

ON THE MERITS

Spring 2017
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FIRST CHAIR: PRESIDENT'S MESSAGE

BY: J. STEVEN JUSTICE, ESQ.
PARTNER, DUNGAN & LEFEVRE CO., LPA



*J. Steven Justice, Esq. –
Dungan & LeFevre Co., LPA
President Dayton Chapter,
Federal Bar Association*

By name and substance, we are the Dayton Chapter of the Federal Bar Association. Webster's defines an "association" as a "union of persons in a company or society for some particular purpose." Being united together for a particular purpose, however, does not mean that we all think alike or agree regarding the important issues that bear on our purpose. Indeed, that diversity of thought and opinion adds creativity and vitality to any association so long as it is controlled by the principle that the relationship of the members is more important than the issues that may divide the members. No association of persons functions well or survives long-term unless it abides by the principle that the relationship matters more than what may divide us.

Extrapolate that principle to a larger association of persons, such as our country or the world for that matter. I have been alive for almost six decades, and I personally cannot remember a greater time of division. Whether we speak in terms of politics, or race, or socio-economic status (the widening gap between the "haves" and the "have nots"), or religion, we seem to have lost sight of the principle that relationship matters more than what divides us. We do not recognize that we need one another to survive. We do not see that there is only one race, the human race, and that we must find a way to relate for the mutual benefit of all, or our increasing tendency to divisive rhetoric and actions and the pursuit of individualism threatens the welfare of all.

I am elated that our Dayton Chapter stands as one shining example of vital *association* in the midst of a sea of cultural division. All of our members do not think alike or agree, but we work well together in a collegial atmosphere for the higher purpose of strengthening the federal legal system and administration of justice by serving the interests and needs of the federal practitioners, both public and private, the federal judiciary, and our surrounding community. Recognizing the extent of our current cultural division, our Chapter truly has served as an ambassador over this last year, doing its part, to help bridge the divide by implementing FBA President Michael Newman's national civics and SOLACE initiatives.

In the last five months alone, Federal judges, attorneys, and law students from the University of Dayton—all members of the Dayton Chapter—have worked side by side to teach civics to approximately 1,100 students from high schools and elementary schools in this region. In courtrooms at the federal courthouse and in classrooms at the various schools, our *association* members taught students about our federal courts, the system of justice, and how it works to make a better society for all, regardless of race, gender, religion, or socio-economic status.

Our Chapter also implemented the SOLACE initiative ("Support of Lawyers/Legal Personnel All Concern Encouraged") whereby any FBA member or related individual who experiences a catastrophic event or loss in his/her life can receive immediate assistance from other members of the *association*. Already we have been privileged to lend a helping hand to those in need.

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These are but two examples, but they show that our *association* is working together daily and is committed to doing its part to bridge the great divide we currently face. I hope and trust that those of you who read this will take the message to your other associations and join us in the effort to build relationship in our culture today. Relationship truly does matter more than what divides us. We are better together.

THE FUTURE OF OFCCP COMPLIANCE

BY: JENNIFER RULON, ESQ.

With many of President Trump's new appointments settling in, federal contractors are questioning what is on the horizon at the Office of Federal Contract Compliance Programs ("OFCCP"). The OFCCP is the U.S. Department of Labor sub-agency that enforces nondiscrimination requirements and affirmative action on government contractors. As of the date of this publication, President Trump's political appointees have not arrived at OFCCP and career employee Tom Dowd is the Interim Acting OFCCP Director. However, there may be changes coming soon.

At the end of President Obama's administration, audits focused on two areas: (1) compensation and (2) failure-to-hire claims. Until President Trump's team arrives, this focus is likely to continue. Audits will also likely continue to be few in number – experts estimate approximately 1,200 Supply and Service audits (instead of 3,800) and approximately 200 Construction audits (instead of 550 or more).



Jennifer Rulon, Esq. practices labor and employment law at Frost Brown Todd in Cincinnati and West Chester, Ohio.

The six most common violations of OFCCP compliance during the 2015-2016 calendar years were:

1. Recordkeeping
2. Recruitment
3. Written affirmative action plans
4. Past performance
5. Other (e.g., job listing)
6. Hiring

Federal contractors would do well to seek legal counsel to avoid the above six violations, which will likely continue to be cited until President Trump's team settles in.

