

PRESIDENT'S MESSAGE

Legacy. What Are You Doing to Shape Yours?

By Lisa G. Whittaker, Employment, Compliance, and Litigation Counsel, EXPRESS, LLC



“All good men and women must take responsibility to create legacies that will take the next generation to a level we could only imagine.” - Jim Rohn.

The loss of a loved one or an influential person can propel us into a state of remembrance and reflection. We might contemplate what others will say when we pass or we may question what our legacy will be. The passing of Kurt Tunnell was followed by an outpouring of love and admiration. Many people shared stories about how Kurt had touched their lives, describing his hand-written notes, coffee dates, and dedication to advancing and supporting the success of women and minorities. I, for one, was moved by these conversations and began to reflect on and question what my own legacy would one day be.

Leading the Ohio Women's Bar Association has provided me with the opportunity to bring women and men together to support the advancement of women in the legal profession. Yet, to me, this organization is so much more. Together, we are developing life-long relationships and empowering women at all stages of their careers. And as I work to craft my own legacy, I have also committed to investing in the next generation.

To me, investing in the next generation means taking the time to help each one lay a firm foundation, which means making a time commitment, engaging in productive conversations, and helping each

person build quality connections.

This may seem like a daunting task, but I believe we can each do our own small part to make a difference. There are many opportunities to invest in the next generation, and mentoring is one. We can choose to get involved in an organized program or engage in something less structured. For example, OWBA has an organized mentorship program that matches law students and practicing attorneys of all ages. The program is designed based on a “mentoring up” model in which mentees take an active role in the mentor-mentee relationship, rather than one where only the mentee benefits. Both the mentors and mentees are equally responsible for sharing, learning, and growing.

A less formal approach to mentoring can be as simple as having a conversation over coffee or lunch or more structured on-going meetings. Each person can come with specific topics in mind or allow the conversation to flow. The mentoring relationship can span different professional fields and experience levels, and the topics can be simple or specific. As long as both parties are committed to growth and put in the effort, the relationship will be beneficial. It is also important to encourage a growth mindset throughout the mentoring process. Each person should feel comfortable

failing forward. The conversations should foster a safe experience for both parties.

Lastly, connectedness is important. No matter where we might be in our career, we can each learn from one another. Meeting and connecting with individuals who have common interests and can share their experiences and knowledge is essential to success. These connections allow each of us the opportunity to ask questions and gain information that can guide us through our careers and help us navigate new situations. We can easily feel intimidated or trapped when we are faced with a new challenge. But

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Event Recap: In-House Counsel Connect at Thirty-One

On October 22, OWBA hosted the In-House Counsel Connect at Thirty-One Gifts, sponsored by Vorys, Sater, Seymour and Pease LLP! This event provided in-house and government attorneys the opportunity to connect and network while hearing from two amazing women who have paved the way for others in the profession: Randi Thomas and Kerrii Anderson.

Thank you to all who attended the event! A special thank you to Thirty-one Gifts for hosting this event at their beautiful Retreat, and to Vorys, for sponsoring and making this event successful. ■



 
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reaching out for guidance or understanding can often help us overcome that hurdle. We shouldn't forget that sending an email or connecting individuals can be an easy step to help those around us navigate the workplace and, ultimately, aid in the advancement of others.

Where I can, I make a point to engage in mentoring and I work hard to connect people in hopes they can encourage, inspire, and challenge each other. Through this, I aim to invest in the next generation, leave my communities better than I found them, and shape my legacy. I challenge you to reach out to those around you and make connections. And I challenge you to think about your legacy and the steps you are willing to take to make it a reality. What will you leave behind for those around you? ■

Ohio Incentivizes Businesses to Get Serious About Data Security

By Zachary S. Heck



The top five woman-owned business industries are health, food/restaurant, business services, general retail and education. Each of these industries are rapidly growing and showing no signs of slowing down. But another common theme unites these industries: they are top targets for intruders seeking to acquire personally identifiable information (“PII”) to inflict financial or reputational harm.

Unfortunately, data security incidents are inevitable. It is not a matter of IF your business (or client’s business) will suffer an incident, but rather WHEN. Despite the inevitability, businesses can take proactive steps to decrease the frequency of security incidents as well as the impact of those incidents. Now, the state of Ohio is rewarding businesses that do so.

