

**STUDENTS TEACHING STUDENTS: TEACHING ETHICS AT CITRUS GROVE MIDDLE SCHOOL**

By AT&T Fellow Jason Canales

"It is nice to learn from high school students. We learn things from them in a different manner than we learn from our teachers. It is easy to speak with the high school students about the ethical issues we face everyday since they face them also."

Christian Espinosa, Citrus Grove middle school

This enthusiastic insight reflects the synergy the Center hoped to create in initiating this model project called, "Students Teaching Students." AT&T sponsors the Pilot Project which has trained six students, Jose Marcano, Patricia Maquilon, Xochil Hernandez, Melissa Martinez, Noland Periera, and Enrique Gomez from Miami Senior High School's Legal Magnet Program to teach ethics to middle school students. One of the main goals of the program is instilling and reinforcing ethics and integrity in middle school students that will prepare them to be role models and leaders within their communities. This spring, the six student teachers have engaged students at Citrus Grove Middle School in lively discussions on topics such as cheating, honesty, privacy, human cloning and public health.

Allowing the high school students to teach their younger peers has been an invaluable educational experience for all involved. The students are able to discuss serious ethical issues in a more open manner eliciting honesty and insights. During a class discussion on "cheating," middle school students expressed various concerns about "blowing the whistle on fellow classmates." The student teachers responded by instructing the students that it may be their ethical duty to "rat-out" their fellow classmates. In fact, Melissa Martinez noted that "in the legal profession, lawyers have a professional duty to report misconduct." The student teachers also worked with the middle school students in candidly addressing the values at stake, the dilemma created, and possible solutions. The program is excellent.

**ETHICS FOR 'CANES: INTERDISCIPLINARY PARTNERSHIPS ACROSS THE UNIVERSITY**

By Deputy Director Karen Throckmorton

We at the Center have been inspired repeatedly by the depth of intellect and vision of the Faculty and Administrators at this University. Working with Dr. Arturo Brito and Dr. Gwen Wurm at the Medical School has inspired the Community Health Fellows and Interns to serve our diverse community wholeheartedly. The insightful long range planning of Luce Scholar Samina Quraeshi and Professor Richard Shepard from the School of Architecture infuses hope into the Fellows of the Community Economic Development and Design Project dedicated to the preservation and redevelopment of the West Grove. We tried to exhaust Jim Fatzinger of Academic Development in repeatedly having him speak on academic integrity at our Seminars and classes. He is indefatigable. Through his work with the Undergraduate Honor Council, he embodies the noble ideals that this Ethics Center strives to encourage. Director of Career Counseling Alyssa Lewis continues to be a delightful connection to the undergraduates who are pre-law. Our February ethics training for them on the legal issues of "file sharing" was lively and educational for both the Education Group Interns and the undergrads. Of tremendous help and guidance are Dr. Sue Mullane and Dr. Shawn Post, Professors in the School of Education who have been the impetus of many successful ethics education projects for teachers. We are grateful also to Provost Luis Glaser for his continuing support and encouragement as well as to Vice Provost James Wyche for his commitment to integrating ethics into undergraduate education.



*Drs. Susan Mullane and Shawn Post of the School of Education*

**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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**PUBLIC SERVICE**

**COMMUNITY HEALTH PROJECT REMEDIES JACKSON MEMORIAL HOSPITAL BILLING ERRORS**

By Steel, Hector & Davis Fellow Richard Jurgens

The Community Health Rights Education (CHRE) Project's rights-education outreach to the Miami-Dade County community recently led to the discovery of medical billing errors at Jackson Memorial Hospital adversely affecting indigent patients. That discovery prompted Community Health Fellow Melissa Catello and I to develop a new protocol to remedy this recurrent public health problem. The remedy implemented by Melissa and I involved the redesign of CHRE's client case assessment form to identify misclassifications in Jackson Memorial Hospital's billing codes under the Public Health Trust. We learned of the misclassifications when advising clients of their health rights at the Medical School's Pediatric Mobile Clinic community-based sites. Upon learning of the billing errors, CHRE fellows and interns intervened on behalf of affected patients and negotiated an equitable resolution. This creative intervention illustrates one of the many ways that CHRE aids and educates poor people about their public health rights.

