

poetic justice

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THOMPSON HINE

LEADS A UNIQUE PARTNERSHIP:

Legal Aid clients and MetroHealth patients benefit

For those in poverty, when visits to a physician are numerous and health conditions become chronic, those health concerns are often linked to a problem which has a legal remedy. Together, The Legal Aid Society of Cleveland and The MetroHealth System tackle client/patient issues: Legal Aid attorneys educate healthcare providers about legal issues, the providers then refer patients to Legal Aid attorneys who work as part of the healthcare team, and Legal Aid attorneys remove legal barriers to health for MetroHealth patients. This collaboration is known as the Community Advocacy Program (CAP).

Thompson Hine became involved with CAP six years ago. At the time, CAP was only the fifth medical-legal partnership in the country, and the first of its kind in Ohio. The firm began discussions with Legal Aid about how to best support and expand CAP. Legal Aid presented a plan: "It was an audacious proposal ... and we considered it. It dovetailed nicely with the interests of Legal Aid and MetroHealth," says Mike Hardy, then partner-in-charge of the Cleveland office. Ultimately, Thompson Hine nominated CAP for a grant from the Robert Wood Johnson Foundation's Local Initiatives Program. The firm led local support for CAP, and helped Legal Aid and MetroHealth secure more than \$1 million to expand CAP to serve four vulnerable communities.

When the expansion funding ended last year, Thompson Hine determined the firm's support should continue. Frank DeSantis, a



David J. Hooker, Esq.



Frank R. DeSantis, Esq.



Michael L. Hardy, Esq.

Thompson Hine partner and member of Legal Aid's board of directors, "barely had to finish the description of what the program provided" before the attorneys jumped on board. David Hooker, managing partner, observes, "We want participation to be throughout the firm. The reception was positive – we have people who are very community-minded."

To date, Thompson Hine attorneys have contributed more than \$10,000. Annually, the firm matches these gifts dollar-for-dollar, up to \$10,000. This program will continue through 2013.

Mr. DeSantis notes the importance of legal services: "For the legal system to work the way it does, all segments of society need to be represented." ●

Medical-Legal Partnership: A Physician's Perspective

Dr. Eleanor Gottesman, who practices pediatrics and child psychiatry at MetroHealth's Buckeye Community Health Center, collaborates with Legal Aid attorney Shelly Anarado.

Dr. Gottesman believes that having a Legal Aid attorney on-site at MetroHealth is crucial. Recently, Dr. Gottesman had a patient whose SSI benefits had been terminated. The little girl was born several months premature and as a result had developmental disabilities, severe asthma and other health problems. Her mother was worried because she had just two days to apply for continuation of benefits and appeal the decision.

Ms. Anarado observes, "It was easy for Dr. Gottesman to walk three steps to my office. The mother had all the paperwork, and Dr. Gottesman had the medical records. I was able to pull up the Social Security website, put in the information and print out a confirmation for continuation of benefits." Ms. Anarado later helped the clients win the appeal.

Other issues routinely faced by the CAP team include school systems' reluctance to test for disabilities, inadequate Individualized Education Plans (IEPs), and disregard for expulsion or suspension rules related to IEPs.

Notes Ms. Anarado, "It's about empowering the parents – so the next time, if there is a next time, they know the rules. We are all driving for the same goal – the school district, Legal Aid and MetroHealth – to get the children the education they are entitled to."

Dr. Gottesman further illustrates how the medical-legal partnership between MetroHealth and Legal Aid has changed the way she and her colleagues practice medicine. Constrained by a fifteen minute well-child exam, pediatricians can easily overlook indicators of developmental or learning disabilities in patients. After collaborating with Legal Aid attorneys, pediatricians at MetroHealth's Buckeye Health Center developed a standard questionnaire which they incorporated into their exams. The



Shelly Anarado, Esq.

practice led to a 20% increase in the identification of learning or developmental disabilities, which, as Dr. Gottesman observes, "was a barometer that let us know how far off track we were." This, in turn, allows the Buckeye pediatricians to refer more patients to Legal Aid. Says Dr. Gottesman, "We now have a process, and I don't know if we would have started that project if we couldn't have done anything with the results." ●

Staff Attorney Profile: *Peter Iskin*

Peter Iskin is the Managing Attorney of Legal Aid's Housing Practice Group. Mr. Iskin, a Philadelphia native, completed both his undergraduate and law degrees at the University of Pennsylvania before joining Legal Aid in 1973. Iskin says, "I became a

lawyer with the goal of using those skills for some social good and working here at The Legal Aid Society of Cleveland has provided me with that opportunity."

