

# **SLC Board of Directors**



**ELIZABETH L. BEVINGTON** (joined Board in 2012) is a partner with Holland & Knight LLP in Tallahassee.

**ALAN BOOKMAN** (2002) is a director with Emmanuel, Sheppard & Condon in Pensacola.

**BENJAMIN L. CRUMP** (2009) is a principal with Parks & Crump, LLC in Tallahassee.

**JESSE H. DINER** (2011) is a shareholder with Fowler White Boggs in Ft. Lauderdale.

**DR. VIVIAN HOBBS** (2004) is a retired associate professor of English and Humanities for the College of Arts and Sciences at Florida A&M University in Tallahassee.

**WILLIAM KALISH** (2006) was elected chair in January 2012. He is a shareholder and leads the Tax Group of Akerman Senterfitt in Tampa.

**BARBARA BOLTON LITTEN** (2005) clerked for SLC while attending law school at the University of Florida. She is a principal with Squire Sanders (US) LLP in West Palm Beach.

**HON. KENNETH H. (BUDDY) MACKAY, JR.** (2003) served as chair from 2008 through 2011. After many years of public service at the state and federal level, he currently serves as a dependency mediator in the 5th Circuit Juvenile Court in Ocala.

**DAVID B. ROTHMAN** (2010) is a partner with Rothman & Associates, P.A. in Miami.

**ROBERT A. RUSH** (2011) is a partner with Rush & Glassman in Gainesville.

**LANSING C. SCRIVEN** (2009) is a partner with the Commercial Litigation Group of Quarles & Brady, LLP in Tampa.

**HARRY L. SHORSTEIN** (2012) is a partner with Shorstein & Lasnetski, LLC in Jacksonville.

**ROBERT F. SPOHRER** (2010) is the senior partner with Spohrer & Dodd, PL in Jacksonville.

#### WILLIAM KALISH, Chair, Board of Directors

## BALANCING THE SCALES

THE SCALES is a wonderful summary of why I joined and support SLC. SLC represents people with little or no voice against powerful interests. With the high quality representation SLC lawyers provide, they make the playing field even.

SLC will take on tough cases on behalf of Florida's citizens. Indeed, SLC has challenged the state's failure to provide a high quality education system by suing Florida's legislative and education officials. Not many law firms could or would do such cases. It also speaks volumes that many respected leaders of The Florida Bar, The Florida Bar Foundation as well as active citizens have been supportive of SLC.

I applaud SLC's 35 years and hope you will join me in supporting the next 35.





JODI SIEGEL, Executive Director, SLC

# SLC IS A UNIQUE ORGANIZATION and I am proud that my entire

legal career of 26 years has been spent helping people in a meaningful way.

We are a broad-focus public interest law firm that does not accept funding from any governmental source. The broad focus means that we do not limit representation to a particular issue area. SLC has the ability to be flexible to adjust to the most pressing public interest needs in any part of Florida. Further, the independence from governmental funding allows us to pursue systemic litigation against governmental entities without fear of economic retaliation.

Through grants from The Florida Bar Foundation, SLC provides state support, training and mentoring to legal aid programs around the state and shares its expertise in litigation skills and substantive knowledge. However, our broad focus allows us also to undertake representation on public interest issues on

behalf of clients and organizations who may not meet the financial eligibility requirements for legal services and legal aid programs.

I love the work we do, whether helping thousands in one case achieve reform or individuals in many cases obtain services.

# The Mission Begins...

### **SLC Founding Board Members**

Joseph R. Julin (d.) Michael McIntosh Jon L. Mills Joseph Onek Chesterfield Smith, Sr. (d.)

#### **SLC Past Board Members**

Jacqueline Allee
Francisco R. Angones
Howard C. Coker
Hon. LeRoy Collins (d.)
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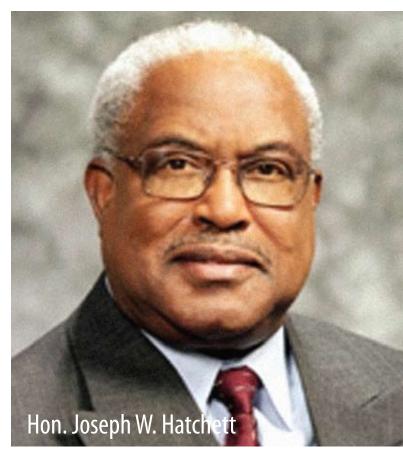


Southern Legal Counsel was created to fill a gap in the Florida legal system. There was no one to represent the underrepresented – those who did not have the resources and ability to persevere and take on powerful forces of government and others. Chesterfield Smith, myself and others helped create this organization which today fills that gap, will take on the case that will last years and will set precedents. They have fulfilled their mission.

- Jon L. Mills

SLC tackles the hard-fought cases over multiple years in order to establish change. High-impact reform litigation is central to our mission. It takes dedication and sufficient resources, human and financial, to be able to accomplish lasting change. SLC continues today to pursue justice, to improve governmental systems that should be, but are not, serving the people.

- Hon. Joseph W. Hatchett



# SLC WAS CREATED TO FULFILL A SPECIAL ROLE. While some of our state's

unrepresented have access to legal aid or to free or pro bono lawyers, many do not. And when many individuals come upon the same obstacles that they cannot fix, the resolution requires a systemic approach to end the unlawful or discriminatory practices. SLC has focused on the people and issues that are in greatest need of this civil legal assistance.

# **WE WERE FOUNDED...**

In 1977, Jon Mills was the director of the newly formed Center for Governmental Responsibility at the University of Florida College of Law, and was heading the school's Executive Impoundment Project, working with Congress investigating President Richard Nixon. To assist him, Mills advertised for third-year law clerks. Albert J. Hadeed applied for a position, though he was just a second-year law student. Using his even-then considerable powers of persuasion, Hadeed attached a memo to his application, arguing that the stated third-year requirement was an inappropriate, irrebuttable presumption of the ability to do the work.

Perhaps not surprisingly, Hadeed won the clerkship, and went on to become the Center's staff director. The Center worked on public interest litigation, including with Ralph Nader's Public Citizen. Mills, Chesterfield Smith, law school Dean Joseph Julin, Michael McIntosh and Joseph Onek formed Southern Legal Counsel, Inc. as a separate entity to be able to litigate independent of the law school, with Hadeed serving as SLC's first Executive Director.