Last November, the Ohio Data Protection Act (“ODPA”) (Ohio Rev. Code 1354.01, et seq.), went into effect, providing companies conducting business in Ohio with a safe harbor from particular litigation resulting from a data breach. Specifically, the ODPA creates a safe harbor affirmative defense whenever an entity adopts cybersecurity measures designed to: (1) protect the security and confidentiality of personal information; (2) protect against any anticipated threats or hazards to the security or integrity of

personal information; and (3) protect against unauthorized access to and acquisition of information that is likely to result in a material risk of identity theft or other fraud.

Drawing Upon Reliable Frameworks

The motivating principle behind ODPA is to provide organizations with an incentive to achieve a “higher level of cybersecurity” by maintaining a cybersecurity program that substantially complies with one of eight industry-recommended frameworks. Businesses that substantially comply with any of the frameworks outlined in the ODPA are entitled to a “legal safe harbor” to be pled as an affirmative defense in tort claims related to a data breach stemming from alleged failures to adopt reasonable cybersecurity

measures. The eight frameworks are:

1. Center for Internet Security’s Critical Security Controls for Effective Cyber Defense
2. Federal Information Security Modernization Act
3. Federal Risk and Authorization Management Program’s Security Assessment Framework
4. Gramm-Leach-Bliley Act’s Safeguards Rule
5. Health Information Technology for Economic and Clinical Health Act
6. Health Insurance Portability and Accountability Act’s (HIPAA) Security Rule
7. International Organization for Standardization (ISO)/International Electrotechnical Commission’s (IEC) 27000 Family – Information Security Management Systems Standards and



8. National Institute of Standards and Technology's (NIST) Cybersecurity Framework.

For entities already required to comply with a framework above (such as healthcare entities under HIPAA, financial institutions under GLBA, and government contractors under NIST), the safe harbor defense is automatically extended. In effect, the business gets credit for doing what it should already be doing.

For companies without an established framework, the law does not promote a one-size-fits-all approach to security. The ODPa, instead, offers companies flexibility to establish a cybersecurity program that is right for the company based on the organization's size and complexity, the nature and scope of its activities, the sensitivity of the personal information protected under the program, the cost and availability of tools to improve its information security, and the resources available to the organization. In short, companies can identify what works best for them. For businesses that accept payment cards, the Payment Card Industry's Data Security Standard (PCI DSS) is not a framework eligible for safe harbor. Businesses complying with PCI DSS must also comply with one of the above frameworks to qualify for the safe harbor affirmative defense.

Protections and Limitations

The ODPa's "legal safe harbor" is limited. The ODPa does not provide businesses with blanket immunity to a data breach lawsuit. Instead, the law creates an affirmative defense to tort actions (such as invasion of privacy and negligence) brought against entities conducting business in Ohio that have suffered a data breach

involving personal information or, such as with government contractors, restricted information. In defending itself against litigation, the entity has the burden of establishing, by a preponderance of the evidence, that its cybersecurity program complied with the law's requirements at the time of the breach. Another significant limitation is that the safe harbor does not apply to contract-based actions, such as those that arise from a business-vendor dispute or between a business and its customers where a contractual relationship is alleged.

Breach Notification

The ODPa does not amend Ohio's current breach notification laws. Any entity that adopts one of the safe harbor's cybersecurity frameworks must still provide notification of data breaches affecting Ohio residents. In Ohio, notification must occur no later than 45 days following the discovery or notification of the breach (subject to specific exceptions for legitimate law enforcement needs and measures necessary to determine scope of the breach). Further, neither the ODPa, nor Ohio's notification law, affects breach notification requirements for HIPAA-covered entities and financial institutions that have their own notification requirements under federal law.

What's Next?

Companies should approach data governance as a question of WHEN a breach will happen, and not IF it will happen. Although we have yet to see litigation where the ODPa's defense has been successfully employed, litigation surrounding data breaches and responses continues to grow year after year. The ODPa provides

businesses with an opportunity to evaluate the personal information they create, maintain, receive, and share, as well as the safeguards in place to protect that information. Businesses should map and classify the data they collect to understand what information they collect, and how that information is flowing through the organization. Once businesses understand what data they have and where that data is located, they can make informed decisions about appropriate administrative, physical, and technical safeguards to adopt, and create a cybersecurity program that makes sense based on the company's size, revenue, resources, and sensitivity of information maintained.

