

poetic justice

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Legal Aid partners with Squire, Sanders & Dempsey to help domestic violence survivors

As a busy corporate lawyer with Squire, Sanders & Dempsey L.L.P., Michele L. Connell is more at ease finalizing deal details than finessing courtroom strategy. However, Ms. Connell recently attended an intensive training in litigation so she can help women trying to break the bonds of domestic violence.

Ms. Connell is one of more than twenty Squire Sanders lawyers and paralegals volunteering with The Legal Aid Society of Cleveland in a new *pro bono* program providing legal services to survivors of domestic violence. She is part of the first group of firm lawyers and paralegals to receive special training so they can represent victims seeking civil protection orders from the courts.

“This is a very tough issue and the training is intense,” Ms. Connell noted. She volunteered with Legal Aid’s Volunteer Lawyers Program and looks forward to taking on a volunteer role that allows for more direct and ongoing assistance for Legal Aid clients dealing with domestic violence.

“An alarming number of women in our community have been and continue to become victims of domestic violence,” said David S. Goodman, managing partner of the Squire Sanders Cleveland office, a program volunteer and former president of the Legal Aid’s Board of Directors. “Last year, there were more than 4,000 reported instances of domestic violence in Cuyahoga County, and many of the victims are people without resources to obtain legal representation.

“This is a significant unmet need and we at Squire Sanders are extremely pleased and honored to be working with Legal Aid on this important project,” Mr. Goodman said.

Program volunteers began receiving training in September, starting with several hours spent with Legal Aid staff who outlined aspects of working with victims of domestic violence, from understanding why a victim would return to an abusive situation to the details of the civil protection order process. After the training, volunteers shadowed a Legal Aid lawyer. Legal Aid refers clients to Squire Sanders lawyers for representation.

In addition to the *pro bono* support, the firm has also made

Continued on page 3 ... Squire, Sanders & Dempsey



Alexandria Ruden, Esq.
Samuel H. and Maria Miller /
Squire Sanders Attorney for
Prevention of Domestic Violence

Income Saved for Legal Aid Client

Legal Aid attorney Carol Eisenstat was helping Dwain Staples with his unemployment benefits. For almost 30 years, Mr. Staples had worked as a skycap for a Cleveland Hopkins Airport contractor. While reviewing Mr. Staples’ pay stubs, Ms. Eisenstat noticed some strange

deductions. She referred Mr. Staples to her colleague Katie Laskey-Donovan, an attorney who recently joined Legal Aid’s Northeast Ohio Wage Project.

Ms. Laskey-Donovan investigated and found that Mr. Staples’ employer was only supposed to deduct a one-time \$100 union initiation fee in four \$25 installments. The employer however, continued to deduct \$25 from each paycheck for over four years.

A union representative, when contacted by Ms. Laskey-Donovan, was apologetic. He issued a check for \$2,268.05 in Mr. Staples’ name. The

union, which has workers across the United States, is now investigating whether other employees may have had incorrect deductions taken from their paychecks.

Mr. Staples is currently unemployed and will put the money toward paying his bills. When asked about his attorney Ms. Laskey-Donovan, he replied simply, “She’s wonderful.”

The Northeast Ohio Wage Project is funded through grants to Legal Aid from The Thomas H. White Foundation and the Ohio Legal Assistance Foundation. Learn more about the Wage Project on page 3. ●



Attorney Katie Laskey-Donovan meets with Wage Project client Dwain Staples.

Inside this issue:

On page 2, read about a special *cy pres* gift presented Legal Aid by Dworken & Bernstein.

Client Profile: *Kimberly Chester*

Former Legal Aid client studies pre-law at John Carroll University

Kimberly Chester was shocked when a bank representative told her that her rental property was about to be foreclosed – after all, she had just sent in her rent check. But the landlord was pocketing her money instead of paying the mortgage. Ms. Chester stopped paying rent and was served with an eviction notice. Well-aware of the national foreclosure crisis, she wondered, “You always hear about home owners. What about the tenants?”

