

The **BOYK** LAW REPORT

11 Offices >>> NW Ohio & SE Michigan

ATTORNEYS

Charles Boyk, Michael Bruno, Andrea Young, Zac Shaffer & Fredric Boyk, 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, Suite C-1
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

Friend or Defense Opponent? **Both** by Chuck Boyk

I am somewhat weird because I actually like my insurance defense opponents. At least 95% of them. However, my absolute favorite opponent is Casey Talbott from Eastman & Smith Ltd.

Casey and I met on a case 25 years ago. My client went to a Bowling Green, Ohio bar. A drunk patron who was thrown out and then readmitted broke my client's jaw. Casey represented the bar. We did paper discovery and depositions. Casey filed for summary judgment and won. We reversed it in the Court of Appeals. Casey got an affidavit from the puncher, who by this time was in prison. The judge granted summary judgment for the second time but screwed up the decision. We reversed it again in the Court of Appeals. We then settled the case at a number neither side liked. Later, I read that the perpetrator turned out to be a serial killer. So to this day, I thank a serial killer for meeting Casey.

According to the Eastman & Smith website, "Casey Talbott is a member of Eastman & Smith Ltd., concentrating his practice in the defense of significant personal injury, wrongful death, and insurance coverage actions. He also has significant experience counseling railroad companies with respect to operational concerns throughout the State of Ohio."

"He received his undergraduate and law degrees from The Ohio State University. He is a member of the Ohio Association of Civil Trial Attorneys, National Association of Railroad Trial Counsel, Defense Research Institute, and the Ohio State and Toledo Bar Associations. He is also listed in Best Lawyers in America".

Here are the reasons Casey is my favorite:

His professional manner in zealously representing his client. His goal is to work with the other side to solve a mutual problem. Ego and billing hours have nothing to do with it. He wants to solve problems as quickly and as easily as possible.

His class. Fifteen years ago, my youngest son fell off a diving board onto concrete and ended up with 2 brain surgeries and 21 days in the ICU. My wife and I took turns staying with him 24 hours a day. Casey came and sat in the hospital twice. There was zero expectation of his visit.



Casey Talbott

He is my go-to person for advice and finding attorneys to represent me. Both my trust & estate attorney, and my employment attorney are partners at Eastman & Smith. They're both fantastic and were recommended by Casey. My succession planning attorney was also recommended by Casey.

He knows and is liked by everyone, judges, lawyers, clerks, court personnel, and people in the community. It is because he is kind and legitimately cares about people.

Recently, Casey took my client's deposition and met the client's young son. The client drowned that weekend. Casey emailed me a week later and was worried about how my client's kids would be able to handle it.

Casey is a fantastic friend, father, and husband.

I told another attorney who is friends with him that Casey was one of the 10 best people I've ever met. Casey would probably ask who the other 9 people could possibly be?

Casey routinely is listed in Best Lawyers in America. That is well deserved. However, I think he is even a better person.



**AUTO ACCIDENTS • MEDICAL MALPRACTICE
WORKERS' COMPENSATION • DOG BITES
WRONGFUL DEATH • PRODUCT LIABILITY
ATV & MOTORCYCLE ACCIDENTS
MASS TORTS • SEXUAL ASSAULT VICTIMS**

Focusing on Success: Using Focus Groups in Litigation by Zac Shaffer

“There is no such thing as an impartial jury because there are no impartial people.” ~Jon Stewart.

Preparing for trial is one of the most difficult and time intensive experiences an attorney may encounter. You can be as prepared as possible for opening statements, exhibit use, and closing statements, because you can control and plan for the vast majority of those. But, the one aspect that can never be controlled or perfectly planned for is the jury. Yes, the legal system provides *voir dire* but it's not perfect. Jurors are people and people are unpredictable.

So, how can you prepare?

This is where focus groups can help. While not perfect, they can be extremely helpful. I had the pleasure of getting to experience my first focus group recently. If I had to describe the experience in one word: enlightening.

Our office held a focus group with roughly twelve people and it was very interesting hearing opinions and the thought process of a sample of the public. Just like a jury, life, or a box of chocolates, you never know what you are going to get. Fortunately, the group that

attended was a good mix of individuals with different ages, genders, and backgrounds. It opened my eyes to preconceptions I had about the general public. For example, I presumed that individuals who were as close to the plaintiff's demographic would be more sympathetic; not all of them were. It was enlightening to see that demographics was not the primary basis for opinions on the case.

