

ON THE MERITS

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Vipal J. Patel
President Dayton Chapter,
Federal Bar Association

FIRST CHAIR: PRESIDENT'S MESSAGE

BY: VIPAL J. PATEL, FBA DAYTON CHAPTER PRESIDENT

THE VIEWS EXPRESSED IN THIS COLUMN ARE HIS OWN, AND DO NOT REPRESENT THE OFFICIAL POSITION OF ANY AFFILIATED ENTITY

It has been a busy couple of months for your Dayton Chapter of the Federal Bar Association! On Tuesday, May 14, the FBA Dayton Chapter held its bi-annual Federal Practice Seminar at the courthouse. Attendance at the seminar is a prerequisite for admission into the bar of the federal court for the Southern District of Ohio pursuant to local rule. Over 30 attorneys from the Dayton, Cincinnati, and Columbus areas, and from as far away as Los Angeles, attended the seminar. They were sworn into the SDOH bar immediately following the seminar. Congratulations and welcome to the new SDOH bar admittees! The seminar is held the second Tuesday of each May and December, so the next seminar will be held at the courthouse on December 10, 2019. Registration details may be found on both the Court and FBA Dayton Chapter's websites. On that note, the FBA Dayton Chapter's website is: <http://www.fedbar.org/Chapters/Dayton-Chapter.aspx>. Be sure to bookmark it now!

Promoting civics education continues to play an important part of the FBA Dayton Chapter's mission. To that end, members of the FBA Dayton Chapter assisted the Judiciary with its ongoing Civics program, in which area school students either visit the courthouse, or members of the Judiciary visit area schools. On Monday, May 13, Tippecanoe High School students spent the morning at the courthouse in downtown Dayton. Then, on Friday, May 17, Minster High School students did the same. During both visits, members of our Chapter spoke to the students about their respective roles in the legal system.

Then, on Saturday, May 18, members of your FBA Chapter participated in the Wills for Vets program at the Dayton VA. The program relies on attorney volunteers to assist area veterans with preparing their wills. The program is always well-attended and received. Please consider volunteering your time in future events. The program is led by the Dayton Bar Association, and co-sponsored by the FBA Dayton Chapter. Attorney volunteers are provided with a laptop computer, with pre-loaded will-preparation software, but laptops are always in short supply. To assist in alleviating that issue, your FBA Dayton Chapter handed the Wills for Vets chair a check at the May 18 event, for use towards the purchase of additional laptops. You may find information about upcoming programs on the associations' respective websites.

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2019 CAPITOL HILL DAY

BY: ZACHARY S. HECK, ESQ.

On March 21, 2019, over seventy Federal Bar Association members and leaders navigated the hallways and sidewalks of Capitol Hill to educate House and Senate lawmakers about nascent legal issues surrounding the federal courts. Thirty-eight FBA chapters were represented, and participants engaged in over two hundred meetings in House and Senate offices. From the Dayton Chapter, former Dayton Chapter President Jeff Cox, and current Secretary Zach Heck, met with representatives from the offices of both Senator Sherrod Brown and Senator Rob Portman.



Zach Heck is a data privacy and information security attorney at Taft Stettinius & Hollister LLP



Mr. Bruce Moyer, FBA Government Relations Counsel, addressing Capitol Hill Day attendees

During meetings with both offices, Jeff and Zach discussed the following FBA policy priorities:

1. **Adequate Fiscal Year 2020 Funding for the Federal Courts.** The FBA supports the judiciary's FY 2020 budget request of \$7.6 billion, which reflects a 4.9 percent increase above 2019's court's appropriation. The funding will maintain current services across the judiciary and also sustain progress for ongoing initiatives and priority investments, such as the judiciary's defender services. As participants emphasized during their meetings with House and Senate staff, funding for the federal judiciary represents two-tenths of one penny of a taxpayer's dollar.
2. **Growing Caseloads in our Federal Courts Require More Judgeships.** Several district courts continue to struggle with extraordinarily high and sustained workloads. Dayton, in particular, has two district court judges located in Dayton, both of whom are on senior status and maintaining consistent workloads. But other districts, such as New Jersey, Delaware, Eastern District of California, Southern District of Indiana, Western District of Texas, and the Northern and Southern Districts of Florida require immediate attention due to the severity of conditions. The Federal Bar Association urges Congress to promptly consider the recommendations of the Judicial Conference of the United States for five additional Ninth Circuit appeal court judgeships, and sixty-five district judgeships.
3. **Prompt Action in Filling Judicial Vacancies on the Federal District and Appeals Court Bench.** In mid-March 2019, there were 140 Article III vacancies, including 129 district court vacancies. The FBA's interest in this area lies in the assurance of prompt, dispositive action by the President (regardless of party affiliation) in nominating qualified federal judicial candidates, and the Senate proceeding to confirmation hearings and votes. As a matter of policy, the FBA takes no position on the credentials or qualifications of specific nominees to the Federal bench.

