In The Supreme Court of Ohio

ORIGINAL

Stark County Bar Association
RELATOR

Case No: 2012-2072

Agatha Martin Williams
Reg No: 0052652
RESPONDENT

ANSWER BRIEF to Relator's Objections To The Board of Commissioners Findings of Fact & Conclusions of LAW

Richard S. Milligan
(Counsel of Record)
Milligan, Pusateri Co LPA
4684 Douglas Circle NW
P.O. Box 35459
Canton, Ohio 44735-5459

Agatha Martin Williams
Inmate 85056
Ohio Reformatory for Women
1479 Collins Ave
Marysville, OH 43040

Pro Se

Dimitrios S. Poulsoulides
931 N. Main Street, Suite 201
North Canton, OH 44720

COUNSEL FOR RELATOR
Stark County Bar Association

RECEIVED
JAN 22 2013
CLERK OF COURT
SUPREME COURT OF OHIO

FILED
JAN 22 2013
CLERK OF COURT
SUPREME COURT OF OHIO

Table of Contents

Description	Page
Table of Authorities	iii
Introduction	1
Summary of Answer Brief	3
Procedural Background	4
Respondent's Answer Brief Argument	5
• Respondent should be indefinitely suspended	
• Mitigating Circumstances	10
Conclusion	11
Certificate of Service	12

Table of Authorities

Case Law

	Page
Columbus Bar Assn v. Larkin, 128 Ohio St. 3d 368	8, 9
Columbus Bar Assn v. Thomas, 124 Ohio St. 3d 498	9
Columbus Bar Assn v. Van Sickle, 128 Ohio St. 3d 376	9
Cuyahoga Bar Assn v. McClain, 99 Ohio St. 3d 248	11
Cuyahoga Bar Assn v. Scott-Chastang 109 Ohio St. 3d 405	11
Disciplinary Counsel v. Yajko, 77 Ohio St. 3d 385	9
Disciplinary Counsel v. Zapor, 127 Ohio St. 3d 322	3, 8
Ohio State Bar Assn v. Resnick, 128 Ohio St. 3d 56	8
Toledo Bar Assn v. Crossmock, 111 Ohio St. 3d 278	9

Other Authorities

BCGD Proc. Reg 10(2)(a)	10, 11
BCGD Proc Reg 10(2)(b)	10, 11
BCGD Proc Reg 10(2)(c)	10, 11
BCGD Proc Reg 10(2)(d)	10, 11

Introduction

A. Personal Statement: I, Agatha Maria Williams received a letter from Attorney Alvin Mathews on the afternoon of Jan 11, 2013, stating he could no longer represent me because I am not able to pay the legal fees that are past due, nor can I retain their firm to file this Answer Brief until [redacted] fees are paid. I do not have the money to pay attorney fees. I am indigent!! So, I am writing this Answer Brief to meet the deadline of Jan 22, 2013.

Please excuse my handwritten response. I am incarcerated at the Ohio Reformatory for Women (ORW). I have been incarcerated since September 18, 2012. For my work assignment at ORW I am paid $20.00 twenty dollars per month. My first State pay was received on or about Jan 4, 2013. The ORW has placed me on "Legal" for payment of my restitution of $166,354.94, Court Cost of $16,000+, and Court fine of $27,500. As such, $5.00 is

deducted from my State Pay and forwarded to the Stark County Clerk of Courts. So, I am limited to living off of $15.00 per month.

As of the writing of this Answer Brief I have .18¢ on my books, which will be sent to the Stark Clerk in February along with another $5.00.

I have enclosed an Affidavit of Indigency to request any ~~fee~~ fees and expenses be waived. If an attorney can be appointed for me, I am requesting that also.

I am at an extreme disadvantage. I do not have any transcripts, pleadings, exhibits, documents, etc for my case. When I was transported from Stark County no prisoner is allowed to bring anything except the clothing you are wearing.

Nevertless, I am writing this Answer Brief

in the most concise way possible.
I have to send it in two separate envelopes because I could only obtain 45¢ postage prepaid envelopes.

