

ON THE MERITS

Winter 2014/2015
Volume 2 Issue 2



*Jeffrey T. Cox, Esq. – Faruki
Ireland & Cox P.L.L.
President Dayton Chapter,
Federal Bar Association*

FIRST CHAIR: PRESIDENT'S MESSAGE

BY: JEFFREY T. COX, ESQ.
FARUKI IRELAND & COX P.L.L.

As friends of mine with whom I have served on various boards will attest, I am not one to be satisfied with the status quo. Indeed, with one organization I serve, I asked the challenging question, "What's Next?" so often that it has become both an inside joke as well as a battle cry! And so it goes with the Dayton FBA, too. 2013-14 was a watershed year for our chapter under the passionate and committed leadership of U.S. Magistrate Judge Michael Newman; we are all indebted to Judge Newman for his hard work and continuing commitment to the FBA and to federal practice here in the Southern District of Ohio.

This newsletter is packed with news about the year past -- a year in which Dayton FBA was honored by FBA National as a Chapter of the Year, and winner of the National Shaw Public Service Award -- as well as news of upcoming events (the "What's Next", if you will). I encourage you to read this newsletter from start to finish; it celebrates our profession, our local bench and bar, and is sure to energize you to become more actively involved with the Dayton FBA.

The 2013-14 season included overflow crowds at the Sixth Circuit Practice Institute, co-hosted with the Cincinnati FBA; formation of a student chapter at the University of Dayton School of Law; double-digit year-over-year membership growth; outreach to the Judge Advocate General Corps at Wright-Patterson Air Force Base; State of the Court Luncheon with S.D. Ohio Chief Judge Susan Dlott; two full-capacity new-lawyer orientation programs; award-winning newsletters; and the election of Immediate Past Chapter President Judge Newman as National Treasurer of the FBA (we will celebrate Judge Newman's induction as FBA National President in September 2016 at the National Convention in Cleveland -- plan to attend!). All of this activity and much more make 2013-14 a great year.

So, what's next? We began the 2014-15 FBA/Dayton year with our Annual Meeting in October, recognizing outstanding achievements by chapter members Tessie Smith (Chapter Service Award); Bridget Findley (Mona Guerrier Public Service Award); Charlie Faruki (Federal Service Award); and Judge Jeffrey Sutton, U.S. Court of Appeals for the Sixth Circuit, with a special recognition for exemplary service. We were joined by FBA National President Matthew Moreland and over 125 supporters of the Dayton FBA. Deborah Majoras, Chief Legal Officer of The Procter & Gamble Company gave a stirring keynote address, "Courageous Leadership," urging us all to strive to better lead and serve our profession and communities. So compelling and well-received were Debbie's remarks that we requested she allow us to publish them, and she kindly agreed. Debbie's speech is available at our chapter website, and a link to it can be found in Zachary Heck's article entitled "Dayton Chapter Celebrates Growth and Community at Annual Meeting and Luncheon (p. 4).

(continued on page 3)

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CLERK'S OFFICE

BY: JEFFREY S. GAREY,

CASE MANAGEMENT SUPERVISOR - DAYTON/CINCINNATI U.S. DIST. COURT S.D. OHIO



The United States District Court for the Southern District of Ohio (OHSD) recently unveiled its new website in September. The website results from the Administrative Office of the United States Courts' efforts to achieve uniform design and consistent function of court websites nationwide.

The Administrative Office, under the supervision of the Judicial Branch Committee and its New Media Subcommittee, provided tools that courts, including OHSD, used in developing, enhancing, or updating their internet website. These tools, included templates to create the website, design elements, and services to enhance courts' public communications. The long hours and hard work of the OHSD's IT Shared Services Team produced a website that is appealing and extremely user friendly. You can access the website by going to www.ohsd.uscourts.gov.

The Court Internet site is an important and essential tool for public interaction with the Southern District of Ohio. Along with the content required by statute or by Judicial Conference Policy, the website also contains the latest news and announcements as well as other information specific to the district.

The United States District Court for the Southern District of Ohio welcomes any comments or suggestions regarding the new website. If you have any comments or suggestions, please contact the Dayton Clerk's Office at (937) 512-1400.

The University of Dayton
School of Law
and the
Dayton Chapter of the
Federal Bar Association
invite you to

Save the Date

This is a national
event addressing an
important and
controversial topic.
You do not want
to miss it!

