



# Ohio Prosecuting Attorneys Association



## 2023 OPAA Annual Meeting

Hilton Columbus at Easton

December 14<sup>th</sup> and 15<sup>th</sup>, 2023

The 2023 OPAA Annual Meeting will include both civil and criminal prosecutor training tracks along with complete professional conduct hours. On the criminal prosecutor side, we will have an update on Marsy's Law; a look at the cases of the Ohio Supreme Court of interest to members; an introduction to the State Medical Board and the services they offer; crisis communications for prosecutors; a look at the South-Central Ohio Major Crimes Unit; tips and tricks of jury pickin'; and a session on protecting long-term care facility residents. On the civil prosecutor side, we will explore artificial intelligence in the legal domain; employment and labor cases; an update on township law; a look at sovereign citizens and other interruptions to your day; HB 140, AOS Guidance and PACs; responding to complaints of election and other signage; and regulating employee conduct during an election year. Our professional conduct hours will include presentations on attorney-client confidentiality as well as an entertaining look at the ethical and professional conduct rules one can learn from watching the Andy Griffith show! NOTE: Like last year, we will have an extensive reception with heavy appetizers in place of a sit-down dinner. We hope to see you there!

### THURSDAY, DECEMBER 14<sup>TH</sup>

#### Criminal Track

8:00 - 9:00

#### Registration and Continental Breakfast

9:00 – 10:30

#### Marsy's Law Update

Victims have a number of self-executing procedural and substantive rights under Marsy's Law as set forth in the Ohio Constitution effective on February 5, 2018. See article I, Section 10a, Ohio Constitution. This presentation will provide an overview of these constitutional rights and will discuss the case-law developments arising in the Ohio Supreme Court's just-completed 2022 term, i.e., the decisions addressing restitution (*Yerkey and Brasher*) and the decision addressing the prosecutor's ability to appeal in order to enforce Marsy's Law (*Fisk*). The presentation will also highlight the most-significant developments coming out of the General Assembly's efforts at codifying aspects of Marsy's Law in House Bill 343 as effective April 6, 2023, and Senate Bill 16.

*Elizabeth Well, Legal Director  
Ohio Crime Victim Justice Center*

10:30 - 10:45      **Break**

10:45 – 11:45      **Caselaw Update**

This presentation will provide an overview of the significant criminal-law decisions of the Ohio Supreme Court from the past year.

***Steven Taylor, Legal Research and Staff Counsel  
Ohio Prosecuting Attorneys Association***

11:45 – 12:15      **Introduction to the State Medical Board of Ohio**

The presentation will define the role and jurisdiction of the Board as it relates to the investigation of complaints, as well as its working relationship with law enforcement and other governmental agencies. Topics will include governing statutes and rules; the duty to report; and the unlicensed practice of medicine.

***Thomas Lininger, Chief Enforcement Attorney  
Corry Vonderharr, Enforcement Investigator  
Both with the State Medical Board of Ohio***

12:15 – 1:45      **Awards Luncheon**

1:45 – 3:15      **Crisis Communications for Prosecutors**

Knowing how to communicate with the public and the media in the middle of a crisis or high-profile case is hard. Crisis communications for prosecutors is even more difficult given our ethical responsibilities and Rule 3.6 of the Ohio Rules of Professional Conduct. Learn how to effectively and quickly communicate when a crisis or high-profile situation lands on your desk.

***Ryan Stubenrauch  
Communications Counsel, Inc.***

3:15 – 3:30      **Break**

3:30 – 4:30      **South-Central Ohio Major Crimes Unit and Ohio's Multijurisdictional Task Forces**

Commander Dennis Lowe will highlight The South-Central Ohio Major Crimes Unit which is a multijurisdictional law enforcement task force serving the citizens of Fairfield County, Pickaway County, the City of Logan in Hocking County, and Ohio University. The task forces primary focus is drug enforcement, but the unit is frequently called on to assist its law enforcement partners in the investigation of other serious criminal offenses which often have a direct nexus to drugs. Through an innovative and comprehensive approach, the Major Crimes Unit has also incorporated a robust outreach program into its enforcement unit which focuses on connecting those with substance use disorders to available treatment and recovery opportunities. The task force also has found beneficial ways to support its participating agencies through the use of technology enhancing their investigative capabilities.

***Dennis Lowe, Commander  
Fairfield - Athens Major Crimes Unit  
South Central Major Crimes Unit***

5:00 – 7:00

**Reception**

**Civil Track**

8:00 - 9:00

**Registration and Continental Breakfast**

9:00 – 10:00

**A.I. in the Legal Domain: Enhancing Lawyers' Practice Abilities**

This session will explore the transformative impact of AI in law, elevating attorneys' capabilities. Discussion will include how AI tools streamline legal research, contract analysis, and case management, leading to more efficient and informed legal practices. Participants' sharing of experiences will be encouraged.

