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BEFORE THE BOARD OF COMMISSIONERS  
ON GRIEVANCES AND DISCIPLINE OF  
THE SUPREME COURT OF OHIO

BOARD OF COMMISSIONERS  
ON GRIEVANCES & DISCIPLINE

In re:

Complaint against

Robert H. Hoskins, Esq.  
1040 Richwood Avenue  
Cincinnati, OH 45208

14 - 074

No. \_\_\_\_\_

Attorney Registration No. (0068550)

COMPLAINT AND CERTIFICATE

(Rule V of the Supreme Court Rules for  
the Government of the Bar of Ohio.)

CINCINNATI BAR ASSOCIATION  
225 East Sixth St., 2<sup>nd</sup> Floor  
Cincinnati, OH 45202

FILED

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BOARD OF COMMISSIONERS  
ON GRIEVANCES & DISCIPLINE

Relator.

Now comes Relator and alleges that Robert H. Hoskins, an Attorney at Law duly admitted to the practice of law in the State of Ohio on November 10, 1997, is guilty of the following misconduct:

1. In August, 2013, Respondent undertook representation of Angela Long in regard to an automobile accident which occurred on June, 26, 2013. Another driver ran a stop sign and T-boned Ms. Long's car on the driver's side. Ms. Long sustained a cervical disk herniation, which subsequently required surgery.
2. Respondent and Ms. Long met for the first and only time on August 29, 2013 at a coffee shop in the Mr. Orab, Ohio, Kroger store. Ms. Long had seen Respondent's picture on a billboard for the Danny Bulp Law Office and contacted him about possible representation. After that meeting, Respondent e-mailed a contingency fee agreement to

Ms. Long, which she promptly signed and returned. Ms. Long never received a copy of that agreement signed by Respondent.

3. Ms. Long was insured by Guide One Insurance and the other driver was insured by Encompass Insurance. Ms. Long sent Respondent photographs of her car showing the damage resulting from the accident and correspondence she had received from Encompass. When Encompass asked Ms. Long for permission to pick up her car from the impound lot to save storage fees, Respondent told her to agree. She then verbally consented to have Encompass transfer the car to their own lot.
4. On August 30, 2013, Grievant received a correspondence from Encompass Insurance stating that Encompass expected to resolve the property damage claim within 45 days or less. There is no evidence that Hoskins took any action on behalf of Grievant until October 2013.
5. Respondent failed to timely respond to Grievant's numerous inquiries regarding her property damage claim. Grievant stated that it would take "days or even weeks" for Respondent to respond to her phone calls and text messages. For example, on December 7, 2013, Grievant emailed Respondent again asking what Encompass Insurance would offer her for the property damage claim. Respondent sent a text message asking Grievant to call him. Grievant complied with Respondent's instructions by leaving multiple phone messages with no response from Respondent. On December 18, 2013, Grievant sent a text message to Respondent reminding him that she had left several phone messages for him to call her and she also informed Respondent that she needed the pictures of the damage to her car that she had given to Respondent.

6. On February 27, 2014, Ms. Long sent Respondent a letter by e-mail and U.S. Mail, terminating the representation and asking when she could pick up a complete copy of her file. Respondent responded by email on February 27, stating that he would send her materials within a week. Thereafter, he failed to do so.
7. After she retained new counsel, Dennis Mahoney, Ms. Long learned that Encompass had disposed of the car without her permission. Respondent had told her that Encompass was still in possession of her car. Nevertheless, Mr. Mahoney was able to negotiate a satisfactory payment from Encompass for the car.
8. In March, 2014, Mr. Mahoney sent Respondent a letter requesting Ms. Long's file and photographs. Mr. Mahoney spoke to Respondent by telephone on May 14 regarding those materials. Thereafter, Respondent still failed to produce them.
9. Ms. Long's grievance against Respondent was received in Relator's offices on June 24, 2014. It was forwarded to Respondent by Relator's investigator by letter of June 27<sup>th</sup>, requiring a response by July 14, 2014. No answer was received, so on August 1<sup>st</sup>, a second letter was sent to Respondent which also reminded him of his obligations under Gov. Bar. R. V.
10. The first time Respondent answered Relator's inquiries concerning this matter was August 13, 2014, when he sent e-mail to Relator's investigator. That e-mail stated, in part: "When Ms. Long first terminated our relationship, her new counsel asked for her file. We were not, at that time, able to locate the photographs that she had left me. We later found those material (sic) and forwarded them to her new attorney."
11. This representation concerning the return of Ms. Long's photographs to her new attorney was false at the time it was made.

