro Bono Service Award in 2006, 2011 and 2018. Most recently, he was honored by the Appellate Practice Section of The Florida Bar with the John R. Hamilton Pro Bono Award.



Message from the President

As I approach nine years of service with The Florida Bar Foundation, I recall that for some time every board meeting was an education about the many moving parts of the Foundation, and how all of those components fit together to serve the cause of justice. The Foundation is a vaguely understood entity. I thought it might be helpful to provide a brief description of one aspect of the Foundation's work - the IOTA program.

The Foundation has three essential functions related to IOTA: to (1) get, (2) manage, and (3) disburse, funds. The majority of the funds come from interest on lawyer trust accounts (IOTA).

Getting the money is not a passive process. Florida has 168 financial institutions that participate in the IOTA program. Within those 168 financial institutions, there are 36,319 separate IOTA accounts. These are not static numbers: banks come and go and are often merging. And, the number of IOTA accounts change as new law firms open and old law firms close. The employees in the Foundation's IOTA department must keep up with these changes.

The Foundation's IOTA department also constantly monitor receipts to ensure that the financial institutions are making the payments required by the IOTA rule. The department also spends a lot of time helping law firms and financial institutions comply with the IOTA rule.

The second category of indispensable functions for an IOTA program is to make sure that funds held in our trust are properly managed. Any organization entrusted with funds for the public good must ensure they are properly accounted for, with all due oversight as to ensure that the funds are not wasted. The Foundation's finance department properly accounts for the funds to which it is entrusted from a finance and accounting standpoint, and transactions are documented correctly to ensure the protection of the funds.

The finance department also monitors the investment of funds that are pooled until disbursed as grants. Early leaders of the Foundation

adopted a conservative approach of using a previous year's IOTA funds for the following year's grants disbursements. This allows certainty as to the amount of funds available. This is preferable to extending grants based on an expectation of what might come. IOTA programs in other states which did not follow this approach were less able to minimize the harms of the programs in those states when revenues dropped in and after 2008. Since 1982, the Foundation has generated more than \$41 million in investment earnings that have created more revenue used to support the legal aid community.

The third component is to disburse funds as grants. Care must be taken to ensure that disbursements will serve the mission given to us by the Supreme Court of Florida: to expand and improve representation and advocacy on behalf of low-income persons in civil legal matters, to improve the fair and effective administration of justice, and to promote public service among lawyers by making it an integral component of the law school experience. While these were established as a three-pronged mission, in our actual practice the second and third prongs of the mission can also serve the first prong; our law school programs and our administration of justice grants also effectively serve to expand and improve representation and advocacy on behalf of low-income people in civil legal matters.

This is a very abbreviated thumbnail sketch of the work of the Foundation. By effectively performing these core functions, we provide vital support to the cause of civil justice in Florida.

A blue ink handwritten signature of Stephen R. Senn, consisting of stylized, overlapping loops and lines.

Stephen R. Senn, President

LRAP, from p. 1

LRAP was created to strengthen and expand legal assistance for the poor by supporting the recruitment and retention of qualified civil legal aid staff attorneys.

In 2020, according to the American Bar Association, more than 75% of lawyers surveyed had at least \$100,000 in student loans at graduation. That debt is even more of a burden for legal aid lawyers, who earn considerably less than those in private practice.

"I am a first-generation attorney and Vietnamese-American. Previously, I was a special education teacher and social worker for 20 years," says Jeff Eckert, a Bay Area Legal Services (BALS) staff attorney. "I entered law school at 43 years old and incurred a tremendous amount of student loan debt to do so, even while still working full- and part-time."

"However, I became a lawyer because of my strong desire to advocate for others, especially children and adults with disabilities and veterans," Eckert says. "LRAP enabled me to work at BALS, and serve veterans and clients with urgent legal needs who would otherwise be unable to afford legal services or representation. I would likely not be able to continue working for BALS without LRAP. This program not only directly benefits attorneys such as myself, but eventually the many clients,



Jena Hudson

families, and communities we serve."

