



# Federal Bar Association

Northern District of Ohio Chapter

## INTER ALIA

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Spring 2022

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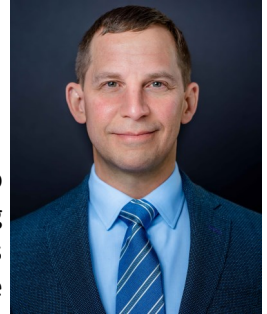
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### **PRESIDENT'S PODIUM - DEREK DIAZ**

*Hundreds of federal practitioners respond to FBA survey about post-COVID judicial procedures*



Last month, the Federal Bar Association Northern District of Ohio Chapter surveyed local attorneys about their experiences practicing law during the pandemic. The goal of the inquiry, as I explained in my earlier column on this topic, was to collect insights from local lawyers about favorable and unfavorable aspects of conducting judicial proceedings remotely. The results were robust, with nearly 500 attorneys participating. Federal judicial officers in the district have been apprised of the results and have expressed gratitude for the information.

The survey separated respondents by civil and criminal practice area based on the answerer's self-reported status.

The pool of civil responses, 382 in total, contained innumerable nuggets of interest, including:

- 347 of 382 responding civil attorneys (90%) participated in some form of civil proceedings via remote video technology, including case-management conferences, motion hearings, jury trials, non-jury trials, and appellate arguments.
- Only 5 of 382 responding civil attorneys (1.3%) had participated in remote jury trials; and
- 304 of 382 responding civil attorneys (80%) reported being "very satisfied" or "satisfied" that remote video technology provides parties with access to justice.

The pool of criminal responses, 89 in total, contained similarly fascinating results, including:

- 89 of 89 responding attorneys (100%) participated in some form of criminal proceedings via remote video technology, including preliminary hearings, initial appearances, bail or bail review hearings, status conferences, motion hearings, guilty pleas, jury trials, and sentencing.
- Only 3 of 89 responding criminal attorneys (3%) had participated in remote jury trials; and
- 71 of 89 responding criminal attorneys (80%) reported being "very satisfied" or "satisfied" that remote video technology provides parties with access to justice.

The survey's complete results appear on our chapter website at: <https://www.fba-ndohio.org/>

Many thanks to Judge Jack Zouhary and Rob Chudakoff for their invaluable efforts in making this survey an unqualified success.

## FBA Members in the News

### FBA HONORS CWRU LAW STUDENTS

Jonathan L. Entin  
CWRU Faculty Representative,  
FBA-NDOC Board

Three students at Case Western Reserve University School of Law received the chapter-sponsored Federal Bar Association award for obtaining the top grades in Constitutional Law. Christopher R. Switzer and Ester G. Khaykin received their J.D. degrees in May; Ellen E. Boyd graduated last January.

Chris grew up in Warren, Michigan, and graduated from Concordia University in Ann Arbor with a degree in music education. Before law school, he taught music at the elementary and middle school levels for two years, sang professionally for several years, and worked for four years in the field of employee benefits.

Chris was managing editor of the Case Western Reserve Law Review. His Note on making employee health benefits understandable to workers received the Note of the Year award. In addition to Constitutional Law, he received the top grades in Professional Responsibility, Legislation and Regulation, and Legal Research and Writing, and was a teaching assistant in both of the latter courses. He will be an associate at BakerHostetler next year.

Ester is a first-generation American; her parents immigrated from Eastern Europe. She received her undergraduate degree from the John Glenn College of Public Affairs at The Ohio State University and worked at Menorah Park in Beachwood before law school. In addition to Constitutional Law, Ester received the top grade in Secured Transactions. She was organizational editor of the Journal of Law, Technology & the Internet and was co-president of the Jewish Law Students Association.

Ester's many interests include music and fitness. She has a passion for the legal profession and has always dreamed of becoming an attorney. Her biggest supporter throughout her law school journey was her grandfather, Eduard Khaykin, who passed away in February. She will be an associate at Benesch next year.

Ellen is from the Seattle area and received her undergraduate degree in computer science from Virginia Tech. She worked for Amazon for four years as a software development engineer, experience that led her to law school.

