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Marlon A. Primes

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In Service for the Public Good
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GREAT MENTORS REMIND US THAT
NO ONE IS AN ISLAND AND THAT
THE BELL TOLLS FOR THEE

Marlon A. Primes

A rite of passage for students in every 9th grade course in English Literature is a review of the poem “No Man is An Island” by John Donne. Surely, the first and last few lines of that epic poem are forever burnt in our collective memories:

“No man is an island, Entire of itself, Every man is a piece of the continent, A part of the main. ...And therefore never send to know for whom the bell tolls; It tolls for thee.”

Like every other high school freshman, I did not fully comprehend the poem’s meaning. However, through the prism of life experience, I have learned its true meaning through the help, assistance, support, and mentoring of three outstanding members of the Cleveland Metropolitan Bar Association (CMBA), Judge Ronald Adrine, Barbara Friedman Yaksic, and Hugh McKay. Not only has their collective support guided me throughout my professional career in Cleveland, but also their support provides an excellent example of how we can all repay or pay forward such generosity and inspire future leaders of our legal community.

I arrived in Cleveland in 1992 as a young and ambitious attorney with few professional contacts in the local community and a limited ability to offer any networking benefits to other lawyers. Because I did not know anyone and went to law school in Washington, D.C., I could not casually mention the names of any influential attorneys to gain access or influence. Nevertheless, Judge Ronald Adrine, who at that time served as the chair of the Diversity Committee, initially took me under his wing and provided me with leadership opportunities. I quickly became involved in the committee’s work.

Before I knew it, Judge Adrine gave me the opportunity to help strengthen the summer clerkship program for minority law students, a program responsible for giving so many attorneys of color opportunities to work at elite law firms in the local area. Many clerkship recipients turned those summer opportunities into full-time jobs that helped them launch outstanding careers in law firms, corporations, and government.

I thought the Diversity Committee was my final stop in the organized bar until I met Barbara Friedman Yaskic, who chaired the newly formed Justice For All (JFA) Committee. The initial focus of the JFA Committee was to serve as the umbrella organization for all of the volunteer activities for our bar association. Although Barbara was an established partner at one of the top law firms in Cleveland and one of the best business attorneys in the country, she went out of her way to keep me involved in JFA, which organized an annual volunteer day program. Again, before I knew it, I was given the responsibility of organizing an activity for volunteer day at a local youth detention facility. Because of Barbara’s persistence, kindness, and guidance, I went on to become chair of JFA. Although she recently retired, like a doting big sister, Barbara continues to cheer me on from the sidelines, and she still inspires me to find additional ways to serve our legal community.

Last but certainly not least, I appreciate Hugh McKay, the father of our nationally renowned 3Rs program. Hugh, who has served as a busy managing partner at Porter Wright for many years, somehow picked me out of a group of attorneys and appointed me to the 3Rs Committee. Through his tutelage, eventually I also came to chair that committee.

Because of the direction and support I received from Hugh, Judge Adrine, and
Barbara, I ultimately served several terms on the trustee board of our bar association and our foundation. Their collective guidance led me to the presidency of our great bar association and ignited an internal flame that still inspires me to do more.

I think it is very important to note that the guidance and mentoring I received from Judge Adrine, Barbara, and Hugh did not result from being employed by any of them. They gained no financial or personal advantage from helping me, and there certainly was no guarantee based on my early years in Cleveland that they could expect I would someday lead our bar association. They were simply interested in elevating our organization and passing the torch to the next generation.

As stated in my inaugural address, we have a rich legal history in Cleveland that dates back to 1873, when the Cleveland Bar Association, one of our predecessor entities, was founded. We stand on the shoulders of legal giants who ably steered our legal community in good and bad times. If we are to honor their legacy and meet the challenges of the 21st century, it is imperative that we follow the examples set by Judge Adrine, Barbara, and Hugh and find young lawyers who we can guide and mentor.

Abby Greiner, who chairs our Young Lawyers’ Section (YLS), confirms that young lawyers still need informal and formal mentors to shepherd them so that they can continue to uplift our bar association and our community. Those interested in serving as informal mentors or who are simply interested in providing brief advice or friendship to our young lawyers can reach Abby by email at greiner.abby@gmail.com.

Formal mentoring opportunities are available through the Ohio Supreme Court’s “Lawyer to Lawyer Mentoring Program.” Lawyers can register for the program and learn how it is organized at www.supremecourt. ohio.gov/atty/svcs/mentoring. If you attended Cleveland-Marshall College of Law and are interested in mentoring first year students at the law school, visit the Cleveland-Marshall Alumni Association’s website at www.law.csu. ohio.edu/alumngiving/mentorprogram. The Norman S. Minor Bar Association (NSMBA), which is the largest group of African-American lawyers and judges in Ohio, also offers excellent opportunities to mentor minority law students at Case Western Reserve and Cleveland-Marshall. More information about NSMBA’s program can be obtained by e-mailing the NSMBA at info@nsmba.org.

In addition to mentoring, members of our YLS greatly benefit from simply seeing older and experienced attorneys at YLS activities, which are listed on its website, located at CleMetroBar.org/YLS. Whether you choose to participate in formal or informal mentoring or simply attend a YLS event and provide an encouraging word, I am a testament to the fact that any effort experienced attorneys make to help young lawyers will be greatly appreciated and long remembered. By working together, and mentoring and befriending the outstanding young lawyers of our community, we can truly embody the spirit of John Dunne’s poem and confirm by our example that we all are “part of the main,” and that the bell in Cleveland’s legal community does “toll for thee.”

Marlon A. Primes has been a CMBA member since 1993. He previously served as: a member of the Board of Trustees, the Chair of the Litigation Section, the Chair of The 3Rs Committee, and the Chair of the Justice for All Committee. Marlon has worked as an Assistant U.S. Attorney in Cleveland for the past 26 years. He received his law degree from Georgetown University Law Center and his undergraduate degree from Ohio University’s E.W. Scripps School of Journalism. He can be reached at (216) 622-3684 or Marlon.Primes@usdoj.gov. Follow him on Twitter @MPrimesCMBA.
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CATCH THE GIVING BACK HABIT

Rebecca Ruppert McMahon

Lawyers Giving Back. It’s not just the motto of our Bar Foundation, it’s the bedrock of our legal community in Cleveland. In so many ways, every day, lawyers around us donate their expertise, sweat equity and compassion to work for the public good.

If space permitted, I would write an article thanking each individual member who gives back throughout the year, but there are literally more than 1,000 CMBA volunteers each year! On behalf of Team CMBA, I thank all of you who donate your talents and time in service of others.

Recently, during the American Bar Association’s Annual Meeting held in August, two of our long-term CMBA members and active volunteers received national accolades for their extraordinary dedication and history of giving back.

The ABA’s Standing Committee on Pro Bono and Public Service annually recognizes individual lawyers and/or institutions in the legal profession that have enhanced the human dignity of others by improving or delivering volunteer legal services to our nation’s poor and disadvantaged. This year, Deborah Coleman received one of the five prestigious Pro Bono Publico Awards. While she has contributed countless hours to a variety of initiatives that serve our legal community — including the CMBA’s “What If Preparedness” program for small and solo practitioners, and the Judge4Yourself Coalition — Deborah received the Pro Bono Publico Award because of her leadership in helping to develop the ACT 2 program with the Legal Aid Society. Through this program, experienced lawyers who are winding down their practices volunteer their time to work as part-time legal aid staff, provide training for legal aid staff, lend their experience during quick advice clinics throughout different communities, or can pick up cases that require working directly with an individual client among other volunteer opportunities.

When accepting the award, Deborah remarked: “As I looked toward retiring from the business law firm where I was a partner, I knew that I wanted to do more pro bono work. I had gone to law school planning to ‘change the world’ in some way but detoured into a long and satisfying career litigating complex commercial cases. I knew, too, that there were likely many other lawyers who would be winding down their litigation or transactional practices, and still have the energy and desire to do more.” To learn more, check out Deborah's Pro Bono Publico Award video: https://www.americanbar.org/groups/probono_publico_service/projects_awards/pro_bono_publico_award.html

Another member, The Honorable Solomon Oliver, Jr., received a different but equally distinguished honor from the ABA: the Kutak Award. A long-time volunteer and supporter of the CMBA’s diversity and inclusion initiatives, Judge Oliver has also devoted his substantial experience and perspective to a variety of ABA activities.

Each year, the ABA presents the Kutak Award to an individual who has made significant contributions to the collaboration within the legal community. The award was established in memory of Robert J. Kutak, a founding partner of the national law firm of Kutak Rock LLP. Mr. Kutak’s remarkable legal career was characterized by a strong dedication to public service, to the improvement of justice, to legal education and training, to prison reform and to the visual arts. In nominating Judge Oliver for the award, Joan Howland, Chair of the Kutak Award Committee stated: “Few members of the legal community equal Judge Solomon Oliver in fulfilling the spirit of the Kutak Award through fostering the collaboration of the academy, the bench, and the bar.”

Giving is a habit. If you haven’t picked it up yet, come meet us at the Bar and let us help you develop a habit for public good. We’ve got something for everyone!

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.
Ohio Adopts the Uniform Bar Exam

BY ANDREW Geronimo

While area law schools recently welcomed the Class of 2021, the Class of 2020 got some good news as well. On August 14, 2018 the Ohio Supreme Court announced that it will use the National Conference of Bar Examiners’ (NCBE) Uniform Bar Exam (UBE) beginning in July 2020. The UBE is a test that is not specific to any particular jurisdiction and is "uniformly administered, graded, and scored." UBE exam takers receive a score that can be used to apply for admission to the bar of other UBE jurisdictions.

The UBE consists of three parts: the Multistate Performance Test or "MPT" (two closed-universe lawyering tasks), the Multistate Bar Examination or "MBE" (200 multiple-choice questions), and the Multistate Essay Examination or "MEE" (six 30-minute essays). Individual states determine their own passing scores, how long to accept scores after the administration of the UBE, whether or not to add a jurisdiction-specific substantive component, character and fitness decisions, and other specific requirements for bar admission. Ohio currently uses the MBE and MPT components of the UBE, but tests its bar applicants using 12 Ohio-specific essays drafted and graded by the Board of Bar Examiners instead of using the MEE.

The change to the UBE will reduce the duration of the Ohio Bar Examination from 2.5 days to two days, and reduce the number and weight of essays in the exam. Ohio’s adoption of the UBE is also likely to alter the substantive areas of the essays: adding conflict of laws, family law, and trusts — which are substantive areas of the essays: adding conflict of laws, family law, and trusts — which are not currently tested on the Ohio essays — and removing legal ethics, personal property, and commercial paper. The Ohio Supreme Court has not announced any specifics about the implementation of the UBE in Ohio, including the score required to pass, whether there will be an Ohio-specific component, or how long after an exam Ohio will accept scores from transfer applicants who took the UBE in another state. The Ohio Supreme Court has original jurisdiction on matters relating to the admission to the practice of law, and when the change is officially made, the Supreme Court will amend Rule I, Section 5 of the Supreme Court Rules for the Government of the Bar.

In August 2017, Supreme Court of Ohio Chief Justice Maureen O’Connor created the Task Force on the Ohio Bar Examination to "evaluate the efficacy and effectiveness of implementing the [UBE] as an alternative to the current bar examination process and offer recommendations regarding its implementation." The Task Force weighed the benefits of a portable bar exam score, the increased efficiency and reduced costs for bar applicants, and the expertise of the NCBE drafting committees against the potential harms of disparate treatment of distinct demographic groups, inadequate focus on Ohio law, and Ohio’s inability to control the subjects tested on the UBE. This Task Force recommended that Ohio adopt the UBE, implement some form of Ohio-specific post-exam online course prior to licensure, accept UBE scores for up to five years after the exam was taken, maintain Ohio’s current character and fitness process, including for bar applicants transferring a UBE score, and collect demographic information to analyze any discriminatory impacts of the UBE.

Thirty-four states, including Ohio, have adopted the UBE for use by or before 2020. New York, New Jersey, Massachusetts, Arizona, Colorado, West Virginia, and others are current UBE jurisdictions; Tennessee, North Carolina, and Illinois have recently adopted the UBE and will administer it for the first time in 2019. States that have not adopted the UBE include California, Florida, Texas, and, of particular interest to Ohio lawyers, Kentucky, Pennsylvania, Indiana, and Michigan. Multijurisdictional practice has presented a challenge to some Ohio bar applicants, and there have been a series of bar admissions cases addressing the issue of whether attorneys in good-standing in other jurisdictions (but not in Ohio) violate Prof. Cond. R. 5.5 after relocating to Ohio.

The practice of law is constantly changing along with the needs of clients. Attorneys will always have the ethical obligations to comply with any applicable conditions to practice and to stay current on the state of the law. Ohio’s adoption of the UBE will increase Ohio bar applicants’ ability to apply for a license to practice where life takes them, and remove some barriers to attorneys licensed in other jurisdictions to assist Ohio clients and join Ohio law firms and companies. This effect will be especially significant if the adoption of the UBE by Illinois and Ohio incentivizes other bordering jurisdictions — e.g. Kentucky, Michigan, Pennsylvania, and Indiana — to follow suit.

Andrew Geronimo teaches the First Amendment Clinic at Case Western Reserve University School of Law’s Milton A. Kramer Law Clinic Center. He is a volunteer member of the CMBA’s Bar Admissions and Certified Grievance Committees. He has been a CMBA member since 2010. He can be reached at (216) 368-6855 or andrew.geronimo@case.edu.

2 http://www.ncbex.org/exams/ube/
3 Id.
4 Gov Bar R. I., Section 5.
5 Gov Bar R. I., Section 4. Currently, the Ohio-specific essay questions make up 53.5% of an exam-taker’s score; under the UBE, the MEE essay portion is weighted as 30% of an exam-taker’s score.
6 Ohio Constitution, Art. IV, Sec. 05.
7 https://www.supremecourt.ohio.gov/Boards/barExamTF/operatingGuidelines.pdf
8 See, e.g., In re: Application of Egan, 151 Ohio St.3d 525, 2017-Ohio-8651 (bar applicant practiced law without a license after relocating to Ohio); In re: Application of Swidiman, 146 Ohio St.744, 2016-Ohio-2813 (bar applicant practiced law without a license after relocating to Ohio); See also, In re: Application of Alice Auclair Jones, Ohio Sup. Ct. No. 2018-0496 (argued July 17, 2018)(Board of Commissioners on Character and Fitness recommended Kentucky-licensed applicant be disapproved for practicing law without a license after relocating to Ohio).
EAST SIDE OR WEST SIDE?
Our latest adopted English Bulldog is “Murphy.” He was horribly abused, lost an eye, is partially blind in the other eye, fairly deaf and was left for dead in the Indiana woods during the winter. He survived somehow and is now safe and pleasantly plump in our home.

HOW DID YOU MEET YOUR SPOUSE?
We met when we were undergrads at BGSU. If you ask me to describe an ideal Sunday, West side and it’s not even debatable. Less snow and the highways make sense out West.

TELL US ABOUT YOUR FAMILY.
I am a part of very large family that consists of my parents Larry and Debra, one brother, six sisters, 15 nieces and nephews, and eight great nieces and nephews. I also have seven grandparents (including my two grandmothers: Mary and Emma), 10 aunts, uncles and numerous cousins.

ONE FUN FACT ABOUT YOU?
I collect comic book t-shirts. So far, I have collected Justice League and X-men t-shirts. Eventually, I want to collect every comic book shirt that Sheldon Cooper has worn on Big Bang Theory.

WHAT’S ON YOUR BUCKET LIST?
I have many items on my bucket list that I have yet to check off. However, the two items that I most want to check off are: (1) to take care of my parents, financially and (2) to fulfill a promise I made to my high school math teacher, Mrs. Radovic, that I would take her on a trip to anywhere in the world of her choosing.