From the beginning, SLC made a positive impact on its service areas. Its efforts on behalf of the environment, for example, led to the creation of 1000 Friends of Florida, with SLC serving as its first general counsel. Grants from the Governor's Commission on Advocacy for Persons with Disabilities (later known as the Advocacy Center and now Disability Rights Florida) allowed SLC for many years to focus on significant issues impacting individuals with disabilities.

In 1996, when Congress passed restrictions on Legal Services Corporation (LSC) programs, The Florida Bar Foundation was a national leader in developing a "companion system" and funded programs like SLC to pursue the kind of work that LSC programs no longer could, such as class actions and claims for attorneys' fees. As a state leader on special education issues, SLC began receiving a grant in 1999 from the Foundation's newly established Children's Legal Services program. The goal was to mentor legal aid lawyers to increase the number of lawyers able to represent low income children with special education needs.

A hallmark of SLC has always been our independence: we receive no governmental funding, allowing us to work on improving local, state and federal systems on behalf of our constituents. While we have developed areas of expertise, SLC's unique mission is to fill the gaps of unmet legal needs and promote the general public interest.

### ...TO BALANCE THE SCALES

#### **WE'LL PERSEVERE...**

# AN INTEGRAL PART OF SLC'S MISSION CONTINUES to be systemic reform.

Through litigation in federal and state courts and before administrative agencies, SLC has helped:

- secure and enforce the rights of persons with disabilities
- obtain a free appropriate public education for special needs students
- invalidate city ordinances that criminalize people who are homeless
- force improvements in the juvenile justice system
- ensure that people can work free from discrimination
- improve conditions for residents of many of Florida's institutions
- enhance the accountability of governmental agencies
- ensure the appropriate use of growth management statutes
- protect Florida's waters.

SLC does much more than litigate, however, including drafting model regulations for state agency adoption; proposing state legislation; testifying at Congressional hearings; remedying problems through negotiation with state officials before litigation is filed; submitting *amicus curiae* briefs; furnishing technical assistance to attorneys; preparing training manuals and conducting

seminars for lay and professional groups; and educating the general public through speaking engagements and publications.

Time marches on, but SLC's mission remains the same: to support Florida's unrepresented. Our current work benefits:

- children with special needs
- · individuals with disabilities seeking community services
- people subject to discrimination
- students not receiving a high quality education
- persons experiencing homelessness
- · citizens concerned with water shortages
- · anyone denied due process or other civil rights.

And throughout our more than three decades of service, SLC as an organization has remained a solid and reassuring presence. We have had just three Executive Directors. Our first, Albert J. Hadeed, served from 1977 to 1988; Alice K. Nelson served from 1988 to 2004 and remains an active SLC attorney; and Jodi Siegel from 2004 until today.

# ...IN PURSUIT OF JUSTICE FOR ALL



1980s ... a state institution for people with profound disabilities who were confined to wheelchairs or beds were housed on the second floor with no emergency evacuation and were not provided appropriate nutritional care. Orlando Sunland was the first institution for individuals with profound developmental disabilities that was judicially ordered to close down. SLC provided oversight for the phase-down, which occurred concurrently with the development of a new system of residential settings for class members in their home communities as well as comprehensive assessments, services and equipment for nutritional and physical management. Florida Ass'n for Retarded Citizens v. Martinez (M.D. Fla.), 246 F.3d 1296 (11th Cir. 2001).

1980s & 90s ... a woman in a Gainesville institution for persons with developmental disabilities died of an experimental lithium overdose. An individual wrongful death action was settled for statewide relief regarding the proper administration of psychotropic drugs in Florida institutions. SLC monitored the establishment and implementation of the settlement agreement for two decades. *LeClair v. Williams* (N.D. Fla.).

1990s ... persons with severe and persistent mental illness were confined without even minimally adequate treatment. Horrible conditions at South Florida State Hospital included a lack of privacy, routine group nakedness, soiled "communal" clothing rather than allowing personal clothing, inadequate dental care and abusive staff. SLC filed a class action, and the State agreed to a settlement to correct the deficiencies at SFSH and to seek funding to improve the mental health services available in the community. Sanbourne v. Bush, 756 F. Supp. 1533 (S.D. Fla. 1991) (co-counsel Advocacy Ctr. for Persons with Disabilities).

2000s ... more than 300 people were on a waiting list for services, some for years, through the Brain and Spinal Cord Injury Medicaid Waiver Program. SLC filed a class action to remedy the systemic problems faced by individuals eligible for this program. A mediated settlement over changes to the program was reached in which, in consultation with Plaintiffs, the State developed a new Handbook and Operating Procedures on freedom of choice and due process rights. The Department of Health also agreed to make it a priority to seek additional funding to expand the waiver program by a minimum of 200 slots over three years. *Dubois v. Calamas & Francois* (N.D. Fla.) (co-counsel Nat'l Health Law Program).

### **WE'LL PERSEVERE UNTIL...**

- ...individuals with physical and developmental disabilities and mental illnesses have access to community-based health care services.
- ...people with disabilities are free from discrimination.
- ...people with disabilities who are confined to institutions are treated with dignity and provided appropriate services.

#### **Our Work Continues**

**INSTITUTIONAL REFORM.** For 35 years, SLC has advocated for people with disabilities in a variety of contexts. For several decades, SLC litigated class action institutional reform cases and brought about systemic changes in institutions for persons with developmental disabilities and mental illnesses.

**COMMUNITY SERVICES.** Since the landmark case of *Olmstead v. L.C.*, 527 U.S. 581 (1999), which recognized unjustified institutionalization as disability discrimination, we have focused on ensuring that people with disabilities have access to community placements and the necessary community-based services. Based on the Americans with Disabilities Act, SLC has forced improvements and expanded services in Medicaid Waiver programs for individuals with spinal cord and traumatic brain injuries, developmental disabilities, physical disabilities and elder frailties.

**DD MEDICAID WAIVER.** We have a particular emphasis on ensuring that the Developmental Disabilities Home and Community-Based Medicaid Waiver Program is administered fairly and recipients are provided due process of law. This is a statewide initiative to protect and defend individuals with developmental disabilities' statutory and constitutional rights to live safely in a community setting.

**OTHER RIGHTS.** SLC's endeavors on behalf of people with disabilities crosses into every other area of our work: education, housing, homelessness, employment and civil rights.

