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THE UPDATE

NEWS & PRACTICE POINTERS FROM OACTA

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Sponsored by: Explico

President's Message



By: Paul McCartney
2024 OACTA President

For three decades now, I have been a member of the Cincinnati Bar Association Admissions Committee including serving as the Chair. The responsibility is largely interviewing candidates for the bar exam a couple of times a year for their character and fitness interview with another member of the bar. For years now, I have done

this with attorney Michael Mann. Before that, it was years with my then partner Jon Saxton. With both of them, we conclude each interview by encouraging the aspiring lawyers to become involved in their community. This can take many forms from coaching a mock trial team, to coaching one's own kids' athletic teams and to serving on the board of charitable organizations. Despite how society views lawyers, almost every successful charitable organization has one or more lawyer on its board, whether schools, religious organizations, sports organizations, etc. A legal education is unique in being so focused on training law students to analyze a situation from both sides and to not to rush to judgment before learning all the facts.

Of course, there are downsides to learning to think like a lawyer. I recall my Thanksgiving home first semester of law school. My Mother asked me what I wanted for Christmas. My response was I wanted a computer (mind you this was 1985). My Mother said, "Paul, you know we cannot afford that." I responded, "You asked me what I wanted for Christmas, not what I wanted for Christmas and reasonably expected to get." My mother muttered, "You sound like your Uncle Bob," a lawyer himself. Scarily 29 years later I had a similar exchange with my oldest daughter during her Thanksgiving break in her first year of law school.

With the bar candidate, we also encourage them to become involved in their local bar association as well as organizations like OACTA. We tell them such involvement is not only good for one's individual career but for the legal profession as a whole. If you are reading this message, which may make you unique in and of itself, you are already involved. You are reading this message because you are likely a member of OACTA. You recognize that your involvement in OACTA makes a difference to people and businesses in Ohio. As you read this edition of The Update, it is incredible to see what has happened over the

January 17, 2024
via Zoom
[Register Here](#)

OACTA Webinar
"Ethics of AI"

Sponsored by: Lexitas
January 31, 2024
via Zoom
[Register Here](#)

**OACTA Insurance
Coverage Seminar**

Grange Insurance
Columbus, OH
April 12, 2024
[Save the date!](#)

**2024 Regional
Women in the Law
Summit**

A collaboration of
DTCI, KDC & OACTA
The Westin Cincinnati
Cincinnati, OH
April 25-26, 2024
[Save the date!](#)

last few months in OACTA and what is going to happen. At our annual meeting last month, we honored those who have made significant contributions to the legal profession and those who have made significant contributions to OACTA. We celebrated the newest recipients of scholarships from the Hilary S. Taylor Inclusion and Equity Scholarship Program. Member Stu Harris provides a fitting tribute to the first female United States Supreme Court Justice, Sandra Day O'Connor. You will also see the exciting seminars and webinars we have planned for this year including the return of Regional Women in the Law Summit on April 25th and 26th in Cincinnati. Clearly, OACTA membership dues is money well spent.

And speaking of dues, if you have not already done so, please renew your dues before your membership expires at the end of the year. Better yet, invite a friend to join with you.

Talk to you soon in my next President's Message of the Spring edition of The Update.

2023 OACTA Annual Meeting

Thank you to all the Exhibitors and Sponsors who helped make the 2023 OACTA Annual Meeting a success!

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NEDERVELD

The new OACTA officers for 2024 were installed at the Annual Meeting.



Left to right: **Michael Neltner**, Secretary; **Daniel Richards**, Treasurer; **Elizabeth Smith**, Vice President; **Paul McCartney**, President; **David Orlandini**, Immediate Past President

 **LEXITAS**TM

The 2023 OACTA Hilary S. Taylor Inclusion & Equity Scholarship recipients were recognized.

The recipients of the scholarship were: **Robert Read** (Case Western Reserve University School of Law), **Averee R. Richardson** (University of Dayton School of Law), and **Deedra Thompson** (Cleveland State University.)



Pictured: **Averee R. Richardson**, University of Dayton School of Law



Brigid E. Heid
Frank Seth Hurd Member of the
Year Award



Michael M. Neltner
OACTA Committee Chair of the
Year Award



Chief Justice Sharon L. Kennedy
Public Service Award

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During the OACTA Annual Business Meeting & Legal Excellence Award Luncheon on Thursday, November 9, the following awards were presented to recognize attorneys for their service to

OACTA, the profession and the community:

Excellence in Advocacy Award:

Jeffrey W. Hutson, Esq., Lane Alton & Horst

Respected Advocate Award:

Craig P. Scott, Esq., The Law Office of Craig Scott & Company, LPA

Distinguished Contributions to the Profession Award:

W. Charles Curley, Esq., Weston Hurd LLP

Public Service Award:

Sharon L. Kennedy, Chief Justice of the Supreme Court of Ohio

Outstanding Young Lawyer Award:

Phillip M. Sarnowski, Esq., Roetzel & Andress

Outstanding Advocacy Award:

David C. Comstock, Jr., Esq., Bonezzi Switzer Polito & Perry

Frank Seth Hurd Member of the Year Award:

Brigid E. Heid, Esq., Eastman & Smith Ltd.

