

News & Practice Pointers from OACTA

Summer 2017

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PRESIDENT'S MESSAGE

**By: Brian D. Kerns
2017 OACTA President**

Summertime in Ohio once was a time to slow the pace, to stop and smell the roses, to enjoy some time off. It wasn't that long ago that many courts closed or slowed to a crawl in the warm summer months. Not so much these days. And the same is true for OACTA.



This spring and summer we have been busy with improving our social media and web presence. Visit our newly formatted website at <http://www.oacta.org/>. We hope you'll find the website more intuitive, user friendly and informative.

We have also taken some steps on the technical side to enhance the relationship between our web page and the OACTA Facebook, Twitter, LinkedIn pages.

At the beginning of the summer, OACTA held a very successful stand-alone CLE program on Insurance Coverage in Ohio at the Westfield Insurance Company's Blair Center. In June, the Construction Law Committee and Business and Commercial Litigation Committee jointly conducted a CLE program in Columbus at the Quest Conference Center. Also, our OACTA Happy Hours are in full swing, with gatherings on July 20 (Cleveland - Barley House); July 27 (Columbus - Gordon Biersch); August 3 (Cincinnati - Taft's Ale House); and August 10 (Akron/Canton - Game Grill, Akron Rubber Ducks Stadium). I hope you will come out and share in the fellowship and networking that these social gatherings offer. Thank you to S-E-A for co-sponsoring these events.

Our excellent CLE programming continues in August with our Appellate Advocacy Seminar at Grange Insurance Company in Columbus, on Friday, August 25. In addition, our Annual OACTA Golf Outing is set again for the beautiful and challenging

include in The Update to:

[Tony Brown](#)

or

[Ian Mitchell](#)

Upcoming Events

Mark your Calendars! 2017 Calendar of Events

August 25th

Appellate Advocacy
Seminar

Grange Insurance
Columbus, OH

[Register Now!](#)

September 5th

OACTA Golf Outing
Pinnacle Golf Club

Grove City, OH

[Register Now!](#)

November 16th - 17th

OACTA Annual Meeting
Hilton Cleveland
Downtown
Cleveland, OH

Ohio Association of Civil Trial Attorneys

17 S. High St.

Suite 200

Columbus, OH 43215

P. 614.228.4727

F. 614.221.1989

oacta@assnoffices.com

www.oacta.org

The Update Fall Issue deadline is October 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:

[Tony Brown](#)

or

Pinnacle Golf Club on Tuesday September 5 in Columbus. Get your clients, comrades and friends together to compete in this always fun and enjoyable event.

This summer also marked the first meeting of the Claims Industry Advisory Committee-a group whose objective is to make recommendations to the OACTA Board about how we as an organization can more deeply engage the connections between the natural constituencies of insurance claims industry personnel and civil defense counsel.

Please also be sure to mark your calendar and plan to attend our Annual Meeting on November 16 and 17 in Cleveland, Ohio at the fabulous new Hilton Cleveland Downtown. There will be great CLE programming, networking and some fun social events to bring our calendar year to a close.

I hope you are taking some time this summer to slow the pace, smell the roses and spend some time enjoying all that Ohio in summer has to offer-and especially that you are taking full advantage of what your organization has to offer this summer and fall.

OACTA Announces 2017 Law Student Diversity Scholarship Recipients

Three (3) OACTA Law Student Diversity Scholarships, each in the amount of \$1,250, have been awarded to: **Jeffery Carr**, a student at Cleveland-Marshall College of Law, **Shana Marks**, a student at The Ohio State University Moritz College of Law, and **Larae Schraeder**, a student at Capital University Law School. These three students will be recognized at the OACTA Annual Meeting on November 16, 2017 at the Hilton Cleveland Downtown.

OACTA Law Student Diversity Scholarships are 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 included: Academic achievement in law school; Professional interest in civil defense practice; and Service to community and to the cause of diversity.

Funding for these scholarships is provided by The OACTA Foundation. The OACTA Foundation, established in 2016, is organized exclusively for charitable and educational purposes, funding projects consistent with the mission of OACTA.