WHO HAS INFLUENCED YOU THE MOST IN LIFE?
The person who has influenced me most in life is my dad, Larry J. Cunningham. When I was in law school this wonderful soul would drive me to and from Lansing, Michigan (four-hour drive each way) after working a 12-hour shift. After his retirement, he suffered two strokes, and he has handled the effects of those strokes with such grace. I have learned more about life from watching him than anyone else. I thank God for him every day.

IF YOU WERE NOT PRACTICING LAW, WHAT WOULD YOUR PROFESSION BE?
I believe I would write for a newspaper. The atmosphere was very exciting, and it seemed like a fascinating place to work. I also wrote for my law school newspaper and loved the experience.

WHAT DO YOU LOVE ABOUT YOUR JOB?
I enjoy helping individuals who have had issues in the workplace. I had a particular successful case in which I was able to help a deaf employee achieve the accommodations they needed to safely work, and it’s successes like that which keep me motivated.

TELL US ABOUT YOUR FIRST EVER JOB.
My first job out of college was for a foreign policy institute in Washington D.C. focusing on U.S.-Mideast relations. I travelled a lot, and during my downtime I was able to do some really cool things, such as travel through the Sahara Desert on horseback to the Great Pyramids of Egypt, which is where the picture came from.

WHAT’S YOUR BUCKET LIST?
1. Host Saturday Night Live (maybe a long shot); 2. Retire before the age of 90 (maybe a longer shot); 3. Visit all seven continents (4/7 down – Antarctica might be the sticking point on this one); 4. Write a more realistic bucket list.

WHAT ADVICE WOULD YOU GIVE TO A LAW STUDENT?
Know when to stop. I’ve learned through law school and my practice that the legal profession is one in which no one has time to read as much as you’d like to write or say about a topic. Eliminate the excess, hit the salient points hard, and then let your audience digest. Sometimes less is more.
Celebrate Pro Bono Week is a special week focusing attention on the voluntary free legal services that lawyers provide “pro bono” – for the public good. It is a national initiative during one week in October. Events are planned nationwide to emphasize the importance and impact of pro bono legal services.

Here, the Cleveland Metropolitan Bar Foundation is proud to deliver pro bono legal services every week of the year through its diversity, pro bono and public service programs. The Foundation believes that lives can be changed, one person at a time, by lawyers giving back. Every day, we support impactful programs that provide pro bono legal services, law-related education and mentoring to those in need. We do this because our programs make a real and lasting difference to our greater community. This is the CMBF’s mission statement.

This mission is made possible by the volunteerism of lawyers who contribute their time and wisdom on top of doing their “real” jobs. Lawyers like Jennifer Himmelein of Cavitch Familo & Durkin who was described as “the real hero” of the CMBA monthly divorce clinic. It helps dozens of people every month. One of Jennifer’s fellow volunteer in the clinics lauded Jennifer, saying “she started the clinic and runs it every month. Without her, it wouldn’t happen at all. It’s an excellent program.”

Christopher Fisher is another lawyer who gives back of his expertise by participating in multiple programs, including the Cleveland Homeless Legal Assistance Program (CHLAP). It holds free legal intake clinics at local shelters to serve those who are homeless or at risk of becoming homeless. They are among those in the community in need of help but least able to access legal representation. Chris’ reason for delivering pro bono services is pure and direct: “I volunteer because there are people who need help and can’t pay, and sometimes I can help them. They appreciate it, and I enjoy listening and helping when I can.”

Carole Heyward shares her enthusiasm for pro bono legal services with a call to others to join in service: “I volunteer in order to make the community that we share a better place. The reason that everyone should volunteer was best expressed by Muhammad Ali — ‘service to others is the rent you pay for your room here on earth.’” Carole is Clinical Professor of Law at Cleveland-Marshall College of Law and involved in Reach Out: Legal Assistance for Nonprofits. It receives CMBF support to assist nonprofit organizations in Northeast Ohio whose missions focus on community service and who demonstrate financial need. Eligible nonprofits must be working to provide housing, economic opportunities, social services, educational improvement, or cultural preservation to low-income populations or communities.

A grant from the Foundation launched TLC at the CMSD, short for The Legal Clinics at the Cleveland Metropolitan School District. Dante Marinucci, of BakerHostetler, has dedicated his volunteer efforts with TLC at the CMSD because “I understand the importance that legal advice has in our society. Because of that importance, I believe it is imperative that lawyers volunteer some of their time to assist our underprivileged community members who otherwise cannot afford to pay for legal services.” The pro bono work of Dante and others at these clinics is addressing the otherwise unmet legal needs which can interfere with family stability and negatively affect student attendance and academic performance.

These are some examples of the lawyers who serve in programs funded by the Cleveland Metropolitan Bar Foundation. A long list appears on other pages of this month’s Bar Journal. During Celebrate Pro Bono Week, we recognize them. And every week of the year, we thank them.
The culmination of Celebrate Pro Bono Week is the Foundation’s Halloween Run for Justice. The event brings together the legal community and the greater Cleveland community for a purpose which is both meaningful and fun. It helps achieve one of the Foundation’s goals of heightening public awareness of the Foundation’s mission. When everyone laces up their tennis shoes to walk or run to give back to our community, we all benefit from the collegiality. The Run for Justice attracts competitive runners, high school athletes, age group runners, cross-fitters, fun runners, families and excellent costumes. The race is professionally managed, chip-timed, and awards runners medals in an assortment of categories: Overall Winner (men and women) in both the 5k and 5-mile distances; first through third place finishers in each age division for both men and women; and top 5k and 5-mile teams in the male, female or co-ed divisions. Come celebrate Pro Bono Week with a walk or run for justice!

...I believe it is imperative that lawyers volunteer some of their time to assist our underprivileged community members who otherwise cannot afford to pay for legal services.”

Stephanie Dutchess Trudeau is a partner at Ulmer Berne LLP where she has been a trial lawyer for 33 years. As a certified specialist in employment and labor law, she handles lawsuits, agency charges, and provides advice on compliance. She is a former Chair of the Labor and Employment Law Section. Stephanie has been a CMBA member since 1985. She can be reached at strudeau@ulmer.com.

2017–18 Pro Bono Volunteers

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OCTOBER 2018
Blockchain
The New Real Estate “Fixer Upper”

BY MARK STOCKMAN & MIA ULERY

The real estate industry is poised to transform tremendously with the eminent adoption of Blockchain technology. Record keeping is the foundation of the industry and many of the issues and inefficiencies in real estate transactions can be remedied by having an accurate, absolute, and shared archive of information. Implementing Blockchain technology has the potential to reduce transaction risks and the costs of mitigating those risks, such as information discrepancies, lack of uniformity, and fraud. With the momentum of the Blockland initiative, Northeast Ohio has the opportunity to capitalize on this technological innovation to facilitate advancement of the real estate industry.

WHAT IS BLOCKCHAIN?
Blockchain is a software program that creates an electronically-stored ledger that tracks the history and present status of an asset. The asset can be tangible, such as land, a house, a car, or a currency; or intangible, including patents or copyrights. It gets its name from the method it uses to store data. Data is stored in a series of “Blocks,” and each new block is linked to the immediately preceding block to form a successive “Chain.” Blocks and Chains are replicated identically across a peer-to-peer computer system, and the system records the time and sequence of each change, giving instant access to all subscribed participants. A network of chosen participants all agree to the rules and methods of a specific Blockchain system.

Since 2009, digital currencies, or “cryptocurrencies” such as Bitcoin or Ethereum, have been utilizing Blockchain technology as their supporting platform. In those circumstances, Blockchain is akin to the “operating system,” such as Windows or Mac OS, and Bitcoin is akin to a program that runs on the operating system, such as Word or Outlook. An important characteristic of cryptocurrencies is that there is no governmental authority administering or controlling its creation or maintenance. Cryptocurrency transactions are recorded and verified through their own specific peer-to-peer computer network that operates on Blockchain technology.

ADVANTAGES OF BLOCKCHAIN

Shared Ledger
The Blockchain records all transactions and makes the record, and all additions to it, available to all participants. The ledger is vastly more reliable than the communicating and recording systems we currently utilize because nothing is erased from it; information can only be added. The prior history of the asset in question is never obscured — there is only a new layer of information added. The shared record is the one, true, agreed-upon record of the transaction.

The shared ledger is also verified by replicating it across a network of computers, decentralizing the location of the data. This verification process makes the information less vulnerable to tampering or hacks. Further, immediate accessibility and transparency makes any changes or tampering visible to all participants.

Permissions
While information on Blockchain is available to all participants, the parties within a network control participation and grant permission to access and change information through consensus. No single person controls access to the information. Once a participant is part of a network, he or she can access it worldwide and make changes with near-instant transaction time. The parties themselves conduct the process, reducing the risk of fraud or theft by making interactions more direct and transparent.

STATE LAW AND BLOCKLAND INITIATIVE
The Ohio legislature recently passed Senate Bill 220, which amends existing law to explicitly recognize contracts created through Blockchain technology as legally enforceable. Legislators and business leaders are supporting the “Blockland” initiative, focused on making Northeast Ohio a hub for Blockchain technology advancement. While the underlying Blockchain technology is already fairly developed, the initiative aims to put Northeast Ohio ahead of the curve on researching and designing the various industry-specific platforms that will run on Blockchain.

APPLICATION IN THE REAL ESTATE INDUSTRY

Smart Contracts
As Ohio has already recognized, one of the most apparent applications in real estate is the utilization of smart contracts — a contract between parties where the provisions are stored and shared electronically using Blockchain technology. All parties can always see the current status of the agreement and all prior changes to the agreement, and acknowledgement of the parties that certain conditions have been satisfied (such as acceptance of title) could cause other provisions (such as transfer of deposit money) to be self-executing by the contract program without any further action needed by the parties.

A smart contract could be comprised of form provisions that are recognized as industry standards. Adopting standard provisions would facilitate the negotiation process — the parties could agree to the vast majority of a form contract without worrying about obscure, convoluted, or conflicting language. The parties then could include customization options for specific circumstances, and each party must agree for any changes to be final.

Using a smart contract can facilitate and automate crowd-funded real estate investments. For example, an investor could pledge an investment if certain conditions precedent are met. When the conditions
are satisfied, the investors could be automatically charged the agreed amounts, admitted as members to an LLC, and title to the property is conveyed to the LLC. This could essentially make the purchase of a fractional interest in real estate similar to an on-line stock trade.

Title Examination and Deed and Instrument Recording
If title documents are stored on a Blockchain network, title examination could become uniform and instantaneous. Any conveyances or alterations to the status of the property, once agreed upon by the seller, lenders, and other interested parties, would occur as notations in the Blockchain. Changing ownership would simply add a block to the chain, and all parties would see the entire chain of title. The shared access to information would hold each party accountable for making a record of agreed-upon title matters and reduces risk of disputing title matters. If a title matter is not recorded on the Blockchain — it does not exist.

Closing
The closing process can become more efficient, reducing time and costs. Closing conditions, such as approval of title, issuance of title insurance, transfer of funds from buyer to seller, payoff of prior liens, etc., would be agreed upon by the parties. Each party can access the network to check the status and fulfill their requirements. Once all parties confirm completion, the transaction would become self-executing and the transaction is automatically closed.

International Uniformity
Maintaining a single repository of information and the creation of industry standards could smooth out inconsistencies in real estate transactions globally. Customs and currencies that vary between locations could be homogenized by setting up a system of purchases, transfers, and payments that is internationally accepted. Such a system would likely be a private endeavor rather than a governmental system, and would likely function “on top of” local regulations as a preferred, rather than mandated interface.

BLOCKCHAIN PURCHASE TRANSACTION LIFECYCLE
A Blockchain-enabled transaction would move at a much faster pace and would involve fewer parties. The security and transparency of the technology would allow the parties greater trust, potentially leading to easier processes and less waste. Similar to realtor.com or Zillow, a buyer could begin by searching a database of available properties. With Blockchain, the relevant property information would be verified and reliable.

Once the parties decide to enter into an agreement, they would sign a smart contract with transaction-specific requirements and conditions. The buyer would then perform further due diligence, conducting searches based on the information contained on the immutable ledger associated with the property, including title, environmental, leasing and cash flow, and engineering records. The parties would also agree to grant permission to access the network to prospective lenders.

Once all parties confirm all conditions are satisfied, closing is automatically executed. Buyer’s and lender’s funds are distributed to seller and its prior lenders and lien holders, and the title documents are automatically added to the ledger associated with the property.

Contracts ancillary to the conveyance can be set up as smart contracts, such as loan documents and escrow agreements. Mortgage payments, insurance payments, and collection of taxes in escrow could all be automatically triggered by closing.

Transaction procedures similar to this protocol can be applied far beyond the purchase context. Blockchain platforms are being rolled out to manage residential leasing, carve up fractional real estate ownership interests into Bitcoin-like “tokens” that can be traded, and to facilitate record keeping. Systems can be developed for building design, construction contracts, easements, financing, and building management, and all of these could even be integrated into one “real estate development” Blockchain protocol.

CHALLENGES
The concept of reducing 200 years of ownership records, with all the multitudes of terms in deeds, easements, etc., to a simple and understandable ledger is daunting. A new Blockchain record is only as good as the data that is input in to it, and verifying the accuracy of the initial record of retroactive data will be a significant process. A system for disputing records will need to be established, as well as the respective rights of property owners and other interested parties.

However, over time the accuracy and completeness of the data will strengthen through the Blockchain verification process. Going forward, transfers and liens will not exist unless recorded on the Blockchain.

Conclusion
The first home sale transaction completed and recorded on a Blockchain ledger closed in Vermont in February, 2018. That was made possible through a pilot process where the City Clerk’s paper records merely referred to the Blockchain ledger. However, the City Clerk plans to keep moving forward until the Blockchain ledger replaces the paper records held at the Clerk’s office altogether.

The Blockland initiative is gaining momentum, and it will take the innovation of buyers, sellers, lenders, and landlords to make a Blockchain-enabled real estate market a reality.
We all have self-doubt at times, but if you find imposter syndrome is leading you to high anxiety, depression or other unhealthy feelings, it is important to combat these thoughts. If you don’t learn how to manage your thoughts, you might hold yourself back in your career. Court personnel, clients, superiors and opposing counsel might also sense your self-doubt.

Try some of the following tips that will get your mind moving in the right direction.

**Celebrate your achievements**

You are a lawyer: You graduated from law school. This is an achievement in itself. The lawyer in the story above helped several clients from despair. She potentially saved lives and helped people get their homes back! This is no small feat: she is doing amazing things for her clients. Make a list of all of your accomplishments and celebrate them. Check with your supervisor or ask your clients what you do well and why they chose you for the job. This will help you see that you are successful.

**Talk about it**

It is healthy to talk about negative feelings. Perhaps you worked on a successful case with a co-worker, and you see that your co-worker is feeling great because of the victory. If you feel comfortable speaking with this particular co-worker, ask him or her to grab a cup of coffee and have a conversation about your feelings of self-doubt. This does not make you look weak. You are trying to improve yourself and celebrate your victory with him or her. This helps build camaraderie and also helps others in your situation. When lawyers talk about it with each other, it helps other lawyers feel as if they are not alone.

**Learn from your mistakes**

We all make mistakes... even that one lawyer who you think would never make a mistake. People with imposter syndrome believe that their mistakes define them as frauds, that they will get fired, or that they always make mistakes. This is irrational thinking. If we did not make mistakes, then we wouldn’t learn from them. Maybe you missed a lunch appointment or called your client the wrong name. These are just little reminders to better manage your calendar and to think before you speak.

