

**FINAL REPORT OF THE
TASK FORCE ON DISTRIBUTION OF IOTA FUNDS**

By:

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September 15, 2020

I. Introduction

On October 24, 2019, the Florida Supreme Court (“the Court”) issued Administrative Order AOSC 19-70 (“the order”), creating the Task Force on the Distribution of IOTA Funds (“the task force”). The order is Appendix A of this report. The Court created the task force to examine and make recommendations to the Court regarding matters related to ensuring the most effective use of IOTA funds.¹ The Court specified several distinct areas for task force consideration:

1. Alternative models for the distribution of IOTA funds;
2. Whether specific priorities should be established for the use of available IOTA funds;
3. Whether specific requirements or limitations should be imposed on the use of IOTA funds;
4. Whether reporting requirements regarding the distribution and use of IOTA funds should be adopted; and
5. Any other matters related to ensuring the most effective use of IOTA funds.

The Court expressly directed the task force, in conducting its work, to give priority consideration to the need for funding direct legal services for low income litigants in Florida.² In the order, the Court directed the task force to prepare and submit its findings, recommendations, and any proposed rule amendments, to the Court no later than September 15, 2020. The task force respectfully submits to the Court this report, along with its appendices and an exhibit setting forth the proposed rule amendments. Pursuant to the order, the task force’s existence is set

¹ IOTA funds are generated from interest on Florida lawyers’ trust accounts that, pursuant to the provisions of rule 5-1.1(g) of the Rules Regulating the Florida Bar, flow to the Florida Bar Foundation, Inc. (“the foundation”) and, under the existing framework, are to be “used to fund programs which are designed to improve the administration of justice or to expand the delivery of legal services to the poor.” *Matter of Interest on Trust Accounts*, 538 So. 2d 448, 450 (Fla. 1989).

² The task force conducted its work with the understanding that the term “litigants” as used in the order includes not only low income Floridians who are parties in Florida civil cases but also those low income Floridians who have other non-criminal legal needs that may not then involve civil cases. For instance, the task force applies the term “litigants” to those who are involved in any type of non-criminal law issue, including Lemon Law disputes, landlord tenant disputes, and the like, even when not currently the subject of litigation. Accordingly, the term “litigants” in this report means Floridians who are parties in Florida civil cases and Floridians who have other non-criminal legal needs who are not then involved in civil cases.

to expire December 31, 2020. The task force remains available to the Court to accomplish any further directives from the Court.

II. Summary of Task Force Findings and Recommendations

The task force findings are detailed in the subcommittee reports attached to this report as Appendices D, E, and F; recommendations are memorialized in the proposed rule amendments attached as Exhibit 1, as further explained by Section IV, below. For ease of reference, however, those findings and recommendations are summarized as follows:³

1. Florida has a significant need for providing direct legal services to low income litigants.
2. IOTA funds should be used primarily to address this legal need.
3. Given the level of unmet legal need, use of IOTA funds should be restricted and limited to providing direct legal services to low income litigants.
4. The Court should adopt rule amendments to specify restrictions on the use of IOTA funds to ensure that these limited funds are most effectively and efficiently used to provide direct legal services to low income litigants.
5. Funding the existing network of providers is the most effective mechanism for providing direct legal services to Florida's low income litigants.

III. Description of the Task Force's Work

A. Overall Description

Soon after the order was rendered by the Court, Chair Downs both: (i) established a proposed timetable and schedule of meetings; and (ii) created subcommittees to conduct in-depth analysis on the various distinct areas identified

³ The vote to adopt this report and the proposed rule was unanimous. The votes on the subcommittee reports, in which the findings are incorporated, were not. See minutes of the February 24, 2020 and June 12, 2020 task force meetings, attached in Appendix I.

in the order.⁴ Those subcommittees met and prepared reports for the task force, and full task force meetings were conducted to accept input regarding, and to vote on, these subcommittee reports. While all task force meetings were noticed and open to the public, all but one of the task force meetings were conducted either telephonically or by Zoom. One task force meeting was held in person at The Florida Bar's Winter Meeting in Orlando.⁵ On a dedicated page on the bar's website, the task force posted information for stakeholders and the public, including: the Court's order, a schedule of meetings, an invitation to attend the in-person meeting to comment on the task force's mission statement, subcommittee reports, rule drafts, agendas with backup (which included comments and other submissions received by the task force), and minutes.

The task force also requested that the bar conduct a survey of entities in other jurisdictions responsible for collecting and distributing IOTA funds (often referred to as IOLTA in other jurisdictions). A survey was sent to 68 entities and the bar received a 37% response rate. The survey inquired about the specific points raised in the Court's order. The survey (without 117 pages of uploaded reports received from the IOTA/IOLTA entities) is Appendix K.

After all of the subcommittee work was concluded, the task force then conducted several meetings to solicit input from stakeholders and the public on the subcommittee reports. Once subcommittee work was completed, the task force, armed with the work of its several subcommittees and significant input from various stakeholders, shifted its focus to what the task force perceives as its most important deliverable to the Court: proposed amendments to Rule 5-1.1(g).

Cumulatively, the task force members spent hundreds of hours reviewing reams and reams of submissions,⁶ attending subcommittee and task force meetings, and working with various IOTA fund stakeholders.

⁴ Appendix B is the task force subcommittee schedule of assignments and task force meetings at which subcommittee presentations were made.

⁵ Appendix C contains a schedule of the task force's meetings, and Appendix I is a composite containing all task force agendas and minutes.

⁶ Attached as Appendix J, this report's final appendix, is a composite of all of the submissions the task force received, exclusive of several hundred documents that the task force requested from the foundation, including minutes of all the foundation's board and executive committee minutes and descriptions of the foundation's grant programs. Links provided in the submissions are included, but the documents found at the links are not.

B. The Subcommittee Phase

Since the order gave an overarching directive that all of the task force's work give priority consideration to the need for funding of direct legal services for low income litigants, the first subcommittee was charged with examining the need for funding of direct legal services in Florida. In sum, the subcommittee concluded that the need for funding of direct legal services in Florida was quite significant. Appendix D is the report of the legal needs subcommittee.

The next subcommittee examined whether specific priorities should be established for the use of available IOTA Funds. Again, this subcommittee had little difficulty concluding that, given the limited availability of IOTA funds, specific priorities should be established.⁷ Appendix E is the report of this subcommittee.

The “heavy-lifting” was conducted by the third and final subcommittee created by Chair Downs. This subcommittee was tasked with determining whether specific requirements and limitations should be imposed on the use of IOTA funds. And, because this subcommittee's charge was inextricably intertwined with whether reporting requirements should be adopted, Chair Downs tasked this subcommittee with preparing a comprehensive report to make recommendations regarding: (a) whether limitations should be imposed on IOTA funds; (b) if so, what those limitations should be; and (c) what reporting requirements should be adopted to ensure transparency of IOTA fund use. The subcommittee determined that specific limitations and reporting requirements should be imposed and made preliminary recommendations of what those limitations and requirements should be.⁸ Appendix F is the report of this subcommittee.

⁷ All entities responding to the bar's survey reported having priorities, with 32% reporting that the priorities are set by rule, 4% by court order, and 64% by some other method, including statute, bylaws, and foundation boards.

⁸ The responses to the survey indicated that 80% of responding entities indicated that specific limitations are imposed on the use of funds in their jurisdiction, that 33% of the jurisdictions imposed the limitations by rule, 5% by court order, and 62% by some other method. The majority of those responding with “other method” reported the foundation board set the limitations. Sixty percent of those responding reported that there is an obligation to report information about the funds' use. Responses indicate the reporting requirement is imposed by court order, rule, or statute. Sixty percent of those responding indicated that the report includes the amount spent on indigent representation; forty-eight percent of those responding indicated that the report includes the number of indigent persons served; twenty-eight percent indicated that the report includes the percentage of IOTA funds used for administrative expenses; eighteen percent indicated that the report includes number of hours spent on indigent representation; and 45% indicated the report includes something else.

Given the recommendations in the reports of the subcommittees, it became readily apparent that, as contemplated in the order, the task force would be making recommendations to the Court regarding specific amendments to Rule 5-1.1(g). The task force then transitioned from its subcommittee phase to its rule-drafting phase.

C. The Rule-Drafting Phase

It is important to note that the task force considered numerous rule amendment drafts and other submissions from several different sources. The first draft considered by the task force was prepared by task force members and discussed at the task force's June 18, 2020 meeting.⁹ At this meeting, the task force heard from numerous stakeholders, and the foundation advised that it would submit a proposed alternative draft in the coming weeks.

At the task force's July 15, 2020 meeting, the foundation presented proposed rule amendments that were jointly prepared and submitted by the foundation and the Florida Legal Civil Aid Association ("FLCAA"). This draft is Appendix H.

At its August 14, 2020 meeting, the task force was advised that certain task force members were working together to prepare a "hybrid" draft for the task force's consideration. It was advised that this "hybrid" draft would incorporate components of both previously submitted drafts, along with substantial input that had been received from various sources, from both outside of, and within, the task force. While recognizing the difficulty of achieving a unanimous vote on any proposed rule, at this August 14 meeting, several task force members expressed their desire to achieve just that.

The "hybrid" draft was circulated, and, along with a draft of this report, was considered by the task force at its August 31, 2020 meeting. Each task force member was then invited to provide additional edits to the proposed rule amendments and report, and the task force incorporated most of these submissions into the final drafts.

The task force takes pride in the fact that, notwithstanding the disparate makeup of the task force, the vote, taken by e-mail concluding September 9, 2020,

⁹ This initial draft is at Appendix G.

to adopt this report and the accompanying proposed rule amendments was unanimous. The task force's proposed rule amendments are included as Exhibit 1.

IV. The Proposed Rule Amendments

As is obvious from their text, the gravamen of the proposed rule amendments is to place restrictions on the use of IOTA funds and ensure that the maximum amount of IOTA funds be disbursed to qualified organizations who have a successful track record in providing direct legal services to low income clients.¹⁰ But, the task force felt it important to highlight to the Court 4 discrete issues with which the task force wrestled, that may not be obvious from simply reading the text of the proposed rule amendments.

A. Grantee Experience

Florida is fortunate to have an established network of legal service providers who, for years, have provided direct legal services for low income Floridians. These highly dedicated providers have developed delivery systems using a combination of staff attorneys, volunteers, and pro bono attorneys. Recognizing these established providers, the task force has included in the proposed rule amendments a limitation that IOTA funds may be distributed only to those qualified grantees who have successful experience in providing qualified legal services. (*See*, proposed new subdivision 5-1.1(g)(1)(F) in Exhibit 1.) The task force is of the opinion that, given the scarcity of IOTA funds, risks should not be taken on “start ups.”

But, a compelling case can be made, and the Court may be of the opinion, that such a restriction should not be included in the rule. Indeed, a minority of task force members argued that the foundation, as the IOTA funds administrator, should have the flexibility--within the objective standards it adopts pursuant to 5-1.1(g)(8)--to award IOTA funds to “new” qualified grantees.

B. Foundation Overhead Expenses

No portions of the proposed rule amendments were given more attention than the provisions that restrict the foundation's use of the IOTA funds with respect to expenses. The proposed rule amendments require that all IOTA funds

¹⁰ The existing rule contains no restrictions on the use of IOTA funds; any restrictions on IOTA fund use are prescribed in the foundation's governing documents and orders from the Court.

received, other than direct expenses required to administer the IOTA funds, be distributed to qualified grantees within 6 months of receipt by the foundation. (*See*, proposed new subdivision 5-1.1(g)(8) in Exhibit 1.) The proposed rule amendments also provide that, absent prior Court approval, direct expenses required to administer the IOTA funds are limited to 15% of received IOTA funds. The proposed rule amendments establish an intentionally restrictive definition of the direct expenses required to administer the IOTA funds. (*See*, proposed new subdivision 5-1.1(g)(1)(I) in Exhibit 1.) Two overarching factors lead to the task force's crafting of these two provisions: (a) the continued downward trend in IOTA collections and (b) the significant need for providing direct legal services to low income litigants. Given these factors, the task force has little difficulty with the recommendations that require the bulk of IOTA funds be expended to provide direct legal services to low income Floridians and restrict the amount of IOTA funds that may be used for the foundation's overhead.

After agreeing to these general recommendations, the task force undertook the more difficult challenge of determining what that overhead restriction should be. Preliminarily, the task force noted that most non-profit foundations must expend significant resources "fundraising." Fortunately, since IOTA participation is compulsory, the foundation avoids expending typical "fundraising" overhead expenses to solicit IOTA funds. The task force further believes that the restriction on overhead expenditures should plainly convey the Court's "priority consideration" that IOTA funds be used to provide direct civil legal services to low income Floridians. Thus, the recommendations are for the foundation to merely collect, disburse, and enhance IOTA funds--because the foundation, itself, does not provide any direct legal services.

In addition, the foundation provided significant input to the task force, both in written form, and through direct testimony. And, it bears noting that 4 of the task force's 7 members were, or are currently, long-time foundation board members. Suffice to say, the task force's recommendations to the Court in this regard are well informed.

Even so, the task force members did not initially agree on the proposed overhead restriction. Indeed, the report from the third task force subcommittee recommended a 5% restriction (*See*, Appendix F). The proposed rule submitted jointly by the foundation and FLCAA recommended a 20% restriction (*See*, Appendix H); while the task force's first draft rule recommended a 10% restriction

(See, Appendix G). The task force pivoted from a set percentage to the structure in the proposed rule amendments, *i.e.*, one that describes those expenses that are permissible uses of IOTA funds. This approach eliminates concerns regarding the arbitrariness of a percentage allocated to overhead no matter how much, nor how little, is received in IOTA funds. The only reference in the proposed rule amendments to a percentage is as an annual ‘not to exceed without permission’ backstop.

The task force, in an effort to ensure that the foundation’s overhead expenses paid with IOTA funds are limited to specified purposes related to IOTA funded projects, agreed to recommendations that carefully define which overhead expenses may be paid with IOTA funds. (See, proposed new subdivision 5-1.1(g)(1)(I) in Exhibit 1.) Not only will such specificity provide clarity for the foundation and its auditors, but it will also assist the foundation in its reporting requirements. (See, proposed new subdivision 5-1.1(g)(10)(B) in Exhibit 1.)

Finally, while there may be minor disagreements about certain specifics contained in these provisions, dissenting concerns have been somewhat ameliorated by two proposed provisions: (a) new subdivision 5-1.1(g)(1)(I)’s language allowing the foundation to petition the Court for relief from the “backstop” 15% restriction; and (b) new subdivision 5-1.1(g)(12)’s efficacy review. (See, Section IV(D), below.)

C. IOTA Funds Administrator

The proposed rule amendments designate the foundation as the single IOTA funds administrator. Although the task force recommends the foundation serve in that role if it is willing to do so, the task force respects that the proposed limitations may result in the foundation’s unwillingness to do so. In that event, the task force anticipates another IOTA funds administrator will be designated by the Court, with appropriate changes to the proposed rule amendments.

D. Transition and Efficacy Review

If adopted, the proposed rule amendments will significantly alter the *status quo*. Recognizing this, the task force has included two important provisions in the proposed rule amendments.

First, the task force is recommending a review provision, so that 2 years after adoption of the amendments, the Court can review the efficacy of the changes. (*See*, proposed new subdivision 5-1.1(g)(12) in Exhibit 1.) While the task force unanimously endorsed this concept, the task force was divided on whether such a review should be embodied in the rule or should otherwise be directed by the Court in its order adopting the rule amendments. Obviously, this, like everything in this report and the proposed rule amendments, is entirely up to the Court's discretion. The task force does, however, strongly recommend that the Court formalize a review process--either within the rule or otherwise--if the Court adopts these proposed rule amendments. Second, taking into account historical practices of the foundation,¹¹ the task force is recommending an effective date of the amendment that is both practical and will also ensure a smooth transition. The effective date proposed by the foundation is the first day of the foundation's fiscal year (July 1) that follows the date of the final adoption of the proposed rule changes. In addition, recognizing that, on the effective date of the amendments, the foundation will have collected, but not distributed, the prior year's IOTA funds, the proposed rule amendments require the foundation to disburse any collected IOTA funds, pursuant to the newly adopted rules.

V. Conclusion

The task force wishes to thank The Florida Bar for providing a host of support services; and especially Elizabeth Tarbert, the bar's chief ethics counsel, for her patience, assistance, and superb guidance.

The task force appreciates the opportunity to assist the Court in its efforts, and remains, ready, willing and able to assist the Court in any way requested.

Respectfully submitted,

Mayanne Downs, Chair
September 15, 2020

¹¹ The foundation currently makes IOTA grant determinations and allocations in arrears. For example, in FY 2020-21, the foundation is disbursing IOTA funds collected and committed in FY 2019-20.

TABLE OF EXHIBIT AND APPENDICES

Exhibit 1 Proposed Amendments to Rule 5-1.1(g)

Appendix A Administrative Order AOSC 19-70

Appendix B Task Force on Distribution of IOTA Funds Schedule of Subcommittee Assignments and Task Force Meetings

Appendix C Task Force on Distribution of IOTA Funds Schedule of Meetings

Appendix D Report by the Subcommittee to Examine the Need for Funding Direct Legal Services for Low-Income Litigants in Florida

Appendix E Report by the Subcommittee to Determine Whether Specific Priorities Should Be Established for the Use of Available IOTA Funds

Appendix F Report by the Combined Subcommittee to Examine Whether Specific Requirements or Limitations Should Be Imposed on the Use of IOTA Funds and the Subcommittee to Examine Whether Reporting Requirements Regarding the Distribution and Use of IOTA Funds Should Be Adopted

Appendix G First Draft of Proposed Amendments to Rule 5-1.1(g)

Appendix H Florida Civil Legal Aid Association Draft Amendments to Rule 5-1.1(g)

Appendix I Task Force on Distribution of IOTA Funds Agendas and Minutes

Appendix J Submissions Received by the Task Force on Distribution of IOTA Funds

Appendix K Florida Bar State IOLTA/IOTA Funds Survey (December 2019)

Exhibit 1

Proposed Amendments To Rule 5-1.1(g)

RULE 5-1.1 TRUST ACCOUNTS

(g) Interest on Trust Accounts (IOTA) Program.

(1) *Definitions.* As used in this rule, the term:

(A) “Nominal or short term” describes funds of a client or third person that the lawyer has determined cannot earn income for the client or third person in excess of the costs to secure the income.

(B) “Foundation” means The Florida Bar Foundation, Inc.; which serves as the designated IOTA fund administrator and monitors and receives IOTA funds from eligible institutions and distributes IOTA funds consistent with the obligations and directives in this rule.

(C) “IOTA account” means an interest or dividend-bearing trust account benefiting The Florida Bar Foundation established in an eligible institution for the deposit of nominal or short-term funds of clients or third persons.

(D) “Eligible institution” means any bank or savings and loan association authorized by federal or state laws to do business in Florida and insured by the Federal Deposit Insurance Corporation, any state or federal credit union authorized by federal or state laws to do business in Florida and insured by the National Credit Union Share Insurance Fund, or any successor insurance corporation(s) established by federal or state laws, or any open-end investment company registered with the Securities and Exchange Commission and authorized by federal or state laws to do business in Florida, all of which must meet the requirements set out in subdivision (5), below.

(E) “Interest or dividend-bearing trust account” means a federally insured checking account or investment product, including a daily financial institution repurchase agreement or a money market fund. A daily financial institution repurchase agreement must be fully collateralized by, and an open-end money market fund must consist solely of, United States Government Securities. A daily financial institution repurchase agreement may be established only with an eligible institution that is deemed to be “well capitalized” or “adequately capitalized” as defined by applicable federal statutes and regulations. An open-end money market fund must

hold itself out as a money market fund as defined by applicable federal statutes and regulations under the Investment Company Act of 1940 and have total assets of at least \$250 million. The funds covered by this rule are subject to withdrawal on request and without delay.

(F) A “qualified grantee organization” is a charitable or other nonprofit organization that facilitates or directly provides qualified legal services by qualified legal services providers and that has experience in successfully doing so.

(G) “Qualified legal services” are free legal services provided directly to low-income clients for their civil legal needs in Florida.

(H) A “qualified legal services provider” is a member of The Florida Bar or other individual authorized by the Rules Regulating The Florida Bar or other law to provide qualified legal services.

(I) “Direct expenses required to administer the IOTA funds” means those actual costs directly incurred by the foundation in performing the obligations imposed by this rule. Direct expenses required to administer the IOTA funds must not exceed 15% of collected IOTA funds in any fiscal year without the court’s prior approval. These costs include preparation of the foundation’s annual audit on IOTA funds, compensation of staff who exclusively perform the required collection, distribution, and reporting obligations imposed by this rule and overhead expenses of the foundation directly related to fulfilling its obligations under this rule. These overhead expenses also include:

(i) actual costs and expenses incurred by the foundation to increase the amount of IOTA funds available for distribution;

(ii) funding of reserves deemed by the foundation to be reasonably prudent to promote stability in distribution of IOTA funds to qualified grantee organizations; and

(iii) direct costs related to providing training and technology to qualified grantee organizations, as specified below.

(J) “The court” means the Florida Supreme Court.

(2) *Required Participation.* All nominal or short-term funds belonging to clients or third persons that are placed in trust with any member of The Florida

Bar practicing law from an office or other business location within the state of Florida must be deposited into one or more IOTA accounts, unless the funds may earn income for the client or third person in excess of the costs incurred to secure the income, except as provided elsewhere in this chapter. Only trust funds that are nominal or short term must be deposited into an IOTA account. The Florida bar member must certify annually, in writing, that the bar member is in compliance with, or is exempt from, the provisions of this rule.

(3) *Determination of Nominal or Short-Term Funds.* The lawyer must exercise good faith judgment in determining on receipt whether the funds of a client or third person are nominal or short term. In the exercise of this good faith judgment, the lawyer must consider such factors as the:

- (A) amount of a client's or third person's funds to be held by the lawyer or law firm;
- (B) period of time the funds are expected to be held;
- (C) likelihood of delay in the relevant transaction(s) or proceeding(s);
- (D) lawyer or law firm's cost of establishing and maintaining an interest-bearing account or other appropriate investment for the benefit of the client or third person; and
- (E) minimum balance requirements and/or service charges or fees imposed by the eligible institution.

The determination of whether a client's or third person's funds are nominal or short term rests in the sound judgment of the lawyer or law firm. No lawyer will be charged with ethical impropriety or other breach of professional conduct based on the exercise of the lawyer's good faith judgment.

(4) *Notice to Foundation.* Lawyers or law firms must advise the foundation, at its current location posted on The Florida Bar's website, of the establishment of an IOTA account for funds covered by this rule. The notice must include: the IOTA account number as assigned by the eligible institution; the name of the lawyer or law firm on the IOTA account; the eligible institution name; the eligible institution address; and the name and Florida Bar number of the lawyer, or of each member of The Florida Bar in a law firm, practicing from an office or other business location within the state of Florida that has established the IOTA account.

(5) *Eligible Institution Participation in IOTA*. Participation in the IOTA program is voluntary for banks, credit unions, savings and loan associations, and investment companies. Institutions that choose to offer and maintain IOTA accounts must meet the following requirements:

(A) Interest Rates and Dividends. Eligible institutions must maintain IOTA accounts which pay the highest interest rate or dividend generally available from the institution to its non-IOTA account customers when IOTA accounts meet or exceed the same minimum balance or other account eligibility qualifications, if any.

(B) Determination of Interest Rates and Dividends. In determining the highest interest rate or dividend generally available from the institution to its non-IOTA accounts in compliance with subdivision (5)(A), above, eligible institutions may consider factors, in addition to the IOTA account balance, customarily considered by the institution when setting interest rates or dividends for its customers, provided that these factors do not discriminate between IOTA accounts and accounts of non-IOTA customers, and that these factors do not include that the account is an IOTA account.

(C) Remittance and Reporting Instructions. Eligible institutions must:

(i) calculate and remit interest or dividends on the balance of the deposited funds, in accordance with the institution's standard practice for non-IOTA account customers, less reasonable service charges or fees, if any, in connection with the deposited funds, at least quarterly, to the foundation;

(ii) transmit with each remittance to the foundation a statement showing the name of the lawyer or law firm from whose IOTA account the remittance is sent, the lawyer's or law firm's IOTA account number as assigned by the institution, the rate of interest applied, the period for which the remittance is made, the total interest or dividend earned during the remittance period, the amount and description of any service charges or fees assessed during the remittance period, and the net amount of interest or dividend remitted for the period; and

(iii) transmit to the depositing lawyer or law firm, for each remittance, a statement showing the amount of interest or dividend paid

to the foundation, the rate of interest applied, and the period for which the statement is made.

(6) *Small Fund Amounts.* The foundation may establish procedures for a lawyer or law firm to maintain an interest-free trust account for client and third-person funds that are nominal or short term when their nominal or short-term trust funds cannot reasonably be expected to produce or have not produced interest income net of reasonable eligible institution service charges or fees.

(7) *Confidentiality and Disclosure.* The foundation must protect the confidentiality of information regarding a lawyer's or law firm's trust account obtained by virtue of this rule. However, the foundation must, on an official written inquiry of The Florida Bar made in the course of an investigation conducted under these Rules Regulating The Florida Bar, disclose requested relevant information about the location and account numbers of lawyer or law firm trust accounts.

(8) *Distribution of IOTA Funds by the Foundation.* Within 6 months of receipt, the foundation must distribute to 1 or more qualified grantee organizations all collected IOTA funds except for direct expenses required to administer the IOTA funds. Prior to distribution, the foundation must maintain IOTA funds separate from other foundation funds. The foundation may not condition distribution of IOTA funds to a qualified grantee organization on payment to the foundation for any purpose, including training, or technology. The foundation must select qualified grantee organizations based on objective standards it develops. When adopted, the foundation must provide those standards to both The Florida Bar and the court and also prominently publish those standards on the foundation's website. The standards must require that IOTA funds be used to provide qualified legal services and, to ensure fair distribution of IOTA funds across Florida, must consider relevant data, including:

(A) demographic data provided by an appropriate governmental agency, such as the U.S. Bureau of Labor Statistics; and

(B) data provided by the qualified grantee organization on the use of any IOTA funds previously received.

(9) *Use of IOTA Funds by Qualified Grantee Organizations.* A qualified grantee organization must expend at least 90% of the IOTA funds received to

facilitate qualified legal service providers providing qualified legal services. A qualified grantee organization must expend no more than 10% of the IOTA funds received for administrative expenses and establishing reserves. Administrative expenses include rent, training, and technology. Expenditures to facilitate qualified legal service providers providing qualified legal services are limited to:

(A) compensation paid to qualified legal service providers;

(B) compensation paid to support staff who are directly assisting qualified legal services providers, such as paralegals;

(C) compensation paid to staff necessary for coordinating volunteer qualified legal service providers; or

(D) expenses that otherwise directly facilitate providing qualified legal services.

Compensation includes benefits such as health insurance and bar membership fees.

(10) Reporting by the Foundation. In addition to providing the court with a copy of the annual audit of IOTA funds, the foundation must annually certify to the court its compliance with this rule's requirements on the use of IOTA funds. This certification must include, but not be limited to:

(A) the amount of IOTA funds received;

(B) a detailed breakdown of direct expenses required to administer the IOTA funds;

(C) the name of each qualified grantee organization to which distributions were made;

(D) the amount of distribution received by each qualified grantee organization;

(E) a description of the process for determining eligibility and selection of each qualified grantee organization, including the objective standards developed for that purpose;

(F) the total amount received from sources other than IOTA funds;

(G) a detailed summary of the information provided to the foundation from qualified grantee organizations as required by section (11) of this rule; and

(H) any other information the court determines is relevant.

(11) *Reporting by Qualified Grantee Organizations.* Qualified grantee organizations must annually certify to the foundation their compliance with this rule’s requirements on the use of IOTA funds. This certification must include, but not be limited to:

(A) the number of qualified legal services providers compensated or facilitated by the use of IOTA funds;

(B) the number of clients receiving qualified legal services paid for or facilitated by the use of IOTA funds;

(C) the number of low-income Floridians who, while not directly represented, are nevertheless impacted by qualified legal services paid for or facilitated by the use of IOTA funds;

(D) the number of hours expended delivering qualified legal services paid for or facilitated by the use of IOTA funds;

(E) the types of matters for which clients received qualified legal services paid for or facilitated by the use of IOTA funds;

(F) an accounting of the use of IOTA funds, including the amount used to establish reserves and pay for overhead and administrative expenses;

(G) the total amount received from sources other than IOTA funds by the qualified grantee organization; and

(H) any other information the court determines is relevant.

(12) *Required Review.* The court will cause a review of these amendments to be conducted to advise the court regarding their overall efficacy 2 years after their effective date. The scope of this review may also include any other matters related to the IOTA program.

(13) *Effective Date and Transitional Rule.* This amended rule becomes effective on July 1 following the date of the final adoption of these rules. During the fiscal year beginning on that July 1, the foundation must apply these

rules not only to funds that will be received prospectively, but also to funds that were received during the prior fiscal year and not yet distributed to grantees.

Comment

Foundation provision of training and technology

While the foundation may use IOTA funds to provide training and technology to qualified grantee organizations, and qualified grantee organizations may use disbursed IOTA funds to pay the foundation for that training and technology, the foundation may not condition a grant on payment for these, or any, services provided by the foundation to the qualified grantee organization. For instance, the foundation may arrange for bulk purchasing of technology which can then be provided to a qualified grantee organization at a lower cost than would be otherwise available to the qualified grantee organization, but the foundation may not, as a grant condition, require the grantee to pay the foundation for such services. A qualified grantee organization should, but is not required to, receive funds from sources other than IOTA funds to support its overall mission.

Appendix A

Administrative Order

Supreme Court of Florida

No. AOSC19-70

IN RE: TASK FORCE ON DISTRIBUTION OF IOTA FUNDS

ADMINISTRATIVE ORDER

The Interest on Trust Accounts (IOTA) Program operates pursuant to the provisions of rule 5-1.1(g) of the Rules Regulating the Florida Bar. Under the IOTA Program, all IOTA funds flow to The Florida Bar Foundation, Inc., and are to be “used to fund programs which are designed to improve the administration of justice or to expand the delivery of legal services to the poor.” *Matter of Interest on Trust Accounts*, 538 So. 2d 448, 450 (Fla. 1989).

The Court has determined that it is appropriate to establish a task force to examine whether rule 5-1.1(g) should be amended to better ensure the most effective use of IOTA funds.

Accordingly, the Task Force on the Distribution of IOTA Funds (Task Force) is hereby created to examine and make recommendations to the Court on alternative models for the distribution of IOTA funds; whether specific priorities should be established for the use of available IOTA funds; whether specific requirements or limitations should be imposed on the use of IOTA funds; whether

Task Force on Distribution of IOTA Funds Final Report

Appendix A - Administrative Order

September 15, 2020

Page A - 2

reporting requirements regarding the distribution and use of IOTA funds should be adopted; and any other matters related to ensuring the most effective use of IOTA funds. In conducting its work, the Task Force shall give priority consideration to the need for funding direct legal services for low-income litigants in Florida.

The following individuals are hereby appointed to serve on the Task Force for a term that expires on December 31, 2020:

Mayanne Downs
Attorney at Law
Orlando, Florida

Karen Ladis
Attorney at Law
Miami, Florida

Laird A. Lile
Attorney at Law
Naples, Florida

Hala A. Sandridge
President, The Florida Bar Foundation
Tampa, Florida

The Honorable Edwin A. Scales, III
Appellate Judge, Third District Court of Appeal
Miami, Florida

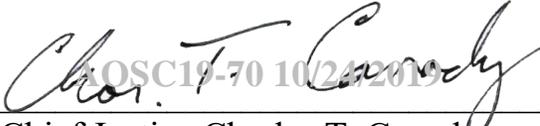
John M. Stewart
President, The Florida Bar
Vero Beach, Florida

M. Scott Thomas
Attorney at Law
Jacksonville, Florida

Mayanne Downs shall serve as Chair of the Task Force. Chief Justice Charles Canady shall serve as the Supreme Court liaison. Administrative support shall be provided to the Task Force by The Florida Bar.

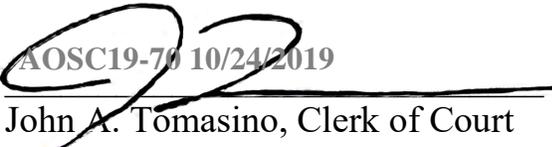
The Task Force shall submit to the Court its findings and recommendations, together with any proposed rule amendments, by September 15, 2020. If the Task Force determines that rule amendments are warranted, the proposed amendments should comply with Rules Style Guide in Part I of the Guidelines for Rules Submissions. *See In re Guidelines for Rules Submissions*, Fla. Admin. Order No. AOSC06-14 (June 14, 2006).

DONE AND ORDERED at Tallahassee, Florida, on October 24, 2019.

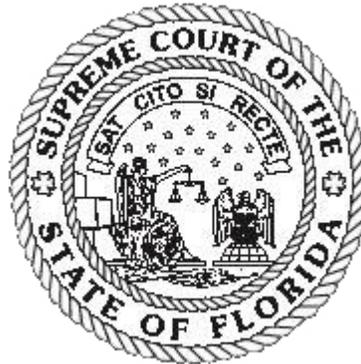


Chief Justice Charles T. Canady
AOSC19-70 10/24/2019

ATTEST:



John A. Tomasino, Clerk of Court
AOSC19-70 10/24/2019



Appendix B

Schedule of Subcommittee Assignments & Meetings

SUPREME COURT OF FLORIDA TASK FORCE ON DISTRIBUTION OF IOTA FUNDS

Meetings and Distribution of Subcommittee Assignments

SUBCOMMITTEE	SUBCOMMITTEE MEMBERS	MEETING DATE
Examine need and availability of IOTA funds for funding direct legal services for low-income litigants in Florida	Scales & Ladis	3-4 p.m., January 13, 2020 (Conference Call)
Meeting to hear comments from interested persons on the task force mission	Full Task Force	9-11 a.m., February 6, 2020 (Hyatt Regency, Orlando, FL TFB Winter Meeting)
Examine whether specific priorities should be established for the use of available IOTA funds	Downs & Stewart	2-3 p.m., February 24, 2020 (Conference Call)
Examine whether specific requirements or limitations should be imposed on the use of IOTA funds	Lile & Scales	10-12, March 11, 2020 (Conference Call)
Examine whether reporting requirements regarding the distribution and use of IOTA funds should be adopted (including objective benchmarks to measure efficient/effective deployment of IOTA funds)	Thomas	10-11 a.m., April 13, 2020 (Conference Call)
Presentation by the Florida Bar Foundation & Combined subcommittee Reports for requirements/limitations and reporting	Lile, Scales, & Thomas	10 a.m. - noon, May 18, 2020 (Zoom Meeting)
Draft task force recommendations, including any proposed rule amendments, and distribute for public comment	Full Task Force	1-3 p.m. June 12, 2020 (Zoom Meeting)
Meeting to hear public comments on task force recommendations	Full Task Force	9-noon, June 18, 2020 (Zoom Meeting)
Finalize task force recommendations	Full Task Force	9-11 a.m., July 15, 2020
Finalize task force recommendations	Full Task Force	10-11 a.m., August 14, 2020 (Zoom Meeting)

Finalize task force recommendations	Full Task Force	2-3 p.m., August 31, 2020 (Zoom Meeting)
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Appendix C

Schedule of Meetings

SUPREME COURT OF FLORIDA TASK FORCE ON DISTRIBUTION OF IOTA FUNDS
List of Meetings

MEETING DATE, TIME AND TYPE	PURPOSE
November 11, 2019, 10:00-11:00 a.m.	Introductions and organization of assignments
January 13, 2020, 3:00-4:00 p.m. (Conference Call)	Review the report from the subcommittee to examine the need and availability of IOTA funds for funding direct legal services for low-income litigants in Florida
February 6, 2020, 9:00-11:00 a.m. (Hyatt Regency, Orlando, FL, The Florida Bar Winter Meeting)	Meeting to hear comments from interested persons on the task force mission
February 24, 2020, 2:00-3:00 p.m. (Conference Call)	Review the report from the subcommittee to examine whether specific priorities should be established for the use of available IOTA funds
March 11, 2020, 10:00 a.m.-noon (Conference Call)	Examine whether specific requirements or limitations should be imposed on the use of IOTA funds
April 13, 2020, 10:00-11:00 a.m. (Conference Call)	Examine whether reporting requirements regarding the distribution and use of IOTA funds should be adopted (including objective benchmarks to measure efficient/effective deployment of IOTA funds)
May 18, 2020, 10:00 a.m.-noon (Zoom Meeting)	Presentation by the Florida Bar Foundation & review of combined subcommittee reports for requirements/limitations on the use of funds and reporting requirements
June 12, 2020, 1:00-3:00 p.m. (Zoom Meeting)	Review the combined report of the subcommittee to examine whether specific requirements or limitations should be imposed on the use of IOTA funds and the subcommittee to examine whether reporting requirements regarding the distribution and use of IOTA funds should be adopted
June 18, 2020, 9:00 a.m.-noon (Zoom Meeting)	Hear public comments on task force recommendations and draft rule amendments
July 15, 2020, 9:00-11:00 a.m. (Zoom Meeting)	Review written comments on draft rule amendments and finalize task force recommendations
August 14, 2020, 10:00-11:00 a.m. (Zoom Meeting)	Review draft rule amendments and finalize task force recommendations
August 31, 2020, 2:00-3:00 p.m. (Zoom Meeting)	Finalize rule amendments and task force recommendations

Appendix D

Subcommittee Report on Need for Funding



The Florida Bar
651 East Jefferson Street
Tallahassee, FL 32399-2300

Joshua E. Doyle
Executive Director

850/561-5600
www.FLORIDABAR.org

M E M O R A N D U M

To: Task Force on Distribution of IOTA Funds
From: Karen Ladis and Edwin A. Scales, III
cc: Joshua E. Doyle; Gypsy Bailey; Elizabeth Clark Tarbert
Date: January 6, 2020
Re: Report by the Subcommittee to Examine the Need for Funding Direct Legal Services for Low-Income Litigants in Florida

A. PREFACE/INTRODUCTION

On October 24, 2019 the Florida Supreme Court issued Administrative Order AOSC 19-70 that established the Task Force on Distribution of IOTA Funds. In the Administrative Order, the Court charged the Task Force with delivering to the Court, prior to September 15, 2020, proposed amendments to Rule 5-1.1(g) of the Rules Regulating the Florida Bar. In developing any proposed rule amendments, the Court charged the Task Force with examining (and making recommendations regarding) four specific areas: (a) alternative models for distribution of IOTA funds; (b) whether specific priorities should be established for use of IOTA funds; (c) whether specific limitations should be placed on the use of IOTA funds; and (d) whether reporting requirements regarding distribution and use of IOTA funds should be implemented.

The Task Force Chair, Mayanne Downs, created several sub-committees of the Task Force to examine those specific interest areas outlined in the Administrative Order. Since the overarching charge of the Task Force, however, is to make its recommended rule amendments giving “priority consideration to the need for funding direct legal services for low-income litigants in Florida,” Chair Downs also created the instant subcommittee to prepare this report regarding the overall need for the funding of attorneys to represent low-income litigants in Florida.

B. THE NEED FOR DIRECT LEGAL SERVICES FOR LOW-INCOME FLORIDA LITIGANTS

Obviously, there is no precise measurement on the number of low-income Florida litigants who need, but cannot afford, lawyers to represent them in their civil matters.¹ We can, though,

¹ Indigent criminal defendants are provided with representation. The scope of this report is, therefore, limited to civil litigation cases.

extrapolate from some existing data -- much of which has been provided to the Florida Commission on Access to Civil Justice² -- that there are a significant number of low-income Florida litigants who need, but are unable to afford, an attorney.

For example, we know that, of Florida's approximately 7.5 million households, 14 percent (or about 1,060,000) of these households live in poverty.³ Another study found that approximately 4,213,000 Floridians had an income below the 125% of Federal Poverty Level ("FPL"), which made them income-eligible to be serviced by one of Florida's 35 civil legal aid organizations.⁴ And we know that only about 80,399 of these 4.2+ million low-income Floridians below the 125% FPL were assisted by Florida civil legal aid organizations.⁵

We can also extrapolate from some national data. According to a report from the Legal Services Corporation (LSC), in 2017, 71% of low-income households experienced at least one civil legal problem, including problems with domestic violence, veterans' benefits, disability access, housing conditions and health care.⁶ If, based on this report, we assume that approximately 70% of Florida's low income households experience at least one civil legal problem in a year, then we can conclude that approximately 742,000⁷ low income Florida households experienced a civil legal problem, while, as mentioned earlier, only about 80,399 low income Floridians were assisted by Florida civil legal aid organizations.

While the above-referenced figures are based on Floridians living below the 125% FPL, another study---focused on not only low income, but moderate income, Floridians--- estimated that, in 2016, some 3.4 million Florida households---46% of them, in fact---could not afford basic needs such as housing, child care, food, transportation, health care, and technology. The 46% is derived from 14% that lived in poverty and another 32% that were asset limited, income constrained, and employed.⁸ A similar study estimated that 5.87 million low and moderate income (moderate income is below 400% of the FPL) Floridians are likely to experience a civil legal issue each year.⁹ If this 5.87 million figure is accurate, and only about 80,399 Floridians are assisted annually by Florida civil aid organizations,¹⁰ then it appears that over 98% of low and moderate income Floridians either: a) are denied access to civil justice; (b) find a way to pay for a lawyer; or (c) simply go it alone.

² The Florida Commission on Access to Civil Justice was established by the Florida Supreme Court in 2014 (AOSC14-65) and reestablished by the Court as a standing committee in 2016 (AOSC16-71).

³ 2018 Asset Limited Income Constrained Employed Report: A Study of Financial Hardship in Florida, (2018) (ALICE Report); Executive Summary page 1.

<https://www.uwof.org/sites/uwof.org/files/2018%20FL%20ALICE%20REPORT%20AND%20CO%20PAGES.pdf>

⁴ Mapping Justice: Using Geospatial Data Visualization to Show Impact, Strengthen Advocacy and Support Strategic Planning, Slide 20 [on file with the task force; also available by searching the Florida Commission on Access to Civil Justice Knowledge Base at: <https://atj.flcourts.org/knowledge-base/>].

⁵ *Id.*

⁶ Legal Services Corporation Report: The Justice Gap: Measuring the Unmet Civil Legal Needs of Low-income Americans; Page 6. <https://www.lsc.gov/sites/default/files/images/TheJusticeGap-FullReport.pdf>

⁷ 70% of 1,060,000 = 742,000 households.

⁸ ALICE Report Executive Summary, page 1.

⁹ Mapping Justice, slide 21.

¹⁰ *Id.*

Similarly, if we assume that 70% of Florida's approximately 4,213,000 low income citizens will experience a civil legal problem, and if all 80,399 of the Floridians who are assisted annually by Florida civil aid organizations are low-income Floridians, **then less than 3% of those low income Floridians facing civil legal problems are assisted by Florida civil legal aid organizations**, and the remaining 97% did not seek help, are turned away from Florida civil legal aid organizations for lack of resources, or go it alone.

Finally, one additional metric may provide guidance on the extent of the need to provide low income Florida litigants with more direct legal services: the number of pro se litigants. While all parties who appear pro se in civil matters do not file electronically, information from Florida's E-Filing Portal indicates that in 2017-2018, there were 106,095 self-represented litigants who filed through the portal.¹¹ There are currently 147,208 active accounts for self-represented litigants.¹² There were 10,794 submissions from self-represented litigants in November 2019 alone. While we cannot assume that *all* pro se litigants are unable to afford legal representation, we think it is fair to assume, from practical experience, that the *majority* of parties appearing pro se in civil litigation do so for financial reasons.

In sum, it appears that the need for direct legal services for low-income Florida litigants is overwhelming.

C. USE OF IOTA FUNDS FOR DIRECT LEGAL SERVICES FOR LOW-INCOME FLORIDA LITIGANTS

Currently, Florida's 35 legal aid organizations cumulatively employ approximately 447 lawyers to provide legal services for low income Floridians. The average annual salary-benefit package for each new legal aid attorney is approximately \$67,500. In the fiscal year ending June 30, 2019, approximately \$13,685,000 in IOTA funds were remitted to the Florida Bar Foundation. Based on this \$67,500 figure, approximately 202 attorneys could be hired if 100% of IOTA funds were used to hire attorneys to represent low-income Florida litigants.

¹¹ Florida Courts E-Filing Authority 2017-18 Annual Report, page 5.
http://archive.flclerks.com/e-Filing_Authority/Resources/Materials/Annual_Reports/Florida_Courts_E-Filing_Authority_Annual_Report_2017-18.pdf

¹² Florida Courts E-Filing Authority Board Portal Progress Report (November 2019), page 12.
http://archive.flclerks.com/e-Filing_Authority/Resources/2019-2020_Board_Meetings/2019_December_12_2019_Board_Meeting/E_FilingProgressReportNov2019.pdf

Appendix E

Subcommittee Report on Specific Priorities



The Florida Bar

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Joshua E. Doyle
Executive Director

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MEMORANDUM

To: Task Force on Distribution of IOTA Funds

From: Mayanne Downs and John Stewart

cc: Joshua E. Doyle; Gypsy Bailey; Elizabeth Clark Tarbert

Date: February 21, 2020

Re: Whether specific priorities should be established for the use of available IOTA funds

The Task Force on Distribution of IOTA Funds divided its work into specific assignments for subcommittees. This subcommittee was assigned the task of making a recommendation to the full task force of whether specific priorities should be established for the use of available IOTA funds. This subcommittee recommends that the task force make a finding that specific priorities should be established for the use of available IOTA funds.

Generally, when researching setting up a foundation, the first step noted is to for the foundation to determine its purposes and goals.¹ Foundations generally should have a mission, described in *Forbes* as:

a clear and concise expression of the basic purpose of the organization: what it does, for whom, and what is the basic service. Missions should be complemented with specific, measurable [sic], achievable, and challenging goals.²

¹ See, e.g., Council of Foundations, Starting A Foundation, <https://www.cof.org/content/starting-a-foundation#stage1>

² See, e.g., How to Start a Charity, *Forbes*, May 7, 2012, <https://www.forbes.com/sites/steveodland/2012/05/07/how-to-start-a-charity/#3e8b5a3b5277>

Foundations should also “create a clear set of criteria for selecting funding recipients.”³ Research indicates that many national and other organizations have set up processes to set priorities in funding.⁴

In 1978, the Supreme Court of Florida adopted rules allowing “attorneys to invest trust funds held for clients in order to generate investment income for the benefit of public interest programs related to the legal profession,” noted by the Court to be “the first of its kind in the United States.” *A Petition of Fla. Bar*, 356 So. 2d 799 (Fla. 1978). At the time, most lawyers held client and third party funds in non-interest bearing accounts because of difficulties with federal and state banking regulations in which the financial institutions holding the funds benefited from the holding of those funds. *Id.* at 801-802. In adopting voluntary IOTA, the bar proposed that the funds be used to “fund programs of the Bar, the Foundation, and Florida Legal Services, Inc., designed to provide legal aid to the poor, to enhance the delivery of legal services, to provide supplemental protection to clients through the security fund, to improve and expedite grievance procedures, to make student loans, and to implement other programs aimed at improving the administration of justice.” [Citations omitted.] *Id.* at 805. Florida Legal Services, Inc., by contrast, proposed specifically that the bar’s proposal be amended to create “a specific formula be established for public interest disbursements, subject to change by the Court, but ostensible and available to provide predictability in the establishment of legal benefit programs.” *Id.* The Court stated in its opinion that “Society in general, not just the legal profession, benefits from the reimbursement of defalcations, from legal services provided to the poor, from student loans, and from more efficient machinery to purge and punish errant attorneys. Contrary to the assertion of legal impropriety, each of the purposes served by the Bar’s proposal is now specifically recognized and encouraged in the code of conduct and in programs approved by this Court.” *Id.* The Court then stated that the Foundation charter be amended to use IOTA funds for the following:

- (a) to provide legal aid to the poor;
- (b) to provide for the adequate delivery of legal services to all members of the public;
- (c) to augment the clients' security fund with a view toward full reimbursement;
- (d) to fund a more expeditious and efficient grievance mechanism;
- (e) to provide student loans;
- (f) to improve the administration of justice; and
- (g) for such other programs for the benefit of the public as are specifically approved by the Court from time to time.

Id. at 811.

³ See, e.g., How to Start a Foundation, Entrepreneur.com, October 23, 2012, <https://www.entrepreneur.com/article/224690>.

⁴ See, e.g., National Institute of Health at <https://www.ncbi.nlm.nih.gov/books/NBK45366/>; National Center for Family Philanthropy at https://www.google.com/search?q=setting+priorities+to+granting+funding&rlz=1C1CHBF_enUS866US866&oq=setting+prio&aqs=chrome.69i59l2j0j69i57j0l2j69i61j69i60.1479j1j7&sourceid=chrome&ie=UTF-8; National Research Initiative at <https://www.nap.edu/read/9844/chapter/8>; National Institute on Disability and Rehabilitation Research at <https://www.nap.edu/read/13285/chapter/5>.

In a later case amending the voluntary IOTA program, the Court noted that the program's establishment was difficult and time-consuming because of the need to address potential federal tax consequences. The Court stated that the lawyer addressing tax consequences "was able to obtain firm assurances from IRS that the tax treatment being sought for the program would be approved so long as clients could in no way and to no degree control the creation or destiny of earnings generated on their attorney-held funds." *Matter of Interest on Tr. Accounts*, 402 So. 2d 389, 391 (Fla. 1981), abrogated by *Phillips v. Washington Legal Found.*, 524 U.S. 156, 118 S. Ct. 1925, 141 L. Ed. 2d 174 (1998). These assurances allowed the Court to amend the IOTA program to ensure that lawyers made the decision to hold only short term or nominal client funds in IOTA accounts and "removal of all client control over the placement or non-placement of funds at interest that is, elimination of the client's veto over the investment of funds" to address the IRS concerns. *Id.* at 391. In making these changes, the Court stated:

The foremost objective of our 1978 program was to enhance the capability of the legal profession to deliver legal services to the poor. The broad delivery of legal services has long been a cherished commitment of this Court. At a time in this nation when existing governmental resources for this purpose are drastically threatened, our revisitation to this program provides a propitious occasion to reemphasize our commitment and to revalidate our methodology.

[Citations omitted.] *Id.* at 396.

The Court, in establishing mandatory participation in IOTA accounts for short-term and nominal funds held by a Florida Bar member for a client or third party in connection with representation in 1989, stated as follows: "Under the program, the interest generated on trust accounts is used to fund programs which are designed to improve the administration of justice or to expand the delivery of legal services to the poor." *Matter of Interest on Tr. Accounts: Petition to Amend Rules Regulating the Fla. Bar*, 538 So. 2d 448, 450 (Fla. 1989).

The Court further added in the articles that "No part of the assets or net earnings of the Foundation (including such assets or net earnings as may be derived from the Interest on Trust Accounts Program described in Article 2.2 hereof [sic] shall inure to the benefit of any private shareholder or individual. Further, the Foundation shall not carry on propaganda, or otherwise attempt, to influence legislation, and shall not participate in, intervene in (including the publication or distribution of statements), any political campaign on behalf of any candidate for public office." [Legislative format omitted.]. *Matter of Interest on Tr. Accounts: A Petition to Amend the Rules Regulating The Fla. Bar*, 547 So. 2d 117, 118 (Fla. 1989).

The Florida Bar Foundation did receive guidance from the Internal Revenue Service that use of IOTA funds for particular activities, including bar governance and grievance activities, might jeopardize the Foundation's charitable status.⁵ As a result, the Foundation limited its funding activities to exclude those activities.

⁵ Email from Dominic MacKenzie, The Florida Bar Foundation, February 19, 2020. More information is forthcoming.

In its order establishing the task force in Administrative Order No. AOSC19-70 (October 24, 2019), the Court stated the mission of the task force is to:

examine and make recommendations to the Court on alternative models for the distribution of IOTA funds; *whether specific priorities should be established for the use of available IOTA funds*; whether specific requirements or limitations should be imposed on the use of IOTA funds; whether reporting requirements regarding the distribution and use of IOTA funds should be adopted; and any other matters related to ensuring the most effective use of IOTA funds. *In conducting its work, the Task Force shall give priority consideration to the need for funding direct legal services for low-income litigants in Florida.*

[Emphasis added.] The subcommittee is of the opinion that, in order to give meaning to the Court's final directive in the order above, "give priority consideration to the need for funding direct legal services for low-income litigants in Florida," specific priorities must be established for the use of available IOTA funds to ensure that the Court's directive is fulfilled.

Thus, as a result of the general process of establishing and administering a foundation, the specific mandates provided in the Court's establishment of first voluntary then mandatory participation in IOTA, and the Court's directive to the task force in its order above, the subcommittee recommends that the task force make a finding that specific priorities should be established for the use of available IOTA funds to fulfill the court's directive to "give priority consideration to the need for funding direct legal services for low-income litigants in Florida."

Appendix F

Subcommittee Report Combined Specific Requirements & Reporting



The Florida Bar

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Joshua E. Doyle
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MEMORANDUM

To: Task Force on Distribution of IOTA Funds

From: Laird A. Lile, Edwin A. Scales, III, and M. Scott Thomas

cc: Joshua E. Doyle; Gypsy Bailey; Elizabeth Clark Tarbert

Date: June 12, 2020

Re: Revised Combined Recommendations of the Subcommittee to Examine Whether Specific Requirements or Limitations Should Be Imposed on the Use of IOTA Funds and the Subcommittee to Examine Whether Reporting Requirements Regarding the Distribution and Use of IOTA Funds Should Be Adopted

In Administrative Order AOSC19-79 (“Order”) issued October 24, 2019, the Florida Supreme Court created the Task Force on Distribution of IOTA Funds to “examine whether rule 5-1.1(g) should be amended to better ensure the most effective use of IOTA funds.” The Order charged the task force to examine four distinct areas, and one general area, all related to distribution and use of IOTA funds. The Court further charged the task force to make recommendations and any proposed rule amendments to the Court regarding those areas. The Court gave the task force the specific overarching directive to “give priority consideration to the need for funding direct legal services for low-income litigants in Florida.”¹

To accomplish the task force’s mission, task force chair, Mayanne Downs, created several subcommittees to focus on each of the areas identified in the Order. The subcommittees making recommendations in this report were tasked with examining and making recommendations to the task force regarding “whether specific requirements or limitations should be imposed on the use of IOTA funds” (“requirements subcommittee”) and examining “whether reporting requirements regarding the distribution and use of IOTA funds should be adopted (“reporting subcommittee”).

¹ The requirements subcommittee and the reporting subcommittee believe the term “litigants” as used in the court order includes not only low-income Floridians who are parties in Florida civil cases but also those low-income Floridians who have other non-criminal legal needs that may not then involve civil cases. For instance, the term “litigants” should apply to those who are involved in any type of non-criminal law issue, including Lemon Law disputes, landlord tenant disputes, and the like, even when not currently the subject of litigation. This report, therefore, uses the term “low-income clients” instead of “low-income litigants.”

THE FLORIDA BAR

Importantly, the requirements subcommittee report follows on the heels of a prior subcommittee report tasked with examining another area identified in the Order: “whether specific priorities should be established for the use of available IOTA funds.” While that subcommittee answered the posed question in the affirmative—simply recommending that specific priorities should be established for the use of available IOTA funds (a conclusion adopted by the task force on a 5-1 vote)—that prior subcommittee did not recommend any specific priorities.

For the reasons expressed below, the requirements subcommittee does not believe it has that luxury—i.e. simply answering the posed question in the affirmative. Accordingly, the requirements subcommittee recommends both: (i) that rule 5-1.1(g) be amended to impose specific requirements and limitations to the use of IOTA funds, and (ii) specific requirements and limitations for inclusion in that rule.

A. *Amendment of Rule 5-1.1(g) to impose specific requirements and limitations to the use of IOTA Funds*

Rule 5-1.1(g) currently imposes no requirements or limitations on the use of IOTA funds. Limitations on the use of IOTA funds can be reasonably inferred from the Court-approved mission of the Court-chartered Florida Bar Foundation,² which is the not-for-profit, quasi-public/private entity that is currently the beneficiary of, and administers, IOTA funds pursuant to Rule 5-1.1(g). However, the rule itself is silent on this issue. The requirements subcommittee recommends that the task force include in its report to the Court that Rule 5-1.1(g) should be amended to include specific restrictions and limitations for the reasons described below.

At the outset, the requirements subcommittee emphasizes it is aware of no instance in which the Foundation has ever expended or appropriated IOTA funds in derogation of the Court-approved mission statement of the Foundation. The requirements subcommittee surmises, though, that implicit in the Court’s issuance of AOSC19-70 is a desire by the Court that expenditures of IOTA funds be governed not by the Foundation’s governing documents, but, rather, in the same manner as collection of IOTA funds: by Court rule. Indeed, the second paragraph of the Order creating the task force expressly and unequivocally focuses the task force on examining “whether rule 5-1.1(g) should be amended to better ensure the most effective use of IOTA funds.” Similarly, the final paragraph of the Order expressly invites proposed rule amendments. In contrast, the Order does not direct the task force to examine any Foundation documents or

² “Under the program, the interest generated on trust accounts is used to fund programs which are designed to improve the administration of justice or to expand the delivery of legal services to the poor.” *Matter of Interest on Tr. Accounts: Petition to Amend Rules Regulating the Fla. Bar*, 538 So. 2d 448, 450 (Fla. 1989). The purpose of the Florida Bar Foundation is to fund, administer, implement, operate, and assist programs that: “a) Expand and improve representation and advocacy on behalf of low-income persons in civil legal matters; b) Improve the administration of justice; and c) Promote service to the public by members of the legal profession by making public service an integral component of the law school experience.” Article III, 3.1, The Florida Bar Foundation, Inc. Amended and Restated Articles of Incorporation.

The Foundation articles also prohibit payment to directors, officers, or other private persons except “reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in Article III” in Article IV. Article VI also prohibits the Foundation from influencing legislation, political donations, and any activities prohibited by the federal tax code that would affect the Foundation’s nonprofit status. https://fbfcdn-lwncgfpypgomdk2qxt0e.stackpathdns.com/wp-content/uploads/2015/04/Amended_Restated_Articles-of-Incorporation_2016_April.pdf

procedures, and the Foundation is not mentioned in the Order. The Foundation is simply outside of the task force's scope. The requirements subcommittee, therefore, has little difficulty discerning that, as a practical matter, the Court is interested in prescribing IOTA Fund expenditures by rule.

In addressing the requirements subcommittee's charge, the first concern is a practical one. The subcommittee is concerned that the compulsory nature of IOTA participation, without accompanying restrictions on the use of the funds generated by program participation, may expose the program itself to legal challenge. In sum, the requirements subcommittee views the program as less vulnerable to legal challenge when the parameters on use of the funds are embodied in a Court-adopted rule, rather than in a semi-private organization's governing documents.

The requirements subcommittee next turns to another, yet related, practical reason for codifying requirements and limitations for use of IOTA funds in a Court-adopted rule: ensuring that IOTA funds are expended consistent with the Court's specific directives. Again, to be absolutely clear, there is no indication whatsoever that IOTA funds have been improperly used by the Foundation. In fact, the Foundation receives annual "clean" audits, with no material findings. But, consistent with GAAS (Generally Accepted Auditing Standards), the Foundation's auditors are tasked with planning and performing procedures to obtain reasonable assurance about whether the consolidated financial statements are free from material misstatement.³ The auditors do not review individual expenditures of IOTA funds for the purposes of opining whether those expenditures are "effective" or "efficient" or whether they advance the Foundation's mission.

The requirements subcommittee believes that if the IOTA rule contained specific, Court-promulgated requirements and limitations for use of IOTA funds, then the auditors could review the expenditures from the perspective of the rule.⁴

Finally, the requirements subcommittee concludes that, for IOTA funds to be utilized as the Court directs, adoption of a rule specifically governing those expenditures with requirements and limitations is necessary.⁵

³ American Institute of Certified Public Accountants. Committee on Auditing Procedure, "Codification of auditing standards and procedures; Statement on auditing standards, 001, Section 110, paragraph .01." (1973). *Statements on Auditing Standards*. 4. https://egrove.olemiss.edu/aicpa_sas/4

⁴ Another task force subcommittee is charged with reviewing "whether reporting requirements regarding the distribution and use of IOTA funds should be adopted." In the estimation of the requirements subcommittee, the administrators of the IOTA funds would benefit by the budgetary discipline that these directives would instill.

⁵ In opposition to this recommendation, the Foundation and several grantee organizations argue that the Foundation's independent, 33-member Board of Directors is able to nimbly and appropriately respond to variables impacting grantee funding and IOTA income; and, they argue, that a rule prescribing uses or limitations of IOTA funds would detrimentally hamper the Foundation's flexibility in both assessing and addressing the legal needs environment. In our view, this argument somewhat misses the point of the requirements subcommittee's recommendation. Codifying limitations on IOTA fund uses in Rule 5-1.1(g) provides the Court with assurance that such funds are used consistent with specific priorities established by the Court, rather than those set by a private entity's independent board. Indeed, the Court, in AOSC19-79 has specifically identified its priority as "funding direct legal services for low-income Florida litigants." Illustrating the existing incongruity of Court priorities with

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B. *Recommendations regarding specific requirements or limitations imposed on the use of IOTA Funds*

Having recommended that specific requirements and limitations on uses of IOTA funds be memorialized in rule 5-1.1(g), the requirements subcommittee also recommends to the task force what those specific requirements and limitations should be. The endeavor is first met by acknowledging that the Court has specifically expressed in its Order that IOTA funds should be used for funding direct legal services for low-income clients in Florida.⁶

Against the backdrop of this specific Court directive, the requirements subcommittee suggests that the rule establish the following structure for distribution of IOTA funds:

1. The Court shall designate one or more **IOTA Funds Administrators**.⁷ Each IOTA Funds Administrator shall receive IOTA funds from the participating financial institutions, and, using objective standards it develops, distribute received IOTA funds to one or more Qualified Grantee Organizations. The objective standards shall consider, but not necessarily be based solely upon, demographic data provided by an appropriate governmental agency, such as the U.S. Bureau of Labor Statistics.
2. A **Qualified Grantee Organization** is an organization that facilitates Qualified Providers providing Qualified Legal Services. Such facilitation may include directly employing Qualified Providers, coordinating volunteer Qualified Providers, or facilitating such other Qualified Legal Services as the Qualified Grantee Organization determines is appropriate for that organization taking into account the unique characteristics of the population and geography intended to be served.
3. **Qualified Legal Services** are legal services provided directly to low-income clients for their civil legal needs in Florida.
4. A **Qualified Provider** is a member of The Florida Bar or any other individual authorized by the Rules Regulating the Florida Bar to provide Qualified Legal Services.

Assuming the structure described above is adopted, the requirements subcommittee recommends the rule also contain the following limitations on the use of IOTA funds:

IOTA fund expenditures, the Foundation advises that little, if any, IOTA funds are currently being awarded to its grantees for such purposes.

⁶ See above for the 2 subcommittees' understanding of the term "low-income clients."

⁷ Presently, the administrator of IOTA funds is The Florida Bar Foundation. This report uses the term "IOTA Funds Administrator" as the determination, if any, about which organization or individuals serves in that capacity going forward is beyond the scope of our charge.

THE FLORIDA BAR

- A. An IOTA Funds Administrator should be able to efficiently fulfill its responsibilities with no significant costs. Accordingly, an IOTA Funds Administrator must distribute to Qualified Grantee Organizations at least 95% of the IOTA funds received within six months of receipt.
- B. A Qualified Grantee Organization shall use at least 80% of the IOTA funds received for facilitating Qualified Providers by providing compensation to Qualified Providers, for staff necessary for coordinating volunteer Qualified Providers, or otherwise facilitating the providing of Qualified Legal Services. Compensation includes benefits such as health insurance and bar dues. No more than 20% of the IOTA Funds received by a Qualified Grantee Organization may be used for establishing reserves, training, and for paying overhead and administrative expenses, such as rent, technology, and the like. A Qualified Grantee Organization is expected, but not required to, receive funds from sources other than IOTA funds to support its overall mission.⁸

C. The Adoption of Reporting Requirements Regarding the Distribution and Use of IOTA Funds

Based upon the above recommendation of the requirements subcommittee, the reporting subcommittee next gave consideration to whether Rule 5-1.1(g) should, in turn, incorporate corollary reporting requirements.

Presently, the rule contains no reporting requirements at all regarding the distribution or use of IOTA funds. As noted above, an independent audit of the accounts and funds of the Foundation is performed annually pursuant to Article IX of the Foundation's Amended and Restated

⁸ "Charitable Commitment" is a phrase that is often used in the charity industry to describe how much of a charity's total expense is actually directly for the charitable purpose of the organization; the concept is also known as program support or program expense. The general rule is that this figure should be no lower than 65% for charities that must raise money. The Florida Bar Foundation reports to Charity Navigator that it spends approximately 15% on overhead, or non-program support or expense; of that, 11.5% is administrative and 3% is fundraising. Those numbers, compared to most other charities, are average to good, however, the FBF receives 100% of the IOTA revenue that is generated in the State of Florida by operation of law, rather than by fundraising. Since the time that IOTA revenues were established by order of the Florida Supreme Court, approximately \$488 million has been generated. Most any other charity would have to spend 10 to 40% of the monies to raise those funds; here, they occur automatically.

Here, we have used the overhead expense of 5% in recognition of the following: (a) the information provided by the FBF suggests that approximately 2.5 FTE's are required to receive, account for and then distribute IOTA monies (neither The Florida Bar nor The Florida Bar Foundation engages in any compliance oversight or administration of IOTA monies); (b) substantial overhead reductions could be obtained by sharing, reducing or in some cases eliminating basic functions and operations (for example, rent and other occupancy expense, oversight of investment decisions, reporting, and management services); (c) IOTA monies are generated and received without the expenditure of a single dollar; and (d) Florida is fortunate to have a number of well-established, experienced and long-term organizations that provide direct legal services (or facilitate the provision of those services) to low-income litigants already, which means that IOTA monies can be, essentially, passed through to these grantee organizations.

Bylaws.⁹ However, such audits, as presently focused, do not evaluate whether IOTA funds are used consistent with the limitations proposed in Section B of this Memorandum Report. In light of those proposed limitations, the reporting subcommittee answers the posed question in the affirmative. Rule 5-1.1(g) should incorporate reporting requirements regarding the distribution and use of IOTA funds.

Again, answering in the affirmative prompts the further question – what reporting requirements should be adopted? That question returns the reporting subcommittee to the original rationale for codifying IOTA Fund requirements, to wit, to ensure that IOTA funds are expended consistent with the Court’s specific directives. In furtherance of that end, the reporting subcommittee proposes that Rule 5-1.1(g) require that each IOTA Funds Administrator and Qualified Grantee Organization certify to the Court at least annually compliance with the requirements and limitations on the use of IOTA funds as set forth in an amended Rule 5-1.1(g). With specific reference to the proposed requirements and limitations set forth in this Memorandum, that certification would include, but not necessarily limited to, the following:

1. For IOTA Funds Administrators:
 - A. The amount of IOTA funds received.
 - B. The name of each Qualified Grantee Organization to which distributions were made.
 - C. The amount of distributions received by each Qualified Grantee Organization.
 - D. A description of the process for determining the Qualified Grantee Organization, including the objective standards developed for that purpose.
 - E. The total amount received from sources other than IOTA funds.
 - F. Any other information determined to be relevant by the IOTA Funds Administrator.

2. For Qualified Grantee Organizations:
 - A. The number of Qualified Providers facilitated with IOTA funds.
 - B. The number of clients served with IOTA funds.
 - C. The hours expended delivering Qualified Legal Services with IOTA funds.
 - D. The types of matters handled with IOTA funds.
 - E. An accounting of the use of IOTA funds, including the amount used for overhead and administrative expenses.
 - F. The total amount received from sources other than IOTA funds.
 - G. Any other information determined to be relevant by the Qualified Grantee Organization.

While these suggested reporting requirements are drawn to implement the proposed requirements and limitations on the use of IOTA funds set forth in this report, the reporting subcommittee is aware that this task force has not voted on nor endorsed these proposals as of the publication of

⁹ For comparison, sixty percent (60%) of the respondents to the State IOLTA/IOTA funds Survey completed in December 2019, reported being subject to a reporting requirement concerning the usage of IOLTA/IOTA funds, and the majority of such requirements were set by court order or rule.

this report. In the event this task force proposes a differing set of requirements, the reporting subcommittee remains of the opinion that a corresponding specific reporting regimen should be adopted.

D. Comprehensive Review of Effectiveness of Any Rule Changes

Finally, both the requirements subcommittee and the reporting subcommittee recommend that a comprehensive review of the effectiveness of any rule changes be conducted two years after the effective date of any rule changes resulting from the Task Force's recommendations. The review shall advise the Court regarding the effectiveness of the rule changes and whether further rule charges should be considered.

Appendix G

Rule 5-1.1(g) Amendment First Draft

CHAPTER 5. RULES REGULATING TRUST ACCOUNTS

5-1. GENERALLY

RULE 5-1.1 TRUST ACCOUNTS

(a) Nature of Money or Property Entrusted to Attorney.

(1) *Trust Account Required; Location of Trust Account; Commingling Prohibited.* A lawyer must hold in trust, separate from the lawyer's own property, funds and property of clients or third persons that are in a lawyer's possession in connection with a representation. All funds, including advances for fees, costs, and expenses, must be kept in a separate federally insured bank, credit union, or savings and loan association account maintained in the state where the lawyer's office is situated or elsewhere with the consent of the client or third person and clearly labeled and designated as a trust account except:

(A) A lawyer may maintain funds belonging to the lawyer in the lawyer's trust account in an amount no more than is reasonably sufficient to pay bank charges relating to the trust account; and

(B) A lawyer may deposit the lawyer's own funds into trust to replenish a shortage in the lawyer's trust account. Any deposits by the lawyer to cover trust account shortages must be no more than the amount of the trust account shortage, but may be less than the amount of the shortage. The lawyer must notify the bar's lawyer regulation department immediately of the shortage in the lawyer's trust account, the cause of the shortage, and the amount of the replenishment of the trust account by the lawyer.

(2) *Compliance with Client Directives.* Trust funds may be separately held and maintained other than in a bank, credit union, or savings and loan association account if the lawyer receives written permission from the client to do so and provided that written permission is received before maintaining the funds other than in a separate account.

(3) *Safe Deposit Boxes.* If a lawyer uses a safe deposit box to store trust funds or property, the lawyer must advise the institution in which the deposit box is located that it may include property of clients or third persons.

(b) Application of Trust Funds or Property to Specific Purpose. Money or other property entrusted to a lawyer for a specific purpose, including advances for fees, costs, and expenses, is held in trust and must be applied only to that purpose. Money and other property of clients coming into the hands of a lawyer are not subject to counterclaim or setoff for attorney's fees, and a refusal to account for and deliver over the property on demand is conversion.

(c) Liens Permitted. This subchapter does not preclude the retention of money or other property on which the lawyer has a valid lien for services nor does it preclude the payment of agreed fees from the proceeds of transactions or collection.

(d) Controversies as to Amount of Fees. Controversies as to the amount of fees are not grounds for disciplinary proceedings unless the amount demanded is clearly excessive, extortionate, or fraudulent. In a controversy alleging a clearly excessive, extortionate, or

fraudulent fee, announced willingness of an attorney to submit a dispute as to the amount of a fee to a competent tribunal for determination may be considered in any determination as to intent or in mitigation of discipline; provided, such willingness shall not preclude admission of any other relevant admissible evidence relating to such controversy, including evidence as to the withholding of funds or property of the client, or to other injury to the client occasioned by such controversy.

(e) Notice of Receipt of Trust Funds; Delivery; Accounting. On receiving funds or other property in which a client or third person has an interest, a lawyer must promptly notify the client or third person. Except as stated in this rule or otherwise permitted by law or by agreement with the client, a lawyer must promptly deliver to the client or third person any funds or other property that the client or third person is entitled to receive and, on request by the client or third person, must promptly render a full accounting regarding the property.

(f) Disputed Ownership of Trust Funds. When in the course of representation a lawyer is in possession of property in which 2 or more persons (1 of whom may be the lawyer) claim interests, the property must be treated by the lawyer as trust property, but the portion belonging to the lawyer or law firm must be withdrawn within a reasonable time after it becomes due unless the right of the lawyer or law firm to receive it is disputed, in which event the portion in dispute must be kept separate by the lawyer until the dispute is resolved. The lawyer must promptly distribute all portions of the property as to which the interests are not in dispute.

(g) Interest on Trust Accounts (IOTA) Program.

(1) *Definitions.* As used in this rule, the term:

(A) “Nominal or short term” describes funds of a client or third person that the lawyer has determined cannot earn income for the client or third person in excess of the costs to secure the income.

~~(B) “Foundation” means The Florida Bar Foundation, Inc..~~

~~(C)~~ “IOTA account” means an interest or dividend-bearing trust account benefiting ~~The Florida Bar Foundation~~ the IOTA funds administrator(s) established in an eligible institution for the deposit of nominal or short-term funds of clients or third persons.

~~(D)~~ “Eligible institution” means any bank or savings and loan association authorized by federal or state laws to do business in Florida and insured by the Federal Deposit Insurance Corporation, any state or federal credit union authorized by federal or state laws to do business in Florida and insured by the National Credit Union Share Insurance Fund, or any successor insurance corporation(s) established by federal or state laws, or any open-end investment company registered with the Securities and Exchange Commission and authorized by federal or state laws to do business in Florida, all of which must meet the requirements set out in subdivision (5), below.

~~(E)~~ “Interest or dividend-bearing trust account” means a federally insured checking account or investment product, including a daily financial institution

repurchase agreement or a money market fund. A daily financial institution repurchase agreement must be fully collateralized by, and an open-end money market fund must consist solely of, United States Government Securities. A daily financial institution repurchase agreement may be established only with an eligible institution that is deemed to be “well capitalized” or “adequately capitalized” as defined by applicable federal statutes and regulations. An open-end money market fund must hold itself out as a money market fund as defined by applicable federal statutes and regulations under the Investment Company Act of 1940 and have total assets of at least \$250 million. The funds covered by this rule are subject to withdrawal on request and without delay.

(E) An “IOTA funds administrator” is an entity designated by the Supreme Court of Florida to receive IOTA funds from eligible financial institutions and distribute IOTA funds to 1 or more qualified grantee organizations using objective standards developed by the administrator considering demographic data provided by an appropriate governmental agency such as the U.S. Bureau of Labor Statistics.

(F) A “qualified grantee organization” is an organization that provides qualified legal services, as appropriate taking into account the unique characteristics of the population of the geographic areas intended to be served, by:

(1) employing qualified legal service providers who directly provide qualified legal services;

(2) facilitating qualified legal services providers, coordinating volunteer qualified legal services by coordinating volunteer qualified legal service providers;
or

(3) a combination of both.

(G) “Qualified legal services” are legal services provided directly to low-income clients for their civil legal needs in Florida.

(H) A “qualified legal services provider” is a member of The Florida Bar or other individual authorized by the Rules Regulating The Florida Bar or other law to provide qualified legal services.

(2) *Required Participation.* All nominal or short-term funds belonging to clients or third persons that are placed in trust with any member of The Florida Bar practicing law from an office or other business location within the state of Florida must be deposited into one or more IOTA accounts, unless the funds may earn income for the client or third person in excess of the costs incurred to secure the income, except as provided elsewhere in this chapter. Only trust funds that are nominal or short term must be deposited into an IOTA account. The Florida bar member must certify annually, in writing, that the bar member is in compliance with, or is exempt from, the provisions of this rule.

(3) *Determination of Nominal or Short-Term Funds.* The lawyer must exercise good faith judgment in determining on receipt whether the funds of a client or third person are

nominal or short term. In the exercise of this good faith judgment, the lawyer must consider such factors as the:

- (A) amount of a client's or third person's funds to be held by the lawyer or law firm;
- (B) period of time the funds are expected to be held;
- (C) likelihood of delay in the relevant transaction(s) or proceeding(s);
- (D) lawyer or law firm's cost of establishing and maintaining an interest-bearing account or other appropriate investment for the benefit of the client or third person; and
- (E) minimum balance requirements and/or service charges or fees imposed by the eligible institution.

The determination of whether a client's or third person's funds are nominal or short term rests in the sound judgment of the lawyer or law firm. No lawyer will be charged with ethical impropriety or other breach of professional conduct based on the exercise of the lawyer's good faith judgment.

(4) *Notice to ~~Foundation~~ IOTA Funds Administrator.* Lawyers or law firms must advise the ~~foundation~~ applicable IOTA funds administrator, at its current location posted on The Florida Bar's website, of the establishment of an IOTA account for funds covered by this rule. The notice must include: the IOTA account number as assigned by the eligible institution; the name of the lawyer or law firm on the IOTA account; the eligible institution name; the eligible institution address; and the name and Florida Bar number of the lawyer, or of each member of The Florida Bar in a law firm, practicing from an office or other business location within the state of Florida that has established the IOTA account.

(5) *Eligible Institution Participation in IOTA.* Participation in the IOTA program is voluntary for banks, credit unions, savings and loan associations, and investment companies. Institutions that choose to offer and maintain IOTA accounts must meet the following requirements:

(A) *Interest Rates and Dividends.* Eligible institutions must maintain IOTA accounts which pay the highest interest rate or dividend generally available from the institution to its non-IOTA account customers when IOTA accounts meet or exceed the same minimum balance or other account eligibility qualifications, if any.

(B) *Determination of Interest Rates and Dividends.* In determining the highest interest rate or dividend generally available from the institution to its non-IOTA accounts in compliance with subdivision (5)(A), above, eligible institutions may consider factors, in addition to the IOTA account balance, customarily considered by the institution when setting interest rates or dividends for its customers, provided that these factors do not discriminate between IOTA accounts and accounts of non-IOTA customers, and that these factors do not include that the account is an IOTA account.

(C) Remittance and Reporting Instructions. Eligible institutions must:

(i) calculate and remit interest or dividends on the balance of the deposited funds, in accordance with the institution's standard practice for non-IOTA account customers, less reasonable service charges or fees, if any, in connection with the deposited funds, at least quarterly, to the ~~foundation~~applicable IOTA funds administrator;

(ii) transmit with each remittance to the ~~foundation~~applicable IOTA funds administrator a statement showing the name of the lawyer or law firm from whose IOTA account the remittance is sent, the lawyer's or law firm's IOTA account number as assigned by the institution, the rate of interest applied, the period for which the remittance is made, the total interest or dividend earned during the remittance period, the amount and description of any service charges or fees assessed during the remittance period, and the net amount of interest or dividend remitted for the period; and

(iii) transmit to the depositing lawyer or law firm, for each remittance, a statement showing the amount of interest or dividend paid to the ~~foundation~~IOTA funds administrator, the rate of interest applied, and the period for which the statement is made.

(6) *Small Fund Amounts.* ~~The foundation~~IOTA funds administrator(s) may establish procedures for a lawyer or law firm to maintain an interest-free trust account for client and third-person funds that are nominal or short term when their nominal or short-term trust funds cannot reasonably be expected to produce or have not produced interest income net of reasonable eligible institution service charges or fees.

(7) *Confidentiality and Disclosure.* ~~The foundation~~IOTA funds administrator(s) must protect the confidentiality of information regarding a lawyer's or law firm's trust account obtained by virtue of this rule. However, the ~~foundation~~IOTA funds administrator(s) must, on an official written inquiry of The Florida Bar made in the course of an investigation conducted under these Rules Regulating The Florida Bar, disclose requested relevant information about the location and account numbers of lawyer or law firm trust accounts.

(8) Distribution of IOTA Funds. An IOTA funds administrator must distribute at least 95% of IOTA funds received within 6 months of their receipt to qualified grantee organizations selected using objective standards developed by the administrator considering demographic data provided by an appropriate governmental agency such as the U.S. Bureau of Labor Statistics

(9) Use of IOTA Funds by Grantee Organizations. A qualified grantee organization must use at least 80% of the IOTA funds received for facilitating qualified legal service providers by compensating qualified legal service providers, compensating staff necessary for coordinating volunteer qualified legal service providers, or otherwise facilitating the provision of qualified legal services. Compensation includes benefits such as health insurance and bar dues. No more than 20% of the IOTA Funds received by a qualified

grantee organization may be used for establishing reserves and paying for training, overhead, and administrative expenses such as rent and technology. A qualified grantee organization should, but is not required to, receive funds from sources other than IOTA funds to support its overall mission.

(10) Reporting by IOTA Funds Administrators. IOTA fund administrators must annually certify to the Supreme Court of Florida their compliance with this rule's requirements on the use of IOTA funds including, but not limited to:

(A) the amount of IOTA funds received;

(B) the name of each qualified grantee organization to which distributions were made;

(C) the amount of distribution received by each qualified grantee organization;

(D) a description of the process for determining eligibility and selection of each qualified grantee organization, including the objective standards developed for that purpose;

(E) the total amount received from sources other than IOTA funds; and

(F) any other information the IOTA funds administrator determines is relevant.

(11) Reporting by Qualified Grantee Organizations. Qualified grantee organizations must annually certify to the Supreme Court of Florida their compliance with this rule's requirements on the use of IOTA funds including, but not limited to:

(A) the number of qualified legal services providers compensated or facilitated by the use of IOTA funds;

(B) the number of clients receiving qualified legal services paid for or facilitated by the use of IOTA funds;

(C) the number of hours expended delivering qualified legal services paid for or facilitated by the use of IOTA funds;

(D) the types of matters for which clients received qualified legal services paid for or facilitated by the use of IOTA funds;

(E) an accounting of the use of IOTA funds, including the amount used to establish reserves and pay for overhead and administrative expenses;

(F) the total amount received from sources other than IOTA funds by the qualified grantee organization; and

(G) any other information the qualified grantee organization determines is relevant.

Appendix H

Foundation & Florida Civil Legal Aid Association Rule 5-1.1(g) Amendment First Draft

July 10, 2020

Sent Via Email

Mayanne Downs, Esq.
Chair, Task Force on the Distribution of IOTA Funds
c/o The Florida Bar
651 East Jefferson Street
Tallahassee, FL 32399

**Re: Task Force on the Distribution of IOTA Funds - FCLAA / FBF
joint proposed Rule**

Dear Ms. Downs:

Attached please find a proposed amendment to Rule 5-1.1(g) Interest on Trust Accounts (IOTA) Program. This proposed Rule has been drafted by the Executive Directors and CEOs of the various civil legal aid law firms throughout Florida, through the Florida Civil Legal Aid Association, and has been approved by our membership and by others, whose names and organizations appear below, and has also been approved by the Florida Bar Foundation. We appreciate your consideration of this proposed Rule, which is crafted against the backdrop of our collective decades of experience on the front lines of civil legal aid in Florida, and with significant assistance from subject matter experts around the country, to reflect lessons learned in the effective administration of IOTA.

In drafting this proposed Rule, we focused on the Court's directive that IOTA revenues should be prioritized to fund direct legal services for low-income litigants in Florida. This Rule achieves that purpose while keeping the core of the IOTA delivery model, the Florida Bar Foundation, in place. The Foundation has a proven history of implementation of IOTA funds and guiding the Foundation through its future actions, as this proposed Rule does, will ensure sustained focus on this priority.

In following the guidance set by the Task Force, we want to highlight continuing issues as we have throughout this process. Drafting a Rule always has unintended consequences, more so during a recession. The proposed FCLAA Rule will allow a number of present recipients of IOTA funds to continue to receive those funds - including Florida Children's First. However, some presently funded efforts may no longer receive IOTA under the proposed rule. A significant number of stakeholders testified to this Task Force, and if the Task Force is focused on keeping one or more as entities funded by IOTA, it should be addressed.

Thank you for your consideration of this matter.

Respectfully Submitted,

Monica Vignes-Pitan
FCLAA President
Legal Services of Greater Miami

Leslie Powell-Boudreaux
FCLAA Vice President
Legal Services of North Florida

Christine Larson
FCLAA Secretary
Three Rivers Legal Services

Cheryl Little
Americans for Immigrant Justice

Patrice Paladino
Coast to Coast Legal Aid of South Florida

Kimberly Rodgers
Community Law Program

Christina Spudeas
Florida Children's First

Jaffe Pickett
Florida Rural Legal Services

James Kowalski
Jacksonville Area Legal Aid

Anthony Karrat
Legal Aid Service of Broward County

Jodi Siegel
Southern Legal Counsel

Carrie Litherland
Legal Aid Foundation of the Tallahassee
Bar Association

Miriam Harmatz
Florida Health Justice Project

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Community Justice Project

Jeffrey Harvey
Community Legal Services of Mid-Florida

Dante Trevisani
Florida Justice Institute

Carly Wohl
Heart of Florida Legal Aid Society

Linda Harradine
Legal Aid of Manasota

Robert Bertisch
Legal Aid Society of Palm Beach County

Robert Johnson
Brevard County Legal Aid Association

Bethanie Barber
Legal Aid Society of the Orange County Bar
Association

Randy McGrorty
Catholic Legal Services

CHAPTER 5. RULES REGULATING TRUST ACCOUNTS

5-1. GENERALLY

RULE 5-1.1 TRUST ACCOUNTS

(g) Interest on Trust Accounts (IOTA) Program.

(1) *Definitions.* As used in this rule, the term:

(A) “Nominal or short term” describes funds of a client or third person that the lawyer has determined cannot earn income for the client or third person in excess of the costs to secure the income.

(B) “Foundation” means The Florida Bar Foundation, Inc. which shall serve as the designated IOTA fund administrator and shall monitor and receive IOTA funds from eligible institutions and distribute IOTA funds consistent with the obligations and directives in this rule and orders of the Florida Supreme Court.

(C) “IOTA account” means an interest or dividend-bearing trust account benefiting The Florida Bar Foundation established in an eligible institution for the deposit of nominal or short-term funds of clients or third persons.

(D) “Eligible institution” means any bank or savings and loan association authorized by federal or state laws to do business in Florida and insured by the Federal Deposit Insurance Corporation, any state or federal credit union authorized by federal or state laws to do business in Florida and insured by the National Credit Union Share Insurance Fund, or any successor insurance corporation(s) established by federal or state laws, or any open-end investment company registered with the Securities and Exchange Commission and authorized by federal or state laws to do business in Florida, all of which must meet the requirements set out in subdivision (5), below.

(E) “Interest or dividend-bearing trust account” means a federally insured checking account or investment product, including a daily financial institution repurchase agreement or a money market fund. A daily financial institution repurchase agreement must be fully collateralized by, and an open-end money market fund must consist solely of, United States Government Securities. A daily financial institution repurchase agreement may be established only with an eligible institution that is deemed to be “well capitalized” or “adequately capitalized” as defined by applicable federal statutes and regulations. An open-end money market fund must hold itself out as a money market fund as defined by applicable federal statutes and regulations under the Investment Company Act of 1940 and have total assets of at least \$250 million. The funds covered by this rule are subject to withdrawal on request and without delay.

(F) A “qualified grantee organization” is a not for profit entity incorporated or chartered for the purpose of providing civil legal assistance to low-income individuals or is a not for profit entity with exempt status under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended. It must also demonstrate the experience and capacity to provide Qualified Legal Services, as defined herein, by:

(1) employing qualified legal services providers to:

(i) directly provide qualified legal services, and/or

(ii) facilitate the provision of and improve the quality of qualified legal services; or

(2) facilitating qualified legal services by coordinating volunteer qualified legal service providers.

(G) “Qualified Legal Services” are legal services provided directly to low-income clients for their civil legal needs in Florida.

(H) A “Qualified Legal Services provider” is a member of The Florida Bar or other individual authorized by the Rules Regulating The Florida Bar or other law to provide Qualified Legal Services in Florida.

(2) *Required Participation.* All nominal or short-term funds belonging to clients or third persons that are placed in trust with any member of The Florida Bar practicing law from an office or other business location within the state of Florida must be deposited into one or more IOTA accounts, unless the funds may earn income for the client or third person in excess of the costs incurred to secure the income, except as provided elsewhere in this chapter. Only trust funds that are nominal or short term must be deposited into an IOTA account. The Florida Bbar member must certify annually, in writing, that the bar member is in compliance with, or is exempt from, the provisions of this rule.

(3) *Determination of Nominal or Short-Term Funds.* The lawyer must exercise good faith judgment in determining on receipt whether the funds of a client or third person are nominal or short term. In the exercise of this good faith judgment, the lawyer must consider such factors as the:

(A) amount of a client’s or third person’s funds to be held by the lawyer or law firm;

(B) period of time the funds are expected to be held;

(C) likelihood of delay in the relevant transaction(s) or proceeding(s);

(D) lawyer or law firm’s cost of establishing and maintaining an interest-bearing

account or other appropriate investment for the benefit of the client or third person;
and

(E) minimum balance requirements and/or service charges or fees imposed by the eligible institution.

The determination of whether a client's or third person's funds are nominal or short-term rests in the sound judgment of the lawyer or law firm. No lawyer will be charged with ethical impropriety or other breach of professional conduct based on the exercise of the lawyer's good faith judgment.

(4) *Notice to Foundation.* Lawyers or law firms must advise the foundation, at its current location posted on The Florida Bar's website, of the establishment of an IOTA account for funds covered by this rule. The notice must include: the IOTA account number as assigned by the eligible institution; the name of the lawyer or law firm on the IOTA account; the eligible institution name; the eligible institution address; and the name and Florida Bar number of the lawyer, or of each member of The Florida Bar in a law firm, practicing from an office or other business location within the state of Florida that has established the IOTA account.

(5) *Eligible Institution Participation in IOTA.* Participation in the IOTA program is voluntary for banks, credit unions, savings and loan associations, and investment companies. Institutions that choose to offer and maintain IOTA accounts must meet the following requirements:

(A) *Interest Rates and Dividends.* Eligible institutions must maintain IOTA accounts which pay the highest interest rate or dividend generally available from the institution to its non-IOTA account customers when IOTA accounts meet or exceed the same minimum balance or other account eligibility qualifications, if any.

(B) *Determination of Interest Rates and Dividends.* In determining the highest interest rate or dividend generally available from the institution to its non-IOTA accounts in compliance with subdivision (5)(A), above, eligible institutions may consider factors, in addition to the IOTA account balance, customarily considered by the institution when setting interest rates or dividends for its customers, provided that these factors do not discriminate between IOTA accounts and accounts of non-IOTA customers, and that these factors do not include that the account is an IOTA account.

(C) *Remittance and Reporting Instructions.* Eligible institutions must:

(i) calculate and remit interest or dividends on the balance of the deposited funds, in accordance with the institution's standard practice for non-IOTA account customers, less reasonable service charges or fees, if any, in connection with the deposited funds, at least quarterly, to the ~~Ff~~ foundation;

(ii) transmit with each remittance to the Foundation a statement showing the name of the lawyer or law firm from whose IOTA account the remittance is sent, the lawyer's or law firm's IOTA account number as assigned by the institution, the rate of interest applied, the period for which the remittance is made, the total interest or dividend earned during the remittance period, the amount and description of any service charges or fees assessed during the remittance period, and the net amount of interest or dividend remitted for the period; and

(iii) transmit to the depositing lawyer or law firm, for each remittance, a statement showing the amount of interest or dividend paid to the foundation, the rate of interest applied, and the period for which the statement is made.

(6) *Small Fund Amounts.* The Foundation may establish procedures for a lawyer or law firm to maintain an interest-free trust account for client and third-person funds that are nominal or short term when their nominal or short-term trust funds cannot reasonably be expected to produce or have not produced interest income net of reasonable eligible institution service charges or fees.

(7) *Confidentiality and Disclosure.* The Foundation must protect the confidentiality of information regarding a lawyer's or law firm's trust account obtained by virtue of this rule. However, the Foundation must, on an official written inquiry of The Florida Bar made in the course of an investigation conducted under these Rules Regulating The Florida Bar, disclose requested relevant information about the location and account numbers of lawyer or law firm trust accounts.

8) Distribution of IOTA Funds. All IOTA funds transmitted to the Foundation shall be used in a manner that gives priority consideration to funding Qualified Legal Services for low-income individuals in Florida, and shall be used only to:

(A) Support qualified grantee organizations that:

a. directly provide Qualified Legal Services, and/or

b. facilitate the provision of and improve the quality of Qualified Legal Services; or

c. facilitate Qualified Legal Services by coordinating volunteer Qualified Legal Service Providers.

(B) Fund necessary and reasonable operating expenses of the Foundation for effective operation of the IOTA program including collection, disbursement, and monitoring and reporting on efficient use of IOTA funds and pursuing the growth of IOTA and development of other sources of civil legal aid funding.

(C) Establish and maintain reasonably prudent reserves for the operations of the IOTA program as well as to promote stability in funding for (A) and (B), above.

(D) At least 80% of IOTA funds received by the Foundation shall be allocated to qualified grantee organizations in the form of grants and program-related expenses. A portion of these funds may be allocated to reserves if approved by the IOTA Funds committee of the Foundation Board.

The Foundation shall develop policies for monitoring the distribution and use of IOTA funds and those policies shall give the highest priority to ensuring the consistent provision of qualified legal services throughout the state of Florida.

(9) IOTA Oversight and Governance. The Foundation shall determine the initial and continuing eligibility of banks, savings and loan associations and investment companies to hold IOTA accounts in accordance with the criteria set forth in this rule and in *In re: Amendments to the Rules Regulating the Florida Bar 5-1.1(e)*, 797 So. 2d 551, 552, (Fla. 2001). The Foundation shall also be responsible for ensuring the efficient and effective distribution and use of IOTA funds. In order to further ensure such efficiency:

(A) The Foundation's Board of Directors will establish a standing committee on IOTA Funds. The committee shall include three members chosen by the Florida Civil Legal Aid Association, Inc. from its members. The committee shall provide feedback on the Foundation's development of a statewide plan for distribution of funds, policies for monitoring the distribution and use of IOTA funds, best practices for use of IOTA funds, and other input and oversight as directed by either the Board of Directors or the Supreme Court of Florida.

(B) The Foundation's Budget and Finance Committee shall be composed of at least four Directors appointed by the Supreme Court of Florida pursuant to the Foundation's bylaws and articles of incorporation.

(10) Reporting by Qualified Grantee Organizations. Qualified Grantee Organizations must report to the Florida Bar Foundation on or before February 15 of each year on metrics developed by the IOTA Funds Committee and approved by the Foundation Board on a regular basis designed to confirm grantee organizations are promoting access to justice on the part of low-income clients, and to ensure IOTA funds are utilized efficiently and effectively. These metrics shall include but are not limited to: the number of clients receiving Qualified Legal Services paid for or facilitated by the use of IOTA funds and other aggregate data showing the impact of civil legal aid in Florida, regardless of funding source.

(11) Reporting by the Foundation. As a condition of continued receipt of IOTA funds, the Foundation shall prepare on or before April 15 of each year a report containing

programmatic and financial analysis of the IOTA funds received and distributed by the Foundation during the previous calendar year and shall prepare an Annual Report that will be available to the public.

(A) The programmatic report shall at a minimum contain the aggregate data reported by the qualified grantee organizations detailed in the previous section. It may also contain other data that details the impact of the IOTA funds provided to the qualified grantee organizations.

(B) The financial portion of the report shall:

(i) Be prepared according to generally accepted accounting principles;

(ii) Include and identify the specific amount of IOTA funds given to the various providers, programs, and projects for the previous year;

(iii) Include and identify the total amount of funds that were awarded to build or maintain the capacity of qualified grantee organizations;

(iv) Include the total amount of IOTA funds that were set aside for reserves;

(v) Include the total amount of IOTA funds that were spent by the Foundation for operating expenses; and

(vi) Include the categories of the rates paid by participating Banks.

(C) Copies of the reports shall be provided to the Chief Justice of the Florida Supreme Court immediately upon completion of such reports, published upon the Foundation's website, and otherwise made available to others of the public upon request.

Appendix I

Agendas & Minutes

Agenda for Organizational Meeting of the Task Force on Distribution of IOTA Funds November 11, 2019

- I. Introduction of Task Force members and support personnel (Downs) (names/contact information attached as A)
- II. Brief Review of Supreme Court Order No AOSC19-70 (Downs) (attached as B)
 - A. Our charge is to “examine whether rule 5-1.1(g) should be amended to better ensure the most effective use of IOTA funds” giving “priority consideration to the need for funding direct legal services for low-income litigants in Florida.”
- III. Review of protocol for meetings, notice, public participation and press coverage (Tarbert)
- IV. Proposed meeting schedule (Downs)
 - A. Two in-person meetings
 1. February 6, 2020 at the Winter Meeting of The Florida Bar in Orlando
 2. June 26, 2020 at the Annual Convention (Boca)
 - B. Public conference call meetings
 1. Monthly in January, March, April & May – dates TBD
- V. Proposed work schedule (Downs)
 - A. January 2020
 1. Examine need and availability of IOTA funds for funding direct legal services for low-income litigants in Florida (Scales & Ladis)
 - B. February 2020
 1. Examine whether specific priorities should be established for the use of available IOTA funds (Downs & Stewart)
 - C. March 2020
 1. Examine whether specific requirements or limitations should be imposed on the use of IOTA funds (Lile & Scales)
 - D. April 2020
 1. Examine alternative models for distribution of IOTA funds (Thomas & Sandridge)
 - E. May 2020

1. Examine whether reporting requirements regarding the distribution and use of IOTA funds should be adopted (Lile & Ladis) (including objective benchmarks to measure efficient/effective deployment of IOTA funds)

F. June 2020

1. Draft task force recommendations, including any proposed rule amendments, and distribute for public comment. (entire task force)
2. Hold meeting to hear public comments on task force recommendations. (entire task force)

G. July 2020

1. Finalize task force recommendations. (entire task force)



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TASK FORCE ON DISTRIBUTION OF IOTA FUNDS
AGENDA
January 13, 2020
3:00 p.m.
Via conference call

To: Mayanne Downs, Chair; Karen J. Ladis, Laird A. Lile; Hala Sandridge; Edwin A. Scales; John M. Stewart; and M. Scott Thomas

From: Elizabeth Clark Tarbert, Ethics Counsel

cc: John Stewart; Dori Foster-Morales; Joshua E. Doyle; Lori Holcomb; Gypsy Bailey, General Counsel; and Gary Blankenship

The following items are presented for committee action:

1. Approval of the November 11, 2019 meeting minutes.
2. Report by Subcommittee members Edwin A. Scales and Karen J. Ladis on the need and availability of IOTA funds for funding direct legal services for low-income litigants in Florida.
3. Discussion of whether to invite legal aid organizations in Florida to the February 6, 2020 meeting of the Task Force.
4. Discussion of the future meeting schedule. Chart of meetings and subcommittee assignments is attached.



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TASK FORCE ON DISTRIBUTION OF IOTA FUNDS

AGENDA

February 6, 2020
9:00 a.m. until 11:00 a.m.
Orlando, Florida

To: Mayanne Downs, Chair; Karen J. Ladis, Laird A. Lile; Hala Sandridge; Edwin A. Scales;
John M. Stewart; and M. Scott Thomas

From: Elizabeth Clark Tarbert, Ethics Counsel

cc: John Stewart; Dori Foster-Morales; Joshua E. Doyle; Lori Holcomb; Gypsy Bailey,
General Counsel; and Gary Blankenship

The following items are presented for committee action:

1. Approval of the January 13, 2020 meeting minutes.
2. Hear comments on the task force mission from interested persons. Speakers chart and written comments received are attached.
3. Discussion of the future meeting schedule. Chart of meetings and subcommittee assignments is attached.



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TASK FORCE ON DISTRIBUTION OF IOTA FUNDS

AGENDA

February 24, 2020

2 p.m. until 3 p.m.

Conference Call

To: Mayanne Downs, Chair; Karen J. Ladis, Laird A. Lile; Hala Sandridge; Edwin A. Scales; John M. Stewart; and M. Scott Thomas

From: Elizabeth Clark Tarbert, Ethics Counsel

cc: John Stewart; Dori Foster-Morales; Joshua E. Doyle; Lori Holcomb; Gypsy Bailey, General Counsel; and Gary Blankenship

The following items are presented for committee action:

1. Approval of the February 6, 2020 meeting minutes.
2. Review report of the subcommittee whether specific priorities should be established for the use of available IOTA funds.
3. Discussion of other items at the direction of the chair.
4. Discussion of the future meeting schedule. Chart of meetings and subcommittee assignments is attached.



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**TASK FORCE ON DISTRIBUTION OF IOTA FUNDS
AGENDA
March 11, 2020
10:00 a.m. until 11:00 a.m.
Conference Call**

To: Mayanne Downs, Chair; Karen J. Ladis, Laird A. Lile; Hala Sandridge; Edwin A. Scales; John M. Stewart; and M. Scott Thomas

From: Elizabeth Clark Tarbert, Ethics Counsel

cc: John Stewart; Dori Foster-Morales; Joshua E. Doyle; Lori Holcomb; Gypsy Bailey, General Counsel; and Gary Blankenship

The following items are presented for committee action:

1. Approval of the February 24, 2020 meeting minutes.
2. Review of the report of the subcommittee to examine whether specific requirements or limitations should be imposed on the use of IOTA funds. No vote will be taken to approve this report at this meeting.
3. Announcement of elimination of the Thomas & Sandridge subcommittee (“Examine alternative models of distribution of IOTA funds”) and moving the Lile & Ladis subcommittee (“Examine whether reporting requirements regarding the distribution and use of IOTA funds should be adopted”) to the April 13, 2020 conference call meeting.
4. Discussion of the future meeting schedule. Chart of meetings and subcommittee assignments is attached.



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TASK FORCE ON DISTRIBUTION OF IOTA FUNDS

AGENDA

April 13, 2020

10:00 a.m.

Conference Call

To: Mayanne Downs, Chair; Karen J. Ladis, Laird A. Lile; Hala Sandridge; Edwin A. Scales; John M. Stewart; and M. Scott Thomas

From: Elizabeth Clark Tarbert, Ethics Counsel

cc: John Stewart; Dori Foster-Morales; Joshua E. Doyle; Lori Holcomb; Gypsy Bailey, General Counsel; and Gary Blankenship

The following items are presented for committee action:

1. Approval of the March 11, 2020 meeting minutes.
2. Review of the combined report of the subcommittee to examine whether specific requirements or limitations should be imposed on the use of IOTA funds and the subcommittee to examine whether reporting requirements regarding the distribution and use of IOTA funds should be adopted.
3. Other items at the direction of the chair.
4. Discussion of the future meeting schedule. Chart of meetings and subcommittee assignments is attached.



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TASK FORCE ON DISTRIBUTION OF IOTA FUNDS

AGENDA

May 18, 2020

10:00 a.m. until Noon

Zoom Meeting

To: Mayanne Downs, Chair; Karen J. Ladis, Laird A. Lile; Hala Sandridge; Edwin A. Scales; John M. Stewart; and M. Scott Thomas

From: Elizabeth Clark Tarbert, Ethics Counsel

cc: Dori Foster-Morales; Michael G. Tanner; Joshua E. Doyle; Lori Holcomb; Gypsy Bailey, General Counsel; and Gary Blankenship

The following items are presented for committee action:

1. Approval of the April 13, 2020 meeting minutes.
2. Review of the combined report of the subcommittee to examine whether specific requirements or limitations should be imposed on the use of IOTA funds and the subcommittee to examine whether reporting requirements regarding the distribution and use of IOTA funds should be adopted. Combined subcommittee draft report and comments of Americans for Immigrant Justice are attached.
3. Report from Florida Bar Foundation Executive Director Dominic MacKenzie. Invitation from task force Chair Mayanne Downs dated April 20, 2020 is attached.
4. Other items at the direction of the chair.
5. Discussion of the future meeting schedule. Chart of meetings and subcommittee assignments is attached.



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TASK FORCE ON DISTRIBUTION OF IOTA FUNDS

AGENDA

June 12, 2020

1:00 p.m. until 3:00 p.m.

Zoom Meeting

To: Mayanne Downs, Chair; Karen J. Ladis, Laird A. Lile; Hala Sandridge; Edwin A. Scales; John M. Stewart; and M. Scott Thomas

From: Elizabeth Clark Tarbert, Ethics Counsel

cc: Dori Foster-Morales; Michael G. Tanner; Joshua E. Doyle; Lori Holcomb; Gypsy Bailey, General Counsel; and Gary Blankenship

The following items are presented for committee action:

1. Approval of the May 18, 2020 meeting minutes.
2. Review of the combined report of the subcommittee to examine whether specific requirements or limitations should be imposed on the use of IOTA funds and the subcommittee to examine whether reporting requirements regarding the distribution and use of IOTA funds should be adopted. Combined subcommittee draft report and comments received since the last meeting are attached.
3. Other items at the direction of the chair.
4. Discussion of the future meeting schedule. Chart of meetings and subcommittee assignments is attached.



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TASK FORCE ON DISTRIBUTION OF IOTA FUNDS

AGENDA

June 18, 2020

9:00 a.m. until 12:00 p.m.

Zoom Meeting

To: Mayanne Downs, Chair; Karen J. Ladis, Laird A. Lile; Hala Sandridge; Edwin A. Scales; John M. Stewart; and M. Scott Thomas

From: Elizabeth Clark Tarbert, Ethics Counsel

cc: Dori Foster-Morales; Michael G. Tanner; Joshua E. Doyle; Lori Holcomb; Gypsy Bailey, General Counsel; and Gary Blankenship

The following items are presented for committee action:

1. Approval of the June 12, 2020 meeting minutes.
2. Hear remarks from persons requesting to speak on the final subcommittee recommendations and draft rule amendments (speakers remarks will be limited to 5 minutes each with possible further limitation depending on the numbers of speakers). Draft rule amendments are attached.
3. Other items at the direction of the chair.
4. Discussion of the future meeting schedule. Chart of meetings and subcommittee assignments is attached.



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TASK FORCE ON DISTRIBUTION OF IOTA FUNDS

AGENDA

July 15, 2020

9:00 a.m. until 11:00 a.m.

Zoom Meeting

To: Mayanne Downs, Chair; Karen J. Ladis, Laird A. Lile; Hala Sandridge; Edwin A. Scales; John M. Stewart; and M. Scott Thomas

From: Elizabeth Clark Tarbert, Ethics Counsel

cc: Dori Foster-Morales; Michael G. Tanner; Joshua E. Doyle; Lori Holcomb; Gypsy Bailey, General Counsel; and Gary Blankenship

The following items are presented for committee action:

1. Approval of the June 18, 2020 meeting minutes.
2. Review written comments from persons requesting to speak on the final subcommittee recommendations and draft rule amendments (speakers remarks will be limited to 5 minutes each with possible further limitation depending on the numbers of speakers). Comments received after the June 18 meeting and draft rule amendments are attached.
3. Other items at the direction of the chair.
4. Discussion of the future meeting schedule. Chart of meetings and subcommittee assignments is attached.



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TASK FORCE ON DISTRIBUTION OF IOTA FUNDS

AGENDA

August 14, 2020

10:00 a.m. until 11:00 a.m.

Conference Call

To: Mayanne Downs, Chair; Karen J. Ladis, Laird A. Lile; Hala Sandridge; Edwin A. Scales; John M. Stewart; and M. Scott Thomas

From: Elizabeth Clark Tarbert, Ethics Counsel

cc: Dori Foster-Morales; Michael G. Tanner; Joshua E. Doyle; Lori Holcomb; Gypsy Bailey, General Counsel; and Gary Blankenship

The following items are presented for committee action:

1. Approval of the July 15, 2020 meeting minutes.
2. Review and vote on draft amendments to Rule 5-1.1(g).
3. Other items at the direction of the chair.
4. Discussion of the future meeting schedule. Chart of meetings and subcommittee assignments is attached.



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TASK FORCE ON DISTRIBUTION OF IOTA FUNDS

AGENDA

August 31, 2020
2:00 until 3:00 p.m.
Zoom Meeting

To: Mayanne Downs, Chair; Karen J. Ladis, Laird A. Lile; Hala Sandridge; Edwin A. Scales; John M. Stewart; and M. Scott Thomas

From: Elizabeth Clark Tarbert, Ethics Counsel

cc: Dori Foster-Morales; Michael G. Tanner; Joshua E. Doyle; Gypsy Bailey, General Counsel; and Gary Blankenship

The following items are presented for committee action:

1. Approval of the August 14, 2020 meeting minutes.
2. Comments by chair and request for redraft of rule.
3. Discussion of the future meeting schedule.



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TASK FORCE ON DISTRIBUTION OF IOTA FUNDS
MINUTES
November 11, 2019
10:00 a.m.
Via conference call

Participants: Mayanne Downs, Chair; Karen J. Ladis, Laird A. Lile; Hala Sandridge; Edwin A. Scales; John M. Stewart; and M. Scott Thomas

Bar Staff Participants: Elizabeth Clark Tarbert, Ethics Counsel; Gypsy Bailey, General Counsel; and Gary Blankenship, Senior Editor, Florida Bar *News*

cc: John Stewart; Joshua E. Doyle; Lori Holcomb

The following items were presented for committee action:

I. The task force members introduced themselves.

II. The chair reviewed the Supreme Court Order No AOSC19-70 with the task force members.

A. The charge of the court is to “examine whether rule 5-1.1(g) should be amended to better ensure the most effective use of IOTA funds” giving “priority consideration to the need for funding direct legal services for low-income litigants in Florida.”

III. Bar counsel reviewed the protocol for meetings, notice, public participation and press coverage.

IV. The chair presented the proposed meeting schedule.

A. Two in-person meetings:

1. February 6, 2020 at the Winter Meeting of The Florida Bar in Orlando; and
2. June 26, 2020 at the Annual Convention in Boca Raton.

B. Public conference call meetings:

1. Monthly in January, March, April & May – the task force directed staff to poll the members on availability for conference call dates.

V. The chair presented the proposed work schedule.

A. January 2020

1. Examine need and availability of IOTA funds for funding direct legal services for low-income litigants in Florida (Scales & Ladis)

B. February 2020

1. Examine whether specific priorities should be established for the use of available IOTA funds (Downs & Stewart)

C. March 2020

1. Examine whether specific requirements or limitations should be imposed on the use of IOTA funds (Lile & Scales)

D. April 2020

1. Examine alternative models for distribution of IOTA funds (Thomas & Sandridge)

E. May 2020

1. Examine whether reporting requirements regarding the distribution and use of IOTA funds should be adopted (Lile & Ladis) (including objective benchmarks to measure efficient/effective deployment of IOTA funds)

F. June 2020

1. Draft task force recommendations, including any proposed rule amendments, and distribute for public comment. (entire task force)
2. Hold meeting to hear public comments on task force recommendations. (entire task force)

G. July 2020

1. Finalize task force recommendations. (entire task force)

VI. The meeting was adjourned.



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TASK FORCE ON DISTRIBUTION OF IOTA FUNDS
MINUTES
January 13, 2020
3:00 p.m.
Via Conference Call

Task Force Participants: Mayanne Downs, Chair; Karen J. Ladis; Laird A. Lile; Hala Sandridge; Edwin A. Scales; John M. Stewart; and M. Scott Thomas

Bar Staff Participants: Elizabeth Clark Tarbert, Ethics Counsel; Frank Digon-Greer, Assistant Director, Programs Division; and Gary Blankenship, Senior Editor, Florida Bar *News*

cc: Dori Foster-Morales; Joshua E. Doyle; Gypsy Bailey

The following items were presented for committee action:

1. The chair informed the task force members that the task force has a dedicated page on the bar's website with the meeting schedule, agendas, minutes. The chair informed task force members that a notice of how to present information to the task force is also posted on that page.
2. Voted 6-0 to approve the November 11, 2019 meeting minutes.
3. Voted 6-0 to accept and approve a report by subcommittee members Edwin A. Scales, III, and Karen J. Ladis on the need and availability of IOTA funds for funding direct legal services for low-income litigants in Florida. Judge Scales gave a brief summary of the report, thanking Karen J. Ladis for her work on the report and Assistant Director of Programs Division Frank Digon-Greer for his assistance on providing research and noting that the need for legal services for low-income litigants is overwhelming. Karen Ladis added that the sampling of information on legal aid lawyer salary/benefits packages came from responses to her request for information to Florida legal aid organizations.
4. The task force consensus was to invite legal aid organizations in Florida to the February 6, 2020 meeting of the Task Force if they want to comment on the task force's mission. The chair noted that the Florida Bar Foundation has been invited to attend the meeting.

5. Discussed the future meeting schedule. The next task force meeting is in person in conjunction with the bar's Annual Convention on Thursday, February 6, 2019, from 9:00 a.m. until 11:00 a.m.
6. The meeting was adjourned.



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TASK FORCE ON DISTRIBUTION OF IOTA FUNDS
MINUTES
February 6, 2020
9:00 a.m. until 11:20 a.m.
Hyatt Regency Orlando

Task Force Participants: Mayanne Downs, Chair; Karen J. Ladis; Laird A. Lile; Edwin A. Scales; John M. Stewart; and M. Scott Thomas

Bar Staff Participants: Joshua E. Doyle, Executive Director; Elizabeth Clark Tarbert, Ethics Counsel; Frank Digon-Greer, Assistant Director, Programs Division; and Gary Blankenship, Senior Editor, *Florida Bar News*

cc: Dori Foster-Morales; Joshua E. Doyle; Gypsy Bailey

The task force took the following actions:

1. Voted 6-0 to approve the January 13, 2020 meeting minutes.
2. Heard remarks from the following speakers, all of whom were in support of the Florida Bar Foundation and some of whom also provided written remarks:

Donny McKenzie, Executive Director, Florida Bar Foundation

John Patterson

Carrie Litherland, Executive Director, Legal Aid Foundation of Tallahassee

Robin L. Rosenberg, Deputy Director, Florida's Children First

Stephen R. Senn

James Kowalski, President and CEO, Jacksonville Area Legal Aid, Inc.

Tony Karrat, Executive Director, Legal Aid Service of Broward County

Jaffee Pickett, Executive Director, Florida Rural Legal Services

Thomas R. Oldt, President, Florida Bar Foundation

3. Discussed the future meeting schedule. The next task force meeting is by conference call on Monday, February 24, 2019, at 2:00 p.m.
4. The meeting was adjourned.



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TASK FORCE ON DISTRIBUTION OF IOTA FUNDS
MINUTES
February 24, 2020
2:00 p.m. until

Task Force Participants: Mayanne Downs, Chair; Karen J. Ladis; Laird A. Lile; Hala Sandridge; Edwin A. Scales; John M. Stewart; and M. Scott Thomas

Bar Staff Participants: Elizabeth Clark Tarbert, Ethics Counsel and Gary Blankenship, Senior Editor, *Florida Bar News*

cc: Dori Foster-Morales; Joshua E. Doyle; Gypsy Bailey

The task force took the following actions:

1. Voted 6-0 to approve the February 6, 2020 meeting minutes as corrected to reflect that Hala Sandridge was unable to attend the meeting.
2. Reviewed the report of the subcommittee whether specific priorities should be established for the use of available IOTA funds. A motion was made, seconded, and approved 5-1.
3. Discussed the future meeting schedule. The next meeting is by conference call scheduled for Wednesday, March 11, 2020 at 10:00 a.m.
4. The meeting was adjourned.



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TASK FORCE ON DISTRIBUTION OF IOTA FUNDS
MINUTES
March 11, 2020
10:00 a.m. until 10:40 a.m.

Task Force Participants: Mayanne Downs, Chair; Karen J. Ladis; Laird A. Lile; Hala Sandridge; Edwin A. Scales; John M. Stewart; and M. Scott Thomas

Bar Staff Participants: Elizabeth Clark Tarbert, Ethics Counsel and Gary Blankenship, Senior Editor, *Florida Bar News*

Guest: Ross Baer, Legal Aid Society of Palm Beach County, Inc.

cc: Dori Foster-Morales; Joshua E. Doyle; Gypsy Bailey

The task force took the following actions:

1. Voted 7-0 to approve the February 24, 2020 meeting minutes.
2. Reviewed the report of the subcommittee to examine whether specific requirements or limitations should be imposed on the use of IOTA funds. No vote was taken on the report. The chair requested that the draft report be combined with the subcommittee report (“Examine whether reporting requirements regarding the distribution and use of IOTA funds should be adopted”) for the next meeting.
3. Heard an announcement by the Chair of elimination of the Thomas & Sandridge subcommittee “Examine alternative models of distribution of IOTA funds”) and moving the subcommittee to “examine whether reporting requirements regarding the distribution and use of IOTA funds should be adopted” to the April 13, 2020 conference call meeting.
4. Discussed the future meeting schedule. The next meeting is by conference call scheduled for Monday, April 13, 2020 at 10 a.m.
5. The meeting was adjourned.



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TASK FORCE ON DISTRIBUTION OF IOTA FUNDS

Minutes
April 13, 2020
10:00 a.m.
Conference Call

Task Force Participants: Mayanne Downs, Chair; Karen J. Ladis; Laird A. Lile; Hala Sandridge; Edwin A. Scales; John M. Stewart; and M. Scott Thomas

Bar Staff Participants: Elizabeth Clark Tarbert, Ethics Counsel and Gary Blankenship, Senior Editor, Florida Bar *News*

cc: John Stewart; Dori Foster-Morales; Joshua E. Doyle; and Gypsy Bailey, General Counsel

The task force took the followings action:

1. Approved the March 11, 2020 meeting minutes as corrected to omit the reference to Liles & Ladis as the composition of the subcommittee (to examine whether reporting requirements regarding the distribution and use of IOTA funds should be adopted) changed after the task force meeting.
2. Heard a report from task force members Judge Scales and M. Scott Thomas and reviewed the combined report of the subcommittee to examine whether specific requirements or limitations should be imposed on the use of IOTA funds and the subcommittee to examine whether reporting requirements regarding the distribution and use of IOTA funds should be adopted. The task force approved the following changes to the report: removing the word “subjective” before “analysis”; changing references to the 2 subcommittees throughout; adding “projection of funded reserves in number 6 of section (C); and replacing “low income litigants” with “low-income clients” throughout the report while defining the term “low-income clients” in footnote 1. The combined report will be considered by the task force at its next meeting.
3. Heard a report by the chair that the chair will invite the Florida Bar Foundation to attend the May 18, 2020 conference call to speak on recommendations in the subcommittee reports in response to a request by Florida Bar Foundation President and task force member Hala Sandridge. The chair requested that the meeting be held by Zoom.

4. Discussed the future meeting schedule. The next meeting will be held by Zoom meeting on May 18, 2020 from 10 a.m. until noon.



The Florida Bar

651 East Jefferson Street
Tallahassee, FL 32399-2300

Joshua E. Doyle
Executive Director

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TASK FORCE ON DISTRIBUTION OF IOTA FUNDS

MINUTES

May 18, 2020

10:00 a.m. until Noon

Zoom Meeting

To: Mayanne Downs, Chair; Karen J. Ladis, Laird A. Lile; Hala Sandridge; Edwin A. Scales; John M. Stewart; and M. Scott Thomas

From: Elizabeth Clark Tarbert, Ethics Counsel

cc: Dori Foster-Morales; Michael G. Tanner; Joshua E. Doyle; Lori Holcomb; Gypsy Bailey, General Counsel; and Gary Blankenship

Guests: Stephen R. Senn, Hugh Carithers, Carrie Litherland, Carlos Halley, Connie Bookman, Tom Oldt, Murray Silverstein, Leslie Powell-Boudreaux, Anthony Musto, Robin Rosenberg, Christopher M. Jones, Kevin McCoy, Steven Dupre, Paige Greenlee, Gary Blankenship, Michelle Ortiz, Buddy Schulz, Legal Aid Society, Juliette Lippman, Suzanne Van Wyk, Raymond P. Reid, Jr., Justice Peggy Quince (Ret.), D Thompson, Monica Vignes-Pitan, Tammy Greer, Bethanie Barber, Bruce Levine, Angela Vigil, Brandi Thomas

The following items are presented for committee action:

1. Approved the April 13, 2020 meeting minutes 7-0.
2. Deferred review of the combined report of the subcommittee to examine whether specific requirements or limitations should be imposed on the use of IOTA funds and the subcommittee to examine whether reporting requirements regarding the distribution and use of IOTA funds should be adopted.
3. Reviewed a report from Florida Bar Foundation Executive Director Dominic MacKenzie, who introduced Stephen R. Senn, who reported on behalf of the Foundation.
4. Discussed the future meeting schedule. The next scheduled meeting will be held via Zoom on Thursday, June 18, 2020 from 9:00 a.m. until noon. The chair will schedule additional conference calls or virtual meetings after conferring with the task force members.

5. The meeting was adjourned.



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TASK FORCE ON DISTRIBUTION OF IOTA FUNDS

MINUTES

June 12, 2020

1:00 p.m. until 3:00 p.m.

Zoom Meeting

Task Force Participants: Mayanne Downs, Chair; Karen J. Ladis; Laird A. Lile; Hala Sandridge; Edwin A. Scales; John M. Stewart; and M. Scott Thomas

Bar Staff Present: Elizabeth Clark Tarbert, Ethics Counsel; Gary Blankenship

Guests: Paolo Annino; Bethanie Barber; Robert Bertisch; Connie Bookman; Jami Coleman; Steven Dupre; Carman Gaetanos; Tammy Greer; Paige Greenlee; Christopher Jones; Chris Larson; Juliette Lippman; Carrie Litherland; Dominic McKenzie; Kathleen McLeroy; Anthony Musto; Thomas Oldt; Michelle Ortiz; Patrice Paldino; Leslie Powell-Boudreaux; Robin Rosenberg; Stephen R. Senn; Jodi Siegel; Christina Spuedeas; L. Thatcher; Brandi Thomas; Suzanne VanWyck; Monica Vignes-Pitan; Carly Wohl; D. Woltman; Kate York

cc: Dori Foster-Morales; Michael G. Tanner; Joshua E. Doyle; Gypsy Bailey; and Gary Blankenship

The task force took the following actions:

1. Approved the May 18, 2020 meeting minutes 7-0.
2. Reviewed the combined report of the subcommittee to examine whether specific requirements or limitations should be imposed on the use of IOTA funds and the subcommittee to examine whether reporting requirements regarding the distribution and use of IOTA funds should be adopted. Hala Sandridge spoke against approving the subcommittee report and asked task force members to review the comments received, conclude that all but 5% of the funds should not be required to be used to directly fund legal services for low-income litigants, and determine that the Foundation already makes the most effective use of IOTA funds. A motion was made, seconded, and passed 6-1 to amend the report to include as a footnote at the conclusion of section 4A to address the issue of charitable commitment and how the task force calculated the amount of IOTA

funds (5%) to be used for overhead. The subcommittee report was approved and adopted 6-1.

3. Discussed the future meeting schedule. The next meeting is scheduled for Thursday, June 18, 2020, from 9:00 a.m. until noon via Zoom.



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TASK FORCE ON DISTRIBUTION OF IOTA FUNDS

MINUTES

June 18, 2020

9:00 a.m. until 12:00 p.m.

Zoom Meeting

Task Force Participants: Mayanne Downs, Chair; Karen J. Ladis; Laird A. Lile; Hala Sandridge; Edwin A. Scales; and M. Scott Thomas

Bar Staff Participants: Elizabeth Clark Tarbert, Ethics Counsel; Frank Digon-Greer, Assistant Director, Programs; and Gary Blankenship, Senior Editor, *Florida Bar News*

Guests: Jane Anderson, Anita Last Name Unknown, Paolo Annino, Kenisha Anthony, Rosemary Armstrong, Terry B., James Bain, Bethany Barber, Christie Bhageloe, Connie Bookman, Hugh Carithers, Min Cho, Andrea DeVoe, Michael Dippy, Paige Greenlee, Miriam Harmatz, Robert Johnson, Christopher Jones, James Kowalski, LaSocba Inc., Tiffani Lee, Juliette Lippman, Carrie Litherland, Dominic MacKenzie, John MacDonald, Eli Mattern, Kathleen McLeroy, Lesley Mendoza, Seth Miller, Michelle Ortiz, John Patterson, Lesley Powell-Boudreaux, Thomas A. Pratt, Maritza Ramirez, Stephen R. Senn, Jodi Siegel, Christina Spudeas, Adele Stone, Ashley Sybesma, Anais Taboas, Brian Tannebaum, Brandi Thomas, L. Thatcher, Monica Vignes-Pitan, Sandy Weinberg, Christopher Wisotsky, Carly Wohl, D. Woltmann

cc: John M. Stewart; Dori Foster-Morales; Michael G. Tanner; Joshua E. Doyle; Gypsy Bailey; and Gary Blankenship

The following items are presented for committee action:

1. The task force approved the June 12, 2020 meeting minutes.
2. The task force heard remarks from on the final subcommittee recommendations and draft rule amendments from: Miriam Harmatz, Executive Director, Florida Health Justice Project; Paolo Annino, FSU College of Law Public Interest Center; Rosemary Armstrong, Crossroads Florida Kids; Monica Vignes-Pitan, Executive Director, Legal Services of Greater Miami, Inc.; Seth Miller, Executive Director, Innocence Project of Florida; James Bain, exonerated by Innocence Project of Florida using IOTA funds; Connie Bookman, Florida Bar Foundation Board of Directors; Thomas A. Pratt, IDignity;

Task Force on Distribution of IOTA Funds Final Report
Appendix I – Agendas & Minutes
September 15, 2020

Lesley Mendoza, Cuban American Bar Association Pro Bono Program; Kenisha Anthony, former foster youth client, Florida's Children First; John MacDonald, Business Law Section; and Carrie Litherland, Legal Aid Foundation of Tallahassee.

3. The chair recognized task force member Hala Sandridge, who stated that the Florida Bar Foundation intends to submit a proposed rule to the task force within 2 weeks.
4. Discussed the future meeting schedule. The chair directed staff to coordinate a meeting in mid July and requested that anyone with comments or proposals to the task force make them by Friday July 10.
5. The meeting was adjourned.



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TASK FORCE ON DISTRIBUTION OF IOTA FUNDS

MINUTES

July 15, 2020

9:00 a.m. until 11:00 a.m.

Zoom Meeting

Task Force Member Participants: Mayanne Downs, Chair; Karen J. Ladis, Laird A. Lile; Hala Sandridge; Edwin A. Scales; John M. Stewart; and M. Scott Thomas

Staff Participant: Elizabeth Clark Tarbert, Gary Blankenship, Francisco Digon-Greer

cc: Dori Foster-Morales; Michael G. Tanner; Joshua E. Doyle; Lori Holcomb; Gypsy Bailey, General Counsel; and Gary Blankenship

Guests: Robert Last Name Unknown, Terry B., Ross Baer, Bob Bertisch, Debby Brownell, Ann C., Shayla Connell, Paige Greenlee, Mary Johnson, Robert Johnson, Christopher Jones, Anthony Karrat, Jim Kowalski, Chris Larson, LASOCBA, Inc., Juliette Lippman, John Macdonald, Dominic MacKenzie, Gary Miller, Seth Miller, Michelle Ortiz, John Patterson, Leslie Powell-Boudreaux, Nicole Reed, Robin Rosenberg, Elliott Scherker, Stephen R. Senn, Jodi Siegel, Christina Spudeas, Adele Stone, Brian Tannebaum, L. Thatcher, Monica Vignes-Pitan, Samantha Vacciana, Carly Wohl, Kate York

The following items were presented for committee action:

1. The chair called the meeting to order at 9:11 a.m.
2. A quorum was reached with all members present.
3. A motion was made, seconded, and passed 7-0 to approve the June 18, 2020 meeting minutes.
4. The task force heard remarks from Hala Sandridge on behalf of the Florida Bar Foundation, Monica Vignes-Pitan on behalf of Florida Civil Legal Aid Association, Seth Miller on behalf of the Innocence Project, and Christina Spudeas on behalf of Florida Children's First, who presented the proposed rules amendments. The task force also heard remarks by Anthony Karrat.

5. The chair asked task force members Edwin A. Scales And Laird Lile to redraft the task force proposed rule amendments taking into consideration all comments received.
6. The task force discussed the future meeting schedule. A future meeting will be scheduled and posted on the task force page on the bar's website.
7. The meeting was adjourned at 10:24 a.m.



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TASK FORCE ON DISTRIBUTION OF IOTA FUNDS

MINUTES

August 14, 2020

10:00 a.m. until 11:00 a.m.

Conference Call

Task Force Member Participants: Karen J. Ladis; Laird A. Lile; Hala Sandridge; Edwin A. Scales; John M. Stewart; and M. Scott Thomas

Task Force Member Not Participating: Mayanne Downs, Chair

Staff Participants: Joshua E. Doyle, Elizabeth Clark Tarbert, Gary Blankenship, Francisco Digon-Greer

cc: Mayanne Downs; Dori Foster-Morales; Michael G. Tanner; Joshua E. Doyle; Lori Holcomb; Gypsy Bailey, General Counsel; and Gary Blankenship

Guests: (786) 280-8835, Brad Last Name Unknown, Michelle's iPhone, Robert Last Name Unknown, Terry B., Ross Baer, Connie Bookman, Andrea De Voe, Dori Foster-Morales, Carman Gaetanos, Paige Greenlee, Linda Harradine, Andea Horne, Brianna Jones, Christopher Jones, Anthony Karrat, Jim Kowalski, Chris Larson, Juliette Lippman, John Macdonald, Dominic MacKenzie, Kathleen McLeroy, Seth Miller, Michelle Ortiz, Patrice Paldino, John Patterson, Leslie Powell-Boudreaux, Nicole Reed, Elliot Scherker, Stephen R. Senn, Jodi Siegel, Olga Stewart, Adele Stone, L. Thatcher, Monica Vignes-Pitan, Carly Wohl, D. Woltmann, Kate York

The meeting was presided over by the Honorable Edwin A. Scales. The following items were presented for committee action:

1. The Honorable Edwin A. Scales called the meeting to order at 10:02 a.m.
2. A quorum was reached with 6 members present.
3. A motion was made, seconded, and passed 6-0 to approve the July 15, 2020 meeting minutes.

4. The task force members reviewed draft amendments to Rule 5-1.1(g). Task force member Scales reported that he had drafted amendments to be circulated to the task force members that combines recommendations from the foundation and the task force recommendations that would make 1 administrator of IOTA funds and name The Florida Bar Foundation as the administrator if acceptable to the foundation. Task force member Scales suggested that the task force members consider whether they could agree on a single administrator, on whether criminal post conviction legal services could be eligible for IOTA funds, whether the proposed amendments should specify that grantees should non-profit entities, and which of the above should be addressed in the final report versus the final amendments to the rule. Guest Monica Vignes-Pitan was recognized and asked the task force to consider the request to require that grantee organizations be required to have demonstrated experience in providing qualified legal services to receive IOTA funds.
5. The task force discussed the future meeting schedule. Task force member Scales directed bar staff to distribute a doodle poll to the task force members to coordinate a meeting within the next 2 weeks to discuss the new draft rule amendments.
6. The meeting was adjourned at 11:12 a.m.



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TASK FORCE ON DISTRIBUTION OF IOTA FUNDS

AGENDA

August 31, 2020
2:00 until 3:00 p.m.
Zoom Meeting

Task Force Member Participants: Mayanne Downs, Chair; Karen J. Ladis; Laird A. Lile; Hala Sandridge; Edwin A. Scales; John M. Stewart; and M. Scott Thomas

Staff Participants: Joshua E. Doyle, Elizabeth Clark Tarbert, Gary Blankenship, Frank Digon-Greer

cc: Dori Foster-Morales; Michael G. Tanner; Joshua E. Doyle; Gypsy Bailey, General Counsel; and Gary Blankenship

Guests: (850) 982-1851, (954) 647-4749, Andrea Last Name Unknown, Andrea H., Chris Cool 16, Gitana, Kate Last Name Unknown, Michael Last Name Unknown, MRV, Robert Last Name Unknown, Ross Baer, Bethanie Barber, Bob Bertisch, Alan Bookman, Connie Bookman, Debbie Brownell, Michelle Fonseca, Paige Greenlee, John F. Harkness, Jr., Brianna Jones, Christopher Jones, Anthony Karrat, Jim Kowalski, LASOCBA, Inc., Juliette Lippman, Kathleen McLeroy, Seth Miller, Michelle Ortiz, John Patterson, Leslie Powell-Boudreaux, Nicole Reed, Robin Rosenberg, Stephen R. Senn, Jodi Siegel, Christina Spudeas, Adele Stone, Ashley Sybesma, Brian Tannebaum, Suzanne Van Wyk, Monica Vignes-Pitan, Carly Wohl, Richard Woltmann,

The meeting was presided over by the chair, Mayanne Downs. The following items were presented for committee action:

1. The meeting was called to order at 2:20 p.m.
2. A motion was made, seconded, and passed to approve the August 14, 2020 meeting minutes.
3. Comments were made by the chair, who requested that task force members Lile and Scales redraft the rule and final report to be circulated to the task force.

4. The committee discussed the future meeting schedule. The task force currently plans to finalize its final report and draft rule by email and has no further plans to meet at this time.
5. The meeting was adjourned.

Appendix J

Submissions to the Task Force

Submissions to IOTA Task Force

	Date	Commentor/Document	Enclosures	Page Numbers
1	1/17/20	List of 2019-2020 Grantee Executive Directors	N/A	J-8 thru J-9
2	2/3/20	John Patterson Letter	N/A	J-10 thru J-13
3	2/3/20	Stephen Senn Letter to Task Force	N/A	J-14 thru J-21
4	2/4/20	Dominic MacKenzie Florida Bar Foundation Letter and Remarks	Cover letter; Written Remarks submitted in response to Task Force Invitation; Exhibit A (Foundation Mission); Exhibit B (Court Order creating Task Force); Exhibit C (ABA Report Center for Innovation Standing Committee on the Delivery of Legal Services Standing Committee on Ethics and Professional Regulation Standing Committee on Public Protection in the Provision of Legal Services)	J-22 thru J-48
5	2/4/20	James Kowalski (Jacksonville Area Legal	N/A	J-49 thru J-52

		Aid Comment to Task Force		
6	2/5/20	Jaffe S. Pickett Florida Rural Legal Service, Inc Comment to Task Force	Letter to Task Force; Chart of Funds received from Florida Bar Foundation	J-53 thru J-56
7	2/6/20	Florida's Children First Impact Brochure	N/A	J-57 thru J-58
8	2/26/20	John Patterson letter to Task Force	Florida Bar Foundation Amended and Restated Articles of Incorporation; Charity Navigator rating for Foundation web pages; Charity Navigator Rating History for Foundation; Charity Navigator Rating History for Foundation; Charity Navigator for Foundation.	J-59 thru J-74
9	3/2/20	Donnie MacKenzie Florida Bar Foundation	N/A	J-75 thru J-79
10	4/10/20	Monica Vignes-Pitan email from FCLAA Report (Florida Civil Legal Aid Association)	N/A	J-80
11	4/11/20	Brandi Thomas Legal Aid Foundation Letter	N/A	J-81 thru J-82
12	4/29/20	Cheryl E. Little Comment Americans for Immigrant Justice	N/A	J-83 thru J-85

13	5/13/20	Tammy Greer Gulf Coast Legal Services letter to Task Force	N/A	J-86 thru J-88
14	5/15/20	Florida Bar Foundation Letter to Task Force	N/A	J-89 thru J-133
15	5/15/20	James Kowalski, Jacksonville Area Legal Aid Comment to Task Force	N/A	J-134 thru J-142
16	5/15/20	Monica Vignes-Pitan email from FCLAA Report (Florida Civil Legal Aid Association)	N/A	J-143 thru J-151
17	5/16/20	Joint Comments from Southern Legal Counsel; Florida Legal Services, Inc., and Florida Justice Institute (Jodi Siegel; Christopher Jones; Dante Trevisani)	N/A	J-152 thru J-154
18	5/17/20	Christina Spudeas Florida's Children First Comment to Task Force	Letter; Appendix A (FCF Key Accomplishments; Appendix B (FCF Publications); Appendix C (FCF Amicus Briefs)	J-155 thru J-166
19	5/19/20	Donnie MacKenzie (Florida Bar Foundation) letter to Task Force	Letter; Chart Showing Comparative Overview of Expenses with Totals and Requests; Chart Showing all payments made to FJTC from Florida Bar Foundation, regardless of source;	J-167 thru J-190

			Associated chart showing projects funded by Chase Funds with Attorney General's permission (i.e., Gateway project, including pilot); and Loan Documents between The Florida Bar and The Florida Bar Foundation	
20	5/20/20	John Patterson letter Tammy Greer of Gulf Coast Legal Services	N/A	J-191 thru J-195
21	5/20/20	Report to The Florida Bar re: Loan to Foundation	Reports from April 2016 through October 2019	J-196 thru J-470
22	5/27/20	Judge Timothy Corrigan, US Middle District Court of Florida Comment to Task Force	N/A	J-471 thru J-472
23	5/28/20	Brian Tannebaum and Elliot H. Scherker from Innocence Project of Florida Submission to Task Force	N/A	J-473 thru J-480
24	5/29/20	Donny MacKenzie, Florida Bar Foundation letter to Task Force	N/A	J-481 thru J-482
25	6/11/20	Monica Vignes-Pitan email from FCLAA Report (Florida Civil Legal Aid Association)	N/A	J-483 thru J-486
26	6/17/20	Jacob A. Brown for The Florida Bar's Business Law	N/A	J-487

		Section Comments to Task Force		
27	6/24/20	Email from Anthony Karrat forwarding Judge Stacey Shulman's letter to Task Force regarding HOPE Court	N/A	J-488 thru J-490
28	7/2/20	Florida Bar Foundation Working Document re: IOTA FAQ	N/A	J-491 thru J-505
29	7/7/20	Seth Miller Executive Direct of Innocence Project of Florida to Task Force	N/A	J-506 thru J-507
30	7/8/20	Florida Bar Foundation Proposed IOTA Rule in Legislative Format	N/A	J-508 thru J-513
31	7/9/20	Professor Paolo Annino Comment to Task Force	N/A	J-514 thru J-515
32	7/10/20	NLADA (National Legal Aid & Defender Association) Comment to Task Force (Donald Saunders; Radhika Singh; Christopher Buerger)	N/A	J-516 thru J-519
33	7/10/20	Christina Spudeas Florida's Children First Comment to Task Force	N/A	J-520
34	7/10/20	Donnie MacKenzie, Florida Bar Foundation letter to Task Force	N/A	J-521 thru J-522
35	7/10/20	Monica Vignes-Pitan email from FCLAA Report (Florida Civil Legal Aid Association)	N/A	J-523 thru J-530
36	7/14/20	Florida Bar Foundation Past President's Letter to Task Force	N/A	J-531 thru J-536

37	7/14/20	Tammy Greer, Gulf Coast Legal Services letter to Task Force	N/A	J-537 thru J-538
38	7/22/20	Joint FCLAA & Florida Bar Foundation Joint Revision to Proposed IOTA Rule - Monica Vignes-Pitan email from FCLAA Report (Florida Civil Legal Aid Association)	N/A	J-539
39	8/6/20	Florida Bar Past Presidents Letter to Task Force	N/A	J-540 thru J-541
40	8/7/20	Tammy Greer Gulf Coast Legal Services letter to Task Force	N/A	J-542 thru J-543
41	8/10/20	Donny MacKenzie Foundation Letter to Task Force	N/A	J-544
42	8/10/20	Monica Vignes-Pitan email from FCLAA Report (Florida Civil Legal Aid Association)	N/A	J-545 thru J-546
43	8/25/20	Monica Vignes-Pitan email from FCLAA Report (Florida Civil Legal Aid Association)	N/A	J-547 thru J-549
44	8/27/20	Seth Miller Innocence Project of Florida letter to Task Force	N/A	J-550 thru J-552

Company Name	Name	Email address	Address 1
Americans for Immigrant Justice	Cheryl Little	clittle@ajjustice.org	3000 Biscayne Boulevard, Suite 400, Miami, FL, 33137
Bay Area Legal Services	Richard Woltmann	dwoltmann@bals.org	1302 North 19th Street, Suite 400, Tampa, FL, 33605
Brevard County Legal Aid	Robert Johnson, Jr	rob@brevardlegalaid.org	1038 Harvin Way, Suite 100, Rockledge, FL, 32955
Coast to Coast Legal Aid of South Florida	Patrice Paldino	ppaldino@legalaid.org	491 N. State Road 7, Second Floor, Plantation, FL, 33317
Community Law Program	Kimberly Rodgers	kr Rodgers@lawprogram.org	501 First Avenue North, Suite 519, St. Petersburg, FL, 33701
Community Legal Services of Mid-Florida	Kimberly Sanchez	kimberlys@clsmf.org	128 Orange Avenue, Suite 300, Daytona Beach, FL, 32114
Cuban American Bar Association Pro Bono Project	Lesley Mendoza	lesley@cabaprobono.com	2400 South Dixie Highway, Second Floor, Miami, FL, 33133
Dade County Bar Association Legal Aid Society	Karen Ladis	kladis@dadelegalaid.org	123 NW First Avenue, 3rd Floor, Miami, FL, 33128
Emerald Coast Legal Aid	Doug White	white@nwfls.org	701 South J Street , Pensacola, FL 32502
Florida Justice Institute	Dante Trevisani	dtrevisani@FloridaJusticeInstitute.org	3750 Miami Tower, 100 S.E. Second Street, Miami, FL, 331312309
Florida Legal Services	Christopher Jones	christopher@floridalegal.org	14260 W. Newberry Rd, #412, Newberry, FL 32669
Florida Rural Legal Services	Jaffe Pickett	jaffe.pickett@frls.org	1321 East Memorial Blvd, Lakeland, FL 33801
Guardianship Program of Dade County	Carlos McDonald	carlosm@guardianshipprogram.org	8300 NW 53rd St Suite 402, Doral, FL 33166
Gulfcoast Legal Services	Tammy Greer	tammyg@gulfcoastlegal.org	641 First St. South , St. Petersburg, FL 33731
Heart of Florida Legal Aid Society	Carly Wohl (interim director)	cwohl@hofla.org	550 East Davidson Street , Bartow, FL 33830
Jacksonville Area Legal Aid	James Kowalski	jim.kowalski@jaxlegalaid.org	126 W. Adams St., Jacksonville, FL 32202
Lee County Legal Aid Society	Andrew Banyai	andrew@leecountylegalaid.org	2211 Widman Way, Ste. 150, Ft. Myers, FL 33901
Legal Aid of Manasota	Linda Harradine	LindaH@legalaidofmanasota.org	1900 Main St., Ste. 302, Sarasota, FL 34236
Legal Aid Service of Broward County	Anthony Karrat	akarrat@legalaid.org	491 N. State Road 7, Second Floor, Plantation, FL, 33317
Legal Aid Service of Collier County	Anthony Karrat	akarrat@legalaid.org	4125 E. Tamiami Trail , Naples, FL 34112
Legal Aid Society of Palm Beach County	Bob Bertisch	rbertisch@legalaidpbc.org	423 Fern St., Ste. 200 , West Palm Beach, FL 33401
Legal Aid Society of the Orange County Bar Association	Mary Anne DePetrillo	mdepetrillo@legalaidocba.org	100 East Robinson St. , Orlando, FL 32801
Legal Services of Greater Miami	Monica Vignes- Pitan	mvignespitan@legalservicesmiami.org	3000 Biscayne Blvd., Ste. 500 , Miami, FL 33137
Legal Services of North Florida	Leslie Powell	leslie@lsnf.org	2119 Delta Blvd , Tallahassee, FL 32303
Seminole County Bar Association Legal Aid Society	Silvia McLain	silvia@scbalas.com	101 West Plametto Avenue , Longwood, FL 32750
Southern Legal Counsel	Jodi Siegel	jodi.siegel@southernlegal.org	1229 NW 12th Ave , Gainesville, FL 32601
The Legal Aid Foundation of the Tallahassee Bar Association	Carrie Litherland	carrie@tallahasseebar.org	301 S. Monroe St., Rm. 443A , Leon County Courthouse , Tallahassee, FL 32301
Three Rivers Legal Services	Christine Larson	chris.larson@trls.org	1000 NE 16th Ave , Building I, Suite B , Gainesville, FL 32609

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February 3, 2020

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Mayanne Downs, Esq., Chair
Task Force on Distribution of IOTA Funds
c/o Elizabeth Tarbert, Ethics Counsel
The Florida Bar
651 East Jefferson Street
Tallahassee FL 32339-2300

Re: Task Force on Distribution of IOTA Funds-February 6, 2020 Meeting

Dear Ms. Downs:

I was told by Elizabeth Tarbert that I should submit any material or comments that I wish to present to the Task Force at the February 6, 2020, meeting through her for distribution to members of the Task Force. Accordingly, I am doing so. I would also like the opportunity to address the members of the Task Force at the meeting.

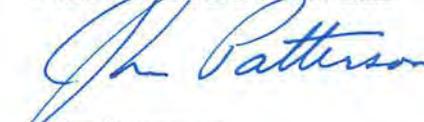
I have been a member of The Florida Bar for 50 years, and have been a volunteer pro bono legal aid lawyer for 49 of those years. A brief resume is enclosed. I believe I have gained some knowledge and insights as to how IOTA funds may be effectively used.

An outline of my remarks is enclosed. It would be appreciated if you would share a copy of this letter and the enclosures with the other members of the Task Force prior to the meeting.

Thank you.

Sincerely,

SHUTTS & BOWEN LLP



John Patterson

JP/gp
Enclosure

Task Force on Distribution of IOTA Funds Final Report
Appendix J – Submissions to the Task Force

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2/3/20

September 15, 2020

JOHN PATTERSON, a Florida native, is a partner in the Sarasota office of Shutts & Bowen LLP, where he practices in the areas of commercial real estate and business law. He received his B.A. degree from Duke University and his J.D. degree from the University of Florida, where he was a member of the law review. He is a member of The Florida Bar, and served on its Board of Governors from 1995 to 1999. He served on the board of The Florida Bar Foundation from 2004-2014, and was president in 2013-14. Afterwards, he was a trustee of the Florida Bar Foundation Endowment.

He was appointed by the governor to the Second District Court of Appeal Nominating Committee, and previously served on and chaired the Twelfth Judicial Circuit Nominating Commission. He is a past president of the Sarasota County Bar Association and has served on numerous state and local bar committees.

John has served as a volunteer legal aid attorney since he began practicing law in Sarasota in 1970. He was the founding president of the Sarasota-Manatee Lawyer Referral Service, Inc., a not-for-profit organization approved by The Florida Bar that required participating lawyers to accept pro bono cases on a rotating basis in exchange for referrals. The successful program ended following the allowance of for-profit lawyer referral services. He received the Florida Bar President's Pro Bono Service Award in 1986. He has been an active supporter of its successor organization, Legal Aid of Manasota, Inc., and currently serves on its Board.

Locally, he is active in civic and political affairs and has served on the boards of civic, charitable, and cultural organizations. He presently serves on the boards of Shands Teaching Hospital and Clinics, Inc. and The Innocence Project of Florida, Inc. His wife, Nora, is a former mayor of the city of Sarasota, and served for 24 years on the city and county commissions.

OUTLINE OF REMARKS TO THE TASK FORCE ON DISTRIBUTION OF IOTA FUNDS

John Patterson
Sarasota, Florida

Task Force Meeting of February 6, 2020

I. THE CHALLENGE

- The rule of law and its corollary, access to justice, is an indispensable part of a free society and a modern capitalist economy.
- This has been recognized in countless studies.
- A recent advertisement for Hong Kong in *The Economist* headlines “the rule of law” as one of the reasons for doing business there.
- In Florida, and in the rest of the United States, there is a large and growing gap, particularly in the civil law area, between the promise of justice for all and the reality of justice for some.
- The United States ranks 30th in civil justice in the most recent World Justice Project Rule of Law index. It was previously 29th.
- Florida has been a pioneer in the United States in its civil legal and pro bono programs. Yet even at the peak of IOTA funding in 2007, and when FACLA funding grants were made by the legislature, only approximately 20% of the need of Floridians was met.

