



## Howard M. Talenfeld

Partner

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### Overview

## Biography

Howard M. Talenfeld is a Partner and Practice Lead of the Justice for Kids Division, the firm's national practice dedicated to providing legal services to abused, disabled, and catastrophically injured children harmed at home, in child welfare and foster care settings, group home settings and residential treatment centers, as well as all children harmed by the acts of others.

One of the nation's preeminent children's rights attorneys, Howard has spent three decades representing and protecting thousands of children in cases of foster care abuse, child sexual abuse, child rape, and other harm, in child welfare settings. Since the 1990s, when Howard began representing at-risk minors, he has amassed successes in trial courts, appellate courts, and direct settlement negotiations. His creative legal approaches have achieved extraordinary results in both earning significant damage awards – often in excess of Florida's sovereign immunity limits – as well as bringing to justice those responsible for catastrophic harm to children.

His work not only has achieved multi-million dollar damage awards, but his cases have resulted in landmark decisional law protecting the rights of children and disabled persons. He and the legal teams he has led, have ushered in systemic change in how government agencies and private institutions care for society's most vulnerable citizens.

Howard began his career representing the state of Florida in lawsuits involving the foster care system, children's mental health system, juvenile justice system, state psychiatric hospitals, and Medicaid services. He pioneered defenses that advocate for the improvement and reform of human service systems, while protecting states' rights and avoiding federal over-sight. He also represented Florida's governors, secretaries of state agencies, the Insurance Commissioner, the Legislature, and Florida's Auditor General in civil rights cases in federal and state court.

Beyond the courtroom, Howard has argued for systemic reform before many state and national groups, including the U.S. Congress, Florida legislative committees, the National Association of State Mental Health Lawyers, and the American Public Welfare Association. He helped to establish tens of millions of dollars in annual funding for child welfare programs; helped write laws impacting child victims of sexual abuse and rape; and he successfully advocated for passage of a State House bill requiring minor victims of sexual abuse or trafficking, those prescribed psychotropic medications or those who have been committed to a residential treatment facilities, to be able to have attorneys represent them in all legal or administrative proceedings.

Howard earned both his Bachelor of Arts degree and Juris Doctor degree from the University of Miami.

## Admissions

- ▶ Florida
- ▶ Florida State and Appellate Courts
- ▶ United States Supreme Court
- ▶ United States District Court of Appeals – 1<sup>st</sup>, 5<sup>th</sup> and 11<sup>th</sup> Circuits
- ▶ United States District Court for the Southern, Middle and Northern Districts of Florida

