

# ON THE MERITS

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## **FIRST CHAIR: PRESIDENT'S MESSAGE**

BY: CHRISTINE M. HAAKER, ESQ.  
PARTNER, THOMPSON HINE



*Christine Haaker, Esq. –  
Thompson Hine  
President Dayton Chapter,  
Federal Bar Association*

“It’s Great in Dayton!” And Cleveland! While there are so many great events that have happened and are yet to come this year at the Dayton Chapter, I would be remiss if I did not spend part one of this Message reminding everyone straight-off about the upcoming, joint Dayton/Northern District of Ohio 2016 Annual Meeting and Convention to be hosted in Cleveland this September! There are many details in this Newsletter and on the FBA website, so I want to take the opportunity here to thank the numerous members from the Dayton and Northern District of Ohio chapters who have already worked on this event for over a year to make it great, including our own Convention co-Chair, Glen McMurry, and FBA President-Elect, Magistrate Judge Michael J. Newman. From the special sitting of the Sixth Circuit Court of Appeals on Wednesday, to the numerous speakers and excellent CLEs, to the Rock-N-Roll Hall of Fame on Friday evening, to the incredible Presidential Installation Banquet Saturday night, I can promise that a unique, special, educational, entertaining, and fun time will be had by all! See you in Cleveland!

On to part two of my Message, which ties in to part one. As President of the Dayton Chapter this year, I have come to realize the importance of FBA participation very early on in practice. I have watched our Young Lawyers Division grow and develop, I have watched our Student Division form and blossom, and I have watched the other end of the spectrum. I have watched decades-old friends and colleagues catch up at the 2015 Annual Meeting and Convention, and long-time members of the bench and bar from across the country work together on projects, committees, and special events. Why did this strike me? Because, unfortunately, I am making up FBA time.

I became involved in the FBA well after I was a student, and well after I could still qualify as a “Young Lawyer”— about 18 years into my practice. Now, don’t get me wrong. I have met so many fabulous people in these past few years, learned a lot and had some fantastic experiences. I would not change a thing.. But, as I watch the law students and the young lawyers groups at the events, and see those that have decades of membership, history, and relationships built, I do recognize what I have missed, which tells me that I truly do have a “message” to send to our members.

My part two message to our members is to encourage you to get young and new lawyers involved early and now! Give them these

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opportunities from the ground up, including the opportunity to meet bench and bar across the country, attend special events and CLEs, and to engage and serve in leadership positions. For example, in our own Dayton Chapter, Glen McMurry, who previously served as Chapter President, will serve this year as the Chair of the national Young Lawyers Division; Jeremy Smith, who previously served as Chapter Young Lawyers Division Chair, will serve on the national Young Lawyers Board; Zach Heck serves as our Chapter Publications Chair; and Nadia Klarr, who previously served as President of the Chapter Student Division, and who is a recent University of Dayton School of Law graduate, will serve as the Chapter CLE Chair and continue to serve as the Co-Chair of the Membership Committee for that national FBA Student Division. Imagine them twenty years from now, signing up for the 2036 FBA Annual Convention and looking forward to seeing the friends and colleagues they have met this past year at the 2016 Annual Convention in Cleveland, and again and again in the years between now and then! So, as promised, part two ties to part one—take advantage of what the FBA at the national and Chapter levels has to offer, do not miss out on this year's Annual Meeting and Convention, and spread the word to your colleagues, and particularly those new and newer to the practice, to get involved now and join us in September!



## Federal Bar Association

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### Dayton Chapter

#### ***COURTHOUSE OPENS DOORS TO PREVIEW MECHANICS OF A FEDERAL CIVIL JURY TRIAL IN DAYTON***

BY: ZACHARY HECK, ESQ.

On Monday, May 16, 2016, the Federal Bar Association hosted an in-depth and informative Continuing Legal Education program entitled "Mechanics of a Federal Civil Jury Trial in Dayton." Unlike other routine trial practice seminars, this program featured every federal judicial officer sitting in Dayton, accompanied by the Clerk of Courts for the Southern District of Ohio, and most of their respective staffs. Together, this dynamic group provided the ultimate inside look at what practitioners can expect from the Court and its staff during a civil jury trial in Dayton, Ohio.