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To learn about and sign up for the FBA Annual Convention held in Tampa, FL, on September 5-7, visit this link: <http://www.fedbar.org/Education/Calendar-CLE-events/2019-Annual-Meeting-and-Convention.aspx>

THE HIGH TIMES THEY ARE A CHANGING

BY: BILL C. WELLS, U.S. AIR FORCE

THE VIEWS EXPRESSED IN THIS COLUMN ARE HIS OWN, AND DO NOT REPRESENT THE OFFICIAL POSITION OF ANY AFFILIATED ENTITY

While recreational marijuana use is legal in 10 states and some form of medical use is allowed in 33 (with an overlap of 10), the use, possession, and sale of marijuana is still forbidden by federal law.¹ While the stocks of companies involved in the marijuana industry are listed on the Nasdaq and New York Stock Exchange and there are even at least two exchange traded funds (ETFs) focused on the marijuana industry², the industry still presents considerable challenges for investors and the lawyers who represent them. Among these challenges are the difficulty in obtaining bank accounts and financing and intellectual property rights.³ This article will address only the trademark portion of the protection of the intellectual property question.



Bill C. Wells,
Air Force Materiel Command Law
Office

Traditionally, marijuana was made illegal by the Controlled Substances Act (21 U.S.C. § 801 et seq.) (the CSA) and related statutes. Because of the way the definitions under that act and the implementing regulations worked, industrial hemp, which contained a minimal amount of the psychoactive THC (tetrahydrocannabinol) was also illegal.⁴ Extracts and derivative products such as cannabidiols (CBD) are also covered by the ban, even if they contain no detectable amounts of THC.⁵

However, the Agriculture Improvement Act of 2018, commonly known as the 2018 Farm Bill and now more formally as Public Law No: 115-334, allows the growth, processing, and sale of industrial hemp, which is defined as plants of the Cannabis sativa family that contain less than 0.3 percent THC on a dry weight basis.

All of this background is important because the use of a mark in commerce must be lawful under federal law before there can be a basis for federal registration under the U.S. Trademark Act.⁶ The United States Patent and Trademark Office (USPTO) will refuse to register marks for goods and/or services that show a clear violation of federal law, even if the activities are legal under state law. The legalization of hemp production by the 2018 Farm Bill allows for the issuance of federal trademarks for hemp-related products and services, but only in a very limited range of situations. On May 02, 2019, the USPTO released guidelines that clarified the procedure for examining trademarks for cannabis-derived goods, services involving cannabis, and cannabis production.⁷

The window opened for federal trademarks by the Farm Bill. However, the new guidance from the USPTO is very narrow. First, it applies only to applications that were filed on or after the date the 2018 Farm Bill was signed into law, Dec. 20, 2018, (with the exception that for applications that were filed before that date, applicants have the option of amending the filing date and filing basis of the application to overcome the CSA as a ground of refusal). Secondly, it applies only to products that have hemp as a base, and the application must state that the product is produced from plants that contained less than 0.3 percent THC. This is because regardless of the absence of any detectable THC in the final product, if it was produced using plants that contained more than 0.3 percent THC by dry weight, it will be treated as a “marijuana extract” and be illegal to process or sell under the CSA.

