

PRESIDENT'S MESSAGE

Where Are You On Your Path?

By Grace Royalty, U.S. District Court – Southern District of Ohio



On September 10th I had the pleasure of sitting down at the Ohio Women's Bar Foundation's Luncheon in Columbus. I use

the phrase "had the pleasure" not as a trite expression, but in the literal sense. This was the first Ohio Women's Bar Association or Ohio Women's Bar Foundation event that I have attended this year that I had nothing to do with planning! It gave me an opportunity to relax and enjoy the sun streaming through the beautiful stained glass windows of the former church that is now the home of The Bluestone. As if that weren't enough, I also had the pleasure (again, in the literal sense) of hearing the inspirational story of Jeannette Knudsen's career. Jeannette is this year's well-deserved winner of the OWBF's Leading the Way Award. Jeannette is vice president, general counsel and corporate secretary at the J.M. Smucker Company. To see that title on paper, one would think Jeannette followed a certain path to get there. Instead, Jeannette walked us through a PowerPoint presentation showing the twists and turns her career has taken. Along the way, she told us funny stories and showed us old photos of herself and her family. She revealed her struggles and repeated a stinging comment

*How nice would it be to see the end of our own PowerPoint presentations? To know that this choice will turn out to be the right choice, to know that missing this opportunity, or skipping that soccer game is not a big deal.*



made by one of her two daughters: "Mom, why can't you just be a real mom and go to PTA meetings?" At the end of her presentation she played two video messages from her now-grown daughters. Their praise and admiration for Jeannette was overwhelming and made it clear that the "real mom" comment was completely misplaced.

I know we all struggle with our own family obligations and career choices. How nice would it be to see the end of our own PowerPoint presentations? To know that this choice will turn out to be the right choice, to know that missing this opportunity, or skipping that soccer game is not a big deal. Fortunately, we have the next best thing. Both the OWBA and the OWBF provide us with multiple opportunities to

see where we are on our path and to find out that we are on the right path. There are women like Jeannette who are leading the way and inspiring us, but there is also a chance for us to lead others through programs like our Law School Mentoring Circles. The Leadership Institute is a great place to explore career choices and learn how to become more effective leaders. In fact, any one of our events is a place to connect, find support, look for advice and, of course, have the pleasure of sharing those "real mom" comments (okay, that one was sarcastic). I hope to see you there! ■

*Grace Royalty is with the U.S. District Court, Southern District of Ohio.*

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# Mentoring: A Two-Way Street to Continuously Learn About Ourselves

By Tara A. Aschenbrand, Assistant General Counsel/Employment and Labor Counsel



Relationships . . . much of our success as lawyers can be traced to the relationships we have built through our careers. As I

recently transitioned to my new role as an in-house attorney, I have reflected upon the lessons I have learned from some of my fabulous mentors. Each of them have taught me significant lessons that helped shape my career:

**Be Prepared:** My first mentor in my legal career taught me the value in being prepared. Being prepared allows us to best represent our clients at all times. As a law clerk, I witnessed first-hand attorneys unable to articulate the basic facts in their client’s case or set forth the elements of a claim. Conversely, I witnessed attorneys who were well prepared at conferences, hearings and trials who could easily explain their case and why their client should prevail. Although litigators are anxious for their first trials, being prepared far outweighs the goal of being the first one in our class to have trial experience.

## **Do Your Best Job In Your Current**

**Role:** Our careers are marathons, not sprints. Doing the best job in our current role leads to rewards. Being goal oriented, I regularly set goals and then dedicate myself to working towards those goals every day. Accomplishing the goal on the fastest track is the sweetest reward. But being goal oriented sometimes keeps us from seeing the big picture. Although

it can be difficult to remember that we sometimes need to slow down and wait for the right moment, I found great success in taking this message to heart. By focusing on the role that I have at any given time, I have created lasting relationships.

**People Will Always Remember the Way You Made Them Feel:** As Maya Angelou said, “people will forget what you said, people will forget what you did, but people will never forget how you made them feel.” As attorneys, we work with our clients in some of their best and worst times during their lives. Taking time to learn about our clients and their goals helps us to better partner with them.

**Be Present:** I have continuously watched the most successful individuals I know juggling countless demands on their time. Yet, they have the ability to give me their undivided attention. Being present in the moment provides us with opportunities that we might otherwise miss. I remember witnessing an attorney too focused on his own plan that he did not listen to his client testifying before a jury. He asked his client questions soliciting information that his client had already testified to and the jury became visibly upset.

**Be Yourself & Be Confident:** I remember a mentor sharing her stories as a new lawyer . . . she would say “we sell confidence,” as it had been ingrained early in her career. And the longer I have practiced, the truer it became. Who wants to go to an attorney who is indecisive and unsure of herself?! Just as we want to go to a doctor who is confident in his/her

diagnosis of us, we want attorneys who can walk into a courtroom or boardroom and lead the conversation/jury.

