



SECOND QUARTER 2009

# Inside Benesch

NEWS AND INFORMATION FROM BENESCH, FRIEDLANDER, COPLAN & ARONOFF LLP

## HIGHLIGHTS IN THIS ISSUE:

BANKRUPTCY BYPASS INITIATIVE.....	2
BENESCH OFFERS NEW SERVICES TO CLIENTS.....	2
ECONOMIC GROWTH & DEVELOPMENT TEAM UPDATE.....	3
NEW ATTORNEY AT BENESCH.....	3
APPOINTMENTS.....	4
DIVERSITY CORNER.....	5
BENESCH ON THE WEB.....	6
NON-PROFIT SPOTLIGHT.....	7
CARING FOR OUR COMMUNITIES.....	8
BENESCH'S 23RD ANNUAL LABOR & EMPLOYMENT CONFERENCE.....	8
EVENTS.....	10

## Bankruptcy Bypass Initiative



William I. Kohn

Benesch has partnered with The Legal Aid Society of Cleveland (LASC) and the Bankruptcy & Commercial Law Section of the

Cleveland Metropolitan Bar Association (CMBA) to bring a new pro bono project to the city. This project, called the Bankruptcy Bypass Initiative, is designed to aid the elderly and disabled of the community in obtaining debt relief without the burdens of a bankruptcy filing. The intended clients may have exempt fixed income, such as social security or pensions, and generally live in rental housing with few personal assets.

The Bankruptcy Bypass Initiative was created by **William I. Kohn**, Chair of Benesch's Business Reorganization Practice Group. The Initiative identifies individuals who have no non-exempt assets that would be reachable by creditors and actively contacts the creditors in an attempt to have them "write off" the debt. These "judgment proof" individuals thus obtain the same benefit they would receive through a Chapter 7 bankruptcy filing while avoiding attorney payment, filing fees and the eight-year ban on a future bankruptcy discharge.

The Initiative was first implemented in Chicago and has won numerous awards, including the "Excellence in Public Service Award" from the Chicago Chapter of the Federal Bar Association and the District Court for the Northern District of Illinois. The LASC, the CMBA and Benesch are excited to bring the Initiative to Cleveland. ▶

## Benesch Offers New Services to Clients

### International Trade Group



With the ever-increasing global expansion of goods and services, international trade has evolved from a luxury into a necessity for most domestic companies. The ability of a company to compete and financially grow in a particular industry may depend upon tailoring a program for the buying and selling of its products from and to companies and consumers in other countries. Manufacturers are thus part

of a supply chain that is global in scope and constantly evolving. Benesch has created an International Trade and Supply Chain Management Practice Group, led by Litigation Practice Group attorneys **Mariann E. Butch**, **Robert M. Spira** and **E. Mark Young**, to assist clients with issues they face at any stage of international expansion, including importing or exporting challenges.

Benesch's services in this arena range from assisting domestic companies with creating programs to import and/or export goods, to assisting companies in structuring programs to ensure compliance with the various state and federal trade guidelines, to actual import/export and customs compliance matters. The Group's expertise complements Benesch's broad-based experience in transportation and logistics law.

### Distressed Asset & Restructuring Strategy Team

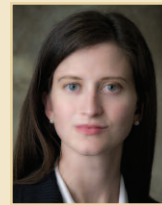
Benesch's newly formed Distressed Asset & Restructuring Strategy Team represents and advises banks, other financial institutions, businesses, real estate developers, borrowers and investors in connection with troubled loans and effectively dealing with distressed assets in a wide range of complex financing structures, including bank syndicated financings, bond financing transactions, and financings to borrowers in regulated industries. The Team specializes in providing strategies and solutions in all phases of troubled loan resolution, including preventive maintenance and planning as part of a workout or in anticipation of bankruptcy or litigation, advising on foreclosure issues, performing thorough real estate and environmental due diligence on collateral, and advising on the value of and realization from such collateral.



Benesch's Distressed Asset & Restructuring Strategy Team is led by partners **William I. Kohn**, **Jeffrey J. Wild** and **Ross J. Kirchick**, who are also, respectively, members of Benesch's Business Reorganization Practice Group, Real Estate Practice Group and Commercial Finance & Banking Practice Group. A multidisciplinary team of key attorneys from each of these practice groups, as well as the Litigation Practice Group and the Corporate & Securities Practice Group, completes the roster. ▶

## New Attorney Joins Benesch's Wilmington Office

JENNIFER E. SMITH  
 Associate, Business Reorganization  
 Practice Group  
 Delaware | 302-442-7011  
 jsmith@beneschlaw.com  
 B.A. Emory University  
 J.D. University of North Carolina



Jennifer E. Smith

## Economic Growth & Development Team Update

The severe economic downturn that has had a serious impact on the American economy has had an even more devastating impact on Ohio's economy. In addition to the typical actions by government to address an economic downturn, the current economic problems have triggered a wide-ranging set of changes in federal and state law. These changes are designed to address the current financial situation and to dramatically change the nature of government regulation of, and involvement in, large segments of the economy.

