



**CARLTON
FIELDS**

Giving Back

Pro Bono Week 2013

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Rules, which

Pro Bono Policy At a Glance ...

The firm has adopted the following policy, which is derived from Rule 6.1 of the ABA's Model Rules of Professional Conduct and the Guidelines of the ABA's Challenge Program.

All attorneys at Carlton Fields should render at least fifty (50) hours per year of pro bono services. This responsibility may be fulfilled by providing legal services at no fee or a substantially reduced fee to (a) persons of limited means or to charitable, religious, civic, community, governmental, and educational organizations in matters which are designed primarily to address the needs of persons of limited means; (b) individuals, groups or organizations seeking to secure or protect civil rights, civil liberties or public rights; or (c) charitable, religious, civic, community, governmental or educational organizations in matters in furtherance of their organizational purposes, where the payment of standard legal fees would significantly deplete the organization's economic resources or would be otherwise inappropriate.

At least twenty (20) hours of an attorney's pro bono services annually (or forty (40) hours bi-annually) should satisfy the more limited criteria for pro bono services set forth in Rule 4-6.1 of The Florida Bar's Rules, which is as follows:

(a) Handling without charge or expectation of a fee civil matters for persons with income at or below 125% of the federal poverty standard, as adjusted annually, and handling without charge criminal matters for such persons in which there is no constitutional obligation to provide funds for representation; and (b) Free legal services to charitable, religious, civic and educational organizations in matters which are designed predominantly to address the needs of poor persons.

Pro Bono Cases: Summer 2012 - August 2013



Acree

Katie Salinas Acree (Atlanta) represented a disabled 18-year-old woman who was told by her physicians that she needed an adult guardianship. They discussed with her the adult guardianship option, which would have led to the loss of her legal rights. Instead, it was determined that she would execute various powers of attorney in favor of her parents to help her obtain medical care and handle her finances. This case was a referral from the Health Law Partnership, which is a joint effort between the Atlanta Legal Aid Society, Georgia State University, and Children's Healthcare of Atlanta.

Katie also helped a woman obtain custody of her severely disabled little sister. Their mother had recently died of cancer, and the father was out of the picture. During the representation, Katie also assisted the family with immigration issues and questions regarding public benefits and access to health care. This case was another referral from the Health Law Partnership.



Bresson

Katie and **Phil Bresson (Atlanta)** are handling a pro bono project for an autistic high school student they previously helped with guardianship/power of attorney issues. They are now helping him apply to the Georgia School Board for a waiver of certain post-high school graduation tests so he can receive a high school diploma.



Alonso

Cristina Alonso (Miami) filed an amicus brief on behalf of the AAARTA and is awaiting a decision in that case. In this matter, the biological mother of child donated her egg to the child's birth mother, with whom she was previously in a lesbian relationship, and then brought action against the birth mother requesting: a determination of parentage, a declaration that she was the biological mother, an order granting shared parental responsibility and child support, and challenging the constitutionality of the parentage statute. Florida's Fifth DCA held that: (1) in a matter of first impression, application of the statute that required egg donor to relinquish all maternal rights to resulting child violated the biological mother's constitutionally protected parental rights to the child, and (2) the form the biological mother signed in the reproductive doctor's office did not act as a waiver of her parental rights.



Cheek

Cristina and **Chris Cheek (Miami)** serve as co-counsel with NCLR in a pending appeal seeking to reverse a trial court order dismissing for lack of jurisdiction a petition for the dissolution of a marriage between two women. The two women were lawfully married in another state but because they are Florida residents, only Florida can dissolve the marriage. This is an issue of first impression in Florida, and, possibly, in the United States.

Chris also handled an injured prisoner's two-day federal court jury trial through the Volunteer Lawyers Project in the Southern District of Florida, and participated in drafting a comment letter to the U.S. Army Corps of Engineers regarding the proposed dredging of Port Everglades Harbor.



Ambrose



Solomon

Jacqueline Ambrose and Marty Solomon (Tampa) are handling a pro bono matter received from Bay Area Legal Services involving the defense of a nearly-indigent homeowner against a wrongful ejectment action. Some "investors" approached the homeowner on the night before her house (which her grandmother left her) was to be sold at a tax sale. They convinced her to sign over the deed, promising they would "hold" it, pay the taxes for her, and that she could repay them over a month with an astounding rate of interest. Instead, they recorded the deed and flipped the property to another set of investors, and have been trying to evict or eject her and her family (which includes two teenage children, one of whom is disabled, and two young grandchildren).



Alonso

Jim Andros (Atlanta) is providing corporate advice to three Atlanta-area non-profit organizations. He is also providing probate advice to an individual pro bono client.



Baldera

Xavier Balderas (Atlanta) is handling a guardianship of a disabled adult for his mother. He is also representing a grandmother who has temporary custody of three granddaughters to help them obtain social and educational services.



Bittick



Walbolt



Dupré



Henry

Kelly Bittick, Sylvia Walbolt, Steve Dupré (Tampa), and Nancy Henry (Miami) make up the Carlton Fields team that filed a suit in federal court under the federal Individuals with Disabilities Education Act, seeking relief from an administrative order denying a minor child relief on his claims alleging, inter alia, that a county school board denied him services he was entitled to under the Act and corresponding state law and regulations. The school board settled out of court and the team obtained a very good result for the client.



Napper



Wiley



Lang



Leone

As part of the firm's ongoing representation of a death row inmate, **Kelly Bittick, Sylvia Walbolt, Kevin Napper, Jim Wiley, Joe Lang, and Samantha Leone (Tampa)** initiated a proceeding seeking discovery and an evidentiary hearing into possible prosecutorial misconduct during the inmate's 1984 trial. The judge has granted an evidentiary hearing, which is being scheduled.



