

ORIGINAL

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 AMENDED MOTION
TO IMPOSE SUSPENSION**

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

RELATOR'S AMENDED MOTION TO IMPOSE SUSPENSION

Lori J. Brown (0040142)
Bar Counsel, Counsel of Record
Columbus Bar Association
175 South Third Street, Suite 1100
Columbus, Ohio 43215-5134
(614) 340-2053/ (614) 221-4850 (fax)
Lori@cbalaw.org

Geoffrey L. Oglesby (0023949)
618 West Washington Street
Sandusky, Ohio 44870
(419) 625-9500
OglesbyLaw@aol.com

Counsel for Respondent

Judith M. McInturff, Esq. (0019809)
175 South Third St., Ste. 1100
Columbus, Ohio 43215
(614) 221-2054
judy@cbalaw.org

Lawrence E. Winkfield (0034254)

Respondent

A. Alysha Clous (0070627)
Assistant Bar Counsel
Columbus Bar Association
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(614) 340-2034/ (614) 221-4850 (fax)
alysha@cbalaw.org

Co-counsel for Relator

FILED
JUN 23 2016
CLERK OF COURT
SUPREME COURT OF OHIO

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RELATOR. :

**RELATOR'S AMENDED MOTION TO
IMPOSE SUSPENSION**

Now comes relator, the Columbus Bar Association, and respectfully amends its Motion to Impose Suspension. Relator incorporates by reference the original motion, and indicates to this court that it has obtained an affidavit from Scott Mote, the Executive Director of the Ohio Lawyers Assistance Program, regarding respondent, Lawrence E. Winkfield. The affidavit is attached as Exhibit 1. Relator's amendment provides further support for relator's motion to impose a suspension upon respondent based upon his failure to purge himself of contempt of court.

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. 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,



Judith M. McInturff, Esq. (0019809)
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Lori J. Brown (0040142) *by A. Alysha Clous*
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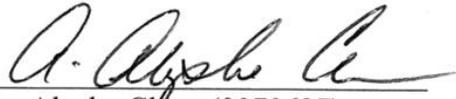


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Co-counsel for Relator

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd 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, 5th Floor, Columbus, OH 43215.



A. Alysha Clous (0070627)
Counsel for Relator



Ohio Lawyers Assistance Program, Inc.

1650 Lake Shore Drive, Suite 375, Columbus, Ohio 43204-4991
Tel. 800-348-4343 614-586-0621 Fax: 614-586-0633
www.ohiolap.org

SCOTT R. MOTE, ESQ.
EXECUTIVE DIRECTOR

MEGAN R. SNYDER, MSW, LISW
CLINICAL DIRECTOR

KRISTINE M. CARSON, LPC
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ASSOCIATE DIRECTOR
800-618-8606

AFFIDAVIT OF
SCOTT R. MOTE, ESQ.

STATE OF OHIO
COUNTY OF FRANKLIN, ss:

SCOTT R. MOTE, being duly cautioned and sworn, says as follows:

1. I am the Executive Director of the Ohio Lawyers Assistance Program, Inc. (OLAP), and make this Affidavit based upon my personal knowledge and the business records of OLAP.
2. On April 15, 2016, I received the Ohio Supreme Court's order in *Columbus Bar Assn. v. Lawrence E. Winkfield*, Case No. 2005-1115, wherein Winkfield is ordered to undergo an evaluation by OLAP within 60 days of the date of the order (the 60th day was June 14, 2016).
3. On April 20, 2016, I sent a letter to Geoffrey L. Oglesby, Esq., Winkfield's lawyer, listing documents that OLAP needed prior to doing the evaluation. I also sent Winkfield a copy to my letter to Oglesby. See Exhibits A and A-1 attached.
4. I have never heard from Oglesby.
5. On June 8, 2016, I received a note left at my office on June 7, 2016, advising that J. Ellis had attempted to deliver documents for Winkfield at 4:39 p.m.
6. On June 8, 2016, Winkfield telephoned my office at approximately 1:00 p.m., spoke with one of my employees, and advised that his secretary would deliver documents to my office that afternoon. That day documents were delivered, including a letter dated June 7, 2016 from Winkfield, records from Dr. Zober, and records from Richard Fetter.