On March 16, 2017, President Trump submitted his budget blueprint to Congress. This budget lacks sub-Department budgets for agencies within the U.S. Department of Labor such as the OFCCP, Wage-Hour Division, and OSHA. However, the budget gave guidance in general that the U.S. Department of Labor's budget would be cut by twenty-one percent.

OMB Director Mick Mulvaney also recently sent a Memorandum to all federal Executive Branch agencies. Director Mulvaney identified five significant priority dates for federal agencies that will likely affect the OFCCP:

1. "Immediately" begin to take actions within each federal Executive Branch agency to achieve "near-term" workforce reductions and cost savings, including planning for reduction in funding levels as set out in the fiscal year 2018 budget.
2. By June 30, 2017, agencies must send "high-level" drafts of their Agency Reform Plans to the OMB and must have developed a plan to "maximize employee performance" by the same date.
3. By September 2017, agencies must submit their final Agency Reform Plans, which must include long-term workforce reductions.
4. By January 1, 2018, Director Mulvaney predicts that "real, tangible ideas" out of President Trump's Executive Order to reorganize the federal government will be published.
5. By the Fiscal Year 2019 budget, Director Mulvaney stated that the changes that began in the September 2017 Agency Reform Plans will be hardwired into the budget.

These reductions in workforce and changes in organization could significantly impact the OFCCP. The Trump administration is reportedly considering a potential merger between the Equal Employment Opportunity Commission ("EEOC") and the OFCCP. The recommendation to merge the two entities originated from The Heritage Foundation's report "Blueprint for Reform: A Comprehensive Policy Agenda for a New Administration in 2017."

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STAY TUNED:

**Annual Dayton Chapter Meeting & Luncheon
September 21, 2017**

SCOTUS LIMITS VENUE IN PATENT SUITS

BY: ZACHARY S. HECK, ESQ.

On Monday, May 22, 2017, the United States Supreme Court restricted the field of locations where patent infringement suits can be filed. In TC Heartland LLC v. Kraft Foods Group Brands LLC, the Supreme Court held that a law authorizing patent suits to be filed in the judicial district where "the defendant resides" was not superseded by amendments to the general federal law on venue. In this case, Kraft Food Groups sued TC Heartland for patent infringement in Delaware federal court. TC Heartland, which is incorporated and headquartered in Indiana, argued that the case should be transferred to federal court in the Southern District of Indiana. The Federal Circuit, on appeal, held that the case could be brought in Delaware, because TC Heartland was subject to personal jurisdiction in Delaware. The Federal Circuit reasoned that the general federal law on venue gives the term "reside" a relatively broad meaning, which allows federal suits to be filed wherever a corporation may be subject to personal jurisdiction. In other words, because TC Heartland conducts a "substantial amount of business" in Delaware, it can face suit in federal court in Delaware.

The Supreme Court reversed and held that "reside" is subject to a much narrower interpretation. Justice Clarence Thomas, writing for the Court in an 8-0 decision (Judge Gorsuch did not participate), explained that the "reside requirement" demands that patent suits filed under that prong of the venue statute be filed in the state where the company is incorporated. In an opinion just shy of ten pages, Justice Thomas explained that the corporate "residence," for purposes of a separate patent venue statute, should be applied narrowly, as first held in the Supreme Court's Fourco Glass v. Transmirra Products decision. In that decision, the Court looked to the text of the statute to find that the only reference to venue was defined as a state of incorporation. Although the Federal Circuit held that amendments from 1990, for purposes of general venue, superseded the Court's holding in Fourco, Justice Thomas once again looked to the text of the statute. Justice Thomas disagreed with the Federal Circuit and explained that "[w]hen Congress intends to effect a change of that kind, it ordinarily provides a relatively clear indication of its intent in the text of the amended provision."

