

In the  
Indiana Supreme Court

Cause No. 21S-MS-19



## Order Amending Rules of Professional Conduct and Rules for Admission to the Bar and Discipline of Attorneys

Under the authority vested in this Court to provide by rule for the procedure employed in all courts of this state and this Court's inherent authority to supervise the administration of all courts of this state, the Rules for Admission to the Bar and Discipline of Attorneys and the Rules of Professional Conduct are amended as follows (deletions shown by ~~striking~~ and new text shown by underlining):

### Rules of Professional Conduct

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#### **Rule 6.7. Requirement for Reporting of Direct Pro Bono Legal Services**

**(a) Reporting Requirement.** To assess the current and future extent of volunteer legal services provided directly to individuals of limited means and to encourage such services, an attorney must report as part of the attorney's annual registration, the following information:

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(4) *Exempt Persons.* An attorney is exempt from reporting under this Rule who is exempt from the provision of pro bono legal services because he or she (i) is currently serving as a member of the judiciary or judicial staff, (ii) is a government lawyer prohibited by statute, rule, regulation, or agency policy from providing legal services outside his or her employment, (iii) is retired from the practice of law, or (iv) maintains inactive standing with the Executive Director of the Indiana Office of Admissions and Continuing EducationClerk of the Indiana Supreme Court.

### Rules for Admission to the Bar and the Discipline of Attorneys

#### **Rule 1. The Bar of Indiana**

The bar of this state shall consist of all attorneys in good standing who, prior to July 1, 1931, were duly admitted to practice law by the circuit courts of this state, and all attorneys in good standing who, subsequently thereto, have been or hereafter shall be admitted to practice by this court.

#### **Rule 1.1. Indiana Office of Admissions and Continuing Education**

The Indiana Office of Admissions and Continuing Education shall provide for the efficient management of the State Board of Law Examiners, the Indiana Commission for Continuing Legal Education, the registration of attorneys, and the Indiana roll of attorneys. The Supreme Court shall appoint the Executive Director of the Indiana Office of Admissions and Continuing Education.

## **Rule 2. Registration and Fees**

**(a) Name and Address.** All attorneys in active or inactive good standing, duly admitted to the practice of law in the State of Indiana shall file with the Executive Director of the Indiana Office of Admissions and Continuing Education Clerk of the Supreme Court, 216 State House, Indianapolis, Indiana 46204, their correct name, office and residence address, office telephone number, electronic mail address, and county of residence; provided, however, such residence addresses and electronic mail addresses shall be confidential and excluded from public access. Said attorneys shall notify the Executive Director of the Indiana Office of Admissions and Continuing Education Clerk of the Supreme Court of any change of address (including electronic mail address), change of telephone number, or change of name within thirty (30) days of such change. A notice of a change of name shall be accompanied by a copy of the court record or an affidavit that states the name change. The names and addresses so filed shall be effective for all notices involving licenses as attorneys and/or disciplinary matters, and a failure to file same shall be a waiver of notice involving licenses as attorneys and/or disciplinary matters. The Executive Director of the Indiana Office of Admissions and Continuing Education Clerk shall annually send a certified list of attorneys, together with their non-confidential addresses on file to the Indiana State Bar Association.

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**(c) Annual Registration Fee--Inactive Attorneys.** One-half (1/2) of the registration fee referred to in section (b) shall be required of an attorney who files with the Executive Director of the Indiana Office of Admissions and Continuing Education Clerk, on or before October 1 of each year, an affidavit of inactivity, stating that he or she is currently in active good standing or wishes to retain inactive standing, and that he or she neither holds judicial office nor is engaged in the practice of law in this state, except for practice permitted under Rule 6.2 Section 2(c). A delinquent fee in the amount of fifty dollars (\$50.00) shall be added to the registration fee for fees paid after October 1 and on or before October 15 of each year; and a delinquent fee in the amount of one hundred dollars (\$100.00) shall be added to the registration fee for fees paid after October 15 of each year. An attorney who has paid the registration fee under this section and any applicable delinquent fees shall be considered to be in inactive good standing. An inactive attorney shall promptly notify the Executive Director of the Indiana Office of Admissions and Continuing Education Clerk of a desire to return to active status, and pay the applicable registration fee for the current year, prior to any act of practicing law.

