Pioneering Female Lawyers from Tiffin to be Recognized

Marker to note sisters were first women admitted to Ohio bar

By Jennifer Feehan, Blade Staff Writer (originally published on October 21, 2013; reprinted with permission)

TIFFIN — Two women who blazed a trail for women “in a man’s world and in a man’s work” will be memorialized in the city where they became Ohio’s first female lawyers.

In 1873 — nearly 50 years before women received the right to vote — Nettie Cronise Lutes and her sister Florence Cronise became the first two women admitted to the Ohio bar. A historical marker to tell this little-known piece of history is to be installed Wednesday on the lawn of the former 1884 Seneca County Courthouse in downtown Tiffin with Ohio Supreme Court Chief Justice Maureen O’Connor on hand for the dedication. Court Street also will receive the honorary designation, N. & F. Cronise Way.

Hilary Damaser, an assistant Ohio attorney general who has researched the women, said the tribute is long overdue.

“They are fascinating because they were among the first women to actually practice law,” Ms. Damaser said, explaining that while more women first became lawyers in the Western states, “The ones in the West who were licensed before them were more like paralegals. They became lawyers to help their husbands. Nettie and Florence became lawyers to litigate.”

Raised by their grandparents after their own parents divorced, Nettie and Florence both attended Heidelberg College, although only Florence graduated. Both were teachers before studying the law for two years, gaining admission to the bar, and opening their own firm.

“They were strong people who knew what they wanted and knew what they deserved and they went out and got it,” said Jim Fruth, president of the Seneca County Bar Association. “They wanted to be lawyers and they pursued it doggedly and secured it. It’s amazing that it happened in a town like ours.”

Mr. Fruth spearheaded the effort to secure an historical marker after learning that many of his fellow lawyers were as ignorant as he was of their contribution.

“I was out casually having a conversation with an attorney a generation older than me who was a lifelong resident of Seneca County, and I mentioned them and that attorney admitted never having heard of them,” Mr. Fruth recalled. “That frightened me. I thought, if we don’t do something to recognize these two women, it’s going to be lost to history.”

He floated the idea of applying for a historical marker from the Ohio Historical Society, and the local bar association was able to secure a grant from the historical society as well as donations from the state bar association and the Barnes-Deinzer Seneca County Museum Foundation to help pay for it.

Count y commissioners agreed to allow the marker to be installed on the lawn where the 1884 courthouse once stood. The courthouse was demolished by commissioners last year despite efforts by historic preservationists to renovate it.

Mr. Fruth said the marker’s location at the corner of Washington and Court streets is in close proximity to the sisters’ former law offices.

“After all the controversy over the courthouse, it’s kind of interesting to note that these two sisters got their license even before this courthouse was (continued on page 3)
Soliciting Potential Clients by Text Message is Not a “L.O.L.” Matter

By Charles E. Ticknor, III and Nita Hanson

The evolution of technology has changed the way attorneys do business, yet the waters have been muddied by debates over proper and ethical uses of that technology in carrying out their responsibilities. However, a recent opinion from the Ohio Supreme Court Board of Grievances and Discipline has offered some clarity on the use of technology, specifically as it relates to the solicitation of clients. In August 2012, an attorney’s teenage daughter was a passenger in a car that hit another from behind. Less than 24 hours later, the teenager received a text message solicitation from a local attorney suggesting she may need his services. Incensed by what was perceived as an improper communication, her parent sought guidance from the Board.

Recognizing that perhaps the Ohio Professional Conduct Rules lagged behind technology, the Board asked for a formal request for an advisory opinion on the issue: May Ohio lawyers use text messages to solicit professional employment from prospective clients? On April 5, 2013, the Board issued Advisory Opinion 2013-2 which is entitled, “Direct Contact with Prospective Clients: Text Messages.”

