

CENTER FOR ETHICS & PUBLIC SERVICE NEWS

University of Miami School of Law

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Spring 2005

A NOTE FROM POST-GRADUATE FELLOW JESSI TAMAYO



Jessi Tamayo

I consider myself extraordinarily fortunate to have been invited to become part of the Center for Ethics & Public Service (“CEPS”). As my first year winds down, I reflect on the experience of entering a world where the elusive notion of the “citizen lawyer” is being nurtured and students are encouraged to “do good” after law school. As a member of the Stein Scholar Ethics Program at Fordham University Law School, and now here, at the Center, I am exposed to the kind of great lawyers who still exist, but who are often overshadowed by the deteriorating image of lawyers in America.

As the supervisor of the Corporate and Professional Responsibility Program, I have heard from many practicing attorneys and judges that “we have to reclaim the practice of law, and make it a profession once more.” The Center for Ethics & Public Service does just that. By educating and supporting the next generation of great lawyers, we are trying to help law students choose a path in which the notion of “giving back” is not just a *pro bono* requirement, but a fundamental part of their practice. In the following pages, you will find evidence of the dedication to and passion for public service that our law students exhibit. Please take a moment to get to know our programs, staff and students.

ETHICS TRAINING

CORPORATE AND PROFESSIONAL RESPONSIBILITY PROGRAM

By Post-Graduate Fellow Jessi Tamayo

The spring semester was one of great growth and accomplishment for the Corporate and Professional Responsibility Program. While continuing to conduct the continuing legal education ethics trainings that form the backbone of the program, we expanded into corporate compliance and liability trainings, with much success.

In conjunction with **Steve Brodie** and **Nathaniel Doliner** of **Carlton Fields**, **John Keogh** of **AIG National Union**, CEPS Advisory Board member **Lew Freeman** of **Lewis B. Freeman and Partners**, Senior Vice President **David Lieberman** from the **University of Miami Business and Finance Division**, and Professor **William Widen** from the Law School, **Kenny Nachwalter** Fellow **Robert Flicker** worked on a panel discussion for corporate directors and officers. The half-day program was moderated by Center Director Professor **Anthony V. Alfieri** and was entitled, “*To Be or Not To Be a Corporate Director: Liability Exposure of Corporate Directors.*” The seminar drew over 80 directors, officers and in-house counsel members.

For the Bankruptcy Bar Association, a team of **Paul Keenan** of **Greenberg Traurig**, **Lewis B. Freeman**

Fellow Randi Macdonald, **Bankruptcy Bar Fellow Ihsan Speede Franklin** and **Undergraduate Intern Dante Trevisani** prepared a dynamic and challenging training dealing with the ethical dilemmas that arise in the appointment of creditor’s committee counsel where there have been multiple representations of clients with possible conflicts. The trainings benefited greatly from the participation of **Bankruptcy Judges Robert Mark** and **A. Jay Cristol** in Miami, and **Judges Raymond B. Ray** and **Paul G. Hyman** in Ft. Lauderdale.

The pinnacle of the spring semester was the Criminal Justice Ethics Symposium: Round III. Along with co-chairs **Steven Chaykin** of **Zuckerman Spaeder** and **Hy Shapiro** of **Hogan, Greer and Shapiro**, **Zuckerman Spaeder Fellow Ashley Sybesma**, **Hoeveler Fellow Manuel Alex Gomez**, **Interns Shanelle Boyd**, **Kellie Kagan**, **Cynthia Raleigh** and **Cheryl Tedeschi** created a cutting-edge symposium which attracted more than 200

CENTER AWARDS

- GARY BELLOW SCHOLAR AWARD, ASSOCIATION OF AMERICAN LAW SCHOOLS, 2004-2005
- CIRCLE OF OMICRON DELTA KAPPA, NATIONAL LEADERSHIP HONOR SOCIETY, 2002
- ETHICS & PUBLIC TRUST ARETE AWARD, MIAMI-DADE COUNTY COMMISSION, 2001
- SEVENTH ANNUAL PROFESSIONALISM AWARD, THE FLORIDA BAR, 2000
- FACULTY PROFESSIONALISM AWARD, FLORIDA SUPREME COURT, 1999
- GAMBRELL PROFESSIONALISM AWARD, AMERICAN BAR ASSOCIATION, 1998

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attorneys from all over the country. **Visiting Senior Fellow Janet Reno** delivered the keynote address. Over 30 stellar criminal justice attorneys participated on panels, and moderated sessions. **Undergraduate Interns Aditi Kothekar, Shelly Garg and Lia Brooks** devoted a great deal of time and energy to making the semester successful.

