

# Ipso Jure





**Cover:** Summer Season means Interns!  
Judge Paschke with Interns Pierce Thomas, Briana Cowman, Bailey Rice, Dayle Foster, and Judge Ondrey.

## President's Page

**Todd C. Hicks,**

*Thrasher Dinsmore & Dolan*

[thicks@tddl.com](mailto:thicks@tddl.com)

### Inside this issue:

Cover Photo	1
President's Page Todd Hicks	2
"And the Survey Says" Judge Mary Jane Trapp	3
Civil Protection Orders Donovan DeLuca	6
DDC Clinic	8
Cases of Interest Edgar H. Boles	10
Law Day Lisa Carey	11
3rd Place Student Essay Morgan Fisher	13
2nd Place Student Essay Ella Jewell	14
1st Place Student Essay Zoe Jones	16
Law Day 2021 Photos	17
Meet the Summer Interns	18
Biddy Mason Robin Stanley	20
Announcements	32
Settlement Day Forms	33
G.C.B.A. Announcements	35

I was deeply saddened by the recent passing of longtime bar member Bob Zulant. I recall having a case where Bob was opposing counsel when I was just starting out, but I really got to know Bob through the bar association. Bob was our bar counsel, handling the prosecution of grievances filed against attorneys. Over several decades, he was active on a myriad of bar association committees. He often spoke at our C.L.E.'s on ethics and professionalism. For many of us, he was the one to reach out to with a legal ethics question, and he was always happy to provide some wisdom.

Bob is one of many lawyers I have had the pleasure of knowing not because we met on a case or during a transaction, but because of the bar association. Being a member of the bar association has given me the chance to work alongside

and to get to know some terrific people. Last summer, members of the bar distributed food donations at the Chagrin Falls Park Community Center. It was a sweltering day, but our bar association members came out in full force to make it a success. I look back on the day with fondness thinking about the teamwork that was displayed. It was a great opportunity to help the community and to spend time with my fellow bar members.

The COVID pandemic has limited our ability for gatherings, but we have slowly worked our way back. We had a fantastic Secretary's Day lunch and I am looking forward to more in person events later this year. I urge all of you to re-engage with the bar association and get involved however you can. And thanks Bob. We will miss you! 🌸

**Ipsa Jure** is a publication of the  
**Geauga County Bar Association.**

Opinions expressed in articles in **Ipsa Jure** are those of the authors and do not necessarily reflect the views of the staff of **Ipsa Jure** or the officers and members of the **Geauga County Bar Association.**

# “And the Survey Says...”: Returning to In-Person Appellate Arguments

**Judge Mary Jane Trapp,**

*Presiding & Administrative Judge, Ohio Court of Appeals,  
Eleventh Appellate District, [mjtrapp@11theappealohio.us](mailto:mjtrapp@11theappealohio.us)*

*The Ipso Jure Editor apologizes that she erroneously did not include the entire article in the last edition. It is reprinted in its entirety below.*

To quote a popular game show host, “And the survey says...,” an overwhelming number of appellate practitioners want to return to in-person oral arguments, and more than half want to return immediately or within the next month.

Early in the pandemic, the Eleventh District Court of Appeals, which serves the five most northeastern counties in Ohio, moved all oral arguments to the Zoom® platform. With almost a year’s worth of experience conducting virtual oral arguments and the increasing number of fully vaccinated practitioners and judges, the court decided to survey frequent appellate practitioners in the district to better understand the efficacy of and preference for virtual oral argument and the Zoom® platform; the willingness to and timing of a return to in-person arguments; and whether practitioners would opt for a virtual oral argument if the court offered a hybrid of in-person and virtual appearances post-

pandemic.

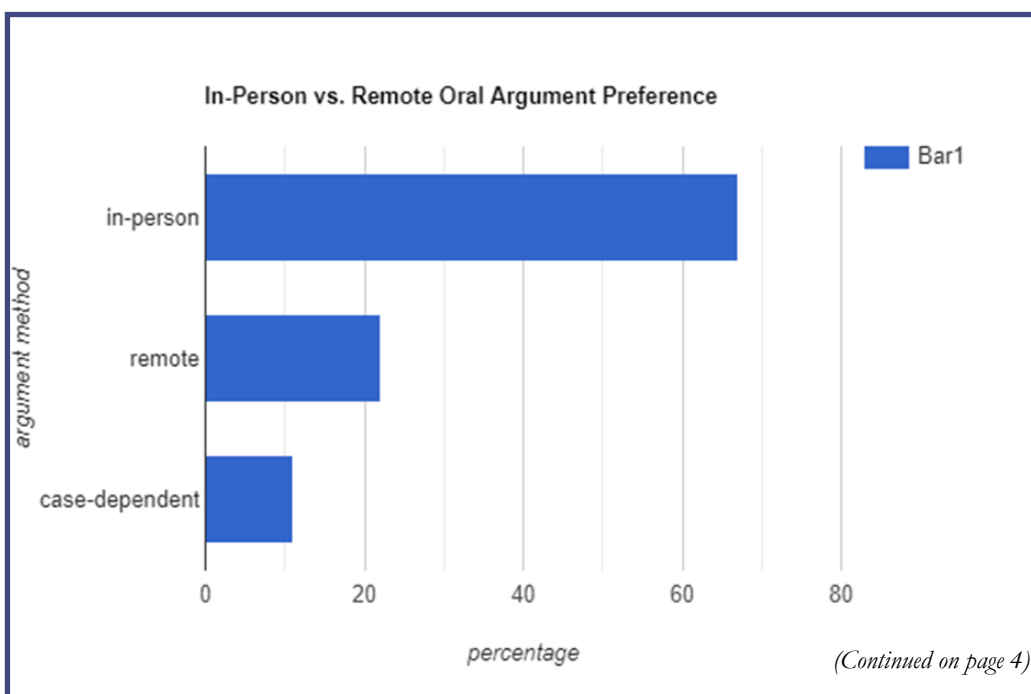
The survey was conducted via email during the week of March 15 through March 19, 2021. The survey was sent to members of each bar association in the five-county district, as well as the bar associations in Mahoning and Summit counties and to the litigation and appellate sections of the Cleveland Metropolitan Bar Association. Surveys were also directed to each prosecuting attorney and public defender office in the district, along with the Ohio Attorney General and the Ohio Public Defender’s offices.

Sixty-seven responses were received, and as noted, the court learned that most appellate law-

yers want to argue their cases in person. The observations from the respondents validated our court’s decision to go to a videoconference platform at the start of the pandemic.

- 67% of the respondents preferred in-person oral arguments.
- 22% preferred remote arguments,
- 11% responded that their choice depended on the case.

As a former appellate practitioner, I recognized that non-verbal communication was critical. Sometimes it took just a look from a judge to let me know it was time



## Survey (from page 3)

to move on to another point in my argument or that I was missing the point of a question.

Many respondents noted that practitioners want to be able to see the judges' facial expressions and body language, without which the practitioners believe context is sacrificed. Another comment was that when speakers [judges] are talking over each other, there is an inability to determine who is asking the question.

While attorneys liked the videoconference option during an emergency, as one noted, oral argument is a "medium that loses quite a bit without personal interaction." Other respondents felt that certain cases were not appropriate for virtual argument, but none specifically identified the type of cases.

One interesting comment from an attorney who believes hearings should be in person, focused on virtual hearings as affording the "opportunity for people to 'participate' off-camera/off-audio, whose intent and actions may not always be honorable." I have heard that criticism from trial lawyers concerned with off-camera coaching during remote depositions or trial testimony, but not from appellate practitioners.

The effect on professionalism was also raised. An attorney observed "ours is a difficult profession; experience teaches [him] that time with other lawyers affords us psychological and moral support. Things work better in person. Remoteness can dilute mutual respect as well as the gravitas of what we do."

Another observed that

judges were "less active and engaged during virtual arguments." While another felt the virtual arguments were "more direct because the judges can very clearly see you and you them because of the way Zoom® focuses the camera."

Some find it helpful to be able to watch arguments before their own; a benefit lost in the Zoom® conference world.

Finally, time efficiency and cost-savings to clients were also cited as reasons for preferring virtual arguments.

Thirty-one respondents had argued remotely via some videoconference platform either in the Eleventh District or another, and one respondent had argued via telephone, only. 45% of the respondents were either "Highly Satisfied" or "Satisfied" with the technology for remote arguments. The respondent who had argued via telephone noted the experience was "difficult" because he could not "tell when a judge was about to ask a question, at which point [he] would normally stop [his] argument" or he did not know when a judge had stopped talking, and this

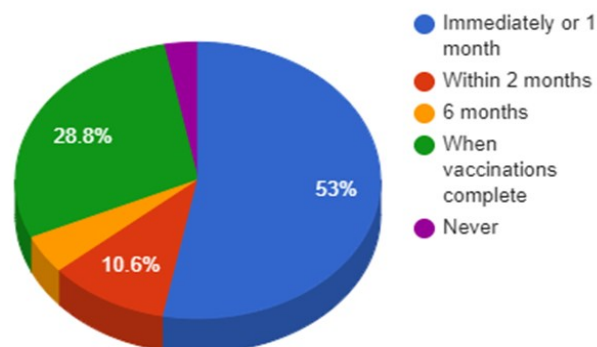
"made the flow of the argument more difficult and cumbersome."

As to the question of when they would feel comfortable appearing again at in-person oral arguments, 53% said they would return immediately or in one month. The number increases to 64% with a start in two months. 5% would only return after 6 months. 29% would return after vaccinations are complete, and 3% would never return. On a lighter note, one wag responded that he has "never felt comfortable appearing before any panel."

All but one respondent indicated their preferences regarding implementation of protective measures that would make them feel more comfortable attending in-person oral arguments.

If everyone in the courthouse and in the courtroom wears masks, 47 respondents would feel comfortable. Some of the responses stated that although masks should be worn, they should not be worn while an attorney is arguing, and the judges should not wear them, so their facial expressions can be observed.

When Will You Feel Comfortable Returning In-Person



(Continued on page 5)

## Survey (from page 4)

52 respondents wanted social distancing enforced, some noting an appellate courtroom is quite conducive to this because the attorney's podium is already socially distanced from the bench.

40 respondents wanted temperature checks, and 35 wanted all in the courtroom to have been vaccinated.

When asked "How likely would you opt for a virtual oral argument if the court offered a hybrid hearing where attorneys in the matter could choose to argue in person or via video conference," 60 out of 67 respondents expressed their opinions about the virtual option post-pandemic.

Again, the overwhelming response (67%) was that they would be unlikely to opt for a virtual choice, if offered. 25% were likely to choose the virtual option, while 8% were indifferent. Some respondents were fine with having the option for "unusual circumstances," but most all were also clear that if one attorney argues in person, both should. Recognizing the value of videoconferencing in unusual circumstances, our court has published an amendment to our Loc. R 21(B) that provides: "In the event of adverse weather, public health emergencies, a joint motion of the parties, or other good cause shown, this court may conduct oral arguments via video conference."

There was some overarching philosophy underlying many of the responses. This philosophy was best summarized by one respondent who wrote, "There is something to be said, too for the solemnity of entering a courtroom \* \* \* seeing judges assembled on the bench, of feeling the gravity and weight of the courtroom atmosphere. This is especially true for lawyers, who may become too accustomed to appearing before judges. We all need to be reminded from time to time of the gravity of what we are doing as lawyers representing clients whose lives are impacted by what we do in representing them."

The judges of the Eleventh District will be meeting to review the data from the survey and make decisions regarding the resumption of in-person oral arguments. In

any event, the court's ability to travel to each county for hearings will depend on the restrictions in place in each county's courthouse and the availability of a courtroom. Please pay close attention to your hearing notice. Our hearing schedule and COVID-19 journal entries for each county are posted on the court's website.

[http://www.11thcourt.co.trumbull.oh.us/ed\\_schedules.html](http://www.11thcourt.co.trumbull.oh.us/ed_schedules.html)

Thank you to all who responded to our survey and stay well.

***\*\*Update: The Court resumed in-person oral arguments at the Trumbull courthouse on June 15, 2021. Attorneys with cases from counties outside of Trumbull have been more than willing to travel to be in person. 🌸***





# **Civil Protection Orders**

## **Donovan DeLuca,**

***Ibold & O'Brien, [Donovan@iboldobrien.com](mailto:Donovan@iboldobrien.com)***

In Ohio, there are several methods in which an individual or individuals can seek protection from another. Civil Protection Orders (CPO's) are intended to help protect violence victims and hold abusers accountable for their actions. There are several different types of CPO's, and the Ohio Supreme Court announced the adoption of new domestic violence, stalking and juvenile protection orders which went into effect on April 15, 2021. Before I discuss the new CPO's let's review the current types of order and their protective intents.

- ⇒ Domestic Violence Civil Protection Order (DV CPO) and a Domestic Violence Juvenile Civil Protection Orders (DV JCPO) were created to protect individuals or minors who have experienced an act of domestic violence, menacing by stalking, aggravated trespass, child abuse or sexually oriented offense committed by an adult or juvenile who is a household member. You can ask for an Order of Protection if the person abusing you or threatening you is a family member, intimate partner, or former intimate partner.
- ⇒ Juvenile Civil Protection Orders (JCPO) were created to protect victims of felonious assault, aggravated assault, as-

sault, aggravated menacing, menacing by stalking, menacing, aggravated trespass, and sexually oriented offense committed by a juvenile.

