

The Clinician

UNIVERSITY OF MIAMI SCHOOL OF LAW HEALTH RIGHTS CLINIC

“Over 260 students, representing over 3,000 clients, securing over \$5,000,000”

by Catharine Skipp

VOLUME #6

SPRING 2017

Health Rights Clinic Helps Disabled Honduran Boy Find Path to U.S. Citizenship

Amilcar Martinez and 3L Andrew Sarangoulis come from different worlds. Martinez grew up in Honduras; Sarangoulis in Reading, Pennsylvania. The two crossed paths through the Health Rights Clinic at Miami Law.

But they have a couple of things in common. Both are working on their language skills. Martinez, 16, is learning Spanish and English; his native tongue is Miskito, a language of the indigenous people of eastern Honduras. Sarangoulis, 24, has been learning Greek, these days. They each have two brothers - Martinez is the youngest, Sarangoulis is the oldest.

Even though they don't have a fluent language in common, neither will ever forget the other.

Martinez has lived a very, very hard life. The Honduran native spent much of his childhood cycling between enduring periods of abandonment by his mother and cruelty at her hand.

Sarangoulis grew up playing football and lacrosse and dreaming of the day he would be a lawyer. He loved to read and write, and spent his summers working at the law firms of his friends' parents. At Penn State, he double majored in philosophy and criminology.

Thank 
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Health Rights Clinic



Rosa Muigina, Amilcar Martinez, Andrew Sarangoulis J.D. '17, Albert Arguello, Legal Assistant

Suffering in Honduras

When Martinez was three, his mother snatched him from his father and brothers and took him to a crime-ridden and poverty-stricken area of Honduras. For nine years, Amilcar's father could not find his son. While living with his mother, Amilcar, who suffers from a hereditary defect that left one side of his body weakened and one hand underdeveloped, was not allowed to attend school, was forced to fish for his mother's profit, and care for her other children. He was denied food and abused by her boyfriend.

Journey to U.S. and connecting with Miami Law

Their father, having run out of safe and secure options in Honduras, eventually was able to pay a coyote to bring the two younger brothers to the U. S. border. Their older brother had already made the journey.

The young brothers, then 13 and 15, traveled more than 2,000 miles from Puerto Lempira, Gracias a Dios, Honduras to Hidalgo, Texas, a border town in Texas, where they were picked up by the Department of Homeland Security. They traveled by train, by truck, and they walked long distances over more than two weeks.

The family was reunited in Miami, joining a step-mother, their older brother, and two stepbrothers. A serendipitous trip to the University of Miami Pediatric Mobile Clinic for shots for school connected the family to Miami Law's Health Rights Clinic interns.

In 2011, Amilcar's mother abandoned him again. He eventually reunited with his brothers, but their father had gone to the brothers, but their father had gone to the United States; however, he was able to send money for their care. The three brothers bounced between one bad family situation to another, and finally, with no better option, they returned to their mother and her vicious boyfriend to live.

The arrangement was short-lived before their mother again abandoned them. Other living accommodations followed, including a stint with an aunt who married a drug trafficker -- who also abused them and forced the brothers to participate in moving drugs inside the region.

Lifetime Goal to be a Lawyer

When looking at law schools, his focus was on Florida; he has family in the area, and his parents are moving to South Florida. As a 1L, he started interning at the health rights clinic, and Martinez was one of his first cases.

"I joined the Health Rights Clinic because I wanted practical training, after having Professor Newman for civil procedure," says the Writing Dean's Fellow. "Amilcar's case got me hooked. Initially, we were trying to get him a dependency order, with which Amilcar could more easily obtain green card status. Unfortunately, given the current legal climate in Florida, we were unsuccessful, even in our appeals, which we tried to fight all the way to the Florida Supreme Court."



Front row L to R: Lilli Balk, Nicole Portnov, Gina Brignola, Lindsay Abbondandolo, Kathryn Della Fera, Kristin Kepler, James Valencia
Back row L to R: Daniel Piscottano, Josh Mandel, Christopher Ajizian, Mark Lindemann, Christopher Fraga
Top of U: Steve Dickstein, Jazmine Dykes

Health Rights Clinic Team

Fall 2016 – Spring 2017



Front row L to R: Cristina Garcia, Lilli Balk, Gina Brignola, Lindsay Abbondandolo, Kathryn Della Fera, Kristin Kepler, James Valencia
Back row L to R: Daniel Piscottano, Josh Mandel, Christopher Ajizian, Mark Lindemann, Christopher Fraga
Top of U: Steve Dickstein, Jazmine Dykes

Fighting for Client's Rights with Asylum

Even though it wasn't always easy, Sarangoulis would not let go. There were impediments all along the way. The only Miskito translator he could find was through the University of Texas, though she often wasn't available. Amilcar, because of his disabilities, has difficulties communicating. But, with the help of Albert Arguello, the legal assistant in the clinic, and the Honduran teenager's father, the case continued on.