II. THE REALITY

- The need to address this challenge is compelling.
- There are core factors that cause this widening chasm between the promise of access to justice and the reality of lack of access.
 - There is no legally embedded constitutional right to assistance to have access to civil justice. *Gideon v. Wainwright* provides that in the criminal arena, and because of that, our criminal law system fares better comparatively than our civil law system. It ranks 23rd rather than 30th.
 - Article 47 of the European Union Charter of Fundamental Rights provides that “Legal aid shall be made available to those who lack sufficient resources insofar as such aid is necessary to ensure effective access to justice.” There is no equivalent in the United States Constitution or in the constitution of any state.
 - Funding for legal aid in the United States is far behind that of the EU countries and Canada.
 - The United States lags behind EU countries, Canada, and other countries in the adoption of “do-it-yourself” avenues for addressing and resolving civil disputes.
 - The Rules of Civil Procedure in Florida and other states, apart from those relating to small claims (which work rather well, as does the small claims

- system), are not designed to meet the needs of the majority of those who need access. Other states have sought to address this. Florida has not.
- Florida chronically underfunds its judicial system.

III. REAL SOLUTIONS

- It is unrealistic to expect that we will have a “civil Gideon.” However, this should be tried in targeted areas. It is notable that New York City, with the leadership of Judge Jonathan Lippmann and others, now has what amounts to a civil Gideon in eviction cases.¹
- At least in the short run, it is unrealistic to expect that Florida (which at present is one of three states that does not provide legislative funding for legal aid at all) will fund legal aid to the extent of other larger states such as California (\$24 million plus \$40-50 million from Shiver program); Texas (\$26 million); and New York (\$100 million). That is unfortunate, but it is a fact.
- We Floridians can, and should, examine how self-represented persons can be assisted in navigating the justice system fairly and effectively.
- We Floridians can, and should, look at our procedural rules and revise them for pleadings, discovery and administration of the litigation process that is appropriate for the type of case and the amount involved.
- We Floridians can, and should, continue to advocate for renewed and appropriate FACLA funding.
- We Floridians can, and should, advocate for adequate and consistent funding of our judicial system.
- We Floridians can, and should, be mindful of the cardinal rule of medicine: first, do no harm. That should apply to existing institutions, such as The Florida Bar Foundation, which have been at the vanguard of the cause of access to justice both in Florida and in the nation.

¹ The results are impressive. According to New York City's Office of Civil Justice, 84% of represented tenants are remaining in their homes, and the eviction rate has declined by over 30%. The eviction filings have dropped 15%. http://civilrighttocounsel.org/major_developments/894 The right to counsel in specific civil matters is increasing through legislation.

http://civilrighttocounsel.org/legislative_developments/2019_civil_right_to_counsel_bills#enacted



Lakeland
February 3, 2020

**VIA FEDERAL EXPRESS AND
EMAIL TO: ETO@FLABAR.ORG**

Task Force on Distribution of IOTA Funds
care of Elizabeth Tarbert
The Florida Bar
651 East Jefferson Street
Tallahassee, FL 32399-2300

Re: February 6, 2020 Task Force Meeting

To the Members of the Task Force on Distribution of IOTA Funds:

Thanks to each of you for your service in accepting the appointment of Chief Justice Canady to the Task Force on Distribution of IOTA Funds, which will examine and provide recommendations on the issues specified in the Supreme Court's October 24, 2019 Administrative Order. Great care should be taken to ensure that IOTA Funds are put to their most effective use to improve the administration of justice and to expand the delivery of legal services to poor Floridians, who would otherwise be unable to afford an attorney to protect or enforce their legal rights. Periodic review to ensure that the system in place is as effective as it can be is just good practice.

Please accept these comments as my own perspective on the issues you are considering. I would also appreciate the opportunity to address you in person at the February 6, 2020, Task Force Meeting in Orlando, to briefly review what is presented in the following pages, and to answer any questions you may have about my comments.

My interest in the role of lawyers serving the cause of justice dates to early childhood. I have a clear memory of hearing a story on the radio from the back seat of my mother's car about kids who had built an extravagant tree house that was being torn down for code violations. I said, as best I can recall, "those kids need to get a lawyer."

Years later in law school I was blessed to learn from Sandy D'Alemberte, and hear his thoughts on the importance of legal aid attorneys and the legal aid system generally. Some of his views on this issue are related in his article, [Tributaries of Justice: The Search for Full Access](#), 25 Fla St. U. L. Rev. 631 (1998), which I commend to the Task Force for review.¹

¹ Also recommended is Juliette Lippman, [Strategic Reset: The Florida Bar Foundation's Investment in a Better Future for Access to Justice and the Rule of Law](#), [Task Force on Distribution of IOTA Funds Final Report](#)

My own thinking on this subject has been enriched by: thirteen years of service on the board of Florida Rural Legal Services, Inc. (FRLS), including three years as president; six years of service on the board of the Florida Equal Justice Center, Inc. (FEJC), including three years as its president; twenty years on the Tenth Circuit’s Pro Bono Committee; and pro bono work with legal aid groups (FRLS and Florida’s Children First) and on my own. Since 2012, I have served on the board of the Florida Bar Foundation, and currently hold the office of First Vice President.

From the vantage point of over thirty years of my own thinking about and active involvement with legal services for the poor, it has grown more and more obvious to me that, while IOTA is an important funding source for the legal aid system, the current role of IOTA is as a second tier and supplemental source of funding. Legal Services Corporation (LSC) funding and non-LSC/non-IOTA funding are the primary funding sources for civil legal aid.

There are two reasons to consider IOTA funding as second tier support for civil legal justice. First, IOTA funds are (for the last decade) smaller than other funding sources. For example:

	2017	2018	2019	2020
LSC payments to Florida grantees ²	\$22,603,874	\$24,112,613	\$24,086,583	\$25,491,897
Non-LSC Funding (including IOTA funds) ³	\$42,405,654	\$49,896,980	not available	not available
IOTA funds ⁴	\$ 6,203,542	\$ 6,731,129	\$13,685,623	not available

As these figures show, non-LSC funds are the greatest source of revenue for Florida’s legal aid network, even if you deduct an approximate value for IOTA funds.⁵ The next largest source is

2. The numbers in this row reflect combined Basic Field Funding, Pro Bono Innovation Funding, and Technology Initiative Grants, to LSC’s Florida grantees (Bay Area Legal Services, Coast to Coast Legal Aid of South Florida, Community Legal Services of Mid-Florida, Florida Rural Legal Services, Legal Services of Greater Miami, Legal Services of North Florida, and Three Rivers Legal Services). The source of these numbers is <https://www.lsc.gov/grants-grantee-resources/our-grantees/florida-state-profile> (viewed on February 1, 2020).

3. Non-LSC Funding figures are derived from the same LSC webpage cited in note 2, and are (I believe) derived from figures LSC-grantees report to LSC. The actual numbers would be much higher, as many legal aid groups in Florida receive no funding from LSC.

4. IOTA figures are not on a calendar year, but on the fiscal year which is the same as the Bar’s fiscal year. Accordingly, the figure for 2017 is actually the 2016-2017 fiscal year, and so on.

5. Because IOTA figures are on a fiscal year rather than a calendar year, it is not possible from the information available to me to simply subtract IOTA revenue amounts from non-LSC funding amounts to specify that figure. But the numbers which are available from LSC for non-LSC funding per calendar year 2017 and 2018, even after deducting the closest comparable figures for IOTA funding from the same period, are as follows:

LSC funding. The smallest source of funding has been IOTA funds. The key insight to emphasize from this, which I think is very relevant to the review of the Task Force, is that IOTA funds are just one stream in a larger system of legal aid funding, and for the last decade it has been the smallest.

A second point is that IOTA funds can also be erratic in amount. IOTA revenues vary depending on the interest rates paid by banks, and the amounts held in attorney trust accounts. To illustrate how dynamic this range of change can be, the high point of IOTA revenues, fiscal year 2006-07, was \$72,619,095. This was based on higher interest rates, coupled with a booming economy, which generated higher balances in attorney trust accounts. After 2004-2005, when interest rate comparability requirements were implemented, the low point of IOTA revenues was 2014-15, when IOTA revenues totaled only \$5,306,026.⁶ In contrast, LSC funding has been less erratic. That is in large part because LSC funding has enjoyed broad bipartisan support.⁷

These characteristics of IOTA funds as being both more dynamically fluctuating and smaller in amount than LSC funds and other funding sources which support the legal aid network, are significant factors relevant to thinking about how IOTA funds may best be used. To me, these factors compel the insight that IOTA funds are not large enough or stable enough to provide a primary funding source for Florida's legal aid community. But IOTA funds can be extremely beneficial in providing targeted and supplemental support to the legal aid network in place, which has largely been created and maintained by other funding sources. IOTA funds can serve to significantly expand the delivery of legal services to the poor. But doing so requires being thoughtful about the existing infrastructure, and how targeted investments within that existing system can best further the cause of civil justice.

Another insight I urge the Task Force to bear in mind is that the legal needs of Floridians, and the legal aid infrastructure to serve those needs, are also subject to change over time. As to the latter, there are some pillars of long-term stability, who have been around for decades, doing great work. But even these organizations conduct periodic reviews to reassess priorities based on areas of greatest need in the communities they serve. And outside these long-standing organizations, there have been legal aid organizations that have come into being, and others which have failed, in part depending on funding sources but also (often relatedly) depending on perceived needs of the time.

been subtracted were in those years roughly six times the amount of IOTA funds. LSC funding for those years was roughly four times the amount of IOTA funds.

⁶ Recent growth in IOTA revenues is not attributable primarily to the economy or to interest rates. Rather, this is the product of efforts by the Foundation to persuade banks to be more generous with their rates or to waive fees voluntarily. Because they support the causes funded by IOTA revenues, some leading financial institutions have been willing to do so.

⁷ For example, in 2019 the Congress approved \$440 million in LSC funding, an increase of \$25 million over the prior year. The Senate vote in favor of this appropriation was 81-17.

And so the legal needs of Floridians, and the infrastructure available to support these needs, changes from year to year, just as the amount of IOTA funds can change from year to year. Because all of these are in flux, decisions about the best use of IOTA funds should not be made in a “set it and forget it” manner. Instead, these decisions should be subject to ongoing oversight, as the relevant considerations of needs, funds, and legal aid infrastructure, change from year to year. A few examples from our history will hopefully illustrate why this is so.

First, in the boom years leading up to the collapse of the real estate bubble, IOTA revenues were extraordinarily high: \$67,313,627 in 2005-06; and \$72,619,095 in 2006-07. Some IOTA programs in other States were managed in something of an auto-pilot mode to the extent that IOTA revenues passed through to grantees without giving thought to maintaining reserves. In contrast, the Florida Bar Foundation made the decision to build a reserve that could be available to maintain stable funding to grantees if IOTA revenues were to decline, as they soon did. As a result, the legal aid infrastructure in Florida continued to receive relatively stable funding (compared to other States) from IOTA revenues even though the amount of IOTA revenues dropped from \$72.6 million in 2006-07 to \$5.4 million just three years later. There was a gradual draw-down in grants over the next several years, but Florida did not have to reduce funding precipitously, as was the case in other States, where the result was devastating staff reductions and other adverse impacts to legal aid systems.

Second, as a result of the collapse of the real estate bubble and the Great Recession, the legal needs of the poor and working poor in Florida changed. Among other things, there was a far greater need for housing protection, as foreclosure cases flooded the courts. As we learned, many Floridians were victims of not just a bad economy, but in many cases of actual fraud. The need to maximize resources towards housing protection services led to the decision to maximize grant funds to serve that urgent need.⁸

This is not the only example of a need to react and adjust based on a change in the nature of the legal needs of Floridians. Each time hurricanes have struck with devastating results in our State, there has been a decision to divert resources to provide disaster relief to the victims. When the unpredictable strikes, there must be an ability to react as needed, and not simply leave everything sailing forward on a predetermined course that may no longer best reflect the needs of Florida.

A third example derives from the previously-noted fact that IOTA funds in Florida exist alongside larger funding sources. These other sources also have limited funds, and while they do much good for those areas where funding is provided, there are many legal aid offices and needs that do not receive LSC funds, or which do not receive adequate funding from other sources. This can

⁸ On this front, the Foundation was joined by Attorney General Pam Bondi, who determined that funds generated from civil enforcement actions against unlawful lending practices would best be used to support legal aid offices working to protect housing rights. General Bondi thereupon provided those funds to the Foundation to distribute grants for this purpose. Thus, the Foundation was able to provide both IOTA and settlement funds directed by the Office of Attorney General to help Floridians during the housing foreclosure crisis.

result in serious justice gaps, where there may be compelling unmet needs. IOTA funds can help to fill such gaps, and often may provide the only real hope of helping to address the need.

Such gaps have existed to some extent due to restrictions on the use of LSC funds. These restrictions have included, for example, prohibitions on the use of LSC funds to represent prisoners in habeas or other proceedings, suits against governmental entities, representation of noncitizens, legal work to desegregate schools, or work in cases that might generate attorneys' fees to the prevailing party. These restrictions mean that organizations such as the Innocence Project of Florida are simply ineligible for LSC funds. And so when we began to appreciate the extent of erroneous convictions when the sobering reality check of DNA evidence proved many convicted felons were actually innocent (and the guilty party was not even being looked for), the Foundation realized that any organization receiving LSC funds could not support this work. The Innocence Project of Florida was therefore created in part with seed money provided from IOTA funds. The Innocence Project of Florida continues to receive IOTA funds, although it has become very effective in its own fund-raising given its sympathetic cause and its track record of success in testing cases where there is evidence of actual innocence. In any human endeavor there is some risk of error. It should be a comfort to us all that those who may have been wrongfully convicted have this option for review of their cases, and a possibility of help to make such challenges as may be supported by evidence.⁹

Fourth, for much of the history of the program, a substantial portion of IOTA revenues were distributed based on general support grants. These were provided to organizations who did great work, to provide general support for that great work, without any significant limitations on how those funds must be used. After IOTA revenues fell dramatically following the Great Recession, while the Foundation was able to maintain distributions from reserves, it became apparent as revenues continued to stay at low levels that the reserves would soon be exhausted, and revenues from IOTA inadequate to continue funding at prior levels. That recognition led to an intense reexamination on the board to prioritize what should be funded with the limited funds available.

The product of that reexamination was what is generally referred to as the Strategic Reset, which was adopted on June 22, 2017.¹⁰ One of the difficult decisions made was to end general support grants given the lack of adequate funds, and to replace these grants with strategically targeted competitive grants, to encourage innovation, to encourage the provision of services in areas of greatest need, and to generally improve the capacity and efficiency of the legal aid system and the

⁹ The Innocence Project is just one of over thirty legal aid groups serving Floridians which, in recent years, have received support from IOTA funds, but which do not receive LSC funds. Some of the other legal aid services which do not receive funds from LSC, but which are supported by IOTA funds, include: Florida's Children First, Legal Aid Society of Palm Beach County, Catholic Legal Services, Community Justice Project, Florida Health Justice Project, Florida Justice Institute, Jacksonville Area Legal Aid, Dade Legal Aid, Cuban American Bar Association, iDignity, Disability Independence Group, and the Legal Aid Foundation.

¹⁰ See generally Lippman, *supra* note 1. A copy of the Strategic Reset report as adopted is at: <https://fbfcdn-lwncgfp ygomdk2qxtd0e.stackpathdns.com/wp-content/uploads/2016/08/Strategic-Reset-and-Executive-Summary.pdf>

ability of poor Floridians to protect and enforce their legal rights. In adopting the Strategic Reset, the Board has also recognized the need to continue to monitor and evaluate the Reset, in order to make other modifications as may best serve the mission.

General support grants were eliminated for two general reasons: First, there simply isn't enough money to continue general support grants and other important programs supported by IOTA funds; something had to give. Second, after considerable thought and review, the judgment was that other programs were more important to the cause of civil justice. Just to give three illustrative examples:

First, you might be astonished to see the size of the student debt of many attorneys in legal aid programs. These are attorneys whose compensation is often quite low in relation to their debt. For many of them, it is a major sacrifice to do this kind of work despite the large debt load. To encourage these attorneys to continue in the legal aid system, IOTA funds are distributed each year to legal aid attorneys to help pay their student debt. Based on feedback we receive, this is one of the most popular and important expenditures of IOTA funds. The program serves the essential purpose of retaining legal aid attorneys – the most essential asset in the legal aid system – who might otherwise feel forced to leave that work for a pay raise that may allow them to pay their debt. Accordingly, the decision was made that this program, which costs just over \$1 million per year, should continue. IOTA funds may not be able to provide a stable or adequate source to cover wages of the attorneys in the legal aid system, but it can and does contribute to their compensation in this very meaningful way, and helps retain attorneys within the legal aid system.

Second, each individual legal aid office in Florida has, by itself, relatively little leverage in negotiations with vendors. But if the purchasing power of these offices are combined, the leverage can be quite significant, and allow for the negotiation of substantial discounts. Accordingly, IOTA funds are used by having the Foundation contract for necessary services. One example of this is the contract for Westlaw services. These are negotiated directly by the Foundation, paid for with IOTA funds and funds from grantees, and benefit the entire legal aid community in the State of Florida. The contract allowing all grantees access to Westlaw for legal research is roughly \$250,000 per year, and \$35,000 of that is paid from IOTA funds. Volume discounts realized by this approach are considerable; according to reported calculations of one program, the Foundation's bulk buying strategy saves this program over \$60,000 per year.

Third, and similarly, IOTA funds are used to obtain, again at considerable savings based on volume discounts, Legal Server for all grantee organizations. Legal Server is the leading case management software utilized by legal aid organizations throughout the United States. By purchasing this software in volume, Florida's legal aid system has obtained considerable savings. IOTA funds pay for \$78,000 of this annual contract.

Fourth, the Foundation also supports Florida's legal aid organizations by providing important training opportunities, including sponsoring costs to allow attorneys to attend annual conferences. This year the Foundation will spend \$150,000 for continuing legal education for grantees.

The ability to make decisions to take actions like those reviewed above requires a decision-making body. As the amounts of revenues and the legal needs of Floridians change over time, that decision-making body must have the authority to react and adjust as the circumstances warrant. The Florida Bar Foundation has been entrusted to make these decisions throughout the history of the IOTA program. Not all of the Foundation's decisions have escaped criticism. But part of the job of the Foundation Board is to hear and consider such criticism, and to make such adjustments as may be shown to be desirable to the cause of civil justice. Having a large board comprised of dedicated volunteers who care about the cause of civil justice, and who regularly meet to review, react, think, rethink, and generally supervise the process, is perhaps the only way that decision-making and review as an ongoing, rational, and objective process might be effectively achieved.

It is difficult to imagine an alternative to an independent board to make the kinds of decisions that have been reviewed above. For one thing, it is important to have geographic diversity in making the decisions. Florida's legal aid infrastructure is divided into legal aid organizations based in various parts of the State. It is important to have the input from those organizations and to be aware of the needs in those communities. This need is most effectively served by gathering committed individuals from across the State who are engaged in their communities and with their local legal aid offices.

Entrusting an independent board to make these decisions also serves to remove these decisions from direct operation of the political or judicial branches. Legal aid work is important, but that does not mean that all legal aid cases are politically popular. Allowing decisions about the kinds of organizations to support and the kinds of cases which might be supported to be in the swirl of politicized debate would risk cutting off too many areas where the need is great but the client or cause politically unpopular. The cause of justice should not balance upon political stigma or favor.

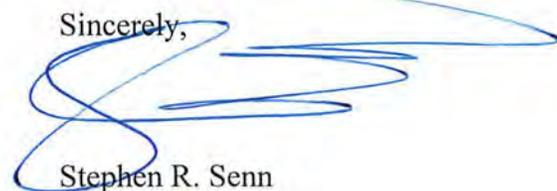
Any format of direct judicial control would carry similar concerns, presenting risks of criticism of the courts over decisions about legal aid priorities. If, for example, a judicial officer sets priorities for funding, does that suggest that the court favors certain kinds of cases, and disfavors other kinds of cases? Might such decisions undermine the perceived impartiality the courts must maintain? Moreover, direct judicial control of these decisions would distract judicial officers from their other important duties. These concerns can be avoided by leaving such decisions with an independent board rather than direct judicial control.

There is of course always room for improvement. I am interested to hear what recommendations may be provided to the Task Force, and hope that from this process we are able to better serve more Floridians. But for the reasons I have tried to explain, I do not believe that dramatic change from the status quo would be advisable. The need to make important decisions

relating to the best uses of IOTA funds will recur in the future as they have so many times been presented in the past. The decisions that must be made should be made by a body with flexibility to make adjustments as circumstances (including changes in funding levels and changes in legal needs) themselves change. Questions that arise should be addressed by a collegial body large enough to bring perspectives from throughout the State. That body should be comprised of members who, as a body, can make these decisions objectively based on the information available. The members of the body should have a commitment to and interest in cause of justice, as evidenced by, among other things, their willingness to serve without compensation. They should be knowledgeable of and sympathetic to the concerns of their local legal aid groups, but also bring a perspective that limited funds must be utilized on a statewide basis to serve the interests of justice as effectively as possible with the funds available. Whatever changes may be warranted, the Florida Bar Foundation, with the authority to make these decisions, should continue.

For similar reasons I would discourage the imposition of binding priorities or restrictions on the use of IOTA funds. As I hope to have shown, the needs of Floridians change, the infrastructure for serving those needs change, and IOTA revenues change. All of this takes place within a complex infrastructure involving other and larger funding sources, and with many legal aid groups, which themselves change. Maintaining flexibility to react to changes, with the ability to identify niche areas where great good might be accomplished either by funding a compelling but otherwise under-served need, or by enhancing the capacity of existing legal aid offices to maximize their ability to serve in some key area of concern, should be preserved.

Thank you for considering these comments, thank you for taking seriously your charge and the efforts you are taking to do so, and thank you for whatever good may come from this process.

Sincerely,

Stephen R. Senn

SRS/apg

Copied by email
to all Task Force Members

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Dominic C. MacKenzie



THE FLORIDA BAR FOUNDATION

February 4, 2020

Via email etarbert@floridabar.org

Mayanne Downs, Chair
Task Force on Distribution of IOTA Funds
c/o Elizabeth Tarbert, Ethics Counsel
The Florida Bar
651 East Jefferson Street
Tallahassee, FL 32399-2300

Re: Task Force on Distribution of IOTA Funds – February 6, 2020 meeting

Dear Ms. Downs,

Thank you for the invitation to attend the February 6, 2020 meeting of the Task Force on Distribution of IOTA Funds. I understand that the meeting is scheduled for two hours but do not know how much time will be allocated for discussion. As such, I respectfully submit these comments for consideration. Please distribute these comments to all Task Force members prior to the February 6 meeting so as to give them time for review and formulation of any questions they may have regarding these comments. I think this would be the most effective use of the Task Force’s time regarding my appearance before it on February 6.

In particular, you have expressed interest in hearing thoughts on the committee’s charge. The Court’s charge to the task force involves numerous elements which have not been defined and of which I am uncertain. Nevertheless, it is apparent to me that the gravamen of the Court’s October 24, 2019 order seeks to explore whether there is a better way to “ensure the most effective use of IOTA funds.” This is an excellent question which I do not think can be adequately discussed in the two hours reserved for the February 6 meeting. I am submitting, therefore, some preliminary thoughts and comments in the written remarks enclosed with this letter.

Task Force on Distribution of IOTA Funds Final Report
Appendix J – Submissions to the Task Force

September 15, 2020

You also have asked me to present any other information I would like to provide. Respectfully, not knowing exactly what concerns have been raised to or by either Chief Justice Canady or any other Justice, having no clear understanding of the origins of the order, and having not been apprised of what exactly may be on the minds of the task force members, I do not know how to respond. As an aside, if the task force wants to gain historical perspective or a better understanding of the thought-process that went into developing the Foundation's funding model and delivery system, I suggest that persons who were actually involved in that process be contacted and queried. If the task force has questions relating to the Foundation's current actions or policies, then current officers and board members should also be consulted.

With that said, I have reviewed the Results of the State IOLTA/IOTA Funds Survey ("IOTA Survey" or "Survey") and the materials associated with the survey sent to the other IOLTA programs and bar associations in North America. I have also reviewed the report prepared by Judge Scales and Ms. Ladis which I understand was presented and approved by the task force on January 13, 2020. As such, my written remarks address these two documents.

Thank you again for the opportunity to address the task force.

Sincerely,



Dominic C. MacKenzie

Enclosure: Written Remarks and Attachments (3)

cc: The Florida Bar Foundation Board of Directors



THE FLORIDA BAR FOUNDATION

Written Remarks Submitted In Response To Invitation By Task Force On Distribution Of IOTA Funds

As referenced in the enclosure letter, these remarks discuss: 1) the IOLTA/IOTA Funds Survey obtained by the task force; and 2) the Subcommittee Report prepared by Judge Scales and Ms. Ladis (First Subcommittee Report) which I understand was presented to and approved by the task force on January 13, 2020. These remarks also touch on the task force's charge and the overall mission of the Foundation.

I. Results of the State IOLTA/IOTA Funds Survey show The Florida Bar Foundation follows the standard (it set).

The responses to this task force's survey unequivocally show that virtually all programs responding to the survey follow the "Florida model" as it relates to funding priorities. This is because Florida was the vanguard in creating the first IOLTA program in North America in 1978. *In re Interest on Trust Accounts*, 356 So.2d 799 (Fla. 1978); *see also, In the Matter of Interest on Trust Accounts*, 402 So.2d 389 (Fla. 1981).

Florida's visionaries and leaders back then crafted a model that has been replicated and followed for nearly 40 years. In short, the basic framework for IOTA funding priorities around the nation include: 1) legal assistance to the poor; 2) administration of justice initiatives; and 3) law school and education-related assistance¹.

"Direct legal services to low-income litigants"

Notably, not one program responding indicated that its funding priorities include (or was limited to) "direct legal services to low-income litigants." In fact, the task force-prepared synopsis of the survey results shows that only 4 programs used the word "direct" in describing their current funding priorities or limitations. None mentioned litigation or litigants as a priority.²

¹ Florida's third prong is a bit more refined in that it provides law student assistance in an effort to promote public service.

² Had the Foundation been surveyed, it would have referred the task force to its mission statement which has been, by my calculation, approved by the Florida Supreme Court at least four times. The Foundation's mission statement (attached as Exhibit A) does not prioritize or limit funding to direct legal services to low-income litigants. Moreover, research to date reveals that the Florida supreme court has never placed restrictions on or established specific priorities on how to spend IOTA funds. In fact, the original petition approved by the Court in 1978 requested authorization "to invest trust funds held for clients in order to generate investment income for the benefit of public interest programs related to the legal profession." 356 So. 2d at 799. Clearly, such funds were not limited, much less prioritized for low-income litigants. It also appears as though the



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One program defined direct legal services to include volunteer attorney recruitment and support, legal advice and counsel, representation in all courts and administrative bodies, mediation services, targeted outreach to vulnerable populations, and all ancillary support services.³ Using this generally accepted definition shows that direct legal services are not limited to lawyer representation of litigants.

Funding priorities around the nation include far more than just litigation assistance for the working poor.

The survey results show that many programs go well beyond the basic, three-part framework for IOTA funding which Florida follows. Other priorities identified include specific funding for:

- Accountability, transparency and ethics of government, corporations and other entities by engaging in advocacy, research, monitoring, public awareness and training⁴;
- Any subject matter ineligible for state or federal funding⁵;
- Children/juvenile courts⁶;
- Domestic violence victims⁷;
- Families in civil matters⁸
- Gender/race/ethnic issues⁹;
- General operating expenses for direct civil legal aid programs¹⁰;
- Issues that impact basic human needs¹¹;
- Law reform and law libraries¹²;
- Law student loans and scholarships¹³;
- Law-related programs for the benefit of the public¹⁴;

Court, since the creation of Florida's IOTA program, has never identified specific entities who are or are not eligible to receive IOTA funds other than the poor and law students in particular.

³ New Hampshire IOLTA Program at page 8 of Task Force Survey Summary.

⁴ Alabama Civil Justice Foundation.

⁵ Unidentified but reflected in Task Force's summary of survey.

⁶ Nevada Bar Foundation.

⁷ Nevada Bar Foundation.

⁸ Lawyers Trust Fund of Illinois.

⁹ Michigan State Bar Foundation.

¹⁰ Minnesota IOLTA Program.

¹¹ Maryland Legal Services Corporation.

¹² Law Foundation of British Columbia.

¹³ Arkansas Access to Justice Foundation.

¹⁴ Kentucky IOLTA Fund.



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- Legal education¹⁵;
- Legal research¹⁶;
- Legally related services to “the poor”¹⁷ and “disadvantaged”¹⁸;
- Overall safety of citizens through direct services, public awareness and public policy¹⁹;
- Pro bono access to justice²⁰;
- Promotion of diversity in the legal profession²¹;
- Public education relating to courts and legal matters²²;
- Public service fellowships for law students²³; and
- Supreme Court Historical Society funding.²⁴

With that said, experienced and effective trial lawyers and litigators are a fundamental component of an effective civil legal aid program. However, they are only one of a myriad number of important components in the overall equation.

The vast majority of IOTA funding priorities are set by Boards of Directors

The survey summary reveals that Boards of Directors in some fashion sets funding priorities in 18 of the 22 specific responses received. Only one program (4%) indicated that priorities are set by court order, most likely reflecting the fact that most courts delegate and entrust those matters to distinguished board members and experienced staff.²⁵

¹⁵ Law Foundation of British Columbia.

¹⁶ Law Foundation of British Columbia.

¹⁷ Arizona Bar Foundation.

¹⁸ New Hampshire IOLTA Program.

¹⁹ Alabama Civil Justice Foundation.

²⁰ Kansas IOLTA Program.

²¹ Oregon Law Foundation IOLTA Program.

²² New Hampshire IOLTA Program.

²³ Kentucky IOLTA Fund.

²⁴ Michigan State Bar Foundation.

²⁵ The Foundation’s Board has eight seats selected by the Court. In short, the Board is comprised of the officers of the Foundation, six directors by designation (two judicial officers appointed by the Chief Justice of the Florida Supreme Court, the president, president-elect, and immediate past president of The Florida Bar, and the president of Florida Legal Services), at least two but not more than four public members and 18 at-large directors. 18 At-large directors also serve with one-third selected by the board of governors of The Florida Bar, one-third by the board of directors of the Foundation, and one-third by the Florida Supreme Court.



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Moreover, 64% of respondents indicated that such priorities were set by something other than rule or order and an analysis of such “other methods” reveals that governing boards are intimately and extensively involved in setting funding priorities based on existing needs with input from others and direction from existing rules and policies. Assessments, allocations, and determinations are accomplished through a board process involving committees, recommendations and final action.

As an aside, no Foundation director²⁶ has moved to amend, change or repeal the Foundation’s funding priorities since the Foundation Board unanimously adopted its Strategic Reset in June 2017. Nor has any director, or anyone for that matter, suggested that the Foundation create an ad hoc committee or work group to review, study or report on the topics or issues contained in the task force’s charge.²⁷ And as referenced above, no one has inquired or surveyed the Foundation regarding its funding policies and priorities.

Except for lobbying, class actions, and political purposes, the vast majority of respondents do not place subject matter limitations on IOTA funding; and any limitations are usually placed by governing boards.

Candidly, the answers provided by respondents revealed confusion as to the question asked. For instance, some programs indicated that IOTA funds were limited to civil actions, which is a basic tenet of IOTA programs in general. Other programs responded by sharing the threshold percentages below federal poverty guidelines as a limitation to funding.

Those who spoke to subject matters generally indicated that some programs are prohibited from seeking attorney’s fees from public sources. Others identified prohibitions

²⁶ Four members of the task force have served or are serving on the Foundation’s Board of Directors.

²⁷ In fact, two directors inquired about the Foundation’s financial reporting; in particular how it reports its expenditures and expenses. It was explained that the Foundation reports pursuant to a specific directive from the Foundation Board (records reflect the motion for such directive was passed unanimously) pursuant to Generally Accepted Accounting Principles (GAAP). The Foundation conducts an annual audit which has shown no material deficiencies or deviations (i.e. “a clean audit”) on a consistent basis. After this year’s audit, it was specifically determined by the audit committee and board that forensic auditing was unnecessary. The Foundation has received the highest transparency rating given by Charity Navigator for the last seven years. Nevertheless, if there is a concern about Foundation administrative and staffing costs/expenditures, perhaps evaluating those issues are in order as opposed to changing the mission of the Foundation or diverting IOTA funds from existing programs.



against funding class action lawsuits or lobbying. One program noted that the State Bar cannot apply for IOTA funds and that such funds cannot be used on government salaries/personnel which would otherwise be supported by government funds.²⁸

Notably, there does not appear to be any type of restrictions placed on substantive law or practice areas, geographic regions or particular populations. And 11 of the 16 specific responses indicate that their respective boards are the ones who review and address funding limitations or requirements.

Civil Legal Aid Reporting

As reflected in the survey summary, the civil legal aid community prepares and circulates multiple types of reports on a constant basis. In addition to preparing reports, IOLTA programs are usually tasked with reviewing interim and final reports prepared by grantees in connection with grants or financial assistance such grantees receive. These reports can literally number in the hundreds; especially if an IOLTA program provides Loan Repayment Assistance Program benefits (LRAP) to civil legal aid lawyers employed by grantees (which the Foundation does).

Not reflected in the summary (perhaps because the question was not asked) is the time, cost and effort associated with preparing such reports. In short, reporting activities require significant time and money, along with experienced persons and considered perspective, in order to prepare reports that make sense and meet the needs of those requesting such reports. Some reports require consultants and experts to evaluate and process the data, develop metrics and communicate the information involved.²⁹

Like the others, the Florida Bar Foundation prepares multiple reports and makes them available for all to see. In fact, the Foundation prepares the same or similar type reports as those revealed in the responses.³⁰ Regardless, the Foundation welcomes any

²⁸ North Carolina IOLTA.

²⁹ For instance, before voting in favor of the Foundation's Strategic Reset, a motion was made and passed to pay up to \$100,000 to hire a consultant to research and develop metrics in an attempt to gauge the impact and/or effectiveness of the Foundation's Reset. Judge Scales' motion passed, a consultant was hired and a report articulating 11 metrics for going forward was prepared and approved by the Foundation's board. A copy of the report was published on the Foundation's website. Additional copies will be made available upon request. The Foundation is working to incorporate these 11 metrics into all of its grant processes.

³⁰ The Foundation produces on a regular basis: an annual report; an annual audit report; budget projection reports on at least a quarterly basis; financial dashboard reports; board reports; board and executive committee minutes; restricted and unrestricted gifts reports; development reports; and newsletter and website reports. It also produces or causes to be produced: geo-spatial



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discussion or input regarding its current reports. If the Board or the Court requests or directs any other types of reports, the Foundation will promptly endeavor to prepare and publish such other reports.³¹

In sum, the results of the State IOLTA/IOTA Funds Survey support Florida's current approach and they show that Florida's program is not aberrant. In fact, Florida's system is the model by which all other programs base their approach. No responding programs limit (or prioritize) their funding to "direct legal services for low-income litigants" and priorities are, for the vast majority of programs, set by foundation boards. Many other programs fund efforts and initiatives that range far broader than the Foundation's priorities. Lastly as it relates to the reporting, the Foundation's reports are robust and numerous and consistent with all other reports required of or provided by other programs.

II. The First Subcommittee Report speaks to Need, but not Availability of funds and its apparent conclusion does not "ensure the most effective use of IOTA funds."

The Report by the Subcommittee to Examine the Need for Funding Direct Legal Services for Low-Income Litigants in Florida (First Subcommittee Report or First Report) does not appear to track the Court's order or the charge given to it by the Task Force Chair.

Contrary to the First Report's prefatory statement of facts, the Court's order does not, nor does the charge given by Chair Downs, limit the subcommittee's inquiry to funding "of attorneys to represent low-income litigants in Florida."

Similarly, the Court's overarching charge to the task force is NOT to recommend rule amendments. Instead, the order actually directs the task force to "*examine whether* rule 5-1.1(g) *should be amended* to better ensure the most effective use of IOTA funds." Order No. AOSC19-70 at 1 (Oct. 24, 2019) (emphasis added) (Attached as Exhibit B).

mapping reports showing impact; economic-impact reports; and program review reports (SAR and Desk reviews). It is also in the process of initiating a legal needs assessment report. In addition, it prepares templates and reporting requirements for grantees regarding grants and assistance provided by the Foundation. Any and all of these materials have been and continue to be available for inspection upon request.

³¹ For instance, the Federal District Court for the Middle District of Florida requested and receives quarterly reports regarding its entrustment of monies to the Foundation pursuant to that court's February 6, 2019 order in *In re: Engle cases*.



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These two deviations are materially important. In the first instance, unilaterally narrowing the scope of the inquiry to funding of attorneys to represent litigants unduly limits the alternatives or elements involved in “direct legal services” that can benefit those in need of help beyond representation in litigation matters. Recall the only definition of “direct legal services” provided in the survey results includes far more than just funding attorneys to represent litigants. The second deviation is equally disturbing because it reflects a misunderstanding of a directive to *examine whether* amendments *should be* proposed as opposed to a directive “to make ... recommended rule amendments” and may suggest a foregone conclusion.

Further, despite the fact that the proposed work schedule for January 2020 included an examination of the availability of IOTA funds³², the First Report does not address this critical issue. This is perhaps the most critical issue facing all of Florida as it relates to “the Justice Gap,” yet is left out of the report’s discussion (as reflected in the title of the report itself).

The Need for Civil Legal Aid is Indeed Overwhelming.

The First Report summarizes, “it appears that the need for direct legal services for low-income Florida litigants is overwhelming.” This statement is unquestionably true but applies to much more than just litigants.

In 1991, Judge William Van Nortwick, Jr., as chair of The Florida Bar/Florida Bar Foundation Joint Commission on the Delivery of Legal Services to the Indigent in Florida wrote, “the Joint Commission concludes, as did the previous three reports on legal services in Florida, *that the poor’s legal needs in Florida far exceed the present level of resources.*”³³ He added, “[it is clear that critical legal needs of the poor generally and of groups with special legal needs,... *are not being met with present resources and will not be met with presently anticipated increases in resources.*”³⁴

In the nearly thirty years since the Joint Commission’s report, the need continues to grow exponentially, yet the resources have not. Indeed, the term “gap” no longer accurately describes the situation. Erosion of resources coupled with a torrential

³² The transcript of the November 11, 2019 task force meeting, as well as the minutes from that meeting, indicate that the January meeting would be devoted to, “Examine need and availability of IOTA funds for funding direct legal services for low-income litigants in Florida (Scales & Ladis).” (emphasis added).

³³ *Opening the Doors to Justice – The Quest to Provide Access For the Poor in Florida*, February 1991 at 15.

³⁴ *Id.*



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downpour of an increased population and resulting need has turned the gap into a chasm of canyon-like proportions.³⁵

Using 100% of IOTA funds to hire 202 new staff attorneys does not promote, much less ensure the most effective use of IOTA funds.

The First Report concludes, "approximately 202 (new) attorneys could be hired if 100% of IOTA funds were used to hire attorneys to represent low-income Florida litigants."³⁶ Respectfully, this conclusion is incomplete and unrealistic. And assuming the facts and figures used are correct, this approach would address 8/10ths of one percent (.008) of the need while at the same time dismantling a network that supports and retains the existing and experienced civil legal aid lawyers who have devoted their careers to the cause of Equal Justice.³⁷

1. The First Report's calculation is unrealistic in at least two respects.

Even assuming the \$67,500 annual payment and benefits estimate to be correct, taking 100% of IOTA funds to pay 202 new attorneys overlooks a plethora of other associated costs and expenses, some which have significant financial price tags while others require significant time and effort from the existing lawyers already on staff.

For starters, these 202 new lawyers will need an office (or at least a desk and work station), a telephone, a computer or laptop or at least a work-station with a computer, IT support, office and work supplies, legal support (i.e. secretarial help, paralegals, etc.), litigation costs and expenses (demonstrative aides, charts, etc.), malpractice insurance,

³⁵ The First Report cites several noteworthy studies and authorities with estimates of the unmet need in both Florida and the nation. The latest report of which I am aware is The ABA Center for Innovation's report attached to a draft, proposed resolution. This report, attached as Exhibit C, indicates that the United States ranks 103rd out of 126 countries in terms of the accessibility and affordability of civil legal services. It also reports that more than 80% of Americans living below the poverty line receive inadequate assistance when facing critical civil legal issues, such as child custody, debt collection, eviction and foreclosure.

³⁶ First Report at fourth page.

³⁷ The Report (three times) comments that "*only* about 80,399 Floridians" are assisted by Florida civil legal aid organizations. Accepting the report's estimate of 447 civil legal aid lawyers shows that each of these good people represent an average of 180 Floridians per year. Obviously, some of those same lawyers are actually administrative personnel who devote their time to other things, undoubtedly raising the average number of clients per lawyer. It is difficult to imagine another type of lawyer in Florida having on average a higher number of new clients each year; especially those with issues critical to a person's literal ability to cope and survive in many instances. The Florida Bar Foundation applauds the civil legal aid attorneys who, despite difficult situations, manage to serve on average 180 clients per year.



administrative and human resources support (i.e. payroll, taxes, personnel issues, etc.) training, continuing education, and supervision.

In addition, assuming these 202 new attorneys have the same acumen as the existing, experienced attorneys, each would be able to see an average of 180 clients per year. Assuming these new attorneys are hired “to represent low-income Florida litigants”, each new attorney (in addition to being brand new and learning the proverbial ropes) would have 1.4 days per litigation matter. Assuming a ten-hour workday, each new lawyer would have 14 total hours for each case.³⁸ And if that new lawyer was unable to get through all of his or her cases, the following year would see 180 more new clients added to the existing list. This is unrealistic and unreasonable.³⁹ And it does not constitute, much less ensure, the most effective use of IOTA funds.

2. Diverting 100% of the Florida Bar Foundation’s IOTA funds would meet – at best – 8/10ths of one percent (.008) of the need in Florida.

Applying the First Report’s statistics (which appear to be accurate) shows that even assuming new attorneys are as productive as experienced, existing civil legal aid attorneys (and can handle each of their litigation cases on average in 14 hours), only .0085877 percent of the identified need would be met. In short, 202 more attorneys represent 45% of the existing civil legal aid attorneys reported (447). Assuming the same productivity (180 Floridians per attorney) results in 36,180 more Floridians served.⁴⁰ 36,180/4,213,000 low income citizens who will experience a civil legal problem equals .0085877 of the total population in need.

³⁸ It is generally understood that litigation usually involves: initial client interviews; investigation; research; preparation of pleadings; discovery (both to and from the opponent); discovery disputes requiring resolution; pre-trial hearings, reasonable and responsible communication with clients, communications with opposing counsel; settlement discussions or mediation (which would require further preparation and most likely a mediation statement); preparation for trial which oftentimes includes briefing, jury instructions, and extensive witness preparation; attendance at a trial or final hearing; and post-trial proceedings. This does not take into consideration appellate proceedings or post-trial settlement negotiations. Using the First Report’s logic, a new attorney would have to get all of this done, on average, in 14 hours.

³⁹ This conjures up visions of Lucy Arnaz and the candy factory assembly line. Except that instead of chocolates, children, veterans, elderly and other vulnerable people are at stake and at risk of being dropped.

⁴⁰ As explained earlier, it is unreasonable to assume that these 36,180 Floridians would be litigants. Far fewer would be expected if they were limited to litigation matters. But, for purposes of the illustration, the maximum amount is used in order to show the maximum amount of impact using this assumption.



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3. Using 100% of FBF IOTA funds would effectively dismantle a nationally recognized model and harm existing programs and civil legal aid providers. It would also undoubtedly cause a further reduction in Florida's already-overburdened civil legal aid delivery system.

Diverting all of FBF IOTA funds to hire new attorneys would effectively destroy and end several existing programs that benefit all of Florida by helping the existing and experienced legal aid providers do their jobs and help more people. For example, such a plan would effectively end the Foundation's LRAP program.⁴¹ This program provides loans to more than 200 civil legal aid lawyers and has been proven to keep experienced civil legal aid lawyers in the arena, instead of seeking employment elsewhere. Florida has led the nation with this program for nearly two decades and it is a top priority of the Foundation. The First Report's apparent conclusion does away with this program as it is funded with IOTA funds. Thus, the report seems to suggest hiring approximately 200 new, inexperienced and untrained lawyers is better than trying to keep 200+ experienced lawyers in place.⁴²

In addition, 26 Foundation stakeholders (31 anticipated) use a common case management system, Legal Server. Again, Florida has been heralded for this program because it allows for a unified case management system, promotes collaboration and fosters more robust reporting and identification of best practices. It too is funded by IOTA funds and administered by the Foundation's staff. On a side note, the Foundation was able to negotiate a new contract with Legal Server which includes free hosting services. The Foundation therefore was able to eliminate the expense of a hosting contract. If the Legal Server contract were voided or abandoned, civil legal aid providers would also have to contract for hosting services, in addition to case management systems.

Similarly, the Foundation coordinates and administers a state-wide computer legal research contract which allows participating stakeholders to access Westlaw Edge products. The first report's apparent conclusion would effectively terminate this contract which would require some civil legal aid providers to go without and others to incur higher costs.

⁴¹ As referenced above, LRAP is the acronym for Loan Repayment Assistance Program.

⁴² Moreover, what happens if (and when) IOTA revenues fall? Do these lawyers get terminated, furloughed or subject to one-year employment contracts and ranked in some fashion so as to earn another year's employment, funds permitting? If the latter, the prospect of finding qualified attorneys to take on the anticipated workload of 180 clients per year along with the uncertainty of continued employment would seem low at best.



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Lastly, using all of FBF's IOTA funds to hire new attorneys effectively dismantles the Foundation's pro bono efforts. Pro Bono Matters and Law School Challenge are two initiatives that are being recognized and replicated around the country. In a little over two years, 1,000 referrals for private attorney assistance have been made with these two programs. That number is expected to double that number within the next 12 months. These efforts and programs go by the wayside if IOTA funds are diverted to just hire new attorneys.

Experienced lawyers are likely to leave the civil legal aid workforce if they are saddled with more responsibility and told they have fewer resources available. Taking away LRAP, Legal Server, Westlaw, and assistance with pro bono recruiting will stress the existing system even more and most likely result in the departure of invaluable, experienced lawyers.

There are numerous other programs that would no longer exist if IOTA funds are "passed through" to just hiring new attorneys.⁴³ For the sake of brevity, they are not listed herein. There also are other significant financial consequences to such an approach as well. For instance, the Foundation has been able to generate and contribute at least \$38 million in investment income which has been put back into the civil legal aid system.⁴⁴ This would no longer be possible if IOTA monies are simply converted to hiring new attorneys. Moreover, donations to the Foundation and the Foundation's Endowment will be significantly reduced and/or revoked if IOTA monies are passed through and used for hiring new attorneys only.

Conclusion

For all of the reasons stated, and more, using 100% of Foundation IOTA funds to hire new attorneys is unwise and potentially catastrophic to the state of Florida; especially as it relates to the fragile civil legal aid infrastructure in place.

Similarly, in November 2019, the task force's agenda cogently identified both need and availability of funding civil legal services for study and consideration. The First Report addressed only the need component of its assignment. It is without dispute that the

⁴³ This does not, of course, begin to address how 202 new and qualified attorneys are to be identified, located and recruited; where (geographic) these attorneys would be placed; who would place them; what non-profit entities would be able to hire them; and who or what, if anyone, would oversee their activities and accomplishments.

⁴⁴ In fact, it appears as though the Foundation has produced approximately \$2 million dollars more through investment income, and other development activities since 1982 than its total M&G and Fundraising expenses in that same time period.



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need for civil legal aid assistance in Florida, as the first report states, is overwhelming. In fact, the need has existed for too long and continues to grow as Florida's population explodes.

This discussion is daunting and requires undaunted courage to confront. Recognizing that "it appears that the need for direct legal services for low-income Florida litigants is overwhelming" is only one part of the discussion and is generally without dispute. The tough question is how will this overwhelming need be addressed and how will we, as a society, pay for it? Merely redirecting or repurposing the Foundation's IOTA income (which is fluid at best and erratic in most instances) to other uses is tantamount to reshuffling the chairs on the deck of the Titanic.

This discussion and the resulting issues are not political issues, but instead societal ones which affect the Rule of Law, the cornerstone of our democracy, and some of the underpinnings of our economy. Nor is civil legal aid assistance an issue that can or should be confronted only by the Court and lawyers. As Chief Justice Ehrlich remarked, "When people go hungry, we don't look to grocery stores to feed them. We should not and cannot look to lawyers alone to confront the legal needs of the poor."

It is hoped that this task force will take the opportunity to address not just the overwhelming need for civil legal assistance facing more than 4 million Floridians, but the more compelling and critical issue relating to the lack of available funding and resources to confront such overwhelming need.

Thank you all for your consideration and for your service.

Respectfully submitted,

A handwritten signature in blue ink that reads "Dominic C. MacKenzie". The signature is fluid and cursive.

Dominic C. MacKenzie



EXHIBIT A

THE FLORIDA BAR FOUNDATION

MISSION STATEMENT

The mission of The Florida Bar Foundation, a philanthropic organization established in 1956 by The Florida Bar Board of Governors and the Supreme Court of Florida, is to provide greater access to justice. The Foundation will accomplish its mission primarily through funding of programs that:

- expand and improve representation and advocacy on behalf of low-income persons in civil legal matters;
- improve the fair and effective administration of justice; and
- promote service to the public by members of the legal profession by making public service an integral component of the law school experience.

EXHIBIT B

Supreme Court of Florida

No. AOSC19-70

IN RE: TASK FORCE ON DISTRIBUTION OF IOTA FUNDS

ADMINISTRATIVE ORDER

The Interest on Trust Accounts (IOTA) Program operates pursuant to the provisions of rule 5-1.1(g) of the Rules Regulating the Florida Bar. Under the IOTA Program, all IOTA funds flow to The Florida Bar Foundation, Inc., and are to be “used to fund programs which are designed to improve the administration of justice or to expand the delivery of legal services to the poor.” *Matter of Interest on Trust Accounts*, 538 So. 2d 448, 450 (Fla. 1989).

The Court has determined that it is appropriate to establish a task force to examine whether rule 5-1.1(g) should be amended to better ensure the most effective use of IOTA funds.

Accordingly, the Task Force on the Distribution of IOTA Funds (Task Force) is hereby created to examine and make recommendations to the Court on alternative models for the distribution of IOTA funds; whether specific priorities should be established for the use of available IOTA funds; whether specific

requirements or limitations should be imposed on the use of IOTA funds. ~~Final Report~~

Appendix J – Submissions to the Task Force

September 15, 2020

Page J - 37

EXHIBIT B

reporting requirements regarding the distribution and use of IOTA funds should be adopted; and any other matters related to ensuring the most effective use of IOTA funds. In conducting its work, the Task Force shall give priority consideration to the need for funding direct legal services for low-income litigants in Florida.

The following individuals are hereby appointed to serve on the Task Force for a term that expires on December 31, 2020:

Mayanne Downs
Attorney at Law
Orlando, Florida

Karen Ladis
Attorney at Law
Miami, Florida

Laird A. Lile
Attorney at Law
Naples, Florida

Hala A. Sandridge
President, The Florida Bar Foundation
Tampa, Florida

The Honorable Edwin A. Scales, III
Appellate Judge, Third District Court of Appeal
Miami, Florida

John M. Stewart
President, The Florida Bar
Vero Beach, Florida

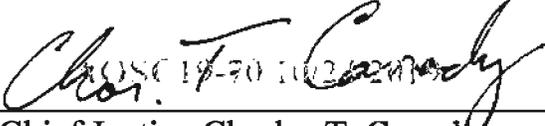
M. Scott Thomas
Attorney at Law
Jacksonville, Florida

EXHIBIT B

Mayanne Downs shall serve as Chair of the Task Force. Chief Justice Charles Canady shall serve as the Supreme Court liaison. Administrative support shall be provided to the Task Force by The Florida Bar.

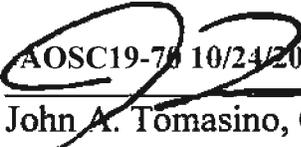
The Task Force shall submit to the Court its findings and recommendations, together with any proposed rule amendments, by September 15, 2020. If the Task Force determines that rule amendments are warranted, the proposed amendments should comply with Rules Style Guide in Part I of the Guidelines for Rules Submissions. *See In re Guidelines for Rules Submissions*, Fla. Admin. Order No. AOSC06-14 (June 14, 2006).

DONE AND ORDERED at Tallahassee, Florida, on October 24, 2019.



Chief Justice Charles T. Canady
AOSC19-70 10/24/2019

ATTEST:



John A. Tomasino, Clerk of Court
AOSC19-70 10/24/2019

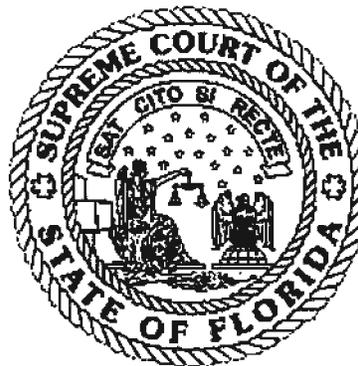


EXHIBIT C

The views expressed herein represent the opinions of the authors. They have not been approved by the House of Delegates or the Board of Governors of the American Bar Association and, accordingly, should not be construed as representing the position of the Association or any of its entities.

AMERICAN BAR ASSOCIATION

CENTER FOR INNOVATION

STANDING COMMITTEE ON THE DELIVERY OF LEGAL SERVICES

STANDING COMMITTEE ON ETHICS AND PROFESSIONAL RESPONSIBILITY

STANDING COMMITTEE ON PROFESSIONAL REGULATION

STANDING COMMITTEE ON PUBLIC PROTECTION IN THE PROVISION OF LEGAL SERVICES

REPORT TO THE HOUSE OF DELEGATES

RESOLUTION

- 1 RESOLVED, That the American Bar Association encourages U.S. jurisdictions to
2 consider innovative approaches to the access to justice crisis in order to help the more
3 than 80% of people below the poverty line and the majority of middle-income Americans
4 who lack meaningful access to legal services when facing critical civil legal issues, such
5 as child custody, debt collection, eviction, and foreclosure.
6
7 FURTHER RESOLVED, That the American Bar Association encourages U.S.
8 jurisdictions to consider regulatory innovations that have the potential to improve the
9 accessibility, affordability, and quality of civil legal services, while also ensuring necessary
10 and appropriate protections that best serve the public.
11
12 FURTHER RESOLVED, That the American Bar Association encourages U.S.
13 jurisdictions to collect and assess data regarding regulatory innovations both before and
14 after the adoption of any innovations to ensure that changes are effective in increasing
15 access to legal services and are in the public interest.

EXHIBIT C

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REPORT

I. Introduction

Access to affordable civil legal services is increasingly out of reach across the United States. More than 80% of people below the poverty line and a majority of middle-income Americans receive inadequate assistance when facing critical civil legal issues, such as child custody, debt collection, eviction, and foreclosure.¹ Approximately 76% of civil matters in one major study of ten major urban areas had at least one self-represented party.² Moreover, in rural areas, there are often few, if any, lawyers to address the public's legal needs.³ As a result of these and related problems, the United States ranks 103rd out of 126 countries in terms of the accessibility and affordability of civil legal services.⁴

Traditional solutions to fixing this “access to justice” crisis are not enough. For decades, the legal profession and the organized bar have called for increased funding for civil legal aid, more pro bono work, and the recognition of civil *Gideon* rights that would afford people a right to a lawyer in matters involving essential civil legal needs (06A112A).⁵ These efforts are important and have met with some modest success, but they have not come close to fixing the problems that exist. In fact, the problems are becoming more severe.⁶

The legal profession cannot solve these problems alone. The public needs innovative models for delivering competent legal services, and such models require the knowledge and expertise of other kinds of professionals, such as technologists and experts in the design of efficient and user-friendly services.⁷ The existing regulatory structure for the legal profession, however, increasingly acts as a barrier to the involvement of other professionals, both within and outside of law firms. Regulators and bar associations in several states, including Arizona, California, New Mexico, Oregon, Utah, and Washington, have recognized this problem and are working to address it by proposing or adopting substantial regulatory innovations.⁸ More U.S. jurisdictions are

¹ LEGAL SERVS. CORP., JUSTICE GAP REPORT: MEASURING THE CIVIL LEGAL NEEDS OF LOW-INCOME AMERICANS (2017), <https://www.lsc.gov/sites/default/files/images/TheJusticeGap-FullReport.pdf>.

² NAT'L CTR. FOR STATE COURTS, THE LANDSCAPE OF CIVIL LITIGATION IN STATE COURTS (2015), <https://www.ncsc.org/~media/Files/PDF/Research/CivilJusticeReport-2015.ashx>.

³ Jack Karp, *No Country For Old Lawyers: Rural U.S. Faces A Legal Desert*, LAW360 (Jan. 27, 2019), <https://www.law360.com/articles/1121543/no-country-for-old-lawyers-rural-u-s-faces-a-legal-desert>.

⁴ WORLD JUSTICE PROJECT, RULE OF LAW INDEX: CURRENT AND HISTORICAL DATA (2019), <https://worldjusticeproject.org/our-work/research-and-data/wjp-rule-law-index-2019/current-historical-data> (rankings are available in the downloadable spreadsheet).

⁵ AM. BAR ASS'N, REPORT TO THE HOUSE OF DELEGATES 06A112A https://www.americanbar.org/content/dam/aba/administrative/legal_aid_indigent_defendants/lsc_slaid_06A112A_authcheckdam.pdf.

⁶ See, e.g., Anna E. Carpenter, et al., *Studying the “New” Civil Judges*, 2018 Wisc. L. Rev. 249, 284 (2018) (noting that “[w]here nearly every party was once represented by counsel, today, the vast majority of litigants are pro se”).

⁷ See generally STANFORD LEGAL DESIGN LAB, <http://www.legaltechdesign.com/> (last visited Nov. 4, 2019).

⁸ See, e.g., ARIZ. TASK FORCE ON THE DELIVERY OF LEGAL SERVS., REPORT AND RECOMMENDATIONS (2019), [https://www.azcourts.gov/Portals/74/LSTF/Report/LSTFReportRecommendationsRED10042019.pdf?ver=Task Force on Distribution of IOTA Funds Final Report](https://www.azcourts.gov/Portals/74/LSTF/Report/LSTFReportRecommendationsRED10042019.pdf?ver=Task%20Force%20on%20Distribution%20of%20IOTA%20Funds%20Final%20Report)

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considering doing the same. In most cases, these jurisdictions are not considering deregulation, but rather re-regulation. That is, they are working to find ways to revise, rather than eliminate, regulatory structures so that any new services are appropriately regulated in the interests of the public.

The regulatory innovations that are emerging around the United States are designed to spur new models for competent and cost-effective legal services delivery that improve the quality of justice, but it is not yet clear which, if any, specific regulatory changes will best accomplish these goals consistent with consumer protection. More data is needed. For this reason, the Resolution does not recommend amendments to existing ABA model rules, such as the Model Rules of Professional Conduct. The ABA should nevertheless play a leadership role by adopting policies that encourage more state-based regulatory innovations, collecting and analyzing the data from those innovations, and using the resulting data to shape future reform efforts, including appropriate changes to or adoption of new ABA model rules and policies.

II. The Need for Regulatory Innovation

The Resolution calls for U.S. jurisdictions to consider regulatory innovations that foster new ways to deliver competent and cost-effective legal services and have the potential to improve the accessibility, affordability, and quality of those services while retaining necessary and appropriate client and public protections.⁹ This Resolution is consistent with one of the recommendations of the ABA Commission on the Future of Legal Services (Commission), which recommended that “[c]ourts ... consider regulatory innovations in the area of legal services delivery.”¹⁰

[2019-10-07-084849-750](https://www.utahbar.org/wp-content/uploads/2019/08/FINAL-Task-Force-Report.pdf); THE UTAH WORKGROUP ON REGULATORY REFORM, NARROWING THE ACCESS-TO- JUSTICE GAP BY REIMAGINING REGULATION (2019), <https://www.utahbar.org/wp-content/uploads/2019/08/FINAL-Task-Force-Report.pdf>; Press Release, N.M. Admin. Office of the Courts, Supreme Court Work Group to Consider Non-attorney Option for Providing Civil Legal Servs. (May 21, 2019), https://www.nmcourts.gov/uploads/FileLinks/a6efaf23676f4c45a95fdb3d71caea83/News_Release_Working_Group_to_Consider_Licensed_Legal_Technicians.pdf; *Task Force on Access Through Innovation of Legal Services*, CAL. BAR ASS'N, <http://www.calbar.ca.gov/About-Us/Who-We-Are/Committees-Commissions/Task-Force-on-Access-Through-Innovation-of-Legal-Services> (last visited Nov. 4, 2019); *Special Committee on Technologies Affecting the Practice of Law*, FLA. BAR, <https://www.floridabar.org/about/cmtes/cmte-me104/> (last visited Nov. 4, 2019).

⁹ See, e.g., AM. BAR ASS'N MODEL REGULATORY OBJECTIVES FOR THE PROVISION OF LEGAL SERVICES (2016) (identifying public protections that should be considered when exploring regulatory changes, such as the independence of professional judgment, the protection of privileged and confidential information, and the accessibility of civil remedies for negligence and breach of other duties owed). Innovations must include necessary and appropriate protections for the public. Depending on the type of innovation and services provided, the traditional legal requirements of informed consent, client confidentiality, avoidance of certain conflicts and disclosure of other conflicts and fiduciary obligations may be appropriate but not necessary, while in other situations certain core requirements of professional ethics will be both necessary and appropriate.

¹⁰ AM. BAR ASS'N COMM'N ON THE FUTURE OF LEGAL SERV., REPORT ON THE FUTURE OF LEGAL SERVICES IN THE UNITED STATES 6 (2016),

https://www.americanbar.org/content/dam/aba/images/abanews/2016FLSReport_FNL_WEB.pdf

Task Force on Distribution of IOTA Funds Final Report
2Appendix J – Submissions to the Task Force

September 15, 2020

Page J - 42

EXHIBIT C

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As noted above, the evidence is clear that existing solutions to the access to justice crisis are insufficient and that we need new ideas, such as regulatory reforms to unlock new delivery models. Although the need for change is compelling, the evidence does not yet support any particular regulatory innovation.

III. Categories of Regulatory Innovation

In general, states are currently considering three broad areas of regulatory reform as part of their efforts to improve the affordability, accessibility, and quality of civil legal services and civil justice.

A. Authorizing and Regulating New Categories of Legal Services Providers

Just as healthcare providers other than doctors can provide services to patients and reduce healthcare costs, some states have concluded that legal service providers other than lawyers can do the same. Two major ABA reports recently made a similar observation, recommending that U.S. jurisdictions consider authorizing and appropriately regulating new categories of legal services providers.

In 2014, the ABA Task Force on the Future of Legal Education concluded that a broader array of professionals should be permitted to deliver legal services:

Broader Delivery of Legal and Related Services: The delivery of legal and related services today is primarily by J.D.-trained lawyers. However, the services of these highly trained professionals may not be cost-effective for many actual or potential clients, and some communities and constituencies lack realistic access to essential legal services. To expand access to justice, state supreme courts, state bar associations, admitting authorities, and other regulators should devise and consider for adoption new or improved frameworks for licensing or otherwise authorizing providers of legal and related services. This should include authorizing bar admission for people whose preparation may be other than the traditional four-years of college plus three-years of classroom-based law school education, and licensing persons other than holders of a J.D. to deliver limited legal services. The current misdistribution of legal services and common lack of access to legal advice of any kind requires innovative and aggressive remediation.¹¹

More recently, in its final report, the ABA Commission on the Future of Legal Services concluded that it “supports efforts by state supreme courts to examine, and if they deem appropriate and beneficial to providing greater access to competent legal services, adopt rules and procedures for judicially-authorized-and-regulated legal services providers

(Recommendation 2).

¹¹ ABA TASK FORCE ON THE FUTURE OF LEGAL EDUCATION, REPORT AND RECOMMENDATIONS 3 (2014), https://www.americanbar.org/content/dam/aba/administrative/professional_responsibility/report_and_recommendations_of_aba_task_force.pdf [hereinafter LEGAL EDUCATION REPORT].

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(LSPs).¹² The Commission offered several examples of these efforts:

Examples of such LSPs include federally authorized legal services providers [such as those who have long represented individuals before the Social Security Administration] and other authorized providers at the state level, such as courthouse navigators and housing and consumer court advocates in New York; courthouse facilitators in California and Washington State; limited practice officers in Washington State; limited license legal technicians in Washington State; courthouse advocates in New Hampshire; and document preparers in Arizona, California, and Nevada. In some jurisdictions, where courts have authorized these types of LSPs, these individuals are required to work under the supervision of a lawyer; in other instances, courts, in the exercise of their discretion, have authorized these LSPs to work independently. In each instance, the LSPs were created and authorized to facilitate greater access to legal services and the justice system, with steps implemented to protect the public through training, exams, certification, or similar mechanisms.¹³

There is not yet sufficient evidence to endorse any particular LSP model, so the Commission merely called for U.S. jurisdictions to consider authorizing new categories of legal services providers:

The Commission does not endorse the authorization of LSPs in any particular situation or any particular category of these LSPs. Jurisdictions examining the creation of a new LSP program might consider ways to harmonize their approaches with other jurisdictions that already have adopted similar types of LSPs to assure greater uniformity among jurisdictions as to how they approach LSPs. Jurisdictions also should look to others to learn from their experiences, particularly in light of the lack of robust data readily available in some states on the effectiveness of judicially-authorized-and-regulated LSPs in closing the access to legal services or justice gap. The Commission urges that the ABA Model Regulatory Objectives guide any judicial examination of this subject.

The Resolution takes a similar approach and does not endorse any particular model.

B. Experimenting with Variations to Rule 5.4

Rule 5.4 of the Model Rules of Professional Conduct generally prohibits lawyers from partnering and sharing fees with anyone who is not a lawyer. Some have argued that this prohibition impedes the development of innovative legal service delivery models,¹⁴ especially those that require the active involvement of other kinds of

¹² AM. BAR ASS'N COMM'N ON THE FUTURE OF LEGAL SERVS., REPORT ON THE FUTURE OF LEGAL SERVICES IN THE UNITED STATES 6 (2016), *supra* at 40-41.

¹³ *Id.* Since the Commission's report was written, Utah has created Licensed Paralegal Practitioners starting in 2019 and New Mexico is considering the creation of Limited Licensed Legal Technicians that are similar to those in Washington state.

¹⁴ WILLIAM HENDERSON, STATE BAR OF CAL., LEGAL SERVICES LANDSCAPE REPORT (2018), Task Force on Distribution of IOTA Funds Final Report

EXHIBIT C

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professionals, such as technologists, or that need substantial outside capital to succeed.

Such arrangements – often called alternative business structures (ABS) – are increasingly common around the world, and jurisdictions adopting ABS believe that they can help to improve access to justice.¹⁵ For this reason, several U.S. states recently adopted or are proposing significant liberalization of their versions of Model Rule 5.4.¹⁶

The ABA Commission on the Future of Legal Services called for this kind of review. In its final report, the Commission recommended “continued exploration” of reforms in this area so that “evidence and data regarding the risks and benefits associated with” ABS can be developed and assessed.

This issue also has attracted the attention of United States Supreme Court Justice Neil Gorsuch, who has advocated for change:

All else being equal, market participants with greater access to capital can increase output and lower price. So, for example, optometry, dental, and tax preparation services are no doubt cheaper and more ubiquitous today thanks to the infusion of capital from investors outside those professions. Indeed, consumers can often now find all these services (and more) in their local “superstores.” Yet Rule 5.4 of the ABA’s Model Rules of Professional Conduct — adopted by most states — prohibits nonlawyers from obtaining “any interest” in a law firm. So while consumers may obtain basic medical and accounting services cheaply and conveniently in and thanks to (say) Walmart, they can’t secure similar assistance with a will or a landlord-tenant problem. With a restricted capital base (limited to equity and debt of individual partners), the output of legal services is restricted and the price raised above competitive levels....

Notably, the United Kingdom has permitted multidisciplinary firms and nonlawyer investment since 2007. In the first two years of the program, 386 so-called “alternative business structures” (ABSs) were established. Six years into the experiment, the Solicitors Regulatory Authority analyzed ABSs and found that while these entities accounted for only 3 percent of all law firms, they had captured 20 percent of consumer and mental health work and nearly 33 percent of the personal injury market — suggesting that ABSs were indeed serving the needs of the poor and middle class, not just or even primarily the wealthy. Notably, too, almost one-third of ABSs were new participants in the legal services market, thus increasing supply and presumably decreasing price. ABSs also reached customers online at far greater rates than traditional firms — over 90 percent of ABSs were found to possess an online presence versus roughly 50 percent of traditional firms, again suggesting an increased focus on reaching individual

<http://board.calbar.ca.gov/docs/agendaitem/Public/agendaitem1000022382.pdf>.

¹⁵ *Id.*

¹⁶ See ABA CTR. FOR INNOVATION, LEGAL INNOVATION REGULATORY SURVEY,

<http://legalinnovationregulatorysurvey.info/> (last visited Nov. 4, 2019).

EXHIBIT C

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consumers. Given the success of this program, it's no surprise that some U.S. jurisdictions have appointed committees to study reforms along just these lines.¹⁷

On several occasions, the ABA has considered and rejected amendments to Model Rule 5.4 that would have permitted some form of ABS. The primary argument against such changes was that they would jeopardize a lawyer's professional independence. In contrast, advocates of change respond that lawyers already exercise professional independence in conceptually similar situations.¹⁸

Advocates for change also point to the lack of evidence of public harm in the increasing number of countries that now permit lawyers to practice in some form of ABS.¹⁹ The ABA Commission on the Future of Legal Services made a similar observation in its final report:

The Commission's views [calling for continued exploration of reforms in this area] were informed by the emerging empirical studies of ABS. Those studies reveal no evidence that the introduction of ABS has resulted in a deterioration of lawyers' ethics or professional independence or caused harm to clients and consumers. In its 2014 Consumer Impact Report, the UK Legal Consumer Panel concluded that "the dire predictions about a collapse in ethics and reduction in access to justice as a result of ABS have not materialised." Australia also has not experienced an increase in complaints against lawyers based upon their involvement in an ABS.²⁰

Despite these arguments, it is also clear that there is not yet enough data to know whether any changes to Model Rule 5.4 are necessary and, if so, what they should be. For this reason, the resolution does not propose any changes to Model Rule 5.4.

C. New Approaches to the Unauthorized Practice of Law

The resolution also encourages U.S. jurisdictions to reexamine their approaches

¹⁷ NEIL M. GORSUCH, A REPUBLIC IF YOU CAN KEEP IT 258-60 (2019).

¹⁸ Justice Gorsuch explains:

For example, we permit third parties (e.g., insurance companies) to pay for an insured's legal services but restrict their ability to interfere with the attorney-client relationship. We allow in-house counsel to work for corporations where they must answer to executives but require them sometimes to make noisy withdrawals. And we increasingly permit law firms to manage client and personal financial conflicts by screening affected lawyers rather than by banning the firm from representing a client. Of course, in each of these cases lawyers stand to benefit from rules that permit an engagement that might otherwise be forbidden while here, by contrast, they may stand to lose financially. But surely it shouldn't be the case that we will forgo or lift outright bans in favor of more carefully tailored rules only when it's in our financial interest.

Id. at 260.

¹⁹ ABA COMM'N ON THE FUTURE OF LEGAL SERVS., ISSUES PAPER REGARDING ALTERNATIVE BUSINESS STRUCTURES 11 (2016),

https://www.americanbar.org/content/dam/aba/images/office_president/alternative_business_issues_paper.pdf; LEGAL SERVS. BD., TECHNOLOGY AND INNOVATION IN LEGAL SERVICES 2018,

<https://www.legalservicesboard.org.uk/research/technology-and-innovation-in-legal-services-2018> (last visited Nov. 4, 2019).

²⁰ See LEGAL EDUCATION REPORT, *supra* note 11, at 42.

EXHIBIT C

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to the unauthorized practice of law (UPL). U.S. jurisdictions often define UPL broadly or in such an ambiguous way that prospective innovators do not want to risk developing new services and face allegations that they are engaging in UPL.

Other approaches are worth considering. For example, in the United Kingdom, rather than trying to define the practice of law, the Legal Services Act of 2007 provides that anyone can perform law-related activities unless those activities are specifically “reserved” for authorized professionals. That is, the burden is on the profession to identify the specific areas of legal services that only authorized professionals should be permitted to perform. There is no evidence of harm in the U.K. from such an approach relative to the much more restrictive approach in the U.S., where the definition of UPL tends to be so vague that it covers a range of services that could be safely performed by professionals other than lawyers.²¹

Recognizing the problems with existing approaches to UPL, several U.S. jurisdictions have begun to experiment in this area. For example, Utah has developed a so-called “regulatory sandbox” that will allow new kinds of legal services providers to operate on a pilot basis without concerns that they will be accused of UPL.²² Other jurisdictions are seeking to expressly recognize that online legal document providers are not engaged in the unauthorized practice of law in exchange for modest regulation or registration requirements.²³

These developments are still in their infancy in the U.S., so as with other regulatory reforms, it is not possible to identify a model approach. (Indeed, such efforts in the UPL particular context may raise antitrust concerns.)²⁴ The point of the resolution is to encourage U.S. jurisdictions to consider regulatory innovations that foster new ways to deliver effective legal services and have the potential to improve the accessibility, affordability, and quality of those services while preserving core protections.²⁵

IV. Data Should be Collected and Analyzed

The final part of the resolution calls for the collection and assessment of data regarding regulatory innovations, both before and after the adoption of any innovations, to ensure that changes are data driven and in the interests of the public. The collection of

²¹ Deborah L. Rhode, *What We Know and Need to Know About the Delivery of Legal Services by Nonlawyers*, 67 S. C. L. REV. 429, 431-33 (2016).

²² Press Release, *Utah Courts, Utah Supreme Court Adopts Groundbreaking Changes to Legal Serv. Regulation* (August 29, 2019), <https://www.utcourts.gov/utc/news/2019/08/29/utah-supreme-court-adopts-groundbreaking-changes-to-legal-service-regulation/>.

²³ Jim Ash, *Board Recommends Voluntary Registration Program for Online Legal Service Providers*, FLA. BAR NEWS (Sept. 25, 2019), <https://www.floridabar.org/the-florida-bar-news/board-recommends-voluntary-registration-program-for-online-legal-service-providers/>.

²⁴ ABA CTR. FOR PROF'L RESPONSIBILITY, *FTC Letter Opinions on the Unlicensed Practice of Law* (June 23, 2016),

https://www.americanbar.org/groups/professional_responsibility/resources/client_protection/ftc/.

²⁵ See *supra* note 9.

EXHIBIT C

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such data is critical if the legal profession is going to make reasoned and informed judgments about how to regulate the delivery of legal services in the future and how to address the public's growing unmet legal needs. We need to experiment with different approaches, analyze which methods are most effective, and determine which kinds of regulatory innovations best provide the widest access to legal services, provide continuing and necessary protections for those in need of legal services, and best serve the public interest.

One example of such an effort is the recently launched *Unlocking Legal Regulation* project of the Institute for the Advancement of the American Legal System.²⁶ Among other initiatives, the project will “assess and support pilot projects for risk-based regulation in Utah and other states, including identifying metrics and conducting empirical research to evaluate outcomes.”²⁷

V. Conclusion

Justice Louis Brandeis once wrote that “[i]t is one of the happy incidents of the federal system that a single courageous State may, if its citizens choose, serve as a laboratory; and try novel social and economic experiments without risk to the rest of the country.”²⁸ The resolution calls for precisely this kind of courageous experimentation.

Respectfully submitted,

Daniel B. Rodriguez
Chair, Center for Innovation
February 2020

²⁶ Institute for the Advancement of the American Legal System, *Unlocking Legal Regulation*, <https://iaals.du.edu/projects/unlocking-legal-regulation>

²⁷ *Id.*

²⁸ *New States Ice Co. v. Liebmann*, 285 U.S. 262, 311 (1932).

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February 4, 2020

Mayanne Downs, Esq.
Chair, Task Force on the Distribution of IOTA Funds
c/o The Florida Bar
651 East Jefferson Street
Tallahassee, FL 32399

Re: Task Force on the Distribution of IOTA Funds

Dear Ms. Downs:

I am in receipt of and thank you for your letter of January 24, 2020, received January 28, 2020. Yes, I would appreciate the opportunity to address the Task Force on the Task Force's mission. As you know, I am engaged full-time managing a law firm providing "direct legal services for low-income litigants in Florida." I come late to legal services and have spent a total of 30 years as a Florida trial lawyer, so I have looked at this issue from both sides (I believe I am the only Florida lawyer to receive the Florida Bar President's Pro Bono Service Award for two judicial circuits.)

First, I would appreciate some clarification on the reason this Task Force was founded. What led to its creation?

With regard to the mission, I think it critical that you include the prior text of the Order: "The Court has determined that it is appropriate to establish a task force to examine **whether** rule 5-1.1(g) should be amended to better ensure the most effective use of IOTA funds." (emphasis added.)

The reason I wish to remind the Task Force of this language is that, in my opinion, significant disruption of the existing Bar Foundation oversight of IOTA would be a ruinous mistake. This Task Force should answer the Court's question in the negative and recommend rule 5-1.1(g) not be amended.

The solution is in front of us, and everyone in the room knows it. The Court and the Bar should take a leadership position in advocating for state funding for civil legal aid, and join the other 47 states that take this position.

The math used by the Task Force supports the conclusion that rule 5-1.1(g) is not the issue and amending it is not the solution. Using the Task Force's conclusions, (with

which I agree), the United Way ALICE numbers for Florida with the overlay provided by the Legal Services Corporation, we see that 5.87 million Floridians are both at-risk and eligible for civil legal aid *and* likely to experience a civil legal issue.

Dividing the 80,399 Floridians assisted by the 447 legal aid lawyers available to assist = 179.86 Floridians per legal aid lawyer. If the Bar Foundation were cratered, and an additional 202 legal aid lawyers were placed in the field, a total of 116,731 at risk members of our community would be assisted.

80,399 out of 5.87 million, or 116,731 out of 5.87 million. Using the Task Force's arithmetic.

Neither figure, of course, makes *any* sense.

What would the state give up without the Foundation? State-wide planning and strategy would disappear, as well as the use of any standard metrics to measure program performance. The central, rural spine of the state would be dramatically underserved as resources flowed to and from the coastal cities. All state-wide determinations would revert to Washington, D.C. as the Legal Services Corporation would be the only central entity. (And coordinated support efforts for LSC funding, since Florida, without any state funding, has no back-up plan, would end.)

JALA estimates that, as a large program, it would have to spend a significant part of any funding increase on efforts to simply replace the Foundation. For example, we estimate the **increase** in Westlaw costs at between \$20,794 for a cut-rate plan and \$62,968 to replace our current plan at the government rate. If the funding came with a mandate that it be used only for lawyers providing direct services, we would have to find the money elsewhere to replace Foundation assets, resulting in a close to zero net gain. (If the funding came with LSC-type restrictions, JALA, which exists in its current state because leading lawyers in the City did not want JALA to operate under fluctuating LSC rules, would likely not accept the funding at all.)

Perhaps most important, we would lose the statewide Loan Repayment Assistance Program (LRAP), which has proven critical in attracting and retaining talented legal aid lawyers. Since receiving your letter, JALA has conducted a very rough survey of staff, and received comments such as those below:

"LRAP assistance has been critical to making a career in public interest law financially feasible for me. I am extremely grateful for the assistance. It helps tremendously."

"LRAP is a significant factor in my continued employment in public service work. Although not determinative, repayment assistance is a critical factor in my remaining in public service work."

This program is so important we would divert other resources to

supporting a JALA-only LRAP if the Foundation's IOLTA funding were diverted. Other programs, and potentially all of the small programs, would struggle to find funding to do so, and we would see an immediate decline in experienced legal aid lawyers statewide. Experienced and efficient legal aid lawyers are good for everyone - good for clients, good for business and good for the justice system.

Florida would lose the statewide LegalServer contract, which allows for state-wide analytics and e-transfers between programs. This case management system has always been subsidized for the smaller programs by the larger programs and by the Foundation in order to make it cost-effective; that system would evaporate. We would lose the statewide training initiative, again leaving smaller programs adrift on training their lawyers and staff.

Finally, we would struggle to replace the Foundation's critical central leadership on technology. If we are to close the Access Gap, we will do it with technology, but we have already seen where an excellent, nationwide-leading idea, the Gateway, has been derailed by a lack of understanding and buy-in (literally) by the Bar. Technology tools, and the constant update required, costs money. These tools can be extraordinarily cost-effective force-multipliers, but the development and use of these tools requires insight and support.

The current issue of the ABA Journal, which came out earlier *this week*, features a number of "Legal Rebels" working in legal technology. Initiatives around the country are leaving Florida behind as it not only has failed to focus on the positives of the Gateway but will go to a zero-level technology focus on poor and at-risk Floridians without the Foundation.

Finally, critical leadership at the Bar and at the Court is needed in order to focus on and get ready for the eventual and inevitable significant drop in the fines and fees that support the entire third branch of government. The life-damaging effect court fines have on poor people is now nationally recognized, and states and communities are moving away from using the court system as a debt collector. Florida's Article V structure will, at some point, be untenable. Article V, as you know, is now the second largest source of civil legal aid funding after LSC.

We must plan for this future together.

Dr. King said it best: "On some positions, cowardice asks the question, is it expedient? And then expedience comes along and asks the question, is it politic? Vanity asks the question, is it popular?

But conscience asks the question, is it right?

There comes a time when one must take the position that is neither safe nor politic nor popular, but he must do it because conscience tells him it is right."

We know the answer to the question. If we are going to take a head run at the Access Gap, and be even half the state Texas is, and get to numbers that make sense (there are 2,500 assistant state attorneys in Florida, to use one metric) then the Bar and the Court and a strong Florida Bar Foundation and the legal aid law firms, together, must take leadership positions on state funding.

In the meantime, please do not dismantle the structure of the first IOLTA entity created in the United States just to move the needle by less than 1%.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. Kowalski Jr.", written over a printed name.

James A. Kowalski Jr.



Law Offices of

Florida Rural Legal Services, Inc.

Servicios Legales de Florida Rural, S.A.
Legal Servis Riral De Florida, Inc.

Jaffe S. Pickett
Executive Director

Joshua K. Brown
President, Board of Directors

Respond to:

- **Belle Glade**
136 S. Main Street Suite C
Belle Glade, Florida 33430
561-993-0003
561-993-0004 fax
Toll Free Clients Only
1-888-582-3410
 - **Ft. Myers**
3210 Cleveland Avenue,
Suite 101
Ft. Myers, Florida 33901
239-334-4554
239-334-3042 fax
239-936-7038 Admin fax
Toll Free Clients Only
888-582-3410

Daniel S. Cruz
Managing Attorney
 - Migrant Farm Worker Unit**
1-855-771-3077
 - **Ft. Pierce**
121 North 2nd Street, Fourth Floor
Fort Pierce, Florida 34950
772-466-4766
772-489-3176 fax
Toll Free Clients Only
1-888-582-3410

Domenic Landolina
Managing Attorney
 - **Lakeland**
1321 E. Memorial Blvd.
Lakeland, Florida 33801-2103
863-688-7376
863-683-7861 fax
863-683-7969 Admin fax only
Toll Free Clients Only
1-888-582-3410

Phil Short
Managing Attorney
 - **Punta Gorda**
Grace Street Annex
514 E. Grace Street, Room 130
Punta Gorda, Florida 33950
239-334-3042 fax
Toll Free Clients Only
1-888-582-3410
 - **West Palm Beach Area**
2051 Martin Luther King Jr. Blvd.
Suite # 101
Riviera Beach, Florida
33404561-820-8902
561-820-8892 fax
Toll Free Clients Only
1-888-582-3410

Hazel Lucas
Managing Attorney
- www.frls.org

February 5, 2020

Task Force on Distribution of IOTA Funds
Attn: Mayanne Downs, Chair
The Florida Bar
651 East Jefferson Street
Tallahassee, FL 32399-2300

RE: February 6, 2020 Taskforce Meeting

Dear Ms. Downs:

Thank you for extending the invitation to attend the task force meeting on February 6, 2020 and for the opportunity to provide valuable input to the Task Force; I will attend the meeting and the requested written summary is included.

My input on behalf of Florida Rural Legal Services (FRLS) comes from over fifteen years of providing direct services to low income and vulnerable people as a legal services staff attorney as well as six years focused on directing funding for legal services in Alabama.

I was selected as Executive Director of FRLS and began in August 2019 after spending my entire career as a legal services staff attorney, manager, and later executive management. I was employed with Legal Services Alabama, a statewide legal services program where I served as Interim Executive Director twice and was Deputy Director as well as the Director of Development since 2013. Prior to those roles I served as the Director of Training, Statewide Call Center Director, and Director of Alabama's first Elder Law Helpline. I was hired at Legal Services of Alabama in 2005 specializing in Elder Law and working with the Central Alabama Aging Consortium in the Montgomery Office. I was named Legal Services of Alabama Employee of the Year after assisting more than 600 older citizens in 2009, the same year I was appointed to the Executive Leadership Team.

Mission and Overview

The mission of FRLS is to provide high quality, effective and creative legal services which address both the symptoms and causes of client problems. FRLS utilizes all forums and strategies available to legal advocacy, within the limits imposed by law, to pursue its mission in the most effective and economical manner. FRLS has a unique history, service area, and clients, all of which make fulfilling the mission of the program exceptionally challenging and satisfying. Funding our services, as with other legal

Task Force on Distribution of IOTA Funds Final Report
Appendix J – Submissions to the Task Force

September 15, 2020

Page J - 53

services programs, requires an ongoing dedication to the needs of our client communities, spanning 13 counties as well as assistance to farmworkers throughout Florida. This requires an ongoing effort to stay abreast of the shifting priorities to serve those in the most economic need as well as emergency needs that range from foreclosure relief to disaster relief. The Florida Bar Foundation has met our organizational needs, resulting in a continuation and expansion of services to the poor throughout our service area.

History

In August 1966, South Florida Migrant Legal Services was formed as a derivative of the Miami Community Action Program. In 1967, the Office of Economic Opportunity (OEO), President Johnson’s agency which spearheaded the “War on Poverty,” funded a two-year demonstration and research project to provide legal services to farmworkers in six south Florida counties. On April 20, 1967 the South Florida Migrant Legal Services (SFMLS) was established and awarded its first grant of \$806,099 by the Legal Services Program (LSP). It was to be a two-year demonstration project to assist migrant farm workers in Broward, Dade, Collier, Hendry, Lee and Palm Beach counties with its first office in Miami. Other offices were also established in Belle Glade, Delray Beach and Fort Myers. In August 1969, SFMLS became FRLS.

FRLS has faced several challenges to funding since its inception. One major challenge was in November 1980 when President Ronald Reagan announced zero funding for Legal Services Corporation (LSC) and appointed an LSC Board hostile to the work of the legal services programs. The new LSC board adopted new restrictive rules limiting services and the ability to lobby for funding. In the same year, Congress reduced funding to LSC by 25%. FRLS went from ten offices to three offices and realized a great need for funding not controlled by political motives, but rather a dedication to the continuation of free legal services to the poor to fill gaps left by federal funding.

In 1981, The nation’s first IOTA program was formed in Florida to provide grants for Legal Assistance to the Poor throughout Florida and FRLS became a grantee. FRLS has benefitted greatly from IOTA funds distributed by the Florida Bar Foundation over the years. What is of particular importance, is not only the funding, but the Foundation’s understanding of the unique needs of impoverished Floridians and its ability to cater funding to meet those needs. The chart below illustrates the funding which has included salary supplements, student loan assistance and retirement, all of which make it possible to recruit and retain highly qualified and experienced attorneys. Equal access to justice requires that the poor have the same opportunities for high quality civil legal assistance. The support provided by the Foundation helps to make this a reality.

Florida Rural Legal Services - Funding from The Florida Bar Foundation

Year	General	Salary		Legal		Foreclosure		Affordable		CED	Migrant	Total
		Supplement	Retirement	Assistance Act	Migrant	Prevention	Affordable Housing	Foreclosure	Disaster Relief			
2010	\$ 543,869	\$ 253,000	\$ 70,123	\$ 50,578	\$ 74,380	\$ 255,800	\$ 61,017	\$ 47,501				\$ 1,365,198
2011	\$ 543,869	\$ 253,000	\$ 74,100	\$ 72,253		\$ 221,605	\$ 42,612					\$ 1,309,450
2012	\$ 380,708	\$ 253,000			\$ 51,870	\$ 105,070	\$ 16,358					\$ 889,018
2013	\$ 247,460	\$ 242,000			\$ 33,715	\$ 42,030						\$ 567,205
2014	\$ 180,646	\$ 154,000			\$ 24,642							\$ 361,272
2015	\$ 166,494				\$ 22,343							\$ 190,851
2016	\$ 166,494				\$ 22,343							\$ 190,853
2017	\$ 166,494				\$ 22,343							\$ 190,854
2018									\$ 130,204	\$ 100,000		\$ 304,222
2019									\$ 251,774			\$ 251,793
Total:	\$ 2,396,884	\$ 1,155,000	\$ 152,223	\$ 122,831	\$ 253,526	\$ 623,675	\$ 119,987	\$ 47,501	\$ 450,978	\$ 100,000		\$ 5,439,720

Florida Bar Foundation Funding includes our most recent funding assisting Floridians, many of whom are Veterans, in obtaining a driver's license to gain employment. Past funding was provided to address the nationwide foreclosure crisis and those suffering from homelessness as a result.

After working with national funders, national foundations as well as regional and local funders for many years as Director of Resource Development, I am keenly aware that many of these grant awards require expertise, including an awareness of the needs of the poor, the gaps or barriers that exist to providing free legal services, and an ongoing effort to ensure those gaps are filled. Understanding that breaking down barriers to access to legal services would not only mean large pots of money, but also “developing new and innovative models for providing legal services that significantly impact low income citizens” (*A Guide for Community Redevelopment & Economic Improvement Projects: A Replication Guidebook for Legal Aid & Community Organizations*, by Jaffe S. Pickett, 2019; pg. 1).

The Florida Bar Foundation has stood in a unique position to meet the level of expertise required.

Summary

FRLS appreciates the mission of the task force in ensuring the most effective use of of IOTA funds. Of extreme importance to FRLS:

1. In making recommendations on alternative models, the task force considers the level of expertise and dedication required to ensure limited IOTA funds are granted to serve the greatest need of low income and vulnerable populations;
2. When considering specific priorities, requirements or limitations, the task force considers the long term impact of such changes and the challenges legal services organizations such as FRLS may face if such limitations restrict the provision of services to the poor which may result in an undue burden on the court system when pro se individuals do not have full access to free legal services; and
3. When considering the particular needs of legal services programs and limited funding to meet those needs, that the Florida Bar Foundation should continue to utilize their expertise and dedication to access to justice to make these critical funding decisions.

Thank you for the opportunity for input and comments as well as the opportunity to speak on February 6, 2020 at the task force meeting in Orlando. Please feel free to contact me should you have any questions or require further information. I can be reached at (888) 582-3410 ext. 3045 or (334) 328- 7399.

Sincerely,

Jaffe Pickett

Jaffe S. Pickett
Executive Director
Florida Rural Legal Services

Florida Rural Legal Services - Funding from The Florida Bar Foundation

		Salary		Legal		Foreclosure	Affordable		CED	Migrant	Total
Year	General	Supplement	Retirement	Assistance Act	Migrant	Prevention	Affordable Housing	Forclosure	Drive to Work	Disaster Relief	Funding by Year
2010	\$ 543,869	\$ 253,000	\$ 78,123	\$ 50,578	\$ 74,100	\$ 255,000	\$ 61,017	\$ 47,501			\$ 1,365,198
2011	\$ 543,869	\$ 253,000	\$ 74,100	\$ 72,253		\$ 221,605	\$ 42,612				\$ 1,209,450
2012	\$ 380,708	\$ 253,000			\$ 51,870	\$ 105,070	\$ 16,358				\$ 809,018
2013	\$ 247,460	\$ 242,000			\$ 33,715	\$ 42,020					\$ 567,208
2014	\$ 180,646	\$ 154,000			\$ 24,612						\$ 361,272
2015	\$ 166,494				\$ 22,343						\$ 190,852
2016	\$ 166,494				\$ 22,343						\$ 190,853
2017	\$ 166,494				\$ 22,343						\$ 190,854
2018									\$ 199,204	\$ 100,000	\$ 301,222
2019									\$ 251,774		\$ 253,793
Total:	\$ 2,396,034	\$ 1,155,000	\$ 152,223	\$ 122,831	\$ 251,326	\$ 623,695	\$ 119,987	\$ 47,501	\$ 450,978	\$ 100,000	\$ 5,439,720



ABOUT FLORIDA'S CHILDREN FIRST

Florida's Children First is an award-winning non-profit organization that advocates to make systemic changes that positively impact at-risk children and youth in foster care. The Florida Youth SHINE program was developed to educate, empower and provide foster youth the support and mentorship they need to reach their full potential as powerful advocates for their own needs.

2017 Paul Doyle Children's Advocacy Award
Florida Bar Foundation

2017 Activist Award Presented to Florida Youth SHINE
North American Council on Adoptable Children

2017 Janet Knipe Exceptional Adult Ally Award 2017
Foster Youth in Action

2015 Paul Doyle Children's Advocacy Award
Florida Bar Foundation

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Laura Reich, Vice President, *Miami*
Gerald 'Jerry' Reiss, Treasurer, *Naples*
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Robin L. Rosenberg, Deputy Director

CHANGING THE LIVES OF CHILDREN





\$7,046,000 DONATED IN PROFESSIONAL SERVICES

22,036 PEOPLE TRAINED STATEWIDE ON CRITICAL CHILD WELFARE TOPICS

13,880 PRO BONO HOURS DONATED HELPING CHILDREN

75,252 HOURS OF YOUTH ADVOCACY AND TRAINING

24 PUBLICATIONS CREATED AND DISTRIBUTED STATEWIDE ON CHILDREN'S RIGHTS

36 AMICUS BRIEFS FILED

32 BILLS DRAFTED, SUPPORTED OR PASSED THAT PROTECT CHILDREN

ACHIEVING SUCCESS BY THE NUMBERS

2000+ DEDICATED DONORS AND SUPPORTERS

Task Force on Distribution of IOTA Funds Final Report
Appendix J – Submissions to the Task Force

September 15, 2020

Page J - 58



John Patterson
 Partner
 SHUTTS & BOWEN LLP
 1858 RINGLING BOULEVARD
 SUITE 300
 SARASOTA FL 34236
 DIRECT (941) 552-3770
 FAX (941) 552-1920
 EMAIL JPATTERSON@SHUTTS.COM

February 26, 2020

Email: eto@floridabar.org

Mayanne Downs, Esq., Chair
 Task Force on Distribution of IOTA Funds
 c/o Elizabeth Tarbert, Ethics Counsel
 The Florida Bar
 651 East Jefferson Street
 Tallahassee FL 32339-2300

Re: Additional Information Regarding Florida Bar Foundation

Dear Mayanne:

Thank you again for the opportunity to share my comments and observations with you regarding the charge of the Task Force. I particularly appreciate the time that you took from your pressing schedule to discuss with me your views of the mission of the Task Force and information you believe would be helpful to you regarding the Foundation following the meeting. I would like to follow up on that, and a few other items, with this letter.

I recall that you mentioned at some point in the discussion at the Task Force meeting that Rule 5-1.1(g) only included two of the three elements of the purpose of the Foundation set forth in its Amended and Restated Articles of Incorporation and its mission statement. I checked the Rule afterwards and found that is not correct. The Rule says nothing at all about the Foundation’s purpose or mission. The purpose is distinctly addressed in the current Amended and Restated Articles of Incorporation, and in Court-approved versions of the Articles of Incorporation going back many years. Please see the page of the current Amended and Restated Articles of Incorporation attached to this letter.

You also mentioned in our discussion following the meeting that the Foundation’s Charity Navigator rating had dropped from four stars to two stars, and that this was a sign that something was amiss at the Foundation. I believe you expressed that this was evidence that the overhead of the Foundation was excessive. I certainly thought that your comment deserved exploration, and so I followed up.

A history of the Foundation rating by Charity Navigator over the past 11 years is enclosed. It does show a progression from three stars to four stars to three stars to two stars, and now back to three stars. Based on FY 2018 data, the rating is now very close to four stars (the top rating), with 100% on accountability and transparency. I posed the question to Donny MacKenzie and Steve Senn of the reasons for the dip in the rating, and looked into it myself.

Task Force on Distribution of IOTA Funds Final Report
 Appendix J – Submissions to the Task Force

SARDOCS 462615 3 56000.6771

Mayanne Downs, Esq., Chair
Task Force on Distribution of IOTA Funds
February 26, 2020
Page 2

You will find enclosed a copy of the current Charity Navigator rating. It was explained to me that the administrative expenses (the Foundation uses the term M&G for the same thing) as a percentage of overall grants did increase (because, as you know, grants funding declined in the Great Recession along with interest rates and resulting IOTA revenues). This was undoubtedly a factor. However, the primary factor for the decrease related to reserves. Using FY 2018 dates, the working capital reserve fell to 0.47 per Charity Navigator. The four-star rating was in a year (FY 2011) when the working capital ratio was near its peak (1.77) and before reserves had to be depleted to make up for diminishing revenues.

As was explained at the Task Force meeting, during the Great Recession, when it became apparent that interest rates were not going to increase for years and that reserves would be exhausted, the Foundation's board of directors made a series of decisions to deal with this by cutting programs (for example, the law student/law school related programs were eliminated) and staffing was reduced to a level that Foundation management, supported by the board, determined to be the minimum level for accomplishing its mission and purpose. In addition, the Foundation moved to smaller and less expensive offices.

As a result, for FY 2018, the administrative expenses of the Foundation were 11.5%. This is reflected in the Charity Navigator printout. It is projected that administrative expenses for FY 2019-2020 will be 10%. In summary, the Foundation has 3, not 2, stars, presently and has received a 100% transparency for many years. The Foundation has worked on, and continues to work on, decreasing its overhead and nothing suggests to me that it is excessive.

Thank you again for your service on the Task Force.

Sincerely,

SHUTTS & BOWEN LLP



John Patterson

JP/gp

Enclosure

cc: Karen Ladis, Esq.
Laird A. Lile, Esq.
Hala A. Sandridge, Esq.
The Hon. Edwin A. Scales, III
John M. Stewart, Esq.
M. Scott Thomas, Esq.
Dominic C. MacKenzie Esq.

Task Force on Distribution of IOTA Funds Final Report
Appendix J – Submissions to the Task Force

**THE FLORIDA BAR FOUNDATION, INC.
AMENDED AND RESTATED ARTICLES OF INCORPORATION**

FILED
2016 APR 19 AM 10:34
CLERK OF THE CIRCUIT COURT
IN AND FOR THE COUNTY OF
DUVAL, FLORIDA

**ARTICLE I
NAME**

The name of the corporation is The Florida Bar Foundation, Inc. (the "Foundation"). It is organized under the Florida Not For Profit Corporation Act (the "Act").

**ARTICLE II
PRINCIPAL OFFICE AND MAILING ADDRESS**

The street address of the initial principal office and mailing address of the Foundation is 875 Concourse Parkway South, Suite 195, Maitland, FL 32751.

**ARTICLE III
PURPOSES AND POWERS**

- 3.1 Purposes. The Foundation is organized exclusively for charitable, educational, and scientific purposes under section 501(c)(3) of the Internal Revenue Code, or the corresponding section of any future federal tax code (the "Code") which include, but are not limited to, funding, administering, implementing, operating and assisting programs that:
- a) Expand and improve representation and advocacy on behalf of low-income persons in civil legal matters;
 - b) Improve the administration of justice; and
 - c) Promote service to the public by members of the legal profession by making public service an integral component of the law school experience.

The Foundation may use its assets and earnings for these purposes, including, but not limited to those assets or earnings derived from the Interest on Trust Accounts Program, implemented by Order of the Supreme Court of Florida, in re: Interest on Trust Accounts, 402 So.2d 389 (Fla. 1981), as such Order has been and may be amended from time to time.

- 3.2 Powers: In General. The Foundation shall have all powers provided for in the Act.
- 3.3 Powers: Interest on Trust Accounts Program. With respect to the activities of, and assets and earnings derived from, the Interest on Trust Accounts Program, the Foundation may:



Menu

Human and Civil Rights : Advocacy and Education (Grantmaking/Grants Payable)

The Florida Bar Foundation

Leadership and funding for justice in Florida

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 [Donate to this Charity](#)
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 SHARE

[Rating Profile](#)
 [Programs](#)
 [Historical Ratings](#)
 [IRS \(Forms 990\)](#)

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	Score (out of 100)	Rating
Overall Score & Rating	89.39	★★★★
Financial	85.00	★★★
Accountability & Transparency	100.00	★★★★

This rating was published 08/01/2019 and includes data from FY2018, the most recent 990 received at that time.

[Why isn't this based on more recent data?](#)

[Back to Top ▲](#)

Mission

The Florida Bar Foundation was established in 1956 by Florida lawyers and the Supreme Court of Florida to provide greater access to justice. The Foundation accomplishes its mission primarily through funding of programs that expand and improve representation

Task Force on Distribution of IOTA Funds Final Report
Appendix J – Submissions to the Task Force

and advocacy on behalf of low-income persons in civil legal matters; improve the fair and effective administration of justice; and promote service to the public by members of the legal profession by making public service an integral component of the law school experience.

Through strategic grantmaking, the Foundation funds local and statewide civil legal aid organizations and projects to improve the administration of justice and increase the effectiveness and efficiency of the legal aid delivery system. The Foundation engages in catalytic philanthropy by investing in training, technology, technical assistance, assessment and capacity-building for legal aid and works to develop and expand innovative pro bono initiatives.

[Back to Top ▲](#)

Impact Information



GuideStar is Charity Navigator's trusted partner in sharing information on how this organization seeks impact. GuideStar has recognized this organization with a Platinum Seal of Transparency for voluntarily and publicly sharing information about how they measure their progress and results. [Learn More about Impact Information.](#)

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REPORTED RESULTS

TOTAL IN 2018

Number of overall donors

4,309

Average number of dollars received per donor

136

This organization has earned a GuideStar's Platinum Seal of Transparency by voluntarily sharing the measures of progress and results they use to pursue their mission. Organizations earn Platinum Seals by selecting from a catalog of over 900 expert recognized metrics or by creating a new metric that best fits their work. This information is reported by the organization and displayed publicly on their GuideStar Nonprofit Profile. With over 1.6 million Nonprofit Profiles, 9 million annual visitors and over

Task Force on Distribution of IOTA Funds Final Report
Appendix J – Submissions to the Task Force

200 data partners, GuideStar is the world's leading source of information about nonprofit organizations. A nonprofit itself, GuideStar is dedicated to providing better data for better decisions for a better world.

IS THIS IMPACT INFORMATION USEFUL IN YOUR DECISION MAKING?

This impact information is current as of January 2020, when it was provided to us by GuideStar. At this time, Impact information published on this organization's page has no effect on its rating per our methodology.

[Back to Top ▲](#)

Learn more about how we calculate the overall score and rating.

[Back to Top ▲](#)

Financial Performance Metrics

Program Expenses <i>(Percent of the charity's total expenses spent on the programs and services it delivers)</i>	85.4%
Administrative Expenses	11.5%
Fundraising Expenses	3.0%
Fundraising Efficiency	\$0.05
Working Capital Ratio (years)	0.47
Program Expenses Growth	16.2%
Liabilities to Assets	76.3%

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All data for Financial Performance Metrics calculations was provided by The Florida Bar Foundation on recent 990s filed with the IRS.

[Back to Top ▲](#)

Accountability & Transparency Performance Metrics

Information Provided on the Form 990

Independent Voting Board Members



- No Material diversion of assets
- Audited financials prepared by independent accountant
- Does Not Provide Loan(s) to or Receive Loan(s) From related parties
- Documents Board Meeting Minutes
- Provided copy of Form 990 to organization's governing body in advance of filing
- Conflict of Interest Policy
- Whistleblower Policy
- Records Retention and Destruction Policy
- CEO listed with salary
- Process for determining CEO compensation
- Board Listed / Board Members Not Compensated
- Is the following information easily accessible on the charity's website?**
- Donor Privacy Policy
- Board Members Listed
- Audited Financials
- Form 990
- Key staff listed

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[Back to Top ▲](#)

Income Statement

(FYE 06/2018)

REVENUE

Contributions

Contributions, Gifts & Grants	\$8,526,499
Federated Campaigns	\$0
Membership Dues	\$0
Fundraising Events	\$39,400

Task Force on Distribution of IOTA Funds Final Report
Appendix J – Submissions to the Task Force

Related Organizations	\$0
Government Grants	\$0
Total Contributions	\$8,565,899
Program Service Revenue	\$0
Total Primary Revenue	\$8,565,899
Other Revenue	\$9,604,387
TOTAL REVENUE	\$18,170,286
EXPENSES	
Program Expenses	\$13,667,057
Administrative Expenses	\$1,657,778
Fundraising Expenses	\$419,803
TOTAL FUNCTIONAL EXPENSES	\$15,744,638
Payments to Affiliates	\$9,949
Excess (or Deficit) for the year	\$2,425,648
Net Assets	\$6,873,851

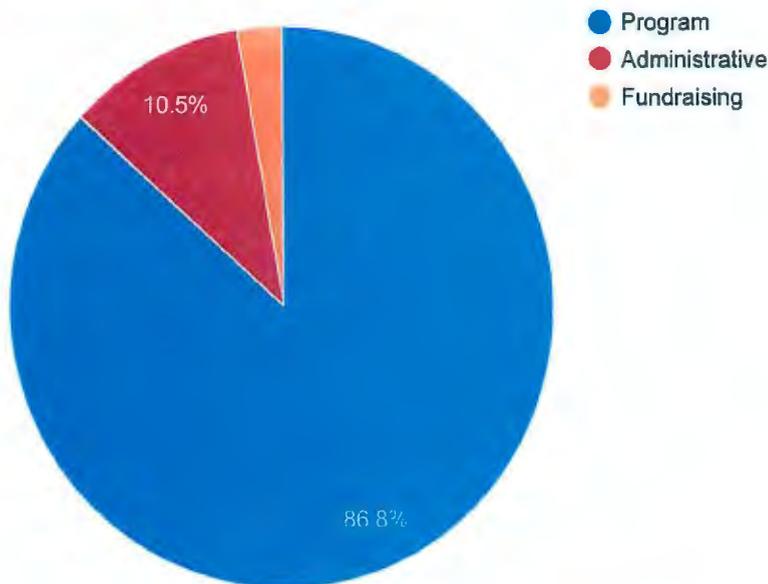
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[Back to Top ▲](#)

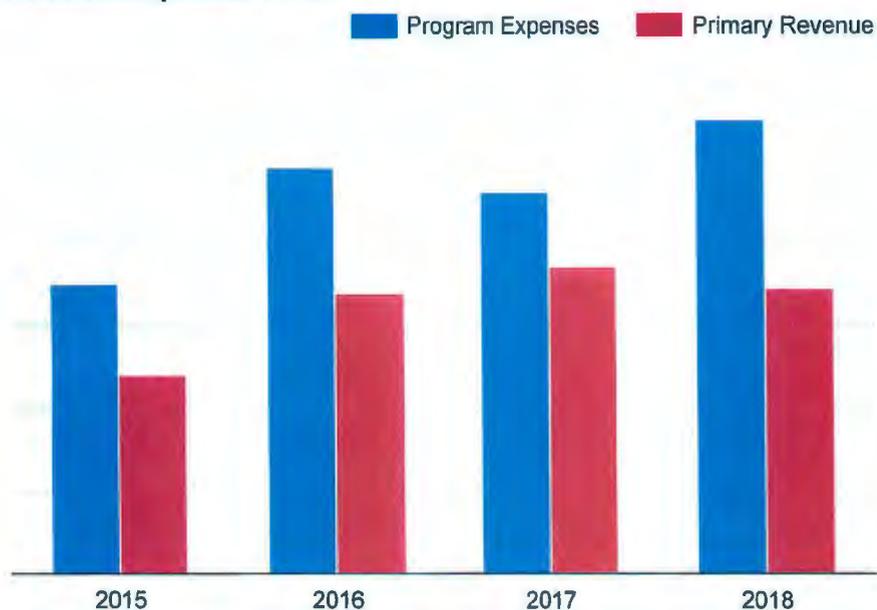
Financial Charts

Contributions Breakdown (FYE 06/2018)

Expenses Breakdown (FYE 06/2018)



Revenue/Expenses Trend



[Back to Top ▲](#)

Compensation of Leaders

(FYE 06/2018)

Compensation	% of Expenses	Paid to	Title
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Task Force on Distribution of IOTA Funds Final Report
Appendix J – Submissions to the Task Force

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\$161,288

1.02%

Bruce B. Blackwell

Executive Director, CEO

[Back to Top ▲](#)

Charities Performing Similar Types of Work

Highly Rated

Charity Name & State	Overall Score	Overall Rating
The Florida Bar Foundation (FL)	89.39	★★★★
Kentucky Coalition (KY)	95.05	★★★★★
Jewish Community Relations Council (MA)	85.92	★★★★
Foundation for Individual Rights in Education (PA)	96.32	★★★★★
Texas Civil Rights Project (TX)	95.01	★★★★★

[Compare These Charities \(Highly Rated\)](#)

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Charity Representative Login

This charity has an official representative registered with Charity Navigator.

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Join over 400,000 other informed givers and get updates on charity ratings, new features, hot topics, and tips for donating.

First Name

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Task Force on Distribution of IOTA Funds Final Report
Appendix J – Submissions to the Task Force

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Charity Navigator: Historical Data

The Florida Bar Foundation

Methodology	CN 2.1	CN 2.0									
Date Published	2019-Aug-01	2018-Dec-01	2017-Dec-22	2016-Nov-01	2016-Jun-01	2015-Nov-01	2015-Feb-01	2013-Dec-01	2012-Nov-08	2011-Nov-01	2011-Sep-1
Overall Rating	★★★★ 89.39	★★★ 79.94	★★★★ 81.65	★★★★ 85.39	★★★★ 87.62	★★★★ 82.95	★★★★ 84.85	★★★★ 84.85	★★★★ 89.69	★★★★★ 91.73	★★★★ 84.46
Financial Rating	★★★ 85.00 FYE 2018	★★ 71.64 FYE 2017	★★ 74.05 FYE 2016	★★ 79.34 FYE 2015	★★★ 82.50 FYE 2014	★★ 75.90 FYE 2014	★★ 78.58 FYE 2013	★★ 78.80 FYE 2012	★★★ 85.43 FYE 2011	★★★ 89.02 FYE 2010	★★★ 88.65 FYE 2009
Accountability & Transparency Rating	★★★★ 100.00	★★★★ 97.00	★★★★ 100.00	★★★★ 98.00	★★★ 81.00						
Financial Metrics											
Program Expenses	85.4%	82.0%	81.7%	82.7%	88.3%	84.0%	85.8%	88.0%	90.4%	90.2%	89.5%
Administrative Expenses	11.5%	15.1%	18.2%	18.3%	12.8%	15.1%	13.6%	10.9%	8.5%	8.4%	9.2%
Fundraising Expenses	3.0%	2.8%	1.9%	0.9%	0.7%	0.7%	0.5%	1.0%	1.0%	1.2%	1.2%
Fundraising Efficiency	\$0.05	\$0.04	\$0.03	\$0.02	\$0.02	\$0.01	\$0.01	\$0.03	\$0.03	\$0.05	\$0.03
Primary Revenue Growth	N/A	N/A	N/A	N/A	N/A	-8.7%	-9.0%	-16.6%	-38.8%	-51.1%	-14.3%
Program Expenses Growth	16.2%	-2.8%	-10.1%	-27.8%	-24.3%	-24.3%	-23.8%	-12.5%	2.3%	12.2%	31.0%
Working Capital Ratio (years)	0.47	0.34	0.52	0.87	0.76	1.08	1.21	1.27	1.38	1.77	2.58
Liabilities To Assets	76.3%	87.3%	81.9%	39.2%	14.5%	N/A	N/A	N/A	N/A	N/A	N/A
Accountability & Transparency Metrics											
Information Provided on the Form 990											
Independent Voting Board Members	<input checked="" type="checkbox"/>										
No Material diversion of assets	<input checked="" type="checkbox"/>										
Audited financials prepared by independent accountant	<input checked="" type="checkbox"/>										
Does Not Provide Loan(s) to or Receive Loan(s) From related parties	<input checked="" type="checkbox"/>										
Documents Board Meeting Minutes	<input checked="" type="checkbox"/>										
Provided copy of Form 990 to organization's governing body in advance of filing	<input checked="" type="checkbox"/>										
Conflict of Interest Policy	<input checked="" type="checkbox"/>										
Whistleblower Policy	<input checked="" type="checkbox"/>										
Records Retention Policy	<input checked="" type="checkbox"/>										
CEO listed with salary	<input checked="" type="checkbox"/>										
Process for determining CEO compensation	<input checked="" type="checkbox"/>										
Does Not Compensate Any Board Members	<input checked="" type="checkbox"/>										
Does the charity's website include readily accessible information about the following:											
Donor Privacy Policy	<input checked="" type="checkbox"/>										
Board Members Listed	<input checked="" type="checkbox"/>										
Audited Financials	<input checked="" type="checkbox"/>										
Form 990	<input checked="" type="checkbox"/>										

Task Force on Distribution of IOTA Funds Final Report
Appendix J – Submissions to the Task Force

Key staff listed	<input checked="" type="checkbox"/>										
Revenue	FYE 2018	FYE 2017	FYE 2016	FYE 2015	FYE 2014	FYE 2014	FYE 2013	FYE 2012	FYE 2011	FYE 2010	FYE 2009
Primary Revenue	\$8,565,899	\$9,195,259	\$8,415,118	\$5,985,077	\$6,086,924	\$5,086,924	\$6,609,713	\$7,540,219	\$10,226,514	\$8,756,805	\$12,976,4
Contributions	\$8,565,899	\$9,195,259	\$8,415,118	\$5,985,077	\$6,086,924	\$5,086,924	\$6,609,713	\$7,540,219	\$10,226,514	\$8,756,805	\$12,976,4
Program Services	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Membership	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Other Revenue	\$9,604,387	\$1,643,390	\$3,051,405	\$116,740	\$631,994	\$831,694	\$3,547,061	\$958,006	\$4,678,020	\$3,672,974	\$-6,609,7
Total Revenue	\$18,170,286	\$10,838,949	\$11,466,523	\$6,101,817	\$6,718,918	\$6,718,618	\$10,156,774	\$8,498,226	\$14,904,534	\$12,429,779	\$7,366,6
Functional Expenses	FYE 2018	FYE 2017	FYE 2016	FYE 2015	FYE 2014	FYE 2014	FYE 2013	FYE 2012	FYE 2011	FYE 2010	FYE 2009
Program Expenses	\$13,667,057	\$11,446,004	\$12,241,593	\$6,701,053	\$12,475,218	\$12,475,218	\$16,968,587	\$23,225,653	\$35,769,256	\$38,083,618	\$34,676,2
Administrative Expenses	\$1,657,778	\$1,583,938	\$1,809,779	\$2,563,725	\$2,249,907	\$2,249,907	\$2,683,501	\$2,882,206	\$3,369,364	\$3,584,211	\$3,569,7
Fundraising Expenses	\$419,803	\$430,250	\$473,485	\$226,747	\$112,530	\$112,530	\$100,455	\$265,997	\$405,820	\$508,840	\$472,4
Payments to Affiliates	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Functional Expenses	\$15,744,638	\$13,470,190	\$14,524,857	\$11,491,525	\$14,837,655	\$14,837,655	\$19,652,543	\$26,373,856	\$39,544,440	\$42,178,669	\$38,718,5
Excess (or Deficit)	\$2,425,648	\$-2,831,541	\$-3,058,334	\$-5,389,708	\$-8,119,037	\$-8,119,037	\$-9,495,769	\$-17,875,631	\$-24,639,906	\$-29,746,890	\$-31,351,8
Balance Sheet	FYE 2018	FYE 2017	FYE 2016	FYE 2015	FYE 2014	FYE 2014	FYE 2013	FYE 2012	FYE 2011	FYE 2010	FYE 2009
Assets	\$29,101,756	\$35,888,154	\$39,317,968	\$18,946,735	\$18,548,818	\$18,546,818	\$28,558,963	\$43,339,886	\$65,904,804	\$92,116,210	\$116,479,4
Liabilities	\$22,227,905	\$31,157,824	\$32,216,597	\$6,652,732	\$2,705,180	\$2,705,180	\$4,652,813	\$9,645,807	\$11,781,807	\$17,393,548	\$16,255,5
Net Assets	\$6,873,851	\$4,530,530	\$7,101,371	\$10,294,003	\$15,841,638	\$15,841,638	\$23,906,150	\$33,694,079	\$54,122,797	\$74,721,662	\$100,223,9
Working Capital	\$6,873,851	\$4,530,530	\$7,101,371	\$10,294,003	\$15,841,638	\$15,841,638	\$23,906,150	\$33,694,079	\$54,122,797	\$74,721,662	\$100,223,9



Charity Navigator: Historical Data

The Florida Bar Foundation

Methodology	CN 2.1	CN 2.0									
Date Published	2019-Aug-01	2018-Dec-01	2017-Dec-22	2016-Nov-01	2016-Jun-01	2015-Nov-01	2015-Feb-01	2013-Dec-01	2012-Nov-08	2011-Nov-01	2011-Sep-01
Overall Rating	★★★ 89.39	★★ 78.94	★★★ 81.85	★★★ 85.39	★★★ 87.82	★★★ 82.95	★★★ 84.85	★★★ 84.85	★★★ 89.69	★★★★ 91.73	★★★ 84.46
Financial Rating	★★★ 85.00 FYE 2018	★★ 71.64 FYE 2017	★★ 74.05 FYE 2016	★★ 79.34 FYE 2015	★★★ 82.50 FYE 2014	★★ 75.90 FYE 2014	★★ 78.58 FYE 2013	★★ 78.80 FYE 2012	★★★ 85.43 FYE 2011	★★★ 89.02 FYE 2010	★★★ 88.95 FYE 2009
Accountability & Transparency Rating	★★★★ 100.00	★★★★ 97.00	★★★★ 100.00	★★★★ 96.00	★★★ 81.00						
Financial Metrics											
Program Expenses	85.4%	82.0%	81.7%	82.7%	86.3%	84.0%	85.8%	88.0%	90.4%	90.2%	89.5%
Administrative Expenses	11.5%	15.1%	16.2%	16.3%	12.8%	15.1%	13.8%	10.9%	8.5%	8.4%	9.2%
Fundraising Expenses	3.0%	2.8%	1.9%	0.9%	0.7%	0.7%	0.5%	1.0%	1.0%	1.2%	1.2%
Fundraising Efficiency	\$0.05	\$0.04	\$0.03	\$0.02	\$0.02	\$0.01	\$0.01	\$0.03	\$0.03	\$0.05	\$0.03
Primary Revenue Growth	N/A	N/A	N/A	N/A	N/A	-8.7%	-9.0%	-16.6%	-39.8%	-51.1%	-14.3%
Program Expenses Growth	16.2%	-2.8%	-10.1%	-27.9%	-24.3%	-24.3%	-23.8%	-12.5%	2.3%	12.2%	31.0%
Working Capital Ratio (years)	0.47	0.34	0.52	0.67	0.78	1.06	1.21	1.27	1.36	1.77	2.58
Liabilities To Assets	76.3%	87.3%	81.9%	39.2%	14.5%	N/A	N/A	N/A	N/A	N/A	N/A
Accountability & Transparency Metrics											
Information Provided on the Form 990											
Independent Voting Board Members	<input checked="" type="checkbox"/>										
No Material diversion of assets	<input checked="" type="checkbox"/>										
Audited financials prepared by independent accountant	<input checked="" type="checkbox"/>										
Does Not Provide Loan(s) to or Receive Loan(s) From related parties	<input checked="" type="checkbox"/>										
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Audited Financials	<input checked="" type="checkbox"/>										
Form 990	<input checked="" type="checkbox"/>										
Key staff listed	<input checked="" type="checkbox"/>										
Revenue	FYE 2018	FYE 2017	FYE 2016	FYE 2015	FYE 2014	FYE 2014	FYE 2013	FYE 2012	FYE 2011	FYE 2010	FYE 2009

Task Force on Distribution of IOTA Funds Final Report
Appendix J – Submissions to the Task Force

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Contributions	\$8,565,899	\$8,195,259	\$8,415,118	\$5,965,077	\$6,088,924	\$6,088,924	\$6,609,713	\$7,540,219	\$10,226,514	\$8,756,805	\$12,978,41
Program Services	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Membership	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Other Revenue	\$9,604,387	\$1,843,390	\$3,051,405	\$116,740	\$631,894	\$631,894	\$3,547,061	\$958,006	\$4,678,020	\$3,672,974	\$-5,609,71
Total Revenue	\$18,170,286	\$10,838,649	\$11,466,523	\$6,101,817	\$6,718,618	\$6,718,618	\$10,156,774	\$8,498,225	\$14,904,534	\$12,429,778	\$7,368,68
Functional Expenses	FYE 2018	FYE 2017	FYE 2016	FYE 2015	FYE 2014	FYE 2014	FYE 2013	FYE 2012	FYE 2011	FYE 2010	FYE 2009
Program Expenses	\$13,667,057	\$11,446,004	\$12,241,593	\$8,701,053	\$12,475,218	\$12,475,216	\$16,688,587	\$23,225,653	\$35,769,256	\$38,083,618	\$34,678,21
Administrative Expenses	\$1,857,778	\$1,593,938	\$1,809,779	\$2,583,725	\$2,249,907	\$2,249,907	\$2,683,501	\$2,882,206	\$3,369,384	\$3,584,211	\$3,569,71
Fundraising Expenses	\$418,803	\$430,250	\$473,485	\$226,747	\$112,530	\$112,530	\$100,455	\$285,997	\$405,620	\$508,840	\$472,41
Payments to Affiliates	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Functional Expenses	\$15,744,638	\$13,470,190	\$14,524,857	\$11,491,525	\$14,837,655	\$14,837,655	\$19,652,543	\$26,373,856	\$39,544,440	\$42,176,669	\$38,718,51
Excess (or Deficit)	\$2,425,648	\$-2,631,541	\$-3,058,334	\$-5,389,708	\$-8,119,037	\$-8,119,037	\$-9,495,769	\$-17,875,631	\$-24,639,906	\$-29,746,890	\$-31,351,81
Balance Sheet	FYE 2018	FYE 2017	FYE 2016	FYE 2015	FYE 2014	FYE 2014	FYE 2013	FYE 2012	FYE 2011	FYE 2010	FYE 2009
Assets	\$29,101,758	\$35,688,154	\$39,317,968	\$16,946,735	\$18,548,818	\$18,548,818	\$28,558,963	\$43,339,686	\$65,904,604	\$82,115,210	\$116,479,41
Liabilities	\$22,227,909	\$31,157,624	\$32,218,597	\$8,652,732	\$2,705,180	\$2,705,180	\$4,652,613	\$9,645,807	\$11,781,607	\$17,393,548	\$19,255,51
Net Assets	\$6,873,851	\$4,530,530	\$7,101,371	\$10,294,003	\$15,841,638	\$15,841,638	\$23,906,190	\$33,694,079	\$54,122,797	\$74,721,662	\$100,223,91
Working Capital	\$6,873,851	\$4,530,530	\$7,101,371	\$10,294,003	\$15,841,638	\$15,841,638	\$23,906,190	\$33,694,079	\$54,122,797	\$74,721,662	\$100,223,91



Menu

Human and Civil Rights : Advocacy and Education (Grantmaking/Grants Payable)

The Florida Bar Foundation

Leadership and funding for justice in Florida

Rating Profile **Programs** Historical Ratings IRS (Forms 990)

Programs (FYE 06/2018)

Program names and associated costs are listed for the top programs as reported on the charity's most recently filed Form 990. The top programs displayed will include the largest three programs, or those programs covering at least 60% of the charity's total expenses, whichever comes first.

Program Name	Amount Spent	% of Program Expenses
Legal Assistance	\$11,458,480	83.8%
Administration of Justice	\$1,106,472	8.1%
Pro Bono Partnerships	\$778,487	5.7%

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Email Address

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Task Force on Distribution of IOTA Funds Final Report
Appendix J – Submissions to the Task Force

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March 2, 2020

Mayanne Downs, Chair
Task Force on Distribution of IOTA Funds
c/o Elizabeth Tarbert, Ethics Counsel
The Florida Bar
651 East Jefferson Street
Tallahassee, FL 32399-2300

Dear Ms. Downs,

At the conclusion of the task force meeting on February 6, two questions were formulated by task force members that apparently were not addressed prior to the time the questions were asked. Mr. Stewart first asked Mr. Kowalski in particular, and the group in general, whether the Foundation’s current expenditure of IOTA funds was “the best use of IOTA funds.” Afterwards, you indicated that the IOTA rule currently provides that IOTA funds may only be spent on: 1) legal services to the poor; and 2) for efforts to improve the administration of justice. You then said the question for the task force was to determine if IOTA funds should only be used for legal services to the poor. Please allow this letter to address these two questions as briefly as possible.¹

Mr. Stewart’s question, I think, is prescient because, as I wrote earlier, I believe the gravamen of the Courts’ October 24, 2019 administrative order is to attempt to determine if there is a better way to “ensure the most effective use of IOTA funds.” This question as phrased appears straight forward, but it is actually a complicated one with many facets.

One way to examine this issue is to ask whether there is another organization that could do a better job than the Foundation to “ensure the best use of IOTA funds.” This organization, like the Foundation presently, would be tasked with:

- understanding the civil legal aid needs of Florida from both a historical and practical perspective;
- overseeing Florida’s civil legal aid infrastructure;
- monitoring and tracking Florida’s 174 banks offering IOTA accounts;
- assisting The Florida Bar with lawyer trust account and IOTA issues;

Task Force on Distribution of IOTA Funds Final Report
Appendix J – Submissions to the Task Force

September 15, 2020

Page J - 75

- assisting the courts, The Florida Bar and all other stakeholders with civil legal aid, administration of justice, pro bono and public service issues and efforts; and
- distributing IOTA funds in a balanced and measured manner in furtherance of providing greater access to justice.

Respectfully, we think the Foundation is the best, and perhaps only, entity capable of carrying out these tasks and accomplishing these objectives. If the question relates to the actual distribution of IOTA funds for particular purposes or to particular recipients; or for the establishment of specific funding priorities or limitations, then the answer is that while no approach is perfect, the Foundation through the course of nearly five decades has created a multitude of programs designed to complement and support the effort entirely consistent with its Supreme Court-approved mission (provide greater access to justice) and the three funding priorities articulated in the Foundation’s articles of incorporation:

1. Expand and improve representation and advocacy on behalf of low-income persons in civil legal matters;
2. Improve the fair and effective administration of justice; and
3. Promote service to the public by members of the legal profession by making public service an integral component of the law school experience.

In short, while the Foundation’s approach is the best approach; it remains vigilant and sensitive to the ever-changing, fluid and dynamic landscape which confronts and challenges the civil legal aid community practically every day. This situation, along with an ever-increasing need for civil legal aid and a constant struggle for consistent funding, requires flexibility and a pragmatic approach. This approach has proven to be effective in fostering collaboration, establishing best practices, promoting replication of successes and improving the overall delivery of civil legal aid to a fractured and vulnerable population. And, as reflected by everyone who traveled to Orlando and spoke to the task force on February 6, shoe-horning funding into one specific priority or for one particular purpose is inconsistent with reality and is not the most effective or best use of IOTA funds. There is no “one size fits all” formula that works because circumstances and legal needs can literally change in a matter of days.¹

This conclusion then leads to the answer to the question you posed: should the IOTA rule be amended to limit the use of IOTA funds to legal services for the poor? While the IOTA

¹ To illustrate this point, a number of grantees and the Foundation are working on “mapping” projects, similar to the maps developed to assist with demonstrating the benefits of LSC funding, which have the potential to demonstrate how resources should or could be reassigned in the short term, as in the case of natural disasters, or longer term, in the event of another mortgage meltdown and resulting increase in foreclosures in certain areas.

rule itself does not speak to the use of IOTA funds for particular purposes or specific recipients, the answer remains no for all of (and more) the reasons stated above.

The Foundation's Board, with the approval of the Court on several occasions, has established the overall funding priorities of the Foundation which best enables it to carry out its mission. Limiting the use of IOTA funds to legal assistance to the poor eliminates the two other objectives critical to the Foundation's mission and its specific objectives.

Requiring/Limiting the use of IOTA funds for "direct legal services to low-income litigants"² would further constrain and restrict what could be provided to the poor and would be completely inconsistent with the purpose of the IOTA rule and Foundation's mission and articles of incorporation. As pointed out in the task force's February 21, 2020 report, the Court has stated, "the **foremost objective** (of the IOTA program) was to enhance the capability of the legal profession to deliver legal services to the poor. The **broad delivery of legal services** has long been a cherished commitment of this Court." (Report at 3, quoting Matter of Trust Accounts, 402 So. 2d 389, 396 (Fla. 1981) (Emphasis added.)). Nowhere in the history of the IOTA program has the Court sought to impose requirements or limitations on IOTA funding other than those set by the Foundation board and approved by the Court.

In fact, the Court has consistently declined to oversee or manage the Foundation's funding and grants allocation process throughout the years for what I believe to be obvious reasons. Consistent with that practice, and as an aside, seats for sitting supreme court justices were initially reserved on the Foundation's board, but those seats were eliminated. Those seats were then replaced by two judicial seats appointed by the Court (Judge Scales and Judge Whitehead currently fill those two seats).

Lastly, limiting/requiring IOTA funds to be used only for hiring new attorneys to represent poor litigants would effectively dismantle the Foundation's and state's civil legal aid infrastructure and, as reported to the task force on February 6 would eliminate the following effective, cost-saving and proven programs:

- All pro bono initiatives and efforts³, including:

² Notably, at least four elements in this priority/limitation are vague and undefined: 1. *Direct*; 2. *Legal Services*; 3. *Low-income*; and 4. *Litigants*.

³ Given the fact that most, if not all, non-LSC grantees self-fund their pro bono programs with assistance from the Foundation (LSC grantees are required to devote a certain percentage of their LSC funds on pro bono), I understand it is likely many non-LSC programs would have to drastically reduce or discontinue their pro bono programs because their ability to maintain the referral systems that are at the heart of all pro bono efforts, along with their ability to provide malpractice insurance and training for pro bono lawyers (key elements in recruiting private practice lawyers for pro bono) would be adversely impacted if Foundation assistance and funding for such disappears. and otherwise. carry their pro bono programs.

- Assistance to Florida Access to Civil Legal Justice Commission (prn)
- Assistance to The Florida Bar (Standing Committee on Pro Bono)
- Florida Pro Bono Coordinators Association
- Law School Challenge (students and alumni pro bono matching)
- Pro Bono assets survey and program grading
- Pro bono Innovation grants
- Pro Bono Matters statewide website
- Pro Bono Transformation grants
- Program review and monitoring
- Statewide Pro Bono Campaigns (i.e. One Campaign)
- Disaster relief grants
- Equal Justice Workshops
- Florida presence and participation in annual ABA Days efforts in Washington, D.C.
- Self-help and support assets, including
 - FloridaLawAdvocate
 - FloridaLawHelp
 - FloridaNameChange
 - Turning18
 - Medicare/Medicaid guides online
- Funding initiatives for:
 - Community Lawyering
 - Smart Intake
 - Medical Legal Partnerships
- Law School Clinics
- Legal Server case management statewide contract for grantees
- Limited Matching Funds grants
- Loan Repayment Assistance Program (LRAP)
- Program Related Expenses including:
 - Training and technical assistance
 - CLE and conference attendance scholarships
 - Statewide and National Legal Summits
- Public Service Fellows
- Research and monitoring, including:
 - Economic Impact Studies
 - Grantee Self-Assessment Reports
 - Interim and Final reports for grants and awards
 - Program Desk Reviews
 - Statewide Legal Needs Assessments
- Spending and Reserve Policy
- Statewide Grantee Training Initiative

- Summer Fellows program
- Westlaw research statewide contract for grantees
- All Administration of Justice Grants, currently including⁴:
 - Florida Children’s First
 - Florida Public Court’s Information Office
 - Florida Health Justice Project
 - Innocence Project of Florida
- All awards programs for grantee and individual recognitions, including:
 - Goldstein-Van Nortwick Award for Excellence
 - Jane Curran award
 - Medal of Honor (lawyer/non-lawyer)
 - Paul C. Doyle Children’s Award
 - President’s Award for Excellence

This list is not exhaustive. For instance, redirecting IOTA funds would eliminate the Foundation’s ability to create grants and special reserves against downturns in the economy. Such reserves in the past have been used to generate approximately \$38m in investment income which has been put back into the system. Management and general office expenses and other overhead of the Foundation would have to be paid from other funding sources. Lastly, this list does not include programs previously offered, but discontinued due to the Great Recession and a decrease in available IOTA funding (i.e. Affordable Housing Grants, Salary Supplementation for civil legal aid lawyers, etc.).

Thank you again for the invitation to appear before the task force on February 6 and for everyone’s service and thoughtful consideration.

Sincerely,



Donny MacKenzie

⁴ Review of the Foundation’s records reveals there have been at least 64 AOJ grants that were requested by or benefitted the Florida Supreme Court and Florida’s courts, various Bar sections and committees for their charitable activities, and in some instances even the Governor’s office. These grants ranged from \$2,500 to \$250,000. They were not for the provision of legal services, but nevertheless entirely consistent with the mission and purposes of the Foundation and its governing documents. A listing of such grants will be made available for review upon request.

From: Monica Vignes-Pitan <mviguespitan@legalservicesmiami.org>
Sent: Friday, April 10, 2020 3:40 PM
To: EthicsTest
Subject: FW: FCLAA Report

I was hoping you could share with the Task Force members.

Thank you and hope you are well.

From: Monica Vignes-Pitan
Sent: Friday, April 10, 2020 3:36 PM
To: eto@floridabar.org; mayanne.downs@gray-robinson.com
Subject: FCLAA Report

Dear IOTA Task Force Members,

The Florida Civil Legal Aid Association (FCLAA) is an organization comprised of the executive leadership of Florida's civil legal aid programs and represents their interests. FCLAA has closely followed the work and reporting of the IOTA Task Force. Our members have attended and listened in on conference calls, and the Taskforce had the benefit of the insights of several of our members during the February meeting.

FCLAA will be submitting written comments to the Task Force's reports and recommendations. We planned on doing so prior to Monday's meeting, but, like most law offices, our organizations transitioned to operationalizing our Covid-19 response, and the comments and report are still in process.

On a separate but related note, I would like the Task Force Members to note that all of our legal aid programs remain open (virtually) and are serving Florida's low income communities. During these unprecedented times, legal advocacy for our client community is vital and we are gearing up for the anticipated spike in demand for our services. Our goal is to minimize the negative economic, social and health impacts that our growing client community will endure during this crisis. We wanted to let the Task Force know of our efforts to ensure that they understand the importance of our ability to adjust to unexpected demands on the need for legal advocacy.

We greatly appreciate Task Force members' time in analyzing the important and complex issue of distribution of IOTA funds.

Please note that the FCLAA report will be forthcoming, and I apologize for the delay in its submission.

Respectfully submitted,

Monica Vignes-Pitan, Esq.
President
Florida Civil Legal Aid Association



Leon County Courthouse
Suite 108
301 S. Monroe St.
Tallahassee, FL 32301
P 850.222.3292 ext. 2

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April 11, 2020

Via U.S. Mail & E-Mail
Mayanne Downs, Esq
Chair, Task Force on the Distribution of IOTA Funds
c/o The Florida Bar, Elizabeth Tarbert
651 East Jefferson Street
Tallahassee, FL 32399
eto@floridabar.org

Re: Recommendations of the Subcommittee to Examine Whether Specific Requirements or Limitations Should Be Imposed on the Use of IOTA Funds

Dear Chair Downs,

Thank you for allowing the Legal Aid Foundation of Tallahassee (LAF) to submit the following written comments for the record. We hope that the contents herein are helpful as the Task Force moves forward on this issue.

LAF acknowledges and agrees that the best way to address the overwhelming need to serve low-income litigants is to increase the number of attorneys able, available, and trained to service this population.

Historically there are two methods for organizations to provide direct legal representation to litigants. Those methods include a staff attorney model and a pro bono model¹. Some organizations use one, the other, or a combination of the two. LAF provides direct legal assistance to low-income individuals solely through the pro bono model.

For more than 50 years, LAF has leveraged the private bar and government attorneys to provide direct services to the low-income population. Because of this experience, LAF has seen first-hand the great impact programs like ours have by providing direct representation to this population. Limiting IOTA funding to be awarded only to organizations that employ a member of the Florida Bar significantly limits the number of clients served.

It is LAF's understanding that the 80,399 low-income Floridians quoted from *Mapping Justice Using Geospatial Data Visualization to Show Impact, Strengthen Advocacy and Support Strategic Planning*, referenced in the Report by the Subcommittee to Examine the Need for Funding Direct Legal Services for Low-Income Litigants in Florida does not include the number of low-income Floridians served by non-LSC funded programs, which account for a large portion of individuals served. In addition, it is LAF's understanding that at least 40,000 clients of the 80,399 low-income Floridians served, were served by pro bono volunteer attorneys.

¹ The staff attorney model utilizes paid full-time attorneys to provide representation to low-income individuals at no cost to the individual. The pro bono model, utilizes volunteer private and government attorneys to provide representation to low-income individuals at no cost to the individual. LAF does not suggest one method is better than another. LAF's position is that both methods are critical in addressing the need for civil legal aid by low-income individuals in Florida.

LAF received approximately 17-20% of its annual budget through IOTA funding while solely implementing the pro bono model from 1989 until 2017² and believes it is crucial to the overall system that our program, and programs like ours, remain eligible for IOTA funding.

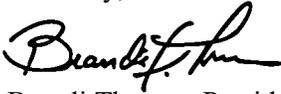
We implore the Taskforce to consider expanding the use of IOTA funds to include funding to organizations with pro bono volunteer attorney programs that provide direct legal services to low-income litigants.

LAF proposes the following amended language: *IOTA Funds may be awarded only to those legal aid organizations who employ or utilize members of The Florida Bar to provide direct legal services to low-income litigants in Florida (“qualified grantee organization”).*

LAF urges this body to consider that in order to serve the maximum number of clients we must continue to fund programs that utilize either a staff model or a strict pro bono model.

We appreciate your consideration of these comments. If you have any questions or need further clarification, please do not hesitate to reach out to me at brandi@akbarlawfirm.com or our Executive Director, Carrie Litherland at carrie@tallahasseebar.org.

Sincerely,



Brandi Thomas, President

² In 2017 The Florida Bar Foundation initiated a Strategic Reset. Since the Strategic Reset, LAF receives roughly 20% of its annual budget through the Bank of America Community Economic Development grant. The funding for this grant will be exhausted after this current grant cycle and LAF would like to remain eligible for IOTA funding.



Americans for Immigrant Justice

formerly Florida Immigrant Advocacy Center

April 29, 2020

Cheryl Little, Esq.
Executive Director

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Via U.S. Mail & E-mail
Mayanne Downs, Esq.
Chair, Task Force on the Distribution of IOTA Funds
c/o The Florida Bar, Elizabeth Tarbert
651 East Jefferson Street
Tallahassee, FL 32399
eto@floridabar.org

RE: Recommendations of the Subcommittee to Examine Whether Specific Requirements or Limitations Should be Imposed on the Use of IOTA Funds

Dear Chair Downs,

Thank you for allowing Americans for Immigrant Justice (AI Justice) to submit the following comments for the record. As a long-standing grantee of the Florida Bar Foundation, and the only organization that provides free legal services exclusively to Florida's most vulnerable immigrants, we hope that our comments will be helpful to the Task Force.

AI Justice, formerly the Florida Immigrant Advocacy Center (FIAC), has been providing free legal services, advocacy, and community education to Florida's most vulnerable immigrants since 1996. Our various programs provide legal consultations and representation before US Citizenship and Immigration Services, immigration and state courts, as well as community education and outreach throughout South Florida. This includes underserved rural areas in Lee, Collier, Hendry, and Palm Beach Counties. Immigrants in general, but especially those in rural areas, are at high risk of being taken advantage of by unscrupulous actors who submit frivolous applications or provide false or incomplete information to government officials regarding their immigration cases. Community education and Know your Rights presentations are essential to ensuring immigrants are receiving quality and up-to-date information as immigration policies change regularly and misinformation abounds. To quantify legal representation as the only service of value to Florida's immigrant population would be to overlook these essential services that allow immigrants to understand and exercise their basic rights and options, providing much needed protection to entire communities.

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Task Force on Distribution of IOTA Funds Final Report
Appendix J – Submissions to the Task Force
September 15, 2020

Page J - 83

Another way in which AI Justice is uniquely positioned to have a greater impact beyond the individual representation of cases is through administrative advocacy that benefits not only their clients, but all immigrants of certain populations. For example, AI Justice's current funding from the Florida Bar Foundation Community Economic Development fund has supported our leadership role in the Domestic Violence and Sexual Assault Council of Greater Miami, which ensures that the special needs of immigrant survivors of violence are addressed in the development of South Florida's coordinated community response. Through its leadership role on the Council, AI Justice has conducted significant advocacy around the issue of various law enforcement agencies being unwilling, often due to mere ignorance of immigration policies and practices, to provide required essential services and support to immigrant survivors of domestic violence, sexual assault, and human trafficking. Through our extensive advocacy, the Miami-Dade Police Department recently updated its policy regarding U-Visa certifications, allowing not only AI Justice clients but all immigrant victims of crime to apply for U-Visas. AI Justice staff have similarly successfully advocated with the Florida Department of Motor Vehicles to allow immigrant survivors of violence with pending immigration applications to qualify for driver's licenses.

The recommendations for limitation on the use of IOTA funds are, understandably, primarily centered around the cost effectiveness of the funds. It is our belief that legal service organizations provide the most cost-effective services when combining direct legal services, community education, and administrative advocacy. Direct services by AI Justice are provided at an estimated 15-35% of the cost that a private immigration attorney would charge, even when including costs for materials, travel, and overhead. Additionally, one of the benefits of funding a program instead of individual cases is that AI Justice is able to provide the extensive services required regardless of the amount of hours necessary, going beyond simply filing U-Visa and VAWA applications. Additional work includes completing waiver and fee waiver applications, check-ins with immigration, and representation in immigration court. With the full spectrum of services offered taken into account, the cost per case offered by AI Justice simply cannot be matched in the private market. When factoring in the additional value offered by AI Justice's advocacy efforts and partnerships with community organizations that allow us to ensure *all similarly situated individuals* receive a full range of services to address their holistic needs at no extra cost to those who fund legal services, the value of services offered is significantly higher than at first glance.

Other recommendations regarding the funding limitations that have raised concerns include the requirement that funding only be allocated toward attorneys who are barred in Florida. Immigration legal service providers are in the beneficial position of being able to recruit talent barred in any state as they practice federal law. To have that opportunity taken away would be a great detriment to our ability to recruit diverse talent to effectively serve vulnerable populations in Florida. Non-profit immigration practitioners are also in the position to take advantage of the Department of Justice Office of Legal Access Programs Recognition and Accreditation Program¹. Through this program, non-attorneys at tax-exempt organizations can receive accreditation to represent immigrants before the Department of Homeland Security and US Citizenship and Immigration Services. The aim of the program is to increase the availability of competent immigration legal representation for low-income and indigent persons, thereby promoting the effective and efficient administration of justice. The use of accredited representatives is an essential tool for increasing capacity to serve low-income, vulnerable immigrant

¹ Federal regulations at [8 C.F.R. § 1292.1\(a\)\(4\)](#) allow non-attorney "Accredited Representatives" to represent immigrants before the Department of Homeland Security (DHS) and the Executive Office for Immigration Review (EOIR), which includes the immigration courts and the Board of Immigration Appeals (BIA). These representatives are accredited through the Department of Justice's Office of Legal Access Programs' Recognition and Accreditation Program, which aims to increase the availability of competent immigration legal representation for low-income and indigent persons, thereby promoting the effective and efficient administration of justice. Accredited Representatives may only provide immigration legal services through Recognized Organizations, and only non-profit, federally tax-exempt entities may apply to be recognized. Organizations must meet strict requirements and go through an extensive application process to be Recognized, and must reapply every 6 years to maintain their status as Recognized Organizations.

populations with high quality, charitable immigration legal services. The use of accredited representatives allows legal service providers a venue for more cost-effective and highly effectual services to Florida's immigrant populations, while reserving attorney time for more complex cases.

For the reasons mentioned above, AI Justice respectfully requests that the Task Force consider community education and administrative advocacy in the allowable duties of any Florida Bar Foundation-funded staff. In addition, we request that the Task Force consider expanding the definition of qualified attorney to include attorneys in good standing in non-Florida states and non-attorneys that are certified to practice immigration law before the USCIS and EOIR, as this is often the most cost-effective means of providing a number of these direct legal services.

We very much appreciate your work in improving the use of Florida Bar Foundation funds and allowing us to submit these comments. If you have any questions regarding our comments, please do not hesitate to reach out to me at clittle@aijustice.org or our Deputy Director, Michelle Ortiz, at mortiz@aijustice.org.

Sincerely,



Cheryl E. Little, Esq.
Executive Director



May 13, 2020

Task Force on Distribution of IOTA Funds
c/o Elizabeth Tarbert, Staff Contact
The Florida Bar
651 East Jefferson Street
Tallahassee, FL 32399

Submitted via email to eto@floridabar.org

RE: Revised Combined Recommendations of the Subcommittee to Examine Whether Specific Requirements or Limitations Should Be Imposed on the Use of IOTA Funds and the Subcommittee to Examine Whether Reporting Requirements Regarding the Distribution and Use of IOTA Funds Should Be Adopted

Dear Task Force Members:

Thank you for taking the time to examine the process for distributing IOTA funds in Florida. I appreciate your willingness to consider input from the legal aid programs. You may be receiving letters from other programs, but I wanted to share my own thoughts and observations.

I am one of the few legal aid executive directors who is not an attorney and thus, not a member of the Bar. However, I am a career nonprofit administrator, with more than three decades of experience in the social services sector. (I leave the legal work to a most talented staff of Florida Bar licensed lawyers.) With a long history in grants management, I applaud your recommendation that there be required deliverables attached to the use of any funding, which is standard for nearly all funding these days as it fosters accountability. I also understand and support your recommendation to use IOTA funding – which is generated by Bar members – to pay for only Bar members’ work at legal aid programs. However, could this also be extended to Florida Registered Paralegals, since they too are registered with the Florida Bar and provide critical services?

With regard to your recommendation to cap the percentage that the Florida Bar Foundation can spend on administrative costs, I completely agree. I attended a Foundation Board meeting in Orlando a couple of years ago, at which the Foundation’s chief financial officer was questioned about the organization’s exorbitant overhead costs. While the Foundation’s current administrative percentage is relatively reasonable by nonprofit standards, if you subtract the Bank of America cy pres funding, the percentage is considerably higher. FCLAA, as a group,

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Task Force on Distribution of IOTA Funds Final Report
Appendix J - Submissions to the Task Force

may be opposed to the recommendation to cap the percentage. I understand the rationale for that position, but I strongly believe that the majority of IOTA dollars should be used as originally intended – *to fund direct legal services for low-income clients in Florida*. Most funders cap the amount of funding that may be used for overhead. The Federal de minimus indirect cost rate is capped at 10%.

On that note, I believe the recommendations simply outline clear parameters, including reporting requirements, to guide the Foundation’s use of IOTA funds. I do not get the impression that the Task Force intended to restrict how legal aid programs use the funds awarded to them.