A mother of three children, now ages 13, 15 and 17, Ms. Chester was juggling a job, family and an education at John Carroll University. “I was put into a situation where I am trying to go to school and I have an eviction notice and nowhere to go. It’s hard when you’re out there living in poverty and there are situations where people will not help you. But you have to be persistent,” Ms. Chester explained. Faced with the threats of homelessness and being forced to drop out of college, Ms. Chester called Legal Aid. “I always knew that there was The Legal Aid Society of Cleveland. I knew they helped individuals even if you didn’t have enough money.”

When the case came across the desk of Legal Aid attorney Ed Gregory, he took action to obtain justice for Ms. Chester. Representing Ms. Chester, Mr. Gregory was able to have the eviction thrown out. “Mr. Gregory was very kind, concerned and professional. He helped calm the situation and kept saying, ‘We have to follow the law here’,” Ms. Chester stated. In addition to arguing the landlord’s breach caused the loss of the subsidized rental payments, Gregory argued that the landlord had filed the eviction notice under his name and not the



Former client Kimberly Chester volunteers for Legal Aid at a Brief Advice Clinic.

name of the limited liability corporation that appeared on the lease that Ms. Chester had signed, thus challenging the validity of the eviction notice, a fatal flaw in the eviction process.

Ms. Chester continues to live in the rental property. A senior at John Carroll, Ms. Chester is preparing for law school. She proudly notes the changes in her own children’s study habits – once reluctant to hit the books, they have begun to follow their mother’s example: “I tell them, education is like a candy store where you can try any kind of candy you want. Go ahead, try a saffron-flavored one – you may like it.”

Ms. Chester recently volunteered for Legal Aid as an intake worker at a Brief Advice and Referral Clinic with John Carroll alumni-attorneys, saying, “I want to help others.” ●

Legal Aid receives \$445,368 *Cy Pres* Award: *Award result of effort by Dworken & Bernstein attorneys*



Edward Icove, Esq. and Colleen Cotter, Esq. (Legal Aid) accept the *cy pres* award from Howard Rabb, Esq. and Patrick Perotti, Esq. (Dworken & Bernstein).

This summer, Legal Aid received an unexpected and extremely generous *cy pres* award, through a case handled by Dworken & Bernstein. The award was from a class action settlement with Grange Mutual Insurance Company. When all members of the class cannot be located for award distribution, the court may approve a charitable donation out of the unclaimed residue; in this case, \$14 million of the \$51 million award went to charities. Legal Aid was one of 34 selected charities which received gifts ranging from \$221,500 to more than \$440,000. Dworken & Bernstein partner Patrick Perotti explains: “Deciding who will receive *cy pres* is challenging, but knowing the work done by Legal Aid made the decision easy. It is probably no surprise that the highest percentage of persons victimized by abuse, fraud, mistreatment, and discrimination are the poor, uneducated and elderly. The court system exists to prevent these things, but people in these groups cannot



Project Profile:

The Northeast Ohio Wage Project

Legal Aid's Northeast Ohio Wage Project was established in 2007 to help those who work regularly but still live in poverty. This new class of "working poor" emerged after the 1996 welfare reforms, and are especially vulnerable to employment rights violations which may include issues of hours and pay, gender discrimination and sexual harassment, and worker safety. The project, funded by the Thomas H. White Foundation and the Ohio Legal Assistance Foundation, focuses especially on immigrant workers who tend to be less knowledgeable about their rights and more reluctant (or linguistically incapable) of asserting them.

The Legal Aid attorneys working on the Wage Project are Julie Clutter and Katie Laskey-Donovan. As a law student, Ms. Clutter was as clerk at Legal Aid working on low-wage workers' rights. Ms. Laskey-Donovan recently completed an Equal Justice Fellowship at a Washington D.C. advocacy organization for low-wage workers. Both are graduates of Cleveland-Marshall College of Law.

Beyond representing clients, Ms. Clutter and Ms. Laskey-Donovan conduct community outreach and education with "know your rights" sessions, and expanded engagements with social service agencies, grassroots organizations, law schools and the private bar.