**Challenge your thoughts**

We all need a challenge, so try challenging your thoughts. When you find your inner voice telling you that you are not that great at making a presentation, giving a closing argument, writing a brief, etc., think of all the other times when you felt insecure about something but persevered. How about that time you graduated from law school, the time you nailed that deposition, or the time that client hired you? Insecurity defeated!

**You are successful**

Think about the person who hired you. This person is not irrational. He or she hired you because you are the best person for the job. Try not to doubt those who have hired you, promoted you, praised you, or recommended you. If you were a fraud, then these people would be frauds, too, and you don’t think that’s the case, right?

Believe it or not, successful people are more likely to have imposter syndrome. Think about that! The fact alone that you are having these irrational thoughts most likely means that you are successful.

Also, mull this over. If no one has “found you out” in the past five months, five years, or five decades, why would they now?

If you still find that self-doubt is hindering your success, though, the Ohio Lawyers Assistance Program can provide confidential help. For more information, go to ohiolap.org or call (800) 348-4343 or (614) 586-0621.
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Building Upon the Brownfield Program
The Brownfield Utilization, Investment, and Local Development Act of 2018

BY ERIN M. MCDEVITT-FRANTZ & LAURYN KITCHEN

Buried within the Consolidated Appropriations Act of 2018, the Brownfield Utilization, Investment, and Local Development Act of 2018 (the BUILD Act or Act) is the first major legislative change to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. §9601, et seq., since 2002. Major changes include additional liability protections and changes to the United States Environmental Protection Agency (US EPA) brownfield grant program. These changes provide great opportunity in the brownfield redevelopment arena, but property owners, government leaders, and developers need to understand the “who,” the “what,” and the “how” of the changes in order to benefit.

Background
Redeveloping these brownfield sites is a win-win for the environment and the economy. US EPA estimates that there are 450,000 brownfield sites across the country. Cleaning up contaminated properties creates jobs, boosts local economies, revitalizes neighborhoods and provides important human health and environmental benefits.

Congress has attempted to foster brownfield cleanup projects for decades. At first, in 1980, the government tried to do it on its own under CERCLA, commonly known as Superfund, by creating a trust fund for cleaning up abandoned or uncontrolled hazardous waste sites. Under this program, US EPA completed cleanup work using Superfund money, then sought recovery of those costs from responsible parties. CERCLA §107(a).

In the mid-1990s, US EPA started its Brownfield Program by offering grants to support local cleanup and redevelopment of brownfield sites. Yet, CERCLA’s expansive liability provisions limited the effectiveness of the Program. In 2002, the Small Business Liability Relief and Brownfields Revitalization Act (the Brownfield Law) codified the Brownfield Program and attempted to soften CERCLA’s liability scheme in order to encourage redevelopment of contaminated properties.

US EPA touts the accomplishments of the Brownfield Program by citing dollars leveraged, jobs leveraged, location efficiency that reduces vehicle miles and associated greenhouse gases, reduced stormwater runoff, increased local residential property values, increased local tax revenue, and even crime reduction (based on anecdotal surveys). These are impressive results. Yet, brownfields remain a technically and legally complicated problem that deters redevelopment of those sites.

The BUILD Act
On March 23, 2018, President Trump signed a 2,232-page omnibus spending bill, the Consolidated Appropriations Act of 2018, which included the BUILD Act. The BUILD Act expands liability protections and enhances the Brownfield Program by adding new grant programs and increasing available funds. This is the first update to CERCLA in 16 years and, to the extent it is funded, represents a significant federal investment in promoting brownfield redevelopment. With the proper expertise, property owners, local governments, and potential developers can harness this investment, along with other federal and state programs, to leverage significant benefits.

US EPA will develop policy and guidelines in connection with the Act. 83 F.R. 29782. These guidelines are anticipated in October (instead of September, as usual), so the Agency can consider the options provided by the new programs.

The Who: Expanded Eligibility and Liability Protection
The BUILD Act expands grant eligibility and removes barriers to participation that existed previously. Pursuant to express provisions, certain nonprofit organizations and community development entities now are eligible to receive additional brownfield funding. §104(k)(1)(I)-(L). Also, public entities and other eligible entities (who are not responsible for the contamination) that acquired property before the 2002 amendments are potentially eligible for brownfield grants. §104(k)(2)(C). The Act simplifies the process for obtaining funding for sites with petroleum contamination.

As one might imagine, potential liability is a major barrier to prospective developers and purchasers of brownfield sites. Past, present, and future owners and users of a site could all be held liable for clean-up under CERCLA. §107(a)(1)-(4). The 2002 Brownfield Law added liability protections to bona fide prospective purchasers and contiguous property owners, but “potentially responsible party” remained an expansive concept.

Importantly, the BUILD Act includes expanded liability protections. The definition of “owner or operator” now excludes state and local governments that acquire property through any law enforcement activity, not just involuntarily. §101(20)(D). The Act codifies US EPA policy on tenants and lessees that operates to lessen the burden of establishing “bona fide prospective purchaser” status.

Accurately analyzing eligibility and liability can facilitate an efficient redevelopment strategy.

The What: Encourage Redevelopment
The BUILD Act incentivizes and encourages brownfield redevelopment generally and includes specific provisions that focus funds to revitalize communities.

The small community grant program added to the State Response Program component of CERCLA authorizes US EPA to make grants to states and tribes to provide technical or research assistance to support small communities, Indian tribes, rural areas, or disadvantaged areas. §128(a)(1)(B)(ii)(III). A community with
a population of less than 15,000 is “small”; a community with an annual median income of less than 80% of the statewide annual median income is “disadvantaged.” §128(a)(1)(B)(iv). The Act authorizes up to $1,500,000 per fiscal year for grants of up to $20,000 per community. By facilitating technical assistance through these grants, where it is otherwise unavailable, the US EPA can expand the reach of the brownfield redevelopment program.

Previously, the Brownfield Program offered only single-purpose grants that limited the use of the grant money to that single purpose — assessment or remediation. The multipurpose grant program codified in the BUILD Act creates a single grant that can be used to inventory, characterize, assess, plan for or remediate one or more brownfields within a target area. This type of grant will allow a flexible redevelopment of multiple sites in connection with an evolving revitalization plan.

Waterfront revitalization and clean energy developments — two of the hottest segments for development — are given priority consideration for funding. The Act codifies a ranking system that mandates the US EPA rank these projects higher than other properties which do not involve waterfront sites or renewable energy. §104(k)(6)(C)(xi).

By understanding the scope of the new programs, eligible entities can obtain federal funding for a broad range of brownfield redevelopment work, which can ultimately be leveraged for significant benefits.

**The How: Increased and Expanded Funding**

The BUILD Act more than doubles the available funding for the Brownfield Program by authorizing appropriations of up to $200,000,000 per fiscal year through 2023, plus an additional $50,000,000 for the State Response Program. In addition to the total funding available, the Act increases the maximum funding limit for individual site remediation grants from $200,000 to $500,000 and allows for up to $650,000 per site under certain circumstances.

The multipurpose grant program, which allows for more flexible spending, is authorized for grants up to $1,000,000. US EPA has indicated it will pilot multipurpose grants at $700,000 while it assesses how communities are spending the money and how much is being accomplished with respect to cleanups through the program.

CERCLA previously excluded the use of grant funds on administrative costs, such as salaries, benefits, contractual costs, supplies, and data processing charges. Now, up to 5% of the additional dollars available for brownfield grants can be spent on administrative costs — a previously prohibited use of grant funds. §104(k)(5)(E). Allowing the use of grant money for administrative costs will assist grant recipients with restricted economic means to complete projects.

It is essential to understand these changes to effectively manage grant funds.

**Conclusion**

Currently, one out of every five brownfield grant applications is funded. The increased eligibility and flexibility associated with the BUILD Act may bring increased competition for the federal dollars. Project owners that understand the law and US EPA Guidelines will be in a better position to capitalize on the expanded opportunities or the ranking system of the BUILD Act. Information on additional sources of funding and cost-recovery avenues will further enhance a project’s rate of return and viability. In the end, successful brownfield redevelopment projects can lead to economic revitalization while providing environmental and public health benefits — a win-win.

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Erin M. McDevitt-Frantz is an Associate at McMahon DeGulis LLP’s Cleveland office. She has over a decade of broad experience in environmental law and litigation. She counsels public and private sector clients on the impacts of a variety of state and federal environmental regulations. Erin is licensed to practice in Ohio, Pennsylvania and New Jersey and has been a member of CMBA since 2016. She is excited to see where Northeast Ohio can go with continued brownfield redevelopment projects. Erin can be reached at (216) 621-1312 or efrantz@mdllp.net.

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Lauryn G. Kitchen is a 3L at Akron Law School. She has been a member of CMBA since 2017. She can be reached at (216) 645-1244 or lgk9@zips.uakron.edu.
For a real estate secured loan, a borrower typically delivers to the creditor a promissory note (or enters into a line of credit agreement), and a mortgage securing real property owned by the borrower. The mortgage may also be given by a different person or entity, to secure the borrower’s debt. In Ohio, a note holder generally has multiple remedies when a borrower defaults. But how are those remedies affected by the borrower’s death?

The Money Judgment
Although after a borrower’s default, the mortgaged property may be the most natural source for recovery, it is not the only source. The note holder also generally is entitled to a money judgment against the defaulting borrower on the underlying debt. In addition to foreclosing on the mortgage, the note holder may execute on the money judgment to seek recovery from the borrower’s other assets.

In *Deutsche Bank Natl. Trust Co. v. Holden*, 2016-Ohio-4603, the Ohio Supreme Court reiterated the long-recognized maxim that an action at law on a promissory note to collect a mortgage debt is separate and distinct from an action in equity to enforce the mortgage lien on the property. See also *Gevedon v. Hotopp*, 2005-Ohio-4597 (2nd Dist.). Hence, the note holder may seek a money judgment either as a separate claim in a foreclosure action, or in a separate action commenced before or after the foreclosure. The money judgment entitles the note holder to pursue the borrower’s other assets even before the foreclosure sale. For example, with a money judgment, the note holder may garnish wages, attach bank accounts, levy on personal property, file a judgment lien to secure other real property owned by the borrower, etc., while waiting for the foreclosure sale to be scheduled. Not only do these actions effectively enhance the note holder’s likelihood of a full recovery of the debt, they also incentivize the borrower to propose an acceptable settlement.

**ORC § 2329.08** permits the collection of foreclosure deficiency judgments, limited by the following. If the entry of the money judgment preceded the entry of the order confirming the foreclosure sale, and the property was a dwelling or dwellings for not more than two families, the deficiency is unenforceable after two years from the date of the order confirming the sale.

Although many foreclosure borrowers may be uncollectible post-foreclosure, in some cases the default may not have been due to the borrower being destitute, but rather due to domestic problems, abandonment of the property, or other reasons unrelated to an inability to pay. In certain situations, the deficiency judgment may be substantially or even fully collectible. Hence, note holders should not automatically resign themselves to writing off their foreclosure deficiencies.

The Claim Against the Deceased Borrower’s Estate
A valid money judgment cannot be obtained against a deceased borrower. However, upon the borrower’s death, the borrower’s assets become assets of his or her estate. Under **ORC §2117.06**, the creditor may make a claim against the decedent’s estate within six months after the date of death, and may then be entitled to recover from the estate’s assets. If the creditor fails to make its claim against the decedent’s estate before the six-month period expires, the creditor will be barred from recovering from the estate’s assets. Hence, creditors must be vigilant in promptly presenting their claims against borrowers’ estates.

Even where no decedent’s estate has been filed, the creditor may have a remedy. The creditor can force the opening of an estate to enable the creditor to present a claim before the six-month period expires and to recover from the...
estate’s assets. Creditors’ counsel should evaluate whether it would be cost-effective to do so, based on the known assets of the estate.

**The Foreclosure**

The note holder’s right to foreclose on a recorded mortgage remains intact after the borrower’s death, as Ohio’s Tenth District Court of Appeals recently illustrated in *Deutsche Bank Natl. Trust Co. v. Vigue*, 2017-Ohio-7037 (10th Dist.). In that case, the borrower’s next of kin continued making the mortgage payments after the borrower died so that the loan was not in default until three years after the borrower’s death. The next of kin, citing Ohio’s statute requiring creditors to present a claim against a decedent’s estate within six months after the borrower’s death, argued that the creditor’s failure to present a timely claim not only barred the creditor from enforcing the note, it also barred the creditor from foreclosing on the mortgage. The next of kin argued that if the debt is unenforceable, the mortgage securing the debt is unenforceable.

However, the court, citing ORC §2117.10, made clear that a lienholder with a recorded mortgage is not barred from foreclosure, even if it failed to present a claim against the decedent’s estate within six months. The court reiterated that the foreclosure on the mortgage is an action against the property and is a separate cause of action from the claim against the borrower on the note. Based on this reasoning, the court allowed the foreclosure to proceed.

If the borrower dies before the foreclosure is filed or before the court enters the foreclosure judgment (assuming the borrower died while being the titled owner of the real property), the borrower’s heirs, if any, must be joined as defendants in the action, served with summons, and given an opportunity to contest the case.

**Land Sale Actions under ORC Chapter 2127**

If a mortgage holder is served with a summons in an Ohio land sale action under ORC Chapter 2127, the mortgage holder must file an answer to protect its interest in the real property, just as in any Ohio third-party foreclosure action. If the mortgage holder is served with a summons and fails to file an answer, the mortgage will be released upon the court’s entry of the order confirming the sale, and the mortgage holder will not be entitled to any proceeds of the sale.

If the loan secured by the mortgage is in default, in addition to filing an answer to protect its interest, the mortgage holder may file a counterclaim to affirmatively seek an order for foreclosure. Many times, the estate’s fiduciary is unable to find a buyer for an amount sufficient to pay off the mortgage and other liens, resulting in a significant passage of time and risk of deterioration of the property. By filing and pursuing a counterclaim, counsel for the mortgage holder can usually push the case to a sale without delay.

**Takeaways for Attorneys Representing Note Holders**

- After the borrower’s default, obtain a money judgment either in a separate action or as a claim in the foreclosure action (unless the borrower filed for bankruptcy or is already deceased), and if the borrower has other assets, pursue collection of the debt through all legal means.
- Deliver a claim to the deceased borrower’s estate within the allowable timeframe.
- If no estate has been filed, investigate whether the deceased borrower had other assets, and force the opening of an estate if warranted and cost-effective.
- Be aware that the right to foreclose on a mortgage in default is not affected by the borrower’s death.

- If the mortgage holder is served with a summons in a third-party foreclosure action or in a land sale action, promptly file an answer to protect the mortgage, and determine whether to file a counterclaim or crossclaim to affirmatively seek an order of foreclosure.

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128 Years of Commerce, Connection and Commitment

BY FRED NANCE & MICHELE L. CONNELL

On January 1, 1890, the doors of Squire, Sanders & Dempsey opened for business in the Perry-Payne building in downtown Cleveland. At the time, Cleveland was one of the fastest growing cities in America, with prominence in the burgeoning iron, coal and shipping industries. There was a growing demand by businesses for astute legal counsel and insightful political and business advice. The firm’s founders — Andrew Squire, William Sanders, and James Dempsey — were intent on meeting that need and establishing their reputation with the city’s leading businesses. From the firm’s beginnings, expertise, client service, and collegiality were its highest values. Building on Cleveland’s position as a key transportation hub, the firm’s founders secured the Pennsylvania Railroad as their first major client. Over the course of the next 128 years, the firm they founded would become an integral part of Cleveland’s business, civic and cultural life and one of the largest and most well-respected firms in the world.