Our agency, Gulfcoast Legal Services (GLS), is not an LSC-funded program. We are a smaller, unrestricted agency, which allows us to be more nimble in our response to local needs. We provide critical services, particularly for immigrants and other indigent clients that LSC may not be able to assist. We non-LSC programs have a greater reliance on IOTA and other funding to meet client needs. With increased IOTA funding, we could hire more Bar members to provide legal services to low-income clients. We could give regular pay increases to retain attorneys. We could expand our services in response to disasters and emergencies, such as the current COVID-19 pandemic.

Since the Foundation’s “strategic reset,” we have seen the IOTA funding used to fund organizations – several of which are not purely legal aid providers – that were not originally funded (e.g., IDignity, Disability Independence Group, Community Justice Project, etc.). Expanding the eligibility for IOTA funding means the limited funds are spread even thinner. The Foundation also spends a great deal of funding on external consultants to provide feedback, which is sometimes of no value to legal aid providers. For example, we spent hours responding to consultant Ken Smith, whose report regarding GLS’s impact work was not produced until nearly a year later. The final report was so outdated that it was no longer applicable. Furthermore, it contained an entire section about Bay Area Legal Services’ project, where the consultant had clearly done a ‘search and replace’ in the report. It was not only a worthless report, but also embarrassing. Legal aid attorneys could have provided hundreds of hours of legal assistance to vulnerable clients with the funds the Foundation paid these consultants. The Foundation surely has the best of intentions, but the assessment did not increase the number or quality of direct legal services to needy clients.

Similarly, the Foundation spent a great deal of money on the Florida Justice Technology Center (which was in Colorado) to develop several websites that have not yielded an increase in services. Again, the funding could have been used instead to increase the availability of technology to legal aid programs thus enabling them to provide more direct services to clients. Again, I do not mean to sound critical of the Foundation. I do believe they had good intentions. Yet, it is disheartening to know that millions of IOTA dollars went to non-lawyers in another state to set up unused websites rather than to struggling legal aid programs that need to update their own websites, buy new laptops, etc., to serve clients.

I recognize that this is a complicated assignment with long-reaching repercussions. I support the work you have done so far and ask that you continue on the course to ensure the intent of the IOTA funds is preserved. I trust that the Task Force’s final recommendations will ultimately

benefit low-income Floridians. The need for legal services among the poor outweighed the supply of legal aid before the pandemic; thousands more will surely need legal assistance in the aftermath of COVID-19. IOTA dollars can make a huge difference in meeting this need if they are invested in the direct provision of legal aid.

Thank you again for your work on the Task Force and for your recommendations. If you have any questions or need any additional information, please do not hesitate to contact me at tammyg@gulfcoastlegal.org or 727-821-0726 ext. 271. Take care and stay well.

Sincerely,



Tammy D. Greer
Executive Director



May 15, 2020

Task Force on Distribution of IOTA Funds
care of Elizabeth Tarbert
651 East Jefferson Street
Tallahassee, FL 32399-2300

Re: May 18, 2020 Task Force Meeting

To the Members of the Task Force on Distribution of IOTA Funds:

The Florida Bar Foundation thanks the Task Force on Distribution of IOTA Funds for the invitation to appear at your May 18, 2020 meeting. We would like to use the time you have offered to us at the meeting, as well your time reviewing this submission and Exhibits, to provide information that may help you fulfill your charge from the Supreme Court. This will include providing answers to the questions presented by the April 20, 2020, letter from Task Force Chair Mayanne Downs.

To provide the necessary context for the Foundation's answers, this letter, and our plan for the presentation at your next meeting, will begin with an overview of legal aid in Florida, and the funding of these programs which serve the legal needs of Floridians unable to pay for legal services. After that will come a review of the Foundation Board of Directors and the several Committees of the Board. After that will be a review of the departments within the Foundation, and operations within the scope of each department. That portion will include the Grants Department, and under that segment we will respond to questions 1 through 4 and 12, as stated in the Chair's April 20 letter. That portion will also cover other departments, including Finance, in which we will respond to questions 5 and 6.

There has been no meeting of the full Board of Directors since we received the April 20 letter, but that letter has been distributed to all directors with a request for input. The Executive Committee also discussed these questions during our telephonic meeting on May 14, and approved the answers within this submission. Based upon that input, discussion, and Executive Committee approval, we will close by responding to questions 7 through 11 and 13.

Task Force on Distribution of IOTA Funds Final Report
Appendix J – Submissions to the Task Force

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As additional introduction, the bulk – over 75% – of the roughly \$14.3 million dollars in grant allocations disbursed this fiscal year by the Foundation directly fund legal representation of low income Floridians who seek assistance from a legal aid office for a specific problem. But even these would not be funded under the restrictions which have been proposed in the Revised Combined Recommendations of the Subcommittees which you have asked us to address. This is because even programs targeting direct provision of legal support to a specific needy client might still provide much of this legal assistance through the cost effective use of paralegals and other skilled support staff, or by use of law students, or by matching the agency's resources with pro bono support. All of these would be ineligible for funding if IOTA funds were restricted to cover only the expenses of a Florida Bar member's compensation and benefits.

Indeed, the restrictions proposed by the Subcommittees would even proscribe funding staff attorneys who are employed by a traditional legal aid office for the primary purpose of representing indigent clients of that office. That is because the proposed restriction would allow IOTA funds to be used only to cover salary and benefits of attorneys who "exclusively" provide direct legal services to low-income clients in Florida. Our understanding is that legal aid staff attorneys have additional responsibilities beyond direct legal services. These will typically include legal clinics, teaching, community development services, community outreach, general intake, and other administrative duties within their offices. Just as attorneys at private law firms have duties other than direct representation of the firm's clients, attorneys within legal aid offices also have additional responsibilities necessary for the functions of those offices and for serving the missions of those offices. As a result, "qualified attorney" under the proposed restrictions may define a set which has few, if any, members.

In addition, outside the 75% figure described above (grants to fund direct legal services to specific clients) are grants which are approved by the Board with the full understanding that funds will not go to compensation and benefits for a Florida Bar member -- or even a paralegal or law student program – who directly represent a low income or indigent Floridian in a matter that could potentially proceed to litigation. These grants are approved by the Foundation based on the judgment of the Board that the grant will fill a pressing need for justice, and may even do so more cost effectively and more expansively (helping more people with fewer dollars) than a specific lawyer to a specific client could hope to achieve. This includes at least two valued programs which would be ineligible for IOTA funds under the proposals in the Revised Combined Recommendation of the Subcommittees, even if those proposals were revised to allow for the use of paralegals, students, pro bono volunteers, and others who provide services to Floridians who seek legal aid.

In the following pages, we will provide a comprehensive review of the Foundation and its operations. This will include a review of all grant programs currently in place. But in doing so there will be an emphasis upon those grants and programs which would not be permitted under the proposals within the Revised Combined Recommendations. We

emphasize grant programs threatened with defunding because we believe the Task Force should consider squarely the consequences of these proposals, and better understand the types of good work that would not continue if these proposals become binding on the Foundation. The Task Force should be fully informed especially of what they propose to defund, because it would be folly to cut a rope if you do not fully understand who might be holding on to its other end.

I. Legal Aid and Legal Aid Funding

The American legal system – with due process afforded to protect substantive legal rights as provided by the Constitution or by legislative enactment or by common law – is among the crowning achievements of humanity. Unfortunately, it is too often beyond the capacity of individuals not trained in law to understand and enforce their rights, and too many are unable to afford an attorney to help. While the rights are precious, we have made them, and the process by which they might be enforced, too complicated in many instances to be enforced without assistance. Equal justice under law is our noble promise, but this promise can be empty if there is no meaningful, useful, and fair access to the legal system. The full achievement of this promise will often require an attorney or other support.

This is not a new problem. The history of legal aid in order to fill that gap to the extent possible cannot be recounted at any length here. Private charitable programs, the federal government, and the States, have each made their own efforts to fill the civil justice gap, never filling the gap completely, but fulfilling the promise of civil justice for millions of Americans who would otherwise represent a failure of our pledge that the United States provides “liberty and justice for all.”

The Florida Bar Foundation plays an important role within a larger system that is designed to honor that pledge. In this system, the primary on-the-ground players are the many legal aid providers within the State. These providers are funded from multiple sources: federal, local government, and private.

A. Florida’s Legal Aid Providers

Attached as **Exhibit 1** is a map of the 43 legal aid providers currently supported by the Foundation. The icons next to each provider's name in the chart indicates the types of grants each organization receives from The Florida Bar Foundation. We cannot comprehensively review each of these organizations, their missions, their funding, or the good works they are doing, within the scope of this submission. These grantees we support have at least some information available on their web sites, which we encourage each of you to study on your own.¹ Before taking any substantive steps to restrict the kind

¹ Links to the websites of each entity currently or recently funded by a Foundation grant are collected at: <https://thefloridabarfoundation.org/organizations-we-fund/>

of civil justice efforts that may be funded with IOTA revenues, the Task Force should be well versed in the variety of methods by which civil justice is now being pursued by by these organizations for Floridians who are unable to afford an attorney.

Of the 43 legal aid providers now supported by the Foundation, seven programs are also funded by Legal Services Corporation, which administers federal support for legal aid throughout the United States. These LSC-funded programs² are subject to restrictions placed by Congress on grantees who receive LSC funds.³ Each of these organizations are assigned a region in Florida by LSC and are referred to as "LSC" or "restricted" organizations. **Exhibit 2** shows the seven regions assigned by LSC for the state of Florida.

The remaining grantees are community-based programs, created and supported in various locations with the support of local civic and legal leaders. Most (but not all) are law firms,⁴ and all of them are not-for-profit charitable organizations. These programs are referred to as "local" or "non-restricted" programs because they are permitted to provide needed legal services that cannot be provided by LSC funded entities. Many local programs work and collaborate with LSC programs so as to complement each others' offerings in an affected community.

Some of these local programs provide broad based services and are well funded with extensive support within their communities. Others are newer, have shallower support, and provide a more limited range of services. Services provided by these programs include:

family law, including support for victims of domestic violence;

housing protection, including defense of foreclosure and eviction proceedings;

public benefits, including Social Security and Veterans benefits; and

children's legal rights, including help for victims of sex trafficking and supporting fairer processes for children in court.

This is an abbreviated list of services commonly performed by legal aid providers.

² Bay Area Legal Services, Three Rivers Legal Services, Legal Services of North Florida, Community Legal Services of Mid-Florida, Florida Rural Legal Services, Legal Service of Greater Miami, and Legal Aid Society of Broward County.

³ Restrictions on LSC funded entities include prohibitions on voting rights work, lobbying, representation of anyone who is not a U.S. citizen with some limited exceptions, class actions, any representation of prisoners, and some types of evictions from public housing. See 42 U.S.C. § 2996 et seq.

⁴ By this we mean that they have attorneys on staff who are available to provide legal services to clients. Excluded from this definition would be organizations whose model is to administer a wholly pro bono program without employing attorneys, or who focus their efforts on public policy advocacy and sharing of expertise instead of providing direct legal representation by staff attorneys to clients.

One of the things you discover during service as a director of the Foundation is the striking diversity of organizations that come within Foundation's mission. Examples of organizations which differ in how they advance the cause of justice compared with the perhaps stereotypical image of a traditional legal aid office include:

1. Innocence Project of Florida was founded after advances in DNA testing gave incarcerated individuals claiming to be innocent a chance to have that claim tested. Its creation was supported with seed-money from a Foundation Administration of Justice Grant. IPF is not eligible for LSC funds, but given their compelling cause have succeeded in developing other funding sources, and now receive less than 1/3 of their funding from the Foundation. With their help, twenty Floridians, who collectively served over 400 years in prison, have been proven to be innocent of the crimes. See generally floridainnocence.org. Most of this work is performed by pro bono volunteers, student interns, and non-attorney staff, whose efforts could not be supported under the proposed restrictions.

2. Florida's Children First is dedicated to advancing the rights of at-risk children, especially those in foster care. FCF's mission is to obtain meaningful and sustainable improvement in Florida's child-serving systems. FCF works to improve the government and private systems that exist to serve children. They do not provide direct representation for children, but sometimes recruit pro bono counsel for children in legal proceedings, and may appear as amicus in these proceedings. They use legislative and policy advocacy, executive branch education and advocacy, training and technical assistance to lawyers and Guardians Ad Litem representing children, public awareness, and filing of amicus briefs as strategies to improve child-serving systems. As just one example of their success, FCF was centrally involved in working with the Florida Legislature for the appropriation of funds to retain attorneys to represent children who reside in or are being considered for placement in a skilled nursing facility; who have been prescribed a psychotropic medication (and refuse to assent); who have a developmental disability; placed in or considered for placement in a residential treatment center; or who are victims of human trafficking. See generally floridaschildrenfirst.org. Because they have no staff attorneys who directly represent children, they would be defunded under the proposed restrictions.

3. IDignity hosts monthly identification clinics where governmental partners and more than 120 volunteers serve more than 200 people in need. At these events, qualified clients can get a Florida birth certificate, as well as a Florida ID (or license renewal), a Social Security card or verification information. The documents IDignity obtains for its clients give them the freedom to apply for work or school, gain access to shelters, seek help from social service programs, open a bank account or cash a check, secure permanent housing, or overcome many other obstacles to being self-sufficient. 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. SJ then 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. See generally idignity.org. Most of this work is performed by non-attorneys, or by attorneys on a pro bono basis, and so grants which have been provided to Idignity would not be permitted under the proposed restrictions.

4. Legal Aid Foundation of Tallahassee differs from many legal aid offices in that it employs no attorneys. Instead, LAF staff intakes prospective clients and matches them with private counsel for pro bono representation. In addition to intake and matching, LAF manages Thunderdome Tallahassee, which recruits annual classes of attorneys who participate in group events, and each will handle one carefully screened and monitored pro bono family law case at a time, with the assistance of an experienced family law mentor and legal malpractice insurance coverage provided by LAF to its volunteers. Among the trainers who work with the program are the Chief Judge Jonathon Sjostrom of the Second Circuit, who stated: "Thunderdome is a tremendous resource for the community and the court, providing excellent training in leadership and public service. Lawyers learn valuable skills, network with their peers and bar leaders, and help provide access to justice to unrepresented litigants." See generally legalaidthallahassee.org. Because they do not have attorneys on staff to provide direct legal representation, Legal Aid Foundation of Tallahassee could not be funded under the proposed restrictions.

5. Americans for Immigrant Justice focuses on the legal problems of immigrants, with special programs for unaccompanied immigrant children, who are at high risk of trafficking and abuse. AIJ achieves its successes through free legal services, impact litigation, policy reform, and public education at local, state, and national levels. Because licensure by the Florida Bar is not required in order to represent clients in immigration court, much of the work can be done by attorneys who are not members of the Florida Bar, which could not be funded under the proposed restrictions. See aijjustice.org.⁵

⁵ The Task Force has received a letter from AIJ making the point that the cause of civil justice does not require a Florida Bar License. As well stated in that letter: "Other recommendations regarding the funding limitations that have raised concerns include the requirement that funding only be allocated toward attorneys who are barred in Florida. Immigration legal service providers are in the beneficial position of being able to recruit talent barred in any state as they practice federal law. To have that opportunity taken away would be a great detriment to our ability to recruit diverse talent to effectively serve vulnerable populations in Florida. Non-profit immigration practitioners are also in the position to take advantage of the Department of Justice Office of Legal Access Programs Recognition and Accreditation Program. Through this program, non-attorneys at tax exempt organizations can receive accreditation to represent immigrants before the Department of Homeland Security and US Citizenship and Immigration Services. The aim of the program is to increase the availability of competent immigration legal representation for low-income and indigent persons, thereby promoting the effective and efficient administration of justice." The same letter urges that the Task Force take no action to defund community education and public advocacy, which are essential tools by which they have been able to help a vulnerable and marginalized population.

6. Florida Health Justice Project is a joint effort of legal and health care professionals who engage in comprehensive advocacy to afford and expand rights to health care access for vulnerable Floridians, including education and advocacy for Medicaid beneficiaries. See generally floridahealthjustice.org. Because this work involves advocacy and education rather than direct representation by an attorney, this work could not be funded under the proposed restrictions.

B. Funding

The Legal Services Corporation and The Florida Bar Foundation are not law firms, and do not provide direct civil legal aid services. Instead, LSC and the Foundation are grant administrators of funds provided by their respective funding sources. LSC administers federal funding, and the Foundation is responsible for IOTA and other sources of funds. Aside from LSC and Foundation funding, legal aid programs in Florida are also supported by local funding sources, both public and private.

While LSC and the Foundation distribute funds to organizations throughout the State of Florida, local and private support tends to be narrower in scope. That narrower scope can be geographic, with larger metropolitan areas typically benefitting from more generous and more reliable funding sources, as compared with the more rural parts of Florida. The scope can also be narrower in terms of restrictions on the kinds of services provided, favoring particular kinds of legal aid work or particular legal aid programs with a specialized focus of service.

These narrowed scopes can unintentionally conspire to create gaps to the extent that some programs are not adequately supported because of their service areas, or the work they do, and the people who live in those areas or have those needs are, as a result, under-served. If someone has legal needs that are not within the scope of services provided by a grantee, in their area, that person's need for civil justice may go unmet.

LSC funding levels are set by Congress, and have been relatively stable over recent years. In contrast, IOTA revenues fluctuate according to interest rates, and the amounts held in attorney trust accounts. As a result, the amount of IOTA revenues can have an inverse relationship to legal need, and may be stronger during boom times, but fall when the economy is not performing well, and there are more people who cannot afford an attorney.

For example, IOTA revenues dropped sharply with the Great Recession. Most funding disbursed by the Foundation after that time came from reserves and other sources. Fortunately, previous Foundation leaders had the foresight and discipline to create substantial reserves before the Great Recession, which allowed the Foundation to maintain funding levels despite crashing IOTA revenues. Initial predictions of the economic downturn forecast a three to four year recession, with a full economic recovery by 2012 and the Foundation and its economic advisors thought that it could weather the storm

using its reserves. The storm of low IOTA revenues ultimately lasted a decade, and exhausted the Foundation's reserves in maintaining essential payments to grantees as long as possible despite IOTA levels well below the need. These reserves allowed grantees to reduce their reliance on IOTA funds gradually in Florida, as payments continued on a gradual glide path downward from reserves, whereas in many other States these funds to grantees simply dropped calamitously without adequate time to adjust, with tremendously adverse impacts on legal aid offices in those states, as compared with the relatively less traumatic impacts on legal aid providers in Florida.⁶

For too many years after the Great Recession, the Federal Reserve's interest rates remained close to zero. After that, we saw some increase in IOTA receipts, but more recently interest rates have fallen back to near zero, and IOTA revenues are expected to drop again in the near term. To illustrate this and other data regarding revenues, reserves, and disbursements over time, **Exhibit 4** provides a chart of IOTA Contributions, Grants and Grants Reserves from 1982 - 2019.

In contrast, LSC funds have been comparatively stable over that time period. Due to historically low interest rates over the last decade, IOTA funding for civil legal aid providers has been smaller than LSC and private or local funding sources. In Florida, combined funds from sources other than LSC and IOTA are the largest source of revenue for Florida's legal aid network. Next in size is LSC funding. IOTA funds are the smallest source of funding over the past decade and longer. IOTA funds are just one stream in a larger system of legal aid funding, for the last decade it has been the smallest. That appears to be likely to continue given the current economy and very low interest rates.

These characteristics of IOTA funds as being both more dynamically fluctuating and smaller than LSC funds and other funding sources are significant factors relevant to thinking about how IOTA funds may best be used to support civil justice for Floridians who cannot afford legal counsel. IOTA funds are not stable enough (and over the last ten years are not large enough) to provide a primary funding source for Florida's legal aid community. No grantee relies exclusively on IOTA funds to support their activities, and very few rely on IOTA funds for more than 10% of their funding. But IOTA funds can be extremely beneficial in providing targeted and supplemental support to the legal aid network in place, which has largely been created and maintained by other funding sources. In particular, IOTA funds can be used to help fill in some of the most worrisome gaps that exist within that system by targeted grants. And IOTA funds can provide supplemental support to strengthen the existing legal services infrastructure.

⁶ Based on this historical lesson, the Foundation recently adopted a Spending and Reserve Policy, following extensive study by a specially designated committee. This policy is designed to provide an evenly regulated funding stream to grantees, that will be reasonably stable through good and bad times. This will allow grantees to better plan their hiring and other decisions than an erratic revenue stream, which plays havoc with planning. A copy of the Spending and Reserve Policy is at **Exhibit 3**. The Foundation believes this policy will better serve the interests of grantees through good times and bad than the 15% reserves cap proposed by the Task Force Subcommittees.

The funds may be relatively small compared to other sources. And the amount generated from year to year is not a reliable figure given the inconstancy of such revenues (although this problem will be ameliorated by the new Spending and Reserve Policy). But despite these limitations IOTA funds can serve to significantly expand the delivery of legal services to the poor, provided that funding decisions are made in consideration of the existing infrastructure, with a focus on the identification of opportunities for targeted investments within that existing system in order to best further the cause of civil justice with the resources available.⁷ That, we believe, requires the kind of ongoing review that is provided by the Foundation Board, and would not be nearly as well served by a defined and unchanging mandate for the use of such funds.

II. The Florida Bar Foundation

Throughout the history of Florida's IOTA program, IOTA funds have been administered and disbursed by the Florida Bar Foundation. See, e.g., In the Matter of Interest on Trust Accounts, 402 So.2d 389 (Fla. 1981). Because the Foundation has taken this responsibility seriously, and because the processes and efforts necessary to handle this responsibly are the product of institutional knowledge that has developed and been subject to improvements and adjustments as required by the times, and over the decades, we believe the Task Force would benefit from a review of the Foundation itself, beginning with IOTA.

A. IOTA Program

The Foundation's activities are not limited to the IOTA Program. Many other authorities have entrusted the Foundation with funds to be administered through grants, including Florida's Attorney General with regard to consumer fraud settlements, state and federal courts with regard to cy pres or sanction awards, and others. The Task Force is focused specifically on IOTA funds, and accordingly a brief initial overview of the actions required to administer IOTA funds is in order.

As will be detailed in subsequent pages of this submission, there are three broad categories of activity required to administer the IOTA program. The first is to make sure that funds are duly received in the correct amounts as generated by interest earned on the thousands of IOTA accounts. Financial institutions as well as law firms depend upon Foundation staff to ensure that these accounts are correct, and that the required interest amounts are paid. These functions require knowledgeable professional staff, with oversight by an independent volunteer board.

⁷ This conclusion is addressed in more detail in Steve Senn's prior letter and presentation to the Task Force on February 6, 2020. That letter, enclosed as **Exhibit 5**, is re-submitted as being consistent with the views of the Foundation itself on the points made therein. The same is true of Donny MacKenzie's February submission to the task force, which is enclosed as **Exhibit 6**.

Second, while the funds are in the possession of the Foundation, and prior to being disbursed to grantees, IOTA funds must be responsibly managed, invested, and accounted for. These functions also require knowledgeable professional staff, with review by professional auditors, guidance by professional investment advisors, and decision-making and oversight by an independent volunteer board.

Third, the funds must be disbursed responsibly and consistently with the original purposes by which the funds were entrusted to the Foundation. This too requires knowledgeable professional staff to design the grants, solicit grant applications, score grant applications, and to maintain review of the grantee's performance of the requirements of the grants. All of this is also subject to decision-making and oversight by an independent volunteer board.

The foregoing is just the briefest thumbnail sketch of categorical functions that are indispensable for any foundation which receives funds from others to properly administer, account for, safeguard, and distribute. It necessarily involves expense for the various personnel who conduct these functions, along with office space, utilities, and other attendant costs. It would be irresponsible to dispense with collection of funds properly, or with investing and accounting of funds properly, or with taking care to allocate the funds to grantees with thoughtful and carefully designed grant proposals, or with monitoring the performance of such grants to ensure that the funds have been used as required, as well as to help guide future decisions about funding such grants or such grantees.

So long as the expenses for each of these essential functions are in line with or below the market for the duly qualified personnel, and for other attendant costs (and they are), these costs are effectively fixed by the market established expense to perform these essential functions. These costs do not rise and fall much, if any, based on the amount of funds which pass through the system, although of course it is important to ensure that the costs are worth the candle. That test easily is passed here.

The following pages will more closely examine the Foundation's Board and staff. These pages will not drill into great depth of detail, but will be a comprehensive review of the key points. There will be some dilation upon those topics of particular relevance to the IOTA program, how the Foundation's Board and staff accomplish their work within the three functional categories summarized above, and on programs whose funding is threatened by the proposed restrictions.

B. Board of Directors

The Board of Directors sets policy and makes all major decisions of the Foundation. This is an active, working board, with extensive demands on the time of this committed body of volunteers.

Board members arrive via different paths. As provided in Article VII of the Articles of Incorporation, and Article III of our Bylaws,⁸ the Foundation Board is comprised of:

President of The Florida Bar (or designated delegate);
President-Elect of The Florida Bar (or designated delegate);
Immediate Past President of The Florida Bar (or designated delegate);
Two Judicial Officers designated by the Chief Justice of the Florida Supreme Court;
President of Florida Legal Services, Inc.;
Two to four public members selected by The Florida Bar and the Foundation;
Six members selected by The Florida Bar;
Six members selected by the Supreme Court of Florida;
Six members selected by the Florida Bar Foundation; and
Elected Board officers (first and second vice presidents, president-elect, president, and immediate past president).

The result is a body comprised of dedicated volunteers who care about the cause of civil justice, and who have the commitment to meet regularly to review, react, rethink, and supervise the actions and policies of the Foundation, and to determine the policies and make other decisions that are needed. This ensures that oversight and decision-making proceed as an ongoing, rational, effective, and objective process.⁹

The size of the body is necessary to reflect the size of the State. It is important to have geographic diversity in making the decisions that come to the Board, as these decisions are made on behalf of the entire State. Florida's legal aid infrastructure is divided into organizations based all across the State. Input from individuals who are familiar with organizations and with the needs in those communities should be part of the process of disbursing funds for legal aid services. This need is most effectively served by gathering committed individuals from across the State who are engaged in their communities and with their local legal aid offices, and who represent the diversity of the State. The Board currently has members from Key West to Pensacola, and many points in between.

Entrusting an independent board to make these decisions also serves to remove these decisions from direct political or judicial branch control. Legal aid work is important, but not all legal aid cases are politically popular. Allowing decisions about the kinds of organizations to support and the kinds of cases which might be supported to be in the swirl of politicized debate would risk cutting off too many areas where the need is great but the client or cause politically unpopular. The cause of justice should not balance upon political stigma or favor.

⁸ Our corporate documents have been approved by the Supreme Court of Florida, and may not be revised without the Court's approval.

⁹ To ensure objectivity, the Foundation has a written conflict of interest policy which each director must sign and return every year, and which directors are reminded of at every board and every committee meeting. A copy of that conflict of interest policy is at **Exhibit 7**.

The Foundation Board meets in person (perhaps a COVID exception will be made this year) four times a year. Before each meeting, each member receives a board book of materials, often well in excess of 100 pages, so that members can prepare in advance for matters that will be brought for decision, and for general information.

A calendar of board activity has developed over time under which certain grants are reviewed for approval at certain meetings, audit presentations are given at certain meetings, new member orientations are given at certain meetings, etc. To illustrate for you the type of activities that are conducted at each board meeting, Composite **Exhibit 8** are reports submitted by the Foundation to the Chief Justice following our last few Board meetings.

In addition to quarterly meetings of the full board, each member is assigned to multiple committees, which have their own meeting schedules. Similar to the committee structure of The Florida Bar and other organizations, the committees of the Foundation take on closer study and supervision within their assigned subject areas, to make recommendations to the full board, or to make such minor decisions as may be delegated by the full Board for action at the committee level. Currently the Foundation has the following Standing Committees:

Executive Committee: Comprised of the officers and other designated or selected members, the Executive Committee has general authority (subject to specified exceptions) to act on behalf of the Foundation subject to reporting to the full Board. This authority is generally exercised as to matters requiring decision and action prior to the next scheduled meeting of the full Board.

Audit Committee: Oversees and presents to the Board the annual external audit of the Foundation, communicates directly with the auditors as necessary to the conduct of such audit, and recommends to the board of directors engagement of the independent audit firm.

Nominating Committee: Recommends director nominees to fill vacant seats assigned for selection to the Foundation, and nominates officers to fill officer vacancies.

Medal of Honor Committee: Recommends honorees for the Jane Elizabeth Curran Distinguished Service Award, given each year to an individual who, over his or her career, has achieved meaningful, effective and lasting increases in access to civil justice for the poor in Florida; and the Medal of Honor Award, for outstanding achievements in improving the administration of justice in Florida.

Development and Pro Bono Committee: Oversees and makes recommendations to the Board on matters of policy relating to the planning, structure and execution of the Foundation's development and Pro Bono efforts.

Grants Committee: Generally responsible for oversight of all grant programs, including recommendation of grants for approval by the full Board. The grants committee develops policy, makes recommendations on the operation of the grant programs, reviews funding requests and makes funding recommendations to the board of directors regarding all grants awarded and administered by the Foundation. This committee will also make recommendations regarding the assessment of grantee performance and consider and recommend program-related activities.

Grant Allocation Committee: Makes recommendations to the Board concerning establishment and coordination of grant programs and recommends annually to the Board allocation of the grants funds among the grant programs/committees for purposes approved by the Supreme Court of Florida.

Budget and Finance Committee: Reviews the proposed annual operating budget and makes recommendations to the Board concerning its adoption, and subject to board policy considers and makes recommendations concerning annual operating budget amendments. This committee also makes recommendations to the board on matters of policy relating to the financial operations of the Foundation.

Investment Committee: Makes or recommends decisions regarding investment of Foundation funds prior to disbursement, and monitors performance of those investments. The actions of the Investment Committee are governed by the Investment Policy, which is at **Exhibit 9**.

Strategic Reset Committee: Assists the board with its responsibilities for the organization's mission, vision and strategic direction and by ensuring that strategic direction and progress on strategic goals and initiatives are implemented and discussed at every board meeting

In addition to these standing committees of the Foundation, there is periodic need for ad hoc committees to develop recommendations to the full board on specific areas of concern. In recent years, significant ad hoc committees have included: a Technology Committee, which is charged with determining what role, if any, the Foundation should have in supporting technology for grantees, and deciding what to do with assets developed by the Florida Justice Technology Center, and now in the possession of the Foundation; a Spending and Reserve Committee, which has developed a policy on spending and on amounts that will be held in reserve to serve the purposes of certainty and levelness in annual funding; a New Building Committee, to consider office space options when the current lease ends in 2023; a Limited Matching Funds Committee, to develop a new grant program as requested by grantees to provide matching funds where other funding sources are available conditioned upon matching funds; and a committee which will further examine prospects and strategies to negotiate with financial institutions in order to maximize IOTA revenues.

As further information on the Board of Directors as well as the Foundation generally, we provide as **Exhibit 10** a copy of orientation materials provided to directors in September of 2019 (designed to orient new directors); and as **Exhibit 11** a copy of the Foundation's Reference Book for 2019-20. These materials will help the Task Force appreciate that the work of the Foundation in the administration of IOTA and other funds is not a simple project. Rather, the collection, investment, and disbursement of these funds to best support Florida's legal aid providers, taking all due accounting and other precautions as required for such funds, is a complex proposition, with multiple required safeguards and levels of supervision, along with professional staff to collect, manage, invest, and disburse IOTA funds.

There are many decision points along the way that come for resolution by the Board. Questions which the Board ultimately, and regularly, decides include: how much to disburse? how much to reserve? what kind of grant? which applicant? how much of the request should be permitted? And so on. Each question must be thoughtfully navigated with collection and review of the relevant information, and due understanding of the factors and information relevant to the decision, in order to reach a decision intended to best serve the cause of justice for Floridians who do not have an attorney at their disposal. This Board does that. Any preset formulae for mandated distribution of funds would dispense with these and other questions, and thereby fail to take into account what the members of the Board believe is necessary to ensure the best use of IOTA revenues.

An overall governing concern for each decision made by the Board is to ensure that available funds are utilized to serve the mission of the Foundation and of the IOTA program in as cost-effective a manner as possible. This goes beyond simple transactional savings and avoidance of waste, to include the constant search for ways by which the Foundation can add value. As an example, the Foundation and its Board add value to its core mission of administering the IOTA program by creation of the Community Champions program, which has maximized revenues from IOTA accounts by millions of dollars a year above the minimum legal requirements. An earlier and similarly successful example of the Board's efforts to increase IOTA revenues in order to maximize value to help Floridians in the justice gap involves the Foundation's development and successful advocacy for the comparability rule. See Amendment To Rules Regulating The Florida Bar-Rule 5-1.1(E)-IOTA, 751 So.2d 551 (Fla. 2001)

While the principal concern of the Foundation Board and staff is with underprivileged Floridians, it is not irrelevant to note that the Florida Bar Foundation and Florida's IOTA program are viewed as national leaders, and programs that have begun here are often emulated around the country. Innovations that began include the IOTA program itself. More recently, the comparability rule mentioned in the prior paragraph has been recognized as a great idea and adopted by has since been adopted by at least 35 other jurisdictions. We are focused on helping Floridians get the justice they deserve, but by the force of our good example we are also helping Americans in the other States.

The Foundation and its Board also maximize support for civil legal justice by providing a resource to receive and administer funds from sources other than IOTA. In recent years, these have included: a consumer fraud settlement which Florida's Attorney General directed be administered by the Foundation; the Engle award from the Middle District of Florida; and funds received from cy pres awards. The Foundation has also maximized the value of IOTA revenues by its investments policy, which has by itself generated additional funds in such amounts as to effectively cover all of the Foundation's overhead when measured across the history of the IOTA program.

Aside from direct grants, the Foundation and its Board also support particular expenditures in order to generally benefit the legal aid community. These include group purchases of Westlaw and Legal Server, and grants to legal aid attorneys to help them pay off their student debts and encourage them to retain employment as legal aid attorneys. The Foundation has also been responsive to particular requests of grantees that have been deemed appropriate, such as funds for specialized training when legal needs require additional training, attendance at seminars, and other support. Grants by the Foundation to grantees will be examined in more detail when we get to the Grants Department.

B. IOTA Department

Moving to departments within the Foundation, focusing on work performed primarily by Foundation staff, we begin with the IOTA Department. This is a good place to begin because it is where the movement of IOTA funds administered by the Foundation begins. The IOTA Department is responsible for ensuring that IOTA funds are appropriately received from the participating financial institutions, confirming that the amounts are correct, and with helping those institutions and Florida's lawyers comply with the IOTA rules, and the policies that have developed around those rules.

The IOTA Department is led by Lushawn Phillips, who has been with the Foundation since 1995. This Department is responsible for oversight and operation of the IOTA program for lawyers, law firms and participating eligible institutions. These requirements include the comparable interest rate requirement for participating institutions as adopted by the Supreme Court in 2001. See Amendment To Rules Regulating The Florida Bar-Rule 5-1.1(E)-IOTA, 751 So.2d 551 (Fla. 2001)

There are currently 168 financial institutions who participate in the IOTA program, which have within them 34,577 separate IOTA accounts. The IOTA Department is responsible to monitor receipt of IOTA funds on a monthly basis from each of these institutions, and as to each of these accounts, and to assist the institutions with compliance with the requirements of the program, as generally described in the IOTA Program Manual. That Manual is **Exhibit 12**. This work is essential for the IOTA program to operate. It takes up the full time duties of Director Phillips and IOTA Remittance Specialist, Lizzie Tracy, with help from other support staff.

The IOTA Department also works closely with The Florida Bar staff on attorney trust fund, lawyer discipline, and monitoring matters, as trust fund accounting continues to be a perennial problem for Florida's lawyers, and the IOTA Department is regularly examining the flow of funds in trust accounts. This takes a fair amount of the time for these Foundation staff.

In addition to their work in ensuring compliance with the basic requirements of the IOTA Rule, IOTA Department Staff have also put in extra effort to persuade financial institutions of the tremendous importance of the work funded with IOTA funds. As a result of these efforts, several institutions have been recognized as Community Champions based on their agreement to submit more than the minimum, by either providing a more generous rate than would be required by the Rule, or by forgiving fees that might otherwise be allowable charges under the Rule. As a result of these efforts of staff, and with the expenditures of modest sums that would not be permitted under the proposed restrictions, IOTA revenues have not dropped nearly as much as they would have otherwise due to the historically low interest rates. In fact, by these efforts, the Foundation has substantially increased IOTA revenues paid from these financial institutions. Our initial success with the Community Champions program produced \$9 million in annualized income.¹⁰

C. Finance Department

Oversight and accounting of financial affairs is fundamental to an organization entrusted with funds for the public good. The Foundation staff and Board takes this responsibility very much to heart, and is gratified that this charge has been fulfilled with no instance of misuse of funds in the history of the Foundation. The Foundation receives annual clean audits, with no material findings. The Foundation properly accounts for the funds to which it is entrusted from a finance and accounting standpoint, and transactions are documented correctly and with all appropriate policies and procedures to ensure the protection of the funds. And at the most recent presentation of the Board's officers, the auditor advised that no additional levels of auditing (forensic or otherwise) and no additional training for staff or board members was recommended for the Foundation.

The Finance Department, led by Jasmine Lee-Gaumier, is responsible to ensure that accounting operations are in accordance with generally accepted accounting principles, and consistent with all internal policies and procedures and with best practices as recommended by the independent auditors of the Foundation and by the Board. The work of the Finance Department also includes budgeting, auditing, accounts payable and receivable, fiscal administration of grants and Foundation and Endowment investments,

^{10.} While working to bring other banks on board, things changed with the recent interest rate cuts. The Foundation is currently trying to keep banks from reducing IOTA, and to maintain rates, but current national projections anticipate a drop in IOLTA revenue by over \$150 million. Florida will likely not be wholly immune from this trend, but the relationships we have built may help mitigate the pain.

and general ledger and financial reporting.¹¹ The Finance Department is also responsible for corporate, tax and regulatory filings. This Department is also a responsibility of the Foundation's Deputy Director, CFO, and COO, Lou Ann Powell. Lou Ann is a Certified Public Accountant, and has been with the Foundation since 1991.

Jasmine Lee-Gaumier and Lou Ann Powell are also the key staff members involved with the Foundation's investments. Early leaders of the Foundation adopted the conservative approach of using, in short, last year's IOTA funds for the following year's grant disbursements. Among other things, this allows confidence when considering grant applications that the funds are available, and knowing with certainty the precise amounts that may be disbursed, as we will already have these funds in hand. For a variety of reasons, this is far preferable to extending grants based on an expectation of what might come, especially given the fluctuations of IOTA revenues. IOTA programs in other States which did not adopt this conservative approach were far less able to take any actions to minimize the harm to the programs in those states when revenues precipitously dropped in and after 2008.

These funds received by the Foundation – including both IOTA funds and funds from other sources – are therefore not immediately paid out to grantees, but are instead pooled together with all other funds administered by the Foundation into common investment funds. The Foundation relies upon the same investment advisor as the Florida Bar for these funds. The investments are in turn supervised by the Investment Committee of the Board of Directors, which approves all investment decisions and receives regular reports on these assets.

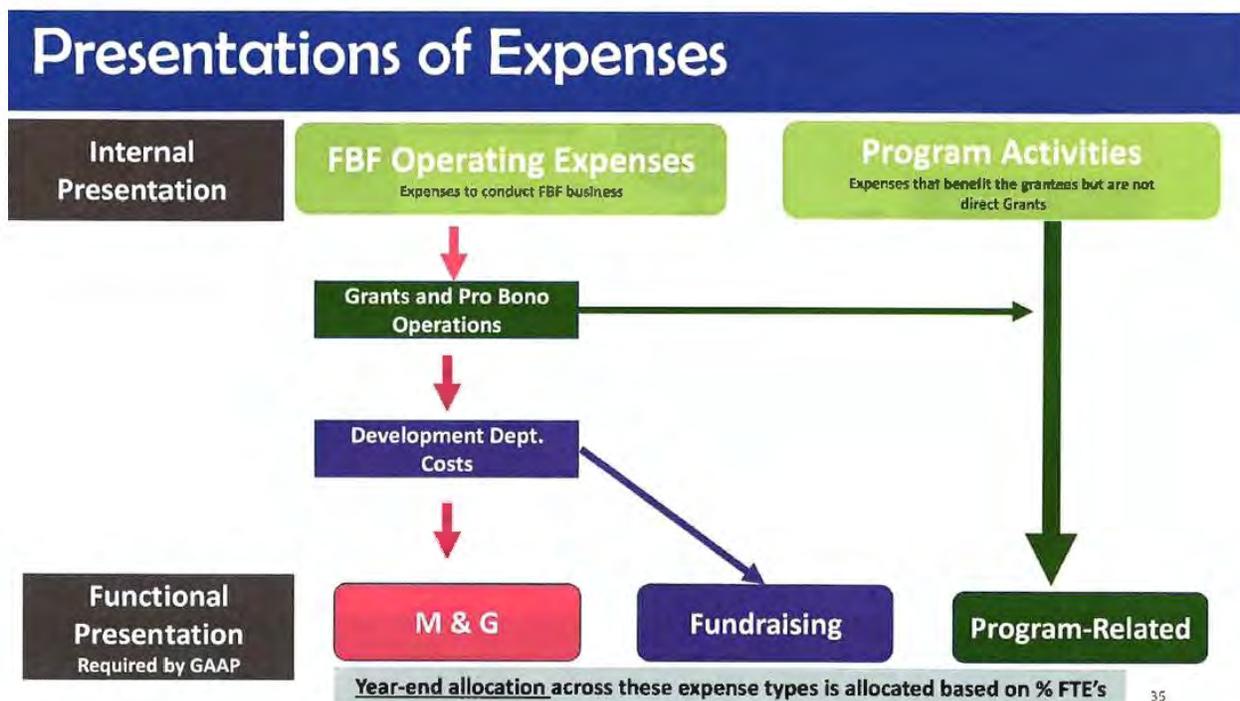
Since 1982, as a result of the Foundation's reserve and investment work, investment income plus fundraising contributions have exceeded **all overhead and fundraising costs** during that same time period by more than \$700,000.00.

We beg the indulgence of the Task Force for taking your questions out of order, but a more coherent overview of the Foundation is provided by the organization we have put together in this submission. Under the organization of subject matters in this submission, it is easiest to address the Task Force's questions as they come in relation to the topics covered. The present topic (the Foundation's Finance Department) touches on questions 5 and 6 presented in the Chair's April 20 letter, which go to issues within the general purview of the Finance Department. These questions and the Foundation's answers to these questions, are as follows:

^{11.} **Exhibit 13** is a copy of audited Consolidated Financial Statements and Supplementary Information for Years Ended June 30, 2019 and 2018. **Exhibit 14** is the Foundation's Statement of Financial Position as of March 31, 2020.

5. Description (including amounts) of expenditures funded by the Foundation (using IOTA funds) that the Foundation characterizes as "overhead".

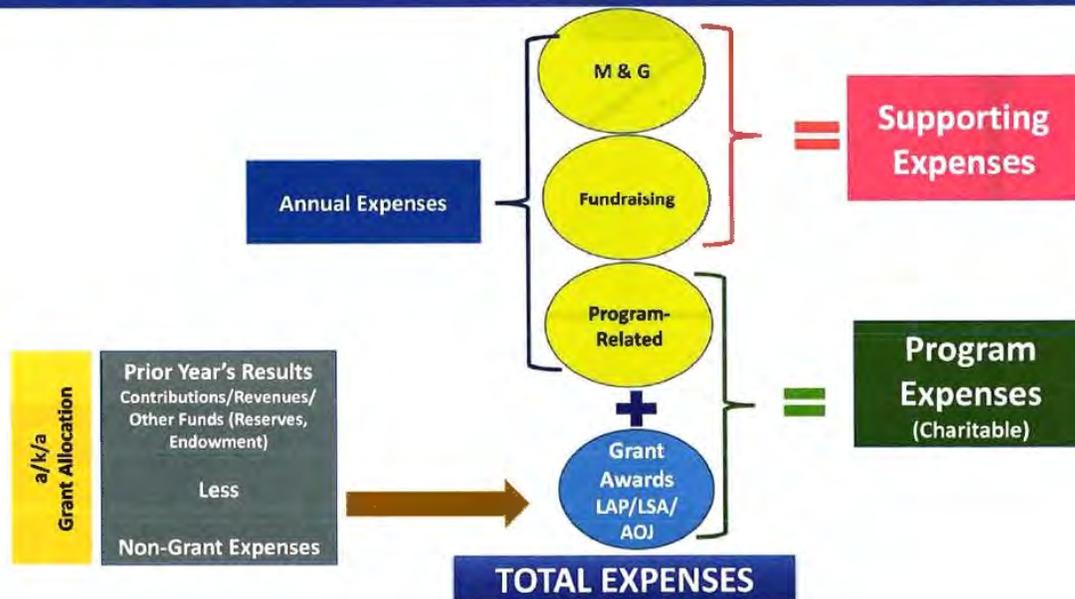
Answer: The Foundation does not normally use "overhead" to describe its expenses. Expenses are characterized and defined internally as either Operating Expenses or Program Activities. As required by Board directive, following the advice of our auditors, and in order to comply with Generally Accepted Accounting Principles, Operating Expenses are presented as "M&G" (for Management and General), "Fundraising" and "Program-Related." The chart below shows such presentation, along with applicable definitions and explanations:



"M&G" is the equivalent of "overhead" per the Foundation's definitions. M&G expenditures comprise among other things personnel, office, and professional expenses allocated pursuant to Generally Accepted Accounting Principals to Program-Related Expenses or to Fundraising. Because Fundraising is generally self-sufficient, it is not included within M&G, and is broken out separately.

The breakdown of the Foundation's total expenses and how the Foundation's grant allocations are constructed using prior year contributions less non-grant expenses are illustrated as follows:

All Expenses



36

With that background, **Exhibit 15** is the Foundation's budget which specifically identifies all expenditures. As indicated, the expenditures for M&G total \$1,999,885 in the current budget as originally approved by the Board, which is roughly 10.1% of the Foundation's total expenditures for the current budget. There were some amounts reallocated by the Board during the year, which increased M&G to just over \$2 million.

The Board has emphasized keeping our expenses as low as prudence and the needs of the mission allow, and staff have worked hard to do so. To this end, we are gratified to report that the 10.1% figure we give above is considered exemplary for a charitable institution. Review of published studies shows that for an organization of our size, this number would typically be 14-15%.¹²

While we are gratified that the number is well below what would typically be expected, we must also state that this figure is not a valid measurement of whether we are effectively doing our job to keep expenses low. In fact, that percentage may go up or down quite a bit, based on IOTA revenues or other funds we are given to administer, without any regard to the care taken to control necessary costs. If IOTA revenues increase dramatically, that percentage drops dramatically. But if revenues go way down, that percentage may go way up. And so using this calculation as an indication of either frugality or wastefulness would be highly misleading.

¹². See Fig. 2 at <https://foundationcenter.issuelab.org/resources/14077/14077.pdf>. Less than 20% of foundations in this study were able to keep costs at or below 10%. Id. at Fig. 3. See also <https://bizfluent.com/13362899/percentage-of-funds-a-nonprofit-can-spend-on-management>.

A more valid method to determine whether costs are effectively controlled requires ascertaining what expenditures are reasonably necessary to allow the Foundation to properly perform the necessary functions, taking care to exclude expenses that are not worthwhile in serving the mission. These costs are to a large extent fixed, as certain functions must be performed by qualified personnel, including individuals with specialized skills and credentials, many of whom have degrees in law or in business and accounting. All Foundation staff are willing to work for less than they might command in the private sector, because they believe in the cause of civil justice. But they still deserve decent pay and benefits commensurate with their credentials, even adjusted down to account for the nonprofit context. And they need office space and equipment to do their work. The Board believes we have good value for the costs, and that these costs are necessary to the mission. That is more important, and a more valid test, than a percentage of M&G to disbursements calculation.

Before leaving this subject, the financial prudence of the Foundation is further demonstrated by how quickly we were able to regain financial stability following the Great Recession. The collapse of IOTA revenues led to desperate times for grantees, and we were gratified that The Florida Bar came to our aid with a sizable loan which enabled us to continue payments to grantees despite low IOTA receipts. The Foundation paid this loan off ahead of schedule. The Foundation presently has virtually no debt, with very little existing payment obligations. Our Total Assets/Multi-year obligations is 2.1% if you count the lease.

6. Description (including amounts) of expenditures funded by the Foundation (using IOTA funds) that the Foundation characterizes as "program expenses".

Answer: "Program expenses", as defined and illustrated above, consist of Grant Awards and Program-Related Expenses. Program-Related expenses are expenses that benefit the grantees but are not Grant Awards. Grant Awards will be reviewed in the next section, under the Grants Department. Program-Related Expenses for the Foundation are primarily comprised of Grants Department Operations (\$259,340); Pro Bono operations (\$130,235); Capacity Building (\$211,750); Pro Bono (\$175,750); Research (\$110,000); and Evaluations (\$92,550). For the current budget, Program Related Expenses total \$1,035,075 as budgeted for FY 19-20. (5.2% of total expenditures for FY 19-20) (\$1,001,080 after re-allocation by the Board during the fiscal year).

D. Grants Department

After IOTA funds are collected, pooled with other funds, invested, and accounted for, the ultimate purpose of the funds and earnings on the funds is for disbursement to grantees. Grant programs are established by the Board of Directors. Each grant program has written policies specifying the purposes of the grant. These grant descriptions are collected as Composite **Exhibit 16**.

The Grant Department is charged with design and distribution of schedules and forms for grantees to apply for approved grants. This Department also works with the grantees by answering questions and advising grantees through the process. Grants administered in the current fiscal year total \$14,330,723. However, the Board has subsequently voted to withhold roughly \$900,000 of this amount, some of which will be redirected to address legal needs associated with the COVID-19 pandemic.

Foundation staff has the initial responsibility to review and score grant applications received from grantees and to make recommendations to the Grants Committee. That Committee then makes recommendations to the Board on which grants, and for which amounts, to approve.¹³ Staff also then administer the grants to ensure grant funds are applied consistently with the requirements of the grant. This Department must also manage relationships with the grantees, and review performance outcomes. This work is performed primarily by Kate York, who is Director of the Grants Program, and by Grants Administrator Andrea Horne, with additional support as needed from other staff.

Grant programs currently administered by the Foundation in the current budget are as listed and described on the following pages:

Children’s Legal Services Grants: Children have special legal needs, which often go unmet. The mission of the Children’s Legal Services Initiative is to provide legal assistance to needy children in critical areas which affect their safety, well being and future development. This mission is promoted through an annual competitive grant program centering on, but not limited to, legal assistance to foster care children, children seeking and in need of health benefits and children needing special educational assistance. Through this grant program, the Foundation also seeks to engage private volunteer attorneys in the provision of legal assistance to needy children by the funding of pro bono programs. The funding criteria established by the Foundation for these grants are designed to encourage local matching funds and collaboration with other agencies providing services to children and among children’s legal services grantees. The total amount allocated for these grants in the current fiscal year is \$1,113,075. CLS grant recipients in the current budget are Brevard County Legal Aid, Catholic Legal Services, Community Legal Services of Mid-Florida, Cuban American Bar Association Pro Bono Project, Dade Legal Aid, Florida Legal Services, Florida’s Children First, FSU College of Law Children’s Advocacy Clinic, Leagl Aid Service of Broward County, Lawyers for Children America, Legal Aid Society of Palm Beach County, Legal Aid Society of the Orange County Bar Association, Legal Services of Greater Miami, Legal Services of North Florida, Seminole County Bar Association Legal Aid Society, Southern Legal Counsel, and the University of Miami School of Law. Some examples of the kind of work performed under Children’s Legal Services Grants are summarized below:

^{13.} As noted in review of the Committees of the Board of Directors, the Grants Committee does not itself determine the amount to allocate to grants. Rather, that decision is within the jurisdiction of the Grants Allocation Committee, which makes a recommendation to the Board on how much in total should be allocated based on available funds, expenses, reserve needs, legal needs and any other relevant factors.

1. Born with a host of medical disorders, Brittney spent years in and out of Orlando hospitals and medical foster homes until Brian and Shannon Carroll got a phone call asking if they would consider adopting her. But, the Carrolls encountered roadblocks in their effort to adopt Brittney, then 11. Brittney's Guardian ad Litem attorney went to bat for her with the support of a legal aid attorney from Legal Aid Society of the Orange County Bar Association funded in part by The Florida Bar Foundation. On her first visit to the Carrolls' home, Brittney ended up back in the hospital, and because the state's Children's Medical Services agency had not transferred her care to Tallahassee, Shannon had to return with her to Orlando by ambulance. She stayed by Brittney's side for a month in the hospital, leaving Brian and friends from church to look after the family's six other adopted children back home. That's when Brittney's legal aid and pro bono attorneys became critical to the success of the adoption. The episode made it clear that CMS had to transfer Brittney's medical care to Tallahassee, but the agency was refusing. After a status hearing to which the CMS caseworker didn't show up, her legal team asked the judge to have her court-ordered to appear. The strategy worked. At a hearing the next day the caseworker agreed to have Brittney's medical care transferred, eliminating the last obstacle to the adoption. Today, Brittney goes camping, skating, and plays dress up with her siblings and helps care for the animals on her family's farm. Instead of living in a medical foster home, where she eventually would have aged out and been sent to live in an institution, she is part of a forever family.

2. Simone, 17, was living in a group foster home after having been abandoned by her divorced parents and attempting suicide on several occasions, after which she'd required psychiatric hospitalization. Brevard County Legal Aid worked with Simone, her boyfriend, her boyfriend's father and her own mother to get her stabilized with a plan for her future. Her attorney was able to get her enrolled in the Road to Independence program, through which she was eligible for a number of benefits to help her transition to adulthood, including a waiver for college tuition. By her 18th birthday, she was finishing adult education and planning to attend community college.

3. Kendra, 16, was taken into protective custody after delivering a baby that was fathered by her father. Kendra had never attended school and was mildly mentally challenged. Her Community Law Program Attorney ad Litem helped Kendra with myriad legal issues, including advocating for her older sister to become the permanent guardian of both Kendra and her baby; applying for Supplemental Security Income benefits; getting Kendra enrolled in school and advocating for appropriate special education services. Both mother and baby are doing well, thanks in large part to legal aid's advocacy.

4. From Ashlyn's preschool years, her parents had noticed she had difficulties with fine-motor skills, speech, reading, short-term memory and attention span. Trying to speed along the process of getting Ashlyn help, her parents paid for an evaluation to determine the second-grader's special education needs, but the school ignored the results and made no change to her Individualized Education Program (IEP). Students from the Florida State University Public Interest Law Center stepped in and secured for Ashlyn the services she

needed to succeed in school. Among the things now included in Ashlyn's IEP are the auditory presentation of materials, the ability to dictate written responses, modified testing, placement into an Exceptional Student Education class for writing, reading and math, and continued speech therapy. With this support, Ashlyn is succeeding in school.

5. Jaycee, 6, was born extremely prematurely and was granted Supplemental Security Income because of her low birthweight. However, the Social Security Administration later determined she was no longer disabled in spite of a long list of diagnoses, including developmental delay, recurrent pneumonia and reactive airway disease. Her grandmother, who had custody, came to Legal Services of Greater Miami for assistance. After submitting the stacks of medical records Jaycee already had amassed in her short life to the hearing office, Jaycee's legal aid attorney represented her at a hearing and was able to obtain a favorable decision, reinstating her monthly benefits, as well as her all-important Medicaid benefits.

Florida Legal Aid Disaster Relief Initiative: Disaster relief programs provide legal services to communities impacted by disaster, and have most commonly involved hurricanes. Funds may be used to repair damage sustained by applicant organizations or to aid those in need of civil legal aid after a disaster. The total amount paid for these grants in the current budget is \$50,000 which was paid to Legal Services of North Florida as a final disbursement for Hurricane Michael relief.

Improvements in the Administration of Justice Grants (AOJ): AOJ Grants are rooted in the earliest Supreme Court orders approving the IOTA program. As provided in In re Interest on Trust Accounts, 358 So.2d 799, 811 (Fla. 1978), the Court directed the Foundation to amend its charter to authorize distributions for purposes which include "to improve the administration of justice." AOJ grants fund programs that support the process of operating the courts in an effective and expeditious manner. The total amount allocated for AOJ this fiscal year is \$782,328. Recipients of AOJ Grants in the current budget are Florida's Children First, Legal Aid of Broward County, and the Innocence Project off Florida.

Some examples of the kind of work performed under AOJ Grants are summarized below:

1. Innocence Project of Florida helps the wrongfully convicted obtain freedom and successfully reintegrate back into free society. IPF currently screens and reviews 800-900 cases a year, litigating more than 30 cases at any one time. In January 2019, the state dropped all charges against Dean McKee, who was wrongfully convicted of murder in 1988. IPF secured his release a year earlier from his almost 30 years of wrongful incarceration, after the circuit court overturned his wrongful conviction based on a mix of new DNA and non-DNA evidence that demonstrated that he was framed by his older brother for this crime. Mr. McKee was 16 when he was wrongfully incarcerated. In January 2020, he held the grand opening of his small business, Inside Ink Tattoo Studio, in Largo, Florida.

In March 2019, IPF achieved double exoneration of Nathan Myers and Clifford Williams, who each spent nearly 43 years in prison for a murder and attempted murder they did not commit. Their convictions were vacated based on new forensic conclusions that invalidated the state's theory of the case, significant credible alibi evidence, and the identification of the actual perpetrator. They achieved this success in conjunction with the State Attorney's Office Conviction Integrity Review Division.

2. Florida's Children First heard from youth about barriers to their use of the tuition exemption for youth housed in foster care, group home, relative or non-relative placement. Some students were forced to drop out of school, lost their DCF housing assistance and became homeless. FCF partnered with Greenberg Traurig and law students to produce a White Paper describing barriers and proposing solutions. The Florida Legislature used the recommendations to eliminate statutory barriers. FCF also advocated for revision of a policy by the University System Board of Governors that limited the exemption to undergraduate credits. They recruited Baker McKenzie to file an administrative challenge to the policy. As a result, the University System amended the policy, and students can now use the exemption for graduate and professional school.

FCF also: (a) settled a rule challenge to protect eligibility for extended foster care for youth with disabilities and improve services to incarcerated former foster youth; (b) trained hundreds on the finance issues that affect child welfare so they can better advocate for children; (c) secured passage of HB 851 to protect children from becoming victims of human trafficking; (d) exposed deficiencies in a report on crossover youth and advocated to prevent passage of a law that would permit foster youth to be locked up; (d) secured sponsors for a foster care bill of rights and secured a U.S Congress sponsor for a federal driver's license bill for foster youth; and (e) provided critical advocacy that resulted in the passage of a law with funding for attorneys for over 5,000 vulnerable children. The impact of their work is immense, benefitting: 30,000 children in DCF out-of-home care in the course of a year; 5,000 youth who aged out of state care in the last 5 years; the clients of the 750 attorneys supported by the Florida Dependency Law Center; 350 Members of Florida Youth SHINE; 60,000 Families of children in out-of-home care; 2,500 Children and partners of youth who aged out of state care; and 28,750 Children and parents represented by attorneys supported by Florida Dependency Law Center.

Legal Aid Summer Fellowship Program: An essential component of the Foundation's mission is to promote service to the public by members of the legal profession by making public service an integral component of the law school experience. The Legal Aid Summer Fellowship Program offers approximately 10 Florida law students the opportunity to gain valuable legal service experience at a Florida non-profit legal service organization for an 11-week full-time paid summer fellowship. Fellowship stipends are paid to the host organization and distributed to the fellow according to regular employment practices. The purpose of this fellowship is to: involve fellowship recipients in the provision of high-quality, significant civil legal assistance to low-income Floridians, the indigent, and the working poor in critical areas of need; provide an in-depth educational experience in

representing low-income Floridians and working with individual clients and client groups in civil matters; increase law student interest in and awareness of the legal problems of low-income Floridians, and the challenges and satisfaction of representing those who need it most; and promote commitment to pro bono representation of low-income Floridians. This program was originally allocated \$100,000, but given complications of COVID-19, there will only be 6 fellows this year, and the total allocation is now \$48,675.¹⁴

Law School Civil Legal Clinic Grants: Law school clinical programs play an integral role in providing essential legal assistance to low-income Floridians, and in introducing law students to the notion of such work when they join the bar, either by working for or otherwise supporting legal aid groups or by pro bono work. Law School Clinics funded by this program must: involve law students in the provision of community-based civil legal assistance with a focus on economic development in impoverished local communities; provide an in-depth educational experience in representing the poor and working with individual clients and client groups in civil matters; and encourage law students to pursue public interest careers representing the poor and/or promote a commitment to pro bono representation of the poor. The total allocation for these grants in the current fiscal year is \$199,999, for a joint project by the Florida State University College of Law and the University of Florida Law School on immigration issues. This is not funded by IOTA.

Equal Justice Works Fellowship: The Foundation provides matching grants for fellowships through Washington, D.C.-based Equal Justice Works (EJW). Fellows are hosted by Foundation grantees. Fellows' two-year civil legal aid projects provide impoverished groups with the representation and implementation needed to make progress in their communities. Equal Justice Works is a nonprofit organization that uses a network of lawyers, law students, legal service organizations and supporters to ensure public service and equal justice in America. The total amount allocated for these grants, which usually supports at least four Fellows in Florida each year, is \$437,000, but one fellowship terminated early and \$52,443 was returned to the Foundation. One Fellow is funded by IOTA receipts and the other is funded from another funding source.

Pro Bono Transformation and Innovation Grants: These Grants develop and enhance pro bono programs that serve low-income Floridians to improve the reach, quality, and effectiveness of the services clients receive. The Foundation provides grants for efforts that are: Innovative (new approaches or the adaptation of existing, successful approaches) and replicable (the innovation, if successful, could likely be implemented by other legal aid programs); or which involve programs who are seeking to replicate successful and effective pro bono models.

^{14.} The Board made the decision to modify these fellowships to be responsive to COVID -19 issues. Our first inclination was to cancel the program for this year because remote fellowships would not have been productive if original pre-COVID projects were pursued. By being flexible, we saved some fellows their planned employment and we directed more resources to help out with pandemic related problems.

The amount funded for Innovation Grants in the current budget is \$119,000, awarded to Legal Aid Society of Palm Beach County, Legal Services of Greater Miami, Jacksonville Area Legal Services, Catholic Legal Services, and Lee County Legal Aid Society. Transformation Grants total \$268,500, which goes to the CABA (Cuban American Bar Association) Pro Bono Project, Community Legal Services of Mid-Florida, and Southern Legal Counsel. Some examples of the kind of work performed by pro bono programs which have received these grants are summarized below:

1. Carlos Sardi volunteers for Dade Legal Aid & Put Something Back. He has represented numerous pro bono clients and says it is his utmost privilege and pleasure to help out the most needy members of his community. He gets more pleasure out of working pro bono for a client than with any other paying client in his practice. His last pro bono case involved a veteran with debt who was living in "extreme" poverty and had no one to take care of him - no family, no friends. He ran out of private retirement funds and had social security income of only \$1,000 a month to live on. He was successfully placed in a Chapter 7 bankruptcy, and got a discharge of over \$13,500 in debts.

2. Tim Moran began volunteering at Community Legal Services of Mid-Florida in 2009, and each year since he has donated 100+ hours of pro bono legal services. Tim participates in CLSMF's Alternative Spring Break with UF Levin College of Law students, providing them with practical experience such as interviewing clients. He was also instrumental in the development of CLSMF's "Each One; Teach One" bankruptcy pro bono project where experienced bankruptcy attorneys teach an attorney bankruptcy. Once they are proficient, they then teach someone else.

3. After scouring the internet for legal help and finding the cost of a bankruptcy lawyer overwhelming, an elderly couple approached Community Legal Services of Mid-Florida. What might have seemed like an everyday occurrence at a legal aid program would become enlightening for law student Jonathan Levy. He and his mentor, lawyer Jesusa Panton, listened as their new pro bono clients, the elderly couple, grew concerned about how they would travel to work if they had to surrender their car after filing for bankruptcy. Levy observed Panton as she counseled the clients about alternatives. Levy had the opportunity to work on the case through the Florida Pro Bono Law School Challenge, a pilot program created by the Foundation's pro bono department. Using an online platform to match students with alumni mentors, Florida's law schools competed to see whose students and alumni could take the most pro bono cases during the spring semester. During the four months of the challenge, students and lawyers from all of Florida's 12 law schools worked on 306 unique cases. Levy, a rising 3L at the Dwayne O. Andreas School of Law at Barry University, spent several weeks working on the case with the clients and shadowing Panton, a Barry Law alumna. Panton encouraged him to ask their clients questions, let him fill out their bankruptcy worksheet and asked him to obtain the required financial documents to start the bankruptcy petition. Working alongside Panton, Levy was also exposed to challenges and learned how to overcome them.

Limited Matching Funds Grant Program: The Foundation's Limited Matching Funds Grant Program is a newly created grant program. In large part, it was created at the request of grantees who indicated a need to obtain "matching funds" in order to seek and secure other funding sources and grants. This is a developing requirement with grants funding. Accordingly, this new grant will provide applicants opportunities to obtain limited funding to support and/or to leverage grant opportunities from other funding sources, which may contribute to: greater impact through leveraged funding; diversification of applicant funding to improve sustainability; increased opportunities for innovation; and increased opportunities to improve efficiencies.

Loan Repayment Assistance Program: The purpose of the Loan Repayment Assistance Program (LRAP) is to strengthen and expand legal assistance for the poor by supporting the recruitment and retention of qualified civil legal aid staff attorneys who are employed by legal assistance organizations that receive grant funding from The Florida Bar Foundation. Staff attorneys participating in LRAP are required to use the funds to pay down and reduce their student loan debt. The Foundation's LRAP currently provides benefits of \$5,000 per calendar year per person in the form of a loan. The Foundation forgives the loan annually upon documentation that the funds were used to pay down student loan debt. Based on feedback from our Grantees and their employees, this is considered one of the best programs administered by the Foundation.

LRAP is a long-standing program that has made a significant difference in keeping experienced lawyers in civil legal aid. For Foundation staff, this is a time-consuming labor of love and involves on average 200+ loans and forgiveness awards per year. Administration of the program is a lot of work for staff, but the benefit to the legal aid infrastructure in retention of career legal aid attorneys is enormous.

Engle: The United States District Court for the Middle District of Florida directed that \$3,548,987 paid as sanctions be transferred to the Foundation for distribution to legal aid organizations in the Middle District who will assist litigants in obtaining representation in court. Recipients must provide direct legal services to clients in litigation matters, active or pre-suit. See thefloridabarfoundation.org/project/engle-grant-program/

Bank of America Community Development Grants: These grants are a result of a settlement under which Florida's allocated portion of the settlement was entrusted for administration to the Foundation. The funds must be used for foreclosure prevention legal assistance and community redevelopment legal assistance. See thefloridabarfoundation.org/project/bank-of-america-foreclosure-prevention-and-community-redevelopment-grants/

Questions 1 through 4 and 12 from Chair Downs' letter relate to Grants. Those questions, and the answer of the Foundation to the questions, follow:

1. Description of grant programs (including amounts) funded by the Foundation (using IOTA funds) where the grantee organization is required by the terms of the grant to provide direct legal services to low income Florida litigants (as used in this letter, the term "litigants" has the meaning described in FN 1 of the draft combined subcommittee report).

Answer: As phrased, the answer is none. With the exception of the Loan Repayment Assistance Program (LRAP) (reviewed above), the Foundation has never used the term "direct legal services to low income Florida litigants" to identify specific grants requirements in any of its grants funded wholly or in part by IOTA funds.

The Foundation currently administers thirteen different grants programs. Each has its own purpose and objectives. For quick reference, here is a listing:

Grants Program	Funded with IOTA funds?
Improvements in the Administration of Justice	Yes
Community Economic Development	No
Children's Legal Services	Partially
Engle Award (USDC M.D. Fla)	No
Equal Justice Works Fellowship	Partially
Florida Legal Aid Disaster Relief Funds	Partially
Florida Legal Aid Training Initiative	Yes
Law School Civil Legal Clinics	No
Legal Aid Summer Fellowships	Yes
Limited Matching Funds (new)	Yes, but none yet granted
Loan Repayment Assistance Program	Mostly
Pro Bono Innovation	Yes
Pro Bono Transformation Grants	Yes

Exhibit 16 compiles Program Descriptions for all current Foundation grants programs. These descriptions, together with the summary overview in the preceding pages, provide each grant's objectives and basic eligibility requirements. Additional information is available on the Foundation's website, or can be provided to the Task Force upon request.

Express restriction of grant funds to benefit low income Floridians has not been considered necessary, for several reasons. First, that will normally follow from the type of work authorized by the grant and by the work and charitable status of the grantee. Each grant by its very design is tailored to serve the mission of the Foundation. Grantees must confirm that they use the funds for the appropriate purposes as provided in the grant itself. Second, grantees will have their own eligibility standards which are set by their own programs and approved by their own boards which reflect the community sense of who is unable to afford an attorney. Some places may set that at the poverty level, but most organizations employ a percentage above the poverty level – 125%, or 150%, or even 200% in some cases. This reflects the fact that many of the working poor may not be technically in poverty, but are still incapable of affording the expense of a private attorney. The Foundation has been satisfied to rely upon the local judgments of grantee organizations as to the appropriate eligibility for the services provided by those organizations, and have never been given any cause to think this reliance is unfounded. For these reasons, imposing an additional “low income Floridians” requirement has not been considered a necessary condition on grants.

In the judgment of the Foundation, expressly restricting the use of funds to “direct legal services” – which we understand to mean a legal aid agency providing a member of The Florida Bar employed by that agency (and who is exclusively employed for such direct legal services) to represent an eligible client directly – has also not been warranted. In many cases the purpose of the grant may not require the direct relationship between a staff attorney and a low income client. So long as needs are being served which are within the mission of the Foundation, we have been happy to allow grantees to serve such needs in other ways, which may be more cost effective than assigning a client to a staff attorney. Examples of this may include pro bono programs, or the advocacy work of Florida’s Children First and the Florida Health Justice Project, or the work of IDignity.

Other examples of grants that do not require direct legal services as defined by the Revised Combined Recommendations of the Subcommittees might include support for technology tools, such as Pro Bono Matters, online intake, or the Gateway, which assist individuals who cannot afford an attorney obtain relief with specialized tools allowing them to obtain legal relief with an attorney or enforcement of their rights without an attorney, and which also provided substantial technological support and expertise to Florida’s civil legal aid infrastructure. For example, in the last twelve months, 390,000 visitors arrived at floridalawhelp.org, one of the web sites designed to help Floridians with legal problems. The three most popular web articles over this time period are: (1) Evictions: What Every Tenant Should Know -- which received over 115,000 visits in that time span; (2) Help I Just Got A 3 Day Notice -- which received over 42,251 visits in that time span; (3) Steps in a Divorce -- which received over 37,994 visits in that time span. Twenty percent of these visitors returned to the page more than once, which is indicative of beneficial use. Many of these uses occur outside normal office hours, as many people who have these issues and cannot afford an attorney do not necessarily work the day shift. The widespread use of these tools shows that access to justice does not always require an attorney.

Nor does advancing justice always require court action. IDignity helps homeless people get the necessary documents for housing, transportation, and employment, which often does not require direct legal assistance with a legal proceeding except in more challenging cases, and then often then is handled by pro bono counsel. Other examples of grants for which such restriction would be unwarranted might include support for training or other capacity building of grantees to provide legal services to the poor. Another example might include LRAP, which helps grantees provide legal services to the needy by allowing the attorneys employed by the grantee to pay off their student loans.

Other examples might include programs by which the Foundation makes major purchases – such as Westlaw or Legal Server – on behalf of all grantees, allowing the grantees to have the benefit at a substantially reduced cost. And while LSC grantees are generally barred from any kind of lobbying, the Foundation and other IOTA foundations around the country have sent small groups each year to D.C. during ABA Days to encourage members of Congress to fully fund LSC. As a result of the invaluable relationships developed and the information shared during these annual visits, LSC funding has remained stable and even increased over recent years. There may be other situations where the Foundation provides important support to Florida's legal aid system, without necessarily directly placing a legal aid staff attorney into an attorney-client relationship with an indigent or low income Floridian, but Westlaw and Legal Server describe the expenditures of significance the Board has approved in recent years.

Thus, the Foundation has traditionally funded programs that provide legal information, legal assistance, and legal counsel to those living and working in Florida in need of civil legal aid assistance. The grants funded are generally restricted to low income Floridians by the nature and terms of the grant and the grantee, as these organizations will normally employ their own measures of income and assets to screen clients. While the Foundation does not generally use such specific restrictive language in the grants themselves, common provisions of grants limit use of the funds to the purposes of the grants and to the purposes for which grantee's organization was established.¹⁵

^{15.} The referenced provision of our grant's contract template states: "USE OF GRANT FUNDS AND TAX EXEMPT STATUS. Grantee has represented that it is exempt from tax and qualified to receive charitable donations within the meaning of the Internal Revenue Code. Grantee may use the grant funds only for the charitable purpose(s) for which grantee's organization was established, and more specifically, grantee shall use the grant funds only for the respective purpose(s) outlined or referenced above. Grantee shall not use the grant funds for any purpose(s) prohibited under Section 501 of the Internal Revenue Code or the corresponding provision of any future United States Internal Revenue Law, including the prohibition against participating in, or intervening in (including the publishing or distributing of statements), any political campaign on behalf of any candidate for public office. Grantee acknowledges that the Foundation has not earmarked the use of the grant funds or any portion thereof for any other organization or individual, unless specifically noted herein. Grantee must immediately inform the Foundation of any change in the tax status of grantee's organization." Other provisions restrict grant funds from being used for indirect costs not directly related to the purpose of the grant, prohibit subgrants of grant funds, and prohibits use of grant funds for severance payments. **Exhibit 17** illustrates the standard contract provisions currently utilized by the Foundation.

2. Description of programs (including amounts) funded by the Foundation (using IOTA funds) in which the Foundation itself provides direct legal services to low income Florida litigants.

Answer: The Foundation itself does not provide direct legal services. Pursuant to the Foundation's charter and governing documents, it oversees, administers and provides funding and assistance to others who provide civil legal aid primarily to poor and vulnerable populations living and working in Florida.

If "direct legal service" is not intended to exclude pro bono programs which match volunteer attorneys to low income Floridians (for litigation or other legal issues), the Foundation does have a Pro Bono Department, which assists in recruiting pro bono attorneys to match with low income Florida litigants. That is generally in conjunction with local pro bono programs of legal aid offices, which are supported by the Pro Bono Department. The amounts in the current budget for the Pro Bono Department is \$130,235 for Pro Bono Operations, \$175,000 for Pro Bono Program Related Expenses, and \$105,000 for Pro Bono Professional Services.

3. Description of programs (including amounts) funded by the Foundation (using IOTA funds) where the grantee organization provides services, other than direct legal services, to low income Floridians.

Answer: In preceding pages we have provided a description of all grant programs funded by the Foundation, in part or in whole, with IOTA funds. Attached as **Exhibit 18** is a list of all FBF current grants broken down by each current grant program administered by the Foundation. Each specific grant is also identified by Grantee, Project name and purpose, the amount awarded, and the types of funds used for the award. This list includes grant programs that receive no IOTA funds. For example, funds received from Bank of America or the United States District Court for the Middle District of Florida (Engle) are restricted for use toward those two specifically created programs.

In the view of the Foundation, all of our current grants help provide legal services either directly or indirectly to low income Floridians, although many uses of grant funds do not fit within the narrow definition indicated by the Revised Combined Recommendations of the Subcommittees. And all grantees, by nature of their charitable status and their own internal constraints, provide legal services to low income Floridians, based on eligibility requirements established by their own governing boards. By use of the modifier "direct" and based on the definition of "qualified attorney" as provided within the Revised Combined Recommendation off the Subcommittees, the technically most accurate answer is that none of the legal services are direct because the attorneys will, as we understand it, be assigned duties other than direct representation of legal aid clients. In which case, it may be that none of the funds disbursed by the Foundation would be categorized as direct legal services because the attorneys in legal aid offices have other duties and

responsibility. If none of the funds go to direct legal services under the terms given by the proposed recommendations, then all of the grant programs we have described would be considered indirect.

On the other hand, if we set aside the proposal's definition to the extent it would include staff attorneys who provide direct legal services, but who do not provide such services "to the exclusion of all other duties and responsibilities," that would still considerably narrow the set of grantees who provide legal services other than direct representation of clients with discrete litigation or pre litigation matters. With that understanding, programs currently funded by the Foundation which do not employ attorneys but instead provide assistance through volunteers (Legal Aid Foundation of Tallahassee, presently the recipient of a Community Development grant – which is not derived from IOTA funds – in the amount of \$73,456),¹⁶ or which predominantly provide advocacy and support outside the courtroom with entering direct attorney-client relationships with the children they serve (Florida's Children First, presently the recipient of an AOJ grant in the amount of \$250,000; and Florida Health Justice Project, presently the recipient of an AOJ grant in the amount of \$60,000) would be excluded.¹⁷ Other grantees receiving funds that the Revised Combined Recommendations of the Subcommittees would not consider to be dedicated to direct legal services are recipients of Pro Bono Transformation and Innovation Grants, funding for Idignity, and those grantees whose staff have benefitted from the LRAP program of reducing student loan debt for legal aid attorneys.¹⁸

4. Description of programs (including amounts) funded by the Foundation (using IOTA funds) in which the Foundation itself provides services, other than direct legal services, to low income Floridians.

^{16.} Other programs who receive funds from the Foundation – even those with attorneys on staff to provide services to clients under the grant -- also would be considered indirect in some degree under the proposed restrictions because these programs also rely upon paralegals, pro bono volunteers, and student interns to provide legal services. We believe this would likely encompass every organization funded by the Foundation.

^{17.} Advocacy outside the courtroom, public outreach, education, workshops, and other efforts that might not be strictly within the definition of direct legal services under the proposals are common features of most if not all grants, and to this extent as well, all grants of the Foundation would be considered by the Task Force to be indirect legal services based on the strict and narrow definition contained within the Revised Combined Recommendationss of the Subcommittees.

^{18.} We were advised that all of the Task Force's questions were directed to the present budget, and have answered and have provided information in response to the questions accordingly. However, in response to this question, one other grantee from recent history which did not provide "direct legal services" as we understand that term would be the Florida Justice Technology Center, Inc. The Foundation was required to fund FJTC for a period of time by the terms of a loan from The Florida Bar. The programs, technology, and other websites created by FJTC are now in the temporary possession of the Foundation until a decision can be made what to do with these assets.

Answer: Services provided to low income Floridians by the Foundation are normally provided through grantees. The only cases in which low income Floridians might receive a service from the Foundation, other than direct legal services might encompass the Pro Bono Department, as noted in response to question 2 above. In addition, low income Floridians benefit from florialawhelp.org and other technology tools that are presently in the custody of the Foundation following transfer from the Florida Justice Technology Center.¹⁹ The current Foundation Budget includes \$19,900(excluding payroll) to maintain these technology assets.

12. Description and examples of the objective, quantifiable metrics that the Foundation currently uses to measure the effectiveness of its grants and other expenditures.

Pursuant to direction of the Board, Spark Policy Institute was hired to develop metrics for use in evaluating the Foundation's Reset and resulting programs. From that effort, 11 distinct metrics were developed and approved by the Board at its meeting in March of 2019. Attached as **Exhibit 19** is the final report which resulted in the identification and development of such metrics. Page 10 of such report specifically identifies these metrics. Such metrics are:

Metric	Rationale
1. Number and types of organizations being financially supported.	This metric will help the Foundation track what types of organizations are being supported and the extent to which funding aligns with the Reset's strategies.
2. Amount of funding leveraged.	This metric will help the Foundation track the amount of funding leveraged by grantees.
3. Number and ways in which people are trained.	One of the goals of the Reset is to build organizational capacity. This metric will help the Foundation understand who and how people are being trained by the Foundation or its grantees.

^{19.} In addition to florialawhelp.org, and the Pro Bono Matters web sites previously discussed, these also include: a web tool allowing Floridians to change their name and gender marker (floridanamechange.org); a web tool which helps parents of children with developmental disabilities whose children are about to become 18 set up a guardianship (turning18.org), and the Florida Legal Access Gateway.

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| 4. | Number and types of materials developed and shared. | One of the goals of the Reset is to build organizational capacity. This metric will help the Foundation to understand how they are supporting the field. |
| 5. | Number and types of innovative models supported, including pro bono. | One of the goals of the Reset is to increase the effectiveness and efficiency of services. This metric will help the Foundation understand the models that are being developed to catalyze increased access to justice. |
| 6. | Number and percent of grantees, legal aid providers, and pro bono providers adopting best practices or shared standards of practice. | One of the goals of the Reset is to support adoption of best and shared standards of practice. This metric will allow the Foundation to understand how key players are changing their practices. Data can also be used to inform funding decisions. |
| 7. | Number of clients using self-help resources or accessing low-cost representation. | This metric will help the Foundation understand the ways in which it and its partners are educating and activating community members to address unmet needs. |
| 8. | Number and types of new partnerships. | Creating, promoting, enhancing, and institutionalizing partnerships can help expand the system's capacity. This metric will help the Foundation understand the number and types of partners that are part of, or who are joining, the "system."

This metric provides a quantitative means of measuring the social impact of this work. The definition of "economic benefits" is clear, consistent, and transparent to help ensure that it is viewed as credible. |
| 9. | Economic benefits received by clients. | |

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| 10. | Total number and types of individuals who receive or benefit from civil legal support. | This metric will help the Foundation understand the number and types of people being reached or helped in some manner. The Foundation can examine the "value add of" specific efforts (e.g., grant approaches). Describing the different types of individuals served helps enhance transparency and credibility. |
| 11. | Actions and reactions of key stakeholders on the Strategic Reset. | This metric will keep the Foundation apprised of comments and reactions from all stakeholders in the legal aid delivery system relating to acceptance and implementation of, accountability for, compliance with, and collaboration on the Strategic Reset. |

Given the time period in question, no grants contract cycle has yet concluded in order for such metrics to have been used as a means of assessing actual project deliverables and accomplishments for contracts awarded after the incorporation of such metrics into the process. Final reports for grants awarded in FY 19-20 will have these metrics embedded into them.

These and other metrics have been formally incorporated into the Foundation's "front-end" assessment of evaluating grants applications. Attached as **Exhibit 20** is an example of the Foundation's incorporation of Reset and other type metrics which are considered when staff and volunteer directors read, review and score grants applications before making funding recommendations to the Grants Committee and Board of Directors. As the Exhibit shows, there are multiple inquiries and metrics built into the grant applications which require grantees to provide specific information relating to their anticipated performance in the event they are awarded a Foundation grant. The grantee's representations made in the grant application are then specifically incorporated into and made part of the resulting grants contract in the event an award is made.

The Foundation also requires grantees to submit performance data to the Foundation upon request and usually on at least an annual basis. The data provided covers a series of metrics designed to assist the Foundation in assessing performance, best practices, notable and replicable results, and areas of need. This data is also used for reporting purposes and has been the basis for the preparation of Self-Assessment Reports (SAR) which track and summarize statewide performance measures on an annual basis. **Exhibit 21** is a copy of the Foundation's last SAR report for calendar year 2017 and shows the types of data and metrics collected from FBF grantees showing the work done and some of the results achieved. **Exhibit 22** is a more in-depth annual overview which describes and shows all metrics captured by FBF grantees in CY 2017.

In light of performance and timing issues on the part of the Foundation's consultant, as well as the current consensus that the standard for current SAR reports has shifted to a three-year period (in recognition of the labor, time and expense involved), the Foundation recently decided that formal SAR reports prepared by outside consultants will be done on a three year rolling basis. This saved approximately \$100,000 as the monies appropriated for those two annual reports (CY 2018 and CY 2019) were not spent and returned to the Foundation. As such, the next formal SAR report will be for CY 2020 and is expected to be published in 2021.

E. Pro Bono Department

The Foundation's Pro Bono Department is led by Director Claud B. Nelson, III. This Department supports Pro Bono on a statewide basis by working with pro bono programs around the State. The Department also provides technical and expert support for its grantees and for other organizations, including law firms and law schools, in creating, implementing or analyzing pro bono programs. This Department also supports the work of the individual pro bono circuit committees; assists The Florida Bar's Standing Committee on Pro Bono Legal Services in multiple capacities as needed; and provides funding and leadership assistance to the Florida Pro Bono Coordinators Association (FPBCA).

The Pro Bono Department is responsible for the Pro Bono Matters website, which partners with local legal aid offices to display pro bono opportunities Florida lawyers might consider. The Department also created and administers the Pro Bono Law School Challenge, and is generally involved with promoting pro bono work by Florida attorneys.

F. Executive Department

The Executive Department is comprised of Executive Director Donny MacKenzie, Deputy Director, CFO and COO Lou Ann Powell, and Executive Assistant Andrea De Voe. This Department works with the Board to develop and implement the Strategic Plan for the Foundation; develops policies, manages external relations with state and national organizations, including organized and local Bar organizations, and other constituents. The Executive Department also provides support and liaisons with the Board and all Committees of the Board. These Officers oversee all programs, operations, finance, administration, IT, and provide leadership internally and externally to support access to justice and to achieve the mission of the Foundation.

G. Development Department

Led by Director of Development Michelle Fonseca, this Department implements the Foundation's resource development plan, including the Fellows Program, Annual Giving, Major and Planned Giving, Donor Recognition, Retention, and Recruitment, and the Kids Deserve Justice Speciality Licensing Plate.

H. Communications

Led by Director of Communications Jessica Brown, this Department develops and implements the Foundation's Strategic Communications Plan on communications and media relations. This includes responsibility for the Foundation's print and on-line publications, which most notably include the periodical, Speaking of Justice, which covers the work of the Foundation as well as shines a light on exceptional successes achieved by Florida's legal aid organizations, as well as exceptional pro bono achievements and recognitions.²⁰

I. Interim Technology and IT:

This is an interim department which is maintaining certain technology products and projects and working with the Technology Committee of the Board to determine a long-range policy of the Foundation and its role with respect to technology. Led by Interim Director Eli Mattern, this department also oversees the Foundation's data bases, technology equipment, and technology resources.

J. General Office & Administration: Office Manager Maritza Ramirez, Office Clerk Kayla Rolon, and Administrative Assistant Shayla Connell, provide administrative and general office support to all of the previously described departments. Their duties include office facility and equipment maintenance, front desk service, office supplies, maintaining all necessary insurance, and staffing support as needed to each department.

III. Foundation Comments and Recommendations

The Task Force has requested comments and recommendations from the Foundation as to certain proposals contained within the Revised Combined Recommendations of the Subcommittees. Before responding specifically to these final questions, we begin with some general comments to provide the Task Force the views of the Foundation on these Recommendations, which we submit as responsive to these proposals generally.

First, the Foundation agrees that reasonable measures to promote transparency and understanding of the Foundation's activities, expenditures, and allocations are appropriate. The Foundation is fully cognizant that it serves in a public trust capacity. Whatever is conducive to ensuring the public – including The Florida Bar, the Supreme Court of Florida, Grantees, and other interested persons – that the actions and decisions of the Foundation are open for review and explanation and justification, is welcomed. The Foundation tries to follow such measures by, for example, published reports on its web page and other media, and by forwarding regular reports to the Supreme Court. Additional reasonable measures would not be opposed.

^{20.} Issues of Speaking of Justice may be reviewed in the on-line archive: thefloridabarfoundation.org/speaking-of-justice-archive .

Substantial restrictions on the ability of the Board to exercise its best judgment on the allocation of grants or other expenditures are another matter. As we have tried to painstakingly demonstrate in the preceding cases, the Foundation has been created and evolved over the decades to provide a exceedingly well designed structure to allocate funds to serve the mission which has been in place for decades. It has done so exceedingly well.

The grantees who make up the legal aid system are generally opposed to the plan under consideration, and support continuation of the current design. This design allows thoughtful consideration of how best to apply available funds to serve the cause of civil justice, and to do so based on constantly changing circumstances relative to the legal aid infrastructure, the changing legal needs of indigent and low income Floridians, other funding sources, and the funds available through IOTA and other sources allocated by the Foundation. The alternative proposed would disrupt a well-designed, effective, and popular system, for an alternative that would limit the use of funds in ways that would defund many excellent programs, and require programs who may continue to apply for Foundation grants to use such funds in ways that would be far less cost-effective, and less effective in advancing the cause of civil justice in this State.

Allocations of IOTA funds should keep front-of-mind: (1) the legal needs of Floridians who are not able to afford an attorney; (2) the legal aid system and infrastructure itself, which provides for civil justice in many ways beyond providing a staff attorney to a needy client; and (3) other funding sources, which grantees depend upon more than they depend upon IOTA funds. Any formal policy or rule-making considerations should also be sensitive to the fact that each of these large contextual pieces of the landscape in which IOTA funds may be used are all subject to change over time: the legal aid groups of today are not identical to those of twenty years ago; the legal needs of Floridians are also subject to change over time; and the other funding sources are also variable in amounts and priorities. Decisions about IOTA funds and how they may be put to best use within this broader and dynamic context must therefore take great care to consider how any further restriction of the permitted uses of IOTA funds might effect legal aid providers in their effort to further the cause of civil justice, and help those who cannot afford a lawyer the opportunity to meaningfully understand and enforce their rights. The Foundation can best serve to close the justice gap if it has the discretion to take all of these relevant factors into account and to exercise judgment thoughtfully about different approaches that may be more effective and more efficient to help impoverished Floridians achieve justice.

The best use of IOTA funds today are not necessarily the best use of IOTA funds in the future. As the best answers will change over time, there needs to be a decision-making process that can be thoughtful about addressing changing needs, and which allows discretion for decisions to be executed in the future, to address those needs and resources, without being tied to decisions made at a different time, and in a different context.

The predominant and overwhelming view of the Directors and Executive Staff of the Foundation is that the present system has provided tremendous benefit to the State of Florida, and particularly to indigent and low income Floridians. Any dramatic restriction or limitation on the Board which would fundamentally alter the status quo in the manner under consideration would do real harm by defunding programs without careful consideration on the specific merits of the effectiveness of the program's efforts to promote civil justice.

The Recommendations of the Subcommittees would defund programs like Florida Children's First, which does not provide direct representation, but which by its advocacy efforts has provided attorneys for thousands of children in DCF custody. It would also defund programs like Tallahassee's Thunder Dome project, which employs no attorneys, but which has had great success in promoting pro bono representation of needy Floridians in the Tallahassee area. And all other programs would also be adversely affected to the extent that they rely upon paralegals, or student interns, or anyone else who is not a member of the Florida Bar. That likely encompasses every legal aid office in this State, but we fear it would have the heaviest adverse impacts on programs that make heaviest use of such resources, which include the Innocence Project and Americans for Immigrant Justice. Even programs which primarily rely on staff attorneys typically buttress their ability to serve with active pro bono programs, which unfortunately would not be able to receive financial support under the proposed revisions. These harmful consequences we (and grantees) anticipate would follow adoption of the Revised Combine Recommendations would substantially outweigh any good by streamlining, simplifying, and focusing such funds to the wages and benefits of members of the Florida Bar.

Even programs that are predominately litigation firms, who might receive more funds from the restrictions that are under consideration, oppose the proposed restrictions. As stated in the February 4, 2020 letter from the Executive Director of Jacksonville Area Legal Aid, to this Task Force, disruption of Foundation oversight of IOTA would be a "ruinous mistake" because the benefit of the additional legal aid attorneys in field would be more than outweighed by the lost benefits the Foundation provides to Florida's legal aid network, including statewide planning and strategy, purchasing power strategies, LRAP, and the Foundation's leadership in technology tools. And the additional lawyers in the field, as referenced in that same letter, as well as in the letter and presentation of the Foundation's Executive Director to the Task Force this past February, would move the needle of additional representation by lawyers in the field so slightly compared with what would be lost in exchange.

Moreover, any changes that the future might suggest to be warranted can most thoughtfully be undertaken by the Foundation Board itself. The existing Board structure is designed for regular debate and reflection, and thereby carries within it the ingredients for making any needed adjustments as may be warranted. We submit that any decisions on adjusting the policies and procedures for the distribution of IOTA funds can best be made by the duly constituted Board. The system of legal aid, and legal aid funding, and the

legal needs of low income and indigent Floridians, each present too many complexities and variables, and each of these are subject to such dynamic change over time, that decisions about funding with the relatively limited resources which are produced by IOTA accounts are best subject to constant oversight and adjustment by an objective, thoughtful, committed, and broadly drawn body.

For one very recent example of how quickly legal needs in Florida may change, this time last year no one would have considered that some portion of IOTA funds might require allocation to assist Floridians and legal aid offices with special problems arising from the COVID-19 pandemic. But at the **Board meeting on March 27, and again at the Executive Committee meeting on April 9**, it was agreed and decided that this is an emergency situation that, like hurricanes in the past, provides compelling grounds for funding allocations to address the substantially increased legal needs arising out of the economic calamity caused by the pandemic.

Many Floridians with compelling needs for legal assistance may require an attorney to advise and perhaps even take legal action. But many of these will not. And if a paralegal or pro bono attorney or student intern can help someone who needs help, and do so more cheaply than the same help could be provided by a member of the Florida Bar on staff at a legal aid office, the Foundation would approve of the cost savings, and not be troubled that a Florida Bar member is not taking the time to do something that a paralegal can effectively, and ethically, handle.

Given the broad context in which IOTA funds may contribute, and for the reasons generally expressed in Steve Senn's letter of February 3, 2020, the reasoning of which has been endorsed by the Foundation, these funds should remain generally available to do the most good as possible, according to the judgment of the Board as guided by its established policies and procedure, and within the defined mandates for such funds and such grant programs developed to consistent with the mission and charge given to the Foundation by the Supreme Court of Florida.

For these and other reasons, the position of the Foundation is that there is no adequate cause to modify the existing rule or to take other steps which would have the effect of changing the mission of the Foundation or the IOTA program, or to restrict the historic role of the Board to determine the best use of IOTA funds. The IOTA rule is a stroke of genius created and crafted by our predecessors and amended only occasionally when the need for such was evident. The rule creates a mechanism for addressing the historically persistent problem of unequal access to courts in America. No change to the rule is necessary to "effectuate a better use of IOTA funds". If a better use is identified, then it is the duty of the Foundation to address and adopt such better use without the need for changing the rule itself.

Moreover, the current rule speaks to the creation of IOTA accounts and the remittance of interest earned on such accounts. It does not speak to how such monies are to be spent. Similarly, no change to the Foundation's mission is necessary to effectuate

better use of IOTA funds. The mission and purpose of the Foundation is to increase access to justice through funding civil legal aid. That mission has been developed over the course of sixty years and effectively addresses the need and defines the critical role played by the Foundation. That mission does not need to be changed. If specific concerns exist about the Foundation's expenditures, either from a "overhead" or "priorities" standpoint, the Foundation is open to addressing and resolving those specific concerns. In fact, the Foundation began an intensive review of its budget before the creation of this task force and continues to do so at present. It understands and accepts its duty to spend all of its funds as wisely, prudently, and reasonably as possible.

7. Foundation comments regarding Section A (regarding codifying in the rules limitations on uses of IOTA funds) of the draft combined subcommittee report.

For the reasons stated above, the Foundation does not believe there is anything broken that requires fixing, and that the proposed remedy would cause significant disruption by defunding programs and legal aid strategies that have done great good in this State, and would continue to do so unless they are defunded. Restrictions and limitations on the discretion of the Foundation to make the best use of IOTA funds within the long-established mission of the Foundation would defund such good programs and efforts, and would also preclude future consideration of grant proposals that could easily provide the most effective and efficient strategies to advance civil justice for needy Floridians. It is conceivable that in the not too distant future an AI program, for example, might provide a quick, cheap, and easy way for Veterans to obtain benefits to which they are entitled, but such a program could not be funded under the restrictions proposed.

The wisdom of prior generations, with modest modifications as required by changing times, has provided the service of a thoughtful and committed body to make these decisions based on the priorities established by the Supreme Court of Florida. Instead of immediate rule limitations on future activities as proposed, a more measured approach we would suggest the Task Force consider first recommending measures to regularize lines of reporting and communications between the Court, the Bar, and the Foundation.

While the predominant view of the Foundation is that we see no reason for the adoption of a rule to clarify permitted uses of IOTA funds, if a Rule is adopted, it should reflect the concerns that have been expressed by the Foundation and by many grantees who have emphasized by their own examples the diverse ways that civil justice can be advanced, which might become defunded by the proposals under discussion. That takes us to the issue of, if a rule is proposed, what provisions would do more or less harm to the existing legal aid infrastructure. Those are the subjects of the following questions.

8. Foundation recommendations to expanding the specific provisions for the use of IOTA funds found in Section B of the draft combined subcommittee report.

The overwhelming view of the Foundation Board and Staff is that the limitations in Section B, 1, 3, 4, and 5 would do real harm to the Florida's civil justice system, with no corresponding benefit to justify that harm. Those who have worked in this field, either as staff or volunteers, all know that there will never be enough pro bono or legal aid lawyers to satisfy the need of low income and indigent Floridians for legal assistance. Even the addition of 202 staff legal aid attorneys would, as previously calculated by our Executive Director, only address .008% of the need. To this end, alternative measures such as public education, pro se tools and support, and technological assistance, can allow many to better understand and possibly even enforce their rights without an attorney. These efforts should not be defunded.

B,1 would potentially require defunding organizations and strategies that rely exclusively or primarily upon pro bono attorneys who are not employed by the organization, but who provide legal services to the needy in conjunction with the organization. This would include Legal Aid Foundation of Tallahassee, the Innocence Project, and many other pro bono - based grantees. If grants which support pro bono programs are prohibited, those persons served by these organizations would be deprived of legal representation and access to justice.

The proposals under review would also bar education and advocacy efforts that have proven capable of far more cost effective and systematic benefits, such as the tremendous work and achievements of Florida's Children First, which provides no direct legal representation to the children they serve. And it would bar efforts to allow individuals to better understand their rights by public education efforts that many programs find essential to their efforts. We have reviewed throughout this submission the many ways this would undermine efforts by Florida's legal aid infrastructure to advance the cause of civil justice, and will not repeat all of those concerns here.

The proposed restriction would bar funding of any end use other than Florida Bar member salary and benefits, forbidding funding that may be far more cost effective in allowing Floridians without the means to pay for an attorney better understand and enforce their rights. This concept has been opposed by numerous grantees, both at your February meeting, and by subsequent written submissions. We have not heard from a single grantee who favors this restriction, even though it would allow them to perhaps hire some more attorneys, and perhaps give additional compensation to themselves. The Foundation fully agrees with the view as expressed by so many grantees that there are many ways to advance the cause of civil justice, and that placing an individual client with an individual lawyer may often be required to achieve justice, but also may be among the least cost effective methods, depending on the type of need.

Even the apparent plan of the Revised Combined Recommendations of the Subcommittee to limit IOTA funds to legal aid attorney compensation and benefits is impaired by the restriction to such attorneys who “to the exclusion of all other duties and responsibilities” provide direct legal services. Based on our communications with legal aid offices, and our own understanding of how these offices work, we are not sure if there is any such person. The restriction is so restrictive as to exclude by its terms even those we believe the Subcommittees intended to benefit. If that restriction were in place, for example, with regard to the LRAP program, it is questionable whether any lawyer employed by any legal aid office in Florida would qualify.

If a rule is to be proposed which would codify permitted uses of IOTA funds, that rule should attempt to preserve most if not all of the historical uses that have proven successful in advancing the cause of civil justice. For example, programs which rely heavily or exclusively on pro bono efforts should be recognized as benefitting the bar and needy Floridians. These programs marshal the efforts of free legal work. These efforts should not be defunded. Similarly, Florida Children’s First has shown that advocacy that takes place in fora other than a courtroom can achieve far greater results, for far more Floridians, by the systemic changes that make the system fairer. These kinds of efforts should not be defunded.

Tremendous work to advance the cause of civil justice in this State is performed by dedicated people who are not members of the Florida Bar. Most, if not all, programs in this State rely, for example, upon paralegals to take care of significant matters that do not require an attorney, but which can provide immense benefit to their communities and clients. Many programs also rely upon student interns, and inculcating these interns into legal aid organizations helps create a pipeline of future legal aid attorneys, or future attorneys who will take on pro bono or serve on the boards of their legal aid organizations.

Another potentially significant asset – 3500 attorneys who are not active members of The Florida Bar – would also be excluded under the proposed rule. The Supreme Court of Florida recently approved the Emeritus Rule, allowing senior attorneys who are not a member of the Florida Bar to provide pro bono assistance. See In re Amendments to Rules Regulating The Florida Bar (Biennial Petition), 234 So.3d 577 (Fla. 2017). The proposed recommendations would prevent the Foundation from supporting programs seeking to take advantage of this new potentially significant resource.²¹

Programs should not be limited in their ability to rely upon these resources. And IOTA funds should not be limited in supporting programs which are willing and able to make effective use of student interns, pro bono volunteers, emeritus attorneys who are now able to help fill the justice gap, paralegals, or any other qualified person or any helpful technology tool, that will help a disadvantaged person with an urgent civil legal need.

^{21.} See generally <https://www.floridabar.org/the-florida-bar-journal/emeritus-rule-changes-faq/>

9. Foundation recommendations for modifying Item 3 (regarding overhead) found in Section B of the draft combined subcommittee report.

The proposal to set a cap on “overhead and administrative expenses” we read as correlating to M&G expenses in the Foundation’s accounting. It would set that amount at a level utterly inadequate to continue to properly collect, account for, and disburse IOTA funds. On the other hand, if IOTA revenues ever return to pre-2008 levels, the cap would permit spending far too high.

As we reviewed previously, what is needed to properly administer the IOTA program does not vary that much as the amount of IOTA revenues goes up or down. Perhaps the grants department might need to grow to administer more grants, but that is not in direct proportion as the proposed recommendation would assume. Rather than setting in stone an arbitrary percentage of the total budget, which would generate the wrong amount in good times and bad times, a preferable approach would be to determine the types of expense that are reasonably necessary for the cause, and to press to keep those expenses at reasonable levels. That is best accomplished by ongoing oversight by a thoughtful, focused, and committed board.

There are fixed costs that must be paid in good times and in bad. The duty of the Board, as well as the Executive Director and CFO, is to monitor to ensure that these necessary costs are appropriate and that no one (personnel, vendor, or landlord) is being overpaid. The duty is to ensure that there are no unwarranted expenses that do not serve the mission. We are not aware of any such overpaid personnel, or any expenditures that are not in service of the mission charged to the Foundation.

10. Foundation recommendations for modifying Item 4 (regarding reserve funding) found in Section B of the draft combined subcommittee report.

The proposal to set a 15% limit on reserves would reject without first giving fair consideration to the months of effort by the Spending and Reserve Committee to determine a reserve policy that would best serve Florida’s legal aid infrastructure. Instead of that thoughtfully designed policy, the Foundation would be assigned a percentage cap that may be appropriate in many or even most years, but which the history of the organization shows would occasionally require monumentally bad decisions.

IOTA revenues can fluctuate dramatically, and among the many wise decisions of the Foundation Board in its history was a then-controversial decision to not pay out the majority of IOTA revenues when they were at an all time high. Instead, most of those funds were reserved given the concern that there could be a collapse just as dramatic as the rise. Other states did not take such a prudent course, and were later heard to regret not following the example of the Florida Bar Foundation, as their grantees had to go from more money than they had ever seen before, hiring up and growing to expend those new funds, only to have next to zero revenues the following year.

11. Foundation comments regarding Section C (regarding reporting requirements) of the draft combined subcommittee report.

The Foundation has no objection to reasonable reporting requirements. We have no objection whatever to proposed reporting requirements 1, 2, 4, 5, and 6. Proposed reporting requirement 3, however, is tied by its terms to the overly narrow restrictions as proposed in Section B of the subcommittee report. If those restrictions are not adopted, then reporting requirements tied to those requirements become moot.

As stated above, the Foundation has no objection to providing any reasonable reports the Court may desire. We suggest the Task Force carefully review the information that is already being provided in the quarterly reports to the Chief Justice. If there are any obvious holes in information that reasonably should be provided, which you think should be added, the Foundation would be happy to fill those holes.

13. Any other information that the Foundation wishes to provide to the task force to assist the task force in performing its functions as outlined in Florida Supreme Court Administrative Order AOSC19-70.

Answer: The work of this task force has identified and underscores the overwhelming need for civil legal assistance to Florida's poor and vulnerable populations. Even before the onset of COVID-19, Florida faced a crisis of monumental proportions. While the need is certain, funding is not. Rather than restrictions which would defund successful programs, or which would require programs to fundamentally change operations by using paid staff attorneys where paralegals, pro bono counsel, or student interns might suffice, the opportunities to improve the legal aid infrastructure and to better fulfill the pledge of "justice for all," we believe lie elsewhere. What may better fulfil our pledge would be to study other funding mechanisms to address the already identified overwhelming need.

Access to justice does not always require the assistance of a lawyer, or even a court. Oftentimes, legal information or direction can solve legal needs without litigation or formal proceedings. Promoting settlement of disputes and avoiding unnecessary litigation have long been a part of the bedrock of American jurisprudence. Given the crushing need and current demands on Florida's lawyers and courts, other alternatives and avenues are essential if we are to preserve our Rule of Law and provide meaningful access for people to resolve their differences in a peaceful and civilized fashion.

The Foundation appreciates the opportunity to provide the task force the information presented herein and looks forward to meeting and speaking with the Foundation. Please do not hesitate to contact us if anything further is needed.

Approved by the Executive Committee of the
Florida Bar Foundation on May 14, 2020

Jacksonville Area Legal Aid, Inc.

A Wealth of Justice for Those Who Have Neither

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May 15, 2020

Mayanne Downs, Esq.
Chair, Task Force on the Distribution of IOTA Funds
c/o The Florida Bar
651 East Jefferson Street
Tallahassee, FL 32399

Re: Task Force on the Distribution of IOTA Funds

Dear Ms. Downs:

This letter is intended as a supplement to the more general letter sent to you by the project directors throughout Florida, on behalf of the FCLAA. I write to emphasize a number of points and to help create a record that we can continue to build on - a record started decades ago, and strengthened through the Access Commission's knowledge database - a record that continues to demonstrate the difference between where we need to go and where the Task Force reports to date take us. Simply put, this Task Force is re-writing a Rule that does not need to be re-written, and is doing so at exactly the wrong time, while turning blinders to the reality of legal aid work in Florida.

I start by reminding the Task Force of the Supreme Court's original instruction: "The Court has determined that it is appropriate to establish a task force to examine whether rule 5-1.1(g) should be amended to better ensure the most effective use of IOTA funds." (emphasis added.)

The purpose of this letter is to again ask you to answer the Supreme Court's inquiry with a direct "No, Rule 5-1.1(g) does not need to be amended," and to discuss why.

First, as pointed out by the FCLAA, the work done by civil legal aid in Florida is often not duplicated within the private bar (no one makes a living representing indigent tenants in public housing eviction cases, for example); can be very complex (HUD Handbook 4350.3, covering the occupancy requirements of subsidized multifamily housing programs, is 794 pages); and is critical to Florida's economy, as we are highly reliant on low-income workers to staff our tourism industry.

Put another way: legal aid lawyers do hard work that is different than what is seen in private practice, and legal aid clients are part of the reason why none of us pay state income taxes.

Against this backdrop, we have seen, over the past several years, the State of Florida moving away from general financial support for civil legal aid, and many of our larger cities and counties have done so as well. The well-documented and organized dismantling of our public health system, seen so clearly against the backdrop of the current pandemic, could easily serve as a road map for what has also happened to civil legal aid.

Other states without income taxes, like Texas and Tennessee, have done the opposite.

The lack of state funding has not resulted in any counter-moves to shore up the system. Pro bono hours have dropped, and a few years ago the Florida Bar opposed a dues increase of \$100 per year for civil legal aid. We have thus outsourced much of our legal aid policy - policy that is critical to supporting our economy - to Washington, D.C., and the extensive rules and regulations that govern LSC-funded legal aid firms. Because they are subject to federal regulations, they cannot do much of the legal work necessary for Floridians - they can't handle class action work, which is highly cost-effective, they can't work on certain types of public housing cases, they can't work on public school desegregation cases using LSC dollars, they have significant restrictions on handling cases where the prevailing party is entitled to attorney's fees - the list goes on, and it can change from year to year, and it is a list created in Washington, not Tallahassee.

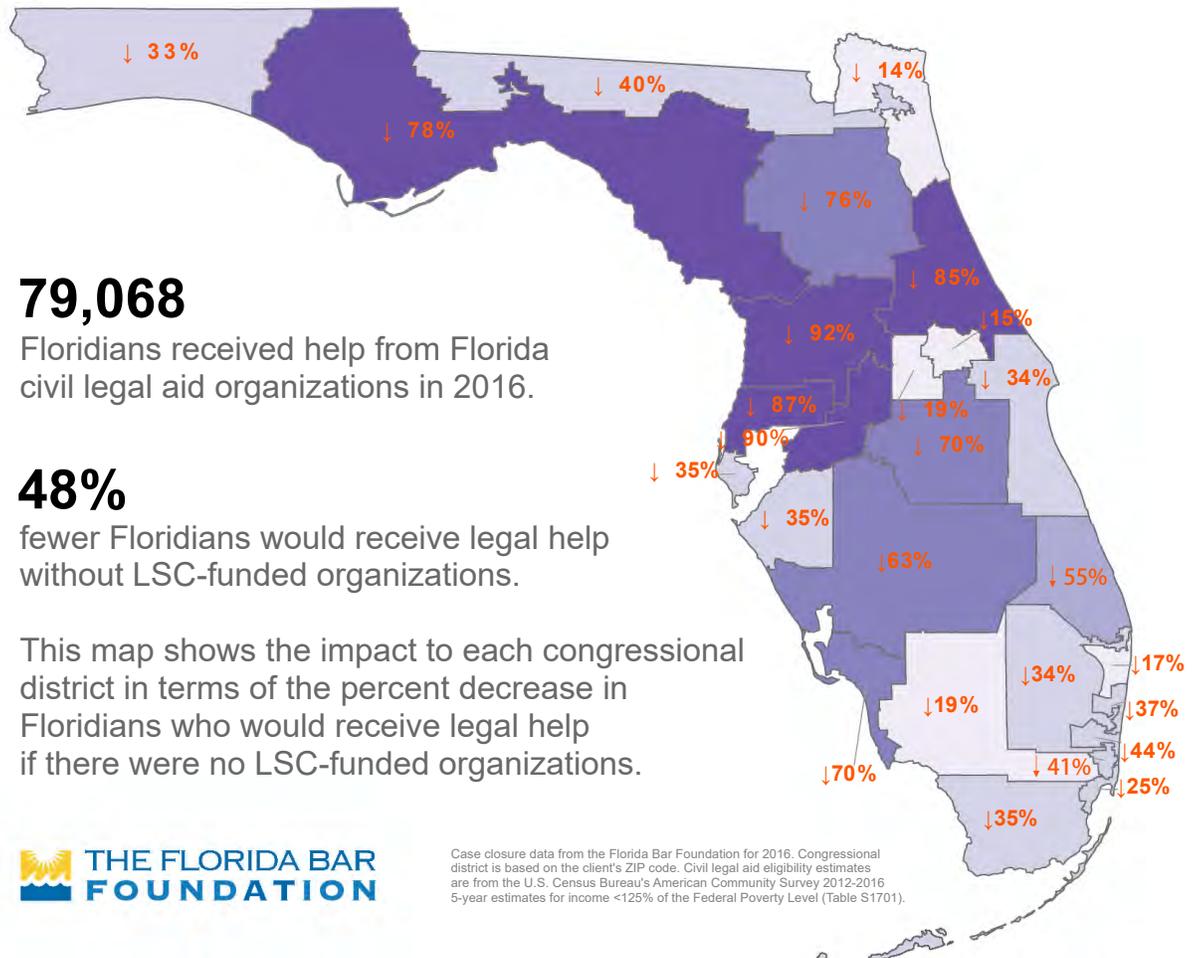
This is part of the reason for the IOLTA rule in the first place - so that there would be sufficient funds for non-LSC legal aid firms to do all the things Washington politicians decided low-income and at-risk Floridians, the elderly, and veterans, did not deserve help handling. As a result, as the FCLAA letter points out, Florida became the first state to establish an IOLTA rule, and the Bar Foundation Board became the governing body to help administer these funds and confirm they were put to good use.

No part of this system ever made any sense, mathematically, however. As I pointed out to the Task Force in the past, empirical studies demonstrate that 5.87 million Floridians are both at-risk and eligible for civil legal aid *and* likely to experience a civil legal issue. And there are fewer than 500 civil legal aid lawyers to help them.

Further, rural areas are struggling more than ever as a result of the simple fact that Florida's population centers are also where the lawyers, including the legal aid lawyers, are concentrated, and where fundraising and other efforts necessary to support legal aid are focused. I attach a graphic, developed using the extensive reporting already required by the Foundation, demonstrating the reality against the backdrop of LSC funding - people who live on the coast have resources, and those who live in the central spine of the State do not. The darker areas show the greatest drop because there is little to no non-LSC presence in those areas (and very few resources anyway) and represent

those rural sections where IOLTA funding would do the most good, and not necessarily in direct representation.

Civil Legal Aid Floridians Would Lose Without Legal Services Corporation-Funded Organizations



79,068

Floridians received help from Florida civil legal aid organizations in 2016.

48%

fewer Floridians would receive legal help without LSC-funded organizations.

This map shows the impact to each congressional district in terms of the percent decrease in Floridians who would receive legal help if there were no LSC-funded organizations.

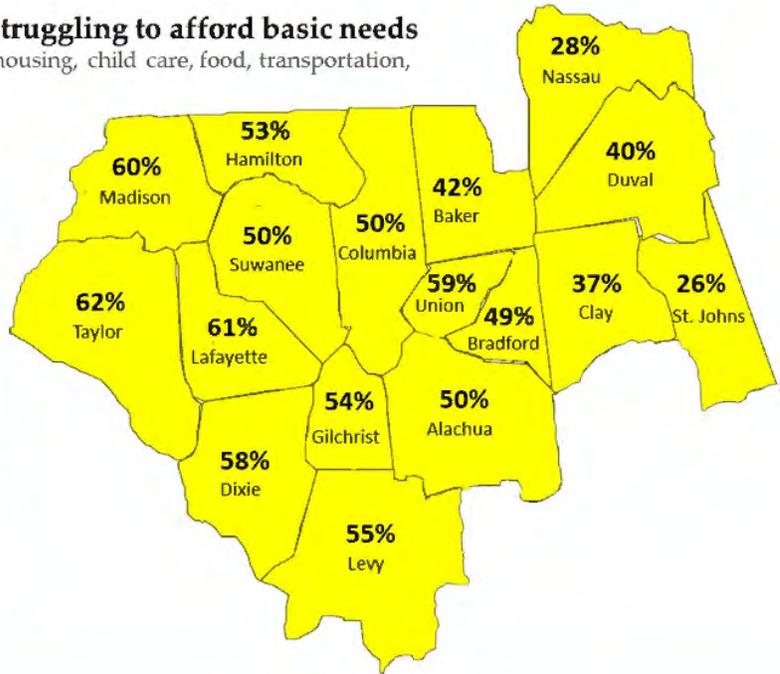
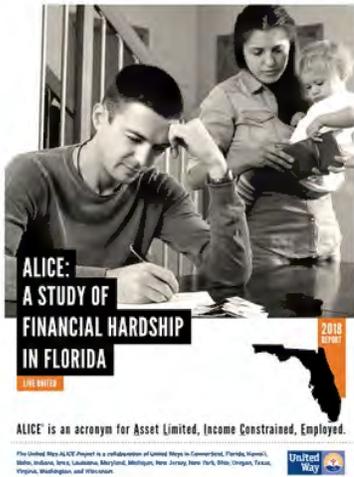


Case closure data from the Florida Bar Foundation for 2016. Congressional district is based on the client's ZIP code. Civil legal aid eligibility estimates are from the U.S. Census Bureau's American Community Survey 2012-2016 5-year estimates for income <125% of the Federal Poverty Level (Table S1701).

Now, while facially denying that you want to dismantle the Foundation, you suggest a definition for “qualified attorney” that no legal aid lawyer in Florida fits and you recommend a financial straitjacket for the Foundation.

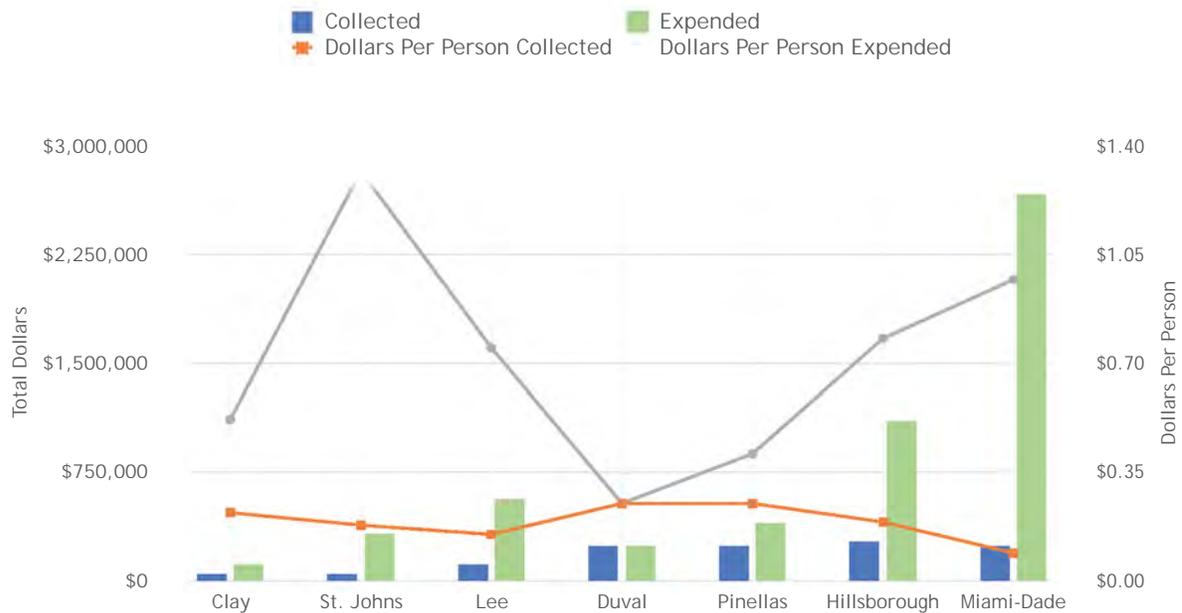
Let’s look at where my region, legal aid Region II, finds itself. I include an infographic based on the United Way ALICE report, demonstrating the percentage of poor and working poor throughout my Region:

Percentage of population struggling to afford basic needs
 (the Household Survival Budget - housing, child care, food, transportation, health care, technology and taxes)



Against this, let us next look at whether the counties in Region II and throughout Florida provide a uniform funding stream, using Article V dollars as the base. The following graphic illustrates how Duval, home to one of Florida’s largest cities, provides non-taxpayer Article V dollars to Jacksonville Area Legal Aid - and exactly zero general funding over that. Pinellas and Lee, both similarly sized, fund up, as do Clay and St. Johns in my region (as does Nassau); Hillsborough and Miami-Dade also fund up. (In fact, there are a number of Florida counties who collect their Article V dollars from criminals and simply keep it - they don’t provide any of it to legal aid as otherwise mandated by the statute.)

Article V Dollars Collected vs. Legal Aid Dollars Expended Per County in 2018



As a result of the drop in IOLTA after the housing crash, coupled with indifference on the part of the City of Jacksonville, as referenced above, JALA decided to switch to a different model - one we refer to as a modified Civil Gideon approach. Simply put, if JALA has enough money from various sources to handle a particular area of law 100%, where we can show that having a lawyer makes the difference in the case, we do it. We believe we have achieved Civil Gideon in the Jacksonville Metropolitan Statistical Area (Jacksonville MSA) in Fair Housing Act work, in consumer litigation, in related civil issues for victims of crime, in legal issues facing those with HIV / AIDS and in public housing evictions.

If we do not believe we can handle 100% of the work in the Jacksonville MSA, we do none of it - we do zero general family law. We do zero general immigration. This is true even though general family law and general immigration are probably the two biggest areas of need. The decision not to have any meaningful family law assistance for poor people from Jacksonville Beach to Tallahassee is not JALA's decision, however - it is a decision made by others who have determined that lawyers would not be the ones charged with solving the delivery of legal issues to the at-risk and working poor and working middle class citizens of our State.

And, to follow up on one point - the JALA lawyers handling fee-generating cases are expected to weigh the likelihood of the recovery of fees when deciding whether to accept a case.

Do we really want what we have - a highly disparate system where residents of one county who live across the street from residents of another county have a significantly different chance of staying in their homes in the case of a wrongful eviction or wrongful foreclosure? Do we want a legal aid system where the ability to accept a case depends on whether that case generates fees? To be more direct: are there other sources of funding that can be used to equalize opportunities for at-risk Floridians across the State and not force an over reliance on Washington, D.C.?

Certainly, there are: IOLTA and direct funding from the Bar and the State of Florida.

We don't have the latter two sources, and there is little likelihood of change on the horizon, and the Task Force has issued recommendations that would permanently damage the ability of the only remaining, consistent, state-wide source - IOLTA funding - to assist the Floridians it is supposed to help.

First, the Task Force is focusing on the definition of a "qualified attorney" that does not exist in reality. There are no legal aid attorneys (and probably no private firm litigators) that provide direct representation to the exclusion of all other duties and responsibilities. Such a restriction would disqualify attorneys engaged in community education efforts, or grant reporting, or timekeeping, or supervising, or teaching, or local / state Bar activities, for even a portion of their time. Further, restricting the use of IOLTA funds to salary and benefits utterly ignores the reality of a law practice. How exactly does the Task Force expect us to pay for litigation expenses, travel costs, training (to comply ABA and Florida Bar and LSC standards), translation services, administrative support, paralegals, rent, parking, Bar dues or anything else a competent firm needs to serve clients? As noted above, the money is not coming from another source, at least not in this State.

Additionally, as pointed out by the FCLAA, the requirement that a "qualified attorney" be admitted to the Florida Bar would violate the Military Spouse Rule and exclude immigration attorneys who are often admitted in other states but are permitted to practice in Florida.

And, as noted by the FCLAA, the proposed guidance would accelerate the end of pro bono as it currently exists.

It is important to note that, except for the LSC-funded legal aid firms, pro bono is not funded in Florida - legal aid firms come out of pocket to provide the infrastructure necessary to support pro bono referrals, including the expensive malpractice insurance that protects private lawyers who take on pro bono cases. While LSC firms must devote a particular percentage of their budgets to pro bono, in compliance with LSC

regulations, overall, pro bono work is largely self-funded by civil legal aid. Those firms (some of whom testified to this Task Force) that devote their work to the force multiplier that is pro bono would be left out of IOTA funding - and there is nothing to replace this money.

This is also true for technology. FJTC, which was not funded with IOLTA money, and was not based in another state (homework would help here) (it was funded by the Florida Bar, which insisted that part of the bridge loan for legal aid be used for technology, and then by AG Pam Bondi, and, in an attempt to hold down costs, used virtual employees around the country, including Florida lawyers) was a *brilliant* concept, envied throughout the country, that worked well until the money ran out while it was still building and hosting technology tools. None of the stakeholders adequately devoted resources to continued funding of FJTC and the technology that is now critical to delivering services in this pandemic. As a result, what was a promising start stopped at perhaps the worst possible time.

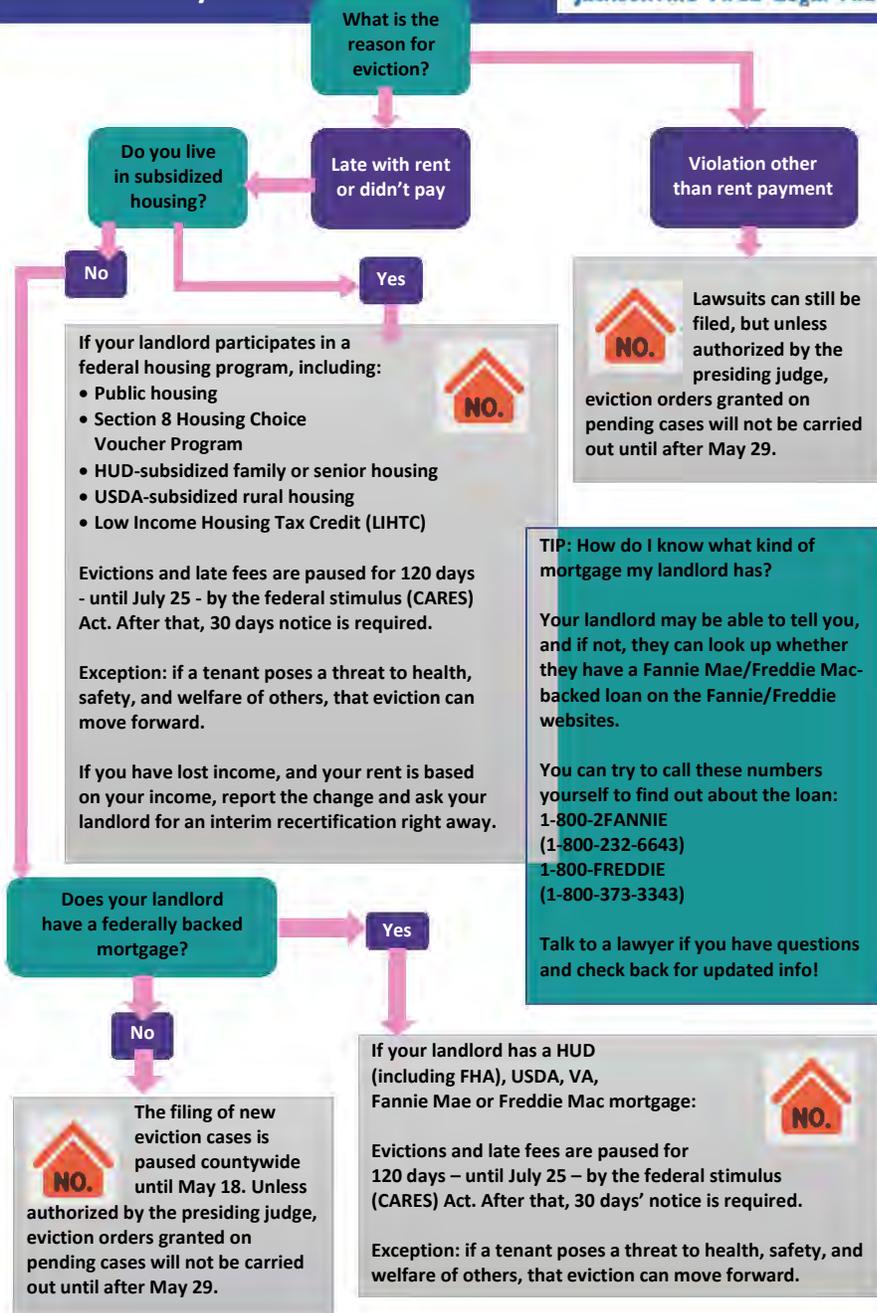
On the next page is an infographic JALA developed and is constantly updating on evictions in Duval County (as you may know, evictions are now completely different for residents of Miami-Dade and Palm Beach and other counties than they are for residents of Duval and Clay county). This infographic resulted from JALA devoting expert attorney hours to technology in hopes of reaching more people than we could ever represent, and it is by far the most shared social media work we have ever done. Anyone who suggests that technology is not a way to reach Floridans when legal aid lawyers cannot is misinformed.

These sorts of tools, funded by IOLTA, are in use throughout the country and reach millions and millions of people. Many are developed using subject matter experts within legal aid, and are extensively user-tested - hallmarks of a design-focused approach.

By contrast, the Task Force's recommendation would eliminate the ability of the Foundation to use IOLTA funding to support technology throughout the State - technology the legal aid programs would again have to come out of pocket to develop and support, since most, if not all, grant programs only pay for direct services.

Under the current Task Force's recommendations, JALA would not be able to use IOLTA funding to help build a device that has been shared (and hopefully helps) thousands and thousands of times, by people we could not ever expect to represent.

CAN I BE EVICTED during the COVID-19 crisis in Duval County?

A landlord cannot legally evict a tenant without a court order. It is illegal for your landlord to lock you out, turn off utilities like electric or water, remove the front door, or take other steps to force you to move. If your landlord attempts an illegal eviction, contact law enforcement to stop the threat to the safety of your family. You may also be eligible for free legal help through Jacksonville Area Legal Aid (904 356 8371). Last updated 5/4/2020.

This community education work done by JALA attorneys and staff is not funded by any government source and would not be funded in the future by traditional legal aid IOTA funding based on reports issued by the Supreme Court Task Force on IOTA.

There is a critical need for a network, and *expansion* of IOLTA funding, and an oversight body responsible for reviewing reports from the field (in a more evidence-based manner than the criteria suggested by the Task Force) - and we have that in place, right now, in this State, with the existing legal aid provider network and the Florida Bar Foundation. What we also have, thanks to a long history of indifference, is a patchwork system where residents of one county have dramatically different experiences with their legal issues than residents of another county.

Everything I have referenced above is supported by evidence and research. And, if there is anything I have learned since coming to legal aid full-time almost 7 years ago, after 23 years, first as an Assistant State Attorney and then in private civil practice, is that my knowledge, training and experience as a lawyer did not give me any meaningful guidance on how Florida's less fortunate interact with the legal system, or how civil legal aid does its job. The belief that lawyers, because they are lawyers, know how legal aid works is simply not true, and the Task Force's recommendations would dismantle the system and the structure at exactly the wrong time.

Sincerely,



James A. Kowalski Jr.

cc: Michael G. Tanner, Esq.
Michael Fox Orr, Esq.
W. Braxton Gillam IV, Esq.

FLORIDA CIVIL LEGAL AID ASSOCIATION
Ensuring Access to Justice for Floridians

May 15, 2020

Sent Via Email

Task Force on Distribution of IOTA Funds
% Elizabeth Tarbert
The Florida Bar

RE: FCLAA Response to IOTA Task Force Reports and Recommendations

Dear Task Force Members:

The Florida Civil Legal Aid Association (FCLAA) is an organization composed of the executive leadership of Florida's civil legal aid programs and represents their interests. FCLAA has been closely monitoring the work of the Task Force and appreciates its time and effort on this complicated matter. This statement both provides greater context and information on the operations of Florida's civil legal aid system and responds to the Task Force's reports and recommendations.

FLORIDA'S CIVIL LEGAL AID SYSTEM

BACKGROUND. In 2019, Florida civil legal aid resolved legal matters in 96,014 individual cases.¹ Florida's civil legal aid system provides legal advocacy in numerous areas, including but not limited to: housing, family law, government benefit programs, domestic violence, immigration, Veterans' rights, prisoners' rights, civil rights, community economic development, consumer, employment, education and disability rights. As previously communicated to the Bar and to the Court, and as is supported by numerous studies, the work done by legal aid lawyers is (1) often not replicated within the private bar; and (2) is some of the most difficult and complex legal work done by Florida lawyers.

Florida's civil legal aid lawyers often dedicate their careers to ensuring that justice for all is a promise fulfilled. Our attorneys are community leaders, experienced and incredibly dedicated. A survey² of 21 of Florida's civil legal aid organizations, employing approximately 410 attorneys, indicates that the average attorney has 13.5 years of experience, and the average salary and benefits cost of an attorney is \$90,280.

There is often a misconception that the legal issues of clients in the low-income community are not complex since, after all, they do not have a lot of resources. Our clients are, however, often preyed upon, deal with complex contracts and bureaucracies, and, since the working poor form the backbone of Florida's economy, justifiably need assistance with these complicated issues.

¹ It is noteworthy that this does not represent the thousands of individuals that benefited from legal rights education, systemic reform litigation, and policy advocacy.

² The methodology for the survey was as follows: legal aid organizations were asked to provide total number of attorneys in organization, total attorney salary budget for current fiscal year, total budgeted benefits for current fiscal year, and total years of experience for all attorneys. All these categories were averaged.

RESPONSIVENESS. The low-income communities that Florida civil legal aid serves are vulnerable and lack economic resilience.³ A natural disaster, such as a hurricane, often has devastating effects on the community and resulting repercussions for the State economy. As documented in the Legal Services Corporation’s (LSC) Disaster Task Force Report, “for low-income disaster survivors, basic sustenance and re-establishing their lives can involve months and even years of serious challenges. Law can be both a barrier and a tool as disaster survivors work to regain their lives.”⁴ After a disaster, low-income communities often require extensive outreach and community education about their legal rights and government programs that can help them recover from the disaster. For a community that lacks economic resilience, it is vital that the legal aid community serving them be responsive and flexible in meeting their needs.

The COVID-19 pandemic mirrors past natural disasters. As before, Florida’s civil legal aid system has risen to the challenge - learning to work remotely, often with less in the way of digital resources, to serve this important community. Our efforts include:

- educating a growing client-eligible community about their legal rights in a rapidly changing legal landscape, through extensive and adapted community outreach, including virtual town halls, media appearances, and editorials;
- creating and publishing legal information via social media and websites to update the community on the eviction moratorium and available income and benefit programs; i.e.: reemployment assistance, economic impact payments;
- engaging agencies administering government benefit programs to provide up-to-date information and to communicate and advocate against barriers to the application process;
- training both legal aid and pro bono attorneys on the substantive areas anticipated to spike in the coming weeks and months;
- providing legal information to clients with questions regarding their legal rights with the goal of resolving their concerns and avoiding legal problems;
- providing legal assistance on both pre-COVID-19 cases as well as COVID-19 cases.

As of today, the unemployment rate is 14.7% – the highest since the Great Depression. In the coming months and years, the demand for civil legal assistance will grow to unprecedented levels that will exceed anything the civil legal aid system has experienced. Additionally, the legal problems will be novel, complex, and voluminous. Experienced civil legal aid attorneys with strong ties and relationships with their client community will be vital in meeting these needs. In responding to this economic disaster, the civil legal aid system must be flexible, responsive, and leverage the resources of the private bar. Some of this Task Force’s recommendations will undermine Florida’s civil legal aid response to the pandemic.

JUSTICE GAP & EFFICIENT USE OF RESOURCES: Even before the pandemic, the need for additional resources for civil legal aid is well-documented. Over the years, the civil legal aid community has worked to educate the judiciary, state legislators, the business community, including through Florida’s Access to Justice Commission, on the need for additional resources. In Florida, the justice gap is exacerbated as we are one of only three states that does not provide state funding for civil legal aid. It is estimated that 71% of low-income households experienced at least one civil legal problem, and 86% of

³ Hoopes, Stephanie (PhD). 2018. [ALICE: A Study of Financial Hardship in Florida](#). United Way of Florida, p. 26

⁴ Executive Summary of LSC Disaster Task Force Report, 2019

the civil legal problems reported by low-income Americans in the past year received inadequate or no legal help.⁵

Given the increasing demand and pressures on our existing civil legal aid system, FCLAA and its members are continually assessing the local legal needs of its community and evaluating the efficient and effective use of our resources. We use both quantitative and qualitative information to assess the impact of our advocacy. These evaluative processes are consistent with best practices, including the ABA Standards for the Provision of Civil Legal Aid (hereafter “ABA Standards”).⁶

The recommendations of the Task Force would restrict the very limited resources available to Florida’s civil legal aid law firms and would reverse Florida’s early leadership on IOTA and, in large part, violate the ABA Standards.

IOTA FUNDING & GENERAL SUPPORT. Florida led the country by establishing the first IOTA program in the country to expand access to justice. Historically, Florida’s IOTA fund administering agency, the Florida Bar Foundation, provided general support, or core operating support, to the civil legal aid programs and was a collaborative partner to Florida’s civil legal aid system.⁷ This collaboration ensured that Florida established a high quality and robust civil legal aid system, including direct legal representation, client education and outreach, systemic/impact advocacy, administrative/policy advocacy, and engagement of pro bono volunteers. The Task Force’s recommendations are in conflict with the original and current design of the Florida civil legal aid system.

After becoming the first state to establish an IOTA program, Florida, through the leadership of the Florida Bar Foundation established a national clearinghouse to replicate IOTA (or IOLTA) programs across the nation. The Foundation also led the nation in expanding funding through innovative changes in the ways banks manage IOTA accounts. The Foundation did not simply fund non-profit legal aid organizations, it helped design a statewide delivery system for civil legal assistance. Working with legal aid programs the Foundation helped design, implement, and monitor a system that created some uniformity of access and resources within regions and across the state. The Foundation and our delivery system established and maintained an unrestricted advocacy capacity both in terms of advocates with a full range of advocacy tools, and services to populations which had been excluded from service by the restrictions imposed on LSC grantees in 1996. The Foundation has also funded targeted grants designed to build regional collaboration, increase systemic and impact litigation, improve recruitment, retention, and diversity in civil legal programs, support statewide training of advocates, foster leadership development, and leverage technologies that would improve efficiency and quality of services to clients. Throughout the 40 year history of the Foundation’s management of IOTA revenues, it has consistently recognized the critical importance of general support funding to non-profit civil legal aid programs. General support funding allowed programs to set local priorities based on the needs of the local community and how the programs could most effectively use those funds based on gaps in

⁵ Executive Summary of LSC Justice Gap Report, 2017

⁶ ABA Standard 2.11: A provider should regularly evaluate the efficiency and effectiveness of its operations and its response to the legal needs of the low income communities it serves.

⁷ It should be noted that not all of the IOTA funds were distributed in a general support model as there were some funds set aside for competitive project based funding. Additionally, in recent years, The Florida Bar Foundation moved away from the general support model under its “Strategic Reset.”

funding. This process allowed for more predictability in funding and an ability to plan, which is crucial in an atmosphere of scarce resources. The Foundation then monitored programs to ensure quality representation and efficient use of funds. The Foundation employed the ABA Standards to assess the quality of the advocacy and client legal services.

It is generally accepted in the nonprofit sector that funds whose only restriction is to support the organization's mission are more valuable than restricted funds, a principle which applies equally to civil legal aid organizations. Funds that support our mission of ensuring access to justice through advocacy are more valuable and allow organizations to leverage existing and limited resources in a manner that restricted funds do not. Restricted funds often require significant matching dollars to accomplish similar activities, and carry an inflexibility that is particularly onerous in an atmosphere of quickly changing legal needs.

FCLAA supports a general support funding model. Although some of the Task Force recommendations appear to support some of the same principles employed in a general support funding model, FCLAA has concerns that some of the recommendations as written are in conflict with the operations of the current legal aid system that has been built over the past 40 years, and with the intent of the original order.

IMPACT ON TASK FORCE RECOMMENDATIONS OF CONCERN FOR ACCESS TO JUSTICE FOR LOW-INCOME FLORIDIANS

QUALIFIED GRANTEE ORGANIZATION. The Task Force recommends that a qualifying legal aid organization be defined as one that employs members of the Florida Bar to provide direct legal services to low-income litigants. Requiring that organizations employ Florida Bar members has the significant and likely unintended consequence of removing from eligibility any program that uses a pro bono model to provide direct legal representation to low income litigants.

Additionally, the Task Force funding restriction recommendation is contrary to the ABA Standards,⁸ which state that providers should integrate the resources of the private bar into its delivery of services. A review of IOTA-funded programs around the country indicates that every state funds pro bono projects with their IOTA funds. Pro bono programs and projects provide vital assistance to further narrow the justice gap and, given their focus on volunteer attorneys, are an efficient use of IOTA funds. Florida is already an outlier in terms of the lack of support for legal aid work - we should not strive to be more so. The Task Force recommendations would accelerate the end of pro bono as it currently exists.

QUALIFIED ATTORNEYS & RESTRICTED TO ATTORNEYS' SALARIES/BENEFITS. The Task Force recommends that funds may only be used for salaries and benefits of qualified attorneys. The recommendation defines "qualified attorneys" as members of the Florida Bar who exclusively (i.e.: to the exclusion of all other duties and responsibilities) provide direct legal services to low-income clients in Florida.

⁸ ABA Standard 2.7: A provider should integrate the resources of the legal profession and individual members of the bar into its delivery system, including in direct representation of clients.

The “**qualified attorney**” recommendation is problematic on many fronts. First and foremost, there are few if any legal aid attorneys (and probably few private firm attorneys) that provide direct representation to the exclusion of all other duties and responsibilities. Such a restriction would disqualify attorneys engaged in client education efforts, grant reporting, timekeeping, supervision, teaching, or local and state Bar activities, for even a portion of their time.

Education on legal rights is effective in avoiding legal problems and the need for legal assistance - mirroring the axiom an ounce of prevention is worth a pound of cure. Civil legal aid organizations both in diverse urban areas and remote rural areas conduct significant and extensive education for the client community. Educating low-income tenants on the proper way to withhold rent due to poor housing conditions or ensuring that individuals know how to properly complete FEMA applications for assistance after a disaster can avoid the problem escalating. Client education serves as preventive legal services, reducing the demand on both legal aid programs and the courts. Client education also ensures that legal aid organizations hear directly from the community what legal problems they are facing, again, allowing better planning and more impactful advocacy. Finally, such a restrictive interpretation of a civil legal aid attorney’s responsibilities and the exclusion of client education is contrary to the ABA Standards.⁹

Additionally, the requirement that a “qualified attorney” be admitted to the Florida Bar violates the Military Spouse Rule and excludes immigration attorneys who are often admitted in other states but are permitted to practice in Florida.¹⁰

FCLAA supports a recommendation that qualified attorneys are those admitted to practice law in a state bar and represent clients consistent with the rules regulating the Florida Bar and state and federal regulatory requirements.

Additionally, restricting the use of IOTA funds to salary and benefits is inconsistent with the business model and operations of both law firms and civil legal aid organizations. Similar to a private law firm, civil legal aid organizations have expenses beyond that of an attorney’s salary and benefits. Excluding these expenses from IOTA grants will significantly hinder the capacity of legal aid to provide direct legal representation. Some of these expenses include, but are not limited to:

- litigation expenses,

⁹ Standard 2.1: A provider should interact with low income individuals and groups serving low income communities to identify compelling legal needs and should implement a plan to address those needs most effectively.

Standards 2.12: A provider should actively seek to achieve institutional stature and credibility in the communities in which it operates - established via effective outreach.

Standard 3.6: Providers may offer general legal information that is not based on particular facts and does not establish an attorney client relationship.

¹⁰ As immigration law is federal administrative practice, attorneys need not be admitted to the Florida Bar to practice immigration law competently. The Federal Regulations and the corresponding Executive Office for Immigration Review rules provide that attorneys may practice before any Immigration Court and before the U.S. Citizenship and Immigration Service as long as the attorney is a “member in good standing of the bar of the highest court of any State, possession, territory, or Commonwealth of the United States, or of the District of Columbia, and is not under any order suspending, enjoining, restraining, disbaring, or otherwise restricting him in the practice of law.” 8 C.F.R. §§ 1001.1(f), 1291.1(a)(1).

- travel expenses, which are crucial and can be high in rural areas,
- training costs— consistent with the ABA standards¹¹,
- translation services, which are vital for access to justice and required by federal law,
- administrative support for the efficient provision of direct legal representation such as paralegal support,
- space costs, technology costs, and other expenses required to provide client services.

The exclusion of these expenses would decrease existing efficiencies in many legal aid organizations. Consistent with the Florida rules and federal and state regulations, many civil legal aid organizations utilize non-attorneys to represent clients in administrative hearings, such as federal and state administrative hearings and for certain immigration matters. This model is consistent with both the law firm business model as well as the ABA Standards.¹² Reconsideration of this exclusion is crucial given the limited resources that currently exist and even more so when coupled with the anticipated spike in demand for services we currently face. Civil legal aid’s existing business model is to provide high quality legal advocacy in the most efficient manner possible and this includes the use of professionals such as paralegals, supervised by attorneys, in providing legal support.

Finally, excluding supervision as an allowable IOTA-funded activity would be inconsistent with best practices and generally accepted grantmaking practices. There is no question that effective supervision is vital to the successful provision of high quality direct legal representation.

FCLAA understands the Task Force’s goal of ensuring that direct legal representation is prioritized – especially considering the limited resources. However, FCLAA encourages the task force to consider the importance of general support for civil legal aid organizations whose mission is to ensure access to justice for the low-income community. For decades, Florida has worked to establish a comprehensive civil legal aid system that advocates for low income clients on many fronts. The current proposed IOTA-funding restrictions would cripple its effectiveness and set Florida’s legal aid delivery systems back a decade or more. Additionally, as one of only three states that does not provide state funding for civil legal aid, further restriction of already limited resources would be another barrier to overcome for successfully ensuring access to justice.

After an analysis of IOTA programs around the country, FCLAA could not identify any other state with a rule that would limit use of IOTA funds to covering salary and benefits of attorneys exclusively providing direct legal representation. On the contrary, many IOTA programs view themselves as collaborative partners in ensuring access to justice.

5% LIMITATION ON ADMINISTRATIVE EXPENSES. The Task Force recommended that IOTA funds, in an amount not to exceed 5% of IOTA funds generated in each fiscal year, may be expended for overhead and administrative expenses directly related to the collection and use of IOTA funds and any

¹¹ ABA Standard 6.5: A provider should provide access to ongoing and comprehensive training for all personnel.

¹² ABA Standard 2.9: A provider should consider using paralegals, tribal advocates, lay advocates, law students and other legal assistants, when authorized by state, federal or tribal law and appropriate ethical rules.

enforcement of the compulsory IOTA program. Administration of the IOTA program requires fiscal oversight and reporting with financial institutions as well as ensuring that programs receiving IOTA funds utilize them consistent with best practices and the provision of high quality legal advocacy. A minimum level of staff is required to execute these objectives.

IOTA fund growth can be highly volatile. For example, there may be years where 5% of the revenue generated is insufficient even to maintain the fiscal staff required for administration of IOTA funds. Limitations on and oversight of expenditures for administration and overhead are traditionally the responsibility of a governing body. Through the appointment process, the Directors can ensure that they favor a conservative approach to overhead and administration to ensure that the funds are prioritized for legal advocacy for the low-income community. FCLAA encourages adoption of a rule consistent with good governance principles, and that ensures the IOTA administration program is adequately staffed to effectuate its mission.

15% LIMIT ON RESERVES. The Task Force recommends that IOTA funds, in an amount not to exceed 15% of IOTA funds generated in each fiscal year, may be held in reserves to account for fluctuations in IOTA revenue. These types of limitations are traditionally decided by a governing body and writing them into a Florida Rule may limit future responsiveness and could have unforeseen consequences with a changing economy and circumstances. The Foundation's Board of Directors is tasked with ensuring that the Foundation is faithfully executing its mission and are accountable for any mismanagement.

REPORTING REQUIREMENTS. The Task Force recommends that the following be reported for each grantee organization: (a) the number of qualified attorneys hired or funded through IOTA Funds; (b) the number of clients served by qualified attorneys; (c) the hours incurred in the delivery of direct legal services to litigants by qualified attorneys; and (d) category of cases handled by qualified attorneys. FCLAA does not have concerns with reporting the above data; however, all current IOTA grantees already collect and provide extensive qualitative and quantitative data which provides a fuller picture on the impact of our collective advocacy. Additionally, Florida civil legal aid lawyers provide high quality legal representation in a variety of substantive areas that often result in extensive systemic impact across the state and even the country. Such legal advocacy is complex and often the number of clients directly represented may not capture the impact of the advocacy.

EXAMINATION OF ALTERNATIVE MODELS. The Administrative Order encouraged the examination of alternative models. FCLAA supports the further analysis of other state models for the distribution of IOTA funding and encourages the Task Force to consider a rule that ensures the provision of direct legal assistance to the poor by supporting the existing civil legal aid system that is designed to provide for access to justice.

CONCLUSION

Over the last 40 years, Florida civil legal aid programs, the Florida Bar Foundation, and the private bar, through its leadership on the governing bodies of both the Foundation and legal aid programs and through its pro bono support, have developed a robust civil legal aid system. This system includes direct legal representation, systemic/impact advocacy, administrative/policy advocacy, and coordination of pro

bono support to leverage the resources of the private bar. The Task Force recommendations appear to substantially alter an intentional and well-established system for the provision of legal aid.

