CENTER FOR ETHICS & PUBLIC SERVICE NEWS

University of Miami School of Law

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A NOTE FROM CLINICAL FELLOW TROY ELDER



Troy Elder

ignity in law" - the rallying cry for the Florida Bar's most recent campaign to burnish our profession's public image - presupposes an approach to lawyering that, at heart, reaffirms the dignity of the individual. As I finish my first semester teaching at the Center for Ethics & Public Service, I am proud to have had the privilege to become part of a venture that, through its varied projects, encourages law students to keep this goal front-and-center as they enter the profession.

Be it through the direct representation of vulnerable clients in our community service projects, in ethics education programs for the bar and bench, or through outreach to local high schools, the Center's work touches both participants and non-participants in the legal system. In so doing, it goes a long way toward dignifying us all.

I hope you enjoy the following overview of our recent successes, and invite you to become involved in the Center's work.

PUBLIC SERVICE -

COMMUNITY HEALTH PROJECT EXPANDS WITH STEEL, HECTOR & DAVIS SUPPORT

By Clinical Fellow Troy Elder

he CHRE project has strengthened its outreach capacity through ties with its partners at the University of Miami School of Medicine. CHRE students now conduct weekly intake throughout Miami-Dade County in conjunction with the Medical School's Pediatric Mobile Clinic, including at new sites in the more remote and underserved southern parts of the county. In addition, partnering with the medical school's Miami Family Program at the Jackson Memorial Hospital medical campus, CHRE students have continued their advocacy on behalf of HIV-positive women and their children. And, in a new collaborative partnership, CHRE has begun to see patients at the medical school's Adolescent Medicine program, also on the JMH campus.

Activities were expanded to include direct representation of low-income clients in administrative and court proceedings. Under the direction of Clinical Fellows Troy Elder, Bernie Perlmutter and Carolyn Salisbury, CHRE students have appeared as counsel of record on behalf of three clients whose health-related public benefits are at risk of termination because of challenges to their immigration status.

CHRE Interns Crystal Roland and Kiran Soni are representing a disabled Bahamian woman whose supplemental security income (disability) benefits are threatened because of her imminent

deportation. The client, a mother of four children, three of whom are U.S. citizens who also have disabilities, came to the United States in 1989. She was born with neurological defects in both of her legs. The CHRE students are arguing that it would be an extreme and unusual hardship to the client and to her citizen children, as well as to her lawful permanent resident husband, if she were deported. Most recently, Crystal and Kiran successfully moved the immigration court to transfer the case to an immigration judge likely to have more sympathy with the family's plight. The case is scheduled for hearing in early March 2004.

Interns Cory Calmes, Alex Parra and Andrea Nathan are representing a six-member Haitian family with various public benefits, health, and immigration problems. The head-of-household, a 41-year old HIV-positive Haitian woman who arrived in the United States in 1985, is currently in removal (deportation) proceedings. The client, who was denied relief under the Haitian Refugee Immigration Fairness Act because of her HIV status, is the mother of four U.S. citizen children. In addition to the family's immigration trial, scheduled for early March 2004, the CHRE students are investigating whether the family is receiving

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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Deloitte & Touche

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PUBLIC SERVICE

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the appropriate amount of food stamps, Medicaid and other public benefits.

Interns Jenny Ellis and Lynn Ford are representing an elderly, partially disabled HIV-positive Haitian man in political asylum proceedings. The client, who came to the United States in the early 1990s, worked the fruit fields in Immokalee, Florida under near slave-like conditions. The students will be working with a leading expert on HIV and infectious diseases in Haiti who has agreed to assist with the case, which is scheduled for trial in late February 2004.

CEDAD AND SCHOOL OF ARCHITECTURE REBUILDING WEST COCONUT GROVE WITH GREENBERG TRAURIG HELP

By Director Anthony Alfieri

upported by Greenberg Traurig and the John B. Alfieri Fund, the Center's Community Economic Development and Design (CEDAD) Project is a joint venture partnership with the School of Architecture's Center for Urban and Community Design committed to revitalizing the impoverished neighborhoods of Miami-Dade County through community-based economic development and housing rehabilitation. Applauding this innovative cross-disciplinary graduate partnership, School of Architecture Dean Elizabeth M. Plater-Zyberk commented: "Community building requires experts of many disciplines. Law represents policy, architecture represents design: the two important tools of community building. Design and policy often interact in surprising ways. Having law and architecture work together brings great improvement to the process."