### Clayton's story

At the age of 50, Clayton Griffin suffered a stroke that paralyzed the left side of his body. His need for personal assistance to engage in activities of daily living left him unable to retain his job. Florida's Medicaid program offered Clayton only one option to obtain necessary care: to live in a nursing home, which cost the state triple what it would require to provide him assistance at home. After four years in a nursing home, he desperately longed to regain the independence he had prior to his stroke by returning to the community.

In 2008, SLC and three national co-counsel filed a class action lawsuit on behalf of Clayton and the more than 8,500 individuals with physical disabilities who wished to live in the community but were forced to live in nursing homes to access necessary services. The lawsuit, Lee v. Dudek, was filed under the Americans with Disabilities Act, and demanded that the State stop unnecessary and costly discrimination by effectively forcing individuals with disabilities into institutions. A court order was obtained to compel the State to provide Clayton services in the community, where he currently resides. 383 F. Appx. 930 (11 Cir. 2010) (affirmed preliminary injunction).

SLC fought for four years for the rights of Clayton and thousands of others like him. In 2012, the Court found that the Florida Medicaid system now has a functioning nursing home transition program and an unlimited funding source established by the Legislature. Not only has this program remedied unlawful discrimination and afforded dignity to thousands, it also has saved Florida taxpayers millions of dollars, because it is far less expensive to provide services in the community than it is in institutions.



1980s . . . a school district was educating students with disabilities in a segregated facility that the State had condemned as unsafe several years earlier. SLC filed a class action to challenge a pattern and practice of discrimination. A preliminary injunction closed the school and the court ordered special educational programming requirements at the new site. Snow v. Volusia Cnty. Sch. Bd. (M.D. Fla.).

1990s . . . no special education was being provided to eligible students in Florida's adult prisons in violation of the Individuals with Disabilities Education Act. Prior to filing a lawsuit, SLC requested and met with top officials from the Governor's office, Department of Corrections and Department of Education. Governor Chiles agreed to establish special education in the adult prisons, and the Legislature provided funding. Our national expert worked with the state agencies to establish systems to identify eligible youth, develop special education services and improve the appropriateness of services once provided. (co-counsel Florida Institutional Legal Services).

1990s . . . a Spanish-speaking child with multiple disabilities, including Tourette's Syndrome, Obsessive Compulsive Disorder, specific learning disability and language impairment was being excluded from school on the alleged basis that he was dangerous. The state circuit court denied the school's request for an injunction to keep him out of school, but also denied SLC's attorneys' fees after concluding that state courts do not have concurrent jurisdiction under the Individuals With Disabilities Education Act to award fees. SLC appealed and successfully argued in case of first impression in Florida courts that state and federal courts have concurrent jurisdiction on fees. W.R. ex rel. Doe v. Sch. Bd. of Osceola Cnty., 726 So. 2d 801 (Fla. 5th DCA 1999). SLC continued representing W.R. for five years in several administrative hearings, federal trials and appeals to obtain a free appropriate public education and compensatory education.

2000s... a student with an emotional disorder, J.R., already on the floor in handcuffs and in a seclusion room, was pepper-sprayed by the police officer assigned to the school. SLC filed a Section 1983 excessive force police misconduct case seeking an injunction to improve the school district's pepper-spray policy that allowed too much discretion to school resource officers. The case settled during mediation for damages for the student, a change to the pepper-spray policy and training for school staff on the policy and in handling students with emotional and mental health problems. J.R. v. Palm Beach Cnty. Sch. Bd. (S.D. Fla.) (co-counsel Legal Aid Society of Palm Beach County).

# **WE'LL PERSEVERE UNTIL...**

- ...children with disabilities receive a free appropriate public education designed to meet their unique needs.
- ...Florida's students are provided a high quality education.
- ...children who reside in institutions are provided appropriate educational services.

#### **Our Work Continues**

state Leader In Representing Low Income Parents. To help meet the great unmet legal needs of children with disabilities who come from low income households, SLC has sought to expand the capacity of the Florida civil legal aid community. Since 1999, SLC has received a grant from The Florida Bar Foundation to co-counsel and mentor legal services and legal aid attorneys in their special education advocacy. SLC also leads the design team for the annual statewide conference for legal services and legal aid programs receiving Children's Legal Services grants from the Foundation.

**STATEWIDE ADEQUACY OF EDUCATION SUIT.** Along with private pro bono counsel, SLC filed a declaratory action in November 2009, alleging that Florida is violating its own constitution by failing to provide a system of high quality public schools. In 2010, the Circuit Court Judge rejected the State's motion to dismiss, which had argued that courts have no authority to review the quality of the education system. The State petitioned for a writ of prohibition in appellate court, which denied the writ but certified a question of public importance to the Florida Supreme Court to interpret the education clause of the Florida Constitution *Haridopolos v. Citizens for Strong Schools*, 78 So. 3d 605 (Fla. 1st DCA 2011). The Court has not decided whether to accept discretionary jurisdiction or send the case back to the trial court where the plaintiffs will finally get to begin to prove their case.

**REDUCING RESTRAINTS & SECLUSION.** Restraints and seclusion are too frequently used in public schools and are harmful to children. SLC edited a practice guide published by the Council of Parent Attorneys and Advocates (COPAA), a national nonprofit organization dedicated to protecting special education rights, for attorneys and advocates who represent children with disabilities. We also worked with law students at Northeastern University School of Law to develop model state legislation to restrict the use of restraints and seclusion in public schools.

**IMPACTING NATIONAL POLICY.** SLC is a national leader in developing special education policy and shaping judicial interpretations of the Individuals with Disabilities Education Act through participation with COPAA as *amicus curiae*, including two Supreme Court cases: *Forest Grove Sch. Dist. v. T.A.*, 557 U.S. 230 (2009) (Supreme Court held that tuition reimbursement is an appropriate remedy even when the child has not received special education services prior to the unilateral placement) and *Winkelman v. Parma City Sch. Dist.*, 550 U.S. 516 (2007) (Court found that because parents enjoy rights under IDEA, they are entitled to prosecute IDEA claims on their own behalf).

## **Nathan's Story**

When SLC was approached by Nathan's mom, Nathan was an 8th grader struggling to adjust to middle school in a southwest Florida school district. Diagnosed from a young age with severe hearing loss and other disabilities, the challenges Nathan faced each day in school needed close attention by trained professionals, which the school district failed to provide.

