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D&H Digest

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In this issue:

pg 1 ... Note from Tom
pg 2 ... Did you know?
pg 2 ... Recipe: Chili, Cheese, Fritos Corn Salad
pg 3 ... Words: THEIR MEANINGS, USAGE & HISTORY
... Opinion piece: Criminal Code
... Nice Words from a Client

Congratulations to Mr. Brandon Yost, Intervention Specialist at Springboro High School

Congratulations to Mr. Brandon Yost, Intervention Specialist at Springboro High School, who was the Diehl & Hubbell final Teacher of the Month for the 2021-22 school year! Mr. Yost jumped into this challenging position midyear and made the transition seamless. The nomination letter from parents Jeff and Jenn Arneson could not have been more compelling! It was clear to them that Mr. Yost took a great amount of his personal time outside the classroom to really learn about the kids, their interests and to prepare for this new endeavor! Mr. Yost believed in Brecken and his classmates and their abilities more than they themselves did, pushed them to do more than they thought they were capable of, and as a result they have learned and grown beyond their wildest dreams! Congratulations, Mr. Yost, and THANK YOU for being "an outstanding teacher who is truly making a difference." In appreciation, we surprised Brandon with a plaque and a check for \$500!

Pictured are Teacher Brandon Yost and student Breck Arneson. If you have a favorite teacher in southwest Ohio who is deserving of some special recognition, please go to the teacher appreciation tab at DiehlHubbell.com and tell us why he/she should be our Teacher of the Month when we resume this program in the 22-23 school year.



Teacher Brandon Yost and student Breck Arneson

For more info about the Diehl & Hubbell "Monthly Teacher Appreciation Contest" visit: www.diehlhubbell.com/monthly-teacher-appreciation-contest

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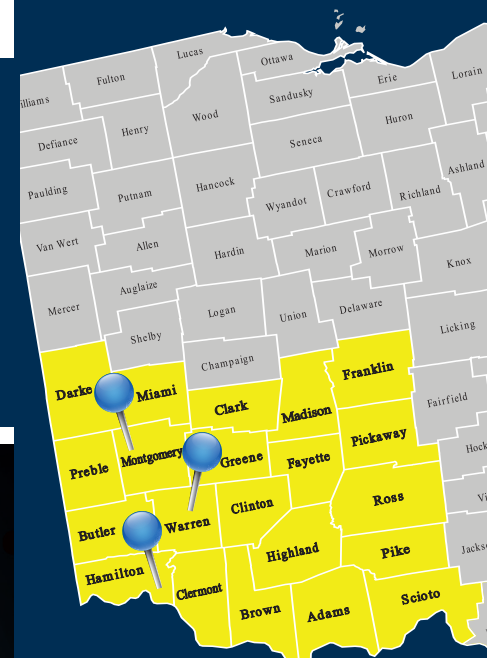
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A note from Tom . . .

HAPPY 4TH OF JULY!

Think you know the law well enough to avoid committing a crime which could carry a one or even five year prison sentence? Guess again. Read my article "America's Ever Expanding Criminal Code" inside this issue for more on that topic!



Attorney Thomas J. Diehl

Speaking of government and regulations, I'm sure you've heard of government immunity. But what constitutes that immunity or what is considered "in the line of duty" for a police officer may shock you. We took a case all the way to the Ohio Supreme Court to fight that. You might be shocked to see how far the government lawyers went to argue that they were protected by immunity. Read about that inside this issue.

Happy 4th of July! A big salute to those who fought for the freedoms we enjoy. May they continue to ring true for future generations!

Tom



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Thank you

For Your Referrals

Most of our business comes from word of mouth. We are so appreciative of you sharing your good experience with the people you know!

A LAUGH TO START YOUR DAY...

LAWYER: "NOW THAT YOU HAVE BEEN ACQUITTED, WILL YOU TELL ME TRULY? DID YOU STEAL THE CAR?"

CLIENT: "AFTER HEARING YOUR AMAZING ARGUMENT IN COURT THIS MORNING, I'M BEGINNING TO THINK I DIDN'T."

"Keep in mind, this client has very strong opinions."

WORDS: THEIR MEANINGS, USAGE & HISTORY "ROBOT"

When we hear the word "robot" we think of a mechanical object moving about in stiff form, potentially capable of handling repeated tasks. There is even a dance known as the "robot", in which people move about very rigidly. Where does the word "robot" originate? Robot was the brainchild of Czech playwright Karel Capek. He introduced the word to the world in his 1920 play "Rossum's Universal Robots." Robot is derived from an old Czech word for "forced labor". Rossum's Universal Robots tells the story of a company using the latest biology, chemistry and physiology to mass produce workers who possess every human attribute except a soul. The robots performed all of the work that humans preferred not to do and, soon, the company is inundated with orders. In the play's final act, the robots revolt against their human creators and kill most of the people living on the planet. Audiences loved the play across Europe and in the United States. Soon thereafter robots became the darling of science fiction writers, and the word became part of our vocabulary.

DID YOU KNOW?

