

Old Smokey: The Former City of Miami Incinerator and Its Effects on the Community Today

By Elizabeth Fata

The 2014-2015 academic year has been a busy one for the Center's Environmental Justice Project (EJP). The EJP began in 2012 as an interdisciplinary project dedicated to remedying environmental injustices in Miami-Dade County. Since 2013, the EJP has been deeply involved in research and an investigation into the former City of Miami trash incinerator, Old Smokey.

Beginning in 1926 and operating until 1970, the City of Miami ran a solid waste incinerator located at 3425 Jefferson Street in West Coconut Grove. The incinerator was sited in the middle of the Jim Crow segregated neighborhood of the West Grove. Residential houses, schools, and churches occupied by black Bahamian and African-American settlers surrounded the incinerator. To this day, many of the same residences, schools, and churches still exist. The incinerator always operated poorly and would rain ash, soot, and stench down on the adjacent communities.

West Grove residents' complaints and requests for the incinerator to be shut down consistently went unanswered. The complaints and visible affects of Old Smokey on the West Grove community became more pronounced in the 1940s and 1950s. This was due to the growing population in the City of Miami and thus the growing amount of trash fed to Old Smokey. In the late 1950s, the City of Miami invested in renovations to Old Smokey. These renovations were to be "state of the art" and create a "smokeless and odorless" incinerator. However, the renovations did the very opposite. Old Smokey became worse than ever. The smoke and ash it spewed was so bad that it actually began blanketing residences in the affluent neighboring City of Coral Gables. Coral Gables' residents now awoke to their roofs being covered in ash and their pools having a layer of ash at the surface.

In the early 1960s, the City of Coral Gables brought a lawsuit against the City of Miami for its operation of Old Smokey. After nearly a decade of litigation, Coral Gables finally won a court order mandating Old Smokey shut down its operations. The incinerator's 44-year tenure had finally come to an end. The site of Old Smokey sat dormant until the smokestack was razed in 1974. Again, the property sat dormant from 1974 to 1980, when the City of Miami decided to use the site as a new Rescue Training Center.

In 2011, the City sought to expand the Fire Training Center, and in order to receive a permit for the expansion, performed an environmental site assessment. Environmental testing revealed concentrations of toxic contaminants in surface soil exceeding the safe exposure thresholds set by Miami-Dade County for residential areas. The contaminants found include arsenic, barium, benzo(a)pyrene (BaP), cadmium, and lead. This information was not brought to light until the Environmental Justice Project discovered the report in 2013 and disseminated it to local community partners.

In September 2013, the City of Miami and Miami-Dade County's Department of Environmental Resource Management (DERM), conducted a soil study of specific sites within a 1-mile radius of the former incinerator, Old

Continued on Page 2



Bob Mack, photographer.
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Continued from Page 1

Old Smokey

Smokey. This soil study led to the discovery of contamination at Blanche Park and Merrie Christmas Park. Subsequently, DERM ordered the City to investigate all of its 112 parks for contamination. To date, 8 City parks have been found with contaminated soil resulting in either complete closure or parts of the park being shut off to the public. Currently, remediation to protect public health and the environment has been completed, is in process, or is pending at these parks.

With the 2013 release of the initial 2011 soil assessment report revealing contamination, community organizing began in the West Grove and other affected neighborhoods. Historic residents who remember the puffing and stench of Old Smokey, as well as new residents who live in the Grove, soon created the Old Smokey Steering Committee (OSSC). The OSSC is comprised of local residents, business owners, nonprofits, churches, pro bono attorneys, and the Environmental Justice Project.

Today, OSSC is an informal organization of community stakeholders from across Coconut Grove and Miami-Dade County who are concerned about the adverse health effects and soil/water contamination linked to Old Smokey. Together we discuss the ongoing issues surrounding the city's cleanup of all of the contaminated parks in Miami. Each of the eight parks is represented by a neighboring resident who contributes time and assistance.

The OSSC filed a petition to the federal Agency for Toxic Substances and Disease Registry (ATSDR) in May 2014, and a supplemental petition in November 2014. The ATSDR investigates toxic substances that have been released into communities and if it deems so necessary, will develop a disease registry for the affected community. The OSSC is still awaiting a decision from the ATSDR as to whether it will investigate the release of toxic substances into the air and soil in the West Grove from Old Smokey.

The Steering Committee's mission is to ensure (1) comprehensive on and off site testing; (2) remediation that is in accordance with best practices; (3) a formal public health investigation and if necessary, the creation of a disease registry; and (4) the right to know about environmental contamination through open and effective communication with local elected officials and government agencies. ■

Center Students Create Partnerships Between Community and UM School of Communications

The Environmental Justice Project's facilitation and participation with the Old Smokey Steering Committee not only assisted in community and relationship building in the West and East Grove, but also across the University of Miami campus. The School of Communications partnered with the Steering Committee to design and build a website for the organization. The website, www.oldsmokey.org, would not have been possible without the dedicated work of Halina Mae Ynes, a junior studying in the School of Communications.

Halina and her professor, Kim Grinfeder, attended numerous Old Smokey Steering Committee meetings in the West Grove to speak with committee members about their design ideas and to develop content and copy. The website is an invaluable resource for community members. ■

Civil Rights and Poverty Project Students Assist in School Discrimination Project

The Center's Civil Rights and Poverty Project spent a large part of the fall academic year working with the City of South Miami in its investigation into a local charter school. Residents of South Miami complained to their elected officials that their children were not invited to apply for the school admissions process and were not being accepted into the school at the same rate as other students.

The City enlisted the help of the Civil Rights Project to provide research and educational materials as to what residents and municipalities can do at the federal, state, and local levels regarding potential school race-based discrimination. Students were exposed to the inner workings of a municipality and worked with municipal employees, including the city attorney and city manager. ■

Social Enterprise and Nonprofit Project Underway

The Center's newest endeavor, the Social Enterprise and Nonprofit Project began this past year, working predominantly with the Little Haiti Futbol Club. The Social Enterprise and Nonprofit Project seeks to provide local start-ups, nonprofits, and social benefit corporations with research and education pertaining to their legal structures.