Gilvary Symposium - 2015

JUST PICTURES: RECENT TRENDS IN RESEARCH AND SENTENCING IN CHILD PORNOGRAPHY CASES

March 20, 2015

University of Dayton School of Law
Joseph E. Keller Hall
300 College Place, Dayton, Ohio

FEATURED SPEAKERS WILL INCLUDE:

Fred S. Berlin, M.D., Ph.D.

Founder, Johns Hopkins Sexual Disorders Clinic, Director, Sexual Behaviors Consultation Unit

Pamela Montgomery

Director & Chief Counsel, Office of Education & Practice at the U.S. Sentencing Commission

Professor Ethel Quayle

Senior Lecturer in Clinical Psychology, University of Edinburgh, Scotland

Andrew Oosterbaan

Chief of the Child Exploitation and Obscenity Section of the U.S. Department of Justice

Professor Carissa Hessick

College of Law, University of Utah



STAY TUNED:

State of the Court Luncheon with Judge Edward Sargus will be held on Friday, February 27, 2015

(Pres. Message cont. from p. 1)

From this foundation, Dayton FBA is busy this year preparing a full slate of activities for 2015. Our December 9 New Lawyer Orientation and Swearing-In drew 45 attendees from throughout the Southern District of Ohio. Incoming Chief Judge Edward Sargus has agreed to join us for our 2015 State of the Court Luncheon, and a date will be set soon (likely in February) for his visit from Columbus. Also this spring, Dayton FBA, in collaboration with the University of Dayton School of Law, will co-host the Judge James Gilvary Symposium, this year focusing on the challenge of child pornography. The March 20, 2015 program will feature noted scholars, jurists and practitioners from Scotland, Canada and from across the United States, and we anticipated a capacity crowd attending this national symposium. Our summer 2015 programming will feature a few surprises that aren't yet ready for the "big reveal" but will include an exciting public service and charity project, more notable speakers and programs, and a community celebration that you will want to attend.

I look forward to working with, alongside and for you as together we sustain a vibrant federal practice in southwest and west central Ohio. If you know of others who would benefit from FBA membership, please share this newsletter with them and invite them to join us. Enjoy this newsletter and thank you for supporting the work of the Dayton FBA.

DAYTON FBA REPRESENTS AT 2014 NATIONAL FBA ANNUAL MEETING IN PROVIDENCE, RI

BY: ERIN RHINEHART, ESQ.

The Dayton Chapter of the FBA was recently honored at the FBA's Annual Meeting in September 2014, in Providence, Rhode Island. For the first time in FBA history, the FBA recognized two Chapters – Dayton and Chicago – for going above and beyond for their respective members and communities. Magistrate Judge Michael J. Newman, 2013 Dayton Chapter President, received the award on behalf of the Chapter. I was honored to accompany Judge Newman, along with Jeff Cox, 2014 Chapter President and Glen McMurry. In addition to being recognized as Chapter of the Year, the Dayton Chapter took home more awards than any other FBA Chapter in the country. In particular, the Dayton FBA received the following awards:

- 2014 *Chapter of the Year*
- 2014 *Shaw Public Service Award*,
for the Chapter's Young Lawyer Public Service Initiative
- 2014 *Outstanding Newsletter Award*
- Recognition for a 10% increase in membership over the past year.

The Dayton Chapter is extremely proud to be the recipient of the Shaw Public Service Award – the national public service award of the FBA. This award is made possible by the generous contributions of Ilene and Michael Shaw, and seeks to recognize the FBA Chapter that has offered exemplary public service programs within its community. In addition to the national recognition, the award includes a \$5,000 grant to plan, implement and continue public service programs. The Dayton Chapter is humbled by this recognition and is hard at work evaluating how best to use the money to better serve the Dayton community. 2015 is sure to bring exciting things for the Dayton Chapter!



*Erin E. Rhinehart Esq.
Faruki, Ireland & Cox P.L.L.
Secretary and Chair, Publicity &
Public Relations Committee,
Dayton FBA*



Congratulations to all of the outstanding FBA Chapters across the country!



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

DAYTON CHAPTER CELEBRATES GROWTH AND COMMUNITY AT ANNUAL MEETING & LUNCHEON

BY: ZACHARY HECK, ESQ.

On October 21, the Dayton Chapter held its annual meeting and luncheon at the Dayton Racquet Club. Jeff Cox served as the master of ceremonies, and was sworn in as our new Chapter President. The event was well-attended, with many local practitioners enjoying speeches from distinguished guests.

