

Legal Aid sues copycat

It misleads clients, charges fees

By Dan Horn
dhorn@enquirer.com

Low-income people looking for legal advice can find two obvious choices when they open a Cincinnati phone book or search the Internet for help.

One of those choices, the Legal Aid Society, provides free assistance with problems related to housing, employment, bankruptcy or domestic disputes.

The other, Legal Aid Alternative, charges \$350 in exchange for some paperwork.

That's one of the accusations in a federal trademark infringement lawsuit that seeks to bar Legal Aid Alternative from using "legal aid" in its name and advertising.

The Legal Aid Society filed the suit this week after learning several potential clients mistakenly called Legal Aid Alternative for help, only to be turned away or charged \$350 for useless documents.

"They do that to prey on people who don't know any better," said Lou Gilligan, an attorney for the Legal Aid Society. "It's just disgraceful."

Gilligan said legitimate legal assistance groups in other cities, including Los Angeles and Sacramento, have reported similar problems with sound-alike businesses seeking to charge clients for legal services they could get for free.

The Legal Aid Foundation of Los Angeles successfully sued earlier this year to shut down a business that used the Legal Aid name to bring in as many as 40 clients a day.

"He was bringing in a fortune doing shoddy work," said Toby Rothschild, general counsel for Legal Aid in Los Angeles.

In the Cincinnati case, the Legal Aid Society accuses Legal Aid Alternative of deliberately using a similar name to confuse potential clients. Legal Aid Alternative is listed just ahead of the Legal Aid Society in the white pages and its phone number is the first to appear after a Google search for "legal aid Cincinnati."

A recorded message at that phone number informs callers that Legal Aid Alternative only helps with uncontested divorces and urges anyone who needs such help to leave a message.

Gilligan said people who call are asked to pay \$350 for a stack of documents that are useless in Ohio.

The big problem, Gilligan said, is that some callers assume Legal Aid Alternative is the only Legal Aid that can help them. When they find out the group only handles uncontested divorces, many give up.

The lawsuit cites a Cincinnati woman, Denise Louis, who called Legal Aid Alternative for help with a housing problem. After hearing the message, she assumed no one could help her and went to court alone. She and her children were evicted.

Gilligan said the Legal Aid Society eventually learned of her plight and helped her get back into her home.

The lawsuit, filed in U.S. District Court, accuses Legal Aid Alternative of trademark infringement and false advertising. The suit also names two people - Janelle Kay McConnell, of Utah, and Mark T. McClaskey, of North Carolina - who allegedly are connected to Legal Aid Alternative.

Neither McConnell nor McClaskey could be reached, and a message left on the company voice mail was not returned.

Gilligan said he hopes the lawsuit will help determine whether Legal Aid copycats in other cities are linked to the one in Cincinnati. Legal Aid Society officials say they just want to stop others from using their name.

"I think they've been fairly effective in siphoning off clients," said Ginny Whitman, who runs the volunteer lawyers program for the Legal Aid Society. "It says 'legal aid,' so people think that's who they're calling."

Obituaries at Cincinnati.Com DataCenter

If you missed a death notice, you can search the area's most comprehensive listing of paid and editorial obituaries at Cincinnati.Com. Some notices allow you to sign a guestbook with wishes, stories and messages.
Search: obits



The Enquirer/Carrie Cochran
Mike Dryden and Tracy Tabor of Labor Works tear out the hardwood at the old Act I Cinema in downtown Sharonville. Water had damaged the floor in some areas.

Arts: Old cinema will morph into arts center

From Page B1

The city bought the property in 2001 after it was damaged by a fire. It reopened after some repairs and showed second-run movies until it closed again earlier this year.

The city couldn't find a buyer or operator for the theater, said Christine Thompson, Sharonville deputy safety service director. The building was sold to the Fine Arts Council for \$1 in May, with the understanding that the arts council would renovate it.

Fine Arts Council board member Gayla Price said the plan is to reopen next spring. Workers are now gutting the structure.

The generosity of Sharonville and area businesses has made it possible for the Fine Arts Council to raise more than two-thirds of the \$800,000 needed to renovate the theater, Price said.

The city - in addition to donating the building itself - gave \$150,000 to get construction started and has committed to match another \$150,000 if the Fine Arts Council raises its own \$150,000. That sum has already been raised, Price said. Last week, John R. Jurgensen Co. cut the Fine Arts Council a \$25,000 check. Cincinnati Sub-Zero Products donated \$10,000, and

there are many smaller donations.

Much of the labor and materials going into the cinema are being donated. Gilkey Windows will donate all the windows, worth more than \$25,000, Price said. Cincinnati Commercial Contracting is donating labor worth at least \$100,000, board member and City Councilwoman Janey Kattelman said.

"People have been wonderful," Kattelman said. "But it hasn't been that easy. It's just been push, push, push, push, for four years."

The building will operate on money raised by renting the theater and studio space upstairs, Price said. She expects the council will also be doing some annual fundraising. The city will not help pay for the operation.

