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Law School Report

CLINICS: IMPACTING THE COMMUNITY

The Clinics and their clients

UB Law's Clinical Legal Education Program achieves real-world results



Clinical Professor Suzanne Tomkins, center, director of the Women, Children and Social Justice Clinic with Clinical Professor Sara Faherty, second from right, and students outside Carolyn's House, Niagara Falls.

As the University at Buffalo rallies around President John B. Simpson's call for greater community involvement and assistance, the Clinics of UB Law School continue their quiet mission of education and service—a mission that they have pursued for more than 40 years. Visits with representative clients of each of the school's 10 clinics reveal a program that is meeting real needs where help is needed most. (Two clinics, the Immigration Law Clinic and the Securities Law Clinic, keep the identities of their clients confidential, for reasons of privacy.)

The **Environmental Law and Policy Clinic** recently finished a project for the Cattaraugus County Department of Economic Development, Planning and Tourism. James Isaacson, senior planner, said students “did a lot of research on easements for snowmobile trails from a legal perspective. There is a lot of difficulty in protecting these trails from changes of land ownership and other interests. One way of protecting them is through easements, a way for the landowner to own their land and have some control and allow use of the trail.”

The county, he said, wants to create a network of trails, including its well-developed snowmobile trails and the equestrian trails it is now developing.

“If we develop a trail, we want to know it is going to be there for a long time,” Isaacson

said. “Easements are a tool to protect those trails.”

Clinical students also presented a training seminar for snowmobile and equestrian enthusiasts, in Ellicottville. An audience of about 40 heard a presentation about their research and the basics of the easement document.

“It has been very useful,” Isaacson said. “We needed some good research into this area.”

The **Community Economic Development Clinic** was instrumental in the construction of a neighborhood playground in Buffalo's Fruit Belt neighborhood. Sharon Benz of Daemen College's Center for Sustainable Communities and Civic Engagement is a liaison to the neighborhood.

The law students, Benz said, worked with a block club to become a 501(c)(3) organization, helping them with technical assistance but also budgeting and the like. The clinic also helped prepare the funding application that won a grant for the project. “The reason we were picked was that we had this collaboration among local groups,” Benz said. “It was neighborhood people, not imposed from outside.”

“It really helps organize a community—it gives them experience in advocating for themselves, planning, all sorts of things. It could not have been a better project.”

Playground equipment worth \$35,000 was donated, and the block club had to raise \$10,000 to match it. Law students dealt with the issue of charging sales tax on fund-raising fish fries, and managed the legal aspects of other fund-raisers, and the clinic has stayed on as legal counsel to the block club as it considers other ventures.

“I love the law clinic,” Benz said. “I think the students do a great job.”

The **Women, Children, and Social Justice Clinic** places many students in legal service agencies, including Neighborhood Legal

Services. Cindy Chandler is a staff attorney in the Family Law Unit there.

“The last intern I had for a full academic year was very knowledgeable about the subject area. It was a pleasure having her,” Chandler said.

“Students do everything from interviewing clients to sitting in on negotiations between attorneys and the court, drafting papers, filing the papers, photocopying, returning phone calls, legal research and writing memos, sometimes going to special meetings such as the Minority Bar Association, the Erie County Bar Association or the Erie County Coalition Against Family Violence. Students can even get a practice order so they can appear in court with me and can speak in court,” she said.

“It is good networking for them to meet the people in the area. The Family Court community is a limited number of practi-



tioners, so it is pretty tight-knit.”

Chandler said her unit deals with family offense cases, child custody, support and divorce. Of the clinical placements she says, “Overall I think it is a very worthwhile program for the students and for my office. It helps my office especially; we are not-for-profit, and our support staff is not always up to par with where we need to be.”

The **Affordable Housing Clinic** was instrumental in building Cornerstone Manor in downtown Buffalo. The clinic secured \$10.7 million in financing for the project, a three-story residence for women who have substance abuse problems and their children. With its on-site medical, counseling and educational facilities, and its enclosed courtyard playground, the new facility replaces and significantly expands services offered at the overcrowded previous facility.

