

CENTER FOR ETHICS & PUBLIC SERVICE NEWS

University of Miami School of Law

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CHILDREN & YOUTH LAW CLINIC: A DECADE AND A HALF LATER

By Clinical Professor Bernard Perlmutter-CYLC Director



Bernard Perlmutter
CYLC Director

The fall 2009 semester marks the start of the 15th year of the founding of the Children & Youth Law Clinic. Although we did not open our doors until the spring 1996 semester, we had established temporary offices on campus and were hard at work planning and organizing our new clinic. Since the UM law school had never housed a live-client clinic, we began with a blank slate, although we were able to visit and borrow ideas from several venerable clinics at Chicago-area law schools. It is hard to conceive that our modest experiment in clinical education, which was initially given a one-year lease, renewed tenuously on an annual basis for nearly a decade, is now an established component of the law school, sought out by record numbers of students, celebrated nationally as a preeminent advocacy organization for the advancement of the legal rights of children, and one of several in-house clinics that have since been established at our law school.

Over the past decade, three core ideas have animated our clinic: First, to represent the “whole” client by providing “holistic” legal services in areas ranging from dependency and foster care, delinquency, public benefits, health care, mental health, disability, education, and immigration. Second, to engage in innovative appellate, legislative and administrative advocacy and law reform litigation for our clients—children and adolescents in the state foster care system. Third, to use principles of “therapeutic jurisprudence” in our direct service and high-impact advocacy. Therapeutic jurisprudence is a field of social inquiry with a law reform agenda that studies the ways in which legal rules, procedures, and the roles of legal actors produce therapeutic or anti-therapeutic consequences for those affected by the legal process.

By casting our advocacy mission in this way, and integrating it into the clinic’s teaching mission, our students have learned to be versatile problem-solvers for their clients; to see the “big” picture and to use a variety of legal strategies and tools to help clients; and to listen to their clients and promote positive therapeutic outcomes for them as they navigate through the often emotionally arduous legal process.

A few recent examples illustrate how CYLC students have applied these approaches in their clinic work. Our students successfully represented “Gina”, a 22-year old former foster youth with two children. Over the last two years, the clinic obtained a domestic violence injunction against her former boyfriend; negotiated the speedy resolution of a dependency case when Gina’s children were temporarily removed from her custody; obtained day care services from her foster care agency; resolved a landlord-tenant dispute; and obtained a custody and child support order from the family court. In addition to providing specific legal remedies, this advocacy has allowed Gina the stability to provide for her children, get married, work and attend school.

CYLC students represented “Fernando” in an administrative hearing after the Department of Children and Families (DCF) cut his Road to Independence (RTI) benefits. RTI is a stipend that is the equivalent of minimum wage available to former foster youth between the ages of 18 and 23 who are enrolled in school full-time and making satisfactory progress. DCF terminated Fernando’s benefits due to his failure to attend school because of a chronic and acute health condition. The students subsequently appealed the DCF decision denying a reasonable accommodation under the Americans with Disabilities Act to the Third District Court of Appeal. A certified legal intern presented a polished oral argument, but the appeals court ruled that the agency decision was supported by substantial, competent evidence. Although we were unable to use this case to expand ADA accommodations under the RTI statute for youth with medical disabilities, the DCF secretary was moved by the client’s predicament and offered to settle the case. Our legal intern negotiated a favorable settlement for Fernando in which the agency agreed to enroll our client in an online educational program, purchase him a laptop computer, provide him a tutor, and make available support services through his 23rd birthday.