Summary of Answer Brief

Disbarment is the presumptive sanction for misappropriation of client funds. However, mitigating circumstances can support the penalty of indefinite suspension.
Disciplinary Counsel v. Zapor, 127 Ohio St. 3d 372.
Because each disciplinary case is unique, the court is not limited to the factors specified in the rule but may take into account all relevant factors in determining what sanction to impose.
I have gambled for several years. This impulse control disorder has lead me to breach the trust of my former clients by the theft of their money. I have also sought help for this addiction. While the Board found my treatment was not

successfully completed, I was making progress. I began a payment plan to the Stark County Clerk of Courts in April 2012, and have paid approximately $300.00 towards my restitution. An indefinite suspension is the appropriate sanction.

PROCEDURAL BACKGROUND:

The panel heard my case on Aug 30, 2012. I stipulated to the Third Amended Complaint and approached the hearing as my opportunity to show mitigating factors, character witnesses, in my fight to keep my license.

I testified that I was not ready or in a state of mind or position to practice law. I accepted complete responsibility for my actions. I have repented and shown great remorse for my disdainful conduct. So, I will not elaborate beyond the stipulation previously filed. I do not

contest the Findings of Fact and Conclusions of Law of the Panel. The Panel found aggravating factors, mitigation, and sanction recommendation.

ARGUMENT for ANSWER BRIEF:

- Respondent should be indefinitely suspended.

I do not contest the stipulation. I do not contest the aggravating factors found by the panel, except the following:

- Failure to cooperate: I did not even tell Kathy White, my secretary, or any other client not to cooperate with the Stark County Bar. I stated this at the hearing. It is in the Transcript.

- Failure to make restitution: At the time of the hearing I had paid about $100.00 to the Stark County Clerk for the restitution, court costs, & fines. While this is not much money it was difficult to do.

In 2012 I worked part-time for the Greater Stark County Urban League for approximately 8 weeks from March 1 to May 8. I earned about $2800.00. I then got a job with B+S Transport beginning June 15 through September 17, 2012 and earned about $5,000. I filed a Chapter 7 Bankruptcy on June 22, 2012. I was evicted from my house on July 27, 2012, so I was trying to get on my feet.

Under the stress related to the upcoming disciplinary hearing scheduled for August 30, 2012, I went gambling about a week prior to the hearing.

I have never used drugs, nicotine, or any illegal substances. I do not drink alcohol/liquor. So, when I've been tested for substance abuse as an addition, I pass with flying colors.

Unfortunately, there is no test or urine to drop, or breathalizer to take

to show a gambling addiction. If such a barometer existed, then I would fail miserably. Nevertheless, the Relator's exhibits show I gambled thousands of dollars. I need help!!

My impulse control disorder caused my gambling addiction, which began to spiral out of control in 2007. I started going to Youngstown in Sept 2011 to be assessed at Meridian for my gambling addiction. I began in a Group Recovery Session in Oct 2011. I signed a 4 year contract with OLAP in August 2011.

I acknowledge that the Meridian Group therapy was helpful as well as the support of OLAP. However, I did not get "cured" of my addiction in the 10 months of treatment. Thus, a four year contract with OLAP is ~~warranted~~ warranted and necessary.

Although disbarment is the presumptive sanction for misappropriation of client funds, mitigating circumstances can support the penalty of indefinite suspension. Zapor. Because each disciplinary case is unique, the court is not limited to the factors specified in the rule but may take into account all relevant factors in determining what sanction to impose. Ohio State Bar Assn v. Resnick 128 Ohio St. 3d 56.

While the purpose of the disciplinary process is the protection of the public, a counterveiling goal is to "take care not to deprive the public of attorneys who, through rehabilitation, may be able to ethically and competently serve in a professional capacity." Columbus Bar Assn v. Larkin, 128 Ohio St. 3d 368.

The Board recommendation for an indefinite suspension was adopted by the Supreme Court where there was evidence of the Respondent's mental illness but a failure to meet all of the criteria for establishing

it as a mitigating factor. Id at ¶ 10. Accord Columbus Bar Assn v. Van Sickle, 128 Ohio St. 3d 376, and Columbus Bar Assn v. Thomas 124 Ohio St. 3d 498. In Thomas where the Respondent had stolen client funds, hidden the theft from his clients, and failed to make restitution. The Court recognized that the Respondent would have "a difficult journey back to reinstatement" but that he should not be disbarred because he was financially unable to pay restitution.

