

# The Clinician

UNIVERSITY OF MIAMI SCHOOL OF LAW HEALTH RIGHTS CLINIC

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## JOINING FORCES TO HELP VETERANS: CONGRATULATIONS, ROBERT CONGRATULATIONS

By: Daniel C. McDonnell  
2013 Miami Law Graduate

I first met Robert in the game room of the Miami Veterans Affairs Hospital. Unsure of what to expect during our initial meeting and my first ever client encounter, I arrived early, hoping desperately that those final few minutes of preparation would somehow calm my nerves. They did not.

After a few minutes of sitting at a checkers table thumbing through legal and medical documents, confidently acting as if I knew what I was doing, Robert, my first client with the Health Rights Clinic, rolled himself and his wheelchair through the game room entrance way. After exchanging introductions and pleasantries, we soon began discussing his Social Security Disability case. Within minutes of our initial meeting, I knew literally only one thing: Robert loved to talk. Words and sentences spun off Robert's tongue as if he were afraid they were going out of style. To this day, I am thankful for having such an open and candid first client. He made my job that much easier.

As the semester progressed, so did Robert's disability case. With his quickly approaching hearing before a Federal Administrative Law judge, Robert's case quickly became the center of my attention. I spent hours with Robert preparing and practicing for his hearing. Strangely, the more we rehearsed, the more I became certain of one thing: the only obstacle that would prevent Robert from receiving disability benefits was Robert.



Joining Forces to Help Veterans

As a proud military veteran who spent his entire life working, it was difficult for Robert to admit that he was disabled and that he could no longer work. This was no easy task for a man suffering from a multitude of conditions and having endured the corresponding treatments. As Robert would say, these are just a couple of curveballs life throws at you sometimes. Over time, Robert's pride never faltered, but he did come to realize that life may have thrown him more than just a couple of hard-breaking curveballs.

On the day of his hearing, Robert told me that he was in awe of the paperwork and evidence that I brought with me – close to three thousand pages. After rolling himself into the courtroom, he and I took our places behind the claimant's table. This was it, the day I had been anxiously awaiting for nearly three

months and the day Robert had been nervously anticipating for almost a year and a half.

Within twenty minutes the hearing was over. Unsure how the hearing turned out? Don't worry, so was Robert. After we left the courtroom together, Robert asked me whether the hearing went well. I told him that it went very well.

Within two months, Robert received and cashed his first check. When I asked about his first purchase, he replied, "I bought a \$25 Casio watch and it feels like I just bought a Rolex." Congratulations, Robert, congratulations!

Robert's innate desire to give back helped inspire the Clinic's initiation of a new TimeDollar Project. The TimeDollar Project is a veteran, peer-to-peer volunteer program which allows veterans to help and empower other veterans to navigate the legal process.

# THE "BIG THREE" TAKE ON FAMILY COURT

By: Steven Vezos, 3L

At first glance, my case seemed fairly straightforward. My client, Elira, wanted to become a United States Citizen. In order to accomplish my client's goal I needed to submit incredibly cumbersome and fact-intensive applications to the United States Citizenship and Immigration Services (USCIS). As I dove into the case, I stumbled upon something that caught my eye - Elira, recently divorced, had child support documents in his file.

As I reviewed the documents closely, I noticed that Elira was paying more than three times the required child support amount. The Child Support Disbursement Agency failed to record his payments correctly and therefore, filed a notice of delinquency, which is potentially disastrous to acquiring citizenship.

Elira contested the delinquency notice pro se and the judge ordered that he continue to pay the excessive amount. Through legal research and guidance from the Clinic's supervising attorneys, I was able to devise a legal strategy to file a motion for relief from the order, based on an error of law in the decision.

The motion was set to be argued

at the best time possible...in the midst of final exams. Not yet certified to argue the motion in court myself, Jeff Schendar, a 2013 graduate, who had already obtained the Certified Legal Intern (CLI) designation volunteered to take first chair. Did I mention my client only speaks Creole? Luckily, Frantz Destin, another Clinic student, fluent in four languages including Creole, volunteered to join the ever expanding legal team - the "Big Three" were now in place.



