

CENTER FOR ETHICS & PUBLIC SERVICE NEWS

University of Miami School of Law

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Spring 2004

A NOTE FROM VISITING SENIOR FELLOW LAURA WALKER



Laura Walker

In the spring of 2004, seventeen pioneering undergraduate students joined the Center for Ethics & Public Service as interns in the newly established joint venture project between the Center and the College of Arts & Sciences. Bright, dedicated, and eager to learn, these undergraduate interns participated in practice groups, and colloquia, expanded their understanding of our community, discovered new career paths, and found their lives changed. Through the internship program, they experienced new opportunities for service to the community, discovered the joy of interdisciplinary collaboration, and enhanced their own skills through numerous leadership training events. In its first year, the College of Arts & Sciences Colloquia has blossomed into a substantive and

invaluable addition to the undergraduate programs of the University of Miami College of Arts & Sciences.

I have thoroughly enjoyed my role this year as Senior Visiting Fellow. Again and again I have been impressed by the quality of the Center faculty and staff, the dedication of the law student fellows and interns, and the depth and breadth of the Center's programs in ethics and public service. It has been an honor to be part of the expansion of this meaningful work so that now undergraduates can be mentored by law students and fellows.

It has been a fine start. I look forward to the future growth and development of the Center undergraduate internship program. Judging from the number and quality of the applicants for 2004-05, the College of Arts & Sciences Colloquia promises to become a significant and noteworthy addition to the Law School and the College. I am proud to count myself as one of its founders.

ETHICS EDUCATION

For Middle School, High School and College Students

COLLEGE OF ARTS & SCIENCES COLLOQUIA:

CREATING PARTNERSHIPS ACROSS THE CAMPUS AND COMMUNITY

By Visiting Senior Fellow Laura Walker

The joint venture partnership initiated this year between the University of Miami School of Law Center for Ethics & Public Service and the College of Arts & Sciences has promoted collaboration and advanced interdisciplinary programming across the University and in our greater community. The focus this year has been on the creation of: (1) Undergraduate internships; and (2) Educational symposia and programs. We greatly appreciate the support of **Vice Provost James Wyche** in the collaboration.

The Undergraduate Internship Program

For spring 2004, the Center recruited and selected seventeen talented undergraduate interns. Special thanks to **Cie Chapel**, UM Asst. Director of Student Activities and Leadership Programs, for her assistance in the selection process. These students worked with law students and professors in our Bar & Bench, Education, and Pro Bono practice groups, attended leadership programs and seminars, and participated in the weekly Monday practicum.

In an evaluation retreat held on April 26, the undergraduate interns described their semester as meaningful, interesting, and life-changing and articulated the strengths of the program:

- Practicum experiences that expanded their understanding of community needs and issues
- Participation in meaningful service to the greater community
- Introductions to and networking with community leaders
- Opportunities to discover and/or rethink career paths, particularly in public policy and public interest fields
- Access to thought-provoking and inspiring guest speakers
- Mentoring by law students and professors

CENTER AWARDS

- CIRCLE OF OMICRON DELTA
KAPPA NATIONAL LEADERSHIP
HONOR SOCIETY, 2002
- MIAMI-DADE COUNTY
COMMISSION ETHICS & PUBLIC
TRUST *ARETE* AWARD, 2001
- SEVENTH ANNUAL
PROFESSIONALISM AWARD,
THE FLORIDA BAR, 2000
- FACULTY PROFESSIONALISM AWARD
FLORIDA SUPREME COURT,
1999
- GAMBRELL PROFESSIONALISM
AWARD AMERICAN BAR
ASSOCIATION, 1998

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& PUBLIC SERVICE**

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ETHICS EDUCATION

For Middle School, High School and College Students

continued from page 1

With the eleven newly selected students for 2004-05, the program grows to 23 Center undergraduate interns in the fall.

