

The **BOYK** LAW REPORT

11 Offices >>> NW Ohio & SE Michigan

The Future of "The Toledo Way" Of Practicing Law



Attorney Chris Parker and Law Dog Simon

The "Toledo Way" of practicing law has made the Toledo legal community very unique and proud. In essence, it is practicing the golden rule of treating our opponent the way we would like to be treated. It is balancing doing the right thing of zealous representation of the client by being professional and displaying common courtesy at the same time. It has made practicing law in Toledo a fantastic experience that is distinctly different than the cutthroat battles in other communities. You can be an advocate while at the same time being a good caring person.

I discussed the current status of "The Toledo Way" with attorney Chris Parker. Chris has unique qualifications to discuss this issue. He started as a Civil Bailiff for Judges Peter Handwork and Robert Christiansen in the years 1980-1984 while attending UT Law's night division. Over the last 40 years, he has practiced in Toledo in a comprehensive general practice. He also has held a huge number of offices in the Toledo Bar Association. Everything from Trustee, Head of the Grievance Committee, and President in 2003-2004. He has over 2 pages on his CV, detailing much of his bar association

involvement. His work ethic and common sense are respected by the entire legal community.

Chris points out that "The Toledo Way" was taught to him by Judges, fellow lawyers, mentors, and members of the bar association. It promoted professionalism and was in the best interest of individual attorneys and their clients. Cases can be solved in an adult manner where "mutual solutions" are more important than ego, billing hours, and winning at all costs.

The "Toledo Way" has been impacted by COVID. This may be the result of less in-person interaction, including depositions, pretrials, mediations, and bar association events. More young attorneys work remotely and more communication is by email, rather than phone or in person. Mentoring was done in the past "in person." It is much easier to build a community of respect and comradery when you see each other in person. You can develop a relationship where you personally know your opponent, talk about common interests, and see each other as a real live person. Respect for others is made easier by personal contact. It is much easier to be unpleasant and nasty when the other person is someone you don't really know.

There are no easy answers on how we can improve this situation. Phone pretrials and Zoom depositions make our lives much easier. Working remotely helps with work-life balance. However, personal relationships, professionalism, and mentoring are much more effective in person. The purpose of this article is to just raise the issue and force us to think of how we can make this Toledo tradition continue and be better than ever.



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AUTO ACCIDENTS • MEDICAL MALPRACTICE
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WRONGFUL DEATH • PRODUCT LIABILITY
ATV & MOTORCYCLE ACCIDENTS
MASS TORTS • SEXUAL ASSAULT VICTIMS

Lawsuit Filed Against Genoa & Oregon Police Officers & St. Charles Hospital: Excessive force & Medical Negligence Resulted In Permanent Brain Damage



Attorney Chuck Boyk meets with Mark Silva

The law firms of FG+G and Charles Boyk Law have filed a civil rights lawsuit in federal court on behalf of Mark Silva, who permanently lost consciousness after Genoa and Oregon (Ohio) police officers restrained him face down on the ground. Silva was then denied timely medical care by the officers and staff at Mercy Health's St. Charles Hospital. He remains unresponsive today.

On October 15, 2023, Genoa Police Officer Donald Kreager and a Clay Township officer stopped Mark for a traffic violation. At that time, Mark was experiencing a mental health episode and was in an altered mental state. Mark's mental health history was known by local police, and the officers who conducted the stop were notified that he was experiencing delusions and were told by Mr. Silva himself that he needed medication. EMTs transported Silva to St. Charles Hospital in Oregon, Ohio for evaluation. Upon his discharge from the hospital, Officer Kreager escorted Mr. Silva toward his police cruiser.

Mark Silva was still confused and unable to respond rationally, but he was handcuffed and posed no threat. When Silva began to wander away, still in a confused state, Kreager commanded him to stop. Mark Silva, due to his mental state, was unable to fully comply. Kreager

responded by deploying his Taser twice, causing Mr. Silva to fall to the ground. Kreager then yanked Mark Silva onto his feet and pulled him toward the hospital's entrance. When Mark Silva stopped walking again, Kreager forcefully took him down to the ground and restrained him on the sidewalk. Oregon Officers Sandwisch, Gable, and Webb, and Sergeant Martin arrived and joined Kreager in restraining Mark on the ground.

