



## Susan M. Audey

### Partner

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Susan Audey practices in the area of general litigation, and primarily focuses on appellate matters.

Part of the inaugural class of attorneys certified by the Ohio State Bar Association as appellate specialists, she has remained certified since that time, and currently serves on the Appellate Law Specialty Board.

Susan started her career as an audiologist and worked in that capacity in major medical centers in the Cleveland area as well as at the university level. After graduating from law school, Susan clerked for The Honorable Timothy E. McMonagle and The Honorable John T. Patton, both of the Ohio Court of Appeals, Eighth District. She also served as a magistrate in the Lake County Court of Common Pleas, Probate Division.

Susan serves as counsel to the Civil Rules Committee of the Supreme Court of Ohio's Commission on the Rules of Practice and Procedure, teaches writing as an adjunct instructor at Cleveland-Marshall College of Law, and is a frequent presenter on writing and appellate-related topics. An active member of the Cleveland Metropolitan Bar Association's Certified Grievance Committee, Bar Admissions Committee, and Bar Admissions Appeals Sub-Committee, Susan frequently represents the bar association in disciplinary and admission-related matters.

### Education

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- Cleveland-Marshall College of Law (J.D., cum laude, 1993)
- Cleveland State University (M.A., 1980); Outstanding Audiology Graduate
- Cleveland State University (B.A., magna cum laude, 1978)

### State Admissions

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- Ohio, 1994
- Pennsylvania, 2012

### **Federal Admissions**

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- Supreme Court of the United States
- United States Court of Appeals, Second Circuit
- United States Court of Appeals, Sixth Circuit
- United States Court of Appeals, Seventh Circuit
- United States Court of Appeals, Eleventh Circuit
- United States District Court, Northern District of Ohio
- United States District Court, Southern District of Ohio

### **Certifications**

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- OSBA Certified Appellate Specialist

### **Service Areas**

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- Appellate & Legal Issues
- Life Sciences Litigation
- Mass Tort & Product Liability
- Medical Privacy
- Medical Malpractice Litigation
- Health & Life Sciences

### **Industries Represented**

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- Electrical Equipment
- Hospitals
- Insurance Carriers
- Machinery Manufacturing
- Marine
- Medical Devices
- Medical Professionals (Doctors & Nurses)
- Pharmaceutical & Medicine

## Experience

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### **OHIO SUPREME COURT BRIEFS & ARGUMENTS**

To view Susan's Ohio Supreme Court briefs and arguments, click [here](#).

### **REPRESENTATIVE MATTERS**

- Successfully defended nursing home in Ohio Court of Appeals, Eighth Appellate District, where court vacated judgment awarding nearly \$1 million in punitive damages and attorneys' fees
- Authored briefs and argued cases before the Supreme Court of Ohio on issues involving appellate procedure, asbestos tort reform, statutory construction, and admission to the Ohio bar
- Authored amicus brief before the Supreme Court of Ohio on constitutionality of medical-negligence statute of repose
- Authored briefs and argued cases before various appellate courts in Ohio and Pennsylvania on issues involving asbestos product liability, nursing home liability, the Ohio savings statute, the child-abuse reporting statute, medical negligence, including the affidavit-of-merit requirement and the apology statute, statute of limitations, prejudgment interest, various aspects of political-subdivision tort liability law, and the constitutionality of limits on noneconomic damages
- Authored and argued post-trial briefs in medical-negligence and nursing home liability cases
- Worked on various trial matters involving complex briefing, including motions to exclude expert testimony in medical/pharmaceutical, asbestos, and other product liability cases
- Represented the Cleveland Metropolitan Bar Association before three-member panels in complex disciplinary and bar-admission cases

