



SPRING/SUMMER 2008

# Inside Benesch

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

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## Benesch's Core Values

As part of Benesch's ongoing strategic plan, the leadership of the firm has established a set of Core Values. The following principles consistently guide the firm's attorneys and staff in the successful pursuit of clients' interests and the advancement of the firm:

- Honesty, trust, integrity and ethical behavior in all our actions.
- Excellence, competence and responsiveness in serving our clients.
- Innovative and collaborative solutions for our clients.
- Mutual respect, candor, teamwork and civility in our interactions.
- Accountability and meaningful contributions to the ongoing success of the firm.
- Meaningful contributions to the communities in which we live and work.

Ira Kaplan, Benesch's Managing Partner, affirmed, "We believe that the statement reflects our collective values and how we should interact with our clients and among ourselves. We will work to make them a part of the fabric of the firm in a number of ways as we move forward."

The Core Values will be included in firm evaluation materials for attorneys and staff and will be integrated as part of hiring criteria and orientations. The firm will be displaying the Core Values prominently in the public areas of our offices, as well on [bfca.com](http://bfca.com) and in collateral materials. Finally and most importantly, the attorneys and staff at Benesch are dedicating themselves to understanding these values and embracing them in our practice and interactions. ►

## Benesch Establishes Fund in Memory of Our Friend and Partner, Howard Levy



Howard Levy  
(1944 – 2007)

Howard Levy served as a partner at Benesch for over 25 years, was Chair of the Labor & Employment Practice Group for over 20 years and served as

the firm's first General Counsel.

Howard despised prejudice and discrimination of any form, and became involved with the Anti-Defamation League as an avenue to fight discrimination in society. The ADL was founded in 1913. As "the nation's premier civil rights/human relations agency, ADL fights anti-Semitism and all forms of bigotry, defends democratic ideals and protects civil rights for all."

In addition to serving as Chairman of the ADL's Regional Office (covering the entire states of Ohio, Kentucky and West Virginia and the western half of Pennsylvania), Howard sat on its National Board. He also led the Regional Office of the ADL's Summer Associate Research Program, which encourages law students to research current human and civil rights issues related to the ADL's mission. The Program provides the ADL with valuable information and tools and teaches students the importance of pro bono legal work.

After Howard's passing in September 2007, Benesch wanted to continue to honor his memory, contributions to the ADL and

dedication to the Greater Cleveland community in a meaningful and lasting way. The firm contributed a generous and long-term donation toward the establishment of the Howard A. Levy Memorial Fund of the ADL to support our region's Summer Associate Research Program. The fund will enable the ADL to hire a capable summer intern each year, who will help coordinate the Research Program and provide valuable office assistance to the ADL staff.

"Howard was our friend and partner for more than 25 years," said Ira Kaplan, Benesch's Managing Partner. "The ADL and its mission were very important to him. We are honored to provide the resources to fund this program that bears our dear friend's name."



Howard Levy's son, Josh, addresses the crowd of his father's friends and colleagues gathered to celebrate the establishment of the Howard A. Levy Memorial Fund of the ADL.

Benesch recently held a reception in honor of the Howard A. Levy Memorial Fund's establishment, which was attended by Howard's family members and Benesch attorneys and staff. The crowd welcomed Howard Landau, owner of Landau

Public Relations and representative of the ADL, along with Michelle Mandelstein, the first recipient of the fund and first of many students who will benefit from its establishment. ►

# Client Profile

## Technical Consumer Products, Inc.

Technical Consumer Products, Inc. (TCP) is the home of lighting innovation. As the world leader in energy-efficient lighting, no one makes more compact fluorescent lamps (CFLs) than TCP. The company manufactures a majority of the CFLs sold in the U.S. Its product line also includes cold cathode, linear and high bay systems, exit and emergency lighting, HID, energy-efficient fixtures and LED lighting products.

TCP's business focuses on the importance of energy conservation. In order to educate consumers, TCP works with businesses and trade publications and sponsors a number of industry-leading events to promote the benefits of energy-efficient lighting and the products and services available on the market. The company has also created a nationwide educational program for school-age children designed to teach them the importance of conserving

energy, even if it is "just one bulb at a time." Additionally, the children are able to take part in selling CFLs as a fund-raising opportunity.