Thomas McLaughlin is CEO of City Mission, the project sponsor. “Almost from the first day we met, (clinic director George Hezel) was in favor of the project,” McLaughlin said. “He was interested immediately and wanted to take it back and present it to the students.”

Dozens of meetings over a period of three years, involving more than 30 students, followed. The clinic’s work included helping to prepare applications for the New York State Division of Housing and Community Renewal, and following that process through to its completion.

“Because Cornerstone has four times the space of our prior facility,” McLaughlin said, “it allows us to serve up to 120 women and children, many of whom could never have been served at prior facility. They can stay there up to two years; in fact, we encourage it.”

“This has helped us to make a significant impact on the poor and homeless population that we serve.”

Students in UB Law’s **Mediation Clinic** help to resolve disputes in Family Court, the Center for Resolution and Justice, and in other arenas where people are at odds with each other. One of those arenas is small claims court. Judge Geoffrey Klein of Amherst Town Court has benefited from having these mediators at his side.

“What the mediator can help do is take the personal feelings out and explain the legal ramifications of where the two sides stand,”

Klein said. “They hear both sides, then give them some feedback back and forth. What they are doing is applying the law.”

“The difference is that they cannot impose a decision. They just try to get the two sides together and have them agree on something. It probably comes down to something I would have imposed anyway. They resolve things pretty much along the lines I would.”

“Each judge has a calendar of 12 to 15 cases. If they can settle half of those for us, they have saved us a lot of time. I cannot compliment these students enough. The only thing they have not done is pass the bar. They are ready to go.”

The **William and Mary Foster Elder Law Clinic** recently settled a class-action lawsuit in federal court, recovering \$11 million on



Instructor Steven Sugarman, left, director of the Mediation Clinic, explores strategies with students.

behalf of nursing home residents who had overpaid for their care. Harold Belote Jr. of Depew is the son of one such resident.

Belote said the clinic helped his family access money from his father’s Social Security and pension benefits to help support his mother, who was living independently. Staffers also helped obtain a refund on co-pays remitted for medical equipment his father used, and Belote’s father became part of the class-action settlement. The money involved totals thousands of dollars.

It was a long process, he said, but gratifying in the end.

“As I go through the papers now,” Belote said, “this many years later, I am astonished that they could take such interest and do this for us. We never would have gotten this money, for my mother to continue her life, without them.”

Students in the **Law and Social Work Clinic** are pursuing joint degrees in law and

social work, and they serve in field placements in the community, including the Law Guardian Unit of the Legal Aid Bureau of Buffalo. Pamela Neubeck ’87 heads that unit.

“JD/MSW students are getting more legal work opportunities here than they would in a pure social work setting,” Neubeck says. “They are given a caseload in conjunction with the lawyers, and work these cases from both the social work and the legal aspect.” Cases include Article 10 abuse and neglect cases, juvenile delinquency cases and Persons in Need of Supervision proceedings.

“This is not about money. This is about people’s lives,” Neubeck said. “The social work background that JD/MSWs bring to this work can be invaluable. It is a plus for us, because a lot of the students come with really fresh ideas that we probably would not have

considered. They are not shy about bringing their new ideas to the table.”

“We really appreciate having them, because it helps us, too – from a workload standpoint, of course, but also in keeping connections with the Law School. It is a plus to have a good relationship with the school.”

Wind power has been a recent focus of the **Environment and Development Clinic**, which has done research for the Wind Action Group, a Western New York advocacy organization.

“It has been excellent,” said the group’s Bill Nowak. “It is really helpful and reassuring to have that kind of legal expertise available to us.”

Clinic students, he said, have researched and presented on several issues surrounding the development of wind power in the region. One examined the nuances of siting windmills offshore, in Lake Erie, dealing specifically with the environmental review process. “That was very important to have,” Nowak said, “and we were really glad to receive it.”

Another research project examined how to attract businesses that would invest in wind energy. A third examined the Canadian experience with offshore windmill siting.

“There is an enormous potential for Western New York both on land and offshore,” Nowak said, “and we see having these resources available to anybody who is interested in doing that development, and being part of the process, as invaluable.”