7. On June 13, 2016, Winkfield telephoned and said he had additional information to deliver. I told him that OLAP obviously would not do the evaluation/assessment within 60 days of the Court's order, and that I would not ask the Court for an extension of time. I suggested that he talk to his lawyer about getting an extension, perhaps by agreement with the Columbus Bar Association.

8. On June 13, 2016, I received a letter and transcripts from Winkfield; I attach only a copy of the letter as Exhibit B.

9. On June 13, 2016 at 4:12 p.m., I received an email from Winkfield, advising that he was sending me a letter and cover sheet that day; they were attachments to the email. See Exhibits C and D attached.

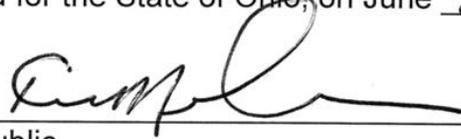
10. With the documents we received on June 8 and 13, 2016, OLAP now is able to do the evaluation/assessment, and will try to do it the week of June 21, 2016.

FURTHER AFFIANT SAYETH NOT.



Scott R. Mote, Esq.

Sworn to before me, a Notary Public, in and for the State of Ohio, on June 22, 2016.



Notary Public



FREDERICK HUNKER, ATTORNEY AT LAW
NOTARY PUBLIC, STATE OF OHIO
My commission has no expiration date.
Section 147.03 R.C.

CONFIDENTIAL

EXHIBIT A



Ohio Lawyers Assistance Program, Inc.

1650 Lake Shore Drive, Suite 375, Columbus, Ohio 43204-4991
Tel. 800-348-4343 614-586-0621 Fax: 614-586-0633
www.ohiolap.org

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PAUL A. CAIMI, J.D., LCDC-III, ICADC
ASSOCIATE DIRECTOR
800-618-8606

April 20, 2016

Geoffrey L. Oglesby, Esq.
618 West Washington Street
Sandusky, Ohio 44870

Re: *Columbus Bar Association v. Lawrence J. Winkfield*, Case No. 2005-1115
The Supreme Court of Ohio

Dear Mr. Oglesby:

I understand that you are counsel of record for Mr. Winkfield in this matter.

I write in response to the Supreme Court's April 15, 2016 decision, specifically:

...(1) respondent shall undergo an evaluation by the Ohio Lawyers Assistance Program ("OLAP") within 60 days of the date of this order,....

Megan Snyder will do the assessment at our office.

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 the transcripts from the testimony of both Zober and Fetter referenced in the Report.

Geoffrey L. Oglesby, Esq.
April 20, 2016
Page 2

Please advise should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Scott R. Mote', with a long, sweeping flourish extending to the right.

SCOTT R. MOTE, ESQ.
Executive Director

SRM/s

CONFIDENTIAL

EXHIBIT A-1



Ohio Lawyers Assistance Program, Inc.

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April 20, 2016

Lawrence J. Winkfield, Esq.
336 South High Street
Columbus, Ohio 44870

Re: *Columbus Bar Association v. Lawrence J. Winkfield*, Case No. 2005-1115
The Supreme Court of Ohio

Dear Mr. Winkfield:

I enclose a copy of my letter today to Geoffrey L. Oglesby, Esq.

Please advise should you have any questions.

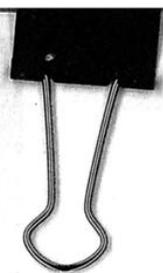
Sincerely,

A handwritten signature in black ink, appearing to be "SMOTE", written over a horizontal line.

SCOTT R. MOTE, ESQ.
Executive Director

SRM/s

cc: Geoffrey L. Oglesby, Esq.



6/13/16

LAWRENCE E. WINKFIELD, ESQ.