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CENTER AWARDS

- EXEMPLARY SERVICE TO THE POOR AWARD, UNIVERSITY OF MIAMI SCHOOL OF LAW, 2009
- INNOVATIVE SERVICE IN THE PUBLIC INTEREST AWARD, UNIVERSITY OF MIAMI SCHOOL OF LAW, 2009
- CLEA OUTSTANDING STUDENT AWARD, CLINICAL LEGAL EDUCATION ASSOCIATION, 2009
- INNOVATIVE SERVICE IN THE PUBLIC INTEREST AWARD, UNIVERSITY OF MIAMI SCHOOL OF LAW, 2007
- WILLIAM PINCUS AWARD, ASSOCIATION OF AMERICAN LAW SCHOOLS, 2006-2007
- FATHER DRINAN AWARD, ASSOCIATION OF AMERICAN LAW SCHOOLS, 2006-2007
- 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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CYLC interns worked on an *amicus* brief filed in the Florida Supreme Court supporting a proposed rule of juvenile procedure that would ban the indiscriminate shackling of children in delinquency court hearings. Their brief marshals constitutional and statutory argument, in addition to therapeutic jurisprudence research and scholarship, to critique the practice of forcibly restraining juveniles in court proceedings. The brief argues that blanket shackling policies create self-fulfilling prophecies. Treated like deviants, shackled children act the part. The brief contends that shackling stigmatizes and harms children, violates due process norms, and vitiates the aims of the juvenile justice system.

Beyond our direct services advocacy for clients, we participate in the Florida Bar Foundation-funded Children's Legal Services grant program as one of five statewide children's advocacy projects. As these examples show, individual client cases handled by the CYLC are complex, raise novel or cutting-edge legal issues, and strive to effect broader statewide systems change through test case litigation, appellate, *amicus*, legislative or administrative advocacy.

The 28 interns and fellows who participated in the CYLC in 2008-09, like their predecessors over the previous 13 years, gained invaluable exposure to real clients with real legal problems, and through the supervised legal practice opportunities of the clinic experience, honed fundamental lawyering skills that enabled them to sharpen their understanding of professional responsibility. We thank all of them for their energetic, thoughtful and creative advocacy this year.

We are immensely grateful to the Florida Bar Foundation for its continuing generosity in supporting our work.

OUR CLINIC WELCOMES

Carolina Guacci who has joined the University of Miami School of Law with the Children & Youth Law Clinic as a Visiting Instructor/Staff Attorney. She is the newest addition to the growing clinical setting at the law school. She earned a B.A. from the University of Florida with a dual-major in Philosophy and Gender Studies. She later received her J.D. from the City University of New York School of Law (2004). While in law school, she participated in the Economic Justice Project and with Equality Concentration, two of CUNY's well-established legal clinics. She was awarded a Public Interest Law Association fellowship and UJA scholarship. From the beginning of her career Guacci has helped strengthen the under-represented of New York City through a combination



of direct service, research, community education and support by working with the Peter Cicchino (LGBTQ) Youth Project at the Urban Justice Center, the Puerto Rican Legal Defense and Education Fund, and Main Street Legal Services. Guacci will now continue her mission of practicing law in the "services of human needs" by working with the strong, passionate, and dedicated team of the CYLC. Prior to joining the University of Miami, Guacci was a Staff Attorney with The Legal Aid Society's Juvenile Rights Practice in Queens, New York representing and defending indigent children in juvenile delinquency proceedings.

ALUMNAE SPOTLIGHT ON FORMER CEPS FELLOW MICHELLE HOLMES JOHNSON

Michelle Holmes Johnson is an associate in the Disputes practice at White & Case LLP. Michelle's practice focuses on complex commercial litigation. Before graduating from the University of Miami School of Law in 2008, Michelle worked as an intern and then a fellow in the Community Health Rights Education Clinic, now known as the Health and Elder Law Clinic. There, Michelle advocated for clients who faced legal problems that challenged their ability to cope with their life-threatening illnesses or disabilities. One of those clients was a migrant farm worker who suffered a debilitating brain injury after a drunk driver crashed into his vehicle. As an alumna and practicing attorney, Michelle, with the support of White &



Case's pro bono program, co-represented this individual at oral argument before the Florida First District Court of Appeal. Although the outcome of the case was not what they had hoped, Michelle loved working with the current Health and Elder Law Fellows through the appeal. She hopes the next time the students in the Health and Elder Law Clinic are looking for co-counsel, they'll think of her.

