

# COLUMBUS BAR today

The Official Weekly News of the Columbus Bar Association

## Columbus Bar Members

We know you're busy. We also know that you've been intending to get it done for some time. We also know that it's the next item on your to-do list.

We understand ... we really do.

The only problem is that after September 12, we won't be able to wait any longer.

LAST CHANCE TO RENEW YOUR COLUMBUS BAR MEMBERSHIP!

## Thank you, new Columbus Bar members!

### New Attorney Members

- William M. Apple, Cannell Reprographics
- Virginia Lohmann Bauman
- Amy S. Courtney, Franklin County
- John J. Dilenschneider, Bailey Cavalieri
- Steven J. Elcessor, Frost Brown Todd
- Laura E. Erebia, Rodier Law Offices
- Nancy Ivers Ferguson
- Gregory N. Finnerty, Greg Finnerty Law Office
- Judith M. Fisher, Bank One Corporation
- David Francisco, Ohio Nurses Association
- Michael R. Goodstein, Bailey Cavalieri
- Kelly A. Graham
- Jason M. Griggs
- Mitchell A. Jensen
- Lina N. Kirchner, Capital University Family Advocacy Clinic

- Kelley Deibel Louis, Porter Wright Morris & Arthur
- Eric C. Myers, Porter Wright Morris & Arthur
- Robert D. Nauman, Squire Sanders & Dempsey
- Matthew Shad
- Bradley E. Sherman, Cincinnati Insurance Co.
- Anthony D. Siciliano, Ohio Attorney General
- Richard J. Silk Jr., Reminger & Reminger
- Corrie D. Thomas, Kennedy & Knoll
- Bryan J. Venes, Squire Sanders & Dempsey
- Melissa A. Warheit, Ohio Attorney General

### New Associate Members

- Carly Dye Adams
- Kevin D. Arnold
- Kathryn A. Locke

## 2003-04 Barrister Leader class selected

The 2003-04 Barrister Leader Program will officially begin this month, with nineteen local attorneys participating in this year's class. Sponsored by the New Lawyer's committee, the Barrister Leader Program is designed to aid new lawyers in developing leadership skills and obtaining a better understanding of volunteer and leadership opportunities throughout the community.

With a mission to assist new attorneys interested in becoming bar and community leaders, the program features sessions that allow participants to become acquainted with the Columbus Bar and many other local service organizations. Practicing attorneys and business leaders serve as speakers at each ses-

sion and provide valuable insights on coordinating a career, community service and a personal life. The featured attorneys and business leaders come from a variety of backgrounds including judicial, legislative, political, private practice and also share their career experiences, both positive and negative, with the group. In addition, participants are given a chance to meet with other new attorneys, developing a strong network that will be invaluable as they advance in their careers.

When this year's group meets for the first time on Sept. 10, they will have the chance to interact with current Columbus Bar board members and will also be treated to a social event. The October meeting will focus on the establishment of

scholarship funds through The Columbus Foundation, with featured speakers Shirley Brooks-Jones, a passenger of Delta Flight 15, and Nancy Koerner of the Columbus Foundation. Future sessions will cover ethics issues, serving on the board of a non-profit, diversity training, politics and the arts. The group will also be visiting the Ohio Theatre, the Columbus Area Humane Society, the Juvenile Detention Center and the State House.

The 2003-04 planning committee includes chair John Barron and members Dawn Grauel, David Timms, Jeff Hartranft, Michael Loughry, Kyle Knapp and Shaun Petersen, all graduates of the 2002-03 Barrister Leader program.



Laing Akers



Laura Anthony



John Colombo



Eve Ellinger



Nicole Fisher



Brian Forbes



Matthew Hoyt



Aneca Lasley



LeeAnn Massucci



Sean McGlone



Jill Snitcher McQuain



Marchelle Moore



David Orensten



Michael Passella



Janica Pierce



Rebecca Price



G. Dennis Schreiber



Tamie Snyder



Lisa Fields Thompson

## More than just an insurance plan

You may be one of the many members who take advantage of the healthcare insurance plans available through United Healthcare – but did you know that in addition to the variety of plan choices and a broad network of providers that you have a tremendous amount of health information at your fingertips?

www.myuhc.com is password-protected to ensure confidentiality and is available to plan participants. This valuable website provides you with the following information: review the status of a claim, or your claims history; use myuhc.com's powerful health information tools to make better health decisions for

you and your family; check your eligibility for a given medical service; review basic copy and deductible information; order a new ID card or print a temporary card; locate physicians and hospitals available to you in your network; change your primary physician; and order your prescriptions through our secure, online pharmacy and have refill reminders sent to you automatically so you never miss a prescription.

The Health Information section has the tools and information that you need to make better health decisions. From evidence-based information about medical conditions, tests and medications to self-

care guides to community chat sessions, this section has something for everyone.

Other resources, such as Care24, are available through a toll-free number 877/365.7950. Care24 provides allows you to speak with a registered nurse, listen to a help line library and discuss an employee medical situation with a management consultant.

Whether you are a current plan participant wanting more information about the resources available to you or you are interested in more information about the insurance plan, please contact Mike Turney at Berwanger Overmyer Associates at 326.4875.

## In Memoriam

Jacob E. Davis II died August 29. He was a graduate of Princeton University and The Ohio State University. He was Assistant to Administrative Assistant to the Honorable Sam Rayburn, Speaker of the House of Representatives, and assistant to the Honorable Michael V. DiSalle, Governor of Ohio and served in the U.S. Navy as Lieutenant J.G. He joined the Vorys Sater Seymour and Pease law firm in 1963. He was active in the community: a member of the Mayor's Human Rights Commission, the Board of Franklin County Veterans Memorial, the Governance Committee of the Columbus Board of Education Project Unite, the Board of Wesley Theological Seminary in Washington D.C., the Ohio Elections Commission, First Community Church, First Community Village and Couples Circle 40. He is survived by his loving wife of 36 years, Sallie E. Davis; sister, Eleanor (Eric) Nelson; aunt, Mary Nancy Davis; nieces, nephews, cousins, many god-children and many friends.

