

Ohio Lawyer

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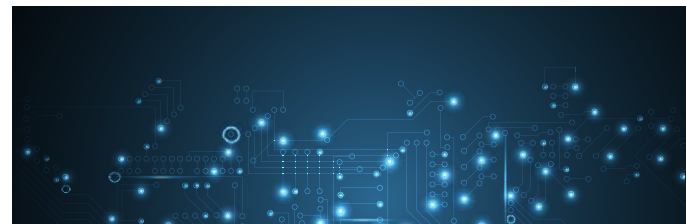
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Technology to simplify your life and save you time

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Ohio State Bar Association
P.O. Box 16562
Columbus, Ohio 43216-6562
(800) 282-6556; (614) 487-2050
Advertising: advertising@ohiobar.org
Editorial: ncorbut@ohiobar.org
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Randall M. Comer

President, Ohio State Bar Association



AI and the dawn of the HUMAN lawyer



Futures Commission Report

As we grapple with technology and other issues related to the future of our profession, I am extremely pleased to report that on Oct. 6, 2017, the OSBA Council of Delegates adopted in full, the final report of the Futures Commission. As chairman, I want to personally thank past presidents John Holschuh (for establishing the Futures Commission) and Ron Kopp (for chairing the Commission and passing the torch to me), Futures Commission members, OSBA staff, and especially all OSBA members who took the time to weigh in on our work.

The report provides a good overview of where we are as a profession and the blueprint for where we want to go when it comes to supporting new lawyers, getting the most out of our CLE requirements, responding to and regulating new technology and emerging legal service delivery options, and closing the access to justice gap. I look forward to working with each and every one of you to see the recommendations implemented.

In February of 2011, viewers tuning in to “Jeopardy!” witnessed IBM’s supercomputer Watson defeat two of the gameshow’s most successful contestants. Getting past Ken Jennings is one thing, but a computer that could retrieve information and answer questions posed in natural language, as opposed to Boolean searches, was an amazing technological advancement to behold.

Since then, the Watson technology has been applied to a whole host of industries. In healthcare, it’s helping doctors and nurses with diagnosis. In food, it’s helping chefs identify new flavor combinations and recipes. And, through a partnership with IBM and a grant from the Ohio Supreme Court, the Montgomery County, Ohio juvenile court system has linked up with Watson to help coordinate its docket.

Now Watson has a cousin who is dabbling in legal research. Through the ROSS Intelligence platform, an attorney can ask a legal question in plain English and get a fully-sourced response without having to search through case law, statutes or other documents. Though I understand it still needs some refining, ROSS can output pertinent cases and even produce memos.

Things are still in the early stages. Currently, ROSS is only up to speed in certain practice areas. It began with bankruptcy and intellectual property, and is starting to get into my area of practice—labor and employment. We’ve heard from some OSBA members who have participated in a demo of the technology and, overall, their experiences have been very positive. They have found it easy to use and were pleased by the answers the Artificial Intelligence (AI) technology returned.

Though it’s completely natural to feel anxious about the technological changes happening in our industry, don’t believe the doomsday predictions that lawyers will be the next profession to be replaced by robots. (Although, I don’t know about you, but some days while I am dealing with the daily barrage of emails, I feel an awful lot like a legal advice dispensing robot!) Andrew Arruda, the CEO and co-founder of Ross Intelligence insists that “Human lawyers sit at the center of the systems we build.” He says: “With ROSS, lawyers can focus on advocating for their client and being creative rather than spending hours swimming through hundreds of links, reading through hundreds of pages of cases looking for the passages of law they need to do their job.”¹

AI does have tremendous potential to improve efficiency for lawyers and to streamline the research process, potentially reducing overhead costs. However, that makes it even more important that we stay on top of these developments and hold those behind these new tools to a high standard, so that the information they dispense is of the highest quality and the technology is consistent with the core values of our profession. This is a role the Ohio State Bar Association knows very well. After all, we’ve always been at the forefront of legal technology development, most notably, putting online legal research at the fingertips of all OSBA members through Casemaker in 1999.

As technology continues to march forward, you can rest assured that your bar association will continue to advocate for the best interests of our profession, but all lawyers have a critical role to play in determining the future success of legal services in the digital age. We need to understand the technology so we can harness it to best serve our clients, but even more important than that—we must each double-down on our humanity.

We became lawyers because we want to help people. When clients come to us, they are typically in dire straits. They have been sued, lost a loved one, are

facing charges, or feel their rights have been violated. As counselors at law, more than ever, we must place a greater emphasis on our roles as counselors.

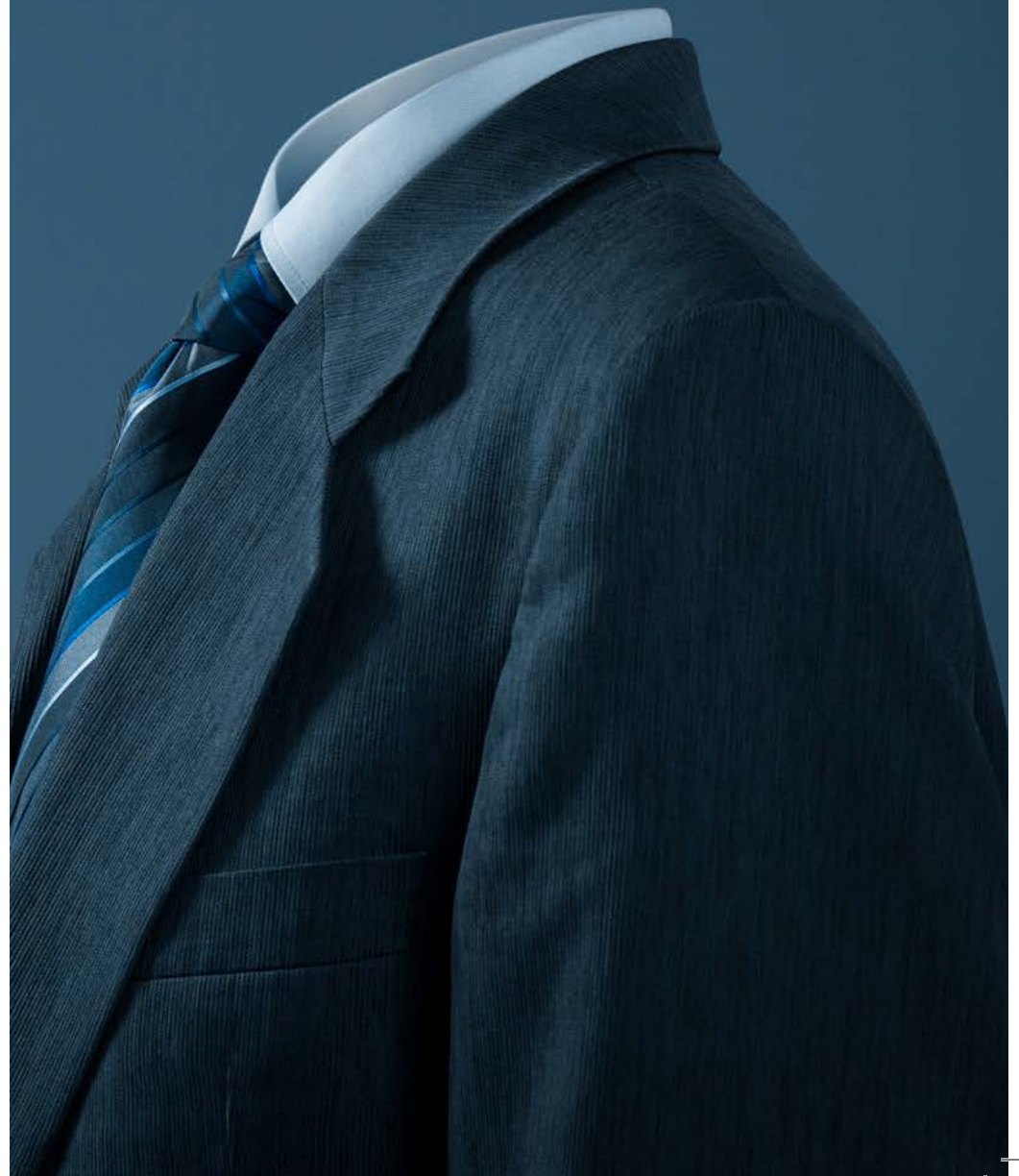
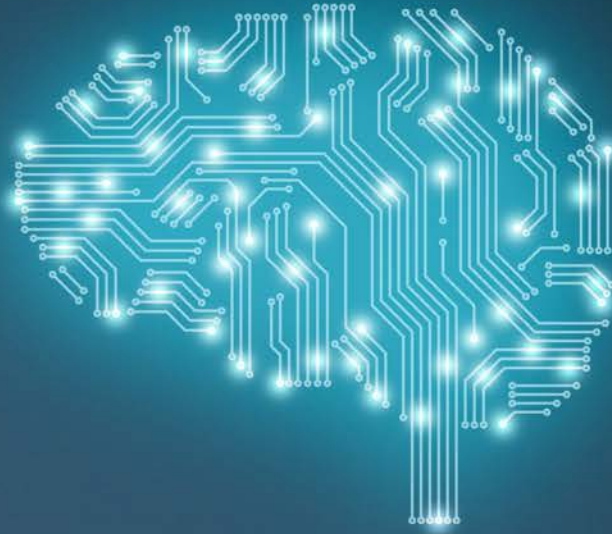
Artificial intelligence may already be able to dispense algorithmic, clinical legal advice. However, AI cannot provide clients with what they need most when confronted with legal problems—compassion. The word compassion is not often associated with our profession, and that is unfortunate because it is compassion—at its truest meaning—that is the most precious commodity that we have to offer our clients.

Compassion is defined by Merriam-Webster's Dictionary as: "sympathetic consciousness of others' distress together with a desire to alleviate it."

Our compassion as attorneys is more valuable than our time; it's more valuable than our advice and our advocacy. It's what makes us and our profession noble. So, even as we look to technology to be successful in the future, I believe it is our most basic quality—our humanity — that will be the hallmark of the 21st century attorney. 🇺🇸

Endnote

¹ Turner, K. (2016, May 16). Meet 'Ross,' the newly hired legal robot. Washington Post. Retrieved from https://www.washingtonpost.com/news/innovations/wp/2016/05/16/meet-ross-the-newly-hired-legal-robot/?utm_term=.e765648501c0.