College of Arts & Sciences Symposia and Events

During the 2003-04 year, the College of Arts & Sciences Group has sponsored more than fifteen events with various groups and departments including:

The College of Arts & Science Departments of Art & Art History, Biology, History, Philosophy, Psychology, Religious Studies, and the Program in Afro-American Studies; The School of Communication Department of Broadcast Journalism; The School of Education; The School of Engineering; The Chaplains Association; The Student Activities and Leadership Programs; Toppel Career Center; Phi Alpha Delta (Pre-Law Society), Hispanic Scholarship Fund, Solutions, Honor Students Association, and College Republicans; Butler Volunteer Services Center; and the School of Law.

In total, 930 students planned, attended, and/or participated in these programs. Student leaders for the events included **Arts & Sciences Fellow Hilton Napoleon** and Intern **Nicole Sieb**, Law Interns **Melissa Cardoza**, **David Hill**, and **Mary Wiethorn**, and Undergraduate Interns **Jamila Bouabid**, **Peter Gauthier**, and **Christina Tener**.



Special thanks to Graduate and former Palmer Trinity Fellow Patrice Behnstedt who volunteered for the Center for over three years in the Education projects.

PALMER TRINITY AND HUNTON & WILLIAMS SPONSOR HIGH SCHOOL ETHICS PROGRAMS

By Karen Throckmorton

As I come to the end of my third year with the Center, I am once again amazed at the generosity of our sponsors and the caliber and dedication of the Fellows and Interns in the Center. Palmer Trinity School and Hunton & Williams have sponsored ethics outreaches to high school students for four years.

Spring 2004 was busy and productive for 26 law students as we reached out to our community through this "Street Law" project which we call the "Education Group." All students excelled in the core projects which included:

- weekly ethics teachings at both Miami Senior High and Palmer Trinity School;
- Mock Trials and Debates at Palmer Trinity School;
- coaching the Miami Senior High Mock Trial Team;
- assistant teaching the undergraduate course, "Law, Public Policy & Ethics;" and
- ethics events at the Law School.

In connection with the weekly ethics teachings, law students taught in two classes at Miami

Senior High and in three classes at Palmer Trinity, reaching over 100 students weekly. Case studies addressed a variety of issues including first amendment freedoms, environmental concerns, euthanasia, conflicts in divorce, copyright infringement, and issues in wrongful death litigation. The undergraduate class was co-taught by Karen Throckmorton and **Visiting Senior Fellow Ellen Freidin** to a group of dedicated students who loved the class. There were seven law school ethics events some of which are pictured on the back page of this newsletter. It was a busy semester and all did great work.

In this article, I choose to honor three law students who supplemented this steady work by going "above and beyond" in their service to the community: **Hunton & Williams Fellow Sam Heller**, **Palmer Trinity Fellow Melissa Hayes**, and **Intern Brooke Adams**.

Hunton & Williams Fellow Sam Heller led the team that mentored the struggling Mock Trial

ETHICS EDUCATION

For Middle School, High School and College Students

team at Miami Senior High. For the first time, law students assisted a dozen students in preparation for the Mock Trial competition in February 2004. In the February 2003 contest, the Miami Senior High team placed last. Fellow **Sam Heller** and **Interns Lauren Bercuson**, and **Kristin McCallion** were determined to help the team improve its performance. According to **Friend of the Center Ed Asper**, Lead Teacher of the Legal Magnet Program at Miami Senior High, the improvement was “amazing.” Instead of losing all four rounds like last year, MSH won three and lost only one to Coral Gables with what **Mr. Asper** said was a “very close score.” Only four of the competing teams went on to the finals. Those teams had records of 4:0. Our record of 3:1 was close. Thus MSH catapulted from 2003’s last place to almost making the finals – an incredible achievement. **Sam Heller’s** vision, leadership, and hard work affected this group of pre-law students in a powerful way – transforming defeat into near victory.