Together, the officers held Mark Silva face down, pressed down on his head, neck and chest, and placed their body weight on his chest and neck area, and Kreager pulled Silva's shirt collar tight around his neck. Mark Silva eventually went silent and became motionless. When the officers finally rolled him onto his side, his eyes were partially open and his lips were blue. The officers did not perform chest compressions or CPR.

St. Charles Hospital personnel were notified of the emergency and several hospital employees responded to the area where Mark Silva lay on the ground and/or joined as he was wheeled into the hospital. But the hospital staff acted without urgency: no one began chest compressions or CPR until Mr. Silva had been situated in a hospital room.

Mark Silva suffered extended cardiac arrest, respiratory arrest, and profound brain damage as a result of the officers' excessive force and the failures of the officers and hospital staff to provide timely medical intervention. Mr. Silva sustained permanent injuries that left him in an unresponsive state, requiring 24-hour care.

Mark A. Silva, Jr., the son and guardian of Mark Silva, states, "This tragic incident that happened to my father has devastated me and my family very deeply. What they did to him was inhumane and just wrong. He has been fighting for

his life ever since. Life for him, and us have not been the same and never will be. We pray that justice will be served."

Jacqueline Greene, partner at FG+G and one of the attorneys for Mr. Silva, states, "The restraint techniques used by these officers were brutal and shocking, and effectively ended Mark Silva's life. A man in a mental health crisis does not deserve, nor does the law allow this kind of abuse and suffering. Trained police and medical personnel should not stand by without providing first aid while an unresponsive person in respiratory or cardiac arrest is right in front of them. These police officers and medical personnel failed Mark Silva and caused tragic and life-changing injuries. They must be held accountable."

Charles E. Boyk, of Charles Boyk Law, also an attorney for Mr. Silva, says, "Our client and his family have suffered indescribable harm as a result of the actions of the police and the hospital. We look forward to the opportunity to hold the wrongdoers responsible and deter them from this type of conduct in the future."

Charles Boyk Law is partnering with Friedman, Gilbert + Gerhardtstein (FG+G) on this disturbing case. FG+G is a civil rights and criminal defense firm dedicated to the protection of human rights, across Ohio, and around the country for more than 45 years. The case is pending before Judge James Knepp. II. A



Attorney Jacqueline Greene



UNTIL JUSTICE FOR ALL™

Maximizing Case Outcomes with a Dedicated Legal Support Team: Why Our Firm is the Right Choice for Referrals by Dan Lambert

When law firms consider referring cases, it's essential to partner with a firm that not only values the referral relationship but also has the resources to maximize case outcomes. Boyk Law prides itself on delivering exceptional results, thanks to our robust and specialized support team. We've built an infrastructure that sets us apart and ensures that every referred case receives the highest level of attention and expertise.

A Focus on Subrogation with Dedicated Paralegals

Subrogation cases require a unique blend of meticulousness and persistence, as they often involve detailed investigation and precise legal maneuvering. To handle these complexities, we have four paralegals who work exclusively on subrogation matters. This dedicated

focus allows them to develop deep expertise in subrogation law, identify opportunities for recovery more efficiently, and streamline the process to maximize returns.

By having paralegals devoted solely to this area, we can offer a level of proficiency that is rare in the industry. This specialization not only benefits our clients directly but also makes us an attractive referral partner for firms looking to ensure their clients receive superior service in subrogation cases.

Nearly Three Paralegals Per Attorney for Unmatched Support

In many firms, attorneys are often stretched thin, juggling multiple cases with limited support. We've taken a different approach by building a team with nearly three paralegals for

every attorney. This strategic allocation of resources ensures that our attorneys can focus on the high-level legal strategy and advocacy that drive successful outcomes, while our paralegals handle the critical day-to-day tasks that keep cases moving forward efficiently.

Our paralegals are highly skilled in case management, document preparation, and client communication. They serve as the backbone of our practice, enabling us to manage a high volume of cases without sacrificing quality or attention to detail. This structure benefits referring firms by ensuring that every case referred to us receives the dedicated attention it deserves, from intake to resolution.

A Deep Bench of Law Clerks for Comprehensive Legal Research

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In addition to our paralegals, we have cultivated a deep bench of law clerks, most of whom are current law students, who provide invaluable support in legal research. These clerks are trained to dig deep into the nuances of case law, statutory interpretation, and legal precedents, providing our attorneys with the information they need to craft compelling arguments and develop innovative legal strategies.