As Nathan's hearing loss progressed, his behavior worsened, prompting the family to seek the services of SLC to rectify the educational deficits preventing him from achieving his full potential. Through SLC's intervention, the school agreed to conduct an independent evaluation to determine which educational placement would serve his needs. The report concluded that Nathan needed to be placed in a classroom with an instructor trained in deaf education and fluent in American Sign Language to reinforce his limited communication abilities. The request was denied by the school district on the grounds that it had complied with the minimum requirements under the Individuals with Disabilities Education Act (IDEA). SLC attorneys filed litigation, which eventually resulted in a settlement.

Ultimately, the school district agreed to contract with an independent behavior analyst to develop a new behavior intervention plan for Nathan, and hire an outside consultant to provide deaf education training to his teachers and other school staff.

Nathan is now a well-adjusted high school sophomore, and next year will enter a dualenrollment mechanics program at a community college.

Over 35 years, SLC has helped thousands of children like Nathan receive the educational services necessary to succeed.



1970s ... a county filed suit against group home residents with disabilities for alleged public nuisance and local zoning code violations that restricted non-familial residential groups. SLC filed counterclaims on behalf of the residents based on the federal Rehabilitation Act, Civil Rights Act and federal constitutional claims, which were upheld by the trial court. This was the first case in Florida to challenge zoning restrictions on the basis of federal discrimination law. The County ultimately dismissed the action and permitted the residents to continue their occupancy. *Collier County v. Training & Educ. Center for the Handicapped* (Fla. 20th Jud. Cir.).

2000s ... tenants were told to be out of their apartments by the end of the day, and not told of their right to a hearing to contest the eviction orders or the apartment's condemnation. The City of Orlando condemned this complex, which housed approximately 250 low- and moderate-income tenants, most of whom were African-American. The tenants were either required on very short notice to find alternative housing or forced into homeless shelters. SLC brought suit, and the Eleventh Circuit ordered that the plaintiffs had a constitutional right to contemporaneous notice of their right to a hearing on the condemnation, but holding that the right was not clearly established at the time of the violation. This opinion has been used to advocate for tenants' due process rights in other cities in Florida. The District Court ruled that the City's condemnation procedures violated due process and that plaintiffs were entitled to permanent injunctive relief to change the procedures. The parties agreed to various changes to the City ordinance that will provide sufficient due process in the future. Grayden v. City of Orlando (M.D. Fla.); Grayden v. Rhodes, 345 F.3d 1225 (11th Cir. 2003) (co-counsel Greater Orlando Area Legal Services).

2000s ... a homeless vet spent 200 days in jail for six different incidents of holding a sign that said "Homeless Vet God Bless," which violated a county panhandling ordinance. The ordinance allowed charities to ask for donations without any restrictions, but it required an individual who wished to ask for charitable donations for himself to apply and pay \$100 for a permit, and to wear a badge that identified him as a "beggar." SLC challenged the constitutionality of the ordinance under the First and Fourteenth Amendments. The Court issued a preliminary injunction, indicating there was a substantial likelihood the ordinance was facially unconstitutional. The County repealed the ordinance and a settlement was reached. Booher v. Marion County & Sheriff Ed Dean (M.D. Fla.) (co-counsel Fla. Inst. Legal Services).

# **WE'LL PERSEVERE UNTIL...**

- ...individuals who are homeless maintain their civil and human rights.
- ...homeless people are not subject to arrest and prosecution for life-sustaining activities such as sleeping, camping, eating, sitting, storing personal property and begging in public spaces.
- ...fair housing opportunities are provided without regard to race, color, religion, national origin, familial status, sex or disability.

#### **Our Work Continues**

**DISCRIMINATION.** SLC has litigated on behalf of tenants with mental illness who have been subjected to disability discrimination, African American tenants subject to race discrimination and low-income tenants who were not afforded due process protections. SLC continues to represent individuals who are subject to housing discrimination under the Fair Housing Act or the Constitution.

**FIRST AMENDMENT.** SLC seeks to protect homeless individuals against arrest for life-sustaining activities through systemic litigation and policy advocacy. In *Chase v. City of Gainesville* (N.D. Fla.), a city ordinance prohibiting the solicitation of charitable donations on public sidewalks and streets was struck down and two state statutes were declared unconstitutional as violating the First Amendment.

ACCESS TO PUBLIC PLACES. A city trespass ordinance was being used to ban homeless individuals from public places, particularly public parks, without providing an opportunity to contest the trespass warnings. SLC filed suit challenging the constitutionality of the ordinance. After dismissal by the U.S. District Court, the Eleventh Circuit Court of Appeals ruled that the plaintiffs stated a claim that the ordinance lacked constitutionally adequate due process and that it was being enforced to prohibit people from walking on sidewalks in violation of the Florida constitutional right to intrastate travel. Specifically, the Court ruled that the City must provide an opportunity to challenge the trespass warnings that deprived individuals of their protected liberty interest to be in public places of their choosing that were generally open to the public. *Catron v. City of St. Petersburg* (M.D. Fla.), 658 F.3d 1260 (11th Cir. 2011) (cocounsel Fla. Inst. Legal Services & Nat'l Law Ctr. On Homelessness & Poverty).

**RECRUITMENT OF HOMELESS PERSONS FOR BEATDOWNS.** SLC represents four men with disabilities who, along with other homeless men, were recruited by J.P. Florida Productions to participate in "beatdowns"—letting a woman beat them up for 12 minutes to earn \$50. The men were not permitted to defend themselves, and suffered broken bones and other serious injuries. Their beatings were taped and sold on the company's website. The suit alleges four counts, including a claim under Florida's Hate Crimes Act based on the discriminatory targeting of homeless people. *Grayson v. J.P. Productions* (Fla. 6th Jud. Cir.).

**BARRIERS TO IDENTIFICATION CARDS.** To address a critical barrier to ending homelessness, SLC is working to eliminate impediments to obtaining access to proof of identification for persons who are homeless. Many homeless persons cannot obtain valid identification and are subject to discriminatory policies. State and federal policies create these barriers and hinder people's ability to access legally accepted identification that is necessary to obtain health care, employment, public benefits, housing, veteran's benefits and even to use basic emergency services such as food or shelter.

#### G.W.'s story

Gregory Warren Rolle, better known as "G.W.," spent his life living on and off the streets. Now, he works part-time for SLC doing outreach for homeless individuals who live in St. Petersburg. G.W., who was homeless from early 2001 to 2007, stated he is motivated by his belief that homeless people should be treated with dignity. "With SLC, I have a vehicle to exercise what I think is right," he said.

