

# CENTER FOR ETHICS & PUBLIC SERVICE NEWS

University of Miami School of Law

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Spring 2006

## A NOTE FROM DIRECTOR ANTHONY ALFIERI

### TEACHING THE SPIRIT OF JUSTICE



Tony Alfieri

Ten years ago this spring a group of spirited law students, faculty, and deans founded the Center for Ethics and Public Service.

Inspired by the moral and academic ambition to pursue ideas in the classical tradition of civic leadership and social responsibility, these founders embraced a common vision of moral character, educational community, and other-regarding compassion that now connects three generations of students at the Law School. Indeed, since 1996, more than 400 graduate and undergraduate students and scores of faculty, administrators, and civic leaders have joined the Center for Ethics and Public Service in joint ventures to create innovative curricular and clinical models for teaching, learning, and doing justice. They have conducted academic colloquia and professionalism training workshops, introduced new graduate and undergraduate courses, and designed cross-disciplinary community service projects supplying education,

policy research, and legal representation to impoverished communities throughout Miami-Dade County. In all, they have devoted more than 100,000 hours of public service and educated more than 13,000 students and citizens.

The Center observes three guiding principles: interdisciplinary collaboration, public-private partnership, and leadership mentoring. These principles encourage students to pursue the calling of public leadership as citizen lawyers. The principle of mentoring animates the Center's Corporate and Professional Responsibility Program. The principle of public-private partnership informs the Center's Street Law Program and its undergraduate courses on law, public policy, and ethics. The principle of interdisciplinary community service steers the Center's three university-wide clinics in Children and Youth Law, Community Economic Development and Design, and Community Health Rights Education, jointly sponsored by the Schools of Architecture, Law, Nursing, and Medicine.

Each of the Center's clinics carries on a vibrant tradition of learning and service. And each infuses an abiding belief in justice. Meaningful progress towards the goal of equal justice rests on the shoulders of citizen lawyers working in ordinary and extraordinary collaboration with poor and disenfranchised communities. Interdisciplinary, multi-service programs and clinics at the Center for Ethics & Public Service have mentored and trained hundreds of aspiring citizen lawyers in those collaborative lessons. The spirit of justice is their first and last lesson learned.

### CENTER AWARDS

- C. CLYDE ATKINS AWARD, GREATER MIAMI ACLU, 2005
- CHAMPION FOR CHILDREN AWARD, MIAMI DADE COUNTY CHILDREN'S TRUST, 2005
- GARY BELLOW SCHOLAR AWARD, ASSOCIATION OF AMERICAN LAW SCHOOLS, 2004-2005
- 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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## PUBLIC SERVICE

### CEDAD: AIDING UNDERSERVED COMMUNITIES THANKS TO GREENBERG TRAUIG

By John B. Alfieri Fellow Mark Rooney

In 2005-06, the Community Economic Development & Design Clinic ("CEDAD") added an exciting litigation component to its historical mission of providing self-help advocacy training and transactional assistance to low-income Miami residents and community-based nonprofit organizations.

Under the guidance of Adjunct Professor **Charles Elsesser** of Florida Legal Services, **Kenny Nachwalter** Fellow **Lauren Littleton** and interns **Trung Nguyen**, **Trey Jordan**, and **Aaron Dunlap** worked on several cases affecting community economic development in the greater Miami area, winning a battle on behalf of Power U Center for Social Change—a Miami grassroots organization that handles urban challenges on behalf of low-income residents. Power U persuaded the City of Miami,

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**PUBLIC SERVICE**

the Southeast Overtown/Park West Community Redevelopment Agency, and Sawyer's Walk, Ltd., to conduct an environmental impact study for a proposed construction project in Overtown. In addition, Lauren, Trey, Trung, Aaron and **Cullin O'Brien** of Legal Services continue to oppose the construction of a proposed I-95 off-ramp onto NW 14th Street which the Overtown community fears may increase pedestrian and bicycle injuries and fatalities.