The program kicked off with a panel featuring Rich Nagel (Clerk of Courts of the U.S. District Court for the Southern District of Ohio), Jeff Garey (Case Management Supervisor), and James Tosto (Jury Clerk) discussing the various roles and procedures of the Clerk's Office staff. Specifically, the panel discussed procedures for case filing, emergency injunctive relief, filings under seal, and other steps in federal civil cases. Mr. Tosto discussed how jurors are obtained for the jury pool, the orientation process

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*Chief U.S. Magistrate Judge Sharon L. Ovington and Magistrate Judge Michael Newman discuss availability of mediation resources*

**STAY TUNED:**  
**Annual Dayton Chapter Meeting & Luncheon**  
**October 2016**

**YOU ARE INVITED TO ATTEND THE 2016 ANNUAL FEDERAL BAR ASSOCIATION CONVENTION IN CLEVELAND, OHIO**

BY: GLEN MCMURRY & KIP BOLLIN

On behalf of the Dayton and Northern District of Ohio Chapters of the Federal Bar Association, we invite you to attend the FBA's 2016 Annual Meeting and Convention in Cleveland, on September 14<sup>th</sup> – 17<sup>th</sup>, 2016. We are excited to have you as our guests and look forward to providing you a fun and rewarding Annual Meeting.

The 2016 Annual Meeting boasts an impressive lineup of speakers and special guests, including Dean Erwin Chemerinsky, United States Senator Sherrod Brown, and United States Senator Rob Portman (invited).

For those who can come in a day early, we'll get things started on Wednesday afternoon with a special sitting of the Sixth Circuit Court of Appeals, which normally sits in Cincinnati, followed by a welcome reception just across the street from the Westin Cleveland Downtown Hotel. Attendees can meet up at the reception and then launch into downtown Cleveland to experience scores of restaurants and bars that have made Cleveland a destination for foodies. During your downtime (if you can find any), Cleveland has so much for you and your family/guests to enjoy, including:

- The East 4th Street restaurants
- The West Side Market
- The Cleveland Botanical Garden
- Holden Arboretum
- The Cleveland Museum of Art
- The Crawford Auto Museum
- The Museum of Natural History
- The West 25th microbreweries and pubs
- The Great Lakes Science Center
- The USS Cod Submarine Memorial
- The Cleveland Metroparks Zoo
- The Horseshoe Casino
- Playhouse Square (the country's largest Performing Arts complex outside of New York City)
- The Flats and Warehouse Entertainment District
- The Christmas Story House
- Mitchell's Ice Cream
- The Tremont Art Walk
- Gordon Square Arts District
- Severance Hall (Home of the Cleveland Orchestra)
- Little Italy
- The Browns
- The Indians (Homestand vs. Tigers Friday – Sunday).
- The Superman museum,
- and a lot more!



Glen McMurry, Partner at Dungan & LeFevre



Kip Bollin, Partner at Thompson Hine, LLP



To learn more and sign up for the FBA Annual Convention, visit this link: <http://www.fedbar.org/Education/Calendar-CLE-events/2016-Annual-Meeting-and-Convention-.aspx>

We promise, Cleveland has enough to keep you and your family/guests entertained throughout your stay! We have some truly interesting seminars planned for Thursday and Friday, which will be presented by Judges and legal experts from across the country. For example, on Friday night, you will be shuttled to the Rock-N-Roll Hall of Fame for another action- and music-packed evening. What better way to end a Friday!

Saturday, we'll do the business of the FBA during the day, and on Saturday night the Convention will conclude with the Presidential Installation Banquet where our very own Magistrate Judge Michael J. Newman will be sworn in as the National President of the FBA. We were happy to oblige Judge Newman's request that this year the installation dinner program will be timed to allow for a great after-party celebration with live music, and dancing. So come join us for the 2016 Annual Meeting in Cleveland. The only thing this Convention is missing is you!

