

The **BOYK** LAW REPORT

11 Offices >>> NW Ohio & SE Michigan

ATTORNEYS

Charles Boyk, Michael Bruno, Andrea Young, Zac Shaffer & Sam Bolotin, Fredric Boyk, Wes Merillat, of counsel

CONTACT US TODAY!

MAIN OFFICE

1500 Timberwolf Dr.
Holland, OH 43528
(419) 241-1395 Main
(800) 637-8170 Toll-free
(419) 241-8731 Fax

BOWLING GREEN

121 E. Wooster St., Suite 100
Bowling Green, OH 43402

DOWNTOWN TOLEDO

405 Madison Ave., Suite 1200
Toledo, OH 43604

DEFIANCE

1012 Ralston Ave.
Defiance, OH 43512

FINDLAY

612 S. Main St., Suite 107
Findlay, OH 45840

FREMONT

219 S. Front St., Suite 105
Fremont, OH 43420

LIMA

114 N. West St., Suite 203
Lima, OH 45801

MAUMEE

1683 Lance Pointe Rd
Suite 104 B
Maumee, OH 43537

SWANTON

10725 Airport Hwy.
Swanton, OH 43558

WEST TOLEDO

7659 Kings Pointe Rd., Suite B
Toledo, OH 43617

WEST UNITY

123 E. Jackson St.
West Unity, OH 43570



AUTO ACCIDENTS • MEDICAL MALPRACTICE
WORKERS' COMPENSATION • DOG BITES
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ATV & MOTORCYCLE ACCIDENTS
MASS TORTS • SEXUAL ASSAULT VICTIMS

“Homeowner’s Policies: A Great Way to Find Insurance Coverage for Your Injury”

As attorneys, we receive phone calls on lots of cases. A common problem is that the defendant is often not collectible. Our firm has a history of finding coverage for what initially presented as a bad case.

Homeowner’s and renter’s policies are a fantastic way to find “a deep pocket” to cover an individual’s personal liability for negligence. This coverage follows the named insured or a family member both on and off their personal residence. We have been very successful in those cases and would be happy to co-counsel or accept referrals on them. Often, we have to file a lawsuit and fight for coverage. These are some examples of unusual cases where we have found coverage:

- **\$300,000 Policy limit recovery for dog biting off client’s nose at the defendant’s mother’s house.**
- **Large confidential settlement for a dog chasing client on a public street and the client falling resulting in several shoulder surgeries.**
- **A large number of gun-related settlements. Policy limits for cousin on the first day of hunting dropping the shotgun and shooting our client in the leg resulting in numerous surgeries. The defendant mishandled a gun killing our client. The defendant dropped a gun on the floor and the shot went through the wall injuring our client sleeping in bed in the apartment next door.**
- **\$300,00 policy limits for teenagers playing with a BB gun inside the house shooting and blinding our client in one eye.**

- **Policy limits for Grandpa failing to supervise young grandson. Grandson walks away and ends up drowning in a neighbor’s pool.**
- **Policy limits for antique cannon blowing up in the backyard causing traumatic brain injury to our client guest.**
- **Horseplay in a bar. The defendant put swizzle sticks next to our client’s ears. Our client moves puncturing an eardrum resulting in permanent hearing loss.**
- **Confidential settlement for client run over by friend’s golf cart during a round of golf resulting in multiple surgeries.**
- **Teenagers playing with a knife and poking holes in cardboard. Our client gets all of the tendons in his right hand cut resulting in surgery.**
- **Policy limits for a client suffering serious traumatic brain injury and ankle fracture resulting in multiple surgeries. The client is a passenger in a homemade cart on a homemade track being pulled up a steep hill by a pulley. The pulley system fails and the cart reverses down the hill. (See accompanying article, “Makeshift Transport Cart Causes Devastating Injuries at Lake House”)**

As long as you have some form of insurance coverage, negligence of an individual, and some creativity a no value case can potentially become a policy limits case.

