

SUPREME COURT OF OHIO

Columbus Bar Assn. v. Winkfield

2014 Ohio 2490 (Ohio 2014) · No. 2005-1115 · Decided June 12, 2014

SUMMARY

The Supreme Court of Ohio granted Lawrence Edward Winkfield's petition for reinstatement to the practice of law. Reinstatement was conditioned on three years of monitored probation, compliance with mental-health treatment recommendations, and refraining from illegal conduct, along with payment of costs and reimbursement obligations.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	O'Connor, C.J.; Pfeifer, J.; O'Donnell, J.; Lanzinger, J.; Kennedy, J.; French, J.; O'Neill, J.
JURISDICTION	Ohio
DECIDED	June 12, 2014
DOCKET	2005-1115
DISPOSITION	other
PROCEDURAL POSTURE	On a petition for reinstatement to the practice of law in Ohio following respondent's prior discipline or suspension.
PRECEDENTIAL VALUE	Published Ohio Supreme Court reinstatement order; limited precedential value outside the respondent-specific reinstatement conditions.
PARTIES	Columbus Bar Association v. Lawrence Edward Winkfield

TOPICS

costs contempt appellate procedure

PRACTICE AREAS

legal ethics and professional responsibility attorney reinstatement bar discipline

QUESTIONS PRESENTED

- Whether respondent's petition for reinstatement to the practice of law should be granted.

2. What conditions should govern respondent's reinstatement and probation.

HOLDINGS

1. The petition for reinstatement is granted, and Lawrence Edward Winkfield is reinstated to the practice of law in Ohio subject to specified conditions.
2. Reinstatement is conditioned on three years of monitored probation, compliance with mental-health practitioners' recommendations including ongoing psychotherapy or psychiatric treatment, and refraining from illegal conduct.
3. Respondent must pay the assessed proceeding costs and reimburse amounts awarded against him by the Clients' Security Fund, subject to the enforcement measures specified in the order.

KEY QUOTATIONS

“the petition of respondent for reinstatement to the practice of law in Ohio is granted and that respondent, Lawrence Edward Winkfield, last known address in Westerville, Ohio, is reinstated upon the conditions” (¶ 2)

“respondent’s probation will not be terminated until (1) respondent files an application for termination of probation in accordance with Gov.Bar R. V(9)(D), (2) relator files a report with the clerk of the Supreme Court indicating that respondent has complied with the terms and conditions of probation during the probationary period” (¶ 6)

FACTUAL BACKGROUND

Lawrence Edward Winkfield petitioned for reinstatement to the practice of law in Ohio. The Board of Commissioners on Grievances and Discipline reviewed the petition and recommended reinstatement with conditions. The Supreme Court adopted reinstatement conditions involving three years of monitored probation, compliance with mental-health treatment recommendations, and abstention from illegal conduct.

PROCEDURAL HISTORY

Respondent Lawrence Edward Winkfield filed a petition for reinstatement on October 4, 2013. The petition was referred to the Board of Commissioners on Grievances and Discipline, which recommended reinstatement with conditions in a report filed April 7, 2014; no objections were filed. The Supreme Court of Ohio granted reinstatement subject to monitored probation and additional conditions.

DISPOSITION

other

OPINION

PER CURIAM.

[Cite as Columbus Bar Assn. v. Winkfield, ___ Ohio St.3d ___, 2014-Ohio-2490.] COLUMBUS BAR ASSOCIATION v. WINKFIELD. [Cite as Columbus Bar Assn. v. Winkfield, ___ Ohio St.3d

_____, 2014-Ohio-2490.] (No. 2005-1115—Submitted May 28, 2014—Decided June 12, 2014.) ON PETITION FOR REINSTATEMENT. _____ {¶ 1} This cause came on for further consideration upon the filing on October 4, 2013, of a petition for reinstatement by respondent, Lawrence Edward Winkfield, Attorney Registration No. 0034254.

In accordance with Gov.Bar R. V(10)(F), respondent's petition for reinstatement was referred to the Board of Commissioners on Grievances and Discipline. The board filed its final report in this court on April 7, 2014, recommending that respondent be reinstated to the practice of law in Ohio with conditions. No objections to the final report were filed. {¶ 2} Upon consideration thereof, it is ordered by this court that the petition of respondent for reinstatement to the practice of law in Ohio is granted and that respondent, Lawrence Edward Winkfield, last known address in Westerville, Ohio, is reinstated upon the conditions that respondent (1) serve a period of monitored probation for three years, with a monitor assigned by relator, and that such monitor's principal office be located within the Columbus, Ohio, metropolitan area, (2) fulfill all recommendations of mental-health practitioners, including ongoing and routine psychotherapy counsel and treatment as recommended by Dr. Jerry M. Zober or another licensed psychiatrist, and (3) refrain from any illegal conduct. {¶ 3} It is further ordered that on or before 30 days from the date of this order, relator will file the name of an attorney who will monitor respondent during SUPREME COURT OF OHIO the probation.

It is further ordered that at the end of the probationary period, relator shall file a report with this court indicating whether respondent has complied with the terms of probation, including monitoring. {¶ 4} It is further ordered by the court that respondent be taxed the costs of these proceedings in the amount of \$2,826.25, less the deposit of \$500, for a total balance due of \$2,326.25, payable by cashier's check or money order by respondent on or before 90 days from the date of this order.

If costs are not paid on or before 90 days from the date of this order, interest at the rate of 10 percent per annum will accrue until costs are paid in full. It is further ordered that if costs are not paid in full on or before 90 days from the date of this order, 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. It is further ordered that if costs are not paid in full on or before 90 days from the date of this order, respondent may be found in contempt and suspended until all costs and accrued interest are paid in full. {¶ 5} It is further ordered by the court that within 90 days of the date of this order, respondent shall reimburse any amounts that have been awarded against respondent by the Clients' Security Fund pursuant to Gov.Bar R. VIII(7)(F).

It is further ordered by the court that if after the date of this order, the Clients' Security Fund awards any amount against respondent pursuant to Gov.Bar R. VIII(7)(F), respondent shall reimburse that amount to the Clients' Security Fund within 90 days of the notice of that award. {¶ 6} It is further ordered that at the end of the probationary period, respondent may apply for termination of probation.

It is further ordered that respondent's probation will not be terminated until (1) respondent files an application for termination of probation in accordance with Gov.Bar R. V(9)(D), (2) relator files a report with the clerk of the Supreme Court indicating that 2 January Term, 2014 respondent has complied with the terms and conditions of probation during the probationary period, (3) respondent complies with this order and all other orders issued by this court, (4) respondent complies with the Rules for the Government of the Bar of Ohio, and (5) this court issues an order terminating respondent's probation. {¶ 7} It is further ordered that all documents filed with this court in this case shall meet the filing requirements set forth in the Rules of Practice of the Supreme Court of Ohio, including requirements as to form, number, and timeliness of filings.

All case documents are subject to Sup.R. 44 through 47, which govern access to court records. {¶ 8} It is further ordered that the clerk of this court issue certified copies of this order as provided for in Gov.Bar R. V(8)(D)(1), that publication be made as provided for in Gov.Bar R. V(8)(D)(2), and that respondent bear the costs of publication. O'CONNOR, C.J., and PFEIFER, O'DONNELL, LANZINGER, KENNEDY, FRENCH, and O'NEILL, JJ., concur.