

FALL 2011

LAW 785 CLINIC SYLLABUS

HEALTH AND ELDER LAW CLINIC

University of Miami School of Law, Room F303

Professor JoNel Newman, (305)284-4125; jnewman@law.miami.edu
Associate Director Melissa Swain, (305) 284-1539; mswain@law.miami.edu
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Faculty Assistant: Mary Cruz, (305) 384-1685; mcruz1@law.miami.edu

CLASS SCHEDULE

Tuesday and Thursday, 2:00-3:50; E265

REQUIRED READINGS

ABRAHAM, MAMA MIGHT BE BETTER OFF DEAD: THE FAILURE OF HEALTH CARE IN URBAN AMERICA (1993) ("ABRAHAM")

CLINICAL ANTHOLOGY: READINGS FOR LIVE-CLIENT CLINICS, HURDER, ET AL., EDS. ("TEXT")

ADDITIONAL READINGS AS NOTED

CLASS POLICIES

CLASSROOM RESPONSIBILITIES:

Please complete the assigned reading *before* class. This course requires regular and prompt student class attendance, preparation, and participation as well as significant clinical obligations. Poor student class attendance and punctuality, inadequate class preparation and participation or *any failure to meet clinical obligations* may result in withdrawal from the course, a lowered grade, and/or a failing grade. Note that more than three (3) absences may result in a lowered grade. More than four (4) absences may result in withdrawal.

GRADING

Your clinical work will comprise 70% of the course grade. Class participation and completion of assignments for class will comprise 30% of the course grade. The learning goals for which you will be accountable and against which you will be assessed for grades and credit will be discussed and presented to you on the first day of class. There is no final examination.

COMPUTERS, PAGERS, TELEPHONES, & TAPE RECORDING

Please refrain from use during class, except by permission.

Accommodations



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If you have a disability, or suspect that you may have a disability, the Law School encourages you to contact Iris Morera, Student Services Coordinator at the Office of Disability Services for information about available opportunities, resources, and services. Phone: 305-284-4551; email: imorera@law.miami.edu. Disability Services website: www.law.miami.edu/disabilityservices.

CLINICAL WORKSHOP
CLASS DESCRIPTION

FALL 2011
DATES

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| 1 | Introduction to Clinical Legal Education, Methodology and Goals
Assigned reading: Text pp. 3-9, 96-110

<i>First case memos are due by 5:00 pm Wednesday, August 17</i> | August 16 |
| 2 | Case Rounds | August 18 |
| 3 | Interviewing and Counseling; Initial Client Meeting and Mock Interviews with Critique
Assigned reading: DAVID A. BINDER, PAUL BERGMAN, SUSAN C. PRICE & PAUL R. TREMBLAY, <i>LAWYERS AS COUNSELORS, A CLIENT-CENTERED APPROACH</i> , 2 ND EDITION (2004), pp. 41-108 | August 23 |
| 4 | Mock Interviews with Critique
Assigned reading: Text, pp. 110-118 | August 25 |
| 5 | Social Security – Introduction and Overview
Assigned Reading: Flowers, Gorin and Swain, <i>A CLINICAL PRACTITIONER’S GUIDE TO SOCIAL SECURITY BENEFITS</i> (2010) | August 30 |
| 6 | Working with our Clinic’s Client Population and Presentation from Medical Providers
Assigned reading: JoNel Newman, <i>Re-Conceptualizing Poverty Law Clinical Curriculum and Legal Services Practice: The Need for Generalists</i> , 34 <i>FORDHAM URB. L. J.</i> 1303 (2007), http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1338786 . | September 1 |

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| 7 | Advocating for your client at the Social Security office – Guest Lecture | September 6 |
| 8 | Anatomy of ALJ Hearings – Review and Critique of Actual Student Hearing | September 8 |
| 9 | Workshop on Secondary Trauma – Scott Rogers | September 13 |
| 10 | Case Rounds: Social Security | September 15 |
| 11 | Mock Hearing and Critique
Guest Lecturer: Melissa Mcnamee Venceslau, Esq.
Private Immigration Attorney | September 20 |
| 12 | Introduction to Immigration and its Impact on Entitlement Programs
Assigned reading: Appellee’s Answer Brief, <i>Florida Dept. of Health v. Miguel Mora Rodriguez</i> , Case No. 1D07-3323 (Fla. 1 st DCA 2007) | September 22 |
| 13 | Naturalization and Other Status Adjustments
Assigned reading: Rebecca Sharpless, <i>Pulling a Rabbit out of a Hat: Strategies for Helping your Undocumented or “Visa Violator” Client</i> (November 2007) | September 27 |
| 14 | Case Rounds: Immigration Issues | September 29 |
| | <i>Mid-term Self Evaluations Due by 9:00 am Monday, October 3</i> | |
| 15 | Individual feedback and mid-term evaluation meetings. | October 4 |
| 16 | Individual feedback and mid-term evaluation meetings. | October 6 |

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| 17 | Ethical Issues for Clinicians
Assigned reading: Text pp. 133-166, 176-188, 197-208 | October 18 |
| 18 | Social Security Administration Guest Lecture | October 20 |
| 19 | Competency and Capacity Issues
“Clients with Developmental and Mental Disabilities: A Lawyer’s Guide”
Assigned reading: ABA Model Rule 1.14; Florida Rules Regulating the Florida Bar 4-1.14 | October 25 |
| 20 | Mock Hearing and Critique – Immigration Court | October 27 |
| 21 | Introduction to Permanency Planning
Guest Lecturer: Brandon Arkin, Esq.
Elder Law and Permanency Planning
Assigned reading: Clinic materials and forms | November 1 |
| 22 | Case Rounds: Permanency Planning and Ethical Issues | November 3 |
| 23 | State Administered Entitlement Programs: Medicaid and Food Stamps
Guest Lecturer: Mr. Sajan George, Department of Children & Families
Public Benefits
Assigned reading: Text pp. 311-320 | November 8 |
| 24 | Elements of Mindful Practice
Guest Lecturer: Scott Rogers | November 10 |
| 25 | Case Rounds: Public Benefits | November 15 |
| 26 | Reflection on Role Assumption
Assigned reading: Text pp. 41-50 | November 17 |

27 **Firm Business Meeting/Organizational Planning for
Winter Break**

November 22



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