**Ellis Yan**, founder and CEO of TCP, immigrated to Cleveland from Shanghai at age 23, earned an accounting degree from Cleveland State University and began to pursue his interest in energy-efficient lighting. He built TCP from the ground up through debt and working capital. Yan now owns three plants in China that generate about 1.4 million CFLs per day. The company's Aurora, Ohio, headquarters houses its executive offices, a warehouse, laboratories and manufacturing facilities for special-order fixtures.

Managing a rapidly growing international business also means managing the many legal issues that arise as a result of new technology and changes in legislation. Since 2002, Benesch has served as legal counsel to TCP, advising Yan and his team in areas including intellectual property, real estate and public affairs. "Benesch was with us when we learned to crawl, walk and now they're running right along with us," Yan says.

The team of Benesch attorneys who work daily with TCP has grown to know the company's business well. When President Bush signed a new energy bill this past winter, TCP's market and industry were dramatically affected. Benesch helped TCP craft its responses to the legislation and eased the company through the related transitions.

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## MY BENESCH

*"We're moving at the speed of light and Benesch is just as fast."*

Ellis Yan  
CEO  
TCP, Inc.



## MY TEAM

TCP is the world leader in energy-efficient lighting. New technology and legislation changes their business and their legal needs on a daily basis.

Benesch keeps pace with a team approach ensuring that TCP has everyday access to the entire breadth of our expertise. As their general counsel,

Benesch assists TCP with everything from contracts and real estate to public affairs and intellectual property protection.

To learn more about our relationship with TCP, visit [bfca.com/myteam](http://bfca.com/myteam)

**BENESCH**  
Attorneys at Law

Cleveland • Columbus • Philadelphia • Shanghai • Wilmington

## Benesch Welcomes 2008 Summer Associates

Benesch is pleased to welcome our 2008 Summer Associate class to the firm. This year's group includes:

**Raphael Davis-Williams** – The Ohio State University Moritz College of Law

**Matt Delguyd** – Cleveland-Marshall College of Law

**Diana Hawkins** – Capital University Law School

**Julia Leo** – Cleveland-Marshall College of Law

**Ryan Melewski** – University of Akron School of Law

**Stacey Phillip** – Case Western Reserve University School of Law

**Jillanne Schulte** – American University, Washington College of Law

**James Weikamp** – Case Western Reserve University School of Law

**Lori Welker** – Case Western Reserve University School of Law

## New Attorneys at Benesch



**MICHAEL DISTELHORST**

*Of Counsel, Health Care Practice Group*

Columbus | (614) 223-9368 | [mdistelhorst@bfca.com](mailto:mdistelhorst@bfca.com)

*B.A. Capital University*

*J.D. Capital University*



**KELLY CUSTER**

*Associate, Health Care Practice Group*

Columbus | (614) 223-9344 | [kcuster@bfca.com](mailto:kcuster@bfca.com)

*B.S. Miami University*

*J.D. Duke University School of Law*



**LUIS A. CARRION**

*Associate, Intellectual Property Practice Group*

Cleveland | (216) 363-4635 | [lcarrion@bfca.com](mailto:lcarrion@bfca.com)

*B.S. The Ohio State University*

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



**AMANDA M. MILLER**

*Associate, Intellectual Property Practice Group*

Cleveland | (216) 363-4457 | [amiller@bfca.com](mailto:amiller@bfca.com)

*B.A. Capital University*

*J.D. The Ohio State University*

## New Legal Consultant



**KAY ZHAO**

*Legal Consultant, China Group*

Shanghai | (86) 139-1708-2541 | [kzhao@bfca.com](mailto:kzhao@bfca.com)

*Bachelor of Law, Jilin University*

*Masters of Economic Law, Manchester University*

*Ph.D. in Law, Jilin University*

## New Patent Agent



**THOMAS Y. KENDRICK**

*Patent Agent, Intellectual Property Practice Group*

Cleveland | (216) 363-4528 | [tkendrick@bfca.com](mailto:tkendrick@bfca.com)

*B.S. The University of Akron*

*J.D. The University of Akron School of Law*



## Caring for Our Communities

waitingChildfund

Ryan Hooper, a senior associate in the Health Care Practice Group, recently handled a pro bono representation of Waiting Child Fund (WCF), a Cleveland charity that coordinates funding for adoptions of children with special needs.

WCF's goal is to fund the efforts to place children who have been waiting the longest and are most at risk of "aging out" of the system. The organization works directly in conjunction with private and public agencies that have the skills and resources to find permanent families for children in need. WCF raises money to build partnerships and enable collaborations between agencies to make successful adoptive placements.

