

OhioLawyer

THE OHIO STATE BAR ASSOCIATION MEMBER MAGAZINE

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The Tech Issue

Lawyers: The Future Is Coming Fast
Evolve or Risk Marginalization




Also Inside:

Mending the Broken Data
Privacy Framework

In Search of a Good Lawyer:
What Ohio Consumers Want



Farewell to
the Chief

 Your Greenbook Companion Inside!

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In Memoriam

2022

Louis E. Tracy 95, West Carrollton, Jan. 2022
Irvin J. Zipperstein 96, Cincinnati, March 5, 2022
Wilbert “Jack” Hawk, Jr. 93, Dayton, March 9, 2022
Jack N. Turoff 88, Beachwood, March 12, 2022
Robert E. Tablack 93, Youngstown, March 28, 2022
Albin Lipold 93, The Villages, FL, April 11, 2022
Ernest P. Mansour 91, Cleveland, May 6, 2022
Amy Graeff Van Culin 35, Columbus, May 6, 2022
William A. LeFaiver 78, Twinsburg Township, May 7, 2022
William E. Arthur 93, Columbus, May 14, 2022
Daniel S. Guy 93, Willoughby, June 10, 2022
Jack F. Thornton 78, Cincinnati, June 29, 2022

Hon. William Wallace MacMillan, Jr. 94, Dayton, July 17, 2022
Walter C. Grosjean 93, Wooster, July 18, 2022
Robert S. Brown 79, Cincinnati, Aug. 7, 2022
William M. Meikle 89, Celina, Aug. 12, 2022
Richard R. Fowler, Jr. 94, Mansfield, Aug. 13, 2022
Edward L. Shank 93, Oakwood, Aug. 21, 2022
Gregory G. Alexander 93, Toledo, Aug. 24, 2022
James A. Deery 73, Elyria, Aug. 31, 2022
Thomas J. Novack 61, Columbus, Sept. 9, 2022
Robert F. Rywalski 83, Akron, Sept. 23, 2022
John Stephen Stith 83, Cincinnati, Nov. 9, 2022
2006–2007 Ohio State Bar Association President

Call for Submissions

Have an idea? We'll bring it to life.

The Ohio Bar reaches a wide audience, from your fellow attorneys to members of the public. Pitch an idea or submit your work on a law-related topic today and join a distinguished group of thought leaders and published authors.

Visit ohiobar.org/writeforus to learn more about Ohio Bar publications and submission guidelines.



What's Happening at the Bar?

Updates from the CEO



Promoting justice and advancing the legal profession.

This winter at the Ohio Bar, our Board of Governors is working to promote justice and innovate our operations so we can better serve our members through our programming. We're also taking some time to reflect on how thankful we are for YOU! This year, our members connected with us at district meetings, helped spread the word about our efforts to educate voters and even took some time to hang out with us at OSU tailgates. There's a reason we're recognized for our leadership and contributions to the profession (more on that here, too) and we can't wait for what the next year holds. However you celebrate, I wish you and yours a happy holiday season.

-Mary Amos Augsburger
Ohio Bar CEO



Board of Governors

At their fall and December meetings, the Ohio State Bar Association Board of Governors worked to streamline our meeting protocols and advance access to justice in Ohio through:

- The adoption of **program guidance** for when to hold in-person, virtual or hybrid meetings.
- The establishment of a **Task Force to Close the Rural Practice Gap**. We look forward to the task force's preliminary findings in **April 2023**.
- The approval of proposals from committees and sections, including section budgets for the year.
- Approval of the association's FY2022 audited financial statements.
- Approval of policy positions recommended by committees and sections, including opposing a proposal to require that attorney notaries keep a journal and supporting federal legislation to protect the personal information of federal judges.

Welcome to Our New Board and Council Leaders

At our fall district meetings, Ohio Bar members voted for their representatives to the Council of Delegates and Ohio Bar Board of Governors.

The **Board of Governors** is a 24-member volunteer body that manages the association's business affairs, sets policy and reviews pending legislation on behalf of our members. These board members were elected and appointed for the 2023-2026 term:

District 4 – Vallie Bowman-English

District 5 – Robert Rice (re-elected)

District 13 – Mark A. Hutson

District 14 – Howard Werner (Appointed to fill a vacancy
July 1, 2023 - June 30, 2024)

At-Large Appointee – Robert S. Salem

The **Council of Delegates** is the association's governing board that approves our proactive policy and legislative proposals. These delegates were elected to serve for the 2023-2025 term:

District 3

Laura Justen

District 4

Judge Myron Duhart

Kyle Silvers

Adam Nightingale (re-elected)

Sarak Skow (re-elected)

District 5

Ronald Cramer (re-elected)

District 6

Amanda Lantz (re-elected)

Douglas Smith (re-elected)

District 8

Brian Cremeans

District 14

Stephanie Lehota (re-elected)

Thomas Moushey (re-elected)

District 18

Michael Hamper (re-elected)

Anna Parise (re-elected)



Thanks for Tailgating With Us!

Ohio Bar tailgates at the Shoe may be done for the year, but we'll be basking in the fun memories all year long. Thanks to everyone who came out to network and spend time with Ohio Bar friends.



Post-Election Update: Judicial Votes Count

The Ohio State Bar Association was pleased to administer and promote judicialvotescount.org, a website designed to provide Ohio voters reliable, unbiased information about candidates for judge in the 2022 election cycle.

With the November election behind us, we want to say thank you to all who took the time to visit and share judicialvotescount.org.

Thanks to a grant from the Ohio Supreme Court, funding from the Ohio General Assembly and word-of-mouth from our members, our digital ad campaign to bring awareness to this resource garnered:



83%

participation rate of candidates
in contested elections



30 million

views



4.3 million

online engagements



130,000

new users to the website to learn
about the judges on their ballots

Thanks again to all who helped us spread the word about this resource far and wide!



Congratulations Are In Order ...

Ohio Bar leaders and partners were honored this fall for their work to improve their communities, advance the legal profession and innovate access to justice. Congratulations to these award winners!

American Bar Association Difference Maker Awards



Ohio Bar Immediate Past President David Lefton (center left) and Access to Justice Foundation Executive Director Angie Lloyd (center right) with their fellow ABA Difference Maker Award winners, Alexandra Oprea (right) and Kelly Waters.

David Lefton – Making a Difference Through Service to the Profession Award

Ohio Bar Immediate Past President David Lefton was honored for his lifetime of service to the legal profession.

Ohio Access to Justice Foundation Justice Bus – Making a Difference Through Pro Bono Work

The Ohio Bar is proud to partner with the Ohio Justice Bus, which was honored for its work travelling the state to deliver civil legal services to low-income and underserved Ohioans.

Leadership Akron Lieberth Community Vision Award



Ohio Bar Past President Ronald S. Kopp

Ron Kopp was recognized as the recipient of the Lieberth Community Vision award on Nov. 3 for helping to shape the Akron community in significant ways across multiple sectors. As we know, his leadership is marked by selflessness, pragmatism and hard work, in both his local community and statewide. Congratulations on this honor Ron!



Save the Date

Ohio Bar Annual Meeting of Members at the Ohio Statehouse May 9, 2023

Join us again in 2023 at the state's capitol where we'll celebrate excellence in the legal profession, adopt new public policy proposals and provide important updates on the state of the bar and the judiciary.



 **LiveCLE**

Jan. 17 – Equity Education Series
Season 3 - Practical Methods to
Create Inclusive Workplaces
**Complimentary for members*

Feb. 10 – Elder Law Basics

Feb. 22 – Ohio Bar Quarterly
Legislative Update
**Complimentary for members*

Feb. 28 – Nuts & Bolts of Wills & Trusts

March 2-3 – Ohio Elder Law Institute

March 30-31 – 38th Annual Ohio
Environment, Energy & Resources
Law Seminar

March 14 – Equity Education Series
Season 3 - Pay Equity: Increasing
Parity in the Legal Profession
**Complimentary for members*

Jan. 19 - Feb. 15

Ohio Bar Committee and Section Meetings

Connect with your colleagues to stay current on the latest news and information in your practice areas, including legislation, recent case law and other areas that impact the legal profession.

Not a member of a committee or section? Visit ohioabar.org/myaccount to join one or many!

View the schedule and register: ohioabar.org/csmeetings

The CLE You Need, The Way You Want It

Browse all upcoming courses in the Ohio Bar CLE Store, where new programs are added all the time.

Visit ohioabar.org/cle-store.



Equity Education Series

SEASON 3 OF THE OHIO BAR'S EQUITY EDUCATION SERIES CONTINUES JAN. 17

Will You Join the Conversation?

Join us **Jan. 17, 2023 at 1 p.m.** for the **Equity Education Series: Practical Methods to Create Inclusive Workplaces.**

This webcast will explore underlying reasons law firms experience 18% attrition on average annually. Inclusive cultures contribute to lower employee turnover. According to the Harvard Business Review, inclusive organizations are also more successful. Attendees will learn practical and actionable steps to create a culture that will support recruitment and retention and increase productivity and success.

Pricing is complimentary for Ohio Bar members.

View the series schedule and register: ohioabar.org/equityseries

Dean L. Wilson

President, Ohio State Bar Association



Specialized Dockets: An Important Tool in Combatting the Opiate Epidemic and Expanding Access to Lawyers and Programs That Work

Sharing Strategies That Work

Aside from becoming President of the Ohio State Bar Association of course, one of my proudest accomplishments in the nearly 40 years I have been practicing law is the creation and success of the New Direction Drug Court of the Perry County Municipal Court. Through community buy-in and collaboration, including court staff, law enforcement, social service providers and area employers, we are getting former addicts the tools they need to turn their lives around, become employed and reconnect with their families rather than sending them to jail.

I wanted to use this space to share a bit about my experience with the drug court because I think that one of the primary benefits of being a member of the state bar is that we learn from one another. As the largest network of lawyers in the state, we are uniquely suited to collaborate and compare notes on strategies that increase access to justice and work to build on those efforts as we connect Ohioans, no matter their situation, with the attorneys who can help them. We can learn from practitioners in other states as well. In fact, drug courts were one of the topics of discussion I had the honor to lead at a recent Great Rivers Conference I attended with our CEO and fellow board officers. Great Rivers brings together bar leaders from Colorado, Illinois, Indiana, Iowa, Michigan,

Minnesota, Nebraska and Wisconsin. Confronting the opiate epidemic knows no state or county borders.

Specialized Dockets and Ohio

According to the Supreme Court of Ohio, there are about 5,800 Ohioans currently being served by more than 260 specialized dockets like New Direction around the state. The majority of them address substance abuse issues in some form, as well as related mental health issues. Some in larger jurisdictions are targeted to certain populations with unique factors and challenges to overcome like veterans, juveniles and survivors of human trafficking, among others.

At a time when our news is oversaturated with the shortcomings of our justice system and tragic stories of overdose deaths, these programs are real beacons of hope to families and to those of us who work in and around Ohio courts. Not to mention that, at least in our case, with every participant in drug court, we are saving about \$24,000 annually per person by investing in treatment and support services (generally with grant funding) vs. the cost of housing them in jail. And that doesn't even account for the societal economic benefits of having a person back in the workforce. Seventy-five percent of our graduates are employed, paying taxes, a mortgage or rent and, as one recent graduate told me, taking his family on

Statewide Statistics

264

Statewide specialized dockets

5,800

Participants

68 out of 88

Counties have at least one specialized docket.

These include:

123 Drug Courts

(Includes a Drug Court for Women in Montgomery County)

6 Drug – Domestic Violence

6 Drug – Human Trafficking

9 Drug – Re-Entry

29 Drug – Veterans Treatment

35 Family Dependency

6 Juvenile Treatment

41 Mental Health

7 OVI

2 Substance Abuse and Mental Illness

Many thanks to the Specialized Dockets Section of the Supreme Court of Ohio for collecting and making data available.



their first vacation in many years now that he is clean and sober.

Back in 2015, when I decided to seek certification from the Supreme Court's Specialty Docket Section for New Direction, I did a lot of fact-finding. I reviewed the written guidelines and talked to other judges about their experiences as I thought about what would work well in our community and what wouldn't. To become certified, each specialized docket goes through an application process, a site visit and provides materials to demonstrate that the program meets basic standards. This includes establishing eligibility requirements, evaluating effectiveness of the program and assembling a treatment team. From there, we mold the program to meet the needs of our communities.