Led by Greenberg Traurig Fellow Zachary Hicks and Alfieri Fellow Joanna Toy, and aided by Interns Lauren Harper and Angela Nolfi, this fall CEDAD continued its local involvement in West Coconut Grove attending Homeowners and Tenants Association meetings and consulting with local nonprofit service organizations. Together, CEDAD Fellows and Interns completed a Vacant Lot Redevelopment Study and drafted legal instruments soon to create the West Grove Community Land Trust. The instruments include articles of incorporation, homeowner

eligibility requirements, resale formulas, and ground lease provisions. Additionally, the Fellows and Interns conducted legal research on statutory duties under the Community Reinvestment Act. the Housing Community Development Act, and the Florida Community Redevelopment Act. Greenberg Traurig Fellow Zachary Hicks remarked: "CEDAD's neighborhood-based work teaches students about our professional responsibility to community. This semester CEDAD integrated theoretical ideas into practical applications that actually matched the community's needs, that created a good partnership."

In the spring, the current CEDAD Fellows and Interns will be joined by six 1L Law School Interns and three Undergraduate Interns from the College of Arts and Sciences. Two of the 1L Interns, Lauren Littleton and Cheryl Tedeschi, will draw on their substantial experience in the field of domestic violence to establish a pilot project on community violence focusing specifically on preventing violence against women and children. Cheryl observed: "I want to be a better lawyer than the one I originally envisioned as an undergraduate. I have come to fully appreciate the opportunities afforded by a legal education but also the responsibility that follows. An internship at the Center for Ethics and Public Service is the natural extension to my exploration in a career of public service and law."

DNA TESTING EXONERATING THE INNOCENT

By Visiting Senior Fellow Janet Reno

n a little over ten years, the Innocence Project has identified 138 people who were wrongfully convicted of a crime they did not commit and who were subsequently exonerated through post conviction DNA testing which conclusively proved their innocence. The criminal justice system now has the remarkable opportunity to check itself and protect the innocent in cases in which DNA testing is relevant. The results of such efforts also give us the remarkable opportunity to learn in greater detail why people are wrongfully convicted and take steps to avoid wrongful convictions in cases in which DNA testing is not applicable. Factors contributing to the conviction of the innocent include incorrect eyewitness identifications, false confessions, inappropriate reliance on jail house snitches or others who have something to gain from their testimony, ineffective counsel, police and prosecutorial error and faulty lab work. We are encouraging the development of guidelines, practices and procedures which would assist in avoiding such mistakes in order to prevent the conviction of the innocent in future cases.

ETHICS EDUCATION

For Middle School, High School and College Students

TAKING LAW "TO THE STREETS" THANKS TO HUNTON & WILLIAMS AND PALMER TRINITY SCHOOL

By Deputy Director Karen Throckmorton

he Education Group functions as a "Street Law Clinic" in bringing legal education into our community and focusing on our youth. This fall, the 10 Fellows and Interns taught ethics case studies at Palmer Trinity High School and Miami Senior High. Fellow Sam Heller led the Miami Senior High team of Lauren Bercuson, Rob Flicker and Jennifer Margolis in biweekly ethics teachings in the Legal Magnet program directed by Friend of the Center Ed Asper. Thanks to the generosity of Hunton & Williams and its partner, Friend of the Center Juan Enjamio, students were able to research, draft and teach ethical dilemmas relating to topics such as Freedom of Religion, California Recall, Doctor Assisted Suicide, Guantanamo Detention, Homosexual Marriage and Adoption. The teaching and discussion on the Terry Schiavo case was poignant as students faced their own mortality and determined to discuss these issues with their families.