A 2015 National Legal Aid and Defender Association survey showed that "dramatically reducing student loan forgiveness for lawyers working in the public interest would profoundly diminish access to justice for low-income people."

Another Bay Area Legal Services staff attorney, Jennifer Broomfield, intended to work for a legal aid or legal services non-profit law firm after her law school graduation in 2002.

"I fell in love with public interest work, but unfortunately due to my crippling law school debt, I was not able to pursue a public interest law career," Broomfield says.

Instead, she became a college administrator, a position with high pay. But in the summer of 2019, her father became ill and Broomfield returned to Florida to care for him.



Jennifer Broomfield

"I really wanted to return to the reason I went to law school in the first place," Broomfield says. "That's when I saw the posting for BALS' Veterans Legal Helpline. I held my breath, applied, and hoped there was some way that I could afford to take the position should it be offered to me."

When she received the job offer, it was a 50% cut in pay.

"My heart began to sink, but if I received LRAP, it would cover the bulk of my current

student loan debt. I decided doing what I loved was worth the lifestyle changes I would need to make, as long as I knew my student loan was covered. LRAP made it possible for me, 17 years after graduating law school, to take the job I always wanted."

The Foundation is in the process of reviewing the 2020 loan forgiveness applications and expects to forgive approximately 214 loans.

Lisa Brody, BALS' assistant deputy director, believes LRAP plays a pivotal role in legal aid lawyers' lives.

"LRAP has enabled not only myself, but several other attorneys of color that I personally know to continue to pursue our passion of serving our communities as public interest attorneys through our work," Brody says. "LRAP has played a critical role in the recruitment and retention of attorneys to the important work that is undertaken by legal services attorneys.

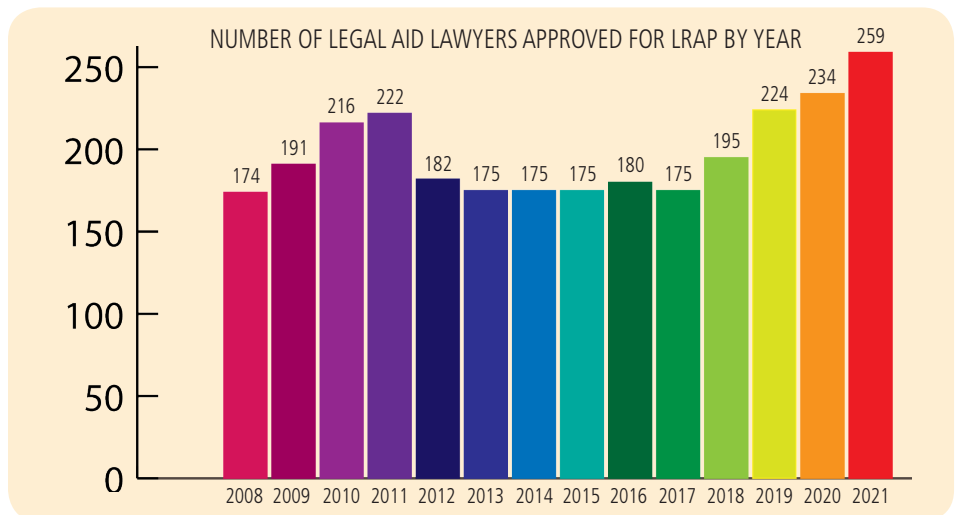
Not only does it provide financial assistance to already loan-burdened attorneys, but even more importantly, it exemplifies that priority and commitment on behalf of The Florida Bar Foundation to ensuring that we have a pool of qualified attorneys that racially reflect the diverse communities that we serve."



Lisa Brody



Jeff Eckert



Fall Board of Directors meeting report

The Florida Bar Foundation Board of Directors met virtually on November 6, 2020. **The major actions of the board and reports received included:**

- **IOTA Enhancement Committee reports proposed amendment that would increase IOTA revenues**

▶ Joseph Hudgins, chair of the Foundation's IOTA Enhancement Committee, reported that he had introduced a proposed rule change that would change the method by which participating financial institutions set interest rates on Florida Lawyers' Trust Accounts. Mr. Hudgins, sitting by designation on the Foundation's board in the place of The Florida Bar Immediate Past President John Stewart, stated that the concept has been well-received by those with whom he has spoken and further reported that the proposed amendment had been referred to the Bar's Disciplinary Procedure Committee.