Keys to Success

I think the key to success for the participant is the support with which they are surrounded. In our case, we have an excellent, five-member treatment team, dedicated to that individual and holding him or her accountable. And it's tailored to the individual's unique situation. We also meet weekly on Wednesday evenings as a group and talk about challenges they might be facing and helping them problem solve, which may relate to battling the addiction itself, to employment and training, housing, social services or family issues. And family reunification, be it with children, spouses, immediate or extended family, is so important for ensuring the participant has that long-term support system to keep them on track.

For a successful and sustainable program, like so many things, you need community buy-in. I distinctly remember speaking at our local Chamber of Commerce luncheon and telling the employers there that if they were asking themselves why they would ever want to hire a drug addict, to give me a year and I would show them why. As many judges who have established a specialized docket will tell you, in



the beginning stages, you get a lot of opportunities to explain to skeptics why these programs can be more effective for holding people accountable for criminal behavior than traditional means and that it is not just a slap on the wrist. Based on our experience, I can tell you that if someone graduates from drug court, you can be sure that they have just done some of the hardest work of their lives. Today, I am pleased to report that I have employers calling me looking for drug court graduates to hire.

There are many successful programs around the state that are making a difference. If you are interested in learning more about our program and to hear from some of the participants and employers involved, I encourage you to view three short videos on our court home page at perrycountycourt.com/municipalcourt/home/.

Access to Lawyers Work Continues

The work continues on other Ohio Bar priorities to connect more Ohioans with lawyers. I am pleased to chair the Indigent Defense Task Force, which is bringing stakeholders together to consider the future delivery of indigent defense services in our state, including the state, counties, judges and practitioners who do appointed

counsel work. Our goal is to bring a recommendation to the Ohio General Assembly.

In addition, President-Elect Michelle Kranz has also kicked off our Rural Practice Gap Task Force, yet another group of key stakeholders dedicated to tackling the issue of having too few lawyers to serve the legal needs of Ohioans in rural communities. One possible solution already in the works is House Bill 150, Ohio Bar priority legislation that would create the Rural Practice Incentive Program to recruit and retain attorneys to practice in underserved areas of the state. Through this program, attorneys who do appointed counsel work, public defenders and prosecutors would be eligible for loan forgiveness of up to \$50,000 in exchange for committing to practice for at least five years in a community where there is a ratio of one lawyer for every 700 persons. We are encouraging the General Assembly to pass that bill before the end of the year.

Stay Connected

You will continue to hear more about this work in 2023 and beyond. As always, we'd love to hear your thoughts about these and other topics. Contact us at osba@ohioabar.org.



Farewell to the Chief

*By Annie Yamson
Ohio Lawyer Editor*

When Chief Justice Maureen O'Connor completes her final day in judicial office on Dec. 31, 2022, she will have accomplished many firsts and seconds – the first woman to serve as Chief Justice of the Ohio Supreme Court, the longest-serving woman in statewide elected office, the second woman to serve as Ohio's lieutenant Governor, the first woman leader of the Ohio Department of Public Safety. In fact, many of her successes are framed in the context of her gender in historically male roles. And those accomplishments are remarkable, to be sure, but not unusual for O'Connor, who spent her life surrounded by examples of driven women.

“All four of my grandparents went to college and that was unusual, especially for the women who were born in the late 1800s and early 1900s to have gone to college,” O'Connor said. “I looked at my grandmothers as being very accomplished women who were always encouraging, always setting the example that you can do whatever you put your mind to, you can chart your own path. That's invaluable, that kind of encouragement, because I really thought that I could be anything and do anything I wanted.”

She eventually went on to attend an all-girls high school and the all-women Seton Hill College before enrolling in

the college of law at Cleveland State University.

“I took leadership roles as class president and student senator and those sorts of things,” she said. “It was women teaching women and they had the same can-do attitude of encouragement. It was never the idea that you're going to get a degree until you get married and become a homemaker, which is also a noble calling, but that wasn't the attitude of the women who taught us.”

Now, having served as only the 10th Chief Justice of the Ohio Supreme Court, O'Connor looks back at her career with a combination of surprise

and pride. As she told new lawyers at her final bar admissions ceremony speech in November 2022:

“Who could have imagined? Not me. When I first hung out my shingle, I didn’t know where it would lead, but it did lead to a career that I look back on and reflect on how I made it to this position. My law degree opened many opportunities for public service work.”

When she’s asked to recall her career and the things that brought her to this point, O’Connor recites a practiced timeline. “You can tell I’ve answered this before,” she says when she’s done.

And it’s true, the timeline of her career is well known: from private practice, to magistrate, to Summit County common pleas court judge, county prosecutor, then lieutenant governor to Bob Taft and associate justice on the Supreme Court of Ohio. In 2011, she assumed her role as Chief and was elected again when she ran unopposed in 2016, racking up a total of 37 years in public service.

“I had no idea all this was going to unfold,” she said. “I never had the intention of being Chief Justice [early on], believe me.”

And similarly, in taking the helm of Ohio’s high court, she could not predict what lay ahead for the courts and attorneys of Ohio, but knew only that she wanted “systemic improvement,” as she said in her first State of the Judiciary address in 2011.

“Our success depends on cooperation,” O’Connor said as she laid out the challenges before her as Ohio’s new Chief Justice. Among them, local court improvement projects, building public trust and confidence in the judicial system, improving diversity in the judiciary and taking a closer look at the state’s criminal conviction system. Little did she know the other challenges that lay ahead, including a global pandemic and an opioid epidemic that would



O’Connor with the late Chief Justice, Thomas J. Moyer.

shape the way that courts across the state approached the administration of justice.

Defining Moments

“Creating a task force, that’s kind of my *modus operandi*. If we’ve got a problem, I’m going to create a task force and we’re going to bring everybody to the table, pros, cons, everybody that has any idea in between,” O’Connor said.

Indeed, the many task forces that she has convened have been a defining characteristic of the Chief’s leadership. Whether they address public trust and confidence in grand juries, examine the administration of the death penalty, assess access to civil justice, evaluate Ohio’s post-conviction process or look at how to improve court operations, one thing that can be said about O’Connor is that, if there is a problem, she will convene a brain trust to advise.

“I enjoy the public policy decisions that come out of those task forces that benefit not only the courts, but the citizens of Ohio and good government,” she said.

The results of some of these task forces have led to things like Ohio’s

adoption of a uniform bar exam and improvements to Ohio’s grand jury system.

In 2016, O’Connor was selected as co-chair of the National Task Force on Fines, Fees and Bail Practices through the National Center for State Courts Conference of Chief Justices and National Conference of State Court Administrators. This role led her to spearhead a statewide effort to examine Ohio’s bail system when the American Civil Liberties Union threatened to sue state courts for unconstitutional practices. Among the changes recommended by the 2019 Task Force to Examine the Ohio Bail System were a validated risk assessment tool, proposed changes to Criminal Rule 46 and – another major theme of O’Connor’s tenure as Chief Justice – leveraging technology and data collection in courts.

“I think technology is the most important tool that a court can use and it has not always been available to the courts in Ohio,” O’Connor said. “Their resources are only as good as how the locals can support them but every other profession, every other institution, is looking at technology and technological

advances to help them do their job.” In 2015, the Supreme Court established the Ohio Courts Technology Initiative to facilitate data warehousing and exchanges, deliver technology goods and services to courts and aid the expansion of the use of technology in Ohio courts. The money was allocated from leftover funds at the end of the fiscal year that would have otherwise been returned to the state’s general revenue fund.

No stranger to public health emergencies, having tackled the opioid epidemic in 2016 by convening a multi-state summit (ultimately leading Ohio to become a leader in specialized dockets that address addiction and mental health related issues), when the COVID-19 pandemic hit in early 2020, O’Connor and the court ramped up grants to help local courts catch up and allow them to keep proceedings moving remotely. Since the project started, close to \$40 million has been distributed to local courts.

“Some counties give us a project and we give them tens of thousands of dollars to implement it, others only need five thousand,” O’Connor said. “But whatever we give them is a difference between night and day in what they want to accomplish because they wouldn’t have the resources to do it otherwise. I’m really proud of that and I hope my successor will continue with that. I think there’s very little doubt that it is worthwhile and fills a gap.”

O’Connor also convened the Task Force on Improving Court Operations Using Remote Technology, also known as the iCourt Task Force, later in 2020 to ensure continued and efficient judicial operations during the pandemic and beyond. Recommendations from that committee have been submitted to the General Assembly and a handful have already been implemented.

At the Ohio State Bar Association, O’Connor served as one of the association’s strongest partners when it came to fighting against State Issue

1 in 2018. The proposal would have significantly undermined judicial discretion when it comes to sentencing drug offenders. For her work (among other accomplishments), she was awarded the bar’s highest honor, the Ohio Bar Medal, by president Robin Weaver in 2019. The year prior, she received the Thomas J. Moyer Award for Judicial Excellence from president Randall Comer, an honor that was not lost on her as it was named for her late colleague and mentor.

“He died in April of 2010 and I won the chief position at the end of that year,” O’Connor said. “I always lament that I didn’t have Tom in my initial foray into being Chief Justice as a resource to be able to pick up the phone and say, ‘Hey, Tom, what would you have done here?’ But I could recall times during my tenure on the Moyer court, when I would say, ‘Okay, how was this handled before?’ I think that was a guidepost for me and I was fortunate to have that.”

Of course, O’Connor will also be remembered for her handling of the challenges that came at the end of her term with her position on Ohio’s redistricting process. After splitting with her party to strike down several versions of state and congressional map proposals, she earned the ire of many

and praise from others. Though she exits the court with those maps unresolved, she said she’ll likely reappear to work on a constitutional amendment to fix the current system.

“I mentioned this in my State of the Judiciary [address], I believe that we need to restructure our constitutional amendment and how we draw districts for the state legislature as well as our congressional districts,” she said. “I believe that we have seen the worst possible combinations of redistricting and the consequences with the gerrymandered system that we have in Ohio. So I am willing to work with others to try and pass additional constitutional amendments that will fix that.”

Looking Ahead

Going forward, O’Connor is eager to see where the Supreme Court takes some of the initiatives that she began, especially when it comes to diversity, access to justice and data collection.

“It would be irresponsible if the Supreme Court did not continue our promotion and access to justice,” she said.

This year, O’Connor created a new position at the court, a director



O’Connor dons her first robe as associate justice on the Ohio Supreme Court.



O'Connor's maternal grandparents in Ireland.



O'Connor in high school at the all-girls Nazareth Academy.

dedicated to diversity, equity and inclusion education.

“That director can be a source of information and to talk to the judiciary with authority about these topics and access to justice, etc. and become a resource and a guide,” she said. “It’s not just for the judiciary, access to justice and diversity, equity and inclusion is a concept that every person who has a law degree should be concerned with and promote. It’s a concept that everybody who lives in Ohio should embrace.”

Additionally, she’d like to see the unimplemented recommendations of her task forces put into action, especially when it comes to data collection and

the creation of a statewide criminal sentencing database.

“I don’t have enough time left on the bench to even fathom doing this, but I would like to see data collected from the time a police officer interacts with a citizen to the charge that is leveled by the prosecutor to what happens pre-trial and what their experience is with bail and release and what their experience is with the court in the disposition of their case,” she said.

For now, though, O'Connor is looking forward to spending some time with a new title: Maureen O'Connor, private citizen.

“I’ve never had a length of time off since I became a public servant 37 years ago so I want to see what that feels like, not to have a schedule. The Italians have a phrase: ‘il dolce far niente,’ the sweetness of doing nothing. So I’m going to see what that feels like,” she said before adding a caveat for the future: “There may very well be opportunities and people who come to me with [projects], if it’s something I feel is right and it’s something I want to do, I definitely will.”



Learn more and view the video feature on O'Connor at ohioabar.org/chiefocconnor.



