



OHIO ASSOCIATION OF CIVIL TRIAL ATTORNEYS  
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# THE UPDATE

## NEWS & PRACTICE POINTERS FROM OACTA

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### President's Message

**By: Elizabeth T. Smith**  
**2025 OACTA President**



Yes, Spring is finally on its way and it is a great time to find new energy. That may be energy for new endeavors or new energy for old endeavors. Whichever it might be, I find that Spring brings with it optimism for the future. I think optimism is often hard for lawyers. We always must be prepared for the worst case scenario. We often use the phrase "cautiously optimistic" when we do feel good about a probable outcome. As well, we often tell our clients that their worries are now on us and so we shoulder their problems. And then there is the "conventional wisdom" that if we won the case then we should have won it and if we lost it, then it must be because we did something wrong.

So what's a lawyer to do to keep energized and renewed? It is probably not just burying ourselves in work or even celebrating a legal victory. To borrow a phrase from a young entrepreneur I heard speak recently, "Relationships create opportunities." In the context of this article, that would mean opportunities to become re-energized (and engaged!) professionally and personally through meeting new people, lunching, having coffee, meeting for Saturday morning walks, or just walking down the hall at your office and popping into someone's office. Being renewed personally makes you a better practitioner. Being renewed professionally makes you a better person.

I'm finding a great source of new energy in OACTA through all the work being done by the OACTA committees, the lifeblood of our organization. I encourage the committees to have periodic zoom meetings to simply keep in touch and maybe to share tips and stories. Maybe even a Zoom happy or coffee hour like we did during that recent "dark time." Committees are reaching out to new members; the Insurance Coverage Committee just hosted an enlightening seminar; Litigation and Trial Skills Committee is hosting a seminar in July in Cleveland; Government Liability just hosted a coffee chat on pending legislative activity regarding the possible abolishment of qualified immunity; the Appellate Law Committee is hosting a virtual event with Justice Hawkins; the DEI Committee has just released the application for the Inclusion & Equity Scholarship; and the Amicus Curiae has just committed already to its 4<sup>th</sup> brief since the first of January! The OACTA and OAJ collaboration continues to talk.

There are a number of individuals whose energy also is notable. David Orlandini was approved by the Board to be the new OACTA DRI State Representative, to begin in October, seeking renewal in new endeavors. We appreciate his commitment and we acknowledge the efforts of the current OACTA DRI State Representative, Natalie Wais. Nicole Mitchell is heavily engaged in making sure everyone has re-upped membership and has landed an award of a \$500 Amazon gift card, donated by The Ohio Reporting Company for the Recruit One Campaign. Thank you to Dan Richards who just recently had an orientation for the committee chairs to help bolster their work. Mike Neltner has chased down sponsors and we will be highlighting them in the future.

Finally, you will see much of the energy of OACTA reflected in this Update by both new and seasoned members. I'm excited that Anne Marie Sferra is spotlighted; she is the one who "volunteered" me into this organization and we still remain friends! Jim McCrystal is sharing "tips" for lawyers based on his wisdom developed from many years of practice. Of course, none of our successes would be possible without our Executive Director Debbie Nunner and Member Services Coordinator, Nina LeBlanc.

So for now, Stay Engaged and Carry On Renewed!

## Mark Your Calendar

### **OACTA Webinar**

"Is Your Court Reporter a Robot?"

Sponsored by The Ohio Reporting Company

April 23, 2025 via Zoom

[Click Here to Register!](#)

### **OACTA Virtual Event with Justice Dan Hawkins**

April 28, 2025 via Zoom

[Click Here to Register!](#)

### **OACTA Foundation 16<sup>th</sup> Annual Golf Outing**

Pinnacle Golf Club

September 2, 2025

*Save the Date!*

### **OACTA Annual Meeting**

Renaissance Columbus Westerville-Polaris

November 13-14, 2025

*Save the Date!*

## 2025 Insurance Coverage Seminar Wrap-Up

We were pleased to return to Grange Insurance on April 11 for the Insurance Coverage Seminar. There was a fantastic line-up of speakers, covering timely topics such as Ohio Subrogation Issues, Cyber Liability Insurance, and more!

The seminar offered up to 5.5 CLE credits and was open to Attorneys and Non-attorney Insurance Claims Professionals.



