

BEFORE THE SUPREME COURT OF OHIO

LAWRENCE E. WINKFIELD :  
(Attorney Reg. No. 0034254) :  
336 South High Street :  
Columbus, OH 43215 :  
RESPONDENT, :

CASE NO. 2005-1115

RELATOR'S MOTION  
TO IMPOSE SUSPENSION

COLUMBUS BAR ASSOCIATION :  
175 South Third Street, Suite 1100 :  
Columbus, OH 43215 :  
RELATOR. :

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RELATOR'S MOTION TO IMPOSE SUSPENSION

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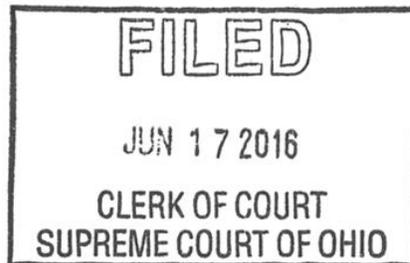
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**Lawrence E. Winkfield (0034254)**

Respondent

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Co-counsel for Relator



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**INTRODUCTION**

Now comes relator, the Columbus Bar Association, and moves this court for an order immediately suspending respondent's, Lawrence E. Winkfield's, license to practice law. Respondent has failed to undergo an evaluation by the Ohio Lawyer's Assistance Program and has not purged himself of contempt by providing proof of compliance with the modified conditions of his reinstatement order, as ordered by this court on April 15, 2016. Appendix A. Relator respectfully submits that for all of the reasons set forth herein, respondent's license to practice law should be suspended.

## MOTION TO IMPOSE SUSPENSION

This matter is again before this court as a result of relator's September 2015 petition seeking an order of contempt, the revocation of respondent's probation, and the reinstatement of his suspension from the practice of law. By order filed April 15, 2016, this court granted relator's petition for revocation, in part, modifying the terms of probation, and finding respondent "in contempt for his violations of conditions two and three of the June 12, 2014 reinstatement order." *Id.* This court further stated that "respondent may purge himself of contempt upon providing proof that he is in compliance with the modified conditions of the reinstatement order."

After a contemnor complies with a court's order, the purpose of the contempt sanction has been achieved and the sanction is discontinued. *Cleveland v. Ramsey* (1988), 56 Ohio App.3d 108, 110, 564 N.E.2d 1089. In this case, respondent has not complied, the purpose of the contempt sanction has not been achieved, and respondent must be suspended from the practice of law.

The April 15, 2016 order granting relator's petition for revocation makes it abundantly clear that the only way for respondent to purge himself of contempt was to "provide proof that he is in compliance with the modified conditions of the reinstatement order." Appendix A. Clearly, respondent's continued licensure to practice law was conditioned upon his compliance with his purge requirements. "If the conditions are unfulfilled, the court is entitled to enforce the sentence already imposed, the sanction that could have been avoided by the contemnor's compliance." *Liming v. Damos*, 133 Ohio St.3d 509, 2012-Ohio-4783, ¶16. Respondent has not provided proof of compliance with the conditions of the order; therefore, respondent has not purged himself of contempt and his license to practice law must be suspended.

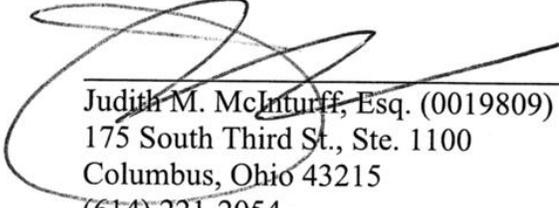
Respondent cannot purge himself of contempt because he has not complied with the court's modified reinstatement order. The first condition announced in the April 15, 2016 order states, "respondent shall undergo an evaluation by the Ohio Lawyers Assistance Program ("OLAP") within 60 days of the state of this order[.]" Respondent's 60-day period within which to comply with the order and purge himself of contempt expired on June 15, 2016 – two days ago. This condition, including the requirement of a 60-day period within which to comply, is precisely the same condition recommended by the panel and to which respondent did not object.

Pursuant to information communicated to relator by Scott R. Mote, Executive Director of OLAP, respondent has had some contact with OLAP; however, OLAP has been unable to schedule an evaluation because respondent has not provided all of the information and documentation requested by OLAP. Moreover and based upon the fact that respondent has not yet been evaluated, OLAP has been unable to "assume the duty of monitoring respondent" nor is OLAP able to "report to relator regarding respondent's compliance with the court's order" as ordered by the court. Appendix A. Relator will supplement this motion forthwith with evidence conclusively establishing respondent's failure to comply with the foregoing condition.