OACTA believes that a diverse membership makes a stronger organization. OACTA encourages diversity in all aspects of its activities and is committed to nurturing a culture that supports and promotes diversity. OACTA has been nationally recognized as a recipient of the DRI State and Local Defense Organization Diversity Award.

View our profile on  **LinkedIn**

Follow us on  **Twitter**

 Like us on **Facebook**

Congratulations to this year's scholarship recipients! Thank you to OACTA's Diversity Committee, Chaired by Hilary S. Taylor and John M. Hands, for their efforts on this worthwhile initiative!

Young Lawyers Committee Update

By: Melanie Irvin, Young Lawyers Committee Chair

The OACTA Young Lawyers Committee is excited to be hosting its annual summer happy hour series across the state. The happy hours are sponsored by S-E-A and provide an excellent opportunity to network and enjoy the nice weather. The happy hours are free and open to current and prospective OACTA members of any age and experience level. We encourage you to come and invite your friends and colleagues, including law students. Please check your email for details.

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 [Melanie Irvin](#) or [Zac Pyers](#) with any questions on how to get involved.

Nominate a Colleague for an Award

Consider nominating a colleague for an OACTA Award!

OACTA welcomes members to submit nominations for any of the following OACTA awards:

- Excellence in Advocacy Award
- Respected Advocate Award
- Outstanding Advocacy Award
- Outstanding Young Lawyer Award
- Public Service Award
- Distinguished Contributions to the Profession Award
- Frank Seth Hurd Member of the Year Award
- OACTA Committee Chair of the Year Award

Nominations are to include a completed [Nomination Form](#) and written description of why you believe this candidate should be considered for the award.

[View the award descriptions and list of past recipients](#)

Nominations are due to the OACTA office by August 1, 2017.

Awards are presented at the OACTA Annual Meeting in November.

OACTA 9th Annual Golf Outing



Get your foursome together and plan to attend!

DATE: September 5, 2017

LOCATION: Pinnacle Golf Club, Grove City, Ohio

Check-In/Practice Range: 11:00 a.m.

Shot-gun Start: 12:00 p.m.

Post-Reception: 5-6:30 p.m.

[Register Today!](#) [Download a Registration Form!](#)

Cost: \$145/golfer (before August 22, 2017); \$50/non-golfer reception only

**Support the OACTA Foundation
by becoming a SPONSOR!**

Become a hole sponsor or donate a prize!

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Zimmerman

S-E-A, Ltd.

Subashi & Wildermuth

Weston Hurd LLP

Join OACTA & S-E-A for Happy Hour



**The Summer Happy Hour
Series is back!**

Thursday, June 29th
Warped Wing Brewery
26 Wyandot St.
Dayton, OH 45402

Thursday, July 20th
Barley House
1261 W. 6th St.
Cleveland, OH 44113

Thursday, July 27th
Gordon Biersch
401 N. Front St.
Columbus, OH 43215
[RSVP Here](#)

Thursday, August 3rd
Taft's Ale House
1429 Race St.
Cincinnati, OH 45202
[RSVP Here](#)

Thursday, August 10th
The Game Grill & Bar at the
Akron Rubber Ducks
Ballpark
300 S. Main St.
Akron, OH 44308
[RSVP Here](#)

**Open to all current and prospective
OACTA Members! Join us from
5:30 pm - 7:00 pm!**

**The Happy Hour is complimentary.
Your RSVP does not obligate you to attend.
Thank you to S-E-A for sponsoring this networking
event!**

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:

- 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 and we will follow up to request the information needed.

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We listen to you.



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DRI Annual Meeting

Save the Date!

DRI's 2017 Annual Meeting will be held October 4-8, at the Sheraton Grand Chicago in Chicago. To view the entire list of programming and networking opportunities taking place at this year's meeting, download the DRI Annual Meeting brochure or visit www.dri.org for more information. Register by September 6th to save \$200 off the registration fee. We look forward to seeing you to Chicago!



