

STATE OF MAINE

MAINE SUPREME JUDICIAL COURT

Docket No. BAR 15-12

BOARD OF OVERSEERS OF THE BAR )

Plaintiff )

v. )

LAWRENCE C. WINGER, ESQ. )

of Portland, ME )

Me. Bar #002101 )

Defendant )

**ORDER & DECISION**

**M. Bar R. 13(g) & 25**

This disciplinary matter concerns a grievance complaint initiated by Bar Counsel in August 2014 against Defendant Lawrence C. Winger, Esq. of Portland, Maine. It is now before the Court as a result of a stipulated disciplinary petition filed by Bar Counsel and Attorney Winger's conditional admission and affidavit of consent under M. Bar R. 25.

A hearing was conducted at the Capital Judicial Center in Augusta on December 28, 2015. At the hearing the Board of Overseers was represented by Bar Counsel J. Scott Davis. Attorney Winger was present with his counsel, Neale A. Duffett, Esq.

By the parties' filings, the following facts have been stipulated and lead to a finding that those facts constitute Attorney Winger's violation of specific portions of the Maine Rules of Professional Conduct:

1. Plaintiff is the Board of Overseers of the Bar (the Board).

2. Defendant Lawrence C. Winger, Esq. (Attorney Winger) of Portland, Maine was admitted to the Maine Bar in 1979
3. At all times relevant hereto, Attorney Winger was an attorney duly admitted to and engaging in the practice of law in the State of Maine and subject to the Maine Bar Rules and to the Maine Rules of Professional Conduct.
4. Since his admission in 1979, Attorney Winger has engaged in private practice as a sole practitioner in Portland.
5. On or about August 27, 2014 Bar Counsel initiated a grievance complaint against Attorney Winger alleging that he had engaged in professional misconduct based upon alleged criminal conduct by him as set forth within relevant police reports and documents obtained by Bar Counsel from the Cumberland County District Attorney's Office.
6. Attorney Winger agrees that he had engaged in misconduct and violated specific portions of the Maine Rules of Professional Conduct for which he should be disciplined by a period of suspension from practice, with conditions, subject to the Court's approval under M. Bar R. 25(a).
7. In that regard, Attorney Winger admits that on May 20, 2015 he was convicted by his plea of guilty to Possession of Sexually Explicit Material of a Minor Under 12, in violation of T. 17-A Section 284(1)(C), being a Class C crime.

8. He was thereupon sentenced to 5 years imprisonment, with all but 90 days of that confinement suspended, with 4 years of probation. He immediately served that 90-day jail sentence.
9. Attorney Winger admits his conduct underlying that criminal conviction constituted a violation of M. R. Prof. Conduct 8.4(b)((d), being criminal conduct that reflects adversely on his honesty, trustworthiness or fitness as a lawyer in other respects, as well as being conduct that is prejudicial to the administration of justice.

### **Sanction**

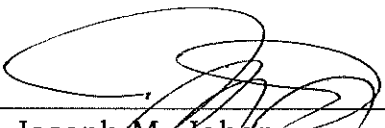
Based upon the above admitted serious professional misconduct by Attorney Winger, the Court adopts counsel's agreed proposal and imposes upon him a one year suspension from the practice of law in Maine, with all of that period being suspended except for a 90-day period of actual suspension. His suspension from practice shall be followed by a one year period of supervision of his practice by Attorney David Turesky of Portland as well as counseling by a licensed counselor approved by his probation officer. Attorney Winger shall be required to have Attorney Turesky and his counselor file written reports on a quarterly basis with Bar Counsel concerning their respective supervision and counseling of Attorney Winger.

Attorney Winger shall also completely and timely comply with the notification requirements of M. Bar R. 31, such that all clients, opposing counsel or parties, courts and other tribunals are each properly informed and

notified of his suspension from practice. In the event a grievance complaint against Attorney Winger is received by Bar Counsel after the date of this Decision and Order up and until the termination date of that suspended suspension, or any information is received or obtained by Bar Counsel that confirms Attorney Winger has failed to comply with any portion of this Decision and Order, Bar Counsel may seek permission of a Grievance Commission Panel Chair to proceed with a new disciplinary matter directly before the Court pursuant to M. Bar R. 13(d)(6), without any hearing being required to occur under M. Bar R. 13(e).

Therefore, Attorney Lawrence Winger is hereby ORDERED suspended from the practice of law commencing on January 1, 2016 through December 31, 2016, with all of that period of suspension being suspended except for 90 days, such that he shall be actually suspended from practice during the period of January 1, 2016 through March 31, 2016.

Dated: Dec 28, 2015

  
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Joseph M. Jabar  
Associate Justice  
Maine Supreme Judicial Court