

CENTER FOR ETHICS AND PUBLIC SERVICE 2016 ANNUAL REPORT

I. MISSION

Founded in 1996, the Center for Ethics and Public Service (“CEPS”) is a law school-housed interdisciplinary ethics education, skills training, and community engagement program devoted to the values of ethical judgment, professional responsibility, and public service in law and society. Our goal is to educate law students to serve their communities as citizen lawyers.

II. LAW SCHOOL FACULTY AND STAFF

CEPS operates under the faculty supervision of Professor/Director Anthony Alfieri, Lecturer/Associate Director Jan L. Jacobowitz, and Lecturer/Practitioner-in-Residence/Supervising Attorney Catherine Millas Kaiman, and the administrative oversight of Program Manager Cynthia McKenzie and Administrative Assistant Ebonie Carter.

III. LAW SCHOOL PROGRAMS

CEPS operates two graduate programs staffed by law student fellows¹ and interns:² the Historic Black Church Program (“HBCP”) and the Professional Responsibility and Ethics Program (“PREP”).

HBCP provides rights education, interdisciplinary research, public policy resources, and advocacy and transactional assistance to low- and moderate-income communities in partnership with inner-city, faith-based and nonprofit groups through both clinics and projects: (1) Environmental Justice Clinic; (2) Social Enterprise Clinic; and (3) Oral History & Documentary Film Project.

PREP designs and delivers in-house continuing legal education ethics training in cooperation with bar associations, government agencies, nonprofit legal services organizations, and law school-affiliated alumni groups through three projects: (1) Continuing Legal Education Training; (2) Legal Ethics in Motion Blog; and (3) Government Ethics. PREP also hosts a Legal Ethics & Professionalism Colloquia series.

¹ HBCP Fellowships: open to 2L and 3L CEPS-enrolled students in fall and spring semesters; 8-10 fieldwork and in-house supervision hours per week; stipend of \$2,000 per semester or independent study credit. PREP Fellowships: open to 2L and 3L CEPS-enrolled students in fall and spring semesters; stipend of \$2,000 per semester or independent study credit.

² HBCP Internships: open to 2L and 3L CEPS-enrolled students in fall and spring semesters; 14 fieldwork and in-house supervision hours per week; 6 credits (seminar and practicum) per semester; satisfies skills requirement. PREP Internships: open to 2L and 3L CEPS-enrolled students in fall and spring semesters; 3 credits per semester; satisfies skills and writing requirements.

A. Historic Black Church Program (Alfieri & Kaiman)

1. Clinics

(a) Environmental Justice Clinic (Spring 2016)

The *Environmental Justice Clinic* provides rights education, interdisciplinary research, public policy resources, and advocacy and transactional assistance to low- and moderate-income communities discriminated against by state and private actors in the fields of economic development,³ education,⁴ housing,⁵ transportation,⁶

³ The Clinic provided rights education, research, and policy support to the Coconut Grove Village West plaintiffs' pro bono team in the litigation and settlement of the Coral Gables Trolley Garage case. See *Sandra Ward, Dorothy Henry, Coconut Grove Church of Christ and Evelyn Prophet v. City of Miami and Astor Trolley, LLC*, No. 3D13-2794 (Fla. Cir. Ct. Sept. 12, 2013) (order granting summary judgment), *appeal docketed*, No. 3D13-2794 (Fla. 3d Dist. Ct. App. Oct. 31, 2013), *appeal dismissed per stipulation*, 162 So.3d 1024 (Table), 2014 WL 5794710 (Fla. 3d Dist. Ct. App. Sept. 30, 2014). See also *Title VI of the Civil Rights Act of 1964 in City of Coral Gables, Fla. v. Astor Trolley, LLC: Hearing Before City Comm'n*, City of Coral Gables (July 22, 2014) (statement of Anthony V. Alfieri); Editorial, *The Trolley Debacle*, MIAMI HERALD, Nov. 16, 2013; Joey Flechas, *Coral Gables Settles Dispute Over Trolley Garage*, MIAMI HERALD, Aug. 4, 2014. On June 9, 2016, the City of Miami Commission voted unanimously to purchase the Trolley Garage for public use. See David Smiley, *Fate of Empty Trolley Garage May Finally Be Resolved*, MIAMI HERALD, June 12, 2016; Andrea Robinson, *West Grove Gives Nod to Pursue Trolley Depot*, MIAMI TIMES, June 15, 2016.