NOVEMBER

M T W T F S S



LiveCLE

November 1

Rock N' Roll Law: The Essentials of Music Copyright Law through The Eagles' Career
Columbus, Fairfield, Perrysburg, Akron, Webcast

November 3

Revisiting Younger's 10 Commandments: An Update of Irving Younger's Classic Rules for Cross-Exam
Columbus, Cleveland, Fairfield, Perrysburg, Webcast

November 6

Dynamic Presentation Skills for Lawyers
Columbus, Fairfield, Akron, Perrysburg

November 6

Exploring Bias and Navigating the Shifting Legal Landscape Video Replay
Columbus, Cleveland, Webcast

November 7

Fun & Fantasy with Humorist at Law Sean Carter
Columbus, Cleveland, Akron, Fairfield, Perrysburg, Webcast

November 8

Malpractice Pitfalls of Law Office Computing
Columbus, Fairfield, Perrysburg, Webcast

November 9

Build Your Practice: A Roadmap to Effective, Ethical Business Development
Columbus, Perrysburg, Akron, Webcast

November 9

Build Your Practice: A Roadmap to Effective, Ethical Business Development
Cleveland

November 13

Veterans Day CLE
Columbus, Cleveland, Fairfield, Perrysburg, Webcast

November 14

Fiduciary Income Tax How to Build Your Law Practice from Start to Success!
Columbus, Cleveland, Dayton, Akron, Fairfield, Webcast

November 15

Banking Law Update
Akron, Fairfield, Cleveland, Columbus, Perrysburg, Webcast

November 16

Thinking on Your Feet: The Essential Skill of a Trial Lawyer
Akron, Fairfield, Cleveland, Dayton, Webcast

November 17

Oil and Gas Update
Akron, Cleveland, Columbus, Wooster, Webcast

November 20

Family Business Succession
Columbus, Akron, Cleveland, Fairfield, Perrysburg, Webcast

November 28

Bankruptcy Law
Columbus, Cleveland, Perrysburg, Webcast

November 29

Financial Planning for Lawyers
Columbus, Cleveland, Perrysburg, Webcast

November 30

OVI Update
Columbus, Cleveland, Fairfield, Perrysburg, Akron, Dayton, Webcast

December 1

Cleveland Legal Technology Seminar
Cleveland

December 1

Discipline Problems
Columbus, Fairfield, Webcast

December 2

Saturday CLE: A Lawyer's Guide to Understanding and Challenging DNA Evidence in Criminal Cases
Columbus

December 4

Fifth Annual Great Lakes Asset Protection Institute
Columbus, Cleveland, Akron, Perrysburg, Fairfield, Webcast

December 5

Young Lawyer Connect
Columbus, Akron, Cleveland, Fairfield, Dayton, Perrysburg, Webcast



DECEMBER

M T W T

December 6-7

16th Annual Management and Technology Institute
Columbus

December 8

Discipline Problems
Cleveland

December 11

Data Breach and Cyber Security Summit
Columbus, Fairfield, Cleveland,
Perrysburg, Webcast

December 12

ACTL Ethics
Fairfield, Cleveland, Perrysburg,
Columbus, Akron, Wooster, Webcast

December 12

Medical Marijuana Rules Video Replay
Columbus

December 13

NLRB Update
Columbus, Cleveland, Fairfield,
Perrysburg, Dayton, Webcast

December 14

Real Property Institute
Columbus, Cleveland, Webcast

December 18

Supreme Court Year in Review
Columbus, Akron, Fairfield, Cleveland,
Perrysburg, Dayton Webcast

December 19

Effective Legal Negotiation and Settlement
Columbus, Fairfield, Cleveland,
Perrysburg, Akron, Webcast

December 20

Trial Evidence for the Ohio Practitioner
Columbus, Fairfield, Perrysburg, Akron,
Webcast

December 22

Year-End Wrap Up
Columbus, Fairfield, Cleveland,
Perrysburg, Webcast

December 27

The Code of Kryptonite: Ethical Limitations on Lawyers Superpowers
Columbus, Fairfield, Cleveland, Akron,
Webcast

December 29

Legal Ethics and Professional Conduct Video Replay
Columbus, Cleveland, Akron, Fairfield,
Perrysburg, Webcast

December 29

Last Chance Video Theater Video Replay
Columbus, Cleveland, Akron, Fairfield,
Perrysburg, Webcast

December 29

Discipline Problems Video Replay
Columbus, Cleveland, Akron, Fairfield,
Perrysburg, Webcast

December 30

Saturday CLE: Decision Making for Lawyers: Distraction, Deception and Drunkenness Video Replay
Columbus 

For more information or to register, go to yourosba.ohioabar.org.



Columbus

Chad A. Endsley, Ohio Farm Bureau Federation, was elected President of the Kiwanis Club of Columbus.

Cleveland

Barbara Bellin Janovitz, Reminger Co., LPA, was selected to the 2017 Class of 18 Difference Makers by the Cleveland Jewish News.

Clifford C. Masch, Reminger Co., LPA, was named vice president of the EC Defense Network.

Allison M. McMeechan, Reminger Co., LPA, was selected as Secretary for the Cleveland Metropolitan Bar Association's Estate Planning, Probate and Trust Law Section.


Paul R. Shugar, Reminger Co., LPA, was selected as Treasurer for the Cleveland Metropolitan Bar Association's Estate Planning, Probate and Trust Law Section.

Carter Strang, Tucker Ellis LLP, was the recipient of 2017 Green Sustainability Award from the Cleveland Metropolitan Bar Association.

Cincinnati

Alphonse A. Gerhardstein, Gerhardstein & Branch Co., was the recipient of the American Bar Association Solo, Small Firm and General Practice Division 2017 GPSolo Making a Difference by Breaking Barriers Award.

Youngstown

Shirley J. Christian, Reminger Co., LPA, was named 2017 Woman of the Year by Youngstown Business and Professional Women. 

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, such as promotions and new positions, is 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. 

In Memoriam

2016

Richard M. Jones; 59, Columbus, June 1, 2016

Lori Ellen Laisure; 54, Hudson, Nov. 28, 2016

2017

Judge Ronald Varkette, Sr.; 86, Ashtabula, Jan. 27, 2017

Fred J. Ball; 97, Bratenahl, Feb. 22, 2017

Karl E. Paulig; 87, Urbana, April 4, 2017

Philip R. Bradley; 92, Columbus, May 15, 2017

Bruce O. Baumgartner; 74, Chagrin Falls, July 23, 2017

Judge Richard E. Parrott; 83, Marysville, July 30, 2017

Charles D. Littleton; 98, Springfield, Aug. 17, 2017

D. Michael Quinn; 65, Columbus, Aug. 22, 2017

Timothy M. Fox; 55, Columbus, Aug. 23, 2017

Brent W. Yager; 60, Marion, Oct. 3, 2017 

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OSBF honors excellence in the profession

The Ohio State Bar Foundation celebrated our Annual Awards Dinner on Oct. 6, 2017, where we honored retired **Justice Evelyn Lundberg Stratton, Stephen F. Tilson, Honorable Michael W. Kelley** and **Sisters In Law** for their continued dedication to service in their communities.

We are grateful to our Annual Awards Dinner sponsors—this event was made possible because of your generosity. Thank you.

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Do you know a lawyer whose career demonstrates outstanding dedication to the welfare of his or her community? Do they serve their profession and community with integrity and honor? If your answer is yes, we invite you to nominate them to the OSBF Fellows Program. Nominations—including self-nominations—are due by Dec. 15. Forms are located at www.osbf.org/who/fellows. For additional information, contact Liz Volpe at lvolpe@osbf.net or (614) 487-4474.

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Not the First Amendment by Accident

TODD BOOK

Todd Book is the OSBA Senior Director of Policy and Government Affairs.



As an NFL owner – I demand to be heard.

Granted, my NFL team—the Portsmouth Spartans—hasn’t played a game since 1933, but because the team’s name entered into the public domain in 1994 and I happened to acquire the Portsmouth Spartans trademark, I claim ownership of an (albeit defunct) NFL team. It’s a tough job, and in recent weeks, with this whole not-standing-up-for-the-national-anthem business, it’s gotten even tougher.

Our national anthem has been the talk of the town. Sparked by NFL players wishing to make a statement about the treatment of African Americans by law enforcement, and further incited via the President of the United States’ criticism of these protestors on Twitter, we find ourselves back in that age-old debate in our country about what is acceptable speech.

According to a poll by the Associated Press—NORC Center for Public Affairs Research, 52 percent of Americans disapprove of professional athletes who have protested by refusing to stand during the national anthem, compared to 31 percent who approve. At the same time, 55 percent of Americans disapprove of the President’s call for firing players who refused to stand, while 31 percent approve. And as further evidence of the continuing divisions in our country, when you break down the poll results by race, far more African Americans

approve of the protests, while more whites oppose it.¹

Regardless of the underlying issues behind the exercise of free speech (be it race, war, the environment), as Americans, we have long struggled to balance our patriotic sensibilities with the tenets of the First Amendment. In Ohio, we’re also having a First Amendment debate. Responding to incidents at the University of California, Berkeley and other campuses where conservative speakers have been shouted down by protestors, or in the name of safety and order, disinvented to speak on campus, Representatives Wesley Goodman (R-Cardington) and Andrew Brenner (R-Powell) have filed a bill in the Ohio General Assembly called the Ohio Campus Free Speech Act (HB 363). This legislation, among other things, would prevent Ohio colleges and universities from limiting the expression of any member of the campus community or their invited guests based on the content of their expression.

That charge gets particularly difficult when you are talking about allowing blatantly hateful speech. In October, the University of Cincinnati (UC) chose to err on the side of the First Amendment in granting permission for Richard Spencer, the white supremacist and activist who helped organize the Charlottesville protest regarding the removal of confederate monuments, to speak on campus. While denouncing his message and pledging

to put appropriate security measures in place to protect the UC community, they will allow his speech to go forward at a date yet to be determined at this writing. Meanwhile, The Ohio State University was recently sued because it denied Spencer’s initial petition to speak on campus.

Here’s my take. The First Amendment is a powerful thing. I have it on good authority that it wasn’t listed first in the Bill of Rights by accident. Therefore, NFL players have every right to sit, stand, do cartwheels or stand on their heads while the national anthem is played. And Richard Spencer, as objectionable as his words may be, has just as much right to speak them as anyone else. Those words and actions; however, have consequences. Sometimes, when you choose to exercise your First Amendment right, you do so in a way that it turns off the very people you hope to convince, and your message gets lost in all the controversy.

