



# WBA

## OHIO WOMEN'S BAR ASSOCIATION NETWORK NEWSLETTER

Volume XVII Issue No. 2 Summer 2009

Our purpose is to promote the leadership, advancement and interests of women attorneys through professional education, networking and the exchange of ideas between our members, local bar associations, businesses and the community.

### A message from President Lisa R. House



Lisa R. House

“Do not go where the path may lead, go instead where there is no path and leave a trail.” Ralph Waldo Emerson.

I have been involved in the Ohio Women's

Bar Association since I was a law student and I can tell you that the organization has evolved tremendously. I am not simply referring to the number of members, but the mission, the purpose, the vision and the recognition of the organization. This is a reflection of the members and those involved in the organization—it is a reflection of their commitment, their passion, their time and their character. You should all be very proud of what you have accomplished. Dig deep and ask yourself what you can do to help us move forward, because we can do more.

As with any volunteer organization, it is a constant struggle to get people involved and to keep people involved. The number one reason people do not become involved or become uninvolved is time, or the lack thereof. We are all pulled in so many directions, that the mere thought of another commitment seems insurmountable. I know. I understand. I had reservations about becoming president, for these exact reasons. I was concerned that I would not be able to give the organization my absolute best, due to my other commitments and responsibilities, i.e., “life.” But, I am both encouraged and humbled by the fact that those before me were able to lead the organization while “managing life” and those after me will

do the same. And, unequivocally, the organization is worth it!

The ongoing growth and success of the organization is not a one-person job. I will count on each of you to get involved and stay involved. My request from each of you this next year is this –

#### DO ONE THING – IN ONE YEAR – FOR THE OWBA

- If you are not a member, become one;
- If you are a member, renew, and get at least one other person to become a member;
- Become involved in at least one event in 2009-2010—serve on a committee or host a networking at noon luncheon or host a social event after work; and
- Attend at least one event in 2009-2010.

Our events this past year were successful, because we had many people helping on each event. This collective effort made each person's responsibility manageable/achievable. Remember, our success is not measured by a single individual act, but by a collection of multiple acts. If every member and every person reading this newsletter does one thing, one act this year, the success of the organization will continue. The key to our ongoing success is becoming involved and staying involved.

I look at this next year as a challenge. My dear friend and immediate Past President Michele Shuster took us places where there were no prior paths. And, thus, she has left trails for us to follow. We will gratefully follow those paths. We will not only follow those paths, but we will move beyond those paths. We will also traverse into new territory, new places where no

prior paths existed, so that I/we can leave a trail or trails for the organization next year and the years to follow.

I cannot do this alone. I will look to the board members, trustees, members, nonmembers, colleagues, friends and to the people I do not yet know, but will have the privilege of meeting throughout this next year. I will look to all of you to help continue the growth and success of the organization for 2009-2010.

Together we can create new paths and new trails for those that will follow.

It is an honor to be the president of the OWBA for 2009-2010. I thank you for your trust and I look forward to a year of growth and success—and, to a year of new friendships.

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## Members in the News

### Members in the news/Updates section

**Kirsti Talikka Garlock**, a past president of the OWBA, has been appointed to the Board of Directors for the Adoption Center of Washington, Inc., located in Alexandria, Va. The Adoption Center of Washington (ACW) is a nonprofit, child-placing agency, which focuses on international adoptions. Garlock is the former chief counsel to the House of Representatives Committee on Foreign Affairs serving under both Chairman Henry J. Hyde and later for the Minority Ranking Member, Representative Ileana Ros-Lehtinen of Florida. She lives in Alexandria, Va., with her husband and four children.

Fellows of the Ohio State Bar Foundation (OSBF) recently elected **Kalpana Yalamanchili** to the Board of Trustees for a five-year term. The Ohio State Bar Foundation, the charitable affiliate of the Ohio State Bar Association (OSBA), is a membership organization of civic minded lawyers and judges. Through the talents of Fellows, the OSBF advances the law and works to build a better justice system. There are 18 members of the OSBF Board of Trustees. Yalamanchili is the director of

special projects for the OSBA and has been a member of the executive staff of the OSBA since 1999. A licensed attorney, Yalamanchili graduated from Ohio Northern University Pettit College of Law and received a bachelor of arts degree from State University of New York at Buffalo. She also earned her Certified Association Executive (CAE) designation. Yalamanchili's term

**Mary K. C. Soter** of Dayton was invited to become an Ohio State Bar Foundation Fellow and was appointed to the Council of Delegates of the Ohio State Bar Association. She was also Dayton Bar Association Bar Briefs Barrister of the Month for December, 2008.

After undergoing a rigorous selection process, **Meyers, Roman, Friedberg & Lewis** has been inducted into the National Association of Minority and Women Owned Law Firms (NAMWOLF), a network of top-rated minority and women owned law firms throughout the country who have distinguished themselves in the legal profession.

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## Upcoming Events

- 7/23/09** Networking at Noon Series – Polished & Professional – Shelley Menduni – Columbus
- 8/04/09** Full Board Meeting – via teleconference - All members of the Executive Committee, District and At-Large Trustees, and Committee Chairwomen.
- 8/06/09** Leadership Luncheon Series 2009 - Power of Integrity - This leadership series hosted by the YWCA Columbus, Ohio Women's Bar Association, Columbus Bar Association and Women Lawyers of Franklin County. The Leadership Luncheon Series unites professional women across central Ohio and has three primary goals: (1) to create a meaningful networking opportunity, (2) to inspire and empower attendees, and (3) to impart practical knowledge and skills that attendees can use to achieve results in their daily lives. For sponsorship information, or additional information, contact Ciera Adams at [cadams@ywcacolumbus.org](mailto:cadams@ywcacolumbus.org) or (614) 627-1225.
- 9/01/09** Executive Committee Meeting – via teleconference - president, president-elect, vice president, immediate past president, secretary, treasurer, and executive director.
- 9/03/09** Leadership Luncheon Series 2009 - Power of Balance - This leadership series is hosted by the YWCA Columbus, Ohio Women's Bar Association, Columbus Bar Association and Women Lawyers of Franklin County.
- 9/23/09** Leading with Style - Columbus - Leading with Style returns to Columbus! Last year's sold-out event has been refined to feature first-rate retailers, high-class prizes, and a top-notch new venue, Martini Park at Easton Town Center! This is a stylish networking event for all legal and business professionals. Advanced Ticket Sales Only: \$50 - Individual ticket, \$450 - Block of ten (10) tickets VIP reception will be held from 5:00pm to 6:30pm and is limited to 75 registrants: \$125 - Individual VIP ticket \$500 - Block of five (5) VIP tickets VIP's receive a signature "Style-tini", heavy hors d'oeuvres, open bar, professional image consultation, spectacular swag and much more! VIP's will also have a complimentary chance to win an exclusive VIP prize. Please contact OWBA at 866-932-6922 or [admin@owba.org](mailto:admin@owba.org) for more information.
- 10/01/09** Leadership Luncheon Series 2009 - Power of Authenticity - This leadership series is hosted by the YWCA Columbus, Ohio Women's Bar Association, Columbus Bar Association and Women Lawyers of Franklin County.
- 10/06/09** Full Board Meeting - via teleconference - All members of the Executive Committee, District and At-Large Trustees, and Committee Chairwomen.
- 11/03/09** Executive Committee Meeting - via teleconference - president, president-plect, vice president, immediate past president, secretary, treasurer, and executive director.
- 12/01/09** Full Board Meeting - via teleconference - All members of the Executive Committee, District and At-Large Trustees, and Committee Chairwomen.
- 1/05/10** Executive Committee Meeting - via teleconference - president, president-elect, vice president, immediate past president, secretary, treasurer, and executive director.
- 2/02/10** Full Board Meeting - All members of the Executive Committee, District and At-Large Trustees, and Committee Chairwomen.
- 3/02/10** Executive Committee Meeting - via teleconference - president, president-elect, vice president, immediate past president, secretary, treasurer, and executive director.
- 4/06/10** Full Board Meeting - All members of the Executive Committee, District and At-Large Trustees, and Committee Chairwomen.

## OWBA celebrates 17th Annual Meeting before nearly 150 guests

This year's Annual Meeting was held on May 13, 2009, at the Cleveland Renaissance Hotel in downtown Cleveland. Outgoing president Michele Shuster summarized her year by thanking those who have helped make her term such a success. Although a number of hard-working volunteers assisted throughout the year, Judge Patricia A. Delaney of the 5th District Court of Appeals and Valoria C. Hoover of Kohrman, Jackson & Krantz PLL stood out. Judge Delaney organized a hugely successful Women's Impact Lecture Series with the Stark County Bar Association, the United Way of Greater Stark County and Key Private Bank. The luncheons were sold-out events, and plans are being made to continue the series in 2010. Valoria Hoover was also a person that stood out in her willingness to assist whenever possible. She did her part to help in many aspects of improving the OWBA by being an integral part of OWBA's Strategic Planning Group with BizCarta, as well as the Leading with Style (Columbus) committee. She will continue in a very active role as OWBA's president-elect and is preparing to lead the organization during the 2010-2011 term. Both received Michele's President's Choice Award.

We were pleased to welcome inspirational keynote speaker Connie Schultz from *The Plain Dealer* in Cleveland. Connie is a nationally syndicated columnist and won the 2005 Pulitzer Prize for Commentary for what the judges called her "pungent columns that provided a voice for the underdog and the underprivileged." She shared her experiences not only as a columnist, but as a successful author coming from a working-class family, and now as the wife of U.S. Senator Sherrod Brown. Connie's speech proved fun, engaging and inspiring.