Kattelman said she feels good about preserving the building, an important part of Sharonville.

"We keep finding out new things about it all the time," she said, noting that the current construction led to the discovery of an orchestra pit and tunnels that led from the theater to other downtown buildings. She said they were thought to have been used for illegal gambling.

Sharonville's Assistant Safety Service Director Ted Mack said

the renovation of the cinema is another step toward a rejuvenated downtown. It has been gradual in the last few years, Mack said, mentioning success of restaurants like the Blue Goose and Reddy Coffee & Café and the addition of companies such as Ameriprise Financial, which relocated its Greater Cincinnati headquarters to Sharonville.

"Five or six years ago, you would have seen a lot more empty spaces," Mack said. He said the city is working with its city engineer for plans for downtown rehabilitation. He foresees discussions on sidewalks, pavers, trees, landscaping, light fixtures and energy efficiency on the city's agenda by the beginning of next year.

On Depot Square, downtown workers such as Heard couldn't be happier about changes - whether it's a new performing arts center or improvements in the downtown infrastructure. The upgrades mean more traffic and more visitors, and more visitors equate to a livelier downtown, Heard said. That's more like the one she remembers from her childhood.

"It went through a depressed little time for a bit," Heard said. "But Sharonville back then was a lot like it is now."

Couple: Plead in teen's death

From Page B1

They asked visiting Judge Jack Rosen to impose the maximum penalty: six months in jail and a \$1,000 fine.

"It's destroyed my family; it's destroyed me personally," Ken Russell told Rosen about Dustin's death. "I had to go to his grave to 'celebrate' his 18th birthday with him there."

But Rosen, who also considered the Hernandezes' previously unblemished records, ordered that they serve no jail time unless they fail to comply with the conditions of their probation.

As supporters sobbed, the Hernandezes were handcuffed and taken to jail temporarily, so they could be fitted with electronic monitoring ankle bracelets. They must wear the devices and remain

on house arrest - unable to leave their home except to go to work - for two months, Rosen ordered.

Rosen suspended a four-month jail term for the pair on condition that they complete five years of intensive probation, which includes drug and alcohol monitoring and counseling. The judge also ordered each defendant to devote 200 hours to community service and to pay a \$750 fine plus court costs.

The Hernandezes' lawyer said his clients are sorry for what happened to Russell, but they accept no responsibility for his death.

Peeler said the case should serve as a warning to parents allowing underage people to drink in their household. The couple could have been charged even if no one died after leaving the party, Peeler said.

Lifeway: Will fight for license

From Page B1

are from Hamilton and Butler counties, according to local children services agencies, which quit placing children through Lifeway following the August 2006 death of Marcus.

Lifeway also operates in Kentucky, Indiana, Georgia, Virginia and Texas, but the brunt of its \$15 million business came from Ohio.

Lifeway faced an intense state investigation after Marcus died bound up in a closet while his Lifeway foster parents, Liz and David Carroll Jr., attended a family reunion for two days in Kentucky. The Carrolls are in prison after being convicted of murder.

The state probe concluded that Lifeway officials cut corners on foster care training, failed to con-

duct proper criminal background checks on foster parents and employees, and had hired unlicensed social workers.

Lifeway officials had contended that the state hearing process that preceded Tuesday's decision was a "charade."

But, Jones-Kelley called those complaints "irrelevant" because there was "more than sufficient evidence" to revoke Lifeway's license and deny recertification.

Mike Berner, founder and executive director at Lifeway, said he's not surprised by Jones-Kelley's decision. He thinks Lifeway will get a fairer shake in court "where the playing field will finally be level."

"Lifeway...will fight until its good name and reputation are restored," Berner said.

*Nationally recognized college preparatory school
 Grades 7-12*

OPEN HOUSE

FOR PROSPECTIVE STUDENTS AND PARENTS

**SUNDAY, November 4, 2007
 1:00-3:00 P.M.**

Newsweek ranks Walnut Hills among the top 100 public schools in the nation.

**3250 Victory Parkway
 513-363-8400**

*Admission is open to all academically oriented students living in the Cincinnati district and tuition paying students outside the district who pass a special entrance examination offered through Cincinnati Public Schools.
 For testing information call 513-363-0186*



There was a moment when you thought you'd never dance again. A heart attack can do that.



At The Christ Hospital, we know all too well how you feel. We know life can change in a moment. And we're changing more lives every second of every day. **Our world-renowned Heart and Vascular CenterSM saves more lives than anyone else in the region.** We do more than just conquer heart disease. Our drive and persistence gets the rest of you in step as well.

For a free heart risk assessment visit TheChristHospital.com/heartaware or call **513-585-RISK (7475)**.

It's no wonder we've been the most preferred hospital for heart care in the Tristate area for over a decade. And the most referred by doctors. We heal hearts in every sense of the word. So you can be there for all the dances ahead, cheek to cheek, heart to heart.

The Christ Hospital
 Heart and Vascular CenterSM
 Most Preferred. Most Referred.