

RECEIVED

MAY 31 2017

BEFORE THE BOARD OF PROFESSIONAL CONDUCT  
OF THE SUPREME COURT OF OHIO

BOARD OF PROFESSIONAL CONDUCT

In re: )  
 )  
 COMPLAINT AGAINST )  
 )  
 CHARLES G. MICKENS )  
 Atty Reg. No. 0052024 )  
 219 Beachwood Drive )  
 Youngstown, Ohio 44505 )  
 )  
 Respondent )  
 )  
 MAHONING COUNTY BAR )  
 ASSOCIATION, )  
 114 E. Front Street )  
 Suite 100 )  
 Youngstown, Ohio 44503 )  
 )  
 Relator )

CASE NO. 17-028

COMPLAINT FILED

JUN 29 2017

BOARD OF PROFESSIONAL CONDUCT

(Rule V, Section 10 of the  
Supreme Court Rules for the  
Government of the Bar of Ohio)

Relator, Mahoning County Bar Association, states for its cause of action against  
Respondent, Charles Mickens:

**I. Parties**

1. Relator is a local bar association which maintains a certified grievance committee pursuant to Gov. Bar R. V, Section 5.

2. Respondent is an attorney-at-law and is licensed to practice law in the State of Ohio.

3. Respondent's bar registration status with the Supreme Court of Ohio is "Active" and his bar registration number is 0052024.

4. Respondent's last known address is 219 Beachwood Drive, Youngstown, Ohio 44505.

5. At all times relevant to the Complaint, Respondent was a sole practitioner whose office was located in Boardman Township, Mahoning County, Ohio.

## **II. Grievance Facts**

6. Grievant Troy Carlton purchased a home at 784 Brentwood Avenue in City of Youngstown and planned to renovate it and later use it as a rental.

7. In the process of remodeling the home, a fire occurred on November 14, 2003.

8. Foremost Insurance was the insurer on the property. Carlton made a claim for fire damage and Foremost denied the claim.

9. Carlton hired Respondent in December of 2003. Carlton paid Respondent \$500.00 as a retainer.

10. Respondent later telephoned Carlton and stated that Carlton would need to file suit against Foremost. Respondent requested a \$300.00 filing fee. Carlton then drove to Respondent's office and paid Respondent \$300.00.

11. Carlton gave Respondent all of the paperwork from the insurance company. Throughout this time, Respondent did not return phone calls to Carlton. After making several phone call attempts, Carlton became frustrated and stopped calling. Carlton never contacted another attorney to handle the case.

12. In late 2016, Carlton ran into Respondent while both were in a local courthouse on different matters. Carlton approached Respondent and asked about his case. Respondent replied that he would look into the case. Carlton never heard from Respondent again.

13. Carlton filed bankruptcy in 2004 and 2009, attributing the bankruptcy in part to the loss of his home. He indicated he was charged by the City of Youngstown for demolition costs to the structure. Carlton believes the demolition costs were part of the bankruptcy. Carlton later signed the property over to the City as property taxes were owed. Carlton estimates that his insurance claim value was approximately \$50,000.00.

14. The property in question is now owned by Habitat for Humanity. Carlton paid \$4,000.00 for the property on January 2, 2002.

15. When the grievance was filed, Relator's investigator, Attorney Linda S. Ruse, made multiple attempts to contact Respondent regarding the grievance. She called the Respondent's phone number listed on the Supreme Court website. Respondent's mailbox was full.

16. On December 9, 2016, the investigator sent a letter to Respondent asking that he contact her to discuss the grievance.

17. Respondent called the investigator soon after receiving the letter of December 9, 2016. Respondent indicated he would review the file and would contact the investigator in a few weeks.

18. Thereafter, the investigator called Respondent requesting a status. Respondent indicated he had not been successful in finding the file but would continue to look for it. Respondent suggested that he meet with the investigator and that an appointment to discuss the case be made. An appointment was scheduled for February 17, 2017 at 9:00 a.m. in the Mahoning County Law Library.

19. Respondent met with the investigator at the appointed time to discuss the case. Respondent admitted to being hired by Carlton in December of 2003 to look into a homeowner's claim that Carlton had with Foremost Insurance Company.

20. Respondent further recalled the issue was whether a premium had been paid and whether the house was possibly insured for more than its value. Respondent recalled being paid \$500.00 for a retainer.

21. Respondent further admitted that he did not resolve the matter with the insurance company or file suit against the insurer as requested by the client.

22. Respondent further admitted that he did not carry malpractice insurance and does not have any recollection of informing the client of that fact.

### **III. Alleged Violations**

23. Respondent's conduct as set forth in paragraphs 6 through 22 violates Ohio Rule of Professional Conduct 1.1 (Competence: A lawyer shall provide competent representation to the client. Competent representation requires legal knowledge, skill, thoroughness, and preparation reasonably necessary for their representation.)

24. Respondent's conduct as set forth in paragraphs 6 through 22 violates Ohio Rule of Professional Conduct 1.3 (A lawyer shall act with reasonable diligence and promptness in representing a client).

25. Respondent's conduct as set forth in paragraphs 6 through 22 violates Ohio Rule of Professional Conduct 1.4 (Communication - A lawyer shall reasonably consult with a client about the means by which the client's objectives are to be accomplished. The lawyer shall keep the client reasonably informed about the status of the matter and

comply as soon as practicable with reasonable requests for information from the client. A lawyer shall inform a client at the time of the client's engagement of the lawyer or any time subsequent to the engagement of the lawyer if the lawyer does not maintain professional liability insurance).

26. Respondent's conduct as set forth in paragraphs 6 through 22 violates Ohio Rule of Professional Conduct 1.4 (A lawyer shall advise a client, by prescribed form, if he does not maintain liability insurance in the minimum required amount).

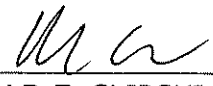
**IV. Disciplinary History**

27. Respondent previously received a public reprimand arising out of a lack of competent representation in a probate matter. See *Disciplinary Counsel v. Mickens*, 2016-Ohio-8022, 2016 Lexis 2918.

WHEREFORE, Relator respectfully requests that Respondent be appropriately disciplined for his misconduct.

MAHONING COUNTY BAR ASSOCIATION

By:   
DAVID C. COMSTOCK, JR. (0040145)  
Bar Counsel  
4137 Boardman Canfield, Road, Suite 101  
Canfield, Ohio 44406  
Telephone: (330) 286-3701  
Facsimile: (330) 286-3745  
Email: dcomstock@bsphlaw.com

By:   
RONALD E. SLIPSKI (0014404)  
Bar Counsel  
527 Greenmont  
Canfield, Ohio 44406  
Telephone: (330) 506-7022  
Email: rslip35305@gmail.com

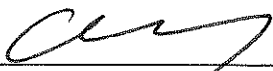
**CERTIFICATE OF SERVICE**


Pursuant to Gov. Bar R. V, Section 5, I certify that a copy of the foregoing complaint has been mailed by U.S. regular mail on this 25<sup>th</sup> day of May, 2017, to:

**Charles G. Mickens, Esq.**  
219 Beachwood Drive  
Youngstown, Ohio 44505

MAHONING COUNTY BAR ASSOCIATION

By

  
\_\_\_\_\_  
DAVID C. COMSTOCK, JR. (0040145)  
Bar Counsel

  
\_\_\_\_\_  
RONALD E. SLIPSKI (0014404)  
Bar Counsel