## **JURY OF YOUR PEERING? FEDERAL JUDGE BARS SOCIAL MEDIA INVESTIGATIONS TO PROTECT JUROR PRIVACY**

BY: ZACHARY HECK, ESQ.

ATTORNEY AT FARUKI IRELAND & COX P.L.L.



Zachary S. Heck, Esq. -  
Faruki Ireland & Cox P.L.L.

Have you ever stopped to think about how much information someone can find out about you after some googling? Think about all the data that people enter into Facebook: where they live, what they look like, where they work and go to school, their hobbies, their favorite books and movies, and likely no shortage of political opinions. Social media websites like Facebook, LinkedIn, Twitter, and Tumblr can be a treasure trove for trial attorneys seeking all the information they can find (and possibly exploit) about prospective jurors. Suddenly, that "jury of your peers" becomes a jury pool for attorneys and jury consultants to peer into with the hopes of finding useful personal information that can serve as a tool to fine-tune arguments and lines of questioning.

Although courts and legal commentators have adopted varying attitudes toward the appropriateness of attorneys using social media to research jurors, one federal judge voiced his concerns about extra-judicial research of a juror's online presence. In Oracle America, Inc. v. Google, Inc., counsel for both parties requested additional time before beginning voir dire, to research the online presence and publicly-available social media information about the prospective jurors. Upon hearing arguments by counsel as to whether extrajudicial research of a juror's online presence should be permitted, Judge William Alsup of the United States District Court for the Northern District of California issued a thirteen page order asking both sides to voluntarily refrain from social media investigations in exchange for additional time to conduct voir dire. In reaching this decision, the Court outlined three dangers that could arise in permitting social media research of potential jurors by counsel, their jury consultants, investigators, and clients.

The Court first explained that social media research of jurors could encourage jurors to stray from the Court's admonition to refrain from conducting Internet searches on the lawyers and the case. Although such an admonishment is commonplace in jury trials and "the entire venire will be told to refrain from any such research soon after it reaches the courtroom and well before the final jury is even selected," the Court acknowledged the unfairness inherent in "allowing the lawyers to do to the venire, what the venire cannot do to the lawyers." The Court found that such unfairness would have "a corrosive effect on fidelity to the no-research admonition." The Court reasoned that once the venire learns that lawyers are researching the jurors through their online activities, "a very serious risk will be presented that they will feel justified in doing to the lawyers (and to the case itself) what the lawyers are doing to them, namely, conducting Internet searches – despite the no-research admonition." As a result, those emboldened jurors could subject themselves to influences and commentary about the case beyond the evidence presented in the courtroom.

Second, the Court explained that a danger exists that the research findings will facilitate improper personal appeals to particular jurors via jury arguments and witness examinations patterned after individual juror preferences. The Court expressed concerns that lawyers might identify books and movies enjoyed by particular jurors, and then craft questions and arguments in such a way as to explicitly reference those books and movies and garner favor. The Court explained that "jury arguments may, of course, employ analogies and quotations, but it would be out-of-bounds to play up to a juror through such a calculated personal appeal, all the more so since the judge, having no access to the [juror] dossiers, couldn't see what was really at play." Essentially, the Court explained that it is one thing to use an analogy or cultural reference to make an argument to a jury, but justice is compromised when those analogies and references are crafted to appeal directly to individual jurors that an attorney knows could be uniquely affected. Instead of strengthening an argument, these references instead become a tool to sway a juror based on his or her individual emotions or preferences.