Ryan was able to assist WCF by reviewing a county request for proposals and advising on a major funding agreement for the organization. WCF's request for assistance was made via Business Volunteers Unlimited (BVU), a local organization dedicated to strengthening non-profits through general assistance and board placement. Ryan previously participated in the non-profit board training and placement program conducted by BVU, which resulted in his election to the board of trustees of Neighborhood Family Practice, a Federally Qualified Health Center on the Near West Side.

In addition to the support of Ryan Hooper, WCF is also supported by **Jessica Angney**, an associate in Benesch's Tax Practice Group. Jessica was recently elected as a member of WCF's Board of Trustees. She looks forward to furthering the mission of finding adoptive families for school-age children with special needs. ►



### Peter Shelton Relocating to Shanghai



In July 2008, Benesch partner and China Group Co-Chair, **Peter Shelton** will join Yanping Wang (Shanghai Office Partner-in-Charge), **Leo Pan** (Of Counsel), **Kay Zhao** (China Legal Consultant) and the rest of the Shanghai Office staff when he and his family relocate from Cleveland to Shanghai.

While in Shanghai, Peter will continue to work with clients making investments in China by way of acquisitions, joint ventures and building greenfield operations. He will also assist clients with other matters pertaining to doing business in China and with Chinese suppliers and customers.

Peter also plans to work with the other members of the Shanghai office on expanding and strengthening Benesch's relationships in China with government officials, service providers and business contacts. "With our expanding resources in Shanghai, we intend to continue to help our clients successfully navigate China's legal system and business environment," Peter explained.

Peter and his family are looking forward to relocating to Shanghai and, while there, having the opportunity to travel throughout the country and learn more about China's rich history and culture. ►

## Technical Consumer Products, Inc.

*continued from page 3*

Yan has come to value the insight that Benesch provides with regard to this type of legislation and government affairs. Benesch partner **Jim Friedman**, who formerly served as the Chief of Staff for the Governor of Ohio, is able to provide a unique perspective on such matters. When competing against industry giants GE and Sylvania, companies with a great deal of representation in Washington, Jim and the rest of the Benesch team provide TCP with advice critical to its success.

Noting that Benesch is "strategically invested" in his company, Yan expects the firm's relationship with TCP to continue to grow along with his business. "Market demand for our products as well as product innovation will drive growth," Yan says. "In light of new legislation, I think we'll be relying on our relationship with Benesch more and more in the future. I can't see anything but a bright future for our relationship." ►

## Diversity Corner



For the fifth straight year, a team of Benesch employees took part in The Diversity

Center of Northeast Ohio's biggest fund-raiser: the annual Walk, Rock & Run charity event. This event, which consists of a 3-mile walk and a 5-k run, took place in early May at the Rock and Roll Hall of Fame in Cleveland.

Proceeds of the Walk, Rock and Run directly support The Diversity Center's youth education and diversity leadership programs in nine counties in Northeast Ohio. The Diversity Center provides the opportunity for students to meet other young people who want to make a positive change in their community. These students are from different racial, ethnic, socioeconomic, religious, ability and cultural groups and come together at Diversity Center sponsored events. At workshops and retreats, students explore issues of inclusion, diversity and identity through discussions and small group activities. Through these programs, over 12,000 students in 150 schools learn how to be leaders and positive change agents each year. ►

## Appointments

### Cleveland Metropolitan Bar Association



**Ryan Hooper**, a senior associate in Benesch's Health Care Practice Group, has been appointed to a one-year term as Chair of the Health Law Section of the Cleveland Metropolitan Bar Association. The Health Law Section, whose membership includes private practitioners from large and small firms, in-house health systems and payor counsel and government attorneys, provides opportunities for health lawyers in Northeast

Ohio to interact with their colleagues and stay up-to-date on local and national health law issues.

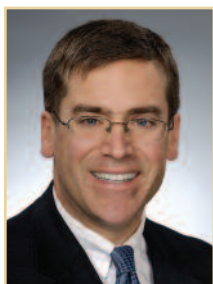
### Supreme Court of Ohio



**N. Victor Goodman**, a partner with Benesch's Public Law Practice Group and member of the firm's Executive Committee, was recently appointed to a three-year term on The Board on the Unauthorized Practice of Law of the Supreme Court of Ohio. The Board consists of 12 members who are appointed to a three-year term by the Supreme Court. The Board conducts hearings, preserves the record and makes findings and

recommendations to the Supreme Court in cases involving the alleged unauthorized practice of law.

