

News & Practice Pointers from OACTA

Fall 2019

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PRESIDENT'S MESSAGE

**By: James N. Kline
2019 OACTA President**



As you read this, I will be nearing the end of my term as President of OACTA. It is hard to believe that the year is virtually concluded (though, at times, it felt like it might never end). It has been and continues to be a great honor to oversee such a great organization.

It may sound trite, but it is the people that make OACTA such a great organization. It reminds me of a welcome sign I saw on the outskirts of a small western town when doing comedy which read "Welcome to our town, population 2,140 friendly folks and 2 old grouches." To tell the truth, I am not sure I could find two grouches in our midst. Everyone I have encountered is friendly, knowledgeable and always willing to lend a hand.

And like they say at the Oscars, while there are too many people I have to thank, I do need to thank some particularly deserving people who have done a magnificent job throughout the entire year (continuing on in what they have always done): Debbie Nunner, our Executive Director; Laney Mollenkopf, our Assistant Executive Director; all of our great officers: Jamey Pregon, Vice President; Natalie Wais, Treasurer; Ben Sassé, Secretary; and Jill Mercer, Immediate Past President. In that regard, I want you to know how difficult this job is because of the amazing job performed by each of my predecessors who set such a high bar: the aforesaid Jill Mercer, John Garvey and Brian Kerns. Thank you all for inspiring and leading the way.

[Read more](#)

Welcome New OACTA Members Since July!

Jeffrey	Hines	Rendigs, Fry, Kiely & Dennis LLP
Leah	Hohenberger	Dickey McCamey & Chilcote, P.C.
Angelyne	Lisinski	Vorys, Sater, Seymour & Pease, LLP
Sonia	Whitehouse	GEICO Staff Counsel

2019 Annual Meeting - Registration Now Open!

[OACTA Board of Trustees](#)

SUBMIT Articles to include in The Update to:

[Tony Brown](#)
or
[Ian Mitchell](#)

Upcoming Events

November 21-22, 2019

OACTA Annual Meeting
Hilton Cleveland
Downtown
Cleveland, OH
[Register Today!](#)

April 3, 2020

Insurance Coverage Seminar
National Interstate Insurance
Richfield, OH

November 12-13, 2020

OACTA 2020 Annual Meeting
Hilton Columbus
Polaris
Columbus, OH

Ohio Association of Civil Trial Attorneys

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oacta@assnoffices.com
www.oacta.org

The Update Winter Issue deadline is December 1, 2019

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](#)

The Hilton Cleveland Downtown will be the site for this year's Annual Meeting! The Hilton is located in the heart of Cleveland's downtown area, right on Lake Erie. Join us for an outstanding two-day program



which will culminate in a presentation by four Ohio Supreme Court Justices: Justice DeWine, Justice Donnelly, Justice Fischer, and

Justice Stewart. A reception following their presentation will provide attorneys with a great opportunity to meet and greet the Justices! The Annual Meeting is jam-packed with top-flight speakers and incredibly interesting topics with something for everyone! The OACTA Legal Excellence Awards Luncheon and Annual Business Meeting will provide an opportunity to recognize your esteemed colleagues for their contributions! Join your colleagues at a Social & Networking Event on Thursday evening at Pickwick & Frolic comedy club where there is sure to be lots of fun and laughs!

[Register Today!](#)

[View the Annual Meeting Brochure](#)

Hotel Information

Make your reservation today at the Hilton Cleveland Downtown through the OACTA room block and receive the group rate: \$169 single/double; \$194 triple; \$219 quad occupancy. To make your reservation, click here to reserve online or call the Hilton at 216-413-5000, press Option 1 and reference the 3-digit group code CTA. All guest rooms reserved in the block include complimentary internet and can receive a discounted overnight valet parking rate of \$28. Room rates are available two days before and after the OACTA Annual Meeting. **Reservations must be made by Monday, October 28th to receive the group rate!**



Continuing Legal Education

This course is approved by the Supreme Court of Ohio Commission on Continuing Legal Education for 8.75 total CLE hours, with 2.25 of attorney professional conduct instruction. The course is also approved by the Kentucky Bar Association.

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Congratulations OACTA Award Recipients!

During the OACTA Legal Excellence Awards Luncheon on Thursday, November 21st, 12:00-1:30pm, the following awards will be presented, in addition to other OACTA member awards. For more information on these awards and the recipients, visit the OACTA website: www.OACTA.org. Join us in recognizing these outstanding individuals!

Excellence in Advocacy Award

James L. McCrystal Jr., Esq.

Outstanding Advocacy Award

Benjamin C. Sassé, Esq.

Frank Seth Hurd Member of the Year Award

Gary L. Grubler, Esq.

Distinguished Contributions to the Profession Award

Gretchen Koehler Mote, Esq.

Outstanding Young Lawyer Award

Zachary B. Pyers, Esq.

Respected Advocate Award

Robert P. Rutter, Esq.

OACTA Committee Chair of the Year Award

Christopher F. Mars, Esq.

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Ohio and Kentucky Online CLE Credit Now Available!