***Jonathan J. Downes***

***Zashin and Rich***

***Columbus, Ohio***

10:00 – 10:15

**Break**

10:15 – 11:15

**Employment and Labor Cases Affecting Public Employers in Ohio**

New decisions affecting public employers for non-union and union employees, civil service law, and discrimination law. These decisions include Ohio Supreme Court cases regarding employee strikes, Sixth Circuit decisions on recording employee/management conversations, and others.

***Jonathan J. Downes***

***Zashin and Rich***

***Columbus, Ohio***

11:15 – 12:15

**Township Law Update 2023**

A survey of changes to township law in 2023, including an overview of case law, opinions of the Ohio Attorney General and passed/pending legislation.

***Ben Yoder, Partner and***

***Brodi Conover, Partner***

***Bricker Graydon, LLP***

***Lebanon, Ohio***

12:15 – 1:45

**Awards Luncheon**

1:45 – 2:45

**Tackling the Troublemakers - Sovereign Citizens and Others**

A look at problems created by sovereign citizens, inmates, vexatious litigators, and others that want to interrupt your daily schedule. We will look at the responsibilities of your county clients, fraudulent documents, filings, level of liability of government offices and other items that will certainly pop up if they haven't already!

***Leigh S. Prugh, Assistant Prosecutor***

***Lorain County***

2:45 – 3:00

**Break**

3:00 – 4:30

**HB 140, AOS Guidance and PACs - - Oh My!**

This session will cover the implementation problems with HB 140, the AOS Guidance issued in August 2023 and Political Action Committees in the levy and bond issue context.

***Rebecca Princehorn, Partner and  
Beverly Meyer, Partner  
Bricker Graydon, LLP  
Columbus, Ohio***

5:00 – 7:00

**Reception**

**FRIDAY, DECEMBER 15<sup>TH</sup>**

**Combined Sessions**

8:00 - 9:00

**Registration and Continental Breakfast**

9:00 - 10:30

**To Snitch or Not to Snitch: Attorney-client Confidentiality When Your Client is a Dirtbag (professional conduct)**

In this presentation, we'll explore a government attorney's obligations under Prof.Cond.R. 1.6's prohibition on disclosing a client's privileged information when the client is a criminal. We'll consider confounding hypotheticals and apply the Rules' vaguely written exemptions (it'll be just like being in law school again!).

***Matthew Kanai  
Office of Disciplinary Counsel, Supreme Court of Ohio***

10:30 - 10:45

**Break**

10:45 - 11:45

**Lessons from Mayberry (professional conduct)**

Using relevant portions of the Andy Griffith show, attendees will be reminded of various ethical and professional conduct rules incorporated into those episodes. The discussion will focus on the following Rules of Professional Conduct 1.1, 1.3, 1.15, 6.1, 6.4, 7.1, 7.2 and 8.3. The discussion will also include substance abuse issues and racial justice issues facing the profession.

**Todd Book, Vice President of Legal and Legislative Affairs  
Ohio Association of Realtors**

11:45 - 1:15

**Lunch and Business Meeting**

**Criminal Track**

1:15 – 2:15

**Jury Pickin' – Tips and Tricks to Selecting a Jury that's Right for You**

Every jury trial you will ever prosecute begins with *voir dire*. *Voir dire* is a fancy French term lawyers use to impress other lawyers. It is the most important part of any jury trial. Despite its importance and fancy name, nobody teaches you how to actually select a jury. Good news! This presentation will get you ready to deselect the kooks who seek to see you fail in your mission of dropping a giant justice bomb on the defendant. Letting just one kook get into the box will likely end in disaster for your case. We'll explore this phase of trial in depth. We'll come to understand who

you are and why you are in the courtroom. We'll learn how to learn about the folks who have been brought to the courtroom by compulsory process who will hold your career in their hands. We'll learn to avoid judicial intervention in our groove. In short, we'll learn the fine art of jury pickin'.

***Christopher R. Tunnell, Prosecutor  
Ashland County***

2:15 – 2:30

**Break**

2:30 – 3:30

**Working Together to Protect Long-Term Care Facility Residents of Ohio**

The Ohio Attorney General's Office, Health Care Fraud Section, has original criminal jurisdiction to investigate allegations of abuse, neglect, and related crimes against residents of long-term care facilities. This presentation will discuss the role of the Health Care Fraud Section in prosecuting crimes within long-term care facilities, common crimes committed within these facilities, and a case study highlighting the partnership and successful prosecution with a county prosecutor's office.

