

# POSSIBLE FUTURE



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# President's Page: "The Dreaded Necktie"

**Jaredd Flynn**

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Despite our popular belief, Ed Brice did not invent the necktie. He just made them a lot more interesting. And by interesting, I mean that Ed's neckties typically told a story or at least got people talking. So when I was perusing through Ed's original and imaginative collection of neckties that he is distributing to Bar Members in anticipation of his retirement, I started to wonder how did the necktie even come about in the first place? After all, a necktie is merely an odd, decorative accessory worn mostly by men. Neckties do not keep us warm or dry, and they are definitely not worn for comfort. Nevertheless, we wear them. So, why?

Well, with the help of the internet (which means that everything hereafter must be true), I took a few minutes to figure out the origin of the weird things in my closet that I hate to wear.

Wikipedia tells me that the modern necktie originated

from the cravat. What is a cravat you ask? Well, Wikipedia helped me with that one too. Essentially, the necktie craze all started with Croatian mercenaries in the service of the French during the Thirty Years' War (1618-1648). Upon arriving in Paris to celebrate a victory over the Ottoman Empire, the Croatian soldiers were presented to the young King Louis XIV, who noticed the Croatian mercenaries wearing traditional small, knotted neckerchiefs. The boy king began wearing the garment, which was named a cravat (derived from the French word for Croates), and the necktie craze took off. It is no surprise that the fashionable French spread the necktie throughout Europe.

The neckties we are familiar with today date back to the 1920's. During that time, a new way of cutting the fabric to make a tie was invented. This allowed the tie to spring back into its original shape after each



*(Continued on page 3)*

# Announcements



Matthew W. Rolf is entering his third year as a solo practitioner on Chardon Square this April. Mr. Rolf founded the law firm of Matt Rolf Attorney LLC in April, 2013. Mr. Rolf practices in the areas of real estate purchases, leases, and litigation; probate, wills, and estate planning; construction contracts; and unfair and deceptive business practices.

"I'm fortunate to run a law practice I enjoy in the town where I grew up," said Mr. Rolf. "I'm happy with how the practice has developed, and I'm pleased to have cultivated a client base that includes so many good people. I look forward to continuing to build my practice here in Chardon."

Outside the practice of law, Mr. Rolf is an elder at Pilgrim Christian Church in Chardon. He serves on the board of the Family Planning Association of Northeast Ohio, Inc., and was recently named Chair of the Chardon Park and Recreation Board. Mr. Rolf also received the 2014 Ohio State Bar Foundation Community Service Award for Attorneys 40 & under for District 18.

Mr. Rolf graduated from Ohio Northern University with his B.A. in 1999, and his J.D. in 2002. In his free time, he is an avid runner, reader, and technology enthusiast, and enjoys spending time with his family.

Prior to opening his own practice, Mr. Rolf was an associate attorney with Philip G. King Co., LPA in Chardon.

In addition to marking the completion of two years in practice, the firm's e-mail and phone numbers recently changed.

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*Newman & Brice, LPA*

April 13, 2015

**Re: My Retirement, 5/1/15**

Dear Colleagues,

On **May 1, 2015**, the law firm of Newman & Brice, L.P.A., will cease to exist at 214 E Park St., Chardon, Ohio 44024, where we have been since 1986. I have been practicing law for over 40 years, since 1974.

My law partner, Paul Newman, will continue to practice in Chardon at a location to be determined. He will still have our firm phone number of: **440-286-9549**. My wife & I are going to play with our grandsons.

If you are interested or in need of law office furniture, equipment, 4-5 drawer metal file cabinets, please give me a call.

Respectfully,

*Edward T. Brice*



## President's (from page 2)

wearing. New tie knots were also created, many of which are seen today. Over the years, neckties would change back and forth from skinny to fat, and from short to long. Modifications are obviously made to sell more ties and make more money. Patterns also changed. For example, during the Art Deco movement of the 1930s, neckties became wider and often displayed bold Art Deco patterns and designs. When looking through Ed's collection, I believe Ed considers the 1930's the greatest era for the necktie.

So there you have it, the abridged history of the necktie. As I was concluding my reading about the history of the necktie, I came across a section about the health and safety hazards neckties create. Since I also derive all of my medical information from the internet, please forgive me the next time you see me not wearing a necktie...



# O.S.B.A. Annual Convention

**Robin L. Stanley, Esq.**

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



On April 29-May 1, the 2015 Ohio State Bar Association Annual Convention was held at Kalahari Resorts and Convention Center in Sandusky, Ohio. This conference offered a tremendous amount of C.L.E.'s. I think you could almost get all of your C.L.E.'s for the year in one shot.

I arrived Wednesday night. There were different O.S.B.A. meetings and events going on all day long and the evening was concluded with a reception and fish fry.

Thursday morning was really the official start of the convention. The meetings were over, and it was time for the C.L.E.'s to begin. The day started with a continental break among the Exhibitors. There I met several of the Ohio State Bar Association Leadership Academy members. We proceeded to attend the Convention Welcome and Opening. Scott Turow was the Plenary Speaker. He is an attorney and writer, who is best known for writing, *Presumed Innocent*. He entertained us with stories about how he became an attorney, writer, and how he now devotes a substantial amount of time to pro bono matters.

After that, we all scattered to our different seminars opportunities. There were 6-8 seminars being offered at each session.

The first session that I attended was Best Practices for Busy Attorneys: Dealing with Stress and Depression. This satisfied a C.L.E. for professionalism and was led by Scott R. Mote, the Executive Director of the Ohio Lawyers Assistance Program. He gave some helpful tips for dealing with stress and how OLAP is available to help. One of the most helpful hints he provided was a new website: [www.osustar.org](http://www.osustar.org) titled *Journey to Resilience* made just for attorneys to help them do a self-test for stress and depression. Click on "Start Here" and it will take you to the start page. You will need to enter "attayed" into the activation code. You will then need to select a user name. This self-test is completely confidential, so you can make up any name that you want. I took the time to work through the test and found it to be a helpful tool, especially if you suspect that you might be suffering from depression or if you are going through a very difficult time. I would encourage you to share the website and the test with everyone including non-attorneys, but especially anyone that is struggling with stress or depression (which all of us attorneys encounter once in a while, or every day).

The other sessions that I attended included Best Practices for Busy Attorneys: Business Formation and Best Practices for

Busy Attorneys: Probate and Estate Law. In the Business Formation Seminar, we learned about the dangers of Legal Zoom and were reminded that Legal Zoom cannot give legal advice, only lawyers can give legal advice. We also discussed the pros and cons of different types of businesses. In the Probate and Estate Law seminar, the presenter recommended the book: The Practical Assessment of Testamentary Capacity and Undue Influence in the Elderly by Eric G. Mart and Adam D. Alban for anyone that does estate planning and needs to make decisions on whether a client can or cannot sign estate planning documents due to testamentary capacity.

Thursday evening, instead of heading to the Battle of the Bands, I went out to eat with my family and tried out the water park. During the day, my nieces and parents had a great time swimming at Kalahari while "Aunt Robin" went to her "classes."

Friday, I attended How to Market, Run and Maintain an Elder and Special Needs Practice first thing. The website [www.lcplfa.org](http://www.lcplfa.org) was recommended for the Life Care Planning Law Firm Association to assist attorneys in running a holistic practice for elder care. They also recommended that everyone who does work with Medicaid attend Rich-

*(Continued on page 5)*

## O.S.B.A. (from page 4)

ard Tapps' seminar, which is held in October.

After that, I headed to The Boundaries of Professional Conduct and the Effective Use of Paralegals. The speakers at this session where some of the best speakers I heard. It was Paralegal Day so most of the attendees were paralegals at this session, but they let a few of us, attorneys, attend. They reminded us that a law practice is really a team process. Sometimes, the lawyer is the boss and sometimes it's the assistant, but above all, you have to work hand-in-hand. My last seminar was Estate Planning in the Era of High Federal Exemptions, Portability, and No Ohio Estate Tax. In this seminar, Alan Acker suggested, among other things, that we should all add lines to the durable power of

attorney to address digital assets and to authorize the designated agent to have complete authority over digital assets like social media, e-mails, etc.

To me the best part of the convention is getting to meet attorneys from all over Ohio and hearing their insights, their problems, and their solutions on things that come up in our practices on a regular basis. Kalahari was a very nice facility, but very spread out. There was plenty to do and more activities that you could have time for, both at the resort and at the convention.

