



STARK COUNTY BAR JOURNAL

VOLUME 30 ■ NUMBER 7

JULY 2024

2024 INSTALLATION CEREMONY

THURSDAY, JUNE 20TH

**2024-2025 PRESIDENT, ANGELA T. VAGOTIS, NEWLY ELECTED
EXECUTIVE COMMITTEE OFFICERS, MEMBERS AND CURRENT MEMBERS**



L to R: Stacie L. Roth, Beverly Proctor-Donald, Matthew P. Kreitzer, Evan J. Heck, Gust Callas, Honorable Frank G. Forchione, Angela T. Vagotis, Jonathan E. Morris, Andrea M. Scassa, Taryn A. Douglas, Honorable Kristin G. Farmer, and Honorable Curt Werren.



**JOIN US Thursday, September 19th
at Alliance Country Club**

FOR OUR ANNUAL SUMMER OUTING!

SCBA July 2024 Office Schedule

July 4 th	12:00 NOON	Community Involvement Committee Meeting
July 4 th & 5 th		Office closed in Observance of Independence Day
July 8 th	4:00 PM	Disputed Fee Committee Meeting
July 11 th	12:00 NOON	Legal Aid/Pro Bono Committee Meeting
July 16 th	3:45 PM	Grievance Committee Meeting
July 17 th	4:00 PM	Executive Committee Meeting
July 22 nd	3:30 PM	SCBA 125th Celebration Committee Meeting
July 25 th	12:00 NOON	Military and Veterans Affairs Committee Meeting

2024 CLE Seminars

July 18, 2024	The Tech Summertime Series Generative AI Webinar See Pg. 5
Aug. 20, 2024	The Tech Summertime Series Cyber Security In-Person & Webinar See Pg. 5
Sept. 19, 2024	The Tech Summertime Series Digital Forensics Webinar See Pg. 5



Reminder: M - Z!
Complete your CLE by Dec. 31, 2024

THE STARK COUNTY BAR ASSOCIATION



NOTARY EDUCATION CLASS & TESTING

Classes and Testing offered every 2nd & 4th Tuesday
Stark County Bar Association Office
By Appointment Only

1 Hour Renewal Education Class • 9:00 AM – 10:00 AM

3 Hour New Notary Public Education Class
12:00 Noon – 3:00 PM

TESTING 3:00 PM - 4:00 PM

Online classes and testing
available at our website: www.StarkCtyBar.com

The Bar Office E-Mail Addresses:

Tina@StarkCtyBar.com
SCBAReferral@StarkCtyBar.com
CLE@StarkCtyBar.com
SCBANotary@StarkCtyBar.com

Visit us at www.StarkCtyBar.com

Did You Know?

As a member of the Stark County Bar Association you may request for your review our annual Budget or our Statement of Assets, Liabilities and Net Assets. These financial documents are available upon request made to Tina McCort, our Executive Director.

THE BAR JOURNAL

Official Publication of the Stark County Bar Association

FOUNDED IN 1900

Suite 400, Courtyard Centre
116 Cleveland Ave., N.W. • Canton, Ohio 44702

Angela T. Vagotis, Bar President
Tina McCort, Executive Director & Editor
Chris Diaz, Bookkeeper & Editor

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www.StarkCtyBar.com

The Bar Journal is published monthly for all bar members. Free to members, \$20.00 per year to others.

All communications and editorial material should be directed to the Bar Association office by the fifteenth day of the month preceding publication.

Opinions and positions expressed in the signed material are those of the author and may not necessarily reflect those of the Stark County Bar Association, its officers, staff or board of editors.