## Education

- ▶ University of Miami School of Law, J.D., *cum laude*, 1979

- ▶ University of Miami, B.A., 1974

## Representative Cases

- ▶ [Governor Scott Signs \\$5 Million Claims Bill for Child Sexually Abused by Foster Boy Living in the Home](#). In 2018, Florida Governor Rick Scott signed CS/HB 6509, a claims bill that directs the Florida Department of Children and Families (DCF) to pay more than \$5 million awarded by a Florida jury to C.M.H., a victim of sexual abuse by a child in foster care. This marks the largest known recovery in Florida for one child who was emotionally and sexually abused against a governmental defendant, DCF. Children's rights attorney and Justice For Kids Practice Lead Howard Talenfeld served as co-counsel for C.M.H.
- ▶ [Law Firm for Eight Abused Former Foster Care Children Settle With NYC, Child Care Agencies for \\$26 Million](#). Howard and a team of attorneys representing eight developmentally disabled foster children who were placed in what one judge called a "house of horrors" foster home settled with New York state adoption and child welfare agencies and their state-contracted providers in 2014 for \$26 million.
- ▶ [Foster Kids Abused in Horrific New York Case Settle for \\$9.7 Million](#). Howard in December 2012 represented several former-foster kids in the "house of horrors" abuse case. The City of New York, a defendant in the case, agreed to pay \$9.7 million to settle the lawsuit. The money will help the former foster kids, some of whom were destitute and homeless at the time of the settlement.
- ▶ [Florida Department of Children & Families Hit With \\$5 Million Verdict in Child-On-Child Sex Abuse](#). Howard earned a \$5 million jury verdict in 2013 against the Florida Department of Children and Families on behalf of a child repeatedly raped by a foster child and known child-on-child sexual predator who had been placed in the plaintiff's home.
- ▶ [State Care Provider Settles Violent Child-On-Child Rape for \\$4 Million](#). Howard successfully negotiated a \$4 million settlement on behalf of a child repeatedly raped in a residential facility. Administrators at the center were ignorant of systemic abuse, repeated reports by and from state officials, the testimony of another minor child who was raped while there, as well as a psychiatrist and the child aggressor.
- ▶ [DCF, Care Provider Settle Over Child Left Brain-Damaged After Near-Drowning](#). Howard, on behalf of representatives for a 2-year-old foster child left brain-damaged after a near-drowning, brought suit in Pinellas County, Florida, against the Department of Children and Families, and foster parents Ronald and Joyce Bryson, and private care providers Help a Child Inc., and Family Continuity Program, Inc. The parties settled to ensure Angela would receive the skilled medical care her doctors said she would need for the rest of her life.
- ▶ [Girls Sexually Abused by Mother Earn \\$2 Million Settlement from ChildNet and Florida Department of Children and Families](#). Howard negotiated a \$2 million settlement with a community-based care provider for two young girls who were repeatedly sexually abused by their mother, even after experts warned she was a threat to their safety. The case became an example of threats and warnings ignored and responsibility denied.
- ▶ [Unreported Child-On-Child Sexual Abuse Leads to Settlement for Two Developmentally Disabled Boys](#). Howard represented two developmentally disabled, minor boys who were placed in a series of group homes and left to suffer repeated physical, emotional and sexual abuse by other children and staff. Attorneys negotiated a settlement with the facility's owners, and then worked with experts who formulated life care plans for the sexually abused, developmentally disabled children.
- ▶ [Abuse of 4-Month-Old Child Leads to Settlement With Community-Based Care Provider](#). Howard represented the family of a 4-month-old girl who brought suit against a community-based care provider for placing the girl at "substantial risk" for continued abuse and for failing to offer voluntary protective services ("VPS") to prevent such further risk.
- ▶ [Wrongful Adoption Case Leads to Civil Rights, Negligence Claims and Settlement With DCF and Private Providers](#). A 2012 settlement for an undisclosed sum negotiated by Howard against the Florida Department of Children and Families and various private providers settled a horrific wrongful adoption, negligence and civil rights case. He argued the defendants were deliberately indifferent to and neglected the child's essential needs after he was removed from his parents by state child protection agents.
- ▶ [Firm Earns Consent Decree Leading to Reforms, Increased Budget in Broward County Foster Care System](#). In 1998, Howard instituted a class action with the Youth Law Center against the Dept. of Children and Family Services ("DCF") in the case of Ward v. Kearney. The case led to a consent decree, significant institutional reforms and a near-tripling of the budget for the Broward County, Florida, foster care system.
- ▶ [Firm Sues Florida Dept. of Children & Families, Settles Negligence Case for \\$14.26 Million](#). Howard filed a civil rights complaint on behalf of 19 children in the Southern District of Florida in Miami against nine Florida Department of Children and Families employees who were responsible for the children's adoption and / or investigations of the abuse allegations. The State settled all of the Plaintiffs' claims, including a negligence claim in Alachua County against DCF, for a total of \$14.26 million. (DCB1, et al, vs. Peg Shappell, et al, Case No. 06-60050-civ-Lenard)
- ▶ [Abused Florida Foster Children Win \\$2.9 Million in Landmark Civil Rights Decision](#). (11th Circuit Court in Atlanta) Howard argued before the court, which let stand an action brought by three young boys sexually abused by two older boys in the same Florida foster home. The Court agreed in this significant civil rights case that the state had violated the children's Fourteenth Amendment substantive due process rights to physical safety and to be free from an unreasonable risk of harm. As lead counsel, Howard won his clients a settlement of \$2.925 million - and a change in how the state must treat foster children. [H.A.L. v. Foltz, No. 07-15791 (11th Cir. 12/15/2008) (11th Cir., 2008)]