Attorney Andrea Young - Candidate for the TBA Board of Directors



Boyk Law Attorney Andrea Young

Boyk Law Attorney Andrea Young is running for the Board of Directors of the Toledo Bar Association. She attended the University of Toledo College of Law and was admitted to the bar in 2017. She has been an active member of the TBA for 7 years. During this time she served on the Young Lawyers Committee/ Social Engagement Committee and the Workers Compensation Committee.

She completed the Ohio State Bar Association's Leadership Academy in 2022 and has been involved with the OSBA ever since. She is currently Secretary of the Solo and Small Firm Committee and is involved with planning the OSBA Solo and Small Firm Institute on June 7th.

This Spring she will serve on the OSBA Leadership Academy Advisory Committee.

She is a member of the Academy of Truck Accident Attorneys. This summer she is enrolled in a 3-day course in Montana for hands-on experience with trucking cases.

Andrea is a member of the Ohio Association for Justice and participated in the OAJ's Women's Caucus - Suit Up for Justice campaign.

Andrea cites several reasons why she'd like to serve on the board of directors. "First, I wish to cultivate my leadership skills and would like to interact with and learn from other growth-minded individuals. I want to be able to use what I've learned with the OSBA Leadership Academy and apply that locally.



TOLEDO BAR
ASSOCIATION

Second, I want to give back to the legal community. As a first-generation attorney, I felt out of place and self-conscious in legal settings. Luckily the local legal community was very accepting. During my participation with Gridiron, Lawyer Softball League, and other activities, I've gotten to know many lawyers from different practice areas and backgrounds, who have made me feel welcome. I want to foster those relationships and use my experience to aid the Bar Association in providing a safe and resourceful environment for all current and future lawyers. Third, I want to make a difference within the Toledo community. I was born and raised in Toledo and would love to make a positive impact in the community alongside my legal peers."

Visit www.toledobar.org for more information on Toledo Bar Association's 2024-25 Board Member elections.

Makeshift Transport Cart Causes Devastating Injuries at Lake House

Our client planned a relaxing weekend with her sister at a Tennessee lake house. She had a recent hip replacement surgery, so after a day on the lake, the sisters had to ascend a large hill to get back to the house.

The homeowner ran a track from the lake to the house and had a makeshift cart on the track being pulled by a cable.

The sisters rode up the hill until the halfway point when the cart stopped. After a few minutes, they were instructed to return to the cart by other members of the party. At that point, the cable failed, and the sisters plunged to the bottom and sustained devastating injuries.

Our client was life-flighted to the hospital where she was diagnosed with a traumatic brain injury, fractured ankle, and other injuries. She required multiple surgeries and a later stay in a rehab facility, not to mention a significant income loss.

We brought in local counsel to file a lawsuit, but our claim against the homeowner was still met with resistance. The insurer argued our client was negligent, suggesting she should have stayed off the cart when it stopped midway up the hill. It also argued that the client's brother-in-law and daughter shared legal responsibility for running the controls at the top of the hill.

We were able to overcome these obstacles by stressing that the ultimate liability rested on the homeowner for failing to properly maintain the makeshift rail cart and pulley. We ultimately prevailed upon the insurer to pay its full liability and umbrella coverage to settle all claims.



Navigating The Path To Law License Reciprocity

Whether you are looking to expand your practice or relocate, taking another State Bar Exam is never something that an attorney looks forward to. Fortunately, if you are looking to practice in Ohio, the Ohio State Bar has reciprocity for every state. However, in order to qualify, there are certain requirements and standards that must be met. Below is a generalized, but specific list of what is needed for an attorney to become admitted to the Ohio Bar without confronting another bar exam.

Before reviewing this information, it is imperative that you know what type of bar exam you took. As with every aspect of the law, the answer and information will depend on your specific circumstances.

The Supreme Court of Ohio began using the National Conference of Bar Examiners' Uniform Bar Examination (UBE) in July 2020. The UBE is a two-day test comprised of three components prepared by the National Conference of Bar Examiners, the Multistate Bar Exam, the Multistate Performance Test, and the Multistate Essay Exam.