**(d) Annual Registration Fee--Retired Attorneys.** No registration fee shall be required of an attorney who ~~is sixty-five (65) years old or older and~~ files with the Executive Director of the Indiana Office of Admissions and Continuing Education Clerk, by October 1 of any year, an affidavit of retirement, stating that he or she is currently in active or inactive good standing, neither holds judicial office nor is engaged in the practice of law in this state, and does not plan to return to the practice of law, except for practice permitted under Rule 6.2 Section 2(c). An affidavit of retirement, once filed, shall be effective for each succeeding year or until the attorney is reinstated pursuant to section (e).

**(e) Reinstatement of Retired Attorneys.** In the event there is no basis for the suspension of the attorney's license to practice law, a retired attorney's privilege to practice law shall be reinstated upon submitting to the Executive Director of the Indiana Office of Admissions and Continuing Education Clerk a written application for reinstatement and payment of:

- (1) the unpaid registration fee for the year of reinstatement;
- (2) registration fees, including delinquent fees, in the amount referred to in section (b) for each year of retirement; and
- (3) an administrative reinstatement fee of two hundred dollars (\$200.00).

The Executive Director of the Indiana Office of Admissions and Continuing Education Clerk shall deposit the administrative reinstatement fee referred to in subsection (e)(3) into the "Clerk of the Courts Attorney Services-Annual Fees" account, described in section (m).

(f) **IOLTA Certification.** On or before October 1 of each year, every attorney admitted to practice law in this state shall certify to the Executive Director of the Indiana Office of Admissions and Continuing Education Clerk of this Court that all client funds that are nominal in amount or to be held for a short period of time by the attorney so that they could not earn income for the client in excess of the costs incurred to secure such income are held in an IOLTA account (as that term is defined in Indiana Rules of Professional Conduct, Rule 1.15(f)) of the attorney or law firm or that the attorney is exempt under the provisions of Prof. Cond. R. 1.15(g)(2). Any attorney who fails to make an IOLTA certification on or before October 1 of each year shall be assessed a delinquent fee according to the schedule set forth in section (b) if the attorney is active or section (c) if the attorney is inactive.

(g) **Annual Registration Notice.** On or before August 1 of each year, the Executive Director of the Indiana Office of Admissions and Continuing Education Clerk of this Court shall mail a notice to or notify via electronic mail each attorney then admitted to the bar of this Court who is in active or inactive good standing that: (i) a registration fee must be paid on or before October 1; and (ii) the certification required by section (f) of this rule and by Ind. Prof. Cond. R. 1.15(g) must be filed with the Executive Director of the Indiana Office of Admissions and Continuing Education Clerk on or before October 1. The Executive Director of the Indiana Office of Admissions and Continuing Education Clerk shall also send such notice to the Clerk for each circuit and superior court in this State for posting in a prominent place in the courthouse, the Indiana State Bar Association, and such print and other media publishers of legal information as the Executive Director of the Indiana Office of Admissions and Continuing Education Clerk reasonably determines appropriate. Provided, however, that the failure of the Executive Director of the Indiana Office of Admissions and Continuing Education Clerk to send such notice will not mitigate the duty to pay the required fee and file the required certification.

(h) **Failure to Pay Registration Fee; Reinstatement.** Any attorney who fails to pay a registration fee required under section (b) or (c) or fails to file the certification required by section (f) of this rule and by Ind. Prof. Cond. R. 1.15(g) shall be subject to suspension from the practice of law and sanctions for contempt of this Court in the event he or she thereafter engages in the practice of law in this State. In the event there is no basis for the continued suspension of the attorney's license to practice law, such an attorney's privilege to practice law shall be reinstated upon submitting to the Executive Director of the Indiana Office of Admissions and Continuing Education Clerk a written application for reinstatement and payment of:

- (1) the applicable unpaid registration fee for the year of suspension;
- (2) any delinquent fees for the year of suspension due pursuant to section (b) or (c);
- (3) the applicable unpaid registration fee for the year of reinstatement, if different from the year of suspension;
- (4) a registration fee, including delinquent fees, in the amount referred to in section (c) for all intervening years of suspension;
- (5) an administrative reinstatement fee of two hundred dollars (\$200.00); and
- (6) the certification required by section (f) of this rule.

The Executive Director of the Indiana Office of Admissions and Continuing Education Clerk shall deposit the administrative reinstatement fee referred to in subsection (h)(5) in to the "Clerk of the Courts Attorney Services-Annual Fees" account, described in section (m).

(i) **Certification of Good Standing.** The Executive Director of the Indiana Office of Admissions and Continuing Education Clerk of this Court shall issue a certificate of active good standing or inactive good standing approved by this Court to any attorney upon the receipt of the annual registration fee and any applicable delinquent fees referred to in sections (b) and (c), respectively. The certificate of active good standing shall include a statement to the effect that the lawyer has filed the certification required by section (f) of this rule.