The Dayton Chapter was honored to be joined by Matthew Moreland, the National President of the FBA. Mr. Moreland shared with us his excitement for the Dayton Chapter and how he looks forward to seeing what great things come out of Dayton next. Mr. Moreland also praised out-going Chapter President Judge Michael Newman's efforts in growing the Dayton Chapter and making it an active member of the National Federal Bar. Mr. Moreland joined all chapter members in their excitement for Judge Newman's forthcoming tenure as National Treasure, and soon, National President (2016).

The event's highlight was the keynote address delivered by Deborah Majoras--Chief Legal Officer and Secretary of The Procter & Gamble Company. Ms. Majoras described many of the challenges she faced as chair of the Federal Trade Commission, as well as the challenges and pressures she faced while enduring the confirmation process. She reminded us that patience and integrity are virtues that members of the legal profession must always strive for. Ms. Majoras credited patience, integrity, and cooperation as values that helped her to achieve a fulfilling career, and encouraged attendees to continue cultivating those values of "courageous leadership."

The final segment of the meeting celebrated members who have made outstanding contributions to our community. Bridget Findley, Esq., an Assistant City Attorney for the City of Dayton, received the *Mona Guerrier Public Service Award*. Tessie L. Smith, a third-year law student from the University of Dayton School of Law and President of the FBA Law Student Division, received the *Outstanding Member Contribution Award*. Finally, Charles J. Faruki, Faruki, Ireland & Cox P.L.L., received the *Federal Service Award*.

The event concluded with Judge Rose administering the Oath of Office to Jeff Cox, as he assumed his role as President of the FBA's Dayton Chapter. The meeting and luncheon adjourned with cheers and applause in celebration of a successful year.



Matthew Moreland (left) and
Magistrate Judge Michael
Newman (right)



From left to right:
Deborah Majoras, Matt Moreland,
Judge Michael Newman, Jim
Satola



Chapter President Jeff Cox (left) presents
the Federal Service Award to Charles
Faruki (right).

CLEVELAND ROCKS, AND SO DOES THE FBA!

Cleveland will be hosting the Federal Bar Association's 2016 Annual Meeting and Convention! The prestigious three-day event will feature business meetings, social events, and educational sessions. The convention will provide 16 credit hours of continuing legal education, luncheons, awards ceremonies, receptions, and a closing banquet. Additionally, Magistrate Judge Michael Newman will be sworn-in as National President.

The convention is expected to attract over 400 lawyers and judges from FBA chapters throughout the United States. If you would like to volunteer in assisting with the convention planning, please contact Glen McMurry at (937)-339-0511 or by email at gmcumurry@dunganattorney.com. We hope to see all of you in Cleveland in 2016!

Full text of Deborah Majoras's speech
is available online at:

<http://www.fedbar.org/Chapters/Dayton-Chapter/Recent-Events/2014-Annual-Meeting-Luncheon-.aspx>

ACROBATICS FOR LAWYERS

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.

The title is a misnomer because while the Portable Document Format (PDF) was initially developed by Adobe Inc., the details and patents have been made publically available. PDF was officially released as an open standard on July 1, 2008, and published by the International Organization for Standardization as ISO 32000-1:2008 [

http://www.iso.org/iso/iso_catalogue/catalogue_tc/catalogue_detail.htm?csnumber=51502, last visited Dec 01, 2014]. Also in 2008, Adobe published a Public Patent License to ISO 32000-1 [<http://www.adobe.com/pdf/pdfs/ISO32000-1PublicPatentLicense.pdf> , last visited Dec. 01, 2014], granting royalty-free rights for all patents owned by Adobe that are necessary to make, use, sell and distribute PDF compliant implementations.

Nevertheless, Adobe's Acrobat® and its accompanying free reader program Acrobat Reader® are the most popular programs that use the PDF format, and are oftentimes used interchangeably with PDF to describe files that are in PDF format. While having your name be the first thing people think of when they need a product is generally a good thing, if the public comes to consider the trademark and the products description to be the same thing then the trademark can be deemed generic and available to anyone. See, *Bayer Co., Inc. v. United Drug Co.*, 272 F. 505 (S.D.N.Y. 1921), where "Aspirin" was held to be a generic name (in the United States) for acetylsalicylic acid pain reliever, and *Pilates, Inc. v. Current Concepts, Inc.*, 120 F. Supp. 2d 286 (S.D.N.Y. 2000) where Pilates was held to be a generic description for a form of exercise.



