

PRESIDENT'S MESSAGE

Critical Conversations & Courageous Leadership:
Spotlight on Deborah Platt Majoras, Chief Legal Officer, Procter & Gamble

By Lisa Kathumbi, Partner, Bricker & Eckler LLP



At the 2017 OWBA/OWBF Annual Meeting & Conference in May, we kicked off this year's theme, Critical Conversations & Courageous Leadership. As we continue this focus through programming and policy initiatives, we are encouraged by partners at all levels of practice who are willing to push and offer new ideas, and inspired by courageous leaders who share our goal of gender equity and diversity and inclusion. High among those leaders is Deborah Platt Majoras, Chief Legal Officer at Procter & Gamble and past recipient of the OWBA Founders' Award. Majoras recently provided us with a unique opportunity to learn about her work and Procter & Gamble's ongoing commitment to diversity and inclusion.

Kathumbi: *What does diversity & inclusion mean at P&G and to you as Chief Legal Officer?*

Majoras: Our Purpose, Values and Principles are the foundation of the Company, and they are a primary reason that I am here. They also underlie our global Citizenship efforts, through which we strive to be a Company that behaves ethically and respects human rights, supports local communities, leads in diversity & inclusion, advocates for gender equality, and protects the environment.

At P&G, driving diversity and inclusion is **foundational to how we work**. We aspire to be as diverse as the people who use our products; the more we reflect the diversity of our consumers, the better equipped we are to understand and serve them.

Openly bringing together differences in life experiences generates creativity, profound human understanding, and multi-dimensional decision-making, a winning formula for reaching outstanding results.



Kathumbi: *How does your Legal Department turn its goals into action?*

Majoras: To make sure we are doing the right things, we have created an **Action Plan** with goals related to diversity and inclusion.

First, in our hiring, we use a type of "Rooney Rule" to ensure that, when making hiring decisions, we have a broad, diverse pool of candidates to choose from. We participate in

national job fairs that we know host wide candidate pools and leverage our relationships with law schools from which we have obtained talented individuals with a wide range of life experiences. Each year, we also co-host a first-year intern from a diverse or traditionally underrepresented background.

Then, to ensure that we are creating and maintaining an inclusive environment, we have instituted

Continued on page 2

Inside this issue

New Medical Marijuana Rules	4
Preparing Oral Arguments for Beginners.....	6
Judge Mary DeGenaro Seeks Supreme Court Seat	7
OWBA and OSBA WIP Hosted Private Screening of Balancing The Scales	7
When is Speaking to the Media About a Pending Lawsuit 'Frivolous Conduct' Under Ohio Law	8
Highlighting Members of the OWBF Leadership Institute	10
Leadership Institute Class of 2017-18	11
Strong Leaders Value Business Etiquette.....	12
OWBF Leading the Way Reception.....	13
Sustaining/New Members	14
Government Subcommittee Charity Event	15
An Intimate Conversation with Heather Lennox and Sherri Dahl	15

mentoring programs; participated in leadership training programs, like “Intentionally Inclusive Leadership”, and “Men Advocating Real Change (MARC);” actively participated in the Company’s affinity networks (e.g., women’s, employees of African Ancestry, etc.), ensuring that a leader in our organization serves as a liaison to those groups; publicly give rewards to employees who role model inclusiveness; and facilitate or encourage participation in the Company’s flexible work arrangements and parental leave policies.

Externally, we begin by supporting the pipeline for diverse talent in the legal profession. For over a dozen years, P&G has hosted a SWEL intern – an African-American student with an interest in the practice of law. We are long-time supporters of the Leadership Council on Legal Diversity, where I sit on the Executive Committee. We particularly value LCLD’s fellows program, through which each year 1 or 2 of our lawyers participate in leadership and networking opportunities together with lawyers from other companies and law firms. Finally, we consistently partner with our preferred provider law firms to drive greater opportunities for diverse lawyers, and we use annual scorecards to keep us on track.

Kathumbi: *How does your Legal Department measure outcomes, progress and help ensure accountability?*

Majoras: This is not easy to measure. And I think it’s important to avoid just counting as the end game; instead, the goal is to have a highly productive, engaged, and satisfied organization that helps drive P&G’s business. But just because it’s difficult to measure does not mean we should not try. Along with the rest of the Company, we have targets for gender and

minority representation, and goals for all of the elements in our Action Plan. Our Global Legal Leadership Team periodically **reviews our progress**, and we make adjustments when we have not achieved what we set out to do. We also carefully monitor our attrition rates and conduct exit interviews to determine if we fell short on maintaining inclusiveness.

On the overall health and inclusiveness of the organization, we measure it, for starters, by using our Company’s Employee Survey, on which we get close to 90% participation. The Survey includes a section with several questions that are designed to measure how well we are doing in ensuring a diverse and inclusive environment. Our goal is to have 90% favorable scores in this category. As with any part of the Survey, when we fall short of our goals, I charter a team to do sensing within the organization to determine whether we have issues and/or how we can do better, and we act on what we learn.

Kathumbi: *Do you find that having diverse teams drives outcomes?*

Majoras: In my experience, organizations that are open to differences in views and experiences – whether it’s gender, ethnicity, or other factors that drive the differences – will naturally perform better than those that are more insular. **Leaders have an obligation to listen, to learn, and to get the most out of every team member.**

I have certainly been part of many decisions in which the value of input and interaction among diverse teams was apparent. For example, once we truly globalized our advertising team in Legal, such that they began working together and sharing thinking and learnings, we were much better able to succeed in cases in all parts of the world. Then, recently, I asked a global team to form a CLO Advisory

Leaders have an obligation to listen, to learn, and to get the most out of every team member.

Council to make sure that I maximize the benefits of everyone’s individual leadership, no matter the level, the age, the geographic and cultural background, or the area of practice. The Council includes millennials, Gen-X-ers, and baby boomers from all continents; some of them are in administrative roles, while others are attorneys, government relations professionals and anticounterfeiting specialists. None is among the leaders in the organization with whom I regularly interact – they are at more junior levels. Already my interactions with this Council have been energizing and have prompted me to take some actions that I would not have thought of, because I do not walk in their shoes.