Schendar, Destin, and Vezos secure US Citizenship for their client

I'll never forget the judge's words. As soon as Jeff stood to speak, she said, "So, tell me what I did wrong?" In the first courtroom experience of his young legal career, Schendar explained our theory of the case while Frantz spoke with Elira's ex-wife, also a Creole-only speaker,

and explained that Elira, disabled and no longer able to work, could no longer make such high payments.

The objective was carried out and executed just as planned. The judge approved the motion to reduce the child support payments. My client received fair treatment from the court, remained on good terms with his ex-wife, and I was able to share my first litigation success with my colleagues, my very own Dream Team.

## UM's Health Rights Clinic Joins National Center for Medical-Legal Partnership



### Partnered with the Bruce W. Carter

Department of Veterans Affairs Medical Center, Jackson Memorial Hospital, Jefferson Reaves Sr. Health Center, and University of Miami, Miller School of Medicine, the Clinic joins 97 medical-legal partnerships nationwide, serving children, the elderly, veterans and patients with chronic illnesses.

"Medical-Legal Partnership is a health care delivery model that improves the health and well-being of low-income and other vulnerable populations by addressing unmet legal needs and removing legal barriers that impede health. Legal professionals - from the legal aid, law school and private sector pro bono communities - are integrated into the healthcare team, where they partner with front-line physicians, nurses, case managers and others to: (1) provide direct legal assistance to patients; (2) develop/align strategies to improve health and legal institutions and practices; and (3) change policies, all in service of ensuring that ensure vulnerable people get and stay healthy."

"We are very pleased that the National Center has included us in its network," said Melissa Swain, who also served on the 2012-2013 National Advisor Committee.

More information on the National Center for Medical-Legal Partnership may be found at: <http://www.medical-legal-partnership.org/>.

# BY THE NUMBERS

**\$1.4**  
MILLION

Total Social Security Backpay



81  
Food Stamp Cases Granted



## IMMIGRATION ADJUDICATIONS

24 Lawful Permanent Resident Adjustments Approved

110 Naturalized



**106**

Veterans Served



**60**

Medicaid Approved



SSI CASES

**138**

Approved



Average \$625.30 /MONTH

## HEALTH RIGHTS CLINIC STUDENTS RECEIVE FAWL SCHOLARSHIPS



Rachel Walker (left) and Ashley Jordan (right) received FAWL Scholarships.

The Health Rights Clinic is proud to announce that two of its alumnae, Ashley Jordan, 2013 graduate, and Rachel Walker, 3L, were recently awarded prestigious scholarships from the Florida Association for Women Lawyers (FAWL). Jordan received the Alexandra Bach Lagos Leadership Scholarship and Walker received the Kozyak Tropin & Throckmorton Scholarship.

A graduate of the University of Central Florida, Jordan managed a caseload of approximately twenty indigent clients, helping secure Social Security disability, Veterans, and Medicaid benefits on behalf of the Clinic's clients. In addition to her work with the Clinic, Jordan interned at the Miami-Dade Public Defender's Office, the United State Coast Guard, and as a law clerk for the Miami-Dade Health Department. At Miami Law, she served on the Honor Council and Student Bar Association Election Commission.

"This award motivates me to continue to serve the community in the field of health law," Jordan said. "I am honored to represent the Miami-Dade FAWL chapter and look forward to using my scholarship to continue representing clients in the areas of health and elder law."

Walker, who graduated from the University of Florida, was a recipient of the CALI Excellence for the Future Award in the Health Rights Clinic. At the Clinic, she assisted clients in obtaining Medicaid and Social Security benefits. Most notably, she helped a young man suffering from AIDS obtain the proper medical treatment and collect a Social Security award of \$13,000. Through FAWL, Walker also works for Project Freedom, assisting in representing five incarcerated women seeking clemency. She also mentors underprivileged youth through Project Knucklehead.

