

In the Indiana Supreme Court

In the Matter of: Gene A. Wheeler,
Respondent

Supreme Court Case No.
21S-DI-81



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: As a result of three different acts of operating a vehicle while intoxicated (“OWI”) committed over the span of several months in 2020, Respondent was convicted of three level 6 felony counts of OWI pursuant to a global guilty plea in January 2021. Respondent has a prior OWI conviction in 2019, as well as an OWI conviction in 1988 that predates his bar admission.

Respondent has been under an order of interim suspension in this matter since March 18, 2021.

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 180 days, beginning on the date of this order, with 120 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:

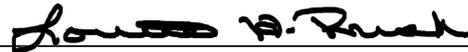
- (1) If Respondent violates the terms of his probation or JLAP monitoring agreement during his 120-day active suspension, the active suspension will be served without automatic reinstatement.
- (2) If Respondent violates the terms of his probation or JLAP monitoring agreement after he has been automatically reinstated following his active suspension, his 60 days of stayed suspension will be converted to a 60-day active suspension without automatic reinstatement.

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 \$263.80 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) \$13.80, 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 10/22/2021.



Loretta H. Rush
Chief Justice of Indiana

All Justices concur.