Florida is one of only three states that does not provide state funding to supplement IOTA funding, therefore ensuring that IOTA funds are used for general support is vital to ensure that we continue to provide access to justice for Floridians. As drafted, the proposed changes will have far-reaching consequences to Florida's civil legal aid system at a time that we will experience an unprecedented demand for services. The current recommendations if adopted will restrict our ability to serve and limit access to justice for low-income Floridians.

Respectfully Submitted,

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May 16, 2020

Via email to:

Mayanne Downs, Chair
Karen J. Ladis,
Laird A. Lile
Hala Sandridge
Edwin A. Scales
John M. Stewart
M. Scott Thomas
Elizabeth Clark Tarbert, Ethics Counsel, Florida Bar

Dear Task Force on Distribution of IOTA Funds:

This letter is to provide comments to the Task Force regarding the Combined Recommendations of Subcommittees, dated April 8, 2020. We support the comments submitted by the Florida Civil Legal Aid Association, and offer these additional comments from the perspective of three statewide grantees of The Florida Bar Foundation.

Southern Legal Counsel is a Florida statewide not-for-profit public interest law firm that is committed to the ideal of equal justice for all and the attainment of basic human and civil rights. It primarily assists individuals and groups with public interest issues who otherwise would not have access to the justice system and whose cases may bring about systemic reform. **Florida Legal Services** is a statewide leader in advancing economic, social, and racial justice. It advocates for poor, vulnerable, and hard to reach people through impact litigation, legislative and administrative advocacy, education, and strategic partnerships. **Florida Justice Institute** is a nonprofit public interest law firm that conducts civil rights litigation and advocacy in the areas of prisoners' rights, housing discrimination, disability discrimination, and other areas that impact the lives of Florida's poor and disenfranchised.

These three statewide grantees of The Florida Bar Foundation fill the gap in legal services that local legal aid programs across the state cannot fill. We do not have geographic boundaries. We are not limited by Legal Services Corporation restrictions on representing unpopular or disfavored clients and claims, such as evictions, class actions, welfare reform, immigrants and prisoners. We concentrate on impact work that includes litigation, advocacy, and training of lawyers, lay persons and organizations. We

retain the flexibility to work in areas of unmet need and respond to legal needs that unexpectedly arise. Our goal is to create a lasting impact in people's lives whose voice alone is not heard.

Recognizing our unique role, The Florida Bar Foundation has supported the statewide organizations. We respect the leadership that the Foundation has provided over the years to determine where gaps of justice exist and to establish incentives to meet the need. For example, it has spearheaded grants to specifically address affordable housing, disaster relief, and children's legal services. We believe that this has been vital to ensure that legal services are provided to the most vulnerable and needy Floridians.

As far as the specific recommendation of the Subcommittees that IOTA Funds "be used only for salaries and benefits for members of The Florida Bar who exclusively (i.e. to the exclusion of all other duties and responsibilities) provide direct legal services to low-income litigants in Florida," we believe this restriction is too limiting and will undermine the provision of high quality legal services for several reasons.

One, we have hired excellent attorneys who were not currently members of The Florida Bar, but who became members as soon as was practicable. For the type of complex litigation in which we engage, it has been helpful to have a broad national reach to find the most qualified attorneys for the job.

Two, our attorneys do not exclusively provide direct legal services as there are other job responsibilities that are necessary to sustain not-for-profit public interest law firms. Attorneys at the three statewide organizations have gained expertise in a number of fields and share their knowledge with other legal aid attorneys. We train on substantive law and legal skills, mentor individual legal aid advocates on their cases, and co-counsel systemic federal litigation to ensure that advocacy across the state is effective and high quality. Any limitations on the use of IOTA Funds to solely provide direct representation will eliminate the necessary support and other functions that our attorneys conduct.

Three, similarly, restricting the use of IOTA Funds to salaries and benefits of attorneys would destabilize the financial soundness of our organizations. All law firms need to pay for overhead and administrative support. We need to maintain technology to be able to provide direct legal representation and conduct litigation. We rely on expensive software for document and case management, and excellent paralegals, neither of which would be permitted to be paid with IOTA Funds under the Subcommittees' recommendations. No other funder requires such a limitation on the use of funds as it is recognized that the delivery of successful outcomes relies on more than the work of an attorney. IOTA Funds should as well be permitted to support the entire organization to assist in the provision of direct representation. Only with full support can direct representation be high quality and effective.

The Subcommittees further recommend that reporting requirements be instituted. Grantees already provide a variety of reports to The Florida Bar Foundation, which has worked with grantees to determine what information is needed to show the success and effectiveness of the grants. From the perspective of the statewide grantees, the effectiveness of IOTA Funds should not be defined solely by the number of attorneys and clients, but also to recognize that one client's case may impact many others. A statewide case, for example, may be on behalf of a few clients, but relief could benefit tens of thousands of people. In this way, these types of cases use our limited funds more efficiently, by leveraging a fewer number of clients to achieve a greater impact for hundreds or thousands of people.

Thank you for considering our comments. If you need additional information, please feel free to contact any of us.

Sincerely,

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May 17, 2020

Dear Members of the Task Force on Distribution of IOTA Funds:

Florida's Children First ("FCF") provides this information in support of our position that the current Rule 5-1.1(g) enables The Florida Bar Foundation to make the most effective and efficient use of IOTA funds.

FCF's work, described below and in greater detail in the Appendix, provides an excellent example of a Bar Foundation grantee providing real assistance that positively impacts the legal rights of children, though in a non-traditional way. Our efforts ultimately end up providing direct, and more importantly, meaningful, and significant, legal services and assistance to children throughout Florida. They also establish legal rights and promote the rule of law and the promise of our state and federal constitutions. The Foundation made our work possible through its initial funding and a clear vision that FCF's model could deliver such value to the citizens of Florida.

Our intent in providing the Task Force with these examples of our work is to demonstrate how the Foundation's ability to strategically invest in the work of grantees can leverage a small amount of money into a significant results for our client populations – results that further the core mission of The Foundation. FCF is focused on promoting the legal rights of children served by Florida's child welfare system – a system in which the courts play an integral role. We have been a grantee of The Foundation since our inception, with grant funding enabling us to obtain systemic changes for the benefit of children with a staff of 5 (2 lawyers). FCF differs from most Bar Foundation grantees in that we do not provide direct legal services to any individuals, nor have we initiated a lawsuit against any entity. Our legal advocacy does, however, further three of the original goals set forth in The Florida Bar Foundation's Charter as amended by the Florida Supreme Court when it establishing the IOTA program: to provide legal aid to the poor, provide for the adequate delivery of legal services to all members of the public; and to improve the administration of justice.

Creation of Florida's Children First

FCF began in 2002 with the collaboration of lawyers from several fields who came together with the mission of obtaining systemic reform of the governmental systems that are supposed to care for Florida's vulnerable children and to advance the rights of at-risk children and youth. The founders of FCF wanted to harness the combined experience and expertise of legal aid and private attorneys from around the state to benefit children using advocacy methods that would produce results more quickly and efficiently than decades long class actions. Our founders knew that by pooling talent and resources, and adding other forms of advocacy, we could create a powerful force for children. We bring the problems, concerns and interests of vulnerable children to the attention of people who can make changes.

September 15, 2020

The Florida Bar Foundation was a key partner in the formation of Florida’s Children First. The Foundation provided funding to enable FCF to get off the ground and relied on FCF’s expertise in child welfare as a statewide program to leverage partnerships with the Foundation’s other Children’s Legal Services grantees. FCF would not have come into existence without the support of the Florida Bar Foundation. Our growth and many successes on behalf of children are largely attributable to the support of the Florida Bar Foundation.

From our inception, however, FCF’s board was committed to raising funds so that the Florida Bar Foundation would not be our sole funder. Shortly after Florida’s Children First began, we received a private donation that created a litigation fund with \$100,000. At the time we anticipated that litigation would be one of the tools that we would use to achieve systemic reform. We have achieved many successes with other forms of advocacy and as of now, we have not had the need to use civil litigation as we initially anticipated.

The Need for Advocacy for Children

FCF’s focus has always been on the children who the state has removed from their parents and placed into state care. When circumstances warrant the removal of children from their homes, the state implicitly agrees to provide those children with something better than the circumstance from which they were removed. The promise of something better is often hollow, and children go from being neglected by people who love them to being neglected by a “system” of strangers.

Over 25,000 child victims of abuse, abandonment, and neglect are impacted by Florida’s child welfare system. These child victims have lost their parents, friends, pets, teachers, and homes and are forced to linger in state foster custody for an average of three years. Many children experience additional trauma while in the foster care system, are at heightened risk for mental health problems, and fall behind in school; virtually every aspect of their lives is disrupted. Without an attorney to fight for them, to secure needed services and expedite permanency into a safe stable and forever homes, these children often linger in the system, are more likely to be abused or trafficked, cross over into the juvenile/criminal justice system, and ultimately continue generational cycles of abuse, abandonment, and neglect.

When the state takes the role of the parent, both the law and the dependency courts become key components to protecting the health, safety and well-being of children. FCF’s approach is three-pronged – (1) obtain improvement to the laws, rules and policies that affect children; (2) train and support the attorneys and judges who handle individual cases; and (3) empower the youth to speak up for themselves and harness their collective ability to effectuate systemic change.

Fifteen years ago, FCF began partnering with our client population – current and former foster youth. We formed Florida Youth SHINE (“FYS”) an organization of young people ages 13 – 24 who have experience with the child welfare system. FYS is a youth-run, peer driven organization that works to change the culture of Florida’s child welfare system. FYS has 350 members in 14 chapters across the state. FYS members identify the issues in the child welfare system that affect them and work on solutions. The work of FCF is guided by the needs and concerns of the youth.

Appended to this letter you will find details about many of our key accomplishments. A thorough examination of the work that FCF has performed as a grantee of the Florida Bar Foundation will show that we have achieved extraordinary results in advancing the legal rights of children. These results are not time limited – they extend for years and years and continue to help children who are now in foster care, or who will be in the future. We highlight a few items to demonstrate how our works fits within the goals of the Bar Foundation.

Highlights of FCF’s Work Promoting Foundation Goals

Legal Aid for the Poor: Florida’s Children First promoted and secured passage of and appropriations for §39.01305 which provides the right to court-appointed counsel for dependent children with special needs. As a direct result of our work, to date, 5,642 children who are parties to dependency proceedings have been appointed attorneys, and 288 lawyers have been paid to represent children. Those attorneys are compensated by the state to represent children in the court cases that affect the most important aspects of

their lives – whether they will ever see their parents and siblings, where they will live, go to school, and receive appropriate services. **The \$9 million spent by the state on attorneys’ fees and costs since the law went into effect in July 2014 is over \$2 million more than The Foundation’s Children’s Legal Services grants in the same time period.**

Adequate Delivery of Legal Services: FCF operates the Florida Dependency Law Center, an online resource for attorneys who represent all parties in dependency proceedings. When the state intervenes in the lives of families by separating children from their parents the courts are best able to make decisions that affect safety and well-being when all parties to the proceedings have high quality representation. One way that FCF helps attorneys provide high quality representation through the Florida Dependency Law Center. In 2019 the 780 users visited the site 15,884 times and looked at 47,738 pages of resource materials. One user noted, “In the approximately three years that I have served as an attorney on the registry for children with special needs, there has not been a single issue I have encountered where I wasn’t able to seek guidance and answers from the Dependency Law Center. It has been an invaluable resource for me and for many of my colleagues who practice in this complex, specialized area.”

Improvements to the Administration of Justice: FCF aims to improve the administration of justice for children and youth through quality legal representation, public education, and system reform. We educate the public and our client population and stakeholders, about the laws affecting children in the child welfare system. Working with our colleagues in local legal aid programs and with our client population via Florida Youth SHINE, an organization of current and former foster youth, we identify problems with the administration of justice for those youth, work on solutions to those problems and disseminate information.

- When a local legal aid program asked for appellate help for a grandmother whose monthly cash assistance for her grandchild was lowered because of the parent’s misconduct, we didn’t get counsel for one appeal. Instead we got the State to discontinue that practice for all caregivers – eliminating the need for numerous appeals
- We secured passage of a bill promoting normalcy for foster youth – that law eliminates the need for courts to conduct hearings and issue orders in order for children to engage in normal activities. Hundreds, if not thousands of hours of court time are saved by this law each year.
- We secured passage of a bill extending foster care to age 21 which extends the jurisdiction of the court over young people who were removed from their parents - that enables the court to ensure that they receive the services to which they are legally entitled.
- We promoted the importance of having youth attend their court hearings by working with youth to educate stakeholders; advocating for the Florida Supreme Court amendment to the Rules of Juvenile Procedure to require the court to inquire when children are not present; and working with courts and others to educate youth and front line staff on the rule change.

FCF’s body of work demonstrates the efficacy of using Foundation funds to support systemic advocacy. The Foundation currently has the flexibility to fund grantees like FCF which can leverage a small amount of money into serving the legal needs and improving the administration of justice for thousands of people. Eliminating that flexibility and requiring that all funds be directed solely to direct representation of individuals would be working harder, not smarter. The combination of direct legal services and specialized systemic work provides the most effective and efficient use of IOTA funds.

We thank you for your consideration of our position and materials as you make your critical decisions.



Christina L. Spudeas,
Executive Director

Appendix A: Florida's Children First's **Key Accomplishments**

Mission: Florida's Children First, Inc. is a non-profit organization dedicated to advancing the rights of at-risk children and youth; the organization seeks full representation of children and youth and meaningful and sustainable improvement in Florida's child-serving systems using a range of strategies including public policy development, on-going training and technical assistance, and where necessary, strategic litigation.

Full Representation of Children and Youth

Expanding Representation

Ensuring that children, the only party in dependency proceedings who are not routinely provided counsel, have high quality representation has been central to FCF's mission since our inception. We lobbied for increased funding and attorney positions within the Florida's Guardian ad Litem Program in 2004, 2005, and 2006. We also supported creation of a pilot program in the Sixth Judicial Circuit so that the public defenders could represent children in their dependency cases along with their delinquency cases. The pilot began in 2006 and the project continues successfully to this date. In 2008, FCF and the Department of Children and Families created the "Counsel For Kids" program in which FCF located pro bono counsel to represent children for whom DCF determined had unmet legal needs. FCF received a Florida Bar Foundation grant in 2010 to create the Justice for Former Foster Youth – Lawyers Assisting Successful Transition project that provided pro bono counsel to more than 120 young adults. In 2014, FCF partnered with the Public Interest Law Section of the Florida Bar to create the One Lawyer, One Life pro bono project to recruit, train and support attorneys to represent 17-year-olds in foster care. We continue to match children and young adults with pro bono lawyers and to use pro bono lawyers in systemic work – **to date lawyers have performed more than 14,000 hours of legal work through FCF.**

We created the Law Firm Consortium on Children's Rights in 2017 to bring private law firms to the table with legal aid programs, the courts and stake holders to advance the federal recommendations as to how Florida can improve the quality of representation for children and parents in dependency. Later in 2017 continuing into 2018, we worked with The Florida Bar on the initiation and staffing of the Special Committee on Child and Parent representation, a committee which undertook to make substantive recommendations which will improve the access to counsel along with the compensation and support for attorneys. We had the opportunity in 2017 and 2018 to work with a member of Florida's Constitution Revision Commission on a proposal to amend Florida's Constitution to provide children with the right to counsel. In 2019 we began working with the Dependency Court Improvement Panel subcommittee on quality to create recommendations on court action to improve quality counsel. We are also currently working to help legal aid programs and other providers access the new source of federal funding with the goal of having those funds reinvested in the improvement of quality of representation.

FCF endeavored to secure passage of a law that would provide attorneys for dependent children. We were successful in obtaining the support of The Florida Bar for legislation in 2010 but were not able to obtain passage at that time. We were able to secure state funding for attorneys for some children in 2013 – along with funding so the Guardian Ad Litem Program could offer a training conference for attorneys who represent children with disabilities. Finally, in 2014 we succeeded in obtaining passage

of HB 561 which created 39.01305 – counsel for dependent children with special needs. For the first time, Florida law required that certain dependent children be appointed counsel. To date, 5,642 children who are parties to dependency proceedings have been appointed paid counsel, thousands more were appointed unpaid counsel, and 288 lawyers have been paid to represent children.

Youth Participation in Court Proceedings

Whether or not children have counsel, we think they should attend the court proceedings. Yet, despite being parties to the case, youth were often left out of court proceedings. In 2008, FCF began holding trainings for judges, lawyers and child welfare stake holders with Florida Youth SHINE to shed a light on the problem of youth being excluded from court proceedings. We also promoted youth participation in court with a publication jointly authored with the American Bar Association in 2008. In 2012 we authored a rule comment in support of youth participation in court and issued a publication educating youth about their right to attend court when the rules of juvenile procedure were amended.

High Quality Representation

FCF leads efforts in the state to promote quality representation for parties in dependency. Since our inception we have trained and supported lawyers and guardians ad litem. We have conducted numerous trainings each year since we were formed and have had more than 22,000 attendees at our trainings. In 2013 we opened the Florida Dependency Law Center (FDLC, formerly FLORIDA for Children and Families). The FDLC is an online resource for lawyers and judges who practice in dependency cases. It offers case law, resources, and communication tools to help practitioners. We've continued to add to and improve the site.

Consistent with federal guidance and policy, we have promoted the basic tenants of quality representation – reference to guidelines of practice, CLEs, access to supervision or mentoring, adequate compensation, and access to multi-disciplinary resources. When 39.01305 went into effect, we advocated to ensure that state-funded counsel appointed to represent children would have pertinent CLEs, be familiar with the Guidelines for Practice and have access to a Curriculum that would help them locate training and resources. We appeared at the Florida Supreme Court in support of parents' right to effective assistance of counsel in termination of parental rights proceedings and helped draft the rules to put that into effect. We have taken leadership within the Legal Needs of Children Committee, the Public Interest Law Section and Juvenile Law Certification Committee to promote quality representation.

Meaningful and Sustainable Improvement in Florida's Child-Serving Systems

Transition to Independence

From the outset, FCF has worked for and with youth to ensure that the state gives priority to the needs of transition aged youth. We have continuously promoted access to health insurance for former foster youth. In 2005 we advocated for and obtained coverage for 18-year-olds under Healthy Kids. In 2006 we obtained the extension of Medicaid coverage to 18 and 19-year-olds aging out of foster care. In 2008 we promoted SB 2114 which Medicaid to all youth aging out of care to age 21. In 2014, when the federal law changed to cover former foster youth to age 26, we advocated with

state agencies to ensure that all former foster youth, not just those who were in licensed foster care, would have the benefit of the federal law.

We have prompted the passage of bills and appropriations to meet the basic needs of former foster youth as they enter adulthood without parents. In 2005 we helped secure passage of SB 1314 which extended dependency court jurisdiction to age 19 so the dependency courts could ensure that youth were provided the services and supports to which they were entitled. In 2008, we advocated for and obtained laws that permit youth to open bank accounts and obtain driver's licenses. That law also expanded the group of youth eligible for Road to Independence financial assistance to youth who were adopted or placed into permanent guardianship after the age of 16 so long as they spent at least six months in state care.

In 2010 FCF helped the state re-design its independent living program to enhance services to children. Finally, in 2013 our multi-year advocacy to extend foster care to age 21 passed. SB 1036 extended foster care to age 21, and provided young adults could leave foster care, and then return at a later date as many times as they chose. It revised the financial support for youth who are in college, in part by the easing requirements so that when they face difficulties in school they are not excluded from the program.

Because of our work and the willingness of the Legislature to prioritize the needs of former foster youth, Florida has a robust system of support for former foster youth. The rules and laws are, however, complicated. FCF created educational material and has trained hundreds of lawyers and frontline workers on the complexities of the law and to best serve child clients. A list of our publications is in Appendix B.

Education

Some of our earliest and most pervasive successes fall in the education arena. In 2004, FCF advocated for House Bill 723 created Fla. Stat. §39.0016, a comprehensive statute addressing the educational needs of foster children. We went on to draft the first inter-agency agreement between the Department of Children and Families and the Department of Education required by that statute. We authored and co-authored publications to guide child welfare and education systems in how to work together to meet children's needs. In 2009 we promoted passage of SB 1128 which revised 39.0016 to clarify the obligations of the state to meet the educational needs of foster children with special educational needs. We continued to train and support attorneys and frontline workers how the use to law to advocate for children's educational needs.

Our higher education advocacy has had remarkable results. Our work highlighting the educational barriers in Florida's offer of free tuition to former foster youth and advocating for legislative and administrative changes has resulted in Florida having the nation's most comprehensive offer of higher education assistance to former foster youth. In 2006 we got the exemption expanded to cover children who were placed into guardianship after age 16. In 2010 we got the legislature to expand the exemption to recognize that former foster youth might not be ready and able to complete college immediately after turning 18 and got them to expand the exemption to cover tuition until age 28. In 2014 our work resulted in eliminating the inequity of excluding children placed with nonrelatives. In 2016 we convinced the universities to revise the rules that limited the application of the exemption

so that they no longer charge youth for tuition for graduate and professional school tuition, or for taking additional classes.

Well-Being of Children in Care

Normalcy & Sibling Relationships A major advance for children occurred in 2013 when our multi-year advocacy promoting normalcy for youth was incorporated into the Quality Parenting for Children in Foster Care Act/Let Kids Be Kids (HB 215). Children’s rights to participate in normal activities without abnormal restrictions were placed in the law. Key provisions of our law were later placed into federal law to apply to all foster youth in the United States. The next year we succeeded in getting provisions put into several statutes that strengthen the requirements to keep siblings placed together and provide assistance to non-relatives who step up to care for children in foster care. In 2017 we helped pass the Keys to Independence which promotes the ability of children in foster care to obtain their drivers’ license and get insurance. We are currently working to support a national version of that law.

Psychotropic Medication. FCF was an early and persistent voice in raising the issues of the overmedication of youth in foster care. In 2005 we urged the passage of SB 1090 which requires express and informed consent before medication could be administered to youth in care. In 2009 we were a part of a state-convened task force to examine the use of psychotropic medications for foster children and contributed to recommendations that result in administrative rule changes to strengthen protections for children. That included a policy to provide counsel to children who do not assent to psychotropic medication. That policy was unfunded until 2014 when we were able to include that category of children in the law requiring appointment of counsel. We trained hundreds of lawyers on the requirements of the law and continue monitor application of procedural protections.

Youth with Disabilities. Florida has historically been challenged in its ability to provide developmental services to children in the foster care system. In 2006 FCF secured a change in public policy that required that children in the child welfare system who have developmental disabilities receive priority for services from the Agency for Persons with Disabilities. Two years later our sustained advocacy resulted in the evaluation of all foster youth on the waiting list to get them enrolled in services. In 2010 when the services again slipped, FCF petitioned to initiate rulemaking at the Agency for Persons with Disabilities get it to revise “crisis rule” definition to include children in state care precluded from permanency. Our advocacy resulted in APD and DCF reaching an accord that moves children in foster care off the wait list each month. With persistent advocacy, that accord was included in provision language and ultimately codified in statute so that now, children who can achieve permanency with APD waiver services can get off the waiting list and receive services and not be stuck in foster care. Most significantly, though, we were able to ensure that children with developmental disabilities are entitled to the appointment of counsel to ensure that their needs are met.

Administrative Advocacy. FCF monitors the Department of Children and Families rulemaking process and convenes work groups of interested legal aid and public interest attorneys to review and comment on the rules to ensure that the legal rights and the well-being of children are appropriately addressed in the Florida Administrative Code and in DCF’s policies and procedures. Where necessary, we initiate rule challenges – as we did in 2019 when DCF issued a rule that exceeded its legislatively delegated authority and negatively impacted former foster youth receiving Extended Foster Care Services.

Youth Empowerment

Although we don't represent clients, FCF partners with our client population to ascertain what systemic reforms are needed to meet the actual needs of the youth we serve. In 2005, FCF created its youth advocacy organization, Florida Youth SHINE (SHINE= Striving High for INdependence and Empowerment) (FYS). FYS is a youth run, peer driven organization that empowers current and former foster youth to become leaders and advocates within their communities. What began with a handful of concerned and active youth we have been able to grow with the support of FCF staff to 14 local chapters with over 350 members ages 13-24. Since the inception of FYS, there have been hundreds of youth who have participated in Florida Youth SHINE and we have had the benefit of their experiences and advocacy to guide our work. As much as the youth gain from participating in FYS, we gain by working with them to identify problems, solutions and facilitating their direct advocacy with legislators and other policy makers. A number of FCF's legislative victories were achieved because we partnered with FYS - the youth affected by state policy are the most compelling advocates for change.

We know that youth are most empowered when they understand the law and what is happening in their court case. That is why, in addition to promoting their participation in court proceedings, we publish documents intended to help young people, and the adults who work with them, understand their rights while in care. Appendix B is a list of our publications. We also worked to make sure that youth could have access to their own court records. We succeeded in 2009 in having SB 126 passed. That law requires that the state keep complete and accurate records and requires that the records must be provided to the child upon their request, and to their attorneys and caregivers.

Appendix B: FCF Publications

COVID-19 Response

I NEED MY MONEY FAST! Economic Stimulus Payments Tips

<http://www.floridaschildrenfirst.org/wp-content/uploads/2020/04/I-NEED-MY-MONEY-FAST-Economic-Stimulus-Payments-Tips.pdf>

Income Tax Tips

<http://www.floridaschildrenfirst.org/wp-content/uploads/2020/04/Income-Tax-Tips.pdf>

Reemployment Assistance (Unemployment Insurance) Tip Sheet

<http://www.floridaschildrenfirst.org/wp-content/uploads/Reemployment-Assistance.pdf>

COVID-19 Resources (Florida) – for Foster Youth and Their Supporters

<https://docs.google.com/document/d/1quMgsW8VYNSj2b4qnF7R7TlpkLM9YzPZUhJc3z5bh8/edit>

COVID-19 Tips for Professionals

<http://www.floridaschildrenfirst.org/wp-content/uploads/2020/03/COVID-19-TIPS-FOR-PROFESSIONALS.pdf>

Freaked About Finances: Surviving Loss of Income

<http://www.floridaschildrenfirst.org/wp-content/uploads/2020/03/TIP-SHEET-SURVIVING-LOSS-OF-INCOME.pdf>

Adoption

Adult Adoption: Creating Lifelong Family Bonds and Legal Connections

<http://www.floridaschildrenfirst.org/adult-adoption-creating-life-long-family-bonds-and-legal-connections/>

Child’s Right to Post-Adoption Communication: Myths That Impede Healthy Relationships -Truths That Hurt

<http://www.floridaschildrenfirst.org/childs-right-to-post-adoption-communication-myths-that-impede-healthy-relationships-truths-that-hurt/>

State Survey of Post-Adoption Contact Agreements

<http://www.floridaschildrenfirst.org/state-survey-of-post-adoption-contact-agreements/>

Court

Fact Sheet: Youth In Court

<http://www.floridaschildrenfirst.org/wp-content/uploads/2012/05/YICFactSheet1-1.pdf>

Hearing Your Voice: A Guide to Your Dependency Court Case

<http://www.floridaschildrenfirst.org/hearing-your-voice-a-guide-to-your-dependency-court-case-2/>

Education

Tuition Exemption: Know Your Rights:

<http://www.floridaschildrenfirst.org/wp-content/uploads/2016/04/Tuition-Exemption-Know-Your-Rights.pdf>

Fostering Higher Education Success - Tuition & Fee Exemption for Former Foster Youth

<http://www.floridaschildrenfirst.org/wp-content/uploads/2014/01/Tuition-Exemption-White-Paper-Floridas-Children-First.pdf>

Interagency Agreements: Improving Educational Outcomes for Florida’s Children in Foster Care

<https://media.law.miami.edu/clinics/children-and-youth/pdf/2007/improving-educational-outcomes-for-floridas-children-in-foster-care-2007.pdf>

FCF Recommendations for Inter-Agency Actions to Improve Educational Opportunities for Florida’s Foster Youth

<http://www.floridaschildrenfirst.org/fcf-recommendations-for-inter-agency-actions-to-improve-educational-opportunities-for-florida’s-foster-youth/>

Independent Living

Independent Living Benefits Chart

<http://www.floridaschildrenfirst.org/independent-living-benefits-chart/>

Homeless Youth Handbook

<http://www.floridaschildrenfirst.org/the-homeless-youth-handbook/>

Know Your Rights: MONEY

<http://www.floridaschildrenfirst.org/know-your-rights-money/>

How to Get Your Child Welfare Records

<http://www.floridaschildrenfirst.org/how-to-get-your-child-welfare-records/>

Transition: A Guide for Foster Youth with Disabilities Transitioning to Adulthood

<http://www.floridaschildrenfirst.org/transition-a-guide-for-foster-youth-with-disabilities-transitioning-to-adulthood-2/>

On Your Own But Not Alone

<http://www.floridaschildrenfirst.org/on-your-own-but-not-alone-2/>

Frequently Asked Questions for Foster Youth Transitioning to Adulthood

<http://www.floridaschildrenfirst.org/frequently-asked-questions-for-foster-youth-transitioning-to-adulthood/>

Juvenile Justice

Juvenile Record Expunction Update: Know Your Rights

<http://www.floridaschildrenfirst.org/juvenile-record-expunction-update-know-your-rights/>

Seal & Expunge Criminal History Record

<http://www.floridaschildrenfirst.org/seal-expunge-criminal-history-record/>

Q&A: Exemption from Disqualification

<http://www.floridaschildrenfirst.org/qa-exemption-from-disqualification/>

Mental Health Issues

Children’s Mental Health Overview and Recommendations

<http://www.floridaschildrenfirst.org/childrens-mental-health-overview-and-recommendations/>

CBHA: Comprehensive Behavioral Health Assessments for Children In State Care

<http://www.floridaschildrenfirst.org/cbha-comprehensive-behavioral-health-assessments-for-children-in-state-care/>

Top Ten Actions Florida Can Take to Eliminate the Unnecessary Use of Psychotropic Medications

<http://www.floridaschildrenfirst.org/top-ten-actions-florida-can-take-to-eliminate-the-unnecessary-use-of-psychotropic-medications/>

Reports & Recommendations

Florida’s Children First Calls for Thoughtful Reform of Florida’s Child Welfare System

<http://www.floridaschildrenfirst.org/floridas-children-first-calls-for-thoughtful-reform-of-floridas-child-welfare-system/>

Legal Representation of Dependent Children: A 2012 Report on Florida’s Patchwork System

<http://www.floridaschildrenfirst.org/legal-representation-of-dependent-children-a-2012-report-on-florida’s-patchwork-system/>

Fostering Success: Strategies to Empower Youth to Succeed as Adults, Report of Proceedings

<http://www.floridaschildrenfirst.org/fostering-success-strategies-to-empower-youth-to-succeed-as-adults-report-of-proceedings/>

Appendix C: FCF Amicus Briefs

Health & Developmental Services

A.R. v. APD, Case No.1D05-5150 (Fla.1st DCA 2006) (addressing the rights of children in foster care to receive developmental services).

C.M. v. APD (Asperger is autism and should be included in APD definition) CASE Nos.: 1D12-1447/1D12-1448/1D12-1472.

Dudek v. K.G. (11th Cir) 12-13785-DD– EPSDT to cover Applied Behavioral Analysis.

Vaught v. State of Fla. Agency for Health Care Admin., Case No. 1D07-2282 (Fla. 1st DCA 2007) (addressing need for foster youth to have access to skilled nursing care in order to remain in stable placement).

Independent Living

DCF v. In Re C.K., 851 So.2d 206 (Fla. 3d DCA 2003) (addressing the juvenile court’s retention of jurisdiction over young adults who receive foster care services past the age of 18 from DCF).

Dept. of Child. & Families v. K.D., Case No. 5D09-4639 (Fla. 5th DCA 2010) (challenge to bar on providing of Independent Services to youth who exit care in non-relative placements).

DCF v. T.R., 906 So.2d 335 (Fla. 4th DCA 2005) (addressing eligibility requirements for foster care subsidized independent living program benefits under state and federal law).

Right to Relationships

Russell v. Pasik, No. 2D-14-5540 (2015) Brief supporting rights of siblings to visitation when biological children of lesbian couple were denied visitation after the parents divorced.

M.L. v. DCF, No. 4D16-4087, Amicus on behalf of children who lose opportunity to have a relationship with their parents because of court’s ruling on participation of a biological father when mother had a husband. Ruled on in May 2017.

M.L. v. DCF amicus in support of cert petition to U.S. Supreme court, case no. 17-1598 filed 10/13/20017).

Records, Privacy, Privilege

A.Y. v. Regier, Case No. 2003-CA-159 (2nd Jud. Cir. 2003) (mandamus action addressing a child’s right to retain independent counsel and counsel’s right to access the child’s confidential DCF records).

DCF v. Statewide Advocacy Council, 884 So.2d 1162 (Fla. 2d DCA 2004) (addressing the authority of the Statewide Advocacy Council to obtain confidential records of DCF clients as part of its legislative mandate to investigate allegations of constitutional and human rights abuses or deprivations).

Hadi v. Gievers, Case No. 1D06-5852 (Fla. 1st DCA 2007) (addressing right of children and their counsel to obtain dependency records).

S.C. v. GAL, 845 So.2d 953 (Fla. 4th DCA 2003) (addressing a foster child’s right to assert the psychotherapist-patient privilege to prevent a court-appointed guardian ad litem from having access to records covered by the privilege);

Representation

A.Y. v. Regier, Case No. 2003-CA-159 (2nd Jud. Cir. 2003) (mandamus action addressing a child’s right to retain independent counsel and counsel’s right to access the child’s confidential DCF records).

In the Interest of K.J.H (2nd DCA). Supporting child’s right to counsel.

In re R.L. R I, (Fla. 3D12-1892) Right of child to maintain attorney client confidentiality -re in disclosing location.

In re R.L.R.II 3D13-1025

In re S.S. (Fla 1st DCA 2011) Supporting right of child to counsel in TPR proceeding. 1D-11-5455 – – here payment of costs and fees).

J.B v. DCF, Case No. SC 14-1990 (2015) Case seeking a standard and process for Ineffective assistance of parent’s counsel.

D.H. v. ADEPT., Case No. SC17-829, Seeking review of 2nd DCA decision that statute of limitations was not tolled where child had a dependency guardian ad litem. Court found statute not tolled.

In re Dependency of S.K.P Case No. No. 94970-1 Child's Right to Counsel in Dependency Matters before the Washington Supreme Court. The outcome was not what we hoped for, which was a declaration of a right to counsel for all children. The majority, did however, find that the state statute providing for discretionary appointment of counsel required that the court make an individual determination using specific factors as to each child.

Immigration

B.R.C.M v. DCFM Case No. SC16-179 (FL 2017) brief in support of immigrant child’s right to have his petition fully heard in state court. Court ruled that the 8 minute hearing was insufficient, the child had the right to have the matter heard on the merits.

B.Y.G.M, 176 So. 3d 290 (Fla. 3d DCA 2015) explaining the role of the state court in the federal immigration scheme.

F.L.M. v. DCF, 912 So. 2d 1264, (Fla. 4th DCA 2005) (addressing abandonment status of orphaned child for purposes of seeking lawful permanent resident status as Special Immigrant Juvenile).

O.I.C.L. vs. DCF, SC15-1570 (Fla. 2016) urging court to not read additional criteria into the existing definition of abandonment.

Juvenile Justice

Miller v. Alabama, 567 U.S. 460 (2012) joined national amicus opposing mandatory life for juveniles.

Kelsey v. State, – Case No SC 15-2709 (FL 2016) (addressing brain science in juvenile resentencing.

LGBTQ

Florida Dept. of Child. & Families in Re Matter of Adoption of X.X.G and N.R. G., Case no. 3D-08-3044 (Fla. 3d DCA 2009) (challenge to the ban on gay adoption)

Kantaris v. Kantaris Pinellas – brief in support of children of transgender man whose ex wife sought to void the marriage and his parental rights.

Woodward v. Jupiter Christian School, Case No. SC05-1986 (Fla. 2007) (addressing need for youth to have confidential communications with counselors)

Fulton v. City of Philadelphia (3d Cir 2018) supporting the agency and lower court decision that precludes federally funded child welfare agencies from discriminating against LGBTQ adults who wish to foster and adopt.

Miscellaneous

A.P. v. Feaver No. 04-15645-AA. Brief in opposition to motion for rehearing en banc as to decision which overturned summary judgment in favor of defendants in case of

Roberts v. Angelfish 3D10-1611 (3d DCA) 2010. Joined Public Justice’s amicus brief opposing a financial means test for class action plaintiffs

F.G. v. APD, Case No. SC06-240 (Fla. 2006) (addressing right of trial court to subpoena state agency to provide information about child).

Lebron v. Wilkins, 11-15258-I (11th. Cir. 2012) Opposing DCF practice of automatically calling the abuse hotline when a parent seeking TANF benefits tests positive for substances.

Citizens for Strong Schools v. Fl. Dept. of Education, SC-18-67 (FL. 2018 – filed). Supporting challenge to the Florida’s failure to meet the state constitutional requirement to provide uniform, high-quality education to all children.

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Dominic C. MacKenzie



Via Electronic Mail

May 19, 2020

Elizabeth Tarbert, Ethics Counsel
The Florida Bar
651 East Jefferson Street
Tallahassee, FL 32399-2300

Re: Follow up requests by IOTA Distribution Task Force

Dear Elizabeth,

In follow up to the task force meeting yesterday this morning, please find enclosed:

1. Chart showing Comparative Overview of Expenses with totals as requested;
2. Chart showing all payments made to FJTC from Florida Bar Foundation, regardless of source;
3. Associated chart showing projects funded by Chase Funds with Attorney General's permission (i.e. Gateway project, including pilot); and
4. Loan Documents between TFB and FBF.

Please send these materials to the task force members. Please also tell them that the Foundation sent quarterly and periodic reports to both TFB and the Attorney General's office relating to the use of their respective funds loaned or given to the Foundation. Should anyone wish to see copies of those reports, please let us know and we will send copies.

In addition, Steve Senn asked me to add the following to this letter: Based on the Combined Revised Recommendations of the Subcommittees, the Foundation understands that the Subcommittees of the Task Force have answered "Yes" to the following questions asked by the Supreme Court of Florida: "whether rule 5-1.1(g) should be amended to better ensure the most effective use of IOTA funds[;] whether specific priorities should be established for the use of available IOTA funds; [and] whether specific requirements or limitations should be imposed on the use of IOTA funds" In re Task Force

Letter to Elizabeth Tarbert
Task Force on Distribution of IOTA Funds **Final Report**
Appendix J – Submissions to the Task Force

September 15, 2020

on Distribution of IOTA Funds, No. AOSC19-70 (Fla. Dec. 31, 2020). The Foundation's written and oral submissions are intended to provide additional relevant information to encourage further thinking by the full Task Force on these questions. The information we have provided may allow the Task Force to conclude instead that such specific priorities, requirements, or limitations should not be imposed, because of the adverse unintended consequences that would be suffered by Florida's legal aid infrastructure by the proposals to date, or that might follow any other undue restriction on the decision-making of the Foundation's Board of Directors with respect to use of IOTA funds for particular grants that best serve the needs of poor Floridians at the particular time, and as needs change. The Foundation's submissions, and the submissions the Task Force has received from most of the legal aid providers in Florida, might allow the Task Force to reflect further on these "whether" questions. Based on this new information, the Foundation believes the Task Force should instead conclude that there is no need for amendment in order to ensure more effective use of IOTA funds, and no need to establish specific priorities, requirements, or limitations on the use of IOTA Funds.

The Supreme Court has directed the Task Force to "give priority consideration to the need for funding direct legal services for low-income litigants in Florida." *Id.* The Foundation's written and oral submissions show that programs funded by IOTA receipts already give priority consideration to funding direct legal services for low-income Floridians (if the Subcommittee's definition of "direct legal services" is expanded to reflect that such services may be provided via pro bono volunteers, paralegals, and law students). Moreover, programs like Florida's Children First, who serve low-income Floridians in ways other than direct representation, have in fact brought about tremendous expansion of direct legal services for children in dependency court, along with fairer procedures for children during that direct representation. Accordingly, the Task Force has adequate grounds to conclude that the answer to these questions should be that no amendment to Rule 5-1.1(g) is needed in order to prioritize consideration to the need for legal services for low-income Floridians.

In the event that the Task Force does not reconsider the preliminarily expressed views of the Subcommittees on these three "whether" questions, then, as we stated in the Foundation's written submissions, any codification by rule should take care to reflect the concerns that have been expressed by the Foundation and by the many legal aid organizations who demonstrate by their own examples the diverse ways that civil justice can be advanced. Any rule the Task Force might propose should also endorse and preserve the existing IOTA funded programs which advance the cause of civil justice. For example, programs which rely on pro bono volunteers, or law students, or paralegals, should be permitted as benefitting the Bar and needy Floridians, and should not be defunded. Similarly, Florida Children's First has shown that advocacy that takes place outside the courtroom can achieve tremendous results by systemic changes to help more Floridians and make the systems fairer.

Any rule proposed by the Task Force should also preserve the primary decision-making responsibility of the Foundation's Board of Directors, including the ability to be flexible in addressing changes to the legal aid infrastructure and to the legal needs of low income Floridians, so that the Foundation may take advantage of the best opportunities to cost-effectively serve those needs. Any rule proposed by the Task Force should also preserve the Board's authority over the Foundation's budget and reserves, and continue to entrust the Board with the responsibility to ensure that IOTA receipts are allocated so as to best serve the interests of low income and vulnerable Floridians to equal access to justice, primarily but not exclusively through providing legal services to low income Floridians. Retention of such decision-making by the Foundation Board would be far preferable to potentially destructive percentage caps on spending or reserves, which remove the opportunity to thoughtfully review and address such questions based on all the relevant circumstances at the time such decisions must be made.

For the reasons we and others have presented, the position of the Foundation is that the Task Force should report to the Supreme Court that no rule amendment is required to better ensure the most effective use of IOTA funds. However, if the Task Force determines that it must propose a rule amendment, the Foundation requests the opportunity to propose rule language for consideration by the Task Force, and to work with the Task Force to develop language that would not disserve Florida's legal aid infrastructure, and the low-income Floridians they serve.

Sincerely,



Donny MacKenzie
Executive Director

- Enclosures:
- 1) Chart showing Comparative Overview of Expenses with totals as requested;
 - 2) Chart showing all payments made to FJTC from Florida Bar Foundation, regardless of source;
 - 3) Associated chart showing projects funded by Chase Funds with Attorney General's permission (i.e. Gateway project, including pilot); and
 - 4) Loan Documents between TFB and FBF.

Comparative Overview of Expenses

before Year-End Functional Allocation of Overhead

Expense Category	FY 2017-18		FY 2018-19		FY 2019-20		FY 2020-21	% Budget Change FY 2018-19 vs FY 2017-18	% Budget Change FY 2019-20 vs FY 2018-19	% Budget Change FY 2020-21 vs FY 2019-20
	Budget	Actual Expenses	Budget	Actual Expenses	Budget	Projected Actual Expenses	Proposed Expenses			
Personnel Costs	\$ 2,042,830	\$ 1,862,000	\$ 1,480,900	\$ 1,355,370	\$ 1,539,145	\$ 1,479,170	\$ 1,606,890	-27.5%	3.1%	4.4%
Professional Services	974,315	506,945	756,995	362,370	579,850	270,685	397,700	-22.3%	-34.9%	-31.4%
Office Expenses	212,720	151,520	189,940	167,295	196,750	147,240	167,145	-10.7%	4.5%	-15.0%
Facilities and Equipment	471,525	385,155	459,135	417,300	381,630	381,795	395,640	-2.6%	-20.1%	3.7%
Meetings/Convenings	347,575	234,935	327,455	228,725	224,175	69,670	129,665	-5.8%	-44.0%	-42.2%
Other	422,370	330,420	347,070	295,715	294,295	158,215	182,045	-17.8%	-16.0%	-38.1%
Total	\$ 4,471,335	\$ 3,470,975	\$ 3,561,495	\$ 2,826,775	\$ 3,215,845	\$ 2,506,775	\$ 2,879,085	-20.3%	-9.7%	-10.5%

	Actual FY 2017-18		Actual FYE 2018-19		Projected Actual FYE 2019-20		Proposed FYE 2020-21	
Program Related	\$1,085,520	6.88%	\$966,585	7.17%	\$687,880	4.13%	\$766,260	6.60%
M & G	\$2,097,760	13.29%	\$1,523,550	11.30%	\$1,642,475	9.87%	\$1,928,730	16.61%
FR	\$287,695	1.82%	\$336,640	2.50%	\$176,420	1.06%	\$184,095	1.59%
	\$3,470,975	21.99%	\$2,826,775	20.97%	\$2,506,775	15.07%	\$2,879,085	24.80%
Grants	\$12,313,045	78.01%	\$10,654,400	79.03%	\$14,130,723	84.93%	\$8,731,228	75.20%
Total Expenses	\$15,784,020	100.00%	\$13,481,175	100.00%	\$16,637,498	100.00%	\$11,610,313	100.00%

The Florida Bar Foundation
 Payments to Florida Justice Technology Center (FJTC)
 May-20

1 **FJTC Start-UP**

Funded per Bar Loan Directive	<u>\$1,794,058.40</u>
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2 **Triage Pilot Project (Gateway)**

Funded by Chase Settlement*	\$418,275.77
Funded by the Foundation	<u>\$11,250.00 (a)</u>
	<u>\$429,525.77</u>

*Total amount funded by Chase Settlement for the project was \$500,000.

3 **FY 2019-20 AOJ Grant to FJTC:**

Original Amount	\$350,000.00
Amount returned by FJTC	(\$150,000.00)
Rescission of second payment	(\$175,000.00)
Grant funded by Foundation	<u>\$25,000.00 (a)</u>

4 **Program-Related Expenses paid by Foundation:**

Grantee Travel Reimbursements:	
18-Apr Travel Reimbursement for SRLN Conference - J Schieffer	\$1,134.73
18-Jan Travel Reimbursement for J Raby to BoardSource Forum	<u>\$1,100.00</u>
	<u>\$2,234.73 (a)</u>

4 **Bridge Funding**

Three payments of \$38,000	<u>\$114,000.00 (a)</u>
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5 **Purchase of FJTC assets (websites)**

<u>\$48,058.00 (a)</u>

(a) Total payments to FJTC from Foundation funds which may include IOTA money = \$200,542.73.

Total payments to FJTC =	<u>\$2,412,876.90</u>
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GATEWAY COSTS

Deferred Revenue - Contra Account a/c 130-2815-00-000
Contract Revenue - Account a/c 130-4350-00-000
PPPF # 4902

	Date	Vendor	Batch #	Amount	
Receipt from Chase Bank	02/04/16		48023	\$ 500,000.00	\$ 500,000.00
Drawdown	FYE 6-30-2016				
	06/30/16	Neota	48962	\$ (2,000.00)	
	06/30/16	Neota	48964	\$ (3,892.50)	\$ (5,892.50)
Drawdown	FYE 6-30-2017				
	08/23/16	FedEx	48960	\$ (5.16)	\$ 500,000.00
	Various	Neota	Various	\$ (34,311.04)	
	Various	FJTC	Various	\$ (67,049.74)	
	Various	Pro Bono Net	Various	\$ (39,700.00)	\$ (141,065.94)
Drawdown	FYE 6-30-2018				
	Various	Neota	Various	(\$1,350.00)	(\$1,350.00)
	03/14/18	FJTC	50743	(\$351,000.00)	(\$351,000.00)
Refund sent to AG's office	10/22/19			-691.56	(\$691.56)
Amount returned from AG's office	11/12/19			691.56	\$691.56
Final sent to Community Justice Project #36097				-691.56	(\$691.56)
					<u>\$ (0.00)</u>

SECURITY AGREEMENT

DATE:

6 November, 2014

BORROWER:

**THE FLORIDA BAR FOUNDATION, INC., a Florida corporation
not-for-profit**

BORROWER'S ADDRESS:

**875 Concourse Parkway South, Suite 195
Maitland FL 32751**

LENDER:

**THE FLORIDA BAR, an official arm of the Supreme Court of
Florida**

LENDER'S ADDRESS:

**651 East Jefferson Street
Tallahassee FL 32399-2300**

NOTE AMOUNT:

\$6,000,000.00

**MAXIMUM PRINCIPAL INDEBTEDNESS,
INCLUDING FUTURE ADVANCES,**

THAT MAY BE SECURED HEREBY: \$6,000,000.00

COLLATERAL:

Borrower's receivables from banks pursuant to the Interest on Trust Accounts ("IOTA") rule within subchapter 5-1 of the Rules Regulating The Florida Bar, now outstanding or arising in the future (the "IOTA Receivables").

1. **Security Interest.** Borrower is indebted to Lender in the principal amount stated above as evidenced by a promissory note of the same date as this Security Agreement made by Borrower and delivered to Lender (the "Note"). In consideration of the loan to Borrower evidenced by the Note, Borrower grants to Lender a security interest in the Collateral, for the purposes and under the terms and conditions set forth in this Security Agreement.

2. **Secured Indebtedness.** This Security Agreement secures: (a) the initial indebtedness of Borrower to Lender, as specified above; (b) any future advances made by Borrower to Lender; and (c) all other indebtedness of Borrower to Lender, however and wherever incurred or evidenced, whether primary, secondary, direct, indirect, absolute, contingent, sole, joint or several, due or to become due, whether contracted for or acquired now or in the future, whether arising in the ordinary course of business or otherwise. The total amount of indebtedness secured by this Security Agreement may decrease or increase from time-to-time, but the total unpaid balance so secured at any one time may not exceed the maximum principal amount specified above, plus accrued interest and any disbursements made for the payment of taxes, levies, or insurance on the Collateral and for maintenance, repair, protection, and preservation of the Collateral, enforcement and collection expenses (including reasonable attorneys' fees) with interest on such disbursements, all as provided in this Security Agreement.

This Security Agreement does not secure any future advances made more than twenty (20) years from the date hereof.

3. **Proceeds.** The Collateral includes all proceeds thereof as well as all replacements, additions and accessions at any time in the future.

4. **Payment.** Borrower shall pay all indebtedness and perform all obligations secured by this Security Agreement when due.

5. **Title.** Borrower covenants that the Collateral is free from all liens and encumbrances (other than this Security Agreement and tangible personal property taxes for the current year), and that Borrower is the owner of the Collateral and has the right to execute and deliver this Security Agreement.

6. **Location.** Borrower shall collect and keep the Collateral at its bank accounts in Orlando, Florida.

7. **Enforcement and Collection Expenses.** Borrower shall pay all expenses, including attorneys' fees, incurred by Lender with respect to the collection of the indebtedness secured by this Security Agreement or the enforcement of Lender's rights under this Security Agreement (including sale, foreclosure or other litigation expenses and such costs and attorney fees as may be incurred before and after commencement of litigation and on appeal), resulting from any default by Borrower, and all such sums: (a) are a part of the indebtedness secured by this Security Agreement; (b) are, at Lender's option, immediately due and payable; and (c) bear interest at the highest lawful rate specified in the Note.

8. **Default.** It is a default under this Security Agreement if: (a) Borrower fails to pay in full, as and when due, any sums required by the Note, this Security Agreement, any other indebtedness of Borrower to Lender, or any other instrument or document executed or delivered to Lender in connection with this Loan; (b) Borrower fails to perform or observe any other covenant, condition or agreement of this Security Agreement or any other instrument or document executed or delivered to Lender in connection with this Loan; (c) any warranties or representations made and any written application by Borrower to Lender for this Loan, or any information contained in documents executed or delivered to Lender in connection with this Loan, are false or misleading; (d) any suit is filed against Borrower which, if adversely determined, may materially impair the ability of Borrower to perform its obligations under the Note, Security Agreement, and any other instrument or document executed or delivered to Lender in connection with this Loan; or (e) a levy is made under any process on the Collateral.

9. **Acceleration Upon Default.** If Borrower fails to pay any indebtedness secured hereby or otherwise due hereunder promptly when due or within the grace period provided in the Note, or if Borrower breaches any other covenant of this Security Agreement or any other instrument or document executed or delivered to Lender in connection with this Loan, or otherwise defaults, then Lender may declare all indebtedness secured hereby accelerated and immediately due and payable. Lender's failure to declare an acceleration does not impair Lender's right to do so in the event of a continuing or subsequent breach or default.

10. **Sale or Encumbrance of Collateral.** Borrower shall not assign, transfer or encumber, or attempt to assign, transfer or encumber, any of the Collateral, and shall not create or permit any other security interest or other lien or encumbrance on the Collateral, without the prior written consent of the Lender. However, unless or until a default occurs, Borrower may collect and use the Collateral in the ordinary course of its business.

11. **No Waiver.** No delay by Lender in exercising any option, right, or remedy provided by this Security Agreement or otherwise afforded by law shall waive or preclude the exercise of such option during the continuance of any breach or default of this Security Agreement. No waiver by Lender of any provision, breach, or default shall be a waiver of any other provision or a consent to any subsequent breach or default.

12. **Extensions, Leniencies and Releases.** Lender may grant extensions of time for payment and other leniencies with respect to any indebtedness secured by this Security Agreement, and may waive or fail to enforce any of the Lender's rights hereunder, and may release a portion or portions of the Collateral from the lien of this Security Agreement, without releasing or diminishing the obligation or liability of any person constituting Borrower, or any guarantor or endorser.

13. **Subrogation.** Lender shall be subrogated to the lien (notwithstanding its release of record) of any vendor, secured party, or other lienholder paid or discharged by the proceeds of any loan or advance made by Lender to Borrower and secured by this Security Agreement.

14. **Release or Satisfaction.** Whenever there is no outstanding obligation secured by or otherwise due under this Security Agreement and no commitment to make advances, Lender shall, on written demand by Borrower, give documents terminating this Security Agreement in proper form. Borrower acknowledges that Lender is under no present commitment to make advances or other loans.

15. **Prohibition Against Other Liens.** Borrower agrees not to create or permit the creation of any other security interest, charge, lien, or encumbrance against the Collateral (or any portion of the Collateral) without obtaining the prior written consent of Lender. Lender may grant, withhold or condition such consent in its sole discretion.

16. **Compliance With Law.** Borrower represents that it has complied, and shall in the future comply, with all valid laws, rules and ordinances and regulations pertaining to the use and ownership of the Collateral.

17. **Remedies.** Upon the occurrence of any monetary default which remains uncured for thirty (30) days or more, or upon the occurrence of any non-monetary default that remains uncured for forty (40) days or more, Lender may, at its option, declare all indebtedness secured hereby, or any part of them, immediately due and payable without any further demand or notice of any kind, and it shall be immediately due and payable without demand or notice. Lender shall have, and may exercise from time-to-time, any and all rights and remedies of a

secured party under the Uniform Commercial Code of the State of Florida and any and all other rights and remedies available to it under any other applicable law, including the right to foreclose this Security Agreement and any other mortgage and any security agreement securing all or any part of the indebtedness secured hereby in the same proceedings. If a default occurs that is not cured within the applicable curative period, if any, upon written demand of Lender, Borrower shall, at his expense, assemble the Collateral and make it available to the Lender. Expenses of any retaking, holding, preparing for sale, selling, or similar expenses, including reasonable attorneys' fees involved therein, shall be paid by Borrower and shall be secured by this Security Agreement.

18. **Financing Statements.** Borrower shall, when requested by Lender in writing, deliver to Lender for filing or recording, or both, one or more financing statements and such other documents as Lender may request to establish and maintain a valid perfected security interest in the Collateral. Borrower shall execute such documents on Lender's written request. Borrower authorizes Lender to file or record financing statements and such other documents as Lender may deem appropriate to establish and maintain a valid perfected security interest in the Collateral if any such document requires Borrower's signature, the full power and authority to execute the document as Borrower's attorney-in-fact. This authorization is irrevocable, and shall only terminate when the loan and any other loans from Lender to Borrower have been paid in full and Lender has no obligation to make any further loans to Borrower. Borrower warrants that no financing statement covering any of the Collateral is on file in any public office.

19. **Notices.** Any notices, demands, and other communications required or permitted in connection with this Security Agreement shall be in writing and shall be given personally or by prepaid certified mail (return receipt requested) to the address indicated on the first page of this Security Agreement. Communications given by mail shall be deemed effectively made when the receipt is signed or when the initial attempt delivery is refused or cannot be made. Any notice to Lender shall be addressed to the attention of the Executive Director. Notice of change in addresses shall be sent in the same manner as other notices.

20. **General Provisions.** The singular shall include the plural and any gender shall be applicable to all genders when the context permits or implies. If more than one person constitutes Borrower, their covenants and obligations hereunder shall be joint and several. Lender's rights expressed in this Security Agreement are in addition to and cumulative of any other rights and remedies provided by law. Then the context permits, the terms "Borrower" and "Lender" shall extend to and include their respective heirs, legal representatives, successors, and assigns. Any agreement made in the future by Borrower and Lender pursuant to this Security Agreement shall be superior to the rights of the holder of any intervening lien or encumbrance. Time is of the essence. Which party prepared this Security Agreement shall have no bearing on its construction or its interpretation.

21. **Cumulative Nature of Provisions.** The provisions of this Security Agreement are cumulative and in addition to the provisions of the Note and the provisions of any Mortgage from Borrower to Lender and other Loan Documents (as that term is defined in the Mortgage). Lender shall have all the benefits, rights and remedies of and under the Note and any other Loan Documents, and may elect to proceed under any, some, or all of such documents. If

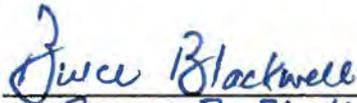
the Mortgage or any other instrument, agreement or law gives Lender greater rights and remedies upon a default of the Loan by Borrower than this Security Agreement, then it shall, to the extent it gives greater rights or remedies, take precedence over this Security Agreement.

22. **Applicable Law.** This Security Agreement has been delivered in the State of Florida and shall be construed in accordance with the laws of the State of Florida.

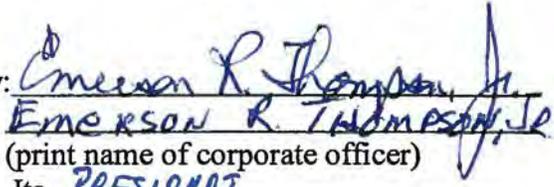
IN WITNESS WHEREOF, Borrower has executed this Security Agreement on the date stated above.

WITNESSES:

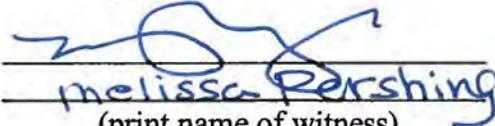
THE FLORIDA BAR FOUNDATION,
INC., a Florida corporation not for profit



Bruce B Blackwell
(print name of witness)

By: 

Emerson R. Thompson, Jr.
(print name of corporate officer)
Its PRESIDENT



melissa Pershing
(print name of witness)

NOTE

U.S. \$6,000,000.00

ORLANDO, FLORIDA
NOVEMBER 6th 2014

FOR VALUE RECEIVED, the undersigned (the "Borrower") promises to pay to the order of **THE FLORIDA BAR** (the "Lender," which shall also refer to any holder of this Note), the principal sum of Six Million and No/100 Dollars (\$6,000,000.00) U.S., provided, however, the actual indebtedness from time-to-time evidenced by this Note shall be the sum of all advances made by the Lender to the Borrower, less the aggregate amount of all principal repayments made under this Note by Borrower to Lender, plus any accrued and unpaid interest and other charges. This Note is made pursuant to a Loan Agreement between Lender and Borrower of the same date establishing provisions for a non-revolving line of credit to Borrower. This Note shall be governed by and paid in accordance with the following provisions:

A. LOAN PROCEEDS AND DRAW REQUESTS

The loan proceeds will be advanced by Lender to Borrower in two (2) installments of \$3 million each. A written request shall be made by the executive director of Borrower to the executive director of Lender for any such advancement of loan proceeds. The first request shall be made no earlier than November 1, 2014, and the second request shall be made no earlier than one (1) year thereafter. The funds shall be advanced within thirty (30) days from receipt by Lender of the written request. However, Borrower shall provide Lender informally with as much advance notice as is practicable.

B. INTEREST

Interest shall be charged on the unpaid principal until the full amount of principal has been paid. From the first disbursement of loan proceeds to Borrower until the change date Borrower shall pay interest at a rate equal to the Annual Mid-Term Applicable Federal Rate ("AFR") in effect on the date of the Note (the "Initial Rate") as published by the Internal Revenue Service ("IRS") in Revenue Rulings or otherwise. The interest rate Borrower shall pay will change in accordance with Section D of this Note.

C. PAYMENTS

(1) Time and Amount of Payments

Borrower shall pay principal and interest by making payments as follows.

Borrower shall make annual payments of interest only beginning with the first anniversary date of the first installment and on each anniversary date thereafter. In addition,

Borrower shall make minimum principal payments of \$375,000.00 per quarter beginning on January 2, 2018 and every three (3) months thereafter. Borrower shall make these payments every quarter until Borrower has paid all of the principal and interest and any other charges that Borrower may owe under this Note. However, if Borrower owes any amounts under this Note on the seventh anniversary date of the initial installment (the "Maturity Date"), Borrower shall pay these amounts in full on that date.

(2) Place of Payments

Borrower shall direct payments to 651 East Jefferson Street, Tallahassee, Florida, 32399-2300 or at such other place Lender may designate in writing.

D. INTEREST RATE CHANGES

(1) Change Dates

The interest rate Borrower will pay will change on the first day of each month upon update of the AFR by the IRS. Each date on which Borrower's interest rate could change is called a "Change Date".

(2) The Index

Beginning with the first Change Date, Borrower's interest rate shall be based on an Index. The "Index" is the Annual Mid-Term Applicable Federal Rate ("AFR"). The most recent Index figure available as of the date thirty (30) days before each Change Date is called the "Current Index."

If the Index is no longer available, Lender shall choose a new index that is based upon comparable information. Lender shall give Borrower written notice of this choice.

(3) Calculation of Changes

Before each Change Date, Lender will determine the new interest rate ("current interest rate") in accordance with the provisions of this Note. Subject to minimum rate stated in Section C(4) below, this shall be Borrower's new interest rate until the next Change Date.

(4) Limits on Interest Rate Changes

Regardless of other provisions of this Note, Borrower's interest rate shall not be less than seventy-five hundredths percent (0.75%) per annum during the life of the loan.

(5) Effective Date of Changes

Borrower's new interest rate ("current interest rate") shall become effective each Change Date. Borrower shall pay the amount of Borrower's annual interest payment based on the current interest rate until the interest rate changes again.

E. MATURITY

To the extent it remains unpaid under other provisions of this Note, the entire outstanding principal balance of the indebtedness evidenced hereby, together with all unpaid interest accrued thereon and other sums due Lender, shall be due and payable in full on the Maturity Date.

F. GENERAL

(1) All payments made hereunder shall first be applied to interest, then to any other sums due to Lender under this Note or the Security Agreement, and the balance, if any, to principal.

(2) Interest shall be calculated on the basis of a 365-day year, actual days elapsed.

(3) Lender will provide Borrower with a quarterly statement of interest calculations and payment reconciliations until all funds are repaid.

(4) Borrower may prepay all or part of the principal sum of the indebtedness evidenced by this Note at any time without penalty. Any prepayment of principal shall be accompanied by payment of any unpaid interest and any other sums due under this Note or the Security Agreement accrued to the time of the prepayment. However, except for any payments due on the Maturity Date, any prepayment of principal shall be in the minimum amount of \$10,000.00.

(5) Permitted partial prepayments shall not affect or vary the duty of Borrower to pay all obligations, when due, and they shall not affect or impair the right of Lender to pursue all remedies available to it under this Note, or under any other Loan Document (as defined in the Loan Agreement), or as provided by law.

(6) Any payment of principal or interest which is not made when due shall bear additional interest at 8% per annum (the "Supplemental Interest Rate"). In the event any payment of principal or interest is not made within ten (10) days of the due date, Borrower shall pay Lender a late charge equal to 1% of any such late payment.

(7) In no event shall Lender have the right to charge or collect, nor shall Borrower be required or obligated to pay, interest or payments in the nature of interest that would result in interest being charged or collected at a rate in excess of the maximum rate of interest allowed to be contracted for by applicable law, as changed from time-to-time. If any

payment that is interest or in the nature of interest is made by Borrower or received by Lender that would result in the rate of interest being charged or collected by Lender being in excess of the maximum rate of interest allowed to be contracted for by applicable law as changed from time-to-time, then the portion of any such payment that causes the rate of interest being charged or collected by Lender to exceed the maximum rate of interest allowed to be contracted for by applicable law as changed from time-to-time (hereinafter called the "excess sum") shall be credited as a payment of principal. If Borrower notifies Lender in writing that Borrower elects to have such excess sum returned to Borrower, the excess sum shall be returned to Borrower. If any such overcharge is discovered after this Note has been paid in full, then the amount of such excess sum shall be returned to Borrower. If an excess sum is returned to Borrower rather than being credited as a payment of principal, it shall be returned together with interest thereon at the current Index Rate from the date the excess sum was paid or collected at the same rate as was due Lender during such period under the terms of this Note. All excess sums credited to principal shall be credited as of the date paid to Lender. It is the intent of Lender to conform strictly to the limitations of applicable laws governing the charging and collection of interest as changed from time-to-time.

(8) Lender shall have the optional right to declare the amount of the total unpaid balance owing under this Note and the Loan Documents to be due and forthwith payable in full upon the failure of Borrower to pay, within thirty (30) days of the due date any of the installments of interest or principal, or upon the occurrence of any default or failure to perform in accordance with any of the terms and conditions of the Security Agreement or any other Loan Document. Upon exercise of this option by Lender, the entire unpaid principal shall bear interest at the Supplemental Interest Rate from the due date until paid. Forbearance to exercise this option with respect to any failure or breach of Borrower shall not constitute a waiver of the right as to any continuing failure or breach or any subsequent failure or breach. Exercise of this option shall be without notice to Borrower and Borrower waives any right to receive such notice.

(9) Time is of the essence. If this Note is collected by law or through an attorney-at-law, or under advice from an attorney, Borrower agrees to pay all costs of collection, including reasonable attorneys' fees.

(10) Reasonable attorneys' fees shall include, but not be limited to, all fees and costs incurred in all matters of collection and enforcement, construction and interpretation, before, during and after suit, trial, proceedings and appeals, as well as appearances in and connected with any bankruptcy proceedings or creditors' reorganization or similar proceedings.

(11) The remedies of the Lender, as provided in this Note or in any Loan Document shall be cumulative and concurrent, and may be pursued singularly, successively or together, at the sole discretion of the Lender, and may be exercised as often as occasion shall arise. They shall be in addition to any remedies or rights provided by law. No act of omission or commission of Lender, including specifically any failure to exercise any right, remedy or recourse, shall be deemed to be a waiver or release of the same, such waiver or release to be effected only through a written document executed by Lender. A waiver or release with reference to any one event shall not be construed as continuing, as a bar to, or as a waiver or release of any subsequent right, remedy or recourse as to a subsequent event.

(12) Any notice to be given or to be served upon Borrower or Lender in connection with this Note must be in writing, and may be given by certified or registered mail and shall be deemed to have been given and received on the third business day after a certified or registered letter containing the notice, properly addressed, with postage prepaid, is deposited in the United States mail. If given other than by certified or registered mail, the notice shall be deemed to have been given when delivered to and received by the party to whom it is addressed. Such notices shall be given to the parties hereto at the addresses set forth herein. Any party hereto may, at any time by giving five (5) days' written notice to the other party, designate any other party or address in substitution of any party or address to which such notice shall be given.

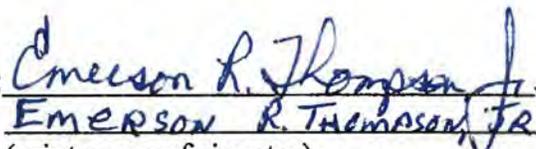
(13) All persons or entities now or at any time liable, whether primarily or secondarily, for the payment of the indebtedness evidenced by this Note, for themselves, their heirs, legal representatives, successors and assigns respectively, hereby (a) expressly waive presentment, demand for payment, notice of dishonor, protest, notice of nonpayment or protest, and diligence in collection; and (b) consent that the time of all payments or any part thereof may be extended, rearranged, renewed or postponed by the Lender from time-to-time as often as the Lender may desire and further consent that the collateral security or any part of it may, from time-to-time, be released, exchanged, added to or substituted for by Lender, without otherwise modifying, altering, releasing, affecting or limiting their respective liability or the lien of the Security Agreement or any other security instrument.

(14) In this Note, whenever the context so requires, the neuter gender includes the feminine and/or masculine, as the case may be, and the singular number includes the plural.

(15) This has been executed and delivered in the State of Florida, and its terms and provisions are to be governed and construed laws of the State of Florida.

IN WITNESS WHEREOF, the undersigned has executed this Note on the day and year first above written.

The Florida Bar Foundation, Inc., a Florida corporation not-for-profit

By: 
EMERSON R. THOMPSON, JR.
(print name of signator)

Borrower's Address:
875 Concourse Parkway South, Suite 195
Maitland FL 32751

LOAN AGREEMENT

THIS AGREEMENT is made on this ~~6th~~ day of November, 2014, between **THE FLORIDA BAR**, an official arm of the Supreme Court of Florida ("Lender"), and **THE FLORIDA BAR FOUNDATION, INC.**, a Florida corporation not for profit ("Borrower").

INTRODUCTION:

A. Borrower is a Florida corporation not-for-profit and a tax-exempt charitable organization under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended. Its mission is to provide greater access to justice in Florida. It accomplishes its mission primarily through funding programs that expand and improve representation and advocacy on behalf of lower income persons in civil legal matters; that enhance a fairer and more effective administration of justice; and that promote public service among lawyers, by making it an integral component of the law school experience.

B. Lender is an official arm of the Supreme Court of Florida, and acts pursuant to the Rules Regulating The Florida Bar and the Court's ultimate supervision.

C. Lender is making a loan to Borrower (all installments are being collectively referred to as the "Loan"), evidenced by a Note in the original principal amount of \$6,000,000.00 U.S. The Loan will initially be unsecured, but if Lender reasonably deems itself insecure, the Loan shall be secured by a Security Agreement pledging the Borrower's receivables from banks pursuant to the Interest on Trust Accounts ("IOTA") rule within subchapter 5-1 of the Rules Regulating The Florida Bar and a UCC-1 Financing Statement (the "IOTA Receivables"). The Note, this Loan Agreement, and any other documents executed by Borrower or Lender now or in the future in connection with this Loan are referred to as the "Loan Documents."

D. The Borrower has applied to Lender for a non-revolving line of credit up to a maximum loan limit and Lender is willing to make such a non-revolving line of credit available to Borrower upon the terms and conditions described in this Agreement.

E. Borrower and Lender wish to set forth certain terms and conditions regarding the Loan.

THEREFORE, for good and valuable consideration, the parties agree as follows:

1. **Facts.** The facts set forth in the Introduction are true and correct.
2. **Amounts.** Lender agrees, on the terms and conditions of this Agreement, to extend to the Borrower a non-revolving line of credit up to \$6,000,000.00 of principal indebtedness at any time outstanding. Within this limit and subject to the terms of this Agreement, the Borrower may obtain advances of loan proceeds from Lender up to the maximum amount of \$6,000,000.00.

3. **The Note.** Loans made pursuant to this Agreement shall be evidenced by a promissory note, executed by the Borrower (the "Note") in the form of the attached Exhibit "A," dated no later than the date of the first borrowing under this Agreement. The principal amount at any time outstanding and all accrued interest thereon shall be payable on the date provided for in the Note, or at such earlier date as the Lender may have the right to require payment under this Agreement or other Loan Documents.

4. **Interest.** Interest shall accrue upon the principal amount from time-to-time outstanding and shall be paid at the rate and at the times provided in the Note. No provision of this Agreement or the Note shall require the payment or permit the collection of interest in excess of the maximum permitted by law. If any payment of interest or in the nature of interest hereunder shall exceed the maximum rate of interest allowed by applicable law, as amended from time-to-time, then such excess payment shall be credited as a payment of principal, unless the Borrower notifies the Lender that the Borrower wishes to have such excess sum returned.

5. **Repayment of Principal.** The terms for the repayment of principal and interest are set forth in the Note. Notwithstanding these terms and any other provisions of this Agreement, the Note or any agreement to the contrary now or hereafter entered into between the Lender and the Borrower (unless such agreement is in writing, signed by both parties, and expressly states that it amends this Agreement), Lender may, at any time and at its sole option, terminate the non-revolving line of credit extended by this Agreement and declare all amounts outstanding under the Note due and payable if:

- a. Borrower defaults under this Agreement, the Note.
- b. Any voluntary or involuntary bankruptcy, receivership, or similar proceeding is commenced by or against Borrower, or Borrower makes any assignment for the benefit of creditors.
- c. Ordered by the Supreme Court of Florida.

6. **Security.** If Lender reasonably deems itself insecure, Lender shall notify Borrower in writing. The notice shall specify why Lender reasonably deems itself insecure. Borrower shall have ten (10) days from receipt of the notice within which to provide Lender with a written plan for an alternative solution to correct any cause of the insecurity. If Lender is not satisfied with Borrower's suggested solution, Borrower shall sign and deliver to Lender a security agreement (the "Security Agreement") and financing statement (the "Financing Statement") in the forms attached as Exhibits "B" and "C," respectively, that secures payment of the Note by a first priority security interest in the IOTA Receivables.

7. **Stamp and Excise Taxes.** The Borrower shall pay any documentary stamp taxes applicable to the full face amount of the Note. If any additional stamp or excise tax shall become applicable with respect to this Agreement, the Note, any loan or credit extended hereunder, or any security agreement, guaranty or other document, the Borrower shall promptly pay such tax in full (including interest and penalties, if any).

8. **Costs and Expenses.** Each party shall bear its own cost and expenses (other than any documentary stamp taxes or other excise taxes), including attorneys' fees, in connection with the making of this Loan and the preparation of the Loan Documents.

9. **Terminology.** Wherever used herein, the term "Borrower" shall be deemed to include the plural wherever applicable.

10. **Representations and Warranties.** To induce the Lender to make the Loan, Borrower makes the following representations and warranties, which shall survive the execution and delivery of the Note and other Loan Documents:

- a. The financial information furnished to Lender in connection with its application for the loan and in the financial statements submitted to Lender is complete and accurate and Borrower has no undisclosed direct or contingent liabilities.
- b. Borrower is duly organized, existing and in good standing under the laws of the State of Florida, has corporate power to carry on the business in which it is engaged, and the obtaining and performance of the loan have been duly authorized by all necessary action of the board of directors of the corporation under applicable law, and do not and will not (i) violate any provision of law or any of its organizational or other organic documents, or (ii) result in a breach of constitute a default under, require any consent under, or result in the creation of any lien, charge, or encumbrance upon any property of Borrower pursuant to any instrument, order, or other agreement to which Borrower is a party or by which Borrower, any of its officers as such, or any of its property is bound.
- c. There are no judgments, liens encumbrances, or other security interests outstanding against Borrower.
- d. Borrower has not incurred any debts, liabilities, or obligations and has not committed itself to incur any debts, liabilities, or obligations other than those disclosed to Lender in connection with its request for the loan or shown on the financial statements submitted to Lender.

11. **Use of Loan Proceeds.** The proceeds of the loan will be used for the purpose or purposes of carrying out Borrower's mission in accordance with past policies and practices, as may be amended from time-to-time by the Board of Directors of Borrower. However, this use shall be subject to the following:

- a. \$1 million of the first draw and \$1 million of the second draw will be used either directly or indirectly for technology and the

implementation of technology that will allow Borrower and its grantees to improve access to justice *primarily* by: funding the start-up of an independent statewide non-profit entity with an organizational mission to increase access to justice to Floridians through the use of innovative technology and to train and support legal aid providers and pro bono attorneys in its use. This shall be modeled generally on Illinois' nationally recognized work and award-winning statewide non-profit with a similar mission. Borrower will work with the Bar's Vision 2016 Commission Access to Justice Committee consultant and national legal aid/courts technology expert John Greacen and seek pro bono assistance to develop and submit a preliminary business plan for the new entity on or before December 31, 2014.

- b. Borrower shall report to Lender, on a quarterly basis following the first installment of loan proceeds, regarding policy and implementation of the utilization of technology and providing greater access to justice.

12. **Affirmative Covenants**. Borrower will:

- a. Reserve and keep in force all licenses, permits, and franchises necessary for the proper conduct of Borrower's business and duly pay and discharge all taxes, assessments, and governmental charges upon Borrower or against Borrower's property before the date on which penalties attach thereto, unless and to the extent only that the same shall be contested in good faith and by appropriate proceedings.
- b. Furnish to Lender (i) within one hundred twenty (120) days after the close of each fiscal year a detailed report of audit of Borrower; (ii) within thirty (30) days after the close of the first, second and third quarters of each fiscal year of Borrower, a balance sheet and profit and loss statement for Borrower certified by Borrower to be correct and accurate; and (iii) such other information regarding the financial condition and operations of Borrower as Lender may from time-to-time reasonably request.
- c. Upon request by Lender, execute and deliver to Lender financing statements, or other instruments in form and substance satisfactory to Lender to perfect or continue any and all security interests or liens of Lender in any collateral securing the Loan. Borrower shall otherwise maintain Borrower's real and personal property in an unsecured status for the duration of this Loan except for those mortgages or security agreements in existence as of the date of the Loan.

- d. Permit any representative or agent of Lender to examine and audit any or all of Borrower's books and records when requested by Lender.
- e. Inform Lender immediately of any material adverse change in the financial condition of Borrower. Borrower will also promptly inform Lender of any litigation or threatened litigation which might substantially affect Borrower's financial condition.
- f. Maintain Borrower's property and equipment in a state of good repair.
- g. Continue discussions with Lender regarding modification of the current provisions in Borrower's articles of incorporation and bylaws regarding three seats on its Board of Directors for the President, President-Elect, and Immediate Past President of Lender. The purpose of these discussions, and proposed changes to allow designees of each of these individuals to serve in their stead on Borrower's Board of Directors, is to foster greater involvement and communication between Lender and Borrower with regard to their respective missions, and improving collaborative efforts where appropriate. Borrower agrees to modify its organizational documents in such manner as to accommodate these proposed changes, recognizing that any changes to its articles of incorporation are subject to approval by the Supreme Court of Florida.

Lender: 13. **Negative Covenants.** Borrower will not, without prior written consent of

- a. Incur any additional indebtedness for borrowed money, any additional contingent liability, or assign, mortgage, pledge, encumber, grant any security interest in, or transfer any of Borrower's assets, whether now owned or hereafter acquired, except in the ordinary course of Borrower's business.
- b. Guarantee, endorse, or otherwise become surety for or upon the obligation of any person, firm, or corporation except for the ordinary course of the operation of Borrower's Loan Repayment Assistance Program for lawyers employed by grantees of Borrower.

15. **Events of Default.** The Lender shall have the option to declare the entire unpaid amount of the Loan and accrued interest immediately due and payable, without

presentment, demand, or notice of any kind, if any of the following events occurs before the Loan is fully repaid:

- a. Any payment of principal or interest on the Loan is not made when due.
- b. Any provision of this Agreement is breached or proves to be untrue or misleading in any material respect.
- c. Any warranty, representation, or statement made or furnished the Lender by Borrower in connection with the Loan and this Agreement (including any warranty, representation, or statement in the Borrower's financial statements) or to induce the Lender to make the Loan, is untrue or misleading in any material respect.
- d. Any default occurs under any agreement with another financial institution, which default is not corrected within the cure period provided in such agreement, if any.
- e. Any voluntary or involuntary bankruptcy, reorganization, insolvency, arrangement, receivership, or similar proceeding is commenced by or against Borrower under any federal or state law, or Borrower makes any assignment for the benefit of creditors.
- f. Any substantial part of the inventory, equipment, or other property of the borrower, real or personal, tangible or intangible, is damaged or destroyed and the damage or destruction is not covered by collectible insurance.
- g. Borrower defaults in the payment of any principal or interest on any obligation to Lender or any other creditor.
- h. Borrower suffers or permits any lien, encumbrance, or security interest to arise or attach to any of the Borrower's property, or any judgment is entered against Borrower that is not satisfied or appealed within thirty (30) days.
- i. Lender reasonably deems itself insecure and Borrower fails to comply with its obligations under Paragraph 6 above.
- j. The Supreme Court of Florida orders such action.

16. Remedies Upon Default. Upon the occurrence, or the discovery by Lender of the occurrence, of any of the foregoing events, circumstances, or conditions of default, Lender shall have, in addition to its option to declare the entire unpaid amount of the Loan and

accrued interest thereon immediately due and payable, all of the rights and remedies under applicable State law.

If the Loan becomes secured and proceeds from the realization or disposition of the collateral are insufficient to pay in full all sums due to Lender, Borrower shall forthwith pay any deficiency to Lender upon demand.

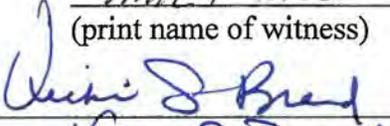
17. **Waiver.** No failure or delay on the part of Lender in exercising any power or right hereunder, and no failure of Lender to give Borrower notice of a default hereunder, shall operate as a waiver thereof, nor shall any single or partial exercise of any such right or power preclude any other or further exercise thereof or the exercise of any other right or power hereunder. No modification or waiver of any provision of this Agreement or any instrument executed pursuant hereto or consent to any departure by Borrower from this Agreement or such instrument shall in any event be effective unless the same shall be in writing, and such waiver or consent shall be effective only in the specific instance and for the particular purpose for which given.

18. **Benefit.** This Agreement shall be binding upon and shall inure to the benefit of Borrower, Lender, and their respective successors and assigns. However, the rights and obligations of the parties under the Loan Documents are not assignable or assumable.

19. **Construction.** This Agreement shall be governed and construed in accordance with the laws of the State of Florida, and any litigation arising out of or relating to this Agreement or the Loan shall be commenced and conducted in the courts of that state or in the federal courts of that state. Each party hereto hereby agrees that any proceeding relating to this Agreement shall be brought in a state court of Florida or a federal court located in Leon County, Florida. Each party hereto hereby consents to jurisdiction in any such action brought in any such state or federal court, consents to service of process by registered mail made upon such party and such party's agent and waives any objection to venue in any such state or federal court and any claim that any such state or federal court is an inconvenient forum.

20. **Jury Trial Waiver.** Lender and Borrower each waive the right to a trial by jury with regard to any matters pertaining to or relating to this Agreement.



ANN F. [unclear]
(print name of witness)


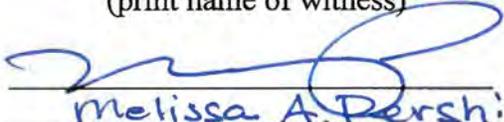
VICKI S. BRAND
(print name of witness)

"LENDER"
THE FLORIDA BAR
By: 

GREGORY W. COLEMAN
Its President

"BORROWER"
THE FLORIDA BAR FOUNDATION,
INC.

Bruce B Blackwell
Bruce B. Blackwell
(print name of witness)


Melissa A. Pershing
(print name of witness)

By: Emerson R. Thompson Jr.
EMERSON R. THOMPSON JR.
(print name of corporate officer)
Its PRESIDENT



John Patterson
Partner
SHUTTS & BOWEN LLP
1858 RINGLING BOULEVARD
SUITE 300
SARASOTA FL 34236
DIRECT (941) 552-3770
FAX (941) 552-1920
EMAIL JPATTERSON@SHUTTS.COM

May 20, 2020

Elizabeth Clark Tarbert
Ethics Counsel
The Florida Bar
651 East Jefferson Street
Tallahassee FL 32399-2300

RE: Task Force on Distribution of IOTA Funds - Gulf Coast Legal Services, Inc.

Dear Elizabeth:

Enclosed please find a copy of my May 20, 2020 letter to Tammy Greer, the Executive Director of Gulf Coast Legal Services, Inc. I would appreciate you providing a copy of this letter, along with its enclosures, to the members of the Task Force on Distribution of IOTA Funds.

Sincerely,

SHUTTS & BOWEN LLP

John Patterson

JP/gp
Enclosure



John Patterson
Partner
SHUTTS & BOWEN LLP
1858 RINGLING BOULEVARD, SUITE 300
SARASOTA FL 34236
DIRECT (941) 552-3770
FAX (941) 552-1920
EMAIL JPATTERSON@SHUTTS.COM

May 20, 2020

Gulf Coast Legal Services, Inc.
ATTN: TAMMY D. GREER
Executive Director
501 First Avenue North, Suite 420
St. Petersburg FL 33701

Re: May 13, 2020 Letter to Task Force

Dear Ms. Greer:

I am no longer an officer or director of The Florida Bar Foundation. However, I have been working with the Foundation in matters pertaining to the Task Force on Distribution of Funds (Task Force) both personally and in connection with my present service as a member of the board of the Innocence Project of Florida, Inc. (IPF). I have followed carefully the meetings of the Task Force and have offered my own point of view to the Task Force at its last in-person meeting. I also serve on the Board of Directors of Legal Aid of Manasota, Inc. (LAMS). Linda Harradine, the Executive Director of LAMS, and I have discussed the Task Force matter. We have both found the report of the Subcommittee of the Task force dated April 13, 2020 (Report) to be misguided, with potential to inflict lasting harm on Florida's legal aid infrastructure. That is the view of IPF as well. IPF will be submitting a White Paper to the Task Force in this regard. The Florida Civil Legal Aid Association, an organization comprised of the executive leadership of Florida's civil legal aid programs in a letter to the Task Force dated May 15, 2020, concluded that "[T]he current recommendation if adopted will restrict our ability to serve and limit access to justice for low-income Floridians." It was, therefore, concerning to review your letter of May 13, 2020 this weekend.

You are certainly free to voice your opinion. It was not clear from your letter whether or not the views you expressed were yours personally, or whether you were speaking on behalf of Gulf Coast Legal Services, Inc. (GLS). Regardless, there are misstatements in your letter that I feel compelled to correct.

1. You applaud the recommendation that there be required deliverables for funding by the Foundation. This suggests that no such requirement exists. But it has been and is now a requirement of the Foundation for all grants.

Gulf Coast Legal Services, Inc.
ATTN: TAMMY D. GREER
May 20, 2020
Page 2

2. You stated the limitation on funding to the work of members of The Florida Bar is too restrictive and requested that it be extended to Florida Registered Paralegals. However, I submit that your suggestion itself is too restrictive. This point has been made in numerous submissions to the Task Force regarding the Report. I have enclosed with this letter one of them, but all of them should be posted on the Task Force's website soon.

3. Your support of the proposed 5% limit on administrative costs is off the mark in several respects. First, I am not aware of any literature in the world of not-for-profit governance that suggests any such arbitrary percentage be imposed. Secondly, I am unaware of what you are referring to as a de minimums rate of 10%. However, in fact, the Foundation's overhead now is in the 10% to 11% range, well below targets for not-for-profit organizations like the Foundation. I addressed this in the attached letter to the Task Force Chair, Mayanne Downs. There has, unfortunately, been misinformation disseminated about the Foundation's overhead.

4. Contrary to your statement, the Report recommends very clearly restrictions on how legal aid programs use funds. Those restrictions would do irreparable harm to the delivery of legal aid and services in the most cost-effective manner. Additionally, the restrictions would prevent the Foundation from using IOTA funds for two of the three missions of the Foundation specifically stated in its Articles of Incorporation.

5. The Foundation strategic reset, adopted unanimously by the Board of Directors of the Foundation on June 22, 2017, had among its goals and objectives updating the delivery system "to be client-centered, with measurable results...." That should be a goal that all of us in the legal aid community embrace. You seem to object to the Foundation funding organizations that are not "purely legal aid providers." However, your objection ignores the three (3) purposes of the Foundation, expressed for decades in its articles of incorporation. One of them is to improve the administration of justice. The three (3) organizations that you target do just that. So does IPF and others, all of which could receive no funding from IOTA revenue if the Report is adopted.

You are incorrect in your belief that IDignity, Disability Independence Group, and the Community Justice Project are funded with IOTA grants. They are not. They are CED (Bank of America settlement funds) grants recipients. One or more of their lawyers, however, may participate in the Loan Repayment, Assistance Program (LRAP).

6. You state that the Foundation "spends a great deal of funding on external consultants to provide feedback, which is sometimes of no value to legal aid providers." You give the work of Ken Smith as example.

Gulf Coast Legal Services, Inc.
ATTN: TAMMY D. GREER
May 20, 2020
Page 3

The Foundation presently has no consultants under contract. The last consultant was hired in connection with developing metrics for the strategic reset upon a motion made by Judge Scales, a member of the Task Force.

I believe that the Foundation would agree with you about Ken Smith and delayed deliverables. That is why his contract was terminated. The savings were placed back into the Foundation's account for later grant allocations. However, it is the Foundation's position that:

- Desk reviews are far more cost-effective than previous on-site audits. Almost four times cheaper meaning that four programs could get effectively "desk reviewed" for the price of one on-site visit.
- The delays encountered with Ken Smith were caused by several unforeseen factors, including Ken's health and loss of staff.
- Your comment about "cut and paste" is correct but you failed to state that the error was in Mr. Smith's draft report. The ultimate report was correct and provided valuable information to both GLS and the Foundation. The report was also favorable to GLS.
- The Foundation is not abandoning desk reviews. It is in the process of identifying and sending out RFPs to other potential vendors.

7. You state that the Foundation "spent a great deal of money on the Florida Justice Technology Center (which is in Colorado) to develop several websites that have not yielded an increase in services." Your statement is incorrect. I have some knowledge of this, since I am legal counsel for the Florida Justice Technology Center, Inc. (FJTC), a Florida corporation not-for-profit and an exempt organization under Section 501(c)(3). Its principal address is the Carlton Fields law firm in Tampa. The President and Chair of the Board is Kathy McLeroy, a partner in Carlton Fields. All the members of its Board of Directors are from Florida, and have included Greg Coleman, past president of The Florida Bar and John Stewart, current president of The Florida Bar. It has no corporate connection whatsoever to Colorado. The only person from Colorado involved was Joyce Raby, a nationally known and a very respected technology leader in the legal aid community.

The Foundation obtained a \$6 million loan from The Florida Bar during the Great Recession to help ease the transition of the Foundation's grantees through the reduced level of funding caused by the precipitous fall in interest rates that drove down IOTA revenue. The Bar required that \$2 million of the loan be spent by the Foundation on technology, and this was done primarily through the FJTC. However, the Gateway project was funded through a grant through the Attorney General's office from the Chase Bank settlement. No IOTA or Bar loan monies were involved in the development of the Gateway project.

As to the work product of the FJTC, I submit that it was exceptional. It generated interest and excitement on a national level. That work product is now owned by the Foundation. Further work in funding will be

Gulf Coast Legal Services, Inc.
ATTN: TAMMY D. GREER
May 20, 2020
Page 4

needed to implement it. I personally share the opinion of James Kowalski, the Executive Director of Jacksonville Area Legal Aid, Inc. regarding this work product as expressed in his letter to the Task Force of May 15, 2020. A copy of his letter is enclosed, and I quote below from the seventh page of his letter:

FJTC, which was not funded with IOLTA money, and was not based in another state (homework would help here)(it was funded by the Florida Bar, which insisted that part of the bridge loan for legal aid be used for technology, and then by AG Pam Bondi, and, in an attempt to hold down costs, used virtual employees around the country, including Florida lawyers) was a *brilliant* concept, envied throughout the country, that worked well until the money ran out while it was still building and hosting technology tools. None of the stakeholders adequately devoted resources to continued funding of FJTC and the technology that is now critical to delivering services in this pandemic. As a result, what was a promising start stopped at perhaps the worst possible time.

I appreciate the work that you and GLS do for the cause of access to justice for all Floridians. That work is not easy. There is plenty of room for differences of opinion as to how to better serve the cause. However, it is important that we address any differences of opinion with accurate facts. That is why I have taken the time to respond to your letter.

Very truly yours,

SHUTTS & BOWEN LLP



John Patterson

JP/gp

Enclosure

cc: Board of Directors of GCL
Seth Miller, Esq.
Kathleen S. McLeroy Esq.

The Florida Bar Foundation, Inc.
 Quarterly Report to The Florida Bar on Use of Loan Proceeds
 April 30, 2015

Loan Covenant Numbers	Use of Loan Proceeds	2015			
		March 31	June 30	September 30	December 31
E. 11.(a)	First \$1.0 million of the first draw and \$1.0 million of the second draw will be used either directly or indirectly for technology and the implementation of technology that will allow the Florida Bar Foundation and its grantees to improve access to justice primarily by: funding the start-up of an independent statewide non-profit entity with an organizational mission to increase access to justice to Floridians through the use of innovative technology and to train and support legal aid providers and pro bono attorneys in its use.	X (A)			
E. 11.(b)	Report on a quarterly basis following the first installment of loan proceeds, regarding policy and implementation of the utilization of technology and providing greater access to justice.	X (B)			
E.12.(a)	Keep in force all licenses, permits, and franchises necessary for the proper conduct of business and duly pay and discharge all taxes, assessments, and governmental charges before the date penalties are assessed.	X			
E.12.(b)(i)	Provide audit report within 120 days after fiscal year end.	X			
E.12.(b)(ii)	Provide quarterly financial statements within 30 days after the close of the quarter certified by the Foundation as accurate.	X Attached			
E.12.(b)(iii)	Other information regarding financial condition and operations that may be reasonably requested.	X			
E.12.(c)	If requested, statements needed to satisfy security interests.	X			
E.12.(d)	Permit TFB to audit or examine any books and records.	X			
E.12.(e)	Inform TFB immediately of any material adverse change in the financial condition of the Foundation. Also any litigation or threatened litigation which may substantially affect the financial condition.	X			
E.12.(g)	Maintain property and equipment in good repair.	X			
E.13.	No additional debt incurred.	X			

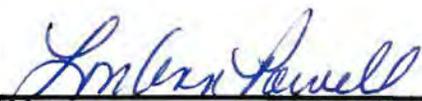
X Covenant met

(A) See Memo to The Florida Bar dated April 10, 2015 from Melissa Moss attached.

(B) See attached Progress Report on the Florida Justice Technology Center

Submitted By:

Lou Ann Powell, Director of Finance, IOTA and Administration, CFO


 Signature

Task Force on Distribution of IOTA Funds Final Report
 Appendix J – Submissions to the Task Force

Date September 15, 2020

Florida Justice Technology Center: **April 2015** Progress Report

FJTC Business Plan and Budget

- First draft of business plan and budget delivered to the Foundation on February 6, 2015.
- Final version of the business plan and budget delivered to The Bar on March 27, 2015.

Florida Day Preconference at LSC's 2015 Technology Initiative Grant conference

- "Florida Day" preconference held for all attendees from Florida programs to the 2015 Legal Services Corporation's Technology Initiative Grant conference on Tuesday January 13, 2015. The preconference was attended by 34 Florida Bar Foundation grantee staff, 8 technology experts and vendors, with presentations made by 4 individuals from 3 different legal services efforts from around the country. Florida Day fostered communication and brainstorming between programs on technology efforts and ideas that could be implemented in Florida.

Listening Sessions

- Listening Sessions targeted to legal services programs were hosted around the state to gather feedback regarding the establishment and mission of the Florida Justice Technology Center (FJTC). Eight sessions were held with 94 individuals from 29 programs participating.
- The Program Directors' Association March meeting included an opportunity for additional feedback gathering.
- Listening sessions targeted to OSCA staff, Court Clerks, members of the judiciary, and members of the private Bar are currently in the planning stages.

Software Testing and Pilots

- Statewide website platforms and web-based collaboration tools tested with pilot groups.

Development of Initial FJTC Objectives

- Discussions with OSCA and FCCC regarding document assembly efforts held.
- Discussions with Legal Services of Greater Miami regarding online intake/triage partnership help.

COSTS INCURRED BY THE FLORIDA BAR FOUNDATION ON ABOVE ACTIVITIES THROUGH MARCH 31, 2015:

Consultants (includes fees and travel):

Joyce Raby	\$ 51,066.37
Greacen Associates	28,420.32
Jimmy Midyette	12,238.64
Other Administrative Costs	<u>400.77</u>
TOTAL	<u>\$ 92,126.10</u>

Task Force on Distribution of IOTA Funds Final Report
Appendix J – Submissions to the Task Force
September 15, 2020

The Florida Bar Foundation Inc.
Statement of Financial Position

March 31, 2015

DRAFT

	<u>Actual</u>
ASSETS	
Current Assets	
Cash and Cash Equivalents	\$2,254,923.16
IOTA Contributions Receivable	\$468,500.00
Other Contributions Receivable	\$20,087.65
Notes Receivable, net of Allowance	\$18,041.39
Accounts Receivable	\$276.48
Travel Advances	\$0.00
Prepaid Expenses	\$164,887.91
Short Term Investments	\$8,284,283.58
Intermediate Term Investments	\$4,513,919.03
Total Current Assets	<u>\$15,724,919.20</u>
Fixed Assets	
Office Equipment	\$105,143.10
Computer Equipment	\$64,018.67
Furniture and Fixtures	\$130,217.92
Computer Software	\$737,650.11
Leasehold Improvements	\$37,802.00
Accumulated Depreciation	(\$867,931.18)
Total Fixed Assets	<u>\$206,900.62</u>
Other Assets	
Deposits	\$7,714.50
Contributions Receivable	\$18,538.60
Advances on Grants	\$100,000.00
Total Other Assets	<u>\$126,253.10</u>
Total ASSETS	<u><u>\$16,058,072.92</u></u>

**The Florida Bar Foundation Inc.
Statement of Financial Position**

March 31, 2015

DRAFT

	<u>Actual</u>
LIABILITIES AND NET ASSETS	
LIABILITIES	
Current Liabilities	
Accounts Payable	\$325,351.39
Payroll Withholding	\$4,083.63
Conditional Grants Payable	\$1,053,484.13
Grants Payable	\$2,627,206.84
Accrued Expenses	\$150,205.24
Deferred Revenues	\$2,655.06
Other Current Liabilities	\$13,569.60
Due to/Due From	\$0.00
Total Current Liabilities	<u>\$4,176,555.89</u>
Other Non-Current Liabilities	
Note Payable	\$3,000,000.00
Liability for Charitable Gift Annuitant Payments	\$10,068.89
Liability for Capital Lease Obligations	\$41,886.53
Total Non-Current Liabilities	<u>\$3,051,955.42</u>
	<u>\$7,228,511.31</u>
NET ASSETS	
Temporarily Restricted	
Increase (Decrease) in Net Assets	\$888,584.94
Total Temporarily Restricted	<u>\$888,584.94</u>
Unrestricted	
Increase (Decrease) in Net Assets	\$7,940,976.67
Total Unrestricted	<u>\$7,940,976.67</u>
Total NET ASSETS	<u>\$8,829,561.61</u>
TOTAL LIABILITIES AND NET ASSETS	<u>\$16,058,072.92</u>
BEGINNING BALANCE WITH CURRENT YEAR ADJUSTMENTS	\$15,841,637.43
NET SURPLUS/(DEFICIT)	(\$7,012,075.82)
ENDING NET ASSETS	<u>\$8,829,561.61</u>

The Florida Bar Foundation Inc.
Statement of Activities
For the Nine Months Ended March 31, 2015

DRAFT

	Unrestricted	Temporarily Restricted	Permanently Restricted	Total
REVENUES, GAINS and OTHER SUPPORT				
IOTA Contributions	\$3,885,613.38	\$0.00	\$0.00	\$3,885,613.38
Other Contributions	\$183,595.97	\$92,562.66	\$0.00	\$276,158.63
Bar Fee Statement, Check-Off Receipts	\$0.00	\$288,281.50	\$0.00	\$288,281.50
License Plate Campaign Contributions	\$0.00	\$29,750.00	\$0.00	\$29,750.00
CY Pres Awards	\$3,079.92	\$0.00	\$0.00	\$3,079.92
Return of Unspent Grant Funds	\$5,000.00	\$0.00	\$0.00	\$5,000.00
Investment Income	\$88,652.70	\$0.00	\$0.00	\$88,652.70
Unrealized/Realized Gains (Losses) on Investments	(\$114,398.15)	\$0.00	\$0.00	(\$114,398.15)
Gain (Loss) on Sale of Assets	(\$319.45)	\$0.00	\$0.00	(\$319.45)
Miscellaneous Income	\$21,050.00	\$0.00	\$0.00	\$21,050.00
Conditional Grants Awarded	(\$1,053,484.13)	\$0.00	\$0.00	(\$1,053,484.13)
Net Assets Released from Restriction	\$12,500.00	(\$12,500.00)	\$0.00	\$0.00
Total REVENUE	\$3,031,290.24	\$398,094.16	\$0.00	\$3,429,384.40
EXPENSES				
Program Expenses - Grants	(\$7,938,195.49)	\$0.00	\$0.00	(\$7,938,195.49)
Program Related Expenses	(\$468,214.46)	\$0.00	\$0.00	(\$468,214.46)
Supporting Services	(\$1,889,760.00)	\$0.00	\$0.00	(\$1,889,760.00)
Fund Raising Expenses	(\$145,290.27)	\$0.00	\$0.00	(\$145,290.27)
Total EXPENSES	(\$10,441,460.22)	\$0.00	\$0.00	(\$10,441,460.22)
BEGINNING NET ASSETS	\$15,351,146.65	\$490,490.78	\$0.00	\$15,841,637.43
NET SURPLUS/(DEFICIT)	(\$7,410,169.98)	\$398,094.16	\$0.00	(\$7,012,075.82)
ENDING NET ASSETS	\$7,940,976.67	\$888,584.94	\$0.00	\$8,829,561.61

Task Force on Distribution of IOTA Funds Final Report
Appendix J – Submissions to the Task Force
September 15, 2020
Page J - 200

The Florida Bar Foundation Inc.
Endowment Trust - Statement of Financial Position
March 31, 2015

DRAFT

	<u>Actual</u>
ASSETS	
Current Assets	
Accounts Receivable	\$25.00
Long Term Investments	\$8,038,349.60
Total Current Assets	<u>\$8,038,374.60</u>
Other Assets	
Pledges Receivable	\$88,481.79
Contributions Receivable	\$29,295.01
Total Other Assets	<u>\$117,776.80</u>
Total ASSETS	<u><u>\$8,156,151.40</u></u>

The Florida Bar Foundation Inc.
Endowment Trust - Statement of Financial Position
 March 31, 2015

DRAFT

	Actual
LIABILITIES AND NET ASSETS	
LIABILITIES	
Current Liabilities	
Due to/Due From	\$0.00
Total Current Liabilities	\$0.00
	\$0.00
NET ASSETS	
Permanently Restricted	
Increase (Decrease) in Net Assets	\$3,412,789.53
Total Permanently Restricted	\$3,412,789.53
Temporarily Restricted	
Increase (Decrease) in Net Assets	\$4,683,209.51
Total Temporarily Restricted	\$4,683,209.51
Unrestricted	
Increase (Decrease) in Net Assets	\$60,152.36
Total Unrestricted	\$60,152.36
Total NET ASSETS	\$8,156,151.40
TOTAL LIABILITIES AND NET ASSETS	\$8,156,151.40
BEGINNING BALANCE WITH CURRENT YEAR ADJUSTMENTS	\$8,134,426.11
NET SURPLUS/(DEFICIT)	\$21,725.29
ENDING NET ASSETS	\$8,156,151.40

The Florida Bar Foundation Inc.
Statement of Activities - Endowment
For the Nine Months Ended March 31, 2015

DRAFT

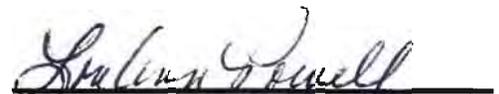
	Unrestricted	Temporarily Restricted	Permanently Restricted	Total
REVENUES, GAINS and OTHER SUPPORT				
Fellows Contributions	\$0.00	\$0.00	\$29,000.00	\$29,000.00
Other Contributions	\$17,840.05	\$0.00	\$5,973.28	\$23,813.33
Investment Income	\$0.00	\$106,722.29	\$0.00	\$106,722.29
Unrealized/Realized Gains (Losses) on Investments	\$0.00	(\$119,970.28)	\$0.00	(\$119,970.28)
Total REVENUE	\$17,840.05	(\$13,247.99)	\$34,973.28	\$39,565.34
EXPENSES				
Supporting Services	(\$17,840.05)	\$0.00	\$0.00	(\$17,840.05)
Total EXPENSES	(\$17,840.05)	\$0.00	\$0.00	(\$17,840.05)
BEGINNING NET ASSETS	\$60,152.36	\$4,696,457.50	\$3,377,816.25	\$8,134,426.11
NET SURPLUS/(DEFICIT)	\$0.00	(\$13,247.99)	\$34,973.28	\$21,725.29
ENDING NET ASSETS	\$60,152.36	\$4,683,209.51	\$3,412,789.53	\$8,156,151.40

The Florida Bar Foundation, Inc.
 Quarterly Report to The Florida Bar on Use of Loan Proceeds
 July 31, 2015

Loan Covenant Numbers	Use of Loan Proceeds	2015			
		March 31	June 30	September 30	December 31
E. 11.(a)	First \$1.0 million of the first draw and \$1.0 million of the second draw will be used either directly or indirectly for technology and the implementation of technology that will allow the Florida Bar Foundation and its grantees to improve access to justice primarily by: funding the start-up of an independent statewide non-profit entity with an organizational mission to increase access to justice to Floridians through the use of innovative technology and to train and support legal aid providers and pro bono attorneys in its use.	X (A)	X		
E. 11.(b)	Report on a quarterly basis following the first installment of loan proceeds, regarding policy and implementation of the utilization of technology and providing greater access to justice.	X (B)	X (B)		
E.12.(a)	Keep in force all licenses, permits, and franchises necessary for the proper conduct of business and duly pay and discharge all taxes, assessments, and governmental charges before the date penalties are assessed.	X	X		
E.12.(b)(i)	Provide audit report within 120 days after fiscal year end.	X	X		
E.12.(b)(ii)	Provide quarterly financial statements within 30 days after the close of the quarter certified by the Foundation as accurate.	X Attached	X Attached		
E.12.(b)(iii)	Other information regarding financial condition and operations that may be reasonably requested.	X	X		
E.12.(c)	If requested, statements needed to satisfy security interests.	X	X		
E.12.(d)	Permit TFB to audit or examine any books and records.	X	X		
E.12.(e)	Inform TFB immediately of any material adverse change in the financial condition of the Foundation. Also any litigation or threatened litigation which may substantially affect the financial condition.	X	X		
E.12.(g)	Maintain property and equipment in good repair.	X	X		
E.13.	No additional debt incurred.	X	X		

- X Covenant met
- (A) See Memo to The Florida Bar dated April 10, 2015 from Melissa Moss submitted with March report.
- (B) See attached Bar Loan Quarterly Report narrative

Submitted By:
 Lou Ann Powell, Deputy Director/CFO/COO


 Signature

Task Force on Distribution of IOTA Funds Final Report
 Appendix J – Submissions to the Task Force
 September 15, 2020


 Date

THE FLORIDA BAR FOUNDATION

Quarterly Report to The Florida Bar

Use of The Florida Bar Bridge Loan Technology-designated funds

For the Period April 1, 2015 – June 30, 2015

Introductory Narrative

Prior to January 1, 2015, Florida Legal Services, a grantee of the Florida Bar Foundation, managed the three statewide websites. Similar websites exist in all 50 states, almost all of which were developed with federal Legal Services Corporation (LSC) Technology Innovations Grant (TIG) funding.¹

- www.FloridaLawHelp.org – Information for the public
- www.FloridaProbono.org – Information and opportunities for pro bono attorneys
- www.FLAdvocate.org – Information for Foundation grantee staff

The Florida Bar Foundation assumed “ownership” of Florida’s three statewide websites on January 1, 2015 for two reasons

- 2013-2014 surveys of, and interviews, with staff and volunteer advocates revealed a lack of awareness, a lack of use and/or outright frustration with the Pro Bono and Advocate websites. The public website, FloridaLawHelp does not favorably in robustness of content to LawHelp sites in other states known to be the most robust including but not limited to Michigan, Washington, Illinois and New York (see also footnote below)
- To maintain the status quo (including federal Legal Services Corporation-required compliance) on the statewide websites from January 1, 2015 until The Florida Justice

¹ National Network of Legal Aid Websites (LSC Technology Innovations Grant/TIG) <http://tig.lsc.gov/about-us/tigs-impact>

The TIG program has played a critical role in the development of legal services websites in all 50 states, the District of Columbia, and U.S. territories. These websites, nearly all of which were developed with TIG support and templates, provide information such as the locations of LSC-funded programs and their offices, information about pro bono and volunteer opportunities, and a broad range of legal resources for clients and legal services attorneys. Many are supported by Live Chat functionality, which allows users to interact with legal services staff to find the resources they need. Online videos, many created with TIG support, can be viewed from the websites, providing legal information in the areas most needed by low-income people. Surveys show that users of TIG-supported websites are highly satisfied: 76 percent find them "easy" or "very easy" to use and 88 percent find the information they provide "easy" or "very easy" to understand.

The [interactive map on the frontpage of the TIG website](#) connects users to the statewide website network.

Examples of leading statewide websites supported through the TIG program include:

- [Illinois Legal Aid](#)
- [LawHelp New York](#)
- [Connecticut LawHelp](#)
- [Michigan Legal Help](#)

Technology Center (FJTC) was prepared as an entity and had sufficient capacity to maintain the websites, identify where the websites needed to improve and develop a plan to insure those improvements would be implemented. FJTC is beginning that process now and is working with a highly regarded contractor who works regularly on LawHelpNY.

The key to the development of the most robust public website will be the continuous development of accurate and up to date content—the biggest challenge in the maintenance of all 50 states LawHelp websites. FJTC's future investment in hiring a Director of Content Development is a recognition of the importance of that work but all of The Foundations legal aid and pro bono grantees will be expected to work actively and in partnership with that person and the FJTC to provide accurate, timely and valuable content. We will also hope for content development and involvement from other stakeholders such as Circuit Pro Bono Committees, the YLD, Sections etc.

In addition, we have assumed ownership of www.onepromiseflorida.org and anticipate a very productive collaboration among the Standing Committee on Pro Bono, The Florida Bar Foundation, The Florida Bar, The Florida Justice Technology Center, the new statewide Director of Pro Bono, Foundation grantees and others to re-energize the ONE campaign and www.onepromiseflorida.org

FLORIDA JUSTICE TECHNOLOGY CENTER:

Progress Report for April 1, 2015 – June 30, 2015

FJTC Administration of Justice (AOJ grant) Application to The Florida Bar Foundation

- Completed Grant Application delivered to FBF on June 8, 2015.
- Grant award notification received June 18, 2015.

Organizational Filings

- Articles of Incorporation on behalf of Florida Justice Technology Center filed May 6, 2015.
- Employer Identification Number Notice received from Internal Revenue Service on May 11, 2015.
- IRS Application Requesting 501c3 Determination Letter submitted by mail June 25, 2015. Confirmation of receipt of application received via mail on July 9, 2015.

Listening Sessions/Feedback Gathering Visits

- Listening Sessions hosted on May 22 2015 with the Office of the Supreme Court Administration staff, Judge Hilliard (ATJ Commission Tech Subcommittee chair) and Judge Munyon (FCTC chair) and members of The Florida Bar staff Terry Hill and Frank Digon (primary topic – online triage system).
- Listening Session hosted on May 19 2015 with a gathering of Court Clerks from around the State of Florida. Thirteen Clerks attended the session including Clerk Doggett of Lee County, Clerk Bock from Palm Beach County, and Clerk Russell of Orange County. (primary topic – online triage system)
- Lee County Clerk's Office/Self Help Center Visit June 17, 2015.
- Pinellas County Clerk's Office/Self Help Center visit June 19, 2015
- Discussions with Florida Children's First regarding case management systems.
- Discussions with Legal Services of Greater Miami regarding online intake federal LSC-funded Technology Innovations Grant (TIG) statewide online intake pilot project.
- Brief Presentation to Public Interest Law Section of The Florida Bar on June 26, 2015 at Annual Bar Convention.

Establishment of a Start-up Board

Members of the Start-up Board include:

- Greg Coleman – President of The Florida Bar, and Florida Commission on Access to Civil Justice member, and partner at Critton, Luttier, & Coleman, LLP.
- Kathy McLeroy – Florida Commission on Access To Civil Justice Member, The Florida Bar Vision 2016 Commission member, The Florida Bar Pro Bono Legal Services Committee co-chair, and attorney at Carlton, Fields, Jordan, Burt;
- Tom Oldt – Florida Bar Foundation board member, and founder of Thomas R. Oldt Investment Services LLC.

- Adriana Linares – founder of LawTech Partners (a legal technology consulting firm), ABA Law Practice Division Legal Technology Resource Center board member and Chair-elect ABA ELawyering Task Force.
- James Haggard – founder of Wiedza Creations, LLC a legal tech start up, Editor of TheStudentAppeal.com and staff attorney at Brevard County Legal Aid attorney, ad hoc member of the Florida Commission on Access to Civil Justice Technology Subcommittee.

The Florida Justice Technology Center Board of Director’s planning retreat and first Board meeting is scheduled for Sept 11, 2015.

The Florida Bar Foundation, Inc.
 Quarterly Report to The Florida Bar
 Costs Incurred
 July 30, 2015

Costs incurred by the Florida Bar Foundation:	Current Quarter 6/30/15	Year-to-Date Thru 6/30/15
Consultants (includes fees and travel):		
Joyce Raby	\$ 43,931.40	\$ 94,997.77
Greacen Associates	27,987.93	56,408.25
Jimmy Midyette	35,345.03	47,583.67
Cost for statewide technology system support for the interim period January 1, 2015 to February 20, 2015 during transition of responsibility from Florida Legal Services to The Florida Justice Technology Center	16,166.00	16,166.00
Annual content management and platform fees for statewide public information, staff advocate and volunteer attorney websites	20,625.00	20,625.00
Other Administrative Costs	2,845.02	3,245.79
Total	\$ 146,900.38	\$ 239,026.48

The Florida Bar Foundation Inc. Statement of Financial Position

June 30, 2015

	Actual
ASSETS	
Current Assets	
Cash and Cash Equivalents	\$2,685,681.93
IOTA Contributions Receivable	\$481,525.00
Other Contributions Receivable	\$15,087.65
Notes Receivable, net of Allowance	\$442,818.82
Due From Broker	\$8,247.32
Accounts Receivable	\$13,453.45
Travel Advances	\$0.00
Prepaid Expenses	\$141,572.06
Short Term Investments	\$8,281,524.35
Intermediate Term Investments	\$4,523,857.63
Total Current Assets	\$16,593,768.21
Fixed Assets	
Office Equipment	\$105,143.10
Computer Equipment	\$64,018.67
Furniture and Fixtures	\$130,217.92
Computer Software	\$737,650.11
Leasehold Improvements	\$37,802.00
Accumulated Depreciation	(\$887,613.10)
Total Fixed Assets	\$187,218.70
Other Assets	
Deposits	\$7,714.50
Contributions Receivable	\$17,998.60
Advances on Grants	\$50,000.00
Total Other Assets	\$75,713.10
Total ASSETS	\$16,856,700.01

**The Florida Bar Foundation Inc.
Statement of Financial Position**

June 30, 2015

	Actual
LIABILITIES AND NET ASSETS	
LIABILITIES	
Current Liabilities	
Accounts Payable	\$133,078.11
Due to Broker	\$53,658.74
Payroll Withholding	(\$53.68)
Conditional Grants Payable	\$163,904.13
Grants Payable	\$1,766,299.32
Accrued Expenses	\$130,832.63
Deferred Revenues	\$2,655.06
Other Current Liabilities	\$13,569.60
Due to/Due From	\$0.00
Total Current Liabilities	\$2,263,943.91
Other Non-Current Liabilities	
Note Payable	\$3,000,000.00
Liability for Charitable Gift Annuitant Payments	\$9,588.89
Liability for Capital Lease Obligations	\$38,850.44
Total Non-Current Liabilities	\$3,048,439.33
	\$5,312,383.24
NET ASSETS	
Temporarily Restricted	
Increase (Decrease) in Net Assets	\$945,477.33
Total Temporarily Restricted	\$945,477.33
Unrestricted	
Increase (Decrease) in Net Assets	\$10,598,839.44
Total Unrestricted	\$10,598,839.44
Total NET ASSETS	\$11,544,316.77
TOTAL LIABILITIES AND NET ASSETS	\$16,856,700.01
 BEGINNING BALANCE WITH CURRENT YEAR ADJUSTMENTS	 \$15,841,637.43
NET SURPLUS/(DEFICIT)	(\$4,297,320.66)
ENDING NET ASSETS	\$11,544,316.77

Task Force on Distribution of IOTA Funds Final Report
Appendix J – Submissions to the Task Force

The Florida Bar Foundation Inc. Statement of Financial Position

June 30, 2015

Report name: FBF Stmt of Fin Position - FYE 2015

Chart template: BS Audit

Include account levels 1 to 4

Do not include accounts with zero balances

Include inactive accounts

User has access to all accounts

User has access to all PPPFS

Include these Org/classes: 110 to 130

Include all Account Codes

Include all Accounts

Include all Account Attributes

Include all Pppfs

Include all Pppf Attributes

Include all Transaction Attributes

Include all Classes

Include all Journals

Include all Not Yet Posted Transactions

Include all Cash Flow Codes

Include all Working Capital Codes

Include all Who(s)

Include all Activity/Appeal(s)

Include all Pppf Types

Include all Pppf Statuses

Include all Pppf Divisions

Include all Pppf Departments

Include all Pppf Locations

Include all Department(s)

Include all Functional Expense(s)

Column 1 criteria:

Heading:

Definition: Account Number

Column 2 criteria:

Heading:

Definition: Account Description

Column 3 criteria:

Heading: Actual

Include these dates: 6/30/2015

Definition: {Actual}

The Florida Bar Foundation Inc.
Statement of Activities
For the Year Ended June 30, 2015

	Unrestricted	Temporarily Restricted	Permanently Restricted	Total
REVENUES, GAINS and OTHER SUPPORT				
IOTA Contributions	\$5,259,551.13	\$0.00	\$0.00	\$5,259,551.13
Other Contributions	\$213,109.62	\$141,077.66	\$0.00	\$354,187.28
Bar Fee Statement, Check-Off Receipts	\$0.00	\$288,397.50	\$0.00	\$288,397.50
License Plate Campaign Contributions	\$0.00	\$38,011.39	\$0.00	\$38,011.39
CY Pres Awards	\$5,079.92	\$0.00	\$0.00	\$5,079.92
Return of Unspent Grant Funds	\$5,000.00	\$0.00	\$0.00	\$5,000.00
Investment Income	\$102,944.30	\$0.00	\$0.00	\$102,944.30
Unrealized/Realized Gains (Losses) on Investments	(\$162,487.79)	\$0.00	\$0.00	(\$162,487.79)
Gain (Loss) on Sale of Assets	(\$319.45)	\$0.00	\$0.00	(\$319.45)
Miscellaneous Income	\$45,710.00	\$0.00	\$0.00	\$45,710.00
Grants Received	\$1,395,699.84	\$0.00	\$0.00	\$1,395,699.84
Conditional Grants Awarded	(\$163,904.13)	\$0.00	\$0.00	(\$163,904.13)
Net Assets Released from Restriction	\$12,500.00	(\$12,500.00)	\$0.00	\$0.00
Total REVENUE	\$6,712,883.44	\$454,986.55	\$0.00	\$7,167,869.99
EXPENSES				
Program Expenses - Grants	(\$7,958,507.73)	\$0.00	\$0.00	(\$7,958,507.73)
Program Related Expenses	(\$709,847.11)	\$0.00	\$0.00	(\$709,847.11)
Supporting Services	(\$2,587,500.05)	\$0.00	\$0.00	(\$2,587,500.05)
Fund Raising Expenses	(\$209,335.76)	\$0.00	\$0.00	(\$209,335.76)
Total EXPENSES	(\$11,465,190.65)	\$0.00	\$0.00	(\$11,465,190.65)
BEGINNING NET ASSETS	\$15,351,146.65	\$490,490.78	\$0.00	\$15,841,637.43
NET SURPLUS/(DEFICIT)	(\$4,752,307.21)	\$454,986.55	\$0.00	(\$4,297,320.66)
ENDING NET ASSETS	\$10,598,839.44	\$945,477.33	\$0.00	\$11,544,316.77

Task Force on Distribution of IOTA Funds Final Report
Appendix J – Submissions to the Task Force
September 15, 2020
Page J - 213

The Florida Bar Foundation Inc.
Endowment Trust - Statement of Financial Position
June 30, 2015

	<u>Actual</u>
ASSETS	
Current Assets	
Due From Broker	\$8,096.68
Accounts Receivable	\$1,747.50
Long Term Investments	\$8,041,208.62
Total Current Assets	<u>\$8,051,052.80</u>
Other Assets	
Pledges Receivable	\$104,269.29
Contributions Receivable	\$30,700.01
Total Other Assets	<u>\$134,969.30</u>
Total ASSETS	<u><u>\$8,186,022.10</u></u>

The Florida Bar Foundation Inc.
Endowment Trust - Statement of Financial Position
 June 30, 2015

	Actual
LIABILITIES AND NET ASSETS	
LIABILITIES	
Current Liabilities	
Due to Broker	\$7,978.05
Due to/Due From	\$0.00
Total Current Liabilities	\$7,978.05
	\$7,978.05
NET ASSETS	
Permanently Restricted	
Increase (Decrease) in Net Assets	\$3,455,789.53
Total Permanently Restricted	\$3,455,789.53
Temporarily Restricted	
Increase (Decrease) in Net Assets	\$4,658,852.16
Total Temporarily Restricted	\$4,658,852.16
Unrestricted	
Increase (Decrease) in Net Assets	\$63,402.36
Total Unrestricted	\$63,402.36
Total NET ASSETS	\$8,178,044.05
TOTAL LIABILITIES AND NET ASSETS	\$8,186,022.10
BEGINNING BALANCE WITH CURRENT YEAR ADJUSTMENTS	\$8,134,426.11
NET SURPLUS/(DEFICIT)	\$43,617.94
ENDING NET ASSETS	\$8,178,044.05

The Florida Bar Foundation Inc.
Statement of Activities - Endowment
For the Year Ended June 30, 2015

	<u>Unrestricted</u>	<u>Temporarily Restricted</u>	<u>Permanently Restricted</u>	<u>Total</u>
REVENUES, GAINS and OTHER SUPPORT				
Fellows Contributions	\$3,000.00	\$0.00	\$68,000.00	\$71,000.00
Other Contributions	\$24,848.17	\$0.00	\$9,973.28	\$34,821.45
Investment Income	\$0.00	\$122,243.41	\$0.00	\$122,243.41
Unrealized/Realized Gains (Losses) on Investments	\$0.00	(\$159,848.75)	\$0.00	(\$159,848.75)
Total REVENUE	<u>\$27,848.17</u>	<u>(\$37,605.34)</u>	<u>\$77,973.28</u>	<u>\$68,216.11</u>
EXPENSES				
Supporting Services	(\$24,598.17)	\$0.00	\$0.00	(\$24,598.17)
Total EXPENSES	<u>(\$24,598.17)</u>	<u>\$0.00</u>	<u>\$0.00</u>	<u>(\$24,598.17)</u>
BEGINNING NET ASSETS	\$60,152.36	\$4,696,457.50	\$3,377,816.25	\$8,134,426.11
NET SURPLUS/(DEFICIT)	\$3,250.00	(\$37,605.34)	\$77,973.28	\$43,617.94
ENDING NET ASSETS	<u><u>\$63,402.36</u></u>	<u><u>\$4,658,852.16</u></u>	<u><u>\$3,455,789.53</u></u>	<u><u>\$8,178,044.05</u></u>

The Florida Bar

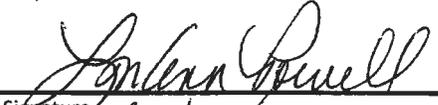
**Statement of Loan Balance
As of: September 30, 2015
For: The Florida Bar Foundation, Inc.**

Month	Interest Rate	Interest Accrued Payment	Principal Balance	Total Owed
Dec-14	1.720%	\$ 3,958.36	\$ 3,000,000.00	\$3,003,958.36
Jan-15	1.750%	\$ 4,458.90	\$ 3,000,000.00	\$3,008,417.26
Feb-15	1.700%	\$ 3,912.33	\$ 3,000,000.00	\$3,012,329.59
Mar-15	1.470%	\$ 3,745.48	\$ 3,000,000.00	\$3,016,075.07
Apr-15	1.700%	\$ 4,191.78	\$ 3,000,000.00	\$3,020,266.85
May-15	1.530%	\$ 3,898.36	\$ 3,000,000.00	\$3,024,165.21
Jun-15	1.600%	\$ 3,945.21	\$ 3,000,000.00	\$3,028,110.42
Jul-15	1.770%	\$ 4,509.86	\$ 3,000,000.00	\$3,032,620.28
Aug-15	1.820%	\$ 4,637.26	\$ 3,000,000.00	\$3,037,257.54
Sep-15	1.950%	\$ 4,808.22	\$ 3,000,000.00	\$3,042,065.76

Loan Covenant Numbers	Use of Loan Proceeds	2015			
		March 31	June 30	September 30	December 31
E. 11.(a)	First \$1.0 million of the first draw and \$1.0 million of the second draw will be used either directly or indirectly for technology and the implementation of technology that will allow the Florida Bar Foundation and its grantees to improve access to justice primarily by: funding the start-up of an independent statewide non-profit entity with an organizational mission to increase access to justice to Floridians through the use of innovative technology and to train and support legal aid providers and pro bono attorneys in its use.	X (A)	X	X	
E. 11.(b)	Report on a quarterly basis following the first installment of loan proceeds, regarding policy and implementation of the utilization of technology and providing greater access to justice.	X (B)	X (B)	X (B)	
E.12.(a)	Keep in force all licenses, permits, and franchises necessary for the proper conduct of business and duly pay and discharge all taxes, assessments, and governmental charges before the date penalties are assessed.	X	X	X	
E.12.(b)(i)	Provide audit report within 120 days after fiscal year end.	X	X	X (C)	
E.12.(b)(ii)	Provide quarterly financial statements within 30 days after the close of the quarter certified by the Foundation as accurate.	X Attached	X Attached	X Attached	
E.12.(b)(iii)	Other information regarding financial condition and operations that may be reasonably requested.	X	X	X	
E.12.(c)	If requested, statements needed to satisfy security interests.	X	X	X	
E.12.(d)	Permit TFB to audit or examine any books and records.	X	X	X	
E.12.(e)	Inform TFB immediately of any material adverse change in the financial condition of the Foundation. Also any litigation or threatened litigation which may substantially affect the financial condition.	X	X	X	
E.12.(g)	Maintain property and equipment in good repair.	X	X	X	
E.13.	No additional debt incurred.	X	X	X	

- X Covenant met
- (A) See Memo to The Florida Bar dated April 10, 2015 from Melissa Moss submitted with March report.
- (B) See attached Bar Loan Quarterly Report narrative
- (C) The Foundation Board will approved the June 30, 2015 audit report on December 11, 2015

Submitted By:
 Lou Ann Powell, Deputy Director/CFO/COO



 Signature
 10/30/15

 Date

Task Force on Distribution of IOTA Funds Final Report
 Appendix J – Submissions to the Task Force

September 15, 2020

THE FLORIDA BAR FOUNDATION

Quarterly Report to The Florida Bar

Use of the Florida Bar Bridge Loan Technology-designated funds

For the Period July 1, 2015 – September, 30 2015

FJTC Board

- First meeting convened September 11, 2015.
- Swearing in and Officers elected; Kathy McLeroy as Chair, Greg Coleman as Vice Chair, Thomas Oldt as Treasurer.

Organizational Filings

- IRS 501c3 Designation awarded on Aug 7 2015.

Visits and Presentations

- July 9, 2015 -Visit to Miami Self Help Center to learn more about how self-help centers function.
- Aug 10-11, 2015 – meeting in Jacksonville with Jim Kowalski, Donny MacKenzie, and Bill VanNortwick to discuss triage/gateway project.
- Aug 18-20, 2015 – New Mexico Legal Aid Hackathon
- Aug 21-24, 2015 – 2015 Court Technology Conference, Minneapolis, MN
- Aug 25, 2015 – presented on FJTC to the Children’s Legal Services Conference, Tampa

Transition of FloridaLawHelp.org, FLAdvocate.org, FloridaProBono.org, and OnePromise.org

- As of July 1, 2015 FJTC took responsibility for the maintenance and improvement of the Florida statewide websites as part of the grant award from the Florida Bar Foundation.
- July 22, 2015 hired on contract Wilneida Negron as FJTC webmaster. Wilneida has extensive experience with the ProBono.net template (the platform for the statewide websites) and is a doctoral student at the City University of New York and a Data & Society Fellow. Please also Wilneida’s analysis of FloridaLawHelp traffic and usage (attached).
- September 22, 2015 hired on contract Katrina Miller as a part time legal content manager for the statewide websites. Katrina is currently the Assistant Director for Interlibrary Loan and Document Delivery for Florida State University College of Law Research Center, Tallahassee, Florida. Katrina received her law degree from Florida State University College of Law in 2005.

The Florida Bar Foundation, Inc.
 Quarterly Report to The Florida Bar
 Costs Incurred
 October 30, 2015

Costs incurred by the Florida Bar Foundation:	Current Quarter 9/30/15	Thru 9/30/15
Consultants (includes fees and travel):		
Joyce Raby	\$ 32,366.32	\$ 127,364.09
Greacen Associates	-	\$ 56,408.25
Jimmy Midyette	5,907.00	\$ 53,490.67
Katrina Miller	575.00	\$ 575.00
Wilneida Negrón	11,764.92	\$ 11,764.92
Cost for statewide technology system support for the interim period January 1, 2015 to February 20, 2015 during transition of responsibility from Florida Legal Services to The Florida Justice Technology Center	-	\$ 16,166.00
Annual content management and platform fees for statewide public information, staff advocate and volunteer attorney websites	-	\$ 20,625.00
Other Administrative Costs	182.87	\$ 3,428.66
Total	\$ 50,796.11	\$ 289,822.59

Note: In June 2015, The Florida Bar Foundation awarded a grant to the Florida Justice Technology Center (FJTC) in the amount of \$725,000 (less costs incurred for the current quarter) conditioned on FJTC's receipt of IRS determination of its tax exempt status. This condition was met in August and the Foundation is in the process of finalizing the contract.

The Florida Bar Foundation Inc.
Statement of Financial Position
September 30, 2015

	Actual
ASSETS	
Current Assets	
Cash and Cash Equivalents	\$3,651,697.28
IOTA Contributions Receivable	\$528,000.00
Other Contributions Receivable	\$14,440.85
Notes Receivable, net of Allowance	\$846,417.32
Accounts Receivable	\$726.00
Travel Advances	\$0.00
Prepaid Expenses	\$208,595.45
Short Term Investments	\$8,279,435.40
Intermediate Term Investments	\$4,209,994.88
Total Current Assets	\$17,739,307.18
Fixed Assets	
Office Equipment	\$105,143.10
Computer Equipment	\$69,278.67
Furniture and Fixtures	\$130,217.92
Computer Software	\$737,650.11
Leasehold Improvements	\$37,802.00
Accumulated Depreciation	(\$905,767.38)
Total Fixed Assets	\$174,324.42
Other Assets	
Deposits	\$7,714.50
Contributions Receivable	\$13,678.40
Advances on Grants	\$50,000.00
Total Other Assets	\$71,392.90
Total ASSETS	\$17,985,024.50

The Florida Bar Foundation Inc.
Statement of Financial Position
September 30, 2015

	Actual
LIABILITIES AND NET ASSETS	
LIABILITIES	
Current Liabilities	
Accounts Payable	\$94,720.91
Payroll Withholding	(\$307.07)
Conditional Grants Payable	\$885,913.23
Accrued Expenses	\$173,606.65
Deferred Revenues	\$1,401,015.35
Other Current Liabilities	\$17,648.20
Due to/Due From	\$0.00
Total Current Liabilities	\$2,572,597.27
Non-Current Liabilities	
Note Payable	\$3,000,000.00
Other Non-Current Liabilities	\$91,652.13
Total Non-Current Liabilities	\$3,091,652.13
	\$5,664,249.40
NET ASSETS	
Temporarily Restricted	
Increase (Decrease) in Net Assets	\$694,373.91
Total Temporarily Restricted	\$694,373.91
Unrestricted	
Increase (Decrease) in Net Assets	\$11,626,401.19
Total Unrestricted	\$11,626,401.19
Total NET ASSETS	\$12,320,775.10
TOTAL LIABILITIES AND NET ASSETS	\$17,985,024.50
 BEGINNING BALANCE WITH CURRENT YEAR ADJUSTMENTS	 \$10,294,002.63
 NET SURPLUS/(DEFICIT)	 \$2,026,772.47
 ENDING NET ASSETS	 \$12,320,775.10

The Florida Bar Foundation Inc.
Statement of Activities
For the Three Months Ended September 30, 2015

	Unrestricted	Temporarily Restricted	Permanently Restricted	Total
REVENUES, GAINS and OTHER SUPPORT				
IOTA Contributions	\$1,499,322.48	\$0.00	\$0.00	\$1,499,322.48
Other Contributions	\$1,377,688.41	\$36,009.00	\$0.00	\$1,413,697.41
Bar Fee Statement, Check-Off Receipts	\$0.00	\$264,655.36	\$0.00	\$264,655.36
License Plate Campaign Contributions	\$0.00	\$13,675.00	\$0.00	\$13,675.00
CY Pres Awards	\$500,000.00	\$0.00	\$0.00	\$500,000.00
Return of Unspent Grant Funds	\$583.33	\$0.00	\$0.00	\$583.33
Investment Income	\$14,009.33	\$0.00	\$0.00	\$14,009.33
Unrealized/Realized Gains (Losses) on Investments	(\$280,802.44)	\$0.00	\$0.00	(\$280,802.44)
Grants Received	\$500,000.00	\$0.00	\$0.00	\$500,000.00
Conditional Grants Awarded	(\$885,913.23)	\$0.00	\$0.00	(\$885,913.23)
Net Assets Released from Restriction	\$25,000.00	(\$25,000.00)	\$0.00	\$0.00
Total REVENUE	\$2,749,887.88	\$289,339.36	\$0.00	\$3,039,227.24
EXPENSES				
Program Expenses - Grants	(\$65,147.91)	\$0.00	\$0.00	(\$65,147.91)
Program Related Expenses	(\$139,623.16)	\$0.00	\$0.00	(\$139,623.16)
Supporting Services	(\$749,508.65)	\$0.00	\$0.00	(\$749,508.65)
Fund Raising Expenses	(\$58,175.05)	\$0.00	\$0.00	(\$58,175.05)
Total EXPENSES	(\$1,012,454.77)	\$0.00	\$0.00	(\$1,012,454.77)
BEGINNING NET ASSETS	\$9,888,968.08	\$405,034.55	\$0.00	\$10,294,002.63
NET SURPLUS/(DEFICIT)	\$1,737,433.11	\$289,339.36	\$0.00	\$2,026,772.47
ENDING NET ASSETS	\$11,626,401.19	\$694,373.91	\$0.00	\$12,320,775.10

The Florida Bar

**Statement of Loan Balance
As of: December 31, 2015
The Florida Bar Foundation, Inc.**

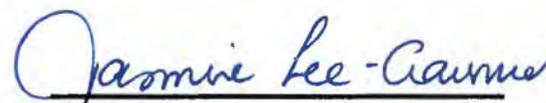
Month	Interest Rate	Interest Accrued Payment	Principal Balance	Total Owed
Dec-14	1.720%	\$ 3,958.36	\$ 3,000,000.00	\$3,003,958.36
Jan-15	1.750%	\$ 4,458.90	\$ 3,000,000.00	\$3,008,417.26
Feb-15	1.700%	\$ 3,912.33	\$ 3,000,000.00	\$3,012,329.59
Mar-15	1.470%	\$ 3,745.48	\$ 3,000,000.00	\$3,016,075.07
Apr-15	1.700%	\$ 4,191.78	\$ 3,000,000.00	\$3,020,266.85
May-15	1.530%	\$ 3,898.36	\$ 3,000,000.00	\$3,024,165.21
Jun-15	1.600%	\$ 3,945.21	\$ 3,000,000.00	\$3,028,110.42
Jul-15	1.770%	\$ 4,509.86	\$ 3,000,000.00	\$3,032,620.28
Aug-15	1.820%	\$ 4,637.26	\$ 3,000,000.00	\$3,037,257.54
42262	1.950%	\$ 4,808.22	\$ 3,000,000.00	\$3,042,065.76
42278	1.670%	\$ 4,255.07	\$ 3,000,000.00	\$3,046,320.83
42309	1.590%	\$ 3,920.55	\$ 3,000,000.00	\$3,050,241.38
42339	1.680%	\$ 4,280.55	\$ 3,000,000.00	\$3,054,521.93
12/9-12/31/15	1.680%	\$ 3,313.97	\$ 6,000,000.00	\$6,057,835.90
Check # 35964, dated 11/30/2015		\$ (50,241.38)		\$6,007,594.52

Task Force on Distribution of IOTA Funds Final Report
Appendix J – Submissions to the Task Force

Loan Covenant Numbers	Use of Loan Proceeds	2015			
		March 31	June 30	September 30	December 31
E. 11.(a)	First \$1.0 million of the first draw and \$1.0 million of the second draw will be used either directly or indirectly for technology and the implementation of technology that will allow the Florida Bar Foundation and its grantees to improve access to justice primarily by: funding the start-up of an independent statewide non-profit entity with an organizational mission to increase access to justice to Floridians through the use of innovative technology and to train and support legal aid providers and pro bono attorneys in its use.	X (A)	X	X	X
E. 11.(b)	Report on a quarterly basis following the first installment of loan proceeds, regarding policy and implementation of the utilization of technology and providing greater access to justice.	X (B)	X (B)	X (B)	X (B)
E.12.(a)	Keep in force all licenses, permits, and franchises necessary for the proper conduct of business and duly pay and discharge all taxes, assessments, and governmental charges before the date penalties are assessed.	X	X	X	X
E.12.(b)(i)	Provide audit report within 120 days after fiscal year end.	X	X	X (C)	X (D)
E.12.(b)(ii)	Provide quarterly financial statements within 30 days after the close of the quarter certified by the Foundation as accurate.	X Attached	X Attached	X Attached	X Attached
E.12.(b)(iii)	Other information regarding financial condition and operations that may be reasonably requested.	X	X	X	X
E.12.(c)	If requested, statements needed to satisfy security interests.	X	X	X	X
E.12.(d)	Permit TFB to audit or examine any books and records.	X	X	X	X
E.12.(e)	Inform TFB immediately of any material adverse change in the financial condition of the Foundation. Also any litigation or threatened litigation which may substantially affect the financial condition.	X	X	X	X
E.12.(g)	Maintain property and equipment in good repair.	X	X	X	X
E.13.	No additional debt incurred.	X	X	X	X

- X Covenant met
- (A) See Memo to The Florida Bar dated April 10, 2015 from Melissa Moss submitted with March report.
- (B) See attached Bar Loan Quarterly Report narrative
- (C) The Foundation Board approved the June 30, 2015 audit report on December 11, 2015
- (D) The Audited Financial Statements for the Year Ended June 30, 2015 were e-mailed on 12/22/15

Submitted By:
 Jasmine Lee-Gaumier, Controller


 Signature

Task Force on Distribution of IOTA Funds Final Report
 Appendix J – Submissions to the Task Force

1/29/16
 Date

September 15, 2020

Florida Justice Technology Center: **Dec 2015** Progress Report for October, November, December 2015

FJTC Board

- Board meetings held: Oct 28, Nov 9 (short prep for Summit), Nov 23.
- Nov 10, 2015 - Board hosted an Information Gathering Summit via video conference. Summit included all board members and invitees from a cross section of access to justice stakeholders.

Florida Bar Foundation: Legal Aid Summit (Nov 16-18, 2015)

- Oct 8, 2015 – served on the Summit design committee and attended a half day in person design meeting in Orlando.
- Nov 16-18, 2015 – attended the Summit in Orlando.

Visits, Meetings, and Presentations

- Oct 4-7, 2-15 – at the request of the Florida Bar Foundation and The Florida Bar, attended and reported on the LSC Board meeting in San Francisco.
- Oct 9, 2015 – presented on FJTC to Law Librarian Conference in Lakeland.
- Oct 30, 2015 – attended PDA meeting in Tallahassee.
- Nov 6, 2015 – presented at NLADA on a panel entitled Strategic Technology Planning via recorded video and live phone participation.
- Nov 12, 2015 – served as a guest lecturer at Chicago-Kent Law School's *Practice and Professionalism* course discussing the development of legal services triage systems.

Triage Pilot Project

- Oct 15, 2015 – met in Jacksonville with Gordon Glover and Renee Thompson of The Florida Bar to discuss the proposed Triage Gateway project.
- Oct 23, 2015 – met in Jacksonville with Jim Kowalski, Bill Van Nortwick, and Donny MacKenzie to discuss launch of triage pilot project.
- Nov 20, 2015 – hosted first Design Team Meeting in person in Jacksonville.
- Nov 24, Dec 1, Dec 8, Dec 15 – hosted weekly design team meetings via video conferencing to develop triage pilot project plan.
- Dec 19, 2015 – developed and delivered Triage Pilot Project Cost Estimate to project sponsors.
- Developed Triage Pilot Communication/Reporting Plan.
- Developed Triage Pilot Work Breakdown/Schedule.
- Jan 6 2016 – Triage Pilot Project Kick Off meeting in Jacksonville.
- Secured free participation by Andrew Morral of the Rand Corporation at Kick Off meeting to provide project evaluation insight.

Progress on FloridaLawHelp.org, FLAdvocate.org, FloridaProBono.org, and OnePromise.org

FJTC issues monthly reports on work being done on all websites. Highlights from the reports include:

- FloridaLawHelp.org: applied for and received free translation services grant from Probono.net which resulted in 5 additional resources translated into Spanish, Creole, and Portuguese. Created new Foreclosure section, Special Veteran's Page, and updated/improved 27 resources.

Florida Justice Technology Center: **Dec 2015**

Progress Report for October, November, December 2015

- **FIAdvocate.org**: distributed an assessment survey of practice area leaders and key stakeholders to determine high priority site improvements; began work on a medical/legal partnership mini-portal within the site, identified and contracted for dedicated site coordinator.
- **FloridaProbono.org**: met with Ericka Garcia and Kathy McLeroy to discuss needed improvements to the site, FJTC will identify and hire dedicated staff to begin work in earnest on this site.
- **OnePromise.org** – this site was taken down due to expired content at the request of the Standing Committee on Probono (Kathy McLeroy and Vance Salter), and the Director of Probono Partnerships at the Florida Bar Foundation (Ericka Garcia). This campaign based website may be resurrected at some future time.

The Florida Bar Foundation, Inc.
 Quarterly Report to The Florida Bar
 Costs Incurred
 January 31, 2016

Costs incurred by the Florida Bar Foundation:	Current Quarter 12/31/15	Thru 12/31/15
Consultants (includes fees and travel):		
Joyce Raby	\$ 34,182.97	\$ 161,547.06
Greacen Associates	-	\$ 56,408.25
Jimmy Midyette	-	\$ 53,490.67
Katrina Miller	7,299.29	\$ 7,874.29
Wilneida Negron	17,742.95	\$ 29,507.87
Cost for statewide technology system support for the interim period January 1, 2015 to February 20, 2015 during transition of responsibility from Florida Legal Services to The Florida Justice Technology Center	-	\$ 16,166.00
Annual content management and platform fees for statewide public information, staff advocate and volunteer attorney websites	-	\$ 20,625.00
Other Administrative Costs	-	\$ 3,428.66
Total	\$ 59,225.21	\$ 349,047.80

Note: In June 2015, The Florida Bar Foundation awarded a grant to the Florida Justice Technology Center (FJTC) in the amount of \$725,000 (less costs incurred for the current quarter) conditioned on FJTC's receipt of IRS determination of its tax exempt status. This condition was met in August and the contract was signed on December 21, 2015.

The Florida Bar Foundation disbursed the first half of the award less expenses incurred through October 31, 2015 in the amount of \$325,517.46 on December 21, 2015.

The second and final disbursement less expenses incurred from November 1 thru December 31, 2015, will be made in February, 2016.