⁴ The Clinic furnished research and policy support to the City of South Miami in investigating charter school race discrimination. See Alex Butler, *South Miami working with Somerset Academy SoMi over 'racial disparity'*, <http://www.miamiherald.com/news/local/community/miami-dade/south-miami/article22835337.html#storylink=cpy> (June 1, 2015); Alex Butler, *South Miami, UM building 'racial disparity' case against Somerset*, <http://www.miamiherald.com/news/local/community/miami-dade/south-miami/article7057199.html#storylink=cpy> (Jan. 15, 2015).

⁵ The Clinic is conducting a city-wide, civil rights investigation to safeguard the fair housing rights of more than a dozen low- and moderate-income minority tenants at risk of imminent eviction on Day Avenue in the West Grove and similarly situated tenants at risk of displacement elsewhere. Joined by law firm co-counsel Hogan Lovells and supported by a coalition of West Grove churches, tenants, and homeowners, the investigation is researching the City of Miami's up-zoning policies and practices in predominantly minority inner-city neighborhoods (e.g., West Grove, Little Haiti, and Little Havana). The term "up-zoning" or "spot-zoning" refers to a city-approved zoning redesignation permitting higher density, more intensive land development and building construction in commercial, industrial, or residential areas by private actors (e.g., individuals and businesses), nonprofit organizations, and governmental or other public entities. The purpose of the Day Avenue 8 investigation is to determine whether the city is in fact engaging in a pattern and practice of up-zoning in predominantly minority inner-city neighborhoods that has caused, is causing, or predictably will cause a disproportionately adverse effect on those neighborhoods by: (1) displacing residents, (2) perpetuating segregation, and/or (3) destroying low-income housing units without replacing an equivalent number of units in the affected neighborhoods or in other areas of the city. Evidence of such a disproportionately adverse effect may give rise to one or more disparate-impact claims cognizable under the Fair Housing Act and possible claims of tenant-targeted coercion or intimidation in violation of the Civil Rights Act of 1871, commonly known as the Ku Klux Klan Act.

⁶ The Clinic provided rights education, research, and policy support to nonprofit organizations and the plaintiffs' pro bono team in Coconut Grove Village West and the Coral Gables MacFarlane Homestead Subdivision and the Golden Gates District for the purposes of conducting investigations and filing complaints on municipal trolley facility siting and service with the U.S. Department of

and municipal equity,⁷ and to communities seeking fair treatment and meaningful involvement in the development, implementation, and enforcement of environmental laws, regulations, and policies, including incinerator contamination⁸ and industrial pollution.⁹ Fieldwork: Coconut Grove Village West, the City of Miami, the City of South Miami, and Miami-Dade County.

(b) Social Enterprise Clinic (Spring 2016)

The *Social Enterprise Clinic* provides education, training, and legal assistance in the start-up and governance of nonprofit organizations and for-profit benefit and social purpose corporations. Fieldwork: Coconut Grove Village West (e.g., Coconut Grove Ministerial Alliance, Inc., Greater St. Paul AME CDC) and Little Haiti (i.e., Little Haiti FC Soccer Club).

Transportation Federal Transit Administration Office of Civil Rights under Title VI of the Civil Rights Act of 1964 against the City of Miami, the City of Coral Gables, and Miami-Dade County. See Clarice C. Cooper, FTA No. 2014-0043 (June 17, 2014) (instructing the City of Miami to improve its Title VI Program procedures and protections for future service and fare changes affecting the trolley system); Clarice C. Cooper, FTA No. 2013-0131 (Oct. 28, 2013) (finding violations of Title VI by the City of Miami, the City of Coral Gables, and Miami-Dade County in failing to conduct equity and disparate impact analysis in siting of trolley maintenance facility). See also Monique O. Madan, *Gables Trolleys to Roll Out in MacFarlane Historic District*, MIAMI HERALD, July 24, 2015; Jenny Staletovich, *Feds: Local Governments Violated the Civil Rights Act in Coral Gables Trolley Case*, MIAMI HERALD, Nov. 12, 2013.