(j) **Annual Continuing Education Fee -- Non-attorney Judges.**

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- (1) On or before August 1, of each year, the Executive Director of the Indiana Office of Admissions and Continuing Education~~Clerk~~ shall mail or electronically mail to each non-attorney judge a notice that an education fee of forty-five dollars (\$45.00) must be paid on or before the first day of October. Failure to pay the education fee on or before October 1, will result in the imposition of a delinquency fee of forty-five dollars (\$45.00).
- (2) Any non-attorney judge who fails to pay the education fee shall be subject to suspension from judicial office. A non-attorney judge may resume office upon written application, payment of unpaid education fees and payment of the delinquency fee set out in subsection (1).

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- (I) **Affidavit of Permanent Withdrawal.** An attorney in good standing, who is current in payment of all applicable registration fees and other financial obligations imposed by these rules, and who is not the subject of an investigation into, or a pending proceeding involving, allegations of misconduct, who desires to relinquish permanently his or her license to practice law in the State of Indiana may do so by tendering an Affidavit of Permanent Withdrawal from the practice of law in this State to the Executive Secretary of the Indiana Supreme Court Disciplinary Commission. The Executive Secretary shall promptly verify the eligibility of the attorney to resign under this section, and if eligible, forward a certification of eligibility, together with the Affidavit of Permanent Withdrawal to the Executive Director of the Indiana Office of Admissions and Continuing Education~~Clerk of the Indiana Supreme Court~~, and the ~~Clerk~~Executive Director shall show on the roll of attorneys that the attorney's Indiana law license has been relinquished permanently and that the lawyer is no longer considered an attorney licensed to practice law in the State of Indiana. An attorney who permanently withdraws under this section shall not be eligible for reinstatement under section (e) or (h), but may apply for admission under Admission and Discipline Rules 3 through 21. In the event the attorney is not eligible to permanently withdraw under this section, the Executive Secretary shall promptly notify the attorney of all reasons for ineligibility.

**(m) Deposit and Use of Funds.**

- (1) *Deposit of Funds.* All funds collected ~~by the Clerk~~ under this rule shall be deposited in an account to be maintained by the Clerk Office of Judicial Administration and designated "Clerk of the Courts~~Attorney Services~~-Annual Fees." ~~The Clerk shall thereafter issue those funds as directed by the Indiana Supreme Court.~~
- (2) *Use of Funds.* The Indiana Supreme Court shall periodically apportion the registration fees collected pursuant to this rule for the operation of the Indiana Supreme Court Disciplinary Commission, the Indiana Commission for Continuing Legal Education~~Office of Admissions and Continuing Education~~, and the Judges and Lawyers Assistance Committee.

**Rule 2.1. Legal Interns**

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**Section 3. Certification.**

- (a) The Dean of a law school sponsoring a legal intern program shall advise the Indiana Supreme Court Board of Law Examiners of those students who qualify to be legal interns and the length of that internship.
- (b) An Attorney, who is a member of the Bar of this State and who wishes to sponsor and supervise a graduate as a legal intern, shall so advise the Indiana Supreme Court Board of Law Examiners; and also, the Dean of the law school from which the graduate received the first professional degree in law shall advise the ~~Indiana Supreme Court State~~ Board of Law Examiners of the date of graduation and the date at which such graduate will be first eligible for examination under Admission and Discipline Rule 13.

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### **Rule 3. Admission of Attorneys**

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#### **Section 2. Temporary Admission on Petition.**

(a) *Requirements for Temporary Admission on Petition.* Any court of the State of Indiana, in the exercise of discretion, may permit a member of the bar of another state or territory of the United States, or the District of Columbia, not admitted pursuant to Rule 21, to appear in a particular case or proceeding, only if the court before which the attorney wishes to appear or in the case of an administrative proceeding, the Supreme Court, determines that there is good cause for such appearance and that each of the following conditions is met:

- (1) A member of the bar of this state has appeared and agreed to act as co- counsel.
- (2) The attorney is not a resident of the state of Indiana, regularly employed in the state of Indiana, or regularly engaged in business or professional activities in the state of Indiana.
- (3) The attorney has made payment to the Executive Director of the Indiana Office of Admissions and Continuing Education Clerk of the Supreme Court ~~an annual~~ ~~a case specific~~ registration fee ~~in the amount set forth in Admission and Discipline Rule 2(b) of \$300~~, accompanied by a copy of the Verified Petition for Temporary Admission that the attorney intends to file pursuant to subdivision (4) below. Upon receipt of the registration fee and petition, the Executive Director of the Indiana Office of Admissions and Continuing Education Clerk of the Supreme Court will issue a temporary admission attorney number and payment receipt to the attorney seeking admission. If the attorney's verified petition for temporary admission is thereafter denied, ~~the attorney shall provide a copy of the order denying temporary admission to the Clerk of the Supreme Court, and the Clerk shall issue a refund of the registration fee~~ ~~the registration fee shall not be refunded~~.
- (4) The attorney files a certificate of good standing issued within the previous thirty days by the highest court in each state in which the attorney is admitted to practice law and a verified petition, co-signed by co-counsel designated pursuant to subdivision (a)(1), setting forth:

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  - (vi) A list of all cases and proceedings, including caption and case number, in which ~~either the attorney, or any member of a firm with which the attorney is currently affiliated,~~ has appeared in any court or administrative agency of this state during the last five (5) years by temporary admission.
  - (vii) Absent good cause, repeated appearances by any person ~~or by members of a single law firm~~ pursuant to this rule shall be cause for denial of the petition. A demonstration that good cause exists for the appearance shall include at least one of the following:
    - (a) the cause in which the attorney seeks admission involves a complex field of law in which the attorney has special expertise,
    - (b) there has been an attorney-client relationship with the client for an extended period of time,
    - (c) there is a lack of local counsel with adequate expertise in the field involved,
    - (d) the cause presents questions of law involving the law of the foreign jurisdiction in which the applicant is licensed, or
    - (e) such other reason similar to those set forth in this subsection as would present good cause for the temporary admission.

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  - (ix) A statement that the attorney has paid the registration fee to the Executive Director of the Indiana Office of Admissions and Continuing Education Clerk of the Supreme Court in compliance with subdivision (a)(3) of this rule, together with a copy of the payment receipt and temporary admission attorney number issued by the Clerk of the

Supreme Court Executive Director of the Indiana Office of Admissions and Continuing Education pursuant to subdivision (3).

(b) Notice of Temporary Admission. All attorneys granted temporary admission under the provisions of subsection 2(a) shall file a Notice with the Clerk of the Supreme Court within thirty (30) days after a court grants permission to appear in the case or proceeding. A separate Notice of Temporary Admission must be filed with the Clerk of the Supreme Court for each case or proceeding in which a court grants permission to appear. Failure to file the notice within the time specified shall result in automatic exclusion from practice within this state. The notice shall include the following:

- (1) A current statement of good standing issued to the attorney by the highest court in each jurisdiction in which the attorney is admitted to practice law; and
- (2) A copy of the verified petition requesting permission to appear along with the order granting permission.

(c) Renewal of Registration for Temporary Admission. If an attorney continues to appear on the basis of a temporary admission in any case or proceeding pending as of the first day of a new calendar year, the attorney shall pay a renewal fee equal to the annual registration fee set out in Admission and Discipline Rule 2(b). This renewal fee shall be due within thirty (30) days of the start of that calendar year and shall be tendered to the Clerk of the Supreme Court, accompanied by a copy of the Notice of Temporary Admission for each continuing case or proceeding in which a court has granted permission to appear. Failure to pay the required renewal fee within the time specified shall result in automatic exclusion from practice within this state. The Clerk of the Indiana Supreme Court shall notify the trial court or administrative agency of the attorney's exclusion. If the proceeding has concluded or if the attorney has withdrawn his or her appearance, the attorney must so notify the Clerk of the Supreme Court by the deadline for renewal of registration.

(d) Responsibilities of Attorneys. Members of the bar of this state serving as co-counsel under this rule shall sign all briefs, papers and pleadings in the cause and shall be jointly responsible therefore. The signature of co-counsel constitutes a certificate that, to the best of co-counsel's knowledge, information and belief, there is good ground to support the signed document and that it is not interposed for delay or any other improper reason. Unless ordered by the trial court, local counsel need not be personally present at proceeding before the court.

(e) Failure to Register, Renew, or Otherwise Perform as Required. Any foreign attorney who fails to register or pay the registration fee as required under subsection (a), ~~fails to file a Notice of Temporary Admission under subsection (b), or fails to pay a renewal registration fee required under subsection (e)~~ shall be subject to discipline in this state. Members of the bar of this state serving as co-counsel under this rule shall be subject to discipline if the attorney admitted under this rule fails to pay the required fees or otherwise fails to satisfy the requirements of this rule.