OACTA Committee Chair of the Year Award:

Michael M. Neltner, Esq., Cincinnati Insurance Company

OACTA congratulates these award recipients for their outstanding contributions, as well as their contributions to the legal profession!



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



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- Dr. Edmond Locard

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OACTA Leadership Opportunities

OACTA Substantive Law Committees provide value to OACTA's members, deliver high quality information and services and enhance members' individual law practices.

Current opportunities for leadership are:

Chair, Product Liability and Toxic Tort Committee

If you are interested in a volunteer leadership role, please contact
Debbie Nunner, Debbie@AssnOffices.com.



THE EXPERTS
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A Tribute to Justice Sandra Day O'Connor

Click [here](#) to read a tribute to the late Justice O'Connor, the first woman to serve as a U.S. Supreme Court Justice.



Amendments to the Federal Rules of Evidence

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

On December 1, 2023, several amendments to the Federal Rules of Evidence took effect. A copy of them showing the new language is attached.

The most important change is to **Evidence Rule 702**. It has been revised to explicitly require the proponent of an expert to demonstrate to the court that it is more likely than not that the witness meets the requirements of the rule.

The Committee notes accompanying the Rule observe, “many courts have held that the critical questions of the sufficiency of an expert’s basis, and the application of the expert’s methodology, are questions of weight and not admissibility. These rulings are an incorrect application of Rules 702 and 104(a).”

The Rule now is clear, before an expert testifies, the court must find the expert’s basis for, and the reliability of, each opinion is sufficient to be admissible.

Ohio likely will change its Rule 702 to be similar to the Federal Rule in July 2024.

Two other rules also have been amended.

Evidence Rule 106 has been amended to make it clear that if a party introduces a statement an adverse party may require the introduction, over a hearsay objection, of another part of the statement or any other statement which in fairness ought to be considered to prevent a misimpression from being created.

Evidence Rule 615 now makes it clear that in addition to barring witnesses from the courtroom, the judge may also prohibit disclosure of trial testimony to witnesses who are excluded and to prohibit witnesses from accessing trial testimony.

Click [here](#) for the document with exact language.



Important new Ethics Opinion on Settlement Agreements with Confidentiality Provision

by Richard Milligan, Milligan Pusateri Co., L.P.A.

On December 8, 2023, the Ohio Disciplinary Counsel issued the attached advisory opinion

concerning settlement agreements with confidentiality provisions. Any Ohio practitioner who deals with settlement agreements should carefully review the opinion. It can be an ethics violation to demand or accept a confidentiality agreement in certain circumstances.

View the opinion [here](#).

Upcoming OACTA Webinars

Lunch & Learn: "Low-Speed Rear-End Collisions and Disc Herniation Causation" with Dr. Joseph Olberding, Sponsored by Explico
Wednesday, January 17, 2024 | 12:00 - 1:00 p.m.

This course will guide the participant through the biomechanical analysis methodology through the lens of a recent low-speed, rear-end disc herniation case example. Along with introducing relevant vehicle and spinal mechanics preliminaries, the course will present each step of the analysis with an emphasis on the factual information, physical evidence, and state-of-the-art research and tools utilized. Attention will also be given to how the biomechanical expert and the methodology fits within the framework of injury causation as set forth by the Federal Judicial Center.



Register Today!

Lunch & Learn: "Ethics of AI" with Jason Primuth, Sponsored by Lexitas
Wednesday, January 31, 2024 | 12:00 - 1:00 p.m.

This CLE will cover how recent public technological advances have and will continue to intersect the legal industry and affect litigation. It will also help set the stage for proper use and application of AI as a legal industry tool that can help facilitate efficiencies by automating tasks and be a useful tool in analyzing patterns and making comparisons as part of trial prep. It will review how technology is rapidly transforming the legal industry and how they can examine the risks and ethical concerns inherent in this technology to best serve their clients.



Register Today!



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Save the date!

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Grange Insurance
Columbus, OH
April 12, 2024

2024 Regional Women in the Law Summit

A collaboration of DTCL, KDC & OACTA
The Westin Cincinnati
Cincinnati, OH
April 25-26, 2024



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!

Available Lunch & Learn Webinars On-Demand

- "The Combined Effect of Alcohol and Cannabis on Driving Impairment"
- "Conducting Effective Depositions in an Unpredictable World"
- "The Reverse Reptile - Turning the Tables"
- "Class Actions in Insurance"
- "Implicit Bias: Define It, Recognize It, Combat It!"
- "Collision Reconstruction and Injury Causation Analysis"
- "Pavement Defects in Injury Cases"
- "The Biomechanics of Injury Causation: Traumatic Brain Injuries"

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



RIMKUS

New OACTA Members since October

Please welcome our new OACTA members!

Jamie L. Collins, Progressive Insurance
Perry W Doran, Vorys Sater Seymour and Pease LLP
Rhonda G. Hall, Progressive House Counsel
Ashley LaRock, Roetzel & Andress
Jacob A. Lentsch, Garvey Shearer Nordstrom PSC
Mark C Lindsey, Progressive House Counsel
Thomas J. Whaling, Vorys Sater Seymour and Pease LLP
Jonathan Wygonski, Roetzel & Andress



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