**Ray H. Pearson Fellow Kelley Spencer** and Interns **Paul Kaster** and **Ethan Barlieb** collaborated with the Miami Workers Center ("MWC"), a local nonprofit working to preserve existing low-income housing and create more affordable units in Liberty City and Little Haiti. Projects included: (1) advising MWC with respect to relocation rights of relocated businesses; (2) legal research regarding the termination of Section 8 Housing Choice Vouchers; and (3) the drafting of two major reports for the County Commission offering guidance on the proposed Miami-Dade Inclusionary Zoning ordinance.

CEDAD's Nonprofit Corporate Responsibility Project ("NCRP"), led by **Greenberg Traurig Fellow Caroline Klancke**, developed ethics trainings designed to assist the directors and officers of nonprofit corporations in recognizing conflicts of interest and implementing effective conflict of interest policies and procedures. Training sessions are tailored to the needs of each client. Caroline most recently trained the board of directors of St. Thomas Episcopal Parrish School.

Rounding out CEDAD's activities this year, **John B. Alfieri Fellow Mark Rooney** and Interns **Ali DiMatteo** and **Sarah Jones** met weekly with **Jihad Rashid**, founder and CEO of the Coconut Grove Collaborative Inc. ("CGCI"), which seeks to protect and create affordable housing in Coconut Grove Village West ("Village West"). They discussed both substantively and tactically how to ensure that future development in Village West will not depress further the already insufficient affordable housing in the area. The centerpiece of this group's efforts is a comprehensive white paper by Interns Ali DiMatteo and Sarah Jones which explains concisely to local politicians the negative effects proposed zoning ordinances would have on low-income residents, and articulates CGCI's strategy and vision for providing affordable housing in Village West. First, local developers would be required to commission a Community Impact Statement ("CIS") before building in neighborhoods, like Village West, specifically designated by the city or county as areas where affordable housing needs are high. Second, potential developers in Village West could use tax credits—currently "owned" by CGCI and transferable to developers under certain circumstances—that would provide developers the "gap" money necessary to build affordable housing. Both CEDAD fellows and interns have learned to tackle these complex issues of community economic development by collaborating with community groups, Florida Legal Services, and Professor Elsesser. Lauding Professor Elsesser, CEDAD Intern Trung Nguyen noted, "Having an experienced community lawyer and litigator join CEDAD has introduced us to new issues facing low income communities and taught us how to address those issues through the legal process."

**NEW COLLABORATION BETWEEN COMMUNITY HEALTH RIGHTS EDUCATION CLINIC AND UM-JACKSON ADULT IMMUNOLOGY PROVES FRUITFUL**

By CHRE Director JoNel Newman



CHRE Director JoNel Newman and students Melissa Cardoza and Sarah O'Dea with clients

This year the Community Health Rights Education Clinic ("CHRE") and the Department of Adult Clinical Immunology at UM-Jackson launched a new collaboration. The Adult Clinical Immunology Program at the University of Miami Miller School of Medicine delivers outpatient services through the federal Ryan White Title I program to the impoverished adult population of Miami-Dade County living with HIV/AIDS. The services are based at the South Florida AIDS Network ("SFAN") Clinic at Jackson Memorial Hospital. The SFAN outpatient clinic serves over 4,000 patients who must be seen at least quarterly in order to manage their disease. Last fall, CHRE set up an office on site in the SFAN clinic. This service site was added to CHRE's longstanding

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relationships with and legal services delivery to the UM-Jackson Family Care Program and Pediatric Mobile Clinic.

In the 2005-2006 academic year, CHRE students staffed the SFAN office at least two days per week, assisting 85 clients with a variety of pressing legal issues in two primary areas: public benefits and permanency planning. The public benefits assistance included securing vital Medicaid benefits for clients in life-threatening situations and representation of clients in Social Security Disability cases. **Interns Aracely Alicea-Clark and Sarah O’Dea**, assisted by **Citizen’s Board Fellow Ajay Rai**, each successfully represented clients at hearings before Administrative Law Judges, securing disability benefits for clients in extreme need. On the permanency planning front, students assisted clients in the preparation of wills, living wills, designation of health care surrogates and in making pre-need guardianship decisions and instruments for themselves and their minor children.

