

# In the Indiana Supreme Court

In the Matter of: Jeffrey D. McClarnon,  
Respondent

Supreme Court Case No.  
20S-DI-698



## 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 represented a child’s “Paternal Grandmother” following the father’s death. Respondent initiated a guardianship action by filing a petition for guardianship, naming and serving “Mother” as an interested party. On December 2, 2019, Respondent filed on Paternal Grandmother’s behalf a petition for emergency custody in the guardianship action. Mother’s counsel objected, and the guardianship court issued an order on December 4 denying the petition for emergency custody.

Meanwhile, on December 3, 2019, Respondent also filed a “Verified Petition for Emergency Ex Parte Custody of Minor Child” in a separate, pre-existing paternity case involving the same child. This petition did not contain a certificate of service or comply with the notice requirements of Trial Rule 65(B). A hearing on this petition was held on December 5 in the paternity case, and neither Mother nor her counsel were present. The paternity court granted this emergency petition on December 6. Mother’s counsel subsequently obtained a change of judge in the paternity case and filed a motion to correct error, which was heard by the successor judge in early 2020. Following that hearing successor counsel appeared for Paternal Grandmother and Respondent’s appearance was ordered withdrawn.

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

3.5(b): Engaging in an improper ex parte communication with a judge.

8.4(d): Engaging in conduct prejudicial to the administration of justice.

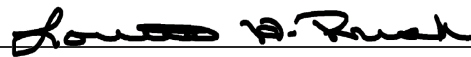
8.4(f): Assisting a judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law.

**Discipline:** The parties propose the appropriate discipline is a public reprimand. The Court, having considered the submissions of the parties, now approves the agreed discipline and imposes a **public reprimand** for Respondent’s misconduct.

The costs of this proceeding are assessed against Respondent. Pursuant to the parties' stipulation, the Court hereby orders Respondent to pay \$270.85 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) \$20.85, 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.



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Loretta H. Rush  
Chief Justice of Indiana

All Justices concur.