Around the turn of the 20th century, Robert Denison joined the firm. Along with Henry Crawford, Denison pioneered and developed what would become and remain a best-in-class public finance practice. In 1920, Denison published a text on the issuing and sale of municipal bonds in Ohio, commonly known as “Denison’s Manual,” which became the bible for all issuers and purchasers of Ohio bonds. Squire lawyers established a reputation for creating innovative legal solutions and techniques to enable state and local governments to finance the construction of infrastructure and other public facilities during the post-WWII boom. The firm handled the legal aspects of the financing and construction of the Ohio Turnpike with a bond issue that was, at the time, the largest public bond issue in history. Through its early and now long-standing work for the Ohio Water Development Authority, the firm helped the OWDA create revolving loan funds to provide advantageous financing for local governments to fund water and wastewater system expansions and improvements and to achieve compliance with environmental mandates. The federal government adopted that revolving loan fund model for all 50 states. With the advent of industrial development bonds in Ohio in the 1970s, the firm continued to play a leading role in the development of new financing programs and techniques for the State of Ohio and its local governments, including port authorities, to promote economic development.

In recent decades, the Squire public finance team has continued its tradition of developing innovative public finance solutions for projects that have transformed downtown Cleveland, including the Rock & Roll Hall of Fame and Museum, Progressive Field, Quicken Loans Arena, FirstEnergy Stadium, the Huntington Convention Center and the Global Center for Health Innovation, the Hilton Hotel, and Playhouse Square’s Lumen residential project.

In the 1940s, through our representation of Cleveland Electric Illuminating Company (CEI), the firm successfully handled several precedent-setting rate cases that gave the firm a well-earned reputation for excellence in the representation of utility companies. The firm’s client roster grew to include some of the largest utility companies in the region: Ohio Power, Cincinnati Gas & Electric, Dayton Power & Light and Monongahela Power. Our partner Ralph Besse achieved such special prominence as a utility lawyer that he eventually left the firm to join CEI, where he rose to the position of Chairman, and then rejoined the firm until his retirement.

James C. Davis led the firm in the 1960s and 1970s. In addition to gaining prominence for skills as a lawyer and law firm leader, Davis also became known for his civic leadership. During the turbulent years of the mid-1960s, he was elected President of the Cleveland Bar Association, and from that platform, he spoke out publicly for the belief that the business and professional community had a responsibility to address the issues of race and poverty that were afflicting Cleveland and other cities around the country. His speech “Cleveland’s White Problem: A Challenge to the Bar” gained national attention for him and the firm as examples of lawyer and law firm social engagement.

Within the firm, Davis implemented his long-range vision for the firm’s growth by pursuing a merger with McAfee, Hanning, Newcomer, Hazlett & Wheeler, a small but
distinguished Cleveland corporate law firm. On July 1, 1967, the merger with McAfee was completed, and the firm grew to 120 lawyers. The firm’s emergence as a firm of national scope and prominence continued with its opening of a Washington, DC office in 1971 and continued during the following decades with the opening of offices in Columbus, New York, Miami, Phoenix, Los Angeles and Cincinnati.

Beginning in the 1990s, under the 20-year leadership of Cleveland partner R. Thomas Stanton, the firm embarked on a strategy for international expansion that would enable the firm to serve the needs of clients around the world in the increasingly global economy. The firm opened offices in London and Western Europe and was one of the first US firms to open an office in Eastern Europe. Through its combination with Graham & James in 2000, the firm not only expanded its presence in California, but also achieved a presence in Asia with offices in Tokyo and Beijing. Similarly, through its combination in 2005 with Steel Hector, the firm increased its presence in Florida and established a presence in Latin America. The 2011 merger with Hammonds added 500 attorneys in Europe, followed shortly by additional attorneys in new offices in Sydney and Perth, Australia. Shortly after the Hammonds merger, lawyers from Perth-based Minter Ellison joined the firm, further expanding our significant presence in the fast-growing Asia-Pacific market with new offices in Australia.

The historic 2014 combination between Squire Sanders and Patton Boggs, DC’s preeminent public policy law firm, created Squire Patton Boggs. The merger brought together the strengths of a global business law firm with those of a premier public policy practice, while adding a leading position in the Middle East and several new locations in the US. With more than 1,400 lawyers in more than 40 offices around the world, Squire has become a fixture on Law360’s annual ranking of firms with the largest international presence and cross-border experience.

The Cleveland office of Squire Patton Boggs remains the seat of many of the firm’s leaders and practice areas while its clients have expanded from the first industrial companies to include Fortune 100 clients involved in global operations, privately held enterprises, local governments, sports and entertainment stars and emerging companies. Over 100 years, the office has grown to become the hub of leading practices in litigation, international dispute resolution, intellectual property, sports and entertainment, labor and employment, environmental, corporate, tax and benefits, public finance, financial services and bankruptcy and restructuring.

From the time Messrs. Squire, Sanders and Dempsey founded our firm, they demonstrated a strong commitment to contributing to our community’s civic life and to its cultural and social institutions and social service organizations. In its early years, the founders and their colleagues helped establish the legal structure for the Cleveland Museum of Art and the Cleveland Metroparks System; donated land that would become part of the campus for Case Western Reserve University; and provided support for the Cleveland Society for the Blind, the Cleveland Zoo, the Cleveland Museum of Natural History and the Cleveland Museum of Art. That commitment has abided and continues today. The lawyers of the Cleveland office are preserving and building upon the strong and supportive relationship that the firm formed with the Legal Aid Society of Cleveland under Davis’ leadership 50 years ago. Both as a firm and as individual attorneys, the Cleveland office of Squire Patton Boggs continues to be exemplary in its support of local nonprofit organizations that address the social service needs, work to expand economic development and maintain the extraordinary cultural institutions of Cleveland, including United Way, the Cleveland Metropolitan Bar Foundation, Playhouse Square Foundation, the Cleveland Orchestra, Legal Aid, University Circle, Inc., the Diversity Center of Cleveland, and many others.

The firm and the Cleveland office also strive to maintain a historic tradition of promoting a diverse and inclusive profession and workplace. The firm has received a perfect score in the Human Rights Campaign’s Corporate Equality Index for 10 consecutive years and is a sustaining sponsor of the Cleveland Metropolitan Bar Association’s Louis Stokes Scholars Program, a pipeline diversity initiative through which college students interested in careers in the law engage in paid summer legal internships at Cleveland law firms, courts and legal nonprofits. This commitment also is reflected in the firm’s leadership. A majority of its 12-member Global Board are women or minorities, and in Cleveland, we serve as the firm’s Global Managing Partner of the US LLP and Office Managing Partner, respectively.

Though the firm has undergone extraordinary growth over its more than 125 years, from its offices in Key Tower, Squire continues to exemplify the commitment to legal excellence, professionalism and civic and social commitment that its founders established many years ago in the Perry-Payne building.
CAPPY NEW YEAR!

CONGRATS TO CAP’S 2018–2019 BOARD MEMBERS
Becky Kerstetter: President
Jessica Kubiak: Vice President
Christine Buddner: Director of Membership
Tiffany Lubahn: Director of Professional Development
Jill Olbrysh Sustar: Secretary
Jennifer Sybyl: Treasurer

NEW YEAR – NEW EVENTS!
- Student Mixers
- Student Workshops
- Halloween Run
- CAP Christmas Flea
- Certification Seminar
- Tech Seminar
- CAPpy Hours

Stay tuned for more information on these exciting opportunities and offerings!

Please contact any Board member if you are interested in assisting, in any capacity, with any of these events.

CURRENT POSITIONS AVAILABLE

Director of Operations/Communications: This Board member is responsible for overseeing the daily operations of CAP as well as all communication within and outside the Association.

Board Advisor: This Board member is a past President and/or Board member that can act as an advisor to the current President and Board by providing background information and other assistance as needed and/or requested.

Education Coordinator: This Coordinator reports to the Vice President and Director of Policy. This Coordinator acts as a liaison between paralegal program directors and the Association. The Education Coordinator researches and maintains information related to paralegal education and provides informational resources on paralegal education to CAP members.

Ethics Coordinator: This Coordinator reports to the Vice President and Director of Policy. The Ethics Coordinator researches and maintains information related to paralegal ethics, professional responsibility, and disciplinary procedures and provides informational resources on paralegal ethics to CAP members.

Internet/Technology Coordinator: This Coordinator reports to the Director of Operations/Communications. This Coordinator maintains and updates the content of CAP’s home page; develops guidelines for the use and content of the CAP home page; and assists the Director of Operations/Communications to solicit advertisers for CAP’s homepage.

For other coordinator positions available, please visit CAPohio.org.
When there are issues of law and justice in the Greater Cleveland community, we want the CMBA to be at the top of everyone’s go-to list. Who better to serve as a community convener on these issues than the organization that boasts 5,000+ members of the legal community?

Since 2016, with the implementation of its strategic plan, the CMBA has endeavored to be recognized as a thought leader on matters of law and justice. Over the past two years, we have worked to become a “go to” organization and collaborator with other community organizations to create opportunities to discuss important issues facing our region and beyond.

On January 18, 2017, the CMBA Board adopted the Charter for the 15 member Thought Leadership Committee (TLC). I’ve had the pleasure of serving as the Chair of the TLC since its inception.

We have been busy. We’ve established a process by which the CMBA can timely respond to requests from within the bar association or from the wider community that the CMBA take a public position on an issue of importance.

The TLC has had several occasions to put the procedure to the test and TLC members have served on subcommittees to consider those requests. Going forward, we invite all CMBA members to get in touch with the TLC about law and justice issues that they hope the CMBA will consider.

Our efforts to have the CMBA act as a community convener have been truly amazing. Our primary vehicle to date has been “Hot Talks” during lunch hours. We’ve held 18 Hot Talks where presenters representing all sides of important public issues lead a lively and interactive conversation about those issues. Our topics have been wide-ranging, from the #MeToo movement among lawyers, to gun control legislation, to security on the web, among many others.

We have identified individuals and groups in the community with whom the CMBA hopes to create or deepen relationships. We hope that when law and justice issues come up, community leaders will immediately think to ask the CMBA for help.

One of our immediate goals is to reach out to the sections and committees of the CMBA for thought leadership ideas and to enlist their help in creating action plans to address the issues facing our community. If you have an ideas or topic you would like the CMBA as a whole to consider, or an issue you would like to see presented as a Hot Talk, please reach out to Kari Burns, Assistant Bar Counsel, at kburns@clemetrobar.org.
Each month, these pages will be dedicated to highlighting just some of the activities and programs of your Cleveland Metro Bar.

BOARD ONBOARD, BABY! REACH OUT FOR NONPROFITS SUMMER PRESENTATION

On August 23, speakers Joe Mead, Assistant Professor at CSU, and Elizabeth (Biz) Voudouris, Executive Vice President at Business Volunteers Unlimited, presented the third Reach Out for Nonprofits seminar of the year on Legal Issues in Board Governance & Engagement. Presented to an audience of nonprofit leaders and volunteer attorneys, our speakers shared information on how to navigate the challenging field of board member duties, liabilities, and responsibilities. Following the seminar, volunteers stayed to help guide community leaders on legal issues such as international nonprofit formation and fiscal sponsorships. The next (and final) Reach Out seminar and brief advice clinic of 2018 will be held in the morning on Oct 25, with a focus on intellectual property issues for nonprofits. For more about Reach Out, visit CleMetroBar.org/ReachOut.

2018 MIDWEST REGIONAL DIVERSITY CAREER FAIR IS GROWING

The CMBA and the Midwest Region of the National Black Law Students Association (MWBLSA) collaborated on the second annual Diversity Career Fair held at the CMBA Conference Center on August 24. The Career Fair, open to 2L and 3L students, as well as recent graduates and attorneys in transition, attracted 95 job seekers from throughout the midwest region. We were pleased to welcome representatives from 20 employers who participated in interviews at the Career Fair.

Thank you to our sponsors: Calfee Halter & Griswold LLP; Mazanec Raskin & Ryder Co. LPA and Tucker Ellis LLP. Other employers represented include: Benesch Friedlander Coplan & Aronoff LLP, The Cleveland Clinic, Cleveland Metroparks, Cuyahoga County Agency of Inspector General, Cuyahoga County Prosecutor’s Office, Federal Public Defender – Northern District of Ohio, Frantz Ward LLP, The Legal Aid Society of Cleveland, Littler Mendelson, McDonald Hopkins LLC, Ohio Legislative Service Commission, Reminger Co. LPA, Squire Patton Boggs (US) LLP, Thorman Petrov Co. LPA, Ulmer & Berne LLP, United States Attorney’s Office – Northern District of Ohio, and Vorys Sater Seymour & Pease LLP

Special thanks to event co-chairs Greg Guice, CMBA’s VP of Diversity & Inclusion and Chair of the CMBA Diversity & Inclusion Committee, and Adrienne Turner-McGowan, 2018-19 MWBLSA Midwest Regional Chair and 3L at Loyola University School of Law.

Mark your calendars — next year’s Midwest Regional Career Fair will be held on Friday, August 16, 2019 at the CMBA.
Join us December 11 – 13 for our New Lawyer Bootcamp, a hands-on, practical program designed to help new attorneys find their path in the practice of law. Our presenters include administrative judges, prominent local attorneys and hiring experts.

Regardless of whether you are participating in the mentoring program or need your New Lawyer Training credits, if you’re a new attorney, we want YOU at the Bootcamp.

Don’t miss the Bootcamp, offered only once per year!

Topics include:
• View from the Bench
• How to Screen a Case
• Skillfully Handling Your First Deposition
• Thinking Outside the Box – Using Your Law Degree in Non-Traditional Settings
• The Grass Is Always Greener – Job Searching in the New Reality
• Ethics in a Social Media World
• IOLTA and Ethical Traps
• Handling Intake …AND MORE!

On August 14, as K-12 schools began to open in northeast Ohio, the monthly Hot Talks series featured a timely panel discussion and conversation about measures to address the epidemic of school shootings. The program was organized by the CMBA’s Louis Stokes Scholars Class of 2018 and moderated by Stokes Scholar Anthony Price, a Shaw High School graduate and junior at Wesleyan University. The session included discussion about current advocacy and legislative initiatives, the role and training of school resource officers, and critical need for student mental health services and resources. The panelists were: Tim Armelli, faculty member and coach at Chardon High School and president of the Coach Hall Foundation, an advocacy organization working to provide effective means to protect against school violence; Janine Boyd, Ohio Representative from the 9th District; Dr. Tasneem Lokhandwala, school psychologist and administrator in the Cleveland Metropolitan School District; and Laura Gabel, CMSD school psychologist and national level trainer of a crisis preventive and intervention program called “Prepare.”

Hot Talks are free and open to our members and the public. They are one-hour programs held the second Tuesday of the month at noon at the CMBA. If you cannot join us in person, the programs are broadcast live on the CMBA’s Facebook and past programs are available to view on our YouTube Channel. Learn more at CleMetroBar.org/HotTalks
### Cleveland Metropolitan Bar Journal

#### Cleveland Metropolitan Bar Association Pro Bono Week

The Cleveland Metropolitan Bar Association is proud to announce the Cleveland Metropolitan Bar Association Pro Bono Week, a celebration of legal aid and pro bono service in Northeast Ohio. From October 1 to October 27, the CMBA and its partners will host a variety of events to recognize the contributions of volunteers and to encourage the public to participate in pro bono service.