She was the digital content editor of the Journal of Law, Technology & the Internet and was a research assistant for Professor Aaron Perzanowski. Ellen, who has recently relocated to Chicago, is particularly interested in legal policy and technology, privacy, and algorithmic discrimination, and she has been active in Women in Technology Law.



(left-right) are honoree Ester Khaykin, board representative Jim Satola, and honoree Christopher Switzer. Not shown is Ellen Boyd, who was unable to attend the ceremony.

## Clerk's Corner

Greetings from the District Court Clerk's Office! Approaching the midway point of the year offers us an opportunity to share feedback we have received from our Data Quality (DQ) Analysts, who utilize our court's DQ program, QuEST, to monitor the quality of our dockets and protect the integrity of the court's record. The below topics have been identified as common issues in filing. We hope that outlining these topics will increase proficiency and confidence when filing in CM/ECF.

**Please remember to advise the court if your address or email changes.** The notice form should be submitted electronically on the attorney page of the court's website rather than filed in a specific case. The Notice of Change of Address filed in a case does not change your information in the CM/ECF system and will continue to populate incorrectly on future cases. For your convenience, address changes can be submitted electronically on the attorney page of the court's website. (Click Here: <https://www.ohnd.uscourts.gov/attorney-registration-change-nameaddress-primary-email>)

**When filing a PDF fillable form, please be sure to lock or "flatten" the form** prior to filing to ensure the document can be viewed on all devices and to prevent other users from manipulating or editing the information. A document filed and stored in CM/ECF cannot be altered once it has been filed; however, flattening the form will prevent anyone from saving the document and editing the form fields.

**Please be specific in your docket text language regarding continuances for hearings and deadlines.** These filings should contain what event or deadline the continuance relates to and the length of time for the continuance.

**Attorneys should make sure to use the Ex Parte event when filing a document** as such. Adding the language throughout docket text does not install the docket restrictions being sought.

**Under Local Civil Rule 5.2 and Local Criminal Rule 49.4,** attorneys must seek leave of court to file documents under seal. After court approval, attorneys then must link the sealed document being filed to the order granting their sealed request.

**Exhibits that will be filed manually still need a placeholder on the docket.** This can be a blank document within the filing stating the exhibit will be filed manually.

**Data Quality is seeing an increase of filings that combine events.** For example, "Opposition to Motion for Summary Judgment and Motion to Strike" should be two events rather than one. The first event should be filed as the reply to the motion followed by a second event, which is filed as the motion to strike.

For more information on these topics and other best practices, please access our website:

<https://www.ohnd.uscourts.gov/attorney-best-practices>

As always, please call our Help Desk at 800-355-8498 anytime you have a question or would like assistance.

## THE CASE FOR VICARIOUS MUNICIPAL LIABILITY

Andrew S. Rumschlag\*

### The Problem

“The whole thing was odd.”<sup>1</sup> Thomas Gray was driving on Superior Avenue in East Cleveland. He was driving the speed limit. Yet two East Cleveland police officers pulled him over, forced him from his car to the ground at gunpoint, and placed him in the back of their police cruiser. The officers, Alfonzo Cole and Willie Warner-Sims, then searched Gray’s car. According to Gray, they seized \$2,700, two cell phones, and some marijuana from his car. Gray was never arrested—and none of his property ever reached the police department’s evidence room. The officers now face felony theft charges.

Although Ohio may hand down criminal punishment for the officers’ alleged crimes, how can Gray vindicate his Fourth Amendment freedom from unreasonable searches and seizures? One option would be to sue the officers. Their conduct was likely egregious enough that even the extraordinarily protective qualified-immunity doctrine would not protect them from liability. But Warner-Sims, at least, had already filed for bankruptcy two years earlier. Even before accounting for the cost of defending the felony-theft charges, odds are that both officers were already financially judgment-proof.

A second option, one might reasonably assume, would be to sue the City of East Cleveland or its police department. After all, those entities put Cole and Warner-Sims in the position to pull Gray over: They decided to hire the officers. They determined what training the officers received. They controlled when, where, and how the officers conducted their traffic stops. So suing the city or police department makes perfect sense—unless you happen to sit on the Supreme Court.

