Supreme Court of Ohio Clerk of Court - Filed June 20, 2016 - Case No. 2005-1115

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

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

RESPONDENT'S MOTION FOR AN EXTENSION OF TIME FOR OLAP TO CONDUCT AN EVALUATION OF RESPONDENT AS PREVIOUSLY ORDERED BY THIS COURT

MOTION FOR EXTENSION

Now comes Respondent, Lawrence E. Winkfield hereby moves this court for an Order granting Respondent an extension of time for OLAP to conduct an evaluation of Respondent as previous ordered by this court. On April 15, 2016, this court ordered that Respondent "shall" undergo an evaluation by the Ohio Lawyer's Assistance Program (OLAP) within 60 days of the date of order.

Brief grounds in support of this Motion will be stated in the below Memorandum Support.

Respectfully Submitted,

____/s/_____

Geoffrey Oglesby, Esq. (0023949)
618 West Washington Street
Sandusky, Ohio 44870
(419) 625-9500 phone, (419) 625-9200 fax
lawoffice@rboglesby.com

MEMORANDUM IN SUPPORT

In a letter dated and postmarked April 20, 2016, OLAP sent a letter to undersigned counsel for Respondent, and copied Respondent which stated that:

> "Prior to the assessment, we must have copies of all written reports from mental health professionals who examined and/or treated Mr. Winkfield since January 11, 2006 (date of Winkfield's indefinite suspension). We are particularly interested in the reports from Dr. Jerry M. Zober and Richard J. Fetter, both of whom are mentioned in the Board of Commissioner's report and Recommendation (report) filed January 27, 2016. In addition to reports, we want to see transcripts from the testimony of both Zober and Fetter referenced in the report … ." (See Exhibit 1)

Respondent hereby submits that he has been in contact with OLAP and that he has gone about to procure substantially all of the documents and items requested by OLAP; except for old records and files that Mr. Fetter believes he may have in storage. However, Respondent is not sure what Mr. Fetter has in storage because Mr. Fetter left his prior practice at Central Ohio counseling before his current affiliation with Meers and Meers Psychologists. Consequently certain of his files were purged and others are in an off-site storage location.

See Exhibit 2, dated June 7, 2016 wherein Respondent enclosed (a) Dr. Zober's (retired) entire office file and (b) records from Mr. Fetter going back to 2008. Also, see Exhibit 3 dated June 13, 2016 wherein Respondent delivered the transcripts of the testimony of Dr. Zober and Mr. Fetter referenced in the Board of Commissioner's January 27, 2016 report.

In Exhibit 3, Respondent also points out the as of mid-morning of June 13, 2016, Respondent still was not able to learn from Mr. Fetter's office or via text response whether Mr. Fetter was able to locate any further documents and items other than already tendered to OLAP. However, at about 9:15 p.m. of June 13, Respondent received a telephone call from Mr. Fetter. He indicated that he had located certain files going back to about 2003,

and he believe he has four or five reports that he would copy and get to respondent by the end of the day of June 14, 2016.

Finally, see Exhibit 4 dated June 13, 2016 wherein Respondent memorializes his earlier telephone conversation with OLAP's Executive Director; who informed Respondent that OLAP will be unable to conduct this Court's previously ordered evaluation within the 60 days ordered because it does not have all documents and items previously requested and/or did not have time to analyze/examine said documents and items submitted to date before scheduling an evaluation of Respondent. The Executive Director suggested that Respondent should get in contact with his lawyer, and suggest that he attempt to get an extension of time of no less than 30 additional days wherein for OLAP to evaluate Respondent.

Respondent earnestly believes that he now has given OLAP all reports and documents it requested in Exhibit 1. Although the 60day time period specified in this Court's April 15, 2016 Order has not yet expired, the Executive Director of OLAP indicated to Respondent that OLAP will be unable to conduct the mandated evaluation because it has not then received all documents it requested and/or would not have sufficient time to examine documents received in order to conduct.

Respectfully Submitted,

____/s/_____
Geoffrey Oglesby, Esq. (0023949)

CERTIFICATE OF SERVICE

A copy of the foregoing MOTION FOR AN EXTENSION OF TIME has been served by regular U.S. Mail upon the upon Richard A. Dove, Director, 65 South Front Street Columbus, Ohio 43215, upon Scott R. Mote, Esq., Executive Director of OLAP, and upon Lori Brown, Esq., Bar Counsel, Judy McInturff, Lori Brown and A. Alysha Clous the Columbus Bar Association, 175 South Third Street, Suite 1100, Columbus, Ohio 43215 on June 13, 2016.

_____/s/_____
Geoffrey Oglesby, Esq. (0023949)