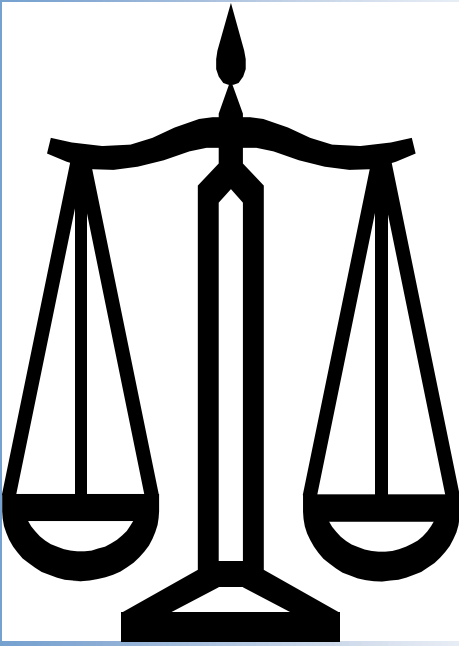


# Ipso Jure







# ***Ipsos Jure* Could Use Your Help: From the Editor**

**Robin L. Stanley, Esq.**

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I really enjoy editing the *Ipsos Jure*, because it allows me to use my creativity and practice my high school yearbook skills. Unfortunately, some days, it is a really big job. The *Ipsos Jure* is published six times a year and we could really use your help. Each month, the *Ipsos Jure* is completed by a staff of four: Robin Stanley, Lisa Carey, Mary Poland and Paul Newman (photography). Thank you to Pearce Leary for being a constant contributor of the Cases of Interest. I couldn't do it without all of them. Yet, I could really use some more help. If you might have a strength in writing, proof-reading, laying out pages, drawing cartoons, or even taking pictures, we welcome your input.

The few of us cannot be everywhere. Sometimes, we have to wait until we have enough content to put out an edition. We could use some additional help with photos and articles. If you are doing something interesting, taking a trip, handling a cutting edge case, why don't you write about it and share it with your fellow bar members? We are always looking for interesting stories to feature and pictures to share.

Why might you write an article for the *Ipsos Jure*? It could

be great for your business. Maybe you are a new attorney trying to develop your practice or maybe you are entering a new area of law. As you write about specific areas of law, it often leads to referrals. I can attest that I have received a lot of referrals from articles that I have written in the *Ipsos Jure*.

Because of my duties as the editor, I find it more and more difficult to write my bankruptcy articles each edition. I would love to find some bar members that would be committed to write a column on a regular basis, but I am aware that isn't an option for everyone. We are looking for some people that would make the commitment to write regularly each year so we could plan to include your article. I do not have a length requirement nor do I pick a specific topic each edition that must be written about.

Maybe you have something else that you could add to the *Ipsos Jure*. I appreciate all of the recipes, announcements, and all of the special items that everyone contributes. Remember, if I ask for an article, it is not to be a pain, but because I want to put out a great edition!

Could you make a commitment to help or join our *Ipsos Jure* staff?

# Message from the President

Frank Antenucci, Esq.

*Frank Antenucci, Esq., [frankantenucci@gmail.com](mailto:frankantenucci@gmail.com)*



Recently, America lost one of its most outspoken, intellectual, and provocative Supreme Court Justices: Justice Antonin

Scalia.

"It is with great sadness that we say goodbye to an amazing legal mind, who put aside his personal beliefs many times to reward us with some outstanding legal decisions. Though you may not have always agreed with him, you respected him for his knowledge and defense of the Constitution, which were second to none in our era. He will be truly missed." Those are the words of our own esteemed jurist, the Honorable Terri Stupica, who commented on the Justice's passing.

The unexpected death of Justice Scalia has created a frenzy of political posturing and rhetoric on his career, legacy, and replacement. However, this article is not intended to be a political tirade nor a eulogy, but rather a collection of thoughts, commentary, and reasoning on a Justice who was both loved and loathed by law students, lawyers, and Supreme Court junkies since his appointment in 1987. And to be fair to both the reader of this article and the deceased Justice, I will refrain from painting the Justice with the broad and erroneous brush of partisan politics that Americans are currently ob-

serving in the papers and viewing on their televisions. Justice Scalia was a lot of things, but a partisan hack he was not.