Robert Paul Di Rosario passed away on August 23. He was raised in Steubenville and was a practicing trial attorney in Columbus for 40 years. He was a member of the board of the Salesian Boys and Girls Club, the St. Thomas More Society, American Bar Association, Alpha Phi Delta fraternity and many other service organizations. He is survived by his wife of 16 years, Linda; his children, Robert J. Di Rosario, Suzanne Di Rosario, Julianne Di Rosario; step-children, Kurt (Alicia) Getzendiner, Jeffrey (Julie) Getzendiner, Steven (Stacey) Getzendiner; grandchildren, Madison, Luke and Gabriel Getzendiner; brothers, Lewis (Lucy) Di Rosario, Laurence De Rosario, Anthony (Joyce); sister-in-law, Betty and Bill Loftus; nieces and nephews.

## COMMITTEES

**Real Property**  
Monday, Sept. 8  
12-1 p.m.  
Steve Browning, Chair  
Speaker: Tim McDonald, ODOT  
Topic: Legal issues of interest relating to the I-70/I-71 South Innerbelt Corridor Study.

**Family Law**  
Monday, Sept. 8  
12-1 p.m.  
James Hanneman, Chair  
Speakers: Representatives from HOICES and Center for New Directions  
Topic: Each speaker will give a short presentation regarding the group's programs and how family law attorneys can take advantage of their services.

**Juvenile Law**  
Tuesday, Sept. 9  
12-1 p.m.  
Michael Oser, Chair  
Speaker: Magistrate Roberts  
Topic: The ins and outs of juvenile traffic court.

**Construction Law**  
Tuesday, Sept. 9  
12-1 p.m.  
Craig Paynter, Chair  
Speaker: A representative of Campus Partners  
Topic: An update of the OSU Gateway project.

**Probate**  
Tuesday, Sept. 9  
12-1 p.m.  
Jay Michael, Chair  
Speaker: Judge Belskis

**Legal Research and Information Resources**  
Tuesday, Sept. 9  
12-1 p.m.  
Pat Christian, Chair  
Speakers: Ellen Smith, Librarian for the U.S. Courts Library, U.S. District Court for the Southern District of Ohio and another member of the Clerk's office.  
Topic: Electronic Case Filing at the Southern District Court of Ohio

**Professionalism**  
Wednesday, Sept. 10  
12-1 p.m.  
Mark Petrucci, Chair  
Speaker: The Hon. Norah McCann King, Magistrate Judge of the U.S. District Court, Southern District of Ohio

**Business Tax**  
Wednesday, Sept. 10  
12-1 p.m.  
Vince Nardone, Chair  
Speaker: Susan L. Rhiel  
Topic: Unraveling the interplay between bankruptcy and the tax code.

**Federal Court**  
Wednesday, Sept. 10  
12-1 p.m.  
Randy Wiseman, Chair  
Speaker: Beverly White, courtroom Deputy for the Honorable James L. Graham  
Topic: Newly available electronic filing capabilities of the court.

**Environmental Law**  
Wednesday, Sept. 10  
12-1 p.m.  
Craig Sturtz & Bob Karl, Co-Chairs  
Speaker: Federal Court Judge Frost

**Labor & Employment Law**  
Wednesday, Sept. 10  
12-1 p.m.  
Joëlle Khouzam, Chair  
Speakers: Matt Miko, Chief Legal Counsel and Director of Enforcement for the Ohio Civil Rights Commission, and Duffy Jamieson, Attorney General's Civil Rights Section  
Topic: The new Task Force process the Commission is using to investigate cases. Miko will then talk about requests for reconsideration.

**Workers' Compensation**  
Thursday, Sept. 11  
4-5 p.m.  
Howard Sanders, Chair  
Speaker: James A. Barnes, Attorney General's office  
Topic: Update in Workers' Compensation from the Attorney General's perspective.

**Common Pleas Court**  
Thursday, Sept. 11  
12-1 p.m.  
Doug Jennings, Chair  
Speaker: John O'Grady, Clerk for the Franklin County Court of Common Pleas

**Health Care Committee**  
Thursday, Sept. 11  
12-1 p.m.  
Jeffrey Kapp, Chair  
Speaker: Jeffrey L. Kapp, Jones Day  
Topic: Problems & pointers: implementing HIPAA's privacy regulations.

**Bankruptcy**  
Thursday, Sept. 11  
12-1 p.m.  
Myron Terlecky, Chair  
Speakers: Judge Calhoun, Judge Sellers, Judge Caldwell and Judge Hoffman

**Securities Law**  
Thursday, Sept. 11  
12-1 p.m.  
Robert Lang, Chair  
Speakers: Robert Lang and Michael Miglets, Ohio Division of Securities  
Topic: Recent developments regarding enforcement actions taken by the Ohio Division of Securities. Miglets will be available to answer registration and exemption questions. He will also have some comments on finders and compensation paid in private offerings.

**ADR**  
Friday, Sept. 12  
12-1 p.m.  
David Rose, Chair  
Speaker: Sam Wampler  
Topic: Wampler will discuss the lessons he has learned over the years to improve the opportunity for success in mediation.

