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## Clinical Genesis in Miami

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# CLINICAL GENESIS IN MIAMI

Anthony V. Alfieri<sup>1</sup>

## I. INTRODUCTION

Four years ago, Jessi Tamayo, then a third-year law student in the Stein Scholars Program at Fordham University Law School's Center for Law and Ethics marched into my campus office and announced her intention to work at the Center for Ethics and Public Service ("the Center") housed for a decade here at the University of Miami School of Law.<sup>2</sup> Now the Assistant Director of the Center, Jessi exemplifies the *boldness* of the next generation of leaders in legal ethics education. Three years ago, Wendi Adelson, then a second-year student here at the Law School, strode into my office and declared her aim of starting up an immigration law clinic to represent underserved segments of the South Florida undocumented, indigent population. Now a Clinical Fellow and a Staff Attorney in our Children and Youth Law Clinic litigating immigration-related cases on behalf of indigent children and juveniles in federal and state court proceedings, Wendi epitomizes the *commitment* of the next generation of leaders in clinical legal education. Last year, Maryanne Stanganelli, then a young associate in a thriving litigation practice at a large law firm in New York City, stepped into my house off-campus and over a boisterous family lunch expressed her aspiration of developing an interdisciplinary educational program on law and public policy with the faculty and students of the Law School, College of Arts and Sciences, and graduate schools at the University of Miami. Now the Assistant Director of the Center's Joint Program on Law, Public Policy, & Ethics, Maryanne embodies the *creativity* of the next generation of leaders in multidisciplinary graduate and undergraduate education.

The collective boldness, commitment, and creativity demonstrated in the work of young legal academics like Jessi, Wendi, and Maryanne vividly captures the ethos of the Center for Ethics and Public Service. Founded in 1996, the Center is an interdisciplinary clinical program devoted to the values of ethical judgment, professional responsibility, and public service in law and society. The Center's in-house clinics and educational programs provide legal representation to low-income communities in the fields of children's rights, public health entitlements, and nonprofit economic development, as well as legal ethics education and professional training to the Law School, University, and Florida business, civic, and legal communities. The Center observes three guiding principles: interdisciplinary collaboration, public-private partnership, and student mentoring and leadership training. Our goal is to educate law students to serve their communities as *citizen lawyers*.

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<sup>1</sup> Professor of Law and Director, Center for Ethics and Public Service, University of Miami School of Law. I am grateful to Wendi Adelson, Adrian Barker, Ellen Grant, Amelia Hope, Nancy Levit, Cindy McKenzie, JoNel Newman, Bernie Perlmutter, Maryanne Stanganelli, Jessi Tamayo, Karen Throckmorton, and Kele Williams for their comments and support. This Essay is dedicated to the clinical faculty at the University of Miami School of Law's Center for Ethics & Public Service.

<sup>2</sup> The Stein Scholars Program prepares students for the practice of law in the public interest. See Fordham University Law School Louis Stein Center Law and Ethics, <http://law.fordham.edu/ihtml/st-2scho.html?id=291> (last visited May 24, 2007).

Staffed by graduate and undergraduate student fellows and interns under the direction of Law School and University faculty, the Center operates three in-house clinics and three educational programs in the fields of ethics education, professional training, and community service. Jessi's Corporate and Professional Responsibility Program offers ethics, professional liability, and compliance training to bar associations, courts, law firms, corporations, government agencies, and nonprofit groups. Wendi's Children and Youth Law Clinic supplies legal services to children in the foster care system and advances law reform initiatives on behalf of low-income children and families in cooperation with the School of Medicine's Department of Psychiatry. Maryanne's Joint Program on Law, Public Policy, and Ethics sponsors interdisciplinary colloquia and clinical internships in partnership with the College of Arts & Sciences and University graduate schools. Moreover, the Center's Street Law Program teaches law, public policy, and ethics to students and faculty in Miami-Dade County's public and private schools, and teaches freshman and upper-level honors seminars in the College of Arts & Sciences. Additionally, the Center's Community Health Rights Education Clinic furnishes legal advice and advocacy to vulnerable low-income populations in the areas of health rights, public benefits, immigration, and permanency planning in cooperation with the Schools of Nursing and Medicine. Lastly, the Center's Community Economic Development and Design Clinic supplies legal rights education, self-help advocacy training, and economic development assistance to low-income groups in cooperation with Florida Legal Services and the School of Architecture.

The story of the Center and its first decade of evolution is the story of young people—undergraduate students, graduate students, and clinical faculty—*learning* to become and *becoming* advocates, mentors, and public citizens. It is a story of academic engagement and civic leadership. It is a story of, by, and for the best of the next generation. We hope it inspires you to join them.