The short answer is, yes. Lawyers may advertise their services through SMS text messages, which are written and/or electronic communication for purposes of Prof.Cond.R. 7.2(a). The message must comply with Prof.Cond.R. 7.1 and 7.3. The text must not contain a false, misleading, or nonverifiable communication about the lawyer or the lawyer’s services. Prof.Cond.R. 7.3 imposes five additional requirements that apply to text message advertising by lawyers:

- The text message cannot create a “real-time” interaction similar to an internet chat room;
- The text message may not involve coercion, duress, or harassment, and the lawyer must abide by a person’s request not to receive solicitations;
- If the lawyer has a reasonable belief that the prospective client is in need of legal services in a participate matter, the text message must state how the lawyer learned of the need for legal services, include the language “ADVERTISING MATERIAL” OR “ADVERTISEMENT ONLY” at both the beginning and ending of the message, and cannot offer a case evaluation or prediction of the outcome;
- If the prospective client is a defendant in a civil case, the lawyer shall verify that the person has been served; and
- Text message solicitations sent within 30 days of an accident or disaster must include, in the body of the text message, the entire “Understanding Your Rights” statement contained in Prof.Cond.R. 7.3(e).

Text Messages are Not “Real-Time” Typically

The Board found that a text message solicitation of a prospective client is not an in-person communication, and although it may be initiated with a cellular phone, would not ordinarily be considered a “live telephone” conversation. The Board’s view is that a standard text message is more akin to an email than a chat room communication. Accordingly, a typical text message is not a “real-time” electronic contact. However, lawyers must ensure that the technology used to solicit clients using text messages does not generate a real-time or live conversation. In addition, because most text messages are received on cellular phones, which are often carried on one’s person, lawyers should be sensitive to the fact that a text message may be perceived as more invasive than an email.

“Understanding Your Rights” Statement

The Board expressed concern that due to the limited number of characters available in a standard text message (typically 160 characters), including the entire “Understanding Your Rights” statement may cause the message to be split into multiple messages; or worse, fail to transmit in its entirety. The Board found that including an internet link in the message to the statement was not sufficient. Likewise, including a photographic attachment of the statement fails to satisfy Rule 7.3(e). As with any solicitation sent within thirty days of an accident or disaster, it is the lawyer’s duty to ensure communication of the full statement – not just hit “send” and hope for the best.

3 Things to Consider Before Soliciting a Potential Client By Text Message

The Board identified three practical considerations for a lawyer who chooses to directly solicit prospective clients using text message. First, the text message should not create a cost to the prospective client. Because not every service plan includes free or unlimited text messaging, and significant cost may be incurred if the recipient is traveling internationally when the text is received, unless the lawyer can verify that a text message solicitation will not result in a cost to the prospective client, the lawyer should use “Free to End User” or similar technology by which the initiator of the message is responsible for the cost of both delivery and receipt. In other words,
built, so they would have been among the first people to practice in our historic courthouse,” Mr. Fruth said.

Fellow bar member Victor Perez said the Cronise sisters were impressive in their determination to practice law.

“It appears clear that they knew that what they were doing was difficult, but they didn’t let that stop them,” he said.

Their own writings indicate they didn’t see themselves as trailblazers, much less feminists. Florence said they turned down speaking engagements to focus on their law practice — a general practice that initially did not attract many female clients, she said, because they had “but little confidence in the ability of women.”

“Our brothers extended the hand in welcome, so far as to put no visible obstacle in our way — neither did they make any effort to remove any,” Florence wrote in an 1888 letter to the Equity Club — an organization of female lawyers from across the country. “We began on the same footing as any of the young men, and have kept on to the present.”

U.S. Magistrate Judge Vernelis Armstrong said she was humbled to receive the Nettie Cronise Lutes Award from the Ohio State Bar Association in 2006 — an award given to female lawyers who have “improved the legal profession through their own high level of professionalism and have opened doors for other women and girls.”

“Just to survive during that period of time would have required amazing stamina, so to also take on a profession where there were no women would be a daunting challenge,” Judge Armstrong said. “I have great admiration for them.”

An editorial published in the former Toledo News-Bee upon Nettie’s death in 1923 advocated for a memorial such as the one that will be unveiled Wednesday.

“Fifty years ago woman’s place was surely in the home, in the belief of almost everyone. Today many cling to this idea, but in those days agreement was practically unanimous,” the newspaper wrote. “Yet this brave woman, then in her mental and physical prime at the age of 30, faced prejudice fearlessly and carved out a place for herself in a man’s world and in a man’s work.