**Take Time To Celebrate:** We need to remember to celebrate our successes and remember them when we’re having a bad day.

In addition to learning from our mentors, I have been fortunate to serve in the rewarding role of a mentor and observed promising men and women succeed in their careers. Like my mentors, I not only teach but also learn from my experiences. By mentoring, we can reflect on our own styles, prejudices, and shortcomings. Some of us have learned valuable lessons from our mentees including:

- **Perseverance:** New attorneys are faced with a difficult job market and have continuously demonstrated an invaluable skillset of perseverance. I am constantly amazed by the perseverance demonstrated by one of my mentees, Amable Bunry, The Ohio State University, Moritz College of Law, Class of 2015. In fact, I asked Amable for some tips that she has learned from her many mentors, and she noted:

Mentors have always been a vital part of my personal and professional development. I say, “there is no me without my mentors” and this is a fact. The ability to have a multitude of mentors has proven to be a necessity rather than an option.

As a young legal professional, my mentors in the field have guided my

path. A couple of tips I gathered include:

1. During a job interview session, make sure the interview is not a Q&A session; rather, strive for a conversation.
2. Keep your options open because one day the not-so ideal opportunity can turn into your dream opportunity.
3. Keep a beautiful smile. This works best if you have a beautiful smile. However, the most important lesson here is to keep a positive attitude at all times so that when an opportunity comes by you will have the right mindset to step to the plate.

In this day when we are all pressed for time and searching for any way to gain another minute during the day to finish just one more item from our ever growing to do list, take a moment to remember one person who took time to focus on you and what you learned from that person. Pay it forward by providing someone with the comfort and confidence in knowing that they have a mentor invested in their career.





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- Find out more about the requirements at [www.ohioabar.org/specialization](http://www.ohioabar.org/specialization).
- Contact Chris Roudez, Committee, Section and Certification Coordinator, at (800) 282-6556, ext. 4469 or by email at [croudez@ohioabar.org](mailto:croudez@ohioabar.org) for answers to questions or for resources from other specialists. Coming Soon: How-To Videos that provide step-by-step information on the process.
- *Also Coming Soon:* We are offering one CLE title, up to 1.5 hours, from the OSBA Preapproval for Certification List to OWBA members for FREE. <https://www.ohioabar.org/ForLawyers/Certification/Attorney/Pages/Pre-approvedCLE.aspx>

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- Real Property - Residential Law
- Workers' Compensation Law

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# New Rule Aims to Limit the Scope of Discovery in Federal Courts

By Christine E. Mayle, Thacker Martinsek, LPA



On April 29, 2015, the United States Supreme Court adopted significant amendments to the Federal Rules of Civil Procedure. Absent

congressional action, the amendments will take effect on December 1, 2015. One of the more notable changes affects Civil Rule 26(b)(1), which defines the scope of discovery. Under amended Civil Rule 26(b)(1), it will no longer be sufficient for discovery to “appear reasonably calculated to lead to the discovery of admissible evidence” or “relevant to the subject matter involved in the action.” Rather, the new rule requires proposed discovery to be both (a) relevant to the claims or defenses at issue and (b) proportional to the needs of the case.

## **Discovery must be “Relevant to Any Party’s Claim or Defense.”**

Amended Civil Rule 26(b)(1) states that requested discovery must be “relevant to any party’s claim or defense.”

Although this specific language is not new to the rule, other changes within Rule 26(b)(1) are designed to narrow the scope of “relevancy” for purposes of discovery. Historically, the concept of relevancy within the context of pretrial discovery has been much broader than the standard for relevant evidence at trial (i.e., relevancy defined by Evidence Rule 401). But the current — and extremely broad — scope of relevancy for purposes of discovery has evolved in large part from federal courts’ misapplication of two soon-to-be-deleted provisions of current Civil

Rule 26(b)(1).

First, the familiar sentence “Relevant information need not be admissible at trial if the discovery appears reasonably calculated to lead to the discovery of admissible evidence” will cease to exist. The commentary of the Committee on Rules of Practice and Procedure that accompanies the amended rule explains that this change was made because the “reasonably calculated” phrase has been misinterpreted by courts and litigants as expanding the scope of permissible discovery far beyond “relevant information.” This erroneous interpretation has resulted in courts’ approval of virtually limitless discovery on the grounds that it could somehow possibly lead to relevant information at some point down the road. In actuality, the “reasonably calculated” phrase was never intended to define the scope of discovery but was intended only to clarify that inadmissible evidence (e.g., hearsay) could still be discoverable if it is nonetheless “relevant information.” The amendment is designed to correct this well-entrenched error and reign in the scope of discovery to what is truly relevant to the case.