As evidenced by the polling, there is a still a strong sentiment amongst American citizens that we are pretty lucky to live in a country that supports freedom, liberty and the pursuit of happiness, and due respect should be shown for our national anthem, not to mention all who died in defense of what it represents. I think we can also agree that our track record of living up to the ideals of our founding documents have been less than uniform throughout our county’s complicated history. But we must remember





"Patriotism is supporting your country all the time and your government when it deserves it."

-Mark Twain

what the preamble says: "We the People of the United States, in order to form a more perfect union...do ordain and establish this constitution for the United States of America..." Implicit in that statement is that there is no such thing as a perfect union. It is always a work in progress, and as we have all witnessed, democracy is both messy and difficult.

As an American (and NFL owner), I see promise with where the League seems to be going with all of this. They have heard the players complaints, and in turn for having them stand for the anthem, the League is willing to highlight the issues the players want redressed. Let's encourage (not force) the players, owners and fans to be united in standing for our national anthem, but also provide an appropriate forum and platform to raise more awareness and invite constructive dialog surrounding the racial and cultural divides that continue to challenge our nation. In that way, we can take constructive steps towards a more perfect union.

Endnotes

¹Associated Press (2017, Oct. 6). Poll: Disapproval of anthem protest, Trump response. Retrieved via <http://www.vindy.com/news/2017/oct/06/poll-disapproval-anthem-protest-trump-response/?mobile>

²Willingham, A.J. (2017, Sept. 25) The national anthem in sports (spoiler: it wasn't always this way). CNN. Retrieved via <http://www.cnn.com/2017/09/25/us/nfl-national-anthem-trump-kaepernick-history-trnd/index.html>

Stay Up to Date on Statehouse News

Check out the OSBA's weekly legislative update every Thursday morning in the OSBA Report (Obar) under "News." And as always, you can follow the status of OSBA priority legislation by visiting the "Legislative" page at www.OhioBar.org.

NFL and the National Anthem

Less than a decade ago, this may not even have been a controversy. Though the national anthem was regularly played before American sporting events, including NFL games, it wasn't until 2009 that NFL players made it a practice to come out of the locker room to join the festivities. The practice may have picked up momentum as a result of the U.S. military's efforts to promote patriotism and recruitment. The Department of Defense and the National Guard actually paid NFL and other sports leagues millions between 2011 and 2015 to organize displays of national pride. A Congressional report in 2015 that revealed this "paid patriotism" poured cold water on such arrangements.²

About the Portsmouth Spartans

Yes, it's true. From 1930-1933, Portsmouth, Ohio was home to its very own NFL team—the Portsmouth Spartans. As they say "if you build it they will come," — Portsmouth's residents funded construction of a 8,200-capacity stadium worthy of a pro team, and the NFL offered them a franchise, making Universal Stadium (now Spartan Municipal Stadium) home to the team.

Though the Spartans had pretty good success on the field, in the Great Depression era, the team was not sustainable financially and they were purchased by Detroit radio owner George Richards, moved to Detroit, and renamed the Lions. Spartan Municipal Stadium, now a designated historical site, still stands today. 🏈



OSBA Members Across Ohio Choose to “Bank on Justice”

JANE TAYLOR

Jane Taylor recently retired from the Ohio Legal Assistance Foundation, where she served as Director of Pro Bono and Communications. She was president of the OSBA in 2005-2006.



Brenda¹, an 82-year-old Ohioan, suffers from a form of dementia. She'd received numerous calls from an individual informing her she'd won a "sweepstakes;" she need only call back to claim her winnings. Not fully understanding what was occurring, Brenda repeatedly tried to call back, and in the process accrued a long-distance phone bill of nearly \$1,500, which she could not afford to pay.

With the assistance of legal aid, who contacted the long-distance carrier on her behalf, Brenda's long-distance charges were waived and an international call block was put on her line. As a result, Brenda was able to keep her land line, which was important for her safety and peace of mind.

Behind legal aid's case statistics are many, many more stories of individuals and families who have received help with critical, life-altering legal problems. In 2016, Ohio's legal aids closed nearly 53,000 cases, serving over 114,000 individuals, including veterans, people with disabilities, older Ohioans and children.

Unfortunately, due to funding constraints, legal aids in Ohio, on average, are forced to turn away three people for every one person they serve.

Making Legal Aid More Accessible

The devastating drop in funding highlights how important even a slight increase in Interest on Lawyer's Trust Accounts (IOLTA) revenues is to Ohio's legal aids. To encourage Ohio attorneys to "Bank on Justice" by placing their IOLTA account at a financial institution paying premium rates on IOLTA accounts, the Ohio Legal Assistance Foundation (OLAF) has designated those financial institutions as "Prime Partner" banks.

By choosing to bank at a Prime Partner bank, attorneys leverage their own charitable support for legal aid in an easy and painless manner. And while it's easy and painless for the attorney account holder, the increased revenues mean Ohio's legal aids can help more individuals and families maintain stable housing, escape a violent environment, or get the support needed to succeed in school. To the attorney it's quick and simple; to the legal aid client it's the key to safety, stability and independence.

For OSBA member Mike Mearan, a lifetime resident of Ironton in southeastern Ohio, the importance of meaningful access to justice is something that "I see every day, deal with every day," as he puts it, in his small-town law practice.

Mearan's family owned a clothing store in Ironton that was started by his grandfather, Isaac; Mike was the first member of his family to become a lawyer. He went into the Army immediately after graduating from The Ohio State University Moritz College of Law, and learned he'd passed the bar exam while stationed in San Antonio, Texas. He was sworn in to the practice of law by an Army JAG officer. In his general practice, handling both civil and criminal matters, Mearan now deals frequently with the fallout from drug addiction.

A client from Licking County, going through drug rehabilitation in Portsmouth,

is a recent example of critical life issues often faced by those who can't afford to hire an attorney. The client asked her half-sister to care for her child while the client was in rehab, but the half-sister's mother, who is not the child's blood relative, went to court; after representing to the court that the child's mother couldn't be found, the half-sister's mother obtained an emergency custody order for the child.

Mearan said of his client, "She has no funds, no power, no one to turn to, and I'm the only one she trusts." Mike regards representing someone in a life crisis such as this one, and with no ability to pay an attorney, as "a way of getting paid in karma."

Mike banks at Prime Partner bank Fifth Third. The employees of its Ironton office support his efforts to secure justice for those without resources by providing banking services to his clients who lack the identification or financial record to establish a regular banking relationship. "Fifth Third knows me well," he said.

Akron attorney Jack Weisensell, a partner in the firm of Niekamp, Weisensell, Mutersbaugh & Mastrantonio, LLP, became interested in the law as a result of his dad's work as a police officer in the Cleveland neighborhood of West Park. As a trial attorney for more than 30 years, Weisensell has seen drastic changes in the practice of law since he first became licensed, but believes that meaningful access to justice is important: "Often people have good, viable claims and can't find someone to represent them due to the economics of the practice of law," he said.

Jack maintains his IOLTA account at Key Bank, also an OLAF-designated Prime Partner bank, which exemplifies his commitment to "taking on cases when no one is willing to," as he put it, and working to secure a good result for his clients.



The Importance of Justice for All

Dayton-area practitioner and past OSBA President Jonathan Hollingsworth, a partner in the firm of Hollingsworth & Washington, also chooses to bank at a Prime Partner bank. Hollingsworth grew up in Lima, Ohio, where he learned the value of “learn to read, then read to learn” through his public-school education. Hollingsworth believes strongly that “lawyers are important to the Rule of Law, the foundation of the Judiciary—the third branch of government and the cornerstone of America’s representative democracy.”

For Jonathan, the foundational importance of access to justice for all is evidenced by the U.S. Constitution, in which the founding fathers made clear that justice for all is necessary if we are to “secure the blessings of liberty; have a more perfect union; insure domestic tranquility; provide for the common defense; and promote the general welfare for all Americans.”

He believes “No one incident can shape an opinion on access to justice. As Dr. Martin Luther King Jr. said, ‘Injustice anywhere is a threat to justice everywhere.’ Whenever I see acts of injustice, I am motivated to fight for justice in order to preserve the promise of ‘liberty and justice for all’ in America.”

Akron attorney Paul Perantinides, a partner in the firm of Perantinides and Nolan, banks at a Prime Partner bank, and said “I bank on justice because of my lifelong commitment to equal justice for all. I appreciate the opportunity to participate in this great cause.”

Choosing Prime Partner Banks to Support Those in Need

Should you wish to follow the example of attorneys featured here and open your IOLTA account at a Prime Partner bank, the 2017 Prime Partner banks are Citizens Bank, Congressional Bank, Fifth Third Bank, Heartland Bank, Key Bank and Metamora State Bank.

If your IOLTA account is not currently at a Prime Partner bank, and you wish to maintain your current banking relationship, consider encouraging your bank to become a Prime Partner bank.

Equal justice under the law is the fundamental promise of our democracy, and trust in the integrity of the judicial system depends on it.

Attorneys demonstrate commitment to these bedrock ideals by making a conscious choice to “Bank on Justice” at a Prime Partner bank.

Endnote

¹Name changed to protect client confidentiality.



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Musings from Germany: More than Beer and Brätwurst

RONALD S. KOPP

Ronald S. Kopp is immediate past president of the OSBA and administrative partner at Roetzel & Andress LPA, in Akron.



Due to current events, I thought a lot about the meaning of “rule of law” while on a trip to Germany with fellow OSBA members in the spring of this year. I considered its meaning as we stood on a platform in the Nuremberg stadium where Hitler had watched tens of thousands of soldiers goose step on the parade grounds before him. I thought of its meaning as we sat in the conference room in Hitler’s mountain getaway, Eagle’s Nest, taking in the view he would have had of the breathtaking Bavarian Alps. I pondered its meaning as my son and I stood in the gas chamber and before the cremation ovens at Dachau. And I considered it as we walked in the Nuremberg courtroom where the war crimes trials were held.

Since Charlemagne was christened Holy Roman Emperor by the Pope on Christmas Day in 800 AD, Germany had been one of the most advanced civilizations in the world. Whether we consider Gutenberg, Durah, Beethoven, Nietzsche, Luther, Wagner, or so many other luminaries, the diverse German society loved music, food, culture and learning. Yet, in 12 years—from 1933 to 1945—all that had been built over a thousand years was torn apart. Why? Because out of fear and, at times, ignorance, the German people allowed the rule of law to crumble and, after 1933, to disappear.