⁷ The Clinic supplied research and policy support in drafting a model community benefits agreement ordinance for the Miami-Dade County Board of County Commissioners. See *Community Benefits Agreement for the Distribution of County Funds* (June 2015).

⁸ The Clinic provides environmental rights education, public health research, and policy support to the Coconut Grove Ministerial Alliance, Inc., the Old Smokey Steering Committee, the Friends of Merrie Christmas Park, and other nonprofit organizations and homeowner-and-tenant associations in Coconut Grove Village West, the City of Miami, and Miami-Dade County for the purposes of studying the harmful or potentially harmful effects of environmental exposure to hazardous waste from the former City of Miami Incinerator No. 2 (i.e., Old Smokey) and petitioning the U.S. Department of Health & Human Services Agency for Toxic Substances and Disease Registry for a public health assessment of such harmful or potentially harmful effects. See Old Smokey Steering Committee, ATSDR Supplemental Petition for Public Health Assessment and Disease Registry (Nov. 20, 2014); Old Smokey Steering Committee, ATSDR Petition for Public Health Assessment and Disease Registry (May 2, 2014). See also Nick Madigan, *In the Shadow of 'Old Smokey,' a Toxic Legacy*, N.Y. TIMES, Sept. 22, 2013. Additionally, the Clinic is drafting local right-to-know legislation and supporting a pro bono legal team (i.e., Napoli Shkolnik, Coffey Burlington, and Stack Fernandez Anderson & Harris) in preparing litigation to remediate contaminated parks, compensate damaged homeowners and injured residents, and establish a health registry for medical monitoring.

⁹ The Clinic provided environmental rights education, research, and policy support to the Old Smokey Steering Committee and its pro bono legal team in challenging the City of Miami Commission's July 2014 designation of eight Old Smokey waste-contaminated City of Miami parks as brownfield sites. See CEPS/Environmental Justice Project, *Contamination and Brownfield History* (2014); City of Miami Resolution PH.2 14-01018 Dep't of Capital Improvement Programs/Transportation Has Been Withdrawn (Oct. 23, 2014) (withdrawing designation of brownfield property sites within the City of Miami); David Villano, *City Quietly Labels Toxic Parks 'Brownfield Sites,' Limiting Neighborhood Input In Cleanup*, MIAMI NEW TIMES, Oct. 3, 2014.

2. Oral History & Documentary Film Project (Fall 2014)

The *Oral History & Documentary Film Project* compiles oral history archives and produces film documentaries to preserve the cultural and social history of low-income communities of color in South Florida through a partnership with Ransom Everglades High School. Since 2010, the project has produced five films documenting the history of Coconut Grove Village West,¹⁰ public school segregation in Miami-Dade County,¹¹ and environmental injustice in the City of Miami.¹²

B. Professional Responsibility and Ethics Program (Jacobowitz)

1. Projects

(a) Continuing Legal Education Training

The *Continuing Legal Education Training Project* designs and delivers in-house continuing legal education ethics training workshops to bar associations, government agencies, nonprofit legal services organizations, and law school-affiliated alumni groups.¹³ See Appendix A.

(b) Legal Ethics in Motion Blog

The *Legal Ethics in Motion Blog Project* provides law student commentary on ethical issues affecting the local, national, and international legal community in the digital age, including social media, technology, and other emerging fields.

(c) Government Ethics

The *Government Ethics Project* drafts model statutes and resource guides for citizens, government employees, and government lawyers in partnership with the Miami-Dade Commission on Ethics and Public Trust and other government agencies and civic organizations.

2. Legal Ethics & Professionalism Colloquia

PREP students and faculty present legal ethics and professionalism colloquia on the legal services industry (e.g., for-profit, nonprofit, government, and in-house) and related ancillary industries (e.g., accounting, banking, and insurance) in collaboration with leading local, state, national, and international members of the academic, bar, and bench communities.¹⁴

¹⁰ On cultural and social history, see *West Coconut Grove: Past, Present & Future* (2010); *Churches in the West Grove History: Past, Present & Future* (2011).