**Law Related Education**  
Wednesday, Sept. 24  
12-1 p.m.  
Nicole Moss, Chair

## Ethiestoid

Bartering legal services for vegetables is ethically acceptable (assuming the IRS doesn't object), but the Supreme Court's definition of "vegetable" apparently does not include cocaine. *Cuyaboga Cty. Bar Assn. v. Lazzaro*, 98 Ohio St.3d 509, 2003-Ohio-2150.

# COLUMBUS BAR today

## MORE COLUMBUS BAR NEWS

### CLE At-A-Glance

**September 9**  
**Ethics, Professionalism & Substance Abuse** (Video Replay)  
 9:00 - 11:45 a.m.  
 Event Code 3801-5  
 2.5 CLE Hours  
 Members: \$85 prepaid/\$95 day of  
 Non-Members: \$115 prepaid/\$125 day of

**September 11**  
**Support the Troops: Legal Assistance for the Military and Their Dependents** (Video Replay)  
 9:00 a.m. - 12:45 p.m.  
 Event Code 3828-1  
 3.5 CLE Hours  
 Members: \$85 prepaid/\$95 day of  
 Non-members: \$115 prepaid/\$125 day of  
 Paralegals: \$55 prepaid/\$65 day of

**September 12**  
**Using Computers for Legal Research**  
 9:00 a.m. - 12:15 p.m.  
 Event Code 3810-1  
 3.0 CLE Hours  
 Members: \$85 prepaid/\$95 day of  
 Non-members: \$115 prepaid/\$125 day of  
 Paralegals: \$55 prepaid/\$65 day of

**September 17**  
**Juvenile Guardian ad Litem** (Video Replay)  
 1:30 - 4:45 p.m.  
 Event Code 3806-3  
 3.0 CLE Hours  
 Members: \$85 prepaid/\$95 day of  
 Non-Members: \$115 prepaid/\$125 day of

**September 19**  
**Using Computers for Legal Research**  
 9:00 a.m. - 12:15 p.m.  
 Event Code 3810-2  
 3.0 CLE Hours  
 Members: \$85 prepaid/\$95 day of  
 Non-members: \$115 prepaid/\$125 day of  
 Paralegals: \$55 prepaid/\$65 day of

**September 23**  
**Columbus Tax Conference**  
 8:30 a.m. - 4:30 p.m.  
 Event Code 3811  
 6.5 CLE Hours  
 Members: \$195 prepaid/\$205 day of  
 Non-members: \$225 prepaid/\$235 day of  
 Paralegals: \$100 prepaid/\$110 day of  
*This program has been approved for 6.5 hours towards Specialist Certification in Federal Taxation Law.*

**September 24**  
**Ohio's Mechanics' Lien Law**  
 9:00 a.m. - 12:15 p.m.  
 Event Code 3812  
 3.0 CLE Hours  
 Members: \$85 prepaid/\$95 day of  
 Non-members: \$115 prepaid/\$125 day of  
 Paralegals: \$55 prepaid/\$65 day of

**September 26**  
**Nuts & Bolts of Bankruptcy, Part 1**  
 1:30 - 4:45 p.m.  
 Event Code 3830-1  
 3.0 CLE Hours  
 Members: \$85 prepaid/\$95 day of  
 Non-members: \$115 prepaid/\$125 day of  
 Paralegals: \$55 prepaid/\$65 day of

**September 29**  
**Ethics, Professionalism & Substance Abuse** (Video Replay)  
 9:00 - 11:45 a.m.  
 Event Code 3801-6  
 2.5 CLE Hours  
 Members: \$85 prepaid/\$95 day of  
 Non-Members: \$115 prepaid/\$125 day of

**October 3**  
**Using Computers for Legal Research**  
 9:00 a.m. - 12:15 p.m.  
 Event Code 3810-3  
 3.0 CLE Hours  
 Members: \$85 prepaid/\$95 day of  
 Non-members: \$115 prepaid/\$125 day of  
 Paralegals: \$55 prepaid/\$65 day of

**October 3**  
**Civil Protection Order Mock Trial Procedures and Legislative Update**  
 1:30 - 4:45 p.m.  
 Event Code 3804  
 3.0 CLE Hours  
 Members: \$85 prepaid/\$95 day of  
 Non-members: \$115 prepaid/\$125 day of  
 Paralegals: \$55 prepaid/\$65 day of  
*This program has been approved for 3.0 hours towards Specialist Certification in Family Relations Law.*

**October 9**  
**Workplace Writing**  
 1:30 - 4:45 p.m.  
 Event Code 3808  
 3.0 CLE Hours  
 Members: \$85 prepaid/\$95 day of  
 Non-members: \$115 prepaid/\$125 day of  
 Paralegals: \$55 prepaid/\$65 day of

**October 14**  
**Juvenile Guardian ad Litem** (Video Replay)  
 1:30 - 4:45 p.m.  
 Event Code 3806-4  
 3.0 CLE Hours  
 Members: \$85 prepaid/\$95 day of  
 Non-members: \$115 prepaid/\$125 day of  
 Paralegals: \$55 prepaid/\$65 day of

**October 17**  
**Using Computers for Legal Research**  
 9:00 a.m. - 12:15 p.m.  
 Event Code 3810-4  
 3.0 CLE Hours  
 Members: \$85 prepaid/\$95 day of  
 Non-members: \$115 prepaid/\$125 day of  
 Paralegals: \$55 prepaid/\$65 day of

**October 22**  
**Ethics, Professionalism & Substance Abuse** (Video Replay)  
 9:00 - 11:45 a.m.  
 Event Code 3801-7  
 2.5 CLE Hours  
 Members: \$85 prepaid/\$95 day of  
 Non-members: \$115 prepaid/\$125 day of  
 Paralegals: \$55 prepaid/\$65 day of

