

In the Indiana Supreme Court

In the Matter of: Susan M. Bryan-Wieczorek,
Respondent

Supreme Court Case No.
22S-DI-246



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 February 2020 Respondent agreed to represent “Client” to complete a bankruptcy matter, for a flat fee of \$1,000 plus a \$338 filing fee. Client initially paid at least \$650 toward that fee and, early in the representation, offered to pay the balance (a communication to which Respondent never responded). Over the next 14 months, Respondent never filed a bankruptcy petition, yet repeatedly misled Client into believing she had. During this time Client had a small claims judgment entered against her and had interest accruing on debts owed. Respondent made numerous false representations in communications with Client.

During the Commission’s investigation, Respondent produced several letters purportedly sent to Client alluding to Client’s non-payment of the outstanding fee balance. Client never received these purported letters, the substance of which is inconsistent with the written communications that Client did receive. In one of the purported letters, Respondent claimed to have terminated the representation in April 2021 for unpaid fees.

Respondent never refunded unearned fees to Client or returned Client’s documents to her.

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

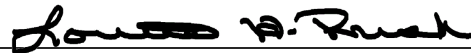
- 1.3: Failing to act with reasonable diligence and promptness.
- 1.4(a)(3): Failing to keep a client reasonably informed about the status of a matter.
- 1.4(a)(4): Failing to comply promptly with a client’s reasonable requests for information.
- 1.4(b): Failing to explain a matter to the extent reasonably necessary to permit a client to make informed decisions.
- 1.16(d): After the termination of representation, failing to refund an unearned fee and failing to return to a client case file materials to which the client is entitled.
- 8.4(c): Engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation.

Discipline: The parties propose the appropriate discipline is a 180-day suspension without automatic reinstatement. The Court, having considered the submissions of the parties, now approves the agreed 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 180 days, without automatic reinstatement, beginning June 15, 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).

The costs of this proceeding are assessed against Respondent. 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 5/5/2023.



Loretta H. Rush
Chief Justice of Indiana

All Justices concur.