G.W. hits the streets to talk to homeless individuals, who ordinarily do not have access to legal services and may be reluctant to visit a lawyer at an office. Armed with the knowledge of where homeless people normally congregate, he visits people on the streets, near homeless shelters, under bridges and in public parks to talk to them about the legal issues they are facing. He connects them to SLC, enabling us to provide a traditionally underrepresented group of people access to legal services to address systemic civil rights violations.

"G.W. has taught me more about homelessness than I could have learned anywhere else because he has experienced it firsthand. He has critical knowledge about discrimination faced by homeless people and has identified important civil rights issues that can be addressed through the legal system," says SLC attorney Kirsten Clanton.

G.W. is a passionate advocate who envisions a society where equal rights are shared by all. He is a frequent speaker on issues of homelessness, including participating on a panel televised on C-SPAN as part of the National Forum on the Human Right to Housing in 2011.



1980s ... a nuclear power plant employee was terminated from his job due to a perceived history of epilepsy. SLC challenged the termination under the Florida Human Rights Act. In an order that awarded back pay, the court wrote a comprehensive opinion setting out the procedures, burdens of proof and substantive standards for disability discrimination law claims. This case became the benchmark for disability employment cases under Florida law and the basis for Florida Human Relations Commission administrative cases. *Kelley v. Bechtel Power Corp.* 633 F. Supp. 927 (S.D. Fla. 1986).

1980s & 90s ... approximately 1,000 youth confined to Florida's juvenile training schools were subjected to unconstitutional conditions of confinement and inappropriate placements. SLC obtained preliminary injunctions that prohibited hogtying; barred admission of males under age 13, females, runaways, truants and status offenders regardless of age; restricted lock-up; and closed one of three facilities. Three consent decrees were entered that phased down the two remaining schools to 130 youths each; permanently closed the lock-up units; mandated treatment and educational services; provided access to counsel and required development of a new juvenile justice system with a broad array of community-based programs providing substance abuse programs, sex dysfunction programs, prevention and diversion projects and gang prevention projects. SLC led the monitoring and enforcement phase (except for educational issues). The Florida Legislature enacted the Juvenile Justice Reform Act of 1990 to implement the consent decrees and appropriated \$52.7 million for the new programs for the first year of implementation. The new programs provided over 1,700 new community-based residential beds and services and treatment for over 120,000 youth per year. Bobby M. v. Martinez, 907 F. Supp. 368 (N.D. Fla. 1995) (co-counsel National Prison Project, Youth Law Center & Michael C. Dale).

2000s ... approximately 450 men were being detained at the Florida Civil Commitment Center for sexual offender treatment. The State's failure to provide constitutionally adequate treatment made their confinement essentially a life sentence. SLC filed suit, and in a mediated settlement the Department of Children and Families promised to: improve the oversight and staffing of the inpatient mental health unit; create policies addressing the screening and referral process for the use of anti-androgens; conduct comprehensive discharge planning for Phase IV residents; improve the special track of treatment and improve training for clinical and housing staff. *Canupp v. Liberty Behavioral Health Corp.* (M.D. Fla.) (co-counsel Fla. Inst. Legal Services).

# **WE'LL PERSEVERE UNTIL...**

- ...procedural due process is provided in the interactions between governmental agencies, their employees, and their clients/consumers.
- ...federal and state constitutional, statutory and regulatory rights are protected.
- ...equal access to the justice system is available.
- ...people can work free from discrimination.

#### **Our Work Continues**

**LIVING WITH DIGNITY.** The attainment of basic civil and human rights and allowing people to live with dignity no matter their circumstances are important principles that guide SLC's work. SLC also places a priority on challenging governmental entities when they deny services and benefits to its citizens without due process or in an arbitrary manner.

**FIGHTING FOR RIGHTS.** SLC continues to take cases and work for systemic change in these service areas:

**ACCESS TO COURTS.** Civil rights are meaningless if they are not enforceable in the courts, thus any barrier to bringing civil suits denies the fundamental right of access to the courts.

**DUE PROCESS.** Procedural due process requires notice and the opportunity to be heard before civil rights are taken away. Substantive due process prohibits arbitrary governmental actions and vague laws.

**EMPLOYMENT DISCRIMINATION.** State and federal laws prohibit discrimination in the workplace on many bases, including race, disability, sex, age, ethnicity, religion, language and sexual orientation.

**FREE SPEECH.** The First Amendment prohibits laws from abridging the freedom of speech.

**IMMIGRANTS' RIGHTS.** Local law enforcement agencies have become increasingly involved in enforcing federal immigration laws. These practices lead to racial profiling, and the unlawful detention of both undocumented immigrants and people lawfully present in the United States.

**POLICE MISCONDUCT.** Inappropriate actions taken by police officers in connection with their official duties can lead to a miscarriage of justice and sometimes involves discrimination.

**REPRODUCTIVE RIGHTS.** Reproductive rights rest on the recognition of the basic right of all couples and individuals to decide freely and responsibly the number, spacing and timing of their children and to have the information and means to do so, and the right to attain the highest standard of sexual and reproductive health.

**RIGHT TO ASSEMBLY.** Individuals have the constitutional right to come together and collectively express, promote, pursue and defend common interests.

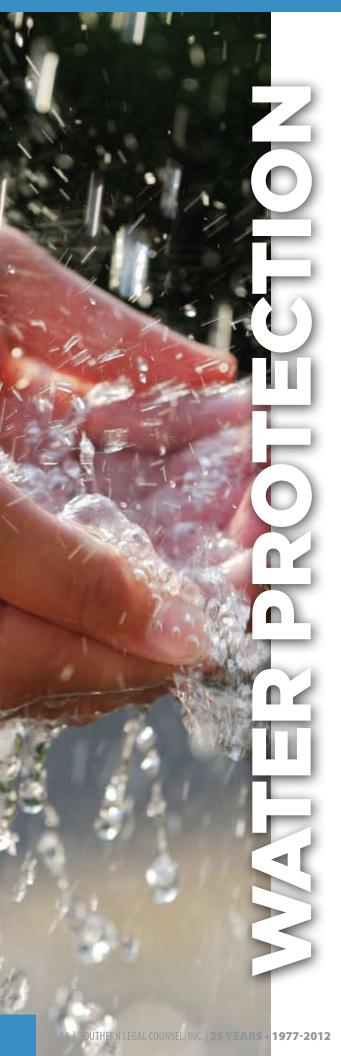
**RIGHT TO TREATMENT.** People who are confined to institutions on the basis of a disability have a right to receive appropriate treatment related to that disability.