Second, amended Rule 26(b)(1) will no longer contain language authorizing courts to order discovery that is relevant to the “subject matter” of the litigation. The current rule was previously amended in 2000 to specify that discovery can be expanded to include information relevant to the “subject matter” of the case only upon a showing of good cause. See Civil Rule 26(b) (“For good cause, the court may order discovery of any matter relevant to the subject matter involved in the action.”) (emphasis added). Many federal courts, however, have completely overlooked

the “good cause” prerequisite for such expanded discovery and, instead, have continued to rely upon cases applying the pre-2000 version of Rule 26(b)(1) that defined the proper scope of discovery as including “any matter, not privileged, which is relevant to the subject matter involved in the pending action.” See, e.g., *Nix v. Holbrook*, 2015 U.S. Dist. LEXIS 20491 (D.S.C. Feb. 20, 2015) (“the general subject matter of the litigation governs the scope of relevant information for discovery purposes.”) The new rule no longer allows broad discovery related to the “subject matter” of the case under any circumstance.

Thus, given that the “reasonably calculated” and “subject matter” provisions of Civil Rule 26(b)(1) are the core bedrocks upon which the currently-broad scope of discovery has evolved, their impending deletion should narrow the scope of “relevancy” for purposes of discovery to information that is truly relevant to “any party’s claim or defense.”

## **Discovery must be “Proportional to the Needs of the Case.”**

The amended rule limits the scope of discovery even further by incorporating the concept of proportionality into Civil Rule 26(b)(1). Currently, the concept of proportionality is a basis for courts to limit otherwise allowable discovery. See Civil Rule 26(b)(2)(C)(iii). The amended rule moves the proportionality factors to Civil Rule 26(b)(1) where they are now an express component of permissible discovery. Accordingly, discovery that is properly focused on “relevant” information may still go beyond the allowable scope of discovery if it is not also “proportional

to the needs of the case.”

Interestingly, the rule does not specify which party bears the burden of proof on the issue of proportionality. The commentary to the amended rule does specify, however, that the new emphasis on proportionality is not intended “to permit the opposing party to refuse discovery simply by making a boilerplate objection that it is not proportional.” Indeed, corresponding amendments to Civil Rule 34(b)(2) (B) will now require parties objecting to document requests to “state with specificity the grounds for objecting.” Presumably, the requesting party would have to demonstrate the proportionality of the requested discovery in response to a sufficiently-specific objection on those grounds.

Amended Rule 26(b)(1) identifies six factors that should be considered when determining whether proposed discovery is “proportional to the needs of the case”:

- “The importance of the issues at stake.” This nonmonetary factor is not likely to be relevant in private disputes but should apply in disputes concerning constitutional or statutorily-created rights that have importance beyond that particular case.
- “The amount in controversy.” The commentary warns that, like all of the proportionality factors, the “monetary stakes are only one factor to be balanced against other factors.”
- “The parties’ relative access to relevant information.” This factor recognizes what is known as “information asymmetry” — i.e., one party (usually an individual plaintiff) may have very little discoverable information while the other party (usually a corporate defendant) has vast amounts of information.
- “The parties’ resources.” Although

many assume that more should be expected of larger, wealthier parties than individuals with limited resources, proportionality requires courts to weigh all factors in an even-handed manner so that extensive discovery is not used as an improper means of harassment or coercion.

- “The importance of discovery in resolving the issues.” In situations where plaintiffs request documents and information only tangentially related to their claims, this factor should weigh in favor of limiting discovery. In contrast, if the requested information is related to a central issue, its importance could justify a heavier burden on the producing party.
- “Whether the burden or expense of the proposed discovery outweighs its likely benefit.” On this point, the objecting party should be prepared to support this objection with an informed estimate of the anticipated burden and expense of responding to the requested discovery.

### Conclusion

The practical effect of the upcoming amendments to Civil Rule 26(b)(1) will, of course, depend upon how they are interpreted and applied by courts. Parties seeking to limit discovery will need to persuade judges that the scope of permissible

discovery is much narrower than before. Hopefully, these amendments will achieve their intended goals of curbing discovery abuse, reducing the overall costs of litigation, and focusing the parties’ discovery on the claims and defenses at issue. ■

*Christine Mayle is a Shareholder of Thacker Martinsek LPA, a majority women-owned and WBENC-certified litigation firm. Christine has experience litigating and arbitrating a broad range of commercial disputes, particularly those involving breach of contract, unfair business practices, trade secrets, and business-related torts. Christine earned her law degree, cum laude, from the University of Notre Dame Law School and her undergraduate degree, summa cum laude, from Providence College.*

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Laurie Avery  
Class of 2012-2013

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# Columbus Attorney Advocates for Licensing Accommodations for Military Spouse Attorneys

Submitted by Elizabeth Jamison, Esq., MSJDN

Elizabeth Hanning Smith, a senior attorney in the Columbus office of Vorys, was appointed to the Board of Directors for the Military Spouse JD Network (MSJDN), a national bar association for military spouse attorneys. MSJDN supports military families by advocating for licensing accommodations for military spouse attorneys; educating the public about the challenges faced by career-minded military spouses and their families; encouraging the hiring of military spouses; and providing a network connecting military spouse attorneys with each other and their supporters.