As CHRE students quickly learned, clients also had a variety of other urgent legal needs. Students made a Herculean effort to get “up to speed” on a variety of other legal issues including immigration issues, successfully resolved a problem for a client whose housing conditions (perpetual dampness and mold growth) were adversely affecting her medical condition, and **Interns McLean Jordan and David Cook**, along with **Akerman Senterfitt Fellow Melissa Cardoza** were able to prevent a client from losing her Section 8 housing which was being terminated because of the conduct of her disabled son. As McLean Jordan stated, “The experiences I had working in CHRE counter-balance the blinders that legal scholarship can perpetuate on law students. We share our community with people living in desperation. CHRE has afforded me the opportunity to remove my blinders and effectuate a positive change in not only the lives of my clients, but in my own life as well.”

**CHRE** is extremely proud of this year’s recipient of the HOPE Public Interest Award, **Akerman Senterfitt Fellow Melissa Cardoza**, who writes:

The Community Health Rights and Education Clinic (CHRE) places law students in the trenches. We handle every aspect of a case, from the initial client meeting to the court appearance. Many may say that our clients are lost causes. They have HIV or AIDS. They live in unbelievable poverty. To us, our clients are nothing short of amazing. They seek simple needs which we take for granted, such as attending school without fear of stigma because they have HIV or obtaining a work permit to get a part-time job to pay for nursing school. I am thankful to have had the opportunity to meet some wonderful people and make their lives a little easier. But in the end I have gained much more than my clients. I have learned to be grateful and hopeful. And always fight the good fight.



*Akerman Senterfitt Fellow Melissa Cardoza and CHRE Intern Sarah O’Dea*

### LAW STUDENTS ADVOCATE FOR CHILDREN

By Intern Meghan Jacobson

**N**ine months ago, twenty eager law students passed through the doors of the Children and Youth Law Clinic for the first time. Though our backgrounds are diverse and our interests varied, we have one important thing in common – we want to help one of Florida’s most vulnerable populations – young men and women in the foster care system.

Each of us has enjoyed victories, big and small. From reinstating much-needed monetary benefits, to preventing a child from being overmedicated; from

facilitating an adoption of an abused and neglected child, to assisting a young Haitian client obtain an immigration visa, our efforts have resulted in successes spanning a full array of legal issues. **Intern Jeff Greyber** was overwhelmed by the sense of gratification he felt from enabling his client to take control over her own life and that of her baby after successfully negotiating the pregnant mother’s emergency removal from an abusive foster home. **Peter R. Palermo Fellow Mary Clark** has dedicated much of her spring semester to assisting a Haitian client in obtaining legal

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## PUBLIC SERVICE

status in the United States; I watched as my fourteen year old client was forced into a psychiatric treatment program over my objection, yet I breathed a sigh of relief when through my advocacy she was released into a loving foster-home. Seeing her smile as she thrives in her new home and school has been one of the most rewarding experiences of my life.

Faced with seemingly insurmountable challenges, Clinic students work steadfastly to uphold the legal rights and dignity of their clients. As representatives, we have sought justice for those children whose

rights have been infringed upon or who have become lost in the system. As advocates, we have given our clients a loud and strong voice in the decisions that affect their lives. As counselors, we have given them a sense of stability and knowledge that there are people who care about their welfare. Peter R. Palermo Fellow Mary Clark recognizes the importance of clinical education: "The Children and Youth Law Clinic has been the most valuable and meaningful part of my law school education. I feel that the experience I received in the Clinic has given me the preparation I need to succeed in my career after graduation."

## ETHICS TRAINING

### CONTINUING ETHICS EDUCATION FOR LAWYERS

By Clinical Fellow Jessi Tamayo

This past semester was a productive one for the Corporate & Professional Responsibility Program (CAPR). The student fellows and interns trained over 200 attorneys and community members this spring, in a range of ethical issues in both the legal and corporate setting. **Kozyak, Tropin & Throckmorton Fellow Cynthia Raleigh** and **Intern Matthew Goheen** trained 30 attorneys at Legal Services of Greater Miami in January on issues of information sharing between professionals. The training specifically dealt with issues of confidentiality and conflicts of interest in the Legal Services setting, particularly pertaining to the information shared between lawyers and social workers, doctors and school administrators. The training was well received, and the students gained invaluable experience and knowledge from their extensive research and writing.