After my "classes" were done, I headed with my nieces to the Merry-go-round Museum in downtown Sandusky, which was only a few miles from the hotel. My nieces are 3 and 5, and they were the perfect age to be en-

chanted by the museum. I would highly encourage anyone to check it out. We toured the whole thing in about an hour at it was only \$6.00 for adults and \$5.00 for children (4 and up) and included one ride on the carousel. My youngest niece was free and the carousel ride for her was free, also. They dazzled the tour guide with their ability to identify all of the animals displayed as Carousel figures. It is perfect for a group of elementary-aged kids or adults who love the nostalgia of places like Euclid Beach and Geauga Lake. We got to ride the Carousel three times to the delight of the girls, and at the cost of only a \$1.00 per extra ride, that alone was worth the trip.

I look forward to attending the 2016 Annual Convention. 🌸

# Judge Colleen A. Falkowski Honored with Presidential Award from the Ohio Legal Assistance Foundation

**Melanie A. Shakarian**

*The Legal Aid Society of Cleveland, [melanie.shakarian@lasclev.org](mailto:melanie.shakarian@lasclev.org)*

Judge Colleen A. Falkowski of the Lake County Domestic Relations Court is the recipient of the Presidential Award from the Ohio Legal Assistance Foundation. Judge Falkowski was nominated by The Legal Aid Society of Cleveland, and her nomination was supported by U.S. Representative David Joyce, by numerous other judges, and by members of

the private bar in Geauga and Lake Counties. Judge Falkowski's leadership demonstrates the impact the judiciary has on promoting pro bono work, mobilizing lawyer to close the "justice gap," and ensuring that everyone has access to legal representation.

Her domestic relations court closes four times a year as she literally opens the doors of jus-

tice to provide free advice and extended pro bono representation for low income and vulnerable people in Ashtabula, Lake and Geauga counties. In collaboration with



(Continued on page 6)

## Falkowski (from page 7)

the Family Law Section of the Bar and Legal Aid, she encourages local attorneys to volunteer their time and become invested in the community. More than 110 people have attended the clinics in the past 18 months.

It's not just the legal procedures that can be daunting for low-income people facing a challenging life change in domestic relations court. Judge Falkowski waives court costs for clinic participants and invites a counselor from a local mental health agency to offer support and resources. The Judge concludes the clinic with a primer on what to expect in court, how to dress, and how to act in court.

Importantly, she has inspired other courts to replicate her method. She presented her model at a session during the ABA/NLADA 2015 Equal Justice Conference.

Judge Falkowski's awareness of the unmet need for legal representation gives low-income and vulnerable people not only legal representation, but also the dignity to stand up for themselves in court. When their lives are at a momentous crossroads, a lawyer give them confidence to redirect their lives down a better path. 🌸

# Secretary's Day

# June 24, 2015!

**Look for pictures in the next *Ipsos Jure*!**



*The*  
**Legal Aid Society**  

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*of Cleveland*  
*Since 1905*

free

## LEGAL ADVICE

*Brief Advice & Referral Legal Clinic*

## ***“PRO SE DIVORCE CLINICS”***

***Legal Aid is hosting these SPECIAL CLINICS for low-income people seeking a divorce in Ashtabula, Geauga or Lake Counties***

WEDNESDAYS IN 2015:     JULY 15  
   OCTOBER 28

***BY APPOINTMENT ONLY!***  
**(CALL 888-817-3777)**

**These special events will help people who are:**

1. **Financially eligible for Legal Aid’s services** (visit this website for details: [www.lasclev.org/who-does-legal-aid-help/](http://www.lasclev.org/who-does-legal-aid-help/))
2. **Need help with a divorce, AND**
3. **Meet other criteria related to assets and children (depends on the situation)**

If you know of any individual who might qualify, they should call Legal Aid's intake number to inquire further: 888-817-3777.

If they qualify, they will be given an appointment to a clinic.

**\*Attorneys are available for brief advice only.**

**Clinic attorneys do NOT represent you.**

If you need legal representation, you may be referred to The Legal Aid Society of Cleveland or another service provider.

**A Program of the Volunteer Lawyers Program of The Legal Aid Society of  
Cleveland**

# A Number of Good Deeds

Jaclyn Vary

*Schneider, Smeltz, Ranney & LaFond, [jvary@ssrl.com](mailto:jvary@ssrl.com)*



The Good Deeds Program is a volunteer deed review process for Geauga County landowners. Over two years ago, the Geauga County Probate/Juvenile Court Judge, the Honorable Tim Grendell, and the Geauga County Recorder, Sharon C. Gingerich, started the program to help Geauga County landowners better understand issues regarding real property transfers at death. The concept of the Good Deeds Program is simple: *Take a look at your deed NOW, because how you own your real estate while you are living determines how your real estate will pass to others upon your death.*

A “good deed” has survivorship language. For example, a couple’s joint and survivorship deed should have language similar to “A and B for their joint lives, remainder to the survivor of them.” Upon an owner’s death, “good deeds” allow real property ownership to transfer to the surviving owner at the Recorder’s office without a trip to Probate Court. This process is “good” as it is fairly simple and inexpensive. Conversely, “bad deeds” do not have survivorship language and require an estate to be opened in Probate Court to properly deal with the deceased owner’s real estate. The Probate Court estate administration process is “bad” as

it is often more expensive and more time-consuming than a trip to the Recorder’s office.

## How the Good Deeds Program Works

First, Geauga County Recorder, Sharon C. Gingerich, and her staff check recorded deeds to compile a list of “bad deeds.” Then the legal staff at the Geauga County Probate/Juvenile Court performs a second review to confirm the identified “bad deeds” lack survivorship language. Finally, letters from the Geauga County Probate/Juvenile Court are mailed to Geauga County landowners recommending that they review their deeds, because their deed lacks survivorship language. The letters recommend four options: (1) seek the advice of their current attorney; (2) attend a meeting where attorneys from the Geauga County Bar Association’s Good Deeds Committee can assist them; (3) call the Department on Aging to set up a meeting with an attorney; or (4) retain their current deed.

In preparation for the March 2015 Newbury Township meetings, Geauga County Recorder, Sharon C. Gingerich, and her staff reviewed *over 4,000 deeds* and Geauga County Probate/Juvenile Court Judge Grendell and his staff sent *over 900 letters* to Newbury Township landowners! Since the beginning of the Good Deeds program, *over*

*31,732 deeds* have been reviewed and *over 6,956 letters* have been sent to Geauga County landowners!

## Helping Geauga County Landowners

Over 60 individuals attended the Newbury Township Good Deeds meetings held in late March. At the Newbury Township meetings, Geauga County Recorder, Sharon C. Gingerich, and Geauga County Probate/Juvenile Court Judge Grendell shared a few ways the Good Deeds Program has helped Geauga County landowners and residents. In the first example, attorneys in Good Deeds Committee corrected deeds that said “Survivorship Deed” but only named one person or named a business entity. In a second example, someone received the letter recommending they look at their deed and called the Geauga County Recorder. The individual said that they had a Survivorship Deed and had it right there in his hand. Ms. Gingerich looked up their deed and said that the deed in the Recorder’s system was not a Survivorship Deed. He responded that, “Well, we did not record it.” Because of the Good Deeds Program, this man ultimately recorded his Survivorship Deed. Additionally, the Good Deeds program reminds individuals that their other assets, not just their

*(Continued on page 8)*

**Good Deeds (from page 8)**

real estate interests, may be retitled to avoid opening an estate in Probate Court upon an owner's death.

Help spread the word about the Good Deeds program—now is the time to find your deed and take a look at it!

For the schedule for the next Good Deeds Program meeting, look at the Geauga County Recorder's website and Facebook page. For information on how to join the Good Deeds Committee, contact Jaclyn Vary at [jvary@ssrl.com](mailto:jvary@ssrl.com) or 216-696-4200. A Good Deeds Committee meeting will be held in late May. 🌸

## Geauga Bar Association Announcements

### Website:

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

### Upcoming Executive Committee Meetings

June 10, July 8, August 12  
Second Wednesday of each month at 12:00 noon.  
R.S.V.P. to Mary Poland

### Upcoming General Meetings

May 27, July 22, August 26  
Fourth Wednesday of each month at 12:00 noon at Joey's Grille, 209 Center Street, Chardon  
R.S.V.P. to Mary Poland

## Cases of Interest

### Pearce Leary

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



**State of Ohio vs. Jones** (Ashtabula), 2014-Ohio-5705.

Defendant pled to second OVI in six years. Ordered to serve forty-five days house arrest and five days in jail. Defendant completed forty-five days but jail turned him away three times due to overcrowding. Trial Court ordered fifteen days house arrest in lieu of five days in jail. State appealed arguing five days in jail statutorily mandated. Held: affirmed. Defendant's due process and eighth amendment rights implicated by repeated turnaways at jail.