No matter how robust a company's security program may be, breaches are an inevitable part of doing business. The ODPa is the perfect excuse for businesses to assess their data governance needs and take proactive measures to mitigate risk. ■

Zachary Heck is a privacy and data security attorney in the Dayton, Ohio office of Taft Stettinius & Hollister LLP. Zach's practice primarily focuses on advising clients with respect to FTC investigations, federal privacy regulations such as HIPAA, FCRA, TCPA, and GLBA, and guidance in the aftermath of an information security event, including data breach. He also provides regulatory analysis, risk management, policy development, training, and audits. Zach is an adjunct professor of cybersecurity law at Wright State University and a Certified Information Privacy Professional in the field of United States laws and regulations.

Leadership Institute 2019-20: Fall Session Recap

The Ohio Women’s Bar Foundation was elated to welcome 24 class members to the 2019-20 Leadership Institute during the first session on September 20 at Bricker & Eckler! During the fall months, our class members had the opportunity to hear from distinguished speakers about rainmaking and business development, the role of leadership and effective communication.

The winter/spring session will begin January 2020. ■



Department of Labor’s Opinion Letters: FMLA Leave

By Carolyn A. Davis and Devin M. Spencer



This year, the United States Department of Labor (“DOL”) has issued multiple opinion letters that address issues surrounding leave under the Family and Medical Leave Act (“FMLA”).



These opinion letters have provided recent guidance to employers on issues that were previously unclear.

A May 2019 letter

clarified issues surrounding the delay and designation of FMLA-qualified leave, while an August 2019 letter addressed whether attendance at a child’s education-related meeting with school and medical personnel was a qualifying reason for intermittent FMLA leave.

1. Employers Cannot Delay the Designation of FMLA- Qualified Leave and FMLA Leave Cannot be Extended Beyond 12 Weeks (or 26 weeks of Military Caregiver Leave)

In the May opinion letter, the DOL makes it clear that employers cannot delay the designation of FMLA-qualifying leave or designate more than 12 weeks of leave (or 26 weeks of military caregiver leave) as FMLA leave. Employers must observe any benefit program or plan that provides greater family or medical leave rights to the employees, but any additional leave cannot expand

the employee’s FMLA-protected leave. Employers that have a practice of delaying FMLA until after an employee exhausts his or her paid leave are required to change this practice. If an employee elects to take paid leave for reasons that qualify for FMLA protection, the paid leave runs concurrently with the 12-week FMLA entitlement and does not expand it. Once an employer learns that an absence qualifies for federal protection, the employer must start the clock on employees’ FMLA leave.

2. A Parent’s Attendance at a Child’s IEP Meeting is a Qualifying Reason for FMLA Intermittent Leave

In the August 2019 opinion letter, the DOL addressed whether an employee may take FMLA intermittent leave to attend a meeting to discuss the Individualized Education Program (“IEP”) of the employee’s child, as required under the Individuals with Disabilities Education Act (“IDEA”).

Under the IDEA, a public school must meet regularly with a child’s parent to develop and revise the child’s IEP when necessary. In the situation addressed by the opinion

letter, an employee had two children who both had been determined to have qualifying serious health conditions under the FMLA, and both children’s doctor(s) had provided proper certification supporting their needs for intermittent care by the employee as the parent. Although the employer approved the employee’s FMLA intermittent leave to take her children to medical appointments, the employer denied the employee’s additional request to take FMLA intermittent leave to attend the children’s IEP meetings with school and medical personnel. At the conclusion of the opinion letter, the DOL determined that the employer had violated the FMLA by denying the request for FMLA intermittent leave to attend the children’s IEP meetings.

The DOL determined that the employee’s need to attend her children’s IEP meetings “addressing the educational and special medical needs of [the] children – who have serious health conditions as certified by a health care provider – is a qualifying reason for taking intermittent FMLA leave.” The DOL further explained that the employee’s



attendance at the IEP meetings was essential to the ability to provide appropriate physical or psychological care for the children. See 29 C.F.R § 825.112(a)(3).

The DOL concluded that in order for FMLA leave to be available to the parent/employee, the care does not necessarily need to involve a medical facility that provides medical treatment. Further, the child's health care provider does not need to be present at the meeting in order for the employee's attendance at the meeting to qualify as FMLA leave.