Kathumbi: *Earlier this year, Procter & Gamble tackled the topic of racial bias head on with its ad – “The Talk.” Prior to that, the Company took on gender bias in a bid to change the meaning of the phrase “like a girl” from an insult to a compliment. As the Chief Legal Officer for P&G, what is your perspective on these ads?*

Majoras: The most visible way we promote Diversity and Inclusion is by leveraging our voice in advertising and media. P&G’s brands – including Always, Dawn, Pantene, Secret, SK-II, Tide and others – deliver campaigns that break down stereotypes and start conversations that motivate change. While I understand that some may view this as potentially risky for the Company, my view is that companies

Continued on page 3

have important roles to play in the issues important to our communities. We are past the days when companies can refuse to engage on issues; consumers care about the Company behind the brands, and they expect us to act as **thoughtful and responsible corporate citizens**.

Three years ago, as part of our work with consumers, we discovered an “outrageous fact”: 50% of girls have a significant drop in confidence at puberty – for many reasons, including the use of demeaning phrases such as “like a girl,” which was often used as an insult. Before our “Like a Girl” campaign was launched, only 19% of people thought “like a girl” was a positive phrase; but after viewing our video, that number increased to 76%!

“The Talk,” which is part of P&G’s “My Black is Beautiful” campaign, focuses on the challenges driven by racial bias. It depicts conversations many black parents have with their children about racial bias to prepare, protect and encourage them. We recognize that issues of race and bias are tough topics, but we believe they represent an opportunity for each of us—whoever we are and wherever we come from—to engage in constructive dialogue that lifts everyone up. The purpose of the video is to promote conversations, because conversations lead to mutual understanding, and understanding leads to changing attitudes, mitigating the effects of bias.

Kathumbi: *What are strategies for managing disagreement or resistance to even engaging in these discussions?*

Majoras: I find that the key is to **give everyone a voice**, even when that voice is not what I believe or want to hear. Too often today, we find that people do not want to listen to views they don’t share or that make them feel uncomfortable. I think this is dangerous. I think we have to create an environment in which all views can

The purpose of the video is to promote conversations, because conversations lead to mutual understanding, and understanding leads to changing attitudes, mitigating the effects of bias.

be stated and will be heard, so long as they are stated respectfully and non-violently. I also find that sometimes 1-to-1 discussions accomplish a lot, because even if the two disagree, they can see the other person as just that – a person – and not just as a nameless, faceless opposing viewpoint.

To provide an example, when P&G supported marriage equality when it was before the Supreme Court, we received some communications from people who disagreed. I engaged with everyone I heard from, explaining our position and that I respected theirs, even if I disagreed. The key for leaders is to show that dissenting views are welcome and provide a forum in which the views can be aired. What I tell people internally is this: I cannot and will not tell you what to believe; I can and will, however, hold your actions to a standard of respect for your fellow employees, which comes from our Purpose, Values & Principles.

Kathumbi: *How can legal professionals who want to move beyond surface level discussions of diversity and inclusion create platforms for productive dialogue around what are often sensitive and emotionally charged subjects?*

Majoras: It’s a good question to consider, because our profession has long played a key role in the dialogue on these issues. I think it starts with

trust. We can better have difficult discussions that lead to productive results if we know each other well enough to trust that we are all good people trying to do the right thing. So, before trying to create a dialogue, I would ensure that diverse groups of people are put in situations in which they can interact and work together in every-day ways. Doing that builds understanding and then leads to trust. If we work to create diverse teams who know they are valued in our companies and law firms, that is a good start.

Once we have built some trust among individuals, I think there are several ways to generate strong dialogue. First, I have seen story telling work very effectively. When people are willing to stand up and tell their own stories in an authentic, non-accusatory way – whether about a bias they were subjected to, an important event that changed a viewpoint about people, etc. – that can prompt others to join the conversation. We need to make the discussions fundamentally about humans, not “issues.”

Second, I think we need to remember, in the midst of all of our emailing, texting, and posting, that sometimes we should just sit down 1:1 with people and talk about what they are thinking and feeling. I tread lightly at first on sensitive topics like bias, but if we are willing to open the door in a personal way, some will respond better to that opening than to a group discussion. And finally, it starts and ends with **leadership**. As leaders, we have to show that we are not afraid to discuss difficult topics and put them right out on the table. That does not mean we cannot show our own **vulnerabilities** – indeed, I have found that I create a better environment for open dialogue when I am willing to admit that I am scared or nervous and don’t have all the answers, but that I am nonetheless willing to try. ■

Ohio Medical Board Releases New Medical Marijuana Rules

By Rosina Caponi, Taft Law



The State Medical Board of Ohio announced new rules related to the process for a physician to obtain a certificate to recommend medical marijuana to

patients. These rules were adopted in accordance with Ohio's medical marijuana law that was enacted in 2016, and they take effect Sept. 8, 2017.

The medical marijuana law passed last year allows Ohio physicians to recommend medical marijuana to patients who suffer from one of the enumerated qualifying medical conditions. These conditions include, among others, AIDS/HIV, cancer, Crohn's disease, fibromyalgia, glaucoma, multiple sclerosis, chronic pain, Parkinson's disease, sickle cell anemia, spinal cord injury and traumatic brain injury. Before a physician recommends medical marijuana, the physician will have to obtain a certificate as set forth in the new rules released by the Medical Board.

The new rules mandate that a physician meet the following requirements in order to obtain a certificate to recommend marijuana:

- Hold an unrestricted active medical license in Ohio.
- Have OARRS database access.
- Have an active DEA registration.
- Never have been denied a license to prescribe, possess, dispense, administer, supply or

sell a controlled substance by the DEA due to the physician's inappropriate prescribing, furnishing, dispensing, administering, supplying or selling a controlled substance, or never have had a DEA or state prescribing license restricted for the same.

- Never have been subject to disciplinary action by any licensing entity based on the physician's prescribing, furnishing, dispensing, diverting, administering, supplying or selling a controlled substance or other dangerous drug.
- Have completed at least two hours of continuing medical education in courses that assist in the diagnosing of a qualifying medical condition for medical marijuana and treating such a qualifying condition with medical marijuana.
- Have no ownership or investment interest in or compensation agreement with a medical marijuana entity licensed or seeking licensure in Ohio.

When reviewing a physician's application for a certificate to recommend medical marijuana, the Medical Board has broad power to request information it deems necessary from individuals, agencies or organizations for information about the physician. In addition, the Medical Board can require the applicant or a representative to appear before the board in order to

provide additional information and answer questions. If the Medical Board denies the issuance of the certificate, the physician will be entitled to a hearing on such denial under the current rules.