Commentators and pundits are labeling Justice Scalia as either a partisan defender of conservative ideology or a narrow-minded, cold-hearted relic. He was neither. He was a self-described "textualist" and one of the few intellectually honest jurists on the Supreme Court. If he had an agenda, in his mind, it was simply to read and interpret that timeless legal contract that is the Constitution of the United States of America. And for those who disagree with that notion, consider the following cases—specifically his Fourth Amendment jurisprudence—as a microcosm of Justice Scalia's constitutional bent.

In *United States v. Jones* 132 S. Ct. 945, 565 U.S. \_\_\_\_ (2012), Justice Scalia wrote the opinion of the Court that reversed the criminal defendant's drug conviction, because the majority determined that a GPS device attached to a car is a search under the Fourth Amendment.

In the "dog sniff" case that is *Florida v. Jardines* 569 U.S. 1 (2013), Scalia wrote the majority opinion and joined with Justices Thomas (a noted conservative), Ginsburg, Sotomayor, and Kagan (all noted liberals) which held that a police dog that "sniffs" on a person's front porch is a "search" for

Fourth Amendment purposes.

In *Maryland v. King* 569 U.S. \_\_\_\_ (2013), Scalia found himself in the minority along with his three liberal friends, Justices Ginsburg, Sotomayor, and Kagan, in arguing against the majority that held forced DNA collection of a criminal defendant is unconstitutional. He states the following:

Today's judgment will, to be sure, have the beneficial effect of solving more crimes; then again, so would the taking of DNA samples from anyone who flies on an airplane (surely the Transportation Security Administration needs to know the "identity" of the flying public), applies for a driver's license, or attends a public school. Perhaps the construction of such a genetic panopticon is wise. But I doubt that the proud men who wrote the charter of our liberties would have been so eager to open their mouths for royal inspection. *Maryland v. King* 569 U.S. \_\_\_\_ (2013).

Through many of these Fourth Amendment cases, the Justice's biggest ally was Justice Ginsburg. Yes, Justice Ruth Bader Ginsburg, who is probably the leader of the court's liberal wing. Yet, that did not make him a liberal.

*(Continued on page 4)*

## President (from page 3)

Finally, consider the case of *King v. Burwell* 576 U.S. \_\_\_\_ (2015). In that very recent case, Justice Scalia found himself in the dissent with more commonly considered conservative Justices Kennedy, Thomas, and Alito. This is a complicated case with multiple concurrences and dissents, but for all intents and purposes, Justice Scalia wrote an angry dissent. One in which he broke from usual practice and read aloud his dissent from the bench.

Regarding that dissent, our own respected member of the judiciary, Judge David Fuhry commented to me at a recent bar meeting that he truly enjoyed Justice Scalia's wit and intelligence. Judge Fuhry commented that he particularly appreciated Justice Scalia's terminology in *King v. Burwell* 576 U.S. \_\_\_\_ (2015) when Justice Scalia chastised the majority's "somersaults of statutory interpretation" in concluding the opinion. *King v. Burwell*, 576 U.S. \_\_\_\_ (2015). (As a note, in that case, Justice Scalia described the majority opinion as "pure applesauce" and "jiggery-pokery" in his dissent). *King v. Burwell*, 576 U.S. \_\_\_\_ (2015).

I chose but a sampling of cases above that flaunted the work of Justice Scalia, but I would encourage the reader to continue on with some other classic Supreme Court cases where Justice Scalia featured prominently.

*Obergefell v. Hodges*, 576 U.S. \_\_\_\_ (2015). The landmark case that determined a fundamental right to marriage is guaranteed to same-sex couples. Justice Scalia's dissent again attacks the Court

for subverting the states' reserved powers in lieu of nine lawyers making law.

*District of Columbia v. Heller*, 554 U.S. 570 (2008). Perhaps Justice Scalia's crown jewel in his legacy by authoring the seminal opinion that upheld an individual's right to possess a handgun under the Second Amendment. (*Caveat emptor*, only embark on reading this case if one is prepared for an extensive and exhaustive history of firearm jurisprudence).