From Our President

ANSWER THE CALL

When you are First Vice- President of the Stark County Bar Association, your year of presidency feels a way away. Just ask Judge Forchione how quickly his year of presidency went, and you will know time flies. Did you ever wonder how you get lucky enough to write this column for 12 months? I will let you know how I arrived here. In 1999, Gust Goutras called me in the spring to ask if I would like to serve on the Grievance Committee. I had never had any prior involvement with the Bar Association, so I really did not know much about the association or what all we did. Like many of you, I paid my dues, and included my membership on my list of other organizations I was involved with. I was grateful Gust asked me and I agreed to serve. After having served on the committee for several years, I eventually chaired the committee. Then in 2014, I answered a call from Judge Heath, who asked if I would serve as chair of the Social Committee. I think she knew before I said yes that I would probably accept her request. I love organizing and preparing for social events whether they are on a small scale or large. Hopefully, many of you have enjoyed attending the Summer Outings and Holiday Parties that I helped plan. Finally, in 2021, I answered the phone when Gust Callas called, asking if I would serve as President of the Association in the future. Well, the first call I made was to Tina at the Bar office. I needed to know if she had any plans of retiring, because if she did, then I absolutely knew my answer would be no. Anyone that has served in any capacity at the Bar Association will tell you that Tina's involvement is critical to us being able to perform our duties with ease. Since I am writing this column, you know what Tina's answer was. So here we are. When I look back, I realized that two Gusts got me here.

The task of serving as President, begins in the Vice-Presidential year, if you follow in the steps of our prior president Stephen Babik. His advice was to attend as many committee meetings as you can



Angela T. Vagotis
President, Stark County Bar Association

so that you can see what is going on in the Association. This was certainly the best advice, and I did my best to participate in as many meetings as I could. Did you know that there are thirty-five committees in the Bar Association? There are over 200 members of our organization that serve those committees. That is an impressive percentage of our 700 members. Until you have participated in some of these meetings, you have no idea what our fellow members are doing to further our organization and us as attorneys in our community. Many of our committees serve the public by assisting with food banks, voter registration, and other forms of outreach. You would never have expected that a group of lawyers would have as much involvement with outreach to better serve our county as we do. I intend to spend some time in this column, each month, to familiarize you with the committees and the wonderful attorneys who volunteer as chairs and members, particularly those who are part of the outreach. If you have never served the association, I am hoping that with some familiarity, you

(continued next page)

From Our President *(continued from previous page)*

may decide to share your talents by participating in the future.

I want to thank Judge Forchione for his years of service to our Bar Association, culminating in his year as President. He set a great example to all of us coming up the ranks and has offered his assistance to those of us going forward. Thank you Judge. I also want to thank the outgoing committee members who have served and hope that you will return

in the future to serve our organization.

By the time you see this, July 4th may have passed, but every day we should be grateful for the freedoms we enjoy. Wishing you and your families a wonderful summer enjoying the outdoors, vacations, time with your family and all the summer activities that we wait for.



2024 Professional Conduct Seminar Speakers

SCBA President, Angela T. Vagotis, Ohio Supreme Court Justice Melody J. Stewart, Stark County Common Pleas Court Judge Taryn L. Heath, Ohio Supreme Court Justice Michael P. Donnelly, and Attorney Richard A. Dove, Director of the Ohio Board of Professional Conduct

2023-2024 Committee of the Year Award

Community Involvement Committee

Magistrate Andrea M. Scassa

Magistrate Christy M. Pierson

Mission Statement: “The Mission of the Community Involvement Committee is to provide opportunities for Bar Members to improve their community through public service, volunteerism, and pro bono legal representation.”

Activities include:

Each year the members interview our Honorary Members for a Spotlight in the Bar Journal.

Each year the committee seeks nominations for the OSBF 40 and Under Award.

Akron/Canton Food Bank – May 11th & September 23rd

Winter/Spring School Drive – Canton Local School District – Spring 2024

Refuge of Hope Dinner – April 22nd & October 25th

Law Day Poster & Essay Judging

Encouraged participation in the Stark Education Partnership

A few members participated in the 3R’s Program with the Stark County Prosecutor’s Office.

Community Christmas Adopt-a-Family

SAM Center Thanksgiving Drive

Thank you Committee members: Stephan P. Babik, Jason N. Bing, Aletha M. Carver, Cari Fusco Evans, Honorable Frank Forchione, Honorable Natalie R. Haupt, Honorable Taryn L. Heath, Kelsey C. Kochman, Todd B. Kotler, Derek C. McClowry, Jamie R. Minor, Melissa V. Pitinii, Ivan L. Redinger, Jr., Carole S. Stahler (A), Sara E. Strattan, and Andrea K. Ziarko.

2023 - 2024 Stark County Bar Association’s Legal Scholarship

This year the Bar Association awarded three scholarships. The three recipients are Amber Hassig attending the University of Akron, Adrianna N. Globokar attending the University of Akron and Emma Patterson who is currently undecided where she will be attending.

