

In the Indiana Supreme Court

In the Matter of: James J. Hutton,
Respondent

Supreme Court Case No.
21S-DI-341



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: In April 2021, pursuant to a guilty plea, Respondent was convicted of a felony count of operating a vehicle while intoxicated (“OWI”). Respondent has a prior misdemeanor conviction for OWI. Respondent has no prior discipline and has taken several steps to address underlying factors contributing to his misconduct, including among other things entering into a voluntary monitoring agreement with the Judges and Lawyers Assistance Program (JLAP).

Violation: The parties agree that Respondent violated Indiana Professional Conduct Rule 8.4(b), which prohibits committing a criminal act that reflects adversely on Respondent’s trustworthiness or fitness as a lawyer.

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 November 3, 2021, with 30 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 among other things:

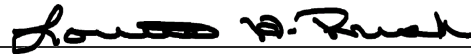
- (1) Respondent shall refrain from alcohol and all mind-altering substances except as prescribed.
- (2) Respondent shall complete twelve (12) weeks of anger management counseling.
- (3) Respondent shall have no violations of the Rules of Professional Conduct during his probation.
- (4) Any violation of the terms of Respondent’s probation shall promptly be reported in writing to the Commission, and (if relevant to the violation) the report shall include the results of any drug or alcohol test.

(5) 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.

Done at Indianapolis, Indiana, on 9/22/2021.



Loretta H. Rush
Chief Justice of Indiana

All Justices concur.