"I believe the best way to help the community is to make a measurable difference one person at a time," said Walker.

JoNel Newman, Director of the Health Rights Clinic said, "We were so proud that our students' work in the clinic was recognized by FAWL."

## HEALTH RIGHTS CLINIC SELECTED FOR ACCESS TO JUSTICE PROJECT

JoNel Newman and Melissa Swain, Clinic Director and Associate Director respectively, were selected as part of The Center for Computer-Assisted legal Instruction (CALI) to develop course kits as part of the Access to Justice (A2J) Clinical Course Project. The goal of the A2J project is to develop new course models to teach law students to leverage technology and help low-income, self-represented litigants access justice. Other prestigious schools selected include: Columbia law School, Concordia University School of Law, City University of New York School of Law, Georgetown University Law Center, and the University of North Carolina School of Law.

A2J will introduce law students to skills required by a 21st Century law office, and will produce A2J Guided Interviews and other technical resources that can help low-income people access justice.

According to Professor Ronald W. Staudt of IIT Chicago-Kent College of Law and Director of the Center for Access to Justice and Technology, "eighty percent of the legal needs that low-income people face go unmet each

year." "The legal services market is rapidly changing," Staudt said. "Experience with document automation and document assembly tools is going to be vital for new attorneys, but very few law schools

*Experience with document automation and document assembly tools is going to be vital for new attorneys*

offer courses that provide hands-on experience using these tools. We've addressed that gap in the legal education system in a way that will also allow us help mitigate the access to justice problem."

"We are excited to pilot the A2J project at the Veteran's Hospital here in Miami, where our former veteran clients will be able to use the software in order to help other veterans access the legal system," said JoNel Newman.



# UNIVERSITY OF MIAMI HEALTH LAW PATHWAY CREATES NEW OPPORTUNITIES FOR STUDENTS ACROSS DISCIPLINES

By: Julie Morgan,  
Miami Law Graduate 2013

In a recent presentation, Morgan Callahan, a third year medical student at the University of Miami, Miller School of Medicine and member of the Health Law Pathway, tackled a tough subject that has been an area of concern for both legal and medical fields. Speaking to a room of medical and legal professionals seeking to bridge the gap for learning in both fields, Morgan's presentation focused on the incidence of mental illness among physicians and medical students and disclosure rules.

In a field dedicated to the health needs of others, physicians and medical students have historically neglected their own personal health needs, especially mental illness. The rate of depression and suicide among medical students and residents is higher than that of the general public, yet only a small percentage of physicians and medical students seek help or treatment for their mental illnesses.

Medical students report that they do not seek help due to: (1) lack of time; (2) lack of confidentiality; (3) stigma; (4) cost; and (5) fear of documentation on academic record as 80% of Boards ask about mental illness.

While Medical Boards are required to protect the public from impaired physicians, many improperly equate diagnosis or treatment of a mental illness with impairment. Morgan discussed the American Psychiatric Association's disagreement with board review of physicians' mental health records and asserted that self-disclosure or review of records did not identify impaired physicians but rather discouraged doctors and medical students from seeking help. Additionally, information regarding the physicians' mental history as requested by licensing boards may violate ADA requirements.

Morgan contends that licensing boards should direct their focus to investigating complaints related to a physician's practice. Licensing boards should also alleviate any potential violations



Third year medical student and former Public Defender paralegal

of the ADA and create support groups and outreach programs within medical schools, placing a greater emphasis on mental health.