Stark Community Foundation administers the scholarship fund for the Bar Association and works closely with our Scholarship Committee. The scholarships have been funded from donations from the Stark County Bar Association throughout the years. Included in the fund are donations received in memory of a deceased attorney or loved one. Donations are always welcomed so that we may continue this scholarship opportunity for years to

come. Please send any donations directly to the Bar Association. Thank you.

Recent Donations were made by the following individuals:

Honorable Mary A. Falvey

John Anthony

Honorable C. Roland Centrone

John D. Clark

Janet Dutt

Douglas Godshall

Dean Grase

Joseph Martuccio

Honorable Richard D. Reinbold, Jr.

Report of Bar Applicant Committee

On June 13th the Bar Applicant Committee conducted interviews of 16 candidates.

The breakdown of activity is as follows:

Candidates interviewed and approved for a subsequent bar examination	15
Candidate interviewed and approved as a UBE Transfer Applicant	1
Re-Examination application approved	3
Supplemental applications approved	9
Total approvals granted	28

Committee members present and conducting interviews were Chairman James M. Conley, Michael J. Bogdan, Amanda Paar Conroy, Taryn A. Douglas, Robert W. Eckinger, Honorable Jim D. James, Kristen S. Moore, Ivan L. Redinger, Jr., Honorable Richard D. Reinbold Jr., Scott P. Sandrock and Gretchen Stocker. We thank the members for taking time from their busy schedules to assist in conducting the interviews!

NEW MEMBER

Bryan Bixler, Esq.
Krugliak, Wilkins, Griffiths & Dougherty Co., L.P.A.
4775 Munson St., N.W.
Canton, OH 44718
Phone: (330) 497-0700
Email: bbixler@kwgd.com

CHANGE OF ADDRESS

Todd A. Bergert, Esq.
81 Maplecrest S.W.
North Canton, OH 44720
Phone: (330) 454-1967
Email: tberg007@prodigy.net

The SCBA's CLE Director/Referral Secretary Position is Available

The Stark County Bar Association is currently seeking a full time CLE Director/Referral Secretary/Receptionist.

The applicant must have the collegiality and professionalism necessary to work well serving the public and the members of the bar association.

Primary responsibilities will be applying for CLE with the Supreme Court of Ohio, working with committees to schedule meetings to plan seminars; work with speakers and their equipment requirements, prepare Agendas; prepare and put together hand-out material; handle registration and attend all seminars; scheduling of the facility; gather information for mailings, and send e-mail blasts. Applicant will also conduct webinars via Zoom.

The Referral Secretary makes referrals to attorneys, works with the Referral Service Committee, prepares and sends reports including the Annual Supreme Court Referral Service Report.

The ideal candidate must have some previous work in the legal field, be organized, manage time effectively, be a self-starter, very dependable, work well independently, be a team player, and enjoys working with the public. The applicant must display a positive attitude and be willing to do such other tasks as assigned.

Proficiency with Microsoft Office (Word, Excel, and Outlook) is a must.

Please send resume to Stark County Bar Association, 116 Cleveland Ave., N.W., Suite 400, Canton, Ohio 44702.



The Stark County Bar Association Technology Committee Presents:

THE TECH SUMMERTIME SERIES

The Stark County Bar Association Technology Committee’s Tech Summertime Series is a series of three (3) continuing legal education sessions of one hour each. Each session will be to introduce and present ways and methods that attorneys are using technology to make their practices more efficient, more effective, and, generally, to make life in the profession better.

SESSION ONE: Generative AI

Merisa K. Bowers, *Loss Prevention Counsel, Ohio Bar Liability Insurance*

DATE/TIME: Thursday, July 18, 2024 @ 12:00 Noon - 1:00 p.m.

LOCATION: Webinar

SESSION TWO: Cyber Security

Paul Unger, *Affinity Consulting*

DATE/TIME: Tuesday, August 20, 2024 @ 12:00 Noon - 1:00 p.m.

LOCATION: In-Person (SCBA Office) or by Webinar

SESSION THREE: Digital Forensics

Damon Hacker, *Vestige Digital*

DATE/TIME: Thursday, September 19, 2024 @ 12:00 Noon - 1:00 p.m.