As JoNel Newman's research assistant, Sarangoulis tried a different tack: filing an asylum claim, establishing that Martinez suffered abuse, abandonment, and neglect in his

home country, which was approved by the Miami office of the U.S. Custom and Immigration Services.

"Drew worked extremely hard as both an intern and fellow to assist Amilcar obtain immigration status. Even when not formally enrolled in the clinic, Drew dedicated significant time to Amilcar's case on a voluntary basis," says Newman, director of the Health Rights Clinic. "If not for Drew's steadfast commitment to fighting for Amilcar's rights, Amilcar would almost certainly have been deported back to the horrendous environment that he fled in Honduras."

Being Creative and Never Giving Up

"Working with Amilcar has shown me that one person really can make a difference, and I hope in the future that I can use my law degree to continue helping others," said Sarangoulis.

In the meantime, Sarangoulis is celebrating his win with his family (his younger brother is a 2L and an intern at the Health Rights Clinic) and fiancée/middle-school sweetheart, who is a research associate at the Miller School of Medicine.

"Amilcar's case has taught the importance of

being creative, even when it appears that there are no options left. At the beginning of the year, we thought we were going to be arguing on behalf of Amilcar at his deportation proceedings. Fast forward six months, Amilcar has legal status in the United States and is on the path to citizenship," says the Articles and Comments Editor of the University of Miami Law Review.

"Regardless of where I end up in the future, I will always be committed to the pro bono work I learned at Miami Law."

Health Rights Clinic & Strathclyde Law Clinic Exchange Program 2017



L to R: Daniel Piscoffano, Ilexis Mazer, Ben Brown, Amanda Tolbert, Ewan Wilson, Luiz Miranda



Front L to R: Ilexis Mazer, Miranda Hughes, Fergus Lawrie
Back L to R: Amanda Tolbert, Daniel Piscoffano, Ben Brown, Jennifer Rowlinson, Beth Kelly, Luiz Miranda

Health Rights Clinic Students Making a Difference This Summer

Christopher Ajizian, 2L	Kozyak, Tropin & Thockmorton	Miami, FL
Gina Brignola, 2L	Malloy and Malloy, P.L.	Miami, FL
Kathryn Della Fera, 2L	State Attorney's Office Cyber Crimes Department	Miami, FL
Steve Dickstein, 2L	Arnstein & Lehr	Miami, FL
Jazmine Dykes, 2L	Legal Council for Health Justice	Chicago, IL
Josh Mandel, 2L	Taft, Stettinius & Hollister	Cleveland, OH
Daniel Piscoffano, 3L	Falk, Wass, Hernandez, Corina, Solomon & Bonner, P.A.	Miami, FL
Nicole Portnov, 2L	Equal Employment Opportunity Commission Office of Federal Operations	Washington, D.C.

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Approved



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261
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to Become Lawyers



Trump must do better by Haitians than Obama did

by Patricia Elizee

Currently, an estimated 58,000 Haitians are living in the United States with Temporary Protected Status (TPS). TPS is a special immigration status meant to be temporary. It is given to foreign nationals from countries where the United States thinks that it would be inhumane to send them back because of natural disasters or civil unrest.

Haitians were granted TPS in 2010 after the devastating earthquake. It has been seven years since the designation was given, however, the country still has not recovered and there has been a series of additional disasters since. President Donald Trump need TPS for Haitians needs to be re-designated by .

Trump's USCIS director has recommended that TPS not be renewed because, according to him, conditions in Haiti no longer support the designation.

I disagree. Haiti is facing a humanitarian crisis. The possible mass deportation of Haitians from the United States will worsen the situation. The country's vulnerable infrastructure will crumble. Seven years later, Haiti still has not recovered from the earthquake. Billions of dollars were pledged to rebuild Haiti from the international community. However, the money was either mismanaged or used for other purposes, as we saw with the Red Cross debacle. With \$500 million donated, the Red Cross managed to build only six homes in Haiti. After the earthquake, U.N. soldiers dumped human remains in a river causing a cholera outbreak. The disease has killed more than 9,300 people in Haiti, and left 790,840 people sick as of August 20, 2016.