At Palmer Trinity School, Fellow Patrice Behnstedt and Friend of the Center Adrian Parry collaborated ethics teachings with Interns Brooke Adams, Melissa Hayes, and Camila Tobon. In Father Parry's Economics classes, the students addressed issues such as minimum wage, deportation, and voting rights. In Justin Symington's Honors Civics Class, some teachings focused on rights of Native Americans through the discussion of treaties and the balance of conflicting interests in land. In Brittany Hoffman's government classes, they addressed discrimination in hiring as well as issues of constitutional rights. Center students also participated in three Convocations relating to the Honor Code, Wrongful Conviction of the Innocent featuring Visiting Senior Fellow Janet Reno, and a presentation on issues facing the Miccosukee Tribe by Chief Billie Cypress and the tribe's lawyer, Dione Carroll.

AKERMAN SENTERFITT LEADERSHIP SERIES

By Deputy Director Karen Throckmorton

kerman Fellow Alex Gomez and Intern Kristin McCallion researched, planned and moderated several events comprising our fall "Leadership Series." The first event was a September breakfast with Kathleen Williams, the Federal Public Defender for the Southern District of Florida. Ms. Williams spoke movingly about her career, obstacles she has faced, and the unique choices she has made regarding compensation and employment in both the private and public sectors. The second event was a "Tea Roundtable" panel on "Balancing Work and Family in the Law." Panelists included: Fowler White partner Elizabeth Johnson; Morgan, Lewis of Counsel Stephanie Blair; Visiting Senior Fellow Ellen Freidin; Law School Assistant Dean Marcelyn Cox; and Senior Fellow Harriet Roberts. Over 50 students participated in a fascinating discussion of the challenges faced, sacrifices made and lessons learned in the legal careers of the panelists. The third event was a Leadership Breakfast in October featuring litigator Tiffani Lee of Holland & Knight, Caryn Vogel, the Executive Director & Founder of HOPE, and Jackie Becerra, an Assistant U.S. Attorney for the Southern District of Florida. Each spoke about how following an ethical "path" shaped her career. Their varied life stories were informative and inspiring.

The culminating event of our fall Leadership Series was the Lawyers in Leadership Award presented on November 4th to H. T. Smith, University of Miami School of Law Class of '73. Mr. Smith was chosen for his extraordinary career as a lawyer and as a champion of the rights of others. Intern Kristin McCallion remarked, "Issues underlying the legal sphere in the contexts of ethics, morals and professional responsibility were depicted in the life and career of H. T. Smith as he shared personal anecdotes that illustrated his courage, bravery, and individualism. In honoring Mr. Smith, the Center successfully recognized a distinguished local leader in his mission to endorse personal responsibility while simultaneously motivating students to strive for positions of leadership." Mr. Smith challenged the students to be persistent in setting and reaching their goals and to "refuse to be denied".

ETHICS EDUCATION

For Middle School, High School and College Students

A NEW PARTNERSHIP: THE LAW SCHOOL CENTER FOR ETHICS & PUBLIC SERVICE AND THE UNIVERSITY OF MIAMI COLLEGE OF ARTS & SCIENCES

By Visiting Senior Fellow Laura Walker

An exciting new joint venture partnership between the Law School Center for Ethics & Public Service and the College of Arts & Sciences began this fall. The partnership includes four elements: curricular, programmatic, research, and service. Led by Director Anthony Alfieri and Vice Provost and Dean of the College Dr. James Wyche, the Center staff is developing new opportunities for undergraduates and law students to work and learn together. For our University, this partnership is an unprecedented "coming together" of students and faculties across disciplines and schools.

Dr. Harvey Siegel (*Chair*) and Dr. Jennifer Uleman (*Associate Professor*), Philosophy Department along with Dr. Stephen Sapp (*Chair*) and Dr. Dexter Callendar (*Associate Professor*), Religious Studies Department, joined Tony Alfieri, Karen Throckmorton, and Laura Walker of the Center to shape a plan for the initial year of the partnership. The mission shall be to develop citizen lawyers.

Center Fellow Hilton Napoleon II and Intern Nicole Sieb have worked closely with Laura Walker, Visiting Senior Fellow, to implement the plan. Initial efforts have concentrated on the development of undergraduate workshops and the selection of undergraduate interns. To date, the four elements of the partnership have evolved as follows:

Curricula: Center faculty and fellows will teach two undergraduate courses annually. The first, *Law, Public Policy, & Ethics*: Topics in Constitutional Law, an undergraduate honors seminar, will be offered in the spring, 2004. A second course, *Law, Public Policy, & Ethics: Hard Choices*, will be offered as a freshman seminar in the fall, 2004.