As a result, plaintiffs wishing to shop for a favorable venue, such as the widely-viewed "plaintiff-friendly" jurisdiction of the Eastern District of Texas, will now be limited to whichever venue is available in the state of incorporation. Indeed, for the last three years, one-quarter of all patent suits in the United States have fallen onto the docket of a single judge in Marshall, Texas. That statistic will soon be a faded memory. Indeed, this decision could result in a dramatic increase in patent infringement suits being filed in Delaware, where a disproportionate number of companies choose to incorporate.



Zach Heck is a privacy and cybersecurity attorney at Faruki Ireland Cox Rhinehart & Dusing P.L.L.

The Dayton Chapter of the Federal Bar Association and the Federal Court for the Southern District of Ohio sponsored the Federal Sentencing and Criminal Practice Seminar from April 26-27. The Seminar was held over two days at the Dayton Convention Center. It was a phenomenal success, with over 200 attorneys in attendance. This photo captures one of the Seminar's all-star panels of federal judges.



To learn about and sign up for the FBA Annual Convention, visit this link:

<http://www.fedbar.org/Education/Calendar-CLE-events/2017-Annual-Meeting-and-Convention-.aspx>

LAW SCHOOL CRISIS?

BY: JAMES SMERBECK, ESQ.

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

*Jim Smerbeck, Esq.*

This decade has seen the crises facing legal education in this country move from relative obscurity to near-ubiquity. Gainful employment has become increasingly scarce, rising tuition has saddled recent graduates with crippling debt, and the numbers of applicants to law schools has dropped precipitously. As if the aforesaid wasn't enough, data on recent matriculants and bar exam results has revealed a much more acute issue: law schools are admitting and graduating an increasing number of students who have little chance of becoming practicing attorneys.

As almost all members know, the overall number of applicants and matriculants to U.S. law schools has fallen sharply—from almost 50,000 1Ls in 2010 to slightly more than 35,000 in 2015. In response, almost all schools outside the Top 14 have reduced enrollment, ostensibly in the hopes of maintaining the quality of the student body. These reductions, while necessary, have proven to be insufficient. In 2010, roughly 7.5% of all 1Ls had LSAT scores of 170 (97th percentile) or above, while slightly less than 4% had LSAT scores of 144 (24th percentile) or below. By 2015, however, only 5.75% of 1Ls had LSAT scores of 170 or above, while almost 9% had scores of 144 or below. The broader picture looks no better: in 2010, the percentage of 1Ls with scores of 160 (81st percentile) or higher was more than twice the percentage of 1Ls with scores of 149 (41st percentile) or lower. Yet by 2015, the proportion of 1Ls in the first group had declined to less than one-third, while the second group made up nearly one-fourth of all 1Ls.¹

Those of us in the legal profession know that doing well on the LSAT has nothing to do with doing well as an attorney. However a law student's LSAT score is a pretty good indicator of whether she will pass the bar exam. And while it took a few years, these students' lack of proficiency on the LSAT has translated into dismal bar passage rates. Only 70.5% of applicants sitting for the July 2016² Ohio bar exam received passing scores, down from 74.5% in July 2015¹ and 81.6% in July 2011.³ In February 2017, only 66% of first-time applicants passed the exam.⁴ Bar applicants around the country have fared no better; the average score on the Multistate Bar Examination in February 2017 was 134, the lowest score for a February administration since at least 1976, and down more than one point from last year's near-record low.⁵ Given the above-discussed decline in admissions standards, one can reasonably expect that bar passage rates will get worse, in Ohio and across the country, before they get better.

This data should prompt all of us, as members of the legal profession, to take action. When we meet with undergraduates, we should talk candidly with them about the hard work, patience, and focus required to succeed in both law school and in the legal profession. These conversations should be geared towards educating prospective students on the realities of life in the legal field and the self-discipline needed to graduate law school and to pass the bar exam. Now, more than ever, prospective law students need to understand the realities of the legal field and how we are in a different time than many of us remember when you could go to law school without a game plan and graduate with a guaranteed job. This requires all of us to take an active role in making sure our potential colleagues are making the career decisions that are best for them.

¹ All above statistics obtained from: <http://lawpressors.typepad.com/legalwhiteboard/2016/01/in-late-december-2014-i-posted-a-blog-analyzing-how-the-distribution-of-matriculants-across-lsat-categories-had-changed-si.html>.

