

Fall 2010

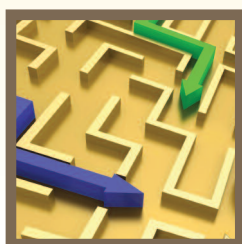
inside Benesch



MY BENESCH



MY TEAM



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B-Cast Update



Benesch continues to offer a series of videocasts called B-Casts. These short videos feature our attorneys as they are interviewed by a partner host regarding current hot topics in our clients' industries. B-casts provide viewers with a simple way to access informative mini-seminars.

Benesch is pleased to announce that our website now offers an enhanced and more user-friendly B-Cast player. Visitors can easily navigate the player to view the most recent B-Casts as well as search by practice area to view specific B-Casts of interest. The player serves as an archive for over 20 B-Casts.

Some of the most recent B-Casts have included topics such as "Important New Developments in Election Finance," "Recovery Zone Facility Bonds," "The Employee Free Choice Act: Dead or Alive" and "Current Banking for Real Estate Developers." Please visit www.beneschlaw.com/bcasts to view Benesch's B-Casts.



Benesch Expands its Not-for-Profit Focus

Benesch has recently expanded its existing focus on serving not-for-profit clients. The firm's Not-for-Profit Team, led by **Martha J. Sweterlitsch**, includes attorneys from many of the firm's practice groups, including Health Care, Public Law, Real Estate, Public Finance, Tax, Labor & Employment, Corporate & Securities and Intellectual Property. The team offers not-for-profit and tax-exempt clients a broad array of services, including creation and qualification of not-for-profit corporations; federal tax exemption application preparation; charitable solicitation and fund-raising; establishment of foundations; state property tax exemptions; licensure and certification; reimbursement and compliance matters; and mergers and acquisitions.

"We are excited to provide our not-for-profit clients with a cross-functional team to service their needs," Martha said. "We've had long-standing relationships with many not-for-profits, including hospitals and universities, and look forward to continuing to build those relationships and also create new ones."

Benesch's experience in working with not-for-profit clients also resulted in the firm ranking first in the city of Columbus in the area of Non-Profit/Charities Law by the 2010 and 2011 editions of *The Best Lawyers in America*[®], a referral guide of U.S. attorneys.

For more information, please visit www.beneschlaw.com/notforprofit or contact **Martha Sweterlitsch** at msweterlitsch@beneschlaw.com or (614) 223-9367.

Appointments

Washbush Appointed to Order of the Ohio Commodores; Columbus Bar Services Board



Thomas C. Washbush

By Executive Order, Governor Ted Strickland has appointed **Thomas C. Washbush** to the Order of the Ohio Commodores in recognition of his

contributions to economic development in the State of Ohio. This appointment is considered the most distinguished honor the Governor can bestow upon a citizen. The Association of Ohio Commodores was established in 1966 by Governor James A. Rhodes.

Tom has also been appointed to the Columbus Bar Services, Inc. Board. He will serve on the Board for a two-year period, expiring on July 1, 2012. The Columbus Bar Services, Inc. is the entrepreneurial arm of the Columbus Bar Association that develops innovative services of economic benefit to Columbus Bar Association members.

Tom is Partner-in-Charge of the firm's Columbus office and a partner in the Corporate & Securities and Commercial Finance & Banking Practice Groups. He is also a member of the firm's China and Transportation & Logistics Practice Groups. He has more than 19 years of experience in structured financing, mergers and acquisitions, bank representation and general corporate work. He focuses his practice on corporate and transactional work, including mergers and acquisitions, loan transactions, financings and restructuring.

Metzel Elected Indiana State Bar Association Delegate to the American Bar Association House of Delegates



Andi M. Metzel

Andi M. Metzel has been elected as an Indiana State Bar Association Delegate to the American Bar Association (ABA) House of Delegates. Andi's four-year term began in August.

Established in 1936, the House of Delegates serves as the control and administration arm of the ABA. Andi will attend all House of Delegates meetings, which are held twice yearly at ABA Annual and Midyear Meetings. Action taken by the House of Delegates on specific issues becomes official ABA policy.

Andi is a partner in the firm's Litigation, Real Estate & Environmental and Transportation & Logistics Practice Groups. She represents corporate and individual clients in state and federal courts and before local and state administrative bodies and agencies. Additionally, Andi has extensive experience negotiating resolutions in complex business, personal and transactional disputes.

Kosc Named "Indy's Best and Brightest" Finalist



Jeffrey Kosc

Jeffrey Kosc has been named an "Indy's Best and Brightest" finalist in the category of law.