# Jerry's Story

Jerry Washington is a 45-year-old man who is diagnosed with an intellectual disability and lives in a group home in Gainesville. In 2008, he was receiving home- and community-based services through the Developmental Disabilities Medicaid Waiver Program that afforded Mr. Washington the opportunity to live in the community, rather than in an institution. Then, to implement a new state statute, the state agency that administers the Medicaid Waiver program placed an annual limit on Jerry's services that would force him to cut almost \$10,000 per year of medically necessary services. Jerry requested an administrative hearing to challenge the reduction in services, believing that the agency acted in error in assigning him this limit. The State denied him and thousands of others a hearing.

SLC filed a class action on Jerry's behalf, as well as others whose services were being reduced but who were being denied their due process rights to challenge the State's actions. The federal district court issued a preliminary injunction and prohibited the State from terminating or reducing a plaintiff's benefits prior to affording the plaintiff an evidentiary hearing. 658 F. Supp. 2d 1332 (N.D. Fla. 2009). SLC negotiated a settlement that resulted in hearings being offered to the putative class of more than 4,000 individuals.

Jerry finally got the State to listen, and to change his annual monetary limit so that he could receive all of his medically necessary services. Without SLC's efforts, more than 4,000 individuals would have been denied the same opportunity Jerry had to challenge the State's actions in reducing their services. SLC continues to fight on behalf of individuals in similar situations, to ensure fairness in interactions between the government and the people it is supposed to serve and protect.



# WE WERE THERE WHEN...

1980s ... Florida's newly enacted growth management laws were not being appropriately implemented. In the first action under the then-new growth management laws to be heard in the Florida Supreme Court, SLC sought to enforce compliance by local officials with their comprehensive land use plans. The court ruled that citizens do not have standing. As a result, in the 1985 rewrite of the growth management laws, the Florida legislature expressly conferred citizen standing. *Citizens Growth Mgmt. Coal. of W. Palm Beach v. City of Palm Beach*, 450 So. 2d 204 (Fla. 1984). SLC also helped establish 1000 Friends of Florida and was its first General Counsel.

1980s ... housing developments were degrading Florida's waters. A development project was impacting Blues Creek, a designated Outstanding Florida Water near the Devil's Millhopper State Preserve in Alachua County. SLC filed suit to preserve 300 acres of wetlands that served as a watershed for Blues Creek, and a companion administrative proceeding to challenge surface water management permits affecting Blues Creek. Action led to total preservation of the 300 acres and innovative use within the water management district of wetlands to treat storm water runoff without the construction of storm water treatment facilities that disturb and degrade the environment. This also was one of the earlier cases to invoke the citizen standing provisions for environmental protection and to apply Outstanding Florida Water legislation. State ex rel. Conservation Planning Coal. v. Ross (Fla. 8th Jud. Cir.); Conservation Planning Coal. v. St. Johns Water Management Dist. (Fla. Div. Admin. Hrgs.).

# **WE'LL PERSEVERE UNTIL...**

...state officials take the public interest into account and protect water quality and quantity.

#### **Our Work Continues**

**WATER PROTECTION.** Citizens across Florida are concerned at how quickly their rivers, lakes and springs are drying up. While a combination of factors are affecting Florida's waters, consumptive use permits (CUPs) are being issued by the water management districts at an alarming rate. Water management districts have statutory authority to issue CUPs to businesses and landowners for water use. However, they are failing to take the public's interest in maintaining water quality and quantity into account. As a result, the over-issuance of CUPs has impacted most of Florida's waterways.

**CUP CHALLENGE.** This issue has come to the forefront recently with a CUP application from Adena Springs Ranch to the St. Johns River Water Management District for over 13 million gallons of water per day for a cattle and slaughterhouse operation in Marion County. This is more water than the entire City of Ocala uses per day. Moreover, the property is located within the springshed of Silver Springs and Silver River, an Outstanding Florida Water, which is supposed to receive additional protection under Florida law. SLC is collaborating with citizen activists to challenge the issuance of this CUP in an effort to protect Florida's waters and hold the state accountable in this process.

SLC uses a variety of non-litigative advocacy tools to achieve our mission.

#### **Our Work Continues**

**LEGISLATIVE ADVOCACY ON SURROGATE PARENTS.** The 2004 Reauthorization of the Individuals with Disabilities Education Act (IDEA) authorized juvenile judges to appoint surrogate parents for children with disabilities who have no parent advocating for them in school matters. However, many Florida judges did not believe they had the authority to appoint surrogate parents under Florida law. SLC drafted legislation to provide the authority under state law. The 2009 Florida Legislature passed an amended version of the bill.

**NATIONAL TOWN HALL ON THE RIGHT TO HOUSING.** SLC presented written and oral testimony to the United Nations Special Rapporteur on Adequate Housing on human rights violations that are caused by the criminalization of homelessness in Florida. SLC called for local and state governments to develop constructive alternatives to criminalizing homelessness and to repeal or cease enforcement of such laws and policies. The Special Rapporteur presented her final report to the United Nations Human Rights Council in 2010. Her final report included findings about human rights violations caused by homelessness and a recommendation that the US develop constructive alternatives to the criminalization of homelessness.

**CONGRESSIONAL TESTIMONY.** SLC testified at a congressional briefing in 2011 about the Federal Strategic Plan to Prevent and End Homelessness. SLC's comments focused on steps that members of Congress can take to implement the plan's objectives to reduce the criminalization of homelessness.

MANUAL ON RESTRAINTS AND SECLUSION. Edited by SLC attorneys Jodi Siegel and Alice K. Nelson, and Leslie Seid Margolis and Denise Stile Marshall, and written by Kristine Sullivan, "The Right to be Safe In School: Advocacy and Litigation Strategies to Combat the Use of Restraint and Seclusion," was published in 2011 by the Council for Parent Attorneys and Advocates (COPAA). This manual is intended as a practice guide for attorneys and advocates representing children with disabilities who have been injured or damaged by such unsound techniques in the educational setting.

**SPECIAL EDUCATION IN PRISONS.** SLC brought the problem of special education violations in Florida prisons to the attention of state officials before filing litigation. Governor Chiles agreed to establish special education in the adult prisons, the Legislature provided funding and SLC monitored the implementation.

