



Special credit goes to Senators Keith Faber (R-Celina)(left) and Scott Oelslager (R-North Canton)(right) who championed the subrogation language.

Balanced subrogation policy finally enacted

For months, then OATL president-elect Mark Kitrick sat on the 2005 Ohio Subrogation Rights Commission and listened to the insurance industry insist that there is no problem with subrogation. The year before in the *Northern Buckeye Education Council Group Health Benefits Plan v. Lawson* decision, the Ohio Supreme Court ruled that a health plan's contract supersedes the "made whole" doctrine, thus giving the insurer the right to seek payment first from a third party. OATL called for legislative action to restore the victim's priority position. The Commission, dominated by insurance interests, naturally concluded that there was not sufficient data to recommend legislation.

In 2006, then-Representative Scott Oelslager introduced pro-rata subrogation legislation. Modeled after the effective workers' comp subrogation policy, the legislation was soon buried. The issue of subrogation lay dormant for almost a decade, until now.

Thanks to the determined efforts of Senate President Keith Faber and Senator Scott Oelslager, a pro-rata subrogation amendment was added in June to the state budget bill (HB 64) by the Ohio Senate. OAJ immediately jumped into action and advocated for the amendment in every corner of the statehouse. When the bill advanced to the Governor's desk, OAJ members made hundreds of calls to the Governor urging him to preserve the subrogation language. While these changes were not all we hoped for, because of your calls, today your clients are in a better position than yesterday. Today your clients have law that provides for proportionality in subrogation.

The debate over subrogation is not over. The ink hasn't dried and the insurance industry and subrogation collection lawyers are getting ready to push for repeal of the new law. Be assured that OAJ and its subrogation task force will be prepared to block their attempt at repeal.

OAJ leaders direct subrogation actions

A number of OAJ members, in addition to Mark Kitrick, have been at the forefront of the subrogation debate over the years. Rick Alkire, Dan Michel, Margaret Murray and Bob Rutter served on an Ohio State Bar Association special committee to study subrogation in 2009, but the committee declined to recommend legislative action. In 2013, OAJ formed a subrogation task force that researched other state laws and drafted legislation in preparation for this day. Serving on the OAJ task force are Ellen McCarthy, Dan Michel, Margaret Murray, Don Moore, Jr., Eleana Drakatos, Curtis Fifner, Lou Kourey, Mike Schmeltzer, Rick Topper, and Bob Wagoner, as well as Sylvius von Saucken and Michael Russell with the Garretson Resolution Group. OAJ is grateful to each for their leadership.

OAJ Member Spotlight

Corey Artim

Wright & Schulte, LLC
Vandalia, OH



Hometown:
Snohomish, WA

Law School:
University of Dayton,
2011

Areas of Practice: Personal Injury, Mass Torts, Wrongful Death, Product Liability.

If you could change one thing about the practice of law, what would it be?

I would change the geographical limitations placed on the practice of law by states and bar associations.

If you could have any job, other than a lawyer, for one day what would it be?

I would be a travel writer so that I could constantly travel and experience new places.

What does OAJ mean to you?

OAJ means a group of dedicated, like minded, trial attorneys who are willing to fight for the rights of individuals regardless of the challenges and who are always there to help each other along the way.

What is your favorite aspect of being a trial lawyer?

Being able to change our clients' lives for the better and make a difference in peoples' lives.

What is your favorite movie, book and musician?

Movie - Wes Anderson movies or Super Troopers, it depends on the day.
Book - On the Road by Jack Kerouac but I also like anything by John Krakauer or Chuck Palahniuk.
Musician - Dave Grohl or Ben Gibbard.

What is your favorite restaurant?

That is a tough question because I like to constantly try new places, either North in Scottsdale, AZ or Husk in Charleston, SC.