Junior Achievement of Central Indiana, Inc. annually recognizes 100 young professionals who live or work within the city of Indianapolis as "Indy's Best and Brightest" finalists. These professionals are selected for the recognition based on their meaningful professional accomplishments; their ability to positively affect others; and their display of leadership qualities within the workplace or community. The awards selection committee, chaired by KPMG LLP, selected 10 winners, who were announced at the "Indy's Best and Brightest" awards presentation at the historic Indianapolis City Market on October 6, 2010.

Jeff is a partner with the firm's Intellectual Property and Litigation Practice Groups. He concentrates his practice on transactional and litigation matters in the areas of intellectual property, information technology, e-commerce, telecommunications, corporate law, and advertising, sweepstakes and promotions.



L to R: Becky Kosc (Jeff's wife), Fred Cline (Associate, Business Reorganization Practice Group), Jeff Kosc (Award finalist and Partner, Intellectual Property Practice Group), Harry Danz (President of the Board of Directors of Junior Achievement of Central Indiana) and Andrea Hermer (Partner, Real Estate Practice Group and member of the Board of Directors of Junior Achievement).

Forty-Five Benesch Attorneys Named 2011 Best Lawyers in America®

Forty-five Benesch attorneys were named in the recently released 2011 edition of *The Best Lawyers in America*®, a referral guide of United States attorneys. The following Benesch attorneys were selected in their respective practice areas:

Cleveland Office:

George N. Aronoff—Corporate Law; Securities Law

Steven M. Auvil—Intellectual Property Law

Lawrence M. Bell—Corporate Law

Gary B. Bilchik—Trusts and Estates

Gregory G. Binford—Health Care Law

Harry M. Brown—Administrative Law; Health Care Law

Maynard A. Buck—Labor and Employment Law

Elizabeth A. Dellinger—Corporate Law

Pete C. Elliott—Commercial Litigation

Allan Goldner—Corporate Law

Bernard D. Goodman—Real Estate Law

Norman W. Gutmacher—Real Estate Law

Douglas E. Haas—Corporate Law

James M. Hill—Corporate Law

Ira C. Kaplan—Corporate Law; Mergers & Acquisitions Law; Venture Capital Law

Kevin D. Margolis—Environmental Law; Real Estate Law

Megan L. Mehalko—Securities Law

Barry J. Miller—Construction Law

Steven M. Moss—Labor and Employment Law

Robert C. Ondak, Jr.—Real Estate Law

Richard A. Plewacki—Transportation Law

Alan E. Schabes—Health Care Law

William E. Schonberg—Bankruptcy and Creditor-Debtor Rights Law

Howard A. Steindler—Real Estate Law

Michael K. Swearingen—Real Estate Law

Ronald J. Teplitzky—Banking Law

Jeffrey J. Wild—Real Estate Law

Eric Larson Zalud—Transportation Law

Robert A. Zimmerman—Government Relations Law; Labor and Employment Law

Columbus Office:

Marc S. Blubaugh—Transportation Law

Frank Carsonie—Health Care Law

Janet K. Feldkamp—Health Care Law

N. Victor Goodman—Administrative Law; Labor and Employment Law

Stephen P. Grassbaugh—Public Finance Law

Michael J. Melliore—Education Law; Public Finance Law

Martha J. Sweterlitsch—Health Care Law; Non-Profit/Charities Law

Mark D. Tucker—Appellate Law; Labor and Employment Law

Thomas C. Washbush—Banking Law; Corporate Law

Indianapolis Office:

Jon B. Abels—Bankruptcy and Creditor-Debtor Rights Law

Jeffrey A. Abrams—Real Estate Law

Wendy D. Brewer—Bankruptcy and Creditor-Debtor Rights Law

David H. Kleiman—Bankruptcy and Creditor-Debtor Rights Law

Norman R. Newman—Real Estate Law

James H. Schwarz—Real Estate Law

Wilmington Office:

Raymond H. Lemisch—Bankruptcy and Creditor-Debtor Rights Law

Congratulations to **George N. Aronoff**, who has been named the *Best Lawyers*' 2011 Cleveland Corporate Lawyer of the Year.

Additionally, *The Best Lawyers in America*® ranked Benesch first in Ohio in the areas of Administrative Law and Transportation Law. The firm ranked first in Cleveland in the areas of Administrative Law, Corporate Law, Government Relations Law, Health Care Law, Real Estate Law and Venture Capital Law. The firm ranked first in Columbus in the areas of Appellate Law and Non-Profit/Charities Law.

Published biennially since 1983, and now an annual publication, *The Best Lawyers in America*® is universally regarded as the definitive guide to legal excellence in the United States. The current edition of *Best Lawyers* includes attorneys representing all 50 states and Washington, DC. The results are compiled through an extensive peer-review survey in which more than 18,500 of the leading lawyers in the U.S. confidentially evaluate their professional peers.

