

COLUMBUS BUSINESS FIRST

Web 2.0: It's not your grandpa's courtroom

BUSINESS FIRST: How has the Internet influenced your law specialty?

SARA JODKA: It has changed the way I network, market and research. In my law practice, I cannot emphasize enough how it has changed everything about the way I do my job.

In 2010, I filed one of the first lawsuits in the country regarding alleging that someone could violate a non-solicitation/non-compete clause through their actions on social media – *Graziano v. Nesco Service Co.* In that case, Graziano, a former employee of Nesco, signed an employment agreement that said for one year after termination of employment, he would not induce or attempt to induce any employee or other person associated with Nesco to end his or her association with Nesco. After termination, Graziano established a LinkedIn account and connected with former Nesco colleagues. Nesco sent a letter advising him to stop and that such conduct violated the terms of the severance agreement. Graziano did not stop, Nesco stopped paying him benefits it had agreed to pay, and Graziano sued for breach of the severance. Nesco, who I represented, countersued Graziano for violating the terms of the non-solicit/non-compete and for violations of the Ohio Uniform Trade Secret Act. The case settled.

From that point on, I was hooked. I knew social media was big and would only get bigger. I resolved to learn as much as I could about it. I wanted to stay in front of the issue.

Now, social media impacts nearly every facet of my job. I get calls from clients nearly every day with questions about how they can respond to things their employees (current and former) have done or said on the Internet. I also get questions about drafting proper policies. And it does not end there – social media comes up in nearly every case I litigate.

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We assembled a panel of lawyers in four specialties – health care, copyright, patent and labor and employment – to get their thoughts on how the industry is changing as it is revolutionized, like most other industries, by the Internet. Here and on the following pages are edited responses Sara Jodka submitted to Columbus Business First by email.

BUSINESS FIRST: If you could suggest one change to the Internet to make your job easier, what would it be and why?

SARA JODKA: Easier tracking and archiving mechanisms, including metadata to determine when pictures posted are taken, posted, deleted, etc. With this, it should be easier to archive and similarly retrieve social media data.

BUSINESS FIRST: What are some major technology-related changes you see coming in the next five to 10 years that could affect your job or the kinds of cases you work on?

SARA JODKA: I believe that communication will be done 10 percent paper (if that) and 90 percent electronic. As such, most evidence will be taken off hard drives, cloud computing systems, SIM cards, etc. The way lawyers litigate cases will forever change in the next five to 10 years.

BUSINESS FIRST: What's your favorite website to visit for work?

SARA JODKA: LinkedIn for networking and marketing. For research and learning to stay on top of the latest and greatest issues, I go to Lexblog every morning. I log on first thing in the morning and read

the employment law and e-discovery/technology posts.

BUSINESS FIRST: How about for fun?

SARA JODKA: This is what I do for fun – learning something new and staying on top of new issues that I can share with my clients and others is fun for me.

Sara Jodka

Title: Senior associate, Porter Wright Morris & Arthur LLP Columbus office

Specialties: Employment litigation as counsel for employers. Cases involving Equal Employment Opportunity Commission, Ohio Civil Rights Commission, Indianapolis Civil Rights Commission, Ohio Job and Family Services and claims arising under the FLSA, FMLA, ERISA, COBRA, ADA, ADEA, Title VII, FCRA, Ohio Civil Rights Act, various state laws regarding wrongful discharge, statutory, contract and other discrimination, retaliation and whistleblower laws. Member of firm's E-Discovery Practice Group and Technology and Privacy & Data Security Practice Group.

Member: American Bar Association, Cleveland Metropolitan Bar Association, Sagamore American Inn of Court, Society for Human Resource Management, Human Resources Association of Central Ohio, South Central Ohio Human Resource Council, National Federation of Independent Business

Law school: Capital University Law School

Undergraduate: Ohio State University

Admitted to practice: 2003