The Supreme Court has held that ... when an Attorney undertakes a pattern involving numerous acts of misconduct in converting law firm (client) funds, an indefinite suspension is appropriate. Toledo Bar Assn v. Crossmock 111 Ohio St. 3d 278. In Crossmock, the misappropriation of over $300,000 in funds over a ten year period. Also see, Disciplinary Counsel v Yajko, 77 Ohio St. 3d 385, wherein the Supreme Court rendered an indefinite suspension for the attorney misappropriating law firm funds (client) on 20 separate occasions from 20 clients over a

seven year period.

Mitigating Circumstances & Aggravating Circumstances.

I do not dispute the Panel's and Board's findings and recommended sanction of an indefinite suspension. I have an addiction to overcome. I have accepted full responsibility. I am not able at this time to return to the competent practice of law. My treating professionals agree as well. However, I along with my treating professionals are committed to overcoming this addiction.

I will make full restitution and comply with my contract with OLAP. An indefinite suspension is warranted. A gambling addiction is no less serious than a drug or alcohol addiction. The Supreme Court upheld an indefinite suspension for the respondent who continued to drink after signing the OLAP contract, and acknowledged at her disciplinary hearing in May 2005 that

she continues to deny. Cuyahoga Bar Assn v. Scott-Chestang, 109 Ohio St. 3d 405 also see; Cuyahoga Bar Assn v. McClam, 99 Ohio St. 3d. 248. In the 20 years Respondent practiced law, there have never been any prior disciple. Further, Respondent character has been good. Conclusion

The Board's recommended sanction of an indefinite suspension should be adopted. Respondent is serving a prison term of 8½ years and will surely have a "difficult journey back to reinstatement."

Respondent has been forthright during the criminal proceedings as well as the disciplinary proceedings. Respondent when testifying before the Board had three options to answer under oath about her gambling: (1) Invoke the Fifth Amendment, (2) Admit the truth, or (3) lie. Respondent told the truth and is incarcerated as a result. Thus, the imposition of the 8½ prison sentence and other penalties

are severe. To further pound down and punish Respondent by permanently disbarring her is not appropriate.

Agatha Mat Williams
Agatha Martin Williams
Pro Se
Ohio Reformatory for Women
Inmate # 85056
1479 Collins Ave
Marysville, Ohio 43040

CERTIFICATE OF SERVICE

I hereby certify a copy of this Answer Brief was served upon the Board of Commissioners on Grievances and Discipline, Richard Dove, Secretary 65 South Front St, 5th Floor Columbus, Ohio 43215 and upon Relator's Bar Counsel, Richard Milligan 4684 Douglas Circle NW, Canton Ohio P.O. Box 35459 44735-5459. via regular U.S mail on January 17, 2013.

Agatha Mat Williams
Agatha Mat Williams Pro Se
Agatha Martin Williams

Agatha Martin Williams
Ohio Reformatory for Women
1479 Collins Ave
Marysville, Ohio 43040

Office of the Clerk
Supreme Court of Ohio
65 South Front St, 8th Floor
Columbus, Ohio 43215-3431

RE: Stark County Bar Association v. Agatha Martin Williams
CASE No: 2012-2072

Dear Clerk:

Enclosed for filing is an original Answer Brief ~~and~~ ~~a copy~~ 1 copy to the Objections to the Board of Commissioners' Finding of Fact and Conclusions of Law.

I have also enclosed an Affidavit of Indigency. I am incarcerated at the Ohio Reformatory for Women (ORW). I have been locked up since September 18, 2012. I have a substantial amount of restitution ($166,354.94) plus $16,000+ court costs, and $27,500 in court fines. As such, the Collection Agent placed me on Legal Hold. Therefore, I have to live on my State Pay of $20 per month which I got the first time on or about Jan 7, 2013. The Business Office deducts $5.00 from my State Pay and sends it to Stark County to pay towards my restitution.

Clerk of Supreme Court
Case 2012-2072

(2)

I am only entitled to $15.00 per month for all of my needs, (personal hygiene, paper, envelops, postage, etc. As of the date of this writing I have .18¢ cents on my books.

