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ASSOCIATION
of CIVIL TRIAL
ATTORNEYS

The Source for Defense Success

The UPDATE

News & Practice Pointers from OACTA

SUMMER 2012

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REMINDER

Mark Your Calendars
for the Next
OACTA Board Meeting
August 18, 2012

SAVE THE DATE!

President's Message



By Kevin Connell, Esq.
2012 OACTA President

HOT ENOUGH FOR YOU?

Back in the days before emails, Twitter, smart phones and air conditioning, summer was the time to play catch up for lawyers. In Ohio, most cases were tried in the cooler months because the courthouses lacked air conditioning. The judges, and probably the lawyers, did not want to subject jurors to several days of sweat to go along with the tears from the witness stand. Lawyers spent the summer taking depositions, pushing paper, and sipping lemonade. Well, times have certainly changed. Summers are no longer a time for leisure. As lawyers, our clients, our files, and our practices are always within reach. I hope you are able to take some time this summer to sip that cool glass of lemonade and relax with your family, your fishing pole or whatever you find relaxing. While you chill out, please take some time to read the OACTA Summer Update. The crew that puts together the OACTA publications doesn't take the time to relax! Once again, they have compiled a good summer reading list for you.

[Read More](#)

Insurance Coverage Seminar

August 2012
Westfield Insurance
Blair Center
Westfield Center, Ohio
[REGISTER NOW!](#)

Golf Outing
September 4th
Pinnacle Golf Club
Columbus, Ohio
[REGISTER NOW!](#)

**2012 OACTA
Annual Meeting**
November 8th & 9th
Crowne Plaza Downtown
Dayton, Ohio

**Submit Articles
to the
Newsletter
Committee:**

[Joe Borchelt](#)

[Tony Brown](#)

Send a Member
Request
oacta@assnoffices.com

Visit us on the web
www.oacta.org

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SPOTLIGHT**

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Young Lawyers Committee Update

Please join us for an OACTA Happy Hour near you!

As part of OACTA's efforts in engaging members and increasing membership networking, the Young Lawyers Committee is hosting Happy Hours across Ohio from 5:30-7:00 p.m. as follows:

- Thursday, July 19, 2012 at [Bar Louie at The Greene](#), 4492 Glengarry Drive, Beavercreek, Ohio 45440 (Dayton);
- Thursday, July 26, 2012 at [Wonder Bar](#), 2044 East 4th Street, Cleveland, Ohio 44115; and
- Thursday, August 16, 2012 at [Park Street Cantina](#), 491 Park Street, Columbus, Ohio 43215.

ALL OACTA MEMBERS AND PROSPECTIVE OACTA MEMBERS ARE INVITED TO ATTEND!! We encourage OACTA members to bring non-OACTA members to learn about the benefits of joining our organization. The Happy Hours are sponsored by S-E-A.

As a reminder, OACTA provides free membership to law students and a reduced-dues membership for new attorneys. Please encourage any law students and young lawyers you know to join OACTA and the Young Lawyers Committee. Keep in mind that a young lawyer is defined as an attorney who has practiced 10 years or less and/or is 40 years old or younger. Feel free to have any potential new OACTA member or young lawyer contact Natalie Wais or Mary Pisciotta with any questions on how to get involved. Also, if your firm or an organization with which you are involved wants an OACTA Young Lawyers Committee member to attend an event and explain the benefits of being an OACTA member, please let us know.

Natalie

OACTA is always looking for new nominations for the "Member Spotlight" section of the Update. If you know of anyone who exemplifies both professionalism in the practice of law and has outside activities which would be of interest to the OACTA membership, please submit a nomination via email to:

Tony Brown

or

Joe Borchelt



REVEALING THE CAUSE

- Biomechanics
- Civil/Structural
- Construction
- Consumer Products
- Electrical
- Environmental/Industrial Hygiene
- Fires & Explosions
- Machinery Equipment
- Maritime
- Materials
- Research & Testing
- Trucking & Heavy Equipment
- Vehicle Accidents



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Professional Liability Committee Update

OACTA'S FIRST PROFESSIONAL LIABILITY SEMINAR IS A RESOUNDING SUCCESS

On Friday, June 15, 2012, OACTA's Professional Liability Committee held its first Legal Malpractice Seminar in Dublin, Ohio. Over 40 individuals attended, including attorneys and insurance professionals alike. Attendees of the conference were treated to a smorgasbord of legal malpractice topics including: The Nooks and Crannies of Conflict Analysis; Legal Malpractice Claims: The Claim Counsel Perspective; Boundaries of the Attorney-Client Privilege in the Tech Age: How to Ensure Your Multi-Media Communications Are Protected; Common Pitfalls of Practicing Law - A Risk Management Review; Disqualification of Opposing Counsel in Professional Liability Cases; Addressing Difficult Questions in Defending a Legal Malpractice Claim; and Ancillary Business Practices & Rule 5.7.

