

4-1-1993

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Recommended Citation

UB Law Forum (1993) "To Learn and to Serve: In the Law School Clinics, Projects That Are Bearing Fruit for Students and the Community," *UB Law Forum*: Vol. 7 : No. 1 , Article 21.

Available at: https://digitalcommons.law.buffalo.edu/ub_law_forum/vol7/iss1/21

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To Learn and to Serve

In the Law School clinics, projects that are bearing fruit for students and the community

UB Law School's clinics are continuing to demonstrate that good education and good works can complement each other. Through the clinics, law students take advantage of opportunities to engage the real world of legal assistance hands-on. Invariably they leave richer — emotionally, as well as intellectually — for the experience.

But the Law School clinics also work to make Western New York a better place to live, by providing desperately needed legal advice and representation to the poor, refugees and residents with special legal problems. This vital work happens behind the scenes, far from the high-profile academics that have earned UB Law its reputation for quality education. Let's catch up with some of the people at the helm of these exciting projects of the Law School.

Two residences for some of Buffalo's "forgotten people" — AIDS sufferers and low-income disabled persons — have undergone major renovations through the work of UB Law's **Low-Income Housing Development Clinic**.

The improvements are just one tangible benefit to the Buffalo-area community of the Law School's clinical program, which now encompasses issues ranging from neighborhood economic development and low-cost housing to environmental law and domestic violence.

In the often emotional area of housing for those with AIDS, clinic assistance helped net a \$300,000 grant from New York State for Benedict House, an 11-unit, two-building complex on the city's West Side, said George Hezel, UB Law clinical instructor and the director of the Low-Income Housing De-

velopment Clinic.

That money went partly to pay off a mortgage on one of the Benedict House buildings, but mainly to modernize and rehabilitate the structures to make them more accessible. The floor-by-floor renovations — staggered over time to disrupt residents' lives as little as possible — included broadening doorways for wheelchair access, adding bathrooms, updating the electrical and boiler systems and redesigning kitchen space.

It all culminated in a grand ribbon-cutting in the fall, with celebrity guests including New York State Commissioner of Housing Angelo Aponte.

More than 70 people have lived in Benedict House since its inception, Hezel noted.

Another clinic-supported project, the conversion of the century-old St. Ann's rectory on the East Side into 19 one-bedroom units to be rented to eld-

UB LAW

FORUM

Summer
1993



Left to right: New York State Sen. Anthony M. Masiello, New York State Assemblyman Sam B. Hoyt, Clinical Instructor George Hezel, and New York State Division of Housing and Community Renewal Director Stephen B. Karnath '79 listen to Dean Barry B. Boyer at the opening of the newly renovated Benedict House.

erly and disabled tenants, is heading for a successful conclusion. The six-year project, in conjunction with the Diocese of Buffalo, should welcome its first tenants in early summer of 1993, Hezel said.

It was a tricky business, renovating the historic structure in accordance with preservation codes. But six of the units have been made wheelchair-accessible, with 36-inch-wide door frames and roll-in showers. Hezel said all the units will have an audio and visual alarm system, and pull-cords that will both summon help and unlock the resident's door so the rescuers can get into the apartment.

"It is a very complicated, layered financing package that the clinic has put together to enable this project to move forward," Hezel said. "It's a very sophisticated bit of work the students have done, involving tax analysis, preparation of partnership documents and evaluation — a whole slew of things.

"What we will have is a very handsome building in a very, very poor neighborhood."

A related project, the Precious Jewels day care center, on Jan. 4 welcomed its first young clients at 390 Emslie St., on the city's East Side. The center also has hired a full-time director and has been licensed to serve up to 19 children, said Thomas Disare, clinical instructor with the **Community Economic Development Clinic**.

A highly successful fund-raiser last September, attended by nearly 100 people, raised awareness and money for the project. Rep. Shirley Chisholm was the keynote speaker, and she and others — including attorney Kim Keenan — made "significant" individual contributions, Disare said. Keenan, of Washington, D.C., is the daughter of Henrietta Keenan, the East Side resident whose vision of a day care center for her neighborhood is at last becoming a reality. The center occupies space in the house Henrietta Keenan grew up in.

Another neighborhood enterprise and clinic client — the East Side Development Project, an offshoot of the Office of Urban Initiatives — has hired a

project director. The director, Derek Bateman, will coordinate the project's entrepreneurial collective that will offer home repairs, painting and landscaping. The project is designed to provide jobs and training for East Side residents, as well as become a model for the kind of entrepreneurship that can transform a community's economy.

"We're doing lots of thinking and planning about how this should function," Bateman said. "What I think is going to take time is getting the capital together to actually get it going. We want to do more than just a couple of people swinging hammers — we want to make this something really significant."

disposal companies.

In the Niagara County town of Lewiston, for example, the clinic has assisted the group Residents Organized for Lewiston-Porter's Environment (ROLE) in fighting a proposed expansion of a local solid waste landfill. The proposed expansion was part of a settlement agreement between the Town and a large landfill which would have resolved pending litigation between the parties concerning the Town's local Solid Waste Management Facility law. Represented by the UB Environmental Policy Clinic, the citizens group successfully intervened in the pending action and persuaded a New York Supreme Court Justice to refuse to ap-

"It's important to remember that the law is only one piece of the broader community economic development discipline. The law has to be in context"

Nevertheless, he says, he hopes the project will undertake its first bricks-and-mortar jobs next summer.