ETHICS EDUCATION

THE JOINT PROGRAM ON LAW, PUBLIC POLICY & ETHICS

By Director Aziza Naa-Kaa Botchway

The Joint Program on Law, Public Policy & Ethics (“LPPE”) enjoyed another semester of growth and tremendous engagement of the undergraduate and entire university community. LPPE Fellows and Interns continued our tradition of conducting policy discussions and *Know Your Rights and Responsibilities* presentations for undergraduate classes. Arts & Sciences Fellow **Kevin J. McCarthy** and Intern **Scott F. Roberts** discussed the Everglades Restoration Project in **Professor Teresa Hood’s** Contemporary Environmental Issues course.

Interns **Heather DiGorgio**, **Thomas Hart**, **Megan Sayers** and **Christina Zuccaro** conducted a presentation on same-sex marriage for **Professor Gema Pérez-Sánchez’** Queer Studies course. Meanwhile, Arts & Sciences Fellow **Erin Powell**, assisted by interns **Joanne Baxter**, **Misbah Farid** and **Claire Zovko**, conducted a presentation on Intellectual Property rights for **Professor Richard Freedland’s** course in the Intensive English Program. Interns **Thomas Hart**, **Helena Levitz**, **Megan Sayers** and **Patrick Sullivan** conducted a presentation about HIV/AIDS and the law for my Law, Culture and Society course. Additionally, Arts & Sciences Fellow **Sara P. Neugroschel** continued in her role as undergraduate intern coordinator.

We are excited to be finishing up the process of editing our documentary tentatively titled “Defenseless,” about the criminal justice system which focuses on the Miami-Dade Public Defender’s Office’s struggle to manage excessively high caseloads while still providing effective assistance of counsel in the midst of historic budget cuts. The post-production process was coordinated by Arts & Sciences Fellow **Christina Cicconi** and **Christopher Alzati** and interns **Erin Anapol**, **Cristina Ayo**, **Adriana Kiszynski**, **Tiffany Mathias**, **Brittany McFadden**, **Michelle Mills** and **Patrick Sullivan**.

Interns **Christina Zuccaro**, **Cristina Ayo** and **Nicole A. Tugdarian** planned and hosted a viewing and discussion of the academy award winning documentary “Taxi to the Dark Side” about the torture practices implemented in Afghanistan, Iraq, and Guantanamo Bay, Cuba. We hosted a joint presentation with award winning author and former Fulbright Senior Research Scholar **Professor M. Evelina Galang** who discussed her intriguing work on the Filipina Comfort Women of World War II. Ethics and Professional Responsibility (EAPR) intern **Stephanie Moncada** discussed her work on “Rape as a Tool of Aggression Used During War in the Democratic Republic of the Congo.”

Intern **Edlyn Hernández** showed great leadership as she founded and chaired the Inaugural Miami Youth Leadership Retreat (“MYLR”). **Edlyn** worked with a fabulous management team which included interns **Genevieve Carvil**, **Ashley Hutt**, **Marco Jovovich** and **Zena M. Sabell**. MYLR is a dual purpose program focused on developing the next generation of community leaders in Miami.

The Retreat’s first objective is to afford underserved high school students the opportunity to develop their individual potential. MYLR helps students become familiar with the college admissions process, college entrance exams, and financial aid. This year MYLR fellows were recruited from Hialeah Senior High School and Miami Carol City High School. The Retreat’s second objective is to encourage community development by actively fostering cross-cultural dialogue and service among diverse high school students. Our goal is to enable students to achieve their educational objectives and inspire students to become citizen leaders in Miami. We are thankful to the Congressional Hispanic Caucus Institute (CHCI) and **Luis Sergio Hernandez Jr.**, President of CHCI Alumni association Miami Chapter, for sponsoring the inaugural Annual Mentor/Mentee Reception which involved young professionals from the UM Medical and Law Schools as well as from the greater Miami community as mentors.

LPPE had a great semester and we hope to continue our work for a long time.



(l to r) Undergraduate Ellen Osbinsky, Intern Scott F. Roberts, Arts & Sciences Fellow Kevin J. McCarthy and Professor Teresa Hood



(l to r) Intern Michelle Mills, Miami-Dade County Chief Assistant State Attorney Don L. Horn, and LPPE Director Aziza Naa-Kaa Botchway after interviewing Mr. Horn for the documentary, “Defenseless.”