So, what is the rule of law? In 1780, John Adams wrote the concept into the Massachusetts Constitution as establishing “a government of laws and not of men.” In other words, laws are developed by will of the people, and then are enforced fairly. Laws are not to be developed arbitrarily by one person or small group, and laws promulgated are not to be enforced arbitrarily. Adams and other founding fathers had considered the concept as they read Enlightenment political philosophers such as John Locke, who wrote:

“Freedom of people under government is to be under no restraint, apart from standing rules to live by that are common to everyone in the society and made by the lawmaking power established in it. Persons have a right or liberty to (1) follow their own will in all things that the law has not prohibited and (2) not be subject to the inconstant, uncertain, unknown, and arbitrary wills of others.”

In what was to become the United States, the king was not to be the king. The law was to be king.

Recall that Joseph Goebbels went to Nuremberg, Germany in 1935, to announce laws to be named after that city that would strip Jewish people (and later Gypsies and Blacks) of their German citizenship. The laws also made it a crime for a Jew to parent a child with a German, and inflicted many other indignities. Most may not have known of the coming attempt at genocide, but all knew of these beginning steps toward degradation and dehumanization, allowing the debauchery to proceed—many cheering as they did.

The Nuremberg laws were not promulgated by anyone other than Adolph Hitler and his henchmen. These edicts comprised the rule of man and not of law.

A Nation Vulnerable to Persuasion

Upon learning of the Holocaust, many around the world believed the German people to have been inherently evil. There certainly were evil Germans, but the German people then were no better or worse than are Americans today. We are all vulnerable to persuasion based upon, for example, fear of the future, economic hardship and political strife. Don’t think we are immune.

As I spoke over the past year at our Association’s District Meetings during my term as president, I ended every talk by suggesting that the rule of law has never been more important in our country than it is today. I said that because it seemed to me that many in our great nation had lost sight of the rule’s importance to a free and democratic society. It appeared that too many were willing to allow one person or a small group to make rules for us out of expedience with the desire for short-term gain, as distinguished from carefully crafted laws and policies that would move our entire society forward. I was angered and frightened, especially for our children and grandchildren.

But then I began seeing something remarkable occur. It became clear to me that in our government, even the most powerful man in the world was unable to have his way arbitrarily on a consistent basis. Why? Because over almost 250 years, our institutions have obtained such stature that they will not dissolve easily or quickly, even in the face of great threat. Whether it is the courts, Congress, or the press (indeed, at times even those employed in the executive branch itself), one person is not always going to have his way.

While in Germany, I came to recognize that the Nazi party rose to power not just because one man in the form of Hitler was so eloquent or persuasive, but

“In what was to become the United States, the king was not to be the king. The law was to be king.”



because World War I and its aftermath had eviscerated the economy and the institutions of a once proud nation. As the Great Depression took hold in the early 1930s, a desperate German people were vulnerable to the rantings of one who wanted to make Germany great again.

While some have worried that the vitriol spoken by the current president and many of his followers is akin to what happened in Germany in the 1930s, I have come to disagree. Our nation is troubled in certain ways, but our economy is fundamentally strong and the foundations of our institutions remain firm. After almost 250 years, it will take more than the efforts of one person to endanger what has been built.

This is not to say that we might lower our guard. The current wave of nationalism and racism being spewed by some is worrisome. Our democracy cannot long survive on this now small planet by turning inward, or by excluding those of different beliefs. To blame our problems on Mexicans or Muslims is little different from placing such blame on German Jews in the 1930s. It is our obligation to remain vigilant.

Upholding and Educating on the “Rule of Law”

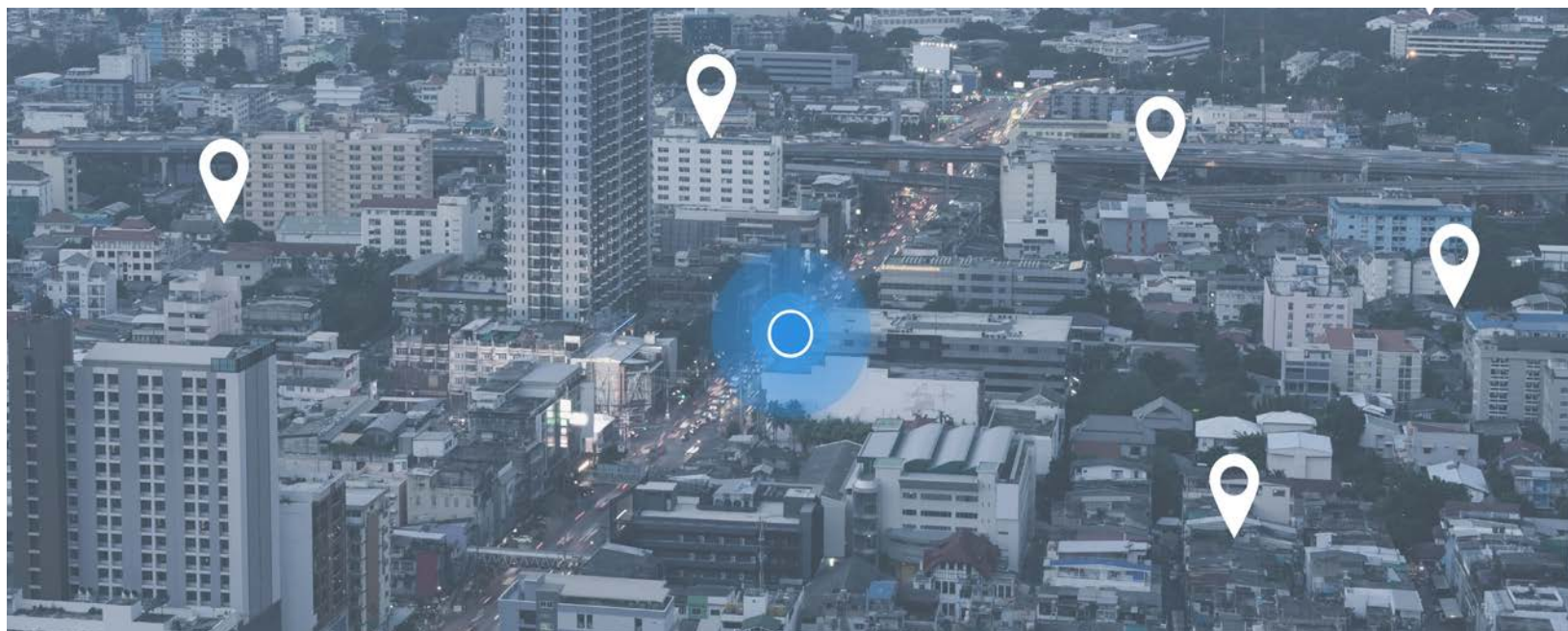
As lawyers, I believe we have a higher obligation than do many to speak out and educate about the rule of law. While reviewing the exhibits at the war crimes museum in Nuremberg, I was astonished to learn how many lawyers had been tried for crimes against humanity—some of whom were convicted and executed. How could a lawyer follow such horrific teachings as those spewed by Hitler’s Nazis? I must say, though, that I have also been disheartened as of late to hear some of my brethren repeating the anti-democratic nonsense coming from certain officials in our current government.

Some were offended during my term as OSBA president when I wrote or spoke about my concerns. “Stay away from politics,” they would say. I’ve been “unfriended” by more than one on Facebook. But these are not normal times. This is not about Democrats or Republicans. This is about ensuring we strengthen our democratic norms and institutions in the face of those who, perhaps unwittingly, would rather advance short-term goals while endangering our democracy. None in our society are better

educated and situated to speak truth to power than are we, the lawyers of our generation.

We experienced great beauty in Germany and Austria, visiting such places as Neuschwanstein Castle, the Residenz Museum in Munich, and the birthplace of Mozart in Salzburg. The food, wine and beer were exquisite. These days, it is difficult to imagine such atrocities could have taken place in this environment. But they did.

Let me conclude by stating that the comments expressed in this article are mine alone, and not those of the OSBA. I understand some will disagree with me. That is fine. However, we get nowhere by staying quiet during troubled times. Please debate. Please teach about the rule of law. Continue to be the best of what our profession represents. The future of our great country may well depend upon it. Thank you for allowing me to lead this wonderful Association for a year. Blessings to all of you. 🇺🇸



NATHAN OSWALD

Nathan Oswald is an attorney at Thacker Robinson Zinz LPA's Toledo office, where his practice includes cases involving significant technology issues.



EVIDENCE RULE 702(C)

The witness' testimony is based on reliable scientific, technical, or other specialized information. To the extent that the testimony reports the result of a procedure, test, or experiment, the testimony is reliable only if all of the following apply:

- (1) The theory upon which the procedure, test, or experiment is based is objectively verifiable or is validly derived from widely accepted knowledge, facts, or principles;
- (2) The design of the procedure, test, or experiment reliably implements the theory;
- (3) The particular procedure, test, or experiment was conducted in a way that will yield an accurate result.

Assessing Advanced Cellphone Location Evidence

Your cellphone thinks it knows where you are. Even when the GPS is off.

In recent years, all the major cellular providers have developed advanced technology that purports to determine the approximate locations of cellphones on the providers' networks, even without GPS. Law enforcement has been especially interested in this technology for locating a cellphone before, during, or after a crime. It offers the same promise in civil cases. Because this evidence is the product of complicated technological processes, jurors may be tempted to believe that the processes are infallible.

The Ohio Rules of Evidence requires that evidence like this meet certain minimum standards. Rule 702(C) sets threshold criteria that the proponent must satisfy for the admission of evidence derived from novel scientific or technical processes.

A brief overview of advanced cellphone location technology

Verizon's latest technology for locating cellphones on its network is called RTT (Round Trip Time). Sprint has PCMD (Per Call Measurement Data), and AT&T developed NELOS (Network Event Location System). This article focuses on NELOS as an example of the recent inventions.

According to AT&T's patents, NELOS relies on the time it takes electromagnetic pulses to travel between a cellphone and nearby cellular towers to determine a cellphone's distance from the towers—optimally to within 25 meters. But the rate at which electromagnetic radiation travels—the speed of light in a vacuum—is delayed somewhat in the real world by factors unrelated to distance. These factors include the user's cellphone, components of the communications network, the atmosphere, physical obstructions, etc.



“Lawyers facing cellphone location evidence should always investigate the reliability of the version of the technology used on the day in question.”

The reliability of the NELOS procedure depends on the validity of AT&T’s algorithms and the accuracy of how they adjust for the factors other than distance that affect the travel time of network data.

Rule 702(C) sets threshold criteria for novel technological processes

Ohio Evidence Rule 702(C) states three elements for admitting results of scientific or technological procedures. Litigants who challenge the reliability of cellphone location technologies have a framework in this rule for evaluating evidence created by these procedures.

