

In the  
Indiana Supreme Court



In the Matter of: ) Supreme Court Cause No.  
Joshua R. PAYTON, ) 71S00-1311-DI-772  
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:** Based on a single episode of driving that began in Michigan and ended in Indiana, Respondent was convicted in Indiana of Operating a Motor Vehicle with Alcohol Concentration of 0.15 or more, a class A misdemeanor, and Respondent timely reported this conviction to the Commission. Respondent also was convicted in Michigan of Fleeing or Eluding a Police Officer in the Fourth Degree, and Respondent reported this conviction to the Commission.

Respondent is under an existing order of interim suspension, effective January 23, 2014, arising from this same conduct and issued under Cause No. 71S00-1311-DI-771. Ind. Admission and Discipline Rule 23(11.1)(a). Respondent is also under suspension for continuing legal education ("CLE") noncompliance effective July 3, 2014.

The parties do not cite any facts in aggravation. The parties cite the following facts in mitigation: (1) Respondent's lack of prior discipline; (2) Respondent fully cooperated with the Commission, including timely reporting his conviction to the Commission; (3) prior to a period of incarceration served in Michigan, Respondent participated in an alcohol group counseling program; and (4) following his incarceration, Respondent has been attending Alcoholics Anonymous meetings at least twice per week and appears to have abstained from any alcohol consumption since the time of his arrest in this incident.

**Violation:** The parties agree that Respondent violated Indiana Professional Conduct Rule 8.4(b), which prohibits committing a criminal act that reflects adversely on Respondent's trustworthiness or fitness as a lawyer.

**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 180 days, all actively served, beginning on the date of this order or the date Respondent's current CLE noncompliance suspension is ended, whichever is later.** Respondent also shall be placed on probation for one year with JLAP monitoring. The Court incorporates by reference the terms and conditions of probation set forth in the parties' Conditional Agreement, which include:

- (1) Respondent shall refrain from alcohol and all mind-altering substances except as prescribed.
- (2) Respondent shall have no violations of the Rules of Professional Conduct during his probation.
- (3) Respondent shall promptly report to the Commission any violation of the terms of Respondent's probation and any arrests or criminal charges for violating any law regarding alcohol or substance abuse.
- (4) Respondent shall be responsible for any other costs arising from his probation.
- (5) If Respondent violates the terms of his probation, his suspension shall be served without automatic reinstatement.

**Respondent's probation shall commence on the date of this order or the date that Respondent's CLE noncompliance suspension is lifted, whichever date is later.** 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(17.1).

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 January 21, 2015.

/s/ Loretta H. Rush  
Chief Justice of Indiana

All Justices concur.