The opinion letter, however, does not suggest that an employee has a broad right to attend any school meeting related to their children, such as routine and general parent-teacher conferences or school meetings regarding disciplinary issues. An employer can still require that the employee provide advance notice where possible and the employee must follow the FMLA's normal notice and certification requirements. ■

Carolyn Davis is a partner with Taft Law in Columbus. She counsels clients in all areas of labor and employment including employee hiring and termination, employment agreements, personnel policies, harassment, workplace investigations, discrimination, wage/hour issues, ADA, FMLA, NLRA, EEOC, and workers' compensation. She has amassed a successful track record helping companies in the healthcare, hospitality, and education industries troubleshoot employee crises and conduct thorough human resource investigations. Her passion for employer-side legal issues and seasoned investigative instincts have helped make her an invaluable asset for companies needing litigation or negotiation assistance. Carolyn received her J.D. and Bachelor's degree from Case Western Reserve University.

Devin Spencer is an Associate at Taft Law in Columbus. A member of the Litigation and Labor Employment practice groups, she counsels companies, school districts and employers on legal matters related to compliance and liability under federal and state employment laws. Her practice focuses on defending employers against claims brought by former or current employees, including wage and hour and discrimination claims under Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act, the Family Medical Leave Act and the Fair Labor Standards Act. Devin also has experience defending employers from claims brought before the Equal Employment Opportunity Council (EEOC) and the Ohio Civil Rights Commission (OCRC). She is a graduate of Ohio State University's Moritz College of Law.



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Dear Attorneys (and Other Humans): Write Better Emails

By Kailee Goold



We all read a lot of emails.

As in-house litigation counsel, I read a lot of emails drafted by attorneys. It seems that some of them believe that dense, legalese-ridden emails help prove their hourly rates are worth it.

Not the case.

Be the outside counsel that makes our lives easier. We will like working with you and give you more of our work.

To help, here are a few tips for attorneys to keep in mind when communicating with their in-house counterparts (or anyone really).

1. Tell us what you need + when you need it.

If you need something, let us know in the first few lines. And be explicit. Don't bury it at the bottom of paragraph four - we won't find it.

For example, I often write emails starting with a sentence that begins "Bottom Line" or "Question" where I describe exactly what I need or am asking and when I need it. I follow that line with a brief bulleted list under the heading "More Details."

It's short and sweet and if people have questions or need more information, they'll ask.

If you don't need anything from us and are providing a status update or an FYI email, tell us that at the start too.

2. Use the subject line to its fullest potential.

Efficiency bonus points are earned by telling us what you need (if anything) and when in the subject line.

Examples:

FYI Only - Status Update on Case X

Response Needed by 3/13: Review Motion to Dismiss

New FL Case Filed re Product Z | Need Outside Counsel?

URGENT Meeting to Discuss April 8 Deposition

In-house coverage is mile wide, inch deep. We rarely spend an hour at a time on one case or issue. Descriptive subject lines help us prioritize and get us in the right head space for

your email. It also helps us get you what you need quicker.

3. Make it reader-friendly.

The ideal email is one we can forward without having to spend time searching for the point and editing so the business will read it.

Remember: most in-house attorneys (and business people) don't write briefs and we avoid reading them when we can. We are used to executive business communication styles. Short and clear sentences. Lots of PowerPoint. Formatting with headings, bullets and certainly no Latin.

You know what types of articles your eyes have an easy time reading and which you skip over because of the dense text. Apply these same rules to your emails.

In response, outside counsel often say, "but it is all important and we need to explain everything." These folks are missing the point. Our job is to provide direct advice to the business. In other words - we have to take your 2,000-word email and distill it into 3 bullet points that are helpful, reader-friendly chunks of information that drive towards a decision point.

My Plea

When you are ready to provide a recommendation or sit down to write an email to your client, please leave your brief and memo writing habits aside. Think and write like a business person. It will save you (and me) time and earn you favor with clients. ■

Kailee Goold is Senior Counsel, Litigation at Cardinal Health. She can be reached on Twitter @kaileegoold

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The Privacy and Data Quagmire Companies are Facing: Companies Bear the Burden of Complying with Multiple Regulations and Face Severe Penalties for Violations

By Morgan Napier



Every other week a company is in the news for violations of consumer data and privacy laws. Google, for instance, made the news several times

this year for violating different regulations. First, Google was in the news for violating the European Union's General Data Protection Regulations ("GDPR"), then for a violation of the Federal Trade Commission's Children's Online Privacy Protection Act ("COPPA"), and most recently, news outlets reported that the company is under investigation for violations of state anti-trust laws related to consumer data usage. Google is a good example of the mess a company can find themselves in if it does not pay attention to the data and privacy laws surrounding the individuals using the service and the type of data the company is collecting.