**STEEL HECTOR AND DAVIS FELLOWS AID HOME-BOUND NURSING SCHOOL PATIENTS**

By Community Health Fellow Melissa Catello

CHRE's mission is to educate poor people in Miami-Dade County on their health and public benefit rights in collaboration with the UM Schools of Medicine and Nursing. At elementary school-based health clinics served by the Nursing School in West Perrine and Richmond Heights, CHRE Fellows and 1L Interns counseled patients on Medicaid and KidCare rights for children and families. Moreover, at the urging of Nursing School Professor Rosemary Hall, CHRE also reached out to assist elderly home-bound patients in need of health rights assessments. Throughout the spring, Steel Hector & Davis Fellow Richard Jurgens, Community Health Fellow Justin Rost, and I visited indigent home-bound patients to evaluate their public health rights status and provide information on their entitlement to public health benefits. Steel Hector & Davis Fellow Richard Jurgens commented: "Reaching out to help the indigent elderly population in South Dade was a great learning experience and provided a new way to assist people in need."

**STEEL HECTOR AND DAVIS COMMUNITY HEALTH RIGHTS FELLOWS AND INTERNS ASSIST THE PEDIATRIC MOBILE CLINIC**

By Community Health Fellow Justin Rost

The Center's Community Health Rights Education (CHRE) Project continues in its third year of medical-legal clinical collaboration with UM School of Medicine's Pediatric Mobile Clinic at low-income community-based health sites throughout Miami-Dade County. Spearheaded by the Center in conjunction with Dr. Arturo Brito, Medical Director of the Pediatric Mobile Clinic, and Dr. Gwen Wurm, Medical Director of Community Pediatrics, CHRE has assisted the under-served indigent population of Miami-Dade County in obtaining health rights education. Since 2000, CHRE has helped scores of Pediatric Mobile Clinic patients in gaining access to public health benefits and in acquiring information on immigration entitlements. In this way, CHRE provides a much-needed service in Miami-Dade County by educating underprivileged people about their fundamental health rights. CHRE's medical-legal initiative with the Pediatric Mobile Clinic is unique in legal education and teaches students about interdisciplinary solutions to problems in our society.

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**A NOTE FROM THE DEPUTY DIRECTOR**



*Karen P. Throckmorton Deputy Director*

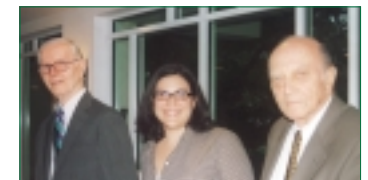
As I finish my second year with the Center for Ethics & Public Service, I joyfully reflect on the myriad accomplishments of our students. Twelve running ethics service projects. More than 50 students. A city with crushing needs. Students serving this community on top of a full load of law classes. I am proud of the work of the Center and proud of my law school for offering such challenging and enriching life experiences to its students. Enjoy these brief overviews of this spring's accomplishments and feel free to call me with any questions or comments you may have.