- ▶ [Civil Rights Win Brings Sexually Assaulted & Neglected Siblings \\$5 Million Settlement](#), Howard prevailed in this precedent-setting federal civil rights claim brought by six siblings (collectively called “John Roes” to protect the minors’ identities) who were egregiously physically, sexually and emotionally abused and neglected in a foster / adoptive home in Broward County, Florida.
- ▶ [Firm Establishes Precedent For Civil Statutory Damages Claim for Developmentally Disabled](#), (Third District Court of Appeal) Howard argued this ground-breaking decision, in which the decision was the first to establish a private cause of action for damages based upon the violation of Florida’s Bill of Rights for the developmentally disabled under § 393.13, Florida Statutes. As a result, this led to a confidential settlement of this wrongful death damages claim. [Baumstein v. Sunrise Communities, 738 So. 2d 420 (Fla. 3d DCA 1999)].
- ▶ [Attorneys Establish Standard Used to Determine Eligibility Based Upon \[Intellectual Disabilities\] in State of Florida](#), Howard established the standard used to determine eligibility based upon Intellectual Disabilities in the State of Florida when, for more than 20 years, the state arbitrarily denied eligibility to persons who met the threshold established by the Florida Legislature. The team of attorneys established the law that the Agency for Persons with Disabilities cannot pick and choose between available full-scale IQ scores to defeat eligibility, but rather must consider all scores in making its determination and then look to the persons adaptive or survival skills in determining eligibility. [Webb v. APD, 939 So. 2d 1182 (Fla. 4th DCA 2006)]

## Practice Areas

- ▶ [Justice For Kids®](#)

## Accolades, Associations & News

### Awards

- ▶ *Florida Trend*, “Florida 500 Most Influential Business Leaders,” 2018 – 2021
- ▶ *Best Lawyers®*, “The Best Lawyers in America”
  - > Civil Rights Law, 2017 – 2022
  - > Personal Injury Litigation – Plaintiffs, 2019 – 2022
- ▶ *South Florida Business & Wealth, Legal Awards, Honoree, 2021*
- ▶ *Martindale-Hubbell™*, AV Preeminent® Top Rated Lawyer, 1986 – Present
- ▶ *South Florida Legal Guide*, “Top Lawyers”, 2007 – 2021
- ▶ *Super Lawyers* magazine, Florida “Super Lawyers,” 2006-2021
- ▶ *211 Broward*, Non-Profit Organization Board Leader of the Year Awards, Finalist, 2020
- ▶ *The Florida Bar Foundation*, Medal of Honor Award for a Lawyer, 2018
- ▶ *The University of Miami Law Alumni Association*, Alumni Achievement Award, 2016
- ▶ *The Heart Gallery of Broward County*, Child Advocate of the Year, 2016
- ▶ *Daily Business Review*, Professional Excellence Lifetime Achievement Award, 2016
- ▶ *Lifestyle Media Group*, Leaders in Law Winner for Personal Injury, 2014
- ▶ *Daily Business Review*, Most Effective Lawyer recognition, Public Interest, 2013
- ▶ *South Florida Business Journal*, “Key Partners Awards” honoree, 2012
- ▶ *Daily Business Review*, Most Effective Lawyer recognition, Pro Bono, 2011
- ▶ *Florida Super Lawyer* magazine Article, “Fostering Hope”, 2010
- ▶ *Florida Bar Association*, “President’s Award of Merit”, 2010
- ▶ *Broward Days*, “Community Advocate Award”, 2010
- ▶ *Lawyers for Children America*, “Policy Advocate Award”, 2010
- ▶ *South Florida Business Journal*, “Let’s Do Something Giant” Award Recipient, Legal Category, 2008
- ▶ President’s Pro Bono Service Award for the 17th Judicial Circuit, 2006
- ▶ March of Dimes Award, 2007
- ▶ *Daily Business Review*, Most Effective Lawyer recognition, 2006
- ▶ *Legal Aid Service of Broward County*, Russell Carlisle Award, 2004
- ▶ Kathleen Wright Award for a professional who has improved the quality of life for children in Florida, Family Central, 2002
- ▶ “Making a Difference” Award, Justice for Children and Families, 2002
- ▶ Blue Ribbon Hero Award for Guardian ad Litem Pro Bono Attorney (2001-2002)
- ▶ *Broward Committee for Prevention of Child Abuse*, Outstanding Citizen of the Year, April 2000

