

Pandemic Increases Need for Legal Aid

Two Icard Merrill attorneys are quoted in this Herald-Tribune article about the need for legal aid during the coronavirus pandemic. Icard Merrill is proud of our dedicated pro bono program and long-standing affiliation with Legal Aid of Manasota. In 2019, our attorneys performed almost 600 hours of pro bono work and they have been consistently recognized for the time they donated.

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by [Carrie Seidman](#)

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Even as demand for legal assistance grows because of the impact of the coronavirus pandemic, only about 10% of attorneys in Sarasota and Manatee counties donate time or money to help.

Two years ago, the traumatic effects from his Vietnam service caught up with John Gilbert Green, bringing a cascade of auto-immune issues and a temporary dementia that caused him to fall behind on the mortgage for the home he shares with his 12-years-older stepbrother. He was served with a 90-day foreclosure notice, and when he tried to respond on his own, a summary judgment shortened the time frame to 30 days.

Desperate, he turned to [Legal Aid of Manasota](#) (LAM), which provides legal services at no cost by partnering with local lawyers who donate pro bono work. Green was paired with James Lynch and Aaron Crittendon from Harllee & Bald, who not only stalled the foreclosure but helped him obtain a reverse mortgage through the equity he'd gained from the rebound of the real estate market.

Though the brothers live on their Social Security payments, Green, 71, was so grateful he sent the attorneys a gift certificate to an upscale restaurant, something he plans to do every year.

"I definitely would have lost the house," he admits. "We were lucky."

In fact, Green may not realize how lucky he was — not just to have kept his home, but to have received the free legal help. According to [national data](#), while 71% of low-income Americans experience a civil legal problem in any given year, 86% receive either minimal or no legal help to deal with it.

Unlike in criminal cases, there is no universal right to an attorney in civil cases. So those without the means to hire a lawyer are forced either to represent themselves (and almost certainly lose) or turn to legal aid agencies like LAM.

But because they have tiny staffs supported by fluctuating grants and rely heavily on volunteer attorneys, those agencies are unable to assist [up to 80%](#) of those who seek their help.

"We turn away a significant number of people every year because of lack of resources," says Linda Harradine, CEO of LAM, which has just four staff attorneys to serve both Sarasota and Manatee counties.

As a result of the coronavirus pandemic, Harradine is now anticipating a "huge influx" in demand, particularly once the state's eviction moratorium ends in August and unemployment fuels foreclosures. Yet, as has been the case since LAM was established in 1991, only about 10% of the lawyers in the two counties donate time or money each year.

In 1991, the [Florida State Bar](#) began recommending — but not requiring — that its members donate either 20 pro bono hours or give \$350 annually to legal aid. Each year when Bar membership fees come due, attorneys are reminded of that suggestion.

But currently, just 200-300 of the 2,200-2,300 attorneys in our area contribute, “and it tends to be the same people every year,” Harradine says.

“When you think about the hourly rate of an attorney from 1991 to now, I’m sure you can imagine that for many that’s less than one billable hour of time,” she said. “But it’s the same 10 to 15% doing 80 to 90% of the work. We haven’t been able to get over that hump.”

[Drew Clayton](#), current president of the [Sarasota Bar Association](#), calls the Bar recommendation “an aspirational goal, not a requirement” and says participation numbers don’t take into account the significant number of attorneys who perform unreported pro bono services, such as assisting nonprofits that aid the underserved.

“Certainly, we can always do better, and we absolutely want to make sure that number improves,” he said. “But I don’t want to leave the impression that lawyers aren’t making a substantial contribution to the community. They are.”

Clayton, who practiced alone for 20 years before joining [Icard Merrill](#) in 2016, says it can be difficult for sole practitioners to find the time for pro bono work. And attorneys whose area of specialty don’t match legal aid needs — about a third of LAM’s cases are in the area of family law, a third in housing and a third involve guardianships, probate and consumer issues — sometimes feel uncomfortable going outside their area of expertise.

But [Nicole Price](#), who joined Icard Merrill straight out of law school three years ago, says that needn’t be a barrier. Since her practice in community association law is useless to legal aid clients, she took advantage of a guardian ad litem training offering by the courts and does regular pro bono work in that high-demand area.

Price said her firm’s “culture of community involvement” — Icard Merrill is the only local firm with a direct relationship with the courthouse and a dedicated pro bono program, which she coordinates — makes it easier to participate.

“A lot of firms put an emphasis on deliverable hours or a certain production level which makes it much more difficult to devote time to pro bono work, because you never know exactly how long it will take,” Price says. “There’s a huge sense here that everyone should help out in the community in some way.”

Price says a younger generation of lawyers who see pro bono work as a social justice issue may be more inclined to contribute. Harradine says she’s flooded with offers to help from non-attorneys or even lawyers who retired long ago, but Florida law allows only those currently or recently practicing to provide legal aid services.

“So I have to keep asking lawyers because they’re the only ones who can help,” she said. “I don’t know how to get across that, if you’re worried about equal access to justice, especially given the current climate, this is how lawyers can give back.”

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