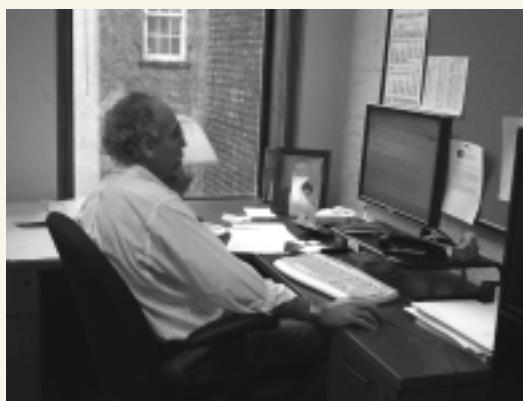
During Mr. Iskin's tenure at Legal Aid, he helped secure further protections for vulnerable low-income families and ensured compliance by government and others with existing laws. Mr. Iskin remembers a group of Geauga Metropolitan Housing Authority (GMHA) tenants who approached Legal Aid in 1986 because of issues with well water. The water was dark, tasted bad, and smelled like sulfur, causing tenants to buy water or carry it from a community center. The conditions of the building – primarily the home of African-



Peter Iskin, Esq.

American tenants – were significantly poorer than those at GMHA residences housing primarily white tenants. Mr. Iskin represented the tenants in a fair housing case against GMHA, Geauga County and the United States Department of Housing and Urban Development. He eventually secured 1990 and 1995 orders that extended the Cleveland water system to Chagrin Falls Park and made significant improvements to the public housing units.

Maria Smith is a Supervising Attorney for the Housing Unit, and has worked with Mr. Iskin for fourteen years. She observes, "Peter can decipher complex information – both facts and law – and simplify it all into a practical, explainable and winning strategy for our clients." ●



Mr. Iskin at work in Legal Aid's Cleveland office.

Housing Conditions Improve with Legal Aid's Help

The residents of a federally subsidized apartment complex in downtown Cleveland presented their landlord with a list of serious conditions issues and requested that they be addressed. The list included elevators that were out of order for lengthy periods of time, concerns regarding the security cameras and security staff, inconsistent garbage removal, bed bug and mice infestations, and dirty air filters and vents. When the tenants did not receive a response from their landlord, a group of motivated tenants, consisting entirely of seniors and individuals with disabilities, decided to take action.

Melvin Flowers, a five-year resident of the building and the tenant board president, explains the problems: "There were issues going back a long time with the property manager which were not resolved... It was horrible for the residents."

The tenants began to deposit their rent with the Cleveland Municipal Housing Court; they also brought their case to Legal Aid.

Abigail Staudt and Jane Messmer, attorneys in Legal Aid's Housing Practice Group, represented the tenants throughout the Housing Court's mediation process with the building's management company. The resulting agreement dramatically improved conditions at the building. The landlord also implemented a more effective system for resolving infestation issues and for responding to the maintenance of the ventilation systems, installed more security cameras, and put a visitor policy into effect.

Mr. Flowers credits the focus of the tenant board for the positive result: "We had very good people. It was not about personal issues, but about the problems we had in the building. We kept things open and allowed everyone to say what was bothering them but we stuck to the issues in our petition."

Ms. Staudt was very impressed with the clients' determination: "A lot of buildings have conditions issues. We had a strong group [of tenants] that wasn't going to back down. Each client was willing to put the time in to go to court, attend meetings and live with uncertainty."

Ms. Messmer adds, "We remind renters that they are entitled to a decent, safe and clean place to live. In this particular case, people in similar situations at other buildings started asking about the process."



Melvin Flowers in the library of his apartment building.

Effects of the tenants' teamwork are evident at the building. Mr. Flowers says, "We have a better maintained building. Jane and Abigail gave us such great support. They met with us and kept us informed. Without Legal Aid, we could not have won." ●



Legal Aid Provides Hope to Air Force Veteran

Ashtabula resident Douglas Weisman is an Air Force veteran who served in the Vietnam War.

