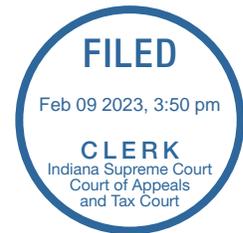


In the Indiana Supreme Court

In the Matter of: Robert C. Neary,
Petitioner

Supreme Court Case No.
46S00-1512-DI-705



Published Order Granting Conditional Reinstatement to the Practice of Law

In an opinion dated November 6, 2017, this Court suspended Petitioner for not less than four years without automatic reinstatement. Petitioner filed a petition for reinstatement on December 21, 2021. After a hearing, the hearing officer issued a report on August 26, 2022, recommending reinstatement be denied. Petitioner seeks review of the hearing officer's report and asks this Court to grant conditional reinstatement. The Indiana Supreme Court Disciplinary Commission opposes reinstatement.

A petition for reinstatement may be granted only if the petitioner proves by clear and convincing evidence that:

- (1) The petitioner desires in good faith to obtain restoration of his or her privilege to practice law;
- (2) The petitioner has not practiced law in this State or attempted to do so since he or she was disciplined;
- (3) The petitioner has complied fully with the terms of the order for discipline;
- (4) The petitioner's attitude towards the misconduct for which he or she was disciplined is one of genuine remorse;
- (5) The petitioner's conduct since the discipline was imposed has been exemplary and above reproach;
- (6) The petitioner has a proper understanding of and attitude towards the standards that are imposed upon members of the bar and will conduct himself or herself in conformity with these standards;
- (7) The petitioner can safely be recommended to the legal profession, the courts and the public as a person fit to be consulted by others and to represent them and otherwise act in matters of trust and confidence, and in general to aid in the administration of justice as a member of the bar and an officer of the courts; and
- (8) The disability has been removed, if the discipline was imposed by reason of disability.

Admis. Disc. R. 23(18)(b)(3).

This Court, being duly advised, finds Petitioner should be conditionally reinstated as a member of the Indiana bar and placed on probation for a period of no less than 3 years. The terms and conditions of probation shall include:

- (1) Petitioner shall enter a monitoring agreement with the Judges and Lawyers Assistance Program (“JLAP”). This agreement should include a provision that Petitioner continue participating in coaching and consulting services.
- (2) Petitioner shall enlist an experienced lawyer as a mentor and notify JLAP of the mentor.
- (3) Petitioner shall have no violations of the terms of the JLAP monitoring agreement, the law, or the Rules of Professional Conduct during his probation.
- (4) If Petitioner violates his probation, the Commission may petition the Court to revoke his probation and re-impose a suspension without automatic reinstatement.

Petitioner’s probation shall remain in effect until it is terminated pursuant to Admission and Discipline Rule 23(16)(b).

IT IS, THEREFORE, ORDERED that Petitioner’s petition for reinstatement is granted and that Petitioner is conditionally reinstated as a member of the Indiana bar subject to the terms and conditions of probation stated above. Petitioner shall pay any costs owing under Admis. Disc. R. 23(18)(d).

Done at Indianapolis, Indiana, on 2/9/2023.

FOR THE COURT



Loretta H. Rush
Chief Justice of Indiana

All Justices concur, except Rush, C.J., and Goff, J., who would not grant reinstatement at this time due to the severity of the conduct at issue.