The Florida Bar Foundation Inc. Statement of Financial Position

December 31, 2015

	Actual
ASSETS	
Current Assets	
Cash and Cash Equivalents	\$3,919,208.26
IOTA Contributions Receivable	\$480,000.00
Other Contributions Receivable	\$14,865.85
Notes Receivable, net of Allowance	\$1,700,423.67
Accounts Receivable	\$1,962.00
Travel Advances	\$0.00
Prepaid Expenses	\$230,029.88
Short Term Investments	\$11,277,673.65
Intermediate Term Investments	\$4,247,781.32
Total Current Assets	\$21,871,944.63
Fixed Assets	
Office Equipment	\$107,611.95
Computer Equipment	\$70,898.67
Furniture and Fixtures	\$130,217.92
Computer Software	\$751,650.11
Leaschold Improvements	\$37,802.00
Accumulated Depreciation	(\$923,406.43)
Total Fixed Assets	\$174,774.22
Other Assets	
Deposits	\$7,714.50
Contributions Receivable	\$9,372.40
Total Other Assets	\$17,086.90
Total ASSETS	\$22,063,805.75

The Florida Bar Foundation Inc. Statement of Financial Position

December 31, 2015

	Actual
LIABILITIES AND NET ASSETS	
LIABILITIES	
Current Liabilities	
Accounts Payable	\$1,016,361.27
Payroll Withholding	\$664.86
Conditional Grants Payable	\$2,254,275.16
Grants Payable	\$7,627,664.00
Accrued Expenses	\$134,768.99
Deferred Revenues	\$1,901,015.35
Other Current Liabilities	\$17,648.20
Due to/Due From	\$0.00
Total Current Liabilities	\$12,952,397.83
Non-Current Liabilities	
Note Payable	\$6,000,000.00
Other Non-Current Liabilities	\$87,960.81
Total Non-Current Liabilities	\$6,087,960.81
	\$19,040,358.64
NET ASSETS	
Temporarily Restricted	
Increase (Decrease) in Net Assets	\$712,808.91
Total Temporarily Restricted	\$712,808.91
Unrestricted	
Increase (Decrease) in Net Assets	\$2,310,638.20
Total Unrestricted	\$2,310,638.20
Total NET ASSETS	\$3,023,447.11
TOTAL LIABILITIES AND NET ASSETS	\$22,063,805.75
 BEGINNING BALANCE WITH CURRENT YEAR ADJUSTMENTS	 \$10,294,002.63
NET SURPLUS/(DEFICIT)	(\$7,270,555.52)
ENDING NET ASSETS	\$3,023,447.11

Task Force on Distribution of IOTA Funds Final Report
Appendix J – Submissions to the Task Force

September 15, 2020

Page J - 230

The Florida Bar Foundation Inc.
Statement of Activities
For the Six Months Ended December 31, 2015

	<u>Unrestricted</u>	<u>Temporarily Restricted</u>	<u>Permanently Restricted</u>	<u>Total</u>
REVENUES, GAINS and OTHER SUPPORT				
IOTA Contributions	\$2,880,491.34	\$0.00	\$0.00	\$2,880,491.34
Other Contributions	\$1,565,940.76	\$42,654.00	\$0.00	\$1,608,594.76
Bar Fee Statement, Check-Off Receipts	\$0.00	\$267,820.36	\$0.00	\$267,820.36
License Plate Campaign Contributions	\$0.00	\$22,300.00	\$0.00	\$22,300.00
CY Pres Awards	\$500,000.00	\$0.00	\$0.00	\$500,000.00
Return of Unspent Grant Funds	\$583.33	\$0.00	\$0.00	\$583.33
Investment Income	\$66,418.91	\$0.00	\$0.00	\$66,418.91
Unrealized/Realized Gains (Losses) on Investments	(\$293,699.09)	\$0.00	\$0.00	(\$293,699.09)
Miscellaneous Income	\$5,000.00	\$0.00	\$0.00	\$5,000.00
Conditional Grants Awarded	(\$2,254,275.16)	\$0.00	\$0.00	(\$2,254,275.16)
Net Assets Released from Restriction	\$25,000.00	(\$25,000.00)	\$0.00	\$0.00
Total REVENUE	<u>\$2,495,460.09</u>	<u>\$307,774.36</u>	<u>\$0.00</u>	<u>\$2,803,234.45</u>
EXPENSES				
Program Expenses - Grants	(\$8,167,079.37)	\$0.00	\$0.00	(\$8,167,079.37)
Program Related Expenses	(\$443,976.60)	\$0.00	\$0.00	(\$443,976.60)
Supporting Services	(\$1,344,894.89)	\$0.00	\$0.00	(\$1,344,894.89)
Fund Raising Expenses	(\$117,839.11)	\$0.00	\$0.00	(\$117,839.11)
Total EXPENSES	<u>(\$10,073,789.97)</u>	<u>\$0.00</u>	<u>\$0.00</u>	<u>(\$10,073,789.97)</u>
BEGINNING NET ASSETS	\$9,888,968.08	\$405,034.55	\$0.00	\$10,294,002.63
NET SURPLUS/(DEFICIT)	(\$7,578,329.88)	\$307,774.36	\$0.00	(\$7,270,555.52)
ENDING NET ASSETS	<u>\$2,310,638.20</u>	<u>\$712,808.91</u>	<u>\$0.00</u>	<u>\$3,023,447.11</u>

Task Force on Distribution of IOTA Funds Final Report
Appendix J – Submissions to the Task Force

September 15, 2020

Page J - 231

The Florida Bar Foundation, Inc.
 Quarterly Report to The Florida Bar on Use of Loan Proceeds
 March 31, 2016

Loan Covenant Numbers	Use of Loan Proceeds	<u>2016</u>
		March 31
E. 11.(a)	First \$1.0 million of the first draw and \$1.0 million of the second draw will be used either directly or indirectly for technology and the implementation of technology that will allow the Florida Bar Foundation and its grantees to improve access to justice primarily by: funding the start-up of an independent statewide non-profit entity with an organizational mission to increase access to justice to Floridians through the use of innovative technology and to train and support legal aid providers and pro bono attorneys in its use.	X
E. 11.(b)	Report on a quarterly basis following the first installment of loan proceeds, regarding policy and implementation of the utilization of technology and providing greater access to justice.	X (A)
E.12.(a)	Keep in force all licenses, permits, and franchises necessary for the proper conduct of business and duly pay and discharge all taxes, assessments, and governmental charges before the date penalties are assessed.	X
E.12.(b)(i)	Provide audit report within 120 days after fiscal year end.	X
E.12.(b)(ii)	Provide quarterly financial statements within 30 days after the close of the quarter certified by the Foundation as accurate.	X Attached
E.12.(b)(iii)	Other information regarding financial condition and operations that may be reasonably requested.	X
E.12.(c)	If requested, statements needed to satisfy security interests.	X
E.12.(d)	Permit TFB to audit or examine any books and records.	X
E.12.(e)	Inform TFB immediately of any material adverse change in the financial condition of the Foundation. Also any litigation or threatened litigation which may substantially affect the financial condition.	X
E.12.(g)	Maintain property and equipment in good repair.	X
E.13.	No additional debt incurred.	X

X Covenant met

(A) See attached Bar Loan Quarterly Report narrative

Submitted By:

Jasmine Lee-Gaumier, Controller

Signature Jasmine Lee-Gaumier 4/27/16

Task Force on Distribution of IOTA Funds Final Report
 Appendix J – Submissions to the Task Force

September 15, 2020

The Florida Bar Foundation, Inc.
 Quarterly Report to The Florida Bar
 Costs Incurred
 March 31, 2016

	Current Quarter 03/31/16	Cumulative Thru 03/31/16
Costs incurred by the Florida Bar Foundation:		
Grant to Florida Justice Technology Center:		
Direct Grant	\$ 291,540.94	\$ 617,058.40
Consultants-costs incurred after grant was awarded in June 2015 and before contract completion in December 2015:		
Jimmy Midyette	\$ -	\$ 5,907.00
Joyce Raby	\$ -	\$ 62,745.04 *
Katrina Miller		\$ 7,874.29
Wilneida Negron	\$ -	\$ 29,507.87
Sub Total Grant to Florida Justice Technology Center	\$ 291,540.94	\$ 723,092.60
Other Costs:		
Consultants (includes consulting fees and travel):		
Joyce Raby	\$ -	\$ 96,894.62
Greacen Associates, LLC	-	\$ 56,408.25
Jimmy Midyette	-	\$ 47,583.67
Cost for statewide technology system support for the interim period January 1, 2015 to February 20, 2015 during transition of responsibility from Florida Legal Services to The Florida Justice Technology Center	-	\$ 16,166.00
Annual content management and platform fees for statewide public information, staff advocate and volunteer attorney websites	-	\$ 20,625.00
Other Administrative Costs	-	\$ 3,428.66
Sub Total Other	\$ -	\$ 241,106.20
Total	\$ 291,540.94	\$ 964,198.80

* Includes a decrease of \$1,907.40 for the quarter ended 12/31/15

Note:

The Foundation expects to spend the remainder of the \$1M from the first draw within its next fiscal year.

The Florida Bar

**Statement of Loan Balance
As of: March 31, 2016
The Florida Bar Foundation, Inc.**

Month	Interest Rate	Interest Accrued (Payment)	Principal Balance	Total Owed
Dec-14	1.720%	\$ 3,958.36	\$ 3,000,000.00	\$3,003,958.36
Jan-15	1.750%	\$ 4,458.90	\$ 3,000,000.00	\$3,008,417.26
Feb-15	1.700%	\$ 3,912.33	\$ 3,000,000.00	\$3,012,329.59
Mar-15	1.470%	\$ 3,745.48	\$ 3,000,000.00	\$3,016,075.07
Apr-15	1.700%	\$ 4,191.78	\$ 3,000,000.00	\$3,020,266.85
May-15	1.530%	\$ 3,898.36	\$ 3,000,000.00	\$3,024,165.21
Jun-15	1.600%	\$ 3,945.21	\$ 3,000,000.00	\$3,028,110.42
Jul-15	1.770%	\$ 4,509.86	\$ 3,000,000.00	\$3,032,620.28
Aug-15	1.820%	\$ 4,637.26	\$ 3,000,000.00	\$3,037,257.54
Sep-15	1.770%	\$ 4,364.38	\$ 3,000,000.00	\$3,041,621.92
Oct-15	1.670%	\$ 4,255.07	\$ 3,000,000.00	\$3,045,876.99
Nov-15	1.590%	\$ 3,920.55	\$ 3,000,000.00	\$3,049,797.54
Dec-15	1.680%	\$ 4,280.55	\$ 3,000,000.00	\$3,054,078.09
12/9-12/31/15	1.680%	\$ 3,313.97	\$ 6,000,000.00	\$3,057,392.06
Check # 35964, dated 11/30/2015		\$ (50,241.38)		\$3,007,150.68
Jan-16	1.81%	\$ 9,223.56	\$ 6,000,000.00	\$6,016,374.24
Feb-16	1.82%	\$ 8,676.16	\$ 6,000,000.00	\$6,025,050.40
Mar-16	1.48%	\$ 7,541.92	\$ 6,000,000.00	\$6,032,592.32

**The Florida Bar Foundation Inc.
Statement of Financial Position**

March 31, 2016

	Actual
ASSETS	
Current Assets	
Cash and Cash Equivalents	\$2,731,419.35
IOTA Contributions Receivable	\$512,000.00
Other Contributions Receivable	\$102,865.85
Notes Receivable, net of Allowance	\$449,966.06
Due From Broker	\$42,643.97
Accounts Receivable	\$167,178.27
Travel Advances	\$0.00
Prepaid Expenses	\$88,380.74
Short Term Investments	\$7,783,993.56
Intermediate Term Investments	\$4,233,384.71
Total Current Assets	\$16,111,832.51
Fixed Assets	
Office Equipment	\$108,114.39
Computer Equipment	\$70,898.67
Furniture and Fixtures	\$130,217.92
Computer Software	\$754,650.11
Leasehold Improvements	\$37,802.00
Accumulated Depreciation	(\$941,394.55)
Total Fixed Assets	\$160,288.54
Other Assets	
Deposits	\$8,463.04
Contributions Receivable	\$8,912.40
Total Other Assets	\$17,375.44
Total ASSETS	\$16,289,496.49

The Florida Bar Foundation Inc.
Statement of Activities
For the Nine Months Ended March 31, 2016

	Unrestricted	Temporarily Restricted	Permanently Restricted	Total
REVENUES, GAINS and OTHER SUPPORT				
IOTA Contributions	\$4,353,060.92	\$0.00	\$0.00	\$4,353,060.92
Other Contributions	\$2,123,422.05	\$126,980.95	\$0.00	\$2,250,403.00
Bar Fee Statement, Check-Off Receipts	\$0.00	\$268,220.36	\$0.00	\$268,220.36
License Plate Campaign Contributions	\$0.00	\$31,225.00	\$0.00	\$31,225.00
Contract Revenues	\$1,895,699.00	\$0.00	\$0.00	\$1,895,699.00
CY Pres Awards	\$500,000.00	\$0.00	\$0.00	\$500,000.00
Return of Unspent Grant Funds	\$78,785.00	\$0.00	\$0.00	\$78,785.00
Investment Income	\$83,439.94	\$0.00	\$0.00	\$83,439.94
Unrealized/Realized Gains (Losses) on Investments	(\$273,016.58)	\$0.00	\$0.00	(\$273,016.58)
Miscellaneous Income	\$22,050.50	\$0.00	\$0.00	\$22,050.50
Conditional Grants Awarded	(\$1,049,379.29)	\$0.00	\$0.00	(\$1,049,379.29)
Net Assets Released from Restriction	\$25,000.00	(\$25,000.00)	\$0.00	\$0.00
Total REVENUE	\$7,759,061.54	\$401,426.31	\$0.00	\$8,160,487.85
EXPENSES				
Program Expenses - Grants	(\$10,558,288.53)	\$0.00	\$0.00	(\$10,558,288.53)
Program Related Expenses	(\$536,839.14)	\$0.00	\$0.00	(\$536,839.14)
Supporting Services	(\$1,961,756.46)	\$0.00	\$0.00	(\$1,961,756.46)
Fund Raising Expenses	(\$173,358.01)	\$0.00	\$0.00	(\$173,358.01)
Total EXPENSES	(\$13,230,242.14)	\$0.00	\$0.00	(\$13,230,242.14)
BEGINNING NET ASSETS	\$9,888,968.08	\$405,034.55	\$0.00	\$10,294,002.63
NET SURPLUS/(DEFICIT)	(\$5,471,180.60)	\$401,426.31	\$0.00	(\$5,069,754.29)
ENDING NET ASSETS	\$4,417,787.48	\$806,460.86	\$0.00	\$5,224,248.34

Task Force on Distribution of IOTA Funds Final Report
Appendix J – Submissions to the Task Force
September 15, 2020
Page J - 236

Florida Justice Technology Center: **April 2016**

Progress Report for January, February, March 2016

FJTC Board

- Board meetings held: March 31 2016. The meeting included a review of organizational documents with John Patterson. The board engaged in a discussion of board development and expansion. The Board approved the creation of 4 new board member positions for a total of a 9 member board. Of those, two seats were filled with new approved members; Renee Thompson and Donny MacKenzie. Renee joins us immediately. Donny will be joining us in July when his term at the Florida Bar Foundation has completed. Additional candidates for the remaining two positions were discussed and further action will be taken at the May meeting. The board also approved the creation of an Audit Committee, Communications Committee, a Fundraising Committee, and a Technical Advisory Committee. Membership for these committees is currently in development.

FJTC Administrative

- January 2016; established bank accounts and deposited first installment AOJ Grant from FBF
- Established payroll and accounting systems
- Created first iteration of FJTC Procedure Manual documenting administrative systems
- Reconciled FJTC expenses against FBF records and in March 2016 deposited second grant installment from FBF
- Issued first financial statements to Board at March meeting
- Submitted Grantee Annual Report to the Florida Bar Foundation on March 29 2016 documenting actual activities and expenses from July 2015 through February 2016 and projected activities and expenses for March through June 2016

Visits, Meetings, and Presentations

Executive Director

- Attended by phone the Jan 21 Florida Bar Standing Committee on Pro Bono Legal Services to discuss the FloridaProBono.org website and quantify/prioritize improvements.
- Attended by phone the Jan 29 Florida Pro Bono Coordinators Association meeting to discuss the FloridaProBono.org website and quantify/prioritize improvements.
- Attended Feb 12 Florida Commission on Access to Civil Justice and presented a status report on the Triage Pilot Project.
- Established and Serving as co-chair of the Triage Working Group of the Self Represented Litigants Network. First call held March 8 2016.
- Invited to serve as co-Chair of the *ODR Platforms as a Marketplace for Legal and Adjudication Services* Working Group at the international Online Dispute Resolution Conference hosted by Hiil Innovating Justice (<http://www.hiil.org/>) a Dutch organization that “helps turn the most promising and disruptive ideas into effective innovations by bringing together the best legal experts, cutting-edge technology, and new types of funding.” The conference is May 23-24, 2016 in The Hague, Holland.

Florida Justice Technology Center: **April 2016** Progress Report for January, February, March 2016

Web/Data Officer

- Created Probono Hours by Circuit Court: Interactive Map (2014-2015) which can be found here: <http://ibmap.cf/promap.html?ckattempt=1>

Triage Pilot Project

- Jan 6 2016 – Triage Pilot Project Kick Off meeting in Jacksonville.
- Secured free participation by Andrew Morral of the Rand Corporation at Kick Off meeting to provide project evaluation insight.
- Drafted Detailed Pilot Project Plan at the request of the project sponsors reporting to the Florida Commission on Access to Civil Justice. Submitted to Commission staff on Feb 1 2016. Attended the Feb 12 meeting to present a status report on the Triage Pilot Project.
- Working with the Evaluation Team developed a qualitative and quantitative evaluation plan for the Triage Pilot Project.

Progress on FloridaLawHelp.org, FLAdvocate.org, FloridaProBono.org.

Attached please find the 2015 Websites Annual Report on the work done by FJTC on the three statewide websites.

On July 1 2015, the Florida Justice Technology Center was given responsibility for the maintenance of the three statewide websites; FloridaLawHelp.org, FIAdvocate.org, and FloridaProbono.org. This report measures the effectiveness and utilization of all three websites since that time. The key purpose of this report is to:

- (1) Evaluate the performance of Florida’s three statewide websites in 2015 to ensure that we’re providing mission-driven, high-quality information and resources;
- (2) Plan for future programmatic innovation; and
- (3) Report accurate and timely information to our supporters in order to keep them informed about Florida’s three statewide websites.

Executive Summary

In 2015, Florida’s three statewide websites, FloridaLawHelp.org, FIAdvocate.org, and FloridaProbono.org were visited by a total of 227,315 unique visitors. This highlights how powerful a medium the Internet has become in terms of connecting users to essential resources with relative ease and low cost. Nevertheless, there is still much work left to be done to ensure that the websites reach a wider spectrum of the statewide community. After reviewing the 2015 usage patterns for the three websites the following key trends were identified:

- Search engines drive website traffic: For example, for FloridaLawHelp, 46.7% of our traffic came from Google, 3.67% came from Bing, and 3.34% came from Yahoo. This means that 54.45% of the total traffic to the site from these three search engines alone.

2015 Key Trends

- Search engines are driving most of the traffic to the websites. 49% of FloridaLawHelp visitors come from Google alone.
- Mobile traffic accounts for nearly half of our FloridaLawHelp visitors (45.5%). iPhones and iPads are the top two devices for FloridaLawHelp and FloridaProbono.org.
- Most used search terms were: eviction, food stamps, and information on free legal aid in Florida.
- Visitors are sharing content from the websites via social media, especially to Facebook.
- As expected, most traffic comes from the most dense population centers. 52.3% of FloridaLawHelp’s and 46.8% of FloridaProbono’s traffic came from the top 10 most populated cities.



- Almost half (45.5%) of FloridaLawHelp’s traffic comes from mobile devices: with the most popular devices being the iPhone and iPad.
- Users shared our website content via social media: Most content being shared through social media is from FloridaLawHelp.org and Facebook is the most popular social media medium website used. In 2015, users shared 352 links from resources on FloridaLawHelp on Facebook.
- In 2015, the most used search terms on FloridaLawHelp were related to eviction, divorce, and legal help: Landlord/Tenant and Family law continue to be the most accessed legal topics in 2015.
- The majority of the traffic to FloridaLawHelp and FloridaProbono come from the most densely populated cities: For example, 52.6% of the traffic to FloridaLawHelp and 46.8% of FloridaProbono’s traffic came from the cities: Orlando, Jacksonville, Tampa, Miami, Tallahassee, and Fort Lauderdale. However, it’s important to note that as far as big cities are concerned, Tampa is under-utilized.

Where do we get our data?

FloridaLawhelp and FloridaProbono rely on a mixture of usage data provided by Probono.Net, which captures data for us using their own system; and Google Analytics which FJTC independently installed and configured to collect usage data on each website. We are unable to install Google Analytics on the FIAdvocate site due to a limitation of the Probono.net template. PBN is investigating ways to integrate Google Analytics for the Advocate sites in the future.

This past fall Google Analytics was installed on the FloridaLawHelp and the FloridaProbono site to better understand the websites traffic. FJTC created several key performance indicators or KPIs which are tied to specific goals we have developed for FloridaLawHelp and FloridaProbono. More detailed information on those KPIs is provided later in this document.

Due to the inability to use Google Analytics on the FIAdvocate site; those KPIs relay more heavily on feedback from our user community; legal aid attorneys, advocates and staff; to measure our progress.

Part I. FloridaLawHelp

FloridaLawHelp.org is a statewide website providing public legal education materials targeted to the general public. For 2015, the website received 168,486 visits (9.01% increase from 2014), and 134,743 unique visitors (7.11% increase from 2014). The national average for all LawHelp-type websites for 2015 was 381,614 visits. Therefore, FloridaLawHelp is below the national average, which is especially surprising given the dense population of Florida.



How did we acquire traffic?

Generally, traffic to websites can come from these four main sources: (1) search engines (also called organic search), (2) referral websites (or websites linking to the site from theirs), (3) direct traffic (traffic from users who get to the site by going directly to:

www.FloridaLawHelp.org), or (4) through social media.

Figure 1 below shows the top sources for FloridaLawHelp in 2015. As shown, half of the traffic (54.45%) came from organic search engines, followed by referral sites (28.85%),

and direct traffic (16.46%) make up the bulk of traffic sources. Finally, although social media only brought in 409 visits (.24%), this is promising considering that FloridaLawHelp does not have a social media strategy.

Top Sources of Traffic to FloridaLawHelp



There are important differences in the quality of the traffic that each of those sources brings. For example, visitors that find FloridaLawHelp through *search engines* have the highest bounce rate (45.10%); this means quickly leave the site after visiting a page. For those users who used

search engines to get to FloridaLawHelp, the most popular search keyword phrases used were related to eviction, how to find legal aid programs, and food stamp information. This means that after inputting keywords and phrases related to these legal topics, users then go on to visit FloridaLawHelp.org and quickly leave the site, not realizing that we have resources in these topics. Therefore, we have to evaluate the quality of the landing pages that users are getting to after perform a search. Below is a list of the top 10 most common keyword phrases people used to search on Google and Bing:

- 1) florida eviction laws
- 2) is there a time limit for food stamps in florida
- 3) legal aid florida
- 4) free legal advice in florida
- 5) eviction process in florida
- 6) eviction laws in florida
- 7) florida eviction process
- 8) florida tenant rights eviction
- 9) florida rural legal services
- 10) florida law help

As shown in the earlier chart, users from *referring sites* have the lowest bounce rate (22.87%). This means that a good strategy for FloridaLawHelp would be to increase the amount of websites that are linking (aka referring) to the site. Figure 2 provides a list of the top 10 referring websites that drove traffic to FloridaLawHelp in 2015. As highlighted, the websites: FloridaBar.org, FloridaProbono.org, and the national LawHelp.org were the top referring websites which drove the most traffic. The conversion rate in that chart also shows the percentage of that traffic of users which converted (i.e. completed a task on FloridaLawHelp such as download or view a resource or access a legal referral, or self-help court form). This chart shows that traffic from legal aid offices such as Clsmf.org and browardlegalaid.org have conversion rate.



Top referring websites driving traffic to FloridaLawHelp
GOAL CONVERSION RATE

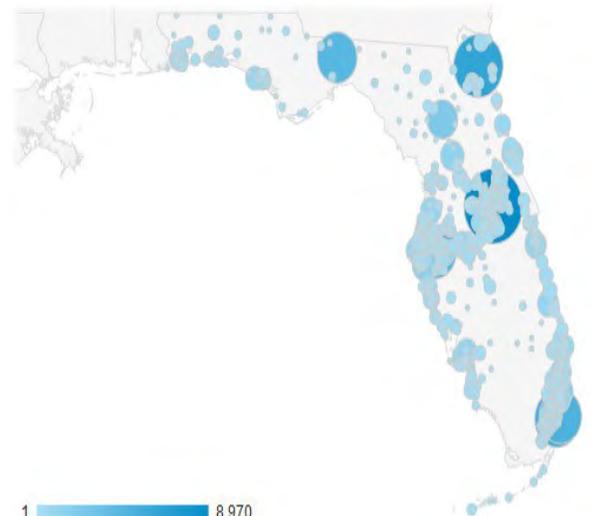
FloridaBar.org	Floridaprobono.org	LawHelp.org	Floridalegal.org	Ficourts.org	Percentage of visits
22.79%	21.80%	18.27%	5.45%	4.46%	
13.50%	19.30%	22.55%	20.27%	19.78%	Conversion Rate
nolo.com	Cismf.org	divorcenet.com	tsnf.org	browardlegalaid.org	Percentage of visits
2.98%	2.58%	1.72%	1.70%	1.53%	
25.88%	61.91%	10.62%	26.46%	44.37%	Conversion Rate

Figure 2

Who are our users and where do they live?

General Demographic

In 2015, users to FloridaLawHelp were mostly women (63.61%) and between the ages of 25-44 (48.5%). The age group which currently makes up the smallest number of users are the 65+ users, which only made up 7.13% of all visits. It’s important to note that this demographic is consistent with national standards in that woman in these age groups also tend to make up the highest percentage of users for other LawHelp sites.



2015 FloridaLawHelp Usage Map

Geography

The distribution of usage among cities in Florida varies widely, with not one city making up the bulk of users. For example, the top three cities which brought in the most traffic were Orlando (7.44%), Jacksonville (5.28%), and Miami (4.59%). However, there is not much variation between them.

Below is a full breakdown of the top 10 Florida cities where most of 2015 traffic came from:

<i>Cities</i>	<i>Percentage of Visits</i>	<i>Total Number of Visits</i>
Orlando	7.44%	8,970
Jacksonville	5.28%	6,365
Miami	4.59%	5,540
Miami Beach	4.00%	4,829
Tampa	3.77%	4,549
Tallahassee	3.50%	4,226
Gainesville	1.88%	2,266
Fort Lauderdale	1.40%	1,691
St. Petersburg	1.37%	1,648
Davie	1.15%	1,387

Notably, for large cities the difference between Miami and Tampa usage is striking. In 2015, Tampa had half of the number of visitors that Miami had. Therefore, we could say that as far as big cities are concerned, Tampa is under-utilized and we should look into ways to build more awareness of the site there.

Time of Day

Finally, 60.7% of visits to FloridaLawHelp in 2015 took place during the day, from 6am until 6pm. This may mean that visitors are looking for help during work hours and perhaps at work.

Mobile Phone

While FloridaLawHelp is designed to be used on a laptop or desktop computer – its interface is not currently responsive to the type of device attempting access. This makes accessing FloridaLawHelp on a mobile phone challenging, and yet, almost half of visits to the site (45.50%) is from mobile phones. Figure 3 provides a breakdown of top 5 mobile devices most used to use FloridaLawHelp:





Figure 3

In 2015, most mobile users were searching for information on: (1) divorce, (2) eviction, and (3) how to find a free lawyer. As a result, the top most visited pages by mobile users were: the legal directory, family law topic, eviction subtopic, and finding legal help pages. This is consistent with the types of resources users most visit via desktop.

How do our users interact with FloridaLawHelp?

Google Analytics helps us to determine the main pathways that users take when they enter the site. This information is especially helpful for identifying underperforming pages in need of enhancement as well as help us identify the pathways that users take which lead to successful outcomes and conversions. Figure 4 below outlines the major pathways that users take when entering the homepage. The main pathway 66.1% of the users took was to select on the Family Law topic and begin searching for legal help. The second most common path that 43.5% of users took was to either begin searching for legal assistance in the legal directory page, or stay in the homepage and start clicking on the various links that are on the homepage. Considering that FloridaLawHelp is built upon the information architecture that requires users to select a legal topic to get to the legal referral information and know your rights resources, this may highlight that our users may be missing out on the variety of content features of the site and/or struggling to figure out how to use the site to get the information they need. Finally, the third most visited pathway that 14.6% of users took was to select the Housing topic. Not surprisingly, when looking at the most viewed resources in 2015, they were either involved family or housing law topics.

Therefore, for users that are able to go through the topic → subtopic pathways, they are eventually able to download know your rights resources that may be helpful in their legal trouble.

Below is a chart of the top 10 most downloaded resources and legal aid programs in 2015, followed by Figure 5, which is a map of the most viewed legal aid referral profiles.



Resource	Views
Form: Temporary Custody by Extended Family Member	26,390
Evictions: What Every Tenant Should Know	6,822
Form: Pro Se Eviction Answer and Related Motions	3,700
Help, I Just Got a 3-Day Notice!	2,685
Florida Supreme Court Approved Family Law Forms	2,646
Form: Dissolution of Marriage With Minor Children Step 1 of 6	2,570
Form: Uncontested Dissolution of Marriage With No Children (Divorce with no kids)	2,443
Child Support	1,976
Form: Uncontested Dissolution of Marriage With Minor Children (Divorce with kids of the marriage)	1,909
What Happens if You Can't Pay You're Rent?	1,826

Organization	Views
Legal Aid Service of Broward County, Inc.	1,909
Northwest Florida Legal Services, Inc. - Main Office	1,810
Florida Rural Legal Services - Fort Pierce Office	1,303
Bay Area Legal Services, Inc. – Tampa	782
Legal Aid Society of Palm Beach County, Inc.	701
Three Rivers Legal Services, Inc. - Gainesville Office	686
Brevard County Legal Aid, Inc. - Brevard	682
Coast to Coast Legal Aid of South Florida, Inc.	682
Florida Rural Legal Services - Fort Myers	643
Community Legal Services of Mid-Florida, Inc. - Orlando Office	632

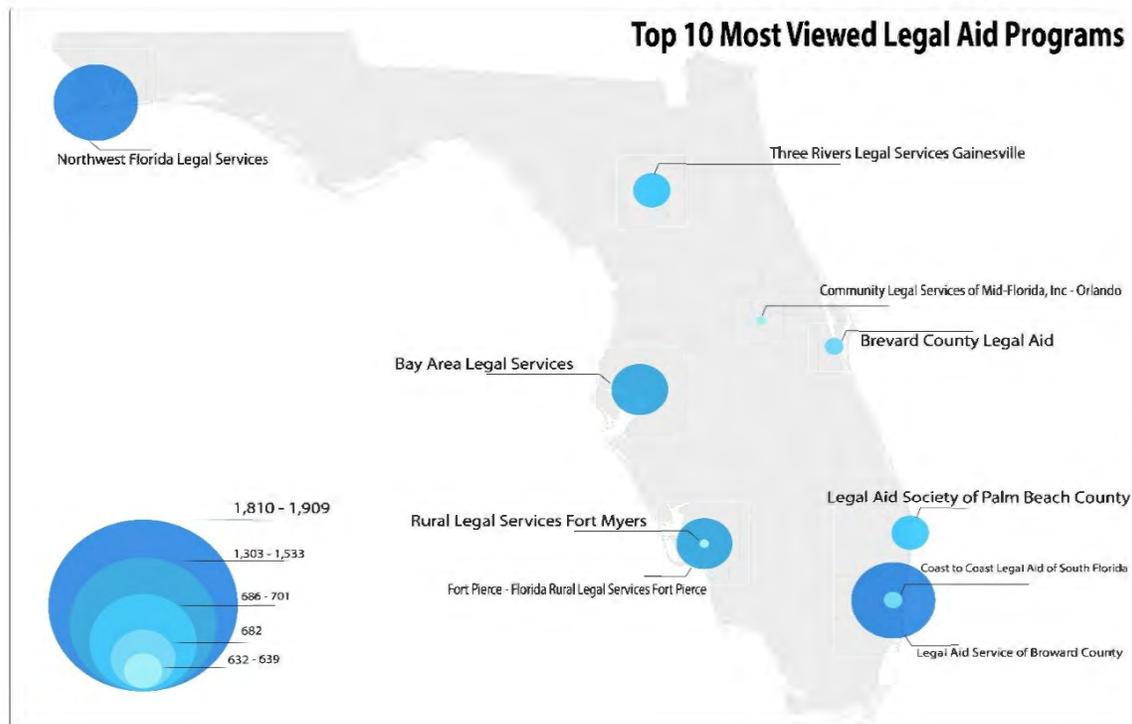


Figure 5

Library Subsites

Through a Legal Services Corporation Technology Initiative Grant (TIG), Three Rivers Legal Services partnered with four local libraries to develop four library subsites:

- <http://alachua.floridalawhelp.org>
- <http://columbia.floridalawhelp.org>
- <http://stjohns.floridalawhelp.org>
- <http://newriver.floridalawhelp.org>

Although we just began collecting analytics on these sites in 2016, based on these monthly figures we can estimate that the library subsites have been viewed between: 1,500-750 times from the time the sites were launched in August until December 2015. Additionally, Three Rivers Legal Services continues to do outreach and marketing for the library subsites, so we can expect these figures to go up in 2016.

Key Performance Indicators for FloridaLawHelp

When looking at website usage data you may ask, “*What makes a metric “useful”?*” At FJTC we find that the simplest way to recognize “useful” (sometimes called “smart”) metrics is to look for the 3 “A’s”:

1. Actionable – Does this metric provide us with the information that can help us tailor our content development strategy or prioritize where and how we do outreach and marketing for the sites?
2. Accessible – Are our metrics plain language and does our community and stakeholders understand the lessons draw from the metrics we discuss?
3. Auditable – How can we design excel-based dashboards so that our stakeholders with access and background info on the data that was used so that they can also evaluate and make their own conclusions?

In October 2015 we implemented several key performance indicators (kpi) for FloridaLawHelp. Each KPI is tied to a specific website objective, with target figures and strategies for achieving those targets. Below is a chart which outlines our key website objectives, key performance indicators (kpis) we are using to measure these objectives, our target goals in terms of these kpis, where we currently measure in these kpis, and the strategies that we will implement to reach our goals.



FloridaLawHelp

KPI INFO



Website Objective:

Increase access to legal aid referrals for low-income Floridians.

Goal
Increase views of legal aid referrals

Target:
5k 15k

Key Performance Indicators
of legal aid referral views
of legal aid referral downloads

Legal Referral Downloads a month Legal Referral Views: per month

Currently: 8,705 views & 2,298 downloads monthly

Strategies

- Increase variety and quality of referral info
- Community outreach
- Promotional materials



Website Objective:

Increase awareness of FloridaLawHelp as a trusted resource for the state.

Goal
More conversions, increase unique visits

Target:
20k 5-7k

Key Performance Indicators
Monthly unique visitors
Traffic sources

Unique visits per month Visits per each traffic channel

Currently: 11,892 unique visits & between 3-4k per traffic source

Strategies

- Community outreach
- Internet marketing
- SEO



Website Objective:

Empower and educate Floridians about their legal rights.

Goal
Increase views and downloads of "Know Your Rights" resources

Target:
20k 12k

Key Performance Indicators
of "Know Your Rights" resources views
of "Know Your Rights" resources downloads

Resource Views monthly Resource Downloads monthly

Currently: 6,728 views & 1,389 downloads monthly



Website Objective:

Increase access and usability of the courts for low income Floridians.

Goal
Increase usage of the self-help court forms

Target:
8k 1k

Key Performance Indicators
of visits to self-help court forms
of completed self-help forms (per usage statistics from LawHelp Interactive).

Resource Visits to self help forms a month Completed forms

Currently: 2,926 views monthly & 37 completed forms monthly

Strategies

- Test usability issues
- Improve landing pages
- Promote through key community partners.

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FLORIDA JUSTICE TECHNOLOGY CENTER
coordination | collaboration | innovation

II. FIAdvocate.org

FIAdvocate.org is Florida’s statewide website meant to serve as an educational and networking resource for legal aid and legal services attorneys, advocates, and staff from around Florida. We were not able to install Google Analytics on these sites, therefore, we have limited usage information which is provided by Probono.net.

In 2015, the website received 25,448 visits (5.8% increase from 2014) and 6,920 unique visitors (8.5% increase from 2014).

The top five legal aid organizations that most used the FIAdvocate sites in 2015 were:

<i>Organization</i>	<i>Views</i>
Florida Legal Services, Inc.	624
Legal Services of North Florida	491
Gulf Coast Legal Services	177
Legal Services of Greater Miami, Inc.	137
Jacksonville Area Legal Aid	116

Who are the members?

There are currently 10 main practice areas in the FIAdvocate site. The membership make-up for the sites are mainly legal aid and pro bono members, followed by government staff. This amounts to a total of 2,747 members as of December 2015. When looking at the total number and types of memberships for all of Probono.net’s advocate sites, one factor is striking. Although, Probono.net currently doesn’t have any national average statistics regarding the membership breakdown of advocate sites, we can see that probono attorneys, law students, and community groups also make up a notable amount of the types of members which use advocate sites. Therefore, a focus on recruiting more partners from various sectors and outside of the legal aid community is a good strategy to drive the growth of these sites.



<i>FIAdvocate Members Breakdown</i>	
<i>By member type</i>	
Pro Bono	399
Civil Legal Aid	1799
Student	67
Other	91
Non-Legal Org/CBO	100
Government	156
Criminal Defender	33
Civil Rights	58
Courts	2
Law School Faculty	42
Total	2,747

<i>All probono.net sites Members Breakdown</i>	
<i>By member type</i>	
Pro Bono	51114
Civil Legal Aid	22357
Student	9071
Other	7202
Non-Legal Org/CBO	4811
Government	4760
Criminal Defender	3580
Civil Rights	3265
Courts	1796
Law School Faculty	1505
Total	101, 348

The last membership roster review for all of the practice areas was conducted by FJTC August 2015. In 2015, the practice areas with the most members were:

1. Training : 410 members
2. Housing: 167 members
3. Public Benefits & Employment: 151 members

In November 2014, FJTC held a webinar and conducted a needs assessment survey with practice area leaders in order to determine priorities for improving the site. The following KPI's have emerged from that effort.

Key Performance Indicators for FIAdvocate

A focus for 2016 is to identify practice leaders who will work with FJTC on review and update of the various resources, content, calendar of events for statewide advocates. The key performance indicators we have identified below will help us measure our progress towards that overarching goal.

FlAdvocate

KPI INFO



Website Objective:

Promote statewide conversation & community among advocates.

Goal
Increase usage and repeat visits to the practice areas.

Key Performance Indicators
Monthly unique visitors
Monthly membership requests/approvals
Monthly repeat visitors
of email interactions for listservs

Current Statistic
Monthly unique visitors
643
Monthly membership requests/approvals
12
Monthly visits
1,244
of email interactions for listservs
76

Target:
2k Monthly unique visitors
50 Monthly membership requests/approvals

5k Monthly visits
200 # of email interactions for listservs per month

Strategies
Establish member policies; identify practice leaders; outreach to legal aid and other advocate communities in courts, social services, law schools, and community groups.



Website Objective:

Cultivate and promote leadership in state-wide poverty law communities/networks.

Goal
Identify 1-2 practice area leaders per practice area which maintain their homepage and practice area content.

Key Performance Indicators
Homepage updates per month
Library and calendar submissions per month
Monthly offline interactions, measured by phone or face to face meetings

Current Statistic
Homepage updates every month
0
Library and calendar submissions a month
0
Offline interactions, measured by phone or face to face meetings
0

Target:
1-3 Homepage updates every month

3-5 library and calendar submissions a month

1-2 Offline interactions, measured by phone or face to face meetings per practice area

Strategies
Outreach and partnership with legal aid programs; facilitate trainings, monthly calls, workgroups, etc.





Website Objective:

Become the go-to site for education and practical resources for advocates.

<p>Goal Increased visits and downloads to library and training page.</p>	<p>Target: 1k Monthly unique visitors</p>
<p>Key Performance Indicators</p> <ul style="list-style-type: none"> · Monthly unique visitors · Increase variety of referral and direct sources · Monthly library and calendar submissions · Monthly library and calendar views · Visits to Training page 	<p>Traffic channels from referral and direct sources: 3-5 referral sites and 50 new visits per each source</p>
<p>Current Statistic</p> <p>Monthly unique visitors 643</p> <p>Traffic channels from referral and direct sources: Same top 5 referring sites & 12 per each source</p> <p>Monthly library and calendar submissions 0</p> <p>Monthly library and calendar views 0</p> <p>Monthly visits to training page 945</p>	<p>50 Monthly library and calendar submissions</p> <p>1k Monthly library and calendar views</p> <p>945 Monthly visits to training page</p>
<p>Strategies Content review and development with practice leaders; pilot case system integration.</p>	



III. FloridaProbono

The goal of the FloridaProbono.org website is to support and facilitate a community of probono in Florida by making it easy for advocates, law students, and other partners to find out about probono opportunities in the state and have the educational resources they need to take on cases. The data that follows is a combination of Google Analytics and usage data from Probono.net.

In 2015, there were 101,092 visits to the site (10.63% increase from 2014). Like the other websites, FloridaProbono does get users which access the site through mobile device. For example, as shown in Figure in 2015 8,234 users accessed FloridaProbono thru a mobile device (either mobile phone or tablet) versus 13,146 users who access the site through a regular desktop computer.¹

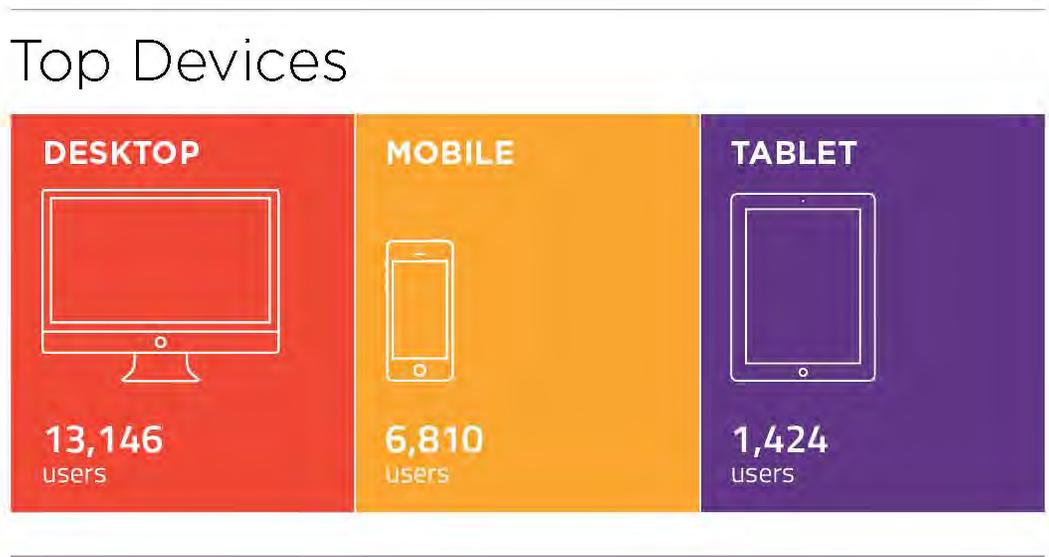


Figure 6

¹Again this is based on Google Analytics usage from September – December 2015.

As show on Figure 7, most of the traffic to FloridaProbono comes from either referral sites (38.04%) or search engines (37.60%). However, like the FloridaLawHelp site, there is a small percentage of traffic that comes from social media (.25%). In 2015, there were 121 pages from the site shared via a social network. The pages most shared on social media were: (1) FloridaProbono.org (shared 65x), (2) FloridaProbono page on Children Dependency training (shared 21x), (3) FloridaProbono.org/Coordinators (shared 18x), (4) FloridaProbono’s Training Calendar (shared 10x), and the (5) FloridaProbono Volunteer Opportunities Guide (shared 8x).

Top Sources of traffic to FloridaProbono



Figure 7

The websites which referred the most traffic to the website were from in-state and out-of-state legal aid programs and websites. Figure 8 shows that the top 5 referring websites were: Floridalegal.org, Floridabar.org, Probono.net, Flayld.org, and FloridaLawHelp.org.

The top five referring websites driving traffic to FloridaProbono.org



Figure 8

Who are our users and what do they do when they go on the site?

As of the end of 2015 membership of the site consisted of mostly pro bono attorneys, followed by civil legal aid staff, and then government.

In the limited usage data we have for the site, we discovered that from September-December 2015, usage came primarily from Jacksonville (886 visits/8.68% of total website traffic), Miami (765 visits/7.49% of total website traffic), or Orlando (755 visits/7.40% of total website traffic) – which highlights a limited geographic scope.

Florida Probono Members Breakdown

2015	
By member type	
Pro Bono	948
Civil Legal Aid	344
Student	118
Other	79
Non-Legal Org/CBO	93
Government	156
Criminal Defender	39
Civil Rights	50
Law School Faculty	21
Total	1848

What do visitors do when they go on the site?

The website had a bounce rate of 51.03% in 2015 which is on average with most websites. However, engagement on the site seems to be limited. Most visitors only view 2.89 pages a visit and spend an average of 1.53 minutes on the website.

Figure 9 highlights the main pathways that users take when they visit the homepage of the website. From this analysis we have found that in visitors' limited time on the website, 51% of the users go to the volunteer resources and 47% of the other users go to the coordinators page. After visiting these two main pages, we have found that users then tend to go either back to the homepage or the page which has the volunteer opportunities guide. Finally, after visiting these pages, most people then get off the site or return back to

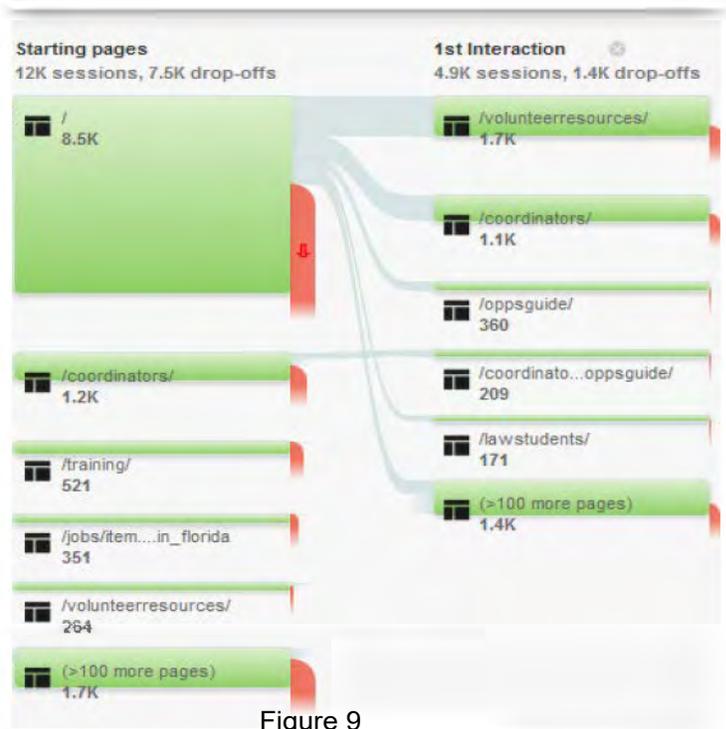


Figure 9

the volunteer resources page. The review of these pathways suggests that users may be interested in looking for volunteer opportunities but struggle to find the information they want.

Although most of the pages that visitors visited in the latter half of 2015 were related to volunteer opportunities, it’s important to note that many of the most common visited pages such as the training page and jobs page also have very high bounce rates (80%). This means that when visitors go to these pages, they are not finding the information useful and therefore, leave the website. Below are the top ten most visited pages, along with their bounce rates. Note that the page which is meant to feature probono opportunities, the last link below, has one of the highest bounce rates, 26.4%.

<i>Webpage</i>	<i>Visitors</i>	<i>Bounce Rate</i>
www.FloridaProbono.org (homepage)	12,016	28.97%
http://www.floridaprobono.org/coordinators/	5,999	37.3%
http://www.floridaprobono.org/fpbca/	4,495	10.84%
http://www.floridaprobono.org/volunteerresources/	3,630	8.75%
http://www.floridaprobono.org/volunteerresources/oppsguide/	973	26.4%

For these top five most visited pages, users spent an average of one minute on those pages. Therefore, there is not a lot of engagement going on with these top visited sections of the site.

Key Performance Indicators for FloridaProbono

Although FloridaProbono.org is currently undergoing a process of review and update, by focusing on the core objectives that this website should serve we are able to identify key performance indicators which will guide our data collection and analysis of website performance for 2016. Below is an overview of what these are.



FloridaProbono

KPI INFO



Website Objective:

Promote pro bono culture and community in Florida.

Goal

Increase visits and usage of the various resources on the site.

Key Performance Indicators

- Monthly unique visitors
- Monthly membership requests/approvals
- Monthly repeat visitors
- Monthly visits to Probono opportunities page
- Probono success stories features

Current Statistic

Monthly unique visitors
3,556

Monthly membership requests/approvals
5

Monthly visits
4,136

of email interactions for listservs
76

Probono success stories features
0

Target:

5k Monthly unique visitors

30 Monthly membership requests/ approvals

10k Monthly visits

200 # of email interactions for listservs per month

2 Monthly Probono success stories features

Strategies

Review and update educational content; create up to date calendar of events; develop content and probono opportunities sharing plans with legal aid community.



Website Objective:

Help connect vulnerable clients with pro bono legal services.

Goal

Implement an efficient case referrals system.

Key Performance Indicators

- Monthly probono opportunities views and downloads
- Monthly submissions of probono opportunities

Current Statistic

Monthly probono opportunities views
823

Monthly submissions of probono opportunities
0

Strategies

Review, update, and promote probono opportunity guide, research case management systems with partners.

Target:

2k Monthly probono opportunities views

20 Monthly submissions of probono opportunities





Website Objective:

Provide pro bono attorneys with the training and mentorship needed to assist low-income clients in unfamiliar practice areas.

Goal

Increased visits and downloads to library and training page.

Key Performance Indicators

- Monthly unique visitors
- Monthly library and calendar views
- Visits to Training page

Current Statistic

Monthly unique visitors
3,556

Monthly library and calendar views
1.5k

Monthly visits to training page
149

Target:

5k

Monthly unique visitors

5k

Monthly library and calendar views

1k

Monthly visits to training page

Strategies

Develop comprehensive calendar of state and national trainings; develop content-sharing plans with legal aid community, outreach to probono community.



The Florida Bar Foundation, Inc.
 Quarterly Report to The Florida Bar on Use of Loan Proceeds
 June 30, 2016

Loan Covenant Numbers	Use of Loan Proceeds	2016
		June 30
E. 11.(a)	First \$1.0 million of the first draw and \$1.0 million of the second draw will be used either directly or indirectly for technology and the implementation of technology that will allow the Florida Bar Foundation and its grantees to improve access to justice primarily by: funding the start-up of an independent statewide non-profit entity with an organizational mission to increase access to justice to Floridians through the use of innovative technology and to train and support legal aid providers and pro bono attorneys in its use.	X
E. 11.(b)	Report on a quarterly basis following the first installment of loan proceeds, regarding policy and implementation of the utilization of technology and providing greater access to justice.	X (A)
E.12.(a)	Keep in force all licenses, permits, and franchises necessary for the proper conduct of business and duly pay and discharge all taxes, assessments, and governmental charges before the date penalties are assessed.	X
E.12.(b)(i)	Provide audit report within 120 days after fiscal year end.	X
E.12.(b)(ii)	Provide quarterly financial statements within 30 days after the close of the quarter certified by the Foundation as accurate.	X Attached
E.12.(b)(iii)	Other information regarding financial condition and operations that may be reasonably requested.	X
E.12.(c)	If requested, statements needed to satisfy security interests.	X
E.12.(d)	Permit TFB to audit or examine any books and records.	X
E.12.(e)	Inform TFB immediately of any material adverse change in the financial condition of the Foundation. Also any litigation or threatened litigation which may substantially affect the financial condition.	X
E.12.(g)	Maintain property and equipment in good repair.	X
E.13.	No additional debt incurred.	X

X Covenant met
 (A) See attached Bar Loan Quarterly Report narrative

Submitted By:
 Jasmine Lee-Gaumier, Controller

Signature Jasmine Lee-Gaumier 7/29/16

Task Force on Distribution of IOTA Funds Final Report
 Appendix J – Submissions to the Task Force
 September 15, 2020

The Florida Bar Foundation, Inc.
 Quarterly Report to The Florida Bar
 Costs Incurred
 June 30, 2016

	Current Quarter 06/30/16	Cumulative Thru 06/30/16
Costs incurred by the Florida Bar Foundation:		
Grant to Florida Justice Technology Center:		
Direct Grant	\$ 327,000.00	\$ 944,058.40
Consultants-costs incurred after grant was awarded in June 2015 and before contract completion in December 2015:		
Jimmy Midyette	\$ -	\$ 5,907.00
Joyce Raby	\$ -	\$ 62,745.04
Katrina Miller		\$ 7,874.29
Wilneida Negron	\$ -	\$ 29,507.87
Sub Total Grant to Florida Justice Technology Center	\$ 327,000.00	\$ 1,050,092.60
Other Costs:		
Consultants (includes consulting fees and travel):		
Joyce Raby	\$ -	\$ 96,894.62
Greacen Associates, LLC	-	\$ 56,408.25
Jimmy Midyette	-	\$ 47,583.67
Cost for statewide technology system support for the interim period January 1, 2015 to February 20, 2015 during transition of responsibility from Florida Legal Services to The Florida Justice Technology Center	-	\$ 16,166.00
Annual content management and platform fees for statewide public information, staff advocate and volunteer attorney websites	-	\$ 20,625.00
Other Administrative Costs	-	\$ 3,428.66
Sub Total Other	\$ -	\$ 241,106.20
Total	\$ 327,000.00	\$ 1,291,198.80

The Florida Bar

**Statement of Loan Balance
As of: June 30, 2016
The Florida Bar Foundation, Inc.**

Month	Interest Rate	Interest Accrued (Payment)	Principal Balance	Total Owed
Dec-14	1.720%	\$ 3,958.36	\$ 3,000,000.00	\$3,003,958.36
Jan-15	1.750%	\$ 4,458.90	\$ 3,000,000.00	\$3,008,417.26
Feb-15	1.700%	\$ 3,912.33	\$ 3,000,000.00	\$3,012,329.59
Mar-15	1.470%	\$ 3,745.48	\$ 3,000,000.00	\$3,016,075.07
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Jul-15	1.770%	\$ 4,509.86	\$ 3,000,000.00	\$3,032,620.28
Aug-15	1.820%	\$ 4,637.26	\$ 3,000,000.00	\$3,037,257.54
Sep-15	1.770%	\$ 4,364.38	\$ 3,000,000.00	\$3,041,621.92
Oct-15	1.670%	\$ 4,255.07	\$ 3,000,000.00	\$3,045,876.99
Nov-15	1.590%	\$ 3,920.55	\$ 3,000,000.00	\$3,049,797.54
Dec-15	1.680%	\$ 4,280.55	\$ 3,000,000.00	\$3,054,078.09
12/9-12/31/15	1.680%	\$ 3,313.97	\$ 6,000,000.00	\$3,057,392.06
Check # 35964, dated 11/30/2015		\$ (50,241.38)		\$3,007,150.68
Jan-16	1.81%	\$ 9,223.56	\$ 6,000,000.00	\$6,016,374.24
Feb-16	1.82%	\$ 8,676.16	\$ 6,000,000.00	\$6,025,050.40
Mar-16	1.48%	\$ 7,541.92	\$ 6,000,000.00	\$6,032,592.32
Apr-16	1.45%	\$ 7,150.68	\$ 6,000,000.00	\$6,039,743.00
May-16	1.43%	\$ 7,287.12	\$ 6,000,000.00	\$6,047,030.12
Jun-16	1.41%	\$ 6,953.42	\$ 6,000,000.00	\$6,053,983.54

Task Force on Distribution of IOTA Funds Final Report
Appendix J – Submissions to the Task Force

**The Florida Bar Foundation Inc.
Statement of Financial Position**

June 30, 2016

	Actual
ASSETS	
Current Assets	
Cash and Cash Equivalents	\$2,788,677.48
IOTA Contributions Receivable	\$468,000.00
Other Contributions Receivable	\$22,520.85
Notes Receivable, net of Allowance	\$443,377.09
Accounts Receivable	\$15,019.40
Travel Advances	\$0.00
Pledges Receivable	\$400.00
Prepaid Expenses	\$139,607.45
Short Term Investments	\$7,788,002.47
Intermediate Term Investments	\$27,458,480.37
Total Current Assets	\$39,124,085.11
Fixed Assets	
Office Equipment	\$126,310.05
Computer Equipment	\$70,898.67
Furniture and Fixtures	\$130,217.92
Computer Software	\$774,050.11
Leasehold Improvements	\$37,802.00
Accumulated Depreciation	(\$960,400.48)
Total Fixed Assets	\$178,878.27
Other Assets	
Deposits	\$7,714.50
Contributions Receivable	\$11,057.40
Total Other Assets	\$18,771.90
Total ASSETS	\$39,321,735.28

The Florida Bar Foundation Inc.
Statement of Financial Position
June 30, 2016

	Actual
LIABILITIES AND NET ASSETS	
LIABILITIES	
Current Liabilities	
Accounts Payable	\$127,190.33
Payroll Withholding	(\$571.93)
Conditional Grants Payable	\$1,040,629.29
Grants Payable	\$2,236,481.00
Accrued Expenses	\$203,413.81
Deferred Revenues	\$23,553,474.51
Other Current Liabilities	\$22,139.44
Due to/Due From	\$0.00
Total Current Liabilities	\$27,182,756.45
Non-Current Liabilities	
Note Payable	\$6,000,000.00
Other Non-Current Liabilities	\$90,969.60
Total Non-Current Liabilities	\$6,090,969.60
	\$33,273,726.05
NET ASSETS	
Temporarily Restricted	
Increase (Decrease) in Net Assets	\$843,128.51
Total Temporarily Restricted	\$843,128.51
Unrestricted	
Increase (Decrease) in Net Assets	\$5,204,880.72
Total Unrestricted	\$5,204,880.72
Total NET ASSETS	\$6,048,009.23
TOTAL LIABILITIES AND NET ASSETS	\$39,321,735.28
 BEGINNING BALANCE WITH CURRENT YEAR ADJUSTMENTS	 \$10,294,002.63
 NET SURPLUS/(DEFICIT)	 (\$4,245,993.40)
 ENDING NET ASSETS	 \$6,048,009.23

The Florida Bar Foundation Inc.
Statement of Activities
For the Year Ended June 30, 2016

	<u>Unrestricted</u>	<u>Temporarily Restricted</u>	<u>Permanently Restricted</u>	<u>Total</u>
REVENUES, GAINS and OTHER SUPPORT				
IOTA Contributions	\$5,786,723.04	\$0.00	\$0.00	\$5,786,723.04
Other Contributions	\$2,164,897.00	\$156,469.95	\$0.00	\$2,321,366.95
Bar Fee Statement, Check-Off Receipts	\$0.00	\$268,220.36	\$0.00	\$268,220.36
License Plate Campaign Contributions	\$0.00	\$38,403.65	\$0.00	\$38,403.65
Contract Revenues	\$1,895,699.00	\$0.00	\$0.00	\$1,895,699.00
CY Pres Awards	\$500,000.00	\$0.00	\$0.00	\$500,000.00
Return of Unspent Grant Funds	\$577,596.00	\$0.00	\$0.00	\$577,596.00
Investment Income	\$119,199.03	\$0.00	\$0.00	\$119,199.03
Unrealized/Realized Gains (Losses) on Investments	(\$167,836.66)	\$0.00	\$0.00	(\$167,836.66)
Miscellaneous Income	\$43,066.34	\$0.00	\$0.00	\$43,066.34
Conditional Grants Awarded	(\$1,040,629.29)	\$0.00	\$0.00	(\$1,040,629.29)
Net Assets Released from Restriction	\$25,000.00	(\$25,000.00)	\$0.00	\$0.00
Total REVENUE	<u>\$9,903,714.46</u>	<u>\$438,093.96</u>	<u>\$0.00</u>	<u>\$10,341,808.42</u>
EXPENSES				
Program Expenses - Grants	(\$10,895,076.55)	\$0.00	\$0.00	(\$10,895,076.55)
Program Related Expenses	(\$705,201.38)	\$0.00	\$0.00	(\$705,201.38)
Supporting Services	(\$2,729,589.89)	\$0.00	\$0.00	(\$2,729,589.89)
Fund Raising Expenses	(\$257,934.00)	\$0.00	\$0.00	(\$257,934.00)
Total EXPENSES	<u>(\$14,587,801.82)</u>	<u>\$0.00</u>	<u>\$0.00</u>	<u>(\$14,587,801.82)</u>
BEGINNING NET ASSETS	\$9,888,968.08	\$405,034.55	\$0.00	\$10,294,002.63
NET SURPLUS/(DEFICIT)	(\$4,684,087.36)	\$438,093.96	\$0.00	(\$4,245,993.40)
ENDING NET ASSETS	<u>\$5,204,880.72</u>	<u>\$843,128.51</u>	<u>\$0.00</u>	<u>\$6,048,009.23</u>

Task Force on Distribution of IOTA Funds Final Report
Appendix J – Submissions to the Task Force
September 15, 2020
Page J - 265

Florida Justice Technology Center: July 2016 Progress Report for April, May, June 2016

FJTC Board

- Board meetings held: May 10 to review draft of FBF grant application, consider expansion of board to include additional members, and discuss board committee structure. June 30 meeting held to review grant award from FBF, review next fiscal year's budget, and finalize/approve bylaws and document retention policies. Scheduled meetings for the rest of the fiscal year are as follows: August 11, November 14, February 16.
- Board has expanded to include two additional members; Renee Thompson and Donny MacKenzie. The board completed their bylaw review and established in the bylaws an audit committee, a communications committee and a fundraising committee. Membership recruitment for committee positions will continue through the rest of 2016.

FJTC Administrative

- Recruited four (4) interns to assist with resource directory vetting and updates.
- Began development of Project Analysis Tool which articulates a cost benefit analysis to assist with programmatic decision making.
- Began process of identifying an auditor (soliciting bids) and preparing for first audit in July/August timeframe.
- Participated in June 15 PDA meeting and volunteered for PDA technology committee.
- Completed and submitted and was awarded FBF grant application for 9-month period from July 1, 2016 through March 31, 2017. FJTC will submit then another grant in March 2017 to get in sync with the FBF standard AOJ funding cycle.
- Submitted and was awarded a grant from Florida Children's Justice Act to partner with Florida Children's First to support their online case management tool and host a contract attorney with expertise in children's law. This project will commence in July/August 2016.

Visits, Meetings, and Presentations

Executive Director

- Triage Working Group on SRLN calls hosted on April 9, 2016 and June 14, 2016. May call was replaced by in person attendance at SRLN EJC preconference.
- Wrote and published article entitled "*Lessons Learned (so far) from Establishing a Nonprofit Technology Center: The Florida Experience*" in the Spring 2016 edition of the *ABA Dialogue*.
- Attended international ODR conference at The Hague, Netherlands. Facilitated working group on *Triage as Marketplace and Platform*. Outcomes to be incorporated into forthcoming ODR Trend Report to be issued by Hiil.org.
- Invited to present a 1.5 hour presentation on *Innovative Technology Projects Happening around the Globe* at Southeast Project Directors Association (SEPDA) conference in St. Petersburg, FL July 31-Aug 3 2016.

Web/Data Officer

- Created Probono Hours by Circuit Court: Interactive Map (2014-2015) which can be found at <http://ibmap.cf/promap.html?ckattempt=1>

Florida Justice Technology Center: July 2016 Progress Report for April, May, June 2016

Website Admin

- **Reports and Analysis:**
 - Wrote two analysis studies for the statewide advocate community and triage pilot project.
 - Created and launched to four data-driven projects and visualizations to support the statewide advocate community.
- **Presentations and Raising the Reputation of FJTC:**
 - Conducted trainings for the national civil justice community.
 - Presented at two (2) civil legal aid related conferences and one (1) for the general social justice community.
 - Served as an advisor in monthly meetings for the LHI Mobile Advisory Board.
- **Website Administration:**
 - Designed three (3) “Know Your Rights” infographic resources for FloridaLawHelp.
 - Designed FloridaLawHelp logo and images for Youtube page.
 - Supervised four (4) law student interns to build statewide legal aid referral directory.
 - Design custom interactive enhancements for FLAdvocate and FJTC sites.
 - Created 3 project planning tools to assist in the administration of FloridaProbono.

Triage Pilot Project

- Design team meetings hosted every other Tuesday in April, May, and June.
- June 10 meeting with Cindy Southworth to discuss implications of triage for victims of domestic violence and brainstorm initial interview questions and flow.
- June 28 vendor meeting where draft of interview and logic trees handed in to begin mockup process. Initial mockup of system expected to be completed by July 25.
- Contracts with PBN and NLI currently under negotiation.
- Negotiated MOU with Florida Bar Foundation as fiscal agent; pending approval by FBF.
- FloridaLawHelp undergoing update/upgrade of document assembly products as resources for triage.
- Participated in June 14 call with DIY online forms project staff to inventory and identify online resources for the triage pilot.
- July 7 present monthly status report to stakeholder meeting convened by Frank Digon-Greer of The Florida Bar.

FloridaProBono.org

- Spring cleaning of all previous News and Calendar content on Floridaprobono, including populating the site with updated pro bono news and CLE training opportunities.
- Developed partnerships with PLI and the ABA to make available on FloridaProbono new CLE offerings online as well as highlighting local Florida trainings.
- Work in collaboration with Erica Garcia, Director of Pro Bono Partnerships at the Florida Bar Foundation to initiate process of updating state-wide events and lists of state-wide legal aid organizations.
- Attended Equal Justice Conference in Chicago to learn about best practices for aggregation of statewide legal resources, promotion of pro bono, and use of technology to enhance pro bono representation.
- Reviewed and began thorough update and re-organization of materials in legal resource library on Floridaprobono.

Florida Justice Technology Center: July 2016 Progress Report for April, May, June 2016

- Attended Florida Annual Bar Convention and educate members of various Florida Bar Sections and Pro Bono committees on FJTC mission and projects.
- Worked with FJTC staff to create and implement social media strategy. Create Hootsuite account for FJTC to centralize Social Media message for FJTC, linking new LinkedIn, Facebook, and Twitter accounts.
- Advertised and reviewed applications for intern position at FJTC, to work on updating the Pro Bono Opportunities Guide, listing Legal Aid organizations in Florida and most efficient ways for potential pro bono attorneys to identify and select statewide pro bono opportunities.

FloridaAdvocate.org

- Identified and recruited seven (7) new practice area leaders for FLAdvocate.
- Began development of three (3) new practice areas for FLAdvocate.
- Repaired, deleted, proposed, and added links and announcements.
- Created FLAdvocate YouTube channel for posting video content to website.
- Established social media policy and posted content to social media.
- Updated membership policies for majority of practice areas.
- Worked with new Family Law practice area leader to cull outdated membership roster for website and listserv in alignment with new membership policy.
- Attended two (2) statewide conferences for legal aid advocates organized by Florida Legal Services.
- Attended one (1) outreach event at the FSU College of Law.
- Attended various meetings including four (4) in-person meetings with practice leaders; met with some attendees of the FJTC in Tallahassee and discussed FJTC work; met with representative from CHAIN who is an MLP expert and now member of the MLP practice area; and attended Big Bend Coalition Against Human Trafficking meeting to discuss need for new practice area to support work of advocates working to end human trafficking in Florida.

FloridaLawHelp.org

- Posted the legal topics of the month for April-June.
- Add 66 new pieces of content, 26 resources were created by FJTC, 40 were links to other government or non-profit resources, 18 of these resources are videos.
- Published foreclosure miniportal: <http://floridalawhelp.org/foreclosure>
- Updated site graphics, homepage, logos, banners on social media including creation of YouTube channel and playlist.
- Working with Document Assembly team to update current online forms. We are also communicating with the Florida Clerks about DIY forms on e-filing portal.
- Attended five (5) Clay County Triage Pilot design team meetings and one (1) LawHelp community webinar.
- Completed administrative cleanup of 109 resources to fix dead links, redirected links and link without proper categories and finished update and review of foreign language materials.
- FloridaLawHelp now recognizes a user on a smartphone/tablet and adapts the website for the user instead of showing the entire homepage. Tested for errors on top landing pages after this change to a mobile responsive website.
- Made additions to resources and groups based on the Resource Directory created by the ATJC Continuum Subcommittee.

The Florida Bar Foundation, Inc.
 Quarterly Report to The Florida Bar on Use of Loan Proceeds
 September 30, 2016

Loan
 Covenant
 Numbers

Use of Loan Proceeds

2016
 September 30

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E. 11.(b)	Report on a quarterly basis following the first installment of loan proceeds, regarding policy and implementation of the utilization of technology and providing greater access to justice.	X (A)
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E.12.(b)(i)	Provide audit report within 120 days after fiscal year end.	X (B)
E.12.(b)(ii)	Provide quarterly financial statements within 30 days after the close of the quarter certified by the Foundation as accurate.	X Attached
E.12.(b)(iii)	Other information regarding financial condition and operations that may be reasonably requested.	X
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E.12.(d)	Permit TFB to audit or examine any books and records.	X
E.12.(e)	Inform TFB immediately of any material adverse change in the financial condition of the Foundation. Also any litigation or threatened litigation which may substantially affect the financial condition.	X
E.12.(g)	Maintain property and equipment in good repair.	X
E.13.	No additional debt incurred.	X

X Covenant met

(A) See attached Bar Loan Quarterly Report narrative

(B) The foundation will approve the June 30, 2016 audit report on December 2, 2016

Submitted By:

Jasmine Lee-Gaumier, Controller

Signature

Jasmine Lee-Gaumier 10/25/16

Task Force on Distribution of IOTA Funds Final Report
 Appendix J – Submissions to the Task Force

September 15, 2020

The Florida Bar Foundation, Inc.
 Quarterly Report to The Florida Bar
 Costs Incurred
 September 30, 2016

	Current Quarter 09/30/16	Cumulative Thru 09/30/16
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Sub Total Other	\$ -	\$ 241,106.20
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The Florida Bar

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Jun-16	1.41%	\$ 6,953.42	\$ 6,000,000.00	\$6,053,983.54
Jul-16	1.43%	\$ 7,287.12	\$ 6,000,000.00	\$6,061,270.66
Aug-16	1.18%	\$ 6,013.15	\$ 6,000,000.00	\$6,067,283.81
Sep-16	1.22%	\$ 6,016.44	\$ 6,000,000.00	\$6,073,300.25

Task Force on Distribution of IOTA Funds Final Report
Appendix J – Submissions to the Task Force

The Florida Bar Foundation Inc. Statement of Financial Position

September 30, 2016

	Actual
ASSETS	
Current Assets	
Cash and Cash Equivalents	\$2,321,102.13
IOTA Contributions Receivable	\$473,000.00
Other Contributions Receivable	\$14,310.59
Notes Receivable, net of Allowance	\$840,778.32
Accounts Receivable	\$4,415.50
Travel Advances	\$0.00
Pledges Receivable	\$400.00
Prepaid Expenses	\$164,727.03
Short Term Investments	\$6,791,183.89
Intermediate Term Investments	\$27,625,410.78
Total Current Assets	\$38,235,328.24
Fixed Assets	
Office Equipment	\$126,310.05
Computer Equipment	\$73,098.37
Furniture and Fixtures	\$130,217.92
Computer Software	\$774,850.11
Leasehold Improvements	\$37,802.00
Accumulated Depreciation	(\$979,908.04)
Total Fixed Assets	\$162,370.41
Other Assets	
Deposits	\$7,714.50
Contributions Receivable	\$7,628.66
Total Other Assets	\$15,343.16
Total ASSETS	\$38,413,041.81

**The Florida Bar Foundation Inc.
Statement of Financial Position**

September 30, 2016

	Actual
LIABILITIES AND NET ASSETS	
LIABILITIES	
Current Liabilities	
Accounts Payable	\$190,279.32
Payroll Withholding	(\$658.17)
Conditional Grants Payable	\$890,966.56
Grants Payable	\$163,500.00
Accrued Expenses	\$255,014.38
Deferred Revenues	\$23,490,745.65
Other Current Liabilities	\$23,687.40
Due to/Due From	(\$533.00)
Total Current Liabilities	\$25,013,002.14
Non-Current Liabilities	
Note Payable	\$6,000,000.00
Other Non-Current Liabilities	\$84,856.23
Total Non-Current Liabilities	\$6,084,856.23
	\$31,097,858.37
NET ASSETS	
Temporarily Restricted	
Increase (Decrease) in Net Assets	\$792,192.65
Total Temporarily Restricted	\$792,192.65
Unrestricted	
Increase (Decrease) in Net Assets	\$6,522,990.79
Total Unrestricted	\$6,522,990.79
Total NET ASSETS	\$7,315,183.44
TOTAL LIABILITIES AND NET ASSETS	\$38,413,041.81
 BEGINNING BALANCE WITH CURRENT YEAR ADJUSTMENTS	 \$7,101,248.22
 NET SURPLUS/(DEFICIT)	 \$213,935.22
 ENDING NET ASSETS	 \$7,315,183.44

Task Force on Distribution of IOTA Funds Final Report
Appendix J – Submissions to the Task Force

September 15, 2020
Page J - 273

The Florida Bar Foundation Inc.
Statement of Activities
For the Three Months Ended September 30, 2016

	Unrestricted	Temporarily Restricted	Permanently Restricted	Total
REVENUES, GAINS and OTHER SUPPORT				
IOTA Contributions	\$1,485,933.48	\$0.00	\$0.00	\$1,485,933.48
Other Contributions	\$20,364.00	\$38,799.00	\$0.00	\$59,163.00
Bar Fee Statement, Check-Off Receipts	\$4,155.00	\$301,616.69	\$0.00	\$305,771.69
License Plate Campaign Contributions	\$0.00	\$13,525.00	\$0.00	\$13,525.00
Contract Revenues	\$51,344.20	\$0.00	\$0.00	\$51,344.20
Investment Income	\$16,405.78	\$0.00	\$0.00	\$16,405.78
Unrealized/Realized Gains (Losses) on Investments	\$156,275.33	\$0.00	\$0.00	\$156,275.33
Conditional Grants Awarded	(\$890,966.56)	\$0.00	\$0.00	(\$890,966.56)
Net Assets Released from Restriction	\$12,500.00	(\$12,500.00)	\$0.00	\$0.00
Total REVENUE	\$856,011.23	\$341,440.69	\$0.00	\$1,197,451.92
EXPENSES				
Program Expenses - Grants	(\$64,750.00)	\$0.00	\$0.00	(\$64,750.00)
Program Related Expenses	(\$268,869.31)	\$0.00	\$0.00	(\$268,869.31)
Supporting Services	(\$587,968.68)	\$0.00	\$0.00	(\$587,968.68)
Fund Raising Expenses	(\$61,928.71)	\$0.00	\$0.00	(\$61,928.71)
Total EXPENSES	(\$983,516.70)	\$0.00	\$0.00	(\$983,516.70)
BEGINNING NET ASSETS	\$6,650,496.26	\$450,751.96	\$0.00	\$7,101,248.22
NET SURPLUS/(DEFICIT)	(\$127,505.47)	\$341,440.69	\$0.00	\$213,935.22
ENDING NET ASSETS	\$6,522,990.79	\$792,192.65	\$0.00	\$7,315,183.44

Florida Justice Technology Center: | Oct 2016

Progress Report for July, August, Sept 2016

FJTC Board

- Board meetings held: FJTC held our annual meeting on August 11 2016. The annual meeting includes a budget review and audit committee creation and preparation for our first audit, Conflict of Interest Certifications, discussion of upcoming strategic planning event, triage launch date and celebration, and recent grant award.
- Strategic Planning – FJTC Board Chair Kathy McLeroy has secured some additional funding from the Florida Bar Foundation to engage in strategic planning for FJTC. A strategic planning session is planned in conjunction with the October Florida Bar meetings (and triage launch celebration) for Oct 19 2016.
- Marketing/Branding/Fundraising – Renee Thompson, FJTC Board Member, has agreed to work with FJTC management to identify and retain marketing/branding assistance with an eye toward the development of a long range fundraising plan. Initial research into available resources, as well as how this effort can work in tandem with our strategic planning efforts, are currently underway.

FJTC Administrative

- The second Florida Bar Foundation grant application has been submitted and awarded. The total grant award (\$327,000) is based on a 9-month “year” which will require the next grant application to be completed in March of 2017. The Florida Bar Foundation has requested this change to align FJTC funding with other Administration of Justice grantees.
- The Florida Bar Foundation has also revised FJTC’s programmatic funding to eliminate all funding related to content generation and user management of the FloridaProbono.org website. Our contractor responsible for the FloridaProbono.org site was hired by the Florida Bar Foundation as that function and capacity was moved in house.
- FJTC successfully completed and passed our first audit. FJTC Audit Committee review of the audit (and submission to the Board for formal approval) is scheduled for early October.
- FJTC is currently pulling together our second annual report to the Florida Bar Foundation as required by our grant. We have also drafted our second annual evaluation and statistical analysis of traffic and user activity on the three statewide websites (FloridaLawHelp.org, FLAdvocate.org, FloridaProbono.org). The website analysis will be included as part of the annual report to the Florida Bar Foundation.

Visits, Meetings, and Presentations

Executive Director

- July 31-August 3 2016 – attended the Southeast Project Directors Association conference in St. Petersburg, Florida and presented a session on online triage and intake projects happening around the country and in Florida.
- August 4-5 2016 – in Clay County, Florida to engage in end user and triage evaluation plan testing.
- Sept 27 2016 – in Clay County, Florida to present the Triage Beta version to Clay County judges.
- Sept 28-29 2016 – in Clay County, Florida to present Triage Beta version to Clay County Clerk staff and engage in end user and triage evaluation plan testing.

Florida Justice Technology Center: | Oct 2016

Progress Report for July, August, Sept 2016

Visits, Meetings, and Presentations

FJTC Staff

Wilneida Negron

- July 13, 2016 - Organized and presented a webinar for the national legal aid community to demo a Beeline Reader tool which increases readability and usability of statewide legal information websites. We continue to work with Probono.net and Beeline reader on how to implement this tool into the LawHelp template which FJTC uses.

Alison DeBelder

July

- Conferred with PLI: non-profit members of our sites with >5 members may access training at no cost. Distributed information to practice area leaders and members who had expressed interest. An example response from one member: "Thank you so very much for the information. This will be an enormous benefit for our staff [...] Thanks again!"
- Organized, advertised, and attended training by Probono.net for all Practice Area Leaders

August

- Held call with Florida Legal Services (FLS) to organize MLP-Health statewide conference
- Attended Florida Courts Technology Commission Meeting (including subcommittee meetings) on behalf of FJTC in West Palm Beach.

September

- Arranged with Public Defender's Office in Green Cove Springs use of their office space in the courthouse for end-user testing.
- In-person end-user testing in Green Cove Springs, Clay County of FLAG triage system.
- Attended statewide Children's Law Conference in Tampa. Address attendees regarding FLAdvocate.org, distribute brochures and phone stands.

Status Updates Report by Project

Triage Pilot Project

- Alpha version of the triage product was released on July 28. The Alpha version of the system included all functionality within triage but no connections to partner systems. The Alpha version has been reviewed by the design team, the FJTC board, the Clay County Clerk's office, the project sponsors, FJTC staff, a small group of end users, and others for updates and improvements. The Beta version was released -on schedule- on September 26 2016. The Beta version will include fully automated links to partner systems. The Beta version will be reviewed by a similar set of stakeholders as the Alpha version with the key addition of the all judges in Clay County.
- Aug 4 and 5, FJTC engaged in a testing process of the evaluation plan to ensure sufficient data capture can occur during the testing period. Based on these results additional testing is scheduled for Sept 28-29. This testing process also captures qualitative data from end users

Florida Justice Technology Center: | Oct 2016

Progress Report for July, August, Sept 2016

that more fully informs the quantitative baseline data from the Clay County case management/maintenance system already identified and analyzed.

- As per the instructions from the Florida Commission on Access to Civil Justice, FJTC has presented Triage Project Monthly Status Reports to our community stakeholders in the months of August and September.

FloridaProBono.org

- Staffing and content generation was moved from FJTC to the Florida Bar Foundation as of July 1 2016.

FloridaAdvocate.org

- FLAdvocate's Consumer, Health, and Housing practice areas are undergoing comprehensive reviews and restructuring focused on removing or archiving outdated materials and adding the most useful resources in an intuitive easy-to-use structure. A new practice area for advocates working with Veterans has been completed and is being populated with resources by an expert panel of volunteers. The Medical-Legal Partnership practice area (the first of its kind), is growing and producing new collaborations. A statewide conference convening the Health and MLP practice groups in person is being coordinated through a partnership between Florida Legal Services and FJTC, it is scheduled to take place in November 2016.

FloridaLawHelp.org

- FloridaLawHelp.org: updated/improved 57 foreign language resources, created 37 new resources, videos and monthly topic of the month, linked to 81 resources created by government or local entities, 8 new organizations added including Florida Bar Referral Service and County Bar Association Referral service, updated 1 document assembly form and guided interview.

The Florida Bar Foundation, Inc.
 Quarterly Report to The Florida Bar on Use of Loan Proceeds
 December 31, 2016

Loan Covenant Numbers	Use of Loan Proceeds	2016
		December 31
E. 11.(a)	First \$1.0 million of the first draw and \$1.0 million of the second draw will be used either directly or indirectly for technology and the implementation of technology that will allow the Florida Bar Foundation and its grantees to improve access to justice primarily by: funding the start-up of an independent statewide non-profit entity with an organizational mission to increase access to justice to Floridians through the use of innovative technology and to train and support legal aid providers and pro bono attorneys in its use.	X
E. 11.(b)	Report on a quarterly basis following the first installment of loan proceeds, regarding policy and implementation of the utilization of technology and providing greater access to justice.	X (A)
E.12.(a)	Keep in force all licenses, permits, and franchises necessary for the proper conduct of business and duly pay and discharge all taxes, assessments, and governmental charges before the date penalties are assessed.	X
E.12.(b)(i)	Provide audit report within 120 days after fiscal year end.	X (B)
E.12.(b)(ii)	Provide quarterly financial statements within 30 days after the close of the quarter certified by the Foundation as accurate.	X Attached
E.12.(b)(iii)	Other information regarding financial condition and operations that may be reasonably requested.	X
E.12.(c)	If requested, statements needed to satisfy security interests.	X
E.12.(d)	Permit TFB to audit or examine any books and records.	X
E.12.(e)	Inform TFB immediately of any material adverse change in the financial condition of the Foundation. Also any litigation or threatened litigation which may substantially affect the financial condition.	X
E.12.(g)	Maintain property and equipment in good repair.	X
E.13.	No additional debt incurred.	X

- X Covenant met
- (A) See attached Bar Loan Quarterly Report narrative
- (B) Audited Financial Statements sent by e-mail on 12/15/16

Submitted By:
 Jasmine Lee-Gaumier, Controller

Signature Jasmine Lee-Gaumier 1/31/17

Task Force on Distribution of IOTA Funds Final Report
 Appendix J – Submissions to the Task Force

September 15, 2020

The Florida Bar Foundation, Inc.
 Quarterly Report to The Florida Bar
 Costs Incurred
 December 31, 2016

	Current Quarter 12/31/16	Cumulative Thru 12/31/16
Costs incurred by the Florida Bar Foundation:		
Grant to Florida Justice Technology Center:		
Direct Grant	\$ -	\$ 944,058.40
Consultants-costs incurred after grant was awarded in June 2015 and before contract completion in December 2015:		
Jimmy Midyette	\$ -	\$ 5,907.00
Joyce Raby	\$ -	\$ 62,745.04
Katrina Miller		\$ 7,874.29
Wilneida Negrón	\$ -	\$ 29,507.87
Sub Total Grant to Florida Justice Technology Center	\$ -	\$ 1,050,092.60
Other Costs:		
Consultants (includes consulting fees and travel):		
Joyce Raby	\$ -	\$ 96,894.62
Greacen Associates, LLC	-	\$ 56,408.25
Jimmy Midyette	-	\$ 47,583.67
Cost for statewide technology system support for the interim period January 1, 2015 to February 20, 2015 during transition of responsibility from Florida Legal Services to The Florida Justice Technology Center	-	\$ 16,166.00
Annual content management and platform fees for statewide public information, staff advocate and volunteer attorney websites	-	\$ 20,625.00
Other Administrative Costs	-	\$ 3,428.66
Sub Total Other	\$ -	\$ 241,106.20
Total	\$ -	\$ 1,291,198.80

The Florida Bar

Statement of Loan Balance As of: December 31, 2016 The Florida Bar Foundation, Inc.

Month	Interest Rate	Interest Accrued (Payment)	Principal Balance	Total Owed
Dec-14	1.720%	\$ 3,958.36	\$ 3,000,000.00	\$3,003,958.36
Jan-15	1.750%	\$ 4,458.90	\$ 3,000,000.00	\$3,008,417.26
Feb-15	1.700%	\$ 3,912.33	\$ 3,000,000.00	\$3,012,329.59
Mar-15	1.470%	\$ 3,745.48	\$ 3,000,000.00	\$3,016,075.07
Apr-15	1.700%	\$ 4,191.78	\$ 3,000,000.00	\$3,020,266.85
May-15	1.530%	\$ 3,898.36	\$ 3,000,000.00	\$3,024,165.21
Jun-15	1.600%	\$ 3,945.21	\$ 3,000,000.00	\$3,028,110.42
Jul-15	1.770%	\$ 4,509.86	\$ 3,000,000.00	\$3,032,620.28
Aug-15	1.820%	\$ 4,637.26	\$ 3,000,000.00	\$3,037,257.54
Sep-15	1.770%	\$ 4,364.38	\$ 3,000,000.00	\$3,041,621.92
Oct-15	1.670%	\$ 4,255.07	\$ 3,000,000.00	\$3,045,876.99
Nov-15	1.590%	\$ 3,920.55	\$ 3,000,000.00	\$3,049,797.54
Dec-15	1.680%	\$ 4,280.55	\$ 3,000,000.00	\$3,054,078.09
12/9-12/31/15	1.680%	\$ 3,313.97	\$ 6,000,000.00	\$3,057,392.06
Check # 35964, dated 11/30/2015		\$ (50,241.38)		\$3,007,150.68
Jan-16	1.81%	\$ 9,223.56	\$ 6,000,000.00	\$6,016,374.24
Feb-16	1.82%	\$ 8,676.16	\$ 6,000,000.00	\$6,025,050.40
Mar-16	1.48%	\$ 7,541.92	\$ 6,000,000.00	\$6,032,592.32
Apr-16	1.45%	\$ 7,150.68	\$ 6,000,000.00	\$6,039,743.00
May-16	1.43%	\$ 7,287.12	\$ 6,000,000.00	\$6,047,030.12
Jun-16	1.41%	\$ 6,953.42	\$ 6,000,000.00	\$6,053,983.54
Jul-16	1.43%	\$ 7,287.12	\$ 6,000,000.00	\$6,061,270.66
Aug-16	1.18%	\$ 6,013.15	\$ 6,000,000.00	\$6,067,283.81
Sep-16	1.22%	\$ 6,016.44	\$ 6,000,000.00	\$6,073,300.25
Oct-16	1.29%	\$ 6,573.70	\$ 6,000,000.00	\$6,079,873.95
Nov-16	1.33%	\$ 6,558.90	\$ 6,000,000.00	\$6,086,432.85
Check # 36854, dated 11/30/2016		\$ (86,432.85)		\$6,000,000.00
Dec-16	1.47%	\$ 7,490.96	\$ 6,000,000.00	\$6,007,490.96

Task Force on Distribution of IOTA Funds Final Report
Appendix J – Submissions to the Task Force

The Florida Bar Foundation Inc.
Statement of Financial Position
December 31, 2016

	Actual
ASSETS	
Current Assets	
Cash and Cash Equivalents	\$2,632,964.02
IOTA Contributions Receivable	\$580,000.00
Other Contributions Receivable	\$14,510.59
Notes Receivable, net of Allowance	\$1,266,162.18
Interest and Dividends Receivable	\$349.00
Accounts Receivable	\$2,335.75
Travel Advances	\$0.00
Pledges Receivable	\$400.00
Prepaid Expenses	\$222,296.45
Short Term Investments	\$6,794,006.10
Intermediate Term Investments	\$27,604,568.94
Total Current Assets	\$39,117,593.03
Fixed Assets	
Office Equipment	\$126,310.05
Computer Equipment	\$73,098.37
Furniture and Fixtures	\$130,217.92
Computer Software	\$774,850.11
Leasehold Improvements	\$37,802.00
Accumulated Depreciation	(\$1,000,311.61)
Total Fixed Assets	\$141,966.84
Other Assets	
Deposits	\$7,714.50
Contributions Receivable	(\$611.34)
Total Other Assets	\$7,103.16
Total ASSETS	\$39,266,663.03

The Florida Bar Foundation Inc.
Statement of Financial Position
December 31, 2016

	Actual
LIABILITIES AND NET ASSETS	
LIABILITIES	
Current Liabilities	
Accounts Payable	\$529,495.37
Payroll Withholding	(\$435.76)
Conditional Grants Payable	\$2,273,134.56
Grants Payable	\$4,726,047.00
Accrued Expenses	\$187,038.51
Deferred Revenues	\$23,483,333.64
Other Current Liabilities	\$23,687.40
Due to/Due From	\$0.00
Total Current Liabilities	\$31,222,300.72
 Non-Current Liabilities	
Note Payable	\$6,000,000.00
Other Non-Current Liabilities	\$80,014.03
Total Non-Current Liabilities	\$6,080,014.03
 NET ASSETS	
Temporarily Restricted	
Increase (Decrease) in Net Assets	\$819,006.65
Total Temporarily Restricted	\$819,006.65
 Unrestricted	
Increase (Decrease) in Net Assets	\$1,145,341.63
Total Unrestricted	\$1,145,341.63
Total NET ASSETS	\$1,964,348.28
 TOTAL LIABILITIES AND NET ASSETS	 \$39,266,663.03
 BEGINNING BALANCE WITH CURRENT YEAR ADJUSTMENTS	 \$7,101,369.22
 NET SURPLUS/(DEFICIT)	 (\$5,137,020.94)
 ENDING NET ASSETS	 \$1,964,348.28

The Florida Bar Foundation Inc.
Statement of Activities
For the Six Months Ended December 31, 2016

	Unrestricted	Temporarily Restricted	Permanently Restricted	Total
REVENUES, GAINS and OTHER SUPPORT				
IOTA Contributions	\$3,027,948.18	\$0.00	\$0.00	\$3,027,948.18
Other Contributions	\$75,195.18	\$47,884.00	\$0.00	\$123,079.18
Bar Fee Statement, Check-Off Receipts	\$0.00	\$310,920.69	\$0.00	\$310,920.69
License Plate Campaign Contributions	\$0.00	\$21,950.00	\$0.00	\$21,950.00
Contract Revenues	\$88,572.56	\$0.00	\$0.00	\$88,572.56
CY Pres Awards	\$3,717.78	\$0.00	\$0.00	\$3,717.78
Investment Income	\$180,127.16	\$0.00	\$0.00	\$180,127.16
Unrealized/Realized Gains (Losses) on Investments	(\$24,329.39)	\$0.00	\$0.00	(\$24,329.39)
Miscellaneous Income	\$4,050.00	\$0.00	\$0.00	\$4,050.00
Conditional Grants Awarded	(\$2,273,134.56)	\$0.00	\$0.00	(\$2,273,134.56)
Net Assets Released from Restriction	\$12,500.00	(\$12,500.00)	\$0.00	\$0.00
Total REVENUE	\$1,094,646.91	\$368,254.69	\$0.00	\$1,462,901.60
EXPENSES				
Program Expenses - Grants	(\$4,834,547.00)	\$0.00	\$0.00	(\$4,834,547.00)
Program Related Expenses	(\$592,650.27)	\$0.00	\$0.00	(\$592,650.27)
Supporting Services	(\$1,038,564.34)	\$0.00	\$0.00	(\$1,038,564.34)
Fund Raising Expenses	(\$134,160.93)	\$0.00	\$0.00	(\$134,160.93)
Total EXPENSES	(\$6,599,922.54)	\$0.00	\$0.00	(\$6,599,922.54)
BEGINNING NET ASSETS	\$6,650,617.26	\$450,751.96	\$0.00	\$7,101,369.22
NET SURPLUS/(DEFICIT)	(\$5,505,275.63)	\$368,254.69	\$0.00	(\$5,137,020.94)
ENDING NET ASSETS	\$1,145,341.63	\$819,006.65	\$0.00	\$1,964,348.28

Florida Justice Technology Center: | Dec 2016

Progress Report for Oct, Nov & Dec 2016

FJTC Board

- The FJTC Board began a strategic planning process with a retreat held at the Fall meetings of The Florida Bar. The strategic planning effort is led by Stacy Reynolds of Anchor Advisors with special funds provided by The Florida Bar Foundation. The strategic planning effort will culminate with a final in person meeting to be hosted as part of the January Bar meetings in Orlando.
- The FJTC Board formally added two new board members; Renee Thompson and Dominic MacKenzie.
- Unfortunately, the FJTC Board also lost two board members at the end of 2016; James Haggard and Greg Coleman. Both James and Greg cited lack of sufficient bandwidth to participate as the reason for leaving. They both will be sorely missed.

Florida Legal Access Gateway (FLAG) -Triage

- FLAG was successfully launched on Tuesday October 11 2016, on schedule and under budget. A launch celebration was hosted on October 20 2016 at the Florida Bar Fall meetings.
- Post launch evaluation interviews were held at the Clay County Courthouse on November 16-17, 2016.
- FJTC presented a monthly status report to the stakeholder group on December 5, 2016. A more detailed Interim Report was subsequently submitted to Frank Digon-Greer for distribution to the stakeholder group on December 22 2016.
- The FLAG project has been approved for extension by the Project Sponsors (William Van Nortwick, James Kowalski, Dominic MacKenzie), the Project Host (Clerk Tara Green), the Florida Bar Foundation's Executive Committee (as the fiscal sponsor), and the FJTC Board. The extension will last until June 30 2017 for a total cost of \$7,500 which exists within the current project budget.
- An evaluation report was submitted to the project sponsors on December 30 2016 as per the requirements of the project. A meeting with project sponsors is scheduled for January 5 2017 to vet the report and prepare to present the preliminary findings to the Florida Commission on Access to Civil Justice on February 3 2017.

Visits, Meetings, and Presentations

- The FJTC executive director, attended the FJTC meeting held November 18, 2016.
- The FJTC executive director has been asked to participate in a National Center for State Courts initiative to launch an OASIS Technical Committee with the goal of drafting integration standards for self-represented litigant portals/solutions. (OASIS = the Organization for the Advancement of Structured Information Standards <https://www.oasis-open.org/>) The executive director will serve as a member of the Technical Committee.
- The FJTC executive director will also be presenting at the SRLN Conference February 23-24, 2017 with Clerk Green, Clerk Doggett, and Clerk Bock showcasing the FLAG project, Online Intake, FloridaLawHelp.org, the DIY Forms effort, and e-filing; demonstrating a number of current efforts to host information, resources, and services for the residents of Florida.

Florida Justice Technology Center: | Dec 2016

Progress Report for Oct, Nov & Dec 2016

Visits, Meetings, and Presentations

FJTC Staff

Wilneida Negrón

- Presented at the Justice Codes Symposium at John Jay University on 10/12/2016 about strategies for evaluation justice technologies.
- Co-facilitated a FLAG triage focus group at Green Cove Springs Library on 10/17/2016 as part of the evaluation plan for this project.
- Conducted a knowledge management system webinar presentation for Housing Advocates interested in developing a pilot effort on 11/12/2016.

Alison DeBelder

October

- Held participant group discussion at statewide Children's Legal Services Conference in Tampa - Moving Forward Together: Making the Most of Technology and Networking Tools and Increasing Collaborative Advocacy Efforts
- Hosted video conference call meeting with Florida Legal Services' Training Coordinator for the Project Directors' Training Initiative and practice area leader to begin planning first ever statewide Veterans advocates conference to be held in 2017 and promote new Veterans practice area.
- Coordinated with practice area leader for possible emerging needs of Disaster practice area in wake of Hurricane Matthew.
- Created new library structure for Housing practice area according to design of volunteer committee.
- Updated Consumer library structure per Committee recommendations.
- Meeting with Georgia Military Legal Assistance Program manager for tour of website and strategy discussion for development of Florida Veterans practice area.
- Recruited and oriented new LITC practice area leader

November

- Organized and attended MLP-Health Law Conference in Tampa. Addressed group, distributed approximately 30 phone stands and FJTC brochures.
- Hosted Consumer Library Conference calls
- Launched Children's Legal Services library cleanup effort with conference call of committee members
- Attended NLADA and met with national partners and leaders in legal services

December

- Convened meeting of Veterans practice area committee
- Convened meeting of committee working to develop the Children's Legal Services library
- Hosted meeting of MLP and Health members in furtherance of legislative work

Florida Justice Technology Center: | Dec 2016

Progress Report for Oct, Nov & Dec 2016

Katie Miller

- Attended strategic planning meeting with the FJTC board.
- Attended FLAG launch party to help demonstrate the triage project.

Status Updates Report by Project:

FloridaProBono.org

- Met with Florida Bar staff to discuss simple updates that could be made to the front end of FloridaBar.org.
- Met with Florida Bar staff to discuss the development of a 2017 statewide webinar for advocates that would go over best practices when using hot docs and A2J forms.

FloridaAdvocate.org

- FLAdvocate's Consumer, Health, Children's, and Housing practice areas' libraries have been completely reviewed and a considerable number of resources have been removed that were outdated or unnecessary. A new library structure is in place for both the Consumer and Housing libraries and the population of these with up-to-date materials is underway.
- A statewide Medical-Legal Partnership and Health Law Conference was held this November in Tampa to great acclaim. This conference was developed in partnership with the Project Directors' Training Initiative (PDTI) of the Project Directors Association. Another conference designed with the PDTI is scheduled for 2017 to bring together advocates who work with vulnerable veterans across the state and to help launch FLAdvocate's new practice area supporting their work.

FloridaLawHelp.org

- FloridaLawHelp.org: helped promote FLAG, resources to help after Hurricane Matthew, and the Self Represented Litigant survey by posting links to our home page. Surveyed law school clinics and added 12 clinics as organizations. Also, added 15 local bar referral services to our organizations. Created more than 80 events for Florida Statewide Legal Aid Clinics calendar that appears on the home page of FloridaLawHelp.org. Continued work and testing with contractors on two family law forms. Created three postings for topic of month, linked to five resources created by government or local entities. Reviewed and updated 25 resources. Sent outreach materials to local legal aid organizations, clerks offices, law libraries, and public services offices to promote foreclosure miniportal and FloridaLawHelp.org.

The Florida Bar Foundation, Inc.
 Quarterly Report to The Florida Bar on Use of Loan Proceeds
 March 31, 2017

Loan Covenant Numbers	Use of Loan Proceeds	<u>2017</u> March 31
E. 11.(a)	First \$1.0 million of the first draw and \$1.0 million of the second draw will be used either directly or indirectly for technology and the implementation of technology that will allow the Florida Bar Foundation and its grantees to improve access to justice primarily by: funding the start-up of an independent statewide non-profit entity with an organizational mission to increase access to justice to Floridians through the use of innovative technology and to train and support legal aid providers and pro bono attorneys in its use.	X
E. 11.(b)	Report on a quarterly basis following the first installment of loan proceeds, regarding policy and implementation of the utilization of technology and providing greater access to justice.	X (A)
E.12.(a)	Keep in force all licenses, permits, and franchises necessary for the proper conduct of business and duly pay and discharge all taxes, assessments, and governmental charges before the date penalties are assessed.	X
E.12.(b)(i)	Provide audit report within 120 days after fiscal year end.	X (B)
E.12.(b)(ii)	Provide quarterly financial statements within 30 days after the close of the quarter certified by the Foundation as accurate.	X Attached
E.12.(b)(iii)	Other information regarding financial condition and operations that may be reasonably requested.	X
E.12.(c)	If requested, statements needed to satisfy security interests.	X
E.12.(d)	Permit TFB to audit or examine any books and records.	X
E.12.(e)	Inform TFB immediately of any material adverse change in the financial condition of the Foundation. Also any litigation or threatened litigation which may substantially affect the financial condition.	X
E.12.(g)	Maintain property and equipment in good repair.	X
E.13.	No additional debt incurred.	X

- X Covenant met
- (A) See attached Bar Loan Quarterly Report narrative
- (B) Audited Financial Statements sent by e-mail on 12/15/16

Submitted By:
 Jasmine Lee-Gaumier, Controller

Signature Jasmine Lee-Gaumier Date 4/20/17

Task Force on Distribution of IOTA Funds Final Report
 Appendix J – Submissions to the Task Force

The Florida Bar Foundation, Inc.
 Quarterly Report to The Florida Bar
 Costs Incurred
 March 31, 2017

	Current Quarter 03/31/17	Cumulative Thru 03/31/17
Costs incurred by the Florida Bar Foundation:		
Grant to Florida Justice Technology Center:		
Direct Grant	\$ 500,000.00	\$ 1,444,058.40
Consultants-costs incurred after grant was awarded in June 2015 and before contract completion in December 2015:		
Jimmy Midyette	\$ -	\$ 5,907.00
Joyce Raby	\$ -	\$ 62,745.04
Katrina Miller	\$ -	\$ 7,874.29
Wilneida Negron	\$ -	\$ 29,507.87
Sub Total Grant to Florida Justice Technology Center	\$ 500,000.00	\$ 1,550,092.60
Other Costs:		
Consultants (includes consulting fees and travel):		
Joyce Raby	\$ -	\$ 96,894.62
Greacen Associates, LLC	\$ -	\$ 56,408.25
Jimmy Midyette	\$ -	\$ 47,583.67
Cost for statewide technology system support for the interim period January 1, 2015 to February 20, 2015 during transition of responsibility from Florida Legal Services to The Florida Justice Technology Center	\$ -	\$ 16,166.00
Annual content management and platform fees for statewide public information, staff advocate and volunteer attorney websites	\$ -	\$ 20,625.00
Other Administrative Costs	\$ -	\$ 3,428.66
Sub Total Other	\$ -	\$ 241,106.20
Total	\$ 500,000.00	\$ 1,791,198.80

The Florida Bar

**Statement of Loan Balance
As of: March 31, 2017
The Florida Bar Foundation, Inc.**

Month	Interest Rate	Interest Accrued (Payment)	Principal Balance	Total Owed
Dec-14	1.720%	\$ 3,958.36	\$ 3,000,000.00	\$3,003,958.36
Jan-15	1.750%	\$ 4,458.90	\$ 3,000,000.00	\$3,008,417.26
Feb-15	1.700%	\$ 3,912.33	\$ 3,000,000.00	\$3,012,329.59
Mar-15	1.470%	\$ 3,745.48	\$ 3,000,000.00	\$3,016,075.07
Apr-15	1.700%	\$ 4,191.78	\$ 3,000,000.00	\$3,020,266.85
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12/9-12/31/15	1.680%	\$ 3,313.97	\$ 6,000,000.00	\$3,057,392.06
Check # 35964, dated 11/30/2015		\$ (50,241.38)		\$3,007,150.68
Jan-16	1.81%	\$ 9,223.56	\$ 6,000,000.00	\$6,016,374.24
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Jan-17	1.97%	\$ 10,038.90	\$ 6,000,000.00	\$6,017,529.86
Feb-17	2.10%	\$ 9,665.75	\$ 6,000,000.00	\$6,027,195.61
Mar-17	2.05%	\$ 10,446.58	\$ 6,000,000.00	\$6,037,642.19

Task Force on Distribution of IOTA Funds Final Report
Appendix J – Submissions to the Task Force

September 15, 2020

The Florida Bar Foundation Inc.
Statement of Financial Position
 March 31, 2017

	Actual
ASSETS	
Current Assets	
Cash and Cash Equivalents	\$2,306,676.48
IOTA Contributions Receivable	\$580,000.00
Other Contributions Receivable	\$47,260.59
Notes Receivable, net of Allowance	\$447,746.87
Interest and Dividends Receivable	\$77,043.50
Accounts Receivable	\$24,955.89
Travel Advances	\$0.00
Pledges Receivable	\$400.00
Prepaid Expenses	\$80,469.07
Short Term Investments	\$5,803,226.07
Intermediate Term Investments	\$27,832,256.51
Total Current Assets	\$37,200,034.98
Fixed Assets	
Office Equipment	\$126,310.05
Computer Equipment	\$73,098.37
Furniture and Fixtures	\$130,217.92
Computer Software	\$786,938.95
Leasehold Improvements	\$37,802.00
Accumulated Depreciation	(\$1,020,574.88)
Total Fixed Assets	\$133,792.41
Other Assets	
Deposits	\$7,714.50
Contributions Receivable	(\$3,339.84)
Total Other Assets	\$4,374.66
Total ASSETS	\$37,338,202.05

The Florida Bar Foundation Inc.
Statement of Financial Position
 March 31, 2017

	Actual
LIABILITIES AND NET ASSETS	
LIABILITIES	
Current Liabilities	
Accounts Payable	\$37,470.21
Payroll Withholding	(\$814.77)
Conditional Grants Payable	\$1,457,334.57
Grants Payable	\$3,820,283.00
Accrued Expenses	\$221,052.80
Deferred Revenues	\$22,460,837.94
Other Current Liabilities	\$23,687.40
Due to/Due From	\$800.00
Total Current Liabilities	\$28,020,651.15
Non-Current Liabilities	
Note Payable	\$6,000,000.00
Other Non-Current Liabilities	\$72,932.22
Total Non-Current Liabilities	\$6,072,932.22
	\$34,093,583.37
NET ASSETS	
Temporarily Restricted	
Increase (Decrease) in Net Assets	\$858,930.30
Total Temporarily Restricted	\$858,930.30
Unrestricted	
Increase (Decrease) in Net Assets	\$2,385,688.38
Total Unrestricted	\$2,385,688.38
Total NET ASSETS	\$3,244,618.68
TOTAL LIABILITIES AND NET ASSETS	\$37,338,202.05
 BEGINNING BALANCE WITH CURRENT YEAR ADJUSTMENTS	 \$7,101,369.22
 NET SURPLUS/(DEFICIT)	 (\$3,856,750.54)
 ENDING NET ASSETS	 \$3,244,618.68

The Florida Bar Foundation Inc.
Statement of Activities
For the Nine Months Ended March 31, 2017

	Unrestricted	Temporarily Restricted	Permanently Restricted	Total
REVENUES, GAINS and OTHER SUPPORT				
IOTA Contributions	\$4,622,869.14	\$0.00	\$0.00	\$4,622,869.14
Other Contributions	\$2,119,907.09	\$89,957.65	\$0.00	\$2,209,864.74
Bar Fee Statement, Check-Off Receipts	\$0.00	\$310,920.69	\$0.00	\$310,920.69
License Plate Campaign Contributions	\$0.00	\$29,800.00	\$0.00	\$29,800.00
Contract Revenues	\$1,111,068.26	\$0.00	\$0.00	\$1,111,068.26
CY Pres Awards	\$4,637.27	\$0.00	\$0.00	\$4,637.27
Return of Unspent Grant Funds	\$301.63	\$0.00	\$0.00	\$301.63
Investment Income	\$275,697.99	\$0.00	\$0.00	\$275,697.99
Unrealized/Realized Gains (Losses) on Investments	\$193,316.65	\$0.00	\$0.00	\$193,316.65
Miscellaneous Income	\$22,500.00	\$0.00	\$0.00	\$22,500.00
Conditional Grants Awarded	(\$1,457,334.57)	\$0.00	\$0.00	(\$1,457,334.57)
Net Assets Released from Restriction	\$22,500.00	(\$22,500.00)	\$0.00	\$0.00
Total REVENUE	\$6,915,463.46	\$408,178.34	\$0.00	\$7,323,641.80
EXPENSES				
Program Expenses - Grants	(\$8,512,641.68)	\$0.00	\$0.00	(\$8,512,641.68)
Program Related Expenses	(\$924,311.18)	\$0.00	\$0.00	(\$924,311.18)
Supporting Services	(\$1,550,657.96)	\$0.00	\$0.00	(\$1,550,657.96)
Fund Raising Expenses	(\$192,781.52)	\$0.00	\$0.00	(\$192,781.52)
Total EXPENSES	(\$11,180,392.34)	\$0.00	\$0.00	(\$11,180,392.34)
BEGINNING NET ASSETS	\$6,650,617.26	\$450,751.96	\$0.00	\$7,101,369.22
NET SURPLUS/(DEFICIT)	(\$4,264,928.88)	\$408,178.34	\$0.00	(\$3,856,750.54)
ENDING NET ASSETS	\$2,385,688.38	\$858,930.30	\$0.00	\$3,244,618.68

Florida Justice Technology Center: March 2017 Progress Report for Jan, Feb, & March 2017

FJTC Board

- Working with the board, finalized our strategic planning process (see attached) as part of our January 26, 2017, board meeting.
- Held a board meeting on February 16, 2017 to review current board member recruitment efforts, change bylaws to allow increase of board member total to 11, review recently submitted grant application to Florida Bar Foundation, and formally finalize/approve strategic plan.
- Two Board members resigned at the end of 2016, Greg Coleman and James Haggard. As of the end of March, two new board members have been added; John Stewart at Rossway Swan Tierney Barry Lacey and Oliver, and Jack Newton, CEO of Clio. An effort to recruit a third board member, Jayme Cassidy- faculty member at Nova Southeastern University, is underway.

Executive Director – Joyce Raby

- Presented at two sessions the TIG Conference in San Antonio January 11-13, 2017:
 - *Triage Second Generation: Online Portals and More – presented with Brian Stewart of BDSWorks, and Sergio Alcubilla, Legal Aid of Hawaii*
 - *Perceptions of Procedural Fairness: How Online Systems can build Trust and Fairness into their Processes – presented with Nancy Welsh, Law Professor at Penn State University.*
- Attended the FCTC meeting in January 2017.
- February 23-24, of 2017, presented two sessions at the SRLN conference:
 - *Triage, Portals, and Courts, Oh My! – presented with Angela Tripp (Michigan Self Help) and Jane Ribadeneyra of the Legal Services Corporation.*
 - *Florida Pro Se Access: Just a Click Away! – presented with Clerk Bock, Clerk Green, Clerk Doggett*
- In January, 2017, I was asked to join OASIS, an international data standards body, and to serve on the Triage/Portals Technical Committee. The Florida Bar Foundation graciously funded FJTC membership and my participation on the committee for one year. Participation on the committee begins in May 2017.
- I was asked to participate in a National Center for State Courts meeting on triage and portals held in Denver on March 8, 2017. The purpose of the meeting was to exchange information on current triage/portal models around the country and discuss metrics and common evaluation strategies.
- I was asked to participate in the Institute for the Advancement of the American Legal System (IAALS) brainstorming session to identify directions for the IAALS Court Compass initiative. The Court Compass project explores the creation of self-represented litigant portals that might include ancillary systems such as court navigators and online dispute resolution systems. Next steps for IAALS might include development of a litigant portal, support of evaluation efforts of existing projects around the country, support for development of data standards related to portals and court systems specifically, and cataloguing and advocating for court innovations across the U.S.

Florida Justice Technology Center: March 2017 Progress Report for Jan, Feb, & March 2017

FJTC Staff

Wilneida Negron: Data Officer and Website Admin

- Facilitated a national discussion around how to integrate a readability feature/tool into the LawHelp template.
- Developed two infographics to help with marketing of FloridaLawHelp website and create an easy to read know your rights eviction resource.
- Supervised two law student interns who completed detailed organizational profiles for 4 legal aid programs and their field offices.
- Worked with Neota Logic on implementing a series of new data collection strategies to increase the quality, quantity, and variety of data being collected on FLAG.
- Developed several SEO enhancements for FloridaLawHelp to increase the visibility of the website in search engines.

Alison DeBelder: FLAdvocate.org

January

- Continued development of new Veterans practice area of FLAdvocate along with committee of expert volunteers.
- Continued reorganization and development of libraries for Consumer, Housing, and Children's Legal Services practice areas. Convened regular meetings with expert volunteer advocates for each.
- Met with legal aid lawyers practicing Community Economic Development both in person and by video conference to learn about the state of this advocacy in Florida today.

February

- Organized and attended the first Veterans Conference in Orlando, February 9-10, 2017: Florida's Advocates Serving Those Who Served. Addressed plenary group regarding FLAdvocate: how to join, use, and participate in its resources. Also, distributed approximately 40 phone stands, FJTC brochures about our work and mission, and a bespoke brochure about how to navigate the website. Moderated expert panel discussion featuring experts from around the state with different areas of expertise. The conference launched a new practice area for FLAdvocate supporting the work of advocates representing vulnerable veterans living in Florida and is the first of its kind.
- Completed development meetings with expert volunteer committee and published new Veterans practice area.

March

- Attended Florida State University College of Law Pro Bono Fair. Discussed the work of FJTC and recruited student volunteers.
- Began hosting bi weekly conference calls for special Task Force related to Health Care practice area of FLAdvocate.
- Held meetings with potential partners / stakeholders regarding development of Uninsured Floridians tool.

Florida Justice Technology Center: March 2017 Progress Report for Jan, Feb, & March 2017

Katie Miller: FloridaLawHelp.org

- Presented at the TIG Conference in San Antonio January 11-13, 2017:
 - *Rapid Fire Tech: Show and Tell of Technology Projects and Ideas: Collaborating with a Victim Advocate (discussing the meetings and trainings the FLAG design team had with a victim advocate to address privacy and legal issues for domestic violence survivors)*
- At the request of the Florida Bar Foundation, attended Self-Represented Litigants Network (SRLN) conference in San Francisco. The Florida Bar Foundation generously covered all expenses related to this trip.

Rachael Marshall: Executive Assistant

- Assisted with the creation of the FJTC Board book for the February 16 meeting.
- Assisted in the development/submission of the Florida Bar Foundation grant application.
- Responsible for drafting Quarterly Reports.
- Drafted print/promotional material for the FLAdvocate.org Veteran's Conference.
- Developed and distributed the new FJTC Newsletters.
- Responsible for creation/maintenance of FJTC Procedure Manual.
- Event planning and preparation for the April 20 FLAdvocate.org Strategic Planning Meeting in Miami.

Stephanie White: FLORIDA for Children and Families, www.f4cf.org

- Started on March 1, 2017
- Sent out a newsletter to all users on bill tracking
- Drafted and disseminated a survey for users about the usefulness of website
- Updated the website with recent rulings on child welfare
- Networked with agencies around the state to utilize their forms and articles on our site
- Updated the site with new articles, papers, forms, and links
- Supervised a law student who shepardized cases on our site
- Began to review new cases for the site

Status Updates Report by Project

Triage Pilot Project

- Updated the following evaluation strategies of the FLAG pilot:
 1. Expanded the Exit Survey to capture more specific information from end users regarding their experience with FLAG.
 2. Created additional evaluation surveys for the low bono program participants.
 3. Created additional traffic (more specific analysis of end user activity on FLAG) metrics.
 4. Currently engaged in an in-depth analysis of the test case data from October 10, through February 28, to get a snapshot of progress.

Task Force on Distribution of IOTA Funds Final Report
Appendix J – Submissions to the Task Force

September 15, 2020³

Page J - 295

Florida Justice Technology Center: **March 2017**

Progress Report for Jan, Feb, & March 2017

- Finalized the Preliminary FLAG Evaluation Report and worked with FLAG Project Sponsors to present findings at the February 3, 2017, Florida Commission on Access to Civil Justice meeting.

FloridaAdvocate.org

- FLAdvocate's Consumer, Health, Children's, and Housing practice areas' libraries continue to be updated by committees of expert volunteers working with the Advocate Community Engagement Manager. New material is being vetted and added on a regular basis.
- In February the newest practice area of FLAdvocate, dedicated to those who work with veterans, was completed and published at a first-of-its kind conference held in Orlando. The conference was the result of a novel partnership between FJTC, the Project Directors' Training Initiative, and the Public Defender's Office for the Ninth Judicial Circuit.

FloridaLawHelp.org

- FloridaLawHelp.org: promoted online intake for Legal Services of Greater Miami, Three Rivers Legal Services, and Bay Area Legal Services by posting links to the home page and website. Continued work and testing with contractors on two family law forms. Began testing new document assembly products and testing name change form with small group of stakeholders including court clerks and director of JALA. Created topics of the month for immigration and women and the law. Requested legal aid directors to send new clinic events and updated 2017 clinic calendar. Added links to 7 new resources created by government or local entities and one landlord/tenant infographic created by FJTC. Reviewed alternative platforms for FloridaLawHelp.

FLORIDA for Children and Families

- FJTC and Florida Children's First have partnered together on a grant from the Department of Families and Children of the State of Florida. This grant provides funding for continuing support for FLORIDA for Children and Families, an online legal resource center for attorneys and judges who handle dependency cases. With these funds, FJTC and Florida Children's First could hire a part-time attorney, Stephanie White, who makes sure the site stays current and relevant for the attorneys and judges. Starting on March 1, we began the evaluation of the site through a user survey; send a newsletter of current child welfare legislation to the users; assessed the current resources on the site and began to review new content for the site; and connected with state agencies in partnering together for information to add to the site.

The Florida Bar Foundation, Inc.
 Quarterly Report to The Florida Bar on Use of Loan Proceeds
 June 30, 2017

Loan Covenant Numbers	Use of Loan Proceeds	<u>2017</u> June 30
E. 11.(a)	First \$1.0 million of the first draw and \$1.0 million of the second draw will be used either directly or indirectly for technology and the implementation of technology that will allow the Florida Bar Foundation and its grantees to improve access to justice primarily by: funding the start-up of an independent statewide non-profit entity with an organizational mission to increase access to justice to Floridians through the use of innovative technology and to train and support legal aid providers and pro bono attorneys in its use.	X
E. 11.(b)	Report on a quarterly basis following the first installment of loan proceeds, regarding policy and implementation of the utilization of technology and providing greater access to justice.	X (A)
E.12.(a)	Keep in force all licenses, permits, and franchises necessary for the proper conduct of business and duly pay and discharge all taxes, assessments, and governmental charges before the date penalties are assessed.	X
E.12.(b)(i)	Provide audit report within 120 days after fiscal year end.	X (B)
E.12.(b)(ii)	Provide quarterly financial statements within 30 days after the close of the quarter certified by the Foundation as accurate.	X Attached
E.12.(b)(iii)	Other information regarding financial condition and operations that may be reasonably requested.	X
E.12.(c)	If requested, statements needed to satisfy security interests.	X
E.12.(d)	Permit TFB to audit or examine any books and records.	X
E.12.(e)	Inform TFB immediately of any material adverse change in the financial condition of the Foundation. Also any litigation or threatened litigation which may substantially affect the financial condition.	X
E.12.(g)	Maintain property and equipment in good repair.	X
E.13.	No additional debt incurred.	X

- X Covenant met
- (A) See attached Bar Loan Quarterly Report narrative
- (B) Audited Financial Statements sent by e-mail on 12/15/16

Submitted By:
 Jasmine Lee-Gaumier, Controller

Signature Jasmine Lee-Gaumier Date 7/28/17

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Apr-17	2.12%	\$ 10,454.79	\$ 6,000,000.00	\$6,048,096.98
May-17	2.04%	\$ 10,395.62	\$ 6,000,000.00	\$6,058,492.60
Jun-17	1.96%	\$ 9,665.75	\$ 6,000,000.00	\$6,068,158.35

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September 15, 2020

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June 30, 2017

	Actual
ASSETS	
Current Assets	
Cash and Cash Equivalents	\$1,933,302.14
IOTA Contributions Receivable	\$550,000.00
Other Contributions Receivable	\$27,260.59
Notes Receivable, net of Allowance	\$443,653.12
Due From Broker	\$856.05
Accounts Receivable	\$5,739.50
Travel Advances	\$0.00
Pledges Receivable	\$400.00
Prepaid Expenses	\$148,160.55
Short Term Investments	\$5,407,711.48
Intermediate Term Investments	\$26,966,662.84
Total Current Assets	\$35,483,746.27
Fixed Assets	
Office Equipment	\$126,310.05
Computer Equipment	\$87,809.27
Furniture and Fixtures	\$130,217.92
Computer Software	\$776,486.10
Leasehold Improvements	\$37,802.00
Accumulated Depreciation	(\$1,041,062.93)
Total Fixed Assets	\$117,562.41
Other Assets	
Deposits	\$7,714.50
Contributions Receivable	(\$4,856.84)
Total Other Assets	\$2,857.66
Total ASSETS	\$35,604,166.34

The Florida Bar Foundation Inc.
Statement of Financial Position
June 30, 2017

	Actual
LIABILITIES AND NET ASSETS	
LIABILITIES	
Current Liabilities	
Accounts Payable	\$381,520.16
Due to Broker	\$1,482.11
Payroll Withholding	(\$122.33)
Conditional Grants Payable	\$476,916.57
Grants Payable	\$1,934,481.00
Accrued Expenses	\$311,681.09
Deferred Revenues	\$22,432,535.44
Other Current Liabilities	\$23,687.40
Due to/Due From	\$568.34
Total Current Liabilities	\$25,562,749.78
Non-Current Liabilities	
Note Payable	\$6,000,000.00
Other Non-Current Liabilities	\$68,599.60
Total Non-Current Liabilities	\$6,068,599.60
	\$31,631,349.38
NET ASSETS	
Temporarily Restricted	
Increase (Decrease) in Net Assets	\$989,671.84
Total Temporarily Restricted	\$989,671.84
Unrestricted	
Increase (Decrease) in Net Assets	\$2,983,145.12
Total Unrestricted	\$2,983,145.12
Total NET ASSETS	\$3,972,816.96
TOTAL LIABILITIES AND NET ASSETS	\$35,604,166.34
BEGINNING BALANCE WITH CURRENT YEAR ADJUSTMENTS	\$7,101,369.22
NET SURPLUS/(DEFICIT)	(\$3,128,552.26)
ENDING NET ASSETS	\$3,972,816.96

The Florida Bar Foundation Inc.
Statement of Activities
For the Year Ended June 30, 2017

	Unrestricted	Temporarily Restricted	Permanently Restricted	Total
REVENUES, GAINS and OTHER SUPPORT				
IOTA Contributions	\$6,195,542.19	\$0.00	\$0.00	\$6,195,542.19
Other Contributions	\$2,197,075.73	\$408,535.69	\$0.00	\$2,605,611.42
Bar Fee Statement, Check-Off Receipts	\$0.00	\$310,920.69	\$0.00	\$310,920.69
Change in Value of Split-Interest Agreements	(\$362.97)	\$0.00	\$0.00	(\$362.97)
License Plate Campaign Contributions	\$0.00	\$37,248.54	\$0.00	\$37,248.54
Contract Revenues	\$1,139,370.76	\$0.00	\$0.00	\$1,139,370.76
CY Pres Awards	\$4,637.27	\$0.00	\$0.00	\$4,637.27
Return of Unspent Grant Funds	\$301.63	\$0.00	\$0.00	\$301.63
Investment Income	\$376,558.37	\$0.00	\$0.00	\$376,558.37
Unrealized/Realized Gains (Losses) on Investments	\$158,951.99	\$0.00	\$0.00	\$158,951.99
Miscellaneous Income	\$59,710.88	\$0.00	\$0.00	\$59,710.88
Conditional Grants Awarded	(\$476,916.57)	\$0.00	\$0.00	(\$476,916.57)
Net Assets Released from Restriction	\$217,785.04	(\$217,785.04)	\$0.00	\$0.00
Total REVENUE	\$9,872,654.32	\$538,919.88	\$0.00	\$10,411,574.20
EXPENSES				
Program Expenses - Grants	(\$9,688,344.72)	\$0.00	\$0.00	(\$9,688,344.72)
Program Related Expenses	(\$1,378,457.54)	\$0.00	\$0.00	(\$1,378,457.54)
Supporting Services	(\$2,196,194.85)	\$0.00	\$0.00	(\$2,196,194.85)
Fund Raising Expenses	(\$277,129.35)	\$0.00	\$0.00	(\$277,129.35)
Total EXPENSES	(\$13,540,126.46)	\$0.00	\$0.00	(\$13,540,126.46)
BEGINNING NET ASSETS	\$6,650,617.26	\$450,751.96	\$0.00	\$7,101,369.22
NET SURPLUS/(DEFICIT)	(\$3,667,472.14)	\$538,919.88	\$0.00	(\$3,128,552.26)
ENDING NET ASSETS	\$2,983,145.12	\$989,671.84	\$0.00	\$3,972,816.96

Task Force on Distribution of IOTA Funds Final Report
Appendix J – Submissions to the Task Force

September 15, 2020

Page J - 302

FJTC Board

- At their annual in-person board meeting in June (held in conjunction with The Florida Bar's annual convention) the FJTC Board:
 - Approved expansion of the number of board members to 15 and updated quorum requirements in the bylaws.
 - Considered and approved addition of Jayme Cassidy -Faculty Member at Nova Southeastern University Shepard Broad College of Law -as a new board member.

Executive Director – Joyce Raby

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Joseph Schieffer: Project Manager

- Started on May 17, 2017 - Joseph is a certified Project Management Professional (PMP) and has attained the Certified Scrummaster designation. He holds a Master's in Business Administration from the University of Florida, and a B.S. from the United States Air Force Academy.
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- Began collaboration with Jacksonville Area Legal Aid to develop automated method of seal/expungement. Contracted with Jason Tashea of Justice Codes (www.justicecodes.org) to provide subject matter expertise.
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- Supervised and continue to work on finalizing FLAG's evaluation. For the user testing, I secured access to two online usability platforms, Mechanical Turk and usertesting.com, and 2. in-depth user testing interviews with low-income Floridians either currently experiencing a legal problem or experienced one in the last 6 months.
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Alison DeBelder: FLAdvocate.org

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 - Six long-time FLAdvocate users who also serve as volunteer practice area leaders attended in person in Miami. Five others were present via videoconference.
 - The group heard from FJTC staff member Wilneida Negron who presented her research on the national landscape of knowledge management systems currently in use by legal aid organizations as well as other novel possibilities that could be tried. There was a videoconference presentation from experts John Mayer and Elmer Masters of the Center for Computer-Assisted Legal Instruction (CALI) in Chicago on the capabilities of the WordPress platform. An in-person demonstration by Mike Grunenwald, ProBono.Net's Program Coordinator, showed new features that are expected to roll out later this year should we continue to run the FLAdvocate website on their platform.
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- Based upon the focus-group type discussion held in Miami and the feedback received from the housing advocates meeting we decided to have ProBono.Net host FLAdvocate on their

new platform that was demonstrated by Mike Grunenwald for us in Miami. I continue to work with PBN to implement the new platform redesign.

- Continued to add material to the Housing library, working with volunteers.
- Hosted task force calls for Health law members.
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- Created space for Florida Racial Justice Fellows to collaborate in Statewide & Regional Projects practice area. This group now has dedicated library content and a listserv to continue their conversations.
- Continued to add resources to libraries, calendars, homepages, and jobs listings, as provided.

June

- Created and administered surveys to help determine interest and need regarding Community Economic Development resources on FLAdvocate as well as baseline knowledge and use of FLAdvocate in anticipation of its upcoming platform redesign.
- Hosted taskforce conference calls for practice area members.
- Began exploration of tool development to support those helping people living in poverty get their driver's licenses restored once they have been suspended.

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Presentations:

- Date: April 20, 2017
- Title: Docassemble and Docubot Demos
- Location: Miami, FL at the FLAdvocate Strategic Planning Meeting

Partnerships:

- Working with Southern Legal Counsel to assist with name change tool.
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- Rebranded name of our site from FLORIDA for Children and Families, www.f4cf.org, to Florida Dependency Law Center, www.floridadependencylaw.org

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- Worked with law students to ensure that existing case law on the site was current
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- Sent 4 newsletters: April, May, Special Legislative Update, and June
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- Presented a webinar about the site to Jacksonville Legal Aid

Rachael Marshall: Executive Assistant

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- Event planning and preparation for the April 20th FLAdvocate.org Strategic Planning Meeting in Miami.
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Status Updates Report by Project

Triage Pilot Project

- We continue to explore and evaluate all aspects of the triage pilot. Our current timeline brings the system down June 30; a draft analysis is due to project sponsors by August 15, with a formal report of the results of the pilot to the Florida Commission on Access to Civil Justice at their September 22, 2017, meeting.

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The Florida Bar Foundation, Inc.
 Quarterly Report to The Florida Bar
 Costs Incurred
 September 30, 2017

	Current Quarter 09/30/17	Cumulative Thru 09/30/17
Costs incurred by the Florida Bar Foundation:		
Grant to Florida Justice Technology Center:		
Direct Grant	\$ -	\$ 1,444,058.40
Consultants-costs incurred after grant was awarded in June 2015 and before contract completion in December 2015:		
Jimmy Midyette	\$ -	\$ 5,907.00
Joyce Raby	\$ -	\$ 62,745.04
Katrina Miller	\$ -	\$ 7,874.29
Wilneida Negron	\$ -	\$ 29,507.87
Sub Total Grant to Florida Justice Technology Center	\$ -	\$ 1,550,092.60
Other Costs:		
Consultants (includes consulting fees and travel):		
Joyce Raby	\$ -	\$ 96,894.62
Greacen Associates, LLC	\$ -	\$ 56,408.25
Jimmy Midyette	\$ -	\$ 47,583.67
Cost for statewide technology system support for the interim period January 1, 2015 to February 20, 2015 during transition of responsibility from Florida Legal Services to The Florida Justice Technology Center	\$ -	\$ 16,166.00
Annual content management and platform fees for statewide public information, staff advocate and volunteer attorney websites	\$ -	\$ 20,625.00
Other Administrative Costs	\$ -	\$ 3,428.66
Sub Total Other	\$ -	\$ 241,106.20
Total	\$ -	\$ 1,791,198.80

The Florida Bar

**Statement of Loan Balance
As of: September 30, 2017
The Florida Bar Foundation, Inc.**

Month	Interest Rate	Interest Accrued (Payment)	Principal Balance	Total Owed
Dec-14	1.720%	\$ 3,958.36	\$ 3,000,000.00	\$3,003,958.36
Jan-15	1.750%	\$ 4,458.90	\$ 3,000,000.00	\$3,008,417.26
Feb-15	1.700%	\$ 3,912.33	\$ 3,000,000.00	\$3,012,329.59
Mar-15	1.470%	\$ 3,745.48	\$ 3,000,000.00	\$3,016,075.07
Apr-15	1.700%	\$ 4,191.78	\$ 3,000,000.00	\$3,020,266.85
May-15	1.530%	\$ 3,898.36	\$ 3,000,000.00	\$3,024,165.21
Jun-15	1.600%	\$ 3,945.21	\$ 3,000,000.00	\$3,028,110.42
Jul-15	1.770%	\$ 4,509.86	\$ 3,000,000.00	\$3,032,620.28
Aug-15	1.820%	\$ 4,637.26	\$ 3,000,000.00	\$3,037,257.54
Sep-15	1.770%	\$ 4,364.38	\$ 3,000,000.00	\$3,041,621.92
Oct-15	1.670%	\$ 4,255.07	\$ 3,000,000.00	\$3,045,876.99
Nov-15	1.590%	\$ 3,920.55	\$ 3,000,000.00	\$3,049,797.54
Dec-15	1.680%	\$ 4,280.55	\$ 3,000,000.00	\$3,054,078.09
12/9-12/31/15	1.680%	\$ 3,313.97	\$ 6,000,000.00	\$3,057,392.06
Check # 35964, dated 11/30/2015		\$ (50,241.38)		\$3,007,150.68
Jan-16	1.81%	\$ 9,223.56	\$ 6,000,000.00	\$6,016,374.24
Feb-16	1.82%	\$ 8,676.16	\$ 6,000,000.00	\$6,025,050.40
Mar-16	1.48%	\$ 7,541.92	\$ 6,000,000.00	\$6,032,592.32
Apr-16	1.45%	\$ 7,150.68	\$ 6,000,000.00	\$6,039,743.00
May-16	1.43%	\$ 7,287.12	\$ 6,000,000.00	\$6,047,030.12
Jun-16	1.41%	\$ 6,953.42	\$ 6,000,000.00	\$6,053,983.54
Jul-16	1.43%	\$ 7,287.12	\$ 6,000,000.00	\$6,061,270.66
Aug-16	1.18%	\$ 6,013.15	\$ 6,000,000.00	\$6,067,283.81
Sep-16	1.22%	\$ 6,016.44	\$ 6,000,000.00	\$6,073,300.25
Oct-16	1.29%	\$ 6,573.70	\$ 6,000,000.00	\$6,079,873.95
Nov-16	1.33%	\$ 6,558.90	\$ 6,000,000.00	\$6,086,432.85
Check # 36854, dated 11/30/2016		\$ (86,432.85)		\$6,000,000.00
Dec-16	1.47%	\$ 7,490.96	\$ 6,000,000.00	\$6,007,490.96
Jan-17	1.97%	\$ 10,038.90	\$ 6,000,000.00	\$6,017,529.86
Feb-17	2.10%	\$ 9,665.75	\$ 6,000,000.00	\$6,027,195.61
Mar-17	2.05%	\$ 10,446.58	\$ 6,000,000.00	\$6,037,642.19
Apr-17	2.12%	\$ 10,454.79	\$ 6,000,000.00	\$6,048,096.98
May-17	2.04%	\$ 10,395.62	\$ 6,000,000.00	\$6,058,492.60
Jun-17	1.96%	\$ 9,665.75	\$ 6,000,000.00	\$6,068,158.35
Jul-17	1.89%	\$ 9,631.23	\$ 6,000,000.00	\$6,077,789.58
Aug-17	1.95%	\$ 9,936.99	\$ 6,000,000.00	\$6,087,726.57
Sep-17	1.94%	\$ 9,567.12	\$ 6,000,000.00	\$6,097,293.69

Task Force on Distribution of TA's Final Report

Appendix J – Submissions to the Task Force

September 15, 2020

FJTC Board

- Held board meeting on Aug 17 to discuss; fundraising, status of DIY forms project and FJTC's potential role, and review of FJTC's executive director.

Executive Director – Joyce Raby

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- Created/Promoted Consumer Information page after Equifax data breach

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Alison DeBelder: FLAdvocate.org

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- Attended a Consumer Law training program for legal services attorneys held in Orlando Thursday, July 20, and Friday July 21. Addressed the plenary session of attendees on Friday morning and shared the good news that the FLAdvocate.org Consumer library has been completely redesigned by a committee of expert volunteers led by Mandy Mills, of Legal Services of Greater Miami. I also distributed written instructions for attendees on how to join the password-protected website as well as how to submit material for inclusion in the library.

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- Finishing touches were made to the latest FLAdvocate practice area: LGBTQ. This practice area supports the work of advocates working with LGBTQ clients and will be unveiled for members to join at this year's Legal Aid LGBTQ Summit.

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- In collaboration with Southern Legal Counsel, developed website UpdateNameGender.org to assist Floridians with changing their name or gender marker on official government identification. This application will be introduced to the community through a demo and presentation to be held at the LGBTQ Summit.
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- Managed project and collaborated with Urban Insights to develop functionality to embed content from the Florida Law Help DLAW template onto any webpage.
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- Attended LawHelp Interactive Developer Training to learn how to create forms in HotDocs and A2J Author.
- Manage project to develop Eviction Response Answer in open source guided interview and document assembly tool, docassemble. Collaborate with Alison DeBelder (FJTC) to create presentation to compare docassemble and A2J Author. Create video of side-by-side comparison of filling out an Eviction Response Answer on docassemble and A2J Author.

Task Force on Distribution of IOIA Funds Final Report

Appendix J – Submissions to the Task Force 3

September 15, 2020

Page J - 318

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- Wrote preliminary RFP for statewide triage system.
- Advised Florida Rural Legal Services on technology solutions that can assist them with connecting to their rural client base.

Stephanie White: FLORIDA for Children and Families, www.f4cf.org

- Produced three newsletters for the months of July, August, and September. The July newsletter focused on new additions to the site; the August newsletter focused on the upcoming Child Protection Summit; and the September newsletter focused on the Early Education Success Act. A professor from the University of Miami wrote an article on the Early Education Success Act.
- Informed our users about resources to help children in the aftermath of Hurricane Irma
- Sent an email to the attorneys who passed the Juvenile Law Certification exam who are not user of the site and invited them to join.
- Attended the Child Protection Summit in Orlando, FL on August 28-30 where I met current users and prospective users.
- Presented our CLE, "Navigating Florida's Online Legal Resource Center," through Go To Webinar on six different occasions to 45 users
- Collaborated with Legal Services of North Florida on Sept. 28 to present our CLE "Navigating Florida's Online Resource Center" for 61 attorneys and judges.
- Registered 31 new users this quarter.

Rachael Marshall: Executive Assistant

- Prepare documents for the annual FJTC audit.
- Responsible for initial draft of Quarterly and Annual Reports
- Assist team members with creation of presentation materials and handouts used at outreach events, conferences, and user testing events.
- Responsible for the maintenance of the FJTC Procedure Manual
- Develop and distribute monthly FJTC newsletters.
- Assist with team travel and registration at events and conferences.

The Florida Bar Foundation Inc.
Statement of Financial Position
September 30, 2017

	Actual
ASSETS	
Current Assets	
Cash and Cash Equivalents	\$2,545,971.05
IOTA Contributions Receivable	\$558,000.00
Other Contributions Receivable	\$15,177.20
Notes Receivable, net of Allowance	\$918,009.31
Interest and Dividends Receivable	\$84,517.18
Accounts Receivable	\$13,196.29
Travel Advances	\$0.00
Pledges Receivable	\$400.00
Prepaid Expenses	\$196,156.94
Short Term Investments	\$3,416,602.06
Intermediate Term Investments	\$26,851,053.85
Total Current Assets	\$34,599,083.88
Fixed Assets	
Office Equipment	\$126,806.05
Computer Equipment	\$83,258.85
Furniture and Fixtures	\$130,217.92
Computer Software	\$760,032.05
Leasehold Improvements	\$37,802.00
Accumulated Depreciation	(\$1,023,836.38)
Total Fixed Assets	\$114,280.49
Other Assets	
Deposits	\$7,714.50
Contributions Receivable	\$34,366.55
Total Other Assets	\$42,081.05
Total ASSETS	\$34,755,445.42

The Florida Bar Foundation Inc.
Statement of Financial Position
September 30, 2017

	Actual
LIABILITIES AND NET ASSETS	
LIABILITIES	
Current Liabilities	
Accounts Payable	\$121,979.26
Payroll Withholding	(\$481.82)
Conditional Grants Payable	\$1,197,330.81
Grants Payable	\$250,000.00
Accrued Expenses	\$283,226.74
Deferred Revenues	\$22,092,480.43
Note Payable, Current	\$750,000.00
Other Current Liabilities	\$22,986.46
Due to/Due From	\$0.00
Total Current Liabilities	\$24,717,521.88
Non-Current Liabilities	
Note Payable	\$5,250,000.00
Other Non-Current Liabilities	\$76,031.41
Total Non-Current Liabilities	\$5,326,031.41
TOTAL LIABILITIES	\$30,043,553.29
NET ASSETS	
Temporarily Restricted	
Increase (Decrease) in Net Assets	\$857,038.43
Total Temporarily Restricted	\$857,038.43
Unrestricted	
Increase (Decrease) in Net Assets	\$3,854,853.70
Total Unrestricted	\$3,854,853.70
Total NET ASSETS	\$4,711,892.13
TOTAL LIABILITIES AND NET ASSETS	\$34,755,445.42
 BEGINNING BALANCE WITH CURRENT YEAR ADJUSTMENTS	 \$4,530,529.66
NET SURPLUS/(DEFICIT)	\$181,362.47
ENDING NET ASSETS	\$4,711,892.13

The Florida Bar Foundation Inc.
Statement of Activities
For the Three Months Ended September 30, 2017

	Unrestricted	Temporarily Restricted	Permanently Restricted	Total
REVENUES, GAINS and OTHER SUPPORT				
IOTA Contributions	\$1,618,213.85	\$0.00	\$0.00	\$1,618,213.85
Other Contributions	\$15,286.58	\$43,182.05	\$0.00	\$58,468.63
Bar Fee Statement, Check-Off Receipts	\$0.00	\$226,318.50	\$0.00	\$226,318.50
Change in Value of Split-Interest Agreements	(\$0.96)	\$0.00	\$0.00	(\$0.96)
License Plate Campaign Contributions	\$0.00	\$13,820.00	\$0.00	\$13,820.00
Contract Revenues	\$334,350.00	\$0.00	\$0.00	\$334,350.00
Investment Income	\$114,788.59	\$0.00	\$0.00	\$114,788.59
Unrealized/Realized Gains (Losses) on Investments	\$197,170.12	\$0.00	\$0.00	\$197,170.12
Gain (Loss) on Sale of Assets	(\$2,045.24)	\$0.00	\$0.00	(\$2,045.24)
Miscellaneous Income	\$171.18	\$0.00	\$0.00	\$171.18
Conditional Grants Awarded	(\$1,197,330.81)	\$0.00	\$0.00	(\$1,197,330.81)
Net Assets Released from Restriction	\$12,500.00	(\$12,500.00)	\$0.00	\$0.00
Total REVENUE	\$1,093,103.31	\$270,820.55	\$0.00	\$1,363,923.86
EXPENSES				
Program Expenses - Grants	(\$315,500.00)	\$0.00	\$0.00	(\$315,500.00)
Program Related Expenses	(\$227,702.68)	\$0.00	\$0.00	(\$227,702.68)
Supporting Services	(\$586,866.03)	\$0.00	\$0.00	(\$586,866.03)
Fund Raising Expenses	(\$52,492.68)	\$0.00	\$0.00	(\$52,492.68)
Total EXPENSES	(\$1,182,561.39)	\$0.00	\$0.00	(\$1,182,561.39)
BEGINNING NET ASSETS	\$3,944,311.78	\$586,217.88	\$0.00	\$4,530,529.66
NET SURPLUS/(DEFICIT)	(\$89,458.08)	\$270,820.55	\$0.00	\$181,362.47
ENDING NET ASSETS	\$3,854,853.70	\$857,038.43	\$0.00	\$4,711,892.13

Task Force on Distribution of IOTA Funds Final Report
Appendix J – Submissions to the Task Force
September 15, 2020
Page J - 322

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The Florida Bar Foundation, Inc.
 Quarterly Report to The Florida Bar on Use of Loan Proceeds
 December 31, 2017

Loan Covenant Numbers	Use of Loan Proceeds	<u>2017</u> 31-Dec-18
E. 11.(a)	First \$1.0 million of the first draw and \$1.0 million of the second draw will be used either directly or indirectly for technology and the implementation of technology that will allow the Florida Bar Foundation and its grantees to improve access to justice primarily by: funding the start-up of an independent statewide non-profit entity with an organizational mission to increase access to justice to Floridians through the use of innovative technology and to train and support legal aid providers and pro bono attorneys in its use.	X
E. 11.(b)	Report on a quarterly basis following the first installment of loan proceeds, regarding policy and implementation of the utilization of technology and providing greater access to justice.	X (A)
E.12.(a)	Keep in force all licenses, permits, and franchises necessary for the proper conduct of business and duly pay and discharge all taxes, assessments, and governmental charges before the date penalties are assessed.	X
E.12.(b)(i)	Provide audit report within 120 days after fiscal year end.	X (B)
E.12.(b)(ii)	Provide quarterly financial statements within 30 days after the close of the quarter certified by the Foundation as accurate.	X Attached
E.12.(b)(iii)	Other information regarding financial condition and operations that may be reasonably requested.	X
E.12.(c)	If requested, statements needed to satisfy security interests.	X
E.12.(d)	Permit TFB to audit or examine any books and records.	X
E.12.(e)	Inform TFB immediately of any material adverse change in the financial condition of the Foundation. Also any litigation or threatened litigation which may substantially affect the financial condition.	X
E.12.(g)	Maintain property and equipment in good repair.	X
E.13.	No additional debt incurred.	X

- X Covenant met
- (A) See attached Bar Loan Quarterly Report narrative
- (B) Audited Financial Statement sent by e-mail on 12/11/17

Submitted By:
 Jasmine Lee-Gaumier, Controller

Signature Jasmine Lee-Gaumier 1-30-18

Task Force on Distribution of IOTA Funds Final Report
 Appendix J – Submissions to the Task Force

The Florida Bar Foundation, Inc.
 Quarterly Report to The Florida Bar
 Costs Incurred
 December 31, 2017

	Current Quarter 12/31/17	Cumulative Thru 12/31/17
Costs incurred by the Florida Bar Foundation:		
Grant to Florida Justice Technology Center:		
Direct Grant	\$ -	\$ 1,444,058.40
Consultants-costs incurred after grant was awarded in June 2015 and before contract completion in December 2015:		
Jimmy Midyette	\$ -	\$ 5,907.00
Joyce Raby	\$ -	\$ 62,745.04
Katrina Miller	\$ -	\$ 7,874.29
Wilneida Negron	\$ -	\$ 29,507.87
Sub Total Grant to Florida Justice Technology Center	\$ -	\$ 1,550,092.60
Other Costs:		
Consultants (includes consulting fees and travel):		
Joyce Raby	\$ -	\$ 96,894.62
Greacen Associates, LLC	\$ -	\$ 56,408.25
Jimmy Midyette	\$ -	\$ 47,583.67
Cost for statewide technology system support for the interim period January 1, 2015 to February 20, 2015 during transition of responsibility from Florida Legal Services to The Florida Justice Technology Center	\$ -	\$ 16,166.00
Annual content management and platform fees for statewide public information, staff advocate and volunteer attorney websites	\$ -	\$ 20,625.00
Other Administrative Costs	\$ -	\$ 3,428.66
Sub Total Other	\$ -	\$ 241,106.20
Total	\$ -	\$ 1,791,198.80

The Florida Bar

**Statement of Loan Balance
As of: December 31, 2017
The Florida Bar Foundation, Inc.**

Month	Interest Rate	Interest Accrued (Payment)	Principal Balance	Total Owed
Dec-14	1.720%	\$ 3,958.36	\$ 3,000,000.00	\$3,003,958.36
Jan-15	1.750%	\$ 4,458.90	\$ 3,000,000.00	\$3,008,417.26
Feb-15	1.700%	\$ 3,912.33	\$ 3,000,000.00	\$3,012,329.59
Mar-15	1.470%	\$ 3,745.48	\$ 3,000,000.00	\$3,016,075.07
Apr-15	1.700%	\$ 4,191.78	\$ 3,000,000.00	\$3,020,266.85
May-15	1.530%	\$ 3,898.36	\$ 3,000,000.00	\$3,024,165.21
Jun-15	1.600%	\$ 3,945.21	\$ 3,000,000.00	\$3,028,110.42
Jul-15	1.770%	\$ 4,509.86	\$ 3,000,000.00	\$3,032,620.28
Aug-15	1.820%	\$ 4,637.26	\$ 3,000,000.00	\$3,037,257.54
Sep-15	1.770%	\$ 4,364.38	\$ 3,000,000.00	\$3,041,621.92
Oct-15	1.670%	\$ 4,255.07	\$ 3,000,000.00	\$3,045,876.99
Nov-15	1.590%	\$ 3,920.55	\$ 3,000,000.00	\$3,049,797.54
Dec-15	1.680%	\$ 4,280.55	\$ 3,000,000.00	\$3,054,078.09
12/9-12/31/15	1.680%	\$ 3,313.97	\$ 6,000,000.00	\$3,057,392.06
Check # 35964, dated 11/30/2015		\$ (50,241.38)		\$3,007,150.68
Jan-16	1.81%	\$ 9,223.56	\$ 6,000,000.00	\$6,016,374.24
Feb-16	1.82%	\$ 8,676.16	\$ 6,000,000.00	\$6,025,050.40
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Nov-16	1.33%	\$ 6,558.90	\$ 6,000,000.00	\$6,086,432.85
Check # 36854, dated 11/30/2016		\$ (86,432.85)		\$6,000,000.00
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Jan-17	1.97%	\$ 10,038.90	\$ 6,000,000.00	\$6,017,529.86
Feb-17	2.10%	\$ 9,665.75	\$ 6,000,000.00	\$6,027,195.61
Mar-17	2.05%	\$ 10,446.58	\$ 6,000,000.00	\$6,037,642.19
Apr-17	2.12%	\$ 10,454.79	\$ 6,000,000.00	\$6,048,096.98
May-17	2.04%	\$ 10,395.62	\$ 6,000,000.00	\$6,058,492.60
Jun-17	1.96%	\$ 9,665.75	\$ 6,000,000.00	\$6,068,158.35
Jul-17	1.89%	\$ 9,631.23	\$ 6,000,000.00	\$6,077,789.58
Aug-17	1.95%	\$ 9,936.99	\$ 6,000,000.00	\$6,087,726.57
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Check # 37744, dated 11/29/17		\$ (116,584.10)		\$6,000,000.00
12/1-12/7/17	2.11%	\$ 2,427.95		\$5,627,427.95
Check # 37748, dated 12/07/17			\$ (375,000.00)	
12/7-12/31/17	2.11%	\$ 7,804.11	\$ 5,625,000.00	\$5,635,232.06

Task Force on Distribution of IOTA Funds Final Report
Appendix J – Submissions to the Task Force

September 15, 2020

Florida Justice Technology Center: Progress Report for October, November & December 2017

January 2017

FJTC Board

- Board meeting held November 16 2017 to approve our (clean) audit, discuss recruitment, schedule all 2018 meeting dates, and hear a report from the executive director.
- Kathy McLeroy – Chair of FJTC board – attended the 2017 BoardSource Leadership Conference in October with Joyce. Conference sessions offered insight into grant proposal writing, fundraising, and nonprofit management.

Executive Director – Joyce Raby

- Received two TIG grants in partnership with legal aid programs in Florida:
DLAW National Grant – with Bay Area Legal Services to project manage the development and enhancement of the DLAW statewide website grant.
Elearning Grant – with Legal Services of North Florida to identify and implement an elearning platform to support the PDA training initiative.
- Created a way to measure our impact - secured funding for and hired researcher to create a “Drake Equation for Legal Aid” – a formula to measure impact of online resources on the justice gap. This formula has been reviewed by researchers from RAND, Pew Research Center, National Center for State Courts, Harvard’s A2J Lab, the Institute for the Advancement of the American Legal System, and the Legal Services Corporation. This framework will be disseminated broadly in mid-February and I have secured sufficient funding and participants from around the country to begin collecting data and case studies. This work is the first of its kind and early feedback from our researcher peer group has been very positive.
- Received a donation of \$62,600 from Rainy Day Disability (RDD - a nonprofit that closed in 2017) to develop an online guardianship advocacy tool with subject matter expertise from Michelle Kenney, Special Needs Advocate and former executive director of RDD.
- Finalized the data analysis and presented FLAG Final Evaluation Report to the Florida Commission on Access to Civil Justice in December – received permission/approval to move forward with creation of a statewide system.
- Attended Unbundling Conference in Denver hosted by the Institute for the Advancement of the American Legal System (IAALS) to better understand how an unbundling practice could be supported by an online triage system.
- Finalized and published RFP for Statewide Triage System.
- Hired two new contractors; a developer to work on NameGenderUpdate tool, Guardianship Advocacy tool, and other projects in the pipeline; a communications contractor to support and promote FJTC through social media and traditional media outlets.