Several OACTA members presented on these array of interesting topic including **Steven D. Strang** (Gallagher Sharp), **Gretchen Koehler Mote** (OBLIC), **Joseph W. Borchelt** (Reminger), **Monica A. Sansalone** (Gallagher Sharp), **Jamie A. Price** (Gallagher Sharp), **Stephanie S. Hathaway** (Reminger) and **Nicholas D. Satullo** (Reminger). Thanks to all participants, speakers and OACTA representatives for making the Legal Malpractice Seminar a successful event.

Personal Injury Defense Committee Update

Update on Robinson v. Bates Challenges

In May, defense counsel in *Moretz v. Muakkassa* filed a memorandum in support of jurisdiction with the Ohio Supreme Court. OACTA filed an [amicus](#) brief in support of jurisdiction over the appeal. OACTA argued

that defendants in tort cases do not need to call expert witnesses on write off amounts under Robinson v. Bates and Jaques v. Manton as long as defendants produce the bills containing the write off amounts to opposing counsel prior to trial in compliance with ORC 2317.421. The language of that statute refers to "parties," which OACTA argues includes more than just plaintiffs.

On June 27, 2012, the Williams County Court of Common Pleas agreed with this argument, and permitted the defendant to introduce write off amounts without calling experts to testify. In [Angeline Brown v. Pamela Black](#), Judge Stelzer reasoned that the defendant complied with ORC 2317.421, and under Robinson and Jaques, the jury could consider both the amount charged and the amount accepted for payment in its deliberations.

Please continue to submit decisions on Robinson v. Bates issues to OACTA and the Personal Injury Defense Committee. Please visit the Personal Injury Defense Committee's substantive law page at www.oacta.org to see all decisions that have been submitted on these issues. . If you have any such decisions, or know of any, please contact Jamey Pregon at Jamey@dinklerpregon.com or Walter Krohngold at wkrohngold@rcs-law.com.

War Stories - Jim Hanratty

"Good trial lawyers can read their jurors." This axiom has been drilled into my brain for as long as I can remember. There is an entire industry set up to assist trial attorneys' efforts to evaluate, assess, and predict how certain jurors will act. Recently trial courts have permitted jurors to ask questions during trial, which creates a new avenue through which to reach into the jurors' minds and know what they are thinking. Like most in my line of work, I have read books, attended seminars and occasionally hired consultants to give me that magical ability to peer into my jurors' eyes and see their souls. But has it worked? Have I acquired that ability to know the unknown and predict the unpredictable? I can recall a few experiences that may help me answer these questions.



[Read More](#)

Jim Hanratty is a shareholder with Marshall Dennehey Warner Coleman & Goggin, a regional defense firm. He has tried well in excess of 100 jury trials (and has stopped counting). Jim has chaired the Insurance Relations Committee and the Trial Tactics Committee for OACTA. In July, 2012 Jim transferred from Cleveland to the firm's Jacksonville, Florida office. He will continue to defend product manufacturers, construction firms and individuals facing general liability lawsuits.

OACTA 4th Annual Golf Outing

Bring a Judge, Clients or Guests!



DATE: September 4, 2012

LOCATION: Pinnacle Golf Club, Grove City, OH

Check -In/Practice Range: 11:30 a.m.

Shot-gun Start: 12:30 p.m.

Post-Reception: 5-7:00 p.m.

COST: \$145/golfer (before Aug. 21, 2012); \$50/non-golfer reception

Support the NFJE and the OACTA Diversity Scholarship
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OACTA Awards

Consider nominating a colleague for an OACTA Award!

OACTA welcomes members to submit nominations for any of the following OACTA awards:

- Excellence in Advocacy Award
- Respected Advocate Award
- Distinguished Contributions to the Profession Award
- Outstanding Young Lawyer Award
- Distinguished Contributions to the Community Award
- Public Service Award
- Lifetime Achievement Award
- Outstanding Advocacy Award
- Sponsor Awards
- Client Award
- Frank Seth Hurd Member of the Year Award
- OACTA Committee Chair of the Year Award

Nominations are to include a completed Nomination Form and written description of why you believe this candidate should be considered for the award.