Palmer Trinity Fellow Melissa Hayes researched, drafted and directed two Mock Trials. First, she designed a convocation for 700 people on *Brown v. Board of Education* and its aftermath. She drafted a news report “live from the steps of the Supreme Court on 5/17/54,” and scripted a Mock Trial from the oral arguments presented to the Supreme Court on that day. Second, she and **Intern Camila Tobon** prepared trial materials on the Pan Am #103 crash over Lockerbie, Scotland. Their efforts resulted in a challenging civil mock trial against the “Socialist People’s Libyan Arab Jamahiriya” in which Palmer Trinity students performed as lawyers and witnesses. **Melissa Hayes’** dedication, zeal and perfectionism yielded excellent results.

Palmer Trinity Intern Brooke Adams initiated an environmental debate on Everglades restoration in honor of Earth Day.



At the Brown v. Board of Education Mock Trial at Palmer Trinity School, (l-r) Karen Throckmorton, Judge Victoria Platzter, Palmer Trinity Fellow Melissa Hayes and Intern Nathaniel Tobin

She worked with **Intern Camila Tobon** and with an excellent new teacher at Palmer Trinity, **Justin Symington** and his 8th grade Advanced Scholars class. According to Brooke, “the project synthesized the themes of citizenship, government, ethics, economics, and the environment by debating the case of the Miccosukee Indian Tribe of South Florida versus the South Florida Water Management District.” She stated that it was a “challenge” to formulate a debate “of this magnitude. However, with the support of Palmer, **Justin Symington**, and the parents, the students surpassed every expectation that I had of them.”

In conclusion, the Education Group’s work in spring 2004 yielded: thought-provoking weekly ethics teachings in the high schools; successful Mock Trial Coaching; an excellent spring Seminar on Law, Public Policy & Ethics; and a series of complex ethics programs at the Law School. By my calculations, our programs reached 1116 people. We are proud.

PUBLIC SERVICE

STEEL, HECTOR & DAVIS COMMUNITY HEALTH RIGHTS EDUCATION SUCCESSES

By Clinical Fellow Troy Elder

Three highlights from a productive semester for the CHRE project:

First, on May 14, 2004, the Center participated in a groundbreaking “grand rounds”-format case conference with the UM Department of Pediatrics, marking the first time in the University’s history that the Schools of Law and Medicine have collaborated on the presentation of a medical-legal analysis of a pediatrics patient. **UM Citizens Board Intern Kiran Soni**, **CHRE Clinical Fellow Troy Elder**, **UM School of Medicine Associate Professor Dr. Arturo Brito**, **UM Pediatrics Resident Elisa Muniz**, and **CEPS Director Professor Tony Alfieri** addressed nearly 100 medical students, pediatric residents, staff physicians, and faculty at the session, which was held at the Mailman Center for Child Development on the medical campus. Following a clinical overview of the young patient’s medical condition by

Drs. Brito and Muniz, **UM Citizens Board Intern Kiran Soni** examined the legal obstacles that had hindered the patient from establishing a medical home including lack of legal status, inability to access health-related public benefits, and difficulty in obtaining needed referrals. The presenters then reviewed the ways in which medical-legal collaboration — and the CHRE project in particular — were critical to achieving improved health outcomes for the family.



In front of the Pediatric Mobile Clinic (l-r) Troy Elder, Associate Professor of Community Relations, Dr. Arturo Brito, CHRE Intern Kiran Soni, Dr. Elisa Mumoz and Tony Alfieri

PUBLIC SERVICE

Second, **UM Citizens Board Interns Cory Calmes, Andrea Nathan, and Alexandra Parra** were recently successful in reversing an erroneous food stamp denial on behalf of an indigent Haitian woman and her family. In calculating the family's food stamp eligibility, the Department of Children and Families had excluded the client from the food stamp program, despite the client's documentary evidence that demonstrated that she qualified for food stamps as a Cuban-Haitian Entrant. The students' advocacy included a document production request to the food stamp agency; reviewing several years' worth of food stamp records; researching the complex, and shifting, definition of "Cuban Haitian Entrant" under state and federal law; initiating an administrative fair hearing on behalf of the client; and, ultimately, negotiating a favorable pre-hearing settlement with opposing counsel. As a result, the client's food stamp eligibility was restored, and she was awarded retroactive food stamps for an 11-month period, totaling over \$450. In a separate matter on behalf of the family, the students appeared in immigration removal proceedings to defend