FJTC Team

Katie Miller: FloridaLawHelp.org

Activities

- Launched new FloridaLawHelp.org website on DLAW template. New pages were created to explain how to use the site, site FAQs, and information about FloridaLawHelp.org and FJTC. (if you want additional information about new site, I am also attaching a list of enhancements that you can draw from).
- Worked with UX consultant to finalize DLAW template for relaunch of FloridaLawHelp. Changes were made to the site based on surveys, usability testing, application of design principles as outlined by the Legal Service Corporation's Statewide Website Evaluation and toolkit, and implementation of national lawhelp website best practices.
- Began implementing marketing plan and social media calendar created by marketing firm to promote the relaunch of FloridaLawHelp.org.
- Training and transitioning new administrator of FloridaLawHelp.org.

Partnerships

- Continued to update Hurricane Irma FloridaLawHelp.org page by incorporating information received from the Disaster Practice Area Leaders and advocates throughout the state

Wilneida Negron: Data Officer and Website Admin

- Completed FLAG Pilot Evaluation Study.
- Implemented monthly SEO and Internet Marketing checkup dashboards for FLH and FLAdvocate site.
- Designed survey to gauge advocates' thoughts on new FLAdvocate design.
- Review of plan to update organizational profiles on FLH and provided recommendations.
- Designed marketing infographics to promote top 10 most read resources on FLH.
- Led discussions to evaluate opportunities for FJTC to partner with new Education Legislative Collaborative.
- Cleaned up and provided SRLN and FloridaBar with disaster benefits data for their data visualization.
- Spoke with legal aid tech community in Florida regarding 2018 technology development plan and added this info into our Statewide Innovations directory.
- Supported FLAdvocate and FloridaLawHelp during and post Hurricane Irma, reviewing new content and whenever possible translating it into Spanish.
- Maintained a Spanish mirror site for the Disaster Relief information for FloridaLawHelp.
- Coordinated further translation of key disaster related info with other legal aid programs in the state.
- Provided translations for DACA emergency resources for FloridaLawHelp.
- Attend monthly DRUPAL developers' meeting.
- Restarted efforts to create a permanent User Testing Group for Florida tech projects.

Alison DeBelder: FLAdvocate.org

October

- Newly designed FLAdvocate.org successfully launched! New LGBTQ practice area launched at same time.

Florida Justice Technology Center: Progress Report for October, November & December 2017

January 2017

- On October 2-3 I attended the first statewide legal aid LGBTQ summit in Ft. Lauderdale hosted by Legal Aid Service of Broward County. Demonstrated the newly launched FLAdvocate.org website, distributed FJTC brochures and phone stands. Attendees of the summit were also given "goodie bags" featuring brochures and items from various vendors, each of which contained ear buds with the FJTC logo.
- In advance of the summit I created a new practice area on FLAdvocate dedicated to those working with LGBTQ clients. This practice area was highlighted in Executive Director Tony Karrat's plenary address as well as by myself in discussion in break out sessions and with individual attendees visiting our table.

November

- On November 13th I presented and recorded a webinar for FLAdvocate users on how to navigate the newly designed website and highlighted its most-improved features.
- November 16-18: Attended the National Consumer Law Center's Consumer Rights Litigation Conference in Washington, D.C. Attended two lunch programs exclusively for Florida Consumer attorneys and met with both legal aid attorneys and private attorneys who regularly co-counsel with legal aid attorneys and prosecute class action cases which have the potential to generate cy pres awards. Requested and received permission to add the materials from the training to FLAdvocate's password-protected library - hundreds of documents that all members of the consumer practice area can now access, including outlines, powerpoints, pleadings, checklists, and more.

December

- December 11: Gave tour of FLAdvocate Veterans practice area to Jennifer Lavia of Florida State University's College of Law (administers new veterans clinic).
- December 13-14: Attended the statewide Public Benefits conference presented by Florida Legal Services for the Project Directors' Training Initiative. Addressed the plenary session regarding FLAdvocate.org and FloridaLawHelp.org. Met individually with advocates and recruited volunteers (both attorneys and a paralegal, all subject-matter experts), to serve on a committee to rebuild the library and homepage resources for the Public Benefits practice area on FLAdvocate.

Joseph Schieffer: Project Manager/Software Development

- On October 3rd, presented *Innovative Delivery Models* with Southern Legal Counsel at the first-ever LGBTQ Legal Aid Summit in Fort Lauderdale. Publicly revealed www.UpdateNameGender.org, a website that FJTC is building to guide transgender people through the process to update their legal name and gender marker on official government identification.
- Presented at a Collaboration in Technology Projects panel session and Delivering Innovative and Inclusive Legal Services for Transgender Clients session (with Southern Legal Counsel) at the NLADA Conference in Washington D.C..
- Named Chairman of the PDA Tech Committee. Joseph will bring together the Florida legal aid technology community to facilitate collaboration and advance key access to justice initiatives. First initiative to address is the creation of statewide online intake.

Task Force on Distribution of IOTA Funds Final Report
Appendix J – Submissions to the Task Force

September 15, 2020

Page J - 332

Florida Justice Technology Center: Progress Report for October, November & December 2017

January 2017

- Issued a Request for Proposal (RFP) for a statewide triage system (the pilot program was known as the Florida Legal Access Gateway or FLAG).
- Oversee the work of contract developer to finish online tool development currently underway.

Stephanie White: FLORIDA for Children and Families, www.FloridaDependencyLawCenter.org

- Presented at the Fourth District of Florida's Office of Criminal Counsel and Civil Regional Counsel's Parent Representation Conference in December 2017 Jupiter, Florida to over 75 attorneys. After this presentation, we received about 30 new users.
- For 2017, we have had an average of over 5,000 hits month on our site. In 2016, we had an average of 2,600.
- For 2017, we have increase the number of users by over 20% from the previous year.
- In the third quarter, sent out three emails to users: October's newsletter highlighted Florida Kids Count with an article by Dr. Norrin Dollard; November's newsletter highlighted Master Trusts with an article by Deborah Schroth, Esq; and December's newsletter highlighted the upcoming legislative issues concerning children.

Kate Peeples-Luther: Communications Contractor

- Created press releases for new partnerships and organizational milestones
- Redesigning FJTC website
- Created new content for FJTC blog
- Increased social media presence:
 - Twitter:
 - 24 new followers vs 10 for 3rd Qtr;
 - 605 profile visits vs 213 in 3rd Qtr;
 - 10,633 tweet impressions vs 1,686 in 3rd Qtr;
 - Facebook:
 - 11 new page likes vs 2 in 3rd Qtr;
 - 142 daily engaged users vs 89 in 3rd Qtr;
 - 2,309 daily total reach vs 954 in 3rd Qtr;
 - Created new Instagram account December, 2017
- Assisting in launch of new FLH website design
- Launched #GivingTuesday fundraiser (November, 2017)

Rachael Marshall: Executive Assistant

- Prepare annual FJTC holiday card
- Preparations for annual LSCIT Conference in New Orleans.
- Drafting of Quarterly Reports
- Assist team members with creation of presentation materials and handouts used at outreach events, conferences, and user testing events.
- Maintenance of the FJTC Procedure Manual

Task Force on Distribution of IOTA Funds Final Report
Appendix J – Submissions to the Task Force

September 15, 2020

Page J - 333

**Florida Justice Technology Center:
Progress Report for October, November &
December 2017**

January 2017

-
- Develop and distribute monthly FJTC newsletters.
 - Assist with team travel and registration at events and conferences.

The Florida Bar Foundation Inc.
Statement of Financial Position
December 31, 2017

	Actual
ASSETS	
Current Assets	
Cash and Cash Equivalents	\$3,654,043.12
IOTA Contributions Receivable	\$520,000.00
Other Contributions Receivable	\$24,683.84
Notes Receivable, net of Allowance	\$932,933.37
Interest and Dividends Receivable	\$141,089.16
Accounts Receivable	\$9,922.50
Travel Advances	\$0.00
Pledges Receivable	\$500.00
Prepaid Expenses	\$234,998.62
Short Term Investments	\$3,421,646.58
Intermediate Term Investments	\$26,856,695.13
Total Current Assets	\$35,796,512.32
Fixed Assets	
Office Equipment	\$126,806.05
Computer Equipment	\$83,258.85
Furniture and Fixtures	\$130,217.92
Computer Software	\$760,032.05
Leasehold Improvements	\$37,802.00
Accumulated Depreciation	(\$1,037,988.53)
Total Fixed Assets	\$100,128.34
Other Assets	
Deposits	\$7,714.50
Contributions Receivable	\$39,622.83
Total Other Assets	\$47,337.33
Total ASSETS	\$35,943,977.99

The Florida Bar Foundation Inc.
Statement of Financial Position
December 31, 2017

	Actual
LIABILITIES AND NET ASSETS	
LIABILITIES	
Current Liabilities	
Accounts Payable	\$123,064.52
Payroll Withholding	(\$839.48)
Conditional Grants Payable	\$2,579,756.42
Grants Payable	\$7,252,840.00
Accrued Expenses	\$174,592.52
Deferred Revenues	\$15,794,235.89
Note Payable, Current	\$1,125,000.00
Other Current Liabilities	\$22,986.46
Due to/Due From	\$0.00
Total Current Liabilities	\$27,071,636.33
Non-Current Liabilities	
Note Payable	\$4,500,000.00
Other Non-Current Liabilities	\$71,143.05
Total Non-Current Liabilities	\$4,571,143.05
TOTAL LIABILITIES	\$31,642,779.38
NET ASSETS	
Temporarily Restricted	
Increase (Decrease) in Net Assets	\$1,006,210.01
Total Temporarily Restricted	\$1,006,210.01
Unrestricted	
Increase (Decrease) in Net Assets	\$3,294,988.60
Total Unrestricted	\$3,294,988.60
Total NET ASSETS	\$4,301,198.61
TOTAL LIABILITIES AND NET ASSETS	\$35,943,977.99
 BEGINNING BALANCE WITH CURRENT YEAR ADJUSTMENTS	 \$4,530,529.66
 NET SURPLUS/(DEFICIT)	 (\$229,331.05)
 ENDING NET ASSETS	 \$4,301,198.61

The Florida Bar Foundation Inc.
Statement of Activities
For the Six Months Ended December 31, 2017

	Unrestricted	Temporarily Restricted	Permanently Restricted	Total
REVENUES, GAINS and OTHER SUPPORT				
IOTA Contributions	\$3,102,982.63	\$0.00	\$0.00	\$3,102,982.63
Other Contributions	\$837,887.43	\$109,329.13	\$0.00	\$947,216.56
Bar Fee Statement, Check-Off Receipts	\$0.00	\$300,963.00	\$0.00	\$300,963.00
Change in Value of Split-Interest Agreements	(\$193.46)	\$0.00	\$0.00	(\$193.46)
License Plate Campaign Contributions	\$0.00	\$22,200.00	\$0.00	\$22,200.00
Contract Revenues	\$6,632,594.54	\$0.00	\$0.00	\$6,632,594.54
Return of Unspent Grant Funds	\$13.32	\$0.00	\$0.00	\$13.32
Investment Income	\$228,713.45	\$0.00	\$0.00	\$228,713.45
Unrealized/Realized Gains (Losses) on Investments	\$151,854.03	\$0.00	\$0.00	\$151,854.03
Gain (Loss) on Sale of Assets	(\$2,045.24)	\$0.00	\$0.00	(\$2,045.24)
Miscellaneous Income	\$18,220.56	\$0.00	\$0.00	\$18,220.56
Grants Received	\$250,000.00	\$0.00	\$0.00	\$250,000.00
Conditional Grants Awarded	(\$2,579,756.42)	\$0.00	\$0.00	(\$2,579,756.42)
Net Assets Released from Restriction	\$12,500.00	(\$12,500.00)	\$0.00	\$0.00
Total REVENUE	\$8,652,770.84	\$419,992.13	\$0.00	\$9,072,762.97
EXPENSES				
Program Expenses - Grants	(\$7,587,840.00)	\$0.00	\$0.00	(\$7,587,840.00)
Program Related Expenses	(\$477,070.78)	\$0.00	\$0.00	(\$477,070.78)
Supporting Services	(\$1,112,858.79)	\$0.00	\$0.00	(\$1,112,858.79)
Fund Raising Expenses	(\$124,324.45)	\$0.00	\$0.00	(\$124,324.45)
Total EXPENSES	(\$9,302,094.02)	\$0.00	\$0.00	(\$9,302,094.02)
BEGINNING NET ASSETS	\$3,944,311.78	\$586,217.88	\$0.00	\$4,530,529.66
NET SURPLUS/(DEFICIT)	(\$649,323.18)	\$419,992.13	\$0.00	(\$229,331.05)
ENDING NET ASSETS	\$3,294,988.60	\$1,006,210.01	\$0.00	\$4,301,198.61

Task Force on Distribution of IOTA Funds Final Report

Appendix J – Submissions to the Task Force

September 15, 2020

Page J - 337

The Florida Bar Foundation, Inc.
 Quarterly Report to The Florida Bar on Use of Loan Proceeds
 March 31, 2018

Loan Covenant Numbers	Use of Loan Proceeds	<u>2018</u> 31-Mar-18
E. 11.(a)	First \$1.0 million of the first draw and \$1.0 million of the second draw will be used either directly or indirectly for technology and the implementation of technology that will allow the Florida Bar Foundation and its grantees to improve access to justice primarily by: funding the start-up of an independent statewide non-profit entity with an organizational mission to increase access to justice to Floridians through the use of innovative technology and to train and support legal aid providers and pro bono attorneys in its use.	X
E. 11.(b)	Report on a quarterly basis following the first installment of loan proceeds, regarding policy and implementation of the utilization of technology and providing greater access to justice.	X (A)
E.12.(a)	Keep in force all licenses, permits, and franchises necessary for the proper conduct of business and duly pay and discharge all taxes, assessments, and governmental charges before the date penalties are assessed.	X
E.12.(b)(i)	Provide audit report within 120 days after fiscal year end.	X (B)
E.12.(b)(ii)	Provide quarterly financial statements within 30 days after the close of the quarter certified by the Foundation as accurate.	X Attached
E.12.(b)(iii)	Other information regarding financial condition and operations that may be reasonably requested.	X
E.12.(c)	If requested, statements needed to satisfy security interests.	X
E.12.(d)	Permit TFB to audit or examine any books and records.	X
E.12.(e)	Inform TFB immediately of any material adverse change in the financial condition of the Foundation. Also any litigation or threatened litigation which may substantially affect the financial condition.	X
E.12.(g)	Maintain property and equipment in good repair.	X
E.13.	No additional debt incurred.	X

- X Covenant met
- (A) See attached Bar Loan Quarterly Report narrative
- (B) Audited Financial Statement sent by e-mail on 12/11/17

Submitted By:
 Jasmine Lee-Gaumier, Controller

Signature Jasmine Lee-Gaumier 4/27/2018

Task Force on Distribution of IOTA Funds Final Report
 Appendix J – Submissions to the Task Force
 September 15, 2020

The Florida Bar Foundation, Inc.
 Quarterly Report to The Florida Bar
 Costs Incurred
 March 31, 2018

	Current Quarter 03/31/18	Cumulative Thru 03/31/18
Costs incurred by the Florida Bar Foundation:		
Grant to Florida Justice Technology Center (FJTC):		
Direct Grant	\$ 350,000.00 *	\$ 1,794,058.40
Consultants-costs incurred after grant was awarded in June 2015 and before contract completion in December 2015:		
Jimmy Midyette	\$ -	\$ 5,907.00
Joyce Raby	\$ -	\$ 62,745.04
Katrina Miller	\$ -	\$ 7,874.29
Wilneida Negrón	\$ -	\$ 29,507.87
Sub Total Grant to Florida Justice Technology Center	\$ 350,000.00	\$ 1,900,092.60
Other Costs:		
Consultants (includes consulting fees and travel):		
Joyce Raby	\$ -	\$ 96,894.62
Greacen Associates, LLC	\$ -	\$ 56,408.25
Jimmy Midyette	\$ -	\$ 47,583.67
Cost for statewide technology system support for the interim period January 1, 2015 to February 20, 2015 during transition of responsibility from Florida Legal Services to The Florida Justice Technology Center	\$ -	\$ 16,166.00
Annual content management and platform fees for statewide public information, staff advocate and volunteer attorney websites	\$ -	\$ 20,625.00
Other Administrative Costs	\$ -	\$ 3,428.66
Sub Total Other	\$ -	\$ 241,106.20
Total	\$ 350,000.00	\$ 2,141,198.80

* The Foundation awarded a grant of \$350,000 on March 9, 2018 to FJTC. This grant was partially funded by the remainder of the \$2,000,000 in the amount of \$208,801.20 and IOTA funds in the amount of \$141,198.80.

The Florida Bar

Statement of Loan Balance

As of: March 31, 2018

The Florida Bar Foundation, Inc.

Month	Interest Rate	Interest Accrued (Payment)	Principal Balance	Total Owed
Dec-14	1.720%	\$ 3,958.36	\$ 3,000,000.00	\$3,003,958.36
Jan-15	1.750%	\$ 4,458.90	\$ 3,000,000.00	\$3,008,417.26
Feb-15	1.700%	\$ 3,912.33	\$ 3,000,000.00	\$3,012,329.59
Mar-15	1.470%	\$ 3,745.48	\$ 3,000,000.00	\$3,016,075.07
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Check # 37744, dated 11/29/17		\$ (116,584.10)		\$6,000,000.00
12/1-12/7/17	2.11%	\$ 2,427.95	\$ 6,000,000.00	\$5,627,427.95
Check # 37748, dated 12/07/17			\$ (375,000.00)	\$5,252,427.95
			\$ 5,625,000.00	\$5,627,427.95
12/8-12/31/17	2.11%	\$ 7,804.11	\$ 5,625,000.00	\$5,635,232.06
Jan-18	2.18%	\$ 10,414.73	\$ 5,625,000.00	\$5,645,646.79
Feb-18	2.31%	\$ 9,967.81	\$ 5,625,000.00	\$5,655,614.60
3/1-3/14/18	2.57%	\$ 5,544.86	\$ 5,625,000.00	\$5,661,159.46
Check # 37987, dated 03/12/18; received 3/14/18			\$ (375,000.00)	\$5,286,159.46
3/15-3/31/18	2.57%	\$ 6,284.18	\$ 5,250,000.00	\$5,292,443.64

FJTC Board

- The FJTC Board met on March 8, 2018, and approved the membership of three new board members. Each new member has accepted the invitation to join the board. Our three new members are; Michelle Kenney; a private practice attorney who specializes in disability, Doe Simons; Senior Manager, Field Reimbursement at Pfizer Oncology, and lastly; Nikhil Pillariseti Rao MD, MSc. Our recruitment efforts have been led by Jayme Cassidy who joined us last fall as a board member.

Executive Director – Joyce Raby

- Attended/Presented at the Innovations in Technology Conference of the Legal Services Corporation on the work of FJTC on the triage pilot and our resulting evaluation¹. Hosted at the conference a working session with Pew Charitable Trusts, RAND Corporation, Harvard A2JLab, Institute for the Advancement of the American Legal System, the Legal Services Corporation and others on the Drake Equation work (see more below).
- Published the first iteration of the Drake Equation; a current project of FJTC to quantify in a credible way the impact of technology tools on access to justice. We are currently working with a number of legal aid programs in Florida and around the country to engage in case studies applying the Drake Equation to generate outcomes for analysis. FJTC received funding from LSC to support this work and has applied for ongoing funding.
- Attended/Presented at the February 2018, SRLN Conference a session entitled “Building a Triage Portal; Tales from the Field”².
- Drafted and oversaw the submission of three Letters of Intent for the LSC TIG grant program; Voice Activated Triage – to work in conjunction with statewide triage project
Universal Referral Adapter – a Zapier-like method to streamline/simplify integration for referral recipient agencies with statewide triage
Research Coordination/Drake Equation – continue work to quantify impact of tech projects on justice gap and consolidate/coordinate legal aid research work at the national level
- Submitted a McGuffin Grant application to secure in-kind contribution of branding/marketing work for triage.
- Reviewed/analyzed statewide triage RFP responses, engaged in a “buy versus build” analysis to ensure vendor recruitment was appropriate. Provided information and support to triage project sponsors through RFP next steps.
- Recruited and hired two new contractors to serve as project managers and developers for FJTC projects. Replaced/transitioned two existing contract positions; Data Officer, and Legal Content Manager for FloridaLawHelp.org. The FJTC team is up to ten positions; all part time and all contract.
- Began exploratory discussions with GulfCoast Legal Services and IDignity to create an online tool that automates the process of securing official copies of birth certificates. This project will work

¹ <https://lsc-live.app.box.com/v/2018ITConMaterials/file/264636346634>

² <https://selfrepresentedlitigationne2017.sched.com/event/CwMA/building-a-triaging-portal-tales-from-the-field>

Florida Justice Technology Center: Progress Report for January, February & March 2018

April 2018

not only as a standalone tool but will also be used to expand the FloridaNameChange.org project.

- FloridaNameChange.org launched on March 3 – usage statistics for March 3 through April 1 are; 564 users have visited the site, 226 automated forms have been filled out (users may complete more than one form).

FJTC Staff

Joseph Schieffer: Project Manager/Software Development

- At the LSC Innovations in Technology Conference in January:
 - As part of current DLAW TIG Grant - Planned and co-hosted Legal Aid Hackathon with Abhijeet Chavan of Urban Insight.
 - Planned and co-hosted the Florida Tech Affinity Session with the Florida Bar Foundation.
 - Presented at Drupal Community Session. Discussed upcoming plans to cultivate Drupal and open-source technology community in legal aid.
- Designed/developed/implemented website for Florida Health Justice Project.
- Administered the RFP process for Triage project; received three proposals.
- Launched Florida Name Change on March 3:
 - Attended Trans Pride event in Fort Lauderdale to do outreach on Florida Name Change (with Southern Legal Counsel and TransSocial).
 - Attended TransCon event in Miami to officially launch Florida Name Change (with Southern Legal Counsel). TransCon is a conference to empower and support the transgender community and its allies.
- At the request and with sponsorship of the Florida Bar Foundation, attended the Self-Represented Litigation Network Conference in San Francisco. Presented on the access to justice work in Florida and connected with thought leaders from around the country.
- Designed and administered application and recruitment process to hire additional project managers.
- Wrote LSC Technology Initiative Grant letter of intent to build a voice-based connection (Amazon Alexa, Google Home, etc.) for future triage tool.
- Began project to develop Guardianship Advocacy tool—performed research and developed high-level project plan.

Laura Quinn: Data Officer and Website Admin

- Transitioned the Data Officer role from Wilneida Negron to Laura Quinn, a technology researcher with twenty years of experience. Laura has been leading the Drake Equation work for FJTC, as well as projects with organizations within the access to justice space such as the Ohio Legal Assistance Fund and the Legal Services Fund.
- Exciting progress on the “Drake Equation for Legal Aid.” In a January in-person working session, we reviewed and revised the framework with our advisory group—which includes members from RAND, Pew Research Center, National Center for State Courts, Harvard’s A2J Lab, the Institute for the Advancement of the American Legal System, and the Legal Services Corporation. Our report on our work to date, launched in February, was widely read and

Task Force on Distribution of IOYA Funds Final Report

Appendix J – Submissions to the Task Force

September 15, 2020

Page J - 342

- almost universally praised. Our next steps will be to pilot the framework on real life data—a triage scenario and a website content scenario—over the next few months.
- Conducting conversations with staff and auditing existing data sources to create an overall “performance management” strategy. This strategy will create an overall framework for data-centered decision making, helping guide right-sized investment in tactics like audience and user research, website metrics, organizational dashboards and impact evaluation.
 - Did a tactical audit of how Google Analytics is implemented on FJTC’s existing five different websites, and what needs to be tweaked or configured in the short term.
 - Reviewed data and evaluation from the triage pilot to support conversations with OSCA about their concerns.

Alison DeBelder: FLAdvocate.org

January

- Attended LSC’s Innovations in Technology Conference
 - Presented: Mind Reading Makes for Bad Design: Evaluating Needs of Advocates and Including Them in Change
 - I addressed the importance of including users in technology development process. Topics covered include how to assess and meeting the changing needs of users, how to encourage users to invest themselves in new technology shifts, and how to ensure development processes are inclusive, collaborative and transparent.
- Panel member: Cutting Through the Code: Engaging Non-Techies in Tech Projects which was live-streamed.

February

- Attended to updating FLAdvocate

March

- Convened Public Benefits Practice Area Volunteers for significant redesign of library contents
- Attended statewide Medical-Legal Partnership Conference in Tampa
 - Addressed plenary session inviting all attendees to join FLAdvocate’s MLP practice area.
 - Met with Medical Champion of MLP in Georgia and discussed possible regional collaboration. Have since followed up regarding collaboration.

Jessica Rae: FloridaLawHelp.org

- Worked with Urban Insight to add Slide Usage Counter to determine how many users are clicking on the slides each month as FLH plans on using these slides to highlight new or time-sensitive resources
- Added Spanish translations to key terms which are highlighted in certain pages. For an example see the following link and hover the mouse over an underlined word:
<https://www.floridalawhelp.org/node/181/eviction-and-paying-rent-court-registry>

- Updating upcoming events, including work in progress to make events searchable by location and topic
- Review of all site content to improve readability levels, limit duplication of information, and identify opportunities to add additional tools for sharing the information in accordance with Legal Service Corporation's Statewide Website Assessment. Review will be completed by the end of the first quarter.
- Preparation for upcoming community-feedback forums and surveys to assess usability, inform updates and identify gaps in content.
- Work completed or underway:
 1. Changes to the site:
 - Adding Spanish translations to key terms
 - Making events searchable by location and topic
 - Restructuring the front page to reduce the number of topics to make the site more user-friendly.
 2. Review of online self-help materials and web sites around the U.S. (and Canada) to identify promising practices and tools.
 3. Content review to:
 - Improve readability
 - Limit duplication of materials
 - Offer various forms of the materials
- Next Steps:
 1. Community input through structured focus groups and forums to:
 - Gather feedback on which tools are easy to use and most helpful
 - Identify community problems with a legal component
 - Develop contacts with communities and community advocates
 - Promote FloridaLawHelp.com
 2. Legal Services input through a survey on what types of issues are being turned away and the reasons (not within priorities, not allowed, criminal, eligibility, etc.) to identify additional areas where FloridaLawHelp can provide resources.
 3. Restructure content to include, where possible, graphics, videos, forms, FAQ and links to other resources as well as narratives starting with the most frequently accessed materials.
 4. Develop and/or expand content to respond to the needs identified by the community and legal services.
 5. Ongoing conversations with community members and legal services.

Stephanie White: FLORIDA for Children and Families, FloridaDependencyLaw.org

- Presented at the LSC Tech Innovations Conference with Barbara Elias-Perciful of Texas Lawyers for Children on "Child Protection Connection: Using Technology to Transform Legal Outcomes for Children" Task Force on Distribution of IOTA Funds Final Report
Appendix J – Submissions to the Task Force
September 15, 2020
Page J - 344

- In January, the FDLC newsletter covered case law updates and additions to the site.
- In February, the FDLC newsletter featured an article on Conditions for Return.
- In March, the FDLC newsletter highlighted the 2018 Legislative session.
- In March, I gave a webinar to our users on how to use the site.
- The Discussion boards and Colleague connection saw more activity these past few months than they have in a year.

Brandon Thomas:

Florida Name Change

- Created or updated 177 web pages for the Florida Name Change site. This included the bulk of the development work on the site and encompasses several different logic flows through the five covered processes.
- Created or updated 45 automated forms for the Florida Name Change site. This includes two extremely large forms for the adult and minor name change petitions that capture data for multiple people and both have several different question-based flows inside of them.
- Designed a way for us to couple multiple counties together into like paths for the Florida Name Change site. This greatly reduced the number of distinct county specific form paths that were needed in the site and will make ongoing maintenance much easier for the site.
- Created privacy and data retention policies for the Florida Name Change site. This base policy will also be used in all future FJTC projects that involve data gathering and retention from visitors in order to produce prepopulated legal documents.
- Performed SEO keyword research and created page title and description text for the Florida Name Change site. This also included positioning the home page and the initial landing pages for all unique update steps to be picked up by Google, Bing and other search engines during indexing.
- Put together a plan for how we are going to handle ongoing reporting for the Florida Name Change site. This will start by looking at site visitors and where they are coming from and will also evolve to look at the automated form usage and determine how far users are getting into the process and where possible pain points may be. This base reporting plan will also be reusable as a template for tracking form usage on additional sites that the FJTC creates to generate automated legal documents for visitors.

Guardian Advocate

- Performed background research for the upcoming Guardian Advocate project. This included researching the general topic, options that are available, and statistics to begin building a case for the project as a whole.
- Created a project concept presentation for the upcoming Guardian Advocate project. This will serve as a base plan for the project and will be used to sell all stakeholders on the direction we are going.
- Created a base plan for how we want to tackle the upcoming Guardian Advocate project. This includes laying out a rough plan for the site pages and sections, and planning for how the menu, look and feel might work for the site.

Kate Peeples-Luther: Communications Contractor

- Created press releases for new partnerships and organizational milestones
- Redesigned and implemented a new FJTC website, expanding content and features
- Created new content for FJTC blog
- Increased social media presence:
 - Twitter Highlights:
 - 41 new followers vs 24 for 4th Quarter;
 - 14,370 tweet impressions vs 10,633 in 4th Quarter;
 - 50 retweets vs 30 in 4th Quarter;
 - 86 likes vs 37 in 4th Quarter;
 - Facebook Highlights:
 - 272 daily engaged users vs 142 in 4th Quarter;
 - 4,059 daily total reach vs 2,309 in 4th Quarter;
 - 7,345 daily total impressions vs 4,358 in 4th Quarter;
 - 21 new Instagram followers (new account, no metrics for 4th Quarter)
- Assisting in marketing for FLH
- Launched Legal Aid Marketing Society Group on Facebook to connect and assist marketing personnel in legal aid offices and advocacy groups.
- Assisted in creation of grant proposals

Rachael Marshall: Executive Assistant

- Preparations for annual LSCIT Conference in New Orleans.
- Drafting of Quarterly Reports
- Maintenance of the FJTC Procedure Manual
- Develop and distribute monthly FJTC newsletters.
- Assist with team travel and registrations.
- Maintain files for grants, team and organizational documents.
- Process miscellaneous charges in QuickBooks.
- Budget distribution.

The Florida Bar Foundation Inc.
Statement of Financial Position

March 31, 2018

	Actual
ASSETS	
Current Assets	
Cash and Cash Equivalents	\$1,829,045.60
IOTA Contributions Receivable	\$596,000.00
Other Contributions Receivable	\$114,783.84
Notes Receivable, net of Allowance	\$1,360,534.47
Interest and Dividends Receivable	\$73,155.74
Accounts Receivable	\$176,599.49
Travel Advances	\$0.00
Pledges Receivable	\$500.00
Prepaid Expenses	\$95,136.11
Short Term Investments	\$3,434,860.92
Intermediate Term Investments	\$23,498,431.48
Total Current Assets	\$31,179,047.65
Fixed Assets	
Office Equipment	\$126,806.05
Computer Equipment	\$83,258.85
Furniture and Fixtures	\$130,217.92
Computer Software	\$760,032.05
Leasehold Improvements	\$37,802.00
Accumulated Depreciation	(\$1,050,061.62)
Total Fixed Assets	\$88,055.25
Other Assets	
Deposits	\$7,714.50
Contributions Receivable	\$31,127.26
Total Other Assets	\$38,841.76
Total ASSETS	\$31,305,944.66

**The Florida Bar Foundation Inc.
Statement of Financial Position**

March 31, 2018

	Actual
LIABILITIES AND NET ASSETS	
LIABILITIES	
Current Liabilities	
Accounts Payable	\$42,781.04
Payroll Withholding	(\$834.15)
Conditional Grants Payable	\$2,589,756.42
Grants Payable	\$5,422,843.50
Accrued Expenses	\$210,507.04
Deferred Revenues	\$14,148,784.86
Note Payable, Current	\$1,500,000.00
Other Current Liabilities	\$22,986.46
Due to/Due From	\$0.00
Total Current Liabilities	\$23,936,825.17
Non-Current Liabilities	
Note Payable	\$3,750,000.00
Other Non-Current Liabilities	\$63,999.07
Total Non-Current Liabilities	\$3,813,999.07
TOTAL LIABILITIES	\$27,750,824.24
NET ASSETS	
Temporarily Restricted	
Increase (Decrease) in Net Assets	\$513,335.13
Total Temporarily Restricted	\$513,335.13
Unrestricted	
Increase (Decrease) in Net Assets	\$3,041,785.29
Total Unrestricted	\$3,041,785.29
Total NET ASSETS	\$3,555,120.42
TOTAL LIABILITIES AND NET ASSETS	\$31,305,944.66
 BEGINNING BALANCE WITH CURRENT YEAR ADJUSTMENTS	 \$4,530,529.66
 NET SURPLUS/(DEFICIT)	 (\$975,409.24)
 ENDING NET ASSETS	 \$3,555,120.42

Task Force on Distribution of IOTA Funds Final Report
Appendix J – Submissions to the Task Force

September 15, 2020
Page J - 348

The Florida Bar Foundation Inc.
Statement of Activities
For the Nine Months Ended March 31, 2018

	Unrestricted	Temporarily Restricted	Permanently Restricted	Total
REVENUES, GAINS and OTHER SUPPORT				
IOTA Contributions	\$4,831,074.06	\$0.00	\$0.00	\$4,831,074.06
Other Contributions	\$899,446.86	\$202,049.13	\$0.00	\$1,101,495.99
Bar Fee Statement, Check-Off Receipts	\$0.00	\$300,963.00	\$0.00	\$300,963.00
Change in Value of Split-Interest Agreements	(\$385.96)	\$0.00	\$0.00	(\$385.96)
License Plate Campaign Contributions	\$0.00	\$30,025.00	\$0.00	\$30,025.00
Contract Revenues	\$8,278,045.57	\$0.00	\$0.00	\$8,278,045.57
CY Pres Awards	\$75,019.73	\$0.00	\$0.00	\$75,019.73
Return of Unspent Grant Funds	\$13.32	\$0.00	\$0.00	\$13.32
Investment Income	\$352,833.55	\$0.00	\$0.00	\$352,833.55
Unrealized/Realized Gains (Losses) on Investments	\$104,374.03	\$0.00	\$0.00	\$104,374.03
Gain (Loss) on Sale of Assets	(\$2,045.24)	\$0.00	\$0.00	(\$2,045.24)
Miscellaneous Income	\$26,995.56	\$0.00	\$0.00	\$26,995.56
Grants Received	\$250,000.00	\$0.00	\$0.00	\$250,000.00
Conditional Grants Awarded	(\$2,589,756.42)	\$0.00	\$0.00	(\$2,589,756.42)
Net Assets Released from Restriction	\$605,919.88	(\$605,919.88)	\$0.00	\$0.00
Total REVENUE	\$12,831,534.94	(\$72,882.75)	\$0.00	\$12,758,652.19
EXPENSES				
Program Expenses - Grants	(\$11,232,425.94)	\$0.00	\$0.00	(\$11,232,425.94)
Program Related Expenses	(\$752,950.86)	\$0.00	\$0.00	(\$752,950.86)
Supporting Services	(\$1,567,330.78)	\$0.00	\$0.00	(\$1,567,330.78)
Fund Raising Expenses	(\$181,353.85)	\$0.00	\$0.00	(\$181,353.85)
Total EXPENSES	(\$13,734,061.43)	\$0.00	\$0.00	(\$13,734,061.43)
BEGINNING NET ASSETS	\$3,944,311.78	\$586,217.88	\$0.00	\$4,530,529.66
NET SURPLUS/(DEFICIT)	(\$902,526.49)	(\$72,882.75)	\$0.00	(\$975,409.24)
ENDING NET ASSETS	\$3,041,785.29	\$513,335.13	\$0.00	\$3,555,120.42

Task Force on Distribution of IOTA Funds Final Report
Appendix J – Submissions to the Task Force

The Florida Bar Foundation, Inc.
 Quarterly Report to The Florida Bar on Use of Loan Proceeds
 06/30/2018

Loan Covenant Numbers	Use of Loan Proceeds	<u>2018</u>
		June 30
E. 11.(a)	First \$1.0 million of the first draw and \$1.0 million of the second draw will be used either directly or indirectly for technology and the implementation of technology that will allow the Florida Bar Foundation and its grantees to improve access to justice primarily by: funding the start-up of an independent statewide non-profit entity with an organizational mission to increase access to justice to Floridians through the use of innovative technology and to train and support legal aid providers and pro bono attorneys in its use.	X
E. 11.(b)	Report on a quarterly basis following the first installment of loan proceeds, regarding policy and implementation of the utilization of technology and providing greater access to justice.	X (A)
E.12.(a)	Keep in force all licenses, permits, and franchises necessary for the proper conduct of business and duly pay and discharge all taxes, assessments, and governmental charges before the date penalties are assessed.	X
E.12.(b)(i)	Provide audit report within 120 days after fiscal year end.	X
E.12.(b)(ii)	Provide quarterly financial statements within 30 days after the close of the quarter certified by the Foundation as accurate.	X
E.12.(b)(iii)	Other information regarding financial condition and operations that may be reasonably requested.	X
E.12.(c)	If requested, statements needed to satisfy security interests.	X
E.12.(d)	Permit TFB to audit or examine any books and records.	X
E.12.(e)	Inform TFB immediately of any material adverse change in the financial condition of the Foundation. Also any litigation or threatened litigation which may substantially affect the financial condition.	X
E.12.(g)	Maintain property and equipment in good repair.	X
E.13.	No additional debt incurred.	X

X Covenant met
 (A) See attached Bar Loan Quarterly Report narrative

Submitted By:
 Jasmine Lee-Gaumier, Controller

Signature Jasmine Lee-Gaumier Date 7/31/18

Task Force on Distribution of IOTA Funds Final Report
 Appendix J – Submissions to the Task Force

September 15, 2020

The Florida Bar Foundation, Inc.
 Quarterly Report to The Florida Bar
 Costs Incurred
 June 30, 2018

	Current Quarter 06/30/18	Cumulative Thru 06/30/18
Costs incurred by the Florida Bar Foundation:		
Grant to Florida Justice Technology Center (FJTC):		
Direct Grant	\$ -	\$ 1,794,058.40
Consultants—costs incurred after grant was awarded in June 2015 and before contract completion in December 2015:		
Jimmy Midyette	\$ -	\$ 5,907.00
Joyce Raby	\$ -	\$ 62,745.04
Katrina Miller	\$ -	\$ 7,874.29
Wilneida Negron	\$ -	\$ 29,507.87
Sub Total Grant to Florida Justice Technology Center	\$ -	\$ 1,900,092.60
Other Costs:		
Consultants (includes consulting fees and travel):		
Joyce Raby	\$ -	\$ 96,894.62
Greacen Associates, LLC	\$ -	\$ 56,408.25
Jimmy Midyette	\$ -	\$ 47,583.67
Cost for statewide technology system support for the interim period January 1, 2015 to February 20, 2015 during transition of responsibility from Florida Legal Services to The Florida Justice Technology Center	\$ -	\$ 16,166.00
Annual content management and platform fees for statewide public information, staff advocate and volunteer attorney websites	\$ -	\$ 20,625.00
Other Administrative Costs	\$ -	\$ 3,428.66
Sub Total Other	\$ -	\$ 241,106.20
Total	\$ -	\$ 2,141,198.80

* The Foundation awarded a grant of \$350,000 on March 9, 2018 to FJTC. This grant was partially funded by the remainder of the \$2,000,000 in the amount of \$208,801.20 and IOTA funds in the amount of \$141,198.80

The Florida Bar

Statement of Loan Balance

As of: June 30, 2018

The Florida Bar Foundation, Inc.

Month	Interest Rate	Interest Accrued (Payment)	Principal Balance	Total Owed
Dec-14	1.720%	\$ 3,958.36	\$ 3,000,000.00	\$3,003,958.36
Jan-15	1.750%	\$ 4,458.90	\$ 3,000,000.00	\$3,008,417.26
Feb-15	1.700%	\$ 3,912.33	\$ 3,000,000.00	\$3,012,329.59
Mar-15	1.470%	\$ 3,745.48	\$ 3,000,000.00	\$3,016,075.07
Apr-15	1.700%	\$ 4,191.78	\$ 3,000,000.00	\$3,020,266.85
May-15	1.530%	\$ 3,898.36	\$ 3,000,000.00	\$3,024,165.21
Jun-15	1.600%	\$ 3,945.21	\$ 3,000,000.00	\$3,028,110.42
Jul-15	1.770%	\$ 4,509.86	\$ 3,000,000.00	\$3,032,620.28
Aug-15	1.820%	\$ 4,637.26	\$ 3,000,000.00	\$3,037,257.54
Sep-15	1.770%	\$ 4,364.38	\$ 3,000,000.00	\$3,041,621.92
Oct-15	1.670%	\$ 4,255.07	\$ 3,000,000.00	\$3,045,876.99
Nov-15	1.590%	\$ 3,920.55	\$ 3,000,000.00	\$3,049,797.54
Dec-15	1.680%	\$ 4,280.55	\$ 3,000,000.00	\$3,054,078.09
12/9-12/31/15	1.680%	\$ 3,313.97	\$ 6,000,000.00	\$3,057,392.06
Check # 35964, dated 11/30/2015		\$ (50,241.38)		\$3,007,150.68
Jan-16	1.81%	\$ 9,223.56	\$ 6,000,000.00	\$6,016,374.24
Feb-16	1.82%	\$ 8,676.16	\$ 6,000,000.00	\$6,025,050.40
Mar-16	1.48%	\$ 7,541.92	\$ 6,000,000.00	\$6,032,592.32
Apr-16	1.45%	\$ 7,150.68	\$ 6,000,000.00	\$6,039,743.00
May-16	1.43%	\$ 7,287.12	\$ 6,000,000.00	\$6,047,030.12
Jun-16	1.41%	\$ 6,953.42	\$ 6,000,000.00	\$6,053,983.54
Jul-16	1.43%	\$ 7,287.12	\$ 6,000,000.00	\$6,061,270.66
Aug-16	1.18%	\$ 6,013.15	\$ 6,000,000.00	\$6,067,283.81
Sep-16	1.22%	\$ 6,016.44	\$ 6,000,000.00	\$6,073,300.25
Oct-16	1.29%	\$ 6,573.70	\$ 6,000,000.00	\$6,079,873.95
Nov-16	1.33%	\$ 6,558.90	\$ 6,000,000.00	\$6,086,432.85
Check # 36854, dated 11/30/2016		\$ (86,432.85)		\$6,000,000.00
Dec-16	1.47%	\$ 7,490.96	\$ 6,000,000.00	\$6,007,490.96
Jan-17	1.97%	\$ 10,038.90	\$ 6,000,000.00	\$6,017,529.86
Feb-17	2.10%	\$ 9,665.75	\$ 6,000,000.00	\$6,027,195.61
Mar-17	2.05%	\$ 10,446.58	\$ 6,000,000.00	\$6,037,642.19
Apr-17	2.12%	\$ 10,454.79	\$ 6,000,000.00	\$6,048,096.98
May-17	2.04%	\$ 10,395.62	\$ 6,000,000.00	\$6,058,492.60
Jun-17	1.96%	\$ 9,665.75	\$ 6,000,000.00	\$6,068,158.35
Jul-17	1.89%	\$ 9,631.23	\$ 6,000,000.00	\$6,077,789.58
Aug-17	1.95%	\$ 9,936.99	\$ 6,000,000.00	\$6,087,726.57
Sep-17	1.94%	\$ 9,567.12	\$ 6,000,000.00	\$6,097,293.69
Oct-17	1.85%	\$ 9,427.40	\$ 6,000,000.00	\$6,106,721.09
Nov-17	2.00%	\$ 9,863.01	\$ 6,000,000.00	\$6,116,584.10

Task Force on Distribution of IOIA Funds Final Report
Appendix J - Submissions to the Task Force

September 15, 2020

Page J - 352

The Florida Bar

Statement of Loan Balance
As of: June 30, 2018
The Florida Bar Foundation, Inc.

Month	Interest Rate	Interest Accrued (Payment)	Principal Balance	Total Owed
Check # 37744, dated 11/29/17		\$ (116,584.10)		\$6,000,000.00
12/1-12/7/17	2.11%	\$ 2,427.95	\$ 6,000,000.00	\$5,627,427.95
Check # 37748, dated 12/07/17			\$ (375,000.00)	\$5,252,427.95
			\$ 5,625,000.00	\$5,627,427.95
12/8-12/31/17	2.11%	\$ 7,804.11	\$ 5,625,000.00	\$5,635,232.06
Jan-18	2.18%	\$ 10,414.73	\$ 5,625,000.00	\$5,645,646.79
Feb-18	2.31%	\$ 9,967.81	\$ 5,625,000.00	\$5,655,614.60
3/1-3/14/18	2.57%	\$ 5,544.86	\$ 5,625,000.00	\$5,661,159.46
Check # 37987, dated 03/12/18; received 3/14/18			\$ (375,000.00)	\$5,286,159.46
3/15-3/31/18	2.57%	\$ 6,284.18	\$ 5,250,000.00	\$5,292,443.64
Apr-18	2.72%	\$ 11,736.99	\$ 5,250,000.00	\$5,304,180.63
May-18	2.69%	\$ 11,994.45	\$ 5,250,000.00	\$5,316,175.08
6/1-6/15/18	2.86%	\$ 6,170.55	\$ 5,250,000.00	\$5,322,345.63
Check # 38189, dated 06/12/18; received 6/15/18			\$ (375,000.00)	\$4,947,345.63
6/15-6/30/18	2.86%	\$ 5,729.79	\$ 4,875,000.00	\$4,953,075.42

FJTC Board

- The FJTC board held its annual in-person board meeting on June 13 2018 in conjunction with the Florida Bar Convention. FJTC program staff presented on all projects; FloridaLawHelp.org, FLAdvocate.org, FloridaNameChange.org, Turning18.org, FloridaHealthJustice.org, the Bay Area Legal Services website work, the Jacksonville Area Legal Aid Low Bono project (document assembly), the Statewide Triage effort, the Colorado Justice for All consulting work, and other proposed work currently in the pipeline. Program staff also discussed our outreach work related to these products and our improved presence on social media.
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Executive Director – Joyce Raby

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FJTC Team Members

Joseph Schieffer: Project Manager/Software Development

- Completed project to develop a website roadmap for Bay Area Legal Services.
- Organized and co-hosted 2-day Legal Aid Virtual Hackathon; 21 participants developed nine access to justice projects

Task Force on Distribution of IOTA Funds Final Report
Appendix J – Submissions to the Task Force

September 15, 2020

Page J - 354

- Organized and co-hosted Webinar on Website Content Tips (54 attendees)
- Attended and presented at NLADA/ABA Equal Justice Conference. Presented with Simone Chriss of Southern Legal Counsel on Delivering Innovative & Inclusive Legal Services for Transgender Clients, including an overview of the Florida Name Change project.
- Continued work on Guardianship Advocacy Tool (now called Turning 18) and prepared for soft launch
- Wrote proposal to develop a Legal Needs Assessment for Gulfcoast Legal Services
- Co-developed (with Brandon Thomas of FJTC) web version of Advocate's Guide to the Florida Medicaid Program
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- Collaborated with Legal Services of Greater Miami (LSGMI) to begin implementing online intake with Jacksonville Area Legal Aid and Legal Services of North Florida

Laura Quinn: Data Officer and Website Admin

- Created and rolled out a set of Dashboard reports to allow FJTC staff review key metrics about each of FJTC's websites.
- Created an overall FJTC Research Framework that defines what types of research are most important to FJTC's success. This framework walks through research for decision making, user research for projects, and project evaluation research, including how we'll use the "Drake Equation for Legal Aid" in our own work.
- Piloted the "Drake Equation for Legal Aid" with two working groups: one applying the framework to metrics for eviction website content, and one applying it to triage websites. By pulling together the learnings from those work groups, we'll be able to disseminate learnings to the sector about how to best practically apply the equation.
- Supported Jessica Rae in designing, conducting and analyzing a substantial set of user tests. In our tests, four different formats of content—a flowchart, video, FAQ, and narrative—built statistically different levels of user understanding and confidence. For the one specific scenario we tested, the flowchart performed quite well, while video considerably less so. While this result is limited to one specific scenario, it shows that useful research is possible on a reasonable budget.
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- Created evaluation plans for three different LSC proposals and grants: DLaw, Schema.org, Voice Triage Interfaces
- Engaged in conversations with the Seventh Judicial Circuit Veterans Treatment Court about a potential project to help them design outcome measures
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- Designed and facilitated a staff workshop at our Orlando retreat.

Alison DeBelder: FLAdvocate.org

April

Task Force on Distribution of IOTA Funds Final Report
Appendix J – Submissions to the Task Force²
September 15, 2020
Page J - 355

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- 4/24-25 travelled to Hollywood, Florida for meetings with Natalie Castellanos of Florida International University, Doe Simons of Pfizer, and Miriam Harmatz of Florida Health Justice Project about project innovations

May

- 5/1 Met with Florida Rules of Civil Procedure Committee.
- 5/9-12 attended Equal Justice Conference in San Diego, California. Met with potential partners from Florida and around the country. In addition to attending important presentations I was able to attend other informal events such as a lunch gathering with Pro Bono Net, which hosts the FLAdvocate website.
- Undertook review of immigration resources, meetings with Immi.org, and met with Immigration Practice Area Leader. Ultimately decided to reimagine immigration page as one to redirect visitors to other national resources and maintain our statewide listserv.
- Held LGBTQ practice area meeting with new volunteers.
- Trained backup in case of disaster / evacuation and drafted disaster protocol for FLAdvocate.org.

June

- Trained on videography for recording live training events (such as those held at conferences), to be preserved and published on FLAdvocate for members.
- 6/11-15 travel to Orlando for in-person meetings with FJTC staff, presentation regarding FLAdvocate at FJTC Board Meeting, and Florida Bar Foundation dinner.

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- Conducted user testing with 26 individuals in Miami-Dade, Orange, DeSoto, Levy & Madison Counties to gather feedback and input on how FLH presents legal content.
- Held four focus group discussions with legal and social services providers in Miami-Dade, DeSoto, Orange and Levy counties to identifying gaps in content and opportunities.
- Worked with FJTC colleagues to refine slide counts using Google analytics
- Initiated partnership with the Community Law Program to develop interactive independent living guide for youth formerly involved with the child welfare system.
- Continued to update and curate content.
- Completed comprehensive review of all site content and drafted content protocol (which will be finalized after the user testing & focus group reports are completed).

Raylene Coe: FLORIDA for Children and Families, www.f4cf.org

- In May, transitioned this licensed site's Resource Attorney from Stephanie White to
- Raylene Coe, who has 15 years professional computer experience and is a former Guardian Ad Litem, Assistant Public Defender in the Juvenile Division of the Florida 18th Judicial Circuit and Assistant General Counsel for the HQ of Florida Department of Juvenile Justice.

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- In June, the FDLC newsletter advised users of the new laws coming into effect in July, recent news and information about newly published Homeless Youth Handbook.

Brandon Thomas: Developer/Data Analytics

Turning 18 (Guardian Advocate project)

- Went through Michelle Kenney's Guardian Advocate training course to better understand the legal process and issues for this project.
- Performed SEO keyword research for the project's website. This helped us identify the top 10 keywords that would be focused on during the site's development.
- Created the base design, look, and feel for the project's website. It took inspiration from Florida Name Change but was further simplified to cut down on the amount of content in each page.
- Created the main logic flow and educational plan for the project's website. This included deciding which decision points would recommend each of our three solutions (Estate Planning, Guardian Advocacy, and Guardianship).
- Created the base educational pages and text for all of the sites sections. This included pages for the logic / decision making flows, and educational content pages for each of the three solutions (Estate Planning, Guardian Advocacy, or Guardianship).
- Created the pages for the Guardian Advocacy "of the person" automated form flow on the project's website.
- Created and tested 10 different automated Typeform documents for the project. This primarily covered the Guardian Advocate documents for Florida's 17th circuit. These documents are used as the base for the project's automated forms.
- Moved county resources and fingerprinting page layout and content from Florida Name Change to this project's website.
- Worked with Michelle Kenney and JALA to manage the early testing and feedback process for making changes to the site while it was under development.
- Created a brief 10-minute presentation on the project to present with Michelle Kenney to the FJTC board.

Data Analytics

- Took over the management of Google Analytics for all FJTC websites.
- Converted FJTC over from using base Google Analytics tracking to using Google Tag Manager. This change has allowed us to implement tracking of multiple items on our websites without having to redeploy new tracking code each time.
- Standardized the way all Google Analytics properties are setup across FJTC websites. They all are configured the same way now and track the same metrics consistently.
- Created an automated process to pull Google Analytics data for all FJTC properties into a central database daily. These daily data pulls allow FJTC to create internal reporting for any of our websites.
- Created a set of standardized reporting dashboards for all of FJTC's websites in conjunction with Laura Quinn. These are updated on a daily basis and allow our site managers to see

how their properties are performing. The reporting suite has useful information for optimizing the performance of each website, and also benchmarks all of our sites against each other. The reporting suite is modular and will be enhanced with additional reports and capabilities every few months.

Triage

- Helped evaluate three vendor proposals sent in for the project, and attended the vendor discovery day in Jacksonville with the project sponsors to help interview and select a final vendor to perform the project work.
- Created a high-level requirements document on what is needed from the project to achieve our goals. This document will evolve and help us ensure the project remains on track and hits its goals throughout development.
- Am working to determine and clarify the Legal Server API requirements ahead of the project's formal launch in August.

E-Learning TIG w/ LSNF

- Am beginning the process to help evaluate various learning management systems for this project. Up front we are focusing on determining what type of system is needed, and will present requirements on various ways we can do the project (with various feature levels that will dictate the scope of work).

Other Items

- Put together a high-level document on how the Disaster Relief project could work, and helped provide some content and feedback for the grant document.
- Helped Joseph port Florida Health Justice project's Medicaid guide from their PDF document to an interactive web version. This included building the bulk of the website for the guide, setting up Google Analytics tracking for it, and building a reporting dashboard to help us monitor the web version's performance.
- Participated in the Legal Aid Hackathon. I prototyped a website to help people that are economically disadvantaged find free or low-cost technology options (including internet, cell phones, computers, and more).

Sam Harden: Project Manager/Developer

- Attended a monthly identification document clinic conducted by iDignity to determine possible partnership opportunities.
- Began work on a divorce case low-bono portal and form building service for Jacksonville Legal Aid.
- Began work on the Spanish language version of the Florida Name Change website.
- Explored FJTC's potential involvement in developing the state-wide court messaging project allowed for in the State of Florida 2018-2019 budget.
- Explored possible collaboration with Gulf Coast Legal Services for their birth certificate clinic.
- Conducted the Tampa node of the ~~Task Force on the Distribution of IOTA Funds~~ Final Report

- Arranged for space at the Stetson Law School Tampa Campus;
- Had 5 local attendees.
- Developed and deployed a complete document assembly tool for building eviction case answers for Jacksonville Legal Aid, and attended an eviction clinic at Jacksonville Legal Aid to in-person test the application.
- Attended Docacon in Chicago - the first annual conference for Docassemble, a legal-focused document assembly application, developers.

Kate Peeples-Luther: Communications Contractor

- Created press releases for new partnerships and organizational milestones
- Created Prezi presentation for annual Board meeting
- Created general interest newsletter for public consumption
- Expanded content and features on FJTC website
- Created new content for FJTC blog
- Increased social media presence:
 - Twitter Highlights (@FJJusticeTech):
 - 208 retweets vs 50 in 1st Qtr;
 - 15,525 tweet impressions vs 14,370 in 1st Qtr;
 - 34 mentions vs 7 in 1st Qtr;
 - 345 likes vs 86 in 1st Qtr;
 - Twitter Highlights (@FlaLawHelp)
 - 2,023 tweet impressions (1,151 in 1st Qtr);
 - 124 profile visits (100 in 1st Qtr);
 - 7 mentions (1 in 1st Qtr);
 - Facebook Highlights (FJTC):
 - 169 daily engaged users;
 - 2,936 daily total reach;
 - 62 page followers;
 - 20 new Instagram followers (41 total)
- Assisting in marketing for FLH
- Continuing to grow and promote Legal Aid Marketing Society Group on Facebook. Currently 39 members.
- Assisted in creation of grant proposals

Rachael Marshall: Executive Assistant

- Planned logistics for Board Annual In-Person meeting and FJTC Team Retreat.
- Initial draft of quarterly reports.
- Develop and distribute monthly newsletter.
- Assist team with presentation materials and handouts for presentations and conference attendance.

-
- Processing of receipts, expense reports and invoicing.
 - Budget report drafting and distribution.

The Florida Bar Foundation Inc.
Statement of Financial Position
June 30, 2018

	Actual
ASSETS	
Current Assets	
Cash and Cash Equivalents	\$896,426.50
IOTA Contributions Receivable	\$726,985.00
Other Contributions Receivable	\$103,283.84
Notes Receivable, net of Allowance	\$490,158.98
Interest and Dividends Receivable	\$122,064.23
Due From Broker	\$2,267.36
Accounts Receivable	\$3,738.15
Travel Advances	\$0.00
Pledges Receivable	\$500.00
Prepaid Expenses	\$175,320.97
Short Term Investments	\$2,996,869.33
Intermediate Term Investments	\$23,399,832.62
Total Current Assets	\$28,917,446.98
Fixed Assets	
Office Equipment	\$126,806.05
Computer Equipment	\$83,498.46
Furniture and Fixtures	\$130,217.92
Computer Software	\$760,042.04
Leasehold Improvements	\$37,802.00
Accumulated Depreciation	(\$1,061,162.44)
Total Fixed Assets	\$77,204.03
Other Assets	
Deposits	\$7,714.50
Contributions Receivable	\$30,020.10
Total Other Assets	\$37,734.60
Total ASSETS	\$29,032,385.61

The Florida Bar Foundation Inc.
Statement of Financial Position
June 30, 2018

	Actual
LIABILITIES AND NET ASSETS	
LIABILITIES	
Current Liabilities	
Accounts Payable	\$52,471.02
Due to Broker	\$1,818.24
Payroll Withholding	(\$885.25)
Conditional Grants Payable	\$1,872,467.78
Grants Payable	\$3,011,514.50
Accrued Expenses	\$190,490.15
Deferred Revenues	\$14,010,468.86
Note Payable, Current	\$1,500,000.00
Other Current Liabilities	\$15,843.92
Due to/Due From	\$0.00
Total Current Liabilities	\$20,654,189.22
Non-Current Liabilities	
Note Payable	\$3,375,000.00
Other Non-Current Liabilities	\$66,664.63
Total Non-Current Liabilities	\$3,441,664.63
TOTAL LIABILITIES	\$24,095,853.85
NET ASSETS	
Temporarily Restricted	
Increase (Decrease) in Net Assets	\$601,558.06
Total Temporarily Restricted	\$601,558.06
Unrestricted	
Increase (Decrease) in Net Assets	\$4,334,973.70
Total Unrestricted	\$4,334,973.70
Total NET ASSETS	\$4,936,531.76
TOTAL LIABILITIES AND NET ASSETS	\$29,032,385.61
 BEGINNING BALANCE WITH CURRENT YEAR ADJUSTMENTS	 \$4,530,529.66
NET SURPLUS/(DEFICIT)	\$406,002.10
ENDING NET ASSETS	\$4,936,531.76

The Florida Bar Foundation Inc.
Statement of Activities
For the Year Ended June 30 , 2018

	Unrestricted	Temporarily Restricted	Permanently Restricted	Total
REVENUES, GAINS and OTHER SUPPORT				
IOTA Contributions	\$6,662,313.77	\$0.00	\$0.00	\$6,662,313.77
Other Contributions	\$975,801.37	\$283,099.13	\$0.00	\$1,258,900.50
Bar Fee Statement, Check-Off Receipts	\$0.00	\$300,963.00	\$0.00	\$300,963.00
Change in Value of Split-Interest Agreements	(\$897.26)	\$0.00	\$0.00	(\$897.26)
License Plate Campaign Contributions	\$0.00	\$37,197.93	\$0.00	\$37,197.93
Contract Revenues	\$8,416,361.57	\$0.00	\$0.00	\$8,416,361.57
CY Pres Awards	\$649,838.20	\$0.00	\$0.00	\$649,838.20
Return of Unspent Grant Funds	\$13.32	\$0.00	\$0.00	\$13.32
Investment Income	\$427,914.16	\$0.00	\$0.00	\$427,914.16
Unrealized/Realized Gains (Losses) on Investments	(\$7,499.21)	\$0.00	\$0.00	(\$7,499.21)
Gain (Loss) on Sale of Assets	(\$2,045.24)	\$0.00	\$0.00	(\$2,045.24)
Miscellaneous Income	\$51,423.82	\$0.00	\$0.00	\$51,423.82
Grants Received	\$250,000.00	\$0.00	\$0.00	\$250,000.00
Conditional Grants Awarded	(\$1,872,467.78)	\$0.00	\$0.00	(\$1,872,467.78)
Net Assets Released from Restriction	\$605,919.88	(\$605,919.88)	\$0.00	\$0.00
Total REVENUE	\$16,156,676.60	\$15,340.18	\$0.00	\$16,172,016.78
EXPENSES				
Program Expenses - Grants	(\$12,313,058.05)	\$0.00	\$0.00	(\$12,313,058.05)
Program Related Expenses	(\$1,054,826.53)	\$0.00	\$0.00	(\$1,054,826.53)
Supporting Services	(\$2,130,281.19)	\$0.00	\$0.00	(\$2,130,281.19)
Fund Raising Expenses	(\$267,848.91)	\$0.00	\$0.00	(\$267,848.91)
Total EXPENSES	(\$15,766,014.68)	\$0.00	\$0.00	(\$15,766,014.68)
BEGINNING NET ASSETS	\$3,944,311.78	\$586,217.88	\$0.00	\$4,530,529.66
NET SURPLUS/(DEFICIT)	\$390,661.92	\$15,340.18	\$0.00	\$406,002.10
ENDING NET ASSETS	\$4,334,973.70	\$601,558.06	\$0.00	\$4,936,531.76

Task Force on Distribution of IOTA Funds Final Report

Appendix J - Submissions to the Task Force

September 15, 2020

Page J - 363

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- Created the base educational pages and text for all of the sites sections. This included pages for the logic / decision making flows, and educational content pages for each of the three solutions (Estate Planning, Guardian Advocacy, or Guardianship).
- Created the pages for the Guardian Advocacy "of the person" automated form flow on the project's website.
- Created and tested 10 different automated Typeform documents for the project. This primarily covered the Guardian Advocate documents for Florida's 17th circuit. These documents are used as the base for the project's automated forms.
- Moved county resources and fingerprinting page layout and content from Florida Name Change to this project's website.
- Worked with Michelle Kenney and JALA to manage the early testing and feedback process for making changes to the site while it was under development.
- Created a brief 10-minute presentation on the project to present with Michelle Kenney to the FJTC board.

Data Analytics

- Took over the management of Google Analytics for all FJTC websites.
- Converted FJTC over from using base Google Analytics tracking to using Google Tag Manager. This change has allowed us to implement tracking of multiple items on our websites without having to redeploy new tracking code each time.
- Standardized the way all Google Analytics properties are setup across FJTC websites. They all are configured the same way now and track the same metrics consistently.
- Created an automated process to pull Google Analytics data for all FJTC properties into a central database daily. These daily data pulls allow FJTC to create internal reporting for any of our websites.
- Created a set of standardized reporting dashboards for all of FJTC's websites in conjunction with Laura Quinn. These are updated on a daily basis and allow our site managers to see

how their properties are performing. The reporting suite has useful information for optimizing the performance of each website, and also benchmarks all of our sites against each other. The reporting suite is modular and will be enhanced with additional reports and capabilities every few months.

Triage

- Helped evaluate three vendor proposals sent in for the project, and attended the vendor discovery day in Jacksonville with the project sponsors to help interview and select a final vendor to perform the project work.
- Created a high-level requirements document on what is needed from the project to achieve our goals. This document will evolve and help us ensure the project remains on track and hits its goals throughout development.
- Am working to determine and clarify the Legal Server API requirements ahead of the project's formal launch in August.

E-Learning TIG w/ LSNF

- Am beginning the process to help evaluate various learning management systems for this project. Up front we are focusing on determining what type of system is needed, and will present requirements on various ways we can do the project (with various feature levels that will dictate the scope of work).

Other items

- Put together a high-level document on how the Disaster Relief project could work, and helped provide some content and feedback for the grant document.
- Helped Joseph port Florida Health Justice project's Medicaid guide from their PDF document to an interactive web version. This included building the bulk of the website for the guide, setting up Google Analytics tracking for it, and building a reporting dashboard to help us monitor the web version's performance.
- Participated in the Legal Aid Hackathon. I prototyped a website to help people that are economically disadvantaged find free or low-cost technology options (including internet, cell phones, computers, and more).

Sam Harden: Project Manager/Developer

- Attended a monthly identification document clinic conducted by iDignity to determine possible partnership opportunities.
- Began work on a divorce case low-bono portal and form building service for Jacksonville Legal Aid.
- Began work on the Spanish language version of the Florida Name Change website.
- Explored FJTC's potential involvement in developing the state-wide court messaging project allowed for in the State of Florida 2018-2019 budget.
- Explored possible collaboration with Gulf Coast Legal Services for their birth certificate clinic.
- Conducted the Tampa node of the Task Force on Distribution of IOTA Funds Final Report

- Arranged for space at the Stetson Law School Tampa Campus;
- Had 5 local attendees.
- Developed and deployed a complete document assembly tool for building eviction case answers for Jacksonville Legal Aid, and attended an eviction clinic at Jacksonville Legal Aid to in-person test the application.
- Attended Docacon in Chicago - the first annual conference for Docassemble, a legal-focused document assembly application, developers.

Kate Peebles-Luther: Communications Contractor

- Created press releases for new partnerships and organizational milestones
- Created Prezi presentation for annual Board meeting
- Created general interest newsletter for public consumption
- Expanded content and features on FJTC website
- Created new content for FJTC blog
- Increased social media presence:
 - Twitter Highlights (@FJJusticeTech):
 - 208 retweets vs 50 in 1st Qtr;
 - 15,525 tweet impressions vs 14,370 in 1st Qtr;
 - 34 mentions vs 7 in 1st Qtr;
 - 345 likes vs 86 in 1st Qtr;
 - Twitter Highlights (@FlaLawHelp)
 - 2,023 tweet impressions (1,151 in 1st Qtr);
 - 124 profile visits (100 in 1st Qtr);
 - 7 mentions (1 in 1st Qtr);
 - Facebook Highlights (FJTC):
 - 169 daily engaged users;
 - 2,936 daily total reach;
 - 62 page followers;
 - 20 new Instagram followers (41 total)
- Assisting in marketing for FLH
- Continuing to grow and promote Legal Aid Marketing Society Group on Facebook. Currently 39 members.
- Assisted in creation of grant proposals

Rachael Marshall: Executive Assistant

- Planned logistics for Board Annual In-Person meeting and FJTC Team Retreat.
- Initial draft of quarterly reports.
- Develop and distribute monthly newsletter.
- Assist team with presentation materials and handouts for presentations and conference attendance.

- Processing of receipts, expense reports and invoicing.
- Budget report drafting and distribution.

The Florida Bar Foundation, Inc.
 Quarterly Report to The Florida Bar on Use of Loan Proceeds
 09/30/2018

Loan Covenant Numbers	Use of Loan Proceeds	<u>2018</u> September 30
E. 11.(a)	First \$1.0 million of the first draw and \$1.0 million of the second draw will be used either directly or indirectly for technology and the implementation of technology that will allow the Florida Bar Foundation and its grantees to improve access to justice primarily by: funding the start-up of an independent statewide non-profit entity with an organizational mission to increase access to justice to Floridians through the use of innovative technology and to train and support legal aid providers and pro bono attorneys in its use.	X
E. 11.(b)	Report on a quarterly basis following the first installment of loan proceeds, regarding policy and implementation of the utilization of technology and providing greater access to justice.	X (A)
E.12.(a)	Keep in force all licenses, permits, and franchises necessary for the proper conduct of business and duly pay and discharge all taxes, assessments, and governmental charges before the date penalties are assessed.	X
E.12.(b)(i)	Provide audit report within 120 days after fiscal year end.	X
E.12.(b)(ii)	Provide quarterly financial statements within 30 days after the close of the quarter certified by the Foundation as accurate.	X (B)
E.12.(b)(iii)	Other information regarding financial condition and operations that may be reasonably requested.	X
E.12.(c)	If requested, statements needed to satisfy security interests.	X
E.12.(d)	Permit TFB to audit or examine any books and records.	X
E.12.(e)	Inform TFB immediately of any material adverse change in the financial condition of the Foundation. Also any litigation or threatened litigation which may substantially affect the financial condition.	X
E.12.(g)	Maintain property and equipment in good repair.	X
E.13.	No additional debt incurred.	X

- X Covenant met
- (A) See attached Bar Loan Quarterly Report narrative
- (B) The Foundation will approve the June 30, 2018 audit report on December 7, 2018

Submitted By:
 Jasmine Lee-Gaumier, Controller

Signature Jasmine Lee-Gaumier Task Force on Distribution of IOTA Funds Final Report
 Date 10/31/18 Appendix J – Submissions to the Task Force
 September 15, 2020

The Florida Bar Foundation, Inc.
 Quarterly Report to The Florida Bar
 Costs Incurred
 September 30, 2018

	Current Quarter 09/30/18	Cumulative Thru 09/30/18
Costs incurred by the Florida Bar Foundation:		
Grant to Florida Justice Technology Center (FJTC):		
Direct Grant	\$ -	\$ 1,794,058.40
Consultants-costs incurred after grant was awarded in June 2015 and before contract completion in December 2015:		
Jimmy Midyette	\$ -	\$ 5,907.00
Joyce Raby	\$ -	\$ 62,745.04
Katrina Miller	\$ -	\$ 7,874.29
Wilneida Negron	\$ -	\$ 29,507.87
Sub Total Grant to Florida Justice Technology Center	\$ -	\$ 1,900,092.60
Other Costs:		
Consultants (includes consulting fees and travel):		
Joyce Raby	\$ -	\$ 96,894.62
Greacen Associates, LLC	\$ -	\$ 56,408.25
Jimmy Midyette	\$ -	\$ 47,583.67
Cost for statewide technology system support for the interim period January 1, 2015 to February 20, 2015 during transition of responsibility from Florida Legal Services to The Florida Justice Technology Center	\$ -	\$ 16,166.00
Annual content management and platform fees for statewide public information, staff advocate and volunteer attorney websites	\$ -	\$ 20,625.00
Other Administrative Costs	\$ -	\$ 3,428.66
Sub Total Other	\$ -	\$ 241,106.20
Total	\$ -	\$ 2,141,198.80

The Florida Bar

Statement of Loan Balance

As of: September 30, 2018

The Florida Bar Foundation, Inc.

Month	Interest Rate	Interest Accrued (Payment)	Principal Balance	Total Owed
Dec-14	1.720%	\$ 3,958.36	\$ 3,000,000.00	\$3,003,958.36
Jan-15	1.750%	\$ 4,458.90	\$ 3,000,000.00	\$3,008,417.26
Feb-15	1.700%	\$ 3,912.33	\$ 3,000,000.00	\$3,012,329.59
Mar-15	1.470%	\$ 3,745.48	\$ 3,000,000.00	\$3,016,075.07
Apr-15	1.700%	\$ 4,191.78	\$ 3,000,000.00	\$3,020,266.85
May-15	1.530%	\$ 3,898.36	\$ 3,000,000.00	\$3,024,165.21
Jun-15	1.600%	\$ 3,945.21	\$ 3,000,000.00	\$3,028,110.42
Jul-15	1.770%	\$ 4,509.86	\$ 3,000,000.00	\$3,032,620.28
Aug-15	1.820%	\$ 4,637.26	\$ 3,000,000.00	\$3,037,257.54
Sep-15	1.770%	\$ 4,364.38	\$ 3,000,000.00	\$3,041,621.92
Oct-15	1.670%	\$ 4,255.07	\$ 3,000,000.00	\$3,045,876.99
Nov-15	1.590%	\$ 3,920.55	\$ 3,000,000.00	\$3,049,797.54
Dec-15	1.680%	\$ 4,280.55	\$ 3,000,000.00	\$3,054,078.09
12/9-12/31/15	1.680%	\$ 3,313.97	\$ 6,000,000.00	\$3,057,392.06
Check # 35964, dated 11/30/2015		\$ (50,241.38)		\$3,007,150.68
Jan-16	1.81%	\$ 9,223.56	\$ 6,000,000.00	\$6,016,374.24
Feb-16	1.82%	\$ 8,676.16	\$ 6,000,000.00	\$6,025,050.40
Mar-16	1.48%	\$ 7,541.92	\$ 6,000,000.00	\$6,032,592.32
Apr-16	1.45%	\$ 7,150.68	\$ 6,000,000.00	\$6,039,743.00
May-16	1.43%	\$ 7,287.12	\$ 6,000,000.00	\$6,047,030.12
Jun-16	1.41%	\$ 6,953.42	\$ 6,000,000.00	\$6,053,983.54
Jul-16	1.43%	\$ 7,287.12	\$ 6,000,000.00	\$6,061,270.66
Aug-16	1.18%	\$ 6,013.15	\$ 6,000,000.00	\$6,067,283.81
Sep-16	1.22%	\$ 6,016.44	\$ 6,000,000.00	\$6,073,300.25
Oct-16	1.29%	\$ 6,573.70	\$ 6,000,000.00	\$6,079,873.95
Nov-16	1.33%	\$ 6,558.90	\$ 6,000,000.00	\$6,086,432.85
Check # 36854, dated 11/30/2016		\$ (86,432.85)		\$6,000,000.00
Dec-16	1.47%	\$ 7,490.96	\$ 6,000,000.00	\$6,007,490.96
Jan-17	1.97%	\$ 10,038.90	\$ 6,000,000.00	\$6,017,529.86
Feb-17	2.10%	\$ 9,665.75	\$ 6,000,000.00	\$6,027,195.61
Mar-17	2.05%	\$ 10,446.58	\$ 6,000,000.00	\$6,037,642.19
Apr-17	2.12%	\$ 10,454.79	\$ 6,000,000.00	\$6,048,096.98
May-17	2.04%	\$ 10,395.62	\$ 6,000,000.00	\$6,058,492.60
Jun-17	1.96%	\$ 9,665.75	\$ 6,000,000.00	\$6,068,158.35
Jul-17	1.89%	\$ 9,631.23	\$ 6,000,000.00	\$6,077,789.58
Aug-17	1.95%	\$ 9,936.99	\$ 6,000,000.00	\$6,087,726.57
Sep-17	1.94%	\$ 9,567.12	\$ 6,000,000.00	\$6,097,293.69
Oct-17	1.85%	\$ 9,427.40	\$ 6,000,000.00	\$6,106,721.09
Nov-17	2.00%	\$ 9,665.75	\$ 6,000,000.00	\$6,116,386.84

Task Force on Distribution of TAF Funds Report

Appendix J – Submissions to the Task Force

September 15, 2020

The Florida Bar**Statement of Loan Balance****As of: September 30, 2018****The Florida Bar Foundation, Inc.**

Month	Interest Rate	Interest Accrued (Payment)	Principal Balance	Total Owed
Check # 37744, dated 11/29/17		\$ (116,584.10)		\$6,000,000.00
12/1-12/7/17	2.11%	\$ 2,427.95	\$ 6,000,000.00	\$5,627,427.95
Check # 37748, dated 12/07/17			\$ (375,000.00)	\$5,252,427.95
			\$ 5,625,000.00	\$5,627,427.95
12/8-12/31/17	2.11%	\$ 7,804.11	\$ 5,625,000.00	\$5,635,232.06
Jan-18	2.18%	\$ 10,414.73	\$ 5,625,000.00	\$5,645,646.79
Feb-18	2.31%	\$ 9,967.81	\$ 5,625,000.00	\$5,655,614.60
3/1-3/14/18	2.57%	\$ 5,544.86	\$ 5,625,000.00	\$5,661,159.46
Check # 37987, dated 03/12/18; received 3/14/18			\$ (375,000.00)	\$5,286,159.46
3/15-3/31/18	2.57%	\$ 6,284.18	\$ 5,250,000.00	\$5,292,443.64
43191	2.72%	\$ 11,736.99	\$ 5,250,000.00	\$5,304,180.63
43221	2.69%	\$ 11,994.45	\$ 5,250,000.00	\$5,316,175.08
6/1-6/15/18	2.86%	\$ 6,170.55	\$ 5,250,000.00	\$5,322,345.63
Check # 38189, dated 06/12/18; received 6/15/18			\$ (375,000.00)	\$4,947,345.63
6/15-6/30/18	2.86%	\$ 5,729.79	\$ 4,875,000.00	\$4,953,075.42
43282	2.87%	\$ 11,882.98	\$ 4,875,000.00	\$4,964,958.40
43313	2.80%	\$ 11,593.15	\$ 4,875,000.00	\$4,976,551.55
9/1-9/14/18	2.86%	\$ 5,347.81	\$ 4,875,000.00	\$4,981,899.36
Check # 38393, dated 09/12/18; received 9/13/18			\$ (375,000.00)	\$4,606,899.36
9/15-9/30/18	2.86%	\$ 5,641.64	\$ 4,500,000.00	\$4,612,541.00

Task Force on Distribution of IOTA Funds Final Report
Appendix J – Submissions to the Task Force
September 15, 2020

Florida Justice Technology Center: Progress Report for July, August & September 2018

October
2018

FJTC Board

- Audit Subcommittee reviewed and approved the FJTC annual audit. Approval by the full board will be executed at the November 8, 2018 meeting.

Executive Director – Joyce Raby

- Hired a Grant Writer/Fund Development contractor - Emily Fasnacht. (see details of her work below)
- Developed and submitted proposal to build a Name Change/Gender Marker Change tool for Legal Aid Services of Oklahoma.
- Developed and submitted a proposal to build an online Legal Health Checkup tool for Gulfcoast Legal Services.
- Developed and submitted a proposal to assist Jacksonville Area Legal Aid with website strategy and enhancements.
- Finalized and executed a consulting contract with Colorado's Justice for All Project. FJTC executive director and staff will assist with planning a dual county triage pilot project.
- Sept 13-14, 2018 attended annual in-person OASIS meeting in Denver to begin finalizing data standards for National Center for State Courts defined litigant portals.
- Sept 28, 2018 – presented on a panel at the first ever TechLaw symposium hosted by the University of Arizona, James E. Rogers College of Law. The presentation outlined work done by FJTC and the impact of the online tools we create.
- Sept 29, 2018 – engaged in a day-long, invitation only workshop discussing potential strategies for incorporating technology in law student curriculum for UofA.

FJTC Staff

Joseph Schieffer: Project Manager

- Developed online version of the [Advocate's Guide to the Florida Long-Term Care Medicaid Waiver](#)
- Attended (with Alison DeBelder and Leona Hildreth of FJTC) the Florida Veteran-Friendly Communities Symposium in Orlando (August 3-4, 2018)
- Consulted for Bay Area Legal Services in hiring a Website Administrator, and planning for the development of a new website based on current contract.
- Attended Colorado Access to Justice Commission meeting and spoke about business process analysis on Sept 14 2018 (part of Colorado Justice For All project)
- For LSC TIG Grant/National DLAW grant with Bay Area Legal Services:
 - Completed Period 2 milestone reporting and received approval from LSC
 - Hosted [webinar](#) about Drupal projects and integration with third-party services
- Continued supporting the development of [Turning 18 website](#)
- Onboarded and trained new FJTC contractor, Heather Hadd
- Hosted three PDA Tech Committee meetings

Task Force on Distribution of IOTA Funds Final Report
Appendix J – Submissions to the Task Force

September 15, 2020

Page J - 375

Laura Quinn: Data Officer and Website Admin

- Created a model to show the financial and social impact of FloridaNameChange.org, based on the Drake Equation.
- Finalized and nationally released a report, [Comparing Online Legal Content Formats](#), that compares levels of user understanding, confidence and preference for four different formats of content—flowcharts, videos, FAQs, and narratives based on user testing work executed by Jessica Rea (see details of her work below).
- Finalized and released a report to our Florida community based on preliminary user tests and focus groups on how we can best reach our audience and what information they would find most useful: [Reaching Floridians with Legal Information](#) based on user testing work completed by Jessica Rea (see details of that work below).
- Worked with the Colorado Access to Justice Commission to help them understand potential models and metrics for a future triage system based our consulting contract.
- Oversaw the software selection for LSC TIG Elearning Grant. FJTC partners with Legal Services of North Florida on this grant.
- Designed a set of metrics to measure the community engagement around FloridaAdvocates.com
- Supported ongoing evaluation and decision making via the maintenance of dashboards for each FJTC website.
- Advised FJTC allies on evaluation and metrics, including JALA’s Medical Legal Help metrics and the Seventh Judicial Circuit Veterans Treatment Court
- Helped to brainstorm, write proposal and/or create evaluation plans for potential project including one for a chatbot for foster youth, a government RFP for a youth in transition database, rent withholding project proposal, and a elder abuse evaluation phone app
- Helped show FJTC as a national expert in user research and evaluation by conducting a LSNTAP webinar on methods of user experience research, and submitting three applications for LSC’s ITC Conference (at least one of which was accepted)

Alison DeBelder: FLAdvocate.org

- July 12 hosted a webinar on Florida’s New Injunction for Protection Against Exploitation of Vulnerable Adults on behalf of the Department of Elder Affairs. We recorded the webinar and have made it available on FLAdvocate for members and by email and private link to YouTube to others in the community, including law enforcement.
- July 14-17 attended the National Legal Aid and Defender Association Litigation and Advocacy Leaders’ conference in Fort Lauderdale, FL. Presented with Patrick Russell, of the Florida Bar on “Technology Ethics.” The agenda described the presentation as follows.

○ *Model Rule of Professional Conduct 1.1, Comment 8 provides: "To maintain the requisite knowledge and skill, a lawyer should keep abreast of changes in the law and its practice, including the benefits and risks associated with relevant technology, engage in continuing study and education and comply with all continuing legal education requirements to which the lawyer is subject." What is technology competency for lawyers, and how can legal aid programs help staff achieve such competency?*

Florida Justice Technology Center: Progress Report for July, August & September 2018

October
2018

- August 2-3, 2018 attended United Way Mission United Florida Veteran-Friendly Communities Symposium in Orlando, Florida. Met with numerous partners in legal aid community, but also in the private sector and academia committed to serving the needs of the vulnerable veteran population in Florida. Participated in an exemplary legal services workshop breakout session which was led by Laurie Yadoff of Coast to Coast Legal Aid of South Florida and James Heaton of Legal Aid Service of Broward County. Legal challenges facing veterans in Florida were discussed as well as how FJTC is supporting their attorneys through FLAdvocate.org and how we can strengthen that support.
- Created new listserv to support advocates working to challenge the new “Public Charge” rule.
- September 6 recorded Elder Health and Economic Justice Conference in Fort Lauderdale Florida at Coast to Coast Legal Aid to be shared with broader legal community through FLAdvocate. The conference featured state experts as well as preeminent national scholars from [Justice in Aging](#). Our expenses were underwritten by the Department of Elder Affairs. All written materials, such as slide decks, are available through FLAdvocate.

Raylene Coe: FLORIDA for Children and Families, www.f4cf.org

Please note: As of Aug 6 2018, FJTC has stopped all work on this grant until such time as the State of Florida brings current outstanding project invoices. FJTC engaged in a number of meetings with SOF staff and have been assured (as of Aug 22 2018) a check bringing the project current is forthcoming. As of yet, no check has been received.

- In July, began the process of reviewing Continuing Learning Education (CLE) course links on the licensed site to ensure functionality and validity.
 - Removed several old CLEs and updated others
 - Added new CLEs relevant to Florida Dependency matters
- Transitioned into Florida’s Children First account for preparation and editing of monthly newsletter via e-mail versus former PDF format.
- Reviewed case law relevant to Florida Dependency Law Center users and posted them to the site with a brief summary and link to the full text.
- Screened and added 12 new users.

Jessica Rae: FloridaLawHelp.org

- Finalized user testing & community feedback reports which were shared with organizations in targeted counties, legal service providers in Florida and national self-represented litigant advocates. These reports – created with Laura – were based on direct end user testing engaged in during the month of May, 2018.
- Working with Emily, submitted a grant proposal to fund chatbot for youth formerly involved with the foster care system.
- Updated and standardized legal services contacts
- Continued partnership with the Community Law Program to develop interactive independent living guide for youth formerly involved with the child welfare system.

Task Force on Distribution of IOTA Funds Final Report
Appendix J – Submissions to the Task Force

September 15, 2020

Page J - 377

Florida Justice Technology Center: Progress Report for July, August & September 2018

October
2018

- Continued to update and curate content on FloridaLawHelp.org.
- Content protocol finalized, with accessibility review ongoing.

Brandon Thomas: Developer/Data Analytics

Data Analytics

- Analyzed current reporting needs and helped create / manage a comprehensive list of items to be considered for the second phase of our reporting dashboards.
- Worked with Alison and Laura to create a project plan and proposed budget for FLAdvocate specific reporting.
- Created form reporting Google Analytics account to store data on all of our automated forms. Both Typeform and DocAssemble data will ultimately be captured in this account for more comprehensive activity and user behavior reporting.
- Continued to help Laura find information to aid in the Drake equation work.
- Created reporting suite for the FHJP Medicaid Long Term Care guide using Google Analytics, Tag Manager, and Data Studio.
- Created two new reports to help us monitor the usability of our automated legal forms. These will help us identify questions and flow issues that cause users to abandon the form. By using these regularly we can improve the user's experience and have more impact on the justice gap.

E-learning TIG with LSNF

- Created high level requirements document for the project. This was used to guide our search for a learning management system vendor.
- Researched and evaluated 15 different learning management systems based on our high level project requirement. From this list we chose the four best vendors to demo.
- Coordinated and participated in interactive demos for our top four vendor systems. Once these were completed I also filled out a comprehensive evaluation grid to allow us to better compare all the finalists to each other based on what we learned in each demo.
- Created a final report and learning management system feature compare grid to deliver to LSNF. These final deliverables included our top two system recommendations and two runner up selections.

FJTC Website

- Worked with Kate to speed up the FJTC website. This included changing the caching settings, reducing image sizes, and several other tactics in WordPress.
- Worked to move the website from Network Solutions to Site Ground to speed it up even more.

Florida Name Change

- Worked to analyze the Typeform data breach and how it impacted the site. Once we determined the impact I also worked to communicate to all impacted users.
- Worked with one of our vendors (Webmerge) to create new functionality in their system to regularly delete information related to our user's automated legal documents.
- Worked with Joseph, Kate, and Heather to create a plan to roll out Google Ads campaigns for the website. This will help drive new users to the website and be a model for how we assess and build campaigns for new projects.

Task Force on Distribution of IOTA Funds Final Report

Appendix J – Submissions to the Task Force

September 15, 2020

Page J - 378

Florida Justice Technology Center: Progress Report for July, August & September 2018

October
2018

- Created a frequently asked questions (FAQ) page for the website in collaboration with SLC.
- Added new legal aid organization partners to 31 counties on the website in collaboration with SLC.

Turning 18

- Created reporting suite for the site using Google Analytics, Tag Manager, and Data Studio. Custom reporting was also created to allow us to track users that are going through both the educational and automated document routes.
- Continued making developmental changes to the site based on feedback received from legal aid organizations that are helping us test our content and functionality.
- Worked with Michelle to rebuild two forms that were causing issues with the Broward county clerk. The versions of the two PDF templates had to be changed to bring them back in compliance.
- Worked to fix other developmental issues with the website following extensive adhoc testing by Joseph.

Triage

- Worked on researching API issues with Legal Server in conjunction with Sam. I was also involved with communication involving Legal Server to see how we might be able to solve the issues we see leading into the Triage project.

Miscellaneous

- Worked to identify and fix G-suite email issues for the organization when everything went out following the webhost switch for the FJTC website.
- Created a testing methodology and database for FJTC projects. This will allow us to ensure all website pages and automated form questions are explicitly testing during project development to ensure they completely work.
- Setup all FJTC websites for monitoring in Uptime Robot. This tool will tell us whenever one of our sites is down and allow us to intervene if they do not come back up quickly.
- Setup Wachete monitoring for 28 legal aid organization contact pages for Jess and Heather. This tool will allow us to determine when contact information changes so we can update it on Florida Law Help in a timely manner.

Sam Harden: Project Manager/Developer

- Under a work-for-hire contract, continued work on the Family Law Portal -an unbundled automated document assembly project we created to support attorneys providing limited scope assistance to paying clients. This is a project for Jacksonville Area Legal Aid.
 - Attended a lunch session with the attorneys and staff members involved to get feedback and outline project.
- Attended the Florida Courts Technology Conference in Miami at the request of FJTC's executive director.

Florida Justice Technology Center: Progress Report for July, August & September 2018

October
2018

- Built and deployed an online intake system for Jacksonville Area Legal Aid for use in evictions cases.
- Continued maintenance of the Eviction form builder tool and explored expansion to other counties and jurisdictions.
- Began exploring potential project around Driving While License Suspended Cases and prevention of these as a precipitating incident for future negative consequences.
- Continued exploration of state-wide court messaging project.

Kate Peebles-Luther: Communications Contractor

- Created and issued press releases for new partnership projects
- Created and issued report formats for two new FLH studies
- Created and issued FJTC board newsletter
- Expanded content and features on FJTC website
- Created new content for FJTC blog
- Increased social media presence:
 - Twitter Highlights (@FJJusticeTech):
 - 208 retweets vs 50 in 1st Qtr;
 - 15,525 tweet impressions vs 14,370 in 1st Qtr;
 - 34 mentions vs 7 in 1st Qtr;
 - 345 likes vs 86 in 1st Qtr;
 - Twitter Highlights (@FlaLawHelp)
 - 12,993 tweet impressions (2,023 in 2nd Qtr);
 - 549 profile visits (124 in 2nd Qtr);
 - 23 mentions (7 in 2nd Qtr);
 - 41 new followers (285 total)
 - Facebook Highlights (FJTC):
 - 1,636 daily total impressions;
 - 129 daily page engaged users;
 - 66 page followers;
 - 7 new Instagram followers (48 total)
- Assisting in marketing for FLH
- Continuing to grow and promote Legal Aid Marketing Society Group on Facebook. Currently 44 members.
- Creating marketing materials for FJTC and project sites
- Assisting with launch of Turning18
- Creating FJTC style guide
- Created presentation for Joyce at Techlaw Arizona
- Setup and implemented Workspace for FJTC team
- Assisting with grant development content and donation program
- Creating annual impact report/presentation for FBF

Florida Justice Technology Center: Progress Report for July, August & September 2018

October
2018

Heather Hadd – Developer Administrative Assistant

- Florida Health Law Project
 - Coordinated with team members and client to launch a product: the web version of the Advocate's Guide to the Florida Long-Term Care Medicaid Waiver.
 - Designed different materials for the launch of the waiver including a cover page and landing page.
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Florida Justice Technology Center: Progress Report for July, August & September 2018

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- Process business card and marketing materials requests, copies and shipping.
- Assist with end of the year reporting to board and funders.
- Arrange and purchase travel for executive director. Assist with travel arrangements for staff.
- Budget report drafting and distribution.

The Florida Bar Foundation Inc.
Statement of Financial Position
September 30, 2018

	Actual
ASSETS	
Current Assets	
Cash and Cash Equivalents	\$1,005,280.51
IOTA Contributions Receivable	\$637,385.00
Other Contributions Receivable	\$32,198.09
Notes Receivable, net of Allowance	\$900,756.70
Interest and Dividends Receivable	\$60,880.93
Accounts Receivable	\$9,600.25
Travel Advances	\$0.00
Prepaid Expenses	\$215,017.50
Short Term Investments	\$3,011,582.71
Intermediate Term Investments	\$21,412,043.58
Total Current Assets	\$27,284,745.27
Fixed Assets	
Office Equipment	\$182,228.90
Computer Equipment	\$83,498.46
Furniture and Fixtures	\$130,217.92
Computer Software	\$760,042.04
Leasehold Improvements	\$37,802.00
Accumulated Depreciation	(\$1,072,198.93)
Total Fixed Assets	\$121,590.39
Other Assets	
Deposits	\$7,714.50
Contributions Receivable	\$2,965.67
Total Other Assets	\$10,680.17
Total ASSETS	\$27,417,015.83

The Florida Bar Foundation Inc.
Statement of Financial Position
September 30, 2018

	Actual
LIABILITIES AND NET ASSETS	
LIABILITIES	
Current Liabilities	
Accounts Payable	\$83,290.10
Payroll Withholding	\$544.23
Conditional Grants Payable	\$1,263,425.61
Grants Payable	\$360,000.00
Accrued Expenses	\$203,943.79
Deferred Revenues	\$14,007,080.08
Note Payable, Current	\$1,500,000.00
Other Current Liabilities	\$27,413.24
Due to/Due From	\$0.00
Total Current Liabilities	\$17,445,697.05
Non-Current Liabilities	
Note Payable	\$3,000,000.00
Other Non-Current Liabilities	\$103,666.85
Total Non-Current Liabilities	\$3,103,666.85
TOTAL LIABILITIES	\$20,549,363.90
NET ASSETS	
Temporarily Restricted	
Increase (Decrease) in Net Assets	\$765,175.81
Total Temporarily Restricted	\$765,175.81
Unrestricted	
Increase (Decrease) in Net Assets	\$6,102,476.12
Total Unrestricted	\$6,102,476.12
Total NET ASSETS	\$6,867,651.93
TOTAL LIABILITIES AND NET ASSETS	\$27,417,015.83
 BEGINNING BALANCE WITH CURRENT YEAR ADJUSTMENTS	 \$6,873,850.38
 NET SURPLUS/(DEFICIT)	 (\$6,198.45)
 ENDING NET ASSETS	 \$6,867,651.93

The Florida Bar Foundation Inc.
Statement of Activities
For the Three Month Ended September 30, 2018

	<u>Unrestricted</u>	<u>Temporarily Restricted</u>	<u>Permanently Restricted</u>	<u>Total</u>
REVENUES, GAINS and OTHER SUPPORT				
IOTA Contributions	\$1,900,268.52	\$0.00	\$0.00	\$1,900,268.52
Other Contributions	\$17,837.93	\$37,615.00	\$0.00	\$55,452.93
Bar Fee Statement, Check-Off Receipts	\$0.00	\$166,741.88	\$0.00	\$166,741.88
Change in Value of Split-Interest Agreements	(\$192.50)	\$0.00	\$0.00	(\$192.50)
License Plate Campaign Contributions	\$0.00	\$12,975.00	\$0.00	\$12,975.00
Investment Income	\$93,518.11	\$0.00	\$0.00	\$93,518.11
Unrealized/Realized Gains (Losses) on Investments	\$146,698.96	\$0.00	\$0.00	\$146,698.96
Miscellaneous Income	\$5,608.15	\$0.00	\$0.00	\$5,608.15
Conditional Grants Awarded	(\$1,263,425.61)	\$0.00	\$0.00	(\$1,263,425.61)
Total REVENUE	<u>\$900,313.56</u>	<u>\$217,331.88</u>	<u>\$0.00</u>	<u>\$1,117,645.44</u>
EXPENSES				
Program Expenses - Grants	(\$496,000.00)	\$0.00	\$0.00	(\$496,000.00)
Program Related Expenses	(\$158,142.88)	\$0.00	\$0.00	(\$158,142.88)
Supporting Services	(\$417,050.39)	\$0.00	\$0.00	(\$417,050.39)
Fund Raising Expenses	(\$52,650.62)	\$0.00	\$0.00	(\$52,650.62)
Total EXPENSES	<u>(\$1,123,843.89)</u>	<u>\$0.00</u>	<u>\$0.00</u>	<u>(\$1,123,843.89)</u>
BEGINNING NET ASSETS	\$6,326,006.45	\$547,843.93	\$0.00	\$6,873,850.38
NET SURPLUS/(DEFICIT)	(\$223,530.33)	\$217,331.88	\$0.00	(\$6,198.45)
ENDING NET ASSETS	<u>\$6,102,476.12</u>	<u>\$765,175.81</u>	<u>\$0.00</u>	<u>\$6,867,651.93</u>

Florida Justice Technology Center: Progress Report for July, August & September 2018

October
2018

FJTC Board

- Audit Subcommittee reviewed and approved the FJTC annual audit. Approval by the full board will be executed at the November 8, 2018 meeting.

Executive Director – Joyce Raby

- Hired a Grant Writer/Fund Development contractor - Emily Fasnacht. (see details of her work below)
- Developed and submitted proposal to build a Name Change/Gender Marker Change tool for Legal Aid Services of Oklahoma.
- Developed and submitted a proposal to build an online Legal Health Checkup tool for Gulfcoast Legal Services.
- Developed and submitted a proposal to assist Jacksonville Area Legal Aid with website strategy and enhancements.
- Finalized and executed a consulting contract with Colorado's Justice for All Project. FJTC executive director and staff will assist with planning a dual county triage pilot project.
- Sept 13-14, 2018 attended annual in-person OASIS meeting in Denver to begin finalizing data standards for National Center for State Courts defined litigant portals.
- Sept 28, 2018 – presented on a panel at the first ever TechLaw symposium hosted by the University of Arizona, James E. Rogers College of Law. The presentation outlined work done by FJTC and the impact of the online tools we create.
- Sept 29, 2018 – engaged in a day-long, invitation only workshop discussing potential strategies for incorporating technology in law student curriculum for UofA.

FJTC Staff

Joseph Schieffer: Project Manager

- Developed online version of the [Advocate's Guide to the Florida Long-Term Care Medicaid Waiver](#)
- Attended (with Alison DeBelder and Leona Hildreth of FJTC) the Florida Veteran-Friendly Communities Symposium in Orlando (August 3-4, 2018)
- Consulted for Bay Area Legal Services in hiring a Website Administrator, and planning for the development of a new website based on current contract.
- Attended Colorado Access to Justice Commission meeting and spoke about business process analysis on Sept 14 2018 (part of Colorado Justice For All project)
- For LSC TIG Grant/National DLAW grant with Bay Area Legal Services:
 - Completed Period 2 milestone reporting and received approval from LSC
 - Hosted [webinar](#) about Drupal projects and integration with third-party services
- Continued supporting the development of [Turning 18 website](#)
- Onboarded and trained new FJTC contractor, Heather Hadd
- Hosted three PDA Tech Committee meetings

Task Force on Distribution of IOTA Funds Final Report
Appendix J – Submissions to the Task Force
September 15, 2020

Laura Quinn: Data Officer and Website Admin

- Created a model to show the financial and social impact of FloridaNameChange.org, based on the Drake Equation.
- Finalized and nationally released a report, [Comparing Online Legal Content Formats](#), that compares levels of user understanding, confidence and preference for four different formats of content—flowcharts, videos, FAQs, and narratives based on user testing work executed by Jessica Rea (see details of her work below).
- Finalized and released a report to our Florida community based on preliminary user tests and focus groups on how we can best reach our audience and what information they would find most useful: [Reaching Floridians with Legal Information](#) based on user testing work completed by Jessica Rea (see details of that work below).
- Worked with the Colorado Access to Justice Commission to help them understand potential models and metrics for a future triage system based our consulting contract.
- Oversaw the software selection for LSC TIG Elearning Grant. FJTC partners with Legal Services of North Florida on this grant.
- Designed a set of metrics to measure the community engagement around FloridaAdvocates.com
- Supported ongoing evaluation and decision making via the maintenance of dashboards for each FJTC website.
- Advised FJTC allies on evaluation and metrics, including JALA’s Medical Legal Help metrics and the Seventh Judicial Circuit Veterans Treatment Court
- Helped to brainstorm, write proposal and/or create evaluation plans for potential project including one for a chatbot for foster youth, a government RFP for a youth in transition database, rent withholding project proposal, and a elder abuse evaluation phone app
- Helped show FJTC as a national expert in user research and evaluation by conducting a LSNTAP webinar on methods of user experience research, and submitting three applications for LSC’s ITC Conference (at least one of which was accepted)

Alison DeBelder: FLAdvocate.org

- July 12 hosted a webinar on Florida’s New Injunction for Protection Against Exploitation of Vulnerable Adults on behalf of the Department of Elder Affairs. We recorded the webinar and have made it available on FLAdvocate for members and by email and private link to YouTube to others in the community, including law enforcement.
- July 14-17 attended the National Legal Aid and Defender Association Litigation and Advocacy Leaders’ conference in Fort Lauderdale, FL. Presented with Patrick Russell, of the Florida Bar on “Technology Ethics.” The agenda described the presentation as follows.

○ *Model Rule of Professional Conduct 1.1, Comment 8 provides: "To maintain the requisite knowledge and skill, a lawyer should keep abreast of changes in the law and its practice, including the benefits and risks associated with relevant technology, engage in continuing study and education and comply with all continuing legal education requirements to which the lawyer is subject." What is technology competency for lawyers, and how can legal aid programs help staff achieve such competency?*

Florida Justice Technology Center: Progress Report for July, August & September 2018

October
2018

- August 2-3, 2018 attended United Way Mission United Florida Veteran-Friendly Communities Symposium in Orlando, Florida. Met with numerous partners in legal aid community, but also in the private sector and academia committed to serving the needs of the vulnerable veteran population in Florida. Participated in an exemplary legal services workshop breakout session which was led by Laurie Yadoff of Coast to Coast Legal Aid of South Florida and James Heaton of Legal Aid Service of Broward County. Legal challenges facing veterans in Florida were discussed as well as how FJTC is supporting their attorneys through FLAdvocate.org and how we can strengthen that support.
- Created new listserv to support advocates working to challenge the new “Public Charge” rule.
- September 6 recorded Elder Health and Economic Justice Conference in Fort Lauderdale Florida at Coast to Coast Legal Aid to be shared with broader legal community through FLAdvocate. The conference featured state experts as well as preeminent national scholars from [Justice in Aging](#). Our expenses were underwritten by the Department of Elder Affairs. All written materials, such as slide decks, are available through FLAdvocate.

Raylene Coe: FLORIDA for Children and Families, www.f4cf.org

Please note: As of Aug 6 2018, FJTC has stopped all work on this grant until such time as the State of Florida brings current outstanding project invoices. FJTC engaged in a number of meetings with SOF staff and have been assured (as of Aug 22 2018) a check bringing the project current is forthcoming. As of yet, no check has been received.

- In July, began the process of reviewing Continuing Learning Education (CLE) course links on the licensed site to ensure functionality and validity.
 - Removed several old CLEs and updated others
 - Added new CLEs relevant to Florida Dependency matters
- Transitioned into Florida’s Children First account for preparation and editing of monthly newsletter via e-mail versus former PDF format.
- Reviewed case law relevant to Florida Dependency Law Center users and posted them to the site with a brief summary and link to the full text.
- Screened and added 12 new users.

Jessica Rae: FloridaLawHelp.org

- Finalized user testing & community feedback reports which were shared with organizations in targeted counties, legal service providers in Florida and national self-represented litigant advocates. These reports – created with Laura – were based on direct end user testing engaged in during the month of May, 2018.
- Working with Emily, submitted a grant proposal to fund chatbot for youth formerly involved with the foster care system.
- Updated and standardized legal services contacts
- Continued partnership with the Community Law Program to develop interactive independent living guide for youth formerly involved with the child welfare system.

Task Force on Distribution of IOTA Funds Final Report
Appendix J – Submissions to the Task Force

September 15, 2020

Page J - 388

Florida Justice Technology Center: Progress Report for July, August & September 2018

October
2018

- Continued to update and curate content on FloridaLawHelp.org.
- Content protocol finalized, with accessibility review ongoing.

Brandon Thomas: Developer/Data Analytics

Data Analytics

- Analyzed current reporting needs and helped create / manage a comprehensive list of items to be considered for the second phase of our reporting dashboards.
- Worked with Alison and Laura to create a project plan and proposed budget for FLAdvocate specific reporting.
- Created form reporting Google Analytics account to store data on all of our automated forms. Both Typeform and DocAssemble data will ultimately be captured in this account for more comprehensive activity and user behavior reporting.
- Continued to help Laura find information to aid in the Drake equation work.
- Created reporting suite for the FHJP Medicaid Long Term Care guide using Google Analytics, Tag Manager, and Data Studio.
- Created two new reports to help us monitor the usability of our automated legal forms. These will help us identify questions and flow issues that cause users to abandon the form. By using these regularly we can improve the user's experience and have more impact on the justice gap.

E-learning TIG with LSNF

- Created high level requirements document for the project. This was used to guide our search for a learning management system vendor.
- Researched and evaluated 15 different learning management systems based on our high level project requirement. From this list we chose the four best vendors to demo.
- Coordinated and participated in interactive demos for our top four vendor systems. Once these were completed I also filled out a comprehensive evaluation grid to allow us to better compare all the finalists to each other based on what we learned in each demo.
- Created a final report and learning management system feature compare grid to deliver to LSNF. These final deliverables included our top two system recommendations and two runner up selections.

FJTC Website

- Worked with Kate to speed up the FJTC website. This included changing the caching settings, reducing image sizes, and several other tactics in WordPress.
- Worked to move the website from Network Solutions to Site Ground to speed it up even more.

Florida Name Change

- Worked to analyze the Typeform data breach and how it impacted the site. Once we determined the impact I also worked to communicate to all impacted users.
- Worked with one of our vendors (Webmerge) to create new functionality in their system to regularly delete information related to our user's automated legal documents.
- Worked with Joseph, Kate, and Heather to create a plan to roll out Google Ads campaigns for the website. This will help drive new users to the website and be a model for how we assess and build campaigns for new projects.

Task Force on Distribution of IOTA Funds Final Report

Appendix J – Submissions to the Task Force

September 15, 2020

Page J - 389

Florida Justice Technology Center: Progress Report for July, August & September 2018

October
2018

- Created a frequently asked questions (FAQ) page for the website in collaboration with SLC.
- Added new legal aid organization partners to 31 counties on the website in collaboration with SLC.

Turning 18

- Created reporting suite for the site using Google Analytics, Tag Manager, and Data Studio. Custom reporting was also created to allow us to track users that are going through both the educational and automated document routes.
- Continued making developmental changes to the site based on feedback received from legal aid organizations that are helping us test our content and functionality.
- Worked with Michelle to rebuild two forms that were causing issues with the Broward county clerk. The versions of the two PDF templates had to be changed to bring them back in compliance.
- Worked to fix other developmental issues with the website following extensive adhoc testing by Joseph.

Triage

- Worked on researching API issues with Legal Server in conjunction with Sam. I was also involved with communication involving Legal Server to see how we might be able to solve the issues we see leading into the Triage project.

Miscellaneous

- Worked to identify and fix G-suite email issues for the organization when everything went out following the webhost switch for the FJTC website.
- Created a testing methodology and database for FJTC projects. This will allow us to ensure all website pages and automated form questions are explicitly testing during project development to ensure they completely work.
- Setup all FJTC websites for monitoring in Uptime Robot. This tool will tell us whenever one of our sites is down and allow us to intervene if they do not come back up quickly.
- Setup Wachete monitoring for 28 legal aid organization contact pages for Jess and Heather. This tool will allow us to determine when contact information changes so we can update it on Florida Law Help in a timely manner.

Sam Harden: Project Manager/Developer

- Under a work-for-hire contract, continued work on the Family Law Portal -an unbundled automated document assembly project we created to support attorneys providing limited scope assistance to paying clients. This is a project for Jacksonville Area Legal Aid.
 - Attended a lunch session with the attorneys and staff members involved to get feedback and outline project.
- Attended the Florida Courts Technology Conference in Miami at the request of FJTC's executive director.

Florida Justice Technology Center: Progress Report for July, August & September 2018

October
2018

- Built and deployed an online intake system for Jacksonville Area Legal Aid for use in evictions cases.
- Continued maintenance of the Eviction form builder tool and explored expansion to other counties and jurisdictions.
- Began exploring potential project around Driving While License Suspended Cases and prevention of these as a precipitating incident for future negative consequences.
- Continued exploration of state-wide court messaging project.

Kate Peebles-Luther: Communications Contractor

- Created and issued press releases for new partnership projects
- Created and issued report formats for two new FLH studies
- Created and issued FJTC board newsletter
- Expanded content and features on FJTC website
- Created new content for FJTC blog
- Increased social media presence:
 - Twitter Highlights (@FJJusticeTech):
 - 208 retweets vs 50 in 1st Qtr;
 - 15,525 tweet impressions vs 14,370 in 1st Qtr;
 - 34 mentions vs 7 in 1st Qtr;
 - 345 likes vs 86 in 1st Qtr;
 - Twitter Highlights (@FlaLawHelp)
 - 12,993 tweet impressions (2,023 in 2nd Qtr);
 - 549 profile visits (124 in 2nd Qtr);
 - 23 mentions (7 in 2nd Qtr);
 - 41 new followers (285 total)
 - Facebook Highlights (FJTC):
 - 1,636 daily total impressions;
 - 129 daily page engaged users;
 - 66 page followers;
 - 7 new Instagram followers (48 total)
- Assisting in marketing for FLH
- Continuing to grow and promote Legal Aid Marketing Society Group on Facebook. Currently 44 members.
- Creating marketing materials for FJTC and project sites
- Assisting with launch of Turning18
- Creating FJTC style guide
- Created presentation for Joyce at Techlaw Arizona
- Setup and implemented Workspace for FJTC team
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Loan Covenant Numbers	Use of Loan Proceeds	<u>2018</u> 31-Dec-19
E. 11.(a)	First \$1.0 million of the first draw and \$1.0 million of the second draw will be used either directly or indirectly for technology and the implementation of technology that will allow the Florida Bar Foundation and its grantees to improve access to justice primarily by: funding the start-up of an independent statewide non-profit entity with an organizational mission to increase access to justice to Floridians through the use of innovative technology and to train and support legal aid providers and pro bono attorneys in its use.	X
E. 11.(b)	Report on a quarterly basis following the first installment of loan proceeds, regarding policy and implementation of the utilization of technology and providing greater access to justice.	X (A)
E.12.(a)	Keep in force all licenses, permits, and franchises necessary for the proper conduct of business and duly pay and discharge all taxes, assessments, and governmental charges before the date penalties are assessed.	X
E.12.(b)(i)	Provide audit report within 120 days after fiscal year end.	X (B)
E.12.(b)(ii)	Provide quarterly financial statements within 30 days after the close of the quarter certified by the Foundation as accurate.	X Attached
E.12.(b)(iii)	Other information regarding financial condition and operations that may be reasonably requested.	X
E.12.(c)	If requested, statements needed to satisfy security interests.	X
E.12.(d)	Permit TFB to audit or examine any books and records.	X
E.12.(e)	Inform TFB immediately of any material adverse change in the financial condition of the Foundation. Also any litigation or threatened litigation which may substantially affect the financial condition.	X
E.12.(g)	Maintain property and equipment in good repair.	X
E.13.	No additional debt incurred.	X

- X Covenant met
- (A) See attached Bar Loan Quarterly Report narrative
- (B) Audited Financial Statement sent by e-mail on 12/10/18

Submitted By:
 Jasmine Lee-Gaumier, Controller

Signature Jasmine Lee-Gaumier Date 1/30/19

Task Force on Distribution of IOTA Funds Final Report
 Appendix J – Submissions to the Task Force

September 15, 2020

The Florida Bar Foundation, Inc.
 Quarterly Report to The Florida Bar
 Costs Incurred
 December 31, 2018

	Current Quarter 12/31/18	Cumulative Thru 12/31/18
Costs incurred by the Florida Bar Foundation:		
Grant to Florida Justice Technology Center (FJTC):		
Direct Grant	\$ -	\$ 1,794,058.40
Consultants-costs incurred after grant was awarded in June 2015 and before contract completion in December 2015:		\$ -
Jimmy Midyette	\$ -	\$ 5,907.00
Joyce Raby	\$ -	\$ 62,745.04
Katrina Miller	\$ -	\$ 7,874.29
Wilneida Negron	\$ -	\$ 29,507.87
Sub Total Grant to Florida Justice Technology Center	<u>\$ -</u>	<u>\$ 1,900,092.60</u>
Other Costs:		
Consultants (includes consulting fees and travel):		
Joyce Raby	\$ -	\$ 96,894.62
Greacen Associates, LLC	\$ -	\$ 56,408.25
Jimmy Midyette	\$ -	\$ 47,583.67
Cost for statewide technology system support for the interim period January 1, 2015 to February 20, 2015 during transition of responsibility from Florida Legal Services to The Florida Justice Technology Center	\$ -	\$ 16,166.00
Annual content management and platform fees for statewide public information, staff advocate and volunteer attorney websites	\$ -	\$ 20,625.00
Other Administrative Costs	\$ -	\$ 3,428.66
Sub Total Other	<u>\$ -</u>	<u>\$ 241,106.20</u>
Total	<u><u>\$ -</u></u>	<u><u>\$ 2,141,198.80</u></u>

The Florida Bar

Statement of Loan Balance
As of: December 31, 2018
The Florida Bar Foundation, Inc.

Month	Interest Rate	Interest Accrued (Payment)	Principal Balance	Total Owed
Dec-14	1.720%	\$ 3,958.36	\$ 3,000,000.00	\$3,003,958.36
Jan-15	1.750%	\$ 4,458.90	\$ 3,000,000.00	\$3,008,417.26
Feb-15	1.700%	\$ 3,912.33	\$ 3,000,000.00	\$3,012,329.59
Mar-15	1.470%	\$ 3,745.48	\$ 3,000,000.00	\$3,016,075.07
Apr-15	1.700%	\$ 4,191.78	\$ 3,000,000.00	\$3,020,266.85
May-15	1.530%	\$ 3,898.36	\$ 3,000,000.00	\$3,024,165.21
Jun-15	1.600%	\$ 3,945.21	\$ 3,000,000.00	\$3,028,110.42
Jul-15	1.770%	\$ 4,509.86	\$ 3,000,000.00	\$3,032,620.28
Aug-15	1.820%	\$ 4,637.26	\$ 3,000,000.00	\$3,037,257.54
Sep-15	1.770%	\$ 4,364.38	\$ 3,000,000.00	\$3,041,621.92
Oct-15	1.670%	\$ 4,255.07	\$ 3,000,000.00	\$3,045,876.99
Nov-15	1.590%	\$ 3,920.55	\$ 3,000,000.00	\$3,049,797.54
Dec-15	1.680%	\$ 4,280.55	\$ 3,000,000.00	\$3,054,078.09
12/9-12/31/15	1.680%	\$ 3,313.97	\$ 6,000,000.00	\$3,057,392.06
Check # 35964, dated 11/30/2015		\$ (50,241.38)		\$3,007,150.68
Jan-16	1.81%	\$ 9,223.56	\$ 6,000,000.00	\$6,016,374.24
Feb-16	1.82%	\$ 8,676.16	\$ 6,000,000.00	\$6,025,050.40
Mar-16	1.48%	\$ 7,541.92	\$ 6,000,000.00	\$6,032,592.32
Apr-16	1.45%	\$ 7,150.68	\$ 6,000,000.00	\$6,039,743.00
May-16	1.43%	\$ 7,287.12	\$ 6,000,000.00	\$6,047,030.12
Jun-16	1.41%	\$ 6,953.42	\$ 6,000,000.00	\$6,053,983.54
Jul-16	1.43%	\$ 7,287.12	\$ 6,000,000.00	\$6,061,270.66
Aug-16	1.18%	\$ 6,013.15	\$ 6,000,000.00	\$6,067,283.81
Sep-16	1.22%	\$ 6,016.44	\$ 6,000,000.00	\$6,073,300.25
Oct-16	1.29%	\$ 6,573.70	\$ 6,000,000.00	\$6,079,873.95
Nov-16	1.33%	\$ 6,558.90	\$ 6,000,000.00	\$6,086,432.85
Check # 36854, dated 11/30/2016		\$ (86,432.85)		\$6,000,000.00

Task Force on Distribution of IOTA Funds Final Report
Appendix J – Submissions to the Task Force
September 15, 2020

The Florida Bar

Statement of Loan Balance
As of: December 31, 2018
The Florida Bar Foundation, Inc.

Month	Interest Rate	Interest Accrued (Payment)	Principal Balance	Total Owed
Dec-16	1.47%	\$ 7,490.96	\$ 6,000,000.00	\$6,007,490.96
Jan-17	1.97%	\$ 10,038.90	\$ 6,000,000.00	\$6,017,529.86
Feb-17	2.10%	\$ 9,665.75	\$ 6,000,000.00	\$6,027,195.61
Mar-17	2.05%	\$ 10,446.58	\$ 6,000,000.00	\$6,037,642.19
Apr-17	2.12%	\$ 10,454.79	\$ 6,000,000.00	\$6,048,096.98
May-17	2.04%	\$ 10,395.62	\$ 6,000,000.00	\$6,058,492.60
Jun-17	1.96%	\$ 9,665.75	\$ 6,000,000.00	\$6,068,158.35
Jul-17	1.89%	\$ 9,631.23	\$ 6,000,000.00	\$6,077,789.58
Aug-17	1.95%	\$ 9,936.99	\$ 6,000,000.00	\$6,087,726.57
Sep-17	1.94%	\$ 9,567.12	\$ 6,000,000.00	\$6,097,293.69
Oct-17	1.85%	\$ 9,427.40	\$ 6,000,000.00	\$6,106,721.09
Nov-17	2.00%	\$ 9,863.01	\$ 6,000,000.00	\$6,116,584.10
Check # 37744, dated 11/29/17		\$ (116,584.10)		\$6,000,000.00
12/1-12/7/17	2.11%	\$ 2,427.95	\$ 6,000,000.00	\$5,627,427.95
Check # 37748, dated 12/07/17			\$ (375,000.00)	\$5,252,427.95
			\$ 5,625,000.00	\$5,627,427.95
12/8-12/31/17	2.11%	\$ 7,804.11	\$ 5,625,000.00	\$5,635,232.06
Jan-18	2.18%	\$ 10,414.73	\$ 5,625,000.00	\$5,645,646.79
Feb-18	2.31%	\$ 9,967.81	\$ 5,625,000.00	\$5,655,614.60
3/1-3/14/18	2.57%	\$ 5,544.86	\$ 5,625,000.00	\$5,661,159.46
Check # 37987, dated 03/12/18; received 3/14/18			\$ (375,000.00)	\$5,286,159.46
3/15-3/31/18	2.57%	\$ 6,284.18	\$ 5,250,000.00	\$5,292,443.64
Apr-18	2.72%	\$ 11,736.99	\$ 5,250,000.00	\$5,304,180.63
May-18	2.69%	\$ 11,994.45	\$ 5,250,000.00	\$5,316,175.08
6/1-6/15/18	2.86%	\$ 6,170.55	\$ 5,250,000.00	\$5,322,345.63
Check # 38189, dated 06/12/18; received 6/15/18			\$ (375,000.00)	\$4,947,345.63
6/15-6/30/18	2.86%	\$ 5,729.79	\$ 4,875,000.00	\$4,953,075.42
Jul-18	2.87%	\$ 11,882.98	\$ 4,875,000.00	\$4,964,958.40
Aug-18	2.80%	\$ 11,593.15	\$ 4,875,000.00	\$4,976,551.55
9/1-9/14/18	2.86%	\$ 5,347.81	\$ 4,875,000.00	\$4,981,899.36
Check # 38393, dated 09/12/18; received 9/13/18			\$ (375,000.00)	\$4,606,899.36
9/15-9/30/18	2.86%	\$ 5,641.64	\$ 4,500,000.00	\$4,612,541.00
Oct-18	2.83%	\$ 10,816.03	\$ 4,500,000.00	\$4,623,357.03
Nov-18	3.04%	\$ 11,243.84	\$ 4,500,000.00	\$4,634,600.87
Check # 38487 dated 11/30/18		\$ (134,600.87)		\$4,500,000.00
12/1-12/14/18	3.07%	\$ 5,298.90	\$ 4,500,000.00	\$ 4,505,298.90
Check # 38562, dated 12/13/18; received 12/17/18			\$ (375,000.00)	\$4,130,298.90
12/15-12/31/18	3.07%	\$ 5,898.18	\$ 4,125,000.00	\$ 4,136,197.08

Task Force on Distribution of IOTA Funds Final Report
Appendix J – Submissions to the Task Force

September 15, 2020

FJTC Board

- The Board met virtually on November 8, 2018 and reviewed and approved the annual audit. The board also reviewed the current status on all grants and software development projects.
- The board also discussed recruitment of candidates for new board positions.
- The board also accepted/approved all meeting dates for 2019.

FJTC – Our Tools In Action

- Statewide Triage – FJTC hosted a community kick off even on November 15, 2018 in Jacksonville to share current designs and wireframes of statewide triage. FJTC and Theory & Principle (our statewide triage development vendor) also jointly hosted user testing in the local community of the wireframes.
- FloridaNameChange – as of December 31 2018.
15,616 unique users have visited the site since launch (March 2018)
 - 1,476 total legal form packets have been filled out
 - 922 visitors have completed the name change petition packet (7+ forms)
 - 342 visitors have completed paperwork to update their Social Security record (1 form)
 - 196 visitors have completed paperwork to have their birth certificate updated (2 forms)
 - 16 visitors have completed paperwork to have their US passport updated (1 form)
- Turning18 – FJTC hosted a hard launch of the tool on December 14, 2018 to be held at NOVA University. In conjunction with this event we held a Florida Bar approved Technology CLE course with 50 participants. Since launch through the end of the year;
1,886 unique users have visited the site since launch (December 2018)
 - 189 visitors have gone completely through the sites routing logic to get them to the most appropriate solution
 - 90 visitors have completed the guardian advocate education path
 - 46 visitors have completed the estate planning education path
 - 53 visitors have completed the guardianship education path
 - 36 visitors have completed a of the person guardian advocate packet (5+ forms)
- JALA Online Intake – FJTC developed and launched online intake for Jacksonville Area Legal Aid. This work will support our development with statewide triage; ensuring the data transfer between triage and non-LSC funded programs is effective. FJTC plans to replicate the online intake work to other non-LSC funded legal aid programs throughout 2019. FJTC partners with LSGMI on the development and implementation of online intake for LSC-funded legal aid organizations.
- JALA Low Bono/Family Law Project – completed and installed. We are currently testing with JALA intake staff and attorney users to finalize.
- Colorado Justice for All project (CJFA) – This consulting work has been completed and the final invoice will be issued within the next week. FJTC produced a triage roadmap for CJFA which is

Florida Justice Technology Center: Progress Report for October, November & December 2018

January
2019

being used by the Colorado Bar and Colorado Access to Justice Commission to create and implement a two-county triage pilot project funded by the National Center for State Courts.

New Funding Opportunities

- Grant Submission; Wells Fargo – Rentwitholding project (denied).
- Grant Submission; PNC – Rentwitholding project – denied in the current year but we have been asked to contact them in January to discuss potential 2019 funding. We have a meeting date set to discuss this funding opportunity for February 19, 2019.
- Grant Submission; Florida Bar Foundation Bank of America (denied) includes; Statewide Expungement Tool, Renter’s Rights Tool, Facebook Foster Youth Chatbot.

Corporation Sponsorships – FJTC has begun soliciting for corporate sponsorships.

- Atlantic.net - \$1,000 sponsorship secured! (logo on FJTC website, one blog post written by them per quarter, one social media shout out per quarter, for one year)

Cy Pres Awards –

- Robert Murphy/Murphy Law (Fort Lauderdale) – FJTC has been notified that we will receive \$8,900 as a cy pres award.
- Scott Jeeves/Jeeves Law Group (Tampa, St. Petersburg) – \$2,500 to be delivered

Executive Director – Joyce Raby

- Hired a Grant Writer/Fund Development contractor. Replaced a Project Manager. Hired a new executive assistant. Replaced an administrative assistant. Hired new Data Analytics staff. Transitioned to a bookkeeper. Reviewed and renewed all contracts for 2019.
- Hosted a Technology Standards Day in Gunnison, CO. Worked with key management staff to create a standard technology stack all products will migrate to over the course of 2019. Also outlined standard development process and procedures for all new work projects implemented with the new year.
- Attended portions and held meetings in Denver as part of the National Consumer Law Conference, October 24-26, 2018.
- Attended NLADA in Houston, Texas October 31 – November 2, 2018
- Oversaw launch of development work on Statewide Triage and hosted Statewide Triage Kick Off Event in Jacksonville November 15-16, 2018.
- Invited to serve as Co-Vice Chair of the California Bar Innovations in Legal Services Task Force. Attended initial meeting on San Francisco, December 5, 2018.
- Presented the work of FJTC to the Florida Bar Foundation Board December 7, 2018.
- Presented “Advanced Project Planning: Strategies, Systems, and Techniques to Manage Your Hardest Tasks” Webinar at the request of Management Information Exchange (MIE) on December 12, 2018.

FJTC Team

Sam Harden – Lead Developer

Legal Aid Hackathon:

- Organized and set up the Legal Aid Hackathon for January 8th, 2019 in New Orleans to happen the day before the IT Conference. Conducted meetups, encouraged community participation, and facilitated the formation of teams and projects. Secured vending, catering, and other logistics.

Clio Cloud Conference:

- Attended the Clio Cloud Conference to explore this case management system and potential integrations with other projects, networked with other industry professionals.

FJTC Tech Standards Day:

- Participated in the FJTC Tech Standards Day in Gunnison, CO in order to assist in the creation of development standards and standard operating procedures for the FJTC.

Legal Server / Case Management Summit:

- Participated in the Case Management Summit to discuss continued use of LegalServer as well as other options that may integrate with technology tools for low-bono and pro-bono organizations.

FLARE Low Bono Development:

- Finalized work on the FLARE (Family Law Assistance at Reduced Expense) Divorce application for Jacksonville Area Legal Aid.

Evictions work:

- Continued refinement and development of the Eviction tool for Jacksonville Area Legal Aid.

Other:

- Published an article in Law Practice Today magazine: <https://www.lawpracticetoday.org/article/case-legal-ide/>

Laura Quinn: Data Officer and Website Admin

- Created and presented a user research presentation
- Created and presented a rapid-fire Drake Equation presentation at the 2019 LSC Innovations in Technology Conference
- Created a diagram of five different state Triage models

Florida Justice Technology Center: Progress Report for October, November & December 2018

January
2019

- Completed Drake Equation modeling work for all of FJTC's primary websites
- Designed and will host Drake Equation Webinar for LSNTAP on Feb 6 2019.

Alison DeBelder: FLAdvocate.org

October

- October 19 attended PDA meeting in Tampa
- October 24-27 attended National Consumer Law Center Conference in Denver, Colorado. Obtained permission to share all conference materials with Consumer practice area members on FLAdvocate. Cheered on 2 Florida legal aid attorneys (and members of FLAdvocate) as they received national awards.
- October 25 met with Executive Director in CO for strategic planning.
- Triage kickoff Jacksonville

November

- November 7-10 Attended Tech Standards meeting in CO
- November 15 Attended Triage Kickoff event at Holland and Knight in Jacksonville
- November 15 attended Humana Town Hall in Jacksonville and met with OnTrack Life Solutions to explore the potential role of triage and FJTC in the Humana project and others.

December

- December 1-3 attended National Health Law Program's annual conference. In addition to attending conference sessions (including those focused on technology), I also held meetings with FLAdvocate members, practice area leader, and national leaders to discuss viability of new tool we are considering for development. Met with physician involved with Medical Legal Partnership leading to distribution of Turning18.org promotion in all welcome kits distributed to children in medical practice.
- December 14 Attended launch of Turning18.org at Nova in Ft. Lauderdale. Met with Dean of Nova's Law School, coordinator of their pro bono program, and many lawyers and family members of people with intellectual disabilities. Met in person with FJTC colleagues and board member Michelle Keinney.
- Met with Military OneSource representative to share FJTC's work with veterans in Florida.

Raylene Coe: FLORIDA for Children and Families, www.f4cf.org

The State of Florida has decided to no longer fund for this work.

Jessica Rae: FloridaLawHelp.org

- During the third and fourth quarters, reworked FLH's [Find a Lawyer](#) page to improve user experience. This included updating of the contact pages for all legal aid providers in Florida so

Task Force on Distribution of IOTA Funds Final Report

Appendix J – Submissions to the Task Force

September 15, 2020

Page J - 401

that we can use a web monitoring service to capture changes made to the contact information on legal aid organizations' web pages. FLH receives alerts and updates the information on FLH within 24 hours ensuring that the contact information is accurate and up to date.

- Conducted initial meetings with subject matter experts from FLAdvocate.org in both housing and family law based on user searches and community-identified needs. Sought feedback and obtained buy-in for FLH's plan to create and update pro se materials on a statewide basis for all legal aid organizations. Both groups enthusiastically supported the plan and agreed to work on the materials in the first quarter of 2019. By centralizing the development of pro se materials, FLH will be able to ensure that the materials are accessible, compliant with best practices and user-tested. These materials can then be updated more efficiently and translated cost-effectively.
- Developed materials for second round of user testing using a housing conditions hypothetical. Conducted user testing in Clearwater, Tampa and St. Petersburg with three partners: Ready for Life Pinellas, Bay Area Legal Aid and the Community Law Program. The data is being analyzed and will be combined with further testing completed in early 2019
- Presentations and Trainings
 - On October 26, 2018, presented "An Overview of Dependency Hearings" for Crossroads for Florida's Kids pro bono training.
 - On October 27, 2018, panelist for the launch of Child Advocates of Stetson Law "Know Your Rights-An Informational Guide for Teenagers in Foster Care"
 - On October 29, 2018, presented "Kid's Rights, Lawyer's Responsibilities" for Legal Aid of Manasota's pro bono training.
 - December 14, 2018: Attended the launch of Turning18.org at Shepard Broad College of Law, Nova Southeastern University, in Fort Lauderdale where FJTC's Brandon Thomas and guardian advocacy guru (and FJTC board member), Michele Kenney presented the new site to a packed room of lawyers and community advocates, one of whom stood up to "commend [FJTC] for [its] innovation".
- Conducted ongoing outreach with community organizations to publicize floralawhelp.org. The number of visitors to the site continues to grow with approximately 95,000 visitors in the last quarter of 2018.

Brandon Thomas: Developer/Data Analytics

Organization changes and planning

- Migrated all of our site's newsletter lists from an independent contractor's MailChimp account into one controlled by FJTC (Turning 18, Legal Aid Hackathon)
- Became an administrator on the LastPass account and help to clean up access to former employees and helped organize the shared folder structure
- Disassociated Florida Health Justice Project accounts from FJTC's tools and systems in the wake of a contractor leaving.
- Worked to consolidate some FJTC accounts and take ownership over for them after one of our contractors left
- Planned and thought through items for our tech standards day in Gunnison
- Attended our tech planning day in Gunnison with the rest of the FJTC leadership team

Task Force on Distribution of IOIA Funds Final Report

Appendix J – Submissions to the Task Force

September 15, 2020

Page J - 402

Florida Justice Technology Center: Progress Report for October, November & December 2018

January
2019

- Researched project management tools for the team and made recommendations on possible tools we might want to use
- Researched SEO tools for the team and came up with one tool we will use in 2019 to maximize this area (Mangools)
- Created a plan for all the areas I own in 2019 (high level team goals, how we want to organize everything, etc....)
- Had multiple meetings with Laura on taking over the Drake Equation work and how she can best wrap up her pieces
- Had multiple meetings with Laura and Jessica on user testing and how we want to continue these efforts after Laura leaves the team
- Worked with Kate and Emily to create a strategy for how we will use our email newsletter lists moving forward in 2019

Reporting

- Worked with Pro Bono Net to fix Google Analytics reporting issues on the library pages on FLAdvocate
- Created a python script to automate the downloading of data from FLAdvocate to allow us to build in house reporting for the site
- Created new FLAdvocate specific dashboard reports to help us better understand the site, how it gets used, and where the pain points / growth opportunities are
- Worked on the FJTC 2018 Impact Report with Laura, Kate, and Alison

Turning 18

- Finished creating formal testing scripts for the site's automated forms
- Worked with Heather to test all of the automated forms for the site
- Fixed all issues identified in the site's automated forms from our formal testing
- Made changes to the way the site refers visitors to external resources at FLH Manager request
- Took over all project manager duties on the website after another contractor left the team
 - Supervised the creation of marketing materials for the site and gave feedback / approval for all of them
 - Took the lead on planning the December launch event in Fort Lauderdale, FL (organized meetings, managed to do lists, approved all actions, etc....)
 - Was a key part of the team that worked with Nancy Kinnally to develop a press release and the media strategy for the site's launch
 - Organized and coordinated the sending of the agency letter to legal aid organizations asking for their support / linking to the site
- Created and gave a presentation for the technology side of Turning 18 at our launch event

Florida Name Change

- Created a new email newsletter mailing list and added it to the website / integrated it into our MailChimp account

- Took over all project manager duties on the website after another contractor left the team

Task Force on Distribution of IOTA Funds Final Report

Appendix J – Submissions to the Task Force

September 15, 2020

Page J - 403

Florida Justice Technology Center: Progress Report for October, November & December 2018

January
2019

- Worked with other team members to get a large number of changes made to the county resource pages on the site at the request of Southern Legal Counsel

Triage

- Was a key member of the project team that participated in planning workshops prior to the kick off of development
- Attended the project's stakeholder kickoff launch event in Jacksonville
- Was involved in multiple conversations surrounding the Triage project and integrating it with other referral systems (Legal Server, Community. Lawyer, etc....)
- Participated in multiple sprint planning, backlog grooming, and end of sprint demos with the Theory and Principal team

Other items

- Presented on Florida Name Change dashboard reporting on a LSNTAP webinar
- Created a high-level treatment and budget for the Rent Withholding project
- Worked with Rand Corporation to determine what needs for a Drake equation micro site
- Gave a presentation to Ohio group on possibly using Typeform, Zapier, and Webmerge as a document assembly tool
- Worked on creating standardized privacy and terms of use policies with volunteer counsel, Steven Blickensderfer of Carlton Fields
- Created and gave a presentation at the 2019 LSC Innovations in Technology Conference on using Typeform, Zapier, and Webmerge as a document assembly tool

Kate Peeples-Luther: Communications Contractor

- Assisted with launch of Turning18.org – marketing materials, presentation materials and general planning and support
- Facilitated creation of FNC promo video with cooperation from Netflix
- Created Impact Report
- Created press releases for new partnership projects
- Created annual board presentation
- Expanded content and features on FJTC website
- Created holiday cards
- Created new content for FJTC blog
- Increased social media presence:
- Twitter Highlights (@FJusticeTech):
 - 277 retweets
 - 18,915 tweet impressions
 - 22 mentions
 - 473 likes
- Facebook Highlights (FJTC):
 - 79 page likes
 - 84 page followers
 - 51 Instagram followers

Task Force on Distribution of IOTA Funds Final Report
Appendix J – Submissions to the Task Force

September 15, 2020

Page J - 404

Florida Justice Technology Center: Progress Report for October, November & December 2018

January
2019

- Continuing to grow and promoted Legal Aid Marketing Society Group on FB. Total current members: 47
- Assisting in marketing for FLH
- Creating marketing materials for FJTC and project sites
- Assisting with grant development content and donation program

Heather Hadd – Developer Administrative Assistant

- Florida Health Law Project
 - Performed ongoing quality control checks on the waiver such as ensuring that all hyperlinks were functioning.
 - Assisted FHLP with loading new content and managing the site.
- Turning 18
 - Responsible for ongoing form and website testing
 - Writing and organizing social media posts to promote FNC and Turning 18
 - Drafting Google Ad words for FNC and Turning 18 site
- FLAdvocate
 - Managing all the news feeds and jobs boards
 - Maintaining all listserves across the different practice areas which includes adding new members, troubleshooting any technical issues advocates have with the listserves as well as creating new listserves as requested.
 - Running meetings for various advocacy groups
 - General upkeep of the site including adding content to various practice areas, events to calendars and posting announcements when appropriate.

Emily Fasnacht -Development Director

- Development
 - Drafted and submitted FBF Economic Development proposal
 - Drafted and submitted Community Development proposal to PNC Bank
 - Drafted and submitted General Operating proposal to Draper Richards Kaplan Foundation.
 - Created 3 Year Development Plan with schedule of campaigns to start in 2019
 - Reviewed Development Plan with Consultant, identified improvements and policy ideas
 - Created CRM in Airtable
 - Took over #GivingTuesday Campaign; generating 4x the donations as previous year
 - Setup MailChimp with lists and tags
 - Created automated onboarding series in MailChimp
 - Created Triage Kickoff stakeholder list and sent MailChimp invites to stakeholders
 - Integrated MailChimp and Donorbox
 - Setup Donorbox for online donation processing

Florida Justice Technology Center: Progress Report for October, November & December 2018

January
2019

- Admin
 - Created Mission United Blog post
 - Created Triage Blog post
 - Created Justice Gap Blog post
 - Assisted with 2018 Impact Report
 - Attended Triage Kickoff Event in Jacksonville
 - Signed up for ESRI ArcGIS Account for mapping outcomes and trends
 - Completed Florida Bar BOG Public Member application for FJTC executive director

Leona Hildreth: Executive Assistant

- Schedules all executive director travel and handles all reimbursements from third party payers.
- Prepares initial draft of quarterly reports.
- Generates monthly accounting/budget reports for leadership team.
- Works with bookkeeper to manage all team travel expense tracking and reimbursements.
- Manages executive director calendar and works with all team members on group meetings and events.
- Handles all logistics for staff retreats, conference registrations, and travel arrangements when needed.
- Assists with creation of board books.
- Assists with creation of year end thank you gifts to board members and “friends and family” of FJTC.
- Handles shipping of marketing and outreach materials to virtual team members at their request.

The Florida Bar Foundation Inc.
Statement of Financial Position
December 31, 2018

	Actual
ASSETS	
Current Assets	
Cash and Cash Equivalents	\$1,095,621.30
IOTA Contributions Receivable	\$1,083,845.00
Other Contributions Receivable	\$39,698.09
Notes Receivable, net of Allowance	\$886,993.31
Accounts Receivable	\$92,716.25
Travel Advances	\$0.00
Prepaid Expenses	\$236,653.38
Short Term Investments	\$4,381,399.24
Intermediate Term Investments	\$21,074,818.98
Total Current Assets	\$28,891,745.55
Fixed Assets	
Office Equipment	\$134,270.05
Computer Equipment	\$83,498.46
Furniture and Fixtures	\$130,217.92
Computer Software	\$760,042.04
Leasehold Improvements	\$37,802.00
Accumulated Depreciation	(\$1,035,112.48)
Total Fixed Assets	\$110,717.99
Other Assets	
Deposits	\$7,714.50
Contributions Receivable	(\$4,202.69)
Total Other Assets	\$3,511.81
Total ASSETS	\$29,005,975.35

The Florida Bar Foundation Inc.
Statement of Financial Position
December 31, 2018

	Actual
LIABILITIES AND NET ASSETS	
LIABILITIES	
Current Liabilities	
Accounts Payable	\$49,199.48
Payroll Withholding	\$175.07
Conditional Grants Payable	\$2,818,549.35
Grants Payable	\$6,401,098.00
Accrued Expenses	\$110,294.32
Deferred Revenues	\$7,354,411.81
Note Payable, Current	\$1,500,000.00
Other Current Liabilities	\$27,413.24
Due to/Due From	\$0.00
Total Current Liabilities	\$18,261,141.27
Non-Current Liabilities	
Note Payable	\$2,625,000.00
Other Non-Current Liabilities	\$97,250.58
Total Non-Current Liabilities	\$2,722,250.58
TOTAL LIABILITIES	\$20,983,391.85
NET ASSETS	
Temporarily Restricted	
Increase (Decrease) in Net Assets	\$970,881.81
Total Temporarily Restricted	\$970,881.81
Unrestricted	
Increase (Decrease) in Net Assets	\$7,051,701.69
Total Unrestricted	\$7,051,701.69
Total NET ASSETS	\$8,022,583.50
TOTAL LIABILITIES AND NET ASSETS	\$29,005,975.35
 BEGINNING BALANCE WITH CURRENT YEAR ADJUSTMENTS	 \$6,873,850.38
 NET SURPLUS/(DEFICIT)	 \$1,148,733.12
 ENDING NET ASSETS	 \$8,022,583.50

The Florida Bar Foundation Inc.
Statement of Activities
For the Six Months Ended December 31, 2018

	Unrestricted	Temporarily Restricted	Permanently Restricted	Total
REVENUES, GAINS and OTHER SUPPORT				
IOTA Contributions	\$4,834,766.59	\$0.00	\$0.00	\$4,834,766.59
Other Contributions	\$85,268.46	\$82,118.00	\$0.00	\$167,386.46
Bar Fee Statement, Check-Off Receipts	\$0.00	\$320,319.88	\$0.00	\$320,319.88
Change in Value of Split-Interest Agreements	(\$385.00)	\$0.00	\$0.00	(\$385.00)
License Plate Campaign Contributions	\$0.00	\$20,600.00	\$0.00	\$20,600.00
Contract Revenues	\$6,649,848.96	\$0.00	\$0.00	\$6,649,848.96
CY Pres Awards	\$344,529.90	\$0.00	\$0.00	\$344,529.90
Return of Unspent Grant Funds	\$87,538.00	\$0.00	\$0.00	\$87,538.00
Investment Income	\$241,445.00	\$0.00	\$0.00	\$241,445.00
Unrealized/Realized Gains (Losses) on Investments	(\$389,351.10)	\$0.00	\$0.00	(\$389,351.10)
Miscellaneous Income	\$13,552.46	\$0.00	\$0.00	\$13,552.46
Conditional Grants Awarded	(\$2,818,549.35)	\$0.00	\$0.00	(\$2,818,549.35)
Total REVENUE	\$9,048,663.92	\$423,037.88	\$0.00	\$9,471,701.80
EXPENSES				
Program Expenses - Grants	(\$6,947,098.00)	\$0.00	\$0.00	(\$6,947,098.00)
Program Related Expenses	(\$332,156.02)	\$0.00	\$0.00	(\$332,156.02)
Supporting Services	(\$908,051.46)	\$0.00	\$0.00	(\$908,051.46)
Fund Raising Expenses	(\$135,663.20)	\$0.00	\$0.00	(\$135,663.20)
Total EXPENSES	(\$8,322,968.68)	\$0.00	\$0.00	(\$8,322,968.68)
BEGINNING NET ASSETS	\$6,326,006.45	\$547,843.93	\$0.00	\$6,873,850.38
NET SURPLUS/(DEFICIT)	\$725,695.24	\$423,037.88	\$0.00	\$1,148,733.12
ENDING NET ASSETS	\$7,051,701.69	\$970,881.81	\$0.00	\$8,022,583.50

The Florida Bar Foundation, Inc.
Quarterly Report to The Florida Bar on Use of Loan Proceeds
March 31, 2019

Loan Covenant Numbers	Use of Loan Proceeds	2019
		31-Mar-19
E. 11.(a)	First \$1.0 million of the first draw and \$1.0 million of the second draw will be used either directly or indirectly for technology and the implementation of technology that will allow the Florida Bar Foundation and its grantees to improve access to justice primarily by: funding the start-up of an independent statewide non-profit entity with an organizational mission to increase access to justice to Floridians through the use of innovative technology and to train and support legal aid providers and pro bono attorneys in its use.	X Previously Reported \$2,141,198.80
E. 11.(b)	Report on a quarterly basis following the first installment of loan proceeds, regarding policy and implementation of the utilization of technology and providing greater access to justice.	X (A) and (B)
E.12.(a)	Keep in force all licenses, permits, and franchises necessary for the proper conduct of business and duly pay and discharge all taxes, assessments, and governmental charges before the date penalties are assessed.	X
E.12.(b)(i)	Provide audit report within 120 days after fiscal year end.	X (C)
E.12.(b)(ii)	Provide quarterly financial statements within 30 days after the close of the quarter certified by the Foundation as accurate.	X Attached
E.12.(b)(iii)	Other information regarding financial condition and operations that may be reasonably requested.	X
E.12.(c)	If requested, statements needed to satisfy security interests.	X
E.12.(d)	Permit TFB to audit or examine any books and records.	X
E.12.(e)	Inform TFB immediately of any material adverse change in the financial condition of the Foundation. Also any litigation or threatened litigation which may substantially affect the financial condition.	X
E.12.(g)	Maintain property and equipment in good repair.	X
E.13.	No additional debt incurred.	X

X Covenant met

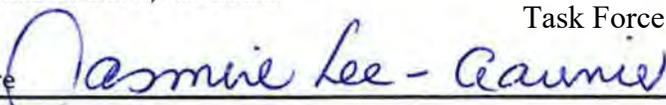
(A) See attached Florida Justice Technology Center: Progress Report for January, February & March 2019

(B) See attached Report on Technology and Providing Greater Access to Justice

(C) Draft copy accepted by TFB per letter from Joshua E. Doyle dated 10/22/18. Draft emailed to TFB on 12/3/18. Final Audited Financial Statements sent by e-mail on 12/10/18.

Submitted By:

Jasmine Lee-Gaumier, Controller

Signature 

Task Force on Distribution of IOTA Funds Final Report

Appendix J – Submissions to the Task Force

Date 4/30/19
September 15, 2020

The Florida Bar Foundation
Quarterly Report to The Florida Bar on Technology and Providing Greater Access to Justice
Quarter ended March 31, 2019

In addition to the \$2,141,198.80 spent primarily from The Florida Bar loan proceeds, the Foundation has also invested in other technology and innovation projects as outlined below:

Funded through Direct Grants:

- Creation of FloridaNameChange.org website through collaboration of Southern Legal Counsel with Florida Justice Technology Center (partially funded by the Bank of America Settlement funds)
- Online intake project at Legal Services of Greater Miami
- Mobile pop-up call centers through a Disaster Relief grant to Community Legal Services of Mid-Florida
- Portions of 2017 General Support grants for various grantees to create telephone intake systems, VOIP phone system, paperless systems, centralized phone intake and advice systems, online intake systems and creating more user-friendly grantee websites.
- Pro Bono grant funding for Put Something Back virtual kiosks, online hotline intake, rural mobile clinic and a virtual clinic portal.

Funded through Other Program-Related Funds (freeing up grantee funds for direct services):

- Subsidies for LegalServer software and support for case management
- Subsidies for Westlaw Access for grantees
- Scholarships for grantee staff to attend the Legal Services Corporation Technology Innovation Conference
- Implementation of Florida Pro Bono Matters
- The Florida Pro Bono Law School Challenge
- Schema.org implementation at Legal Services of North Florida
- MSM texting project and Open Referral projects at Community Legal Services of Mid-Florida

Florida Justice Technology Center: Progress Report for January, February & March 2019

April 2019

FJTC Board

- The Board met virtually on March 7, 2019.
- The board approved board candidate Robert Murphy. His participation will begin at the June 2019 meeting at the Florida Bar annual convention.
- The board reviewed current monthly financials and overall financial snapshot.
- FJTC has created a board portal for our members. Each board member can update contact information as well as review the FJTC Conflict of Interest statement and sign their annual Conflict of Interest certification online. All board materials going forward will be posted to the portal for the convenience of the board members.

FJTC – Our Tools In Action

- Statewide Triage – see attached report.
- Data Analytics – see attached report.

