

Winter 2016

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PRESIDENT'S MESSAGE

By: John Garvey, III
2016 OACTA President

With the flurry of fiscal year end (for many) and the hustle of holidays fully upon us, I hope you find many moments of peace, tranquility, and family time to lift your spirits this holiday season. On behalf of OACTA, Happy Holidays to you and your families. As is ever the case we have much to be thankful for as another year comes to its end.

Certainly, we are extremely grateful for the memorable 50th Anniversary Celebration Event and Annual Meeting recently concluded in November. We will always owe a significant debt of gratitude to our 50th Anniversary Celebration Event Planning Committee chaired by Greg O'Brien: Stephen V. Freeze, James R. Gallagher, Gary L. Grubler, John M. Hands, Peter J. Hersha, Timothy D. Johnson, James L. Mann, James L. McCrystal, Jr., Gretchen Koehler Mote, Daniel A. Richards, Ronald A. Rispo, Anne Marie Sferra, Carolyn A. Taggart, and Debbie Nunner. Their steady work, endless enthusiasm, and creativity produced an event worthy of the grand history of our organization, while simultaneously helped to truly launch the charitable foundation of OACTA.

We are grateful as well to our 2016 Annual Meeting Program Chair, Michelle Burden, and Program Moderator, Jennifer Becker, for planning and conducting an outstanding Annual Meeting Program, as well as to the lineup of outstanding presenters during the Program. The comments and reviews from attendees and guests were overwhelmingly positive. Likewise, we could not have had the kind of year we had in 2016 without our officer team, our excellent Board of Trustees, our Committee Chairs and Vice-Chairs, our Executive Director, Debbie Nunner, but most importantly, without you, our incredible members.

Thank you for your support throughout 2016. It was a very good year for OACTA. Please continue your support for Brian Kerns, our new president, as he leads us into OACTA'S 51st year and boldly into the second half of our First Century! I've seen an advance copy of the galley proof: You won't want to miss it!



Seminar
Westfield Insurance,
Westfield, OH

June
Women in the
Law Seminar

August
Appellate Advocacy
Seminar

September 5th
OACTA Golf Outing
Pinnacle Golf Club
Grove City, OH

**November 9th -
10th**
OACTA Annual
Meeting
Cleveland, OH

**Submit Articles
to the
Newsletter
Committee:**

[Tony Brown](#)

[Ian Mitchell](#)

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**The Update Spring
Issue deadline is
April 1, 2017**

**SUBMIT YOUR
MEMBER NEWS**

OACTA is always looking for
announcements
for the "Member News"
section of the Update. Please
submit your news via email
to:

Best wishes again to you and your family for the holiday season!

The 2016 OACTA Annual Meeting

**Thank you to all the Exhibitors and Sponsors
of the 2016 OACTA Annual Meeting:**

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Veritext Legal Solutions
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VoCare (Balacare)

The three **2016 OACTA Diversity Scholarship recipients** attended the Annual Meeting and were recognized: **Emily Kerber**, Ohio Northern University Pettit College of Law; **David A. López-Kurtz**, University of Cincinnati College of Law; and **Kelsey M. Schiffer**, Capital University Law School



The new **OACTA officers for 2016** were installed at the Annual Meeting.



50th Anniversary Celebration

OACTA celebrated its 50th Anniversary with a fun-filled event at the Ohio Statehouse on November 10th where attorneys and guests from around the state, including 22 former OACTA presidents, gathered to celebrate OACTA's many achievements of the past 50 years. The evening included the presentation of a proclamation from Ohio Senator Kevin Bacon, congratulatory remarks from Ohio Supreme Court Justice Sharon L. Kennedy and recognition from the Defense Research Institute (DRI) Immediate Past President, Laura E. Proctor.

All net proceeds from the event will benefit The OACTA Foundation. Established in 2015, The OACTA Foundation was organized exclusively for charitable and educational purposes. The Foundation funds projects consistent with the mission of OACTA, such as the annual OACTA Diversity Scholarship Program and the National Foundation for Judicial Excellence (NFJE).

Thank you to all who attended the celebration event and to all the [contributors who supported the OACTA Foundation and the 50th Anniversary Celebration!](#)

[View the History of OACTA](#)



Past Presidents:

Row 1 (L to R): Carolyn A. Taggart, David M. McCreary, Gregory E. O'Brien, James R. Gallagher, James S. Oliphant, John J. Garvey, III

Row 2 (L to R): Gary L. Grubler, Gretchen Koehler Mote, Kurt D. Anderson, Irene Keyse-Walker, Anne Marie Sferra, James L.



[View all the photos from the Annual Meeting and 50th Anniversary Celebration](#)

OACTA Announces 2017 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 three 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.

Applications will be available, beginning in January. The completed application and all other requested material must be received by April 15, 2017. 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 the OACTA Foundation which funds this scholarship. The 2017 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.



