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# THE UPDATE

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### President's Message

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



2020 is now over half over, and many are probably saying “good riddance” to this year. COVID-19 continues to dominate our news cycles, and it continues to impact our daily lives even as we try to return to “normal.” Many of us are finding that “normal” may not look like it did before COVID-19. Many of us continue to work from home, and will do so for some time. Most of us have become familiar with Zoom or Skype meetings and depositions. These continue to be difficult times, but we are finding ways to get through this.

As courts struggle to resume operations in the aftermath of the COVID-19 shutdowns, OACTA has given Ohio’s defense bar a voice in the process. Earlier this year, OACTA solicited member comments and submitted them to the Ohio Supreme Court’s task force on jury trials. More recently, OACTA submitted a written proposal jointly with the plaintiffs’ bar, the Ohio Association for Justice, to the Ohio Supreme Court’s workforce on backlog cases. OACTA members had the opportunity to submit comments on the proposal earlier this year, and also at the first ever OACTA-OAJ Summit back in May. The OACTA-OAJ proposal was adopted by the Supreme Court workforce, and included in the document that the Supreme Court distributed to Ohio’s judges for guidance in handling their backlog civil cases. Some judges are now following the OACTA-OAJ proposal, which involves the court sending out a questionnaire to counsel, requiring them to meet and confer, and then report back to the court on any issues they may be having with discovery and the trial date.

As the COVID-19 pandemic continues, OACTA has been forced to make changes to the programming and events it has offered to members, particularly those that are typically held in person. Our two live seminars this year, put on by the Insurance Coverage and Personal Injury Defense committees, had to be transitioned into webinars. The personal injury defense committee’s webinars were held in June, and are now available in OACTA’s on demand library. The Insurance Coverage committee’s webinars will be held on August 21, from 9AM to 4PM, and will include a professionalism presentation from Justices Judi French and

## Resources

Member Request Network

2020 Annual meeting Save  
the Date

Employer Workplace Privacy  
Considerations for COVID-  
19 Employee Health  
Screening

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### [OACTA Board of Trustees](#)

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### Upcoming Events

**July 21, 2020**

"Reconstructing Vehicular  
Accidents Using  
Technology"

Presented by: Steven  
Teterus, BSME, ACTAR  
Lunch & Learn - Live  
Webinar

12:00 - 1:00 p.m.

[Details & Registration](#)

**August 6, 2020**

"Perception and Expert  
Biases – Analyzing  
Testimony and Critiquing  
Opinions"

Presented by: Suzy Smyth,  
Ph.D., P.E., CFI, CVFI  
and Christy Cloninger,  
Ph.D.

Lunch & Learn - Live  
Webinar

12:00 - 1:00 p.m.

[Details & Registration](#)

**August 21, 2020**

Virtual Insurance Coverage  
Seminar

[Details & Registration](#)

Pat Fischer of the Ohio Supreme Court. Everyone is encouraged to attend these webinars live, and if you are unable to attend, check them out on OACTA's on demand platform.

OACTA's on demand platform continues to grow each week. We have been putting on a webinar each week since the rise of COVID-19, which have been well-received by our members. As the end of the year CLE reporting approaches, members are encouraged to frequently check OACTA's on demand library for CLE programming. Virtually no one is holding live CLE seminars this year, so this truly is a great and convenient service we are able to offer members this year.

Sadly, the decision has been made to cancel this year's annual golf outing in September due to COVID-19 concerns. A decision will be announced soon with respect to our annual meeting in November, which may also be converted to a webinar format in light of COVID-19. No summer happy hour events are on the horizon this year, again due to COVID-19. There is no denying that one of the best benefits OACTA has traditionally offered its members is gathering and interacting with colleagues and sponsors several times a year, and it appears that OACTA is not going to be able to offer that valuable benefit in 2020. On a personal note, I can tell you that it is disappointing not to be able to see any of you this year. OACTA events have always been something I have looked forward to, and such interactions are sorely missed in a year of social distancing and isolation.

Life does go on though, and so does OACTA. We have been proud to offer the services and virtual programming we have been able to provide this year, and it has been an honor and privilege to be able to give a voice to the defense bar during our collaborations with the judiciary this year. I personally thank everyone who has contributed to OACTA this year in perhaps the most challenging year OACTA has ever faced. That includes those who have planned and participated in our webinars, those who have attended our webinars, and all of our new and returning members to the organization.

We are over halfway home in 2020. Let us all finish the year strong, personally and professionally. When we look back at 2020, we can remember it as a year of tremendous growth, borne out of tremendous challenge. We can all do it together.

Stay safe and healthy.

**November 12-13, 2020**  
OACTA 2020 Annual  
Meeting  
Hilton Columbus Polaris  
Columbus, OH  
[Details](#)

## 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](mailto: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!

## OACTA Awards Committee Update | Nominations are due July 21, 2020

There are many, many OACTA members deserving of recognition for the contributions they've made to the organization and the profession recently and in years past. The Awards Committee will meet over the summer to consider nominations and make recommendations to the board as to who it should formally recognize at the Awards Luncheon held during the Annual Meeting.

