

COLUMBUS BAR Friday

The Official Weekly News of the Columbus Bar Association



Polls/Election Go Online

The Columbus Bar has partnered with VoteNet Solutions, a leading provider of secure on-demand voting and nominations software and election consulting, to take the Columbus Bar polls and the Board of Governors election online, beginning with the 2009 Municipal Court Performance Poll next month. To help ensure the polls and election make it to your email inbox, VoteNet will providing your IT staff with a list of the server addresses from where the email will originate. These addresses should be added to the "approved senders" list in any spam blocking filter you have.

All attorneys in Franklin County who practice in the courts and appear before the judges are invited to participate in the poll which will go up the week of March 16. There will be a link on the Columbus Bar website, www.cbalaw.org, that will take voters to the VoteNet site or the site may be accessed directly by typing in a website address that will be provided when the poll is completed. Voters will use their last name as the username and their Supreme Court number as their password.

Those who do not have computer access and would like a paper ballot mailed to them should contact Kathy Wiesman at 340.2063 or kathy@cbalaw.org. Watch the Daily Reporter for additional information and instructions in the upcoming weeks.



GALA GLAD RAGS – Don't miss the party, April 4. The Columbus Bar Foundation has designed a divine evening, dress-up for dinner and fun. Proceeds from this annual event provide significant funding to further the mission of the foundation. For tickets and information, call Kathy Wiesman, 340.2063.

Can't Afford to Get Sick? Think Again!

By Char Sutak,
Employee Benefits, Willis HRH



An editorial about consumer-driven health care plans in the Roanoke Times & World News contends, "Americans' penchant for bargains permits them to think they are capable of garage-sale haggling with an emergency room cardiologist while feeling as though an elephant is sitting on their chests." But is this really accurate?

Consider this: Consumer health plans are not designed to require shopping around during an emergency. Rather, they empower patients to know their marketplace beforehand, so that in an emergency the patient knows where he or she feels most comfortable receiving care. Further, the freedom created within

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Get to Know Lawyers from ColumbusLawyerFinder.com

What experiences (work and personal) help you to be a better attorney?

I had great attorney mentors both while I was at the Attorney General's office and in private practice and I certainly benefited from their valuable experience and expertise. I also think I've become a better lawyer since launching my own Workers' Compensation and Social Security Disability practice because my legal fees are directly related to whether or not I'm successful for my clients. My family relies on my income so I'm more motivated to be creative, informed, and personally involved in my clients' cases so that we can all be successful. My motivation to support my family also helps me understand the worries my injured or disabled clients have about supporting their own families.



Gauer

What made you choose your primary area of law?

At the Attorney General's Office, I worked in the Workers' Compensation Section and was attracted to the idea of jury trials and court litigation. When I decided to launch my own practice, a focus on Workers' Compensation was the natural choice given my background and experience at the Attorney General's Office. The addition of Social Security Disability grew out of my representation of Injured Workers. The two areas of law are often closely connected, and similar legal skills are needed in order to ensure that clients are treated fairly by what can sometimes be a difficult, bureaucratic system.

What makes your law firm unique?

My clients know that I'll handle all the legal details of their individual cases personally, from start to finish, all the way through any necessary appeals. Some firms assign multiple attorneys or paralegals to Workers' Compensation and Social Security cases, and clients might arrive in court to find that a brand new attorney, unfamiliar with their case until that moment, is handling their matter for that day. In contrast, our firm is a family run business and my clients have my full attention all the way until their matter is resolved. My wife Janet helps me run the practice and I think our clients find us to be a comforting and reliable team.

Describe your personal interests and hobbies.

I have more interests and hobbies than I have time to enjoy, but my family tops the list. My wife and I have three daughters and right now I'm enjoying studying karate with the girls (trying to stay one step ahead of them!). I also enjoy camping and bicycling, reading books and watching movies, and just hanging-out with our bulldogs (one French and one English).

Visit www.ColumbusLawyerFinder.com to see the legal content and in-depth attorney profiles. For more information, contact Anne Leonard-Palmer at 340.2030 or Anne@cbalaw.org.

