



BAR JOURNAL

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REAL ESTATE

An Analysis of Ohio's New
Mortgage Foreclosure Laws

Foreclosure Mediation

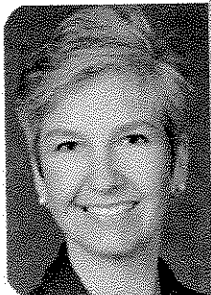
Cost Segregation

A Little Known but Valuable Tool
for Commercial Real Estate Clients

Sale/Leasebacks

A Compelling Capital Source for Corporations

Homelessness: How Do I Help?



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Chair, CMBA Justice for All Committee

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If you could help address the legal problems of the homeless by having fun with your family, wouldn't you do it? And if you could help to keep families from becoming homeless in the first place, wouldn't you do that, too?

You can.

Bench-Bar Halloween Run

For the second year running, the Cleveland Bar Foundation has decided to direct the majority of funds raised in its fall fundraising event, the Bench-Bar Halloween Run, to the CMBA's homeless programs. One prominent program is the Cleveland Homeless Legal Assistance Program, which operates intake clinics at numerous sites throughout the city and refers to volunteer lawyers any longer-term representations that arise. Not surprisingly, in the wake of the foreclosure crisis, there are more homeless people in our area than ever before, and the number of people seeking help from CHLAP continues to rise. With the prospect of raising a substantial portion of the Program's needed funds from the Bench-Bar Halloween Run, I am delighted to bring this terrific event to your attention.

Numerous local firms and corporations already have stepped up to sponsor the event, including: Accellis Technology; Becker & Mishkind; Calfee, Halter & Griswold; Davis & Young; Frantz Ward; Hahn, Loeser & Parks; Jones Day; Kohrman Jackson & Krantz; Legal Aid Society of Cleveland; McCarthy, Lebit, Crystal & Liffman; National City Bank; Porter, Wright, Morris & Arthur; Reminger & Reminger; Roetzel & Andress; Schneider, Smeltz, Ranney & LaFond; Squire, Sanders & Dempsey; ThinSolutions; Thompson Hine; Tucker, Ellis & West; Zukerman, Daiker & Lear. In addition, Baker & Hostetler is the event's Signature Sponsor, having made an early contribution more than four times that of the regular event sponsors.

For running enthusiasts, the Bench-Bar Hal-

loween Run is a great opportunity. You can register at www.hermescleveland.com for a modest \$16 fee, and participate at any one of several levels. We are hoping for Cleveland's signature fall weather for the event – cool and pleasant, unlike the running events that take place in the dog days of summer.

For families, the Bench-Bar Halloween Run is a winner. Family members can run – or walk – the race course and join in a ton of healthy fun that way. But the family activities indoors at the Erieview Galleria – where the race begins and ends – are going to be even more sensational than last year, and every one of them is free.

Here's a partial list:

- Face painting
- Pumpkin decorating
- Costume contests
- A bouncy house
- “Trick or treating” at corporate participants' tables and
- Jugglers, clowns and other roving performers

For the rest of us, the Bench-Bar Halloween Run presents an excellent opportunity to volunteer and participate. The committee needs volunteers for a wide variety of tasks – standing outside to help mark the run route; passing out bottled water to run participants; monitoring and participating in the family activities. Sherri Dahl at Squire, Sanders & Dempsey will be glad to include you; please call her at (216) 479-8480.



At the end of the run, prizes will be awarded for runners within their various categories, and Judges Frank Celebrezze, Larry Jones and Nancy McDonnell – honorary co-chairs of the event – will present prizes for the best costumes. The event will go forward rain or shine. Whether you run, dress up in a costume, get your face painted or jump in the bouncy house (some age/size limits apply), this is a great chance to have a lot of family-friendly fun while giving concrete help to some of the people in our community who need it most.

Housing Court Pro Bono Representation Program

What about those who still – barely – have a home? They need our help, too.

The Legal Aid Society of Cleveland, working initially with Jones Day and following the award of a substantial grant by the Sisters of Charity Foundation of Cleveland, has undertaken a new program to provide pro bono representation to indigent tenants in private landlord-tenant disputes. Ann Porath at Legal Aid has characterized the program as addressing a “huge unmet need,” in part because Legal Aid’s own programs are directed specifically to the issues of tenants in subsidized housing, not those in private housing.

The importance of providing legal representation to indigent tenants facing eviction is even greater than it appears at first blush, according to Dustin Rawlin of Jones Day. If an order of eviction is entered against the tenant, then the tenant may become ineligible for subsidized housing – and many of these litigants will need this option. If the tenant and the landlord can work out a settlement that avoids an eviction judgment, even if the tenant ultimately must leave, then the tenant maintains at least one option for future housing.

Since the program began about a year ago, Jones Day lawyers have taken on 38 representations, in each case crafting a settlement or winning the case outright. Some of the cases are not evictions, involving representing indigent tenants as plaintiffs against their landlords, alleging lockout, failure to provide utilities, damage to tenants’ property and similar claims.

This summer, Hahn, Loeser & Parks joined in the effort and now is taking cases, as well. Jeff Brauer, chair of Hahn Loeser’s Pro Bono Committee, notes that the program is well-organized and Legal Aid provides excellent training for the lawyers who participate. “We need to focus on providing direct legal service to people and organizations in need,” Brauer says, and the Housing Court program “has all the right elements.”

Legal Aid welcomes Hahn Loeser’s involvement, and indeed looks forward to bringing more firms into the program. Ann Porath notes that the program is a “good introduction to pro bono,” in large part because of the training offered. Lawyers participate in training at Legal Aid; they receive binders full of form documents and supporting information; they watch housing court proceedings, and in the past Judge Raymond Pianka of the Housing Court has spoken to lawyers training for this pro bono service. Judge Pianka has been working for some time to transform Housing Court, according to Dustin Rawlin, and his goal remains to make the process as fair as possible for everyone involved.

The program has been characterized as “win-win-win,” by John Lewis at Jones Day. Lewis explains: “We are helping those who have a real need for legal assistance in private landlord-tenant disputes, we provide a service to the court by carefully reviewing the factual circumstances and presenting informed legal arguments under applicable law, and our litigation associates are provided with meaningful opportunities to display and develop their courtroom and lead-lawyer skills.” At a time when evictions of tenants due to foreclosures on landlords are increasing and homelessness is on the rise, a program that addresses the many needs of this precarious population is timely and valuable.

Ann Porath encourages firms and individual practitioners to contact her for more information. She notes that training and ongoing practical support for volunteer lawyers are provided by Legal Aid, and that any litigation costs, as well as malpractice coverage, also are provided by Legal Aid. This excellent model of cooperation between Legal Aid and private lawyers already is the subject of interest from other communities and bar associations around the country. We not only can be proud of this program, we can participate. Please contact Ann Porath at (216) 861-5332. ■

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