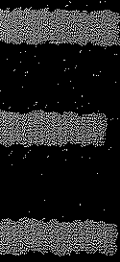




# BAR JOURNAL

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## INTELLECTUAL PROPERTY LAW

**Is Patent Law Myopic?**

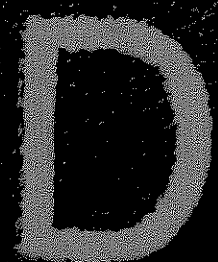
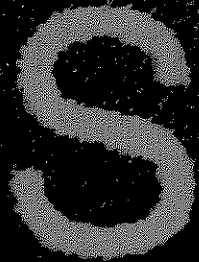
**Kablooey's Pickle**

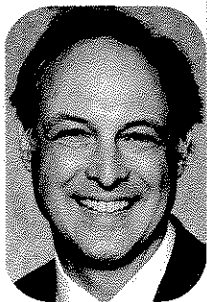
Navigating State Intellectual Property Filings

**Making Sure Your Artist/Client Gets Paid  
(and More)**

**Music Copyrights**

A Music Licensing Game Plan





Michael E. Brittain

President | Cleveland Metropolitan Bar Association

Mike is chair of Calfee, Halter & Griswold LLP's insurance recovery group and serves on the firm's executive committee. He is also a founding member of Calfee's Business Claims Litigation Group. He can be reached at mbrittain@calfee.com.

# YOU: Making a Difference

The title of this article may sound familiar to you. It was inspired by the YOU series of books published by Dr.

Michael Rozien of the Cleveland Clinic and Dr. Mehmet Oz of Columbia University Medical Center. The original book, entitled *YOU: The Owner's Manual*, explained how our bodies work in general. *YOU: On a Diet* showed how our bodies lose weight and stay fit. Because I am a business litigator north of 50 years old, I have found the recently published *YOU: Staying Young* to be the most relevant of the YOU books. All three books have been phenomenal best-sellers, have made the authors healthcare celebrities, and have landed them numerous appearances on Oprah.

So what does any of this have to do with *YOU: Making a Difference*? The answer is found in what I believe to be the secret of success of the YOU series. The books are successful because they make complex issues involving the human body, health and aging accessible to the reader in a well-organized, easy to understand and fun format. The Cleveland Metropolitan Bar Association and the Legal Aid Society of Cleveland have done a similar thing in making pro bono opportunities accessible to you.

In fact, you can make a positive difference through engaging in pro bono activities with a lot less effort than it would take to lose weight or stay young under the programs described by Drs. Rozien and Oz.

Just as most lawyers would like to feel young and physically fit, most of us would also like to experience the excitement and fulfillment of using our legal skills to make a positive difference in the lives of those in our community who truly need our services. Many of you have already answered the call to pro bono service. In doing so, you have discovered how easy it is to help others and at the same time find greater meaning in your lives as lawyers. But there are some lawyers in

Cleveland who do not volunteer for pro bono and public service. The question is, why?

When I ask lawyers why they do not participate in pro bono work, they typically describe what they do not have. Sometimes, it's simply a lack of information. They don't know how to get involved in pro bono service. More often, lawyers tell me that they are too busy and that they just don't have time for a pro bono commitment. I think that there is a more fundamental reason why some lawyers do not do pro bono work, which I will address later in this article. But for now, let's consider the reasons typically given by lawyers for not doing pro bono work.

Lack of information should never be an obstacle to providing pro bono service. If you need information about pro bono opportunities, you can contact the CMBAs Director of Pro Bono and Community Service Mary Groth. You can reach Mary at (216) 696-3525, or at [mgroth@clemetrobar.org](mailto:mgroth@clemetrobar.org). In the

alternative, you can contact Ann Porath, managing attorney of Legal Aid's Volunteer Lawyers Program. You can reach Ann at (216) 861-5332 or at [ann.porath@lasclcv.org](mailto:ann.porath@lasclcv.org). You can also learn about pro bono opportunities on the CMBA website at [clemetrobar.org](http://clemetrobar.org), or the Legal Aid website at [lasclcv.org](http://lasclcv.org).

“The purpose of life is to live it, to taste experience to the utmost, to reach out eagerly and without fear for newer and richer experience.”

- Eleanor Roosevelt

When lawyers tell me that they just don't have the time to do pro bono work, I am reminded of the quote by Dennis Waitley: "Time is the most precious element of human existence." He also said, "Time is an equal opportunity employer." In other words, all of us have the same amount of time—24 hours per day, 168 hours per week. Nevertheless, there are many busy lawyers who are providing pro bono services in Cleveland. In fact, many of the lawyers in my firm, Calfee, Halter & Griswold LLP, who provide pro bono services have very active practices. Perhaps the reason busy lawyers are able to serve as pro bono volunteers is that they understand the observation made by Edward Young in 1742:

"Procrastination is the thief of time." We all have enough time to provide pro bono services if we make the decision to do it now.

