

The Clinician

UNIVERSITY OF MIAMI SCHOOL OF LAW HEALTH RIGHTS CLINIC

10 YEAR ANNIVERSARY CELEBRATION

SATURDAY, FEBRUARY 20, 2016 "Over 200 students, representing over 2000 clients, securing over \$2,000,000."

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Presence at Pediatric Mobile Clinic Helps Clinic to Provide Legal Services to Immigrant Children

By Catharine Skipp

In its efforts to continue to reach underserved populations, Miami Law's Health Rights Clinic has developed a medical-legal partnership with the University of Miami Miller School of Medicine to provide legal services at the Pediatric Mobile Clinic. The Clinic's presence has allowed immigrants who are seeking medical assistance to also have an opportunity to speak with law students about possible legal issues. The clinic has encountered cases involving special education placements, public benefits, and children who qualify for special immigrant juvenile status.

In the first case taken on by the Clinic, third-year law students Diana Jordan and Bethany Bandstra successfully petitioned the Juvenile Division 11th Circuit Court of Florida on behalf of a 16-year-old girl who fled her native Honduras due to abandonment and abuse by her family. The Clinic is now working on terminating the deportation case against her once she has been granted Special Immigrant Juvenile Status, as well as preparing her legal permanent residency application.

In another case, second-year law student Roodelyne Davilmar is providing assistance to 5-year-old Yoselin Pavon. When she was nine months old, Pavon's mother gave her to a criminal smuggling gang to transport the baby over the U.S. border from Mexico. When Pavon's mother attempted to cross the border, U.S. Custom and Border Patrol agents detained her. The smuggling gang held the baby for ransom, and after fifteen days Pavon's grandmother, who was living in Florida, paid the ransom and was reunited with her granddaughter. The grandmother attempted to enroll her granddaughter, now five years old, in public school, but the child was denied because of her immigration status.

Through its efforts, the Health Rights Clinic has successfully advocated to enroll the youngster in school and Davilmar won the petition before the Juvenile Division 11th Circuit



At the juvenile courthouse: 2L Roodelyne Davilmar, who argued the case, Marcela Alvarez and a relative, five year old Yoselin and 2L Brasilia Echevarria.

Court for dependency on Monday.

"Without dependency status, Pavon would be forced to return to Mexico and would no longer receive the care and attention her grandmother currently provides," said Davilmar. "Remaining in the United States will provide her with educational opportunities, financial support, and a safe living environment."

The Health Clinic has also taken on the cases of two brothers from Honduras - A.M., age 16 and A.M., age 14 - who are currently in removal proceedings. When they were very young, the brothers lived with their mother and her abusive boyfriend. The brothers were subjected to both physical and mental abuse while their mother failed to

provide them even with the most basic of necessities. Their grandfather took the brothers away after years of abuse and they lived with several different family members.

The brothers eventually ended up with an aunt, whose husband was the leader of a drug trafficking organization. The boys were forced to work as drug mules, often retrieving packages dropped by airplanes. When the boys refused to work, their uncle would become violent. Left with nowhere else for his sons to go, the boys' father, who was living in the United States, arranged for the boys to cross the border in July of 2014. They were picked up by Customs and Border Patrol and held for six days before being released to their father, but were placed in deportation proceedings.

Clinic students Jessica Melendez and Michelle Obando are handling the brothers' cases. "Because of

the abuse they have suffered in Honduras, we have filed for dependency in the juvenile court," said Obando. "We hope that the Judge will find them both dependent, and that it is not in the children's best interest to be sent back to Honduras where they are likely to suffer further abuse and have no one willing or able to take care of them."

"Working with the brothers and learning their story has made a huge impact on me," said Melendez. "It is so sad to see how much these two boys have been through, but that makes it much more special and rewarding to fight for them. You really start to understand how important it is for so many children to obtain SIJ status because of the opportunities and safety that is provided remaining in the United States."