LOCATION: Webinar



- 7-18-24 Generative AI
- 8-20-24 Cyber Security In-Person/Webinar
- 9-19-24 Digital Forensics

COST EACH SESSION: \$30.00 Members Associate Members \$25.00 Non-Members \$55.00

Name _____ Atty. Reg. No. _____

Address _____

Email _____

*PLEASE NOTE: If you are currently a member of any local bar association, you may attend at our members’ price.

Please mail checks to: Stark County Bar Association
116 Cleveland Avenue, N.W., Suite 400, Canton, Ohio 44702-1728

NO REFUNDS UNLESS RESERVATION CANCELLATION IS RECEIVED 24 HOURS IN ADVANCE OF SEMINAR.
Application will be submitted for 1 General CLE Credit Hour.

2024 - 2025 Committees

Administration of Justice Committee

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James R. Blake
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John D. Ferrero
Jeremy J. Foltz
Stephen P. Griffin
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Wayne C. Kyhos
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Joseph Martuccio, *Vice-Chairman*

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Honorable Michael L. Howard
Honorable Richard J. Kubilus
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Robert W. Eckinger
Erich J. Maier
Kristen S. Moore
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Mary Jo Shannon Slick
Mary Elizabeth Ulm
Keith A. Warstler, Jr.
Jacob T. Will

Two Years

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Taryn Douglas
Katie Erchick Gilbert
Anthony Kaplanis
Ivan L. Redinger, Jr.
Honorable Richard D. Reinbold, Jr.
Gretchen Stocker
George Urban

Three Years

Michael J. Bogdan
Christopher S. Coleridge
Richard D. Drake
Honorable Jim D. James
Christine A. Johnson
J. Scott Kettler
Amanda Paar Conroy
Kyle L. Stone
Howard L. Wernow

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Christy M. Pierson, *Co-Chairman*

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Andrea C. Bartos
Jason N. Bing
Aletha M. Carver
Cari Fusco Evans
Honorable Frank Forchione
Honorable Natalie R. Haupt
Honorable Taryn L. Heath

(A) = Associate

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Todd B. Kotler
Derek C. McClowry
Jamie R. Minor
Melissa V. Pitinii
Ivan L. Redinger, Jr.
Carole S. Stahler (A)
Sara E. Strattan
Andrea K. Ziarko

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Jason F. Haupt
Christopher Hunt
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Rod A. Moore
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Timothy J. Putman
John J. Rambacher
Charles E. Ringer
Robert E. Roland
Scott P. Sandrock
Sam O. Simmerman
Kelsey M. Sullivan
Dean A. Swift
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Charles J. Tyburski
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William G. Williams
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Dennis Barr
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Richard D. Drake
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Andrew C. Glantz
Anthony Kaplanis
Richard R. Kuhn
Derek C. McClowry
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Jonathan E. Morris
Eugene D. O'Byrne, IV
Frederick M. Pitinii
Honorable John A. Poulos
Jacob T. Will
Anthony C. Wolters
Gerard T. Yost

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One Year

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Robert H. Cyperski
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Seth Marcum
Laura L. Mills
Joseph J. Pasquarella
Erin K. Robertson
Melissa S. Ulrich
John B. Wirtz

Two Years

Brittany Bowland
G. Ian Crawford
Ralph F. Dublikar
John R. Frank
Denise K. Houston
Christine A. Johnson
Rachel M. Reight
Hon. Richard D. Reinbold, Jr.
Marcus Wainwright

Three Years

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Anthony M. DioGuardi, II
Christopher Dionisio
TBA
Jeffrey M. Haupt
Paul B. Hervey
Thomas J. Lombardi
Edgar M. Moore, Jr.
Emilie Pidgeon

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Mara C. Aman

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Samantha P. Baum
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Honorable Frank G. Forchione,
Immediate Past President

One Year

Daniel D. Eisenbrei
Cari Fusco Evans
Maria Klutinoty Edwards
Cathy J. Horner
Amanda L. Kuhn
Tonya J. Rogers

Two Years

Julie A. Everett
Matthew P. Kreitzer
Melissa V. Pitinii
Marcus Wainwright
Stacey Zipay

Three Years

Taryn A. Douglas
Honorable Kristin G. Farmer
Evan J. Heck
Stacie L. Roth
Honorable Curt Werren