In private employer–employee relationships, under the doctrine of *respondeat superior*, employers are vicariously liable for their employees’ tortious conduct. But when that employer is a municipality and its employee’s tortious conduct infringed a victim’s federal rights, the rules change. Instead of being liable for their employees’ conduct, municipalities are liable only when plaintiffs navigate one of four narrow avenues available under the Supreme Court’s “municipal liability” regime, first articulated in *Monell v. Department of Social Services*.<sup>2</sup> Plaintiffs must prove that the municipal employee’s injurious conduct resulted from the municipality’s formal policy, custom, failure to train the employee, or failure to adequately screen applicants before hiring them. Put another way, the municipality must be the “moving force” behind the violation.<sup>3</sup>

If a plaintiff cannot navigate one of those avenues, she is left only with her suit against the municipal employee who injured her. But—even assuming that the defendant-employee is not judgment-proof—a plaintiff must show that the employee was not immune from liability. While some municipal employees may be entitled to absolute immunity for their official acts, most may show that they are entitled to qualified immunity.

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\* J.D., Case Western Reserve University, 2022.

<sup>1</sup> Adam Ferrise, *Man Says East Cleveland Officer Stole \$2,700, Marijuana From Him During Traffic Stop*, CLEVELAND.COM (Jul. 21, 2021, 9:47 A.M.) <https://www.cleveland.com/metro/2021/07/man-says-arrested-east-cleveland-officer-stole-2700-marijuana-from-him-during-traffic-stop.html>.

<sup>2</sup> 436 U.S. 658 (1978).

<sup>3</sup> *Polk County v. Dodson*, 454 U.S. 312, 326 (1981).

The judicially created qualified-immunity doctrine allows plaintiffs to hold a municipal employee liable for money damages only if the employee violated a federal constitutional or statutory right, and that right was clearly established. Under the Court's current jurisprudence, courts can dispose of a claim against a municipal employee when "the contours of the right [are not] sufficiently clear that a reasonable official would understand that what he is doing violates that right"<sup>4</sup>—without reaching the question whether the official's action violated the plaintiff's federally protected rights.<sup>5</sup> This practice certainly permits courts to dispose of cases more quickly, but it also effectively ended the process of clearly establishing constitutional rights' contours and bounds.

An example illustrates how qualified immunity ossifies constitutional law. In Case A, plaintiff sues an officer, alleging a constitutional violation. The court determines that the alleged violation's unconstitutionality was not clearly established—thus, the officer is entitled to qualified immunity. And the court declines to determine whether it was indeed a constitutional violation. Later, in Case B, a plaintiff alleges the exact same sort of constitutional violation the Case A plaintiff had alleged. But because the Case A court never determined whether the Case A officer's conduct violated the constitution, its unconstitutionality remains not clearly established. The officer in Case B is thus entitled to qualified immunity and the Case B court may again decline to opine on the alleged violation's constitutionality. Wash, rinse, repeat.

Section 1983 plaintiffs thus confront a two-headed opponent when they sue to remedy constitutional torts. The first head—qualified immunity—ferociously protects any municipal employee who is not "plainly incompetent or . . . knowingly violate[s] the law."<sup>6</sup> If the plaintiff's violated federal rights were not clearly established at a high degree of particularity, they cannot recover from the employee. The second head—narrow municipal liability—jealously guards a municipal treasury unless the municipality's policy or custom was the "moving force" behind the constitutional violation.

#### Agency Law

The *Monell* regime is a significant departure from ordinary agency-law principles, which govern private employer-employee relationships. When a principal directs or authorizes its agent to act tortiously, the principal and agent are jointly and severally liable for the resulting injury. The principal may also be directly liable for its agent's tortious conduct, even if the tortfeasor-agent is not. A principal may be better positioned to identify when an agent's conduct will be tortious than its agent. If the principal directs the agent to act tortiously, but the agent does not know that her actions will be tortious, the principal—but not the agent—is liable for resulting damages. Finally, a principal may be directly liable when it negligently hires or trains its agent, and a third party is injured due to that agent's preexisting unfitness or lack of training.

