

PRACTICE FOCUS

- > Workers' Compensation and OSHA
- > Labor and Employment
- > Workers' Compensation and OSHA Litigation
- > Labor and Employment Litigation

William L.S. Ross

216.622.8221
wross@calfee.com

**PROFESSIONAL ASSOCIATIONS AND POSITIONS**

- > American Bar Association's OSHA Subcommittee, Member.
- > American Bar Association's Workers' Compensation Subcommittee, Member.
- > Cleveland Metropolitan Bar Association Workers' Committee, Member.
- > Cuyahoga County Court of Common Pleas Civil Justice Improvement Committee, Member
- > National College of Workers' Compensation Lawyers, Fellow.
- > National Workers' Compensation Defense Network (NWCDN), Member, Board of Directors and Immediate Past President.
- > Ohio Management Lawyers Association, Charter Member.
- > Ohio State Bar Association Council of Delegates, Cuyahoga County Representative.
- > Ohio State Bar Association Workers' Compensation Committee, Member and Past Chair.
- > Ohio State Bar Foundation, Fellow.
- > Ohio State Bar Specialization Committee, Member.
- > Ohio Workers' Compensation Attorney Specialist Certification Board, Member and Past Chair.
- > Sons of the American Revolution, Western Reserve and Fincastle Resolution (VA) Chapters, Dual Member.
- > State Bar Association's Liaison Subcommittee to the Industrial Commission of Ohio, Employer Representative.

PUBLICATIONS

(Since 2001)

- > "Ohio Supreme Court Clarifies Scope of Workers' Compensation Appeals in Common Pleas Court" *Calfee First Alert*, July 29, 2011.
- > "Ohio Supreme Court Closes Workers' Compensation Retaliation "Gap" *Calfee First Alert*, June 23, 2011.
- > "OAC 4123:1 Compliance: Injuries Happen... But Don't Get Penalized"! *Calfee First Alert*, April 7, 2011.
- > "Legislative Scrutiny of Classification of Workers as Contractors" *Calfee First Alert*, January 19, 2011.
- > "So You Won In Court," *Workers Compensation Journal of Ohio*, September 15, 2010.
- > "Calfee Prompts Revision and Leniency in Ohio BWC's Premium Payment Due Date Policy," *Calfee Update*, May 17, 2010.
- > "Litigating Employment Terminations in the Industrial Commission Hearing Room," *Cleveland Metropolitan Bar Association Bar Journal*, May, 2010.
- > "The Kaminski Decision and Employment Intentional Torts: The End of the Saga?," *Calfee Update*, March 25, 2010.

Calfee, Halter & Griswold LLP

www.calfee.com

The Calfee Building
1405 East Sixth Street
Cleveland, Ohio 44114-1607
216.622.8200

1100 Fifth Third Center
21 East State Street
Columbus, Ohio 43215-4243
614.621.1500

Chiquita Center, 15th Floor
250 East Fifth Street
Cincinnati, Ohio 45203-4119
513.562.1500