The Center began its work with the Little Haiti Futbol Club in 2014, as a resource to research model nonprofit structures, bylaws, and corporate governance. The Little Haiti Futbol Club is the first inner city soccer club in Miami-Dade County and has served over 20 high school students. The Club seeks to not only teach participants soccer, but to also provide legal education workshops and college preparation guidance and skills.

Center students conducted a legal needs assessment in English, Creole, and Spanish, as well as a trilingual education needs assessment. The Center is continuing to work with the Little Haiti Futbol Club in coordinating legal education workshops pertaining to children's rights, housing and landlord/tenant law, health rights, and other issues from the students' legal and education needs assessments. ■



Oral History Film Project Premiere of *Old Smokey: A Community History* at Ransom Everglades Upper School

In our continuing partnership with Ransom Everglades Upper School this year, the Center's Oral History film Project's most recent film, *Old Smokey: A Community History*, premiered twice during Ransom's Outward Bound experience for freshmen students. The film premiered in August 2014 to a rapt audience filled with community members at the Elizabeth Virrick Park in the West

Grove. The film was a joint collaboration with the Center's Oral History Film Project and Ransom Everglades, as well as the Coconut Grove Ministerial Alliance, the Old Smokey Steering Committee, and various other local nonprofits.

The film premieres at Ransom Everglades served to educate the high school students about their neighboring community, and

to afford an opportunity to learn more about the partnership between the Center and Ransom. The Ransom Oral History club recruited several new students after the screening of *Old Smokey: A Community History*, who are interested in creating additional West Grove-centered documentary films. ■

Environmental Justice Project and OSSC's Community Outreach Through Door-to-Door Campaign

The Environmental Justice Project's ongoing collaboration with the Old Smokey Steering Committee (OSSC) was highlighted this year, when the two groups organized a door-to-door outreach campaign in the West Grove, Center Grove, and East Gables. With the assistance of community members, CEPS students and UM Law volunteers were able to knock on doors of over 200 homes. There were multiple purposes to the community outreach campaign, including: 1) providing information on the the history of the former City of Miami incinerator, the current environmental

status of the incinerator site, and the current status of the contaminated City of Miami parks and adjacent lands to the incinerator site; as well as 2) distributing the health and historical information questionnaires created by the Steering Committee.

These questionnaires seek to gather anecdotal data from the community regarding their recollection of Old Smokey's history, their past or current health conditions, and any other information regarding Old Smokey.

The door-to-door campaign was a huge success. It brought together community groups, including local nonprofits and churches, from not only the West Grove, but the East and Center Grove as well.

For more information about the Old Smokey Steering Committee or to view their ATSDR Petitions and other related documents, please visit www.oldsmokey.org. ■

Historic Black Church Program Students in the Community

By Elizabeth Fata

Each month, the Historic Black Church Program fellows, interns, and volunteers attend the monthly Coconut Grove Ministerial Alliance Meetings. The first Saturday of each month, these meetings are a way for the community and Center to gain vital information about the needs of the community and share our goals and successes in return. Seeking to expand this concrete community-student interaction, and yet ramp up the productivity, the Old Smokey Steering Committee was created. Together the goal was to target the still persistent issues that burden the community as a result of the "Old Smokey" trash incinerator that

operated in the community for over 40 years.

Today the Old Smokey Steering Committee consists of the Environmental Justice Project and interested community stakeholders from all over Miami-Dade County. Together we discuss the ongoing issues surrounding the city's cleanup of all of the contaminated parks in Miami, not just those in the West Grove. Each of the 8 parks is represented by a neighboring resident who each contribute their observations and expectations. A crucial part of each meeting is keeping up to date on the developments in each

park. As new developments arise we research and strategize each decision to be sure that the communities views are adequately represented and that environmental laws are diligently followed.

Of vital importance to the Old Smokey Steering Committee is local law firm pro bono representation. We as students are able to work very closely with local attorneys to gain practical insight into what community lawyering entails. Through their involvement in the committee, the community, students, and counsel all work together to ensure a healthy and safe future for Miami's residents. ■

Dartmouth College Ethics Institute Visits Miami Law; Explores Issues on Legal Ethics and Community Service

For the second time, ten undergraduate students from the Dartmouth College Ethics Institute visited Miami Law for a week of intensive seminars and workshops exploring the issues of legal ethics, community service, and social justice. The visit was sponsored by Miami Law's Center for Ethics and Public Service (CEPS).

This joint enterprise was developed in 2012 by Professor Anthony V. Alfieri, a Dean's Distinguished Scholar and Director of the Center, and Dartmouth Professor Aine Donovan, Director of the Ethics Institute at Dartmouth and a member of the faculty of the Tuck School of Business. During that year, eight Dartmouth students came to Miami Law to explore ethics and the law.

This year the venture was expanded by Catherine Kaiman, CEPS Lecturer/Practitioner-in-Residence, and Cindy McKenzie, CEPS Program Manager.

"Our continuing partnership with Dartmouth College's Ethics Institute enables the next generation of civic and community leaders to learn about civil rights, environmental justice, legal ethics and professional responsibility, oral history and documentary film making, and inner-city poverty in Miami and across the nation. The partnership also allows us to display the enormous commitment and resources of the Law School in supporting public interest education and public service career pathways," said Professor Alfieri.

Marina Shkuratov, a Dartmouth senior who plans on attending law school in the fall, said that the program was an incredible opportunity because it brought together accomplished speakers from across disciplines to teach law and public interest ethics in a hands-on way that integrated the richness of Miami's history and community. "The chance to engage critically with topics I have always been interested in but had never been directly exposed to was eye-opening and extremely rewarding," she said.

The Dartmouth group met with students and professors in the Center's Environmental Justice and Civil Rights Projects to discuss current research, education, and policy projects in the West Grove and other low-income minority communities in South Florida. Students viewed the 2014 film, *Old Smokey: A Community History*, part of the Center's Oral History Documentary Film Project, and provided critical feedback for the upcoming extended edition of the film. Additionally, students enjoyed lunch at one of the historic black churches in the West Grove with members of the Coconut Grove Ministerial Alliance and local community activists.

