



OHIO ASSOCIATION OF CIVIL TRIAL ATTORNEYS  
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# THE UPDATE

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### President's Message



**By: Natalie M. E. Wais  
2021 OACTA President**

Click [here](#) to read the message.

### Upcoming Events

**January 8, 2021**

OACTA Virtual Coffee Chat  
Zoom Meeting

[Sign Up Here!](#)

**Date TBD**

Insurance Coverage Seminar

**Date TBD**

Litigation & Trial Skills Workshop

**September 7, 2021**

OACTA Foundation Golf Outing  
Pinnacle Golf Club  
Grove City, OH

**November 11-12, 2021**

Need CLE before the end of  
the year?

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Member News

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[OACTA Board of  
Trustees](#)

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OACTA Annual Meeting  
Hilton Polaris  
Columbus, OH

## Welcome New OACTA Members Since October!

**Patrick Haggerty**, Frantz Ward LLP  
**Brooke Hamilton**, Burns White LLC  
**Jennifer Wilson**, Freund, Freeze & Arnold, LPA

## Stay Informed on Major Ohio Civil Rules Changes with OACTA

Major changes to the Ohio Civil Rules took effect in July and OACTA wants to be sure its members stay informed on how those changes are being implemented across the state. OACTA also wants to assist its members develop useful approaches to the issues these changes create.

To do so, OACTA is encouraging its members to share information about issues that have arisen because of the changes to the rules. An OACTA Past President, Jim McCrystal, of Sutter O'Connell has agreed to head up OACTA's effort to coordinate the exchange of information to keep the members informed about issues that arise under the new rules with an eye on how OACTA members can more effectively use these rules to benefit their clients and the administration of justice. He is seeking volunteers to assist with this project.

The OACTA Board will be taking up this topic at their next Board meeting, but in the meantime, please share any information or questions you have about the new rules and let Jim know if you are interested in working on this important project at [jmccrystal@sutter-law.com](mailto:jmccrystal@sutter-law.com). He will work with Laney Mollenkopf to share such information on the OACTA website and using Alert e-mails.

As far as OACTA is aware, most judges have not adjusted their practices to the extent contemplated by the new rules. Most likely this is because there has been very little programming for either judges or lawyers to address how the new rules can be used to improve civil case management. OACTA has had two programs already this year on these issues, with more planned for next year.

As far as key issues OACTA is interested in monitoring the following is a brief list:

- Problems with implementation of the waiver of service changes to Rule 4, 4.1 and 4.7 in Common Pleas. These changes may delay the entry of appearances by counsel for co-defendants in multi-defendant cases, since a defendant by signing the waiver has 60 days from the date plaintiff sent the waiver request. Rule 16 requires the Scheduling Order to be issued within the earlier of 90 days after service of complaint or 60 days after an answer is filed.
- Compliance with or waivers of Initial Disclosures. They are due no later than the first pretrial or CMC. The Ohio rule, contrary to the FRCP 26 (e) and (g), does not require these to be supplemented where they were incomplete or incorrect or if additional or corrective information has not been made known to the other parties and they need not be signed to confirm counsel believes them to be complete and correct. How are lawyers dealing with this issue?
- Are the parties conducting Initial Conferences and submitting a Discovery Plan under Rule 26(F)(3) and are the courts following Rule 16 by utilizing that plan before issuing the Scheduling

Order required now by Rule 16(B)(2). What issues are arising from this change?

- How are the parties and the courts dealing with the new rules concerning the timing for disclosure of Expert Reports and Healthcare Provider Records under Rule 26(B)(7).
- The revision to Rule 26(B)(1) more closely follows the federal rules and introduces the proportionality standard which allows limits to the scope of discovery and Rule 26(b)(6) allows the court to limit the frequency or extent of discovery. How are courts using these provisions when addressing discovery issues?
- Are new discovery techniques are being used in view of the change to the discovery rules?

## OACTA's First-Ever Virtual Annual Meeting was a Success!

Thank you to all the Sponsors of the 2020 OACTA Annual Meeting:



The 2020 OACTA Hilary S. Taylor Inclusion & Equity Scholarship recipients were recognized at the attended the Annual Meeting. The recipients of the scholarship were Sarah Ochieng, University of Cincinnati College of Law and Bianca N.C. Smith, Cleveland-Marshall College of Law. Both recipients were recognized during the Annual Meeting Virtual Business Meeting and Awards Presentation.