#### Events Overview

- **Wednesday, October 3**
  - **Special Clinic for U.S. Veterans**
    - 2:30 – 4:00 p.m.
    - Legal Aid's Cleveland Office
    - By appointment only: (216) 391-0264
    - Staffed by volunteers from McDonald Hopkins

- **Thursday, October 4**
  - **Expungement Clinic**
    - 4:30 – 6:30 p.m.
    - Legal Aid's Cleveland Office
    - By appointment only: (888) 817-3777

- **Tuesday, October 9**
  - **Community Outreach Clinic**
    - 2:00 – 3:30 p.m.
    - Catholic Charities Ashtabula
    - 420 Park Avenue, Ashtabula
    - Staffed by volunteer attorneys from Ashtabula County

- **Wednesday, October 10**
  - **Community Outreach Clinic**
    - 2:00 – 3:30 p.m.
    - Catholic Charities Ashtabula
    - 420 Park Avenue, Ashtabula
    - Staffed by volunteer attorneys from Ashtabula County

- **Monday, October 15**
  - **FREE: Changes in Expungement Law CLE Seminar**
    - Learn more and register at: lasclev.org/registration

- **Friday, October 19**
  - **Recovery Court Civil Pro Bono Project**
    - 9:00 – 10:30 a.m.
    - Cuyahoga County Justice Center
    - 1200 Ontario, Courtroom 18A, Cleveland
    - Staffed by volunteer attorneys

- **Saturday, October 20**
  - **Brief Advice and Referral Clinic**
    - 10:00 – 11:00 a.m.
    - Cleveland Public Library’s Rice Branch
    - 11535 Shaker Boulevard, Cleveland
    - Staffed by volunteers from the CMBA Leadership Academy and Volunteer Lawyers for the Arts

- **Monday, October 22**
  - **Lawyer to Lawyer Give Back for Justice**
    - 5:00 – 7:00 p.m.
    - CMBA Conference Center
    - 1375 East 9th St., Floor 2, Cleveland
    - Sponsored by the Supreme Court of Ohio in collaboration with the CMBA and Legal Aid

- **Tuesday, October 23**
  - **FREE: Consumer Law CLE Seminar**
    - Learn more and register at: lasclev.org/registration

- **Wednesday, October 24**
  - **FREE: Tax Law CLE Seminar**
    - 8:00 – 10:40 a.m.
    - Register online at: CleMetroBar.org/HalloweenRun
    - Staffed by Volunteer Lawyers for the Arts and Reach Out for Nonprofits
    - Supported by the CMBA and CMBF

- **Thursday, October 25**
  - **FREE: Tax Law CLE seminar**
    - 10:00 a.m. – 12:00 p.m.
    - Learn more and register at: lasclev.org/registration

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### Registration for Events is Now Open!

Check lasclev.org/2018ProBonoWeek and CleMetroBar.org/ProBonoWeek for updates on times and locations for specific events. Special thanks to the Attorney Admissions Fund of the United States District Court for the Northern District of Ohio for their generous support of October 2018 pro bono events!
Chris Fisher has been a loyal member of the CMBA since 1997, and his active engagement in volunteer programs and other Bar initiatives have made him a welcome visitor each time we see him. For his time and efforts, the CMBA’s Lawyer Referral Service (LRS) was pleased to recognize Chris this past June with the 2017–18 LRS Community Service Award.

While in private practice, Chris worked as a family law practitioner and was a member of the LRS. During that time, Chris advised more than 230 LRS clients as the owner of The C. P. Fisher Law Firm, LLC. For those unable to pay typical rates, Chris kindly offered some LRS clients reduced fees to help them resolve important family law issues like child custody, divorce, and dissolution. The CMBA greatly appreciates the time Chris spent on the LRS. We have been especially grateful for Chris’ ability to connect with and advise LRS clients who were undergoing difficult times in their lives. Each connection Chris made with a LRS client improved the public’s trust in the legal profession and promoted the reputation of attorneys at large.

Chris has also been a frequent volunteer with the CMBA’s Pro Se and Pro Se “Plus” Divorce Clinics, which are held on the third Friday of every month at the Cuyahoga County Courthouse. These clinics are a vital resource for people living in poverty who are seeking a simple divorce, helping them complete and file the necessary paperwork without the need to hire an attorney that they would not be able to afford on their own.

Chris has served as a regular Pro Se Divorce Clinics volunteer but has always been willing to step up as a clinic leader when called on, guiding the group of participants and volunteers through the process. He also often served the program between clinics by helping to prepare the necessary paperwork for “Plus” Clinic participants – those whose divorces include issues of child custody or support, or who have simple assets to allocate. Chris’s efforts with the divorce clinics have helped hundreds of clinic participants move on with their lives easily, quickly, and with dignity.

Jennifer Himmelein, a partner at Cavitch, Familo & Durkin Co., LPA who most often leads the Pro Se and Pro Se “Plus” Divorce Clinics, said: “Chris is a dedicated volunteer whose kindness, caring, and compassion resonates with the Pro Se Divorce Clinic clients that he helps. His service is greatly appreciated!”

When asked why he volunteers, Chris said, “Both the LRS and the pro se clinics offer great ways to help people who need it. There are a lot folks out there who are struggling. These programs give me an easy way to help where I can. It’s really as simple as that.”

We at the CMBA are grateful for Chris’ leadership and dedication to community service as he transitions to his new role as a prosecutor in Stark County. His actions and encounters with the public enhance the reputation of all in the legal profession.

GET ENGAGED!
For more information about the CMBA’s Lawyer Referral Service, visit CleMetroBar.org/LRS or contact Katie Onders at KOnders@CleMetroBar.org or (216) 539-5979. To learn more about the Pro Se Divorce Clinics and how you can make a difference in our community as a volunteer, please visit CleMetroBar.org/ProSeDivorce or contact Jessica Paine at JPaine@CleMetroBar.org or (216) 539-5982.
As in-house environmental counsel at Eaton, we wanted to focus our article on specific insights and tangible suggestions that we can offer our outside counsel colleagues, versus obvious or esoteric commentary. We come at this with combined in-house experience of about 30 years. We are by no means the experts, but have come across some valuable insights and lessons learned across the way from working with you, our businesses, and other corporate staff functions, covering both general inside-outside relationship issues, along with a few environmental-based take-aways. To better serve our shared Company client, we offer the following suggestions for in-house/outside legal teams to provide more powerful, efficient and accountable legal support.

We are strategic partners with shared performance and accountability.

At the risk of stating the obvious, in-house and outside counsel together must provide our Company with stellar, responsive, and cost-effective legal professional services. The business often views all of the “lawyers” as the same — no distinction between in-house and outside counsel. As such, the legal team must understand and share joint objectives to meet the needs of the Company. To be effective, you have to know our Company, values, businesses, products and services, organizational structure, and how we “work.” We want our outside counsel involved in our annual goal and strategic planning, aligning with Law Department and Company objectives. We want to be brain-partners with outside counsel on our cases or projects. We want outside counsel to transparently share mistakes and lessons learned from your experiences to guide our go-forward (and we are indeed willing to share ours too within the bounds of confidentiality). Across the board, we believe these efforts provide our client, the Company, with the best work product.

Keep in mind, law firms are “just another vendor” to our businesses.

This is a humbling statement and is not intended to be disrespectful, but when it comes to Corporate America’s relationship to law firms, you are really “just another vendor” in our supply chain world. As such, law firms are subject to the same expectations as a supplier of steel, chemical products, or wastewater services. Yes, you offer unique and valuable professional services, but you, as the relationship attorney, must help your inside team by ensuring the law firm’s processes align with company supply chain expectations — most prominently, cost-efficiency or “cost-out” requirements. These concepts were at one time a bit foreign to law firms (as they were to in-house counsel), but as most appreciate now, these supply chain requirements are the price of doing business with us. So, how can you help specifically? First, ensure that soup-to-nuts billing requirements are deployed and met throughout the law firm. These requirements include staffing, general invoicing, time/format of invoices, authorized/unauthorized charges, and time-to-pay expectations. Second, we expect firm client relationship attorneys to ensure understanding and deployment throughout each of the law firm’s departments in the same way that we, with you, have accountability to our supply chain teams for the same.

Yes, a lot of this is about cost.

Of course, right? But you can really help us and the business here. And here’s the thing: there’s a good and understandable reason for all this cost pressure. Our business faces it every day and we, as lawyers, need to not only say we appreciate that but tangibly do something about it. From the inside end, our commitment to our business partners is to be as efficient as possible when it comes to legal fees — specifically, to establish and meet cost-effective budgets and to think creatively about alternative cost or staffing arrangements on cases/projects. We truly savor being partners with you based on what you see across your client bases as to effective ways to manage services and costs. Help us with budgets and forecasting — and provide spend and other data to us as requested. Meet your budgets and forecasts (and we do understand there’s an art to this process versus science). Here’s the thing: we, in-house counsel, are accountable on a monthly basis to meet budgets and provide as accurate as possible forecasts. We are actively measuring and reporting this performance all along the way. We cannot be successful without your deep management and partnership on these issues.

When we say inclusion, diversity, environmental sustainability and social responsibility matter, we really do mean it.

As you may know, like many of your clients, Eaton values an inclusive and diverse (I&D) workforce and we hire outside counsel with a similar commitment. This is not only a matter of straight staffing metrics but providing your diverse team members with meaningful retention, mentorship, business, and leadership opportunities at the firm. For example, we actively support and measure the number of diverse lead counsel on Eaton matters. Firms that show a similar commitment get more Eaton work — it’s that simple. Likewise, firms that do not support our I&D efforts (including firms that fail to provide requested diversity information on our cases or do not meet our diverse staffing expectations) will not get future Eaton work. We review these I&D considerations with the placement of every single Eaton matter. Likewise, as we hope you know, Eaton has a long-standing and deep commitment to environmental sustainability and social responsibility. We seek to work with legal partners who share in these commitments “outside of the law.”

Thinking beyond the “environmental silo.”

One comment in-house counsel periodically hears is the essential need for us to more broadly consider business or other legal issues that go beyond our specific environmental silo. Environmental issues (operational or legacy/remedial) commonly trigger other legal issues, whether labor, safety, real estate, or commercial. An outside counsel who can help their in-house partner iden-
identify, navigate and weave these broader issues into the overall environmental strategy is invaluable. Consider, for example, a “simple” product line move from one facility to another. The litany of issues to consider on the “E” side includes the usual suspects: Is the receiving location owned or leased? Has environmental due diligence been performed on the property and what are the results? Does the receiving location have all required environmental permits and approvals for an on-time start up along with emission controls and qualified staff?

These environmental issues need to be considered in parallel path and alignment with other critical items, such as zoning, utility supplies, machine transfer/customs/safeguarding requirements, customer approvals, production needs, and related commitments. As a consequence, the in-house and outside environmental legal teams need to ensure they have a broader lens on these intersecting points as they provide their “environmental” recommendations to the business.

The evolution of the in-house environmental practice.
Consistent with the above, the typical in-house environmental practice has changed over the years, exploding into other areas such as sustainability and product-related compliance issues (such as EU REACH/ROHS, California Proposition 65, and other laws governing the chemical constituent of products). We seek outside counsel who can help in-house teams anticipate and manage (with internal product stewardship, engineering, and sales & marketing teams) these rapidly expanding areas of “environmental law.”

Leave technical calls to in-house environmental engineers.
We offer this in the spirit of constructive criticism — the undersigned are lawyers. We’ve picked up a few technical knowledge points along the way, but are by no means qualified experts. At Eaton, we have the luxury of support from a world-class Corporate EHS technical team — a crew of environmental operational (air, water, waste, energy/greenhouse gas) and remediation experts. These persons know pollution control, remedial settings, and “how things work” in the plant. We are all more effective lawyers if we lean on an active partnership with our technical counterparts. They provide not only the substantive expertise on the relevant topic area, but also a good reality check on what makes sense or not from the legal end. For example, when it comes to property assessments on a potential acquisition for a long-term industrial property, a legal recommendation to do a Phase I ESA may not make sense, nor is it cost-effective. Rather, the tech team may advise going straight to a Phase II ESA where actual soil/groundwater samples are taken to know the extent of contamination on the property, any specific liabilities versus remote AOCs, and any deal-specific terms that need to be negotiated (e.g., price reductions due to contamination, escrow/hold backs to fund remedial work, work-party responsibility for cleanup, cleanup levels/closure requirements, etc.). We invite our outside counsel to extend that brain-partnership with our technical teams, which will result in more appropriate and cost effective advice to the company.

We end where we began, by saying we offer these observations in the spirit of growing and strengthening our partnership with outside counsel. With your help on these fronts, the Company is assured of more powerful, accountable, and effective legal advice and counsel.

Lisa Sutton, Jill Bautista, and Katy Franz are attorneys within the Environment, Health & Safety practice group of Eaton’s Law Department in Cleveland. Lisa has been a CMBA member since 1995 and can be reached at (440) 523-4358 or lisasdutton@eaton.com. Jill has been a member since 2011 and can be reached at (216) 523-4391 or jillabautista@eaton.com. Katy has been a member since 2010 and can be reached at (440) 523-4785 or katymfranz@eaton.com.
Six Years Later: Revisiting and Distilling Schwartzwald and its Progeny
Examining Creditors’ Standing in Foreclosure Actions and Challenges Thereto

BY RICHARD J. SYKORA

While not the most glamorous legal concept, for creditors commencing foreclosure actions, examining standing is fundamental. In 2012, the Ohio Supreme Court issued a landmark decision with respect to foreclosure actions: Fed. Home Loan Mtge. Corp. v. Schwartzwald, 2012-Ohio-5017. The Court in Schwartzwald held that standing is a jurisdictional requirement, and the ability to invoke the jurisdiction of the court is to be determined at the outset of the suit. As a practical matter, this meant that creditors were now required to submit evidence of their standing at the pleading stage. Further, if plaintiff did not have the requisite standing at complaint filing, any post-complaint remediation efforts, pursuant to Civ.R.17(A), could not cure the litigant’s lack of standing. Thus, post-Schwartzwald, Plaintiff’s status as the holder of the promissory note and assignee of the mortgage became a standard issue at complaint filing.

In 2015, the Ohio Supreme Court, in Wells Fargo Bank, N.A. v. Horn, 2015-Ohio-1484, clarified Schwartzwald. The Horn Court held that while standing is determined at the time the suit is commenced, plaintiff may supply proof of standing subsequent to the initial filing. Under the facts of Horn, Wells Fargo Bank, N.A. attached a copy of the promissory note endorsed in blank, and a copy of the mortgage in favor of Norwest Mortgage. The borrower filed an answer contesting Wells Fargo’s standing. In support of its summary judgment motion, Wells Fargo included an affidavit, name change, and merger documents. The trial court issued judgment in favor of Wells Fargo. On appeal, the Ninth District Court of Appeals reversed the trial court, holding that a foreclosing plaintiff must attach evidence of standing to its complaint. Wells Fargo appealed the Ninth District decision to the Ohio Supreme Court. Accepted on discretionary appeal, the Court clarified that while standing is to be determined as of the commencement of the suit, proof of standing may be submitted subsequent thereto. For creditors, the Horn decision preserved the legal maxim of notice-pleading in Ohio. Further, it protected the right of foreclosing plaintiffs to aver standing at the pleading stage with supporting documents evidencing its right to enforce the note and mortgage. Proof of standing, however, can be provided prior to judgment. In 2016, the Ohio Supreme Court further clarified Schwartzwald in Deutsche Bank Natl. Trust Co. v. Holden, 2016-Ohio-4603. In Holden, the Court held that an action for personal judgment against the promisor obligated on the promissory note is a separate and distinct action from an action to enforce the mortgage lien. Reviewing the pertinent facts of Holden, plaintiff attached copies of the promissory note, mortgage, and applicable assignments of mortgage to its complaint. Due to the defendants’ discharge through bankruptcy, the plaintiff was only able to proceed for foreclosure of the mortgage, and not for the personal judgment under the note. Plaintiff moved for, and the trial court granted summary judgment to plaintiff. The trial court found plaintiff was the holder of the note and assignee of the mortgage, and thus had standing to foreclose the mortgage. On appeal, the Ninth District Court of Appeals held that only the current holder of both the note and the mortgage can bring the foreclosure action. The court concluded that there was a genuine issue of material fact regarding whether the plaintiff owned the note when it commenced the action, thus the trial court decision was reversed. Again appealed, the Ohio Supreme Court noted that an action for personal judgment on the note and an action to enforce mortgage covenants are separate and distinct remedies. As the plaintiff established itself as the valid assignee, and was only seeking to enforce the mortgage against the property, the Court determined this precluded a dismissal for lack of standing and reinstated the judgment of the trial court. Practically applying Holden, a creditor should evidence entitlement to enforce the note or mortgage at the time of initial pleading in conjunction with the remedy it seeks. Pleading in this manner will preclude dismissal for lack of standing.

