

In the Indiana Supreme Court

In the Matter of: Johnny W. Ulmer,
Respondent

Supreme Court Case No.
23S-DI-166



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 represented “Client” in a criminal direct appeal. In the appellant’s brief Respondent filed on Client’s behalf, the statement of facts consisted of a single sentence that failed to address the facts relevant to the issue raised. Further, Respondent’s substantive argument largely consisted of two sentences that lacked cogent reasoning and citations to the record. The Court of Appeals accordingly held Client’s sole appellate claim was waived, noting that Respondent’s brief was “woefully inadequate” and “essentially made no argument at all.”

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.

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

Discipline: The parties propose the appropriate discipline is a public reprimand. The Court, having considered the submissions of the parties and Respondent’s lack of prior discipline, now approves the agreed discipline and imposes a **public reprimand** for Respondent’s misconduct.

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 9/7/2023.

A handwritten signature in black ink that reads "Loretta H. Rush".

Loretta H. Rush
Chief Justice of Indiana

All Justices concur.