**Benko vs. Smyk** (Lake), 2015-Ohio-1062. Summary judgment to seller of home affirmed. Seller disclosed leaky roof but misrepresented cause of leak. Held: seller's misrepresentation did not prevent or discourage inspection thus no actionable fraud. Court also discusses particularity in pleading fraud and the significance of an "as is" clause.

**State of Ohio vs. Lowe** (Ashtabula), 2015-Ohio-1065.

Defendant beat up woman and fled to his parents' house. Defendant refused to come out when officer arrived to arrest him. Officer stepped into enclosed porch after father walked back into house. Defendant came over to shut the house door and the officer tased him. Mother interfered and was charged. Held: mother did not interfere with lawful arrest as arrest was not lawful. No exigent circumstances and no hot pursuit.

**In the matter of: Z.N., delinquent child** (Lake), 2015-Ohio-1213.

Juvenile pled true to attempted trespass. Trial court ordered juvenile to pay, as restitution, the cost of installing a security system in victim's house. On appeal held: restitution for financial expenditures to ameliorate nonpecuniary harm is permitted, but the need for the security system was not the proximate result of juvenile's conduct. Reversed.



## Garden Party!

**Secretary's Day** is June 24, 2015,

at 12:00 noon, Munson Township Hall,

12210 Auburn Rd., Chardon, OH 44024

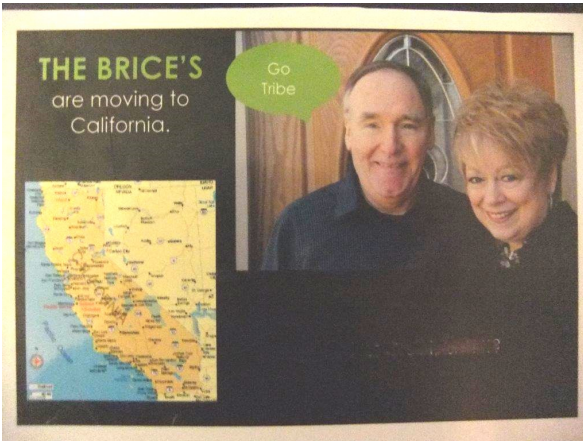
Don't forget to invite your staff! More details to come!



# Musings of a Retiring Geauga County Attorney

**Ed Brice**

*Retired from Newman & Brice*



Fellow Barristers,

On or about (may as well keep some of the legal jargon for now!) June 1, 2015 (my 66<sup>th</sup> birthday and full social security benefit start-up), my wife Pat and I will load up our 'Conestoga' wagon and 'Go West, Old Man!' to be with our 7 and 8 year old grandsons in the Bay area.

Their dad, our son-in-law, took a job with Sephora, headquartered in San Francisco last year, and loves it (if you don't know what Sephora is, you passed your guy test—ask our gal colleagues to fill you in, or Google it!).

It's been 40 years since I passed the Ohio bar exam, came to our wonderful county from Lyndhurst, married, raised a family, enjoyed our stay here, and now are pulling up stakes because of family and hope that overall everything will work out.

Below is my timeline, sprinkled with anecdotes and photos from and about my life, practice and experiences:

**6/1/49:** Yours truly enters our world, son of Depression-era, WWII 1<sup>st</sup> Sgt. Combat Engineer, Cleveland Heights firefighter, whose grandparents came here from County Mayo, Ireland—he went on over his 35 year career to rise through the ranks to Chief—and 1<sup>st</sup> generation Slovak mom, John Hay

H.S. grad, then homemaker/housewife, my 92 year old mom has beaten us to the Bay area after living in the same bungalow for 60 years!

**1953:** We moved from the Navy projects in Brooklyn, Ohio to the 'burbs,' of Lyndhurst; no Richmond Mall, Sunday Mass was at the Richmond show at Richmond Rd and Mayfield—walked the 1 mile there and back with mom and 6 year older brother, Vince, when dad was at the fire station and had the only family car; if I misbehaved, there was Hell to pay when we got back home!

**1954-63:** My brother's class was the first to graduate from St. Paschal Baylon in Highland Heights; mine was the first to graduate 1<sup>st</sup> thru 8<sup>th</sup> grade—we started with 75 baby-boomers in 1<sup>st</sup> grade & 1 nun, Mother St. Agnes—somehow she did it and without resorting to rulers on the knuckles or other forms of corporal punishment/

discipline—finally in 5<sup>th</sup> grade we split into 2 classes—I was a 'Big Fish in little pond,' playing QB for our Green Knights football team, P/1B on the baseball team, and starting guard on the basketball team—the other older, larger Catholic schools in the area weren't impressed: we didn't score nor win much! Members of the **Ibold** clan were also sprinkled among the various classes.

**August, 1962, the Highlight at age 12 of my baseball 'career':** from age 8 to 12, our team had the stud athlete in the area, left-handed Jim Givens, who went on to star in baseball and basketball at Brush H.S.; every other year we'd beat larger So. Euclid in the playoff games, thanks to Jimmy; for the Major division year, we again started the best of 3 'championship' with Jimmy pitching and winning—although they never admitted or told me, the coaches must have then decided to let me pitch the 2nd game, so So. Euclid would win one game, then Jimmy would come back to win the 'Rubber Game'—the best laid plans of mice & men... The baseball gods were with me, I pitched a 1-hit, no run shut-out for 6 innings, matched by my opponent, was taken out as pitcher as required after 6 innings, then drove in the winning run in the 8<sup>th</sup> in-

*(Continued on page 10)*

## Musings (from page 9)

ning. The Sun Messenger reported the stats wrong, but I still have the game ball with the correct storyline.

**1963-67:** Off to the 'Real' Cathedral Latin, run by the Marianist brothers, on E. 107 between Euclid and Carnegie (C.L. is now a parking lot for Cleveland Clinic); no longer a 'Big Fish,' taking the bus or rapid downtown, getting to school a ½ hour before and leaving a ½ hour before John Hay H.S. (my mom's alma mater) started or let out. The good brothers, for various reasons, didn't want us mixing with the mainly female, African-American student body. Some of the good brothers were also not adverse to corporal discipline to get their lessons or conduct code across. My C.L. journey ended on a positive note academically and sports-wise with winning the East Senate baseball title, but dropping the playoff against West Senate champs, St. Ignatius, 2-1.



**1967-71:** off to Marianist Univ of Dayton—couldn't get enough of the Marianists—majoring in Political Science and minoring in Russian (was going to be our ambassador to Moscow); in 1968 U.D. Flyers won the N.I.T. (National Invitational Tournament) basketball championship at the Madison Gardens in N.Y.C.—their drinking age then was 18, my roommate was from Yonkers—it was a heck of ride back—that's all I'll say about that. Army ROTC was mandatory—was about to take that route, then got my draft #249 (Army had also rejected my request for Military Intelligence, got Artillery instead, made my decision easier); also got my legal career interest started when an easy 3-credit 'A' for being a 'gopher' for an attorney for a semester—witnessed private practice process with its '2 sides or more' to every case.

**1971-74:** Back to Cleveland, CSU Marshall College of Law, one year Cuyahoga County Juvenile Court Child Support department (there's a reason I didn't practice much in Cuyahoga County!).

**1975: The Promised Land, Geauga County:** the then village of Chardon and A.M. (Milt) Psenicka hired me as Milt's Assistant Police Prosecutor for the county-wide jurisdiction, Chardon Municipal Court. I was paid \$7500/yr, and my rent above the Chardon Lakes Restaurant was \$100/month, including utilities!

