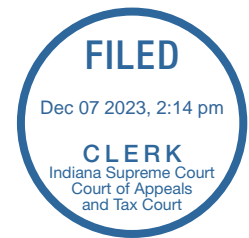


In the Indiana Supreme Court

In the Matter of: Justin B. McGiffen,
Respondent

Supreme Court Case No.
22S-DI-303



Published Order Finding Misconduct and Imposing Discipline

Upon review of the report of the hearing officer, the Honorable John M. Plummer III, 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: During a traffic stop for speeding and suspected OWI, Respondent displayed a gold badge. At the jail, Respondent attempted unsuccessfully to prevent jail staff from confiscating his badge. Once confiscated, the badge was identified as a Vanderburgh County Prosecutor's Office (VCPO) badge. Respondent previously worked at VCPO but was not employed by VCPO at the time of the stop. Respondent's blood alcohol content was measured at just under 0.08. Respondent eventually pled guilty to impersonation of a public servant (a level 6 felony) and reckless driving (a class C misdemeanor).

Respondent has been under an order of interim suspension since October 12, 2022, as a result of his conviction. *Matter of McGiffen*, 195 N.E.3d 385 (Ind. 2022).

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

8.4(b): Committing a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer.

8.4(c): Engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation.

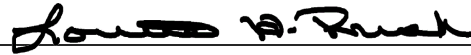
Discipline: The hearing officer recommended a suspension of at least sixty (60) days with automatic reinstatement, and neither party has filed a petition for review or a brief on sanction. The hearing officer's recommendation finds support in *Matter of Oberst*, 84 N.E.3d 626 (Ind. 2017), in which we approved an agreed 60-day suspension with automatic reinstatement for similar misconduct. Further, Respondent already has served a lengthy period of interim suspension during the pendency of this matter. For these reasons, we agree with and adopt the hearing officer's recommendation.

For Respondent's professional misconduct, the Court **suspends Respondent from the practice of law for a period of 60 days, beginning on the date of this order.** At the conclusion of the period of suspension, provided there are no other suspensions then in effect, Respondent

shall be automatically reinstated to the practice of law, subject to the conditions of Admission and Discipline Rule 23(18)(a).

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 12/7/2023.



Loretta H. Rush
Chief Justice of Indiana

All Justices concur.