In addition to learning about Miami Law, the Dartmouth group heard from the HOPE Public Interest Resource Center and Miami Law professors about how the law can be used as a vehicle for social change. Participants included Clinical Professor Kele Stewart, Professional Responsibility and Ethics Program Director Jan Jacobowitz, Professor Mary Anne Franks, Assistant Dean Marni Lennon, Professor of Legal Writing Jennifer Hill, Professor Tamara Lave, Professor Osamudia James, and STREET LAW Director Jessi Tamayo.

Dartmouth sophomore, Isabella Coleman, said "The conference was an exceptional opportunity to explore ethics and law from top professionals in the field and simultaneously apply the concepts to current issues plaguing communities around the city."

Additional speakers included, Rachel Silverstein, Executive Director of Biscayne Bay Waterkeeper, Galen Truer, a Ph.D. candidate from the University of Miami's Abess Center, Wifredo Fernandez, co-founder of The Lab Miami, and Nicholas Kallergis, an Assistant



(Left to Right) Front Row: Dartmouth Ethics Institute Director Aine Donovan, Dartmouth students Vungelia Glyptis, Erin Weldon, Sera Kwon, Michelle Li, Jake Bayer. Back Row: Dartmouth students Terren Klein, Evelyn Weinstein, Sarah Zmarrou, Isabella Coleman, and Marine Shkuratov

City Attorney for the City of Miami Beach.

"Because none of the Dartmouth students were from Miami, we wanted to ensure students would leave Miami Law with an awareness of our unique community," said Catherine Kaiman.

The group also visited the Wynwood arts neighborhood and enjoyed a visit to The Lab Miami, a creative campus for social and tech entrepreneurs. Sarah Zmarrou, a Dartmouth junior, said, "This program was an incredible opportunity to interact with diverse educators and professionals in fields of public interest law. I especially enjoyed learning about the Lab Miami, as it is a great example of how one entrepreneurial project has provided a platform for several other projects that aim to promote positive social change in the greater Miami Dade area."

At the conclusion of the program, Dartmouth sophomore, Vungelia Glyptis, said, "This week exceeded all of my already high expectations, while offering me the ability to appreciate the historically unique and artistic city of Miami. The Center team created the most informative yet enjoyable program in which I have ever participated. I cannot stop raving about my week at Miami Law, and I'd highly suggest the December program to others." ■

CEPS in the Community: The 38th Annual Goombay Festival

By Elyssa Luke and Leslie Coulter



Old Smokey Steering Committee members at this year's Goombay Festival, Linda Williams and Chris Alger



The Historic Black Church Program participated in a number of community events throughout the 2014-15 academic year, which served as an opportunity to intimately connect our law students with the communities in which their research and education is based.

Two of these events included—the 38th Annual Goombay Festival and the St. Alban's Health Fair—both of which were held in the historic Bahamian-American neighborhood of West Coconut Grove.

The 38th Annual Goombay Festival held at Peacock Park in Coconut Grove on July 26, 2014, was a celebration of Bahamian culture and tradition, and a unique occasion to bring residents up-to-date with the developments affecting their neighborhood. Law students teamed up with the Old Smokey Steering Committee to provide information to the community about the effects that the old trash incinerator, known as Old Smokey.

Amidst the sounds of drums and trumpets that led a colorful parade of costumed dancers, the group distributed questionnaires, information sheets, newspaper articles, and sign-up sheets encouraging residents to get involved in the effort to lobby city and county officials for heightened transparency and accountability for Old Smokey. Together, the group was able to educate dozens of residents about Old Smokey. ■

The St. Alban's Health Fair

By Elyssa Luke and Leslie Coulter

The Center for Ethics and Public Service law students along with the Coconut Grove Ministerial Alliance joined together on November 8, 2014, to host a free health and education fair at the Thelma Gibson Health Initiative in Coconut Grove. CEPS law students were on-hand to provide information about Old Smokey and its effects on the neighborhood, as well as to help residents fill out health questionnaires focused on their exposure to Old Smokey contaminants.

The fair was also attended by UM School of Nursing and Health Studies students who provided on-site screenings, information, and fun activities for children. Coconut Grove residents had a great time while learning crucial information about their health and their communities. ■



University Environmental Law and Justice Symposium

The Center for Ethics and Public Service **Environmental Justice Project** co-sponsored the first Environmental Law and Justice Symposium with UM's Green U Department. The event was organized through the Butler Center's Social Justice Week.

The Environmental Law and Justice Symposium was open to the University community and also the greater Miami community, as the goal of the Symposium was to provide a "closer look at the Miami Environmental Movement."

The panel was comprised of environmental attorneys and advocates including, Louise Caro, Esq. of Napoli Bern, an experienced environmental justice litigator in South Florida, Julie Dick, Esq., a Staff Attorney with the Everglades Law Center, Jim Porter, Esq. of his own firm, and Dr. Rachel Silverstein, the Executive Director of the Biscayne Bay Waterkeeper.

Dr. Silverstein and Mr. Porter discussed a lawsuit the two are jointly working on against the Army Corps. of Engineers for coral damage and destruction during the dredging for the renovations of the Port of Miami.

Ms. Caro enlightened the audience about the difficulties of environmental justice cases as opposed to strict environmental law cases. Her passion and dedication to her clients, sometimes thousands at a time, inspired many of the students in the crowd. ■

PREP: A Journey Like No Other

By Gina Villar

The Professional Responsibility & Ethics Program was the highlight of my law school experience. I learned more in PREP than from all my other coursework and the countless cases that I read. Not only did I hone my research and writing skills, but I also gained public speaking experience, which is an invaluable skill that is not taught in the traditional bar courses.

During my first semester in PREP, I participated in CLE trainings at both the South Miami-Kendall Bar Association (SMKBA) and the Miami-Dade State Attorney's Office. For SMKBA, I presented the cutting edge ethical issues that may arise in the use of cloud computing.

The Miami-Dade State Attorney's Office training involved prosecutorial ethics, which required insight into the practice of criminal law. There were approximately seventy state attorneys at the presentation at which I presented on the ethical issues of dealing with a reluctant witness.