- ⇒ Civil Stalking Protection Orders (CSPO) and Civil Sexually Oriented Offense Protection Orders (CSOOPO) were created to protect individuals who have experienced menacing by stalking or victims of a sexually oriented offense. You can also ask for an Order of Protection if someone is stalking you, has sexually assaulted you, or has assaulted you, whether or not you have had an intimate relationship with that person
- ⇒ The Domestic Violence Temporary Protection Order (DV TPO) was created to protect victims of criminal charges of domestic violence, stalking, criminal damaging or endangering, criminal mischief, burglary, aggravated trespass, sexually oriented offense or any offense of violence (R.C. 2901.01) against a family or household member. You can ask for an Order of Protection if the person abusing you or threatening you is a family member, intimate partner, or former intimate partner.

- ⇒ The Criminal Protection Order (CrPO) was created to protect victims of criminal charges of felonious assault, aggravated assault, assault, aggravated menacing, menacing by stalking, aggravated trespass, menacing or sexually oriented offense against someone who is NOT a family or household member.

The forms that individuals and attorneys can use to file Complaints for these orders are located on most municipal and common pleas court's websites. If not, they can be found on the Ohio Supreme Court website as well. The forms were last updated in 2014 and the revisions were incorporated to new and existing laws.

The new protection orders are:

- Wireless Service Transfer Order in Domestic Violence Civil Protection Order
- Post-Conviction No Contact Order
- Dating Violence Civil Protection Order (DTCPO)

There is no cost to filing a protection order. You only have to sign an affidavit about what your abuser has done to you. An affidavit is a form that you swear is true and sign in front of a notary or a Judge. If the court finds you are in danger of harm, you will first get a

*(Continued on page 7)*

## CPO (from page 6)

Temporary Order of Protection. Then a hearing will be set. You must attend the hearing if you want the Temporary Order of Protection to stay in place. Your abuser can attend the hearing, too. He or she can tell his or her side of the story to the judge. At the hearing, the judge will decide if you should have an Order of Protection. An Order of Protection can last a few days, months, years, or be permanent.

You do not need an attorney to get an Order of Protection, but it may help you to talk to an attorney before you file a petition for an Order of Protection. It may help you to talk to an attorney before your hearing or to have an attorney help you at the hearing.

Before a hearing, decide the relief you want the court to give you. You will be asking the judge or magistrate to grant you an Order of Protection against the person who abused you or threatened to abuse you. You need to tell the judge specifically what you want the Order to say.

- You can ask the judge to:  
Order the Respondent not to hurt you;
- Order the Respondent not to harass or otherwise disturb you (and/or your children);
- Order the Respondent not to contact you (in person, through 3rd parties, through writing, by email, by telephone, etc.);
- Order the Respondent to stay a

specific distance from you, your residence and/or your place of employment;

- Order the Respondent to vacate the home you are living in;
- Order the Respondent to allow you access to your personal property;
- Order the Respondent not to possess a gun or other dangerous weapon;
- Order the Respondent to attend batterer's intervention counseling or drug/alcohol counseling.

At the hearing, if the Respondent does not appear, the judge may grant an Order of Protection for you without considering any evidence or may require you to present your evidence so that he or she has it on the record. It is likely (but not guaranteed) that if the Respondent does not appear, you will be granted an Order of Protection. If the Respondent appears and agrees that an Order of Protection should be granted, the judge will probably grant one for you.

If the Respondent appears and disagrees that an Order of Protection be granted, the judge will ask you to present your case first. This includes, being sworn in to testify; taking the witness stand; presenting your evidence; and asking for the specific relief you need. The judge may ask you specific

questions about what happened. After you have finished, the Respondent will have a chance to ask you questions. After the Respondent has finished asking questions, you will have the opportunity to ask questions of your witnesses. After each of your witnesses is done testifying, the Respondent has the opportunity to ask them questions.

After you have presented your side of the story, the judge will allow the Respondent to present his/her evidence, including having his/her witnesses testify. If you disagree with what the Respondent or witnesses say, don't worry. You will have a chance to ask the Respondent questions after he or she has testified. You will also have a chance to ask witnesses questions after each has testified and you can use those opportunities to show that the evidence you disagree with is either false or taken out of context. You also will be given the opportunity to testify in response to issues the Respondent brings up that you did not discuss while you presented your case. After both you and the Respondent have finished presenting your cases, the Judge will make a decision as to whether or not to grant an Order of Protection for you.

All of these protection orders can be found at:

[www.supremecourt.ohio.gov/JCS/domesticViolence/protection\\_forms/DVForms/default.asp](http://www.supremecourt.ohio.gov/JCS/domesticViolence/protection_forms/DVForms/default.asp)



## DDC Clinic: Leading Genetic Researchers in Our Own Backyard



DDC Clinic for Special Needs Children is a non-profit primary care and research facility serving patients with complex medical needs. Located in Midfield, Ohio, we have been recognized internationally for our state-of-the-art genetic research.

Our mission is to enhance the quality of life for people with special needs caused by rare genetic disorders. Founded in 1998, by five local Amish families committed to helping tomorrow's special children, we now serve over 1300 patient families in 35 U.S. states and 8 foreign countries.

DDC Clinic is a unique collaboration of the Amish and non-Amish communities, dedicated doctors and researchers all working together to find answers for parents and treatments for children. The Clinic was built on the "medical home" concept defined by the American Academy of Pediatrics. We provide comprehensive and personalized medical care for special children with over 70 different rare conditions.

We are recognized as a leading international medical facility for complex disorders.

Our in-house certified genetics laboratory provides rapid, high quality and affordable testing and we conduct patient-centered

research—always seeking faster diagnoses, better understanding, and improved treatments for our children.

Our work within this community can have a broad impact as we translate our findings to the general population by increasing the knowledge base, improving diagnosis and treatment, with an eventual hope of aiding in disease prevention. Many rare genetic disorders actually share common biological and metabolic pathways with more commonly occurring diseases such as obesity and cardiovascular diseases, and thus these rare genetic diseases can greatly simplify complex biomedical problems and provide significant strategies against common diseases and health issues.

We offer personalized education and support services for patient families. No family is ever turned away based on ability to pay.

*DDC Clinic is a gathering place; a place of love, compassion and caring; a place where people take the time to listen and share; a place of faith and hope.*

The DDC Clinic is recognized as a leading international medical facility for such complex disorders as:

- **Prolidase deficiency:** a rare metabolic condition characterized by skin lesions, recurrent infections, unusual facial features, variable intellectual ability, enlargement of the liver with elevated liver enzymes, and enlargement of the spleen.<sup>1</sup>
- **Cohen syndrome:** a fairly variable genetic disorder characterized by diminished muscle tone, abnormalities of the head, face, hands and feet, eye abnormalities, and non-progressive intellectual disability.<sup>2</sup>
- **Ganglioside GM3 Synthase Deficiency:** a rare autosomal recessive metabolic disorder characterized by infantile onset of severe irritability and epilepsy, failure to thrive, developmental stagnation, and cortical blindness.<sup>3</sup>
- **Glucose-galactose Malabsorption:** a condition in which the body cannot absorb the sugars glucose and galactose,

*(Continued on page 9)*



## DDC (from page 8)

which primarily results in severe diarrhea.<sup>4</sup>

- **TMCO1 defect syndrome:** TMCO1 mutations cause craniofacial dysmorphism, skeletal anomalies characterized by multiple malformations of the vertebrae and ribs, and intellectual disability.<sup>5</sup>



- **SAMS:** An auto-inflammatory syndrome consequent to SAMHD1 mutations involves cerebral vasculopathy characterized by multifocal stenosis and aneurysms within large arteries, moyamoya, chronic ischemia, and early strokes (SAMS).<sup>6</sup>

- **HERC2:** A protein coding gene. Diseases associated with HERC2 include mental retardation, Autosomal Recessive 38 and Skin/Hair/Eye Pigmentation, Variation In, 1.<sup>7</sup>

- **Hypertrophic Cardiomyopathy:** (HCM) is a disease in which the heart muscle becomes abnormally thick (hypertrophied). The thickened heart muscle can make it harder for the heart to pump blood.<sup>8</sup>

- **Microcephalic Osteodysplastic Primordial Dwarfism Type I:** a genetic condition that is mainly characterized by intrauterine and post-natal growth retardation, an abnormally small head size, distinctive facial features, and brain anomalies.<sup>9</sup>

- **Pyruvate Kinase Deficiency:** A condition in which red blood cells break down faster than they should and can lead to anemia (not enough red blood cells)

**Contact the DDC Clinic for more information. Go to <http://ddcclinic.org> for a list of disorders for which the DDC Clinic is providing care.**

### Endnotes

1. [https://rarediseases.info.nih.gov/diseases/7473/prolidase-deficiency#:~:text=Prolidase%20deficiency%20is%20a%20rare,of%20the%20spleen%20\(splenomegaly\).](https://rarediseases.info.nih.gov/diseases/7473/prolidase-deficiency#:~:text=Prolidase%20deficiency%20is%20a%20rare,of%20the%20spleen%20(splenomegaly).)
2. <https://rarediseases.org/rare-diseases/cohen-syndrome/#:~:text=Cohen%20syndrome%20is%20a%20fairly,and%20non%20Dprogressive%20intellectual%20disability.>
3. <https://pubmed.ncbi.nlm.nih.gov/23436467/#affiliation-1>
4. <https://medlineplus.gov/genetics/condition/glucose-galactose-malabsorption/#:~:text=Glucose%20galactose%20malabsorption%20is%20a,that%20can%20be%20life%20threatening.>
5. <https://www.nature.com/articles/ejhg2013291>
6. <https://pubmed.ncbi.nlm.nih.gov/28289923/>

7. <https://www.genecards.org/cgi-bin/carddisp.pl?gene=HERC2>
8. [https://www.mayoclinic.org/diseases-conditions/hypertrophic-cardiomyopathy/symptoms-causes/syc-20350198#:~:text=Hypertrophic%20cardiomyopathy%20\(HCM\)%20is%20a,the%20heart%20to%20pump%20blood.](https://www.mayoclinic.org/diseases-conditions/hypertrophic-cardiomyopathy/symptoms-causes/syc-20350198#:~:text=Hypertrophic%20cardiomyopathy%20(HCM)%20is%20a,the%20heart%20to%20pump%20blood.)
9. [https://rarediseases.info.nih.gov/diseases/5120/microcephalic-osteodysplastic-primordial-dwarfism-type-1/cas-es/22074#:~:text=Microcephalic%20osteodysplastic%20primordial%20dwarfism%20type%201%20\(MOPD1\)%20is%20a%20genetic,facial%20features%3B%20and%20brain%20anomalies.](https://rarediseases.info.nih.gov/diseases/5120/microcephalic-osteodysplastic-primordial-dwarfism-type-1/cas-es/22074#:~:text=Microcephalic%20osteodysplastic%20primordial%20dwarfism%20type%201%20(MOPD1)%20is%20a%20genetic,facial%20features%3B%20and%20brain%20anomalies.)
10. <https://kidshealth.org/en/parents/pyruvate-kinase-deficiency.html>

**DDC Clinic - Center for Special Needs Children**  
**14567 Madison Rd.**  
**Middlefield, Ohio 44062**  
**(440) 632-1668 - Phone**  
**(440) 632-1697 - Fax**  
 Office Hours: Monday - Friday  
 9:00 am - 5:00 pm  
[info@ddcclinic.org](mailto:info@ddcclinic.org) - email  
 for general questions or information.  
[www.ddcclinic.org](http://www.ddcclinic.org) 🌐

# Cases of Interest

**Edgar H. Boles**

*Dinn, Hochman, & Potter, LLC*, [eboles@dhplaw.com](mailto:eboles@dhplaw.com)

***Lakeside Produce Distrib. v. Wirtz***, 2021-Ohio-505 (8th Dist. 2021)

Husband's action against attorney who represented him in divorce collaborative family law process, alleging that attorney breached confidentiality provision of contract by disclosing divorce to husband's business competitor. The Court held it was not error to dismiss complaint for failure to state a claim since parties' contract set forth general ideals without any express confidentiality language, and the language is aspirational in nature and does not create any specific contractual terms regarding confidentiality.

***Geloff v. R.C. Hemm's Glass Shops, Inc.***, 2021-Ohio-394 (2nd Dist. 2021)

Employees action against former employer seeking a declaration that non-competition and non-disclosure agreement was unenforceable, summary judgment in favor of employee was not error since the experience and skills employee gained while working for former employer did not qualify as trade secrets because they are common knowledge, employer failed to show that employee had possession of customer list, and the nature of employee's subsequent employment constituted ordinary competition and not unfair competition.

***Stafford Law Co., L.P.A. v. Estate of Coleman***, 2021-Ohio-1097 (8th

Dist. 2021)

Law firm's action in general division of common pleas court against decedent's estate seeking payment for legal services pursuant to agreement, summary judgment for firm was error where the trial court improperly relied of probate court's statement that the claim was properly presented to the estate since the probate court lacked subject matter jurisdiction where the claim had been rejected by the estate, and a court without jurisdiction cannot decide any issues presented to it; the claim was incorrectly sent to attorney of executor rather than to the executor, as required by R.C. 2117.06.