*Crawford v. Washington*, 541 U.S. 36 (2004). An excellent and decisive opinion on the Confrontation Clause and testimonial statements.

*Planned Parenthood of Southeastern Pennsylvania v. Casey* (1992), 505 US 833 (1992). This case reaffirmed a woman's right to choose. Justice Scalia wrote a famous dissent in which he argued that the majority was incorrect in determining the merits of the right to an abortion at a federal level when it should have been relegated to the states. He famously writes that "the permissibility of abortion, and the limitations upon it, are to be resolved like most important questions in our democracy: by citizens trying to persuade one another and then voting." (979)

The Justice traversed through his acrimonious destruction of the plurality opinion by evoking such dirty words as *Dred Scott* and *Lochner*.

*Lee v. Weisman*, 505 U.S. 577 (1992). An Establishment Clause case which the Justice dissents. He uses the term "jurisprudential disaster."

Let me add that part of Justice Scalia's lasting legacy, for better or worse, was his colorful writing style. In the wake of his passing, the Washington Post dubbed him the "...king of Supreme Court sarcasm." Goldfarb, Zachary A. (2016, February 13) The sarcastic lines that made Justice Scalia the king of Supreme Court sarcasm. *The Washington Post*, Retrieved from <http://www.TheWashingtonPost.com>.

And he was. As a regular dissenter, he launched volleys of potent wit and lethal sarcasm at the majority to deconstruct their arguments. He did so, often, at the disdain of his colleagues, but to the delight of weary constitutional law students looking for some humor or controversy in an otherwise tedious and lackluster endeavor of dissecting the often-flavorless legal writing style of the Supreme Court justices.

To conclude my thoughts, as a young law student studying constitutional law, I truly enjoyed the writings of Justice Scalia. Especially his dissents. I enjoyed his razor-sharp wit, his vast intelligence, his legal brilliance, and his

textual predictability. He will be missed.



# Accidental Dependency

**Pamela Walker Makowski**

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I never thought this would happen to me. I had heard about people becoming addicted to pain meds and then resorting to heroin when they were no longer given the pain meds, but I thought you would have to be on the pain meds for months. That was never going to happen to me.

But then I had hip replacement surgery in July, 2015, which stretched my femoral nerve, and my quadriceps ended up being paralyzed. I had no idea how painful paralysis could be. The nerves just keep shooting off and touching them results in even stronger pain. So, when I went from the hospital to rehab, I was given plenty of Percocet, 20 mgs every six hours, to be exact. I was given the medication because I had pain. Percocet does not really help with nerve pain, but all of my other pain, mostly arthritis, disappeared. So when I was given Percocet for the pain, it did work, but in hindsight, it was probably overkill. Ibuprofen could have accomplished this.

I was discharged from rehab after two and a half weeks and given a prescription to maintain the amount of Percocet I was taking. I would try to wait about eight hours between doses, but it was still 20 mgs, which is at least twice as much as I had ever had. Because it seemed to be helping, and because my doctors were tell-

ing me that I should continue it, I took it religiously. But by September, I began to think that I needed to at least try to reduce the dosage. So I started taking only 10 mgs, but after about an hour or so I felt miserable, so I took the other 10 mgs. I tried this several times and had the same result.

So a few weeks later I started breaking out in a horrible sweat at regular intervals throughout the day, but it was not related to the timing of when I took the Percocet. I had no idea what was the cause, so I started asking my doctors if it was related to the Percocet. One doctor thought it was just hot flashes. I am way too old for that, so I knew that was not the cause. Another started prescribing other medication to take with the Percocet because there is a lot of medical information (much of which I reviewed myself) which suggests that these could be side effects of taking the Percocet, and the side effects are treatable. But these medications did not help. I still woke up in the morning having sweated through my night clothes, and I was still having the same experience in the middle of the morning and in the early evening.

Finally, I asked my rheumatologist. After asking me a number of questions, he told me that my body had developed a dependency on Percocet. He explained that the symptoms were showing up about three and a half to four hours after taking the

Percocet were actually occurring at the half-life of the drug, when it was starting to be reduced in my system. My body was basically telling me to take more Percocet.