Elizabeth is the spouse of an Ohio Army National Guard officer. She has lived remotely from her husband and has juggled home and professional life while her husband has been called to duty both overseas and out of state. Elizabeth will serve a two-year term on the MSJDN Board of Directors. She also serves as MSJDN's Ohio licensing director. In support of military spouse attorneys in Ohio MSJDN has lobbied the Ohio Supreme Court to adopt a licensing accommodation for military spouse attorneys, a measure that is currently under review. The proposed rule would enact a licensing accommodation for military spouse attorneys stationed here in Ohio by virtue of their spouses' military assignment. The proposed rule is one that the Ohio Women's Bar Association has steadfastly supported, issuing a resolution in support of MSJDN's first proposed rule in 2009 and more recently collaborating on a renewed submission of the proposed

rule to the Ohio Supreme Court in 2014. While efforts across Ohio and all states have been ongoing, MSJDN has made significant progress in the last several years, which should buoy the most recent efforts here in Ohio. Following the endorsement of the Conference of Chief Justices and the ABA in 2012, thirteen states and the U.S. Virgin Islands have adopted rules and/or procedural changes designed to address military spouse attorney licensing, and proposals are currently pending in seven additional states including Ohio.

Here in Ohio, there has been growing support for initiatives designed to ease professional licensing burdens faced by military families. Both the Ohio legislature and Governor Kasich acted in 2013 and directed Ohio agencies, departments and offices that issue professional and/or trade licenses to adopt rules to accomplish just that. This progress has been a tremendous step toward licensing portability in Ohio. MSJDN is hopeful that the Ohio Supreme Court will extend similar accommodations to military spouse attorneys by adoption of the new proposed rule.

Military families are geographically insecure, often moving every two to three years. These moves are based on the needs of the U.S. government, and are mandatory for the service member. Although the spouse and children may technically refuse to move, this creates obvious hardships on families already often separated due to training and deployments. Attorneys are required to be licensed in each state

where they practice, a burdensome requirement when combined with the military lifestyle. Licensing can take up to a year for the application, character review, bar examination, and processing, and can cost thousands of dollars in each jurisdiction. All of this is in addition to the search for a new job at the next duty station. What this results in is less than 1/3 of military spouse attorneys reporting full-time legal employment, while still carrying significant student loan debt. Licensing accommodations like the proposal currently before the Ohio Supreme Court can help reduce the barriers to employment for military families stationed here in Ohio.

MSJDN's network of legal professionals is also active in giving back. MSJDN's program Justice for Military Families connects military families in need of services to pro bono legal help from the MSJDN network of attorneys. MSJDN lawyers across the globe contribute their time to this program, which benefits military families twofold: it provides services to military families in need of legal assistance and provides opportunities for MSJDN members to keep their legal skills fresh. If Ohio joins the growing number of states adopting licensing accommodations for military spouses, more military attorney spouses here in Ohio can do more of this good work in our local communities.

If you have questions about the proposed rule or are interested in other ways to support military spouses in the legal profession, email Elizabeth at [ehsmith@vorys.com](mailto:ehsmith@vorys.com) ■



# Power Presentations

By Jennifer Hanzlicek, Brouse McDowell, LPA



Jennifer Hanzlicek



Leslie Ungar

Recently, I had the opportunity to sit down with Leslie Ungar, a communications expert and executive coach in Akron. We discussed powerful presentations and how these presentations may differ for women. Leslie has a supercharged approach to communicating effectively in the business world.

She strives to help her clients to always

speak with clarity, confidence, and conviction to move their agenda forward. Following is our conversation:

## What can presenters do to be more effective?

In communication, there are three things that we can control: (1) ourselves, (2) the message, and (3) the environment to a degree. People often try to control things that are beyond their control. For example, we cannot control other people and how they feel. The audience will take you seriously if you take yourself seriously and realize you can only control those three things. The more you control these three things, the more effective you will be in controlling the outcome of the presentation.

We also need to feel that “your presence is a present.” It’s a gift to your audience. What comes out of your mouth is gold and we have to treat it like gold. You need to believe in your own message, both non-verbally and in what you say. You need to identify, communicate, and protect your value. As a speaker, you are obligated to

communicate the highest caliber of content possible. Content is the foundation of your communication. In addition to the content, you will need to identify both what your audience wants and does not want to hear.

Although speakers should focus on the content of their presentations, the most important job is to connect with the audience, and you want to connect as quickly as possible. A speaker should be audience driven, not speaker driven. Connecting with the audience will move you to the goal of your presentation more quickly and move your agenda forward. You need to connect with your audience as a person and the only way you can do that is through eye contact. That means look at each side of your audience for 4-5 seconds, or one complete thought. Less eye contact and you will not be able to connect. When you as the speaker do not connect you will look shifty, untrustworthy, or, at the least, will not resemble a leader.

