FILED

JUN 29 2016

BOARD OF PROFESSIONAL CONDUCT

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

In re:

Patricia Ann Pickrel, Esq.
1081 Kenworthy Place
Centerville, Ohio 45458

Attorney Registration No. (0071153)

Respondent,

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

Relator.

No. 16 - 024

COMPLAINT AND CERTIFICATE

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

Now comes relator, Disciplinary Counsel, and alleges that respondent, Patricia Ann Pickrel, an attorney at law, duly admitted to the practice of law in the State of Ohio, is guilty of the following misconduct:

1. Respondent was admitted to the practice of law in the State of Ohio on November 8, 1999.

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.

3. In or about the fall of 2005, respondent became an independent contractor for the law firm of Ulmer & Berne, LLP, which has offices in Cleveland, Columbus, Cincinnati, Chicago, and Boca Raton.

4. As an independent contractor, respondent performed document review services for cases pending in Ulmer & Berne's Cincinnati office. Specifically, respondent accessed

documents via a secure website where she read, coded, and summarized documents for Ulmer & Berne attorneys.

5. Starting in 2012, respondent began working on a large pharmaceutical project for Ulmer & Berne. Similar to what she had done in the past, respondent accessed documents related to this project via a secure website where she read, coded, and summarized documents for Ulmer & Berne attorneys involved in the project.

6. Approximately twice a month, respondent would email her contact at Ulmer & Berne with the number of hours that she claimed to have spent reviewing, coding, or summarizing documents in the preceding period. These hours would then be logged into a separate system from which respondent's compensation was generated.

7. Between 2012 and 2015, respondent was paid the following amounts as an independent contractor for Ulmer & Berne:

- 2012 – $28,671.50;
- 2013 – $29,308.50;
- 2014 – $25,935; and
- 2015 – $41,294.50.

8. In late 2015, Ulmer & Berne discovered a discrepancy between the amount of hours that respondent had submitted to Ulmer & Berne as time spent reviewing documents and the amount of hours that respondent was logged on to the secure website.

9. Thereafter, Ulmer & Berne performed a comprehensive audit of respondent's time records between 2012 and 2015 and determined that respondent had overbilled the firm in the following amounts:

- 2012 – $17,517.50;
- 2013 – $15,398.50;
- 2014 – $18,083; and

- 2015 – $36,621.[1]

10. In total, between 2012 and 2015, respondent overbilled Ulmer & Berne by $87,620.

11. In December 2015, Attorney Gina Saelinger, a partner at Ulmer & Berne, called respondent to discuss Ulmer & Berne's findings and to determine whether respondent had an explanation for her conduct.

12. At first, respondent stated that she was a bad record keeper and that she had some issues with her computer, but by the end of the conversation, respondent acknowledged her misconduct and requested the opportunity to reimburse Ulmer & Berne for any overbilled amounts.

13. On January 5, 2016, respondent wired Ulmer & Berne $87,620.

14. Respondent's conduct as outlined above violates the Ohio Rules of Professional Conduct, specifically:

    - Prof. Cond. R. 1.5(a) (prohibiting a lawyer from making an agreement for, charging, or collecting an illegal or clearly excessive fee) by overbilling Ulmer & Berne for hours that she spent reviewing documents;

    - Prof. Cond. R. 8.4(c) (prohibiting a lawyer from engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation) by submitting false, deceitful or misleading timesheets to Ulmer & Berne; and

    - Prof. Cond. R. 8.4(h) (prohibiting a lawyer from engaging in conduct that adversely reflects on the lawyer's fitness to practice law) by engaging in pattern of deceit and dishonesty over the last four years.

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[1] In 2012, the amount overbilled by respondent was 61% of what she was paid that year; In 2013, the amount overbilled by respondent was 53% of what she was paid that year; In 2014, the amount overbilled by respondent was 70% of what she was paid that year. In 2015, the amount overbilled by respondent was 89% of what she was paid that year.

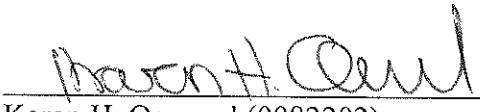
Statement of Restitution Pursuant to Gov. Bar R. V(10)(E)(1)(b)

15. Due to the fact that respondent has made restitution to Ulmer & Berne in the amount of $87,620, no additional restitution is owed at this time.

CONCLUSION

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

Scott J. Drexel (0091467)
Disciplinary Counsel
Relator



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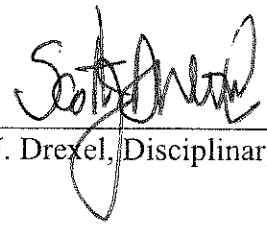
Counsel for Relator

CERTIFICATE

The undersigned, Scott J. Drexel, Disciplinary Counsel, of the Office of Disciplinary Counsel of the Supreme Court of Ohio, hereby certifies that Karen H. Osmond 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: June 29, 2016



Scott J. Drexel, Disciplinary Counsel