In September 2016, a Category Four hurricane, Matthew, hit the southern region of Haiti. More than 1,000 people died and more than 20,000 homes were destroyed. A larger outbreak of cholera was expected as a result of the hurricane.



Patricia Elizee is the managing partner of Elizee Law Firm. She is the immediate past president of the Haitian Lawyers Association.

President Obama's administration decided to start deporting Haitians to Haiti even after the devastation caused by Hurricane Matthew. This was a mistake and a clear disregard for human suffering.

USCIS' assertions that conditions have improved enough in Haiti to warrant a change in policy are misguided. Candidate Trump came to Little Haiti in Miami and told the community "I really want to be your biggest champion." This is the time for him, as president, to keep his promise. Renewing TPS for Haitians follows current immigration guidelines of designating a foreign country for the status. Haiti is still recovering from the earthquake, the cholera outbreak, and the recent hurricane. These 58,000 Haitian TPS holders are vetted every year. They have no criminal records, are hard-working, pay taxes, and have lived in the United States for at least seven years.

Even under Trump's administration, they do not rank high for removal priorities. At this time, it makes both logical and economic sense to renew TPS for Haitians. It will cost taxpayers more money to deport these low-priority immigrants than it would to renew the TPS designation.

Big Law IP Future for 3L Luiz Miranda in The Windy City

by Catharine Skipp



Paulo Miranda, 3L Luiz Miranda, & Senior Judge Richard Linn

Like most good sons, Luiz Miranda always wanted to make his father proud. The senior Miranda is a legend in his son's mind: a highly respected attorney on two continents, a charismatic leader who draws admirers like a Pied Piper, and a trusted advisor to his two sons.

That moment arrived last summer when the 3L J.D./LL.M. in International Law was offered a position at Mayer Brown, the storied Chicago-headquartered international law firm. Miranda called his father, catching him at dinner with family and friends in Rio de Janeiro.

"He started crying, then I started crying," Miranda says. "He had to hand the phone to my mother. He told me that he felt that it marked the moment that he had done his job as a father."

Paulo Miranda, LL.M. in Comparative Law '96, had brought his family to Miami from Brazil when Luiz was twelve. Paulo Miranda worked at Baker McKenzie, Greenberg Traurig, and Akerman, before opening his practice, though neither of his sons showed an interest in law at the time.

Luiz Miranda grew up boating. Member of the Rio de Janeiro Yacht Club, he spent practically every weekend of his youth with his family sailing Angra dos Reis, a Caribbean-like destination in Rio. When not on the water, he remained active competing in club sports – volleyball, tennis, swimming, and basketball – while operating a small disc jockey business spinning for parties and working in radio during his summers in Brazil.

He also became more technology focused, building and selling computers, and hosting bulletin boards. He continued in college, receiving a Bachelor of Science in computer science from the University of Central Florida.

"I could not see myself doing what my father does. My father is superb with people," Miranda says. "It felt like that world was very geared toward men with picture-perfect families, and I couldn't picture myself in it."

Instead, Miranda took his degree and headed to Microsoft's headquarters in Redmond, Washington, where he started out an engineer with a team in the company's support services. Over the next 13 years, he would rise into software development and design engineering, but it wasn't enough for the guy who spent his weekends alpine snow skiing and offshore boating.

"I had reached a ceiling as to where I could go in the engineering field, and I wasn't too interested in going into a managerial role," Miranda says. "I wanted to explore the passion that I had long had with the law, but with an eye toward combining it with my love of technology. I also felt that I was older and could better overcome perceived challenges of my youth."

Miranda sought the counsel of both his father and Horacio Gutierrez, J.D. '98 and then-general counsel and head of intellectual property at Microsoft. IP law seemed to dovetail nicely with Miranda's previous experience and interests.

"Once I better understood what the career was like, I felt that it would be something great to work on," Miranda says. "Even if it didn't work out in a big law way, I could always join my father's corporate law practice. It felt like a good fit."

He weighed offers from Seattle University, where he could do a night program and stay at Microsoft, and Miami Law. Ultimately, he opted for Miami, where he could engage in the law school experience full time and start building relationships in a legal community where he would someday like to work. Family, finances, and weather -- and access to year-round boating -- tipped the scales.

"With so many changes -- leaving the job I loved, changing cities and changing careers -- I thought it would all be easier to balance if I was closer to my family. And in Miami, I would have more access to the business traffic between the United States and South America, and especially Brazil," the dual citizen says.

