



Poetic Justice

Volume 18 Issue 2 Summer 2021

Stories of Philanthropy and Hope from The Legal Aid Society of Cleveland

Growing our Summer Program

Every summer, Legal Aid welcomes a cohort of students, including Summer Associates from law schools and interns from other academic programs. These positions are highly competitive; Legal Aid accepts outstanding, justice-driven students from schools around the country.

Students have traditionally relied on grants and scholarships for these summer positions and were not paid by Legal Aid, leading to inequity in internship compensation. To promote diversity, equity, and inclusion at Legal Aid, and the pipeline of public interest lawyers, Legal Aid made the strategic decision to ensure that all summer staff members are compensated beginning 2021. All internships were held remotely in response to the COVID-19 pandemic.

New philanthropic support helped us invest in this new initiative without detracting from Legal Aid's signature programs and services. We are grateful to supporters from the Fred J. Ball Fund; Ohio Access to Justice Foundation; the Cleveland Metropolitan Bar Association (CMBA); Nicola, Gudbranson & Cooper, LLC; and the Cleveland Foundation's Porter Fellows program for underwriting select summer staff positions.



Erykah Gandy a student at Cleveland-Marshall College of Law was funded by the Fred J. Ball Fund

Erykah Gandy, a student from Cleveland-Marshall College of Law, was funded by the Fred J. Ball Fund. She interned previously with Legal Aid's Volunteer Lawyers Program and this summer worked in our Family Law Group where she enjoyed interacting with clients, hearing their stories, and learning about their legal issues. She aspires to be a juvenile court judge and is

interested in working in that realm of legal aid or as a public defender as she works toward her goal.



(left to right) Becky Scheiman, John Moenk, Molly Schmidt, Benjamin Cooper at the law firm of Nicola, Gudbranson & Cooper. Molly's summer associate role was funded by the firm.

Molly Schmidt, also a student from Cleveland-Marshall College of Law, was funded by the law firm of Nicola, Gudbranson & Cooper.

She recently

completed her Summer Associate role with our Health and Opportunity Group. She's been interested in Medical-Legal Partnerships since she volunteered at the Columbus Free Clinic, where she advocated to provide patients with free legal advice. Molly wants to continue working directly with communities and promoting health equity across race, gender, sex, and class.

Funded by Ohio Access to Justice Foundation (OAJF) Justice for All Summer Clerkship and the CMBA Minority Clerkship, Nasir Martin served as a Summer Associate with our Volunteer Lawyers Program. OAJF's philanthropic efforts allowed Nasir to gain valuable skills to carry with him in his law career, including discussing sensitive topics with clients and communicating effectively, both in-person and virtually.

As Cleveland Foundation Porter Fellows, Erica Druvva and Sanjana Kulkarni, students at Wheaton College, spent the summer interning with Legal Aid's Development and Communications Group. They worked on client stories, social media, videos, and data updates to enhance communications about the mission of Legal Aid and its impact. Because the Legal Aid summer internship experience was virtual this year, Sanjana was able to work from her home in India.

Learn more about our summer program at <https://tinyurl.com/2021SummerStaff>

If you are interested in sponsoring a student next year, please contact Melanie Shakarian, Director of Development and Communications, at melanie.shakarian@lasclev.org or 216.861.5217.

Worker Info Line

One Year Later: Proves Valuable for the Community



**Questions about employment issues
and unemployment benefits?
Call Legal Aid's Worker Info Line**

In Cuyahoga County:
216-861-5899

In Ashtabula, Geauga, Lake, and Lorain Counties:
440-210-4532



When businesses shut down last March due to the coronavirus pandemic, Legal Aid staff knew to anticipate a wave of calls about unemployment.

It was clear that the unemployment compensation system would be overburdened at the end of March. Legal Aid's Economic Justice Practice Group quickly formed a plan to make sure we meet the increased need for our expertise.

The group launched a new resource that would help people get timely, helpful answers to their specific questions about their unemployment applications. Modeled after Legal Aid's successful Tenant Info Line, the new Worker Info Line provides a designated number for people to call and leave a message with their name, phone number, preferred call back window of time, and a description of their challenging situation. An attorney or paralegal from the Economic Justice Practice Group returns each call within 1-2 business days.

Mostly, callers wanted to know if they were eligible for unemployment. And they were getting some wrong information from other sources; if they weren't eligible for traditional state unemployment, people were told that their account would be transferred to the pandemic unemployment assistance system. But this wasn't true because you couldn't have accounts open in both systems.

Another issue people were facing was that many employers weren't giving them pay or leave when they caught COVID-19. A lot of workplace safety issues were reported as well. When a situation seemed like it might be resolved best through Legal Aid representation, the Worker Info Line staffer would refer the caller to Legal Aid's intake. Because of the Worker Info Line, Legal Aid took on more employment-related cases in 2020 than in any prior year. While it was created in response to COVID-19, the Worker Info Line remains active and available as a resource to anyone with an employment-related question or issue. Trends in the types of calls received reveal insights about workforce issues in the region that are unrelated to the pandemic. For example, many healthcare workers are asking for help addressing unsafe and/or discriminatory work environments. Many callers don't realize they have a legal problem; they just think they have a question. The Worker Info Line is helping them realize how to take proper action and begin the process of solving their issue.