OWBA presented two Family Friendly Awards this year due to the quality nominations of Calfee, Halter & Griswold LLP and Javitch, Block & Rathbone. Both firms have done an exemplary job in promoting a commitment to work-life balance arrangements and ensuring that lawyers at their firms can pursue a successful career while maintaining a quality home life.



President Lisa R. House (L) and Past President Michele A. Shuster.

This year's Betty D. Montgomery Future Leaders Scholarship was presented to Janelle Ewing of the University of Akron School of Law. In her own words, "as a public school teacher, one of my goals was to expose young women to the phrase my mother repeated as a mantra from the moment I was old enough to understand: 'You can be anything you want.'" She will graduate in 2011.

The luncheon concluded with the passing of the gavel to incoming OWBA President Lisa R. House of Reminger Co., L.P.A. in Columbus. Lisa looks forward to taking the reins with the help of every current member while increasing the membership and recognition of the OWBA, and continuing the paths established by her predecessors.

### Many thanks to our annual meeting sponsors!

Cooper & Walinski, LPA  
Reminger Co., L.P.A.  
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Vorys, Sater, Seymour and Pease LLP  
Cuyahoga County Prosecutor Bill Mason  
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Left: Michelle Socie and Joel Rathbone accept the Family Friendly Award on behalf of their firm, Javitch, Block & Rathbone.



Middle: Past President Michele A. Shuster presented the Family Friendly Award to Marcia Wexberg of Calfee, Halter & Griswold.



Right: OWBA Trustee Judge Patricia A. Delaney (R) and Keynote Speaker Connie Schultz.

## Members in the news/Updates section (cont.)

The purpose of NAMWOLF, which was created in 2001, is to help minority and women-owned law firms develop strategic alliances, coalitions and affiliations with major corporations. These corporations, though often accustomed to representation by large law firms, recognize the value of working with smaller, more diverse firms where quality is paramount and legal solutions are provided at significantly lower rates.

Meyers, Roman, Friedberg & Lewis is the largest, full-service female founded, owned and managed law firm in the greater Cleveland area.

**Susan Gragel** has formed Goldstein Gragel LLC. She is joined by Joyce Goldstein, and associate attorneys Gina Fraternali and Ami Van De Ryt. Their practice focuses on labor and employment law, ERISA and domestic relations. The firm and its members can be reached through [www.ggcounsel.com](http://www.ggcounsel.com).

**Tracey Turnbull**, 11th District Trustee for 2007-2009, is pleased to announce the arrival of her son, Connor Cowan Nesbett, on March 6, 2009. He weighed 7 lbs, 6 oz. and is 19 inches long. Congratulations Tracey.

**The Women of Eastman & Smith (WES)** is a professional development initiative. The mission of WES is to further attract and retain talented women attorneys, foster successful client relationships and promote leadership within the firm and community.

Through work sessions on client development, presentations on internal policies and expectations, mentorship and community involvement, WES members work collaboratively to identify and address issues of importance to women lawyers.

In 2008, WES established the first northwest Ohio chapter of Shoes That Fit, a national charitable organization that collects new shoes for distribution to school children. After a firm-wide shoe drive, 55 pairs of new shoes were delivered to a local Toledo school.

WES members have been acknowledged for their personal and professional contributions in many ways, including as members of the OSBF Fellows Classes; "Rising Stars" by Ohio Super Lawyers; 20 Under 40 Leadership Awards; writers or contributing editors for local, professional and trade publications in education, labor, employment, and trusts and estates; and as active leaders, speakers, board members

and volunteers for their communities. Eastman & Smith Ltd. has offices in Columbus, Findlay, Toledo and Novi, Mich.

Opening of new firm in February 2009: **KBH Law Office, Kari B. Hertel**, specializing in elections and campaign finance law, government contracts, administrative law. Phone: (614) 306-8638, e-mail: [KBHLaw@yahoo.com](mailto:KBHLaw@yahoo.com).

Susan Petersen, past president of the OWBA, welcomed a new baby girl, Tess Jennings Petersen, on March 26, 2009, 7 lbs., 5 ozs., 19 inches long. Congratulations Susan.

# All civil actions to be measured by plausible pleadings standard

By Valoria C. Hoover, Partner, Kohrman Jackson & Krantz PLL, Columbus and Craig S. Tuttle, summer associate, Kohrman Jackson & Krantz PLL, Cleveland

On May 18, 2009, the Supreme Court attempted to clear up any confusion as to the application of the pleading standard laid out in *Bell Atlantic v. Twombly*,<sup>1</sup> or so it thought. *Ashcroft v. Iqbal*<sup>2</sup> confirms the new direction the Court is taking in response to frivolous claims and the judiciary's lack of success in managing discovery. The days of notice pleading are gone and to survive a motion to dismiss, plaintiffs must now plead more than "conclusory" allegations. Specifically, pleadings must include factual content that the defendant is liable for the misconduct alleged.<sup>3</sup> However, the question of when allegations are conclusory remains.

This major shift must be viewed in context. For nearly 50 years the "notice pleading" standard for complaints in civil matters was followed as set forth by *Justice Black in Conley v. Gibson*.<sup>4</sup> The Court interpreted Federal Rule of Civil Procedure 8 to require "a short and plain statement of the claim that will give the defendant fair notice of what the plaintiff's claim is and the grounds upon which it rests."<sup>5</sup> Complaints would be dismissed if "it appear[ed] beyond doubt that a plaintiff can prove no set of facts in support of his claim which would entitle him to relief."<sup>6</sup> This standard proved to be very pro-plaintiff and its purpose was to encourage the adjudication of cases on the merits, rather than through procedural formalities. However, by 2007 the pendulum had swung too far.

In a 2007 antitrust case the Court changed its

interpretation of Rule 8's requirements for pleading and reversed the 2nd Circuit's dismissal of a complaint because the plaintiffs had not "nudged their claims across the line from conceivable to plausible."<sup>7</sup> The Court explicitly stated that it was not applying a heightened pleading standard, but said that "on certain subjects understood to raise a high risk of abusive litigation, a plaintiff must state factual allegations with greater particularity than Rule 8 requires."<sup>8</sup> This language spawned two years of confusion as to what constituted "certain subjects" that raise a "high risk of abusive litigation."

A closer reading of *Twombly* revealed more detailed standards for pleading, such as "more than labels and conclusions," facts raising "a reasonable expectation that discovery will reveal evidence of [illegality]," and enough facts to "raise a right to relief above the speculative level."<sup>9</sup> Unfortunately, these statements resulted in more confusion and uncertainty. Adding to the confusion, just a few weeks after *Twombly*, the Court decided *Erickson v. Pardus*, by which it seemed to reaffirm the "notice pleading" standard of *Conley* because the word "plausible" appeared nowhere in the opinion.<sup>10</sup>

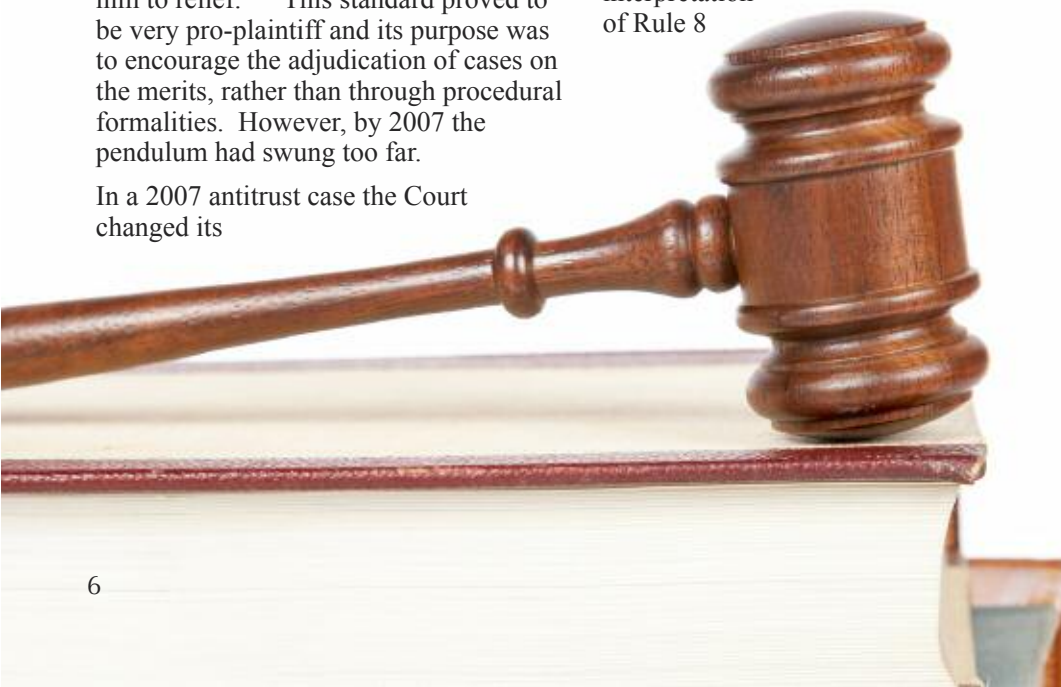
Some of the uncertainty stemming from *Twombly* can now be put to rest. The Supreme Court in *Ashcroft v. Iqbal* unequivocally stated that the interpretation of Rule 8

expounded in *Twombly* is the pleading standard for "all civil actions."<sup>11</sup> Responding to the claim by respondent-detainee that the plausibility standard only applied to antitrust disputes,<sup>12</sup> the court stated that while "*Twombly* determined the sufficiency of a complaint sounding in antitrust, the decision was based on our interpretation and application of Rule 8."<sup>13</sup> Thus, surviving a motion to dismiss requires a complaint that alleges "factual content [that] allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged."<sup>14</sup> In this regard, "threadbare recitals of the elements of a cause of action, supported by mere conclusory statements, do not suffice."<sup>15</sup>