***Angelo v. Warren***, 2021-Ohio-1260 (11th Dist. 2021)

In plaintiff's action against city alleging that the water department terminated his water service without cause, which led to damage to his home, trial court did not err in denying city's motion for summary judgment that asserted qualified immunity since, in response to a doorknob tag, plaintiff communicated to the water company that he was not immediately available to grant access to check meter, damage to boiler from lack of water was arguably foreseeable, and city's action in turning off water created an exception to immunity, for which defenses in R.C. 2744.03 do not apply.

***Granite City Ctr. v. Champion Twp. Bd. of Trustees***, 2021-Ohio-

1458 (11<sup>th</sup> Dist. 2021)

Action by business against township for breach of oral argument for the parties to obtain bids for demolition of building on property of business and for the business to be responsible for the demolition at a price it selected, trial court did not err in denying township's motion to dismiss, arguing that claims were barred by political subdivision immunity, since R.C. 2744.09 (A) provides that there is no statutory immunity for contract claims brought against political subdivisions, and business was not required to affirmatively demonstrate an exception to immunity, R.C. 2744.02.

***McCruter v. Travelers Home & Marine Ins. Co.***, 2021-Ohio-472 (11<sup>th</sup> Dist. 2021)

In a supplemental complaint by dog bite victim's mother against dog owner's insurer to collect insurance after obtaining underlying judgment against the dog owner, summary judgment against dog owner, summary judgment for insurer was error where insured apparently did not want to involve insurer, did not timely notify insurer, and entered into an agreement in which insurer directed insured not to perform her duties under the policy, creating the inference of improper cancellation of the policy under R.C. 3929.05 and having the potential effect of prejudicing mother's derivative rights as a judgment creditor operating under R.C. 3929.06. ❁

# Law Day: An Event to Remember

**Lisa J. Carey**

*Lancer Insurance,*

[lcarey@lancerinsurance.com](mailto:lcarey@lancerinsurance.com)



For the first in-person Geauga County Bar Association event since early 2020, Law Day 2021, was the event to attend!

One hundred and five attendees from sitting judges to police chiefs, to Bar members and other law enforcement personnel enjoyed the luncheon at Guido's in Chesterland on April 30, 2021, for a program based on the 2021 theme—Advancing the Rule of Law Now. After starting the event with a moment of silence in memory of Sheriff Dan McClelland, the Law Day Committee went on to honor both 2020 and 2021 winners of the Law Enforcement Officer of the Year award as well as the high school essay contest winners. As Judge Mary Jane Trapp, the event emcee, stated, “The Constitution is worthless

with no one to enforce it.”

The essay winners were honored both in person and virtually for their achievements, and the winning essays are printed in this issue of *Ipsa Jure*. Thanks once again to the law firm of Petersen & Petersen, the sponsor for the Law Day prizes.

Detective Donald Seaman was the recipient of the Law Enforcement Officer of the year for 2020 for his tedious and persistent pursuit of the murderer of Geauga's Child, the previously unsolved case of a deceased infant baby boy found dead on Sidley Road in Thompson Township in March, 1993. With the advent of new technology, the Sheriff's Office was able to obtain the funding to create a DNA profile for the child and built a family tree of

over 2400 people all around the world. By following up with many of these individuals through some “old fashioned police work”, Detective Seaman was eventually able to obtain the identity of the mother of Geauga's child who confessed to abandoning the newborn baby, resolving one of the oldest unsolved cases in Geauga County history.

Lieutenant Kathy Rose was the recipient of the Law Enforcement Officer of the year for 2021. Lt. Rose is the Administrator of the Geauga County jail and had to take authoritative and quick action for the safety and welfare of the corrections officers, employees, volunteers, and incarcerated individuals at the Geauga County jail in light of COVID 19. It was noted that even in the best of times, running the Jail and the Corrections Division is challenging, but adding in sudden closures and new contact, distancing and testing protocols from a fast-spreading virus required Lt. Rose to make some on-the-go decisions. Lt. Rose thanked the corrections officers, jail medical staff, and support staff for assisting with keeping everyone calm and instituting immediate changes, including donning protective wear over their clothing, sanitizing everything, and doing everything they could to keep operations running while keeping

*(Continued on page 12)*



## Law Day (from page 11)

everyone as safe as possible. Judge Trapp presented Lt. Rose with a Certificate of Achievement for the jail staff.

Judge Michael P. Donnelly from the Ohio Supreme Court, was the keynote speaker, and discussed how plea bargaining in the criminal justice system has evolved in recent years from the time when he was an assistant Cuyahoga County Prosecutor in the mid-1990s. Judge Donnelly has had a

career in the law because, as he said, he loved to bring resolution to conflict in people's lives. He further discussed the importance of having clear and fair processes for enforcing laws. Judge Donnelly emphasized that transparency – the ability to understand and have faith that everyone is doing their job properly – is one of the most important parts of the criminal justice system. As such, an ethical plea agreement is a contract which

has benefits to both sides involved, after proper consideration of the charges and investigation at hand, combined with an admission of guilt and some level of accountability for the criminal activity that actually occurred.

Those who attended, both in person and virtually, agreed that it was nice to be able to attend these events again and to honor those in law enforcement for all of their efforts on a daily basis. 🌸

Law Day Speaker Ohio Supreme Court Justice Michael P. Donnelly  
Eleventh District Court of Appeals Judge Mary Jane Trapp  
Law Enforcement Officer of the Year 2021 Lt. Kathy Rose  
Law Enforcement Officer of the Year 2020 Detective Donald Seaman  
Chardon Municipal Court Judge Teri Stupica



# 3rd Place Student Essay

**Morgan Fisher**  
*Chardon High School*



The United States Constitution and its twenty-seven amendments are timeless pieces of law and order that define the functioning of the US government. During the past year, COVID-19 has changed the world as we know it, bringing new challenges and changing the priorities of the federal, state, and local governments of the United States of America. The pandemic has altered the power of the amendments of the Constitution by compromising the rights of citizens to ensure their safety.

First of all, the First Amendment of the constitution specifically lays out the rights of citizens stating, "Congress shall make no law...abridging the freedom of speech, or of the press; or the right of the people peaceably

to assemble." Everyone is aware that since the very beginning of the pandemic, our constitutional right of assembly has been compromised. In Ohio, Governor Mike DeWine limited gatherings to less than one hundred people and continued to reduce that number until it became less than ten people. In addition to this, restaurants, stores, and other venues have been required to reduce their holding capacity severely. It is plain and clear that the government has restricted the people's right to assembly guaranteed by the first amendment, however, these restrictions have been widely accepted to stop the spread of the virus.

Secondly, the Ninth Amendment of the constitution states, "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people." This has been interpreted through the Supreme Court, on cases such as *Roe v. Wade*, to mean citizens have the right to privacy. The pandemic has severely altered this right through contract tracing. People are highly expected to let the government know where they have been or who they have been in contact with. While this is not required by law, it violates the citizens' privacy guaranteed by the ninth amendment. It discourages the once strong American value of privacy and security from the government and high-

lights other values such as responsible citizenship and working together as a country to keep others safe.

Lastly, the Fourteenth Amendment through its due process clause—"nor shall any State deprive any person of life, liberty, or property, without due process of law"—guarantees citizens their right to freedom. Contradicting this, states have sent out stay-at-home orders, mandatory quarantines, and limitations on who we can or can not see. This has severely altered the liberty of citizens through severe restrictions without due process. We have all felt the impacts of these rights being taken away whether being stuck in our homes or being deprived of our sense of community. The government has shown that they are willing to limit our fourteenth amendment rights as deemed necessary.

We have seen time and time again throughout the pandemic that the government is willing to compromise the rights of its citizens to protect the safety and health of the people. We have seen how a serious threat to our nation's health has reprioritized the rights and liberties of the citizens to prioritize health and security. However, we have seen a nation fight hard against the battle of COVID-19 to finally reach a point where things will return to normal, and our rights will be fully restored once again. 🌸

# 2nd Place Student Essay

**Ella Jewell**  
*Kenston High School*



Some call health regulations oppression of citizens, others call them opportunities to protect public health, but regardless of names, these restrictions are a part of the rule of law. According to the American Bar Association Division for Public Education, the rule of law is “a set of principles, or ideals, for ensuring an orderly and just society...Everyone has rights and responsibilities...” The American rule of law has become nearly powerless in the face of half-hearted legal action and corruption of societal obligations. While the government has never been more active, the rule of law is weakened by the COVID-19 pandemic because citizens break the social contract and new regulations are weakly enforced.

From spreading infor-

mation on behalf of international health organizations to buying vaccines and regulating distribution, the American government has worked relentlessly. While the government has upheld its obligation to its people, the people do not uphold their obligations to each other. These obligations are defined by Jean Jacques Rousseau’s social contract: “So long as several men assemble together consider themselves a single body, they have only one will, which is directed towards their common preservation and general well-being.” This ‘will’ refers to the desire of a country’s citizens to act in a unified manner for the good of the nation. The social contract is how the rule of law is upheld; without people acting with the highest good in mind in submission to the state, there would be no law and order.

Unfortunately, this will towards good is no longer unified due to the deviant actions of many Americans. A study from the University of Southern California’s Dornsife Center for Economic and Social Research found that only half of Americans reported wearing a mask when going on necessary outings or when attending non-distanced gatherings. In the words of Tom Westfall of the *Journal-Advocate* 2021, “During the pandemic, overwhelming scientific evidence indicates that wearing a mask helps protect us

from the virus...Asserting your freedom to go without a mask demonstrates a callous disregard for your fellow human beings and violates basic tenants of the social contract.” This kind of behavior reflects the desire to act with self-interest, which in this case is opposed to the national interest, causing a breakdown of the rule of law.

Lax regulations enforcement has made it easy to act with oneself in mind, rather than the country as a whole. Public health regulations such as wearing masks and staying six or more feet apart are weakly enforced. Certain police departments have altogether refused to enforce regulations, or are unable to attempt to enforce them, as violation reports take too long to process. In the book *Ethics and Law Enforcement*, law enforcement’s power is justified and obligatory under the social contract to uphold community wellbeing. The police are the last bastion of the rule of law when the social contract breaks down, but because even they refuse to uphold the common good, the rule of law has been broken time and time again.

Even though national leaders have been working overtime, the United States’ rule of law has buckled under the weight of its people taking advantage of poorly enforced mandates and breaking the social contract. When left to

*(Continued on page 15)*



**2nd Place (from page 14)**

their own devices, citizens disregard regulations in defiance of the common will towards community benefit. Those tasked with upholding the rule of law, namely police

forces, have refused to enforce federally and scientifically ordered regulations. Daily observances of rising casualty counts and people's insistence on making their own

rules show how the COVID-19 pandemic has rendered the rule of law into a relic of the days before the crisis hit. 🌸



Who  
are  
these  
masked  
men  
and  
women?

# 1st Place Student Essay

**Zoe Jones**  
*Hawken School*



The rule of law during the pandemic has shown the importance and everyday effect of state governments, local governments, and public response. In order to institute a safe and effective COVID response as a country, there was large reliance on both local (state) governments and informal rule of law response to hold the population accountable for ensuring essential safety mandates. In Ohio's constitution, it says that "emergency laws necessary for the immediate preservation of the public peace, health or safety, shall go into immediate effect" (O.H. const. art. II, 1d). This resulting state governmental response was hard to adapt to and hard to enforce on a large scale, but with the informal and formal rule of law working together, Ohio was able to manage a safe and effective COVID response.

The response of state governments was essential for the quick action, adaptation, and enforcement of safety laws and mandates during the pandemic. Because of the variation from state to state in COVID cases, responses needed to be quick and effective for the area, making state governments an essential resource for COVID-19 prevention and safety. As many things that were unconscious routines—school, work, church, the ability to gather—became things that we weren't able to do, we found ways to adapt. One problem that was faced was the need for justice that went up during the height of the pandemic. The access to legal aid and courts went down, which resulted in vulnerable groups suffering the worst, and an inequitable system of law. "Societies with strong rule of law have built-in mechanisms for mediating conflicts through open and inclusive debate, in which all voices are treated equally, and outcomes are perceived as fair and reasonable." These abilities and opportunities aren't as frequent during the pandemic and inequalities are exacerbated. But by quickly adapting to a virtual environ-

ment, the ability to uphold "justice for all" was restored.

Public response in upholding these mandates has been essential for holding ourselves and others around us accountable for wearing a mask and social distancing, enforcing the rule of law as a community. Rights like the right to assemble (O.H. Const. art. I, 3), the rights of conscience—education, necessity of religion and knowledge (O.H. Const. art. I, 7)—were things that needed to evolve to comply with state mandates. This response was difficult but working together to keep each other safe was enforced for the most part, as a community, holding everyone accountable to the same laws and equally under the law. In the case of a unified Covid-19 response, an informal rule of law works best alongside formal rule.

Through continuing to enforce the rule of law we can promote equality under the law and justice for all as we emerge from the COVID-19 pandemic. Though as we have adapted through a pandemic we have managed to uphold the rule of law, it isn't over quite yet and to ensure that we continue to do so we must hold ourselves and each other accountable for state-wide mandates such as wearing a mask and social distancing.





