

In the
Indiana Supreme Court



In the Matter of:) Supreme Court Case No.
Ragen H. HATCHER,) 45S00-1305-DI-375
Respondent.)

PUBLISHED ORDER APPROVING STATEMENT OF CIRCUMSTANCES
AND CONDITIONAL AGREEMENT FOR DISCIPLINE

Pursuant to Indiana Admission and Discipline Rule 23(11), 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: Following E.G.’s death, “Attorney” was retained by F.G., the personal representative of E.G.’s estate, to handle the supervised estate. Believing E.G. might still be owed wages, Attorney later filed suit on the estate’s behalf against E.G.’s former employer to recover proof of E.G.’s wages or deferment. Respondent appeared in the wage suit on the former employer’s behalf.

Soon thereafter, F.G. began demanding dismissal of the wage suit, and Attorney gave F.G. ten days’ notice that she intended to withdraw her appearance on behalf of the estate. Before Attorney withdrew, F.G. approached Respondent and engaged in discussions about the supervised estate and the wage suit. F.G. told Respondent that Attorney was no longer representing him, but Respondent failed to independently confirm this. After Attorney withdrew, Respondent appeared on the estate’s behalf in the supervised estate. At this point, Respondent was representing both the estate and E.G.’s former employer, who were direct adversaries in the same related litigation.

The parties cite no facts in aggravation. The parties cite the following facts in mitigation: (1) Respondent has no prior discipline; (2) Respondent was cooperative with the disciplinary investigation and proceedings; (3) Respondent recognizes her error and accepts responsibility for her misconduct; and (4) no harm was suffered by any party, nor did Respondent gain an advantage by her misconduct.

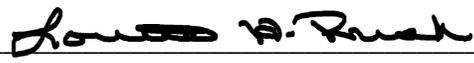
Violations: The parties agree that Respondent violated these Indiana Professional Conduct Rules prohibiting the following misconduct:

- 1.7: Representing a client when the representation is directly adverse to another client.
- 4.2: Improperly communicating with a person the lawyer knows to be represented by another lawyer in the matter.

Discipline: The parties propose the appropriate discipline is a public reprimand. This discipline is within the range imposed in other cases involving similar misconduct. *See Matter of Capper*, 757 N.E.2d 138 (Ind. 2001). The Court, having considered the submissions of the parties, now approves the agreed discipline and imposes **a public reprimand** for Respondent's misconduct.

The costs of this proceeding are assessed against Respondent. With the acceptance of this agreement, the hearing officer appointed in this case is discharged.

Done at Indianapolis, Indiana, on 6/8/2015.



Loretta H. Rush
Chief Justice of Indiana

All Justices concur.