If you took the Ohio bar exam before the Uniform Bar Exam's implementation, you are left with only one option for admission without examination.

If you are an attorney licensed to practice in another state, here are the basic requirements for you to become admitted into the Ohio Bar without examination. You must:

Meet the technical requirements for admission, which are as follows:

- Be 21 years of age;
- Have a bachelor's degree or doctoral-level degree from an accredited college or university;
- Have a J.D. or L.L.B. from an ABA-accredited law school;
- Successfully pass the character and fitness process for Ohio;
- Be admitted to practice in another state;
- Have actively practiced for 5 years prior to application;
- Have not taken and failed the Ohio bar within 5 years prior to application;
- Have not engaged in the unauthorized practice of law;

- Be a citizen or resident alien of the United States; and
- If applicable, be registered pursuant to Ohio Gov. Bar. R. VI, Section 3.

File an Application for Admission to the practice of Law without Examination with the Office of Bar Admissions.

This includes the following:

- Applicant Affidavit;
- Certificate of Presentation;
- NCBE Character Questionnaire;
- Certificate of Good Standing from every jurisdiction you are admitted to;
- Affidavit of Employment;
- Affidavit of Practice;
- Undergraduate and Law School Transcript;
- An Authorization and Release Form; and
- Costs/Fees.

If you are an attorney who took the UBE, then these specific rules apply:

- A UBE score of 270 or higher and your score cannot be more than 5 years old.
- An MPRE score of 85 or higher is required.
- Completion of the Ohio Law Component training course with a score of 80% or more.
- A current Ohio Character and Fitness certification.
- Meet the technical requirements of 1(a) – (c) listed above.
- File an Application for Admission by UBE Transfer Score, which includes:
 - *Certificate of Good Standing from every jurisdiction you are admitted to, if applicable;*
 - *Undergraduate and Law School Transcript;*
 - *NCBE Character Questionnaire;*
 - *Applicant Affidavit;*
 - *An Authorization and Release Form; and*
 - *Costs/Fees.*

Now, if you are an Ohio attorney and would like to become admitted to the State Bar of Michigan, the process is similar. But there are noticeable differences. Therefore, an Ohio attorney attempting to waive into Michigan's State Bar may move the State of Michigan to admit them without examination, but you must comply with the following:

- Meet the technical requirements for admission, which are as follows:
- Be licensed to practice in the United States, its territories, or the District of Columbia;
- Be a member in good standing of the Ohio Bar;
- Intend to practice law in Michigan; and
- For three of the five years before applying, have actively practiced law as your main occupation/business, been employed as an instructor in an ABA-accredited law school, or been on active duty serving as a judge advocate, legal specialist, or legal office (certified by the judge advocate general).

1. Apply for a Request for Preparation of a Character Report from the National Conference of Bar Examiners.

2. Complete the Michigan Law Component training course. This is an online course available at <http://www.icle.org/michiganlawbasics>.

3. Finally, you must fill out an Application for Admission without Examination and pay the required costs.

If you are an Ohio attorney who took the UBE, then these specific rules apply:

- A UBE score of 268 or higher and your score cannot be more than 3 years old.
- An MPRE score of 85 or higher is required.
- Completion of the Michigan Law Component training course.
- Verification of graduation from an ABA-accredited law school.
- A current Michigan Character and Fitness certification.

As we all know, general guidelines are never sufficient in the legal field. So, it is important for those who intend or want to apply to a new bar, either Ohio, Michigan, or other jurisdictions, the state bar in which you are attempting to gain admission may require additional information or documentation and may require additional procedures based on the individual applicant. As always, it is best to contact the local state bar for more information.

Co-Counsel Opportunities

Whether you have an injury case that is outside your core practice area, a case you do not have time or the resources to pursue on your own, or a case outside your geographic area, our firm would love to talk with you about a referral or being associated as co-counsel.