## Publications & Events

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### SPEAKING ENGAGEMENTS

- “Supreme Court Year in Review,” Panelist, 2020 In-House Counsel Summit Webinar, Tucker Ellis LLP (September 2020)
- “2020 Ohio Civil Rule Amendments: Insights into How to Effectively Handle the Changes to Case Management and Discovery,” Panelist, Lunch & Learn Webinar, Ohio Association of Civil Trial Attorneys (August 2020)
- “Emergency Ohio Legislation and Administrative Orders Regarding COVID-19: Practitioners’ Concerns and Issues,” Panelist, Virtual Town Hall, Ohio Association of Civil Trial Attorneys (April 2020)
- “Post-Trial Motions,” Ohio Association of Civil Trial Attorneys Litigation & Trial Skills Workshop, Columbus, Ohio (June 2019)
- “Practice Before the Board on Character & Fitness,” Cleveland Metropolitan Bar Association, Cleveland, Ohio (May 2019)
- “Update on Appellate Procedure,” Ohio Association of Civil Trial Attorneys Annual Meeting, Columbus, Ohio (November 2018)
- “The Supreme Court Year in Review,” 2018 In-House Counsel Summit, Tucker Ellis LLP, Cleveland, Ohio (October 2018)
- “Getting It Right the First Time: Learning from Today’s Top Verdicts and Settlements,” 8th Annual Forum on Long Term Care Litigation and Risk Management Strategies, Miami, Florida (January 2018)
- “Representing the CMBA Before the Board on Character & Fitness,” Cleveland Metropolitan Bar Association, Cleveland, Ohio (November 2017)
- “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)
- “Making the Record and Preserving Issues for Appellate Review,” Cleveland-Marshall College of Law, Cleveland, Ohio (October 2017)
- “Appellate Brief Writing,” Cleveland Metropolitan Bar Association, Cleveland, Ohio (June 2017)
- “Supreme Court Year in Review,” Cleveland Association of Civil Trial Attorneys, Cleveland, Ohio (February 2017)
- “Supreme Court Year in Review,” Ohio State Bar Association, Columbus, Ohio (December 2016)
- “Using the Affordable Care Act to Reduce Awards of Future Damages,” Defense Attorney Forum, West Virginia Mutual Insurance Company, South Charleston, West Virginia (October 2016)
- “*Jones v. MetroHealth* Update,” OSHRM/SOHA Fall Conference, Columbus, Ohio (September 2016)
- “Litigating the Right to Set-off Under R.C. 2744.05,” OACTA Government Liability Seminar, Columbus, Ohio (August 2016)
- “The Good, the Bad, and the Ugly – Ohio Supreme Court Case Law and Rules Commission

- Update,” Ohio Association of Civil Trial Attorneys, Columbus, Ohio (November 2015)
- “U.S. Supreme Court Round-Up,” 2015 In-House Counsel Summit, Tucker Ellis LLP, Cleveland, Ohio (October 2015)
- “Using the Affordable Care Act to Reduce Future Damages Claims,” Ohio Association of Civil Trial Attorneys (August 2015)
- “Appellate Brief Writing,” Ohio State Bar Association (April 2015, April 2014 (prepared written materials only), April 2013, April 2011)
- “*But I cc’d Our In-house Lawyer ...*: Tips for Preserving Privileged Communications,” Ohio Professional Conduct Program, Tucker Ellis LLP, Cleveland, Ohio (December 2014)
- “*Daubert* and Its Application in Ohio,” Ohio Association of Civil Trial Attorneys (November 2014)
- “The Year in Review,” Cleveland Association of Civil Trial Attorneys (December 2013)
- “The Year in Review,” Ohio Association of Civil Trial Attorneys (November 2013)
- “The Changing Landscape: Hot Topics in Ohio Courts,” Ohio Association of Civil Trial Attorneys (February 2013)
- “The Beautiful Brief: Persuasion through Appearance,” Ohio State Bar Association (April 2012, April 2009)
- “Writing for the Paralegal Professional,” Cleveland Metropolitan Bar Association (January 2012)
- “Brief Writing Tips for 1Ls,” Cleveland-Marshall College of Law Black Law Student Association (November 2010, March 2010, October 2009)
- “Tips for Writing Simply, Clearly, and Credibly,” Ohio State Bar Association (April 2010)
- “Strategies for Drafting a Clear and Concise Brief,” Ohio State Bar Association (September 2008)