However, by far the most valuable aspect of the focus group was listening to what the participants wanted to know more of/see more of. Whether it was wishing the plaintiff had done more or identifying and focusing on conduct that made the defendant more culpable, they were inquisitive about every aspect of the case. I was not expecting it. Another interesting component was hearing their opinions on the medical information and providers. Experiencing first-hand how our sample of society attached to certain components and focused on specific facts was extremely helpful.

Is it worth it?

Absolutely. Each case is different. Even if the facts of the case are similar, the parties typically are not. People grow: physically, emotionally, and mentally. Opinions

and biases change. If you want to be successful at trial, knowing what a potential jury would do can make all the difference in your case. Perception is key. We prepare witnesses and clients based on perception. Attorneys want to make sure their clients are perceived in the best light. How is the non-human evidence any different? Using a focus group to simulate a jury not only allows you to get an early impression of how your client as a person is perceived, but also how the facts of your case are perceived (individually and as a whole).

If litigation is a part of your practice, I suggest using a focus group. It is relatively inexpensive, compared to other expenses. And it allows you to be the best advocate for your client. As attorneys, being “devils’ advocates” is a part of our DNA. It can be easy to anticipate opposing counsel's arguments and positions (most times you don't have to anticipate as it is relayed to you). But, when you have 8 random people, you cannot anticipate everything. For this reason, a focus group is one of the best litigation tools available.

Avery's Law: Holding Dog Owners More Accountable by Zac Shaffer

There is a change in Ohio law that every dog owner should be aware of. Signed into law in 2025, House Bill 247 states that any dog that kills or seriously injures a person will face mandatory euthanasia. If you were familiar with the prior statute, it addressed and controlled whether a dog was deemed vicious or dangerous under Ohio law. Usually, this meant (as generally as possible) that the dog had a history or propensity for violence, indicating past altercations. Now, the history is irrelevant; one strike and the dog is out.

The change in the law is also not limited to the animal. The law also increased the penalties for the dog's owner. The owner now faces the risk of felony charges. Previously, the owner could have received a slap on the wrist, including just fines for failing to confine their animal. While in a vast majority of dog bite cases, they are accidental and result in minor injuries, that is not true for all. So, what changed?

The proposed, and now adopted, legislation stemmed from a dog bite involving a young girl who suffered significant, life-changing injuries in June of 2024. The namesake of the law change, Avery Russell, was 11 years old. She was playing with her friend and needed to

use the restroom. Before she could use the restroom, she was viciously attacked by two pit bulls. Unfortunately, she was left permanently disfigured and lost both of her ears. Her parents' lives changed forever.

Avery and her family suffered unimaginably. From medical treatment and costs to leaving the workforce to become full-time caretakers, their lives changed in an instant and a preventable moment. Despite being directly responsible for her catastrophic and life-altering injuries, the dog's owners only received a “slap on the wrist.” They were sentenced to 4 days in jail.

While this may have been an avoidable accident, they were still responsible for what happened, and justice was not served. The law serves as a better balancing act between the attacks and the results. There are still distinctions to protect dogs and owners in situations where the dogs/owners should be protected, but it acts as a more fair and equitable law with more accountability for dog owners.

Prior to passing Avery's Law, justice was not always served. Now, the law ensures that the consequences match the results.



UPCOMING CLE Opportunities

2026 Court of Appeals Seminar

Presented by: Toledo Bar Association

February 20, 2026 • 9:00 a.m. to 12:15 p.m.

Live In-Person Seminar

3.0 General or NLT Credit Hours including 1.0 Professional Conduct Hour

AGENDA

9:00 a.m. "They wrote me off but I writ back."

Andrew Mayle, Esq., Mayle, LLC

This 1 hour presentation will cover the types of relief available in extraordinary original actions such as mandamus, prohibition, and procedendo. Participants will learn key statutory requirements and important Supreme Court of Ohio precedent in this area. We will also cover strategic considerations, such as venue and timing. Common defenses to original actions will also be reviewed. Participants will leave knowing the essential elements to obtain a writ of procedendo, manadmaus, or prohibition and important procedural rules governing such actions.

10:00 a.m. Break

10:15 a.m. Court of Appeals Judges Panel

11:15 a.m. The Ethics Cascade of the Jerry Sandusky Saga -
Jim Hoppenjans, Wood County Prosecutors Office

LOCATION:

Toledo Bar Association
311 N. Superior St.
Toledo, OH 43604



TOLEDO BAR
ASSOCIATION

EVENT RATES:

\$135 - Member

\$180 - Non-Member

\$0 - Student Member

\$0 - CLE Upgrade Member

All registration fees must be paid in full prior to the start of the seminar. Cancellations received prior to the seminar will be refunded less a \$30 administration fee. No refunds or transfers given for cancellations received on or after the day of the program. Upon request, course materials are available in consideration of tuition paid. The TBA reserves the right to modify or cancel a program if circumstances warrant. If the TBA cancels a program, full tuition will be refunded.

