

ORIGINAL

THE SUPREME COURT OF OHIO

Disciplinary Counsel, :

Relator, : Case No. 2011-0464

v. :

William Lawrence Summers, :

Respondent. :

MOTION

NOW COMES Respondent through counsel who moves the Court for an Order remanding this case to the Board of Commissioners on Grievance and Discipline to take additional evidence, or in the alternative to allow the Respondent to supplement the record with the remedial actions that have taken place subsequent to the panel hearing on this matter.

Respectfully submitted,

**WILES, BOYLE, BURKHOLDER
& BRINGARDNER, CO., L.P.A.**



Michael L. Close (0008586)
 Dale D. Cook (0020707)
 300 Spruce Street, Floor One
 Columbus, Ohio 43215
 Phone: (614) 221-5216
 Fax: (614) 221-4541
mclose@wileslaw.com
*Attorney for Respondent,
 William L. Summers*

FILED

APR 28 2011

CLERK OF COURT
 SUPREME COURT OF OHIO

MEMORANDUM IN SUPPORT

Counsel submits that as a result of the Opinion issued by the Hearing Panel and adopted by the Board of Commissioners, Respondent William Summers has come to the realization that he has issues which need to be addressed. As the evidence already in the record would indicate, the Respondent is a recovering alcoholic, having in fact been sober for twenty (20) years. Also, as the record reflects, the Respondent has had an unblemished career of over forty years of representing the economically distressed, and others, in an almost solely criminal practice. The stress of such a practice can no longer be left unaddressed.

As a result of the Decision by the Board of Commissioners on Grievance and Discipline, Respondent has taken action which should be further considered by this Court. In the first instance, Respondent has begun treatment to address unresolved issues of anger management. He is in weekly counseling.

Respondent being over seventy (70) years old and having practiced law for in excess of forty (40) years has now added to his twenty (20) years of continuous sobriety and attendance at Alcoholics Anonymous, with the referenced anger management counseling. This has not been an easy step for the Respondent, who has a long and storied career offering his service for little nor no compensation on many occasions to those in need. For instance, in 1980 to 1983 he spent the vast majority of his professional life in Santa Fe New Mexico, pro bono, working on behalf of the National Association of Criminal Defense Lawyers, directing the defense of over one hundred and sixty (160)

prison inmates who had rioted, murdered thirty-three (33) inmates and had been charged under New Mexico's newly enacted death penalty. That defense was successful by any measure, as no one charged with a capital offense was sentenced to death.

In view of the Decision by the Board of Commissioners on Grievance and Discipline, together with its clear message that Respondent could and would never have peace in his life without taking immediate action, and the realization of the anger and hostility shown in the process, Respondent immediately began his plan of action. He has engaged the services of Bridget O'Sullivan L.ScW., a Psychologist dealing exclusively with recovering alcoholics and the inherent anger issues they face. In addition, he's addressing with Dr. Michael Wilhelm, M.D. the unresolved issues of anger caused mainly from an adolescent suicidal loss of a parent and the day to day frustration of practicing criminal defense law for over forty (40) years.

These professionals, if given sufficient time to perform their various functions, will provide the Respondent with an excellent, positive attitude and solid commitment toward a full recovery from a life long depression.

To a great extent, poor communication between the Respondent and the single complainant in this case was caused by the lack of control of anger. Ultimately, that and Respondent's professional and personal principles led to the Respondent from withdrawing from representation (nor has his testimony as to the cause of the withdrawal been rebutted).

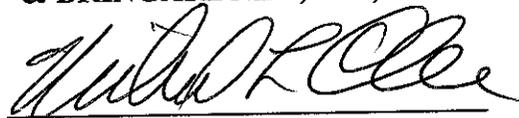
Finally, Respondent had requested prior to the initiating of these proceedings to engage in arbitration. Respondent acknowledges that he must view the decision of the Hearing Panel to be dispositive on the arbitration he respectfully requested and as a

result, has begun to retain funds to repay the Plaintiff's the sum of \$15,000, which were the additional payments in this matter.

The Respondent submits that while this does not go to his guilt or innocence in this alleged violation, it does go directly to mitigation in the penalty phase which was not addressed at the time of hearing. Respondent humbly and sincerely apologizes to all of the Bell family, the Assistant Disciplinary counsel Joseph Caliguiri, and the members of the Hearing Panel for the disrespectful and discourteous manner in which he dealt with these people at both his deposition and before the Hearing Panel. Given all of the above, it would be appropriate for this matter to be reconsidered by the Board of Commissioners or in the alternative for the Supreme Court to allow a sufficient amount of time to allow a supplemental filing showing all of the Respondent's efforts.

Respectfully submitted,

**WILES, BOYLE, BURKHOLDER
& BRINGARDNER, CO., L.P.A.**



Michael L. Close (0008586)
Dale D. Cook (0020707)
300 Spruce Street, Floor One
Columbus, Ohio 43215
Phone: (614) 221-5216
Fax: (614) 221-4541
mclose@wileslaw.com
*Attorney for Respondent,
William L. Summers*

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing was sent via regular U.S. Mail this 28 day of April, 2011 upon the following:

Jonathan E. Coughlan
Disciplinary Counsel
250 Civic Center Drive, Suite 325
Columbus, OH 43215

Joseph M. Caligiuri
Senior Assistant Disciplinary Counsel
250 Civic Center Drive, Suite 325
Columbus, OH 43215


Michael L. Close

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