

# poetic justice



STORIES OF PHILANTHROPY AND HOPE FROM THE LEGAL AID SOCIETY OF CLEVELAND

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3

ISSUE  
2

Summer'06

The Legal Aid Society of Cleveland  
The Annual Campaign for Legal Aid  
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## Strategic Planning Key to Mission of Legal Aid

Planning and evaluation are key elements in defining an organization's goals and guiding its work. This year, The Legal Aid Society of Cleveland is committed to developing a strategic plan targeted at developing a mission statement and defining core values.

"Especially in a time of transition, it's important for all of us to be on the same page," says Colleen Cotter, Legal Aid's Executive Director.

The strategic planning process will be an inclusive one; the board of trustees as well as staff will all be invested in the development of a plan. On March 3, Legal Aid staff and board members met for a plenary session to discuss the top needs and goals to be targeted during the process. Once a consensus was reached, these needs were defined as six "key result areas" pertaining to Legal Aid's services and support: access to justice; health/shelter/safety; economic/education; marketing/external communications; human resources/culture; finances/fund development.

Cotter explains that not only would goals and objectives be defined in the planning process, but that there would also be means for evaluation. A committee of eighteen staff members and trustees will oversee the planning and implementation.

Through developing and putting into practice a strategic plan, Legal Aid will refine its mission while continuing to provide high quality legal services to those in need. "We hope the planning process will confirm our work and open new possibilities as well," Cotter states.

Patricia Poole, recently elected president of Legal Aid's Board of Trustees, stresses the significance of strategic planning in determining the organization's direction. "It is important that The Legal Aid Society of Cleveland develop a solid strategic plan to ensure its continued growth and success in the upcoming years. Legal Aid has always and will continue to deliver top-notch legal services to its clients," says Poole.

The planning committee hopes to begin implementation stages by November 2006. ○



Anne Sweeney and Marilyn Fitzpatrick listen to ideas at the March 3 plenary session.



(l-r): Board member Jane Carroll with Jill Lange, Alexandria Ruden, and Jennifer Wilmot discuss areas of need.



(l-r): Stephanie Jackson, board member David Kutik and Carol Kile discuss key result areas.



Barbara Simmons and board vice president Edward Icove share a light moment.



The  
Legal Aid Society  
of Cleveland

## Cy Pres Funding Helps Legal Aid



Ron Frederick, Esq.

When it became evident that residual funds from a class action law suit could not be fully disseminated, attorney Ron Frederick argued that the funds be used to benefit legal services for the poor. That argument resulted in a \$100,000 *cy pres* gift to The Legal Aid Society of Cleveland.

The *cy pres* doctrine was originally established to insure the fair distribution of trust funds. Since then, it has become commonly used as a basis for allotting uncollected awards in class action litigation. When members of a class cannot be located or fail to submit claims, residual funds may be distributed to indirectly or prospectively benefit class members, such as low-income families. The original meaning of *cy pres* is “as near as pos-

sible,” referring to the allocation of funds to benefit the next best use.

Recently, courts have expanded the application of *cy pres* funds to be used beyond the aggregate benefits of class members. Many *cy pres* funds can be given to charitable groups. Because of the legal advocacy and rights involved, *cy pres* are often designated to organizations like Legal Aid.

Still, many in the legal community remain uneducated on the subject of *cy pres*. Frederick maintains it is important for class-action attorneys to do their best to provide benefit beyond that which directly affects consumers. “People need to learn about *cy pres*, and we should consider it as a means of expanding the impact of our litigation,” he says.

Most *cy pres* awards are granted as a result of

settlement talks between parties. Offering to have *cy pres* funds directed to Legal Aid has typically made this part of the settlement discussion go quickly and smoothly. Defendants’ and plaintiffs’ attorneys are often unanimous in their support for legal services, since requests to have residual funds returned often result in long and difficult arguments.

Frederick also notes that legal services for the poor clearly have unfulfilled demand.

“Ultimately, I believe we as lawyers want to make a difference in the world,” Frederick says. “This is a great way to do it.”

Legal Aid is now convening a committee of judges who will help educate the private bar about *cy pres* and its current use in Northeast Ohio. To learn more, call 216-861-5217. ○

## Baker Hostetler, Special Ed Advocacy

Legal Aid attorney Chitra Ramanathan has been named the Baker Hostetler Special Education Attorney, following an \$80,000 grant from the firm to support special education advocacy.

In recent years, Legal Aid has expanded special education advocacy under its Health, Education, Work & Income Practice Unit. Initial funding was provided by the Raymond John Wean Foundation. Ms. Ramanathan joined the Legal Aid staff shortly thereafter to help develop the special education section.

Ramanathan received her undergraduate degree from Boston University, a master’s degree from American University and her law degree from Villanova. She was previously a public defender for Chester County (PA). She says that a major dilemma in providing counsel in special education-related situations is that parents and students are often unaware of their rights.

