

**Ohio Supreme Court
Seminar Syllabus 2010
Subject to change with advance notice
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Office hours by appointment
556-0958**

Introductory Material:

STARE DECISIS

**Rocky River v. State Emp. Relations Bd., (1989) 43 Ohio St.3d 1
(read the short analysis at Section II, up to Part A)**

**Westfield Ins. Co. v. Galatis 2003-Ohio-5849, ¶1, ¶43-48 (ignore
the discussion of the Scott-Ponzer case)**

**State v. Bodyke, 2010-Ohio-2424, ¶32-37 (O'Connor, J.); ¶76-91
(O'Donnell, J.)**

SEPARATION OF POWERS

**State ex.rel OATL v. Sheward, 86 Ohio.St.3d 451, Section II of
decision, and Section IV G**

State v. Bodyke, 2010-Ohio-2424, ¶39-53

**Agency, Independent Contractors, Respondeat Superior
When should the boss pay for the employee's torts in medicine
and law?**

**Cooper v. Sisters of Charity (1971) 27 Ohio St.2d 242
Hannola v. Lakewood (1980) 68 Ohio App.2d 61**

Albain v. Flower Hospital, (1990), 50 Ohio St.2d 251, 553 N.E.2d 1038

Brief lecture --Berdyke v. Shinde, (reading of this case not required)

Clark v. Southview Hospital (1994) 68 Ohio St.3d 435

Browning v. Burt (1993),66 Ohio St. 3d 544 **Facts and Parts I and II only**

Roberts v. Ohio Permanente Medical Group, Inc. (1996), 76 Ohio St.3d 483

Comer v. Risko , 106 Ohio St.3d, 2005-Ohio-4559

Natl. Union Fire Ins. Co. of Pittsburgh, PA v. Wuerth, No. 2009-Ohio-3601.

In other circumstances?

Byrd v. Faber, (1991) , 57 Ohio St.3d 56

Kerans v. Porter Paint Co. (1991), 61 Ohio St. 3d 486, 575 N.E.2d 428

Groob v. Key Bank, 108 Ohio St.3d 348, 2006-Ohio-1189—
respondeat superior sections only ¶1-11; ¶31-59

Statutes of limitations

Wyler v. Tripi (1971), 25 Ohio St. 3d 251

Melnyck v. Cleveland Clinic (1972), 32 Ohio St.2d 198

O'Striker v. Jim Walter Corp. (1983), 4 Ohio St.3d 84

Oliver v. Kaiser Community Health Foundation (1983), 5 Ohio St.3d 111

Brief Lecture Skidmore v. Rottman, (reading of this case not required)

Hershberger v. Akron City Hospital (1987), 34 Ohio St.3d 1

Allenius v. Thomas (1989) 42 Ohio St.3d 131

Zimmie v. Calfee Halter & Griswold, (1989) 43 Ohio St.3d 54, 538 N.E.2d 398

Shover v. Cordiss Corp.(1991) 61 Ohio St.3d 213, 574 N/E.2d 457

Flowers v. Walker (1992), 63 Ohio St.3d 131, 538 N.E.2d 93

Akers v. Alonzo (1992), 65 Ohio St. 3d 422, 605 N.E.2d 1

Browning v. Burt, redux, (1993) 66 Ohio St.3d 544 (Parts III, and V)

Rome v. Flower Hospital (1994) 70 Ohio St.3d 14

State v. Hensley (1991), 59 Ohio St. 3d 136—skip Part II

Doe v. First United Methodist Church (1994) 68 Ohio St.3d 531

Ault v. Jasko (1994) 70 Ohio St. 3d 114

Collins v. Sotka (1998), 81 Ohio St.3d 506

Norgard v. Brush Wellman, Inc., 95 Ohio St.3d 165, 2002-Ohio-2007

Doe v. Archdiocese of Cincinnati (2006)109 Ohio St.3d 491, 849 N.E.2d 268 Ohio,2006.

(skip sections VI and VII)

Pratte v. Stewart 2010-Ohio-1860 paragraphs 1-25; 44-61

State Constitutional Law

Michigan v. Long

463 U.S. 1032 (1983)

Sections I and II only, plus dissent by Stevens

Arnold v. Cleveland (1993), 67 Ohio St. 3d 35, 616 N.E.2d 163

Skip Section II on the Supremacy clause

Defamation, Speech and the Press

Introductory remarks

Milkovitch v. News Herald, (1984) 15 Ohio St.3d 292, 473 N.E.2d 1191

Scott v. News Herald, (1986), 25 Ohio St.3d 243, 496 N.E.2d 699

Milkovitch v. News-Herald (1989), 46 Ohio App.3d 20, 545 N.E.2d 1320

Milkovitch v. Lorain Journal. Co. (1990), 497 U.S. 1 majority opinion only

Vail v. Plain Dealer Publishing Co. (1995), 72 Ohio St.3d 279, 649 N.E.2d 182

Wampler v. Higgins, (2001), 93 Ohio St.3d 111, 752 N.E.2d 962

Eminent Domain

Kelo v. New London (2005), 545 U.S. 469 (majority, Kennedy concurrence and O'Connor dissent only)

