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## Judge claims Legal Aid has been denying help

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**ELYRIA -- Elyria Municipal Court Judge John Musson said he hopes to set up a system to track how many indigent people turned away by the Legal Aid of Lorain County, which provides legal services to the area's poor.**

Musson raised his concerns last month that poor residents were left without representation because of the abrupt departure of Lorain County's longtime director, David Taylor. Musson said yesterday that he plans to talk to Elyria Municipal Court Judge L. Graves to consider monitoring how many people end up having to represent themselves after being denied Legal Aid's assistance.

The Legal Aid Society provides free or discounted legal representation to poor residents in civil cases, such as landlord-tenant disputes, foreclosures or small claims. It does not represent clients in criminal cases.

Richard Schwartz, a magistrate in Elyria Municipal Court who handles civil litigation, said people in the past few months have said in court that they asked the Legal Aid Society for assistance and have been turned away due to staffing issues. In the 1990s, six lawyers staffed the Lorain County Legal Aid branch in Elyria, but that number has been recently cut to two, according to a letter Musson and Locke Graves wrote to Richard Panza, an Avon lawyer who represents Lorain County on the Legal Aid Society of Cleveland's board of trustees.

"More and more indigent litigants are coming to our court (representing themselves), indicating that Legal Aid cannot help them with their cases," the letter stated.

Panza could not be reached for comment yesterday, but he has said it is difficult to replace Legal Aid attorneys because salaries are less than what a private-sector attorney could make. Schwartz said he has only anecdotal evidence of people Legal Aid has turned away, not actual numbers.

Part of court costs in Elyria Municipal Court are designated for the Legal Aid Society, and Schwartz said he is concerned that Lorain County is not seeing its fair share of service.

It costs \$97 to file each civil claim in Elyria Municipal Court, and \$26 of that goes to Legal Aid fees, according to court records. Claims cost \$60, and \$11 is designated for Legal Aid fees, records show.

"What are we seeing in return?" Schwartz asked.

Lorain County used to have its own legal aid program, but six years ago the federal government forced a merger with the Legal Society of Cleveland to improve efficiency.

Musson said yesterday that he believes poor people with civil cases in Elyria Municipal Court have felt the pinch more than in other parts of the county. Schwartz said Legal Aid has recently only been representing Lorain County clients with public housing cases.

Musson said the brunt of the impact on Elyria Municipal Court has been in landlord-tenant disputes and consumer litigation issues.

In 2005, Elyria Municipal Court had 1,073 cases dealing with landlord-tenant disputes, Locke Graves said, compared with 949 cases in 2006. Court officials are still working on 2006 figures, she said.

Meanwhile, in a Dec. 20 letter to Musson and Locke Graves, Colleen Cotter, executive director of the Legal Aid Society of Cleveland, said a search has begun for Taylor's replacement and Deputy Director David Dawson has been managing the Lorain County branch on an interim basis.

Cotter, who could not be reached for comment, wrote that another staff attorney who has been hired for the Elyria office, 538 W. 12th St., is training in Cleveland and will take the bar exam in February.

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"Eventually we hope to add more staff in Lorain County," she wrote. "We are currently in the midst of a strategic planning process that is complete, I will have a better idea of future staffing. We expect that process to be completed in the spring."

Attorneys from the Cleveland Legal Aid office have been also handling cases in Lorain County, Cotter wrote.

The Legal Aid Society of Cleveland's 2005 annual report shows that revenue increased to \$6.9 million in 2005 from \$6.1 million

Elyria attorney David Myers wrote in a letter to The Morning Journal that \$500,000 generated annually for Legal Aid to serve them is not being used locally. Musson said he hopes to find out more information while tracking how many people the Legal Aid Society is serving away.

"We want to make sure we are not unjustly criticizing Legal Aid," he said.

Other municipal court judges said they haven't felt the effects of a drop-off in service as much as Elyria may be experiencing.

"I haven't had any person come into court and say they have not been able to obtain legal representation," said Oberlin Municipal Judge Thomas Januzzi. "We may not have the volume that they have in the Elyria Municipal Court."

Mark Mihok, a judge with the Lorain Municipal Court, said he knew of Elyria's problems but hadn't seen any problems in his court.

"I have not actually seen a drop in service," said Mihok. "They've always had an attorney present."

Morning Journal Writer Alex Parker contributed to this story.

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