For more information about *The Best Lawyers in America*®, please visit www.bestlawyers.com.



MY BENESCH **MY TEAM** MY SERVICE

FIRST IN SERVICE PROGRAM

Benesch has made it our mission to provide our clients with top-rate legal service and has established the First in Service program to promote client service as our first priority. The First in Service program was formed through the collaboration of our internal Client Service Committee, which works to assure that our level of client service matches our level of legal service. An important part of the Committee's efforts includes deepening the commitment to client service firmwide, from our receptionists and secretaries to attorneys and managing partners. A First in Service internal brochure was developed and given to all attorneys and staff. The brochure covers leadership, firm culture, agility, respect, relationship building and presentation. We continue to hold firmwide training programs and "lunch 'n' learn" presentations focused on strengthening client service practices. The First in Service program has been widely accepted throughout our offices and now serves as the standard for all of our interactions with clients.

Diversity Corner

Benesch has a standing Diversity Committee, including both attorneys and senior staff. Our mission is, stated simply, to create an inclusive work environment that allows each member of the Benesch team to be fully involved and develop professionally. This means that the Diversity Committee promotes and supports firm efforts to increase the ethnic, racial, gender, religious, sexual orientation, age and economic diversity of the professionals in the firm.

Task-wise, the Diversity Committee focuses specifically on recruiting and retaining diverse candidates and educating all Benesch personnel on diversity issues. For example, the Diversity Committee has spearheaded internal discussions, made annual presentations to women's and minority law student groups at a number of Ohio law schools and participated in minority law student job fairs. The Diversity Committee has members who are active in bar association diversity committees, and has coordinated community outreach to professional and community organizations with a diversity mission and other diverse populations in our communities.

Caring for Our Communities

Benesch is sponsoring four students to attend St. Martin de Porres High School in Cleveland in connection with the School's Corporate Work Study Program for the 2010–2011 academic year. To help cover most of their tuition, the students each work one full day a week (five full days a month) while attending classes the four remaining days.

St. Martin de Porres High School was founded to provide quality college-preparatory education to young people in Cleveland who would otherwise not be able to afford such an education. The school relies on funding through the Corporate Work Study Program, which is an integral part of the St. Martin de Porres education. Each member of the Class of 2010 was accepted to a college or university, marking the third year in a row that St. Martin de Porres High School has been able to celebrate such an accomplishment.

Due to the struggling economic conditions that Cleveland has faced in recent years, Benesch realizes more than ever that a community cannot excel in economic development without an educated workforce. This program fits with the involvement of our colleagues in other education-related initiatives and emphasizes the importance of giving back to the communities in which we live and work.

For more information regarding St. Martin de Porres High School, please visit their website at www.saintmartincleveland.org.



Economic Growth & Development Team Update

In September 2010, the National Bureau of Economic Research reported that the longest and deepest recession in the American economy since the Great Depression had officially ended in June 2009. Although important sectors of the economy, such as housing and commercial real estate, have seen little relief, economic indicators demonstrate there has been slow, steady progress for over 15 months.

Unfortunately, the recovery has not led to a resurgence in demand for labor, and the U.S. jobless rate continues to hover at the 9.7% level (10.1% in Ohio). In 2008, prior to the onset of the recession, the U.S. jobless rate was approximately 5.8%.

On September 23, 2010, Congress delivered to President Obama what may be the last in the series of laws designed to stimulate the economy. The Small Business Jobs and Credit Act of 2010 creates a \$30 billion loan fund that will be accessible to community banks to increase loans to small businesses. In addition, this legislation raises the ceiling on SBA loans to \$5 million and increases the ceiling amount and expands the use of the provisions of Section 179 of the Internal Revenue Code that are designed to encourage additional capital interest by businesses.

The actual impact on the economy of the series of federal laws, beginning in the later stages of the Bush Administration, is widely debated. However, it is clear that, thus far, recent measures to counteract the economic downturn have had little impact on key sectors of the economy and the overall unemployment rate.

New Attorneys

Cleveland

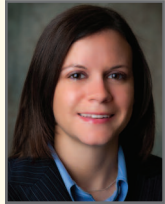
CARRIE A. BENEDICT

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B.S. Heidelberg College



Carrie A. Benedict

M.Acc. Case Western Reserve University Weatherhead School of Management
J.D. The Ohio State University Moritz College of Law

Carrie's legal experience includes conducting research and preparing memoranda in various areas, including real estate, health care and corporate law.

