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Law students get real-world experience

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Desperate and living on the edge, Orestes Alayo turned to University of Miami law students to help him. A former political prisoner who had arrived here during Mariel in 1980, Alayo had no work permit, no credit cards, no health benefits -- and his driver's license was about to expire.

Two third-year students working for the law school's Health and Elder Law Clinic immediately swung into action. Within weeks they had gotten him food stamps, Medicaid and Social Security disability benefits -- Alayo suffers from chronic obstructive pulmonary disorder.

Next up: they want to change his parolee status -- automatically granted to Mariel refugees -- to legal permanent resident. This may prove an uphill battle. Alayo says he has spent more than \$100,000 on five attorneys trying to change his immigration status. To figure out why he hasn't gotten his residency, the law students have requested his Immigration and Customs Enforcement file from the U.S. National Records Center, a process that can take up to three years.

In the meantime, the students are also working on a living will, health proxy and other estate planning tools for him.

"I have faith in these two," Alayo, 59, says, pointing across a conference table at students Melissa Kiedrowicz and Larisa Hernandez. "They say they're students, but they're professionals, more than professionals."

Of course, their youth is sometimes met with skepticism and an arched eyebrow. Ayala tells how his law students accompanied him to a meeting with a Department of Children supervisor who demanded of counsel: "How old are you?"

Started in 2008, the Health and Elder Law Clinic was founded to give UM law students practical experience in real cases while helping poor clients who couldn't otherwise afford a lawyer. While most health-related cases they handle come as referrals from the university's schools of nursing and medicine, the clinic's Elder Law section has served senior citizens from the Department of Veteran Affairs, the Alliance for Aging, the Dade Family Counseling Center and other organizations.

GROWING DEPARTMENT

Director JoNel Newman started with 10 students. Now there are 34 performing hands-on legal work, from drawing up guardianship documents to representing clients in federal and state administrative hearings and courts. "We see the whole spectrum," Newman says, "but a large portion of elderly come for living wills and estate planning. They can't afford to do it anywhere else."

Cheryl Wagner of Deerfield Beach is one of them. In the market for a health proxy, a power of attorney and other estate planning, she phoned the clinic after a friend told her about it. Because she is physically disabled, she has been able to do most of the meetings over the phone, over-nighting documents when necessary. She will eventually travel to the university's Coral Gables campus when she has to sign on the dotted line.

As a practicing Buddhist who had lived in India for 17 years, Wagner's estate planning request was ``unusual because I had specific instructions about my body once I die. But the students are very accessible and very accommodating. I think they go above and beyond what they need to do. My law student really did her homework."

UM students also do a fair amount of immigration law for elderly clients simply because of South Florida's demographics, says Olga Porven, the Equal Justice Works Fellow who supervises the students. Those cases involve filing for residency, applying for a green card or naturalization proceedings under a disability waiver.

One of their clients, a retired seamstress suffering from Alzheimer's, was denied U.S. citizenship even though she was entitled to naturalization under a disability waiver that exempted her from being tested for language and other skills. The clinic students won her case, enabling her to apply for various government benefits.

In another case, law students represented a 74-year-old woman who landed in the hospital when she was hit by a car, leaving her mother without a caregiver. While the daughter remained at the hospital, the Department of Children and Family took her 93-year-old mother to a nursing home, where she eventually died. The nursing home then wanted to collect the money from the woman -- until law students were able to have the debt discharged.

Representing the poor and elderly has given students a different perspective on their law careers. "When I went to law school," says Porven, who graduated last year, ``I thought I'd go into a personal injury practice. I wanted to make money. But I like going home now knowing that one of my clients has a living will or that one of the Haitian workers who has been here illegally for 30 years has a green card."

PRACTICAL MATTERS

Working with clients has done more than teach students the practical side of the law. It is helping them learn about real life while listening to their clients' hardship stories.

"You learn there are so many realities in our society," says Hernandez, 24, who plans to go into some kind of public interest law. ``We can graduate and ignore them or graduate and do something about them."