

SUPREME COURT OF OHIO

Disciplinary Counsel v. Pickrel

2017-Ohio-6872 (Ohio 2017) · No. 2017-0225 · Decided July 20, 2017

SUMMARY

The Supreme Court of Ohio held that Patricia Ann Pickrel violated Prof.Cond.R. 8.4(c) and 8.4(h) by dishonestly overbilling a law firm by more than \$87,000 for nonattorney document-review services. The court imposed a two-year suspension from the practice of law, with one year stayed subject to mental-health counseling, compliance with an Ohio Lawyers Assistance Program contract, and no further misconduct. The court also required two years of monitored probation upon reinstatement.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Per Curiam; Chief Justice O'Connor; Justice O'Donnell; Justice Kennedy; Justice French; Justice O'Neill; Justice DeWine
JURISDICTION	Ohio
DECIDED	July 20, 2017
DOCKET	2017-0225
DISPOSITION	other
PROCEDURAL POSTURE	The Supreme Court of Ohio reviewed a certified report of the Board of Professional Conduct based on stipulated facts, misconduct, aggravating and mitigating factors, and a recommended sanction.
STANDARD OF REVIEW	The court independently reviewed and adopted the stipulated findings of fact and misconduct and determined the appropriate disciplinary sanction.
PRECEDENTIAL VALUE	Published Ohio Supreme Court opinion; precedential
PARTIES	Disciplinary Counsel v. Patricia Ann Pickrel

TOPICS

remedies

employment law

PRACTICE AREAS

attorney discipline

professional responsibility

QUESTIONS PRESENTED

1. Whether an attorney who was registered as inactive and whose misconduct did not arise from the practice of law remained subject to the Ohio Rules of Professional Conduct.
2. Whether Pickrel's false time reports, concealment efforts, and four-year pattern of overbilling violated Prof.Cond.R. 8.4(c) and 8.4(h).
3. What sanction was appropriate in light of the misconduct, aggravating and mitigating factors, restitution, and comparable disciplinary cases.

HOLDINGS

1. An attorney's inactive registration and the fact that the misconduct did not arise from the practice of law do not preclude discipline under the Ohio Rules of Professional Conduct.
2. By submitting false time reports and making false or misleading statements to conceal her misconduct, Pickrel violated Prof.Cond.R. 8.4(c); her egregious, deceitful, four-year pattern of overbilling also violated Prof.Cond.R. 8.4(h).
3. A two-year suspension from the practice of law, with one year stayed subject to specified conditions and a two-year period of monitored probation upon reinstatement, was the appropriate sanction.

KEY QUOTATIONS

“Although Pickrel was not registered as an active attorney at the time of her misconduct and her conduct did not arise from her practice of law, she remained subject to the Rules of Professional Conduct.” (¶ 9)

“Accordingly, we suspend Patricia Ann Pickrel from the practice of law for two years with one year stayed on the conditions that she (1) continue to participate in mental-health counseling with her current therapist or another qualified professional until her treating professional deems that counseling is no longer medically necessary, (2) remain in compliance with her January 7, 2016 OLAP contract and any extension of the contract recommended by OLAP, and (3) engage in no further misconduct.” (¶ 17)

FACTUAL BACKGROUND

Pickrel, an inactive Ohio attorney, performed nonattorney document-review services for Ulmer & Berne, L.L.P. From January 2012 through November 2015, she submitted time reports that caused the firm to pay her \$125,209.50, although a subsequent audit showed that she had overbilled the firm by more than \$87,000. She eventually acknowledged the misconduct and reimbursed the firm \$87,620. The parties stipulated that she had engaged in dishonest billing and misleading statements and that she had mitigating mental-health circumstances.

PROCEDURAL HISTORY

Disciplinary counsel filed a complaint alleging that Pickrel knowingly overbilled a law firm by more than \$87,000 for nonattorney document-review services. The parties waived a hearing and stipulated to the facts, violations, and sanction. The Board of Professional Conduct adopted the panel's findings and recommended a two-year suspension with one year stayed on conditions, plus monitored probation upon reinstatement. The Supreme Court adopted the findings and imposed the recommended sanction.

DISPOSITION

other

CASES CITED

- Disciplinary Counsel v. Bricker, 137 Ohio St. 3d 35, 2013-Ohio-3998, 997 N.E.2d 500, ¶ 21
- In re Nicotera, 65 Ohio St. 3d 163, 602 N.E.2d 612 (1992)
- Cincinnati Bar Assn. v. Washington, 109 Ohio St. 3d 308, 2006-Ohio-2423, 847 N.E.2d 435
- Disciplinary Counsel v. Markijohn, 99 Ohio St. 3d 489, 2003-Ohio-4129, 794 N.E.2d 24
- Disciplinary Counsel v. Grigsby, 128 Ohio St. 3d 413, 2011-Ohio-1446, 945 N.E.2d 512

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