Once the Medical Board has issued a physician a certificate to recommend medical marijuana, the certificate will be renewed when the holder's license to practice medicine is renewed, so long as the physician continues to meet the aforementioned requirements and has completed at least two hours of approved medical marijuana continuing medical education annually.

The rules also set forth a new standard of care for physicians to follow when recommending medical marijuana. In order to meet this minimum standard of care, the physician must:

- Establish and maintain a bona fide physician-patient relationship established by an in-person visit, and have an expectation of providing care to the patient on an ongoing basis.
- Maintain a medical record for the patient that documents the provision of medical services, including:
 - Patient's name and dates of office visits.
 - Description of current medical condition.
 - Medical history, prescriptive history and substance use disorder history.

Continued on page 5

- Review of diagnostic test results, prior treatment and current medications.
- A drug screen at the physician's discretion if there is evidence of drug abuse.
- Physician's performance of a physician exam and diagnosis of the patient's medical condition.
- Diagnosis or confirmation of prior diagnosis of a qualifying medical condition for medical marijuana.
- When recommending medical marijuana treatment, document in the medical record:
 - A treatment plan.
 - A review of the OARRS report covering at least the preceding 12 months.
 - A discussion with the patient regarding possible abuse or drug diversion of any drugs listed in the OARRS report.
 - An explanation of the risks and benefits of medical marijuana treatment.
 - The patient's consent (or consent of a legal representative).
 - Whether the patient needs a caregiver to assist in the administration of medical marijuana.
- Confirm that the patient has an active registration for medical marijuana with the Board of Pharmacy registry.
- Be available to provide follow-up care relevant to determine

the efficacy of the medical marijuana.

- Retain records for the medical marijuana recommendation for at least three years.

Lastly, the new rules encourage ongoing medical marijuana related dialogue between physicians and the Medical Board. Physicians are required to submit an annual report to the Medical Board describing their observations regarding the effectiveness of medical marijuana in treatment of their patients. In addition, physicians can make a request to the Medical Board that a condition or disease be designated as a qualifying medical condition for medical marijuana. No later than Oct. 15 of each year, the Medical Board will designate a period in the following calendar year in which physicians may make such requests that must include information specified by the Medical Board, such as relevant medical and scientific

evidence, information from experts, journals and peer review studies. The Medical Board will have 180 days after the annual submission period closes to issue a decision of the acceptance of any new qualifying medical conditions.

See: Ohio Administrative Code §§4331-32-01 – 4731-32-05

Rosina Caponi is an attorney in Taft's Columbus office. She focuses her practice on the representation of hospitals, physician groups and other health care organizations regarding contractual arrangements and regulatory, operational and compliance matters. She routinely advises clients in Medicare/Medicaid participation, licensure and accreditation, health information privacy, and health care fraud and abuse law compliance. Reach her at rcaponi@taftlaw.com or (614) 334-7189. ■



Celebrate
the leaders of tomorrow.

Taft/
www.taftlaw.com

Preparing for Oral Arguments for Beginners

By Melissa Schuett



As a staff attorney at Ohio’s First District Court of Appeals, I listened to over 100 oral arguments on topics ranging from straightforward criminal sentencing issues to complex, multi-year civil cases. This is my advice for attorneys preparing for their first oral argument.

Etiquette. This is simple. Be on time. Speak clearly. And do not, do not, do not interrupt the judges.

Be able to articulate how the court has jurisdiction...but don’t spend time on it if it’s obvious. From time to time, I see a brief that directly states how the court has jurisdiction. Something like, “The court entered judgment on 9/4. Appellant filed a notice of appeal on 9/7. Therefore, this court has jurisdiction under R.C. 2505.02.” True, a notice of appeal must be filed, but filing a notice of appeal alone does not give this court jurisdiction to hear a case. The Ohio Constitution limits our jurisdiction to final orders, as set forth in R.C. 2505.02. (Not that there are not exceptions to this because if there is no exception is it even a legal rule?) Whether you have a final, appealable order is a full-stop, do not pass go question—if the judgment appealed from is not a final, appealable order, an appellate court is without jurisdiction to review the case, even if we really, really want to.

Whether a decision constitutes a final order can be a very complicated

question. Just look at the One-Document Rule as explained in *State v. Lester*, 130 Ohio St.3d 303, 2011-Ohio-5204, 958 N.E.2d 142, which dictates that a judgment of conviction is a final order under R.C. 2505.02 only if it includes (1) the fact of conviction, (2) the sentence, (3) the signature of the judge, and (4) entry on the journal by the clerk of court – all in the same document. (Except, of course, in capital cases where the court is statutorily required to file a sentencing opinion in addition to the judgment entry.)

The point is, be able to articulate how the court has jurisdiction. Because if you skip this step and find out at oral argument that you don’t have a final order, then the merits of your case won’t matter. But don’t waste time talking about it if it is clear from the record. Get in and get out.

Know your standard of review. Every error you assign should be framed with the standard of review in mind. This should be the outline you use to layout your argument. For example, if you are arguing that the trial court abused its discretion when it decided an issue, then do not detail in your argument all the ways you disagree with the court’s decision. Instead, outline for the court specifically how the record demonstrates that the trial court’s decision was arbitrary, unreasonable, or unconscionable.

Prioritize. The judges on your panel (and their staff) have read your brief.

That means that you really do not need to deliver the facts of the case at the beginning. Instead, it is important to prioritize your legal arguments—starting with the issue you consider paramount. No matter the number of issues raised in your brief, it’s okay to argue only the ones you think are really important; it’s okay to argue only one. Clearly and succinctly make your legal arguments using underlying facts to demonstrate your points.

Do not overdue emotion. Fortunately, most attorneys do not make this mistake, but I cannot stress this enough. Judges are people, too. They are moved by sad occurrences and heartbreaking consequences just like anyone else. But that does not impact their decision-making and, at the appellate level, judges rarely have the power or authority to intervene. Cases always involve a balancing and appellate courts are limited to information in the record, the standard of review, and how the law applies to the particular facts of the case in front of them. Making an emotion plea to an appellate court may impact the judges personally, but it will not impact their obligation to apply the law.