The Benesch Economic Growth & Development Team is an interdisciplinary group of lawyers that is carefully monitoring the cascade of changes in federal and state law. Throughout the course of 2009, the team has been assisting Benesch's clients in surviving the immediate shock of the current economic conditions as well as assisting clients in a broad array of industries in repositioning their businesses to thrive in the new regulatory environment.

Led by Benesch attorneys C. David Paragas and William M. Todd, the team has been busy crafting both short-term tactics and long-term strategies to aid clients in addressing the impact of these changes on their businesses. In addition, key attorneys from a variety of different practice areas within the firm are called upon to provide historical perspectives on various substantive areas, and to assist in developing new adaptive changes. The team believes that, unlike prior economic downturns, the current situation will lead to wholesale permanent changes in many areas of the economy, including health care, energy and education. ▶

## Benesch Welcomes its New Summer Associate Class

Benesch is excited to welcome its 2009 summer associate class to the firm. Our summer associates include:

### Cleveland Office:

**Carrie Benedict**—The Ohio State University Moritz College of Law

**Kristen Cady**—The University of Akron School of Law

**Julie Leo**—Cleveland-Marshall College of Law

**Chimezirim Nwankwo**—Case Western Reserve University School of Law

### Columbus Office:

**C. Raphael Davis-Williams**—The Ohio State University Moritz College of Law

**Annie Von Lehman**—The Ohio State University Moritz College of Law



Appointments

**Cleveland Intellectual Property Law Association**



Steven M. Auvil

Steven M. Auvil, Chair of Benesch's Intellectual Property Practice Group, has been named President of the Cleveland Intellectual Property Law Association (CIPLA) for 2009–2010. CIPLA is an organization consisting of attorneys practicing intellectual property law, patent agents and law students interested in intellectual property law. With a membership of more than 400, CIPLA is the oldest and largest intellectual property association between New York City and Chicago. The association is an active group that brings together the private practitioner and the in-house lawyer at meetings and events. CIPLA cosponsors an annual Intellectual Property Law Seminar, the All-Ohio Annual Institute on Intellectual Property, which has been held each year since 1991 and attracts top intellectual property scholars who speak on a variety of topics.

**Columbus Roundtable of the Council of Supply Chain Management Professionals**



Marc S. Blubaugh

Marc S. Blubaugh, Vice Chair of Benesch's Transportation & Logistics Practice Group, has been elected President of the Columbus Roundtable of the Council of Supply Chain Management Professionals (CSCMP) for 2009–2010. His term will begin July 1, 2009. Founded in 1963, CSCMP is the preeminent worldwide professional association dedicated to the advancement and dissemination of research and knowledge on supply chain management. With over 8,500 members representing nearly all industry sectors, government, and academia from 67 countries, CSCMP members are the leading practitioners and authorities in the fields of logistics and supply chain management.



MY BENESCH MY TEAM

**Building our bench strength to serve you better.**

Our clients can take advantage of even more resources at Benesch with the addition of our new, full-service Public Finance Group. Our attorneys are experienced in handling public works financing and the types of government stimulus projects expected to be available in 2009 and 2010. Benesch handles all aspects of infrastructure improvement projects including:

- Project formation
- Environmental issues and permitting
- Financing
- Contracts and competitive bidding
- Construction project counseling
- Litigation

**To learn more about the plan we can put in place for you, please contact:**

**Stephen P. Grassbaugh**  
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## Diversity Corner

As part of Benesch's commitment to supporting the community, members of its Diversity Committee often participate in planning and attending diversity-related events both within and outside of our firm.

### Mediation Panel for the United States Bankruptcy Court for the Southern District of New York



Bradford J. Sandler

**Bradford J. Sandler**, a partner in Benesch's Business Reorganization Practice Group, has been appointed to the Mediation Panel

for the United States Bankruptcy Court for the Southern District of New York. In this role, Brad will be handling the mediation of various bankruptcy-related disputes. His term will be permanent.