Bresson



Howard



Leonard

As part of a larger project for the Georgia Appleseed Center for Law and Justice, **Phil Bresson, Jason Howard and Dave Leonard (Atlanta)** canvassed the working conditions at poultry farms in Georgia, summarized their findings, and recommended actions. Carlton Fields' role was limited to creating the scoping memo, which involved researching the issue, and summarizing logistics with respect to implementing a project and potential solutions.



Brown

Mark Brown (Tampa) volunteered for Bay Area Legal Services Intake several times during the last year.



Burke

David Burke (Tampa) is advising the beneficiaries of the estate of a former NFL player who suffered from football-related concussions. David's representation includes working to get them legal counsel and set up the estate for a lawsuit against the NFL on behalf of a minor and adult child.

David is also advising and assisting a low income family with guardianship. Additionally, he provided pro bono services to several non-profit organizations.



Calhoun

Trish Calhoun (Tampa) attends Bay Area Legal Services intake and is a member of the ACLU legal panel.



Cannella

David Cannella (Orlando) serves as a mentor for Teen Court Services, as a judge, and on the Teen Court Board.

He also represented the plaintiff in an action for return of a rental deposit.



Catoe



Meyer



Heckert



Wright

Lauren Catoe, George Meyer, Katie Heckert, and Cary Wright (Tampa) handled pro bono matters on behalf of a charitable organization, including litigation arising from defective furniture. They filed suit against a company from which the client purchased defective bedroom furniture (the finish on the furniture was peeling and cracking within a few months of purchase). Soon after filing suit, a settlement was reached and the client was refunded the full purchase price.



Keane



Jameson



Mace

Lauren Catoe, Cristin Keane, George Meyer, Yolanda Jameson, and Donna Mace (Tampa) are handling two real property transactions for a charitable organization involving a piece of property in Pinellas County. A woman is donating the property to the client, and the client is then selling it to a subsequent purchaser. The team drafted the property donation agreement, the purchase and sale agreement, and various closing documents related to the two transactions. To protect the client from exposure arising out of its previous ownership of the property, they also created a limited liability company through which the client will accept title to the donated property and transfer it to the subsequent purchaser. Both the donation and sale transactions are expected to close soon.



Cesarano



Pappas

Greg Cesarano and Gary Pappas (Miami) represented a detainee awaiting trial in Broward County jail. His had a civil rights violation claim related to withheld medical care after arrest. All discovery was completed when Greg and Gary were engaged, and they represented the detainee in pre-trial proceedings and a one-and-a-half day jury trial.



Chumbler

Marti Chumbler (Tallahassee) acted as guardian ad litem on two matters. The first involved a single mother with three young children who came under DCF supervision and were eventually removed because of serious neglect. The children, who all had significant behavioral problems, were eventually placed with a grandmother in the Tampa area. Marti maintained frequent contact with the mother, children, grandmother, and a succession of foster parents, and was able (through the generosity and assistance of Carlton Fields Tampa office) to find beds for each of the children and have them delivered to their Tampa grandmother. In her role as guardian ad litem, Marti participated in all court hearings, submitted written and oral reports to the court, and submitted monthly visitation reports to the GAL office.

Marti's second GAL matter, which is ongoing, involves a family of five children who were removed from their single mother's care at the ages of 1-month, two, five, six, and nine. The middle child has major developmental and medical issues and will probably never advance beyond the mental capabilities of an infant. She is physically very active, has frequent seizures, places everything in her mouth and has no understanding of hazards. The second-oldest child was recently diagnosed with a psychotic disorder. The mother has been diagnosed with schizophrenia, but clearly loves and wants her children, who are in four different foster placements. Marti's role in this case includes participation in all court hearings, submissions of written and oral reports, monthly visitations with all five children, and frequent communication with the various foster parents, the mother, and the caseworker. Because of the middle child's significant medical issues, Marti has also been involved in Children's Medical Services' reviews and conferences. The mother seems to be responding well to her new medications and effort are being made to reunify her with at least some of her children, starting with the two older ones.

Marti is also handling a significant, special project for Equality Florida relating to: 1) local ordinances establishing domestic partner registries; and 2) a state bill affording certain rights to domestic partners. On the first, she is assisting with the development of model local ordinance language establishing a domestic partner registry, establishing procedures relating to the registration, and identifying those rights afforded domestic partners that are within local government authority. On the second, she assisted with drafting and lobbying for a bill filed with the 2013 legislature that would have afforded to domestic partners some of the rights currently available only to spouses. While the bill was not ultimately adopted, it did pass out of a committee, the first time such legislation has made it that far in Florida. The bill will be reintroduced for the 2014 session.

Additionally, Marti represented a non-profit organization that advocates for the rights of children and the parent of a severely disabled child in an administrative challenge to the Agency for Health Care Administrative handbook for Medicaid providers of prescribed pediatric extended care (day care for medically fragile children). She negotiated revisions that were satisfactory to the clients.



Chumbley

Doug Chumbley (Miami) is currently acting as guardian ad litem on four cases. Some of these cases have been referred from Put Something Back, others have come straight from judges. The cases involve determination of paternity, parental and time-sharing responsibilities. Aside from participating in court hearings and submitting written and oral reports to the court, Doug personally meets with parents, children, siblings, teachers and counselors at their convenience (mostly in the evenings). These meetings are detailed in the reports and recommendations submitted to the Court. Doug not only acts as an advocate for the children but, also makes himself available to the parents and addresses their concerns.



Clark

Johanna Clark (Orlando) handled two pro bono residential landlord/tenant cases, both assigned through Orange County Legal Aid. Both plaintiffs were indigent and had wrongfully been denied the return of the security deposit after vacating the property they had rented from the defendant-landlord. Johanna won both cases, pre-trial. In the first action, she also recovered partial attorney's fees, which she forwarded to Orange County Legal Aid.