Miranda spent his first summer at Miami Law in Washington, D.C., at the Hispanic National Bar Association/Microsoft Intellectual Property Institute, a coveted opportunity for 25 Latino law students from across the country interested in IP law. Gutierrez was one of the speakers.

With an eye toward advocacy for the underserved and gaining some real-world experience, Miranda also joined Miami Law's Health Rights Clinic and represented more than a dozen

Spanish-speaking clients, developing strategies and serving them in immigration and Social Security hearings.

"The clinic involvement was both highly rewarding and, in hindsight, critical to my growth," Miranda says. "It was exciting to help people in great need, and it left me empowered in the knowledge that I could thrive in a client-driven environment."

Miranda attended the largest IP job fair in the U.S. at Loyola University in Chicago. He landed a highly coveted summer slot at Mayer Brown, the firm that would eventually lead to a post-graduate position.

Around the same time, he was awarded an IP scholarship from The Richard Linn American Inn of the Court. "I had applied with zero expectations. The previous winners were from the very top schools," he says. "I was so pleased when I received the award."

With the award, was a fully paid trip for two to Chicago to accept at a banquet. Miranda took his father. "I thought my dad would love it. So much of what I have achieved is because of his support, advice, and acceptance," he says. "As it turned out, Mayer Brown had a table at the event. I introduced my dad and, of course, he charmed them."

When the call came from Mayer Brown, Miranda had a month to respond to the offer as a first-year associate. "It was a no-brainer," Miranda says. "It is experience second to none."

"I know I made the right decision coming to Miami Law," he says. "The experience and the opportunities have factored hugely in what I have become and where I am heading. It is more than I could have ever hoped. And I hear Lake Michigan is world class place for sailing," he says.

ALUMNI SPOTLIGHT

by Taylor N. Schmaltz

I am a staff attorney with Advocates for Basic Legal Equality (ABLE) in my hometown of Toledo, Ohio. I work in the education practice group, advocating for children and their parents to ensure that their education rights are protected. More specifically, we provide representation at school expulsion and suspension hearings, challenge the school's failure to provide appropriate special education services, and advocate against restrictive placements for students with emotional disabilities. I also work in the housing practice group, advocating for fair treatment of low-income tenants of public housing and rental property by working to increase and preserve the supply of decent, affordable housing and by improving existing housing conditions. Moreover, I am working under a grant to address systematic issues facing mental health consumers in the region.

When I entered law school, I knew I wanted to commit my career to public interest law, and my work in the Health Rights Clinic only solidified that desire. As an intern and fellow, I was constantly reminded of the struggle individuals in poverty face and just how necessary our service as lawyers is in providing access to justice for the community.

The clinic prepared me better than any other class or activity I participated in during law school. Classes and mock trials just cannot prepare you for real life cases like the Health Rights Clinic does. The practical skills I gained, such as interviewing distrustful clients, navigating difficult bureaucratic agencies, and preparing theories of my cases, are invaluable in my career now. Not only are these skills directly useful in my current position, but I believe my background in the clinic was instrumental in securing my employment.

Further, JoNel Newman and Melissa Swain were wonderful mentors. They are able to emphasize the strengths of each student clinician, while developing and improving upon their weaknesses. They continue to be useful resources as I have reached back out to Melissa for guidance as I have started my career.

I am a May 2016 graduate of the University of Miami School of Law, summa cum laude. I graduated with a BS in Political Science from The Ohio State University in December 2011, summa cum laude.

Congratulations to Kristin Kepler!



Kristin is the recipient of the John F. Evans Scholarship and the Thomas Ewald Memorial Award. This award is given to a student who best exemplifies the devotion to high standards and ethical conduct followed by Thomas Ewald. This award comes with a Montblanc pen - homage to the late Ewald, the Miami Law litigation professor who was known to carry the pen in his shirt pocket. The John F. Evans Memorial Scholarship award, which was established in 1989 in memory of John F. Evans, criminal defense attorney, former deputy chief of the US State Department's Miami Strike Force, and founding partner of the law firm of Zuckerman, Spaeder, Taylor and Evans.

3L Paper on Affordable Care Act Finalist for Prestigious Legal Writing Award

by Michelle Valencia

Third-year law student Jean Phillip “J.P.” Shami was recently named a finalist for the 23rd annual Brown Award sponsored by The Judge John R. Brown Scholarship Foundation. Shami, who serves as Executive Editor of the University of Miami Law Review, is the first-ever finalist from Miami Law in this prestigious competition.