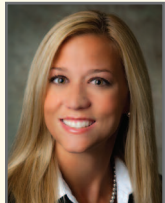
KRISTEN M. CADY

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B.A. Walsh University



Kristen M. Cady

J.D. The University of Akron School of Law

Kristen has experience in drafting pleadings and discovery requests and responses; conducting research in areas

including commercial litigation and real estate transactions; and otherwise assisting in civil litigation and business transactions.

SHAUN J. FOX

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B.S. The University of Akron



Shaun J. Fox

J.D. The University of Akron School of Law

Shaun focuses his practice on patent law, including preparation and prosecution of patent applications, as well as

infringement and invalidity opinions. Shaun's primary focus is the chemical area, particularly polymers and rubber compositions.

MATTHEW D. GURBACH

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A.B. Youngstown State University



Matthew D. Gurbach

J.D. Case Western Reserve University School of Law

Matt focuses his practice on all aspects of business and commercial litigation. Additionally, Matt is experienced in litigating issues involving covenants not to compete, trade secrets, breach of contract matters, employment discrimination, consumer sales practice claims, insurance coverage, catastrophic injury, leases, warranties, and complex construction matters.

JULIA M. LEO

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B.S. Ohio University



Julia M. Leo

J.D. Cleveland State University, Cleveland-Marshall College of Law

Julia's experience includes general litigation drafting and research, as well as assistance in the preparation of civil litigation; labor and employment; and corporate and securities agreements. She has also consulted on corporate compliance with international trade and supply regulations, and has handled health care organization review and compliance research.

MEREDITH MARCINKO

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B.S. The Pennsylvania State University



Meredith Marcinko

J.D. Cleveland State University, Cleveland-Marshall College of Law

Meredith focuses her practice on assisting clients in the formation of non-profit entities,

qualification of non-profit entities for tax-exempt status, and conversions to and from exempt status. She also assists hospitals, physicians and health care providers on compliance with Medicare and Medicaid anti-kickback and physician self-referral rules.

Columbus

DIANA E. HAWKINS

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B.A. The Ohio State University



Diana E. Hawkins

J.D. Capital University Law School

Diana has assisted with the drafting of motions for judgment on pleadings, motions for summary judgment, complaints, cease and desist letters, and deposition questions. She has also produced research reports on Ohio real estate law and Ohio non-compete law.

STEVEN A. OLDHAM

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B.S. Indiana University – Bloomington



Steven A. Oldham

J.D. The Ohio State University Moritz College of Law

Steve handles litigation in state and federal courts with an emphasis on product liability and general civil litigation matters. He also has extensive experience with litigation involving electronic discovery.

Events

For more information on upcoming and current events, contact Megan Pajakowski, Client Services Manager, at mpajakowski@beneschlaw.com or (216) 363-4639.

Corporate Governance Developments

Douglas E. Haas

Bowne SEC Updates Seminar

November 18, 2010 | Cleveland, OH

Legal Issues in Long Term Care

Janet K. Feldkamp

AOPHA Nurse Manager Development Program

November 18, 2010 | Columbus, OH

Don't Rely on Chance!

Jeffrey A. Abrams

IndyBar Las Vegas CLE Getaway

November 19, 2010 | Las Vegas, NV

Bright Lights, Big Pitfalls!

Jeffrey A. Abrams

IndyBar Las Vegas CLE Getaway

November 20, 2010 | Las Vegas, NV

Obtaining AQSIQ Import Licenses for Used Equipment

Yanping Wang

The Advanced China Forum on Import Compliance

November 30, 2010 | Shanghai

Estate Planning Basics

Beth Sullivan-Summers

National Business Institute Seminar

December 6, 2010 | Indianapolis, IN

Maintaining Tax-Exempt Status

Martha J. Sweterlitsch

National Business Institute Seminar

December 10, 2010 | Columbus, OH

Step-by-Step Through the Purchase Contract and The Closing

Norman R. Newman

NBI Seminar on Handling Real Estate Transactions with Confidence

December 13, 2010 | Indianapolis, IN

Attorney's Guide to Legal Research Strategies On- and Off-line

Jeffrey Kosci

National Business Institute Seminar

December 16, 2010 | Indianapolis, IN

Structuring and Drafting the Acquisition Agreement

Leslie A. Drockton

National Business Institute Seminar

December 16, 2010 | Akron, OH

Practical Considerations for Advising a Chapter 11 Debtor and Special Considerations for the Small Business Debtor

Jon B. Abels, Wendy D. Brewer and Samuel D. Hodson

ICLEF Annual Bankruptcy Institute

December 16, 2010 | Indianapolis, IN

Individual Chapter 11s

David H. Kleiman

ICLEF Annual Bankruptcy Institute

December 16, 2010 | Indianapolis, IN

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