Staff reported that it is working with Mr. Hudgins to prepare various models and historical and future projections based on Mr. Hudgins' proposed rule change in an effort to analyze the potential impact of the proposed change. Staff also reported that it had accepted the Disciplinary Procedure Committee's invitation to attend its meeting on December 3 to discuss the proposed amendment and answer any questions that the committee may have.

- **Board officers selected**

▶ The Board ratified the selection of Murray Silverstein to fill the seat of Second Vice President for the remainder of FY 2020-21.]

In addition, the Board ratified the selection of its officers for FY 2021-22 as follows:

- Connie Bookman – President
- Judge Suzanne Van Wyk – President-elect
- Murray Silverstein – First Vice President
- Roberto Pardo – Second Vice President
- Steve Senn – Immediate Past President

The Board also discussed the status of its public member seats. Currently, the Board has two members serving, with one scheduled to term off on June 30, 2021. Foundation bylaws provide that there shall be at least

two and no more than four public members sitting on the Foundation's Board of Directors. Board members were requested to consider the identification and selection of qualified candidates to fill at least one public member seat beginning July 1, 2021.

- **Board adopts comprehensive policy changes to Loan Repayment Assistance Program (LRAP)**

▶ Concluding a nearly two-year review process designed to streamline the Foundation's LRAP process, the Board adopted the final changes to its LRAP Program Description and Policies. The Board approved 10 changes to the LRAP Program Description:

1. Clarifies employment eligibility of loan applicants;
2. Clarifies the scope of services to be provided by loan recipients;
3. Confirms that late LRAP applications will not be accepted;
4. Clarifies eligibility of loan applicants to include attorneys legally authorized and permitted to practice in the state of Florida (military spouses, Emeritus, etc.);
5. Clarifies a forgiveness policy to address persons laid off or terminated without cause due to a decline in grantee revenue or funding shortages;
6. Adds an audit provision to the LRAP program;
7. Changes selection process from "first come, first served" to random selection with priority given to current participants in good standing;
8. Changes the loan forgiveness process, including the timing and nature of the forgiveness application;
9. Establishes a formal written policy on collection remedies for those in default; and
10. Establishes a formal policy for participants who quit or are terminated for cause due to extreme or unusual circumstances.

Copies of the revised and current LRAP Program Description incorporating the amendments are available for review at <https://bit.ly/2L11mMv>.

- **Board approves Grant Funding Scenario for FY 2020-21.**

▶ The Board approved the continued funding of seven grant programs in the total amount of \$8,606,189 as follows:

- Administration of Justice: \$500,000
- Community Economic Development: \$2,000,000
- COVID-19 Relief: \$3,954,993
- LRAP: \$1,100,000
- Children's Legal Services: \$655,000
- Limited Matching Funds: \$200,000
- Law School Civil Clinics*: \$196,196

*If unused, these funds will be allocated back to Limited Matching Funds.

Due to reduced interest rates caused by the COVID-19 pandemic and depletion of third-party funding sources, four existing grant programs will not be funded in FY 2020-21. These programs are the Statewide Training Initiative for Foundation grantees; Equal Justice Works Fellowships; Legal Aid Summer Fellows; and Pro Bono Transformation and Innovation Grants.

- **FY 2019-20 Community Economic Development Grants to be partially extended in FY 2020-21**

▶ Because the primary source of CED grant funding (Bank of America settlement proceeds) was depleted last year, the funding allocation for CED grants had to be significantly reduced for FY 2020-21. Consequently, the Board agreed with staff's recommendation that CED funding for FY 2020-21 should be awarded in the form of selected extensions of existing CED grants. The recommendation was based on the consideration of many factors, including but not limited to:

- The decrease in funding available;
- The staff time that would need to be expended for grantees and the Foundation to proceed with a full application process for FY 2020-21;
- The need for these funds to be distributed to grantees as quickly as possible so that they can provide critical legal services to low-income Floridians;

see REPORT, p. 5

Law School Challenge kicks off third year

The 2021 Florida Pro Bono Law School Challenge kicked off on Feb. 1, 2021. The statewide competition, now in its third year, connects Florida law students with lawyers to partner on pro bono cases from local legal aid organizations.

