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LEGAL NOTES AND NEWS – JUNE 2012

Hold The Date: The Southwest Ohio Trial Lawyers Association will hold its annual judicial recognition dinner on Thursday, December 6 at The Westin Hotel. In addition to hearing from our judicial honoree, Ohio Representative Jim Butler (37th Dist.), current Vice-Chair of the Judiciary & Ethics Committee, will be speaking on developments of interest at the Statehouse.

SWOTLA Trustee and founding member Bruce B. Whitman is a candidate for Ohio's First District Court of Appeals. Bruce is running for the seat being vacated by Judge Howard J. Sundermann, Jr., who is retiring. SWOTLA thanks Judge Sundermann for his years of service to the Court of Appeals.

Our Courts of Appeals appear to be reigning in the potential ill effects of the Ohio Supreme Court's ruling in *Natl. Union Fire Ins. Co. of Pittsburgh v. Wuerth*, and reaffirming traditional notions of *respondent superior*. See e.g., *Cope v. Miami Valley Hosp.* (2nd Dist.); *Dinges v. St. Luke's Hosp.* (6th Dist.); *Henik v. Robinson Mem.* (9th Dist).

Great Blog! Prof. Marianna Brown Bettman blogs on the arguments before, and decisions of, The Ohio Supreme Court at www.legallyspeakingohio.com. A great resource!

Medical Malpractice – Civil Rule 10

On June 5, 2012 The Ohio Supreme Court held that when a plaintiff's medical malpractice suit is dismissed for failure to attach a Civil Rule 10(D)(2) affidavit of merit, the dismissal is "without prejudice" by operation of law. The court's 7-0 decision, authored by Justice Evelyn Lundberg Stratton, reversed a decision of the Tenth District Court of Appeals. *Troyer v. Janis*, Slip Opinion No. 2012-Ohio-2406

"Lawsuit:" A machine which you go into as a pig and come out of as a sausage. ~Ambrose Bierce, *The Devil's Dictionary*

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SWOTLA MISSION STATEMENT: The Southwest Ohio Trial Lawyers Association seeks to preserve and promote an effective civil justice system for the citizens of Ohio, and throughout the United States of America. We serve those who are injured by the unsafe or unfair actions of others. We serve our members through the generous sharing of our individual knowledge and talents. We serve the public good through the promotion of safety, equity and fair redress for damage to person or property. We serve the interests of justice by striving to uphold the dignity of the legal profession, and the highest standards of ethical conduct with the public, opposing counsel, and the Court.