**1976:** married my lovely wife,

Pat—she wasn't impressed with my digs at Chardon Lakes Inn even though the price was right—we got an apartment in Mayfield Heights that 1<sup>st</sup> year. Milt believed in the 'Sink or Swim,' and 'Baptism by Fire,' method of learning trial practice. I got my legal nose bloodied by the likes of **Larry Dolan, Bob Wantz, Dave Lowe, J. Ross Haffey**, et al. (there's that legal jargon creeping in again). If there was a plus side for me, I learned to appreciate and respect our legal principles of 'Presumption of Innocence,' and 'Proof Beyond a Reasonable Doubt.'

**1977-80: Hanus & Brice**, 107 N Hambden, Chardon, Oh: Ron's and my families are still friends. I'm godfather to their son, Justin, who is fluent in Japanese and lives and works in the Land of the Rising Sun.

**1980-86: D. Kevin O'Reilly** years: 109 Court St, Chardon, OH: Kevin is legal workaholic, strong family man, and man of faith. Kevin, come join in retirement!

**1986-2015:** Newman, (Leary) & Brice: our renaissance man, the amazing **Paul Newman**: lawyer, father, husband, farmer, photographer, author, world traveler, marathon runner, decorated combat veteran: it was an interesting ride. **Pearce Leary**, lawyer, father, husband, school board member, marathon biker, runner, swimmer, retired Naval officer (but never out to sea!)—even when Pearce went on his own a number of years ago,

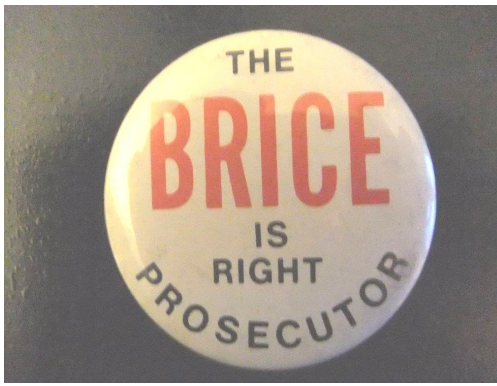
*(Continued on page 11)*

## Musings (from page 10)

it was amicable and still is, which unfortunately was not the case for some of our other firms.

**1980: NGRI (Not Guilty by Reason of Insanity):** **Dave Griffiths**, (God rest his soul) called me to represent a young fellow who had been charged with Felonious Assault against a deputy. The deputy responded to a call of a young, male running naked with a knife on old U.S. 422. We tried it to a jury before **Judge Hans Veit**. **Gid Marcenkavicius** was the assistant prosecutor. Jury found NGRI, but client still had to be 'okayed' by Cleveland Psychiatric Institute for release. He had no family in state, so yours truly went to pick him up to take him to the bus station. Going down Liberty Blvd. (now M.L.K., Jr. Dr.), a thunderstorm broke out, my 1975 Pontiac Ventura stalled out—no cell phone—somehow got to an old-fashioned phone booth, got hold of my dad, who brought his Cleveland Heights mechanic (statute of limitations has run), got us started, got my 'sane' client to bus station, never heard from him again!

**1980 Political upstart:** naïve, idealistic Democrat experiences Geauga County politics: 30 years old, married, 1 child, 1 on way, decided to challenge incumbent Democrat county prosecutor John Norton (Democrats had experienced a miracle in 1976 by winning county seats in Geauga county 1<sup>st</sup> time in 100 years, riding Jimmy Carter's post-Nixon coat-tails). Lost, but still remember **Jeff Orndorff's** sage advice of going for 'LCD': least common denomi-



nator in elections—didn't win, but still sage advice. **Craig Albert** then won in general election, restoring 'normalcy' to our 'Red' county.

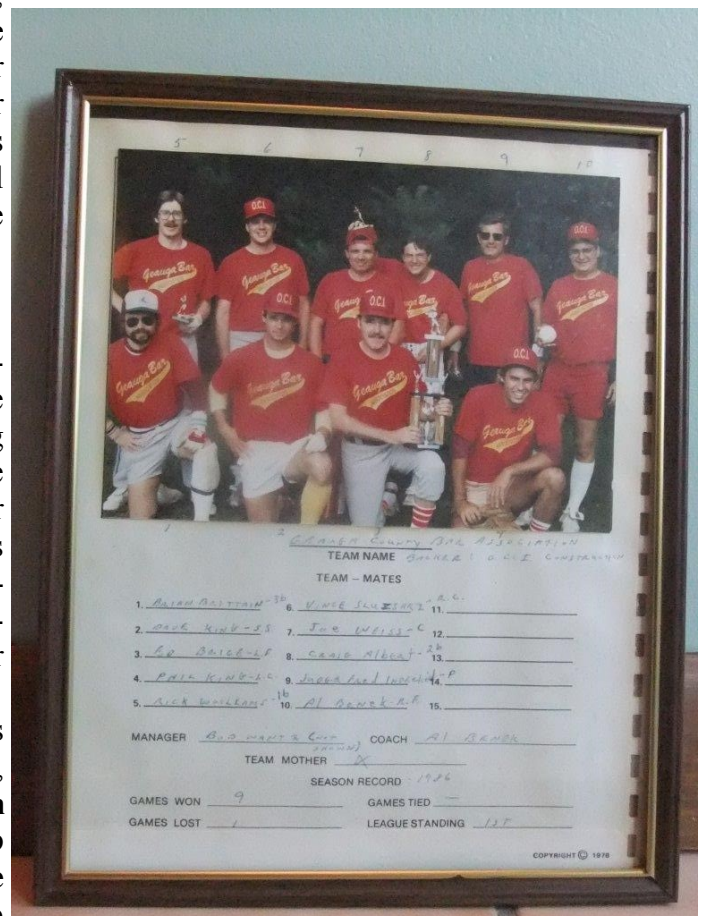
**Also 1980s:** we ran 'People's Law School' for several years at the Patterson Center in the Burton Fairgrounds, where our local members instructed the general public about various areas of the law, such as landlord/tenant, contracts, OVI, deeds, etc. This would be a nice program for one or more of our younger members to restart—I still have the reference file folder!

**1986 (see photo):** our GCBA Softball Team wins the Sunday Morning Chardon Jaycee championship (our local area pastors weren't impressed). We morphed from prior cellar-dwellers, with top prospects **Judge Lavrich**, **Dan Backstop**, **Dan Bond**, **Bob Strauss**, **Joe Svete**, et al., to 'blue chip, can't miss phenoms,'

**Dave King** (our MVP), **Vince Slusarz**, et al. (Thank you **Brian Bly** for resurrecting our GCBA softball team last year and for the framed retirement jersey you presented to me).

**1986-7, GCBA Bar President:** last of the two, 1-year term presidents for our association. **Steve Macek** gives me credit for starting Christmas social parties. My recollection is that **Dennis Ibold** (that's right, 'party animal' Dennis Ibold) gave me the idea to implement.

**1988—end of my political 'career':** Without consulting with my wife (big mistake, guys), I decided to run for Geauga County Prosecutor after Craig Albert



(Continued on page 12)

## Musings (from page 11)

went from county prosecutor to muni judge; still a 'D,' opponent incumbent, appointed **Dave Joyce**; despite great rating from our bar association, went down in flames again; Pat told me if I ran again, we were done—we're still married just shy of 39 years, and I'm retiring from private, rather than public, practice.

**The 1990s Judge Albert years:** best free entertainment in town; only judge I knew who could start out cussing and belittling an accused in court, then by the time the hearing was done, the person would leave thanking the good judge! Or as Chardon Law Director/Police Prosecutor **Jim Gillette** fondly like to refer to Craig as the only Jewish Nazi he knew!

**Also, 1990s Leadership Geauga:** chaired steering committee, launching that fine program in our county. Like booster rockets for our satellite launches, I wasn't launched from the program itself, but proud to be part of its initiation.

**1998-2009: You're Out!:** since stress of practicing law wasn't enough, got certified as HS Baseball & Softball umpire—it was actually therapeutic at times being the judge, jury and executioner as ump compared to our daily hassles, objections, appeals, deadlines, etc. in the practice of law.

**2000+ Law Days:** our committee moved Law Day to the Auburn Career Center and kept the pro-

grams to about ½ hour—who can forget the talk by the female Judge Advocate General (JAG) attorney who related her experiences from her tour in Iraq doing legal work with her building periodically shaking due to explosions? What was I saying about our stress?



