

poetic justice

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Baker Hostetler Helps Legal Aid Preserve Education Rights

In 2006 Baker Hostetler committed an \$80,000 grant, distributed over three years, to support a Legal Aid staff attorney devoted to education matters. Because of Baker Hostetler's support, Legal Aid was able to leverage those funds and grow its education law practice considerably. Legal Aid preserves education rights of low-income children through direct representation, the training of advocates and parents, and by challenging wrongful school policies.



Katie Feldman, Esq., Legal Aid's Baker Hostetler Education Staff Attorney

Policies like that encountered by Amelia Washington*, who was shocked when her nine-year-old daughter Lynelle* was suspended from school. The third grader, an honors student, had brought a tiny, two-inch purple water squirter – a toy you might find at a summer picnic or child's birthday party – to school. A classmate spotted the toy and reported Lynelle to a teacher.

Considered a weapon according to school policy, the water pistol was deemed cause for suspension and, subsequently, expulsion. Lynelle stated she did not see any difference between the water squirter and a fashion doll she had previously brought with her to school.

Lynelle was not represented at the initial expulsion hearing; the district took action and expelled her. She missed twenty school days – one full month. In accordance with the school policy, she was not afforded an opportunity to make up her work.

Baker Hostetler Education Attorney Katie Feldman represented Ms. Washington and her daughter on appeal: "Unfortunately, Lynelle's expulsion was an instance of zero tolerance for weapons trumping common sense. By expelling Lynelle under its 'look-alike weapon' prohibition, the district failed to follow its own policy since the squirt gun clearly did not even match the definition provided by the district of a look-alike weapon."

Adds Ms. Washington, "Ms. Feldman really did some digging into definitions and legality, which I wouldn't have known about. If it hadn't been for the legal assistance, I don't think we would have been able to handle the situation."

At the hearing, Ms. Feldman highlighted the importance of access to education and the district's responsibility to educate Lynelle. The expulsion was overturned, and Lynelle was allowed to make up the school work she missed during her absence. Lynelle is now in fourth grade and continues to do well. Ms. Feldman notes, "The Washingtons hoped that by challenging the expulsion and the district's interpretation of its look-alike weapon policy, they could prevent other families from going through the same experience." ●

More Clients Served Through Sgt. Harry Fund Designated dollars will benefit Volunteer Lawyers Program

The Sgt. Harry Fund at The Legal Aid Society of Cleveland was inaugurated with funds from the first annual John and Ginny Elam *Pro bono* Award, presented to Legal Aid board member David Kutik at the Ohio State Bar Association's 2008 Annual Meeting. The \$5,000 award will be leveraged with donations from individual donors to support Legal Aid's Volunteer Lawyers Program (VLP) and its work in neighborhoods throughout Northeast Ohio.

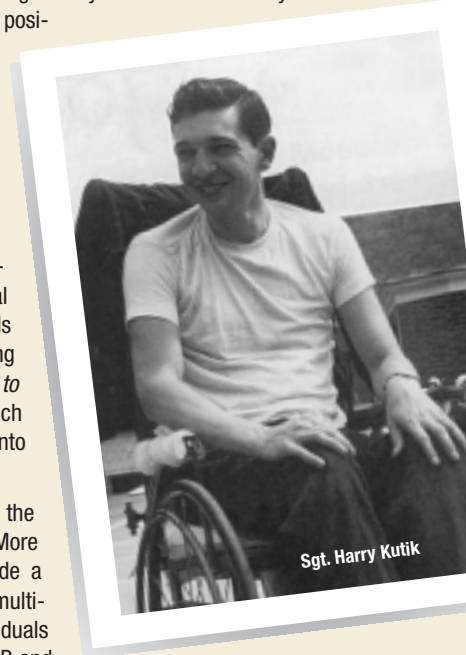
The Fund is named for David Kutik's father, Harry Kutik, who was born in 1924. Orphaned at an early age, Harry spent his childhood in foster homes. He graduated from high school in 1941 and enlisted in the Army where he rose to the rank of Sergeant. On the last day of World War II in Europe, Sgt. Harry was struck by thirteen sniper bullets. Miraculously, he survived, but was rendered a paraplegic.

Sgt. Harry returned home to face obstacles every day – from dealing with activities of daily living to learning how to drive. He had to cope with life decades before the Americans with Disabilities Act was passed – there were no wheelchair ramps, no handicap parking places. Yet, despite all of the difficulties that he encountered, Sgt. Harry's friends and family were continually amazed by his positive spirit and equanimity in the face of daily challenges. He lived every day trying to make life better for others.

David Kutik, during his time as president of the Cleveland Bar Association in 2004-05, honored his father's memory by harnessing Cleveland's wealth of legal talent to serve the unmet needs of the region's poor. The resulting initiative was *Our Commitment to Our Community*; a program which infused hundreds of volunteers into Legal Aid's *pro bono* initiatives.