Bringing a claim against the State of Ohio or a city or township is much more difficult than bringing a claim against a private citizen. In some cases, even in situations with significant injuries and egregious conduct, recovery against a municipality cannot be obtained. It can, indeed, be difficult to fight city hall. As a general rule, a political subdivision in Ohio is immune from liability for tortious conduct. In other words, if you are injured as a result of the negligence of the State of Oho or one of its political subdivisions (like a city or township), that government entity could be immune from having to pay you damages. Ohio Rev. Code §2744.02(A)(1) provides that "a political subdivision is not liable in damages in civil actions for injury, death, or loss to person or property allegedly caused by any act or omission of the political subdivision or an employee of the political subdivision."

So, as a general rule, Ohio political subdivisions are immune from facing liability for negligence. However, Ohio Rev. Code §2744.02(B)(1) provides exceptions to this immunity. There are certain circumstances where Ohio political subdivisions can be sued. For instance, a political subdivision can be sued if one of its employees or agents, in the course and scope of political business, negligently causes an automobile accident. Cases against political subdivisions are difficult, confusing, and complicated. Deciphering the issues of immunity can be quite complicated. We have handled hundreds of cases dealing with governmental immunity.

THE STATE OF OHIO MAY BE IMMUNE FROM HAVING TO PAY DAMAGES TO YOU

AMERICA'S EVER EXPANDING CRIMINAL CODE

(WARNING: CONTAINS OPINION)

"Ignorance of the law is no excuse." You've certainly heard that before, right? That maxim is just not workable anymore. I can assure you that no one fully understands the scope of the Federal Criminal Code. A new project by the Heritage Foundation and George Mason University created a computer program, the sole purpose of which was to determine the number of federal criminal laws. The researchers had to create an algorithm with phrases like "shall be punished" and "shall be fined or imprisoned" and to search millions of pages of U.S. Code just to try to figure out how many different Federal Criminal Laws exist. They concluded there are over 5,199 federal crimes. (But admitted this just a good guess.) There is no single place where any citizen can go to learn all federal criminal laws and even if there were, some criminal statutes are so vague and confusing that no reasonable person could understand what they mean. The overwhelming scope of these federal laws and the vagueness can be grimly amusing. For instance, a 2006 federal regulation creates a potential 5-year prison sentence for taking more than \$5 of Nickels outside of the U.S. You can be punished in excess of one year in prison for walking a dog tethered on a leash longer than 6 feet long in certain federal parks. It is the position of Diehl & Hubbell that the United States

Constitution requires that the enforcement of most criminal law should be regulated and enforced by each individual State. As congress enacts more and more laws and asserts jurisdiction over conduct already criminalized by States, that division erodes. Thus, there are duplicative laws. Actions are prohibited by both State law and Federal law. The same offense can be a violation of Federal law and State law and this duplication has serious consequences. The U.S. Constitution specifically forbids double jeopardy, or a person being punished twice for the same behavior. However, the Supreme Court held in Gamble v. U.S. (2019) that consecutive State and Federal prosecutions does not violate the Fifth Amendment's double jeopardy clause. Diehl & Hubbell respectfully submits that both political parties should recognize the risk of an ever-expanding roster of federal crimes which invites abuse by prosecutors. Congress should make a commitment to reexamine and assess the necessity of every existing Federal law. Congress should eliminate three federal crimes for every new Federal criminal law enacted.

Are you worried about a do-nothing Congress? We are worried about an overreaching Congress! James Madison wrote, "It will be of little avail to the people, that the laws are made by men of their own choice, if the laws be so voluminous that they cannot be read."

Chili, Cheese, Fritos Corn Salad

This recipe is a little quirky and works well as either a salad or an appetizer dip. You may question it when you first read it, but let me tell you, it is good! My brother in law's family has been involved with multiple super successful restaurants and food service businesses in Northern Michigan for longer than I have been alive, and if they make it, it's good! Aunt Sandy made this for my niece Sara's graduation party a few years ago, and I couldn't quite figure out what was in it, but she was kind enough to share the recipe. Take it to any July 4th picnic for an appetizer dip or side dish and it's sure to be scooped up!

2 (15 oz.) cans whole kernel corn, drained

1 1/2 cups grated cheddar cheese

1 chopped red bell pepper (or half green and half red)

1/4 cup chopped red onion

1/2 cup mayonnaise

1/2 cup sour cream

Salt and pepper to taste

1 10.5 oz. bag coarsely crushed Chili Cheese Frito corn chips

Combine and mix all ingredients except the corn chips which you will want to mix in just before serving! Enjoy!

NICE WORDS FROM A CLIENT:

I was walking in the parking lot to go into the City Hall building to pay my utility bill. It was a bright sunny day. I had walked into this building to pay my utility bill many times over the years. As I was walking in to pay the bill, a police officer, in a police car came around the corner and smashed into me. The police car actually came to rest on my leg and I ended up with a very badly broken leg. I hired Tom Diehl to represent me in my claim for damages. We had to bring a claim against the sheriff's department. The sheriff's department argued that they did not have to pay any money because they said the police officer wasn't negligent and that even if he was negligent, they had governmental immunity. Mr. Diehl had to fight the case all the way to the Ohio Supreme Court. We won and the Ohio Supreme Court agreed that I was entitled to recovery and the government immunity would not apply. I think attorney Diehl did a great job on my case and I am so glad that I hired him to help me. I have over the years often referred my friends and family to attorney Diehl because I know he will do a good job.

- Margie Burnell