Programs: Initial efforts center upon the creation of undergraduate student programs on current issues where the law, ethics, and academic coursework converge. An example is the program Biology in the Courtroom, presented on November 20th to an audience of over 300 undergraduate and law students. A distinguished panel introduced by Dr. James Wyche and including Janet Reno (former U.S. Attorney General and Visiting Senior Fellow for the Center), UM Biology Chair Dr. Michael Gaines, Dr. Bonnie Levin (Associate Professor, UM Department of Neurology and Psychology and Director, Division of Neuro-Psychology), and Professor Catherine Arcabacio (Associate Professor, Nova University School of Law) demonstrated how science and law unite to exonerate the innocent and identify the guilty. Panel members spoke on a variety of topics including the use of DNA evidence in criminal cases, the fallibility of memory and eyewitness testimony, and the Florida Innocence Project (an effort to exonerate the innocent through new and more comprehensive DNA testing). Another programmatic example is The Citizen Lawyer, a

program presented in October to 80 members of the undergraduate Pre-Law Society, Phi Alpha Delta. A panel of six Center Interns spoke about how lawyers can and should be public servants, and then answered questions from the undergraduates about law school.

Research: The Center faculty is meeting with College faculty to explore topics for interdisciplinary ethics research, and with the University Advancement and Foundations staff to determine prospective grant opportunities.

Service: The Center has established undergraduate public service internships that emphasize community service, professional mentoring, and leadership training. In order to publicize these new internships, meetings were held with numerous undergraduate groups including the Pre-Legal Society, Honors Students Association, Hispanic Scholarship Fund, Haitian Student Organization, Council for Democracy, Butler Volunteer Services Center, Office of Student Leadership and Activities, College Republicans, Solutions, LINK, and Latin American Student Association. Modeled upon the Center internships for law students, the undergraduate program has begun with the selection of 17 undergraduates. Applicants presented resumes, transcripts, goal statements, and references, and sat for an interview with Center staff, Cynthia Chapel the Asst. Director of Student Activities and Leadership Programs for the College, and Center Fellow Hilton Napoleon II and Intern Nicole Sieb. The undergraduate interns will join one of three practice groups (Bar & Bench, Education, or Pro Bono) in January 2004. Each will give 5 to 8 hours per week including service in practice group, a weekly practicum, and the various Center activities.

The new joint venture partnership between the Law School Center for Ethics & Public Service and the College of Arts & Sciences offers creative inter-disciplinary educational opportunities, and promises to become an integral, innovative program for students and faculty across campus.



Pictured (l-r): Post Graduate Intern Jennifer Miles, Intern Jennifer Margolis, Akerman Senterfitt Fellow Alex Gomez, and Assistant Professor Jennifer Uleman.

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DEPUTY DIRECTOR *Karen P. Throckmorton*

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POST-GRADUATE INTERNS Jennifer Miles Veda V. Samudrala

ETHICS TRAINING -

By and for the Bar and Bench

THE BAR & BENCH PRACTICE GROUP HAS HAD A CHALLENGING AND SUCCESSFUL FALL SEMESTER

By Senior Fellow Harriet Rubin Roberts

Florida Bar Consultancy

As expert ethics consultant to the Florida Bar, the Center continued work throughout the fall semester on the third of four disciplinary proceedings for which it has been engaged. The especially insightful work of Florida Bar Fellow Ashley Sybesma was cited by discipline counsel as deserving of special praise and the presiding judge pointed to it in his questioning of opposing counsel. Ashley, along with Intern Joshua Bosin and Fellow Jason Canales assisted Senior Fellow Harriet Rubin Roberts in completion of the written ethics opinion delivered on behalf of the Center. Ms. Roberts gave expert testimony at trial in December on this matter.

State Attorneys' Training with Janet Reno

Janet Reno, CEPS Visiting Senior Fellow, joined the Bar & Bench group this semester to help plan and prepare an ambitious ethics training for prosecutors at the State Attorney's office on the subjects of prosecutorial discretion and evidentiary weaknesses that lead to wrongful convictions. The October 2 training was presented by Ms. Reno, Senior Fellow Harriet Rubin Roberts and CEPS Director Tony Alfieri to a standing room only crowd of over 200 Assistant State Attorneys.