“Since that time many other women have followed in her footsteps but their way has been made easier by the trail she blazed alone. We cannot resist the sentiment that the women of Ohio owe this pioneer sister of theirs a debt that should be paid in some form of memorial.”

(continued from page 2)

one should not pay for the privilege of receiving the solicitation.

Second, the lawyer should consider the age of the recipient of the text message. Lawyers who obtain phone numbers from police or accident reports should attempt to verify that the numbers do not belong to minors before sending a text message solicitation. Although Prof.Cond.R. 7.3 does not explicitly prohibit the direct solicitation of minors, the Board discourages it. The Rules Committee has been asked to consider proposing an amendment to the Rules of Professional Conduct that would address direct contact with prospective clients who are minors.

Third, before a lawyer solicits a prospective client using text message, the lawyer should carefully scrutinize the message and delivery mechanism to ensure compliance with all applicable federal and state laws, rules, and regulations pertaining to telemarketing laws. This may include consumer protection rules prohibiting the number of text messages sent by an autodialer to a cellular phone, the federal CAN-SPAM Act, and the requirements to abide by the federal “Do Not Call” provisions.

Back to the Future
Based on Advisory Opinion 2013-2, the lawyer who solicited the teenager failed miserably in his ethical obligations. While the message contained a statement that it was a solicitation, and identified the lawyer sending the message, the entire “Statement of Your Rights” was not transmitted. And, remember – the text message was sent within 24 hours of the accident. Despite the fact that teen’s age was listed in the box right next to the telephone number, the solicitation was sent to a minor without even seeking the opportunity to communicate with a parent or guardian. The lawyer did not know whether or not the text would result in a cost to the recipient. But, in all fairness, he may have used “Free to End User” or similar technology. The number where the solicitation text was sent is listed on the federal “Do Not Call List.”

The Board opined that while text messaging may be a novel approach to client solicitation, their ethical review was actually a straightforward application of the Rules of Professional Conduct. Here’s hoping that most lawyers are making better application of the Rules than the one encountered by the attorney’s teenage daughter.

About the Authors
Chuck Ticknor is a partner in Dinsmore & Shohl’s Litigation Department and serves as the Managing Partner of the firm’s Columbus office. Ticknor has more than two decades experience representing clients in litigation and dispute resolution matters at the federal, state and local levels.

Nita Hanson is a member of Dinsmore & Shohl’s Litigation Department. Hanson has a breadth of knowledge and experience in complex litigation including the formation and implementation of specific strategies in trial in both State and Federal courts in Ohio, and around the country.
OSBA Now Offers Certification in Elder Law

Columbus, Ohio – The Ohio State Bar Association (OSBA) has announced that the Supreme Court Commission on Certification of Attorneys as Specialists has accredited the OSBA to certify attorneys as specialists in Elder Law. The Supreme Court of Ohio established the Commission on Certification of Attorneys as Specialists to identify specialties and set minimum standards for specialty certification.

Elder Law is the legal practice of counseling and representing older persons and their representatives about the legal aspects of health and long-term care planning, public benefits, surrogate decision-making, older persons’ legal capacity, the conservation, disposition and administration of older persons’ estates and the implementation of their decisions concerning such matters, giving due consideration to the applicable tax consequences of the action, or the need for more sophisticated tax expertise.

“Certification offers our members an opportunity to expand their knowledge in particular areas of the law and it provides the public with an additional credential to consider when hiring a lawyer,” said OSBA President Jonathan Hollingsworth. Attorneys interested in becoming certified specialists in Elder Law should take note that applications for certification will be available online in January 2014, and that the application deadline date is June 30, 2014. Attorneys who elect to become certified specialists in Ohio are required to attend additional hours of continuing legal education, devote a substantial portion of their practice to a specific area of the law, and earn the respect of their colleagues. Attorneys who have earned a specialty certification must be recertified at least every six years. To obtain more information about becoming a certified specialist in Elder Law, visit the OSBA website at www.ohiobar.org/specialization or call Melissa Quick at (614) 487-4411.

Save the Date!