Did you miss OACTA's 2019 Insurance Coverage Seminar? No problem! OACTA now has an online CLE catalog available. Earn CLE from the comfort of your home or office by viewing these recorded sessions from the OACTA Insurance Coverage Seminar.

Available Insurance Coverage On-Demand Webinars:

- **"#MeToo! Coverage for Workplace Claims"** presented by *John G. Farnan, Esq.* - 1.0 hr. CLE credit
- **"A Primer on Cyber Liability"** presented by *Rema A. Ina, Esq. and Steven D. Strang, Esq.* - 1.0 hr. CLE credit
- **"All's Well That Ends Well: Coverage Litigation from Start to Finish"** presented by *Richard M. Garner, Esq. and Lucas P. Baker, Esq.* - 1.0 hr. CLE credit
- **"Ethics and Insurance Coverage Litigation: How to Play Tug-of-War in a Minefield"** presented by *Kurt D. Anderson, Esq.* - 1.0 hr. APC/Ethics credit

[View the OACTA Online CLE Catalog](#)

Data Breach Incident Response Plan Best Practices

Submitted by: David J. Oberly

Today, the list of corporate cyber attack victims grows more numerous every day. To complicate matters even further, cyber criminals continue to become ever-more sophisticated in their skills and attack methods as time progresses. In 2019, the question is not a matter of if your organization will experience a data breach, but rather when and how a breach will take place. While many organizations have taken significant measures to prevent data breaches, the majority of business entities operating today have failed to properly prepare themselves with the tools and resources to effectively manage the data breach response process. With the average cost of a data breach having risen to a staggering \$3.86 million per incident, those entities that fail to properly prepare themselves to effectively manage major security incidents do so at extreme peril. Fortunately, by utilizing the data breach incident response plan best practices discussed in this article, organizations-including law firms-can properly prepare themselves to minimize the impact of a data breach event when that inevitable time comes.

[Read more](#)



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Significant Case Victory

Submitted by: Walter Krohngold

Plaintiff, a customer at a Giant Eagle grocery store, was struck by a motorized cart operated by another customer in the store. She sued the store and the trial court admitted evidence of both prior and subsequent incidences of cart accidents, both similar and dissimilar. The jury awarded plaintiff \$121,000 in compensatory damages and \$1,198,000 in punitive damages; the trial court thought that the cap on punitive damages, ORC 2315.21, was unconstitutional as applied to this case. The court of appeals upheld the compensatory verdict but reversed the trial court's punitive damage award, reducing it to \$242,000.

[Read more](#)

2018 OACTA Foundation Report



The 2018 OACTA Foundation Annual Report is complete. [View the report](#) for an overview of the Foundation and 2018 activities and contributions.

If you haven't already made a contribution in 2019, it's not too late! Donations can be made online at www.oacta.org where "Donate to the OACTA Foundation" can be found on the website homepage.

To learn more about the OACTA Foundation, visit <https://www.oacta.org/oacta-foundation>.

Thank you to all who have contributed to the OACTA Foundation!

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OACTA Foundation 11th Annual Golf Outing



Thank you to all who participated in the OACTA Foundation's 11th Annual Golf Outing! Whether you competed in the outing with a team or contributed to prizes or sponsorships, you are what makes the OACTA Foundation so successful. Because of your generosity, OACTA is able to contribute funds every year to NFJE and to the OACTA Law Student Inclusion and Equity Scholarship. This year was especially successful because it was the **highest attendance we have had yet** for the outing! Congratulations to Mark McCarthy, the OACTA Golf Outing Chair, for putting it together and making his first year as chair so memorable.

OACTA's Expert Witness Database

Share Your Experts with OACTA

OACTA's Expert Witness Database is a comprehensive listing of plaintiff and defense expert witnesses supplied by your fellow OACTA members and OACTA sponsors. OACTA's Expert Witness Database has the expert witness information you need!

We need your help to maintain this MEMBERS-ONLY resource! OACTA members are encouraged to submit new experts and to notify OACTA of updated information about experts in the database.

[Submit an Expert](#)

[Search the Database](#)



“Every contact leaves a trace”

- Dr. Edmond Locard

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Legal Education Tracker Now Available for OACTA Members

Your OACTA member profile on the OACTA website now 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.

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Summer Networking Events

Thank you to S-E-A for hosing another successful summer networking series! This year the Cincinnati and Columbus networking events were hosted at Topgolf. The Cleveland event was hosted at a new brewery,

Southern Tier Brewing. We hope you were able to attend and connect with fellow OACTA members!



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](#)

Case Victories Needed!

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



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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.](#)

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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Member News

Submitted by: Anne Marie Sferra



Kurt Tunnell, a dear friend to many and an OACTA member for the past 20 years, was tragically killed on August 31, 2019. He was 58. Kurt passed away after a car collided with his bicycle during a morning ride on a rural road near his home in Hilliard, Ohio. Kurt grew up on a farm in Nebraska. He was most

invigorated when he combined exercise, deep thinking, and relaxation with his "nose to the wind," being inspired by farm landscapes in his early morning rides.

Kurt graduated from Hastings College in 1983, obtained his Master's Degree at the University of Toronto, and then became a Buckeye, completing his legal studies at The Ohio State University Moritz College of Law in 1987.

[Read more](#)

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