

The Clinician

UNIVERSITY OF MIAMI SCHOOL OF LAW HEALTH RIGHTS CLINIC

“Over 245 students, representing over 2,000 clients, securing over \$4,000,000”

by Catharine Skipp

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2,000 Clients & \$3 Million in Benefits: 10 Years of the Health Rights Clinic

In 2005 when Miami Law's Health & Elder Law Clinic opened its doors, their first client was a frail and elderly African-American woman stricken with AIDS. She was already receiving all the entitled public benefits but was troubled by an AIDS exclusion in an insurance policy that she had bought post-diagnosis to cover her funeral and burial expenses.

Hers was not a case of disability, permanency planning or health care surrogates -- the kind of cases the students had prepared for --

but Clinic Director JoNel Newman knew the woman would have little chance of finding other representation, and the lawyers-to-be had no other cases on which to work. They took her case.

In the decade since -- and 200 students, 2,000 grateful clients and \$3 million in recovered benefits later-- the now-named Health Rights Clinic continues to fight on behalf of the underserved and disenfranchised: young and old, veterans and undocumented immigrants.





“Over 245 students, representing over 2,000 clients, securing over \$4,000,000”

BRIDGING THE GAP BETWEEN PATIENT AND CLIENT

Health Rights Clinic

University of Miami School of Law
1311 Miller Drive, Room F303
Ph: 305.284.3951 | Fax: 305.284.6407
www.law.miami.edu/clinics/healthrights



MIAMILAW | Health Rights Clinic
UNIVERSITY OF MIAMI SCHOOL OF LAW | A MEDICAL-LEGAL PARTNERSHIP
WITH THE MILLER SCHOOL OF MEDICINE

“Over 245 students, representing over 2000 clients, securing over \$4,000,000.”



Clinic Director JoNel Newman with former students, Brian Toth and Mary McLean Pena

Having grown out of a Medical-Legal Partnership with the University of Miami Miller School of Medicine and Jackson Memorial Hospital's Ryan White-funded outpatient clinics, today, the clinic's reach extends far beyond. Miami Law's interns regularly meet with clients at the UM medical school's pediatric mobile clinic and at Jefferson Reaves Sr. Health Center in Overtown. They also assist homeless and at-risk veterans served

Medical-Legal Partnership

by Operation Sacred Trust, and the clinic even picks up cases as far away as Immokalee, Florida.

Just in the past few months, the clinic's interns and supervising attorneys have sued the Social Security Administration over the longest waits for benefits in the country and interceded successfully on behalf of a 20-year-old brain cancer patient denied government disability status.

"The clinic's approach to legal services and education is to recreate the conditions of real-world practice," said Newman, who has been there from the start.

"We challenge students with demanding, high volume cases and policy work. We create a lifeline and move people from homelessness to being able to both support themselves and get medical care all the time."

The Haiti Earthquake

In January 2010, an earthquake in Haiti killed more than 100,000 people and impacted an estimated 3 million others left homeless and jobless. In the aftermath, the United States government responded by granting temporary status to Haitian refugees who were eligible for deportation and repatriation. The clinic began boot camp-style training so law students could work with Haitian immigrants to file for Temporary Protected Status.

Before the end of that January, 65 TPS applications had been successfully submitted to the U.S. government. Flush with victory, the clinic launched a historic undertaking: the Alternative Spring Break TPS Project. Ultimately over 130 law students participated, including 52 from other law schools across the country, an more than 150 TPS applications were processed and submitted. As a result, the clinic was awarded the Clinical Legal Education Association's "Excellence in a Public Interest Case or Project" award.



Haitian TPS Project

"As a result of my clinic experience, I was selected for the Presidential Management Fellowship at the State Department upon graduation," said Frederick Hawkins, JD '11. "I was able to apply the skills I learned at the clinic to my position working in immigration policy both domestically and overseas. Overall, I owe a tremendous amount of my success to the foundation the clinic has provided me with, which was underscored by a commitment to public service."

