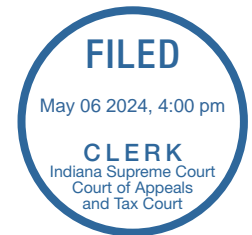


# In the Indiana Supreme Court

In the Matter of: Richard A. Jones,  
Respondent

Supreme Court Case No.  
22S-DI-406



## Published Order Approving Statement of Circumstances and Conditional Agreement for Discipline

Pursuant to Indiana Admission and Discipline Rule 23(12.1)(b), the Indiana Supreme Court Disciplinary Commission and Respondent have submitted for approval a “Statement of Circumstances and Conditional Agreement for Discipline” stipulating agreed facts and proposed discipline as summarized below.

**Stipulated Facts:** After agreeing to represent “Client” to seek a sentence modification and accepting \$5,250 in fees, Respondent filed only two motions for progress reports and did not file the sentence modification petition. Client informed Respondent that he no longer wished to be represented by Respondent and asked for a \$2,500 refund of fees. Client hired new counsel to pursue the sentence modification, new counsel appeared on Client’s behalf, and Respondent withdrew his appearance in October 2021. Respondent refused to provide Client a refund despite never filing the sentence modification petition.

Respondent belatedly issued a refund of unearned fees in March 2024, during the pendency of this disciplinary proceeding. Respondent also has prior discipline. *Matter of Jones*, 750 N.E.2d 368 (Ind. 2001), *reinst. granted*, 894 N.E.2d 541 (Ind. 2008).

**Violation:** The parties agree that Respondent violated Indiana Professional Conduct Rule 1.16 by failing to refund an unearned fee upon termination of representation.

**Discipline:** The Court, having considered the submission of the parties, now approves the following agreed discipline.

For Respondent’s professional misconduct, the Court **suspends Respondent from the practice of law for a period of 90 days, beginning June 17, 2024, with 30 days actively served and the balance stayed subject to completion of at least twelve months of probation.** The Court incorporates by reference the terms and conditions of probation set forth in the parties’ Conditional Agreement, which include:

- (1) Respondent shall commit no misconduct during his probation;
- (2) Respondent shall complete 10 hours of continuing legal education in ethics courses during his probation;
- (3) Respondent shall perform 24 hours of pro bono service during his probation; and

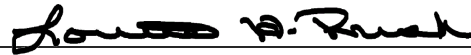
- (4) If Respondent violates the terms of his probation, the stay of his suspension may be vacated and the balance of the stayed suspension may be actively served without automatic reinstatement.

Respondent shall not undertake any new legal matters between service of this order and the effective date of the suspension, and Respondent shall fulfill all the duties of a suspended attorney under Admission and Discipline Rule 23(26). Notwithstanding the expiration of the minimum term of probation set forth above, Respondent's probation shall remain in effect until it is terminated pursuant to a petition to terminate probation filed under Admission and Discipline Rule 23(16).

The costs of this proceeding are assessed against Respondent. Pursuant to the parties' stipulation, the Court hereby orders Respondent to pay \$1160.98 by check made payable and transmitted to the Clerk of the Indiana Supreme Court. Upon receipt, the Clerk is directed to disburse those funds as follows: (1) \$910.98, payable to the Commission as reimbursement for investigative expenses incurred; and (2) \$250.00, payable to the Clerk for court costs. The expenses of the hearing officer are not encompassed within the stipulation and may be submitted separately.

With the acceptance of this agreement, the hearing officer appointed in this case is discharged with the Court's appreciation.

Done at Indianapolis, Indiana, on 5/6/2024.



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Loretta H. Rush  
Chief Justice of Indiana

All Justices concur.