### Ohio Ballot Board



Robert A. Zimmerman

Upon the recommendation of Speaker of the House Armond Budish, Secretary of State Jennifer Brunner has appointed Litigation

and Public Law Practice Groups partner **Robert A. Zimmerman** to serve as a member of the Ohio Ballot Board. The Board is responsible for reviewing and certifying ballot language for proposed constitutional amendments, initiatives and referenda. It oversees efforts to inform voters about proposed ballot issues and prescribes any missing arguments for each statewide issue. Rob will serve a four-year term. ▶



Luis Carrion

**Luis Carrion**, an associate in Benesch's Intellectual Property Practice Group, recently helped to plan the 2009 Cleveland Metropolitan Bar Association's Diversity Networking Conference. A yearly event, the conference mixes education on diversity issues with networking opportunities for diverse legal professionals. This year, the morning session included CLE presentations by

distinguished speakers representing legal counsel for industry, industry groups, and academia. The keynote speaker was E. Christopher Johnson Jr., Director of the Thomas M. Cooley Law School's corporate law and finance master of laws program and former vice president and general counsel for General Motors North America. Among other subjects relating to diversity, Mr. Johnson spoke and encouraged legal recruiters to recruit from law schools with diverse student bodies.



E. Mark Young

**E. Mark Young**, an associate in Benesch's Litigation Practice Group, attended the University of Michigan Law School Butch Carpenter Memorial Dinner in March of 2009. In conjunction with the Black Law Students Association (BLSA), the University of Michigan Law School draws strong support for the annual event and attendance from law students, law professors, law

alumni and community participants. The event celebrates the life and accomplishments of Alden J. "Butch" Carpenter, an outstanding student-leader, scholar, and intercollegiate athlete at the University of Michigan. In 1977, he matriculated to Michigan Law School and used his professional skills to benefit the urban community where he was born and raised. Following his untimely death on February 2, 1978, BLSA honored his memory by establishing the Alden J. "Butch" Carpenter Memorial Scholarship Fund. Each year, the fund awards scholarships to outstanding BLSA member law students who have demonstrated commitment to community development. ▶

## Benesch on the Web



### Benesch B-Casts

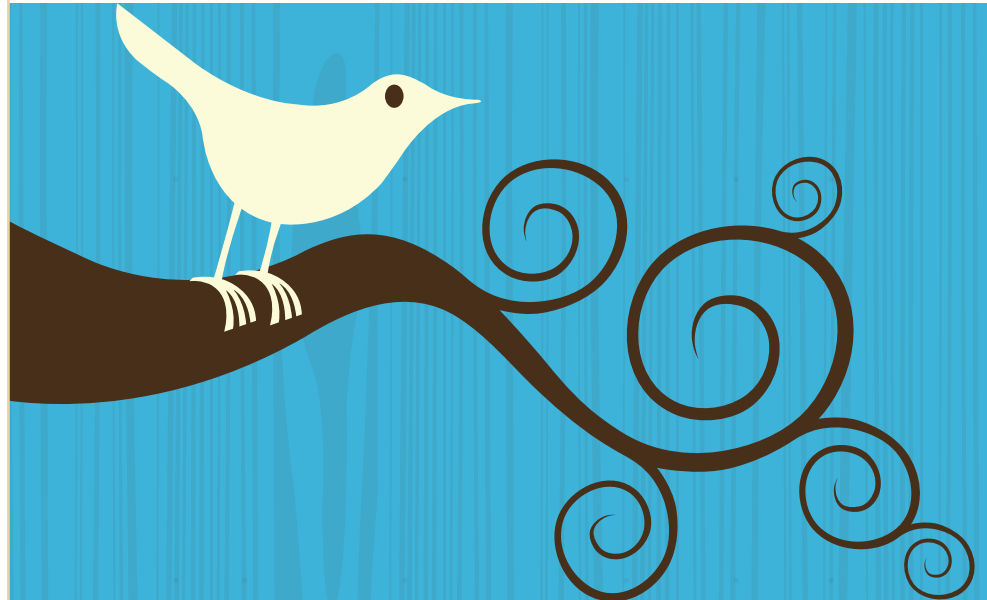
Benesch continues to update its clients on current legal topics via our B-Casts. These videos feature Benesch attorneys sharing information on timely matters affecting clients' business and industries. Some of the most recent B-Casts have included topics such as "Ohio's Political Environment and What it Means for Business" and "Employee Benefits Strategies in a Down Economy." Visit [www.beneschlaw.com/bcasts](http://www.beneschlaw.com/bcasts) to learn more. ▶

### Benesch is Now on Twitter!

Now you can follow our firm on Twitter, and receive regular updates on important legal topics and industry trends. Please visit [www.twitter.com/beneschlaw](http://www.twitter.com/beneschlaw) to view our page and sign up to follow us. ▶



[www.twitter.com/BeneschLaw](http://www.twitter.com/BeneschLaw)



### My Benesch My Team: Meeting the Challenge

Benesch recently released its 2008 Annual Report, titled "My Benesch My Team: Meeting the Challenge." The Report covers the challenges faced by clients during 2008 in each of the firm's practice areas, and highlights the ways in which Benesch helped clients overcome these challenges.