The Sgt. Harry Fund will help the legacy of Harry Kutik live on. More importantly, the Fund will provide a vehicle for Legal Aid to secure multi-year commitments from individuals who support the vision of the VLP and recognize the need for *pro bono* legal services in the community. ●

To Give to the Sgt. Harry Fund, contact Melanie Shakarian, Esq. at 216-861-5217 or melanie.shakarian@lasclev.org. To learn more about the VLP, contact Managing Attorney Ann McGowan Porath at 216-861-5332 or amporath@lasclev.org.



Sgt. Harry Kutik

Unemployment Benefits Secured for Former Restaurant Employee

Just a few days short of her seven-year employment anniversary, Geraldine Jenkins was terminated from her job in the kitchen of a Bedford restaurant. The employer informed her that she had violated the company's attendance policy by exceeding the limit of unexcused absences. Ms. Jenkins had submitted medical excuses for some of those absences. Other reprimands were for tardiness beyond her control, such as the day a blizzard made the streets impassable and she arrived less than twenty minutes late to work. Ms. Jenkins filed for unemployment benefits for the first time in her life, was denied, and lost a subsequent appeal.

"Baffled" and "stressed out," Ms. Jenkins came to Legal Aid. She was assisted by CWRU law student Benjamin Cooper and senior attorney Anita Myerson, both of whom she praises as "fearless and thorough." Mr. Cooper told her to go through hospital documents for proof of her illnesses; he checked the internet to discern weather conditions on the disputed days and discovered one fell during a March blizzard which had dumped over twenty inches of snow in the area.

Ms. Jenkins laughs, remembering the opposing party's reaction as she walked into the hearing, "They were blown away that I came in with an attorney."

During the hearing proceedings, a discrepancy was proven in the tally of absences kept by the restaurant. Ms. Myerson argued that the discharge lacked just cause: Ms. Jenkins did not have the number of points required for discharge and some instances of tardiness were beyond her control. The judge said he would issue a decision within a week. Two days later, Ms. Jenkins received a letter saying she had been discharged without just cause and could receive unemployment benefits. She says, "I wanted to give up, but then I thought 'No, that's what they expect me to do.' I knew in my heart that [the employer] was wrong and just needed some support." ●



Geraldine Jenkins

Cy Pres Events and CLEs Scheduled for 2009

Legal Aid will host numerous events in 2009 to educate the Northeast Ohio community about *cy pres* and the benefits it has for nonprofit organizations.

Legal Aid's plan is rooted in numerous *cy pres* awards received over the past five years, thanks to efforts by attorneys Ron Frederick, Mark Schlachet, and Patrick Perotti.

Justice with Heart: Ohio Lawyers Give Back was held on February 19 in Downtown Cleveland. The reception featured a *cy pres* check presentation by Dworken & Bernstein to both Legal Aid and the Ohio Legal Assistance Foundation, and by Ronald Frederick & Associates to The Cleveland Foodbank and Towards Employment. Michael Brittain, president of the Cleveland Metropolitan Bar Association, delivered the keynote remarks.

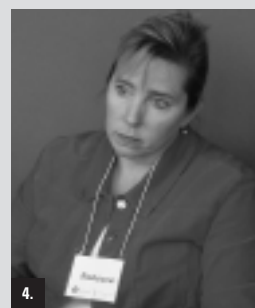
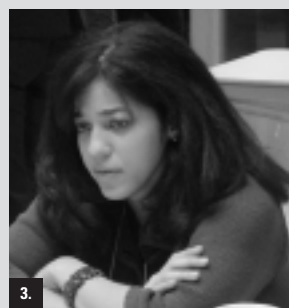
Another event is planned for May, and a *cy pres* CLE will be scheduled for later 2009.

For more on *cy pres* awards, contact Director of Development Melanie Shakarian at 216-861-5217. ●

(l-r): Kristin Warzocha – Director of External Affairs, The Cleveland Foodbank; Anne Campbell Goodman – Executive Director, The Cleveland Foodbank; Alice Ake Armstrong – Vice President, Board of Directors – The Cleveland Foodbank



Volunteer Lawyers in Action



1. Anthony T. Parker, Esq. – Law Offices of Cassandra Collier-Williams (The Norman S. Minor Bar Association)
2. Jeanne M. Rickert, Esq. – Jones Day
3. Chaundra C. King, Esq. – Squire Sanders (The Norman S. Minor Bar Association)
4. Rebecca McMahon, Esq. – Key Corporation
5. Mary Beth McConville, Esq. – Legal Aid; Paul D. Castillo, Esq. – Giffen & Kaminski; Allison Kretz – Student, Case Western Reserve University School of Law
6. Anne Owings Ford, Esq. – Jones Day
7. Marlon Primes, Esq. – Assistant United States Attorney (The Norman S. Minor Bar Association)
8. Karen L. Giffen, Esq. – Giffen & Kaminski
9. David B. Alden, Esq. – Jones Day; James E. Young, Esq. – Jones Day



Update on the Community Advocacy Program

(CAP) is the medical-legal partnership between Legal Aid and The MetroHealth System. The collaboration brings much-needed legal and healthcare advocacy to patients and Cleveland's low-income neighborhoods by removing legal barriers to health and educating healthcare providers about patients' legal rights.