I learned that the Percocet replaces the dopamine in your brain, but then creates a need for more and more, which is how people developed a dependency and ultimately an addiction. My doctor's explanation was a call to action for me. I wanted to get off the drug immediately. So I asked the doctor to refer me to someone for titrating me off of the drug. He gave me a list of several doctors.

I called the different doctors, but I was told that they were no longer doing this. The patients who were needing titrating took too much time and they were not money makers. One office, after hearing my story, tried to get me in and agreed to talk to the doctor, but the next morning, I received a call that they would not take my case. At that point I had gotten through what I thought was the worst part because I had not taken any more Percocet that day, so I asked the office to tell me what I could do. No doctor was willing to take me. (I had even called additional doctors not on the list.) I had no place to turn. The places that do inpatient treatment had huge waiting lists. The office told me that I could quit Percocet on my own. She told me that it would be like the worst flu ever, and I could treat the symptoms just

*(Continued on page 6)*



**Accidental (from page 5)**

like the flu. She told me I would be miserable for about three to five days, but that it was doable.

So, being the bull-headed person that I am, I decided to just get rid of the Percocet and do it myself. I loaded up on TheraFlu, checked my schedule to make sure that the next week was freed up, and then started my journey to end my dependence.

Calling it the worst flu ever is the biggest understatement I have heard in a long time. I was so very sick. Imagine the flu on steroids, and then add other symptoms consistent with dying. I could not keep any food down, and my body was discharging fluids through every mechanism possible, including horrible congestion, and this level was consistent for several days. I was home alone at first, mostly because I had no idea how awful this would be and did not think I needed anyone there, but, by the third day, I was moaning and groaning so much and calling out in pain that I called my husband and asked him to come home early, because I was very worried about my condition. I was having chest pain, and I felt so weak that I was very worried about whether I was actually dying.

Fortunately, I had an appointment with my cardiologist on the third day. I called Talbot Hall, which is a rehab center, to ask about whether I needed to see a doctor and they told me to go to the cardiologist appointment and ask her to check me. So I did. But my cardiologist told me that she is not trained in detox issues, so she could not answer any of my ques-

tions about it. She told me I could go to an urgent care center. So I did. At the urgent care center, they ran all sorts of tests on me and examined me thoroughly. It was like a complete physical. Then they told me that everything was fine. The congestion could be a sign of an infection, but they were hesitant to treat it with antibiotics, because of the problem with the over prescription of antibiotics, and because it could just be part of the detoxing. And then they told me no one ever died from detoxing off of Percocet. They encouraged me to keep going.

So home I went. And back to bed. Day 3 passed, and then Day 4 and Day 5. They are all a blur to me since I just tried to sleep as much as I could so that I was able to escape from the whole experience. Finally, by the end of a week, I started to re-enter normal life. I started texting more with my son, who is away at college at the University of Alabama, and I started reading my emails, but I was not able to get out of the bed for any extended period. But it was a start. Ultimately, after about two weeks, I started to get out of bed, return to work for a few hours a day and get back to life. I had no pain meds, but the pain level did not really change, which made me furious, because the Percocet was not treating any of my real pain, and now I could never take Percocet or another opioid ever again. So that once a month Percocet that I would take due to the herniated disc in my neck was no longer an option.

By the way, I would never recommend detoxing on your own after going through this. I tell my

clients who have a dependency to keep taking the drug until they get into a program. I know that most professionals do not recommend doing this on your own.

The most frustrating thing about this experience is that I became dependent because I just followed doctors instructions. And when I saw my doctors after detoxing and explained to them about what had happened and what the experience was like, all, except my rheumatologist, were learning about this for the first time. Even the doctors who were prescribing the drug.

So why am I going so public on this? Why did the Columbus Dispatch put my story on the front page? Because, sadly, people are not educated sufficiently. When you first get a prescription for the Percocet, you should be advised that you could develop a dependency on the drug within a few weeks. For some who have chronic pain, this is not an option, and they will have to have their prescription increased accordingly. I have met people with severe chronic pain taking 40 or 50 mgs every eight hours, but under a doctor's supervision. But if you are being treated for pain that is likely to be temporary, as in my case, you should be told to start reducing the dosage as soon as possible. In the past, when given Percocet after surgery, I remember being completely off of it within a few days. That is the normal and ideal. It is not the drug that is the problem. It is the use of the drug along with our demand as patients to be pain free. We do need to develop a different attitude about pain and

*(Continued on page 7)*

# Cases of Interest

Pearce Leary

*Pearce Leary, Esq., [pearceleary@windstream.net](mailto:pearceleary@windstream.net)*



American Express Bank vs. Knapp, 2016-Ohio-762

American Express sought judgment on credit card against company and its president personally. American Express unable to produce original 1999 agreement, but had 2011 renewal which recited that individual user and company liable, and renewal terms effective upon card use without signatures. Held: President as card user was personally liable.

