

ON THE MERITS

Winter 2021
Volume 8 Issue 1



*Nadia A. Lampton
President Dayton Chapter,
Federal Bar Association*

FIRST CHAIR: PRESIDENT'S MESSAGE

BY: NADIA A. LAMPTON ESQ., FBA DAYTON CHAPTER PRESIDENT

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

Greetings, Dayton Chapter! It is my sincere honor and pleasure to pen this column, and to promote the federal bar alongside so many of our extraordinary members. When I joined the Dayton Chapter in 2013 as a first-year law student, I was eager to get involved, meet and network with local practitioners and the judiciary, and to explore leadership and volunteer opportunities. Little did I know as that enthusiastic 1L that I would take an oath only seven years later as the Dayton Chapter President for the 2020-21 term.

Thankfully, during those seven years, I was fortunate to serve with and learn from several effective and good leaders, including Jeff Cox, Christine Haaker, Steve Justice, Judge Michael Newman, Erin Rhinehart, Vipal Patel, and most recently, Michael Rhinehart. Each of these former chapter presidents had their own recipe for leadership with their own ideas, goals, contributions, styles, and methods of execution. Although different, each of these extraordinary Dayton Chapter presidents managed to take the Dayton Chapter to new heights year after year by giving more to the community, expecting more from our members, and furthering several worthy Chapter initiatives. Each taught me valuable lessons on leadership, and I have taken certain characteristics and qualities from each of them. For that, I am truly grateful, and I humbly hope to make them and all Dayton Chapter members proud of our collective efforts this year.

The new year presents us with a formidable task – advancing jurisprudence and promoting the welfare, interests, education, and professional development of the federal bench and bar amidst the continued challenges associated with the COVID-19 pandemic. While many of these challenges are no longer novel, the impact remains significant. Business is anything but usual with many buildings and offices closed or operating at varying capacities and many judges, lawyers, and law students carrying out their duties from home. Indeed, virtual living has become our new reality. The Dayton Chapter, in keeping with the advice from national FBA leadership, will continue to hold events virtually until at least March of 2021. With this lamentable reality (and grim prospects of getting back to “normal” anytime soon), we must adapt. We must continue to advocate, network, lead, and learn, but we must do so in different, innovative, even seemingly strange ways.

INSIDE THIS ISSUE

2. CELEBRATING A DIFFERENT YEAR
SUPPORT UP-AND-COMING LAWYER LEADERS BY GIVING BLOOD
3. A MIXED BAG
4. REMOTELY PILOTED AIRCRAFT
6. FBA SOLACE PROGRAM
MEMBER SPOTLIGHT
7. BANKRUPTCY COURT MEDIATION PROGRAM
8. LAW SCHOOL EXPERIENCE DURING COVID-19

(Continued on page 5)

CELEBRATING A DIFFERENT, YET SUCCESSFUL YEAR: FBA DAYTON CHAPTER 2020 VIRTUAL ANNUAL MEETING

BY: SABRA L. TOMB, ESQ.

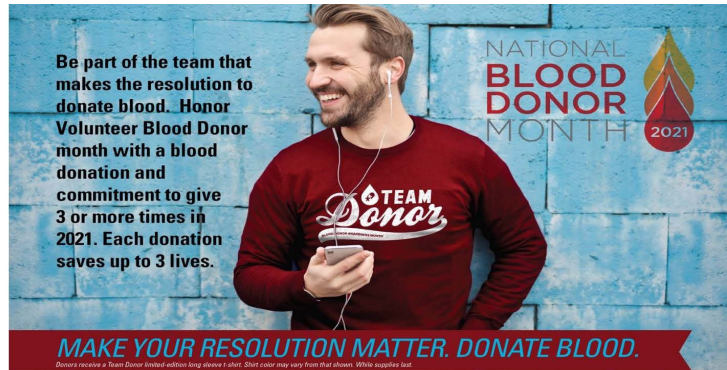
The Chapter 2020 Annual Meeting was, along with most other areas of our personal and professional lives, also affected by the COVID-19 crisis. In previous years, the meeting has drawn attendance of up to 100, including area judges, attorneys, and law students. This year the meeting looked a little different, as it was moved to a virtual platform and attended by approximately 30 members and friends of the Dayton Chapter.

