

In the  
Indiana Supreme Court

CAUSE NUMBER: 94S00-1003-MS-128



ORDER AMENDING INDIANA RULES FOR ADMISSION TO THE BAR  
AND THE DISCIPLINE OF ATTORNEYS

Under the authority vested in this Court pursuant to Article 7, Section 4 of the Indiana Constitution providing for the admission and discipline of attorneys in this state, Admission and Discipline Rule 28, Sections 2, 3, 4, 6, and 7 are amended to read as follows (deletions shown by ~~striking~~ and new text shown by underlining):

...

**Rule 28. Mandatory Continuing Judicial Education**

...

**SECTION 2. DEFINITIONS.**

As used in this Rule:

...

(1) Non-attorney Judge shall mean a person who has been elected or appointed to serve as the judge of a city or town court and who is not required by statute to be a licensed attorney to hold the office of city or town court judge.

...

**SECTION 3. EDUCATION REQUIREMENTS.**

...

(j) For an attorney newly admitted to the bar, at least six (6) hours of the educational requirements of Sections (a) or (b) above shall be satisfied by attending an applied professionalism program that has been accredited by the Commission.

...

**SECTION 4. POWERS AND DUTIES OF THE INDIANA COMMISSION FOR CONTINUING LEGAL EDUCATION AND EXECUTIVE DIRECTOR.**

The powers and duties of the Indiana Commission for Continuing Legal Education [and its](#) Executive Director under this Rule shall be the same as under Sections [6](#) [and 7](#) of Rule 29.

...

**SECTION 6. ANNUAL REPORTING TO JUDGES.**

...

(b) If the statement incorrectly reflects that the ~~Attorney or~~ Judge has completed the minimum hours for the year or the Educational Period, then it shall be the duty of the ~~Attorney or~~ Judge to notify the Commission and to complete the educational requirements mandated by this Rule.

...

**SECTION 7. SANCTIONS AND REINSTATEMENTS.**

(a) *Sanctions.* On January 1, a one-hundred fifty dollar (\$150.00) late fee accrues against each Judge who has not met his/her yearly or Educational Period requirements for the period ending December 31st of the previous year. On February 1 of each year the Commission shall mail [or electronically transmit](#) a notice assessing a one-hundred fifty dollar (\$150.00) late fee to those Judges who are shown as not having completed the yearly or Educational Period requirements. The Commission will consider the Judge delinquent for Continuing Judicial Education (CJE) until both certification of attendance at an approved program and payment of the late fee are received. Late fees and surcharges are to be deposited by the Commission immediately upon receipt. If the delinquent Judge has not fulfilled the yearly or ~~e~~Educational ~~p~~Period requirements at the time the Court issues an order suspending that Judge from office and the practice of law, the delinquency fee is forfeited. If the Judge is reinstated to the office and the practice of law pursuant to the provisions of ~~Admission and Discipline Rule 28(7)~~ [this Section](#) within one year of suspension, any forfeited late fee shall be credited toward the reinstatement fee. A one hundred dollar (\$100.00) surcharge will be added to the late fee for each consecutive year for which a Judge fails to timely comply with CJE requirements.

On May 1 of each year, a list of those Judges still failing to complete the yearly or

Educational Period requirements will be submitted to the Supreme Court for immediate suspension from ~~the~~ practice of law and suspension from the office of judge. These Judges will suffer the suspension of their license to practice law and suspension from the office of judge and all related penalties until they are reinstated.

(b) *Reinstatement Procedures.* A Judge suspended shall be automatically reinstated upon petition to the Commission and payment of a two hundred dollar (\$200.00) reinstatement fee in addition to any applicable surcharge. The petition must demonstrate the petitioner's compliance according to the following reinstatement schedule:

(1) for a suspension of one (1) year or less the petitioner must, between the date of suspension and the date of the petition for reinstatement:

(i) complete the hours required to satisfy the deficiency which resulted in the suspension; and

(ii) complete six (6) additional hours of Approved Courses in a separate course or courses;

(2) for a suspension of more than one (1) year a petitioner must, between the date of suspension and the date of the petition for reinstatement:

(i) complete the hours required to satisfy the deficiency which resulted in the suspension;

(ii) complete thirty-six (36) hours of Approved Courses, twelve (12) hours of which must have been completed within the last twelve (12) month period prior to the date of the petition; and

(iii) begin a new Educational Period as of January 1st of the year of reinstatement pursuant to Section 3(a) of this Rule.

The Commission shall issue a statement reflecting reinstatement which shall also be sent to the Clerk to show on the Roll of Attorneys that the Judge is in good standing. A Judge suspended by the Supreme Court who continues to hold office or practice law shall be subject to ~~the~~ sanctions by the Supreme Court.

Extensions to provide course attendance certifications for courses which were timely taken may be granted for good cause shown; extensions of time to complete educational requirements are not permitted except under Section 5 of this Rule. Providing or procuring of false certifications of attendance at educational courses shall be subject to appropriate

discipline under the Admission and Discipline Rules.

...

These amendments shall take effect January 1, 2011.

The Clerk of this Court is directed to forward a copy of this Order to the clerk of each circuit court in the state of Indiana; Attorney General of Indiana; Legislative Services Agency and its Office of Code Revision; Administrator, Indiana Supreme Court; Administrator, Indiana Court of Appeals; Administrator, Indiana Tax Court; Public Defender of Indiana; Prosecuting Attorney's Council; Public Defender's Council; Indiana Supreme Court Disciplinary Commission; Indiana Supreme Court Commission for Continuing Legal Education; Indiana Board of Law Examiners; Indiana Judicial Center; Division of State Court Administration; Indiana Judges and Lawyers Assistance Program; the libraries of all law schools in this state; the Michie Company; and Thomson Reuters. The Clerk is also directed to post this Order to the Court's website.

Thomson Reuters is directed to publish this Order in the advance sheets of this Court.

The Clerks of the Circuit Courts are directed to bring this Order to the attention of all judges within their respective counties and to post this Order for examination by the Bar and general public.

DONE at Indianapolis, Indiana, this 21<sup>st</sup> day of September, 2010.

/s/Randall T. Shepard  
Randall T. Shepard  
Chief Justice of Indiana

All Justices concur.