Since *Twombly*, a major concern in applying its plausibility standard to all civil actions has been that cases may be summarily dismissed prior to conducting proper and valuable discovery. Further, it has been argued that the judiciary should be charged with appropriately controlling any of the abusive discovery, through "careful case management." Addressing this concern, the Court rejected a "careful case management" approach in interpreting Rule 8 because of the judiciary's historic lack of success in curbing discovery abuse.<sup>16</sup> *Twombly* provides the Court's answer to countless cases in which a complaint is filed with the "hope that the [discovery] process will reveal relevant evidence."<sup>17</sup>

While it is now clear that the *Twombly* standard applies to all civil complaints, much uncertainty remains in its case by case application. Will it apply to responsive pleadings and affirmative defenses? Will it be retroactively applied? As expounded by Justice Souter's dissent, when are allegations "conclusory" under *Twombly*?

Application to responsive pleadings may be the next step in cleaning up abusive pleading practices. Even though Rule 8(b) merely requires a responsive pleading to "state" its defenses to each claim,<sup>18</sup> some federal judges already ask for explanations of each defense during pretrial conferences and an attorney's reputation is diminished if a plausible



reason for the defense is not proffered.

It seems that *Twombly* will also retroactively apply, but to what extent is unclear. *Iqbal* was pending appeal in the Second Circuit when *Twombly* was decided, and the Court applied the new standard, despite the inadequate complaint predating *Twombly*.<sup>19</sup> While indefinite, this retroactive applicability indicates that, at least for cases pending appeal, the plausibility standard will apply to dismissals for failure to state a claim.

The bottom line is that the days of barebones legal accusations and simple notice pleading are gone. However, the potential for uneven application of the new standard remains, as the definition of a “conclusory statement” remains uncertain. What is clear is that civil complaints “must be supported by factual allegations”<sup>20</sup> and the affirmation of *Twombly* in *Iqbal* reflects the Court’s dedication to cleaning up the federal dockets.

<sup>1</sup> *Bell Atlantic v. Twombly*, 550 U.S. 544 (2007).

<sup>2</sup> *Ashcroft v. Iqbal*, 2009 U.S. LEXIS 3472 (May 18, 2009).

<sup>3</sup> *Id.* at \*29 (citing *Twombly*, 550 U.S. at 556).

<sup>4</sup> *Conley v. Gibson*, 355 U.S. 41 (1957).

<sup>5</sup> *Id.* at 47.

<sup>6</sup> *Id.* at 45-46.

<sup>7</sup> See *Twombly*, 550 U.S. at 570.

<sup>8</sup> *Id.* at 569.

<sup>9</sup> *Id.* at 555-556.

<sup>10</sup> *Erickson v. Pardus*, 551 U.S. 89, 93 (2007).

<sup>11</sup> *Iqbal*, 2009 U.S. LEXIS 3472, at \*39.

<sup>12</sup> In *Twombly* the Court seemed to repeatedly state that the “plausibility” standard applied to antitrust cases and others like it, where discovery had the potential to be unmanageable and abusive.

<sup>13</sup> *Id.* (citing *Twombly*, 550 U.S. at 544).

<sup>14</sup> *Id.* at \*29 (citing *Twombly*, 550 U.S. at 556).

<sup>15</sup> *Id.*

<sup>16</sup> 550 U.S. at 559.

<sup>17</sup> *Dura Pharms., Inc. v. Broudo*, 544 U.S. 336 (2005).

<sup>18</sup> The Court in *Twombly* seems to focus on the “showing” of the entitlement to relief to support its reasoning and Rule 8(b) requires no such “showing” of the basis for an affirmative defense.

<sup>19</sup> *Iqbal*, 2009 U.S. LEXIS 3472, at \*15.

<sup>20</sup> *Id.* at \*31.

## Reminger launches Women’s Initiative to support success of firm’s female attorneys

Reminger Co., LPA, recently launched a Women’s Initiative program to enhance and further strengthen the firm’s commitment to attract and retain talented women lawyers. This initiative was born out of Reminger’s recognition of the importance of having lawyers with diverse backgrounds to best serve their clients’ needs. Reminger serves a diverse client base and is also conscious of the movement by an increasing number of their clients and other businesses who wish to work with law firms who recognize the value of a diverse work force.

The Reminger Women’s Initiative was established to support women in the legal profession and bring the successful career development of Reminger’s female attorneys to the forefront. A new mentoring program, increased development of networking opportunities, and participation of the initiative in hiring practices are just a few of the ways that Reminger is honoring its commitment to the goals of the initiative.

Supporting leadership and growth opportunities for female lawyers is an established and evident effort at Reminger. Statewide, nearly 70 percent of the firm’s female attorneys are partners. Women attorneys are active in the firm’s management group and also serve as practice leaders. In fact, women hold managing partner

positions at the firm’s Toledo and Akron offices.

Outside the courtroom, Reminger’s female attorneys are accomplished leaders in the community. Individually, the women of the firm are actively involved in a host of community organizations throughout the state, including the Urban Community School, Near West Theatre, Ohio Women’s Bar Association and Key to the Cure.

“Reminger has always recognized and valued the unique strengths and abilities of its female lawyers,” says Stephen E. Walters, managing partner. “Women attorneys help the entire firm to thrive and provide an unparalleled level of service to our clients. The advancement of women in this profession will undoubtedly benefit both the local and legal communities.”

Female attorneys are empowered to flourish at Reminger with individualized work programs that meet both professional and personal family needs. In fact, Reminger is a past recipient of the Family Friendly Award given by the Ohio Women’s Bar Association for focusing on families first within the workplace.

For more information regarding the Women’s Initiative at Reminger, contact Christine S. Reid ([creid@reminger.com](mailto:creid@reminger.com)) or Bethanie E. Ricketts ([bricketts@reminger.com](mailto:bricketts@reminger.com)).





## Second annual Leading with Style Cleveland event huge success

The Ohio Women's Bar Association was once again pleased to join with Rennillo Deposition & Discovery for the second Leading with Style event in downtown Cleveland. It was an evening devoted to shopping and pampering all while raising funds for the Ohio Women's Bar Association and Cleveland State University's Cleveland-Marshall College of Law Future Courtroom Project.

The evening was an elegant affair with a huge array of silent auction items from fine companies such as Saks Fifth Avenue, Paysage, Mulholland & Sachs, Lululemon, Laser Skin Care Center, J. Pistone Market and Fred Baker Porsche Audi. A number of other exhibitors displayed their businesses and appreciated the evening's sales and exposure.

The event was abuzz with nearly 400 people present, and it was also a delightful networking opportunity to boot! We raised approximately \$35,000 for Cleveland-Marshall College of Law and after all expenses were paid, nearly \$10,000 was raised for OWBA.

**Even with the difficult economic climate we are experiencing, a large number of forward-thinking sponsors came through to make this event extraordinary:**

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We want to acknowledge companies who also made the evening elegant and memorable:

Blooms by Landscaping  
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YWCA of Cleveland





OWBA 08-09 President Michele A. Shuster, Betsy Lambert and Kathy Riggs of KeyBank, and Irene Rennillo of Rennillo Deposition & Discovery (L-R).

One of the highlights of this year's event was the auction of a one-week stay at the Umbrian retreat, the Abbadia Celestina/The Celestine Abbey. It was donated to the auction by Graham and Marcella Smith, founder of LiveNote™, the most widely used litigation support software in the world. His latest innovation, iCyte, is in current launch in America. This silent auction item benefited Cleveland-Marshall's Courtroom Project exclusively.

Finally, the event would never have happened without the hard work of committee members Irene Rennillo, Judy Bodenhamer, Anne-Marie Connors, Jennifer Corso, Mary Davis, Manju Gupta, Deviani Kuhar, Christine Lobas, Rebecca Minadeo, Jeanne Mullin, Susan Petersen, Susan Richlak, Leah Seper, Susan Stephanoff and Jana Vanadia.

Please offer your patronage to the companies who support professional women, and let them know you appreciate what they do for our legal community through projects and events such as Leading with Style. The legal community is the third largest industry in greater Cleveland, and a wide-array of businesses benefit from it.

## Morgenstern to serve as Fellow at First Amendment Project

Barbara Morgenstern, a journalism faculty member at Miami University, will serve as a fellow for the First Amendment Project in Oakland, Calif., this summer.

The First Amendment Project is a nonprofit organization that provides free legal services on public interest, free speech and press matters. Morgenstern will be a visiting staff attorney fellow, supervising law student interns and assisting in litigation.

Morgenstern was a reporter for *The Cincinnati Post* before becoming a lawyer. She is currently teaching a journalism course at Miami called journalism law and ethics, which is a blend of her two professorial passions.



In October, Morgenstern plans to moderate a national teleconference discussing the right of publicity, a communications law topic, for the American Bar Association Forum on Communications Law.

Morgenstern is the 12th District Trustee and a founding member of the OWBA.

