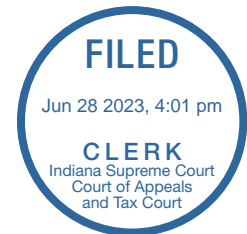


In the Indiana Supreme Court

In the Matter of: Theodore J. Minch,
Respondent

Supreme Court Case No.
23S-DI-94



Published Order Imposing Reciprocal Discipline

The Indiana Supreme Court Disciplinary Commission filed a “Notice of Foreign Discipline,” advising that Respondent was disciplined by the United States Court of Appeals for the Seventh Circuit (“Seventh Circuit”). On April 13, 2023, this Court issued an “Order to Show Cause Why Reciprocal Discipline Should Not Be Imposed,” to which both parties have responded.

Respondent was admitted to practice law in the state of Indiana and in the Seventh Circuit. On February 17, 2023, the Seventh Circuit found Respondent committed misconduct warranting discipline under Federal Appellate Rule 46 by performing incompetently in several appeals, insufficiently responding to a show cause order, and not responding to a second show cause order. The Seventh Circuit suspended Respondent from the bar of that court for one year, after which time he may apply for reinstatement.

We further take note of proceedings in the United States District Court for the Southern District of Indiana (“Southern District”) initiated in the wake of Respondent’s suspension in the Seventh Circuit. In an order dissolving an interim suspension, the Southern District reinstated Respondent subject to three “Practice Conditions” that shall remain in effect until such time as Respondent is readmitted to practice in the Seventh Circuit. Those Practice Conditions include mentoring by a designated attorney, compliance with recommendations made by the Indiana Judges and Lawyers Assistance Program, and participation in a coaching program with Thought Kitchen. Aside from these Practice Conditions, the Southern District otherwise declined to impose reciprocal discipline.

The Court finds that there has been no showing, pursuant to Admission and Discipline Rule 23(20)(e)(1)-(3), of any reason why reciprocal discipline should not be issued in this state. However, under the circumstances of this case the Court does find, pursuant to Rule 23(20)(e)(4), that the misconduct established warrants substantially different discipline in this state.

Being duly advised, **the Court orders Respondent placed on probation in this state, effective immediately.** During the term of probation, Respondent shall remain compliant with the Practice Conditions imposed by the Southern District and any modifications thereto which the Southern District, in its discretion, may make. Respondent further shall have no violations

of the Rules of Professional Conduct or any other law during his probation and shall fully comply with all orders issued by this Court, the Seventh Circuit, the Southern District, and any other state or federal court. Respondent's probation shall remain in effect for at least as long as his suspension in the Seventh Circuit remains in effect. If and when Respondent is reinstated to practice in the Seventh Circuit, he may petition this Court to terminate probation pursuant to Admission and Discipline Rule 23(16).

Because we are declining to impose a reciprocal suspension, the requirements of Admission and Discipline Rule 23(20)(g) governing release from reciprocal suspension shall not apply.

The costs of this proceeding are assessed against Respondent.

Done at Indianapolis, Indiana, on 6/28/2023.



Loretta H. Rush
Chief Justice of Indiana

All Justices concur, except Slaughter, J., who declines to impose any reciprocal discipline because the Commission did not seek it here.