In Bank of Am., N.A. v. Kuchta, 2014-Ohio-4275, the Ohio Supreme Court...
held that lack of standing is an issue that is cognizable on appeal and cannot be used to collaterally attack a foreclosure judgment. It also held that while standing is required to invoke the jurisdiction of the court, lack of standing does not affect the subject-matter jurisdiction of the court of common pleas. In Kutch, plaintiff was granted summary judgment on its foreclosure complaint. Three months later, the defendants filed a motion to vacate judgment under Civ.R.60(B), which was denied by the trial court. The defendants appealed the denial of a Civ.R.60(B) motion to set aside judgment. On appeal, the Ninth District, interpreting Schwartzwald, held that standing is a jurisdictional matter and the alleged lack of standing, if proven, would warrant relief from judgment. The Ohio Supreme Court took the case due to a conflict between the Ninth and Tenth District holdings on whether a defendant who failed to appeal the trial court judgment can raise lack of standing as part of a motion for relief from judgment. Concentrating the argument specifically to Schwartzwald, the defendants argued that a plaintiff’s lack of standing invalidated a court’s subject-matter jurisdiction, thus the judgment rendered in the underlying action was void. The Court held that defendants’ inference that Schwartzwald’s use of the term jurisdiction connoted subject-matter jurisdiction was incorrect. A party’s ability to invoke the court’s jurisdiction refers to the jurisdiction over the particular case, and not to the subject-matter jurisdiction of the court in which the party is attempting to obtain relief. Further, the court held that lack of standing is an issue cognizable on appeal and cannot be used to collaterally attack a judgment. For creditors, Kutch provides protection from collateral attack on the basis of standing.

In Ohio’s First Appellate District’s, Bank of Am., N.A. v. Kenney, 2015-Ohio-2485, the defendant argued that the plaintiff in foreclosure lacked standing because it did not produce the original mortgage. Defendant also argued that the substitutedplaintiff lacked standing based on Schwartzwald. The court succinctly dismissed these arguments stating there was no question that the substitute-plaintiff has standing pursuant to Schwartzwald. The substitute-plaintiff was in physical possession of the original note and had a valid assignment of mortgage. Further, the court clarified that the issue in Schwartzwald was plaintiff acquiring an interest in the note or mortgage after the complaint filed. In Kenney, the original plaintiff held both the original note and mortgage at the time of filing the complaint, and thus had standing. After the complaint was filed, transferring the note, assigning the mortgage, and substituting the plaintiff did not cause any issue with respect to standing. For creditors, this decision helps illustrate that post-complaint negotiation of the note, assignment of the mortgage, and substitution of plaintiff does not create an issue with respect to standing.

In Ohio’s Seventh Appellate District’s, Bank of Am., N.A. V. Stewart, 2014-Ohio-723, defendant also attempted to argue, using Schwartzwald, that a post-filing substitution of the real party in interest under Civ.R.17 (A) was not permissible and that the originally named plaintiff did not exist rendering the complaint a nullity. The plaintiff was originally named as “BAC Home Loans Servicing LP fka Countrywide Home Loans Servicing, LP.” After the complaint filed, but prior to defendant’s answer, plaintiff substituted “Bank of America as successor to … [named plaintiff]” into the action replacing the originally named plaintiff. The Seventh District held that plaintiff’s substitution complies with the dicta of Schwartzwald in that an absorbed company becomes part of the remaining company; thus the absorbed company suffered the injury by defendant’s actions as part of the remaining company. Thus, plaintiff’s substitution did not violate Schwartzwald’s holding regarding post-complaint remediation efforts under Civ.R.17 (A).

As set forth herein, standing in foreclosure actions is not generally as simple as establishing a sufficient interest in the outcome of the case. For creditors in foreclosure actions, best practice to comply with Schwartzwald necessitates attaching a property endorsed note, in blank or specifically to plaintiff, and an assignment of mortgage to plaintiff; to supplement the record with evidence of plaintiff’s status as the holder and entitlement to enforce the instruments at judgment stage; and, when necessary, substituting the plaintiff when the interest in the note and mortgage are negotiated and assigned, respectively. Proceeding in this manner will decrease potential challenges to standing.
Mentors, they can be an elusive beast. In our digital age, it is easy to feel connected to other people’s lives and what they are up to. However, more often than not you don’t feel close enough to someone who will advocate for you; someone who will give you tough talks and motivation when the chips are down, someone who will look out for opportunities you may not recognize within yourself. Why is that?

A better way to do business
As attorneys, we have been trained since law school to embolden our type A personalities, sometimes even earlier than that. We aim to gain the coveted high A in a class, have the best exam notes, gain the best internship. There is not a lot of incentive for teamwork. Once that dog-eat-dog mentality is enhanced, we are unleashed into the workforce with a will to be the best and possibly trample another in our way. But, there is better way. A better way to provide our clients with the utmost professional representation. To advocate for a legal stance without entrapping our souls into aggregate muck. Think back to the time you started your first job after law school. How many life lessons did you learn in the first year? That first month? That first day? It’s not hard to look back at your past self and think, I wish I would have known x,y, and z. Why didn’t someone tell me? Hindsight is always 20/20 and I bet when you reflect on the past, you can imagine the help of another person transforming how you do business. Whether that be through networking, moral support or professional mirroring. That person, that mentor in your life, if you were lucky to have one, made a difference for you, shaped how you do business today.

Benefits of mentorship
The mentor/mentee relationship is a two-way street. A mentorship bond can benefit both parties equally and simultaneously. Usually, the mentor is the one with experience, contacts, and career success. They can bring to the table a level of expertise and confidence in the courtroom and/or prowess that an inexperienced attorney may not have yet. Mentees may be eager to cultivate their skills and enthusiastic to grow as a person from the leadership of their mentor. Usually, for a newly licensed attorney, a mentorship is a great way to gain connections along with direction for their career.

Mentors have everything to gain by taking another under their wing. Imagine that your livelihood has been spent on improving an area of the law or by creating the type of practice where clients can rely on your
expertise. When you’re sick, or life events happen, who can best support you? Who will pick up where you left off? Mentors leave a legacy, and they do that by training their successors. Those who are touched by a remarkable mentor live on and embody future generations of attorneys who pass on their knowledge and wisdom. Those who make their mark by imprinting on others never cease to create inspiration.

Female empowerment
Mentorship is particularly important for women. In modern day, there is an exceptional standard of expectation for females. Not only are you managing your household, while breaking glass ceilings in the workforce, but you may have loved one(s) to care for after the day is complete. None of that includes the small amount of time you may have to spend on yourself. How beneficial would it be to have someone who could give you advice on how to manage a healthy work/life balance? Give you tricks of their trade to make it look easy? Have a Tide wipe in their pocket when you missed the oatmeal or spilled milk on your suit jacket? By championing for other women, we can grow the number of females in leadership positions. We can provide a support network for working mamas. By using encouragement of one another, in place of guardedness, we as professional women can all rise.

Replacing “mentor” with “champion”
The term Mentorship has a formal, archaic feel to it, especially when a relationship like that is rarely formal in nature. In fact, even “role model” sounds too much like a “grown up” term. What young people, young attorneys in particular, need today, may not fit the traditional mold of mentor, but that of a champion. Young attorneys must seek out and be receptive to champions. Young attorneys need someone to champion for them when they do the wrong thing, to steer them in the right direction. They need someone to champion their successes, to advocate on their behalf and to promote their best interests. Most importantly young attorneys need someone to champion the strengths others see in them, that they may not see in themselves.

Being receptive to a champion
It can be hard to hear constructive criticism, let alone to give it. In our profession, it can be frightening to offer an opinion and tell someone the truth they need to hear. That’s where a true champion is needed for attorneys. That truth is required. I’m not talking about something simple like a trivial mistake; human error is a part of the legal process and a part of being human. But watching another go down a path of mistakes is a totally different story. Champions speak up and speak wisely. Be the person you wished you had in your corner early in your career. When you happen to be on the receiving end of those practical narratives, be receptive, be open to guidance. It may sting at first, but there can be a lesson in those words.

A champion’s path
Oprah Winfrey has said “where there is no struggle, there is no strength.” Great champions have gone through struggles in their life. Not only struggles but failures. Some have failed on an extremely large scale. The difference between champions and the rest of the world, is that champions have transformed and grown through those struggles and failures, and in their own way, succeeded. Because, behind every failure is an opportunity for growth. Those champions who have gone through their own battles to obtain growth can coach others, leading them to obtain growth as well. I guarantee that the individuals who have fallen the hardest, and gotten back up repeatedly, have the best lessons to pass on to those who will listen.

You see, being a champion doesn’t mean helping another attorney to avoid their struggles, it’s offering support to ease them through it. It’s a hand being offered during dark times. A calm voice during the turbulent times. A kind ear during overwhelming times.

Our duty to champion one another
The reputational future of the legal profession depends on champions. That means each attorney is not only charged with seeking out another that they can relate to and help advocate for better practice and lifestyle changes, but each must remain open to another reaching out to them with guidance. The law itself is a constantly mobile and ever-changing concept, regularly bringing to life new ideas, growth and discussion. We should aim to be like the law, evolving as attorneys, and as people, along with assisting others in that journey. Not a single attorney has all the answers, and every attorney is continually in need of developing their own kind of personal growth. It is our duty to each other to reach out, or rather, seek out another and pull them up. Be someone’s champion.

For the past 10 years, Kira K’towekrovsh has dedicated her life to public service and nonprofit work. She joined the Cuyahoga County Prosecutor’s Office as an Assistant Prosecuting Attorney in 2013, where she manages the Bankruptcy Workgroup. In the past she has worked for the City of Canton Law Department, City of Garfield Heights Law Department and the Stark County Family Court. She is currently the Board Vice President for the Citizen’s Committee for the Lakewood Animal Shelter, the Board of Directors – Strategic Transformation Director for the Junior League of Cleveland and she volunteers, along with her family, with other nonprofit organizations. She joined the CMBA in 2017. She can be reached at (330) 268-9111.
Somes of you might have noticed an uptick lately in the area of chemical regulations applicable to products in the United States. By chemical regulations, I mean state and federal legislation as well as international regulations which apply to American companies doing business worldwide. For example, California’s infamous Proposition 65 is particularly hot right now because of an upcoming deadline for new rules for labeling and warning about chemicals in products in California. Clients have been reaching out to me about these new Prop 65 rules. Speaking of “reaching” out, a number of clients have been requesting assistance with REACH, one of the European Union’s regulations of chemicals. Because these are hot topics among environmental lawyers, I will touch on a few here to bring awareness about what rules might be out there and possibly applicable to you and your company might do.

First, let me describe California’s “Prop 65.” Proposition 65, officially known as the Safe Drinking Water and Toxic Enforcement Act of 1986, was enacted as a California ballot initiative in November, 1986. The proposition tries to protect the state’s drinking water sources from being contaminated with chemicals known to cause cancer, birth defects or other reproductive harm, and requires businesses to inform Californians about exposures to such chemicals. Prop 65 requires warnings about significant exposures to chemicals which can be in the products Californians purchase, have in their homes or workplaces, or that are released into the environment. By requiring this information to be provided, Prop 65 supposedly enables Californians to make informed decisions about their exposures to such chemicals. Prop 65 requires California to publish a list of chemicals known to cause cancer, birth defects or other reproductive harm. This list, which must be updated at least once a year, has grown to include approximately 900 chemicals.

The upcoming deadline (which will be a past deadline by the time you read this) requires a substantive change in the information required to be included in the warnings. By Aug. 30, 2018, businesses whose products contain one or more of the 900-plus listed chemicals in certain amounts must identify the chemical or provide specific information about how a person may be exposed or ways to reduce or eliminate exposure to it. The new amendments change the safe harbor warnings which are deemed to comply with the law in several important ways. For example, the new warnings for consumer products will say the product “can expose you to” a Prop 65 chemical rather than saying the product “contains” the chemical. The warnings will also include:

• The name of at least one listed chemical that prompted the warning.
• The internet address for California’s new Prop 65 warnings website, www.P65Warnings.ca.gov.
• A triangular yellow warning symbol on most warnings.

Prop 65 is only one example of a state regulation on chemicals which could have far-reaching impact beyond the borders of California. Some states have targeted specific groups of chemicals. By 2017, 11 states had enacted legislation banning or restricting certain flame retardants in products sold within their borders:

• California – bans products containing more than 0.1 percent of the flame retardants pentaDBE or octaBDE by mass and requires that products sold within the state warn whether they contain any added flame retardants.
• Hawaii – bans products containing more than 0.1 percent of the flame retardants pentaDBE or octaBDE.
• Illinois – bans products containing more than 0.1 percent of the flame retardants pentaDBE or octaBDE and restricts the use of decaBDE.
• Maine – bans products containing added brominated flame retardants.
• Maryland – a) bans the sale of mattresses, residential upholstered furniture and electronic equipment containing decaBDE, b) bans the sale of all products containing flame retardants pentaBDE and octaBDE, and c) bans TDCPP and TCEP from children’s products sold in the state.
• Michigan – bans products containing more than 0.1 percent of flame retardant pentaDBE.
• Minnesota – bans products containing flame retardants pentaBDE or octaBDE, and bans other specific flame retardants from children’s products, mattresses and residential upholstered furniture.
• New York – a) prohibits the use of pentaBDE and octoBDE in any consumer product, b) bans the sale of children’s products containing TCEP, and c) bans TDCPP in children’s products marketed for children age three and younger.
• Oregon – bans products containing pentaBDE, octaBDE or decaBDE.
• Rhode Island – restricts the manufacturing and distribution of products containing pentaBDE or octaBDE.
• Vermont – a) bans flame retardants octaBDE and pentaBDE from all products, b) bans the sale of mattresses and furniture containing decaBDE, and c) bans TCEP and TDCPP from children’s products and furniture.
• Maryland – a) bans the sale of mattresses, residential upholstered furniture and electronic equipment containing decaBDE, b) bans the sale of all products containing flame retardants pentaBDE and octaBDE, and c) bans TDCPP and TCEP from children’s products sold in the state.

These are just examples of how variable the requirements are from state to state in the United States.

The principal “federal” regulation of chemicals is the Toxic Substances Control Act, most recently amended in 2016. The Toxic Substances Control Act (TSCA) provides the Environmental Protection Agency (EPA) with authority to require reporting, record-keeping and testing requirements, and restrictions relating to chemical substances and/or mixtures. Certain substances are generally excluded from TSCA, such as food, drugs, cosmetics and pesticides. TSCA addresses the production, importation, use, and disposal of
specific chemicals including polychlorinated biphenyls (PCBs), asbestos, radon and lead-based paint. More specifically, various sections of TSCA provide authority for EPA to:

- Require pre-manufacture notification for “new chemical substances” before manufacture.
- Require testing of chemicals by manufacturers, importers, and processors where risks or exposures of concern are found.
- Issue Significant New Use Rules (SNURs) when it identifies a “significant new use” that could result in exposures to, or releases of, a substance of concern.
- Maintain the TSCA Inventory, which contains more than 83,000 chemicals. As new chemicals are commercially manufactured or imported, they are placed on the list.
- Require those importing or exporting chemicals to comply with certification reporting and/or other requirements.
- Require reporting and record-keeping by persons who manufacture, import, process, and/or distribute chemical substances in commerce.
- Require any person who manufactures (including imports), processes, or distributes in commerce a chemical substance or mixture and who obtains information which reasonably supports the conclusion that such substance or mixture presents a substantial risk of injury to health or the environment to immediately inform EPA, except where EPA has been adequately informed of such information.

