



**2022 OACTA Annual Meeting
November 10-11, 2022
The Ritz Carlton, Cleveland Ohio**

PROGRAM

Thursday November 10th

- 7:30–8:15am **Mentor / Mentee Breakfast**
Women in the Law Committee Breakfast
- 8:00–8:30am **Registration/Exhibits Open**
Continental Breakfast, *Sponsored by: Lexitas*
- 8:30-8:45am **Welcome**

Benjamin Sassé, Esq., OACTA President
Elisabeth C. Arko, Esq., OACTA Annual Meeting Chair
Phillip Sarnowski, Esq., OACTA Annual Meeting Moderator
- 8:45-9:45am ***"Reverse Reptile Theory - Beating Plaintiff's at their Own Game"***

Paul D. Motz, Esq.
Segal McCambridge, Chicago, IL
Sponsored by: DRI

Since 2009, the Reptile theory has dominated the plaintiff's bar and presented monumental obstacles for defense counsel. Thus, it is vital for defense attorneys to understand how to combat this theory. The newest tactic for defeat is the "Reverse Reptile," in which defense counsel can turn the tables on the plaintiff, experts, or other parties in a case. This presentation will discuss what Reverse Reptile theory includes, how defense attorneys can implement it, and how it can benefit counsel in a post-pandemic world.

- 9:45-10:00am **Networking & Break with Exhibitors**
- 10:00am-11:00am ***"Back to the Courtroom - What We Can Expect from Courts Moving Forward"***

Judge J. Philip Calabrese
Northern District of Ohio
Judge Joy Malek Oldfield
Summit County Court of Common Pleas
Judge Ashley Kilbane
Cuyahoga County Court of Common Pleas

Moderator: Elisabeth C. Arko, Esq.
Tucker Ellis LLP

Our panel of esteemed trial court judges from the Northern District of Ohio and the Summit and Cuyahoga Counties Courts of Common Pleas will educate us on the future of trials and hearings post-pandemic. Topics will include the lessons learned from the pandemic, precautions taken in order to get back into the courtroom, and procedures and processes that will likely remain after the pandemic.

11:00am-Noon **"The Importance of the Ohio Constitution"**

Professor Steven Steinglass

Dean Emeritus & Professor Emeritus

Cleveland-Marshall College of Law, Cleveland State University

Lawyers are generally aware of the importance of state constitutions as a source of protection for individual rights beyond those provided in the U.S. Constitution. They are less familiar, however, with the interpretive tools available for raising state constitutional claims and defenses. This presentation seeks to fill this gap by comparing the Ohio Bill of Rights with the U.S. Bill of Rights and the Fourteenth Amendment and by focusing on the unique procedural and methodological issues that arise when courts are asked to interpret the Ohio Constitution. In addition, the presentation will look at the opportunity that the Ohio Constitution provides to change fundamental law through direct democracy.

Noon-1:30pm **OACTA Legal Excellence Awards Luncheon & Annual Business Meeting**
Sponsored by: Veritext Legal Solutions & CED Technologies

1:30-2:30pm **"Class Actions in Insurance"**

Karl A. Bekeny, Esq.

Tucker Ellis LLP

Kevin M. Young, Esq.

Tucker Ellis LLP

Ethan W. Weber, Esq.

Tucker Ellis LLP

Class action plaintiffs' attorneys frequently pursue litigation against insurance companies on behalf of policyholders challenging how insurance products were sold and/or how claims were adjusted and paid. Property, title, auto, life and casualty insurance have all been the subject of class action claims. This presentation will discuss current trends and case law developments affecting insurance-related class actions. The presentation will highlight and focus on strategies for defending insurance-class action cases including how to achieve success at class certification, through dispositive motions, and during discovery.

2:30-2:45pm **Networking & Break with Exhibitors**
Sponsored by: OSBA Insurance Agency / OBLIC

2:45-3:45pm **Breakout Sessions – Choose A or B**

Breakout A: **"Disability Discrimination in the Time of "Long" COVID; & Employment Policies under the Biden NLRB Board"**

Doug P. Holthus, Esq.