Conigliaro

Matt Conigliaro (Tampa) represented a petitioner seeking a writ of mandamus from the Florida Supreme Court to require the Second District Court of Appeal to hear an appeal of right. The Second District dismissed the appeal based on the client's deportation, which in turn was based on a conviction that, through the appeal, he sought to set aside.

Matt also serves as a hearing officer for the Pinellas County Housing Authority and the St. Petersburg Housing Authority. He holds hearings to review the housing authority's decisions to terminate housing assistance to aid recipients. So far this year, he has held about 15 hearings and is scheduled to hold another five or six in late October.



Del Russo

Alex del Russo (West Palm Beach) is representing a 68-year-old widow in the defense of an HOA lien foreclosure action.



Diamond

Phil Diamond (Orlando) assisted the charitable foundation of a local service club with a delinquent state tax filing matter. His efforts included registration with the proper governmental authorities and, rewriting charitable disclosure documents.

Phil also reviewed an employment/deferred compensation agreement for a Tampa service organization. The review and subsequent advice helped the organization and its employee avoid tens of thousands of dollars in taxes and penalties that would have resulted from the course of action they were considering.



Doliner



Keane

Nat Doliner (Tampa) represented a social services organization relating to the incorporation of a local chapter, and he advises the board of directors on corporate matters.

Nat and **Cristin Keane** are also helping with the corporate and tax work for two corporations that have the shared mission to remember, honor, and seek the return of, POWs and MIAs, and assist their families. Additionally, Nat, Cristin and Lauren Sembler represented the local chapter of a charitable organization in its merger with another chapter.



Elinger



Gamba

Suzie Elinger and **Blaise Gamba (Tampa)** began representing their second client as attorneys ad litem for children in foster care in Crossroads for Florida Kids, a program run through the Hillsborough County Bar Association. The client, a 12-year-old child who had suffered severe abuse and been in foster care for four years, finally landed in a good foster home. She wanted to be adopted, and the family wanted to adopt her. But DCF did not want the adoption to go through, and all parties had become extremely adversarial.

The judge wanted to appoint an attorney ad litem who would just speak for the child's wishes, and who was untainted by the very adversarial history of the case. The child's GAL felt uncomfortable speaking in court or calling any of the parties to advocate for the child, though she obviously cared very much for the child. Suzie and Blaise attended hearings, and spoke with therapists and principals, and all parties involved. They tried to take the client out to dinner every few weeks to establish rapport with her, and spoke with her on the phone regularly. Happily, the adoption took place on July 31, 2013.

Unfortunately, the first child Suzie and Blaise assisted did not have such a good outcome. She is a 16-year-old whose adoptive parents are trying to undo her adoption. DCF placed her in a foster home where she became a victim of human trafficking. The men prostituting her hooked her on crack. On two occasions, she was recovered by law enforcement but ran. After her first recovery, the adoptive parents rescinded their petition to undo the adoption, which ended Suzie and Blaise's appointments as attorneys ad litem. They are waiting to hear whether they will be reappointed, though at this point the child will turn 18 in about 9 months, so the window of their involvement is narrowing. She is currently on the run, and not in DCF's custody. Suzie and Blaise have heard through their contacts that the girl is with her drug suppliers in Miami. When she was recovered the first time, they visited her on the locked ward where she was going through a detox program, as well as at her original foster home.



Enriquez

Danny Enriquez (Miami) is handling a matter pending in the Southern District of Florida that involves an excessive force claim against two Sheriff's Department officers. The client alleges that he was tased repeatedly on his back after he surrendered. Following the incident, the State charged him with resisting arrest with violence. The jury found him guilty of the lesser-included offense of resisting arrest without violence, and the client subsequently filed a civil rights suit against the Sheriff and officers. Danny has represented the client through discovery (including three depositions) and is awaiting the Court's ruling on defendants' motion for summary judgment. He will continue to represent the client if the case proceeds to trial.



Faggianelli

Nancy Faggianelli (Tampa) is partnering with Equality Florida and others to hold a "town hall" to explain the impact of the Windsor decision, as well as beginning work on an initiative to bring marriage equality to Florida.

Nancy, with assistance from **Blaise Gamba**, is also updating a portion of the "Legal Handbook for LGBT Floridians and Their Families", including coverage of the Windsor (DOMA) and Perry (Prop 8) decisions.

Additionally, she is fielding calls for assistance and, where appropriate, connecting people in need with an organization that can assist them. For example, she connected "Kate" with the National Center for Lesbian Rights ("NCLR"). Several months ago, when Nancy was contacted by Equality Florida concerning Kate's case, Kate had just had criminal charges filed against her because of her relationship with her girlfriend. The relationship started when Kate was not yet 18, and became illegal when Kate turned 18. Nancy contacted NCLR and they agreed to assist in Kate's defense and press management.



Ferguson

Julie Ferguson (Miami) is local counsel in a pending human rights case. Suit was filed on behalf of surviving family members of two leaders of the nonprofit organization Program for Peace and Development in the Middle Magdalena (PDP). Both leaders were killed by members of a paramilitary group in Colombia known as the Bloque Central Bolívar (BCB) controlled by Carlos Mario Jiménez Naranjo, alias Macaco or Javier Montañez. The suit alleges torture, extrajudicial killing, crimes against humanity, and war crimes.



Ferrante

T.J. Ferrante (Tampa) represents a local not-for-profit organization with a mission to support and promote the welfare of the people of the St. Petersburg, Florida community by providing food pantry services to the poor and hungry as well as, in the future, provide an assisted living program that helps elderly and infirm adults retain their dignity and self-sufficiency regardless of race, color, creed or national origin. Legal assistance provided included facilitating and organizing the process for completing and filing an IRS Form 1023 application for tax-exempt status. T.J. also drafted board resolutions, edited and revised articles of incorporation and bylaws, reviewed and analyzed client financial statements, and communicated with the client throughout the process.

