

OhioLawyer

THE OHIO STATE BAR ASSOCIATION MEMBER MAGAZINE

July/August 2018

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Member Spotlight

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Sutter O'Connell Adds New Talent

Sutter O'Connell is proud to announce the addition of new associates to the firm.



Chelsie Palecek.

Chelsie is a 2017 graduate of the University of Akron School of Law, where she competed as an advocate on Akron's nationally recognized mock trial team. Prior to joining Sutter O'Connell, Chelsie clerked for firms in Canton and Akron. Chelsie joins the Products Liability and Environmental & Toxic Tort practice groups.



Ashley Wakefield.

A 2015 graduate of the University of Akron School of Law, Ashley is also the recipient of the CALI Award for Excellence for the Future Award in Remedies and received First Place in the 2015 Akron Law Intramural Mock Trial Competition. Ashley will be practicing in the firm's Commercial Litigation, Civil Rights and Government Liability, Products Liability and Workers Compensation areas.

Editorial Offices

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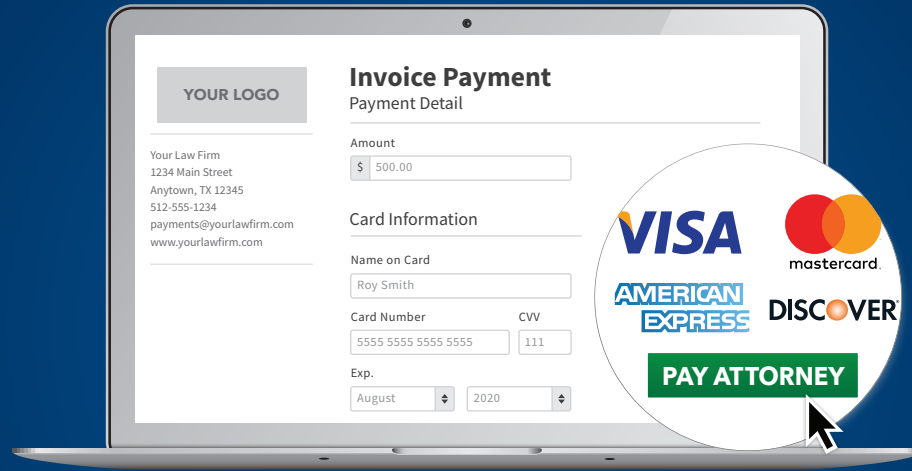
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DRIVEN TO EXCELLENCE

Veteran trial attorney takes the lead as OSBA President

by Andrew Hartzell

New OSBA President Robin Weaver is an avid cyclist. During warm weather he rides his bike every weekend — 40 miles on Saturday and 60 to 80 miles on Sunday.

“Go west in Cleveland and it’s relatively flat. Sunday, I go east and it’s very hilly. It’s a real challenge to be able to accomplish that. I love the feeling of accomplishment and the wind blowing in my face. It just feels great.

“I think there are a lot of parallels between cycling and being a trial lawyer. Mental toughness when you’re climbing some of those incredible hills. Mental toughness in trial when you’re in there week after week, getting three to four hours of sleep a night, you’ve got to fight through it.

“Most of the time you can win if you prepare properly and your skill level is there. It’s very gratifying. Actually, the practice of law is more gratifying because you’ve helped your client.”

First admitted to the bar in 1974, Robin is a past president of the Cleveland Metropolitan Bar Association and has been active in OSBA operations for years. He served on the OSBA’s governing body — the Board of Governors — for three years; on the policy-setting Council of Delegates; as vice chair of the Board’s Government Affairs Committee; and as a member and committee chair for the Board of Directors of the Ohio Bar Liability Insurance Company. He began his term as OSBA President July 1.

He is a fellow of both the American College of Trial Lawyers and the International Society of Barristers, and a long-time faculty member of the National Institute of Trial Advocacy, where he also serves on the board.

“I am honored to be an attorney. I think this is a very honorable profession. Those of us who are in this profession are fortunate and need to recognize that. We have a special responsibility and I hope lawyers will act accordingly.

“Ever since I was old enough to really think about what I wanted to be in life,

I wanted to be a lawyer. There was a friend of my parents who was a lawyer and I thought he was a pretty cool guy. I remember watching the CBS evening news during the civil rights era, and I was impressed with the lawyers who were going to the Supreme Court and using the law to effect change in the system.



“My parents would always stop at universities when we were on vacation. In the summer between my eighth and ninth grade years, we were going to Greenfield Village and the Henry Ford Museum and we stopped in Ann Arbor. I was standing in the middle of the law quadrangle at the University of Michigan and was just overwhelmed by it.

“At the end of the ninth grade, we had to write an autobiography. The last chapter was about what we were going to do in the future. I said I wanted to be a lawyer and go to the University of Michigan law school. I was fortunate enough to make it.”

Following his graduation from law school, he joined Squire, Sanders & Dempsey (now Squire Patton Boggs) in the litigation practice, rising to senior partner. Over the course of his career, Robin has tried cases throughout the state and federal courts in Ohio, as well as in many courts around the country. His practice has included extensive appellate work in the U.S. Courts of Appeals for the Second, Third, Sixth, Seventh and Eleventh Circuits, as well as several state Supreme Courts and a multitude of state courts of appeal.

“I find being a trial lawyer to be very

“There’s strength in numbers and this organization was created to advocate for lawyers. We’re the voice of the profession.”

challenging. The most fulfilling part is being able to master the particular subject matter that’s involved in a trial and relay it so well that you can communicate it to a jury of laypeople. You cannot be afraid to go to trial.

As much valuable experience as Robin has accumulated, it turns out he might not have ended up with such a notable trial advocacy career without taking a chance he acknowledges he probably should not have taken.

“One of my most memorable cases was representing Mount Zion Hospital in Cleveland. They developed a fasting program for the treatment of morbidly obese people called OptiFast. I had read about this in Time magazine and I was fascinated by it. A partner who specialized in medical malpractice defense work at our firm was on vacation, so I got a call from the insurance company asking me if I would go to meet with these doctors who have been sued. I did and realized it was going to be a fascinating case. I did something that no lawyer should ever do. I wanted that case. I was not a

partner, and it was certainly a partner-level case. My goal was to get immersed in the case as much as possible so that I could not be removed from the case.

“About a month before the trial, our partner who did malpractice defense work came to me and said, ‘I was at the courthouse today and everyone is talking about this case that’s going to trial in federal court.’ He said it sounded like a fascinating case and said, ‘I wish we were in it!’ I said, ‘What are you talking about? You are in it.’”

“...It was a fascinating case...It was risky because had I lost that case, I might not be here today, and I certainly wouldn’t have been a partner at Squire, Sanders, & Dempsey.”

“I’d say the biggest challenge I’ve faced in my career was establishing my credibility. I was handling significant matters and as a young lawyer, people look at you and wonder how much experience you have and whether you should be handling the case. I used to have a mustache because I wanted to look older. I finally shaved it in 2010.