**ADMINISTRATIVE RULE CHALLENGE.** SLC challenged a proposed agency rule that would have limited personal care assistance to 300 hours per month for individuals on the Developmental Disabilities Medicaid Waiver, regardless of medical need. The Florida Agency for Health Care Administration amended the proposed rule to eliminate the 300 hour limit.





# 35 YEARS OF TRAINING...

Around the state of Florida and nationally, we have trained thousands of private lawyers, civil legal aid attorneys, lay advocates, parents, social workers, judges, public defenders, guardians ad litem, medical professionals and the general public.

#### ...ATTORNEYS

**DEVELOPMENT OF PUBLIC INTEREST BAR.** SLC is committed to furthering the ideal of equal justice through extensive training and technical assistance for lawyers and advocates committed to positive change in the areas in which SLC works. These methods, along with co-counseling, participation in the legal aid community and work with committees and sections of The Florida Bar, are used to aid in the development of attorneys who will take public interest cases.

For more than 15 years, SLC has received a grant from The Florida Bar Foundation to provide "state support" to the legal aid community. SLC's attorneys share their expertise with advocates in legal services programs to assist them with their cases, help analyze impact issues, provide information from national sources and collaborate on litigation.

SLC has trained thousands of Florida's private lawyers, civil legal aid attorneys, judges and public defenders. Recent topics include special education law, trial litigation skills, rights of homeless persons, civil rights attorneys' fees, Medicaid Waiver advocacy, ethics of representing children and representing non-English speaking parents. Nationally, SLC annually trains attorneys and lay advocates on a variety of special education law and practice topics.

#### ...THE PUBLIC

**COMMUNITY EDUCATION.** Knowledge is power, and SLC aims to empower the people we serve. We have provided parents with information about special education law and how to navigate the educational system. We train the professionals who work with families, including social workers, guardians ad litem and treatment and medical professionals. We provide Know Your Rights flyers and presentations to homeless persons, students and others. We inform immigrants of their civil rights. We prepare families and support coordinators to advocate for individuals with disabilities who need community services. We also educate police officers, school personnel and the general public in sensitivity in dealing with homeless persons and individuals with disabilities.

# ...THE NEXT GENERATION

**DEVELOPMENT INTERNS** develop and maintain donor lists; draft fundraising communications; research prospective grants; assist with organization of events and outreach; draft copy for web, social media, newsletter and other communications; and perform other tasks as needed to support resource development.

**INTAKE VOLUNTEERS** assist with intake, client interviews, factual investigation and legal research.

**LAW CLERKS** conduct legal research and factual investigation; prepare legal memoranda; draft and review public records requests and responses; assist in all aspects of discovery such as document analysis, organization and indexing depositions; and assist in preparation of legal documents and pleadings.

**PARALEGAL STUDENTS** assist in all aspects of discovery, including drafting discovery requests and responses, document analysis, document gathering, indexing depositions and assist with trial preparation.

**PUBLIC RELATIONS INTERNS** develop and maintain media lists; track media coverage of SLC and relevant legal issues; draft copy for SLC web site and social media; prepare press releases; draft newsletter, reports, media kits and other documents fundamental SLC's communications strategy; and develop communications strategies for policy advocacy, litigation and development efforts.

# **STETSON UNIVERSITY COLLEGE OF LAW HOMELESS AD- VOCACY INTERNS** interview homeless clients in St. Petersburg; conduct legal research and factual investigation; prepare legal memoranda; draft and review public records requests and responses; assist in all aspects of discovery such as document analysis, organization and indexing depositions; and assist

**UNDERGRADUATE INTERNS** assist with factual investigation and research; review responses to public records requests; and assist with various aspects of discovery such as document analysis, organization and indexing depositions.

in preparation of legal documents and pleadings.

#### NORTHEASTERN UNIVERSITY LAW SCHOOL PROJECT.

SLC was selected as a client organization two years in a row to work with law students in the Northeastern Law School Legal Skills in Social Context (LSSC) Social Justice Program. The LSSC program is a partnership between the law school and community or not-for-profit organizations to address unmet social needs. The 2011 report, "Cost of Criminalizing Homelessness: The Consequences to Florida's Communities," evaluates the impact of city ordinances that criminalize the behavior of people experiencing homelessness. In 2012, model legislation was developed with a report, "Reducing the Incidence of Restraint and Seclusion in Schools: Research and Recommendations." The goal is to reduce the use of restraints and seclusion and promote best practices for positive behavioral services in public schools.

#### **PAST PAID FELLOWSHIPS**

Americorps Summer Corps Fellowship (law clerk)
Association of Public Interest Law at University of Florida

College of Law (law clerk)

The Florida Bar Foundation Public Service and Summer Fellows (law clerk) Florida Coastal School of Law Post Graduate Public Interest

Program (law graduate)

National Association of Public Interest Law,

now known as Equal Justice Works Fellowship (attorney)

University of Florida Levin College of Law Postgraduate

Public Interest Fellowship (law graduate)

SLC offers many student and post-graduate opportunities to train the next generation of public interest advocates. We value the educational benefit provided for the students, but also greatly appreciate the impact their work has on SLC as an organization.

# **OUR MISSION**

Though our work at Southern Legal Counsel, Inc. has evolved over three-anda-half decades, our mission remains:

Southern Legal Counsel, Inc. (SLC) is a Florida statewide not-for-profit public interest law firm committed to equal justice for all and the attainment of basic human and civil rights. SLC's mission is to assist individuals and groups who otherwise may not have access to the justice system and whose cases may bring about systemic reform. SLC seeks to accomplish this mission through a range of strategies including impact litigation, policy advocacy, and training and technical assistance to lawyers, lay persons and organizations.

# The People of SLC



**JODI SIEGEL** has been an attorney with SLC since 1985, and became its Executive Director in 2004. A predominant portion of her work involves representing adults and children with disabilities in a variety of forums.







**KIRSTEN CLANTON** joined SLC in 2007 and directs the Homeless Advocacy Project, a statewide project to protect and defend the civil and human rights of homeless individuals and their advocates.







**GABRIELA RUIZ** joined SLC in 2007. She directs the Developmental Disabilities Medicaid Waiver Advocacy Project as well as advocating for special education services for children throughout Florida.



Because SLC does not receive government funding, we are able to retain independence from local, state and federal governments. This allows us to work to improve those systems and institutions on behalf of our clients.

