

# inside Benesch

MY BENESCH  
MY TEAM

E-NEWS AND EVENTS FROM BENESCH FRIEDLANDER COPLAN & ARONOFF LLP

September 2012



From left to right: Kevin Margolis, David Mansbery, Rob Zimmerman and Chip Collier.

## Benesch's Shale Team Speaks at Ohio Society of CPAs Oil & Gas Conference

Chip Collier, David Mansbery, Kevin D. Margolis and Robert A. Zimmerman, all members of Benesch's Shale Oil & Gas Initiative, presented at the Ohio Society of CPAs Oil & Gas Conference in Cleveland on August 23. Chip and Kevin presented "Overview of the Utica Shale Play in Ohio & Potential Economic Impact" and David and Rob presented "Utica Shale Play: Past Legislation, SB 315 & Significant Lease Issues."



Ohio Shale  
Update

BENESCH  
Attorneys at Law

Please follow Benesch on [Twitter](#) [@ohioshaleupdate](#) for the latest news on the Ohio Utica Shale Play. We will be tweeting daily on the most timely shale industry moves, shale infrastructure and governmental issues and regulations as they relate to this exciting and constantly evolving topic.

## Woods Named One of the Top 100 Trial Lawyers in the U.S.

Judy L. Woods has been named one of the Top 100 Trial Lawyers in the country by the National Trial Lawyers Association.

The National Trial Lawyers: Top 100 Trial Lawyers is a professional association composed of only the most qualified trial lawyers from each state. Membership in The National Trial Lawyers: Top 100 Trial Lawyers is by invitation and is extended only to those attorneys who exemplify superior qualifications, trial results, leadership, influence, reputation, stature and profile in the trial attorney community, as viewed by the organization, other trial lawyers, members of the bench and the public at large. The National Trial Lawyers Association conducts the necessary investigation and diligent evaluation of trial lawyers' qualifications for invitation as one of its exclusive members.

Judy is a partner with Benesch's [Litigation](#) Practice Group. She focuses her practice on complex commercial and "bet the company" litigation, including antitrust, class actions, shareholder and corporate governance disputes, international contracts, finance disputes, fraud, RICO and other business disputes.

## Miller and Zalud Both Named Best Lawyers' "Lawyers of the Year" in Cleveland

Barry J. Miller has been named by *Best Lawyers* as the "2013 Lawyer of the Year" for Construction Law in Cleveland and Eric L. Zalud has been named by *Best Lawyers* as the "2013 Lawyer of the Year" for Transportation Law in Cleveland.

*Best Lawyers* designates "Lawyers of the Year" in high-profile legal specialties in large legal communities. Only a single lawyer in each specialty in each community is being honored as the "Lawyer of the Year." *Best Lawyers* compiles its lists of outstanding attorneys by conducting peer-review surveys in which thousands of leading lawyers confidentially evaluate their professional peers.

Barry is Chair of Benesch's [Construction](#) Practice Group and focuses his practice on construction law, both public and private, real estate law and commercial litigation. He has extensive experience in representing owners, general contractors, developers, public agencies, architects, engineers, design professionals and sureties in a wide variety of construction dispute-related matters.

Eric is Chair of both Benesch's [Litigation](#) and [Transportation & Logistics](#) Practice Groups and focuses his practice primarily upon commercial litigation; transportation, logistics and e-commerce law consult and litigation; insurance, coverage and bad faith matters; probate litigation; and product liability matters, including medical device defense.

## Benesch Recognized as a Go-To Law Firm for Top 500 Companies

Benesch has been recognized as a 2012 Go-To Law Firm® for the Top 500 Companies in the areas of Labor & Employment Law and Litigation by *American Lawyer Media (ALM)*. This honor puts Benesch in an elite group of firms that deliver exceptional work for the Fortune 500.

## Ervin Appointed to Board of Commissioners of the Columbus Metropolitan Housing Authority



James L. Ervin, Jr.

The Franklin County Court of Common Pleas has reappointed **James L. Ervin, Jr.** to the Board of Commissioners of the Columbus Metropolitan Housing Authority

(CMHA). This five-year term commenced August 19, 2012.

