



CLEVELAND METROPOLITAN  
**Bar Journal**

OCTOBER 2019

**THIS ISSUE**

**REAL ESTATE LAW  
ENVIRONMENTAL LAW**

*Special Edition*

**THE FUTURE STATE  
OF JUSTICE**

**24** IS IT A FIXER UPPER?

**34** THE CASE FOR A GREEN JUSTICE CENTER

**36** MAKING JUSTICE ACCESSIBLE

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# IT'S ALL ABOUT JUSTICE

Rebecca Ruppert McMahon

**D**uring the past year, the CMBA's Thought Leadership Committee has devoted significant time to considering the myriad of issues that surround justice in our community. This has included the state of bail/bond reform, the conditions of the county jail and the build/rebuild project at the Justice Center. Much of that thoughtful consideration has focused on how best to focus the CMBA's programs and activities in order to keep you, our members, up to date and engaged on what are unquestionably some of the most important and complex issues facing our community.

During a spring meeting of the 15-person committee, then-**Thought Leadership Chair, Karen Giffen**, offered a suggestion: why not devote an entire issue of the *Bar Journal* to our justice system and literally show our members just how focused we are on these issues?

By way of background, each *Bar Journal* issue is developed based upon an established, annual editorial calendar. That process ensures every issue will include 8-12 articles selected for submission by the chairs of two or three sections that are being highlighted in a given issue. Authors are not given any real direction about what to write other than a word count limitation and a request to pen an article that addresses some topic relevant for the section being spotlighted.

To the best of our organizational knowledge, we have never devoted an entire *Bar Journal* issue to one overarching subject.

With Karen's suggestion in hand, I reached out to **Tasha Miracle, Chair of the Environmental, Energy & Natural Resources Section**, and **Dan Hinkel, Chair**

**of the Real Estate Law Section**, to see if they would consider helping us build a "Future State of Justice" issue. We zeroed in on October because we needed time to plan (six months in the making), we thought our environmental and real estate lawyer members would be engaged by the topic, and because the 8<sup>th</sup> Judicial Conference is being held this month and we wanted to help inform those who will be in attendance as they take up discussion of what comes next in Cuyahoga County. As you can see, Tasha and Dan jumped on board and went to work drumming up support and excitement ... and great article ideas ... from their respective sections. I am grateful for their leadership in pulling this landmark issue together.

In the intervening months, as you've been reading in a variety of recent updates from Ian Friedman and me, the CMBA has been working toward creating a more direct line of access between our membership and the decisions that will be made in the coming months about the kind of justice system that will exist in our community. The CMBA was overlooked from the outset when our county's leaders convened the Justice Center Project Executive Steering Committee. We believed that oversight could and would be remedied. We were wrong. While no one has offered a legitimate reason as to why the CMBA should not have a seat at the table, a few individuals have expended great effort to keep out.

Whether we are inside or outside of the formal structure, the CMBA will continue to shine a light on the discussions that are happening. The future course that is being charted by the 12 public officials who do

have seats at the table are too important to ignore. In addition to continuing coverage in the *Bar Journal* and periodic membership updates, our monthly **Hot Talks happening at noon on the 2<sup>nd</sup> Tuesday of every month will be devoted to the subject of the Justice Center for the rest of 2019 and into 2020**. These conversations are free, open to the public and streamed live on Facebook. I encourage every member to put these conversations on your calendars so you can participate in some form. Our community deserves the engagement, commitment and input of every one of our members.

If the discussions regarding the Justice Center were merely focused on building a building, I likely would not have the same burning sense of urgency to see the CMBA gain voting access to the Steering Committee. But the Justice Center Project is about far more than building a building. The Steering Committee members — all of whom exist in the politicized world of elections and public appointments — have the quintessential chance to transform our justice system, to do far better tomorrow than we did yesterday.

The CMBA exists to promote the rule of law — not for certain constituencies but for all. And so we will continue to create pathways that enable the many voices of our diverse, multi-faceted legal community and their clients to be heard.

*Rebecca Ruppert McMahon is the CEO of the CMBA. She has been a CMBA member since 1995. She can be reached at (216) 696-3525 or [rmcmahon@clemetrobar.org](mailto:rmcmahon@clemetrobar.org).*

# The Scoop

## CMBA Member Q&A



## Mag. Anjanette A. Whitman

Firm/Company: Cuyahoga County Domestic Relations Court  
 CMBA Join Date: 2013  
 College: The University of Virginia  
 Law School: Cleveland-Marshall College of Law

### WHAT DO YOU LOVE ABOUT YOUR JOB?

I love helping people and problem-solving. In my current position as the Director of the Help Center at the Cuyahoga County Domestic Relations Court, I help people understand the court process so they may better navigate it. Our awesome Help Center Specialists and I do this by offering legal information but not legal advice. Of course, we refer our visitors to the CMBA Lawyer Referral Service to get great, expert legal advice when they need it.

### WHEN HAVE YOU SEEN THE CMBA MISSION AT WORK?

The Family Law Section does amazing work. The members are proactive and forward thinking. They collaborate well together and with the stakeholders in the community to provide cutting-edge legal representation for their clients. Additionally, many will take on limited scope representation to help clients with their cases which helps families move through and past the divorce process in a healthier way.

### WHAT ADVICE WOULD YOU GIVE TO A LAW STUDENT?

Become involved in the legal community. You will learn more by doing and interacting with the many great professionals in our field than in any other way. I was a member of the bar association when I was a law student. My experiences and interactions led to great internships which helped me build my base of knowledge of the law which I continue to use today.

### WHAT DO YOU DO FOR FUN?

I run and am the Head Cross Country and Track & Field Coach at Lutheran West High School. Combining my love for running and passion for inspiring youth provides me with great satisfaction. Plus, it's always fun to listen to teenagers tell me about their ever-so drama-filled day after experiencing my own day at court. As a bonus, my husband is one of the assistant coaches so we get to spend lots of time together. We both were collegiate track & field athletes who love sharing our sport with others. As an aside, we met at a track meet.

**INTERESTED IN BEING FEATURED OR KNOW SOMEONE WHO MIGHT?**

E-mail Jackie Baraona at: [jbaraona@clemetrobar.org](mailto:jbaraona@clemetrobar.org).

## Brennan Donnellan

Firm/Company: CMBA  
 Title: Director of Marketing and Communications  
 CMBA Join Date: August 2019  
 College: Ohio University

### IF YOU WERE NOT IN YOUR CURRENT PROFESSION, WHAT WOULD YOU BE?

Filmmaker, which is what I was doing before joining the CMBA.

### WHEN HAVE YOU SEEN THE CMBA MISSION AT WORK?

Every day! CMBA members and staff truly work to improve our legal community and all of Northeast Ohio.

### EAST SIDE OR WEST SIDE?

Far East, Chagrin Falls. After moving to and from a few different cities, we are staying right here.

### WHAT ARE YOUR GOALS FOR THE COMING YEAR?

I'm anxious to meet more people and learn more about all aspects of law in Northeast Ohio.

### WHAT WOULD REALLY SURPRISE PEOPLE ABOUT YOU?

I'm a Deadhead! I've seen hundreds of Grateful Dead and related concerts and even interviewed Jerry Garcia.



## Brooke Tyus

Firm/Company: Ulmer & Berne LLP  
 Title: Associate  
 CMBA Join Date: 2019  
 College: Case Western Reserve University  
 Law School: Case Western Reserve University

### IF YOU WERE NOT PRACTICING LAW, WHAT WOULD YOUR PROFESSION BE?

I would be working in the entertainment industry as an A&R, Artist Manager or in a position involving music licensing and management of royalty payments.

### A RECENT MILESTONE FOR YOU?

Being sworn in as the first lawyer in the family.

### TELL US ABOUT YOUR FAMILY.

I have been married to my husband, Alexander Tyus, Sr. for 5 1/2 years. He is the lead guitarist for Machine Gun Kelly. We have two boys, Alexander II (7) and Jameson (3) and a 6 month old kitten named Bella.

### WHAT WOULD REALLY SURPRISE PEOPLE ABOUT YOU?

I pursued a singing career before going to law school.

### ONE FUN FACT ABOUT YOU?

I gave birth to our second son during finals of my 1L year, and I gave him the initials "JD" because he was my "Law School Baby."



# Count me in

for the 2019-20  
**3Rs** school year!



NAME \_\_\_\_\_

FIRM/COMPANY (If any) \_\_\_\_\_

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Submit this form to 1375 E. 9<sup>th</sup> Street, Floor 2, Cleveland, Ohio 44114 or [jpaine@clemetrobar.org](mailto:jpaine@clemetrobar.org).

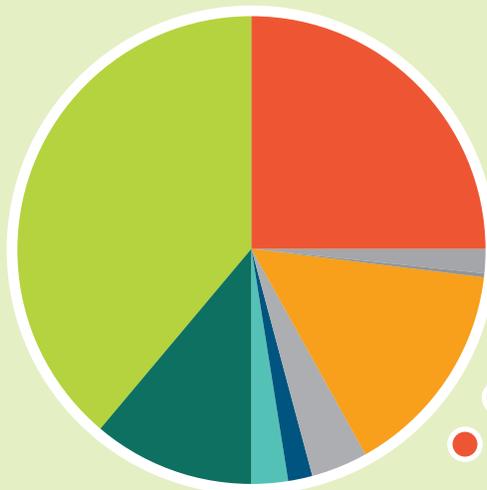
For more information, contact Jessica Paine by email or at (216) 696-3525 x4462.

**Sign Up Online!** [CleMetroBar.org/3Rs](http://CleMetroBar.org/3Rs)

## Do you practice real estate law?

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- Evictions (Tenant)
- Foreclosure Defense
- General Litigation

Visit [CleMetroBar.org/LawyerReferral](http://CleMetroBar.org/LawyerReferral) or contact CMBA's LRS Coordinator, Katie Donovan Onders, [konders@clemetrobar.org](mailto:konders@clemetrobar.org) or (216) 539-5979.



Professional  
Conduct



Video



Institute

## October

### 17 – Thursday

62<sup>nd</sup> Annual Cleveland Tax Institute:

8 a.m. • 6.00 CLE 

### 18 – Friday

2019 Small & Solo Expo:

8:30 a.m. • 5.50 CLE 

### 22 – Tuesday

The State of the Womb: A Discussion of Women’s Reproductive Rights:

Noon • 3.00 CLE

### 23 – Wednesday

The First Amendment on College Campuses: A Discussion of *Gibson Bros., INC v. Oberlin College*:

Noon • 3.00 CLE

### 24 – Thursday

Bankruptcy/TMA Institute:

Noon • 3.00 CLE 

### 25 – Friday

46<sup>th</sup> Annual Estate Planning Institute:

8 a.m. • 6.00 CLE

### 28 – Monday

Fundamentals of Practice in the Northern District of Ohio:

11 a.m. • 3.00 CLE (.50 PC)  

### 31 – Thursday

Professional Conduct 2019: Super Scary Edition:

9 a.m. • 2.50 PC 

## November

### 1 – Friday

If You Build It, They Will Come ... And Stay!: 1 p.m. • 3.00 CLE

### 6 – Wednesday

Mental Health and Wellness CLE at the Cleveland Psychoanalytic Center: 1 p.m. • 3.00 PC 

### 7 & 8 – Thursday & Friday

41<sup>st</sup> Annual Real Estate Law Institute:

8 a.m. (2 day) • 14.00 CLE 

### 12 – Tuesday

The Verdict: 1 p.m. • 4.00 CLE

### 13 – Wednesday

CMBA and Cleveland Clinic: Be Well: 10:30 a.m. • 1.50 CLE

### 18 – Monday

Fundamentals of Practice in the Northern District of Ohio:

11 a.m. • 3.50 CLE (.50 PC)



### 21 – Thursday

2019 Environmental Law Institute:

8:30 a.m. • 3.00 CLE 

## December

### 2, 3 & 4 – Monday, Tuesday & Wednesday

New Lawyer Bootcamp:

Noon (3 day) • New Lawyer Training

### 5 – Thursday

Pat E. Morgenstern-Clarren Consumer Bankruptcy Institute: 8:30 a.m. • 6.00

CLE 

### 6 – Friday

Advanced Workers’ Compensation Medical/Legal Seminar:

8 a.m. • 6.00 CLE 

### 7 – Saturday

Legal Eagles Year End Update:

8 a.m. • 3.00 CLE

### 9 – Monday

Monday “Movie” – Fundamentals of Practice in the Northern District of Ohio: 8 a.m. • 3.00 CLE (.50 PC)



### 10 – Tuesday

Workplace & School

Active Shooting:

8 a.m. • 3.50 CLE

### 12 – Thursday

A Comedic Review of Recent Supreme Court Decisions:

8 a.m. • 6.00 CLE

### 13 – Friday

Fluff is For Pillows, Not Legal Writing: 8 a.m. • 3.00 CLE

Professional Conduct Live with Stuart

Teicher: Noon • 2.50 PC 

### 14 – Saturday

Professional Conduct 2019: Super Scary Edition:

8 a.m. • 2.50 PC  

### 16 – Monday

Monday “Movie” – O’Neill Bankruptcy Institute:

8 a.m. • 6.00 CLE 

### 17 – Tuesday

Speed CLE – A Year in Review:

8 a.m. • 3.00 CLE

Don’t Let It Be You: Professional Conduct for the Modern Practitioner:

1 p.m. • 2.5 PC 

### 18 – Wednesday

Rock ‘n’ Roll CLE – Music Copyright Issues: 8 a.m. • 5.00 CLE (1.00 PC) 

### 19 – Thursday

Crisis Communications for Lawyers: 8:30 a.m. • 3.00 CLE

Deposition 101: Interrogating Witnesses, Cross Examining Experts and Maximizing Direct Testimony:

1 p.m. • 3.00 CLE

### 20 – Friday

Estate Planning Institute Video:

8:30 a.m. • 6.00 CLE 

Professional Conduct 2019: Super Scary Edition:

8 a.m. • 2.50 PC  

### 26 & 27 – Thursday & Friday

Real Estate Law Institute Video:

8 a.m. • 6.00 CLE 

### 27 – Friday

Professional Conduct 2019: Super Scary Edition:

8 a.m. • 2.50 PC  

### 28 – Saturday

Law Practice Management Video:

8 a.m. • 6.00 CLE 

### 30 & 31 – Monday & Tuesday

Labor & Employment Conference Video: 8 a.m. • 6.00 CLE 

### 31 – Tuesday

Professional Conduct 2019: Super Scary Edition:

9 a.m. • 2.50 PC  

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**CLEVELAND METROPOLITAN  
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All events held at the CMBA Conference Center unless otherwise noted.

## 2019 Small Firm/ Solo Expo

**Friday, October 18**

**CREDITS** 5.50 hours CLE requested

### Succession Planning

Gretchen Mote, Director of Loss prevention, OBLIC

Deborah Coleman, Coleman Law, LLC

### Cybersecurity Concerns for the Small/ Solo Practitioner

Damon Hacker, Vestige, Ltd.

### Civil & Criminal Rule Update

Hon. Maureen Clancy, Cuyahoga County Court of Common Pleas

Robert B. Botnick, The Botnick Law Firm, LLC

### How Small Firms Handle Big Cases and Negotiating Settlements

Scott Perlmutter, Tittle & Perlmutter, LLC

Josh Cohen, Cohen, Rosenthal & Kramer LLP

### How to Be an Ethical Networking Ninja (1 hour professional conduct)

Jane Flaherty, Estate Planning Lawyer

Shane Lawson, Gallagher Sharp

### Cocktail Law: Answers to questions you'll be asked at your next gathering or party

### Bike Law

Kenneth Knabe, Brown & Szaller Co., L.P.A.