BY THE NUMBERS

Over
\$3
MILLION
Secured in
benefits



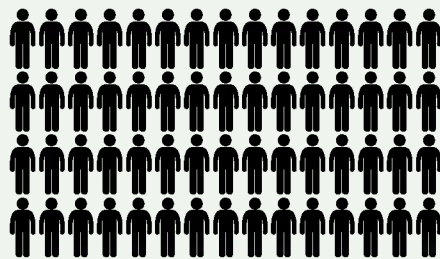
IMMIGRATION ADJUDICATIONS

43 Lawful Permanent Resident
Adjustments Approved

179 Naturalized



500
Veterans
Served



71
Medicaid
Approved



Food Stamp
Cases Granted



SS CASES

304
Approved

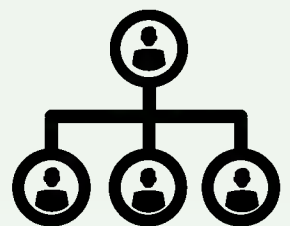
EQUAL JUSTICE WORKS AMERICORPS VETERAN FELLOWS

over **\$1 Million** in benefits for
DISABLED VETERANS.



Over
188,000
Legal Service Hours
Completed by Law Students

Over
220
Students Trained
to Become Lawyers



With a Burr and a Brogue, the Scots Arrive at Miami Law

By Catharine Skipp

Six Scots arrived at Miami International Airport in late January on a Wednesday night, only to be swept up and carried off to full immersion, Miami Law Health Rights Clinic style. Four were clinical students from the University of Strathclyde School of Law in Glasgow, accompanied by their clinical professor and supervising attorney/solicitor, who came to Miami Law to see first-hand legal ethics issues in a clinical education setting in the U.S. and explore comparative ways to access justice.

Friday was a whirlwind of intakes in Spanish and Creole at the South Florida AIDS Network at the Jackson Memorial Hospital campus, with the Scots engaging with Miami Law students in collecting information for the interviews of clients.

According to Kate Laverty, one of the Strathclyde clinic's supervising solicitors, the bulk of the students' cases are employment-related. "The intakes are more intense," said Laverty. "It often takes hours to gather all the information and documentation just to open a case." As a result of the time-consuming nature of the cases, the students handle only one or two cases a year.

The high number of medical cases handled by Miami Law's Health Rights Clinic surprised the students. Scotland has NHS Scotland, the publicly funded healthcare system.

"I found it humbling," said Drew Long, a case manager in the clinic, who is keen in immigration law. "The work done here is so valuable. Access to health care is essential and sometimes we take it for granted in Scotland. I'm glad to see the Miami students fight for it in the U.S."

For the Scots, it was their first taste of Miami, though Saturday was spent soaking up the more cultural aspects of the Magic City: pastelitos and cortaditos at Versailles in Little Havana, a bit of a dauner (walk) about in Little Haiti then South Beach, ending the evening with some malanga fritters, conch creole, and Haitian-style stewed goat at Tap restaurant.

"The experience has been inspiring," said Donald Nicolson, Professor of Law and Director of the Law Clinic at the University of Strathclyde. "I think our students will take away a sense of the absolutely essential value of the work of



Front: Fergus Lawrie, Kate Laverty, Dede Akiti, 2L, Roodelyne Davilmar, 2L; Back: Ewan Wilson, Drew Long and Craig Leslie

the Health Rights Clinic and its dedication to the community. We are looking forward to hosting the clinic this spring."

Clinic Director JoNel Newman and Supervising Attorney Melissa Swain will travel to Glasgow in May with Miami Law 2Ls, Dede Akiti, Roodelyne Davilmar, Michael Deutsch, and Tara Irani.

"The encounter has been valuable for both cohorts of students as we explore comparative access to justice and legal ethics issues in a clinical education setting," said Newman.

"I found the Scottish students to be engaging and eager to share ideas on our clinical program and public interest opportunities," said Deutsch, who has interned for Congressman Ted Deutch and Citizens for Responsible Ethics in Washington, worked on the campaign to re-elect President Barack Obama. "And I'm looking forward to learning more about the Strathclyde Law Clinic and the approach to extending access to justice in the UK."