A principal is vicariously liable for torts its agent commits when the agent is the principal's employee, and the agent was acting within the scope of her employment. When determining whether a principal is vicariously liable for its agent's conduct, courts must determine: (1) whether there was an underlying tort; (2) whether the tortfeasor was the principal's agent; and (3) whether the agent committed the tort acting in the scope of her employment. Vicarious-liability litigation often revolves around the third of those elements. Principals may avoid liability—without contesting the underlying tort—by showing that the agent was acting outside the scope of employment.

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<sup>4</sup> *Saucier v. Katz*, 533 U.S. 194, 202 (2001).

<sup>5</sup> *See Pearson v. Callahan*, 555 U.S. 223 (2009).

<sup>6</sup> *Ashcroft v. Al-Kidd*, 563 U.S. 731, 743 (2011) (quoting *Malley v. Briggs*, 475 U.S. 335, 341 (1986)).

Comparing agency-law principles to *Monell* and its progeny, the Court's current municipal-liability regime allows only direct liability for municipal defendants and precludes vicarious liability. Yet the current regime goes further than common-law direct liability, replacing agency law's negligence standard with the more demanding deliberate-indifference standard. The chart below compares agency-law direct liability and *Monell* municipal liability doctrines:

<b>A principal is directly liable for its employee's conduct when:</b>	<b>A municipality is liable for its employee's constitutional torts when:</b>
The principal actually authorizes its agent's tortious conduct. Actual authority may be express or implied, and may result when the principal ratifies its agent's conduct.	The municipality's policy or custom authorizes (i.e., was the "moving force" behind) the employee's conduct. Ratifying an employee's conduct can constitute municipal policy.
The principal's negligent training of its agent causes the agent to commit a tort.	The municipality's failure to properly train its employees demonstrates its deliberate indifference to its citizens' constitutional rights.
The principal's negligence when deciding whom to hire as its agent causes the agent to commit a tort.	The municipality's hiring policy demonstrates a deliberate indifference to the constitutional rights of citizens with whom its employees interact.

As this comparison demonstrates, the *Monell* factors, in essence, stand for common-law direct liability, but with a more-difficult-to-prove culpability requirement.

#### A Solution

In one sense, *Monell* was a boon for § 1983 plaintiffs. At least in circumstances where municipal policy is the moving force behind federal-rights violations, *Monell* and its progeny allow § 1983 plaintiffs to recover from the municipality's treasury. But the Court's rejection of vicarious municipal liability has been widely criticized both from within<sup>7</sup> and without.<sup>8</sup> Ultimately, justice interests, legislative history, and economic-policy concerns all point in one direction: towards municipal vicarious liability.

The Court should jettison *Monell*'s restrictions in favor of an ordinary agency-law regime. The most notable change under an agency-law regime would be importing *respondeat superior* to hold municipalities liable for their employees' constitutional torts—even when municipal policy is not those torts' moving force. But importing agency law would also allow § 1983 plaintiffs to prove failure-to-train and failure-to-screen theories by showing that municipalities were negligent, rather than deliberately indifferent.

Importing agency law's liability regime would effect several normatively preferable changes. Moreover, the benefits that would flow from municipal vicarious liability's fountainhead would far outweigh critics' concerns. First and foremost, holding a municipality liable for its constitutional torts allows victims to recover when they otherwise could not. Qualified immunity and narrow municipal liability prevent plaintiffs from rectifying all but the most blatant constitutional violations. Yet removing only qualified immunity would likely be insufficient for constitutional-tort victims to recover—most municipal employees are judgment proof. Allowing plaintiffs to reach municipalities' treasuries for compensation by holding them jointly and severally liable with their defendant employees is therefore a preferable regime.

<sup>7</sup> E.g. *Oklahoma City v. Tuttle*, 471 U.S. 808, 835 (1985) (Stevens, J., dissenting) (criticizing *Monell* and arguing for a vicarious-liability regime).

<sup>8</sup> See generally David Jacks Achtenberg, *Taking History Seriously: Municipal Liability Under 42 U.S.C. § 1983 and the Debate Over Respondeat Superior*, 73 FORDHAM L. REV. 2183 (2005) (criticizing *Monell*'s historical analysis and arguing that vicarious liability for municipalities is rooted in history); Larry Kramer & Alan O. Sykes, *Municipal Liability Under § 1983: A Legal and Economic Analysis*, 1987 SUP. CT. REV. 249 (criticizing *Monell* through a law-and-economics lens and arguing for either a respondeat superior or negligence regime).