# Law Day 2021





## Meet the Summer Interns of the Geauga County Court of Common Pleas

**Bailey Rice** is a rising junior at Notre Dame-Cathedral Latin School where she is involved in theatre and mock trial. Bailey applied for an internship at the courthouse this summer due to her participation in mock trial and because she was inspired by her mother, who has a law degree, to explore the legal field. Additionally, she enjoys the environment of the courtroom and hopes for a better understanding of how the courtroom operates.

In the future, she plans to attend college in Ohio with a major in English and minor in business. She is currently interested in applying to Ohio State University, Miami University, or John Carroll University for their three-and-three-year program with Case Western Reserve University School of Law.

After law school, Bailey plans to go into corporate law, specifically involving mergers and acquisitions.

This summer, Bailey has been working on updates and redesigning of the Clerk and Common Pleas Court websites. She has enjoyed developing her technology skills while working with others. Her favorite part about being an

intern at the courthouse is the people that she works with. Whether it be the Judges, Magistrates, clerks, administrative assistants, or other interns, Bailey has felt very welcomed by everyone. She describes the courthouse as a community and is incredibly grateful to be a part of a professional environment where everyone is passionate about what they do.

Bailey's fierce determination to succeed and dedication for the law have been valuable assets to the Courthouse this summer. She is constantly using her new knowledge of the law to be better equipped for her time in mock trial this fall and building her critical thinking skills. Best of luck to Bailey in her upcoming high school years and all of her endeavors.

**Dayle Foster** is a rising senior at the University of Michi-

gan and will be graduating a semester early this winter. Her academic interests include behavioral neuroscience, psychopathy, Chinese, and criminal law. Dayle is majoring in biopsychology, cognition, and neuroscience with a minor in Mandarin. She is extremely involved at the University of Michigan, developing her interests and skills as the President of the Undergraduate Psychology Society and as a member of the Michigan Pre-Law Society. In her free time, Dayle likes to read, bake, and speak Chinese.

In addition to her academic involvement, Dayle finds time to serve her community as a tutor for the Athletics Department, a volunteer for the Building Bridges Language program (where Dayle teaches English to Chinese businessmen and women), and a Chair

**Right:** Intern Briana Cowman,  
Magistrate Powell,  
Magistrate Heffter, and  
Christine Gillespie,  
Adm. Assistant



(Continued on page 19)

## Interns (from page 18)

of Crafts for Motts, an organization that makes crafts for children in the hospital in Ann Arbor.

This is Dayle's second summer as an intern for the Court and finds that she is drawn to all sides of the law but particularly the criminal and civil aspects. Analyzing criminal behavior and developing a further understanding of the concept of criminal competency is extremely interesting to Dayle. In addition, Dayle's favorite projects so far have been working with Magistrate Powell on civil matters, reviewing depositions and drafting decisions. Dayle is also extremely appreciative of her experience with the New Leaf Program and is particularly inspired by the successes of the participants.

Besides her internship at the Court, Dayle has been with the Federal Public Defender's Office this summer in Cleveland, in Tower City. Dayle loves the fact that she is able to see both the federal and the state perspectives on the law.

Dayle's strong work-ethic and enthusiasm have positively impacted the other interns, encouraging them to perform their best and think critically about the legal topics they encounter. Dayle is grateful for the opportunity to work at the Court of Common Pleas this summer and is excited to use the skills she has learned to excel in law school and her future legal pursuits.

**Briana Cowman** is a rising senior at Miami University majoring in psychology with a minor in political science. Mock trial has been a passion for Briana since

high school, and she has continued her involvement throughout college, where she participates on one of the top mock trial teams in the nation. Briana is the Sprite Date chair and the Mom's Weekend chair for her sorority, Chi Omega. She also finds time to be a member of Women in Law, a club that focuses on supporting women's professional development in the legal field.

In past summers, Briana has used her musical ability to work at the Painesville Community Theater Camp as both a director and choreographer for shows. She also works at Burntwood Tavern in Chagrin Falls.

Briana's favorite project at the Courthouse has been working with Magistrate Powell to review depositions, research rules, and determine the facts of a case. In addition to working with Magistrate Powell, Briana has also enjoyed observing the domestic proceedings in Magistrate Heffter's court. These experiences have bolstered Briana's interest in pursuing a career in domestic or immigration law.

When asked what her favorite part of working at the Courthouse has been, Briana answered confidently. She loves the people. Briana appreciates working in an environment where everyone is pushing each other for success. Every day, Briana is inspired by the passion that the Judges, Magistrates, and other court personnel clearly demonstrate for their jobs.

Briana's determination and intelligence have been tremendous assets to the Courthouse this sum-

mer. She consistently builds upon her knowledge of law gained in mock trial, and is excited to utilize her new experiences this summer when she applies to law school this fall.

**Pierce Thomas** is a rising sophomore at the University of Chicago. He is majoring in business economics and hopes to soon be accepted into the law, letters, and society major. After getting his undergraduate degree, he also hopes to pursue his MBA as well as his law degree from either Columbia or Duke University. With this education he would like to practice either civil or corporate law.

His interest in the legal field began during high school on the Notre Dame-Cathedral Latin High Mock Trial Team where he was met with much success and numerous best attorney awards.

Pierce has enjoyed working on the civil cases at the Court of Common Pleas where he has organized the daily docket and pending motions, and also read and summarized depositions. His favorite project has been drafting jury instructions for criminal trials. Pierce is appreciative of the valuable experiences he has had at the Court this summer in civil, criminal and domestic relations litigation. Pierce also appreciates the energy at the Courthouse and the great personalities he is surrounded by.

Outside of his internship and college, Pierce enjoys volunteering in his community and participating in watersports. 🌸

# Biddy Mason: From Bondage to Freedom— And Beyond

**Robin L. Stanley**

*Ibold & O'Brien, [rstanley@peteribold.com](mailto:rstanley@peteribold.com)*

## Biddy

As a child, she would have been a nobody...Probably less than a nobody. She was a non-person, a faceless piece of chattel. She was a black female slave in Georgia. Her name was Biddy. Her story, largely forgotten, is one of perseverance and generosity. It is one that travels from Georgia to Mississippi to Utah to California and finally to freedom. It is a story so unknown that when I came across it in a children's book,<sup>1</sup> I had to learn more about this person named Biddy.

Biddy was born in October 15, 1818, probably on a cotton plantation in Hancock County, Georgia.<sup>2</sup> Little is known about Biddy's early life, and many stories have been imagined to fill in the blanks. In the early 1830s, she was forcibly transported to Mississippi.<sup>3</sup> She was known as a particularly strong woman physically, and she would have been valuable in the field and probably had experience doing both domestic and farm labor.<sup>4</sup> Then, by 1848, Robert Mays and Rebecca (Dorn) Smith have become the owner of three enslaved persons: a woman named Biddy and her two small daughters.<sup>5</sup> African American women with young children of their own were unlikely to run away.<sup>6</sup>

## Robert Mays Smith & Rebecca (Dorn) Smith

Robert Mays Smith came from a poor family with no land and no social status in Edgefield District, South Carolina.<sup>7</sup> In fact, it was a bequest from his grandfather that allowed him and his family to move west from South Carolina.<sup>8</sup>

Rebecca Dorn, one of ten children, lived on the Dorn homestead on Sleepy Creek in Edgefield District, South Carolina.<sup>9</sup> Her family homestead was quite a prosperous plantation of sixteen hundred acres.<sup>10</sup> Many slaves worked the Dorn Plantation, including a light-skinned girl named Hannah, who was likely Rebecca's personal slave and helped take care of her mistress's needs.<sup>11</sup>

Robert Smith and Rebecca Dorn married in 1829 or 1830, and later in 1830, they emigrated from South Carolina to Mississippi.<sup>12</sup> While in Mississippi by 1840, Robert and Rebecca had four children, and by 1841, the tax records show Robert was a poor farmer.<sup>13</sup>

By 1848, Biddy and her two daughters were property of the Smiths.<sup>14</sup> Biddy's daughter, Ellen, was 10, and another daughter, Ann, was probably around two or three when they joined the Smiths.<sup>15</sup> No information has been found on how Biddy and her children were acquired by the

Smiths, but by 1845, Rebecca was pregnant again, and a female slave would have helped take the work burden off of Rebecca's shoulders especially with four small children already underfoot.<sup>16</sup> Biddy could have also served as a midwife for Rebecca.<sup>17</sup> Biddy had a third child (Harriet) before leaving Mississippi with the Smiths.<sup>18</sup> The paternity of Biddy and Hannah's children was not recorded, but census records show that many of their children were listed as "mulatto" or "yellow" indicating that both may have been the victim of sexual abuse by a white man or men, which may have included Robert Smith as the possible father.<sup>19</sup>

## Hannah

In 1846, Rebecca's father, John Dorn, passed away in South Carolina.<sup>20</sup> Rebecca's former personal slave, Hannah, was among the contents of her father's estate.<sup>21</sup> By all accounts, Hannah was a favorite household slave and was probably related to many of the thirty to forty slaves on the plantation.<sup>22</sup> When Hannah was sixteen, she married a slave named Frank, and they had three children: Ann (age 8), Lawrence (age 3), and Nelson a.k.a. Nathaniel (age 1).<sup>23</sup>

On October 26, 1846, an auction of John Dorn's estate, in-

*(Continued on page 21)*



## Biddy (from page 20)

cluding “thirty-two negroes,” thirty-nine cattle, thirty-five hogs, and other misc. farm and household equipment occurred, and Rebecca’s brother, Robert, was the highest bidder for Hannah, her children, Frank and eight other slaves.<sup>24</sup> The remaining slaves were dispersed with the livestock and household goods and farming tools to the other Dorn children, their relatives, and neighbors.<sup>25</sup>

Robert M. Smith was listed as the purchaser of Hannah and her three children for a price of \$1,210.00, while Frank was listed as the property of Robert Dorn, Rebecca’s brother and owner of a cotton plantation in Tallahatchie County, Mississippi.<sup>26</sup> Hannah and her children joined Biddy and her children in Tishomingo County, Mississippi where Smith lived as a tenant farmer, and Frank remained with Robert Dorn.<sup>27</sup> When Hannah joined the Smith Family, four adults and twelve children (including six Dorn children) lived in rather close quarters under one roof.<sup>28</sup>

### Mississippi Mormons Begin Their Journey to Winter Quarters

In 1830, the Mormon prophet, Joseph Smith, established the Church of Christ, which later became the Church of Latter-Day Saints or the LDS Church, more commonly known as the Mormon Church.<sup>29</sup> Their new church in Kirtland, Ohio, was established in 1831.<sup>30</sup> Mormon colonies were also established in Missouri and Illinois.<sup>31</sup> Meanwhile, Mormon missionaries, including John Brown, took the church’s message

to the south, and on February 11, 1844, Robert M. Smith and his wife, Rebecca, were baptized into the LDS Church.<sup>32</sup>

On June 27, 1844, after a riot in Carthage, Illinois, Joseph Smith was assassinated.<sup>33</sup> Brigham Young assumed leadership of the Mormon Church within a few days of the prophet’s death.<sup>34</sup> Knowing that they must leave Illinois, the leaders of the Mormon Church determined, in mid-1845, that Salt Lake Valley, Utah would be a suitable site for a settlement.<sup>35</sup> The Mormons left Illinois in early spring, and John Brown was sent back to Mississippi to organize a migration of southern Mormons to the Salt Lake Valley in the spring of 1846.<sup>36</sup> Thus on April 8, 1846, John Brown took an advance party of 43 people and 19 wagons from Mississippi.<sup>37</sup> He intended to return for the rest of the Mississippi Mormons later, but Brigham Young sent him instructions to return to Winter Quarters and allow the Mississippians to remain where they were another year.<sup>38</sup>

This Smiths are not among the first to leave. Instead, Robert used the balance of Rebecca’s inheritance to finance a move to Texas in 1847.<sup>39</sup> They got as far as Memphis, Tennessee, where they found the Mississippi River impassable, and were forced to return to Tishomingo County, where Robert rented a farm and planted crops to feed his family and slaves until starting their journey again.<sup>40</sup> While they waited for John Brown’s return, the Smiths had another son, whom they named Joseph after the martyred

Mormon prophet.<sup>41</sup> It was also while they were waiting that visitors stopped by their home and tell them of the riches of California, and it was then that Robert began to make plans for his family’s next move.<sup>42</sup>

On March 17, 1848, the Smiths left Mississippi towards California through Salt Lake, Utah led by Missionary John Brown back from Salt Lake City.<sup>43</sup> Their company of Mississippi Mormons included 11 wagons, 6 families, and a number of black persons.<sup>44</sup> Hannah was pregnant again, and her baby, a little girl named Jane, who was not easily distinguished from the white race, was born in the first week of April, 1848.<sup>45</sup> The Smith’s party now included thirteen children all under the age of thirteen.<sup>46</sup> The caravan traveled through Tennessee and Kentucky to the Ohio River, where they boarded a steamboat to travel along the Ohio and Mississippi Rivers to St. Louis, Missouri.<sup>47</sup> The Smiths and their 3 wagons arrived at the Winter Quarters, the gathering place of the Mormons, which is now known as Omaha, Nebraska on May 17, 1848.<sup>48</sup> The Smith party included 3 wagons, 1 horse, 2 oxen, 8 mules and 7 milk cows, along with 9 white and 10 colored persons.<sup>49</sup> This included Robert, Rebecca, their 6 children, Biddy and her 3 children, Hannah and her 4 children, and likely 2 wagon drivers, 1 white and 1 “colored,” probably on loan from another Mississippi Mormon.<sup>50</sup> The rest of the Mississippi Mormons arrived on May 23, 1848.<sup>51</sup>