Held on October 20, 2020, the meeting featured opening remarks from the FBA National President, W. West Allen, a presentation of Chapter Awards, and swearing in of Chapter Officers. Overall, the meeting was a success, highlighting member contributions, ushering in new Chapter Officers as well as encouragement from the FBA National President to carry-on despite the unique challenges many of us faced in 2020. We will continue to carry-on, adapting and remaining flexible, regardless of what the future may hold.

SUPPORT UP-AND-COMING LAWYER-LEADERS AND THE DAYTON COMMUNITY BY GIVING BLOOD

BY: SABRA L. TOMB, ESQ., U.S. AIR FORCE

As a member of the 2020-2021 Dayton Bar Association Leadership Development Class, I encourage you to support our upcoming Blood Drive. Several of the ten class members are also active in the federal bar. If you are a COVID-19 survivor, the Blood Center is especially in need of COVID Convalescent Plasma (CCP). Details provided below:



**Blood Drive
DAYTON BAR ASSOCIATION LEADERSHIP
DEVELOPMENT CLASS**

**SATURDAY FEBRUARY 20, 2021
7:00AM TO 1:00PM**

**LOCATION: Community Blood Center
349 S. Main Street
Downtown Dayton**

- TO SCHEDULE AN APPOINTMENT:
 - GO TO WWW.DONORTIME.COM
 - DONOR LOG IN
 - DONATE NOW
 - UNDER "SEARCH SCHEDULES" (LEFT)
 - CHOOSE "DONOR CENTER"
 - PICK CBC DAYTON 349 S MAIN ST
 - Date: February 20, 2021
- Or call CBC at 937-461-3220



A MIXED GRILL

BY: JUDGE BILL C. WELLS, ADMINISTRATIVE LAW JUDGE IN MEDICARE’S OFFICE OF HEARINGS AND APPEALS

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



*Judge Bill C. Wells,
Administrative Law Judge, Office of
Medicare Hearings and Appeals*

Federal contracts and copyright law are seldom expected to be found together in a single matter, but they were in *The Boeing Company v. Secretary of The Air Force*, Fed. Cir. #2019-2147 (Dec. 21, 2021). This case was an appeal from a grant of summary judgement at the Armed Services Board of Contract Appeals (ASBCA) and involved what markings are allowed on “technical data” (Tech Data) that is delivered as part of a government contract. The markings are important, because they, at least to a large extent, determine who can use the Tech Data and for what purposes, commonly referred to generally as “data rights.” There are different rules for noncommercial (government unique) and commercial Tech Data, but this case concerned only noncommercial Tech Data. The issue of government unique modifications to what began as a commercial product was not addressed in this case, and we will leave that subject for another time. See, e.g., 10 U.S.C. 2320(a)(2).

Tech Data includes the information behind the product such as specifications, instructions and drawings. Think of it as the shop manual and repair specifications for a car, though of course it can get much more detailed and complex than that. It is important, because among other things, it determines who can service, supply and modify the item in the future. Part of the reason tech data is so important is that the government, and the military in particular, sometimes keeps things for a long time. For example, a B-52H was recently recalled from the 309th AMARG (Aerospace Maintenance and Regeneration Group, commonly known as “the boneyard”) and restored to service (“Wise Guy” is Back! Regenerated After 10 Years At the “Boneyard” B-52H Flies Again After PDM at Tinker AFB, DAVID CENCIOTTI, Military Aviation, December 17, 2020). The last B52H was delivered to the Air Force in 1962. (U.S. Air Force B52H Fact Sheet, Dec 16, 2015). While this case involved upgrades to F-15 aircraft, the B-52 is the “poster child” for long-lived aircraft.

In this case, there was no dispute that the Air Force was entitled to unlimited right in the data. The Defense Federal Acquisition Regulation Supplement (DFARS), which is codified at 48 CFR, contains a clause that deals with how noncommercial tech data delivered to the government can be marked. There are three options provided (48 CFR § 252.227-7013(f)). There was no dispute that in this case that the Air Force was entitled to the “Government Purpose” markings, which provided the broadest authority to use the data. The dispute arose because Boeing added an additional marking, which on its face applied only to third parties that might come into possession of the data (these would presumably be government contractors or their subcontractors). A copy of the disputed marking is inserted below.