## UM'S HEALTH RIGHTS CLINIC JOINS TOP-RANKED PROGRAMS IN EDUCATING TOMORROW'S LAWYERS



Joining the ranks of prestigious law schools such as Cornell, Georgetown, NYU, USC, Stanford, and Vanderbilt, Miami Law's Health Rights Clinic was recently selected as a featured course with the Educating Tomorrow's Lawyer "ETL" program. ETL is dedicated to advancing legal education that trains new lawyers to the highest standards of competence and professionalism. By offering a structured and highly collaborative approach, ETL is creating a foundation for ongoing inquiry, exploration and measurement. The Health Rights Clinic

seeks to promote ETL's mission by encouraging and facilitating innovation in legal education by putting law students in a role where they gain experience and judgment as the student lawyer represents multiple indigent clients.

JoNel Newman and Melissa Swain were selected as ETL Fellows for their work. The Health Rights Clinic is featured on their website.

More information can be found at: <http://educatingtomorrowlawyers.edu/>.



### DID YOU KNOW?

The Health Rights Clinic is a two-semester, six credit Medical-Legal Partnership course in which law students represent low-income health impaired clients in various legal matters under the supervision of faculty.

## HEALTH RIGHTS CLINIC TEAM 2012-2013



(Back) Shay Cohen, Jeremy Rones, Ryan Foley, Dave Werner, Eric Kegley, Kevin Yombor, Danny McDonnell, Alex Wagner, Brian Abergel. (Front) Christina Margolles, Steven Vezos, Chris Collins, Sarah Hoyt, Allison Brede, Mary Stevens, Samantha Mandel, Gabriela Rosell, Jamie Fromson, Rachel Walker Robert Bernstein, Jeffrey Schnedar

## CLINIC ALUMNAE OPEN FIRM TOGETHER



**Patricia Elizee (J.D. 2010)** and **Larisa Hernandez (J.D. 2009)** joined forces in July 2012 to form the Elizee Hernandez Law Firm. Managing partners of the firm, Elizee and Hernandez are childhood friends, attending high school, college, and law school together. Entering law school with plans of practicing international business law, Elizee would have never expected to run a firm with her childhood friend who was determined to work in immigration law.

As former presidents of the Caribbean Law Student Association and the

Immigration Law Association, Elizee and Hernandez, joined the Health Rights Clinic for very different reasons. Elizee, a native of Haiti, yearned for the opportunity to assist the low-income Haitian community that depends heavily on the Clinic's medical partners at Jackson Memorial Hospital. Though initially drawn to the Clinic based on its social security disability and public benefits work, her efforts on a complicated asylum matter led Elizee to realize her passion for immigration law.

Hernandez, of Cuban descent, knew immediately that the Clinic would be a great place to gain the skills she hoped to one day use as an immigration attorney. During her time with the clinic as a CLI, Hernandez won a difficult paternity case in favor of her client. The Clinic gave the pair the initial legal skills in their chosen practice areas to begin their careers.

Practicing primarily immigration and family law in Miami and Broward, Elizee and Hernandez rave about UM law,



the Clinic, and the Career Development Office (CDO). Elizee described her connections as extremely beneficial in securing a post-graduate legal Corps position at a small firm working with low-income Haitian clients and later providing her with the expertise to start an office of her own.

Dedicated to providing quality service, client-focused counseling, and aggressive, zealous and ethical representation, the Elizee Hernandez law Firm represents clients in a variety of immigration cases including adjustment of status,

deportation defense, business and tourist visas, cancellation of removal, TPS, and asylum. In addition, the firm represents clients in family cases including pre and postnuptial agreements, annulments, divorces, child support modifications, and adoptions.

The Elizee Hernandez law Firm can be reached at: [info@elizeehernandez.com](mailto:info@elizeehernandez.com).

**Editor:** Joel H. Feigenbaum

*Special thanks to Vanessa Alpizar, Eric Kegley, Danny McDonnell, Julie Morgan, and Steve Vezos*

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# BRIDGING THE GAP BETWEEN PATIENT AND CLIENT

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**Health Rights Clinic**  
A MEDICAL-LEGAL PARTNERSHIP  
WITH THE MILLER SCHOOL OF MEDICINE