Know your record – and make sure everything is there. Appellate courts are courts of record, meaning we are limited to the information that is actually in the record. You must order transcripts for every date that demonstrates the errors you are

Continued on page 7

alleging. Remember that the parties are responsible for making sure that all parts of the record were actually transmitted. If one of the attorneys agreed to “hold on” to the exhibits admitted during a deposition, chances are, those exhibits are not actually in the record. The parties are obligated to demonstrate error in the record, and you can’t do that if something is missing.

Actually Answer the Questions.

And answer honestly. Do not ignore facts or cases that are contrary to your position—the judges certainly won’t. Acknowledge them and distinguish what you can. If you don’t know the answer to a question, then say that. And if the judges ask you about a case that you have never read, just state that you aren’t familiar with that case and offer to provide supplemental briefing. Oral argument is your opportunity to explain to the judges why you are right, so use their questions to your advantage.

Other resources:

- Supreme Court guide: <https://www.supremecourt.ohio.gov/Clerk/guideCounsel.pdf>
- The Ohio Supreme Court has a bank of archived oral arguments: <http://www.ohiochannel.org/collections/supreme-court-of-ohio?0>
- The First District Court of Appeals sample brief: [First District Court of Appeals Forms](#)

Melissa Schuett is an attorney at Faruki Ireland Cox Rhinehart & Dusing P.L.L., which has offices in Dayton and Cincinnati, Ohio. She may be reached at mschuett@ficlaw.com. ■

OWBA Board Member Judge Mary DeGenaro Seeks Seat on Ohio’s Highest Court



Congratulations to Judge Mary DeGenaro, Seventh District Court of Appeals Judge and OWBA Vice President, for receiving the Republican party’s endorsement for election to the Ohio Supreme Court in 2018. We are incredibly proud that one of our amazing leaders is seeking a seat on the Ohio Supreme Court, and wish Judge DeGenaro the best.

Judge DeGenaro has served on the Youngstown-based Seventh District Court of Appeals since 2000. She received her bachelor’s degree from Youngstown State University and her law degree from Cleveland-Marshall College of Law. Judge DeGenaro has been a member of the OWBA for many years, and has served on the OWBA Board of Trustees since 2013.

OWBA and OSBA WIP Hosted Private Screening of Balancing The Scales

On October 26th, the OWBA and OSBA Women in the Profession Section hosted a private screening of the documentary *Balancing the Scales*. The documentary provides an insightful look into the experiences of women lawyers in America through



interviews of diverse lawyers and judges across five generations, including Supreme Court Justice Ruth Bader Ginsburg and civil rights attorney Gloria Allred. Continuing this year’s theme of Critical Conversations and Courageous Leadership, this event provided a unique opportunity to continue the dialogue and develop strategies for addressing the most critical issues impacting women in the profession. We were thrilled to welcome the filmmaker, Sharon Rowen, to Columbus, Ohio. In addition to remarks from Rowen, Nichole Dunn, CEO, Women’s Fund of Central Ohio, moderated a panel discussion. Panelists included: Professor Katrina Lee and Darren Nealy with the OSU Moritz College of Law and Judge Noceeba Southern. Thank you to Sharon Rowen and the program panelists for their commitment to advancing the interests of women attorneys, to the OSU Moritz College of Law for hosting us, and to Robson Forensics for sponsoring the evening’s networking reception. For more information about the film visit www.balancingthescalesmovie.com

When is Speaking to the Media About a Pending Lawsuit ‘Frivolous Conduct’ Under Ohio Law?

By Erin E. Rhinehart, Esq.

**This article was previously published in the MLRC’s July 25, 2017 MediaLaw Letter*



In an emotionally charged case involving child sexual abuse allegations and claims of wrongful termination, emerged an unlikely decision with the potential

to curtail lawyers’ First Amendment rights in Ohio. The Cleveland-based trial court found that the plaintiffs’ lawyer, Peter Pattakos, violated Ohio’s frivolous conduct statute – R.C. §2323.51 – by communicating publically available information about the case to the media prior to trial. Recognizing the likely implications of the trial court’s decision on free speech rights, and lack of supporting law, the appellate court reversed the trial court’s decision and confirmed that an award of sanctions is not appropriate where a lawyer communicates with the media about a pending case. *Cruz, et al. v. English Nanny & Governess Sch., Inc., et al.*, 8th Dist. Cuyahoga No. 103714, 2017-Ohio-4176 (June 8, 2017).

Trial Court Sanctions Lawyer for Speaking to the Media

The case centers on allegations of child abuse lodged by two employees of a prominent child-care placement agency. The employees were discharged and sued the agency. Prior to the first jury trial, Pattakos reached out to a local magazine and provided publically available information, including scheduling information, regarding the upcoming trial. The

magazine published an article, which was available online and via free copies circulating at the courthouse where the trial was held. Following voir dire, defense counsel argued that the jury pool was tainted by the magazine article. The trial court questioned the parties and the jury about the article. While it found that Pattakos’ conduct was “problematic,” the trial court did not find that the jury was tainted so as to warrant a mistrial. *Id.* at ¶11. Notwithstanding, the trial court ordered a mistrial on unrelated grounds a few days later.

Subsequently, a second jury was empaneled and a multi-week jury trial ensued. Significant post-trial motion practice by the parties commenced, including a motion for sanctions filed by defense counsel against Pattakos for his involvement in the magazine article published during the first jury trial.

The trial court found that the information provided by Pattakos to the media “may very well have been protected by [Ohio Rule of Professional Conduct] 3.6(b),” and ordered a hearing on the motion for sanctions. *Id.* at ¶118. Following the hearing, the trial court found that Pattakos engaged in frivolous conduct under R.C. §2323.51. *Id.* at ¶109. Pattakos appealed.

Appellate Court Reverses Finding of Frivolous Conduct

Ohio’s Eighth District Court of Appeals reversed the trial court’s finding of frivolous conduct and found

that, “[w]e can find no law supporting the award of sanctions under R.C. 2323.51 for . . . communicating with the media about a pending case.” *Id.* at ¶113.

First, the appellate court considered the trial court’s findings relating to Ohio’s Rules of Professional Conduct. *Id.* Prof. Cond. R. 3.6 provides, in relevant part, that:

“(a) A lawyer who is participating or has participated in the investigation or litigation of a matter shall not make an extrajudicial statement that the lawyer knows or reasonably should know will be disseminated by means of public communication and will have a substantial likelihood of materially prejudicing an adjudicative proceeding in the matter.