## How do presentations differ for women?

Women and men both have a unique set of challenges when they give a presentation. The challenges are not greater for women, but they are just different. One of the challenges is that women tend to see power as a negative. There is a fundamental difference to how men see power than how women see power. If you see power as a negative, then you will never aspire to it. Power is what we want to have influence. Power is confidence, not arrogance. Confidence is the belief that you can solve a problem. Confidence is having firm control and a consistent message that says, “Follow me. I have the answer.” Arrogance is the belief that you have nothing left to learn.

Women also tend not to ask as many questions as men, especially in

response to a question. We have been taught not to answer a question with a question. However, it can be effective, depending on how you do it. Asking questions provides visibility and helps you to confirm what the real question is. Don’t assume that you know what the person asking the question wants to know. Asking a question in response to a question can allow you to focus on what information is expected from the person asking the question.

## Do you have a favorite speaker?

Alan Dershowitz. He is the best speaker that I have ever seen. I have attended a number of his presentations. He has a commanding use of the English language and an incredible vocabulary. He is the type of speaker who is audience driven, not speaker driven. What he has to say, we have to hear. ■

*Jennifer Hanzlicek assists individuals and companies on a wide variety of intellectual property matters, including patent and trademark prosecution, licensing, due diligence, and intellectual property portfolio management. Prior to practicing law, Jennifer was a chemist for nearly 16 years.*

*Leslie Ungar is the founder and president of Electric Impulse Communications, Inc., a pre-eminent source for speaking, coaching, and commentating to the executive and business worlds. Leslie serves as adjunct faculty at The University of Akron. Her undergraduate and Master’s Degree are both in Communication and Rhetoric. She hosts a monthly PBS television show called Forum 360. Leslie is also a member of the National Speaker’s Association. Leslie invites you to attend one of the many events she hosts in her Akron office (visit her website for details: w [www.electricimpulse.com](http://www.electricimpulse.com)).*

## Highlighting Members of the OWBA Leadership Institute

*In each issue we will highlight graduates of the OWBA Leadership Institute. This quarter we will highlight Sabrina Riggs and Rachel Steinlage from the 2013-2014 Class. If you are interested in applying to the Leadership Institute, contact OWBA at [admin@owba.org](mailto:admin@owba.org).*



*Sabrina Riggs,  
ARE, Assistant  
General Counsel,  
Nationwide –  
2013-2014  
Leadership  
Institute*

**What did you enjoy the most about the Leadership Institute?** – I most enjoyed meeting other women (both the other class members as well as the speakers) and learning about their career paths. It was amazing to learn how many similar work experiences we have despite being in different types of the law (e.g. private practice, in-house, government, etc.).

**What is something that you learned that you implemented into your career/life?** – The personality assessment in which co-workers, friends, and employer responded to questions about me was incredibly valuable. It reinforced feedback that I have received in the past about how others often perceive me. The follow-up individual coaching session was also incredibly valuable. I gained useful and meaningful tips about how to better communicate with others. I try to implement these lessons on a daily basis.

**Do you stay in contact with anyone from your class?** – Yes. There are several members of class in the Columbus area who get together from time-to-time to catch up. It is hard to coordinate schedules and keep in contact with everyone. I try to make as many of these events as my schedule permits.

**What piece of advice would you give to someone who is just beginning the Leadership Institute or who is considering applying?** – For those who are just beginning the Institute, take time to intentionally meet and get to know each of your class members. It can be hard to really get to know someone just over the lunches during the monthly sessions. If possible, take the time to reach out to class members between sessions just to chat and get to know each other better. For those considering applying, do it!

**How did participating in the Leadership Institute change you and/or make you better?** – The women I met and the insights that they have shared have made me a better and more self-aware person.

**Where do you work?** – I am an assistant general counsel with Nationwide Insurance.

**Do you specialize or have a niche?** – I specialize in corporate risk management (i.e. the placement and recovery under various types of commercial insurance policies) and reinsurance.

**If you weren't a lawyer, what would you be?** – A college professor.

**What is your dream job?** – I am very fortunate to have a job that I find enjoyable and intellectually stimulating while also giving me flexibility. For this point in my life, I have my dream job.

**What would you like to tell us about yourself (i.e. your family, hobbies, etc.)?** – I am a single mom with two wonderful kids (ages 4 and 7) who keep

me grounded, make me slightly crazy, and ensure that my house is never clean. Professionally, I just completed my Associate in Reinsurance (ARE) certification and have nearly completed the requirements for my Charter Property Casualty Underwriters (CPCU) certification. Personally, I enjoy trying out new things - seeing new places, trying new food, and meeting new people. So far this year I had my first flying lesson and went skydiving for the first time.



*Rachel L.  
Steinlage, Esq.,  
Meyers, Roman,  
Friedberg &  
Lewis – 2013-  
2014 Leadership  
Institute*

**What did you enjoy the most about the Leadership Institute?** – Meeting all of the wonderful women and sharing our stories and struggles about practice.