"It's important to remember that the law is only one piece of the broader community economic development discipline," said Associate Professor Peter Pitegoff, who directs the Community Economic Development Clinic. "The law has to be in context. The students involved in the clinic are exposed to broad strategic planning where law helps, but it's only one of many pieces."

In environmental law, one of today's hottest specialties, UB's **Environmental Law Clinic** is lending legal assistance to community groups fighting hazardous-waste dumps, making them players in the complex negotiations between municipalities and waste

prove the proposed settlement as not in the Town's best interest. Ultimately, this ruling was unanimously affirmed by the Fourth Department, Appellate Division, in a decision of first impression which provides citizens with a remedy to challenge such settlements on the basis of public environmental concerns.

In a second proceeding, the clinic negotiated on behalf of the host municipalities and a citizen's environmental group with a large commercial hazardous waste landfill which was seeking to introduce incinerators to its facility. After extensive discussions, a lengthy contract was drafted and agreed to in which the hazardous waste disposal company agreed to forego its applications for incinerators and to meet additional community concerns in return for

the agreement of the municipalities and citizens not to object to continued landfilling at the facility. This direct, contractual resolution of community concerns, which operates independently of state and federal regulation of the facility, is a model for host community involvement with large waste facilities sited within their boundaries. It also represents one of the first successful efforts to stop the further concentration of New York State's hazardous waste disposal capacity within the Western New York community.

"All of this is quite unusual," Professor R. Nils Olsen, clinic director, said of the residents' legal success. "There are ordinarily not the technical legal resources available to citizens to participate meaningfully in this process. Environmental decision-making is almost always done *to* the people most affected, not *with* them."

In the **Asylum and Refugee Law Clinic**, clinical instructors Karen Spencer '88 and Kathleen Rimar are working with half a dozen law students to serve refugees applying for asylum in the United States.

Buffalo, notes Spencer, is a major border-crossing point between the United States and Canada, and thus there are many refugees who wind up in Buffalo and need help preparing an asylum application. The application process, which ends with a decision from an Immigration and Naturalization Service office in Newark, N.J., can take two or three years, she said.

In response to a sudden influx of Haitian refugees late last year, Spencer said, students formed the Haitian Refugee Task Force and met with 11 refugees — hearing their stories, preparing an affidavit that becomes part of the asylum application, researching names and places to try to corroborate the sometimes terrible accounts of persecution the refugees tell. The clinic filed those 11 applications for asylum this spring, Spencer said.

Some students also joined in a multi-school effort in January, traveling to Miami to provide similar services

to Haitian refugees in that city.

Students and instructors also have dealt with people from nations as far-flung as China, Bulgaria, Ethiopia, Sudan, Iran and El Salvador, Spencer said.

Clinic work "allows the students a real opportunity to feel and experience what it's like out there, and deal with real people," Spencer said. "It's a very emotional experience."

When a student in Western New York public schools needs special help because of a physical or emotional handicap, the philosophy of equal access is often observed more in theory than in practice. That's when UB's **Education Law Clinic** can help.

"People need to understand that children and parents have rights, and when children have appropriate educational opportunities, we make them able to become contributing members of society," says Melinda R. Saran '86, clinical instructor. "It's kind of a 'pay me now or pay me later' situation."

The clinic can negotiate with school districts on a child's behalf, noting that the federal Individuals With Disabilities Education Act mandates that districts accommodate children with disabilities.

Another project of the Education Law Clinic is advocacy in Erie County Family Court's Person in Need of Supervision Diversion Unit. In this setting, law students and clinical instructors work to ensure the best possible educational setting for children who are referred to Family Court by school districts, largely because of truancy.

"A lot of these children have learning or emotional disabilities," Saran said. "Family Court wonders whether the school district has looked at other alternatives in the education system." The clinic is marking a milestone in September, when associate director Mary Lang, who has been with the clinic since its inception in the early 1970s, will retire.

The Law School's **Legal Services for the Elderly Clinic** is taught by Associate Professor Anthony Szczygiel.

A state-wide expert in maximizing benefits to elderly individuals in need of home health and skilled nursing care, Szczygiel was appointed by Governor Cuomo to serve as a member of the statewide Medical Advisory Committee to the New York State Department of Social Services. In addition to supervising students in the representation of individual clients on Medicare maximization appeals and on significant federal law reform actions, Professor Szczygiel, assisted by Gayle Murphy, has implemented a broad in-service training program for New York attorneys. The coalition of Medicare Advocates, or COMA, publishes a regular newsletter which comments upon recent legislative and case law developments affecting the legal representation of the elderly. Murphy and Szczygiel also plan, organize and participate in numerous in-service training seminars and colloquia concerning legal issues which relate to the health care concerns of the elderly.

Finally, a successful student-run task force at UB Law has spawned the new **Domestic Violence Clinic**, adding this cutting-edge issue to the roster of the Legal Assistance Program. Staffed by recent UB Law graduate Suzanne Tomkins, the clinic has provisional funding and is vigorously seeking grants to continue operations into the new year.

The clinic offers externship placements for students at agencies that deal with domestic violence, Tomkins said. And a campus-based counseling service for students and others who have experienced domestic violence is being considered. "Our ultimate goal is to litigate cases, to offer direct services," Tomkins said.

Meanwhile, the Domestic Violence Task Force continues as a student-run organization, providing assistance to area lawyers doing pro bono legal counseling at a weekly clinic, and acting as advocates for women seeking orders of protection in family and criminal courts. ■