The In-House trainings were also a great success. **Greenberg Traurig Fellow Josh Bosin, Intern David Smith and Undergraduate Intern Shannon Ashford** prepared two legal ethics trainings. At Greenberg Traurig, they addressed the proposed changes to the Model Code of Judicial Conduct, and its

possible effects on the relationship between attorneys and judges. For the **Coral Gables Bar Association**, with the help of **Kenneth Harrison** from **Sugarman & Susskind**, over 30 attorneys discussed the effects of two ABA Formal Opinions which addressed the duty of reporting misconduct among attorneys both in the same firm and in different firms. In conjunction with **Audrey Sung** of **Holland & Knight**, we trained attorneys from the **Equipment Leasing Association Forum** on: **"Navigating the Shoals of Sarbanes-Oxley."** on May 17, 2005 at the Loews Hotel on Miami Beach. Additionally, we collaborated with **Noreen Frye** from the **Osher Lifelong Learning Institute** at the University of Miami.

UM ARTS AND SCIENCES COLLOQUIA

by Post-Graduate Fellow Jessi Tamayo

This spring, the Arts and Sciences Colloquia students worked on more than 10 collaborations with the University of Miami undergraduates. **Interns Melissa Cardoza, Mary Clark, Aziza Botchway, and Arts & Sciences Fellow Mary Wiethorn** organized events ranging from undergraduate intern luncheons to large seminars that attracted many members of the greater Miami community.

A highlight was a panel discussion entitled, **"Do Democracies Die Behind Closed Doors?"** - a reflection on the post-9/11 anti-terrorism tactics moderated by **Intern Mary Clark**. U.S. Attorney **Marcos Jimenez**, Journalism Professor **Sigman Splichal**, Federal Public Defender **Kathleen Williams**, Howard Simon of the ACLU and Professor **David Abraham** from the Law School debated the difficult balancing required between privacy rights and national security.

Arts and Sciences Fellow Mary Wiethorn worked exceptionally hard to continue the collaboration between the Center and **Roger Bell** at the **University of Miami Athletic Department**. She arranged a panel discussion entitled, **"Winning With Integrity,"** which addressed ethical issues relating to Title IX, academic fraud and questionable recruiting standards in college sports. **Athletic Director Paul Dee, Head Football Coach Larry Coker, Dr. Sue Mullane, Director of the University of Miami School of Education Ethics Program,** Varsity football player **Kelly**

Jennings, and Varsity volleyball player **Elizabeth Tyson** emphasized the importance of maintaining integrity in athletics.

Graduating **Intern Aziza Botchway** started a fantastic collaboration with the Graduate School of Education working with its Enrollment Management program. Along with Enrollment Management's **Director and Assistant Dean Grisel Valdes**, Aziza researched and presented a dynamic seminar on ethics in higher education.

Special thanks to **Arts and Sciences Fellow Melissa Cardoza** who was invaluable throughout the year - organizing and supervising our 17 undergraduate interns. She arranged court visits with **Center Advisory Board Member the Honorable Jaqueline Scola**, visits to law school classes, and multiple luncheons and seminars for the undergraduates. In addition, Melissa interviewed over 30 applicants for next year's undergraduate class.



Debating the Patriot Act are (l-r) UM Law Professor David Abraham, U.S. Attorney Marcos Jimenez, Professor Sigman Splichal from the UM School of Communication, Howard Simon of the ACLU, and Federal Public Defender Kathleen Williams.

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STREET LAW

For Middle School, High School and College Students

PALMER TRINITY SCHOOL AND HUNTON & WILLIAMS LEAD STREET LAW MOVEMENT IN MIAMI

By Adjunct Professor Karen Throckmorton

“Process is the product,” remarked Professor Richard Roe of Georgetown University Law Center in discussing the Street Law program in which he has worked for over 20 years and which is becoming a staple in American legal education. Georgetown Law School began its Street Law program in 1972. Over 70 law schools currently have Street Law clinics under which second and third year law students teach law in the community. The Center’s Street Law Program focuses on teenagers - the future of our country. Presenting them with ethical dilemmas and legal cases and controversies stimulates critical thinking and furthers their evolution towards responsible citizenship.