Smith vs. Sack, 2016-Ohio-763

Homeowner and contractor entered into four contracts as part of single patio/retaining wall project. Homeowner paid \$50,794 on first three invoices. Dispute arose as to fourth invoice for \$9,427. Homeowner paid only \$2,000 claiming shoddy work. Homeowner sued under Home Solicitation Sales Act, among other causes. Contractor then sent three-day cancellation notice it should have sent at inception. Homeowner elected to cancel and demand refund. Held: Homeowner entitled to return of all \$52,794 paid. Trial court has discretion to reduce refund if finds that HSSA used "as a sword rather

than a shield." No offset available for substantial performance or unjust enrichment. No goods to be returned to contractor upon cancellation of home improvement contract. Trial court reduced award by \$14,742, the cost of a detached wall which homeowner agreed had been done properly. Affirmed.

State vs. Mack, 2015-Ohio-5214

Domestic violence victim recanted at trial. Held: victim's statements to officer responding to 911 call were excited utterance exception to hearsay rule.



## Accidental (from page 6)

decide that we can live with some of it as the natural part of aging. With my fibromyalgia and the nerve pain, I am certainly living with pain every day. But I have learned to tolerate it and to treat it with exercise, stretching and yoga. I still need to use a wheelchair or scooter to get around, or a walker for short distances, and I was told recently that they are not optimistic that my quadriceps will improve, but I keep reminding people that it is just a wheelchair or scooter. Nothing else has changed. I am still the same person, I am still a passionate attorney, and I am still involved in community activities. I am still a wife, mother, daughter, aunt and cousin. I am

still a neighbor and volunteer. I am still me. I am no longer defined by Percocet. And I still experience physical pain.

I am hopeful that by sharing this story we can start a dialogue with our doctors about managing our pain and managing our expectations about being pain free. Many are not as lucky as me, and turn to heroin, which is available on almost any sidewalk in the city, even in the more affluent areas. It is so critical to be open and honest about this. Since going public, many people have approached me and told me their similar stories, even a judge, but they did not go public because they were afraid about the public perception. For-

tunately for me this was a dependency, and not an addiction, so I did not have to deal with the cravings. But it would have been so much better for this to have never happen, and it was so preventable. It is time for us to start talking. |✿

*About the Author: Many of you may remember Pamela Walker Makowski as she used to tread the halls of the Geauga County Courthouse in recent years as an Assistant Geauga County Public Defender and in private practice before she moved to Columbus with her husband, Richard Makowski, and their son. She now continues to work in private practice with a focus on family law. ✿*

# Tips from the Recorder

Sharon Gingerich

*Geauga County Recorder, [recorder@co.geauga.oh.us](mailto:recorder@co.geauga.oh.us)*

The good news from the Recorder's Office is that our indexes are now online. They are available through the county website at: <http://recorder.co.geauga.oh.us>.

I was asked to write about practice points that every attorney and/or paralegal should know. I would say the first one is: don't ask us legal questions. You would be surprised how many legal questions we try not to answer.

- ✍ Please look at the list, "Document Types and Fees," on my website for categories to title your documents. Since we cannot create a category, you have to use one of the specific titles already listed. And by the way...an Affidavit is a wonderful thing.
- ✍ When you submit an Affidavit of Confirmation, please have the Medicaid form completed. We do not record it, but are required to submit it.
- ✍ Please make sure your document, especially the legal description, is legible. Recently we had someone submit an illegible document and it was returned to them. They asked me what they had to do to get it filed. I said retype it. They said, "I can't retype it, I can't read it."
- ✍ Please remember to bring a self-addressed

stamped envelope if you want your recorded document mailed to you.