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CONGRATULATIONS TO THE 2016 OACTA AWARD RECIPIENTS

The *Excellence in Advocacy Award* was presented to **David W. Peck, Esq.**, Rendigs, Fry, Kiely & Dennis, LLP, Cincinnati, Ohio. The *Distinguished Contributions to the Community Award* was presented to **Mark F. McCarthy, Esq.**, Tucker Ellis, LLP, Cleveland, Ohio. Steven P. Collier, Esq., Connelly & Collier LLP, Toledo, Ohio was the recipient of the *Respected Advocate Award*. **James S. Oliphant, Esq.**, Porter Wright Morris & Arthur, Columbus, Ohio, received the *Lifetime Achievement Award* and **Lori E. Thomson, Esq.**, Gallagher, Gams, Pryor, Tallan & Littrell, L.L.P., Columbus, Ohio, received the *Outstanding Young Lawyer Award*. The *Committee Chair of the Year Award* was presented to **T. Andrew Vollmar, Esq.**, Bruns, Connell, Vollmar & Armstrong, LLC, Dayton, Ohio. The *Frank Seth Hurd Member of the Year Award* was presented to **Gregory E. O'Brien, Esq.**, Cavitch Familo & Dunkin Co., LPA, Cleveland, Ohio. OACTA congratulates these award recipients for their outstanding contributions and their dedication to the profession!



James S. Oliphant accepting the Respected Advocate Award.



Gregory E. O'Brien accepting the Frank Seth Hurd Member of the Year Award.



Lori E. Thomson accepting the Outstanding Young Lawyer Award.



David W. Peck accepting the Excellence in Advocacy Award.



T. Andrew Vollmar accepting the Committee Chair of the Year Award.

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Consider a Donation to the OACTA Foundation!

The OACTA Foundation (a 501(c) 3 organization) is organized exclusively for charitable and educational purpose. The Foundation funds projects consistent with the mission of OACTA, such as the annual OACTA Diversity Scholarship Program and supporting the National Foundation for Judicial Excellence (NFJE). Contributions made to The OACTA Foundation are tax deductible to the extent allowed by law. [DONATE TO THE OACTA FOUNDATION TODAY.](#)



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Utilizing the Doctrine of Collateral Estoppel to Defeat Legal Malpractice Claims

By: David J. Oberly

I. Introduction

Collateral estoppel precludes the re-litigation, in a second action, of an issue that has been actually and necessarily litigated and determined in a prior action. Importantly, issue preclusion serves as a potential shield that can be used as an absolute defense to a broad array of legal malpractice actions. Two recent Ohio decisions demonstrate the broad applicability of the doctrine with respect to this particular area of civil litigation, and exemplify how issue preclusion can be deployed in litigation to dispose of an action favorably and efficiently, oftentimes without having to undergo the time, effort, and expense of fully litigating a dispute through trial.

[Read more](#)



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CTE Claims - Are You Ready To Tackle Them Head-On Or Will You Be Blindsided?

By: Tom Glassman

Imagine a tsunami of claims alleging serious, objective, and life threatening medical conditions, all stemming from events occurring many years earlier. None identify a specific causal event, and they cast a wide net, targeting multiple defendants over a period of many years. Is this a new John Grisham novel? Is it a resurgence of asbestos litigation? Actually, it is neither. Over the next decade we may well see a wave of chronic traumatic encephalopathy (CTE) claims brought by current and former athletes.

The visceral reaction is to dismiss CTE claims as the NFL's problem, and not look any further. While there is a potential settlement pending in the litigation brought by former NFL players, that is not the end to this story. It is only the first chapter of what may turn out to be a lengthy book. If you stop reading now you will not be ready for the all-out blitz which may be coming.

The next wave of plaintiffs will not be professional athletes. They are ordinary people who competed in sports at the youth, recreational, scholastic, or collegiate levels. Claims will not be limited to football players, and will include hockey, soccer, baseball players, and even cheerleaders. While CTE is usually discussed in conjunction with football, its link to other sports has only been fairly recently asserted. As medical research develops and the plaintiffs' bar becomes bolder, it is inevitable links to more sports will be alleged.

[Read more](#)

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Member News

Tucker Ellis LLP is proud to announce that 27 of the firm's attorneys have been named "Ohio Super Lawyers®" and another seven have been selected as "Ohio Rising Stars®" for 2017.

Congratulations to these OACTA members selected as 2017 Ohio Super Lawyers:

Laura Hong
Irene Keyse-Walker
Mark McCarthy
Benjamin Sassé
Robert Tucker
Kevin Young

Congratulations to these OACTA members selected as 2017 Ohio Super Lawyers Rising Stars:

Karl Bekeny
Jennifer Mesko


Welcome Laney Mollenkopf! Laney is the Executive Assistant working with OACTA and will respond to your membership and event registration inquiries. Laney can be reached at: laney@assnoffices.com or 614-228-4727. She looks forward to working with all of you!


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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