

CINCINNATI BAR ASSOCIATION
APPELLATE PRACTICE COMMITTEE
MINUTES OF MEETING 2/13/17 12:00 Noon
CBA MEETING ROOM

Attendance: Richard Magnus, Chair; Mark Klusmeier, Secretary; Keith Sauter, CLE Coordinator, Alex Durst, Colter Paulson, Mark Waters, Pierre Bergeron, Anita Heekin, Mary Stier, Dimity Orlet, Judge Marilyn Zayas.

The meeting was called to order by Chair Richard Magnus at 12:04pm. Attendees introduced themselves for the group.

As a part of her introduction, Judge Zayas shared three points from her first three weeks on the bench: (1) Parties should be clear on the standard of review and tailor arguments to the appropriate standard; (2) remember to cross-appeal if necessary; and (3) don't waive oral argument without careful consideration – it's one more chance to persuade the court.

The Chair then noted that Committee Vice Chair (and First District Court Administrator) Molly Leonard has retired from the Court (and Committee), and that Assistant Court Administrator Keith Sauter has succeeded to that office. Congratulations offered all around. Mark Waters is the new First District Assistant Court Administrator.

In response to a question from the Chair, Mr. Sauter indicated that he did not see any major rule or process changes in the offing for the immediate future. Filling the two open spots on the Court will await the Governor's pleasure.

Discussion was had around Committee officers for the 2017-18 year (to begin May 1). Nominations were made and accepted – corresponding recommendations will be made to the Bar Association Board, where committee appointments are formally made. For Chairman: Pierre Bergeron. For Vice-Chair: Keith Sauter, First District Court Administrator. For Secretary: Alex Durst. For CLE Coordinator, Anita Heekin. Thanks to all those accepting nominations, and to the outgoing officers for their services to date.

The Chair noted for the assemblage that the Intellectual Property Committee is sponsoring a seminar on Appellate Advocacy on 2/24 from 12-1 at Ulmer & Berne, which may be of interest to our membership. An email notification has already gone out to the entire committee membership list.

Discussion was then had around the half-day seminar that the Committee normally puts on in odd numbered years. A date in mid-October (potentially October 13) is desired (pending verification that there is no conflict with significant other seminars that day). The consensus was that a ½ day seminar on a Friday afternoon is the best option for attendance and arrangement, rather than several shorter seminars or different days. The Chair suggested that one topic that could be covered would be Assignments of Error, since it seems that many practitioners have not yet learned the proper construction of them. Other aspects of proper appellate procedural practice could also be included. A desire to include something of interest to the criminal side so as to appeal to that portion of our target audience was also expressed. Committee members or officers with further ideas are invited to provide those to the CLE Coordinator who will work with the officers in beginning arrangements for the seminar.

Ms. Orlet also noted that the CBA will sponsor a lunch for one of our meetings each year; just let them know. Also, she reported that we can, if desired, put on a one hour CLE at a meeting which CBA would

permit for a cut-rate price. All that is required is 60 days or so notice to allow pre-qualification for CLE credit.

Finally, the Committee discussed the possibility of inviting the new judges on the First District to speak at our May meeting (as February turned out to be too soon after term-start for some; and some openings are not yet filled). Toward, that end and for the convenience of our invited guests, Mr. Sauter will verify that the Court will grant permission for our May meeting to be held at the Court. Notice on the final location will be issued when it is firmed up. If not at the Court, it would be (as usual) at the CBA.

There being no further business to come before the Committee at this time, the meeting was adjourned by the Chair at 12:33pm.

NEXT MEETING: Monday, May 8, 2017 at 12:00 noon. Location to be announced, either at the First District or at the CBA.

Respectfully submitted,
Mark H. Klusmeier, Secretary