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THE UPDATE

NEWS & PRACTICE POINTERS FROM OACTA

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President's Message

**By: Jamey T. Pregon
2020 OACTA President**



We are now in the home stretch of what has been an unprecedented year. The last quarter of 2020 will see the country, and world, continue to deal with the COVID-19

pandemic. The costs of COVID-19 continue to pile up, not just in terms of human lives lost, but also with the continued disruption of virtually every aspect of our lives. A tough year continues to get tougher, and continues to reveal the character of our nation and our world.

Our organization has been a shining example of how people can come together during times of crisis, and work towards the greater good. OACTA has done much to steady the course of our profession during this challenging year. We have assisted the Ohio Supreme Court and the judiciary in trying to steer civil litigation through COVID-19. We have assisted our membership and defense attorneys throughout Ohio with free COVID-19 webinars, timely information from courts all across Ohio regarding COVID-19 protocols, and robust continuing legal education offerings online, both live and on demand. We have been here for each other during these challenging times. The last quarter of 2020 will be no different. OACTA will be offering our first ever virtual annual meeting on November 12 and 13, and will be including timely updates from panels of judges and attorneys across Ohio on current and recent developments in our courtrooms, including jury trials that have now gone forward in the era of COVID-19. A renowned medical expert will be discussing COVID-19, what you need to know about the virus and treatment for your practice and your daily lives. We will also have a joint professionalism and ethics presentation with the Ohio Association of Justice, and practical presentations on the continuing implementation of the amended discovery rules, and developments in COVID-19 litigation and legislation. The annual meeting offers you a chance to receive critically important information for these times, and to receive CLE credit without leaving your home or office.

Another thing that the last quarter of 2020 promises is the end of a contentious Presidential election. While our nation votes for either Donald Trump or Joe Biden, a much more graceful transfer of power will be occurring here at

Upcoming Events

November 12-13, 2020

OACTA Virtual Annual Meeting
Hilton Columbus Polaris
Columbus, OH

[Details & Registration](#)

OACTA. My term ends in November, and Natalie Wais will ascend to the presidency at the virtual annual meeting. Natalie will be one of the youngest—if not the youngest—president in OACTA history, but she brings with her a wealth of experience in our organization. Natalie has been an active member throughout her time in OACTA, and has constantly displayed her leadership abilities in all areas of our organization. We are truly lucky to have Natalie as our president, and I am hopeful that we will have the opportunity in 2021 to pack the Polaris Hilton a year from now to give Natalie a warm round of applause and to celebrate her presidency, which I am sure will be successful. She will have an excellent slate of officers to work with her, as our current group remains, and adds Paul McCartney as Secretary. Paul is a great addition to an already great team of officers.

[Read more](#)

Join us for the 2020 OACTA Virtual Annual Meeting! | November 12-13, 2020

Join us for the first-ever **OACTA Virtual Annual Meeting, November 12th and 13th**! Although we would have liked to have seen you in-person at the Hilton Columbus Polaris, due to the COVID-19 pandemic and the concern for the health and safety of our members and partners, OACTA will offer a virtual educational experience for our members. We plan to return to the Hilton Columbus Polaris November 11-12, 2021

Two, half-day virtual programs are planned, providing some outstanding educational opportunities and engagement through live question and answer with our speakers. The **OACTA Annual Business Meeting & Legal Excellence Award Presentations** will kick off the program on Thursday, November 12th, from Noon-1:00 p.m. Join us as we recognize colleagues and members for their outstanding service to the profession! On Friday, November 13th, the morning program will conclude with an **OACTA Foundation Raffle Prize Drawing**. Be sure to purchase your tickets and contribute to the OACTA Foundation.

You can register for one or both days of the Virtual Annual Meeting! **Up to 7.0 CLE credits** will be available, including Attorney Professional Conduct Instruction (APC) credit. **Register today and plan to join us in November for the OACTA Virtual Annual Meeting!**

[Register Today!](#)

[View the Program Agenda](#)

Thank you to our Sponsors!



