

In the Indiana Supreme Court

In the Matter of: Daniel J. Hancock,
Respondent

Supreme Court Case No.
22S-DI-133



Published Order Finding Misconduct and Imposing Discipline

Upon review of the report of the hearing officer, the Honorable Leslie C. Shively, who was appointed by this Court to hear evidence on the Indiana Supreme Court Disciplinary Commission's "Disciplinary Complaint," the Court finds that Respondent engaged in professional misconduct and imposes discipline on Respondent.

Facts: The Commission filed its complaint against Respondent on April 27, 2022. Respondent did not file an answer. Accordingly, the Commission filed a "Motion for Judgment on the Complaint," the hearing officer took the facts alleged in the complaint as true, and the matter was tried on sanction alone.

Respondent was hired to represent "Defendant" on a pending misdemeanor charge and was paid a \$1,000 retainer by Defendant's "Girlfriend." Respondent did not enter his appearance in the case or appear at a scheduled hearing in March 2021. The morning of the hearing, Respondent texted Girlfriend and advised her to request a continuance from the trial court.

The hearing was reset for a date in April. Respondent did not respond to communications from Girlfriend and Defendant leading up to the hearing, nor did he respond to texts sent during the hearing after he again failed to appear. Defendant fired Respondent after the hearing, and thereafter Respondent failed to respond to multiple demands from Defendant and Girlfriend for a refund. Girlfriend sued Respondent in small claims court and was awarded a default judgment, which Respondent has not paid.

Violations: The Court finds that Respondent violated these Indiana Professional Conduct Rules prohibiting the following misconduct:

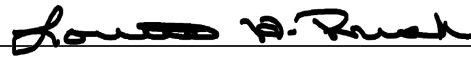
- 1.3: Failing to act with reasonable diligence and promptness.
- 1.4(a)(4): Failing to comply promptly with a client's reasonable requests for information.
- 1.4(b): Failing to explain a matter to the extent reasonably necessary to permit a client to make informed decisions.
- 1.16(d): Failing to refund an unearned fee upon termination of representation.

Discipline: For Respondent's professional misconduct, the Court **suspends Respondent from the practice of law in this state for a period of not less than 60 days, without automatic**

reinstatement, beginning April 6, 2023. 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). At the conclusion of the minimum period of suspension, Respondent may petition this Court for reinstatement to the practice of law in this state, provided Respondent pays the costs of this proceeding, fulfills the duties of a suspended attorney, and satisfies the requirements for reinstatement of Admission and Discipline Rule 23(18). Reinstatement is discretionary and requires clear and convincing evidence of the attorney's remorse, rehabilitation, and fitness to practice law. *See* Admis. Disc. R. 23(18)(b). Further, any petition for reinstatement filed pursuant to Rule 23(18)(b) shall be accompanied by proof that a full refund has been made and shall be subject to summary dismissal if such proof is lacking.

The costs of this proceeding are assessed against Respondent. The hearing officer appointed in this case is discharged with the Court's appreciation.

Done at Indianapolis, Indiana, on 2/23/2023.



Loretta H. Rush
Chief Justice of Indiana

All Justices concur.