Questions?

Contact Lisa Small - lsmall@toledobar.org or call 419-418-5310

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

2025 Professionalism Seminar

Presented by: OBLIC

Thursday, February 26, 2026 • 9:00 am – 11:45 am

2.5 Professional Conduct Hours

Presenters:

Nick Froning, Koblentz, Penrose & Froning

Adam Nightingale, Esq., Eastman & Smith

Merisa Bowers, Loss Prevention Counsel, OBLIC



9:00 – 10:00 Grievance Update: Pitfalls and Prevention for Savvy Lawyers

Nick Froning, Koblentz, Penrose, & Froning, LLC

Discussion of formal complaints filed, board reports and recommendations, and Ohio Supreme Court decisions from 2025.

10:00 – 10:15 Break

10:15 – 11:00 Adapt or Get Hacked: Legal Ethics for Survival in the Digital Age

Merisa Bowers, Loss Prevention Counsel, OBLIC

This session explores the evolving landscape of cyber threats facing the legal sector, highlighting real-world attack examples and the critical role attorneys play as the "human firewall" in protecting sensitive information. It examines major threat actors—including state-sponsored groups and sophisticated cybercriminals—while emphasizing the ethical and regulatory responsibilities lawyers must uphold to prevent and respond to breaches. Attendees will gain practical strategies for risk assessment, data protection, and incident response, empowering them to adapt and maintain resilience in the digital age.

11:00 – 11:45 Legal Malpractice Caselaw Update

Adam Nightingale, Esq., Eastman & Smith

A review of recent legal malpractice decisions: Dervin & Associates, et al. v. Amer Cunningham Co., LPA, et al. 2025-Ohio-4761; Monroe v. Richards, 2025-Ohio-4394; Tarahfields LLC v. Wilson, 2025-Ohio-1337

LOCATION:

Live In Person Seminar • ZOOM

EVENT RATES:

\$145 - Member • \$190 - Non-Member

\$0 - Student Member/CLE Upgrade Member

PAYMENT/CANCELLATION POLICY

All registration fees must be paid in full prior to the start of the seminar. Cancellations received prior to the seminar will be refunded less a \$30 administration fee. No refunds or transfers given for cancellations received on or after the day of the program. Upon request, course materials are available in consideration of tuition paid. The TBA reserves the right to modify or cancel a program if circumstances warrant. If the TBA cancels a program, full tuition will be refunded.

Questions?

Contact Lisa Small - lsmall@toledobar.org or call 419-418-5310

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

IN THIS ISSUE:

- **Friend or Defense Opponent?** Both by Chuck Boyk
- **Focusing on Success:** Using Focus Groups in Litigation by Zac Shaffer
- **Avery's Law:** Holding Dog Owners More Accountable by Zac Shaffer
- **CTE OPPORTUNITIES**

A Newsletter by Attorneys, For Attorneys

The **BOYK** LAW REPORT

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MEMORIES OF A REFORMED DEFENSE ATTORNEY by Chuck Boyk

I am now a plaintiff personal injury attorney, but I got some of my best stories and had the most fun as a criminal defense attorney. I was able to meet so many tremendous characters, and some of the conversations were priceless. Here are some examples:

One of my clients wanted me to handle his robbery case on a contingency basis. He heard that is what attorneys do. I asked him if that meant if he was sentenced to 6 years in prison, that I got to serve 2 of them? I do not think he grasped the concept.

A felonious assault client wanted to know if I gave out loans. I explained that I represented people

charged with crimes and wanted payment up front. I was not like Mr. Haney on Green Acres and had 20 different occupations.

A female drug dealer with a serious felony charge wanted me to offer that she would have sex with the prosecutor if we could get a misdemeanor. I laughed the first time and told her that was funny. She requested that another 6 times. Finally, I told her I was not going to do that. It was an ethical violation for me. She and I would be committing a felony act of bribery if I did that. Eventually, it was reduced to a low-level felony, and she received some local time and probation.

One of my close friends asked me regularly how I

could represent horrible drug dealers. Eventually, his son was charged with possession of a large amount of LSD. I represented his son for free. I pointed out that life is gray. Drug dealing is poison if it is somebody else doing it. If it is your kid, you want understanding from the court.

I loved the interesting people and wild tales. I did not like fighting clients to get paid. But criminal defense taught me how to deal with all sorts of people and gave me my trial skills. The time I spent doing it was definitely a blessing.

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