

# In the Indiana Supreme Court

In the Matter of: Shane Ryan O'Donnell,  
Respondent

Supreme Court Case No.  
22S-DI-304



## 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:** “Client” retained Respondent for representation in a personal injury case, and Respondent filed suit against “Defendants” in December 2016. Throughout 2017 and early 2018, Respondent did not respond or fully respond to Defendants’ discovery requests or disclosure of expert witnesses. He did not attend scheduled hearings on October 20, 2017, and December 20, 2017. On the morning of a hearing scheduled for March 22, 2018, Respondent filed a motion to vacate the hearing. Before the court issued a ruling, Respondent’s staff falsely communicated to Defendants’ counsel that the motion was granted. When no parties appeared, the hearing was reset for April 23, and after Respondent again failed to appear, the court dismissed Client’s complaint with prejudice.

During the representation Client tried to contact Respondent numerous times without success, and Client was not informed of any of the events described above. Client learned his suit had been dismissed in October 2018 as he was attempting to find a new lawyer.

**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): Failing to keep a client reasonably informed about the status of a matter and respond promptly to 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(a)(2): Failing to withdraw from representation when the lawyer’s physical or mental condition materially impairs the lawyer’s ability to represent the client.
- 3.2: Failing to expedite litigation consistent with the interests of a client.
- 3.4(d): Failing to make a reasonably diligent effort to comply with a proper discovery request.

4.1(a): Knowingly making a false statement of material fact to a third person in the course of representing a client.

5.3(b): Failing to make reasonable efforts to ensure that the conduct of a nonlawyer employee over whom the lawyer has direct supervisory authority is compatible with the professional obligations of the lawyer.

8.4(d): Engaging in conduct prejudicial to the administration of justice.

**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 60 days, beginning March 23, 2023, with 30 days actively served and the remainder stayed subject to completion of at least two years of probation with monitoring by the Indiana Judges and Lawyers Assistance Program (JLAP).** The Court incorporates by reference the terms and conditions of probation set forth in the parties' Conditional Agreement, which include among other things:

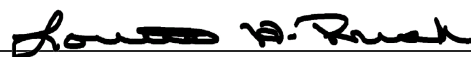
- (1) Respondent shall comply with treatment as determined and monitored by JLAP.
- (2) Respondent shall commit no violation of the law of the State of Indiana or any other jurisdiction during probation.
- (3) Respondent shall commit no violation of the Indiana Rules of Professional Conduct or any other jurisdiction during probation.
- (4) Respondent shall promptly report in writing to the Disciplinary Commission any failure to comply with the terms of Respondent's probation, including any arrest or violation of the professional conduct rules.

If Respondent violates the terms of probation, the stayed portion 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. 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 2/9/2023.



Loretta H. Rush  
Chief Justice of Indiana

All Justices concur.