Making A Difference: Clinics Make an Impact on the Community

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Law School Report

Making a difference
Clinics make an impact on the community

UB Law School’s clinical program, in which law students work with professors on projects that benefit the people of Western New York, has never been more active or more effective. Six clinics currently operate at the Law School, and Professor Anthony H. Szczygiel, who directs the overall program, said two others will be added this spring.

The first, he says, is an Immigration Law Clinic led by Mark P. Popiel, the University’s general counsel on immigration matters. Law students will work with him on immigration matters having to do with UB faculty members and students — especially timely given that UB is ranked 10th among all U.S. universities in international enrollment, according to a report by the Institute of International Education. Also on the way, Szczygiel said, is an Environmental and Development Clinic supervised by Professor Robert Berger that is focusing on legal and policy issues related to the proposed development of offshore wind farms in the Great Lakes.

An Environmental Law and Policy Clinic, taught by Law School Instructor Roberta A. Vallone and former Dean Barry B. Boyer, provides students with practical legal experience in environmental advocacy, client representation, community-based conservation and project-related work. It works with non-profit environmental groups to find a smarter way of promoting eco-friendly development while protecting the environment and quality of life for the future.

Members of the Affordable Housing Clinic, directed by Clinical Professor George M. Hezel, are celebrating the completion of two projects for which they provided legal guidance. The first is Carolyn’s House, a residence in Niagara Falls, N.Y., for targets of domestic violence. “This project really challenged the skills of the clinic students,” Hezel said. The aging building on Sixth Street formerly served as a residence for Niagara University nursing students, and also as a convent. It had stood empty for 15 years before the YWCA approached the clinic for advice on financing the $5.6 million rehab project.

Said Hezel: “It was a study for my students in creative financing, using low-income housing tax credits, historic development tax credits, Community Development Block Grant money, and other vehicles. We also approached the Industrial Development Agency to avoid sales tax on the materials, which resulted in $300,000 in cost avoidance. The students’ task was to make sure all the regulatory requirements for all the programs could be integrated.” The result was a 19-unit apartment complex that offers “child care for the residents as well as a job training center teaching culinary skills for use in the casino industry.” It was a “mess,” Hezel said. “We made something of it.”

The clinic’s second major project was to put together $10.7 million in financing for Cornerstone Manor, a residence for women and children affiliated with the Buffalo City Mission. “There was a cadre of students who poured their hearts into that project,” Hezel said. Besides the benefit to its clients, the shelter also benefits the City of Buffalo with tax revenue, he said, under a plan in which the state reimburses about $200,000 a year paid to the city.

The Affordable Housing Clinic also ran September’s Upstate Affordable Housing Conference at the Albright-Knox Art Gallery, with 272 registrants. Clinic students have leveraged more than $105 million of development funds in the past 20 years. Hezel said, funding 2,000 units of affordable housing. That record of success inspired one UB Law professor, who wishes to remain anonymous, to make a major gift to the clinic’s endowment. “I have just seen how much it has made a contribution over the years,” the professor said. “I think it is one of most exciting, innovative things we do, and one of the most valuable to the students and the community. This clinic has some transformative possibilities. It has been a very innovative approach to clinical work.”

In the Community Economic Development Clinic, a roster of initiatives are under way, said Clinical Instructor Lauren E. Breen, director of the clinic.

A major success is the clinic’s role in creating the Free Tax Preparation Network for low-income Buffalo residents, which it organized as part of the Economic Self-Sufficiency Coalition of Western New York. The tax effort, with a retired Internal Revenue Service agent as a staff resource person, will operate under a $45,000 grant from the John R. Oishei Foundation.

The goal, Breen said, is “to allow lower-income families to avoid high-priced tax preparers. Many of these families have extremely simple tax returns but get charged very high fees and often access refund anticipation loans,” at notoriously high interest rates. Clinic students will train volunteers to prepare tax returns in low-income Buffalo neighborhoods, starting this fall with a kickoff Family Financial Wellness Day on Jan. 20 in the Buffalo Convention Center.

Many families are eligible for state and federal Earned Income Tax Credit funds, which can total as much as $5,700 a year. “We want to preserve as much of that as possible for families,” Breen said, rather than see it siphoned off by for-profit tax preparers and rent-to-own stores. One thing that keeps poor families poor, she said, is not just low income, but lack of assets to access in an emergency.

In another high-impact project, clinic students worked with an East Side group called Fruit Belt United to rehabilitate a dilapidated children’s playground. Bringing together partners including Home Depot, the City of Buffalo and KaBOOM!, a national play-ground technical assistance and funding initiative, the clinic helped to create a safe play space for neighborhood children who would otherwise have no place to play while walking distance.
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Continued on Page 44
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The next steps with the East Side group may include opening an after-school community center.

Also part of the Community Economic Development Clinic has been Clinical Instructor Sara A. Faherty’s work on Buffalo’s living wage ordinance. That law specifies that businesses that do work for the city must pay their employees enough that a 40-hour workweek brings them above the poverty level.

Faherty said students have become very interested in the work, including attending meetings of the city’s Living Wage Commission, researching proper enforcement of the law, and studying how it might be expanded.

“Students love this work,” she said. “And because this is about enforcement of the ordinance, when there are issues, they quickly become legal issues. Students learn a lot about local ordinance-making and the processes of municipal government in Buffalo and in general.”

In the William and Mary Foster Elder Law Clinic, directed by Szczygiel, a long road came to a happy end in November in federal court. A statewide class-action lawsuit, initiated in 1991 and worked on by generations of law students ever since, ended in a settlement. New York State agreed to make available $11 million to reimburse who — “pursuant to some bad Medicaid policy,” Szczygiel said — paid too much for nursing home care. Particularly egregious was that, the way the policy was written, nursing home residents who were poor ended up paying too much for their care.

About 12,000 families statewide — heirs of the patients represented, all of whom have died — will benefit from the settlement. The clinic has hired a search firm to track down as many of the heirs as possible, and a class action claim administrator to handle the claims process.

“It was by far the most frustrating case I have ever done,” Szczygiel said. “But now that it is settled, it is one of the most rewarding.”

The Law School’s Family Violence Clinic, directed by Associate Clinical Professor Suzanne E. Tomkins ’92, now comprises 16 students in two sections. In the first section, students help to prosecute domestic violence cases, both misdemeanors and felonies, serve in legal service agencies with units that address domestic violence issues, and work on research projects. In the second section, the focus is on the causes and secondary effects of such violence, and students work in housing court, in surroutge’s court, and on issues related to juveniles in need of supervision. This section is directed by family law practitioner Steven R. Sugarman ’85, who teaches at UB Law School as an adjunct professor.

The two sections meet together monthly to hear speakers on such topics as interviewing techniques for domestic violence survivors, and issues around physical disabilities and domestic violence.

Tomkins noted that the clinic serves as a resource to lawyers and social service workers in a 10-county area of Western New York, through its newly updated Web site and an Internet list server that distributes new research and information.

The clinic also sponsors conferences; in 2006 they included a look at “Interpersonal Violence in Same-Sex Couples: Barriers to Service” and, with Baldy Center support, an examination of “Interpersonal Violence and Qualitative Research.”

Planned in April 2007 is a national conference, “Multidisciplinary Perspectives on Partner Violence,” which the clinic will co-host with the University of Rochester’s Laboratory of Interpersonal Violence and Victimization. That laboratory is directed by Catherine Cerulli ’92, who is jointly appointed to the Law School and University of Rochester Medical School faculties. The conference, to be held in Rochester, will draw on, among others, medical, legal, social work and criminal justice perspectives.
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