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Ensuring Economic Stimulus for All



Legal Aid Attorney Jennifer Kinsley Smith

The rise in U.S. poverty during COVID-19 would have been even more severe if the federal government hadn't issued Economic Impact Payments (EIP, or stimulus checks). Some people woke up one day and saw the EIP was added to their bank account. Others received a check in the mail. Many who were incarcerated, however, never saw the money they were owed.

"We've worked really hard to advocate for this population since October 2020," says Jennifer Kinsley Smith, Esq., an attorney in Legal Aid's Health and Opportunity Practice Group who has been trying to make it easier for people who are incarcerated to access their EIP.

In April 2020, the U.S. Attorney General said the only reason an EIP payment could be garnished was to pay child support. The Ohio Department of Rehabilitation and Correction soon after made a ruling that inmates could only receive \$500 of their EIP, in direct violation of the Attorney General's order. Six months later, in October 2020, the Internal Revenue Service (IRS) declared that incarcerated people were not eligible to get their EIP at all.

A lawsuit was filed in California that contested this ruling (*Scholl v. Mnuchin*), and the U.S. District Court for the Northern District of California ruled that the IRS cannot exclude otherwise eligible people in prison from receiving their EIP.

"After that ruling, there was widespread concern and confusion about how people inside of carceral facilities could get access to their payments," says Jenn. "Incarcerated people had to fill out a specific form and send it to the IRS by November 4. Time was of the essence: the IRS had to mail every inmate the forms by October 27. The problem was, mail systems in prisons take a long time; you have to buy a stamp from the commissary, prepare the mail, then it gets inspected, then it goes to the mail room. It was just not feasible that all of the pieces would come together on time for people to get the money they deserved."

Jenn and her colleagues on Legal Aid's Reentry Committee reached out to the Ohio Justice and Policy Center (OJPC) and the American Civil Liberties Union (ACLU) to work together on an advocacy plan. Jenn also contacted the law firm that had filed the California suit, Lieff Cabraser, for counsel and assistance.

Thanks to Legal Aid's leadership and cross-organizational collaboration, the OJPC filed a lawsuit relative to the improper garnishment of EIPs on behalf of incarcerated Ohio residents against the Ohio Department of Rehabilitation and Correction in the spring of 2021. The matter is now pending before the Tenth District Court of Appeals.

"It was a lot of work to identify the problems and figure out who we could partner with really quickly," says Jenn. "It's a testament to the importance of partnerships."

Legal Aid Staff News

Legal Aid hosted a public officials reception via Zoom on May 5, featuring an update on Legal Aid's Economic Justice work during the coronavirus pandemic. The presentation, led by **Managing Attorney Katherine Hollingsworth** and **Staff Attorney Mason Pesek**, provided details on Legal Aid's new Worker Info Line and other routes to service for constituents in need. The program ended with remarks by **U.S. Senator Sherrod Brown**.

Deputy Director of Advocacy Tom Mlakar was named to the Cleveland Leadership Center's Leadership Cleveland Class of 2022.

Supervising Attorney Kimberly Barnett-Mills was selected for the Cleveland Metropolitan Bar Association's 2021- 2022 Leadership Academy.

Director of Development and Communications Melanie Shakarian was selected for the Jewish Federation's 2022 Adler Mission.

Staff Attorney Haley Martinelli, an attorney in our Family Law Practice Group, was selected to participate in the Cleveland Leadership Center's OnBoard Cleveland Class of 2022. OnBoard is a civic immersion experience that enhances communications skills, builds awareness of the civic landscape, and promotes making a difference.

Our St. Vincent Charity Medical-Legal Partnership team of **Senior Attorney Jenn Kinsley Smith** and **Paralegal Liz Lattner** were recently appointed to the Cleveland Consent Decree's Mental Health Response Advisory Committee. Jenn and Liz will be developing training content on the civil legal needs faced by those who have mental health challenges and are unhoused.

Senior Attorney Howard Strain of our Family Law Practice Group was appointed to the Board of HomeSafe in Ashtabula County. This private, not-for-profit community agency committed to breaking the cycle of domestic violence in Ashtabula County and its surrounding areas through the provisions of emergency and non-emergency services.

Senior Attorney Michael Russell received a Sustainable Economies Law Center Fellowship. The goal of the fellowship is to meet the legal needs of the growing sustainable economy movement, which requires that lawyers establish transactional practices inclusive of cooperative law, land trusts, and other democratically-governed organizations.

Managing Attorney Tonya Whitsett was appointed for another 3-year term to the Supreme Court Advisory Committee on Children and Families.

Practice Group Update: Family Law



Tonya Whitsett, Managing Attorney of the Family Law Practice Group

For survivors of domestic abuse, the coronavirus pandemic meant more than just the threat of an infectious disease. It meant facing another serious threat in their very own homes.

