

The History of OACTA

A Call to Arms

In late 1965, attorneys Frank "Bud" Hurd of Cleveland and Rudy Janata of Columbus, Ohio met in a restaurant in Columbus, Ohio with one of their clients, Norbert Werner of the St. Paul Insurance Companies, to formulate the design for a statewide civil defense attorneys organization in response to the formation of state and national associations representing the personal injury trial bar (what are now known as the Ohio Academy of Trial Lawyers and the American Association for Justice). Soon thereafter, these pioneers of the Ohio civil defense bar founded the "Ohio Defense Association" with Bud Hurd as its first president.

Early Focus: CLE, Networking & Publications

Initially, the organization was primarily focused on providing continuing legal education seminars and offering members a network for mutual exchange of information. In the mid-1970's a newsletter was developed by John Robertson to provide members with organization news and to circulate unreported appellate opinions in the era before computerized legal research. The success of the newsletter paved the way for the development of a more scholarly publication in 1979, when a quarterly journal, *The OACTA Quarterly Review*, was rolled out under the stewardship of Ron Rispo. The scope and quality of the *Quarterly Review*, which included the text of papers delivered at the CLE seminars offered by the organization, made the publication so popular that it was soon in demand by the local judiciary.

Naming the Organization: An Exercise in Identity Confusion

In the early years of the organization it was observed that the association's name, "Ohio Defense Association," was subject to misunderstanding. Too many people thought we were an agency of the federal government, part of the defense industry, or that we were criminal defense lawyers. After many suggestions were entertained, the organization adopted its current name, the Ohio Association of Civil Trial Attorneys, in 1979. The name used some of the same initials as the Ohio Academy of Trial Lawyers and, conceivably, may have unwittingly caused our identity confusion to continue. To the extent that any name or identity confusion continues, a person need go no further than our mission statement to understand who we are: "...an organization of attorneys, corporate executives and managers who devote a substantial portion of our time to the defense of civil lawsuits and the management of claims against individuals, corporations and governmental entities."

Superior CLE, Substantive Law Committees & Member Services

In the mid 1980s, OACTA's CLE seminars and programs became more sophisticated. Break-out sessions were added to attract the attention of those who had specialty areas, such as medical malpractice, products liability, general negligence laws, and employment law. Excellence in CLE programming has continued to drive OACTA into the 21st century. OACTA continues to engage top legal experts, nationally recognized faculty and respected members of the judiciary to present at its twice-per year CLE conferences (Summer & Winter). OACTA has also expanded its CLE offerings to include a number of single subject CLE conferences, including programs focusing on tort reform, insurance coverage practice, asbestos & silica claims, trial advocacy, and professional ethics. The quality of these programs has been enhanced through the support of numerous sponsors who underwrite many of the functions, breaks and other activities at OACTA conferences and participate as exhibitors.

As a natural outgrowth of OACTA's commitment to providing members with CLE programming dedicated specific substantive areas of the law, OACTA has created several substantive law committees in over the years, including committees dedicated to commercial litigation, insurance coverage, medical malpractice, negligence law, nursing home litigation, practice and procedure, and products liability. In addition, OACTA also provides assistance to its members through committees dedicated to alternative dispute resolution, expert witnesses, young lawyers, government affairs and professional responsibility. Although OACTA members have been well-served by the committee system, an effort will be undertaken in 2007 to energize our committee activities with these goals: improve delivery of information and services to the membership; provide additional opportunities for members to become involved in the association and assume positions of leadership; help committee chairs better conceptualize their roles; and provide committee chairs with concrete tasks and clear expectations.

OACTA members have also benefited from a variety of member services over the years. One of the most valuable has been the "Listserv," an email-based member request system which allows members to post inquires to OACTA's 700+ members on matters ranging from expert witnesses to legal research issues to mediator orientation. Members using the Listserv often receive replies with relevant information from other OACTA members the very same day. OACTA members also benefit from a very strong alliance between OACTA and the Defense Research Institute (DRI), the national organization for lawyers and corporate managers involved in the defense of civil litigation.

Public Policy, Legislative Affairs, Amicus Activity & Elective Office Endorsements

In the late 1970's and early 1980's, OACTA determined that it was necessary to establish an identity in the Ohio legislature to monitor legislation which might have impact upon the civil justice system. It had long been recognized by many of our members that there were inequities in the civil justice system and that we had a professional responsibility to speak out. To this end, OACTA hired a professional lobbyist on a part-time basis to represent OACTA in the legislative process and keep the association informed on relevant civil justice issues.

As tort reform became a national issue in the mid 1980s, OACTA organized a legislative campaign in the Ohio General Assembly to advocate improvements in the civil justice system. The primary targets were exclusionary rules of evidence, including the collateral source rule, evidence of remarriage in a wrongful death case, and evidence concerning the cost of annuities to fund future settlement payments. Concerns were also raised over the inequities created by joint and several liability rules in Ohio and the scheme of products liability theories developed through the case law. OACTA members developed a number of legislative proposals for tort reform in these areas, but the results were mixed given the political dynamics of the time and an appellate court system which was prone to act as its own super legislature.

As another round of tort reform made its way through the Ohio legislature and judicial system in the mid-1990's, OACTA again made its voice known by providing legislative testimony and submitting amicus briefs in subsequent litigation challenging the reforms. That legislation, passed in 1996, suffered the same fate as similar efforts in the previous decade: invalidation by an activist majority of the Ohio Supreme Court in 1999.

As tort reform has evolved in Ohio, so has OACTA's role in public policy making. Recognizing that OACTA and its members may not have the same motivations as members of the personal injury trial bar when it comes to tort reform, the civil justice system and public policy making, OACTA's Board of Trustees adopted a "scholars and experts" approach to public policy making in the Fall of 2001. Under this approach, OACTA keeps a low profile in the Ohio General Assembly and only involves itself in the legislative process on issues which may impact the fair and efficient administration of justice in Ohio. Although lobbying in the traditional sense is now an infrequent activity for OACTA, the association will not hesitate to make its views known in the legislature when legislative proposals are introduced which may negatively impact fairness in the civil justice system.

OACTA also has a very vibrant and active amicus curiae program and greatly values its ability to participate as a "friend of the court" on important legal issues which help shape those areas of the law which impacts OACTA members, members' clients, and the civil justice system in Ohio. OACTA has also developed a program for endorsing candidates for judicial offices and other state offices. To be considered for endorsement candidates must exemplify competence and integrity, consistent with the mission of OACTA and the best interests of the people of the State of Ohio.

Forging Ahead Into the Twenty-First Century

OACTA celebrated its 40th anniversary in 2006. OACTA is proud of its 40 years of service to the public, the business community, and the legal profession in Ohio. We look forward to meeting the challenges that lie ahead in the next 40 years, and beyond.

As OACTA heads into its next forty years, it is poised to continue as "***The Source for Defense Success***," a new tag line for the organization which uniquely summarizes the value of OACTA membership to the civil defense practitioner. 2007 brought two visible signs of the continuing revitalization and renewal of the association: (1) the unveiling of a new logo; and (2) the modernization of the OACTA web site, including a searchable expert witness database, electronic bulletin board, and online membership renewal and online registration for CLE conferences.

Note: This history was originally compiled with the kind assistance of Ron Rispo of Cleveland, Eugene Tierney of Columbus and "pack rat" John T. Brown of Mansfield. It was edited and revised in 2007 by Scott Gilliam of Cincinnati.