(l to r) Interns Stephanie Moncada and Michelle Mills with award winning author and Professor Evelina Galang

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LEGAL EDUCATION

MIAMI STREET LAW: TEACHING LAW IN THE COMMUNITY

By Director Karen Throckmorton

“The empires of the future are the empires of the mind.”
Winston Churchill

As we conclude our twelfth year of teaching law to teenagers, we rejoice in the impact on our community. Since 1996 through Miami STREET LAW, law students have given over 26,000 hours of service to the community and over 11,000 students have been taught and challenged to analyze cases, statutes, and ethical dilemmas. We currently teach law and civics in thirteen classes at seven schools. Our focus has been on litigation exercises to teach law, encourage public speaking, and train students to be advocates. To that end, street lawyers have perfected the teaching and coaching of mock trials and oral arguments at every venue.

At Miami Senior High, **Hunton & Williams Fellow Nick Lewis** reports, “The STREET LAW team brought the courtroom to the class in teaching courtroom conduct, practice, and procedure to the students.” These lessons culminated in two mock trials judged by Advisory Board member **Juan Enjamio** of Hunton & Williams and by **Judge Angel Cortinas** of the 3rd District Court of Appeal for Florida. Defense of a teen who had killed his stepfather raised an innovative defense of “child abuse syndrome.” Nick and Interns **Tara Mathena** and **Stefanie Phillips** taught a series of lessons on Constitutional law and ethics highlighting the legislative process and vehicles for the redress of grievances.

Teachings at the correctional Bay Point School allowed students to build a case for trial by showing portions of the film, “My Cousin Vinny” which process **William M. Hoeveler Fellow Matthew Tannenbaum** described as “collaborative, exciting and rewarding.” Teachings by Matt and Interns **Marissa Gart**, **Joe Neely** and **Jesse Soffer** addressed a variety of issues such as decriminalization, attorney/client privilege, obscenity, gay adoption, tenant’s rights, intellectual property and strict liability under Tort law. In teaching about the attorney/client privilege, Intern **Jesse Soffer’s** goals were that the convicted teens would “place more faith in our legal system” and “communicate more openly and honestly” with their attorneys.

At W.I.N.G.S. (Women In Need of Greater Strength) for Life, a correctional school for pregnant teen-aged girls, **David P. Catsman Fellow Veena Gursahani** designed a three-part curriculum



Interns **Tamara Kosic** and **Sara Mantin** teaching law at W.I.N.G.S. for Life

which teaches how a bill becomes a law, the fundamentals of the court system, and the purposes of the pretrial proceedings. Explains Veena, “Despite having gone through the court system, these students do not understand what happened, or how their pleas or trials fit into the bigger system.” Interns **Tamara Kosic** and **Sara Mantin** coached the students through their first Mock trial on an assault and

battery case. Here are Tamara’s reflections on this challenging work: “Teaching various lessons to the young ladies at WINGS for life...has been an eye opening, heart-wrenching experience that has enabled me to learn more about the law than any law school class has. The questions and concerns we research each week to answer questions asked by the girls, have allowed us to explore the legal field through a vastly real, different lens only gotten through human interaction and shared experience.”

At Coral Gables High, **Peter R. Palermo Fellow Shabnam Khalili** and Intern **Arye Emert** addressed issues such as privacy, random drug testing, and DUIs. Arye stated, “It was my goal this year to extend past the law lesson so that students would discuss real-life issues currently facing them.” At Palmetto High School, students competed in the “We the People” and High School Mock trial competitions with great coaching by Interns **Eric Reisman** and **Raquel Rodriguez-Albizu** under the leadership of **Kozyak, Tropin & Throckmorton Fellow Shawna Young**.

In April, we conducted our 3rd annual spring Law Immersion program with students from Coral Gables, Miami Senior and Palmetto High schools. In this intensive three day program, 24 teens studied litigation skills



Judge **Paul Huck** swearing in **Mobammad Arsalan** of Coral Gables High School during a STREET LAW mock trial

under **Professor Terence Anderson**. **Shabnam Khalili** and **Stefanie Phillips** were captains of the litigation teams. After two days of study, the students tried a negligent storage of a firearm torts case in federal court. **United States District Judge Paul Huck** presided over the first trial and **United States Magistrate Judge Patrick White**, a former Street Lawyer in law school, presided over the second trial. Both judges showed exemplary patience and guidance to these brave teens. **Shawna Young** described the law immersion program as the “highlight of the year.”