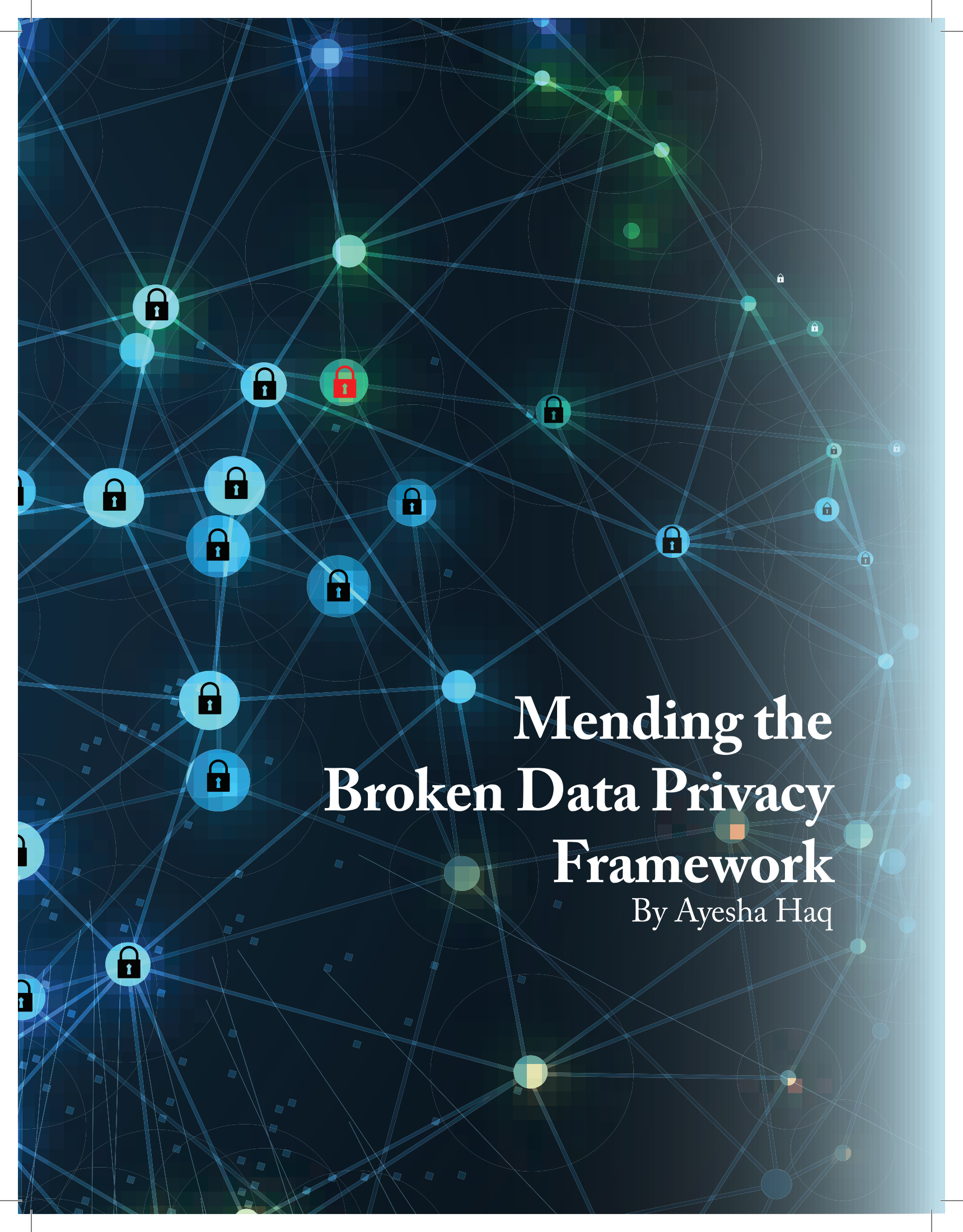
Chief Justice Maureen O'Connor's kindergarten portrait.



O'Connor and another influential, driven woman in her life – her mom, Mary Elizabeth O'Connor.



O'Connor on the campaign trail in 2010.

The background features a dark blue gradient with a complex network of thin, light blue lines connecting various nodes. The nodes are represented by small circles in shades of blue, green, and yellow. Overlaid on this network is a grid of larger, semi-transparent circles. Many of these circles contain a black padlock icon, symbolizing security or data protection. One circle in the upper-middle section contains a red padlock icon, while another in the lower-middle section contains a yellow padlock icon. The overall aesthetic is technical and digital.

Mending the Broken Data Privacy Framework

By Ayesha Haq

On Oct. 7, 2022, President Joe Biden signed an executive order which, collectively with new Department of Justice regulations, formulate the Trans-Atlantic Data Privacy Framework.¹ This new framework is intended to regain the trust of the European Union (EU), enabling trans-Atlantic transfer of data from the EU to the U.S. Specifically, the order aims to add protections and safeguards towards data of EU citizens collected by U.S. intelligence agencies.

Background

The U.S. Department of Commerce, European Commission and Swiss Administration collaboratively designed the EU-U.S. and Swiss-U.S. Privacy Shield Framework, which provided a mechanism to comply with European and Swiss Data Protection regulations. The EU-U.S. Privacy Shield was deemed “adequate”² by the European Commission on July 12, 2016 and subsequently, on Jan. 12, 2017, the Swiss government also approved the Swiss-U.S. Privacy Shield Framework.

Many corporations in the U.S. built their privacy practices by relying on the commercial principles mentioned in the Privacy Shield Framework. This framework enabled U.S. corporations to transfer data from the EU or Switzerland into the U.S. without fear of noncompliance with the EU’s General Data Protection Regulation or Swiss privacy laws.

All this changed on July 16, 2020, when the Court of Justice of the European Union passed the Schrems II judgement. In the judgement, it declared the European Commission’s decision deeming the EU-U.S. Privacy Shield adequate as “invalid.”³ As a result, the Privacy Shield was no longer an adequate mechanism for transferring data from the EU to the U.S. Shortly after the Schrems II decision, on Sept. 8, 2020, the Federal Data Protection and Information Commissioner of Switzerland issued an opinion stating that the Swiss-U.S. Privacy Shield was not adequate to comply with

Switzerland’s Federal Act of Data Protection.⁴

This was a huge blow to the U.S. technology sector, which had spent time, money and effort on designing their data privacy compliance frameworks in accordance with the Privacy Shield. This also came with a set of challenges that limited U.S. corporations doing business with the EU or Switzerland to ensure that data did not cross the border without violating the European and Swiss data protection regulations. Those corporations that could not fully comply with these privacy regulations were essentially barred from storing, collecting or processing EU or Swiss personal data.

Inadequacies in the Law

The Court of Justice of the European Union did a deep dive into U.S. laws and regulations to show how the Privacy Shield was invalid or inadequate. Essentially, the court concluded that U.S. laws do not provide the level of protection required under the European Data Privacy laws.

The court also specifically cited recital 115 of the Privacy Shield decision, which stated, “While individuals, including EU data subjects . . . have a number of avenues of redress when they have been the subject of unlawful (electronic) surveillance for national security purposes, it is equally clear that at least some legal bases that U.S. intelligence authorities may use (e.g. E.O. 12333) are not covered.”⁵

In other words, the Privacy Shield failed to provide recourse for data subjects that were under legal surveillance pursuant to intelligence activities conducted by U.S. public authorities as mentioned in Executive Order 12333. Furthermore, the court stated that the ombudsperson mechanism mentioned in the Privacy Shield Framework did not provide EU data subjects with an “independent and impartial court”⁶ in accordance with the requirements of EU law. The ombudsperson mechanism failed

“Since the national security piece was troublesome, the court declared the Privacy Shield in its entirety to be invalid.”

to provide the same guarantees and protections granted by data privacy laws in the EU.

It is worth noting that the court did not have an issue with the commercial principles of the Privacy Shield and were more concerned with data collected as a result of intelligence activities. But since the national security piece was troublesome, the court declared the Privacy Shield in its entirety to be invalid. Although corporations continued to use the commercial principles of the Privacy Shield for compliance purposes, there may be some effect on the commercial side once both the U.S. and the EU reach an agreement on the application of the laws.

A Step in the Right Direction

The newly passed executive order aims to restore the damage done to the legal framework that governed trans-Atlantic data transfers. The new order addresses the two failures noted by the European court and provides enhanced safeguards on data collected by U.S. intelligence authorities. According to the White House fact sheet,⁷ the Trans-Atlantic Framework shall ensure the following:

1. Intelligence collection shall only be undertaken where “necessary to advance legitimate national security objectives” and will not “disproportionately” affect individual protections of privacy and civil liberties.
2. EU data subjects will now be able to seek redress from an independent “Data Privacy Review Court” which will consist of individuals from outside the U.S. government, acting as an impartial and independent court of review.



- U.S. intelligence authorities will implement and adopt policies and procedures that will ensure “effective oversight of new privacy and civil liberties standard.”

The order clearly spells out what constitutes “legitimate objectives”⁸ in great detail. It also explicitly mentions “prohibited objectives”⁹ under which intelligence collection activities shall not occur. Furthermore, the executive order aims to bridge the gap in the earlier framework by ensuring that intelligence collection activities be carried out only where “necessary” and “proportionate.”¹⁰

The issue of impartial review has been remediated by implementing a Data Privacy Review Court. The initial review of a report is done by the Director of National Intelligence’s Civil Liberties Protection Officer, but a data subject or complainant can apply for a review of the officer’s determination with the Data Privacy Review Court. The composition of the court is made up of individuals appointed by the Attorney General, Secretary of Commerce, Privacy and Civil Liberties Oversight Board and Director of National Intelligence. The judges on the Data Privacy Review Court shall have the requisite expertise in privacy and national security law to be qualified for appointment. However, there is a question as to whether this shall be sufficient to provide an impartial review for trans-Atlantic data subjects and whether this review procedure will be to the satisfaction of the Court of Justice of the European Union and European Commission.

The Privacy Shield commercial principles seem to remain unaffected and the Biden Administration has urged corporations to continue following the framework in order to provide adequate safeguards for data transfers from trans-Atlantic countries.

The Way Forward

To fully understand the Trans-Atlantic Data Privacy Framework, one must look to the executive order, Department of Justice regulations, old Privacy Shield Framework and any other data privacy regulations governing cross-border transfer of data. But our understanding is dependent on whether the European Commission finds these safeguards to be “adequate.” Until the European Commission makes an adequacy determination on the new framework, no one can say for certain what the future holds for trans-Atlantic data privacy.

As we wait, data privacy lawyers and professionals must continue to follow their own privacy compliance frameworks and go the extra mile while collecting, storing and processing personal data of EU and member state citizens. This is assuming that the privacy compliance frameworks cater for global privacy laws, including but not limited to the EU’s General Data Protection Regulation and Switzerland’s Federal Act of Data Protection.

The key takeaway would be that normal operations of U.S. technology firms remain the same (compliance wise) until further updates are received from the EU. With that said, the Trans-Atlantic Data Privacy Framework seems to be a good step toward rebuilding the relations between the United States and Europe but does not provide a definitive framework that can be fully relied on at this time. We will have to wait and see whether this framework is strong enough to stand the test of scrutiny from regulators and courts across the globe. 🇺🇸

Note: On Dec. 13, 2022 the European Commission began the process of adoption of an adequacy decision for the EU-U.S. Data Privacy Framework. For more information on latest updates, please visit https://ec.europa.eu/commission/presscorner/detail/en/IP_22_7631.



About the Author

Ayesha Haq is an associate in-house counsel for EZ Web Enterprises, Inc., where

she advises on matters pertaining to data privacy particularly on regulations such as CCPA, HIPAA and GDPR. Her practice at EZ Web includes, but is not limited to, contract management, corporate law, employment law and trademark law. In addition to being a practicing attorney, she is a CQI IRCA Certified Information Security Management System Lead Auditor which qualifies her to manage the information security side of the business at EZ Web. She graduated with a Juris Doctor from the University of Cincinnati College of Law in 2019. She received her bachelor’s honors degree from the University of Toronto in 2016.