12. By reason of the foregoing, Respondent has violated his oath of office and the Rules of Professional Conduct, specifically:

- Rule 1.3, by failing to act with reasonable diligence and promptness in his representation of Ms. Long;
  - Rule 1.4(a)(3), by failing to keep Ms. Long reasonably informed about the status of her property damage claim;
  - Rule 1.15(d), by failing to return Ms. Long's file and photographs upon request;
  - Rule 1.5(c)(1), by failing to sign the contingent fee agreement;
  - Rule 8.1(a), by representing to Relator that he had forwarded Ms. Long's photographs to her new attorney, when he had not in fact done so; and
  - Rule 8.1(b), by failing to timely respond to Relator's inquiries concerning this grievance.
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WHEREFORE, Relator alleges the Respondent is chargeable with misconduct as an attorney at law, which misconduct has brought disrepute to the legal profession, and, by reason thereof, Relator requests that Respondent be disciplined pursuant to Rule V of the Rules for the Government of the Bar of Ohio.

Respectfully submitted,

CINCINNATI BAR ASSOCIATION

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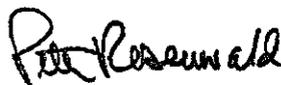
513-699-1403

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C E R T I F I C A T E

The undersigned, Chairman of the Grievance Committee of the Cincinnati Bar Association, hereby certifies that Rosemary D. Welsh, Carolyn A. Taggart and Edwin W. Patterson, III are duly authorized to represent relator in the premises and have accepted the responsibility of prosecuting the complaint to its conclusion. After investigation, relator believes reasonable cause exists to warrant a hearing on such complaint.

Dated: September 8, 2014



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Grievance Committee Chair

**Gov. Bar R. V, § 4(I) Requirements for Filing a Complaint.**

(1) Definition. "Complaint" means a formal written allegation of misconduct or mental illness of a person designated as the respondent.

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(6) Attachments to complaint. Sufficient investigatory materials to demonstrate probable cause shall be submitted with the complaint. The materials shall include any response filed by or on behalf of the respondent pursuant to division (I)(2) of this section and an affidavit from bar counsel or other appropriate representative of the relator documenting relator's contacts with or attempts to contact the respondent prior to filing the complaint. The materials may include investigation reports, summaries, depositions, statements, the response of the respondent, and any other relevant material.

(7) Complaint. Complaints filed by the Disciplinary Counsel shall be filed in the name of Disciplinary Counsel as relator. Complaints filed by a certified grievance committee shall be filed in the name of the committee as relator. The complaint shall not be accepted for filing unless signed by one or more attorneys admitted to the practice of law in Ohio, who shall be counsel for the relator, and by bar counsel. The complaint shall be accompanied by a written certification, signed by the president, secretary, or chair of the certified grievance committee, that the counsel are authorized to represent the relator in the action and have accepted the responsibility of prosecuting the complaint to conclusion. The certification shall constitute the authorization of the counsel to represent the relator in the action as fully and completely as if designated and appointed by order of the Supreme Court with all the privileges and immunities of an officer of the Supreme Court. The complaint also may be signed by the grievant. Relator shall file both of the following with the secretary of the Board:

(a) Four paper copies of the complaint and attachments;

(b) One electronic copy of the complaint and attachments in a readable electronic medium authorized by the secretary.

(8) Service. Upon the filing of a complaint with the Secretary of the Board, the relator shall forward a copy of the complaint to the Disciplinary Counsel, the certified grievance committee of the Ohio State Bar Association, the local bar association, and any certified grievance committee serving the county or counties in which the respondent resides and maintains an office and for the county from which the complaint arose. .