The new OACTA officers for 2021 were installed at the Virtual Annual Meeting.

**President**  
Natalie M. E. Wais

**Vice President**  
Benjamin C. Sassé

**Treasurer**  
David W. Orlandini

**Secretary**  
Paul W. McCartney

**Immediate Past President**  
Jamey T. Pregon



## OACTA Presents Awards to Outstanding Attorneys

The Ohio Association of Civil Trial Attorneys (OACTA) during its Legal Excellence Awards Presentation and Annual Business Meeting on November 12<sup>th</sup>, presented awards to recognize attorneys for their service to OACTA, the profession and the community.

The **Lifetime Achievement Award** was presented, to **Stephen V. Freeze, Esq.**, Dayton, Ohio. **Richard M. Garner, Esq.**, Collins, Roche, Utley & Garner LLC, Columbus, Ohio, received the **Outstanding Advocacy Award**. The **Outstanding Young Lawyer Award** was presented to **Christopher F. Mars, Esq.**, Bonezzi, Switzer, Polito & Hupp Co., L.P.A., Cleveland, Ohio. The **Committee Chair of the Year Award** was presented to **Brigid E. Heid, Esq.**, Eastman & Smith, Ltd., Columbus, Ohio. The **Frank Seth Hurd Member of the Year Award** was presented to **Jamey T. Pregon, Esq.**, American Family, Columbus, Ohio.

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

The Ohio Association of Civil Trial Attorneys (OACTA) is an organization of attorneys, corporate executives and managers who devote a substantial portion of their time to the defense of civil lawsuits and the management of claims against individuals, corporations and governmental entities. The mission of OACTA is to promote fairness, excellence, and integrity in the civil justice system by providing resources and education to attorneys and others dedicated to the defense of civil actions.

[View the Complete List of Awards and Past Recipients](#)



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- Dr. Edmond Locard

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## Featured Member Resource: OACTA Amicus Database

Amicus curiae means "friend of the court." Our Committee is a "friend of OACTA members." We evaluate appeals with an eye towards participating in cases that further OACTA's mission of improving the administration of justice in Ohio. We encourage all OACTA members to notify us of appeals satisfying this criterion.

While OACTA's amicus program focuses primarily on Ohio Supreme Court appeals, we welcome requests for participation in cases pending before other courts that present important issues of Ohio law. OACTA has filed amicus briefs addressing an array of legal issues, including insurance coverage, premises liability, employment law, products liability, governmental immunity, workplace intentional torts, tort reform, punitive damages, class certification, and the scope of consumer protection laws.

Please direct your requests for OACTA amicus participation to one of the Amicus Curiae Committee Chairs, [Ben Sassé](#) and [Jennifer Nordstrom](#).

[Learn More and Access the OACTA Amicus Database Here](#)

## Thank you to our 2020 OACTA Foundation Partners!

### Elite Partner (\$2,500+)

**Weston Hurd LLP**

### Executive Partner (\$500+)

**Bonezzi Switzer Polito & Hupp Co. L.P.A.**

**Cavitch, Familo & Durkin Co., LPA**

**Mark McCarthy, Esq.**

**McNeal Schick Archibald & Biro Co., LPA**

**David Orlandini, Esq.**

### Partner (\$250+)

#### **ARCCA**

**Susan Audey, Esq.**

**Dinsmore & Shohl, LLP**

**Freund Freeze & Arnold**

**Tom Glassman, Esq.**

**Peter Hersha, Esq.**

**Melanie Irvin, Esq.**

**Brian Kerns, Esq.**

**James Kline, Esq.**

**Paul McCartney, Esq.**

**James McCrystal, Jr., Esq.**

**Jill Mercer, Esq.**

**Jamey Pregon, Esq.**

**Roetzel & Andress**

**Anne Marie Sferra, Esq.**

**Ulmer & Berne**

**Young & Alexander Co. LPA**

[Learn More and Make Your Contribution Here](#)

## 2021 Hilary S. Taylor Law Student Inclusion & Equity Scholarship Announcement



The Ohio Association of Civil Trial Attorneys (OACTA) Law Student Inclusion & Equity, Scholarship program is open to the following incoming second and third year law students who are enrolled in an Ohio law school or are a permanent Ohio resident: Minority law students; LGBTQ (Lesbian, Bisexual, Gay, Transgender, Questioning) law students, regardless of race or ethnicity; Female law students, regardless of race or ethnicity; or, Law students from economically impoverished families/backgrounds, regardless of race or ethnicity. The criteria include academic achievements; service to the community

and to the cause of inclusion and equity; and experience or interest in a civil defense practice.