My last presentation as a 2L was for about twenty-five attorneys at the Miami-Dade County Attorney's Office. This interactive CLE focused on the use of social media and attorney blogs.

After my first year in PREP, I decided I wanted to return as 3L PREP Fellow, meaning that I would continue to participate in trainings, but also play a leadership role in supervising interns. In my first semester as a 3L, I presented at the National Security & Armed Conflict Law Review 2014 Symposium at the University of Miami. There, I not only re-visited a cloud computing issue, but I also researched both the differences and similarities of the legal ethics rules in military versus civilian law. I also supervised interns in the preparation of a presentation for the Coral Gables Bar Association, which analyzed issues of spoliation, attorney advertising, and the research of jurors on social media. The supervision entailed a review of the interns' legal research, editing their hypotheticals, legal memorandum, and PowerPoint, and assisting them with preparation of their oral presentations.

In my final semester, I not only participated in the Bankruptcy Bar and Public Defenders CLE, but also committed to participate in two extra trainings in my final semester: University of Miami Alumni Palm Beach Judicial Reception and the Key Biscayne Bar Association. The Alumni Reception afforded me the opportunity to present on the legal ethics involved in advising a client on the medical marijuana business.

Finally, at the Key Biscayne Bar Association, which occurred after my graduation, I presented on attorney advertising on LinkedIn as well as the ethical implications that may arise from legal outsourcing. Firms are beginning to outsource to professional employer organizations (PEO's), third-party storage companies ("the cloud"), or a legal process outsourcing companies (LPO's) that provide legal research, document review and draft pleadings.

Over the last two years, my involvement in PREP has taught me the necessary skills I will need as I begin practicing law. Under the direction of Jan Jacobowitz, I became a more efficient researcher and a more effective legal writer. It was extremely beneficial to have the opportunity to present in a variety of situations that ranged from fifteen attorneys in an office conference room to twenty-five attorneys in a noisy restaurant to seventy attorneys in the State Attorney's training room. These various locations and diverse issues improved my public speaking skills and provided me with the confidence and flexibility for future professional interactions in the office, the courtroom, or the community. Additionally, presenting on various ethical issues in many different types of law was a great way to sharpen my research skills in order to be prepared to present in front of attorneys practicing in those particular fields. Engaging in intellectual discussions with the attorneys was an experience that many law school courses do not offer. As a graduating 3L, I feel prepared to take on any research or writing assignment that comes my way, due to the skills I have learned in PREP. ■

PREP: "A Part of Something Big"

By Jacqueline Frisch

From the very first day of PREP, I knew I was about to be a part of something big—a course unlike any other at the University of Miami School of Law. A unique opportunity to engage with the legal community, explore current legal issues with my peers, and hone my own professional and academic skills.

When I was an intern, PREP taught me so much. It taught me the importance of teamwork and what it meant to communicate and collaborate with my peers and future colleagues. It simultaneously taught me how to work independently toward my team's unified goal. I learned how to research more expeditiously, write more succinctly, edit more thoughtfully, speak more confidently, and present more masterfully. Moreover, I developed into a professional with Professor Jacobowitz's assistance and guidance along the way.

Upon meeting and presenting in front of various groups of attorneys from the Miami legal community—particularly the South Miami-Kendall Bar Association, the Florida Association for Women Lawyers, and the Miami-Dade County Attorney's Office—I realized just how eye-opening and mutually beneficial the PREP program really was to all involved. I was able to essentially play "teacher" for the duration of the CLE trainings, updating the attorneys on the most current academic literature and explaining how the legal discourse is rapidly evolving where ethics meets the modern age of social media and technology. Meanwhile, the attorneys passed the torch to us by not only sharing their perspectives and practical experiences from their careers, but also by posing critical questions that compelled a deeper engagement in and contemplation of the legal ethics issues for everyone.

Now that I have graduated, I realize that it is only the beginning—PREP introduced me to this multi-faceted discussion and I plan to maintain my involvement in this national conversation. ■

PREP's 2014 – 2015 Ethics Training

The Professional Responsibility and Ethics Program, a 2012 recipient of the American Bar Association's Smythe E. Gambrell Award, was established in 1996 as an in-house program within the Center for Ethics and Public Service at Miami Law. PREP's programming originated as an outgrowth of a collaborative effort with the nonprofit legal community to provide training on ethics issues arising in the context of assisting underserved communities. Today, PREP has expanded to present ethics training to lawyers working throughout the legal profession in venues ranging from small gatherings at nonprofit offices to large bar association meetings and national webinars.

Trainings

- Americans for Immigrant Justice
- Bankruptcy Bar Association of Miami-Dade
- Bankruptcy Bar Association of Broward
- Broward State Attorney Office
- Caribbean Bar Association
- Catholic Charities
- Coral Gables Bar Association
- Dade Legal Aid Society
- Florida Association for Women Lawyers (FAWL)
- Key Biscayne Bar Association
- Legal Services of Greater Miami
- Miami-Dade County Attorney's Office
- Miami-Dade Law Alumni Association
- Miami-Dade Public Defender's Office
- Miami-Dade State Attorney's Office
- National Security & Armed Conflict Law Review Symposium
- South Miami-Kendall Association
- University of Miami Law Alumni Broward judicial Reception
- University of Miami Law Alumni Miami-Dade Judicial Reception
- University of Miami Law Alumni West Palm Beach judicial Reception



Miami-Dade State Attorney's Office, (Left to Right) Brittany Brooks, Jacqueline Frisch, Sam Bookhardt, Gina Rajman, Assistant State Attorney & Director of Training, Tom Headley, Jan L. Jacobowitz, Andrew McCarten



Miami-Dade Law Alumni Association, (Left to Right) Jackson Siegel, Jacqueline Frisch, Tiffany Hendricks, Jerome Jackson—PREP Students Travel on the "Ethical Brick Road" with the Miami-Dade Law Alumni Association



Catholic Charities, (Left to Right) Jennifer Felipe, Barbara Cabrera, Catholic Charities Director, Randy McGorty, Catholic Charities Managing Attorney, Myriam Mezidieu, Karyn Sanchez



Florida Association for Women Lawyers (FAWL), (Left to Right) Paige Rivkind, Barbara Cabrera, Jennifer Felipe, and Fawl member, Attorney Elisa J. D'Amico



Bankruptcy Bar Association, (Left to Right) Sam Bookhardt, Tiffany Hendricks, Brittany Brooks and Jackson Siegel

PREP Students Explore Ethical Issues in Criminal Law with Prosecutors and Public Defenders

Every year, the Professional Responsibility & Ethics Program (PREP) students are able to explore diverse areas of the law and interact with attorneys in a discussion of the ethical challenges that confront today's legal profession.