**November 4**  
**Bridging Troubled Waters: Mental Health and the Legal Profession**  
 9:00 a.m. - 12:15 p.m.  
 Event Code 3826  
 3.0 CLE Hours  
 Members: \$85 prepaid/\$95 day of  
 Non-members: \$115 prepaid/\$125 day of  
 Paralegals: \$55 prepaid/\$65 day of

**November 5**  
**Domestic Guardian ad Litem (Live Presentation)**  
 1:30 - 4:45 p.m.  
 Event Code 3809  
 3.0 CLE Hours  
 Members: \$85 prepaid/\$95 day of  
 Non-members: \$115 prepaid/\$125 day of  
 Paralegals: \$55 prepaid/\$65 day of

**November 6**  
**How to Deal With Difficult People**  
 9:00 a.m. - 12:15 p.m.  
 Event Code 3813  
 3.0 CLE Hours  
 Members: \$85 prepaid/\$95 day of  
 Non-members: \$115 prepaid/\$125 day of  
 Paralegals: \$55 prepaid/\$65 day of

**November 6**  
**Developing Long-Term Client Relationships**  
 1:30 - 4:45 p.m.  
 Event Code 3814  
 3.0 CLE Hours  
 Members: \$85 prepaid/\$95 day of  
 Non-members: \$115 prepaid/\$125 day of  
 Paralegals: \$55 prepaid/\$65 day of

**November 12**  
**Federal Bar Review**  
 9:00 a.m. - 12:15 p.m.  
 Event Code 3819  
 3.0 CLE Hours  
 Members: \$85 prepaid/\$95 day of  
 Non-members: \$115 prepaid/\$125 day of  
 Paralegals: \$55 prepaid/\$65 day of

**November 14**  
**Using the Internet for Legal Research**  
 9:00 a.m. - 12:15 p.m.  
 Event Code 3810-5  
 3.0 CLE Hours  
 Members: \$85 prepaid/\$95 day of  
 Non-members: \$115 prepaid/\$125 day of  
 Paralegals: \$55 prepaid/\$65 day of

**November 18**  
**Bridging Troubled Waters: Mental Health and the Legal Profession** (Video Replay)  
 9:00 a.m. - 12:15 p.m.  
 Event Code 3801-8  
 3.0 CLE Hours  
 Members: \$85 prepaid/\$95 day of  
 Non-members: \$115 prepaid/\$125 day of  
 Paralegals: \$55 prepaid/\$65 day of

**November 20**  
**Meeting Dynamics**  
 9:00 a.m. - 12:15 p.m.  
 Event Code 3815  
 3.0 CLE Hours  
 Members: \$85 prepaid/\$95 day of  
 Non-members: \$115 prepaid/\$125 day of  
 Paralegals: \$55 prepaid/\$65 day of

**November 20**  
**Increasing Productivity Through Effective Communication**  
 1:30 - 4:45 p.m.  
 Event Code 3816  
 3.0 CLE Hours  
 Members: \$85 prepaid/\$95 day of  
 Non-members: \$115 prepaid/\$125 day of  
 Paralegals: \$55 prepaid/\$65 day of

**November 21**  
**Using the Internet for Legal Research**  
 9:00 a.m. - 12:15 p.m.  
 Event Code 3810-6  
 3.0 CLE Hours  
 Members: \$85 prepaid/\$95 day of  
 Non-members: \$115 prepaid/\$125 day of  
 Paralegals: \$55 prepaid/\$65 day of

**November 25**  
**Settlement Week Mediation Training**  
 1:00 - 5:00 p.m.  
 Event Code 3834  
 3.5 CLE Hours  
 All Registrants Pay \$75

**December 1**  
**Bridging Troubled Waters: Mental Health and the Legal Profession** (Video Replay)  
 9:00 a.m. - 12:15 p.m.  
 Event Code 3801-9  
 3.0 CLE Hours  
 Members: \$85 prepaid/\$95 day of  
 Non-members: \$115 prepaid/\$125 day of  
 Paralegals: \$55 prepaid/\$65 day of

**December 8**  
**Bridging Troubled Waters: Mental Health and the Legal Profession** (Video Replay)  
 9:00 a.m. - 12:15 p.m.  
 Event Code 3801-10  
 3.0 CLE Hours  
 Members: \$85 prepaid/\$95 day of  
 Non-members: \$115 prepaid/\$125 day of  
 Paralegals: \$55 prepaid/\$65 day of

**December 9**  
**Six Degrees of Legal Writing**  
 1:30 - 4:45 p.m.  
 Event Code 3835  
 3.0 CLE Hours  
 Members: \$85 prepaid/\$95 day of  
 Non-members: \$115 prepaid/\$125 day of  
 Paralegals: \$55 prepaid/\$65 day of

**December 10**  
**Persuasive Presentation Skills**  
 9:00 a.m. - 12:15 p.m.  
 Event Code 3817  
 3.0 CLE Hours  
 Members: \$85 prepaid/\$95 day of  
 Non-members: \$115 prepaid/\$125 day of  
 Paralegals: \$55 prepaid/\$65 day of

**December 11**  
**Advising the Business Client on Intellectual Property**  
 9:00 a.m. - 12:15 p.m.  
 Event Code 3822  
 3.0 CLE Hours  
 Members: \$85 prepaid/\$95 day of  
 Non-members: \$115 prepaid/\$125 day of  
 Paralegals: \$55 prepaid/\$65 day of

**December 12**  
**Using the Internet for Legal Research**  
 9:00 a.m. - 12:15 p.m.  
 Event Code 3810-8  
 3.0 CLE Hours  
 Members: \$85 prepaid/\$95 day of  
 Non-members: \$115 prepaid/\$125 day of  
 Paralegals: \$55 prepaid/\$65 day of