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1. German Lopez, “Marijuana is legal for medical purposes in 33 states,” *Vox*, May 10, 2019 at <https://www.vox.com/identities/2018/8/20/17938366/medical-marijuana-legalization-states-map> (last visited May 11, 2019 at 8:58 p.m. EDT).
2. Javier Hasse, “How to Invest in Marijuana Stocks,” *Benzinga*, May 1, 2019 at <https://www.benzinga.com/money/marijuana-stocks/> (last visited May 11, 2019 at 9:40 p.m. EDT)
3. Robb Mandelbaum, N.Y. Times Magazine, “Where Pot Entrepreneurs Go When the Banks Just Say No,” Jan. 4, 2018.
4. 21 U.S.C. §802(16)
5. See, U.S DOJ, DEA, Clarification of the New Drug Code (7350) for Marijuana Extract, https://www.deadiversion.usdoj.gov/schedules/marijuana/m_extract_7350.html (last visited May 12, 2019 at 11:22 a.m. EDT); see also, 21 C.F.R. §1308.11(d)(58).
6. See generally, Trademark Manual of Examining Procedure (TMEP) §907, Compliance with Other Statutes at <https://tmeep.uspto.gov/RDMS/TMEP/current#/current/TMEP-900d1e1461.html> (last visited May 12, 2019 at 11: 31 a.m. EDT).
7. These guidelines can be found at https://www.uspto.gov/sites/default/files/documents/Exam%20Guide%201-19.pdf?utm_campaign=subscriptioncenter&utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm_term= (last visited May 12, 2019 at 11:11 a.m. EDT).

INVESTING IN THE FUTURE

BY: BILL WELLS, AIR FORCE MATERIEL COMMAND LAW OFFICE

Since it was founded in 1985, the American Mock Trial Association (“AMTA”) has served as the governing body for intercollegiate mock trial competition. Through engaging in trial simulations in competition with teams from other institutions, students develop critical thinking and public speaking skills, as well as a knowledge of legal practices and procedures. AMTA sponsors regional and national-level competitions, as well as providing interesting and complex case materials used in these competitions and for academic purposes,

For many years the University of Dayton has hosted one of the AMTA opening round tournaments. Because of the support of the Butler County Courts, this year's competition took place in the Butler County Government Service Center in Hamilton, Ohio, from March 15 to 17. This allowed the students to perform in actual working courtrooms. The downtown Hamilton location also provided easy access to hotels, restaurants and parking.

Presenting an event such as this, with 24 teams and multiple rounds of competition over three days, requires many volunteers. Attorney Dan Haughey, who for several years has been in charge of arranging for judges, reached out to the Dayton FBA Chapter for judge. This year our Communications Committee Chair, Ms. Tiffany Akers, spread the word of the need for judges not only to the membership of the Dayton FBA, but also to the membership of the Wright-Patterson Bar Association. As a result of her efforts, a number of people including, Judge Michael Newman, and myself, Major Tonner Robinson, and Ms. Amy Kubisiak from the Air Force Materiel Command helped judge the event.

I found judging the mock trial competition to be a very rewarding activity. Hamilton is not very far away, and at least on Friday evening and the weekend, the parking is plentiful and free. However, the real reason to you should volunteer next year is the way you will feel when you are done. You will get a chance to see some very bright and talented young people trying their best to master the difficult skill of oral advocacy, and you will walk away with more confidence that the future of our profession and our nation is in good hands.

Law Student Mentorship Program

DAYTON CHAPTER LAW STUDENT MENTORSHIP PROGRAM

BY: BRIDGET M. FINDLEY, FORMER CHIEF CIVIL COUNSEL, CITY OF DAYTON LAW DEPARTMENT

This month, Dayton Chapter members and Federal Bar Association Student members from the University of Dayton School of Law completed another successful mentorship session. Over a dozen participants, including a variety of seasoned practitioners, and 1L through 3L students participated in monthly meetings this year. The program culminated with a happy hour and brainstorming session to expand the mentorship program for the 2019-2020 academic year.

The Dayton mentorship program uniquely pairs Federal Bar Association Student members with an active Dayton Federal Bar member in a legal specialty of interest or other law student interest, such as career contacts in a geographic area, to maximize the mentorship experience. A special thank you to Tiffany Akers, Jeff Cox, Zach Heck, Glen McMurry, Vipal Patel, Michael Rhinehart, Bill Wells, and Lisa Woodward for serving as mentors this year. The mentorship program will resume a new session next fall.