#### 1991-2011 Annual Income

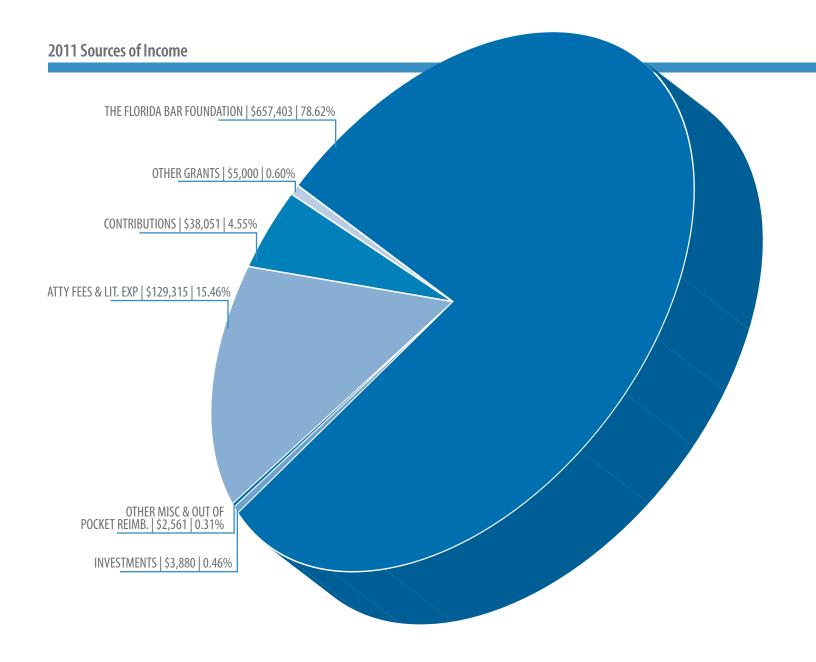
YEAR	TOTAL INCOME	YEAR	TOTAL INCOME
1991	\$379,735	2002	\$585,251
1992	\$429,350	2003	\$364,678
1993	\$670,156	2004	\$523,672
1994	\$315,869	2005	\$558,832
1995	\$592,896	2006	\$556,316
1996	\$584,333	2007	\$1,150,247
1997	\$367,567	2008	\$1,083,220
1998	\$514,234	2009	\$924,619
1999	\$784,333	2010	\$834,401
2000	\$658,889	2011	\$836,210
2001	\$372,947		

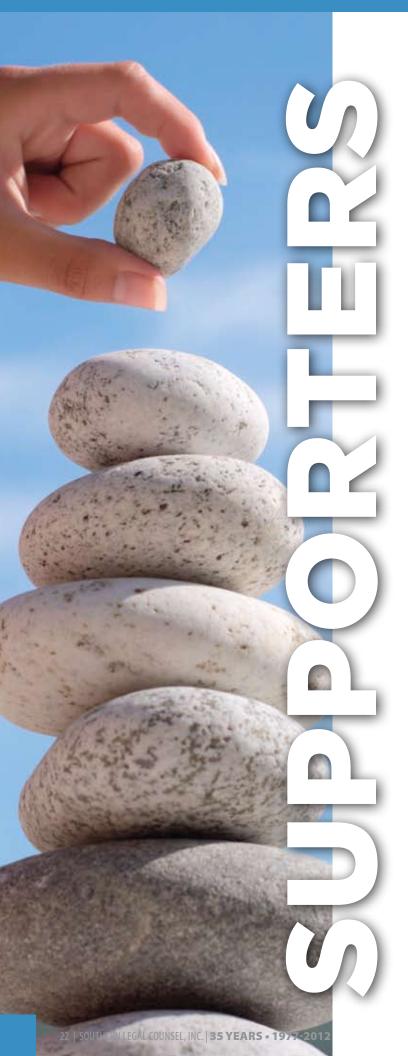
Revenue for SLC's first fifteen years (not shown) relied heavily on grants from the Advocacy Center for Persons with Disabilities (now known as Disability Rights Florida). Many of SLC's early institutional reform cases aimed to improve conditions for individuals with disabilities who were clients of the Advocacy Center. The last twenty years show a shift to grants from The Florida Bar Foundation, as SLC became more focused on issues impacting low-income persons. With the economic downturn, interest rates for trust accounts—the source of income for The Florida Bar Foundation—have decreased dramatically. As a result, SLC's grant revenue is declining. At the same time, receipt of prevailing party attorneys' fees, while significant over time, is unreliable in amount and timing, as fees are not awarded until the end of a case. SLC's cases can span many years, with a resulting long wait for payment. SLC seeks to diversify its income by increasing private contributions and seeking grants from a variety of sources. It is important, however, to maintain our independence from governmental funding.

# SLC APPRECIATES ITS GRANTORS:

Advocacy Center for
Persons with Disabilities
Felburn Foundation
The Florida Bar
The Florida Bar Foundation

Greensboro Justice
The Impact Fund
McIntosh Foundation
Rosenberg Foundation
21st Century Foundation





# **SLC General Fund**

Heroes - \$10,000 +

Coker, Myers, Schickel, et. al. Spohrer & Dodd, PL

Bill Wagner

#### Champions - \$5,000 - 9,999

Farah & Farah, P.A. Richard A. Gilbert Wayne Hogan Hon. Kenneth H. (Buddy) MacKay, Jr.

Robert A. Rush

#### Allies - \$1,000 - 4,999

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Jacqueline Allee
Angones, McClure & Garcia, PA
Aronovitz Trial Lawyers
Elizabeth Bevington
Bois, Schiller and Flexner, LLP
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## The Water Protection Fund

Heroes - \$10.000 +

The Felburn Foundation

Champions - \$5,000 - 9,999

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St. Johns Riverkeeper, Inc. Save Lake Weir Ass'n

Allies - \$1,000 - 4,999

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Charleen Yarborough DVM

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Join Southern Legal Counsel's 35th Anniversary Campaign to help balance the scales for all Floridians.

You may donate online and pay by credit card at www.southernlegal.org.

Or you may write a check payable to: Southern Legal Counsel, Inc. and mail to: Southern Legal Counsel, Inc., 1229 NW 12th Avenue, Gainesville, FL 32601.

If you require a more formal request, please contact Executive Director Jodi Siegel at (352) 271-8890 or slc@southernlegal.org.

SLC is a 501(c)(3) charitable organization.

Thank you



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