1. The theory must be objectively verifiable or validly derived from widely accepted knowledge, facts, or principles.

NELOS is protected by several patents. But a patent is no indication that the invention it describes is scientifically valid or technologically achievable. For example, patent #8,224,349 refers to undisclosed algorithms that calculate time differentials of electromagnetic pulses.¹ Nothing in that patent reveals the kind of detail that a peer would need to test or to verify the algorithms.

Just as importantly, some of the patents acknowledge possible errors that “can be associated with various measurements involved in the disclosed calculations.”² Those errors can purportedly “be addressed by well-known statistical methods for sufficiently large sets of location data.”³ But the patents fail to disclose either the statistical methods or how data sets are selected. More fundamentally, the proposition that data can be leveraged to correct timing errors requires validation. Bald assertions like these may be adequate for the Patent Office, but they don’t suffice for Rule 702. In *G.E. v. Joiner*, the U.S. Supreme Court admonished courts against relying on conclusory assurances when applying Evidence Rule 702.⁴ Unless the proponent of NELOS evidence can demonstrate that the algorithms are in fact either “objectively verifiable or validly derived from widely accepted knowledge,

facts, or principles,” a court has no basis for finding that the technology satisfies Rule 702(C)(1).

2. The procedure must reliably implement the theory.

To determine unknown distances between a cellphone and nearby towers, technology must account for variables that affect electromagnetic pulses that transmit over unknown distances. Some of these are intrinsic to the NELOS system; others are external. “Timing delay typically is caused by various source[s], e.g., mismatches among electronic elements and components (e.g., impedance mismatch), stray capacitances and inductances, length of the antenna(s) cable(s) in base station(s); tower height of base station, . . . signal path scattering, . . . strong reflections, etc.”⁵

The patents acknowledge that NELOS sometimes fails to adjust for timing delay. “[T]iming and delay errors can be compensated for where the errors in delay and timing can be determined.”⁶ Also, different amounts of data may be available in different areas and that disparity can impact the technology’s ability to correct for the delays.⁷ Further, the technology assumes, without any justification stated in the patents, that “cell site delay” “is relatively stable over periods of hours to days.”⁸ All of these unverified assumptions and unanswered questions about how the theory was implemented provide grounds for a court to exclude the results of cellphone location technology pursuant to Rule 702(C)(2).


3. The procedure must be conducted in a way that will yield accurate results.

NELOS has evolved even in the few years it has existed. The patents reveal a string of refinements. This implies, of course, that improvements were needed.

Lawyers facing cellphone location evidence should always investigate the reliability of the version of the technology used on the day in question. Subsequent revisions might mean that a problem affected the prior version’s reliability. The proponent

has the burden under Rule 702(C)(3) of demonstrating that the technology as it was implemented adhered to the patents that describe its functionality.

Follow the Rule

Evidence Rule 702(C) provides a framework for lawyers and courts to assess whether cellular providers’ novel inventions are reliable enough to be admissible in evidence. Rule 702(C) provides the template for assessing the reliability of novel procedures, tests and experiments. In the area of cellphone location technology, these processes are becoming ever more common. 

Endnotes

¹ Cols. 13, 13-21; 14, 24-40.

² #8,224,349 col. 9, 21-24.

³ #8,494,557 col. 9, 36-37; #8,886,219 col. 9, 27-29.

⁴ 522 U.S. 136, 146 (1997).

⁵ #8,224,349 col. 6, 60-7, 5.

⁶ #8,224,349 col. 7, 6-8.

⁷ #8,494,557 col. 7, 21-24.

⁸ #8,224,349 col. 9, 6-7; #8,494,557 col. 7, 7-8.



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Artificial Intelligence in the Workplace

SARAH J. MOORE

Although it may be some time before we commute to work in flying cars or teleport to our company's lunar outpost, a concept once thought to be outside the realm of possibility is now on the verge of transforming the modern workplace—working side-by-side with robotics and computer systems capable of artificial intelligence (AI).

By eliminating the human element, AI technology allows vast amounts of data to be analyzed for patterns in the blink of an eye—helping employers automate and systematize processes often driven simply by instinct. Perhaps more extraordinary, AI is designed to learn from its own experience to identify and implement ever-better methods of how to best perform a given task. In other words, the HAL 9000 of the 1968 film *2001: A Space Odyssey* is closer than we think!

As new technologies emerge and AI is more regularly integrated into the modern workplace, it will undoubtedly raise a number of valid legal issues—particularly those relating to a reduction in workforce, safety protocols and employee privacy concerns.

Considerations for the Legal Industry

AI will be extremely alluring to industries that need large amounts of information sorted quickly. Undoubtedly, the legal industry is one that stands to be revolutionized by AI. The marketplace will expect AI to deliver lightning-speed research to support lawyers in devising legal strategies and defense protocols. As more information is at the fingertips of clients, lawyers will be expected to know more and to be faster at securing that information. Managing these expectations will be more difficult in situations where AI provides

an opportunity to have an edge over one's competition.

Having examined and used AI models created for lawyers, I can say the potential for this technology in our work is extraordinary. Regulatory practice most easily adapts to AI systems, and lawyers can quickly develop logical decision-making AI matrix systems that provide instant, streamlined legal analysis of a client's compliance status upon answering a short series of questions. Once these software platforms become accessible, innovative lawyers will modify them for all practice areas to achieve an even greater cost savings.

In addition, law schools are currently debating the utilization of ROSS, an AI platform whose motto is “supercharge lawyers with artificial intelligence.” Incorporating AI training into educating the next generation of lawyers will transform how we do business and stands to disrupt the way we pass along experiential knowledge to younger lawyers. Although such platforms will allow better workflow integration and streamline research and analysis, AI will not be able to capture the relational dynamics that drive the practice of law and lie at the heart of what we do. Continuity of excellence in service will be a challenge in this new environment — one that requires our attentive dedication.

Integrating AI into the Workplace

The change that AI will produce is much different than the automation revolution experienced by industry. Over the past several decades, machines and robotics have been replacing workers who perform certain rote physical and mechanical functions. For example, years ago it was a new concept to have machinery used on assembly lines and in workplace settings where workers physically moved an item from point A to point B. In some instances,

operations changed so significantly that entire categories of workers were replaced by machines, although some received retraining to jobs involved in managing, recalibrating or fixing their non-human counterparts.

With AI on the horizon, a different line of workers is now at risk of becoming obsolete—those whose job function involves using reason to make a recommendation or selection between items and/or actions. To be clear, every single work task involving human intellect in decision-making stands to be replaced by the AI revolution. This is not fear mongering—this is our future.

As AI is being increasingly integrated into the modern workplace, the effects will be felt by all workers, across industries and spanning over all executive functions. In a recent article, Arthena CEO Madelaine D'Angelo discussed how AI will transform the financial industry by automating and streamlining processes in banking, trading and investment to achieve lightning-speed analysis, forecasting and recommendations. Instead of having to think, the computers will do it for us. The role of people in the workplace will change, with many becoming support to the AI that is increasingly replacing our workforce.

Handling the Inevitable Reduction in Workforce

Over time, the AI revolution will inevitably lead to a reduction in our workforce. As businesses proceed with implementing AI, unions and workers will undoubtedly pursue legal challenges to save or protect as many jobs as possible for as long as they can. Just as automation has required the creation of a support workforce to manage the machines, the AI revolution will necessitate maintaining employees versed in the type of work this technology will replace. Companies should consider

retaining some of these employees to collaborate with computer engineers who can regularly review AI operations and systems to achieve greater efficiencies and identify competitive innovations.

In addition, each company should consider inclusion of its in-house counsel and human resource department in discussions regarding any AI integration into the workplace. Cloaking these conversations under attorney-client privilege is critical to ensuring a thorough, candid discussion of the topic and a consideration of all practical implications. In addition, developing a legally defensible implementation plan is essential to minimizing associated transition costs. It's important to always consider the use of a voluntary termination plan that complies with applicable laws and regulations.

Next, employers should determine which applicable statutory and contractual obligations will be triggered, paying particular attention to the Worker Adjustment and Retraining Notification Act. These obligations will require the company to provide advance written notice to workers of mass layoffs or plant closures. Where unionized workers are concerned, companies should make sure all obligations to bargain are met and that adequate notice is provided to leadership. Building a record is key for management to demonstrate that it met its good faith bargaining obligation under federal and/or state law.

Meeting Workplace Safety Requirements

The Occupational Safety and Health Administration requires employers to complete hazard assessments. This process involves reviewing the workplace to identify occupational hazards and develop methods to achieve appropriate controls. The integration of AI into the workplace presents several challenges to employers in

meeting these legal obligations.

AI is essentially a new concept, and few people understand the specific details of how it works or could potentially malfunction. Without this knowledge, it's difficult to identify all occupational hazards that AI could create. This makes developing control methods nearly impossible and the response plan for reportable incidents problematic. Similarly, developing appropriate safety plans for workers involved with the AI integration and ongoing operation will be challenging. Employers should consider establishing a multi-disciplinary core team that can review the AI systems before implementation to handle the hazard assessment and develop a compliant response plan and safety training, as this will become best practice in AI workplace integration.

Employee Privacy Considerations

Employers should also be careful with coupling wearable technology and AI. Serious privacy issues exist when using technology to gather personal information for employee wellness support or to track employee movement during the workday. Be sure to examine the laws where the company does business to ensure AI wearable technology use is compliant. Human resource departments that use AI support in employee applicant review should be extremely rigorous in reviewing these systems to ensure their use is legally defensible and does not present discrimination claim exposure.

Keeping an Eye on Control

AI implementation presents a significant threat that each company should understand and protect against to the greatest extent possible. The software design and engineering involved in AI development creates a potential for embedded sabotage. Within the coding of

these systems, a person can place sleeping or active gateways to pass information or access. Similarly, the systems can be designed to communicate a particular agenda or lead to a pre-determined decision.

Therefore, it's critical that employers use trusted and well-vetted engineers when developing or evaluating AI systems. Although the cost savings and efficiencies of AI will be quite inviting, AI should be treated at all times as a possible Trojan horse — one with the power to potentially take down companies, markets and even society at large if not properly regulated.

Author Bio



Sarah Moore is a partner at the Cleveland office of Fisher Phillips, a national management-side labor and employment law firm.



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Technology that makes your life easier

New technology not only improves your firm, but can also improve your life outside the office. Whether you need to keep track of grocery lists, organize your calendar or remember the password for a website, these eight apps will simplify your life and save time for doing what really matters. Try one that suits your needs or all eight, it's up to you.

