

In the Indiana Supreme Court

In the Matter of: Joseph F. Thoms,
Respondent

Supreme Court Case No.
20S-DI-21



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: Respondent, while representing “Client” in a civil matter, sent Client a series of sexually explicit text messages evincing Respondent’s desire to engage in sexual acts with Client. Respondent and Client were not involved in a personal relationship prior to the representation.

Respondent has no prior discipline, has cooperated with disciplinary proceedings, and has engaged with the Judges and Lawyers Assistance Program (JLAP) to address factors contributing to his misconduct.

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

1.7(a)(2): Representing a client when the representation may be materially limited by the attorney’s own self-interest.

1.16(a)(1): Failure to withdraw from representation when the representation will result in violation of the Rules of Professional Conduct or other law.

8.4(a): Attempting to violate the Rules of Professional Conduct; specifically, by attempting to engage in an improper sexual relationship with a client.

Discipline: The parties propose the appropriate discipline is a 30-day suspension with automatic reinstatement, and further agree that Respondent shall continue his ongoing treatment program with JLAP for a period of one year after the completion of Respondent’s active suspension. The Court, having considered the submissions of the parties, now approves the agreed discipline.

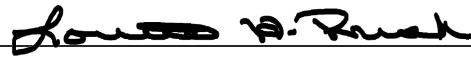
For Respondent’s professional misconduct, the Court **suspends Respondent from the practice of law for a period of 30 days, beginning June 1, 2021.** Respondent shall not undertake any new legal matters between service of this order and the effective date of the suspension, and Respondent shall fulfill all the duties of a suspended attorney under Admission

and Discipline Rule 23(26). At the conclusion of the period of suspension, provided there are no other suspensions then in effect, Respondent shall be automatically reinstated to the practice of law, subject to the conditions of Admission and Discipline Rule 23(18)(a). Pursuant to the parties' agreement, Respondent is ordered to continue his treatment program with JLAP for a period of one year following the conclusion of his active suspension.

The costs of this proceeding are assessed against Respondent. Pursuant to the parties' stipulation, the Court hereby orders Respondent to pay \$264.55 by check made payable to the Clerk of the Indiana Supreme Court and transmitted to the Roll of Attorneys Administrator in the Office of the Clerk of the Indiana Supreme Court. Upon receipt, the Clerk is directed to disburse those funds as follows: (1) \$14.55, payable to the Commission as reimbursement for investigative expenses incurred; and (2) \$250.00, payable to the Clerk for court costs.

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 4/29/2021.



Loretta H. Rush
Chief Justice of Indiana

All Justices concur.