Luckiest Man in the World

I'm very proud of my family. My wife has had an accomplished career as an English teacher in a middle school and recently retired.

I have three daughters and now all three are in Washington D.C.

My oldest was an admissions officer at a private school in Chicago and she is now the admissions officer for the middle school at Sidwell Friends School, which is well known as Chelsea Clinton went there and the Obama girls. It's an outstanding school.

My middle daughter did Teach for America for 3 years. She then was fortunate enough to get a Fulbright scholarship and went to South Korea where she did research and taught for 18 months, came back and went into education. She reached a fork in the road where she thought she about going back and get a PhD in education administration or go to law school. She opted for law school and she's just finished her second year at Georgetown.

My youngest daughter went to the University of Wisconsin. She's with the D.C. public schools in the communications department. So, I'm proud of my wife and my three daughters. I consider myself to be the luckiest man in the world.



My wife had never seen me without a mustache before that time.



"To be candid, when I started, as a person of color that was something you could see people questioning. I tried cases in areas for a month where I did not see another minority person. All of my juries have been predominantly white, and many of them have been all white.

"I was able to overcome those hurdles. I was just myself. I treated everyone fairly and equally, from the court reporter and bailiff to the judge and jurors. I've been able to relate to people and develop a rapport. If you like people, you can go a long way."

Over the course of his career, Robin has witnessed improvements in the diversity of the profession to the benefit of both lawyers and their clients.

"When I started practicing, we had 135 lawyers in our firm. The only women in the firm were in my class. The only black lawyers in the firm were in my class. We had 24 new lawyers who started, four women and two lawyers who were black. Since then, just looking at our firm, I can't tell you how many female lawyers we have. I can't even tell you how many female partners we have. That's a good thing because there are enough that I can't count them on one hand. It has really changed the fabric of the firm, and other firms have gone through the same process. It has impacted the courts. There was one female judge in Cuyahoga County when I started, out of 40 common pleas court judges. Now I can't tell you how

“I am honored to be an attorney. I think this is a very honorable profession. Those of us who are in this profession are fortunate and need to recognize that. We have a special responsibility and I hope lawyers will act accordingly.”

many there are. Diversity and inclusion have strengthened the legal profession and the system of justice we have in our country.

“I think it’s also a positive for the clients. To get the best result, you want diverse viewpoints to weigh in. In-house legal staffs and non-legal professional staffs have also changed. They have more women and more people of color. They want their outside consultants, including their lawyers, to reflect what they have in the company.

“There is still more to do, and the OSBA is committed to helping further important diversity and inclusion education in our profession.”

Robin serves as a member of the OSBA Futures Commission, which released a report last year making recommendations for how attorneys can best confront dramatic social and economic changes following the great recession that have impacted the practice of law. In his new role as OSBA president, he is cognizant of the modern-day challenges facing young legal professionals.

“The cost of a legal education today is significant. Young lawyers coming out of law school are in incredible debt. How are they going to be able to take public service jobs with that kind of debt? Are they going to be forced into jobs they didn’t really want to do because they need to make the money to pay down their debt? That’s a concern of mine.

There are forgiveness programs if you spend a prescribed amount of time working in the nonprofit area, your debt will be forgiven. As a matter of

fact, back in April we were lobbying in Washington D.C. to try to protect that program so lawyers who qualify can continue to receive that relief.”

While Weaver is committed to being of service to the younger lawyers coming into the bar, he also stresses the importance of the OSBA to all lawyers.

“The OSBA has led the way. For example, the state is constantly looking for revenue sources, so the legislature says here’s an untapped source, we’ll tax legal fees. Clients don’t want that. We don’t want that. It would be a nightmare. They keep coming back with that proposal. We’ve beaten it back several times. The one voice that can get this done is the OSBA.

“There’s strength in numbers and this organization was created to advocate for lawyers. We’re the voice of the profession.”

Robin also plans to make access to justice one of his focal points during his year as president.

“To me, access to justice means providing legal assistance to those who, economically, cannot afford the service of an attorney. They are being shut out, not because they don’t have a legitimate claim or cause of action, but because they simply don’t have access to an attorney. I think that it’s very important to broaden access to justice as much as possible, more specifically access to an attorney. People have been working on this for a while. It’s going to be a cause célèbre of my year as president here. I’ve got some ideas to implement that are different from anything that’s been done in Ohio.”



O-H-I-O

While I went to Ohio State undergrad and Michigan Law School, I am a very avid Ohio State fan. People say to me, “well you must be torn on that Saturday,” and I say “no not in the least, I’m a buckeye through and through.” My two favorite teams in the country are Ohio State and whoever’s playing Michigan.

Access to justice is a daunting task. According to the Ohio Legal Assistance Foundation, for every person served by legal aid in Ohio, three people are turned away due to lack of capacity.

Championing access to justice, in addition to helping new lawyers tackle their legal debt and advocating at the Statehouse as the unifying voice of the profession, are no small tasks. Fortunately, the OSBA has a leader in Robin Weaver whose sense of perseverance means he never shies away from a challenge.

“My favorite saying. It’s not just a saying, it’s part of my philosophy of life, ‘It’s better to light one candle than curse the darkness.’ Do what you can. Make the best of a situation. That was inscribed over the entrance of the old Cleveland Press newspaper building. I went there for training when I was a newspaper boy and I’ve never forgotten that inscription.”



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In addition, you'll be able to get up-to-date on the latest trends and developments in the law and earn a significant amount of low-cost, high-quality credit to meet CLE requirements.

Thursday, August 23, 2018

Young Lawyer Day

7 a.m. – 5:30 p.m.	Registration Open
8:00 – 9:15 a.m.	Convention Welcome and Opening Plenary Session (1 hr. CLE)
9:30 – 10:30 a.m.	CLE Breakout Sessions (4)
10:30 – 11:00 a.m.	Networking Break with Exhibitors
11:00 a.m. – Noon	CLE Breakout Sessions (4)
12:15 – 1:45 p.m.	OSBA Annual Luncheon
1:45 – 2:45 p.m.	General Assembly
2:45 – 3:15 p.m.	Networking Break with Exhibitors
3:15 – 4:15 p.m.	CLE Breakout Sessions (4)
4:30 – 5:30 p.m.	CLE Breakout Sessions (4)
6:00 – 7:00 p.m.	Law School Receptions
7:00 – 9:00 p.m.	President's Reception
9:00 – 11:00 p.m.	Young Lawyers Section After Hours Party

Thursday's CLE total: 5 hours

Friday, August 24, 2018

Paralegal Day

7:30 - 8:30 a.m.	CLE Video Replays (3)
7:30 - 8:45 a.m.	Continental Breakfast
7:30 a.m. - 1:30 p.m.	Registration and Exhibits Open
8:45 - 10:15 a.m.	CLE Breakout Sessions (4)
10:15 - 10:45 a.m.	Refreshment Break with Exhibitors
10:45 a.m. - 12:15 p.m.	CLE Breakout Sessions (4)
12:15 a.m. - 1:15 p.m.	Complimentary Luncheon with Exhibitors
	• 12:15 p.m. Box lunches available
	• 12:45 p.m. Prize drawing announcements
1:30 - 3:00 p.m.	CLE Breakout Sessions (4)
3:00 - 4:30 p.m.	CLE Video Replay (2)
1:00 - 4:30 p.m.	Paralegal Activity – Strudels, Spirits, and Cobbled Streets: Architecture & Ghost Tour

Friday's CLE total: 7 hours



Thursday, August 23, 2018
9:30 a.m. - 10:30 a.m.