This semester, the students from the Miami Law PREP Program had the opportunity to present at the Broward State Attorneys Office and the Miami-Dade Public Defender's Office to discuss ethical issues faced by prosecutors and public defenders, which have become more complex due to the growth of social media and technology.

Julien Apollon had the unique experience of presenting at both the Broward State Attorney's Office and the Miami-Dade Public Defender's Office. He explains,

"Fortunately, I had the opportunity to attend both the Broward State Attorney and Miami-Dade Public Defender presentation, and was amazed to discuss the issues with attorneys that portrayed subtle differences in the ways they argue, study and perceive similar legal issues. The interactive nature of our presentation provided great insight into the practice of law at both offices. I appreciated the unique chance we were offered to discuss new issues in social media that could directly impact trial work in both locations," said Apollon.

At the State Attorney's Office, Apollon was joined by PREP Fellow, Jerome Jackson

and PREP Interns, Shawn Abuhoff and Karyn Sanchez to discuss the ethical implications of using social media to investigate witnesses, victims, defendants, and jurors. There was a lively discussion about what a prosecutor is obligated to disclose to the defense when potential evidence is initially discovered on social media, but subsequently has been deleted. Another topic of discussion was the use of PowerPoint presentations during closing arguments and the potential ethical violations that could arise.

"The Broward State Attorneys were a lively group who really got engaged with the material. It makes for the best trainings when the group has previously tackled the issues we are presenting, or if they have a strong opinion on it," said Jackson.

"The environment of participating in a presentation inside a court room was very unique and exciting. Those who attended were very engaged and guided the discussion along by asking necessary questions and giving their input. All in all it was a great experience," said Abuhoff.

"The attorneys at the Broward State Attorneys office were engaged and ready to discuss their approach to some of the difficult issues presented through the hypotheticals. It was interesting to hear how they would act in the given hypo-



Broward State Attorney Office, (Left to Right) Karyn Sanchez, Shawn Abuhoff, Jerome Jackson, Julien Apollon

thetical situation. This provided a great example on how every day practice differs from academia," said Sanchez.

At the Public Defender's Office, Apollon was joined by PREP Fellow, Gina Villar and Intern, Andrew McCarten. The presentation included issues arising when a defendant's smart phone has been seized and when the removal the social media may constitute tampering with evidence.

Reflecting upon his experience at the Public Defender's Office, McCarten said, "I enjoyed the presentation because it was a back and forth in every sense; rather than simply listening to the results of our research, the public defenders shared their own opinions and talked about their experiences and ongoing concerns. It was interesting to hear their differing approaches to handling various situations with clients, in light of the ever-changing landscape of social media. Our presentation appeared to be thought-provoking as almost everyone in the room participated in the discussion." ■

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An Innovative Nurturing of Collaboration & Professionalism

By Jennifer Felipe

When I started with the Professional Responsibility & Ethics Program (“PREP”) in my 2L year, the idea of being able to teach practicing attorneys *anything* seemed far-fetched. However, the appeal of a program that provided the opportunity to present in the community drew me in. My first CLE training was to a bar association; it was then that I realized that PREP was more than an opportunity to practice public speaking. Walking into a room of accomplished attorneys and being able to teach them and learn from them was a unique law school experience. That first presentation set the tone for the two years I was to spend in the program. A fellowship and eight trainings later, PREP continues to be one of the most distinctive and rewarding undertakings of my law school career.

While the CLE trainings are what drives PREP’s success. Its true significance is exhibited in the classroom. PREP fosters collaboration and promotes an environment that vastly differs from the typical law school curriculum. I learned to appreciate my colleagues and their contributions. With the common goal of leaving the best possible impression by presenting the highest quality of work, PREP students strive for perfection as a group, never leaving anyone behind.

PREP’s strength also derives from its practical impact; the marketable skills associated with preparing for a CLE training. Researching novel ethics issues, writing about them and then presenting is like hitting the proverbial trifecta. Throw in a student-run blog and PREP not only prepares law students for CLE trainings, but it prepares students for a successful legal career. ■

“PREP has been one of the highlights of my law school career thus far. Being a PREP intern has offered me the opportunity to practice public-speaking and better my research and writing skills by going out into the legal community and presenting on legal ethics and professional responsibility. I was not quite sure what to expect when I first started, and I definitely could not understand how law students would be able to teach experienced lawyers anything that they did not already know.

This year, I had the opportunity to present for the Coral Gables Bar Association, the National Security & Armed Conflict Law Review Symposium, Dade Legal Aid, the Miami-Dade County Attorney’s Office, and the University of Miami School of Law Alumni Association. At each presentation, I not only spoke about cutting-edge issues relating to legal ethics and technology, but also learned from attending attorneys about the realities of the interplay between legal practice and professional responsibility. Something most students do not expect when beginning with PREP is that they learn just as much knowledge from the audience as the audience learns from the presentation.

Each training has presented unique networking and learning opportunities that would not otherwise have been available to me if I had not been in PREP. Moreover, Professor Jacobowitz is an expert in the field and has a wealth of knowledge and experience that has made the overall experience even better. I am definitely looking forward to returning as a PREP fellow for my 3L year and continuing to inform attorneys about new legal ethics issues while learning from them about the legal practice.”

