

#### EAPR ETHICS & PROFESSIONAL RESPONSIBILITY

The Ethics and Professional Responsibility Program (EAPR) had another tremendous semester as it increased both its student enrollment and its community outreach. This fall EAPR students presented CLE ethics trainings at three new venues: The ABA International Business Law Conference, The Spellman-Hoeveler Chapter of the American Inns of Court, and Florida Legal Services via a webinar.

Robert A. Ades Fellow Bryan Harrison, and Interns Wendi Ribaudo and Daniel Schwarz created a hypothetical for the ABA presentation that was pulled straight from the headlines in current international legal news, and involved such hot topics as bribery of foreign government officials and corporate corruption. Thanks to Russell Dombrow, Co-Chair of the ABA International Business Law section meeting for facilitating our presentation.

"Law is one of society's noblest callings—and, inescapably, law is a business," concluded Steven Chaykin Fellow William Nicholson, and Intern Gayland Hethcoat, as they explored this tension in a presentation before the Spellman-Hoeveler Chapter of the American Inns of Court. The students focused on the difficult issues that Internet-based marketing pose for lawyers. Thanks to Jordan Dresnick for coordinating the event.

Interns Darci Cohen, Nema Daghbandan and Karin Dryer led a web-based training session for new attorneys at Florida Legal Services (FLS). The training included client confidentiality issues and a section about the use of social networking websites in the legal profession. "Training a large group of attorneys that was hundreds of miles away was a rewarding experience. I'm really proud of what our team was able to accomplish," said Nema. Thanks to Kathy Grunewald for including us in the FLS seminar.

In addition to EAPR'S new venues, students returned to Catholic Charities, Legal Services of Greater Miami and the Public Defender's Office. Fellow Paul Masdeu and Interns Matipa Nyamangwanda and Kara Strochlic visited Catholic Charities to present hypothetical situations implicating a host of ethical dilemmas commonly confronted by immigration lawyers. "The experience was both educational and uplifting. I would encourage other students to participate. It is a phenomenal experience!" said Matipa Nyamangwanda. Thanks to Miriam Mezadieu and Callan Garcia for coordinating our presentation

Interns Ben Carter, Jason M. Goldstein and Jennifer Malaer led an interactive session at Legal Services of Greater Miami, Inc. (LSGMI) that involved ethical issues encountered in LSGMI's various practice areas of the law, from public housing evictions and foreclosure proceedings to unemployment compensation benefits claims. Echoing the sentiments of a Legal Services attorney who attended the session, Ben Carter said the trainings " demonstrate the importance of both sides of legal ethics: the academic and the practical. The interaction between the ethics rules we learn at school and real life practice adds a lot to the learning experience." Thanks to Liz Gonzalez for inviting EAPR back to LSGM

Interns Amanda Flannelly, John Wilson, and Brandon Spivack worked, with assistance from Public Defender Robert Coppel, to draft a hypothetical filled with ethical issues encountered by attorneys at the Miami-Dade Public Defender's Office. "Participating in the CLE Ethics training was a unique learning experience. Observing practicing attorneys exchange ideas about ethical issues is not something that a traditional classroom experience could capture," said Amanda. Special thanks to Robert Coppel for his assistance and support

#### Leadership Luncheon Series

#### WOMEN AND LAW

Panelists: The Honorable Judge Jackie Scola, Eleventh Circuit Court; Patricia Thompson, Partner, Carlton Fields; Detra Shaw-Wilder, Partner, Kozak, Tropin, & Throckmorton, and Ivette Arango, Miami-Dade County State Legislative Coordinator. EAPR moderators: Darci Cohen and Matipa Nyamangwanda

#### ETHICAL ISSUES IN CRIMINAL DEFENSE

Panelists Profe or Ricardo Bascua Professor Sarah Mourer, David Rothman, Eso David Rothman & Associates, and The Honorable William Thomas, Eleventh Circuit Court. EAPR Moderators: Amanda Flannelly and Milana V. Kuznetsova