How to Avoid Being a Target of a Legal Malpractice Claim, and What to Expect after Becoming a Target

Lawyers are increasingly pressured to deliver legal services in an ever-changing legal marketplace, in part due to increased competition, from legal technology, non-lawyer providers and information available, and the globalization of legal practice. This changing landscape increases the risk of legal malpractice actions. This panel of experts discusses tips to avoid being a legal malpractice target, and what lawyers can expect from Plaintiff's counsel, defense counsel, and the insurance carrier representative if sued for malpractice.

Immigration Issues in Juvenile Court

This session will focus on practical tips for representing the non-citizen juvenile and/or parent caregiver in Juvenile Court. There will also be a brief case law update.

Ohio Constitutional Home Rule Limitations on Animal Ordinances

An examination of the scope of the Home Rule provision in the Ohio Constitution and its application to breed specific, tethering and dangerous/vicious dog municipal criminalization measures. Topics will include recent Ohio animal law cases and legislation; home rule limitations and breed specific ordinances; home rule details, cases and the vicissitudes of communication in drafting; Petland fiasco and cookbook for challenging ordinances.

Presentation Skills: Impact, Authenticity and Improv

Join ImprovEdge senior facilitator, Brooke Cartus, Esq., for a high-energy, engaging session on how to use the concepts of improvisation to become a more authentic, effective, powerful presenter. Presentation and communication skills are a primary reason people get promoted, win deals, and move up. It's a critical part of being a powerful business person, and you will leave this session with real skills you can put to use immediately.

Thursday, August 23, 2018
11:00 a.m. – 12:00 p.m.

Real Estate Update 6 Pack: Six Short Updates on Current Developments Affecting Real Estate Practitioners

Topics Include: Case Law Update; Legislative Update; Recent Developments in Consumer Finance Matters; Property Assessed Energy Programs (PACE) in Ohio; Fraud and Caveat Emptor.

Water & Wetlands in Your Fields

This presentation will provide lawyers with information about current developments in the regulation and enforcement of federal laws governing discharges to surface water, groundwater and wetlands.

Regulating Medical Marijuana in Ohio

This session will discuss Ohio's newest regulated industry, medicinal marijuana. Providing up-to-date information on the newly established regulatory program as well as the burgeoning industry.

Wellness for Attorneys

Want to be more productive at work? Want to be happier? Want to live longer? This session will discuss wellness and substance abuse concerns for attorneys including what you can do to help and tips to start today.

Thursday, August 23, 2018
3:15 – 4:15 p.m.

Tail Insurance Coverage and Succession Planning

This presentation will discuss what retiring lawyers may need to protect themselves from claims following retirement as well as how to prepare for and ease into retirement from the practice of law.

IP Current Events

Discussion of trends, recent developments and current intellectual property law issues.

Understanding and Dealing with BMV Suspensions

There are 46 different ways the BMV can suspend your client's license. Discuss little understood grounds for suspension, best practices and traps for attorneys.

Get Organized!! How to Manage your Workload: Mastering Email and Tasks

Today professionals are constantly distracted by technology, connectivity, and information overload ... email, instant messaging, social media, phone calls, interruptions, etc. These distractions cause very smart people to underperform. Too many time management seminars simply ignore the advantages and evils of technology. In session, you will learn how to take back control and own your technology instead of it owning you, with practical email & task management methodologies that let you master your to-do list and regain control of your day, ... all using Microsoft Outlook.

Thursday, August 23, 2018
4:30 – 5:30 p.m.

Get "In the Know": What Ohio's Mens Rea Reform Means for Practitioners

In 2014, the Ohio legislature enacted the nation's first and best mens rea reform. The panel will discuss the impact of the reform how practitioners can effectively raise the issue.

Insurance Law Update

Discussion of recent issues, developments and cases in insurance law.

Fee Requests and Case Law Update

This session will discuss of fee requests under R.C. 119.12 and R.C. 2335.39 and include an administrative law case law update.

Cyber Security Measures Every Lawyer Must Take Under the Rules of Professional Conduct

Rule 1.6(c) stipulates that a lawyer must make reasonable efforts to prevent the disclosure of confidential client information. In this seminar, learn the fundamental security precautions every lawyer should be taking. Establish best practices in your office and learn about the tools that will make sure your client's confidential information remains confidential.

Friday, August 24, 2018
7:30 – 8:30 a.m. (Video Replays)

So You Want to Serve on the Board of a Nonprofit? Here's What You Should Know Video Replay

What should you look for when seeking to serve on a Board? What should you consider when selecting between Boards? What is a Board is looking for in an attorney who serves as a Board member? What can you do to ensure that you are a strong Board member? This presentation will address these questions and more to help you become an effective and valued Board member.

Law Firm Cybersecurity Video Replay

Smart law firms are implementing proactive cyber security assessments and plans before breach occurs. Learn the value of a multi-layered approach.

Trustees Under Attack Through the Erosion of the Attorney Client Privilege: Recent Case Law Development and the Fiduciary Exception to the Attorney Client Privilege Video Replay

The attorney client relationship between trustees, executors and their attorneys can

be complicated. The relationship is more complex when disputes develop and claims are raised against the fiduciary. From the pitfalls of conflicts of interests as identified in *Cincinnati Bar Association v. Robertson* to the question as to whom the attorney owes a duty when representing a fiduciary who, in turn, owes duties to the beneficiaries will be discussed.

Friday, August 24, 2018
8:45 – 10:15 a.m.

Making Effective Closing Arguments

Presenters will give mock closing statements, followed by a panel discussion and questions from the audience. A judge will moderate the session.

Ethics...At the Movies

Movie clips, viral videos and news feeds used to explore ethics issues. This program will discuss both antitrust and general ethics issues.

Managing Workers' Compensation in a Union Environment

Non-union employers enjoy a degree of flexibility in managing a workers' compensation program. This includes the employer's ability to manage return to work issues, at-will employment and termination of employees who cannot timely return to work, claim investigations and confidentiality in settlements. Those same management techniques, exercised by a union shop, may be unavailable, ineffective or qualify as unfair labor practices. How does the labor contract – and the Management Rights clause, assist unionized employers in properly defending claims while remaining compliant with the NLRA?

Stressed Out? Burned Out? Who you Gonna Call? Your Paralegal!

This session will discuss how to maximize your support staff's time and talents to delegate common tasks and efficiently handle your workload, keep clients happy with increased communication and lower legal fees, and promote a harmonious working environment between attorneys and support staff in your office.