1. Google Calendar

Keep track of your busy calendar in one seamless app. You can create multiple color-coded calendars (red for work events, purple for personal, gold for holidays, etc.) and view them from anywhere, any time. You can even share a calendar with others, whether that's sharing your child's soccer game schedule with your spouse or sharing a meeting calendar with coworkers. And because everything is stored in the cloud, you can access it on any device connected to the internet.

2. Alexa

Meet Alexa, your new personal assistant. Alexa is the voice of the Amazon Echo that allows you to play music, ask questions or set an alarm just by speaking aloud. Because it is based in the cloud, Alexa is always getting smarter and learning new speech patterns so that she can understand anything you say. Whether you need to add an item to your grocery list or check the score of the game, Alexa has you covered.

3. Dropbox

Never lose documents, videos, photos or presentations again. Dropbox acts as your personal cloud where you can save everything for easy access later. It can be useful for work or personal purposes, whether you're storing court documents or family photos. Try the free version with 2 GB of storage or upgrade to the 1TB option for a monthly or yearly fee. If you're interested in getting DropBox for your whole organization, that's an option too.

4. Wunderlist

Do you have random sticky notes cluttering your desk with things you need to remember? Grocery lists shoved to the bottom of your bag? The solution to your to-do list mayhem is in one app: Wunderlist. You can organize and share your to-do, work, grocery and household chores lists in one simple interface. You can even set reminders and due dates so that you never miss a deadline. Wunderlist is free and works across all Apple, Android and Windows devices, as well as Kindle Fire and the internet.

5. Feedly & Pocket

These are two separate apps that work well in conjunction with each other. Feedly aggregates articles from all your favorite websites and blogs and compiles them nicely into one app. Pocket allows you to save interesting articles to read later, either online or offline. Used together, these two apps can save you time scrolling through endless sites searching for news that you need.

6. Evernote

Consistently rated one of the most popular note-taking apps, Evernote offers a suite that's accessible across your phone, tablet and computer. You can take, organize and share notes without any clutter on your screen. Attach and annotate PDFs, take handwritten notes or connect to Google Drive, Outlook and other apps in a flash. Get the basic version for free and consider upgrading for a yearly fee.

7. IFTTT

IFTTT, an acronym for If This Then That, is an app that allows you to create conditional statements to instantly save you time. These conditional statements, called applets, can be used for millions of configurations. For example, every time you post a new photo to Instagram, IFTTT can automatically save that image to Google Photos so you don't have to upload it twice. You can even set an applet to send you an email every time the President signs a bill into law. Set up the applets you need and never worry about missing something again.

8. Dashlane

We're told that we should have a unique password for each website and app that we use. But who can remember all of those? Enter Dashlane. It's an app designed to manage your passwords, help you create new ones and even enter them into sites without batting an eye. All you need to do is remember your master password and you're in. Get it for free on any device and never forget a password again.

Compiled by Zoe Legato, a senior at The Ohio State University and an intern in the Communications Department at the Ohio State Bar Association.



Could Your Roomba Soon Be Sucking Up Your Fourth Amendment Rights?

ANDREW L. ROSSOW, ESQ.

If you own a high-end iRobot “Roomba” model, it may be doing more than just cleaning your floors and carpets...it may be vacuuming up part of your 4th Amendment privacy rights. Entering the world of smart technology and “IOT” (internet of things) makes you and your home vulnerable to other users and devices out there in cyberspace.

The Fourth Amendment to the U.S. Constitution gives “the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures,” which cannot be violated unless there is probable cause to do so. If such probable cause exists, the issued warrant must specifically describe the places to be searched and items/persons to be seized.

But what happens when the desire to use smart technology means sacrificing our privacy rights, and maybe even the Fourth Amendment rights afforded to us by the Constitution?

What You Need to Know

In July 2017, Colin Angle, the CEO of iRobot, announced that within two or so years, iRobot could begin selling its map data to companies like Apple, Amazon, and Alphabet, Google’s parent company that was the result of a corporate restructuring deal back in 2015.

iRobot’s “Roomba” is a line of disc-shaped “smart vacuums” that detect and clean dirt in a 360° direction by bumping into obstacles and “mapping” the surrounding area with internal sensors. Angle’s announcement would only apply to the high-end models of Roomba, beginning with the Roomba 980 model, which was the first WiFi-enabled model.

While Angle indicated that the company had not yet formed any plans to sell consumer data, his announcement creates a pile of potential legal implications for not just iRobot, but for consumers globally.

With Smart Technology, Comes a Violation of Privacy

Convenience trumps privacy. Every time. But, how much privacy is the average consumer willing to sacrifice for a more efficient lifestyle? Angle’s announcement brings some serious privacy concerns and poses the start to many questions by both data privacy attorneys and consumers:

What Does My Roomba Show?

iRobot’s success is nothing to question. The concept of a “smart vacuum” gained popularity as a result of its ability to clean and essentially “remember” where to clean and how to cover an entire room. Indeed, the device’s ability to remember where it’s been and where to clean depends on the mapping data it stores. But what does this “data” consist of? The later models of the

Roomba offer the “Clean Maps” report, which allows users through the iRobot app to identify and view cleaning coverage areas as well as concentrated areas where there is a higher presence of dirt. Pretty sweet, or so it appears.

Who Is Storing Your Home’s Map Data?

Privacy enthusiasts would agree that consumers should know exactly what information and data they have, where it’s located, and how to keep it safe. The possibility of a consumer’s data of his or her home being in the possession of a party other than them is beyond alarming. However, Angle has indicated that “no data is sold to third parties.”

Why Are Consumers Just Being Told This Now?

Technically, the idea that the entryways, hallways, and floors of a consumer’s home is being mapped and analyzed is no secret, at least per iRobot’s Terms of Service and Privacy Policy.

- Some of our Robots are equipped with smart technology which allows the Robots to transmit data wirelessly to the Service. For example, the Robot could collect and transmit information about the Robot’s function and use statistics, such as battery life and health, number of missions, the device identifier, and location mapping.

- We use this information to collect and analyze statistics and usage data, diagnose and fix technology problems, enhance device performance, and improve user experience.
- Our Robots do not transmit this information unless you register your device online and connect to WiFi, Bluetooth, or connect to the internet via another method.

The company's Privacy Policy specifically states that it may share consumer data... "with [their] consent, to third parties who [it] think[s] may offer [the consumer] products or services [they might] enjoy" or "other parties in connection with any company transaction, such as a merger, sale of all or a portion of company assets or shares, reorganization, financing, change of control or acquisition of all or a portion of our business by another company or third party or in the event of bankruptcy or related or similar proceedings." That's a fairly large number of people knowing what the inside of a consumer's home looks like, the size of their home, and potentially their income level.

Solutions?

When consumers register their devices with iRobot or even download the app, they are forced to accept the Terms of Service/Privacy to download it to their devices.

It appears that consumers are forced into giving up this data. Incorrect.

iRobot provides users with the option of "opting-out" of the data sharing feature within the iRobot Home app by disconnecting their WiFi or turning off Bluetooth functionality.

Ironically, the truth is that we create our own pile of dirt. By purchasing these smart devices, albeit Roomba, Amazon Echo, Google Home, or other products, we implicitly allow these devices to monitor, track, and learn about us. Consumers are all about hands-free communication, especially when it's efficient. Consumers expect devices to live up to their marketing reputations and don't question how they are able to operate. Society is buying into privacy intrusions. The question is how much privacy do we expect to give up? Are consumers waiving their constitutional right to certain protections within the home?

Smart technology...it's smart for a reason. Convenience. It trumps privacy. 🤖



Andrew Rossow is a Cyberspace and Technology Attorney in Dayton. To stay updated on Rossow's publications, please follow him on Twitter at @RossowEsq or on Facebook at @drossowlaw.



Learn more about technology at the Management and Technology Conference in Columbus


Dec. 6 and 7.

Visit www.ohiobar.org/techinstitute for more information.



Non-Compete Agreements in Ohio: How Long is Just Right?

By Stephen P. Bond



One of my coping mechanisms, given the vastness of the law, is to operate with some general “rules of thumb.”¹ “Non-competes” are one of those areas for me; and I’ve generally operated with the notion that a range of two years is a good starting point and likely something that a judge would consider appropriate.

I thought I’d check to see whether the cases actually support that notion.

The seminal case in this area is, of course, *Raimonde v. VanVlerah*,² in which the Supreme Court endorsed a court’s right to judicially modify an existing non-compete agreement, so as to render it “reasonable”: that is, being no greater than is required for the protection of the employer; not imposing undue hardship on the employee; and not being injurious to the public. And, to make that evaluation, the Court endorsed consideration of nine factors, the first of which is: the absence or presence of limitations as to time and space. When you dig into precedents since *Raimonde*, you do indeed find some judges who, like me, seem to have had in mind a two-year period as being a possible “standard.” For example:

- “As to the duration of the non-compete covenant, two years, the Court notes that Ohio courts have found two-year restrictive covenants to be enforceable.” *Home Warranty, Inc. v. Gonzalez*.³
- “A review of some of the many cases in Ohio appellate jurisdictions reveal that, while a two-year restriction on competition or solicitation may not be standard or uniform, depending on the facts of each individual case, it may be permissible.” *Harris v. University Hospitals*.⁴

- “Likewise, two years is a reasonable time period in which to prohibit defendant Boyer from competing in this respect.” *Mesarvey, Russell & Co. v. Boyer*.⁵

As exemplified by the decision in *Life Screening v. Calger*,⁶ the analysis being done by judges with respect to the appropriate length of time for a restriction may have more to do with what “seems fair” than it does with a mathematical calculation:

[A]fter consideration of the facts and circumstances particular to this matter, i.e., nature of business, employment, etc., the court finds that the two-year period specified in the agreements is reasonable. Numerous Ohio decisions have upheld contracts calling for two-year periods or longer. Life Line Vice President Tim Phillips testified that the company arrived at two years based upon *what it felt to be a fair amount of time* for an employee to refrain from using Life Line’s confidential information in a competitive fashion. He indicated that this would level the playing field. The Calgers assert that there is no specific calculation in support of the two-year period, and that, therefore, it is unreasonable. *The Court rejects the Calgers’ view that there must be a defensibly precise calculation underlying the time period.* What is required is a “reasonable relationship” between the period of prohibition and Life Line’s business interests. * * *

Here, in light of the amount of experience and training that Life Line provided the Calgers over approximately eight years, and the significant level of funding and

risk that the Life Line founders undertook to develop the business processes and testing protocols that the Calgers seek to utilize, two years is not unreasonable. Further, *the Ohio cases holding two years or more to be reasonable, cited above, do not demand the level of precise calculations that the Calgers seek to require.* [Emphasis added.]