By Intern Evan Hughes

EAPR Students plan the semester with Director Jan Jacobowitz

Left to right: Shanra Ford, Nema Daghbandan, Irma Khoja, Jan Jacobowitz, Karin Dryer, Paul Masdeu

### THE FIRST AMENDMENT & CORPORATE AMERICA

#### Citizens United v. Federal Election Commission

Panelists Sanford L. "Sandy" Bohrer, Partner, Holland & Knight; Thomas R. Julin, Partner, Hunton & Williams Michael R. Masinter, Professor of Law, NOVA Southeastern **EAPR Moderators:** ad Hethcoat and Jason Goldstein

#### ETHICAL ISSUES IN EMPLOYMENT DISCRIMINATION LAW

Panelists Sherril Colombo, Member, Cozen, O'Conner;

Jacqueline McNair, District Director, EEOC, Miami Office; Donald Papy, Chief Deputy City Attorney for City of Miami Beach **EAPR Moderators:** rma Khoja and William Nicholson

#### COMBATING OFF-SHORE TAX EVASION

#### The UBS Case & Beyond

Panelists: Jeffrey Neiman, Assistant United States Attorney; Summer LePree, Associate, Holland & Knight, Kevin Packman, Partner, Holland & Knight **EAPR Moderators:** Daniel Schwarz and Brandon Spivack

Thanks to all of the panelists who shared their "real world" insights with our students this semester at the leadership luncheons.

ANELISTS PREPARE TO DISCUSS THE ETHICAL ISSUES IN CRIMINAL DEFENSE PRACTICE



Professor Ricardo Bascuas, The Honorable William Thomas, David Rothman, Professor Sarah Mourer

# **HEALTH & ELDER LAW**

#### CLINIC WINS \$29,000 FOR DISABLED CL

had just finished the most rigorous year of course work lever experienced when I heard the news: I would be conducting a Social Security Disability Insurance hearing in front of an Administrative Law Judge within a month and a half. The University of Miami Health and Elder Law Clinic gave me responsibility for a client who suffered numerous impairments that, by themselves, did not quite meet the criteria for a disability determination. The record was well over one thousand pages of medical records and evaluations that needed to be matched with the Social Security Blue Book Listings – quite the task for anyone unskilled in reading doctors' handwriting.

After my first real brief was submitted, my client agreed to participate in a mock hearing in front of the entire clinic. My client gave his testimony and I crossexamined the medical and vocational experts while my fellow clinical students observed. The results were highly beneficial to us both: my client was put at ease and I obtained the confidence I needed to appear successfully in front of the Administrative Law Judge.

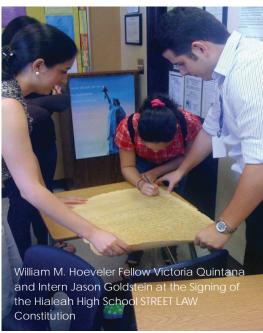
The hearing was a huge success for my client. The medical expert found my client disabled under numerous Social Security listings after hearing testimony. My client had just gone from near homelessness to having a sustainable standard of living: \$29,000 in back pay and \$1,770 monthly. I was ecstatic that I had the opportunity to use my legal knowledge to assist an indigent client. The clinic introduced me to the importance of pro bono legal work and giving back to the community. The practical experience and civic pride the clinic has instilled in me will remain with me for the rest of my life.

By Miami STREET LAW Director Karen Throckmorton

#### KNOWLEDGE OF THE LAW CAN BE LIFE-CHANGING.

This truth inspires thirty students to teach law to teens in our community each week at nine different venues through Miami STREET LAW. Their teachings are complex and varied. A few glimpses of the substantive legal teaching done in Miami STREET LAW: teens learning about the Constitution and the uniqueness of our government; teenagers learning about their rights to freedom of speech and freedom of the press in the school newspaper; teenagers convicted of crimes learning about criminal procedure and due process; and pregnant teens learning about Florida laws on child custody and child support. These substantive teachings inform them of pertinent laws and challenge them towards critical thinking.

Procedurally, the skills taught through mock trials and moot court arguments can be just as life changing. Applying the rules of evidence, drafting opening and closing statements, and questioning witnesses are examples of experiential learning at its finest. As an added bonus, the Street lawyers learn the law better through the coaching for these trials and competitions. Through their efforts, hundreds of students learn about our laws and our legal system in a challenging and engaging way.