## How to achieve work-life balance: a trial lawyer's top five

By Shawn Cormier-Warren

It is a tradition in my family to give ornaments at Christmas to celebrate something that happened during the year. This year, my husband and I gave our boys football-themed ornaments for their first year of tackle football, and the girls received soccer and lacrosse ornaments. The kids surprised me this year by giving me an ornament box with a tag on it that read "To Our Wonder Woman." Inside was the red, white and blue star-spangled outfit worn by my favorite childhood super hero. It was my kids' way of telling me that they thought I was doing a good job of juggling a career and being a mom.

Work-life balance means many different things to different people. Some people who have a career are also trying to raise young children, while others are trying to tend to their aging parents. Some people are trying to do both. There seems to be constant conflict between being a rainmaker, meeting billable hourly requirements, being at a child's school play (which just happens to be in the middle of the day), spending time with significant others and taking care of oneself. There is no magic solution for achieving work-life balance, but here are my top five tips that work for me and my family.

### Figure out your priorities

Sometimes it feels like everything is a priority, but not everything can be number one. Throughout your career and life, priorities change. Making sacrifices early in your career can make it easier to adjust your schedule when you decide to have a family or need to take care of an elderly or ill parent. There are times when work must be the number one priority, and families need to understand that. It is easier for a family to understand and accept long hours at the office or in trial if you are regularly attending birthday parties, soccer games and school concerts. You can have a successful career and a fulfilling family life, but you have to be willing to juggle your priorities when necessary.



### Find career paths that are consistent with your priorities

Many women believe that you can't have it all. I think you can—with some help. In choosing a law firm or company, look for one that doesn't have just a work-life balance policy, but one that actually encourages its employees to maintain a work-life balance. Today's technology allows many employers to provide employees with laptop computers, PDAs and other devices that facilitate working from home. Moreover, flex-time and part-time options are now offered with more regularity. When exploring alternative employment options, be ready to demonstrate to your employer how you can make your proposed option work without losing productivity.

### Be efficient

The old saying of "plan your work and work your plan" may sound trite, but it gets the job done. Determine what needs to be accomplished during the day and figure out how to do it. For example, working from home some days is more efficient than spending three hours driving through a snowstorm to get to work. Routinely check your calendar to plan for major work projects so you don't have to miss the family reunion. When you are at the office, try to minimize interruptions by closing your door, putting the phone on "do not disturb" and not indulging in idle chit-chat at the water cooler. You will be more productive and be able to leave "on time" so you can help your children with their homework, go on a date with your spouse or significant other, or take your parents to

church. While some people may accuse you of being antisocial, you are doing what is necessary to meet your priorities.

### Learn to delegate

This is important in both the job setting and at home. Is it really necessary that you attend every pretrial, summarize every box of documents or take every deposition? Most times, the answer is “no.” Identify a colleague—whether it is an associate, paralegal or law clerk—who can help assist you with tasks. In doing so, you will free up your time and also help develop the skills and confidence of another employee. At home, don’t try to do everything yourself. Make a chart delegating responsibility for household chores to your

spouse and children. Teenagers are capable of making dinner once or twice a week. Younger children can help pick up toys, put away laundry or do the dishes. Your children will learn life management skills and you can enjoy some free time.

### Take time for you

This is probably the most difficult thing to achieve because as soon as you sink into that bathtub, one of the kids decides he needs you. As tough as it is to find time for yourself, it is essential if you are to maintain your mental and physical health. Schedule an appointment with yourself each day and don’t break it. Take at least 15 minutes a day to work out, meditate, go to the driving range or just do nothing!

Taking time for yourself reduces stress, increases mental clarity and leads to greater productivity.

I don’t always follow my own advice, and some days, weeks and months are more difficult than others in trying to meet work and family obligations. While I think my kids’ view of me as Wonder Woman was a bit exaggerated, in the end, they are the ones who will judge whether I achieved work-life balance. According to my young panel of judges, the verdict appears to be a good one.

*Shawn Cormier-Warren is a partner at Davis & Young, is married and has four children, ages 16, 13, 10 and 9. She can be reached at [scormier@davisyoung.com](mailto:scormier@davisyoung.com).*

## OWBA hosts networking wine tasting event in Columbus

The Ohio Women’s Bar Association hosted a networking event at Camelot Cellars Winery in Columbus on Feb. 18, 2009. More than 40 female practitioners from Columbus attended the event and enjoyed an evening of food, wine and networking with their colleagues. A selection of 10 wines was available for sampling, each explained in detail by proprietors Charles and Mary Frobose. Guests also enjoyed a wide display of hors d’oeuvres as they mingled with local area members.

Camelot Cellars Winery is a full-service winery in the heart of the Short North district of Columbus where you can make your own custom wine. Customers can choose from an extensive selection of red, white and specialty wines. Once a wine is selected, Camelot closely monitors the fermentation process and within six to eight weeks, your wine is bottled and labeled. OWBA Past President Michele Shuster took part in the wine-making process, mixing her very own specialty red wine, which she plans to have bottled and



Lisa House and Michele Shuster take part in the wine-making process with Camelot Cellars Winery owner Charles Frobose.

custom labeled to give to family and friends as a holiday gift.

We would like to thank Charles and Mary Frobose, owners of Camelot Cellars Winery, for their hospitality and for teaching all of us about the wine-making

process. For more information on Camelot Cellars Winery, please visit its website at [www.camelotcellars.com](http://www.camelotcellars.com) or contact (614) 441-8860. Camelot Cellars Winery is located at 958 North High Street, Columbus, OH 43201.

## Ohio's first women attorneys: Nettie Cronise Lutes and Florence Cronise

By Hilary R. Damaser, Esq.

In 1871, the legal profession in America was virtually exclusive to men, and in Ohio, it was exclusively a male profession.<sup>1</sup> Yet, Annette “Nettie” Cronise, a young woman of Tiffin quietly began the study of law in the offices of Warren P. Noble.<sup>2</sup> Soon thereafter, her sister Florence Cronise began the study of law in the office of McCauley and Pennington, also in Tiffin.<sup>3</sup> Accounts written in later decades state that the admission of Nettie Cronise was controversial, yet I have so far been unable to locate any primary documents evidencing this controversy. Rather, her admission appears to be, at least locally, well-accepted. By their own account, the sisters’ practice was no more difficult than that of young male attorneys at the time.

Henry Cronise, Nettie’s and Florence’s grandfather, adopted the girls at an early age.<sup>4</sup> He was a prominent resident of Tiffin and served one term in the Ohio Senate in 1846.<sup>5</sup> Because he was well-educated and affluent, he was able to allow and encourage the education of Florence and Nettie.<sup>6</sup> Both women attended Heidelberg College in Tiffin, Nettie leaving prior to finishing due to eye trouble,<sup>7</sup> Florence graduating in 1865.<sup>8</sup> Both women taught school, Florence becoming principal of the Tiffin High School prior to taking up the study of law.<sup>9</sup>

In 1873, to take the bar examination, an applicant must have “regularly and attentively studied the law during the period of two years previous to his application for admission.”<sup>10</sup> Any two judges of the Supreme Court or “some person or persons, learned in law by them appointed” would then examine the applicant and if the applicant was found qualified and of good moral character, “they shall direct their clerk to administer an oath of office, and to record the admission of such applicant.”<sup>11</sup>

Nettie Cronise was admitted to the bar of Ohio on April 4, 1873, by Judges Latta, Jackson and Pillars of the Seneca County District Court.<sup>12</sup> According to the 1897 Bench and Bar of Ohio:

This was before the law was passed by the State Legislature authorizing the admission of women to the Bar . . . and the question was naturally raised as to her right to be admitted, with the majority of the court inclined to the opinion that women were not eligible for admission to the Bar in the State. Judge Seney and other eminent lawyers offered their services to present her case to the court, which she declined, and taking charge of her own case, by the force of her own character and learning, she succeeded in convincing the court of her right to be admitted, thus opening the door for admission of women to the Bar of this State. Her admission to the Bar was taken favorably.<sup>13</sup>

According to the local newspaper reports, she was well-received. On April 10, 1873, the Seneca Advertiser reported the event:

Miss Cronise is probably the first lady in the State of Ohio that has ever been admitted to the bar, and we hope she may prove successful in her profession. If women can successfully compete with men in the professions, we do not see that there should be any objections to their doing so, although it may be an innovation on the old established rules. Again we say, success to the only lady lawyer in Ohio.<sup>14</sup>

After first considering practicing in Findley,<sup>15</sup> Nettie decided to set up practice in Tiffin.<sup>16</sup> Twenty years later, Nettie downplayed the opposition and rather suggested positive reactions to her practice:

I entered the arena on the 4th of April, 1873, where I was expected to encounter my brethren of the law in fine philippic style. I did indulge in an occasional acrimony and sarcasm, but nothing of importance having developed, I was as one overcome by the magnitude of the step I had taken, and quietly subsided into a Micawber. . . . [O]n the 11th day of March, 1879, I found the door of the United States Circuit Court for the Northern District of Ohio open (by invitation of the presiding judge extended to my sister and myself), and

quietly slipped in and became as one of them, and from that day to this have been a member of that court; and also a member of the State Bar Association of Ohio in good standing.<sup>17</sup>