T.J. also represented a not-for-profit organization that assists underprivileged children, children with mental or physical disabilities, and victims of child abuse by providing and/or raising funds for health care, educational opportunities, assistive devices, mobility aids, orthosis or prosthesis and vocational training. He advised the client in jurisdiction selection; drafted articles of incorporation and bylaws; assisted with entity formation; and began the process and application for tax-exempt status.



French

Brooke French (Atlanta) is handling two landlord/tenant disputes she received through the Atlanta Volunteer Lawyers Foundation. In the first case, she is seeking to recover from the client's landlord expenses incurred by the tenant after her home was flooded due to the landlord's general failure to make needed repairs (holes in the roof, mold in the basement, exposed electrical wiring, etc.)

She is also working to have a falsely reported debt removed from a client's credit report. The client has been hounded by credit agencies and is unable to get a car or lease a better apartment because her landlords failed to let the credit agencies know her rent has been paid, despite a court order directing them to do so.



Gatto

Jon Gatto (Tampa) represented a non-English speaking individual who signed a contract written in English for a grossly overpriced car at a very high, but not unlawful, interest rate. The client said the car malfunctioned the day after purchase, but he did not take it for repairs until six months later. The defendant said there was nothing wrong with the car, and that the client trumped up handwritten repair receipts. Jon spent a significant amount of time preparing for a trial, only to learn on the eve of trial from the defendant that the client had signed a settlement agreement at mediation. The client had not told Jon about the settlement agreement, and in fact said that the dealership was completely uncooperative at mediation. The docket listed the mediation result as an impasse, but that was only because our client failed to submit a required affidavit stating that the dealership had done what was required under the mediated settlement agreement (which it had). In the end, Jon was able to persuade the dealership to reduce the sales price by about \$2,000 to settle the case – again. LAA Grisel Rodriguez assisted Jon with client communications by translating.



Gold

Celender

Larry Gold and Kate Celender (Atlanta) handled a pro-bono matter for the owner of two small houses that he rented out. Unbeknownst to the client, his signature was forged on two deeds that divested him of his property. The client learned about the forged deeds when he started receiving notices to vacate the premises. Suit was filed against the purported new owners, and everyone else involved in this scheme. A complete victory was obtained for the client, and his property was returned to him.



Hall

Doug Hall (Tallahassee) represented a non-profit organization in an employment discrimination claim asserted by one of its longtime staff attorneys who was terminated as part of a reduction in force. The case settled at pre-suit mediation.



Harbison

Rheb Harbison (Tallahassee) assists a not-for-profit organization that represents not-for-profit builders who plan and construct affordable housing communities for low income individuals. The economic downturn left the organization nearly bankrupt. Representation includes facilitating meetings between the organization and key legislative and executive branch decision-makers. Rheb also monitors and reports on the status of relevant legislation and agency actions to the organization, and provides political counsel.



Haynes

Smart

Jourdan Haynes and Chris Smart (Tampa) are working on a home ownership matter received from Bay Area Legal Services. The client sold his home to the pastor of his church and executed a quitclaim deed without obtaining a written agreement. The client allowed the pastor and his wife to move into the home, and the client began living in the residence the pastor had been renting. The pastor did not abide by the terms of the oral contract. As a result, another pastor of the church intervened and the client was able to get the pastor to whom he sold the house to sign a subsequent written agreement to purchase real estate. The pastor has not been paying the client as agreed upon in the written contract. Further, the home that client is living in (the pastor's former residence) is being sold in a short sale and the client will soon have nowhere to live. The client will need assistance to enforce the verbal and subsequent written contract for the sale of his home.



Camp



Dixon



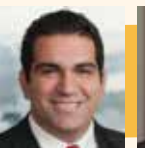
Fleming



Heckert



Roberts



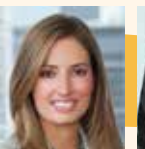
Boulos



Cannella



Cheek



Rodriguez



Strader

Election Protection Program

For the past several years, Miami shareholder **John Camp** has led a team of Carlton Fields lawyers, including **Penelope Dixon**, **Linda Fleming**, **Katie Heckert**, **Josh Roberts**, **Greg Boulos**, **Dave Cannella**, **Christopher Cheek**, **Magda Rodriguez**, and **Yolanda Strader**, working with the Lawyers' Committee for Civil Rights (LCCR) in connection with its election protection efforts in Florida. The nonpartisan Election Protection Coalition exists to ensure that all voters have an equal opportunity to participate in the political process.

John's efforts have included helping to coordinate the LCCR's election protection program in Florida, and helping to implement election protection programs in Miami, Tampa, and Orlando for the 2012 general election. In Miami-Dade County, John was the lead contact for LCCR lawyers and staff. He met with the Supervisor of Elections' office to address potential problems in the months and weeks before the election, and was the direct contact with that office on Election Day. John coordinated the volunteer lawyer effort and trained volunteer lawyers before the election. On Election Day, he supervised and coordinated the efforts of volunteer lawyers throughout Miami-Dade County. In this capacity he assisted voters, addressing and documenting systemic and individual problems. He was also the national hotline main contact, and fielded calls and complaints regarding voters' rights issues in Miami-Dade County.

During early voting, several attorneys volunteered as field attorneys at local polling places, assisting voters with questions under Florida election law and working with the Supervisor's office to address and attempt to alleviate the massive delays and long lines voters faced (both during early voting and on Election Day). After the election, and in the wake of the nationally publicized problems voters faced in Miami-Dade County, John worked with the LCCR to document and address the systemic problems that Florida voters faced in connection with the general election. In June 2013 he testified before the Presidential Commission on Election Administration, specifically addressing problems confronting voters in Miami-Dade County during 2012 early voting and on Election Day.