### Associations

## Professional Associations

- ▶ Broward County Bar Association, Member
- ▶ Florida Bar, Member
  - > Legal Needs of Children Committee, Chair, 2009 – 2010, 2020 – 2022
  - > Public Interest Law Section
- ▶ Former Representative for the State of Florida to the National Association of State Mental Health Lawyers and Chair of the Class Action Committee

## Community

- ▶ Florida's Children First, Founding President, 2002 – Present
- ▶ Broward Days, Chair Children Issues Team, 2001-2015
- ▶ Citizens for Broward's Children, Steering Committee Member, 2000 and Co-Chair 2014 as to referendum to create and retain the Broward County Children Services Counsel
- ▶ Florida's Voice on Developmental Disabilities, Member, 2002- 2003
- ▶ Former Temple Kol Tikvah, Board of Trustees Member and Campaign Committee Chairs
- ▶ Former Board Member of Hurricane Relief for Miami Foster Kids, Inc
- ▶ Former Big Brother
- ▶ Former sports team coach, including 20 youth baseball, softball, and soccer teams

## Speaking Engagements

- ▶ Speaker, Florida's Children First to the Capital City Kiwanis Club in Tallahassee, 2021
- ▶ Speaker, "Children with Disabilities in Foster Care," Presented to Broward County Guardian ad Litem office, 2014
- ▶ Speaker, "Disarming Opposing Experts and Leveraging Your Experts," Florida Guardian ad Litem Disabilities Training Conference, May 22, 2014 Link to video presentation:  
<http://centervideo.forest.usf.edu/galconf2014/additional/disarming.html>
- ▶ Speaker, "Accessing Medicaid and Medicaid Waiver Services for Children with Disabilities in Foster Care," Tracey McPharlin Dependency Initiative, Attorney Training, sponsored by the Broward County Bar Association and Legal Aid Service of Broward County, June 20, 2014
- ▶ Speaker, Palm Beach County Guardian ad Litem Office, "The Federal Rights of Dependent Youth," Palm Beach County, May 9, 2008
- ▶ Speaker, Florida's Children First, "Improving Outcomes for Older Youth," Fort Lauderdale, Florida, February 14, 2008
- ▶ Speaker, Children's Mental Health Issues to Judge Steven Leifman, Special Advisor to the Florida Supreme Court, May 22, 2007
- ▶ Speaker, Florida Coalition for Children on Avoiding Legal Risk Management within Case Management, November 4, 2004
- ▶ Speaker, Florida's Children First on the Hidden Federal Powers of the Florida Juvenile Dependency Court Judge in Jacksonville, Tampa, Fort Lauderdale & Naples, 2004
- ▶ Speaker, United States House of Representatives Subcommittee on Human Resources, Hearing on Child Protection Programs in Florida, December 14, 1998
- ▶ Speaker, New York State (NYS) ARC, Inc., Presentation discussing issues relating to waiting lists for residential services for persons with Intellectual Disabilities and developmental disabilities in Florida, Albany, New York, August 1, 1998
- ▶ Speaker, Annual Education Meeting of the Florida Conference of Circuit Judges With Florida's Federal Trial Judges and the Judges of the Eleventh Circuit Court of Appeals, "The Hidden Powers of the Juvenile Court Judge to Protect the Rights of Children," Jacksonville, Florida, November 30-December 3, 1997
- ▶ Speaker, Florida State Guardianship Association, Inc., 9th Annual Conference, "Abuse and Neglect-What Every Guardian Should Know," Dania, Florida, September 20-21, 1996
- ▶ Speaker, National Association of State Mental Health Attorneys – 13th Annual Conference and Annual Conference of Interstate Compact Coordinators on Mental Health, "Institutional Reform Litigation and Mental Health: The Impact of Federal Supervision on Mental Health Systems through Section 1983 Litigation," San Antonio, Texas, October 24-27, 1993
- ▶ Speaker, University of South Florida, Department of Law and Mental Health, The Florida Mental Health Institute, "Violence and its Challenge to the Juvenile Justice System: Implications for Advocacy Programs and Research – Advocacy Strategies: A Systems Approach," Tampa, Florida, June 16, 1993
- ▶ Speaker, HRS District Legal Counsel Workshop, "Federal Court Update and Status of Section 1983 Liability," Tallahassee, Florida , May 6-7, 1993
- ▶ Speaker, HRS District Legal Counsel Workshop, "Federal Court Update and Status of Section 1983 Liability," Wakulla Springs, Florida, October 29-30,1992