NDN-U.S. GOVERNMENT NOTICE
 BOEING PROPRIETARY
 THIRD PARTY DISCLOSURE REQUIRES WRITTEN APPROVAL.
 COPYRIGHT 2016 BOEING
 UNPUBLISHED WORK - ALL RIGHTS RESERVED

 NON-U.S. GOVERNMENT ENTITIES MAY USE AND DISCLOSE ONLY AS
 PERMITTED IN WRITING BY BOEING OR BY THE U.S. GOVERNMENT

The DFARS also gives the government the “right to establish conformity of markings” on technical data delivered by a contractor. See DFARS 227.7103-12. Under this regulation, the government may reject “nonconforming markings.” Based on this provision, the Air Force rejected the data rights tendered by Boeing; the ASBCA upheld that rejection and this appeal to the Federal Circuit followed. Stripping each parties arguments down to their roots, the Air Force argued that they were entitled to reject the submission because only the markings provided by 48 CFR § 252.227-7013(f) were allowed and Boeing argued that the additional marking was allowed because it had no effect on the government’s rights, but only provided notice to third parties that Boeing owned the data in question and retained the rights to control its use by any person not authorized by the rights granted to the government.

(Continued on page 6)

REMOTELY PILOTED AIRCRAFT

BY: JUDGE BILL C. WELLS, ADMINISTRATIVE LAW JUDGE IN MEDICARE'S OFFICE OF HEARINGS AND APPEALS
THE VIEWS EXPRESSED IN THIS COLUMN ARE HIS OWN, AND DO NOT REPRESENT THE OFFICIAL POSITION OF ANY
AFFILIATED ENTITY

On Dec 28, 2020 it was announced that the FAA had released the text of the final rules rule establishing the remote ID requirements for unmanned aerial vehicles (UAVs or drones), and also a rule governing the operation of UAVs over people and moving vehicles (The Overflight Rule), which will also regulate night operations ("BREAKING: FAA Publishes Remote ID for Drones Final Version, Ops Over People," Miriam McNabb, *dronelife*, Dec. 28, 2020 at <https://dronelife.com/2020/12/28/breaking-faa-publishes-remote-id-for-drones-final-version-ops-over-people/>). The full text of the Remote ID Rule can be found at https://www.faa.gov/news/media/attachments/RemoteID_Final_Rule.pdf and the full text of the Overflight Rule is at https://www.faa.gov/news/media/attachments/OOP_Final%20Rule.pdf. While both rules bear a header on the first page that states, "This is a copy of the final rule that has been submitted to the Federal Register for publication" neither rules has, as of the submission due date of this article, (Jan. 04, 2020) been published in the FR.

The two rules collectively are a major step forward toward integrating Unmanned Aerial Systems (UAS), commonly known as drones, into the National Airspace System (NAS). When the FAA uses UAV, they are referring only to the aircraft itself, and when they use the term UAS (which is short for Unmanned Aerial Systems), the FAA means the aircraft and the ground control station, communication links, and other components as well. The FAA's aim is to incorporate the operation of small UAS into the NAS using a phased, incremental, and risk-based approach (See, <https://www.faa.gov/uas/>). The ability to operate UAVs over people is a significant step forward for expanded operations like drone delivery as it is impracticable to operate in urban areas without the ability to fly over people and moving vehicles ("EAA Input Noticeable in Final Remote ID Rule," The Experimental Aircraft Association, Dec. 29, 2020, at <https://www.eaa.org/ea/news-and-publications/ea-news-and-aviation-news/news/12-29-2020-eaa-input-noticeable-in-final-remote-id-rule?fbclid=IwAR144Kgfjlg8RPxVZdss09BzWUBteOHQPJnPoQl856ijTIAijfsLRUmFks8> .

The "Night Ops" part of the rule will allow certified operators to fly after dark if the UAV has appropriate lighting. The rule will allow routine operations of small UAS at night if two conditions are met. First, the remote pilot in command must have completed a knowledge test or recurrent training, as applicable, to ensure familiarity with the risks and appropriate mitigations for nighttime operations. Second, the small-unmanned aircraft will be required to have anti-collision lighting that is visible for at least 3 statute miles and that has a flash rate sufficient to avoid a collision.

