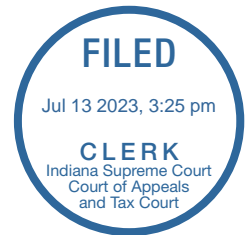


In the Indiana Supreme Court

In the Matter of: Aftin R. Brown,
Respondent

Supreme Court Case No.
23S-DI-154



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: Respondent overdrew her attorney trust account in January 2022, prompting an investigation by the Commission. The investigation ultimately revealed Respondent had mismanaged her trust account by failing to keep adequate records, commingling client and attorney funds, and making improper disbursements. Due to her inadequate recordkeeping, Respondent withdrew earned fees from the trust account based solely upon her estimates of the amount of work completed, and not upon actual records.

At multiple junctures during the investigation, Respondent failed to respond timely or completely to the Commission’s demands for information and a subpoena duces tecum, prompting the initiation of show cause proceedings and the imposition of a noncooperation suspension.

Violations: The parties agree that Respondent violated these rules prohibiting the following misconduct:

Ind. Professional Conduct Rules:

- 1.15: Commingling client and attorney funds and failing to maintain and preserve complete records of client trust account funds.
- 8.1(b): Failing to respond in a timely manner or to respond fully to the Commission’s demands for information.

Ind. Admission and Discipline Rules:

- 23(29)(a)(1): Failing to keep a deposit and disbursement journal containing a record of deposits to and withdrawals from an attorney trust account.
- 23(29)(a)(2): Failing to keep accurate client ledgers.
- 23(29)(a)(3): Failing to keep an accurate ledger detailing the nominal amount of attorney funds held in a trust account.
- 23(29)(a)(7): Failing to keep reconciliation reports for a trust account.
- 23(29)(c)(5): Making cash disbursements from a trust account.

23(29)(c)(7): Failing to reconcile internal trust account records with periodic bank account statements.

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 August 28, 2023, with 30 days actively served and the remainder stayed subject to completion of at least 12 months of probation.** The Court incorporates by reference the terms and conditions of probation set forth in the parties' Conditional Agreement, which include among other things:

- (1) At Respondent's expense, Respondent's probation shall include trust account monitoring by a CPA who is acceptable to the Commission and who shall report quarterly to the Commission.
- (2) Respondent also shall execute and comply with an Indiana Judges and Lawyers Assistance Program monitoring agreement.
- (3) Respondent shall report to the Commission, in writing and within 14 days, of any failure to comply with the terms of her probation.
- (4) If Respondent violates the terms of her probation, the stay of her suspension may be vacated and the balance of the stayed suspension may be actively served without automatic reinstatement.

Notwithstanding the expiration of the 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 \$508.23 by check made payable and transmitted to the Clerk of the Indiana Supreme Court. Upon receipt, the Clerk is directed to disburse those funds as follows: (1) \$258.23, payable to the Commission as reimbursement for investigative expenses incurred; and (2) \$250.00, payable to the Clerk for court costs.

Done at Indianapolis, Indiana, on 7/13/2023.



Loretta H. Rush
Chief Justice of Indiana

All Justices concur.