(b) Notwithstanding division (a) of this rule and if permitted by Rule 1.6, a lawyer may state any of the following:

- (1) the claim, offense, or defense involved and, except when prohibited by law, the identity of the persons involved;
- (2) information contained in a public record;
- (3) that an investigation of a matter is in progress;
- (4) the scheduling or result of any step in litigation.”

The appellate court warned that violations of Ohio’s Rules of Professional Conduct are within the

Continued on page 9

“exclusive jurisdiction” of the Ohio Supreme Court. Therefore, “[w]hether attorney Pattakos violated Prof.Cond.R. 3.6 is not for this court to decide.” Id. at ¶123.

Second, the appellate court turned to Ohio’s frivolous conduct statute. “Frivolous conduct” is defined as conduct that “obviously serves merely to harass or maliciously injure another party to the civil action . . . or is for another improper purpose, including, but not limited to, causing unnecessary delay or a needless increase in the cost of litigation.” R.C. §2323.51. Recognizing that sanctions are typically imposed under Ohio’s frivolous conduct statute for pleading and discovery-related issues, the court stated that “we can find no law supporting the award of sanctions under R.C. 2323.51 for the type of conduct here — communicating with the media about a pending case.” Id. at ¶113.

Further, the court acknowledged the “numerous unintended consequences” upholding the trial court’s decision could have on protected speech.

“[F]or example, defendants in criminal cases potentially could ask for sanctions against prosecutors who provide information to the media about criminal cases. On any given day, newspapers show headlines of ongoing trials, recapping the evidence that was presented that day at trial.”

Id. at ¶122. Therefore, the appellate court found that lawyers’ “media communications remained within the confines of protected speech,” and “[i]t should not be held

that merely urging a media outlet to cover a trial constitutes frivolous conduct.” Id. at ¶¶117, 123.

Conclusion

The integrity of the American judicial system is dependent upon transparency and public access to the courts; and, lawyers occupy a unique role as intermediaries between the public and the court system. As the American Civil Liberties Union of Ohio explained in its amicus brief, “[a]ttorneys’ extrajudicial speech [] plays key role in the proper functioning of the legal system. . . . It is critical for the public to be able to receive information about trials and other legal proceedings, because their attention to them and understanding of them has been said to enhance the integrity and quality of what takes place.” (citing *Richmond Newspapers, Inc. v. Virginia*, 448 U.S. 555, 578 (1980)). Therefore, the appellate court’s decision is significant because it supports an informed public, as well as preserves protected speech. ■

Erin is a Partner with Faruki Ireland Cox Rhinehart & Dusing P.L.L. Her litigation practice focuses on class action defense, media and communications law (First Amendment, defamation, privacy, public records, advertising, social media, trademark, and copyright litigation), breach of contract and tortious interference, and environmental litigation matters. Erin has significant trial experience in federal and state courts across the country. She has first-chair jury trial experience, and has argued before various appellate courts in Ohio. Erin has been repeatedly recognized as an Ohio Super Lawyers Rising Star, a peer-based review of the top two and one-half percent of Ohio lawyers 40 years old or younger or in practice for 10 years or less; and selected for the 2016 edition of the inaugural Benchmark Litigation Under 40 Hot List, a list of the nation’s top litigation partners 40 years of age and younger. In 2017, Erin was named Corporate Vision’s 2017 Ohio Attorney of the Year, and received Ohio Women’s Bar Association’s President’s Choice Award.

2018 OWBA/OWBF ANNUAL CONFERENCE
With Annual Meeting Luncheon

OWBA
OHIO WOMEN'S BAR ASSOCIATION

OWBF
OHIO WOMEN'S BAR FOUNDATION

For more information visit: www.owba.org

Save the Date

April 26-27, 2018
 Nationwide Hotel & Conference Center
 Lewis Center, OH

- * High quality CLE program, pending approval
- * Honoring Women in Government Reception
- * Luncheon featuring nationally recognized keynote speaker

Highlighting Members of the OWBF Leadership Institute

In each issue we will highlight graduates of the OWBF Leadership Institute. This quarter we will highlight Adrienne Pietropaolo from the 2013-2014 Class. If you are interested in applying to the Leadership Institute, contact the OWBA at admin@owba.org or (866) 932-6922.



**Adrienne Pietropaolo,
Barnes & Thornburg
LLP, Columbus, Ohio**

What did you enjoy the most about the Leadership Institute (LI)?

Meeting the wonderful women in my class. I enjoyed being able to interact with such an intelligent group of women every month, and learning more about their lives, legal practices, and overall views.

What is something that you learned that you implemented into your career/life?

Although I feel comfortable speaking in public, organizing my thoughts before presenting has never been a strong skill of mine. During our public speaking session, I received very good feedback on how to better achieve this organization. This advice is something I remember every time I prepare to give a speech, whether it be in a courtroom-like or conference setting.

Do you stay in contact with anyone from your class?

Yes. Although our lunches together used to be more frequent before life got in the way, I still know I can reach out at any time.

What piece of advice would you give to someone who is just beginning the Leadership Institute or who is considering applying?

Do it. I was initially on the fence due to the time commitment. However, my experience in the Leadership Institute was nothing but positive, and it really helped me become a better attorney and a better me.

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

It gave me insight into the lives of other female legal professionals and made me realize that I'm not alone. Every attorney tries to balance work and life, but as females, we tend to be harder on ourselves when we feel like we haven't achieved an ideal balance. I have more confidence in what I do professionally and personally, knowing that there are others who also put too much pressure on themselves to achieve a balance that, frankly, will never exist. I've learned to relax.

Where do you work?

Barnes & Thornburg

Do you specialize or have a niche?

Workers' Compensation

If you weren't a lawyer, what would you be?

A travel agent.

What is your dream job?

Live on an island and lay on the beach all day. That's not a job? Oh...

What would you like to tell us about yourself (i.e. your family, hobbies, etc.)