The Ohio State University Moritz College of Law’s annual Public Interest Law Foundation Auction will be held Thursday, March 6, 2014 at the Huntington Club in Ohio Stadium. The auction will consist of both a silent and a live component with hundreds of items to bid on including gift cards and baskets, dinners with faculty, tickets to sporting events and theme parks, and signed sports memorabilia. Food and music will be provided, as well as free tours of the stadium. All proceeds from the Auction will go towards Public Interest Fellowships for law students. These fellowships are designed to encourage our classmates to seek out rewarding positions that give back to the community and serve groups with little access to legal services. We hope that you will join us for a fun evening with great people!

Morning Social at Panera Welcomed Members and Potential Members

A morning social at Panera in Akron took place on November 1. With a wonderful events room in the back, the venue accommodated the morning social and provided room to network with attorney colleagues and meet with new potential members in the area. Magistrate Sharon Dennis chaired this event and members including Lynne Callahan from Summit County Common Pleas Court, Magistrate Rebecca DiDonato Heinbaugh from Summit County Domestic Relations Court, Anne Owings Ford from McDonald Hopkins and Kate Wexler from Brouse McDowell gathered for coffee and pastries.

Special thanks to sponsors Oldham Company, LLC, Attorneys and Counselors at Law and the Reminger Co., LPA.
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Ohio Women’s Bar Foundation Launches 2013-2014 Leadership Institute

In late September the Ohio Women’s Bar Foundation launched its 2013-2014 Leadership Institute, a program designed in 2011 to cultivate, promote, and enhance the leadership skills of woman attorneys. The Leadership Institute invites exceptional women attorneys from across Ohio to attend this premier program. Sessions include practical, interactive training by successful lawyers and business professionals in areas such as, business development strategies, effective communication techniques, social media, and public speaking.

“This outstanding program was created by top women lawyers in Ohio who understand what it takes to be a leader,” says Denise Platfoot Lacey, Immediate Past President of the Ohio Women’s Bar Foundation, Leadership Institute Chair and Lecturer of Law at the University of Dayton School of Law. “These dedicated lawyers are demonstrated leaders in the legal profession and are integrally involved in the training of the program participants by teaching in the program and serving on its Advisory Committee. The Advisory Committee includes: The Honorable Vernelis Kinsey Armstrong, U. S. District Court, Northern District; Kim Bixenstine, University Hospitals; Valoria Hoover, Kohrman Jackson & Krantz PLL; Elizabeth Kessler, Jones Day; Maria A. Kortan-Sampson, Goodrich Corporation (Retired); Justice Judith Ann Lanzinger, The Supreme Court of Ohio; Cynthia C. Lazarus, Flying Horse Farms; Margaret J. Lockhart, Cooper & Kowalski, LPA, The Honorable Yvette McGee Brown, Jones Day; The Honorable Betty D. Montgomery, MacMurray Petersen & Shuster; Chief Justice Maureen O’Connor, The Supreme Court of Ohio; Kathleen Hayes Ransier, Vorys Sater Seymour & Pease LLP; Mary W. Sullivan, Peck, Shaffer & Williams LLP; and Maxine S. Thomas, Charles F. Kettering Foundation.

The Ohio State Bar Association 2011 Gender Fairness Survey and the 2012 National Association of Women Lawyers Survey on Retention and Promotion of Women in Law Firms both find women attorneys lag behind in leadership positions. “It is our goal to give women attorneys the necessary skills to become successful leaders in the legal profession and their communities,” says Platfoot Lacey. The mission of the Leadership Institute is to advance inclusiveness within the legal profession and supplement the professional skills of women lawyers by enhancing their leadership, business development, and communication skills for the benefit of the diverse communities in which they work, live, and serve.

The Class of 2014 includes: Tara Aschenbrand, Squire Sanders (US) LLP; Christina Grassesci, Scotts Miracle-Gro Company; Stephanie Hanna, Carlile Patchen and Murphy LLP; Ann Hunt, McDonald Hopkins LLC;
Kimberly Jones, US District Court-Magistrate Judge
Stephanie K. Bowman; Pramila Kamath, Bricker & Eckler LLP; Micheline Kidwell, WilmerHale; Christine Li, Nationwide; Shelby McMillan, Reminger Co., LPA; Melinda Nenning, Bailey Cavalier LLC; Vanessa Nichols, The Procter & Gamble Co.; Catherine Peters, Gallagher Sharp; Adrienne Pietropaolo, Barnes & Thornburg LLP; Denise Pleska, Ohio Department of Job & Family Services; Sabrina Riggs, Nationwide; Rachel Steinlage, Meyers Roman Friedberg & Lewis; and Catherine Wexler, Brouse McDowell.


