



Justice · Service · Professionalism

The Barrister's Bulletin

Synopses of recent decisions affecting Central Ohio

Volume 3, Issue 2

Upcoming Events

All Events held at The Bluestone (formerly BoMA) at 583 East Broad Street, Columbus.

September 11, 2012

Annual Judicial Reception

5:30 – 7:00

November 13, 2012

Past President's Dinner*

5:30 – 7:00

Tony's Italian Restaurant

*Open to COAJ Sustaining Members

COAJ Mission

To promote justice for individuals in all local, state, and federal courts; to support our membership; to assist the legal community; to improve the judicial system; and to serve the citizens of Central Ohio.

Landlord's Statutory Duties Apply to Open & Obvious Hazard

The Tenth District has held that a landlord's statutory duties apply to both tenants and guests of tenants, even in common areas. *Mann v. Northgate Investors LLC*, 2012 Ohio 2871, Tenth Dist. No. 11AP-684. The Mann Court further held that the landlord was negligent per se for failing to repair non-working lights, and that "open and obvious" rule could not negate the landlord's duties to repair his dangerous premises.

City Must Keep Its Premises Safe

Refusing to apply the "step in the dark" rule to injuries occurring on public property, the Fourth District found that a city's statutory duty to make and keep the premises safe still applied. *Mender v. Alvis*, 2012 Ohio 2113, Fourth Dist. Case No. 11CA16.

Deleted Emails Still Discoverable

Recognizing that computer data is not shielded from disclosure because it has been "deleted," the Tenth District recently held that a trial court abused its discretion in refusing to allow for forensic examination and copying of ODOT's email files. *Townsend v. Ohio DOT*, 2012 Ohio 2945, Tenth Dist. No. 11AP-672.