

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

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OCT 25 2016

In re:

Complaint against

BOARD OF PROFESSIONAL CONDUCT

Michael Joseph Goebel, Esq.
1957 Scudder Drive
Akron, OH 44320

No. 16 - 054

Attorney Registration No. (0080489)

COMPLAINT AND CERTIFICATE

Respondent,

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

Disciplinary Counsel
250 Civic Center Drive, Suite 325
Columbus, Ohio 43215-7411

FILED

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Relator.

BOARD OF PROFESSIONAL CONDUCT

Now comes the relator and alleges that Michael Joseph Goebel, an Attorney at Law, duly admitted to the practice of law in the state of Ohio, is guilty of the following misconduct:

1. Respondent, Michael Joseph Goebel, was admitted to the practice of law in the state of Ohio on June 7, 2006.
2. Respondent is subject to the the Rules of Professional Conduct and the Rules for the Government of the Bar of Ohio.
3. At all times relevant to this Complaint, respondent's employer address that he registered with the Supreme Court's Office of Attorney Services has been 190 North Union Street, Suite 201, Akron, OH 44304.
4. At all times relevant to this Complaint, respondent maintained an IOLTA with Fifth Third Bank, account number xxxxxx6632.

5. On March 22, 2011, the balance in respondent's IOLTA was \$0.00 until respondent transferred \$215.00 on that date into the IOLTA from a checking account.
6. From March 22, 2011 through September 4, 2014, the balance in respondent's IOLTA was \$215.00. There were no deposits to or withdrawals from the IOLTA during that time period.
7. On September 5, 2014, respondent deposited \$100.00 cash into his IOLTA.
8. From September 5, 2014 until November 16, 2015, the balance in respondent's IOLTA was \$315.00. There were no deposits to or withdrawals from the IOLTA during that time period.
9. On August 25, 2015, respondent left his private law practice and became employed full-time by the Summit County Juvenile Court as a Guardian Ad Litem for the Court Appointed Special Advocates Program.
10. On August 8, 2016, respondent was promoted to Volunteer Coordinator for the Court Appointed Special Advocates Program. Before beginning his full-time employment with the Summit County Juvenile Court in August 2015, respondent did not vacate his office at 190 North Union Street, Suite 201, Akron, OH 44304 and continued to receive mail there for several months.
11. Between August 25, 2015 and August 2016, respondent's landlord at 190 North Union Street, Suite 201, Akron, OH 44304, directed his assistant on several occasions to deliver respondent's mail to him at the Summit County Juvenile Court. Respondent has yet to change his employer address with the Supreme Court's Office of Attorney Services.
12. On November 13, 2015 and November 14, 2015, eight checks were drawn on respondent's IOLTA in the cumulative amount of \$2,672.85. The words "Pay Roll" were

written on the memo line of each of the eight checks. Six of the checks were made payable to John Michael Smith in the cumulative amount of \$1,772.68. One check was made payable to Eric Louis Peyton in the amount of \$650.18, and one check was made payable to Rudy L. Higgins in the amount of \$250.00.

13. The checks referenced in paragraph 12 above were presented for payment against respondent's IOLTA between November 16, 2015 and November 19, 2015. The checks were all "starter checks" for respondent's IOLTA. Seven of the checks were paid against insufficient funds and one check (for \$250.00) was returned unpaid. Overdraft and return fees in the amount of \$296.00 were also charged against respondent's IOLTA.
14. As of November 30, 2015, respondent's IOLTA was overdrawn in the amount of \$2,403.86 and remained overdrawn in that amount until January 12, 2016.
15. On January 6, 2016, relator sent a Letter of Inquiry ("LOI") to respondent by certified mail at the employer address that he registered with the Supreme Court's Office of Attorney Services, i.e., 190 North Union Street, Suite 201, Akron, OH 44304.
16. On January 20, 2016, respondent submitted a timely response to the January 6, 2016 LOI; however, the response failed to include most of the information requested in the LOI, including but not limited to, the information he was required to maintain in accordance with Prod. Cond. R. 1.15(a)(3), (a)(4) and (a)(5).
17. On January 12, 2016, Fifth Third Bank "charged off" the overdrawn amount of \$2,433.86 and debited a \$30.00 "charged off account fee" from respondent's IOLTA.
18. On January 22, 2016, Fifth Third Bank credited respondent's IOLTA \$30.00 and \$2,422.86.00 for "check fraud reimbursement" and for "reversed" overdraft fees totaling \$296.00.