The CMBA and Legal Aid understand that for lawyers, "time is money," and have taken steps to solve the time problem. For example, a great introduction to pro bono work is through participation in the Brief Advice and Referral Clinics sponsored by the Volunteer Lawyers Program of Legal Aid. The clinics are usually held on Saturday mornings, and last about two-and-a-half hours. The clinics are held at various Cleveland community centers and provide individuals with the opportunity to speak directly with an attorney on a one-to-one basis about civil legal issues. If additional legal services are required after the brief advice session, the matter is referred to other volunteer lawyers for direct representation. Because pro bono client intake is performed by law students and Legal Aid staff, the valuable time of volunteer lawyers is spent counseling the pro bono clients. In addition, experienced lawyer mentors and Legal Aid staff are available to provide support and training to volunteer lawyers. Even the busiest of lawyers can find a few hours to volunteer at a Brief Advice and Referral Clinic.

In addition to working closely with Legal Aid on pro bono projects, the CMBA provides a number of ways for our members to get involved in pro bono service, including the Pro Bono Bankruptcy Project, the Cleveland Homeless Legal Assistance Project, and Volunteer Lawyers for the Arts. The CMBA also recruits and involves volunteer lawyers in community service programs that serve over five thousand high school students each year in the 3Rs Program, and the Cleveland and Ohio Mock Trial Competitions.

At the CMBA's first annual meeting on June 6, 2008, I announced an exciting new pro bono program called **Reach Out: Pro Bono Assistance for Non-Profits**. Reach Out is a partnership program of the CMBA and the Northeast Ohio Chapter of the Association of Corporate Counsel aimed at providing pro bono legal assistance and law-related education to income-eligible, non-profit organizations that serve the community. Non-profit organizations deal with many of the same complex issues as businesses in the for-profit sector, but often have scarce resources for legal assistance. The Reach Out program will provide a convenient and efficient vehicle to business lawyers and in-house corporate attorneys who want to give back to the community.

Reach Out will use the services of volunteer lawyers from the CMBA and NEOACC to assist non-profit organizations through organized clinics and referrals. The clinics will be held at the CMBA offices on designated Saturdays throughout the year. The clinics will include presentations on legal issues that affect non-profits. They will also give non-profit leaders the opportunity for a confidential interview with a volunteer lawyer to discuss specific issues concerning their or-

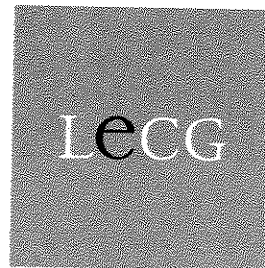
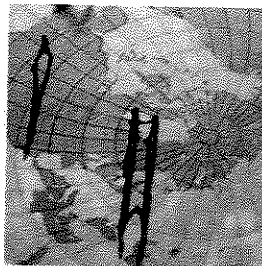
ganizations. Brief advice will be provided at the interview sessions, if appropriate, or matters will be referred for extended service. Referrals will be for assistance with transactional business law matters, such as corporate organization and governance, tax exemption, contracts and real estate. As with the other pro bono opportunities offered by Legal Aid and the CMBA, Reach Out is designed to make pro bono service easy for transactional and corporate lawyers. We are excited about our partnership with NEOACC and the opportunity we are giving corporate lawyers to provide pro bono services.

By now, I am hoping that you realize that lack of information and a busy schedule should not be obstacles to enjoying the pro bono experience. If this is true, then what is the fundamental reason why some lawyers in our community do not participate in pro bono opportunities? I believe the answer is simple. We are all creatures of habit. Thankfully, most of these habits are good habits and have helped us to achieve the great good fortune we have in our lives. Lawyers who routinely volunteer their services for pro bono work have simply developed the habit of doing pro bono work. Lawyers who do not do pro bono work have not yet developed this rewarding habit.

In *YOU: On A Diet*, Drs. Rozien and Oz tell us that if we want to lose weight, we must develop new eating and exercise habits. In *YOU: Staying Young*, they

describe the important new habits that we must integrate into our daily lives in order to make staying young an option. Unfortunately, despite the easy-to-follow advice contained in the *YOU* books, many readers will not achieve a healthy, youthful lifestyle. The reason is simple—they are unable to become creatures of new habits. What about you? Can you become a creature of new habits? Can you break out of your comfort zone of familiar routine and start down the path of providing pro bono service? I urge you to try. If you do, I am confident that you will succeed and discover how much more meaningful and rewarding your life as a lawyer can be. As Eleanor Roosevelt said, "The purpose of life is to live it, to taste experience to the utmost, to reach out eagerly and without fear for newer and richer experience."

If you develop the habit of doing pro bono work, you may not achieve fame and fortune like Drs. Rozien and Oz. And it is highly unlikely that you will appear on Oprah. But you will have the opportunity to experience a new kind of excellence, the excellence that can only be achieved when you know that you are making a positive difference in the lives of those who truly need your help. As Aristotle once said, "We are what we repeatedly do. Excellence, then, is not an act, but a habit." Start your new pro bono habit now. Please contact Mary Groth or Ann Porath today. ■



## about LECG

LECG, a global expert services and consulting firm with more than 950 experts and professionals in 34 offices around the world, provides independent expert testimony, original authoritative studies, and strategic advisory services to clients including Fortune Global 500 corporations, major law firms, and local, state, and federal governments and agencies worldwide in an array of disciplines including:

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Finance & Damages  
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