Mr. Weisman encountered legal trouble after his military discharge due to undiagnosed mental health issues. The Veterans Administration (VA) eventually diagnosed Mr. Weisman's illness, found Mr. Weisman to be "permanently and totally disabled," and granted him pension benefits retroactive to 2006. Mr. Weisman also began receiving mental health services.

However, in 2009 the VA discovered a 1986 Florida probation warrant for Mr. Weisman and terminated his benefits. The warrant was issued after Mr. Weisman was released from prison, became homeless and tried to make his way back to his family in Ohio. This fell under the Fugitive Felon Act which, among other things, denies benefits to veterans who have violated the terms of their probation.

Mr. Weisman received a letter terminating his benefits, and a VA Medical Center nurse practitioner referred him to Legal Aid. Mr. Weisman soon faced another blow: an almost \$39,000 overpayment charge for benefits already received. Not only did Mr. Weisman lack the financial resources to pay back the money, he was unable to work due to his illness and totally dependent on his monthly \$985 pension check.

First, staff attorney Jennifer Becker worked with a public defender in Florida to clear Mr. Weisman's warrant. Then, Mr. Weisman was granted a hearing with the Committee on Waivers and Compromise.

The Committee considered the evidence presented by Legal Aid, deemed collection against "equity and good conscience" and waived the overpayment. Next came the long process to secure Mr.

Weisman's pension: Ms. Becker was in almost weekly contact with the VA pension center, sending and re-sending the necessary information. During this time, she secured Mr. Weisman some food stamp assistance. With no other income, Mr. Weisman could not afford to leave the house for simple errands or activities.

Nine months after the initial termination, Mr. Weisman's benefits have been reinstated – including retroactive benefits back to the date his warrant was cleared. He finally has the resources to leave the house and shop for books or go to the movies, which he loves. Ms. Becker credits Mr. Weisman with keeping his spirits up throughout the ordeal. He responds, "I wouldn't have been able to handle the waiting if I didn't know someone was working for me. Legal Aid helped me. They gave me faith." ●



Douglas Weisman and Jennifer E. Becker, Esq. at Legal Aid's Jefferson office.

Partner Profile: *Giffen & Kaminski, LLC*

When Karen L. Giffen and Kerin Lyn Kaminski founded Giffen & Kaminski in 2004, their vision of a women-owned firm specializing in business litigation merited articles in "Crain's Cleveland Business" and "Lawyers Weekly."

Ms. Kaminski dreamt of becoming an attorney since fourth grade. She didn't know any attorneys personally, but she was a history buff who observed that many people "who seemed to make a difference" throughout history were lawyers. Ms. Giffen developed an interest in law while working as an investigator of unfair labor practices at the National Labor Relations Board. Both graduated from Cleveland-Marshall College of Law. They met while working at Cavitch, Familo & Durkin.

After working together at Cavitch, the attorneys decided to launch a women-owned law firm with a focus on Fortune 500 companies. The attorneys wanted to leverage those relationships to create a client base for their new firm. Their original focus on business litigation has since evolved into a full-service model for clients. Giffen & Kaminski employs attorneys with expertise in contract disputes, real estate, employment and labor, and other fields.

Giffen & Kaminski's commitment to community service has made the firm a valuable partner in Legal Aid's mission. The firm gives credit to its lawyers for *pro bono* volunteer hours and participates in

regular clinics. Ms. Giffen serves on board committees for Legal Aid, and pledges to do "whatever necessary" to ensure the organization's long-term security.

Ms. Kaminski became familiar with Legal Aid through her 2007-2008 term as president of the Cleveland Metropolitan Bar Association. She is currently spearheading a fundraising effort to support Legal Aid staff leadership development: "We want Legal Aid staff to go out and find comrades and share ideas. That's part of leadership." Ms. Kaminski's fundraising efforts will help Legal Aid staff participate in Cleveland Bridge Builders, Leadership Cleveland, and regional and national conferences – which will give Legal Aid attorneys an opportunity to demonstrate impressive expertise. She adds, "Legal services is not just a duty for lawyers. It's society's duty as well." ●



Kerin L. Kaminski, Esq. and Karen L. Giffen, Esq. at their downtown Cleveland office.



Volunteer Profiles:

Kari B. Coniglio and Luis A. Carrion



**Luis Carrion, Esq. volunteers
at a Brief Advice & Referral Clinic.**



Kari Coniglio, Esq.