**Elizabeth Smith**, OACTA President and **Stu Harris**, OACTA Insurance Coverage Committee Chair



**Kelli Amador and Peter Georgiton**, Dinsmore & Shohl LLP

*Thank you to our Insurance Coverage Seminar Sponsors!*



## Amicus Curiae Update

by **Elisabeth Arko**  
**Amicus Curiae Committee Co-Chair**

OACTA's amicus efforts have started the year off with a bang filing amicus briefs on a handful of influential issues. As always, these efforts have only been made possible by our Board and our Members who graciously write our high-quality briefs for a small stipend. To date in 2025, OACTA filed briefs in four appeals to the Ohio Supreme Court, three on the merits and one at the jurisdictional stage. Each are discussed below.

First, is *Steigerwald v. City of Berea*, Case No. 2024-1077. In *Steigerwald*, OACTA filed an amicus brief supporting Appellant, the City of Berea, and urged reversal of the decision from the Eighth District Court of Appeals. In *Steigerwald*, OACTA asks the Court to find that using non-defective equipment for a governmental purpose (a locker room bench) is not a “physical defect” that can result in a loss of political subdivision immunity under R.C. 2744.02(B)(4). Stephen Funk of Roetzel & Andres, LLP authored OACTA’s amicus brief.

Next is *One Church v. Brotherhood Mut. Ins. Co.*, S.Ct. No. 2024-1329. In *One Church*, OACTA filed an amicus brief supporting Appellant Brotherhood Mutual Insurance Company. In *One Church*, OACTA asked the Court to reverse the Tenth District Court of Appeals, and find an insured’s assertion of “hidden damages,” after accepting payment of an appraisal award, does not allow an appraisal to be set aside. Thomas Glassman of Bonezzi Switzer Polito & Perry, Co. LPA authored OACTA’s amicus brief.

Third is *Est. of Price v. Kidney Care Specialists*, S.Ct. No. 2024-1373. In *Price*, OACTA authored an amicus brief in support of Appellees, Kettering Physician Network and Latha Venkatesh, M.D., seeking to affirm the decision from the Second District Court of Appeals. In *Price*, OACTA asked the Court to reaffirm its precedent that a trial court has discretion to determine a prospective juror’s ability to be impartial under R.C. 2313.17(B)(9). Dan Richards and Kaitlin Madigan of Weston Hurd LLP authored OACTA’s amicus brief.

Last, but not least, is *Paganini v. Cataract Eye Center of Cleveland*, Case No. 2025-0386. In *Paganini*, OACTA authored an amicus brief in support of Appellant, Cataract Eye Center of Cleveland at the jurisdictional phase, asking the Court to accept jurisdiction. *Paganini* asks the Court to consider whether R.C. 2323.43’s medical malpractice non-economic damage cap for catastrophic injuries violates Article I, Section 16’s “due course of law” provision. Benjamin Sasse, Elisabeth Arko, and Razi Lane of Tucker Ellis LLP authored OACTA’s amicus brief.

OACTA has also submitted amicus briefs in these appeals, which remain pending:

- *Eddy v. Farmers Prop. Cas. Ins. Co.*, S.Ct. Case No. 2024-0623 (Court accepted review over whether *Boone v. Vanliner Ins. Co.*, 91 Ohio St.3d 209 (2001), applies to attorney-client privileged communications or work product generated during litigation between the insurer and its insured) (Tim Fitzgerald wrote OACTA’s amicus briefs; oral argument is scheduled for June 4, 2025).
- *Camara v. Gill Dairy, LLC*, S.Ct. No. 2024-0064 (whether an employee must show the employer made a deliberate decision not to replace a missing safety guard to establish a rebuttable presumption of intent to injure under R.C. 2745.01(C)) (Kurt Anderson authored OACTA’s amicus brief; oral argument took place on March 12, 2025).
- *Lewis v. MedCentral Health Sys.*, S.Ct. No. 2024-0451 (whether R.C. 2323.451(D) allows a plaintiff to amend a complaint to join parties previously named as John Doe defendants but not served under Civ.R. 15(D)) (Tony Brown, along with Richard Milligan and Thomas Himmelspach, wrote OACTA’s amicus brief; oral argument took place on March 13, 2025).

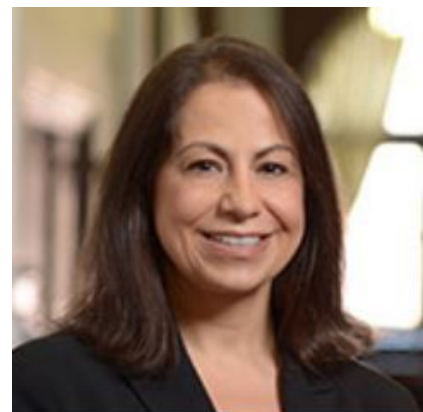
In sum, on behalf of the Amicus Committee, I thank the authors who allowed OACTA’s voice to be heard in these important cases. Information on other cases OACTA participated in as amicus curiae appears on OACTA’s website, which includes a webpage with copies of recent amicus briefs and an Amicus Database with information on older cases. Finally, please call or email if you have or learn of an Ohio Supreme Court case presenting an important issue of law.