DAYTON CHAPTER BOARD MEETING

The Board of the Dayton Chapter of the FBA meets at noon on the second Monday of every month in Judge Newman’s Courtroom, unless otherwise indicated. All FBA members are invited and encouraged to attend!

FIRST CHAIR: PRESIDENT’S MESSAGE (CONTINUED FROM PAGE 1)

On a similar note, your FBA Dayton Chapter will be making a donation to the Greater Dayton Volunteer Lawyers Project (GDVLP). The GDVLP is a pro bono program housed at the Dayton Bar Association and serves as a complement to Legal Aid by registering private attorneys to provide pro bono legal services in civil case areas. Learn more about the Project at its website (<http://www.gdvlp.org/>) and consider volunteering. Several members of the FBA Dayton Chapter participate.

On Monday, May 20, the FBA Dayton Chapter hosted a free, one-day, CLE event at the University of Dayton Law School, focused primarily on the recently enacted “Formerly Incarcerated Reenter Society Transformed Safely Transitioning Every Person Act,” commonly known as the “First Step Act.” The Act makes a series of reforms to the federal prison system and seeks, through a variety of measures discussed at the event, to reduce recidivism. Given the relative recent enactment of the legislation, the event is believed to be the first of its kind nationwide. Over 135 practitioners from the Southern District of Ohio and beyond were in attendance! Thank you to the event organizers, presenters, sponsors (including this Chapter, the national Federal Bar Association Litigation Section, and the SDOH Court) and attendees, for an informative and well-received event!

That’s your FBA Dayton Chapter hard at work! Expect more events and programming in the coming months. Come be a part of it!

– Vipal Patel, President, FBA Dayton Chapter

FEDERAL PRACTICE SEMINAR, MAY 14TH, 2019

On Tuesday, May 14, 2019, the FBA Dayton Chapter held its bi-annual Federal Practice Seminar. Attendance at the seminar is a prerequisite for admission into the bar of the federal court for the Southern District of Ohio pursuant to local rule. Over 30 attorneys attended the seminar, and were sworn into the SDOH bar immediately following the seminar. Pictures are below.



(THE HIGH TIMES THEY ARE A CHANGING, CONTINUED FROM PAGE 3)

Finally, trademark applications for CBD products will still be refused for anything governed by the Federal Food Drug and Cosmetic Act ("FDCA"), including foods, beverages, dietary supplements, and pet treats. This ban applies regardless of the CBD source unless approved by the FDA. The catch is, as of now, the FDA has not issued new guidance to implement the 2018 Farm Bill.⁸ Current FDA guidance, "FDA Regulation of Cannabis and Cannabis-Derived Products: Questions and Answers," can be found at <https://www.fda.gov/news-events/public-health-focus/fda-regulation-cannabis-and-cannabis-derived-products-questions-and-answers#whatare>, (last updated on Apr 02, 2019 and was last visited on May 12, 2019, at 1:45 p.m. EDT).

Trademark applications for products or services relating to hemp cultivation and production face a similar hurdle in that they have to be approved by the Department of Agriculture, and like the FDA, the USDA has not issued any regulations to implement the new authority.⁹ There is a small opening to trademark products or services relating to hemp cultivation and production if the activity to be protected by the trademark is operating under authorities of the 2014 Farm Bill. USPTO Guidance, May 02, 2019, page 3.

The bottom line, as of now, is that the USPTO is likely to allow trademarks for textiles and topicals, and only if the application states they are made from hemp that contained less than 0.3 percent THC. Notwithstanding that no plant containing more than 0.3 percent THC can be classified as hemp, these two requirements must be separately set out in the application.

This leaves the remaining question of how best to protect the investment of trademarks that are currently federal protections? While this is a question that is of course very fact specific, there are two approaches that show considerable potential. While some commentators have suggested that "intent to use" trademarks may have value in this area, they have not cited to any situations where such an approach has been successful, and it is likely that the USPTO would reject such an application.¹⁰ State trademark applications, assuming that the state in question has updated its trademark law and regulations to reflect the recent legalization or decriminalization of cannabis offers one approach. While state trademark registrations are typically cheaper, easier, and faster than federal registration, the downside is that they cover only one state. Mr. Chambers, *Supra*, suggests that since state trademark applications are typically less scrutinized than federal applications, there is a chance a client could receive a state trademark registration even if the subject matter is not allowed. While I do not doubt this is so, I have severe doubts as to the value of a trademark obtained in such a manner.