Friday, August 24, 2018
10:45 a.m. – 12:15 p.m.

Preparing for the New Frontier in T&E Session I: e-notarization and e-wills

This session will provide an overview of e-notarization law and how it will impact the trusts and estates practitioner. Then engage in a debate with a practitioner and a litigator on electronic will legislation nationwide and in Ohio.



Federal Courts Update: Civil Attorney Panel

This session will provide a substantive update to Ohio attorneys on the federal courts, including a U.S. Supreme Court update, a Rules of Civil Procedure update, and a labor and employment law update from a panel of judges and civil practitioners.

Ethics Update and Current Developments

Discussion of key cases, rules and developments in ethics. Stay up to date by attending this session.

Changes to Ohio's Child Support Law: What Every Attorney Should Know and Case Law Update

Discussion of the recent changes to child support laws in HB 366 and recent cases in family law.

Friday, August 24, 2018
1:30 – 3:00 p.m.

Effectively Staffing Your Law Firm

With the advent of sophisticated office technology, lawyers are tempted to rely more on themselves than staff to run and operate their law offices. But can you do it all yourself - or do you need help? Effectively Staffing Your Law Firm will provide you with the necessary tools to manage your workload and determine staffing needs that make sense for your firm. Employing additional staff frees you to do what you do best - practice law.

Preparing for the New Frontier in T&E Session II: Block Chain, Cryptocurrency and Cybersecurity

Ever worry about your firm's cybersecurity? Spend time with a legal cybersecurity expert issue spotting and problem-solving. Are you interested in understanding blockchain and cryptocurrency? Think of this session as blockchain and crypto boot camp. Learn how to help clients address these assets in an estate plan and in estate administration.

Drone Law: Trump Accelerated Program, Local Zoning Laws, Licensing of Drones and More!

Drones are the biggest technological advancement in aviation since the jet age. This session will describe the current law, how to become licensed by the FAA, what to do if your client is facing an enforcement action by the FAA and current zoning and land law issues. This session will also cover current cases, privacy law, 4th Amendment issues and more.

What's Blocking Your Voice and Why You Need to Find It

There are many movements going on socially, politically and professionally that highlight our ability and inability to use our voice. Come to Merri's interactive program to learn what is blocking you from using your voice, why you need to find it and share your ideas on the topic.

Friday, August 24, 2018
3:00 – 4:30 p.m. (Video Replays)
Prescription Drugs: The Next Tobacco? Video Replay

A look inside the lawsuits filed against drug manufacturers and distributors by the state of Ohio and local governments.

Beating the Competition: How to Ethically Brand and Market Your Practice Video Replay

This program will apply the Ohio Rules of Professional Conduct to develop ethical strategies to brand your law practice. It will discuss, within the bounds of the ethics rules, formulating and implementing a marketing plan, including internet advertising, websites and social media. Finally, it will provide a template to launch or update your firm's website. Whether you practice as a solo, in a firm or other setting, identifying and building your brand will propel your practice into the future.



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FORUM LOCATION

Hilton Columbus at Easton

PROGRAM REGISTRATION MAIL-IN

Full Forum Fees

- OSBA Member \$450
- Non-member* \$550

Single Day Fees

- OSBA Member \$255
- Non-member* \$330
- New Lawyer Day Only (Thurs.)** \$65
- Paralegal Day (Fri.) \$85

Check which day you plan to attend:

- Thursday
- Friday

* The amount of the nonmember fee that exceeds the OSBA member rate may be applied toward OSBA membership. Check box if interested in membership in the OSBA.

** Thursday, August 23: open to lawyers who have been in practice five years or less, or are age 36 or younger. Participants must be OSBA members in good standing.

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Please check all events you are going to attend. You may only attend the special events on the days you are registered for the Forum. **Important: You must pre-register for these events. Walk-ins will be accepted on a space-available basis only.**

Thursday, August 23

- OSBA Annual Luncheon (ticketed)
- General Assembly Meeting
- OSBA Reception for President Robin Weaver (ticketed)

Alumni Reception

- Not Attending
- Capital University
- Cleveland Marshall University
- Ohio Northern University
- The Ohio State University
- University of Akron
- University of Cincinnati
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- University of Toledo

Friday, August 24

- Complimentary Luncheon with Exhibitors (ticketed)

SPECIAL EVENTS

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The Generosity of George Ritter

by Reginald S. Jackson Jr., Toledo

Born in Vermillion, educated in Cleveland, George Ritter started his practice in Sandusky and moved to Toledo just before World War I.

In 1937, in the throes of the Great Depression, one of Ritter's clients approached him asking that Ritter put his corporation into bankruptcy. Times were tough, but Ritter believed he could save the company. The client said he could not afford to pay but offered Ritter one quarter of his company if Ritter could save the company from bankruptcy. The name of Ritter's client was John Willys.

After many train trips to New York, Ritter was able to obtain new financing and reorganize and save the company. The company was Willys-Overland.

Three years later, the U.S. Army began its preparation for its involvement

in World War II and contacted a number of companies to create working prototypes of a four-wheel drive reconnaissance car. Only two companies responded: American Bantam Car Company of Pennsylvania and Willys-Overland.

Although the contract for the vehicle was given to Bantam, Bantam proved unable to develop the vehicle in mass production, and Willys-Overland overtook the development and production. There is some controversy in history as to the origin of the name of the vehicle, but the contract awarded for the production was labeled, "Vehicle, General Purpose." The world now knows the vehicle by its better name, Jeep.

During World War II, the Jeep was produced in Toledo by 15,000 full-time employees who manufactured over 600,000 Jeeps. The Jeep was instrumental in victory, and, at the end of the war, Jeeps were left all over the world. Today, Jeep is an American

icon worldwide. Then, in 1952, Henry Kaiser purchased Willys-Overland, and Ritter's wealth grew.

After the sale of Willys-Overland and Jeep, George and Mary Ritter, who had no children, set up a series of trusts which benefited several churches, hospitals, many charities, Bowling Green State University, and the University of Toledo.

George Ritter had a great love of the law, and, in 1952, he founded both the Ohio State Bar Foundation and the Toledo Bar Foundation. A devoted Rotarian, he also was the founder of the Toledo Rotary Foundation.

Ritter was born in 1886, and died at the age of 92 in 1979. Before his death 39 years ago, he created what is called a perpetual trust for the benefit of several Foundations. Every year, the Ohio State Bar Foundation receives a bequest in the name of the George and Mary Ritter Trust.

Today, the Toledo Rotary Foundation is the sixth largest Rotary Foundation in the world. The Ohio State Bar Foundation is the largest Bar Foundation in the United States, eclipsing the American Bar Foundation in size almost two to one.

OSBF's Ritter Award

The highest honor awarded by the Ohio State Bar Foundation, the Ritter Award, was created in honor of George Ritter and his generosity. Each year the foundation recognizes an outstanding attorney for a lifetime of service. The award recognizes the accomplishments of the honoree in attaining and promoting the highest level of professionalism, integrity and ethics in the practice of law while assisting other attorneys, the courts and the public to envision and cause changes which improve the justice system in Ohio.