² <https://www.supremecourt.ohio.gov/AttySvcs/admissions/announcement/102816.asp>

³ <https://www.supremecourt.ohio.gov/AttySvcs/admissions/announcement/103015.asp>

⁴ https://www.supremecourt.ohio.gov/PIO/news/2011/barExam_102811.asp

⁵ <https://www.supremecourt.ohio.gov/AttySvcs/admissions/announcement/042817.asp>

STAY TUNED:
Annual Summer Associate Reception
July, 2017

(OFCCP continued from page 2)

Even though the EEOC and OFCCP overlap in their workers’ protection initiatives, they nonetheless differ on certain protections they offer. For example, the EEOC enforces Title VII of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, sex, religion, color, and national origin. In contrast, the OFCCP enforces Executive Order 11246, which prohibits workplace bias based on the same categories as Title VII and also includes sexual orientation and gender identity. Additionally, the OFCCP conducts compliance audits of contractors’ affirmative action obligations. However, with the proposed 21% cut to the Department of Labor’s budget, some are predicting a merger sooner rather than later. Federal contractors should stay tuned for future updates in this area.

UNIVERSITY OF DAYTON HOSTS NATIONAL COLLEGE MOCK TRIAL TOURNAMENT

BY: JADE SMARDA, ESQ.

Most college mock trial coaches and competitors agree. The Opening Round Championship Series (ORCS) may be the most harrowing tournament of the season. At ORCS – the step after Regionals but before Nationals – the herd has already been thinned. There is almost no chance of drawing a “weak” team in the first round that will all but guarantee a victory going into the second. Your team will face worthy adversaries in each trial. Your team will, almost invariably, be penalized for small mistakes. Your team will, as a whole, suffer the consequences if those small mistakes add up to a losing ballot. To add to the stress, trial competitors – unlike golfers or racers – are being scored by judges with their own subjective likes and dislikes. All of this is also true at Nationals, but there is no risk of your team’s season being cut short. Arguably, more tears are shed at ORCS than at Nationals.

In March 2017, the University of Dayton hosted its first ORCS, but no tears were shed over the quality of the tournament. “I have volunteered to judge a number of these types of competitions in the past, and I was proud that Dayton's tournament was one of the most efficient and well-organized tournaments that I have seen,” remarked Zach Heck of Faruki Ireland Cox Rhinehart & Dusing, who judged all four rounds. The tournament was meticulously organized by Dr. Laura Hume, the Director of UD’s Pre-law Program, and Judge Dan Haughey (Butler County—Area III). Hume and Haughey share coaching responsibilities at UD with Jon Marshall, a felony prosecutor for Butler County, and Jade Smarda, who serves as a judicial clerk in the United States District Court for the Southern District of Ohio.

The Butler County Government Services Center served as the tournament site, where teams from all over the country – including Vanderbilt, Notre Dame, and DePaul – fought for the chance to compete at Nationals. Of 24 teams, only six earned an invitation to Nationals in Los Angeles:

- (1) Miami University
- (2) The Ohio State University
- (3) Indiana University, Bloomington
- (4) University of Cincinnati
- (5) Pennsylvania State University
- (6) University of Tennessee, Chattanooga

Miami University went undefeated and earned the best record in the tournament. Miami’s record resulted in its 23rd consecutive invitation to Nationals. In April of this year, it placed in the “top ten” at Nationals for the tenth consecutive year. In 2001, Miami won the college mock trial national championship.

The UDSL sponsored the ORCS closing ceremony and banquet, where Dean Andrew Strauss addressed the competitors and handed out the top awards. The FBA played a critical role in helping UD recruit top-quality judges for the tournament, including the FBA National President, Magistrate Judge Michael J. Newman. UD is looking forward to hosting future tournaments, and is thankful for the continued support of the FBA.



*Jade Smarda, Esq.
Judicial Law Clerk at United States District Court for the Southern District of Ohio*



University of Dayton students volunteered to facilitate a successful tournament.



UDSL Dean Andrew Strauss presents awards to outstanding mock trial competitors.