Our investment in law clerks means that we can address complex legal issues swiftly and thoroughly, reducing turnaround times and increasing the likelihood of favorable outcomes. When you refer a case to us, you can rest assured that it will be backed by a comprehensive research team dedicated to uncovering every possible avenue for success.

Partnering with Us: A Win-Win for Referral Firms

We understand that when you refer a case, you are entrusting us with both your reputation and your client's best interests. Our commitment to maintaining a high-level team allows us to handle referred cases with a level of dedication and expertise that sets us apart.

By partnering with our firm, you can be confident that your clients will receive top-notch service and representation. And, as always, we honor our referral relationships with prompt and competitive referral fees. Reach out to us to learn more about how we can work together to achieve the best outcomes for your clients.

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. 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.

Co-Counsel Opportunities

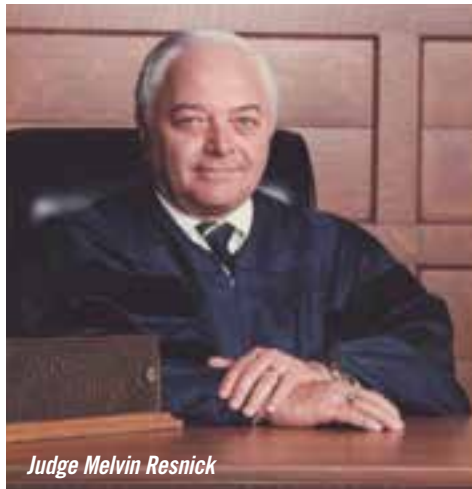
Whether you have an injury case that is outside your core practice area, a case you do not have time or the resources to pursue on your own, or a case outside your geographic area, our firm would love to talk with you about a referral or being associated as co-counsel.

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

The Lasting Influence of Judge Melvin Resnick

by Mike Bruno



Judge Melvin Resnick

When I started working in the courthouse in 1980, it was a new and overwhelming experience. Besides my judge, there were six others who sat on the Common Pleas bench, several upstairs on the Court of Appeals, and a Probate Court Judge on the second floor. By far the most unique judge of them all was Melvin Resnick, who occupied tiny courtroom 7 on the 4th floor. Little did I know at that time the influence Judge Resnick would ultimately have on my career.

Melvin Resnick was born in New York City in 1927. His family moved to Toledo in the early 30s and founded LaSalle Cleaners. He joined the Navy and served in WWII. Afterward, he earned his JD from The Ohio State Law School in 1952. He worked in private practice before becoming an Assistant Lucas County Prosecutor.

In 1970, as a prosecutor, he appeared before the United States Supreme Court on a death penalty case, arguing the issues of bifurcated trial in death penalty cases and the lack of adequate guidelines for jury determination. He won the case which was later altered creating the bifurcation of guilt and innocence and creation of mitigating circumstances guidelines for the jury to determine when the death penalty was proper.

Judge Resnick was elected to the Lucas County Common Pleas Court in 1976 and later appointed to the Sixth District Court of Appeals in 1990. He was married to former Ohio Supreme Court Justice Alice Robie Resnick for 38 years before he passed in 2008.

As a bailiff I learned early on that Judge Resnick was a type-A personality: competitive, organized and driven. The Ohio Supreme Court required monthly reports of each judge's docket, including the number of pending criminal and civil cases. At the due date, we could expect a visit from Judge Resnick, inquiring about our monthly numbers; he wanted to finish first among the seven judges, with the lowest caseload.

A few years later, as an assistant prosecutor, I had the good fortune of being assigned to Judge Resnick's courtroom. As a junior prosecutor, I handled low-level felonies, including theft offenses, aggravated assaults, and breaking and entering cases.

This was a plum assignment. As the most efficient trial judge, Mel Resnick's morning docket often concluded before 10:00 a.m., compared to other judges being on the bench well into the afternoon. This meant I could spend more time in my office on case preparation, while other prosecutors were still sitting in their courtrooms.

As an example, consider the process in which a defendant formally changes his or her plea from not guilty to guilty. Judges are required to explain all rights the defendant is giving up by pleading guilty, a lengthy process that can take up to 25 minutes.

Not Judge Resnick. A master of both efficiency and multitasking, Judge Resnick could take a guilty plea in 7 minutes. The typical setting was in his Chambers and not the courtroom. There was Judge Resnick, sitting at his desk, smoking a cigarette, yellow highlighter in hand, Stock Market pages of the Wall Street Journal spread out on his desk. Court Reporter Ed Holeywinski was nearby. Defendant, defense counsel, and me facing the judge. Step by step, often without looking up, Judge Resnick would go over each case and every constitutional right given up, until the guilty plea form was signed. He had the process down to a science.