### Marijuana Law

Patrick Haggerty, Frantz Ward LLP

## The State of the Womb

**Tuesday, October 22**

**CREDITS** 3.0 hours CLE requested

**REGISTRATION** 12:30 p.m.

**PROGRAM** 1:00 – 4:15 p.m.

### Litigation Update

Jessie Hill, CWRU School of Law

### Ohio Legislative Update

Ohio Senator Nikki Antonio

Ohio Representative Stephanie Howse

### Provider Perspective

Chrissy France, Executive Director, Preterm

## 46<sup>th</sup> Annual Estate Planning Institute

**Friday, October 25**

**REGISTRATION** 8:00 a.m.

**PROGRAM** 8:20 a.m. – 4:30 p.m.

### Welcome & Introductions

Katherine Wensink, McDonald Hopkins LLC – Institute Chair

### Federal Law Update

Kimberly Stein, Schneider Smeltz Spieth Bell LLP

### Probate Case Law and Statutory Update

Paul Shugar, Esq., Reminger Co., LPA

Timothy J. Gallagher, Esq., Reminger Co., LPA

### Recession Opportunities: Past, Present, and Future Recessions

Leon LaBrecque, JD, CPA, CFP®, CFA, Chief Growth Officer, Sequoia Financial

### The False Panacea of Transfer on Death Registrations and Beneficiary Designations as Will (and Trust) Substitutes

Ken Coyne, Graf Coyne

### Life Settlements: Overview and Insight

Todd Everson, Managing Director, Buckeye Life Resources

### Form 1041 – Income Tax & Estate Tax Implications

Cindy Mitchell, CPA, Bober, Markey, Fedorovich

### Top 10 Asset Protection Mistakes Estate Planners Make

Brian C. Layman, Layman Law Group, LLC

### Spousal Rights (or Lack Thereof)

Arthur E. Gibbs, III, Wickens Herzer Panza

### Developments in Legal Ethics and Professional Responsibility Regarding Estate Planning and Probate Law

Bryan Penvose, Esq., Koblenz & Penvose, LLC

## Assessment and Treatment of Mental Health Issues: Understanding Treatment with the Aid of TV and Movies

**Wednesday, November 6**

**LOCATION** Cleveland Psychoanalytic Center, Cleveland Heights

### Assessment of Mental Health Issues: What is Covered in the Initial Sessions

Rita Bryce, JD, LISW

Catherine Sullivan, LISW-S

Laura Rocker, MD

### Common Diagnoses: Anxiety and Depression

Laura Rocker, MD

### Two Approaches to Therapeutic Treatment:

- Psychoanalysis and Psychodynamic Psychotherapy

Catherine Sullivan, LISW-S

- Cognitive Behavioral Therapy

Rita Bryce, JD, LISW

- Medication and Other Physical Treatment

Laura Rocker, MD

## Workplace & School Active Shooting: Managing Risk, Litigation, Insurance and Emotional Impact

**Tuesday, December 10**

**CREDITS** 3.50 Hours CLE Requested

**REGISTRATION** 8:00 a.m.

**SEMINAR** 8:30 a.m. – 12:15 p.m.

### Definition of Active Shooter Events and Scope of Active Shooter Issues

Phillip L. Rizzo, Principal, Rizzo's Protective Group, Ltd. (High Risk Security Consulting) – Akron, OH  
CERTIFIED BY: DOJ, DHS, A.Li.C.E. Institute, FEMA-I

### Surviving the Active Shooter Event:

#### Actions to Increase Survivability

Phillip L. Rizzo, Principal, Rizzo's Protective Group, Ltd. (High Risk Security Consulting) – Akron, OH

### Costs, Liability, and Proactive Measures

Donald Wochna, JD, CCFE, CMFEI, The Wochna Law Firm

### Take Cover: Insurance Coverage Options

Christopher Kakish

Morgan Shrubbs, Underwriting Manager, War, Terrorism & Political Violence, Crisis Management & Special Risks| XL Insurance, AXA XL, a division of AXA

Jason Gardenhire, Underwriter – War, Terrorism, & Political Violence, Crisis Management & Special Risks| XL Catlin, AXA XL, a division of AXA

### The Psychological Impact of an Active Shooting Episode

Cheryl D. Wills, M.D., DFAPA, University Hospitals of Cleveland

T H E  
**3Rs**  
RIGHTS RESPONSIBILITIES REALITIES



3Rs students on a field trip to the federal court

U.S. District Court Judge Dan Aaron Polster with 3Rs students

## The 3Rs Program – Rights • Responsibilities • Realities is your chance to give an hour to change a life in your local schools.

### Cleveland has said YES to its students — join us in 2019–20!

Since its inaugural year in 2006, more than 2,300 Cleveland-area judges, lawyers, and legal staff have signed up to make a difference through the CMBAs' 3Rs program: an award-winning, innovative partnership between the Cleveland legal community and the school district that has had a proven, lasting impact on students in our community. 3Rs lessons combine important government concepts, basic Constitutional law, and career counseling to help students appreciate the law and look to their future.

In 2018–19 we placed volunteers in 72 classrooms across 21 high schools, but we're not ready to rest until we can match teams to every 11th grade U.S. Government classroom in the Cleveland and East Cleveland schools again. Our goal in 2019–20 is ensure that we continue to meet and exceed the call for volunteers for all classes, from students in new tech, to those in early college prep, to those who are just now learning English as new arrivals to our country.

With your help, we can make sure all students in our local, urban public schools enjoy the benefits of legal leaders making a connection with them, teaching them about the law, and championing them as they prepare for life after high school. In as little as one hour a month for six lessons total, you can make a difference in the lives of young people in our community.

The lessons are already written, tested, and refined to make the process for volunteers easy. And they work! In 2018, Cleveland 11th grade social studies scores on proficiency exams went up more than 17%, the highest increase of any subject tested thanks in significant part to The 3Rs. Higher test scores mean more students can graduate and pursue their goals post-high school.

**To sign up to volunteer for The 3Rs, visit [CleMetroBar.org/3Rs](http://CleMetroBar.org/3Rs), email [JPaine@CleMetroBar.org](mailto:JPaine@CleMetroBar.org), or complete the sign up form in this month's Bar Journal on page 6. Make the commitment today to say YES to Cleveland and East Cleveland students with The 3Rs!**

“Even if we just have a little impact on one or two students, that could lead to positive change in those students' lives and that makes it all worth it.”

– Hon. Dick Ambrose, Cuyahoga County Court of Common Pleas, volunteer at Lincoln West High School

## From Teachers

"I thoroughly enjoy having the wonderful volunteers from CMBA in my classroom. It is a wonderful opportunity for people with seemingly many differences find a connection. Many of the relationships formed last long after 3Rs ends."

– Jennifer Bill, teacher at Shaw High School

"Countless students have made a point to speak with me after the work sessions with 3Rs volunteers to say that they enjoyed the conversations, had learned a lot, or in general appreciated the opportunity to really speak with people who really work in the legal field. The lawyers' willingness and ability to field an array of questions from the students allowed the groups to be much more engaged with the material, to review content already learned, and in return, they remembered content learned in class much better."

– Zachary Zlocki, teacher at New Tech West High School

## From Students

"What I enjoyed most about this experience is being able to talk to the mentors. They shared personal experiences with us to help us better understand topics. They listened to our opinions. The 3Rs is a great experience both for people who do and don't have interest in the law system."

– Cleveland Early College at John Hay student

"It taught me a lot. Thank you. I hope to pursue being a lawyer some day. Hopefully!"

– East Tech High School student

## From Fellow Volunteers

"This year one female prosecutor invited very young female and male prosecutors to come in to class and discuss their journeys to college and law school. It was a big hit. Much discussion and help with how to navigate trade schools, college, resumes, and job applications."

– Barbara Tyler, volunteer at Shaw High School

"When I leave the school after a session I always feel very good about the experience."

– John Mulligan, McDonald Hopkins LLC, volunteer at John Marshall School of Civic and Business Leadership

"In my opinion this is an outstanding program which benefits both the students and volunteers. The program offers a unique opportunity for both the students and volunteers to learn valuable life lessons from each other."

– Fred Pompeani, Porter Wright Morris & Arthur LLP, volunteer at James Ford Rhodes High School

**Through your support and enthusiasm for these students, you are making a difference! We hope to see you in classrooms again soon as we kick off lessons in November. Please visit [CleMetroBar.org/3Rs](http://CleMetroBar.org/3Rs) or email [JPaine@CleMetroBar.org](mailto:JPaine@CleMetroBar.org) to make your commitment to the Cleveland and East Cleveland kids again this year.**



Chief U.S. District Court Judge Patricia Gaughan, volunteer at John Marshall School of Information Technology

# THANK YOU

to our more than 400 lawyers, judges, law students, and paralegals who volunteered with The 3Rs last year. The 3Rs continues to be an incredibly diverse pool of volunteers: from prosecutors to corporate counsel, solo practitioners to some of Cleveland's biggest law firms, IEs to retirees, Cleveland newbies to proud alumni of the schools they're now visiting as volunteers. 3Rs volunteers are also hard-working — in 2018–19, they served over 1,700 students, through more than 9,400 hours of donated time.



## SPOTLIGHT ON: CRIMINAL LAW SECTION

# WE NEED THE CRIMINAL LAW SECTION NOW MORE THAN EVER

Ashley Jones & Marisa Darden

**B**ail reform. Shifts in sentencing policies. The state of the Cuyahoga County Jail. Prioritizing diversity in the criminal bar. Technological advances in discovery. These are only a few of the pressing and urgent issues facing criminal practitioners as we enter a new decade. The CMBA Criminal Law section is uniquely positioned to bring criminal practitioners from all sides together to address these issues and affect real change in our community.

To that end, we are excited to chair the Criminal Law Section under CMBA President Ian Friedman's leadership, and look forward to re-engaging the bar. Please consider joining, or re-joining, the section and help us create a robust group of diverse criminal practitioners. We have two goals in 2019–2020: (1) increase section membership and participation; and (2) plan and execute a number of interesting, topical, practical, and fun programs of interest to a wide range of practitioners.

Your Criminal Section chairs are already hard at work! We are currently planning a kick off happy hour to invite section members to network and tell us what they want to see the section prioritize. We are also working with the Young Leaders Section to plan a CLE on how practitioners can make a career shift and seamlessly move within the profession, as we often do. This panel will provide constructive advice on how to, for example, move from prosecution to defense (Marisa's personal favorite recent topic!), or tips to think about running for a bench seat, or hanging your own shingle as a solo practitioner.

We are also partnering with the Health Law section to provide some updates on

the state of the Opioid Crisis, and create a dialogue amongst practitioners on what might be the next frontier of criminal prosecutions and trends. The Section has moved away from providing practical advice and tutorial guidance. We want to provide opportunities for criminal lawyers to brush up on new areas of law and practice new skills, such as providing immigration law updates, creating a forum to practice suppression hearing tactics and techniques, and discussing federal CJA panel concerns.

As our community continues to debate the future of the County Justice Center, the CMBA Criminal Law section is well-positioned to provide significant and necessary input on the considerations leaders should be prioritizing. We believe that stakeholders cannot discuss an overhaul of the physical building without also addressing critical ways to smartly and efficiently reduce the incarceratory population, reform the County's antiquated bail regulations, and create a safe space to openly discuss how attorneys, judges, police, and others can change the inherent racial biases embedded in this nation's criminal justice structure. The Criminal Law section is brainstorming how we can meaningfully engage on these, and other, important issues over the course of the year.

In addition, lawyers in our town have had some of the most interesting and sophisticated criminal cases the United States has seen in years. We should be sharing lessons learned and positive outcomes with each other, and supporting practitioners who experience real successes. We hope to host a number of lunches, happy hours, and forums on some of the most notorious cases of the last few years, and invite practitioners from all sides and invested stakeholders to

share their wisdom, knowledge, and war stories with the next generation of criminal practitioners. We also want to hear from you! Please reach out and tell us what you want to see the Criminal Law section prioritize this year.

Now, more than ever, the Criminal bar is facing a host of transformational issues. Every stakeholder — prosecutors, defense attorneys, federal, state, county and local practitioners, seasoned veterans and fresh-faced attorneys — absolutely **MUST** come together to engage each other, provide information and guidance on issues, and learn from one another. Many of us chose to practice criminal law to help people, and to transform our communities. We cannot do this alone. We are stronger together. Also, criminal lawyers are fun! We hope you will join us.



*Ashley Jones is a criminal defense attorney and solo practitioner in Cleveland. She has been a CMBA member since 2011. She can be reached at [ajones@ashleyjoneslaw.com](mailto:ajones@ashleyjoneslaw.com).*



*Marisa Darden is a Principal in the White Collar Group at Squire Patton Boggs (US) LLP. She has been a CMBA member since 2018. She can be reached at [marisa.darden@gmail.com](mailto:marisa.darden@gmail.com).*

### GET ENGAGED!

For information on how to join the Criminal Law Section, contact Melanie Farrell at (216) 539-3711 or [mfarrell@clemetrobar.org](mailto:mfarrell@clemetrobar.org).

# WHAT A DIFFERENCE 24 HOURS MAKES WHEN COLLABORATION LEADS TO REAL PROGRESS



Ian N. Friedman

I would like to thank everyone who supported the Cleveland Metropolitan Bar Association in its efforts to be included as a voting member of the Justice Center Steering Committee. Despite clear support from our members and the clients that we serve, the ultimate result is that the future of the Justice Center will be decided by 12 individuals without any meaningful input from the 5,000+ members of the CMBA, our affiliate organizations, and the clients that we serve. The current composition of the Committee includes city and county elected officials as well as government-appointed court officials. While we continue to recognize the value of each existing decision maker, it is concerning that a legal project as important as this will proceed without the vast experience and input of the greater northeast Ohio legal community.

## September 17, 2019

During the public comment portion of the most recent Steering Committee meeting, CMBA CEO Becky McMahon likened this project — without input from the private bar — to the building of a hospital without considering the needs of all doctors and varied disciplines.

On September 17, 2019, we welcomed Administrative and Presiding Judge John J. Russo's proposal which would have allowed the CMBA to be considered for inclusion on the Committee. Just prior to the official vote, however, the Committee was asked whether the existing MOU should be amended to allow for such consideration. That first question was brought to a vote. All of the Committee members who were polled voted in favor of the amendment except for Cuyahoga County Councilman Michael Gallagher. Councilman Gallagher's opposition ensured that this

process would advance without all necessary voices participating in a meaningful, appropriate and warranted manner. Frankly, it should not have even reached this point as the leaders of the Steering Committee should have included the private bar when originally crafting the Committee membership. We commend the public servants who now sit on the Committee and give their time to improving our system of justice. Unfortunately, the exclusion of the private bar by Councilman Gallagher will always leave questions as to whether true transparency is at the core of this process.

The CMBA leadership has examined how we can now best serve our membership and the greater community. It is believed that by assuming the role of an outside watchdog, we will be best positioned to present questions and ideas that may not be otherwise considered. In this capacity, the CMBA will regularly report back to our members and clients as to the state of this project. This, in conjunction with the time and care that the 12 existing members will dedicate to this massive project, will hopefully result in an inclusive system of justice that is fair for all.

## September 18, 2019 (24 hours later)

In stark contrast to what was seen only one day earlier, on behalf of the CMBA, I had the privilege of witnessing an incredibly important project evolve into action that will help generations of families in our community.

The overarching theme of my presidency, "The Power of One," is illustrated by the effort of Legal Aid Society Attorney Hazel Remesch. As Cleveland City Council President Kevin Kelley explains in his article (published in this

issue on page 26), Hazel brought an idea into reality. She and Legal Aid Attorney Abigail Staudt led the Housing Justice Alliance, an initiative to provide low-income tenants with children access to free legal representation during eviction proceedings. This effort, which evolved from a fellowship through the Sisters of Charity Foundation of Cleveland's Innovation Mission and was led by The Legal Aid Society of Cleveland, evolved into a collaboration by representatives from Cleveland City Council, county representatives, Cleveland Municipal Housing Court, community members, United Way of Greater Cleveland and private bar associations. In fewer than two years from inception, Cleveland residents will now benefit from a project that should serve as an example of how great work can be accomplished through dedication and collaboration.

Suffice it to say that it was quite a busy 24 hours for the CMBA. One project left us disappointed, while the other brought a renewed energy and optimism. As the recognized voice for the legal community, we are committed to staying engaged in both efforts, albeit from different positions. I know that every member of the CMBA loves the law and desires to better our profession for the next generation. In that light, and on behalf of the bar leadership, I pledge to you that we will continue to fight for our seat at all tables where your voice must be heard.

*Ian Friedman is a partner at Friedman & Nemecek, L.L.C., which is a Cleveland-based criminal defense law firm. He is the current President of the CMBA. He has been a CMBA member since 2002. He can be reached at (216) 928-7700 or [inf@fanlegal.com](mailto:inf@fanlegal.com).*



# THE RUN FOR JUSTICE

Patrick J. Krebs

It's Saturday, October 26th, and it's a beautiful morning in Cleveland! The sun is shining, the birds are chirping, and a slight breeze fills the air with the smell of fall. It's the kind of morning that makes you love living in Cleveland. You know exactly the kind of morning I am talking about. You roll out of bed and ask yourself, "How should I start my day?" Let me break from my normal practice and give you some free legal advice: come join the Cleveland Metropolitan Bar Foundation for the 18th annual Halloween Run for Justice.

The Halloween Run for Justice is one of the Cleveland legal community's hidden treasures. It brings together more than 500 people each year ranging from avid runners to casual walkers, all united in raising critical funds to support the Cleveland Metropolitan Bar Association's nationally-recognized "Lawyers Giving Back" public outreach and pro bono legal service programs. The funds that we raise at this event help us achieve our mission to provide important law-related education and educational opportunities to students in the Cleveland and East Cleveland City Schools and throughout Northeast Ohio. The funds also allow us to provide access to justice for the homeless and others in need in our community.

If you come to the Halloween Run for Justice, you can expect to see judges, lawyers, friends, and their families dressed in their favorite Halloween costumes. Superheroes, sports stars, celebrities, and

politicians have all been known to make an appearance at our event. You can also expect plenty of games and entertainment both before and after the race at Jacobs Pavilion at Nautica on the West Bank of the Flats. If you have not joined us at this event in the past, please join us this year for what will be another terrific event at one of Cleveland's best venues.

The course for our event has changed a lot over the years. In the years that my family and I have participated in this event, it's safe to say that we have run past nearly every landmark in downtown Cleveland. That includes each of Cleveland's sports fields and arenas, Burke Lakefront Airport, the Rock and Roll Hall of Fame, Public Square, and through the heart of Cleveland's business district. This year, the course will take us on a scenic route through the Flats. It's a great way to see parts of our great City that you don't get to see very often.

Fittingly, the Halloween Run for Justice has also taken us past the Justice Center. This issue of the Bar Journal is devoted to exploring various issues involving the Justice Center that have a direct impact on the legal community, our clients, and the community at large. As attorneys, there is

nothing more important than making sure that all people have equal access to justice. So while I hope you join us for the Halloween Run for Justice on October 26th, I also hope that you support the Cleveland Metropolitan Bar Association and the Cleveland Metropolitan Bar Foundation in our fight for a seat at the table to address these critical issues. It's a much longer run for justice, but it's one that is well worth running.