Endnotes

- See The White House, Executive Order On Enhancing Safeguards For United States Signals Intelligence Activities <https://www.whitehouse.gov/briefing-room/presidential-actions/2022/10/07/executive-order-on-enhancing-safeguards-for-united-states-signals-intelligence-activities/>
- See Privacy Shield Framework, Privacy Shield Overview, <https://www.privacyshield.gov/Program-Overview>
- Case C-311/18, ECLI:EU:C:2020:559 (July 16, 2020)
- See Privacy Shield Framework, Privacy Shield Overview, <https://www.privacyshield.gov/Program-Overview>
- Case C-311/18, ECLI:EU:C:2020:559 (July 16, 2020)
- Id.
- See The White House, FACT SHEET: United States and European Commission Announce Trans-Atlantic Data Privacy Framework, <https://www.whitehouse.gov/briefing-room/statements-releases/2022/03/25/fact-sheet-order-on-atlantic-data-privacy-framework/>
- See The White House, Executive Order On Enhancing Safeguards For United States Signals Intelligence Activities <https://www.whitehouse.gov/briefing-room/presidential-actions/2022/10/07/executive-order-on-enhancing-safeguards-for-united-states-signals-intelligence-activities/>
- Id.
- Id.



Is 2023 *Your* Year To Become Certified?

New year, New You! Make it Your Resolution To Become Ohio Bar Certified in 2023.



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Important Dates for 2023 Certification

Attorney Certification

Application deadline: June 30, 2023
Exam date: Nov. 13, 2023

Paralegal Certification

Application deadline: March 31, 2023
Exam date: May 20, 2023

Applications open in January. Now is the perfect time to start the application process and begin taking the continuing legal education (CLE) you need to fulfill your practice area requirements. Look for the specialization icon (🎯) in marketing materials for upcoming programs to earn pre-approved CLE credit towards certification.

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*The UNLIMITED CLE benefit as part of the MVP Plan applies to all regular live and self-study programming. Institutes are excluded but discounted at the Ohio Bar member rate. All self-study courses must be completed in the year in which they are selected as courses expire on the last day of the calendar year in which they were approved by the Supreme Court of Ohio.

**Savings are off non-member prices (some exclusions apply). For a list of CLE rules and exclusions, visit ohiobar.org/membership-cle-policy.



JEDI Journeys With the Ohio Bar

A Path for Everyone

According to the American Bar Association’s Profile of the Legal Profession, there are numerous opportunities to enhance diversity, equity and inclusion in the law. Marginalized groups – women, people of color, LGBTQ+ individuals and lawyers with disabilities – remain underrepresented. Women represent approximately 38% of attorneys and people of color anywhere between 0.2-5.8%. Those percentages are even lower at the intersections of gender and race. LGBTQ+ lawyers and attorneys with disabilities are largely unaccounted for as there are no reliable statistics for total numbers in the profession. Available data is based on individuals and firms feeling safe to share.

The data paints a bleak picture in a time when law firms, corporations and other organizations have made commitments to address discrimination and disparities. The summer of 2020 ignited conversations around creating a fair

and more just world and the Ohio Bar Association is committed to convening stakeholders and providing education to increase awareness about topics that impact our communities around the state.

In service of this commitment, the Ohio Bar is now offering JEDI Journeys, a foundational justice, equity, diversity and inclusion (JEDI) training consisting of three tracks – exposure, exploration and expert. These tracks are designed to engage firms at every stage of the learning journey. Along with a list of existing courses firms can choose from, there are also options for customization based upon firm need. Examples of available courses include:

- Creating Inclusive Cultures
- Working Across Generations
- Inclusion, Diversity and Equity Terminology
- The Case for Diverse Teams: Getting to the Bottom Line

The Ohio Bar first considered offering JEDI training for members in 2019. Subject matter experts were engaged to begin work that was unfortunately sidelined due to COVID-19. The association used the disruptions of 2020 to reconsider its commitment to JEDI and the first result of this recalibration was the popular Equity Education Series, an online series of CLE courses open to everyone that facilitate our shared understanding of inclusion, diversity and equity in the law and legal profession.

The success of the Equity Education Series and a desire to revisit the possibility of law firm training led to a pilot with Bailey Cavaleri in early 2022. Like many of its peer organizations, the firm had growth opportunities in the diversity, equity and inclusion space and had previously engaged in periodic training over the years. The Ohio Bar’s director of inclusion and outreach,





Jocelyn Armstrong, met with firm leaders to determine the specific needs of the business and the best course of action, ultimately resulting in a three-part lunch-and-learn series hosted at the firm.

Rebecca Hartman, firm administrator at Bailey, noted the collaboration was important because “Bailey Cavalieri believes in providing our team with meaningful opportunities to learn and grow both professionally and personally. Our firm’s journey with [JEDI] is no exception.” She further shared, “Jocelyn’s hopeful, energetic and accepting demeanor paved the way for open dialogue, accepting different points of view, and set the stage for implementing practical ideas that help create and foster a more inclusive workplace.”

The size of the firm and enthusiasm from leaders made Bailey Cavalieri a great partner to test firm training needs. The sessions reviewed foundational inclusion, diversity and equity principles, including terminology and creating inclusive spaces. Attendees were surveyed after the sessions, and more than two-thirds noted they had a deeper understanding of DEI terminology after the first session.

“We engaged Jocelyn to assist us in discussing issues that can be difficult to address among colleagues. Jocelyn is very effective at facilitating discussion and putting people at ease in addressing DEI topics. Each of Jocelyn’s presentations was well-attended and brought out engaging discussions, along with the true diversity of viewpoints that is present in the workplace. She accomplished exactly our objectives, and I would recommend her presentations to anyone wishing to build on real diversity and a welcoming work environment,” said Bob Dunn, managing director at Bailey Cavalieri.

As a result of the training, the firm identified practical, actionable steps toward recruiting and retaining diverse talent. More than half of the Bailey Cavalieri team participated in the three-part training, which was made available to everyone in the organization, including support staff and law school interns.

“The OSBA’s diversity training program was a welcome, thought-provoking journey into the important intersection of diversity and inclusion with law firm culture. The program not only challenged some unhealthy norms that law firms need to be conscious of when

building a welcoming and tolerant firm culture but also offered practical advice and guidance about how to fill blind spots,” said Bailey Cavalieri partner Jameel Turner. “Ms. Armstrong’s knowledge and energy really brings the program to life and made it easier to have difficult but necessary dialogue on issues related to diversity and inclusion.”



Interested In Taking Your Organization on a JEDI Journey?

Contact Ohio Bar Director of Inclusion and Outreach Jocelyn Armstrong at jarmstrong@ohioabar.org or 614-487-4404 for more information.

Learn more about JEDI Journeys: ohioabar.org/jedijourneys

Learn more about the Equity Education Series: ohioabar.org/equityseries





Lawyers: The Future Is Coming Fast

Evolve or Risk Marginalization

By Wayne Hassay

The legal profession will evolve more in the next 10 years than it has in the prior 100 years. In the past, it was fairly easy to control the law when access required merely a law degree and a private membership to the local law library. Now, the technology age is not only upon us, but well settled into the profession. Law is now open source and there soon will be analytical tools to analyze law without the assistance of an attorney. There is no reason to believe, other than ignorance, that technology will somehow leave the legal profession unscathed while it fundamentally changes everything else the world does.

The Profession Is Ripe for Evolution

It is often said that the United States has the greatest legal system in the world. Actually, according to the 2021 World Justice Project Report, the U.S. ranks 27th, between Cyprus and Portugal. Some, if not much, of the problem is access to justice. This includes not only the indigent, but also those higher up the socio-economic ladder. Legal services are perceived by the public as too expensive and for the most part unaffordable. A 2016 American Bar Association (ABA) study on access to justice concluded that 80-85% of legal needs are unrecognized or unmet. A 2015 National Center for State Courts study concluded things are so bad a majority of citizens (56%) would *prefer* to resolve a legal problem themselves. The current species of lawyer is increasingly incompatible with the public they serve. Thus, the profession is particularly ripe for evolution.

Recognizing this gap in service and leveraging the power of technology, venture capitalists are storming the lawyer monopoly. Do-it-yourself solutions are popping up every day on the internet. Venture capital has always disrupted large, decentralized industries by finding high volume, low-cost solutions that also improve customer experience. New technology first impacted the marketplace's low hanging fruit, which was automation of simple forms, but will expand into ever more complicated areas as technology exponentially improves.

The Risks of Technology

Ostensibly, tech delivers what consumers want. It can make legal services more approachable, affordable and efficient, driving down the cost to clients. As such, consumers will make this pick nearly every time. But this technology, being forged by capitalists and soaked up by the public on the internet, generally occurs with no lawyer oversight. As a consequence, lawyers are marginalized as consumers find technology solutions which exclude them.

But there are significant risks with technology-only solutions that the legal profession rightfully perceives and the public may not. Fundamental client and public rights must be protected – confidences must be kept, independent professional judgment maintained and duty to and advocacy for the client must prevail. Technology alone cannot deliver what lawyers deliver: trust, context, advocacy, independent professional judgment and duty. The protection of these fundamental rights is the true value of lawyers' services and technology can threaten those rights for clients. At the same time, it is imperative that the legal profession engage the public in the manner they wish to be engaged so that clients appreciate and receive the true value of legal representation. Thus, despite the risks of technology, the legal profession must find a better way to work with it.

A Difficult Path for Lawyers

All lawyers have been taught that services must be bespoke, even for routine tasks. The business and ideology of law is not set up to be automated and, historically, has discouraged innovative changes. Similarly, some lawyers believe "more affordable and efficient" necessarily means "lower take-home pay."

As the story goes, an efficient lawyer means fewer billable hours. And with law school debt at all-time highs, few can conceive supporting something that seems to lower the return on investment. But to the contrary, affordable and efficient services can open the latent market. Remember, by one respected estimate 85% of legal needs are not serviced by an attorney. Most businesses would be encouraged by the size of this untapped market.

Some lawyers worry that advanced technology and automation will water down the quality of legal services. But adaption to technology will actually improve the quality of legal services as long as an attorney is overseeing the process. A byproduct of technology will be a massive collection of data. Protocols and analytics in all things – from complex legal questions to customer service – will develop. Today, in nearly all instances, a client relied on the experience of one lawyer who, no matter how experienced, is still only one person often relying on intuition. Nearly every other industry in the modern era has been broken down into component parts by data. This helps the public receive consistent service. Moreover, lawyers and machines sharing the job can only make the result better for clients.

Lawyers can view technology as too expensive and not a good investment for their businesses while big law is investing in and collaborating with tech. It can be difficult for smaller firms to reinvest resources in technology. But considering the rapidly changing environment, law firms of all sizes must


take the leap and invest in/collaborate with tech in order to stay competitive.

Finally, lawyers on the whole are certainly not technologists. Collaboration across disciplines and with true tech experts (including those aforementioned venture capitalists) is necessary. All of this must occur in a murky regulatory environment and rules squarely written for the 20th century. One thing is true: The enterprising capitalists will press forward. Disciplinary authorities and lawyers should too in order to protect the public we serve.

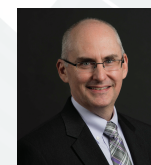
A Refreshing Evolution

While technology and collaboration will bring an enormous shift to legal markets, it is refreshing to know that lawyers will be practicing at the top of their law licenses instead of drowning and often failing because they have not been trained in management and administrative tasks.

Some of the risk, effort and capital for matters collateral to the practice of law, like solicitation/advertising and all the administrative tasks massive technology can handle, can be borne by collaborations with tech.

In the coming years lawyers *can* be marginalized by technology, but the profession is not powerless. The solution is to embrace technology and multi-disciplinary collaboration while always putting client rights first. 

About the Author



Wayne Hassay is the managing partner of Maguire Schneider Hassay, LLP. His mission is to bring innovation and technology to the practice of law for the benefit of clients and lawyers and to broaden access to justice by using technology to help more clients afford the legal services they need.

In Search of a Good Lawyer: What Ohio Consumers Want

Results of the Ohio Bar's 2022 Consumer Market Research



Methodology

Many thanks to our research partner Illuminology for helping us construct the survey and analyze the results!

Conducted in late June and early July, we administered an online survey of 1,265 Ohioans. To ensure the survey sample resembled Ohio's adult population, quotas were set for age, gender, race/ethnicity, education and income. The collected data were then weighted to match recent Census data estimates for those variables. Geographically, residents in 84 of Ohio's 88 counties participated. In addition, at least 250 respondents to the survey met our criteria of having had a recent relevant experience, defined as having paid an attorney to help with a criminal or civil matter in the last five years.



In the Ohio State Bar Association's continued work to connect more Ohio consumers with attorneys (preferably Ohio Bar attorneys), we recently commissioned a market research study to learn more about what consumers are looking for when it comes to legal services and finding their next lawyer.