In February, **Intern Eric Matthew** and **Bankruptcy Bar Fellow David Smith** conducted an Ethics CLE training dealing with the "Appearance of Impropriety" for Federal Court Clerks of the Southern District of Florida. The training was a look at the complex issues Federal Court Clerks face in avoiding the appearance of impropriety while working for a Federal Judge. Issues included job searches, recruiting and social events.

This semester, CAPR developed and presented two Ethics trainings for Greenberg Traurig. The first dealt with the technicalities of effective communication with clients particularly in the area of letters, and the potential for ethical concerns embedded within. **Greenberg Traurig Fellow Randi MacDonald** and **Interns Sara Paris** and **Rostyslav Shiller** developed a complex and challenging case study. The second training delved into issues of ethics in real estate transactions. Interns **Dean Mallet**, **Barrie Filhaber** and **Sara Paris** managed to compose an innovative and thought provoking case study that incorporated issues of confidentiality, conflicts of interest, co-mingling of funds and multi-jurisdictional practice.

In March, **Greenberg Traurig Fellow Randi MacDonald**, **Zuckerman Spaeder Fellow Kellie Kagan**, and **Intern Adam Spector** trained a group of 25 portfolio and estate managers from Northern Trust Bank. The goal was to bring to light the ethical responsibilities placed on the managers of national banks in the personnel, human resources, and financial dealing capacity. It was an innovative and complex training.

Interns **Rostyslav Shiller** and **Joseph McCoy** spent a great deal of time this semester studying the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 and the changes to the duty of investigation placed upon bankruptcy attorneys. The resulting case study was sent to the Bankruptcy Bar Association of the Southern District of Florida for its annual retreat.

CAPR's last training of the semester was our annual Coral Gables Bar Association ethics training. With help from **Kenneth Harrison of Sugarman Susskind**, Interns **Eric Matthew** and **Matthew Goheen** developed an ethics training which focused on sharing office space and lawyers leaving firms. It was a thought provoking training which enabled a great deal of conversation and participation from the attorneys in attendance.

While CAPR continues to expand our trainings into emerging corporate and public interest industries, the mission remains the same: to educate others on the importance of ethics and professionalism in the ever changing world of the law.



CEPS Interns **Andrea Rickles** and **Sara Paris** moderating panel discussion on "Balancing Law and Life"

## ETHICS & PUBLIC SERVICE

### STREET LAW

By Street Law Director Karen Throckmorton, Palmer Trinity Fellow Nathaniel Tobin, and Hunton & Williams Fellow Nicole Wiseberg



*Creative Teaching in Street Law: Interns Brette Wolfe and Jodie Barkin reviewing issues in constitutional law in a collaborative game format.*

Critical thinking. Informed analysis of complex ethical issues. Learning elements of the law. Defining values. These are our goals for the teens to which we reach out in Street Law. Public Speaking. Thoroughness in legal research. Clarity in thought and communication. A commanding presence. These are our goals for the thirteen Street Lawyers who served our community this year through five unique collaborations with: Miami Senior High, Palmer Trinity School, Coral Reef High School, Lawyers for Literacy, and the University of Miami.

At Miami Senior High, **William Hoeveler Fellow Shagufa Hossain** and **Undergraduate Intern Alicia Kelman**, together with Third DCA Judge Angel Cortinas, coached a group of 12 legal magnet students to successful completion of the local Mock Trial competition. **Hunton & Williams Fellow Nicole Wiseberg** noted that, "the students were very receptive to the pointers offered by their legal coaches and their understanding of the trial process increased significantly during the course of the preparation." In addition, Nicole, together with **Intern Mike Odrobina**, taught Friday morning classes to juniors and seniors focusing on a variety of topics ranging from the Haiti/Cuba immigration debate to the English-only movement. Shagufa, together with **Intern Jenna Pantel**

led Lead Legal Magnet Teacher **Ed Asper's** 11th grade class every week, introducing them to topics in constitutional and family law such as the availability of the Plan B contraception pill and the Men's Right to Choose movement.