Florence Cronise was admitted to the practice of law on Sept. 2, 1873, by the Hardin County District Court.<sup>18</sup> The two sisters practiced together as the firm of N. & F. Cronise until Nettie’s marriage in 1874, after which Nettie practiced with her husband as Lutes & Lutes and Florence practiced on her own. According to an article published in 1890, the two women, “have pursued the steady, straight practice of law for a longer period of time than any other woman has ever done.”<sup>19</sup> Fifteen years after starting the practice of law, Florence described the sisters’ practice together:

We rented an office, furnished it with a desk or two, a few chairs, a carpet (long since disappeared), and bought all the books we could afford. Then swinging our sign, “N. & F. Cronise, Attorneys at Law,” we sat waiting for business, taking up all extra time in answering invitations to enter the lists of avarious lecture lyceums scattered through the country, promising to introduce us as the “Woman Lawyers,” “Something New,” etc., etc. Putting all such ambitions aside, we sat and waited, and it wasn’t long ere an occasional shadow passed over the threshold and entered. Business came gradually, by no means in a rush, and slowly we worked our way up. Our brothers extended the hand in welcome, so far as to put no visible obstacle in our way—neither did they make an effort to remove any. We began on the same footing as any of the young men, and have kept on to the present. . . . In the early days our work came chiefly from men, women having but little confidence in the ability of women. All this, however, has changed, and my clients are as frequently one as the other.<sup>20</sup>

Florence goes on to describe her practice on her own, asserting that women should practice law just as men, not differently as women:



My practice covers all classes of cases, and I have never hesitated to undertake and conduct a cause by reason of its character, thinking where a woman is a party or a witness there it is proper for another woman to be—and never yet have I been made to feel that I was in any way indelicate by reason of so doing. My experience has taught me that a woman can go along by the side of men in the same profession, receiving from all the same professional courtesy that they extend to the brotherhood, and we must ask for no more. . . . Along the line of these 15 years I find scattered an innumerable lot of cases, railroad suits, insurance, land, divorce and alimony (one, both or either) bastardy cases, labor claims, libel suits, suits of all classes against corporations, settlement of estates, etc., etc., far too varied to recall.

It has been made a rule of my professional life to go quietly on, remaining very closely at my business, seldom doing anything of a public character outside my law business, and the result I believe to be better than had I answered some of the many calls to appear before the people in behalf of woman's rights.<sup>21</sup>

In 1881, Nettie's husband Nelson Lutes became totally deaf, thus changing their

practice together and making the two somewhat well-known in the practice. As described in the 1897 Bench and Bar, Nelson Lutes would address the court and examine the witnesses while Nettie Lutes would sit directly in front of him and “repeat[,], by the motion of the organs of speech, without the least sound or whisper, every word that is spoken by the witnesses, judge and opposing counsel, on the instant the words leave the mouth of the speaker, so that Mr. Lutes gets it all as quickly as

any other person in the room. . . . As the case progresses she takes notes of all new points brought out in the evidence, and finds time to communicate her views thereon to Mr. Lutes.”<sup>22</sup>

Nettie Cronise Lutes died at age 80 in Tiffin in 1923 and Florence Cronise died at age 85 in Philadelphia in 1930. Each had continued to practice law for most of her life. Although looking back, we can only guess at the discrimination the sisters must have suffered, they themselves appeared to consider it of little consequence. As Florence Cronise wrote: “[t]he fact is, if a woman wants to practice law just as men do, she can. But it requires patience and long waiting,—so does it likewise for young men coming into the practice as the older lawyers may have had for me.”<sup>23</sup> Moreover, as Florence reflected in 1888 and as I am sure we can all appreciate today, regardless of the gender of the lawyer, the practice of law has its good days and its bad days:

But I don't want you to think that my professional life has been one of unceasing pleasures and successes, for it has not. It has its ups and downs, to-day, as it had years ago. Sometimes I have thought that the downs prevailed, but then everything would brighten again, and the result is a comfortable income and a success comparing favorably with that of the young men entering the profession at the same time.<sup>24</sup>

<sup>1</sup> Martin, Ellen A., Admission of Women to the Bar, 1 The Chicago Law Times 76, 76-79 (1887); 1 Bench and Bar of Ohio 374 (1897).

<sup>2</sup> Heidelberg College Archives Information Sheet, unattributed.

<sup>3</sup> Florence Cronise Obituary, Tiffin Tribune, January 28, 1930.

<sup>4</sup> *Id.*

<sup>5</sup> 1 Bench and Bar of Ohio 373.

<sup>6</sup> *Id.*, at 373-374.

<sup>7</sup> Heidelberg College Archives Information Sheet, unattributed.

<sup>8</sup> Florence Cronise Obituary, Tiffin Tribune, January 28, 1930.

<sup>9</sup> 1 Bench and Bar of Ohio 392.

<sup>10</sup> Ohio Laws, chapter DCXXXI, Section 3 (1824).

<sup>11</sup> *Id.*, Section 2.

<sup>12</sup> *Seneca Advertiser*, April 10, 1873.

<sup>13</sup> 1 Bench and Bar of Ohio 374. A similar account is also given in an unattributed summary of the life of Nettie Cronise Lutes contained in the Heidelberg College archives. As I stated earlier, my research so far reveals no evidence of such a controversy or legal argument.

<sup>14</sup> Likewise, the *Tiffin Tribune* reported on the same day: “[w]e shall watch, with a considerable amount of interest, to see her go up stairs where there is said always to be room for young lawyers.” April 10, 1873. Also of interest is the local newspaper's reaction to the U.S. Supreme Court's rejection of the admission of Myra Bradwell in April 1873: “The United States Supreme Court has decided that Miss Myra Bradwell of

Illinois, has no right to practice law. If Myra will come to Tiffin, she can be an attorney in spite of the old fogies on the Supreme Bench.” *Seneca Advertiser*, May 1, 1873.

<sup>15</sup> “Let the Legal fraternity appoint a Committee to escort her to Findlay, and show her all the honors necessary. *Seneca Advertiser*, April 24, 1873, quoting [*Findlay*] *Courier*.

<sup>16</sup> “A NEW LAW OFFICE—In another column we publish the Law Card of Miss Nettie Cronise, who was admitted to the Bar at the late term of the District Court. She has concluded to open a law office in our city and we hope she may receive a large and lucrative practice. Her office is with Judge Lang, in the Court House.” *Seneca Advertiser*, May 15, 1873.

<sup>17</sup> *The Law Student's Helper*, Vol. 1, No. 6, p. 140, June 1893.

<sup>18</sup> Florence Cronise Obituary, *Tiffin Tribune*, Jan. 28, 1930.

<sup>19</sup> Robinson, Lelia J., *Women Lawyers in the United States*, 2 The Green Bag 10, 23 (1890).

<sup>20</sup> May 23, 1888 letter by Florence Cronise to the Equity Club, published in *Women Lawyers and the Origins of Professional Identity in America*, Virginia G. Drachman, at 94-95 (1993).

<sup>21</sup> *Id.*

<sup>22</sup> 1 Bench and Bar of Ohio 376.

<sup>23</sup> As quoted in Robinson, Lelia J., *Women Lawyers in the United States*, 2 The Green Bag 10, 23.

<sup>24</sup> May 23, 1888 letter by Florence Cronise to the Equity Club, published in *Women Lawyers and the Origins of Professional Identity in America*.



## First Canton Women’s Impact Lecture Series a success

More than 150 women from around Stark County joined together to learn and empower each other at a three-part luncheon series hosted by the Stark County Bar Association, Ohio Women’s Bar Association, the United Way of Greater Stark County Women’s Leadership Council and Key Bank.

The series, held at the Metropolitan Centre in downtown Canton, consisted of three luncheons, each focusing on different aspects of women becoming successful agents of change and growth as professional and community leaders.

“I have been pleased with the marvelous response to our inaugural series. Not only has the attendance exceeded our expectations, but the caliber of our speakers has been sincerely inspiring. Their personal connections to the community and their life stories motivated each of us to focus on fostering passion and excellence in ourselves, our families, our work, our communities and beyond,” said Jennifer Lile, attorney with Krugliak, Wilkins, Griffiths & Dougherty Co., L.P.A., and co-chair of the series.

The “Impact Through Innovation” session, held Jan. 21, 2009, featured Sara Timken, owner of Sarafina Inspired Designs, Dr. Merle Griff, founder and CEO of SarahCare Adult Day Care Centers, and Dr. Renee Power, well-respected LPGA member. The session was moderated by Susan Rodgers, vice president and assistant general counsel for the law firm of Buckingham, Doolittle & Burroughs LLP.

On Feb. 18, 2009, the “Impact Through Leadership” session featured Chrissy Hartnett, assistant chief, criminal division at the Stark County Prosecutor’s Office, Michele Evan-Gardell, superintendent Canton City Schools, and Debra Miller, Senior vice-president of communications and community affairs at the Timken Company. Kay Feagles, CFP with Raymond James Financial Services, Inc., moderated the session and also was co-chair of the series.

“When we starting planning the Impact series, we thought there might be a need for women to gather, learn and share. Looking out over a sea of 160-plus women at our second luncheon, we knew we were right. The energy in the room was palpable. All three speakers generously shared with us

their paths to success and their insights about leadership, both professionally and personally,” said Feagles.

“Historically, women have been leaders of social change through their personal passion, time and talent. United Way of Greater Stark County brings women together who are passionate about enriching our community and addressing our greatest needs,” explained Maria Heege, president and CEO of UWGSC. “Benefits of giving back in our community are plenty, whether it’s mentoring other women, serving as a philanthropic role model, or hands-on volunteer work,” she added. The UW Women’s Leadership Council is comprised of female community and business leaders, who annually contribute \$1,200 or more to UW.