**2003: God Bless our Jury System!:** represented a client charged with felony Kidnapping and OVI after being pulled over for impaired driving, urine-soaked sweatpants fell to his ankles when he got out of truck, then couldn't explain who the 4 year old girl next to him in passenger seat was (she was wandering around bar parking lot while her mother was out with someone, so my intoxicated client thought it would be best to take her home to his wife to watch

her, rather than take her into bar, look for mom, call police, etc.). Jury accepted argument his heart was in right place even if not his mind, found him Not Guilty, but did find him guilty of the OVI. **Judge Inderlied's** court reporter advised he was not impressed with verdict, but did not admonish them, however client got longer than standard penalty for the OVI. Client died a couple years ago, a 'free man,' which probably would have been in prison, had he been sentenced for that charge. Side note: I rejoined **Toastmaster's** organization and had the local club serve as our mock jury. I recommend Toastmasters for any of you wishing to improve your and listening skills (and perhaps garner a new client or two!).

**November, 2007—Bitter Sweet:** While in Columbus celebrating the birth of our 1<sup>st</sup> grandson, got the call that Paul had a stroke. We had our ups and downs, but we survived and are now taking our separate journeys after all these years.

**March, 2008—the Miracle of Modern Medicine:** our daughter had our 2d grandson, a 'preemie' at 2 lbs., 3 oz.—older brother, Aidan, is the tallest in his class, Brennan, the shortest, but healthy physically and mentally.



(Continued on page 13)

## Musings (from page 12)

July, 2013 Tribe game, Paul tosses out 1<sup>st</sup> pitch for Geauga County Library Board 50<sup>th</sup> Anniversary: Paul and I practiced for about 2 weeks down at the ball field, working on his delivery (although Paul is amazing and our renaissance man, baseball is not one of his skills or talents). He was only one of six '1<sup>st</sup>' throwers to make the throw to the catcher in the air. Like some of the Tribe prospects waiting for their call to 'The Show,' Paul is still waiting for his call to the owner's loge!

**2012:** We only talk about our success stories: co-counseled with then 80 year old **Bob Wantz** for client charged with 2 counts of Felonious Assault after fight with 2 other guys involving a woman and alcohol (can you imagine that?), with other 2 fellows winding up with serious, knife wounds. Jury came back with Not Guilty after about 15 minutes, accepting our expanded argument of self-defense—don't think it would have worked in a bench trial. Bob



Wantz is our incredible, Ever Ready legal 'bunny,' still going strong, i.e., a Not Guilty jury verdict for vehicular manslaughter in our Chardon municipal court earlier this year. Hope you keep drawing 21 in Blackjack and rolling 7's on your 1<sup>st</sup> toss, Bob!

**Joe Weiss** – our Geauga County 'Godfather.' I'll be waiting for your calls, Joe, to commiserate about the Tribe, especially when they're not doing so well!

**Judge Terri** – I'll miss the hugs! Get re-elected like your former fellow Dems, Judge Lavrich and Veit, and then you'll be 'in like

flint!'

Well, now you know more about Ed Brice and my family, etc. than you ever wanted to know. As mentioned above, I was born in 1949, a year after the Tribe's last World Series winner. Like Moses who wasn't allowed to enter the Promised Land after being with his people for 40 years in the desert, so they could enter, I'm 'sacrificing' for my fellow Northeast Ohio Tribe fans, and heading West, so that hopefully they can enter the Promised Land of another World Series championship!

**Go Tribe!** 🌻

## Ed's favorite Crankshaft: Playing Catch—How fathers and sons and grandfathers and grandsons say "I LOVE YOU!"



# “Legalization of Marijuana in Ohio: Point/Counterpoint” 2015 Law Day

**Mary Jane Trapp**

*Thrasher Dinsmore & Dolan, [MJTrapp@tddl.com](mailto:MJTrapp@tddl.com)*



Auburn Career Center was the venue for another successful Law Day luncheon featuring a timely point/counterpoint

presentation on the topic of the Legalization of Marijuana in Ohio. The sell-out audience feasted on the culinary arts students' signature dessert and listened as Attorney Chris Stock of the Cincinnati firm of Markovits, Stock & DeMarco and George “Pat” Willis, a retired Lake County Narcotics Agency law enforcement officer, presented the pros and cons of the proposed constitutional amendment legalizing marijuana for both medical and recreational use and fielded questions from the audience. This was also the first Law Day to include a C.L.E. component.

Attorney Stock, representing ResponsibleOhio.org, a political action committee comprised of business people, medical professionals, and patient advocates, is a former assistant attorney general and former law clerk to Justice Terrence O'Donnell. Attorney Stock argued that the most effective method to reduce the underage use of marijuana is through the

regulations that would be established if ResponsibleOhio.org is successful in its petition drive to put the proposed amendment on the November, 2015 ballot.

Mr. Willis, who holds a master's degree in education for community counseling from Kent State, with a focus in adolescent and substance abuse counseling, explained that categorizing marijuana as a “medicine” is simply misleading, because it will not go through the rigors of FDA approval.

The Bar Association also honored the Geauga County's Law Enforcement Officer of the Year, Sgt. John Barco of the Chester Police Department. Sgt. Barco was lauded for his patience and ability to talk down a young man who was threatening to commit suicide. He was joined by his family and officers from the many law enforcement agencies, which serve our county.

This year's Law Day events also featured another Law Day Essay competition. Created to raise awareness of Law Day and greater interest in the Constitution and the rule of law among students, the competition is open to all Geauga County high school students. The winners of the com-

petition received a \$200, \$150, and \$100 prizes respectively and publication of their essay in *Ipsos Jure*. Their teacher or home school advisor also received a \$100 donation for school supplies. Students were asked to address the law day theme, “Using the Magna Carta and the Bill of Rights in the United States Constitution Make the Case For or Against the Legalization of Marijuana in Ohio.” 2015 marks the 800th anniversary of the Magna Carta.

The 2015 Law Day Essay Contest winners are: 1st Place winner Sarah Miller, 12th grade, home-schooled; 2nd Place winner Amelia K. Pratezel, 10th grade, home-schooled; and a repeat winner, 3rd Place, Andrew Glinski, 12th grade, home-schooled. The winning essays are reprinted in this edition of *Ipsos Jure*.

Attendees received an official 800<sup>th</sup> Magna Carta anniversary pen, and Ed Brice brought more of his famous tie collection for another give away.

Thanks to our Law Day Committee, Judge Stupica, Judge Burt, Jim Gillette, Ed Brice, Doug Brown, Ann D'Amico, and our executive secretary, Mary Poland, along with G-TV for another great Law Day. 🌸

# Winning Student Essay

**Sarah Miller**



In 1920, the 18th Amendment, which prohibited the manufacture, sale and transportation of alcohol, was put into effect. In 1933, this was repealed by the 21st Amendment. This serves as an example of a dangerous commodity which the federal government has restricted. Today, the federal government has illegalized marijuana. Many states, however, have passed laws legalizing marijuana for medical and/or recreational use. In Ohio, there may be a vote regarding the legalization of marijuana. With the debate regarding this proposed amendment of Ohio's constitution in full swing, many have pointed to the Magna Carta and United States' Bill of Rights for proof that marijuana should be legalized. However, these arguments should not be considered valid as the Magna Carta and U.S. Bill of Rights have no jurisdictional power within the state of Ohio. Instead of following the Magna Carta and U.S. Bill of Rights, Ohio's laws should align with the beliefs of Ohio's people.

The Magna Carta was established in 1215 in Britain. It put the King under the rule of the law for the first time. The United

States' Constitution and Bill of Rights were greatly influenced by the Magna Carta. It could be argued that the separation of powers found in the U.S. Constitution is related to aforementioned aspect of the Magna Carta. Instead of vesting all the power of the government in one place, the founding fathers divided the power between the executive, legislative and judicial branches of the government. Furthermore, many areas of legislation were reserved for the states by the 10th Amendment. These documents raise the interesting question of whether the United States federal government has the constitutional power to regulate marijuana. Following the precedent established by the 18th and 21st Amendments, prohibition of a dangerous substance such as alcohol or marijuana requires a constitutional amendment. If an amendment was required for alcohol to be prohibited, the same should be required for prohibition of marijuana on a federal level. Otherwise, the power should be reserved for the states per the 10th Amendment. However, in the Supreme Court case *Gonzales v. Raich*, the 6-3 decision indicated the legality of the federal regulation of this area was under the commerce clause. This decision broke precedent. Traditionally, the commerce clause has not been interpreted in this manner. It is important to note that although the Supreme Court ruled in favor of the federal government, it did not overrule the

laws of the states which have legalized marijuana. Therefore, it is still a plausible option for Ohio to legalize marijuana.