Transforming Fact Into Law: Utilizing Ohio's Reasonable Justification Defense to Defeat Bad Faith Claims

By: David J. Oberly

Introduction

Bad faith claims asserted against insurance carriers come in all shapes and sizes. More commonly than in other types of civil litigation, bad faith plaintiffs will frequently attempt to concoct wild, exaggerated stories about how "the big, bad insurance company" unfairly, unjustly, and without any rational basis refused to furnish coverage for a claim or provide adequate compensation for a loss. Fortunately, the state of Ohio provides insurers with a robust tool for contesting and combating these grandiose tales of anguish fabricated by policyholders in support of otherwise meritless bad faith claims. Under what is commonly referred to as the "reasonable justification" defense,

insurers can avoid liability altogether by demonstrating that it was "reasonably justified" in its coverage decision that serves as the basis for the policyholder's bad faith claim. Importantly, where the insurer is able to demonstrate the existence of a question of fact with respect to the coverage decision, under the reasonable justification defense the insurer is entitled to judgment as a matter of law on the bad faith claim. If utilized properly, the reasonable justification defense can be deployed by Ohio insurers who find themselves embroiled in coverage litigation to conclusively dispose of almost any flavor of bad faith claim.

[Read more](#)



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*For more
information:*

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OACTA Website & Social Media

OACTA has a new and improved website!!

Check it out at www.oacta.org!

An upgraded OACTA membership database is coming soon!

Understanding OACTA's Social Footprint

Participating in OACTA's public facing pages allows you to share valuable information and take part in discussions that can be seen by the public and members of the legal community. Help spread the word about the value of OACTA by engaging with OACTA's official public pages on social media. Your support is invaluable to our mission and we thank you!

[LEARN MORE](#)

Over 200 Qualified Local Experts in more than 100 Disciplines

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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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Welcome to the following new OACTA Members since April!

Kevin Barcelo	TransGlobal Adjusting
Katherine Clemons	White, Getgey & Meyer Co. LPA
Karen Clouse	Bricker & Eckler
Sherry Croyle	Westfield Insurance
Clark Crum	Subashi Wildermuth
Kari Hehmeyer	Reminger Co. LPA
Eric Hill	Philadelphia Insurance Companies
Matthew Jolson	Nationwide Insurance
Craig Kjellberg	State Farm
Paul Koczkur	Lupo & Koczkur P.C.
Regina Massetti	National Interstate Insurance Co.
Misti Norris	Western Reserve Group

William	Peseski	Bonezzi Switzer Polito & Hupp Co. LPA
Jason	Ramsey	National Interstate Insurance Company
Sheila	Salisbury	NRP Group
Julianne	Smith	Nationwide E&S/Specialty
Jennifer	Souza	Westfield Insurance
Tiffany	Sovik	National Interstate Insurance Co.
Timothy	Spille	Reminger Co. LPA
Hal	Thompson	Meadowbrook Insurance Group
Charles	Wendland	National Interstate



Member News

Ulmer & Berne LLP partner and OACTA member **John M. Hands**, has been elected President of the Board of Trustees for ProKids, a Cincinnati-area nonprofit. ProKids' vision is a safe, permanent and nurturing home for abused and neglected children in the child protection system. Hands has served on the Board of Trustees for ProKids since 2009. Founded in 1981 by the Hamilton County Juvenile Court, the Cincinnati Bar Association, and the Junior League of Cincinnati, ProKids recruits, trains and supports court appointed special advocates ("CASA") volunteers. Each CASA volunteer is assigned to a foster child and helps make sure the child's needs are met, that the child is safe, and that the child is moving into a safe, permanent, and nurturing home. ProKids expects to directly serve more than 800 children in the Hamilton County child protection system this year, thanks to committed volunteers and a passionate staff. Many more of the 3,000 children who are in the system will be impacted by ProKids thanks to collaborative efforts and community alliances.

Hands serves as lead counsel and risk management advisor to clients with a focus on complex litigation involving business torts, contract disputes, and construction related claims. He successfully litigates and tries cases in federal and state courts and in private arbitrations across the nation. Additionally, Hands has extensive experience serving as a mediator and arbitrator.

Bonezzi Switzer Polito and Hupp is pleased to announce that **William Peseski**, has joined its Medina Office as an associate. Mr. Peseski is a graduate of Case Western Reserve University Law School and will focus his practice on insurance defense and coverage litigation. The firm has offices in Cleveland, Cincinnati,

Mansfield, Medina, Youngstown and Tampa, Florida.

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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