Lastly, the Court explained that restricting social media research is needed to protect the privacy of the jurors. The Court explained that juror "privacy should yield only as necessary to reveal bias or a reluctance to follow the Court's instructions." Pre-empting expected criticism of this reasoning, the Court explained that "it is a weak answer that venire persons, through their social media privacy settings, have chosen to expose their profiles to scrutiny, for navigating privacy settings and fully understanding default settings is more a matter of blind faith than conscious choice. (Otherwise, there would be no need for websites explaining the intricacies of privacy settings)." In other words, jurors sign up as a service, not as an invitation to have strangers peer into their private information so that it may be exploited. Following the Court's Order, both Google and Oracle agreed to voluntarily refrain from researching juror social media accounts. The Court's proactive approach to limit social media research exposed the dangers inherent in researching jurors beyond the tools provided by questionnaires and voir dire. Research of jurors by counsel through the Internet is certainly nothing new. However, few court decisions examine the harms that such research could inflict upon the judicial system. Not only can social media research infringe upon a juror's expectations of privacy, but it can also undermine the fairness expected in a jury trial. Voir dire is meant to occur in open court so that both parties and the judge understand a particular juror's fitness to sit before a given case. But an attorney's savviness in being able to track digital information

**ONE STEP TOWARD A SOLUTION**

BY: BILL WELLS

*MR. WELLS IS AN ATTORNEY WITH THE DEPT. OF THE AIR FORCE AT WRIGHT-PATTERSON AFB IN DAYTON, OHIO. THE VIEWS EXPRESSED HERE ARE HIS OWN, AND DO NOT REPRESENT THE OFFICIAL POSITION OF THE U.S. AIR FORCE.*

As anyone who has taken a look at a newspaper or listened to the news on radio or TV in the last year knows, Ohio and the rest of the nation as well are dealing with a severe problem of opioid abuse. While part of that problem deals with illegal drugs such as heroin, a substantial part of the problem involves the use and misuse of prescription pain killers. A portion of that part of that problem comes from the improper diversion of unused medications. While traditionally unused medications were disposed of by putting them in the trash (perhaps mixed with kitty litter or coffee grounds to discourage diversion by “dumpster divers”) or by flushing them down the drain, those methods are now discouraged. See, <http://www.takebackyourmeds.org/> (last visited May 16, 2016 at 11:30 a.m.). Because of the potential impact on the environment, concerns about safe and proper disposal extend to all prescription medications, and not just those that are controlled substances. See, <http://www.epa.ohio.gov/dmwm/Home/Rx.aspx> (last visited May 16, 2016 at 12:45 p.m.)



*Bill Wells is an attorney with the Dept. of the Air Force at WPAFB in Dayton, Ohio*

As a result of this, there has been increased emphasis on “take back programs” where hospitals, pharmacies, and law enforcement organizations accept unneeded prescription medications from the public and dispose of them. “DEA’s Prescription Drug Take-Back Effort-- A Big Success,” DEA Public Affairs release, Oct. 01, 2015 at <http://www.dea.gov/divisions/hq/2015/hq100115.shtml> (last visited May 16, 2016 at 11:45 a.m.). While the big events such as the DEA’s Drug Take-Back Day draw most of the press coverage, the reality is, of course, that this is a continuing issue, and the great majority of the medications disposed of are accepted by sites at health care facilities and neighborhood pharmacies. See, “Walgreens Leads Fight Against Prescription Drug Abuse with New Programs to Help Curb Misuse of Medications and the Rise in Overdose Deaths,” press release, Feb 09, 2016, <http://tinyurl.com/WalgreenPR09Feb16> (last visited May 16, 2016, at 12:20 p.m.). Note that the reference to Walgreens is merely illustrative, and that many other entities have similar programs.

While these organizations want to help, there are a number of challenges that doing so will present. Some are practical, such as how to account for these drugs and who pays for the disposal. Others are legal in nature, and likely to end up on your desk if you have clients in the health care industry. This is a complex area, with an overlapping web of state and federal regulation. Fortunately, the Ohio Board of Pharmacy has developed a guidance document to assist in the implementation of “take back” programs. It can be found at <http://tinyurl.com/OhBdofPharm-TakeBakDoc> (last visited May 16, 2016, at 12:10 p.m.). This guidance document also contains a link to the federal rules on this topic, which were issued on September. 09, 2014.