**What is something that you learned that you implemented into your career/life?** – Authenticity. Everyone is different, and those differences make the world go 'round...set goals, and accomplish them through the path that you see, you set. Don't let anyone discourage you. Untested methods lead to innovation.

**Do you stay in contact with anyone from your class?** – Yes, occasionally, and of course, most often with my classmates who live in the area.

**What piece of advice would you give to someone who is just beginning the**



**Leadership Institute or who is considering applying?**

– If you're starting...CONGRATULATIONS!! Be honest. The institute is like Vegas and the more open you are, the more you will get out of it. If you're considering applying? What are you waiting for? This can only help you move forward, and it helps you do so by embracing who you are, not making you fit in the box.

**How did participating in the leadership Institute change you and/or make you better?**

– I have become more confident in myself, in my ability to perform at work, in my ability to understand the various personality types of my colleagues and better relate to them, to market more broadly and more effectively...too many things to name.

**Where do you work?** – Meyers Roman Friedberg & Lewis

**Do you specialize or have a niche?** – Bankruptcy and creditors' rights.

**If you weren't a lawyer, what would you be?** – I would still be me.

**What is your dream job?** – Owner of a fitness club/gym.

**What would you like to tell us about yourself (i.e. your family, hobbies, etc.)?** – I'm a 12-year marriage veteran with an 8-year-old son. We live in North Royalton with a big fuzzy dog, and love to do anything active and/or outside, like biking, golfing, running, camping and rock climbing.

**Is there anything else you would like to share?** – Many women in our industry are struggling. It is still male-dominated and male-run. They are from Mars – they will never understand us, and that can be very discouraging. I was about to throw in the towel, but when I heard some of the stories from women in my class, I realized I needed to hang in there, to stick it out and at least make the effort to change things. There are too many smart, wonderful women experiencing disparity in treatment, pay, and respect. I don't know how to change it, but I'll be damned if I don't try. ■

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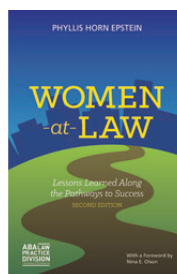


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## New Book Discusses Path to Success for Women in Law



Phyllis Horn Epstein, Esquire of the Philadelphia law firm of Epstein, Shapiro & Epstein, PC is pleased to announce the recent publication of her book, *Women-at-Law: Lessons Learned Along the Pathways to Success, the Second Edition*, by the American Bar Association. Epstein relates the experiences and wisdom of

hundreds of women lawyers and concludes that women can “have it all” even when “having it all” means something different to each individual. As Epstein concludes: each life is a good book on whose pages we write our own story. Copies of her book can be found on Amazon or the website of the American Bar Association. Here is the link: <http://shop.americanbar.org/ebus/store.aspx?term=Women-at-Law>

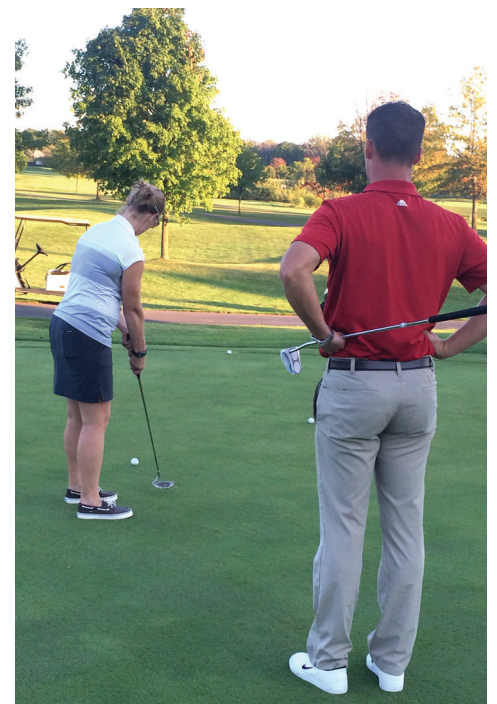
*Phyllis Horn Epstein, Esquire Epstein, Shapiro & Epstein P.C. 15th Floor, 1515 Market Street Philadelphia, PA 19102*

Web Site: [www.eselaw.com](http://www.eselaw.com) ■



# Highlights from the Dayton Area Golf and Networking Event

On Thursday, September 17, 2015 approximately 25 people from the Dayton and surrounding area attended an evening event at Yankee Trace Golf Course. Attendees enjoyed a one-hour golf lesson followed by cocktails and hors d'oeuvres. The event was sponsored by Faruki Ireland & Cox, P.L.L. and LexisNexis. We would like to also thank the event co-chairs, Jennifer Elleman and Erin Rhinehart. The weather was perfect and everyone had a great time. ■





# OWBA Leadership Luncheon Recognizes our Leaders

**The OWBF's Leadership Luncheon was held on September 10, 2015 at The Bluestone in Columbus. We had a great crowd that came out to congratulate the 2014-2015 graduates of the Leadership Institute and welcome the 2015-2016 incoming class.**

The Leading the Way Award was presented to Jeannette Knudsen who is the vice president, general counsel and corporate secretary for The J. M. Smucker Company. The J. M. Smucker Company is a leading marketer and manufacturer of consumer foods and beverage products and pet food and pet snacks in North America, with annual net sales of approximately \$8 billion dollars, with 26 North American manufacturing locations, and over 7,000 employees.