Please share with the committee the names of those members that you think should be on our list when we convene in July. In particular, we are looking for nominations for the following awards:

Excellence in Advocacy  
Lifetime Achievement  
Respected Advocate  
Young Lawyer  
Distinguished Contributions to the Community  
Outstanding Advocate

A link to the criteria for each of the above awards, and a list of past recipients, is found below. You can submit nominations to the committee at [gobrien@cavitch.com](mailto:gobrien@cavitch.com) or to Debbie Nunner at [debbie@assnoffices.com](mailto:debbie@assnoffices.com) by July 21<sup>st</sup>.

Thank you,

Greg O'Brien, Awards Committee Chair

[Awards Nomination Form](#)

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

**Welcome New OACTA Members Since April!**

**Drew Campbell**, Bricker & Eckler  
**Diane Feigi**, Bonezzi Switzer Polito & Hupp Co., LPA  
**Cory Funk**, Jurca & Lashuk, LLC.  
**Arryn Miner**, Vorys, Sater, Seymour and Pease LLP  
**Josephine Prokop**, Williams, Moliterno & Scully, LPA  
**Steven Strang**, Gallagher Sharp LLP  
**Shari Weinman**, Shelter Insurance Companies  
**Elizabeth Wilfong**, Bieser Greer & Landis  
**Christina Williams**, Williams, Moliterno & Scully, Co., LPA

**Have you renewed your OACTA Membership for 2020?**

[Renew Your Membership Here!](#)

## OACTA Announces 2020 Hilary S. Taylor Inclusion & Equity Scholarship Recipients

Two (2) OACTA Hilary S. Taylor Inclusion & Equity Scholarships, each in the amount of \$2,500, have been awarded to: **Sarah Ochieng**, a student at the University of Cincinnati College of Law and **Bianca N.C. Smith**, a student at Cleveland-Marshall College of Law. These two students will be recognized at the OACTA Annual Meeting on November 12, 2020 at the Hilton Polaris in Columbus.



OACTA Law Student Inclusion & Equity Scholarships are open to the following incoming second and third year law students who are enrolled in an Ohio law school or are a permanent Ohio resident: Minority law students; LGBTQ (Lesbian, Gay, Bisexual, Transgender, Questioning) law students, regardless of race or ethnicity; Female law students, regardless of race or ethnicity; or, Law students from economically impoverished families/backgrounds, regardless of race or ethnicity. The criteria include academic achievements; service to the community and to the cause of inclusion and equity; and experience or interest in a civil defense practice.

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 inclusion and equity in all aspects of its activities and is committed to nurturing a culture that supports and promotes it. OACTA was nationally recognized as a recipient of the DRI State and Local Defense Organization Diversity Award.

Congratulations to this year's scholarship recipients! Thank you to OACTA's Inclusion & Equity Committee, Chaired by Christopher Mars, for their efforts on this worthwhile initiative!

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- Dr. Edmond Locard

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## Upcoming Virtual Insurance Coverage Seminar | August 21, 2020

Plan to attend OACTA's Virtual Insurance Coverage Seminar on **August 21st!** An outstanding program is planned for attorneys and claims executives! The seminar includes specialty CLE hours toward OSBA Insurance Coverage Law Certification!



[Register Today!](#)

[View the Program Agenda](#)

### Continuing Legal Education

This course is pending approval by the Supreme Court of Ohio Commission on Continuing Legal Education for 5.0 total CLE credit hours (4.0 general and 1.0 attorney professional conduct) for live, interactive webinar credit. It is pending approval for 5.0 Specialty CLE hours toward OSBA Insurance Coverage Law Certification and pending approval by the Kentucky Bar Association.

### Seminar Registration Fees

- Member - \$250.00
- In-House Counsel Member - \$50.00
- Claims Executive Member - \$50.00
- Non-Member - \$400.00
- Claims Executive, Non-Member, Non-Attorney - \$100.00

### Questions

Please contact Laney at the OACTA office with any questions at (614) 228-4727 or [OACTA@assnoffices.com](mailto:OACTA@assnoffices.com).

**Thank you to our Annual & Event Sponsors!**



## OACTA Annual Sponsors Are Here For You

The OACTA Annual Sponsors want you to know they are here for you. Our Annual Sponsors have provided a response to OACTA members regarding the coronavirus pandemic. They have also provided several continuing education opportunities for OACTA members.