What about the rest of the world?

In Europe, one of the best-known chemical regulations is REACH (Registration, Evaluation, Authorisation and Restriction of Chemicals). REACH establishes procedures for collecting and assessing information on the properties and hazards of substances. Companies must register their substances, and they often work together with other companies who are registering the same substance. The responsibility for fulfilling the requirements of REACH and the Classification, Labelling and Packaging Regulation (CLP), such as registration or labelling, lies with the importers established in the European Union, or for REACH obligations, with the “Only Representative” of a non-EU manufacturer established in the European Union. However, importers in the EU often turn to their non-EU (e.g., American) suppliers and request information that they need to fulfil their regulatory obligations. So, don’t be surprised if you are asked for information in order for your EU importers to comply with REACH.

The following questions will help focus the inquiry to the appropriate EU chemical regulations:

- What do you export to the EU?
- Do your exported products contain substances that require REACH registration by the EU-importer?
- Are your exported products affected by regulatory requirements other than registration, such as notification or “authorization”?
- What are the advantages and disadvantages of appointing an “Only Representative” to fulfil the obligations resting on importers?
- Do your exported products require classification, labelling and packaging in accordance with the CLP Regulation?
- In addition to possible REACH obligations, the questions above might lead you to issues arising from the requirements of the Classification, Labelling and Packaging (CLP) Regulation (No. 1272/2008). The CLP Regulation is based on the United Nations’ Globally Harmonised System (GHS). CLP is the only legislation in the EU for classification and labelling of substances and mixture, and it requires manufacturers, importers or downstream users of substances or mixtures to classify, label and package their hazardous chemicals appropriately before placing them on the market.

Much like California’s Prop 65 requirements, once a substance or mixture is classified under the EU’s CLP Regulation, the identified hazards must be communicated to other actors in the supply chain, including consumers. Hazard labelling allows the hazard classification, with labels and safety data sheets, to be communicated to the user of a substance or mixture, to alert them about the presence of a hazard and the need to manage the associated risks. Also, like Prop 65, CLP sets detailed criteria for the labelling elements: pictograms, signal words and standard statements for hazard, prevention, response, storage and disposal, for every hazard class and category. It also sets general packaging standards to ensure the safe supply of hazardous substances and mixtures. In addition to the communication of hazards through labelling requirements, CLP is also
the basis for many legislative provisions on the risk management of chemicals.

Additionally, the classification and labelling of certain hazardous chemicals is harmonised among member states to ensure adequate risk management throughout the EU. Member states and manufacturers, importers or downstream users may propose a harmonised classification and labelling (CLH) of a substance. Only member states can propose a revision of an existing harmonisation and submit CLH proposals when a substance is an active substance in biocidal or plant protection products.

The notification obligation under CLP requires manufacturers and importers to submit classification and labelling information for the substances they are placing on the market to the C&L Inventory held by the European Chemicals Agency (ECHA). The Classification and Labelling Inventory or “C&L Inventory” is a database maintained by ECHA containing classification and labelling information on notified and registered substances received from manufacturers and importers. It also includes the list of harmonised classifications and the names of harmonised substances translated in all EU languages. Companies have provided this information in their C&L notifications or registration dossiers. ECHA maintains the C&L Inventory, but it does not review or verify the accuracy of the information.

In summary, the above smattering of chemical regulations demonstrates how alert companies must be when selling, importing or exporting products with chemicals in the United States or in Europe. By the way, China and other Eastern countries have chemical regulations with their own nuances. Be careful when trying to navigate such varied rules and regulations, and please seek able legal counsel to ensure compliance.

John A. Heer has over 26 years of experience practicing environmental law, including experience with traditional environmental issues relating to the Clean Water Act, Resource Conservation and Recovery Act, the Clean Air Act, the Toxic Substances Control Act, Federal Insecticide, Fungicide, the Rodenticide Act, Comprehensive Environmental Response, Compensation, and Liability Act, Brownfields, wetlands and stormwater. He has been a CMBA member since 1991. He can be reached at (216) 348-5400 or jheer@mcdonaldhopkins.com.

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THE DECLARATION UNDER DISCIPLINARY RULES “PRACTICING LAW” IN OHIO IS NOT LIMITED TO PRACTICING OHIO LAW

Sachin V. Java

A recent admissions case related to interpretation of Prof. Cond. Rule 5.5, which covers multijurisdictional practice, highlights the ethical ramifications of an increasingly mobile legal industry. The crux issue of the case is whether an attorney licensed in another state, who has applied for admission in Ohio can continue to represent clients from her state of licensure while being physically present in Ohio.

The Move
Alice Jones (Jones) was admitted to the Kentucky Bar in 2009, and subsequently worked in various attorney positions in the state. In 2015, she was employed as an Associate at Dinsmore & Shohl LLP (Dinsmore) in their Louisville office. At that time, for personal reasons, she decided to move to Ohio and transfer to Dinsmore’s Cincinnati office. Dinsmore agreed but asked Jones to first apply for admission to the Ohio bar. While her admission was pending, the firm required Jones to work only on matters arising under Kentucky law. Accordingly, Jones applied in 2015 for reciprocal admission to Ohio. She then moved to Cincinnati and worked only on representing Kentucky clients under Kentucky law, under the supervision of a Louisville-based partner.

The Application
A Cincinnati Bar Association (Association) committee interviewed Jones in 2016 and recommended to the Board of Commissioners on Character and Fitness (Board) that her application be approved. The Board expressed some concern over Jones’ arrangement and that her activity of practicing Kentucky law while residing in Ohio may constitute the unauthorized practice of law, which would make her unfit for admission. After a hearing in 2017, the Board ordered Jones to cease the practice of law and submit an affidavit stating she would only provide paralegal or law clerk services until the Board completed its review. Jones responded that her practice was not in violation of Ohio Rules of Professional Conduct and that she would continue to represent Kentucky clients. In doing so, she relied on the unauthorized practice of law exception delineated in Prof Cond. Rule 5.5(c), which provides that an attorney licensed in another state who regularly practices law may provide services in Ohio on a temporary basis in certain instances. The Board disagreed, finding Jones has a “systematic and continuous” presence as described in Prof Cond. Rule 5.5(c) since she lives and works in Ohio.

Additionally, the Board reasoned that the unauthorized practice of law rules refer to the practice of law, not simply the practice of Ohio law. Moreover, the Board found that “temporary” should be defined under the paradigm of Prof Cond. Rule 5.5(b) such that if a lawyer has established an office and a systematic and continuous presence, then it can be reasonably concluded that the services being rendered are not temporary. Rules for the Government of the Bar, the Board cited, also prohibit practice of law in Ohio prior to an admission application. Finally, circumstantial evidence in relation to a proposed revision of the ABA model rule, which otherwise would not have been necessary, also provided support to the Board’s argument. The Board concluded that Jones was engaged in the unauthorized practice of law and was therefore unfit for admission.

The Challenge
Jones and the Association challenged the conclusion of the Board to the Supreme Court of Ohio. Dinsmore and a collective of six firms with a large Ohio presence have filed amicus briefs claiming the Board’s interpretation of the rule would significantly harm the ability for Ohio law firms, companies, and government to attract quality attorneys who are in good standing in other jurisdictions. The oral argument for the case was held on July 17, 2018.

The Takeaway
While the Supreme Court sorts out the issue, the distinctive stance adopted by the Board presents certain practical considerations for attorneys whose practice may cross state lines:

• Practice of law in Ohio under the ethical rules does not equate to only practicing Ohio law.
• A pending Bar admission does not automatically grant an out of state attorney temporary status to continue working on out of state matters.
• Regardless of a pending Bar application, services will not be “temporary” under Rule 5.5 (and thus may constitute the unauthorized practice of law) if the attorney has “a systematic and continuous” presence in Ohio through residency.

Sachin is an Associate at Gallagher Sharp LLP. A particular focus of his practice involves professional liability litigation, including defending attorneys in legal malpractice actions. He has been a CMBA member since 2011. He can be reached at (216)522-1164 or SJava@GallagherSharp.com.
CONTINUING LEGAL EDUCATION

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

OCTOBER 2018

18 Joint Annual CMBA & TMA CLE & Happy Hour
26 45th Annual Estate Planning Institute
30 Joint ADR & Litigation Section Full-Day CLE
31 Professional Conduct 2018: Super Scary Edition (2.5 hours Professional Conduct)

NOVEMBER 2018

2 Beyond Reason: Negotiating the Non-Negotiable with Dr. Daniel Shapiro
8 & 9 40th Annual Real Estate Law Institute
13 Technology & The Law: Blockchain, IoT, and AI, Oh, My!
14 & 15 61st Annual Cleveland Tax Institute
16 Biennial White Collar Crime Institute
19 Monday “Movie” – Afternoon Video – Health Care Law Update
27 Cleveland Homeless Legal Assistance Program Seminar
28 Beyond Basics: Developing and Implementing Your Diversity & Inclusion Strategy
29 On the Brain: A Lawyer’s Guide to Understanding the Brain
29 Volunteer Lawyers for the Arts Seminar
30 The Cyborgs are Coming! Ethical Concerns with the Latest Tech Disruptions (Professional Conduct)
31 Beyond Basics: Developing and Implementing Your Diversity & Inclusion Strategy

DECEMBER 2018

3 Monday “Movie” – Afternoon Video – Media & The Law Summit
5 Pitfalls & Pointers for Young Litigators
6 Pat E. Morgenstern-Claren Consumer Bankruptcy Institute
7 Advanced Workers’ Compensation Medical/Legal Seminar
8 Legal Eagles Year End Update
10 Monday “Movie” – Afternoon Video – #MeToo and #TimesUp in the Workplace
11 Surviving The New Law Apocalypse
11, 12 & 13 New Lawyer Bootcamp
12 Assessment and Treatment of Mental Health Issues (Professional Conduct)
14 A Comedic Review of Recent Supreme Court Decisions
15 Professional Conduct 2018: Super Scary Edition (video)
17 Speed CLE – A Year in Review
18 2018 Environmental Law Institute
19 Tough Talks: It’s Not What You Say, It’s What They Hear
19 Don’t Let It Be You: Professional Conduct for the Modern Practitioner
20 & 21 Real Estate Law Institute Video
26 & 27 O’Neill Bankruptcy Institute Video
28 & 29 Labor & Employment Conference Video
30 Estate Planning Institute Video
31 Professional Conduct 2018: Super Scary Edition (video)

45th Annual Estate Planning Institute 2018

Friday, October 26

REGISTRATION 8:00 a.m.

PROGRAM 8:30 a.m. – 4:15 p.m.

Registration and Breakfast

Materials sponsored Key Bank National Association

Breakfast sponsored by Fifth Third Private Bank and the Jewish Federation of Cleveland

Welcome & Introductions

Arthur E. Gibbs, III, Wickens Herzer Panza, Institute Chair

Ohio Law Update

C. Adam Henry, Cavitch, Familo & Durkan Co., LPA

Federal Law Update

Matthew E. Henoch, Hahn Loeser & Parks LLP

Break Sponsored by BNY Mellon Wealth Management

Claims Against Estates: Essentials and Exceptions

Matthew R. Hochstetter, Day Ketterer, LTD

Post-Mortem Tax Planning

Jere Doyle, Senior Vice President, BNY Wealth Management

Lunch Sponsored by Glenmede (included with registration)

Lunch Presentation – Encore Careers and Active Involvement in Non-Profits

Brian Broadbent and Elizabeth Voudouris, BVU

Break Sponsored by PNC Wealth Management

Intellectual Property Issues in an Estate Plan

Mark J. Masterson, McDonald Hopkins, LLC

Drafting for Trust Beneficiaries with Diminished Capacity

Dana Marie DeCapite, Hahn Loeser & Parks LLP

Representing Clients with Diminished Capacity (0.50 Professional Conduct)

Allison M. McMeechan, Reminger Co., LPA


Tuesday, October 30

CREDITS 6.00 CLE

REGISTRATION 8:30 a.m.

PROGRAM 9:00 a.m. – 4:15 p.m.

Welcome & Introductions

Christopher D. Caspary, Zashin & Rich Co., LPA, Litigation Section Chair

Preparing for Mediation

Shawn M. McGraw, Koehler Fitzgerald LLC, prior GC at Tremco

Thomas G. Repicky, Private Mediation Services

Joseph S. Simms, Koehler Fitzgerald LLC

David A. Schafer, McCarthy, Lebit, Crystal & Liffman Co., LPA, Moderator

Making the Most of Mediation

J. Philip Calabrese, Porter-Wright Morris & Arthur LLP

Raymond Krncevic, Tucker Ellis LLP, formerly in house at University Hospitals

Deanna Jackson, Mediator – EEOC

Jerome F. Weiss, Mediator, Mediation, Inc

Timothy G. Warner, Huffman, Hunt, Klym & Warner, LLC, Moderator

Help Me, Mediator: Creative Strategies for Getting to Resolution Sooner than Later
Professional Conduct 2018: Super Scary Edition

Wednesday, October 31

REGISTRATION 8:30 a.m.

PROGRAM 9:00 a.m. – 11:45 a.m.

Unbundled Legal Services/Ghostwriting and Civ R. 11
Judge John J. Russo, Cuyahoga County Common Pleas
Eric Zell, The Legal Aid Society of Cleveland
Joe Lanter, Lanter Legal LLC

Ohio Lawyers Assistance Program
Scott Mote, Ohio Lawyers Assistance Program

White House Ethics
James Robenalt, Thompson Hine LLP

40th Annual Real Estate Law Institute 2018

Thursday, November 8 & Friday, November 9

REGISTRATION 7:45 a.m.