The Brown Award recognizes excellence in legal writing. Shami’s paper, “A Promise Realized? A Critical Review of Accountable Care Organizations since the Enactment of the Affordable Care Act ” was one of five that received a cash prize.



Jean Phillip Shami

“I value my writing and strive to produce the highest quality work I can and so to be considered a finalist was very affirming,” said Shami. “It is an incredible honor to be the first student at the UM School of Law to have been named a finalist.”

Shami’s paper provides an in-depth review of the Accountable Care Organization model of care under the Affordable Care Act. It reviews the statutory language that provides the basis for the Accountable Care Organization model of care and considers the successes, and failures of the model on three main themes: cost of care, quality of care, and access to care.

“I wanted to present my paper in order to bring to light relevant topics in health law, and I was curious to see what others would think of the note,” said Shami. “While the note is legal in nature, it is written to reach an audience across multiple disciplines, including law, public health, business, and medicine.”

Professor Frances Hill is Shami’s faculty advisor and helped him develop the topic and the general framework of the paper. “Professor Hill also provided me substantive feedback to ensure that the note was thorough, timely, and beneficial to the reader,” said Shami. “Her expertise in the area allowed me to write a note that was targeted and relevant to the topic.”

In addition to his work with the University of Miami Law Review, Shami has served as past president of the Society of Bar & Gavel, as well as a legal intern for the Health Rights Clinic and a research assistant for Professor Caroline Mala Corbin.

The University of California, Berkeley graduate is working towards his joint degree in law and public health at Miami Law.

Veterans Rights Projects



Members of the Veterans Rights Project, Operation Sacred Trust Fellow Ryan Foley, and Equal Justice Works/AmeriCorps Fellows Michelle Obando and Erin Hoover work alongside Brittney Horton, Equal Justice Works/AmeriCorps Fellow at LSGMI during the 2017 Miami Community and Veterans Stand Down Event.

On Friday May 12th the Veterans Rights Project participated in the 2017 Miami Community and Veterans Stand Down Event at Lummus Park. The event is an opportunity for homeless veterans to receive medical, legal, and housing services as community providers come together in one place for an entire day of outreach. Organized and sponsored by the City of Miami, the focus of the Stand Down Event is to work towards ending homelessness.

During the event the Veterans Rights Project provided legal advice to veteran participants and assisted non-profit partner Operation Sacred Trust with gathering information to help find veterans housing opportunities. The Veterans Rights Project has been an active participant in Stand Down Events across South Florida since its inception. "The amazing efforts taken by the City of Miami and the Department of Veterans Affairs have made ending veteran homelessness an attainable goal," says Veteran Rights Project team leader Ryan Foley. "The Veteran Rights Project looks to continue to do our part to make it a reality."

Homeless Veteran Finally Housed

Mr. Rice enlisted in the United States Army shortly after the Vietnam War. Military service was a family tradition, with two brothers in the Navy, one brother in the Marines, and one brother in the Air Force. He worked as a helicopter mechanic, and after his honorable discharge used those skills to become a certified welder in a Navy Shipyard.

Sadly, Mr. Rice began to suffer from mental health issues, which in part led him to lose his job. Desperate for money Mr. Rice made a bad decision that wound up with him facing fifteen years in prison. After his release in 2001, Mr. Rice attempted to reenter the workforce, but encountered strong opposition due to his disabilities and criminal history.

Mr. Rice spent the following fifteen years traveling across the United States seeking employment. He traveled from city to city, usually by bus or train, and relied on odd jobs at different temp agencies to survive. During his travels, Mr. Rice always slept on the streets with other homeless individuals and listened to their stories, which usually centered on mental illness and substance abuse. In October 2016, Mr. Rice sought assistance from Operation Sacred Trust (OST), a nonprofit organization focused on ending veteran homelessness. It had been over 16 years since Mr. Rice had a roof over his head and he was determined to find a permanent housing solution. Since Mr. Rice had no income his case manager at OST reached out to the Veterans Rights Project to help.

Mr. Rice consulted with the Clinic who assisted him with filing a disability claim for his mental health issues. Although his claim was initially denied, with the help of his attorney, Erin Hoover, Mr. Rice won on appeal. With his monthly disability payments Mr. Rice's case manager at OST was able to assist Mr. Rice in finding a safe and secure home, and for the first time since 2001 he does not need to worry about where he will sleep at night.

Danny Rice stands in the lobby of his new apartment building with his attorney, Erin Hoover, after being homeless for 16 consecutive years.



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.

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"Over 260 students, representing over 3,000 clients, securing over \$5,000,000"

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