Ms. Knudsen is a member of the company's executive team and strategy council and has extensive experience in leading complex business transactions, including mergers, acquisitions and divestitures, joint development and licensing arrangements, commercial agreements, and dispute resolutions. In addition, Ms. Knudsen works closely with the company's board of directors and its committees to develop and implement corporate governance programs and ensure compliance with Securities and Exchange Commission and New York Stock Exchange regulations. She also leads the company's compliance efforts and assists with its enterprise risk management program.

Ms. Knudsen joined the company in 2002 as its corporate counsel. Prior to serving in her current role, she held the positions of securities and acquisitions counsel and assistant



secretary; corporate secretary; and vice president, deputy general counsel and corporate secretary. Prior to joining the company, Ms. Knudsen was an associate with the law firm of Buckingham, Doolittle & Burroughs, LLP in Akron, Ohio, where her practice focused on corporate transactions and intellectual property. She served as the editor of the firm's periodic client publication from 1999 – 2002 and was the managing editor of the *Akron Law Review*.

Ms. Knudsen shared four key messages with the audience:

- Embrace your personal journey – the ups AND downs, because what doesn't kill you will only make you stronger
- Learn early how to overcome obstacles and biases women face in the working world, and do so with grace
- Know the strengths and advantages you've been given, particularly as a woman, and lead others with them
- Network through nurturing.

Presenting the Leading the Way Award to Ms. Knudsen was an honor

to us and we are so thankful that she accepted and was able to attend the luncheon. We look forward to working on getting her involved with our wonderful organization.

This wonderful event was organized by the 2013-2014 class of the Leadership Institute, and the group was led by Rachel Steinlage of Meyers Roman Friedberg & Lewis, who served as the class president.

The event could not have taken place without our wonderful sponsors, who continue to support us in all we do and for that we are very grateful:

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# When Should An Attorney Hire a CART Provider

By Angie Starbuck



If you've ever worked with a client or witness who is deaf or hard of hearing, you both may have struggled with

communication. One of the many methods of assisting with communication for people who are deaf or hard of hearing utilizes the same process, equipment, and software that court reporters use. That is called Communication Access Realtime Translation (CART).

Here are four tips on when and why it would be helpful to hire or request a CART provider in a legal setting:

1. If your client is deaf or hard of hearing and they are being deposed, a CART provider could help facilitate communication for your client. Keep in mind that CART is a one-way communication service, so if your client uses American Sign Language to communicate, CART may not be the best option.
2. If your client is deaf or hard of hearing and their case is going to trial, utilizing a CART provider during the trial could be very beneficial for your client. This service would ensure they are provided the same access as hearing individuals to all that is said during the proceedings.
3. If you have a witness who is deaf or hard of hearing who will be testifying in court, you should bring this to the attention

of the judge or other judicial personnel so that appropriate accommodations can be made to have a CART provider there for the witness.

4. If you, yourself, are deaf or hard of hearing, consider requesting a CART provider to assist you in court.

While there are many similarities between an official court reporter and a CART provider, there are some important differences:

- The role of the CART provider is to assist with communication whereas the official reporter's role is to provide a verbatim record of the proceedings. The official court reporter should not provide CART services in the same proceedings unless there are extenuating circumstances and there is no other option available.
- In a legal setting, a CART provider is not to provide a transcript or electronic file of any kind. The court reporter's transcript is the official record. A CART provider may include environmental sounds (like sirens wailing, books slamming, etc.) so the consumer gets a sense of what's being heard by others around them, where the official court reporter will only write the spoken word.
- Like court reporting, there are also certifications for CART providers by the National Court Reporters Association. Look for a CCP (Certified CART Provider) or CRR (Certified Real-time Reporter) when hiring a CART

provider. You can locate a qualified CART provider by searching the NCRA Sourcebook (<http://www.ncrasourcebook.com/>) or ask your favorite court reporter for a referral.