Admittedly, municipalities already frequently indemnify their employees when they injure citizens under color of law. And exhaustive study has demonstrated that police officers—arguably the municipal employees *most* likely to face a § 1983 complaint—“are virtually always indemnified.”<sup>9</sup> But while indemnification may permit § 1983 plaintiffs who succeed in holding the officer liable to fully recover, municipalities need not indemnify an immune—i.e., not liable—officer for constitutional violations.

An agency-law regime could retain the existing off-ramp for municipal employees who inadvertently violate constitutional rights that are not clearly established. This would permit municipal employees to continue to exercise reasonable discretion when it is unclear what federal law permits or prohibits. But by allowing the suit against the municipality to continue regardless of whether its employees qualify for immunity, federal courts would as a matter of course determine whether the plaintiff’s federal rights were in fact violated—even if those rights were not clearly established at the time.

Thus, the second benefit flowing from an agency-law regime would be preventing federal-rights law from ossifying. By requiring courts to determine whether a municipal employee violated a plaintiff’s federal rights—and by extension whether the municipality is vicariously liable for the violation—courts would continue to clearly establish federal law’s contours. Courts could still maintain substantial judicial economy by beginning with the “clearly established” inquiry and dismissing claims against municipal-employee defendants entitled to qualified immunity under that prong. But vicarious municipal liability mitigates the concern that clearly establishing federal law when individual defendants are immune is an “academic exercise.”<sup>10</sup> Instead, whether federal rights were in fact violated would bear directly on the municipality’s liability.

Perhaps the most obvious pushback against an agency-law regime would stem from concern for municipalities’ treasuries. Because courts would no longer dismiss § 1983 suits solely because the federal law they seek to vindicate was not clearly established—and because plaintiffs need only demonstrate that a municipality’s hiring and training practices were negligent, rather than deliberately indifferent—municipalities in general would presumably incur more liability. This would provide a strong incentive for municipalities to screen, train, and supervise their employees to exercise better judgment in close calls.

Further, because courts would continue to develop federal-rights jurisprudence, federal rights would become more clearly defined and established. Municipalities could look to those contours, in turn, to better inform municipal employees of what federal law does or does not allow them to do. At first, municipalities would admittedly likely face a swell of § 1983 litigation. But only those that did not modify practices to reflect the newly clarified federal-law contours would face liability thereafter. Concerns about municipalities’ limited treasuries, therefore, would likely apply only in the short term.

Critics of importing vicarious liability to § 1983 suits against municipalities have also pointed out that municipalities’ incentives differ from for-profit corporations. One such criticism of vicarious municipal liability, which focuses on the economic justifications for vicarious liability under agency law, posits that

a rational, wealth maximizing government would only stop the constitutional violations that cost the city more (in damages and litigation expenses) than the cost of preventing them, even if it were liable for all of violations. From an economic perspective, some constitutional violations, like some accidents, are not worth preventing.<sup>11</sup>

But the perfect cannot be the enemy of the good. Just because vicarious municipal liability would not prevent *all* state actors from violating *any* constitutional rights does not make it a failed policy.

Moreover, this criticism addresses the *ex ante* rationale for vicarious municipal liability while ignoring *ex post* rationales—namely, allowing plaintiffs to recover when state actors *do* violate their rights and preventing constitutional law from ossifying. Incentivizing municipalities to avoid the most egregious constitutional torts *ex ante*, while requiring that they remedy injuries that happen despite their best efforts, is a better solution than *Monell*’s more restrictive requirements.

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<sup>9</sup> Joanna C. Schwartz, *Police Indemnification*, 89 N.Y.U. L. REV. 885, 890 (2014).

<sup>10</sup> See *Pearson v. Callahan*, 555 U.S. at 236–37.

<sup>11</sup> Michael L. Wells, *Qualified Immunity After Ziglar v. Abbasi: The Case for a Categorical Approach*, 68 AM. U. L. REV. 379, 414 (2018).