Several other reported cases essentially *rule*, as if to say, “Two years sounds good to me,” without much more to add on the subject.⁷ That said, there are other courts that seem to focus on a *one-year* “rule of thumb” when evaluating non-competes. For example, in *Krykos v. Superior Beverage Group*,⁸ the Court flat out states: “A *one-year* time period for a covenant not to compete is reasonable.” And the court in *Try Hours, Inc. v. Douville*,⁹ echoed that stating: “Although Douville may endure some hardship during the one-year period, Try Hours has demonstrated that the covenant is narrow in scope and will not impose an *undue* burden.”

In other cases, judges faced with two-year restrictions have, nevertheless, felt more comfortable enforcing the restriction for *one-year*, often without much explanation of the calculation made to reach that conclusion. For example, in *Avery Dennison Corp. v. Kitsonas*,¹⁰ the court approved a preliminary injunction for a single year, when the contract spoke of two years: “Covenants that are of *one year* duration have been found to be reasonable and upheld by Ohio courts.” And, in *Facility Services & Systems v. Vaiden*,¹¹ while ultimately deciding to approve no injunction, the Court initially commented: “In addition, a one-year time limitation has been repeatedly held to be a reasonable period of time for such agreements,” and then concluded,

“Courts do seem more open to enforcement of non-competes in scenarios where the employee has sold a preexisting business and agreed not to compete as part of the deal.”

summarily: “As an initial matter, there is no geographic limitation and, in our view, the two-year period is unreasonable.”

A Pennsylvania Judge interpreting Ohio law,¹² considered a two-year non-compete as applied to a retail sales manager for a manufacturer of building materials. The Court attempted to balance the competing considerations of the parties with respect to the length of the injunction, explaining:

- On the one hand, the employee cited to other employees whose covenants were only for a year—but the court said that there was no evidence as to whether those comparators were similarly situated.
- On the other hand, Ohio court decisions regularly hold covenants for two years or longer to be reasonable.
- On the third hand, two years is longer than what the employer needs, because the confidential information needing protection is, in fact, constantly changing.

The Court ultimately concluded that one year was enough time for the employer to shore up its relationships with its clients, not the two years stated in the agreement.

The enforcement of restrictions beyond two years has been mixed. In *Chicago Title Ins. v. Magnuson*,¹³ the court enforced a *five-year* restriction because the employee breached it after just two years had passed, the Court specifically noting that this obviated the need to address whether five years would have been too much.¹⁴ The court in *Die-Gem Co. v. Miller*,¹⁵ limited a five-year restriction to one year, emphasizing the need for the employee to have a means of support. And the court in *Controllix Corp. v. Williams*, similarly limited a *five-year* non-compete to one year, holding that, notwithstanding evidence that it took four years for the employer to bring a particular sale to fruition, the impact on the employee’s income outweighed that concern.

Three year restrictions have also had mixed

results. In *Proctor & Gamble v. Stoneham*,¹⁶ dismissal of an action to enforce a *three-year* clause was reversed based on evidence that confidential information had a useful life of three to five years. And, in *Wall v. Firelands Radiology*,¹⁷ a *three-year* covenant was enforced without specifically addressing the reasonableness of the term, except to note that the parties had been represented by counsel. Those stand in contrast with *Jacono v. Invacare*,¹⁸ in which a trial court’s decision to issue no injunction at all was approved, based on evidence that, on the one hand, in that industry, confidential information could become stale by the time the matter came before the court and, on the other hand, a three-year absence from the industry would have diminished the attractiveness of the employee for other jobs.¹⁹

Courts do seem more open to enforcement of non-competes in scenarios where the employee has sold a pre-existing business and agreed not to compete as part of the deal. See, e.g., *Basiccomputer Corp. v. Scott*,²⁰ in which a *one-year* restriction was enforced for the business seller, (“A seller has the proceeds of sale on which to live during his period of readjustment. A seller is usually paid an increased price for agreeing to a period of abstention. The abstention is part of the thing sold and is often absolutely necessary in order to secure to the buyer the things he has bought.”), but was reduced to six months for those who had not been owners. And see, *Century Bus. Servs. v. Urban*,²¹ in which the non-compete extended out nearly 13 years, and was enforced: “For the following reasons, we agree with CBIZ that restrictive covenants entered into ancillary to the sale of a business should be afforded less scrutiny than ones entered into by employees as consideration for employment.”²²

Similarly, courts have seen the “fairness” of non-competes in cases where the restrictions are potentially reciprocal.²³

Whether one is inclined to employ two years, one year, or some other period as the basis for a non-compete, there are some guidelines that ought to be kept in mind:

- Perhaps the most important is this:

Begin by defining a business *reason* for why the clause is needed—or prepare to be embarrassed:

There was no testimony as to why a year was necessary to protect appellants’ interests except that appellants’ president, Brian Smith, wanted a longer period of time but was told by counsel that twelve months would be *reasonable*. Appellants have chosen a time not because of what was necessary but because it was the longest they expected would be enforced.²⁴


Actual evidence that an employer needs the restraint to protect specifically identified “secrets” can go a long way toward convincing a court that the employer’s concern is as important as the employee’s need to compete.²⁵

- There must be limits to the covenant:

We have found no cases upholding as reasonable a covenant not to compete unlimited as to both geography and time.²⁶

- And consider whether the combined effect of time and territory will appear reasonable:

The court further observes that the present restrictions effectively preclude similar employment throughout the United States for a period of two years. Either limitation of time or area might be reasonable in a given case, but taken together, would impose an unreasonable restriction on the facts developed in the present case.²⁷

This is particularly an issue where the individual has broad experience in the field before coming to an employer seeking a non-compete. For example, where an employee with 10 years experience was fired after seven months with a new employer, one court refused to enforce a *two-year* non-compete at all.²⁸ 

Author Bio



Stephen Bond works in the Sheffield Office of Brouse McDowell, as part of its Labor and Employment Law Group. He is also Chair of the Labor and Employment Section of the Lorain County Bar Association.

Endnotes

¹ (Being aware that, when a specific project comes up, it would be smart to double-check on how that “rule of thumb” might be applied.)

² 42 Ohio St. 2d 21 (1975).

³ No. 14CV1010483, 2016 WL 6472773. *3 (Franklin County C.P.) [with respect to a two-year, 100-mile restrictive covenant].

⁴ 2002-Ohio-983, *4 (8th Dist.) [approving a two-year 5-mile covenant].

⁵ 1992 WL 185656, *9 (10th Dist.).

⁶ 145 Ohio Misc.2d 6, 19 (Cuyahoga C. P. 2006).

⁷ See, e.g., *Total Quality Logistics v. Zavagno*, No. 2008CV00498, 2015 WL 7717332, *6 (Clermont County C.P.) (“As TQL correctly observes, many Ohio courts have found competitive employment bans of two or more years reasonable.”); *Middletown Janitor Supply Co. v. Hayes*, No. 84-03-040, 1985 WL 8673, *2 (12th Dist.) [“We do not feel that two years is an unreasonable period for an employer to require a former employee to be restrained from competition under these circumstances.”]; *Columbus Medical Equipment Co. v. Watters*, 13 Ohio App. 3d 149, 151 (1983) [“Since developing a list of source people is a relatively difficult task, since Wendt-Bristol did not have a rental department until they hired defendant, and since both companies rent and sell durable medical equipment throughout Ohio, the trial court’s findings, that the covenant not to compete in a similar business in Ohio for two years was not overly restrictive and that the covenant was reasonably designed to protect plaintiff’s business, are supported by the evidence.”]; *Shury v. Rocco*, No. 56215, 1989 WL 30538 (8th Dist.); *Myers Services v. Costello*, No. CA-917, 1989 WL 76464 (5th Dist.).

⁸ 2013-Ohio-4597, ¶21 (8th Dist.). See also, *Washington Insurance Agency v. Nationwide Insurance*, 95 Ohio App.3d 577 (1993) (enforcing one year restriction as being “reasonable” without much discussion of any calculation being made to reach that conclusion).

⁹ 2013-Ohio-53 ¶30 (6th Dist.).

¹⁰ 118 F.Supp.2d 848, 853 (S.D. Ohio 2000). And see, e.g., *Murray v. Accounting Center & Tax Services*,

178 Ohio App. 3d 432 (2008) (finding that, because the employee had 16 years of prior service in the same industry, two years was too long; yet, in the interests of protecting the employer’s investment in its clientele, one year would be enforced.)

¹¹ 2006-Ohio-2895, ¶¶41, 53 (8th Dist.).

¹² *CPG International v. Georgelis*, No. 3:15cv176, 2015 WL 1786287, **12-14 (M.D.Pa.).

¹³ 487 F.3d 985 (6th Cir. 2007) (the Court noted that the highly competitive nature of the industry and the importance of personal relationships as key criteria).

¹⁴ Similarly, in *Karp v. Federated Dept. Stores*, No. 77AP516, 1977 WL 200594 (10th Dist.), a court enforced a restriction which was breached after three years, without needing to decide whether the full ten years of the restriction would have been enforceable.

¹⁵ No. 13806, 1989 WL 16889 (9th Dist.).

¹⁶ 140 Ohio App.3d 260 (2000).

¹⁷ 106 Ohio App.3d 313 (1995).

¹⁸ 2006-Ohio-1596 (8th Dist.).

¹⁹ See also, *Discount Muffler Shops v. Seely*, No. L-83-048, 1983 WL 6849, *3 (6th Dist.) (at conclusion of franchise arrangement, three-year restriction on franchisee was modified to one year).

²⁰ 791 F.Supp. 1280, 1290 (N.D. Ohio).

²¹ 179 Ohio App.3d 111, 118 (2008).

²² See also, *Sabins v. Miller*, No. 711, 1981 WL 5040, *4 (enforcing three-year restriction in connection with sale for business).

²³ *Clark v. Mt. Carmel Health*, 124 Ohio App.3d 308 (1997), in which physician and health system agreed to establish a sleep disorder center and provided for a two-year non-compete against the first party that discontinued the arrangement. See also, *UZ Engineered Products v. Midwest Motor Supply*, 147 Ohio App.3d 382 (2001), in which a two-year covenant was enforced, partially based upon the evidence that the employee’s new competing employer had implemented two year covenants for its own employees.

²⁴ *Cole National Corp. v. Koos*, No. 66760, 1994 WL 716522, *3 (8th Dist.). (Court refused to enforce a one-year non-compete clause.)