The last session, “Impact Through Service,” held March 18, 2009, featured the Honorable Judge Sara Lioi, U.S. District Court for the Northern District of Ohio, Barbara Bennett, P.E., P.S. secretary/treasurer of Hammontree & Associates; Sheila Markley Black, attorney with Day Ketterer. The session was moderated by Donna Demerling, vice president, quality advancement, who also served on the committee that organized the series.



Above Left: (L to R) February Luncheon Speakers Michele Evans-Gardell, superintendent of the Canton City Schools; Debra Miller, sr. v.p. of communications & community affairs Timken Company and Chrissy Hartnett, assistant chief criminal division, Stark County Prosecutor.

Above: Guests from The Timken Company, an event sponsor, enjoy the Jan. 21st luncheon.

Right: (L to R) Front - March Luncheon moderator Donna Demerling, vice president, quality advancement, The Timken Company; February Luncheon moderator Kay Feagles, CFP, Raymond Financial Services, Inc.



**Other committee members include:**

Tina McCort, executive director of the Stark County Bar Association; Diana Pittman, Key Bank; Amanda Walls, Esq., Buckingham Doolittle & Burroughs LLP; Besty Engels, Timken Company; Natalie Haupt, magistrate of the Stark County Court of Common Pleas; Chrissy Hartnett, assistant county prosecutor; Hon. Patricia Delaney, Fifth District Court of Appeals

**The committee thanks all the speakers and attendees for making the series a success, and acknowledges table sponsors for their generous support, including:**

Aultman College, Black McCuskey, Buckingham Doolittle & Burroughs, Day Ketterer, Diebold, Fifth District Court Appeals (Judges Sheila Farmer, Julie Edwards, Patricia Delaney), Key Bank,

Krugliak Wilkens Griffiths and Dougherty Co. LPA, Mercy Medical Center, Stark County Department of Job and Family Services, The Timken Company

# The Sandwich Generation—stuck in the middle with you

By Mary L'Hommedieu

A growing number of us are members of the Sandwich Generation—those who care for children and aging parents at the same time. Theoretically, we have the ability to be there for our employers, participate in our community and care for our spouses, children, parents, in-laws, grandparents and pets, all while finding time to exercise for an hour each day. And while we love and grow from all of our relationships and responsibilities, the resulting pressure from balancing these interactions is real. All of a sudden, that fabled sandwich we have heard so much about starts to feel more like an overstuffed Panini in a grill press.

This is a guide to facilitating and organizing a discussion with aging parents, so that while we pay attention to their safety and comfort, we can learn from each other how to age gracefully. Even if you find that you are not in the Sandwich, as attorneys and counselors we should be aware of the burdens placed on this generation, and be able to advise our clients on concrete steps to start the discussion.

## Time to talk

Prepare yourself for the discussion. If you are like me—over the age of 40, or have a parent or grandparent who is in their 60s or 70s—it is time to discuss your aging parent's expectations and needs, along with your ability to help. Having the conversation now gives our parents the ability to create and shape the plan for what they need and want in the next 20-30 years of their lives. And it gives prospective caregivers the opportunity to discuss the inevitable life changes additional care giving responsibilities will bring. Because the topic can be stressful for both you and your parent, take some time to plan an approach that will be best for all involved. For example, is it best in person with your siblings present? A private conversation over the phone? Should it start with a letter or an e-mail? Or would your parent prefer a straight forward approach? And don't forget to consider that your parent may come to you first. Resources like local area agencies on aging, AARP, trusted clergy members, financial or healthcare advisors

or attorneys can provide support or assist in the conversation.

## Gather the documents

You or your parent should gather and secure all important documents, including: wills, trusts, deeds, living wills, powers of attorney, bank account passbooks and/or statements, 401K/pension benefit statements, stock statements, Social Security information, all insurance policies (health, life, homeowners, car, long-term care, etc.), along with all routine billing statements. In addition to these documents, your parents should list all of their doctors (with addresses and phone numbers), along with any medications and dosing schedules for those medications.

Many parents may not be comfortable sharing their personal information with their children. If that is the case, you should encourage your parents to gather the information and place it with a trusted advisor who will be available if that information is required in an emergency. If your parents want your involvement in their care, some or all of this information will have to be available to you at some point. If they would prefer professional caregivers, it is best to know that sooner rather than later for planning purposes.

## Review and make changes to legal documents

All estate planning documents should be reviewed with an attorney, who can assess whether the documents are consistent with the plan your parent chooses. The attorney can also discuss relevant care options with you or your parent, including long-term care insurance, Medicaid planning, living wills and durable powers of attorney, health care powers of attorney or the creation of an appropriate trust.

## Discuss the issues with your parent

While this step is critical, it is often the most difficult. The discussion can take place in one conversation, in a series of conversations over time, but the following issues should be addressed:

- Where your parent will live (now and when extra care is needed);
- Preferred caregivers or medical facilities (i.e., hospitals, assisted living or nursing facilities);
- Sources of funding (long term care insurance, Medicaid planning);
- Transportation;
- Necessary medical care and medication schedules;
- Social activities;
- Access to religious services; and
- Exercise and physical activity.

Most seniors would prefer to live independently for as long as possible. Given the current economic crisis, soaring health care cost, and the necessity to reduce Medicaid spending, the government and private agencies alike are providing more services to support independent living for as long as possible, including nonmedical home care and companionship services, senior centers, adult day care centers and independent living environments. If your parent requires more constant assistance, you will have to choose between extended nonmedical home care, periodic nursing care in the home or assisted living centers. If your parent will be living in your home or in theirs with your assistance, home health care companies, assisted living and nursing facilities are available to provide respite care so that caregivers can take occasional breaks.

Perhaps the most difficult issues to discuss are long-term care in a nursing home, end-of-life issues and funeral arrangements. None of us want to imagine a catastrophic event that may require 24-hour nursing care (in our homes or in a nursing home), or render a parent not competent to make decisions. Nothing needs to be written in stone at the end of the first conversation, but if seniors do not communicate their wishes, the decisions may ultimately be made without their input, and may even





The ultimate club sandwich– From left to right, my mother, Sally Gunn, my paternal grandmother, Mary Elizabeth Meehan, my maternal grandmother, Daisy Louisa Crespi, me, and my daughter, Sarah. This picture was taken at Sarah's baptism in 1998. At that time, Mary Elizabeth lived at home alone with the support of and constant attention of her three sons. When she was 92, she moved into a nursing home, and passed away at the age of 96 in 2007. Daisy will celebrate her 100th birthday in August 2009. She lived at home with the care of her children and grandchildren until, at the age of 95, she fell and broke her hip. After that, Daisy moved to an assisted living facility, and in 2008, she moved to the skilled nursing unit. Her children visit her daily. My mother, Sally, is now 64 and in excellent health. She is retired, and splits her time between charitable events, and care of her mother, husband and grandchildren.

involve sibling fights and court battles, which can be both emotionally and financially draining. It is important to remember that your views and your parents' views may change over the next 20 years, so it is important to keep the lines of communication open and have documents reviewed periodically to make sure your parent's wishes are properly reflected.

We live in a wonderful time. Technology and prosperity have resulted in longer lives and a better quality of life for a longer period of time. The fact that we are living longer certainly creates new challenges for those of us in the Sandwich Generation, but it also gives us an opportunity to develop an adult relationship with our parents and

grandparents, and to have them present and engaged in our lives and the lives of our children and grandchildren.

## View from behind the support staff desk

Behind every successful attorney are the members of his or her support staff. It is vital to hire and retain capable individuals for your law practice. The time spent screening and training new hires will strengthen the foundation of your practice and transition us to become a loyal and reliable employee. We are eager to learn and want to participate in the daily operations of your practice. Teach us by your instruction, your example and your passion for law. We will mirror your style of communication with clients and treat each with respect. Your example will be contagious, so carefully make it what you want.

Demonstrate confidence in your support staff by encouraging them to continue their education. Most colleges and universities offer programs for legal assistants and paralegals. Can you assist by paying some portion of their tuition? Another way for your staff to be active in the legal field is to participate in law-related associations. The Ohio State Bar Association has a Paralegals Committee. Find out if your local bar association accepts support staff as secondary members. There is the National Paralegal Association and the National Association of Legal Assistants. I am a member of NALS, the association for

legal professionals that serves members across the nation. This association has active chapters in Stark County, Columbus and northeast Ohio. We regularly offer continuing legal education locally and at low cost. Each of the associations mentioned here along with others, offer quality educational, networking and leadership opportunities.

*Janet Moritz is a Certified PLS and President-elect of NALS of Ohio. She can be reached at (216) 722-5567.*

## Have you ever thought of adopting a child?

Many of us are facing the toughest economic times we have ever experienced. Yet, in the midst of this difficult financial reality, there are children who still need good homes. If the thought of adopting a

child crossed your mind before this economic crisis hit, you may have since decided to put it off or not to adopt at all.

In financial times like these, fear and trepidation can take over, but many of us

will find hidden blessings, such as the pleasure and fulfillment that the love of friends, family and children can bring to our lives. How do we get through these tough times? We get creative; we rearrange and prioritize our lives. As an adoption professional for more than 15 years, I have been honored to observe the depth of love and joy that a newly adopted child can bring to a family.