## Leadership Spotlight - Anne Marie Sferra

One of the core strengths of OACTA is its long-time, dedicated, volunteer leadership. OACTA’s Officers and Board of Trustees continue to recognize our leaders in the Update. We are proud to shine this Spotlight on Attorney Anne Marie Sferra. Anne Marie is a Past President of OACTA (2014), former OACTA DRI State Representative, and she currently serves as the Appellate Advocacy co-chair.

Anne Marie sums up her experience with OACTA and the many benefits she realized:

**“OACTA has been a big part of my professional**



development. Even before I became an OACTA member (many, many years ago!), I knew of its outstanding amicus brief program and was inspired by some of the OACTA lawyers who wrote such excellent briefs. Once I attended my first OACTA conference, I was hooked! How could an organization made up of so many smart, type-A competitive (and competitor) lawyers be so welcoming, committed to their clients and profession, and at the same time so much fun? Once I became more involved in OACTA, I realized that the culture of OACTA is a reflection of its leadership. I was honored to later become a part of that leadership. Being a leader in OACTA encouraged me to “up my legal game” by staying on top of court decisions, legislative developments, and trends in the legal industry. I also learned a great deal about organizational operations, strategic planning, and member relations and engagement -- all of which helped me tremendously when I later took leadership positions with my law firm and with other boards.

OACTA leadership presented me with many opportunities to meet lawyers and prospective clients, not only in Ohio but across the country (through DRI). You never know when these relationships will come in handy. I have used them to get information on venues, judges, expert witnesses, opposing counsel, and even out-of-state restaurant recommendations. (Through one of these contacts, I connected my niece with a roommate in Boston!) Today, I am still inspired by OACTA members and fortunate to call so many of them friends!”

Anne Marie is a partner with Bricker Graydon, in its Columbus office. There, she chairs the firm’s Litigation Practice Group. In 2008, Anne Marie became the first Columbus-area attorney to be certified as an Appellate Law Specialist by the Ohio State Bar Association.

Anne Marie has been counsel on numerous *amicus curiae* briefs, primarily in the Ohio Supreme Court, on behalf of OACTA and other statewide and national organizations, including the Ohio Manufacturers Association, the Ohio Chamber of Commerce, the Ohio Hospital Association, the American Hospital Association, the American Insurance Association, and others.

Her accolades, recognitions, association memberships and awards would take up pages here and are too numerous to list. Feel free to see all of them on her firm website page, [Anne Marie Sferra | Bricker Graydon](#). Anne Marie’s untiring hard work has naturally led her to many leadership positions. OACTA’s members are grateful that Anne Marie has given her time and skills as a long time leader for our association. Thank you, Anne Marie!!

## Long, Strange Trips: Upcoming Changes to the Federal Rules of Appellate, Bankruptcy and Civil Procedure

by Gregory R. Farkas, Esq.  
Frantz Ward, LLP

There is an adage that lawyers learn the version of the rules of evidence and procedure that are current when they are in law school and never look at them again. While that is (hopefully) an exaggeration, it is always worth noting when there are substantive changes to the rules that govern our practices. Barring action by the United States Supreme Court or Congress, amendments to the Federal Rules of Appellate, Bankruptcy, and Civil Procedure will take effect on December 1, 2025.

Click [HERE](#) to read the full article.

## Practice Tips for OACTA Members

Long-time OACTA member and leader, James McCrystal, Jr., is spear-heading OACTA’s new Practice Tips articles. Jim is of counsel with Sutter O’Connell Attorneys in Cleveland. He has over four decades experience as a trial lawyer and now handles a national practice involving product liability cases. He is an OACTA past president (2002-2003) and served as a OACTA Board Member and Officer from 1995 through 2003. He also currently serves as Vice-Chairman for DRI’s Center for Law and Public Policy, was the DRI Ohio State Representative (2006-2009) and DRI Regional Director (2009-2011). Look for more Practice Tips from Jim and

other highly experienced OACTA members in future editions of the Update and OACTA email messages.

### Let the Witness Write the Rules

by James L. McCrystal, Jr., Sutter O'Connell Co.

How many depositions have you seen start with questions like "Will you let me know if you are confused?" "Do you understand that you have to answer the questions out loud? All too often the witness responds with a "yes" or at times the inarticulate nod of the head or an "uh ha" response.

[READ MORE](#)

## OACTA Law Student Scholarship Applications Available!

The 2025 OACTA Hilary S. Taylor Inclusion & Equity Scholarship Application is Now Available!