### Conclusion

For Thomas Gray, an agency-law approach to municipal liability would have permitted him to hold East Cleveland and its police department liable when its officers violated his Fourth Amendment rights. East Cleveland and its police department would thereafter have a strong incentive to scrutinize their officers' hiring, training, and conduct more carefully. In Gray's case and others, therefore, importing ordinary agency-law liability would more effectively make constitutional-tort victims whole, while incentivizing municipalities to effect real change.

Adopting a vicarious-municipal-liability regime may go a long way towards remedying the issues that the Court's qualified-immunity regime has created. Although there would likely be some growing pains, as federal courts would initially be forced to rapidly clarify now-stagnant federal rights, the long-term federal-rights benefits outweigh the short-term economic drawbacks. Both municipalities and their citizens would ultimately be better off with clearer federal-court guidance on how to train municipal employees. And those employees would still be free to exercise reasonable judgment in undeveloped federal-rights areas. An agency-law municipal-liability regime would therefore significantly improve both § 1983 jurisprudence and municipalities' relationships with their residents.



**Federal Bar  
Association**  
Northern District of Ohio Chapter



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## **The Federal Bar Association Northern District of Ohio Chapter**

*cordially invites you to join your colleagues,  
summer associates, legal interns and federal law clerks  
from law firms, the federal and state courts  
and government offices for the*

### **2022 Summer Associate Reception**

*Thursday, July 14, 2022 - 5:00 p.m. - 7:00 p.m.*

*House of Blues*

*308 Euclid Avenue, Cleveland, OH 44114*

### **DON'T MISS OUT ON YOUR OPPORTUNITY TO:**

- \* Network with federal judges and federal practitioners\**
- \* Learn more about the Federal Bar Association \**
- \* Enjoy a fine selection of drinks and appetizers \**

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### **Please register your RSVP by July 07, 2022**

Registration Fees are as follows:

Law students/legal interns/summer associates/federal law clerks:  
complimentary

FBA Member - \$10.00      Non-member - \$25.00  
Firm Sponsorship - \$450

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FBA, Northern District of Ohio Chapter  
Phone: (440) 226-4402 or E-mail: [admin@fba-ndohio.org](mailto:admin@fba-ndohio.org)  
PO Box 14760, Cleveland, Ohio 44114

Please click [here](#) to register

Please Join the FBA Northern District of Ohio Chapter for a Brown Bag Luncheon with

**Senior U.S. District Judge Donald C. Nugent,  
United States District Court for the Northern District of Ohio**

Thursday, July 21, 2022, at Noon

Carl B. Stokes U.S. Courthouse  
801 West Superior Avenue  
Cleveland, Ohio 44113  
Courtroom 15-A

Online Registration Only  
Registration Fees:  
FBA Members - \$15 / Non-Members - \$20

Boxed lunches will be provided.

\*Cancellations will not be accepted.  
Please click [here](#) to register.

*Please consider registering your Summer Associates, Law Clerks, and Externs for this opportunity to meet with a Federal Judge at a fun and informal lunch event at the Federal Courthouse.*

*Please also consider joining the Federal Bar Association if you are not already a member, and attend this lunch event at the Member rate by clicking [here](#).*

**Save the Date**

**Supreme Court Blockbuster Term Review**

The Northern District of Ohio chapter will present a program analyzing some of the major rulings of the U.S. Supreme Court's term on Monday, July 25, at noon. Speakers will be leading scholars from the three law schools in our area: David Forte of Cleveland State University, Jessie Hill of Case Western Reserve University, and Christopher Peters of the University of Akron.

The current term features several major cases. Discussion will focus on *Dobbs v. Jackson Women's Health Organization*, on abortion; *New York State Rifle & Pistol Association v. Bruen*, on the Second Amendment; and *West Virginia v. Environmental Protection Agency*, on administrative law.

The program will take place in the auditorium on the seventh floor of the Carl B. Stokes U.S. Courthouse in Cleveland. Further details will be announced shortly.

