



## Benjamin C. Sassé

### Partner

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Ben Sassé is a Fellow of the American Academy of Appellate Lawyers and chair of the Tucker Ellis Appellate & Legal Issues Group.

He is a generalist who translates arcane areas of law into clear and concise arguments. Ben has briefed appeals that upheld the constitutionality of several Ohio tort reform statutes, and argued appeals establishing the standard for Ohio employment intentional tort claims, upholding the 365/360 method of interest accrual in Ohio, and clarifying the standard of review in zoning appeals. His experience as Chair of the Ohio Association of Civil Trial Attorneys' Amicus Curiae Committee helps him frame legal issues for Ohio Supreme Court review. He also briefs and argues trial court motions and serves as an appellate monitor in high-stakes matters.

Ben is a proponent of simple and straightforward legal arguments that get to the heart of the matter. He mentors associates on legal writing and judges local moot court competitions. He also does pro bono work on behalf of a local bar association in disciplinary cases.

### Education

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- Case Western Reserve University School of Law (J.D., magna cum laude, 2000); Law Review, Articles Editor; Order of the Coif; Order of Barristers; National Moot Court Team
- Earlham College (B.A., with honors, 1997)

### State Admissions

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- Ohio, 2000

### **Federal Admissions**

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- Supreme Court of the United States
- United States Court of Appeals, First Circuit
- United States Court of Appeals, Second Circuit
- United States Court of Appeals, Third Circuit
- United States Court of Appeals, Sixth Circuit
- United States Court of Appeals, Seventh Circuit
- United States Court of Appeals, Eighth Circuit
- United States Court of Appeals, Ninth Circuit
- United States Court of Appeals, Eleventh Circuit
- United States Court of Appeals, Federal Circuit
- United States District Court, Northern District of Ohio
- United States District Court, Southern District of Ohio

### **Service Areas**

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- Appellate & Legal Issues
- Business Litigation
- Class Action Litigation
- Insurance
- Medical Malpractice Litigation
- Educational Institutions
- Health & Life Sciences

## Experience

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- Argued and won Ohio Supreme Court appeal on standing to bring treble damages action against public utility
- Argued and won Ohio Supreme Court appeal clarifying standard of review in administrative appeals from zoning decisions
- Argued and won Ohio Supreme Court appeal construing Ohio's employment intentional tort statute
- Argued and won Ohio Supreme Court appeal upholding use of 365/360 method of interest accrual in commercial mortgage note
- Argued and won Pennsylvania appeal addressing scope of malfunction theory of product liability
- Argued and won Ohio appeal addressing the standard for personhood under Ohio law
- Argued and won Ohio appeal addressing arbitral immunity
- Argued and won Sixth Circuit appeal addressing claim for recoupment of utility undercharges caused by billing error
- Argued Eleventh Circuit appeal addressing the accrual of a product liability claim for an alleged defect in a medical device
- Argued Eighth Circuit appeal addressing indemnification under motor carrier contract
- Argued Ohio appeal addressing governmental liability for breach of contract
- Co-authored successful brief in Ohio Supreme Court appeal upholding Ohio workplace intentional tort statute against constitutional challenges
- Co-authored successful brief in Ohio Supreme Court appeal upholding tort reform damage caps against constitutional challenges
- Co-authored brief in Ohio Supreme Court appeal establishing standard for advances of a director's defense costs
- Co-authored successful Sixth Circuit brief in maritime law appeal
- Authored successful Eleventh Circuit brief in product liability appeal
- Co-authored Federal Circuit brief in patent appeal on claim construction
- Co-authored successful opposition to petition for certiorari in United States Supreme Court appeal challenging lost profits damage award in a patent case
- Authored Ohio Supreme Court amicus brief in case of first impression addressing scope of post-marketing failure to warn claim under Ohio law
- Authored Ohio Supreme Court amicus brief in case of first impression addressing scope of Ohio workplace intentional tort statute
- Authored Ohio Supreme Court amicus brief in case of first impression addressing co-worker liability for common law intentional torts
- Co-authored Ohio Supreme Court amicus brief in case clarifying standard for legal malpractice under Ohio law