New Developments in CLE



Clary



Friedman



Geiser



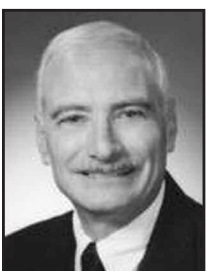
Reisz



Schneider



Swope



Travaglio



Travis

The Columbus Bar announces the creation of the CLE Program Development Council. The council is chaired by Greg Travaglio of Isaac Brant Ledman & Teetor, (recently retired from full time teaching at OSU Moritz School of Law). Also included on the council are Lori Clary of Porter Wright Morris & Arthur; Scott N. Friedman of

Friedman & Mirman; Michael K. Geiser of the Plymale Partnership; Lisa Pierce Reisz of Vorys Sater Seymour and Pease; Keith W. Schneider of Maguire & Schneider; Kristy Swope of Swope & Swope; and Hon. Alan C. Travis, Visiting Judge, Retired.

The mission of the Council is to assist the Columbus Bar in creating, developing, and staffing distinctive and high quality continuing legal education. The CLE programs are planned to be exceptional in format, quality, and presentation, taught by persons who are both experts in their respective areas and who are interesting, engaging, and creative instructors. The goal is to have 3-5 such programs annually, the first of which will take place in the fall of 2009, with another following in December 2009.

Preference Poll Study Group Reaches Decision

The Columbus Bar Board of Governors convened a group of members to study and discuss the future of the Judicial Preference Poll. The letter that accompanied the Judicial Preference Polls in past years stated, "We ask that you do not vote if you do not have sufficient knowledge or information about the candidates to evaluate them. We also ask that attorneys within each firm or office exercise independent judgment in voting and discourage any efforts at block voting for or against any candidate." The purpose of this language was to discourage candidates or their supporters from lobbying for votes from attorneys not familiar with the judicial candidates.

Concerns were raised about the degree to which widespread email lobbying might have influenced attorney votes and the results of the

2009 poll. Because of this concern, the CBA did not publish the results of the 2008 Preference Poll. The charge of the group was to determine the likelihood of similar lobbying efforts in the future and whether the Preference Poll should be discontinued or continued in some different form.

As explained by Columbus Bar president, Kathleen Trafford, "The CBA board was concerned that we not tell the public that the poll reports the independent preference of attorneys familiar with the candidates, if that is not accurate. Once we observed the intense lobbying this fall, we had to conclude the poll was no longer what we represented it to be. We could either scrap the poll or accept that it is going to be something different going forward."

The Preference Poll Study

Group met February 6 and was attended by Sandy Anderson, Belinda Barnes, Judge Carrie Glaeden, Kevin McDermott, Hon. Guy Reece, Judge Charles Schneider, Kathleen Trafford, Sam Weiner, and Alex Lagusch and Kathy Wiesman from the Columbus Bar. After discussion, the study group recommended that the Columbus Bar continue the Preference Poll without limits on lobbying and allow candidates to include a picture and a 50 word bio with the ballot. The public description of the poll will no longer suggest it is preference of those attorneys who have particular knowledge of, or experience with, the candidates. The 2009 Preference Poll will be conducted through electronic voting and will be open to all Franklin County lawyers.

Board of Governors' actions

On February 20, 2009, the Columbus Bar Board of Governors met to consider reports and recommendations. The Board took the following action on the matters before it:

The Board considered a proposal linking CLE credits in exchange for pro bono hours contributed by members. The board did not feel such a proposal would increase pro bono activities and was also concerned that documentation of pro bono activities in a verifiable manner would be onerous unless conducted by the Supreme Court of Ohio. Although the Board has historically supported steps to increase pro bono, and in 2005 issued the following position statement: *The Columbus Bar Association supports the concept of voluntary pro bono service to those of low income or limited resources as a professional obligation of Ohio attorneys. The Columbus Bar recommends that the Supreme Court*

adopt appropriate rules to encourage this obligation after receiving the report of its pro bono task force, and taking into consideration the aspirational aspects of the proposal submitted by OLAF; the Board did not approve supporting the current proposal.

The board discussed a new CLE initiative to be announced in April. This will include new programming developed by a CLE Program Development Council chaired by Greg Travaglio (see supplementary story).