- > “Calfee Workers’ Compensation Lawyers Win Trio of Important Cases,” *Calfee Update*, March 3, 2010.
- > “Ensuring the Admissibility of Your Expert Testimony: Beyond the IME Report,” *Workers’ Compensation Journal of Ohio*, February, 2010.
- > “What’s New in Ohio,” *Calfee Update*, October, 2009.
- > “What’s New in Ohio,” *Calfee Update*, June 18, 2009.
- > “More Decisions of the Full Industrial Commission,” *Workers’ Compensation Journal of Ohio*, June, 2009.
- > “New Workers’ Compensation Medicare Reporting Requirements,” *Calfee First Alert*, May 21, 2009.
- > “Ohio BWC’s Last Minute Rate ‘Reform,’” *Calfee First Alert*, April 3, 2009.
- > “What’s New in Ohio,” *Calfee Update*, March 11, 2009.
- > “Ohio Legislature Voids Cuyahoga County Ruling on BWC Group Rate Plan,” *Calfee First Alert*, January 29, 2009.
- > “Court Issues Injunction Against Ohio BWC’s Group-Rating Plan for 2009,” *Calfee First Alert*, November, 2008.
- > “Industrial Commission Decisions Secreted Under S.B. 7,” *Workers’ Compensation Journal of Ohio*, October, 2008.
- > “Employee” v. “Independent Contractor,” *Workers’ Compensation Journal of Ohio*, April, 2008.
- > “S.B. 7 v. Rule 41(A),” *Workers’ Compensation Journal of Ohio*, December, 2007.
- > “Injuries Can Send Workers’ Comp Rates Soaring,” *Workers’ Compensation Journal of Ohio*, April, 2007.
- > “Is Coolidge ‘Deep Fried?,” *Workers’ Compensation Journal of Ohio*, January/February, 2007.
- > “Is Retrospective Rating Returning to Fashion?,” *Workers’ Compensation Journal of Ohio*, October, 2006.
- > “When Outdoors Becomes Indoors: ‘Workshop and Factory’ Specific Safety Regulations May Apply to Surface Mine Employees and Other Outdoor Workers,” *Workers’ Compensation Journal of Ohio*, February, 2006.
- > “Admissibility and Impact of OSHA Citations in Ohio Intentional Tort Litigation,” *Workers’ Compensation Journal of Ohio*, June, 2005.
- > “Governor Taft Signs Employment ‘Intentional Tort’ Reform Law,” *Workers’ Compensation Journal of Ohio*, February, 2005.
- > “Ohio Supreme Court Issues Stunning Rating Decision,” *Calfee First Alert*, January 18, 2005.
- > “TPA Workers’ Comp. Representation Allowed Within Defined Parameters,” *Calfee First Alert*, December 16, 2004.
- > “Appeals Pursuant to R.C. 4123.512: How De Novo Are They?,” *Workers’ Compensation Journal of Ohio*, December, 2004.
- > “Workers’ Comp. TPA Practices Found to be Unauthorized Practice of Law,” *Calfee First Alert*, May 21, 2004.
- > “Court Denies Reconsideration of its Decision Taking Away Companies’ Right to Terminate Employees on Workers’ Compensation Leave,” *Workers’ Compensation Journal of Ohio*, April, 2004.
- > “‘Coolidge’: Unanswered Questions About Workers’ Comp Leave,” *Ohio Lawyers Weekly*, February, 2004.
- > “Workers’ Complication,” *Smart Business Cleveland Magazine*, February, 2004.
- > “Court Denies Reconsideration of its Decision Taking Away Companies’ Right to Terminate Employees on Workers’ Comp. Leave,” *Ohio Lawyers Weekly*, January, 2004.
- > “Medicare Limits Workers’ Compensation Settlements Requiring a Set-Aside Allocation,” *Workers’ Compensation Journal of Ohio*, August, 2003.
- > “Workers’ Compensation Premiums Skyrocket,” *Calfee First Alert*, August, 2003.
- > “A Different Perspective on the Supreme Court’s Drug Testing Decision: Little Practical Effect for Industrial Commission Hearings?” *Workers’ Compensation Journal of Ohio*, April, 2003.

- > “New Workers’ Compensation Subrogation Law,” *Calfee First Alert*, December, 2002.
- > “Medicare Secondary Payer Considerations in Workers’ Compensation Settlements,” *Workers’ Compensation Journal of Ohio*, December, 2001.

PRESENTATIONS

(Since 2001)

