



Russell J. Kutell

Partner

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10 West Broad Street, Suite 2300
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Industries

Finance

Regional & Community
Banks

Practice Areas

Business & Commercial
Litigation

Banking & Financial
Disputes

Litigation

Real Estate

Real Estate & Land Use
Litigation

Bar Memberships

New Jersey

New York

Ohio

Russ applies his prior business education, industry involvement and 30 years of legal experience to provide his clients with innovative solutions to real estate, financial, oil and gas and other commercial disputes. He represents title insurance underwriters, title insurance agents, mortgage brokers, lenders, and other corporate and individual clients in matters involving land title issues, mortgage fraud, real estate disputes, lending and truth-in-lending issues, insurance coverage issues, contract disputes, and business torts.

Russ is also a member of the Board of Managers of the law firm's title agency, Multi-State Title Agency, Ltd. Multi-State is an agent for six title insurance underwriters including Chicago Title Insurance Company, Commonwealth Land Title Insurance Company, Fidelity National Title Insurance Company, First American Title Insurance Company, Old Republic National Title Insurance Company, and Stewart Title Guaranty Company.

Other Info About Russ

Experience

Successfully defended clients in multiple loan and multiple party mortgage fraud cases.

Successfully obtained summary judgment declaring that the client's recorded mortgage securing a \$225,000 loan had first priority despite the existence of a prior unrecorded mortgage.

Successfully obtained the dismissal of a fraudulent conveyance and preference transfer action against several directors and

shareholders of a magazine and periodical wholesaler.

Assisted in successfully pursuing and obtaining a judgment for a corporate and individual client totaling approximately \$180,000 for claims arising out of the opposing parties' breach of an asset purchase agreement and non-compete agreement.

Assisted in the successful defense and in obtaining a judgment in favor of a hospital dismissing a doctor's claims that the hospital had allegedly breached its obligation to bill for the doctor's services.

Education

Georgetown University Law Center, J.D., 1992, *cum laude*
The Tax Lawyer, Member, Editorial Board

University of Pennsylvania, College of Arts and Sciences, B.A., 1989,
cum laude

University of Pennsylvania, Wharton School of Business, B.S., 1989,
cum laude

Courts

U.S. District Court for the District of New Jersey

U.S. District Court for the Eastern District of New York

U.S. District Court for the Southern District of New York

U.S. District Court for the Northern District of Ohio

U.S. District Court for the Southern District of Ohio

Court of Appeals, Sixth Circuit

Recognition

Selected to Ohio Super Lawyers, 2025–2026

The Best Lawyers in America®, Litigation – Real Estate, 2013–2027,
"Lawyer of the Year," 2018, 2022, 2027

Selected for inclusion as a 2013 Top Rated Lawyer in "Banking and Finance Law" in *The American Lawyer Corporate Counsel*

Selected for inclusion in "Who's Who in Energy" in *Columbus Business First*, 2013–2014, 2014–2015

Selected for inclusion in Central Ohio's Top Lawyers by *Columbus CEO*, Real Estate, 2009–2025

Selected to Ohio Rising Stars, 2005–2007

Professional Affiliations

Ohio State Bar Association

Columbus Bar Association, Professional Ethics Committee; Common Pleas Court Committee; Real Property Committee; Federal Courts Committee

Ohio Land Title Association, Past President (2017–2018) and Past Trustee (2013–2019)

American Land Title Association, Title Counsel Committee

Ohio Bankers League

Presentations

"Who Wants to be an Ethical Title Agent?" First American Title Academy, Columbus, Ohio, October 9, 2025.

"Who Wants to be an Ethical Title Agent?" Ohio State Bar Association 32nd Annual Bradley J. Schaeffer Real Property Institute, Columbus, Ohio, November 21, 2024.

"'Mistakes . . . The Stepping Stones to Success': Common Claims and Prevention," Ohio Land Title Association, Dublin, Ohio, September 24, 2024.

"Dysfunction and Defrauding: Two Problems ... One Result ... Claims!" First American Title Insurance Company, Louisville, Kentucky, May 21, 2024.