ATTORNEY & COUNSELOR AT LAW

336 South High Street, Columbus OH 43215 ♦ C: 614. 516.9144 ♦ lawrencewinkfield@gmail.com

June 13, 2016

EXHIBIT B

Mr. Scott Mote, ESQ
Executive Director
Ohio Lawyers Assistance Program
1650 Lake Shore Drive, Suite 375
Columbus, Ohio 43204-4991

Re: CBA v Lawrence E. Winkfield
Case No. 2005 – 1115

Dear Mr. Mote,

Be advised that I made two trips to the Ohio Supreme Court to search a box and a half for transcripts of testimony of both Zober and Fetter referenced in the Board's January 27, 2016 Report. I was able to make copies of: (1) the January 20, 2014 Formal Hearing transcript of the testimony of Mr. Fetter (pages 14 – 70) and Dr. Zober (pages 72 – 93); for a total of 75 pages. And (2) the January 9, 2009 Formal Hearing testimony of Mr. Fetter (pages 47 – 71); for a total of 24 pages.

I do believe that next week, Mr. Fetter will deliver more documents; after he checks his storage and current office files. I'll let you know what he says.

Please give me a call upon receipt of this letter to discuss sufficiency of documents received and my upcoming assessment.

Sincerely,

A handwritten signature in cursive script that reads "Lawrence E. Winkfield".

Lawrence E. Winkfield
Attorney at Law

LAWRENCE E. WINKFIELD, ESQ.

ATTORNEY & COUNSELOR AT LAW

336 South High Street, Columbus OH 43215 ♦ C: 614. 516.9144 ♦ lawrencewinkfield@gmail.com

June 13, 2016

Mr. Scott Mote, ESQ
Executive Director
Ohio Lawyers Assistance Program
1650 Lake Shore Drive, Suite 375
Columbus, Ohio 43204-4991

6/13/16
✓

EXHIBIT C

Re: CBA v Lawrence E. Winkfield
Case No. 2005 – 1115

Dear Mr. Mote,

This letter is a follow-up letter to my phone call to your office around 12:45pm. In speaking with you, I informed you that I had made a prior request to the Ohio Supreme Court Clerk of Courts to retrieve my voluminous file from their off-site storage. On Friday, June 10, 2016, I searched boxes of records and files and I believe I located the transcript of Mr. Fetter & Dr. Zober testimony in references to the January 27, 2016 report of the Board of Commissioner's. Consequently, I have had transcripts delivered to your office also. These totaled 93 pages.

I believe that the only documents and items you requested in your April 20, 2016 letter to Attorney Oglesby that I have not provided you is documents and items from Mr. Fetter since January 11, 2016 files. As I mentioned in my June 7, 2016 letter to Ms. Synder, Mr. Fetter indicated that he would check his office storage during the weekend of June 11, 2016 and get back with me today. In speaking with Mr. Fetter's office today, the secretary/receptionist could not tell me if Mr. Fetter had located the documents and other items over the weekend for me to pick up. She could not tell me, but she stated that she would have him contact me. My text inquiry to him has not been answered as of the writing of this letter.

At your suggestion, I telephoned my lawyer to let him know that OLAP will not be able to assess me within the 60 days which is ordered by the Supreme Court. I passed on your suggestion that he should get in contact with the Columbus Bar Association to request an extension of not less than 30 days. I believe Mr. Oglesby will be in contact with you during the process of contacting the Columbus Bar Association.

Your cooperation and assistance has been and will be greatly appreciated. Thank you.

Sincerely,

cc: Attorney Oglesby
Mr. Fetter

Attorney Lawrence E. Winkfield
336 South High Street
Columbus, Ohio 43215

Telephone: 614.339.9166
Cell: 614.516.9144
Email: lawrencewinkfield@gmail.com

FAX

EXHIBIT D

To: Ohio Lawyers Assistance Program **From:** Attorney Lawrence E. Winkfield
Fax: 614-586-0633 **Pages:** 2
Phone: 800-348-4343 **Date:** June 13, 2016
Re: Attorney Lawrence Winkfield **CC:** Mr. Geoffrey Oglesby, Mr. Scott Mote
File

Urgent For Review Please Comment Please Reply

Please call me when you receive this fax so that we may resolve this issue.
Thank you for your attention to this matter.

Sincerely,

Lawrence E. Winkfield
Attorney Lawrence Winkfield