Students and lawyers can visit www.FloridaLawSchoolChallenge.org through March 26 to pick a case. All 12 of Florida's law schools are competing to see which can take the most cases.

As a result of the ongoing pandemic, many legal aid programs are operating remotely and offering virtual pro bono opportunities. Students and lawyers will be encouraged to work on their cases

virtually and to follow the CDC's guidelines, which include wearing a mask and social distancing, if they must meet in person.

More than 500 pro bono cases were taken in the Challenge's first two years. Students and lawyers who completed surveys about the Challenge have expressed gratitude for real world learning opportunities and the chance to mentor.

"Though there will be obstacles due to the pandemic, we know that the Challenge will not only provide learning and mentorship opportunities for law students and lawyers, but also much needed legal representation to many low-income Floridians," Florida Bar Foundation President Stephen R. Senn said.

February 1 - March 26, 2021

CONNECTING students with lawyers to partner on **PRO BONO CASES** from **LOCAL** legal aid organizations.

- All 12 Florida law schools are competing to see which can take the most pro bono cases!
- Students and lawyers are encouraged to work on cases remotely and virtually
- Visit the site to pick a case and match with a lawyer.

THE COMPETITION:

- Satisfies students' pro bono requirements
- Boosts law school pride
- Introduces lawyers and students to local legal aid programs
- Allows students to network with lawyers

FloridaLawSchoolChallenge.org

FLORIDA PRO BONO MATTERS | THE FLORIDA BAR FOUNDATION | SCAN TO VIEW FAQs

Report, from p. 4

- The importance of continuing services for current legal aid clients of funded projects; and
- The grantees' expected decrease in availability of non-Foundation funding.

As a result, the selection process for CED grant project extensions will include careful analysis of:

- The overall performance of current projects including achievement of grant purposes, goals, objectives and actual deliverables;
- The nature of current projects and the need for continued funding (i.e. Is the project designed for multiple years? If so, does it have other sources of funding for going forward? Is the project viable with only FBF funding? Is the grantee requesting additional funding?); and
- The capacity and resources of the grantee to continue the project (i.e. Does the grantee have the staff, time, and cooperation of other needed legal/community partners to continue the grant project?).

Changing the funding process in the manner described allows the Foundation to use its limited resources to target and extend essential and high-performing projects, which is expected to add more positive impact for those projects.

Directors were requested to help evaluate the FY 2019-20 CED final reports due to the

importance of carefully determining which existing projects are most qualified to receive limited funding extensions.

• Development Report

▶ The Development/Pro Bono Committee reported that research, analysis and discussion continue regarding whether the Foundation will implement a Service Charge/Administrative Fee policy.

Directors were also advised that a virtual Annual Awards Ceremony for 2020 would be held on December 3, 2020. (The Foundation's 2020 Medal of Honor recipients, along with the Foundation's other honorees, were recognized at the event. The ceremony was sponsored by those who generously agreed to transfer to this event their sponsorships of the June Annual Dinner, which was cancelled due to the COVID-19 pandemic).

In addition, it was announced that the Foundation is reviving its previous ONE Campaign with significant help from The Florida Bar's Pro Bono Legal Services Committee, co-chaired by Judge Catherine Peek McEwen and Kathleen Schin McLeroy. (See page 7.) The campaign, named ONE PROMISE, will seek to increase attorney pro bono representation throughout Florida. Gary Yordon, founder of The Zachary Group and producer of the previous

campaign, has graciously agreed to provide his professional services for free in connection with the campaign. (To date, the Business Law Section of The Florida Bar, The Tampa Bay Bankruptcy Bar Association and The Bench and Bar Fund of the United States District Court for the Middle District of Florida have generously contributed monies to offset the production costs of the campaign.)