I received a letter from my Attorney Alvin Mathews on Jan 11, 2013 enclosing a copy of the Relators Objection. The letter further stated he would no longer represent me since I did not and could not pay the legal fees due. Further, the letter stated the Answer Brief is due Jan 22, 2013!!

So, I am writing the Answer Brief by hand. I do not have sufficient funds to make copies at five (.05¢) per copy. Additionally, if I typed this Answer Brief, the turnaround time to process a Cash Slip and get your copies is about 7 to 10 days.

Please send back a time stamped copy to me. I have sent this Answer Brief in 4 Separate envelopes because I was only able to get First Class 45¢ postage.

Sincerely
Azeth Mat Willm

In The Supreme Court of Ohio

Stark County Bar Assn, RELATOR

Case No 2012-2072

v.

Agatha Martin Williams, RESPONDENT
Sup Court # 0052652

AFFIDAVIT OF INDIGENCY

I, Agatha Martin Williams, being first duly sworn, state and aver that I receive State Pay of $20.00 per month at the Ohio Reformatory for Women (ORW). The ORW withhold all monies placed in my account except $15.00 per month. Said overage is sent to Stark County Clerk of Courts for payment of my restitution, costs, and fines. I have a pension of $412.88 per month which I do not have access to. I have no means to pay the costs of these proceedings or to pay for legal representation.

Agatha Martin Williams
Agatha Martin Williams

Sworn to and subscribed in my presence on Jan 17, 2013.

Jenai D Jacobs
Notary Public
My Commission exp 1-7-15

In The Supreme Court of Ohio

Stark County Bar Association
RELATOR

Case No: 2012-2072

Agatha Martin Williams
Reg No: 0052652
RESPONDENT

ANSWER BRIEF to Relator's Objections To The Board of Commissioners Findings of Fact & Conclusions of LAW

Richard S. Milligan
(Counsel of Record)
Milligan, Puskarich, Co LPA
4684 Douglas Circle NW
P.O. Box 35459
Canton, Ohio 44735-5459

Agatha Martin Williams
Inmate 85056
Ohio Reformatory for Women
1479 Collins Ave
Marysville, OH 43040

Pro Se

Dimitrios S. Pouloucides
931 N. Main Street, Suite 201
North Canton, OH 44720

COUNSEL FOR RELATOR
Stark County BAR ASSOCIATION

Table of Contents

Description	Page
Table of Authorities	iii
Introduction	1
Summary of Answer Brief	3
Procedural Background	4
Respondent's Answer Brief Argument	5
• Respondent should be indefinitely suspended	
• Mitigating Circumstances	10
Conclusion	11
Certificate of Service	12

Table of Authorities

Case Law

	Page
Columbus Bar Assn v. Larkin, 128 Ohio St. 3d 368	8, 9
Columbus Bar Assn v. Thomas, 124 Ohio St. 3d 498	9
Columbus Bar Assn v. Van Sickle, 128 Ohio St. 3d 376	9
Cuyahoga Bar Assn v. McClam, 99 Ohio St. 3d 248	11
Cuyahoga Bar Assn v. Scott-Chestang 109 Ohio St. 3d 405	11
Disciplinary Counsel v. Yajko, 77 Ohio St. 3d 385	9
Disciplinary Counsel v. Zapor, 127 Ohio St. 3d 372	3,
Ohio State Bar Assn v. Resnick, 128 Ohio St. 3d 56	8
Toledo Bar Assn v. Crossmock, 111 Ohio St. 3d 278	9

Other Authorities

BCGD Proc. Reg 10(2)(a)	10, 11
BCGD Proc Reg 10(2)(b)	10, 11
BCGD Proc Reg 10(2)(c)	10, 11
BCGD Proc Reg 10(2)(d)	10, 11

Introduction

A- Personal Statement: I, Agatha Marie Williams received a letter from Attorney Alvin Mathews on the afternoon of Jan 11, 2013, stating he could no longer represent me because I am not able to pay the legal fees that are past due, nor can I retain their firm to file this Answer Brief until fees are paid. I do not have the money to pay attorney fees. I am indigent!! So, I am writing this Answer Brief to meet the deadline of Jan 22, 2013.