- > “Thinking Outside the Workers’ Compensation Box,” *National Workers’ Compensation Defense Network Seminar*, New Orleans, LA, June 7th, 2012.
- > “OSHA Enforcement Update,” *Calfee, Halter & Griswold Breakfast Series*, December 8, 2011.
- > *Calfee, Halter & Griswold Workers Compensation Seminar* - Panel Discussion with BWC Administrator, Stephen Buehrer, October 13, 2011.
- > Update on “Employer Intentional Tort Liability,” *Case Western Reserve University School of Law Lecture*, November 11, 2010.
- > “FMLA/ADA/Workers’ Compensation: ‘Bermuda Triangle’ Revisited,” *Update on Workers’ Compensation and Related Issues Seminar*, Cleveland, OH, May 20, 2010.
- > “Erosion of the Exclusive Remedy Doctrine,” *American Bar Association Annual Workers’ Compensation Conference*, Phoenix, AZ, March 4-6, 2010.
- > “Strategies and Tactics in the Hearing Room,” Cleveland, OH, November 19, 2009.
- > “OSHA Under The New Administration - Inspection Priorities, Recommended Employer Responses, and New Initiatives,” *27th Annual National Workers’ Compensation and Occupational Medicine Conference*, Hyannis, MA, July 20, 2009.
- > *Coffee with Calfee Workplace Breakfast Series*, Speaker, 2008.
- > “Intentional Tort/Employers Liability Law in Ohio,” *Case Western Reserve University School of Law Lecture*, November 26, 2008.
- > “OSHA Inspections and OSHA Update,” *COSE and Calfee Workers’ Compensation Seminar*, Independence, OH, November 14, 2008.
- > “Employment Law Issues in the Industrial Commission Hearing Room,” *Akron Bar Association’s 14th Annual Workers’ Compensation Law Seminar*, Las Vegas, NV, May 24, 2008.
- > “Construction Industry OSHA Inspections,” *Construction Safety Council of NE Ohio*, May 20, 2008.
- > “VSSRs - Evidence Issues,” *Akron Bar Association’s 13th Annual Workers’ Compensation Law Seminar*, Las Vegas, NV, May 18, 2007.
- > “Potential Conflict and Overlap Between OSHA and State VSSR Regulations in the Construction Industry,” *CEA Workers’ Compensation Committee Meeting*, January, 2007.
- > “Intentional Tort/Employers Liability Law in Ohio,” *Case Western Reserve University School of Law Lecture*, November 30, 2006.
- > “Workers’ Compensation Reform Bill Update,” Cleveland, OH, November 16, 2006.
- > “Medicare Set-Aside Obligations in Workers’ Compensation Settlements,” *Self-Insured Group of Ohio Meeting*, Independence, OH, January 18, 2006.
- > “Medicare Update,” *Self Insured Group of Ohio*, November 28, 2005.
- > “Direct Examination of Medical Expert Witnesses,” *National Workers’ Compensation Defense Network Seminar*, Covington, KY, November 3, 2005.
- > “Workers’ Compensation Update,” *Greater Cleveland Auto Dealers Association Meeting*, Strongsville, OH July 20, 2005.
- > “Occupational Safety and Health Administration Law,” *Akron Bar Association’s 11th Annual Workers’ Compensation Law Seminar*, Las Vegas, NV, May 20, 2005.
- > “Impact of OSHA Citations in Workers’ Compensation and Intentional Tort Cases,” *ABA-Joint Conference, OSHA & Workers’ Compensation Committees*, Key West, FL, March 3, 2005.

- > “Legal Issues Affecting the Practice of Occupational Medicine,” *Western Reserve Medical Directors’ Association Program*, Akron, OH, January 20, 2005.
- > “Briefing on Ohio Bureau of Workers’ Compensation MIRA Reserving System,” *Construction Employers Association Seminar*, Independence, OH, January 11, 2005.
- > “OSHA Law and Procedure,” *OSBA “Filling in the Gaps” Seminar*, *Ohio State Bar Association*, Columbus, OH, September 28, 2004.
- > “Cleveland Bar v. CompManagement Case,” *Calfee Labor & Employment Seminar*, Cleveland, OH, September 22, 2004.
- > “Occupational Safety and Health Administration Law,” *Akron Bar Association’s 10th Annual Workers’ Compensation Seminar*, Las Vegas, NV, May 14, 2004.
- > “Medicare Set-Asides,” *Workers’ Compensation Forum Seminar*, Independence, OH, April 22, 2004.
- > “Safeguarding the Employer,” *Tour Di OSLA, OSLA Annual Conference*, Columbus, OH, June 20, 2003.
- > “OSHA Update,” *Ohio State Bar Association*, Cleveland, OH, October 16, 2002.
- > “Medicare Secondary Payer Considerations in Workers’ Compensation Settlements,” *Self Insured Group of Ohio*, March 13, 2002.

REPRESENTATIVE CASES

Ohio Supreme Court and Federal Cases

- > *State ex rel. Galligan v Indus. Comm., et al.*, 124 Ohio St.3d 233, 921 N.E.2d 231, 2010 WL 45992, 2010-Ohio-3, Ohio, January 06, 2010 (No. 2009-0141, 4331)
- > *State ex rel. United Screw & Bolt Corp. v. Indus. Comm.*, 84 Ohio St.3d 28, 701 N.E.2d 699, 1998 WL 785797, 1998 -Ohio- 711, Ohio, November 25, 1998 (No. 96-2183)
- > *State ex rel. Erico Products, Inc. v. Indus. Comm.*, 70 Ohio St.3d 661,640 N.E.2d 824, 1994 WL 589642, 1994 - Ohio- 155, Ohio, November 09, 1994 (No. 93-1890,8377)
- > *Waller v. Mayfield*, 37 Ohio St.3d 118, 524 N.E.2d 458, 1988 WL 56915, Ohio, June 08, 1988 (No. 87-456)
- > *M.P.C. Plating, Inc. v. N.L.R.B.*, 953 F.2d 1018, 1992 WL 3391, 139 L.R.R.M. (BNA) 2259, 120 Lab.Cas.P 11,060, C.A.6, January 14, 1992 (No. 91-5608)
- > *M.P.C. Plating, Inc. v. N.L.R.B.*, 912 F.2d 883, 1990 WL 126185, 135 L.R.R.M. (BNA) 2377, 116 Lab.Cas. P 10,284, C.A.6, September 04, 1990 (No. 89-6040, 89-5869)

