



ZACH KLEIN

COLUMBUS CITY ATTORNEY

eNewsletter

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From the Desk of City Attorney Zach Klein

As regular readers of our e-newsletters know, partnerships, inter-agency cooperation, and community engagement are all major points of emphasis for our office. In this latest edition you'll be able to read about the start of an exciting, new collaboration along with some other initiatives that are having an impact on the city of Columbus and beyond.

I'm a proud graduate of The Ohio State University and Capital University Law School—and I'm always grateful for opportunities to give back to my alma maters whenever I can. I'll be participating later this month in a panel discussion about criminal justice reform at OSU's John Glenn College of Public Affairs. I'm also proud to announce that our office has entered into a unique partnership with Capital Law School to help inspire the next generation of attorneys interested in public service. Thanks to Dean Rachel Janutis and her staff, Capital Law School is now offering a local government course that it is designed, administered, and taught by dedicated public servants from our office who have a wide breadth of knowledge and experience working on the many ways that local, state, and federal laws and the different levels of governments intersect to impact the public.

We also worked with the Columbus Department of Public Safety to win close to \$2 million in new federal aid to help support our local efforts to prevent opioid-related overdose fatalities. The four-year grant will bolster our city's addiction crisis team and enhance our first responder trainings on administering NARCAN and safely handling highly lethal drugs such as fentanyl. With the [report](#) of 10 overdose deaths in a 26-hour time span this past weekend, securing these new federal funds will help us expand urgently needed training and outreach programs, while also providing critical resources to those who are on the frontlines fighting the opioid crisis every day. I especially want to thank our staff and our partners in the Department of Public Safety, led by Director Ned Pettus, for working diligently to win this competitive grant.

Finally, we took the lead in getting close to two dozen cities from across the country to join us in a nationwide legal battle to oppose a proposed federal rule that would allow healthcare staff to refuse medical treatment to patients, even in emergencies, based on their personal religious or moral beliefs. This new rule also threatens to withhold crucial federal funding to cities, including Columbus, unless we basically consent to the potential discrimination of our residents. Such machinations, designed in bad faith, must be opposed.

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Back to (Law) School

City Attorney Klein returned to his roots to announce a new partnership that provides a unique opportunity for law students interested in local government and public service to learn from veteran attorneys with more than 100 years of collective experience. As a graduate of Capital University Law School, City Attorney Klein reached out to his alma mater with a proposal to further the collaboration between his office and the school. What resulted is a new class, debuting this fall semester, that gives students a broad overview of the formation of local governments, the limits of their statutory authority, and the wide range of issues affecting them.

Along with attorneys and specialists from the City Attorney's office, experts in their field of practice from the private sector and other city and state agencies also are serving as special guest presenters throughout the semester. The course, which is an elective worth two credit hours, has attracted mostly third-year law students entering their final year of study.

Two senior members of the City Attorney's office—City Solicitor General Lara Baker-Morrish and Assistant General Counsel Robert Tobias—were added to the Capital Law faculty as adjunct professors and serve as the instructors who were responsible for establishing the course structure, syllabus, and grading rubrics of the class. A sample of the topics covered throughout the course include:

- Home Rule 101: Charter Cities & Local Power
- The First Amendment and Constraints on Local Government
- Nuisance Abatement at the State and Local Levels
- Defending the City – State Tort Immunity
- Transparency – Ethics, Public Corruption, Open Meetings & Public Records
- Real Estate and Eminent Domain
- Affirmative Litigation – Standing to Sue

According to the official class syllabus, the course goals and learning outcomes include:

Legal Knowledge: Students will be able to understand the substantive and procedural aspects of enacting and defending legislation at the local level. Students will also learn the core functions of the office of the city attorney/law director and be exposed to the varied legal practices encompassed by local municipal offices in Ohio.

Legal Analysis: Students will be able to analyze, synthesize, and critically apply relevant law to a set of facts by using appropriate legal reasoning skills.

Legal Research: Students will be able to use appropriate resources to identify relevant research terms and controlling authority in order to articulate an effective research plan.

Oral and Written Communication: Students will be able to orally advocate a position in classroom discussion and to draft legal documents typically encountered in clerkship and litigation settings in an organized and clear manner.

Problem-solving: Students will be able to identify legal problems and present satisfactory options for addressing those problems.

Professionalism: Students will be able to: identify ethical concerns in a variety of situations; determine the applicable professional and ethical standards; apply those standards; and propose a solution that complies with those standards.