I'm a mom of 3 boys, which has been challenging having grown up with only sisters, but also the most rewarding thing I've ever done. My husband and I are avid Notre Dame fans living in Buckeye country. As a family, we are Disney fanatics! ■

GBQ is proud to support the
Ohio Women's Bar Foundation
Leading the Way Reception



Forensic and Dispute Advisory Services

www.gbq.com

Welcome to the Leadership Institute Class of 2017-2018

The Leadership Institute is a program of the Ohio Women’s Bar Foundation. It was created by top women leaders in Ohio to assist women lawyers in developing their leadership skills. While this year’s program has just begun, we encourage women attorneys to consider applying for next year’s class which will take place from September 2018-March 2019. Applications will be released in early spring 2018. For more information about the Leadership Institute visit our website at www.owba.org/leadershipinstitute.

2017-2018 Leadership Institute Class Members

Co-Chairs: Sommer Sheely, Bricker & Eckler and Leslie Wargo, Wargo Law

- Hillary Anderson - *Nationwide Insurance*
- Ali Anoff - *The Procter & Gamble Company*
- Megan Bailey - *Porter Wright Morris & Arthur, LLP*
- Lisa Chatterton - *Nationwide Insurance*
- Lindsey D’Andrea - *Baker Hostetler*
- Brandi Doniere - *Thacker Robinson Zinz LPA*
- Rachel Gibson - *Cardinal Health*
- Stephanie Hart - *Alliance Data*
- Kara Herrnstein - *Bricker & Eckler LLP*
- Amy Ikerd - *Mercer County Prosecutor’s Office*

- Ashley Johns - *Reminger Co. LPA*
- Paige Kohn - *Vorys Sater Seymour and Pease*
- Lauren Kuley - *Squire Patton Boggs*
- Jamie LaPlante - *Porter Wright Morris & Arthur, LLP*
- Emily Little - *Thompson Hine*
- Amber Merl - *Carpenter Lipps & Leland*
- Jenny Schiller - *Squire Patton Boggs*
- Quinn Schmiede – *Gallagher Sharp LLP*
- Nicole Woods - *Ice Miller* ■

We’d like to offer our heartfelt congratulations to Michelle Roe on her much deserved award.



We’re proud to support the Ohio Women’s Bar Association and the Ohio Women’s Bar Foundation.

VORYS

Higher standards make better lawyers.®

Vorys, Sater, Seymour and Pease LLP

52 East Gay Street | Columbus, OH 43215

614.464.6400 | vorys.com

Strong Leaders Value Business Etiquette

By Tiffany L. Adams, President of Cincinnati Etiquette & Leadership Institute, LLC
Certified Corporate Etiquette & International Protocol Expert
Etiquetteplease.com | Email: Tiffany@etiquetteplease.com



What in the world does business etiquette have to do with leadership? Everything! How does a leader inspire a team who doesn't

respect them or who doesn't feel respected? It's not possible. Understandably, leaders are focused on the strategic direction and bottom-line results as they must answer to shareholders, bosses, and boards. They often miss the quiet signs of how their relationships are evolving and don't get a true reading of how their behavior, words, and body language are affecting organizational members. This is why the results from Stanford's School of Business 2013 Executive Coaching Survey made complete sense. The survey revealed the worst flaw in CEOs and other leaders is their lack of self-awareness. Without

self-awareness and for that matter, self-restraint, leaders are ill-equipped to set the right tone for their work culture and the relationships they influence.

That's where business etiquette comes in to the picture. Business etiquette underscores the importance of self-restraint. It is a vital tool that arms leaders with the business acumen they need to respond to others pragmatically and professionally, not emotionally and counterproductively. Furthermore, etiquette intelligence suppresses the "It's all about me" ego in favor of considering others. Good etiquette and protocol inspires the positive outcome of making people feel respected, trusted, comfortable, and important. That's when the magic happens and the oars start rowing in one prosperous direction. When an 'others-centered' mentality prevails at the top, meaningful relationships are built; people are inspired; goals

are achieved; dreams are realized; and bottom-line results are achieved.

Set yourself apart by wisely equipping your toolbox with these essential, yet often overlooked, professional development skills. There's a reason why business etiquette has reemerged as a smart way to invest in yourself in today's fiercely competitive world. In a world of rapid change where technology and intercultural communication have never been more prominent, corporate etiquette provides the road map that guides our behavior in adapting appropriately to all of this change. Is business etiquette old-fashioned or a lost art? Only if meaningful relationship-building and smooth communication skills are not important anymore. As you will undoubtedly come to find, these skills remain crucial towards the long term success of any business or leadership role. ■



It's not just what we **know**—it's **who**.

We recruit **attorneys** for short and long term contract assignments, as well as full-time positions with law firms and corporate legal departments.



999 Polaris Parkway/Suite 111/Columbus, Ohio 43240
614.545.6350/gnoësisgroup.com

Donate to the OWBF

It's almost that time of year again; when we spend the holidays with loved ones, celebrate the seasons and consider what you're thankful for. It's also a time of giving back to organizations and causes that you're passionate about. In light of this, we hope that you will consider making a tax-deductible donation to the Ohio Women's Bar Foundation. By supporting the Foundation you're choosing to invest in it's mission to accelerate the advancement of women lawyers as leaders in the profession and to facilitate their service to the community. Your general donation will help the OWBF fund it's Law Student Scholarship as well as long-range plan endeavors to fund educational opportunities for women lawyers that will facilitate their service to the community. For more information and to donate visit www.owba.org/foundation. ■

OWBF Leading the Way Reception



The Ohio Women’s Bar Foundation brought together over 100 guests at the Leading the Way Reception, previously the Leadership Luncheon. The reception recognized the graduates of the 2016-17 Leadership Institute, the incoming Leadership Institute class as well as the Leading the Way Award Recipient Michelle Roe, Vice President and General Counsel of Thirty-One Gifts and Past President of the Ohio Women’s Bar Association.

The Ohio Women’s Bar Foundation’s Leading the Way Award honors leaders and leadership styles that others would emulate. This award is presented to outstanding women lawyers who demonstrate leadership in the legal profession and their communities and commitment to the promotion and enhancement of women in the legal community by inspiring and mentoring other women to raise their performance to the same high standard. Michelle embodies the spirit of the Leading the Way Award. Her career is exemplary and her continuous leadership, service and commitment to her community and the Ohio Women’s Bar Association is admirable. Thank you to everyone who attended the event to celebrate Michelle and the incoming Leadership Institute class. ■



Sustaining Members

Deborah Akers-Parry
Wolf and Akers LPA

Randal Bloch
Randal S. Bloch, Esq.