The Ohio Women’s Bar Foundation is the charitable counterpart to the Ohio Women’s Bar Association. For more information about the Leadership Institute, an application for the 2014-2015 class or if interested in supporting the Ohio Women’s Bar Foundation, contact OWBF at (866) 932-6922 or admin@owba.org. Visit www.owba.org 24/7.

Mix & Mingle

Market 65 is conveniently located in downtown Columbus and was the venue of a Mix & Mingle event for OWBA members on September 19, 2013.

A panel of speakers comprised of Chasity Kuttrus, a career coach at Executive Elements; Merri Bame, a communication coach at Breaking Down Barriers, and Beth Orr, a personal stylist with Elisashley attended this event. Each speaker provided a short 5-10 minute talk and then there was an open panel where attendees asked questions. There was a lot of room for flowing conversations between the panelists and the audience. Assisting with the creative artwork and facilitating discussions were the committee members, chair, Delilah Nunez, and Beth Orr with Elisashley assisted with some of the creative artwork.

News

Northeast Ohio’s Summer Book Discussion, *Lean In* by Sheryl Sandberg

July 18, 2013 – Lockkeepers Restaurant (Cleveland) Lockkeeper’s is located right on the Cuyahoga River and in July, 49 people registered for not just a Book Discussion but an opportunity to re-connect and network with colleagues.

The presentation included a TEDTalk which proved an excellent addition. The talk was extremely professional and provided much enthusiasm for the inner group circle discussions that followed. Thanks to Cady Reporting Services who was there to ensure a sound presentation.

There were five (5) tables with groups of 8-10 women asking questions and talking about their comments to an introductory exercise form presented prior to the event to keep the group discussions flowing. The discussion group leaders: Betsy Rader, Amanda Martinsek, Suzana Koch, Mary Jane Trapp and Sherri Dahl all did a great job!

*Lean In* by Sheryl Sandberg is a book intended to start a movement, and includes the tools for future Lean In circles – small groups that meet regularly to share and learn together; focused on helping members achieve their goals. *Lean In* examines why women’s progress in achieving leadership roles has stalled, explains root causes, and offers compelling, common sense solutions that can empower women to achieve their full potential.

Many women signed up for subsequent circle group discussions.

Committee members making the event a success included Magistrate Judge Stephanie K. Bowman, Magistrate Sharon Dennis, Jennifer Jacquemain, Suzana Koch, Amanda Martinsek, Betsy Rader (group leader), Mary Jane Trapp and Sherri Dahl.

Special thanks to the event’s sponsors Brouse McDowell, LPA, Thacker Martinsek, LPA and Cady Reporting Services, Inc.
Women in History

August 8, 1969 - Executive order 11478 issued by President Nixon requires each federal department and agency to establish and maintain an affirmative action program of equal employment opportunity for civilian employees and applicants

August 9, 1995 - Roberta Cooper Ramo becomes the first woman to hold the office of president of the American Bar Association

August 10, 1993 - Ruth Bader Ginsburg is sworn in as the second woman and 107th Justice to serve on the US Supreme Court

August 26, 1920 - The 19th Amendment of the US Constitution is ratified granting women the right to vote now known as Women’s Equality Day

September 12, 1910 - Alice Stebbins Wells, a former social worker, becomes the first woman police officer with arrest powers in the U.S. (Los Angeles, CA)

September 25, 1981 - Sandra Day O’Connor is sworn in as the first woman U.S. Supreme Court Justice

October 4, 1976 - Barbara Walters becomes the first woman co-anchor of the evening news (at ABC)

October 4, 1993 - Ruth Bader Ginsburg joins the U.S. Supreme Court as its second woman Justice

October 23, 1910 - Blanche Stuart Scott is the first American woman pilot to make a public flight