- ▶ Speaker, National Association of State Mental Health Attorneys – 12th Annual Conference and Annual Conference of Interstate Compact Coordinators on Mental Health, “Defenses Unique to State Entities and Officials in State and Federal Courts and Class Action Suits,” Portland, Oregon, September 19-23, 1992
- ▶ Speaker, United States Senate Finance Subcommittee on Social Security and Family Policy, Impact of the Suter Amendment, Washington, D.C., September 17, 1992
- ▶ Speaker, Florida Council for Community Mental Health – 1992 Annual Conference, “In Stride with Change – Shaping the Future: Court Mandates and ADM’s Service Delivery System,” Daytona Beach, Florida, September 16, 1992
- ▶ Speaker, Fourth Annual ACLU of Florida Lawyers Conference, Presentation on Children’s Rights and Parent’s Rights, Key West, Florida, August 21-22, 1992
- ▶ Speaker, University of Miami Law School – Mental Health Law, Presentation on the Defendants’ View of Mental Health Litigation, Miami, Florida, March 3, 1992
- ▶ Speaker, National Association of State Mental Health Attorneys, Presentation of Section 1983, “Strategies for Defending Class Action Claims for Injunctive Relief,” Orlando, Florida, October 15, 1991
- ▶ Speaker, American Association of Public Welfare, Presentation regarding Florida’s experience in defending child welfare litigation at the state and local level, Washington, D.C., July 23, 1991
- ▶ Speaker, The Center for the Study of Youth Policy, Nova University, Shepard Broad Law Center, Presentation on The Broward Detention Initiative, its impact on detention practices, population and the Juvenile Justice Reform Act of 1990 symposium, Fort Lauderdale, Florida, June 27, 1991
- ▶ Speaker, HRS District Legal Counsel Seminar, Presentation to all District Legal Counsel on utilization of Extraordinary Writs, Tallahassee, Florida, May 23, 1991
- ▶ Speaker, National Association of State Mental Health Program Directors, Zinermon v. Burch presentation, Kansas City, Missouri, November 1990