***Charles Angersbach, Special Agent Supervisor and  
Alexander Hoffman, Associate Assistant Attorney General  
Office of Ohio Attorney General Dave Yost - Health Care Fraud***

**Civil Track**

1:15 – 2:15

**"F-This" and "F-That:" Responding to Complaints Regarding Signs**

As with every election year, 2024 will bring out not only a wide array of political signs, but also complaints from the public and candidates regarding those signs. The response of the public entity could subject it to potential liability. This session will review limitations on the ability of a public entity to regulate signs in order to minimize the risk of liability.

***Benjamin Albrecht, Partner  
Fishel, Downey, Albrecht, and Riepenhoff, LLP***

2:15 – 2:30

**Break**

2:30 – 3:30

**Regulating Employee Conduct During an Election Year**

During an election year, public employers often ask, "can an employee do that?" Generally, the answer may depend upon either the employee's civil service status or the type of activity in which the employee is engaging. This session will review not only the "do's" and "don'ts" of political activity, but how should an employer respond. Further, this session will provide discussion regarding how to limit political activity within the workplace, as well as provide guidance regarding how newly elected officials may respond to claims of political patronage.

***Benjamin Albrecht, Partner  
Fishel, Downey, Albrecht, and Riepenhoff, LLP***

We have received approval for 10 total CLE hours which consists of 7.5 general hours and 2.5 professional conduct hours from the Supreme Court of Ohio Commission on Continuing Legal Education.

Room rates at the Hilton Columbus at Easton are \$202.00 for single and double occupancy, plus taxes (King Standard and Queen/Queen Standard). The cutoff date for our block is Monday, November 13<sup>th</sup>. Check in time is 4:00 PM and check out time is 12:00 PM. Reservations can be made by calling 614-414-5000 or via <https://tinyurl.com/mr35n782>. Individuals canceling reservations must do so by 4:00 PM 24 hours prior to scheduled arrival date or it will result in the charge of first night's room and tax to the individual's credit card. To avoid paying tax, accommodation must be paid for with either an office check or office credit card. Personal payment, even though it will be reimbursed by the office, is not tax exempt by state law. **Use our Group Code (OPAA) to obtain our rate.** Our contract with the hotel specifies that all attendees at this meeting will pay the negotiated room rate. It violates the spirit of our agreement for attendees at this meeting to reserve a room at a lower government rate.

The registration fee for OPAA member counties is \$425.00 for both days, and \$250.00 if attending one day only. This covers all handout materials, continental breakfasts, breaks, and lunches for PAs and APAs on both days, and the reception for both registrant and guest. Fees for non-members are \$850.00 for two days and \$500.00 for one day. Cancellation of registrations made after Wednesday, December 6<sup>th</sup> will be assessed a penalty of \$200.00 if attending both days, and \$125.00 if attending one day only. This is necessary to help defray the cost of food guarantees which must be made by that time. Please send registrations to OPAA (mail, fax, email) so that they arrive no later than Friday, December 1<sup>st</sup>.

**NOTE: If any registrant, or guest, has special dietary needs, please contact Diana at 614-221-1266 by Wednesday, December 6<sup>th</sup>, so that advance arrangements can be made with the venue. OPAA will accommodate requests as long as they can be supplied by the venue without additional cost. Any additional cost must be borne by the registrant, and they will be notified in advance.**



# Ohio Prosecuting Attorneys Association



## REGISTRATION FORM

### 2023 OPAA ANNUAL MEETING

Return this form or forward the information so that it reaches OPAA by Friday, December 1<sup>st</sup>, to: [diana@ohiopa.org](mailto:diana@ohiopa.org), fax 614-221-0753, or via mail to Ohio Prosecuting Attorneys Association, 196 East State Street, Suite 200, Columbus, OH 43215.

Please register the following persons to attend the 2023 OPAA Annual Meeting at the Hilton Columbus Easton on Thursday, December 14<sup>th</sup> and Friday, December 15<sup>th</sup>, 2023:

NAME	TITLE	THU & FRI	THU ONLY	FRI ONLY	GUEST'S NAME	HOW MANY ATTENDING RECEPTION
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Email address \_\_\_\_\_

The registration fee for members is \$425 for both days, \$250 for a single day. Non-member pricing is \$850 for both days, \$500 for a single day.

Check number \_\_\_\_\_ for \$ \_\_\_\_\_ is enclosed or will be sent.

\_\_\_\_\_  
County

\_\_\_\_\_  
Prosecuting Attorney Signature

**NOTE:** If any registrant has special dietary needs, please contact Diana at 614-221-1266 by **Wednesday, December 6<sup>th</sup>**, so that advance arrangements can be made with the venue. OPAA will accommodate requests if they can be supplied by the venue without additional cost. **Any additional cost must be borne by the registrant, and they will be notified in advance.**