

Ezell wins Tobias Simon Pro Bono Service Award

By Jan Pudlow
Senior Editor

You could say that Katherine Ezell's pro bono spirit was sparked when she was only 7 years old and, along with her friends, founded the Good Deed Club. Saving money earned for doing chores, they would buy clothes and secretly make sure they were given to needy children.

Fifty-two years later, Miami attorney Ezell stood in a packed courtroom at the Florida Supreme Court to receive what Chief Justice Barbara Pariente called the "Academy Awards of the legal profession" — the Tobias Simon Pro Bono Service Award.

In accepting the award, Ezell thanked a lot of people, including her parents for teaching by example about community service, her Girl Scout leader for showing her the satisfaction of trying to do a good deed every day, and her law firm Podhurst Orseck, P.A., for indulging her quest to do pro bono work.

"Most of my pro bono cases have had to do with children who are stuck in the quagmire of our dependency system," Ezell said. "I agree with Marian Wright Edleman [founder of the Children's Defense Fund] who said, 'We don't have a child to waste. Any nation that will allow its children to be the poorest of its citizens is spiritually impoverished.'"

"And Sen. Robert Kennedy reminded us: 'If a free society cannot help those who are poor, it cannot save the few who are rich.'"

"I am not a visionary, like these leaders. I am a plodder, just doing what I do, case by case and child by child. But I have learned more about life and the power of the law through these cases than through a hundred CLE courses," Ezell said.

Chief Justice Pariente said Ezell has handled "some of our most heart-wrenching cases. . . . If I had one word to summarize the focus of her pro bono career, that word would be 'children.'"

In one case, Ezell devoted more than 500 hours to represent two young sisters who survived a nightmarish childhood. The oldest child, then 4, witnessed quadruple murders, including torture.

After a long time, Ezell said, they were able to terminate the mother's parental rights, and the children have a happy home now, and the 4-year-old is almost an adult.

"What I found remarkable is that not only has she worked on individual cases, but she has been able to foster unique collaborative



Chief Justice Barbara Pariente and Katherine Ezell

partnerships with parties, family members, and agencies, resulting in the thoughtful, realistic, and long-term resolution in even the most contentious cases," Pariente said. "To me, that is a sign of a great lawyer."

The great lawyer who is the namesake of the highest public honor the Supreme Court confers on a private lawyer is Tobias Simon.

"I am grateful, awed, and humbled to have been selected to receive this award," Ezell said. "Fortunately, I had just a glimmer of an opportunity to know Toby Simon before he died. I remember his passion and his fearlessness in the face of sometimes being ridiculed or being targeted for disdain. A judge I know recently described him as being 'a grand champion for good.'"

When she asked Bob Josefsberg, at her law firm, about Simon, she said he told her: "Toby had strong convictions about right and wrong. He never lectured or bullied. He would calmly sit and reason with his opponent. . . . No one ever litigated against Toby Simon without sitting down finally and having a cup of coffee and a conversation. Toby didn't care about money, power, or fame. All he wanted was for every human being to be free to do what he wanted and had the right to do, or to have what he was entitled to have under the law."

"It is my hope that in accepting this award, I will remember to try to be more like Toby Simon. Indeed, I hope we all will," Ezell said. "As lawyers in a free society, we have innumerable choices of ways we can serve."

In presenting the Distinguished Judicial Service Award to Second Circuit Chief Judge

Charles Francis, Pariente said, "This award goes to a judge whose pro bono contributions began long before the days when he wore a robe, when he frequently gave pro bono service as a member and past president of the Tallahassee Bar Association, one of the few voluntary bar associations with a mandatory service program."

She noted he served on the "A Team" of the Trial Court Budget Commission helping with "one of the most perilous recent challenges" of the implementation of the court funding shift of Article V, Revision 7.

"Now he is busily at work on the next great frontier we face in the 21st century, and I hope it won't go into the 22nd century, the technological unification of our state justice system," Pariente said, of Francis' chairmanship of the Article V Technology Committee.

Judge Francis said he is receiving his award on behalf of all of those who actually do the work out in the field. He praised the Legal Aid Foundation and North Florida Legal Services who "coordinate a massive number of volunteer attorneys" and answered his call to fill the void of representing children in abusive dissolution cases, when the guardian ad litem program had to withdraw.

"That is who deserves all the recognition and honor. I am just able to have a good job that allows me to speak now and then and try to help them," Francis said.

Pariente noted that almost half of abused and neglected children in Florida do not have a guardian ad litem, even though it is required by law. Quoting a Legal Services Corp. report, she said, less than 20 percent of low-income Americans' legal needs are being met.

While proud of the 1.5 million hours and \$3.8 million in cash Florida lawyers have contributed to pro bono efforts, Pariente said: "We must never, ever rest on our accomplishments. We can do better, and we must do better."

Florida Bar President Alan Bookman noted pro bono contributions continue to rise.

"We read in the paper every day about lawyers who win big cases for clients. We read in the paper every day about lawyers who steal money from their clients. We don't read in the paper of the fine works that these honorees receive. And I think that's a shame. Because these are the true heroes of The Florida Bar, and I honor you and I congratulate you."