

## 2021-2022 BOARD OF DIRECTORS

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## UPCOMING EVENTS

September 14, 2021  
**Annual Judicial Reception**  
5:30 p.m. – 7:00 p.m.

December 14, 2021  
**Annual Holiday Luncheon and Silent Auction**  
12:00 p.m. – 1:15 p.m.

February 8, 2022  
**Luncheon Meeting**  
12:00 p.m. – 1:15 p.m.

May 10, 2022  
**Annual Membership Luncheon**  
12:00 p.m. – 1:30 p.m.

### COAJ Mission

*To promote justice for individuals in all local, state, and federal courts; to support our membership; to assist the legal community; to improve the judicial system; and to serve the citizens of Central Ohio.*

### **OPINION 2021-02**

*Issued April 9, 2021*

#### **Withdraws Adv. Op. 2001-03 Loan from Financial Institution to Advance Costs and Expenses of Litigation**

**SYLLABUS:** A law firm may obtain a loan from a financial institution to advance costs and expenses of litigation in a personal injury matter accepted on a contingent fee basis. The law firm may deduct the interest, fees, and costs of the loan from a client's settlement or judgment as an expense of litigation, provided certain conditions related to the lawyer's communication with the client and written contingent fee agreements are satisfied.

Full opinion can be read and downloaded at: <https://ohioadvop.org/wp-content/uploads/2021/04/Adv.-Op.-2021-02-Final.pdf>

### **Waker v. Lawson**

*2021-Ohio-1218*

Plaintiff, a prominent real estate investor, filed a breach of note and foreclosure action based on a mortgage and mechanic's lien against his former girlfriend and employee for failure to make mortgage payments on house purchased by Plaintiff in Defendant's name. Defendant filed quiet title and slander of title counterclaims and was successful on summary judgment. The trial court determined that no note ever existed, and the mortgage and mechanic's lien filed of record by Plaintiff were invalid entitling Defendant to quiet title, slander of title and an award of attorney's fees. Plaintiff appealed. The Second District Court of Appeals held that the trial court did not err in entering summary judgment in favor of Defendant on Plaintiff's foreclosure complaint and on Defendant's counterclaims. The appellate court further concluded that Defendant was not aware of the mortgage at time of closing, there was no promissory note to establish that Defendant owed a debt, the mortgage referencing the debt was not a written contract between the parties, the invalid mortgage constituted a cloud on the title, and the facts supported the trial court's finding of malice with regards to Defendant's slander of title counterclaim.

### **OPINION 2021-04**

*Issued June 11, 2021*

#### **Competitive Keyword Online Advertising**

**SYLLABUS:** A lawyer or law firm may not purchase the name of another lawyer or law firm for use in competitive keyword online advertising.

Full opinion can be read and downloaded at: <https://ohioadvop.org/wp-content/uploads/2021/06/Adv.-Op.-2021-04-Final.pdf>

### **OPINION 2021-05**

*Issued June 11, 2021*

#### **Communication of a Lawyer Specialization in a Field of Law Not Designated by the Supreme Court**

**SYLLABUS:** A lawyer may state or imply that she or he is a specialist in a field of law only if that field of law has been designated as an area of lawyer specialization by the Supreme Court. A communication by a lawyer that he or she is a specialist in a field of law not designated by the Supreme Court is misleading.

Full opinion can be read and downloaded at: <https://ohioadvop.org/wp-content/uploads/2021/06/Adv.-Op.-2021-05-Final.pdf>