While many of you reading this are familiar with court reporters and how they help you in a deposition or court setting, you may not be aware that there is another specialty that some court reporters have that allows them to provide services to individuals who are deaf or hard of hearing. ■

*With more than 20 years of experience in court reporting, all at PRI, Angie specializes in real-time court reporting, captioning, and CART. She has extensive deposition and arbitration experience in various areas of litigation, including construction, EPA, employment, pharmaceutical, and medical malpractice, and has experience in providing daily copy transcripts in both depositions and trials. In addition, Angie provides CART and captioning services to many local companies and universities. Angie is a Registered Professional Reporter, Certified Real-time Reporter, Certified CART Provider, Notary Public, and meets continuing education requirements through the National Court Reporters Association. She holds an associate degree in court reporting from Bliss College and is a member of NCRA, OCRA, Ethics First (NCRA), National Association of Women Business Owners (NAWBO), and has transcribed for the Veterans History Project.*



## Please Join Us for These Upcoming Events

### **“Inspiring Leaders in Government” - OWBA Student Giveback Luncheon**

**Date:** November 5, 2015

**Time:** 11:45 am - 1:30 pm

**Location:** Barrister’s Club, 25 West 11th Avenue, Columbus, OH 43201

**Attire:** Business Attire (strongly encouraged) Luncheon/Dessert Mixer

### **A Judicial Perspective – Ohio Energy Law**

**November 17, 2015**

**(2.0 CLE hours)**

**Time: 11:30 a.m. Lunch**

**Noon – 2:00 p.m. Program**

Join us to gain insight into energy matters facing Ohio from the judges who helped shape current law. Topics covered will include “Effective Practices Before the Judges”, “Where Energy Litigation is Headed”, and “Case Law Updates”. The day will include the following moderators and speakers:

#### **Moderators:**

**Kendra Sherman**

Squire Patton Boggs

**Beth Gillin**

McDonald Hopkins

#### **Speakers:**

**Judge Julie Selmon**

Monroe County Court of Common Pleas

**Judge Mary DeGenaro**

Seventh District Court of Appeals

**Judge Pat Delaney**

Fifth District Court of Appeals

The event will take place at McDonald Hopkins LLC, 600 Superior Avenue East, Suite 2100 in Cleveland (44114). There will be complimentary valet parking for attendees. There are no fees for this program. To register visit [www.owba.org/events](http://www.owba.org/events).

The OWBA Government Sub-Committee is once again working to put together a great event that will be held in conjunction with the Moritz College of Law. This is geared toward students; however, all members are encouraged to attend. The “Inspiring Leaders in Government” Luncheon is a unique opportunity to promote the following goals:

- (1) Inspire and encourage Moritz 1L and 2L students who are interested in pursuing careers in government, or government-relations positions at premier firms
- (2) Educate and expose students to the diverse array of “government” positions/careers available to attorneys
- (3) Provide a unique opportunity whereby students can connect and network with attorneys/judges from diverse firms and agencies focusing on government and government-related work
- (4) Provide a platform whereby potential employers/firms can preview the incoming classes for the purposes of potential future recruitment.

The event will feature key speakers: Hon. Evelyn Stratton, former Ohio Supreme Court Justice (currently Of Counsel at Vorys, Sater, Seymour and Pease LLP); and Maria Armstrong, Partner at Bricker & Eckler (Government Relations). Attendees will be encouraged to move about the room to casually eat, chat and network with powerhouses such as Eve Stratton, Maria Armstrong, judges and other government agency representatives the last 30-45 minutes.

For additional information regarding the event or if your firm would like to be a sponsor please contact Yukiko Yee, Principal Chair of the OWBA Government Subcommittee at [kuwata1@gmail.com](mailto:kuwata1@gmail.com), or Kelli McKenzie at [admin@owba.org](mailto:admin@owba.org).



## Sustaining Members (as of August 1)

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## OWBA Remembers Carole Aciman

From S. Diane Rynerson, Executive Director National Conference of Women's Bar Association:



We are saddened to share the news of the death of Carole Aciman, 2005-2006 NCWBA president. A native of France, she was a New Yorker by choice and focused her practice on intellectual property law and entertainment law in an international context. She suffered a serious motorcycle accident in early May 2014 and remained in a coma thereafter. Following is a message from her brother:

*On Tuesday, August 18, 2015 at 6 pm at the University Hospital of Rouen, France, Carole died after 15 months of a fierce struggle to stay alive. The vital functions of her body deteriorated suddenly and her heart slowly but surely stopped beating. Thanks to the care provided by the medical profession, she left us without suffering. Carole will forever remain in our hearts as a loving woman, filled with the breath of life and the joy of living, profoundly kind, and always available to others. A ceremony in the chapel of Rouen University Hospital followed by cremation at the crematorium of Rouen took place in the privacy of the family. On behalf of the family, I want to thank you for all the messages of support testified throughout this long and hard trial. There is one more star shining in the sky.*

- Jean-Marc Piacentile, Carole's brother

Many of you have asked if there is a preferred way to make a gift in memory of Carole. The family selected Bard High School Early College, which is the high school where Carole's daughter, 16-year-old Abigail, is currently pursuing her education: <http://www.bard.edu/earlycollege/> (Click on "support us" at the top.)

If you prefer to pay by check, you may mail your donation to: Bard High School Early College Attn: Dr. Michael A. Lerner, Principal 525 East Houston Street New York, NY 10002.

To read more about Carole's professional life, visit [www.aciman.us](http://www.aciman.us). ■

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