Our last venue is the honors undergraduate class, “Law, Public Policy & Ethics” which teaches Supreme Court cases and ethical analysis. Undergraduate Intern **Carrie Hanson**, the Teaching Assistant, remarks that she “has enjoyed hearing from and debating with two classes of Professor Throckmorton’s undergraduate students, with points of view spanning the ideological continuum.” A complex and successful semester in Miami STREET LAW.



UM President Emeritus **Tad Foote** with Street Lawyers **Eric Reisman** and **Tara Mathena** judging an oral argument on an affirmative action case

ETHICS EDUCATION

ETHICS AND PROFESSIONAL RESPONSIBILITY

By Director Jan Jacobowitz

The Ethics and Professional Responsibility Program (EAPR) had another terrific semester of teaching legal ethics symposia. The students' interaction with members of the legal community provides an invaluable opportunity to learn about the reality of the practice of law. The CLE seminars are interactive so that the attorneys discuss ethics with the students. The roundtable luncheons that are held for the law students create an intimate environment in which students have a chance to speak with attorneys from the legal community. The following is a brief overview of the ethics trainings this semester:

Ethics CLE Seminars

The semester began with a visit to the State Attorney's Office where **Interns Rachel Dubin** and **William Nicholson** facilitated a conversation concerning ethical issues for the prosecutor. Thanks to ASA's **Tom Headley** and **Susan Dechovitz** for their support of the program.

Interns Lisa Atkins, Paul Juster, and Will Wenke explored ethics and immigration law at the Florida Immigrant Advocacy Center. Thanks to FIAC attorney **Mary Gundrum** for her terrific insight and participation.

Lewis B. Freeman & Partners Fellow Janelle Herrera and Intern **David Rosenbaum** considered ethical issues surrounding the attorney client relationship at Legal Aid of Dade County Bar Association. Thanks to Legal Aid attorney **Juanita Cendan** for her guidance.

Steven E. Chaykin Fellow William Seitz and **Bankruptcy Bar Association Fellow Rahim West**, provided a program for Greenberg Traurig's bankruptcy department. Thanks to Shareholder **Jeff Gilbert** who facilitates the program. EAPR returned to Greenberg Traurig later in the semester with **Greenberg Traurig Fellow David Snyder** and Intern **William Nicholson** to discuss an attorney's ethical duties in dealing with corporate clients.

EAPR debuted its program at the Public Defender's Office with a training by the **Ray H. Pearson Fellow Aaron Blynn**, and Intern **Rachel Dubin**, to discuss ethical issues confronting a criminal defense lawyer. Thanks to Assistant Public Defender **Robert Coppel** for coordinating our efforts. EAPR also presented a Spirituality and the Law Luncheon Panel. Thanks to panelists, **Professor William Blatt, Professor Charlton Copeland** and **Scott Rogers**, Director of the Institute for Mindfulness Studies for the thought provoking discussion moderated by **Robert A. Ades Fellow Kevin Harris** and **Neal R. Sonnet Fellow Ingrid Garcia Ruiz**.

EAPR presented ethics seminars for the Florida Association of Women Lawyers (FAWL) and The Dade County Bar Association (DCBA). **Robert A. Ades Fellow Karen Shafir** and Intern **Rehka Rangachari** led the discussion at FAWL's Lunch n'Learn Program. Thanks to FAWL President **Stacey Koch** for inviting us and to **Katherine Ezell** for hosting the luncheon. Fellow **Ingrid Garcia Ruiz** and Interns, **Bryan Harrison** and **Paul Masdeu** spoke at the DCBA's Professionalism and Ethics Seminar. Thanks to DCBA President **Tim Ravich** and **David Miller** for including EAPR in the seminar.