Throughout the semester, each team of Street lawyers develops a unique curriculum for the class. Here's an aphabetical overview of the fall teachings. At the Bay Point School, David Catsman Fellow Jesse Soffer's team taught a variety of legal issues in constitutional law, landlord tenant, animal rights, contract theory, negotiating and the legal implications of teenage sex. At Coral Gables High School, John Hart Ely Fellow Arye Emert's team taught a segment on intellectual property. Arye called the teaching "Copyright Olympics" and taught four mini-lessons on copyright law, involving basic concepts such as the difference between creative works and facts, the right to publicity, the fair use defense, and the protection of parodies. At Coral Reef High School, Peter R. Palermo Fellow Eric Reisman is helping students prepare for the "We the People" constitutional law competition in which Eric had been on the winning team in Connecticut. Eric reports "We are essentially doing the competition once a week to make the students feel comfortable and confident in their presentations."

#### By Dalia Laufer

Miami is centrally located to prominent ecosystems, such as the Everglades, Key Biscayne, and the Florida Keys, making the University of Miami an ideal location for an Environmental Law Project (ELP). Beginning Fall 2009, law students began meeting once a week to plan the emergence of the clinic. These students became interns in the Environmental Law Project (ELP).

The interns kicked off the semester by first researching environmental law clinics and programs in law schools across the nation. They studied how they operated and what sort of initiatives they were taking. After sufficiently gathering enough research about other programs, the interns then began collecting information on opportunities and needs here in Miami. Not surprisingly, Miami has an abundance of opportunities for the interns – from working with local Non-Governmental Organizations to collaborating with UM's Abess Center for Ecosystem Science and Policy or Rosentiel School of Marine and Atmospheric Science (RSMAS). Every week the interns reconvened to develop a plan for the ELP. At the end of the semester, ELP's creation was the "Greenbook", a proposal describing the ELC's function and goals, appendixed with a list of contacts and organizations for clinical collaboration.

#### CENTER FOR ETHICS & PUBLIC SERVICE University of Miami School of Law

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Mia Goldhagen Bandier Fellow

Nicole Marie Ramos **Bandier Fellow** 

Khari Taustin **Bandier Fellow** 

COMMUNITY ECONOMIC **DEVELOPMENT & DESIGN CLINIC** 

Visiting Fellows Charles F. Elsesser, Senior Fellow Bernadette F. Armand Aziza Naa-Kaa Botchway David R. Cook D. Porpoise Evans Purvi Shah

Kathleen S. Ainsworth Historic Black Church Fellow

Marya Farah Historic Black Church Fellow

Daniel Glass Florida Legal Services Fellow

Shannon Greco Historic Black Church Fellow Sara Narkes

Florida Legal Services Fellow

Kimberly Salamone Greenberg Traurig Foundation Fellow

Rebecca Sarinsky Florida Legal Services Fellow

Audra Thomas John B. Alfieri Fellow

## ENVIRONMENTAL LAW PROJECT

Interns Benjamin Carter Jonathan Cohn Tashalvn Cosimo Evan Gilead Scott Gold Daniel Goldberg Richard Huggins Sarah Laputz Dalia Laufer heophilos Poulopoulos Falon Rainey Scott Roberts

#### **ETHICS & PROFESSIONAL RESPONSIBILITY PROGRAM** Jan L. Jacobowitz, Director

Brvan Harrison Robert A. Ades Fellow

Paul Masdeau Bankruptcy Bar Association Fellow

William Nicholson Steven E. Chaykin Fellow

#### HEALTH & ELDER LAW CLINIC IoNel Newman, Director

Melissa Swain, Clinical Instructor/Supervising Attorney Olga Porven, Clinical Instructor/Supervising Attorney Amparo Santana, Administrative Assistant