Those in favor of legalizing marijuana in Ohio point to the due process of the law phrase found in the 39th Chapter of the Magna Carta and the 5th Amendment to the Constitution. This due process phrase refers to the right of the people to not lose life, liberty, or property without the due process of the law. However, both of these laws do not actually hold power over Ohio. The Magna Carta holds absolutely no jurisdictional power over the United States or the state of Ohio. The 5th Amendment only restricts the federal government's actions. Therefore, pointing to either of these documents to argue for the legalization of marijuana in Ohio is misinterpreting the documents. These arguments do not provide a compelling case to legalize marijuana in Ohio.

Ohio has the right to regulate marijuana in any way. However, the decision should be based on the opinions of the people of Ohio rather than based on the Magna Carta or the Bill of Rights. In the words of Abraham Lincoln, the government is "of the people, by the people, [and] for the people." If the people of Ohio want a constitutional amendment to legalize marijuana, it should be reflected in the vote this year. Nothing else should influence the decision.

*(Continued on page 20)*

# First Runner-up Student Essay

**Amelia K. Pratzel**



## ***The Legalization of Marijuana in Ohio***

The legalization of Marijuana in Ohio may bring about benefits to the medical world, but one may simply study the results of the legalization in states like Colorado or Arizona to see that it is against the Bill of Rights. The Ninth Amendment states the following: "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people." This means that laws cannot be made which at some point break other laws. By allowing people to have marijuana, other rights are broken: the Best Interests doctrine, the Drug-Free Workplace Act, and the Anti-Drug Abuse Act are examples of the rights hurt by lawful marijuana. The legalization of marijuana endangers the protection of individuals and the relations in the state, and allows for the abuse of the drug.

To start, the legalization of marijuana would increase its use among the youth, and increase the difficulty of those striving to break their addictions. That defeats the purpose of helping the younger generation to stay drug-free and

helping the older generation to not fall further into addictions. Also, a decline in success, happiness, and mental and physical health may be found in those who smoke marijuana. It is shown that with an increase in usage, an increase in murders, thefts, and driving accidents due to drugs will follow. This is but some of the results of legalized marijuana.

As unfortunate as the above results are, there are still more to come. The Drug-Free Workplace Act of 1988 "requires certain federal contractors and all federal grantees to agree to provide a drug-free workplace in order to receive a contract or grant from a federal agency." If marijuana is legalized, some companies may lose their contracts; subsequently there would be less revenue, leading to lower salaries and/or fewer jobs. Other companies may find a suitable location elsewhere or refuse to hire those that do not pass the drug test. Thus, employment in Ohio would decrease regardless of the options; nobody wants that to happen.

Lastly, if marijuana is legalized, many people will abuse it. Marijuana is beneficial as a medicine and is used for the following: pain relief, nausea, spasticity, glaucoma, and others. However, Derek Siegle, director of High Intensity Drug Trafficking Area (HIDTA), has brought into light the fact that in the legalized marijuana states, it is not prescribed by a licensed doctor, nor has it been

approved by the F.D.A., as opposed to all other medicines. Also, a vast amount of card holders are young men who say they have "chronic pain" and "serious back problems." The question is, then, whether or not the marijuana is actually needed, or just wanted so as to misuse as a drug.

If the time comes when Ohioans must vote on the legalization of marijuana, they should ask themselves if marijuana is actually worth it. In my opinion, the detriments outweigh the benefits tremendously. Children would be in danger of ruining their lives; families will be torn apart by drug abuse; people would be less safe because of car accidents, fights, and theft; and Ohio would be in danger of losing jobs and money. All of this would be just because there is a new medicine to use. If it were up to me, I would keep it as far away from Ohio, or anywhere for that matter, as possible to save others from agony.

### ***Bibliography***

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*(Continued on page 20)*

## Second Runner-up Student Essay

Andrew Glinski



Marijuana is currently legal in 20 states and laws legalizing it are purposed to other state. However, the question arises, *“What does the supreme law of the land, the Bill of Rights have to say about legalizing marijuana?”* The Bill of Rights was instituted to keep people free—free to do as they please, but not free to except the consequences. The Constitution states in Article 4, Section 4, *“The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.”*

Marijuana carries with it big problems and consequences. People use the argument that illegal marijuana is keeping people from the pursuit of happiness, but to what extent does that reach? If people petitioned that Ohio legalize cannibalism, armed robbery, or murder because such crimes bring the ones committing them happiness, the population would no doubt protest. Is it a hard question if we should legalize a substance

which results in children left homeless, homes ripped apart, people robbed, houses burglarized, and the consumer left with an addiction which haunts him the rest of his life? Currently, cultivation of marijuana is an offence between a minor misdemeanor and a felony of the 1st degree depending on quantity and other enhancements such as violations near a school zone according to 2925.04 of the Ohio Revised Code. Possession laws are similar in severity ranging from a minor misdemeanor to a felony of the 2nd degree as specified in ORC 2925.11.

Marijuana can trace its prohibition to the early 1900 in the United States. It became classified as a schedule 1 in the controlled substance act in the 1970, which is the most dangerous and potential for addiction. Schedule 1 controlled substances are drugs not legitimate for medical use. Marijuana is not legitimate, no matter how much people distort the facts, deny history, or overlook the results. Legalizing it still does not make it legitimate. Laws aren’t created to make people’s lives miserable. Laws are made to keep citizens safe. Topics such as robbery, murder, embezzlement, treason, torture or even slavery are not found in the first 10 amendments, but yet there are laws against such crimes. Just because the constitution remains silent on marijuana, does not mean that it is in support of such substances.

Phrases are found through-

out the constitution which lend support to being anti-marijuana. Sentences such as, *“The right of the people to be secure in their persons, houses... against unreasonable searches and seizures, shall not be violated.”* (4th Amendment) *“To be twice put in jeopardy of life or limb;”* (5th Amendment) *“nor cruel and unusual punishments inflicted.”* (8th Amendment). If these amendments are to protect us from a tyrannical government harassing us for their own pleasure, then would it be a light thing for our Buckeye State to use these amendments to protect us Ohioans from people who seek our life and property? For example, it’s common to hear of people being killed for the small amount of cash in their pocket to support drug habits. Were these victims not put in jeopardy of life? After a neighborhood becomes over run with drugs, families have to move to a different area because they lose their right to feel secure in their houses. Is not the person beaten because their assailant was high on drugs the subject of cruel and unusual punishment? These are some of the effects of marijuana while it is illegal, who can tell what it will be like if it becomes legal! The Magna Carta, the document that framed most founding documents for English speaking countries, states *“To no one will we sell, to no one deny or delay right or justice.”* The 9th Amendment says *“The enumeration in the Constitu-*

*(Continued on page 20)*

# Law Day



**Above: Auburn Career Center  
Students get ready.  
Top Right: Officers from  
Thompson Township**



**May 1, 2015**

**Middle Right: Look at the  
long line at registration.  
Above and at Right:  
Another Packed House!**



Jim Gillette introduces the  
Geauga County Law Enforcement  
Officer of the Year



Police Department



Legalization of  
Marijuana in  
Ohio  
Speakers:  
Chris Stock, Esq.  
and  
George "Pat" Willis

## 2nd Runner-up (from page 17)

tion, of certain rights, shall not be construed to deny or disparage others retained by the people.” Every person alive has the right to life, liberty and a livelihood. Under the 9th Amendment and the concept found in the Magna Carta, the rights which we retain cannot be denied us. Once somebody gets an addiction to anything, they will go past the point of death, and the point of destroying other people’s right to life in order to satisfy their craving. Marijuana will be just one more substance to control people’s minds, to the point of infringing on other people’s right to life, liberty, and the pursuit of happiness.