Norwood v. Horney, 110 Ohio St.3d 353, 2006-Ohio-3799 (**Skip paragraphs 2, 81-89 and 106-134**)

Criminal Law and Procedure

Arizona v. Evans, (1995), 514 U.S. 1, pp 1-10, Ginsburg Dissent Section III

State v. Brown (1992), 63 Ohio St.3d 349, 588 N.E.2d 113

State v. Robinette (1995), 73 Ohio St.3d 650, 653 N.E.2d 695

Ohio v. Robinette, 519 U.S. 33 (1996) majority and Ginsburg concurrence only; skip dissent

State v. Robinette (1997), 80 Ohio St.3d 234, 685 N.E.2d 762

Majority and dissent only; skip Cook's separate concurrence

State v. Murrell (2002), 94 Ohio St.3d 489, 764 N.E.2d 986

State v. Jones, 88 Ohio St.3d 430, 2000-Ohio-374

State v. Brown, 99 Ohio St.3d 323, 2003-Ohio-3931

Comity

Johnson v. City of Cincinnati, 119 F. Supp.2d 735 (2000)

Ohio v. Burnett (2001), 755 N.E.2d 857

Employment Law Segment

Brief introductory lecture on Shillito and Kelly v. Carthage Wheel-
(reading of these cases not required)

Henkle v. Educational Research Council, (1976), 45 Ohio St.2d 249,
344 N.E.2d 118

Fawcett v. G.C. Murphy & Co. 46 Ohio St.2d 245 (1976) ((only
employment segment, not slander; up to p. 251)

Mers v. Dispatch Printing Company, (1985), 19 Ohio St. 3d 100,
483 N.E.2d 150

Phung v. Waste Mgt., Inc. (1986), 23 Ohio St.3d 100, 491 N.E.2d
1114

Helmick v. Cincinnati Word Processing, Inc. (1989), 45 Ohio St.3d
131, 543 N.E.2d 1212 Skip Part I of decision

Greeley v. Miami Valley Maintenance Contrs., Inc. (1990), 49 Ohio
St.3d 228, 551 N.E.2d 981

Wing v. Anchor Media Ltd. (1991), 59 Ohio St.3d 108

Tulloh v. Goodyear Atomic Corp. (1992), 62 Ohio St. 3d 541, 584
N.E.2d 729. Part II only—Wrongful Discharge (Skip Part I on
intentional torts)

Painter v. Graley (1994), 70 Ohio St.3d 377, 639 N.E.2d 51
(Skip the first argument on the asserted right under the state
constitution and skip Judge Brogan's dissent)

Collins v. Rizkana, (1995), 73 Ohio St. 3d 65, 652 N.E.2d 653

Haynes v. Zoological Society of Cincinnati (1995) 73 Ohio St.3d
254

Contreras v. Ferro Corp. (1995), 73 Ohio St. 3d 244, 652 N.E.2d
940

Kulch v. Structural Fibers, Inc. (1997) 78 OS3d 134 (Skip p144
starting with “appellees contend they were entitled to sj on the
statutory whistleblower claim up to 146, and skip Part II of
decision

**Short Lecture on Livingston v. Hillside Rehab Hospital and
Pytlinski v. Brocar Prods. (reading of these cases not required)**

Wiles v. Medina Auto Parts, 96 OHIO ST.3D 241, 2002-OHIO-3994
Coolidge v. Riverdale Local School District (2003) 100 Ohio St.3d 141

Short lecture on Leininger v. Pioneer Natl. Latex, (reading of this case not required)

Bickers v. Western v. Southern Life Ins. Co., 116 Ohio St.3d 351, 2007-Ohio-6751.

EMPLOYER INTENTIONAL TORT

Lecture—introductory material on worker's compensation

Blankenship v. Cincinnati Milacron Chemicals, Inc., (1982) 69 Ohio St.2d 608, 433 N.E.2d 572

Jones v. VIP Development Co., (1984), 15 Ohio St.3d 90, 472 N.E.2d 1046

Van Fossen v. Babcock & Wilcox Co., (1988), 36 Ohio St.3d 100, 522 N.E.2d 489 (skip Parts I & II)

Short Lecture Kunkler v. Goodyear Tire & Rubber Co; Pariseau v. Wedge Products Inc, (reading of these cases not required)

Fyffe v. Jeno's Inc., (1981), 59 Ohio St.3d 115, 570 N.E.2d 110

Brady v. Safety-Kleen Corp., (1991), 61 Ohio St.3d 624, 576 N.E.2d 722

Johnson v BP Chemicals Inc., (1999), 85 Ohio St.3d 298. 707 N.E.2d 110

Kaminski v. Metal & Wire Products Co, 2010-Ohio-1027

Short lecture Stetter v. R.J. Corman Derailment Services, LLC, (reading of this case not required)