Finally, EAPR continued its long standing program with the Bankruptcy Bar Association (BBA) and discussed ethical issues in a

bankruptcy practice in both the Miami-Dade and Broward Bankruptcy Courts. **Fellow Kevin Harris, Steven E. Chaykin Fellow Steve Sarrell, and Fellow Rahim West** created and presented the program. Thanks to **Patricia Redmond, Judge Laurel Isicoff, Judge Robert Mark, and Judge Jay Cristol** for assisting. Thanks to **Judge Mark** and **Judge Isicoff** for joining the discussion in Miami-Dade and to **Judge Olson** and **Judge Ray** for facilitating the conversation in Broward. Thanks to **BBA President David Rosendorf** and **Julie Hough** for coordinating and supporting the program.

Roundtable Luncheons

Five enlightening and entertaining roundtable luncheon discussions were held thanks to **Lewis B Freeman & Partners**.



After the roundtable, *Lawyers as Entrepreneurs-Traveling Beyond the Legal Profession*, (l to r) **Dean Paul Verkuil**, Advisory Board member **Lew Freeman**, moderator **Greenberg Traurig Fellow David Snyder**; **Stuart Miller**, President & CEO of **Lennar Corporation**

Other roundtable topics included:

Dispute Resolution: The Lawyer as Peacemaker with panelists **Elaine Feldman, George F. Knox, Kevin D. Rosen, and Melvin Rubin** and moderated by **Bryan Harrison** and **David Rosenbaum**.

Ethical Decision-Making in Government with panelists **Joseph M. Centorino, Jacqueline H. McNair** and **Alicia Valle** and moderated by **Jason Brodsky** and **Christina Carr**.

Ethics and Professionalism: Legal Activism—"Don't Ask, Don't Tell" with panelists, **Emilly Hecht, Aziza Naa-Kaa Botchway** and **Brian Fricke** and moderated by **William Wenke**.



Minority Leaders in the Legal Profession Roundtable-Navigating the Road to Success with panelists (l to r) **Cesar L. Alvarez** of **Greenberg Traurig**; **Kisha'sha B. Sbarpe**; **Sbaraine Sibbles**, of **Carlton & Fields**, Intern **Paul Masdeu**, **Maria T. Currier** of **Holland & Knight**; **Robert A. Ades Fellow Kevin Harris**

PUBLIC SERVICE

COMMUNITY DEVELOPMENT CLINIC: PROGRESS IN LIBERTY CITY AND THE GROVE

This spring, the Community Economic Development and Design Clinic (CEDAD) students focused on building the community and aiding impoverished residents.

In Liberty City, **Greenberg Traurig Fellow Sharif Hannan**, and Interns **Rebecca Sarinsky**, **Babak Farohideh**, **Kelly Childers**, **Sara Narkes** and **Daniel Glass**, under the supervision of attorneys **Charles Elsesser** and **Purvi Shah**, interviewed former residents of the Scott & Carver Homes, a public housing project in Liberty City that once housed 826 families. In 2001, the project was demolished as part of the city of Miami's participation in HOPE VI, a controversial HUD program that forced most of its former residents to relocate, leaving some homeless. Additionally, interns researched and drafted memos in the areas of housing law, land development, administrative law, and government contracts. This research along with information from the interviews aided Florida Legal Services ("FLS") in litigating against the Miami-Dade Housing Agency and the Department of Housing and Urban Development. This forthcoming lawsuit will seek to compel these agencies to rebuild public housing in Liberty City.

Further, the interns conducted extensive research regarding recently passed and proposed legislation in the area of mortgages, foreclosures, and housing code enforcement on the city, county, and state level. The research sought to identify progressive and equitable housing legislation implemented in other states to help FLS's campaign for fair, affordable, and equitable housing in Florida.

In January 2008, CEDAD focused on Miami's distressed Coconut Grove Village West community. Due to increased gentrification, the needs of the community, whether legal or non-legal, were largely unmet. Thus CEDAD began the Historic Black Church Project spearheaded by **John B. Alfieri Fellow Joy Harrison** and **John Hart Ely Fellow Chris Jallo**. Joy and Chris, as well as interns **Marya Farah**, **Kim Salamone**, **Shannon Greco**, **Katie Ainsworth** and **Netali Peles**, worked tirelessly to expand CEDAD's outreach in Village West. The goal is to provide multi-disciplinary resources in education, law, and social services to under-served Village West residents by establishing congregation-based church partnerships through Village West's sixteen-church Ministerial Alliance. The interns created five interrelated initiatives. First: **rights education seminars**. The church-based education seminars addressed a wide range of topics affecting Village West residents, including *voting rights, public assistance, education, elder law, tenants' rights, student rights, homeowner protection, and crime prevention*. The trainings have been at various churches and at youth centers including St Alban's Child Enrichment Centers as well as the Barnyard.