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

Largely because of the decision to make the structure and patents of PDF available to the computer industry, PDF became the industry standard for sharing documents among multiple users and organizations. For example, when the federal courts post opinions online, they do so in PDF format. Likewise, when lawyers file pleadings electronically using the Case Management/Electronic Case Files (CM/ECF) system, it is in PDF format. See, e.g., <https://www.pacer.gov/psc/efaq.html#CMECF> , (last visited, Nov., 28, 2014).

While the use of the PDF format is mandatory, the use Adobe's Acrobat program to create the documents or to read them after downloading is not. Most modern word processors and office suites (such as Microsoft Open Office) offer the option to export a file to PDF format. For those that do not have that feature, or for individual documents that for some reason or another will not save cleanly as a PDF file, it is sometimes possible to use a "PDF print driver" which captures the output to a printer and converts it into different electrons (i.e. a PDF file) instead of ink on paper. These may either be built into the operating system programs or added as standalone utilities such as "Cute PDF®" [<http://www.cutepdf.com/>].

Nearly all modern scanners and the accompanying software suites have the capability to export to PDF, though the ability to customize the character of the resulting files varies. Though it happens less frequently these days, sometimes the software bundled with a scanner is one with a reduced set of features and it is necessary to buy an upgrade to gain access to the full set. Whether to do this or to buy another document management program (nearly all modern programs and scanners are compatible) is a matter of preference.

Likewise, for reading and editing PDF files, there are numerous options. These range from the full version of Adobe Acrobat (now in version XI) and full office suites (e.g., MS-Office®) that have the capability to import PDF files to simple and free readers, from both Adobe and others (such as Foxit® Software, http://www.foxitsoftware.com/Secure_PDF_Reader/). These vary in capability to add features, such as filling or creating forms, using optical character recognition (OCR) to make text searchable or adjusting image density and file size.

There are two main categories of PDF files, in addition to a variety of specialized options that are beyond the scope of this introductory article. The two main options are graphic only and searchable text. The graphic only option, which is sometimes called image only, is a single layer file that is just a picture of the document. The searchable text option has the same picture, but also has a layer of machine readable (i.e., computer code) text behind it. If the PDF file was created directly from an application (such as an MS-Word) file the text layer will be very accurate, though sometimes there may be a few issues with special characters. If on the other hand the PDF file was created by scanning a paper document, the accuracy of the text layer will vary with the quality of the original image, the accuracy of the OCR engine (some are better than others) and sometimes the skill and attention to detail of the person doing the scanning and conversion. Like many things in the computer business, scanning capabilities can be very dynamic. For example, the top of the line OCR program that cost \$50,000.00 in 1991 was inferior in performance to the one bundled for free with the scanner I bought for \$129.00 (with a \$30.00 rebate) just a couple of years later.

MESSAGE FROM THE UDSL FBA LAW STUDENT DIVISION

BY: NADIA KLARR

Earlier in the year, the Law Student Division of the Dayton Chapter of the Federal Bar Association shared with the Dayton Chapter its mission to promote the interaction and relationships between Dayton law students and the judges and lawyers who are leaders in the FBA. Working with both the National and Dayton Chapters of the FBA, the Student Division aims to strengthen student understanding, knowledge, and interest in the federal legal system. This year, the Student Division made several strides to provide opportunities for students to interact with federal practitioners and is pleased to update the Dayton Chapter on recent Student Division events.

The Student Division is excited to share several successful events that took place so far this year. The Student Division participated in a Student Organization Fair at the University of Dayton School of Law in September which resulted in increased student membership. The Student Division planned to hold a panel in September hosting numerous practitioners and judges from the Dayton community to speak with students about their work with the Federal Bar. Due to the overwhelming support received from local practitioners, the event was changed from a panel to a round-robin event, allowing students to make rounds to speak with different practitioners and ask questions.

(UDSL cont. on p. 10)

(Attorney Acrobatics cont. from p. 5)

When dealing with the earlier versions of PDF, often documents that included the searchable text feature were considerably larger than the image only version, but that is not normally the case today (the "normally" caveat is added because sometimes, for reasons I have never been able to figure out, some files still are considerably larger). A PDF with the searchable text feature enabled is generally a much more useful item than the same file in the graphic only format. Not only is it possible to search for a word phrase within a document, it is also possible to search across a collection of documents to find the one you are looking for, and as a bonus the copy and paste tool works if you want to quote the reference once you find it.