Securing Benefits for Veterans

A 55-year-old bus driver with chronic lymphocytic leukemia was denied Social Security disability payments in 2013, while undergoing a second round of chemotherapy. The Veteran's Administration begrudged him Veteran Disability Compensation even though his condition was linked to chemical exposure while serving his country. The denials did not sit well with Noel Pace, JD '15, a colonel in the U.S. Army Reserve, and a then-Equal Justice Works Americorps J.D. Legal Corps Fellow in the clinic. Pace, and Ryan Foley, J.D.'13, an Equal Justice Works AmeriCorps Fellow, were able to secure monthly disability payments as well as \$10,000 in back payments from the Social Security Administration. Ryan Foley, a pro bono attorney for the clinic, says the most common reason veterans are denied is that they have not been able to provide enough evidence to support their claims. "That is why lawyers are so important to getting veterans the benefits they deserve," said Foley.



Colonel Noel Pace



Julia Garrett, JD'13 - Robert Bernstein, JD'14 & Brian Heit, JD'13



Robert Bernstein, JD'14 & Gabriela Rosell, JD'14

Advocacy Beyond Client Representation

Besides the much needed and noble work that the clinic does year in and year out, they have changed the face of medical care in remarkable ways. They have developed handbooks for health care administrators to use to navigate applying for emergency Medicaid; they devised a simple one-page diagnoses sheet for physicians that conform to Social Security disability payment requests, and they present seminars to doctors, nurses, and social workers on how to best access legal assistance on behalf of their patients.

“My clinic experience provided me with practical legal skills that offered me a competitive edge in applying for jobs, said Matt Eandi, J.D. ‘11. “It also taught me the importance of using my skills as an attorney to benefit pro bono causes that I have continuously served throughout my career.”

From humble beginnings and grand intentions, the Health Rights Clinic has influenced the lives of thousands of marginalized residents in the Miami-Dade community and far beyond. And each case matters, not just for the person on whose behalf the clinic speaks, but to the students who pass through their doors.

“We push the student attorneys to fight to get their individual clients’ cases approved in an expedited manner,” said Melissa Swain, Associate Director, Health Rights Clinic and Lecturer in Law. “We then encourage the students to look at the patterns of injustice causing harm to this community and develop policy advocacy projects to institute change on a larger scale.”

Director Newman agrees, “It’s wonderful to see [interns] transition from student to lawyer while, quite literally sometimes, saving clients’ lives.”



(L to R) Frederick Hawkins, Jessica Melendez, Roodelyne Davilmar, Melissa Swain, JoNel Newman, Vanessa Joseph, Michelle Obando, Matt Eandi

Conquering the Difficulties of Derivative Citizenship

By: Brittany Stockman & Zachary Lipshultz

After a nearly 40-year-long dispute with US Customs and Immigration Services (USCIS), James Jean Baptiste, a client of the Health Rights Clinic, finally received good news about his immigration case. USCIS has continuously denied James's claims that he became a citizen upon the naturalization of his mother in 1975, when he was only 8 years old.

In general, a child born outside the U.S. becomes a citizen after birth if (1) the child was under 18, and (2) if the parents legally separated, the parent maintaining legal and physical custody naturalized before the child turned 18.

James has tried to claim derivative citizenship three times in the past with no success. In June, 2014, the Health Rights Clinic filed a James's third N-600, Application for Certificate of Citizenship. USCIS promptly denied the application without considering it on the merits and instructed James to file a motion to reopen and reconsider an earlier

denial decision from 2010. The Clinic did just that, and finally—nearly 2 years later—James is one step closer to obtaining his rightful derivative citizenship.

In a February letter, USCIS stated that the reasons for the 2010 denial have been overcome and that the application will be re-opened.

The dispute with USCIS regarded whether James was in his mother's legal custody when she naturalized. The Clinic supplied sufficient evidence to prove that although his mother maintained legal custody of her son throughout his residency in the U.S. In addition, after his mother successfully became a U.S. citizen, James resided permanently in New York from 1975 until 1984, the date of his eighteenth birthday. In regards to the long process of getting USCIS to recognize his derivative citizenship, James said: "I just want to let people know not to give up." The Clinic expects a fully favorable decision.