If you have the desire and the ability to adopt a child, there is hope. Many people may not be aware of the federal and state adoption tax credit. The State of Ohio gives a tax credit (not a deduction) of \$1,500 toward the cost of every adoption. In addition, if you earn less than \$174,730 per year, the federal government will send you a check of up to \$11,650 from the taxes you paid to cover the amount you spent on your adoption. These credits should cover most of the cost of an average adoption.

Currently, there are approximately 20,000 children in Ohio's foster care system. These adoptions do not cost anything. You can view some of the children available for adoption on ODJFS Web site at [www.jfs.ohio.gov/oapl](http://www.jfs.ohio.gov/oapl).

May we all find the hidden blessings through these challenging economic times.

*Attorney Mary Catherine Barrett is an adoption advocate and teaches adoption law as an adjunct law professor at Case Western Reserve University.*





## OWBA honors Judge Mary Jane Trapp at annual Founding Members and Past Presidents Gala

The Ohio Women's Bar Association celebrated 17 years in existence at its Founding Members and Past Presidents Gala on March 12, 2009, at the law firm of Reminger Co., LPA. In honor of the event, OWBA continued the tradition of awarding the Founders' Award to a worthy recipient. The Founders' Award is presented to an outstanding OWBA member who has contributed to the OWBA and the legal profession; has rendered services to improve the administration of justice; and has helped pave the way to success for women in the legal profession. In addition, we acknowledge her willingness to give back to the legal community, as well as the general public, while demonstrating professional excellence. Although hers was not the only excellent nomination received, the OWBA chose Judge Mary Jane Trapp of the Ohio Court of Appeals, 11th Appellate District as this year's recipient.

Judge Trapp graduated from Mount Holyoke College *cum laude* in May 1978 and received her law degree from Case Western Reserve University in 1981. She was admitted to the Ohio bar in 1981 and was admitted to practice before the Supreme Court in 1987. She spent more than 25 years in a general civil and criminal trial and appellate practice in

federal courts in Ohio and Pennsylvania and in Ohio courts at all levels. Judge Trapp served as a mediator and as arbitrator for the Geauga and Cuyahoga County Common Pleas Courts and as a guardian ad litem for children in domestic relations court. Her professional accomplishments, leadership with numerous organizations and participation on a number of worthy projects have made her a role model in the legal profession.

We were pleased to have a number of guests speak so highly of Judge Trapp's accomplishments professionally as well as personally. Among the guests present to celebrate this event and acknowledge Judge Trapp were OSBA President Gary J. Leppla (Leppla Associates, Dayton), Judge Patricia Delaney (5th District Court of Appeals and past OWBA treasurer), Judge Judith French (10th District Court of Appeals), Maureen Kelly (Lake County Clerk of Courts), Judge Cynthia W. Rice (11th District Court of Appeals), as well as friends and colleagues.

Eleanor Speelman (general counsel, Ohio Secretary of State) presented a commendation to Judge Trapp on behalf of Secretary of State Jennifer Brunner as well. We were pleased to have some of OWBA's



Above: (L-R) '08-'09 President Michele A. Shuster, 2009 Founders' Award recipient Judge Mary Jane Trapp, OWBA member Kalpana Yalamanchili, and '09-'10 President Lisa R. House.

Below: '08-'09 President Michele A. Shuster presents the Founders' Award to Judge Mary Jane Trapp.

founding members present from the initial meetings in 1992 as well as some of the organization's past presidents. In honor of OWBA's ongoing effort to research the first 100 women attorneys admitted to the Practice of Law in Ohio, we remembered the Honorable Florence E. Allen, the first woman to serve as a justice on the Supreme Court of Ohio.



## Medicaid coverage at risk

By Laurie G. Steiner

If you or a loved one must enter a nursing home, be ready for some sticker shock. The monthly cost for nursing home care can easily wipe out your life savings at a rate of \$6,000 to \$9,000 per month. The one governmental program available to cover nursing home costs is Medicaid. It is a federal health care safety-net program, administered by the state, to provide coverage for the middle class for long-term care costs. As a welfare program, it is hard to protect any of your life savings and receive Medicaid benefits.

Bank accounts, stocks, bonds, IRAs and even the cash value of life insurance policies are countable assets. A single person may keep only \$1,500 of assets to qualify for Medicaid. A married couple can keep a home as long as one spouse is living in it, and one-half of the countable assets, up to a maximum of just under \$110,000 (this amount is indexed annually). The excess assets have to be spent down. In the past, it was relatively simple to keep and protect these allowable assets from Medicaid. However, the state of Ohio has Medicaid regulations that make it terribly hard to obtain benefits in the first place and

then pass the allowable assets on to children or other heirs.

For example, Medicaid lets a married couple keep a home as long as one spouse is living there. However, if at the time the first spouse enters the nursing home, the couple has their home in a revocable living trust (very common for probate avoidance and perfectly legal), the house is not exempt and is subject to spend-down. Additionally, assuming Medicaid is available for the nursing home spouse, if the healthy spouse dies first and the house is left back to the ill spouse, it will be lost to nursing home costs. Under previous Medicaid law, to protect the house, we disinherited the ill spouse and left the house to the children, without a problem. Now, Medicaid takes the position that the healthy spouse could have and should have left the home to the ill spouse. Therefore, if we use the same planning, when the home passes to children, it is as though the ill spouse gave away the home and he or she is disqualified from getting Medicaid benefits for a period of time because a gift was made at death. In fact, Medicaid now even forces the house to remain in the healthy spouses sole name as long as the ill

spouse is receiving Medicaid. Any attempt to change the title during the lifetime of the ill spouse will create a gift at the time of the title change and disqualify the ill spouse from Medicaid immediately!

Another punitive regulation is the procedure when a mistake is made in the application process. Mistakes are common because, typically, the person in the nursing home cannot apply on his or her own. A family member is handling the application. In the past, mistakes were handled simply and easily. The caseworker allowed the spend-down of any additional funds and Medicaid continued. Now, when a mistake is made, the mistake is presumed intentional, Medicaid fraud has occurred and the person can be turned over to the prosecutor's office for prosecution.

Medicaid planning is very complex. To protect yourself and your assets, you need to consult an attorney who is well versed in elder law issues, including Medicaid eligibility.

*Laurie G. Steiner is an attorney with the firm of Budish, Solomon, Steiner & Peck, Ltd. She can be contacted at [lsteiner@budsolo.com](mailto:lsteiner@budsolo.com).*

# Military Spouses Report and Recommendation

to: Ohio Supreme Court

from: Ohio Women's Bar association

date: May 6, 2009

subject: Report & Recommendation: Provisional Bar Membership for Qualified Military Spouses

## I. Acknowledgements

Members of the Ohio Women's Bar Association (the "OWBA") would like to thank the Officers and Trustees for their support throughout this process. A special thank you is extended to Mary Reding, military spouse and member of the California State Bar, and Denise Platfoot Lacey, OWBA Trustee, for their initiative, research, and work on this recommendation.

## II. Introduction

The backbone of the United States military is the family that supports them while they are at home and away. The military spouse is highly motivated and educated with 97% possessing a high school diploma<sup>1</sup> and 87% interested in pursuing a higher degree.<sup>2</sup> Most military spouses are in the labor market, either employed or looking for employment.<sup>3</sup> However, the unemployment rate for military spouses is three times as high as their civilian counterparts.<sup>4</sup> There have been many studies on why this is the case, but one of the most evident causes is the fact that military families move on average every two to three years.<sup>5</sup> Only 10% stay on the same base for longer than five years.<sup>6</sup> This has a direct impact on military spouses obtaining and maintaining a career, specifically in the legal profession as a practicing attorney.

In order to practice law in the State of Ohio, one must meet the requirements of general admission, including a written bar exam. There are provisions of the code that allow for admission without examination.<sup>7</sup> Such admission requires, among other things, that the applicant must have practiced in another jurisdiction 5 of the last 10 years. The lifestyle of the military spouse and the fact that the military family moves every 2-3 years, does not allow for one to be in one state long enough to satisfy this requirement.

To support the military families, the OWBA is suggesting a provisional bar membership to those military spouses who are in the State of Ohio due to military orders, are members in good standing in another jurisdiction, attended an ABA accredited law school, have an Ohio Bar Member as a supervising attorney, agree that provisional bar membership expires when the military orders in the State of Ohio are completed, and comply with all CLE and New Lawyers Training in accordance with Gov. Bar R. X Section 3(H).

Ohio currently allows other exceptions to the previous practice requirement for the admission without examination rule. Currently there are four exceptions that have reduced or no previous practice requirements: Temporary Certification for Practice in Legal Services, Public Defender, and Law School Programs<sup>8</sup>; Attorneys not Admitted in Ohio and who are employed by a nongovernmental Ohio employer<sup>9</sup>; and the limited practice of law by Interns<sup>10</sup> and Foreign Legal Consultants<sup>11</sup>.

## III. Recommendation to provide provisional membership to military spouse

The OWBA recommends that the Rules governing the practice of law in the State of Ohio should include a provision providing provisional membership to qualified military spouses. Attached in Exhibit A, please find sample language for the provisional bar membership for military spouses. The sample language seeks to:

- Establish basic criteria for admission including a statement of good standing in all jurisdictions in which the military spouse is admitted, copy of Military Orders, and acknowledgement of Ohio's attorney disciplinary rules.
- Permit the administrative revocation of privileges to practice in Ohio if the attorney does not comply with certain provisions of the rule.
- Require the military spouse to be supervised by an attorney in good standing in the state of Ohio.
- Require the military spouse to comply with all New Lawyer Training requirements and CLE requirements.