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Akron

Bradley S.S. Dunn, Regional Director of the Ohio Civil Rights Commission, was the recipient of the 2018 John Goodwin Jr. Big Heart Award from The University of Akron Black Law Student Association.

Karen D. Adinolfi, Roetzel & Andress, was sworn in on June 21, 2018, as the President-Elect of the Akron Bar Association. She will assume the role of President of the Akron Bar Association in July 2019.

Cleveland

Sarah Lovequist, Thompson Hine LLP, was named a 2018 Woman of Professional Excellence by the YWCA of Greater Cleveland.

Deborah A. Coleman, Coleman Law LLC, is a recipient of the 2018 American Bar Association Pro Bono Publico Award.

Hillsboro

Hon. Richard L. Davis (retired), was enshrined in the Highland County Historical Society Hall of Fame.

In Memoriam

2016

Sanford A. Halpert;
85, Beachwood, Sept. 28, 2016
Lawrence A. Burns, Jr.
94, Cape Coral, FL, Nov. 1, 2016

2017

William Patrick Murray;
77, Sandusky, Nov. 10, 2017
James L. Burdon;
78, Akron, Nov. 13, 2017

2018

Carl F. Dorcas;
91, Sylvania, Feb. 14, 2018
Michael C. Clemente;
90, Struthers, Feb. 20, 2018
Mark R. Gusley;
52, Parma, March 12, 2018
David J. Cook;
89, Rocky River, March 13, 2018
Melvyn J. Stauffer;
91, Sandusky, March 17, 2018
Jacob I. Rosenbaum;
90, Pepper Pike, May 13, 2018

This column is limited to awards and civic duties. The news listed is edited from press releases that are sent to the OSBA. Other submitted member news updates, such as promotions and new positions, are featured on the OSBA website.

To keep up to date with the most recent member news, visit ohiobar.org/membernews.

To submit an announcement for consideration in Member News, please email it to the editor at membernews@ohiobar.org.



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APPLICATION AND USE OF PREJUDGMENT ATTACHMENT PROCEEDINGS

By Lawrence J. Scanlon and David C. Perduk

Do you often represent plaintiffs with a worry that the defendant may disburse, convert or conceal property and assets so as to become uncollectible on a future judgment? Do you wish there was a way to attach property or freeze assets in order to ensure a defendant's collectability?

Prejudgment attachment is a remedy that can prevent a defendant from fraudulently or improperly conveying property or assets to ensure a plaintiff's recovery on a judgment. What makes prejudgment attachment unique is in the name itself — it attaches a defendant's property before a judgment has been issued by the court.

Black's Law Dictionary defines fraudulent conveyance as a transfer of an interest in property for the purpose of hindering or delaying a creditor by putting the property beyond the creditor's reach. This is exactly what the prejudgment attachment process seeks to prevent. Metaphorically speaking, the fraudulent conveyance claim is the anvil while the prejudgment attachment motion is the hammer that results in up-front disclosure of property and assets.

Chapter 2715 of the Ohio Revised Code governs prejudgment attachment. This rare and unusual remedy will

only be granted by the court if one or more of the grounds for prejudgment attachment are present, as set forth in R.C. 2715.01(A)(1)-(11). If such grounds exist and the procedural requirements have been met, the court may issue an order attaching the property or assets described in the affidavit.

Under R.C. 2715.03, in order to begin the prejudgment attachment process, a plaintiff must file a written motion for the attachment of the defendant's property. However, this cannot include a defendant's personal earnings. This motion may be made at any time after the commencement of the action. In addition to the motion, an affidavit of the plaintiff or an agent or attorney of the plaintiff must be included. The requirements for what must be included in the affidavit are set forth in R.C. 2715.03 as follows:

- (A) The nature and amount of the plaintiff's claim, and if the claim is based upon a written instrument, a copy of that instrument;
- (B) The facts that support at least one of the grounds for an attachment contained in section 2715.01 of the Revised Code;

(C) A description of the property sought and its approximate value, if known;

(D) To the best of plaintiff's knowledge, the location of the property;

(E) To the best of the plaintiff's knowledge, after reasonable investigation, the use to which the defendant has put the property and that the property is not exempt from attachment or execution.

(F) If the property sought is in the possession of a third person, the name of the person possessing the property.

As stated above, R.C. 2715.01(A) provides 11 grounds on which a plaintiff can base his or her right to a prejudgment attachment. Several grounds include, but are not limited to, the defendant being an out-of-state resident, the defendant concealing himself or herself to avoid service, the defendant is about to remove property with the intent to defraud creditors, and that the defendant has fraudulently contracted the debt or incurred the obligations for the underlying lawsuit.

Another important aspect of the prejudgment attachment process is that



it may be done without issuing notice to the defendant and without conducting a hearing. Specifically provided in R.C. 2715.045(A), the ex parte attachment is applicable “if the court finds that there is probable cause to support the motion and that the plaintiff that filed the motion for attachment will suffer irreparable injury if the order is delayed” until an evidentiary hearing is held. The probable cause determination is defined in R.C. 2715.011 as being “likely that a plaintiff who files a motion for attachment... will obtain judgment against the defendant against whom the motion was filed that entitled the plaintiff to a money judgment that can be satisfied out of the property that is the subject of the motion.” The court will base its determination for the ex parte attachment on the motion and the affidavit and “any other relevant evidence that it may wish to consider.” However, R.C. 2715.04 states that within five business days of receiving notice of the attachment, the defendant may obtain a hearing by filing a written request to the court.

The prejudgment attachment process is not without high risk. In addition to the motion and affidavit, under R.C. 2715.044, the plaintiff must also file

with the court “a bond to the defendant against whom the motion was filed, executed by the plaintiff’s surety, in an amount twice the approximate value of the property to be attached under the order.” This is required so that “should judgment be issued against the plaintiff, the plaintiff will return the property taken or pay the value so assessed, at the election of the defendant, and also pay the damages suffered by the defendant as a result of the taking and detention of, and any injury to, the property and the costs of the action.” Instead of the bond, a plaintiff may deposit with the clerk of the court a cash value in the similar amount of the bond.

The next time that you find yourself concerned that a defendant has, or will, fraudulently convey his or her property, look to see if any of the grounds set forth in R.C. 2715.01(A) apply to your case. The prejudgment attachment remedy, when applicable, can advance your case one way or another — you will find out whether or not the defendant has sufficient property and assets to be collectible on a judgment. If so, the prejudgment attachment will ensure that property and assets are available upon a judgment in favor of the plaintiff. If not, you may need to settle the case sooner

rather than later. Keep in mind the requirement of the bond or cash deposit in addition to the motion and affidavit under R.C. 2715.044. According to R.C. 2715.044, in the event your client is indigent, the court can consider waiving the bond requirement. 📖

Author Bios



Lawrence J. Scanlon is a managing partner with Scanlon and Elliot practicing in the areas of civil and appellate advocacy. He is

currently a member of the OSBA Board of Governors.