File size, measured in bytes (a kilobyte or KB 100,000 bytes, a megabyte or MB is a 1,000,000 bytes and a gigabyte or GB is "roughly a billion bytes."). The bigger a file is the harder it is to store, search and transmit. When working with PDF files, besides obviously the number of pages included in the file, the size of the file is determined by the image density, features and compression. While with earlier versions of PDF software selecting the correct manual compression setting could be a difficult decision, with the current versions of most programs the default setting is adequate for almost all situations.

Image density, expressed in dots per inch (DPI) is still something that oftentimes need's to be set or adjusted manually. This is particularly so when dealing with scanned documents because many scanning programs are designed to default to the highest available image density setting. This is oftentimes 600 or even 1200 DPI. While this might be needed for engineering drawings for complex integrated circuits or rocket ships, most documents display perfectly well at 150 DPI and anything beyond 300 DPI is wasted.

The details of how to turn on the searchable text feature when creating or modifying PDF files, or how to adjust the image density (and through that the file size) are dependent on the particular programs (and versions within a given program) and are beyond the scope of this article. However, it is important that you (or the staff members or contractors who do your scanning) understand how to add or turn on the searchable text feature (the difference is that occasionally the machine readable text is already there but disabled, and thus the OCR engine does not have to try and read from the image) and to manage (i.e. reduce) file size.

Searchable text makes documents much more useable and saves everyone a lot of effort, particularly for documents that will have to be e-mailed, reducing the file size makes them much easier to work with. Generally, when I get a document (particularly a huge one) in image only format, the first thing I think is to wonder whether the sender is trying to make life difficult (by sending a document that is hard to work with since it cannot be searched, or copied from, and it is difficult to make comments to it) or they just don't know any better?

Sometimes when trying to reduce the size of a document (using for example the "Save as Reduced Size PDF" option in Acrobat XI), one gets an error message saying "This document contained a mask that cannot be optimized" (or words to that effect). That means that graphics with a lock that prevents any alterations have been used to create the document. Sometimes using another tool or approach will find a way around this. If there is any interest expressed in this problem, and how to avoid creating it for others when you design and create PDF documents, it might be the subject of a follow on article. Another possible topic would be the use of PDF in document productions, both in litigation and under the open records laws (both state and federal). While PDF can be a very good format for document production, its use (particularly for e-mail and other documents that were created electronically) can also conceal, either accidentally or deliberately, a lot of information.

SUMMER ASSOCIATES UNWIND AT ANNUAL COCKTAIL RECEPTION

BY: JIM SMERBECK, ESQ.

On July 21, 2014, at the Dayton Racquet Club, the Dayton Chapter of the Federal Bar Association ("FBA") hosted its annual reception for summer law school associates and for the high school and college participants of Summer Work Experience in the Law ("SWEL") and the Law and Leadership Program. Approximately 50 judges and practitioners, along with more than 25 associates and students, attended. In addition to celebrating the associates and students, Kermit Lowery, Vice President and Assistant General Counsel at LexisNexis Legal & Professional, was also recognized for receiving the American Bar Association's prestigious Pro Bono Publico Award for his dedication to improving access to legal services for the poor.

Judge Walter H. Rice, who has partnered closely with Kenneth Parker, Assistant United States Attorney for the Southern District of Ohio, regarding the SWEL program and was instrumental in bringing the program to Dayton, provided the opening remarks. Judge Rice emphasized the need for the legal community to more accurately reflect the demographics of the Dayton area, citing the SWEL program as evidence of the progress that Dayton was trying to make but also how much more work needed to be done. He also stressed the need for young lawyers who could help meet the legal needs in the challenging but great city of Dayton. Magistrate Judge Michael J. Newman, who coordinated the weekly "lunch and learns" for the SWEL and Law and Leadership students in Dayton, spoke briefly about the SWEL program's highlights in Dayton, which for the first time placed students at private Dayton firms. Judge Newman noted that one of the points of emphasis that the Law and Leadership students discussed repeatedly over the summer was the importance of going to college and being leaders and public servants in the community, regardless of whether the students ultimately attended law school or became practicing attorneys.