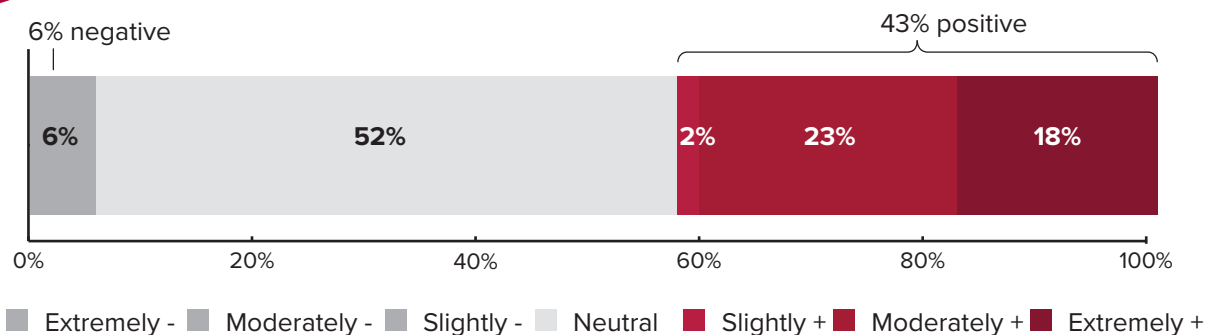
Through this project, we got a good baseline of Ohioans' current attitudes towards lawyers overall and wanted to share some key findings and takeaways that

we hope can help you evolve your practice and inform your future marketing and business development efforts.

In the meantime, we'll be using the data to look for more and better ways to support you and promote your skills and services to the thousands of Ohio consumers who visit the Ohio Bar's website and call our offices in search of legal help every year.



How Ohio Consumers Feel About Lawyers



Q: Overall, how do you feel toward lawyers: Positive, neutral or negative. And do you feel extremely (positive/negative), moderately (positive/negative) or slightly (positive/negative) toward lawyers? Note: Totals may not add up to 100% due to rounding.



Key Takeaways:

Perhaps we can start to retire some of those old lawyer jokes. Right out of the gate, we are pleased to report that Ohioans' attitudes of lawyers *leans positive*. Most Ohioans feel neutral or positive towards lawyers and would likely value their help.



Digging Deeper:

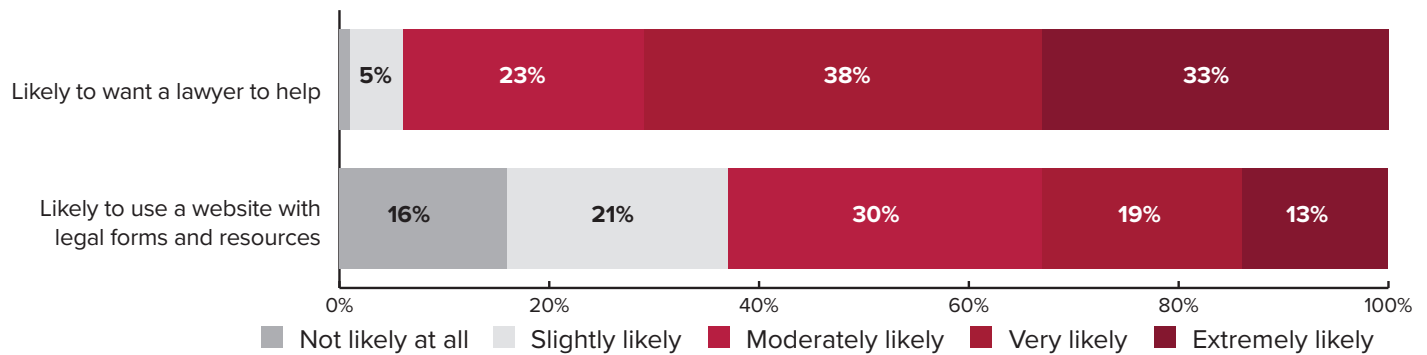
About half of our respondents (47%) rated lawyers' honesty and ethical standards as average while 39% rated them as high or very high, with 13% rating them low or very low.

There's more hope for the future, because among those respondents in the 18-34 age group, those indicating a moderately or extremely positive attitude towards lawyers was even higher – 51%, and 45% of them were more likely to rate lawyers' honesty and ethical standards as high or very high.

Perhaps even more encouraging: The moderately or extremely positive attitude of lawyers rose to 55% when it came to those respondents who have actually hired a lawyer in the past five years and 50% of this group rated lawyers' honesty and ethical standards as high or very high. The bottom line is when someone works with a lawyer, their impression of the profession goes up.



Ohioans Seeking Legal Assistance – Lawyers or Self-help Websites



Q: In the future, if you wanted help with a legal issue, how likely are you to want a lawyer to help you? And if you wanted help with a legal issue, how likely are you to use a website that offers legal forms or resources for people who want to work on a legal issue by themselves? Note: Totals may not add up to 100% due to rounding.



Key Takeaways:

Technology supports but does not supplant attorneys. When asked to consider a future scenario in which they might want help with a legal issue, most (71%) of our respondents were very or extremely likely to want a lawyer to help them. One-third (33%) were very or extremely likely to use a website that offers legal forms or resources. *Note – this was not an either-or question.*

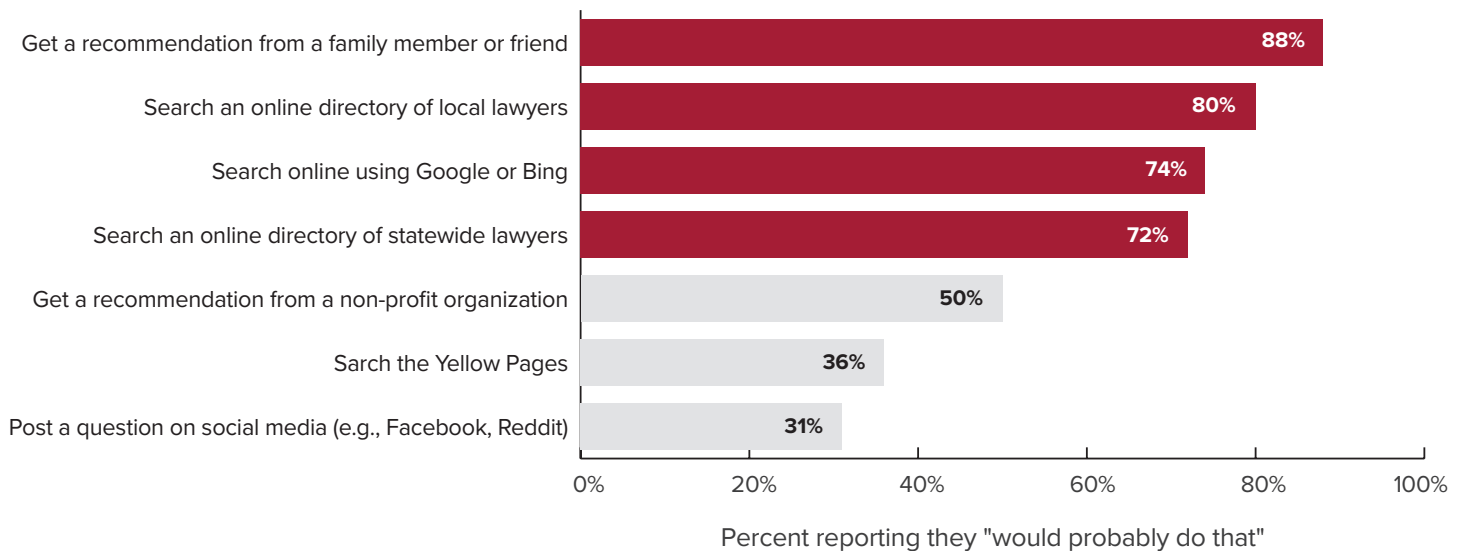


Digging Deeper:

We were pleased to see that of our group of respondents who had hired an attorney in the last five years, 82% were extremely or very likely to want a lawyer to help them again and 41% said they were extremely or very likely to use a website. Our 18-34 age group also put up high numbers in wanting the help of a lawyer (76%), with 43% of them also saying they would be extremely or very likely to use a website. Meanwhile, those respondents age 65+ were less enthused about the website option with only 17% saying they were very or extremely likely to do so.



How Ohioans Would Search for a Lawyer



Q: In the future, if you wanted a lawyer to help you with a legal issue, what would you do to find a lawyer? For each action listed, indicate if you would probably do that to find a lawyer or if you would probably not do that.



Key Takeaways:

Word-of-mouth and referrals still reign. The best way to get new clients is to serve the ones you have well. However, based on our consumer responses, it sure helps to have a presence in a trusted online directory like the Ohio State Bar Association's Attorney Directory. And having a website or LinkedIn profile that is search engine optimized (SEO) or makes use of the key legal terms Ohio consumers use to search for legal help will help ensure you rank higher in search engines like Google or Bing.



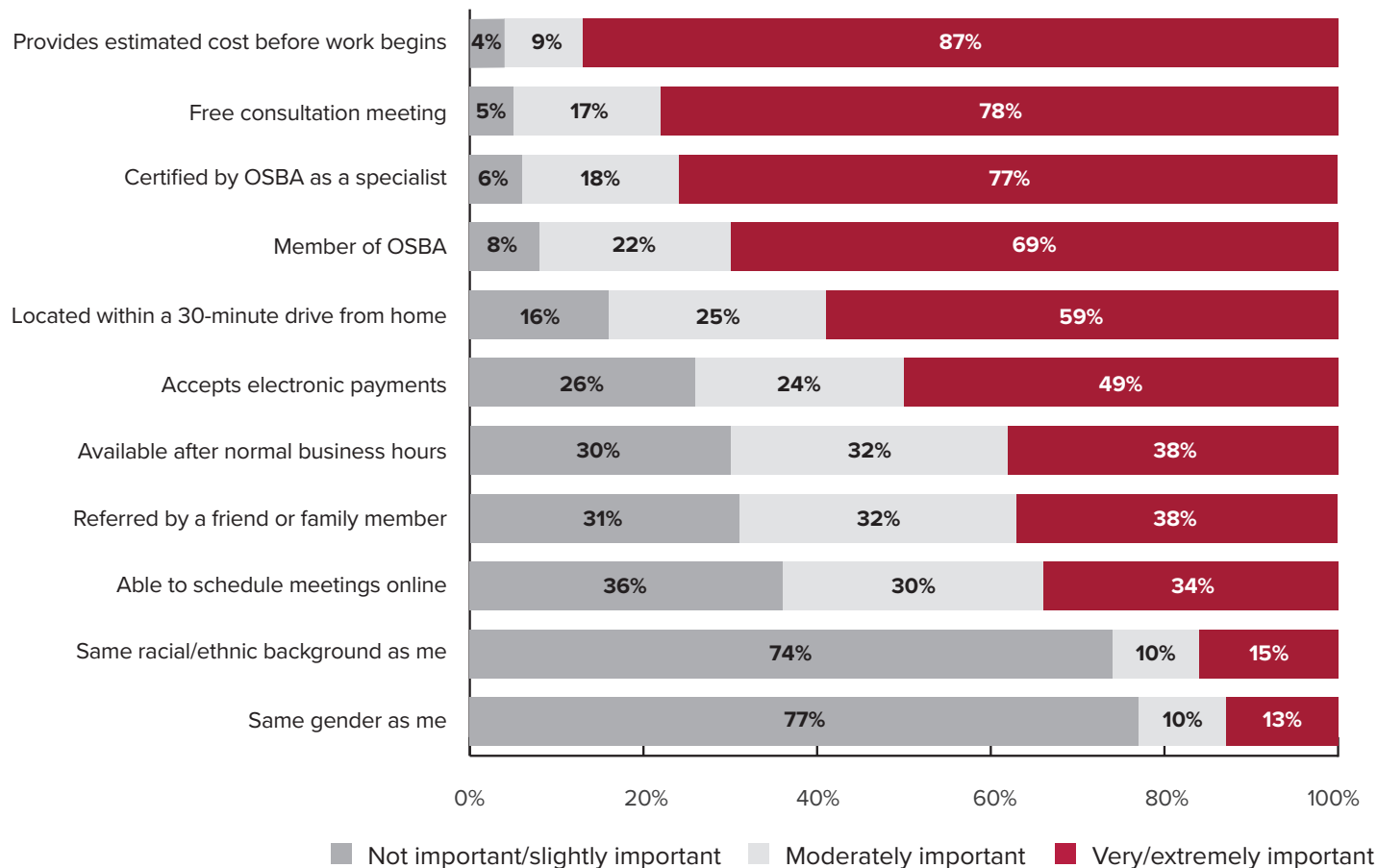
Something You Can Do Now:

All Ohio State Bar Association members are featured in the Ohio Bar's Directory at ohioabar.org/findalawyer. The Ohio Bar website sees approximately 1.3 million unique visitors annually, 84% of whom, based on the pages they visit, are looking for legal help or a lawyer. There is an opportunity to enhance your profile page by adding key information about you, your practice and the services you offer. Visit ohioabar.org/myaccount and be sure to complete the "Profile," "Practice Area" and "Member Directory Information" tabs.