Notwithstanding the very lawyer-like disclaimer at the beginning of it (“Please be advised that this document provides general guidance on DEA and Board of Pharmacy regulations and that those entities wishing to collect pharmaceuticals from ultimate users should review all relevant Federal and State laws and regulations in their entirety”), the Board of Pharmacy’s guidance document is an excellent starting point and outline for addressing any question regarding prescription drug take-back programs in Ohio.

**DAYTON CHAPTER PAYS IT FORWARD TO LEGAL COMMUNITY WITH MENTORSHIP INITIATIVE**

BY: JEREMY SMITH

The Federal Bar Association Foundation awards Community Outreach Grants to support projects which involve FBA chapter participation. Grants are awarded to programs falling under any component of the Foundation’s mission, that is to “Promote and support legal research and education; Advance the science of jurisprudence; Facilitate the administration of justice; and Foster improvements in the practice of federal law.”

In November, 2015, Nadia Klarr, President of the Law Student Division, prepared an application for a Community Outreach Grant to host a Professionalism Luncheon. The Luncheon was to serve two purposes—first, to provide a forum for the law students and younger lawyers to interact with more experienced attorneys regarding professionalism and other aspects of legal practice; and second, to serve as a kick-off for the Dayton Chapter’s new mentorship program between law students/young lawyers and mature layers. In February, 2016, the Foundation approved the application.



*Zachary Heck discusses the importance of local mentorship to attendees*

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**BRIDGING THE GAP: RINGING IN THE NEW YEAR WITH AN EXCITING STUDENT DIVISION RESOLUTION**

BY: NADIA KLARR



*Nadia Klarr, UDSL Student Division President*

In the Winter edition of *On the Merits*, the Student Division announced that it had a New Year's resolution of its very own – we wanted to ring in the new year with a mentorship program. Thanks to the overwhelming support from the national FBA, as well as the generous time contributions from our local Chapter members, our resolution didn't fizzle out or get pushed to the wayside. In April, the Dayton Chapter made the Mentorship Program a reality when it hosted a Mentorship & Professionalism Luncheon at Coco's Bistro in downtown Dayton. The program brought together attorneys of all ages, as well as law students and interested community members, to discuss leadership and professional legal representation. Practicing attorneys and judges were selectively paired with law students based on shared interests and career goals. Over the course of the following year, participating mentors will provide advice, insight, and guidance to mentees concerning academics, careers, internships, leadership opportunities, and professional development. The Dayton Chapter should be very proud that we were able to selectively pair thirteen law students with local attorneys and judges in our Program's very first year!

What's even more exciting than the Dayton Chapter's Mentorship Program kick-off is that we're also serving as a pilot program for a national mentorship program initiative! As the Co-Chair of the Membership Committee for the national FBA Student Division, I have been working closely with national FBA leaders to institute a mentorship program that spans the country and brings students and practitioners together from every corner of the United States. Do you know a student in Dayton interested in legislative committee work? Perfect! We will have a mentor in Washington D.C. who will be happy to connect with him/her via phone, Skype, FaceTime, etc. The program will be like no other of its kind, leveraging technology to generate relationships and efficiency in networking!

As this academic year draws to a close, the Student Division welcomes new leadership! It is with great pleasure that the current Student Division Executive Board has served the students at the University of Dayton School of Law, and we wish continued success to the incoming Board. My hope for the Student Division and the Dayton Chapter is that they will work together to continue the Mentorship Program for years to come.



*Nadia Klarr speaks to attorneys and law students at Mentorship & Professionalism Luncheon – Coco's Bistro, Dayton, Ohio.*

**2015–16 Student Division Board:*****President:******Executive Vice President:******V.P. of Marketing & Administration:******Secretary:******Treasurer:***

Nadia Klarr

Anthony Graber

Bethany Walker

Timothy Campbell

Travis Butchello

**2016–17 Student Division Board:*****President:******Executive Vice President:******Mentorship Chair:******Secretary:******Treasurer:******National FBA Liason:******Community Enrichment Chair:***

Patricia "Trish" Starling

Hannah Diemer

Hannah Mohler

Jessica Address

Timothy Hill

LeighAnn Thomas

Elizabeth Watson



*Patricia "Trish" Starling*



*Hannah Diemer*

***SPRING MOCK TRIAL COMPETITIONS SHINE A SPOTLIGHT ON DAYTON***

BY: JADE SMARDA, ESQ.  
ASSOCIATE ATTORNEY, FARUKI IRELAND & COX P.L.L.