At Palmer Trinity School, **Palmer Trinity Fellow Nathaniel Tobin** and **Intern Soozie Klock** continued our Street law outreach for 8th grade and 12th grade students. Soozie worked with Fr. Adrian Parry's Senior economics class teaching a variety of topics including constitutional rights, family law, and whether English should be the primary language in schools. Nathaniel worked with Christopher Bradt's 8th grade class on issues such as free speech and freedom of religion, affirmative action and Native American Rights. In addition the Palmer Trinity Group produced an all school convocation addressing real world legal problems that high school students might face. The skit, drafted by **John Hart Ely Fellow Risa Berrin**, **3L Josh Shore**, Nathaniel and Professor Throckmorton, led a high school student, Alexander, through a disastrous day. Alexander was presented with several legal problems including landlord/tenant disputes, sexual harassment by a teacher, domestic violence, underage drinking, search of his car by the police, and employment discrimination. Stated Nathaniel, "The purpose of the Convocation was to provide the students some insight into what they should do and what rights they have when they are faced with legal dilemmas."

At Coral Reef High School, Risa Berrin, and **Interns Mark Santi** and **Josh Samek** led two classes per week with former litigator **Jan Jacobowitz**. They addressed a variety of complex issues such as isolationism/international law, the death penalty, the correctional system, general ethics, and the ethics of international relations and oil consumption. Risa noted that, "Coral Reef is a unique teaching experience because it is a magnet high school. At Coral Reef, we are impacting the lives of students from all over Miami-Dade County." Intern Josh Samek noted, "At Coral Reef Senior High, our students not only tackled timely legal topics such as immigration reform and the death penalty in the traditional classroom setting, but also developed into real Street Lawyers with their success in moot court competitions at both the Third District Court of Appeals and Duke University."

An exciting new collaboration this year has been with a nonprofit headed by **Lisa Blair** with assistance from **Judge Ursula Ungaro** entitled, "Lawyers for Literacy." Nicole Wiseberg and Mike Odrobina spent numerous hours drafting modules on family law and on criminal law. This community wide street law partnership began its outreach at the Community Partnership for the Homeless this spring.

Our fifth frontier in Street Law is to our undergraduate community at UM. With **Intern Michael Kim** and undergraduate **Intern Jodie Barkin**, we addressed complex legal and moral issues basing dilemmas on Supreme Court cases. Students were required to learn the applicable law, define their moral views and synthesize the interweaving of the oft conflicting perspectives. Debates and Mock Oral arguments allowed them to clarify their arguments and perspectives.

Each of the five prongs of Street Law aims to further our Center's goal of promoting ethics and public service.

**University of Miami  
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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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State Attorney *Katherine Fernandez Rundle*, Judge *Patricia Seitz*, FSU President Emeritus *Sandy D'Alemberte*, *Georgia Ayers*, *Janet Reno*, Judge *William Hoeveler* and Judge *Gerald Wetherington* at the presentation of the Hoeveler Award to *Janet Reno*



*Scott Pearson*, *Mrs. Georgia Pearson*, *Ray Pearson*, *Fellow Kelley Spencer* and *Steve Pearson* at the unveiling of Judge *Pearson's* portrait at the Spring reception



*CEDAD* students hosted a public screening of the documentary film "Don't Box Me In" at the University of Miami's Cosford Cinema on Apr. 3, 2006. The film examines the role of community activists in blocking construction of a Home Depot in the village of Coconut Grove. From left: *Marc Sarnoff*, Founder, *The Grove First*; film producer *Richard Fendelman*; *John B. Alfieri* Fellow *Mark Rooney*; Intern *Ali DiMatteo*; *Sue McConnell*; *Sarah Cullen*; *Len Scinto*; and Intern *Sarah Jones*



At a panel discussion on "Balancing Law and Life," Interns *Andrea Rickles* and *Sara Paris*, *Mel McGuire*, Intern *Alexandra Sencer*, and Greenberg Traurig's *Holly Skolnick*



Presentation of the William M. Hoeveler award to *Janet Reno*. Featured (l-r) Professor *Tony Alfieri*, Dean *Dennis Lynch*, *Janet Reno*, Judge *William Hoeveler*, and *Karen Throckmorton*



*Hugo L. Black, Jr.* and *John W. Kozyak* at the Hoeveler Award Reception



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