¹¹ On civil rights and public education, see *G.W. Carver: A Community School* (2012); *Someday We'll All Be Free: The Desegregation of Miami* (2013).

¹² On environmental justice, see *Old Smokey: A Community History* (2014).

¹³ PREP also facilitates the law school's participation in the Anti-Defamation League's summer associate research program.

¹⁴ On May 15, 2015, CEPS co-sponsored The Steven Chaykin Ethics Conference, a biennial criminal justice ethics workshop for the South Florida bar and bench. On June 10, 2016, CEPS co-sponsored the inaugural Florida Lawyers' Professional Liability Seminar with a consortium of firms from the legal services and insurance industries.

IV. LAW SCHOOL CURRICULUM

Law School faculty teach four CEPS-sponsored courses open to J.D. and Joint Degree students: (1) Environmental Justice Clinic; (2) Public Interest Law, Ethics, & Leadership; (3) Social Enterprise; and (4) Professional Responsibility and Ethics Program.¹⁵

A. Environmental Justice Clinic (Spring 2016)

The Environmental Justice Clinic provides rights education, interdisciplinary research, public policy resources, and advocacy and transactional assistance to low- and moderate-income communities in civil rights and environmental law reform campaigns related to the built (housing and transportation) and the natural (industrial pollution) environment. Students conduct investigations, coordinate institutional reform initiatives through litigation, legislative, and transactional strategies, collaborate with nonprofit organizations and neighborhood associations, and co-counsel cases with for-profit and nonprofit law firms.

B. Public Interest Law, Ethics, and Leadership (Fall 2015)

Public Interest Law, Ethics, and Leadership studies the theory and practice of public interest law, ethics, and leadership for nonprofit and for-profit law firms, public policy and faith-based service organizations, and local, national, and international social justice movements.

C. Social Enterprise (Spring 2016)

Social Enterprise examines the lawyer's transactional role as counsel to, and collaborator with, social entrepreneurs in starting, advising, financing, and operating nonprofit organizations and for-profit social enterprises (e.g., benefit and social purpose corporations) in low- and moderate-income communities.

D. Professional Responsibility and Ethics Program (Fall 2015/Spring 2016)

Professional Responsibility and Ethics instructs students in researching, drafting, and presenting continuing legal education ethics training workshops to bar associations, government agencies, nonprofit legal services organizations, and law school-affiliated alumni groups throughout the South Florida bar, bench, and civic community.

¹⁵ Faculty also teach outside CEPS in the first-year and upper-level law school curriculum: Alfieri (e.g., Civil Procedure I and Civil Procedure II), Kaiman (Poverty Law), and Jacobowitz (e.g., Mindful Ethics and Social Media & the Law).

V. UNDERGRADUATE OUTREACH PROGRAMS

CEPS operates two undergraduate outreach and recruitment programs staffed by faculty and law student fellows and interns: (1) the UM Environmental Justice, Policy, & Science Consortium; and (2) the Dartmouth College Ethics Institute Internship Program.

A. UM Environmental Justice, Policy, & Science Consortium (Summer 2016)

The *UM Environmental Justice, Policy, & Science Consortium* is a university-wide undergraduate student internship program supported by CEPS and Brown University to train the next generation of environmental lawyers, scientists, and policy makers. Students conduct interdisciplinary research, draft policy papers, and collaborate with community groups, nonprofit organizations, and government agencies in field studies. Partners include the Abess Center for Ecosystem Science and Policy, Everglades Law Center, Miami Waterkeeper, Urban Environment League, UM School of Architecture, and UM Rosenstiel School of Marine and Atmospheric Science (Department of Marine Ecosystems and Society).

B. Dartmouth College Ethics Institute Internship Program (Winter 2015)

The *Dartmouth College Ethics Institute Internship Program* is an undergraduate student internship program supported by the Dartmouth College Ethics Institute to educate students in applied ethics and the law. During their week-long residency at CEPS, Dartmouth students attend academic seminars, conduct research, and participate in colloquia with local community groups, nonprofit organizations, and government agencies.