CMHA is the public housing authority for Franklin County and the City of Columbus. Its mission is to serve the community by helping people access affordable housing. By working with its collaborative partners, CMHA develops, renovates and maintains housing; promotes neighborhood revitalization; and assists residents in accessing needed social services.

James is Chair of Benesch's [Corporate Compliance & Regulatory Enforcement](#) Practice Group and is a member of the firm's [Litigation](#) and [Public Law](#) Practice Groups. He focuses his practice on corporate compliance, regulatory enforcement, white collar criminal defense, business litigation and public law.

## Blubaugh Elected First Vice President of Transportation Lawyers Association

**Marc S. Blubaugh** has been elected First Vice President of the Transportation Lawyers Association (TLA). He will serve a one-year term, which became effective May 2012.

As First Vice President, Marc will also serve as editor of *The Transportation Lawyer*, the association's legal journal.

TLA is an independent, international bar association whose members assist providers and commercial users of logistics and transportation services. TLA is dedicated to keeping its members ahead of the constant changes in all aspects of the specialized legal environment affecting the transportation community, regardless of the particular legal discipline involved.

Marc is a partner with the firm's [Litigation](#) Practice Group and serves as the Co-Chair of the firm's [Transportation & Logistics](#) Practice Group. Since 2007, The Best Lawyers in America has recognized Mr. Blubaugh as one of the "Best Lawyers in America" in the area of Transportation Law. Mr. Blubaugh has litigated a wide variety of transportation and logistics-related cases in state and federal courts throughout the U.S. as well as before administrative bodies.

## Washbush Reappointed to the Columbus Bar Services Board for the Columbus Bar Association

**Thomas C. Washbush** has been reappointed to the Columbus Bar Services Board for the Columbus Bar Association (CBA).

Founded in 1869, the Board oversees the activities of its various committees and staff. Through the active involvement of the Board and diverse membership, CBA strives to be the leader in providing excellent, innovative and cost-effective services to members of the legal profession and the general public in central Ohio. CBA primarily focuses on professionalism, education, advocacy and community service in order to advance the justice system for all.

Tom is Partner-in-Charge of the Columbus office, a member of the firm's Executive Committee and a partner with the firm's [Corporate and Securities](#) Practice Group and its [Commercial Finance and Banking](#) Practice Group. With more than 19 years of legal experience, Tom's main concentration is in corporate and transactional work, mergers and acquisitions, loan transactions, financings and restructuring.

## Benesch Partners with St. Martin de Porres High School

For a third year, Benesch is partnering with St. Martin de Porres High School to participate in its Corporate Work Study Program for the 2012–2013 academic year. St. Martin was founded to provide college-preparatory education to children in Cleveland who would not be able to afford such an education. The school relies on funding through the Corporate Work Study Program.

Benesch is continuing to participate in this program because of the importance of giving back to the community and the exceptional results the school has shown, and because studies are clear in that a community cannot excel in economic development without an educated workforce. In this regard, Cleveland has been challenged in recent years. This program fits with the involvement of our colleagues in other education initiatives, including College Now, Breakthrough Charter Schools, Y.O.U. and others.

The firm is sponsoring three students to attend St. Martin de Porres High School in connection with the Corporate Work Study Program. Each student will work one full day a week (five full days a month) to help cover a majority of his or her tuition, and will attend classes the remaining four days a week.

## Upcoming Events

### **Benesch & Plante Moran Private Equity Forum**

James M. Hill, Peter K. Shelton, Joseph G. Tegreene, Richard F. Tracanna

October 2, 2012 | New York, NY

### **Negotiating Merit Pay and New Teacher Evaluation Models in the Race-to-the- Top Era: A Real-Life Case Study**

Lisa M. Burleson

October 2–3, 2012 | Columbus, OH

### **Legal and Financial Consideration When Restructuring**

Martha J. Sweterlitsch

Not-for-Profit CPA Leadership Symposium  
October 3, 2012 | Cleveland, OH

### **How to Deny Regulators and Trial Lawyers Seeking their Treasure by Re- Characterizing Your Independent Contractors as Employees**