While the remote identification rule has many different provisions (it runs 470 pages), the main purpose of the rule is to insure that there is sufficient identification of everything flying to meet national security and law enforcement requirements. There are two options for remote ID, and a limited class of small UAVs commonly considered to be "traditional model aircraft" that are excluded from the requirement for remote ID so long as they are being flown at an approved, registered flying site such as a club flying field such as a club flying field. While these aircraft will not be required to have a transponder, they will still have to be registered with the FAA.

For aircraft that are required to electronically transmit their identity, there are two options. The first, called Standard Remote ID will require a transponder installed by the manufacturer in all new products beginning no later than February 28, 2022. The signal from this device will include the serial number of the product.

The other option, called Broadcast Module will likely to be used by many individuals. It allows use of a small, inexpensive module that can be moved between aircraft with a single registration required by the owner for all of the units that may use the module.

By the time this edition of "On the Merits" is published, I expect that the rules will have been published in the Federal Register, with an effective date of between 45 days to 18 months from the date of publication. If you have clients who use, or who plan to use, drones for work or play, they will need to figure out which portions of the rules apply to them and begin planning to comply without much wasted time and effort, because the time lines are short.

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

In true Dayton Chapter fashion, our membership has already shown its temperament for acclimating to these uncertain times. In that spirit, the Dayton Chapter will, for the first time in Chapter history, host the Federal Court Practice Seminar virtually for newly minted lawyers and other lawyers seeking admission into the Southern District of Ohio. Michael Mayer will be the Program Chair for the Federal Court Practice Seminars this year. With a new format and new leadership over the program, we are sure to see some fresh ideas for this program moving forward.

The Dayton Chapter has also formed a diversity committee book club, which will select one book each quarter to read and will then host a forum to discuss diversity-related issues. Tamara Sack is the new Diversity & Inclusion Liaison for the Dayton Chapter and in this role will oversee the book club. The Dayton Chapter's Civics Program is also undergoing a re-branding of sorts by welcoming Judge Peter Silvain as the new official Civics Program Liaison who will oversee the program and develop new and creative ways to promote civics amidst these trying times.

All are invited to participate in these new or changing programs, and I invite you to spread the word to colleagues and friends so that we can grow these programs and make them valuable to our members. I also invite you to share your ideas with us. In order for the Dayton Chapter to continue this adaptive spirit, we rely on the ideas and creativity from all of our members. To that end, I encourage you to share your ideas with us so that we can make this year stand out, not because of the pandemic, but because of our communal commitment to unite and to orchestrate outreach in cutting-edge ways.

With fresh faces taking up leadership roles both on the executive committee and with various Dayton Chapter committees, programs, and initiatives, I am confident that the Dayton Chapter will come through this pandemic exceeding all expectations. As I remarked during the Annual Meeting, to accomplish our goals this year requires a commitment from every one of our members. And I am asking that you make that commitment with me – that you will be open to doing things a little differently, a little unconventionally, for a while and that you will participate in new ways. If you do that, I am confident that we will take the Dayton Chapter to the next level and that we will continue to do great work in the Dayton community. I am counting on you, and you can count on me.

We are a resilient group, and I am eager to see us come together, support one another, and work cooperatively towards a happy, safe, and productive new year.

- Nadia A. Lampton, President, FBA Dayton Chapter

DAYTON CHAPTER MONTHLY BOARD MEETINGS

The Board of the Dayton Chapter of the FBA meets at noon on the second Monday of every month in Judge Newman's Courtroom, unless otherwise indicated. All FBA members are invited and encouraged to attend! Interested in joining the FBA or getting involved with the Dayton Chapter? Join us--guests are welcome!

A MIXED GRILL (CONTINUED FROM PAGE 3)

The Court largely accepted Boeing's argument that the added language applied only to third parties and did not limit or otherwise effect the rights granted to the government as set out in the mandatory marking. However, because there was a remaining question of fact regarding whether having to authorize the use of the data by subcontractors and similar parties does or does not restrict the government's rights the Court remanded the case to the ASBCA to resolve that question.

This is a very interesting, and depending on the resolution of the remaining question of fact, potentially important decision. Furthermore, even if you don't practice in the area of government contracts, the Court's discussion of the rules of statutory and regulatory interpretation provides an excellent and useful review of that subject.

Mr. Wells is an Administrative Law Judge for the Office of Medicare Hearings and Appeals in Phoenix AZ. He is a retired Air Force Judge Advocate and former civilian attorney for the Dept. of the Air Force.