The President-Elect of the Dayton FBA Chapter, Jeffrey T. Cox of Faruki Ireland & Cox P.L.L., reiterated Judge Newman's point about the importance of going to college and Judge Rice's comments about the uniqueness of federal practice in the Dayton area. Cox concluded his remarks and the formal program by expressing his sincere hope that there would be plenty of legal jobs in Dayton upon graduation for the SWEL and Law and Leadership students.



Jim Smerbeck is a commercial litigation attorney with Faruki Ireland & Cox P.L.L. in Dayton, Ohio.



From left to right: Magistrate Judge Michael Newman, LLI CEO Steve Jemison, and Judge Walter Rice



Dayton Summer Associates Pose for Pictures at Annual Reception



Judge Rice and Magistrate Judge Newman shake hands and welcome local summer associates to legal practice in Dayton

***Interested in litigation?
Join the litigation section of the FBA
Go to www.fedbar.org today.***

MORE THAN JUST AN INTERNSHIP: A LAW STUDENT'S REFLECTIONS ON THE OHIO INNOCENCE PROJECT

BY: CAITLIN WELLS, 2L AT THE UNIVERSITY OF CINCINNATI SCHOOL OF LAW

A few months ago, my Dad asked me to put together a few paragraphs about my experience as a law student intern with the Ohio Innocence Project. "You're doing something exciting," he'd told me. "Let other people be excited about it too." I conceded his point, and sat down to throw together something about my first 9 to whenever the work got done legal job.

I thought about what I would put on a resume, but I couldn't figure out how to reduce a whirlwind of a summer internship into a few bullet points.

Fellow with the Ohio Innocence Project:

Responsibilities include

- Tracking down witnesses to talk about cases they haven't thought about since before I was old enough to drive.
- Begging underpaid public employees to "please just fish the dusty police reports from the bottom of unlabeled boxes and forward them to us"
- Talking to an inmate's crying mother
- Talking to a crying inmate
- Crying myself when I opened my first folder of crime scene photos
- Battling injustice
- Research.
- More research.
- Washing office dishes
- Brief writing.
- Memo writing
- Catching mine and my partner's typos before we submitted the briefs and memos to our attorney
- Forsaking my long running opposition to anything resembling my tenth grade biology class to learn EXACTLY how mitochondrial DNA could free an innocent person

"Nothing follows the 'I' of my elevator speech because what I'm doing is not about me."

I used the control A function to delete my draft and started over, this time trying to think about what I would tell if I had to turn my experience into one of those thirty second networking elevator speeches.

"My name is Catlin, and I..."

I couldn't finish that one either.

Last week, I watched Ricky Jackson, a man who spent thirty nine years in prison for a crime that he did not commit, walk out of the jail doors and into life as a free man. Surrounded by a sea of microphones and questions, Ricky shrugged off questions about systematic injustice and the twelve year old whose testimony led to his incarceration.

"I'm just glad to be out. I'm glad to be free."

At lunch a few hours later, Dean Gillispie, a Dayton exoneree, looked at Ricky and asked him if he'd used the bathroom yet. "Those sinks," Dean said, "they just turn on by themselves." When Ricky laughed, Dean gestured towards a line of exonerees and said, "It's hard to get used to, but we'll take care of you. You're our brother now, you're one of us."

Nothing follows the "I" of my elevator speech because what I am doing is not about me. My job is not about accumulating credentials, but about a man who, after almost four decades in jail had the compassion to forgive the kid who put him there. It's about Dean, his line of brothers, and the other innocent men and women who still sit behind bars waiting until they too can throw their hands up and say, "I'm free."

Interested in learning more about the Ohio Innocence Project?

Check out its website at <http://www.law.uc.edu/oip>

or

"Like" its Facebook page at <https://www.facebook.com/OhioInnocenceProject>

FEDERAL COURT PRACTICE SEMINAR RECAP

BY: ZACHARY HECK, ESQ.



Judge Lawrence Walter



Judge Guy Humphrey



Charles Faruki, Esq.

On December 9, the Federal Bar Association hosted its December Federal Bar Practice Seminar for the Southern District. Forty-five attorneys from Cincinnati, Dayton, and Columbus attended the CLE and swearing-in ceremony. The program began with a presentation by U.S. District Judges Thomas Rose, Timothy Black, and Walter Rice joined by U.S. Magistrate Judges Sharon Ovington and Michael Newman. The District Judges and Magistrate Judges discussed practices and procedures that are pertinent to their Court, but they also spoke about the values held by the practitioners in Dayton. Each Judge and Magistrate Judge explained that Dayton is a special place to practice law because of our shared commitment to professionalism and cooperation.