Know.



Congratulations to the OACTA Legal Excellence Award Recipients!

During the OACTA Virtual Annual Business Meeting & Legal Excellence Award Presentations on Thursday, November 12, Noon-1:00 p.m., the following awards will be presented. This presentation will take place during the OACTA 2020 Virtual Annual Meeting. For more information on these awards and the recipients, and to register for the Annual Meeting, visit www.OACTA.org.

Lifetime Achievement Award:

Stephen V. Freeze, Esq.

Outstanding Advocacy Award:

Richard M. Garner, Esq.

Collins, Roche, Utley & Garner LLC

Outstanding Young Lawyer Award:

Christopher F. Mars, Esq.

Bonezzi, Switzer, Polito & Hupp Co., L.P.A.

Frank Seth Hurd Member of the Year Award:

Jamey T. Pregon, Esq.

American Family

OACTA Committee Chair of the Year Award:

Brigid E. Heid, Esq.

Eastman & Smith Ltd.

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

Welcome New OACTA Members Since July!

Cynthia Curtin, Curtin Law, LLC

Emily Faith, Donan

Zachary Graham, Nationwide

Gary Greenlee, McConnell Wagner Sykes & Stacey

Julia Grus, Shelter Insurance

Michele Larissey, National Interstate

Miriam Morgan, The Cincinnati Insurance Company

Joseph Pflum, Patsfall Yeager Pflum

Arthur Phelps, Jr., Rendigs, Fry, Kiely & Dennis LLP

Thomas Spyker, Reminger Co LPA

Brandon Woodard, Porter Rennie Woodard Kendall LLP



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- Dr. Edmond Locard

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2020 OACTA Foundation Donation & Partnership Opportunities

Due to the Coronavirus and the concern for the health and safety of our members and partners, the 2020 OACTA Annual Golf Outing, benefiting the OACTA Foundation, was cancelled. In an effort to continue to fund the OACTA Foundation, contributions continue to be encouraged and OACTA will conduct a Raffle Prize Drawing during the OACTA Virtual Annual Meeting. The drawings will take place on Friday, November 13th at 12:30pm. The OACTA Foundation is seeking Partners who are willing to provide financial support.



The OACTA Foundation needs your help now more than ever. The OACTA Foundation, funds projects consistent with the mission of OACTA, such as the OACTA Hilary S. Taylor Law Student Inclusion & Equity Scholarship program and the National Foundation for Judicial Excellence (NFJE). The OACTA Foundation is incorporated in Ohio as a 501(c)(3) nonprofit charitable organization under the Internal Revenue Service. Contributions made to The OACTA Foundation are tax deductible to the extent allowed by law. Please consider contributing to The OACTA Foundation. Your support is appreciated!

OACTA Foundation Partnership Opportunities:

- Elite Partner - \$2,500+
- Premier Partner - \$1,000+
- Executive Partner - \$500+
- Partner - \$250+

OACTA Foundation Partners will receive recognition on the OACTA web site, in the OACTA e-news, e-blast to the membership and during the raffle prize event. In addition, partners will be listed in the OACTA Foundation Annual Report.

Learn More and Make Your Contribution Here

Thank you to our 2020 OACTA Foundation Partners!

Elite Partner
Weston Hurd LLP

Executive Partner
Mark McCarthy, Esq.

Partner
Dinsmore & Shohl, LLP
Tom Glassman, Esq.
Peter Hersha, Esq.
Melanie Irvin, Esq.

OACTA & COVID-19

In response to COVID-19, OACTA has developed and implemented many [strategies, to best meet the needs of our members](#).

To help you stay informed...

OACTA has a webpage with links to many resources - [NEWS AND INFORMATION REGARDING COVID-19](#). If you have resources to share, please send them to OACTA@AssnOffices.com.

To help you stay connected...