the mother from deportation. The students successfully argued that a return to Haiti would have been a hardship to her, her U.S. citizen children, and to her elderly, lawful permanent resident mother. Finally, as a result of the students' intervention and CHRE's partnership with the School of Medicine, the client and her family have been fast-tracked for culturally sensitive counseling relating to their health and other problems. Third, the Center has been awarded a \$10,000 grant to fund a new interdisciplinary course, "Law, Medicine, and Nursing: Advocacy, Policy, & Ethics." The course will constitute a unique medical-legal curricular opportunity at the University, one through which students in law, medicine, and nursing will examine legal, policy and ethical issues common to their respective future practices, thereby building the foundation for future interdisciplinary collaboration beyond the classroom. Faculty from the Schools of Medicine and Nursing will collaborate with the Center on curricular, research, policy and clinical initiatives, and will share teaching responsibilities on a rotational basis.

CEDAD EXPANDS COMMUNITY DEVELOPMENT ASSISTANCE BEYOND WEST COCONUT GROVE

Thanks to the continuing support of **Greenberg Traurig** and the **John B. Alfieri Fund**, the Center's Community Economic Development and Design (CEDAD) Project enlarged its joint venture partnership with the School of Architecture's Center for Urban and Community Design this spring working together to revitalize blighted low-income neighborhoods in Miami-Dade County through community-based economic development, housing rehabilitation, and public safety. The partnership included both field work and academic seminars on housing and community development featuring **Architecture Professor Samina Quraeshi** and the American Bar Association Forum on Affordable Housing and Community Development Law. Praising this innovative cross-disciplinary graduate partnership, **Richard Shepard, Director of the School of Architecture's Center for Urban and Community Design**, commented: "We as architects are learning that the design of communities requires much more than purely design. We've learned that we must address as well the social and legal ramifications of creating opportunities for fully sustainable neighborhoods. Partnering with law students has broadened our understanding of our work as architects."

Under the leadership of **Greenberg Traurig Fellow Zachary Hicks** and **Alfieri Fellow Joanna Toy**, and **Interns Lauren Harper** and **Angela Nolfi**, this spring CEDAD added three Undergraduate Interns from the College of Arts and Sciences and seven Law Student Interns. The Fellows and Interns presented community education workshops for the Coconut Grove's Homeowners and Tenants Association on tenants rights, and for neighborhood associations on fair housing and homeowners rights (e.g., insurance, predatory lending, taxes). Fellows and Interns also collaborated with local academics and activists on community reinvestment, homeless assistance, municipal equity, and the cleanup and redevelopment of brown-fields (contaminated vacant properties). These growing collaborations expanded CEDAD's reach beyond Coconut Grove into the Overtown and Wynwood neighborhoods. Remarking on this

expansion, **Greenberg Traurig Fellow Zachary Hicks** noted: "CEDAD expanded this year substantially. We enriched our existing projects involving affordable housing and land use with the efforts of new Interns, and explored new areas of concentration including public safety, predatory lending, and homeowners' rights. The new members of CEDAD brought different perspectives to the table which led to innovative ideas and a broadening of the scope of the group as a whole."