Heckert



Quintero



Kantaskas

Katie Heckert, **Jason Quintero** and **Derek Kantaskas (Tampa)** helped a client obtaining dissolution of a lien filed against the client's property by the homeowners association.

Jason and Katie are also representing a woman in ongoing efforts to recover money she paid for car repairs that were never performed. A complaint was filed with the Department of Agriculture (which governs this type of complaint),

but their investigation was closed due to the repair shop's failure to respond. Litigation against the car repair company is being considered.



Howard

Jason Howard (Atlanta) is a member of the Advisory Board of Pro Bono Partnership of Atlanta. He serves as pro bono counsel to Zoo Atlanta on general real estate matters (including negotiating the contracts for the construction of the zoo's new state-of-the-art amphibian and reptile complex) and to a local non-profit which was considering creating an urban garden in Atlanta.



Joseph

Through the Put Something Back program, **Seth Joseph (Miami)** represented a ministry on their 501c3 application.



Kahn



Salario

For about seven years, **Allison Kahn (West Palm Beach)** represented a criminal pro bono client convicted of armed burglary and sentenced to life in prison. She moved for a new trial based on ineffective assistance of counsel and newly discovered evidence, and won the right to an evidentiary hearing on both motions. After a two-day evidentiary hearing, the court denied relief. **Sam Salario (Tampa)** is handling the appeal.



Kaufman



Gross



Throckmorton

Avi Kaufman, Rick Gross, Charles Throckmorton, Yolanda Strader, and Greg Boulos (Miami) are handling the defense of a condominium lien foreclosure action. Based on the conduct of certain condominium association board members, a counterclaim and third-party claim were filed on the defendant's behalf, asserting causes of action for breach of declaration of condominium and assault. They are scheduling hearings on defendant's motions to strike the counter-defendant and third party defendant's affirmative defenses, and expect this action to continue for the foreseeable future.



Strader



Boulos



Keane

Cristin Keane (Tampa) provided pro bono representation in the form of tax exemption applications, organizational documents, ongoing tax advice, and more, to numerous nonprofit organizations.



Kibert

Nicole Kibert (Tampa) handled the acquisition of an organic community farm's property from the farm's founding member, including seller-financing. Established in 1995, the nonprofit community-supported urban organic farm and environmental education center is located on six acres of suburban property in Tampa.



Sembler



Keane



Pence

Since its inception in 2003, Nicole has provided pro bono legal services to a local chapter of a non-profit organization dedicated to sustainable building design and construction. Carlton Fields was a founding partner of the Chapter, whose mission is to lead the region toward sustainability by encouraging and advancing environmentally-friendly knowledge and values as they pertain to the built environment and its relationship and impact on nature and humans.

Lauren Sembler and **Cristin Keane** drafted the proposed merger checklist and reviewed the governing documents of the applicable chapters to determine feasibility of a merger. In addition, **Scott Pence** helped draft agreements for provision of educational programming and other related agreements. In addition, the chapter is currently in negotiations with the other Florida and Caribbean chapters to merge into one entity.

Nicole also represents the board of a local land trust organization. During the past year, she worked with the board regarding the acquisition of a new parcel in concert with an easement that is desired from the South West Florida Water Management District. Negotiations are ongoing.



Kirk

Donald Kirk (Tampa) assisted an elderly woman with creditor problems, making the creditor understand that he should not contact her.



Leahu

Stephen Leahu (Tampa) helped a religious civil liberties education, litigation, and policy organization that provides services to the indigent obtain a consent decree that required defendant to permanently refrain from using its trademarks.

Stephen also counseled a non-profit school health education program in Miami on intellectual property matters concerning its advertising and course materials.

Additionally, he counseled a non-profit economic education organization on a dispute concerning copyrights and rights of publicity with regard to certain proprietary photographs.



Linnan

Nancy Linnan (Tallahassee) provided pro bono representation to the local chapter of a non-profit organization, to set it up to hold property because the organization's rules will not let local chapters own property and all funding must come from its members. The group encountered problems a few years ago when it inadvertently violated codes by moving a commercial double-wide trailer onto real property and hooking it up to a residential septic tank. The client usually had more than 80 people on the premises throughout the day and did not comply with life safety codes. The City was about to shut it down.

Nancy worked with the City to determine what the client needed to do, and grant it the time needed to bring the property up to code. She also negotiated an arrangement for the group to hook up to sewer and water services. She later had a site plan approved for a new building for the group, and the group is raising funds for that.



Linquanti

Rich Linquanti (Tampa) represents a community arts organization in St. Pete Beach regarding a BP Oil spill claim and negotiating a memorandum of understanding with the City of St. Pete Beach for the center's facility.

He is also a volunteer hearing officer for Section 8 assistance termination appeals for the Pinellas County Housing Authority; and corporate counsel to a charity to which he primarily advises on charity fundraising laws nationwide.

Additionally, Rich represents the local chapter of, a New York-based charity that buys residential lots, builds accessible housing, and gives it to severely wounded veterans.



Lored



Osman



Nieucho

Jose Lored, Edith Osman (Miami); and Ilan Nieucho (West Palm Beach) represent a mother in a child custody dispute.



Luck



Courts



Webster

David Luck, Chris Courts (Miami); and Peter Webster (Tallahassee) represent an inmate serving concurrent sentences that will virtually ensure he never leaves prison in an Eighth Amendment pro-bono appeal to the Supreme Court of Florida. For nearly two years the client has asked the court to rule that the United States Supreme Court's decision in *Graham v. Florida*, 560 U.S. 48 (2010), which held that juveniles may not be sentenced to life without parole for non-homicide crimes, applies to a 90-year sentence for non-homicide crimes imposed with no opportunity for parole. If the court does not grant the appeal, the case will likely continue with the filing of a petition for writ of certiorari with the United States Supreme Court. The decision will impact all juvenile non-homicide offenders in the state of Florida with sentences that exceed their life expectancies.