(A) = Associate

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Douglas T. Fowler
Andrew C. Glantz
Arnold F. Glantz
Melissa Graham-Hurd
Dean L. Grase
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Kimberly R. Hopwood
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Kari Simms (A)
Honorable David E. Stucki
Allison Tuesday
Brandon J. Waltenbaugh
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Katie Erchick Gilbert
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Ty Graham
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TBA
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Stacie L. Roth
Larry V. Slagle

Two Years

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Cari Fusco Evans
John T. Konovsky, Jr.
Jennifer L. Lile
Kristen S. Moore
Jude B. Streb
Kimberly K. Wyss

Three Years

TBA
Richard R. Kuhn
Kevin R. L'Hommedieu
Richard A. Nicodemo
Melissa V. Pitinii
Tonya Rogers
George Urban

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Sara E. Strattan
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J. Sean Keenan, *Vice-Chairman*

Gregory A. Beck
Melissa Brown (A)
Aletha M. Carver
Christopher S. Coleridge
Jeremy J. Foltz

(A) = Associate

Douglas N. Godshall
Richard R. Kuhn
Kenneth A. Mirkin
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Beverly Proctor-Donald
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Douglas N. Godshall
Honorable Taryn L. Heath
Todd B. Kotler
Christian Turner (A)
Charles J. Tyburski

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Honorable Joel Fichter
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John R. Giua
Honorable Kristen Guardado
Keith L. Jarvis
Richard R. Kuhn
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Jean Madden

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Frederick M. Pitinii
Honorable John A. Poulos
Ivan L. Redinger, Jr.
Andrea M. Scassa
John H. Simpson
Sara E. Strattan
George Urban
Honorable Curt Werren
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Samantha P. Baum
Dianne Blocker Braun
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Eugene M. Cazantzis
Sandra K. Cheshire
John D. Clark
James F. Contini, II
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Robert W. Eckinger
Honorable Edward J. Elum
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This year, we will take the opportunity to recognize local practitioners who are celebrating 50 years in the practice of law. Our next attorney to be recognized for a largely commendable 50 years of practice is Rosemary G. Rubin, Esq.

50TH Year Spotlight

Rosemary G. Rubin, Esq.



Where did you attend law school? Akron

Why did you decide to become a lawyer? Interested in politics and history. I saw it as a way to help people and earn a living.

Can you recall any particularly memorable or landmark cases you were involved in, and how did they impact your approach

to practicing law? Back in the early 70s, I was with the Legal Defender's Office, I had a case that went to the Ohio Supreme Court on the issue of natural father's consent to adoption. The law has changed substantially since then.

What have been the biggest changes in the practice that you have witnessed over the past 50 years?

Equity of women and other minorities in the practice; especially statewide.

Have they been for the better? Yes!!

How have they impacted your practice? I do not think things are done differently but there is a greater pool now of mentors for young minority and women attorneys.

As you've witnessed the evolution of the legal profession, are there any aspects of the practice that you believe should return to traditional methods or be preserved for future generations of attorneys?

Civility is lacking these days. I cannot be sure that I was treated worse as a young attorney because I was a woman, versus my simply being young.

In your experience, what skills or qualities are essential for a successful attorney, and how have you honed these skills throughout your career? Have empathy, know what the client wants and guide them towards what is achievable. Being a good listener and cultivating that skill has been both useful and challenging. Lastly, being a lifelong learner is very helpful and gratifying. I have learned so much through continuing education.

Can you share any experiences or strategies that helped you maintain a work-life balance throughout your long and successful career? I had it really easy, my parents were around and I was able to afford additional

help. I think being able to ask for help and set limits is the best advice I can give.

Over the years, how have you built and maintained relationships with clients and colleagues, and how do you believe these relationships contributed to your success as an attorney? I go to bar association activities and make the time to reach out to friends.

In your opinion, what are some of the most pressing legal issues facing the state of Ohio today, and how do you think they should be addressed? Gerrymandering and voter's rights are very troubling to me. Everyone who knows me knows where I stand on important issues. I am not exactly shy.

Reflecting on your vast experience, are there any cases or decisions you wish you could have handled differently? What did you learn from those experiences? I would have preferred to win my run for judge, but I do not regret trying.