Magistrate Judge Stephanie Bowman
U. S. District Court
Southern District of Ohio

Sherri Dahl, Esq.
Dahl Law LLC

Jennifer Elleman
LexisNexis

Claudia Herrington
JobsOhio

Valoria Hoover
Valoria Hoover Law Offices, LLC

Lisa Kathumbi
Bricker & Eckler

Rachel Lawless
Nationwide Insurance

Magistrate Judge Karen L. Litkovitz
U.S. District Court, Southern
District of Ohio

Sandy Lynskey
Mac Murray Petersen & Shuster

Helen Mac Murray
Mac Murray Petersen & Shuster

Catherine Martineau
MacMillan Sobanski & Todd, LLC

Marilyn McClure-Demers
Nationwide Insurance

Jean McQuillan
Case Western Reserve University
School of Law

Lisa Messner
Mac Murray Petersen & Shuster

Betty Montgomery
Montgomery Consulting Group

Susannah Muskovitz
Muskovitz & Lemmerbrock, LLC

Denise Platfoot Lacey
University of Dayton School of
Law

Grace Royalty
U. S. District Court
Southern District of Ohio

Michele Shuster
Mac Murray Petersen & Shuster

Carrie Starts
Reminger Co., LPA

Patricia Walker
Walker & Jocke

Linde Webb
Lydy & Moan, LTD

Kate Wexler
Hahn Loeser & Parks LLP

New OWBA Members (as of August 1, 2017)

Jenna Rohing
Student, Northern Kentucky
University Chase College of Law

Sarah Brown
Student, Capital Law School

Anujanaa Baskaranathan
Student, DePaul University
College of Law

Nikki Baszynski
Office of the Ohio Public
Defender

Mary Bockstahler
Student, Ohio State University
Moritz College of Law

Sarah Brown
Student, Capital University
School of Law

Megan Craig
Student, Northern Kentucky
University Chase College of Law

Haley Damron
Student, Northern Kentucky
University Chase College of Law

Kim Freeman
Sequent

Mellisa Garta
Student, Capital University
School of Law

Courtney Gerrein
Student, Northern Kentucky
University Chase College of Law

Cassandra Gleason,
Student, University of Cincinnati
College of Law

Emily Hake
Student, Capital University
School of Law

Victoria Hanohano-Hong
Student, Capital University
School of Law

Erica Hart
Student, Northern Kentucky
University Chase College of Law

Heather Heineman
Student, Northern Kentucky
University Chase College of Law

Carly Hertel
Student, Northern Kentucky
University Chase College of Law

Chelsea Hime
Student, Northern Kentucky
University Chase College of Law

Christie Hughes
Independent Contractor -
EDiscovery and Litigation
Support

Alexandria Kerns
Student, Northern Kentucky
University Chase College of Law

Molly Lampe
Dinsmore & Shohl

Lauren Lentsch
Student, Northern Kentucky
University Chase College of Law

Katie Leonard
Student, Northern Kentucky
University Chase College of Law

Victoria Link
Student, Northern Kentucky
University Chase College of Law

Kati Massey
Student, Northern Kentucky
University Chase College of Law

Kaitlin McLeod
Student, Northern Kentucky
University Chase College of Law

Erin Melcher Beam
Johnson & Johnson,
Student, Northern Kentucky
University Chase College of Law

Jane Messmer
Operation Legal Help Ohio

Jessica Metz
Student, Northern Kentucky
University Chase College of Law

Nicole Miller
Student, Northern Kentucky
University Chase College of Law

Elizabeth Mitchell
Student, Northern Kentucky
University Chase College of Law

Breanne Parcels
Pickrel Schaeffer and Ebeling

Amber Robinson
Student, Northern Kentucky
University Chase College of Law

Liane Rousseau,
Taft Stettinius & Hollister LLP

Shelby Rush
Student, Northern Kentucky
University Chase College of Law

Alyssa Sander
Student, Capital University
School of Law

Jenny Schiller
Squire Patton Boggs (US) LLP

Laken Schodzinski
Student, Capital University
School of Law

Kelly Slone
Student, Capital University
School of Law

Brittany Slone
Student, Northern Kentucky
University Chase College of Law

Rebecca Spears
Student, Northern Kentucky
University Chase College of Law

McKaylan Stamper
Student, Northern Kentucky
University Chase College of Law

Sanna-Rae Taylor
Taft Stettinius & Hollister LLP

Rebekah Tefft
Student, The Ohio State Moritz
College of Law

Rachel Wilhite
Blank Rome, LLP

Micheala Willingford
Student, Northern Kentucky
University Chase College of Law

Lisa Wu Fate
Nationwide Insurance

Meghan Zenko
L Brands, Inc.

EVENT RECAP

Government Subcommittee Charity Event

On August 29, 2017, the OWBA Government Subcommittee hosted a networking fundraiser at the YWCA in Columbus. Attendees brought several donations for the Family Center and Women's Residency, including personal hygiene products, strollers, baby clothing, diapers, and other items from their "most needed" list. We had the privilege to hear from Elfi Di Bella, Past President and CEO of the YWCA Columbus, as well as Faith Williams, Vice President of Programs, Terri Williams Ifeduba, Vice President of Engagement and Development, and past YWCA Board Members. It was a wonderful

opportunity to learn more about the history of the YWCA, where they're headed and their impact on the Columbus community. Attendees were also given an opportunity to tour the newly renovated facilities, which are over 130 years old. We encourage all members of the OWBA to consider supporting the YWCA Columbus, or their own local chapter of the YWCA.



For more information about serving the YWCA Columbus or hosting an event at their newly renovated facilities please visit their website at www.ywcacolumbus.org.