Pro bono attorney partnerships with the Wage Project are currently in development, and a Volunteer Lawyers Program project centered specifically on wage issues is planned for spring. If you are interested in wage/hour issues and would like to volunteer, please contact Ann McGowan Porath at 216-861-5332. ●

See cover for a Northeast Ohio Wage Project client success story.

afford to retain an attorney to access the court system. The problems these individuals face, left unresolved, can result in loss of housing, continued violence, and safety. Serving thousands of people, Legal Aid lawyers and volunteers fight domestic violence, consumer fraud, protect the rights of children and the elderly, and provide access to justice, regardless of the ability to pay. With this track record, Legal Aid is a logical choice for a *cy pres* award."

Executive Director Colleen Cotter and Board President Edward Icové accepted the check at a July 18th luncheon hosted by Dworken & Bernstein at Cleveland's Renaissance Hotel.

"This gift was totally unanticipated and we are very grateful," said Ms. Cotter, "This donation not only helps support the work of Legal Aid, but is a very meaningful confirmation that the parties, counsel and court involved in this suit recognize that we all have responsibility to ensure that people have access to justice."

Dworken & Bernstein will continue to use their initiative, Ohio Lawyers Give Back, to promote the use of *cy pres* in class action settlements. For details on the program and to watch a video about the gift to Legal Aid, visit:

www.ohiolawyersgiveback.org ●

Squire, Sanders & Dempsey

continued from page 1.

a four-year financial commitment to Legal Aid of \$240,000. The funds support "The Samuel H. and Maria Miller / Squire Sanders Attorney for Prevention of Domestic Violence." (The Millers are also providing financial support.) The named position will be held by Alexandria Ruden, a Legal Aid attorney with more than 25 years experience in domestic violence law. Ms. Ruden co-authors "Ohio Domestic Violence Law," published by West, and is nationally known for her expertise in domestic violence law and the dynamics of domestic violence.

"This program is a great example of Squire Sanders' longtime support of, and collaboration with, Legal Aid," said Richard S. Gurbst, partner in the Cleveland office, a program volunteer, former Legal Aid lawyer and former president of Legal Aid's board.

"Representing clients who have been subjected to violence in their homes is challenging for any attorney," says Legal Aid Executive Director Colleen Cotter, "Squire Sanders' enthusiasm to partner with Legal Aid to respond to this challenge is inspiring."

Squire Sanders lawyers have previously worked with Legal Aid clients on monthly rotations in a program established in 1968 that continued for 30 years. Some firm lawyers, such as Mr. Gurbst, Barbara Hawley and Heather Tensing Volosin, started their legal careers at Legal Aid, and Squire Sanders lawyers are regular participants in the organization's Volunteer Lawyers Program. In addition to Mr. Gurbst and Mr. Goodman, Squire Sanders lawyer Jonathan Butcher has also served as Legal Aid's Board president. Former Congressman and Squire Sanders attorney Louis R. Stokes is a current member of Legal Aid's Board. ●



Squire Sanders attorneys participate in a Legal Aid domestic violence training.

Legal Aid Board Member honored for *pro bono* service

The American Bar Association Standing Committee on *Pro Bono* and Public Service recently honored Jones Day attorney and Legal Aid's current Board Vice President David Kutik with its *Pro Bono Publico* Award. Mr. Kutik received the award, which recognizes outstanding commitment to volunteer legal services for the poor and disadvantaged, at the August ABA Annual Meeting in New York City. Mr. Kutik's initiative *Our Commitment to Our Community* was created during his 2004-2005 term as Cleveland Bar Association President and encouraged 2,000 bar members to log 70,000 hours of *pro bono* service. Mr. Kutik continues to advocate for a culture of service across Cleveland's legal community; he chairs the Legal Aid Board's *Pro Bono* Committee and volunteers for Legal Aid's Brief Advice Clinics. In addition to the ABA honor, Mr. Kutik was selected as the first recipient of the John and



David Kutik, Esq., mentors fellow Jones Day attorney Josephine Noble, Esq., at a Legal Aid Brief Advice Clinic.

Ginny Elam *Pro Bono* Award, which was presented at the 2008 Ohio State Bar Association Convention. The Elam Award included a \$5,000 gift which Mr. Kutik could designate for a non-profit of his choosing.

With the gift, Mr. Kutik established the Sgt.