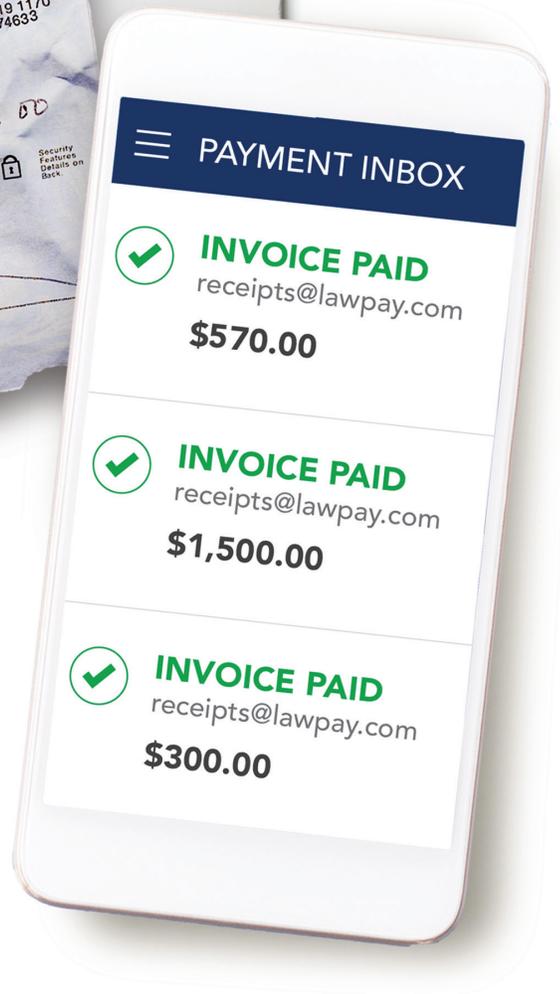
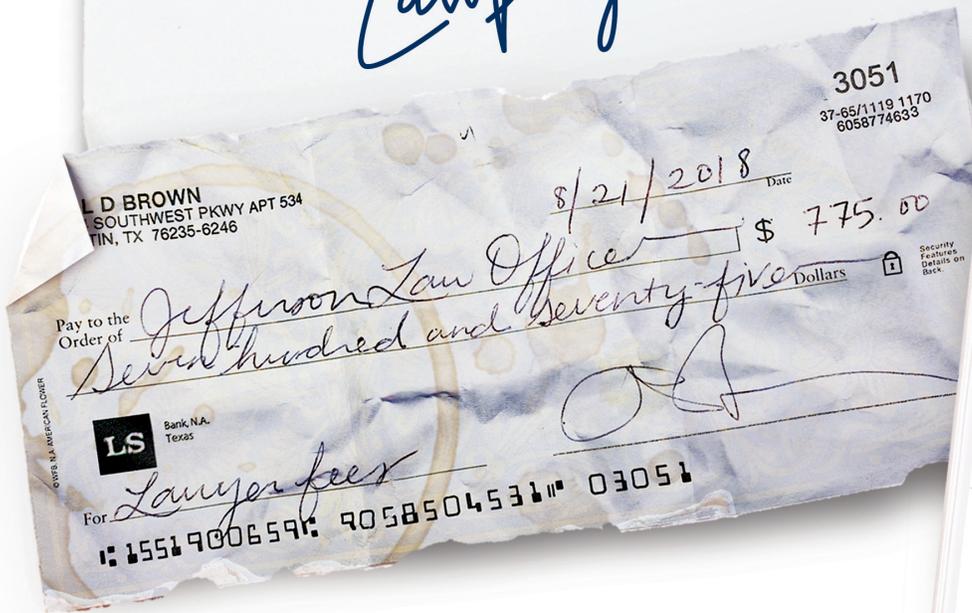
*Patrick Krebs is a partner in the Cleveland office of Taft Stettinius & Hollister LLP and is a member of the Litigation, Public Law, and Sports Law practice groups. He is the 2019-2020 President of the CMBF, a Fellow of the Foundation, and a CMBA member. He can be reached at (216) 706-3867 or [pkrebs@taftlaw.com](mailto:pkrebs@taftlaw.com).*



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# MAY PARTIES NEGOTIATE PUBLIC CONSTRUCTION CONTRACTS AFTER THE AWARD?

BY TERESA G. SANTIN

**W**hat is a public entity to do if, upon awarding a contract through the public bidding process, the contractor asks to negotiate some of that contract's terms? Should it take a hard line, refuse to negotiate, and risk damaging its relationship with the contractor? Should it take the path of least resistance and agree to some or all of the contractor's requests? In so

doing, does the public entity violate the law? Does the public entity have any discretion? What if the contractor was by far the best among the competition in an area where there are few options? What if the public entity faces a deadline that would be put at risk by continued negotiations?

On the flip side, what if a contractor believes that it absolutely must ask for modifications after the award? What if it identified some major risks only after it submitted its bid? What if it found a mistake that, absent a correction, immediately renders the project unprofitable? What if it learned that the supplier of the critical equipment has gone out of business? Will it put itself in jeopardy by asking for a change?

Competitive bidding laws seek to create an honest and fair mechanism for awarding public contracts. Through a sealed bid process, a public entity should select the winning bidder based on merit and price alone. Competing bidders all base their bids on the same designs, specifications, and contract documents. Once bids are opened, each bidder's qualifications and prices are sealed no more and become public knowledge. Thus, the general legal view in Ohio is that modifying contract terms after bid opening could impair the sanctity of the sealed bid process and otherwise undermine open and honest competition, which protects the public and other bidders from favoritism and fraud.

Not much case law exists in Ohio analyzing the propriety of post-award negotiations. Ohio case law concerning the selection of the lowest and best bidder, or lowest responsive and responsible bidder, in the competitive bidding process is analogous and instructive, as is case law involving negotiations following the opening of bids, but prior to an award. This case law appears to be somewhat interchangeable,

as Ohio courts analyze bid defects and a public entity's discretion to waive them in the same or similar way as they analyze negotiations after bids are opened or after a contract is awarded. The courts have analyzed modifications made prior to bid opening, after bid opening, and after an award.

With these principles in mind, a "substantial" deviation or modification of a contract post-award impermissibly affords the winning bidder a competitive advantage. A modification is substantial if it affects the amount of the bid and affords a bidder an advantage not allowed to the other bidders.

Numerous Ohio courts, but not all, have permitted insubstantial modifications in the context of a variety of topics.

- A contractor's request for permission to switch to a subcontractor different from the one identified in its bid, so long as that change did not alter any legal obligations within the public contract, has been found to constitute an insubstantial modification. In that case, the change occurred after bid opening, but prior to an award.
- In another Ohio case, the court construed a winning bidder's failure to include the price of one line item to mean that the bidder would do that work at no cost and that this failure did not afford the winning bidder a competitive advantage. Thus, that court found that the public entity at issue could waive this bid irregularity after bid opening.
- Another court determined that an insubstantial modification, post-award, may include allowing additional time to complete various stages of the work, such as more time to assume control of operations on a project.
- Likewise, the same Ohio court found that permitting a contractor, post-award, to park vehicles on publicly owned property free of

**Niki Z. Schwartz**  
Mediator/Arbitrator



*"If he can settle a prison riot, he can settle anything!"*

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charge also constituted a minor, immaterial modification. This same court found that post-award negotiations are often necessary due to unforeseen circumstances.

- In the analogous context of the waiver of bid irregularities, one Ohio court has found that submitting a list of subcontractors and commitment letters after bid opening, but prior to the award, did not give that bidder a competitive advantage.

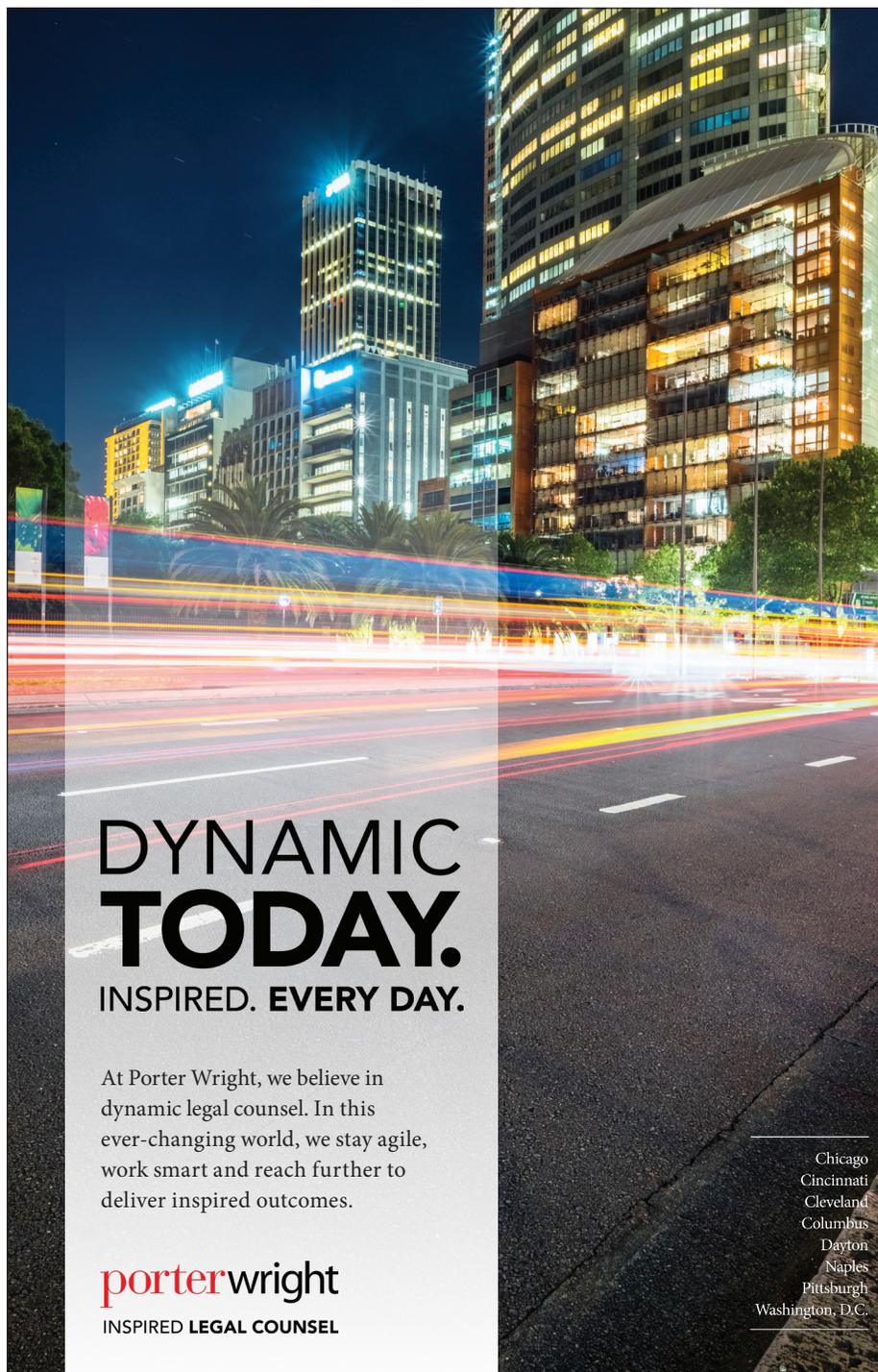
On the other hand, Ohio courts have found that impermissible, substantial modifications after bid opening include waiving or renegotiating any aspect of the contract affecting the price. For example, in one case, the low bidder made a mistake computing its bid that resulted in a significantly lower bid price. The low bidder realized this mistake only after bid opening and sought to avoid its liability on the bid bond due to this mistake. The school board sought to enforce the bid bond against the contractor and its surety to recover the amount of the bond. Ultimately, the Ohio Supreme Court enforced the bid bond against the low bidder, concluding that the public benefits arising from strict compliance with the strictures of the Ohio Revised Code (“R.C.”) § 3313.46 outweigh any benefit from releasing the low bidder from liability on the bond due to a mistake. In so concluding, the Ohio Supreme Court cited concerns of otherwise endangering the sanctity of sealed bids and looked to the policy underpinning sealed bids — avoiding favoritism and fraud. Had the school board allowed the low bidder to adjust its price post-award, such a change would have constituted an impermissible substantial modification.

Likewise, at least one Ohio court has found that adding additional work constitutes an impermissible, substantial modification and therefore, an abuse of discretion on the part of the public entity. In that case, a municipality attempted to materially change the bid specifications by adding additional streets to a repaving project after opening the bids and awarding the contract to the second lowest bidder based on the specification changes.

At least one Ohio court, the Fifth District Court of Appeals, has taken a hard line on the issue of modifications to a contract after bid opening. That court first looked at R. C. § 153.12 and noted that it explicitly provides that plans and specifications may be modified before bid opening. It then noted that the

same statute provides no mechanism for changing the plans or specifications after bid opening. The court found that the public entity violated R.C. § 153.12’s plain language when it elected to modify the specifications after bid opening. In that case, the modification involved requesting residential instead of commercial prevailing wage rates. The court took exception to the fact that the modification was not publicly advertised.

The Southern District of Ohio wound up on the opposite end of the spectrum when it analyzed whether a county abused its discretion by engaging in post-award negotiations of a transportation contract. In that case, a disappointed bidder sued the county commissioners and claimed, among other things, that the contract award was invalid. The disappointed bidder pointed to the numerous post-award revisions the



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winning bidder negotiated with the county. The county ultimately made multiple concessions to the winning bidder, including that it waived all penalties, liquidated damages, and/or defaults for the first three months that would have otherwise applied due to any failure to adhere to performance requirements. Additionally, the county agreed to include a provision allowing the winning bidder to recover all costs in connection with start-up transition if the county were to cancel the contract for any reason other than default for an initial period of time. The county attributed these concessions to the fact that it afforded the winning bidder very little time to take over operation of the transit system due to late notice of the award.

In reaching its decision that the county did not abuse its discretion by engaging in post-award negotiations, the court made several observations. Initially, the court questioned whether the disappointed bidder had standing to protest these post-award negotiations. The disappointed bidder failed to identify precedent for its asserted ongoing property interest in the public bid extending beyond the county's decision of which contractor is entitled to the award. Next, the court looked at cases involving negotiations after a political

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For information on how to join a section, contact Melanie Farrell at (216) 539-3711 or mfarrell@clemetrobar.org.

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subdivision opened the bids, but before it made an award. In those cases, it noted that if a public entity expressly reserves the right to conduct additional negotiations after bid opening, then it has not abused its discretion in doing so. Finally, the court found that even if the disappointed bidder retained a property interest in the work post-award, it would nevertheless find that negotiations between the winning bidder and the county did not alter the terms of the request for proposals in a material or otherwise erroneous way. In so concluding, it analyzed R.C. § 307.90 and found that no evidence or precedent would allow the court to find that such negotiations constitute an abuse of discretion.

Ultimately, a public entity is well within its rights when it refuses to negotiate after it has issued an award. To avoid a protest from another bidder or a taxpayer, this is the safest route. It also avoids the appearance of favoritism or other impropriety. Moreover, bid bonds give the public entity some recourse if the contractor refuses to sign the agreement following the award. And, performance and payment bonds protect public entities from losses accruing due to a contractor's default and operate to incentivize contractors to perform their contractual obligations. Keeping

in mind that at least one Ohio court has found that no negotiations are permissible following bid opening, numerous Ohio courts have found that public entities may opt to negotiate non-material contractual provisions that do not affect the amount of the bid and do not otherwise afford the winning bidder an advantage not allowed to the other bidders. If a public entity chooses to do something other than follow the safest course, or if a contractor has to decide if it is going to ask for modifications, it should research the law of the district before proceeding.