What are the General Data Protection Regulations?

Companies who enter into transactions with European Union ("EU") consumers must be in compliance with the GDPR. The GDPR was enacted on May 25, 2018, and applies to any company "who control[s] or process[es] the personal data of individuals located within the EU." The GDPR protects all data collected by companies, including

data once it leaves the EU. This regulation provides consumers with a few important rights, such as the right to breach notification, right to access, right to be forgotten, and right to portability. Additionally, the GDPR requires consent to be "given in an intelligible and easily accessible form, with the purpose for data processing attached to that consent" and a way to withdraw consent if desired.

In response to the implementation of the GDPR, companies who enter into transactions with EU citizens were forced to update their privacy settings and data security. Compliance with these regulations is critical due to the hefty fines that can be levied on those found in violation. Google's violations in January, for example, were for a "lack of transparency, inadequate information, and lack of valid consent regarding ad personalization." These violations resulted in a fine of £44 million. This fine is relatively small compared to the maximum penalty allowed by the GDPR, which is 4% of a company's global turnover. For Google, that is up to \$5 billion.

What regulations must US companies be in compliance with?

In addition to the GDPR, United States ("US") companies must also comply with regulations enforced by the Federal Trade Commission ("FTC"). The FTC is "Washington's top privacy and security watchdog."

This agency investigates and brings about settlement agreements with "organizations that have violated consumers' privacy rights, or misled them by failing to maintain security for sensitive consumer information, or caused substantial consumer injury" as well as other "federal laws relating to consumers' privacy and security." Unlike the GDPR, regulations by the FTC only protect certain types of data and regulate certain industries. Examples of the types of data the FTC regulates include: health information, which is protected under the Health Insurance Portability and Accountability Act (HIPAA), student health records, which are protected under the Family Educational Rights and Privacy Act (FERPA), and data of children under the age of thirteen through COPPA. The FTC is limited to regulating industries such as banking, insurance, non-profits, and some internet service providers.

Also unlike the GDPR, the FTC, with exception, cannot impose fines on those who are found in violation of its internet policy. Instead, the FTC will enter into a settlement agreement where the company in violation is required "to take actions such as implementing reasonable privacy and security programs." If the company violates the settlement agreement, the FTC can then seek fines. Google and its subsidiary YouTube were fined \$170 million for violating COPPA by "illegally collect[ing] personal

information from children without their parents' consent." Additionally, the settlement agreement imposed by the FTC requires the companies to "develop, implement, and maintain a system that permits channel owners to identify their child-directed content on the YouTube platform so that YouTube can ensure it is complying with COPPA." Google's fine is the largest imposed by the FTC to date.

Finally, lack of federal legislation in the wake of the GDPR left states to try to provide their consumers with data and privacy rights. As of May 2019, at least 25 states passed laws to "address data security practices of private sector entities" and implemented "data disposal laws." In addition to these new laws, states also have statutes to "address the security of health care data, financial or credit information, social security numbers or other specific types of data collected or maintained by businesses" in addition to regulations for government agencies or other administrative rules. Keeping the laws straight for the state your company is incorporated in is challenging enough, but ensuring that your company complies with other state laws is a daunting task. This task is made even more challenging as the laws from state to state are not always consistent. For example, there is no consistency among the states as to what type of data is protected or what constitutes a breach.

The California Data Privacy Law is a great example of the impact one state law can have on companies located throughout the country. The California Data Privacy Law, which will be effective in 2020, protects the citizens of the state, not the type of data collected. At least 500,000

businesses will be impacted by this law as it requires all California citizens to have the "right to ask retailers, restaurants, airlines, banks, and many other companies to provide them with any personal information they have, including individual contact information, purchases and loyalty-program history."

Additionally, consumers have the option for their data to be deleted and to "opt out" of having the data sold altogether. These regulations require any business that enters into a transaction with a California citizen to comply, thus requiring a company to be aware of where their consumers live and treating their data differently than consumers from other states. Because of the difficulty of keeping California citizens separate from citizens from other states, it is suggested that this law "will become a kind of de facto national standard."

What does the future hold for data and privacy laws in the US?

