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## LEGAL NOTES AND NEWS – JUNE 2013

### *Hearsay Medical Opinions Are Not Admissible Simply Because They Are In Medical Records*

In *Wong v. Hosler*, C-120453 (April 24, 2013), the First District discussed when medical reports cross the line between admissible business records containing routine medical data, and inadmissible hearsay opinions. The Court stated: “Given the nature of this testimony, we cannot say that it did not affect *Guarino-Wong’s* substantial rights or the outcome of the trial. The admission of this evidence constituted reversible error.”

### *SWOTLA Members Speak At CBA Trial Advocacy CLE*

*SWOTLA Members Brett Goodson, John Holschuh, Bruce Whitman, Marc Pera and Mark Smith were invited speakers at the Cincinnati Bar Asso. 2013 “Advocacy Series.”*

### SWOTLA Summer Happy Hour! – June 21

*Mark your calendars and hold the date! SWOTLA’s Summer 2013 Happy Hour will be on Friday, June 21 from 4:30 to 6:30 at El Coyote on 6<sup>th</sup> & Walnut. Complimentary drinks and appetizers – please join us!*

### New Ohio Laws

**REMINDER:** *The Ohio legislature recently increased the mandatory minimum auto insurance limits (H.B. 278), and limited the intrafamily exclusion (ORC 3937.46).*

### *Is Expert Testimony Always Necessary To Prove Aggravation Of Preexisting Injuries?*

In *Hartman v. Samuel Perler-Tomboly*, 2013-Ohio-1752 (May 1, 2013), the First District offered guidance as to when a jury may determine – without specific expert testimony – the extent to which the tortfeasor caused psychological harm to a person who suffered from similar conditions prior to the incident. The Court rejected the notion that the plaintiff’s expert was required to specifically define the extent of new harms cause by the tortfeasor.

**CONSIDER THIS:** In matters of truth and justice, there is no difference between large and small problems, for issues concerning the treatment of people are all the same. **Albert Einstein**

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