"Dysfunction and Defrauding: Two Problems ... One Result ... Claims!" Old Republic National Title Insurance Company, Columbus, Ohio, April 17, 2024.

"Who Wants to be an Ethical Title Agent?" Ohio State Bar Association 31st Annual Bradley J. Schaeffer Real Property Institute, Columbus, Ohio, December 15, 2023.

"Who Wants to be an Ethical Title Agent?" Westcor Land Title Insurance Company, Columbus, Ohio, September 21, 2023.

"Modern Ethical Issues Facing Title Agents," Stewart Title Guaranty Company, Columbus, Ohio, November 11, 2022.

"Modern Ethical Issues Facing Title Agents," First American Title Insurance Company, Louisville, Kentucky, June 9, 2022, and Columbus, Ohio, October 13, 2022.

"Modern Ethical Issues Facing Title Agents," Ohio Land Title Association, Dublin, Ohio, April 7, 2022.

"Hot Topics in Title Insurance Litigation: What is Old is New Again." First American Title Academy, Columbus, Ohio, March 10, 2022.

"Pandemic Fatigue... Maybe... Cyber Fraud and Elder Abuse Fatigue... Never!" Westcor Land Title Insurance Company, Columbus, Ohio, November 16, 2021.

"Hot Topics in Title Insurance Litigation: What is Old is New Again." Ohio State Bar Association, Columbus, Ohio, June 29, 2021.

"Pandemic Fatigue . . . Maybe . . . Cyber Fraud and Elder Abuse Fatigue . . . Never!" Kentucky Land Title Association, Columbus, Ohio, June 9, 2021.

"Let's Be Careful Out There: Identification for Cyber Fraud and Elder Abuse in the Title Industry," Ohio Land Title Association, Columbus, Ohio, September 22, 2020.

"Title Agency Ethics: Operating Ethically in an Unethical World," Old Republic National Title Insurance Company, Columbus, Ohio, July 23, 2020.

"Title Agency Ethics: Operating Ethically in an Unethical World," Kentucky Land Title Association, Louisville, Kentucky, November 13, 2019.

"Title Agency Ethics: Operating Ethically in an Unethical World," Stewart Title Guaranty Company, Westerville, Ohio, November 11, 2019.

"Real Estate Closing Ethics: Operating Ethically in an Unethical World," Ohio State Bar Association, Columbus, Ohio, October 16, 2019.

"Title Agency Ethics: Operating Ethically in an Unethical World," Old Republic National Title Insurance Company, Louisville, Kentucky, June 4, 2019.

"Mineral Rights: Ownership and Potential Title Claims," Ohio Land Title Association, Worthington, Ohio, April 18, 2017.

"Mortgage Fraud: The Evolving Problem...How to Detect and Avoid It," Old Republic National Title Insurance Company, Dublin, Ohio, March 25, 2015, and Louisville, Kentucky, June 2, 2015.

"The Coming Wave of Director and Officer Lawsuits: Navigating the Deluge of FOIC Enforcement, Dodd Frank and Borrower Lawsuits"; Ohio Bankers League/West Virginia Bankers Association/Illinois League of Financial Institutions Annual Convention, Sulphur Springs, West Virginia, July 30, 2013.

"Oil and Gas Litigation: The New Rage", Old Republic National Title Insurance Company, Dublin, Ohio, November 13, 2012.

"2012 Ohio Oil and Gas Law Update: The Beginning of the Avalanche???", Ohio Land Title Association, Columbus, Ohio, September 11, 2012.

"2012 Case Law Update and Legislative Update", Ohio Land Title Association, Dublin, Ohio, May 4, 2012.

"Ethics in Title Agency Operations: Knowing Right from Wrong", Old Republic National Title Insurance Company, Dublin, Ohio, November 15, 2011.

"Best Practices in Developing Controls for Agency Operations", Stewart Title Guaranty Company, Columbus, Ohio, November 11, 2011.

"Mortgage Fraud: Identification of Red Flags," Ohio Land Title Association, Columbus, Ohio, June 14, 2011.

"Best Practices in Developing Controls for Agency Operations," Old Republic National Title Insurance Company, Columbus, Ohio, November 16, 2010.