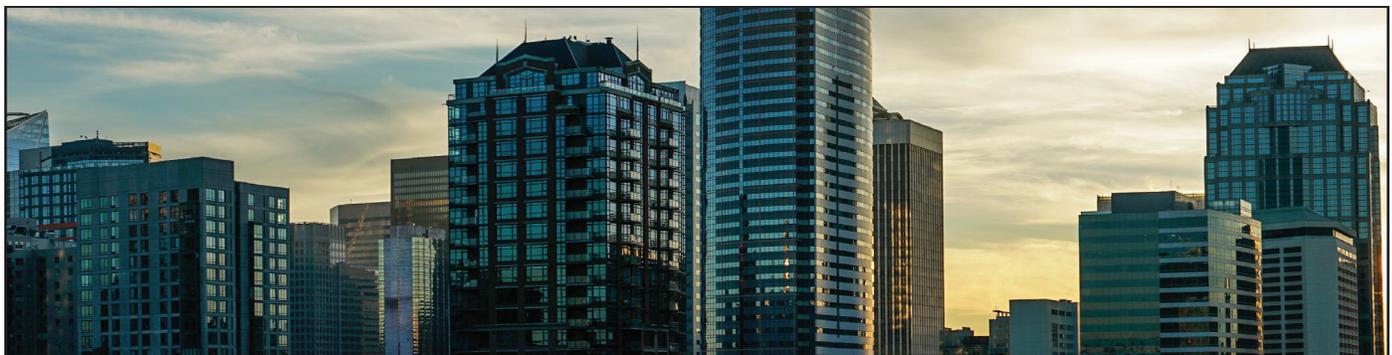
*Teresa G. Santin is an Associate at Brouse McDowell LPA practicing primarily in the area of construction and real estate litigation, both in commercial and residential contexts.*

*She represents owners, developers, public entities, and contractors in disputes involving breach of contract, negligence, fraud, misrepresentation, and other related issues. Representative matters include disputes over construction agreements, mechanic's liens, lease agreements, franchise agreements, zoning appeals, and property tax appeals. She has been a CMBA member since 2016. She can be reached at (216) 456-3858 or [tsantin@brouse.com](mailto:tsantin@brouse.com).*

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**TUESDAY, OCTOBER 1**

**5:15 PM – 6:45 PM**

Brief Advice Clinic  
Boys & Girls Club of Cleveland  
6114 Broadway Avenue, Cleveland  
Sponsored by Legal Aid

**WEDNESDAY, OCTOBER 2**

**2:30 PM – 4:00 PM**

Special Clinic for U.S. Veterans  
By appointment only: clients call (216) 391-0264  
Staffed by volunteers from McDonald Hopkins  
Sponsored by Legal Aid

**WEDNESDAY, OCTOBER 2**

**4:30 PM – 5:30 PM**

CLE Program: Cleveland and  
Criminalization of Homelessness  
Cleveland Metropolitan Bar Association (CMBA)  
1375 East Ninth Street, Cleveland  
Sponsored by NEOCH, CHLAP, and the CMBA  
\$25 Fee: Register at  
[www.tinyurl.com/10022019CLE](http://www.tinyurl.com/10022019CLE)

**THURSDAY, OCTOBER 3**

**4:00 PM – 6:00 PM**

Expungement Clinic  
By appointment only:  
clients call (888) 817-3777  
Sponsored by Legal Aid

**FRIDAY, OCTOBER 4**

**8:00 AM – 4:00 PM**

CLE Program: Domestic Violence  
Community Impact Conference  
300 Washington Avenue, Lorain  
Lorain County Bar Association" with  
Lorain County Domestic Violence Task Force  
Register at: [www.tinyurl.com/10042019CLE](http://www.tinyurl.com/10042019CLE)

**SATURDAY, OCTOBER 5**

**9:30 AM – 11:00 AM**

Brief Advice Clinic  
UH Rainbow Women and Children's Center  
5805 Euclid Avenue, Cleveland  
Staffed by Benesch and in-house  
attorneys from University Hospitals  
Sponsored by Legal Aid

**TUESDAY, OCTOBER 8**

**2:00 PM – 3:30 PM**

Community Outreach Clinic  
Oberlin Depot – Oberlin Community Services  
240 South Main Street, Oberlin  
Staffed by the Lorain County Bar Association  
Sponsored by Legal Aid  
To volunteer, visit: [laslev.org/events](http://laslev.org/events)

**WEDNESDAY, OCTOBER 9**

**2:00 PM – 3:30 PM**

Community Outreach Clinic  
Catholic Charities Ashtabula  
4200 Park Avenue, Ashtabula  
Staffed by volunteer attorneys  
Sponsored by Legal Aid  
To volunteer, visit: [laslev.org/events](http://laslev.org/events)

**THURSDAY, OCTOBER 10**

**2:00 PM – 3:30 PM**

Brief Advice Clinic  
Nord Center  
6140 South Broadway, Lorain  
Staffed by volunteer attorneys from  
Wickens Herzer Panza  
Sponsored by Legal Aid  
To volunteer, visit: [laslev.org/events](http://laslev.org/events)

**TUESDAY, OCTOBER 15**

**12:00 PM – 1:30 PM**

CLE Program: Advocating for  
Survivors of Domestic Violence  
CMBA  
1375 East Ninth Street, Cleveland  
Sponsored by the Women in Law and  
Government Attorney Sections of the CMBA  
In Partnership with DVCAC, Legal Aid and  
the Prosecutor's Office  
Register at: [www.CleMetroBar.org](http://www.CleMetroBar.org)

**WEDNESDAY, OCTOBER 16**

**10:00 AM – 11:00 AM**

Cleveland Homeless  
Legal Assistance Program (CHLAP)  
West Side Catholic Center  
3135 Lorain Ave, Cleveland  
Staffed by CMBA volunteers  
Sponsored by the CMBA  
To volunteer, contact:  
[konders@clemetrobar.org](mailto:konders@clemetrobar.org)

**FRIDAY, OCTOBER 18**

**9:00 AM – 10:00 AM**

CLE Program: BMV Reinstatement Fee Amnesty  
Followed by:  
**10:00AM – 11:30AM**  
Brief Advice Clinic  
Cuyahoga County Justice Center, Courtroom 18A  
1200 Ontario Street, Cleveland  
For more details and to volunteer,  
call 216-348-4027

**SATURDAY, OCTOBER 19**

**9:30 AM – 11:00 AM**

Brief Advice Clinic  
Fairhill Partners  
12200 Fairhill Road, Cleveland  
Staffed by volunteer attorneys from the  
Women in the Law Section of the CMBA  
Sponsored by Legal Aid  
To volunteer, visit: [laslev.org/events](http://laslev.org/events)

**SATURDAY, OCTOBER 19**

**10:00 AM – 11:00 AM**

Brief Advice Clinic  
Cleveland Public Library, Fleet Branch  
7224 Broadway Avenue, Cleveland  
Staffed by volunteer attorneys from  
ACCA and Yourkvitch & Dibo  
Sponsored by Legal Aid  
To volunteer, visit: [laslev.org/events](http://laslev.org/events)

**\* MONDAY, OCTOBER 21**

Evening Law Firm Clinic  
By appointment only: clients call (888) 817-3777  
Staffed by volunteers from Calfee and  
Medical Mutual  
Sponsored by Legal Aid

**\* TUESDAY, OCTOBER 22**

**2:00 PM – 3:30 PM**

Brief Advice Clinic  
El Centro, 2800 Pearl Avenue, Lorain  
Sponsored by Legal Aid  
To volunteer, visit: [laslev.org/events](http://laslev.org/events)

**\* TUESDAY, OCTOBER 22**

**5:00 PM – 6:00 PM**

Boys & Girls Club of Cleveland  
6114 Broadway Avenue, Cleveland  
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*Thank  
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Special thanks to the **Attorney Admissions Fund of the United States District Court** for the Northern District of Ohio for their generous support of these October 2019 *pro bono* events!

In collaboration with the Ashtabula County Bar Association, Cleveland Metropolitan Bar Association, Geauga County Bar Association, Lake County Bar Association, and Lorain County Bar Association

# October 2019

## #ProBonoWeek

### ★ WEDNESDAY, OCTOBER 23

**12:00 PM – 2:45 PM**

3Rs Program Orientation & CLE  
Constitutional Balancing Act: Executive, Legislative, and Judicial Powers in the Modern Era  
CMBA  
1375 East Ninth Street, Cleveland  
Sponsored by the 3Rs Committee of the CMBA  
Register at: [www.CleMetroBar.org](http://www.CleMetroBar.org)

### ★ WEDNESDAY, OCTOBER 23

**2:00 PM – 3:30 PM**

ACT 2 Brief Advice Clinic  
Cleveland Public Library, Downtown  
325 Superior Avenue, Cleveland  
Staffed by volunteers from Legal Aid's ACT 2 program  
Sponsored by Legal Aid  
To volunteer, visit: [laslev.org/events](http://laslev.org/events)

### ★ WEDNESDAY, OCTOBER 23

**4:00 PM – 6:00 PM**

ACT 2 Reception for late-career and retired attorneys  
Hyatt Regency at the Arcade  
420 Superior Avenue, Cleveland  
Sponsored by Legal Aid  
Register at: [www.laslev.org/2019act2fallreception](http://www.laslev.org/2019act2fallreception)

### ★ THURSDAY, OCTOBER 24

**8:00 AM – 10:45 AM**

Reach Out for Nonprofits Seminar and Brief Advice Clinic: "Nonprofit Money Matters"  
CMBA  
1375 East 9th St., Floor 2, Cleveland  
Staffed by Reach Out for Nonprofits  
Sponsored by the CMBA and the Federal Bar, Northern District of Ohio Chapter  
Register at: [www.CleMetroBar.org/ReachOut](http://www.CleMetroBar.org/ReachOut)

### ★ THURSDAY, OCTOBER 24

**9:00 AM - 4:30 PM**

CLE Program: Eastern County Annual Judicial Forum & Update from the Bench  
Lake County Courthouse  
95 North Park Place, Painesville  
Sponsored by Legal Aid  
Register at: [laslev.org/events](http://laslev.org/events)

### ★ THURSDAY, OCTOBER 24

**10:30 AM - 12:00 PM**

Pro Se Divorce Clinic – Lake County  
By appointment only: clients call (888) 817-3777  
Staffed by volunteers from the Family Law Section of the Lake County Bar Association  
Sponsored by Legal Aid and the Lake County Bar Association

### ★ THURSDAY, OCTOBER 24

**5:00 PM – 7:00 PM**

Lawyer to Lawyer Mentorship Program & Reception  
CMBA  
1375 East 9th St., Floor 2, Cleveland  
Sponsored by: The Supreme Court of Ohio in collaboration with the CMBA and Legal Aid  
Register at: [www.CleMetroBar.org](http://www.CleMetroBar.org)

### ★ FRIDAY, OCTOBER 25

**9:00 AM**

CLE Program: Panel Discussion of Social Security and SSI issues  
Sponsored by Legal Aid  
Register at: [laslev.org/events](http://laslev.org/events)

### ★ FRIDAY, OCTOBER 25

**11:00 AM – 1:00 PM**

Cleveland Homeless Legal Assistance Program (CHLAP)  
Bishop Cosgrove Center  
1736 Superior Ave, Cleveland  
Staffed by the Lawyers Guild of the Catholic Diocese of Cleveland  
Sponsored by the CMBA  
To volunteer, contact: [konders@clemetrobar.org](mailto:konders@clemetrobar.org)

### ★ FRIDAY, OCTOBER 25

**10:00 AM – 11:00 AM**

Pro Se Divorce Clinic – Cuyahoga County  
By appointment only: clients call (888) 817-3777  
Staffed by volunteers from the CMBA Family Law Section  
Sponsored by Legal Aid and the CMBA  
To volunteer, contact: [jpaine@clemetrobar.org](mailto:jpaine@clemetrobar.org)

### ★ FRIDAY, OCTOBER 25

**1:00 PM – 2:00 PM**

Pro Se Plus Divorce Clinic – Cuyahoga County  
By appointment only: clients call (888) 817-3777  
Staffed by volunteers from the CMBA Family Law Section  
Sponsored by Legal Aid and the CMBA  
To volunteer, contact: [jpaine@clemetrobar.org](mailto:jpaine@clemetrobar.org)

### ★ SATURDAY, OCTOBER 26

Cleveland Metropolitan Bar Foundation's 18th Annual Halloween Run for Justice  
Jacobs Pavilion at Nautica  
2014 Sycamore St, Cleveland  
Sponsored by the CMBA and CMBF  
Register at: [www.CleMetroBar.org/HalloweenRun](http://www.CleMetroBar.org/HalloweenRun)

### MONDAY, OCTOBER 28

**4:30 PM – 6:30 PM**

Brief Advice Clinic for Say Yes to Education Schools  
Cleveland Public Library, Carnegie West Branch  
1900 Fulton Road, Cleveland  
Staffed by volunteer attorneys from The CMBA Leadership Academy, 3Rs, and VLA  
Sponsored by Legal Aid

### WEDNESDAY, OCTOBER 30

**7:30 AM – 9:00 AM**

Medical-Legal Partnership: Informational Breakfast for Attorneys  
Skylight Financial Penthouse  
2012 West 25th Street Suite 900, Cleveland  
Register at: [www.laslev.org/healingwithjustice](http://www.laslev.org/healingwithjustice)

### THURSDAY, OCTOBER 31

**4:00 PM – 6:00 PM**

Cleveland Homeless Legal Assistance Program (CHLAP)  
Norma Herr Women's Shelter  
2227 Payne Ave., Cleveland  
Staffed by the CMBA Women in Law Section  
Sponsored by the CMBA  
To volunteer, contact: [konders@clemetrobar.org](mailto:konders@clemetrobar.org)

★ = Event held during ABA's National Pro Bono Week

Check [laslev.org](http://laslev.org) and [clemetrobar.org](http://clemetrobar.org) for calendar updates.

## HOT TALKS



CMBA President Ian Friedman led a discussion on the ongoing evolution of the Cuyahoga County Justice System on September 10. Those on the panel included **Jeffrey R. Appelbaum** – *Partner/Chairman of Construction Law Group, Thompson Hine LLP and Managing Director, Project Management Consultants, LLC*, **Andrew Cupples** – *Principal and National Justice Sector and Civic Design Leader, DLR Group*, and **Dan Wiley** – *Founder and President of Dan L. Wiley and Associates*.

## REACH OUT: LEGAL ASSISTANCE FOR NONPROFITS



On September 12, nonprofit leaders and volunteer attorneys gathered to learn about “Data Privacy & Security for Nonprofits” from speakers Chris Kakish of Oswald Companies and Jamie Ramsey of Calfee, Halter & Griswold LLP. Chris and Jamie shared tips and best practices for nonprofits and the attorneys who advise them on complex but vital topics including cyber liability insurance; data breach costs; and consumer privacy, data protection, and breach notification laws.

The presentation was the third of four this year for Reach Out: Legal Assistance for Nonprofits. Join us the morning of Oct. 24 for “Nonprofit Money Matters,” including 1.5 hr. CLE free for volunteers.

[CleMetroBar.org/ReachOut](http://CleMetroBar.org/ReachOut)



## VLA: PLANNING FOR ART COLLECTIONS

The Volunteer Lawyers for the Arts hosted a lively discussion on September 20 on “Planning for Art Collections – Information for Enthusiasts and Collectors” at Hedge Gallery during 78th Street Studios’ beloved third Fridays open house. The VLA’s panel of experts included Amy Wojnarwsky, McDonald Hopkins; Carrie Pinney, Cowan’s Auctions; insurance counselor Rebeca Glanton, Chubb Customer Center; Heather Frutig, J.P. Morgan Private Bank; and Wendy Partridge, Intermuseum Conservation Association; with moderator Jackie Vary, Calfee, Halter & Griswold. With Q&A from the audience, the group explored how to select, preserve, insure, and loan art collections for personal enjoyment and as an investment. Best tip of the evening — buy the art you love, not the art you think will appreciate financially!

## GREEN INITIATIVE COMMITTEE HOSTS FIRST SUSTAINABILITY EVENT AT GREAT LAKES BREWERY

On July 31, the Green Initiative Committee hosted its first sustainability event at Great Lakes Brewery. The group enjoyed complimentary brews and took a tour through the brewery’s production facility to learn about the history and in-depth exploration of the brewing process. The GIC also gives a big thanks to Thompson Hine LLP as its event sponsor!





# IS IT A FIXER UPPER?

BY ERIN M. MCDEVITT-FRANTZ & MICHAEL J. FRANTZ, JR.

Cleveland's landscape and skyline are changing. Billions of dollars are being spent on constructing or renovating buildings across the City and Northeast Ohio generally. Discussions are well along their way for the Justice Center Complex to be next in line for significant change.

The Complex that houses the Cuyahoga County and Cleveland Municipal Courts, the Cleveland Police Headquarters Building, the Correction Center (known as Jail I), and Jail II, was originally constructed in the 1970s, and now is outdated and in need of repair.

As consultants and committees for the various stakeholders assess the fate of the Complex, they must decide: Is it a Fixer Upper? That is, should the Justice Center be renovated and rehabilitated or rebuilt? As with all major construction projects, there are a number of environmental considerations that the consultants must consider when answering this question. A successful project requires properly identifying and managing these concerns.

In their hit HGTV series, Chip and Joanna Gaines popularized the term "fixer upper." The husband and wife team combines their design and renovation skills to assist homebuyers in selecting and renovating residential properties. Similar to larger commercial renovations, the key to a fixer upper property is being able to personalize the property to the homebuyers' needs and tastes within budget. Each episode of *Fixer Upper* typically involves the drama of some unforeseen complication resolved by the witty show hosts followed by a stunning before and after reveal. It almost seems scripted. Also, shiplap; every episode involves shiplap.

In reality, there is still shiplap, but the decision to rehabilitate an existing structure or build new construction can be more complicated. Time, money, and location typically drive the decision rather than the personal interests of stakeholders. In TV

land, the stakeholders are typically spouses guided by similar individualized interests. Commercial development, on the other hand, will likely have various parties with competing interests. We already know that the Justice Center Project has many stakeholders with diverse interests that will have to be considered and navigated.

Legal complications related to zoning and other land restrictions, as well as various environmental risks, may have significant implications on the time, money and location factors the stakeholders on commercial projects must evaluate. Specifically, there are notable environmental issues that require consideration for renovation and rehabilitation and for new construction. Providing clients with a comprehensive legal strategy will assist in mitigating the impacts of those environmental risks. The best legal strategy will benefit from an understanding of how the marriage of construction and environmental law concepts may affect the Project. Counsel should strive to identify the critical impacts, understand their respective implications and implement solutions that cross the line between the two areas of law.

As noted, in addition to the financial bottom line, time and location are also key to a successful project. Environmental laws, violations, enforcement actions, and related issues can affect the viability of a location and be massive drains on time and money.

For instance, the Justice Center currently has a central downtown Cleveland location. The campus style Complex connecting Police Headquarters, the Courts, and Jails is convenient and efficient. Law firms, bond companies and other companies that service the legal industry are situated nearby to access the Court Towers. Another similarly situated location will be difficult, if not impossible, to find and the financial impact to the surrounding location could be enormous.

Moreover, in addition to zoning and planning requirements, the "perfect" new location may be subject to environmental oversight and permitting requirements. Brownfields, wetlands, or endangered species habitats may pose a number of unique hurdles that may limit the use of land surrounding a new location, and we have not even considered the various environmental regulations that apply to all large construction projects.