Similarly, the Board was advised that the Foundation would conduct its third annual Florida Pro Bono Law School Challenge in 2021. This initiative involves a competition amongst all Florida law schools whereby alumni are matched with law students to provide pro bono representation throughout Florida. More than 300 matches resulting in full representation cases were made during the inaugural year of the program in 2019. The second year, the program produced 200 student – lawyer matches on full representation cases from 20 legal aid programs, but was hampered by the onset of the pandemic. (See story above.)

The Board's next scheduled meeting will be held virtually on March 12, 2021.

Board member supports Foundation financially and through advocacy

Florida Bar Foundation board member Joseph “Jody” Hudgins has made a \$10,001 donation to the Foundation. Hudgins, who was appointed to The Florida Bar Board of Governors as a public member in 2019, also serves on the Foundation’s board as designate for John M. Stewart, The Bar’s Immediate Past President.

A banker for more than 40 years, Hudgins is now the Chief Credit Officer of First Florida Integrity Bank in Naples. He has run 38 marathons, including the Boston Marathon twice.

At his first Board of Governors meeting, Hudgins was introduced to the Foundation when Foundation Executive Director Donny MacKenzie presented.

A short two years later, Hudgins has found several ways to support the Foundation. In 2020, he proposed a rule amending rule 5-1.1

of the rules regulating The Florida Bar. The proposed rule, if passed, would establish a clarified framework for banks to pay interest rates on lawyers’ trust accounts.

The rule is designed to provide more certainty in interest rate calculations for banks and the Foundation. It would also most likely increase IOTA revenues, which would allow the Foundation to award more grants.

The proposed rule is scheduled for final action by The Bar Board of Governors on March 5, 2021.

Hudgins’ recent donation was given as an undesignated gift to be used for the Foundation’s greatest needs.

“Those of us that have been blessed to have the acumen and the resources to obtain an undergraduate and graduate degree, and therefore enjoy a very prosperous and fulfilling career, should be willing to share of their



Jody Hudgins serves as the delegate for Florida Bar Immediate Past President John Stewart on the Foundation’s board of directors.

time and resources for the benefit of others,” Hudgins says. “Especially those that have not had the resources or family support to reach for their goals.”

Foundation effort connects legal aid programs to emeritus lawyers

The Florida Bar Foundation has facilitated an easy way for more than 30 legal aid programs to reach out and connect with new potential pro bono lawyers. Spurred by The Florida Bar Pro Bono Legal Services Committee’s desire to engage emeritus lawyers, the Foundation has created an outreach package designed to help legal aid programs recruit them. Emeritus lawyers are those who are either retired, inactive, former judges, law professors or house counsel who agree to provide legal services under the supervision of a lawyer at an approved legal aid organization.

“This is another example of a Foundation project that will impact thousands of Floridians by effectively increasing pro bono lawyer involvement with local legal aid programs,” Judge Catherine Peek McEwen, co-chair of the committee, said. “The committee pushed to get lists of emeritus lawyers into the hands of the providers with tools for outreach provided by

the Foundation.”

In December 2020, the Foundation emailed emeritus outreach packages to 31 legal aid programs throughout the state. Each package included a letter explaining the potential service that emeritus pro bono lawyers can provide, a template letter to emeritus lawyers, a copy of Rule 12 of the Rules Regulating The Florida Bar that was amended in 2018 to encourage inactive and retired lawyers to provide pro bono service, a link to the Supreme Court’s Emeritus Lawyer Form Package (<https://bit.ly/2XZmt4T>), and a spreadsheet with contact information for the eligible emeritus lawyers in each circuit the legal aid program serves.

The Foundation and the committee hope to



Emeritus lawyers are supervised by a lawyer at an approved legal aid organization, but the rule no longer requires the supervising lawyer to sign each pleading.

see an immediate increase in emeritus lawyer involvement in pro bono cases.

“We have been wanting to do a targeted solicitation to emeritus attorneys in our area but could not seem to find the time or space to do it,” Kimberly Rodgers, Executive Director of Community Law Program in St. Petersburg, said. “This packet of information makes it incredibly helpful.”