DAYTON FBA LEADERSHIP ATTENDS CAPITOL HILL DAY

BY: JEFF COX, ESQ.

PARTNER, FARUKI IRELAND COX RHINEHART & DUSING P.L.L.



*Jeff Cox, Esq.
Former Dayton Chapter President*

The Federal Bar Association's annual Capitol Hill Day was held April 20, 2017, with a record number of participants from across the United States. 62 FBA members made the trip to Washington, D.C. to meet with House and Senate staff and to advocate to Congress on issues affecting lawyers practicing in federal court.

Ohio's five-person delegation included three Dayton FBA chapter members: U.S. Magistrate Judge Michael Newman (S.D. Ohio) -- current national FBA President; Jeff Cox - a member of the national FBA's 20-person Government Relations Committee, and a member of the Federal Litigation Section's Board of Directors; and Rich Nagel - Clerk of Courts, United States District Court for the Southern District of Ohio. Joining the Dayton FBA team were Kip Bollin - FBA national President-Elect, and a member of the Northern District of Ohio Chapter, as well as Mandy Knapp - N.D. Ohio Chapter Treasurer.

After an early morning gathering of all Capitol Hill Day participants in the historic Kennedy Senate Caucus Room, the delegations deployed across the Hill to House and Senate offices to advocate in support of adequate funding for the federal judiciary and to urge the filling of the growing number of judicial vacancies (numbering over 125 open federal judgeships as of April 20, 2017).

The Ohio delegation enjoyed hour-long meetings with top legislative representatives of Senators Rob Portman and Sherrod Brown, as well as a meeting at the Supreme Court hosted by Scott Harris, Clerk of the Supreme Court of the United States. "Our focused discussions were productive and well-received," reports Jeff Cox. "It is highly unusual to have two consecutive national presidents of the FBA hailing from one state; the fact that both Kip and Judge Newman were part of our advocacy team was impressive, and underscores the commitment of the FBA to the federal courts and practitioners in Ohio."

An end-of-day recap session with all Capitol Hill Day participants reinforced the value of the lobbying efforts, which received uniformly positive engagement from House and Senate staff. With nearly 20,000 FBA members nationwide, the FBA's professional, and intentionally non-partisan, advocacy is widely-appreciated on the Hill. Indeed, recent congressional action on court funding and addressing a festering problem of emergency renewal of many temporary bankruptcy judgeships, demonstrates the timely and providential nature and effectiveness of the FBA's advocacy efforts.



*Ohio FBA Members at U.S. Supreme Court
From left to right above, Jeff Cox, Rich Nagel, Judge Michael Newman, Kip Bollin, and Mandy Knapp*



Ohio FBA Delegation enjoys fun in the sun on Capitol Hill

CIVICS INITIATIVE: OVER A THOUSAND STUDENTS MEET WITH DAYTON JUDGES

BY: MICHAEL N. RHINEHART, ESQ.

The second half of the 2016-2017 school year brought hundreds of young students from around the Miami Valley to the Federal Building and US Courthouse in Dayton, as well as took Judges out to area schools to visit hundreds more. In all, Dayton Judges met with approximately 1,100 high school and elementary students between mid-January 2017 and early May 2017 -- all as part of the Federal Bar Association's National Civics Initiative.

Some students visiting the courthouse were greeted with the opportunity to argue the constitutionality of certain social media posts based upon facts similar to those presented in the United States Supreme Court case of *Elonis v. United States*, 135 S. Ct. 2001 (2015). The materials for this exercise can be found on the FBA's website at www.fedbar.org/civics, or on the website of the United States Courts at <http://www.uscourts.gov/educational-resources/educational-activities/elonis-v-us>

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

(civics initiative continued from page 6)

Other students had the opportunity to argue the appropriate sentence for a young man charged with making fake identification cards and selling them to underage college students. The materials for this exercise can also be found on the FBA's website at <http://www.fedbar.org/fakeidactivity>.

Hundreds of students met with United States Marshals, such as Deputy Marshal Karolina Duda, who took the time to detail the training and education required of a Marshal, and to explain the equipment used in carrying out their daily law enforcement duties.

