

Fight to Fix the Problems That You See

By || JENNIFER LINNEY



AAJ Immediate Past President Sean Domnick presents Howard Talenfeld with the TLC Award at the 2024 Annual Convention in Nashville.

Each year, AAJ presents the **Trial Lawyers Care® Award** to a trial lawyer who contributes to the greater good. This year, **Howard Talenfeld** of Fort Lauderdale, Fla., received the award. Howard, a partner and practice lead for the Kelley Kronenberg law firm’s Justice for Kids Division, dedicates his career to providing legal services to protect at-risk and medically fragile children in personal injury claims. His clients include those who have been abused, disabled, and catastrophically injured at home and in foster care, group homes, and residential treatment centers.

There’s a reason he has a passion for handling these cases. “It all stems from growing up with a sister who is developmentally disabled and knowing that there are children in foster care and children with disabilities who need representation and a voice,” he explained. The path that led him to his current practice started when he had the opportunity to represent Florida’s state agencies that were sued in federal civil rights

class actions involving Florida’s constitutionally deficient foster care, mental health, disabilities, and juvenile justice systems. “I had a unique opportunity to see inside these confidential systems and the vulnerable people who the state abused. These systems violated constitutional standards and were deplorable. Once I saw what was going on, the practice of law took on a new meaning for me.”

“There came a time when I decided I was not going to represent these state agencies and successor elected officials who later chose not to prioritize fixing the broken systems and seeking needed appropriations. I switched sides and eventually brought cases against the state and private agencies that abused the children who they were supposed to protect. Many lawyers turn their heads because of sovereign immunity and other defenses unique to the states. I figured out strategies around these defenses, like using the Civil Rights Act and other creative legal approaches. I also found a different way to help fix the system: I created a charity devoted to systemic reform and helping thousands of children.”

Howard is the founder and board president of Florida’s Children First (FCF), an advocacy organization for at-risk children in Florida composed of leading trial attorneys, child advocates, and experts in foster care. The nonprofit’s work has led to significant legislation that protects children in state custody, including Florida’s statute providing for attorneys to represent the most vulnerable children in foster care; a bill of rights for foster children; legislation providing independent-living support to foster children before and as they turn 18 and age out of the system; legislation giving foster children a right to a free copy of their own records; and a law that created the state’s Children and Youth Cabinet, whose mission is to ensure interdepartmental collaboration so services for children are managed to improve children’s self-sufficiency, safety, economic stability, health, and quality of life.

“Florida’s Children First has achieved many legislative successes,” Howard said. “We fight to fix the problems that we see. To make a difference, you can’t turn a blind eye to the


systemic failures you see in individual personal injury claims. Lawsuits don't usually do it by themselves."

Howard explained, "I created Florida's Children First because the model of advocacy needed to change: We needed a constituency to change priorities in the legislature and executive branch. Florida's Children First created an army of advocates who have the technical knowledge and influence and can fight and advocate—not just in a courtroom, but in the other branches of government, too. Our first mission was to give a voice to the most vulnerable children in foster care by getting them each a lawyer."

Howard has also argued for systemic reform before state and national groups, including the American Public Welfare Association, Florida legislative committees, the National Association of State Mental Health Lawyers, and the U.S. Congress. He has helped to establish annual funding for child welfare programs locally in Broward County and statewide, as well.

Of the lawsuits, Howard said, "It is rewarding to help individual children in personal injury damage cases and create trusts to preserve the money we recover that the children need for a lifetime of care. Children and adults who are horrifically injured by social service systems need lawyers to protect them and file personal injury actions for them individually. These systems are failing in terrible ways. But when you can take the lessons learned in the individual cases and pass laws and implement change that impacts tens of thousands of children, it is truly gratifying."

Howard's career is at the stage where he is working on a succession plan and hoping that others will take on the challenge and work to hold states and agencies who catastrophically injure children and adults in their care accountable. "There is so much talent in AAJ members," he said. "These children need your help. There are adults who are injured in these systems who need help where statutes of limitations do not bar recovery, such as in sexual abuse cases. Any lawyer who handles a case that exposes a systemic failure of a child-protection or human-service system can also make a difference for thousands of others. You don't need to create

a nonprofit like I did. Instead, go to nonprofits that already exist and tell them about the case. Let them help find ways to fix the system. Do good things, and good things will come around for you." 

Howard Talenfeld is partner and practice lead for the Kelley Kronenberg law firm's Justice for Kids Division in Fort Lauderdale, Fla., and the founder and president of Florida's Children First in Boca Raton, Fla. He can be reached at howard@justiceforkids.com. **Jennifer Linney** is a managing editor for Trial magazine.



Born of a calling to provide legal services to the victims and their families of September 11, Trial Lawyers Care, Inc., (TLC) grew to be the largest, most successful pro bono project in the history of U.S. jurisprudence. TLC, Inc., has fulfilled its purpose and is no longer active as a corporation, however, AAJ's Trial Lawyers Care® program follows in its wake encouraging, recognizing, and organizing trial lawyers who contribute to their communities through volunteer and charitable activities that serve the public good. To learn more, visit www.justice.org/TLC. If you, your firm, or a colleague are doing good work for the community, let us know at tlc@justice.org.