Up to two (2) scholarships in the amount of \$2,500 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 must also submit at least one letter of recommendation but may submit a total of three. Applications must be submitted online with a cover letter. Transcripts and letter of recommendation may be mailed to the OACTA office.

The completed application and all other requested material must be received by May 14, 2021. Late or incomplete applications will not be considered. Scholarship recipients will be announced in June and recognized at the OACTA Annual Meeting in November. Funding is provided by the OACTA Foundation.

OACTA believes that a diverse membership makes a stronger organization. OACTA encourages

inclusion and equity in all aspects of its activities and is committed to nurturing a culture that supports and promotes it.

For more information or to complete an application, visit [www.oacta.org](http://www.oacta.org).

[Apply Online Today!](#)

[View Additional Scholarship Information](#)

## OACTA Coffee Chat

OACTA hosted its first-ever virtual networking coffee chat on December 4th. OACTA would like to thank everyone who participated in the Zoom Meeting. The participants discussed new ways OACTA could provide assistance to its members.

The next networking event will be a coffee chat on Friday, January 8th from 8:30-9:00 a.m. The discussion topic for this Coffee Chat will be litigation strategies for the defense when plaintiffs do not present medical bills to the jury and only request noneconomic damages.



Sign up for a casual Zoom Meeting format that will provide members an opportunity for informal discussions with your colleagues. Sign up today to receive your Zoom link and add it to your calendar.

[Sign Up Here!](#)

## OACTA & COVID-19

In response to COVID-19, OACTA has developed and implemented many [strategies, to best meet the needs of our members](#).

### To help you stay informed...

OACTA has a webpage with links to many resources - [NEWS AND INFORMATION REGARDING COVID-19](#). If you have resources to share, please send them to [OACTA@AssnOffices.com](mailto:OACTA@AssnOffices.com).

### To help you stay connected...

Join OACTA on [Facebook](#), [Twitter](#), [LinkedIn](#) and [OACTA's LinkedIn Private Group](#) Page where you can share information and resources among your colleagues.

### To help you earn CLE credits...

OACTA's Online CLE Library allows OACTA members the opportunity to earn continuing legal education credit from the comfort and safety of your home. Visit the [Online CLE Library](#) today to view our on-demand programs and the [OACTA Website](#) for a listing of our Live Webinars!

## Law Student Resumes

In an effort to match OACTA members seeking qualified candidates for employment, with recent graduates and law school students for associate, law clerk, and other positions, the OACTA Inclusion and Equity Committee will annually reach out to Ohio law schools and minority bar associations and offer to post resumes. Please find those resumes that have been provided at the link below. Resumes will be posted for one calendar year from the date of posting.

[View Law Student Resumes Here](#)

## Personal Injury Committee Update

The Personal Injury Defense Committee will be developing a repository for briefs and decisions in cases where Plaintiffs try, or attempt to try, their case without medical bills and seek pain and suffering damages only. Please send what you have to [mburden@garveyshearer.com](mailto:mburden@garveyshearer.com) or contact Michelle Burden for more information.

This will also be the topic of discussion during the next OACTA Coffee Chat on Friday, January 8th at 8:30 a.m. Sign up for this casual Zoom Meeting [here](#).

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## Need CLE before the end of the year?

Did you miss any of the OACTA Lunch & Learn webinars? No problem! You can view OACTA Lunch & Learn webinars on-demand for self-study CLE credit! You can also view all of the webinars from the OACTA Personal Injury Webinar Series & Insurance Coverage Virtual Seminar on-demand. You can purchase them individually or as a bundle for a discounted price!