We do have escrow accounts available. With the escrow account, and a volume and page number of the document you are requesting, we can look up and email a document to you rather than your having to come to the office to look it up. Please contact Celesta Mullins to set one up. Please note that it takes a few days to establish an account. Her contact information is (440) 279-2022 or [cmullins@co.geauga.oh.us](mailto:cmullins@co.geauga.oh.us).

If I could have a document wish list there are a few things I would want. Absolutely nothing that you have to do, but something that only makes it easier for us, I would love to have the following:

- ✍ Grantor/ee names in bold
- ✍ Permanent parcel number close to the legal description
- ✍ If it's not a subplot, having the acreage in bold really helps us to find it quickly

Even though I have mentioned some practices that would help in the Recorder's Office, the attorneys who frequent our Office are well prepared. You really do an excellent job. Thank you.



*The Office of Geauga County Recorder*  
*Sharon C. Gingerich*  
 Serving the Residents of Geauga County





# Who is the Chapter 7 Trustee?

**Robin L. Stanley, Esq.**

*Petersen & Ibold, [rstanley@peteribold.com](mailto:rstanley@peteribold.com)*



First, the Chapter 7 Trustee is lawyer pointed by the United States Trustee's office to administer bankruptcy cases. After filing for bankruptcy, a bankruptcy trustee is appointed to be the debt collector for the government and the creditors. The bankruptcy trustee will review the filed petition and make sure that all the schedules are complete and what assets may be available for liquidation. The bankruptcy trustee's job is to see that the most money is paid to creditors as possible.

About one month after filing a bankruptcy petition, the debtor will attend a hearing in front of the Chapter 7 Trustee. This hearing is called a 341 meeting or a meeting of creditors. The Chapter 7 Trustee's job is to conduct the hearing and ask the debtor questions under oath regarding their assets, debts, and financial history. It is at this hearing that the creditors may also ask questions of the debtor. However, today, most creditors rarely attend the meetings. If there are any problems or additional issues with the debtor, an attorney for the United States Trustee's Office may also ask additional questions of the debtor.

Frankly, in our courts, the meeting of creditors can be extremely nerve-wracking for the debtor and the attorney. First, since the Chapter trustee's job is to try to get the most money for cred-

itors, the Chapter 7 Trustee can be intimidating. They may speak harshly or in a belittling manner to the debtor or the attorney in an attempt to scare information out of the debtor. A regularly used tactic is to demean the debtor's attorney for minor typos or errors on the petition. While some of this behavior may be justified, often it is merely a mechanism to force the "truth" from the debtor. New attorneys and those that do not regularly practice bankruptcy law are especially susceptible to this behavior. Don't get me wrong, I think that there should be some fear associated with filing a bankruptcy, but sometimes it is a little too much and unnecessary. While I know now that for many of the trustees, this behavior is just a facade to complete their job and not their true personality, as a young attorney, attending meetings of creditors often filled me with dread.

The other danger for the attorney is the client. No matter how many times you ask the client the same questions and go over the information, inevitably, even for the most prepared attorney, the debtor will come up with "new" information that they conveniently "forgot" to tell you. This will annoy (and probably secretly delight) the Chapter 7 Trustee, because this usually means that the he or she will have assets to liquidate. Clients rarely forget to tell you about debts, instead they always forget to tell you about payments they

made to family/friends and assets that they "just didn't think about."

The Chapter 7 Trustee's job is to sell any non-exempt assets of the bankruptcy debtor. The Chapter 7 Trustee will review the values of the assets that a debtor owns, take the non-exempt assets, sell them, and distribute the proceeds to the creditors.

The Chapter 7 Trustee also has the certain powers to avoid preferential transfers (times people were paid ahead of others when they shouldn't have) or improperly executed security interests. They also review all proofs of claim (claims filed by creditors) to determine if they should be validly paid and give notices to the holders of any claims for child support or alimony.

Finally, they will report to the court as to the status of each case. If the debtor had no non-exempt assets, the trustee will report that the case is a "no-asset case." If there are assets to liquidate, the trustee will report how the assets are liquidated and the order and how the creditors are paid.