ALUMNI SPOTLIGHT

David Cook is a litigation partner in the Coral Gables office of Wicker Smith O'Hara McCoy & Ford P.A. He practices all areas of civil litigation, with a large percentage of his practice devoted to professional malpractice, construction litigation, and defense of regional and national health systems. David was recently recognized at the Health Rights Clinic 10 Year Anniversary Celebration as a Founding Fellow. David's experience with the Health Rights Clinic prepared him well for civil litigation.

"Apart from giving us a jump start on the interpersonal and procedural aspects of practicing law, the clinic provided detailed substantive knowledge of social security disability, immigration, and public benefits. Many times in my cases, this knowledge has allowed me to identify available collateral sources and benefits that both benefit the Plaintiff and reduce potential exposure to my client." David also appreciated the comradery of the clinic and the post law school graduation network it provided. One of his best stories is when, after he prevailed in a case at the trial level, an appeal was taken. "We won the case but were appealed. The next thing I know is I get a call from Michelle Holmes Johnson, who I worked with in the Clinic, telling me she has been hired to handle the appeal. For those of you that don't know Michelle, she is really, really good. Before any work was done, I'm thinking, I'm not only the winner, I'm about to be an affirmed winner! As it turned out, we were both winners."



JoNel Newman, Dr. Michael Kolber, Melissa Swain, Jeffrey Fine, Mary McLean Pena, Matt Eandi, Ryan Foley, David Cook, Frederick Hawkins, Olga Porven, Aracely Alicea-Clark, Col. Noel Pace

The Health Rights Clinic welcomes its new employee, Reygine Cantave. Reygine graduated from the University of Central Florida in Orlando, Florida with a Bachelor's degree in Health Services Administration and is anticipating a graduate degree in Public Health.

Reygine has served as an assistant to the healthcare administrator for Development des Activites de Santé en Haiti (DASH) in Port-au-Prince, Haiti. She also interned at Florida Hospital in Orlando, one of the longest running healthcare providers in Central Florida. Reygine will now serve the Haitian Creole speaking clients the Health Rights Clinic assist yearly. Reygine's dynamic background working with the Haitian population and desire to study and work in the public health field is a perfect fit.

"I am thrilled to be part of the University of Miami School of Law family. UM is a forward thinking organization and I am eager to be part of that growth. Additionally, being given the opportunity to assist the Haitian clients at the Health Rights Clinic gives me a great sense of joy because it feels like I am helping my very own mother or cousin."



Reygine Cantave

HRC Team Fall 2015 - Spring 2016



*Back (L to R) Jean Phillip Shami, Ian McKenzie, Princess Manasseh, Elijah Waring, Rafael Mas, Paul Witkiewitz
Front (L to R) Issac Riddle, Sarah Bujold, Brittany Stockman, Linet Suarez, Anthony Moreland,*

Health Rights Clinic & Strathclyde Law Clinic Exchange Program 2016



(L to R) Gillian Melville, Clara Smeaton, Jocelyn Ezratty, Zachary Lipshultz, Kate Connelly, Heather Kemmett, Sarah Bujold, Andrew Sarangoulis, Lyndsay Monaghan, Hannah Grace.

HRC Summer Team 2016



(L to R) Zachary Appelbaum, Tiffany Toomey, Rafael Mas, Sarah Manimalethu, Roman Sarangoulis, Colby Barton, Shari Munroe

DEAN'S CUP



Mary Westerhorstmann, JoNel Newman & Kaitlyn Giles

The Dean's Cup is an annual event held between the University of Miami School of Law and the Leonard M. Miller School of Medicine. It is comprised of over 25 events ranging from traditional sports such as basketball, soccer, and softball. At the end of the week, the school with the most points takes home the Cup. This year, the University of Miami School of Law won the Dean's Cup and raised \$990 for the Health Rights Clinic.

Thank you to The Dean's Cup and everyone who participated!

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Approved



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Completed by
Law Students

245
Students Trained
to Become Lawyers



Miami Law Student Awarded Scholarship by the Haitian Lawyers Association



by Catharine Skipp

Roodelyne Davilmar

never wanted to practice immigration law. The Miami native never wanted to work for the government. So, like in every

good Hollywood script, the kind of shy, kind of intimidating 26-year-old currently is interning at the United States Citizenship and Immigration Services, applying federal regulations, case law, and agency policies and procedures to the thousands of cases that pass through the offices annually.