Professional Skills: Students will have the professional skills needed for competent participation as a member of the legal profession. **2**

New Federal Grant to Battle Opioid-Related Fatalities

The City Attorney's office, in partnership with the Columbus Department of Public Safety, secured a federal grant totaling over \$1.9 million in new funding for much needed opioid intervention programs. The grant—which was awarded through the [U.S. Department of Health and Human Services'](#) Substance Abuse and Mental Health Services Administration (SAMHSA)—will be used to support the city's Rapid Response Emergency Addiction Crisis Team (RREACT) program. RREACT members are specially trained to reach out to drug overdose victims within 48 hours in instances where the victim refused transport to a clinical facility after being revived by police or fire first responders.



The addiction crisis team consists of a peace officer trained in crisis intervention, a paramedic, a social worker, and a trauma specialist.

The RREACT program was created by the City of Columbus in 2017 in order to provide a multi-disciplinary outreach program to address the opioid crisis in households where various barriers to accessing drug and/or behavioral treatment exist. RREACT also provides training on naloxone administration and safety practices for handling opioids and other dangerous drugs for both first responders and community organizations operating in high-risk areas of the city.

The SAMHSA grant, which will provide \$1,916,116 spread out over four years, will help fund four goals:

- Increasing the use of naloxone for emergency treatment of suspected opioid overdoses by the city's first responder teams and other key community sectors. This effort will help further reinforce naloxone administration as the standard protocol for first responders encountering a suspected opioid overdose victim and will facilitate six trainings each year.
- Developing the capacity of first responder teams to link opioid overdose survivors and/or children in the home to appropriate agencies for case management, treatment and recovery services.
- Increasing awareness and training on standard safety protocols related to the safe handling and exposure to fentanyl, carfentanil, and other dangerous drugs for Columbus Division of Police, Fire and EMS teams.
- Increasing the capacity of the Columbus community to address opioid use through a coordinated multi-disciplinary effort, and actively support the implementation of the Franklin County Addiction Plan with a specific focus on the first responder committee's work.

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Opposing 'Medical Care Refusal' Rule

Nearly two dozen cities from across the country joined Columbus as signatories in *amicus curiae* briefs filed last month in support of two separate federal lawsuits opposing a controversial new U.S. Health and Human Services Department proposal that some are calling the “Conscience Rule” but is better described as the “Refusal to Provide Care Rule.” Some 21 cities—ranging from Gary, Indiana and Holyoke, Massachusetts to Los Angeles and Honolulu—have signed onto the briefs that the Columbus City Attorney’s office filed in conjunction with the City of Oakland, California to support cases in California and the Southern District of New York.



On May 2, 2019, the U.S. Health and Human Services Department published a final rule that would allow health care staff to refuse to provide medical treatment to individuals based on the staff’s religious or personal beliefs, even in emergencies. The rule requires applicants for HHS funds to submit an assurance and certification of full compliance as a condition of receiving federal financial assistance or any federal funds from the department.

There are already basic religious protections built into federal law, which are respectful of religious and moral beliefs, but do not put patients’ lives at risk.

“Once again, we are compelled to act against a disturbing abuse of power by the Trump Administration—this time allowing healthcare providers to deny patients medical care based on the staff’s religious or personal beliefs, even in emergencies,” City Attorney Klein said in a statement issued after Columbus filed its court briefings. “This new rule would allow the denial of care to LGBTQ individuals, a person seeking reproductive healthcare, those struggling with substance abuse, and more. Local governments often serve as the healthcare provider for our most vulnerable populations, and if we are faced with the choice of allowing discrimination against our residents or losing critical healthcare funding, cities and counties will be the ones left holding the bag.”

Read the *amicus curiae* briefs [here](#).

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September was **#HungerActionMonth**. City Attorney Klein visited the **Mid-Ohio Foodbank** to thank them for all their efforts in Central Ohio. To learn more about what you can do to help end hunger year-round, visit [Feeding America](#), a network of 200 food banks across the country.



City Attorney Klein was honored to join so many great pastors for a "Lunch & Learn" to discuss how all levels of government -- federal, state, and local -- need to work together with the community to address the ongoing opioid crisis.

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Thanks to the **Columbus Division of Police**, we secured an emergency court order to shut down this dangerous after-hours club located near the historic boyhood home of World War I flying ace Eddie Rickenbacker. The property was the scene of gang violence, shootings, murder,

felonious assault, drug dealing, and liquor violations—where gunshots rang out with such frequency that in just one night, ShotSpotter detected 29 shots.

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City Attorney Klein is seen here congratulating Assistant City Prosecutor **Christopher Clark** for demonstrating “innovation, leadership and initiative” in his approach to prosecuting criminal complaints following our intensive [Prosecutor Impact](#) training.

This *Columbus Dispatch* [article](#) featured our Policy Counsel, **Amy O'Grady**, as she works in the courthouse on addressing the underlying causes of crime and recidivism through our **Helping Understand Barriers** diversion program. [Photo from [dispatch.com](#)].



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