

# Windfall helps grateful United Way target needy

*Another Viewpoint is a column The News-Herald makes available so all sides of issues may be aired. Deborah Foley is president of the United Way of Lake County.*

There are plenty of jokes about lawyers. We've all heard them, laughed and repeated them often.

But, something happened last month in our community that turns the whole perception upside down.

Dworken & Bernstein, a local Painesville law firm, used a 3rd Century legal doctrine, *Cy Pres*, to interject desperately needed revenue into our community's charitable efforts.

*Cy Pres*, a French term that means "as nearly as possible," allows unclaimed funds from class action lawsuits to be given to charities. Additionally, the firm initiated a new program, "Ohio Lawyers Give Back," and, because of a financial settlement with Grange Mutual Insurance, was able to distribute \$14 million to local charities.

Lake County was a huge beneficiary.

This was the largest *Cy Pres* award of its kind — in the country.

Dworken & Bernstein called upon lawyers and the judiciary to begin using *Cy Pres* as a way to give back.

The United Way of Lake County was lucky enough to receive \$443,000 from these funds. Wow. What a windfall.

We often pray that we can find the resources to sustain and create needed priority programs; but receiving this good news put us in overdrive.

This was an unexpected gift. We plan to use these dollars to make a real difference in the Lake County community.

We didn't look at what is — we began to look at what



**Deborah Foley**

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with bugs.

The bathroom and overall condition of the house made us sick. Yes, physically sick, but moreso, sickened that one of our seniors in Lake County can live in such conditions.

After checking with public health officials, Probate Court Judge Ted Klammer, sheriff's department and other public officials, we discovered that this is not an isolated case.

Part of the money from Dworken & Bernstein will be used to find these individuals and link them to their cities and the churches, and then provide funds to make their living conditions humanized.

We also discovered from our friends at the sheriff's department that many homes are being foreclosed and families are being evicted from their homes simply because of bad luck and a lack of money.

In this economy, we know bad things can happen to good people. It might be an unexpected job loss, death in the family or an illness. Maybe the cost of living (food, gas and utilities) is just enough to put a family in

can be.

We know that there are many isolated seniors in our community. We met one gentleman in his 80s at Day of Caring, which was held in June. He was still living in his home, alone. There were few extra dollars in his pocket.

When the volunteers arrived at the home, they were shocked. A man in our county had been living without water or a toilet system for more than a year. He washed with collected rain water that was infested

will do because of Perotti and Dworken & Bernstein.

We have no jokes about lawyers today — just lots of praise.

And, we feel there is an obligation to tell others what "Ohio Lawyers Give Back" is all about.

Lake County is a better place today because of this local law firm that settled here in 1960.

There are no words to describe how grateful we are.

What we will show you, though, is how their dollars will begin to create new ideas and a vision of what can be done by working with others and providing systemic changes to age-old problems.

We, too, will live under the *Cy Pres* mantra — as nearly as possible.

The law firm's partners Patrick J. Perotti, David M. Dworken, Marvin Dworken, Howard W. Bernstein, Melvyn E. Resnick, Alec Berezin, David

jeopardy of losing their home. They say we are all three checks away from facing a similar choice.

We know there is no home in Lake County that is open 24 hours for mothers, fathers and children who are homeless simply because they are poor. This is the "new homeless" in Lake County.

Think what the Dworken & Bernstein dollars will do ... provide a new, temporary shelter for homeless families.

And, like lightning striking, we discovered quite by accident that there are many teens, but especially boys, who are homeless before they graduate from high school.

We are told these are good boys with decent grades. They move from home to home, friend to friend.

We are hoping to partner with a school district that already has six teens living day-to-day on the streets. Think about what a 24-hour stable home will mean to these teens.

*Cy Pres* and Dworken & Bernstein have made many charities do more than hope for money. Because of them, we are now able to make things possible — things that are really needed.

And, we are collaborating with all parties who should be at the table. It's not a United Way problem; it's a community problem that we, together, will solve.

Lake and Geauga counties, together, will receive a little more than \$4 million due to *Cy Pres* and Dworken & Bernstein.

Pat Perotti, a partner with Dworken & Bernstein and the primary litigator on the class action case said, "We have two professions with potential for incredible change — the judiciary and attorneys. Instead, they are subject to daily criticism.

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"Today, we look beyond all of these, the incredible, loving and positive things people can do for one another.

"We celebrate the law at its best — helping those who need it most. Class action lawsuits can be used in a way that makes our community a better place."

That's what we hope to do and

Richards Jr., Jodi Littman Tomaszewski, Irving Rosner, Gary S. Okin, Howard S. Rabb, Patrick T. Murphy, Keith R. Kraus, Geoffrey H. Turoff, Rickard N. Selby II, Kristen M. Kraus, Jonathan T. Stender, Kenneth J. Cahill, Anna M. Parise, Nicole T. Fiorelli, Erik L. Walter, Grant J. Keating and Jerome Emoff, along with top-notch assistants Susie Allee and Christine Young — you are the real change agents.

Thank you.