John Brown described the

*(Continued on page 22)*

## Biddy (from page 21)

journey as one of the most disagreeable times he had ever seen as they encountered difficult weather, muddy roads, sloughs too deep for the wagons to ford, with mules and horses completely mired in mud, flooded creeks, and ice.<sup>52</sup> Yet, the Mississippi Mormons had a successful journey with very little sickness and no deaths or loss of property, except 1 ox.<sup>53</sup>

However, on the evening of June 2, 1848, when the Smiths remained camped near the Winter Quarters, and Robert went out on an errand, he returned to find that his white wagon driver had accidentally, but fatally discharged his pistol, causing a mortal wound to his neck.<sup>54</sup> Having no one to drive his third wagon, he decided that the family would stay with the Mormons, and he made plans to travel with them to the Great Salt Basin instead of heading out alone for California.<sup>55</sup>

### From Winter Quarters to Salt Lake

As the Mississippi Mormons were arriving at Winter Quarters, plans were already underway for the all of Mormons there to evacuate to the Salt Lake Valley.<sup>56</sup> The Mormons divided their families into three companies, which totaled 926 wagons and 2,417 people.<sup>57</sup> The Smith's unit under the direction of company leaders, Willard Richards and Amasa Lyman, and captain John Born, left on July 7, 1848, less than two months after their arrival in Winter Quarters, to travel the 1031 miles over 130 days to the Salt Lake Valley.<sup>58</sup> Diaries from the trip tell of muddy roads, flood-

ed rivers, and almost impassable hills, along with scalding sun and bitter cold, constant quests for water and grass for the animals and people.<sup>59</sup> Biddy walked most of the way tending to a flock of sheep with baby, Harriet, strapped to her back.<sup>60</sup>

The final part of the journey from Fort Bridger to Zion (the name the Mormons gave to the valley of the Great Salt Lake) was the most difficult. Though only about one hundred miles, the travelers had to contend with rugged terrain, mountain fever, hills, and bad roads, and then on September 14, 1848, snow. The first company arrived on September 20, 1848, and the Smith's company arrived on October 19, 1848.<sup>61</sup>

The conditions that the Smiths found upon arriving were dismal.<sup>62</sup> Some of the Mississippi Mormons had sent their slaves ahead to prepare shelters and plant crops, but the Smiths, having no male slaves, would have no such accommodations.<sup>63</sup> The Smiths and their slaves would have had to hurry to prepare a dwelling for eighteen people to live through the winter.

While in Utah, Biddy and Hannah became part of the community of colored persons living in the Great Salt Lake Valley, some free and some enslaved.<sup>64</sup> Slavery was legal as slaveowners openly sold and traded human property in the Salt Lake Basin.<sup>65</sup> It was officially written into law in 1852, at the urging of Brigham Young.<sup>66</sup> While there, Hannah became acquainted with a slave named Toby Embers, which whom she had a son, Charles Embers, in

late 1849.<sup>67</sup>

Immigrants soon came pouring through Salt Lake on their way to seek their fortunes in the California gold rush of 1849.<sup>68</sup> Several Mormons joined those heading to the gold fields, but Robert Smith was not among them, likely because his wife was pregnant with their final child, who was born on November 14, 1849.<sup>69</sup> Nine days later, November 23, 1849, Robert was asked to volunteer to explore the Utah Territory, in what turned out to be a harrowing journey of 800 miles and significant hardship, from which he returned home on February 1, 1850.<sup>70</sup> The Smiths stayed in Utah from October 19, 1848 to March 24, 1851.<sup>71</sup>

### Westward, California, HO!

In the spring of 1851, the Mormon leadership decided to send volunteers to start a new colony in California led by Charles Rich and Amasa Lyman (both proponents and practitioners of plural marriage).<sup>72</sup> The Smiths and their slaves are among the 150 wagons and 437 people to depart, much to Brigham Young's disappointment as he expected fewer people to volunteer.<sup>73</sup> Biddy again walked and drove the livestock, along with cooking and caring for her own three girls, along with Hannah's children, and the Smith's seven children.<sup>74</sup> By June 9, 1851, they arrived in California having passed through the Mojave Desert, and many having walked for days without water both day and night.<sup>75</sup> It was nothing short of miraculous that not a member of

*(Continued on page 23)*

## Biddy (from page 22)

the Smith Family nor their slaves were lost on the trip from Mississippi to California. This is often attributed to Biddy's knowledge of herbs and medicines.<sup>76</sup>

### California

The Mormon leaders purchases land in Southern California called Rancho del San Bernardino.<sup>77</sup> They expected to use their slaves to help plant cotton in California, but when they arrived they found the land better suited for grain and adapted their labor force to become the leading source of flour in California.<sup>78</sup> Robert Smith chose to find his own homestead just outside of the Mormon settlement, and within a short time, Robert had an abundant and thriving ranch on land known as Jumuba.<sup>79</sup> Additionally, he was valued by the LDS Church and named one of the counselors to the bishop.<sup>80</sup> With 13 enslaved women and children and a large property, Robert Smith was among the wealthiest settlers in San Bernardino!<sup>81</sup> It must have felt like a dream after all of the hardships that they had faced.

While in California, Biddy and Hannah, traveled all over the countryside delivering babies as mid-wives and healers.<sup>82</sup> This work further enriches the wealth of the Smith family as they gains all of the profits from Biddy and Hannah's labor.<sup>83</sup> Additionally, the number of enslaved persons owned by the Smiths grew over time as Hannah had more children in 1851, 1852, and by 1855, she was pregnant again. Being that Robert Smith may have fathered some of the children, it is easy to see that

Biddy and Hannah's families were significantly intertwined with the Smiths.<sup>84</sup>

Unfortunately, this dream life did not last long as the Smith's wealth catches the eyes of the Mormon leaders in San Bernardino, and it was decided that Smith's land should be taken for the use by the Mormons.<sup>85</sup> With his wealth now in cattle, Smith needed his land upon which to graze them.<sup>86</sup> Smith attempted to fight back, but eventually abandoned the fight in favor of attempting to preserve his most valuable assets, his 13 enslaved persons.<sup>87</sup> In early November, 1855, he sold his herd, paid his tithe to the LDS Church, and returned to Jumuba with wagons to prepare for his departure to Texas.<sup>88</sup> He also believed that with his 13 slaves (and with one on the way) and their specialized skills as healers and mid-wives, they could be sold for high prices or he could profit off of their skills once he was settled in Texas.<sup>89</sup> In December, 1855, with this in mind, he started off—his sights firmly set on reaching Texas.<sup>90</sup>

### Judge Benjamin Ignatius Hayes: His Journey to Destiny

Benjamin Ignatius Hayes attended St. Mary's College in Baltimore and was admitted to the Maryland Bar.<sup>91</sup> In the early 1840s, Hayes moved west to Liberty, Missouri, where he started his law practice and then married Emily Chauncey in 1848.<sup>92</sup> When Emily's father passes away, Benjamin becomes the owner of at least two slaves.<sup>93</sup> Like Robert Smith, Benjamin Hayes becomes a slave-owner through his wife's inher-

itance.

On September 10, 1849, Benjamin leaves for California intending for Emily to follow him.<sup>94</sup> At this time, he begins to obsessively collect and preserve documents as a seasoned lawyer.<sup>95</sup> He arrives in Los Angeles by spring of 1850, and starts up a law practice with a partner.<sup>96</sup> On December 27, 1851, Emily began her trip to California by sea from New Orleans to Havana to Panama and, ultimately, to San Diego and Los Angeles by February 14, 1852.<sup>97</sup> Emily leaves behind their slaves.<sup>98</sup> In 1852, Benjamin elected the first judge of the Southern District of California for the counties of Los Angeles, San Bernardino, and San Diego, and on April 27, 1853, Emily gives birth to a son, Chauncey.<sup>99</sup>

### California: A "Free" State?

In 1850, California was admitted into the Union as a "free state" meaning that slavery was outlawed by the state constitution, but truthfully, California was controlled by southern migrants and southern sympathizers.<sup>100</sup> Many of them had brought their own human property into the state or supported the current slaveholders.<sup>101</sup> Fifteen Hundred (1500) African Americans and a large number of Native Americans were enslaved in California throughout the 1850s.<sup>102</sup> In fact, during the 1850s, Los Angeles contained what can be described as a "slave mart."<sup>103</sup> Local authorities each weekend arrested intoxicated Native Americans on dubious vagrancy charges.<sup>104</sup> They would then be thrown in a pen, and their labor auctioned off

*(Continued on page 24)*



## Biddy (from page 23)

for the coming week.<sup>105</sup> If they were paid at the end of the week, they were paid usually in alcohol, and the process would begin again as this “slave mart” was the second most important source of municipal revenue for Los Angeles after the sale of licenses for saloons and gambling venues.<sup>106</sup>

The Mormons had a large role in maintaining slavery in California after San Bernardino’s founding in 1851.<sup>107</sup> After its founding, San Bernardino grew and began to rival Los Angeles in wealth and organization, partially because of slave labor.<sup>108</sup> It grew into a town of approximately 3000 persons, and many of San Bernardino’s most prominent and wealthy citizens are slave holders, including Robert Smith.<sup>109</sup>

The Mormon Colony in San Bernardino becomes a haven for slavery, because slaveholding Mormons had the law firmly on their side.<sup>110</sup> Though the 1850 California Constitution stated: neither slavery nor involuntary servitude unless for punishment of crimes shall ever be tolerated in this state,” the state, particularly southern California, was controlled by Democrats, who mainly heralded from southern states.<sup>111</sup> Both the legislature and the courts were controlled by Southerners, who continuously undermined the obvious words of the constitution.<sup>112</sup> Five of the seven justices in the Supreme Court of California from 1852-1857 came from slave states including the notorious Chief Justice Hugh Murray.<sup>113</sup>

Chief Justice Murray wrote the majority opinion of the court in People v. Hall, 4 Cal. 399 (Sup.

Ct. of Cal. 1854), which has been described as “containing some of the most offensive racial rhetoric to be found in the annuals of California jurisprudence.”<sup>114</sup> Once, in 1856, Murray beat an abolitionist with a heavy bludgeon, and later he chased a future U.S. senator with a knife around a bar, because the man had the nerve to say that slavery was a bad system.<sup>115</sup>

The California Fugitive Slave Law, which stated that any bonds person carried into California before statehood would remain enslaved as long as they were eventually taken back to the south, was upheld by Murray against the state constitution.<sup>116</sup> The law presumed a legal fiction that all persons of color were fugitives, even if they arrived as slave and earned their freedom over time.<sup>117</sup> This allowed white masters to reclaim people who had been formerly enslaved, but who by self-purchase or other means had become free in California or elsewhere.<sup>118</sup> Basically, this made the kidnapping free colored people legal.<sup>119</sup>

In 1852, the Supreme Court of California heard the case of In re Perkins, 2 Cal 424 (Sup. Ct. of Cal. 1852) involving three men brought from Mississippi to the California gold fields around Sacramento.<sup>120</sup> Their original owner hired out the men to a different white man when he returned to Mississippi.<sup>121</sup> Upon completing a set term of labor in 1851, they were freed.<sup>122</sup> However, in the spring of 1852, a group of armed whites kidnapped them, and a Justice of the Peace in Sacramento declared them to be fugitives.<sup>123</sup> They appealed to the Su-

preme Court, and Justice Murray ruled in favor of the kidnappers and returned the three men to slavery.<sup>124</sup> Murray held that any enslaved person brought into the state does not become *ipso facto* (automatically) free nor is his status changed.<sup>125</sup> A second justice said that the anti-slavery clause of the constitution should not be considered self-executing, which mean that without legislation to enforce it, the clause had not effect.<sup>126</sup> The justices determined that persons brought to California as slaves were not freed, and slaveholders could continue to benefit from slave labor in California.<sup>127</sup> Justice Murray felt the statute was laudable, because it allowed masters to reclaim their slaves and return them to slave states.<sup>128</sup> He believed free colored persons were “festerings sores on the body politics.”<sup>129</sup> As such, he believed that the California Fugitive Slave Law deepened California’s commitment to retain slavery.<sup>130</sup> Thus, it became the law of California—the lower courts were bound by the ruling, and they soon followed it. Reclamations began within weeks as slaves were kidnapped, and their owners successfully appealed to magistrates to return their former slaves.<sup>131</sup>

To make matters worse, California law prohibited testimony by an African American in cases involving a white person in civil and criminal matters.<sup>132</sup> Chief Justice Murray ruled that allowing such persons to testify would admit them to all the rights of citizenship and “we might soon see

(Continued on page 25)