The Board approved the appointment of the following members to the Judiciary Committee: New appointments – Albert Lin, Attorney General's Office; Brian Miller, Brain G. Miller Co.; and Jamie Tyack, Tyack Blackmore & Liston; Reappointments - Keith Golden, Golden & Meizlich; Russ Kelm, Law Offices of Russell A. Kelm; and Kevin McDermott, Chair,

Schottenstein Zox & Dunn; Alternate Appointments – Gage Gosnell, Chester Willcox & Saxbe; Lauren Brill, Wiles Boyle Burkholder & Bringardner; Mark Landes, Isaac Brant Ledman & Teetor; and Erik Clark, Jones Day.

The Board approved the recommendation of the Preference Poll Study Group (see supplementary story).

The Board considered and approved a slate of candidates for appointment to the Columbus Bar Services Board. Candidates from the slate will be contacted to determine their interest in serving on the board.

The Board approved the following appointments to the Admissions Committee: Arlene Brisk, Schottenstein Property Group; Melita Garrett, Schottenstein Stores Corp.; Rick Marsh, Lane Alton & Horst; and Joe Gerling, Lane Alton & Horst.

Key Changes & Benefits of the 2009 Tax Act

The American Recovery & Reinvestment Act of 2009 was signed into law on February 17, 2009. The 2009 Tax Act contains many tax benefits for both individual and business taxpayers. These new benefits, extensions and credits were implemented to spawn economic growth and to assist financially troubled taxpayers. The media attention related to the passage of the 2009 Tax Act

largely focused on the key provisions for individual taxpayers. In addition to these individual tax breaks, the Act also contains many tax credits, incentives and breaks for businesses. Some of the new tax breaks for businesses include a longer NOL carryback for some small businesses, extended bonus depreciation, increased expensing under Internal Revenue Code §179, estimated

tax payment relief, and deferral of debt forgiveness income on debt repurchases.

The Business Tax Committee is pleased to have its co-chairs, Katherine R. Herron of Terrence A. Grady & Associates and Necol Russell-Washington, Carlile Patchen & Murphy, discuss and highlight some of the key changes and

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COMMITTEES

Wednesday, February 25 Professionalism
Noon – 1 p.m.
Mary Ann Willis, Chair
Speaker: Judge Algenon Marbley, U.S. District Court
Location: Room 242, Capital University Law School

Monday, March 2 Real Property
Noon – 1 p.m.
James Zitesman, Chair
Speakers: Project Administrator, Eileen Pruett and Project Coordinator, Saundra Cunningham
Topic: An overview and update on an exciting new foray into mediation in Franklin County: the Franklin County Foreclosure Mediation Project (FCFMP)

Tuesday, March 3 Estate and Gift Tax
Noon – 1 p.m.
Sherrille Akin, Chair
Topic: A panel discussion with trust officers from area banks and institutional trust companies regarding the pros and cons of institutional trustees v. family member trustees

Wednesday, March 4 Government Agencies
Noon – 1 p.m.
Bree Brown, Chair
Speaker: Chris Culley, General Counsel of OSU Office of Legal Affairs

Wednesday, March 4 Labor and Employment Law
Noon – 1 p.m.
Chris Hogan, Chair
Speakers: Judge Craig Baldwin & Magistrate Ann Snyder
Topic: The Family and Medical Leave Act: Common Client Questions and the New Regulations

Monday, March 9 Family Law
Noon – 1:15 p.m.
Diane DePascale, Chair
Speakers: Judge Craig Baldwin & Magistrate Ann Snyder
Topic: Domestic Relations Practice in Licking County
Note: this program is being offered for CLE credit.
Visit www.cbalaw.org for pricing and information

Tuesday, March 10 Probate Law
Noon – 1 p.m.
Harlan Louis, Chair
Speakers: Marilyn Pongonis, Director of Communications, Lifeline of Ohio; G. Kent Holloway, Chief Executive Officer, Lifeline of Ohio; Timothy P. Nagy, Past Board Chair of Lifeline of Ohio, and outside legal counsel
Topic: Making Anatomical Gifts:
What your clients need to know, what documentation is necessary, and the system in place to facilitate donation

ATTORNEY OPPORTUNITY

Public Finance: Peck, Shaffer & Williams LLP has an immediate position for a 3rd to 5th year associate attorney. The ideal candidate will have municipal finance, corporate transaction, securities and/or real estate law experience. This role provides growth and development toward partnership within the firm. Salary is commensurate with experience. Please submit a resume and cover letter to the Careers@PeckShaffer.com. Resumes accepted through March 5, 2009. No phone calls please.