Join OACTA on [Facebook](#), [Twitter](#), [LinkedIn](#) and [OACTA's LinkedIn Private Group](#) Page where you can share information and resources among your colleagues.

To help you earn CLE credits...

OACTA's Online CLE Library allows OACTA members the opportunity to earn continuing legal education credit from the comfort and safety of your home. Visit the [Online CLE Library](#) today to view our on-demand programs and the [OACTA Website](#) for a listing of our Live Webinars! [REGISTER TODAY](#) for the OACTA Virtual Annual Meeting.

Law Student Resumes

In an effort to match OACTA members seeking qualified candidates for employment, with recent graduates and law school students for associate, law clerk, and other positions, the OACTA Inclusion and Equity Committee will annually reach out to Ohio law schools and minority bar associations and offer to post resumes. Please find those resumes that have been provided at the link below. Resumes will be posted for one calendar year from the date of posting.

[View Law Student Resumes Here](#)

Fingerprint Biometrics: Minimizing Risk in the Face of Increasing Liability

By: David J. Oberly, Blank Rome LLP

Just a few years ago, the thought of employees being able to “punch in” at work using their fingerprint seemed like pure science fiction. Today, fingerprint-based biometrics is widely used as a go-to method for organizational timekeeping.

At the same time, however, the use of biometric fingerprint readers have become the primary target for complex class action litigation under the Illinois Biometric Information Privacy Act (“BIPA”). To further complicate matters, various states and municipalities are enacting new, stringent laws modeled off BIPA to regulate the commercial use of fingerprint biometrics.

It is thus imperative that all companies using fingerprint biometrics take actionable steps to leverage this valuable form of biometric data in an effective fashion maintains compliance with the law and minimizes liability exposure.

Overview of Biometric Fingerprint Technology

Biometric fingerprint technology involves the process of using “biometrics” (*i.e.*, individual physical characteristics) to scan a person’s finger and identify their finger “geometry” by measuring its length, width, thickness, and surface area. These measurements are then converted into a mathematical algorithm referred to as a “digital template” or “fingerprint template” and stored in a database.

Fingerprint biometric technology has become increasingly popular; it is now heavily relied upon in a range of different commercial contexts due to its ability to enhance the efficiency, effectiveness, and security of business operations.

But while fingerprint biometrics have produced a myriad of benefits, its use also carries significant privacy risks. Unlike other forms of personally-identifiable information, once compromised, fingerprint

biometrics and other forms of biometric data lose their ability to be used as a secure identifying feature.

[Read more](#)



OACTA Expert Witness Database

Are you looking for an Expert Witness? OACTA has an Expert Witness Database located on the Members Only side of the OACTA website. You can find a particular witness by searching a name, firm, area expertise, or specialty.

Do you have an Expert Witness to share? You can also submit an expert witness to be added to our database.

[Learn More About the OACTA Expert Witness Database](#)

On-Demand CLE Library - OH & KY Self-Study Credit Available

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! You can also view all of the webinars from the OACTA Personal Injury Webinar Series & Insurance Coverage Virtual Seminar on-demand. You can purchase them individually or as a bundle for a discounted price!

Available Lunch & Learn Webinars On-Demand

- "Business Interruption Coverage and the Coronavirus"
- "The ADA, EEOC and OSHA considerations for employers during the COVID-19 pandemic" / "COVID-19 and Public Sector Employers"
- "Navigating the Families First Coronavirus Response Act, the CARES Act and Unemployment During COVID-19"
- "Recent Developments & Recurring Issues in Ohio Bad Faith Law"
- "Unconscious Bias: Making a Conscious Choice to Break Down Barriers"
- "Forensic Investigation of Design & Construction Defects"
- "Employing Science in Medical Negligence and Malpractice Cases"
- "Product Failure Analysis: Avoiding Spoliation"
- "Reconstructing Vehicular Accidents"
- "Perception and Expert Biases – Analyzing Testimony and Critiquing Opinions"
- "2020 Ohio Civil Rule Amendments: Insights into How to Effectively Handle the Changes to Case Management and Discovery"
- "Practicing Law While Quarantined: A Guide to Online Depositions"