We are proud to work with co-counsel throughout the country. And when those cases resolve, we are honored to pay significant referral and co-counsel fees.

For more information about Co-Counsel Opportunities, contact Charles E Boyk Law Offices, by phone at 419-241-1395, email at referceb@charlesboyk-law.com or visit our website, www.charlesboyk-law.com/referral

ABOUT THE CO-COUNSEL NEWSLETTER

Charles Boyk Law was founded more than 20 years ago with the intent of helping people in need. Behind a team of outstanding lawyers, professional support staff, and state-of-the-art technology, our firm has grown to become one of the leading personal injury law firms in NW Ohio and SE Michigan.

We consider it an honor to be contacted by attorneys, both locally and across the U.S., who are seeking co-counsel to help litigate complex personal injury cases. It is an even greater honor when those attorneys refer us a case involving their loved ones or friends.

Our co-counsel newsletter is tailored to attorneys. It highlights examples of cases we are handling and provides updates on litigation. If you have a personal injury case you are looking to refer, we invite you to consider our firm. Our team of attorneys and professional staff have the experience, knowledge and resources to provide your clients with the best representation and maximize the recovery.



CHARLES E. BOYK

LAW OFFICES, LLC

CHARLES E. BOYK LAW OFFICES, LLC

1500 Timberwolf Dr.
Holland, OH 43528

PH: 419.241.1395

TF: 800.637.8170

FX: 419.241.8731

www.charlesboyk-law.com



CharlesEBoykLawOffices



Charles E. Boyk



charlesboyklaw



www.youtube.com/ceboyk

Attorney Chris Zografides



" Charles Boyk Law is an exceptional law firm that delivers first-class, top-notch representation. I've referred several auto accidents and medical malpractice cases to them, and without exception they exceeded expectations. Their expertise, dedication, and commitment to their clients sets them apart from other law firms. I highly recommend Charles Boyk Law for all your legal needs!"

A Newsletter by Attorneys, For Attorneys

The **BOYK** LAW REPORT

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Boyk Attorney Moderates Ohio Bar's CLE – Sixth Annual Solo and Small Firm Institute



The Ohio Bar Association is hosting its Sixth Annual Solo and Small Firm Institute on June 7, 2024. This interactive webinar can help you plan for your firm's future. Participants will hear from industry experts on succession planning best practices, ethics and professionalism, form automation, and practice area hot topics. Attendees may qualify for 1.5 Professional Conduct Hours (Pending).

Session topics include:

- **Law Office Staffing Best Practices - This session will help small firm leaders determine when and how to hire, create a healthy firm culture, and better understand employee resources and benefits.**
- **Professionalism and Ethics (Professional Conduct) - A review of the Ohio Rules of Professional Conduct, ethical expectations**

for attorneys, and civil interactions with opposing counsel.

- **Medicare and Other Insurance Considerations - Attendees will learn the basics of Medicare and other insurance for firm and personal planning.**
- **Form Automation With Clio Draft - Attendees will learn efficient and effective methods of using Clio Draft, a cloud-based forms automation platform.**
- **Hot Topics in the Law - This panel discussion will cover hot topics in real property, domestic relations, and criminal defense.**

Attorney Andrea Young of Charles Boyk Law Offices, moderator of the Professionalism and Ethics (Professional Conduct) session, says, "The annual

symposium provides vital assistance and support to solo practitioners and small firms who play a very important role in the legal system, especially in smaller communities and rural areas".

Register for the Interactive Webinar online at ohioabar.org/CLE24-350-LIW or by phone at (800) 232-7124. Ohio Bar Solo, Small Firms, and General Practice Section members will receive a \$100 tuition discount (limited to the first 100 registrants). If you are interested in becoming a member of the Solo, Small Firms, and General Practice Section, please contact the Ohio Bar Member Service Center at 800-232-7124.

New address or phone number? Help us stay current by letting us know! Call 419.241.1395 or e-mail marketing@charlesboyk-law.com