“School issues are legal issues,” she says. “Parents

might not realize they need an attorney until their child is facing expulsion.”

A student’s problems at school can often be alleviated through special services. However, children who need and are entitled to special education may not be receiving it. “There are children who should be receiving services and are not,” Chitra says. “With the right services in place, there might not be discipline issues, and the child can actually learn.”

Baker Hostetler’s gift to Legal Aid is a continuation of their commitment to education in the Cleveland community. The firm plays a key role in the “Partner in Education” program with the Cleveland Municipal School District. Throughout its eight years of dedication to the program, Baker Hostetler attorneys have provided weekly tutoring sessions in reading and math for third-graders, and have contributed much-needed school supplies.



Chitra Ramanathan, Esq.

In its efforts to address special education needs of our community, Legal Aid hopes to identify those students in need of special education, and to make the school systems aware of those needs. As the practice of special education law continues to emerge,

the Legal Aid Society of Cleveland will promote awareness and continue its advocacy.

Ramanathan says that with gifts like this one from Baker Hostetler, Legal Aid is able to significantly increase awareness of special education issues and help more families in need. Yet there is need which remains to be met in Northeast Ohio. “There are still areas where we can increase our outreach,” Ramanathan says.

To become involved in Legal Aid’s special education advocacy, call 216-861-5019. ○

## Did you know

13% of the Northeast Ohio population lives in poverty and would qualify for assistance from Legal Aid? Contributions from individual donors help us maintain services and create new programs to serve a growing low income population.



## On the Docket

Watch for the fall issue of "Poetic Justice" in early November. It will feature Legal Aid's partnership with the MetroHealth Medical System, and highlight new philanthropic ventures which support the expanding Community Advocacy Program.

You'll read about some recent client success stories, and also meet two phenomenal Legal Aid volunteers: Ricky Gurbst (Squire Sanders & Dempsey) and Diane Citrino (Kushner & Rendon). Ricky and Diane are the new leaders of The Annual Campaign for Legal Aid, and will share thoughts about philanthropy and legal services for the poor. ○

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## Attention Alumni

If you were a law clerk or attorney at Legal Aid, please let us know! E-mail your information to: [melanie.shakarian@lasclv.org](mailto:melanie.shakarian@lasclv.org)

## New Board President, Officers

Patricia Poole, partner at Baker Hostetler LLP, became the new president of The Legal Aid Society of Cleveland's Board of Trustees on July 1, 2006. Ms. Poole has been an active Legal Aid board member since 2003 and co-chaired Legal Aid's 100th Anniversary Gala in 2005. She has been an active fundraiser for Legal Aid, and previously served on numerous board committees.

"We look forward to Pat's guidance and leadership during the upcoming year," says Colleen Cotter, executive director of Legal Aid. "Her passion for justice is inspirational."

Hewitt Shaw, managing partner at Baker Hostetler, believes Poole is an ideal choice for president. "Pat's commitment to social justice, demonstrated by her involvement on the board of Legal Aid, combined with her leadership capabilities, make her an outstanding choice," he remarks. "Pat has earned the respect of all of us here at the firm for her tireless efforts and we are proud to support her in her new role with Legal Aid."

Ms. Poole's leadership will be complemented by her executive committee: vice-presidents



Patricia Poole, Esq.

David Kutik, Esq. (Jones Day), Edward Icove, Esq. (Smith & Condeni) and secretary Carole Heyward, Esq. (Cleveland-Marshall College of Law).

Also beginning in July are new members of the Board of Trustees: Ilah Adkins, Esq. (Charter One Bank), Mark Bennett, Esq. (Ohio Attorney General's Office), Ann Bergen, Esq., Kathleen Kordeleski (Duvin Cahn & Hutton), Richard Panza, Esq. (Wickens, Herzer, Panza, Cook & Batista) and Raul Vega. ○



Volunteer Lawyers Program  
[vlp]

vlp profile:

**Tony DiVenere, McDonald Hopkins Shareholder**

For forty years, attorney Anthony DiVenere has passionately served the poor in many ways through The Legal Aid Society of Cleveland. The McDonald Hopkins shareholder began his career at Legal Aid in 1967. Three years earlier, President Lyndon Johnson had declared War on Poverty, and Legal Aid was benefiting from increased community awareness, which helped Tony and others serve the needs of the poor.

DiVenere, who opened and supervised the Tremont office, left Legal Aid in 1971. "But I never cut the string," he says.

That is putting it rather simply. In his time at McDonald Hopkins, DiVenere has stood out as one of the most active and generous supporters of Legal Aid. Alida Struze, who manages Legal Aid's attorney referral program, says DiVenere often goes above and beyond the call of duty.

"Tony often accepts our most difficult cases, ones that have lasted years and that no one else would take," Struze says. "He's such a wonderful and generous person."

But it's not just Tony's personal commitment that distinguishes him. He and others, like fellow McDonald Hopkins shareholder George McGaughey, have led an increased commitment from their firm to assist Legal Aid. "Legal service to the poor is important, not only from the altruistic standpoint, but it also helps our young associates gain invaluable experience," he remarks.