Professor Roe’s remark embodies the philosophy that the process of stimulating analytical thinking and moral reasoning is the victory in itself. The goal of Street Law is to improve the law students’ ability to understand and communicate legal concepts in order to spark the intellect and thought processes of the teenagers. This year, our “Street Lawyers” taught in three different forums: Palmer Trinity School; Miami Senior High; and at the University of Miami to undergraduates in the College of Arts & Sciences.

Palmer Trinity Fellows Nathaniel Tobin and Brooke Adams, Interns Josh Shore and Shagufa Hossain, and Undergraduate Intern Alicia Kelman taught ethics case studies in both Chaplain Adrian Parry’s and Justin Symington’s classes. In addition, there were two special events challenging and featuring Palmer Trinity students. First, Nathaniel, Josh and Shagufa drafted a Mock Trial which was “litigated” by Father Parry’s Senior class at the law school in April. The trial was based on *Arkan Mobammed Ali v. Donald Rumsfeld*, a pending class action alleging torture and violation of international law filed by former inmates of prisons in Iraq and Afghanistan, including Abu Ghraib – a compelling topic which the students addressed with passion and intellect in a trial staged at the law school. The second event was an environmental debate over possible drilling for oil in the Arctic National Wildlife Refuge. Brooke and Shagufa worked with Teacher Justin Symington to research and teach the issues

concerning pending legislation to the 8th grade students who debated the issues before their parents.

At Miami Senior High, Hunton & Williams Fellow Lauren Bercuson coordinated weekly ethics teachings in two classes with Interns Risa Berrin, Nicole Wiseberg, and Allison Gillus. Areas of law covered included Constitutional law, Criminal law and Torts. Intern Nicole Wiseberg developed a training schedule and program to coach the high school students for the February Mock Trial competition in which all the Street Law students assisted, as well as Center graduates Sam Heller and David Birke. Hundreds of volunteer hours were dedicated to help these future litigators. Special thanks to Center Advisory Board member Juan Enjamio of Hunton & Williams for his continuing support of this project.

The undergraduate class, “Law, Public Policy & Ethics” focused on philosophical issues in the law as well as on areas of Constitutional law, Criminal law, and Torts. Visiting faculty included President Emeritus Tad Foote, Visiting Senior Fellow Janet Reno, Visiting Senior Fellow Ellen Freidin, and Center Advisory Board member Eric Buermann. Students all participated in Mock Oral Arguments, were taught to write as advocates for a particular cause or client, and each formally debated an ethical issue.

A highlight of this year is the formation of a collaboration with the Legal Magnet Program at Coral Reef High School which will commence in the fall.



Discussing the 2000 Presidential Election: (l-r) Palmer Trinity Intern Josh Shore, Advisory Board member Eric Buermann, David P. Catsman Fellow Camila Tobon, and Joe Klock of Steel, Hector & Davis.

PUBLIC SERVICE

GREENBERG TRAURIG-SPONSORED COMMUNITY ECONOMIC DEVELOPMENT CLINIC STRIVES FOR NEIGHBORHOOD EMPOWERMENT AND IMPROVEMENT IN MIAMI

by John B. Alfieri Fellow Angela Nolfi

This spring the Community Economic Development and Design Clinic (CEDAD) has fulfilled a much needed role within inner-city Miami and accomplished diverse and challenging objectives. CEDAD's Low-Income Homeowner and Tenants Project continued to provide rights education and outreach throughout Miami on landlord-tenant, tax, and fair lending issues. **Interns Eric Ray and Ronald Tomassi, and Undergraduate Intern Michelle Beyer,** conducted rights awareness workshops for the Coconut Grove Homeowners and Tenants Association, Little Haiti's Neighborhood Housing Services, Housing Opportunities Project for Excellence, and the Center's Community Health Rights Education Clinic.