All students were welcomed to the courthouse by Judges at the Dayton seat of Court -- and all were invited to return in the future to learn more. In fact, the Court has invited students from all area high schools to attend the Court's summer Lunch-and-Learn programs -- programs put on by the Court to teach students about a number of different careers available in the legal profession.

In total, sixteen different schools met with the Court:

- **Beavercreek High School** -- Judge Rose met with approximately 100-125 students at the school;
- **Bethel High School** -- approximately 25 students visited the courthouse;
- **Botkins High School** -- Judge Rice met with approximately 35 students at the school;
- **Butler High School** -- approximately 80 students visited the courthouse;
- **Eaton High School** -- approximately 90 students visited the courthouse;
- **Fort Loramie High School** -- approximately 50 students visited the courthouse;
- **Indian Riffle Elementary School** -- approximately 80 students visited the courthouse;
- **Kettering-Fairmont High School** -- approximately 50 students visited the courthouse;
- **National Trail High School** -- approximately 40 students visited the courthouse;
- **Northmont High School** -- approximately 30 students visited the courthouse;
- **Oakwood High School** -- Judge Newman and I spoke to approximately 150-200 students at the school;
- **Thurgood Marshal High School** -- approximately 10 students visited the courthouse for a Naturalization ceremony;
- **Tippecanoe High School** -- Judge Newman and I spoke to a number classes throughout the school day; approximately 150 students;
- **Troy High School** -- approximately 130 students visited the courthouse;
- **West Carrollton High School** -- approximately 20 students visited the courthouse;
- **West Liberty-Salem High School** -- approximately 40 students visited the courthouse.

The Dayton Civics Initiative was a great success and exceeded expectations for the number of students met. Hopefully the 2017-2018 school year will bring a new group of young students to learn about the Court's integral role in our system of government.



Judge Newman and Mike Rhinehart meet with students from West Carrollton High School in Judge Newman's courtroom.



In total, Dayton judges have met with over one thousand students as part of the FBA's Civics Initiative.



FBA National President Judge Michael Newman, Judge Walter Rice, Judge Sharon Ovington, and Michael Rhinehart pose with teachers from National Trail High School.

RETRACTION: In the previous issue of our newsletter, we listed the September 2017 FBA Annual National Meeting and Convention as taking place in Cleveland, Ohio, which was the location of the 2016 Annual National Meeting. This year's national meeting will take place in Atlanta, Georgia from September 14 through September 16.

STUDENT DIVISION UPDATE

BY: PATRICIA S. RILEY

PRESIDENT OF THE UNIVERSITY OF DAYTON SCHOOL OF LAW STUDENT DIVISION

The University of Dayton School of Law (UDSL), Law Student Division of the Federal Bar Association (UDSL FBA) had a great year! We made sure to have an event or meeting each month and participated in all of the UDSL community events. Our goal was to increase UDSL FBA community involvement and membership.

We kicked off the year in July 2016 with a meeting for the UDSL Summer Starters. The Summer Starters complete an accelerated juris doctorate program so they start classes months before the Fall Student Organization Fair. This meeting provided the new students with an opportunity to become involved in a student organization sooner. From this meeting, new members joined and the remaining open Board and chair positions were filled.

In September 2016, the Membership Chair, Catherine Ricci, designed and ordered a conference professional popup banner to display at all of our meetings and events. UDSL FBA worked with the UDSL administration to contribute items to the gift bags given out at Judge Newman's installation as the National FBA President. The UDSL FBA National Liaison, LeighAnn Thomas, represented our Division at the installation. We also participated in the UDSL Student Organization Fair and had a follow-up meeting from which we were able to attract more new members.



Catherine Ricci designed and ordered a conference banner to display at UDSL FBA meetings and events.

In October 2016, we had a meeting for the students regarding career development. Tim Pepper (Taft, Stettinius, & Hollister, LLP), Vipal J. Patel (U.S. Attorney's Office), Michael Rhinehart (Hon. Judge Newman's Chambers), as well as Jim Smerbeck and Lisa Woodward (Hon. Judge Rice's Chambers) all spoke and provided insight. The UDSL FBA also encouraged members to attend Erin Murphy's presentation, *Supreme Court Practice Before the Roberts Court*. The FBA Dayton Chapter was kind enough to sponsor ten students to attend the Annual FBA Dayton Chapter meeting.