The completed application and all other requested material must be received by June 16, 2025. Scholarship recipients will be announced in July and recognized at the OACTA Annual Meeting in November. Funding is provided by the OACTA Foundation.

[Click Here for More Information](#)

## OACTA's 2025 Strategic Plan

The OACTA Strategic Plan, developed by the OACTA Board of Directors, is reviewed annually and monitored on an ongoing basis, to ensure progress toward identified goals and objectives. The OACTA Board of Directors is committed to providing quality services and value to the membership.

[CLICK HERE](#) to review the plan.

## OACTA Recruit 1 Campaign Now Open!

We are excited to announce the OACTA RECRUIT ONE CAMPAIGN to recruit new members to OACTA. This opportunity is open to all current Members (OACTA Officers are not eligible) and runs through June 30th.

**RECRUIT 1**

For each new member you recruit, you will receive one entry into a drawing to win a \$500 AMAZON GIFT CARD. Thank you to the Ohio Reporting Company for donating this prize!

The person you recruit will also qualify for an entry to win a COMPLIMENTARY REGISTRATION TO THE 2025 OACTA ANNUAL MEETING, held at the Renaissance Columbus Westerville-Polaris, November 13-14.

The Recruit One Campaign runs now through June 30, 2025.

[Click Here to Learn More!](#)

## Learn More About OACTA Committees

Click on the names of the committees below to download their current roster as an excel spreadsheet.

### OACTA Substantive Law Committees:

- [Appellate Advocacy](#)
- [Business & Commercial Litigation](#)
- [Construction Litigation](#)
- [Employment Law](#)
- [Government Liability](#)
- [Insurance Coverage](#)
- [Litigation & Trial Skills](#)
- [Medical Negligence](#)
- [Personal Injury](#)
- [Product Liability & Toxic Tort](#)
- [Professional Liability](#)

[Click Here to Update your Committee Interest](#)

## Upcoming OACTA Lunch & Learn Webinar

### "Is Your Court Reporter a Robot?"

with Mike McDonner

**April 23, 2025**

12:00 – 1:00 p.m.

A one-hour discussion of the introduction of artificial intelligence to the court reporting industry. The presentation starts with an analysis of the history of court reporting, including pin writers, stenographers, voice, writers, digital reporters, and ultimately artificial intelligence-assisted reporting, I'll also include a discussion of the overall trend in artificial intelligence, and what limitations and standards lawyers need to set for their introduction into litigation. This will also include a 10-minute demo of CaseTestify, the AI platform.



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[Register Today!](#)

## New OACTA Members since January

Please welcome our new OACTA members!

**Jordan Barnard**, Poling Law  
**Amy Baughman**, Freeman Mathis & Gary, LLP  
**Bridget Bodnar**, Poling Law  
**Gabrielle Boileau Rohrbacher**, Trimble, & Zimmerman Co., L.P.A.  
**Sarah Chiappone**, Mazanec, Raskin & Ryder, Co, LPA  
**Dale Cook**, Isaac Wiles  
**Jillian Eckart**, Mazanec, Raskin & Ryder Co., LPA  
**April Elkovitch**, Philadelphia Insurance Companies  
**Marshall Evans**, Williams, Moliterno & Scully Co., L.P.A.  
**Derek Hartman**, Cavitch Familo & Durkin Co., L.P.A.  
**Edmond Jaber**, Mazanec, Raskin & Ryder Co., L.P.A.

Thomas Kaczowski, Reminger Co, LPA  
Jaycie Kuhn, Poling Law  
Fred Papalardo, Westfield Insurance Company  
John Pinzone, Mazanec, Raskin & Ryder Co., LPA  
Jeanette Potts, Allstate Insurance Company  
Mark Rest, Williams & Finkbine Co., LLC  
Dalia Safadi, Poling Law  
Sara Valentine, Teetor Westfall

## Call for Speakers for the 2025 OACTA Annual Meeting!

The OACTA Annual Meeting Planning Committee is making plans for this year's Annual Meeting to be held November 13-14 at the Renaissance Columbus Westerville-Polaris. They need your ideas and input!

What topics do you want to learn more about? Please send your suggestions to [OACTA@AssnOffices.com](mailto:OACTA@AssnOffices.com).

If you would like to speak at the Annual Meeting, please submit your name, topic or presentation title, and brief description of the presentation to [OACTA@AssnOffices.com](mailto:OACTA@AssnOffices.com).

With your help, the 2025 OACTA Annual Meeting will offer topics of interest and provide value to our members!

***Save the date and plan to attend!***

## Thank You to Our Annual Sponsors!



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