

THE OHIO ASSOCIATION OF REALTORS' LEGAL ACTION PROGRAM PROCEDURES AND GUIDELINES FOR REQUESTING ASSISTANCE

1. Purpose of the Legal Action Program

The main purpose of the Legal Action Program is to provide financial assistance to support litigation of significance to the Association and its members. This program is administered by the Legal Action Committee.

It is the function of the Committee to evaluate requests for assistance and to determine whether the case is appropriate for support. In order to qualify for assistance it must be established that the case (1) involves issues of significance to a substantial portion of the membership, (2) is designed to promote or defend the rights of members, the public or others concerned with the protection of private property rights or (3) names the Ohio Association of REALTORS, a Local Board, or one or more members where the issues are of substantial interest to the real estate industry as a whole.

2. Type of Support That Can Be Requested

The main assistance provided by this program is financial support, meaning assistance in paying the legal costs and expenses associated with bringing, defending or appealing an action. It does not include payment of any judgment, fines, damages, settlements or opposing counsel's fees or costs.

A party may also request that the Association file an amicus curiae brief with the court in support of the member's case. Because of the filing deadlines imposed by the courts, it is crucial for the request for this type of assistance to be made well in advance so that if granted, the Association's counsel will have sufficient time to draft and file this brief.

3. How to Request Support

To request assistance from the Legal Action Committee it is necessary to complete an application and forward it to the Association's Vice President of Legal Affairs, who serves as the staff liaison to the Committee. Because the application asks for information regarding the legal pleadings and issues involved in the case, you may wish to have your attorney help you complete the form.

It is imperative that requests for assistance be made sufficiently in advance of the Committee's meeting so that legal counsel to the Committee can review and evaluate the request, ask for any additional information and forward the request to Committee members in advance for their careful review of the case prior to their meeting.

Parties are also strongly urged to first seek assistance for their case from their Local Board of REALTORS and to also consider requesting assistance from NAR's Legal Action Committee. Although support from the local and national level is not a prerequisite, the Legal Action Committee generally will not award support without at least the recommendation of the Local Board, except in extraordinary circumstances.

4. Consideration of the Request

Requests for assistance will be considered at the Legal Action Committee's next regularly scheduled meeting. The Committee meets three times a year during the Association's tri-annual meetings. These are the Winter Conference in mid-January, the Spring Conference in April or May, and the Convention, held in mid-September. With the exception of the Convention, the meetings are held in Columbus. Although not done often, the Committee can, at its discretion, hold a teleconference call if a request is filed that requires a decision prior to the Committee's next meeting. If you believe such a special meeting of the Committee is necessary, you must specifically indicate that on your request and explain the justification.

You will be notified prior to the meeting as to whether the Committee would like you to make a presentation at that meeting. If your appearance is requested, it is probably because the Committee feels it needs more information from you to understand the case, the importance of the issues involved, and the significance of those issues to the industry at large.

If you do appear before the Committee, your attorney may accompany you if you wish. You are not expected to provide an extensive or detailed discussion of the technical legal aspects of the case or proceedings but you should have a reasonable familiarity with the issues and their significance. During or after your presentation the members of the Committee, as directed by the Chairman, may ask questions. When the Committee is satisfied it has sufficient information to make its decision, you will be excused and the Committee will make its determination as to your request.

5. Procedures Following the Meeting

The Committee's decision will be reported to the Association's Executive Committee and Trustees. However, the Committee's decision to award financial or other assistance is final. Unless the Committee decides otherwise, you will be notified in writing of its decision within one to two weeks of the meeting. Where financial support is awarded, it will be disbursed, subject to any special conditions, as soon as possible.

If you have any questions regarding the Legal Action Program, they may be addressed to the *Vice President of Legal Affairs at OAR's offices, 200 E. Town St., Columbus, Ohio 43215, phone (614) 228-6675, fax (614) 228-2601.*

Request for Assistance
Legal Action Committee

Please type or print clearly. Attach additional sheets as needed.

I. General Information

1. Name, address, phone and fax numbers of party(ies) requesting assistance:

_____	_____
Name	Name
_____	_____
Street	Street
_____	_____
City State Zip	City State Zip
_____	_____
Phone Fax	Phone Fax

2. Name, address, phone and fax numbers of attorney(s) representing the above named parties:

_____	_____
Name	Name
_____	_____
Street	Street
_____	_____
City State Zip	City State Zip
_____	_____
Phone Fax	Phone Fax

3. Party's Local Board of REALTORS: _____

II. Information Regarding the Case

1. Case Caption (i.e., Jones vs. Smith Realty, et al.):

2. Case Number: _____

3. Plaintiff's name, role in the transaction (i.e., buyer, seller, listing broker) and the name and address of the Plaintiff's attorney:

_____	_____
Plaintiff's Name	Plaintiff's Name
_____	_____
Role	Role
_____	_____
Attorney's Name	Attorney's Name
_____	_____
Attorney's Address	Attorney's Address
_____	_____
City State Zip	City State Zip

4. Defendant's name, role in the transaction (i.e., buyer, seller, listing broker) and the name and address of the Defendant's attorney:

_____	_____
Defendant's Name	Defendant's Name
_____	_____
Role	Role
_____	_____
Attorney's Name	Attorney's Name
_____	_____
Attorney's Address	Attorney's Address
_____	_____
City State Zip	City State Zip

5. Please provide a summary of the nature of the lawsuit filed by the Plaintiff and other claims involved(i.e., counter claims, cross claims, etc.)

6. Please provide a summary of the proceedings to date and the current status of the case (i.e., list any motions for summary judgments, motions to dismiss, judgments entered, appeals that have been filed, etc.). Please indicate the dates pleadings were filed.

7. Describe the legal issues raised by this case, including the reasons why these issue may create a precedent of concern for the real estate industry or involve private property rights of concern to REALTORS.

III. Information Regarding Your Request

1. Please indicate the type(s) of assistance you are requesting from the Legal Action Committee.
_____Financial
_____Amicus Curaie Brief (brief in support of your case)
_____Other (please explain)

2. If you are requesting financial assistance, please specify the amount requested:_____

3. If you are requesting that the Ohio Association of REALTORS file an Amicus Curaie Brief, please indicate the filing deadline:

4. Please indicate the amount of legal expense incurred and estimate the amount expected to be incurred by you through the conclusion of the litigation:
_____Expenses incurred to date
_____Total amount expected to be incurred

5. Is this case covered by any Error & Omissions policy you carry?
_____Yes _____No
6. If you are a Local Board of REALTORS is this case covered by the NAR Blanket Errors and Omissions insurance policy? ___Yes___No
If yes, please specify all payments made to date by any parties and by the insurance carrier, including the deductible.
7. Have you or are you planning to request assistance from NAR's Legal Action Fund? _____Yes _____No
If yes, please indicate the status of your request, including the type and amount of any support requested or awarded.
8. Have you requested assistance or support from your Local Board of REALTORS? _____Yes _____No
If yes, please indicate the status of that request, including the type and amount of any support requested or awarded.
9. Is any other organization providing financial or other support in this case to you or to any other party(ies) in the case?
_____Yes _____No
If so, please identify the organization(s), the support that it is providing, and to whom.

Please feel free to attach any other comments you feel would be relevant to the Committee's consideration. Also attach copies of any documents including pleadings, correspondence, requests for assistance from your local board of NAR, etc., that will assist the Committee in evaluating your request.