## IV. Conclusion: supporting the military family

Unlike the civilian world, the United States Military is not an optional assignment based system. You must move when and where you are told. Due to the fact that the military family moves frequently, the only way that a military spouse can maintain a legal career is by either remaining behind and living separate from the family or taking the bar exam every 2-3 years in a new state and then maintaining the registration requirements for each state in which they are qualified. Neither option is appealing and the later is nearly impossible. Because of this, hundreds of thousands of military dependents are not encouraged to pursue the legal profession due to lack of financial incentives, educational opportunities, and role models. Further, thousands of attorneys who are currently practicing must give up a traditional career in the legal profession in order to support their military spouse.

The State of Ohio could be the first to support the military family in a way that no other state has done: by welcoming those attorneys who are married to the military and dedicated to supporting our freedom while maintaining a high level of professionalism, standards, and proficiency. By providing a provisional bar membership for military spouses, the legal profession in Ohio will be encouraging a talented pool of independent, intelligent, and resourceful women and men to begin or continue their legal career.

# Military Spouses Report and Recommendation (continued)

## Exhibit A

Suggested language for provisional membership.

### Section 1. Eligibility.

A person not admitted to the practice of law in Ohio may become certified to practice law and provide legal services if that person satisfies all of the following:

- A. The person is residing in the state of Ohio due to a spouse's United States Military Orders;
- B. The person has earned a degree from a law school that is accredited by the American Bar Association;
- C. The person has taken and passed a bar examination, and has been admitted and is in good standing as an attorney at law in the highest court of another state, the District of Columbia, or a territory of the United States;
- D. The person has not taken and failed the Ohio bar examination;
- E. The person has not had an application for admission in Ohio denied on character and fitness grounds pursuant to Gov. Bar R. I; and
- F. The person is employed by a supervising attorney that is a member in good standing with the Ohio Bar Association.



### Section 2. Application.

An applicant for certification under this rule shall file with the Office of Bar Admissions of the Supreme Court an Application for Temporary Certification. The application shall be on forms furnished by the Office of Bar Admissions and shall include all of the following:

- A. A copy of the United States Military Orders of the spouse of the applicant, establishing that they are in the State of Ohio due to military orders;
- B. A certificate from the applicant's law school certifying that the applicant has received a law degree;
- C. A certificate of admission as an attorney at law from another state, the District of Columbia, or a territory of the United States;
- D. A certificate of good standing from each jurisdiction in which the applicant is admitted to practice law;
- E. An affidavit that the applicant has read, is familiar with, and agrees to be bound by the Ohio Rules of Professional Conduct and to submit to the jurisdiction of the Supreme Court for disciplinary purposes pursuant to Gov. Bar R. V;
- F. An affidavit from the supervising attorney certifying all of the following:
  - 1. That the applicant is employed by the supervising attorney;
  - 2. That the supervising attorney has no knowledge of information that would cause him or her to doubt the applicant's character, fitness, or moral qualifications to practice law or the applicant's ability to discharge the duties of an attorney at law;
  - 3. That the supervising attorney will notify the Office of Bar Admissions in writing immediately upon termination of the applicant's employment or association with the supervising attorney;
- G. A questionnaire, in duplicate, for use by the National Conference of Bar Examiners and the Board of Commissioners on Character and Fitness in conducting a character investigation of the applicant;
- H. A fee in the amount charged by the National Conference of Bar Examiners for its report;
- I. A fee of three hundred dollars. Fees paid under this rule may be applied toward the fees for admission under Gov. Bar R. I.

### Section 3. Certification.

Upon filing of a completed application that demonstrates the applicant's eligibility under this rule, the Office of Bar Admissions shall issue a temporary certificate to the applicant. The certificate shall be subject to the limitations imposed by Sections 4 and 5 of this rule and shall authorize the practice of law in Ohio only to the extent that practice is engaged in by the applicant as an employee or associate of the supervising attorney.

#### **Section 4. Review by the Board of Commissioners on Character and Fitness.**

The Office of Bar Admissions shall forward the applicant's questionnaire to the National Conference of Bar Examiners. Upon receipt of a report from the National Conference of Bar Examiners, the Office of Bar Admissions shall submit the report and the application to the Board of Commissioners on Character and Fitness, which shall review the report and the application. The Board may request additional information or materials from the applicant and may conduct a personal interview to determine the applicant's character, fitness, and moral qualifications to practice law. The Board shall recommend that the applicant's temporary certificate either be approved or revoked. If the Board recommends revocation of the certificate, it shall file a report of its recommendation and the basis for its recommendation with the Office of Bar Admissions, who immediately shall revoke the certificate and send a copy of the report and recommendation to the applicant. An applicant whose certificate is revoked shall be entitled to review by the Supreme Court pursuant to Gov. Bar R. I, Section 11(F).

#### **Section 5. Duration and Renewal of the Certificate.**

- A.** A certificate issued pursuant to this rule shall expire when the United States Military Orders are terminated unless, prior to the date of termination, one of the following events occurs, in which case the certificate shall expire on the date the event occurs:
1. The applicant is admitted to the bar of Ohio;
  2. The applicant is denied admission to the practice of law under Gov. Bar R. I;
  3. The applicant receives a failing score on the Ohio bar examination;
  4. The applicant's employment or association with the supervising attorney is terminated and, within thirty days of the date of the notice provided for in Section 2(E)(3) of this rule, the supervising attorney fails to notify the Office of Bar Admissions that the applicant has become employed by or associated with another law firm or attorney in this state;
  5. If the applicant has completed five (5) calendar years of practice with a supervising attorney in accordance with this rule, they must apply for admission without examination under Gov. Bar R. I, Section (9).

**B.** A certificate issued pursuant to this rule may be renewed once for a period of one year from the date on which the certificate would have expired. An applicant may obtain renewal by filing an application for renewal and both of the following with the Office of Bar Admissions:

1. An affidavit from supervising attorney where the applicant is employed or associated certifying the applicant's continued employment or association;
2. An affidavit from the applicant stating that the applicant has not engaged in the practice of law in Ohio outside the scope of employment or association with the supervising attorney.

**C.** An applicant who is granted temporary certification under this rule is subject to all provisions of the Ohio Rules of Professional Conduct, the requirements of the New Lawyer Training under Gov. Bar R. X and CLE, and submits to the jurisdiction of the Supreme Court for disciplinary purposes under Gov. Bar R. V. The Supreme Court, on its own initiative and at any time, may revoke a temporary certificate for disciplinary or other reasons.

**D.** Role of Supervising Attorney:

1. "Supervising attorney" means an attorney who satisfies all of the following:
  - a. Has been admitted to practice law in Ohio pursuant to Gov. Bar R. I or has been temporarily certified to practice law in Ohio pursuant to Gov. Bar R. IX;
  - b. Is in good standing with the Supreme Court.
2. A supervising attorney shall assume professional responsibility for each case, client, or matter assigned to the applicant. The supervising attorney shall read and cosign all correspondence, legal documents, pleadings, and other papers prepared, in whole or in part, by the applicant. In any matter before a court or administrative board or agency in which an applicant participates, the supervising attorney shall ensure that the judge, referee, magistrate, or hearing officer is informed of the applicant's status as a provisional bar member and shall be present with the applicant in court or before the administrative board or agency.
3. The supervising attorney shall provide the applicant with the opportunity to engage in and observe the practice of law, shall discuss and counsel the applicant regarding matters of professional responsibility that arise, and shall train and supervise the applicant on matters assigned to the applicant to the extent necessary to properly protect the interests of the client and to properly advance and promote the applicant's training.
4. The supervising attorney shall cooperate with the Supreme Court of Ohio on any reporting or evaluation requirements.

## Networking at Noon series continues

A Networking at Noon seminar was held in Cleveland at the offices of Rennillo Deposition & Discovery in Cleveland on Feb. 17, 2009. Our guest speaker was Irene Rennillo, president of Rennillo Deposition & Discovery and the Rennillo Family Foundation, a 501(c)(3) corporation dedicated to educational initiatives.

Attendees enjoyed a wonderful lunch with fellow colleagues, which always allows for great networking opportunities.

Michele Shuster and Lisa House (OWBA's then president and president elect) introduced Irene Rennillo in front of an audience of more than 60 people. Rennillo has been a loyal OWBA supporter for many years, and organized the Leading with Style event held in Cleveland on April 22, 2009.

Rennillo's topic was "Embracing the Passion to Lead." She briefly introduced herself as an attorney who practiced law for several years before she started Rennillo Reporting with her husband, Lou. Her

experience has taught her four specific traits a strong leader should strive to possess. First of all, intimacy: having a personal relationship with those you do business with, which indicates that you are not just "business" but approach people with genuine caring. Willingness to get down to other's level is not a sign of weakness, but an expression of interest in their lives. Rennillo continued with the importance of genuineness: being sincere in the way you deal with people and consider that people are always watching you and can spot a fake. Expressing that you do not know the answer to a question the second it is asked does not show incompetence, but honesty. It allows room to follow-through and find the right answer before one is carelessly given. Passion for what you do: many women in the legal profession find themselves losing the love of the career they worked so hard to attain. Remember to take pride in your accomplishments and in the degrees you have earned, as well as the dignified career



Irene Rennillo

you represent. Finally, once potential clients see these three attributes displayed in your persona, remember to ask for their business. There should be no hesitation in asking for business from those who now see you are true to yourself in addition to being a competent professional.



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