The other approach for protecting cannabis related trademarks is to obtain narrowly tailored trademarks for items that are associated with the cannabis trade, but do not themselves involve the prohibited substance. For example, Trans-High Corporation owns the marijuana magazine, High Times. It also owns nearly 40 related trademarks, ranging from websites, podcasts, casino gaming, and resort hotels. While there is no "High Times" trademark for smokable or edible cannabis products, the existence of strong trademarks in related areas would provide at least a colorable basis to file an action for trademark infringement or tarnishment should someone attempt to market such a product without obtaining Trans-High's permission. Likewise, "Willie's Reserve," licensed by country music singer and famous cannabis user Willie Nelson,¹¹ is trademarked for "smokers' articles and accessories namely, lighters."¹²

In summary, there is a limited opportunity to obtain federal trademark protection for hemp-based products, but it is mostly limited to textiles and topically applied products. That window can be expected to expand somewhat once the FDA and USDA issue regulations to implement the new provisions of the 2018 Farm Bill, but both the extent and the timing of that expansion are unknown. In the meanwhile, it will be necessary to use some of the indirect approaches discussed above to try and obtain as much protection as possible for your client's cannabis-based intellectual property. Failure to do so might leave your client, and you with the "Down to Seeds and Stems Again Blues."¹³

8. Justin McNaughton, Greenspoon Marder LLP, "Cannabis Trademarks - The USPTO Issues New Guidance," May 7, 2019, at https://www.lexology.com/library/detail.aspx?g=85507f7c-15b4-4aa8-959e-d00ada6ac5a9&utm_source=Lexology+Daily+Newsfeed&utm_medium=HTML+email&utm_campaign=Lexology+subscriber+daily+feed&utm_content=Lexology+Daily+Newsfeed+2019-05-09&utm_term= (last visited May 12, 2019 at 1:20 p.m. EDT).

9. McNaughton, *Supra*.

10. See, Matt Chambers, Spengler & Agans, "Gray area" IP: Trademarks for marijuana, hemp, CBD, and cannabis," Mar 25, 2019 at <https://www.spengleraganslaw.com/blog/ip-trademarks-marijuana-hemp-cbd-and-cannabis-gray-legal-area/> (last visited May 12, 2019 at 3:00 p.m. EDT).

11. See, e.g., "Weed With Willie" by Toby Keith and Scott Emerick at <https://www.youtube.com/watch?v=wDQANmQO2g0> (last visited May 12, 2019 at 2:35 p.m.)

12. Registration Number 5269037, <https://trademarks.justia.com/870/98/willie-s-87098077.html> (last visited May 12, 2019 at 2:25 p.m. EDT).

13. George Frayn and Billy C. Farlow ©1971.



FBA Dayton Chapter President, Vipal Patel, presents check to Ms. Chris Albrektson, Assistant Executive Director, Dayton Bar Association

DAYTON CHAPTER VOLUNTEERS PROVIDES FINANCIAL ASSISTANCE TO THE WILLS FOR VETERANS PROGRAM

The Dayton Bar Association and Dayton Chapter of the Federal Bar Association teamed together in honor of Memorial Day at the Dayton Veterans Affairs Medical Center in a "Wills for Veterans" celebration. Wills and related power of attorney documents were written for military veterans and their spouses in an all-day event on Saturday, November 18th. In support of the program, the Dayton Chapter of the FBA presented the Wills for Vets program with a check for the purchase of additional laptops and software, so even more veterans can be served at future events!