**December 12**  
**Nuts & Bolts of Bankruptcy, Part 2**  
 1:30 - 4:45 p.m.  
 Event Code 3830-2  
 3.0 CLE Hours  
 Members: \$85 prepaid/\$95 day of  
 Non-members: \$115 prepaid/\$125 day of  
 Paralegals: \$55 prepaid/\$65 day of

**December 15**  
**Bridging Troubled Waters: Mental Health and the Legal Profession** (Video Replay)  
 9:00 a.m. - 12:15 p.m.  
 Event Code 3801-11  
 3.0 CLE Hours  
 Members: \$85 prepaid/\$95 day of  
 Non-members: \$115 prepaid/\$125 day of  
 Paralegals: \$55 prepaid/\$65 day of

**December 16**  
**How to Win With Mediation and Arbitration (Video Replay)**  
 9:00 a.m. - 12:45 p.m.  
 Event Code 3836  
 3.5 CLE Hours  
 4.0 CE Hours (Ohio Department of Insurance)  
 Members: \$85 prepaid/\$95 day of  
 Non-members: \$115 prepaid/\$125 day of  
 Paralegals: \$55 prepaid/\$65 day of

**December 17**  
**Time Management for Lawyers**  
 9:00 a.m. - 12:15 p.m.  
 Event Code 3818  
 3.0 CLE Hours  
 Members: \$85 prepaid/\$95 day of  
 Non-members: \$115 prepaid/\$125 day of  
 Paralegals: \$55 prepaid/\$65 day of

**December 18**  
**Support the Troops: Legal Assistance for the Military and Their Dependents** (Video Replay)  
 9:00 a.m. - 12:45 p.m.  
 Event Code 3828-2  
 3.5 CLE Hours  
 Members: \$85 prepaid/\$95 day of  
 Non-members: \$115 prepaid/\$125 day of  
 Paralegals: \$55 prepaid/\$65 day of

**December 19**  
**Using the Internet for Legal Research**  
 9:00 a.m. - 12:15 p.m.  
 Event Code 3810-7  
 3.0 CLE Hours  
 Members: \$85 prepaid/\$95 day of  
 Non-members: \$115 prepaid/\$125 day of  
 Paralegals: \$55 prepaid/\$65 day of

**December 22**  
**Bridging Troubled Waters: Mental Health and the Legal Profession** (Video Replay)  
 9:00 a.m. - 12:15 p.m.  
 Event Code 3801-12  
 3.0 CLE Hours  
 Members: \$85 prepaid/\$95 day of  
 Non-members: \$115 prepaid/\$125 day of  
 Paralegals: \$55 prepaid/\$65 day of

**December 22**  
**Stockbroker Malpractice** (Video Replay)  
 1:30 - 4:45 p.m.  
 Event Code 3829  
 3.0 CLE Hours  
 Members: \$85 prepaid/\$95 day of  
 Non-members: \$115 prepaid/\$125 day of  
 Paralegals: \$55 prepaid/\$65 day of

**December 23**  
**Bridging Troubled Waters: Mental Health and the Legal Profession** (Video Replay)  
 9:00 a.m. - 12:15 p.m.  
 Event Code 3801-13  
 3.0 CLE Hours  
 Members: \$85 prepaid/\$95 day of  
 Non-members: \$115 prepaid/\$125 day of  
 Paralegals: \$55 prepaid/\$65 day of

**December 23**  
**Representing Non-Traditional Families** (Video Replay)  
 1:30 - 4:45 p.m.  
 Event Code 3833  
 3.0 CLE Hours  
 Members: \$85 prepaid/\$95 day of  
 Non-members: \$115 prepaid/\$125 day of  
 Paralegals: \$55 prepaid/\$65 day of  
*This program has been approved for 3.0 hours towards Specialist Certification in Family Relations Law.*

*Location of all seminars is the CBA, 175 S. Third St., 11th Floor, unless otherwise noted.*

*Cancellation & transfer policy: The CBA reserves the right to modify or cancel a program if circumstances warrant. If the CBA cancels a program, full tuition will be refunded. Cancellations by program participants received by 5 p.m. the business day prior to the program will be refunded less a \$25 service fee. No refund or transfers are given for cancellations received on or after the day of the programs. Upon request, course materials are available in consideration of tuition paid.*

*Services for persons with disabilities: If a registrant requires special arrangements in order to participate in a CBA program, please contact the CBA at least one week prior to the course date.*

*Audio/video taping of programs: The CBA does not allow the audio and/or video taping of programs by participants.*

*Auditing courses: The CBA does not allow participants to "audit" courses. Only individuals paying tuition will be allowed admittance to a CBA continuing legal education course.*

## CLE REGISTRATION FORM

Columbus Bar Association, 175 S. Third St., Suite 1100, Columbus, OH 43215-5193  
 Phone: (614) 221-4112 Fax: (614) 221-4850

**If you wish to register for more than one seminar, please copy this form.**  
 REGISTER ONLINE AT WWW.CBALAW.ORG

Name _____	Seminar Name _____
Firm _____	Event Code _____
Address _____	Total Enclosed \$ _____
City/State/Zip _____	Check (payable to CBA) _____
Phone _____	Visa MasterCard (circle one) Exp. date _____
Fax _____	Account # _____
Supreme Court # _____	Name on Account _____
_____	Authorized Signature _____

Member

Non-Member

9/5/03

### Supreme Court Task Force on Rules of Professional Conduct

In March 2003, Chief Justice Thomas J. Moyer appointed an 18-member Task Force on Rules of Professional Conduct. This Task Force was assigned the responsibility of reviewing the Ohio Code of Professional Responsibility and the Model Rules of Professional Conduct adopted by the American Bar Association and determining whether Ohio should join 44 other states that have appointed the ABA Model Rules as the basis of governing the conduct of lawyers.