Moreover, CEDAD Fellows and Interns issued a Vacant Lot Study and completed the articles of incorporation and the ground lease agreement to establish the Coconut Grove Community Land Trust. **Alfieri Fellow Joanna Toy** pointed out: "It was exciting to see tangible results of CEDAD's hard work in the Community Land Trust project. The project started as an idea, researched by former **CEDAD Fellow Alana Marcus** in 2002-2003, and has become, a year later, the Coconut Grove Village West Community Land Trust, made up of members of the West Coconut Grove community. The Land Trust is currently awaiting confirmation of its non-profit status as well as its first land transfer. At the organization's first board meeting, I was struck by the incredible impact that a collaboration between a small group of law students and a Miami neighborhood could have on the development of that community." **Intern Lauren Harper** echoed this sentiment: "It was unbelievably rewarding to attend the first board of directors meeting for the West Grove Community Land Trust. CEDAD's assistance in researching vacant lots and drafting legal documents helped to implement a wonderful resident ownership mechanism for the West Grove. This success motivates me to think of more creative ways to use my legal skills for community development purposes."

Highlighting CEDAD's important geographic and substantive expansion, in the spring the Law School faculty voted to convert CEDAD into a live client, in-house clinic offering clinical academic credits and placements to University of Miami law students.

ETHICS TRAINING

By and for the Bar and Bench

BAR & BENCH NEWS

By Visiting Senior Fellow Harriet Rubin Roberts

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Bankruptcy Bar Fellow

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Angela C. Nolfi

Alexandra Parra

Crystal C. Roland

Nicole I. Sieb

Kiran Soni

Maria Camila Tobon

POST-GRADUATE INTERN

Veda V. Samudrala

BANKRUPTCY BAR ASSOCIATION PROJECT

In February of 2004, the Bar & Bench Group prepared and presented two Ethics Continuing Legal Education Trainings in association with the Bankruptcy Bar Association for the Southern District of Florida. The trainings were prepared by the **Bankruptcy Bar Association Fellow Ihsan Speede-Franklin**, Intern **Kristy Brewer** and **Zuckerman Spaeder Fellow Aaron Silberman**. They focused on the recent changes to the ABA Model Rules providing new exceptions to a lawyer's duty of confidentiality and a heightened duty to go up the corporate ladder when confronting financial fraud. The first panel convened in the Federal Bankruptcy Court in Miami with **Judge Robert Mark**, **Judge Jay Cristol** and **John Kozyak**, Esq. of Kozyak, Tropin & Throckmorton and **Harriet Roberts**. The second panel convened in Federal Bankruptcy Court in Broward County with **Judge Raymond Ray**, **Judge Paul Hyman**, U.S. Trustee **Heidi Feinman**, **Thomas Messana**, Esq. of **Ruden McClosky** and **Harriet Roberts**. In addition materials on this topic were specially prepared for use by the BBA in its annual retreat.

LEGAL SERVICES OF GREATER MIAMI, INC.

On March 9, 2004, the Bar & Bench Group presented an Ethics Continuing Legal Education Training to Legal Services of Greater Miami, Inc. The training focused on the complex and troubling application of confidentiality, attorney-client privilege and waiver when the client is or may be suffering under a mental disability. **Hoeveler Fellow Rossana Arteaga** and **Harriet Roberts** conducted the session on the proper application of the rules and the law in this area to the policies currently in place at the agency.

GREENBERG TRAURIG TRAINING ORIGINATES FROM NEW YORK OFFICE

On April 20, 2004, the Bar & Bench Group presented an Ethics Continuing Legal Education Training in New York for Greenberg Traurig which was simultaneously teleconferenced to its other sixteen offices so that 175 attended in all. The training focused on multi-jurisdictional practice, the unauthorized practice of law and conflicts of law. Areas of practice covered included commercial real estate transactions, cross border global corporate transactions, litigation in federal court, *pro hac vice* admission to state court, in-house counsel admission, alternative dispute resolution, foreign legal consultancy status for non U.S. lawyers, and reciprocity agreements among selected states. The session was extremely well received and the lawyers

attending participated with lively commentary and astute questions. The materials for the training were prepared by **Greenberg Traurig Fellow Michael Rosenthal**, Intern **Ronald Cipriano** and Intern **Kristy Brewer** who researched areas of Swiss law in German.