Furthermore, at almost a dozen of the citizenship ceremonies, Davilmar has announced the list of countries – where the applicants stand to be recognized by homeland.

"It's such a long journey for people to get to that day," she says. "Not everyone gets that opportunity. I always get a little emotional."

Starting in her 2L year, Davilmar has worked at the Miami Law Health Rights Clinic, first as a student legal intern and now as a supervising fellow. One of her early cases was helping an undocumented 4-year-old achieve dependency and immigration status, so she could attend public school.

"It was that case that catapulted me into focusing on immigration law," she says. "This little girl had been smuggled into the U.S. as a 9-month-old, held for ransom, and was now being denied an education. She just needed a chance."

And Davilmar understands opportunity. The Haitian Lawyers Association recently awarded her with a scholarship. The prestigious award is awarded annually to four exemplary law students of Haitian descent who have served the Haitian community.

The Barry University grad did not start thinking about law school until after her undergraduate career. She had always imagined that she would become a teacher, like her father, who teaches math. She spent a year in Spain teaching English, and adding Spanish to English and Creole to her "fluent in" languages list; she speaks French conversationally as well. She enjoyed the experience but decided teaching was something that might be a useful fall back. She wanted to give the law a try.

Her appetite was whetted while pursuing her degree in criminology, and a turn interning as a victim witness counselor at the Miami-Dade Office of the State Attorney. But once she locked on to law school, she never looked farther than Miami Law.

"The small class sizes attracted me," she said. "The professors were accessible, and you could develop a rapport. And the school has a nationwide reputation for excellence."

The Health Rights Clinic has become a keystone for the third-year student. She went to the University of Strathclyde in Scotland as a clinic exchange student, and interned at Americans for Immigrant Justice, representing immigrant survivors of domestic violence, sexual assault, violent crime, and human trafficking.

"Roodelyne has been a tremendous asset at the clinic," said JoNel Newman, professor of clinical education and director of the Health Rights Clinic. "Her wonderful language skills and cultural competency have allowed her to form strong connections with her clients. She is also a talented and passionate advocate. She will make a wonderful contribution to the practice of law."

Davilmar could see herself staying on at USCIS, "but I have learned to let opportunity come to me," she says. "What is the proverb? Man plans, God laughs? So we will see."

Sarah Bujold Selected for the UM School of Law Stuart A. Markus Award

Friends and readers of the blog know that my family set up an award in my Dad's name at the University of Miami School of Law three years ago. The Stuart A. Markus Award recognizes an individual student each year for outstanding work in one of the School of Law's in-house clinics. The winner is selected by vote of the in-house, live-client clinic directors. The first award went to Bethany Bandstra and last year went to Lindsay MacDonald.

This year the Markus Award went to Sarah Bujold. Sarah's work and professionalism in the Health Rights Clinic were truly outstanding and distinguished her even among the other nominees for the award. Over the course of the academic year, she successfully argued two hearings before Social Security judges, securing past-benefit awards for two clients — totaling more than \$50,000—in addition to their ongoing entitlements. She also filed and argued two administrative appeals before U.S. Citizenship and Immigration Services, drafted a petition for a writ of mandamus to the Florida Supreme Court, and sued USCIS, prompting the agency to grant her client naturalization.

All of this was in addition to Sarah's maintaining a regular caseload, securing healthcare entitlements

by David Oscar Markus

and immigration relief for her clients and serving as a guardian ad litem for children in dependency proceedings in Monroe County.

Sarah has made real contributions to class discussions, especially on issues of ethics and ethical judgment. She drafted a presentation about her experiences that was accepted by the International Journal of Clinical Legal Education and the Association for Canadian Clinical Legal Education, and she will be presenting this summer in Toronto at the International Clinical Legal Education Conference.