Please excuse my handwritten response- I am incarcerated at the Ohio Reformatory for Women (ORW). I have been incarcerated since September 18, 2012. For my work assignment at ORW I am paid $20.00 twenty dollars per month. My first State pay was received on or about Jan 4, 2013. The ORW has placed me on "Legal" for payment of my restitution of $106,354.94, Court Cost of $16,000+, and Court fine of $27,500. As such, $5.00 is

deducted from my State Pay and forwarded to the Stark County Clerk of Courts. So, I am limited to living off of $15.00 per month.

As of the writing of this Answer Brief I have .18¢ on my books, which will be sent to the Stark Clerk in February along with another $5.00.

I have enclosed an Affidavit of Indigency to request any ~~fee~~ fees and expenses be waived. If an attorney can be appointed for me, I am requesting that also.

I am at an extreme disadvantage. I do not have any transcripts, pleadings, exhibits, documents, etc for my case. When I was transported from Stark County no prisoner is allowed to bring anything except the clothing you are wearing.

Nevertheless, I am writing this Answer Brief

in the most concise way possible.
I have to send it in two separate envelopes because I could only obtain 45¢ postage prepaid envelopes.

Summary of Answer Brief

Disbarment is the presumptive sanction for misappropriation of client funds. However, mitigating circumstances can support the penalty of an definite suspension.
Disciplinary Counsel v. Zapor, 127 Ohio St. 3d 372.
Because each disciplinary case is unique, the court is not limited to the factors specified in the rule but may take into account all relevant factors in determining what sanction to impose.
I have gambled for several years. This impulse control disorder has lead me to breach the trust of my former clients by the theft of their money. I have also sought help for this addiction. While the Board found my treatment was not

successfully completed, I was making progress. I began a payment plan to the Stark County Clerk of Courts in April 2012, and have paid approximately $300.00 towards my restitution. An indefinite suspension is the appropriate sanction.

PROCEDURAL BACKGROUND:

The panel heard my case on Aug 30, 2012. I stipulated to the Third Amended Complaint and approached the hearing as my opportunity to show mitigating factors, character witnesses, in my fight to keep my license.

I testified that I was not ready or in a state of mind or position to practice law. I accepted complete responsibility for my actions. I have repented and shown great remorse for my disdainful conduct. So, I will not elaborate beyond the stipulation previously filed. I do not

contest the Findings of Fact and Conclusions of Law of the Panel. The Panel found aggravating factors, mitigation, and sanction recommendation.

ARGUMENT for ANSWER BRIEF:

- Respondent should be indefinitely suspended.

I do not contest the Stipulation. I do not contest the aggravating factors found by the panel, except the following:

- Failure to cooperate: I did not ever tell Kathy White, my secretary, or any other client not to cooperate with the Stark County Bar. I stated this at the hearing. It is in the Transcript.

- Failure to make restitution: At the time of the hearing I had paid about $100.00 to the Stark County Clerk for the restitution, court costs, & fines. While this is not much money it was difficult to do.

In 2012 I worked part-time for the Greater Stark County Urban League for approximately 8 weeks from March 1 to May 8. I earned about $2800.00. I then got a job with B+S Transport beginning June 15 through September 17, 2012 and earned about $5,000. I filed a Chapter 7 Bankruptcy on June 22, 2012. I was evicted from my house on July 27, 2012, so I was trying to get on my feet.

Under the stress related to the upcoming disciplinary hearing scheduled for August 30, 2012, I went gambling about a week prior to the hearing.

I have never used drugs, nicotine, or any illegal substances. I do not drink alcohol/liquor. So, when I've been tested for substance abuse as an addition, I pass with flying colors.

Unfortunately, there is no test or urine to drop, or breathalizer to take

to show a gambling addiction. If such a barometer existed, then I would fail miserably. Nevertheless, the Relator's exhibits show I gambled thousands of dollars. I need help!!

My impulse control disorder caused my gambling addiction, which began to spiral out of control in 2007. I started going to Youngstown in Sept 2011 to be assessed at Meridian for my gambling addiction. I began in a Group Recovery session in Oct 2011. I signed a 4 year contract with OLAP in August 2011.