Foundation revives ONE campaign to encourage pro bono work

The Florida Bar Foundation has revived its One Campaign to encourage Florida lawyers to represent at least one person who could not otherwise afford a lawyer in a civil legal matter.

The new effort will be called the One Promise Campaign. Tallahassee media consultant Gary Yordon of The Zachary Group, the winner of 6 Emmy Awards and developer of the original campaign in 2009, will donate his services to the new campaign.

"The Foundation is grateful for the leadership and vision of Judge Cathy McEwen and Kathy McLeroy, co-chairs of The Florida Bar's Pro Bono Legal Services Committee, who have jumpstarted this effort to promote pro bono legal work," Donny MacKenzie, the Foundation's executive director, said. "With interest rates once again at historically low levels, there are even fewer funds and resources available to meet the needs of civil legal aid for the poor and working poor in Florida. Florida lawyers have historically stepped up in times of need, and this campaign will be designed to educate young lawyers and remind seasoned ones of the very real need for

them to take a pro bono case."

The Foundation has committed \$10,000 to the project, which has been matched by the U.S. District Court for the Middle District of Florida's Bench Bar Fund. The Florida Bar Business Law and the Trial Lawyers Sections each donated \$2,500, and the Tampa Bay Bankruptcy Bar Association donated \$1,500.

The Foundation is continuing to solicit funds to meet its \$35,000 fundraising goal to complete the project. The Bar's Alternative Dispute Resolution Section, Workers Compensation Section, Tampa Bay Chapter of the Federal Bar Association, and the Hillsborough Association for Women Lawyers have also pledged to support the campaign.

The campaign will produce four videos and a brochure to educate and persuade lawyers to make "one promise" to take a pro bono case.

"The first year of the One Campaign, the pro bono needle that had not moved one percent in 25 years jumped 14%," Yordon said. "We reached some of the 45% of lawyers who had taken a case before and inspired them to take another. Our estimate was that about 9,000 to 10,000 attorneys took their first pro



Judge Catherine Peek McEwen

bono case because of the One Campaign."

"I believe that when lawyers are educated about the great need for pro bono work, they will be motivated to volunteer," said Judge McEwen. "I am confident that bringing pro bono work back into the spotlight through the One Promise Campaign will inspire many lawyers to step forward to help. To me, the name 'One Promise' hearkens that weighty yet perhaps underappreciated line in our Oath of Admission that we must 'never reject the cause of the defenseless or oppressed.'"

Lawyers, judge financially support Foundation

The Florida Bar Foundation is fortunate to have received financial support from several lawyers recently.

In September 2020, the Foundation was the recipient of \$16,019.03 from a cy pres award that came from a national loan-generation scheme case won by Robert W. Murphy of Ft. Lauderdale firm Murphy Law.

In addition, the Foundation has four new Foundation Fellows who have pledged to donate \$1,000 over five years. Fellows gifts become part of The Florida Bar Foundation Endowment Trust, which preserves the original gift and expends

only endowment income.

The new Fellows are Jackson Adams of Orlando, Katy DeBriere of Jacksonville, Michael Pajcic of Jacksonville and Hon. Luis Maldonado of Memphis, TN.

"I was a two-time Florida Bar Foundation Summer Legal Services Fellow, a UF Law Public Service Fellow, and a Legal Aid of the Orange County Bar Association attorney," Judge Maldonado said in his donation. "Thank you for the work you do and the opportunities you create for law students and young lawyers."



Robert W. Murphy



Judge Luis Maldonado

Ways to Support the Foundation

- **Become a Foundation Fellow**
Pledge \$1,000
- **Make a recurring gift**
Schedule a donation on a cycle
- **Obtain a cy pres award**
Work with the court for approval
- **Buy a Kids Deserve Justice license plate**
Fees fund Children's Legal Services

TheFloridaBarFoundation.org

Get social with us.



We are The Florida Bar Foundation,
and we believe the justice system works best when it works for everyone.

Now

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View available pro bono cases throughout Florida on FloridaProBonoMatters.org
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Donate online at TheFloridaBarFoundation.org/donate

Learn. Engage. Act.

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