Judge Resnick, when anxious, exhibited a flush face. Such was the case in 1987. I was prosecuting a rape case and the victim was on the witness stand. While this was occurring, I noticed the criminal bailiff slip a note to the judge, and suddenly the judge turned bright red. He announced a recess (which was highly unusual during a victim's testimony), informing that he needed to call his broker due to the stock market dropping. That day would later be called "Black Monday".

By 1987, Judge Resnick had been on the bench for 10 years. I was again assigned to his courtroom, this time as a senior prosecutor. I was promoted because Jim Yavorcik was leaving the prosecutor's office to practice privately with a firm. Before leaving, Jim gave me some advice on dealing with Judge Resnick: "The first time he tries to bully you to do something, stand up to him and refuse." Truer words were never spoken. From that point on, Judge Resnick became a mentor.

When the Courthouse acquired its first Westlaw (legal research) terminal, it was Mel Resnick who raced me down to the law library to get help on a unique legal issue for one of our upcoming trials. During recess of another jury trial, it was Mel Resnick who would slip into the back door of the prosecutor's office to offer advice on how to handle an upcoming witness.

When I was at a crossroads career-wise after 5 years in the prosecutor's office, it was Mel Resnick who recommended the partners at Doyle, Lewis, and Warner interview me for an Associate's position in 1989. Thanks to Judge Resnick, I was hired and spent 14 happy years with that firm. Judge Melvin Resnick was one of the most unique individuals I have crossed paths with professionally. His guidance from many years ago continues well into the 21st century.



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A Newsletter by Attorneys, For Attorneys

The **BOYK** LAW REPORT

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Ohio Medicaid Tort Recovery Unit Shares Automation Improvements Amid Delays

For the past 18 months, OAJ has advocated tirelessly to address the significant delays in claims processing caused by the Ohio Department of Medicaid's (ODM) "Next Generation" technological overhaul.

Now, ODM's Tort Recovery Unit reports that it has begun automating claims processing after nearly two years of delays. According to the Tort Recovery Unit, new claims data will be automatically loaded into the Meistro/Solaris+ systems, automating the workflow for processing within an internal 30-day service level agreement (SLA). ODM and Solaris+ are now aiming to clear the backlog by February 2025.

The Unit was originally created to streamline plaintiff repayment to ODM for claims that are ruled the responsibility of wrongdoers in civil suits. While OAJ staff and leadership collaborated constantly to improve the system between 2019 and January 2023, the imperfect yet responsive system was disrupted after ODM launched "Next Generation Ohio Medicaid."

This rollout, a major overhaul of the state's health insurance technology backbone, caused widespread issues, including manual claims processing and disrupted communication between Medicaid, managed care

companies, and healthcare providers.

As a result, the Tort Recovery Unit's system could no longer effectively exchange health care records, forcing case workers to consolidate medical and financial data manually. This caused significant delays in issuing final lien letters, frustrating Ohio attorneys and tort victims alike. In essence, the new Medicaid technological infrastructure no longer spoke one language.

Since early 2023, OAJ leaders have engaged with ODM to seek improvements but struggled to trust in swift resolutions. Despite this, recent updates indicate automation has been restored, and last week unit leaders set expectations for improved turnaround times.

The OAJ recommends that attorneys working with the Tort Recovery Unit, follow new protocols:

- *First, review the interim lien and ensure all claims are present.*
- *Then, input the last date of treatment (LDOT) before requesting a final lien.*

"Please remember, caseworkers are looking for a payment made on that LDOT," ODM instructed OAJ. "Once the LDOT is entered, it will be off-ramped to a caseworker for review."

All final liens must be reviewed manually to verify the

LDOT and ensure no related claims are missing. For initial or updated interim liens, attorneys can generate these directly through the portal after reviewing the associated claims.



Department of Medicaid

OAJ remains cautiously optimistic about these updates. While the automation of the system is promising, we'll believe the problems are solved once our members see faster lien resolution. ODM has also provided a "Best Practices and Reminders" document to help attorneys and paralegals avoid common issues, and we encourage you to share it with your colleagues and staff. According to Brad Ingraham, Chief Executive Officer and Director of Government Affairs Ohio Association for Justice, "More time and work is needed, but OAJ will continue to advocate at ODM on your behalf."

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