Dayton was quite the hub for students competing in mock trial competitions this Spring, thanks in no small part to the efforts of our local federal bench and practitioners.

At the law school level, the local federal bench played a big part in helping the University of Dayton School of Law host a recent national trial competition for the Texas Young Lawyers Association ("TYLA"). The Honorable Michael J. Newman presided over a showdown between the University of Michigan Law School and, go figure, *The Ohio State University Moritz College of Law* in the Finals. Meanwhile, next door, the Honorable Thomas M. Rose was presiding over a brawl between the University of Cincinnati College of Law and Michigan State University College of Law. Ultimately, the final rounds of the competition determined the two schools that would advance out of the Dayton Regional to compete for the Championship. Michigan and UC earned the coveted bids to the national tournament in Texas, but Harvard Law School, which qualified out of a different Regional, would ultimately claim the TYLA title.

The TYLA competition hosted by UDSL drew federal judges from other divisions and jurisdictions, as well. The Honorable Michael R. Barrett from the Cincinnati division presided over multiple rounds, as did his colleague from the Northern District of Ohio, the Honorable Jack Zouhary. In fact, the Chief Judge for the United States District Court for the Western District of New York, the Honorable Frank Geraci, drove in from Rochester, New York to help judge the competition. Needless to say, competitors and coaches alike were thrilled with the top-quality judging they received at the Dayton Regional, thanks to the contributions of the federal bench and practitioners in Dayton and beyond.

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*(Jury Peering continues from page 5)*

about each juror can give an unfair advantage to better prey upon a particular juror's politics, fears, world views, and emotions. Indeed, jurors are no longer seen as objective finders of fact, but rather a roster of pawns whose personalities can be exploited.

The Court discussed at length that jurors are not celebrities, public figures, or some fantasy team composed by jury consultants. Accordingly, juror privacy demands some form of protection because they engage in jury duty as a service to the community. But naturally, one must wonder how attempts to research jurors will be regulated and potentially barred in the future. Interestingly, the Court did not impose a ban upon the parties. Instead, it identified the potential dangers of juror research, and invited counsel for both sides to "step up to the plate," and consent to a ban. Future cases may see parties and attorneys without the willing inclination to accept a total ban of juror research. Further, even in the face of a ban, how can the courts ever hope to find a plausible enforcement mechanism? In turn, different courts could react in ways ranging from imposing a total ban to taking a completely hands-off approach. Judge Alsup certainly made his position clear, but as the Internet overflows with data about individuals, this controversy should be expected to present itself again and again as attorneys seek to peer into the lives and personalities of jurors.



*Jade Smarda is a commercial litigation attorney with Faruki Ireland & Cox P.L.L. in Dayton, Ohio*



*Volunteer members of the Dayton legal community evaluate law students in national trial competition*

***Want to participate in an FBA Moot Court Competition?  
Consider volunteering with the Thurgood Marshall  
Memorial Moot Court Competition  
<http://www.fedbar.org/Divisions/Younger%20Lawyers%20Division/Moot-Court-Competition.aspx>***

**FBA HOLDS CHAPTER BOARD MEETING AT UNIVERSITY OF DAYTON SCHOOL OF LAW**

BY: JIM SMERBECK, LAW CLERK TO THE HONORABLE WALTER H. RICE OF THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF OHIO

On February 11, 2016, as part of an ongoing effort to strengthen the relationship between the Dayton FBA chapter and the University of Dayton School of Law, the Chapter Board held its meeting at the UDSL. At the meeting, Steve Justice reported that the Government Relations Committee had been advised of a renewed proposal to divide the Ninth Circuit, but that the Committee and the FBA as a whole had not taken a position on that proposal. Glen McMurry announced that LexisNexis agreed to donate \$40,000 toward the September, 2016, FBA Annual Meeting and Convention in Cleveland, including for the ceremony and dinner celebrating the installation of Hon. Mag. Michael J. Newman as the national FBA President. Finally, Jim Smerbeck spoke briefly about some of the collaborations between the Chapter's Young Lawyers Division and UDSL, including what became the mentorship program (covered extensively by Jeremy Smith and Nadia Klarr in this issue). We look forward to making Dayton Chapter Board meetings at UDSL a regular part of our agenda in 2016-17 and beyond.