At its initial meeting the Task Force considered the threshold question of whether Ohio should adopt the ABA Model Rules. The Task Force reached consensus that it would use the Model Rules as the basis for its work and would recommend incorporating, where appropriate, specific provisions of the Code of Professional Responsibility

and Ohio case law that are deemed preferable to corresponding provisions of the Model Rules. The Supreme Court gave its approval to this decision, subject to the Court's review and consideration of specific rules developed by the Task Force.

The Task Force has commenced its substantive work with a review of Chapter 1 of the Model Rules, which establish core principles of the client-lawyer relationship, and corresponding provisions of the Ohio Code of Professional Responsibility. This work includes a review of rules that address competence and diligence, scope of representation and communication, confidentiality, fees, duties to former clients, and conflicts of interest. The Task Force may complete its initial work on these subjects later this year, and when that work is completed, it will circulate preliminary drafts of rules and com-

ments for public review and consideration.

Bar associations and other organizations will receive a written notice that preliminary drafts are being made available for comment and will be published in appropriate publications. Preliminary drafts released by the Task Force will appear only on the Task Force website, [www.sconet.state.oh.us/atty-svcs/profconduct](http://www.sconet.state.oh.us/atty-svcs/profconduct), together with information regarding the timeline and process for submitting written comments to the Task Force. All written comments received will be reviewed by the Task Force and considered prior to submission of any recommendations to the Supreme Court. The Court will then publish proposed amendments for comment before adoption revisions to the disciplinary rules.

### 2003 LAWYERS SOFTBALL LEAGUE TOURNAMENT

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\*O'BRIENS GREEN SOX will face DUCKS for the championship.

# COLUMBUS BAR today

## MORE COLUMBUS BAR NEWS

### Career Corner

#### POSITIONS AVAILABLE

**ASSOCIATE ATTORNEY** wanted fall 2003. Jack's Law Office, Jack W. Carney-DeBord, 305 S. Sandusky St., Delaware, Ohio 43015. Great opportunity for self-motivated "team-oriented" professional who seeks to grow in the areas of practice below by working hard, learning quickly and paying attention to detail. Areas of Practice: personal injury, domestic, traffic, litigation. Entry level: 0-3 years experience. Attributes desired: excellent work habits, computer literacy, professional, team player. Pay, benefits: entry level. Contact: Paralegal Roger Kirkbride via email at [rlkoffice@rroho.com](mailto:rlkoffice@rroho.com) with cover letter, resume and three references. No phone calls please.

**EXECUTIVE DIRECTOR** - Franklin County Common Pleas Court, General Division. Under the direction of the Judges of the Common Pleas Court, is responsible for overall administration & management of Court

operations including but not limited to: Adult Probation, CBCF, Finance & Purchasing, HR & Training, IT, Work Release/Home Incarceration, Magistrates, Jury & Assignment Offices. Develops & implements policies & procedures, oversees & coordinates development & submission of annual budget. Bachelors degree in Bus. Admin or related field required, Graduate degree preferred, 5 years executive level management required. Must possess sound budgetary, managerial & operational practices. Salary: \$ 81,725 Applications & Posting available at: Administration Offices, 369 S. High Street, 4th Floor, Columbus, Ohio 43215. Return applications to the Court by 4:45 p.m. on September 12, 2003. *Applications received by mail after that time will not be accepted.*

*To reply to an ad which uses a box number, please send all information to the attention of the box number at Columbus Bar Association, Career Corner, 175 S. Third St., Columbus, OH 43215. Your materials will be forwarded promptly.*

### The Legal Writer

By Judge Mark P. Painter

#### Rule 11. Use no talking footnotes

If something is important enough to be in a footnote, it is important enough to be in the text. Footnotes detract from readability. Encountering a footnote is like going downstairs to answer the door while making love – it detracts from the endeavor at hand.

Don't let footnotes swallow the page from the bottom, as in a law review article. Law reviews sometimes have about five lines of text with the rest of the page in footnotes. And the footnotes talk to one another – in one article I read, footnote 20 referred to footnote 320. I was happy that I would not run out of footnotes. Your goal is to communicate, not build a resume. If you make your document look like a law review article, it will be just as unreadable, and as unread.

Many years ago, courts used no footnotes.<sup>1</sup> But then there were very few citations. Now, we have myriad citations and clutter our prose with them, making legal briefs, memos, and decisions almost impossible to read. Worse, we load all kinds of extraneous material into footnotes. Using "talking" footnotes detracts from readability. Never use them. Never.

The only proper use for footnotes is to give citations, rather than having citations in the middle of a sentence. Proper use of footnotes is for reference only. If something is truly parenthetical, but you believe it needs to be mentioned, use parentheses – that is what they are for.

#### Rule 12. Citations go in footnotes

We lawyers long ago forfeited much readability by including cites in the body of the text, rather than in footnotes. Cluttering up your document with jumbles of letters and numbers makes it almost totally unreadable, for both lawyers and laypeople alike. This practice should cease, especially now that footnoting references is simple.

Citations belong in footnotes. You will be amazed at the increased readability. Four of our six First District judges are now doing this in opinions.<sup>2</sup> The practice is spreading to other appellate districts, for which I claim some credit, having given a presentation to most of my colleagues in June 2001.<sup>3</sup> I cannot overemphasize how much better it is to put your citations in footnotes.