David C. Perduk is a partner with Perduk, Hamey & Associates. He practices in the areas of plaintiff’s personal injury litigation,

bankruptcy, domestic relations, estate planning, trusts and other general litigation matters.

THE SAME JUROR RULE

By Clifford Masch

In *O'Connell v. Chesapeake*, 58 Ohio St.3d 220 (1991), the Ohio Supreme Court formally adopted what is commonly referred to as the same juror rule. The issue before the *O'Connell* court was whether those jurors who did not find in favor of the plaintiff on the existence of causal negligence against a defendant could then participate in the subsequent analysis of allocating comparative fault between the defendant determined to be non-negligent and other potentially responsible parties. After discussing the basis behind the competing principles of the same juror rule versus the any majority rule utilized in various jurisdictions, the *O'Connell* court concluded that same juror rule was the “more rationally and analytically sound rule” to apply to the matter before the court.

The *O'Connell* court predicated its adoption of the same juror rule on the reasoning that the determination of causal negligence on the part of one party should be a precondition to participate in the subsequent apportionment of comparative fault as between that party and others. The court held that it would be illogical to allow a juror who initially concluded that a defendant was not causally negligent to then participate in the allocation of some degree of fault as between the party determined to be non-negligent and other potentially responsible parties.

The *O'Connell* court concluded that, when a juror finds that a defendant has not acted in a causally negligent manner, it becomes incomprehensible how that same juror can be called upon to apportion some degree of fault to that same defendant. Based upon this reasoning, the *O'Connell* court concluded “in a case tried under comparative negligence principles, three-fourths of the jury must agree as to both negligent and proximate cause as to the defendant and only those jurors who so find may then participate in the apportionment of comparative negligence as between that defendant and other responsible parties.” A number of courts have since considered the potential application of the same juror rule discussed in *O'Connell* in the context of a juror's resolution of other issues other than apportionment. These courts have generally held that the rule would not bar a juror's participation in resolution of issues unless the issue was interdependent on the juror's determination of no casual negligence against a defendant. For example, in *West v. Curtis*, 2009-Ohio-3050, the Belmont County Court of Appeals reviewed a situation where only seven of eight jurors had found the defendant was entitled to punitive damages. As a consequence, the trial court only permitted the seven jurors who determined that the plaintiff was entitled to punitive damages to participate in the determination as to

the amount of the punitive damage award. The defendant argued that on appeal the trial court's exclusion of the juror who did not find in favor of the plaintiff's punitive damage claim to participate in the subsequent assessment of the amount of the punitive damages award and attorney fees violated the defendant's right to a full jury trial on damages. In avoiding the resolution of this position, the *West* court held that no error could be deemed to arise from this argument as the jury verdict on the amount of punitive damages and for attorney fees was still agreed to by three-fourths of the jury. In sum, the *West* court determined that there could be no true error as the voting seven jurors which determined the amount of punitive damages and attorney fees constituted the requisite three-fourths to sustain the verdict.

A similar result was reached in *Sagedy v. Cardiothoracic & Vascular Surgery of Akron, Inc.*, 182 Ohio App. 301, 718 (2000), where a juror concluded that a defendant physician had neither breached the standard of care or proximately caused the plaintiff's injuries thereafter signed the general verdict form awarding damages. In addition, two other jurors who had found that the defendant physician did not deviate from the standard of care also participated in the apportionment of fault. While the *Sagedy* court concluded that these determinations violated the same juror rule as articulated in *O'Connell*, the court went on to find that the acts did not constitute reversible error as the conclusions on the general verdict and on apportionment were still supported by three-fourths of the jury even when disregarding the jury votes that violated the same juror rule.

Another court discussed the potential application of the holding in *O'Connell* to situations involving the determination of negligence and proximate cause in *Estate of Mary Lawson v. Mercy Hosp. Fairfield*, 2011 Ohio Misc. LEXIS 831. In that case, six of eight jurors found

that a hospital was negligent in the provision of care and treatment to the plaintiff. However, two jurors who found in favor of the breach of the standard of care finding thereafter joined four other jurors in concluding that the breach of the standard of care was not a proximate cause of the plaintiff's injury. All six jurors who signed "no" to the proximate cause interrogatory also signed the general verdict form in favor of the defendant hospital.

On appeal, the plaintiff argued that under the Ohio Supreme Court's holding in *O'Connell*, only those jurors who found the existence of a breach of the standard of care could participate in the determination of proximate cause, the *Estate of Mary Lawson* court reasoned that the finding of negligence and proximate cause were not "interdependent" determinations such as would be subject to the *O'Connell* same juror rule. Rather, the deliberation of whether the conduct of the hospital personnel fell below the standard of care was a separate and distinct analysis from the determination of a proximate cause nexus as between the hospital's conduct and the resulting injury. The *Estate of Mary Lawson* court determined that the two elements necessary to establish a "causal negligence" finding (negligence and proximate cause) involve separate and distinct analyses which are not interdependent on each other.

Similarly, in *Dillon v. Ohio Health Corp.*, 2015-Ohio-1389, the jury answered two separate interrogatories. The first addressed the question of whether the defendant was negligent and the second answered whether any negligence was a proximate cause of the plaintiff's injuries. A six panel majority of the jury answered the first interrogatory "yes" and the second interrogatory "no." However, the group of six who reached the negligence determination

was different from the group of six that reached the proximate cause decision. Two jurors who signed the negligence interrogatory did not sign the proximate cause interrogatory. All eight jurors signed a general verdict form in favor of the defendant.

In addressing the potential application of the "same juror" rule to this situation, the *Dillon* court, similar to the common pleas court in *Estate of Mary Lawson*, held that the determination of negligence and proximate cause involved separate and distinct questions which are not interdependent. Accordingly, the *Dillon* court rejected the argument that the same juror rule prevented a juror who did not find negligence from participating in the determination of proximate cause. The *Dillon* court held that to conclude otherwise would deprive a party of a right to a full jury trial as guaranteed under the Ohio constitution.

In sum, a juror who does not determine liability against a given defendant can still participate in the determination of damages against that defendant.

Based upon a review of the case law discussed herein, a majority position has emerged that the *O'Connell* court's same juror rule does not apply to the jury's separate determination of the requisite elements of "causal negligence" which, by definition, would include both the determination of a breach of the standard of care and the determination of proximate cause. In sum, a juror who does not determine liability against a given defendant can still participate in the determination of damages against that defendant. Conversely, the courts have uniformly construed the *O'Connell* decision as prohibiting a juror who does not determine liability against a given defendant from participating in the allocation of fault as between

that defendant and other potentially responsible parties. Interestingly, the application of these holdings may lead to a potential dilemma where there could be less than two-thirds of a jury who would be qualified to participate in the allocation analysis addressed in *O'Connell*. In this regard, a theoretical dilemma could arise where six of eight jurors who find a breach of the standard of care would share a common nucleus of four of the six of eight jurors who determine the existence of proximate cause. In other words, two of the jurors who did not find a breach of the standard of care would make up the requisite three-fourth six jurors finding on proximate cause. Under this possible scenario, a panel of the same six jurors that determined both requisite elements of "causal negligence," (negligence and proximate cause) would no longer exist. In such case, there would be no possible six panel jury who could then participate in an allocation determination subject to the holding in *O'Connell*.