FBA PROVIDES SUPPORT TO MEMBERS OF LEGAL COMMUNITY IN NEED THROUGH SOLACE PROGRAM

BY: SABRA L. TOMB, ESQ., U.S. AIR FORCE

Especially in light of the COVID-19 global pandemic and associated effect on our individual communities, the Dayton Chapter would like to remind our members once more of the FBA's SOLACE program. SOLACE stands for "Support of Lawyers/Legal Personnel—All Concern Encouraged." SOLACE provides a way for the FBA legal community to reach out in small, but meaningful and compassionate ways, to FBA members and those related to them in the legal community who experience a death, or some catastrophic event, illness, sickness, injury, or other personal crisis. No request is too big or too small. If you or your family need assistance, please don't hesitate to reach out to Mr. Steve Justice, Dayton Chapter SOLACE Committee Chairperson, justice@dunganattorney.com, or submit a request at:

<https://www.fedbar.org/about-us/outreach/solace/solace-submission-form/>.

**DAYTON FBA
COMMITTEE MEMBER SPOTLIGHT**
Michael S. Mayer



Michael is the term law clerk for a federal judge in Dayton at the U.S. District Court for the Southern District of Ohio. Prior to working for the federal courts, Michael was a litigator for approximately 13 years, working at Freeborn & Peters in Chicago and then at Faruki PLL in Dayton. He counseled companies and litigated a variety of complex business and commercial cases. Michael has also written a number of published articles and served as a panelist or speaker on several topics, including litigation skills, Supreme Court cases, corporate representative depositions, and transitioning from a young lawyer to the next level. He currently serves as Secretary for the Dayton Chapter of the Federal Bar Association, as a member of the CLE Content Advisory Committee for the Ohio State Bar Association, and as co-chair for the Civil Trial Practice & ADR Section of the Dayton Bar Association. Michael also served on the inaugural board of directors for Brigid's Path, Inc., a non-profit organization in Dayton that cares for mothers and their babies who were born exposed to addictive substances. The Dayton Business Journal named Michael a "Forty Under 40" award winner in 2018. He received his J.D., magna cum laude, from DePaul University in Chicago, Illinois and his B.B.A., with high distinction, from the University of Michigan in Ann Arbor, Michigan.

BANKRUPTCY COURT IMPLEMENTS ATTORNEY-BASED MEDIATION PROGRAM

BY: THE HONORABLE GUY R. HUMPHREY, UNITED STATES BANKRUPTCY JUDGE



*The Honorable Guy R. Humphrey,
U.S. Bankruptcy Court Southern
District of Ohio*

On November 2, 2020, the United States Bankruptcy Court for the Southern District of Ohio adopted a district-wide attorney-based mediation program to assist the Court with resolving contested matters and adversary proceedings (complaints within bankruptcy cases). With the court currently operating with five judges (out of seven statutorily authorized judges) and increased demands on the judges' time, the court concluded that it was an appropriate time to implement such a program. It follows the example, which the state courts and the District Court in Columbus have provided over the last 35 years. Goals of the program include reducing demand on the judges' time spent mediating matters for their colleagues and expanding opportunities for the bar to develop and use their mediation and settlement skills.

A committee was formed and led by the Court's retired Deputy Clerk of Court, Carolyn Buffington, which met over several months and developed a framework with policies and procedures governing the criteria for serving as mediators in the program, how proceedings could be selected for mediation, filings to be made in the bankruptcy case related to the mediation, and mediation procedures. The committee also developed forms to be used. In addition to Carolyn, the committee included both consumer and commercial bankruptcy practitioners from across the District; the Honorable Harrold Paddock, a former Franklin County Magistrate Judge and current Clermont County Magistrate Judge (and who I refer to as one of the "godfathers" of the Columbus/Franklin County mediation program); my career law clerk, Neil Berman; Judge Newman's law clerk, Meetal Reed; and myself.

The program has "hit the road running" with a great variety of practitioners stepping forward to serve as mediators. Also, the mediation program is open to representatives of other industries (such as accountants, appraisers, bankers, etc.) to serve as mediators in matters which match their specific knowledge and skills.

The adopted policies and procedures, forms, and list of mediators are housed and can be viewed on the Court's website: www.ohsb.uscourts.gov/mediation-program.