Other Ohio Courts

- > *Marrero v Blazę Constr.*, 2009 WL 546650, 2009-Ohio- 965, Ohio App. 8 Dist., March 05, 2009 (No. 91660)
- > *State ex rel. Galligan v Indus. Comm.*, 2008 WL 5160170, 2008 -Ohio- 6426, Ohio App. 10 Dist., December 08, 2008 (No. 08AP-36)
- > *State ex rel. Meridia Health Sys. v. Indus. Comm.*, 2008 WL 5064920, 2008 - Ohio- 6222, Ohio App. 10 Dist., December 02, 2008 (No. 07AP-826)
- > *Roberts v. Republic Storage Sys.*, 2006 WL 2257005. 2006 -Ohio- 4069, Ohio App. 5 Dist., August 07, 2006 (No. 2006CA00003)
- > *State ex rel. Stouffer Corp. v. Industrial Comm’n of Ohio*, 2002 WL 1934279, 2002 -Ohio- 4297, Ohio App. 10 Dist., August 13, 2002 (No. 01AP-1425)
- > *State ex rel. Ignatious v Industrial Com’n of Ohio*, N.E.2d, 2002 WL 1813458, 2002 - Ohio- 4014, Ohio App. 10 Dist., August 08, 2002 (No. 01AP-982)
- > *Allen v. Conrad*, 141 Ohio App.3d 176, 750 N.E.2d 627, 2001 WL 69102, Ohio App. 8 Dist., January 25, 2001 (No. 77401)
- > *Russell v Dreis and Krump Mfg. Co.*, 1998 WL 488244, Ohio App. 9 Dist., August 12, 1998 (No. 97CA0067)

- > *Williams v. Republic Storage Systems Co.*, 1997 WL 115881, Ohio App. 5 Dist., February 03, 1997 (No. 1996 CA 00144)
- > *Hartssock v. Morrison Products, Inc.*, 1996 WL 157362, Ohio App. 8 Dist., April 04, 1996 (No. 69701)
- > *Mina v. Southwest General Hosp.*, 1995 WL 491126, Ohio App. 8 Dist., August 17, 1995 (No. 67766)
- > *Marker v Fraley & Shilling*, 1995 WL 338608, Ohio App. 7 Dist., June 02, 1995 (No. 94-J-26)
- > *Kenny King Corp. v Mihm*, 1993 WL 112499, Ohio App. 10 Dist., April 08, 1993 (No. 92AP-1074)
- > *Butler v. Cotter & Co., Inc.*, , 1990 WL 14110, Ohio App. 8 Dist., February 15, 1990 (No. 58178)
- > *Hartzell Propeller, Inc. v. Ohio Bur. Of Emp. Serv.*, 65 Ohio App.3d 575, 584 N.E.2d 1263, 1989 WL 253871, Ohio App. 10 Dist., December 12, 1989 (No. 8722, 89AP-641)
- > *Alexander v. American Spring Wire.*, 1988 WL 112874, Ohio App. 8 Dist., October 20, 1988 (No. 53384)
- > *Dautas v. Mayfield Country Club*, 1988 WL 86306, Ohio App. 8 Dist., June 23, 1988 (No. 55026)
- > *Knodel v. First Nat. Supermarkets, Inc.*, 1987 WL 27854, Ohio App. 5 Dist., December 07, 1987 (No. CA-7270)
- > *First Nat. Supermarkets, Inc. v Knodel*, 1987 WL 9845, Ohio App. 8 Dist., April 16, 1987 (No. 52890)
- > *Mikalowski v. AMAC Enterprises, Inc.* 1986 WL 13610, Ohio App. 8 Dist., November 26, 1986 (No. 52201, 52219)
- > *Bosovic v. Board of Review, Ohio Bureau of Employment Services*, 1986 WL 10011, Ohio App. 11 Dist., September 12, 1986 (No. 11-090)
- > *The State of Ohio on Relation of Lisa Y. Turner v. the Industrial Commission of Ohio* 1985 WL 10181, Ohio App. 10 Dist., September 26, 1985 (No. 84AP-714)
- > *Nay v. Administrator, Ohio Bureau of Employment Services*, 1984 WL 4041, Ohio App. 9 Dist., November 28, 1984 (No. 3665)
- > *State ex rel. Haddox v. Indus. Comm.*, 2011 WL 3451706, 2011 - Ohio- 3923, Ohio App. 10 Dist., August 09, 2011 (No. 10AP-152)