VI. INTERNAL AWARDS

CEPS confers three annual leadership awards: the **William M. Hoeveler Award**, the **Lawyers in Leadership Award**, and the **Friends of the Center Award**. The William M. Hoeveler Award honors extraordinary members of the bar and bench distinguished by their long-standing dedication to ethics and public service. The Lawyers in Leadership Award honors outstanding members of the bar and bench distinguished by their dedication to ethics and civic leadership. The Friends of the Center Award honors civic-minded members of the South Florida community distinguished by their devotion to the Center for Ethics & Public Service. *See* Appendix B.

VII. EXTERNAL AWARDS

CEPS has won numerous local, state, and national awards, including two American Bar Association awards, three Association of American Law School (“AALS”) awards, and Florida Bar and Florida Supreme Court awards. *See* Appendix C.

VIII. LAW SCHOOL SPACE

CEPS occupies three offices and a student workroom on the second and third floors of the law school library.

IX. ADVISORY BOARD

The CEPS Board historically served in an advisory and a support role. *See* Appendix D. In its third decade, the Board will expand to take on a leadership role in strategic planning, fund-raising, and in creating a pro bono referral network of “cooperating attorneys” (i.e., local lawyers and law firms)¹⁶ to assist unrepresented communities in both litigation and transactional matters.

X. COMMUNITY IMPACT

Since 1996, CEPS has trained over 1,235 fellows and interns, and served over 46,500 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, policy resources, and advocacy and transactional assistance.

CEPS faculty, fellows, and interns have been widely cited in law journals (i.e., 1,444) and in the media (i.e., 465). They also have posted more than twenty Community-based Research Working Papers (i.e., citizen civic engagement tool kits) on the CEPS website and 255 weblog informational entries on the *Legal Ethics in Motion Blog* which has attracted more than 33,000 views since its inception in 2012.

Additionally, CEPS faculty, fellows, and interns publish an annual newsletter with a circulation of over 1,000.

¹⁶ The “cooperating attorney network” model is widely used by national legal services organizations including the American Civil Liberties Union, Lambda Legal, NAACP Legal Defense and Educational Fund, Inc., and Lawyers Committee for Civil Rights Under Law.

APPENDIX A: PREP TRAINING PARTNERS

BAR ASSOCIATIONS

Bankruptcy Bar Association of Broward & Miami-Dade
Caribbean Bar Association
Coral Gables Bar Association
Cuban American Bar Association
Florida Association of Women Lawyers
Gwen Cherry Bar Association
Key Biscayne Bar Association
Miami Lakes Bar Association
South Miami/Kendall Bar Association
Spellman-Hoeveler Chapter of the American Inns of Court

GOVERNMENT AGENCIES

Broward State Attorney's Office
Miami-Dade County Attorney's Office
Miami-Dade Public Defender's Office
Miami-Dade State Attorney's Office

NONPROFIT LEGAL SERVICES ORGANIZATIONS

Americans for Immigrant Justice
Catholic Charities
Florida Legal Services
Legal Services of Greater Miami
Miami-Dade Legal Aid Society

UNIVERSITY OF MIAMI LAW ALUMNI ORGANIZATIONS

UM Law Alumni Broward Judicial Reception
UM Law Alumni Miami-Dade Judicial Reception
UM Law Alumni West Palm Beach Judicial Reception

APPENDIX B: INTERNAL AWARDS

WILLIAM M. HOEVELER AWARD, 2002-2015

George Knox, 2015
The Honorable Barbara J. Pariente, 2014
The Honorable Jay Cristol, 2013
The Honorable Justice R. Fred Lewis, 2012
Katherine Fernandez Rundle, 2011
The Honorable Joseph W. Hatchett, 2010
The Honorable Donald L. Graham, 2009
The Honorable Mario P. Goderich, 2008
The Honorable Peter T. Fay, 2007
Janet Reno, 2006
The Honorable Rosemary Barkett, 2005
Walter H. Beckham, Jr., 2004
The Honorable Daniel S. Pearson, 2003
The Honorable William M. Hoeveler, 2002