In November 2016, UDSL held a new event called "Season of Thanks" in which each student organization nominated Judge Michael Newman to receive a special "thank you" for positively influencing the UDSL FBA. (Photo Courtesy of the University of Dayton School of Law's Facebook page). In lieu of holding a meeting in November, the members were encouraged to participate in the UDSL Community events such as UDSL Alumni/Student Networking Lunch and the final round of the Walter H. Rice Moot Court Competition.



UDSL Students thank Judge Michael Newman for all of his outstanding contributions to the FBA, UDSL, and Dayton Community.

Each time members checked-in at an event, their names were placed in a raffle for a UDSL shirt. As a morale boost for the upcoming exams, Catherine Ricci had members check-in with her to get a cookie and have their names placed in the raffle. Clinton Buffington won the raffle.

In December 2016, as the semester was coming to a close, the members were encouraged to attend the Federal Practice Seminar for Admission to the Southern District of Ohio. While the students were not admitted to practice, it was a great introduction to the local rules.

In January 2017, Tim Pepper was kind enough to return to speak to the law students about the differences between the various bar associations and why being a member of the FBA is valuable. Jessica Andress, Secretary, coordinated a social mixer between the UDSL FBA members and the Dayton Chapter members at Brixx.

In February 2017, during the week of Valentine's Day, UDSL FBA held an event called "Share the Love." It was a food pantry and personal hygiene drive for Artemis Center, a domestic violence shelter. Liz Watson, Community Enrichment Chair, managed the project and it received an unusual amount of support from the law students.

March 2017 was a productive month! Catherine Ricci again stepped up and coordinated a photoshoot for the first fifteen UDSL FBA members to register. Each member who participated received free digital portraits for their online branding.

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The Mentorship Program Event was coordinated by Nadia Klarr, Hannah Mohler (Mentorship Chair), and myself. To facilitate and celebrate the meeting of mentors and mentees, a dinner was held at Coco's Bistro. The Mentorship Program has been a success as the participants have been well matched and everyone seems dedicated to fulfilling the obligations of the Program. The Program requires the pairs to meet once a month starting in January and ending in June.

UDSL FBA also had a meeting, "You're Hired! Now what?" James Smerbeck coordinated the speakers which included himself and other Dayton Chapter members, Nadia Klarr (Taft, Stettinius, & Hollister), Bill Wells (U.S. Air Force), and Bridget Findley (Dayton City Law Office). The panel discussed the expectation of new attorneys by firms and government offices. Elections for the new Board were also held and candidates were given the opportunity to introduce themselves.

In the UDSL community, March consisted of Diversity Fest and Mental Health Week. For Diversity Fest, the UDSL FBA highlighted some of the members of the Dayton Chapter such as Judge Rice and Vipal Patel by providing copies of their biographies (Right Middle Photo). The UDSL FBA table also featured German cookies. For Mental Health Week, the UDSL FBA provided chocolates as well as free coloring sheets and colored pencils for stress relief (Right Bottom Photo).

In April 2017, we held our last meeting of the year and participated in the Civics Initiative.

For the last meeting, Nadia Klarr and Lisa Woodward both returned to speak to the students. Nadia responded to questions from an open forum with a focus on the expected attire and grooming of attorneys. Lisa presented on the Southern District of Ohio's civility requirements. Andrew Barnes, incumbent President, spearheaded the UDSL FBA participation in the Civics Initiative. Jess Andress; Kenneth Kouns, incumbent Secretary; Sayre Payne, Sixth Circuit Director; Sara Kohl; and Theodore Oltmann volunteered to instruct approximately one-hundred eleven eighth graders from Van Buren Middle School, Kettering, OH. They instructed the middle schoolers on the topic of the Bill of Rights.

In the coming year, the incumbent Board has many goals they wish to achieve. To name a few of the goals, the Mentorship Program, Civics outreach, and monthly meetings will continue. There will be networking events and another social mixer. New ideas are a resume workshop and an internal FBA fair. Details for these events will be provided by the incumbent Board.