The US lacks consistent, uniform data and privacy laws, causing several government agencies and private entities to step forward with proposals for Congress to consider. This year, the Government Accountability Office ("GAO") suggested that now is the time for Congress to act. As the GAO notes, the FTC's authority is limited to regulating under its unfair and deceptive practices authority, certain industries, and limited types of data. This leaves US companies without "specific standards" for privacy on the internet for all consumers. The GAO calls for Congress to develop internet data and privacy legislation to balance consumer needs for privacy and a company's ability to be innovative.

The Chamber of Commerce

also pushed for federal legislation at a technology summit it held this year where leaders from different industries came together to draft legislation. The proposed legislation provides "a nationwide data privacy policy [that] puts consumers first by allowing them to see and control how their personal information is being used." Additionally, the CEO's of 51 companies, including Amazon, AT&T, Dell, IBM, Qualcomm, SAP, Salesforce, Visa, MasterCard, JP Morgan Chase, State Farm and Walmart, are pushing Congress for a federal law in an effort to combat the growing number of inconsistent state laws. In an open letter penned to Congress calling for federal regulations, they attached a Framework for Consumer Privacy Legislation for Congress to consider in order to "create robust protections for consumers by requiring businesses to take responsibility for the collection, use and sharing of personal information."

The ball is now in Congress' court to provide some uniformity to data and privacy laws in the US. Because the US lacks uniform data and privacy laws, it now falls on companies, depending on the type of data collected and where their consumers live, to comply with the GDPR, FTC regulations, and state laws as well as any other jurisdiction that may have their own unique laws. As overwhelming as it can be to navigate through today's privacy and data laws, it is even worse to be the company in the news for a violating them.

Morgan Napier is a recent law school graduate with Faruki PLL, which has offices in Dayton and Cincinnati, Ohio. She may be reached at mnapiers@ficlaw.com. ■

Remembering Kurt Tunnell

Kurtis A. Tunnell, 58, of Hilliard, Ohio was tragically killed on August 31, 2019. Kurt passed away at Riverside Hospital after a car collided with his bicycle on Scioto Darby Road in rural Hilliard. He was most reinvigorated when he combined exercise, deep thinking and relaxation with his “nose to the wind” being inspired by the farm landscapes in his early morning rides. Kurt was born to parents, Henry Adair Tunnell and Mary Ellen Laubner Tunnell on October 1, 1960 in North Platte, Nebraska. Kurt learned dedication, determination and perseverance from his family, growing up working from dawn to dusk on his fourth generation Tunnell family farm near Stapleton, Nebraska. As a child, he delivered newspapers, became an Eagle Scout and was Valedictorian at Stapleton High school in 1979. Kurt graduated from Hastings College in 1983 where he was also awarded the Harry S. Truman Scholarship. As a rotary scholar, he obtained his Master’s Degree at the University of Toronto before completing Law School at The Ohio State University Moritz College of Law in 1987. Kurt married the love of his life, Julie Jones, on August 10, 1985 in Stapleton, Nebraska. They were married 34 wonderful years and have three children, Kristine, Jordan and Jessica. Kurt was a devoted husband, father, and friend. Kurt is survived by his wife, Julie J. Tunnell; and children, Kristine Tunnell Helsper and her spouse Casey Helsper of Jefferson, Colorado; Jordan Tunnell of Hilliard, Ohio; and Jessica Tunnell of Chandler, Arizona.

Kurt joined the law firm of Bricker and Eckler where he spent his entire 31-year career. Kurt’s devotion and work ethic made an immediate impact at the law firm, and people throughout



the community began to notice a budding talent. At the young age of 31, Kurt was tapped by Governor-elect George Voinovich to serve as the Governor’s Chief Legal Counsel. His distinguished service to Ohio began with Governor Voinovich and continued through the years in all facets of Ohio government serving Ohio governor’s, Attorney General’s, members of the Ohio General Assembly, Congressional Leaders, and President George W. Bush when Kurt served as his Ohio counsel during and after the 2004 presidential campaign. Kurt gave selflessly of his time and talents to elected officials of both parties, clients, and friends always believing that we serve others best when we seek to serve something greater than ourselves. At Bricker and Eckler, Kurt built a practice that centered on the intersection of public policy and politics. He helped spearhead advocacy efforts which established Ohio as a national leader in comprehensive tort reform initiatives. Kurt led legislative programs that have reduced and broadened the insurance premium tax, applied Ohio’s tax abatement law to all electric