Legal Aid's Family Law Practice Group was prepared to help those in need of protection and worked quickly to prepare operations for a time of social distancing.

"COVID-19 didn't change our advocacy," says Tonya Whitsett, Managing Attorney of Legal Aid's Family Law Practice Group. "We worked with local courts to help them quickly implement virtual hearings to keep our clients safe. We also worked with partners to publicize crucial information about available community resources."

Cuyahoga County was one of the first courts to create a bench-bar task force in response to COVID-19. Senior Attorney Alexandria Ruden and Staff Attorney Hailey Martinelli joined the Domestic Relations sub-committee, which still meets regularly over Zoom.

"I think the court did a really good job with Zoom. The harder part has been not getting to know my clients as well," says Alexandria, noting that in-person meetings are better for building trust.

Leadership and Advocacy Across Ohio

The Family Law team remains actively involved in numerous projects and initiatives that have impact statewide. For example, Alexandria is training attorneys, magistrates, and judges – including members of

the Ohio Supreme Court – all around the state on using Ohio's new civil protection order (CPO) forms. She is also part of a group working to create a CPO registry for Cuyahoga County, which will include both protection orders and no contact orders.

Legal Aid attorneys continue to engage in advocacy surrounding House Bill 3, which was passed in late May and is now in the hands of the Senate. The bill, named Aisha's Law in honor of Aisha Fraser, who died at the hands of an ex-partner in 2015, would expand aggravated murder charges to include domestic violence circumstances and would create a "lethality screening" for law enforcement at the first contact with a survivor. This short screening is to be used by police at the point of service when they respond to a violent domestic incident. Answers will guide officers on how to identify when people are in immediate danger.

COVID-19's Lingering Impact

Sheltering in place at a time of widespread economic instability is a recipe for danger for those experiencing intimate partner violence. Local shelters and courts have reported that during COVID-19, domestic violence cases increased and became more violent (notably, there was a rise in alcohol consumption during the same period).

"One of our biggest goals throughout the pandemic," says Tonya, "has been to connect with all of the services in our service area, so we can work together on providing better services for our clients and their families."

Looking ahead, Alexandria thinks the court will continue to offer Zoom as an option in certain circumstances, such as pretrial meetings or hearings for uncontested cases.



In the fall of 2020, as Legal Aid worked to do more creative outreach during the pandemic, WOVI radio, voice of the Burton Bell Carr CDC, invited Legal Aid to partner on a new show that shares critical civil legal information with the station's Northeast Ohio listeners. On the third Thursday of each month, Legal Aid attorneys join producer TC Lewis on her signature 10am program, "Our Voices Today."



WOVI radio personality TC (left) with Legal Aid Attorney Anastasia Elder (right)

The Legal Aid segment, called "Life and the Law," highlights a different area of civil law each month. Topics have already included Family Law, Education Law, Workers' Rights, and Housing Law. Upcoming topics include Community Engagement and Medical-Legal Partnerships. Tune in to catch a show on 95.9 on your FM dial! Listeners can call in before or during the show to have their questions answered, and recordings of all past episodes can be found at: www.youtube.com/legalaidcleveland



The Legal Aid Society
of Cleveland
Since 1905



JAM FOR JUSTICE 2021

SEPTEMBER 22, 2021

5:00 p.m. – 9:30 p.m.

*front yard of Great Lakes Science Center
601 Erieside Avenue, Cleveland*

Faith & Whiskey • State Road • Luke Lindberg and the Hung Jury
No Name Band • Out of Order • Razing the Bar • SIX sometimes SEVEN

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(as of August 18th)

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Learn more at: www.lasclev.org/2021Jam



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Legal Aid Client provides testimony to U.S. Senate Judiciary Committee



If you're one of the 44 million Americans strapped by thousands of dollars in student loan debt, it's hard to get relief from this burden even if you file for bankruptcy.

Legal Aid's Economic Justice Practice Group is at the forefront of conversations to change this limitation of bankruptcy law. It makes sense for student loan debt to be included in the long list of debts – including mortgages, automobile titles, and credit card payments – that are typically eligible for discharge. This summer, at the invitation of the United States Senate Committee on the Judiciary, Legal Aid client Ronishia Bradley provided written testimony for a hearing on bankruptcy reform. Ms. Bradley's story was referenced by Senator Dick Durbin (IL) in the opening remarks of the August 3 hearing. Watch the hearing at this link: www.judiciary.senate.gov/meetings/student-loan-bankruptcy-reform

We are honored to work with Ms. Bradley and other clients as they use their voices and experience to advocate for policy change on behalf of resilient Americans everywhere.



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Needed!**

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Legal Aid Society
of Cleveland
Since 1965

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Jon Leiken & friends present a staged reading of

Our Town
by Thornton Wilder
Friday, October 22, 2021

All proceeds benefit the
great work of Legal Aid
www.lasclev.org/2021OurTown