—Dalisi Otero
PREP Intern 2014

“PREP has been a wonderful experience. It has given more confidence in public speaking and it has helped me greatly improve my legal research and writing skills. Through PREP I was able to see actual conflicts that arise during practice and I was able to see another perspective on these issues besides the academic perspective. The program has served as a great learning experience for me and has allowed me to develop and better many different important skills needed in the legal world. I look forward to continuing in PREP and playing a leadership role as a Fellow in my 3L year.”

—Karyn Sanchez
PREP Intern 2014

“Change doesn’t come quickly in the law, but it does in life. PREP gives law students the ability to not only learn how existing laws should be applied to newer concerns, like social media and cloud computing, but also to educate the greater legal community on the implications of these emerging technologies. Working with PREP creates not only a new generation of attorneys well-versed in the newest concerns affecting the practice, but also a medium in which that information can be communicated to practicing judges and attorneys throughout South Florida.”

—Michael J. Kranzler,
PREP Intern 2014



National Security & Armed Conflict (NSAC) Law Review Symposium, (Left to Right) Mike Kranzler, Editor NSAC, PREP Students, Dalisi Otero, Jannelly Crespo, Gina Villar, and NSAC Symposium Editor, Laura Scala.



Legal Services of Greater Miami, (Left to Right) Karyn Sanchez, Paige Rivkind, Gina Raijman and Jerome Jackson



Miami-Dade Public Defender's Office, (Left to Right) Seated: Julien Apollon, Gina Villar, Andrew McCarten, Standing: Assistant Public Defender, Kevin Hellman



South Miami-Kendall Association, (Left to Right) Jacqueline Frisch, Daniel Hentschel

PREP Students Explore Legal Ethics Issues with Non-Profit Lawyers

Professional Responsibility & Ethics Program (PREP) students and director Jan L. Jacobowitz recently visited Legal Services of Greater Miami and Americans for Immigrant Justice (AIJ) to explore ethical issues that often arise in the high-volume, non-profit practice of law.

PREP fellows Jerome Jackson and Paige Rivkind, along with interns Gina Raijman and Karyn Sanchez conducted a training that focused on conflicts of interest, representing a client who lacks capacity, advising a client about social media and the circumstances under which withdrawing from a case is permissible.

Reflecting on the training, Paige commented, "I really enjoyed being back at Legal Services for this year's training. The attorneys provided great insight and unique perspectives into the various ethical dilemmas we had researched."

"Legal Services always has interesting cases, which make for interesting discussions around their ethical concerns. It's good to see our research being applied to such complex issues," commented Jerome.

Karyn observed that, "The attorneys at Legal Services are so well engaged it provides us with a great opportunity to see the difference between academic situations and the everyday situations that arise during practice."

At AIJ, PREP Fellow, Jennifer Felipe, and PREP Interns, Barbara Cabrera and Karyn Sanchez, touched upon the ethical dilemmas that arise in immigration practice. Specifically, the presentation focused upon the ethics rules that come into play when representing unaccompanied minors and clients with diminished capacity. In addition, there was a conversation pertaining to the different conflicts of interests that the attorneys at AIJ encounter in their practice. The presentation ended with a heartfelt discussion on the ethical implications of appointing a guardian and involving a social worker in the course of representation.



Americans for Immigrant Justice, (Left to Right) Karyn Sanchez, Barbara Cabrera, Jennifer Felipe

"The discussion with the attorneys at Americans for Immigrant Justice revealed the difficulty in determining ethical obligations in light of unprecedented situations, like the recent influx of undocumented minors," said Felipe.

"Discussing ethical obligations with the attorneys at AIJ made me realize the complexity of immigration practice and really appreciate the difficult work that they do at AIJ," said Cabrera.

PREP develops customized CLE ethics trainings thereby providing an opportunity for students to explore diverse areas of the law and interact with attorneys practicing in those areas regarding the ethical challenges that confront today's legal profession. The program combines the attributes of an ethics institute and an ethics clinic, and has dedicated hundreds of student hours to public service and has educated thousands of members of the Bench & Bar.

In 2012, PREP was recognized by the ABA with its E. Smythe Gambrell Professionalism Award—the leading national award recognizing programs and projects contributing to the understanding and advancement of professionalism among lawyers and judges. In addition to presenting ethics trainings, throughout the semester PREP students publish blog posts regarding the nation's newest ethics opinions and cases. ■

FACULTY FOCUS



Anthony V. Alfieri

During the spring 2015 semester Professor Alfieri visited at UCLA School of Law where he launched a new Social Enterprise Clinic. The clinic expanded his teaching and research on the antipov-erty, civil rights, community economic development, and community lawyering movements in public interest law to introduce students to the lawyer's transactional role as counsel to, and collaborator with, social entrepreneurs in starting, advising, financing, and operating nonprofit and for-profit social enterprises in low- and moderate-income communities. The clinic worked to serve as a resource partner for socially responsible, inner-city for-profit, nonprofit, and hybrid ventures through both the creation of new capabilities, tools, and working methods and the development of new ideas, applications, and strategies for enterprise-level operational improvement. The goal of these service partnerships was to enhance the long-term performance of inner-city, community-based organizations.

The 5-credit clinic prepared students both to advise social entrepreneurs and to start social enterprises. To that end, it sought to enlarge students' understanding of the transactional role of business lawyers in counseling and starting nonprofit and forprofit social enterprises, to expand students' transactional practice skills in representing business and nonprofit clients, and to enhance students' knowledge of how business and transactional lawyering skills may advance the public interest in rebuilding inner-city institutions (e.g., schools and small businesses) and infrastructure systems (e.g., food, health, housing, labor markets, manufacturing and service industries, social

services, technology, and transportation). Students reached out to local social entrepreneurs, social enterprises, and nonprofit/for-profit hybrid entities throughout Los Angeles to study, model, and design start-ups in a wide range of fields. ■



Jan L. Jacobowitz

Lecturer Jan L. Jacobowitz was the opening plenary speaker at the Florida Bar's 8th Annual Construction Law Institute in Orlando, Florida on March 13, 2015. Over 200 lawyers from around the state of Florida attended her presentation, *The Ethical Issues in the Use of Social Media in Litigation*.