## II. THE NEWCOMER: A QUICK LESSON IN THE CENTER'S FUNCTION AND FORM

Maryanne Stanganelli<sup>3</sup>

I arrived at the Center in August of 2006. It was a Tuesday, and the Center's nine staff members were preparing for their weekly status meeting. Weekly meetings were a mainstay at the law firm in which I had closed out my caseload only five days prior. However, at this meeting, I had no idea what to expect.

While I was confident that I was ready for the academic, creative, and activist environment of the Center, as I sat in the conference room waiting for the meeting to begin, I felt completely unprepared. My work as a litigator suddenly seemed irrelevant. I would soon realize that this was not the case, but the initial

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<sup>3</sup> Maryanne Stanganelli is the Assistant Director of the Center's Law, Public Policy & Ethics Program.

thought left me feeling like a voyeur, rather than a participant, in the meeting. At least as a voyeur I was able to observe as a true outsider, and in this fashion I discovered a great many things during the hour-long meeting. Among them, that the Center's staff consists of an amalgam of academics and practitioners who come together with the group dynamics of a family, the passion of a non-profit organization, and the optimism of a start-up corporation.

I also learned that this was a critical year in the Center's development. I already knew that the Center was embarking on yet another adventure with its formalization of its sixth program, the "Law, Public Policy, and Ethics" program ("LPPE"), because I had been hired to develop it. What I did not know was that the Center was also celebrating its ten-year anniversary.

A chronology appeared in my mind, and the Center's circuitous evolution suddenly seemed quite logical, methodical, and almost scientific. The Center began by reaching out to the community with its live-client clinics, then grew to include educational programs alongside advocacy, and was now looking inward, focusing on the university at large.

Indeed, like similar programs elsewhere,<sup>4</sup> the objective of LPPE is to engage the undergraduate community and create interdisciplinary collaborations for the benefit of all University students, as well as the local community. At first, this objective seemed overwhelmingly broad. I turned to LPPE's first law student and undergraduate participants to inform my decisions and to help narrow the focus of the program in its initial year. The students were as excited as I was about the prospect of creating something new and collaborative. Together, we began to dream up ideas for educational seminars for specific undergraduate classes taught by LPPE students as well as ideas for larger colloquia in which the students would invite experts and community members to speak to the academic and local community on topics of law, public policy, and ethics.

The students' ideas were reason enough to consider the program a success—they were thinking as civic-minded individuals, addressing topics of importance in all communities, not just the legal community, and learning how to translate their legal education into a language comprehensible by citizens who may have never read a judicial opinion. Stripped of legalese, informed by other disciplines, the students and I began to see legal problems in a more global sense.<sup>5</sup>

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<sup>4</sup> For exemplars of college based programs addressing law, public policy, and ethics, see those listed on the Consortium for Undergraduate Law and Justice Programs website, *available at* <http://www.culjp.org/index.shtml> (last visited May 24, 2007).

<sup>5</sup> For example, LPPE assembled a program entitled "Global Warming: Towards a Legal Solution," in which two LPPE law students and one LPPE undergraduate student addressed global warming's legal implications, potential solutions, and challenges to those solutions during a visit to a sophomore seminar course on environmental issues. The presentation also provided information on how students can get involved in shaping public policy on global warming on international, national, and local levels. The law students learned a great deal in having to break down, explain, and expand upon the concepts and substantive laws they studied in environmental law or independently researched. Likewise, the undergraduate students gained a greater understanding of

As the LPPE program is now fully underway and expanding, I have begun to feel a special connection with the Center. The advocacy, mentoring and counseling skills developed in my earlier career as a litigator are now the building blocks in the development of the LPPE program. I am extremely lucky to be a part of the Center's development. It is not just a place where students gain invaluable professional experience; it is a "center" in every sense of the word. It is a place where ideas, big and small, radical or quixotic, are always welcomed and given the support to grow to fruition. For the Center's staff, the result of this kind of encouragement is the feeling of true empowerment; that one can truly make a difference in the local and academic communities without being bound by conventional notions of a law school clinic. For the students, who are welcomed into, and indeed drawn in by the Center's centripetal forces, they feel—and are—integral to the Center's development.

