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The UPDATE

News & Practice Pointers from OACTA

Winter 2014

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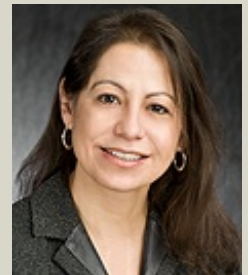
2015 OACTA Save the Date!

January 14, 2015
Women in the Law

PRESIDENT'S MESSAGE

By Anne Marie Sferra
2014 OACTA President

As the year comes to a close, many thanks to all who contributed to OACTA's success in 2014. I would like to acknowledge the officers, the committee chairs, and all of the members who participated in programs and activities throughout the year. And a special thanks to all who planned the outstanding program and participated in the 2014 Annual Meeting, including the many sponsors who continue to provide support! (See below - there is a list of all of them). OACTA recognized many outstanding leaders in the legal profession at the Annual Meeting. Be sure to read about the awards that were presented in this Newsletter.



Most of all, thank you for giving me the privilege to serve as OACTA's president! It was truly an honor.

Wishing you all a happy healthy and prosperous New Year!

Anne Marie Sferra

The 2014 OACTA Annual Meeting

Thank you to all the Exhibitors and Sponsors of the 2014 OACTA Annual Meeting:

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April 17, 2015
Insurance Coverage
Seminar,
Westfield Insurance

June 2015
Employment Law
Seminar

August 2015
Seminar Topic TBA

September 8, 2015
Golf Outing

**November 12-13,
2015**
OACTA Annual
Meeting
(tentative)

**Submit Articles
to the
Newsletter
Committee:**

[Joe Borchelt](#)

[Tony Brown](#)

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**The Update Spring
Issue deadline is
March 31, 2015**

**SUBMIT YOUR
MEMBER NEWS**

OACTA is always looking for
announcements

Reveal Litigation Visuals
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Rudick Forensic Engineering
RVM Enterprises, Inc.
SEA Limited
Superior Settlements
Veritext Legal Solutions
Vocational Experts of Ohio
Weston Hurd LLP

Two of the 2014 OACTA Diversity Scholarship recipients attended the Annual Meeting and were recognized: Candice S. Thomas and Michael Elliott.



The new OACTA officers for 2015 were installed at the Annual Meeting.



OACTA Announces 2015 Law Student Diversity Scholarships

The OACTA Law Student Diversity Scholarship is 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 include: Academic achievement in law school; Professional interest in civil defense practice; and Service to community and to the cause of diversity.

Up to two (3) scholarships in the amount of \$1,250 each will be awarded to successful applicants. Applicants are required to submit an application, law school transcript and a cover letter addressing the following: academic, personal and professional accomplishments, and why they should be selected as a recipient of the scholarship. Applicants may submit up to three letters of recommendation.

for the "Member News" section of the Update. Please submit your news via email to:

Tony Brown
or
Joe Borchelt

Applications will be available, beginning in January. The completed application and all other requested material must be received by April 17, 2015. Winners will be announced in June. Scholarship recipients will be recognized at the OACTA Annual Meeting in November.

OACTA members (and their firms or companies) are asked to consider making a contribution to this scholarship fund. The 2015 dues renewal forms and membership applications will include an option for a voluntary contribution. As a member of OACTA, we ask that you consider supporting this worthwhile initiative. Thank you, in advance, for your support.

OACTA believes that a diverse membership makes us a stronger organization. We encourage diversity in all aspects of our activities and are committed to nurturing a culture that supports and promotes diversity.

CONGRATULATIONS TO THE 2014 OACTA AWARD RECIPIENTS

During the Annual Meeting on November 13 in Columbus, OACTA presented awards to recognize attorneys for their service to OACTA, the profession and the community.

The ***Excellence in Advocacy Award*** was presented to **James R. Gallagher**, Gallagher, Gams, Pryor, Tallan & Littrell LLP, Columbus, Ohio. The ***Distinguished Contributions to the Profession Award*** was presented to **Timothy D. Johnson**, Cavitch Familo Durkin LLC, Cleveland, Ohio. **John D. Holschuh, Jr.**, Santen & Hughes, Cincinnati Ohio, was the recipient of the ***Respected Advocate Award***. The ***Distinguished Contributions to the Community Award*** was presented to **Tabitha Justice**, Subashi Wildermuth, Dayton, Ohio. The ***Public Service Award*** was presented to **Chief Justice Maureen O'Connor**, The Supreme Court of Ohio. **Charles E. "Gene" West**, Pickerington, Ohio, received the ***Lifetime Achievement Award*** and **David S. Lockemeyer**, Calderhead Lockemeyer & Peschke, Milford, Ohio, received the ***Outstanding Advocacy Award***. The ***Committee Chair of the Year Award*** was presented to both **Benjamin C. Sassé**, Tucker Ellis LLP, Cleveland, Ohio and **Jennifer K. Nordstrom**, Garvey | Shearer | Nordstrom, PSC, Cincinnati, Ohio. The ***Frank Seth Hurd Member of the Year Award*** was presented to **Hilary S. Taylor**, Weston Hurd LLP, Cleveland, Ohio.

