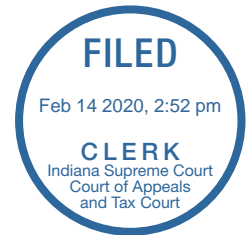


In the Indiana Supreme Court

In the Matter of: Scott A. Adams,
Respondent

Supreme Court Case No.
19S-DI-144



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: Count 1. Respondent was hired by “Client 1” to obtain a guardianship over Client 1’s three grandchildren. Respondent prepared petitions for appointment of a guardian but never filed them. Respondent erroneously told Client 1 that the petitions had been filed, and thereafter did not respond to Client 1’s numerous requests for information. Respondent eventually refunded all attorney fees paid by Client 1.

Count 2. Respondent owns a business account and an IOLTA trust account. From 2011 until 2019, Respondent annually certified his business account as an IOLTA account. In February 2019, Respondent certified his IOLTA account with the Clerk and closed the certification for the business account.

Count 3. Respondent was hired by “Client 3” to represent her in a probation violation matter, accepted a \$1,000 retainer, and thereafter did no work on the case and did not respond to Client 3’s attempts to reach him. Respondent did not refund the \$1,000 fee to Client 3 until after she filed a grievance with the Commission.

Count 4. “Client 4” hired an Illinois law firm to represent him in a post-dissolution matter in Marion County and hired Respondent to serve as local counsel. Respondent was given a \$3,500 payment to serve as local counsel. Shortly thereafter Client 4 terminated the services of the Illinois firm, and Respondent was advised his services were no longer needed. Illinois counsel unsuccessfully tried for several months to obtain a refund of the \$3,500 for Client 4, which Respondent did not provide until after Client 4 filed a grievance with the Commission.

Count 5. “Client 5” hired Respondent to represent him in various expungement matters and paid Respondent a \$2,000 retainer. Respondent filed expungement petitions in Hamilton and Marion Counties in April 2019. The Hamilton County Prosecutor filed an objection arguing the petition was statutorily noncompliant, and the court scheduled a hearing. Respondent did not advise Client 5 of the hearing, neither Respondent nor Client 5 appeared at

the hearing, and the expungement petition was denied as a result. Client 5 was unable to contact Respondent for several months and eventually hired successor counsel, who amended the Hamilton and Marion County petitions and succeeded in obtaining expungements for Client 5 in those counties. Respondent was successful in obtaining an expungement for Client 5 in a third county, and he reimbursed Client 5 for the successor counsel fees in the Hamilton and Marion County cases.

The parties cite Respondent's pattern of misconduct and substantial experience in the practice of law as facts in aggravation. In mitigation the parties cite Respondent's lack of prior discipline, his cooperation with the disciplinary process, and his engagement with JLAP to address factors contributing to his misconduct.

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

1.3: Failing to act with reasonable diligence and promptness.

1.4(a)(3): Failing to keep a client reasonably informed about the status of a matter.

1.4(a)(4): Failing to comply promptly with a client's reasonable requests for information.

1.15(g): Failing to certify that all client funds which are nominal in amount or to be held for a short period of time are held in an IOLTA account.

1.16(d): Failing to refund unearned fees after termination of representation.

The parties further agree that Respondent's failure to properly certify his IOLTA account with the Clerk also violated Admission and Discipline Rule 2(f).

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, beginning March 26, 2020, with 60 days actively served and the remainder stayed subject to completion of at least two years of probation 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 have no violations of the criminal law, Rules of Professional Conduct, or Admission and Discipline Rules during his probation.

(2) Respondent shall promptly report to the Commission any violation of the terms of Respondent's probation.

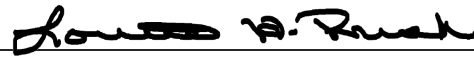
(3) If Respondent violates the terms of his probation, the stay of his suspension may be vacated and the balance of the stayed suspension may be actively served without automatic reinstatement.

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 the following expenses in separate checks to be transmitted to the Commission: (1) \$76.36, payable to the Commission for investigative expenses; and (2) \$250.00, payable to the Clerk for court costs. The expenses of the hearing officer will be separately submitted.

With the acceptance of this agreement, the hearing officer appointed in this case is discharged.

Done at Indianapolis, Indiana, on 2/14/2020.



Loretta H. Rush
Chief Justice of Indiana

All Justices concur.