

In the Indiana Supreme Court

In the Matter of: Merrill Moores,
Respondent

Supreme Court Case No.
20S-DI-584



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 handles legal matters related to real estate and also holds a real estate broker license. Two overdrafts from Respondent’s attorney trust account in 2019 prompted an investigation by the Commission, which ultimately revealed trust account mismanagement and inadequate recordkeeping.

Respondent has taken several remedial steps, including retaining a certified public accountant to assist him with trust account management and establishing a second trust account to segregate funds belonging to his legal clients from funds belonging to his real estate clients.

Violations: The parties agree that Respondent violated these rules prohibiting the following misconduct:

Ind. Professional Conduct Rule 1.15(a): Commingling client and attorney funds and failing to maintain and preserve complete records of client trust account funds.

Ind. Admission and Discipline Rules:

23(29)(a)(1): Failing to keep an accurate and complete deposit and disbursement journal containing a record of deposits to and withdrawals from an attorney trust account.

23(29)(a)(2): Failing to keep sufficiently detailed client ledgers.

23(29)(a)(3): Failing to keep an accurate ledger detailing the nominal amount of attorney funds held in a trust account.

23(29)(a)(7): Failing to keep periodic reconciliation reports for a trust account.

23(29)(c)(7): Failing to reconcile internal trust account records with periodic bank account statements.

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 30 days, beginning on the date of this order, all stayed subject**

to completion of at least 12 months of probation. The Court incorporates by reference the terms and conditions of probation set forth in the parties' Conditional Agreement, which include:

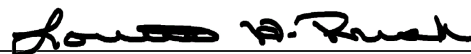
- (1) At Respondent's expense, Respondent's probation shall include trust account monitoring by a CPA who is acceptable to the Commission and who shall report quarterly to the Commission.
- (2) Respondent shall report to the Commission, in writing and within 14 days, of any failure to comply with the terms of his 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.

Notwithstanding the expiration of the 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 \$622.50 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) \$35.00, payable to the Commission as reimbursement for investigative expenses incurred; (2) \$250.00, payable to the Clerk for court costs; and (3) \$337.50, payable to the Indiana Supreme Court as reimbursement for hearing officer expenses incurred.

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 3/18/2021.



Loretta H. Rush
Chief Justice of Indiana

All Justices concur.