In conclusion, relator moves this court to consider the conditions and requirements of its April 15, 2016 order and find that respondent has not purged himself of contempt. A court's contempt power "is a necessary and integral part of the independence of the judiciary, and is absolutely essential to the performance of the duties imposed on them by law. Without it they are mere boards of arbitration, whose judgments and decrees would be only advisory." *Gompers v. Buck's Stove & Range Co.* (1911), 221 U.S. 418, 450, 31 S.Ct. 492, 55 L.Ed. 797. Accordingly, in light of the fact that relator's petition for revocation of respondent's probation was granted, in part, and considering that respondent is currently in contempt, respondent's

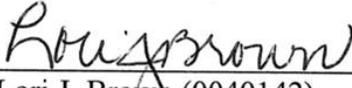
license to practice law must be immediately suspended at least until he proves to this court that he has purged himself of contempt.

Respectfully submitted,



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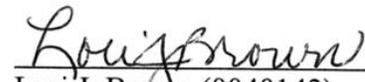
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alysha@cbalaw.org

Co-counsel for Relator

### CERTIFICATE OF SERVICE

I hereby certify that on this 17<sup>th</sup> day of June 2016, a true and accurate copy of the foregoing was served via electronic and U.S. Mail upon respondent's counsel, Geoffrey Oglesby, Esq., 618 West Washington Street, Sandusky, OH 44870, and via hand delivery upon Richard A. Dove, Esq., Director, Board of Professional Conduct, Supreme Court of Ohio, 65 S. Front Street, 5<sup>th</sup> Floor, Columbus, OH 43215.

  
Lori J. Brown (0040142)  
Counsel for Relator

FILED

The Supreme Court of Ohio

APR 15 2016

Columbus Bar Association,  
Relator,

v.

Lawrence Edward Winkfield,  
Respondent.

Case No. 2005-1115

CLERK OF COURT  
SUPREME COURT OF OHIO

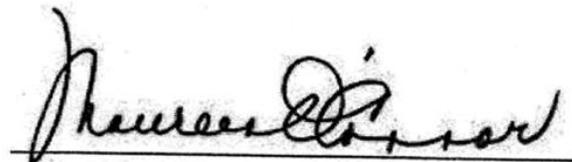
ORDER

This cause came on for further consideration upon the filing by a panel of the Board of Professional Conduct of a report and recommendation on relator's petition for revocation of probation, recommending that the court issue an order denying relator's petition in part and modifying the conditions of its June 12, 2014 reinstatement order. The panel further recommends that the court grant relator's petition in part, find respondent in contempt, and allow respondent to be purged of the contempt upon compliance with the modified conditions. Relator filed objections to said report, respondent filed an answer, and this matter was considered by the court.

Upon consideration thereof, it is ordered by the court that relator's petition for revocation of probation is denied in part. It is further ordered that the conditions of the June 12, 2014 reinstatement order are modified as follows: (1) respondent shall undergo an evaluation by the Ohio Lawyers Assistance Program ("OLAP") within 60 days of the date of this order, (2) OLAP shall assume the duty of monitoring respondent and shall report to relator regarding respondent's compliance with the court's order, (3) respondent shall continue to serve the three-year probation ordered on June 12, 2014, and shall serve an additional two years of monitored probation, (4) respondent shall promptly and fully comply with all recommendations made by OLAP in regard to treatment for both his mental health and the use of alcohol, and (5) respondent shall refrain from any further illegal conduct.

It is further ordered by the court that relator's petition for revocation of probation is granted in part. Respondent is found in contempt for his violations of conditions two and three of the June 12, 2014 reinstatement order. It is further ordered that respondent may purge himself of contempt upon providing proof that he is in compliance with the modified conditions of the reinstatement order.

It is further ordered that respondent be taxed the costs of these proceedings in the amount of \$2,344.41, which costs shall be payable to this court by cashier's check or money order on or before 90 days from the date of this order. It is further ordered that if these costs are not paid in full on or before 90 days from the date of this order, interest at the rate of 10% per annum shall accrue as of 90 days from the date of this order and the matter may be referred to the Attorney General for collection. It is further ordered that respondent is liable for all collection costs pursuant to R.C. 131.02 if the debt is certified to the Attorney General for collection.



Maureen O'Connor  
Chief Justice

APPENDIX A