The preamble to the United States Constitution says, “We the People of the United States, in Or-

der to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.” It promises domestic tranquility; the keeping of peace within our country. The purpose of the Revolutionary War was to free us from the rule of the English empire. We preserved those liberties in 1812, and did not surrender them. The reason for World War II was to protect the U.S. against the enemies which threatened our country. The war on terrorism is another example of providing for the common defense against invasion. And now, we

face the war on drugs, a different kind of war, but one with the same purpose: defending our freedoms from the control of another element. We have gone too far to turn back, surrendering is not an option. “Legalization of marijuana will come at the expense of our children and public safety” - Drug Enforcement Administration 2006. Our founding documents insured the blessings of liberty to us and our posterity. Taking the advice of the Drug Enforcement Administration, who probably knows more about the effect of drugs than anybody else, the legalizing of marijuana does not just affect the ones who consume it, but future generations to follow. 🌱

## 1st Runner-up (from page 18)

rijuanainfo

- *NORML*; viewed 3-26-2015; <http://norml.org/legal/medical-marijuana-2>
- *Wikipedia: Best Interests*; viewed 4-1-2015; [http://en.wikipedia.org/wiki/Best\\_interests](http://en.wikipedia.org/wiki/Best_interests)



## Winner (from page 19)

Today, Ohio citizens are faced with a decision of whether to legalize marijuana. Instead of trying to apply British and federal laws to the situation, Ohio must create its own laws based on the beliefs of its people. Therefore, the legalization of marijuana in Ohio should be determined by the people’s opinions as shown through the ballots. 🌱

# G.C.B.A.'s Newest Members

**Pamela Kurt**

**Cleveland State  
University**

**Cleveland-Marshall,  
Admitted to Ohio Bar,  
Currently self-  
employed at  
Kurt Law Office, LLC**

**Lucinda "Cindy"**

**Gazley**

**Has Masters as a  
Licensed Professional  
Counselor, Cleveland-  
Marshall, Admitted  
to Ohio Bar, Currently  
handles guardian  
ad litem cases**

# Ohio State Bar Association's Leadership Academy

**Heather Moseman**

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**Laura M. Wellen**

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The Leadership Academy of the Ohio State Bar Association is a great opportunity to meet colleagues from around the State. The Ohio State Bar Association takes applications from young lawyers to participate in continuing education training about the Ohio State Bar Association and the programs that it sponsors. There are approximately 20 members of the Academy who are from all over the state and who practice in different areas of the law. The ability to network with other attorneys from around the state is priceless.

The Academy meets monthly for 6 months starting in January and running through July. One of the monthly meetings was attendance at the Ohio State Bar Association Annual Convention in Sandusky. It was a great opportunity to network with our colleagues on a state-wide level. The group of approximately 20 members of the Academy were involved in the Access to Justice Program facilitation.

If you are a young or younger lawyer and would like to become more involved in the Ohio State Bar Association, I highly recommend the Leadership Academy. Oh, and it is fun! 🌸



I have had the distinct pleasure this year to be included amongst the Ohio State Bar Association's 2015 Leadership Academy. The OSBA Leadership Academy is an annual program designed to identify and train lawyers for future opportunities for leadership in the Association, profession, and community. The Academy meets multiple times throughout the year to assist in nurturing these future leaders, both in the Bar and in their interrelationships.

The 2015 Class of the Leadership Academy is comprised of more than a dozen attorneys drawn from all of Ohio metropolitan cities and from many of its beloved rural towns and counties. It has been an honor to represent not only my firm, Thrasher Dinsmore and Dolan, but also the community of Geauga County attorneys at this year's Academy. The 2015 class is a colorful collection of attorneys, ranging from solo to large firms, but with the added complexities of a handful of government attorneys mixed in. We are both male and female, married, partnered, and with and without children, with a variety of practice areas represented from Oil and Gas to Bankruptcy and Domestic Relations.

The OSBA arranged a variety of experiences for the Academy that have sparked ample debate and furthered our education, forcing each of us to review our abilities, leadership styles, and responsibilities as engaged stewards of the Bar. During the early stages of the Academy, we each received the results of the Myers-Briggs personality inventory, which helped us to better understand and adjust our leadership style. A panel discussion that included Martin E. Mohler, current President of the OSBA, and Jonathan Hollingsworth, 2013 President of the OSBA, among others. The panel discussion raged in tough topics to include, the graying of the bar, access to justice, the in-

*(Continued on page 22)*

**Rachel Dodds** is sworn-in as an attorney on May 7, 2015 by Judge Fuhry. Rachel is at Petersen & Ibold.



## Leadership (from page 21)

fluence of technology and inclusion strategies for the Bar. The ongoing experience of discussing such pressing topics issues with such a varied group that comprises the Academy has led to interesting and insightful conversations.

Most recently, the Academy, was invited to attend the OSBA Annual Convention and all of the events that accompany it. Many of the Academy also had the pleasure of sharing a table and some discussion with our own Honorable Forrest Burt, who attend the Convention. It appears that our Judge remains an avid bookworm and as such was as de-

lighted as the rest of us to hear best-selling Author Steve Turow speak regarding not only his books but also his career and commitment to pro bono legal service. During the Convention we acted as reporters for the Access to Justice Summit. The Summit, a think-tank called by the incoming President Martin E. Mohler, after recognizing the ongoing and ever advancing need of low and middle income families to counsel. Mr. Mohler has made it the pinnacle of his presidency to advocate for the creation, funding and participation of programs tailored to providing greater access to the civil justice system. The Academy's participation at the Convention brought to each of us an understanding of the

broader impacts of our decisions as lawyers and as future leaders.

As the Academy winds down for the 2015 class, I am certainly changed for the better. Participating in the Academy has granted me greater understanding of my place in the Bar and an immense sense of responsibility to help lead the Bar in directions that uphold the reputation of the Bar, not only amongst attorneys, but also in the eyes of our clients and to society at large. Participation in the Academy has reinforced what many of us already know, as Attorneys, our communities look to us lead, to shed light on difficult issues, and to problem solve, providing direction and leadership to the resolution of such issues. 🌸

# Divorce, Dissolution, Bankruptcy

**Robin L. Stanley**

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



If you are considering filing a bankruptcy, your divorce decree, dissolution decree, separation agreement and child support documents need to be provided to your attorney. Under 11 U.S.C. 362(b)(2)(A), the filing of a bankruptcy no longer acts as an automatic stay against claims for absolute divorce, paternity, custody, visitation, domestic violence, license termination and restriction, and tax refund interception. These actions can proceed in domestic court without the bankruptcy court's involvement.

Additionally, 11 U.S.C. 523(A)(5) excepts from discharge

any domestic support obligations. This includes debts to a debtor's children, spouse, or former spouse. These claims must be listed on Schedule E.

Many divorce decrees have debts allocated to one spouse or another. Let's imagine wife and husband hold a joint debt with Chase and the divorce decree allocates the debt to husband. Husband will be able to discharge the debt as to Chase by filing a bankruptcy, but the creditor can still go after wife for the balance. Since the divorce decree allocates the debt to the husband, the debt between the wife and the husband is not discharged. Therefore, husband owes wife for the amount wife will have to pay Chase.

Additionally, imagine if the Chase debt is an individual debt in wife's name and the divorce decree allocates the debt to husband. Again, husband will be able to discharge the debt as to Chase through a bankruptcy, but the creditor will go after the wife for the balance. Therefore, because of the divorce decree, the debt between wife and husband for the amount owed to Chase is not discharged. Husband still owes wife for the amount that Chase pursues wife and this is not dischargeable. In both cases, wife has a claim against husband for damage to her credit.

The other fairly common issue that occurs in most divorces

*(Continued on page 24)*

# New Ohio Supreme Court Guardianship Rules Take Effect on June 1, 2015

**Judge Timothy Grendell**

*Geauga County Probate/Juvenile Court, 440-279-1830*



On June 1, 2015, the Ohio Supreme Court's nine (9) new rules concerning Probate Court appointed guardians will become effective. County Probate Court Judges will be responsible for implementing the new rules in their respective jurisdictions.

Pursuant to Ohio Rules of Superintendence 66.01 to 66.09, the new guardianship requirements include:

1. Guardians will be required to complete a minimum six (6) hours of initial training and three (3) hours of annual continuing guardianship education. Individuals serving as guardians on June 1, 2015 or who served as a guardian during the prior five

years shall have until June 1, 2016 to complete the training.

2. Family members and professionals appointed guardians will be covered by the new rules.

3. Guardians must meet with the wards under their care at least quarterly.

4. Guardians must file a report and plan with the Probate Court annually.

5. Probate Courts must maintain and monitor a roster of guardians with ten (10) or more wards. Those guardians will have additional ongoing requirements.