Throughout your career, how have you adapted your communication style to effectively advocate for your clients in various legal settings, such as negotiations, mediation, and trials? I try to moderate my arguments. I try to hold back on being bombastic. You need to acknowledge the position of the other side save your most forceful statements for last. I frequently write a trial brief rather than making a closing argument. Sometimes it serves to scaffold my witness questioning.

What has been the most fulfilling aspect of your career? Serving as Stark County Bar President.

Do you have a favorite legal movie or book? Anatomy of a Murder; had a great cast (The film stars James Stewart, Lee Remick, Ben Gazzara, Eve Arden, George C. Scott, Arthur O'Connell, Kathryn Grant, Brooks West (Arden's husband), Orson Bean, and Murray Hamilton. The judge was played by Joseph N. Welch, a real-life lawyer famous for dressing down Joseph McCarthy during the Army-McCarthy hearings.) It also has a musical score by Duke Ellington.

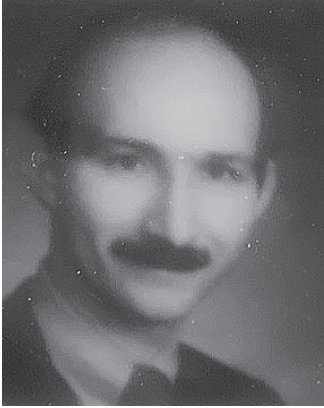
What is the best advice you can give new lawyers? Get involved with the local bar association and the state bar. Get involved with a committee. You get referrals, access to other attorneys and learn other soft skills that serve your practice.



This year, we will take the opportunity to recognize local practitioners who are celebrating 50 years in the practice of law. Our next attorney to be recognized for a largely commendable 50 years of practice is Ralph F. Dublikar, Esq.

50TH Year Spotlight

Ralph F. Dublikar, Esq.



Attorney Ralph Dublikar has exceeded his eighth-grade yearbook declaration that when he grew up, he wanted to be a lawyer. A founding member of Baker, Dublikar, Beck, Wiley & Mathews, he has practiced law with integrity and led others to take pride in our honorable profession.

After graduating from Niles McKinley High School in 1967, he attended Xavier University majoring in Political Science. He then attended the University of Cincinnati Law School. He remained in Cincinnati after graduation serving as a judicial law clerk to United States District Judge Timothy Hogan from 1974 to 1976. He began his legal career in Stark County in 1976 when he accepted a position as an associate at Day Ketterer. Ten years later, he took a risk with Attorney Jack Baker and three other attorneys to leave and form a new law firm, Baker Dublikar. Thirty-eight years later, the firm has ten attorneys and continues to provide legal services throughout the State of Ohio. He has served as the managing partner for over twenty years.

A little trivia question: Ralph is the second person to be born in Niles, Ohio and practice law in Canton. Can you name the first? (Hint: the first became President of the United States)

Ralph's primary focus has been on civil litigation, but he also is known for handling adoptions. More recently, he has been practicing more probate and estate planning. The most rewarding aspect of the work for him has been that he loves being a lawyer. Although his career path was chosen early, it was chosen well, and he feels blessed to have worked with so many lawyers, judges, court staff and other professionals over the course of his career.

Over the course of 50 years, he has seen significant

changes in the practice; some good and some not. There have been obvious changes relating to technology, and a change in the number of women in the profession. Ralph recalls that his law school class had less than 10% women, in comparison to the present statistics that reflect women's enrollment exceeding 50%. The biggest negative change has been the loss of camaraderie among lawyers. Early in his career, it seemed that lawyers not only had professional but social relationships with other lawyers. Perhaps our Stark County Bar Association social events including the Holiday Dinner Dance can revive some of that professional camaraderie.

Ralph's advice to our young lawyers is to get out from behind their desk and get to know other lawyers and the community you live in. Strive to be civic leaders and contributors to the community. There is an old saying, "you can be the best lawyer in the world, and if no one knows who you are and what you do, it really doesn't matter how good of a lawyer you might be." Ralph followed his passion for the law and has given back to his community many times over. Congratulations to Ralph Dublikar for a successful career and many thanks for his service to the Stark County community.