(Left) Members of the Dayton Chapter of the Federal Bar Association who participated in the Wills for Vet event



(Right) Former Montgomery County Common Pleas Judge, Erik Blaine, FBA Dayton Chapter President, Vipal Patel, and Federal Magistrate Judge, Michael Newman

2019 CAPITOL HILL DAY (CONTINUED FROM PAGE 3)

1. **Establishment of an Independent Immigration Court.** Since 2013, the FBA has urged Congress to replace the Executive Office for Immigration Review (“EOIR”) in the Department of Justice with an independent “United States Immigration Court” to serve as the principal adjudicatory forum under Title II of the Immigration and Nationality Act. The FBA believes establishing a specialty court would replace a bloated bureaucracy with a new structure, modeled on the federal courts, with demonstrated expertise in delivering prompt and effective justice. Indeed, a June 2017 Government Accountability Office report found that a majority of immigration court experts and stakeholders favored EOIR replacement with an independent Article I immigration court.
2. **Support for Foundation of the FBA Charter Amendments Legislation.** The FBA also urges Congress to pass the bipartisan Foundation of the Federal Bar Association Charter Amendments Act, H.R. 1663. The bipartisan measure, introduced by Rep. Steve Chabot and Rep. Jamie Raskin, would make technical changes in the federal charter of the FBA Foundation. The changes would also provide flexibility to permit the Foundation to fulfill its role as the only institution in America, chartered by Congress, to promote the federal administration of justice, the advancement of federal jurisprudence, and the practice of law in the federal courts.

After discussing the FBA’s policy priorities with lawmakers, Capitol Hill Day participants maintained communication with those they met, and continue to advocate for the important policy considerations identified by the FBA.



*Michael Rhinehart, Esq.
Career Law Clerk to the Honorable
Michael J. Newman in the U.S.
District Court for the Southern District
of Ohio*

DAYTON CHAPTER CIVICS EFFORT: THREE YEARS STRONG

BY: MICHAEL RHINEHART, ESQ.
U.S. DISTRICT COURT FOR THE SOUTHERN DISTRICT OF OHIO
THE VIEWS EXPRESSED IN THIS COLUMN ARE HIS OWN, AND DO NOT REPRESENT THE
OFFICIAL POSITION OF ANY AFFILIATED ENTITY

For the third year running, the Dayton Chapter continued its efforts to reach out to elementary, middle, and high school students throughout the region to provide an insider’s prospective on the federal judiciary. Like previous years, the goal of the 2018-2019 Civics Initiative was to provide students the experience of meeting federal judges, practitioners, and law enforcement officers to gain a better understanding of the court’s role in our system of government, how the court works, and the differing career paths in the judiciary, federal legal practice, and beyond.

Over the past three years, Chapter members have met with over 3,000 students. During the 2018-2019 academic year alone, Dayton Chapter members met with the third grade at Five Points Elementary School (Springboro), as well as high schoolers at Northmont (Clayton), Fairmont (Kettering), National Trail (New Paris), Alter (Kettering), Tippecanoe (Tipp City), and Minster High Schools. Like past years, students met federal judges, Assistant United States Attorneys, law enforcement officers, local federal practitioners, and federal law clerks.

One significant outgrowth of the local Civics Initiative continues to be job shadowing opportunities. The Courthouse visits spark an interest in students and inspire them to consider pursuing a legal education and career. A number of students have returned to the Court individually to shadow judges and chambers staff and get a unique, behind-the-scenes, look at the federal judiciary and the practice of law. These students not only get an opportunity to observe legal proceedings in the courtroom and speak with judges about their decision-making processes, but begin building a network of mentors as they begin making career decisions. Like always, it is the hope that these mentoring relationships will continue for years to come.



Judge Ovington and Judge Newman with students from Fairmont High School on February 22, 2019



Judge Newman and Michael Rhinehart with Tippecanoe High School students during a Courthouse visit on May 13, 2019

FIRST STEP ACT CLE

BY: VIPAL J. PATEL, FBA DAYTON CHAPTER PRESIDENT

On Monday, May 20, at the University of the Dayton Law School, the FBA Dayton Chapter sponsored and organized an event that was the first of its kind. The sold-out event focused on the First Step Act, a bi-partisan piece of legislation signed into law in December 2018. The Act’s goal is to reduce recidivism and prison overcrowding, through modifications to federal sentencing provisions, creation and funding of reentry programs, and other measures designed to reduce recidivism.