THE FLORIDA BAR CONSULTANCY

In an unprecedented collaboration between a state bar and a student law clinic, the Bar & Bench Group of the Center for Ethics & Public Service under the supervision of **Harriet Roberts** was engaged in December of 2002, to prepare and deliver ethics legal opinion letters for a series of four cases related to the settlement of a mass tort litigation. This experience has given the students an extraordinary opportunity to learn about the application of ethics to actual practice, the workings of the disciplinary process, the function and rigors of expert legal opinion practice and the demands of litigation.

In a major victory for the Florida Bar, in the third of these four cases, the referee handed down a ruling on April 26, 2004, finding the respondent guilty of violating all rules as alleged. During December 2003 and January 2004, **Harriet Roberts** testified as expert witness for the Florida Bar in the disciplinary proceedings that ended in this ruling. The extensive legal opinion delivered in connection with these disciplinary proceedings and the preparation for trial were attributable to the Bar & Bench students who worked tirelessly on this demanding project: **Florida Bar Intern Ashley Sybesma**, Intern **Joshua Bosin**, **Bankruptcy Bar Fellow Ihsan Speede-Franklin**, **Hoeveler Fellow Rossana Arteaga**, Intern **David Smith**, Intern **Andrea Saavedra**, Intern **Randi McDonald**, Intern **Cristina Lumpkin**, and Intern **Kellie Sorenson**.



Pictured at April Leadership Breakfast discussing ethical issues in legal malpractice litigation are: seated (l-r) Harriet Roberts, Akerman Fellow Kristin McCallion. Standing: (l-r) Dean Dennis Lynch, Harley S. Tropin of Kozyak, Tropin & Throckmorton, Tony Alfieri, Bob Josefsburg of Podburst, Orseck, Robert Klein of Stephens, Lynn, Forensic Accountant Marta Alfonso, and Brian Spector of Kemy Nachwalter

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

MISSION STATEMENT

Founded in 1996, the School of Law's Center for Ethics & 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 ethics and professional values to the Law School and the University as well as to the Florida business, civic, education, and legal communities. The Center also provides health care rights education and economic development training to low-income communities. The Center observes three guiding principles in serving the cause of ethics, professional values, and public service: interdisciplinary collaboration, public-private partnership, and student mentoring and leadership training.

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Walter Beckham of Podburst Orseck receiving the William M. Hoeveler Award (l-r) Dean Dennis Lynch, Walter Beckham, Tony Alfieri, and Senior United States District Judge William M. Hoeveler



Pictured at the Spring reception sponsored by Holland & Knight are Tony Alfieri and Advisory Board Member Louis Cbiavacci of Merrill Lynch who, along with UM School of Education's Dr. Susan Mullane, received the Friend of the Center Award for furthering the vision of the Center through their wise counsel and great assistance.



Pictured (l-r) Catsman Fellow Jason Canales, Laura Walker, Jerome Facher of Hale & Dorr, and Akerman Fellow Kristin McCallion at a Leadership Breakfast discussing "A Civil Action"



Panel discussion on the 50th Anniversary of Brown v. Board of Education (l-r) Tony Alfieri, History Professor Dr. Gregory Busb, School of Communication Professor Sam Roberts, UM Trustee Thelma Gibson, Law Professor Donald Jones and Dr. Edmund Abaka



"Tea Roundtable" on public interest law featuring (l-r) seated: Civil rights lawyer John Dorsey Due, Jr., Haitian immigration activist attorney Hilda Cenecharles, Legal Services of Greater Miami Senior Attorney John Little; Standing: (l-r) Executive Director of the Human Services Coalition of Miami Dade County Daniela Levine, Troy Elder and Intern Crystal Roland



Ethics Training on Euthanasia to the Phi Alpha Delta Pre-Law Society. In front (l-r) Dr. Elisabeth Lewis, Intern Camila Tobon, Fellows Sam Heller, and Hilton Napoleon; and Randall Marshall, Legal Director of the Florida ACLU

Special thanks to Eastern National Bank and Clemencia De Tobon for sponsoring the panel discussion on the 50th Anniversary of *Brown v. Board of Education*.



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