A Brief on The FTC's Non-Compete Ban

On April 23, 2024, the Federal Trade Commission (FTC) released its finalized rule to promote competition by banning non-competes nationwide. It is estimated that nearly 18% of U.S. workers, roughly 30 million, are covered by non-competes.¹ The FTC stated that this decision will, “protect the freedom of workers to change jobs, increase innovation, and foster new business formation.”³

The final rule has a different approach for existing non-competes. It states that existing non-competes with senior executives are, “less likely to be subject to the ongoing harms being suffered by others subject to existing non-competes”, such as being forced to stay in a job they dislike, exploitation, forced relocation, or defending against expensive litigation.⁴ The FTC defined senior executives as workers who earn more than \$151,164 annually and are in charge of policy making decisions.⁵

For employees who are not senior executives, existing non-competes are no longer enforceable after the final rule’s effective date, September 4, 2024.⁶ While the final rule bans nearly all non-competes, it does allow non-disclosure agreements (NDAs) and compliance with trade secret laws. The FTC found that use of NDAs and compliance with trade secret laws offer adequate protection to proprietary and sensitive information. In addition, researchers found that, “over 95% of employees working under a non-compete are already subject to an NDA.”⁷

The use of customer non-solicitation agreements or employee non-solicit agreements is also encouraged by the FTC. However, these agreements can be viewed as a non-compete if they, “function to prevent a worker from working for another employer in the same field.”⁸ This also includes if a non-solicitation agreement prevents an employee from seeking, accepting other work, or starting a business after their employment ends.⁹

Once the final rule becomes effective, participants can report suspected violations to the Bureau of Competition by emailing noncompete@ftc.gov.

By Kasey Brown
Stark County Law Library
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Footnotes

¹“Banning Noncompetes Infographic” *FTC*. Accessed 15 May. 2024. Available at: https://www.ftc.gov/system/files/ftc_gov/images/2024-Noncompete-Infographic-EN-508.png

²“Noncompete Rule” *FTC*. Accessed 15 May. 2024. Available at: <https://www.ftc.gov/legal-library/browse/rules/noncompete-rule>

³ 16 C.F.R. § 910.2.III.X.b. *FTC*. Accessed 15 May. 2024. Available at: https://www.ftc.gov/system/files/ftc_gov/pdf/noncompete-rule.pdf

⁴ 16 C.F.R. § 910.2(a)(2) *FTC*. Accessed 15 May. 2024. Available at: https://www.ftc.gov/system/files/ftc_gov/pdf/noncompete-rule.pdf

⁵“Fact Sheet on the FTC’s Noncompete Rulemaking” *FTC*. Accessed 15 May. 2024. Available at: https://www.ftc.gov/system/files/ftc_gov/pdf/Non-Compete-Fact-Sheet.pdf

⁶“Fact Sheet on the FTC’s Noncompete Rulemaking” *FTC*. Accessed 15 May. 2024. Available at: https://www.ftc.gov/system/files/ftc_gov/pdf/Non-Compete-Fact-Sheet.pdf

⁷ 16 C.F.R. § 910.1.2.b.ii. *FTC*. Accessed 15 May. 2024. Available at: https://www.ftc.gov/system/files/ftc_gov/pdf/noncompete-rule.pdf

⁸ Final Rule 78 n.341; Id. at 81, n. 346. *Federal Register*. Accessed 15 May. 2024. Available at: <https://www.federalregister.gov/documents/2024/05/07/2024-09171/non-compete-clause-rule>

⁹ 16 C.F.R. § 910.1. *FTC*. Accessed 15 May. 2024. Available at: https://www.ftc.gov/system/files/ftc_gov/pdf/noncompete-rule.pdf

How You Can Help Decrease Mental Health Stigma

By Scott R. Mote, Esq., Executive Director, Ohio Lawyers Assistance Program

For millennia, society treated people who suffered from mental health disorders as criminals. In the Middle Ages, mental illnesses were believed to be punishments from God, where people were burned at the stake or put in penitentiaries where they were chained to their beds. During the Age of Enlightenment, the mentally ill were put in institutions and mental illnesses began to be treated like other common problems. As the years went by, people became more aware of these disorders and did their best to try to treat them. Now, I see billboards, yard signs, mental health awareness posters in workplaces, and social media campaigns that say, “You are not alone,” or “It’s ok to ask for help.” This creates more awareness around mental health, and I am impressed with the movement. We have come a long way in recognizing and treating mental illness, but, unfortunately, discrimination of the mentally ill is still pervasive. We still have more work to do.