Richard A. Plewacki

2012 ATA Management Conference &  
Exhibition

October 6–9, 2012 | Las Vegas, NV

### **The Top 10 Legal Hurdles for 2012**

Marc S. Blubaugh

American Trucking Association's Annual  
Management Conference & Exhibition  
October 8, 2012 | Las Vegas, NV

### **Legal and Regulatory Challenges**

Janet K. Feldkamp

LeadingAge Ohio

October 9, 2012 | Columbus, OH

### **NLRB Update: New Election Rules, Social Media Issues and the Current Board Law**

Peter Kirsanow

Ohio State Bar Association's 40th Annual  
Midwest Labor and Employment Law  
Seminar

October 11–12, 2012 | Columbus, OH

### **Survey and Enforcement**

Janet K. Feldkamp

Avila Institute

October 11, 2012 | Germantown, NY

### **Social Media, Internet and Email: Admissibility of Electronic Evidence at Trial**

Nicole D. Galli

Live Phone/Web CLE seminar

October 16, 2012

### **Ohio HB522 Motor Carrier-Specific Independent Contractor Exception**

Richard A. Plewacki

Cleveland Freight Association

October 17, 2012 | Cleveland, OH

### **Ohio Nursing Laws and Rules**

Janet K. Feldkamp

Ohio Council for Home Care & Hospice

October 18–20, 2012 | Columbus, OH

### **Transportation Law Fundamentals**

Marc S. Blubaugh

International Warehouse Logistics  
Association "The Essentials" Program

October 23, 2012 | Memphis, TN

### **Delivery of Possession Requirements**

Robert Ondak, Jr.

2012 ICSC Law Conference

October 24–27, 2012 | Orlando, FL

### **Non-Recourse Carve-Outs, "Bad-Boy" Guaranties and Personal Liability after Cherryland**

James H. Schwarz

ICSC Shopping Center Law Conference

October 24–27, 2012 | Orlando, FL

### **Columbus Breakfast Seminar Series Seminar #4: General Financing Options for Small and Emerging Businesses**

Thomas C. Washbush and T. Ted Motheral

October 30, 2012 | Columbus, OH

RSVP to Tracy Hughey at

thughey@beneschlaw.com or (614) 223-9322

### **Trial Preparation from Start to Finish for Paralegals**

Cathy D. Canny

Institute for Paralegal Education

October 30, 2012 | Indianapolis, IN

### **Title Law**

Norman R. Newman

NBI Advanced Real Estate Seminar

November 13, 2012 | Indianapolis, IN

### **Extending Liability to Brokers: The Scope and Nuances of Recent Court Decisions and Their Impact on the Course of Trucking Litigation**

Marc S. Blubaugh

ACI's National Forum on Defending and  
Managing Trucking Litigation

November 29, 2012 | Atlanta, GA

## New Attorneys

### **Cleveland**

#### **R. Michael Schreiner**

Associate, Real Estate Practice Group  
(216) 363-4679

[mschreiner@beneschlaw.com](mailto:mschreiner@beneschlaw.com)

B.S., Miami University

J.D., Emory University



R. Michael Schreiner

Michael has experience covering many aspects of commercial real estate financing and development.

### **Indianapolis**

#### **Denise Y. Barkdull**

Partner, Public Finance Practice Group  
(317) 685-6130

[dbarkdull@beneschlaw.com](mailto:dbarkdull@beneschlaw.com)

B.A., *cum laude*, Boise State University

M.B.A., Indiana University Kelley School of Business

J.D., Indiana University-Bloomington



Denise Y. Barkdull

Denise has extensive experience assisting state and local governments with taxable and tax-exempt financings and related transactions.

### **Wilmington**

#### **Stephen M. Ferguson**

Associate, Litigation Practice Group  
(302) 442-7056

[sferguson@beneschlaw.com](mailto:sferguson@beneschlaw.com)

A.B., Georgetown University

J.D., Villanova University School of Law



Stephen M. Ferguson

Stephen focuses his practice in all areas of complex civil litigation, including commercial and intellectual property disputes.



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