RECEIVED

FEB 10 2016

BOARD OF PROFESSIONAL CONDUCT

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

In re:

Complaint against

Jennifer Lynn Coriell
Attorney Registration No. 0072791
417 Ironhorse Drive
Delaware, OH 43015,

Respondent,

v.

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

Relator.

No. 16-004

COMPLAINT AND CERTIFICATE

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

FILED

MAR 04 2016

BOARD OF PROFESSIONAL CONDUCT

Now comes relator and alleges that Jennifer Lynn Coriell, an attorney-at-law duly admitted to the practice of law in the state of Ohio, is guilty of the following misconduct:

1. Respondent, Jennifer Lynn Coriell, was admitted to the practice of law in the state of Ohio on November 20, 2000. Respondent is subject to the Code of Professional Responsibility, the Rules of Professional Conduct and the Rules for the Government of the Bar of Ohio.

2. On September 25, 2015, the Supreme Court of Ohio issued an interim default suspension against respondent pursuant to Gov. Bar R. V (14)(B)(1). *Disciplinary Counsel v. Coriell*, Case No. 2015-1423. Respondent was further suspended pursuant to Gov. Bar R. VI(1)(A) on November 5, 2015. *In re Attorney Registration Suspension Jennifer Coriell*, 2015-Ohio-4567. Respondent remains suspended at this time.

3. In each count of this complaint in which it is alleged that respondent received legal fees from a grievant but did not complete work on the grievant's behalf, respondent should be required to pay restitution to the grievant in an amount up to the amount paid, but not earned, in legal fees.

COUNT I

4. On January 21, 2015, Dominique Johnson initiated a fee arbitration with the Columbus Bar Association (the "CBA"), seeking the return of the money paid to respondent to handle a criminal case on his behalf. Johnson had paid respondent $1,800.

5. The CBA wrote to respondent on January 27, 2015 and requested that respondent sign the arbitration agreement and return it to the CBA's office. Respondent did not reply to the CBA's letter. Pursuant to Gov. Bar R. V (9)(G), respondent was required to cooperate with arbitration.[1]

6. On February 17, 2015, the CBA wrote to respondent a second time, sending the letter by certified mail to the business address respondent had provided to the Attorney Registration Office, i.e., PO Box 686, Delaware, OH 43015. The letter was returned to the CBA marked "unclaimed."

7. Because respondent did not reply to the CBA's efforts regarding the fee arbitration, the CBA referred the matter to relator's office for further handling at the end of April 2015.

8. On May 19, 2015, relator sent respondent a letter relating to respondent's failure to reply

[1] Gov. Bar R. V (9)(G) provides that "[t]he Board, Disciplinary Counsel, ... certified grievance committee may call upon any judicial officer or attorney to assist in an investigation or testify in a hearing before the Board or a panel for which provision is made in this rule, including mediation and alternative dispute resolution procedures .... No attorney ... shall neglect or refuse to assist or testify in an investigation or hearing."

9. to the CBA's letter regarding arbitration in Johnson's case by certified mail to the residential address respondent had provided to the Attorney Registration Office, i.e., 417 Ironhorse Drive, Delaware, Ohio 43015. Relator's letter was returned to relator's office marked "unclaimed."

10. On June 12, 2015, relator's investigator hand-delivered relator's letter relating to Johnson's request for arbitration to respondent's home. He personally handed the letter to respondent's daughter, who indicated that respondent was asleep and could not come to the door. Respondent did not reply to relator's letter.

11. Respondent has never returned to Johnson any portion of the money he paid respondent.

12. Respondent's conduct as alleged in Count I violated the Ohio Rules of Professional Conduct, specifically, Rule 1.16 (e) [a lawyer shall refund promptly any part of a fee paid in advance that has not been earned]; and, Gov. Bar R. V (9)(G) [no lawyer shall neglect or refuse to assist or testify in an investigation or hearing].

COUNT II

13. On November 18, 2014, David Culbertson initiated a fee arbitration with the CBA, seeking the return of some of the money he had paid to respondent to handle a criminal matter on his behalf. Culbertson had paid respondent $25,000 in legal fees and disputed approximately one-half of the fee.

14. The CBA wrote to respondent on November 24, 2014 and requested that respondent sign the arbitration agreement and return it to the CBA's office. Respondent timely replied to the CBA's letter, returning the Agreement to Arbitrate Fees to the CBA on or about December 1, 2014.

15. Thereafter, respondent failed to reply to CBA's multiple attempts to schedule the fee arbitration and, on April 28, 2015, the CBA referred the matter to relator's office for further handling.