My dad practiced law in Miami for over 50 years. Throughout his career, he fought hard for his clients in every area of the law. He never turned away a person in need, and helped countless people with practical, hands-on advice and representation that went far above and beyond the norm. The Markus Award is given annually to a student who shares that caring spirit, and who has made a meaningful difference in someone's life — which is something my dad did every day.



Sarah Bujold

Youngest Award Recipient at the American Public Health Association (APHA)



Congratulations to Alaz Sengul, a senior at Gulliver Preparatory School and Melissa G. Swain, Associate Director of the University of Miami School of Law, Health Rights Clinic on their abstract titled "A Success Story of University-Based Medical-Legal Partnership in Obtaining Social Security" It was accepted for presentation at the American Public Health Association's (APHA) 2016 Annual Meeting & Expo this November in Denver, Colorado. Alaz was the youngest and only high school student award recipient among thousands of professional health advocates. The APHA Annual Meeting is designed to bring together public health professionals who wish to learn from the experts in the field and hear about cutting edge research. You can view the abstract here: <https://apha.confex.com/apha/144am/meetingapp.cgi/Paper/362517>

Miami Law Clinic Passes the \$4M Mark

by Catharine Skipp



Professor JoNel Newman with Lisa Gwynn from the School of Medicine
Photo provided by Donna Victor

When Celiana Acilien and her seven-year-old son Lovedhin Seide risked death at sea traveling to the United States, they didn't know what to expect, but they knew they were fleeing their homeland of Haiti where Lovedhin was born with several developmental challenges.

The first several months in the U.S. were tough for the mother and son. Things got a little better once the two found residence at Lotus House, a local shelter.

Six months after their arrival Lovedhin was referred to the Miami Law Health Rights Clinic. The Health Rights Clinic is a medical-legal partnership operated in collaboration with the University of Miami Miller School of Medicine. Health Rights Clinic law students spend the academic year representing low-income patients with health disabilities referred in by the clinic's medical partners, many through the Pediatric Mobile Clinic.

The Health Rights Clinic has won over \$4 million in benefits for their over 2,000 clients, all from underserved communities, since its inception in 2005. Over 260 law students have contributed more than 65,000 hours in

free legal aid. The benefits – from Medicaid to social security – have allowed immigrants, veterans, and uninsured poor children to receive life-saving treatments and helped families to move out of homeless shelters.

This summer, the clinic secured food stamps, cash benefits, and Medicaid for Celiana and Lovedhin; still pending are the asylum applications and Celiana's work authorization application. Even waiting on those two things, life has improved considerably for the young boy and his mother. They are now in a position to move out of the homeless shelter into a place of their own, and once the work authorization is finalized, Celiana will be able to work to support them.

The clinic's lawyers and students have also sued the Social Security Administration for extremely long wait times in Miami – the longest in the United States – in securing administrative hearings. Wait times average over 20 months, compared to a national average of 13 months.

"The work of the clinic, through the unflagging efforts of the students has proved to have a tremendous and lasting impact on South Florida's often voiceless communities," said JoNel Newman, the clinic's director. "Dozens of our graduates have gone on to local, national, and international careers advocating for these same populations through public service careers and pro bono work at their private firms."



Office Assistant, Reygine Cantave screens for legal needs at the Pediatric Mobile Clinic



Law Student, Rafael Mas conducting an intake at the Pediatric Mobile Clinic

The **HEALTH RIGHTS CLINIC** is a Medical-Legal Partnership operated in collaboration with the University of Miami Miller School of Medicine. The Clinic represents underserved client populations.

REPRESENTATION IS FOCUSED ON THE FOLLOWING PRIORITY AREAS:

- **Social Security & Public Benefits**
- **Immigration**
- **Advance Directives**
- **Veterans Benefits**

The Clinic is one of the first Medical-Legal Partnership in the country to offer diversified support for underserved populations with a coordinated care model targeting unmet legal, medical, psychiatric and social support needs.

MAKE A GIFT TO THE HEALTH RIGHTS CLINIC TODAY! Join the effort to create a lasting impact on the communities served and help to expand legal resources in low-income and underserved populations in Miami.

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For more information on Miami Law visit www.law.miami.edu or call **Georgina A. Angones, Assistant Dean, Advancement 1.866.99UMLAW**

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