## Biddy (from page 24)

them at the polls, the jury box, upon the bench and in our legislative halls. The danger of inferior persons acquiring power and rights was precisely what the statute against testimony was designed to prevent.”<sup>133</sup> Observers described the painful silence of those who had been kidnapped who could say nothing in a legal proceeding to determine their own legal status.<sup>134</sup> They were prevented from saying that they had never been enslaved, that they had been emancipated, or that they had purchased their own freedom.<sup>135</sup> This was the law of California in the mid-1850s.<sup>136</sup>

### The Case for Biddy’s Freedom

Thus, this is the legal background for the case of Robert Smith, the largest slaveholder in Southern California in 1855.<sup>137</sup> In late December, as the Smith Family camped in the Santa Monica Hills on the way to Texas, a midnight raid caused Smith to be served with a writ of habeas corpus, which required him to produce the slaves under his control.<sup>138</sup> A hearing would determine his slaves’ legal standing.<sup>139</sup>

Several stories have emerged on how and why a writ was obtained. Maybe the Sheriff, a Latter-Day Saint like all other San Bernardino officials, was behind it.<sup>140</sup> Maybe he knew that if the slaves could be intercepted, they might be awarded to the Latter-day Saints.<sup>141</sup> Historian Cecilia Rasmussen attributed it to the black community springing into action through freed slave Elizabeth Rowan and wealthy black businessman, Robert Owens, to get the Los Angeles Sheriff Frank

Dewitt to obtain the writ of habeas corpus.<sup>142</sup> In either case, on December 31, 1855, two sheriffs, one from San Bernardino and one from Los Angeles approached District Judge Benjamin Ignatius Hayes to approve the writ, which he immediately issued.<sup>143</sup>

Robert Smith reluctantly turned over his human property, and Judge Hayes ordered Biddy and her 3 daughters, and Hannah’s 7 children to be confined to the jail for their own protection.<sup>144</sup> He sent Hannah back with Rebecca Smith to San Bernardino to await the birth of her baby, her eighth child.<sup>145</sup>

Meanwhile, Rebecca’s husband, Robert Smith, fought to retain his slaves with everything that he had.<sup>146</sup> He and his men frightened Biddy’s lawyer, and the lawyer withdraw from her case.<sup>147</sup> Next, they tried to intimidate the jailers, tried to bribe Biddy and Hannah’s daughters with whiskey, and threatened a local free family of color, and more.<sup>148</sup>

At the hearing on January 1, 1856, Smith claimed that Biddy and the rest of the slaves were members of his family, who voluntarily offered to go with him to Texas.<sup>149</sup> He answered the writ claiming that he owned Biddy and Hannah and their children as slaves, and that they left Mississippi of their own consent, and that he supported them ever since, subjecting them to no greater control than his own children, and not holding them as slaves, it was his intention to remove to Texas and take them with him.<sup>150</sup>

Despite all of Robert Smith’s behaviors and the law of

slavery in California, Judge Hayes said the law on the question of slavery was clear: *the constitution had already freed all of Smith’s slaves*.<sup>151</sup> Based on precedent, Judge Hayes was clearly wrong.<sup>152</sup> It might have been that neither he nor Smith understood the law, or maybe Judge Hayes was unaware of the prior cases, or maybe he was just doing what he thought was right. Judge Hayes also ordered Smith to pay the court costs.<sup>153</sup>

After Judge Hayes made these statements and when Smith’s tactics did not work, Smith disappeared and fled the state without his slaves, instead of appearing in court for the trial on January 14, 1856.<sup>154</sup> Legally at that point, the writ was moot, because there was no active control over the enslaved persons. Technically, that case should have been over, and Smith’s default and disappearance as defendant should have ended the case.<sup>155</sup>

Instead, Judge Hayes continued to work and wrote an explanation of the case that is a blend between legal opinion and self-defense.<sup>156</sup> He was not an abolitionist, after all! He wrote an explanation of both the facts and laws that he determined should govern.<sup>157</sup> He aimed his opinion at a large audience, and it was reprinted in the leading newspaper of Los Angeles, the *Los Angeles Star*, and even the distant *New York Times* carries an account of the trial.<sup>158</sup> “Born and educated in one Slave State, and having always resided in another, until I

(Continued on page 26)

## Biddy (from page 25)

came to California, I ought to appreciate the kindly attachment that grows up between a master and slave, which is often more durable with the master than with the slave...Still, it is not so important to distinguish the predominant motive as to see the inevitable result of his [Smith's] conduct on their rights. Even without a bad intention, a man is not to be permitted to do a positive injury to others, when it can be prevented."<sup>159</sup>

He pursued testimony from Biddy privately in his chambers with two witnesses, and then discussed what she said as meaningful evidence, even though this was expressly prohibited in California.<sup>160</sup> (It was not until 1863 that African Americans could testify in a matter involving a white person, and not until January 1873 for Chinese and Mongolian testifiers).<sup>161</sup>

In chambers, Biddy gave a different story from Smith, when asked what had happened.<sup>162</sup> She said, "I have always done what I have been told to do. I always feared this trip to Texas since I first heard of it. Mr. Smith told me I would be just as free in Texas as here."<sup>163</sup> When Judge Hayes explained that her minor children could not be taken to a state where they could become enslaved, Biddy replied, "I do not want to be separated from my children, and I do not in such case wish to go."<sup>164</sup> He also questions Biddy's elder daughters.<sup>165</sup>

Hannah was also questioned in San Bernardino, and she told the Sheriff that she wanted to stay in California and be protected by the law and the Court.<sup>166</sup> Judge

Hayes certainly ignored the *In re Perkins* case, which held that that coming to California could not alter slave status.<sup>167</sup> Instead, he ruled: *All of the said persons of color are entitled to their freedom and are free forever.*<sup>168</sup>

The result was freedom on an unprecedented scale. Many said that the liberation of Biddy and Hannah and their families was an aberration.<sup>169</sup> The lawsuit that won Biddy and Hannah and their families their freedom appeared to be a watershed moment.<sup>170</sup> With one ruling, Judge Benjamin Hayes dismantled the largest slaveholding in California. As humane and victorious as it seemed, it ran directly afoul with the Supreme Court of California and their rulings and decisions on slavery.<sup>171</sup> Most would say it was actually bad law, because it violated the rules laid down by the precedent of prior caselaw and statutes.<sup>172</sup> (In a similar case, one year later, in 1857, the U.S. Supreme Court ruled against Dred Scott in his suit for his freedom, which brought the United States a step closer to Civil War.)<sup>173</sup> However, the 1856 case in front of Judge Hayes would send shockwaves through California that would last for years to come.<sup>174</sup>

### What Happens Next?

#### San Bernardino

The downfall of San Bernardino and the unraveling of slavery in Southern California occurred simultaneously.<sup>175</sup> In 1855, San Bernardino was prospering and safe, but in two years, the Mormon colony was in shambles.<sup>176</sup> As Smith fled from California, the system of

slavery collapsed and the infighting in the colony persisted such that in 1857, Brigham Young called the faithful back to Utah, and by 1858, more than half of the colony had been abandoned.<sup>177</sup>

#### Hannah

Little is known about what happened to Hannah. It appeared she remained in San Bernardino with her husband, Toby Embers.<sup>178</sup> Sadly, Toby Embers, the father of two of Hannah's children, was murdered by a drunk white man in 1858.<sup>179</sup> His will left his house to Hannah, who in turn transferred it to her children.<sup>180</sup> By the 2000s, a Bank of San Bernardino sat on the site of the home.<sup>181</sup>

#### Robert Mays Smith & Rebecca (Dorn) Smith

Robert Smith never recovered financially from the losses sustained in California.<sup>182</sup> Many of the Mormon leaders in California were so outraged by Smith's break with the LDS Church that they ensured that he was excommunicated within a few weeks after the trial.<sup>183</sup> He migrated to Texas without his valuable human property.<sup>184</sup> He eventually settled outside of San Antonio and purchased a slave or two, but he never amasses the same wealth that he had in California.<sup>185</sup> Rebecca became guardian of her disabled brother, Dempsey Dorn, and it seems that Rebecca's family again gave them some slaves, possibly as compensation for Dempsey's care, and those slaves remain with the Smiths as servants even after

(Continued on page 27)



## Biddy (from page 26)

the Civil War's end.<sup>186</sup> During the Civil War, four of the Smith sons fought for the Confederacy.<sup>187</sup> Rebecca became increasingly religious as now a devout Methodist, but Robert turned to whiskey instead.<sup>188</sup> Robert died in 1891, and as a telling testimony of his faith, he was buried in his temple robes despite his ex-communication from the Latter-Day Saints.<sup>189</sup> Rebecca died in 1899 at the age of 89.<sup>190</sup> Many of their descendants still reside in Texas.

### Benjamin Hayes

Benjamin Hayes lived the rest of his life in the shadow of the 1856 trial, as he is marked as a "damned abolitionist" by the governor and others for ignoring the commands of the Supreme Court.<sup>191</sup> His standing in the community, socially and legally, never recovered as slaveowners and their allies still had a gripping hold over southern California.<sup>192</sup>

A few weeks later after freeing Biddy, Hannah and their families, he almost lost his son, and that the boy survived was yet another testament to the legacy of the trial.<sup>193</sup> His son was riding through Los Angeles in a horse-drawn buggy.<sup>194</sup> Suddenly, the boy toppled from the buggy and rolled under the heels of the horse, about to be crushed.<sup>195</sup> Hayes said Providence had placed a woman nearby, who snatched his son from under the buggy and carried him to safety.<sup>196</sup> According to Hayes, the woman was one of those he had recently freed and whose case had brought him so much misery.<sup>197</sup>

After his wife's death in 1857, he slipped further and fur-

ther into alcoholism.<sup>198</sup> He also began to obsessively and fervently collect historical memorabilia, which would turn into a single comprehensive history of southern California.<sup>199</sup> After serving two terms a judge of the First District Court of California, he lost the election of 1863, due to his southern sympathies and being deemed a "Copperhead," a Democrat that gave moral support to the south while opposing vigorous persecution of the war.<sup>200</sup> He started his own practice and moved frequently leaving young his son to live with other relatives.<sup>201</sup> In 1866, he remarried to Adelaide Serrano, and within a year, they have a daughter, Mary.<sup>202</sup> Tragically, in 1873, his wife died, and he was once again left to raise a young child on his own.<sup>203</sup> All the while, he continued to collect articles and accounts for his document collection.<sup>204</sup>

In 1874, he was visited by Hubert Howe Bancroft, a prominent book dealer, fledgling historian and the founder of a notable private library in San Francisco.<sup>205</sup> Bancroft's historical collection was the finest in California, but Hayes possessed documents and records that Bancroft lacked.<sup>206</sup> Bancroft ultimately asked Hayes for his collection, and Hayes believed that Bancroft's library was the only proper place for it.<sup>207</sup>

In 1876, Hayes wrote a book collection, along with Dr. Joseph Widney and Col. Jonathan J. Trumbull, on the founding and growth of Los Angeles County.<sup>208</sup> Hayes's portion, book 2 of *An Historical Sketch of Los Angeles County, California*, covered the

years 1847-1867.<sup>209</sup>

On August 2, 1877, while sitting at a cluttered desk, studying old documents through a magnifying glass, Benjamin Hayes's life slipped away.<sup>210</sup> His collection of papers continues to be held at the Bancroft Library on the campus of the University of California at Berkeley.<sup>211</sup>

### Biddy Mason

Biddy's emancipation marked the beginning of a new life after 37 years of slavery.<sup>212</sup> After Biddy and her family were granted their freedom, she took on the last name of Mason.<sup>213</sup> Initially, she and her daughters moved into the home of Robert Owens, who may have been instrumental in securing the writ of habeas corpus.<sup>214</sup> Biddy's oldest daughter, Ellen, would marry Owens's son, Charles.<sup>215</sup>

Biddy secured a job with Dr. Griffin, who hired her as a confinement nurse at \$2.50 per day.<sup>216</sup> Dr. Griffin was Benjamin Hayes's own brother-in-law and native white southerner.<sup>217</sup> It is very likely that Judge Mason remained nearby throughout much of Biddy's life. Biddy continued her work as a healer and midwife in his medical practice.<sup>218</sup> Biddy also learned how to speak Spanish fluently to help her patients.<sup>219</sup> She always carried in her black medical bag the tools of her trade, and the papers that Judge Hayes had given her affirming her freedom.<sup>220</sup>

"Aunt Biddy" was soon known by all 2000 residents of Los Angeles.<sup>221</sup> Her services were

(Continued on page 28)

## Biddy (from page 27)

in high demand.<sup>222</sup> She was said to have delivered hundreds of babies for people of all different classes and races.<sup>223</sup> During a smallpox epidemic, she nursed many people at the risk to her own life.<sup>224</sup> Twenty-seven years later, in 1883-1884, the City Directory lists Biddy as a “sick nurse” with her own practice.<sup>225</sup>

With hard work, thrift, and wise investments, Biddy started to build her future. With the money that she earned after saving for 10 years, she purchased two lots, located from Spring street to Broadway, between Third and Fourth Streets in Los Angeles, in 1866.<sup>226</sup> This land, at the time, was considered far from the center of town, but later was considered one of the most valuable pieces of property in all of Los Angeles.<sup>227</sup> Though Biddy never learned to read or write,<sup>228</sup> she had a lot of financial sense, which may have been acquired from Robert Owens and Dr. Griffin.