LAWYERS IN LEADERSHIP AWARD, 2000-2015

The Honorable Darrin P. Gayles, 2015
Elizabeth Schwartz, 2014
Patricia Redmond, 2013
Carlos J. Martinez, 2012
Joseph Centorino, 2011
Marcia K. Cypen, 2010
Kathleen Williams, 2009
Cheryl Little, 2008
The Honorable Peter R. Palermo, 2007
Edna Shalala, 2007
M. Minnette Massey, 2006
Jeannette F. Hausler, 2005
The Honorable Patricia A. Seitz, 2005
H. T. Smith, 2003
Carlos M. de la Cruz, 2002
The Honorable Joan A. Lenard, 2002
Richard C. Milstein, 2002
Ellen Catsman Freidin, 2001
Joseph P. Klock, 2001
The Honorable Henry Latimer, 2001
President Emeritus Edward T. Foote II, 2000

APPENDIX B: INTERNAL AWARDS

FRIENDS OF THE CENTER AWARD, 2001-2014

Ralf Brookes, 2014
Philip Freidin, 2014
Lowell J. Kuvin, 2014
Joel S. Perwin, 2014
Cristina Favretto, 2013
Laverne Pinkney, 2013
Beatrice Colastin Skokan, 2013
Coconut Grove Ministerial Alliance, 2012
Donald A. Cramp, Jr., 2012
Karen Throckmorton, 2011
JoNel Newman, 2010
Bernard P. Perlmutter, 2010
Kele Stewart Williams, 2010
John M. Barkett, 2009
Neal R. Sonnett, 2008
Dennis O. Lynch, 2007
Jessi Tamayo, 2007
Sandford L. Bohrer, 2006
Charles E. Elsesser, Jr., 2006
Arturo Brito, M.D., 2005
Lawrence Friedman, M.D., 2005
JoNell Efantis-Potter, R.N., Ph.D., 2005
Hy Shapiro, 2005
Gwen Wurm, M.D., 2005
Louis J. Chiavacci, 2004
Dr. Susan Mullane, 2004
Samina Quraeshi, 2004
Ed Asper, 2003
Juan C. Enjamio, 2003
Adrian J. Parry, 2003
Laura C. Walker, 2003
Steven E. Chaykin, 2002
Holly R. Skolnick, 2002
Elinor Catsman, 2001

APPENDIX C: EXTERNAL AWARDS (FACULTY & PROGRAMS)

2016 Exemplary Service to the Poor Award, UM School of Law

2015 Exemplary Service to the Poor Award, UM School of Law

2014 Miami People, Miami New Times

2014 Community Recognition Award, G.W. Carver High School Alumni Association

2012 E. Smythe Gambrell Professionalism Award, American Bar Association

2012 Public Interest Innovative Service Award, UM School of Law

2011 Appreciation Award, Coconut Grove Ministerial Alliance, Inc.

2007 William Pincus Award, AALS Section on Clinical Education

2007 Father Robert Drinan Award, AALS Section on Pro Bono and Public Service

2004-2005 Gary Bellow Scholar, AALS Section on Clinical Education

2002 UM Omicron Delta Kappa National Leadership Honor Society

2001 *Arete* Award, Miami-Dade County Commission on Ethics and Public Trust

2000 Seventh Annual Professionalism Award, The Florida Bar

1999 Faculty Professionalism Award, Florida Supreme Court

1998 E. Smythe Gambrell Professionalism Award, American Bar Association

APPENDIX D: ADVISORY BOARD

Sheldon T. Anderson
Ivette L. Arango
Jacqueline Becerra
Dr. Kenneth Broad
Eric Buermann
Elinor Catsman
Louis J. Chiavacci
Professor Charlton Copeland
Juan Enjamio
D. Porpoise Evans
Wifredo Fernandez
Ellen C. Freidin
The Honorable Darrin P. Gayles
The Honorable Donald L. Graham
Joseph Hernandez
The Honorable William M. Hoeveler
Paul C. Huck, Jr.
Deacon Christopher Hudson
The Honorable Laurel M. Isicoff
Roberto Martinez
Dr. Kerin McCarthy
Richard Milstein
Dr. Joyce Price
Peter Prieto
John R. O'Sullivan
The Honorable Jacqueline Hogan Scola
Hy Shapiro
Neal R. Sonnett
Laura C. Walker
Douglas A. Wolfe