



...And Justice For All

THE NEWSLETTER OF THE LEGAL AID SOCIETY OF PALM BEACH COUNTY WINTER 2017

OUR MISSION:

To provide high quality civil legal advice, representation, and education to disadvantaged of Palm Beach County so as to protect their personal safety, enhance their opportunities and living conditions, and promote self-sufficiency.

Legal Aid's Fair Housing Project Attorney Teams with Holland & Knight To Win Case for Tenants

Alison Brown of the law firm of Holland & Knight and Denise Mutamba of The Legal Aid Society of Palm Beach County recently won more than \$40,000 for a group of low-income tenants who were forced out of their extended-stay motel rooms by unethical landlords. The monies awarded are intended to compensate each victim fairly for the violations of their rights, and, in some cases, emotional distress.

The tenants, some of whom are disabled, had been living in squalor for many years at the Breezeway Inn in Lake Worth, FL. Their rooms were roach and bed bug infested. In fact, one of the tenant's children had to go to the hospital as a result of extensive bed bug bites. While utilities were included in the rent, they were regularly disconnected be-

cause the landlords, Michael and Jennifer Diaz, failed to use the rent money to pay them. In September, 2014, the situation turned dire when the landlord collected rent for the next month and, days later, forced them to leave. The tenants had to find emergency housing and many were not able to take their belongings with them. Some had to place their pets in a shelter.

Alison and Denise represented eight of the tenants pro bono in a jury trial before Judge Cheryl Caracuzzo of Florida's 15th Judicial Circuit on September 12th. They successfully proved that the landlords had violated Florida's Landlord-Tenant Act, the Fair Housing Act and had committed a breach of rental agreement. The plaintiffs plan to file a motion for attorney's fees and costs.



2016-17 BOARD OF DIRECTORS

EXECUTIVE DIRECTOR

Robert A. Bertisch, Esq.

ADMINISTRATOR

Michael Spillane

DIRECTOR OF DEVELOPMENT

Harreen Bertisch

BOARD OF TRUSTEES

David Ackerman, Esq.

Claire Arnold

F. Greg Barnhart, Esq. ww

Bill Bone, Esq.

Patrick J. Casey, Esq.

Melinda Penney Gamot, Esq.

Mariano Garcia, Esq.

David M. Gaspari, Esq.

Garry Glickman, Esq.

Carey Haughwout, Esq.

Thomas Kingcade, Esq.

Jane Kreusler-Walsh, Esq.

Richard Lubin, Esq.

Rafael J. Roca, Esq.

Michael Salnick, Esq.

Victoria A. Vilchez, Esq.

BOARD OF DIRECTORS

President

Michelle R. Suskauer, Esq.

Immediate Past Pres.

Miriam Acosta-Castriz, Esq.

1st Vice-President

Lawrence P. Rocheforte, Esq.

2nd Vice-President

Robert H. Friedman, Esq.

Secretary

Scott C. Murray, Esq.

Treasurer

Jerry Beer, Esq.

DIRECTORS

Leslie Artisis Adams

Richard M. Benrubi, Esq.

Bridget A. Berry, Esq.

Robin Bresky, Esq.

Carla Tharp Brown

Sarah Cortvriend, Esq.

Cheryl K. Crowley

Vincent F. Cuomo

Jeffrey A. Devore

Howard D. DuBosar, Esq.

Karis Engle, M.S.

Joseph G. Galardi, Esq.

Richard D. Greenfield

Jack P. Hill, Esq.

John Howe, Esq.

Denise Rappaport Isaacs, Esq.

W. Hampton Keen, Esq.

Nancy Lambrecht

Ellen S. Malasky, Esq.

J. Grier Pressly, III, Esq.

Devin S. Radkay, Esq.

Matthew Sackel, Esq.

Robert M.W. Shalhoub, Esq.

Grasford W. Smith, Esq.

Rebecca Mercier Vargas, Esq.

Gary Woodfield, Esq.

EXAMPLES OF

In House Attorneys working with Pro Bono Attorneys

*Typically, staff attorneys in the Domestic Violence Project of the Legal Aid Society assist victims of violence and stalking by obtaining Final Judgments of Injunction for Protection (restraining orders) against abusers in Circuit Court. However, recently, the Project's attorneys working together with pro bono attorneys from The Law Offices of Robin Bresky and the **Law Office of Kreuzler-Walsh, Compiani & Vargas, P.A.** have obtained positive results for victims from the Florida 4th District Court of Appeals. In doing so, they were able to not only provide specific legal relief for their clients, but also to help shape important case law which affects all victims of abuse.*



a hearing. The 4th District Court of Appeals agreed and remanded the case back to the Circuit Court for a hearing on the victim's allegations.

In the second case, Domestic Violence Project Attorney Megan McDonough, had represented Jennifer, the victim, in an extensive hearing on her petition for a Final Judgment of Injunction for Protection Against Repeat Violence. Jennifer, the victim, had ended the relationship with her abusive boyfriend. However he would not leave her alone and stalked her by repeatedly calling, leaving threatening messages, showing up at her work and threatening to kill her. He choked her on two separate occasions, one time so badly she was sent home from work because of the bruises on her neck. Legal Aid Attorney, Megan McDonough, presented this evidence to the court. After the hearing, the Judge denied to enter a Final Judgment of Injunction because they stated that the victim had

only presented evidence as to one incident of violence, not satisfying the "repeat" requirement. With the help of Attorney Rebecca Mercier Vargas, of the Law Office of Kreuzler-Walsh Compiani & Vargas, P.A. and Legal Aid Board member, an appeal was filed and the 4th District Court of Appeals agreed with Megan's position that stalking behavior is included in the definition of "violence" and required the District Court to enter the injunction indefinitely.

1 in 3 women and 1 in 4 men
have experienced some form of physical
violence by an intimate partner

In the first case, the client, a 39 year old Russian immigrant, had requested an Injunction for Protection From Domestic Violence against her husband of three years, which had been denied outright by the court without a hearing, even though her initial petition specially described repeated acts of violence by her spouse. With the help of Attorney John Mann from the Law Offices of Robin Bresky, an Appeal was filed arguing that the initial petition contained enough specific acts of violence to require the judge to hold

THESE APPEAL CASES ARE EXCELLENT
EXAMPLES OF POSITIVE OUTCOMES THAT CAN
RESULT WHEN PRO BONO ATTORNEYS AND
LEGAL AID JOIN FORCES TO MEET THE LEGAL
NEEDS IN OUR COMMUNITY.