The Project's second initiative involves **institutional capacity building workshops** which focus on economic development, financial literacy, and nonprofit governance for individuals, groups, and organizations. Interns have provided assistance to nonprofit organizations in acquiring 501(c)(3) status and non-profit organizational matters such as drafting



*CEDAD Interns (l to r)
Katie Ainsworth,
Shannon Greco,
Kimberly Salamone,
Netali Peles and
Marya Farah at the
Greater Saint Paul's
AME church in
Coconut Grove*

articles of incorporation, corporate bylaws and membership protocols.

The Project's third initiative involves **referrals for legal assistance**. The interns provide direct service and law reform representation to indigent clients in Coconut Grove through cooperation with the Miami-Dade County Bar Association, the Wilkie D. Ferguson Jr. Bar Association and other volunteer lawyers in Miami-Dade County.

Fourth: An **oral history church archive**. Currently, the oral histories of congregation and ministry members are being conducted by Ransom Everglades High School students and undergraduate students from University of Miami's College of Arts and Sciences, and videotaped by University undergraduate students from the Schools of Communication and Law.

The Project's fifth initiative involves the establishment of a **national consortium on campus-church-and-community collaboration**. The interns are linking colleges and universities to new community-based campus-church collaborations through conferences and publications addressing faith-inspired civic engagement and service-learning higher education. This initiative involves the "**Painting the Black Churches**" project. Painting Black Churches is a multi-media project that seeks to develop programs in the arts (painting, dance, music, photography, theater, and oral history) celebrating Village West's Historic Black Churches. The project will culminate with the creation of a book documenting the program which will serve as a living history of the community.

When the project began, some community leaders were skeptical as a result of past false hopes and promises by other community organizations. However, one church, Greater St. Paul's AME Church lead by **Reverend Jessie Harvin** was willing to give the project a chance. In less than one year the Project has expanded its outreach to six additional churches and the community at large has welcomed the Project.

New collaborations have been established with the Miami-Dade Bar Association, Wilkie D. Ferguson Jr. Black Bar Association, Black Law Students Association, Coconut Grove Ministerial Alliance, Inc., St. Alban's Child Enrichment Center, the Barnyard, and the McFarlane District Taskforce. Greenberg Traurig, LLP and Hogan & Hartson, have been supportive. Specifically, the students work with Advisory Board member **Porpoise Evans** of Greenberg Traurig and **Joseph Hernandez** from Hogan & Hartson.

Notwithstanding the short period of time that this project has been implemented, CEDAD hopes to further these efforts indefinitely with additional initiatives and in new communities.

PUBLIC SERVICE

HEALTH AND ELDER LAW CLINIC TACKLING NEW SOCIAL AND LEGAL ISSUES

By Florida Bar Foundation Fellow Dana Foley

The Health and Elder Law Clinic offers a broad range of free legal services to indigent clients, many of whom are affected by HIV/AIDS. Student interns in the clinic conduct weekly intake interviews with potential clients at Jackson Memorial Hospital and analyze the clients' cases with supervising attorneys. Throughout the 2008-09 academic year student interns managed 184 open cases; successfully represented 28 clients in various stages of Supplemental Security Income Claims with the Social Security Administration; successfully represented 6 clients in naturalization proceedings before the Department of Homeland Security and assisted clients in attaining Lawful Permanent Residence status. The students completed sets of permanency planning documents (wills, designations of health care surrogate, pre-need guardianships, etc.), for more than 13 clients. The Clinic prides itself in offering "holistic" legal services to its clients, meaning that it will assist them with their full range of legal needs where appropriate.