Executive Director – Joyce Raby

- Attended and hosted staff retreat at the Legal Services Corporation IT Conference January 9-11, 2019 in New Orleans.
- Was invited and attended pre-conference meeting on January 8, 2019 hosted by Pew Charitable Trust to discuss strategic direction of their new Civil Legal System Modernization effort.
- Was a featured speaker at the Georgia State University College of Law State of the South Conference on February 8, 2019 in Atlanta. Presented on the work of FJTC and on the Drake Equation.
- Attended a California Bar Task Force on Access through Innovation in Legal Services – February 28, 2019.
- Negotiated and signed a contract to create a FloridaElderLaw.org site for the Florida Department of Elder Affairs to help caregivers and advocates identify legal issues for their clients and patients.

FJTC Team

Sam Harden: Lead Developer

- Legal Aid Hackathon: Planned for, organized and ran the Legal Aid Hackathon at the IT Conference in New Orleans. Over 20 people participated and presented their solutions to the IT Conference audience.
- LSC ITCon: Gave two presentations at the IT Conference - one on the Docassemble document assembly solution, and the other on the updates to the Drupal platform.
- FloridaElderLaw.org: In partnership with the State of Florida of Elder Affairs; began development on the Florida Elder Law site, which will launch in April 2019.

Task Force on Distribution of OIA Form's Final Report
Appendix J – Submissions to the Task Force

September 15, 2020

Page J - 412

Florida Justice Technology Center: Progress Report for January, February & March 2019

April 2019

- Florida Renter's Rights Site: Began development on the Florida Renter's Rights Site, a resource for renters seeking with withhold rent from their landlords due to unlivable conditions.
- Hired and onboarded Craig Sims, a WordPress developer to assist in the creation of FJTC custom WordPress theme and subsequent FJTC products.

Alison DeBelder: FLAdvocate.org

January

- January 8-11 attended the IT-Con Conference in New Orleans, LA
- Began conducting meetings (ongoing), with practice area leaders for FLAdvocate website. At each meeting have shared FJTC news, including demonstration of Turning 18 and FloridaNameChange tools, new reports generated from Google analytics data, and discussed promotional opportunities and annual membership reviews.

February

- New project research and partnerships. Attended panel discussion regarding implementation of Amendment 4 as well as interviewed various experts regarding the same. Researched VOCCA grant opportunities and began discussion of TIG project with LSC programs.

March

- March 8-10 attended TransCon in Miami. Staffed a table and attended conference sessions to promote FloridaNameChange. Made contacts with pediatric psychiatrists and introduced them to Medical-Legal Partnerships as well as our FLAdvocate platform which supports them.
- March 12 met with [Center for Autism and Related Disorders \(CARD\)](#) representatives at the Senate in Tallahassee. Shared Turning 18 with them and provided outreach material.

Raylene Coe: Product Outreach

January

- Facebook and email promotion of T18 and FNC plus follow-up at University of Central Florida (UCF).
- Attended the 26th Annual UCF Center for Autism and Related Disabilities Conference and provided Turning18.org Flyers for distribution.
- Assisted in getting FJTC as a presenter in the Guardian Ad Liem 2019 Specialized Advocacy for Children Symposium regarding Turning18.org in May 2019.

February

Task Force on Distribution of IOTA Funds Final Report
Appendix J – Submissions to the Task Force

September 15, 2020

Page J - 413

Florida Justice Technology Center: Progress Report for January, February & March 2019

April 2019

- Set up Table and promoted Turning18.org at the 6th Annual Ask Us Florida Autism Conference and Resource Fair
- Sent T18 promotional materials to Judith Migdal-Mack, Legal Aid Society of Palm Beach County, Inc. (Relative Caregivers Project)

March

- Provided each Community Center in Brevard County with flyers on Turning18.org
- Set up Table and promoted Turning18.org at the Start with the End In Mind Conference at Viera High School March 9, 2019

Emy Lopez: Project Management

- Researched and tested numerous project management software platforms to determine the best fit. Ultimately selected Jira to manage software development, specific to those involved on the development side, and Freedcamp to manage the full team's work.
- Worked with team members to begin the development of structure for Freedcamp to ensure that it meets the needs of the team and enhances their work.
- Worked with development staff to begin the creation of a standard project template, ensuring standardization of steps required in the scoping, development and launch of a new product. This is a work in progress and will be ongoing.
- Worked with development staff to better track all tools that FJTC uses. This is part of a larger project to build standard protocols into different applications that the team uses.
- Florida Statewide Triage - (see standalone report attached)
Worked with Theory & Principle and the FJTC team throughout the development of:
 - Site structure
 - Content development
 - User testing
 - Branding and accessibility
 - Referral partner interface
 - Prioritization of future enhancements
- Contacted voluntary bar associations to begin education and outreach of statewide triage and recruit them as referral partners.
- Monitored invoicing and maintain budget.

Florida Justice Technology Center: Progress Report for January, February & March 2019

April 2019

Jessica Rae: FloridaLawHelp.org

- During the first quarter, site traffic continued to grow with over 103,000 people visiting the site. This is almost double the traffic from the first quarter in 2018. Four out of five of the visitors were new to the site.
- Based in user feedback, we continued to update and improve FLH's Find a Lawyer page including adding contact information to the local Office of the Public Defender and adding a search by county function which lists the local legal services providers, the relevant lawyer referral service, the PD's office and court information along with frequently used statewide resources.
- Presentations and Trainings
 - On January 7 through 11, attended the 2019 LSC ITCon hackathon and conference.
 - In partnership with Michelle Kenney, prepared conference proposal for the 2019 Guardian Ad Litem Conference. The proposal was accepted and will be presented in May.
 - Prepared a proposal on using plain language for the 2019 Department of Children and Families conference in the fall.
- Using Google Analytics data from 2018, identified top subject matter areas and materials for FLH update. Using LSC's National Subject Matter Index (NSMI), drafted plain language descriptions for each topic and subtopic area.
- Added NSMI taxonomy to all FLH materials to improve SEO and allow FLH to be updated more efficiently in the second and third quarters of this year.
- Conducted a comprehensive statewide review of Florida housing and family law pro se materials that are currently available online which will serve as the basis for the upcoming SME review.
- Developed user testing for Triage to be implemented in April 2019.

Brandon Thomas: Developer/Data Analytics

Triage

- Participated as a business analyst in a number of backlog grooming, planning, and sprint review meetings over the past few months with our team and Theory and Principal for the Statewide Triage project.
- Created Drake Equation and general reporting requirements for the Triage project. This involved mocking up what some of the data should look like and creating two possible paths to take for accomplishing each of our reporting goals.

Task Force on Distribution of IOTA Funds Final Report
Appendix J – Submissions to the Task Force

September 15, 2020

Page J - 415

Florida Justice Technology Center: Progress Report for January, February & March 2019

April 2019

- Have worked extensively on developing User Testing strategies specific to Triage. This has involved multiple discussions for both remote and on-site testing and helping to create a mechanical task-based script for remote testers to follow.
- Created mock ups of some different potential page designs for the referral partner page on the Triage site. This was done to help facilitate conversations both internally and externally to overcome some of the design concerns with our internal team, and to help bridge the gap between the Triage system and Florida Law Help.
- Pulled together information on the NSMI taxonomy for Triage and used it as a base to help our data analytics team create reporting on what parent and child levels need to be in the system for both our soft and hard launches later this year.
- Created Google Analytics and Tag Manager accounts for the Triage project, helped Theory and Principal fix some issues setting it up, and tested the properties to make sure data is coming through correctly.
- Created several reports to allow us to gauge the impact of merging the Triage project with our existing Florida Law Help site. This included determining a critical mass of content that needs to be moved over by the fall, and which areas are the most popular to prioritize first. After the base data was created I also worked with Inina and Jess to better analyze it and come up with team recommendations.
- Created a full list of admin and referral partner notifications that are needed for the Triage system. Now working with the team to create verbiage that should accompany each of these notifications.
- Performed an initial analysis of Open Referral data for the team and to start familiarizing myself with its structure and format for the Triage project.
- Researched various user testing, heat mapping, and accessibility testing tools we can use for Triage and other projects in the future.
- Worked with the team to create a list of all the county clerk self-help centers in Florida for Triage. This included capturing multiple pieces of data that's available for each center and capturing the unique ways to contact and engage with each of them.

Data Analytics

- Worked with the analytics staff to scope out and create a 2018 Data Analytics report that we delivered to the whole FJTC team. This included an overview on the general performance of our tools over the past year and identified areas where we can improve as an organization. This first report will serve as a template for future reports that will follow as we continue to develop out our analytics platform.

Task Force on Distribution of IOTA Funds Final Report
Appendix J – Submissions to the Task Force

September 15, 2020

Page J - 416

Florida Justice Technology Center: Progress Report for January, February & March 2019

April 2019

- Worked with analytics staff on a research project to determine how we can best measure our progress against Florida's overall justice gap using accepted LSC justice gap metrics and Florida's population and housing numbers. Visual reporting on this progress will surface and take shape in Q2 2019.
- Worked with analytics staff on a research project to tag internal and external FJTC website searches and match them back to the legal issues they address. This will help FJTC long-term as we identify gaps between legal topics we are providing adequate information and help for and ones that we still need to address. It will also help us prioritize these gap items based on how often they are searched for.
- Worked with several team members to finalize and update all our existing Drake Equation models ahead of production of the final report and conference call presentation in February.
- Worked to secure a \$3,500 annual grant from Microsoft for free Azure cloud services. This has allowed us to move all of our analytics databases to the cloud for free to make it easier for the team to contribute to building reporting solutions collaboratively going forward.
- Worked with analytics staff to put together a report showing the impact natural disasters have on the number of visitors hitting both the FLAdvocate and Florida Law Help websites.
- Working to create a full roadmap for our reporting organization for the rest of 2019. The roadmap lays out goals and milestones for the next 3 to 6 months and will work hand in hand with our new daily task management tool Freedcamp to track progress as we go through the rest of the year.
- Updated the backend reporting for the new FLAdvocate specific dashboards based on feedback on needed changes from the practice area leaders. The data analytics team will now start on getting the front-end dashboards updated as well.
- Talked to Alex from Montana Legal Services Association about possibly partnering with them on a data analytics project to create a standard package that any legal aid organization could implement and use. This is going to be an ongoing relationship for FJTC to help make us a thought leader for the industry and will hopefully lead to a larger formal project grant over the next year.

Content and Communication

- Worked with fundraising and marketing to create a new plan on how our email lists will work on our sites and deliver content to subscribers. This is currently being implemented and will have a larger impact next quarter to allow users to better choose multiple newsletters to sign up to and have more options as to how involved they want to be with FJTC for interactions.
- Worked with Communications to come up with a plan for how we want to handle newsletter communications for various FJTC sites. The team is currently working on the plan.

Task Force on Distribution of IOTA Funds Final Report
Appendix J - Submissions to the Task Force

September 15, 2020

Page J - 417

Florida Justice Technology Center: Progress Report for January, February & March 2019

April 2019

site specific newsletters and we will see more consistent monthly communications in Q2 2019 to take more advantage of our email list subscribers.

- Created a plan to manage inboxes for FJTC sites. This includes getting all inboxes on the same platform long-term, having people monitor them regularly for emails that come in, and using a switchboard spreadsheet to make sure different types of messages are routed to the correct people. The plan for this area also includes regular monitoring of the FJTC Google Voice mailbox for privacy policy as well as other issues.

Process Development and Standardization

- Worked with project management staff to vet multiple project management software packages and look at the pros and cons between them. Ultimately, we settled on a combination of Jira and Freedcamp that will be rolling out to the rest of the team soon to meet both of our needs for general task management and software development project management.
- Worked with administrative staff to scope and implement our team drive plan for FJTC as an organization. The team drive will make it easier for FJTC team members to share files between each other and collaborate on them from a central location. It will also serve as an additional back up of files for the entire team.
- Created an employee onboarding and deactivation project that is now currently in implementation. This effort establishes a standard protocol for onboarding and terminating an employee.

Other items

- Presented as part of a panel presentation of easy, no code document assembly solutions at the 2019 LSC Innovations in Technology Conference.
- Completed general admin tasks as needed in Google Admin, Last Pass, Network Solutions, and other tools as needed.

Inina Kachelmeier: Data Analyst

Data Analysis Report

- Downloaded dashboard reports and organized into excel spreadsheet for analytics reporting
- Generated charts and tables analyzing data in terms of demographics, visitation and user engagement metrics
- Figured out most accurate available trend analysis and forecasting
- Sorted Florida Law Help searches - formulated search categories and associated key words
 - Set up excel functions to automatically search list for additional individualized keywords and reduce duplicates

Task Force on Distribution of IOTA Funds Final Report
Appendix J – Submissions to the Task Force

September 15, 2020

Page J - 418

Florida Justice Technology Center: Progress Report for January, February & March 2019

April 2019

- Formatted FLH search categories to match LSC report research categories for ease of comparing our searches to broader research
- Parsed out searches related to searches for a lawyer, a legal form, or other legal help
- Added data analysis to report – discussed with Brandon and Kate to get input
- Worked on creation of mini data analysis report and setting up excel for easy creation of quarterly reports

Drake Equation

- Researched state-wide justice gap studies to get a better understanding of justice gap
- Put research into excel document with attached sources

Triage - General

- Helped organize epics into timesheets and added functionality labels
- Reviewed and generated wording of automated triage notifications for partners and admin

Triage – NSMI Index Taxonomy Database of FLH Pages/Keywords

- Mapped data issues and download pages to taxonomy categories
- Organized internal/external searches into taxonomy parent and sub groups
- Created keyword bank for future automated classification
- Generated list of links that are defunct on FLH website as went through issues pages for classification
- Created spreadsheet detailing possible amendments to taxonomy titles on public facing websites for ease of understanding

Florida Law Help

- Made hurricane tracking chart
- Sat in on meetings to make changes to google data studios report
- Looked through searches for keywords related to felony voter restitution or voting to determine if individuals were using this resource for information

Learning

- Downloaded SQL server and have gotten through section 1, section 2, and am working on lesson 16 of section 3
- Participated in a training on google data studio
- Have worked on familiarizing myself with google data studio by playing around with training report

Other Items

Florida Justice Technology Center: Progress Report for January, February & March 2019

April 2019

- Sat in on meeting with Alex Clark (community outreach assistant Montana Legal Services) discussing possible collaboration
- Sat in on Forms and Technology webinar with Margaret Hagan
- Created several reports to allow us to gauge the impact of merging the Triage project with our existing Florida Law Help site. This included determining a critical mass of content that needs to be moved over by the fall, and which areas are the most popular to prioritize first.

Craig Sims: Developer

WordPress Theme

- Began working with Lead Developer on a new FJTC custom WordPress theme to allow us to quickly bootstrap new web applications.
 - Fully-responsive
 - Variety of page layouts
 - Quickly build new sections and features
 - Create a variety of prefab templates and widgets for future use

Elder Law

- Began work on the Florida Elder Law site
 - Built the initial sitemap and wireframes
 - Scoped the development roadmap
 - Met with stakeholders and content experts for discussion, feedback, and content
 - Ongoing work to create the site with a release date of April 11, 2019

FJTC Board Portal

- Using the first iteration of our WordPress child theme, I built the new FJTC Board Member Portal, which allows members of the FJTC board to:
 - Download the board member handbook
 - Read and sign the Conflict of Interest policy
 - Confirm/update personal contact information
 - Get updates about FJTC

FLARE Divorce

- Assisted in QA testing the new FLARE Divorce web app

Florida Justice Technology Center: Progress Report for January, February & March 2019

April 2019

Kate Peeples-Luther: Communications Contractor

- Designed FNC t-shirt for conventions
- Designed donation postcard
- Expanded content and features on FJTC website
- Created new content for FJTC blog
- Created marketing materials for FJTC and project sites
- Created marketing materials for PDA meetings
- Assisted with Data Analysis report and designed report cover
- Created a marketing plan to work in concert with FJTC development plan
- Implemented adwords campaign for FNC and T18
- Designed marketing materials for FLA Disaster section
- Increased social media presence:
 - Twitter Highlights (@FLJusticeTech):
 - 60 new followers
 - 20,017 tweet impressions
 - 27 mentions
 - 320 profile visits
 - 473 likes

Top mention earned 24 engagements



Community.lawyer

@LawyerCommunity Mar 3

Incredible work by @FLJusticeTech with their initiatives to help with name change, childhood disability, and general legal information in Florida. Every state needs an FJTC of their own.

[twitter.com/FLJusticeTech/...](https://twitter.com/FLJusticeTech/)

♥ 10

Top Tweet earned 1,143 impressions

We're excited about #AI, but also recognize the vast potential for abuse. Even now - in AI's infancy - we have solid examples that support the need for regulation. But we also know regulation will only be as good as the regulators that enforce it. #legaltech twitter.com/legalaidtech/s...

👍 4 ♥ 9

- Facebook Highlights (FJTC):
 - 108 page likes
 - 119 page followers
- 53 Instagram followers
- 47 Legal Aid Marketing Group (FB) followers

Florida Justice Technology Center: Progress Report for January, February & March 2019

April 2019

Heather Hadd – Developer Administrative Assistant

FLAdvocate

- Worked with the practice area leaders of the MLP practice area on FLAdvocate to design, test and send out a survey asking for information concerning MLPs in the southeastern US (Alabama, Florida, Georgia, South Carolina and Tennessee).
- Used data analytics through Google Studio to create reports of FLAdvocate's overall performance as well as performance and member engagement in each different practice area
- Met with team and practice area leaders from each of the practice areas in FLAdvocate to discuss improvements and give reports of each area's performance based on our data gathering.
- Based on these meetings, made various improvements to different FLAdvocate especially with adding content to the libraries and cleaning up the landing pages for each area. Created a template for monthly newsletters to all members of the FLAdvocate site.
- Created and distributed a monthly newsletter for FLA subscribers

FJTC Administration

- Worked on creating a folder structure for the team Google Drive as well as adding content to various folders
- Worked on creating a folder structure for the team Google Drive as well as adding content to various folders
- Drafted an email inbox "switchboard" or template for how to handle different emails from each of the sites we control.
- Moved all videos from the FJTC Vimeo account to the appropriate FJTC YouTube account.
- Drafted a table of all the tools that FJTC subscribes to (or uses if they are free) with information such as URL and who generally owns or manages them.

Triage

- Researched self-help centers in each county in Florida and created a table detailing which services they provide as well as basic contact information such as address and hours.

Jacqui Olkin: User Testing/User Experience Expert

Statewide Triage

- Provided consulting advice regarding the design and usability of the home page and partner referral page for the Statewide Triage Project. Appendix J – Submissions to the Task Force

September 15, 2020

Page J - 422

Florida Justice Technology Center: Progress Report for January, February & March 2019

April 2019

- Provided consulting advice regarding the plan to perform both remote and on-site user testing for the Statewide Triage Project.

Emily Fasnacht: Development Director

Grants Submitted in the current quarter:

Name	Description	Funder	Amount	Deadline	Notification	Status
Children's Advocacy	Foster Youth Chatbot	Charles Lafitte Foundation	\$45,000	1/17/2019	4/30/2019	Submitted
LGBTQ Social Justice	Arizona Name Change	Arcus Foundation	\$100,000	1/22/2019	3/7/2019	Denied
LGBTQ Social Justice	Georgia Name Change	Arcus Foundation	\$200,000	1/22/2019	3/7/2019	Denied
FBF AOJ Grant Application 2019	Voter Restoration	The Florida Bar Foundation	\$350,000	2/20/2019	Unknown	Submitted
2019 February Proposal	Renters' Rights	TD Bank Foundation	\$15,000	2/22/2019	4/30/2019	Submitted
Tau Grant - Capacity Building	Diversity & Inclusion	ALLEGANY FRANCISCAN MINISTRIES INC	\$10,000	2/28/2019	3/31/2019	Submitted
VOCA Application 2019	CASA Hotline Messaging	Florida Office of the Attorney General	\$85,800	3/1/2019	5/31/2019	Submitted
TIG LOI	CCLA Family Law Forms	Legal Services Corporation	\$105,000	3/8/2019	4/26/2019	Submitted
TIG LOI	CCLA Identity Theft & Debt Collection	Legal Services Corporation	\$240,000	3/8/2019	4/26/2019	Submitted
Denise Moon Grant	Victim Compensation Tool	The Miami Foundation	\$20,000	3/22/2019	6/7/2019	Submitted
Total			\$1,170,800			

- Direct Mail Appeal sent to 2,035 addresses
- Valentine's Day donor email
- Created and sent monthly donor engagement emails
- Updated and resumed welcome email automated campaign for new subscribers
- Updated GuideStar account to receive Platinum Seal of Transparency
- Met with TD Bank community development representative in February
- Added to CRM in Airtable
- Developed topic-based appeals for online marketing
- Recently passed qualifying exam and received Certified Fund Raising Executive (CRFE) certification

Task Force on Distribution of IOTA Funds Final Report
Appendix J – Submissions to the Task Force

September 15, 2020

Page J - 423

Florida Justice Technology Center: Progress Report for January, February & March 2019

April 2019

Administration

- Attended LSC ITCon Conference in January
- Completed Florida Bar Board of Governors Public Member application on behalf of FJTC executive director

Leona Hildreth: Executive Assistant

- Schedules all executive director travel and handles all reimbursements from third party payers.
- Prepares initial draft of quarterly reports.
- Generates monthly accounting/budget reports for leadership team.
- Works with bookkeeper to manage all team travel expense tracking and reimbursements.
- Manages executive director calendar and works with all team members on group meetings and events.
- Handles all logistics for staff retreats, conference registrations, and travel arrangements when needed.
- Assists with creation of board books.
- Assists with creation of year end thank you gifts to board members and “friends and family” of FJTC.
- Handles shipping of marketing and outreach materials to virtual team members at their request.
- Recently secured a Certification in Forensic Accounting and Fraud Prevention
- Creates expense reports for executive director trips
- Assists team with any reports requested

FTJC Data Analysis Report

Florida Law Help and Florida Name Change are our most popular sites. Florida Law Help has had 376,628 visitors in the past year and the site continues to grow. Florida Name Change is in its first year but already has 33,274 visitors. Through our interconnected branding strategy these sites are also able to pull in interest for our other sites.

Turning 18 launched on December 14th, 2018 but already has 4,453 visitors and interest is growing. Florida Law Advocate, Legal Aid Hackathon, and the FTJC website have lower visitation but this is not unusual. Florida Law Advocate services a limited audience of legal aid advocates and legal aid attorneys in Florida. The FTJC site is also niche-specific with a donor/advocate focus.

Dashboards	Total People	Google		Site Referrals		Twitter		Facebook		FTJC Sites	
		%	#	%	#	%	#	%	#	%	#
FJTC Website	4,788	67%	3,208	12%	575	6%	287.3	6%	287.3	3%	144
<i>Google 67%</i>											
<i>Site Referrals 12%</i>											
<i>Twitter 6%</i>											
Legal Aid Hackathon	2,307	24%	554	47%	1,084	14%	323.0	5%	115.4	2%	46
<i>Site Referrals 47%</i>											
<i>Google 24%</i>											
<i>Twitter 14%</i>											
Florida Law Help	376,628	84%	316,368	13%	48,962	0%	0.0	0%	0.0	0%	0
<i>Google 84%</i>											
<i>Site Referrals 13%</i>											
<i>Bing, Yahoo 1%</i>											
Turning 18	4,453	12%	534	10%	445	35%	1,558.6	39%	1,736.7	1%	45
<i>Facebook 39%</i>											
<i>Twitter 35%</i>											
<i>Google 12%</i>											
FL Advocate	6,157	44%	2,709	17%	1,047	0%	0.0	0%	0.0	31%	1,909
<i>Google 44%</i>											
<i>FJTC Sites 31%</i>											
<i>Site Referrals 17%</i>											
Florida Name Change	33,274	85%	28,283	8%	2,662	0%	0.0	2%	665.5	1%	333
<i>Google 85%</i>											
<i>Site Referrals 8%</i>											
<i>Bing 3%</i>											
Totals	427,607	82%	351,656	13%	54,774	1%	2,169	1%	2,805	1%	2,476

Statistics are based on data collected between April 1st, 2018-March 31st, 2019. Total % calculated as: "total #"/"total people"

Google accounts for most of our site traffic (82%) across all sites. Because of this, capitalizing on our 15K Google Ads Grant is a focus in 2019. The grant allows us to run free text ads on Google search results pages. Currently, we have already employed a campaign for Florida Law Help (which has the highest percentage referrals from Google). Campaigns for Florida Name Change and Turning 18 have just been launched, other sites will follow.

Google Ads Campaigns

Data from our google ads campaigns shows that users are engaging in meaningful ways with our ads. In the past year Florida Law Help has had 8,788 impressions (times that our ads were shown on a search page or other site in the Google network) and 430 clicks based on those impressions. Florida Law Help has a conversion rate of 4.9%. This means that in 4.9% of cases where someone clicked on an ad, they had some form of meaningful interaction on our site. Our current definition of meaningful interaction is that our users had an interaction with our site beyond the first page they landed on (i.e. they navigated to another page). According to statistics from the 2018 Search Engine Journal Report, this is higher than the average conversion rate across all industries (3.75%¹).

Our preliminary data on Florida Name Change is promising. Our google ads campaign launched on March 7th, 2019. In 24 days, it has already garnered 5,307 impressions and 487 clicks. The conversion rate is even higher than Florida Law Help – 9.2% of individuals had some meaningful form of interaction after clicking on an ad.

User Engagement

User engagement statistics are important as they help us address one of our central goals – to be able to gauge if our users are engaging with our sites in a meaningful way. Below is a summary of bounce rates and scroll depth statistics.

The first indicator of user engagement we looked at was bounce rates. A bounce rate looks at the percentage of people who navigate away from the site after viewing only 1 page. Our websites have better than average bounce-rates for legal/government websites. The 2017 Benchmark Report published by Google, which includes average bounce rates within different industries, found that “Law and Government” sites have an average rate of 61.24%². Except FLAdvocate, all sites are below this benchmark. Since FLAdvocate has a unique audience (attorneys and legal aid workers), the high bounce rate may be caused by visitors navigating away once they realize the resource is meant for attorneys

Next, scroll depth allows us to look at on average how far down any given page a user gets. Of visitors who started scrolling, over 84% reach at least 50% of the way down the page and over half (54%) are getting to the 75% mark – indicating that they are seeing most of our site content.

Website	Bounce Rate	Pages	% Started Scrolling	of started that got to 50%	of started that got to 75%	of started that got to 100%
Turning 18	51%	344	81%	87%	37%	7%
Florida Name Change	52%	266	98%	85%	35%	8%
Florida Law Help	77%	3,047	83%	79%	55%	11%
FJTC website	66%	139	97%	83%	59%	10%
Legal Aid Hackathon	58%	43	74%	83%	64%	34%
Florida Law Advocate	66%	1,012	95%	89%	75%	44%
Average	62%	809	88%	84%	54%	19%

Engagement statistics are based on data collected between January 1st, 2019-March 31st, 2019

¹ <https://www.searchenginejournal.com/data-whats-good-ctr-cpa-conversion-rate-adwords-2018/248947/#close>

² <https://www.digishuffle.com/blogs/bounce-rate-benchmarks/>

The Florida Bar

Statement of Loan Balance
As of: March 31, 2019
The Florida Bar Foundation, Inc.

Month	Interest Rate	Interest Accrued (Payment)	Principal Balance	Total Owed
Dec-14	1.720%	\$ 3,958.36	\$ 3,000,000.00	\$3,003,958.36
Jan-15	1.750%	\$ 4,458.90	\$ 3,000,000.00	\$3,008,417.26
Feb-15	1.700%	\$ 3,912.33	\$ 3,000,000.00	\$3,012,329.59
Mar-15	1.470%	\$ 3,745.48	\$ 3,000,000.00	\$3,016,075.07
Apr-15	1.700%	\$ 4,191.78	\$ 3,000,000.00	\$3,020,266.85
May-15	1.530%	\$ 3,898.36	\$ 3,000,000.00	\$3,024,165.21
Jun-15	1.600%	\$ 3,945.21	\$ 3,000,000.00	\$3,028,110.42
Jul-15	1.770%	\$ 4,509.86	\$ 3,000,000.00	\$3,032,620.28
Aug-15	1.820%	\$ 4,637.26	\$ 3,000,000.00	\$3,037,257.54
Sep-15	1.770%	\$ 4,364.38	\$ 3,000,000.00	\$3,041,621.92
Oct-15	1.670%	\$ 4,255.07	\$ 3,000,000.00	\$3,045,876.99
Nov-15	1.590%	\$ 3,920.55	\$ 3,000,000.00	\$3,049,797.54
Dec-15	1.680%	\$ 4,280.55	\$ 3,000,000.00	\$3,054,078.09
12/9-12/31/15	1.680%	\$ 3,313.97	\$ 6,000,000.00	\$3,057,392.06
Check # 35964, dated 11/30/2015		\$ (50,241.38)		\$3,007,150.68
Jan-16	1.81%	\$ 9,223.56	\$ 6,000,000.00	\$6,016,374.24
Feb-16	1.82%	\$ 8,676.16	\$ 6,000,000.00	\$6,025,050.40
Mar-16	1.48%	\$ 7,541.92	\$ 6,000,000.00	\$6,032,592.32
Apr-16	1.45%	\$ 7,150.68	\$ 6,000,000.00	\$6,039,743.00
May-16	1.43%	\$ 7,287.12	\$ 6,000,000.00	\$6,047,030.12
Jun-16	1.41%	\$ 6,953.42	\$ 6,000,000.00	\$6,053,983.54
Jul-16	1.43%	\$ 7,287.12	\$ 6,000,000.00	\$6,061,270.66
Aug-16	1.18%	\$ 6,013.15	\$ 6,000,000.00	\$6,067,283.81
Sep-16	1.22%	\$ 6,016.44	\$ 6,000,000.00	\$6,073,300.25
Oct-16	1.29%	\$ 6,573.70	\$ 6,000,000.00	\$6,079,873.95
Nov-16	1.33%	\$ 6,558.90	\$ 6,000,000.00	\$6,086,432.85
Check # 36854, dated 11/30/2016		\$ (86,432.85)		\$6,000,000.00

The Florida Bar

Statement of Loan Balance
As of: March 31, 2019
The Florida Bar Foundation, Inc.

Month	Interest Rate	Interest Accrued (Payment)	Principal Balance	Total Owed
Dec-16	1.47%	\$ 7,490.96	\$ 6,000,000.00	\$6,007,490.96
Jan-17	1.97%	\$ 10,038.90	\$ 6,000,000.00	\$6,017,529.86
Feb-17	2.10%	\$ 9,665.75	\$ 6,000,000.00	\$6,027,195.61
Mar-17	2.05%	\$ 10,446.58	\$ 6,000,000.00	\$6,037,642.19
Apr-17	2.12%	\$ 10,454.79	\$ 6,000,000.00	\$6,048,096.98
May-17	2.04%	\$ 10,395.62	\$ 6,000,000.00	\$6,058,492.60
Jun-17	1.96%	\$ 9,665.75	\$ 6,000,000.00	\$6,068,158.35
Jul-17	1.89%	\$ 9,631.23	\$ 6,000,000.00	\$6,077,789.58
Aug-17	1.95%	\$ 9,936.99	\$ 6,000,000.00	\$6,087,726.57
Sep-17	1.94%	\$ 9,567.12	\$ 6,000,000.00	\$6,097,293.69
Oct-17	1.85%	\$ 9,427.40	\$ 6,000,000.00	\$6,106,721.09
Nov-17	2.00%	\$ 9,863.01	\$ 6,000,000.00	\$6,116,584.10
Check # 37744, dated 11/29/17		\$ (116,584.10)		\$6,000,000.00
12/1-12/7/17	2.11%	\$ 2,427.95	\$ 6,000,000.00	\$5,627,427.95
Check # 37748, dated 12/07/17			\$ (375,000.00)	\$5,252,427.95
			\$ 5,625,000.00	\$5,627,427.95
12/8-12/31/17	2.11%	\$ 7,804.11	\$ 5,625,000.00	\$5,635,232.06
Jan-18	2.18%	\$ 10,414.73	\$ 5,625,000.00	\$5,645,646.79
Feb-18	2.31%	\$ 9,967.81	\$ 5,625,000.00	\$5,655,614.60
3/1-3/14/18	2.57%	\$ 5,544.86	\$ 5,625,000.00	\$5,661,159.46
Check # 37987, dated 03/12/18; received 3/14/18			\$ (375,000.00)	\$5,286,159.46
3/15-3/31/18	2.57%	\$ 6,284.18	\$ 5,250,000.00	\$5,292,443.64
Apr-18	2.72%	\$ 11,736.99	\$ 5,250,000.00	\$5,304,180.63
May-18	2.69%	\$ 11,994.45	\$ 5,250,000.00	\$5,316,175.08
6/1-6/15/18	2.86%	\$ 6,170.55	\$ 5,250,000.00	\$5,322,345.63
Check # 38189, dated 06/12/18; received 6/15/18			\$ (375,000.00)	\$4,947,345.63
6/15-6/30/18	2.86%	\$ 5,729.79	\$ 4,875,000.00	\$4,953,075.42
Jul-18	2.87%	\$ 11,882.98	\$ 4,875,000.00	\$4,964,958.40
Aug-18	2.80%	\$ 11,593.15	\$ 4,875,000.00	\$4,976,551.55
9/1-9/14/18	2.86%	\$ 5,347.81	\$ 4,875,000.00	\$4,981,899.36
Check # 38393, dated 09/12/18; received 9/13/18			\$ (375,000.00)	\$4,606,899.36
9/15-9/30/18	2.86%	\$ 5,641.64	\$ 4,500,000.00	\$4,612,541.00
Oct-18	2.83%	\$ 10,816.03	\$ 4,500,000.00	\$4,623,357.03
Nov-18	3.04%	\$ 11,243.84	\$ 4,500,000.00	\$4,634,600.87
Check # 38487 dated 11/30/18		\$ (134,600.87)		\$4,500,000.00
12/1-12/14/18	3.07%	\$ 5,298.90	\$ 4,500,000.00	\$ 4,505,298.90
Check # 38562, dated 12/13/18; received 12/17/18			\$ (375,000.00)	\$4,130,298.90
12/15-12/31/18	3.07%	\$ 5,898.18	\$ 4,125,000.00	\$ 4,136,596.96

Task Force on Distribution of IOTA Funds Final Report

Appendix J – Submissions to the Task Force

September 15, 2020

The Florida Bar

Statement of Loan Balance
As of: March 31, 2019
The Florida Bar Foundation, Inc.

Month	Interest Rate	Interest Accrued (Payment)	Principal Balance	Total Owed
Jan-19	2.89%	\$ 10,124.90	\$ 4,125,000.00	\$ 4,146,721.86
Feb-19	2.63%	\$ 8,322.33	\$ 4,125,000.00	\$ 4,155,044.19
3/1/19-3/14/19	2.59%	\$ 4,097.88	\$ 4,125,000.00	\$ 4,159,142.07
Check # 38679, dated 3/13/19; received 3/14/19			\$ (375,000.00)	\$3,784,142.07
3/15/19-3/31/19	2.59%	\$ 4,523.63	\$ 3,750,000.00	\$3,788,665.70

The Florida Bar Foundation Inc.
Statement of Financial Position
March 31, 2019

	Actual
ASSETS	
Current Assets	
Cash and Cash Equivalents	\$1,295,917.82
IOTA Contributions Receivable	\$1,494,000.00
Other Contributions Receivable	\$113,198.09
Notes Receivable, net of Allowance	\$569,519.25
Interest and Dividends Receivable	\$103,226.09
Accounts Receivable	\$150.00
Travel Advances	\$0.00
Prepaid Expenses	\$276,509.79
Short Term Investments	\$10,552,247.30
Intermediate Term Investments	\$17,612,075.82
Total Current Assets	\$32,016,844.16
Fixed Assets	
Office Equipment	\$134,045.05
Computer Equipment	\$83,498.46
Furniture and Fixtures	\$130,217.92
Computer Software	\$760,042.04
Leasehold Improvements	\$37,802.00
Accumulated Depreciation	(\$1,044,449.76)
Total Fixed Assets	\$101,155.71
Other Assets	
Deposits	\$7,714.50
Contributions Receivable	(\$79,202.69)
Total Other Assets	(\$71,488.19)
Total ASSETS	\$32,046,511.68

The Florida Bar Foundation Inc.
Statement of Financial Position
March 31, 2019

	Actual
LIABILITIES AND NET ASSETS	
LIABILITIES	
Current Liabilities	
Accounts Payable	\$54,607.12
Payroll Withholding	\$95.40
Conditional Grants Payable	\$1,988,361.32
Grants Payable	\$5,109,389.50
Accrued Expenses	\$148,268.15
Deferred Revenues	\$10,978,399.07
Note Payable, Current	\$1,500,000.00
Other Current Liabilities	\$22,022.80
Due to/Due From	\$0.00
Total Current Liabilities	\$19,801,143.36
Non-Current Liabilities	
Note Payable	\$2,250,000.00
Other Non-Current Liabilities	\$95,783.71
Total Non-Current Liabilities	\$2,345,783.71
TOTAL LIABILITIES	\$22,146,927.07
NET ASSETS	
Temporarily Restricted	
Increase (Decrease) in Net Assets	\$1,066,769.81
Total Temporarily Restricted	\$1,066,769.81
Unrestricted	
Increase (Decrease) in Net Assets	\$8,832,814.80
Total Unrestricted	\$8,832,814.80
Total NET ASSETS	\$9,899,584.61
TOTAL LIABILITIES AND NET ASSETS	\$32,046,511.68
 BEGINNING BALANCE WITH CURRENT YEAR ADJUSTMENTS	 \$6,873,850.38
 NET SURPLUS/(DEFICIT)	 \$3,025,734.23
 ENDING NET ASSETS	 \$9,899,584.61

The Florida Bar Foundation Inc.
Statement of Activities
For the Nine Months Ended March 31, 2019

	<u>Unrestricted</u>	<u>Temporarily Restricted</u>	<u>Permanently Restricted</u>	<u>Total</u>
REVENUES, GAINS and OTHER SUPPORT				
IOTA Contributions	\$9,161,740.93	\$0.00	\$0.00	\$9,161,740.93
Other Contributions	\$135,933.72	\$169,496.00	\$0.00	\$305,429.72
Bar Fee Statement, Check-Off Receipts	\$0.00	\$320,879.88	\$0.00	\$320,879.88
Change in Value of Split-Interest Agreements	(\$577.50)	\$0.00	\$0.00	(\$577.50)
License Plate Campaign Contributions	\$0.00	\$28,550.00	\$0.00	\$28,550.00
Contract Revenues	\$6,649,848.96	\$0.00	\$0.00	\$6,649,848.96
CY Pres Awards	\$344,529.90	\$0.00	\$0.00	\$344,529.90
Return of Unspent Grant Funds	\$132,550.00	\$0.00	\$0.00	\$132,550.00
Investment Income	\$402,011.18	\$0.00	\$0.00	\$402,011.18
Unrealized/Realized Gains (Losses) on Investments	\$88,403.16	\$0.00	\$0.00	\$88,403.16
Miscellaneous Income	\$30,671.21	\$0.00	\$0.00	\$30,671.21
Grants Received	\$1,500.00	\$0.00	\$0.00	\$1,500.00
Conditional Grants Awarded	(\$1,988,361.32)	\$0.00	\$0.00	(\$1,988,361.32)
Total REVENUE	<u>\$14,958,250.24</u>	<u>\$518,925.88</u>	<u>\$0.00</u>	<u>\$15,477,176.12</u>
EXPENSES				
Program Expenses - Grants	(\$10,423,937.03)	\$0.00	\$0.00	(\$10,423,937.03)
Program Related Expenses	(\$492,720.06)	\$0.00	\$0.00	(\$492,720.06)
Supporting Services	(\$1,348,174.56)	\$0.00	\$0.00	(\$1,348,174.56)
Fund Raising Expenses	(\$186,610.24)	\$0.00	\$0.00	(\$186,610.24)
Total EXPENSES	<u>(\$12,451,441.89)</u>	<u>\$0.00</u>	<u>\$0.00</u>	<u>(\$12,451,441.89)</u>
BEGINNING NET ASSETS	\$6,326,006.45	\$547,843.93	\$0.00	\$6,873,850.38
NET SURPLUS/(DEFICIT)	\$2,506,808.35	\$518,925.88	\$0.00	\$3,025,734.23
ENDING NET ASSETS	<u>\$8,832,814.80</u>	<u>\$1,066,769.81</u>	<u>\$0.00</u>	<u>\$9,899,584.61</u>

Task Force on Distribution of IOTA Funds Final Report
Appendix J – Submissions to the Task Force
September 15, 2020
Page J - 432

The Florida Bar Foundation, Inc.
 Quarterly Report to The Florida Bar on Use of Loan Proceeds
 June 30, 2019

Loan Covenant Numbers	Use of Loan Proceeds	2019
		30-Jun-19
E. 11.(a)	First \$1.0 million of the first draw and \$1.0 million of the second draw will be used either directly or indirectly for technology and the implementation of technology that will allow the Florida Bar Foundation and its grantees to improve access to justice primarily by: funding the start-up of an independent statewide non-profit entity with an organizational mission to increase access to justice to Floridians through the use of innovative technology and to train and support legal aid providers and pro bono attorneys in its use.	X Previously Reported \$2,141,198.80
E. 11.(b)	Report on a quarterly basis following the first installment of loan proceeds, regarding policy and implementation of the utilization of technology and providing greater access to justice.	X (A) and (B)
E.12.(a)	Keep in force all licenses, permits, and franchises necessary for the proper conduct of business and duly pay and discharge all taxes, assessments, and governmental charges before the date penalties are assessed.	X
E.12.(b)(i)	Provide audit report within 120 days after fiscal year end.	X
E.12.(b)(ii)	Provide quarterly financial statements within 30 days after the close of the quarter certified by the Foundation as accurate.	X Attached
E.12.(b)(iii)	Other information regarding financial condition and operations that may be reasonably requested.	X
E.12.(c)	If requested, statements needed to satisfy security interests.	X
E.12.(d)	Permit TFB to audit or examine any books and records.	X
E.12.(e)	Inform TFB immediately of any material adverse change in the financial condition of the Foundation. Also any litigation or threatened litigation which may substantially affect the financial condition.	X
E.12.(g)	Maintain property and equipment in good repair.	X
E.13.	No additional debt incurred.	X

X Covenant met

(A) See attached Florida Justice Technology Center: Progress Report for January, February & March 2019

(B) See attached Report on Technology and Providing Greater Access to Justice

Submitted By:

Jasmine Lee-Gaumier, Controller

Signature

Jasmine Lee-Gaumier

Task Force on Distribution of IOTA Funds Final Report
 Appendix J – Submission to the Task Force

September 15, 2020

FJTC Board

- The Board met in person on June 26, 2019.
- The board reviewed current financial situation and discussed fundraising options.

Executive Director – Joyce Raby

- Attended meetings of California Bar Task Force on Access through Innovation in Legal Services – April 8 and May 13.
- FJTC moved to FreedCamp as our project management/communication platform in the second quarter. We hosted two in person staff trainings; one in Denver on April 18 and one in Tampa on May 18.
- Attended Project Management Institute’s Mile Hi Chapter annual symposium in Denver on April 19, 2019 to maintain current PMP certification.
- Presented at George Washington Law School on using technology for Access to Justice at the request of the Florida Bar Foundation, April 11, 2019.
- May 7-9, 2019 attended Equal Justice Conference including pre-conference *Creating Opportunity through Criminal Record Clearing* day long workshop.
- Created and facilitated a day long human-centered design/business process analysis workshop for young lawyers at the request of the Chicago Bar Foundation, in Denver, CO June 11, 2019.
- Created 5 alternative financial/mission scenarios for FJTC at the request of the Florida Bar Foundation

FJTC Team

Sam Harden: Lead Developer

Conducted the Legal Aid Virtual Hackathon, a two-day event with over 15 participants and four finished projects.

Finalized the FLARE custom case creation and management software for JALA’s Family Law At Reduced Expense program. The active Beta version is currently in Testing with 2 clinics run so far for user testing

A description of the software:

- Client side
 - Web based program that determines divorce type,
 - Seamless payment platform
 - Custom profile page
 - Create documents using FLARE’s formbuilder,
 - Saves the client’s documents to the profile page
 - Handles file uploads
 - Connects clients with participating attorney
- Attorney side
 - Account gives attorneys view of all available cases
 - Can see enough info to determine conflicts

- Claim cases and begin representation
- Integrated email system notifies client
- Attorney can see client documents and complete forms

Built and delivered the Elder Law Site, a state-wide site built for seniors, advocates, and caregivers.

Built the Rent Withholding web tool for educating tenants about their rights when their landlord won't make repairs to property. An integrated formbuilder lets users create a rent withholding letter to their landlord and collects information about each letter created to identify bad actors.

Implementation of FJTC standard technology stack:

- Development and implementation of standardized WordPress theme
 - Consistent elements across products
 - Enables rapid prototyping and ideation at extremely low cost
 - Simplifies development process
- Use of Docassemble for formbuilding
 - Powerful tool for creating intuitive, custom interviews.
 - One Docassemble server handles formbuilding across multiple properties.
 - Enables replication for generalized interviews = scale
- Amazon Web Services:
 - Fast, reliable, cost-efficient solution for cloud technology
 - Cost so far: \$0
- The takeaway:
 - Standard technologies enable
 - Replication
 - Rapid development
 - Ease of maintenance

Alison DeBelder: FLAdvocate.org

April

- April 11-12 I recorded the Elder Justice Conference held in Tampa, Florida. The conference was the first of its kind and featured state and national luminaries. This work was subsidized by the Florida Health Justice Project and the recordings were posted to the FLAdvocate website and public links made available to the Department of Elder Affairs for broad dissemination. The recordings were professionally edited for quality.
- April 27 I attended the Tallahassee Pride festival to promote the FloridaNameChange tool. While wearing a FloridaNameChange trans-pride-themed t-shirt I distributed hundreds of flyers and met one-on-one with leaders in the community to explain the tool and make personal connections for collaboration going forward.

May

- Helped to help organize statewide Consumer Law Training conference.

Florida Justice Technology Center: Progress Report for April, May & June 2019

July 2019

- May 8-11 I attended the Equal Justice Conference in Louisville, KY. Here I met with partners and discussed ongoing projects in person. In particular, I attended several sessions relevant to voter rights and advocacy efforts around the country related to voting.
- May 17 attended ceremony in Tampa honoring Justice Quince upon her retirement, which was sponsored by FJTC.

June

- June 3 I attended a "Train the Trainer" training hosted by CLSMF and given by LSNTAP staff. Was able to meet with several of our partners to discuss ongoing projects while there, such as the organizer of an MLP conference that was being planned (and supported by our FLAdvocate website), and our subject matter expert for FloridaNameChange, Simone Chriss of SLC (and several others).
- June 13 I met with the Leon County Supervisor of Elections at length to discuss Amendment 4 and legislation related to its implementation.

Raylene Coe: Product Outreach

April

- Assisted in User Testing of Florida Law Help in Sarasota, FL
- Corresponded with The Family Café (special needs event scheduled in June)
- Provided PDF flyers on Turning18.org electronically to UCF CARD, Autism Caregivers Connect and SOAK (parent support group)
- Participated in administrative consultation(s) to promote FJTC websites

May

- Provided Turning18.org materials for inclusion in packets for attendees of the "Trust In Their Future" event
- Attended retirement celebration for FL Supreme Court Justice Quince / Participated in team training event in Tampa, FL

June

- Participated in administrative consultation(s) to promote FJTC websites
- Set up and staffed table to promote Turning18.org at the 3-day 21st Annual Family Café & Governor's Summit on Disabilities in Orlando, FL (June7-9)

Emy Lopez: Project Management

- Project Management for Statewide Triage
 - Coordinate meetings with the FJTC team and Theory & Principle
 - Respond to needs from the developer as needed
 - Work with other partners on integration needs (Community.Lawyer, Legal.io)
 - Focus on user testing, needs and preparation for testing in Florida
 - Final determination of content development
 - Contact referral partners in Florida to discuss the purpose and benefits of triage, integration, and ensure that the site includes all items that the partner needs for a warm handoff
 - Invoice & payment tracking

Florida Justice Technology Center: Progress Report for April, May & June 2019

July 2019

- Project Management for Elder Law
 - Coordinate & document meetings with ProBono Net, Florida stakeholders & FJTC team
- Project Management Software
 - Selection of Freedcamp as a Project Management software solution for FJTC team
 - Work with Freedcamp to obtain non-profit pricing & adequate setup
 - Development of usage standards for the team
 - Train FJTC team on Freedcamp structure & usage, both remotely & in person
 - Respond to further development needs as identified by the team

Jessica Rae: FloridaLawHelp.org/Triage User Testing

Florida Law Help

- Partnered with Gulfcoast Legal Services and Legal Services of Manasota to identify potential community locations to conduct user testing on the proposed Triage site. Over the course of a week in April, FLH.org conducted user testing with 32 individuals in four locations. Participants were provided with a hypothetical legal problem and asked to use the site to find a potential solution. The resulting data and user feedback was analyzed and shared with the website designers to improve and enhance the site including addressing navigation, accessibility, design and other functionality.
- Partnered with Michelle Kenney to present “The Regis Little Act: Guardianship and the Alternatives” at the 2019 Guardian Ad Litem Conference in May. The presentation was developed based on the positive response FJTC has received on Turning18.org.
- Attended Online | eAccessibility with David Berman: Office, InDesign, PDF, Web for the new legislation (including WCAG 2.1!)

Brandon Thomas: Developer/Data Analytics

Statewide Triage

- Participated in sprint planning sessions, sprint reviews, and general requirement gathering sessions for the Triage project
- Worked with Inina and Jordan to create email notification responses for the Triage site to send to referral partners and admin users when certain actions occur
- Worked with Jess, Emy, and Jacqui to determine the methodology for how we wanted to user test the Triage site
- Worked with Dulani Woods at Rand Corp to determine how they will be involved in the data analytics work for the Triage site and what their needs are

Turning 18

Florida Justice Technology Center: Progress Report for April, May & June 2019

July 2019

- Completed four enhancements to the Turning 18 website and forms to address some of the concerns that JALA and Three Rivers had with it. These enhancements have made using the site easier at clinics.
- Worked with Alison, Emy, JALA, and Three Rivers to scope future changes that we would like to make to the Turning 18 website for phase II of the project. These are future changes we can make to the website to further enhance its usability and feature set.

Reporting

- Worked with Inina to create a final version two dashboard for the specific FLAdvocate reports
- Worked with Inina to create initial return on investment (ROI) reporting for FJTC. This reporting tracks the effectiveness of all our project sites and how people are interacting and benefitting from them.
- Worked with Joyce and Inina to create a formal report for The Florida Bar Foundation using our new ROI reporting data
- Worked with Heather and Inina to process the data from the FLAdvocate MLP survey and create a simple dashboard report to display it

Misc.

- Represented FJTC at the Future Law conference and Utah Regulatory Sandbox workshop at Stanford University in early April
- Worked with Emy to create standardized project steps to build into our Freedcamp project development template
- Worked on initial menu and site footer layout designs for standardizing our sites
- Worked with Emily and Kate to create the initial version of Pay It Forward / Donation pages for all FJTC websites
- Worked with Emily and Kate to create the initial version of the Get Involved section for all FJTC websites
- Participated in David Berman's website accessibility training webinar

Inina Kachelmeier: Data Analyst

- Created data analytics report including multiple revisions over the course of May and June
- Worked with Brandon to create Google Data Studio dashboards

Craig Sims: Developer

Amendment 4 Project

- Researched the legal and technical landscape pertaining to ex-felon voting rights restoration.
- Drafted initial report on the state of current public-facing criminal justice records/fines systems in each county and statewide.
- Interviewed a highly-qualified case study who is personally affected by Amendment 4 and the subsequent legislation.
- Trained on Docassemble to help build any resulting applications.
- Work on the final report is ongoing.

Florida Justice Technology Center: Progress Report for April, May & June 2019

July 2019

Elder Law Conference

- Edited videos of all the presentations from the Florida Elder Law Conference in April.

Legal Aid Listserv

- Built a new legal aid society listserv using Google Groups.

Ongoing Development

- Provided ongoing development and assistance with our various WordPress deployments, including FLElderLaw.org and internal FJTC sites.
- Began a series of training videos for FJTC projects.

Training

- Attended training sessions for Freedcamp in person in Tampa and ADA/AODA 2.0 (virtually).
- Docassemble for legal applications (virtually).

Kate Peoples-Luther: Communications Contractor

- ✓ Designed The BIG List Download Report
- ✓ Designed new marketing materials
- ✓ Designed ad for Voluntary Bar Conference
- ✓ Expanded content and features on FJTC website
- ✓ Created new content for FJTC blog
- ✓ Worked with outside orgs to increase FJTC project visibility
- ✓ Worked on prezi presentation for annual board meeting
- ✓ Contributed to ROI Report
- ✓ Designed Cover, formatting for ROI Report
- ✓ Implemented adwords campaign for T18
- ✓ Worked on marketing strategy and plan
- ✓ Launched FJTC on Medium (content syndication)
- ✓ Collaborated on newsletters
- ✓ Managed 9 SM accounts (4 Twitter, 4 FB, 1 IG)
- ✓ Increased social media presence:
 - Twitter Highlights (@FJusticeTech):
 - 29 new followers
 - 11,448 tweet impressions
 - 19 mentions
 - 462 profile visits

Florida Justice Technology Center: Progress Report for April, May & June 2019

July 2019

Top Tweet earned 2 685 impressions

How do you increase #accesstojustice? Well, for starters, you make sure people can find your apps! That what this list is for - please share and help us spread the word. floridajusticetechnologycenter.org/the-big-list-o... pic.twitter.com/ZUf5d8keOy



👍 1 🔄 1 ❤️ 15

Top Tweet earned 739 impressions

Who runs the world? (From l to r): Katy DeBriere, @JaxLegalAid, Miriam Harmatz, @FLHealthJustice, Natalie Castellanos, @HealthSFL, and our own Allison DeBelder, @DeBelderAlison at the Florida Elder Justice Conference. pic.twitter.com/5GWb31OCf0



👍 2 ❤️ 15

- Facebook Highlights (FJTC):
 - 115 page likes
 - 127 page followers
- 58 Instagram followers

Heather Hadd – Developer Administrative Assistant

Administrative/Organizational:

- Assisting in building projects and task lists in FreedCamp
 - Such as creating a project that details all the tasks necessary for new team member onboarding.
- Researching new tools to help grow and manage existing tools that Florida Justice Technology Center manages.
- Brainstorming and drafting ideas for how to develop the "Pay it forward" page of Florida Name Change and Turning18.
- Creating a data table of all of the sites and tools that Florida Justice Technology Center uses as well as the point of contact for each tool so that the expensing process could run more smoothly and efficiently.

FLAdvocate

- Writing and designing a monthly newsletter to facilitate communication across the FLAdvocate site.
- Collected data from a survey for the Southeast Regional MLP group that I had created and sent out in March. The data gathered was then sent to collaborators on the project and all parties used the information to better understand the MLPs in the Southeastern region as well as

Florida Justice Technology Center: Progress Report for April, May & June 2019

July 2019

FLAdvocate/FJTC's role in building connections among existing MLPs as well as supporting MLPs in development.

- Managing each facet of FLAdvocate including approving new members, updating news pages, sending listserv announcements, maintaining libraries and calendars and curating the two jobs boards.
- Meeting with Practice Area leaders to ensure that their area is up to date and working in the way that is needed for them and the members.
- Designed a survey for the Family Law Practice Area members to gather data on how the practice area was being used
 - Presented data from the survey in a practice area wide email.
 - Based on the results, worked to significantly change overall structure of the practice area.
- Attend regular ProBono.net meetings to stay up to date on the platform and troubleshoot any significant site issues.

Florida Name Change

- Updating the Webmerge settings to ensure proper delivery of the PDF documents to the users.
- Editing each of the questionnaires (through Typeform) to allow for email confirmation at the end of each survey to address the issue of undelivered forms.

Emily Fasnacht: Development Director

Quarterly Report – 2019 2nd Quarter

Development

Name	Description	Funder	Amount	Deadline	Notification	Status
Drucker Prize	Innovative Nonprofits	The Peter Drucker Institute	\$100,000	4/30/2019	6/3/2019	Denied
Grant Foundation Proposal	Renters' Rights	Charles M and Mary D Grant Foundation	\$50,000	4/30/2019	8/31/2019	Submitted
JMK Innovation Prize – Round 1	Innovative Nonprofits	JM Kaplan Fund	\$175,000	4/30/2019	6/30/2019	Submitted
Andrus Family LOI	Foster Youth Chatbot	Andrus Family Fund	\$67,000	5/17/2019	6/30/2019	Submitted
Justice Award	Award Nomination	The Foundation for the Improvement of Justice	\$10,000	5/17/2019	8/31/2019	Submitted
Visible Connect: Year Two	Development Consulting	Uncharted	\$15,000	5/26/2019	7/15/2019	Denied

Florida Justice Technology Center: Progress Report for April, May & June 2019

July 2019

TIG Proposal	CCLA Identity Theft	Legal Services Corporation	\$163,200	6/7/2019	8/31/2019	Submitted
TIG Proposal	CCLA Family Law	Legal Services Corporation	\$118,800	6/7/2019	8/31/2019	Submitted
Total			\$699,000			

- ✓ Migrated tasks, grants, and projects to FreedCamp
- ✓ Created and sent monthly donor engagement emails
- ✓ Created *The BIG List of Legal Tools* eBook
- ✓ Blog Posts
 - *10 Legal Tools*
 - *Justice Quince*
 - *Could You Survive Being Sued*
- ✓ Generated welcome email automated campaign for new subscribers in T18 and FNC
- ✓ Maintained Donor CRM in Airtable
- ✓ Added funder contacts to FreedCamp
- ✓ Fundraising Status Report
- ✓ VOCA Talking Points
- ✓ Attended Classy Collaborative Conference
- ✓ Development Budget

Leona Hildreth: Executive Assistant

- Schedules all executive director travel and handles all reimbursements from third party payers.
- Prepares initial draft of quarterly reports.
- Generates monthly accounting/budget reports for leadership team.
- Works with bookkeeper to manage all team travel expense tracking and reimbursements.
- Manages executive director calendar and works with all team members on group meetings and events.
- Handles all logistics for staff retreats, conference registrations, and travel arrangements when needed.
- Assists with creation of board books.
- Assists with creation of year end thank you gifts to board members and “friends and family” of FJTC.
- Handles shipping of marketing and outreach materials to virtual team members at their request.
- Recently secured a Certification in Forensic Accounting and Fraud Prevention
- Creates expense reports for executive director trips
- Assists team with any reports requested

The Florida Bar**Statement of Loan Balance****As of: June 30, 2019****The Florida Bar Foundation, Inc.**

Month	Interest Rate	Interest Accrued (Payment)	Principal Balance	Total Owed
Dec-14	1.720%	\$ 3,958.36	\$ 3,000,000.00	\$3,003,958.36
Jan-15	1.750%	\$ 4,458.90	\$ 3,000,000.00	\$3,008,417.26
Feb-15	1.700%	\$ 3,912.33	\$ 3,000,000.00	\$3,012,329.59
Mar-15	1.470%	\$ 3,745.48	\$ 3,000,000.00	\$3,016,075.07
Apr-15	1.700%	\$ 4,191.78	\$ 3,000,000.00	\$3,020,266.85
May-15	1.530%	\$ 3,898.36	\$ 3,000,000.00	\$3,024,165.21
Jun-15	1.600%	\$ 3,945.21	\$ 3,000,000.00	\$3,028,110.42
Jul-15	1.770%	\$ 4,509.86	\$ 3,000,000.00	\$3,032,620.28
Aug-15	1.820%	\$ 4,637.26	\$ 3,000,000.00	\$3,037,257.54
Sep-15	1.770%	\$ 4,364.38	\$ 3,000,000.00	\$3,041,621.92
Oct-15	1.670%	\$ 4,255.07	\$ 3,000,000.00	\$3,045,876.99
Nov-15	1.590%	\$ 3,920.55	\$ 3,000,000.00	\$3,049,797.54
Dec-15	1.680%	\$ 4,280.55	\$ 3,000,000.00	\$3,054,078.09
12/9-12/31/15	1.680%	\$ 3,313.97	\$ 6,000,000.00	\$3,057,392.06
Check # 35964, dated 11/30/2015		\$ (50,241.38)		\$3,007,150.68
Jan-16	1.81%	\$ 9,223.56	\$ 6,000,000.00	\$6,016,374.24
Feb-16	1.82%	\$ 8,676.16	\$ 6,000,000.00	\$6,025,050.40
Mar-16	1.48%	\$ 7,541.92	\$ 6,000,000.00	\$6,032,592.32
Apr-16	1.45%	\$ 7,150.68	\$ 6,000,000.00	\$6,039,743.00
May-16	1.43%	\$ 7,287.12	\$ 6,000,000.00	\$6,047,030.12
Jun-16	1.41%	\$ 6,953.42	\$ 6,000,000.00	\$6,053,983.54
Jul-16	1.43%	\$ 7,287.12	\$ 6,000,000.00	\$6,061,270.66
Aug-16	1.18%	\$ 6,013.15	\$ 6,000,000.00	\$6,067,283.81
Sep-16	1.22%	\$ 6,016.44	\$ 6,000,000.00	\$6,073,300.25
Oct-16	1.29%	\$ 6,573.70	\$ 6,000,000.00	\$6,079,873.95
Nov-16	1.33%	\$ 6,558.90	\$ 6,000,000.00	\$6,086,432.85
Check # 36854, dated 11/30/2016		\$ (86,432.85)		\$6,000,000.00

The Florida Bar

Statement of Loan Balance
As of: June 30, 2019
The Florida Bar Foundation, Inc.

Month	Interest Rate	Interest Accrued (Payment)	Principal Balance	Total Owed
Dec-16	1.47%	\$ 7,490.96	\$ 6,000,000.00	\$6,007,490.96
Jan-17	1.97%	\$ 10,038.90	\$ 6,000,000.00	\$6,017,529.86
Feb-17	2.10%	\$ 9,665.75	\$ 6,000,000.00	\$6,027,195.61
Mar-17	2.05%	\$ 10,446.58	\$ 6,000,000.00	\$6,037,642.19
Apr-17	2.12%	\$ 10,454.79	\$ 6,000,000.00	\$6,048,096.98
May-17	2.04%	\$ 10,395.62	\$ 6,000,000.00	\$6,058,492.60
Jun-17	1.96%	\$ 9,665.75	\$ 6,000,000.00	\$6,068,158.35
Jul-17	1.89%	\$ 9,631.23	\$ 6,000,000.00	\$6,077,789.58
Aug-17	1.95%	\$ 9,936.99	\$ 6,000,000.00	\$6,087,726.57
Sep-17	1.94%	\$ 9,567.12	\$ 6,000,000.00	\$6,097,293.69
Oct-17	1.85%	\$ 9,427.40	\$ 6,000,000.00	\$6,106,721.09
Nov-17	2.00%	\$ 9,863.01	\$ 6,000,000.00	\$6,116,584.10
Check # 37744, dated 11/29/17		\$ (116,584.10)		\$6,000,000.00
12/1-12/7/17	2.11%	\$ 2,427.95	\$ 6,000,000.00	\$5,627,427.95
Check # 37748, dated 12/07/17			\$ (375,000.00)	\$5,252,427.95
			\$ 5,625,000.00	\$5,627,427.95
12/8-12/31/17	2.11%	\$ 7,804.11	\$ 5,625,000.00	\$5,635,232.06
Jan-18	2.18%	\$ 10,414.73	\$ 5,625,000.00	\$5,645,646.79
Feb-18	2.31%	\$ 9,967.81	\$ 5,625,000.00	\$5,655,614.60
3/1-3/14/18	2.57%	\$ 5,544.86	\$ 5,625,000.00	\$5,661,159.46
Check # 37987, dated 03/12/18; received 3/14/18			\$ (375,000.00)	\$5,286,159.46
3/15-3/31/18	2.57%	\$ 6,284.18	\$ 5,250,000.00	\$5,292,443.64
Apr-18	2.72%	\$ 11,736.99	\$ 5,250,000.00	\$5,304,180.63
May-18	2.69%	\$ 11,994.45	\$ 5,250,000.00	\$5,316,175.08
6/1-6/15/18	2.86%	\$ 6,170.55	\$ 5,250,000.00	\$5,322,345.63
Check # 38189, dated 06/12/18; received 6/15/18			\$ (375,000.00)	\$4,947,345.63
6/15-6/30/18	2.86%	\$ 5,729.79	\$ 4,875,000.00	\$4,953,075.42
Jul-18	2.87%	\$ 11,882.98	\$ 4,875,000.00	\$4,964,958.40
Aug-18	2.80%	\$ 11,593.15	\$ 4,875,000.00	\$4,976,551.55
9/1-9/14/18	2.86%	\$ 5,347.81	\$ 4,875,000.00	\$4,981,899.36
Check # 38393, dated 09/12/18; received 9/13/18			\$ (375,000.00)	\$4,606,899.36
9/15-9/30/18	2.86%	\$ 5,641.64	\$ 4,500,000.00	\$4,612,541.00
Oct-18	2.83%	\$ 10,816.03	\$ 4,500,000.00	\$4,623,357.03
Nov-18	3.04%	\$ 11,243.84	\$ 4,500,000.00	\$4,634,600.87
Check # 38487 dated 11/30/18		\$ (134,600.87)		\$4,500,000.00
12/1-12/14/18	3.07%	\$ 5,298.90	\$ 4,500,000.00	\$ 4,505,298.90
Check # 38562, dated 12/13/18; received 12/14/18		\$ (125,000.00)		\$4,110,298.90
12/15-12/31/18	3.07%	\$ 5,898.19	\$ 4,125,000.00	\$4,136,196.96

Check # 38562, dated 12/13/18; received 12/14/18 on Distribution of TA Funds Report
 Appendix A, 125,000.00 submission to the Task Force
 September 15, 2020

The Florida Bar

Statement of Loan Balance
As of: June 30, 2019
The Florida Bar Foundation, Inc.

Month	Interest Rate	Interest Accrued (Payment)	Principal Balance	Total Owed
Jan-19	2.89%	\$ 10,124.90	\$ 4,125,000.00	\$ 4,146,721.86
Feb-19	2.63%	\$ 8,322.33	\$ 4,125,000.00	\$ 4,155,044.19
3/1/19-3/14/19	2.59%	\$ 4,097.88	\$ 4,125,000.00	\$ 4,159,142.07
Check # 38679, dated 3/13/19; received 3/14/19			\$ (375,000.00)	\$3,784,142.07
3/15/19-3/31/19	2.59%	\$ 4,523.63	\$ 3,750,000.00	\$ 3,788,665.70
Apr-19	2.55%	\$ 7,859.59	\$ 3,750,000.00	\$ 3,796,525.29
May-19	2.37%	\$ 7,548.29	\$ 3,750,000.00	\$ 3,804,073.58
6/1/19-6/14/19	2.38%	\$ 3,423.29	\$ 3,750,000.00	\$ 3,807,496.87
Check # 38803, dated 6/12/19; received 6/14/19			\$ (375,000.00)	\$3,432,496.87
6/15/19-6/30/19	2.38%	\$ 3,521.10	\$ 3,375,000.00	\$ 3,436,017.97

The Florida Bar Foundation Inc.
Statement of Financial Position
June 30, 2019

	Actual
ASSETS	
Current Assets	
Cash and Cash Equivalents	\$1,481,787.22
IOTA Contributions Receivable	\$1,759,915.00
Other Contributions Receivable	\$95,995.55
Notes Receivable, net of Allowance	\$560,047.33
Interest and Dividends Receivable	\$497,563.09
Due From Broker	\$2,932.11
Accounts Receivable	\$5,009.50
Travel Advances	\$0.00
Prepaid Expenses	\$143,691.08
Short Term Investments	\$11,621,293.80
Intermediate Term Investments	\$17,806,861.10
Total Current Assets	\$33,975,095.78
Fixed Assets	
Office Equipment	\$134,045.05
Computer Equipment	\$83,258.85
Furniture and Fixtures	\$130,217.92
Computer Software	\$760,032.05
Leasehold Improvements	\$37,802.00
Accumulated Depreciation	(\$1,053,761.85)
Total Fixed Assets	\$91,594.02
Other Assets	
Deposits	\$7,714.50
Contributions Receivable	(\$4,577.69)
Total Other Assets	\$3,136.81
Total ASSETS	\$34,069,826.61

The Florida Bar Foundation Inc.
Statement of Financial Position
June 30, 2019

	Actual
LIABILITIES AND NET ASSETS	
LIABILITIES	
Current Liabilities	
Accounts Payable	\$223,065.72
Due to Broker	\$1,084.61
Payroll Withholding	\$164.75
Conditional Grants Payable	\$1,944,583.32
Grants Payable	\$2,864,237.50
Accrued Expenses	\$166,884.23
Deferred Revenues	\$10,979,150.03
Note Payable, Current	\$1,500,000.00
Other Current Liabilities	\$21,244.67
Due to/Due From	\$0.00
Total Current Liabilities	\$17,700,414.83
Non-Current Liabilities	
Note Payable	\$1,875,000.00
Other Non-Current Liabilities	\$91,546.49
Total Non-Current Liabilities	\$1,966,546.49
TOTAL LIABILITIES	\$19,666,961.32
NET ASSETS	
Temporarily Restricted	
Increase (Decrease) in Net Assets	\$1,196,247.17
Total Temporarily Restricted	\$1,196,247.17
Unrestricted	
Increase (Decrease) in Net Assets	\$13,206,618.12
Total Unrestricted	\$13,206,618.12
Total NET ASSETS	\$14,402,865.29
TOTAL LIABILITIES AND NET ASSETS	\$34,069,826.61
 BEGINNING BALANCE WITH CURRENT YEAR ADJUSTMENTS	 \$6,873,850.38
 NET SURPLUS/(DEFICIT)	 \$7,529,014.91
 ENDING NET ASSETS	 \$14,402,865.29

The Florida Bar Foundation Inc.
Statement of Activities
For the Year Ended June 30, 2019

	Unrestricted	Temporarily Restricted	Permanently Restricted	Total
REVENUES, GAINS and OTHER SUPPORT				
IOTA Contributions	\$13,683,454.36	\$0.00	\$0.00	\$13,683,454.36
Other Contributions	\$200,940.34	\$285,824.46	\$0.00	\$486,764.80
Bar Fee Statement, Check-Off Receipts	\$0.00	\$320,879.88	\$0.00	\$320,879.88
Change in Value of Split-Interest Agreements	(\$1,056.76)	\$0.00	\$0.00	(\$1,056.76)
License Plate Campaign Contributions	\$0.00	\$35,728.90	\$0.00	\$35,728.90
Contract Revenues	\$6,649,598.00	\$0.00	\$0.00	\$6,649,598.00
CY Pres Awards	\$344,529.90	\$0.00	\$0.00	\$344,529.90
Return of Unspent Grant Funds	\$137,550.00	\$0.00	\$0.00	\$137,550.00
Investment Income	\$899,049.07	\$0.00	\$0.00	\$899,049.07
Unrealized/Realized Gains (Losses) on Investments	\$252,125.42	\$0.00	\$0.00	\$252,125.42
Miscellaneous Income	\$54,464.96	\$5,970.00	\$0.00	\$60,434.96
Grants Received	\$1,500.00	\$0.00	\$0.00	\$1,500.00
Conditional Grants Awarded	(\$1,944,583.32)	\$0.00	\$0.00	(\$1,944,583.32)
Total REVENUE	\$20,277,571.97	\$648,403.24	\$0.00	\$20,925,975.21
EXPENSES				
Program Expenses - Grants	(\$10,623,936.03)	\$0.00	\$0.00	(\$10,623,936.03)
Program Related Expenses	(\$714,503.85)	\$0.00	\$0.00	(\$714,503.85)
Supporting Services	(\$1,820,952.77)	\$0.00	\$0.00	(\$1,820,952.77)
Fund Raising Expenses	(\$237,567.65)	\$0.00	\$0.00	(\$237,567.65)
Total EXPENSES	(\$13,396,960.30)	\$0.00	\$0.00	(\$13,396,960.30)
BEGINNING NET ASSETS	\$6,326,006.45	\$547,843.93	\$0.00	\$6,873,850.38
NET SURPLUS/(DEFICIT)	\$6,880,611.67	\$648,403.24	\$0.00	\$7,529,014.91
ENDING NET ASSETS	\$13,206,618.12	\$1,196,247.17	\$0.00	\$14,402,865.29

Task Force on Distribution of IOTA Funds Final Report
Appendix J – Submissions to the Task Force
September 15, 2020
Page J - 448

FJTC Board

- The Board met in person on June 26, 2019.
- The board reviewed current financial situation and discussed fundraising options.

Executive Director – Joyce Raby

- Attended meetings of California Bar Task Force on Access through Innovation in Legal Services – April 8 and May 13.
- FJTC moved to FreedCamp as our project management/communication platform in the second quarter. We hosted two in person staff trainings; one in Denver on April 18 and one in Tampa on May 18.
- Attended Project Management Institute’s Mile Hi Chapter annual symposium in Denver on April 19, 2019 to maintain current PMP certification.
- Presented at George Washington Law School on using technology for Access to Justice at the request of the Florida Bar Foundation, April 11, 2019.
- May 7-9, 2019 attended Equal Justice Conference including pre-conference *Creating Opportunity through Criminal Record Clearing* day long workshop.
- Created and facilitated a day long human-centered design/business process analysis workshop for young lawyers at the request of the Chicago Bar Foundation, in Denver, CO June 11, 2019.
- Created 5 alternative financial/mission scenarios for FJTC at the request of the Florida Bar Foundation

FJTC Team

Sam Harden: Lead Developer

Conducted the Legal Aid Virtual Hackathon, a two-day event with over 15 participants and four finished projects.

Finalized the FLARE custom case creation and management software for JALA’s Family Law At Reduced Expense program. The active Beta version is currently in Testing with 2 clinics run so far for user testing

A description of the software:

- Client side
 - Web based program that determines divorce type,
 - Seamless payment platform
 - Custom profile page
 - Create documents using FLARE’s formbuilder,
 - Saves the client’s documents to the profile page
 - Handles file uploads
 - Connects clients with participating attorney
- Attorney side
 - Account gives attorneys view of all available cases
 - Can see enough info to determine conflicts

Florida Justice Technology Center: Progress Report for April, May & June 2019

July 2019

- Claim cases and begin representation
- Integrated email system notifies client
- Attorney can see client documents and complete forms

Built and delivered the Elder Law Site, a state-wide site built for seniors, advocates, and caregivers.

Built the Rent Withholding web tool for educating tenants about their rights when their landlord won't make repairs to property. An integrated formbuilder lets users create a rent withholding letter to their landlord and collects information about each letter created to identify bad actors.

Implementation of FJTC standard technology stack:

- Development and implementation of standardized WordPress theme
 - Consistent elements across products
 - Enables rapid prototyping and ideation at extremely low cost
 - Simplifies development process
- Use of Docassemble for formbuilding
 - Powerful tool for creating intuitive, custom interviews.
 - One Docassemble server handles formbuilding across multiple properties.
 - Enables replication for generalized interviews = scale
- Amazon Web Services:
 - Fast, reliable, cost-efficient solution for cloud technology
 - Cost so far: \$0
- The takeaway:
 - Standard technologies enable
 - Replication
 - Rapid development
 - Ease of maintenance

Alison DeBelder: FLAdvocate.org

April

- April 11-12 I recorded the Elder Justice Conference held in Tampa, Florida. The conference was the first of its kind and featured state and national luminaries. This work was subsidized by the Florida Health Justice Project and the recordings were posted to the FLAdvocate website and public links made available to the Department of Elder Affairs for broad dissemination. The recordings were professionally edited for quality.
- April 27 I attended the Tallahassee Pride festival to promote the FloridaNameChange tool. While wearing a FloridaNameChange trans-pride-themed t-shirt I distributed hundreds of flyers and met one-on-one with leaders in the community to explain the tool and make personal connections for collaboration going forward.

May

- Helped to help organize statewide Consumer Law Training conference

- May 8-11 I attended the Equal Justice Conference in Louisville, KY. Here I met with partners and discussed ongoing projects in person. In particular, I attended several sessions relevant to voter rights and advocacy efforts around the country related to voting.
- May 17 attended ceremony in Tampa honoring Justice Quince upon her retirement, which was sponsored by FJTC.

June

- June 3 I attended a “Train the Trainer” training hosted by CLSMF and given by LSNTAP staff. Was able to meet with several of our partners to discuss ongoing projects while there, such as the organizer of an MLP conference that was being planned (and supported by our FLAdvocate website), and our subject matter expert for FloridaNameChange, Simone Chriss of SLC (and several others).
- June 13 I met with the Leon County Supervisor of Elections at length to discuss Amendment 4 and legislation related to its implementation.

Raylene Coe: Product Outreach

April

- Assisted in User Testing of Florida Law Help in Sarasota, FL
- Corresponded with The Family Café (special needs event scheduled in June)
- Provided PDF flyers on Turning18.org electronically to UCF CARD, Autism Caregivers Connect and SOAK (parent support group)
- Participated in administrative consultation(s) to promote FJTC websites

May

- Provided Turning18.org materials for inclusion in packets for attendees of the “Trust In Their Future” event
- Attended retirement celebration for FL Supreme Court Justice Quince / Participated in team training event in Tampa, FL

June

- Participated in administrative consultation(s) to promote FJTC websites
- Set up and staffed table to promote Turning18.org at the 3-day 21st Annual Family Café & Governor’s Summit on Disabilities in Orlando, FL (June7-9)

Emy Lopez: Project Management

- Project Management for Statewide Triage
 - Coordinate meetings with the FJTC team and Theory & Principle
 - Respond to needs from the developer as needed
 - Work with other partners on integration needs (Community.Lawyer, Legal.io)
 - Focus on user testing, needs and preparation for testing in Florida
 - Final determination of content development
 - Contact referral partners in Florida to discuss the purpose and benefits of triage, integration, and ensure that the site includes all items that the partner needs for a warm handoff
 - Invoice & payment tracking

- Project Management for Elder Law
 - Coordinate & document meetings with ProBono Net, Florida stakeholders & FJTC team
- Project Management Software
 - Selection of Freedcamp as a Project Management software solution for FJTC team
 - Work with Freedcamp to obtain non-profit pricing & adequate setup
 - Development of usage standards for the team
 - Train FJTC team on Freedcamp structure & usage, both remotely & in person
 - Respond to further development needs as identified by the team

Jessica Rae: FloridaLawHelp.org/Triage User Testing

Florida Law Help

- Partnered with Gulfcoast Legal Services and Legal Services of Manasota to identify potential community locations to conduct user testing on the proposed Triage site. Over the course of a week in April, FLH.org conducted user testing with 32 individuals in four locations. Participants were provided with a hypothetical legal problem and asked to use the site to find a potential solution. The resulting data and user feedback was analyzed and shared with the website designers to improve and enhance the site including addressing navigation, accessibility, design and other functionality.
- Partnered with Michelle Kenney to present “The Regis Little Act: Guardianship and the Alternatives” at the 2019 Guardian Ad Litem Conference in May. The presentation was developed based on the positive response FJTC has received on Turning18.org.
- Attended Online | eAccessibility with David Berman: Office, InDesign, PDF, Web for the new legislation (including WCAG 2.1!)

Brandon Thomas: Developer/Data Analytics

Statewide Triage

- Participated in sprint planning sessions, sprint reviews, and general requirement gathering sessions for the Triage project
- Worked with Inina and Jordan to create email notification responses for the Triage site to send to referral partners and admin users when certain actions occur
- Worked with Jess, Emy, and Jacqui to determine the methodology for how we wanted to user test the Triage site
- Worked with Dulani Woods at Rand Corp to determine how they will be involved in the data analytics work for the Triage site and what their needs are

Turning 18

- Completed four enhancements to the Turning 18 website and forms to address some of the concerns that JALA and Three Rivers had with it. These enhancements have made using the site easier at clinics.
- Worked with Alison, Emy, JALA, and Three Rivers to scope future changes that we would like to make to the Turning 18 website for phase II of the project. These are future changes we can make to the website to further enhance its usability and feature set.

Reporting

- Worked with Inina to create a final version two dashboard for the specific FLAdvocate reports
- Worked with Inina to create initial return on investment (ROI) reporting for FJTC. This reporting tracks the effectiveness of all our project sites and how people are interacting and benefitting from them.
- Worked with Joyce and Inina to create a formal report for The Florida Bar Foundation using our new ROI reporting data
- Worked with Heather and Inina to process the data from the FLAdvocate MLP survey and create a simple dashboard report to display it

Misc.

- Represented FJTC at the Future Law conference and Utah Regulatory Sandbox workshop at Stanford University in early April
- Worked with Emy to create standardized project steps to build into our Freedcamp project development template
- Worked on initial menu and site footer layout designs for standardizing our sites
- Worked with Emily and Kate to create the initial version of Pay It Forward / Donation pages for all FJTC websites
- Worked with Emily and Kate to create the initial version of the Get Involved section for all FJTC websites
- Participated in David Berman's website accessibility training webinar

Inina Kachelmeier: Data Analyst

- Created data analytics report including multiple revisions over the course of May and June
- Worked with Brandon to create Google Data Studio dashboards

Craig Sims: Developer

Amendment 4 Project

- Researched the legal and technical landscape pertaining to ex-felon voting rights restoration.
- Drafted initial report on the state of current public-facing criminal justice records/fines systems in each county and statewide.
- Interviewed a highly-qualified case study who is personally affected by Amendment 4 and the subsequent legislation.
- Trained on Docassemble to help build any resulting applications.
- Work on the final report is ongoing.

Florida Justice Technology Center: Progress Report for April, May & June 2019

July 2019

Elder Law Conference

- Edited videos of all the presentations from the Florida Elder Law Conference in April.

Legal Aid Listserv

- Built a new legal aid society listserv using Google Groups.

Ongoing Development

- Provided ongoing development and assistance with our various WordPress deployments, including FLElderLaw.org and internal FJTC sites.
- Begun a series of training videos for FJTC projects.

Training

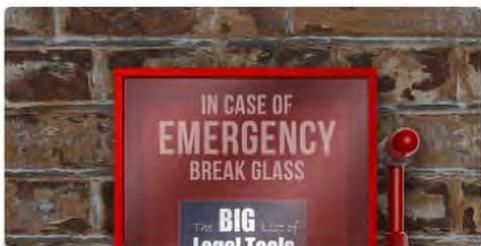
- Attended training sessions for Freedcamp in person in Tampa and ADA/AODA 2.0 (virtually).
- Docassemble for legal applications (virtually).

Kate Peeples-Luther: Communications Contractor

- ✓ Designed The BIG List Download Report
- ✓ Designed new marketing materials
- ✓ Designed ad for Voluntary Bar Conference
- ✓ Expanded content and features on FJTC website
- ✓ Created new content for FJTC blog
- ✓ Worked with outside orgs to increase FJTC project visibility
- ✓ Worked on prezi presentation for annual board meeting
- ✓ Contributed to ROI Report
- ✓ Designed Cover, formatting for ROI Report
- ✓ Implemented adwords campaign for T18
- ✓ Worked on marketing strategy and plan
- ✓ Launched FJTC on Medium (content syndication)
- ✓ Collaborated on newsletters
- ✓ Managed 9 SM accounts (4 Twitter, 4 FB, 1 IG)
- ✓ Increased social media presence:
 - Twitter Highlights (@FJusticeTech):
 - 29 new followers
 - 11,448 tweet impressions
 - 19 mentions
 - 462 profile visits

Top Tweet earned 2,685 impressions

How do you increase [#accesstojustice](#)? Well, for starters, you make sure people can find your apps! That what this list is for - please share and help us spread the word. floridajusticetechnologycenter.org/the-big-list-o... pic.twitter.com/ZUf5d8keOy



1 7 15

Top Tweet earned 739 impressions

Who runs the world? (From l to r): Katy DeBriere, [@JaxLegalAid](#), Miriam Harmatz, [@FLHealthJustice](#), Natalie Castellanos, [@HealthSFL](#), and our own Alison DeBelder, [@DeBelderAlison](#) at the Florida Elder Justice Conference. pic.twitter.com/5GWb31OCf0



2 15

- Facebook Highlights (FJTC):
 - 115 page likes
 - 127 page followers
- 58 Instagram followers

Heather Hadd – Developer Administrative Assistant

Administrative/Organizational:

- Assisting in building projects and task lists in FreedCamp
 - Such as creating a project that details all the tasks necessary for new team member onboarding.
- Researching new tools to help grow and manage existing tools that Florida Justice Technology Center manages.
- Brainstorming and drafting ideas for how to develop the "Pay it forward" page of Florida Name Change and Turning18.
- Creating a data table of all of the sites and tools that Florida Justice Technology Center uses as well as the point of contact for each tool so that the expensing process could run more smoothly and efficiently.

FLAdvocate

- Writing and designing a monthly newsletter to facilitate communication across the FLAdvocate site.
- Collected data from a survey for the Southeast Regional MLP group that I had created and sent out in March. The data gathered was then sent to collaborators on the project and all parties used the information to better understand the MLPs in the Southeastern region as well as

Florida Justice Technology Center: Progress Report for April, May & June 2019

July 2019

FLAdvocate/FJTC's role in building connections among existing MLPs as well as supporting MLPs in development.

- Managing each facet of FLAdvocate including approving new members, updating news pages, sending listserv announcements, maintaining libraries and calendars and curating the two jobs boards.
- Meeting with Practice Area leaders to ensure that their area is up to date and working in the way that is needed for them and the members.
- Designed a survey for the Family Law Practice Area members to gather data on how the practice area was being used
 - Presented data from the survey in a practice area wide email.
 - Based on the results, worked to significantly change overall structure of the practice area.
- Attend regular ProBono.net meetings to stay up to date on the platform and troubleshoot any significant site issues.

Florida Name Change

- Updating the Webmerge settings to ensure proper delivery of the PDF documents to the users.
- Editing each of the questionnaires (through Typeform) to allow for email confirmation at the end of each survey to address the issue of undelivered forms.

Emily Fasnacht: Development Director

Quarterly Report – 2019 2nd Quarter

Development

Name	Description	Funder	Amount	Deadline	Notification	Status
Drucker Prize	Innovative Nonprofits	The Peter Drucker Institute	\$100,000	4/30/2019	6/3/2019	Denied
Grant Foundation Proposal	Renters' Rights	Charles M and Mary D Grant Foundation	\$50,000	4/30/2019	8/31/2019	Submitted
JMK Innovation Prize – Round 1	Innovative Nonprofits	JM Kaplan Fund	\$175,000	4/30/2019	6/30/2019	Submitted
Andrus Family LOI	Foster Youth Chatbot	Andrus Family Fund	\$67,000	5/17/2019	6/30/2019	Submitted
Justice Award	Award Nomination	The Foundation for the Improvement of Justice	\$10,000	5/17/2019	8/31/2019	Submitted
Visible Connect: Year Two	Development Consulting	Uncharted	\$15,000	5/26/2019	7/15/2019	Denied

Florida Justice Technology Center: Progress Report for April, May & June 2019

July 2019

TIG Proposal	CCLA Identity Theft	Legal Services Corporation	\$163,200	6/7/2019	8/31/2019	Submitted
TIG Proposal	CCLA Family Law	Legal Services Corporation	\$118,800	6/7/2019	8/31/2019	Submitted
Total			\$699,000			

- ✓ Migrated tasks, grants, and projects to FreedCamp
- ✓ Created and sent monthly donor engagement emails
- ✓ Created *The BIG List of Legal Tools* eBook
- ✓ Blog Posts
 - *10 Legal Tools*
 - *Justice Quince*
 - *Could You Survive Being Sued*
- ✓ Generated welcome email automated campaign for new subscribers in T18 and FNC
- ✓ Maintained Donor CRM in Airtable
- ✓ Added funder contacts to FreedCamp
- ✓ Fundraising Status Report
- ✓ VOCA Talking Points
- ✓ Attended Classy Collaborative Conference
- ✓ Development Budget

Leona Hildreth: Executive Assistant

- Schedules all executive director travel and handles all reimbursements from third party payers.
- Prepares initial draft of quarterly reports.
- Generates monthly accounting/budget reports for leadership team.
- Works with bookkeeper to manage all team travel expense tracking and reimbursements.
- Manages executive director calendar and works with all team members on group meetings and events.
- Handles all logistics for staff retreats, conference registrations, and travel arrangements when needed.
- Assists with creation of board books.
- Assists with creation of year end thank you gifts to board members and “friends and family” of FJTC.
- Handles shipping of marketing and outreach materials to virtual team members at their request.
- Recently secured a Certification in Forensic Accounting and Fraud Prevention
- Creates expense reports for executive director trips
- Assists team with any reports requested

The Florida Bar Foundation, Inc.
 Quarterly Report to The Florida Bar on Use of Loan Proceeds
 September 30, 2019

Loan Covenant Numbers	Use of Loan Proceeds	2019
		30-Sep-19
E. 11.(a)	First \$1.0 million of the first draw and \$1.0 million of the second draw will be used either directly or indirectly for technology and the implementation of technology that will allow the Florida Bar Foundation and its grantees to improve access to justice primarily by: funding the start-up of an independent statewide non-profit entity with an organizational mission to increase access to justice to Floridians through the use of innovative technology and to train and support legal aid providers and pro bono attorneys in its use.	X Previously Reported \$2,141,198.80
E. 11.(b)	Report on a quarterly basis following the first installment of loan proceeds, regarding policy and implementation of the utilization of technology and providing greater access to justice.	X (A) See Attachment 1
E.12.(a)	Keep in force all licenses, permits, and franchises necessary for the proper conduct of business and duly pay and discharge all taxes, assessments, and governmental charges before the date penalties are assessed.	X
E.12.(b)(i)	Provide audit report within 120 days after fiscal year end.	X (B)
E.12.(b)(ii)	Provide quarterly financial statements within 30 days after the close of the quarter certified by the Foundation as accurate.	X See Attachment 2
E.12.(b)(iii)	Other information regarding financial condition and operations that may be reasonably requested.	X
E.12.(c)	If requested, statements needed to satisfy security interests.	X
E.12.(d)	Permit TFB to audit or examine any books and records.	X
E.12.(e)	Inform TFB immediately of any material adverse change in the financial condition of the Foundation. Also any litigation or threatened litigation which may substantially affect the financial condition.	X (C) See Attachment 3
E.12.(g)	Maintain property and equipment in good repair.	X
E.13.	No additional debt incurred.	X See Attachment 4

X Covenant met

(A) There is no report from the Florida Justice Technology Center for this quarter. Please refer to the attached excerpt from the Foundation's Report from its September 13, 2019 Board Meeting.

(B) The Foundation Board will consider the June 30, 2019 audit report on December 13, 2019. The Florida Bar approved an extension on October 3, 2019.

(C) None at this time. However, The Florida Supreme Court issued an Administrative Order (No. AOSC19-70) Re: Task Force on Distribution of IOTA funds, dated October 24, 2019, which has the potential to materially change the financial condition of the Foundation.

Submitted By:

Jasmine Lee-Gaumier, Controller

Signature

Jasmine Lee - Gaumier

Task Force on Distribution of IOTA Funds Final Report
Date 10/31/19

Appendix J – Submissions to the Task Force

September 15, 2020

The Florida Bar

Statement of Loan Balance As of: September 30, 2019 The Florida Bar Foundation, Inc.

Month	Interest Rate	Interest Accrued (Payment)	Principal Balance	Total Owed
Dec-14	1.720%	\$ 3,958.36	\$ 3,000,000.00	\$ 3,003,958.36
Jan-15	1.750%	\$ 4,458.90	\$ 3,000,000.00	\$ 3,008,417.26
Feb-15	1.700%	\$ 3,912.33	\$ 3,000,000.00	\$ 3,012,329.59
Mar-15	1.470%	\$ 3,745.48	\$ 3,000,000.00	\$ 3,016,075.07
Apr-15	1.700%	\$ 4,191.78	\$ 3,000,000.00	\$ 3,020,266.85
May-15	1.530%	\$ 3,898.36	\$ 3,000,000.00	\$ 3,024,165.21
Jun-15	1.600%	\$ 3,945.21	\$ 3,000,000.00	\$ 3,028,110.42
Jul-15	1.770%	\$ 4,509.86	\$ 3,000,000.00	\$ 3,032,620.28
Aug-15	1.820%	\$ 4,637.26	\$ 3,000,000.00	\$ 3,037,257.54
Sep-15	1.770%	\$ 4,364.38	\$ 3,000,000.00	\$ 3,041,621.92
Oct-15	1.670%	\$ 4,255.07	\$ 3,000,000.00	\$ 3,045,876.99
Nov-15	1.590%	\$ 3,920.55	\$ 3,000,000.00	\$ 3,049,797.54
Dec-15	1.680%	\$ 4,280.55	\$ 3,000,000.00	\$ 3,054,078.09
12/9-12/31/15	1.680%	\$ 3,313.97	\$ 6,000,000.00	\$ 3,057,392.06
Check # 35964, dated 11/30/2015		\$ (50,241.38)		\$ 3,007,150.68
Jan-16	1.81%	\$ 9,223.56	\$ 6,000,000.00	\$ 6,016,374.24
Feb-16	1.82%	\$ 8,676.16	\$ 6,000,000.00	\$ 6,025,050.40
Mar-16	1.48%	\$ 7,541.92	\$ 6,000,000.00	\$ 6,032,592.32
Apr-16	1.45%	\$ 7,150.68	\$ 6,000,000.00	\$ 6,039,743.00
May-16	1.43%	\$ 7,287.12	\$ 6,000,000.00	\$ 6,047,030.12
Jun-16	1.41%	\$ 6,953.42	\$ 6,000,000.00	\$ 6,053,983.54
Jul-16	1.43%	\$ 7,287.12	\$ 6,000,000.00	\$ 6,061,270.66
Aug-16	1.18%	\$ 6,013.15	\$ 6,000,000.00	\$ 6,067,283.81
Sep-16	1.22%	\$ 6,016.44	\$ 6,000,000.00	\$ 6,073,300.25
Oct-16	1.29%	\$ 6,573.70	\$ 6,000,000.00	\$ 6,079,873.95
Nov-16	1.33%	\$ 6,558.90	\$ 6,000,000.00	\$ 6,086,432.85

Task Force on Distribution of IOTA Funds Final Report
Appendix J – Submissions to the Task Force
September 15, 2020

The Florida Bar

Statement of Loan Balance
As of: September 30, 2019
The Florida Bar Foundation, Inc.

Month	Interest Rate	Interest Accrued (Payment)	Principal Balance	Total Owed
Check # 36854, dated 11/30/2016		\$ (86,432.85)		\$ 6,000,000.00
Dec-16	1.47%	\$ 7,490.96	\$ 6,000,000.00	\$ 6,007,490.96
Jan-17	1.97%	\$ 10,038.90	\$ 6,000,000.00	\$ 6,017,529.86
Feb-17	2.10%	\$ 9,665.75	\$ 6,000,000.00	\$ 6,027,195.61
Mar-17	2.05%	\$ 10,446.58	\$ 6,000,000.00	\$ 6,037,642.19
Apr-17	2.12%	\$ 10,454.79	\$ 6,000,000.00	\$ 6,048,096.98
May-17	2.04%	\$ 10,395.62	\$ 6,000,000.00	\$ 6,058,492.60
Jun-17	1.96%	\$ 9,665.75	\$ 6,000,000.00	\$ 6,068,158.35
Jul-17	1.89%	\$ 9,631.23	\$ 6,000,000.00	\$ 6,077,789.58
Aug-17	1.95%	\$ 9,936.99	\$ 6,000,000.00	\$ 6,087,726.57
Sep-17	1.94%	\$ 9,567.12	\$ 6,000,000.00	\$ 6,097,293.69
Oct-17	1.85%	\$ 9,427.40	\$ 6,000,000.00	\$ 6,106,721.09
Nov-17	2.00%	\$ 9,863.01	\$ 6,000,000.00	\$ 6,116,584.10
Check # 37744, dated 11/29/17		\$ (116,584.10)		\$ 6,000,000.00
12/1-12/7/17	2.11%	\$ 2,427.95	\$ 6,000,000.00	\$ 5,627,427.95
Check # 37748, dated 12/07/17			\$ (375,000.00)	\$ 5,252,427.95
			\$ 5,625,000.00	\$ 5,627,427.95
12/8-12/31/17	2.11%	\$ 7,804.11	\$ 5,625,000.00	\$ 5,635,232.06
Jan-18	2.18%	\$ 10,414.73	\$ 5,625,000.00	\$ 5,645,646.79
Feb-18	2.31%	\$ 9,967.81	\$ 5,625,000.00	\$ 5,655,614.60
3/1-3/14/18	2.57%	\$ 5,544.86	\$ 5,625,000.00	\$ 5,661,159.46
Check # 37987, dated 03/12/18; received 3/14/18			\$ (375,000.00)	\$ 5,286,159.46
3/15-3/31/18	2.57%	\$ 6,284.18	\$ 5,250,000.00	\$ 5,292,443.64
Apr-18	2.72%	\$ 11,736.99	\$ 5,250,000.00	\$ 5,304,180.63
May-18	2.69%	\$ 11,994.45	\$ 5,250,000.00	\$ 5,316,175.08
6/1-6/15/18	2.86%	\$ 6,170.55	\$ 5,250,000.00	\$ 5,322,345.63
Check # 38189, dated 06/12/18; received 6/15/18			\$ (375,000.00)	\$ 4,947,345.63
6/15-6/30/18	2.86%	\$ 5,729.79	\$ 4,875,000.00	\$ 4,953,075.42
Jul-18	2.87%	\$ 11,882.98	\$ 4,875,000.00	\$ 4,964,958.40
Aug-18	2.80%	\$ 11,593.15	\$ 4,875,000.00	\$ 4,976,551.55
9/1-9/14/18	2.86%	\$ 5,347.81	\$ 4,875,000.00	\$ 4,981,899.36
Check # 38393, dated 09/12/18; received 9/13/18			\$ (375,000.00)	\$ 4,606,899.36
9/15-9/30/18	2.86%	\$ 5,641.64	\$ 4,500,000.00	\$ 4,612,541.00
Oct-18	2.83%	\$ 10,816.03	\$ 4,500,000.00	\$ 4,623,357.03
Nov-18	3.04%	\$ 11,243.84	\$ 4,500,000.00	\$ 4,634,600.87
Check # 38487 dated 11/30/18		\$ (114,000.00)		\$ 4,500,000.00

Task Force on Distribution of IOTA Funds Final Report

Appendix J – Submissions to the Task Force

September 15, 2020

Page L-460

The Florida Bar

Statement of Loan Balance
As of: September 30, 2019
The Florida Bar Foundation, Inc.

Month	Interest Rate	Interest Accrued (Payment)	Principal Balance	Total Owed
12/1-12/14/18	3.07%	\$ 5,298.90	\$ 4,500,000.00	\$ 4,505,298.90
Check # 38562, dated 12/13/18; received 12/17/18			\$ (375,000.00)	\$ 4,130,298.90
12/15-12/31/18	3.07%	\$ 5,898.18	\$ 4,125,000.00	\$ 4,136,596.96
Jan-19	2.89%	\$ 10,124.90	\$ 4,125,000.00	\$ 4,146,721.86
Feb-19	2.63%	\$ 8,322.33	\$ 4,125,000.00	\$ 4,155,044.19
3/1/19-3/14/19	2.59%	\$ 4,097.88	\$ 4,125,000.00	\$ 4,159,142.07
Check # 38679, dated 3/13/19; received 3/14/19			\$ (375,000.00)	\$ 3,784,142.07
3/15/19-3/31/19	2.59%	\$ 4,523.63	\$ 3,750,000.00	\$ 3,788,665.70
Apr-19	2.55%	\$ 7,859.59	\$ 3,750,000.00	\$ 3,796,525.29
May-19	2.37%	\$ 7,548.29	\$ 3,750,000.00	\$ 3,804,073.58
6/1/19-6/14/19	2.38%	\$ 3,423.29	\$ 3,750,000.00	\$ 3,807,496.87
Check # 38803, dated 6/12/19; received 6/14/19			\$ (375,000.00)	\$ 3,432,496.87
6/15/19-6/30/19	2.38%	\$ 3,521.10	\$ 3,375,000.00	\$ 3,436,017.97
7/1/19-7/23/19	2.08%	\$ 4,423.56	\$ 3,375,000.00	\$ 3,440,441.53
Check # 10598, dated 7/22/19; received 7/23/19			\$ (1,000,000.00)	\$ 2,440,441.53
7/24/19-7/31/19	2.08%	\$ 1,082.74	\$ 2,375,000.00	\$ 2,441,524.27
Aug-19	1.87%	\$ 3,772.02	\$ 2,375,000.00	\$ 2,445,296.29
9/1/19-9/12/19	1.78%	\$ 1,389.86	\$ 2,375,000.00	\$ 2,446,686.15
Check # 38981, dated 9/11/19; received 9/12/19			\$ (375,000.00)	\$ 2,071,686.15
9/13/19-9/30/19	1.78%	\$ 1,755.62	\$ 2,000,000.00	\$ 2,073,441.77

Note: Principal Amount of \$2,000,000 has been paid in full on 10/30/19, Check # 39031

See Attachment 4

After a thorough report from an ad hoc committee that worked for three months, and a lengthy and robust discussion involving virtually all directors, the Board reiterated its commitment to technology and innovation as a means of increasing access to justice. As a means of such, the Board authorized the payment of up to \$48,058 to FJTC in order for FJTC to wind down its operations and tender to FBF all of its assets, specifically including the Gateway software. The Board further decided to create a Technology Committee that will research, review and recommend to the Board a long-range plan involving technology. The Board also authorized the hiring of an interim Director of Technology who will oversee and maintain the technology products and assets created by FJTC with the assistance of Foundation funding. During the transition period and pending the Technology Committee's proposed long-range plan, the Foundation wishes to protect and preserve the existing technology products that have been developed.

The Florida Bar Foundation Inc.
Statement of Financial Position
September 30, 2019

Attachment 2

	Actual
ASSETS	
Current Assets	
Cash and Cash Equivalents	\$467,156.29
IOTA Contributions Receivable	\$1,473,000.00
Other Contributions Receivable	\$5,221.19
Notes Receivable, net of Allowance	\$979,050.64
Interest and Dividends Receivable	\$31,079.56
Accounts Receivable	\$69,381.75
Travel Advances	\$0.00
Prepaid Expenses	\$221,415.16
Short Term Investments	\$17,252,181.90
Intermediate Term Investments	\$12,885,770.68
Total Current Assets	\$33,384,257.17
Fixed Assets	
Office Equipment	\$134,045.05
Computer Equipment	\$83,258.85
Furniture and Fixtures	\$130,217.92
Computer Software	\$760,032.05
Leasehold Improvements	\$37,802.00
Accumulated Depreciation	(\$1,063,201.79)
Total Fixed Assets	\$82,154.08
Other Assets	
Deposits	\$7,714.50
Contributions Receivable	\$23,420.61
Total Other Assets	\$31,135.11
Total ASSETS	\$33,497,546.36

The Florida Bar Foundation Inc.
Statement of Financial Position
September 30, 2019

	Actual
LIABILITIES AND NET ASSETS	
LIABILITIES	
Current Liabilities	
Accounts Payable	\$54,446.91
Payroll Withholding	\$183.34
Conditional Grants Payable	\$3,389,642.05
Grants Payable	\$1,605,342.50
Accrued Expenses	\$182,450.67
Deferred Revenues	\$10,785,748.03
Note Payable, Current	\$3,375,000.00
Other Current Liabilities	\$21,244.67
Due to/Due From	\$500.00
Total Current Liabilities	\$19,414,558.17
Non-Current Liabilities	
Note Payable	(\$1,375,000.00)
Other Non-Current Liabilities	\$87,704.59
Total Non-Current Liabilities	(\$1,287,295.41)
TOTAL LIABILITIES	\$18,127,262.76
NET ASSETS	
Temporarily Restricted	
Increase (Decrease) in Net Assets	\$865,524.74
Total Temporarily Restricted	\$865,524.74
Unrestricted	
Increase (Decrease) in Net Assets	\$14,504,758.86
Total Unrestricted	\$14,504,758.86
Total NET ASSETS	\$15,370,283.60
TOTAL LIABILITIES AND NET ASSETS	\$33,497,546.36
 BEGINNING BALANCE WITH CURRENT YEAR ADJUSTMENTS	 \$15,669,451.86
NET SURPLUS/(DEFICIT)	(\$209,168.26)
ENDING NET ASSETS	\$15,370,283.60

The Florida Bar Foundation Inc.
Statement of Activities
For the Three Months Ended September 30, 2019

	Unrestricted	Temporarily Restricted	Permanently Restricted	Total
REVENUES, GAINS and OTHER SUPPORT				
IOTA Contributions	\$4,456,748.90	\$0.00	\$0.00	\$4,456,748.90
Other Contributions	\$19,825.21	\$15,075.00	\$0.00	\$34,900.21
Bar Fee Statement, Check-Off Receipts	\$0.00	\$211,741.50	\$0.00	\$211,741.50
Change in Value of Split-Interest Agreements	(\$192.50)	\$0.00	\$0.00	(\$192.50)
License Plate Campaign Contributions	\$0.00	\$13,925.00	\$0.00	\$13,925.00
Contract Revenues	\$204,500.00	\$0.00	\$0.00	\$204,500.00
CY Pres Awards	\$21,406.00	\$0.00	\$0.00	\$21,406.00
Return of Unspent Grant Funds	\$150,000.00	\$0.00	\$0.00	\$150,000.00
Investment Income	\$134,548.35	\$0.00	\$0.00	\$134,548.35
Unrealized/Realized Gains (Losses) on Investments	\$19,530.09	\$0.00	\$0.00	\$19,530.09
Miscellaneous Income	(\$87.50)	\$0.00	\$0.00	(\$87.50)
Conditional Grants Awarded	(\$3,389,642.05)	\$0.00	\$0.00	(\$3,389,642.05)
Total REVENUE	\$1,616,636.50	\$240,741.50	\$0.00	\$1,857,378.00
EXPENSES				
Program Expenses - Grants	(\$1,455,343.50)	\$0.00	\$0.00	(\$1,455,343.50)
Program Related Expenses	(\$227,947.51)	\$0.00	\$0.00	(\$227,947.51)
Supporting Services	(\$441,022.86)	\$0.00	\$0.00	(\$441,022.86)
Fund Raising Expenses	(\$32,232.39)	\$0.00	\$0.00	(\$32,232.39)
Total EXPENSES	(\$2,156,546.26)	\$0.00	\$0.00	(\$2,156,546.26)
BEGINNING NET ASSETS	\$15,044,668.62	\$624,783.24	\$0.00	\$15,669,451.86
NET SURPLUS/(DEFICIT)	(\$539,909.76)	\$240,741.50	\$0.00	(\$299,168.26)
ENDING NET ASSETS	\$14,504,758.86	\$865,524.74	\$0.00	\$15,370,283.60

Supreme Court of Florida

No. AOSC19-70

IN RE: TASK FORCE ON DISTRIBUTION OF IOTA FUNDS

ADMINISTRATIVE ORDER

The Interest on Trust Accounts (IOTA) Program operates pursuant to the provisions of rule 5-1.1(g) of the Rules Regulating the Florida Bar. Under the IOTA Program, all IOTA funds flow to The Florida Bar Foundation, Inc., and are to be “used to fund programs which are designed to improve the administration of justice or to expand the delivery of legal services to the poor.” *Matter of Interest on Trust Accounts*, 538 So. 2d 448, 450 (Fla. 1989).

The Court has determined that it is appropriate to establish a task force to examine whether rule 5-1.1(g) should be amended to better ensure the most effective use of IOTA funds.

Accordingly, the Task Force on the Distribution of IOTA Funds (Task Force) is hereby created to examine and make recommendations to the Court on alternative models for the distribution of IOTA funds; whether specific priorities should be established for the use of available IOTA funds; whether specific requirements or limitations should be imposed on the use of IOTA funds; whether

reporting requirements regarding the distribution and use of IOTA funds should be adopted; and any other matters related to ensuring the most effective use of IOTA funds. In conducting its work, the Task Force shall give priority consideration to the need for funding direct legal services for low-income litigants in Florida.

The following individuals are hereby appointed to serve on the Task Force for a term that expires on December 31, 2020:

Mayanne Downs
Attorney at Law
Orlando, Florida

Karen Ladis
Attorney at Law
Miami, Florida

Laird A. Lile
Attorney at Law
Naples, Florida

Hala A. Sandridge
President, The Florida Bar Foundation
Tampa, Florida

The Honorable Edwin A. Scales, III
Appellate Judge, Third District Court of Appeal
Miami, Florida

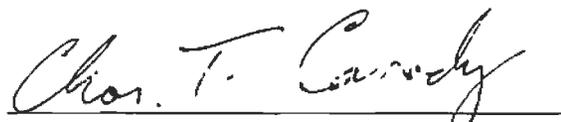
John M. Stewart
President, The Florida Bar
Vero Beach, Florida

M. Scott Thomas
Attorney at Law
Jacksonville, Florida

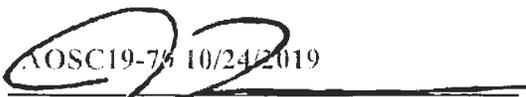
Mayanne Downs shall serve as Chair of the Task Force. Chief Justice Charles Canady shall serve as the Supreme Court liaison. Administrative support shall be provided to the Task Force by The Florida Bar.

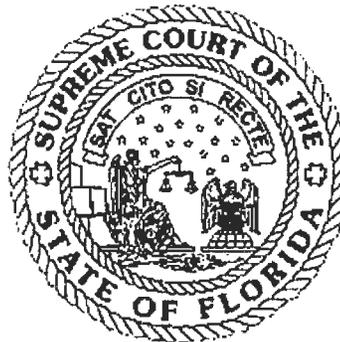
The Task Force shall submit to the Court its findings and recommendations, together with any proposed rule amendments, by September 15, 2020. If the Task Force determines that rule amendments are warranted, the proposed amendments should comply with Rules Style Guide in Part I of the Guidelines for Rules Submissions. *See In re Guidelines for Rules Submissions*, Fla. Admin. Order No. AOSC06-14 (June 14, 2006).

DONE AND ORDERED at Tallahassee, Florida, on October 24, 2019.


Chief Justice Charles T. Canady
AOSC19-70 10/24/2019

ATTEST:


AOSC19-70 10/24/2019
John A. Tomasino, Clerk of Court
AOSC19-70 10/24/2019



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Juliette E. Lippman

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Third District Court of Appeal

Honorable Reginald K. Whitehead
Ninth Judicial Circuit Court

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Lara J. Tibbals
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Angela C. Vigil

EXECUTIVE DIRECTOR
Dominic C. MacKenzie

THE FLORIDA BAR FOUNDATION

Via Overnight Express

October 30, 2019

Joshua E. Doyle, Esquire
The Florida Bar
651 E Jefferson Street
Tallahassee FL, 32399

Re: Final principal payment of "Florida Bar Loan"

Dear Josh,

I am pleased to enclose check number 39031 in the amount of \$2,000,000 which represents final payment of the principal amount owing on The Florida Bar's loan to The Florida Bar Foundation dated 11/6/2014. As you know, there is no penalty for pre-payment of the loan and interest stops accruing upon final payment of the principal amount.

As we have also discussed, a payment in the amount of \$75,606.82 representing accrued interest for the period of December 1, 2018 to October 31, 2019 is currently due on November 15, 2019. You have advised that the Foundation is permitted to hold this payment until such time as The Florida Bar Board of Governor's meets in December and considers the Foundation's request to be relieved of this payment in light of FBF's early payment in full of the remaining principal amount of the Bar loan. To date, the Foundation has paid the Bar \$387,859.20 in interest on the loan and the Foundation is hopeful that it will receive permission to apply the \$75,606.82 additional interest payment toward its programs.

We will await the decision of the Board of Governors. If the Board of Governors approves the withholding of \$75,606.82 as accrued interest, the Foundation will be most grateful and will await receipt from the Bar of the cancelled promissory note related to the Bar loan. If the Board of

Task Force on Distribution of IOTA Funds Final Report

Appendix J - Submissions to the Task Force

875 Concourse Parkway South, Suite 155, Tallahassee, FL 32301

407-960-7000 • 800-541-2195 • Fax 407-960-3765 • www.TheFloridaBarFoundation.org

September 15, 2020

Governors does not approve the withholding of such accrued interest payment, the Foundation will promptly make the payment and thereafter look for receipt of the cancelled promissory note. In either event, the Foundation appreciates the Bar's support and looks forward to working together to help make Florida better for all. Thank you.

Sincerely,



Dominic C. MacKenzie
Executive Director

Enclosure: Check No. 39031

cc: The Florida Bar Foundation officers

United States District Court

MIDDLE DISTRICT OF FLORIDA
UNITED STATES COURTHOUSE
300 N. HOGAN STREET, SUITE 11-100
JACKSONVILLE, FLORIDA 32202

TIMOTHY J. CORRIGAN
UNITED STATES DISTRICT JUDGE

(904)-549-1300

May 27, 2020

Via Electronic Mail

Mayanne Downs, Esq.
Chair, Task Force on Distribution of IOTA Funds
c/o Elizabeth Tarbert, Ethics Counsel
The Florida Bar
651 East Jefferson Street
Tallahassee, Florida 32399-2300

Re: Task Force on the Distribution of IOTA Funds

Dear Ms. Downs:

I support the continuation of the Florida Bar Foundation's traditional role in the administration of IOTA funds. I write from my viewpoint as a charter member of the Chief Justice's Florida Commission on Access to Civil Justice and as a federal judge with recent experience utilizing the Florida Bar Foundation to administer a grant program arising out of the Engle tobacco litigation. While I do not pretend to be an expert on the issues the Task Force is facing, I do think that these experiences provide me some perspective I would like to briefly share.

First, if my time on the Access Commission has taught me anything, it is that the current unmet need for legal services for the poor in Florida is staggering and our efforts to address that need are inadequate. The number of legal aid lawyers statewide is miniscule compared to the demand, as is legal aid funding. Pro bono efforts by other members of the Bar, while laudable, do not come close to significantly narrowing the access to justice gap. The Access Commission has championed non-lawyer solutions, such as improved use of technology, to good effect, but at times it feels like we are trying to empty the ocean with a teaspoon.

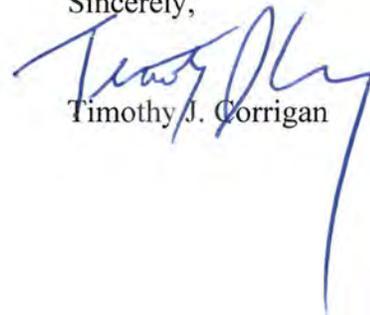
One bright spot in the effort to provide legal services to the poor has been the work of the Florida Bar Foundation. Throughout its storied history, the Florida Bar Foundation has been a national leader in the access to justice field. It is no exaggeration to say that the Florida Bar Foundation is the glue that holds together the legal aid efforts in Florida. This includes its professional management of IOTA funds.

Recently, three of my federal court colleagues and I were faced with a challenge involving how to distribute millions of dollars resulting from Court-imposed sanctions related to the Engle tobacco litigation. We naturally turned to the Florida Bar Foundation. After meeting with the Executive Director and learning how the Foundation would handle the matter, we directed that the funds be given over to the Foundation to create a grant program to distribute the funds to worthy legal aid organizations. While the Court gave the Foundation broad parameters, we recognized that the Foundation should have flexibility to administer the grants to provide legal aid clients with the services they needed, whether that be representation in court, or alternative means of resolving their legal problems. The Foundation staff, under the direction of its Board, established a grant program based on objective scoring criteria and then efficiently distributed the funds to legal aid organizations, where they are now being utilized. We were pleased with the Foundation's work and do not know where else we would have turned. This is but one example of the value of the Florida Bar Foundation's mission.

In reading the April 8, 2020 report, the Task Force Subcommittee states that the "Foundation is simply outside of the task force's scope." But, of course, placing limitations on the use of IOTA funds as suggested in the Subcommittee report would directly and adversely impact the vital work that the Foundation has traditionally performed. The Florida Bar Foundation is the organization that provides the planning, policy, administration, and education infrastructure for legal aid in the state of Florida. While no organization or process is immune from suggestions for improvement, I hope that the Task Force will recommend to the Florida Supreme Court that it preserve the current structure of the Florida Bar Foundation and its essential role of administering IOTA funds. In these turbulent times, the work of the Florida Bar Foundation is more vital than ever.

Thank you for considering my views.

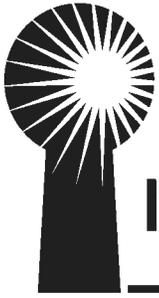
Sincerely,



Timothy J. Corrigan

TJC:sw

cc: Task Force members
Dori Foster-Morales, Esq.
Michael G. Tanner, Esq.
W. Braxton Gillam, IV, Esq.
Michael Fox Orr, Esq.



INNOCENCE PROJECT OF FLORIDA, INC.

Unlock the Truth

1100 East Park Avenue
Tallahassee, FL 32301
Phone: (850) 561-6767
Fax: (850) 561-5077
www.floridainnocence.org

May 28, 2020

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Adele Stone Esq., Chair-Elect
Lansing Scriven, Esq., Secretary
Karen Gottlieb, Esq., Treasurer

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Mark R. Schlakman, Esq.
Randle Defoor, Esq.
Neal Sonnet, Esq.
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Bishop Adam Richardson Jr.
Robert Cromwell
Honorable James Perry (ret.)
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John Patterson, Esq.
Mark Olive, Esq.
Ellen Podgor

Executive Director

Seth Miller, Esq.

Via Electronic Mail

Mayanne Downs, Esq.
Chair, Task Force on Distribution of IOTA Funds
c/o Elizabeth Tarbert, Ethics Counsel
The Florida Bar
651 East Jefferson St.
Tallahassee, FL 32399-2300

Dear Ms. Downs:

The Innocence Project of Florida, Inc. appreciates the opportunity to submit this document to assist the Task force on Distribution of IOTA Funds in understanding the historic impact that IOTA fund grants have had on the Innocence Project of Florida, over the last 15 years. Most importantly, this letter will detail how proposed changes to the rule regarding the use of IOTA funds would exclude the Innocence Project of Florida from even competitively applying to receive such funds and undercut its efforts to provide vital direct representation of indigent, innocent individuals wrongfully incarcerated in Florida's prisons.

I. History of the Innocence Project of Florida

The Innocence Project of Florida, Inc. (sometimes referred to herein as "IPF") is a non-profit, non-partisan justice organization based in Tallahassee, formed in 2003. Our mission is to:

- Screen and investigate cases in which meritorious innocence claims are identified;
- Secure DNA testing when biological evidence exists;
- Advocate for the release and/or exoneration of individuals whose cases present meritorious innocence claims based on evidence of actual innocence;
- Provide transitional and aftercare services to exonerees; and
- Advocate for necessary criminal justice reform to avoid wrongful incarcerations in the future.

Finding and Freeing the Innocent

An impending crisis existed in 2003 due to a statute of limitations on requesting postconviction DNA testing—anyone already in prison at the time of the enactment of Florida’s postconviction DNA statute on October 1, 2001, would be barred from obtaining postconviction DNA testing unless he or she filed for such testing on or before September 30, 2003. In early 2003, the Innocence Project in New York had more than 400 applicant requesting DNA testing that required screening and evaluation, so that pro bono lawyers could take on the very best cases and request postconviction DNA testing before the statutory deadline. Florida, a state with the nation’s third largest prison population, did not have its own innocence organization at this time. IPF was formed in April 2003 to address this crisis.

Commencing its work on a landing in Sandy D’Alemberte’s office, a lawyer and non-lawyer spent most days in the basement of the Office of the Attorney General reading trial transcripts and contacting police property rooms to determine whether biological evidence existed that, if DNA tested and the results excluded the prisoner, would prove that he or she did not commit the crime. In partnership with numerous pro bono attorneys from many of Florida’s largest law firms, IPF screened hundreds of potential DNA cases and filed dozens of requests for DNA testing in Florida circuit courts. Of these cases, five individuals—Wilton Dedge, Luis Diaz, Orlando Boquete, Alan Crotzer and Chad Heins—obtained DNA results that proved their innocence and eventually led to each of their exonerations. All five had life sentences and they had collectively spent 99 years in prison for crimes they did not commit. After prevailing on the Supreme Court of Florida and Florida Legislature to remove the deadline for filing postconviction DNA testing requests, IPF fully opened its mailbox to prisoners to request IPF’s assistance in proving innocence in their cases.

Since its official incorporation in September of 2003, IPF has received and reviewed in some capacity more than 10,000 requests for assistance. IPF currently employs a three-person intake staff, led by a Ph.D in Criminology, to facilitate its case intake and screening process. This process begins with answering every request letter received. After a first reading, the intake staff sends a screening questionnaire, prompting the individual to answer questions that will provide IPF with case-related factual and procedural information to assist in our investigation and review. After review of the questionnaire, the team collects vital case materials, such as trial transcripts, law enforcement reports, laboratory reports, the prosecutor’s and defense’s trial files and more, both from the applicant and from state agencies. IPF attempts, whenever possible, to procure these documents for free directly from the prisoner. After all pertinent documents are received, a student will prepare a comprehensive case memo for review by the legal staff for a case acceptance decision or to determine whether investigative tasks or expert consultation are necessary before making such a decision. This entire process, from receipt of the initial letter to accepting a case can take six months to one year.

IPF has accepted and litigated more than 160 cases with viable postconviction claims of actual innocence. Each of these individuals was indigent and without the right to counsel in the postconviction phase. IPF provides high quality legal representation at no cost to our clients or their families. This includes not only the costs associated with the actual litigation, but also includes expenses related to investigation, reanalysis of evidence and expert services. Currently, IPF has two full-time attorneys with almost 25 years combined experience in criminal defense and postconviction innocence litigation. In the first ten years of our existence, IPF exclusively relied on postconviction DNA testing as a tool to exonerate individuals in Florida’s prisons. IPF had significant success in that effort, exonerating 14 people through DNA testing who spent almost 300 years in prison for crimes they didn’t commit. Yet, DNA testing is only a factor in about 10% of all criminal cases and the same things that cause wrongful convictions in those cases do so in all cases. It became clear to us that in order to be a leader in righting

wrongful convictions in Florida, we needed to expand our reach to all innocent individuals in Florida's prisons. Now in our seventh year of accepting non-DNA cases, we depend more heavily on investigating these cold cases, finding and deposing witnesses, and retaining experts to testify about debunked or currently challenged forensic evidence. Our non-DNA work includes not only cases where the new evidence suggests someone other than the defendant committed the crime, but also cases where new evidence or advancements in medical or scientific understanding suggest a crime did not happen in the first place (i.e., Shaken Baby Syndrome/Abusive Head Trauma and arson cases). Now more than half of all of IPF's current accepted cases are non-DNA cases.

IPF has worked in about half of Florida's counties, all of Florida's appellate courts, the federal district court, the Supreme Court of Florida, and the Supreme Court of the United States. Additionally, IPF has appeared as amicus curiae in numerous cases where our expertise on issues related to wrongful convictions was an asset to the resolution of the merits of the case.

Most recently, IPF has begun partnering with special conviction integrity units in certain Florida State Attorney's Offices, including those in Jacksonville, Orlando, Tampa, and Ft. Lauderdale. This model of collaborative justice has led to three innocent individuals finding freedom since the beginning of 2019:

- On March 28, 2019, IPF achieved the double exoneration of Nathan Myers and Clifford Williams, who each spent nearly 43 years in prison for a Jacksonville murder and attempted murder they did not commit. Their convictions were vacated based on new forensic conclusions that invalidated the state's theory of the case, the significant credible alibi evidence now known, and the identification of the actual perpetrator. We achieved this success in conjunction with the Fourth Judicial Circuit State Attorney's Office Conviction Integrity Review Division, and Nathan's and Clifford's exonerations were the first in Florida as a result of a conviction integrity unit re-investigation of the case.
- In June 2019, IPF achieved the release of Edward Taylor on parole after 33 years in prison for a 1986 Jacksonville rape he did not commit. Through a multi-year investigation, IPF discovered significant evidence pointing to an alternative perpetrator and the victim has come forward to concede that she misidentified Mr. Edwards as her attacker. His case is currently under review of the Conviction Integrity Review division of the State Attorney's Office in Jacksonville, and IPF is hoping that the result of that review will be an agreement to vacate his conviction, leading to his exoneration.
- On April 14, 2020, IPF achieved the release of Leonard Cure after 16 years of wrongful incarceration for a 2003 Broward County armed robbery. A collaborative, joint investigation with the Broward State Attorney Conviction Review Unit, determined that Mr. Cure was likely misidentified and that he was at work during the commission of the crime. The State agreed to immediate release in order to allow Mr. Cure to maintain health and safety while the Conviction Review Unit works complete its investigation that is stalled due to the current public health crisis.

In our 17 years of existence, IPF has helped obtain the release of 22 innocent individuals who collectively spent more than 485 years wrongfully incarcerated for crimes they did not commit.

Easing the Transition from Wrongful Incarceration to Free Society

Reintegrating back into society after long-term incarceration is usually a struggle for anyone, but the difficulties of reentering a world that is completely different than the one left decades before is particularly acute for the wrongfully convicted and incarcerated. IPF realized early in our existence that it could not help to set someone free after decades in prison wrongfully and leave them to navigate the changed world on their own. We also understood that the legal staff had neither the training nor the bandwidth to deal with the myriad struggles freed clients confronted.

In 2006, IPF hired licensed clinical social work to assist Florida's freed wrongfully convicted individuals to have a smooth transition from prison to freedom and rebuild their lives. He works on a regular basis with more than 40 clients, included many of our still-incarcerated clients who are close to exoneration. He also assists family members who are integral to a successful reentry yet often need assistance in reintegrating a loved one back into their lives.

While this transitional work is not funded through IOTA funds, except for a small grant to match funds raised specifically for IPF's Exoneree Support Fund, this work is vital to ensuring that our freed clients can become productive members of a changed society. IPF's transitional assistance program helps to create stability in all aspects of the lives of exonerees, as stability is the key to healthy and safe living. We assist exonerees taking part in our transitional assistance program to obtain gainful employment; available government benefits; medical, dental and psychological care; clothing; food; housing; transportation; educational opportunities; and ongoing supportive assistance. The program also assists exonerees with their attainment of reentry-type life skills, and necessary (but sometimes confusing) issues like opening a bank account or obtaining health, dental and vision insurance. As part of this transition, IPF even provides pro bono assistance to qualifying clients in seeking compensation for his or her wrongful incarceration. The transitional assistance program also includes direct assistance to exonerees seeking restoration of civil rights, including the right to vote.

Reforming the System

IPF is a leading advocate for the implementation of evidence-based policy reforms designed to prevent future wrongful convictions in Florida. Since its inception, IPF was instrumental in the achievement of the following vital reforms:

- Repeal of the statute of limitations on postconviction DNA testing and expansion of the availability of such testing to those who entered pleas.
- Enactment of a streamlined statutory scheme to compensate the wrongfully incarcerated, including \$50,000 of compensation per each year of wrongful incarceration, a tuition waiver at a Florida college or university and reimbursement of fines and fees associated with the wrongful conviction.
- Creation by the Supreme Court of Florida of the Florida Innocence Commission under the auspices of Chief Justice Canady. For two years this Commission studied and made recommendation for policy reforms. IPF was a consistent and integral part of assisting the Commission that led its important Final Report.
- Adoption by the Supreme Court of Florida of a standard jury instruction regarding Eyewitness Evidence that is now given in every trial where there is an eyewitness identification in order to help the jury understand certain factors that affect the reliability of an identification and how the jury should weigh those factors in judging the accuracy of

eyewitness evidence. This was a positive step in preventing wrongful convictions before they happen.

- Amendment by the Supreme Court of Florida of the Rules of Criminal Procedure so that state prosecutors are now required to disclose specific information on confidential informants (including jailhouse informants), who are a major source of false testimony in criminal cases and factor in nearly 50 percent of wrongful murder convictions.
- Passage of Florida’s Eyewitness Identification Reform Act, which now requires that all law enforcement agencies in the state use proper, scientifically-sound identification procedures to help prevent wrongful convictions.
- Adoption of the more rigorous *Daubert* standard for admissibility of expert testimony, which is essential for allowing only reliable expert opinion and evidence into criminal proceedings and avoiding the taint of junk science that leads to wrongful convictions.

IPF also provides significant training to lawyers and law students on issues related to litigating wrongful conviction cases, as well as holds events around the State to raise awareness about wrongful convictions.

Although this policy reform and awareness work is not funded through the use of IOTA funds, it has long been a companion to IPF’s direct representation of indigent individuals who are wrongfully incarcerated by helping to create a criminal legal system that produces more reliable outcomes and improves the administration of justice at the front end of the process for all Floridians.

II. Innocence Project of Florida’s Use of IOTA Funds to Make Improvements to the Administration of Justice

IOTA funds have traditionally been a key force behind providing greater access to justice in Florida. Grant programs and initiatives use IOTA funds to accomplish this broad mission by (1) expanding and improving representation and advocacy on behalf of low-income persons in civil legal matters, (2) improving the fair and affective administration of justice, and (3) promoting public service among lawyers by making it an integral component of the law school experience.

Historically, the vast majority of IOTA funding has been in this first area—grants to legal aid organizations to assist low-income and indigent individuals on civil legal matters. Yet, in order to more broadly increase access to justice, IOTA funds have been awarded to other non-legal-aid programs that further advance access to justice and specifically serve to better improve the fair and effective administration of justice. These programs, for example, focus on justice teaching, broadening the reach of access to justice through facilitation of more widespread technology, restoration of civil rights and representation of indigent individuals in limited and specialized non-civil contexts. They are programs that do not fall neatly into the category of direct representation in a civil legal aid context, but nonetheless are vital programs to advance The Florida Bar’s and the Florida Supreme Court’s interest in making improvements to the administration of justice more broadly.

For 15 years, the Innocence Project of Florida has been a significant element of this effort to use IOTA funds to make improvements to the administration of justice. IPF received its first IOTA grant award in 2006, which allowed it to hire its first two staff lawyers and has received a competitive grant award every year since to support its efforts to find and free innocent, indigent individuals trapped in Florida’s prisons.

IPF's program is connected to the broader purpose of IOTA funds in that, like traditional civil legal-aid organizations, IPF provides free, direct legal representation to a traditionally underserved population—individuals in prison who have viable claims of innocence. Virtually all are indigent, and all have no right to counsel in the postconviction phase. In this way, IPF, although not a civil legal aid organization, still has achieved much to promote the improvement of the administration of justice for all indigent individuals in the criminal legal context and those, more specifically, who have been the victims of wrongful conviction and incarceration. Nothing could be more squarely within the stated goal to improve the administration of justice.

IOTA funding have enabled IPF to expand access to vital scientific testing essential to proving one's innocence of a crime many years after conviction. It has enabled IPF's high-quality direct representation in a phase of the criminal justice system that was beset by pro se litigants trying and failing to obtain justice. It has enabled IPF's advocacy for broader access to postconviction relief mechanisms where new evidence of innocence exists. It has helped IPF create, through successful appellate litigation in its cases, more justice-driven processes for resolving postconviction claims. IPF's direct representation has transformed the lives of those exonerated and of their families and has sensitized the public and Florida's policy makers to the existence of wrongful convictions and the need to make common-sense reforms to change police, prosecutor, laboratory and court practice to prevent these miscarriages of justice before they happen by making police investigations, forensic science and trials more reliable. By definition, IPF has leveraged this success to make improvements to the fair and effective administration of justice that would simply not have been possible without awards of IOTA funds. It has done so, all the while, in an economically efficient manner.

III. The Restrictions on Use of IOTA Funds Proposed by the Subcommittee of the IOTA Task Force Would Eliminate Awards for Programs Making Vital Improvements to the Fair and Effective Administration of Justice, and Unnecessarily Narrow the Reach of the Shared Interest of the Florida Supreme Court and The Florida Bar in Expanding Access to Justice for Low Income Floridians

In its April 8, 2008 report, the Subcommittee to Examine Whether Specific Requirements or Limitations Should Be Imposed on the Use of IOTA Funds made a recommendation for amending Rule 5-1.1(g) of the Rules Regulating The Florida Bar to the IOTA Task Force appointed by the Supreme Court. One of which is of particular interest here:

1. IOTA Funds may be awarded only to those legal aid organizations who employ members of The Florida Bar to provide direct legal services to low-income litigants in Florida ("qualified grantee organization"). IOTA Funds awarded to qualified grantee organizations may, in turn, be used only for salaries and benefits for members of The Florida Bar who exclusively (i.e. to the exclusion of all other duties and responsibilities) provide direct legal services to low-income litigants in Florida ("qualified attorney").

While it may be reasonable to prescribe explicit guidelines for use of IOTA funds to a grant making entity in reviewing proposals and making awards, this restriction will, on balance, arrest the advancement of access to justice and the improvement to the administration of justice in two principle ways:

Restricting the Access to IOTA Funds to Civil Legal Aid Organizations Would Exclude the Innocence Project of Florida's Access to Apply for These Funds and Limit and Impair the

Ability to Address the Legal Needs of Low-Income Floridians Outside of the Civil Legal Context

Limiting the use of IOTA funds to awards to only civil legal aid organizations which employ lawyers to provide direct legal services to low-income litigants in Florida would eliminate the availability of such funding to the Innocence Project of Florida, which has received funding under the Foundation’s grant program known as “Improvements in the Administration of Justice” for 15 years. We believe that it would be an unintended consequence of such limitation that the Innocence Project of Florida, which does employ lawyers to provide direct representation to low-income litigants in Florida but does not fall within the definition of a legal aid organization as contemplated in the proposed restriction, would no longer be a qualified grantee of IOTA funds.

IPF’s efforts to expand access to justice for low-income Floridians by improving the administration of justice have been a significant yet efficient use of IOTA funds for 15 years. These efforts encompass the direct representation of indigent, innocent people in Florida’s prisons in order to achieve exonerations. They are non-partisan and are not controversial. They also serve the very same purpose of expanding access to justice for low-income Floridians as the funded legal aid programs, albeit without significant other funding sources (e.g., Legal Services Corporation).

Restricting the Use of IOTA Funds to Salary and Benefits for Qualified Attorneys Would Undercut the Comprehensive Nature of the Direct Representation that is Essential to Improve the Administration of Justice

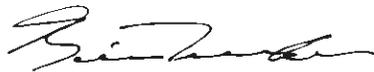
Even assuming that IPF would be considered as a qualifying grantee for IOTA funds under the Task Force proposal, we would like to address the recommendation of the proposal that IOTA funds be used only for salary and benefits for “qualified attorneys” who are members of The Florida Bar who exclusively provide direct legal services to low-income litigants in Florida. It is presumed that the premise behind this restriction is to fund as many lawyers as possible each grant year in order to increase the number of potential clients served. This, however, would eliminate not only much of the possible IOTA funding used to expand access to justice by improving the administration of justice, but would likely severely restrict the Innocence Project of Florida’s use of funds even if it was considered a qualified grantee organization.

It is important to note at the outset that this restriction does not take cognizance of the necessary non-lawyer staff that serve indispensable roles providing intake, screening and litigation support to the attorneys who provide the direct representation. This restriction would appear to not even allow for a qualifying attorney at a “qualified grantee organization” to file an amicus curiae brief or speak for informational purposes at a single legislative hearing to move the law in a direction that would benefit her directly-represented indigent clients because those duties are technically beyond the direct representation of any particular low-income Floridian. Moreover, it does not allow IOTA funds to be used for any expenses necessary to successfully accomplish the direct representation and litigation, other than allowing contracts for services such as Westlaw. In the case of the Innocence Project of Florida, it has received IOTA funds over the years for non-lawyer staff such as intake professionals and a staff investigator. These individuals work at the direction of staff lawyers and their work is essential for assisting the organization to identify and factually develop viable postconviction innocence cases to litigate. Similarly, IPF has received IOTA funds earmarked for litigation expenses, such as depositions, reproduction of documents, litigation travel, reanalysis of evidence and other expert services—all necessary expenses to provide high-quality direct legal representation to low-income litigants in the postconviction phase.

In short, it takes more than legal aid organizations and more than simply lawyers to expand access justice for low-income litigants in Florida. The Subcommittee's recommendation will undercut IPF's longstanding efforts to improve the administration of justice through the direct representation of low-income litigants who have viable claims of innocence in order to exonerate them. By excluding IPF from the definition of a qualified grantee organization and by so limiting the use of IOTA funds even if IPF was included, we fear the proposal will not serve the overall purpose of the use of IOTA funds and will likely so narrow the purpose to undermine the entire endeavor and shrink the universe of low-income individuals assisted through IOTA funds. Historically, IOTA funds have been the key to unlocking the truth for so many wrongfully convicted and incarcerated individuals and the loss of access to those fund would impede IPF's efforts to obtain exoneration for so many more.

We implore this Task Force to not so narrowly limit the permissible purposes for use of IOTA funds and instead include as permissible use of those funds (1) non-civil legal aid organizations which are nonetheless providing direct legal representation to low-income Floridians as an acceptable grantee, and (2) salaries and benefits of non-lawyer staff who act in service of this legal representation and expenses necessary to accomplish the representation, to include litigation expenses. The IOTA funding has been indispensable to the Innocence Project of Florida's successful efforts for the last 15 years to expand access to justice and modifying the proposed rule in the suggested way would simply allow us to continue to competitively apply for IOTA funds in the future.

Respectfully submitted,



Brian L. Tannebaum
Chair, Board of Directors
Innocence Project of Florida

Elliot H. Scherker

Elliot H. Scherker
Counsel for the Innocence Project of Florida

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EXECUTIVE DIRECTOR

Dominic C. MacKenzie



Via electronic transmission

May 29, 2020

Mayanne Downs, Chair
Task Force on Distribution of IOTA Funds
c/o Elizabeth Tarbert, Ethics Counsel
The Florida Bar
651 East Jefferson Street
Tallahassee, FL 32399-2300

Re: Task Force on Distribution of IOTA Funds

Dear Mayanne,

I hope this note finds you well. Upon reflection after the task force’s meeting on May 18, we understood you to say that the task force had hoped that the Foundation would have provided some input into proposed language regarding a possible rule change. We apologize for the misunderstanding and truly regret if anyone on the task force found the time spent to be unproductive or less than informative. Given our newfound understanding of what we believe the task force wants from us, we have studied the rule and offer up the following suggested text which we believe addresses the issues and concerns raised by the task force in its proceedings and in keeping with the language in the Court’s order creating the task force:

(7) Funds remitted to the Foundation pursuant to this rule, less reasonable expenses as determined and approved by the Foundation’s Board of Directors, shall be used to further the mission of the Foundation as expressed in its charter documents, and as established and approved by the Supreme Court of Florida. The Foundation shall manage and disburse these remitted IOTA funds to ensure the funds’ most effective use in furthering its mission, and in so doing shall give priority consideration to the need for funding legal services for low-income and vulnerable Floridians. The Foundation shall provide periodic reports, not less than twice per year, to the Court regarding the Foundation’s activities and use of IOTA funds, and shall respond promptly to any inquiries from the Court regarding any matter encompassed within this rule.

We are mindful of the issues raised and are dedicated to resolving them in a reasonable and responsible manner so as to assuage any concerns that have been raised. We therefore welcome the opportunity to discuss our proposal with either the task force or its delegation and would also welcome the opportunity to discuss any specific questions or concerns the task force may have so that we may discuss them directly and explain how we propose to proceed in light of the amended rule.

We look forward to hearing from you and thank you all for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "D. MacKenzie", with a long horizontal stroke extending to the right.

Dominic C. MacKenzie
Executive Director

cc: FBF officers

Florida Civil Legal Aid Association

Ensuring Access to Justice for Floridians

June 11, 2020

Sent Via Email

Task Force on Distribution of IOTA Funds

% Elizabeth Tarbert

The Florida Bar

Dear Task Force Members:

The Florida Civil Legal Aid Association (FCLAA) is extremely grateful to the Task Force members for their receptiveness and consideration of the feedback we provided in our letter of May 15, 2020. The Revised Combined Recommendations of the Subcommittee dated June 12, 2020, takes a comprehensive view on the administration of legal assistance to the poor. The new descriptions for Qualified Grantee Organizations, Qualified Legal Service and Qualified Provider all better reflect the reality of how programs operate and put us in a much stronger position to meet the community's legal needs. We appreciate the Task Force's willingness to address these concerns.

Today, FCLAA is writing to respectfully ask that the Task Force consider requesting an extension of time in which to finalize its final recommendations. In the alternative, FCLAA requests that the recommendations be amended to allow for only one IOTA Fund Administrator sufficiently funded to effectively execute collection, disbursement and leveraging of IOTA funds.

Extending Time for Final Recommendations. FCLAA is aware that the September 15, 2020 deadline is set in the Florida Supreme Court's Administrative Order and does not make this request lightly. Legal aid organizations are accustomed to responding to communities in crisis under challenging circumstances. Devastating hurricanes like Andrew, Wilma, Irma, and Michael, and the Great Recession demonstrated our ability to educate, counsel, assist and advocate for individuals and communities in crisis with extremely limited resources. Today however, legal aid organizations around the country operate under some of the most challenging circumstances we have ever experienced - a pandemic, the worst economy since the Great Depression, and a racial justice crisis decades in the making - all of which disproportionately impact the low-income community. Again, Florida's economy is heavily supported by the low and moderate income workers we represent, and any significant changes would impact our ability to serve them.

In the coming months, our organizations will experience unprecedented demand for services, and our teams will need to respond under very challenging personal circumstances. These challenges are heightened by the significant decrease in private fundraising for most (if not all) legal aid organizations. If adopted, the Task Force's current recommendations would constitute a radical departure from our existing funding structure, without some very important details. It would be the equivalent to building the plane as you fly it – except in this case we are also in a storm.

Given the high level of uncertainty, FCLAA is requesting that the Task Force request an extension to the filing of its final recommendations to better determine the implications of some of its IOTA Fund Administrator recommendations.

Sufficiently Funded Single IOTA Fund Administrator. FCLAA requests that the Task Force amend the recommendation to provide for a single IOTA Fund Administrator sufficiently funded to effectively execute collection, disbursement, and leveraging of IOTA funds. Since the program's inception, Florida has had a single IOTA Fund Administrator. A single IOTA Fund Administrator, allows for effectiveness in:

- negotiating and working with financial institutions on IOTA funds;
- negotiating volume discounts and efficiencies with vendors of critical services such as case management and online legal research programs;
- investing and supporting statewide legal training and other state-wide programs focused on the legal issues specific to low-income individuals and families;
- administering a Loan Repayment Assistance Program (LRAP) which improves retention and bolsters the racial and economic diversity of legal aid attorneys;
- ensuring gaps in services are addressed through a comprehensive monitoring of needs and services; and
- securing additional resources such as statewide grants from large national foundations.

The Florida Bar Foundation has served as the single IOTA Fund Administrator for over 40 years and has historically served all these functions for our state. As passionate advocates serving very different parts of a diverse, complex state, FCLAA members and the Foundation have at times disagreed on specific strategies, yet we have worked through these growing pains to continue growing an effective legal aid response. There is no question that we have shared values, commitment, and a history of successfully collaborating to develop effective strategies to provide greater access to justice.

After carefully reviewing the June 12 recommendations, FCLAA is concerned about the uncertainty of the proposal that the Fund Administrator(s) should distribute funds "using objective standards it develops." These recommendations do not articulate whether the standards ensure that resources will be distributed evenly throughout the state or even within Regions. Also, it is unclear whether programs would be automatically entitled to funds if eligibility criteria is met. If so, that could significantly dilute limited funds between new programs that may qualify, without any assessment as to the quality or effectiveness of their advocacy.

Additionally, more than one IOTA Fund Administrator would be burdensome for programs that would be required to apply for funding, report to, and collaborate with potentially multiple IOTA Fund Administrators.

The current recommendations require disbursement of 95% of IOTA funds – leaving only 5% for administrative expenses directly related to the collection and use of IOTA funds and any enforcement of the compulsory IOTA program. Administration of the IOTA program requires fiscal oversight and reporting with financial institutions as well as ensuring that programs receiving IOTA funds utilize them consistent with best practices and the provision of high quality legal advocacy. A minimum level of staff is required to execute these objectives.

Given the volatility of IOTA funds, it is uncertain whether a single Fund Administrator would have sufficient resources to effectively administer the IOTA program.

Further, the Task Force’s current recommendations, which instruct the IOTA Fund Administrator to spend 95% of IOTA funds each year, ignore the need to manage these funds so that some are available in times of high need and low interest rates. In other words, when the economy is bad, and there are more Floridians in need of help, IOTA funds are low, making it even more critical that the Fund Administrator have IOTA reserves on hand, saved during times of high trust balances and interest rates, to support the system - exactly as the Foundation has done in the past.

FCLAA members and the FBF have a long history of working collaboratively and effectively to best meet legal needs of low-income Floridians. FCLAA is confident that the FBF could serve as the single IOTA Fund Administrator for the state and meet the objective of the Committee’s recommendations – to “give priority consideration to the need for funding direct legal services for low-income litigants.”¹

Conclusion. We understand that the Task Force was charged with providing recommendations by the stated deadline. However, these are unprecedented times for legal aid and the communities we serve. The level of need coupled with the financial uncertainty in which we are operating are a perfect storm, and a drastic change to the administration of IOTA at this time could impede our effectiveness. Thus we are asking that the Task Force consider requesting an extension on the deadline. In the alternative, we recommend that the rule should provide for a single IOTA Fund Administrator, and we believe the Florida Bar Foundation could effectively serve in that role.

Respectfully Submitted,

Monica Vignes-Pitan
FCLAA President
Legal Services of Greater Miami

Leslie Powell-Boudreaux
FCLAA Vice President
Legal Services of North Florida

Christine Larson
FCLAA Secretary
Three Rivers Legal Services

Christopher M. Jones
FCLAA Treasurer
Florida Legal Services

Cheryl Little
Americans for Immigrant Justice

Richard C. Woltmann
Bay Area Legal Services

Patrice Paladino
Coast to Coast Legal Aid of South Florida

Alana Greer
Community Justice Project

¹ In its recent report, the Task Force states that the, “the Foundation is simply outside of the task force’s scope.” The FCLAA disagrees. The Task Force is tasked with determining whether rule 5-1.1(g) should be amended. The rule currently explicitly lists the Florida Bar Foundation and the current proposed changes would remove the Foundation as the recipient of the funds.

Kimberly Rodgers
Community Law Program

Christina Spudeas
Florida Children's First

Jaffe Pickett
Florida Rural Legal Services

James Kowalski
Jacksonville Area Legal Aid

Anthony Karrat
Legal Aid Service of Broward County

Doug White
Northwest Florida Legal Services

Carrie Litherland
Legal Aid Foundation of the Tallahassee
Bar Association

Jeffrey Harvey
Community Legal Services of Mid-Florida

Dante Trevisani
Florida Justice Institute

Carly Wohl
Heart of Florida Legal Aid Society

Linda Harradine
Legal Aid of Manasota

Robert Bertisch
Legal Aid Society of Palm Beach County

Jodi Siegel
Southern Legal Counsel



BUSINESS LAW SECTION

OF THE FLORIDA BAR

Task Force on Distribution of IOTA Funds
 c/o Elizabeth C. Tarbert, Esq.
 The Florida Bar

Dear Task Force Members:

June 17, 2020

I write on behalf of the Business Law Section of The Florida Bar (the "Section"). The Section is aware of the September 15, 2020, deadline that the Task Force on Distribution of IOTA Funds (the "IOTA Task Force") has to complete its analysis and submit its findings and recommendations, including any proposed rule amendments, to the Supreme Court of Florida pursuant its Administrative Order AOSC19-79 dated October 24, 2019. The Section commends the IOTA Task Force for its efforts in this task and its goal to meet that deadline in the midst of a worldwide pandemic affecting all of us.