### III. A ROAD LESS TRAVELED THROUGH LAW SCHOOL AND BEYOND

Jessi Tamayo<sup>6</sup>

In my first week of law school, during the initial meeting of my legal research and writing class at Fordham University School of Law, I was asked what I wanted to do after law school. My answer was simple. I wanted to do something "alternative." I remember the snickers and looks from my classmates as they mentally checked me off the list of potential competitors. For a brief moment, it occurred to me that maybe I should not have allowed that weakness to reveal itself among such an aggressive group of people. Instead, I quickly reminded myself that I had a goal for my post-law school life, and that it did not fit neatly into the typical law graduate's aspirations.

As I walked out of the classroom, wondering what I was doing at this big New York City school, a fellow 1L approached me. In his solemn manner, which I would soon grow to respect tremendously, he said, "You know, I really appreciate what you said in there. You are different and we can all see that, but it is a good thing. I am not sure that this whole law school culture is for me either, but I think I have to see if there is something that I can do while I am here, or after I graduate, which will fulfill me." I did not know it at the time, but he was a fellow Stein Scholar<sup>7</sup> at Fordham.

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the legal and political processes at play in the global warming controversy than they otherwise might not have encountered in a science seminar course.

<sup>6</sup> Jessi Tamayo is the Assistant Director of the Center for Ethics & Public Service and the Corporate and Professional Responsibility Program at the University of Miami School of Law.

<sup>7</sup> The Stein Scholars Program is a comprehensive three-year educational program for selected students who seek training and experience in the area of public interest law. The Stein Scholars are students with diverse backgrounds and interests, many of whom enter law school after having engaged in substantial activities in public interest settings and the government. *See* Fordham Law School, Louis Stein Center for Law & Ethics, <http://law.fordham.edu/stein.htm> (last visited May 24, 2007).

The Stein Scholars program saved me. I knew I wanted to be a “Stein” as soon as I got the acceptance brochure to Fordham. I will never forget the day a package arrived telling me that I had been accepted at Fordham, and that I was welcome to submit an application to the Stein Scholars Program in Law and Ethics. It was just the assurance that I needed to make me realize that I had alternatives. My dreams of changing the world with a law degree were not too far off. I was idealistic and rebellious in my own pseudo-conservative Latin way, shunning the notion of law as a bottom-line oriented, unethical profession, and determined to find the goodness in it. My idealism, which some might call naiveté, soon garnered me a few law school friends who seemed to appreciate the unique approach I took to graduate school, and what was waiting for us after graduation.

The Stein Scholars program was the best opportunity available, in my opinion, to Fordham law students. It allowed me to use an academic setting to familiarize myself with the work and scholarship of other lawyers who wanted to make a difference in the world. The program enabled me to spend my summers working in a public interest setting, and helped me receive the institutional support to work in Geneva for an NGO, where I wrote about the crimes committed against women and children in Sudan. In addition, through the Stein program I realized how important it is to treat law students holistically, and the commitment necessary on the part of law schools to attend to all law students, both the corporate-minded and the nonprofit-driven. It provided an innovative approach to an age-old profession.

I am now fortunate enough to be contributing to the development of similarly idealistic and rebellious law students at the University of Miami School of Law, where I run a clinical program called the Corporate & Professional Responsibility Program,<sup>8</sup> providing continuing legal education ethics training and materials to the Greater Miami legal community. Students author and present, in conjunction with and under the supervision of Center faculty, ethics training to legal services organizations, bar associations, judicial clerks, nonprofit agencies and law firms. It is an opportunity for the students to take the ethical dilemmas of an organization, frame them into a training seminar, and assist the organization in dealing with or addressing such issues in their day-to-day practice. The director of Legal Services of Greater Miami has said that, in observing the law students conduct their ethics training, she found that she had a renewed sense of confidence in the next generation of lawyers. It is this kind of program which allows students to provide a public service in an unconventional, yet highly beneficial way. The Center enables law students to discover themselves as problem-solvers and empathic members of society, while negotiating the formative, and often intimidating, law school years.

I consider the opportunity to join a public interest center an invaluable tool for a law student, who has chosen to enter a graduate program of unparalleled competition, to live out what may be a life-long dream of contributing to the

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<sup>8</sup> For additional information on the Corporate & Professional Responsibility Program, see [http://www.law.miami.edu/ceps/media\\_more.html](http://www.law.miami.edu/ceps/media_more.html) (last visited May 24, 2007).

public good. I was fortunate enough that, not only did the Stein Scholars program lead me to many wonderful experiences at Fordham, but it also guided me to my current position as the assistant director of the Center, and is allowing me to “pay it forward” to the years of law students who come after me in their quest to satisfy an urge to help others, and pave their own way in the law.