Exchange students meet Archbishop Wenski on the cultural exchange tour in Little Haiti. L to R: Albert Arguello, Fergus Lawrie, Tara Irani, Roodelyne Davilmar, JoNel Newman, Melissa Swain, Michael Deutsch, Drew Long, Archbishop Thomas Wenski, Craig Leslie, Marleine Bastien, Father Reginald Jean-Mary, Donald Nicolson, Dede Akiti, Ewan Wilson, Kate Laverty



On the cultural exchange tour in Little Havana, Donald Nicolson, O.B.E., Professor of Law and Director of the University of Strathclyde Law Clinic



Olga Porven, born and raised in Miami, began her legal practice as a public interest attorney serving the impoverished populations of Miami-Dade County. As an Equal Justice Works Fellow and a Clinical Supervisor, she founded the Elder Law Division of Miami Law's Health and Elder Law Clinic. She

represented individuals in matters concerning Social Security disability, fair housing, immigration, and probate matters. Ms. Porven has opened her own law firm, Olga Pavon, P.A. and is a Personal Injury Attorney in Miami.

"When I decided to go to law school, I knew that I wanted to be a litigator. Participating in the Health Rights Clinic during my 2L and 3L years allowed me to employ litigation techniques and skills under the supervision of an experienced litigator, Professor JoNel Newman. Basically, I had a two year apprenticeship prior to obtaining my Bar License. Dealing on a daily basis with clients, manipulating case management software, learning about ethical duties as an attorney, learning how to solve issues creatively, dealing with opposing counsel, and other countless experiences prepared me to handle the civil litigation cases I handle today."

"In addition, the clinic experience made pro bono work an important part of my professional life.

Whether it is co-counseling a housing case with Legal Services of Greater Miami or completing immigration paperwork for Olympic hopefuls, I continue to do pro bono work as I believe, every attorney should."

Ms. Porven earned her J.D. from Miami Law where she graduated *cum laude*. While at Miami Law, she was a Florida Bar Foundation Summer Fellow, a Florida Bar Foundation Fellow with the Center for Ethics and Public Service, a Certified Legal Intern with the Community Health Rights Education Clinic, a CALI award recipient, and a member of the Dean's List. In addition, Ms. Porven was awarded the HOPE Innovative Service in the Public Interest Award. The Clinical Legal Education Association recognized Ms. Porven as the 2008 Miami Law Outstanding Student.



Olga Porven during the Haitian TPS Project



Michelle Holmes Johnson is an associate at White & Case, working in the firm's US Disputes Practice. Mrs. Johnson's practice areas include general commercial litigation, environmental litigation, construction litigation, insurance disputes, and class action defense. Mrs. Johnson has represented clients in both trial court and appellate proceedings.

"One lesson I carry with me from my time at the clinic is the importance of creative lawyering. Clients would often come to us with problems that had no apparent or obvious solution, but then we would regroup and devise a plan. My practice—complex commercial litigation—requires creative lawyering

and my time in the clinic taught me that real world legal problems usually aren't as simple as law school hypotheticals."

Michelle received her J.D. from Miami Law, where she graduated *summa cum laude* and was a member of the Order of the Coif, *University of Miami Law Review*, Charles C. Papy, Jr. Moot Court Board, a Dean's Merit Scholar, and a legal intern and fellow with the Community Health Rights Education Clinic.



Dr. Lisa Gwynn is the Medical Director for the University of Miami Pediatric Mobile Clinic and an Assistant Professor in Clinical Pediatrics at the University of Miami Miller School of Medicine. She has collaborated with the School of Law, Health Rights Clinic to establish a Medical-Legal Partnership for the Pediatric Mobile Clinic.

Dr. Gwynn received her medical degree from Nova Southeastern University College of Osteopathic Medicine and completed her postgraduate medical training in pediatrics at the University of Miami. She worked in private practice in South Florida for nearly nine years. Dr. Gwynn also has over twelve years experience in the non-profit sector. In 2002, she co-founded the Dorell Gwynn Foundation, a non-profit organization that supports individuals with paralysis and also provides injury prevention programs in high schools throughout Florida. She has served in various capacities including Vice President, Interim Executive Director, and most recently, Board Member.

She joined the faculty at the University of Miami Miller School of Medicine in 2010 and shortly thereafter earned an MBA, with a specialization in Health Sector Management and Policy from the University of Miami School of Business. Since that time, she has successfully established a specialty telemedicine clinic within the pediatric primary care mobile practice, which currently offers consultations in Cardiology, Dermatology,

Endocrinology, Nutrition and Mental Health. She is also the Principal Investigator for an innovative obesity intervention program that is utilizing various modalities of telehealth including handheld devices, tablets and interactive video technologies. She is Director of the Primary Care/Community Health Track of the residency program at UM and her areas of interest include community pediatrics, telehealth, practice management, advocacy and healthcare delivery in underserved populations. She is a Certified Physician Executive, Board Certified in Pediatrics, is currently a Fellow of the American Academy of Pediatrics and chair of the FCAAP committee on Telehealth.