Freeman, Mathis & Gary, LLP

This presentation has two parts. The first part, will consider the changes made to the Americans with Disabilities Act as the ramifications of the COVID-19 pandemic begin to take hold. It will discuss the issues employers and litigators may face because of the federal government's new policy position. The second part will look at President Biden's recent NLRB appointments reshaped the NLRB. It will also consider how the

changes to the NLRB will affect its rules relating to labor issues focusing on how these changes will effect unionized and non-unionized workers.

Breakout B: "Current Trends in Alternative Dispute Resolution and a Look at Post-COVID Changes"

Joseph S. Simms, Esq.
Reminger Co. LPA

Mr. Simms will use his experience and knowledge to share current trends in alternative dispute resolution including a recap of recent case law from the United States Supreme Court. In addition, he will leverage his practical experience to share how the pandemic impacted ADR and what attorneys can expect going forward.

3:45-4:00pm **Networking & Break with Exhibitors**

4:00-4:45pm **"Critical Race Theory"**

Professor Brant T. Lee
Professor and Dean of Diversity and Inclusion, University of Akron

In recent years, critical race theory has taken center-stage in education and politics, and Ohio is no exception. But what is critical race theory? Moreover, what does it actually mean? This session will answer those questions. It will provide background and insight on what Critical Race Theory is in academia and particularly in the field of education. It will also consider pending CRT legislation in Ohio. And as it does that, it will attempt to answer what is really at the core of public outcry.

5:00-6:00pm **OACTA Networking Reception**

Friday, November 11th

8:00-8:25am **Continental Breakfast/Exhibits Open**

8:25-8:30am **Welcome**

8:30-9:30am **"Cracking the Code: Perspectives from In-House Counsel and Challenges facing In-House Legal Departments"**

Chelsea Smith, Esq.
Legal Counsel, Goodyear Litigation / Global Operations & Technology
Frederick D. Cruz, Esq.
Sherwin-Williams
Elizabeth (Betsy) Niño de Rivera, Esq.
Counsel, Eaton Corporation, Electrical Sector

Moderator: Phillip Sarnowski, Esq.
Roetzel & Andress

This esteemed panel of in-house attorneys, who work routinely with outside litigators on complex business disputes, will share insights from their unique perspective as clients, fellow advocates, and representatives of corporate clients. They will also disclose hot topics and challenges facing in-house legal departments.

9:30-9:45am **Networking & Break with Exhibitors**

9:45-10:45am

"Navigating and Arguing in the Ohio Supreme Court"

Justice Michael P. Donnelly

Supreme Court of Ohio

Interviewer: Benjamin Sassé, Esq.

Tucker Ellis LLP

This one-on-one conversation with an Ohio Supreme Court Justice will take a deep dive and provide insight on several subjects of interest to defense lawyers, including strategies and key considerations for getting into, or staying out of, the Ohio Supreme Court. This conversation will also discuss what advocates can expect once jurisdiction is granted, how to harness the power of an amicus brief, and the considerations that influence whether to write concurring and dissenting opinions.

10:45-11:00am

Break & Exhibitor Door Prizes

11:00am-Noon

"Implicit Bias: Define It, Recognize It, Combat It!"

Karen D. Adinolfi, Esq.

Roetzel & Andress

Attendees will learn how to recognize and understand implicit bias, a.k.a. unconscious or hidden bias. Implicit bias can lead to unintended interpersonal conflicts and other negative day-to-day interactions. In the workplace setting, such unawareness of bias can lead to incorrect, inappropriate and even unlawful decisions related to hiring, promotion, performance management, and termination. Raising awareness of the reality of implicit bias is a meaningful step in advancing diversity and inclusion within workplaces. This session will aid attendees in taking practical steps to recognize, understand, and address implicit bias.

APC / ETHICS CREDIT

Noon

Adjournment