Harry Fund at Legal Aid, in memory of his father Harry Kutik, to benefit Legal Aid's Volunteer Lawyers Program.

"David exemplifies the spirit of volunteerism in the legal community," says Ann McGowan Porath, managing attorney of the Volunteer Lawyers Program. "He understands that *pro bono* efforts are of critical importance to the increasing number of people in our community who are in need of legal representation to improve their lives. He tirelessly challenges and encourages others to see the value for the wider community."

To learn more about the Sgt. Harry Fund, which benefits the Volunteer Lawyers Program at Legal Aid, call 216-861-5217 or watch for details in Legal Aid's Winter 2009 issue of *Poetic Justice*. ●



Charles Pugh, Esq., Jones Day



Dustin Rawlin, Esq., Jones Day

Project Profile: Private Tenant-Landlord Project Jones Day volunteers preserve housing

Robert Peterson*, an SSI recipient, was paying rent to live in a house. One day in August 2007, his landlord evicted him. The locks on the house were changed, and Mr. Peterson's belongings were set out on the street. The Cleveland man was facing homelessness and came to Legal Aid for assistance. The case was referred to the Private Tenant-Landlord Project, a collaboration between Legal Aid, the Cleveland Mediation Center and the Cleveland Tenants Organization which matches *pro bono* attorneys with private tenant cases.

Charlie Pugh, an attorney with Jones Day, took Mr. Peterson's case. The landlord was resistant, and Mr. Pugh fought a long fight. The case was referred to the Cuyahoga County Court of Common Pleas' "non binding" arbitration, where a panel of three attorneys issued a one word decision against the client.

Mr. Pugh then appealed to the trial court. The defendants did not appear at

the trial. Mr. Pugh and his Jones Day colleague Dustin Rawlin were required to prove damages, which they did successfully; Mr. Peterson's housing was preserved and he was awarded \$21,000 in compensatory and punitive damages and \$10,000 in attorney's fees in August 2008. Says Mr. Pugh, "It was satisfying to obtain a favorable result for our client. The Tenant-Landlord Project is an excellent way to help serve the needs of the community."

Legal Aid's Private Tenant-Landlord Project is a partnership with the Cleveland Tenants Organization and the Cleveland Mediation Center. Jones Day and Hahn Loeser + Parks provide volunteer support. Legal Aid's Private Tenant-Landlord Project is funded by United Way of Greater Cleveland and the Sisters of Charity Foundation. ●



Project Profile: **Bankruptcy Project** provides fresh start

Cleveland resident Sharon Davis* was mired in student loans and other debts, and realized the only path to a fresh start was to file bankruptcy. She called Legal Aid and was referred to LaTwana Williams, who works as a paralegal on bankruptcy cases in Legal Aid's Consumer Law Unit. Ms. Williams met with Ms. Davis and worked with attorney Michael Attali to help her through the paperwork necessary to file a petition; soon the case was referred to volunteer attorney Gilbert Bloom. Mr. Bloom filed the petition, and Ms. Davis was able to start a new life.

Later, Ms. Davis sent a letter praising Ms. Williams: "She is very personable, as well as efficient and I highly commend her work on my behalf." She added, "Without the support of [Legal Aid and the Cleveland Metropolitan Bar Association], I would probably still be floundering, and I hope you continue to be a source of assistance for those, like me, who otherwise would find it most difficult to seek bankruptcy relief."



Ms. Williams, who was recently promoted at Legal Aid, says she is "elated" with the outcome. She adds, "It feels really good to me to let people know that all is not lost. This is just the beginning." ●

LaTwana Williams

CAP Provider of the Year Award: *Terry Vaughn*



Terry Vaughn, Community Coordinator for the 2100 Lakeside Shelter for Men, receives the Provider of the Year Award from Legal Aid and MetroHealth's Community Advocacy Program (CAP). The award recognizes selfless advocacy on behalf of patients of the MetroHealth System. Pictured are Dr. Harry Walker of MetroHealth, Mr. Vaughn, and Stephen Williams, CAP paralegal.