generation facilities, eliminated the tax on prescription pharmaceutical samples and maintained the interests of nonprofit hospitals. He assisted in the development of a coalition of advanced energy companies, including solar, wind and biomass business, to advocate adoption of a renewable energy portfolio standard in Ohio. His capstone role was Leading the third largest firm in Columbus, Ohio as the Managing Partner of Bricker & Eckler. His calm, reassuring spirit was combined with a sharp, analytical intellect as he facilitated the strategic and operational direction of this major Ohio law firm, Kurt established a leadership program within the firm to grow its leadership capacity and provide opportunities for young partners and senior associates to make early contributions to the firm. He was a passionate advocate for and a leader of diversity and inclusion initiatives in the legal profession. Kurt is a past recipient (2018) of the Ohio Women’s Bar Association’s Diversity & Inclusion Sponsor Award, an award presented to an individual who has championed the careers of women attorneys and the topic of diversity and inclusion.

Kurt lived his life humbly dedicated to serving those around him. His calm, reassuring spirit was combined with a sharp, insightful intellect. These ingredients led Kurt to becoming a trusted advisor to Governors, Senators, business leaders, law partners, neighbors, friends, friends of friends, and family members. A serious thinker, focused strategic leader and a devout person of faith, Kurt also possessed an incredible sense of humor and a wonderfully warm and welcoming smile – a great conversationalist who enjoyed a hearty laugh. He will be missed as a mentor to others for his

calm guiding wisdom, especially his ability to tell others what they needed to hear in a critical moment. He enjoyed connecting people to achieve a common goal and supporting others to live out their passions. His faith being the center of his life, he was very involved at Northwest Bible Church serving as a deacon, and on many community boards, and foundations. He retired from the practice of law in January 2018, in order to pursue a “second half” dedicated to serving and furthering God’s kingdom. During this brief retirement, he spent time hiking the Colorado trail with his daughter, Kristine, visiting his daughter Jessica and supporting her missionary role in San Pedro, Dominican Republic, and encouraging his son, Jordan, in his engineering job at Honda. Kurt traveled to Africa this summer on

safari with his beloved family, which included a week at the Namikango Farm in Malawi, Africa. Kurt also gave generously of his time and talents by consulting on political races and issues, uplifting charities and guiding their leaders in serving others. In addition to his law career, leadership development and diversity initiatives, one of his greatest joys grew out of assisting in the creation and development of a self-sustainable farm business model in Malawi, that will continue to provide jobs for Malawi workers and their families a hope for their future in addition to being a demonstration site for local Malawi farmers, and other international charity efforts in Africa.

A memorial foundation is being established to continue Kurt’s legacy of servant leadership, diversity and inclusion, and to further assist the

Kurt Tunnell Leadership Development Program at Bricker & Eckler. In lieu of flowers, contributions may be made to either of the following memorials: The Namikango farm in Malawi, Africa in care of the Malawi Talent fund. www.malawitalentfund.org/ Or to the Kurt Tunnell Servant Leadership Memorial Foundation in c/o of the Tunnell Leadership Development Program at Bricker & Eckler LLP. He cared deeply and passionately for others and worked every single day to provide a path for success to nearly everyone he interacted with. He was the consummate servant leader. He was genuine and forthright in all things and Kurt described a servant leader in the following quote. “Leadership is a climb; learn from fellow travelers the art of being a servant leader.” – *Kurtis A. Tunnell, 2018.* ■



Great people make us a great company.

Nationwide is proud to count its associates among the distinguished graduates and members of the incoming class of the Ohio Women’s Bar Foundation Leadership Institute. We salute all those being honored at the 2019 Leading the Way reception and extend our best wishes for another impactful Leadership Institute experience.

Congratulations to all of the 2019 honorees.



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Leading the Way Celebration Recap

On September 19, the OWBA & OWBF hosted the Leading the Way Celebration in downtown Columbus at Copious. Friends, family and colleagues all attended to celebrate our 2019 Leading the Way Award recipient, Helen Mac Murray.