## Media

- ▶ Quoted, “Legal Aid Programs in Broward County to Host 19th Annual For the Public Good Fundraiser December 1,” *CityBiz*, October 2021
- ▶ Quoted, “Florida’s Children First Hosts CHILL For the Kids Virtual Wine Tasting and Celebrity Chef Demo in Jacksonville,” *CityBiz*, Orlando 2021
- ▶ Featured, “2021 Legal Awards Honoree: Howard Talenfeld,” *South Florida Business and Wealth*, October 2021
- ▶ Featured, “Broward Legal Aid Programs to Host 19th Annual For the Public Good Fundraiser December 1,” *Florida Bar News*, October 2021
- ▶ Quoted, “Florida’s Premiere Youth Advocacy Organization Brings Celebrity Chef Experience To Its Supporters”, *South Florida CityBizList*, February 2021
- ▶ Quoted, “Florida’s Children First Invites Supporters to Virtually Escape to Napa: State Attorney’s Office Communications Officer Grayson Kamm to Emcee”, *Florida PR News*, November 2020
- ▶ Quoted, “Florida’s Children First Invites Supporters to Virtually Escape to Napa”, *South Florida CityBizList*, November 2020
- ▶ Quoted, “Florida’s Children First Invites Supporters to Virtually Escape to Napa: State Attorney’s Office Communications Officer Grayson Kamm to Emcee”, *Tampa Bay Newswire*, November 2020
- ▶ Featured, “Prominent Children’s Rights Lawyer Howard Talenfeld Once Again Selected to Florida 500”, *Attorney at Law*, October 2020
- ▶ Featured, “Prominent Children’s Rights Lawyer Howard Talenfeld Once Again Selected to Florida 500”, *South Florida CityBizList*, October 2020
- ▶ Quoted, “Florida’s Children First Hosts Orlando Event”, *South Florida CityBizList*, September 2020
- ▶ Quoted, “Florida’s Children First to Host Virtual Wine Tasting Fundraiser in Orlando to Support Critical Work with Foster Youth”, *Florida Public Relations News*, September 2020
- ▶ Quoted, “Florida’s Children First Brings Napa To South Florida With ‘Chill’ Virtual Fundraiser,” *Florida Bar*, September 2020
- ▶ Featured, *Who’s in Charge? New Florida Bar Committee Leaders Appointed*, *Daily Business Review*, July 2020
- ▶ Featured, *Howard Talenfeld Appointed Chair of Legal Needs of Children Committee*, *Attorney at Law Magazine*, June 2020
- ▶ Featured, *Florida Bar President Dori Foster-Morales Appoints Howard Talenfeld Chair of Legal Needs of Children Committee*, *South Florida CityBiz List*, June 2020
- ▶ Quoted, “Two Girls, Mother Sues Over Alleged Sexual Abuse”, *Herald Tribune*, May 2020
- ▶ Featured, “Canceled Events Cause Funding Shortfalls at South Florida nonprofits”, *South Florida Business Journal*, March 2020
- ▶ Featured, “Meet Anber, a teen who struggles with mental health. Did the system fail her?” *Fort Myers News Press*, December 23, 2019
- ▶ Featured, “Florida Trend 500”, *Florida Trend Magazine*, September 2019

- ▶ Featured, “Web Outreach on Sex Trafficking Connects Accusers to Attorneys, But Raises Questions,” *Daily Business Review*, August 21, 2019
- ▶ Featured, “Talenfeld Law Attorneys Featured in Florida Super Lawyers Once Again,” *Legal Learning Series*, August 9, 2019
- ▶ Featured, “Legal Aid Groups Bring Class Action Against Florida Agencies Over Medicaid Terminations,” *Daily Business Review*, August 9, 2019

#### **Publications**

- ▶ Author, “Exposes Explore Child Sex Abuse by Celebs and Complicit Family Members,” *Daily Business Review*, March 18, 2019

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#### **News & Insights**

- ▶ Kelley Kronenberg Supports Broward County Bar Association’s Young Lawyers Section 2021 Walter G. “Skip” Campbell, Jr. Memorial Charity Golf Tournament
- ▶ Kelley Kronenberg Partner Howard Talenfeld Selected Once Again to Florida Trend 500
- ▶ Four Kelley Kronenberg Partners Recognized in The Best Lawyers in America © 2022
- ▶ Kelley Kronenberg Attorneys Receive 2021 AV Preeminent Rating from Martindale-Hubbell