*The Dayton Chapter of the Federal Bar Association has its own website and communities page where Chapter events, news and opportunities are posted. You can access the Chapter website here:
<http://www.fedbar.org/Chapters/Dayton-Chapter.aspx>.*

Please save this website to your favorites, as it has information on the Chapter's upcoming events, as well as, current and past copies of the On The Merits newsletter!



*Nicolas Davis, UDSL,
President, Federal Bar Association
Dayton Chapter - Student Division*

THE LAW SCHOOL EXPERIENCE DURING COVID-19

BY: NICOLAS DAVIS

When the students at the University of Dayton first heard that there was a possibility that the university would close in response to the COVID-19 spread, the future was uncertain. The School of Law was set to begin their spring break on March 14th when the news came from University President Eric Spina four days prior indicating that the University would be suspending in-person classes and would institute remote learning following the end of spring break. From that point, the School of Law administration recognized the need for clarity and communication.

After an initial Zoom Town Hall on March 20th, we had a better understanding of what we should expect going forward. Classes would resume online through Zoom, Keller Hall would be closed, and communications with professors would need to be virtual just as the classes were. Despite this, student organizations and other extracurricular activities continued. Dean's Fellow applications came open as they traditionally did, student organizations adapted to holding events virtually, and students worked to find their externship and internship placements for the summer. This announcement led to much disappointment and disheartenment across the student spectrum. However, the consensus seemed to be that the decision to go virtual was understandable given the circumstances of the pandemic.

While the expectation was set for the remainder of Spring 2020, it was unclear what would happen as the calendar year rolled on. When asked of her initial reaction to the announcement of Spring 2020 being moved online, Sarah Sparks, a member of the Summer 2019 cohort, explained that she did not expect the pandemic to last as long as it ultimately did. Hindsight is often 20-20, and this instance was no different, as it may very well have been clear in Spring 2020 that the remainder of the year would be online had the administration possessed the same knowledge as they did now.

The Career Services Office was critical at this phase of the COVID-19 education experience, as they worked tirelessly to connect students with summer employment opportunities. Student email inboxes were updated every week for months with the contact information for numerous attorneys and firms searching for summer interns. While most emails contained one or two prospective employers, others contained as many as eight to twelve. Despite the unfortunate circumstances, the Career Services Office continued to operate at peak efficiency, providing immeasurably beneficial opportunities to the law school students. Services provided by the center also included assistance in revising and updating student resumes as the summer rolled on, a service which Sparks took advantage of. Even students who did not use the office's resources recognized that they would have been more than willing to assist if needed.

Not every decision made by the administration at the law school was met with satisfaction and glee by the students. One controversial step taken during the Spring 2020 semester was to allow students to opt into a credit / no credit grading option as opposed to taking the traditional letter grade. If a student wished to opt into this system, it was considered all or nothing: either every class would be graded under the credit / no credit option or none of them would be. This led to some frustration amongst the student body. Ricky Murray, a member of the Fall 2019 incoming class, explained that "the ability to choose allowed for too much 'gamesmanship' between keeping ranks/GPA and studying hard for good grades against 'getting by' and taking an average grade to pass the class." Murray indicated that he would have preferred that the decision to take credit or no credit be implemented mandatorily across the board rather than being a voluntary decision, and this sentiment appeared to be shared by many students in the 1L and 2L classes alike. Other students, such as Sparks, indicated that the option was nice for students given the level of disruption in the learning experience. For those who chose to receive credit, they may have anticipated a boost in their grade point averages, so the option to receive credit may have been ultimately beneficial.

Transitioning to the Fall 2020 semester posed its own controversial challenge. Instead of having five

(Continued on next page)

(Continued from previous page)

days of virtual or synchronous classes each week, Mondays would be used for asynchronous learning while the remaining four would be used for traditional virtual class time. Professors used this Monday asynchronous learning day to assign readings, pre-recorded lectures, written assignments, and other content. This change was implemented alongside a change to class times; rather than have classes three times a week for the traditional sixty minutes, classes would instead be held twice a week for sixty-five minutes, with the asynchronous Monday intended to serve as the buffer for what would be the remaining hour of traditional in-class learning. While initially appealing to students given the appearance of a four-day workweek, the implementation of the asynchronous proved to be difficult for many students to adapt to. According to Murray, “many professors put an entire week’s worth of asynchronous work on Monday only, which made it feel like a full work day.” The sheer amount of work assigned for asynchronous sessions had a demoralizing effect on some students, with many wishing for an additional virtual class session as opposed to what was provided. The asynchronous work had varying degrees of significance on student learning, with Sparks explaining that much of it felt like “busy work” that did little if anything to contribute to her understanding of course materials.