ATTORNEY DISCIPLINE

On February 2, 2009, GRADY L. PETTIGREW JR., Attorney Registration No. 0029175, last known business address in Columbus, Ohio, was suspended from the practice of law in the state of Ohio for six months, effective September 12, 2008. See the Supreme Court's entry in Disciplinary Counsel v. Pettigrew, 2009-Ohio-381, for additional information.

COLUMBUS BAR *Friday*

CLE At-A-Glance

March 11
Wednesday, noon-1:15pm
Taxing Matters Series
The New Tax Act (1.0)
Presenter:
Katherine R. Herron
Necol Russell-Washington

March 26
Thursday, 1:30pm-4:15pm
Annual Requirements Seminar
Of Nomadic Lawyers, Incongruous Clients
and Psychic Meltdown (video)
(2.5 including 1.0 ethics, 1.0 professionalism,
and 0.5 substance abuse)
Presenters:
John P. Sahl
Frank E. Quirk
Mike Gorman

March 31
Tuesday, 9:00am-11:00am
Today's Supreme Court: United States Supreme Court Update
(video 2.0)
Presenters:
William K. Suter
Hon. Jeffrey S. Sutton
Hon. James L. Graham
Kathleen M. Trafford (moderator)

April 3
Friday, 9:00am-12:15pm
Bankruptcy Nuts & Bolts, Part 2 (3.0)
Presenters:
Christal L. Caudill
Pamela D. Rice
John W. Kennedy
Adam T. Barclay
Judith McInturff
Nannette B. Dean

April 6
Monday, 1:30pm-4:45pm
Guardianships: Where to Begin and How to Maintain (video 3.0)
Presenters:
Lawrence A. Belskis
Dr. Sheila Faryman
John K. Everett
Melanie Coolie, LSW
Gloria Woodard
William J. Browning

April 7
Tuesday, 9:00am-10:00am
FAQ Series: Tips on Buying a Home for Non-Real Estate Lawyers
(video 1.0)
Presenter:
James A. Zitesman

April 7
Tuesday, 10:15am-11:15am
FAQ Series: Tenants Rights in the Shadow of the Foreclosure Crises (video 1.0)
Presenter:
Michael O'Reilly

April 7
Tuesday, 11:30am-12:30pm
FAQ Series: Bankruptcy and Foreclosure (video 1.0)
Presenter:
Christal Caudill

April 7
Tuesday, 1:30pm-4:45pm
Sports Law Update 2008 (video 3.0)
Presenters:
Bret A. Adams
Jeffrey R. Chilcoat
Frank A. Ray
Ken Schnacke

April 8
Wednesday, noon - 1:15pm
Taxing Matters Series
State and Local Tax Update (1.0)
Presenter: Edward J. Bernert

April 10
Friday, 9:00am-10:00am
FAQ Series: The 3:00am Phone Call (OVI, Minor Car Accidents, Domestic Violence and More) (video 1.0)
Presenter:
George C. Luther

April 10
Friday, 10:15am-11:15am
FAQ Series: What Really Happens in Domestic Court - Divorce (video 1.0)
Presenter:
Beatrice K. Sowald

Changes

(Continued from Page 9)

benefits of the new tax act implemented for business taxpayers. Ms. Herron and Ms. Russell-Washington will focus their presentation on the key incentives, extensions, and credits implemented for your business taxpayer clients while also providing highlights on the key individual provisions and the energy related credits. Don't miss this CLE program, March 11, on the substance of this Act and how it may benefit your clients.

This meeting can be audited by members for no CLE credit. Those who wish to obtain a 1.0 hour of CLE credit for attendance should register online at www.cbalaw.org/cle or call 614/221.4112 for event # TX090311. Member cost is \$35 prepaid/\$40 day-of, non-member cost is \$50 prepaid/\$55 day-of, and non-attorney cost is \$25 prepaid/\$30 day-of.

Judicial Appointments

Governor Ted Strickland announced this week the appointments of Laurel A. Beatty and Kimberly Cocroft to the Franklin County Court of Common Pleas. Beatty fills the seat vacated by the election of Judge John Connor to the 10th District Court of Appeals, and Cocroft fills the seat vacated by the election of Judge Eric Brown to the Franklin County Probate Court. Both will take the bench on April 6.