OACTA congratulates these 2014 award recipients for their outstanding contributions and their dedication to the profession!



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Committee Updates:

Young Lawyers Committee *by Natalie M.E. Wais, Committee Chair*

The OACTA Young Lawyers Committee welcomes Melanie Shaerban, of Gallagher Sharp in Cleveland, as its new co-chair. Melanie is a graduate of Cleveland-Marshall College of Law. Melanie represents insurance carriers in coverage disputes and against claims alleging bad faith and unfair claims practices. She defends businesses in commercial and employment practices litigation, and municipal entities and law enforcement professionals in personal injury and section 1983 civil rights claims.

Mark your calendars: The Young Lawyers Committee will have a conference call on **Thursday, January 15, 2015 at noon** for all potential and current Committee members. Please call 1-800-582-3014, passcode 736607803# to participate. We ask that you bring all your ideas and interests for an open discussion regarding Young Lawyers Committee activities and events for the 2015 year.

As a reminder, OACTA provides a **free membership to law students**, a **reduced-dues membership for new attorneys** (admitted to practice 5 years or less), and a **one-year free membership to all DRI members who have not previously been a member of OACTA**. Please encourage any law students and young lawyers you know to join OACTA.

Young lawyers are 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 member contact [Natalie Wais](#) or [Melanie Shaerban](#) with any questions on how to get involved.

OACTA Women In The Law Committee

The OACTA WIL Committee is continuing its informal networking events. Natalie Wais has organized the next event for WIL members in the Cincinnati/Dayton area. An Informal Networking Lunch will take place on Wednesday, January 14, 2015 at Mitchell's Fish Market, 9456 Water Front Drive in West Chester from 12:00 Noon to 1:30 PM. This is a "Dutch Treat" lunch. Please let Natalie know if you plan to attend via email at nwais@yandalaw.com. Watch for additional events in your area.

If your firm has a women in the law group and you would like us to invite them to participate in our activities, please send the contact information to OACTA@AssnOffices.com and we will add them to our distribution list!

OACTA Amicus Committee

By Jennifer K. Nordstrom and Benjamin C. Sassé, Amicus Committee Chairs

OACTA's amicus program has been busy in 2014. OACTA filed amicus briefs addressing the merits of five appeals pending before the Supreme Court of Ohio and memoranda supporting jurisdiction in another four appeals this year. The November election brought no change to Ohio's Supreme Court and we expect a number of decisions important to our membership in the coming months. The decisions and pending cases are briefly discussed in this article.

It is the hard work and dedication of OACTA members that makes the amicus program work. We always are looking for talented writers who are willing to dedicate their time and effort to the cause. In the coming year, we will be creating a list of potential authors to use when assigning amicus briefs. If you are interested in writing an amicus brief for OACTA, or know someone who is, let us know. When you give your name, please also tell us whether you have expertise in a particular subject area (employment, insurance, products liability, etc.) and whether you would willing to draft a brief gratis in the event that OACTA exhausts its amicus budget in a particular year. Thanks for helping us make the amicus program a vibrant part of OACTA's mission.

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It Was a Crime, but is it a Claim? The Curious Case of R.C.2307.60.

by Gregory Farkas

Several high profile criminal prosecutions have recently served as a reminder that criminal conduct can result in significant economic damages. Ohio Revised Code Section 2307.60 permits, with some exceptions, the victim of a crime to recover damages in a civil action. It states in relevant part that "[a]nyone injured in person or property by a criminal act has, and may recover full damages in, a civil action . . ." R.C. 2307.60(A)(1). The section also contains an evidentiary rule that, again with certain limited exceptions, prevents a defendant who has been convicted of a criminal act from "denying in the subsequent civil proceeding any fact essential to sustaining that judgment" after a final judgment. R.C. 2307.60(A)(2).

The language of R.C. 2307.60 seems relatively straightforward. Yet, despite the fact the statute has been in effect in various forms for more than sixty years, it has never been meaningfully analyzed by the Ohio Supreme Court and there are fundamental questions about its scope that remain unanswered.