## PUBLICATIONS

- [“The Supreme Court of Ohio to Consider What Constitutes an Unauthorized Disclosure of Protected Health Information in the Context of Collecting a Medical Debt,”](#) *Northern Ohio Physician*, Vol. 105, No. 1 (January/February 2020)
- “AMCNO Addresses Legal Issues of Importance to Physicians,” *Northern Ohio Physician*, Vol. 104, No. 5 (September/October 2019)
- “The Rule 58(B) Exception to the 30-Day Time-to-Appeal Rule,” *OACTA Quarterly Review* (Summer 2019)
- “AMCNO Files Amicus Brief Emphasizing Ohio’s Law Concerning Standard-of-Care Testimony,” *Northern Ohio Physician*, Vol. 103, No. 1 (January/February 2018)
- “The Supreme Court Resolves Split Between Appellate Courts: Statements of Fault Are Inadmissible Under the Ohio Apology Statute,” *Northern Ohio Physician*, Vol. 102, Issue 6 (November/December 2017)
- [“But the Court’s Order Says There Is ‘No Just Reason for Delay’ ...,”](#) DRI’s *Certworthy*, Vol. 18, Issue 1 (July 2017)
- [“The Constitutionality of Caps on Noneconomic Damages Survives Supreme Court Scrutiny,”](#) *Northern Ohio Physician*, Vol. 102, No. 1 (January/February 2017)
- [“Stays of Trial Court Proceedings Pending Appeal,”](#) *OACTA Quarterly Review* (Summer 2016)
- [“An Update of \*Daubert\* in Products Liability Cases in Ohio State and Federal Courts,”](#)

*OACTA Quarterly Review* (Summer 2013, Vol. 6, Issue 3)

- “Ohio Supreme Court Rules on Statute of Repose,” *Northern Ohio Physician*, Vol. 98, Issue 1 (January/February 2013)
- “Leaving Out the Parts that Readers Skip,” *DRI’s For the Defense* (July 2012)
- “Is Poor Writing Sanctionable Conduct?,” *DRI’s For the Defense* (March 2010)
- “First Impressions Matter: Confessions of a Former Law Clerk,” *DRI’s For the Defense* (October 2009)
- “Spoliation of Evidence: Its Use as a Defense Tool,” *OACTA Quarterly Review* (Winter 2008, Vol. 1, Issue 4)

### **In the Community**

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- Supreme Court of Ohio, Commission on the Rules of Practice and Procedure, Counsel to the Civil Rules Committee (2014-present)
- Ohio State Bar Association Appellate Specialty Board, Board Member (2013-present)
- Ohio Lawyers Assistance Program
  - » Treasurer (2019-present)
  - » Board Member (2017-present)
- Cleveland Metropolitan Bar Association
  - » Certified Grievance Committee
    - » Member (2005-2016, 2017-present)
    - » Special Appointment (2010-2011)
    - » Chair (2009-2010)
  - » Bar Admissions Committee and Appeals Sub-Committee
    - » Chair (2012-2013)
    - » Vice Chair (2011-2012)
- Cleveland-Marshall College of Law
  - » Adjunct Writing Instructor (2008-present)
  - » Curriculum Advisory Committee (2010)
- Eighth District Judicial Conference, Life Member
- Ohio Association of Civil Trial Attorneys
  - » Board Member (2018-present)
  - » Appellate Law Committee, Vice Chair (2015-present)
- Defense Research Institute
  - » Appellate and Products Liability Committees
- William K. Thomas Inn of Court, Barrister Member (2010-2013)