MacPherson

Christy MacPherson (Atlanta) represented a couple who sought to obtain guardianship over their disabled son, who was about to turn 18, so they could continue to care for him after he turned 18. This involved meeting with the couple, representing them at the hearing, and preparing court filings.



McCoy

Kevin McCoy, with assistance from **Katie Heckert (Tampa)**, is handling a pro bono matter involving feuding family members in rural Wimauma, Florida. The dispute centers on title to a 1-acre parcel of property that is part of a larger 2.8-acre parcel. The clients have lived on their 1-acre for 30 years and contend they were to have been given title to the property when the liens on the property were satisfied. The property owner is the former mother-in-law of one of the clients. She lives on the remaining property (beyond the 1-acre the clients possess) and disputes that she promised to convey the title. She tried unsuccessfully for years to remove the clients through eviction actions to no avail because they have no lease. Kevin and Katie moved for summary judgment on res judicata grounds based on the prior final orders in the eviction actions and the theory that all actions that could have been brought based on the same facts should have been brought. The judge indicated that the motion and arguments were compelling, but then denied the motion without explanation. The case has just been reassigned to a new judge. Although it is technically a property dispute, it is, at heart, a bitter family dispute triggered by a betrayal of trust.



McLeroy

Kathy McLeroy provided advice and counsel for attorneys at Bay Area Legal Services who defended a mortgage foreclosure action against a family whose mortgage holder initiated a wrongful foreclosure action.



McDonald



Leahu

Doug McDonald and **Stephen Leahu (Tampa)** obtained a Notice of Dismissal with Prejudice related to an indigent DJ's use of karaoke tracks.



Moore

Josh Moore (Orlando) is handling a guardian ad litem case involving a 21-year-old single mother who had her child sheltered from her due to her drug use. Over the course of the case—a little more than a year—the mother participated in drug counseling and rehabilitation, tested clean, and obtained a job. The mother and child were reunited at the end of the case and the mother appeared to be on the right track.



Napierala



Lagomasino

Natalie Napierala (New York) and **Leo Lagomasino (Miami)** volunteer with Building Empowerment by Stopping Trafficking (BEST), which aids trafficking victims and prosecutes traffickers nationally and internationally. Natalie will be the organization's New York liaison on pro bono matters, and Leo works with BEST on trafficking.



Nettleton

Paul Nettleton (Miami) spent a couple of weeks in St. Louis and Columbus providing trial training to legal services attorneys (through ABA Litigation Section Committee he chaired and NITA).



Olle

Dennis Olle and **Chris Cheek (Miami)** represent a non-profit organization in its attempt to prevent mosquito spraying in the National Key Deer Refuge.



Page

Ed Page (Tampa) spent a week defending a young man during his second degree murder trial last year. The jury found the client guilty, and Ed handled some of the post trial motion hearing and sentencing hearing on a pro bono basis.



Pappas

Gary Pappas (Miami) handled three civil rights cases through the Volunteer Lawyers Program of the Southern District of Florida, including two trials (one with Greg Cesarano).



Punzak



Lockett

Dave Punzak (St. Petersburg) and **Laurel Lockett (Tampa)** represent a non-profit organization in connection with its proposed acquisition of a site for the construction of a large domestic violence facility/shelter in St. Petersburg. Once fully constructed, this project will cost about \$5 million.



Quintero

Jason Quintero (Tampa) is handling a Veteran's Administration appeal through Lawyers Serving Warriors, a program that offers veterans from all eras pro bono legal help with disability issues. Their current pro bono initiative assists veterans with two types of disability claims: applications for combat related special compensation and applications to the physical disability board of review for an increase in the military disability rating.

The client suffered multiple injuries while on patrol after the vehicle he was in was struck by an IED. His injuries included traumatic brain injuries, knee and shoulder injuries, and severe post traumatic stress. He was rated at 10 percent disability for several reasons, including the fact that his injuries were not suffered in a combat theater (although he had received decorations for wounds/injuries received in a combat theater). Jason appealed the client's initial disability rating and subsequently got it increased to 90 percent disabled, allowing the client to receive additional care and funds for educational/occupational training.



Rodriguez

Magda Rodriguez (Miami) is working on a pro bono family law matter that involves the modification of an existing parenting plan.



Salaro

Throughout 2012 and 2013, **Sam Salaro (Tampa)** has represented a man in connection with an appeal to the Second District of the denial, after an evidentiary hearing, of a motion for post conviction relief under Rule 3.850. The client was convicted in Hillsborough County in December 2003 of armed burglary and two lesser charges in connection with the burglary of a Riverview home while its owners were on vacation. The State's theory on the armed element of the burglary charge was that the client stole a firearm while in the residence, not that he was armed when he entered. He was sentenced to life on the armed burglary charge, and five years each on the lesser charges. The evidence on the armed count that put him in jail for life is quite thin. He has strong arguments based on newly discovered evidence and ineffective assistance of counsel. The case has been fully briefed since March 4, 2013, and Sam is awaiting word on oral argument or a decision.



Bittick

Dupré



Henry

Walbolt

Carlton Fields Receives Children's Advocacy Award

In 2012, **Kelly Bittick, Steve Dupré, Nancy Henry, and Sylvia Walbolt** helped Legal Aid attorneys advocate for a child with special needs. The eight-year-old client, J.W., attended a private school on a McKay Scholarship and was doing well for the first time in his short academic career. McKay Scholarships provide tuition assistance to disabled students who attend participating private schools instead of a local public school.

J.W.'s mother worked two jobs to make up the difference between the private school tuition and the McKay Scholarship. Seven months into the school year, J.W.'s mother received an email notifying her that her son's McKay Scholarship had been reduced. She was distraught. The private school had never seen

this happen before. Because she desperately wanted her son to remain at the school where he was doing so well, J.W.'s mother took a third job, and sought Legal Aid's assistance.