In accordance with Benesch's Green Initiative, the Report was e-mailed this year to clients and friends of the firm rather than being printed. A link to the Report can be found on the firm's home page: [www.beneschlaw.com](http://www.beneschlaw.com). If you would like to receive a hard copy of the Report, please contact Liz Highley at [ehighley@beneschlaw.com](mailto:ehighley@beneschlaw.com) or (614) 223-9386.



## Non-Profit Spotlight: The Gathering Place



The Gathering Place is a non-profit, community-based cancer support center that serves the needs of individuals and families touched by cancer. Based in the Cleveland suburb of Beachwood, OH, and

now with a location in Westlake, OH, its programs and services focus on healing the mind, body and spirit and assisting individuals in actively managing the impact of cancer in their lives. All programs and services are provided free of charge and The Gathering Place is 100% privately funded.

In The Gathering Place's safe, homelike environment, people with cancer and their families and friends are able to share experiences and challenges. Trained, licensed professionals provide free programs that meet the highest therapeutic standards. Among the many programs offered by The Gathering Place are animal camps for children who have a parent with cancer; medical bill and life planning consultation courses; massage therapy, reflexology, yoga and Pilates classes; and an array of support groups for people of different age groups and with varying types of cancer.

For Executive Director Eileen Saffran, LISW, The Gathering Place is the realization of a dream. In 23 years as a clinical social worker, Eileen envisioned a place for people touched by cancer to find the services and resources they needed to complete the circle of care. Eileen created The Gathering Place with the recognition that the cancer experience touches everyone, and that comfort and healing are enhanced by pulling together as a community and a family.

Benesch has a long-standing relationship with The Gathering Place, and many of our attorneys and staff have personal connections to the organization and its mission. The firm regularly participates in "Race for the Place," an annual 5K/1 mile event hosted by The Gathering Place. Race for the Place helps to raise the money that allows The Gathering Place to offer all services free of charge. This year, the race was held on



The Gathering Place provides a gardening program to those it assists.



The Gathering Place offers cooking classes and nutritional guidance.



Team Benesch gathers for a photo on race day.

National Cancer Survivors Day, June 7, 2009. Team Benesch showed up strong, with over 20 participants and a total of \$1,500 in money raised.

We are proud to continue to support The Gathering Place as it assists individuals and families in the community. For more information about The Gathering Place, please visit [www.touchedbycancer.org](http://www.touchedbycancer.org). ▶

## Caring for Our Communities

Benesch employees continue to serve the communities in which we work.

Brian Kenney, an associate in Benesch’s Intellectual Property Practice Group, is active within several groups of the United Way of Greater Cleveland. Brian is a Cabinet Member of United Way’s GeneratioNEXT and an Investment Committee Member for United Way’s Aging and Special Needs Committee.

GeneratioNEXT is a group of young professionals who have an interest in supporting their community by increasing young professionals’ awareness of the United Way through networking events, a speaker series and “Days of Caring” events held throughout the year. As a Cabinet Member of GeneratioNEXT, Brian assists in Benesch’s United Way campaign and is responsible for organizing GeneratioNEXT’s “Days of Caring” activities at various United Way agencies throughout Greater Cleveland. During a recent Days of Caring event, Brian participated in a tutoring program at a Cleveland area YMCA (see photo).

The Aging and Special Needs Committee is one of five United Way Investment Committees that conduct site



Benesch Intellectual Property Group associate Brian Kenney is pictured working with youths at the YMCA.

visits at United Way agencies in Northeastern Ohio. As an Investment Committee Member, Brian conducts site visits with other United Way volunteers throughout the year to evaluate how well agencies are helping the aging population, disaster victims and immigrants in Northeastern Ohio. ▶

# LABOR & EMPLOYMENT

23<sup>RD</sup> ANNUAL LABOR & EMPLOYMENT CONFERENCE



Pete Kirsanow addresses attendees on the Employee Free Choice Act and other recent federal legislation.