Tip: Our directory page could even serve as your primary web presence if you do not have your own website.



What's Most Important to Ohioans When Searching for a Lawyer



Q: In the future if you wanted a lawyer to help you with a legal issue, how important would it be... (above list was randomized). Note: Totals may not add up to 100% due to rounding.



Key Takeaways:

Price transparency is a major factor for Ohio consumers, 87% of whom say it is extremely important that they are provided an estimate before the work begins. In addition, 78% were looking for a free consultation before they sign on the dotted line. Being a member of the Ohio State Bar Association, and even more so, having that Ohio Bar certified specialist credential were also very important to legal consumers. Less critical to respondents was that the lawyer be of the same gender, racial or ethnic background.

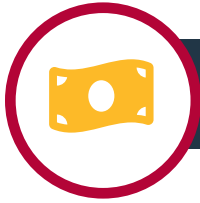


Something You Can Do Now:

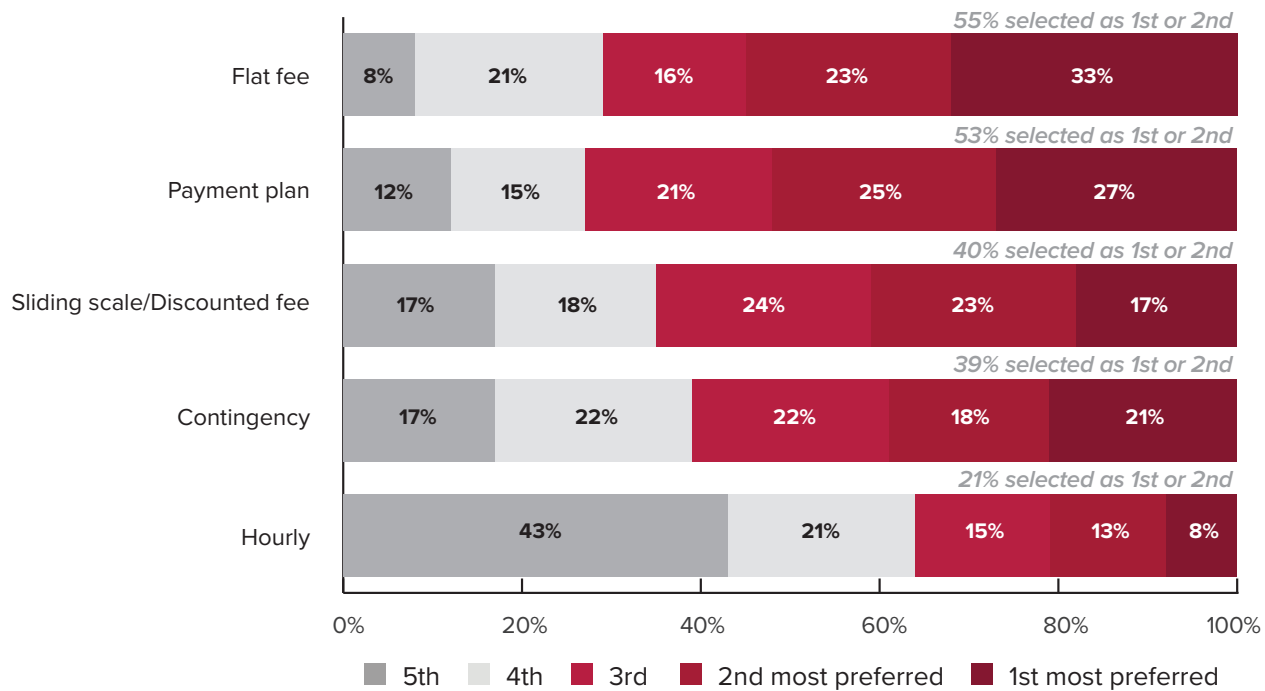
Well, first things first: Renew your Ohio Bar membership! Membership Value+ (MVP) members not only get unlimited CLE, but also discounts on their fees to earn or maintain their Ohio Bar certified specialist credentials. Learn more about certification by visiting ohiobar.org/certification.

Let clients *and potential clients* know that you are an Ohio Bar member in good standing by downloading our "Proud Member" logo at ohiobar.org/proudmember to display on your website or social media channels.

In addition, if you are looking to offer your clients the convenience of online bill pay (and to get paid faster), we encourage you to seek out a free demo from our affinity partner Law Pay and to take advantage of the special discounts afforded to Ohio Bar members via ohiobar.org/lawpay.



How Ohioans Prefer To Pay for Legal Services



Q: In the future, if you wanted a lawyer to help you with a legal issue, what type of payment option would you most prefer?
Note: Totals may not add up to 100% due to rounding.



Key Takeaways:

Consistent with what we found in determining what's most important when our consumers search for a lawyer, price sensitivity and the importance of fee transparency are evident here as well. Most Ohioans are interested in paying lawyers via flat fee or a payment plan and the traditional hourly rate is less appealing.

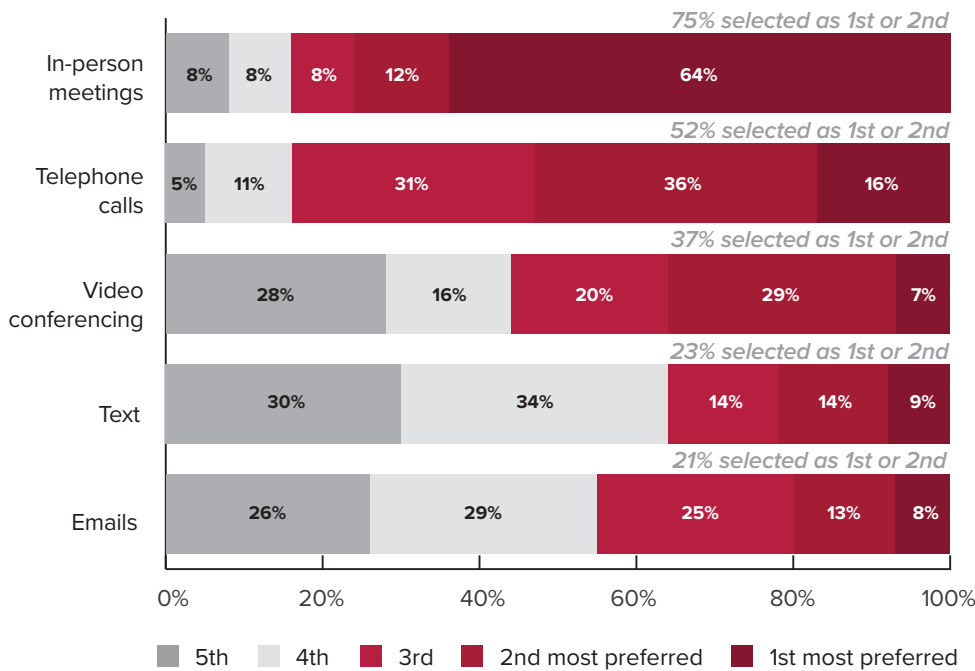


Something You Can Do Now:

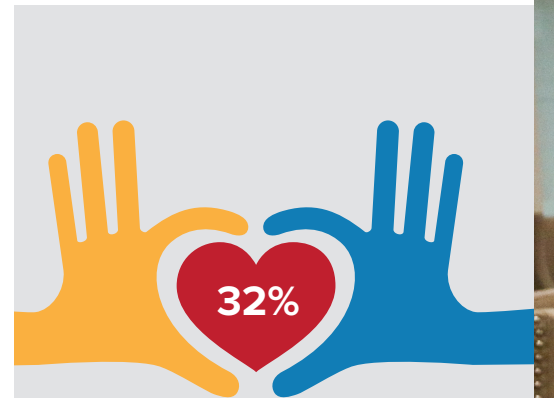
Perhaps those up-front cost estimates consumers desired (see *What's Most Important to Ohioans When Searching for a Lawyer* results on pg. 26) and regular communications with your clients about cost are the key to overcoming these barriers to engagement, regardless of how you bill. And for less complex legal matters, have you ever considered engaging in limited scope representation or (to put it in more consumer-friendly terms) adding la carte legal services to your menu of client offerings? Dip your toe in the water by checking out our limited scope resources page at ohiobar.org/lsr, where you can also register for and take a complimentary one-hour CLE program to learn the ethical ins and outs of limited scope and hear from those who have found it beneficial to their practices.



How Ohioans Prefer to Communicate With Their Lawyer



Q: In the future, if you wanted a lawyer to help you with a legal issue, what type of communication option would you most prefer? Note: Totals may not add up to 100% due to rounding.



Lawyers “Help People”

So often when we ask Ohio Bar members why they got into the practice of law, they tell us it was to “help people.” For that reason, we were particularly heartened to see that when we asked our legal consumers to, in their own words, tell us what they thought of when they thought of lawyers, the most common response from consumers (32% of them) was “helping people.” Though we did get some references to the high cost of hiring a lawyer (10%) and perceived “greed” or “unethical” behavior (10%), the next highest category of response (26%) merely consisted of neutral legal terms (courtroom, jury, specific types of lawyers).

So keep up the good work ... we have evidence that it’s resonating.



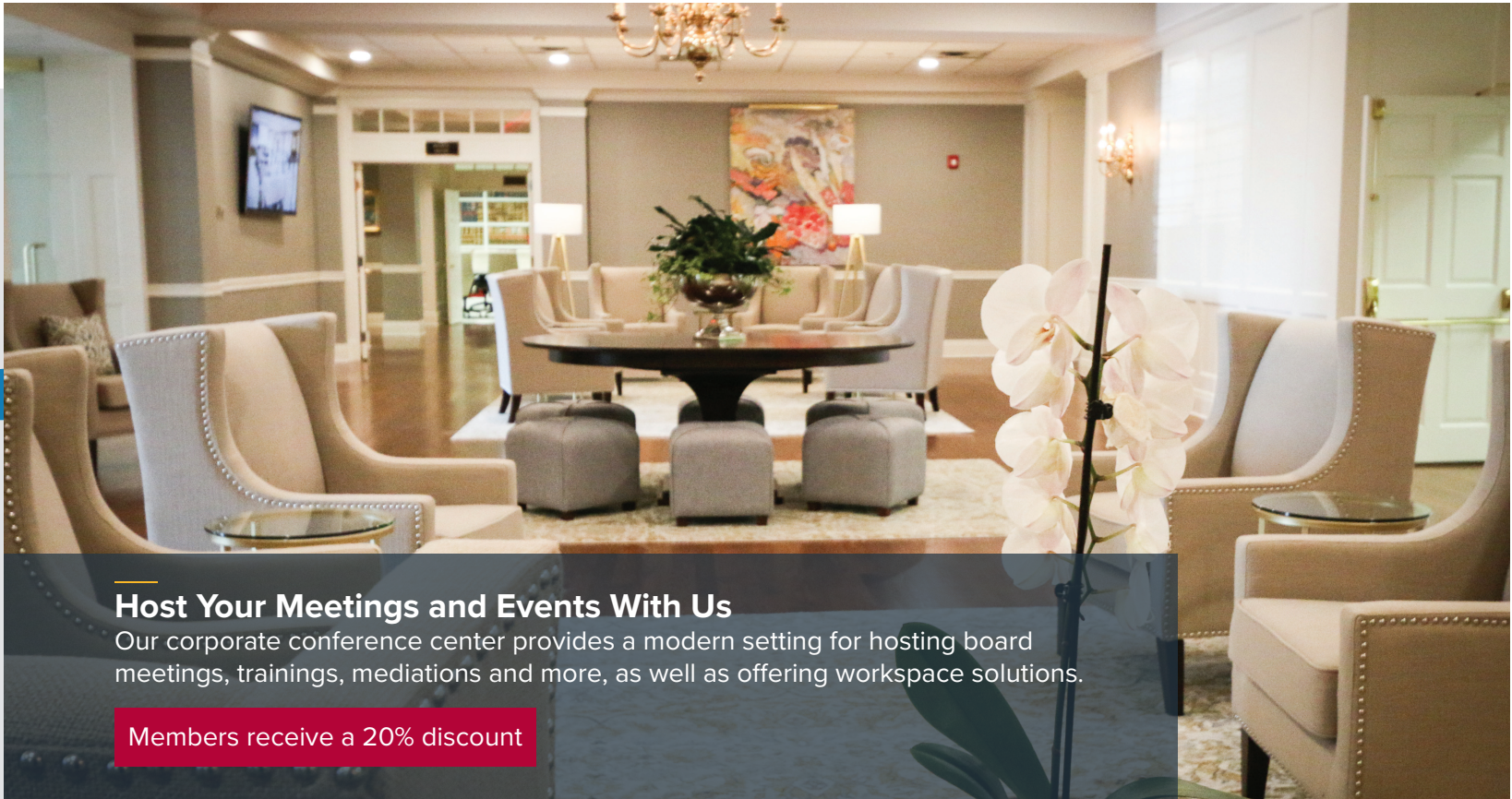
Key Takeaways:

Zoom fatigue anyone? A sizable majority of Ohio legal consumers still prefer to meet with their lawyer in person (76% ranked it as their first or second choice), with phone calls next in line (52% ranked it their first or second choice). And though we are willing to bet the number of emails coming into your inbox on a daily basis doesn’t reflect this, email and text were the least preferred communications channels amongst our consumer respondents.



Digging Deeper:

Who is more likely to prefer video conferencing, you ask? Those respondents who were younger, with higher educational attainment or those who have a racial/ethnic background that is not white. Younger, female respondents were also more likely to prefer text or email than the other demographic groups.



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For a full listing of studio equipment and conference center amenities, or to request a quote, visit ohio-bar.org/rentourspace.



2022 Holiday Gift Guide: Lawyer Edition

By Paul Unger

Buying quality technology or gadgets can be tricky. You want something practical and sometimes fun that doesn't end up in a desk drawer or technology graveyard. We have rounded up 12 legitimately excellent gift ideas for others or yourself that will make lawyer life just a little bit easier. From pricier gifts like a tablet, to cheaper options like a digital timer, there is a great range of options to sift through.



reMarkable 2 Digital Paper Notebook

Stop using legal pads and losing your notes!

Available at the reMarkable online store from \$279

While not an iPad with thousands of applications, owners of the reMarkable claim the simplicity of this one-trick pony is precisely why they love the device so much. The moment this device becomes a Swiss army knife and adds things like a mailbox or social media, owners of the reMarkable will likely throw it in the river. It can't save notes directly into common legal document management programs like NetDocuments, but you can email the notes as a PDF to yourself or an assistant and then save it into your document management system. It is significantly lighter and thinner than an iPad and I honestly can't recall the last time I had to charge the battery ... at least a month ago. Take notes and organize them any way you want, while enjoying the fact that they are automatically backed up and available online or from the app.



Secura Time-Blocking Timer

Great timer for followers of the Pomodoro Technique
Available on Amazon for \$16.99

Secura's digital countdown timer is a great way to focus on single tasking for chunks of time. You can do traditional 25-minute Pomodoro blocks of time or go for longer time-chunking if you want. It has a magnetic back so it can be attached to steel surfaces, such as refrigerators, or you can pull out the telescopic stand (two different angles) to place on any flat surface. This timer is great for the office, studying, cooking, exercising or the classroom.

**Listed prices may change.*



Book Picks for Time Management
Available on Amazon for \$25 and under

For those who are making some time management resolutions for the new year, “Tame the Digital Chaos” is my book that teaches legal professionals essential methodologies needed to manage distractions, time, email and tasks in today’s age of infomania. A companion daily planner is available. “Digital Minimalism” by Cal Newport is for those of us who find ourselves bogged down with tech. It teaches us to critically examine how our lives intersect with technology and social media and apply the art of knowing how much technology is just enough.

Twelve South AirFly Pro

Bluetooth wireless transmitter and audio sharing for up to two AirPods or headphones
Available on Amazon for \$54.99

Plug in this device to an airplane seat armrest, home stereo, television, gym equipment, automobile, etc. and transmit wirelessly via Bluetooth to up to two wireless earphones (AirPods, etc.). Watch movies together or listen to music or an audio book. There are cheaper alternatives, but this device is the best rated on Amazon with nearly 5,000 reviews as of the time of this article.



Anker Power Conference Bluetooth Speakerphone

USB-C and Bluetooth wireless with 360-degree coverage
Available on Amazon for \$99.00

Anker is known for making quality products that are affordable. Whether it’s used as a portable conference phone or a speakerphone in a conference room, this device is a must for travelers or for those who want quality, hands-free audio in their office for phone or video conference calls (Zoom, Teams, etc.). It features a battery that is claimed to last 8-10 hours, plus noise cancellation to filter out ambient noises.



Nomatic 30L Flight Approved Travel Backpack

A highly organized backpack with a “backbone”
Available on Amazon and multiple sellers from \$299

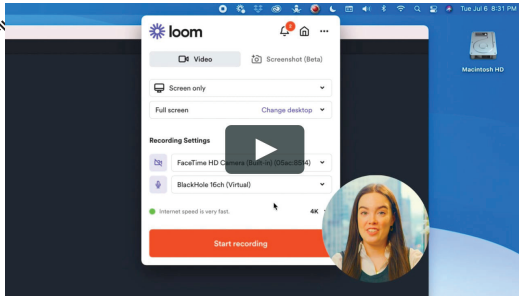
Up until I purchased this backpack, every backpack I have ever owned quickly became yet another spineless and flimsy bag. There are smaller and larger versions you should check out, but this 30L size seems perfect for most lawyers carrying around a laptop. It is sleek and attractive yet filled with a ton of organizational pockets and sleeves to pack a laptop, large iPad, accessories, documents and even a change of clothes and shoes for an overnight trip, if needed. After 30+ years of traveling 200+ days a year, I can attest that this is hands-down the best backpack I have ever owned.



Apple AirTags

Track and locate luggage, keys, backpacks, etc.
Amazon four pack for \$95

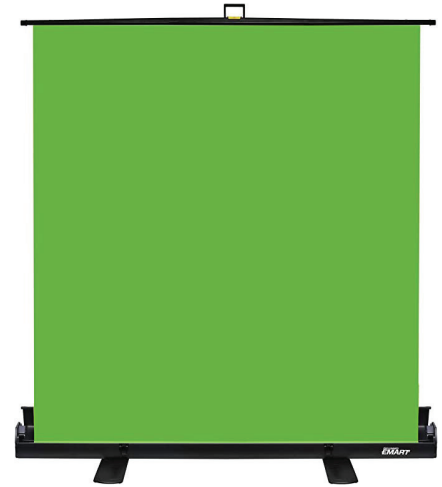
Place AirTags in luggage, backpacks, key holders or attach them to anything that you want to geo-track. The setup takes seconds and you can track AirTags from your iPhone. I originally bought my first set of AirTags to track luggage since the airports started losing luggage like crazy after the return of travel post-Covid. I loved these AirTags so much that I now track computers and car keys as well. Some people attach them to their dog's collar so they can locate their dog if they run away. Tile makes a similar product called Tile Mate that is compatible with iOS or Android for a little less money.



Loom Video Messaging and Screen Recording

Send a video message in lieu of email or meetings
Available from Loom free to \$8.00 per month/user

Not always but often it is more efficient and effective to send a quick video message or a screen recording with instructions than to try to craft a perfectly worded email. Loom provides you with an option to simply record your message or announcement to send to your team instead of holding another unwanted meeting. Loom is an extension (an application) that you add to your browser and it is incredibly easy to use. Simply hit record and your computer uses your microphone and webcam to record your message. It doesn't get any easier.



Green Screen by EMART for Virtual Backgrounds

Quick collapsible green screen for background removal
Available on Amazon from \$132

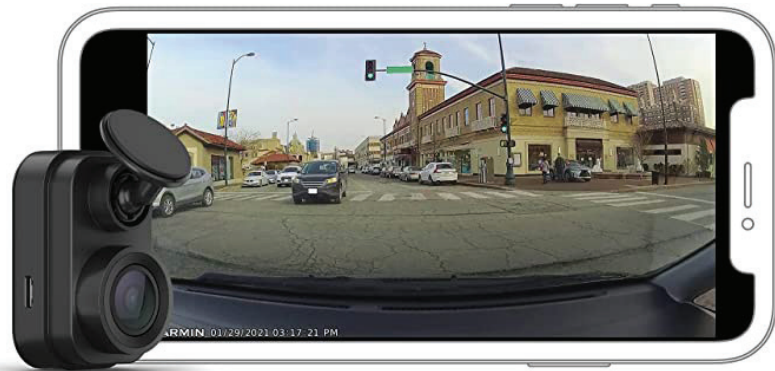
Green screens are fantastic for preventing the dark halo effect that you often get when trying to use a virtual background in Zoom, Teams, etc. Most virtual meeting platforms today have an option to use a green screen with your virtual background. If so, the dark haloing is greatly reduced or eliminated. This particular model has a small footprint and quickly sets up and collapses. Of course, if you record video and have the right software, you can also remove your background and replace it with whatever you want.



Ember Temperature Control SmartMug 2

14 oz. app controlled heated mug
Available on Amazon from \$130

Lawyers love their coffee. The Ember Mug is a battery-operated mug that can keep your coffee, tea or cocoa hot for 80 minutes when operating from a battery, or all day if paired with the included charging coaster. You can control the temperature with your smartphone, and it is safe to hand wash (though not dishwasher safe.) The Ember also wakes up if hot liquid is poured in and enters sleep mode when not in use.



Garmin Dash Cam Mini 2

Dash camera incident recorder
Available on Amazon for \$130

The Garmin Dash Cam Mini 2 attaches below your car's rear-view mirror with the camera facing forward. It records everything in 1080p at 140 degrees looking out your front window, but it can attach to any window, side or rear. It automatically records and saves captured footage of incidents. The parking guard feature automatically alerts you of incidents around your parked car, but this requires a constant power cable, which is sold separately.

Vari Electric Height-Adjustable Standing Desk

Available from Vari or Amazon for \$795



Vari (VariDesk) has been making quality stand-up desks for almost a decade. However, until recently, their designs were pretty basic. Now, the designs are available in wood that comes in different colors, including reclaimed wood (my favorite), butcher block or dark wood. They look sleek and handsome, fitting in with fine furniture if office décor is important. This model was voted the best overall standing desk by CNET in 2021 and is incredibly affordable. Most people stand in the morning and then lower the desk to sit down later in the day. For health and circulation reasons, it is important to not sit all day in one position, so alternating between sitting and standing is perfect for most people. You can also burn up to 15,000 more calories a year by standing during most of the day, which equates to losing almost five pounds per year.

About the Author

Paul Unger is an attorney, author, speaker and thought leader in the legal technology community. He is a founding partner of Affinity Consulting Group and a frequent lecturer and author on time management and law practice management throughout North America and at the Ohio State Bar Association. Find him at www.pauljunger.com and punger@affinityconsulting.com.

Watch Paul's video series, "Your Office, Your Studio" where he covers tech tips and best practices for setting up a home studio and presenting remotely. Access it here: bit.ly/youofficestudio



Statehouse Connection: Lending Our Support to Lawyers in the Legislature

Marisa Myers
Ohio Bar Government
Relations Manager



We think our members can agree that lawyers are uniquely qualified to contribute to the legislative process. Simply put, lawyers have an understanding of the law and legal impacts that others do not and their voice is critical in the law-making process.