More than half of people with mental illness do not get help. The ones who do not seek help are concerned about being treated differently or are afraid that they will lose their jobs.

Given your strong credibility and respectability as a legal professional, you are in a powerful position to influence public perception of mental illness and related stigma. Here’s how you can help.

Increase education and awareness of and access to proper treatment

The workplace has a tremendous impact on personal identity, self-esteem and social recognition; therefore, it is important to formulate a plan that addresses mental health and substance use disorder issues and make sure the plan is well-known at your office. Your plan should express your commitment to leading a healthy workplace and help leaders identify signs and symptoms and how to respond accordingly. Create a culture where wellness and access to help is encouraged and accessible.

Recognize the signs and symptoms

Recognizing the signs and symptoms of a mental health issue in yourself, let alone in someone else, can be a challenge. Early warning signs may be difficult to identify, but you may notice an individual struggling with a mental health issue experiencing:

- Increase in drug or alcohol use
- Withdrawing from normal activities
- Change in sleep habits
- Feeling hopeless
- Low energy
- Uncharacteristic emotions
- Confusion/forgetfulness
- Normal activities are a challenge
- Thinking of harming oneself
- Hearing voices or delusions

Often, individuals feel uncomfortable or unsure of how to bring up their concerns to a colleague they suspect may be struggling; it can be a bit of an awkward conversation to have with a coworker, regardless of how well you know the individual, but it is possible, and it is our responsibility to try to help.

Think before you speak

You communicate daily—with fellow attorneys, judges, people in the courtroom, the public. When you speak, people listen. They respect your opinions, and they take notice of how you communicate. At times, you may need to speak about mental health illness and substance use disorders, whether you are speaking about a person living with one of these disorders or about the topic in general. One way you can help decrease the stigma of mental health illness and substance use disorder is to learn how to use the proper terminology for these disorders.

(continued next page)

When we say hurtful words such as cripple, retard, insane asylum, addict, junkie, crackhead, druggie, etc., we are using words that display judgment, shame and blame.

Carefully choose words that display a non-judgmental interpretation. Substance use disorder used to be called “substance abuse.” When you think about the term “abuse,” it is usually coupled with other types of abuse, such as child abuse, domestic abuse, and physical abuse. In these types of abuse, there is a person who is causing direct harm to another person. When you say “substance abuse,” it makes one believe that the person is committing a crime. But when you label addiction as “substance use disorder,” it conveys that this is a disorder that needs to be treated medically. When you label someone as a substance abuser it encompasses the whole person, which defines him or her by dysfunction. In contrast, the “substance use disorder” tag simply describes one problem, rather than an entire identity.

Some other words that we might say in our everyday language can convey stigma. For example, one might say “That’s crazy, psycho, insane.” Instead say “That’s wild, bizarre, eccentric.” Instead of saying “That drives me nuts” or “That makes me crazy,” simply say “It annoys me.” This helps remove negative words that are sometimes associated with MH/SUD.

Lead by example

When others in the profession see you taking control of your life and not letting emotions take over, they will look up to you and want to follow in your footsteps. When they see that you are an advocate for mental health awareness in the workplace and the profession, it helps others understand that it is ok to ask for help. Persons of trust can have very high credibility, because they themselves have been affected by these illnesses and can report first-hand experiences and comment on treatments.

Research has shown that knowing or having contact with someone with a mental illness is one of the best ways to reduce stigma. People who share their stories can have a positive impact, because when individuals know someone with mental illness, it can become more relatable and less intimidating.

As a lawyer, you help people, you are a leader in your community, and you can help end the stigma of mental health. Learn the facts about mental health, be cognizant of them, and help yourself or someone you think is struggling. Be quick to dispel something that is not true. Most importantly, teach others to treat people with mental illnesses with respect and dignity, as they would anybody else.

If you find yourself stressed, anxious, or overwhelmed, seek help. The Ohio Lawyers Assistance Program helps lawyers, judges and law students manage life’s stresses. OLAP has saved lives, careers, marriages and families. All inquiries are confidential. (800) 348-4343 / ohiolap.org



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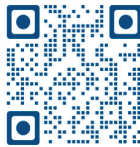
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