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## LEGAL NOTES AND NEWS – OCTOBER 2012

### *2012 SWOTLA Trial Judge of the Year Selected!*

**The Honorable Victor M. Haddad of the Clermont County Court of Common Pleas is this year's SWOTLA Trial Judge of the Year! Judge Haddad will be honored at our December 13, 2012 dinner meeting, which will again be held at the Westin Hotel in downtown Cincinnati. Please mark your calendars for December 13, and if you see Judge Haddad between now and then, don't forget to congratulate him!**

### *Service By Email*

Civil Rule 5(B)(2)(f) was amended in July to allow for service by "electronic means" to a facsimile number or e-mail address provided in accordance with Civ. R. 11 . . . "service is complete upon transmission, but is not effective if the serving party learns that it did not reach the person served."

### *To All Judges: SWOTLA Wants To Hear From You*

Newsletter contributions from members of the judiciary are very welcome. Notes on legal issues, court procedures, or just friendly reminders to the Plaintiff's Bar, would be appreciated. Please submit to Mark B. Smith via [info@markbsmithlaw.com](mailto:info@markbsmithlaw.com)

### *Pending In OSC: "Billed vs. Paid"*

In agreeing to review *Moretz v. Muakkassa*, the Ohio Supreme Court appears ready to resolve the "billed vs. paid" issue once and for all. But no decision is expected until 2013, if then.

### **Punitive Damages: Bifurcated Trial Doesn't Mean Bifurcated Discovery!**

O.R.C. 2315.21(B) and *Havel v. Villa St. Joseph* say that trial of a claim for punitive damages must be bifurcated from the rest of the case. But what about discovery? On September 21, 2012, Judge Ethna Cooper of Hamilton County ruled that **discovery is not bifurcated, and that "[t]he Plaintiff is entitled to conduct discovery on the issue of punitive damages."** See Case No. A1110197.

**LAW QUOTES:** At his best, man is the noblest of all animals; separated from law and justice he is the worst. *Aristotle*

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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.