Legal Aid began the battle with a five-day trial before an administrative law judge. The judge ruled in J.W.'s favor on many of the issues, but determined that the statute of limitations would not allow her to provide J.W. the relief he sought. The Legal Aid attorneys disagreed with the judge's ruling and believed the issue had not yet been fully determined in the courts.

Carlton Fields attorneys then brought the case to Federal Court. They mediated and, over time, negotiated an agreement that allows J.W. to remain at his private school through his high school graduation. His mother was able to quit her third job and concentrate on her own nursing education. She is about to finish her degree and will be an RN.

Ultimately, Carlton Fields donated \$250,000 in legal services. The firm and its attorneys not only gave J.W. a voice and the opportunity for an optimal education, but they set the stage to impact students like J.W. going forward.

In recognition of its efforts on this matter, this fall the firm received the Children's Advocacy Award from Legal Aid Service of Broward County and Coast to Coast Legal Aid of South Florida. The award is given annually to an advocate, or team of advocates, whose actions exemplify a personal and professional commitment to making justice available to the poor and disadvantaged.

"The attorneys from Carlton Fields, with no concern for the time or resources committed, have made a huge difference in the life of a child and his family that will have a lifetime impact," said Anthony J. Karrat, executive director, Legal Aid Service of Broward County. "We are truly grateful for their unselfish dedication, commitment, and compassion for those in need."



Sampson



Osman



Webster



Alonso



Moore

Michael Sampson (Orlando) represented an indigent woman in a contested timesharing and divorce action. The contested issues at trial included residency of two children, ages 17 and 13, the younger of which had special needs.

Michael also worked with **Edith Osman** and **Peter Webster** on an amicus brief on behalf of The Florida Bar Public Interest Law and Trial Lawyers Sections and Legal Needs of Children Committee and 15 past presidents of The Florida Bar, in the Third District Court of Appeal on the issue of whether attorneys ad litem for a dependent juvenile could be forced to divulge the location of the juvenile notwithstanding the attorney-client privilege.

Michael currently is working with **Cristina Alonso** and **Josh Moore** on the appeal of an order vacating a second parent adoption by the client, a woman whose former partner joined in the adoption. A successor Seminole County Circuit Judge vacated the order for lack of subject matter jurisdiction and on other grounds. Over opposition by appellee, the following groups have sought to submit amicus briefs in support of our client's position:

1. National Association of Social Workers (social science on attachments and bonding and harm of severing them/importance of legally recognizing both parents)
2. University of Florida Center on Children and Families joined by other law schools and a few preeminent scholars (trial court decision violates Florida adoption law and policy and violates children's constitutional rights (EP and DP argument))
3. American Academy of Adoption Attorneys (second parent adoption is permissible under Florida adoption law; trial court erred in vacating the adoption because courts have subject matter jurisdiction to hear all adoptions and petitioner was estopped from challenging an adoption she sought)
4. ACLU/NCLR (trial court's order violates constitutional rights of parents and children)

In another matter, Michael worked with the ACLU to restore the rights of a transgendered parent whose rights to contact with three children were cut off on an emergency basis when the client announced her final transition from male to female was going to take place.



Sansone



Faggianelli



Sembler



Felix



Skrande



Gore



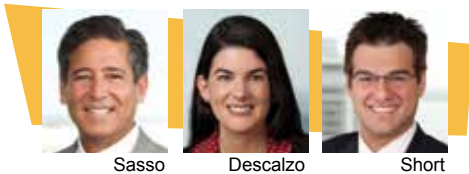
Zorilla-Gaston

Amanda Sansone, Nancy Faggianelli, Lauren Sembler (Tampa); Adrian Felix, Gutman Skrande (Miami); and Kristin Gore and Alana Zorilla-Gaston (West Palm Beach) represented a LGBT youth who tried to organize a National Day of Silence in support of LGBT youth everywhere in 2012 and 2013 at her high school. Her 2012 silenced attempt is the heart of this lawsuit.

On behalf of the teen, by and through her father, our team filed a lawsuit against a school district and various school officials in their individual capacity seeking injunctive, declaratory, and nominal relief for violating the girl's First Amendment right to

freedom of expression; for retaliating against her exercise of her First Amendment right; and for violating her Fourteenth Amendment right by failure to supervise. A motion for a preliminary injunction regarding the 2013 Day of Silence was also filed.

A hearing on the preliminary injunction was held, and the district court found that the client had shown a "substantial likelihood of success on the merits." The court also found that the public interest would be furthered, and that the balancing of harms weighed in her favor, but denied the injunction based on defendants' representations at the hearing that both the school superintendent and school principal were no longer in positions of authority over students at the high school and assurances to the court that the teen could participate without interference in 2013, thus concluding that there was not an imminent threat of irreparable harm. The court also entered orders mostly denying in part the motions to dismiss filed by some of the individual defendants. One of those motions is now on appeal.



Sasso

Descalzo

Short

Gary Sasso, Marissel Descalzo and Chas Short (Miami) represented an indigent prisoner serving a 30-plus year sentence as a repeat offender based on his last conviction for armed robbery. In the appeal to the Florida Supreme Court, they obtained a favorable decision remanding the case to the trial court for an evidentiary hearing on newly discovered evidence, which consisted of testimony by a man who had previously pleaded guilty to the same armed robbery who came forward to say that our client was not his accomplice.

After remand, our client's key witness recanted his exculpatory testimony. Although our client was ultimately not successful, the case moved from a point where the state asked the court to dismiss the petition and impose sanctions against Carlton Fields for continuing to prosecute the case given the change in testimony, to making a very credible showing in the evidentiary hearing. The court took the matter under advisement, gave it thoughtful consideration, but eventually ruled against our client. The client was advised to not seek further appeal.