October 28, 1958 - Mary Roebling is the first woman director of a stock exchange (American Stock Exchange)

November 8, 1910 - The state of Washington passes a constitutional amendment to guarantee woman suffrage

November 13, 1938 - Mother Francis Xavier Cabrini is beatified, the first American woman citizen to become a saint

November 14, 1889 - Journalist Elizabeth Cochran, aka Nellie Bly, sails around the world in 72 days, 6 hours, 11 minutes, and 14 seconds, beating the fictional record set by Phineas Fogg in Jules Verne’s Around the World in Eighty Days

Follow us on Social Media
The Ohio Women’s Bar Association can be found on Facebook, Twitter and LinkedIn. Join our groups, like us and connect to us to share information and connect with women attorneys across Ohio.

http://www.facebook.com/OhioWomensBarAssociation

http://www.twitter.com/OWBA

http://www.linkedin.com/Group/OhioWomen'sBarAssociation
Celebration of Excellent Women

Squire Sanders and the Ohio Women’s Bar Association (OWBA) invite you to join us for networking, cocktails and a panel discussion with some of Central Ohio’s most dynamic women, who will share their knowledge, skills and experiences. The event will take place at the Hilton Columbus at Easton on Thursday, December 12, 2013 beginning at 4:00 p.m. with check-in and concluding with a reception at 6:15 p.m.

Keynote Speaker
Chief Justice Maureen O’Connor
The Supreme Court of Ohio

Moderator
Susan M. DiMickele
Partner, Squire Sanders

Panelists
Marilyn McClure Demers
Managing Counsel, Nationwide
Kelley Griesmer
Chief Operating Officer, PELOTONIA
Jennifer M. Griffith
Regional President, Commerce National Bank
Julie Presas
Assistant General Counsel, OCLC
Sonya Trent
Founder of Exquisite Wines

We will also be accepting donations for Amethyst, Incorporated. For more than 29 years, Amethyst has been a Central Ohio leader in long-term, gender-competent addiction and trauma treatment for homeless women and their families.

The event has pending approval for 1.0 hour of professionalism CLE credit in Ohio. Contact Robin Hallagan at robin.hallagan@squiresanders.com for questions about credits.

Visit www.OWBA.org/events to register or call Laurie Keegan at (614) 365-2344 with questions.

eDiscovery 101
Dinsmore & Shohl, Cincinnati, Ohio
Thursday, November 21, 2013
3:00 pm – 5:00 pm

Who put the “e” in eDiscovery?
Preservation, Collection, Culling and Review of ESI Production Issues.

The OWBA is bringing back Peter Pepiton and Rachael Rodman of Dinsmore & Shohl. Peter is the eDiscovery Director at Dinsmore & Shohl in Cincinnati. He manages the litigation support department and oversees the firm’s eDiscovery initiatives. He is also an internal consultant for collection and culling methodologies and designing review protocols. Rachael is a partner in Dinsmore’s intellectual property group, representing clients in intellectual property and trade secret disputes. Rachael is also active in the firm’s eDiscovery group. The program’s newest panelist, Jaclyn A. Bryk, a Corporate Attorney in Litigation, is with The J.M. Smucker Company based in Orrville, Ohio. The event is open to students for $5.00. Members may attend for $35.00 and Non-Members for $40.00. By attending this presentation, you will receive 2.0 hours of general CLE. Register at www.OWBA.org/events.

An Evening at Saks
Saks Fifth Avenue, Columbus Polaris
Thursday, November 21, 2013
6:00 pm – 8:00 pm

This event will bring the women of the OWBA In-House Counsel Subcommittee and Women for Economic and Leadership Development (WELD) in for an exclusive preview of the latest fashion and beauty trends featuring MaxMara consultant, Keedan Trotman to be hosted at Saks Fifth Avenue at Columbus Polaris. This will be a fun evening of raffle items, goodie bags, appetizers and wine. Members of OWBA and WELD can register for $30.00 per person at www.OWBA.org/events. The event is generously sponsored by Porter Wright Morris & Arthur LLP.

Calendar of Events

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(See all OWBA events at www.OWBA.org/events)