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Volunteer Lawyers Program [vlp]



Alumni groups volunteer at brief advice clinics

Legal Aid is pleased to receive volunteer support from alumni communities. Last year, alumnae attorneys from Beaumont School volunteered at a Maple Heights Brief Advice and Referral Clinic. This past February, attorneys from the University of Notre Dame volunteered at a Brief Advice Clinic at Fatima Family Center. On October 11, John Carroll University alumni also volunteered at a Legal Aid/Fatima Family Center clinic.

“This kind of service strengthens the ties between the alumni, their school and their community.”

– Dr. Margaret O. Finucane, Director of John Carroll’s Center for Service and Social Action

If your alumni or special interest group is interested in volunteering for Legal Aid, please contact Ann McGowan Porath, Managing Attorney of the Volunteer Lawyers Program, at 216-861-5332 or probono@laslev.org.



1. **Brian Jereb, Esq., McDonald Hopkins**
- John Carroll alumnus
2. **Mark Mazanec, Esq., Baker Hostetler**
- University of Notre Dame alumnus
3. **Stuart Lippe, Esq. - John Carroll alumnus**
4. **Mary Beth McConville, Esq., Legal Aid**
- Beaumont School alumna

Thank you to the 700+ attorneys who volunteered for Legal Aid in 2008!



Attorneys at Legal Aid VLP Clinics (shown at left)

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. Stacey Berliner, Esq., Calfee, Halter & Griswold 2. John Moran, Esq., GraffTech International;
Alicia Graves, Cleveland Executive Fellow 3. Stacey Greenwell, Esq., Thompson Hine;
Kyle Baker, Student, The Ohio State University
Michael E. Moritz College of Law 4. Woodrow Ban, Esq., PolyOne Corporation 5. Suzanne Day, Esq., Lubrizol Corporation 6. Jason Dejelo, Esq., Calfee, Halter & Griswold | <ol style="list-style-type: none"> 7. Jennifer Roach, Esq., Thompson Hine;
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Kimberly Gawell, Student, Case Western Reserve
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Cathryn Greenwald, Student, Cleveland State
University Cleveland-Marshall College of Law |
|---|---|

Stories of Philanthropy and Hope

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



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.

2008 Philanthropy Update

The Legal Aid Society of Cleveland is funded, in part, by Interest on Lawyers Trust Account (IOLTA) funds funneled through the Ohio Legal Assistance Foundation. With recent cuts in interest rates and a bear market, private philanthropy becomes increasingly important for Legal Aid to maintain services and provide outreach to those in need.

Thankfully, Legal Aid has many generous supporters. We are grateful to these organizations which have provided Legal Aid with \$5,000 or more in funding during 2008:

- Baker & Hostetler
- The George Gund Foundation
- The Institute for Foreclosure Legal Assistance
- The Lubrizol Corporation
- McDonald Hopkins Co.
- Nurenberg, Paris, Heller & McCarthy
- Ohio Legal Assistance Foundation
- Ohio State Bar Foundation

- Sisters of Charity Foundation
- Spangenberg, Shibley & Liber
- Squire, Sanders & Dempsey
- Ulmer & Berne
- United Way of Ashtabula
- United Way of Greater Cleveland
- United Way of Greater Lorain County

Through MetroHealth, the Robert Wood Johnson Foundation Local Initiative Funding Partners:

- Thompson Hine LLP, (lead local funder)
- The Cleveland Foundation
- Eva L. and Joseph M. Bruening Foundation
- Benesch, Friedlander, Coplan, & Arnoff LLP
- Calfee, Halter & Griswold LLP
- The Callahan Foundation
- The George Gund Foundation
- Saint Luke's Foundation of Cleveland, Ohio
- United Black Fund of Greater Cleveland

Any donation to Legal Aid helps preserve rights, maintain dignity and ensure justice for low-income individuals. Please remember Legal Aid as 2008 comes to a close.

Enclosed in this issue of *Poetic Justice* is an envelope for your convenience. Those donors who give \$250 or more by December 31 will receive a commemorative copy of *A Passion for Justice: A History of The Legal Aid Society of Cleveland*.

Questions?
Contact Menaka Chandurkar, Annual Campaign Coordinator, at 216-861-5692 or menaka.chandurkar@lasclev.org with any questions.

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



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