²⁵ *AK Steel v. ArcelorMittal USA*, 2016-Ohio-3285, ¶¶15, 19, 21, 22 (12th Dist.). (Although trial court reduced the term of a world-wide non-compete for a sophisticated corporate executive from one year to six months, the Court of Appeals reversed, holding that the record did not justify modifying the original one-year term the parties had agreed upon because the employee had access to specific time-sensitive

information contracts which would become stale after a year). But compare *Animal Hospital of Polaris v. Cole*, No. 15CVH4890, 2015 WL 12914321 (Franklin County C.P.), in which the court held that, where the employer’s articulated reason for the restriction was to protect confidential information, that purpose was better served by a confidentiality agreement, as opposed to a non-compete.

²⁶ *Cad Cam, Inc. v. Underwood*, 36 Ohio App. 3d 90, 94 (1987).

²⁷ *Morgan Lumber Sales Co. v. Toth*, 41 Ohio Misc. 17, 19 (1974).

²⁸ *American Building Services v. Cohen*, 78 Ohio App. 3d 29 (1992).



ABA Legal Fact Check separates legal fact from fiction

The new American Bar Association Website, ABA Legal Fact Check, uses case and statutory law and other legal precedents to separate legal fact from fiction. The website covers recent legal news and investigates the laws related to these events. ABA President Hilarie Bass explained, “The concept is simple. In an era of alternative news and fake facts, the ABA should be the definitive source of real facts when it comes to the law.” Recent topics include free speech protections in the workplace, hate speech, and punishments for burning the flag. Visit www.abalegalfactcheck.com to find out more.

New app helps users review documents efficiently

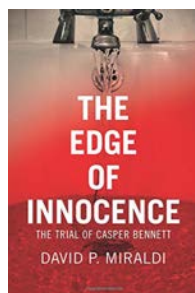
LiquidText is a free app available on iPad designed to help legal professionals review and markup long PDF documents. The app allows you to highlight, annotate, search and take notes. It also integrates well with Dropbox, Box, iCloud Drive, email, and other storage apps. You also can share annotated LiquidText files to collaborate with others who can review the documents and add notes of their own. If you choose to upgrade to the \$10 version, you can view multiple

documents at once and even perform multi-document searches.

Find LiquidText for free in the App store.

Miraldi novel explores the edge between guilt and innocence


OSBA member David Miraldi recently released his debut novel, *The Edge of Innocence*, a historical novel based on the 1964 trial of Casper Bennett. Bennett is a man accused of drowning his wife in a bathtub of scalding water in Lorain County, Ohio. Revealing evidence not known at the time of the trial, the author takes the reader on an unpredictable ride where the line between guilt and innocence is always shifting. Both a courtroom drama and a glimpse into the past, *The Edge of Innocence* is a gripping narrative and the first book in a series of legal themes.



Buy it at your local bookstore, on Amazon or online at www.davidmiraldi.com.

16th Annual Management and Technology Institute is coming Dec. 6 and 7 to the OSBA in Columbus!

The OSBA has partnered with Affinity Consulting Group and CuroLegal to provide a technology update for litigators. This year’s program kicks off with the popular “Legal Tech Tips, Tricks, Gadgets and Cool Stuff.” The two-day conference features tracks on How To, Starting Up/Starting Over and a “Tech Grab Bag” of essential updates. Day two’s plenary session on “Taming the Digital Chaos—Time, Distraction, Task and Email Management” will help enhance time management and technology skills to regain control over emails and task lists. Attendees will leave this program with an abundance of tips and tools they can implement at their practices.

Visit ohiobar.org/TechInstitute for more information or to register. 



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A new membership model to fit your needs

Because OSBA membership dues are no longer required to be pro-rated throughout the calendar year, the OSBA can provide more flexible membership options such as monthly membership plans and membership models. Beginning in membership year 2019, members will have the opportunity to choose a membership option that is based on choice, rather than years in practice or practice setting. Members will be presented with three different membership options from which to choose, each with specific benefits. Our members have been asking for this personalized approach to membership, and the OSBA is excited to be able to deliver this type of experience.



LEAD.

Priority recommendations from the Futures Commission Report

The OSBA Futures Commission was charged with identifying the most pressing challenges facing the legal profession and formulating recommendations for how to best meet them while continuing to advance the interests of our members, their potential clients and the public.

The OSBA Board of Governors recently approved a plan for implementing the priority recommendations from the Futures Commission Report in these main areas: support for new lawyers; a new CLE model; new service delivery options and modernizing regulations; and building an Ohio comprehensive online legal portal.

Submit your best brief

The OSBA Litigation Section established a Best Brief Award for briefs filed with the Ohio Supreme Court. There are two categories: Private Briefs and Public Briefs. An office or firm may submit up to three briefs filed within 2016 to the Ohio Supreme Court. Briefs may be from any stage of litigation, including original actions.

Interested? Submission deadline is Friday, Nov. 10, 2017. If you have questions, please contact Simon'e Lightfoot at slightfoot@ohiobar.org.



EDUCATE.

New system to rate candidates for the Ohio Supreme Court

The OSBA Board of Governors is improving the process the Association uses to rate candidates for the Ohio Supreme Court. The approved changes to the OSBA Commission on Judicial Candidates will ensure a bipartisan Commission; enhance the candidate interview process; change the ratings and scoring scale to reduce subjectivity and provide more rationale to back up the ratings; and enhance the transparency of the process.

Share your expertise

OSBA members share their expertise by writing articles for the OSBA website and publications. The OSBA offers many avenues to reach the Ohio legal profession. Consider writing an article for the OSBA Website, *Ohio Lawyer* magazine or "Law You Can Use," a public service to Ohioans in which volunteer authors explain laws and legal concepts in as simple and clear a way as possible in a question/answer format.

If you are interested in writing for the OSBA, please contact us at editor@ohiobar.org.



ADVOCATE.



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Priority legislation

This season, the OSBA will be pushing a number of priority bills conceived by OSBA committees and sections, including legislation surrounding benefit corporations, as well as probate and tax law changes. In addition, Senate Bill 33, which was proposed by the Traffic Law Committee, has already passed the Senate and we'll be working to get it through the House. SB 33 would help ensure defense attorneys can properly represent their clients by having access to the same information prosecutors have from the Law Enforcement Agencies Data System database.

The OSBA opposes Marsy's Law, a proposal to amend the Ohio Constitution. While the OSBA supports the rights of Ohio crime victims and believes in a fair and just resolution to all criminal matters, it does not believe that State Issue 1 is the way to achieve either goal.

Keep up to date on legislation

You can track the progress of these and other issues via the Legislative section at www.ohiobar.org/legislativeupdate. In addition, check out our weekly legislative report, which you can find on Thursdays in the OSBA Report Online.

Fall committee and section meetings highlights

The Education Law Committee presented a panel discussion on Seeing Red: Tips for Successfully Resolving Education Disputes. The Women in the Profession Section provided a panel on Harnessing the Political Power of Women and Turning It into Action. The Environmental Law Committee not only discussed case law updates but also brainstormed how they could encourage participation from members around the state.

The Estate Planning, Trust and Probate Section announced that they were able to secure a license to host back issues of the *Probate Law Journal of Ohio*, exclusively for section members. Issues of Sept/Oct 1999 through Sept/Oct 2015 are currently posted in the section's online community library.

A new CLE designed for your schedule "Live from Columbus It's Saturday Morning" CLE: This pilot program in Columbus offers New Lawyer Training credit on select Saturday mornings, a time that may be more convenient for many of our new lawyer members. Upcoming dates: Dec. 2 and Dec. 30.

Go to ohiobar.org/saturdaycycle for more information.

Emeritus pro bono attorney registration category available

Emeritus pro bono enables attorneys, for a significantly reduced registration fee, to practice law as a pro bono attorney volunteer for a law school clinic, legal aid, public defender's office, or any legal services organization already authorized by the Supreme Court to report CLE credits earned through pro bono service.

In addition to completing the standard Certificate of Registration required for any attorney registration, or any change to attorney registration status, a prospective emeritus pro bono attorney must complete a one-page Emeritus Pro Bono Attorney Registration and Certification. In this form, the attorney certifies that the attorney meets all criteria set forth in the rule for emeritus pro bono attorney registration category, as explained above.

Interested? All the information you need is housed on the Supreme Court of Ohio website.



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



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 was living in Southern California. I was working as an event planner and in a long-distance relationship. My boyfriend, who is now my husband, lived part time in Ohio and part time in California. He had to move to Columbus full time and he asked me to move to with him. I said, "Columbus? Why would I move to Columbus from Southern California?" After thinking about it some more, I took the plunge and decided to come here. I took the LSAT because I had always thought about going to law school. I was accepted to Capital University, and the rest is history.

What is the best advice you have received as an attorney?

The best advice I've received is just to listen and really be as empathetic as possible. People are coming to a lawyer because there's something in their life that's wrong—they're getting a divorce or maybe they got hurt in an accident or they're being sued. They just want someone who is going to listen to them, figure out what their problem is and what their goals are. Our job is to give advice and help them navigate this crazy system we call the law.

What legal resource do you use the most?

One of my favorite legal resources I like to use is Darren McNair, who is one of the founding partners of this firm. He is a wealth of information for domestic cases but also so many other things. He has such a wide background that he can bring to cases. I also use my other attorney friends I have. Going to law school, everyone you know is an attorney. Now, I can talk to those attorneys and say, "Hey, there's this case that's kind of different. How would you have done it?" I also use the law library in Franklin County.

What was your proudest moment as a lawyer?

I have a case right now where I really want to help this woman. She has probably one of the saddest stories I've ever had in the domestic relations practice. I was able to talk to the other partners at the firm to say "You know what, I would like to stay on this woman's case no matter what. Even if she doesn't end up paying us anything at the end of the day, I think she really needs a zealous advocate to help her." I presented the case and all of my partners agreed. I just feel really, really proud about that. I'm the only female attorney that works at our firm and I bring a completely different perspective to running a practice. There's still a glass ceiling, but we're trying to shatter it. I'm one example of shattering it.

Fun fact

I'm a big Broadway theatre nerd. I go to New York probably five times a year just to see originally cast Broadway musicals. I love them! Of course, I saw Hamilton with the original cast! I bought my tickets in advance so I got to sit in the orchestra. It was amazing. I am not a creatively talented person at all; I'm so impressed by these performances. These people can sing and dance, often at the same time. I can't hold a note but I'm always up for karaoke! 🎤

To learn more about Sunni, see her profile video at www.ohioabar.org/sunni.

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