(article continued on page 10)



UDSL FBA's "Share the Love" donation box, which received a high number of donations and support from law students.



UDSL FBA highlighted members of Dayton Chapter with biographies and professional information.



For Mental Health Week, UDSL FBA provided stress relief materials.

UPCOMING EVENTS – MARK YOUR CALENDAR!

SUMMER ASSOCIATE RECEPTION	JULY, 2017
2017 NATIONAL CONVENTION (ATLANTA, GA)	SEPTEMBER 14-16, 2017
2017 DAYTON CHAPTER ANNUAL MEETING & LUNCHEON	SEPTEMBER 21, 2017
SIXTH CIRCUIT PRACTICE SEMINAR	OCTOBER 3, 2017

***DON'T FORGET TO FOLLOW US ON TWITTER @DAYTONFBA
&***

CHECK OUT THE CHAPTER WEBPAGE ON THE FBA'S WEBSITE TO STAY CURRENT ON ALL FBA EVENTS THROUGHOUT THE YEAR!

(UDSL continued from page 9)

The incumbent UDSL FBA Board is as follows:

President: Andrew Barnes

Executive Vice President: Tim Saunders

Secretary: Kenneth Kouns

Treasurer: Madison Rittley

Mentorship Chair: Kristen Coppock

Positions to be filled next semester are:

National Liaison, Membership Chair, and Community Enrichment Chair.



UDSL FBA members participated in the FBA Civics Initiative by speaking with eighth graders from Van Buren Middle School in Kettering, OH. Jess Andress and Andrew Barnes (left photo) and Kenneth Kouns (right photo) delivered presentations.



CLERK'S CORNER: MAY FEDERAL COURT PRACTICE SEMINAR

BY: RICHARD W. NAGEL, CLERK OF COURT

U.S. DISTRICT COURT FOR THE SOUTHERN DISTRICT OF OHIO

On the afternoon of Tuesday, May 9, 2017, the Dayton Chapter held its semi-annual Federal Court Practice Seminar CLE at the District Court for the Southern District of Ohio. Twenty-four attorneys from Indiana, Kentucky and Ohio attended the seminar.

Following opening remarks by President J. Steven Justice, District Judges Thomas M. Rose and Walter H. Rice, and Magistrate Judges Sharon L. Ovington, Michael J. Newman and Michael R. Merz discussed practices and procedures relevant to cases litigated in the U.S. District Court for the Southern District of Ohio. Bankruptcy Judges Lawrence S. Walter and Guy R. Humphrey then presented on the practice of law before the U.S. Bankruptcy Court for the Southern District of Ohio. The Honorable Lawrence S. Walter received a plaque from the Federal Bar Association honoring his years of service to the Federal Court Practice Seminar.

After these presentations by the Judges, Jeffrey T. Cox, Esq. discussed the details and procedural considerations involved in removing a case to federal court. Magistrate Judge Michael R. Merz concluded the presentation portion of the seminar with his discussion on issues such as jurisdiction, venue and the Civil Justice Reform Act and the Federal Rules, Local Rules, Standing Orders and General Orders that govern practice and procedure in the Southern District of Ohio.

The seminar concluded with a Ceremony in Judge Rose's Courtroom on the 9th Floor in which twenty-one new attorneys were officially sworn in by The Honorable Walter H. Rice, and admitted to practice in the Southern District of Ohio.



Richard Nagel, Clerk of Court, U.S. District Court for the Southern District of Ohio.



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DAYTON FBA COMMITTEE MEMBER SPOTLIGHT



Erin Rhinehart, Esq.

Erin is a partner at Faruki Ireland Cox Rhinehart & Dusing P.L.L.. She leads her firm's media and communications practice while also representing clients in business litigation matters. Erin has been a member of the Dayton Chapter's Executive Committee since October 2013, and was the founding Editor-in-Chief of our newsletter. On September 21, 2017, Erin will be inaugurated as Chapter President.

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?*

Contact Erin Rhinehart at ERhinehart@ficlaw.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 Zachary Heck at zheck@ficlaw.com.

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