Complying with governmental requirements and obtaining necessary permits can be a time-consuming and expensive proposition, but failure to do so can be even more costly. Regulatory agencies are required to timely respond to requests and applications, but what does that really mean? A response may be a request for additional information, which simply restarts the "timely response" clock while the Project struggles to get off the ground. While in some instances it may be advisable to engage professionals to coordinate the agency reviews, at the very least, the Parties should identify who will coordinate the permitting process and bear the risk of delays to the Project.

Construction contracts should clearly specify who is responsible for obtaining necessary approvals and permits, including submitting the initial application and responding to agency requests. The preconstruction schedule should also account for the uncertain timeframe. Experience with a particular agency can assist in guiding and managing expectations in this regard; knowledge of the construction industry can assist with developing creative solutions and protecting stakeholders' interests.

Failure to properly work through regulatory or permit requirements at the beginning of a project may result in expensive litigation or enforcement actions involving hefty civil penalties. Getting past the government agencies is not always enough, as some

environmental statutes also authorize citizen suits. In addition to seeking civil penalties, many environmental laws authorize the enforcing entity to seek injunctive relief. A preliminary injunction that stops construction can wreak havoc on a construction schedule.

By understanding the government's obligations and ensuring the decision-making process is complete prior to commencing construction, a project owner can reduce the risk of a successful citizen suit interrupting construction. Specifically, building time into the preconstruction schedule to identify risks and properly allocate those risks between the parties, owners and contractors can minimize the impact of potential delays during the permitting process. For instance, it is common for owners to shift the burden of obtaining permits on to the contractor, but owners should also be willing to extend the construction schedule to accommodate for third-party delays in the permitting process.

If a new location is not an option, rehabbing and renovating existing space may be just as good, but also carry risks. Rehab projects necessarily involve demolition. Complete or partial demolition creates waste, which must be properly identified, categorized, and handled. Older structures are more likely to contain materials such as asbestos, lead and other heavy metals, which are subject to special handling, transportation and disposal requirements. (Translation note, "special" anything means more money.) However, certain materials may be eligible for less expensive disposal options such as construction and demolition debris while other material may have value as salvage or recycled products. The question then becomes who owns the demolition debris. The project may be able to qualify for exemptions or satisfy conditions to avoid or reduce the level of regulatory oversight. Evaluating the waste, the waste disposal process, and the ownership rights in the debris can allow for unique ways to save costs on rehab and renovation projects.

It must also be noted that the failure to comply with waste disposal regulations can result in violations and fines, which also impacts time and money. Project owners and contractors bear varying degrees of liability and obligations associated with disposal of wastes from demolition and construction projects. While regulatory liabilities attach based on a person or entity's status, risks can be shifted contractually. Contract documents should clearly allocate responsibility for waste materials and mandate compliance with applicable laws.

Many developers and communities are placing significant value on sustainability. Sustainability in construction can take varying forms, but Leadership in Energy and Environmental Design (LEED) and EnergyStar are two ratings to strive for. The rating requirements vary based on the desired level of conservation and are easily discernable. The important factor is to account for the Owner's desired rating when developing the scope and material requirements for the Project. Green construction or renovation, which is construction that reduces or eliminates the negative impacts to the climate or surrounding environment, may involve additional up-front costs, but has been found to result in cost savings in energy and water efficiency, as well as reduced operational and maintenance costs.

None of this is to suggest that one option is better for the Justice Center than the other, just that the stakeholders have their hands full. The decision to renovate versus building new is often a complicated one that is fraught with traps for an unsuspecting party. On *Fixer Upper*, the Gaineses do not confront problems that they cannot solve. In the unscripted real world, issues arise that may permanently halt a project. Knowledge of the numerous risks and methods for mitigating those risks will allow parties to minimize the potential of a failed project.



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For more information, please visit [frantzward.com](http://frantzward.com).

# The EPA turns 50



In celebration of the launch of Case Western Reserve University School of Law's **Coleman Burke Center for Environmental Law**, we invite you to join us for the inaugural conference, **The Environmental Protection Agency Turns 50**.



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# A STEP TOWARDS HOUSING STABILITY

BY COUNCIL PRESIDENT KEVIN KELLEY

“You have the right to an attorney” — everyone is familiar with the Miranda right thanks to television crime shows. Our Constitution ensures access to no-cost legal counsel when someone is accused of a serious crime and cannot afford an attorney. Yet there is no such constitutional right to legal counsel in housing cases that fall under civil court.

In August, I was proud to introduce — along with Councilman Anthony Brancatelli — Cleveland Codified Ordinance 1001-2019, providing access to free legal representation to low income tenants with children, who are facing eviction proceedings.

As this magazine goes to print, this groundbreaking right to counsel legislation is on track for committee review and a final vote by City Council soon. The establishment of this right will be a game changer for Cleveland families facing housing instability.

Each year, approximately 20,000 residential eviction actions are filed in Cuyahoga County, of which approximately 9,000 are in the city of Cleveland. More than 60 percent of eviction cases filed in Cleveland include households with children. Many families living in Cleveland are housing insecure. In fact, we know that Cleveland families move at least five times more than the national average. Sadly, families facing eviction with children have increased levels of disruption in school and higher rates of absenteeism.

Furthermore, tenants often lack knowledge and awareness of their legal rights. The fear of being evicted and being forced to seek housing, in a limited housing market, discourages many Cleveland tenants from fighting eviction actions. Additionally, many tenants live in uninhabitable living conditions due to an aging housing stock. Often, tenants fail to report substandard housing conditions because they fear eviction.

It is this fear that contributes to homelessness and warrants legislative action.

Providing Cleveland residents with access to free legal services in Cleveland Housing Court will mitigate the downstream consequences of eviction and reduce housing instability. We will begin by providing free legal representation to households with a child at or below 100% of the federal poverty guidelines. We hope to grow beyond these qualifications and beyond Cleveland with additional funding and partnerships.

The creation of a right to counsel in Cleveland is just one example of the great things that are happening in our city, and a terrific example of transformative change that can happen when philanthropy, nonprofits, the private sector and government work together to improve the lives of others.

Evictions have an economic impact, often leading to loss of employment, health problems, frequent hospitalizations, lower educational achievement and higher dropout rates for children, increased use of all social service systems and unstable communities. Investing in a right to counsel for tenants creates long-term stability for individuals, children, families, and the Greater Cleveland community.

For example, New York City passed and funded historic right to counsel legislation in the summer of 2017. Since then, evictions in New York City have decreased by 34%, positioning the city to save \$320 million annually because of increased legal representation for tenants facing eviction. In the first year since New York City passed its legislation, they have seen tremendous results — 84% of households represented in court by a legal aid lawyer avoided displacement.

The Sisters of Charity Foundation of Cleveland began this trajectory of important community change with the launch of the “Innovation Mission” fellowship program in 2017. They selected Legal Aid attorney Hazel Remesch for a fellowship, and Hazel’s project was to determine the efficacy and potential of a right to counsel in Cleveland. Her project grew into the Housing Justice Alliance and benefited greatly from her and other Legal Aid attorneys’ leadership.

Councilman Brancatelli and I — along with other leaders from the County, private bar and community — have participated in Housing Justice Alliance’s advisory committee. We visited other cities, spoke with elected officials and housing experts from all over the country, and developed a game plan for Cleveland.

Then, as the process led to legislation, we added partners such as United Way of Greater Cleveland and vetted our ideas with Cleveland’s Housing Court. Once the right to counsel legislation is enacted, United Way will serve as the lead community partner and contract with Legal Aid as the designated community partner to do the intake and serve those in need. The Housing Justice Alliance will leverage the terrific support Cleveland’s Housing Court provides with United Way’s 2-1-1 resources.

The first line of our Cleveland legislation states: “This Council finds that lack of legal counsel for tenants during eviction cases is a violation of a basic human right.” I, along with my Council colleagues, am proud to be part of this important collaborative effort.



Councilman Kelley is the President of Cleveland City Council. He is also of counsel at Porter Wright. He can be reached at (216) 664-4549 or [kkelley@porterwright.com](mailto:kkelley@porterwright.com).

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# A WOMAN OF FIRSTS

## JUSTICE FLORENCE ELLINWOOD ALLEN

BY JUDGE MARY JANE TRAPP & ISABELLA BENZ

“Where is our Pilgrim sense of solid right? Where is our old-time keeping of the law? Where is our sanity and strength? Rapine pardoned, violence unpunished, the excellent citizens unheeding! Law thou changest not. Our heritage it was to know thee. Do we sell thee for a mess of pottage?”

– Florence E. Allen, suffragist, jurist, poet, and musician

Rare is it to see someone with such an undying passion for the law. Someone who was so consumed by the very principles by which we stand that she spent the majority of her life breaking down barriers to ensure justice for all. The dedi-

cation and drive this individual possessed placed her ahead of her time. She remains a timeless inspiration for all who know her name.

Justice Florence Ellinwood Allen is an enduring symbol of strength and power not only for women, but also for all those who look to the law for protection and for those who are empowered to administer and protect our legal system.

How lucky are we to be living in an area she chose to call home? Unfortunately, not enough of us know just how fortunate we are, which is why we must honor this trailblazer while we have the perfect opportunity — the rebuilding of the Cuyahoga County Justice Center.

Allen far surpassed everything that was expected of her from the very beginning of her legal career. She impressed and amazed those with whom she associated and continued to rise on the ladder of success despite all the barriers facing women of her time. She demonstrated her strong intellect and character at every level of her professional and political career, and she made history with each step.

Although Justice Florence Allen was born in Salt Lake City, Utah, her “firsts” began in Cuyahoga County. After graduating from Women of Western Reserve University in 1904, she entered graduate school at Western Reserve University and earned a Master of Arts degree in June 1908. Shortly after, Allen began teaching at Laurel School and writing as a music critic for the Cleveland Plain Dealer. She then entered the University of Chicago Legal Department to pursue her law degree. Allen finished her legal studies at New York University Law School in 1913, earning herself a law degree. Once she passed the bar exam, the Ohio State Bar Association happily welcomed her in 1914.

Because no Cleveland firm would hire a woman lawyer, she opened her own practice in a single room, furnished with only a desk and two chairs. Justice Allen was one of only four Cleveland women lawyers at the time, earning \$25 in her first month and a total of \$875 in her first year. Her first client was a man who wanted a will drafted, and



her first case was a divorce, representing a woman whose husband deserted her and her children. She wanted what all young lawyers want — experience, so she went to work at the Legal Aid Society of Cleveland doing pro bono work. She was chosen to serve on an arbitration panel by the employees in *Yellon v. Cleveland Railway Company*, and she went on to argue a municipal suffrage case, *State ex rel. Sophia Taylor v. H.L. French*, in the Supreme Court of Ohio that gave women the right to vote in East Cleveland, Lakewood, and Columbus.

Justice Florence Allen was making great waves in the Cleveland area and was beginning to catch the attention of some very important people, one of which was Burr Gongwer, a political force in Cuyahoga County. Mr. Gongwer asked Allen to be the first woman assistant prosecutor for Cuyahoga County in the public sector. He recognized her talent, and she recognized an opportunity, embarking on the next step in her journey of “firsts.” As an assistant prosecutor in Cuyahoga County, she tried hundreds of cases during her two years.

While excelling in her new job as an assistant prosecutor, Allen continued her work for the suffrage movement. It was not long before women began to push her toward the next level as they wait-



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ed in anticipation for their expanded rights. Before the ink could dry on the Nineteenth Amendment, Allen and her suffragists sisters prepared her campaign for judge. Women rallied together to gather two thousand required signatures within two days in order to place Florence Allen's name on the ballot. In a landslide, Florence Allen became the first woman judge of the Common Pleas Court of Cuyahoga County in 1920, besting a field of ten candidates. With that election, she also became the first woman trial judge in the United States.

Although she faced reluctant acceptance by the other male judges, Allen proved herself through her strong character that she was not to be overlooked. When ushered into hearing only divorce cases, Allen pushed back, explaining that the married men would do a better job at deciding such cases considering she was an unmarried woman. She took control of the courtroom and her docket, making extensive changes to the organization of the common pleas court. After hearing constant complaints of the backlog of 6,000 cases, Judge Florence Allen made it her business to expedite cases, including hearing 521 cases in her first 21 months in office. She was credited with her ability to dispense speedy and certain justice after only a short period of time. She presided over 600 cases and eight murder trials, with only three reversals in total.

Allen even traded her vacation time for another judge's criminal court docket and disposed of the cases herself in order to try all criminal cases before summer recess, so that defendants would not spend months in jail waiting for their trials.

After becoming the first female judge in United States history, she moved on to become the first female on a court of last resort, the Supreme Court of Ohio, winning again in another landslide in 1922. Even after such a strong victory, Justice Allen's right to take her seat was challenged. Her response — "If the attack is made on my eligibility, it is made just as much ... upon every woman who votes in this state, because the Ohio Constitution provides that all who hold public office shall be duly qualified electors ... Heretofore, women have not been electors only because of their sex. Since we have been given the right of suffrage, we are eligible to hold public office on the same basis as men and subject to the same qualifications ... If the gentleman from Cincinnati is raising the question of sex, I admit, I am a woman." She was re-elected for her second term by 350,000 votes.

During those years, judges could also run for non-judicial offices while on the bench. Justice Allen, motivated greatly by the loss of her two brothers in World War I, was an advocate for

peace and became very outspoken on international affairs. Her writing and speeches on the Outlawry of War, which spawned the Kellogg-Briand Pact, thrust her into races for the legislative branch. She sought and lost the Democratic nomination for the United States Senate in 1926, and she was the Democratic nominee for the 22nd Congressional District seat, losing to Chester C. Bolton. Despite her losses, her fervent beliefs in women's suffrage and world peace steered her to work on the United Nations Human Rights Council, and her forward thinking led her to write about the legal rights to outer space.

Before she could anticipate a third term, she was faced with another incredible opportunity, which she embraced. President Franklin Delano Roosevelt appointed her to the Sixth Circuit Court of Appeals in 1934, the first woman to be bestowed with such an honor.

While on the Sixth Circuit, Justice Allen authored many opinions, including the opinion that upheld the right of the United States to create the Tennessee Valley Authority. In 1938, she was the first woman to receive consideration for nomination to the Supreme Court of the United States.

Justice Florence Allen was made Chief Judge of the Sixth Circuit in 1959 and took senior status later that year at the age of 75. When asked about the future of the professional woman in the United States, she recounted a story from her law school days. During a speech at NYU law school, Mrs. Philip Snowden was giving a speech on the enfranchisement of women, when a man asked her why women wanted to vote. Mrs. Snowden responded with a poem setting forth the reasons for desiring emancipation. The man said, "Yes, that was to be expected of a woman. You ask her a practical question and she responds with a piece of poetry." While talking with her fellow women classmates after the lecture, one said, "After all, why mind any of it? There remains the astonishing and important fact that we are sitting in a law school with men, and that no one can prevent us from practicing law."

Justice Allen then explained, "I think that we did not then realize how significant that fact was. No one could prevent us from practicing law. Men could prevent women doctors from having hospital experience. Men could prevent women engineers from doing engineering work. Men could refuse to license women to the ministry. But if any woman studied law and was admitted to the bar and had a client, no man could prevent her from going into court and arguing her case."

She championed the integrity of the individual. Justice Allen believed that the law was

created for the people, writing "we abolished the idea that there should be a distinction between men in securing human rights, and in place of that idea we raised the new conception that, regardless of wealth or influence or race or condition, men and women should stand equal before the law, and the same yardstick of justice and equity should be applied to every situation."

As Cuyahoga County embarks on the new Justice Center project, we should seize this opportunity to honor Justice Florence Allen by naming the building after this remarkable jurist and woman of firsts from Cuyahoga County.



*Judge Mary Jane Trapp serves on the Ohio Court of Appeals. Before taking the bench, her professional home as a litigator for 30 years was Cuyahoga County. Her summer intern, Isabella Benz, is an aspiring attorney and extensively researched the life and times of Justice Allen. Judge Mary Jane Trapp has been a CMBA member since 1981. She can be reached at (330) 675-7870 or [mjtrapp@11thappealohio.us](mailto:mjtrapp@11thappealohio.us).*



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# CLEVELAND: A GROWING METROPOLIS PUBLIC FINANCE AND TAX INCENTIVES FUEL CLEVELAND'S DEVELOPMENT



BY DAVID HALES & ALEC F. DAVIDSON

Cleveland has gone through quite the makeover in recent years. Since 2015, the real estate development market in the downtown area has boomed, with dozens of projects utilizing private and public financing tools to create new multi-use properties. Examples of these large-scale construction projects include the Flats East Bank, which turned a once dilapidated area of the Flats into a residential and commercial center of the city, and the planned construction of the NuCLEus Project, which will further transform Cleveland's Gateway District near Progressive Field and Rocket Mortgage FieldHouse (which itself is completing a \$140 million renovation). Large skyscraper, multifamily apartment complexes such as the Beacon Apartments near the East Fourth District, the One University Circle apartment tower near the Cleveland Clinic and University Hospitals campuses, and the Lumen Tower Project in the Playhouse Square District are likewise utilizing the financing and investment tools offered through both public and private means. In keeping with this surge of downtown development, the city of Cleveland has turned its eye to renovating its outdated justice center complex, which houses the county jail, the Cuyahoga County Court of Common Pleas, the Cleveland Municipal Court, the county prosecutor and the sheriff's department. While plans are preliminary at this time, it is likely that

the renovations will include some portion of private and public finance.