16. On May 19, 2015, relator sent respondent a letter relating to respondent's failure to cooperate with the CBA's arbitration proceedings in Culbertson's case by certified mail to the residential address respondent had provided to the Attorney Registration Office, i.e., 417 Ironhorse Drive, Delaware, Ohio 43015. Relator's letter was returned to relator's office marked "unclaimed."

17. On June 12, 2015, relator's investigator hand-delivered relator's letter relating to Culbertson's arbitration to respondent's home. He personally handed the letter to respondent's daughter, who indicated that respondent was asleep and could not come to the door. Respondent did not reply to relator's letter.

18. Respondent has never returned to Culbertson any portion of the money he paid respondent.

19. Respondent's conduct as alleged in Count II violated the Ohio Rules of Professional Conduct, specifically, Rule 1.16 (e) [a lawyer shall refund promptly any part of a fee paid in advance that has not been earned]; and, Gov. Bar R. V (9)(G) [no lawyer shall neglect or refuse to assist or testify in an investigation or hearing].

COUNT III

20. On or about January 5, 2014, Jonathan Tate contacted respondent seeking assistance with a divorce matter. He paid her $2,500 at that time as well as an additional $5,843 during the representation.

21. On January 14, 2014, respondent filed a Complaint for Divorce with Children along with a Motion of Plaintiff Jonathan Tate for a Temporary Restraining Order on Tate's behalf in the Franklin County Court of Common Pleas, Domestic Relations Division. *Jonathan Tate v. Gladys Tate*, Case No. 14 DR 58.

22. At the beginning of April 2014, respondent propounded discovery requests upon the defendant, Gladys, as well as filed a pre-trial statement in the matter on Tate's behalf.

23. During the representation, respondent appeared at two pre-trials on Tate's behalf.

24. Throughout the representation, Tate had a difficult time communicating with respondent.

25. On July 28, 2014, Tate sent respondent an email communication, terminating her representation and requesting that she provide him with an itemized accounting of the work that she completed on his behalf and that she refund any unearned fees. Tate also asked that respondent provide his case file to his new counsel. Respondent did not reply to Tate's email communication.

26. On November 9, 2014, Tate again emailed respondent regarding his request for an itemized accounting of the work that she completed as well as a refund of any unearned fees. On November 12, 2014, respondent replied to Tate's email, indicating that she had sent a complete invoice when she received notice of his new counsel – mentioning that Andrew had sent it out months ago and asking if Tate had not received it. Tate did not receive any such invoice after terminating respondent's representation in July 2014 and,

according to an email from respondent dated June 2, 2014, respondent fired Andrew from her employment the prior week.

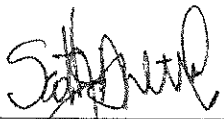
27. Respondent has never provided Tate with an itemized accounting of the work she completed on his behalf, refunded any unearned portion of the fee paid to her or returned his case file to him.

28. On July 27, 2015, relator sent respondent a letter of inquiry by certified mail to mail to the residential address respondent had provided to the Attorney Registration Office, i.e., 417 Ironhorse Drive, Delaware, Ohio 43015. Relator's letter was signed for on July 29, 2015. Respondent did not reply to relator's letter as requested.

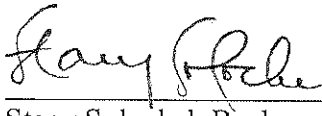
29. Respondent's conduct as alleged in Count III violated the Ohio Rules of Professional Conduct, specifically, Rule 1.4 (a)(3) [a lawyer shall keep the client reasonably informed about the status of the matter]; Rule 1.16 (d) [a lawyer shall promptly deliver to the client any papers or property to which the client is entitled]; Rule 1.16 (e) [a lawyer shall refund promptly any part of a fee paid in advance that has not been earned]; Rule 8.1 (b) [a lawyer shall not, in response to a demand for information from a disciplinary authority, knowingly fail to respond]; Rule 8.4 (c) [a lawyer shall not engage in misconduct involving dishonesty, fraud, deceit or misrepresentation]; and, Gov. Bar R. V (9)(G) [no lawyer shall neglect or refuse to assist or testify in an investigation or hearing].

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
Relator



Stacy Solochek Beckman (0063306)
Assistant Disciplinary Counsel
Office of Disciplinary Counsel of
The Supreme Court of Ohio
250 Civic Center Drive, Suite 325
Columbus, Ohio 43215-7411
Telephone (614) 461-0256
Facsimile (614) 461-7205
scott.drexel@sc.ohio.gov
stacy.beckman@sc.ohio.gov
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 Stacy Solochek Beckman 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: February 10, 2016

Scott J. Drexel, Disciplinary Counsel