But make sure you put *only* citations in footnotes; that is, no "talking" footnotes. The reader must know that she does not need to read the footnotes – they are for reference only. Then, the constant glancing up and down is not necessary. "If footnotes were a rational form of communication, Darwinian selection would have resulted in the eyes being set vertically...."<sup>4</sup>

Let's see the difference. This is from an Ohio Supreme Court case:

The legislative process and accountability are the cornerstones of the democratic process which [sic—should be that] justify the General Assembly's role as lawmaker. In contrast, administrative rules do not dictate public policy, but rather expound upon public policy already established by the General Assembly in the Revised Code. "The purpose of administrative rulemaking is to facilitate an administrative agency's placing into effect a policy declared by the General Assembly in the statutes to be administered by the agency." *Doyle v. Ohio Bur. Of Motor Vehicles* (1990), 51 Ohio St.3d 46, 47, 554 N.E.2d 97, 99, quoting *Carroll v. Dept. of Adm. Serv.* (1983), 10 Ohio App.3d 108, 110, 10 OBR 132, 133, 460 N.E.2d 704, 706. Yet determination of public policy remains with the General Assembly. *State ex. Rel. Bryant v. Akron Metro. Park Dist. For Summit Cty.* (1929), 120 Ohio St. 464, 479, 166 N.E. 407, 411-412, affirmed *State ex. Rel. Bryant v. Akron Metro Park Dist. For Summit Cty.* (1930), 281 U.S. 74, 50 S.Ct. 228, 74 L.Ed. 710. Administrative agencies may make only "subordinate" rules. *Belden v. Union Cent. Life Ins. Co.* (1944), 143 Ohio St. 329, 342-343, 28 O.O. 295, 301, 55 N.E.2d 629, 635-636; see, also, *Redman v. Dept. of Indus. Relations* (1996), 75 Ohio St.3d 399, 404, 662 N.E.2d 352, 357; *Blue Cross of Northeast Ohio v. Ratchford* (1980), 64 Ohio St.2d 256, 259, 18 O.O.3d 450, 452, 416 N.E.2d 614, 617.

Look at the difference, when we remove the clutter of citations:

The legislative process and accountability are the cornerstones of the democratic process which (sic) justify the General Assembly's role as lawmaker. In contrast, administrative rules do not dictate public policy, but rather expound upon public policy already established by the General Assembly in the Revised Code. "The purpose of administrative rulemaking is to facilitate an administrative agency's placing into effect a policy declared by the General Assembly in the statutes to be administered by the agency."<sup>1</sup> Yet determination of public policy remains with the General Assembly.<sup>2</sup> Administrative agencies may make only "subordinate" rules.<sup>3</sup>

<sup>1</sup> *Doyle v. Ohio Bur. Of Motor Vehicles* (1990), 51 Ohio St.3d 46, 47, 554 N.E.2d 97, 99, quoting *Carroll v. Dept. of Adm. Serv.* (1983), 10 Ohio App.3d 108, 110, 10 OBR 132, 133, 460 N.E.2d 704, 706.

<sup>2</sup> *State ex. Rel. Bryant v. Akron Metro. Park Dist. For Summit Cty.* (1929), 120 Ohio St.464, 479, 166 N.E.407, 411-412, affirmed *State ex. Rel. Bryant v. Akron Metro Park Dist. For Summit Cty.* (1930), 281 U.S. 74, 50 S.Ct. 228, 74 L.Ed. 710.

<sup>3</sup> *Belden v. Union Cent. Life Ins. Co.* (1944), 143 Ohio St.329, 342-343, 28 O.O. 295, 301, 55 N.E.2d 629, 635-636; see, also, *Redman v. Dept. of Indus. Relations* (1996), 75 Ohio St.3d 399, 404, 662 N.E.2d 352, 357; *Blue Cross of Northeast Ohio v. Ratchford* (1980), 64 Ohio St.2d 256, 259, 18 O.O.3d 450, 452, 416 N.E.2d 614, 617.

(end indent)

The passage now makes sense, and can be easily understood. The citations are now in footnotes at the bottom of the page, and readers do not need to look at them unless they want to look up the cases. The footnotes can be in smaller type, thus saving a great deal of space in your document.

I rest my case.

*Judge Mark P. Painter is presiding judge in the First District Court of Appeals and the author of The Legal Writer: 30 Rules for the Art of Legal Writing. The book is available at Joseph-Beth Booksellers and at the Ohio Book Store. This article series originally appeared in Ohio Lawyers Weekly.*

<sup>1</sup> See, e.g., *Webb v. Brown* (1854), 3 Ohio St. 246

<sup>2</sup> See, e.g., *Procter & Gamble Co. v. Stoneham* (2000), 140 Ohio App.3d 260, 747 N.E.2d 268; *The Cincinnati Enquirer v. Cincinnati* (2001), 145 Ohio App.3d 335, 762 N.E.2d 1057

<sup>3</sup> See, e.g., *Tasch v. Chancey* (March 1, 2001), Ottawa App. No. OT-00-051, 2002 Ohio App. LEXIS 833 unreported (Knepper, J.); *State v. Dimmings* (Feb. 28, 2002), Cuyahoga App. No. 80149, 2002 Ohio App. LEXIS 815, unreported (Kilbane, J.); *State v. Tayab* (Feb. 28, 2002), Cuyahoga App. No. 79464, 2002 Ohio App. LEXIS 809, unreported (Blackmon, J.).

<sup>4</sup> Mikva, Goodbye to Footnotes (1985), 56 U.Col.L.Rev. 647, 648.