In a no asset case, the Trustee receives a flat fee. In a case with assets, the trustee will receive a percentage of the assets recovered.

The moral of the story is: an honest debtor will receive a discharge. A dishonest debtor will not. The debtor must get through the examination by the Chapter 7 Trustee to get that discharge. 🌸

# Announcements



*I would like to announce that at the Kurt Law Office, Chardon office has added two attorneys.*



**Leah Stevenson, Esq.**  
(former Geauga Co. prosecutor)

**Richard Ivans, Esq.**  
(newly sworn in)



Pamela D. Kurt, Esq  
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**Ashtabula County Office:**  
3503 Carpenter Road  
Ashtabula, Ohio 44004  
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(F) 440 536-4149

# Announcements

## **Fisher & Phillips Cleveland Partner Selected as Sole Ohio Recipient of**

### **2016 Distinguished Legal Writing Award**

**CLEVELAND, Ohio (April 6, 2016)** – Fisher & Phillips LLP announced today that Sarah Moore was recently selected as a 2016 Distinguished Legal Writing Award winner as a result of her “Employers: Prepare to Enter the ‘Drone Zone’” article. She is the only Ohio recipient of this year’s Burton Awards, and is one of only 35 authors chosen from nominations submitted by the nation’s top 1,000 law firms.

The Distinguished Legal Writing Award is one of five prestigious honors granted by The Burton Awards, a non-profit program run in association with the Library of Congress and co-sponsored by the American Bar Association. The winners are selected by a committee of law school professors and judges, including professors from Harvard Law School, Stanford Law School and UC Berkeley School of Law. To be considered for nomination, articles must have been published within the past year.

#### **About Fisher & Phillips LLP** ([www.laborlawyers.com](http://www.laborlawyers.com))

Fisher & Phillips LLP is a national law firm committed to providing practical business solutions for employers’ workplace legal problems. Labor and employment law is all the firm does, offering deep and broad knowledge and experience in the area of the law the attorneys know best. Fisher & Phillips attorneys help clients avoid legal problems, are dedicated to providing exceptional client service, and are there when you need them. The firm has 330 attorneys in 32 offices. In addition to Cleveland, the offices are in Atlanta, Baltimore, Boston, Charlotte, Chicago, Columbia, Columbus, Dallas, Denver, Fort Lauderdale, Gulfport, Houston, Irvine, Kansas City, Las Vegas, Los Angeles, Louisville, Memphis, New Jersey, New Orleans, Orlando, Philadelphia, Phoenix, Portland, Sacramento, San Antonio, San Diego, San Francisco, Seattle, Tampa, and Washington, D.C.

#### **About The Burton Awards**

The Burton Awards, established in 1999, is funded by the Burton Foundation, a non-profit, academic effort devoted to recognizing and rewarding excellence in the legal profession. The Burton Awards honors the finest accomplishments in law, including writing, reform, public service and interest, regulatory innovation and lifetime achievements in the profession.



## Court Announcements

# Thank you!

We would like to take this opportunity to thank all the attorneys who so generously gave of their time to help at our recent Good Deeds Week. This was a new method of reaching our residents regarding the Good Deeds Program, so we were not sure what to expect.

We were pleased to have such a large response.

You went over and above by not only helping with resident consultations, but by helping residents find their deeds in the Recorder's Office.

We hope to do another Program in September.

*Thank You*

*Judge Timothy Grendell and Recorder Sharon Gingerich*

## Update From the Clerk of Courts

**\*\*THE GEAUGA COUNTY CLERK OF COURTS OF COMMON PLEAS OFFICE IS PLEASED TO ANNOUNCE WE HAVE STARTED OUR ELECTRONIC FILING PROCESS. AT THIS TIME WE ARE ONLY ACCEPTING ELECTRONIC FILINGS ON **NEW** FORECLOSURE CASES. ONCE A NEW FORECLOSURE IS FILED ELECTRONICALLY, ALL SUBSEQUENT FILINGS MUST BE FILED **ELECTRONICALLY**. WE WILL PROVIDE ASSISTANCE FOR PRO-SE LITIGANTS.\*\*\***