## Publications & Events

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### SPEAKING ENGAGEMENTS

- “Attorney Fee Issues in Civil Litigation,” The Ohio Association of Magistrates Fall Conference (October 2021)
- “Restatement of the Law, Liability Insurance (2019): How Will It Impact Ohio Law?,” OACTA Insurance Coverage Virtual Seminar (April 2021)
- “Supreme Court Year in Review,” Panelist, 2020 In-House Counsel Webinar, Tucker Ellis LLP (September 2020)
- “Cases from the Ohio Supreme Court,” Supreme Court Year in Review, Ohio State Bar Association (December 2019)
- “What Friends Are For: OACTA’s Amicus Program and Strategies for Soliciting and Writing Amicus Briefs,” 2019 OACTA Annual Meeting, Cleveland, Ohio (November 2019)
- “The Supreme Court Year in Review,” Moderator, 2019 In-House Counsel Summit, Tucker Ellis LLP, Cleveland, Ohio (November 2019)
- “What Are Friends For? Amicus Practice in State and Federal Courts,” Cleveland Metropolitan Bar Association, 2019 Appellate Court Practice Update (June 2019)
- “Cases from the Ohio Supreme Court,” Supreme Court Year in Review, Ohio State Bar Association (December 2018)
- “The Supreme Court Year in Review,” 2018 In-House Counsel Summit, Tucker Ellis LLP, Cleveland, Ohio (October 2018)
- “The Supreme Court Year in Review – 2016-2017 Term: Mapping the New Court’s Uncertain Course,” 2017 In-House Counsel Summit, Tucker Ellis LLP, Cleveland, Ohio (October 2017)
- “U.S. Supreme Court Round-Up,” 2016 In-House Counsel Summit, Tucker Ellis LLP, Cleveland, Ohio (October 2016)
- “Cases from the Supreme Court of Ohio,” Supreme Court Year in Review, Ohio State Bar Association (December 2015)
- “Supremely Appealing: Tips for Practicing Before the Ohio Supreme Court,” The Cleveland Law Library Appellate Practice Seminar, Cleveland, Ohio (November 2015)
- “U.S. Supreme Court Round-Up,” 2015 In-House Counsel Summit, Tucker Ellis LLP, Cleveland, Ohio (October 2015)
- “A Primer on Defending Insurance Class Actions,” Ohio Association of Civil Trial Attorneys (OACTA), Westfield Center, Ohio (April 2015)
- “Drawing Up a Game Plan: Litigation Madness,” Tucker Ellis/McGladrey Marching Through the Madness: Making Your Financial Services Team a Winner in Risk and Compliance, Cleveland, Ohio (March 2015)
- “Ohio Supreme Court Year in Review,” Ohio State Bar Association (December 2014)
- “Ohio Supreme Court Practice Tips for Defense Lawyers,” OACTA 2014 Appellate Advocacy Seminar (June 2014)
- “A Supreme Opportunity: Tips for Practicing Before the Ohio Supreme Court,” Cleveland Metropolitan Bar Association, Appellate Practice 2014 (June 2014)
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- “Ohio Supreme Court Update,” Cleveland Association of Civil Trial Attorneys (2011)
- “Update on Recent Employer Intentional Tort Cases,” Cleveland Metropolitan Bar Association Litigation Institute (2011)
- “Attacking Opposing Evidence,” National Business Institute (2009)
- “Electronic Evidence & Hearsay in the Courtroom,” National Business Institute (2009)
- “Ohio Supreme Court Year in Review,” Ohio State Bar Association (2008)

## **PUBLICATIONS**

- “Amicus Committee Update,” OACTA’s *The Update* (Winter 2014)
- “Amicus Committee Update,” OACTA’s *The Update* (Winter 2013)
- “Amicus Committee Update,” OACTA’s *The Update* (Winter 2012)
- “Amicus Committee Update,” OACTA’s *The Update* (Winter 2011)
- “All That is Old is New Again: Workplace Intentional Tort Claims Under R.C. 2745.01,” *OACTA Quarterly Review* (Summer 2011)

## **MEDIA**

- “Merit Decision: Court Tweaks Factors in Attorney-Fee Awards. *Phoenix Lighting Group, L.L.C. v. Genlyte Thomas Group, L.L.C.*,” *Legally Speaking Ohio* (April 2020)
- “What’s On Their Minds: Should the Supreme Court of Ohio Update its Analysis for Calculating Attorney Fees? *Phoenix Lighting Group LLC v. Genlyte Thomas Group LLC*,” *Legally Speaking Ohio* (September 2019)

## **Honors**

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- Outstanding Advocacy Award, Ohio Association of Civil Trial Attorneys (2019)
- Committee Chair of the Year Award, Ohio Association of Civil Trial Attorneys (2014)
- Ohio Super Lawyers® (2015-2021)
- Ohio Super Lawyers Rising Stars® (2005, 2011-2014)

### **In the Community**

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- American Academy of Appellate Lawyers, Fellow
- Ohio Association of Civil Trial Attorneys
  - » President (2022)
  - » Vice President (2021)
  - » Treasurer (2020)
  - » Secretary (2019)
  - » Board of Trustees
  - » Amicus Curiae Committee, Chair (2011-present)
- Cleveland Metropolitan Bar Association
  - » Appellate Practice Committee (2011-present)
- Cleveland Law Library Association
  - » Board of Directors (2013-present)
  - » Treasurer (2013-present)
- Defense Research Institute
- Mayfield United Methodist Church
  - » Executive Committee (2018-present)
  - » Finance Committee, Co-Chair (2018-present)