What caused this increase in real estate development in the downtown area? Public financing tools and federal and state tax incentives that offer substantial enticements to real estate developers and investors is certainly a significant reason for the trend. These options have been used to varying degrees, but have continued to be a substantial portion of the financing and investment obtained for the revitalization of downtown Cleveland.

Perhaps the most significant public entity to promote high-end real estate development in Cleveland is the Cleveland-Cuyahoga County Port Authority. A port authority is a quasi-governmental organization created for the express purpose of, in part, engaging in activities that "enhance, foster, aid, provide, or promote transportation, economic development, housing, recreation, education, governmental operations, culture, or research within the jurisdiction of the port authority," Ohio Revised Code § 4582.01(B) (1). Port authorities have specific powers provided by statute, which include the ability to "acquire, construct, furnish, equip, maintain, repair, sell, exchange, lease to or from, lease with an option to purchase, convey other interests in, or operate real or personal property, or any combination thereof, related to, useful for, or in furtherance of" any of the above noted authorized purposes. Ohio Revised Code § 4582.06(A)(1).

In addition to these powers, port authorities may issue bonds or notes for the acquisition, construction, furnishing or equipping of real or personal property for the above noted authorized purposes. Ohio Revised Code § 4582.06(A)(3).

There are several benefits to utilizing port authority financing, including tax-free interest for the purchasers of bonds in instances of construction of public improvements. Perhaps the largest benefit, at least for large real estate development projects, is the Ohio sales tax exemptions that a developer may obtain for construction materials. Port authorities are generally exempt and not required to pay "any taxes on property, both real and personal, or any combination thereof, belonging to any port authority that is used exclusively for" any of the above noted authorized purposes. Ohio Revised Code § 4582.20. This, in turn, provides the key for significant savings for real estate developers through the use of the port authority's tax exemption, when financed via the port authority's issuance of bonds or other debt instruments.

Typically, construction materials amount to approximately half of the expenses of large scale development projects. On the real estate side, as part of port authority financing, the port must retain a requisite ownership interest in the project to qualify for the sales tax exemptions. This can include the port authority owning the property in fee simple and leasing the property to the developer under a capital lease. In such case,

the developer receives all ownership benefits for federal tax purposes, and under the capital lease, the developer has the right to purchase the property at the end of the term. Alternatively, the developer can retain fee ownership of the project site, lease the underlying ground to the port authority via a ground lease, and the port leases back the project site to the developer via a capital lease. In either of those structures, the port authority, by retaining a requisite ownership interest in the underlying land (either in fee simple or through a ground lease), is able to provide tax exempt status regarding the construction materials of large scale development projects. The port authority, as an administrative fee, will receive a certain percentage of the sales tax savings provided to the developer. In utilizing port authority financing, developers realize significant savings.

Another tool heavily used for real estate development in downtown Cleveland is state and federal tax credit incentives. Tax credits may be taken by real estate developers themselves or other third party investors and institutional lenders in such projects. As an example, the federal Historic Tax Credit and Ohio Historic Preservation Tax Credit programs have attracted significant investment in development projects in the downtown area. With both programs, in order to be eligible for tax credits, the historic buildings for renovations must be listed in the National Register of Historic Places or otherwise be located within a historic district and designated by the National Park Service as a structure that retains historic integrity and contributes to the historic character of the district. Given that downtown Cleveland has many historical buildings with ornate facades and structures, it is no wonder that these tax credits have been put to good use.

Future development may also be on the horizon with the proposed “transformational mixed use development credit,” which recently passed the Ohio Senate by a 32-1 vote, and is now with the Ohio House of Representatives to consider. In order to qualify for tax credits, the project must constitute a “transformational mixed use development,” which means it must:

- Have a transformational economic impact within the project area approved by the Ohio director of development services
- Integrate some combination of retail, office, residential, recreation, structured parking, and other similar uses
- Include at least one building that is 15 or more stories in height or has a floor area of at least 350,000 square feet.

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The program allows the developer to sell the tax credit to obtain financing for the project, and is specifically catered toward insurance companies as the ultimate beneficiary of the tax credit as the investors in the project. It remains to be seen whether the transformational mixed use development credit will be passed into law, but in the event that it does you can expect additional large projects to be financed by the program in the coming years.

The above are just a few of the public finance and tax incentives offered to induce real estate

development in the city of Cleveland and the state of Ohio. Finding attorneys who can navigate the complex processes and requirements for these programs is key to successfully developing real estate with significant cost and tax savings.



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# A CUP OF JUSTICE



## Magistrate William Vodrey

When I was a young prosecutor at Juvenile Court, from time to time someone in the office would have to run an errand to the Justice Center in downtown Cleveland. When he or she asked if anyone needed anything from there, a colleague would occasionally say, “Yeah, bring me back a cup of justice.” An old joke, but it usually brought a chuckle, or at least a smile. If only justice could be poured into a cup and taken wherever it was needed.

I’ve now spent most of my career at the Justice Center. The brown, squared-off tower at the corner of Lakeside and Ontario has been my professional home for more than 20 years. It is not beautiful; it is functional. It is not new; in some ways it feels old, even ancient, although since its opening in 1976 it has been around for only a brief fraction of the life of the city. It is not perfect, but it is aspirational.

Those who built and named the building were aspirational, after all, even daring. The Justice Center! A center for justice. A place for the rule of law to be interpreted, and applied, and made clear to all. A place where people from across Cleveland and Cuyahoga County could seek the peaceful, efficient and just resolution of their disputes. A place of abiding and committed public service. Most of those who work at the Justice Center are, I believe, guided by those ideals, even when we fall short; I know I am.

As a prosecutor and now as a magistrate, though, I must admit that I’m still somewhat in awe of this place. Every weekday, many thousands of people come and go. (Some, taken into custody, don’t go quite as soon as they might have expected or hoped). They come

here, all of them, because of what this place is. They come because of the essential function our society ascribes to it. The Justice Center is, or should be, a place of solutions, of resolutions, of closure and yes, of justice. From the smallest of Small Claims cases (including, legendarily, a lawsuit over one particularly nasty doughnut) and the most minor and soon-forgotten of traffic offenses, up to multimillion-dollar lawsuits and death penalty cases, they all come through the Justice Center, home to both the Cleveland Municipal Court and the Court of Common Pleas of Cuyahoga County.

The ancient Romans defined the goal of justice as *Suum cuique tribuere* — to render to each person his or her due. For the guilty, correction; for the innocent, vindication; for the wronged, compensation. Those obligations remain with us even now, however imperfectly we perceive or achieve them. Over the past 23 years working at the Justice Center, I’ve seen stupidity, criminality and cowardice here, but I’ve also seen wisdom, honesty and courage. I’ve seen defendants and victims, judges and magistrates, prosecutors and public defenders and lawyers of all kinds, and police officers and bailiffs and interpreters and court staff and witnesses and jurors — God bless the jurors, especially, in their vitally-important service! — and so many others. Each of them has left, perhaps only for an hour or a day, some small mark on this building, this place of justice, even if we can’t see it. Many are themselves, in turn, marked by the building and what happens here.

I’ve heard laughter and I’ve seen tears, as cases from the silly to the heart-breaking are tried in the hushed, wood-paneled courtrooms before jurists who have seen it all and, despite the ineluctable tug of cynicism and despair, still try to do justice, still try to do some good if any good at all *can* be done. Behind them

the flags bear silent witness, symbols of the authority of the nation and the state, reminders of the multitudes who may never come to court but whose business is nevertheless being done, faithfully, day in and day out, here at the Justice Center.

Earl Warren, the late great Chief Justice of the United States, wrote, “Where there is injustice, we should correct it; where there is poverty, we should eliminate it; where there is corruption, we should stamp it out; where there is violence, we should punish it; where there is neglect, we should provide care; where there is war, we should restore peace; and wherever corrections are achieved we should add them permanently to our storehouse of treasures.” The Justice Center is one of those storehouses, I believe, but only if those who work here strive to make it so.

I have my own opinion as to whether this remarkable pile of stone, concrete, wood, metal and glass should be torn down or upgraded. You’ll read more on that topic in this issue from people far more knowledgeable about it than I.

But for me, come what may, the Justice Center is the place where I have learned more of, and given more for, law in the public service than anywhere else in my life. For all its obvious flaws, for all its many faults, for as unfortunately often as those within it have fallen short of the American ideal of justice, it has helped make me who I am, and for that I am and always will be grateful.

*William Vodrey is a magistrate of Cleveland Municipal Court. This essay reflects his views and not necessarily those of the Court. He has been a CMBA member since 2012. He can be reached at (216) 664-3643 or vodreyw@cmcoh.org.*



# THE CASE FOR A GREEN JUSTICE CENTER

BY JOHN P. L. MILLS

The ultimate fate of the Justice Center is still up in the air, currently being scrutinized by a small army of consultants, urban planners, and committees. From what we know, at least one proposal on the table calls for the demolition of the existing complex and replacement by a newer, shinier successor on the same premises. See Courtney Astolfi, *Cuyahoga County and Cleveland agree on firm to lead planning for Justice Center replacement or renovation* (Mar. 17, 2019) <https://www.cleveland.com/metro/2019/03/cuyahoga-county-and-cleveland-agree-on-firm-to-lead-planning-for-justice-center-replacement-or-renovation.html> (Accessed Aug. 19, 2019). If the Justice Center is indeed destined for a complete reboot, there have never been more possibilities for what the next complex could look like. The next Justice Center can serve dual roles: both a functional and secure administration building and a sustainable, forward-thinking building that would enhance not only the surrounding area, but would drive down operating costs in an environmentally responsible manner. For the staff, the attorneys, and the citizens who come to the next Justice Center — in whatever form it takes — a better building benefits everyone. For Cleveland and Cuyahoga County, now is the time to seriously consider a LEED-certified Justice Center.

The United States Green Building Council (USGBC) is a private, not-for-profit agency based out of Washington D.C. The LEED rating system, which stands for Leadership in Energy and Environmental Design, is currently the largest green building certification program worldwide. Since its inception in 1992, the USGBC has been instrumental in advancing energy-efficient building designs and reducing the ecological footprint of new construction. Originally,

the LEED rating system only evaluated new construction. USGBC has since revised and expanded the LEED rating system to reflect emerging green building technologies, and now includes additional LEED ratings for Interior Design and Construction, Operations and Maintenance, and Residential Project. Prospective candidates earn points (out of 100 available points) by demonstrating a variety of best practices in their building's design, operation, or construction. LEED levels are Certified (40–49 points), Silver (50–59 points), Gold (60–79 points), and the highest level, Platinum (80+ points). Since 2002, the year the Nathaniel R. Jones Federal Building in Youngstown became the first LEED-certified building in Ohio, sustainable state, federal, and local buildings have been opening across the region. In Cleveland, both the Anthony J. Celebrezze Federal Building and the Howard M. Metzenbaum Courthouse have achieved LEED certification, the latter after extensive renovations in 2006.

The next Justice Center may have to replace the aging Jail I, constructed in 1976. But even LEED-certified prisons are not new, given that the federal Bureau of Prisons was one of the first federal agencies to embrace sustainable design as early as 2002 pursuant to Executive Order No. 13123. In 2006, FCI Butner Medium II in North Carolina (current residence of one Bernie Madoff, among others) became the world's first LEED certified prison (LEED NC 2.1 Certified).

When BOP was conducting preliminary evaluations of the design for FCI Butner, the Bureau found that the increased efficiency would save substantial operating costs but would not reduce the safety and security of the facility. During construction, the facility sourced its building materials from local sources, rather than imported, keeping much

of the economic benefit within the state. The DOJ now has a total of five LEED-certified facilities in operation throughout the country. Likewise, the State of Washington opened the Coyote Ridge Correctional Center with a LEED certification in 2008, making it the world's first LEED Gold-certified prison. The state reported that since then, the penitentiary uses 5.5 million fewer gallons of water than facilities of a similar size, and that energy efficient HVAC systems have reduced the prison's energy consumption by 50 percent. These improvements save the state roughly \$400,000 per year. Rob Sharp, *Green Prison: Where Security Meets Ecology* (Aug. 17, 2010) <https://www.independent.co.uk/environment/green-living/green-prison-where-security-meets-ecology-2054270.html>.

Green building certification does not automatically mean more expensive. A 2007 study by the UK architectural firm Davis Langdon found no significant difference between the average cost of an LEED-certified building versus traditional construction when compared to buildings of the same type and category. L.F. Matthiessen and P. Morris, Davis Langdon LLP, *Cost of Green Revisited: Reexamining the Feasibility and Cost Impact of Sustainable Design in the Light of Increased Market Adoption* (2007). A similar whitepaper by the U.S. Government Services Agency examined 22 sustainably-designed facilities built by the federal government and concluded that “on average, GSA's sustainably designed buildings use less energy and water, emit less CO<sub>2</sub>, cost less to maintain, and have occupants who are more satisfied than those working in typical buildings.” KM Fowler, EM Rauch, JW Henderson, and AR Kora, *Re-Assessing Green Building Performance: A Post Occupancy Evaluation of 22 GSA Buildings*, (2011). Ultimately, green building designs lend less than 2% additional marginal costs,

on average. G. Kats et al., *Green Buildings and Communities: Costs and Benefits*, Good Energies (2008). Green building is a much better predictor of tangible improvements in building performance, and those improvements have considerable value: as much as 25% less energy use, 36% reduction in CO2 emissions, a 27% increase in occupant satisfaction, and an overall 19% lower aggregate operations cost, according to the GSA study. But these benefits are only maximized when a proposed building is conceived with sustainability in mind, rather than trying to add green features to a project late in the process.

Early planning for a sustainable building project is key, and even more so for a facility that has a mixed reputation in the community. The unique challenges for this type of project — a building complex that is secure yet accessible, as well as cost-effective — mean that a “one size fits all” design approach is ill-suited to the needs of Cuyahoga County. A truly successful green building process has to ask questions that go beyond the project boundaries: what do citizens of Cuyahoga County see as the

benefits and burdens of a green Justice Center, and how does local leadership ensure that participation from the community is given due weight? Right now, could design features like an on-site child care facility or greater access to public transportation increase the building’s social equity? All of these questions need answers before the first brick is laid. Most importantly, asking these questions early builds more flexibility into the overall design process and allows the planners to be intentional when it comes to the choices that will affect everyone.

Whether we notice it or not, the built environment where we work and devote our time plays a huge role in our lives. The increasing implementation of more sustainable public works projects underscores the growing synthesis between human needs, environmental concerns, and architecture. White, R, Graham, H, *British Journal of Criminology, Greening Justice: Examining the Interfaces of Criminological, Social and Ecological Justice*. (2015). The design and thought that we put into the next

Justice Center will shape the experiences of criminal defendants, courtroom staff, and the downtown business community that share the location with the complex. The status quo when it comes to the future of the Justice Center is unsuited to a region that seeks to distance itself from an era of consent decrees and environmental discord. Sustainable buildings save money, create local jobs and lead by example. Cuyahoga County has a rare opportunity to make a replacement Justice Center an inflection point for the coming decades.



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# MAKING JUSTICE ACCESSIBLE

BY MATT ROLF

For nearly a century, an air of urgency has driven the planning and construction of new justice and detention facilities in Cuyahoga County. Over-burdened facilities, over-budget plans, over-extended time frames, and a criminal justice system in dire need of reform have often driven the decision making process. Today's Justice Center Complex is no exception to this way of planning, with myriad correctional and humanitarian issues that must be addressed or at least acknowledged by any new construction.

In addressing the jail's humanitarian crisis, we should not overlook the public accessibility of new or renovated justice and detention facilities. The buildings will be accessed and used by thousands of citizens who are disabled, who are children, who are elderly, and who may walk or use public transit and bicycles to attend hearings or visit relatives. Inmates with disabilities will need accommodations for their conditions. The equitable administration of justice demands that the buildings be pedestrian friendly, convenient to public transportation, and meet the needs of disabled citizens who visit, work, or are incarcerated.

The concept of "complete streets" envisions a built environment that promotes pedestrian, transit, and bike access, equalizing those transit modes with the usage of cars. Cuyahoga County's Planning Department has developed a Complete Streets Toolkit, and the City of Cleveland has released a Complete Streets Typologies Plan. Both documents address issues such as setbacks, parking, and building access, and should be relied upon in developing an architectural plan that integrates well with the ways people travel to and from court.

The Ohio Building Code and the the Americans with Disabilities Act (ADA) have

comprehensive regulations on accessibility for pedestrians and disabled users. The Ohio Administrative Code touched on this matter, but its sections were repealed in 2007 and superseded by revisions to the Building Code. The ADA and the Rehabilitation Act of 1973 also protect prisoners and create causes of action for enforcement. However, new development can adhere to the minimum requirements of the ADA and the Building Code while still neglecting inmates and focusing on employees and visitors who arrive in cars. Maintaining and improving upon the current state of affairs, and going beyond the bare regulatory accessibility requirements should be the goal of any renovation or new construction.

Ironically for a city and region that have seen so much disinvestment and out-migration from downtown, county offices are subject to displacement pressure from private capital seeking to establish The Mall as a tourist destination. In 2014 Cuyahoga County removed several county offices from the corner of Ontario and Lakeside to build a hotel. Those offices were consolidated with other county functions at the corner of E. 9th and Prospect. In 2011 the Juvenile Justice Center departed Downtown's edge at E. 22nd for E. 93rd and Quincy.

Both of these new county facilities are happily convenient to public transit and accessible by pedestrians. And County Council is currently supportive of a new Downtown Justice Center. Easing the ability of people to arrive at court on public transit or under their own power can reduce penalties and fines those citizens may face. Doing the same for visitors of inmates creates a more humane jail that may help societal reintegration for the incarcerated.