Karen Throckmorton Class of '81

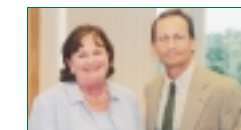
**HOEVELER AWARD TO DANIEL PEARSON HITS A HOME RUN**

By Palmer Trinity Fellow Patrice Behnstedt

On April 3, 2003 the Center presented the Second Annual William M. Hoeveler Award for Ethics, Leadership, and Public Service to Daniel S. Pearson of Holland & Knight. The ceremony was attended by over 100 outstanding members of the legal community who gathered to honor Dan Pearson, a former Judge in Florida's Third District Court of Appeal. Professor Mary Doyle presided over the ceremony and told the audience of the twin loves of Judge Pearson's life: the law and baseball. This theme was continued throughout the evening. One of the high points of the ceremony was a presentation of an autographed poster of baseball greats Jackie Robinson and Pee Wee Reese by Laurel Isicoff, of Kozyak, Tropin and Throckmorton, on behalf of Judge Pearson's former law clerks. Nova Law School Professor Bruce Rogow, Federal Public Defender Kathleen Williams, and Judge Phillip Hubbart told wonderful stories tracing Pearson's career over 40 years of legal work as a criminal defense attorney, jurist, teacher, and author. Chesterfield Smith spoke movingly of Pearson's devotion to the law and contributions to their firm, Holland & Knight. Professor Anthony Alfieri lauded the hope and inspiration that Judge Pearson instills in us all. As usual Judge Pearson's final words were a tribute to someone else. He stated, "Judge Hoeveler reminds me why I became a lawyer. He reminds me of the good in being one, and I am very proud to receive an award that bears his name."



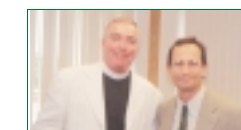
*Senior United States District Judge William M. Hoeveler, Fellow Monica Vignes, and Daniel S. Pearson*



*Head of School Laura Walker with Tony Alfieri*

**PALMER TRINITY'S LAURA WALKER AND ADRIAN PARRY HONORED AS FRIENDS OF THE CENTER**

The Center was pleased to honor Palmer Trinity High School's Head of School Laura Walker and Chaplain Adrian Parry with our 2003 Friends of the Center Awards. Each has been an inspiration to many Center Fellows and Interns in the four years of collaboration on ethics projects at Palmer Trinity. Laura Walker has been a true friend to the Center for years - as an Advisory Board member and mentor. She has been a stalwart supporter of the ethics projects. Adrian Parry has worked directly with a series of law students who have all been taught and inspired by his dedication to ethics, integrity, and character.



*Father Adrian Parry with Tony Alfieri*



*Special thanks to our Graduating Fellows. Front row: Travis Leach, Lisa Bugni Mahoney, Richard Jurgens, Elizabeth Pedersen, Fara Gold. Back row: Monica Vignes, Justin Rost, Daniel Sanchez-Galarraga, Robert Clary, Josh Poyer, Patrice Behnstedt, Adam Goldfarb (Not pictured: Kirsten Brown, Melissa Catello, Ilana Marcus, Allison Neuman)*

**GOLDMAN SACHS HOSTS CENTER SPRING RECEPTION**

On Saturday, May 17th, Goldman Sachs hosted a joyful and poignant reception at which the year's many successes were celebrated as all bid farewell to sixteen graduating Fellows. The event created a forum for Fellows, their families, and the Advisory Board to recap the year's projects and events. The Center thanks all the graduating Fellows for their hard work and dedication: Patrice Behnstedt; Kirsten Brown; Melissa Catello; Robert Clary; Daniel Sanchez-Galarraga; Fara Gold; Adam Goldfarb; Richard Jurgens; Travis Leach; Ilana Marcus; Lisa Bugni Mahoney; Allison Newman; Elizabeth Pedersen; Josh Poyer; Justin Rost; and Monica Vignes. Special thanks also to Advisory Board member Jeff Roberts, Goldman Sachs Vice President and Florida Regional Manager, for the sponsorship of Goldman Sachs.

**Ethics & Public Service News**

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## ETHICS TRAINING

*By and for the Bar and Bench*

### THE FLORIDA BAR RETAINS THE CENTER AS ETHICS EXPERT

This spring the Bar & Bench Group formed the Florida Bar Consultancy Project to provide services as an ethics expert to the Florida Bar in selected complex disciplinary prosecutions. Supervised by Senior Fellow Harriet Rubin Roberts and aided by Akerman Senterfitt Fellow Lisa Bugni, this ground-breaking live-client ethics clinical project enables Center Fellows and Interns to conduct fact investigation, research case law, statutes, and other legal authority, and assist in the drafting of opinion letters and the preparation of expert testimony. The project affords Fellows and Interns an extraordinary opportunity to learn about the relationship among ethics, professional liability, and complex civil litigation.