6. The Court must conduct a criminal background check on all prospective guardians. For attorneys serving as guardians, the Court may accept a good standing certificate from the Ohio Supreme Court, in lieu of a criminal back-

ground check.

7. Probate Courts must adopt local rules to address everyday guardianship procedures and establish a guardianship complaint process, as specified in the new rules.

The Ohio Judicial Conference is developing courses for initial and annual guardianship training required by the new rules. The dates, locations and registration information for these courses will be posted on the Judicial College's website by the end of April, 2015.

Judge Grendell looks forward to working with the Geauga County Bar Association to provide local guardianship training and ongoing guardianship education courses for Geauga County attorneys and residents.



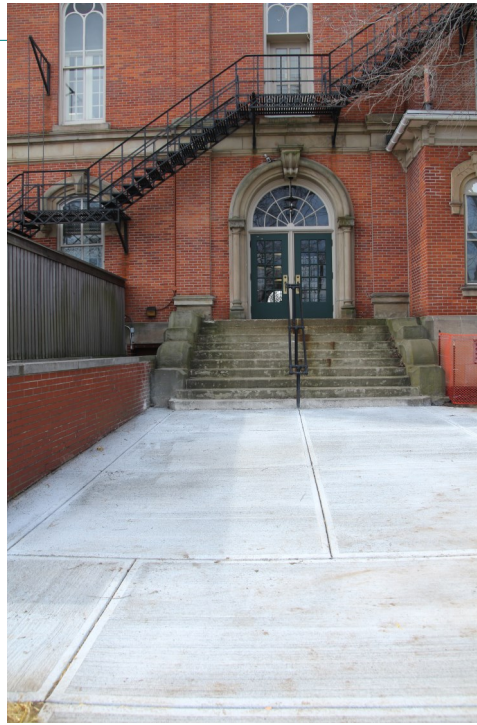
**You never know who  
might appear at the next  
Executive Committee  
Meeting:**

**June 10, 2015**

**@12:00 noon**

# Improvements at the Courthouse

**Below:** Geauga County Courthouse  
with new LED spotlights



## Spring is flying by and work is underway.

**Photos by  
Paul Newman**

**Left and Below:** The  
new sidewalk that wraps  
around the Courthouse.



### Bankruptcy (from page 22)

is the allocation of the family home and mortgage. Let's say that the home is originally purchased by the couple, and they both signed on the mortgage. Now five years later, the house is underwater. In the divorce, the house is allocated to husband, and the husband is to continue to pay on the mortgage. Pursuant to the divorce decree, wife transfers the home to husband by quitclaim deed. The problem occurs when

the husband fails to pay the mortgage. The divorce decree does not take wife off of the mortgage. The husband can file a bankruptcy and wipe out the mortgage, but the mortgage can pursue the deficiency against the wife and her credit will be damaged. Additionally, the wife has a non-dischargeable claim against the husband. If the husband had to walk away from the home, it is usually because the husband can no longer afford the home. Deficiencies on mortgage and fail-

ure by a former spouse to pay on debt that has been allocated to the former spouse are two main reasons that a wife will now be forced to consider bankruptcy herself.

If you practice family law, you should have a basic understanding of bankruptcy and know when to consider bankruptcy for your clients. There are many specific strategies, both prior to and after a divorce, to be considered to maximize the assets of a husband and wife even when the home may be destined for foreclosure. ⚙️

# Excerpts from “Aviation Law for the General Practitioner” C.L.E. from the O.S.B.A. Convention

**Presented by David A. McGee**

*Svete & McGee, [mcgee@smc-law.com](mailto:mcgee@smc-law.com)*



Should you encounter an aircraft case whether buying and selling or in an estate or an injury case, you should contact an expert.

As one can imagine, the aircraft law is a regulatory minefield. The commonality of the regulations: *The Pilot is always at fault!*

Common issues include General Representation, Sales Tax, Homeland Security, OVI/Federal Preemption, Insurance, Enforcement, Partnership Agreement,

Buy/Sell/Title.

Keep in mind, used aircraft purchases are not subject to Ohio Sales Tax, neither are aircraft repair, parts, and improvements.

If you decide to put a Judgment or a Mechanics Lien against an aircraft, the description must include: Aircraft #, Aircraft Serial #, Aircraft Make and Model, \$ Amount of Lien, Date of Last Services or Judgment, Signature and Title, if Applicable, and \$5.00 and Original Judgment or Mechanics Lien. The lien must be mailed to: FAA Aircraft Registry, Depart-

ment of Transportation, P.O. Box 25504, Oklahoma City, OK 73125-0504. Dave recommended the following useful aviation websites:

[www.aviationweather.gov/adds/pr](http://www.aviationweather.gov/adds/pr)  
[www.flightaware.com](http://www.flightaware.com);  
[www.airnav.com/fuel/](http://www.airnav.com/fuel/);  
[www.aopa.org](http://www.aopa.org);  
[www.nts.gov/aviationquery/index.aspx](http://www.nts.gov/aviationquery/index.aspx).

Dave got his first airplane at 18. If you have an aviation issue, give him a call. 🌸

## C.L.E. Committee Update

**Heidi Cisan**

*Thrasher Dinsmore & Dolan, [HCisan@tddlaw.com](mailto:HCisan@tddlaw.com)*



The tentative C.L.E. schedule for 2015 is as follows:

**August 6** (Thurs. morning): Probate/Guardianships/Adoption—2.5 hours

**August 26** (lunch program): Practice pointers from recorder's

office, clerk of courts, etc.—1.0 hour

**October 2** (Fri. morning): Employment law—2.5 hours

**November 6** (Fri. morning): GAL (will satisfy the continuing education GAL requirement) (In conjunction with CASA)—3.0 hours

**December 4** (Fri. morning): Procrastinator's seminar (professionalism)—2.5 hours

We are also working on a 2.5-hour program on e-discovery and e-evidence, as well as a 6.0-hour program, open to attorneys and non-attorneys, to comply with the new rules governing guardianships. Stay tuned for more details.



# Take Me Out to the Ball Game!

**Lisa Carey**

*Carrabine and Reardon Co., L.P.A., [Carey@jcjrlaw.com](mailto:Carey@jcjrlaw.com)*



"Take me out to the ball game" took on a whole new meaning as 60 members of the Bar and their families gathered in the Champions Suite at Progressive Field on Friday, May 8, 2015, to watch the Indians take on the Minnesota Twins. What started as a social event planned by

Bar President, Jarred Flynn, turned into a "surprise" retirement celebration for Ed Brice, who, after 40 years of practice, is retiring to the Golden State of California to spend time with his wife, Pat, and his family. Ed was presented with a cake and an Indians jersey with his name and the number "40" on the back. He also had his name and picture on the Jumbotron during the game. He promised to remain an Indians fan from afar, although that remains to be seen.

Those in attendance were treated to all-you-could-eat burgers, hot dogs, chicken fingers, bratwurst, deli wraps, salads, fresh fruit, popcorn, cookies, and brownies. There was a choice of swivel chairs outside on the deck where you could view the game from along the third base line, or you could sit inside on the comfy chairs and couches and watch the game on multiple TVs. For all-around sports fans, the Indians even agreed to switch one of the TVs to the Cavs playoff game when it started at 8:00 pm. Although the final score was a bummer (Indians lost 9-3), and Ed did not get to throw out the first pitch (that honor went to a 100-year-old fan), it was fun to see a reunion of Newman, Leary & Brice—even if it was just for pictures only!

Good luck, Ed, we will miss you and look forward to seeing your name in the news as counsel to the Hollywood stars! Thanks also to Jarred and the Indians for a great evening out! 🌸



Mary Jane Trapp



Paul Newman



Ann D'Amico



Nathan Carey



Newman, Leary  
& Brice

Mary Jane Trapp



Ann D'Amico



Ann D'Amico



Paul Newman



Ann D'Amico



Lisa Carey

**Indians Fans of All Ages!**

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## Ipsa Jure Deadlines:

*Mark your calendars  
and turn in an article!*

**June 15, 2015**

**August 15, 2015**

**October 15, 2015**

**December 15, 2015**

**February 15, 2016**

## Quick Reminders

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

*June 10, 2015 at 12:00 noon*

### **Next General Meeting:**

*May 27, 2015 at 12:00 noon*

**Secretary's Day:** *June 24, 2015*

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