Alison M. Flowers Akerman Senterfitt Fellow

Kim Parrott Florida Bar Foundation Fellow Heather Pitofsky

Florida Bar Foundation Fellow

Paige Van Ness Florida Bar Foundation Fellow Jason Wallace

Florida Bar Foundation Fellow

MIAMI STREET LAW PROGRAM Karen Throckmorton, Director

Arve Emert John Hart Ely Fellow

Tamara Kosic Peter R. Palermo Fellow

Sara Mantin David P. Catsman Fellow

Tara Mathena Hunton & Williams Fellow

Chris Phillips Palmer Trinity Fellow

Stefanie Phillips William M. Hoeveler Fellow

Victoria Quintana William M. Hoeveler Fellow

Eric Reisman Peter R. Palermo Fellow

Jesse Soffer David P. Catsman Fellow

Peter R. Palermo Fellow Eric Reisman, Karen Throckmorton, and Street Lawyers Mallory Gold and Elan Weiss after presenting a lesson on the Bill of Rights to UM undergraduates on Constitution Day, September 17, 2009

# **MIAMI STREET LAW**

## TEACHING LAW OUT IN THE COMMUNIT

This fall, some of the schools started the program by drafting their own Constitution. This exercise at what William Hoeveler Fellow Victoria Quintana calls "nation building' challenges them to learn and analyze our governmental structure. Viki teaches STREET LAW at Hialeah High School and summarizes the exercise as follows:

"Four score...but really only a few weeks ago...the students of Mrs. Soto's Constitutional Law class at Hialeah High School brought upon themselves a new constitution, conceived in the

desire to make learning fun and dedicated to the proposition that every student should have a voice."

## ENVIRONMENTAL LAW PROJECT PILOTING AN ENVIRONMENTAL OUTREACH

At Miami Senior High, Hunton & Williams Fellow Tara Mathena's team has focused on the Bill of Rights - highlighting issues such as free speech and religion in schools, civil rights, search and seizure, and possible criminal sanctions for texting. At Miami Northwestern High School, John Hart Ely Fellow Stefanie Phillips's team focused on issues of criminal procedure and constitutional law. At the Palmer Trinity School, Palmer Trinity Fellow Christopher Phillips's team taught a comprehensive civics series on election law focusing on campaign finance, redistricting, and voting rights. At the W.I.N.G.S. school for pregnant teenaged girls with criminal convictions, the team led by David Catsman Fellow Sara Mantin and Peter R. Palermo Fellow Tamara Kosic have tailored the legal lessons to issues such as juvenile justice, domestic violence, child support, and emancipation of minors. They even had the girls perform a mock criminal trial of Chris Brown for his alleged violence against Rhianna.

In closing, a few reflections from Street lawyers.

#### Jesse Soffer writes that the

"STREET LAW Academic program is one of the most rewarding experiences a law student can engage in during his or her legal education."

Tamara Kosic reflects, "Teaching law at WINGS has been a blessing and I certainly have learned as much about law and life from them as they have from me."

In discussing her work at her alma mater, Miami Northwestern High School, Intern Samantha Preston states, "STREET LAW has proven to be the most influential and invigorating experience thus far of my law school experience."

Rob Collins at Coral Gables High School



STREET LAW Intern Shawn Hogue, UM President Emeritus Tad Foote, and Peter R. Palermo Fellow osic judging an oral argu



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Fall 2009

Volume 9, Issue 1

CENTER FOR ETHICS & PUBLIC SERVICE University of Miami School of Law

CEDAD Community Economic Development & Design Clinic

### EXPANDS OUTREACH

## HUNGER PROJECT

By Aziza Naa-Kaa Botchway Director, Hunger Project Visiting Fellow, CEDAD

The Hunger Project was designed as a partnership established in conjunction with the Historic Black Church Project in 2009, in response to the hunger and food insecurity crisis existing in South Florida. The goal of the project is to alleviate hunger through creative legal advocacy and intervention. Law students conduct rights education seminars, refer clients, help local food banks increase capacity and partner with Florida Legal Services and other advocates to engage in strategic law reform. With students from Ransom Everglades High School, we seek to alleviate hunger on the local level, through active solicitation of non-perishable food items to support local food pantries and distribution programs. We recognize poverty as the major cause of hunger and food insecurity in the United States. The feminization of poverty has grown internationally and U.S. households headed by women are more likely to live in poverty and require food stamps. Thus, we direct significant outreach activities to female headed households who may be eligible for benefits through the Supplemental Nutrition Assistance Program (SNAP). Fellow Kim Salamone assisted with a presentation at Beulah Missionary Baptist Church and spearheaded our capacity building efforts. We firmly believe that all have the right to a standard of living adequate for the health and well-being of themselves and their families