- With the Cleveland Police Department, CAP staff attorney Megan Sprecher created a Divisional Notice concerning U-Nonimmigrant Status Certification (U Visas). The notice outlines policy for officers regarding U Visas, which are available to non-citizens who have suffered substantial physical/mental abuse as a result of criminal activity and who have been helpful in the investigation or prosecution of a crime. The U Visa was established to encourage immigrants to report crimes – which they often do not, due to fear of immigration consequences or mistrust of the criminal justice system.



- CAP staff attorney Lucas Caldwell-McMillan partnered with MetroHealth pediatric resident Vijender Karody, M.D. to create the Karody Special Education Calculator. Low-income children with special education needs risk denial of services because they are not evaluated in a timely manner. The calculator aids the explanation of special education processes and deadlines to parents. To date, CAP has distributed more than 100 calculators.
 - Cleveland State University's Cleveland-Marshall College of Law will begin a medical-legal partnership clinic in the 2009-2010 school year – allowing law students, under supervision of Professor Pamela Daiker-Middaugh, to take medical-legal cases via CAP's intake. The collaboration will expand CAP's ability to serve a higher number of clients and expose law students to multi-disciplinary responses to poverty.
 - The fourth National Medical-Legal Partnership Summit will be held in Cleveland on March 26 and 27. The annual conference brings together physicians, attorneys, nurses, social workers, and public officials to share and exchange best practices and medical-legal partnership models. CAP attorneys and medical partners from MetroHealth will present at various sessions throughout the summit, and Pulitzer Prize-winning *Plain Dealer* columnist Connie Schultz will give the keynote address. ●



Lucas Caldwell-McMillan, Esq.,
CAP Staff Attorney

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The
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of Cleveland

The Annual Campaign for Legal Aid

1223 West Sixth Street Cleveland, Ohio 44113

Web: www.lasclev.org E-mail: info@lasclev.org

Cuyahoga County Office
& Administrative Offices
Phone: 216-687-1900
Fax: 216-687-0779
Phone (toll free): 888-817-3777
Development: 216-861-5217

Ashtabula County Office
Phone (toll free): 866-873-9665
Lake & Geauga County Office
Phone (toll free): 888-808-2800
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Phone (toll free): 800-444-7348



Stories of Philanthropy and Hope

Poetic Justice is a publication of The Legal Aid Society of Cleveland

* Confidentiality: *The names of some clients profiled in this newsletter were changed to protect their confidences.*



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.

Annual Luncheon Highlights Collaboration

On November 13, Legal Aid held its *2008 Annual Luncheon and Report to the Community* at Cleveland Marriott Downtown, Key Center. The afternoon featured a panel of community partners, volunteer attorneys, a Legal Aid staff attorney and a former client speaking about their personal experiences with Legal Aid. More than 400 local leaders attended the sold-out event, which was sponsored by:

- GOLD** (\$3,000):
 - Baker Hostetter
 - Cleveland Metropolitan Bar Association
- SILVER** (\$2,000):
 - CWRU School of Law
 - Eaton Corporation (Law Department)
 - Frantz Ward
 - Giffen & Kaminski
 - Jones Day
 - Wickens Herzer Panza Cook & Batista
- BRONZE** (\$1,000):
 - Buckingham Doolittle & Burroughs
 - Charter One
 - Cleveland-Marshall College of Law
 - Cooper & Walinski
 - John Carroll University
 - The Key Foundation
 - Littler Mendelson, P.C.
 - Majestic Steel U.S.A.
 - Northern Trust Bank
 - Ogletree Deakins
 - The Ohio Legal Assistance Foundation
 - Schneider, Smeltz, Ranney & LaFond
 - Stautzenberger College
 - Squire, Sanders & Dempsey
 - Tucker Ellis
 - Vorys, Sater, Seymour & Pease L.L.P.

Save the Date

Legal Aid's *2009 Annual Luncheon and Report to the Community* will be held on **Friday, November 13, 2009** at the Cleveland Marriott at Key Center.



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3.



4.

1. Robert M. Clyde, Esq. – Ohio Legal Assistance Foundation
Jane Taylor, Esq. – Ohio Legal Assistance Foundation
David C. Weiner, Esq. – Squire Sanders
2. Edward Icove, Esq. – Icove Legal Group
3. Karen Reese – Former Legal Aid Client
4. Pamela Daiker-Middaugh, Esq. – Cleveland-Marshall College of Law;
Sandra English, Esq. – Cleveland-Marshall College of Law



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