But other county services (such as the library) have located new public buildings in places that downgrade access to people without cars. The County also maintains satellite detention facilities in Euclid and Bedford. Cleveland's size, notoriety, centralized location, and infrastructure should foreclose the possibility of the Justice Center's out-migration, but the Revised Code authorizes county residents to petition the General Assembly to relocate a County Seat. While such an ill-advised scenario might seem impossible, it is fundamentally a political question that could be opened at any time.

The Revised Code contemplates accessibility in Chapter 301 when it lays out the process for locating or relocating County Seats. The term "County Seat" refers to the Seat of Justice, specifically, the location of the General Division of the County Court of Common Pleas. When new Ohio counties are formed, commissioners "shall proceed to examine and select the most proper place as a seat of justice, as near the center of the county as possible, having regard to the situation, extent of population, quality of land, and the convenience and interest of the inhabitants." In reality there is a wide range of discretion given to applying these considerations, nor do they apply to other county offices or facilities.

For example, a long simmering dispute in Geauga County has seen the county commissioners move and seek to move a steady stream of county offices from the county seat of Chardon to a rural road near Geauga Hospital. Against the wishes of the local Bar, Geauga County has also developed nascent plans to abandon the historic Court House on Chardon Square. A new Courthouse would be constructed on county-

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owned property at the very southern edge of the City of Chardon. The Geauga County Jail has been located far outside the county seat for a long time.

While the new locations are indeed more central to the county, they are not in any sense contained within a community. Without adjacent housing or infrastructure for pedestrians and bicyclists, Geauga County's office, detention and planned justice facilities foreclose practical

accessibility for any citizen without a car. The new locations reduce the ability of citizens to participate in their government and receive services.

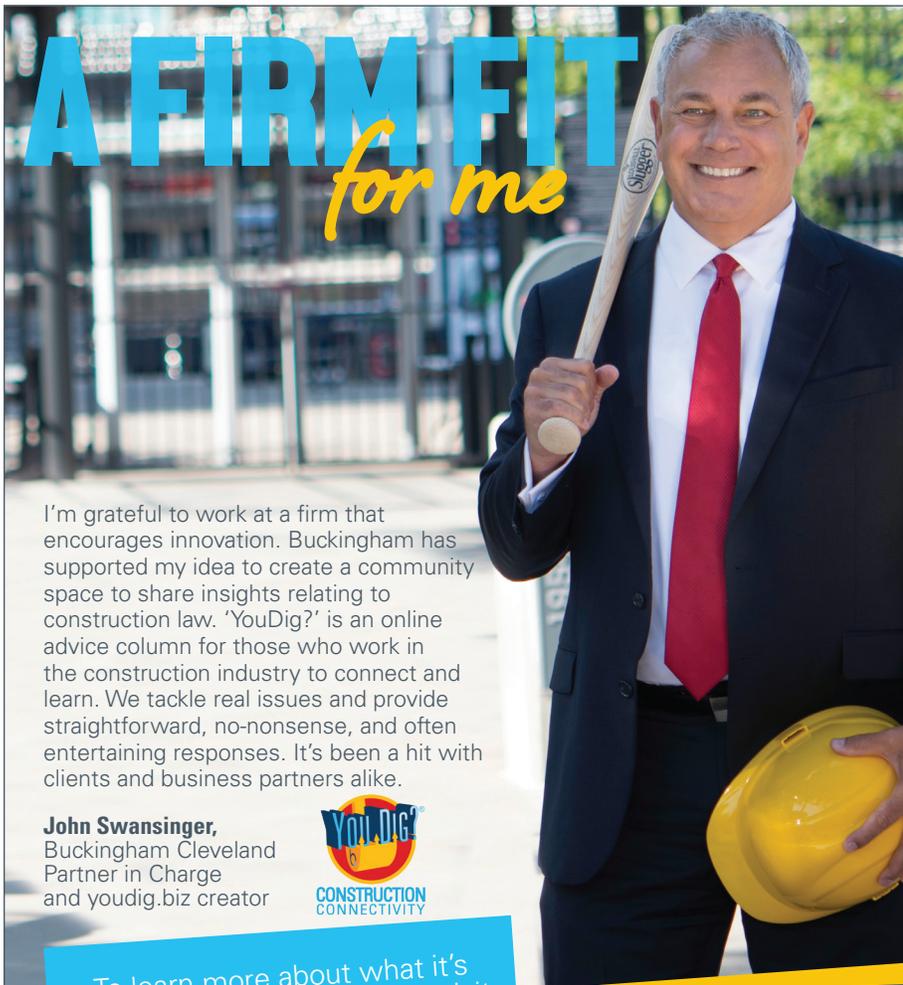
The anti-urban mistakes made by Geauga County should be avoided in Cuyahoga County. So long as Cleveland's public transit and budding bike infrastructure are organized in a hub-and-spoke arrangement centering on Downtown, practically any other location will downgrade public

accessibility of the facilities. Spending money on new infrastructure to move out of Downtown could add millions of dollars to the price tag of the buildings. Accordingly, plans should focus on whether the current Justice Center parcel can be renovated or rebuilt in stages in the same place.

Franklin County, home to the City of Columbus, faced a similar problem 15 years ago. The Franklin County Court was located in a 27-story office tower that was ill-suited and outdated as soon as it was occupied in the early 1990s. However, the Franklin County office complex was built on the less-dense southern edge of Columbus's downtown, as opposed to the Cuyahoga County Justice Complex's centralized location. The lower density allowed Franklin County to build a new 10-story courthouse in 2010 on a surface parking lot directly adjacent to the existing building, with no practical impact on accessibility. The old building was then renovated and repurposed for other county uses.

If a new parcel is required, Cuyahoga County could thus look to the many surface parking lots in the adjacent Warehouse District, which are for all practical purposes just as accessible as its current location. Demolishing portions of the Shoreway or Innerbelt could also produce significant usable land Downtown, but at a political and monetary cost that would probably be prohibitive at this time.

Finally, the climate crisis will demand significant changes in our society within the lifetimes of many of our bar members. A new or renovated Justice Center Complex needs to be accessible for pedestrians and transit riders in order to reduce our region's reliance on automobiles, make our region more sustainable, and prepare our community for what's to come.



# A FIRM FIT *for me*

I'm grateful to work at a firm that encourages innovation. Buckingham has supported my idea to create a community space to share insights relating to construction law. 'YouDig?' is an online advice column for those who work in the construction industry to connect and learn. We tackle real issues and provide straightforward, no-nonsense, and often entertaining responses. It's been a hit with clients and business partners alike.

**John Swansinger,**  
Buckingham Cleveland  
Partner in Charge  
and youdig.biz creator



To learn more about what it's like to work at Buckingham, visit [www.bdbl.com/careers](http://www.bdbl.com/careers)



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Proud to be part of Cleveland's thriving legal community



*Matt Rolf is a real estate lawyer with interests in equitable urban planning and transit oriented development. Recently he has advocated for public transit funding and new pedestrian and bike infrastructure in Northeast Ohio. He passed the bar in 2002, and has offices on Shaker Square and Chardon Square. He has been a CMBA member since 2013. He can be reached at (440) 286-9549 or [m-rolf@mattrolfattorneyllc.com](mailto:m-rolf@mattrolfattorneyllc.com). Follow him on Twitter @m\_rolf\_.*

Saturday,  
October 26



Jacobs Pavilion  
at Nautica

## Runners & Walkers Welcome

**Mail form and entry fee to:**  
Halloween Run for Justice  
Hermes Sports & Events  
2425 West 11<sup>th</sup> Street, Suite 2  
Cleveland, OH 44113

**Make checks payable to:**  
Hermes Sports and Events

One entry form per participant. Mail-in forms must be received by Wednesday, October 23. Family and Team entries must be received by October 18 and must be in the same envelope.

Online registration will close Friday, October 25 at 9 a.m.



**Open to the public, this event benefits the Cleveland Metropolitan Bar Foundation which funds charitable community outreach programs, including The 3Rs, helping students in the Cleveland and East Cleveland City Schools.**

For information, contact: Hermes at (216) 623-9933 or HermesCleveland.com, or contact the Cleveland Metropolitan Bar Foundation at (216) 696-3525 or CleMetroBar.org.

**Location** Jacobs Pavilion at Nautica, 2014 Sycamore St., Cleveland, OH 44113

**Time** Race Day Registration: 7:30 a.m. | All events begin: 9 a.m.  
Packet pick-up Friday, October 25 from 4–6 p.m. at Jacobs Pavilion at Nautica

All participants registered before October 18 will receive a complimentary long-sleeved t-shirt. Participants registered on or after October 18 will receive a shirt based on availability.

### Awards presented

- Top female and male runners overall (Chip Timed 5K and 5-Mile Runs)
- Top three female & male runners in the following age groups: 10 & under, 11–14, 15–19, 20–24, 25–29, 30–34, 35–39, 40–44, 45–49, 50–54, 55–59, 60–64, 65–69 and 70+
- Team Awards – Top teams in these categories: firm/company, law school, college and high school (male, female, mixed) \*Teams can compete in the 5K or 5-Mile run events
- Best Costume – children, adult, families, couples and teams
- Top Lawyer, Top Judge, Top Paralegal/Legal Assistant, and Law Student (female and male)

\*All Family and Team entries are mail-in only. Team members must participate in the same event.



## ENTRY FORM

Name \_\_\_\_\_

Address \_\_\_\_\_ City/State/Zip \_\_\_\_\_

Phone ( \_\_\_\_\_ ) \_\_\_\_\_ E-mail \_\_\_\_\_

Age on Race Day \_\_\_\_\_

Date of Birth \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Male

Female

**Individual Entry (\$25)** before October 18. October 18 and after (\$30).

**Family Entry (\$60)** Families must mail in registrations by October 18. Rate not available for online registration. Families must mail all four entry forms in one envelope with check. (One entry form for each family member. Family fee includes four shirts.)

**Team Entry (\$90)** Teams must register by October 18. (Four-person teams) Each team must mail all four entry forms in one envelope with check.

Team Name and Category \_\_\_\_\_

**Event**  5-Mile Run  5K Run  5K Walk  1-Mile Walk/Fun Run

**Shirt size**  youth medium  youth large  adult small  adult medium  adult large  adult XL  adult XXL

**Legal Category (if applicable)**  Lawyer  Judge  Paralegal/Legal Assistant  Law Student

I cannot participate, but I have enclosed a tax-deductible donation to the Cleveland Metropolitan Bar Foundation in the amount of \$ \_\_\_\_\_  
Total Amount Enclosed \$ \_\_\_\_\_

In consideration of your accepting this entry, I hereby for me, my heirs, executors and administrators, waive and release any and all rights and claims for damages I may have against the Cleveland Metropolitan Bar Association, Cleveland Metropolitan Bar Foundation, Hermes Sports and Events, all event chairs, sponsors and co-sponsors, partners, their representatives, successors and assigns for any and all injuries suffered by me in said event or in transit to and from said event. I further attest that I am physically fit and have sufficiently prepared for this event. I will additionally permit the use of my name and /or pictures in Cleveland Metropolitan Bar Association and/ or Foundation publications.

Signature of participant (or parent or guardian if participant is under 18 year)

date

Register online at [CleMetroBar.org/HalloweenRun](http://CleMetroBar.org/HalloweenRun)

# CONGRATULATIONS, 2019 PUBLIC SERVANTS MERIT AWARD HONOREES!



**LINDA D. BROOKS**

*Director of the Clerk of Juvenile Court,  
Cuyahoga County Common Pleas*

Linda Brooks says her mother was an inspiration. "Growing up in low-income housing, I watched my mother work with the neighborhood children by organizing boys and girls drill teams and a majorette team," she recalls. "Participation helped to provide the children with discipline, respect, self-esteem, teamwork and goal-setting." Linda's mother and aunt also spent many years managing a food and clothing center for CMHA. "My desire has always been to strive to positively impact the lives of others," she says.

For 30 years, Linda has served the Juvenile Court. She's currently Director of the Clerk's Office. Linda has also served in a top leadership role with the employee's union, working to resolve work-related conflicts.

Linda's co-workers describe her as "always listening with an open mind, never failing to make everyone feel special, driven to move the department toward excellence and dedicated to treating everyone equally."



**CRAIG W. FROMWILLER**

*Records Supervisor,  
Probate Court of Cuyahoga County*

Craig Fromwiller is a man who follows his passions. This Lakewood resident loves seeing live local music. "I have worked part time at local music venues and coordinated bookings and promotions."

Craig is also passionate about family. For 65 years, his family has been traveling to Ontario, Canada for an annual fishing trip that reaches across the generations. "The lifelong memories that are created there are priceless," he tells us.

Craig's passion for this work is obvious. He has worked for the Probate Court for 21 years. His department is responsible for more than 25,000 active case files. Judge Anthony Russo says, "When anything needs immediate attention, you can always be certain that he will get the job done. Craig says he's grateful for the lifelong friendships he has made at the Court.

Perhaps his biggest passion is for public service. "My father dedicated his work career toward public service," he tells us. "I knew I wanted to do the same."



**ROBERT J. FURDA**

*Chief Bailiff,  
Cleveland Municipal Court*

In more than 30 years with Cleveland Municipal Court, Chief Bailiff Robert Furda has made a lasting impact. Judge Michelle Early says that he exemplifies the court's motto of "Public Service With Pride."

Chief Furda started his career at the Court in 1986 as deputy bailiff. His demonstrated loyalty, dedication and faithful service earned him promotions to supervisor in 1993, then Chief Bailiff in 2015.

Robert Furda has shown the same dedication to his family. He and his wife of 30 years Darcy raised three children. That included coaching basketball, baseball and soccer in their home community of Seven Hills.

Chief Furda says his dream would be to attend the Rock and Roll Hall of Fame Induction Ceremony hosted in Cleveland.



**TIFFANY JENNINGS**

*Senior Clerk,  
Cleveland Municipal Court*

Tiffany Jennings is described as an exemplary employee of more than 30 years by Clerk of Cleveland Municipal Court Earle Turner. "Ms. Jennings has demonstrated a devotion to duty, has given wise counsel to the public and attorneys and possesses a desire to help the public and members of the Bench and Bar with patience and courtesy," Turner explains.

Tiffany says she loves to learn and to help others, especially helping customers at the courthouse. If she hadn't been serving the court for all of these years, Tiffany says she might be an elementary school teacher.

Tiffany also loves her family with one son, one brother and five sisters.



**MARILYN J. MCKEAN**

*Supervisory Secretary for the Civil Division,  
U.S. Attorney, Northern District of Ohio*

Marilyn McKean is the person who knows how to get things done. "She can filter through piles of red tape and manuals to find answers," says her boss U.S. Attorney Justin Herdman.

That determination was tested in January of 2019 when federal appropriations were shut down for a month. Marilyn rose to the occasion by handling all matters, big and small, including mail sorting, covering for missing staff and filing several pleadings.

Marilyn has served with the Department of Justice since 1988. Her motto is "It's okay to follow your dreams expect nothing but appreciate everything." Marilyn now mentors newer employees to take pride in all of their important accomplishments.

Marilyn loves seeing the wonderment in her three grandchildren's eyes when she takes them to the zoo.



**STEPHANIA PRYOR**

*Deputy Chief Probation Officer,  
Cuyahoga County Court of Common Pleas*

Stephania tells us she grew up in a middle class neighborhood, but in the 1980s, she saw friends and neighbors with once-promising futures start to use drugs. "I could not understand why this was happening. I began as a nursing major and moved to sociology in search of some answers."

Stephania received her bachelors degree in Sociology/ Criminology from Capital University in Columbus. Since 1989, she has taken on increasing leadership with the Probation Department. She was the Cuyahoga County's first drug court officer. Stephania is currently serving as Deputy Chief Probation Officer.

Stephania raised three grown children, and Stephania's mom is planning to attend today. She says she has two families. The second one is her church at Lee Road Baptist Church on Cleveland's East Side where she has been a member for 50 years.

After a lifetime of learning, she's helping others find the path to their best possible life.



**MICHELLE ELAYNE SMITH**

*Housing Specialist,  
Cleveland Housing Court*

Michelle Elayne Smith didn't have an answer when we asked her "What would you be doing if you weren't working in public services?" She said, "I have always had a desire to help people in some fashion, so public service is in my DNA."

Michelle is Cleveland through-and-through. She was born and raised in the Lee-Harvard neighborhood where she continues to live on the east side of the city.

Michelle has been working for Cleveland's Housing Court for 28 years. She specializes in Landlord/ Tenant law along with property ownership in the City of Cleveland.

Michelle is very active in her community as a member of the Lee-Harvard Association Board and President of the E. 146/147th Street Block Club. Among her other volunteer work, she is a member of Concerned Partners in Education, raising money for college tuition for students who can't afford to pay.



**CYNTHIA L. STANTON**

*Court Reporter,  
Cuyahoga County Domestic Relations Court*

Cynthia Stanton takes her service to Cuyahoga County Domestic Relations Court very personally. "The process of keeping as accurate a record as possible as to what transpires in our courtrooms is of the utmost important to our judicial system in the United States."

In 2010, Cynthia's husband was killed in the line of duty as a Cleveland Police officer. She continued to raise their two children, Molly and Brady and gave care to her stepson, Brady. Cindy has found love and peace again and is engaged to be married to Mr. Jeffrey Ford.