*Jim Smerbeck, Esq.*



*FBA Executive Committee meets at University of Dayton School of Law to discuss upcoming events and initiatives*



*Chapter President Christine Haaker outlines agenda of February 2016 meeting*

**(Mentorship continued from page 5)**

On April 7, 2016, the Chapter hosted the Luncheon at Coco's Bistro in Dayton, Ohio. Approximately 25 people attended, and the crowd consisted of second and third year law students, Dayton Chapter officers Tim Pepper (Taft Stettinius & Hollister), Steve Justice (Dungan & LeFevre), Jeremy Smith (Thompson Hine), Zachary Heck (Faruki Ireland & Cox), Jim Smerbeck (U.S. District Court), and Andrew Strauss, the Dean of the University of Dayton School of Law.

Mrs. Klarr spoke at the beginning of the Luncheon and explained the Community Outreach Grant as well as the mentorship program.

Mrs. Klarr explained that the mentorship program is being viewed as a pilot program by both the Dayton Chapter and, potentially, the national FBA, and that she hoped it was something that would continue in years to come. Mr. Heck spoke about the benefits of having a mentor, and how the Dayton bar, due to its collegial nature, is an ideal place to foster those relationships. The attendees then enjoyed lunch and continued informal discussion about the practice of law in Dayton. It was a great afternoon that will hopefully kickstart a longstanding tradition in the Dayton Chapter.



*Nadia Klarr speaks to attorneys and law students at Mentorship & Professionalism Luncheon – Coco's Bistro, Dayton, Ohio*



Left to right: Jacob Kidd, Sydney Skidmore, Nikita Srivastava, Anna Choquette, Julia Kokenge, Raika Casey. Not pictured from Regional team: Gurjot Kaur, Gianna Gizzi, Jennifer Gueriero. Not pictured from ORCS team: Kailey Ruggiero.

*(Trial Competition continued from page 7)*

At the TYLA competition, the contributions of the University of Dayton undergraduates, who took a break from their own busy mock trial practice schedules to help keep accurate time, also helped make the competition a success. After over a decade out of the national spotlight, the University of Dayton undergraduate mock trial team swept three schools at the February undergraduate mock trial Regionals in Columbus to earn a coveted bid to the Opening Round Championship Series ("ORCS") in Geneva, Illinois. There, UD secured victories over every opponent, including Gonzaga University, the University of Washington, Bradley University, and the University of Illinois (Chicago). UD's Regional and ORCS performance this year has earned UD its first-ever invitation to a prestigious tournament hosted by Columbia University in Fall 2016. The UD team that earned the bid to ORCS is coached by Judge Dan Haughey (Butler County—Area III), and Jade Smarda of Faruki Ireland & Cox P.L.L.



Dayton Early College Academy students and advisors pose with state runner-up trophy. From left to right—Michelle Szucs (Faculty Advisor), Jessye Beck-Stone, Chase Pooler, Khadijah Diouf, Tirez Jamison, Sondos Issa, Lauren Brown, Akilah Zackery, Matthew Bruce (Legal Advisor).

Dayton's high school students are also making waves in the mock trial world. After earning a perfect record at District and Regional high school mock trial competitions in January and February, students at the Dayton Early College Academy ("DECA") – a local charter school for first-generation college-bound students – took its competition in Columbus by storm when they became State runner-up. DECA is a perennial mock trial powerhouse, but this year marked its first appearance in a battle for the Championship. Next year, DECA, which is coached by Matt Bruce of Sebaly Shillito + Dyer, plans to take it all!