Kari Coniglio and Luis Carrion, attorneys at Benesch, significantly contribute to Legal Aid's Volunteer Lawyers Program (VLP).

Ms. Coniglio graduated from Cleveland-Marshall College of Law in 2006. She served as a clerk for Judge Arthur Harris of the Northern District of Ohio Bankruptcy Court before joining Benesch's Business Reorganization Practice Group. William Kohn (now deceased) was volunteering for Legal Aid. Mr. Kohn, who was Ms. Coniglio's practice group leader, approached her for assistance. Ms. Coniglio quickly stepped in to help disabled and financially disadvantaged clients avoid bankruptcy.

Lauren Gilbride, a VLP staff attorney, praises Ms. Coniglio's efforts: "Kari has been an integral partner in the program's success from its inception. She has led Continuing Legal Education events and has volunteered in every Will Kohn Bankruptcy By-Pass Clinic in the last two years."

Luis Carrion's involvement with the Volunteer Lawyers Program is part of an unconventional path to law. He worked as an engineer for twelve years, then entered law school. Mr. Carrion settled on a field which was a natural transition from engineering – patent law – and joined Benesch after his 2007 graduation from Cleveland-Marshall. Despite an immediate admiration for Legal Aid's work, Mr. Carrion was unsure of how he could contribute to Legal Aid's mission: "I always knew I wanted to get involved with Legal Aid but my legal expertise is in a field that is not particularly directed to the average person."

Eventually, Mr. Carrion also found a niche with the Will Kohn Bankruptcy By-Pass Program. He also regularly volunteers for Brief Advice & Referral Clinics. Observes VLP Managing Attorney Ann McGowan Porath: "Luis' fluency in Spanish is invaluable at these clinics. His help is a wonderful example of commitment to *pro bono*."

Mr. Carrion relates the story of a client who had to abandon a successful career due to injury. She had also co-signed a loan for a relative who had defaulted on the loan. He muses, "I was really moved because some people hold stereotypes about the people we serve. It could be anyone."

Ms. Coniglio agrees. She remembers a recent Chapter 7 *pro bono* case: "My client was the same age as me. It made me realize how lucky I am and how important it is to give back because you never know what can happen. We see people who had it all before something unfortunate happened and they lost everything. It definitely teaches you not to take anything for granted." ●

In the next issue of *Poetic Justice* learn more about Benesch's philanthropic support of Legal Aid!

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Legal Aid Archives





Volunteer Lawyers in Action [vlp] 2010 Snapshot

- VLP clinics held in 2010: **66**
- Volunteer attorneys who attended Brief Advice & Referral Clinics: **410**
- Clients who attended Brief Advice & Referral Clinics: **1,228**
- VLP cases closed: **1,521**
- Total active volunteer attorneys: **1,774**



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Stories of philanthropy and hope from The Legal Aid Society of Cleveland

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In Memoriam: Betty Klaric
(1931 - 2011)



Legal Aid mourns the loss of Betty Klaric, who led Legal Aid's community legal education efforts from 1997 through 2007. Before becoming an attorney and working at Legal Aid, Ms. Klaric had a distinguished career as a reporter for the *Cleveland Press*. Read more about Ms. Klaric's life and legacy at www.lasclev.org under "Latest News." ●

Legal Aid launches new website!

Visit www.lasclev.org

to find resources, read success stories and find out how you can help Legal Aid provide access to justice in Northeast Ohio.

Many thanks to the staff at Insivia Marketing and Interactive Web Design for helping Legal Aid create a dynamic site for clients and the community.

Legal Aid's website was funded in part by the Dominion Foundation and the KeyBank Foundation. ●



A Strategic Marketing Agency



Legal Aid

Our Mission

To secure justice and resolve fundamental problems for those who are low income and vulnerable by providing high quality legal services and working for systemic solutions.

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Jefferson Office

Phone (toll free): 866-873-9665

Painesville Office

Phone (toll free): 888-808-2800

Corrections

In the Fall 2010 issue of Poetic Justice, Nahida Farunia's divorce date and workplace were incorrectly identified. Ms. Farunia's divorce was finalized on April 27, 2010, and her place of employment is Holy Family Learning Center in Lakewood, Ohio. We regret the errors.



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