Chief Judge Edmund Sargus kicked off the event with his opening remarks, describing the importance and significance of the Act, the Act’s impact to the Court and court participants, and the Court’s operational plans for addressing requests for relief under the Act. The approximately 125 federal practitioners who gathered at the law school then heard from other experts in the field, such as Rick Stover, Associate Warden at the United States Penitentiary in McCreary, Kentucky. As Associate Warden, Stover oversees the operations of a high security level institution comprised of over 1,400 inmates and more than 300 staff. He spoke to the attendees about his role in implementing the FSA, including the Bureau of Prison’s unit and case management operations, psychology services, and re-entry efforts. He has been a contributor in several agency-wide initiatives involving the Bureau’s inmate classification and designation system, inmate crowding levels, and the management of prison gangs.

Alan Dorhoffer from the Sentencing Commission shared recent sentencing statistics both nationwide and specific to the Southern District of Ohio, the risk factors and common traits associated with recidivism, and key updates in the Sentencing Guidelines and related case law. Kenneth Parker, Assistant United States Attorney and Criminal Chief, Kevin Schad, Assistant Federal Public Defender and Appellate Director, Laura Byrum, Assistant Public Defender, and Tamara Sack, CJA Panel Attorney, all provided focused insight on specific sentencing reform provisions of the First Step Act.

Vipal Patel, First Assistant United States Attorney, Gregory Napolitano, CJA Panel Attorney, Tracy Gearon, Supervisor, United States Probation Office, and Schad, provided key Supreme Court and Sixth Circuit case updates in the recidivism penalty arena.

Thanks to funding from the Federal Bar Association’s Litigation Section (represented at the event by Aaron Bulloff) and from the Court, the CLE event was provided at no cost to the participants. Thank you to all event organizers, Chief Judge Sargus, speakers, presenters, sponsors, and attendees. We hope those in attendance found value in the program, and the FBA Dayton Chapter hopes to sponsor, organize, and host more like it in the future!



Chief Judge Edmund Sargus providing opening remarks



Rick Stover, Associate Warden at the United States Penitentiary in McCreary, Kentucky, discussing his role in implementing the FSA



Aaron Bulloff, representative of the Federal Bar Association’s Litigation Section, speaking about the benefits of being a member of the Federal Bar Association

SOMETIMES SOMEONE JUST NEEDS A CLEAN SLATE – HOW CAN YOU HELP?

BY: KELLY HENRICI, EXECUTIVE DIRECTOR, GREATER DAYTON VOLUNTEER LAWYERS PROJECT

Have you ever found yourself in a deep hole you thought you would never dig out of? Perhaps it is due to a difficult relationship, employment problems, housing issues, or financial trouble. Sometimes these issues are brought on by our own choices whether made intelligently, or credulously. Regardless of how we got to where we are now, we all deserve a second chance — or at least a chance to wipe the slate clean and start over. Of course, that is not exactly achievable in all aspects of life; however, when it comes to finances for those living below the Federal poverty guidelines, the Greater Dayton Volunteer Lawyers Project (GDVLP) can help.

GDVLP serves clients from all different walks of life. We do our best to take a holistic approach to everyone that comes through our doors. For example, a client may come to our office because they need a divorce. After the divorce, it may be found that this client needs to address their debt, as well, to get a fresh start in life. They might need to clear the decks and file bankruptcy, or they could just need help with one particular debt.

Debt Clinics – Three years ago, the GDVLP started Debt Collection Defense Clinics in order to assist low-income individuals facing lawsuits from debt collectors, payday lenders, and others. When clinics first began, GDVLP held these clinics quarterly as it ramped up volunteers and other resources to make this initiative successful. In 2019, we plan to hold 10 clinics. We need more volunteer power to reach this goal. Volunteering is easy, as we provide the training you need. You can watch a video from the comfort of your own home or office. All documents clients need are drafted in pro se form for them to file with the court. There is no expectation to take cases one-on-one, but you most certainly can take a case that interests you, if you desire. Clinics only take about two hours of your time but can have a lifetime impact on the individual you serve.

Bankruptcy - Sometimes, the best solution for eliminating debt is to file bankruptcy. This can be a very intimidating process for those who cannot afford an attorney. At the GDVLP, we provide attorneys for Chapter 7 bankruptcies. We assign clients in batches of three or four to one attorney. To make this as simple as possible for the volunteer attorney, GDVLP staff gathers all documents needed from the client to complete the bankruptcy. We also complete and file the petition, with your approval. Clients can get their credit counseling and financial education classes free of charge through Consumer Credit Counseling. As one amazing volunteer attorney put it, “Filing bankruptcy for clients is great. They always feel good afterwards and a huge burden is lifted.”