Beatty



Cocroft

SERVING NOTICE



Landes



Isaac

Isaac Brant Ledman & Teator congratulates MARK LANDES and FREDERICK M. ISAAC who were recently selected by peers for inclusion in The Best Lawyers in America. Mr. Landes's practice includes commercial litigation and Mr. Isaac's practice centers on family law.

working from the firm's Cincinnati and Columbus offices.

BRENT D. ROSENTHAL, Carlile Patchen & Murphy, has been selected by Rotary District 6690 to be its district governor in 2011-12. Brent is a partner in CPM's commercial and business practice groups and is a certified specialist in business, commercial and industrial real property law.



Rosenthal



Scott

Gallery Players presents, PARADE, the Tony Award winning musical of the tragic true story of Leo Frank (1913), a Jewish factory manager tried for the rape and murder of a 13-year-old employee. After the Georgia's governor commuted his death sentence, a mob stormed the prison where Frank was held and lynched him. The event gave rise to the creation of the Anti-Defamation League. Performances are February 28 - March 15. Tickets for Bar members are \$10. Call 614.231.2731.

DAVID M. SCOTT of Luper Neidenthal & Logan is one of only 11 attorneys in Ohio to earn the LEED® Accredited Professional designation, demonstrating a thorough understanding of green building with the knowledge and skills to facilitate the process.



Ray

Best Lawyers, the oldest peer-review publication in the legal profession, has named FRANK A. RAY as the Columbus Best Lawyers B e t - t e - C o m p a n y Litigator of the Year for 2009.



Robinson

TIM J. ROBINSON has joined Dinsmore & Shohl as a partner in the corporate department and member of the firm's business restructuring and reorganization practice group.

Sick

(Continued from Page 9)

the consumer-driven model means that during an emergency a patient can act on personal choice or go to the medical facility that makes the most geographic sense, rather than being forced to seek treatment within a specified network as with traditional insurance plans.

The editorial adds, "For Americans to be sold on the value of health savings accounts, they will need to remain relatively ignorant of what they are buying." On the contrary, the consumer-driven model is all about educating the patient to better understand health care and health costs; then take the reins, making decisions that ultimately have a positive effect on the system and the patient. Reports from insurance companies' first-year HSA offerings prove these models do work in driving down health care costs.

"What the banks won't emphasize, as they earn returns on health investment accounts, is that account holders can't afford to become sick," the article continues. "The switch from traditional health plans in which insurance companies negotiate fees will cost individuals dearly, and not just in the thousands of dollars a year in out-of-pocket expenses in addition to premiums for catastrophic health plans."

However, was there ever a time when a consumer could afford to get sick? The cost of illness has never been of more concern than it is today with 45 million Americans having no insurance and health care costs spiraling upward with several years of double-digit growth. This is precisely the reason some would argue that the system needs the new consumer-driven model where it is possible to save on the front end and over the long haul.

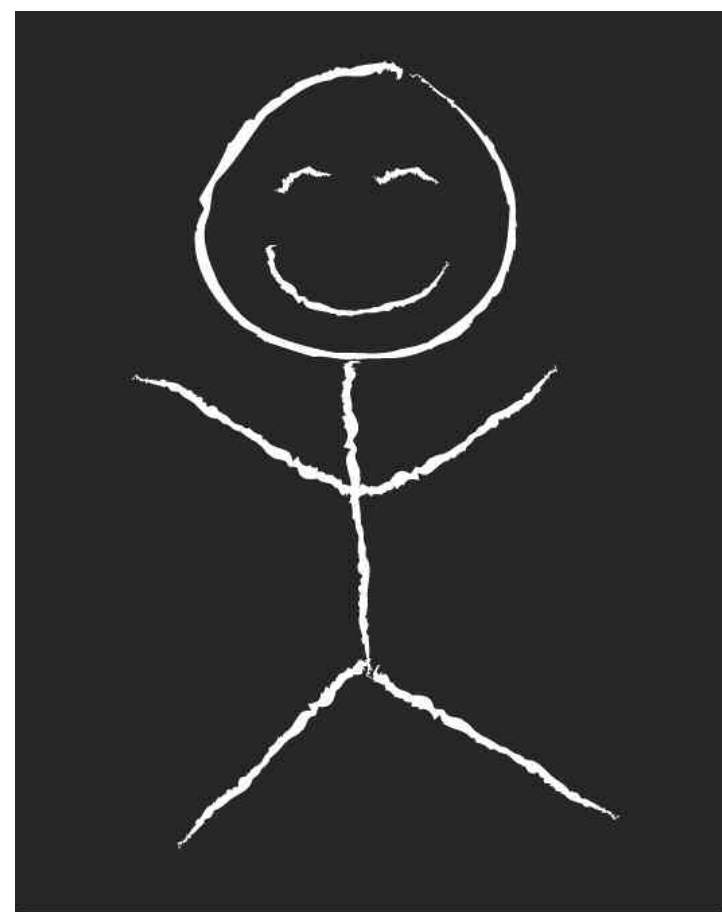
Both a traditional plan and a consumer-driven require some out-of-pocket expenses, but an HDHP (high deductible health plan) with an HSA has proven about 43% savings each year over a traditional plan based on premiums alone. That leaves substantial pre-tax dollars that can be put away for a health situation in the future.