Moreover, CEDAD renewed and enhanced its partnership with the Miami Workers Center, a community-based nonprofit organization in Liberty City. **Community Fellow Lauren Harper** and Municipal Equity Project **Interns Kelley Spencer, Emily Guerin, Lauren Littleton, and Mark Rooney** assisted the Miami Workers Center in planning an anti-displacement campaign for the upcoming year. CEDAD Interns will help the campaign by conducting a vacant lot study and supplying a profile of laws and decisions involving land use and zoning. To inaugurate the campaign, the Municipal Equity Project interns presented a wonderful spring colloquium on *Affordable Housing in Miami*. More than 100 students and civic activists attended the Colloquium featuring **Miami Workers Center Director Sushma Sheth, Northern Trust Bank's Sheldon Anderson, UM School of Architecture Professor Chuck Bohl, Florida Legal Services Staff Attorney Charles Elsesser, and U.S. Department of Housing and Urban Development Chief Miami Counsel Sharon Matthews Swain. Community Fellow Lauren Harper** observed: "Our goal was to bring together a cross-section of affordable housing stakeholders from the private, public and nonprofit sectors to discuss potential responses to the affordable housing crisis in Miami. The discussions clarified the need for innovative financing as federal funding for community development dwindles, for public participation in the development process, and for a hybrid of litigation and legislative-based solutions." Additionally, the Municipal Equity Project interns formulated a litigation strategy to remedy the high number of public housing vacancies in Miami. After diligently conducting primary and secondary research, the interns prepared an evidentiary memorandum and drafted necessary motion papers to effectuate this strategy.

Most recently, I have been the Fellow overseeing CEDAD's Nonprofit Corporate Responsibility Project which is currently providing technical support and compliance counseling to not-for-profit corporations and faith-based organizations serving low-income neighborhoods. **Legal Interns Adriana Riviere, Caroline Klancke, and Michael Foelster, and Undergraduate Intern Denise Calzabon,** and I are in the first stage of preparing training and compliance materials for nonprofits, having conducted needs assessment strategy meetings with four inner-city organizations: the Coconut Grove Collaborative, Inc., the Martin Luther King Economic Development Corporation, the Church of God of the Prophecy, and the Urban Empowerment Corporation. We are providing reports for these organizations with recommendations, research, and resources tailored to their specific needs. Commenting on this important project, **Intern Caroline Klancke** remarked: "The most rewarding aspect of our work has been to empower these charitable organizations in Miami by providing them with some of the tools that they need to serve their communities more effectively."

By the end of this semester, the Nonprofit Corporate Responsibility Project will have separate reports for each of the nonprofit groups which will complete the needs-assessment and recommendation phase of our long-term training program. Working with such motivated students and members of the community in the provision of our services has been a very rewarding and satisfying experience. I am proud that CEDAD has successfully taken on so many new challenges.



Community Fellow Lauren Harper moderating a panel discussion on Affordable Housing in Miami (l-r) U.S. Department of Housing and Urban Development Chief Miami Counsel Sharon Matthews Swain, Miami Workers Center Director Sushma Sheth, Florida Legal Services Staff Attorney Charles Elsesser, UM School of Architecture Professor Chuck Bohl, and Advisory Board member Sheldon Anderson of Northern Trust Bank.

PUBLIC SERVICE



Celebrating receipt of the Bellow Award (l-r): Tony Alfieri, Intern Nikhil Heble, Citizens Board Fellow Joanna Toy, Intern Ajay Rai, Yasmin Jacob, Akerman Senterfitt Fellow Cory Calmes, Steel, Hector & Davis Fellow Jenny Ellis, Citizens Board Fellow Andrea Nathan, Citizens Board Fellow Kiran Soni, Interns Wendi Adelson and Talia Houminer.

AKERMAN SENTERFITT, CITIZEN'S BOARD, & STEEL HECTOR STRENGTHEN COMMUNITY HEALTH CLINIC

by Clinical Fellow Yasmin Jacob

The Community Health Rights Education Clinic ("CHRE") continued its unique, interdisciplinary relationship with the University of Miami Schools of Medicine and Nursing by providing *pro bono* legal assistance to our community. During the spring of 2005, CHRE students under faculty supervision, provided legal assistance to over 65 clients at five different medical care facilities throughout Miami-Dade County. CHRE students made weekly visits to medical clinics including obstetrics/gynecology, adolescent and family medicine clinics, the Pediatric Mobile Clinic at Jackson Memorial Hospital ("JMH"), and the Macdonald School Health Initiative at John F. Kennedy middle and high schools in North Miami Beach. CHRE also extended its services to the Center for Haitian Studies in Little Haiti, and the Jefferson Reaves Senior Health Center in Overtown.

While the physicians and staff of these facilities tended to patients' medical needs, CHRE students tended to their legal needs by providing legal advice, referral services, and direct representation in areas of health care rights, public benefits, and immigration. Patients stated that if it were not for CHRE's "health rights checkups," performed directly at the medical clinics, they would have continued to live without knowledge of their legal rights.