In keeping with the holistic approach to the delivery of legal services, this semester Fellows **Jessica Melia** and **Daniel Whyte**, took on a unique immigration issue that is unlike anything the clinic has previously handled. The client, a gay man originally from Venezuela, fled with his partner, a United States citizen, to Miami. The client sought a social membership asylum claim based on his sexual orientation and HIV status, claiming that his past experiences in Venezuela amounted to persecution and that he had a well founded fear of future persecution based on a cultural pattern or practice of persecution against sexual minorities in Venezuela. The client's case had been through several hearings and appeals before he turned to the Health and Elder Law Clinic for help.



Florida Bar Fellows Daniel Whyte and Jessica Melia

In January, Melia and Whyte attended a master hearing in front of an Immigration Judge. The individual merits hearing

was set for March. Melia and Whyte worked over 100 hours preparing for the hearing, spent their entire Spring Break working on the case; submitted a 35 page brief complete with exhibits; and consulted with and retained experts on the social and political conditions affecting sexual minorities and the HIV positive population in Venezuela. To further prepare, Melia and Whyte conducted a mock hearing with the client in front of the other fellows and interns of Health and Elder Law Clinic, who offered feedback in preparation for the hearing.

On the day of the hearing, Melia and Whyte presented witnesses who were cross-examined by the Department of Homeland Security, conducted direct examination of their client and other witnesses, and offered telephonic expert testimony. The case was continued until September for the purpose of adding live expert testimony. The Immigration Judge was impressed with Melia and Whyte's professionalism and advocacy skills, and complemented them from the bench. While both Melia and Whyte are graduating in May, both plan to represent the client at the September hearing.

Interestingly, the client and his partner have been together for over 15 years and would marry if Florida laws allowed for such a union. Under current immigration law, a heterosexual couple could marry and the citizen spouse would be able to petition for his or her spouse to gain legal residency. Under current Florida law same sex partners do not have this option. The Department of Homeland Security does not recognize gay marriage even in jurisdictions where it is legal. Newly proposed legislation seeks to remedy this inequity.

Currently, Senator Kerry is co-sponsoring proposed legislation called the Uniting American Families Act. This legislation would add "permanent partner" and "permanent partnership" after the words "spouse" and "marriage" in the relevant sections of the Immigration and Nationality Act. Under this proposal, a "permanent partnership" would be defined as a "committed, intimate relationship" with another adult "in which both parties intend a lifelong commitment." The partners must also be unrelated, financially interdependent, and not married to or in a permanent partnership with anyone else. The immigration benefits conferred by the proposed legislation would carry the same restrictions that apply to heterosexual marriages (fines and sentences for sham marriages). Ultimately this legislation would ensure that the family benefits and values under current immigration law are extended to gays and lesbians. The legislation would place the United States on par with sixteen other countries (including Australia, Brazil, Canada, Israel, South Africa, and United Kingdom), which allow residents to sponsor same-sex permanent partners for immigration benefits.

This case illustrates the complex important work being done in the Health and Elder Law Clinic.

**University of Miami
School of Law
Center for Ethics
& Public Service**

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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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Judge William Hoeveler surrounded by (l to r) the William M. Hoeveler Fellow Matthew Tannenbaum, Hoeveler Award recipient Judge Donald Graham, and Dean Paul Verkuil



Advisory Board Members Judge Jacqueline Hogan Scola and Judge Laurel Isicoff at the Hoeveler Award Ceremony



(l to r) Luis Sergio Hernandez, Jr., Interns Genevieve Carvil, Edlyn Hernandez, Zena M. Sabell, Marco T. Jojovich and Director Aziza Botchway at the Miami Youth Leadership Retreat created by Edlyn Hernandez



(l to r front) George F. Knox, Elaine E. Feldman, Melvin A. Rubin, Kevin D. Rosen. (l to r back) Interns David Rosenbaum and Bryan Harrison, and Director Jan L. Jacobowitz after the panel discussion on dispute resolution



(l to r) Advisory Board member Juan Enjamio surrounded by Street Lawyers Tara Mathbena, Viki Quintana, Stefanie Pbillips, and Christopher Pbillips



Judges Peter R. Palermo, Donald Grabam and Ned Davis at the Hoeveler Award Ceremony