U.S. Bankruptcy Judges Lawrence Walter and Guy Humphrey introduced attendees to the policies and procedures of the Bankruptcy Court. Specifically, Judge Walter highlighted how bankruptcy concerns are present in almost any federal case, and how attendees should be aware of potential bankruptcy issues present in any litigation.

Charles Faruki, from the law firm of Faruki, Ireland, & Cox P.L.L. gave a “how to” presentation on removal of state civil cases to the federal court. Mr. Faruki emphasized the procedural and practical considerations involved in removing a case to the Southern District of Ohio, and highlighted the importance of timeliness and attention to detail when navigating the removal statutes.

U.S. Magistrate Judge Michael Merz concluded the CLE portion of the program with a summary of the Southern District of Ohio Local Rules, and Dayton General Order No. 1, which controls practice and procedure at the Federal Court in Dayton. Judge Merz also highlighted some of the practical considerations and particularities that practitioners should keep in mind while filing via CM-ECF.

The program concluded with the swearing-in of over thirty practitioners into the Southern District of Ohio. Judge Rice, along with Magistrate Judges Newman and Ovington and FBA Chapter President Jeff Cox welcomed the new members and wished each attorney the best of luck as they begin the practice of law in the Southern District.

The CLE seminar is held twice per year – on the second Tuesday of May, and the second Tuesday of December. Counsel do not have to be newly-admitted attorneys to attend the CLE seminar. The Court encourages representatives from all law firms to attend, as the seminar is an opportunity for the Judges to explain any new rules, policies, or procedures that apply to practice in the Southern District. The next seminar will be held on May 12, 2015.

UPCOMING EVENTS – MARK YOUR CALENDAR!

- STATE OF THE COURT LUNCHEON FEBRUARY 27, 2015
- GILVARY SYMPOSIUM ON CHILD PORNOGRAPHY MARCH 20, 2015
- U.S. DISTRICT COURT, SOUTHERN DISTRICT OF OHIO (DAYTON)
ADMISSIONS CLE & SWEARING-IN CEREMONY MAY 12, 2015

* * *

**DON'T FORGET TO "LIKE" THE CHAPTER'S FACEBOOK PAGE, FOLLOW US @DAYTONFBA
&
CHECK OUT THE CHAPTER WEBSITE TO STAY CURRENT ON ALL FBA EVENTS
THROUGHOUT THE YEAR!**

(UDSL cont. from p. 6)

In October, the Student Division hosted an evening reception following the FBA Annual Meeting. The event was attended by numerous law students, local practitioners and judges, as well as the national FBA President, Mr. Matthew Moreland. The annual meeting reception was a great success and the Student Division hopes to make this an annual event. In November, the Student Division hosted the Dayton Chapter's Board of Directors Meeting at the law school. This was a great opportunity for students to enjoy lunch and conversation with local practitioners and observe and participate in the board meeting.

The Student Division Executive Board would like to express sincere gratitude to all of those involved in making our events a success this year. Your participation and involvement lend tremendous support to our organization and we are very excited for your continued involvement and support in Student Division initiatives.

The Student Division has several exciting events planned for next semester and the upcoming new year, including hosting another board meeting on campus as well as a partnership with the young lawyer division and the 3L class. The Student Division also looks forward to the symposium next semester and hopes to participate and assist in its success. Please look forward to further details regarding these and other Student Division events in the near future.

The Student Division is truly thankful for the interest and support shown by the Dayton Chapter. We are very excited about the events planned thus far and look forward to a strong year ahead with continued organizational success.

*For more information on upcoming events
sponsored by the Student Division,
log on to www.fedbar.org
and click on the Dayton Chapter*

**DAYTON FBA
COMMITTEE MEMBER SPOTLIGHT**



Zachary Heck, Esq.

Zach is an associate at Faruki, Ireland, & Cox P.L.L. He graduated from the Indiana University Maurer School of Law in May 2014, and joined the Dayton legal community in September of 2014. Beginning with this issue, Zach is credited with editing and managing contributions to the Chapter newsletter, On the Merits. The Executive Committee of the Dayton Chapter is very excited to have Zach's 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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