Citizens Board Fellow Kiran Soni assisted a young HIV+ father by completing a living will and pre-need guardianship for the client and his newborn child. Kiran stated; "This semester I enjoyed the challenge of working with clients diagnosed with HIV/AIDS. Oftentimes, my conversations with these clients were difficult yet the clients began to trust me. I learned that it takes several conversations before the clients at JMH feel comfortable enough to share personal information about their family lives and situations." **Steel Hector & Davis Fellow Jennifer Ellis** assisted HIV+ patients with living wills and other advance directives, while **Citizens Board Fellow Andrea Nathan** represented a patient of Jackson Memorial by filing an SSI/disability appeal with the Social Security Administration. **Akerman Senterfitt Fellow Cory Calmes** was honored with the law school's Exemplary Service to the Poor Award for his work at Jackson Memorial. Cory reflected, "My weekly visits to Jackson Memorial Hospital's Miami Family Program taught me more than I could have ever learned in a classroom. CHRE made a difference in many people's lives. Being out in the community made me aware that there are so many in need of legal assistance, and that so many needs are not being met. Working with the Miami Family Program has changed my life." **Intern Nikhil Heble** met with a grandmother at Jackson Memorial who was having difficulty caring for her newborn grandchild. The baby's mother was HIV+ and mentally disabled. Nikhil helped obtain Medicaid for the baby, and found a *pro bono* lawyer for the grandmother, who is now in the process of becoming the baby's legal custodian. **Citizens Board Fellow Joanna Toy** worked diligently to establish CHRE's presence at its new site, the Jefferson Reaves Senior Health Center. A highlight of the semester was **Intern Talia Houminer's** successful representation of an abandoned 17 year old Haitian national. **Hal Arteaga** and **James Seeney** of **Shook, Hardy & Bacon** worked *pro bono* with Talia to obtain a Special Immigrant Juvenile Visa, and ultimately permanent residence for the client. Talia stated, "My client told me that now he can live his dream of becoming a doctor or lawyer. Being able to help him obtain his residence after he was abandoned by his family put the practice of law into perspective for me. 'Success' has been helping someone accomplish a major life goal, while learning immigration law." **Peter R. Palermo Fellow Alexandra Parra**, **Interns Wendi Adelson**, **Andres Rubinoff**, and **Ajay Rai**, filed extensive legal memoranda and presented expert testimony to the Miami Executive Office of Immigration Review in representing an Iraqi national seeking political asylum. **Intern Wendi Adelson** stated, "the opportunity to conduct oral argument and examine witnesses before an immigration judge has been the highlight of my law school career."

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MISSION STATEMENT

Founded in 1996, the School of Law's Center for Ethics and Public Service is an interdisciplinary clinic devoted to the values of ethical judgment, professional responsibility, and public service in law and society. The Center provides training in professional ethics to the Law School and the University as well as to the Florida business, civic, education, and legal communities. The Center also provides legal representation and economic development training to low-income communities. The Center observes three guiding principles: interdisciplinary collaboration, public-private partnership, and student mentoring and leadership training. Our goal is to educate law students to serve their communities as citizen lawyers.

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Senior United States District Judge **William M. Hoeveler** conferring the Hoeveler Award on United States Circuit Court Judge **Rosemary Barkett** with **Karen Throckmorton** and Dean **Dennis Lynch**.



Dean **Dennis Lynch** with the Peter R. Palermo Fellow **Alexandra Parra**, Lawyers in Leadership Award Recipient United States District Judge **Patricia Seitz**, and the William M. Hoeveler Fellow **Alex Gomez**



At a Mock Trial, "Judge" and Palmer Trinity Fellow **Nathaniel Tobin** with Seniors from Palmer Trinity School.



At a discussion on the plight of Haitian Immigrants (l-r) CHRE Intern **Talia Houminer**, Speaker and Director of the Florida Immigrant Advocacy Center **Cheryl Little**, and Akerman, Senterfit Fellow **Cory Calmes**.



Hy Shapiro of Hogan, Greer & Shapiro accepting the Friend of the Center Award for his hours of service for the April Criminal Justice Conference.



At a Leadership Breakfast, (seated l-r) **Jessi Tamayo**, Bankruptcy Bar Fellow **Ibsan Speede Franklin**, Intern **Randi MacDonald**, (standing l-r) Professor **Brian Spector**, **Stacey Dougan** of Greenberg Traurig, and Advisory Board member **Lew Freeman**.



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