A lingering effect on students because of the virtual learning has been adjusting to home as being both the space for learning and the space for relaxation. Many students, myself included, relied on their time in Keller Hall to concentrate on course material, prepare for classes, and study for exams. Without having that separation of work and home, it became difficult for students to balance their expectations of using their home for work purposes and for leisure. Sparks indicated to me that something as innocuous as sitting in front of a computer screen and processing information for extended periods became taxing, especially given the ease of disengagement from the classroom environment when conducted online instead of in-person. This was especially difficult for students with children in the home or students who had to take care of relatives, since the separation of school/home life was easier when they had the ability to focus on classes outside the home.

Despite the challenges, law school education during COVID-19 has not been all-bad. It cannot be overstated just how much work was put in by the full-time and adjunct faculty to ensure that the classroom experience continued uninhibited. While most classes were not held at the law school, the faculty did an excellent job at adjusting their teaching styles, modifying course content to fit the amended academic calendar, and providing opportunities for students to ask questions given the lack of physical office hours. It was in large part due to the efforts of the faculty that the law school experience was continually beneficial throughout the pandemic. Innovation and flexibility were the name of the game, and the faculty were able to develop rather novel approaches to the learning process that allowed students to succeed. I would argue that the law school’s push to develop course content for the Hybrid J.D. program – which allows students to complete their juris doctor through a mix of online and in-person education – helped them adapt quicker to the frequent changes in city, county, and state mandates.

As the School of Law turns to the Spring 2021 semester, another round of students are preparing to graduate and begin the long, arduous process of studying for the Bar Exam. Online classes are set to continue through to graduation, with a small portion of the courses being offered in person. Whether these graduating students will come together once again before the culmination of their law school experience has yet to be seen, and many of the current 3L class are hoping that they will be afforded the opportunity to attend an in-person graduation ceremony unlike their peers from the 2020 graduating class.

It is important to recognize through these challenging times that the law school experience, whether virtual or residential, is no walk in the park. The ability for students, faculty, staff, and administrators to adjust this quickly to online education is a testament to the flexibility that is crucial to higher education. The support systems developed by the School of Law to assist students in whatever way they could have been put on full display and the community has done everything it could to rally together behind the common goal of developing the next class of legal professionals. Law school is difficult at the best of times, and it is safe to say that the pandemic era is far from the best of times. Nevertheless, aspiring lawyers continue to learn, adapt, and grow together, even if we must do so virtually. The skills developed through the adjusted educational opportunities of the past twelve months will make for an impeccably flexible group of attorneys over the next few years, and I look forward to being part of that group.

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.

EXECUTIVE COMMITTEE

President –

Nadia Lampton, Taft/

President Elect –

Tiffany Schwartz, U.S. Air Force

Vice President –

Christopher Hollon, Faruki PLL

Treasurer –

Judge Guy R. Humphrey, U.S. Bankruptcy Court, S.D. Ohio

Secretary –

Michael Mayer, Law Clerk to Honorable Thomas M. Rose

Sergeant-at-Arms –

Judge Thomas M. Rose, U.S. Dist. Ct., S.D. Ohio

Immediate Past President –

Michael Rhinehart, Career Clerk to Honorable Michael J. Newman

COMMITTEES - CHAIRS*

Membership –

Meetal Reed, Clerk to Honorable Michael J. Newman

Publicity & Public Relations –

Sabra L. Tomb, U.S. Air Force

Civics Liaison –

Judge Peter B. Silvain, Administrative Law Judge, U.S. Department of Labor

Government Relations –

Jeff Cox, Faruki PLL

Armed Services –

Judge Bill C. Wells, Administrative Law Judge, Office of Medicare Hearings and Appeals

CLE –

Michael Scarpelli, Dungan & Lefevre Co., LPA

Young Lawyers –

Vacant

Student Division–

Nicolas Davis, Student at UDSL

**Interested in joining a committee?*

Contact Nadia Lampton at nlampton@taftlaw.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 Sabra Tomb at sabratomb@hotmail.com.

All copyright reserved.