Biddy always wanted her family to have a home to call their own, and she built her home on at No. 331 South Spring Street.<sup>229</sup> Upon its purchase, she told her children “this was to remain their homestead, and it mattered not what their circumstances, they were always to retain this homestead.”<sup>230</sup> She ran a daycare on her property for working women and allowed civic meetings to be held there.<sup>231</sup> She also started a school for black children in Los Angeles, and an orphanage.<sup>232</sup> Biddy and her daughter opened and operated fourteen nursing homes in Los Angeles and San Bernardino.<sup>233</sup> Her home was often a refuge for

stranded and needy settlers.<sup>234</sup> When a flood occurred in the early 1880s, she supplied all of the homeless families that had been displaced by the flood with groceries through the little grocery store that was located on Fourth and Spring streets.<sup>235</sup>

In 1872, a group of black Angelenos founded the First African Methodist Church (F.A.M.E. or First A.M.E) at her home where they met until they could move into their own building.<sup>236</sup> She also took it upon herself to support the church for its first few years by paying its taxes and fees.<sup>237</sup> Although Biddy was the founder of the First African Methodist Episcopal Church, she continued to attend the Fort Street Methodist Church, which had been established for whites.<sup>238</sup> Because California law began to segregate churches, some saw Biddy’s attendance at the Fort Street Methodist Church as a political protest.<sup>239</sup>

She continued to buy property and retain it until after the city began to grow and boom when she sold a forty-foot lot for \$12,000.<sup>240</sup> Later, she gave a lot to her grandsons, which they sold for \$44,000.<sup>241</sup> She continued her real estate investing for the next thirty years and eventually had more than 20 tenants.<sup>242</sup>

In 1884, Los Angeles was booming, and she sold the north half of her Spring Street property for \$1500.<sup>243</sup> In the other half, she built a two-story brick building and rented the first floor to commercial interests and lived in an apartment on the second.<sup>244</sup>

According to a *Los Angeles*

*Times* feature article written by Kate Bradley-Stovall on negro women in Los Angeles in 1909,<sup>245</sup> Biddy Mason was known throughout Los Angeles for her charitable and philanthropic works including frequent visits to the jail to speak a word of cheer, to leave a small token, and a prayerful hope for every prisoner.<sup>246</sup> She often traveled to the slums of the city to actively work to uplift the worse element of Los Angeles, where she was known by all as “Grandma Mason.”<sup>247</sup>

By the late 1880s, people in need lined up beginning at dawn at her gate for assistance.<sup>248</sup> She continued to serve the community, treating anyone in need, black or white, as well as those that no one else wanted to help.<sup>249</sup> Her grandson, Robert, was often forced to go out to the gate and turn people away as she grew too old and infirm and ill to see visitors.<sup>250</sup>

Biddy Mason died January 15, 1891,<sup>251</sup> ironically the same year as Robert M. Smith. At the time of her death, Biddy Mason was worth an estimated \$300,000, which is roughly the equivalent of \$8.5 million dollars in today’s dollars.<sup>252</sup> She was one of the wealthiest women in Los Angeles, but most of all she was described in her obituary by the *Los Angeles Times* as “a pioneer humanitarian who dedicated herself to forty years of good works.”<sup>253</sup>

### In Memorial

There have been many tributes to Biddy Mason, but most of them have largely been forgotten.

(Continued on page 29)

## Biddy (from page 28)

UC San Francisco houses 10 large, curved WPA-era frescoes titled “The History of Medicine in California” by Polish-born artist Bernard Zakheim and his team from the late 1930s.<sup>254</sup> The murals show a scene of Biddy Mason treating a malaria-suffering soldier on equal-footing with John S. Griffin and Joseph Pomeroy Widney, two renowned physicians in early Los Angeles.<sup>255</sup> Joseph Pomeroy Widney being one in the same of the co-authors with Benjamin Hayes on the founding of California. The frescoes were set for demolition, but were saved by the wrecking ball. Unfortunately, they are not currently on public display.<sup>256</sup>

In 1949, Charles Alston was commissioned by the Golden State Mutual Life Insurance Co. to paint the mural, “The Negro in California history, exploration and colonization.”<sup>257</sup> Biddy Mason is one of the pioneers depicted.<sup>258</sup>

In 1988, the First AME Church placed a memorial stone on her unmarked grave.<sup>259</sup> FAME is the oldest black congregation in Los Angeles, numbering 14,000 members, who believe their motto: First to Serve.<sup>260</sup> They have taken up many of Biddy’s philanthropic endeavors by supporting education, medical programs, and helping the poor and disadvantaged.<sup>261</sup>

November 16, 1989 was declared Biddy Mason Day,<sup>262</sup> to commemorate the opening of the new public major art project by The Power of Place: *Biddy Mason’s Place: A Passage in Time*, by the sight of her homestead near Third and Spring behind the Bradbury Building at 333 South Spring

St., Los Angeles.<sup>263</sup> Another large artwork, *House of the Open Hand*, designed by Betye Saar is displayed inside the ways of the Broadway Spring Center and features a large image of Biddy on her front porch.<sup>264</sup>

In recent years, Biddy Mason’s family established the Biddy Mason Foundation to continue the philanthropic work of Biddy and her legacy.<sup>265</sup> The foundation participates in all kinds of initiatives to help the underprivileged and those in need, without judgment.<sup>266</sup>

Currently, Sally Gordon (University of California), Kevin Waite (Durham University), and their colleagues have a significant book project underway to explore the role of the Mormon Church and the spread of slavery across the continent in the mid-19<sup>th</sup> century through the life of Biddy Mason.<sup>267</sup> The project is entitled: *The Long Road to Freedom: Biddy Mason and the Making of Black Los Angeles*.<sup>268</sup> I look forward to this project’s completion.

Finally, as much or as little as we know about Biddy Mason, she should be remembered most in her own words, which she shared frequently with her family, friends, and those that she helped:

***If you hold  
your hand closed,  
nothing good can come of it.  
The open hand is blessed,  
for it gives abundance,  
even as it receives.***<sup>269</sup>

## Endnotes:

1. ANDREA DAVIS PINKNEY, LET IT SHINE: STORIES OF BLACK WOMEN FREEDOM FIGHTERS (2013).
2. DEETTA DEMARATUS, *THE FORCE OF A FEATHER: THE SEARCH FOR A LOST STORY OF SLAVERY AND FREEDOM* 19 (2002).
3. Hadley Mears, *Free Forever: The Contentious Hearing That Made Biddy Mason A Legend*, (January 6, 2021, 7:00 AM), <https://laist.com/news/entertainment/biddy-mason-free-forever-the-contentious-hearing-that-made-her-a-legend-los-angeles-black-history> [hereinafter “The Contentious Hearing”].
4. *Id.*
5. Demaratus, *supra* note 2, at 19.
6. *Id.* at 20.
7. *d.* at 13.
8. *Id.* at 14.
9. *Id.*
10. *Id.*
11. *Id.* at 15.
12. *Id.* at 15-16.
13. *Id.* at 16.
14. *Id.* at 19.
15. *Id.* at 21.
16. *Id.* at 20.
17. *Id.*
18. *Id.*
19. *Id.* at 28; Sally Gordon & Kevin Waite, *The Trials of Biddy Mason: Slavery, Mormonism, and the Making of Black Los Angeles*, THE HUNTINGTON: CENTENNIAL LECTURE SERIES (January 16, 2020, 7:30 PM), <https://www.huntington.org/videos-recorded-programs/trials-biddy-mason>.
20. Demaratus, *supra* note 2, at 21.
21. *Id.*
22. *Id.*
23. *Id.* at 22.
24. *Id.* at 25.
25. *Id.*
26. *Id.* at 26.
27. *Id.*
28. *Id.* at 28.
29. *Id.* at 16-17.
30. *Id.* at 29.
31. *Id.*
32. *Id.* at 17, 19.
33. *Id.* at 30.
34. *Id.*

(Continued on page 30)



## Biddy (from page 29)

35. *Id.* at 30-31.
36. *Id.*
37. *Id.* at 31.
38. *Id.* at 32.
39. *Id.*
40. *Id.*
41. *Id.* at 33.
42. *Id.*
43. *Id.*
44. *Id.*
45. *Id.* at 34
46. *Id.* at 33-34.
47. Jean Kinney Williams, BRIDGET “BIDDY” MASON: FROM SLAVE TO BUSINESSWOMAN 30 (2006).
48. Demaratus, *supra* note 2, at 34.
49. *Id.*
50. *Id.*
51. *Id.*
52. *Id.* at 35.
53. *Id.*
54. *Id.* at 36.
55. Williams, *supra* note 47, at 33.
56. Demaratus, *supra* note 2, at 36.
57. *Id.*
58. *Id.* at 36-37; Williams, *supra* note 47, at 35.
59. Demaratus, *supra* note 2, at 37.
60. Hadley Mears, *Biddy Mason: One of LA’s First Black Real Estate Moguls*, CURBED L.A.: LONGFORM (March 1, 2017, 10:00 AM), <https://la.curbed.com/2017/3/1/1475630/8/biddy-mason-california-black-history> [hereinafter “Real Estate Moguls”].
61. Demaratus, *supra* note 2, at 38.
62. *Id.* at 37-38.
63. *Id.* at 39.
64. *Id.* at 39-41.
65. Gordon & Waite, *supra* note 19.
66. *Id.*
67. Demaratus, *supra* note 2, at 39-40.
68. *Id.* at 41.
69. *Id.*
70. *Id.* at 42.
71. *Id.* at 37.
72. *Id.* at 43.
73. *Id.*
74. Delilah L. Beasley, THE NEGRO TRAIL BLAZERS OF CALIFORNIA: A COMPILATION OF RECORDS FROM THE CALIFORNIA ARCHIVES IN THE BANCROFT LIBRARY AT THE UNIVERSITY OF CALIFORNIA, IN BERKELEY, AND FROM THE DIARIES, OLD PAPERS AND CONVERSATIONS OF OLD PIONEERS IN THE STATE OF CALIFORNIA : IT IS A TRUE RECORD OF FACTS, AS THEY PERTAIN TO THE HISTORY OF THE PIONEER AND PRESENT DAY NEGROES OF CALIFORNIA 109 (1919); David Allen, *Inland Valley Daily Bulletin, Biddy Mason: 5 years a Slave in San Bernardino, She Became Wealthy in DTLA*, DAILY BULLETIN (Aug. 30, 2020, 8:00 AM), <https://www.dailybulletin.com/2020/08/30/biddy-mason-5-years-a-slave-in-san-bernardino-she-became-wealthy-in-dtla/#:~:text=Biddy%20Mason%20is%20one%20of%2C%20and%2C%20improbably%2C%20wealthy.&text=Born%20into%20slavery%20in%201818,City%2C%20Utah%2C%20in%201848>.
75. Demaratus, *supra* note 2, at 39-40.
76. Jeri Chase Ferris, WITH OPEN HANDS: A STORY ABOUT BIDDY MASON (1999).
77. Demaratus, *supra* note 2, at 44.
78. Gordon & Waite, *supra* note 19.
79. Demaratus, *supra* note 2, at 44.
80. The Contentious Hearing, *supra* note 3.
81. *Id.*
82. Gordon & Waite, *supra* note 19.
83. *Id.*
84. See Ferris, *supra* note 75.
85. Demaratus, *supra* note 2, at 45-47.
86. *Id.* at 47.
87. Gordon & Waite, *supra* note 19.
88. Demaratus, *supra* note 2, at 49.
89. Gordon & Waite, *supra* note 19.
90. *Id.*
91. Demaratus, *supra* note 2, at 66.
92. *Id.* at 66-67.
93. *Id.* at 67.
94. *Id.*
95. *Id.* at 69.
96. *Id.* at 71.
97. *Id.* at 72.
98. *Id.*
99. *Id.* at 74.
100. Gordon & Waite, *supra* note 19.
101. *Id.*
102. *Id.*
103. The Contentious Hearing, *supra* note 3.
104. *Id.*
105. *Id.*
106. *Id.*
107. Gordon & Waite, *supra* note 19.
108. *Id.*
109. *Id.*
110. *Id.*
111. *Id.*
112. *Id.*
113. *Id.*
114. Wikipedia, *Hugh Murray (Judge)*, [https://en.wikipedia.org/wiki/Hugh\\_Murray\\_\(judge\)](https://en.wikipedia.org/wiki/Hugh_Murray_(judge)) (as of July 17, 2021).
115. Gordon & Waite, *supra* note 19.
116. *Id.*
117. *Id.*
118. *Id.*
119. *Id.*
120. *Id.*
121. *Id.*
122. *Id.*
123. *Id.*
124. *Id.*
125. *Id.*
126. *Id.*
127. *Id.*
128. *Id.*
129. *Id.*
130. *Id.*
131. *Id.*
132. *Id.*
133. *Id.*
134. *Id.*
135. *Id.*
136. *Id.*
137. *Id.*
138. *Id.*
139. Demaratus, *supra* note 2, at 77.
140. Gordon & Waite, *supra* note 19.
141. *Id.*
142. *Real Estate Moguls*, *supra* note 59; The Contentious Hearing, *supra* note 3.
143. The Contentious Hearing, *supra* note 3.
144. Gordon & Waite, *supra* note 19; Mark Landis, *Biddy Mason Earned Freedom in Landmark Fashion*, L.A. DAILY NEWS: THE SUN (Aug. 28, 2017, 9:36 AM), <https://www.dailynews.com/2011/03/28/biddy-mason-earned-freedom-in-landmark-fashion/>.
145. Gordon & Waite, *supra* note 19; Landis, *supra* note 143.
146. Gordon & Waite, *supra* note 19.
147. *Id.*
148. *Id.*
149. *Real Estate Moguls*, *supra* note 59.
150. Demaratus, *supra* note 2, at 83.
151. *Id.*
152. *In re Perkins*, 2 Cal 424 (Sup. Ct. of Cal. 1852).
153. Beasley, *supra* note 73, at 89-90.