The editorial writer asserts that HSAs will have a negative impact. "The [health savings] accounts also will exact a toll on health, as patients scout out the cheapest, and not necessarily the best, healthcare, or brush off doctors' orders because procedures are too costly." HSAs do not negatively affect people's health; being afraid to go to the doctor for financial reasons causes harm. Some would argue that the thousands of uninsured people who go without medical treatment because they can't afford it are a result of the traditional health care system which has prioritized up front, high dollar premiums over actual treatment.

Even among the insured, there are many who elect to brush off doctors' orders because the treatment is not covered by insurance, or the co-pay is too expensive. Studies show that HSA participants are no more likely to abstain from care than any other patient, and are more likely to look into preventative and wellness care.

HSAs set the patient up to save money on premiums, to set aside pre-tax money to pay for out-of-pocket expenses, and to pay with cash when the time comes. That means savings on the front end, tax savings throughout the year, and the negotiating power of cash at the point of service. Consumer-driven health care creates choices and forces consumerism into health care. It drives down costs for each transaction, and can be considered an inspiring new innovation.

Char.sutak@willis.com



Can you do better than this?

The Columbus Bar is seeking creative contributions to appear in its weekly and monthly publications. If you are a cartoonist or photographer who is interested in sharing your talent, let us know! Contact Kathy at 221.4112.

CBA
COLUMBUS BAR ASSOCIATION

Supreme Court Seeks Comments on Capital Case Representation Rule

The Supreme Court of Ohio will accept public comment until March 17 on amendments to the rules concerning appointment of counsel for indigent defendants in capital cases.

Proposed amendments to Sup. R. 20 would split the former omnibus rule into separate specific rules for clarification purposes. In addition, the proposed amendments would give the Rule 20 Committee the ability to adopt best practices for representing indigent death penalty defendants and mandate that continuing education for certified attorneys must include the best practices adopted by the committee. The proposed amendments also push back the date (from July 1 to Dec. 31) when the

committee revokes certification for attorneys who are out of compliance with specialized training requirements for the prior two-year period.

Visit www.sconet.state.oh.us/RuleAmendments/ for the text of the proposed amendments. Comments should be submitted in writing to:

Tammy White, Attorney Services Coordinator,
Supreme Court of Ohio, 65 S. Front St., Fifth Floor, Columbus,
Ohio 43215

or whitet@sconet.state.oh.us.

Judicial College Begins Testing Online Registration for Courses

By the end of the year, judges and magistrates will be able to register online for all their courses offered by the Supreme Court of Ohio's Judicial College.

The Judicial College opened online registration for the first time for its April 3 Domestic Relations Seminar. After working out any potential problems with this first "live" test, the availability of online

registration will be widened to more courses.

Judges and magistrates wishing to sign up online for the upcoming domestic relations course should visit this link: www.supremecourtfohio.gov/judcoll/registration/. After entering their attorney registration number and password, they can select the course.

To view a complete listing of the most up-to-date Judicial College course calendar with dates and locations for courses available in 2009, visit the Judicial College website at: www.sconet.state.oh.us/judcoll/default.asp. Contact the Judicial College at 614-387-9445 for registration information.