

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

FILED

AUG 12 2015

In re:

Complaint against

BOARD OF PROFESSIONAL CONDUCT

Charles Gary Mickens, Esq.
219 Beachwood Drive
Youngstown, OH 44505

15 - 051 2 2

No. _____

Attorney Registration No. (0052024)

Respondent,

COMPLAINT AND CERTIFICATE

(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

Relator.

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

1. Respondent, Charles Gary Mickens, was admitted to the practice of law in the state of Ohio on May 20, 1991.
2. As an attorney, respondent is subject to the Ohio Rules of Professional Conduct and the Supreme Court Rules for the Government of the Bar of Ohio.

COUNT ONE
ESTATE OF JONATHAN HARRIS

3. On July 3, 2002, the estate of Jonathan Harris was opened in the Cuyahoga County Probate Court, case number 2002EST64572.
4. In September of 2011, James Harris hired respondent to represent him in connection with the estate of Jonathan Harris.

5. On September 21, 2011, respondent filed a motion on behalf of James Harris to appoint James Harris as successor fiduciary.
6. On April 11, 2012, the motion was granted and James Harris was appointed successor fiduciary of Jonathan Harris' estate.
7. On December 10, 2012, James Harris was removed as fiduciary for failure to file a Certificate of Notice of Probate of Will.
8. On January 28, 2013, respondent filed a motion to reinstate James Harris as fiduciary.
9. In this motion, respondent explained to the court that the reason why James Harris failed to file a Certificate of Notice of Probate of Will was because respondent's request for service by publication that he submitted to the court was not properly completed.
10. Respondent attached to his reinstatement motion a new notice and request for notice by publication.
11. The motion to reinstate James Harris as fiduciary was granted by the court on March 12, 2013 for good cause shown.
12. As the fiduciary of Jonathan Harris' estate, James Harris was required to file a Certificate of Transfer to transfer real property in Jonathan Harris' estate to his four surviving daughters.
13. Respondent did not complete or file a Certificate of Transfer on behalf of James Harris.
14. As a result, the land was transferred on or about October 3, 2014 to the Trumbull County Land Reutilization Corporation.
15. Respondent never informed James Harris that he had failed to file the Certificate of Transfer and that the real property was therefore transferred from James Harris' estate to the Trumbull County Land Reutilization Corporation.

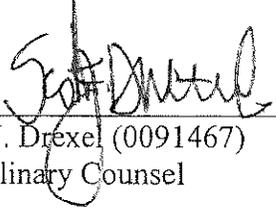
16. James Harris first learned of the transfer of real property when he looked at the case docket in November of 2014.
17. As the fiduciary of Jonathan Harris' estate, James Harris was required to file a final accounting of the estate with the court.
18. Respondent did not prepare or file a final accounting with the court on behalf of James Harris.
19. As a result, on April 23, 2013, the court removed James Harris as fiduciary for failure to file a final accounting.
20. On May 22, 2013, respondent moved the court to reinstate James Harris as fiduciary, but his request was denied the same day.
21. Respondent never informed James Harris that he had failed to file a final accounting for the estate or that, as a result of that failure, he (James Harris) had been removed as the fiduciary of Jonathan Harris' estate.
22. James Harris first learned of his removal as the fiduciary of Jonathan Harris' estate when he looked at the case docket in September of 2014 and found that the court had appointed a successor fiduciary.
23. Respondent's conduct, as reflected in Count One, violated the Ohio Rules of Professional Conduct, specifically: Prof. Cond. R. 1.1 (requiring a lawyer to provide competent representation to a client); Prof. Cond. R. 1.3 (requiring a lawyer to act with reasonable diligence and promptness in representing a client); Prof. Cond. R. 1.4 (requiring a lawyer to keep a client reasonably informed about the status of the matter).

COUNT TWO
FAILURE TO INFORM CLIENTS OF LACK OF PROFESSIONAL LIABILITY
INSURANCE

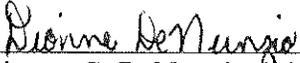
24. The allegations of paragraphs 1 through 23 are hereby incorporated by reference herein.
25. Respondent has never maintained professional liability insurance throughout his 24 years of practice.
26. Respondent failed to provide notice to any of his clients, including but not limited to, James Harris, of his lack of insurance and has failed to have this notice signed by his clients.
27. Respondent's conduct, as reflected in Count Two, violated the Ohio Rules of Professional Conduct, specifically: Prof. Cond. R. 1.4(e) (requiring a lawyer to provide notice to clients that he does not maintain professional liability insurance and requiring clients to sign the notice).

CONCLUSION

Wherefore, pursuant to Gov. Bar R. V, the Code of Professional Responsibility 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

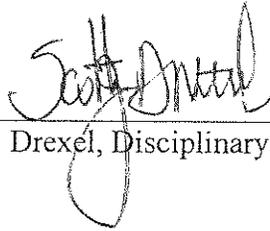


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CERTIFICATE

The undersigned, Scott J. Drexel, Disciplinary Counsel, of the Office of Disciplinary Counsel of the Supreme Court of Ohio hereby certifies that Dionne C. DeNunzio 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: August 12, 2015



Scott J. Drexel, Disciplinary Counsel

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.

* * *

(7) Complaint Filed by Certified Grievance Committee. Six copies of all complaints shall be filed with the Secretary of the Board. 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. 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.

(8) Complaint Filed by Disciplinary Counsel. Six copies of all complaints shall be filed with the Secretary of the Board. Complaints filed by the Disciplinary Counsel shall be filed in the name of the Disciplinary Counsel as relator.

(9) 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.

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OF
THE SUPREME COURT OF OHIO

RECEIVED

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Disciplinary Counsel
Supreme Court of Ohio

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BOARD OF PROFESSIONAL CONDUCT

In re:

Complaint against

Charles Gary Mickens, Esq.
219 Beachwood Drive
Youngstown, OH 44505

Case No. B4-2215

Attorney Reg. No. 0052024

WAIVER OF DETERMINATION
OF PROBABLE CAUSE

Respondent,

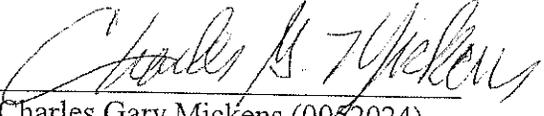
(Rule V(11)(B) of the Supreme Court
Rules for the Government of the Bar
of Ohio)

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

Relator.

Pursuant to the provisions of Rule V(11)(B) of the Supreme Court Rules for the Government of the Bar of Ohio, respondent, **Charles Gary Mickens**, stipulates that there is probable cause for the filing of a Complaint in the above-referenced proceeding and hereby waives the determination of probable cause by a Probable Cause Panel of the Board of Professional Conduct.

Dated: AUGUST 3, 2015

By: 
Charles Gary Mickens (0052024)
Respondent *Pro Se*