EVENT RECAP

An Intimate Conversation with Heather Lennox and Sherri Dahl

By Sherri Dahl, Dahl Law LLC



Sherri Dahl, Owner of Dahl Law LLC, and Heather Lennox, Managing Partner of Jones Day's Cleveland Office, shared insights and compared experiences with approximately 30 guests at Dahl Law LLC (Sherri's house) on September 13, 2017. Those in attendance also had the opportunity to hear from



Betsy Rader, a Democrat, who is running for U.S. Congress (Ohio's

14th District), and our very own OWBA Vice President, Judge Mary DeGenaro, 7th District Court of Appeals, who was recently endorsed by the Ohio Republican Party State Central Committee for the Ohio Supreme Court race in 2018. After eating barbecue prepared by Byron Sabree, Owner/Pit Master of Smoqued BBQ, and networking, the group sat in Sherri's living room, with drinks and candles, and had an interactive conversation comparing the management of Sherri's solo practice from her "corner office" in her living room with Heather's management of the Cleveland office of more than 200 lawyers. Although

their current work environments are different, the women share some similarities. Both women were 49 years old on September 13th, Heather turned 50 a few days later (Happy Birthday, Heather!), both women worked their way through college, have two children, and both have represented parties in corporate bankruptcy proceedings throughout their legal careers. Questions from guests kept the discussion lively! Special thanks to the Ohio Women's Bar Association and the Women in Law Section of the Cleveland Metropolitan Bar Association for jointly sponsoring this event! ■



Supporting Leadership

Ice Miller is proud to be recognized as a leader when it comes to family-friendly policies and supporting women in the legal industry.

- Eleventh on Am Law 200 Ranking of Female Equity Partners Percentage
- One of the "50 Best Law Firms for Women" by Working Mother
- One of the best law firms for women by Law360
- Women in Law Empowerment Forum 2016 Gold Standard Firm

We are proud to help women within our Firm and in our community build dreams

icemiller.com

300+ lawyers in Columbus and other offices

attorney advertising material

LITIGATION

TRANSACTIONAL

ESTATE/PROBATE

Women on a mission.



Carrie Starts



Acacia Perko

Meet Carrie Starts and Acacia Perko.

As Co-Chairs of Reminger Co., LPA's Women's Initiative, they oversee efforts to foster a supportive environment for our women attorneys, focusing on:

- Recruitment and retention
- Networking opportunities
- Mentoring and development

Thank you for promoting our mission of providing an inclusive work environment where everyone has an equal opportunity at success.



800.486.1311 • Reminger.com

AKRON CINCINNATI CLEVELAND COLUMBUS SANDUSKY TOLEDO YOUNGSTOWN INDIANAPOLIS FT. WAYNE NORTHWEST INDIANA EVANSVILLE FT. MITCHELL LEXINGTON LOUISVILLE

OWBA board members

President

Lisa Kathumbi

President-Elect

Tara Aschenbrand

Vice President

Judge Mary DeGenaro

Secretary

Sherri Dahl

Treasurer

Lisa Whittaker

Immediate Past President

Marilyn McClure-Demers

Executive Director

Kimberly Fantaci

Trustees

Beth Naylor

Erin Rhinehart

Nancy Sabol

Judge Marie Hoover

Carolyn Davis

Marguerite Zinz

Judge Michelle Miller

Theresa Rakocy

Judge Katrina Cook

Catherine Strauss

Mary Jane Trapp

Melissa Schuett

Karen Adinolfi

Judge Noceeba Southern

Sue Roudebush

Meghan Hill

Kate Wexler

OWBA/OWBF Liaison

Vanessa Nichols

Past Presidents

Pamela Nagle Hultin (92-93)

Mary Lynn Readey (93-94)

Barbara J. Smith (94-95)

Linde Hurst Webb (95-96)

Laura A. Hauser (96-97)

Kirsti Talikka Garlock (97-98)

Maria A. Kortan-Sampson (98-99)

Jami S. Oliver (99-00)

Helen MacMurray (00-01)

Debra J. Horn (01-02)

Suzanne M. Nigro (02-03)

Michelle J. Sheehan (03-04)

Halle M. Hebert (04-05)

Monique B. Lampke (05-06)

Pamela D. Houston (06-07)

Susan E. Peterson (07-08)

Michele A. Shuster (08-09)

Lisa R. House (09-10)

Valoria C. Hoover (10-11)

Jennifer Breech Rhoads (11-12)

Michelle Proia Roe (12-13)

Mag. Judge Stephanie K. Bowman (13-14)

Claudia S. Herrington (14-15)

Grace Royalty (15-16)

Marilyn McClure-Demers (16-17)

News



PUBLIC-PRIVATE SECTORS CONNECT ANNUAL STATEWIDE CLE PROGRAM

Substance Abuse, Mental Health & Wellness

2.50 Professional Conduct CLE hours (pending approval)

Nearly 1/3 of attorneys exhibit some form of addictive behavior in their first decade of practice and an alarming number of attorneys experience depression, anxiety or other mental health issues at some point in their career. Join us for an informative discussion regarding substance abuse, addiction, and mental health; learn strategies for managing stress and prioritizing wellness.

THURSDAY, NOVEMBER 30, 2017

Program Facilitators – Magistrate Judge Amy Koorn, Franklin Co. Probate Court, and Sheeba George, Counsel, Astute Solutions

1:15 PM CHECK-IN

1:30-2:45 PM SUBSTANCE ABUSE CLE PROGRAM

Panelists include –

- Megan R. Snyder, MS.S., LISW, Clinical Director, Ohio Lawyer's Association Program
- Trisha Whetstone, Esp., CHC, Director of Legal Services, Licking Memorial Health Systems
- Penny L. Barrick, Esq., Judicial Clerk, U.S. District Court, Southern District of Ohio
- Linda Martin Saunders, Esq., Attorney at Law
- Dawn Hays, Esq., SHRM-SCP, General Counsel, Employers Resource Association

2:45-3:15 PM DISCUSSION FORUM/NETWORKING

3:15-4:30 PM WELLNESS CLE PROGRAM

Speaker – Cheryl Rapose, M.Ed., MSW, LISW, OhioHealth Behavioral Health

LOCATION



Join the Live Program: Bricker & Eckler LLP
100 S 3rd Street, Columbus 43215



Stream Online: All Ohio Cities
Join remotely on your own or organize a group viewing. For more information regarding a group viewing in your city please contact us at admin@owba.org or (866) 932-6922.

Register at www.owba.org or by calling (866) 932-6922

Event In-Kind
Sponsors:



OhioHealth



Join us on:



Follow us on Social Media

The OWBA and OWBF can be found on Facebook, Twitter and LinkedIn. Join our groups, like us and connect to us to share information and connect with women attorneys across Ohio.



<http://www.facebook.com/OhioWomensBarAssociation>



<http://www.facebook.com/ohioWBF>



<http://www.twitter.com/OWBA>



<http://www.twitter.com/OhioWBF>



<http://www.linkedin.com/Group/OhioWomen'sBarAssociation>