

In the Indiana Supreme Court

In the Matter of: Patricia L. Rios,
Respondent

Supreme Court Case No.
20S-DI-312



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 agreed to represent “Clients” in an immigration matter. After Clients paid Respondent \$1,035 (a \$535 filing fee and \$500 to perform the work) in early 2018, Clients heard nothing from Respondent and were unable to contact her. Meanwhile, Respondent did nothing to advance the matter.

Having heard nothing from Respondent for over one year, in April 2019 Clients hired a different attorney (“Lawlis”) to represent them, and Lawlis wrote to Respondent to request Clients’ file. Instead, Respondent filed two immigration forms on Clients’ behalf with the United States Customs and Immigration Service (“USCIS”). The USCIS in turn sent another form back to Respondent that listed an incorrect birthdate for one Client and asked Respondent to notify USCIS if any information was incorrect. Respondent did not correct the form and did not notify Clients of the filing with USCIS.

Later in April, Clients sent another letter to Respondent expressly firing her and demanding she withdraw her appearance before the USCIS. Respondent did not withdraw, and she was unresponsive to Clients and Lawlis. Respondent also did not adequately supervise or communicate with her office staff who were fielding inquiries from Clients and Lawlis.

Lawlis eventually managed to obtain Clients’ file from Respondent’s office and learned that the documents Respondent had submitted to USCIS were both incomplete and inaccurate. Lawlis attempted to withdraw the forms Respondent had filed with USCIS and refile the corrected forms without paying a second filing fee. However, USCIS ultimately required Clients to pay a second filing fee before the corrected forms could be filed.

Several months later, Respondent finally withdrew her appearance before the USCIS.

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

- 1.1: Failing to provide competent representation.
- 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.
- 1.16(a)(3): Failing to withdraw from representation after being discharged.
- 5.3(b): Failure to make reasonable efforts to ensure that the conduct of a nonlawyer employee over whom the lawyer has direct supervisory authority is compatible with the professional obligations of the lawyer.
- 8.4(c): Engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation.

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 90 days, beginning June 1, 2021, with 30 days actively served and the remainder stayed subject to completion of at least 545 days of probation.** The Court incorporates by reference the terms and conditions of probation set forth in the parties' Conditional Agreement, which include:

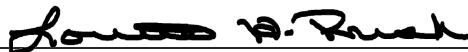
- (1) Respondent shall have no violations of the Rules of Professional Conduct during her probation.
- (2) Respondent shall complete twelve (12) hours of continuing legal education dealing with solo or small firm practice management during her probation.
- (3) If Respondent violates the terms of her probation, the stay of her suspension will be vacated and the balance of her stayed suspension will 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 \$270.95 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) \$20.95, payable to the Commission as reimbursement for investigative expenses incurred; and (2) \$250.00, payable to the Clerk for court costs. The expenses of the hearing officer will be submitted separately.

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 4/19/2021.

A handwritten signature in black ink, appearing to read "Loretta H. Rush", is written over a horizontal line.

Loretta H. Rush
Chief Justice of Indiana

All Justices concur.