Jacobowitz is the Associate Director of the Center for Ethics & Public Service and the Director of the Professional Responsibility & Ethics Program (PREP), a 2012 recipient of the ABA's E. Smythe Gambrell Award—the leading national award for a professionalism program. She is a former board member of the Association of Professional Responsibility Lawyers (APRL) and currently serves on APRL's Task Force on Attorney Advertising and as APRL's liaison to the ABA Standing Committee on Professionalism. Jacobowitz has presented over one hundred PREP CLE ethics seminars and has written and been a featured speaker or panelist on topics such as Legal Ethics in Social Media, Attorney Advertising, Mindful Ethics, and Cultural Awareness in the Practice of Law. In addition to PREP, she teaches Mindful Ethics: Professional Responsibility for Lawyers in the Digital Age and Social Media and the Law. ■



INTRODUCING.... Catherine Millas Kaiman, Esq., M.P.H.

The Center for Ethics & Public Service is pleased to announce the hiring of Catherine Millas Kaiman, Esq., M.P.H., this year as the Center's first Lecturer/Practitioner-in-Residence. Lecturer Kaiman graduated with Special Public Interest Recognition for her J.D. and M.P.H. through a joint degree program with UM Law and the Miller School of Medicine.

Kaiman's involvement with the Center first began as a third year law student and co-founder of the CEPS' Environmental Justice Project, and transitioned into a Post-Graduate Fellowship with the CEPS' Historic Black Church Program, and in June of 2014, she began as a Lecturer/Practitioner-in-Residence.

Before beginning her work with the Center for Ethics and Public Service, Kaiman served as a Summer Public Interest Fellowship Recipient at Legal Services of Greater Miami, Inc., CLI with UM's Children and Youth Law Clinic, and researched various juvenile justice and education issues with the Southern Poverty Law Center. She also served as Editor-in-Chief of the *University of Miami Race & Social Justice Law Review* and was President/Co-founder of UM's Law Students for Reproductive Justice chapter. ■

Exemplary Service to the Poor Award



(Left to Right) Marni Lennon, award recipient Brittany Ford, Catherine Millas Kaiman, and Jan Jacobowitz

The Center's very own Civil Rights Project Fellow, Brittany Ford, won the University of Miami School of Law's Exemplary Service to the Poor Award for the 2014-2015 school year. The Exemplary Service to the Poor Award seeks to honor graduating students who have engaged in meaningful service to the community through an existing organization.

Brittany excelled as a student with the Civil Rights and Poverty Project. Her dedication, passion, and commitment to the underserved community of the West Grove and other low-income minority communities, such as the City of South Miami, were of the highest caliber.

The project Brittany was intensely involved with was what became known as the Center's "trolley project." The trolley project refers to the proposed Coral Gables trolley garage sited in the West Grove's mixed-use commercial and residential neighborhood. West Grove residents became outraged after noticing construction on Douglas Road and became further outraged upon learning the construction was for a Coral Gables trolley-bus maintenance facility/garage. The trolleys would not even serve the West Grove or East Gables neighborhoods, therefore forcing the community to endure the pollution and safety issues of diesel buses driving through narrow residential historic streets, without any benefit. The Center became involved when residents reached out for legal research and assistance. The Center established a pro bono litigation team for affected residents and students continued to perform legal research, writing, and community outreach and empowerment. Brittany was involved from the very beginning of this project and was able to see it through to its successful completion in preventing the trolleys from ever entering the facility.

Brittany was instrumental in all aspects of this project, whether fact investigation, community engagement and advocacy, or legal research. As a 2L intern, Brittany assisted in the facilitation of a community-based trolley steering committee. For example, Brittany worked diligently with her fellow students to research alternative options, such as media campaigns and administrative law complaints. She was also crucial to the Center's research regarding Title VI administrative complaints under the 1964 Civil Rights Act. This research educated community members about

their rights and abilities to file these complaints. Several complaints were filed by West Grove resident, Clarice Cooper, resulting in a federal agency's finding that Miami-Dade County, the City of Miami, and City of Coral Gables had violated the Civil Rights Act. ■

13th Annual William M. Hoeverler Ethics & Public Service Award



(Left to Right) Award recipient Judge Barbara J. Pariente, Judge William M. Hoeverler, and CEPS Lecturer Jan Jacobowitz

The annual William M. Hoeverler Ethics & Public Service Award honors an individual for ethics, leadership, and public service in the legal profession. The Hoeverler Award was created in 2002 in honor of the Honorable William M. Hoeverler, senior U.S. District Court judge, as a lifetime achievement award for a lawyer of outstanding ethics and public service. This year's well-deserved recipient was Justice Barbara J. Pariente.

Justice Pariente has served as a member of the Florida Bar for over 40 years. Her judicial career spans 21 years, serving for the last 17 years as a justice on the Supreme Court of Florida. Prior to her current appointment, the Judge spent eighteen years in private practice, while serving on the Fifteenth Judicial Circuit Grievance Committee, the Florida Bar Civil Rules Committee, and the Fifteenth Judicial Circuit Nominating Commission. In addition, she was a founding member and master of the Palm Beach County Chapter of the American Inns of Court, and was very active in the Legal Aid Society of Palm Beach County, serving on its Board of Directors for many years. Judge Pariente is the recipient of numerous awards and honors, including her induction into the Florida Women's Hall of Fame in 2008.

Justice Pariente speaks frequently on topics ranging from professionalism, threats to a fair and impartial judiciary and the need for improved methods in handling of cases involving children and families. Most recently, after the organized attack in 2012 against Justice Pariente and two of her colleagues up for merit retention, Justice Pariente became the statewide chair of the Informed Voters Project (ivp.nawj.org), a nonpartisan voter education project designed to increase knowledge about the judicial branch and to inform citizens that politics and special interest attacks have no place in the courts. ■

Lawyers in Leadership Award



(Left to Right) Catherine Millas Kaiman; Elizabeth Schwartz, award recipient; and Jan Jacobowitz

The Lawyers in Leadership Award Series honors leading members of the bar and bench. The program invites prominent community leaders for an informal luncheon discussion with the law students about their lives and careers. The series provides a unique learning opportunity for students in all fields of study, offering an “up close and personal look” at the choices and decisions that have helped to establish these community leaders in their profession.