(Continued on page 31)

## Biddy (from page 30)

154. Gordon & Waite, *supra* note 19; Demaratus, *supra* note 2, at 83.
155. Gordon & Waite, *supra* note 143.
156. *Id.*
157. *Id.*
158. *Id.*; Susan M. Ruddick & Mary-Beth Welch, *The Story of Biddy Mason*, (1984), found at [http://www.publicartinla.com/Downtown/Broadway/Biddy\\_Mason/ruddick\\_Biddy\\_Mason.htm](http://www.publicartinla.com/Downtown/Broadway/Biddy_Mason/ruddick_Biddy_Mason.htm); Demaratus, *supra* note 2, at 84.
159. Demaratus, *supra* note 2, at 86.
160. Gordon & Waite, *supra* note 143.
161. Beasley, *supra* note 73, at 60.
161. Real Estate Moguls, *supra* note 59.
162. *Id.*
163. *Id.*
164. The Contentious Hearing, *supra* note 3.
165. Gordon & Waite, *supra* note 19.
166. *Id.*
167. Real Estate Moguls, *supra* note 59.
168. Gordon & Waite, *supra* note 19.
169. *Id.*
170. *Id.*
171. *Id.*
172. Williams, *supra* note 47, at 65-67.
173. Gordon & Waite, *supra* note 19.
174. *Id.*
175. *Id.*
176. *Id.*
177. The Contentious Hearing, *supra* note 3.
178. *Id.*
179. Demaratus, *supra* note 2, at 59.
180. Gordon & Waite, *supra* note 19.
181. *Id.*
182. Demaratus, *supra* note 2, at 90.
183. Gordon & Waite, *supra* note 19.
184. *Id.*
185. Demaratus, *supra* note 2, at 152; Williams, *supra* note 47, at 82.
186. Demaratus, *supra* note 2, at 152.
187. Demaratus, *supra* note 2, at 153-155.
188. Gordon & Waite, *supra* note 19.
189. Williams, *supra* note 47, at 83.
190. *Id.*
191. *Id.*
192. *Id.*
193. *Id.*
194. *Id.*
195. *Id.*
196. *Id.*
197. *Id.*; Gordon & Waite, *supra* note 19.
198. Demaratus, *supra* note 2, at 158.
199. *Id.* at 160-161.
200. *Id.* at 161.
201. *Id.* at 163.
202. *Id.*
203. *Id.* at 162-163.
204. *Id.* at 164.
205. *Id.* at 165.
206. *Id.* at 167.
207. *Id.* at 170.
208. *Id.*
209. *Id.* at 171.
210. *Id.* at 185.
211. *Id.*; Real Estate Moguls, *supra* note 59.
212. Gordon & Waite, *supra* note 19.
213. Real Estate Moguls, *supra* note 59.
214. *Id.*
215. Beasley, *supra* note 73, at 90, 109.
216. Gordon & Waite, *supra* note 19.
217. *Id.*
218. The Contentious Hearing, *supra* note 3.
219. Real Estate Moguls, *supra* note 59.
220. *Id.*
221. *Id.*
222. Betye Saar & Sheila Levrant de Bretteville, *Biddy Mason's Place: A Passage of Time* (2004), found at [http://www.publicartinla.com/Downtown/Broadway/Biddy\\_Mason/](http://www.publicartinla.com/Downtown/Broadway/Biddy_Mason/).
223. *Id.*
224. Ruddick & Welch, *supra* note 157.
225. Real Estate Moguls, *supra* note 59; The Contentious Hearing, *supra* note 3; Williams, *supra* note 47, at 86.
227. Beasley, *supra* note 73, at 109.
228. *Id.*
229. Real Estate Moguls, *supra* note 59.
230. Ruddick & Welch, *supra* note 157.
231. Real Estate Moguls, *supra* note 59.
232. Gordon & Waite, *supra* note 141; Saar & de Bretteville, *supra* note 222.
233. DEIDRE ROBINSON, OPEN HANDS, OPEN HEART, THE STORY OF BIDDY MASON 40 (1998).
234. Gordon & Waite, *supra* note 19.
235. Beasley, *supra* note 73, at 109.
236. Real Estate Moguls, *supra* note 59; Gordon & Waite, *supra* note 19.
237. Lila Gyory, *Equity Before the Law: California Black Convention Activism, 1855-1865, Biographies: Biddy Mason*, COLORED CONVENTIONS PROJ. (Apr. 4, 2018), <https://coloredconventions.org/california-equality/biographies/biddy-mason/>.
238. Robinson, *supra* note 232 at 36.
239. *Id.*
240. Beasley, *supra* note 73, at 109.
241. *Id.*
242. The Contentious Hearing, *supra* note 3.
243. Real Estate Moguls, *supra* note 59.
244. *Id.*
245. Beasley, *supra* note 73, at 109.
246. *Id.*
247. *Id.*
248. *Id.*
249. Nicholas Weiler, *Open Hand: A Conversation with Descendants of Biddy Mason*, UNIV. SO. CAL: CAMPUS NEWS (Sep. 28, 2020) <https://www.ucsf.edu/news/2020/09/418616/open-hand-conversation-descendants-biddy-mason>.
250. Real Estate Moguls, *supra* note 59.
251. Beasley, *supra* note 73, at 109.
252. Gordon & Waite, *supra* note 19.
253. Real Estate Moguls, *supra* note 59; Robinson, *supra* note 232, at 41.
254. Weiler, *supra* note 248.
255. *Id.*
256. The Contentious Hearing, *supra* note 3.
257. Real Estate Moguls, *supra* note 59.
258. *Id.*
259. *Id.*
260. Robinson, *supra* note 232, at 45.
261. *Id.*
262. *Id.* at 42.
263. Real Estate Moguls, *supra* note 59; Dolores Hayden, *Biddy Mason's Los Angeles 1856-1891*, 68 CAL. HIST. 86 (1989); Gordon & Waite, *supra* note 19.
264. Williams, *supra* note 47, at 92.
265. Weiler, *supra* note 248.
266. *Id.*; The Contentious Hearing, *supra* note 3.
267. Gordon & Waite, *supra* note 19.
268. *Id.*
269. Real Estate Moguls, *supra* note 59.



# Announcements



## **Judge Mary Jane Trapp Awarded the Ohio Bar Medal**

In May, 2021, our own **Judge Mary Jane Trapp**, current 11<sup>th</sup> District Court of Appeals Judge and past Ohio State Bar President, was awarded with the Ohio State Bar Association's highest honor—the **Ohio Bar Medal**.

Per the OSBA, the Ohio Bar Medal “is awarded to those who have given unselfishly of their time and talent by taking prominent leadership roles on the bench and in the organized bar, and to those who have worked quietly to earn the deep admiration and respect of the community.” The Ohio Bar Medal was established by the OSBA Executive Committee on December 10, 1965.

***Congratulations Judge Trapp and thank you for all that you do for the Bar Association and the legal community!***



***GEAUGA COUNTY BAR ASSOCIATION  
SETTLEMENT DAY:  
VOLUNTEER MEDIATOR SIGN UP***

**Friday, November 12, 2021  
(8:00 a.m. - 5:00 p.m.)**

I can and will serve as a volunteer mediator for the Geauga County Bar Association's Settlement Day, on Friday, November 12, 2021, from 8:00 a.m. - 5:00 p.m. I understand I will be contacted with further information concerning case assignment(s) and individual times. The particular types of cases I would feel comfortable mediating are (mark your first preference "1", second preference "2", etc.):

_____ Personal Injury	_____ Construction
_____ Product Liability	_____ Professional Negligence
_____ Real Estate	_____ Contracts
_____ Business	_____ Other (specify)
_____ Domestic Relations	

Time(s) available: \_\_\_\_\_ a.m. \_\_\_\_\_ p.m. \_\_\_\_\_ both

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

Address: \_\_\_\_\_

Telephone No./Fax No. E-mail: \_\_\_\_\_

**RETURN BY OCTOBER 1, 2021 TO:**

**LISA J. CAREY, ESQ.  
SETTLEMENT DAY COMMITTEE  
Tel: (440) 840-4009  
lcarey@lancerinsurance.com**

**GEAUGA COUNTY BAR ASSOCIATION  
SETTLEMENT DAY: NOMINATION FORM**

**Friday, November 12, 2021**

I would like to nominate the following case(s) to be considered for Settlement Day mediation. I am submitting this case as it is my belief that the case would benefit greatly from mediation and is at a stage in discovery where mediation would be appropriate. I understand that the nomination of this case does not mean that it will be automatically included for Settlement Day mediation. Pertinent information about the case(s) is as follows:

Case No. \_\_\_\_\_

Judge \_\_\_\_\_

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

(Please Print)

Firm: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone No. \_\_\_\_\_

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

Type of Case: \_\_\_\_\_

(P.I., Contract, D.R., etc.)

Opposing Counsel: \_\_\_\_\_

(Please print)

Firm: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone No. \_\_\_\_\_

NOTE: Please list **ALL** counsel associated with the case

Case No. \_\_\_\_\_

Judge \_\_\_\_\_

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

(Please Print)

Firm: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone No. \_\_\_\_\_

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

Type of Case: \_\_\_\_\_

(P.I., Contract, D.R., etc.)

Opposing Counsel: \_\_\_\_\_

(Please print)

Firm: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone No. \_\_\_\_\_

NOTE: Please list **ALL** counsel associated with the case.

IF YOU HAVE ANY ADDITIONAL CASES TO SUBMIT, PLEASE COPY THIS FORM OR GIVE THE INFORMATION ON A SEPARATE SHEET.

**RETURN BY OCTOBER 1, 2021, TO:**

**LISA J. CAREY**

**SETTLEMENT DAY COMMITTEE**

**TEL: (440) 840-4009**

**lcarey@lancerinsurance.com**

# Geauga County Bar Association

## Announcements

### Website:

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

**Or Call:**  
**440-286-7160**

### Upcoming Executive Committee Meetings

2nd Wednesday of each month at 12:00 noon

Next Meeting:  
September 8  
at TBD

R.S.V.P. to the  
G.C.B.A. Secretary

### Upcoming General Meetings

4th Wednesday of each month at 12:00

Next Meeting:  
September 22  
at TBD

R.S.V.P. to the  
G.C.B.A. Secretary

### **Condolences:**

The Geauga Bar Association extends their condolences to Bar member, **Michael Judy** on the loss of his father, Byron Judy, and to the family of bar member and bar counsel and past Municipal Judge, **Robert Zulantt, Jr.**, who passed away unexpectedly on June 4, 2021. Please watch for a tribute to his legacy in Geauga County in the next *Ipsa Jure* edition.

### **Welcome, New Members:**

**Hannah Diemer Sekas,**  
*Diemer Sekas Law LLC*  
**Judge John Eklund,**  
*11th District Court of Appeals*

### **Upcoming Events:**

#### **Golf Outing:**

September 16 at St. Denis—Contact the GCBA Secretary to sign up today!

**CLE:** *Geauga County Courts: New Laws and Local Rules That You May Have Missed During the Pandemic:*

September 17

**Lake-Geauga Softball Game:** TBA

**Settlement Day:** November 12

**Annual Dinner:** November 20



## Geauga County Bar Association

### Executive Secretary:

Krystal Thompson  
(440)286-7160  
[Secretary@geaugabar.org](mailto:Secretary@geaugabar.org)

### Ipsa Jure Editor:

Robin L. Stanley  
(440)285-3511  
[rstanley@peteribold.com](mailto:rstanley@peteribold.com)

---

### President

Todd Hicks  
(440) 285-2242  
[thicks@tddlaw.com](mailto:thicks@tddlaw.com)

### President-Elect

Brian Bly  
(440)285-3511  
[bbly@peteribold.com](mailto:bbly@peteribold.com)

### Treasurer

Rebecca Castell  
(440) 975-9397  
[rcastellLAW@gmail.com](mailto:rcastellLAW@gmail.com)

### Secretary

Bridey Matheny  
(440) 285-2242  
[bmatheny@tddlaw.com](mailto:bmatheny@tddlaw.com)

---

## **Ipsa Jure**

## **Deadlines:**

*Mark your calendars  
and turn in an article!*

## **Next Deadline:**

**October 15, 2021**

## *Quick Reminders*

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

*September 8 at 12:00 noon  
At TBD*

### **Next General Meeting:**

*September 22 at 12:00 noon  
At TBD*

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