**\*\*\*WE ARE **NOT** ACCEPTING ELECTRONICALLY FILED DOCUMENTS ON PREVIOUSLY FILED FORECLOSURE CASES. \*\*\***

*Thank You,*

*Denise Kaminski, Geauga County Clerk of Courts*

**Law Day 2016**

# MIRANDA

## more than words

In 2016, the nation marks the 50th anniversary of perhaps the nation's best-known U.S. Supreme Court case, *Miranda v. Arizona*. The Miranda Warning has become ingrained in law enforcement and has permeated popular consciousness through countless recitations in films and television shows. Yet Miranda is only part of the story when it comes to the procedures for ensuring justice. The 2016 Law Day theme — **Miranda: More than Words** — will explore the procedural protections afforded to all of us by the U.S. Constitution, how these rights are safeguarded by the courts, and why the preservation of these principles is essential to our liberty.

**The Geauga County Bar Association presents:**

**Guest Speaker:**  
**Attorney Ian N. Friedman**  
**Friedman & Nemecek, LLC**

**Friday, April 29, 2016**  
**Noon – 1:45 p.m.**  
**Wicked Woods Golf Club**  
**State Route 44, Newbury, Ohio**  
***\*\*NEW LOCATION\*\****

A request for one (1) hour of CLE credit is pending.

The GCBA will also present the award for Law Enforcement Officer of the Year, and honor three (3) area middle school students for their essays about the Law Day theme, "Miranda: More Than Words."

**Menu:**

Wicked Woods will serve lunch, which includes: Beverages, Salad, Rolls, entrée of Grilled Chicken with Lemon Velouté (a light cream-based sauce), Sun Dried Apricots and Cranberries, Risotto, Green Beans Almandine and Cake for dessert.

**Cost: \$25.00/person**

Name: \_\_\_\_\_

Phone or email: \_\_\_\_\_

Send your payment by **Friday, April 22<sup>nd</sup>** to:

The Geauga County Bar Association  
P.O. Box 750, Chardon, Ohio 44024

Please call Mary Poland @ (440) 286-7160 or email: [secretary@geaugabar.org](mailto:secretary@geaugabar.org) with any questions

# Geauga Bar Association at Oak & Embers



Photos by Paul Newman

March 18, 2016



# *Geauga Bar Association*

## *Announcements*

### **Website:**

Check out the Geauga County Bar Association Website for updated meeting dates, deadlines and other important information:  
[www.geaugabar.org](http://www.geaugabar.org)

### **Upcoming**

#### **Executive Committee Meetings**

May 11, June 8  
 Second Wednesday of each month at 12:00 noon.  
 R.S.V.P. to Mary Poland

### **Upcoming**

#### **General Meetings**

May 25  
 Fourth Wednesday of each month at 12:00 noon  
 R.S.V.P. to Mary Poland  
**Secretary's Day:**  
 June 22, 2016  
 more info to come

The Geauga Bar Association extends its condolences to  
 Jerry Petersen, Todd Petersen, and Susan Petersen,  
 on the loss of their wife, mother, and mother-in-law, Kathy Petersen.

## **Welcome to the following new members:**

**Jennifer Allen**, The Wheelock Firm, Burton  
**Joseph Baker**, Baker & Roszczyk, LLC, Chagrin Falls  
**Colleen DelBalso**, Geauga County Public Defender's Office  
**John Hofstetter**, Law Office of William Hofstetter, Chardon  
**Richard Ivans**, Kurt Law Office, Chardon  
**Sandra Kelly**, Ray Robinson Carle & Davies, Cleveland  
**Sarah Moore**, Fisher & Phillips, LLP, Cleveland  
**Leah Stevenson**, Kurt Law Office, Chardon  
**Stephen Szendrey**, Geauga County Public Defender's Office

## Geauga County Bar Association

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[kslattery@tddlwa.com](mailto:kslattery@tddlwa.com)

## Ipsa Jure Deadlines:

*Mark your calendars  
and turn in an article!*

**April 25, 2016**

**June 15, 2016**

**August 15, 2016**

## Quick Reminders

### **Next Executive Committee Meeting:**

*May 11, 2016 at 12:00 noon*

### **Next General Meeting:**

*May 25, 2016 at 12:00 noon*

*We hope to see you at the  
Bar Association's next event!*