### Expand your business by matching your practice area to your market

By Tim W. Hrastar

When coaching and consulting with clients in the area of client development, one of the first things I do is help them sort out what they have to offer and to whom they should seek out to offer it to. One way to do this is to create a matrix that looks at the big picture. The purpose is to connect the services you offer with potential clients in the marketplace. For our purposes services are activities within a practice area.

This is an excellent exercise to use for brainstorming ideas. You will be amazed at how many more and different opportunities you spot when you use this method. Going through the process gets you more excited about your profession, and expanding your client base.

#### Design a Matrix

You begin the process by first designing a simple matrix using Word or any other word processing software. Create five columns across. The first column heading is "practice area," the second is "types of services offered within practice area," the third is "market description," the fourth is "names of potential clients," and the fifth column is "reach them by..."

#### Types of Services Offered Within Practice Area

For our example let's use the practice area, real estate. You would type in real estate under the practice area heading. In the second column under "types of services offered within practice area" you would list as many types of services you could offer to a potential client within this practice area. These may include such things as; basic real estate transaction work, litigation issues, contracts, and so on. Be as detailed as possible in your description.

Think especially about the things you do well that may be unique. Unique services are services that not many other practitioners may offer. Maybe you've become an "expert" in handling a certain type of real estate transaction—1031 exchanges, for example. This exercise forces you to think beyond the usual list of "typical" services. Think about some recent matters you handled in this area. What were the "stand-alone" issues that you billed for? This is commonly referred to as "unbundled services."

#### Market Description

After you have typed in as many different services you offer in the real estate practice area your next step is to go to the third column, market description, and begin listing as many potential client categories as possible. In other words, think about what organizations could benefit from your many services within the real estate practice area.

For example, real estate brokers/agents, banks, savings and loans, and credit unions, real estate investment clubs, real estate developers, general contractors, mortgage companies, and so on. This part of the exercise is designed to get you thinking of possible markets that may be able to use any of your services within the real estate practice area. Think beyond the usual list for whom you may be currently doing work. The idea is to expand your possibilities, not limit them.

#### Names of Potential Clients

By the time you complete the third column, listing market descriptions, you will undoubtedly think of actual potential clients. So you might as well start making a list of them too in this fourth column.

#### Reach Them By...

The final column is "reach them by..." Here you think about how you can come in contact with these potential clients. Where can you find them?

This list may include the basic methods of marketing for lawyers, for example; arrange for speaking engagements to the organizations they may belong to. Write educational articles for the publications they subscribe to. The idea is to position yourself as a knowledgeable lawyer in their area of need.

Ask for referrals from current clients and other lawyers who come in contact with these people and organizations. Join, and then really get involved, with their organizations. Become active by seeking out leadership positions—chair a committee, speak at their conferences, be accessible.

#### Final Steps

The thing to remember is that you have to give something before you can get it. Many lawyers are overly concerned with giving free advice. You can provide limited, yet useful information to someone without "practicing law" before you are hired. If you are reluctant to educate potential clients—get over it! It's a competitive world out there and you have to be creative and persistent in acquiring new business.

Use this matrix exercise for each of your practice areas. You'll be surprised how many more ideas and connections you will come up with, and how invigorating the process is. Once you've completed this exercise narrow the focus by selecting a couple of good possibilities and go after them. You have to start some where; you may as well begin by picking the low hanging fruit, as they say. Review and refine your matrix frequently in the first few weeks that you develop it.

## Committee Profile: Labor & Employment Law

*The Columbus Bar offers a comprehensive array of professional, service, court and advisory committees. Whether you want to network with other legal professionals, get the most up-to-date information in your practice area or volunteer in the community, there's a committee for you! For more information about committees, please contact Donna Sweet at 221.4112 or [donna@cballaw.org](mailto:donna@cballaw.org) or visit [www.cballaw.org](http://www.cballaw.org).*

**Committee Name:** Labor & Employment Law

**Committee Chair:** Joëlle Khouzam

**Usual Meeting Time:** First Wednesday of the month, at noon (September meeting is the SECOND Wednesday).

**Who would be interested in attending your committee's meetings?**

Anyone working in labor and employment law, including plaintiffs' counsel, management attorneys and members working in-house.

**Who do you plan to invite to speak at meetings?**

At our kickoff meeting, Matt Miko, Chief Legal Counsel and Director of Enforcement for the Ohio Civil Rights Commission, will update us on recent changes in procedure, and Duffy Jamieson from the AG's Civil Rights Section will inform us of that office's involvement in the new OCRRC process. In October, we will have part two on OCRRC, with the OCRRC's ALJ, Denise Johnson, and Stephanie Bostos-Demers, Chief of the AG's Civil Rights Section, advising us

about changes and preferences in hearing procedure. Later in the year, Dan Srsic from Littler & Mendelson will discuss employee benefits issues, Georgeann Peters from Baker & Hostetler will speak about HIPAA, John Marshall will speak about legal developments in the summary judgment standard and several other notable attorneys from both sides of the aisle will share their experiences with us.

**Why should members attend your committee's meetings?**

In addition to being a great opportunity to network with peers, the speakers will be informative and the topics timely (not to mention free).

**What do you hope to accomplish with your committee's meetings?**

Since employment law encompasses so many areas, some of which we only deal with on an occasional basis, this committee will serve as a forum for the civil exchange of ideas on many timely issues without having to attend day-long programs. It can also serve as a place to identify good referral sources, chat informally about pending matters with opposing counsel and develop camaraderie among peers.

**What are some examples of topics covered last year?**

Changes in wage and hour laws, non-compete issues and confidentiality provisions.

**Please send suggestions for topics/speakers to:**

Joëlle Khouzam, at 628.0811 or [jck@cpmlaw.com](mailto:jck@cpmlaw.com).