[Read More](#)

Teaching In Moldova

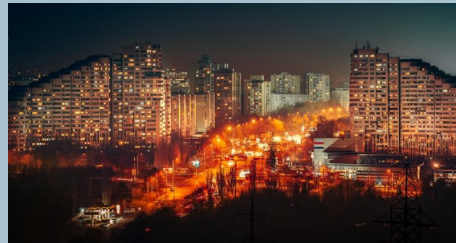
by Thomas Glassman

Some of you may recall that last year I taught a two-week Trial Advocacy course in Ukraine. I have been fortunate enough to have my travels continue. I was recently awarded a Fulbright Grant to teach a two-week course in Insurance Law at the Free International University of Moldova (ULIM), located in the capital city of Chisinau.

Moldova is a small land-locked country sandwiched between Ukraine and Romania. It has a population of approximately 3.5 million people. Chisinau has a population of almost 800,000. Moldova declared independence from the Soviet Union in 1991, and has had its ups and downs ever since. Moldova has always been caught between competing international interests. Russia is trying very hard to keep Moldova within its sphere of influence, while much of the country strongly prefers to join the European Union.

Moldova has a weak economy, with no real natural resources. Its chief import is wine, and Russia is the biggest importer of it. Not so subtly, the Russian government has made it clear that if Moldova continues to pursue their plans to join the European Union, their wine will no longer be

welcome.



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Employment Law Decisions to Watch for in 2015

by Lynn V. Luther

Attorneys know that employers are required to make reasonable accommodations for employees in certain situations. But what is a reasonable accommodation? And which employees are entitled to those accommodations? Soon, the Sixth Circuit and the United States Supreme Court will offer more guidance on both of these issues.

In April 2014, the Sixth Circuit issued a decision in *EEOC v. Ford Motor Company*, reversing the district court's order granting summary judgment

in favor of the employer. 752 F.3d 643 (6th Cir. 2014). The Sixth Circuit held that working from home may now be a reasonable accommodation under the ADA. The plaintiff, Jane Harris, worked as a resale steel buyer at Ford Motor Co. Harris suffered from Irritable Bowel Syndrome ("IBS"), which caused loss of bowel control.

Ford had a telecommuting policy that authorized employees to work up to four days per week at home. Harris requested that she be permitted to telecommute on an as-needed basis as an accommodation for her disability, but because Harris was required to engage in team problem-solving and meet with suppliers, her request to telecommute was denied.

Ford offered alternate accommodations, such as moving Harris's cubicle closer to the restroom, or transferring her to another job within Ford that would allow her to telecommute. Harris rejected these options and, in April of 2009, filed a discrimination charge with the EEOC. Three months later, Harris' performance review categorized her as a 'lower achiever' and she was placed on a Performance Enhancement Plan. Prior to this, Harris had consistently received positive performance reviews. Ford eventually concluded that Harris had not met the goals of the plan and she was terminated.

[Read More](#)

The Economic Loss Doctrine - What Does it Mean to Your Claim or Lawsuit?

by Andrew L. Smith

The economic loss doctrine is a misunderstood creature, an enigma of the law. If properly utilized, the economic loss doctrine is one of the most powerful defenses of any tort case, and especially appropriate in the realm of construction law.

Under the economic loss doctrine, privity of contract, or alternatively, a nexus sufficient to establish a substitute for parties entering into an actual contract, is required where a plaintiff sues a defendant for purely economic loss. Courts hold that recovery for economic loss is solely the subject for contract negotiation and breach of contract suits. The economic loss doctrine is a powerful tool to limit and eliminate damages in any tort lawsuit where privity of contract between the parties is lacking.

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Member News

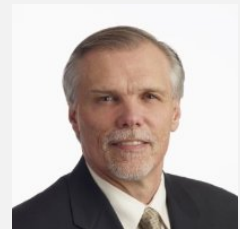
Brian Kerns has joined Bonezzi, Switzer, Polito and Hupp, Medina, Ohio.



Brian was also elected Treasurer of the Medina County Bar Association.

Carter Strang Receives KSU 2014 Distinguished Alumni Award

Tucker Ellis LLP is pleased to announce that partner [Carter Strang](#) has received the 2014 Distinguished Alumni Award from the Kent State University (KSU) Alumni Association.

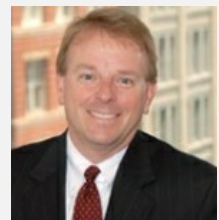


Mr. Strang accepted KSU's most prestigious alumni award at a banquet hosted at the Kent State University Hotel and Conference Center on October 17.

The award recognizes and honors alumni who - through leadership, character, and hard work - have made exceptional contributions in their chosen field, in their communities, and at KSU.

[Read More](#)


Paul McCartney has joined Bonezzi, Switzer, Polito and Hupp, Cincinnati, Ohio.




OACTA MEMBERS: Please send us notable summary judgment,

appellate, arbitration or trial victories so we can share your successes with the membership in the next issue of The Update!

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