### CENTER HOSTS MICHAEL KLEIN OF WILMER, CUTLER & PICKERING

On April 1, 2003 the Center hosted a special Leadership Breakfast featuring alumnus Michael Klein, partner at Wilmer, Cutler & Pickering of Washington, D.C. Mr. Klein, a prominent corporate and securities attorney who was pivotal in the corporate control contests of the 1980s, spoke to Center Fellows and Interns about his diverse and distinguished legal career. He talked at length about his philosophy of legal practice illuminating his view that the lawyer's role should be viewed as a "problem to be solved, rather than a case to be won." He also expounded upon the current climate of "ethical malfeasance" - especially lawyers' inability

rightly to perceive issues and their failure to take responsibility for misconduct -- which has fostered the recent spate of corporate scandals in America. Mr. Klein also reflected on his work as a law professor in the deep-south during the civil rights movement and his contributions to the not-for-profit legal community. Senior Fellow Harriet Rubin Roberts welcomed Mr. Klein on behalf of the Center and introduced him as "the real thing, a gentleman lawyer in the best sense of the word, a lawyer who has perfected the art of legal craft to ultimately serve the public."

### PUBLIC INTEREST LAW PROJECT CONDUCTS ETHICS TRAINING FOR LAW CLERKS IN FEDERAL COURT

On March 26, 2003, the Center conducted its annual spring ethics training at the federal courthouse in Miami for the Law Clerks serving federal appellate and trial judges in the Southern District of Florida. Director Tony Alfieri and Senior Fellow Harriet Rubin Roberts presented a one-and-one-half hour seminar on difficult ethics issues unique to judicial law clerks in connection with conflicts of interest and the appearance of impropriety as they arise outside the courthouse in the pursuit of opportunities in private practice and in social activities. 3L Catsman Fellow Joshua Poyer provided comprehensive and insightful research on the Judicial Code of Ethics and the case law surrounding ethics violations on the bench. The training was attended by approximately 75 judicial law clerks who actively participated with insightful questions and comments.

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#### Fara Gold

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#### Adam Goldfarb

Criminal Justice Fellow

#### Richard Jurgens

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#### Travis Leach

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#### Ilana Marcus

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#### Elizabeth Pedersen

AT&T Fellow

#### Josh Poyer

David P. Catsman Fellow

#### Justin Rost

Community Health Fellow

#### Monica Vignes

William M. Hoeveler Fellow

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Michael Zanetti

#### POST-GRADUATE INTERN

Nathaniel Tobin

## ETHICS TRAINING

*By and for the Bar and Bench*

### LAW FIRM ETHICS TRAINING AT GREENBERG TRAURIG

On April 2, 2003, Senior Fellow Harriet Rubin Roberts presented a two-hour seminar with Director Tony Alfieri at Greenberg Traurig's Miami office entitled "Hiring and Firing the Corporate Client." More than 120 Greenberg Traurig attorneys from 17 branch offices participated via teleconference. The complex hypothetical case study raised a number of thorny legal and ethical issues surrounding the representation of corporate clients in high finance. Some of these issues included: conflicts of interest among investment banks, corporate predecessors, corporate affiliates, and economic competitors; the duties of confidentiality in negotiating complex financial transactions; the representation of such corporations when those transactions become the subject of commercial litigation and white collar criminal proceedings; and the scope of representation with respect to business advice versus legal advice. 3L Greenberg Fellow Kirsten Brown and 3L Bankruptcy Fellow Rob Clary provided valuable research assistance and case law commentary at the seminar. 1L Interns Michael Rosenthal and Ihsan Speede-Franklin prepared the briefing books and handouts for the session.

### LEGAL SERVICES OF GREATER MIAMI TRAINING



Greenberg Traurig Fellow Kirsten Brown, Tony Alfieri and Harriet Roberts (seated)

On March 28, 2003 the Center conducted its spring ethics training at Legal Services of Greater Miami. Director Tony Alfieri and Senior Fellow Harriet Rubin Roberts presented a seminar on the controversial ethics issues surrounding "pro se" representation and the "unbundling" of legal services for the poor. 3L Hoeveler Fellow Monica Vignes engaged in the research and writing of the case study and materials specific to pro se services. 1L Intern Rossana Arteaga also provided valuable research.