[View the Message from our Sponsors](#)

[View the Upcoming CE Opportunities](#)

## Business & Commercial Litigation Committee Update

*By: Gregory Farkas, Business & Commercial Litigation Committee Chair*

While 2020 is turning out in ways none of us ever could have imagined, as chairs of the Business and Commercial Litigation Committee, Candi Taggart and I want to wish everyone a safe and happy Summer. We are hopeful that as we move into the second half of the year there will be greater opportunities for the Committee to assist its members in continuing to develop their practices. If you know anyone who would be a good fit for the Committee, please consider reaching out to them about membership. Also, if you have any suggestions for webinars or other content that the committee could present, please let Candi or I know, and we would be happy to assist in developing those programs. Last but not least, the Committee will be responsible the Fall edition of the OACTA Quarterly Review. If you have any thoughts for an article or know a colleague that might be interested in publishing, please send those to us as well.

## Save the Date: 2021 OACTA Foundation Golf Outing | September 7, 2021

Thank you to the past golf outing participants who completed the survey regarding the 2020 golf outing. Based on the results of the survey, the OACTA Foundation Annual Golf Outing has been cancelled for 2020 due to the coronavirus pandemic and OACTA's concern for the health and safety of its members and sponsors. Please save the date for the 2021 OACTA Foundation Golf Outing on September 7, 2020 at Pinnacle Golf Club in Grove City.



## 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!](#)

## Continuing Legal Education Tracker for OACTA Members

Your OACTA member profile on the OACTA website tracks the CLE you obtained from OACTA. When logging in, click on the tab "OACTA Continuing Legal Education Tracker" and you will see the number and type of CLE hours that OACTA has submitted to the Ohio Supreme Court on your behalf from OACTA seminars and through the OACTA online library. CLE received from OACTA since January 2019 has been added to your profile and all CLE going forward will be included. If you have any questions please contact the OACTA office at (614) 228-4727.



## 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 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"

### **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"

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



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*For more information:*  
[SEAlimited.com](http://SEAlimited.com)



## **Upcoming Lunch & Learn Live Webinars -FREE for OACTA Members**

**July 21, 2020**

### **"Reconstructing Vehicular Accidents Using Technology"**

Presented by: Steven Teterus, BSME, ACTAR

Lunch & Learn - Live Webinar

12:00 - 1:00 p.m.

[Details & Registration](#)

**August 6, 2020**

### **"Perception and Expert Biases – Analyzing Testimony and Critiquing Opinions"**

Presented by: Suzy Smyth, Ph.D., P.E., CFI, CVFI and Christy Cloninger, Ph.D.

Lunch & Learn - Live Webinar

12:00 - 1:00 p.m.

[Details & Registration](#)

## **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](mailto: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!**

## Save the Date for the 2020 OACTA Annual Meeting



**November 12-13, 2020**  
OACTA 2020 Annual Meeting  
Hilton Columbus Polaris  
Columbus, OH

*More information coming soon!*

### Articles Needed for the Upcoming OACTA Quarterly Review

The OACTA 2020 Quarterly Review series will feature articles from the **Construction Litigation Committee and 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](mailto: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](mailto: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.

## Employer Workplace Privacy Considerations For COVID-19 Employee Health Screening Programs

*By: David J. Oberly, Blank Rome LLP*

During the return-to-work phase of the COVID-19 pandemic, many employers will implement a range of risk mitigation measures designed to combat the community spread of COVID-19 in the workplace. One of the primary tools employers will have to limit the potential for workplace exposure is the ability to conduct daily employee health screenings. While health checks can be an extremely effective tool in the fight against COVID-19, there are also a range of significant privacy issues that employers must consider when developing and implementing employee health screening programs and protocols.

### Current Legal Landscape

As the nation moves into the return-to-work phase of the pandemic, employers will face a range of challenges as it relates to minimizing the risk of community spread of the virus and ensuring the health of their workers, while at the same time avoiding any impediments that could negatively impact employees' productivity. One of the most significant measures that employers will have at their disposal to monitor employee health and mitigate the health risks associated with COVID-19 in the workplace is the ability to assess employees' health status through daily and periodic health screenings.

As a result of the Equal Employment Opportunity Commission's ("EEOC") determination that COVID-19 satisfies the Americans With Disabilities Act's ("ADA") "direct threat" standard, employers are now permitted to conduct employee health screenings as a COVID-19 risk mitigation measure. In addition, a handful of states and municipalities have also either recommended or ordered employers to conduct regular health checks to screen employees for indicators of COVID-19 infection to reduce the spread of the virus. In particular, to help protect the public against the spread of COVID-19, Ohio Governor Mike DeWine and the state's Department of Health strongly recommend that employees receive daily symptom assessments before entering the workplace.

With that said, while the EEOC and other governmental bodies have made clear that health screenings are permissible during the COVID-19 pandemic, this particular risk mitigation measure raises a range of significant compliance challenges, particularly in the area of workplace privacy.

[Read More](#)

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### 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](#)

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### 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](mailto: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](mailto:OACTA@AssnOffices.com) and we will follow up to request the information needed.



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*OACTA requests that authors who republish articles that were originally published in an OACTA publication, reflect that the article first appeared in the OACTA publication.*