Available Personal Injury Webinars On-Demand

- "Pain and Suffering Without Medical Bills? How To Deal With This Emerging Trial Tactic"
- "An Update on Traumatic Brain Injuries (TBIs) From Diagnosis, Treatment, to Prognosis"
- "The Care and Feeding of Trial Judges: Dos and Don'ts"
- "Preparing and Protecting Your Witness Against the Reptile Theory From Discovery Through Trial"

Available Insurance Coverage Webinars On-Demand

- "Making Insurance Great Again - How the #Insurtech Revolution is Bringing Much Needed Innovation to an Archaic Industry"
- "Perspectives on Professionalism"
- "Insurance Coverage for Claims Arising in the 'Gig' Economy"

- “Procedural, Evidentiary and Practical Considerations For Defending Bad Faith Litigation”
- “Litigating Common Coverage Issues in Auto and Homeowners Claims”

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

OACTA Leadership Opportunities Available

There are many opportunities for leadership in OACTA! There are [12 Member Service Committees and 12 Substantive Law Committees](#). Each committee has a chair and in most instances, a vice chair. Currently, there is a need for a **Vice Chair of the Governmental Liabilities Committee, Chair and Vice Chair of the Product Liability Committee**. Please review the [responsibilities of the committees](#) and consider this leadership opportunity! For more information, contact OACTA Vice President, Natalie Wais, nwais@yandalaw.com or OACTA OACTA@AssnOffices.com.



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COVID-19 Judicial Updates, Articles & Resources Provided by OACTA Members

Thank you to our OACTA members who have continuously updated the OACTA website with Court & Judicial Updates, Articles and Additional Resources related to the coronavirus. If you would like to add an article to our [News & Information Regarding COVID-19](#) web page, please submit your article to OACTA@assnoffices.com.



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Member Request Network

What is it? OACTA's Member Request Network allows you to send and/or request information regarding a court, your opposing counsel, an expert witness, or any substantive or procedural issue to your fellow members, via email, by submitting a Member Request through the OACTA website. Only OACTA members will receive the request.

How can you send a request? Members can send a Member Request by logging into the OACTA website using their username and password. Once logged in, on the right side of the web page is a list of "Quick Links" one quick link is titled "Submit a Member Request" select that link and complete the form. Your Member Request is then sent to the OACTA Office to be sent to the entire membership.

How can you search for prior requests? Members can search for past requests by downloading the OACTA Member Request Database. Again, make sure you are logged into the OACTA website with your username and password. On the "Member Home" page you will see a button titled "Download the Member Request Database". This database is updated monthly and goes back two years. Once selected, it will automatically download as an excel spreadsheet. Search the spreadsheet using key words to find an old request.

Be sure to take advantage of this great members-only benefit by making requests and by responding to the requests of your fellow members!

Articles Needed for the Upcoming OACTA Quarterly Review

The OACTA 2020 Quarterly Review series will feature articles from the **Business and Commercial Litigation Committee**. The committee chairs are seeking assistance with educational articles related to these practice areas. If you would like to contribute an article, please email the article to OACTA@assnoffices.com. OACTA will then pass it on to the appropriate committee chairs for review.

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Case Victories Needed!

OACTA members - send summaries of your significant case victories to David Oberly, OACTA Social Media & Website Chair, at doberly@blankrome.com for inclusion on OACTA's new "Significant Case Victories" webpage and announcements on social media. Those received will be posted on our website.

Check Out the Job Postings On the OACTA Website

If you are looking for a position within the civil defense practice, you've come to the right place! All listings appear for 90 days or until the position has been filled, whichever is lesser, and will be listed in at least one issue of The Update. Be sure to notify the OACTA office if the position has been filled prior to the end of the 90 day period. Job postings cost is \$150 for members and \$250 for non-members.

[Submit a Job Posting](#)

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.