## Benesch’s 23rd Annual Labor & Employment Conference

Benesch held its 23rd Annual Labor & Employment Conference on May 13, 2009, at The City Club of Cleveland. The event addressed the intersection of difficult economic times and unprecedented regulation, and how employers can prepare for what lies ahead. Labor & Employment Practice Group partner **Peter N. Kirsanow** gave the general session presentation, titled, “Update on Federal Legislation: The Employee Free Choice Act and More.” Breakout sessions included topics such as pitfalls and best practices of downsizing, the ADA Amendments Act, the new Family and Medical Leave Act and employee benefits strategies. ▶



## 2009 International Council of Shopping Centers Spring Convention

Members of Benesch's Real Estate Practice Group traveled to Las Vegas in May for participation in the 2009 International Council of Shopping Centers (ICSC) Spring Convention. ICSC is the global trade association of the shopping center industry. Its 75,000 members in the U.S., Canada and more than 80 other countries include shopping center owners, developers, managers, marketing specialists, investors, lenders, retailers and other professionals as well as academics and public officials. While at the Spring Convention, Benesch attorneys Kevin D. Margolis, Norman W. Gutmacher, Robert C. Ondak, Jr., Jeffrey J. Wild and Tyler S. Bobes hosted a networking reception at the Bellagio Hotel and Casino for their ICSC contacts. ▶



Benesch attorneys Jeff Wild and Kevin Margolis are pictured with John Carter (center) of Carter Properties.



Pictured from left to right are Yoel Mayerfeld of Chase Properties and Benesch attorneys Jeff Wild, Tyler Bobes and Rob Ondak.



Benesch's cocktail reception was attended by approximately 115 clients and friends of the firm.

# Inside Benesch

## EVENTS

### International Trademarks and Patents

EILEEN T. MATHEWS

The Ohio International Trade Assistance Center

July 10, 2009 | Cleveland, OH

### Know Protocol When You Arrive in Court

JOHN F. STOCK

The National Business Institute's seminar:

Winning Your First Civil Trial

July 23, 2009 | Columbus, OH

### Select the Right Jury For Your Case

JOHN F. STOCK

The National Business Institute's seminar:

Winning Your First Civil Trial

July 23, 2009 | Columbus, OH

### True Equity

JAMES M. HILL

AM&AA Summer Conference

July 30, 2009 | Chicago, IL

### The Legalities of Doing Business in China

MARIANN E. BUTCH, ALLAN GOLDNER, LIANZHONG PAN,

PETER K. SHELTON AND YANPING WANG

National Business Institute

August 6, 2009 | Cleveland, OH

### After the Ball: Post Confirmation Issues

RAYMOND H. LEMISCH

5th Annual Mid-Atlantic Bankruptcy Workshop

August 6-8, 2009 | Hershey, PA

### Landlord Tenant Law: Leases: An Ounce of Prevention

TYLER S. BOBES

Sterling Education Services, Inc.'s Seminar

August 11, 2009 | Cleveland, OH

### The Business and Employment Landscape in Today's China

PETER K. SHELTON AND YANPING WANG

Employers Research Council

August 11, 2009 | Cleveland, OH

### Money Makes the Mission Possible: Effective Strategies to Collect Your Receivables

MARC S. BLUBAUGH

Association of Philanthropic Homes for the Aged's 2009

Annual Conference and Trade Show

August 26, 2009 | Columbus, OH

### Independent Living in an RCF: Implications for Resident Services, Marketing and Tax Exempt Status

MARTHA J. SWETERLITSCH

AOPHA's Annual Conference

August 26, 2009 | Columbus, OH

### Survey and Enforcement Update

JANET K. FELDKAMP

AOPHA's Annual Conference

August 27, 2009 | Columbus, OH

### Landlord-Tenant Issues in Bankruptcy

STUART A. LAVEN, JR.

Sterling Educational Seminars

September 9, 2009 | Philadelphia, PA

### The New Reality: Government as Debtor-in-Possession Lender

WILLIAM I. KOHN

5th Global Distressed Debt Investors Forum

September 22-23, 2009 | New York, NY

### Career and Professional Relationship Management: Managing Your Career and Your Professional Relations from Day One

JAYNE E. JUVAN

The Ohio State University

September 24, 2009 | Columbus, OH

### Recovery Zone and Build America Bonds

STEPHEN P. GRASSBAUGH

Ohio Government Finance Officers Association Annual

Fall Conference

September 24, 2009 | Cincinnati, OH

For more information on upcoming and current events, contact Megan Thomas, Client Services Manager, at [mthomas@beneschlaw.com](mailto:mthomas@beneschlaw.com) or (216) 363-4639.

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