While filling roles as a staff attorney, board member and volunteer lawyer, DiVenere has seen Legal Aid evolve over the years. "There actually was a time when some people were not very accepting of our work," he says, crediting former Executive Director C. Lyonel Jones with establishing firm credibility for the organization. "Today, Legal Aid is an institution, and a vital part of the fabric of our Cleveland legal community."

Committed attorneys like Tony DiVenere are indeed a vital part of the fabric of Legal Aid. Struze states that DiVenere's generosity is



Tony DiVenere, Esq.

crucial in helping Legal Aid's neediest clients, and yet that kindness is typically unnoticed. "You usually read about the bad lawyers in the papers," she says. "Rarely are stories being printed about good attorneys like Tony."

To get involved with Legal Aid's Volunteer Lawyers Program, call Howard Strain, Legal Aid's Jones Day Pro Bono Fellow, at 216-861-5198 or e-mail [hstrain@laslev.org](mailto:hstrain@laslev.org).

**Cleveland Bar Association's Volunteer Day**

Legal Aid attorneys participated in City Year Cleveland and the Cleveland Bar Association's annual Volunteer Day on May 13. "The Beauty of Ward 17" was the theme for this year's event. Members of the legal community and City Year Cleveland Corps volunteers spent the day painting homes, planting flowers, cleaning streets, repairing homes and painting murals throughout Cleveland's near west side.

Nearly 700 volunteers contributed to thirty "done-in-a-day" projects throughout Ward 17. Lawyers also conducted two free brief advice clinics for community members at El Barrio Center on W. 65th Street and Saigon Plaza on Detroit Avenue.



(l-r): Law student Steve Wolf, attorney Sanjeev Bhasker, and Cleveland Councilman Kevin Kelley confer during a brief advice clinic at El Barrio.



Ann McGowan-Porath of Legal Aid with Case law students.



The  
Legal Aid Society  
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Volunteer Lawyers Program  
[vlp]

brief advice and referral clinics:



1) (l-r): Legal Aid attorney Susan Stauffer, Leslie Gentile (Smith & Smith), and Legal Aid's Jones Day Pro Bono Fellow Howard Strain.

2) Baker Hostetler partner Maureen Brennan at a brief advice clinic held at the West Side Catholic Center.

3) Marley Eiger of Legal Aid (l) and Lyn Rodgers of Ulmer & Berne (r) assist a client.

4) (l-r): Attorneys and graduates of Beaumont: Mary Jo Pualett Toumert, Mary Beth Cook McConville, Gabriella Russo Rosalina, Cynthia Ann Catalano, Lisa Orlando, Sheila R. Lodwick, Amy Cheatham Tye, Halle DeLong and Therese Sweeney Drake at a Brief Advice and Referral Clinic held at the Maple Heights Senior Center.



5) (l-r): Earl Leiken (Baker Hostetler), P. Kelly Thompkins (RPM International), Jim Tierney and Shawn McGraw (both of Tremco, Inc.) collaborate at a VLP clinic.

6) Javier Pacheco (Porter Wright) provides assistance.

7) Jones Day attorneys Josephine Noble and David Kutik.

8) Calfee partner Jim Lawniczak gives advice at a June clinic.

9) Baker Hostetler associates Kelly King and Michael Mumford team up at a July 8th clinic at the West Side Catholic Center.

10) Heather Tonsing and Ricky Gurbst, both of Squire Sanders, provide assistance at East Cleveland's Helen S. Brown Senior Center.





## Rising Legal Stars

In 2006, The Legal Aid Society of Cleveland welcomed eleven summer associates. This year's applicant pool for legal internships was competitive (110 applicants from 37 law schools). The summer associates will complete a structured 10-week program to include training on substantive law, public interest work, and legal practice orientation.

Summer associates are unpaid by Legal Aid, but receive scholarship or fellowship funding through foundations, their schools or other organizations. ○

Legal Aid's summer associates, pictured above, are:

Seated (l-r): Sarah Morath, *University of Montana* (Housing Law Unit)  
Tiffany Nevel, *CWRU* (Unemployment Compensation Project)  
Laura Perme, *Cleveland-Marshall College of Law* (Earned Income Tax Credit Project)  
Mackenzie Damon, *Washington University in St. Louis* (Community Development)

Standing (l-r): Amanda Parker, *University of Minnesota* (Lake & Geauga County Office)  
Lauren Gilbride, *CWRU* (Volunteer Lawyers Program)  
Angela Chang, *University of Cincinnati* (Domestic Violence Unit)  
Benjamin Bricker, *University of Illinois* (Health, Education, Work & Income)  
Graham Polando, *CWRU* (Ashtabula County Office)  
Matthew Vincel, *CWRU* (Consumer Law)

Not pictured: Daniel O'Malley, *John Carroll University* (Cleveland Foundation intern: Development Department)



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