However, the Section is gravely concerned that the project simply demands more time to fairly accommodate and consider the views and needs of all the varied constituencies which rely upon or are affected by the flow of IOTA funds within the broad Florida legal aid community. Certainly, any amendments to Rule 5-1.1(g) will dramatically impact the existing structure of the funding for legal aid, on both macro and micro levels. We understand any proposed rule amendments have not yet been finalized or subjected to a full opportunity for comment.

We believe the process and the end result will benefit immeasurably from a thorough and all-encompassing analysis, taking into account the many views still to be voiced. We believe the Supreme Court of Florida will appreciate the comfort that the Task Force's deliberations embraced all views. For example, the Section is undertaking its own analysis of how the Task Force's recommendations might impact its members as well as the courts, both state and federal, in which our members practice, but we have not yet completed that review.

Given the foregoing, the Section urges the Task Force to seek and request additional time from the Supreme Court to complete its work. The issues here are too great, and the resulting impact on servicing the legal needs of Florida's poor may be so dramatic, for the process to lack from full and all-embracing input, including that of our Section. The additional time will ensure confidence in a well-considered and thoughtfully structured result. Alternatively, we ask that you recommend to the Supreme Court an open process within which the public can voice their opinion in its review of the Task Force's recommendations and proposed rule change.

Thank you for your consideration.

Respectfully Submitted,

Jacob A. Brown, Chair

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Anthony Karrat <akarrat@LegalAid.org> on 06/24/2020 12:24:17 PM

Please respond to Anthony Karrat <akarrat@LegalAid.org>

To: "eto@flabar.org" <eto@flabar.org>
cc:
Subject: Task Force on Distribution of IOTA Funds
Staff: Elizabeth Tarbert/The Florida Bar

Sent Via Email

Task Force on Distribution of IOTA Funds
c/o Elizabeth Tarbert
The Florida Bar

Dear Task Force Members:

Attached is a letter from 17th Circuit Court Judge Stacey Shulman who is the Unified Family-Dependency Chair for the 17th Circuit.

Her letter describes a Legal Aid of Broward program funded by the Florida Bar Foundation to create a unique approach to dealing with youth in the dependency system. Without question, this program would not have launched or gone forward without the support and resources provided by the Foundation. This program called the "Hope Court" has been so enthusiastically received that the statewide offices of the Department of Children and Families (DCF), the office of the Attorney General and the Guardian Ad Litem program have worked hand in hand with our staff and Judge Shulman to ensure its success. Once successfully proven in Broward, we anticipate it could be replicated throughout Florida and then nationwide.

All of this because the Foundation saw the promise of this program and the potential for it to make a lasting difference in the lives of these neglected and abused children. Although I support general support grants as the most effective way to promote legal services for the poor, this is a prime example of why allocating a percentage of IOTA funds to have the ability to spot and support special projects that fill special community needs is, and should be, a necessary purpose for allocation of IOTA funds.

I feel it to be extremely important for this Task Force to see from this example that there is more than one way to effectively and positively impact the lives of low income litigants in Florida.

Thank you for this opportunity.

Sincerely,

Tony

Anthony J. Karrat | Executive Director | **Legal Aid Service of Broward County, Inc.**
491 N. State Rd. 7, Plantation, FL 33317 | Tel: (954) 736-2401 | Fax: (754)200-9958
akarrat@legalaid.org | www.legalaid.org



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Please note: Florida has very broad public records laws. Many written communications to or from The Florida Bar regarding Bar business may be considered public records, which must be made available to anyone upon request. Your e-mail communications may therefore be subject to public disclosure.



HOPE Court letter from Judge Schulman.pdf

JUDGE STACEY SCHULMAN
SEVENTEENTH JUDICIAL CIRCUIT OF FLORIDA
201 S.E. 6TH STREET, ROOM 9137
FORT LAUDERDALE, FL. 33301
954-831-7628

June 4, 2020

To Whom It May Concern:

My name is Stacey Schulman and I am the Unified Family - Dependency Chair for the 17th Judicial Circuit in Florida. I am also the Judge that is presiding over our newly launched “HOPE Court.”

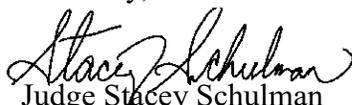
HOPE Court, which stands for Helping Older Teens Powerfully Engage, is a new and restorative approach to the Dependency system for youth who are about 17 years old, and working to transition to independent living. With the support of the Florida Bar Foundation, we have worked towards making sure youth have a say in the court process and their transition plan. We hope this program will also ensure these youth have a support network and community of adults to help them successfully transition to adulthood.

In the months leading up the launch, Legal Aid’s Restorative Justice Project completed research and development, and coordinated with ChildNet/DCF, the Office of the Attorney General, the Guardian ad Litem Program, and various community agencies, to initiate this enhancement to our Dependency system. In addition, we have coordinated and collaborated with the DCF Restorative Practices Specialist for the State of Florida, and a team of researchers from Nova Southeastern University.

HOPE Court youth were paired with adult support teams in February and March. Since we began programming in April, all the stakeholders have actively engaged and have really stepped up, despite the current circumstances and the need to launch using a remote platform. With only our first round of hearings having taken place, I can already see that many of the children participating feel more empowered and heard. The youth will participate in frequent, interactive court hearings throughout the year, as well as independent living skills workshops and supportive youth circles.

I anticipate extremely positive results and hope to be a model for expansion and replication around the State of Florida. We look forward to continuing to work in partnership with Legal Aid on HOPE Court in the coming 2020-2021 year and beyond!

Sincerely,


Judge Stacey Schulman
Circuit Court Judge



FAQ

1. Does the Florida Bar Foundation engage in any compliance or oversight of IOTA funds?

Yes, in multiple ways and as ordered by the Florida Supreme Court.

For example, in addition to the IOTA program itself, the Foundation was the first in the nation to propose and have implemented a “comparability rule” for IOTA accounts. *In re: Amendments to the Rules Regulating the Florida Bar Rule 5-1.1(e)*, 797 So. 2d 551(Fla. 2001). In short, the comparability rule requires banks to pay comparable rates for IOTA accounts as they would for their other similarly situated private accounts.

In adopting the “comparability rule”, the Court specifically held, “[t]he Foundation shall be charged with the responsibility of determining the initial and continuing eligibility of banks, savings and loan associations and investment companies to hold IOTA accounts in accordance with the criteria set forth in the rule.” *Id* at 552. The Foundation has carried out that responsibility.

In particular, the Foundation currently has a two-person IOTA Department responsible for overseeing the IOTA program from lawyers, law firms and participating financial institutions. As part of its responsibility for overseeing the IOTA Program, the Foundation and its IOTA Department:

- Monitors on a monthly basis 168 financial institutions (currently) for comparability compliance and accuracy of proposed remittances;
- Monitors and oversees approximately 35,000 IOTA accounts;
- Assists financial institutions with IOTA program compliance, as generally described in the Foundation’s IOTA Program Manual;
- Creates and maintains records for each participating bank;

- Creates and maintains records for each lawyer IOTA account (new accounts are opened usually on a weekly basis);
- Responds to numerous inquiries and provides instructions and information to lawyers about setting up and maintaining IOTA accounts;
- Monitors receipts and remittances for accuracy;
- Projects IOTA revenues for budgeting and grants allocations purposes; and
- Assists The Florida Bar with trust account inquiries and potential disciplinary investigations and actions.

The Foundation also monitors grantee performance using Foundation funds, including IOTA receipts. Grantee performance influences funding decisions going forward as the Foundation is focused on helping the most people possible with the limited funds it has to distribute.

In addition to the administration and oversight of IOTA accounts, the Foundation also oversees the expenditure and investment of IOTA monies.

2. Is there a cost to the Foundation in collecting and distributing IOTA funds?

Yes. The Foundation expends considerable time and monies in connection with carrying out its duties related to the collection and distribution of IOTA funds.

Any suggestion or assertion that IOTA monies are generated with no effort or money expended by the Foundation is inaccurate.

The IOTA Department's functions and activities, as described above, require 100% of the Department's time in overseeing, administering, and monitoring the IOTA program and its incumbent receipts. In addition, to the costs associated with running the IOTA department, approximately 10-20% of the Grants Department is spent monitoring grants performance issues, many of which include IOTA funds. The Finance Department spends about 20-25% of its time on IOTA-related issues and about 30-40% of its time assisting with investments, which are primarily handled by an outside vendor (the same one used by TFB) with direction from the Foundation's investment committee whose members include financial advisors and banking professionals who serve as volunteers. The Executive Department spends about 10% of its time on IOTA-related issues, such as supervision of the IOTA Department, monitoring projections, communicating with other programs, and attempting to increase IOTA revenues.

In addition, the Foundation also engages in regular and ongoing dialogue with banks about enhancing or increasing their rates of returns on their IOTA accounts. This effort has resulted in literally millions of more IOTA dollars being received, either through waiver of banking fees (117 out of 168 banks currently waive their fees for the Foundation) or increased interest rates on selected accounts.

Separate from personnel costs, the Foundation incurs direct costs and expenses associated with the collection, distribution and monitoring of IOTA funds. For starters, the Foundation has spent considerable amounts of money developing specific software (IOLTA 3) to monitor and administer IOTA funds. It also has to subscribe to a specialized service to access and monitor bank accounts for IOTA and comparability rule compliance. It incurs actual ACH charges in connection with each IOTA remittance and payment from each bank and further incurs expenses for financial and investment advice along with costs associated with annual financial audits.

The Foundation also reviews and assesses grantee performance related to grants funded using IOTA funds. Direct costs associated with such reviews include grants management systems, case management systems, IT expenses related to various software products necessary to administer and monitor grants performance both individually and collectively, and costs directly associated with reporting results and overall performance.

3. Does the Foundation award grants to provide direct legal services to low income clients?

Yes.

The vast majority of all Foundation grants are designed to provide direct legal services in the form of legal assistance and counsel to low income clients. In fact, more than 75% of the roughly \$14.3 million dollars in grant allocations disbursed during FY 2019-20 by the Foundation directly funded legal representation of low-income Floridians who seek assistance from a legal aid office for a specific problem.

In FY 2019-20, the Foundation administered 13 different grants programs. Each has its own purpose and objectives. For quick reference, here is a listing:

Grants Program	Funded with IOTA funds?
Improvements in the Administration of Justice	Yes

Community Economic Development	No
Children's Legal Services	Partially
Engle Award (USDC M.D. Fla)	No
Equal Justice Works Fellowship	Partially
Florida Legal Aid Disaster Relief Funds	Partially
Florida Legal Aid Training Initiative	Yes
Law School Civil Legal Clinics	No
Legal Aid Summer Fellowships	Yes
Limited Matching Funds (new)	Yes
Loan Repayment Assistance Program	Mostly
Pro Bono Innovation	Yes
Pro Bono Transformation Grants	Yes

For more information, attached is a link to a description of all current grants programs sponsored by the Foundation: <https://thefloridabarfoundation.org/what-we-do/grant-programs/>

Any suggestion or assertion that the Foundation "reports that little, if any, IOTA funds are being awarded to grantees for [purposes of providing direct legal services to low-income persons]" fails to appreciate the context in which the Foundation's alleged statements were made.

Specifically, the task force submitted several written requests to the Foundation during the course of its proceedings, one of which sought,

Description of grant programs (including amounts) funded by the Foundation (using IOTA funds) where the grantee organization is required by the terms of the grant to provide direct legal services to low income Florida litigants (as used in this letter, the term "litigants" has the meaning described in FN 1 of the draft combined subcommittee report).

The report referenced in the question was so strictly limited that if an attorney in a legal aid office had any other responsibilities – which we understand all of them do – none of their work could be counted as direct legal services as defined by the task force. Thus, in light of the task force’s definitions and restrictions at that time, we answered, “As phrased, the answer is none.” We then went onto explain, among other things,

In the view of the Foundation, all of our current grants help provide legal services either directly or indirectly to low income Floridians, although many uses of grant funds do not fit within the narrow definition indicated by the Revised Combined Recommendations of the Subcommittees. And all grantees, by nature of their charitable status and their own internal constraints, provide legal services to low income Floridians, based on eligibility requirements established by their own governing boards. By use of the modifier “direct” and based on the definition of “qualified attorney” as provided within the Revised Combined Recommendation of the Subcommittees, the technically most accurate answer is that none of the legal services are direct because the attorneys will, as we understand it, be assigned duties other than direct representation of legal aid clients. In which case, it may be that none of the funds disbursed by the Foundation would be categorized as direct legal services because the attorneys in legal aid offices have other duties and responsibility. If none of the funds go to direct legal services under the terms given by the proposed recommendations, then all of the grant programs we have described would be considered indirect.

On the other hand, if we set aside the proposal’s definition to the extent it would include staff attorneys who provide direct legal services, but who do not provide such services “to the exclusion of all other duties and responsibilities,” that would still considerably narrow the set of grantees who provide legal services other than direct representation of clients with discrete litigation or pre litigation matters.

Response to Task Forced dated May 15 at 31-32.

Later in the submission we stated,

Even the apparent plan of the Revised Combined Recommendations of the Subcommittee to limit IOTA funds to legal aid attorney compensation and benefits is impaired by the restriction to such attorneys who “to the exclusion of all other duties and responsibilities” provide direct legal

services. Based on our communications with legal aid offices, and our own understanding of how these offices work, we are not sure if there is any such person. The restriction is so restrictive as to exclude by its terms even those we believe the Subcommittees intended to benefit. If that restriction were in place, for example, with regard to the LRAP program, it is questionable whether any lawyer employed by any legal aid office in Florida would qualify.

Id at 43.

We also answered the direct question asked - whether the language in our grant contracts contained the language used by the task force at that time. We wrote,

[T]he Foundation has traditionally funded programs that provide legal information, legal assistance, and legal counsel to those living and working in Florida in need of civil legal aid assistance. The grants funded are generally restricted to low income Floridians by the nature and terms of the grant and the grantee, as these organizations will normally employ their own measures of income and assets to screen clients. *While the Foundation does not generally use such specific restrictive language in the grants themselves, common provisions of grants limit use of the funds to the purposes of the grants and to the purposes for which grantee's organization was established.*

Id. at 30 (Emphasis added).

Thus, these comments were made in the context of the very restrictive definition of "direct legal services" used by the task force at that time. Notably, the task force has subsequently changed its definition of "qualified attorney" which now establishes that the Foundation provides the vast amount of its grants for qualified legal services as currently defined by the task force.

4. Does the Foundation provide financial assistance other than grants to civil legal providers?

Yes. Aside from direct grants, the Foundation also supports particular expenditures in order to generally benefit the legal aid community. These expenses are identified as Program Related expenses and include group purchases of Westlaw and Legal Server, and grants to legal aid attorneys to help them pay off their student debts and encourage them to retain employment as legal aid attorneys. The Foundation has also been responsive to

The Florida Bar Foundation - FAQ
July 2, 2010

Page 6 of 15

Task Force on Distribution of IOTA Funds Final Report
Appendix J – Submissions to the Task Force

September 15, 2020

Page J - 496

particular requests of grantees that have been deemed appropriate to enhance delivery of legal services to the needy, such as funds for specialized training when legal needs require additional training, attendance at seminars, and other support.

Currently, Program-Related Expenses for the Foundation primarily consist of:

- Grants Department Operations (\$231,345);
- Pro Bono Operations (\$128,790);
- Capacity Building (\$171,460);
- Pro Bono initiatives (\$ 84,300);
- Interim Technology (\$91,000);
- Evaluations (\$15,000); and
- Other (\$18,450)

For the current budget, **Program Related Expenses** total **\$740,345** as budgeted for FY 2020-21 which represents **6.4%** of total expenditures for FY 20-21).

5. Does the Foundation engage in fundraising and development activities over and above its receipt of IOTA funds?

Yes. The Foundation has received **\$24,476,068** through its total and all-time development efforts through June 30, 2019. These funds include development and other associated revenues (i.e. dinner sponsorships, tickets, etc.).

The Foundation has raised more than **\$825,000 in FY 2019-20**.

Historically, fundraising expenses have averaged .9% of total expenses (1.1% after functional allocation, which if applied lowers overall M&G percentages).

Moreover, **since 1982**, the Foundation has pooled its investments and, together with fundraising efforts, has thereby **generated about \$700,000 more than actual expenses** for the Foundation during that time. This explains why IOTA revenues have totaled \$488 million since 1982, but the Foundation's charitable giving in that same time frame has exceeded \$500 million. In essence, the Foundation's investment activities and fundraising efforts have generated enough money for the Foundation to operate during that same time, effectively allowing the Foundation to disburse to its grantees and programs all IOTA funds it received.

It is also important to remember that IOTA has historically been the primary, if not sole, source of Foundation funding and expenses. There are no other legislative funds, filing fees, etc. from the state or local governments that supplement Foundation funding.

The Florida Bar Foundation - FAQ
July 2, 2010

Page 7 of 15

Task Force on Distribution of IOTA Funds Final Report
Appendix J – Submissions to the Task Force

September 15, 2020

Page J - 497

Thus, when federal interest rates decline, IOTA account interest rates also decline along with the Foundation's primary source of funding.

Finally, there is a corresponding Florida Bar Foundation Endowment which is funded mostly by private donations and a Fellows program that seeks \$1,000 from each fellow who pledges. Since the inception of the Fellows program, approximately 4,000 individuals have pledged, which represents less than 4% of the TFB membership and the default rate on total pledges approximates 2-5%. The Endowment's current assets approximate \$5 million. Of that amount, approximately \$2.5 million is restricted and inaccessible to the Foundation. The Foundation initially funded the Endowment with \$1.083 million. During the Great Recession, the Foundation received from the Endowment \$3.8 million to help defray costs and fund grants in light of the steep decline in IOTA receipts. Neither of these two amounts have been returned yet.

6. What is the Foundation's "overhead" expense ratio related to its total expenditures?

The Foundation does not normally use "overhead" to describe its expenses. Expenses are characterized and defined internally as either Operating Expenses or Program Activities. Operating Expenses are presented as "M&G" (for Management and General), "Fundraising" and "Program-Related."

"M&G" is therefore the equivalent of "overhead" per the Foundation's definitions. M&G expenditures comprise among other things personnel, office, and professional expenses. Because Fundraising is generally self-sufficient, it is not included within M&G, and is therefore broken out separately.

Since 1982, the Foundation's M&G expenses have averaged 10% of the Foundation's total expenditures, which is well within industry standards. Review of published studies shows that for an organization of our size, this number would typically be 14-15%. In considering this spending ratio, **it is important to remember that, as a philanthropic funder, total expenditures means all expenses paid by the Foundation. As such, grants and program related expenses (monies spent to directly benefit the grantees other than grants) are included in total expenditures.**

Fundraising expenses have averaged .9% of total expenditures and Program-Related Expenses have averaged 2.2% of total expenditures from 1982 to 2019.

As a result, **86.9%** of all Foundation expenditures during that **37-year time**

The Florida Bar Foundation - FAQ
July 2, 2010

Page 8 of 15

Task Force on Distribution of IOTA Funds Final Report
Appendix J – Submissions to the Task Force

September 15, 2020

Page J - 498

period were for **grant awards to grantees**. And **total charitable expenses** (Grants and Program Related expenses) **averaged 89.1%** of the Foundation's total expenses during that time.

For FY 2019-20, the Foundation's **M&G expenses** comprised **10%** of total expenses, Fundraising expenses made up 1% of total expenses, Program Related Expenses took 4% and **Grants** consisted of **85%**. **Total charitable expenses** (Grants and Program Related expenses) equaled **89%** of total expenses.

Put another way, 89 cents out of every dollar the Foundation spent from 1982 to June 30, 2020 went to direct support for the Foundation's grantees.

Because of reduced IOTA revenues and the exhaustion of other significant funding sources (Bank of America and *Engle* funds), the Foundation projects that **M&G expenses** for **FY 20-21** will be **16.8%**, Fundraising will require 1.6%, and Program Related expenses will take up 6.4% of the Foundation's total expenses. **Total charitable expenses** will take up the remaining **81.6%** of Foundation expenses (75.2% for Grants plus 6.6% for Program Related Expenses).

7. In addition to "overhead" expenses, does the Foundation charge "administrative or processing" fees in connection with its grant awards?

No. While some charitable funders charge a percentage of an award granted to a recipient for an administrative or processing fee, the Foundation does not. With very few exceptions, it never has.

In the past, the Foundation received some legislative funding from the Florida legislature. This limited funding (FACLA funding) provided for administrative costs to be specifically tracked (using timesheets) with respect to disbursement of such funds. This funding has not been available to the Foundation for more than ten years.

The Middle District of Florida awarded the Foundation \$3.6 million dollars in 2019 (*Engle* award) and ordered the Foundation to disburse those funds throughout the Middle District. In so doing, the Court allowed the Foundation to use \$75,000 for administrative expenses and also allowed the Foundation to capture some investment income on the funds pending disbursement. As of the Board's June 18 Board meeting, all *Engle* award monies have been awarded and are in the process of being disbursed. The first round of

funding occurred in October 2019 and the second and final round will be disbursed in or around October 2020.

Other funding sources in the past have allowed the Foundation to capture investment income generated on donated dollars pending disbursement to grantees. Such awards generated from legal proceedings involving various states' attorneys general and did not allow for administrative costs to be deducted from the principal amounts. Instead, interest earned on the funds pending disbursement was allowed in some cases. The most recent example of such an award was the Bank of America Community Economic Development grants, which have been awarded to grantees. And while the Foundation was allowed to use investment income to offset its expenses, the Foundation nevertheless put most of that investment income back into its grantees' programs.

8. How much of the Foundation's income is from IOTA funds and how much is from other sources?

Since 1982, IOTA funds have represented about **83%** of Foundation income.

However, beginning in 2008 with the Great Recession, IOTA revenues declined dramatically as federal interest rates remained at less than 1% for more than a decade. The Foundation was fortunate to have reserved substantial amounts of money before that time which allowed it to continue operating and funding grants. It also was fortunate to receive other sources of funding arising out of litigation involving financial institutions. Not counting an aberrational year in 2008-09 (IOTA revenues dropped 75% from the previous year and the Foundation also suffered \$10.1m in investment losses because of the market crash that set off the Great Recession), IOTA revenues ranged from as little as 31.1% to as much as 97.8%, with a resulting cumulative average of 52.7% of all Foundation revenues from FY 2009-10 to FY 2016-17.

With increased IOTA rates and the exhaustion of other third-party sources of income (Bank of America and Engle grant awards), IOTA income as a percentage increased to **61.4% in FY 18-19** and was at **63.4% on April 30, 2020**. The Foundation projects IOTA receipts to constitute about **84.5% of Foundation income in FY 20-21**.

The remaining sources of income since 1982 have generally consisted of investment income revenues, fundraising and development efforts, and sporadic awards generally characterized as *cy pres* awards received from private litigants and on occasion from government agencies. The Foundation has also historically benefitted from donations earmarked by Florida lawyers paying bar dues and proceeds derived from sales of specialty license plates. Other than investment income (subject to market fluctuations),

fundraising, and donations from Florida lawyers, income revenue from sources other than IOTA receipts is unpredictable and inconsistent.

The Foundation has long recognized the need to identify and secure other sources of funding and that it cannot rely solely on lawyers and the justice system to support and pay for civil legal aid. It is working on this issue vigorously and welcomes all input and suggestions.

9. What percentage of the Foundation's overhead is paid for by IOTA funds?

Before answering this question, it must be understood that the amount of IOTA funds used to pay for the Foundation's "overhead" fluctuates depending on the amount of all revenues received from all sources and all expenses paid in any given year. It is also important to remember that IOTA funds have been the primary source of income for the Foundation since 1982.

Notwithstanding the source, all funds received by the Foundation for the Foundation's use have always been pooled into common investment funds. By pooling investments, more interest can be generated which in turn can be turned back into the system. Also, such process saves considerable time, staff resources and money. Similarly, the Foundation's expenses are paid from those pooled amounts. Thus, the specific amount of "IOTA revenues" contained in a particular expense is not readily ascertainable except where certain funding sources are specifically designated for grants that do NOT use IOTA funds. Examples of such funds are the Bank of America Community Economic Development Grants and the United States District Court for the Middle District of Florida's "Engle" award.

With all of that said, a reasonable estimation of the percentage of IOTA funds contained in any given Foundation expense can be calculated using a percentage of IOTA receipts compared with all other funding receipts in a particular fiscal year, but the Foundation has not made such calculations in the past for the reasons stated above. For example, in FY 2018-19, IOTA funds constituted 39.9% of all FBF total expenditures which includes, among other things grants, program-related expenses and other payments made to grantees. But given the fact that administrative fees or expenses are not taken from other revenue sources, IOTA funds paid for 86.7% of FBF's operating expenses that year. This calculation can be done for any given fiscal year if necessary.

10. How much IOTA funds can be expected going forward?

IOTA receipts correlate with federal interest rates and the amount of money held in trust on any given date. Trust account balances in Florida have remained fairly consistent since 2007 and have actually increased from about \$4.5 Billion to around \$6 Billion in that timeframe. IOTA rates have been historically low since 2007 but made a slight comeback in 2018 and 2019. However, the surprise cuts in the federal interest rate in response to the COVID-19 pandemic returned interest rates to virtually zero and experts forecast that rates will not increase until the end of 2021.

IOTA revenues for **FY 20-21** are projected at **\$9.4 million**, down from \$16.1 million in FY 19-20.

11. What reporting, if any, does the Foundation submit or provide?

The Florida Bar Foundation prepares multiple reports and makes them available for all to see. The Foundation regularly creates and/or disseminates:

- An annual report;
- An annual audit report;
- Budget projection reports on at least a quarterly basis;
- Financial dashboard reports;
- Board meeting reports;
- Board and executive committee minutes;
- Restricted and unrestricted gifts reports;
- Development reports; and
- Newsletter and website reports covering all aspects of the Foundation, its directors, staff, stakeholders, and activities.

It also produces status reports for funders and state agencies (i.e. Reports to the Attorney General, Courts, and others upon requests) and produces or causes to be produced: geo-spatial mapping reports showing coverage areas, resources and general results; economic-impact studies; and program review reports (SAR and Desk reviews). It has and will continued to produce or procure legal needs assessment reports and it occasionally commissions others to prepare reports and studies regarding specific issues. In addition, it prepares templates and reporting requirements for grantees regarding grants and assistance provided by the Foundation. Any and all of these materials have been and continue to be available for inspection upon request.

The Foundation welcomes any discussion or input regarding its current reports. If requested or directed to produce any other types of reports, the Foundation will promptly endeavor to prepare and publish such other reports.

12. Does the Foundation gather “metrics” from its grantees?

Yes. Each grants contract awarded by the Foundation requires reporting from grantees regarding their performance and results obtained through the grant. The required reports do and always have included metrics. These metrics measure performance objectives, deliverables, types of services provided, and statistical and demographic information relating to the clients served.

The Foundation also procures Self-Assessment Reports and Desk Review Reports regarding grantees’ operations and grants performance. These reports discuss numerous metrics, provide narrative examples of results and outcomes, and include economic impact analysis. Previously prepared on an annual basis, they are now prepared on a three-year basis to save expense and resources.

The Foundation has also developed metrics for use in evaluating the Foundation's Reset and resulting programs. Pursuant to a Board directive, Spark Policy Institute was hired and from that effort, 11 distinct metrics were developed:

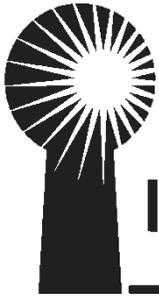
	Metric	Rationale
1	Number and types of organizations being financially supported.	This metric will help the Foundation track what types of organizations are being supported and the extent to which funding aligns with the Reset's strategies.
2	Amount of funding leveraged.	This metric will help the Foundation track the amount of funding leveraged by grantees.
3	Number and ways in which people are trained.	One of the goals of the Reset is to build organizational capacity. This metric will help the Foundation understand who and how people are being trained by the Foundation or its grantees.
4	Number and types of materials developed and shared.	One of the goals of the Reset is to build organizational capacity. This metric will help the Foundation to understand how they are supporting the field.
5	Number and types of innovative models supported, including pro bono.	One of the goals of the Reset is to increase the effectiveness and efficiency of services. This metric will help the Foundation understand the models that are being developed to catalyze increased access to justice.
6	Number and percent of grantees, legal aid providers, and pro bono providers adopting best practices or shared standards of practice.	One of the goals of the Reset is to support adoption of best and shared standards of practice. This metric will allow the Foundation to understand how key players are changing their practices. Data can also be used to inform funding decisions.
7	Number of clients using self-help resources or accessing low-cost representation.	This metric will help the Foundation understand the ways in which it and its partners are educating and activating community members to address unmet needs.
8	Number and types of new partnerships.	Creating, promoting, enhancing, and institutionalizing partnerships can help expand the system's capacity. This metric will help the Foundation understand the number and types of partners that are part of, or who are joining, the "system."
9	Economic benefits received by clients.	This metric provides a quantitative means of measuring the social impact of this work. The definition of "economic benefits" is clear, consistent, and transparent to help ensure that it is viewed as credible.
10	Total number and types of individuals who receive or benefit from civil legal support.	This metric will help the Foundation understand the number and types of people being reached or helped in some manner. The Foundation can examine the "value add of" specific efforts (e.g., grant approaches). Describing the different types of individuals served helps enhance transparency and credibility.
11	Actions and reactions of key stakeholders on the Strategic Reset.	This metric will keep the Foundation apprised of comments and reactions from all stakeholders in the legal aid delivery system relating to acceptance and implementation of, accountability for, compliance with, and collaboration on the Strategic Reset.

While these metrics have not yet made their way through a full grants cycle, they are applied and considered during the grants application process and are being incorporated into required final reports from grantees as well.

Lastly, the Foundation has recently instituted an assessment of all grantee pro bono programs, designed to gauge the level and quality of pro bono efforts by grantees. The resulting scores are then used in review and consideration of all other grant applications submitted by Foundation grantees.

Thank you for your interest and attention.

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INNOCENCE PROJECT OF FLORIDA, INC.
Unlock the Truth

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July 7, 2020

Via Electronic Mail

Mayanne Downs, Esq.
Chair, Task Force on Distribution of IOTA Funds
c/o Elizabeth Tarbert, Ethics Counsel
The Florida Bar
651 East Jefferson St.
Tallahassee, FL 32399-2300

Dear Ms. Downs:

At the June 18, 2020 meeting of the Task Force on the Distribution of IOTA Funds, both you and Task Force Member Judge Ed Scales suggested that I provide the Task Force with a suggested change to the current rule amendment proposal that, if adopted, would bring the work of the Innocence Project of Florida within permissible uses of IOTA funds.

As I noted in my remarks to the Task Force on June 18, 2020, the Innocence Project of Florida has historically received IOTA funds for the direct representation of low-income Florida litigants, albeit in the postconviction phase. The goal of this direct representation has always been to use available legal avenues to overturn wrongful convictions and exonerate the innocent. The proposed amendment to Rule 5-1.1 includes a provision in subsection (g)(1)(G) that, in its definition of “Qualified legal services” that may be performed by a “Qualified Grantee Organization,” limits those to only “legal services provided directly to low-income clients for their civil legal needs in Florida.” Because the Innocence Project of Florida does not work in a civil legal aid context, we would not be eligible to competitively apply for IOTA-funded grants under the current proposed rule draft.

This provision could be amended in any number of minor ways to be inclusive of the direct representation performed by the Innocence Project of Florida. The following are two options in order of preference (added language underlined):

1. (G) “Qualified legal services” are legal services provided directly to low-income clients for their civil legal needs or direct representation in postconviction cases to correct wrongful convictions in Florida.

2. (G) “Qualified legal services” are legal services provided directly to low-income clients for their civil legal needs or as part of direct representation in their postconviction innocence cases in Florida.

Our Board Chairman Brian Tannebaum, counsel Elliot Scherker or I would be pleased to discuss these or other language suggestions further with members of the Task Force if requested. Please note that we understand the Florida Bar Foundation may submit suggested changes to the proposed draft rule. As a courtesy, I have copied this letter to the Foundation to the extent it may wish to include our suggested language in any proposal.

The Innocence Project of Florida is grateful for the kind words expressed by members of the Task Force regarding our work and for this opportunity to offer language that would allow us to possibly continue to use IOTA funds to advance the cause of justice in Florida. Thank you for your continued consideration.

Best,



Seth Miller, Esq.
Executive Director
202-341-2127
smiller@floridainnocence.org

cc: Donny McKenzie, Florida Bar Foundation

CHAPTER 5. RULES REGULATING TRUST ACCOUNTS

5-1. GENERALLY

RULE 5-1.1 TRUST ACCOUNTS

(g) Interest on Trust Accounts (IOTA) Program.

(1) *Definitions.* As used in this rule, the term:

(A) “Nominal or short term” describes funds of a client or third person that the lawyer has determined cannot earn income for the client or third person in excess of the costs to secure the income.

(B) “Foundation” means The Florida Bar Foundation, Inc. which shall serve as the designated IOTA fund administrator and shall monitor and receive IOTA funds from eligible institutions and distribute IOTA funds consistent with the obligations and directives in this rule and orders of the Florida Supreme Court.

(C) “IOTA account” means an interest or dividend-bearing trust account benefiting The Florida Bar Foundation established in an eligible institution for the deposit of nominal or short-term funds of clients or third persons.

(D) “Eligible institution” means any bank or savings and loan association authorized by federal or state laws to do business in Florida and insured by the Federal Deposit Insurance Corporation, any state or federal credit union authorized by federal or state laws to do business in Florida and insured by the National Credit Union Share Insurance Fund, or any successor insurance corporation(s) established by federal or state laws, or any open-end investment company registered with the Securities and Exchange Commission and authorized by federal or state laws to do business in Florida, all of which must meet the requirements set out in subdivision (5), below.

(E) “Interest or dividend-bearing trust account” means a federally insured checking account or investment product, including a daily financial institution repurchase agreement or a money market fund. A daily financial institution repurchase agreement must be fully collateralized by, and an open-end money market fund must consist solely of, United States Government Securities. A daily financial institution repurchase agreement may be established only with an eligible institution that is deemed to be “well capitalized” or “adequately capitalized” as defined by applicable federal statutes and regulations. An open-end money market fund must hold itself out as a money market fund as defined by applicable federal statutes and regulations under the Investment Company Act of 1940 and have total assets of at least \$250 million. The funds covered by this rule are subject to withdrawal on request and without delay.

(F) A “qualified grantee organization” is a not for profit entity incorporated or chartered for the purpose of providing civil legal assistance to low-income individuals or is a not for profit entity with exempt status under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended. It must also demonstrate the experience and capacity to provide Qualified Legal Services, as defined herein, by:

(1) employing qualified legal services providers to:

(i) directly provide qualified legal services, and/or

(ii) facilitate the provision of and improve the quality of qualified legal services; or

(2) facilitating qualified legal services by coordinating volunteer qualified legal service providers.

(G) “Qualified Legal Services” are legal services provided directly to low-income clients for their civil legal needs in Florida.

(H) A “Qualified Legal Services provider” is a member of The Florida Bar or other individual authorized by the Rules Regulating The Florida Bar or other law to provide Qualified Legal Services in Florida.

(2) *Required Participation.* All nominal or short-term funds belonging to clients or third persons that are placed in trust with any member of The Florida Bar practicing law from an office or other business location within the state of Florida must be deposited into one or more IOTA accounts, unless the funds may earn income for the client or third person in excess of the costs incurred to secure the income, except as provided elsewhere in this chapter. Only trust funds that are nominal or short term must be deposited into an IOTA account. The Florida Bbar member must certify annually, in writing, that the bar member is in compliance with, or is exempt from, the provisions of this rule.

(3) *Determination of Nominal or Short-Term Funds.* The lawyer must exercise good faith judgment in determining on receipt whether the funds of a client or third person are nominal or short term. In the exercise of this good faith judgment, the lawyer must consider such factors as the:

(A) amount of a client’s or third person’s funds to be held by the lawyer or law firm;

(B) period of time the funds are expected to be held;

(C) likelihood of delay in the relevant transaction(s) or proceeding(s);

(D) lawyer or law firm’s cost of establishing and maintaining an interest-bearing

account or other appropriate investment for the benefit of the client or third person; and

(E) minimum balance requirements and/or service charges or fees imposed by the eligible institution.

The determination of whether a client's or third person's funds are nominal or short-term rests in the sound judgment of the lawyer or law firm. No lawyer will be charged with ethical impropriety or other breach of professional conduct based on the exercise of the lawyer's good faith judgment.

(4) *Notice to Foundation.* Lawyers or law firms must advise the foundation, at its current location posted on The Florida Bar's website, of the establishment of an IOTA account for funds covered by this rule. The notice must include: the IOTA account number as assigned by the eligible institution; the name of the lawyer or law firm on the IOTA account; the eligible institution name; the eligible institution address; and the name and Florida Bar number of the lawyer, or of each member of The Florida Bar in a law firm, practicing from an office or other business location within the state of Florida that has established the IOTA account.

(5) *Eligible Institution Participation in IOTA.* Participation in the IOTA program is voluntary for banks, credit unions, savings and loan associations, and investment companies. Institutions that choose to offer and maintain IOTA accounts must meet the following requirements:

(A) *Interest Rates and Dividends.* Eligible institutions must maintain IOTA accounts which pay the highest interest rate or dividend generally available from the institution to its non-IOTA account customers when IOTA accounts meet or exceed the same minimum balance or other account eligibility qualifications, if any.

(B) *Determination of Interest Rates and Dividends.* In determining the highest interest rate or dividend generally available from the institution to its non-IOTA accounts in compliance with subdivision (5)(A), above, eligible institutions may consider factors, in addition to the IOTA account balance, customarily considered by the institution when setting interest rates or dividends for its customers, provided that these factors do not discriminate between IOTA accounts and accounts of non-IOTA customers, and that these factors do not include that the account is an IOTA account.

(C) *Remittance and Reporting Instructions.* Eligible institutions must:

(i) calculate and remit interest or dividends on the balance of the deposited funds, in accordance with the institution's standard practice for non-IOTA account customers, less reasonable service charges or fees, if any, in connection with the deposited funds, at least quarterly, to the Foundation;

(ii) transmit with each remittance to the Foundation a statement showing the name of the lawyer or law firm from whose IOTA account the remittance is sent, the lawyer's or law firm's IOTA account number as assigned by the institution, the rate of interest applied, the period for which the remittance is made, the total interest or dividend earned during the remittance period, the amount and description of any service charges or fees assessed during the remittance period, and the net amount of interest or dividend remitted for the period; and

(iii) transmit to the depositing lawyer or law firm, for each remittance, a statement showing the amount of interest or dividend paid to the foundation, the rate of interest applied, and the period for which the statement is made.

(6) *Small Fund Amounts.* The Foundation may establish procedures for a lawyer or law firm to maintain an interest-free trust account for client and third-person funds that are nominal or short term when their nominal or short-term trust funds cannot reasonably be expected to produce or have not produced interest income net of reasonable eligible institution service charges or fees.

(7) *Confidentiality and Disclosure.* The Foundation must protect the confidentiality of information regarding a lawyer's or law firm's trust account obtained by virtue of this rule. However, the Foundation must, on an official written inquiry of The Florida Bar made in the course of an investigation conducted under these Rules Regulating The Florida Bar, disclose requested relevant information about the location and account numbers of lawyer or law firm trust accounts.

8) Distribution of IOTA Funds. All IOTA funds transmitted to the Foundation shall be used in a manner that gives priority consideration to funding Qualified Legal Services for low-income individuals in Florida, and shall be used only to:

(A) Support qualified grantee organizations that:

a. directly provide Qualified Legal Services, and/or

b. facilitate the provision of and improve the quality of Qualified Legal Services; or

c. facilitate Qualified Legal Services by coordinating volunteer Qualified Legal Service Providers.

(B) Fund necessary and reasonable operating expenses of the Foundation for effective operation of the IOTA program including collection, disbursement, and monitoring and reporting on efficient use of IOTA funds and pursuing the growth of IOTA and development of other sources of civil legal aid funding.

(C) Establish and maintain reasonably prudent reserves for the operations of the IOTA program as well as to promote stability in funding for (A) and (B), above.

(D) At least 80% of IOTA funds received by the Foundation shall be allocated to qualified grantee organizations in the form of grants and program-related expenses. A portion of these funds may be allocated to reserves if approved by the IOTA Funds committee of the Foundation Board.

The Foundation shall develop policies for monitoring the distribution and use of IOTA funds and those policies shall give the highest priority to ensuring the consistent provision of qualified legal services throughout the state of Florida.

(9) IOTA Oversight and Governance. The Foundation shall determine the initial and continuing eligibility of banks, savings and loan associations and investment companies to hold IOTA accounts in accordance with the criteria set forth in this rule and in *In re: Amendments to the Rules Regulating the Florida Bar 5-1.1(e)*. 797 So. 2d 551, 552, (Fla. 2001). The Foundation shall also be responsible for ensuring the efficient and effective distribution and use of IOTA funds. In order to further ensure such efficiency:

(A) The Foundation's Board of Directors will establish a standing committee on IOTA Funds. The committee shall include three members chosen by the Florida Civil Legal Aid Association, Inc. from its members. The committee shall provide feedback on the Foundation's development of a statewide plan for distribution of funds, policies for monitoring the distribution and use of IOTA funds, best practices for use of IOTA funds, and other input and oversight as directed by either the Board of Directors or the Supreme Court of Florida.

(B) The Foundation's Budget and Finance Committee shall be composed of at least four Directors appointed by the Supreme Court of Florida pursuant to the Foundation's bylaws and articles of incorporation.

(10) Reporting by Qualified Grantee Organizations. Qualified Grantee Organizations must report to the Florida Bar Foundation on or before February 15 of each year on metrics developed by the IOTA Funds Committee and approved by the Foundation Board on a regular basis designed to confirm grantee organizations are promoting access to justice on the part of low-income clients, and to ensure IOTA funds are utilized efficiently and effectively. These metrics shall include but are not limited to: the number of clients receiving Qualified Legal Services paid for or facilitated by the use of IOTA funds and other aggregate data showing the impact of civil legal aid in Florida, regardless of funding source.

(11) Reporting by the Foundation. As a condition of continued receipt of IOTA funds, the Foundation shall prepare on or before April 15 of each year a report containing

programmatic and financial analysis of the IOTA funds received and distributed by the Foundation during the previous calendar year and shall prepare an Annual Report that will be available to the public.

(A) The programmatic report shall at a minimum contain the aggregate data reported by the qualified grantee organizations detailed in the previous section. It may also contain other data that details the impact of the IOTA funds provided to the qualified grantee organizations.

(B) The financial portion of the report shall:

(i) Be prepared according to generally accepted accounting principles;

(ii) Include and identify the specific amount of IOTA funds given to the various providers, programs, and projects for the previous year;

(iii) Include and identify the total amount of funds that were awarded to build or maintain the capacity of qualified grantee organizations;

(iv) Include the total amount of IOTA funds that were set aside for reserves;

(v) Include the total amount of IOTA funds that were spent by the Foundation for operating expenses; and

(vi) Include the categories of the rates paid by participating Banks.

(C) Copies of the reports shall be provided to the Chief Justice of the Florida Supreme Court immediately upon completion of such reports, published upon the Foundation's website, and otherwise made available to others of the public upon request.

July 9, 2020

Prof. Paolo Annino
FSU College of Law,
Public Interest Law Center,
Tallahassee, Florida 32306
pannino@law.fsu.edu
850-644-9930

Thank you for the opportunity to address the Taskforce on June 18, 2020. The following are my written remarks.

Please let me introduce myself. I am the director of the Public Interest law Center at FSU College of Law. I supervise several clinics and the Children's Advocacy Clinic receives funding from the Florida Bar Foundation. At FSU, I am a Distinguished University Scholar and I research, write and advocate on poverty issues.

"Brevity is the soul of wit," Shakespeare says, so I will keep my remarks brief. I have studied the proposed rule, and I believe the proposed rule will produce a less effective usage of IOTA funds.

First, this proposed rule literally deletes the "Florida Bar Foundation" from Rule -5-1.1 Trust Account, of the Rules Regulating the Florida Bar. Rule 5-1.1 is the Bar Rule that authorizes the Florida Bar Foundation to operate and administer the IOTA funds. The Florida Bar Foundation has been administering the IOTA Program for almost 40 years. The Taskforce proposed rule deletes the "Florida Bar Foundation" from the Rules Regulating the Florida Bar – 9 separate times. These 9 deletions of the "Florida Bar Foundation" are not authorized by the Supreme Court Order creating this Taskforce, and these 9 deletions of the "Florida Bar Foundation" are inconsistent with the Taskforce's own statement: "The Foundation is simply outside of the Taskforce's scope." I agree. "The Foundation is simply outside of the Taskforce's scope" and therefore the Taskforce proposed rule should not delete the "Florida Bar Foundation" in 9 separate places from the Rules Regulating the Florida Bar.

One consequence of deleting the "Florida Bar Foundation" is the deletion of almost 40 years of institutional knowledge in administering IOTA funds. This institutional knowledge has produced brilliant results, such as the Florida Bar Foundation's Community Champion Program, where 27 banks and financial institutions have agreed to waive legally permitted fees, resulting in millions of dollars in savings. The deletion of institutional knowledge will produce a less effective usage of IOTA funds.

Secondly, the Taskforce's proposed rule is inconsistent with over 40 years of Florida Supreme Court jurisprudence on IOTA. The Taskforce proposed rule restricts IOTA funds to "legal services provided directly to low-income clients for their civil legal needs in Florida". Not one Florida Supreme Court Opinion restricts IOTA funds to Direct Legal Services. The Florida Supreme Court has consistently held that the IOTA funds are to "improve the administration of justice or to expand the delivery of legal

services to the poor.” Matter of Interest on Trust Accounts, 538 So.2d 448, 450 (Fla. 1989) (Emphasis added). There has always been at least two options: 1) improve the administration of justice, **or** 2) expand the delivery of legal services to the poor. The proposed rule jettisons the option to use funds to improve the Administration of Justice.

What do we lose by jettisoning funding for the Administration of Justice? We lose innovation. Florida will never be able to provide direct legal representation to all poor people in Florida. There is one legal aid/legal services attorney for every 10,000 poor people. Direct Legal Services is very important but at most we can cover 20% of the poor. We need innovative Administration of Justice programs that can reach the other 80 % of the poor, programs that provide community outreach, education and training. For example the usage of educational legal websites such as Floridalawhelp.org , a Florida Bar Foundation sponsored website, received over 390,000 visitors. We need Administrative of Justice programs that helps the other 80% of the poor.

The Florida Supreme Court Order that created the Taskforce said to give priority to Direct Legal Services to low income litigants. It never said to jettison Administrative of Justice programs. Just as the campaign to Save the Whale does not mean Kill the Dolphin, so also giving priority consideration to Direct Legal Services doesn't mean to kill programs that improve the Administration of Justice and help the other 80% of the poor.

In conclusion, I am asking this Taskforce to modify its proposed rule to erase its 9 deletions of the “Florida Bar Foundations” from the Rules Regulating the Bar, and to include improvements in Administration of Justice as a category for IOTA funding. Both modifications will improve the effective usage of the IOTA funds.



July 10, 2020

Submitted via email: eto@flabar.org

Task Force on Distribution of IOTA Funds
% Elizabeth Tarbert
The Florida Bar
651 East Jefferson Street
Tallahassee, FL 32399-2300

RE: Proposed changes to Chapter 5 of the Rules Regulating the Florida Bar (Trust Accounts)

Dear Task Force Members:

The National Legal Aid & Defender Association (NLADA) respectfully submits for your consideration this letter in support of the proposed changes to Chapter 5 of the Rules Regulating the Florida Bar submitted jointly by the Florida Civil Legal Aid Association (FCLAA) and the Florida Bar Foundation (Foundation).

Founded in 1911, NLADA is the oldest and largest national nonprofit membership organization devoting all of its resources to advocating for equal access to justice for all. Our membership includes more than 800 civil legal aid and public defender program members, collectively representing thousands of attorneys in the 50 states, the District of Columbia, American Samoa, Guam, Puerto Rico, and the U.S. Virgin Islands. Additionally, NLADA counts among its membership representatives of the client community served by these programs, and whom the resources, organization, and coordination supporting the delivery of civil legal aid directly affects. NLADA is a leader in the development of national standards for legal services organizations. We work with civil legal aid providers across the country, and with national partners, including the American Bar Association (ABA), Legal Services Corporation (LSC), National Center for State Courts (NCSC), and National Association of IOLTA Programs (NAIP), to discern and advance the most efficient and effective use of resources and delivery of services to increase access to justice. We do this to achieve lasting results that secure safety and stability for clients and the communities in which they live.

NLADA has worked with IOLTA funders and bar foundations since the Florida Supreme Court founded the first U.S. Interest on Trust Accounts program in 1981. Since its inception, IOLTA programs have played an essential role in funding and supporting legal aid systems in every part of the United States. While each program is administered at the state level, NAIP provides invaluable coordination, support services, and best practice experiences to colleague programs. For decades, NLADA has provided an important perspective to the ABA Commission on IOLTA and NAIP on how their policies affect the legal aid programs they support.

Task Force on Distribution of IOTA Funds Final Report
Appendix J – Submissions to the Task Force

1901 PENNSYLVANIA AVE, NW SUITE 500 • WASHINGTON, DC 20006 • September 15, 2020

Page J - 516



We commend the Task Force for engaging in the difficult work of examining the current administration of Interest on Trust Accounts (IOTA) used for legal aid funding, asking the challenging questions of how best to improve it, and engaging feedback and input from the community of civil legal aid providers throughout your process. IOTA administrators have a deep history of working side-by-side with the community of service providers to set priorities and deliver justice in their states. Florida has served as a leader in the creation of IOTA, as well as the strategic statewide coordination that is now replicated across the country. In our experience, we are more effective at increasing access to justice when the administration of scarce resources is informed by needs faced by clients and providers on the ground. It is based on this experience that we express our support for the specific proposals to revise Rule 5 proffered by the FCLAA and the Foundation, as described below.

Utilizing a Single Administrator of IOTA Funds

In our experience, designating a single administrator to oversee and coordinate the distribution of Interest on Trust Account funds not only provides for efficient administration, but also the strategic coordination of support to services across a state, ensuring that resources are allocated to meet and advance set priorities.

We are aware of only one state that utilizes more than one IOLTA administrator. We believe that the near consensus around a single administrator likely is due to a general understanding that multiple fund administrators increase the chance for inefficiency, inconsistency, and increased workload. Designating multiple administrators has the potential to create confusion in a number of aspects. This includes, among other things, determining how to allocate IOTA funds across administrators, discord in whether a provider may receive funds from multiple administrators, and, if so, the burden of reporting to multiple administrators. It also increases challenges to oversight by the Court, which would be required to receive and review multiple reports from the various administrators, rather than one streamlined report on the use of funds. A single administrator can facilitate reporting from grantees, develop uniform metrics, and provide a comprehensive report to the Florida Supreme Court.

Most importantly, however, a single administrator has the ability, and perhaps the obligation, to determine how best to allocate resources across a state in a way that achieves the greatest advances toward access to justice. Examples of this effective statewide administration and coordination across numerous and diverse civil legal aid providers include, among many others, the Legal Services Corporation of Virginia and the Texas Access to Justice Foundation.

Flexibility and Accountability in Determining Reserves and Administrative Needs

Our experience supporting resources for and delivery of civil legal aid over the decades nationally has demonstrated the critical role of IOTA funding, particularly in times of emergency and uncertainty, and relatedly, the importance of building reserves for these times. This is especially true in states like Florida, which, as you know, is experiencing an increased frequency of natural disasters. As laid out in the Report of the Legal Services Corporation's Disaster Task Force, disasters can have a disparate and devastating impact on low-income survivors and civil legal aid is a critical resource to reestablishing



lives and stability.¹ At NLADA, we consistently have been humbled by Florida’s legal aid community and their ability to step in and step up time and time again when disaster strikes low-income communities. This response has always included the ability of the Florida Bar Foundation to step in and provide resources strategically and efficiently. This activation and coordination repeatedly serves as a model for states across the country. This capacity and effectiveness is in no small part due to the strategic building of reserves to be available in emergency situations.

Our current context is a stark reminder of how reserves can help steer legal aid and ensure they are able to deliver critical services through volatile times. As laid out by FCLAA in its earlier comments, the current pandemic situation also is exponentially increasing the civil legal issues faced by low-income people across the country. The Legal Services Corporation has estimated that at least \$100 million is needed to address increased civil legal issues.² This does not account for the sheer increase in the number of people and families thrust into poverty, which makes the need for resources much greater. At the same time, as interest rates dropped to zero, IOTA revenues will realize a steep drop. In a recent survey conducted by the National Association of IOLTA Programs (NAIP), NAIP’s US members projected a loss of \$157.4 million in 2020 revenue available for civil legal aid.³ This could be worse if rates remain at or near zero for an extended period. The reserves built by administrators across the country are serving as a lifeline during this time.

The ability of an IOTA administrator to determine, strategically and based on evidence, if and how to build reserves not only is good practice, but also is important to supporting and maintaining the infrastructure for delivering civil legal aid. We believe that strategies and policies informed by the particular circumstances in each state, including policies to ensure these strategies are in accordance with responsible fiscal analysis, provide both the necessary flexibility discussed above, as well as the important assurance of accountability.

The vulnerability of IOTA revenues to interest rate fluctuations also leads us to be wary of enshrining in a rule strict limitations to administrative costs. Doing so undermines the ability to recruit and retain reliable staff, which is extremely important not just for consistent administration of standing programs, but also the ability to act nimbly to develop strategies to respond to disasters and unforeseen emergencies. While some decreases in revenues may be predictable, the current context also shows us that interest rates can drop very quickly and quite unexpectedly. Hard limitations on overhead and/or indirect costs can, at times, hamstring administrators and programs alike. Similar to the issue of reserves, sound policies, guiding principles, and responsible oversight are a more appropriate tool for ensuring maximum efficiency.

¹ Report of the LSC Disaster Task Force, Legal Services Corporation (2019) at 2, available at <https://www.lsc.gov/media-center/publications/lsc-disaster-task-force-report#bfrtoc-lsc-disaster-task-force-report> (“For low-income disaster survivors, basic subsistence and re-establishing their lives can involve months and even years of serious challenges. Law can be both a barrier and a tool as disaster survivors work to regain their lives.”).

² March 26, 2020 press release from the Legal Services Corporation, “Legal Services Corporation Will Receive \$50 Million in Coronavirus Stimulus Bill,” available at <https://www.lsc.gov/media-center/press-releases/2020/legal-services-corporation-will-receive-50-million-coronavirus>.

³ May 29, 2020 press release from the National Association of IOLTA Programs, available at <http://www.iolta.org/images/NAIP-Press-Release-5-29-20.pdf>.



We believe that the proposals set forward by the FCLAA and the Foundation, and described above, are defining characteristics that underlie the important role not just of IOTA funding, but also of the administrators of that funding, in advancing access to justice.

Again, thank you for your consideration of these important issues. If you have any further questions about our positions or wish to discuss further, we are available to you.

Respectfully submitted,

Donald Saunders, Senior Vice President, Policy
Radhika Singh, Chief, Civil Legal Services
Christopher Buerger, Counsel, Civil Legal Services

cc: Monica Vignes-Pitan, FCLAA President, Legal Services of Greater Miami
Donny MacKenzie, Executive Director, The Florida Bar Foundation



To: Task Force on the Distribution of IOTA Funds
From: Florida's Children First, Christina Spudeas, Executive Director
Date: July 10, 2020
Re: **Proposed Amendments to the Rule Draft**



At the June 18, 2020 public meeting, Chair Downs invited participants to submit their proposed revisions to the Task Force's Rule Draft. The revisions below address items that are of specific interest to Florida's Children First (FCF).

We concur with the proposed language submitted by FCLAA and appreciate its work to ensure that FCF remain IOTA eligible. However, we write separately to offer language to the Task Force's Rule Draft that more specifically ensures that we would remain eligible for IOTA funding.

The underlines and strikethroughs reflect changes to the language of Task Force draft currently posted on the Task Force page on The Florida Bar website.

Rule 5-1.1 Trust Accounts

(g) Interest on Trust Accounts (IOTA) Program

(1) Definitions

(F) A "qualified grantee organization" is an organization that provides, or facilitates the provision of, qualified legal services, as appropriate taking into account the unique characteristics of the population of the geographic areas intended to be served, by:

- (1) employing qualified legal services providers who directly provide qualified legal services; or
- (2) ~~facilitating qualified legal services providers by~~ coordinating volunteer qualified legal service providers; or
- (3) facilitating the provision of and improving the quality of qualified legal services.

(G) "Qualified legal services" are legal services provided directly to, or on behalf of, low-income clients to address ~~for~~ their civil legal needs in Florida.

(H) A "qualified legal services provider" is a member of The Florida Bar or other individual authorized by the Rules Regulating The Florida Bar or other law to provide qualified legal services.



THE FLORIDA BAR FOUNDATION

July 10, 2020

Via email: etarbert@floridabar.org

Mayanne Downs, Chair
Task Force on Distribution of IOTA Funds
c/o Elizabeth Tarbert, Ethics Counsel
The Florida Bar
651 East Jefferson Street
Tallahassee, FL 32399-2300

Dear Mayanne,

Enclosed for you and the Task Force's review and consideration is a proposed IOTA Rule offered up jointly by the Foundation and the Florida Civil Legal Aid Association. This FCLAA/FBF proposed rule is submitted pursuant to your comments and suggestions made on June 18 during the task force's public meeting.

FCLAA and the Foundation carefully reviewed the task force's current proposed rule and worked toward creating a rule that addressed the issues articulated by the task force during its proceedings. We believe this proposed rule provides more transparency and accountability while maintaining as much stability and as little disruption as possible to the delivery of civil legal aid assistance. We welcome the opportunity to discuss and answer any questions anyone may have regarding the FCLAA/FBF proposed rule.

In that regard, the Foundation has encountered several questions and inquiries during the past several weeks. To address these questions, we have prepared a FAQ document, which is also enclosed for the Task Force's review and consideration. We hope that you and the other members of the Task Force will find it to be of assistance.

Sincerely,

Donny MacKenzie
Executive Director

cc: Monica Vignes-Pitan, Esq. as President of FCLAA
The Florida Bar Foundation Board of Directors

Enclosures (2)

Florida Civil Legal Aid Association

Ensuring Access to Justice for Floridians

July 10, 2020

Sent Via Email

Mayanne Downs, Esq.
Chair, Task Force on the Distribution of IOTA Funds
c/o The Florida Bar
651 East Jefferson Street
Tallahassee, FL 32399

**Re: Task Force on the Distribution of IOTA Funds - FCLAA / FBF
joint proposed Rule**

Dear Ms. Downs:

Attached please find a proposed amendment to Rule 5-1.1(g) Interest on Trust Accounts (IOTA) Program. This proposed Rule has been drafted by the Executive Directors and CEOs of the various civil legal aid law firms throughout Florida, through the Florida Civil Legal Aid Association, and has been approved by our membership and by others, whose names and organizations appear below, and has also been approved by the Florida Bar Foundation. We appreciate your consideration of this proposed Rule, which is crafted against the backdrop of our collective decades of experience on the front lines of civil legal aid in Florida, and with significant assistance from subject matter experts around the country, to reflect lessons learned in the effective administration of IOTA.

In drafting this proposed Rule, we focused on the Court's directive that IOTA revenues should be prioritized to fund direct legal services for low-income litigants in Florida. This Rule achieves that purpose while keeping the core of the IOTA delivery model, the Florida Bar Foundation, in place. The Foundation has a proven history of implementation of IOTA funds and guiding the Foundation through its future actions, as this proposed Rule does, will ensure sustained focus on this priority.

In following the guidance set by the Task Force, we want to highlight continuing issues as we have throughout this process. Drafting a Rule always has unintended consequences, more so during a recession. The proposed FCLAA Rule will allow a number of present recipients of IOTA funds to continue to receive those funds - including Florida Children's First. However, some presently funded efforts may no longer receive IOTA under the proposed rule. A significant number of stakeholders testified to this Task Force, and if the Task Force is focused on keeping one or more as entities funded by IOTA, it should be addressed.

Thank you for your consideration of this matter.

Respectfully Submitted,

Monica Vignes-Pitan
FCLAA President
Legal Services of Greater Miami

Leslie Powell-Boudreaux
FCLAA Vice President
Legal Services of North Florida

Christine Larson
FCLAA Secretary
Three Rivers Legal Services

Cheryl Little
Americans for Immigrant Justice

Patrice Paladino
Coast to Coast Legal Aid of South Florida

Kimberly Rodgers
Community Law Program

Christina Spudeas
Florida Children's First

Jaffe Pickett
Florida Rural Legal Services

James Kowalski
Jacksonville Area Legal Aid

Anthony Karrat
Legal Aid Service of Broward County

Jodi Siegel
Southern Legal Counsel

Carrie Litherland
Legal Aid Foundation of the Tallahassee
Bar Association

Miriam Harmatz
Florida Health Justice Project

Betsy Dobbins
Center for Children's Rights

Christopher M. Jones
FCLAA Treasurer
Florida Legal Services

Richard C. Woltmann
Bay Area Legal Services

Alana Greer
Community Justice Project

Jeffrey Harvey
Community Legal Services of Mid-Florida

Dante Trevisani
Florida Justice Institute

Carly Wohl
Heart of Florida Legal Aid Society

Linda Harradine
Legal Aid of Manasota

Robert Bertisch
Legal Aid Society of Palm Beach County

Robert Johnson
Brevard County Legal Aid Association

Bethanie Barber
Legal Aid Society of the Orange County Bar
Association

Randy McGrorty
Catholic Legal Services

CHAPTER 5. RULES REGULATING TRUST ACCOUNTS

5-1. GENERALLY

RULE 5-1.1 TRUST ACCOUNTS

(g) Interest on Trust Accounts (IOTA) Program.

(1) *Definitions.* As used in this rule, the term:

(A) “Nominal or short term” describes funds of a client or third person that the lawyer has determined cannot earn income for the client or third person in excess of the costs to secure the income.

(B) “Foundation” means The Florida Bar Foundation, Inc. which shall serve as the designated IOTA fund administrator and shall monitor and receive IOTA funds from eligible institutions and distribute IOTA funds consistent with the obligations and directives in this rule and orders of the Florida Supreme Court.

(C) “IOTA account” means an interest or dividend-bearing trust account benefiting The Florida Bar Foundation established in an eligible institution for the deposit of nominal or short-term funds of clients or third persons.

(D) “Eligible institution” means any bank or savings and loan association authorized by federal or state laws to do business in Florida and insured by the Federal Deposit Insurance Corporation, any state or federal credit union authorized by federal or state laws to do business in Florida and insured by the National Credit Union Share Insurance Fund, or any successor insurance corporation(s) established by federal or state laws, or any open-end investment company registered with the Securities and Exchange Commission and authorized by federal or state laws to do business in Florida, all of which must meet the requirements set out in subdivision (5), below.

(E) “Interest or dividend-bearing trust account” means a federally insured checking account or investment product, including a daily financial institution repurchase agreement or a money market fund. A daily financial institution repurchase agreement must be fully collateralized by, and an open-end money market fund must consist solely of, United States Government Securities. A daily financial institution repurchase agreement may be established only with an eligible institution that is deemed to be “well capitalized” or “adequately capitalized” as defined by applicable federal statutes and regulations. An open-end money market fund must hold itself out as a money market fund as defined by applicable federal statutes and regulations under the Investment Company Act of 1940 and have total assets of at least \$250 million. The funds covered by this rule are subject to withdrawal on request and without delay.

(F) A “qualified grantee organization” is a not for profit entity incorporated or chartered for the purpose of providing civil legal assistance to low-income individuals or is a not for profit entity with exempt status under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended. It must also demonstrate the experience and capacity to provide Qualified Legal Services, as defined herein, by:

(1) employing qualified legal services providers to:

(i) directly provide qualified legal services, and/or

(ii) facilitate the provision of and improve the quality of qualified legal services; or

(2) facilitating qualified legal services by coordinating volunteer qualified legal service providers.

(G) “Qualified Legal Services” are legal services provided directly to low-income clients for their civil legal needs in Florida.

(H) A “Qualified Legal Services provider” is a member of The Florida Bar or other individual authorized by the Rules Regulating The Florida Bar or other law to provide Qualified Legal Services in Florida.

(2) *Required Participation.* All nominal or short-term funds belonging to clients or third persons that are placed in trust with any member of The Florida Bar practicing law from an office or other business location within the state of Florida must be deposited into one or more IOTA accounts, unless the funds may earn income for the client or third person in excess of the costs incurred to secure the income, except as provided elsewhere in this chapter. Only trust funds that are nominal or short term must be deposited into an IOTA account. The Florida Bbar member must certify annually, in writing, that the bar member is in compliance with, or is exempt from, the provisions of this rule.

(3) *Determination of Nominal or Short-Term Funds.* The lawyer must exercise good faith judgment in determining on receipt whether the funds of a client or third person are nominal or short term. In the exercise of this good faith judgment, the lawyer must consider such factors as the:

(A) amount of a client’s or third person’s funds to be held by the lawyer or law firm;

(B) period of time the funds are expected to be held;

(C) likelihood of delay in the relevant transaction(s) or proceeding(s);

(D) lawyer or law firm’s cost of establishing and maintaining an interest-bearing

account or other appropriate investment for the benefit of the client or third person; and

(E) minimum balance requirements and/or service charges or fees imposed by the eligible institution.

The determination of whether a client's or third person's funds are nominal or short-term rests in the sound judgment of the lawyer or law firm. No lawyer will be charged with ethical impropriety or other breach of professional conduct based on the exercise of the lawyer's good faith judgment.

(4) *Notice to Foundation.* Lawyers or law firms must advise the foundation, at its current location posted on The Florida Bar's website, of the establishment of an IOTA account for funds covered by this rule. The notice must include: the IOTA account number as assigned by the eligible institution; the name of the lawyer or law firm on the IOTA account; the eligible institution name; the eligible institution address; and the name and Florida Bar number of the lawyer, or of each member of The Florida Bar in a law firm, practicing from an office or other business location within the state of Florida that has established the IOTA account.

(5) *Eligible Institution Participation in IOTA.* Participation in the IOTA program is voluntary for banks, credit unions, savings and loan associations, and investment companies. Institutions that choose to offer and maintain IOTA accounts must meet the following requirements:

(A) *Interest Rates and Dividends.* Eligible institutions must maintain IOTA accounts which pay the highest interest rate or dividend generally available from the institution to its non-IOTA account customers when IOTA accounts meet or exceed the same minimum balance or other account eligibility qualifications, if any.

(B) *Determination of Interest Rates and Dividends.* In determining the highest interest rate or dividend generally available from the institution to its non-IOTA accounts in compliance with subdivision (5)(A), above, eligible institutions may consider factors, in addition to the IOTA account balance, customarily considered by the institution when setting interest rates or dividends for its customers, provided that these factors do not discriminate between IOTA accounts and accounts of non-IOTA customers, and that these factors do not include that the account is an IOTA account.

(C) *Remittance and Reporting Instructions.* Eligible institutions must:

(i) calculate and remit interest or dividends on the balance of the deposited funds, in accordance with the institution's standard practice for non-IOTA account customers, less reasonable service charges or fees, if any, in connection with the deposited funds, at least quarterly, to the Foundation;

(ii) transmit with each remittance to the Foundation a statement showing the name of the lawyer or law firm from whose IOTA account the remittance is sent, the lawyer's or law firm's IOTA account number as assigned by the institution, the rate of interest applied, the period for which the remittance is made, the total interest or dividend earned during the remittance period, the amount and description of any service charges or fees assessed during the remittance period, and the net amount of interest or dividend remitted for the period; and

(iii) transmit to the depositing lawyer or law firm, for each remittance, a statement showing the amount of interest or dividend paid to the foundation, the rate of interest applied, and the period for which the statement is made.

(6) *Small Fund Amounts.* The Foundation may establish procedures for a lawyer or law firm to maintain an interest-free trust account for client and third-person funds that are nominal or short term when their nominal or short-term trust funds cannot reasonably be expected to produce or have not produced interest income net of reasonable eligible institution service charges or fees.

(7) *Confidentiality and Disclosure.* The Foundation must protect the confidentiality of information regarding a lawyer's or law firm's trust account obtained by virtue of this rule. However, the Foundation must, on an official written inquiry of The Florida Bar made in the course of an investigation conducted under these Rules Regulating The Florida Bar, disclose requested relevant information about the location and account numbers of lawyer or law firm trust accounts.

8) Distribution of IOTA Funds. All IOTA funds transmitted to the Foundation shall be used in a manner that gives priority consideration to funding Qualified Legal Services for low-income individuals in Florida, and shall be used only to:

(A) Support qualified grantee organizations that:

a. directly provide Qualified Legal Services, and/or

b. facilitate the provision of and improve the quality of Qualified Legal Services; or

c. facilitate Qualified Legal Services by coordinating volunteer Qualified Legal Service Providers.

(B) Fund necessary and reasonable operating expenses of the Foundation for effective operation of the IOTA program including collection, disbursement, and monitoring and reporting on efficient use of IOTA funds and pursuing the growth of IOTA and development of other sources of civil legal aid funding.

(C) Establish and maintain reasonably prudent reserves for the operations of the IOTA program as well as to promote stability in funding for (A) and (B), above.

(D) At least 80% of IOTA funds received by the Foundation shall be allocated to qualified grantee organizations in the form of grants and program-related expenses. A portion of these funds may be allocated to reserves if approved by the IOTA Funds committee of the Foundation Board.

The Foundation shall develop policies for monitoring the distribution and use of IOTA funds and those policies shall give the highest priority to ensuring the consistent provision of qualified legal services throughout the state of Florida.

(9) IOTA Oversight and Governance. The Foundation shall determine the initial and continuing eligibility of banks, savings and loan associations and investment companies to hold IOTA accounts in accordance with the criteria set forth in this rule and in *In re: Amendments to the Rules Regulating the Florida Bar 5-1.1(e)*. 797 So. 2d 551, 552, (Fla. 2001). The Foundation shall also be responsible for ensuring the efficient and effective distribution and use of IOTA funds. In order to further ensure such efficiency:

(A) The Foundation's Board of Directors will establish a standing committee on IOTA Funds. The committee shall include three members chosen by the Florida Civil Legal Aid Association, Inc. from its members. The committee shall provide feedback on the Foundation's development of a statewide plan for distribution of funds, policies for monitoring the distribution and use of IOTA funds, best practices for use of IOTA funds, and other input and oversight as directed by either the Board of Directors or the Supreme Court of Florida.

(B) The Foundation's Budget and Finance Committee shall be composed of at least four Directors appointed by the Supreme Court of Florida pursuant to the Foundation's bylaws and articles of incorporation.

(10) Reporting by Qualified Grantee Organizations. Qualified Grantee Organizations must report to the Florida Bar Foundation on or before February 15 of each year on metrics developed by the IOTA Funds Committee and approved by the Foundation Board on a regular basis designed to confirm grantee organizations are promoting access to justice on the part of low-income clients, and to ensure IOTA funds are utilized efficiently and effectively. These metrics shall include but are not limited to: the number of clients receiving Qualified Legal Services paid for or facilitated by the use of IOTA funds and other aggregate data showing the impact of civil legal aid in Florida, regardless of funding source.

(11) Reporting by the Foundation. As a condition of continued receipt of IOTA funds, the Foundation shall prepare on or before April 15 of each year a report containing

programmatic and financial analysis of the IOTA funds received and distributed by the Foundation during the previous calendar year and shall prepare an Annual Report that will be available to the public.

(A) The programmatic report shall at a minimum contain the aggregate data reported by the qualified grantee organizations detailed in the previous section. It may also contain other data that details the impact of the IOTA funds provided to the qualified grantee organizations.

(B) The financial portion of the report shall:

(i) Be prepared according to generally accepted accounting principles;

(ii) Include and identify the specific amount of IOTA funds given to the various providers, programs, and projects for the previous year;

(iii) Include and identify the total amount of funds that were awarded to build or maintain the capacity of qualified grantee organizations;

(iv) Include the total amount of IOTA funds that were set aside for reserves;

(v) Include the total amount of IOTA funds that were spent by the Foundation for operating expenses; and

(vi) Include the categories of the rates paid by participating Banks.

(C) Copies of the reports shall be provided to the Chief Justice of the Florida Supreme Court immediately upon completion of such reports, published upon the Foundation's website, and otherwise made available to others of the public upon request.

July 14, 2020

Mayanne Downs, Chair
Task Force on Distribution of IOTA Funds
c/o Elizabeth Tarbert, Ethics Counsel
The Florida Bar
651 East Jefferson Street
Tallahassee FL 32399-2300

Via Email
etarbert@floridabar.org

Re: Task Force on Distribution of IOTA Funds

Dear Ms. Downs:

We write to you as Chair of the Task Force as former Presidents of the Florida Bar Foundation (“FBF”). We have a continuing interest in the mission of FBF, and in particular, the provision of legal assistance to low-income Floridians who face legal problems such as evictions, domestic violence and life-altering family law matters such as child custody disputes. We applaud and encourage constructive efforts to improve the administration and delivery of IOTA funds so that they best serve low-income Floridians.

While we are former Presidents of FBF, our concerns about the intended and unintended consequences of the Task Force’s recommendations are not merely founded on our concern for the harm that the recommendations may do to FBF. To the contrary, our concerns are founded on the inevitable long-term harm that the Task Force’s recommendations will do to the funding and delivery of legal services to vulnerable Floridians.

We have reviewed the Report of the Task Force and the Task Force’s Proposed Rule Amendment that was included with the agenda for the June 18, 2020 Task Force meeting. The Report, as we use this term, consists of the Revised Combined Recommendations of the Subcommittee to Examine Whether Specific Requirements or Limitations Should Be Imposed on the Use of IOTA Funds and the Subcommittee to Examine Whether Reporting Requirements Regarding the Distribution and Use of IOTA Funds Should Be Adopted. The Task Force’s Proposed Rule Amendment, as we use this term, consists of the proposed amendment that was presented in legislative format to the Task Force at its June 18, 2020 meeting. We have also reviewed the proposed amendment to Rule 5-1.1(g) of the Rules Regulating The Florida Bar, forwarded to the Task Force on July 10, 2020 jointly by the Florida Civil Legal Aid Association (“FCLAA”) and FBF, which we will reference as the Joint Rule Amendment.

It is our opinion that adoption of the Task Force's Proposed Rule Amendment, will not improve the efficient and effective use of IOTA funds and instead will have serious negative consequences. As more fully set out below, we have grave concerns that if the Task Force's Proposed Rule Amendment is adopted, IOTA funds will diminish over time and the IOTA funds that remain to be distributed will be used less efficiently and effectively. For this reason, it is our considered opinion that, if the Task Force determines that it should submit proposed amendments to Rule 5-1.1(g) of The Rules Regulating The Florida Bar to the Supreme Court of Florida, the Task Force should submit the Joint Rule Amendment proposed by FCLAA and FBF, rather than the Task Force's Proposed Rule Amendment.

We note as a preliminary matter that neither the Report nor any other findings of the Task Force point to any flaws in the present and long-standing structural arrangements for the deployment of IOTA funds. Additionally, the Task Force has developed no analysis of the impact of its proposed changes on the programs that receive IOTA funds nor on the ultimate quality and quantity of legal services provided to the poor, the administration of justice in Florida or the provision of pro bono legal services by Florida lawyers. If this were legislation, a staff analysis, including fiscal and economic impact, would be performed. No less should be done here.

Further, it is our considered view that the Report relies upon incorrect premises that compliance oversight and administration of IOTA funds is presently not performed and can be eliminated. Elimination of the compliance oversight and administrative work presently performed by FBF will result in reduced IOTA funding over time and will introduce instability in legal aid funding because of a lack of centralized reserves to offset the volatility of rate-sensitive IOTA revenue. We will address just a few of the reasons supporting our conclusion.

Elimination of compliance oversight and administration which will cause future IOTA revenue to decrease. First and foremost, the framework set out in the Report and Task Force's Proposed Rule Amendment eliminates both active administration of IOTA accounts and funds, and most notably, interest rate compliance oversight designed to ensure that rates of interest paid upon IOTA accounts and the bank charges deducted from the interest paid on funds held in IOTA accounts comply with Rule 5-1.1g(5) of The Rules Regulating The Florida Bar (the "Comparability Rule"). The Task Force's recommendation to eliminate these two important (and presently, Court mandated) functions appears to be rooted in a factual misstatement in footnote 8 of the Report. Footnote 8 of the Report contains a parenthetical stating "neither The Florida Bar nor The Florida Bar Foundation engages in any compliance oversight or administration of IOTA monies." This statement is factually incorrect. (*See* FBF May 15, 2020 letter pp. 15-16).

As noted in FBF's May 15, 2020 letter to the Task Force, the FBF Board proposed the Comparability Rule in 2000 as an amendment to The Rules Regulating The Florida Bar because the interest paid upon funds in IOTA accounts was substantially lower than the rates paid upon similarly situated bank accounts. (*See* FBF May 15, 2020 letter p. 14). The Supreme Court of Florida agreed. The Court adopted the Comparability Rule proposed by FBF and charged FBF with both the implementation of the Comparability Rule and compliance oversight going forward.

The FBF's implementation of the Comparability Rule caused IOTA revenue to increase from approximately \$12 million per year to nearly \$72 million dollars per year at its peak. Florida's Comparability Rule has been modeled throughout the United States. As noted in FBF's May 15, 2020 letter to the Task Force, at least 35 U.S. jurisdictions have adopted similar rules. (See FBF May 15, 2020 letter p. 14).

Converting IOTA to a "pass through," as suggested by the Task Force in its Report and the Task Force's Proposed Rule Amendment, will not only eliminate the active administration and compliance oversight but will also diminish the likelihood of future innovative ideas such as the Comparability Rule.

This oversight function is an important component of the work performed by FBF as well. FBF's May 15, 2020 letter to the Task Force provides substantial detail as to this work. Without this important work, in an environment in which interest rates decline, IOTA revenue would likely decrease more quickly and in an environment in which interest rates rise, IOTA revenue would rise more slowly. Not only is the Task Force's statement that this work is not being performed factually incorrect, any suggestion that FBF cease its role in overseeing compliance with the Comparability Rule is contrary to the Supreme Court's charge to FBF in *Amendment To Rules Regulating The Florida Bar-Rule 5-1.1(E)-IOTA*, 797 So.2d 551, 552 (Fla. 2001) (charging FBF with "the responsibility of determining the initial *and continuing eligibility* of banks, savings and loan associations and investment companies to hold IOTA accounts"). Further, abandoning oversight of the IOTA program in general, and comparability in particular, would be contrary to the Supreme Court's charge to the Task Force to maximize IOTA revenue to assist those who desperately need legal assistance and cannot afford it.

The administration of IOTA accounts is also an important function abandoned by the framework set out in the Task Force's Report and Task Force's Proposed Rule Amendment. Again, contrary to the statement in footnote 8 of the Report, the Foundation does administer the IOTA funds. Part of this important work includes negotiating with the banks to increase net IOTA revenue. As noted in FBF's May 15, 2020 letter to the Task Force, FBF actively performs this important function. One example of FBF's proactive work in this regard occurred in the last few years. This effort involved FBF's successful work to have IOTA accounts at certain banks reclassified, resulting in additional revenue of more than \$9 million during a one-year period. (See FBF May 15, 2020 letter p. 16).

The elimination of these functions, as the Task Force's Report Task Force's Proposed Rule Amendment recommend, will substantially reduce future IOTA revenue. Given the dearth of other available funding for civil legal aid in Florida, future reductions in IOTA revenue would be devastating to vulnerable Floridians served through IOTA funds.

Elimination of centralized reserves creates instability and eliminates the opportunity to earn investment income on invested IOTA funds. The Task Force's Proposed Rule Amendment requires distribution of 95 percent of IOTA revenue within six months of receipt of the IOTA

funds. This requirement presents a number of changes that are detrimental to the long-term stability of the Florida's legal aid network.

First, requiring that IOTA funds be paid out within six months of receipt does not provide for the most effective use of the funds and will cause Florida to face challenges it was able to avoid in the past. Indeed, rapid disbursement of IOTA funds will eliminate any opportunity for a centralized reserve, provide for dramatic swings in IOTA distributions, eliminate any opportunity to meaningfully invest IOTA funds and will likely cause inefficient uses of the funds which will be distributed in installments that will fluctuate with every change in short-term interest rates.

By way of example, we note that after the implementation of the Comparability Rule, FBF reserved portions of its rapidly increasing IOTA revenue. When IOTA revenues dropped sharply because interest rates plummeted at the onset of the Great Recession, FBF was able to utilize its reserve to cushion the cuts in IOTA distributions over a series of years to provide its legal aid grantees time to adjust to the funding changes resulting from dramatic interest rate changes. The Task Force's Proposed Rule Amendment eliminates any ability to create such centralized reserves to even out funding from year to year and cushion rate cuts over time.

Second, because FBF distributes IOTA funds earned during the prior year instead of distributing funds as soon as they are received, this cushion of time prevents Florida from facing the immediate impact of rapidly falling interest rates. However, if Florida begins distributing IOTA funds as soon as they are received, as the Task Force's Proposed Rule Amendment requires, precipitous rate decreases would cause IOTA funds to immediately dry up, causing legal aid programs to face immediate cuts in IOTA distributions that may force them to immediately lay off staff.

During the Great Recession, states that held little or no reserves and were distributing IOTA funds as rapidly as they were remitted, as recommended by the Task Force, faced this type of immediate funding crises that caused programs to immediately reduce services. We see no reason to subject Florida's legal aid network, and the clients they serve, to this level of volatility. The Report provides no reason or supporting materials for such a change.

Finally, the prudence of reserving funds and distributing funds from the prior year also creates an opportunity to invest the funds and earn a return. As FBF noted in its May 15, 2020 letter to the Task Force, since 1982, FBF's investment returns, together with its fundraising contributions have exceeded all overhead and fundraising cost FBF incurred during that same time period by more than \$700,000.00. (*See* FBF May 15, 2020 letter p. 16). We submit that, in addition to prudence, reserving and investing funds has allowed FBF to more than pay for its overhead. Given this, Florida's legal aid organizations and clients have been able to benefit from FBF's substantial contribution while still receiving the entire corpus of IOTA funds. A brief description of the tangible and intangible benefits that FBF provides was outlined by FCLAA in their May 15, 2020 and June 11, 2020 letters to the Task Force.

As former Presidents of FBF, many of whom also served as leaders of various legal aid grantees, we know that in addition to the many tangible benefits that FBF provides to Florida's legal aid network, it provides leadership and connectivity – benefits that are difficult to quantify but certainly essential. We submit that a strong FBF is essential for an efficient and effective legal aid network in Florida.

The proposed overhead allocation together with allowing more than one administrator of IOTA funds weakens Florida's legal aid network. Organizations serving at-risk Floridians, both individually and collectively through FCLAA, have expressed concerns that the Task Force's recommended five percent administrative allocation is insufficient to effectively administer Florida's IOTA program. We find it particularly significant that FCLAA, in two detailed letters, has raised substantial concerns about the framework that the Task Force has recommended. In its June 11, 2020 letter to the Task Force, on behalf of 21 legal aid organizations, FCLAA expressed a similar concern regarding the Task Force's recommendation that potentially more than one entity would administer IOTA funds in Florida.

We commend FCLAA's letters to you and agree with its conclusions in the June 11, 2020 letter, particularly those questioning the propriety of the Task Force's recommendations to 1) limit the administrative expenses directly related to the collection and use of IOTA funds to 5 percent of the funds collected; 2) require the formulaic distribution of 95 percent of the funds each year to be used by grantees without maintaining a reserve to provide a buffer for fluctuations in interest rates and other circumstances; and 3) allow or suggest that more than one entity administer IOTA funds.

We further note that in its June 11, 2020 letter to the Task Force, FCLAA specifically requested that, at a minimum, the Task Force seek additional time to better analyze the likely unintended consequences of the proposed changes to IOTA funding. In its July 10, 2020 letter to the Task Force, FCLAA again cautions about the potential unintended consequences of changes to the funding of civil legal aid, particularly in difficult economic times. We echo their concerns.

In its July 10, 2020 letter to the Task Force, FCLAA endorsed FBF as the administrator of IOTA funds because of its "proven history of implementation of IOTA funds". We agree with FCLAA and others that, FBF, as the hub of Florida's legal aid infrastructure, is essential to an efficient and effective IOTA program and an efficient and effective legal aid network. We believe that FBF, operating pursuant to Articles of Incorporation, approved without dissent over decades by the Florida Supreme Court, is best situated to determine how IOTA funds should be allocated and that formulaic restrictions on the use of IOTA funds, as set out in the Task Force's Proposed Rule Amendment, will prove to be outdated quickly, unnecessarily restrictive and likely to create serious negative consequences.

If the Task Force intends to recommend any amendment to Rule 5-1.1(g) to the Supreme Court, for the reasons set out above, and the reasons articulated by FCLAA and others, we urge that the

Mayanne Downs
July 14, 2020
Page 6

Task Force recommend July 10, 2020 Joint Rule Amendment proposed by FCLAA and FBF, not the Task Force's currently Proposed Rule Amendment.

Sincerely,

Juliette E. Lippman
PRESIDENT, 2018-19

Jewel White, Esquire
PRESIDENT, 2017-18

Matthew G. Brenner, Esquire
PRESIDENT, 2016-17

Dominic C. "Donny" MacKenzie, Esquire
PRESIDENT, 2015-16

Hon. Emerson R. Thompson, Jr.
PRESIDENT, 2014-15

John Patterson, Esquire
PRESIDENT 2013-14

Maria E. Henderson
PRESIDENT 2012-13

Michele Kane Cummings, Esquire
PRESIDENT 2011-12

John A. Noland, Esquire
PRESIDENT 2010-11

Kathleen S. McLeroy, Esquire
PRESIDENT 2008-09

Bruce B. Blackwell, Esquire
PRESIDENT 2007-08

Hon. John W. Thornton, Jr.
PRESIDENT 2006-2007

William H. Davis, Esquire
PRESIDENT 2005-2006

Terrence Russell, Esquire
PRESIDENT 2004-2005

Andrew M. O'Malley, Esquire
PRESIDENT 2003-2004

Darryl M. Bloodworth, Esquire
PRESIDENT 2001-2002

A. Hamilton Cooke, Esquire
PRESIDENT 2000-2001

Rene V. Murai, Esquire
PRESIDENT 1999-2000

Neal R. Sonnett, Esquire
PRESIDENT 1997-1998

Stephen E. Day, Esquire
PRESIDENT 1996-1997

Roosevelt Randolph, Esquire
PRESIDENT 1995-1996

Hilarie Bass, Esquire
PRESIDENT 1994-1995

Susan B. Werth, Esquire
PRESIDENT 1992-1993

Hon. Donald M. Middlebrooks
PRESIDENT 1991-1992

Roderick N. Petrey, Esquire
PRESIDENT 1987-1988

Sylvia H. Walbolt, Esquire
PRESIDENT 1985-1986

Patrick G. Emmanuel, Esquire
PRESIDENT 1972-1973



July 14, 2020

Task Force on Distribution of IOTA Funds
c/o Elizabeth Tarbert, Staff Contact
The Florida Bar
651 East Jefferson Street
Tallahassee, FL 32399

Submitted via email to eto@floridabar.org

RE: FCLAA's Proposed IOTA Rules – July 10, 2020

Dear Task Force Members:

Thank you for your continued work to examine the process for distributing IOTA funds in Florida. Thank you also for listening to the overwhelming amount of input that you have received from legal aid providers among others.

While I have been referred to, repeatedly, as the “lone dissenter,” I must stress that I am not the only project director who did not sign either the original letter or last week’s recent letter submitted by the Florida Civil Legal Aid Association (FCLAA). I may be the only director who wrote my own letter in favor of the Task Force’s proposed rule though.

I was invited to sign the FCLAA’s latest submission, and I do support much of my colleagues’ suggestions, such as implementing an oversight committee. However, having over three decades of nonprofit and grant management experience including grant-making, my perspective differs on a few points, specifically those regarding accountability. Therefore, I (and a few others) again respectfully declined to sign FCLAA’s letters to the Task Force for the following reasons:

- ❖ I still support the Task Force’s initial recommendation to cap the percentage that the Florida Bar Foundation (or any other IOTA administrator) can spend on administrative costs. Once the Bank of America cy pres and Engel award funds are expended, if no funding other than IOTA is available, a significantly higher percentage of IOTA funds will be needed to maintain the Foundation’s operations at their current levels. While the Foundation certainly does good work and supports programs in furtherance of the ‘administration of justice,’ *it is not unreasonable to limit the amount of funding they – or any fiscal agent – can apply to their own administration as a pass-through agency.* Some may argue that 5% is too low. Again, the Federal de minimus indirect cost rate is capped at 10%, sans any pre-negotiated indirect cost rate, which may be more or less than the 10% rate, which is an average. The Task Force’s original recommendations outlined clear parameters, including sensible reporting requirements, to guide the Foundation’s use of IOTA funds. Nothing in the original recommendations precludes the Foundation from seeking funding from other sources to implement additional programs or to expand its scope. Therefore, I continue to support the Task Force draft rule presented on June 17, 2020.

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Bradenton, FL 34208

Task Force on Distribution of IOTA Funds Final Report
Appendix J – Submissions to the Task Force

- ❖ The definition of a “qualified grantee organization” should not be expanded beyond that proposed by the Task Force on June 17, 2020. Specifically, I disagree with the FCLAA’s position that organizations that “facilitate the provision of and improve the quality of Qualified Legal Services” should receive IOTA funds – *unless they also provide direct legal services and/or coordinate the provision of pro bono services*. The FCLAA’s expanded definition is so broad as to allow many more organizations to compete for what will likely become increasingly limited dollars. Expanding eligibility has not been proven to increase access to justice for vulnerable Floridians. Instead, data shows that it has resulted in fewer clients being served with more money distributed among a wider variety of programs over the past few years – many of which neither offer direct services nor facilitate pro bono legal assistance to low-income clients.
- ❖ I disagree with including non-specific language with regard to the use of IOTA funds. In order to ensure accountability, it must not be left up to an intermediary to determine what it deems to be “necessary and reasonable” with regard to its own operating expenses and reserves to facilitate ongoing grant making. Therefore, I support including some parameters, whether it be what the Task Force originally recommended or some other agreed upon metric. What one person sees as “necessary and reasonable” may not be viewed as such by another individual. I am not arguing for a specific percentage – only that there be a stated cap on such expenditures.
- ❖ The FCLAA draft rule says the Foundation’s IOTA financial report must “Include the total amount of IOTA funds that were spent by the Foundation for operating expenses.” It is standard for funders to request a detailed accounting of the use of all grant funds. The Foundation or other IOTA funds administrator must be held to the same level of accountability and reporting requirements that it imposes on its grantees. Some funders even go so far as to limit the amount of their funds that may be used for any individual employee’s compensation (for example, many federal agencies cap executive compensation for grantees at \$197,300). That does not mean they cannot pay their staff whatever they want ... only that their funds cannot be used to pay more than the designated maximum.

I see no need to defend the points raised in my prior letter, which was endorsed by the GLS Board. There may have been other facts to which I was not privy, but nothing I have heard has disproven any points I made, so I stand by them. Different perceptions do not change my experience. I also feel that many of the subsequent discussions about the Task Force’s recommendations have been unwarranted, self-serving, and politically motivated. The process has gotten contentious, which I do not understand. Please know that I am not advocating for disbanding the Florida Bar Foundation. Some of us – *not just ONE of us* – would like more accountability and transparency around how IOTA dollars are used and awarded. The Task Force honed in on that, and I hope that your revised recommendations stand.

Thank you again for your tireless work on the Task Force. You did a remarkable job proposing rules for ensuring accountability of the IOTA funds, which I believe was exactly what you were expected to do. Please do not give in to the egoism of those who disagree with your response to this daunting assignment. If you have any questions or need any additional information, please do not hesitate to contact me at tammyg@gulfcoastlegal.org or 727-821-0726 ext. 271. Take care and stay well. Thank you.

Sincerely,



Tammy D. Greer
Executive Director



Monica Vignes-Pitan <mviguespitan@legalservicesmiami.org> on 07/22/2020
01:58:58 PM

Please respond to Monica Vignes-Pitan <mviguespitan@legalservicesmiami.org>

To: "eto@flabar.org" <eto@flabar.org>
cc: Donny MacKenzie <dmackenzie@flabarfdn.org>
Subject: FCLAA & FBF Joint Revision to Proposed IOTA Rule
Staff: Elizabeth Tarbert/The Florida Bar

Dear Task Force Members,

We understand from the comments made at the July 15 meeting the Task Force is drafting a further revised proposed IOTA Rule after reviewing and considering all input received. After the July 15 meeting, the Florida Civil Legal Aid Association committee met in an effort to resolve concerns expressed during the meeting with regard to certain language in paragraph (8)(D); after our meeting and drafting session, we discussed our proposed change with the Bar Foundation. The Florida Civil Legal Aid Association and The Florida Bar Foundation therefore respectfully offer a revision to paragraph (8) of their previous submission as follows:

(D) At least 80% of IOTA funds received by the Foundation shall be allocated for distribution to qualified grantee organizations in the form of grants and expenses paid by the Foundation to third parties on behalf of any qualified grantee organization to support the delivery of civil legal assistance to low income individuals as agreed to or requested by one or more qualified grantee organizations. A portion of these funds may be allocated to reserves if approved by the IOTA committee of the Foundation Board.

After further research and review and taking into serious and careful consideration the comments and questions raised at the July 15 meeting of the Task Force, we believe these slight changes provide a responsible and financially feasible distribution of IOTA funds received by the Foundation.

Thank you for your consideration and please let us know if you have any questions.

Respectfully submitted,

Monica Vignes-Pitan
FCLAA President

Monica Vignes-Pitan

Executive Director
Legal Services of Greater Miami, Inc.
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Please note: Florida has very broad public records laws. Many written communications to or from The Florida Bar regarding Bar business may be considered public records, which must be made available to anyone upon request. Your e-mail communications may therefore be subject to public disclosure.

Task Force on Distribution of IOTA Funds Final Report
Appendix J – Submissions to the Task Force

September 15, 2020

Page J - 539

August 6, 2020

Via e-mail to etarbert@floridabar.org

Task Force on Distribution of IOTA Funds
c/o Elizabeth Tarbert, Ethics Counsel
The Florida Bar
651 East Jefferson Street
Tallahassee, FL 32399-2300

Re: Task Force on Distribution of IOTA Funds- June 12, 2020
Subcommittee Report

Dear Task Force Members:

We write as members of The Florida Bar who also are Past Presidents of The Florida Bar. We endorse the July 14, 2020 letter submitted to the Task Force by the Past Presidents of the Florida Bar Foundation.

We remain committed to ensuring that the mission of the Florida Bar Foundation, as established by the Florida Supreme Court, is carried out and that low-income Floridians facing serious civil legal problems are well served. These are most critical and uncertain economic times. We support all efforts to improve the administration and delivery of IOTA funds in a fashion which best serves low income Floridians.

We have reviewed the joint amendment to Rule 5-1.1(g) submitted by Florida Civil Legal Aid Association and the Florida Bar Foundation on July 10, 2020 as revised on July 22, 2020 as well as the rule proposed by the Task Force. Should the Court determine a change needs to be made we support the joint proposal submitted by the Florida Civil Legal Aid Association and the Florida Bar Foundation. The joint rule amendment gives the Supreme Court direct control, and by keeping the Foundation as a single administrator, ensures the Foundation can function in a practical and efficient way to disburse funds and will maximize collection of IOTA funds. All of this is to ensure that the poor do not have disruptions in access to legal help. This is a rule that the legal service providers believe would best assist them in providing much needed legal services.

Respectfully Submitted,

Francisco R. Angones
President 2007 – 2008

Tod Aronovitz
President 2002 – 2003

Edward R. Blumberg
President 1997 – 1998

Alan B. Bookman
President 2005 – 2006

Howard C. Coker
President 1998 – 1999

Henry M. Coxe, III
President 2006 – 2007

John A. DeVault, III
President 1995 – 1996

Alan T. Dimond
President 1992 – 1993

Jesse H. Diner
President 2009 – 2010

Patrick G. Emmanuel
President 1985 – 1986

Ray Ferrero, Jr.
President 1987 – 1988

John W. Frost, II
President 1996 – 1997

Leonard H. Gilbert
President 1980 – 1981

Scott G. Hawkins
President 2011 – 2012

Michael J. Higer
President 2017 – 2018

Benjamin H. Hill, III
President 1991 – 1992

Kelly Overstreet Johnson
President 2004 – 2005

Rutledge R. Liles
President 1988 – 1989

Miles A. McGrane, III
President 2003 – 2004

James Fox Miller
President 1990 – 1991

Edith G. Osman
President 1999 – 2000

Eugene K. Pettis
President 2013 – 2014

Joseph J. Reiter
President 1986 – 1987

Gerald F. Richman
President 1984 – 1985

Terrence J. Russell
President 2001 – 2002

Herman J. Russomanno
President 2000 – 2001

William J. Schifino, Jr.
President 2016 – 2017

Patricia A. Seitz
President 1993 – 1994

Michelle R. Suskauer
President 2018 – 2019

Burton Young
President 1970 – 1971

Gwynne Alice Young
President 2012 – 2013

Stephen N. Zack
President 1989 – 1990

cc: Dori Foster-Morales, President The Florida Bar
Michael Tanner, President Elect, The Florida Bar
John Stewart, Past President, The Florida Bar
Joshua Doyle, Executive Director, The Florida Bar
Mayanne Downs, Chair Task Force, Past President The Florida Bar
Dominic Mackenzie, Executive Director, The Florida Bar Foundation
Hala Sandridge, President, The Florida Bar Foundation
Elizabeth Tarbert, Ethics Counsel, The Florida Bar



August 7, 2020

Task Force on Distribution of IOTA Funds
c/o Elizabeth Tarbert, Staff Contact
The Florida Bar
651 East Jefferson Street
Tallahassee, FL 32399

Submitted via email to eto@floridabar.org

RE: FCLAA's Proposed IOTA Rules – August 6, 2020

Dear Task Force Members:

Thank you for your ongoing efforts to improve the process for distributing IOTA funds in Florida. After reading the latest iteration, distributed on August 5, 2020, I have a few concerns, which I am confident many, if not all, other leaders of legal aid programs share. The overall intent to streamline the proposed rule is well-taken. However, the most recent version removes much of the accountability that made your original proposal so strong. My specific concerns are as follows:

In section **(1) Definitions**, the definition of a “qualified grantee organization” was much clearer prior to the latest markup. The prior language was agreeable to the organizations that actually do the work in Florida. The new definition – “an organization that facilitates qualified legal services providers providing qualified legal services” – is convoluted.

Regarding the section **(4) Designation of and Notice to IOTA Funds Administrator**, allowing the lawyer or law firm establishing an IOTA account to designate an IOTA funds administrator leaves the process wide open for a litany of potential problems. Of particular concern is the designated administrator’s leeway to distribute funds inequitably. It also opens up the possibility of legal aid providers in smaller towns or rural areas (where there may not be large firms or attorneys who stand to see big returns from real property cases) to be excluded from IOTA funding altogether. The programs that need the funding to serve the most vulnerable clients and which do not receive LSC funds may be penalized geographically. Furthermore, with no express criteria for the designation of a funds administrator, any organization – including the law firm itself – could be the administrator. The potential for conflicts of interest, favoritism, exclusion, even impropriety or fraud, is unlimited. I concur with my colleagues that a single IOTA Funds Administrator is the ideal model. It allows for accountability of expenditures and equity among grant awards. As I stated previously, the Florida Bar Foundation does a good job of executing its mission. With increased accountability, the Foundation could certainly continue to administer IOTA funds, like most other states’ IOTA administrators do. I urge the Task Force to revert to the previous language that was spot-on with its proposed guidance for “notice” to the administrator, sans the “designation” process.

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Task Force on Distribution of IOTA Funds Final Report
Appendix J – Submissions to the Task Force

Similarly, I hope that you will reconsider adding back the provision in section (8) ***Distribution of IOTA Funds by IOTA Funds Administrators*** that a minimum percentage – whether 95% or less – of IOTA funds received be distributed to qualified grantee organizations.

I am unclear about the intent of the last provision of section (9) ***Use of IOTA Funds by Qualified Grantee Organizations***. Subsection (D) states that funds may be used for “otherwise directly facilitating providing qualified legal services.” If this means that any organization that has a lawyer on staff who provides legal services to the poor can receive IOTA funds at the discretion of any organization designated as an administrator, then pretty much any organization can get the funds – and any organization can award them. This will undoubtedly cause much more competition, expand the number of organizations vying for funding, and reduce the accountability for the use of the funds. Legal aid programs in Florida have already seen this happen with the Florida Coalition for Domestic Violence when FCADV decided to fund attorneys at domestic violence shelters rather than keeping the funds at legal aid organizations. While they had their reasons for doing so, it has diluted the service model and frustrates clients who sometimes have to work with two attorneys: one at the shelter for the injunction for protection and one at legal aid for dissolution of marriage, child support, etc. Furthermore, allowing providers whose focus is not legal aid to compete for the already limited funding for legal services could decimate some of high quality, effective legal aid programs. For example, a few randomly placed attorneys at agencies across the state certainly will not have the impact that programs like Florida Legal Services or Emerald Coast Legal Aid could. With additional funding, they develop economies of scale and can serve many more clients than solitary attorneys within non-legal aid settings.

Lastly, also in section (9), the concept that an IOTA Funds Administrator “may arrange for ‘bulk’ purchasing of technology” will not work if there are multiple administrators. Furthermore, more than 20 legal aid providers depend on the existing contract between PS Technologies, Inc., and the Florida Bar Foundation for our LegalServer case management system. This “bulk” agreement would not work if there were 100 different IOTA Funds Administrators across the state.

It is my sincere hope that the Florida Bar Foundation will continue to be the sole IOTA Funds Administrator. As I have previously stated, my only concern is that the administrator be held accountable by virtue of setting some guidelines for the use and distribution of the funds. The latest draft removes many of the measurable metrics necessary for accountability. Again, I am not suggesting specific thresholds for overhead, distribution minimums, or reserves. I am simply asserting that there needs to be definitive guidelines.

Thank you for all your effort on the Task Force, especially during these trying pandemic conditions. Take care and stay well. Thank you.

Sincerely,



Tammy D. Greer
Executive Director

cc: GLS Board of Directors

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Dominic C. MacKenzie



THE FLORIDA BAR FOUNDATION

August 10, 2020

Mayanne Downs, Chair
Task Force on Distribution of IOTA Funds
c/o Elizabeth Tarbert, Ethics Counsel
The Florida Bar
651 East Jefferson Street
Tallahassee, FL 32399-2300

Re: Task Force on Distribution of IOTA Funds - Proposed Rule Change

Dear Ms. Downs,

The Florida Bar Foundation continues to believe that the current rule with respect to the IOTA Program should not be changed but, if it is, it should be changed in the manner proposed jointly by the Florida Civil Legal Aid Association and the Foundation. As explained in our May 10 letter, the joint proposal specifically addresses the Court’s October 24, 2019 order and provides more transparency and accountability while maintaining as much stability and as little disruption as possible to Florida’s civil legal aid assistance delivery system.

The rule change currently proposed by the Task Force creates needless uncertainty, which includes a risk that the safe harbor recognized by the IRS with respect to the existing program might not continue under a different IOTA program as described in the proposal. The current Task Force proposal also would impose additional burdens on the grantees, Florida’s lawyers, Florida’s banking community, and the Court. The Task Force current proposal also eliminates the planning and compliance oversight now performed by the Foundation, and the flexibility by which the Foundation may react to emergency situations or unexpected circumstances accompanying disruption to the delivery of civil legal services, such as the current pandemic. If adopted, the current Task Force proposal will reduce IOTA support of grantees and diminish the already inadequate legal assistance available for low-income Floridians.

We urge you to reconsider the FCLAA/FBF joint proposal. It is broadly supported by those who need and use IOTA funds to deliver legal services to the needy.

Sincerely,

Dominic C. MacKenzie
Executive Director

Task Force on Distribution of IOTA Funds Final Report
cc: The Florida Bar Foundation Board of Directors

September 15, 2020

Florida Civil Legal Aid Association

Ensuring Access to Justice for Floridians

August 10, 2020

Sent Via Email

Mayanne Downs, Esq.
Chair, Task Force on the Distribution of IOTA Funds
c/o The Florida Bar
651 East Jefferson Street
Tallahassee, FL 32399

Re: Recent Propose Rule on the Distribution of IOTA Funds

Dear Ms. Downs:

We are writing in response to the new draft *Trust Accounts Rule 5-1.1 (g) Interest on Trust Accounts (IOTA) Program* rule issued by the Task Force on August 6, 2020. The concerns previously articulated by the Florida Civil Legal Aid Association (FCLAA) over previous drafts apply to this latest draft and the changes to the existing rule will significantly impact civil legal aid programs' ability to serve low-income clients. Specifically, the FCLAA has the following concerns about the most recent draft of the rule:

- Multiple IOTA Fund Administrators would create confusion, unnecessary administrative burdens on the civil legal aid programs, a high level of uncertainty in funding projections, and would dilute the economies of scale that currently exist.
- Any IOTA Fund Administrator must be sufficiently resourced to ensure that IOTA funds are collected, strategically distributed, and effectively monitored.
- Additionally, the requirement that all funds be distributed within a six-month period eliminates the potential for investing and growing the IOTA funds or maintaining any reserves. Investment and growth of IOTA funds is critical to maximizing the resources available to serve low income clients, and reserves allow the civil legal aid system to respond to disasters - such as hurricanes or other unexpected crises.
- Finally, the proposed rule does not require that Qualified Legal Services Providers be not-for-profit providers of civil legal aid with demonstrated experience. The absence of any such requirement will lead to the dilution of IOTA funds as they may be distributed to both for-profit entities or not-for-profit entities, without demonstrated experience to provide high quality legal services.

FCLAA remains hopeful that the Task Force will consider these comments, those submitted by the Past Presidents of the Florida Bar Foundation, and the Past Presidents of the Florida Bar. Thank you for your time and consideration as well as your efforts on this matter.

Respectfully submitted,

Monica Vignes-Pitan
FCLAA President
Legal Services of Greater Miami

Leslie Powell-Boudreaux
FCLAA Vice President
Legal Services of North Florida

Christine Larson
FCLAA Secretary
Three Rivers Legal Services

Cheryl Little
Americans for Immigrant Justice

Patrice Paladino
Coast to Coast Legal Aid of South Florida

Kimberly Rodgers
Community Law Program

Christina Spudeas
Florida Children's First

Jaffe Pickett
Florida Rural Legal Services

James Kowalski
Jacksonville Area Legal Aid

Anthony Karrat
Legal Aid Service of Broward County

Jodi Siegel
Southern Legal Counsel

Carrie Litherland
Legal Aid Foundation of the Tallahassee
Bar Association

Miriam Harmatz
Florida Health Justice Project

Betsy Dobbins
Center for Children's Rights

Christopher M. Jones
FCLAA Treasurer
Florida Legal Services

Richard C. Woltmann
Bay Area Legal Services

Alana Greer
Community Justice Project

Jeffrey Harvey
Community Legal Services of Mid-Florida

Dante Trevisani
Florida Justice Institute

Carly Wohl
Heart of Florida Legal Aid Society

Linda Harradine
Legal Aid of Manasota

Robert Bertisch
Legal Aid Society of Palm Beach County

Robert Johnson
Brevard County Legal Aid Association

Bethanie Barber
Legal Aid Society of the Orange County Bar
Association

Randy McGrorty
Catholic Legal Services

Douglas White
Northwest Florida Legal Services

Florida Civil Legal Aid Association

Ensuring Access to Justice for Floridians

August 25, 2020

Sent Via Email

Mayanne Downs, Esq.
Chair, Task Force on the Distribution of IOTA Funds
c/o The Florida Bar
651 East Jefferson Street
Tallahassee, FL 32399

Re: Recent Proposed Rule on the Distribution of IOTA Funds

Dear Ms. Downs:

We are writing in response to the new draft *Trust Accounts Rule 5-1.1 (g) Interest on Trust Accounts (IOTA) Program* rule issued by the Task Force on August 15, 2020. The concerns previously articulated by the Florida Civil Legal Aid Association (FCLAA) over previous drafts apply to this latest draft, and the changes to the existing rule may significantly impact civil legal aid programs' ability to serve low-income clients. Specifically, the FCLAA has the following concerns about the most recent draft of the rule:

Qualified Grantee Organization: The proposed rule does not require that Qualified Grantee Organizations be not-for-profit providers of civil legal aid with demonstrated experience. The absence of any such requirement will lead to the dilution of IOTA funds as they may be distributed to both for-profit entities or not-for-profit entities, without any demonstrated experience in providing high quality legal services. This proposed language could set up the Foundation for claims from for-profit groups that they are "entitled" to be considered for funding on an equal basis.

10% Cap on Grantee use of IOTA for Administration, Rent, Training, and Technology: Legal aid firms relied on IOTA funding as general funding that could be used as a match for grants, etc. Florida is one of only 3 states that do not provide state funding for civil legal aid; therefore, IOTA funds are extremely important to the grantees' funding structure. The reason for the change from 20% in the previous draft to 10% is unclear and much more stringent than typical grant structures contemplate. As proposed, this cap, which includes administration, rent, training, technology, and other necessary costs would be challenging for any nonprofit but may be especially difficult for smaller legal aid programs. Additionally, the only reserves that can be kept by grantees are within this 10% allotment, therefore making it less likely that grantees will have any IOTA reserves.

15% Cap on Foundation: Under the most recent proposed rule, the Foundation must cover the costs of increasing collections, collecting, distribution costs, reporting costs, salaries, audit report, plus reserves, technology support and training. Such a requirement effectively ends the Foundation's ability to subsidize programs technology and training or to maintain reserves for the benefit of the civil legal aid programs.

- a. **Technology & Training:** Technology and training are vital for civil legal aid programs to maximize both our efficiency and efficacy. The proposed cap would effectively end the Foundation's ability to continue to subsidize programs' case management system, LegalServer, and any statewide website for the Florida Civil Legal Aid Association.

Appendix J – Submissions to the Task Force

September 15, 2020

Page J - 547

designed for civil legal aid that not only serves the traditional case management functions but collects extensive data that is used to further identify legal needs in communities as well as measure outcomes and impact for clients and funders. Additionally, websites such as FloridaLawHelp.org - a website for those seeking legal assistance that also provides connections to significant self-help resources, and the statewide Advocate website, a resource for legal aid attorneys in Florida with email groups, resource libraries, etc. help us better serve our client communities.

- b. Reserves & Required Distribution within 6 months:** Because the 15% includes reserves and all IOTA funds must be distributed within six months of receipt, this would effectively end the Foundation’s reserve policy, which proved critical for surviving the last recession. It will also end the Foundation’s capacity to support the civil legal aid system’s response to disasters – such as responding to civil legal needs after a hurricane, or a pandemic. Finally, by eliminating the ability to establish and fund reserves, the proposed rule’s six-month distribution requirement will create frequent variations in funding levels creating unnecessary instability in civil legal aid funding. This has the opposite effect of that stated in the current proposed Rule - “to promote stability in distribution of IOTA funds to qualified grantee organizations.”

Demographic Data: The rule proposes using demographic data in the objective standards for funding and then references the US Bureau of Labor and Statistics (BLS). While it can be a good source for employment and labor data, BLS does not track other key data that is relevant to our work. The inclusion of such a specific example, with no other examples, unduly elevates its significance. FCLAA recommends that more data points be referenced. Additionally, the standards do not require any fair distribution of IOTA funds throughout the state of Florida, which may lead to inconsistency in funding for some communities, which is unrelated to their demonstrated need.

Disproportionate Impact on Smaller Legal Aid Programs: As indicated, many of these proposed changes will have a disproportionate impact on smaller legal aid programs. For example, it would have a disproportionate negative impact on small programs with regards to hampering the Foundation’s ability to subsidize LegalServer, Westlaw, etc. Additionally, the 10% cap includes costs, such as travel, which may be disproportionately larger for smaller programs that serve rural areas. Finally, if Qualified Grantee Organizations are not defined more narrowly, competition with for-profit entities may eradicate many small local programs who have been a trusted resource serving their local communities for decades.

FCLAA remains hopeful that the Task Force will consider these comments, and those submitted by the Past Presidents of the Florida Bar Foundation, and the Past Presidents of the Florida Bar. Thank you for your time and consideration as well as your efforts on this matter.

Respectfully submitted,

Monica Vignes-Pitan
FCLAA President
Legal Services of Greater Miami

Leslie Powell-Boudreaux
FCLAA Vice President
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Christine Larson
FCLAA Secretary
Three Rivers Legal Services

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FCLAA Treasurer
Florida Legal Services
Task Force on Distribution of IOTA Funds Final Report
Appendix J – Submissions to the Task Force

September 15, 2020

Cheryl Little
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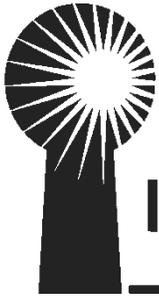
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Northwest Florida Legal Services

Silvia McLain
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Legal Aid Society



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Unlock the Truth

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August 27, 2020

Via Electronic Mail

Mayanne Downs, Esq.
Chair, Task Force on Distribution of IOTA Funds
c/o Elizabeth Tarbert, Ethics Counsel
The Florida Bar
651 East Jefferson St.
Tallahassee, FL 32399-2300

Dear Ms. Downs:

On August 15, 2020, the Task Force on the Distribution of IOTA Funds released a “hybrid” proposed rule amendment. While this version of the proposed rule amendment did not make any changes to expand the definition of “qualified legal services” beyond the civil legal services, it did include a comment bubble with the following note:

Ed Scales recommends that the following be included in the final report to address this subdivision: The Task Force understands that, in recent years, the Florida Bar Foundation has provided significant funding for the Innocence Project of Florida (Innocence Project). The Task Force believes that the court intends the use of IOTA funds be limited to civil legal needs. The Task Force also believes the good work of the Innocence Project, under Florida law, has soundings in criminal law, not civil law. Accordingly, the submission by the Task Force would exclude services provided by the Innocence Project from being qualified legal services, only based on the belief that the services provided are not civil in nature. If the court believes the services provided by the Innocence Project are appropriate for funding with IOTA funds, then the definition of qualified legal services should be expanded to expressly include those services. This change could be accomplished by defining “qualified legal services” as “legal services provided directly to low-income clients in Florida for their civil legal needs and for their postconviction needs to address wrongful convictions.”

We appreciate the kind words of the Task Force about the importance of the work of the Innocence Project of Florida (“IPF”) to correct injustice and expand access to justice for low income litigants in Florida. However, we are of the opinion that our litigation on behalf of low-income litigants in Florida does fall within the scope of “civil legal needs.”

The Florida Constitution assigns to the judicial branch the power to issue writs of habeas corpus. *See* Art. V, § 3(b)(9), Fla. Const. (authorizing the supreme court or justices of the supreme court to issue writs of habeas corpus); Art. V, § 4(b)(3), Fla. Const. (conferring jurisdiction on the district courts of appeal and judges of the district courts to issue writs of habeas corpus); Art. V, § 5(b), Fla. Const. (providing that judges of the circuit courts have authority to issue writs of habeas corpus). The writ of habeas corpus is indisputably a civil remedy, both under common law and under federal law, where the Federal Rules of Civil Procedure largely govern those proceedings. *See* 28 U.S.C. §2241, 2254; Fed. R. Civ. P. 81(a)(4)(A) (stating that Federal Rules of Civil Procedure apply to proceedings for habeas corpus to the extent that the practice in those proceedings is not specified in a federal statute or the Rules Governing Section 2254 Cases).

The Supreme Court of Florida merely chose to take this historic civil remedy and effectively house it within its Rules of Criminal Procedure. In fact, the courts have stated on multiple occasions that what is now Rule 3.850 (motion for postconviction relief) and Rule 3.853 (postconviction DNA testing), merely replace the remedies that were once available by habeas corpus. *See State v. Bolyea*, 520 So. 2d 562 (Fla.1988) (noting that Rule 3.850 is simply the procedural vehicle for the collateral remedy otherwise available by writ of habeas corpus); *Roy v. Wainwright*, 151 So. 2d 825 (Fla.1963); *Crow v. State*, 866 So. 2d 1257, 1261 (Fla. 1st DCA 2004). Rule 3.850 “was designed to simplify the process of collateral review and prescribe both a fact-finding function in the lower courts and a uniform method of appellate review. . . , not to modify the remedy available at common law.” *Bolyea*, 520 So. 2d at 563. Thus, a postconviction motion under Rule 3.850 is the functional equivalent of a petition for writ of habeas corpus, which again is a civil remedy. *Crow*, 866 So. 2d at 1261.

Aside from our postconviction work, IPF also seeks numerous wholly civil remedies through litigation on behalf of its innocent clients, including public records actions, parole civil writs, sealing and expunction proceedings and petitions for wrongful incarceration compensation.

Thus, the characterization of IPF’s work as wholly criminal is not accurate, despite where the Supreme Court of Florida decided to place some of the remedies we use in the Florida Rules. We urge this Task Force to amend the comment as follows:

Ed Scales recommends that the following be included in the final report to address this subdivision: The Task Force understands that, in recent for more than 15 years, the Florida Bar Foundation has provided significant funding for the Innocence Project of Florida (Innocence Project). The Task Force believes that the court intends the use of IOTA funds be limited to civil legal needs. The Task Force also believes the good work of the Innocence Project, under Florida law, has soundings in both criminal law, not and civil law. Accordingly, the submission by the Task Force would exclude services provided by the Innocence Project from being qualified legal services, only based on the belief that the services provided are not civil in nature. If the court believes the services provided by the Innocence Project are appropriate for funding with IOTA funds, but that then the definition of qualified legal services need clarity, it should be expanded it to achieve that clarity. This change could be accomplished by

defining “qualified legal services” as “legal services provided directly to low-income clients in Florida for their civil legal needs and for their postconviction needs to address wrongful convictions.”

The Innocence Project of Florida is grateful for the numerous opportunities given to provide important and constructive feedback on this proposed rule amendment. Thank you for your continued consideration.

Best,

A handwritten signature in black ink, appearing to read 'Seth Miller', with a long horizontal flourish extending to the right.

Seth Miller, Esq.
Executive Director
202-341-2127

smiller@floridainnocence.org

Appendix K

Florida Bar Survey on IOTA December 2019



Results of the State IOLTA/IOTA Funds Survey

December 2019

Results of the State IOLTA/IOTA Funds Survey

A link to an electronic survey was e-mailed to 68 bar associations and groups. By the December 16, 2019 cut-off date, 25 completed surveys were received for a response rate of 37%.

In reporting the results, all percentages were rounded to the nearest whole percent (example: 34.5% equals 35%). For this reason, totals may vary from 99 to 101 percent.

1. What are your current priorities for use of IOLTA/IOTA funds?

- 70% to support the delivery of civil legal services to the poor, 15% to promote improvements to the administration of justice, 10% gender/race/ethnic issues, and 5% Supreme Court Historical Society. (*Michigan State Bar Foundation*)
- At the Law Foundation of BC, our legislative mandate is to fund legal education, legal research, legal aid, law reform and law libraries for the benefit of British Columbians. (*Law Foundation of British Columbia*)
- By AZ court rule - A. support programs designed to assist in the delivery of legal services to the poor and law-related education programs designed to teach young people, educators and other adults about the law, the legal process and the legal system; B. fund studies or programs designed to improve the administration of justice; maintain a reasonable reserve; and D. pay the actual costs of administering this rule and the activities set forth above. (*Arizona Bar Foundation*)
- Civil legal aid and access to justice. (*Missouri Lawyer Trust Account Foundation*)
- Civil legal aid to the poor; administration of justice; and law student loans and scholarships. (*Arkansas Access to Justice Foundation*)
- D. The interest or dividends received by the Foundation shall be used solely by the Foundation for the following purposes: (i) for the support of civil legal services to the disadvantaged; (ii) for public education relating to the courts and legal matters; (iii) for such other programs as may be approved by the supreme court. Such income shall be applied only to activities permitted to be conducted by organizations exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1954, as from time to time amended. (*New Hampshire IOLTA Program*)
- Direct legal representation for the indigent, law-related education for the public and administration of justice projects. (*Louisiana Bar Foundation*)
- Legal services programs (four in Kentucky that cover all 120 counties without overlap) and public service fellowships for students at each of Kentucky's three law schools. (*Kentucky IOLTA Fund*)

- Legal services regarding issues that impact basic human needs, such as shelter, safety, child custody, and sustenance. (*Maryland Legal Services Corporation*)
- Pro bono access to justice and law related education. (*Kansas IOLTA Program*)
- Provide funding for Nebraska’s one legal aid program. (*Nebraska*)
- 1. Providing legal services to the poor in Rhode Island; 2. Improving the delivery of legal services; 3. Promoting knowledge and awareness of the law; 4. Improving the administration of justice. (*Rhode Island Bar Foundation IOLTA*)
- Substantially, all IOLTA funds are granted to organizations that provide legally related services to the poor, to victims of domestic violence and to children protected by or in need of protection of the juvenile court. We grant 96% of all IOLTA funds to five legal service organizations in Nevada recognized by the Supreme Court's Access to Justice Commission; the remaining 4% is granted to Court Appointed Special Advocates (CASA) organizations and other legal aid issues. (*Nevada Bar Foundation*)
- The Alabama Law Foundation awards at least 80% of IOLTA funds to organizations that provide free civil legal aid to low-income residents of Alabama. The remaining funds may be awarded for the following purposes: administration of justice and law-related education for the public. (*Alabama Law Foundation*)
- The majority of funding is distributed to general civil legal aid in relatively unrestricted grants (90%). The rest of the funding supports other administration of justice projects. (*North Carolina IOLTA*)
- The Oregon Law Foundation (OLF) has three categories of funding priorities. They are categories A, B and C. Category A funding is reserved for those organizations that provide statewide legal aid services in Oregon. This Category receives as little as 55% or as much as 80% of the grant funds. Category B is reserved for those other applicants which are direct providers of civil legal services. This Category receives as little as 15% or as much as 35% of the grant funds. Category C is reserved for applicants which educate the public about the law or promote diversity in the legal profession in Oregon. This category can as little as 0% and as high as 10% of the grant funds. (*Oregon Law Foundation IOLTA Program*)
- To fund civil legal aid programs that are not eligible for state or federal funds because of who their clients are and/or the types of litigation and policy work they do. (*Group name not provided*)
- To fund effective free civil legal services to low income persons in Texas disbursed fairly and proportionately across the state. (*Texas Access to Justice Foundation*)
- To provide civil legal assistance to low-income individuals throughout the state of Illinois. (*Lawyers Trust Fund of Illinois*)

- To provide funds for civil legal services to the economically disadvantaged. (*Alaska Bar Foundation/IOLTA*)
- Used for general operating for direct service civil legal aid programs. Resources analyzed by region and by mix of staff and private attorney involvement (PAI). (*Minnesota IOLTA Program*)
- We have five funding categories. 1) Access to Justice; the foundation supports access to justice within the legal system for all Alabama citizens. 2) Children, Families and Seniors; the foundation supports efforts that build stronger families, nurture children and youth as well as offer children and youth exemplary learning opportunities. Alabama Civil Justice Foundation supports efforts to enhance the lives of seniors in addition to persons with mental and physical challenges. 3) Community; the foundation supports efforts that foster thriving communities, encourage citizen involvement and develop partnerships among public and private organizations. ACJF also supports quality education, healthcare, and housing services for all Alabamians. 4) Responsibility and Accountability; the foundation supports efforts to enhance the accountability, transparency and ethics of government, corporations and other entities. ACJF supports efforts that compel accountability and responsibility by engaging in advocacy, research, monitoring, public awareness and training. 5) Safety and Security; the foundation supports efforts to ensure the overall safety of Alabamians through direct services, public awareness and public policy. (*Alabama Civil Justice Foundation*)
- We provide funding in three categories: administration of justice, civil legal aid, and law related education. (*South Carolina Bar Foundation*)
- We use all IOLTA funds for the civil legal aid programs. (*Legal Services Corporation of Virginia*)
- West Virginia has a court mandate that determines who get the funds and in what amounts. (*West Virginia Bar Foundation*)

2. Who sets the priorities?

- Alaska Bar Foundation, Board of Trustees. (*Alaska Bar Foundation/IOLTA*)
- Arizona Supreme Court Rule 43. (*Arizona Bar Foundation*)
- Board of Directors. (4 Responses – *South Carolina Bar Foundation, Arkansas Access to Justice Foundation, Maryland Legal Services Corporation, Missouri Lawyer Trust Account Foundation*)
- Board of Governors. (*Law Foundation of British Columbia*)
- Board of Trustees. (*Kentucky IOLTA Fund*)

- IOLTA Committee and Board of Trustees. (*Kansas IOLTA Program*)
- Legal Services Advisory Committee (LSAC). (*Minnesota IOLTA Program*)
- Nevada Supreme Court Rule 216, Nevada Supreme Court Access to Justice Commission, Nevada Bar Foundation Trustees. (*Nevada Bar Foundation*)
- New Hampshire Bar Foundation. (*New Hampshire IOLTA Program*)
- Our Board of Directors and state statute that directs their use for civil legal services to the poor. (*Legal Services Corporation of Virginia*)
- Per State Bar rules, IOLTA can fund in four areas: (1) civil legal aid of indigent individuals, (2) improvement of grievance and disciplinary procedures to protect the public, (3) development and maintenance of a fund for student loans for legal education, and (4) other administration of justice projects as approved by the Supreme Court. The IOLTA Board only funds programs (at the current time and historically) in areas one and four. (*North Carolina IOLTA*)
- Supreme Court. (*West Virginia Bar Foundation*)
- Supreme Court established the percentages, Bar foundation administers the grants and decides on grants and grant parameters. (*Michigan State Bar Foundation*)
- Supreme Court in an Order and the foundation's Board of Directors annually when allocating a percentage or specific budget amount of available grant funds to each priority. (*Louisiana Bar Foundation*)
- The Alabama Civil Justice Foundation (ACJF) Board of Directors. (*Alabama Civil Justice Foundation*)
- The Board of Directors of the Foundation. (*Texas Access to Justice Foundation*)
- The Board of Directors set specific priorities through grant guidelines and a strategic plan, all under the broad mandate to support civil legal services established by the Supreme Court of Illinois at the program's founding. (*Lawyers Trust Fund of Illinois*)
- The Board of Directors through the Supreme Court. (*Rhode Island Bar Foundation IOLTA*)
- The Board of our program in conjunction with our state's Access to Justice commission. (*Group name not provided*)
- The Foundation Board. (*Alabama Law Foundation*)
- The Nebraska Supreme Court Rules dictate that the IOLTA funds be given to Legal Aid. (*Nebraska*)

- The Oregon Law Foundation Board sets the funding priorities. (*Oregon Law Foundation IOLTA Program*)

3. How are priorities set?

<u>Category</u>	<u>Percent</u>
By rule	32
By order	4
By other method	64

3a. If set by other method, please describe:

- A state planning process that includes boards, providers and community members. (*Group name not provided*)
- Analysis of committee with input of the grantees. (*Minnesota IOLTA Program*)
- Both our Supreme Court Rule and a state statute direct that the funds will used for civil legal services to the poor and our administrative costs. (*Legal Services Corporation of Virginia*)
- By resolution of the Board of Governors. (*Law Foundation of British Columbia*)
- By the foundation Bylaws. (*South Carolina Bar Foundation*)
- Discussion at a Board of Trustees Meeting and IOLTA Committee meeting. (*Kansas IOLTA Program*)
- Policies set by Trustees of the Alaska Bar Foundation. (*Alaska Bar Foundation/IOLTA*)
- Quorum vote of Board. (*Missouri Lawyer Trust Account Foundation*)
- Rule sets priorities areas and the board allocates available funding for each. (*Louisiana Bar Foundation*)
- The Board assesses unmet or under met legal needs of low-income persons and effective strategies to address those needs and delivery mechanisms to fund. Additionally, natural disasters or urgent fluid humanitarian crisis or unforeseen crucial social issues that arise can also dictate pressing needs and priorities calling for funding for legal aid so the ability to act urgently with needed flexibility is crucial. (*Texas Access to Justice Foundation*)
- The Board sets the priorities based on current and emergent needs. (*Maryland Legal Services Corporation*)

- The overall purpose of our grants is established in the by-laws of the organization, and the “purpose” section of the by-laws cannot be changed without the approval of the Supreme Court of Illinois. (*Lawyers Trust Fund of Illinois*)
- The priorities are set by the Oregon Law Foundation (OLF) board and are in line with the OLF's mission. The mission of the OLF is to support access to justice in Oregon by obtaining and distributing funds to provide legal services to persons of lesser means, promote diversity in the legal profession and educate the public about the law. (*Oregon Law Foundation IOLTA Program*)
- The priorities are set out in a per curium order, but our board determines the order of priority in a Grants Policy. (*Arkansas Access to Justice Foundation*)
- The Supreme Court of Alabama rules set out approved purposes for use of IOLTA funds. The foundation board sets the policies that govern the distribution of the funds. The foundation considers many factors in determining distribution such as the percentage of the state's poverty population, demographic factors of the population served, and geographical areas served. In addition, the foundation considers a grantee organization's effectiveness when making grant awards. (*Alabama Law Foundation*)
- When the Alabama Civil Justice Foundation was established, the Alabama Supreme Court Rule 1.15 stated that funds could be used to provide financial assistance to organizations or groups providing aid or assistance to: (A) underprivileged children; (B) traumatically injured children or adults; (C) the needy; (D) handicapped children or adults; or (E) drug and alcohol rehabilitation programs. (*Alabama Civil Justice Foundation*)

4. Are there limitations on or requirements for specific use of IOLTA/IOTA funds?

<u>Category</u>	<u>Percent</u>
Yes	80
No	20

4a. If yes, please specify:

- Civil Legal Services. The Foundation has committed itself to assisting with improving the access to the legal system for all Kansans. One of the key methods of accomplishing this objective is by providing grants to civil legal service programs that provide services to low-income citizens. In the past, these grants have concentrated on such high impact clients as victims of domestic violence, the elderly, and children. Funds are made available to assist with administering local and state bar pro bono legal services programs, reduced fee programs and to provide technical support for legal service staff. Law-Related Education (LRE) The second largest category receiving IOLTA funds has been law-related education projects for the public. A variety of public education seminars on the Constitution have received funding. These seminars have been one-day to day-and-a-half programs

developed for secondary school social studies teachers. Funds were also granted to assist with the Close-Up project, Citizen Bee programs, the LRE Clearinghouse, the Law Wise newsletter, the statewide Mock Trial competition, and legal rights and responsibilities booklets. Administration of Justice the Foundation will consider grants to improve the administration of justice in Kansas. Generally, this area has covered such concerns as alternative procedures for the resolution of disputes, promotion and support for programs facilitating access to the legal system, and improvements in the court system. Programs that have previously received funds have been: Project Early Dispute Settlement (Olathe) and the Neighborhood Justice Center (Wichita Bar Association) which use volunteer mediators to resolve minor disputes between people with ongoing relationships; The Topeka, Johnson County, and Hays CASA (Court Appointed Special Advocates) programs and the Kansas Association of CASA Programs have received funds to support their programs of using volunteers in the juvenile justice system. The Foundation has encouraged one combined grant from all the CASA programs. There have been other grants approved for innovative one-time projects aimed at reducing juvenile crime or experimenting with diversion efforts. Other grants have been used to establish peer mediation or teen courts in Kansas schools and courts. (***Kansas IOLTA Program***)

- For civil cases only. (***Nebraska***)
- For the civil legal aid grants, below 200% of federal poverty guidelines, most follow ABA Standards for civil legal delivery. (***Michigan State Bar Foundation***)
- Indigent within 200% of the federal poverty guidelines. (***Louisiana Bar Foundation***)
- IOLTA funds can only be used to support legal assistance to low-income individuals and families in civil matters. (***Lawyers Trust Fund of Illinois***)
- IOLTA funds may not be used to directly fund class action lawsuits; to directly fund lawsuits against governmental entities, except by individuals to gain benefits authorized by statute or regulation; to support lobbying for a candidate or issue; and may not be used in matters that might reasonably be expected to result in a fee from public funds or from an opposing party unless appropriate attempts have been made to obtain representation from an attorney in private practice. (***Texas Access to Justice Foundation***)
- Legally related services to the poor, to victims of domestic violence and to children protected by or in need of protection of the juvenile court. (***Nevada Bar Foundation***)
- Must fall within the purposes enumerated in our IOLTA Rule (KY SCR 3.830): (A) to pay or provide for all costs, expenses and fees associated with the administration of the IOLTA program; (B) to establish appropriate reserves; (C) to assist or help establish approved legal services and pro bono programs; (D) for such other law-related programs for the benefit of the public as are specifically approved by the Supreme Court from time to time. (***Kentucky IOLTA Fund***)
- Only as defined by Rule 43. (***Arizona Bar Foundation***)

- Per our policies and grant agreements, funds cannot be used to influence a governmental process (legislative or administrative) (i.e. no lobbying). Per Memorandum of Understanding (MOU) with our State Bar, the State Bar cannot apply for funds. Policies also limit spending funds on government salaries/personnel which should otherwise be supported by government funds. There are other small limitations within our policies but those are the most significant. When grantees apply, they lay out their intended budget and our policies require them to adhere to the budget (some deviation ok, but significant deviation has to be approved by board or Executive Director depending on circumstance). (*North Carolina IOLTA*)
- Rule says IOLTA revenue shall be used for grants “made to programs that provide direct legal services, support the provision of direct legal services, deliver law related public education, and work to enhance the administration of justice.” Committee can set priorities from among these categories. (*Minnesota IOLTA Program*)
- Specific use of IOLTA funds must meet our mission and funding priorities as listed in question #1. The Mission of the Alabama Civil Justice Foundation is to assist in removing barriers to a civil and just society for Alabama families and children by (1) providing financial assistance to worthwhile charitable organizations serving disadvantaged, disabled, and at risk families and children; and by (2) providing information and instruction beneficial to individual consumers and the larger community. (*Alabama Civil Justice Foundation*)
- Statutory mandate to use funds for legal aid, legal research, legal education, law libraries and law reform. (*Law Foundation of British Columbia*)
- The foundation makes primarily operational grants, although it does award grants for specific projects as well. Grants must be for an approved purpose. (*Alabama Law Foundation*)
- The Massachusetts Legal Sciences Center statute prohibits the use of IOLTA funds for class actions and political purposes. (*Maryland Legal Services Corporation*)
- The only limitation on how the IOLTA funds are used is that they must be spend in furtherance of the Oregon Law Foundation mission which is stated above. The Oregon Rule of Professional Conduct 1.15-2 which created the IOLTA program does not limit how the funds are spent. It only states that the funds go to the OLF. (*Oregon Law Foundation IOLTA Program*)
- To be considered for IOLTA funding, grant applicants are required to provide: Consistently effective, innovative or supportive high-quality direct civil legal services programs for the disadvantaged; or provide public education relating to the law and the courts. Direct legal services include volunteer attorney recruitment and support, legal advice and counsel, representation in all courts and administrative bodies, mediation services, targeted outreach to vulnerable populations, and all ancillary support services. Education about the law and the courts includes school programs, public programs and publications, civil legal

information training for educators and service providers, and other pertinent educational efforts. (*New Hampshire IOLTA Program*)

- To provide funds for civil legal services to the economically disadvantaged. (*Alaska Bar Foundation/IOLTA*)
- Yes, grant funds may only be distributed to one of the three major priorities. In addition, grant funds may not be used for lobbying activities of any kind, including direct lobbying and grassroots lobbying. (*Arkansas Access to Justice Foundation*)

5. How are the limitations or requirements for use of IOLTA/IOTA funds set?

<u>Category</u>	<u>Percent</u>
By rule	33
By order	5
By other method	62

5a. If set by other method, who or what sets the limitations or requirements?

- By statute. (*Law Foundation of British Columbia*)
- By the Nebraska Lawyers Trust Account Foundation Board. (*Nebraska*)
- Foundation sets grant parameters. (*Michigan State Bar Foundation*)
- If there were any limitation for the use of the IOLTA funds it would be set by the Oregon Law Foundation Board. (*Oregon Law Foundation IOLTA Program*)
- Internal policies set by the IOLTA Board. (*North Carolina IOLTA*)
- Kansas Bar Foundation Board of Trustees. (*Kansas IOLTA Program*)
- Limitations are set in the bylaws, as described above. (*Lawyers Trust Fund of Illinois*)
- New Hampshire Bar Foundation has Funding Principles. (*New Hampshire IOLTA Program*)
- Our board. (*Group name not provided*)
- Our board sets requirements and limitations by policy. (*Arkansas Access to Justice Foundation*)
- Policies set by Trustees of the Alaska Bar Foundation. (*Alaska Bar Foundation/IOLTA*)

- Rule and Statute. (*Legal Services Corporation of Virginia*)
- Statute. (*Maryland Legal Services Corporation*)
- The Alabama Civil Justice Foundation Board of Directors sets the limitations or requirements. (*Alabama Civil Justice Foundation*)
- The Court rule states indigent, the Board set the parameters of indigent application. (*Louisiana Bar Foundation*)
- The rule establishing the Alabama Law Foundation IOLTA program allows funds to be granted for the following purposes a) to provide legal aid to the poor; b) to provide law student loans; c) to provide for the administration of justice; d) to provide law related educational programs to the public; e) to help maintain public law libraries; f) for such other programs for the benefit of the public as specifically approved by the Supreme Court of Alabama from time to time. (*Alabama Law Foundation*)
- The State Bar merely makes distributions to seven identified entities and has no direction or control over how the monies are used. (*West Virginia Bar Foundation*)

6. Do you report IOLTA/IOTA funds usage to any person or entity?

- An annual report is published and submitted to the Judiciary, Governor's Office, and Maryland General Assembly, as well as made available to the general public. (*Maryland Legal Services Corporation*)
- For informational purposes. No mandatory reporting requirements. (*Texas Access to Justice Foundation*)
- No. (**2 Responses:** *Alaska Bar Foundation/IOLTA; West Virginia Bar Foundation*)
- Our Board votes to approve sending the IOLTA funds. We report the spending in our annual audit. (*South Carolina Bar Foundation*)
- Press release statewide and to the ABA. (*Kansas IOLTA Program*)
- Rhode Island Bar Foundation Board of Directors. (*Rhode Island Bar Foundation IOLTA*)
- State Supreme Court, which established the Foundation, receives full accounting and annual report of activities. (*Missouri Lawyer Trust Account Foundation*)
- The only report we create is the Oregon Law Foundation annual report that documents what our nonprofit has accomplished in the past year. We make it available to the board and to the public through our website. (*Oregon Law Foundation IOLTA Program*)

- The Supreme Court has a liaison on the Board, so the Court has information about the use of IOLTA funds. (*Nebraska*)
- We annually report to the State Bar (we are considered a program of the State Bar, which is a state entity). We also put all grant funds in a state database called North Carolina Grants where all grants made by any state entity are listed. (*North Carolina IOLTA*)
- We provide an audit to the State Court Administrative office. (*Michigan State Bar Foundation*)
- We report annually to the state legislature on all of legal aid's activities. (*Legal Services Corporation of Virginia*)
- We report publicly. (*Law Foundation of British Columbia*)
- Yes. (10 Responses - *Alabama Civil Justice Foundation, Arizona Bar Foundation, Arkansas Access to Justice Foundation, Kentucky IOLTA Fund, Lawyers Trust Fund of Illinois, Louisiana Bar Foundation, Minnesota IOLTA Program, Nevada Bar Foundation, and the New Hampshire IOLTA Program*)
- Yes, the state Bar and Supreme Court. (*Group name not provided*)

7. **Who/what do you report the usage to?**

- ABA annual report. (*Kansas IOLTA Program*)
- An annual report is published and submitted to the Judiciary, Governor's Office, and Maryland General Assembly, as well as made available to the general public. (*Maryland Legal Services Corporation*)
- Minnesota Supreme Court. (*Minnesota IOLTA Program*)
- Nevada Supreme Court. (*Nevada Bar Foundation*)
- Our grants are posted on our website for anyone to see. (*Rhode Island Bar Foundation IOLTA*)
- Our report to the State Bar is a “report of its activities” so we have significant leeway on what we report. We compile an annual report like many nonprofits which includes a snapshot of our financials, list of grants per organization with amounts and purpose, client story, update on other activities, etc. The report to North Carolina Grants includes name of grantee organization, description and amount of funding. (*North Carolina IOLTA*)
- State Supreme Court. (*Missouri Lawyer Trust Account Foundation*)
- Supreme Court of Alabama. (*Alabama Law Foundation*)

- Supreme Court of Kentucky. (*Kentucky IOLTA Fund*)
- The Alabama Supreme Court. (*Alabama Civil Justice Foundation*)
- The Arkansas Supreme Court. (*Arkansas Access to Justice Foundation*)
- The Board of Directors. (*Nebraska*)
- The Legislature. (*Legal Services Corporation of Virginia*)
- The only report we create is the Oregon Law Foundation annual report that documents what our nonprofit has accomplished in the past year. We make it available to the board and to the public through our website. (*Oregon Law Foundation IOLTA Program*)
- The Texas Supreme Court bi-annually, annually to the American Bar Association and periodically to The Texas Access to Justice Commission, the State Legislature, the State Bar and members of the public. (*Texas Access to Justice Foundation*)
- To our board, partners (including the Court), and as a 501(c)(3) nonprofit our financials and audits are made public. (*Arizona Bar Foundation*)
- To the public and to the government. (*Law Foundation of British Columbia*)
- To the Supreme Court of Illinois. It should also be noted that a Justice of the Supreme Court of Illinois serves as liaison between the board and the Court, and in that capacity attends all meetings in the board of directors and reviews all materials submitted to the board by staff. (*Lawyers Trust Fund of Illinois*)
- We provide an annual report to the Supreme Court with a copy of our audit and 990. (*Louisiana Bar Foundation*)
- We report to the Supreme Court and release an IOLTA Impact Report to the Bar membership and participating banks and credit unions. (*New Hampshire IOLTA Program*)

8. Is reporting the usage of IOLTA/IOTA funds a requirement?

<u>Category</u>	<u>Percent</u>
Yes	60
No	40

8a. If yes, is that requirement set by rule, order, or something different? If something different, who or what sets the requirement to report?

- ABA annual report. (*Kansas IOLTA Program*)
- An annual report requirement is included in the Court's IOLTA Rules. (*Louisiana Bar Foundation*)
- Annual report requirement is a State Bar administrative rule. The requirement to put grants information in North Carolina Grants is in state statute. (*North Carolina IOLTA*)
- By order of the Supreme Court of Alabama. (*Alabama Law Foundation*)
- Court order that requires an annual report. (*Minnesota IOLTA Program*)
- Not by court rule but by nonprofit standards. (*Arizona Bar Foundation*)
- Order. (*Group name not provided*)
- Reporting the usage of IOLTA funds is by order of the Alabama Supreme Court. (*Alabama Civil Justice Foundation*)
- Rule. (*Nevada Bar Foundation*)
- Rule: "All interest transmitted to IOLTA shall be held, invested and distributed periodically in accordance with a plan of distribution which shall be prepared by IOLTA and approved at least annually by the Supreme Court of Kentucky." (*Kentucky IOLTA Fund*)
- The Board has always received a Reporting Form on the use of IOLTA funds expended. (*Nebraska*)
- The publication of a financial audit and Annual Report is required in the Massachusetts Legal Sciences Center statute. (*Maryland Legal Services Corporation*)
- The report format is determined by the Supreme Court of Illinois. (*Lawyers Trust Fund of Illinois*)
- The requirement is not to report the use of IOLTA funds specifically. Rather, it is to report on legal aid activities, part of which are funded by IOLTA. (*Legal Services Corporation of Virginia*)
- We are required by law to have the funds audited annually. (*Law Foundation of British Columbia*)

9. Please indicate what is included in the report: (MULTIPLE RESPONSE QUESTION – CHECK ALL THAT APPLY)

<u>Category</u>	<u>Percent</u>
Number of dollars spent on indigent representation using IOLTA/IOTA funds	60
Number of indigents represented using IOLTA/IOTA funds	48
Percentage of IOLTA/IOTA funds, if any, used on administration	28
Number of hours spent on indigent representation using IOLTA/IOTA funds	18
Something else	45

9a. If “something else”, please specify:

- Again, the report includes most of the above but not just on IOLTA. Our state funding is ten times greater than our IOLTA, so we report on the activities funded by both together. (*Legal Services Corporation of Virginia*)
- All grants awarded for all purposes. (*Missouri Lawyer Trust Account Foundation*)
- As stated above we annually produce a report that documents what our nonprofit has accomplished in the past year. This includes number of clients represented and dollars spent on representation among other things. (*Oregon Law Foundation IOLTA Program*)
- Description of public interest access to justice initiatives funded. (*Law Foundation of British Columbia*)
- Grant award amounts, number of cases closed by grantees (not just with IOLTA funds), types of cases handled, examples of accomplishments and achievements- impact & issues facing low-income families that can be addressed with legal aid. (*Texas Access to Justice Foundation*)
- Grants awarded, scholarships awarded and foundation administrative expenses. (*Alabama Law Foundation*)
- <https://www.ribar.com/UserFiles/2019ioltagrants.pdf>. (*Rhode Island Bar Foundation IOLTA*)
- Included in the report is a list of Grantee Organizations, dollar amounts awarded, and administrative expenses. (*Alabama Civil Justice Foundation*)
- Our IOLTA funds are mixed with attorney registration fee and state legislative dollars. We report on all of the categories above but for all of these funding sources together rather than being able to separate IOLTA's impact from the rest. (*Minnesota IOLTA Program*)

- Substantive law, level of service, and geographic breakdown of services. (*Maryland Legal Services Corporation*)
- The annual report submitted to the Supreme Court of Illinois includes information on income, expenditures, reserves, personnel, grants, and other major activities. The report includes a copy of the most recent audited financial statements and any other significant documents produced during the year (e.g., a strategic plan) as attachments. (*Lawyers Trust Fund of Illinois*)
- The Supreme Court finalizes our grant distributions (after receiving recommendations from our Board of Trustees). In the grant applications, the Court receives reports from the previous year to monitor progress of the grantees. They also approve our budget, which includes how much of the IOLTA revenue is used for salaries/expenses. We have a Justice on our Board of Trustees, which makes the communication VERY smooth. (*Kentucky IOLTA Fund*)
- We present, report, on all the funding sources and uses of our Foundation including IOLTA funds. We demonstrate how we leverage those dollars to increase support for each of the priorities defined in the Court Rule. (*Arizona Bar Foundation*)
- We provide a copy of an economic impact report updated every two years. (*Louisiana Bar Foundation*)
- We report on the financial performance of the program, grantmaking activities, audited financial statements, and key accomplishments. (*Arkansas Access to Justice Foundation*)

10. If you are able to share a copy of your most recent report, we would greatly appreciate it. To do so, please upload your file to this question.

- Ten programs attached their most recent report.

11. Please provide the name of your IOLTA/IOTA program:

- Alabama Civil Justice Foundation.
- Alabama Law Foundation.
- Alaska Bar Foundation/IOLTA.
- Arizona Bar Foundation.
- Arkansas Access to Justice Foundation.
- Kansas IOLTA Program.

- Kentucky IOLTA Fund.
- Law Foundation of British Columbia.
- Lawyers Trust Fund of Illinois.
- Legal Services Corporation of Virginia.
- Louisiana Bar Foundation.
- Maryland Legal Services Corporation.
- Michigan State Bar Foundation.
- Minnesota IOLTA Program.
- Missouri Lawyer Trust Account Foundation.
- North Carolina IOLTA.
- Nebraska.
- Nevada Bar Foundation.
- New Hampshire IOLTA Program.
- Oregon Law Foundation IOLTA Program.
- Rhode Island Bar Foundation IOLTA.
- South Carolina Bar Foundation.
- Texas Access to Justice Foundation.
- West Virginia Bar Foundation.