Save the Date and Join us for

**2022 STATE OF THE COURT LUNCHEON  
&  
INSTALLATION OF FBA BOARD OFFICERS**

Monday, October 3, 2022

*More information to follow*



**Federal Bar  
Association**  
Northern District of Ohio Chapter

**2022 BANKRUPTCY BENCH-BAR RETREAT  
SAVE THE DATE**

The Attorney Constituent Group of the United States Bankruptcy Court for the Northern District of Ohio invites you to its tenth biennial Bench-Bar Retreat on October 14, 2022. The event will be held at Sawmill Creek by Cedar Point Resorts in Huron, Ohio. Breakout sessions, a judges' panel, and town hall meetings will provide opportunities for industry updates, legal education, and engaging exchanges among practitioners and judges.

Additional information regarding discounted room rates and registration will follow.

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For information on FBA-NDOH membership, events and programs, please visit our website at [www.fba-ndohio.org](http://www.fba-ndohio.org).

Email: [admin@fba-ndohio.org](mailto:admin@fba-ndohio.org)

## MEMBERSHIP INFORMATION

### Here's How to Renew your membership:

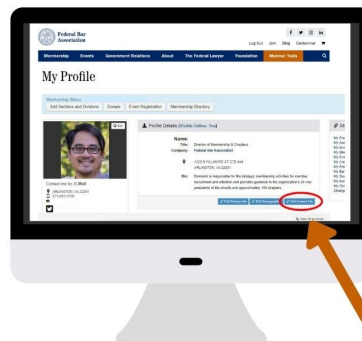
- 1) Log in to [www.fedbar.org](http://www.fedbar.org) with your email and password.
- 2) Confirm your contact information in "My Profile."
- 3) Click **PAY NOW** next to your national membership invoice (located mid-page in My Profile). During checkout, please consider a donation to the [FBA Foundation](#).

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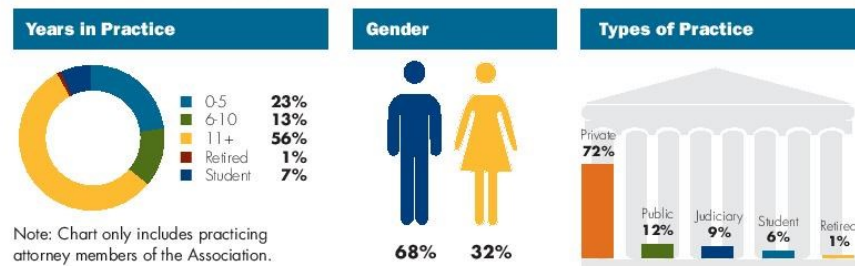
Log in at [fedbar.org](http://fedbar.org) to  
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# Federal Bar Association

## Benefits of Membership

Joining the FBA entitles you to membership within the national organization as well as within your local FBA chapter. Members receive a host of special benefits designed to uphold the mission of the FBA and support each member's career within the federal legal system. Association activities and member benefits are organized into five primary categories.

### You're in Good Company



#### Advocacy

The organization's headquarters are located outside of Washington, D.C., in Arlington, Va., giving it the proximity necessary to remain engaged on behalf of its members.

- government relations efforts as defined by the FBA Issues Agenda
- annual Capitol Hill Day
- monthly updates on recent government relations developments

#### Networking and Leadership

The FBA is large enough to have an impact on the federal legal profession, but small enough to provide opportunities for networking and leadership. The FBA is governed by a 15-member, elected, Board of Directors and numerous volunteer members.

- more than 95 chapters across all federal circuits
- 22 practice area sections
- five career divisions
- volunteer leadership opportunities within each chapter, section, and division

#### Education

The FBA offers more than 700 credit hours of continuing legal education (CLE) at both the national and local level throughout the year.

- national CLE conferences
- bimonthly CLE webinars
- local chapter-sponsored CLE events

#### Publications and Communication

As part of your membership, you will receive and have access to:

- FBA website ([www.fedbar.org](http://www.fedbar.org))
- The Federal Lawyer magazine (10x per year)
- bimonthly eNewsletter
- section, division, and chapter newsletters (printed)
- Judicial Profile Index (archived)

#### Legal Career Center

The Legal Career Center is an online resource for both employers looking to hire and job seekers looking for a position within the federal legal community. Employers have the option of posting jobs available to the FBA Legal Career Center only, or to the Legal Job Exchange Network that reaches thousands of potential candidates through the network of partner job boards. Job seekers have free access and can use the Legal Career Center to post resumes, search for jobs, and prepare for interviews, as they launch their careers.