[Click Here](#) to visit the web site for a nomination form and more information.

Nominations are due to the OACTA office by August 1, 2012. Awards are presented at the OACTA Annual Meeting in November.

Member Spotlight

OACTA MEMBER SPOTLIGHT - CARTER STRANG

OACTA is pleased to focus the Member Spotlight this quarter on Carter Strang, a long-time OACTA Member. Carter is a partner with Tucker Ellis & West LLP with a focus on environmental law, mass tort and products liability litigation. He is President-Elect of the Cleveland Metropolitan Bar Association (CMBA) and Past President of the Federal Bar Association Northern District of Ohio Chapter



Carter is the recipient of OACTA's Distinguished Contributions to the Community Award (2009) and the Cleveland Metropolitan Bar Association's Justice for All Volunteer of the Year Award (2010). He is a member of the Ohio State Bar Association Foundation's Fellows Class of 2011. He was selected as the 2011 Kent State University Distinguished Honors College Alumni and was recently named to the Kent City Schools Hall of Fame.

[Read More](#)

Law Student Diversity Scholarship Recipients

OACTA Announces 2012 Law Student Diversity Scholarship Recipients

The Ohio Association of Civil Trial Attorneys (OACTA) announces the recipients of its 2012 Law Student Diversity Scholarships. These scholarships were open to incoming second and third-year African American, Hispanic, Asian, Pan Asian and Native American students enrolled at Ohio law schools. Incoming second and third-year female law students enrolled at Ohio law schools are also eligible regardless of race or ethnicity. Other criteria for the scholarship included:

- Academic achievement in law school;
- Professional interest in civil defense practice; and
- Service to community and to the cause of diversity.

Two (2) scholarships in the amount of \$1,250 each will be awarded to: **Angela J. Glaser**, a student at the University of Cincinnati College of Law, and **Alisha L. Hall**, also a student at the University of Cincinnati College of Law. Ms. Glaser and Ms. Hall will be recognized at the OACTA Annual Meeting on November 8, 2012.

[Read More](#)

MEMBER NEWS

OACTA UPDATE ANNOUNCES "MEMBER NEWS" SECTION

OF QUARTERLY NEWSLETTER

Have you or the other OACTA members of your firm or practice received a promotion, been recognized for personal or professional achievement, been appointed to a board, commission, or organization, or received other professional recognition? If so, now is your opportunity to share such recognition or achievement with your fellow OACTA members.

Starting in 2012, the OACTA Update will feature its "Member News" section, which is designed to highlight and inform our membership of the personal and professional accomplishments of our tremendously gifted and talented OACTA members. If you or another member of your firm or practice meet the above criteria, please provide a brief, one-paragraph description to the editors of the Update: Tony Brown (tonyb@bakerfirm.com), or Joe Borchelt (jborchelt@reminger.com).

We look forward to your submissions and the opportunity to share your many accomplishments with our organization.

Congratulations to Kurt Anderson



Let us congratulate Kurt Anderson on his recent commendation from First Appellate District Judge and President-Elect of the Ohio State Bar Association, Patrick F. Fischer. Kurt was acknowledged by Judge Fischer for his article on the Report and Recommendation of the Task Force on Commercial Dockets in Ohio. Judge Fischer recognized the benefits of Kurt's article in explaining, in plain terms, the importance of the proposal to create and maintain a business court/commercial docket system in the State of Ohio. Judge Fischer also noted the importance of the local bar associations and cooperation by members of the bar in making the commercial dockets a possibility in Ohio. Congratulations to Kurt for his excellent work, which reflects the goals and aspirations of organizations such as OACTA as well.

Reminger Co. LPA Selected by The Plain Dealer as "Top Workplaces 2012" for Second, Consecutive Year

In a profession known for its high pressure, high stress, long hours, and adversarial battles, not all law firms would be considered great places to work. OACTA congratulates Reminger Co LPA, where a number of OACTA members practice, for the firm's recognition by the Cleveland newspaper, the Plain Dealer, as a Top Workplaces 2012, for the second year in a row. The Plain Dealer surveyed nearly 50,000 employees from more than 1,000 companies. Only 100 companies were selected as Top Workplaces. Congratulations to all OACTA members associated with Reminger for their efforts and success in creating a great place to work!