

OHIO CHAMBER BRINGS THE VOICE OF OHIO'S BUSINESS COMMUNITY TO COURTS ACROSS THE COUNTRY

Kevin Shimp, General Counsel, Ohio Chamber of Commerce

In 2022, the Ohio Chamber fully implemented its legal defense fund which resulted in the Ohio Chamber filing 16 different amicus briefs in courts across the country. When originally established, the purpose of the Ohio Chamber's legal defense fund was to assure the organization had the necessary resources to fight against rulings from activist judges and share the perspective of Ohio's business community in important litigation.

By investing in the Ohio Chamber's amicus brief program, the organization has been able to highlight the voice of the Ohio business community and stand against cases that sought to reinstate federal supplemental unemployment benefits, overturn Ohio's non-economic damage caps, mandate large companies require employees to receive the COVID-19 vaccine and stop the operation of Line 5. These significant cases impact employers in every industry and all sizes because a wrong decision from the court can increase operating costs for employers and create more regulatory unpredictability.

The Ohio Chamber amicus briefs were regularly filed before the Ohio Supreme Court on both jurisdiction for discretionary appeals and on the merits in litigation the court had already agreed to hear. Our briefs were also filed in the US 6th Circuit Court of Appeals, US District Court of Eastern Michigan, Ohio's 10th Appellate District, and the Franklin County Court of Common Pleas. Additionally, we filed an amicus brief in support of a writ of certiorari before the Supreme Court of the United States.

Besides filing amicus briefs on our own, the Ohio Chamber partnered with other like-minded business groups when appropriate to show the wide range of interests a particular lawsuit had generated. At the federal level, the U.S. Chamber of Commerce Litigation Center along with the American Tort Reform Association supported several of our amicus briefs. In Ohio, we filed amicus briefs that included allied business organizations such as the Ohio Truckers Association, Ohio Hotel & Lodging Association, Ohio Restaurant Association, Ohio Bankers League, Ohio Wholesale Beer & Wine Association, and the Ohio Auto Dealers.

The Ohio Chamber legal defense fund has also enabled us to engage expert witnesses at the Ohio Statehouse to testify on legislation impacting our member companies and submit technical comments on federal rule making. We utilized the fund in the fight to stop bills that would have eroded the ability of employers to set vaccination policies for their employees and to support legislation amending Ohio's wage and hour laws. Likewise, when the U.S. Treasury released a rule that would require compliance from every family owned and closely held small business in Ohio, we were able to file a comment to highlight how Ohio businesses will be impacted.

As we move to 2023, the Ohio Chamber's legal defense fund will remain a vital resource in the business community's efforts to create a better legal and business climate in the Buckeye State. You can learn more about the fund and opportunities to tap into it by reaching out to the Ohio Chamber's General Counsel, Kevin Shimp at KShimp@ohiochamber.com.