### **Available Lunch & Learn Webinars On-Demand**

- "Business Interruption Coverage and the Coronavirus"
- "The ADA, EEOC and OSHA considerations for employers during the COVID-19 pandemic" / "COVID-19 and Public Sector Employers"
- "Navigating the Families First Coronavirus Response Act, the CARES Act and Unemployment During COVID-19"
- "Recent Developments & Recurring Issues in Ohio Bad Faith Law"
- "Unconscious Bias: Making a Conscious Choice to Break Down Barriers"
- "Forensic Investigation of Design & Construction Defects"
- "Employing Science in Medical Negligence and Malpractice Cases"
- "Product Failure Analysis: Avoiding Spoliation"
- "Reconstructing Vehicular Accidents"
- "Perception and Expert Biases – Analyzing Testimony and Critiquing Opinions"
- "2020 Ohio Civil Rule Amendments: Insights into How to Effectively Handle the Changes to Case Management and Discovery"
- "Practicing Law While Quarantined: A Guide to Online Depositions"

### **Available Personal Injury Webinars On-Demand**

- "Pain and Suffering Without Medical Bills? How To Deal With This Emerging Trial Tactic"
- "An Update on Traumatic Brain Injuries (TBIs) From Diagnosis, Treatment, to Prognosis"
- "The Care and Feeding of Trial Judges: Dos and Don'ts"
- "Preparing and Protecting Your Witness Against the Reptile Theory From Discovery Through Trial"

### **Available Insurance Coverage Webinars On-Demand**

- "Making Insurance Great Again - How the #Insurtech Revolution is Bringing Much Needed Innovation to an Archaic Industry"
- "Perspectives on Professionalism"
- "Insurance Coverage for Claims Arising in the 'Gig' Economy"
- "Procedural, Evidentiary and Practical Considerations For Defending Bad Faith Litigation"
- "Litigating Common Coverage Issues in Auto and Homeowners Claims"

[View the OACTA On-Demand CLE Library](#)

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## COVID-19 Judicial Updates, Articles & Resources Provided by OACTA Members

Thank you to our OACTA members who have continuously updated the OACTA website with Court & Judicial Updates, Articles and Additional Resources related to the coronavirus. If you would like to add an article to our [News & Information Regarding COVID-19](#) web page, please submit your article to [OACTA@assnoffices.com](mailto:OACTA@assnoffices.com).



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### **Articles Needed for the Upcoming OACTA Quarterly Review**

The OACTA 2020 Quarterly Review series will feature articles from the **Government Liability Committee**. The committee chair is seeking assistance with educational articles related to the practice area. If you would like to contribute an article, please email the article to [Jared Wagner](#), Government Liability Committee Chair, by January 15th.



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## Case Victories Needed!

OACTA members - send summaries of your significant case victories to [David Oberly](#), OACTA Social Media & Website Chair, for inclusion on OACTA's new "Significant Case Victories" webpage and announcements on social media. Those received will be posted on our website.

## Check Out the Job Postings On the OACTA Website

If you are looking for a position within the civil defense practice, you've come to the right place! All listings appear for 90 days or until the position has been filled, whichever is lesser, and will be listed in at least one issue of The Update. Be sure to notify the OACTA office if the position has been filled prior to the end of the 90 day period. Job postings cost is \$150 for members and \$250 for non-members.

[Submit a Job Posting](#)

## Member News

### Reminger Co., LPA Announces Broker-Dealer and Investment Advisor Regulatory Compliance and Enforcement Practice Group

To continue providing focused representation to our financial services clients, Reminger is pleased to announce the creation of its Broker-Dealer and Investment Advisor Regulatory Compliance and Enforcement Practice Group. Chaired by Joseph Simms and capitalizing on the experience of its senior group members Andrew Dorman, Brian Nally and Sean Needham, the group will provide proactive, efficient and cost-effective consulting services, counseling and representation to broker-dealers and investment advisors and their registered and licensed personnel.

[Read more](#)

## OACTA Social Media Opportunity

We would like to feature OACTA members in our social media! To be a featured member, send the following to [OACTA@AssnOffices.com](mailto:OACTA@AssnOffices.com):

- Your name
- Position
- Link to your online biography
- In 2 sentences or less, complete the following: How has OACTA membership benefited you?

Nominate an OACTA member to be featured! Send the member name and email address to [OACTA@AssnOffices.com](mailto:OACTA@AssnOffices.com) and we will follow up to request the information needed.



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