Although the scenario outlined above has yet to be addressed by any Ohio court, it highlights the importance of remaining vigilant in the assessment of a uniformity of the jurors' compliance with the same juror requirements set forth in *O'Connell*. ■

Author Bio



Cliff serves as the General Counsel of Reminger, and as Co-Chair of the law firm's Insurance Coverage/Bad Faith and

Appellate Advocacy practice groups. He primarily focuses his practice on complex insurance coverage litigation, appellate practice, professional liability, oil and gas, and general liability.



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TODD BOOK

Todd Book is the OSBA's Assistant Executive Director for Policy and Public Affairs.



Dog Days

Don't you hate it when you discover that things you long thought were true are, in fact, not? It is always humbling to learn just how little you know, and as I was preparing for this article, I had that terrible feeling—twice. I was musing over what would be happening politically and legislatively in the months of July and August and – the answer I landed upon was “not much.” The legislature will be out of session, and election season doesn't really heat up until Labor Day. No, I thought, we will be well into the dog days of summer when not much happens because it is so darn hot.

All my life, I had heard and used that expression “dog days,” and just assumed it described summer heat and dogs being lazy, panting a lot, and looking for shade. Turns out, I was completely wrong. In fact, the expression “dog days” has nothing to do with heat or man's best friend and everything to do with the stars. The latter part of July is when the dog star, Sirius, appears to rise in the horizon just before the sun. To the Greeks and Romans — folks who paid attention to these star movements — the dog days were known as the time when wars, fever and disasters were more likely. The phrase survived the translation from Latin to English, but the true meaning has been lost as we English speakers created our own explanation for the phrase.¹

In the same way, I feel like my long-standing understanding of politics

and how a representative democracy is supposed to work is also being shaken. I always ascribed terms like compromise, reasonable, majority rule, and looking out for the greater good to how U.S. and Ohio politics ought to function, but unfortunately, recent happenings in Washington and Columbus show these terms may also be lost in translation.

Ohio House Speaker Cliff Rosenberger resigned in April amid an FBI investigation into his alleged travel activities with lobbyists for the payday lending industry. The House went two months without a leader and thus, two months without passing a single bill (including a bill to crack down on payday lending) while members of the majority party duked it out over who should hold the Speaker's gavel for the rest of the year. Of course, this is more about the implications on who will be Speaker in the next legislative session than the current one, but when they finally put it to a vote, House members spent two hours and 11 rounds of roll call votes before Finance Chairman Ryan Smith of Bidwell was elected Speaker by a plurality, but not a majority vote.

Like me, I'm sure you have also noticed over the last decade how being reasonable has now become a weakness in politics. Most pronounced in Congressional elections, if you are not seen as staunch and unmoving in your positions, you are not seen as a “true believer” in the eyes of the party faithful. This is why though Republicans and Democrats alike agree that our immigration system is broken, they can't seem to find common ground on how to fix it. And it's also why we should all buckle our seats for the upcoming

battle over who will replace Justice Anthony Kennedy on the U.S. Supreme Court, especially with issues like immigration, abortion, voting rights, and gerrymandering hanging in the balance.

This implacable mentality is contrary to a lawyer's way of thinking. You don't need to be in practice for very long before you learn that compromised resolution to a disagreement is often far superior to all-out war. When both sides give a little and get a little, you can normally find lasting resolution. As a former legislator and an attorney, this always seemed to work well for me (the exception to the rule, of course, is marriage, where my wife is always right). Public policy, like life, is ever changing and evolving to meet the needs of the people. It is interesting to me that at the very time progress demands flexibility and the ability to adapt to change, our politics seems to demand the exact opposite.

I suppose that what the future holds for our democracy is already written in the stars, dog or otherwise. But my earnest hope is that the new redistricting formula adopted by Ohio's electorate will bring about more competitive legislative districts and elections that will in turn bring us more elected officials who will put the greater good ahead of their own ambitions, who will be willing to compromise to meet it, and who will once again see being reasonable as a strength. 🐕

Endnote

¹Little, Becky, “Why Do We Call Them the ‘Dog Days of Summer?’” National Geographic, July 10, 2015.



Join the movement!



INNOVATE.

University of Dayton to offer new hybrid J.D. program

The University of Dayton School of Law has received American Bar Association approval to begin offering a hybrid J.D. program, which blends online and on-campus instruction. The University of Dayton joins three other law schools in offering this unique learning experience. The program starts in August of 2019 and the school will start accepting applications this fall.

Dayton law faculty will teach students through weekly live classes and faculty-developed interactive coursework on an online platform, and students will come to the University of Dayton campus for one week each semester for additional live classes and networking opportunities. Just as with the on-campus J.D. program, Law@Dayton will feature substantive exploration of legal doctrine as well as skill-based education to prepare students for the practice of law.



LEAD.

Welcome new OSBA President-Elect

Eleana Drakatos of Yacobozzi Drakatos LLC in Columbus was elected by her peers to serve as the 2018-2019 OSBA president-elect and will take over as OSBA president July 1, 2019. Drakatos, a plaintiffs' attorney and the principal in a small family firm, earned her J.D. from Capital University.

Welcome new OSBA Board of Governors members

The 24-member OSBA Board of Governors conducts business on the OSBA's behalf, managing business affairs, setting policy and reviewing pending legislation. We welcome the following attorneys whose board terms began July 1.

District 2 | Magistrate Kathleen S. Lenski, Montgomery County Juvenile Court

District 8 | Frederick C. (Derick) Fisher Jr., McCown & Fisher, LPA

District 11 | Lawrence J. (Larry) Scanlon, Scanlon & Elliott

District 14 | Daniel R. Griffith, Huntington National Bank

District 15 | Bryan C. Conaway, Knowlton, Bennett & Conaway

District 16 | Amy B. Ikerd, Assistant Prosecutor Mercer County Prosecutor's Office

At-Large Appointee | Kathleen A. Stoneman, Stoneman Law Office



EDUCATE.

UA School of Law team finishes second in national competition

The mock trial team from the University of Akron (UA) School of Law finished second in the national Student Trial Advocacy Competition (STAC), held April 12-15 in Raleigh, N.C. Coached by alumnus and OSBA member Kevin Kita, team members included Rachel Coles and Cassandra Rosa, of Akron; Jeananne Ayoub, of West Akron; and Logan Bryant, of Cuyahoga Falls.

STAC, organized by the American Association for Justice, is one of the largest national mock trial competitions and includes 224 teams and about 900 students in law school. The team had a perfect record entering the regional competition, entered the quarter-finals and got wins and a tie to earn a spot in the national championship against The University of California, Hastings College of Law, where UA lost in a split decision.