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# CYLC Reflections of Clinical Fellows

The Children & Youth Law Clinic (CYLC) enrolled 23 Interns (2Ls and 3Ls), and three returning clinical fellows. The fellows support clinic faculty and students in a variety of capacities: screening new cases, mentoring and collaborating with interns, engaging in client advocacy in select cases, and leading several law reform advocacy initiatives. All three are Bandier Fellows and have provided invaluable assistance to faculty, interns and clients. Here are their reflections of some of their experiences this past semester.



KHARI TAUSTIN

Since the day I began law school I have wanted to transform the way our system provides access to justice and seek to ensure that there is equality in gaining access to legal representation. Working with the CYLC, first as a 2L intern and now as a certified legal intern/fellow, I see first-hand how unequal the "real world" actually s when it comes to the justice system. The model for this truth has been one of my most eye-opening and rewarding experiences.

Taking my first case before an Administrative Law Judge this fall on appeal of a disability determination by the Agency for Persons with Disabilities (APD), I experienced just how much our advocacy s needed by the former foster care youth we represent. With the support of a 2L intern, I was able to represent our client in

the courtroom and subsequently compose the comprehensive proposed recommended order that would bring together the elements of the oral argument and the documentary evidence we had put forth. We in no way considered our case a "slan dunk," but just last week, we received the order stating we had won the appeal.

Regardless of whether a student wants to go into the public or private sector, the skills are the same – through CYLC we have the opportunity to learn by handling cases with some of the best support and encouragement from our attorney supervisors that anyone could hope for. There is no replacement for that education.

clients are entitled to receive under the state's Road to Independence statute. From this class discussion, I drafted a memorandum summarizing our collective recommendations to amend the DCF "needs assessment" form, which we will present to DCF at an upcoming statewide policy conference. The most gratifying element of my experiences is that I am able to improve the quality of services provided to foster youth and also to develop proposals for law reform to effectuate that goal.

My work as a fellow has helped to propel me further on my public interest legal career path. I am grateful and humbled to have been selected to serve as a fellow this year.

## MIA GOLDHAGEN



My participation as a fellow in the CYLC has given me unparalleled experience to practice skills related to advocacy, trial strategy, drafting, client interviewing and counseling, and attorney supervision.

However, the highlight of my clinical experience was my oral argument as a Certified Legal Intern before the Supreme Court in support of Rule 8.100(a), a proposed change to the Florida Rules of Juvenile Procedure designed to end the routine and blanket shackling of children appearing in juvenile court. Mirroring the current practice in the Miami-Dade Juvenile Courts, the proposed rule would allow juvenile shackling in the courtroom only upon a judge's individualized inding of need.

Based on an amicus brief authored by a former CYLC fellow, under the supervision of Professor Bernard Perlmutter, I argued that the

practice of routine and blanket juvenile shackling was antithetical to the uniquely therapeutic and rehabilitative purposes of the juvenile justice system. We received a favorable outcome in December and are thrilled for the change in treatment of juveniles in the criminal justice system.

## NICOLE RAMOS

One of my most significant projects this past semester was to supervise a group of 2L interns in the CYLC's Independent Living Workgroup. The interns and I have created a systematic approach to educate the staff of the Department of Children and Families (DCF) on "best practices" for independent living services for youth who age out of foster care. To achieve this goal, my group has produced a PowerPoint presentation describing the foster care services mandated by the Florida Independent Living Statute. This will be presented to caseworkers in an effort to improve the services and resources provided to their clients.

Additionally, the workgroup led a CYLC class discussion about possible improvements to an assessment instrument used by DCF to determine the funds that former foster care