Cynthia attended Brooklyn High School and Tri-C in Parma. Her first professional job came when she was hired as a court reporter in Cleveland Municipal Court in January of 1988. She has been with the Domestic Relations Court since 1990.

Cynthia is now a trustee for the Ohio Chapter of Concerns of Police Survivors. She finds continued healing and hope in helping new survivors find their new normal.



**JIM STARKS**

*Deputy Chief Probation Officer,  
Cuyahoga County Court of Common Pleas*

Jim Starks says his interest in public service began at a young age as he watched his parents' involvement in a school levy campaign. "I saw the positive impact it had on the community. That interest continues in my role as a probation officer and in the community."

Jim began in 1989 building his career in Cuyahoga Common Pleas Court, starting as a pre-sentence investigation writer, to alcohol and drug supervisor, then into his current role as Deputy Chief Probation Officer.

At his home in Fairview Park, Jim co-chaired a project that built a new elementary school and recreation center. Jim says one bucket-list item is to get to the observation deck on Terminal Tower.

Both Jim and fellow 2019 Public Servants nominee Stephania Pryor started in Cuyahoga Common Pleas Court Probation department on the same day, April 10th, 1989.



**JEANNIE ZUPAN**

*Garnishment Clerk and Legal Account Clerk III,  
Cuyahoga County Clerk of Courts*

Jeannie Zupan loves life in Northeast Ohio. She grew up in Middleburg Heights and lived most of her adult life in Strongsville. "I had the best parents ever who are now deceased." She told us, "They provided a great life for us growing up. We always did a lot together and went on vacations. They are truly missed."

She found her professional purpose at the Cuyahoga County Clerk of Courts office 25 years ago. According to her boss Clerk of Courts Nailah Byrd, "She approaches each day with a positive attitude and performs her work with the highest degree of professionalism.

Jeannie says her mission is "inspiring others, making them laugh and enjoying life!" She loves Cleveland, especially attending the Cleveland Air Show and watching the Tribe at Progressive Field.



# FRANKLIN A. POLK PUBLIC SERVANTS MERIT AWARDS

“A moderate amount of cheering is not only acceptable, it’s encouraged!” With those words, long time Master of Ceremonies Jacob Kronenberg captured the spirit of the 73<sup>rd</sup> Annual Franklin A. Polk Public Servants Merit Awards. One of our favorite annual events brought laughter and a few tears, on Friday, September 6<sup>th</sup>.

For 73 years, judges and other public officials have nominated dedicated public servants who are passionate about service to the justice system. This year at the Westin in Downtown Cleveland, more than 300 friends, co-workers, and families filled the ballroom with love and pride. The 10 honorees told their stories and each one expressed gratitude even after giving so much of themselves.

“Her way of dealing with stress is to dance in the office,” joked Judge Kristen Sweeney as she honored Director Linda Brooks from Cuyahoga County Juvenile Court. “I’m told she even has a specific victory dance for when she wins at cornhole.”

The honorees will have their names permanently inscribed in black granite on the Public Servants Memorial Wall inside the Cuyahoga County Courthouse.

Deputy Chief Probation Officer Stephania Pryor summed up the feelings in the room. “This has been a truly awesome day that I will always remember.”

### COMMITTEE

Michael Riley (Chair), Patrick J. Krebs, Jeffrey J. Lauderdale, Lynn E. Lazzaro, Lee Ann O’Brien and Meredith Shoop





# Thank you, Sponsors!

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## INDIVIDUAL

Rosanne Aumiller  
Louise Dempsey  
Leslie Wargo  
Kelly Zacharias



-Ronald J.H. O'Leary  
Cleveland Housing Court Judge

*Congratulations, Michelle Smith!*

and

Thank you to all the Franklin A. Polk Public Service Award Honorees for your dedicated service!

Congratulations  
Stephania Pryor and  
James Starks

OUR 2019 FRANKLIN A. POLK PUBLIC  
SERVANT AWARD CO-HONOREES

Your friends and colleagues at the  
Cuyahoga County Common Pleas Court



*Congrats!*

**CYNTHIA  
STANTON**

CUYAHOGA COUNTY DOMESTIC  
RELATIONS COURT  
2019 FRANKLIN A. POLK PUBLIC SERVICE  
AWARD HONOREE!

Thank you for your outstanding dedication and  
commitment to public service!



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**IMG Center** – E. 9<sup>th</sup> and St. Clair – Office space available in suite with several other attorneys. Telephone, receptionist, fax, copier, secretarial available. Referrals possible. Contact Ty Fazio at (216) 589-5622.

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# October/November

All events held at noon at the CMBA Conference Center unless otherwise noted.

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
<p><b>21</b></p>	<p><b>22</b></p> <p><b>Reproductive Rights CLE</b> – 1 p.m.</p> <p><b>Labor &amp; Employment &amp; WIL Happy Hour</b> – 5:30 p.m. (Fairmount)</p>	<p><b>23</b></p> <p><b>The First Amendment on College Campuses: A Discussion of <i>Gibson Bros., Inc. v. Oberlin College</i></b></p> <p><b>3Rs Volunteer Orientation &amp; CLE</b></p>	<p><b>24</b></p> <p><b>Reach Out for Nonprofits</b> – 7:30 a.m.</p> <p><b>Leadership Academy</b> – 11 a.m.</p> <p><b>Court Rules Committee</b> – 11:45 a.m.</p> <p><b>Bankruptcy/TMA CLE &amp; Happy Hour</b></p> <p><b>3Rs Volunteer Orientation</b></p> <p><b>Lawyer to Lawyer Mentoring Event</b> – 5 p.m.</p>	<p><b>25</b></p> <p><b>Estate Planning Institute</b> – 8 a.m.</p> <p><b>New Notary Education and Testing</b> – 9 a.m. (Cuy. County Old Courthouse)</p> <p><b>PLI – Securities Offerings</b> – 10 a.m.</p> <p><b>Pro Se Divorce Clinic</b> – 10 a.m. (Cuyahoga County Court House)</p> <p><b>Pro Se Plus Divorce Clinic</b> – 1 p.m. (Cuyahoga County Court House)</p>
<p><b>28</b></p> <p><b>PLI – Advanced Compliance &amp; Ethics</b> – 9 a.m.</p> <p><b>Federal Court Training Video</b> – 11 a.m.</p> <p><b>Health Care Law Lunch &amp; Learn</b></p>	<p><b>29</b></p> <p><b>PLI – Advanced Compliance &amp; Ethics (Day 2)</b> – 9 a.m.</p> <p><b>JFA Committee Meeting</b></p>	<p><b>30</b></p> <p><b>PLI – Out Sourcing</b> – 9 a.m.</p> <p><b>PLI – Nonprofit Issues</b> – 9 a.m.</p> <p><b>3Rs Committee Meeting</b></p> <p><b>PLI – Insider Trading Law</b> – 1:30 p.m.</p>	<p><b>31</b></p> <p><b>PLI – Outsourcing (Day 2)</b> – 9 a.m.</p> <p><b>CMBA CLE – Professional Conduct</b> – 9 a.m.</p> <p><b>WIL Pro Bono Session</b> – 4 p.m.</p>	<p><b>1</b></p> <p><b>3Rs Lesson One: Introduction to 3Rs</b> – all day (CMSD &amp; Shaw Schools)</p> <p><b>PLI – Trial by Jury</b> – 9 a.m.</p> <p><b>CLE – If You Build It, They Will Come</b> – 1 p.m.</p>
<p><b>4</b></p> <p><b>VLA Committee Meeting</b></p>	<p><b>5</b></p> <p><b>ADR Section</b></p>	<p><b>6</b></p> <p><b>PLI – Securitization</b> – 9 a.m.</p> <p><b>WIL Section Meeting</b></p> <p><b>Mental Health CLE</b> – 1 p.m. (The Cleveland Psychoanalytic Center)</p>	<p><b>7</b></p> <p><b>Real Estate Law Institute</b> – 8 a.m.</p> <p><b>Reach Out for Nonprofits Ethics CLE</b> – 11:30 a.m.</p> <p><b>Mental Health and Wellness</b></p> <p><b>YLS Council Meeting</b></p>	<p><b>8</b></p> <p><b>Real Estate Law Institute</b> – 8 a.m.</p> <p><b>Law School Career Fair</b> – 8 a.m.</p> <p><b>New Notary Education and Testing</b> – 9 a.m. (Cuy. County Old Courthouse)</p>
<p><b>11</b></p>	<p><b>12</b></p> <p><b>PLI – Banking Law</b> – 9 a.m.</p> <p><b>Insurance Law Section</b></p> <p><b>Hot Talks</b></p> <p><b>The Verdict with Steve Chappelle</b> – 1 p.m.</p>	<p><b>13</b></p> <p><b>PLI – Open Source Software</b> – 9 a.m.</p> <p><b>Wellness Seminar</b> – 9:30 a.m.</p> <p><b>CLE – Health Care</b></p> <p><b>UPL Committee Meeting</b></p> <p><b>CMBA Executive Committee Meeting</b></p> <p><b>Workers' Comp Section Meeting</b></p>	<p><b>14</b></p> <p><b>Real Estate Law Section</b></p>	<p><b>15</b></p> <p><b>PLI – Hot Topics for In-House Counsel</b> – 9 a.m.</p> <p><b>Pro Se Divorce Clinic</b> – 10 a.m. (Cuyahoga County Court House)</p> <p><b>Notary Renewal Education and Testing</b> – 11:15 a.m. (Cuyahoga County Old Courthouse)</p>
<p><b>18</b></p> <p><b>Federal Court Training Video</b> – 11 a.m.</p> <p><b>CHLAP CLE Seminar</b> – 12:30 p.m.</p>	<p><b>19</b></p>	<p><b>20</b></p> <p><b>CMBF Executive Committee Meeting</b> – 8:30 a.m.</p> <p><b>PLI – Corporate Governance</b> – 9 a.m.</p> <p><b>CMBA Board of Directors Meeting</b></p>	<p><b>21</b></p> <p><b>Leadership Academy</b> – 8 a.m.</p> <p><b>Environmental Law CLE</b> – 8:30 a.m.</p> <p><b>Family Law Section Monthly Meeting &amp; CLE</b></p> <p><b>Labor &amp; Employment</b> (The Harp)</p> <p><b>Small/Solo Section CLE &amp; Meeting</b></p> <p><b>WIL Pro Bono Session</b> – 4 p.m.</p>	<p><b>22</b></p> <p><b>Appellate Practice CLE</b> – 8 a.m.</p> <p><b>3Rs Lesson Two: No Vehicles in the Park (Judicial Branch)</b> – all day (CMSD &amp; Shaw Schools)</p> <p><b>New Notary Education and Testing</b> – 9 a.m. (Cuyahoga County Old Courthouse)</p>
<p><b>25</b></p> <p><b>PLI – Finance for Lawyers</b> – 9 a.m.</p> <p><b>Small &amp; Solo Section Meeting</b></p> <p><b>CLE – Monday Movie</b> – 1 p.m.</p>	<p><b>26</b></p> <p><b>PLI – Finance for Lawyers (Day 2)</b> – 9 a.m.</p> <p><b>Cyber Security Section Meeting</b></p>	<p><b>27</b></p> <p><b>3Rs Committee Meeting</b></p>	<p><b>28</b></p> <p><b>Office Closed for Thanksgiving</b></p> 	<p><b>29</b></p> <p><b>Office Closed</b></p>



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 Honors

The 2020 Edition of *The Best Lawyers in America* survey recognizes 35 Frantz Ward attorneys in 28 practice areas. In addition, four partners are named “Lawyers of the Year” in Cleveland: **Patrick F. Haggerty** – Mass Tort Litigation/Class Actions-Defendants; **Kevin M. Hinkel** – Closely Held Companies and Family Businesses Law; **Brian J. Kelly** – Labor Law – Management; and **James B. Niehaus** – Litigation – Intellectual Property.

The following Frantz Ward attorneys are listed in *The Best Lawyers in America*: **Kaitlyn D. Arthurs, Keith A. Ashmus, Brett K. Bacon, T. Merritt Bumpass, Jr., Michael N. Chesney, William A. Duncan, Gregory R. Farkas, Ian H. Frank, Michael J. Frantz, Carl H. Gluek, Patrick F. Haggerty, Craig T. Haran, Daniel P. Hinkel, Kevin M. Hinkel, Joel R. Hlavaty, Matthew F. Kadish, Stephen L. Kadish, Christopher G. Keim, Brian J. Kelly, Christopher C. Koehler, John F. Kostelnik, Hans L. Larsen, Karl E. May, James B. Niehaus, Christina E. Niro, Jenifer E. Novak, Jeffrey A. Perlmutter, Mark L. Rodio, Dean M. Rooney, James H. Rownd, Marc A. Sanchez, Michael E. Smith, Mark J. Stockman, Daniel A. Ward, and David G. Wiebel.**

Tucker Ellis LLP is proud to announce that 45 of the firm’s Cleveland attorneys have been selected by their peers for inclusion in *The Best Lawyers in America* for 2020: **Thomas Baker, Karl Bekeny, Henry Billingsley, Jonathan Cooper, Harry Cornett, Corine Corpora, Richard Dean, Stephen Ellis, Victor Geraci, Robert Hanna, Michael Harris, Jeffrey Healy, Christopher Hewitt, Laura Kingsley Hong, Peter Igel, Irene Keyse-Walker, Eugene Killeen, Joseph Koncelik, John Lewis, Rita Maimbourg, John McCaffrey, Mark McCarthy, Erica McGregor, Jennifer Mesko, Daniel Messeloff, Joseph Morford, Matthew Moriarty, Glenn Morrival, Carl Muller, Brian O’Neill, Thomas Ostrowski, Anthony Petruzzi, Susan Racey, Keith Raker, Jennifer Roth, Thomas Simmons, John Slagter, Ronald Stansbury, William Stavole, Edward Taber, Robert Tucker, Victoria Vance, S. Peter Voudouris, Jane Warner, and Kevin Young.**

McCarthy, Lebit, Crystal & Liffman Co., LPA is pleased to announce that 16 of the firm’s attorneys have been named to Cleveland’s 2020 edition of *The Best Lawyers in America*: **Ann-Marie Ahern, Larry Crystal, Robert T. Glickman, Tobias J. Hirshman, Charles I. Kampinski, Kimon P. Karas, Robert R. Kracht, Kenneth B. Liffman, David A. Lum, Christian R. Patno, Andrew S. Perry, Richard A. Rabb, Charles P. Royer, Jay H. Salamon, David A. Schaefer, and John S. Seich.**



Tucker Ellis LLP is proud to announce that **Scott Stitt** has been selected by his peers for inclusion in *The Best Lawyers in America* for 2020.

Ulmer & Berne LLP is pleased to share that 35 Ulmer attorneys in the Cleveland office have been selected by their peers for inclusion in the 2020 edition of *The Best Lawyers in America*. **Bill J. Gagliano** has been named Best Lawyers 2020 “Lawyer of the Year” for Construction Law. The following Ulmer attorneys are listed in *The Best Lawyers in America* 2020: **John M. Alten, Kristin W. Boose, Inajo Davis Chappell, Timothy J. Downing, Jeffrey S. Dunlap, William D. Edwards, Bill J. Gagliano, John C. Goheen, Frances Floriano Goins, James A. Goldsmith, Manju Gupta, Lori A. Pittman Haas, Richard G. Hardy, Paul R. Harris, Evelyn K. Holmer, Stephen H. Jett, Mark D. Katz, Marie C. Kuban, David W. Leopold, Mary Forbes Lovett, Amanda Martinek, Christopher C. McCracken, Harold H. (Kip) Reader, Jodi B. Rich, Peter A. Rome, Alan W. Scheufler, Douglas K. Sesnowitz, Patricia A. Shlonsky, Linda DelaCourt Summers, Stephanie Dutchess Trudeau, Michael S. Tucker, Michael N. Ungar, and Frederick N. Widen.**



The Tucker Ellis attorneys honored as 2020 “Lawyers of the Year” by *The Best Lawyers in America* are: **Christopher Hewitt** –

Mergers and Acquisitions Law, **Matthew Moriarty** – Professional Malpractice Law – Defendants, **Brian O’Neill** – Real Estate Law, **John Slagter** – Land Use and Zoning Law, and **Robert Tucker** – Medical Malpractice Law – Defendants.



McCarthy, Lebit, Crystal & Liffman Co., LPA announced that principal attorneys **Ann-Marie Ahern** and **David A. Schaefer** each earned “Lawyer of the Year” honors in the 2020 edition of *The Best Lawyers in America*.



Taft is pleased to announce that four Cleveland attorneys have earned the distinction of “Lawyer of the Year” by *Best Lawyers in America* 2020. Taft Cleveland honorees are: **Irv Berliner**



– Securities/Capital Markets Law, **Howard Bobrow** – Venture Capital Law, **Bruce Lowe** – Litigation – Bankruptcy, and **Adrian Thompson** – Education Law.



Three Ulmer & Berne LLP partners have been honored in the latest rankings by Benchmark Litigation. **Frances Floriano Goins** was named to the “Top 250 Women in Litigation,” while **Paul R. Harris** and **Joshua A. Klarfeld** were included in the “40 & Under Hot List.”



*The Best Lawyers in America* has selected Gallagher Sharp’s **Richard C. O’Rezie** in the area of Insurance Law and **Monica A. Sansalone** in the area of Ethics and Professional Responsibility Law in their 26th Edition for 2020.

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Send member news and announcements to Jackie Baraona at [jbaraona@clemetrobar.org](mailto:jbaraona@clemetrobar.org) by the 15<sup>th</sup> one and half months prior to publication to guarantee inclusion.



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