Welcome & Introductions
Thomas Bruce, Love Funding Corporation, Institute Chair

Marlon A. Primes, United States Attorney’s Office, CMBA President

Current Developments
Irene M. MacDougall, Walter | Haverfield LLP
John W. Waldeck, Walter | Haverfield LLP
Lori Pittman Haas, Ulmer & Berne LLP

What’s the Deal with Changes to the Tax Code?
Brian J. Lenahan, Premier Development Partners, Moderator
Adam Hill, Cohen & Company

Split Decision: 1031 — LLC Split Into TIC
Kevin M. Hinkel, Kadish Hinkel & Weibel

Presentation of the Rosewater Award & Lunch

The Lumen Apartments Development: Lighting Up Playhouse Square
Art J. Falco, President and CEO, Playhouse Square Foundation

Why Pay Attention to AI when you Won’t Even Talk to your Computer?
Michael D. Goler, Miller Golder Faeges Lapine LLP, Moderator
Brett Burney, Burney Consultants LLC, Moderator

Home Sweet Home: Manufactured/Mobile Homes
John W. Monroe, Mansour Gavin

Bridge Over Troubled Water: Navigating the High Seas of Subordinate Debt and Equity in Real Estate Transactions
Keith H. Raker, Tucker Ellis LLP, Moderator
John C. (Chaz) Weber, Tucker Ellis LLP
Bryan H. Fall, Vorys, Sater, Seymour and Pease LLP

Mercey Mercy Me, We Need Money: Alternative Financing Sources and Incentives
Kristin W. Boone, Ulmer & Berne LLP, Moderator
Alan W. Scheufler, Ulmer & Berne LLP
Gregory J. Degulis, McMahon DeGulis LLP

Welcome & Introductions
Kristin W. Boone, Ulmer & Berne LLP, Institute Vice Chair
Rebecca Ruppert McMahon, CEO, CMBA

Smoke on the Water: Environmental Insurance
Daniel P. Hinkel, Kadish Hinkel & Weibel, Moderator
Tanya Andolsen, Armada Risk Partners

We Can Work it Out: AAA Arbitration and Mediation in Real Estate?
Michael A. Poklar, The Law Office of Michael A. Poklar, Moderator
Michael J. Frantz, Jr., Frantz Ward LLP
Mark I. Wachter, Wachter Kurant LLC, Moderator

Don’t Fear the Reaper: Tax Complaints
Amy E. Assell, Thomson Hine LLP, Moderator
Cecilia J. Hyun, Siegel Jennings Co, LPA

Robert K. Danzinger, Segal, Danzinger & Gill, Co., LPA

Cleveland’s Emerald Necklace
Kyle G. Baker, Cleveland Metroparks

Should I Stay or Should I Go? Residential Leasing/Evictions
David J. Lindner, Buckingham, Doolittle & Burroughs, LLC, Moderator
Hon. Ronald J.H. O’Leary, Cleveland Municipal Court, Housing Division
Robert G. Friedman, Powers Friedman Linn, PLL
Hazel G. Remesch, The Legal Aid Society of Cleveland

Lien on Me
Rose Marie L. Fiore, Kaufman Drozdowski & Grendell, LLC, Moderator
Aaron S. Evenchik, Hahn Loeser & Parks LLP
Joanie L. Zimmer, Amrock Commercial

This Land Is (Not) Your Land: When Survey Goes Bad
Joseph M. Saponaro, FisherBroyles, LLP, Moderator
Vincent Macauda, Millman National Land Services
James Sheets, Millman National Land Services

Make Strategy Your Super Power

Thursday, November 15

REGISTRATION 8:00 a.m.

Keynote | When Strategy Wins
Driving Change through Strategic Innovation
The Business of Lawyering | Compensation Strategies and Law Firm Economics that Fuel Client-First Cultures
Evolving In-House Perspectives | GC Panel Discussion
The Next Big Thing
A Seat at the Table for Effective Strategic Planning

PRESENTERS
Michael Rynowecer, President & Founder, BTI Consulting
Patrick Fuller, Vice President, ALM Intelligence
Jim Durham, CMO, Clark Hill PLC
Andrea Maciejewski, CMO, Lemonfield Pearlstein, LLC
Holly Barocio, Principal Consultant, GrowthPlay
Peter Johnson, Founder, Law Practice Consultants, LLC
Lisa Gasbarre Black, General Counsel of Catholic Charities
Ed Blakemore, General Counsel of Rockwell Automation
Jill Clark, Director of Marketing & Business Development, Bricker & Eckler
Jason Dirks, Knowledge Management Counsel, Littler Mendelson
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Cleveland Municipal Court, Clerk’s Office

MELISSA M. CUMMINGS
Cuyahoga County Probate Court

CHARLES E. FLEMING
Federal Public Defender’s Office

MAUREEN GREGORY
Office of the Chapter 13 Trustee

ELIZABETH HERAGHTY
Cuyahoga County Domestic Relations Court

KATHLEEN KILBANE
Cuyahoga County Court of Common Pleas

STEVE KUNSMAN
Cuyahoga County Court of Common Pleas, Clerk’s Office

ANALEE LEIBOWITZ
Shaker Heights Municipal Court

RENEE SYKORA
U.S. Attorney’s Office

JOLAN VAGI
Cleveland Municipal Court

DAMON WRIGHT
Cuyahoga County Court of Appeals, Eighth Appellate District

ETOI SHAQUILA YOUNG
Cleveland Municipal Court, Housing Court Division

Congratulations, Public Servants Merit Award Honorees!
On Friday, August 24, the Cleveland Metropolitan Bar Foundation hosted its 72nd Annual Franklin A. Polk Public Servants Merit Awards Luncheon at the Westin Hotel in downtown Cleveland. A crowd of 400 family members, colleagues, and friends gathered to celebrate the outstanding accomplishments of 12 exceptional individuals who have dedicated their professional lives to public service.

Together we laughed and shared heartwarming sentiments while honoring the chosen nominees for their unfailing patience, commitment, and devotion to duty. We could not have been more proud to highlight this group during our best — and most favorite! — award show of the year.

The honorees’ names will be permanently inscribed in black granite on a new Public Servants Memorial Wall inside the Cuyahoga County Courthouse. The additional wall, funded by the Foundation, will match the original wall which reached capacity in 2016 and has enough space to inscribe the names of honorees for another 46 years starting with the 2017 and 2018 classes.

Thank you to the Committee chairs and members, as well as Jacob Kronenberg, event emcee.

**COMMITTEE**

Lynn E. Lazzaro (Chair), Christopher P. Thorman (Vice Chair), Katherine Brandt, Mike Cavanaugh, Pamela A. Daiker-Middaugh, David M. Paris, Mike Riley, Meredith Shoop, Carter Strang, and Stephanie Dutchess Trudeau

**2018 HONOREES**

Phyllis Burks, Cleveland Municipal Court, Clerk’s Office
Melissa M. Cummings, Cuyahoga County Probate Court
Charles E. Fleming, Federal Public Defender’s Office
Maureen Gregory, Office of the Chapter 13 Trustee
Steve Kunsman, Cuyahoga County Court of Common Pleas, Clerk’s Office
Analee Leibowitz, Shaker Heights Municipal Court
Elizabeth Heraghty, Cuyahoga County Domestic Relations Court
Kathleen Kilbane, Cuyahoga County Court of Common Pleas
Steve Kunsman, Cuyahoga County Court of Common Pleas, Clerk’s Office
Analee Leibowitz, Shaker Heights Municipal Court
Renee Sykora, U.S. Attorney’s Office
Jolan Vagi, Cleveland Municipal Court
Damon Wright, Cuyahoga County Court of Appeals, Eighth Appellate District
Etoi Shaquila Young, Cleveland Municipal Court, Housing Court Division
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Kathleen Kilbane
From your friends and colleagues at the Cuyahoga County Common Pleas Court!
Saturday, October 27

Jacobs Pavilion at Nautica

Halloween Run for Justice
5K & 5-Mile

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 26 from 4 – 6 p.m. at Jacobs Pavilion at Nautica

All participants registered before October 17 will receive a complimentary long-sleeved t-shirt. Participants registered on or after October 17 will receive a shirt based on availability.

Awards presented
• Top female and male runners overall (Chip Timed 5K and 5-Mile Runs)
• 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.

Register online at CleMetroBar.org/HalloweenRun
### October

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

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| 2      | Grievance Committee Meeting  
Anatomy of Justice – 4 p.m. (CJM Law) |         |          |        |
| 3      | CMBF Board of Directors’ Meeting  
WIL Section |         |          |        |
| 4      | PLI – 8:30 a.m.  
Family Law Section & CLE  
YLS Council Meeting |         |          |        |
| 5      | Family Law CLE – 8 a.m.  
PLI – 8:30 a.m.  
Diversity & Inclusion Committee – 3 p.m. |         |          |        |
| 8      |         |           |          |        |
| 9      | ADR Section  
Hot Talks  
Diversity & Inclusion Committee – 4 p.m. |         |          |        |
| 10     | CMBF Executive Committee Meeting  
Stokes Scholars Committee Meeting  
UPL Committee Meeting  
Workers’ Comp Section Meeting (State Office Building)  
YLA Committee Meeting |         |          |        |
| 11     | Ethics Committee  
Real Estate Law Section Lunch |         |          |        |
| 12     |         |           |          |        |
| 15     | PLI – 8:30 a.m.  
Legal Aid Clinic – 9 a.m.  
PLI – 1:30 p.m. |         |          |        |
| 16     | PLI – 10:00 a.m.  
Estate Planning, Probate and Trust Law Section  
Grievance Committee |         |          |        |
| 17     | CMBA Board of Directors’ Meeting |         |          |        |
| 18     | Joint TMA/CMBA Lunch & CLE  
Mental Health Committee Meeting |         |          |        |
| 19     | PLI – 8:30 a.m. |         |          |        |

**PRO BONO WEEK**

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| 22     | CAP Board Meeting  
Lawyer to Lawyer Give Back for Justice – 5 p.m. |         |          |        |
| 23     | Cap Board Meeting  
3Rs CLE – 1:15 p.m. |         |          |        |
| 24     | Diversity Series  
Membership Committee |         |          |        |
| 25     | Reach Out for Nonprofits – 8 a.m.  
Thought Leadership Committee – 8 a.m.  
Legal Aid Pro Bono Week CLE – 10 a.m.  
Leadership Academy – 11 a.m.  
Small & Solo Section (Shula’s)  
Court Rules Committee |         |          |        |
| 26     | Estate Planning Institute – 8 a.m.  
Pro Se Divorce Clinic – 10 a.m. (Law Library)  
Pro Se Plus – 1 p.m. (Law Library) |         |          |        |
| 29     | ADR & Litigation CLE – 8 a.m. |         |          |        |
| 30     | Prof. Conduct CLE – 9 a.m.  
PLI – 9 a.m.  
3Rs Committee Meeting  
WIL Section |         |          |        |
| 31     |         |           |          |        |

DON’T FORGET!
Saturday, October 27, 2018  
Jacobs Pavilion at Nautica

### November

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| 1      | PLI – 9 a.m.  
YLS Council |         |          |        |
| 2      | Negotiation CLE – 8 a.m.  
Career Fair – 8 a.m. (Law Schools)  
PLI – 9 a.m. |         |          |        |
| 5      | CMBA Executive Committee (TBD) |         |          |        |
| 6      |         |           |          |        |
| 7      | Real Estate Law Institute – 8 a.m.  
PLI – 8:30 a.m.  
CMBF Board of Directors  
Ethics Committee |         |          |        |
| 8      | 3Rs Lesson One (Cleveland and East Cleveland schools)  
Real Estate Law Institute – 8 a.m.  
PLI – 8:30 a.m. |         |          |        |

OCTOBER 2018  
CLEVELAND METROPOLITAN BAR JOURNAL | 47
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Mentor – Office available at Carrabine & Reardon. Expense sharing arrangement is negotiable. Great location! Contact Jim Carrabine at (440) 974-9911.

Suburbs – South

Brecksville – Conference room and mailing services available in the Ganley Building for $50 or $150 per month. Possible legal referrals. (440) 526-6411, ask for Laurie.

Suburbs – West

Avon – Office space – One newly furnished office in attractive two attorney suite with conference room and reception area, Historic building. Excellent location with free parking. Please contact mschroth@schroth-law.com for details.

Lakewood – Furnished office available in nicely decorated suite. Includes WiFi and utilities, use of the conference room, and free parking. Call (216) 246-1392.

Lakewood – Office space in a newly updated modern suite available. First floor; library, Internet, copy, fax, scanner, receptionist. Call Skip Lazzaro (216) 226-8241.

Rocky River – 5 individual offices available in signature Rocky River Law Building. First class public space, conference room, and interview office included. Reduced rates for lawyers < 5 years. Contact Deby Milano (440) 356-2828, dmilano@milanolaw.com.

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New Associations & Promotions

Kaufman & Company, LLC is pleased to welcome Robin Wilson as a partner in the firm’s Cleveland office.

Roetzel & Andress LPA (Roetzel) is pleased to announce that four senior labor and employment law attorneys have joined the firm. Joining Roetzel’s Cleveland office are Nancy A. Noall as a shareholder and Morris L. Hawk and Deirdre G. Henry, both as Of Counsel.

Ulmer & Berne LLP is pleased to announce the addition of two new associates to its Cleveland office – Param K. Sahni and Emmanuel Sanders. Mr. Sahni joins the firm’s Business Law Practice Group and Mr. Sanders joins the firm’s Product Liability Practice Group.

Honors

Reminger Co., LPA was named to the “Top 150 Under 150” and “Best Midsize Law Firms for Diversity” lists for 2019 by Vault.

Ian N. Friedman, has been named 2019 Best Lawyers “Lawyer of the Year” for Criminal Defense: General Practice in Cleveland.

Ulmer & Berne LLP proudly announces that two of its partners, Paul R. Harris and Joshua A. Klarfeld, have been named to Benchmark Litigation’s “40 & Under Hot List 2018.”

Tucker Ellis LLP is proud to announce that Best Lawyers has selected three of the firm’s partners as 2019 “Lawyers of the Year” in the Cleveland market. Tucker Ellis attorneys honored as 2019 “Lawyers of the Year” are: Henry Billingsley – Admiralty and Maritime Law; Laura Hong – Mass Tort Litigation/Class Actions – Defendants; and Eugene Killeen – Public Finance Law.

Tucker Ellis LLP is proud to announce that 43 of the firm’s Cleveland attorneys have been selected by their peers for inclusion in The Best Lawyers in America for 2019. Thomas Baker, Karl Bekeny, Henry Billingsley, Ann Caresani, Jonathan Cooper, Harry Cornett, Corine Corpora, Richard Dean, Stephen Ellis, Robert Hanna, Michael Harris, Jeffrey Healy, Christopher Hewitt, Laura Hong, Peter Igel, Irene Keyse-Walker, Eugene Killeen, Joseph Koncelik, John Lewis, Rita Maimbourg, John McCaffrey, Mark McCarthy, Erica McGregor, Daniel Messelloff, Joseph Morford, Matthew Moriarty, Glenn Morrical, Carl Muller, Brian O’Neill, Thomas Ostrowski, Anthony Petruszzi, Susan Racey, Keith Raker, Jennifer Roth, Thomas Simmons, Ronald Stansbury, William Stavole, Edward Taber, Robert Tucker, Victoria Vance, S. Peter Voudouris, Jane Warner, and Kevin Young.

Three distinguished partners in Frantz Ward’s Labor and Employment Practice are named “Lawyers of the Year” in Cleveland in the 2019 Edition of The Best Lawyers in America: Michael N. Chesney, named for Litigation – Labor and Employment; Michael J. Frantz, named for Education Law; and Brian J. Kelly.

Fisher Phillips announced that Jeffrey D. Smith has been selected for inclusion in The Best Lawyers in America 2019.

Ogletree Deakins is pleased to announce that seven attorneys from the firm’s Cleveland office have been listed in The Best Lawyers in America 2019. The attorneys listed include: Thomas H. Barnard, Rebecca J. Bennett, Wade M. Fricke, John Gerak, Bruce G. Hearey, Robert C. Petruslis, and Ellen Toth.

The Best Lawyers in America announced that Steven S. Kaufman was honored as a 2019 Lawyer of the Year for Cleveland, Ohio in real estate litigation.

The members of Turk | Apelis, LLC have decided to wind down their joint practice and Erica Apelis will continue her law practice independently as the Apelis Law Office.

Jerry Weiss, founder of Mediation Inc, is hosting and organizing the semi-annual conference of the International Academy of Mediators (IAM) in Cleveland on October 4–6, 2018. The conference will feature a panel of experts on the topic of “Finding Trust in the Rock and Roll World of Conflict – Back to the Basics” and will be attended by preeminent mediators from around the world. It will be held on the campus of Case Western Reserve University which is also a sponsor of the event.

Something To Share?

Send brief member news and notices for the Briefcase to Jackie Baraona at jbaraona@clemetrobar.org. Please send announcements by the 1st of the month prior to publication to guarantee inclusion.
Saturday, October 27, 2018
Jacobs Pavilion at Nautica
Register at CleMetroBar.org/HalloweenRun