Sloan

Michael Sloan (West Palm Beach) handled a pro bono family law appeal, representing the former wife/appellee. An appellate dismissal for lack of jurisdiction was obtained based on an untimely notice of appeal from the appellant/former husband.



Smart

Chris Smart (Tampa) is representing a client referred through Bay Area Legal Services. The client's granddaughter and the granddaughter's stepmother originally persuaded the client to obtain a mortgage loan secured by her home (which she owned free and clear). The client entrusted the loan proceeds to them. They took her money and, when she got sick, forged her signature on a quitclaim deed to them and then obtained a large institutional mortgage, the proceeds of which they also stole.

Chris deferred the foreclosure action and effected a settlement that enabled the client to stay in her home without making rent or mortgage payments for an additional year, though she ultimately had to vacate the property. She received payment of most, if not all, of the equity in her home.



Smith

Mark Smith (Tampa) represents the local affiliate of a well-known non-profit organization that provides access to safe and extremely low cost home ownership. He handles a broad spectrum of issues to assist the organization, ranging from counseling regarding development issues to real estate litigation. Mark's pro bono legal services allow the organization to minimize development expenses and maintain access to affordable housing.



Strauch

Mike Strauch (Miami) served as attorney ad litem for two children in the Florida foster care system who sought to be reunited with their mother, despite neglect allegations.



Swartsel

Vern Swartsel (Orlando) is revising and reviewing estate planning material for the most recent edition of Equality Florida's handbook.



Swing

Morgan Swing (Miami) recently completed a pro bono matter in which a judge in Florida's 11th Circuit Court sought to appoint her as guardian ad litem solely with respect to competency for an incarcerated defendant. The defendant, who had been in jail for more than four years, was deemed incompetent several times and the judge had reservations regarding his competency. The judge's main reason for the proposed guardianship stemmed from an Office of the Public Defender policy that provides that, if a defendant asserts his competency, whether competent or not, the PD's Office does not challenge it. The judge wanted to ensure that someone, the guardian, would properly review and assert this defendant's rights. The Public Defender's Office fought the appointment, and, in the process, Morgan drafted a memorandum with proposed additional options for the court.



Thompson

Patricia Thompson (Miami) provided employment representation to a small church on a variety of issues. One matter concerned the defense of the church against a sexual harassment case that became a pregnancy discrimination case. It arose when the principal of the church's day care school alleged she was sexually harassed, became pregnant out-of-wedlock for the second time, and was terminated for conduct deemed at odds with expectations for church leaders. The issue was whether the ministry exception applied to her.

Patricia also provided a legal services organization with employment advice and advice regarding terminating employees.

In another matter, Patricia helped a partially blind gentleman with a third grade education resolve some lien and other financial claims against him.

Additionally, Patricia served as general counsel to the board of a business network, helping them address serious governance and other legal issues. For example, she conducted an extensive revision of the bylaws; and drafted a new conflict of interest policy, a new legislative advocacy policy, and a statement of member policy on committee voting. She also drafted several lease and affinity contracts, advised on a trademark and a water damage claim, and served as parliamentarian pursuant to Roberts' Rules of Order to assist the chair during board meetings.

Patricia is also assisting a non-profit agency that provides immigration legal services to low income individuals and advocates for immigration policies with various employment issues, including how to downsize their staff.



Tinkler

Ken Tinkler (Tampa) provides pro bono representation to a community cultural center, focusing on issues related to their rather unique public/private/community partnership, including the Sunshine Law and public records challenges that go with their arrangement.



Viera

Olga Viera (Miami) is representing a 13-year-old victim of sex trafficking in her dependency court case. The girl ended up in dependency court because DCF alleged that her mother knew she was involved in prostitution and would ask her for money for things like getting her hair and nails done. Both the mother and child are now in therapy and Olga is working to reunite them. Olga also used her community contacts to find a plastic surgeon willing to remove tattoos from the girls eyelids, and services were donated by Miami Children's Hospital.



Walbolt

Sylvia Walbolt (Tampa) assisted the American College of Trial Lawyers Access to Justice Committee. In her role as chair of its teaching committee, she spearheads the teaching of advocacy skills for public interest lawyers.



Wallace

Jessica Zagier Wallace (Miami) recently prevailed in the appeal of an immigration case arguing that our non-citizen client was not convicted of an aggravated felony that would make him automatically deportable from the United States.



Webster

Peter Webster (Tallahassee) worked on a matter on behalf of the Northwestern School of Law Center on Wrongful Convictions of Youth, and challenged an effort by a conservative legal entity to depose law clerks of Florida Supreme Court Justices who were up for merit retention in connection with an action challenging the Justices' right to appear on the ballot.



Weede

Dan Weede (Atlanta) has been actively involved with the formation of a community group to promote the creation of a 10-acre park in the Buckhead neighborhood of Atlanta. The work includes advocating for the park before the City of Atlanta and Georgia Department of Transportation, organizing public meetings for community input, organizing a \$1 million capital campaign, as well as countless community volunteer events to get the community to embrace the new park.



Weiss



Cheek

Aaron Weiss and **Chris Cheek (Miami)** advocated to discharge Medicaid liens on the estate of a pro bono client (since deceased) whose property rights were vindicated when Carlton Fields prevailed in a quiet title action on her behalf.



Young



Tinsley

Bob Young and **Katie Tinsley (Orlando)** are defending a foreclosure matter in which the bank has been trying to foreclose on our client's property for a long time.



Young

Gwynne Young (Tampa) has an ongoing guardianship matter for which she advises the adult ward's guardian/mother on many issues and prepares the annual guardianship reports. She also helped the guardian's other adult child in a pro bono matter regarding her son, who was charged with vehicular manslaughter in Nebraska, and on issues regarding custody of his daughter.

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