If you are interested in serving the low-income community by participating in a debt clinic or taking a batch of bankruptcies, please call 927-461-3857 or email Christina@gdvlp.org. In addition to being able to provide a much needed service to those who could not otherwise obtain legal assistance, you can also earn CLE credit for the pro bono hours you provide.



Kelly Henrici, Executive Director, Greater Dayton Volunteer Lawyers Project

Farewell & Best Wishes to Bridget Findley

The Dayton Chapter wants to recognize and thank a departing FBA Dayton Chapter Board Member. Current Board Member and Dayton City Attorney, Bridget Findley, is moving back to her hometown of Kansas City, Missouri, with her family. We wish Bridget all the best with her new home and new endeavors! We also want to thank her for all she has contributed to this Chapter and the community it serves. Bridget has been instrumental in leading the charge in our Chapter's Mentorship program (see article on page 4). While she was in Dayton, she also led the effort to ease the path towards bar admittance for military spouses. Her contributions are significant and much appreciated. Best wishes, and we'll miss you, Bridget!



University of Dayton School of Law FBA Student Chapter President, Ashley Oravetz, and Vice President, Ashton Prouty

UNIVERSITY OF DAYTON SCHOOL OF LAW FBA CHAPTER

BY: ASHLEY ORAVETZ, PRESIDENT OF UNIVERSITY OF DAYTON SCHOOL OF LAW, DAYTON FBA STUDENT CHAPTER

In April, the University of Dayton School of Law student chapter elected new board members Ashley Oravetz and Ashton Prouty for the 2019-2020 school year. Ashley will serve as the President and Ashton will serve as the Vice President. Both are excited to be a part of the FBA and to help grow Dayton’s chapter over the course of the next year and beyond!

DAYTON CHAPTER PARTICIPATES IN IMMIGRATION NATURALIZATION CEREMONY

World A’Fair is a three-day international festival hosted annually at the Dayton Convention Center. This year’s festival kicked-off on May 18th, with an Immigration Naturalization Ceremony. U.S. District Court Judge Walter Rice presided over the ceremony. Eighty-six individuals from forty different countries were sworn in as new U.S. citizens. The Dayton Chapter of the FBA, along with several other local organizations, were honored to say a few words and extend our congratulations and well-wishes to the new citizens.



FBA Dayton Chapter President, Vipal Patel, and FBA Member Tamara Sack, extending congratulations to new citizens on behalf of the Dayton Chapter of the FBA

DAYTON FBA COMMITTEE MEMBER SPOTLIGHT
Shawna Sorrell



Shawna is an attorney at Taft Stettinius & Hollister LLP. She focuses her practice in the area of labor and employment law, including, among other things, employee intake procedures, terminations, employment agreements, handbooks and personnel policies, discrimination and harassment allegations, and wage and hour compliance. Shawna received her J.D., cum laude, from the University of Dayton School of Law where she was a Dean's Fellow, a teaching assistant, a research assistant for the American Business Law Journal, and Business Editor of the Law Review. She also currently serves on the Board of Directors for Big Brothers Big Sisters of the Greater Miami Valley and For Love of Children.

ABOUT THE DAYTON CHAPTER

The mission of the Dayton Chapter of the FBA is to advance the profession and science of jurisprudence and to promote the welfare, interests, education, and professional growth and development of the members of the Federal legal profession.

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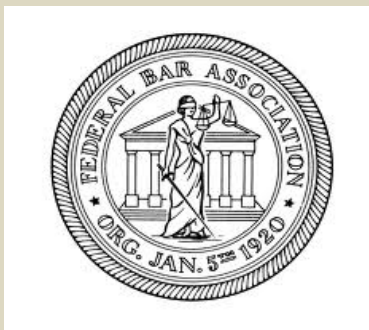
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**Interested in joining a committee?
Contact Vipal Patel at Vipal@yahoo.com*



On The Merits is the official publication of the Dayton, Ohio Chapter of the Federal Bar Association. If you are interested in submitting content for publication consideration, please contact Tiffany Akers at tiffany.akers22@yahoo.com.

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