I acknowledge that the Meridian Group therapy was helpful as well as the support of OLAP. However, I did not get "cured" of my addiction in the 10 months of treatment. Thus, a four year contract with OLAP is ~~warranted~~ warranted and necessary.

Although disbarment is the presumptive sanction for misappropriation of client funds, mitigating circumstances can support the penalty of indefinite suspension. Zapor. Because each disciplinary case is unique, the court is not limited to the factors specified in the rule but may take into account all relevant factors in determining what sanction to impose. Ohio State Bar Assn v. Resnick 128 Ohio St. 3d 56.

While the purpose of the disciplinary process is the protection of the public, a counterveiling goal is to "take care not to deprive the public of attorneys who, through rehabilitation, may be able to ethically and competently serve in a professional capacity." Columbus Bar Assn v. Larkin, 128 Ohio St. 3d 368. The Board recommendation for an indefinite suspension was adopted by the Supreme Court where there was evidence of the Respondent's mental illness but a failure to meet all of the criteria for establishing

it as a mitigating factor. Id at P 10. Accord, Columbus Bar Assn v. Van Sickle, 128 Ohio St. 3d 376, and Columbus Bar Assn v. Thomas 124 Ohio St. 3d 498. In Thomas where the Respondent had stolen client funds, hidden the theft from his clients, and failed to make restitution. The Court recognized that the Respondent would have "a difficult journey back to reinstatement" but that he should not be disbarred because he was financially unable to pay restitution.

The Supreme Court has held that ... when an Attorney undertakes a pattern involving ~~numerous~~ numerous acts of misconduct in converting law firm (client) funds, an indefinite suspension is appropriate. Toledo Bar Assn v. Crossmock 111 Ohio St. 3d 278. In Crossmock, the misappropriation of over $300,000 in funds over a ten year period. Also see, Disciplinary Counsel v Yasko, 117 Ohio St. 3d 385, wherein the Supreme Court rendered an indefinite suspension for the attorney misappropriating law firm funds (client) on 20 separate occasions from 20 clients over a

seven year period.

Mitigating Circumstances & Aggravating Circumstances.

I do not dispute the Panel's and Board's findings and recommended sanction of an indefinite suspension. I have an addiction to overcome. I have accepted full responsibility. I am not able at this time to return to the competent practice of law. My treating professionals agree as well. However, I along with my treating professionals am committed to overcoming this addiction.

I will make full restitution and comply with my contract with OLAP. An indefinite suspension is warranted. A gambling addiction is no less serious than a drug or alcohol addiction. The Supreme Court upheld an indefinite ~~susp~~ suspension for the respondent who continued to drink after signing the OLAP contract, and acknowledged at her disciplinary hearing in May 2005 that

she continues to deny. Cuyahoga Bar Assn v. Scott-Chestang, 109 Ohio St. 3d 405 also see; Cuyahoga Bar Assn v. McClam, 99 Ohio St. 3d. 248. In the 20 years Respondent practiced law, there have never been any prior disciple. Further, Respondent character has been good. Conclusion

The Board's recommended sanction of an indefinite suspension should be adopted. Respondent is serving a prison term of 8½ years and will surely have a "difficult journey back to reinstatement."

Respondent has been forthright during the criminal proceedings as well as the disciplinary proceedings. Respondent when testifying before the Board had three options to answer under oath about her gambling: (1) Invoke the Fifth Amendment, (2) Admit the truth, or (3) lie. Respondent told the truth and is incarcerated as a result. Thus, the imposition of the 8½ prison sentence and other penalties

are severe. To further pound down and punish Respondent by permanently disbarring her is not appropriate.

Agatha Martin Williams
Agatha Martin Williams
Pro Se
Ohio Reformatory for Women
Inmate # 85056
1479 Collins Ave
Marysville, Ohio 43040

CERTIFICATE OF SERVICE

I hereby certify a copy of this Answer Brief was served upon the Board of Commissioners on Grievances and Discipline, Richard Dove, Secretary 65 South Front St, 5th Floor Columbus, Ohio 43215 and upon Relator's Bar Counsel, Richard Mulligan 4684 Douglas Circle NW, Canton Ohio P.O. Box 35459 44735-5459. via regular U.S mail on January 17, 2013.

Agatha Martin Williams Pro Se
Agatha Martin Williams