### Ohio State Bar Association



**Frank J. Reed, Jr.**, Of Counsel with Benesch's Litigation Practice Group, has been appointed to the Council of Delegates, one of two major governing bodies of the Ohio State Bar Association, a statewide organization of over 17,000 lawyers in Ohio. ►



## Delaware Office Reception

Benesch's Wilmington, DE, office hosted an Open House on April 18, 2008. More than 100 clients and friends of the firm attended the event and shared in an evening of conversation and networking.

The event was hosted by Delaware Partner-in-Charge **Will Kohn** and partners **Ray Lemisch** (pictured left addressing the crowd) and **Brad Sandler**. ►



## Non-profit Spotlight

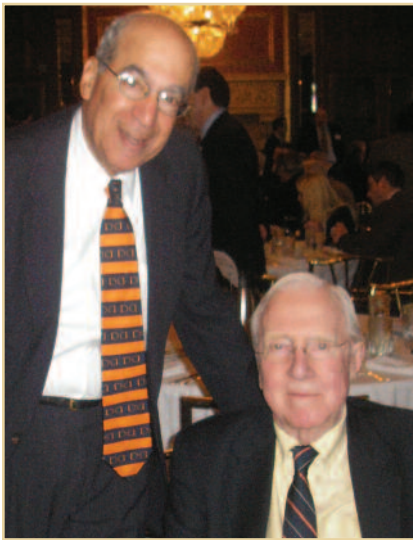
# HARVEST for HUNGER



Benesch recently participated in Harvest for Hunger's annual community-wide food and funds drive. The drive is one of the largest in the nation and raises critical resources for local hunger relief organizations in 19 counties. Last year, the dollars and food donated enabled four regional food banks to distribute enough food for nearly 10 million meals for local individuals and families in need.

This year's Harvest for Hunger efforts at Benesch included participation in the organization's Virtual Food Drive and a "Cash Jar Contest" between the floors of the Cleveland office. The firm also held a spaghetti luncheon, bake sale, jeans day and brown bag lunch day, all of which resulted in proceeds benefitting Harvest for Hunger. ►

### Jim Friedman Co-founds The Gilligan Institute



Benesch Partner Jim Friedman (left) with Governor John J. Gilligan at The Gilligan Institute's kick-off event in Columbus.

Jim Friedman, a partner in the firm's Public Law Practice Group, recently helped to found The Gilligan Institute, a new 501(c)(3) non-profit corporation established to promote political research and discussion in Ohio. Jim will also serve as Chairman of its Board of Trustees.

The Gilligan Institute is named to honor Governor John J. Gilligan, who served in the U.S. House of Representatives representing Ohio's First Congressional District, and was elected Governor of Ohio in 1970, serving from 1971–1975. Jim served as Governor Gilligan's Chief of Staff.

As a kick-off event, The Gilligan Institute hosted "A Presidential Campaign Briefing" in Columbus. Attended by Governor Gilligan and his family among a crowd of 350, the sold-out event was the first of many educational opportunities the organization plans to hold. ►

### Chambers USA 2008 Names 10 Benesch Attorneys "Leaders in Their Field"

Benesch is pleased to announce that 10 of its attorneys are named as "Leaders in Their Field" by *Chambers USA 2008*, a premier guide to the legal profession which will be published in June. The following Benesch attorneys are listed in their respective practice areas:

#### Intellectual Property

Steven M. Auvil

#### Construction

Thomas O. Crist

Barry J. Miller

#### Real Estate

Norman W. Gutmacher

Howard A. Steindler

#### Corporate/M&A

James M. Hill

Ira C. Kaplan

#### Banking & Finance

Ross J. Kirchick

Ronald J. Teplitzky

#### Bankruptcy/Restructuring

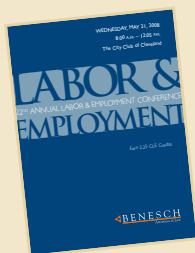
William I. Kohn

Chambers conducts in-depth research and interviews with clients and attorneys throughout the U.S. to identify the top lawyers in various practice areas. For the 2008 edition of *Chambers USA*, over 14,000 interviews were conducted nationally in which clients and participating attorneys were asked to rank law firms and individual attorneys in specific specialty areas. The qualities on which rankings were assessed included technical legal ability, professional conduct, client service, commercial awareness/astuteness, diligence, commitment and other qualities most valued by clients. Chambers selects sources based on submissions put forward by legal practices and on interviews conducted during the course of research, as well as from their own database resources. ►



# Inside Benesch

## EVENTS



Benesch's **22nd Annual Labor & Employment Conference** was held May 21, 2008 at The City Club of Cleveland. Benesch attorneys presented on topics including recent and proposed changes

regarding leaves of absence, immigration and the workplace, National Labor Relations Board trends, ERISA law updates and how to hire and fire employees. The event's main session featured David Sabo and Douglas Brown of Willis Group, who presented on the topic of "Health Care Issues in the Workplace: New Developments and Cost Containment Strategies."