In the past, lawyer-legislators made up around a quarter of the Ohio General Assembly or more. However, these numbers have been on the decline as fewer attorneys run for office. In 2013, there were 21 lawyers in the Ohio House (21.2%) and 11 lawyers in the

Ohio Senate (33%). Next General Assembly, a decade later, there will be at most (one lawyer-legislator is facing a recount) 18 lawyers in the House (18.2%) and seven lawyers in the Senate (21.2%).

From the Ohio Bar's perspective, this trend is a concern. The draining of legal expertise at the state legislature hinders the legislative process overall. Being a lawyer helps in understanding proposed legislative changes that the member may be reading, writing or reviewing and this adds value, not only to the member's own proposals, but also to their colleagues. Lawyer-legislators are trained to think logically through a situation and see both sides, given all the information available. They are also trained in civil disagreement, which we could use a lot more of in politics. And as practitioners, we need legislators who understand our issues and can be the

voice of the legal profession on a variety of topics.

Financial Support In Campaigns

We also recognize that running for office is a commitment. If you're still practicing, it means time away from your business and potential financial sacrifices. Not to mention other costs, such as time away from home and your family, stepping into the political spotlight and dealing with public criticism, to name a few.

And whether you agree with our current system or not, campaigns are undeniably expensive. The cost of the 2022 midterm election is expected to be around \$16.7 billion, beating the previous record of \$14 billion spent during the 2020 elections. Now granted, these price tags are for Congress, but state level races are not getting any cheaper either. Depending how competitive a race



is, candidates for the state legislature can expect to spend anywhere from a few thousand dollars to a few hundred thousand dollars on a campaign.

In short, candidates are often giving up a lot to run for office and they could use support. That's where OHIO LAW PAC comes in.

What's OHIO LAW PAC?

OHIO LAW PAC is a political action committee of the Ohio State Bar Association that makes contributions to candidates for the Ohio General Assembly only. It does not make contributions to statewide, federal, or judicial candidates. Created by a trust agreement in 1977, LAW PAC began with a \$75 contribution and a purpose of establishing a political action fund where lawyers could donate money that would be spent by the trustees to support candidates for the General

Assembly who seek to promote justice and human welfare for all in the state of Ohio. The agreement also emphasized supporting lawyer-legislators in particular.

Today, LAW PAC is funded through contributions from our members and is governed by five trustees who are appointed by the president of the Ohio State Bar Association to serve terms of five years. The trustees approve a contribution formula that dictates the amounts of contributions that can be given to each legislator and the ratio of contributions that are consistent with the political makeup of the General Assembly.

LAW PAC funds help candidates who align with the mission of the Ohio Bar and, in an age where fewer lawyers are running for legislative office, we need LAW PAC now more than ever.

You can do your part to promote justice and advance the legal profession via LAW PAC.

When you renew your Ohio Bar membership, you'll find a \$25 suggested LAW PAC donation pre-filled on your dues statement. Support this cause by renewing your membership today at ohioabar.org/renew2023.

5 Tips for Efficient Legal Research

*By Daniel Griffith, MBA
Decisis Head of Business Development*



Decisis™, a new, next-generation legal research solution, launched into the market in 2021. The Ohio State Bar Association offers this tool for free to its members, a \$1,740 annual value*. Built with attorneys in mind, Decisis has powerful search technology to deliver precise results with a clean, easy-to-use interface built for speed. If you haven't tried it yet (and even if you're a seasoned user) here are five simple tips for being an efficient researcher using Decisis.



1. Search with ultimate confidence. On Decisis, you can use the global search bar to run a search using natural language, search operators or citation. Natural language searching provides a broad search result list which can then be processed through using filters and the split screen design. Searching with search operators allows you to be more specific and will bring back a targeted search result list. Lastly, if you know a specific citation for a case or statute, you can plug it in the search bar and quickly find the document.



2. Set a default landing page while browsing Decisis' library. If you find yourself accessing the same sources repeatedly, save time by setting that source and jurisdiction as your default view. This will allow you to access sources such as Ohio Jury Instructions, The Ohio Revised Code or Ohio Attorney General opinions in just one click.



3. Search within your document. There are two main ways a researcher can search within their document for a specific term or phrase. First, there is a search box in the top left of the document that allows the researcher to put in any term or phrase. Decisis will then highlight that term or phrase and jump straight to where it is located in the document. Second, there is a drop-down box located in the top right of the document which includes all the original search terms. For example, if you run a search for "Breach of Contract" from the search bar, the drop down will include the terms "Breach," "Contract" and "Breach of Contract." You will quickly be able to see how frequently each of those terms appear in the document and be able to jump from term to term with just one click.



4. Take advantage of the Decisis hyperlinking functionality. Any case within the database that cites another case or a statute will include a hyperlink to that other document. This is a quick and effortless way to jump from reading a case to checking a statute without having to run a new search or comb through a table of contents.



5. Leverage the help center, chat and support hotline. Decisis provides live customer support seven days a week. The customer service agents, available via chat and phone call, can help with technical issues

and research assistance. Decisis also provides a full help center which includes helpful articles, FAQs and tutorial videos. The Decisis help center can be found via the question mark in the top right corner of the home page. Decisis chat can be accessed via the chat icon in the bottom right of the homepage. Decisis customer service can be reached via phone at 1-833-DECISIS (1-833-332-4747).

Ready to try for yourself? Access Decisis via your Ohio Bar member dashboard at ohioabar.org/my-dashboard.

Instructional Videos Best Practices For Your Practice | Using Decisis for Online Legal Research

Want to learn how to efficiently use Decisis for your online legal research? Check out our video playlist: "Best Practices for Your Practice."

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Congratulations TO THE 2022 OHIO STATE BAR FOUNDATION ANNUAL AWARD WINNERS!



The OSBF honored the following awardees at the 2022 All Rise Annual Awards Celebration on October 7, 2022. To watch videos in celebration of each awardee, visit www.osbf.org/2022allrise



Judge Annalisa S. Williams AKRON

THE RITTER AWARD The highest honor awarded by the Foundation; this award is given for a lifetime of service recognizing the accomplishments of the honoree in attaining and promoting the highest level of professionalism, integrity, and ethics in the practice of law.



Inajo Davis Chappell SOLON

THE RAMEY AWARD FOR DISTINGUISHED COMMUNITY SERVICE Given annually to an Ohio attorney whose career has been exemplified by dedication of the goals and values sought to be furthered by the Foundation; a lifetime of service to the public and the community, all while working with integrity, honor, courtesy, and professionalism.



Carl Smallwood COLUMBUS

EXCELLENCE IN DIVERSITY AND INCLUSION AWARD The OSBF Excellence in Diversity & Inclusion Award is a new award this year which celebrates an attorney who has envisioned and cultivated diversity, equality, and inclusion in the legal system.



Building Bridges DAYTON

OUTSTANDING PROGRAM OR ORGANIZATION AWARD Given annually to a program or organization that promotes the dissemination of information about, increases access to, and/or generates improvements in the Ohio justice system.



Valissa Turner Howard CLEVELAND

COMMUNITY SERVICE AWARD FOR ATTORNEYS 40 AND UNDER This award is presented to attorneys 40 years of age or younger who contribute substantial time and effort in service to a local social service, or a local civic, artistic, or cultural organization.



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Strong FOUNDATION,
Strong FUTURE

▶ FELLOW SPOTLIGHT: BRIAN KELSO

Brian Kelso is a Staff Attorney at the 10th District Court of Appeals for the state of Ohio. While completing his master's degree in Criminal Justice, Brian worked with OSBF grantee the Ohio Innocence Project, an organization whose goal is to help wrongfully convicted inmates get out of prison. This experience gave him a new perspective on the criminal justice system, teaching him just how important fighting for justice can be.



Brian was originally drawn to the Ohio State Bar Foundation as an organization that resonated with his deep interest in community service and work aimed at resolving some of the inherent inequities in our legal system. While at the Ohio State University Moritz College of Law, Brian was selected as a Public Service Fellow with the Dean's Highest Honors after completing nearly 500 hours of pro bono service. In private practice, Brian was honored as the 2018 Fairfield County Pro Bono Volunteer of the Year for his work with the Southeastern Ohio Legal Services Pro Bono Clinic in Lancaster.

"I became a Fellow to assist in whatever way I could to further OSBF's mission," said Brian. "The OSBF fellowship program provides the opportunity to meet other Ohio attorneys that share the same values of service and creating a more equitable world. I would encourage any attorney looking for an opportunity to improve our justice system in Ohio to apply."

When he is not working, Brian is an avid runner and recently ran his eighth marathon. He also stays busy with his growing family. He is expecting a second child in January 2023! We are sending Brian and his family a big congratulations.

Highlights for Brian so far into his journey as an OSBF Fellow: working on the upcoming 2022 OSBF Fellows Week of Service and meeting Chief Justice Maureen O'Connor at the recent Fellows Induction Ceremony.

To Brian, the most valuable advice he could impart is "You can make up for most deficiencies by never being late, treating people with respect, and outworking your competitors."

Welcome to the 2022 Fellows Class, Brian!

▶ HONOR. REMEMBER. CELEBRATE.

Honor the exceptional, celebrate an occasion, or recognize the significant people in your life with a charitable gift to the OSBF. To dedicate your gift, call 614-487-4477 or visit OSBF.org/Donate.

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These gifts were received 7/1/22 - 9/30/22



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www.communityfundohio.org



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Find expert services, office spaces for sale, referral ads, and other listings. This is an easy and affordable way to reach the OSBA Members on a quarterly basis.

Contact **Kathryn Brooks** for more information at kbrooks@ohiobar.org.



Ohio Bar Career Center

Whether you are seeking new career opportunities or hiring new associates for a law firm, the Ohio State Bar Association has the resources you need for all your employment goals. Legal professionals looking for new opportunities can post resumes, search jobs, access numerous career resources and manage their job search all in one place. Ohio Bar members seeking qualified professionals receive special rates on job postings, and all employers have access to numerous tools designed to help you find the right candidate for your job opening.

To post your job immediately online, visit <https://careercenter.ohiobar.org>.









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Save 20% on Firm Membership Fees by Enrolling in the Partnership Plan

We are now offering law firm partnerships to ensure our law firm members have the practice resources they need to be successful. Partnership plans include all of the membership benefits attorneys and paralegals have come to rely upon while providing additional benefits for our partners.

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Becoming a partner gives you and your team access to all Membership Value+ Plan (MVP) benefits, while receiving additional organizational support. Featured benefits include:

-  **UNLIMITED Complimentary CLE for your entire firm (~\$1,080 savings per attorney for 24 credit hours).***
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-  **Additional \$50 off Ohio Bar attorney and paralegal certification fees for each registered member.†**
-  **A personal Ohio Bar concierge to help your firm attorneys navigate all the benefits the Ohio Bar has to offer.**
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-  **And more!**

Ready To Add Your Firm to the Largest Legal Network in Ohio?

To learn more and to get started, contact Ohio Bar Member Relations Director, Melissa Quick:

 (614) 487-4411  mquick@ohiobar.org

*The UNLIMITED CLE benefit as part of the MVP plan applies to all regular live and self-study programming and discounts are calculated at checkout. Institutes are excluded but discounted at the Ohio Bar member rate. All self-study courses must be completed in the year in which they are selected as they expire on the last day of the calendar year in which they were approved by the Supreme Court of Ohio.

**30-day job posting. Each post valued at \$315.

†Discount can apply towards application, renewal or recertification fees.



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Ohio Bar Membership Just Got Better



Renew for 2023 today to continue receiving the information, resources and support you need to stay informed and successful in your practice – *for example, your member benefit subscription to Ohio Lawyer!*



NEW FOR 2023: UNLIMITED CLE for MVP Plans*

We are excited to announce that our Membership Value+ Plan (MVP) now includes **UNLIMITED CLE**. That means that for the price of membership, you can not only continue with the Ohio Bar benefits you've come to rely upon, but you can also earn all the CLE you need to meet your Supreme Court requirements without any additional cost to you.

Scan To Renew Your Membership
Or Visit ohiobar.org/renew2023



Questions about 2023 Ohio Bar membership renewal?
Contact the Member Service Center at (800) 232-7124.

*The UNLIMITED CLE benefit as part of the MVP Plan applies to all regular live and self-study programming. Institutes are excluded but discounted at the Ohio Bar member rate. All self-study courses must be completed in the year in which they are selected as courses expire on the last day of the calendar year in which they were approved by the Supreme Court of Ohio.