#### Member-Only Advantages

- Member Plus affinity program
- online membership directory
- optional public directory listing
- online specialty items catalog
- discounted rates for CLE, networking events, publications, and other services

## Become a Sustaining Member

### Support

Sixty dollars of every sustaining membership is used to support educational programs and publications of the FBA.

### Save

Sustaining members save five percent on national event registrations and publications orders, and are recognized annually in *The Federal Lawyer* and at FBA events.

Sustaining Members also receive one free CLE webinar per year—a \$99 value!



**Federal Bar Association**

**Make your mark within the federal legal community.**

**Sign up for membership today at [www.fedbar.org/join](http://www.fedbar.org/join).**

Contact the FBA at (571) 481-9100 or [membership@fedbar.org](mailto:membership@fedbar.org) for more information.

**FBA-NDOH Calendar of Events:****July 14, 2022** *Summer Associate Reception***July 20, 2022** *FBA-NDOH Board Meeting***July 21, 2022** *Brown Bag Luncheon with Judge Donald C. Nugent***July 25, 2022** *Supreme Court Blockbusters Term Review***August 17, 2022** *FBA-NDOH Board Meeting***September 21, 2022** *FBA-NDOH Board Meeting**We add events to our calendar often so please check our website for upcoming events that may not be listed here.***Federal Bar Association**

Northern District of Ohio Chapter

**Co-Editors for the Spring 2022 Newsletter:**

Stephen H. Jett  
Co- Chair, Newsletter Committee  
Buckingham, Doolittle & Burroughs, LLC  
216-736-4241  
[sjett@bdblawn.com](mailto:sjett@bdblawn.com)



Prof. Jonathan Entin  
Co-Chair, Newsletter Committee  
Case Western Reserve University  
216-368-3321  
[jonathan.entin@case.edu](mailto:jonathan.entin@case.edu)



James J. Walsh Jr.  
Newsletter Committee  
Benesch, Friedlander,  
Coplan & Aronoff LLP  
216-363-4441  
[jwalsh@beneschlaw.com](mailto:jwalsh@beneschlaw.com)



Benjamin Reese  
Newsletter Committee  
Flannery | Georgalis LLC  
216-230-9041  
[breese@flannerygeorgalis.com](mailto:breese@flannerygeorgalis.com)

**Federal Bar Association****STATEMENT OF THE FEDERAL BAR ASSOCIATION BOARD OF DIRECTORS ON JUDICIAL INDEPENDENCE**

Judicial independence, free of external pressure or political intimidation, lies at the foundation of our constitutional democracy. An independent judiciary needs to remain free of undue influence from the legislative and executive branches and to remain beholden only to the maintenance of the rule of law and the protection of individual rights and personal liberties. We affirm the right to challenge a judge's ruling for reasons based in fact, law or policy. However, when robust criticism of the federal judiciary crosses into personal attacks or intimidation, it threatens to undermine public confidence in the fairness of our courts, the constitutional checks and balances underlying our government and the preservation of liberty.

*The Federal Bar Association is comprised of over 19,000 public and private sector lawyers practicing in our federal courts, hailing from all fifty states and the U.S. Territories. The Federal Bar Association is a non-partisan professional organization created to promote the sound administration of justice and integrity, quality and independence of the judiciary.*

**INTER ALIA** is the official publication of the Northern District, Ohio Chapter of the Federal Bar Association.

If you are a FBA member and are interested in submitting content for our next publication please contact Stephen H. Jett, Prof. Jonathan Entin, James Walsh Jr. or Benjamin Reese no later than September 1, 2022

Next publication is scheduled for Summer 2022.



Our Chapter supports the FBA's SOLACE program, which provides a way for the FBA legal community to reach out in small, but meaningful and compassionate ways, to FBA members and those related to them in the legal community who experience a death, or some catastrophic event, illness, sickness, injury, or other personal crisis. For more information, please follow this link:

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