Benesch partner TOM WASHBUSH served as Master of Ceremonies at the **Second Annual Columbus ACG Awards Program** on May 22, 2008.

ACG is the premier global association for professionals involved in corporate growth, corporate development and mergers and acquisitions. The Columbus Chapter's Awards program recognized groups and individuals who have created corporate enterprise value or who have had a substantial impact on the growth of a central Ohio company. Additionally, Jim Grote, Founder & CEO of Donatos Pizza and Founder & Chairman of J.E. Grote Company, was presented with a Lifetime Achievement Award.

Members of Benesch's Real Estate Practice Group recently traveled to Las Vegas, NV, for participation in the **2008 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 Margolis, Norm Gutmacher, Lee Korland, Rob Ondak and Jeff Wild hosted a networking reception at the Bellagio Hotel for their ICSC contacts.

Benesch's Estate Planning and Corporate & Securities Practice Groups co-hosted a **Business & Family Wealth Succession Planning Seminar** on May 22, 2008, in Cleveland along with BNY Mellon Wealth

Management and Insurance Management Consultants LLC. Topics presented included common mistakes in succession planning, effective wealth management and estate planning strategies and estate equalization issues. Keynote speaker Tom Robinson, a family coach and director of family wealth services with BNY Mellon Wealth Management, outlined for attendees a five-step process for developing a strategy for succession planning that is in line with the family's goals.

Benesch and National City Capital Markets co-hosted a transportation seminar, **Roadmap to Success: Critical Strategies for Buying, Selling and Financing Transportation and Logistics Businesses**, on June 4, 2008, at The City Club of Cleveland. The half-day event covered strategies on how to buy, sell and finance transportation businesses.



More than 20 speakers from Benesch, National City and other companies participated as panelists and presenters. Topics covered included mergers and acquisitions of asset and non-asset based logistics businesses, purchase and sale of distressed companies, staging a company for a successful sale and understanding how private equity investors evaluate logistics companies.

### **An Overview of Environmental Issues, Development Rights, Water/Sewer Connections, Section 208 Planning, and Other Issues**

CHIP COLLIER and FRANK REED  
Ohio Prosecuting Attorneys Association  
Annual Meeting  
**June 20, 2008 | Sandusky, OH**

### **Ten Practical Tips for Maximizing Collections**

MARC BLUBAUGH  
The Advocate of Not-for-Profit Services  
for Older Ohioans (AOPHA)  
Senior Living CFO Workshop  
**June 25, 2008 | Columbus, OH**

### **Warehousing & Transportation: Two Sides of the Same Coin**

MARC BLUBAUGH  
International Warehousing Logistics  
Association Legal Practices Symposium  
**August 7, 2008 | Chicago, IL**

### **Medical Records Law**

JAYNE JUVAN  
Lorman Education Services  
Medical Records Law Seminar  
**August 19, 2008 | Akron, OH**

For more information on upcoming and current events, contact Lindsay Wise, Client Services Coordinator at [lwise@bfca.com](mailto:lwise@bfca.com) or (216) 363-4174.

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- Cleveland** 200 Public Square, Suite 2300 | Cleveland, OH 44114-2378  
Phone: (216) 363-4500 | Fax: (216) 363-4588
- Columbus** 41 South High Street, Suite 2600 | Columbus, OH 43215-3506  
Phone: (614) 223-9300 | Fax: (614) 223-9330
- Philadelphia** One Liberty Place | 1650 Market Street, 36th Floor | Philadelphia, PA 19103-7301  
Phone: (267) 207-2947 | Fax: (267) 207-2949
- Shanghai** Kerry Centre Suite 1802 | 1515 W. Nanjing Road | Shanghai, P.R. China 200040  
Phone: (86) 21-3222-0388 | Fax: (86) 21-5298-5955
- Wilmington** 222 Delaware Avenue, Suite 801 | Wilmington, DE 19801-1611  
Phone: (302) 442-7010 | Fax: (302) 442-7012