#### IV. COMING FULL CIRCLE: LAW AS A TOOL FOR SOCIAL AND PERSONAL CHANGE

Wendi Adelson<sup>9</sup>

I had just finished my first semester. Like so many others, I was feeling lost in law school. But I soon found my compass.

At an information session about the Center for Ethics and Public Service, I found everything that had been missing in my law school experience: a community committed to creating “citizen lawyers” and attorneys who would go out and change the world, case by case, step by step. I wanted to be part of this team of forward-thinking individuals keen for public service. I knew, instantly, that membership in this special organization could give me direction, and change my life through helping others.

A few weeks after that initial session, I began as an intern with the Community Health Rights Education Clinic (“CHRE”). My responsibilities involved accompanying 2Ls and 3Ls as they went to Jackson Memorial Hospital and represented clients with a wide range of medical and legal issues. I translated for the Spanish-speaking clients, helped navigate the public health system for recent immigrants afflicted with HIV, and tried to ensure that certain public benefits were not wrongly taken away from those youths who were growing too old for the foster care system. I saw problems I had not seen before. I was becoming a “rebellious” law student.<sup>10</sup>

Later in law school I had the chance to secure asylum for an Iraqi Shi’a imam, to help a young non-citizen find funding for college tuition, and to help meet the needs of countless people turning to the Center for solutions to their multifaceted problems. If after hearing about the Center’s mission I was intrigued, then by the end of law school, I was committed. I felt compelled to this kind of service; the Center recognized my conviction and hired me.

My current work as a staff attorney and clinical instructor with the Center’s Children & Youth Law Clinic (“CYLC”) and CHRE combines several different kinds of advocacy: direct service, teaching and law reform. Along with my colleagues, we teach through a model of holistic lawyering, treating not only the

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<sup>9</sup> Wendi Adelson is a clinical fellow and staff attorney with the Children & Youth Law Clinic and the Community Health Rights Clinic at the University of Miami School of Law.

<sup>10</sup> See, e.g., Paul R. Tremblay, *Rebellious Lawyering, Regnant Lawyering, and Street-Level Bureaucracy*, 43 HASTINGS LJ. 947 (1992).

whole client, but searching for both legal and non-legal solutions to the multitude of different issues that arise in the lives of our clients.<sup>11</sup>

Primarily, I represent children in dependency proceedings with immigration issues and supervise CYLC students as they bring special immigrant juvenile visa cases through dependency and immigration court. I love their sense of outrage. “Kids aren’t entitled to lawyers?” my student stared at me, simultaneously asking a question and demanding that it not be true—“How can that be?” The clinic students refuse to accept things as they are, and we help train them to perfect the art of imaging the law and the world as it ought to be and fighting to enact that vision.

To my mind, the Center’s work is the perfect marriage of advocacy and education, combining an interest in changing both domestic policy and the international forces that perpetuate poverty and compel migration. A great deal of work still needs doing, and we feel proud to be part of a legal team that sees problems and takes time to envision solutions for treating the client, the family, and the community in a comprehensive fashion.<sup>12</sup> The self-congratulation ends here, though, since our work is far from done. The challenges we face as a Center revolve around teaching and molding the next generation of lawyers. How do we mentor law students so that they have the desire, the tenacity, and the drive to become catalysts for social justice? How do we successfully inculcate confidence and enthusiasm for making a difference through the law? We struggle with these questions daily. As yet, we have not uncovered easy answers or fast solutions to these probing questions. However, the mere fact that I am here, back at the Center, counseling, advising and encouraging our students to pursue careers in the public interest, is a large step in the right direction. For now, we at the Center for Ethics and Public Service lead by example, and inspire the next generation of lawyer-activists to follow.

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<sup>11</sup> Indeed, the need for client-centered lawyering comes about unexpectedly and urgently. Recently, I was interviewing a client who brought along her aunt and her five year old cousin. The student I was supervising and I tried to interview our client alongside this chatty little boy and his beeping video game. Halfway through, the little guy declared his pressing need for the bathroom and my student offered to take him. Regardless of the fact that the boy ended up relieving himself in his pants on the way there, the student learned an important lesson in holistic lawyering: sometimes treating the whole client involves taking care of the client’s family and their immediate needs. Even when it appears clients are seeking legal help, their other needs can be equally, if not more, urgent.

<sup>12</sup> See, e.g., The Center for Law and Renewal, Holistic Lawyering Movement, [www.healingandthelaw.org/MovementSummary.aspx?ID=2](http://www.healingandthelaw.org/MovementSummary.aspx?ID=2) (last visited May 24, 2007).