### SECOND ANNUAL CRIMINAL JUSTICE ETHICS SYMPOSIUM LED BY ZUCKERMAN SPAEDER

On April 11, 2003, the Center hosted the Second Annual Criminal Justice Ethics Symposium for over 175 distinguished criminal defense lawyers, federal and state prosecutors, federal and state judges, government lawyers, and members of the legal academy at UM's Storer Auditorium. Jointly sponsored by the ABA Criminal Justice Section's Florida White Collar Crime Committee, the Florida Bar, and the Florida Supreme Court, the day-long Symposium addressed cutting edge ethical and professional issues in criminal law during five panels comprised of superstars of the criminal justice bar and bench. Spearheaded by Center Advisory Board member Steven E. Chaykin of Zuckerman Spaeder and a steering committee of leading South Florida lawyers, and supervised by Senior Fellow Harriet Rubin Roberts, an outstanding team of Center Criminal Justice Fellows and Interns produced a sophisticated and comprehensive set of legal memoranda and research materials for the participants, conducted research for the panels, and organized the logistics for the Symposium. 3L Fellow Fara Gold worked closely with Federal Public Defender Kathleen Williams who moderated a panel entitled "Good Faith & the Limits of Zealous Advocacy" on good faith prosecutions and defenses, the ethics of cross examination and impeachment, and trying the case to the media. Fara also advised the "Conflicts" panel, moderated by Hy Shapiro of Hogan Greer &

Shapiro, on joint defense agreements and the "no contact" rule. In addition, Fara helped prepare materials for the distinguished panel of state and federal judges entitled, "Ethics A View from the Bench." 3L Fellow Adam Goldfarb worked closely with the renowned criminal defense attorney Albert Krieger, who moderated the panel on "Attorney's Fees." The panel engaged in a lively debate with government attorneys on the recently enacted Patriot Act. 2L Intern Ari Tenzer advised the panel on "Duty to Give Up Your Client," moderated by Jane Moscovitz of Moscovitz, Moscovitz & Magolnick, on the complexities of an attorney's ethical duties of confidentiality in the face of the new and highly controversial Sarbanes-Oxley Act. 1L Intern Lynn Robinson played a pivotal and indispensable role on every aspect of the production of the Symposium. The keynote speaker for the Symposium was Professor Monroe H. Freedman, Howard Lichtenstein Distinguished Professor of Legal Ethics at Hofstra University Law School, who urged all attendees to be alert to the adverse impact of federal rule sanctions on the constitutional rights of criminal defendants. Florida Supreme Court Justice Raoul Cantero III, Chair of the Florida Supreme Court Commission on Professionalism, presented closing remarks in which he gave a ringing endorsement to the significance of professionalism and ethics symposia.

## ETHICS EDUCATION

*For Middle School, High School and College Students*

### ETHICS EDUCATION AT MIAMI SR. HIGH SCHOOL SUPPORTED BY HUNTON & WILLIAMS

By Education Group Intern Sam Heller

The Center continues a successful ethics collaboration with Ed Asper, Director of the Legal and Public Affairs Magnet at Miami Senior High School. The weekly ethics classes are great learning experiences for both the law students and the high school students. With new interns coming from the 1L class, the Miami Senior High team was given a burst of energy by Lauren Bercuson, Hilton Napoleon, Ashley Sybesma, and Alex Parra. Each week, the students brought fresh ideas to the classroom at Miami Senior High on a diverse range of topics including high school athletics, the war in Iraq, censorship, freedom of the press, and the effects of video games on children. The project was headed by Hunton & Williams Fellow Allison Newman and Intern Sam Heller and was both rewarding and challenging for the law students. Intern Ashley Sybesma remarked, "Being able to teach these kids who are smart and energetic about learning ethical legal issues is really refreshing. Teaching young people helps to put the reasons for attending law school into perspective."