"The Medical-Legal Partnership we have established has provided opportunities to our patients that we could never have offered before. It has been a thrill to watch our patient's lives transformed because of the services the team has provided. I look forward to many years of continued collaboration and am so thankful to be a part of such a tremendous service to the community."

- Dr. Lisa Gwynn



Awards Received



Professor **JoNel Newman** is the 2015 recipient of the AALS Section on Clinical Legal Education's M. Shanara Gilbert Award.



Col. Noel Pace is the 2015 recipient of the HOPE Miami Law Public Interest, Innovative Service in the Public Interest Award.



Health Rights Clinic Fall 2014 – Spring 2015

Back L to R: Michelle Obando, Donald Lavigne, Taylor Schmalitz, Douglas Lehtinen, Diana Jordan, Zachary Lipshultz, Jessica Melendez, Jocelyn Ezratty, Rachel Streiffeld, Ashley George **Front L to R:** Tara Irani, Kemi Ijitimehin, Dede Akiti, Lindsay Nelson, Brasilia Echevarria, Roodelyne Davilmar, Michael Deutsc

Welcome



The Health Rights Clinic welcomes its new employee, Jenkins Joseph. Jenkins, comes to Miami Law from the Department of Homeland Security. Prior to his time there, he worked as a legal assistant in several law offices in Miami. Jenkins has a Bachelor's of Science in Legal Studies from Barry University and is bilingual in English and Haitian Creole. Due to the 20% of Haitian Creole speaking clients the Health Rights Clinic assist yearly, we

were in dire need of a Haitian Creole speaker to continue providing legal services to the sizeable Haitian community in Miami. To date, the Health Rights Clinic has served 278 clients and worked on 405 cases for this population. Clinic Director, JoNel Newman said, "We are so thrilled Jenkins has joined us. We are fortunate to finally have a permanent staff member who speaks Haitian Creole."

Not only am I grateful with being part of the University Of Miami (School Of Law) family. But I feel an immense responsibility when it comes to assisting the Haitian clients here at the Health Rights Clinic. I look at these clients as if they are my parents or relatives from the country of my parents; Ayiti Cheri mwen sonje'ou" – Jenkins Joseph

Health Rights Clinic students making a difference this summer

Dede Akiti, 2L	Hewitt & Partners, P.A., Miami
Roodelyne Davilmar, 2L	Department of Homeland Security, Miami
Michael Deutsch, 2L	Department of Justice, Criminal Division, Fraud Section, D.C.
Brasilia Echevarria, 2L	Friedman, Rodman & Frank, Miami
Jocelyn Ezratty, 2L	New York City Legal Aid-Criminal Division, NY
Ashley George, 2L	New York City Legal Aid-Criminal Division, NY
Kemi Ijitimehin, 2L	Bristol Myers Squibb, Trademark, Copyright Division, NJ
Douglas Lehtinen, 2L	Holland & Knight, Miami
Zachary Lipshultz, 2L	Hogan Lovells, Miami
Jessica Melendez, 2L	Bailey, Merick, Udell, Miami
Lindsay Nelson, 2L	Gunster, Miami
Taylor Schmalitz, 2L	Reminger, Ohio
Rachel Streiffeld, 2L	Broad & Cassell, Miami

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.

To mail your **GIFT**

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Please print name(s) as they should appear for recognition purposes.

Enclosed is a gift of \$ _____ or a pledge of \$ _____ to the Law School, payable over _____ years, payment commencing on _____ (month/day/year).

Corporate Matching Gift: Many companies match employee contributions.

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Please obtain form from your personnel office and include with your gift.

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Card Number _____ Exp. Date. _____

Name on card _____

Signature _____

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You may cancel your monthly gifts by informing the University of Miami School of Law Health Rights Clinic in writing.

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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BRIDGING THE GAP BETWEEN PATIENT AND CLIENT

Health Rights Clinic

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www.law.miami.edu/clinics/healthrights



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