19. On January 29, 2016, Fifth Third Bank debited \$2,422.86 from respondent's IOLTA.
20. On January 31, 2016, the balance in respondent's IOLTA was \$326.00.
21. On February 4, 2016, respondent withdraw \$160.00 from his IOLTA), leaving a balance of \$166.00.
22. On February 11, 2016, respondent stated to relator that he would send additional information in response to the January 6, 2016 LOI within ten days. Respondent did not provide the additional information as promised.
23. On February 22, 2016, relator called respondent and left a voice mail message asking him again for the additional information. Respondent failed to respond to relator's message and failed to send any additional information to relator.
24. On March 8, 2016, relator called respondent on the cell phone number that he provided with his response to the January 6, 2016 LOI and left a voice mail message asking respondent to call relator. Respondent failed to call relator or otherwise respond to the message.
25. On April 7, 2016, relator again called respondent on his cell phone, and left a voice mail message asking respondent to call relator immediately. Respondent failed to call relator or otherwise respond to the message.
26. On April 13, 2016, relator again called respondent on his cell phone, and left a voice mail message asking respondent to call relator within the next five days. Respondent failed to call relator or otherwise respond to the message.
27. On April 28, 2016, relator sent a letter to respondent by electronic mail to the email address that he had listed with the Supreme Court's Office of Attorney Services and provided with his response to the January 6, 2016 LOI, i.e., goeblmj@goebllaw.com, and

by regular first-class U.S. Mail to the employer address that he listed with the Supreme Court's Office of Attorney Services, i.e., 190 North Union Street, Suite 201, Akron, OH 44304.

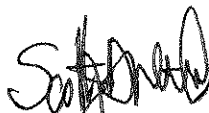
28. The April 28, 2016 letter requested that respondent immediately respond to the information requested in the January 6, 2016 LOI. By May 12, 2016, Respondent failed to respond to this letter.
29. On June 17, 2016, relator sent a letter to respondent by certified mail to his employer address listed with the Supreme Court's Office of Attorney Services, i.e., 190 North Union Street, Suite 201, Akron, OH 44304. The June 17, 2016 letter again requested that respondent immediately respond to the information requested in the January 6, 2016 LOI. By July 1, 2016, Respondent failed to respond to this letter.
30. Having tried unsuccessfully to communicate with respondent, on July 20, 2016, relator sent by certified mail to respondent's employer address that he listed with the Supreme Court's Office of Attorney Services, i.e., 190 North Union Street, Suite 201, Akron, OH 44304, a subpoena compelling his attendance at a deposition on August 18, 2016 at 10:00 a.m. at the Akron Bar Association, 57 South Broadway Street, Akron, OH 44308. The subpoena also required respondent to produce documents requested in the January 6, 2016 LOI. The subpoena was delivered to respondent's employer address on July 25, 2016.
31. Respondent failed to appear for the August 18, 2016 deposition and failed to notify relator that he was unable to appear or that he did not intend to appear. That same day, relator called respondent at 10:15 a.m. on his cell phone and left a voice mail message

regarding respondent's failure to appear for the deposition. Respondent did not return relator's call or otherwise respond to this message.

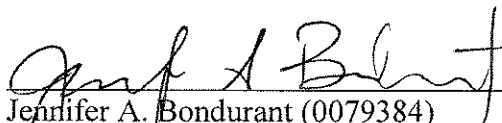
32. On September 6, 2016, relator personally delivered to respondent at the Summit County Juvenile Court offices, at 650 Dan Street, Akron, OH 44310, a subpoena compelling his attendance at a deposition on September 27, 2016 at 9:00 a.m. at the Akron Bar Association, 57 South Broadway Street, Akron, OH 44308. The subpoena also required respondent to produce documents requested in the January 6, 2016 LOI.
33. Respondent failed to appear for the September 27, 2016 deposition and failed to notify relator that he was unable to appear or that he did not intend to appear. That same day, relator called respondent at 9:14 a.m. on his direct line at the Summit County Juvenile Court offices and left a voice mail message regarding respondent's failure to appear for the deposition. Relator also called respondent at 9:15 a.m. on his cell phone and left a voice mail message regarding respondent's failure to appear for the deposition. Respondent did not return relator's calls or otherwise respond to the messages.
34. Respondent's conduct, as alleged in this Complaint, violates the following provisions of the Ohio Rules of Professional Conduct and the Supreme Court Rules for the Government of the Bar of Ohio:
 - (a) By knowingly failing to respond to demands for information by relator, respondent violated Prof. Cond. R. 8.1(b); and
 - (b) By neglecting or refusing to assist in relator's disciplinary investigation of the allegations contained in this Complaint, respondent violated Gov. Bar R. V(9)(G).

CONCLUSION

Wherefore, pursuant to Gov. Bar R. V and the Rules of Professional Conduct, relator alleges that respondent is chargeable with misconduct; therefore, relator requests that respondent be disciplined pursuant to Rule V of the Rules of the Government of the Bar of Ohio.



Scott J. Drexel (0091467)
Disciplinary Counsel

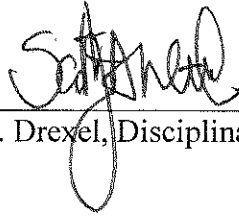


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CERTIFICATE

The undersigned, Scott J. Drexel, Disciplinary Counsel, of the Office of Disciplinary Counsel of the Supreme Court of Ohio hereby certifies that Jennifer A. Bondurant is duly authorized to represent relator in the premises and has 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: October 25, 2016



Scott J. Drexel, Disciplinary Counsel