The Center had the great honor of continuing this seminar series with Elizabeth Schwartz as the twentieth recipient of the award. Her legal career has illustrated a commitment to our guiding values—ethics and public service.

ELIZABETH SCHWARTZ

Elizabeth Schwartz has been practicing law since 1997 and is one of Miami’s best known advocates for the legal rights of the lesbian, gay, bisexual and transgender (LGBT) community. While her South Beach-based firm equally works with straight and gay clients in matters of family law, estate planning and probate, she has made a name for herself representing the LGBT community, with a focus on family formation (adoption, insemination, surrogacy). She lectures locally and nationally about the importance of LGBT couples protecting their loved ones

through estate planning, second parent adoption, and contract (especially in the absence of true marriage rights) and has been on the forefront of providing crucial legal protections for LGBT families. Elizabeth is a fellow of the American Academy of Adoption Attorneys and serves as an adoption intermediary helping make forever families of all kinds.

Elizabeth served as pro bono counsel on the pending case challenging Florida’s marriage ban brought by the National Center for Lesbian Rights

on behalf of six same-sex couples seeking the right to marry and the Equality Florida Institute (*Pareto v. Ruvin*). She also served as pro bono counsel in several cases that helped overturn Florida’s bigoted 1977 ban forbidding gays and lesbians from adopting children.

A Miami Beach native, Elizabeth received her Bachelor of Arts from the University of Pennsylvania in 1993 and her Juris Doctor, cum laude, from the University of Miami in 1997.

She is a member of the National Family Law Advisory Council of the National Center for Lesbian Rights, and a member of the Board of Trustees of the Greater Miami Jewish Federation. Elizabeth is co-chair of the Miami-Dade Gay and Lesbian Lawyers Association and sits on the GLBT Projects Fund of the Miami Foundation and the Our Fund Program and Grants Committee. An active member of her synagogue, Temple Israel of Greater Miami, Elizabeth serves on their Narot Endowment Fund board. Elizabeth is also a founding member of the Aqua Foundation for Women, raising money by and for South Florida’s lesbian community. ■

CEPS Spring Reception

The Center held its annual spring reception to honor the achievements of the 2014-2015 graduating fellows and interns in the Historic Black Church and the Professional Responsibility & Ethics Programs.



(Left to Right) Lecturer Catherine Millas Kaiman, HBCP Fellows Ariel Mitchell, Nejla Calvo, Jessica Sblendorio, Tabitha White, and Brittany Ford



(Left to Right) PREP Fellows Julien Apollon, Brittany Brooks, Jennifer Felipe, Jerome Jackson, Alexis Alvarez, PREP Director Jan Jacobowitz, and PREP Fellows Jacqueline Frisch, Mike Kranzler, Sarah Solano, and Paige Rivkind

COMMUNITY RECOGNITION AWARD
G.W. Carver High School Alumni Association
Center for Ethics & Public Service
University of Miami School of Law
2014

MIAMI PEOPLE
MIAMI NEW TIMES
NOV. 27–DEC. 3, 2014, AT 40
2014

E. SMYTHE GAMBRELL
PROFESSIONALISM AWARD
American Bar Association
2012

INNOVATIVE SERVICE IN THE PUBLIC INTEREST AWARD
ORAL HISTORY PROJECT
University of Miami School of Law
2012

APPRECIATION AWARD
The Ministerial Alliance of
Coconut Grove Black Churches
2011

INNOVATIVE SERVICE IN THE PUBLIC INTEREST AWARD
HISTORIC BLACK CHURCH PROGRAM
University of Miami School of Law
2009

INNOVATIVE SERVICE IN THE PUBLIC INTEREST AWARD
COMMUNITY ECONOMIC DEVELOPMENT
AND DESIGN PROGRAM
University of Miami School of Law
2007

WILLIAM PINCUS AWARD
Association of American Law Schools
2007

FATHER ROBERT DRINAN AWARD
Association of American Law Schools
2007

GARY BELLOW SCHOLAR AWARD
Association of American Law Schools
2004-2005

OMICRON DELTA KAPPA AWARD
National Leadership Honor Society
2002

ARETE AWARD
Miami-Dade County Commission on
Ethics & Public Trust
2001

SEVENTH ANNUAL
PROFESSIONALISM AWARD
The Florida Bar
2000

FACULTY PROFESSIONALISM AWARD
Florida Supreme Court
1999

E. SMYTHE GAMBRELL
PROFESSIONALISM AWARD
American Bar Association
1998

MESSAGE FROM THE FOUNDER

Dear Friend of the Center:

As we approach our twentieth year of service to the Law School, University, and South Florida community, we write to thank you for your ongoing, generous support of the Center for Ethics & Public Service. The Center's important work in ethics education, professional responsibility training, and community service would not be possible without your help.

Your kind institutional support enables the Center to continue to pursue innovative ethics education, professionalism training, and community service initiatives of great value to our civic and professional communities. More than thirty-five law students are enrolled in the Center's civil rights, environmental justice, social enterprise, and ethics programs for the 2015-2016 school year. Your support and our students' enthusiasm and hard work enable the Center to train the next generation of citizen lawyers in our community today.

ANTHONY V. ALFIERI
Founder and Director



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20 Year

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citizen lawyers in our community today

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NOTE FROM THE EDITORS

Since 1996, the Center has served over 45,000 members of the Florida community, including university undergraduate and graduate students, government agencies, high schools and middle schools, homeowners and tenants, lawyers and judges, nonprofit organizations and neighborhood associations, and civic leaders through education, training, research, and policy assistance.

As the Center approaches its 20th year anniversary, we are reminded of the tremendous successes the Center and the community it serves has had over the years, as well as the continued need for civil rights, environmental justice, and ethics education, policy, and advocacy in our local community. Please help us continue the mission of the Center by donating here: www.law.miami.edu/give-ceps

CYNTHIA S. MCKENZIE
CATHERINE MILLAS KAIMAN
Co-Editors

Fall 2014 & Spring 2015

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