Hoeveler Fellow's Public Interest Project in Immigration

On November 7, Hoeveler Fellow Rossana Arteaga, Intern Joshua Bosin and Senior Fellow Harriet Rubin Roberts presented a CLE Ethics Training to a combined group of approximately 40 poverty immigration lawyers and legal assistants from Florida Immigration Advocacy Center and Catholic Charities Legal Services (CCLS). Troy Elder, CEPS Clinical Fellow and CCLS Staff Attorney was also an active participant. The training covered issues of political asylum for those fleeing guerrilla warfare in South America,

and ethics problems with respect to authenticity of evidence, confidentiality, and the lawyer's advisory function.

In-House CLE Ethics Training at Greenberg Traurig

On November 14, Senior Fellow Harriet Rubin Roberts presented a two hour seminar at Greenberg Traurig's Miami office entitled "The Impact of the Sarbanes-Oxley Act: Disclosures, Corporate Governance and the IRS and Client Confidentiality." Approximately 120 lawyers attended from 15 branch offices by teleconference. The seminar explored the complexities of the most recent changes by the ABA to the Model Rules on confidentiality and reporting up the corporate ladder which were made in reaction to the massive frauds and economic disasters that followed in the wake of Enron and other corporate giants. The seminar explored the interplay of these ethics rule changes with (i) lawyers' liability for corporate wrongdoing (under the Sarbanes Oxley Act), and (ii) the lawyer's duty of confidentiality to clients as participants in tax shelters.



Pictured (l-r): Bankruptcy Bar Assn. Fellow Ibsan Speede-Franklin, Greenberg Traurig's Jeff Gilbert, Senior Fellow Harriet Rubin Roberts & Greenberg Fellow Michael Rosentbal at the November ethics training

WORKSCAPES SOUTH DONATES FURNITURE TO NEW CENTER WORKROOM

By Coordinator Cindy McKenzie

The Center recently acquired a much needed workroom. The new space is located on the second floor of the Law Library - near the Center's main office. Elizabeth and Dick Dvorak, owners of Workscapes South of Fort Lauderdale, generously donated Knoll furniture consisting of a conference table, computer tables, files, bookcases, and conference chairs as well as labor, delivery and installation.

Our many thanks to Elizabeth and Dick, as well as Olga Alvarez who assisted with the layout and design, and the helpful installers from Workscapes South. Also, a special thanks to Ellie Haydock from Knoll, Inc. for pulling this all together. The Center students, faculty, and staff are extremely grateful for the wonderful donation.

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.

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

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Pictured at October's Leadership Breakfast (l-r) seated: Assistant U. S. Attorney Jackie Becerra; Tiffani Lee of Holland & Knight; Caryn Vogel, Director of HOPE. Standing: Intern Kristen McCallion, and Akerman Fellow Alex Gomez.



Pictured at Lawyers In Leadership Award Ceremony (l-r): Leadership Series Intern Kristen McCallion; Award Recipient H.T. Smith; Akerman Fellow Manuel Alex Gomez, and Arts & Sciences Fellow Hilton Napoleon II.



Pictured at "Biology in the Court Room" panel in November (I-r) seated: Vice Provost James Wyche, Visiting Senior Fellow Janet Reno, Dr. Michael Gaines, and Professor Catherine Arcabacio. Standing: Dr. Bonnie Levin; Visiting Senior Fellow Laura Walker, Arts & Sciences Fellow Hilton Napoleon II, and Intern Nicole Sieb.



The Center welcomes (l-r) Visiting Senior Fellows Laura Walker, formerly Head of School of Palmer Trinity, Janet Reno, former Attorney General of the United States, and Clinical Fellow Troy Elder, also with Catholic Charities Legal Services.



Pictured at the Fall Reception sponsored by Deloitte and Touche LLP (1-r): Hunton & Williams Partner Juan Enjamio and Miami Senior High Legal Magnet Teacher Ed Asper, recipients of Friend of the Center Awards.



Celebrating the Founding of the Peter R. Palermo Fellowship (l-r) Senior United States Federal Magistrate Peter R. Palermo and Tony Alfieri.



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