Ultimately, this was a busy Spring for trial lawyers of the future. Dayton's federal bench and bar should be proud of helping create an environment where these students can thrive!

**UPCOMING EVENTS – MARK YOUR CALENDAR!**

- |  |                              |
|--|------------------------------|
| <b>FBA DAYTON EXEC. COMMITTEE MEETING</b>                | <b>JUNE 9, 2016</b>          |
| <b>2016 NATIONAL CONVENTION (CLEVELAND, OH)</b>          | <b>SEPTEMBER 15-17, 2016</b> |
| <b>2016 DAYTON CHAPTER ANNUAL MEETING &amp; LUNCHEON</b> | <b>OCTOBER, 2016</b>         |

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**DON'T FORGET TO "LIKE" THE CHAPTER'S FACEBOOK PAGE, FOLLOW US ON TWITTER @DAYTONFBA**

**&**

**CHECK OUT THE CHAPTER WEBSITE TO STAY CURRENT ON ALL FBA EVENTS THROUGHOUT THE YEAR!**



*Timothy Pepper moderates panel on courtroom practice with U.S. District Judges Thomas Rose and Walter Rice and U.S. Magistrate Judges Sharon Ovington, Michael Merz, and Michael Newman.*



*Local practitioners attend CLE devoted entirely to trying a federal civil trial in Dayton, Ohio.*

*(Mechanics continued from page 2)*

for jurors, and how jurors are accommodated prior to and after voir dire.

Next, Michael Rhinehart, career law clerk for Magistrate Judge Michael Newman, introduced court personnel, including all judicial assistants, court reporters, and law clerks. During this session, Court personnel discussed their roles during a civil jury trial and covered logistical management of the jury, preparation of jury instructions, the use of audio/video resources, and the availability of clerks to discuss procedural and scheduling questions that do not touch upon the substance of the case.

After a short break, Timothy Pepper moderated a series of panels with U.S. Magistrate Judges Sharon Ovington, Michael Merz, and Michael Newman, and U.S. District Court Judges Thomas Rose and Walter Rice. Beginning with pretrial practice, Judges Ovington, Merz, and Newman discussed how they each manage discovery, handle dispute conferences and referrals, and accommodate requests for mediation. Next, Judges Rose and Rice discussed pre-trial matters such as preliminary pre-trial conferences, temporary restraining orders and preliminary injunctions, and dispositive motions. Each panelist emphasized the importance of civility in every matter and how the way we treat each other is a special quality that distinguishes the Dayton legal community. Finally, each panelist discussed proper procedures during each component of the trial: voir dire, opening statements, direct- and cross- examinations, objections, and closing arguments. Above all else, each judge emphasized the importance of raising questions and concerns about proper procedure during pre-trial conferences or phone calls to the appropriate clerk.

The program concluded with a tour of courtrooms and demonstration of technology available for trial presentation. Members of the Court's Information Technology staff, including Melanie Furry, John Wright, John Daniels, Richard Ruffner, and Chuck Ellis, demonstrated how the Court has the ability for practitioners to connect laptops, tablets, and mobile phones to various display monitors available to be seen by the jury, as well as other options to present evidence and demonstratives. The IT staff also provided a demonstration of the Court's video conferencing abilities and how previous uses have included testimony from South America.

The Dayton FBA promised this CLE would more than just your run-of-the-mill trial seminar, and they certainly delivered. With dozens of practitioners in attendance, the Dayton legal community received a warm welcome into the practical expectations of trying a federal civil trial.

#### DAYTON FBA COMMITTEE MEMBER SPOTLIGHT



*Steve Justice, Esq.*

*Steve is a litigation attorney and partner at Dungan & LeFevre Co., LPA in Troy. Steve is a member of the Federal Bar Association's Government Relations Committee and currently serves as our Chapter Liaison. This Fall, Steve will be sworn into office as President of the Dayton Chapter. The Executive Committee of the Dayton Chapter thanks Steve for his leadership and assistance!*

**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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*\*Interested in joining a committee?*

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