"Title Court," Ohio Land Title Association, Columbus, Ohio, May 8, 2010.

"Claims Chronicles", Stewart Title Guaranty Company, Columbus, Ohio November 11, 2009.

"Mortgage Fraud: An Ounce of Prevention is a Worth a Pound of Cure," Ohio Land Title Association, Dublin, Ohio, May 1, 2009.

"What's Hot in the Title Insurance Industry?", Frost Brown Todd LLC Title Insurance Industry/Seminar Series, Columbus, Ohio, October 10, 2008.

"Mortgage Fraud — Red Flags at the Table," Old Republic National Title Insurance Company, Independence, Ohio, November 14, 2007.

"Affiliated Business Arrangements — Now and in the Future," The Schottenstein, Zox & Dunn Title Insurance Industry Breakfast Exchange, Columbus, Ohio, August 22, 2007.

"Proposed Regulations for Amended Senate Bill 185 — Impact to the Title Insurance Industry," The Schottenstein, Zox & Dunn Title Insurance Industry Breakfast Exchange, Columbus, Ohio, January 18, 2007.

"Consumers Strike Back...What Amended Senate Bill 185 Means to You and Your Title Insurance Business," Co-presenter, The Schottenstein, Zox & Dunn Title Insurance Industry Breakfast Exchange, Columbus, Ohio, July 18, 2006.

"Mortgage Fraud: Federal, State and Local Criminal Enforcement and Civil Perspectives," Old Republic National Title Insurance Company, Dublin, Ohio, March 16, 2006.

"The Hot Issues: Ensuring Compliance in the Residential Mortgage Lending and Title Insurance Industry," The Schottenstein, Zox & Dunn Title Insurance Industry Breakfast Exchange, Columbus, Ohio, December 14, 2005.

Major Publications

"'Technology is a Useful Servant but a Dangerous Master': The Saga of GenAI," *Title Topics*, Ohio Land Title Association, September 2024.

"Wire Fraud . . . What's Your Tolerance?" *Title Topics*, Ohio Land Title Association, March 2023.

"The Title Insurance Industry Migraine that Will Not Subside: The Business Email Compromise Scam," *Title Topics*, Ohio Land Title Association, December 2021.

"Poof Goes the E&O Coverage of a Spoofed Title Agency: The Morale to the Authentic Title Services, Inc. v. Greenwich Insurance Company, et al. Decision," *Title Topics*, Ohio Land Title Association, January, 2021.

"A Mortgage by Any Other Name is Still a Mortgage: Griffin v. First Nat'l Accept. Co., 2013-OHIO-4302 (11th Dist. Sept. 30, 2013)," *Title Topics*, Ohio Land Title Association, October 2013.

"Another Ohio Appeals Court Finds Negligence is not a Bar to the Application of the Doctrine of Equitable Subrogation," Frost Brown Todd Banking Law Blog, April 3, 2008.

"Inadequately Informed Notaries: Nightmares to the Lending and Title Insurance Industries, *Title Topics*, Ohio Land Title Association, November, 2002.

"Junk Faxes: Do Recent Federal Regulations Assist in Navigating the Murky Waters of Advertising by Fax?" *Broker Magazine*, Broker Magazine and Source Media, Inc., March, 2007.

"Junk Faxes: Are You In Compliance?" *Title News*, American Land Title Association, Nov./Dec., 2006.

"Junk Faxes: More Than A Small Claims Matter," *Broker Magazine*, Broker Magazine and Source Media, Inc., March, 2006 and *Title News*, American Land Title Association, Nov./Dec., 2005.

"Safeguards to Ensure Proper Mortgage Recordings," *Title Topics*, Ohio Land Title Association, August, 2003.

"The Importance of Proper Notarizations: A Lesson Never to Be Forgotten," *Title Topics*, Ohio Land Title Association, December, 2004.

"Will the Real Owner of This Mortgage Please 'Stand': The Necessary Standing for Ohio Foreclosure Actions After Schwartzwald," Frost Brown Todd Financial Services Blog, December 28, 2012.

Featured Articles

[Newly Enacted Legislation Prohibits Certain Amendments to Mortgages](#)

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