



MALPRACTICE ALERT!

OBLIC

Ohio Bar Liability
Insurance Company

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ANNUAL LOSS PREVENTION SEMINAR

“Making It Work: Tactics for a Successful Practice” is set for Thursday, May 8, 2003 from 2:00 PM – 5:15 PM at the OSBA Annual Convention at the Crowne Plaza Hotel/Dayton Convention Center in Dayton, Ohio. For the fourteenth consecutive year, OBLIC will co-sponsor its annual Loss Prevention Seminar with the Board of Governors of the OSBA Solo, Small Firm & General Practice Section. For the second year, the OSBA Lawyers’ Assistance Committee will also be a co-sponsor.

The seminar will provide practical advice for lawyers of varying levels of experience. **Diane Kappeler DePascale** will address *Beginning Lawyers: Setting Up Practice and Mentoring New Lawyers*. *Experienced Lawyers: Maintaining the Edge* will be discussed by **Stephen E. Chappellear**. This information will be useful to attorneys of other experience levels as well.

The newly adopted DR 2-111 SALE OF LAW PRACTICE will be the topic of Theodore M. Mann, Jr. for the segment *Retiring Lawyers: Selling a Law Practice*.

Disciplinary Counsel, Supreme Court of Ohio, **Jonathan E. Coughlan**, will cover *Ethical Considerations* and **Scott R. Mote**, Executive Director, Ohio Lawyers’ Assistance Program, will discuss *Substance Abuse and Mental Health Issues*. A *Panel Discussion: Professionalism Issues* will round out the program. CLE credit will be available for 1 hour of Professionalism, 1 hour of Ethics, .5 of Substance Abuse and .5 of General to meet the biennial CLE requirements.

Be sure to mark box (304) on the CLE Seminar Selections side of your Registration Form to allow Convention Staff to plan adequate seating. You won’t want to miss this one!

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MORE OFFICE SHARING PROBLEMS

A recent Court of Appeals decision illustrates problems with office sharing, and demonstrates some practices to avoid.

In *Winblod v. Deskins*, 150 O.App.3d 527, 2002-Ohio-7092 (2nd Dist. 2002), one party moved to disqualify the other party’s attorney on the basis that a conflict of interest existed. Both lawyers were in the same four-attorney office sharing arrangement. The trial court ruled that the appearance of a possible conflict was such that the motion to disqualify was sustained. The appellate court upheld the decision.

The attorney against whom the motion was filed had separate office space, his own secretary, and operated as a sole practitioner. However, the court(s) also noted the following: four attorneys’ names were together on the office signage, the office space had a common entrance, common waiting room, common fax lines and phone line answered by any of the staff in the office, shared copy machine, and that confidential client information was stored in shared file cabinets. The court also noted that the two lawyers involved in the case had and were co-counseling on several other cases. For these reasons, the appellate court found that the trial court did not abuse its discretion in disqualifying the one attorney from representation due to the potential appearance of impropriety.

OBLIC suggests these procedures if you share space:

- Use **separate letterhead**
- If you have a common phone line, **answer it “law offices”** (with the best practice for each lawyer to have her/his own phone line)
- Have **separate locking file cabinets** for each attorney’s client files
- **No common advertising anywhere!**
- Signage that makes it clear that these are **separate law offices**, *eg.* “Law Office of Jane Doe,” “Law Office of John Roe.”

Please remember, although you know you operate as a sole practitioner, you will be judged not on the basis of what *you* think, but what the public perceives.

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Albert Slakis Retires After 23 Years, George Krempley Named President

Albert Slakis, MBA, CPCU retired as President of OBLIC in late January 2003. Al joined the fledgling company in 1979 as Executive Vice-President in charge of day-to-day operations, and steered the Company through its early, and sometimes difficult, formative years. During his tenure, OBLIC was able to realize the long-term goal of the redemption of stock purchased by attorneys in Ohio to capitalize the Company, in addition to the payment of dividends on the stock for several years prior to redemption. Al leaves the Company on a solid financial foundation. We wish him well.

George Krempley, MBA, was named President of OBLIC effective January 27, 2003. Mr. Krempley’s career in the insurance business spans more than 25 years, including CEO of Automobile Club Insurance Company of Columbus, and most recently, as a consultant to the industry with the Robert E. Nolan Company. Mr. Krempley also serves as Chair of the Board of the Griffith Foundation for Insurance Education in Columbus.

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