This was the fourth time in the last five years that UA competed in the National Championship, and it's the team's best finish since 2014. The team will compete in the Tournament of Champions, an exclusive tournament open to only the top trial programs in the country, next fall.



Here's how the OSBA and our members help improve and advance the legal profession.



ADVOCATE.

Ohio Senate passes OSBA tax law proposal unanimously

Bill 292, which would restore clarity to the law by re-establishing a “bright line” test for determining who is a resident of Ohio for tax purposes, passed both the Ohio House and Senate, and now awaits the Governor’s signature. The bill is in response to a 2015 Ohio Supreme Court decision in *Cunningham v. Testa*, which muddled the previous test practitioners had relied upon by injecting the common law of domicile into the mix. The OSBA Taxation Law Committee has worked closely with the Ohio Department of Taxation, the Ohio Association of CPAs and of course, the sponsor of the bill, State Representative Gary Scherer (R-Circleville), to take the proposal from conception to law.

The bill earned a few amendments in committee, one of which will help with another tax law issue the Taxation Law Committee has been seeking to address as it relates to where to file appeals to Board of Tax Appeals decisions, now that a direct appeal to the Ohio Supreme Court is no longer an option. The amendment clarifies to which court of appeals a taxpayer (both individuals and businesses) may go.



COLLABORATE.

OSBA and CBA team up for successful event

The chairs of the OSBA Women in Profession section, Rita McNeil Danish, and CMBA Women in Law co-chairs Betsy Rader and Laura Creed, worked together to host a happy hour event at Alley Cat in downtown Cleveland.

More than 45 attendees filled the reserved space and spilled out to onto the patio. It was a lovely evening with a beautiful view of the river.

The event included a guest speaker, Laura Volpini, who discussed the importance of networking and social media. This was the first event of its kind and a second event is already being discussed.

In the May/June Movement, the following information was omitted from the Lawyer Legislator Award section:

Senator Larry Obhof received the OSBA Lawyer Legislator Distinguished Service Award, presented to Ohio lawyers who also provide exceptional service as Ohio legislators. Obhof has represented the people of Ohio's 22nd Senate District since 2011 and serves as President of the Ohio Senate for the 132nd General Assembly. His legislative priorities have focused on improving Ohio's economy, including working with the OSBA on a comprehensive update to the statutes governing LLCs. He has been an OSBA champion by sponsoring corporate law reforms and supporting increased funding for legal aid and indigent defense.



VOLUNTEER.

Pro bono hours reported increases in Ohio

The number of pro bono hours provided by attorneys to low-income Ohioans has increased.

The Ohio Legal Assistance Foundation’s (OLAF) latest voluntary pro bono report says the number of pro bono hours provided by the attorneys who reported has increased by 15 percent, even though fewer lawyers reported pro bono duty.

According to the report, 3,543 attorneys participated in voluntary pro bono reporting in 2017, which was 18 percent less than the year before.

Despite the decrease in attorneys reporting, the amount of money attorneys are shelling out to help legal aid services has increased. Individual contributions from attorneys who reported are up by 41 percent.

Attorneys interested in pro bono work may search a pro bono opportunities guide at <https://www.ohiolegalaid.org/pro-bono/>.



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1976

YEARS IN PRACTICE:

42

CITY/COUNTY:

Cincinnati, OH

Compiled by Kylie Bennett, a sophomore at The Ohio State University and an intern in the Communications Department at the Ohio State Bar Association.

What led you to a career as an attorney?

I came of age during Watergate. I thought I was going to be a government official and do public service. I decided during that era the need was to be suing government and holding it accountable. The way to do that is to be an attorney and focus on civil rights to help people address those in power and challenge them in a forum where you have some leverage. I've been doing it ever since for 40 years.

Was there a specific event that led you to want to do this type of work?

I started witnessing injustice early in my life. My dad was fired from our chicken farm. It was owned by a corporation and he was given no pension, no return to the old jobs that the corporation had asked him to leave. He was discriminated against based on his age, not only in the firing but when he tried to find work later. This was also the era when Martin Luther King and Bobby Kennedy were assassinated. You can't grow up in that period and not see the need to speak up.

Did you ever get any advice that you still use to this day?

Bob Laufman was my first law partner, and he was a great mentor. It was a wonderful, trusting and supportive relationship. He's a good guy and I learned a lot from him. Every case I take, Bob is in my head telling me "it's too risky, you shouldn't do this." He was a lot more conservative than I was about what to take on. I usually didn't follow his advice, but it made me do a reality check on every case. I still do that and he's still there.

Is there one case that you're most proud of?

One of my early cases prepared me for the shocks to come. A nurse, about my age, was seduced by a guy she met when he was recovering from a gunshot wound. He turned out to be an undercover narc, got her involved in drugs, and set her up. She was framed. She was convicted and committed suicide when she went to jail. Only through very high tension, high-energy, aggressive litigation did we expose that the undercover unit was using drugs and sex to attract otherwise law-abiding people. We found eight nurses had been framed. We got a consent decree that prohibited the unit from ever using sex and

drugs again as part of their investigation. I was very proud of that. That set me on the path to knowing that you'll always be against the powerful, and you'll always have to do more than get money; you have to get reforms.


Do you see a difference between lawyers just graduating law school from when you graduated?

Whenever I have a chance to talk to new lawyers or people in law school, I tell them "take the clinics, do stand-up work, get yourself on video, and get real people to criticize your work" because you might not have an opportunity to do that in the field. You need to be ready to go to court, and I'm not seeing as many people coming out with that skill set. Different specialty areas have mentor opportunities and we're always willing to work with people who want to learn.

Do you have work-life balance?

I think so, but there are people around me who probably don't think so. I don't do a lot of sleeping. I get up really early in the morning, and I'm usually here at the office. When I had kids at home, I was home for dinner every night, but I would start my days at five in the morning. My balance is not about a daily balance. I'll work hard and then take some time off. I'd set up my schedule so I could take about twenty days and do these long bike rides. I've ridden across the country, with my daughter down to New Orleans, from Mobile to Cincinnati, and from El Paso to San Francisco. My balance is a little weird, but it's there. I know that I don't just want to work.

Is there something that maybe a lot of people don't know about you?

One of the greatest joys for me, and it was totally unexpected, is that I have three kids and two of them are lawyers. One of them practices with me, and he's been a great colleague. I love hanging out with him, doing depositions together and going to court together. He has the fire in his belly to shake things up. My daughter is a juvenile justice advocate and a change maker in DC. I'm very excited for her and know that she'll be shaking that system to the core, which needs to happen. Seeing their careers take off and seeing their passion is a real special thing for me. 

Want to nominate someone for the member profile checkout? Send an email to editor@ohioabar.org





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A photograph of the Columbus skyline, featuring several tall skyscrapers and a bridge over a river. The image is tinted with a reddish-orange hue.

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forum](http://ohiobar.org/forum) to learn more!**