About Helen Mac Murray

A founding partner of Mac Murray & Shuster LLP, Helen Mac Murray has been a leader in the consumer protection arena for almost 25 years. She previously served as Chief of the Ohio Attorney General's Consumer Protection Section, named in 2000 as "National Consumer Protection Agency of the Year" under her direction. Today, she consults with and represents numerous entities regulated by federal and state consumer protection laws, using her experience and insights to focus on the defense of state, federal, and multistate consumer protection investigations. After serving as Chief, Helen built a national Attorney General/Consumer Protection practice area for a large Columbus firm. She and partner Michele Shuster then created a boutique firm which expanded on her work in this area. Mac Murray & Shuster has received national recognition for excellence, including being named to

the U.S. News and World Report "Best Law Firms" list and recognized as one of Central Ohio's Top 50 Women-Owned Businesses.

An influential voice in her field, Helen co-authored the Ohio SBA Desk Manual on Consumer Law and served as Chair of the American Bar Association's Consumer Protection Committee. She is a powerful advocate for women in law, having served as President of the Ohio Women's Bar Association, Board Trustee of Women Lawyers of Franklin County, and as a member of the ABA and OSBA Women in the Profession Boards. Equally committed to the Ohio community, Helen has worked for over two decades with CHOICES, a domestic violence shelter, as President, pro bono provider, and fundraiser. She has also served as President of Bexley City Council, and on the boards of numerous Ohio organizations, including the Better Business Bureau of Central Ohio, Ohio Consumer's Counsel Governing Board, and The University of Toledo School of Law's Advisory Board.

Helen has been recognized for her achievements by numerous peer and industry organizations, including Martindale-Hubbell, Best Lawyers® and Ohio Super Lawyers®. In addition to her practice, she is a frequent national



speaker on consumer regulatory issues and has appeared, or been featured in, stories appearing on media outlets including ABC News, PrimeTime Live, NBC Nightly News, Dateline NBC, The Wall Street Journal, The New York Times, American Greed and many others.

About the Leading the Way Award

The Ohio Women's Bar Association and Foundation's 2019 Leading the Way Award combines two historical awards for both organizations: the OWBA Founder's Award and the OWBF Leading the Way Award. Past recipients of



both awards have been recognized for their commitment, service and leadership that has paved the way for other women in the law to follow. To view a list of both award recipients, please visit www.owba.org/foundersaward and www.owba.org/leadingtheway.

At the event, we also welcomed our 2019-20 Leadership Institute class! Please join us in welcoming our class members as they start their journey to enhancing their leadership skills in an institute that was created by women, for women.

Heather Renee Adams
Ice Miller LLP

Laing Akers
Barnes & Thornburg LLP

Lindsay Capps
Abercrombie & Fitch

Jamie Casto
Nationwide

Cynthia Cunningham
Murray, Razui, Kidwell & Cunningham
**Magistrate Rebecca DiDonato Heim-
baugh**
*Summit County Domestic Relations
Court*

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Bailey Cavaleri LLC

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Joseph & Joseph CO LPA

Darcy Jalandoni
Porter, Wright, Morris & Arthur, LLP

Sarah Leatherman
Ohio Attorney General's Office

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Marissa Palumbo
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Bethany Recht
KMK Law

Meredith Rockwell
Ohio Attorney General's Office

Vanessa Roig
DHL Supply Chain

Melinda Ryan Snyder
Ohio Attorney General's Office

Kelli Stiles
Nationwide

Susan Suriano
The Suriano Law Firm LLC

Tess Tannehill
Bricker & Eckler LLP

Lauren Toth
L Brands

Libby Yeargin
Brouse McDowell



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**M&S congratulates Helen Mac Murray
on receiving the 2019 OWBA-OWBF
Leading the Way Award.**

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EXPRESS

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Rinehardt Law Firm

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Lauren Toth

L Brands

Alana Van Gundy

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News

Event Recap: Legal Remedies for Human Trafficking Victims

OWBA members and friends gathered in Cincinnati for the Legal Remedies for Human Trafficking Victims CLE, sponsored by Frost Brown Todd. Speakers Verjine Adanalian, Ohio Justice & Policy Center, and Judge Heather Stein Russell, Hamilton County Municipal Court, brought to light some of the barriers that human trafficking victims face. Trafficked individuals include women, young girls and men, and LGBTQ+ boys. Between 2014 to 2017, Ohio Human Trafficking Cases included 743 victims from Ohio's general public and 218 foreign national victims. Human trafficking survivors remain frequently trafficked by romantic

partners and family members. Survivors of human trafficking face barriers during recovery including a distrust of authority, trauma bonding, drug and alcohol addiction, and a lack of healthy support structure/relationships. ■



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