### PALMER TRINITY STUDENTS PRESENT MOCK TRIAL

By Palmer Trinity Fellow Daniel Sanchez-Galarraga



Father Adrian Parry with Palmer Trinity Fellows Daniel Sanchez-Galarraga and Patrice Behnstedt

"All rise, the Federal Court for the District of Palmer Trinity is now in session..."

On April 9, 2003 the Palmer Trinity Fellows conducted a mock trial at the Law School. On trial was Sanford Networks, the fictitious provider of the online file distribution program, Gopher Media Desktop. The trial was modeled after the *KaZaa* copyright case recently decided in the federal courts. Palmer Trinity Intern Melissa Hayes and Fellow Daniel Sanchez-Galarraga researched and prepared the materials for the trial. The "cast" for the trial was made up of Center Fellows and Interns as well as students from Palmer Trinity's Honors Economics course. The students from Palmer Trinity served as lawyers and witnesses. The student-lawyers from Palmer Trinity prepared their own statements and questions.

Deputy Director Karen Throckmorton remarked: "the quality of the preparation coupled with the dynamic speaking ability of the bright Palmer Trinity students made this trial a delight to watch." Lawyers from both sides delivered persuasive opening and closing statements and incisive witness examinations. Upon deliberating the jury found Sanford Networks and its Gopher Media Desktop program not guilty of contributory and vicarious copyright infringement. In addition to conducting mock trials, the Palmer Trinity Fellows and Interns have continued to teach weekly classes concerning ethics and the law at Palmer Trinity alongside Instructor Paul Quick and Father Adrian Parry. Various topics such as the ethics of war, capital punishment, abortion, and tolerance were discussed. The Center looks forward to continuing and expanding its relationship with the wonderful teachers and students at Palmer Trinity for years to come.

### AT&T SPONSORS "ETHICS IN HONOR AND DISCIPLINE" SYMPOSIA

By Intern Ellye Smith



Interns Alex Gomez and Ellye Smith with AT&T Fellow Libby Pedersen

Honor is a concept about which we all know, but also one of which we need to be constantly reminded," stated AT&T Fellow Elizabeth "Libby" Pedersen. To that end, the Center's Education Group held two Study Circle symposia this semester educating teachers about Honor Codes. Libby, Intern Alex Gomez, and I coordinated each event along with Drs. Shawn Post and Susan Mullane from UM School of Education as part of the joint partnership between the Schools of Law and Education. Both day-long events were held at the Law School. The first symposium, "Ethics of Honor and Discipline," was held on February 21, 2003 for an audience of 40 public and private school teachers from Miami-Dade County. Dr. Susan Mullane, Associate Professor for UM's School of Education, spoke to teachers on how to implement lessons on academic integrity into the classroom in her presentation, "The Nuts and Bolts of Academic Integrity." UM Director of Graduate Enrollment Jim Fatzinger demonstrated how UM engages its student population on issues of academic integrity. Palmer Trinity Fellows Patrice Behnstedt

and Daniel Sanchez-Galarraga simulated a high school classroom and taught an interactive case study on cheating, titled "I Just Have to Get a Good Grade on this Test." The most popular workshop of the day was a panel moderated by Intern Alex Gomez consisting of students from Miami-Palmetto Senior High School and the University of Miami. The students spoke about their school's Honor Code and Honor Council. Panelists distributed their Honor Codes as samples and explained how they work to combat cheating at their schools. One teacher sadly stated that her school was years away from being able to implement such a program because the school was ranked "double F." She thanked all, however, for giving her a vision for the future.

The symposium held on April 11, 2003, "Ethics of Honor: Inspiring Honesty in the Classroom," addressed UM undergraduate students at the School of Education who are future teachers. At the request of the School of Education, we brought this program on academic integrity to its student teachers with help from Mr. Tom Gammon, Teacher-Director for the United Teachers of Dade Charter Schools Initiative. His experiences as a lawyer and as a schoolteacher yielded real-world lessons on acting ethically in the classroom. Feedback from one student teacher described the workshop she attended as "very informative and useful for teachers." Our goal was to share a vision of honor, academic integrity and accountability. We are grateful to AT&T for sponsoring this excellent program.