(f) Scope and Effect of Automatic Exclusion from Practice Within the State.

- (1) When an attorney is automatically excluded from practice within the state under Section 2(b) or (e), any further action taken by that attorney in any case or proceeding in the state shall constitute the unauthorized practice of law.
- (2) An attorney may seek relief from the automatic exclusion from practice within the state by filing a "Petition for Relief from Automatic Exclusion" with the Supreme Court. The petition shall be captioned: "In re Temporary Admission of [Attorney's name]." The petition shall describe the circumstances causing the exclusion, shall list all pending cases or proceedings, including court or administrative agency and case number, in which the attorney had been granted temporary admission prior to the automatic exclusion, and shall be accompanied by a "Notice of Temporary Admission" if the exclusion is under Section 2(b) or a renewal admission fee, together with a delinquent fee in the amount of one hundred eighty dollars (\$180.00), if the exclusion is under Section 2(e).

~~(3) If the Supreme Court grants the petition, the exclusion from practice shall be lifted and the Clerk of the Supreme Court shall notify all courts and administrative agencies in which the attorney had been granted temporary admission to practice in cases or proceedings pending at the time of the automatic exclusion. Unless the Supreme Court directs otherwise, all actions taken by the attorney during the period of automatic exclusion from practice shall be deemed valid to the extent the actions would have been valid if the attorney had not been subject to automatic exclusion. However, the attorney remains subject to a charge of the unauthorized practice of law for actions taken during the automatic exclusion.~~

The amendments apply only to requests for Temporary Admission on Petition filed on or after January 1, ~~2007~~2022.

If an attorney has been granted temporary admission status in a case prior to January 1, 2022, the attorney need not pay a renewal fee in that case. For cases initiated after January 1, 2022, an attorney must pay the temporary admission registration fee for each case.

~~If an attorney files the notice with the Clerk of the Supreme Court and pays the fee required by subpart (b) of the Rule in one case or proceeding in any given calendar year, the attorney need not pay another fee for any other case in which the attorney seeks Temporary Admission on Petition during that same calendar year.~~

~~If an attorney files the notice with the Clerk of the Supreme Court and pays the fee required by subparts (a) and (b) of the Rule in a particular calendar year, and a new calendar year begins and the attorney is still appearing in any case or proceeding pursuant to a Temporary Admission on Petition, the attorney must file a new notice and pay a fee within 30 days of the start of the new calendar year.~~

If more than one (1) attorney from one firm is appearing pursuant to a Temporary Admission on Petition in a particular case or proceeding on behalf of the same client, each attorney appearing nevertheless has an individual obligation to comply with the Rule as amended.

#### **Rule 4. Roll of Attorneys**

A record shall hereafter be made and entered on the order book of this court of the admission, enrollment, resignation, suspension, disbarment, reinstatement, and recertification of any and all members of the bar of this court. In addition, the Executive Director of the Indiana Office of Admissions and Continuing Education ~~clerk of this court~~ shall keep, and from time to time revise, a permanent electronic database of the members of the bar of this court who have been enrolled as such, showing the name, address, and date of admission of each living member.

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#### **Rule 6. Admission on Foreign License**

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### **Section 4. Renewal of Provisional License and Business License**

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(e) **Annual Renewal Notice.** On or before September 1 of each year, the Executive Director of the ~~State Board of Law Examiners~~ Indiana Office of Admissions and Continuing Education shall mail a notice or notify via electronic mail to each attorney admitted to practice pursuant to this Rule that (i) a renewal fee must be paid on or before November 1; and (ii) the attorney must (a) affirm compliance with eligibility requirements to maintain the license or (b) submit the signed relinquish affidavit to the State Board of Law Examiners on or before November 1. Notice sent pursuant to this section shall be sent to the name and address maintained by the Executive Director of the Indiana Office of Admissions and Continuing Education ~~Clerk of the Supreme Court~~ pursuant to Admission and Discipline Rule 2.

(f) **Relinquishing of License.** Any attorney who is licensed pursuant to this Rule who is in good standing, who is current in payment of all applicable registration fees and other financial

obligations imposed by these rules, who is not the subject of an investigation into or a pending proceeding involving allegations of misconduct, and who no longer is able to meet the requirements to maintain his or her license pursuant to this Rule may voluntarily relinquish his or her license to practice law in the State of Indiana by tendering the renewal form with the relinquish affidavit signed to the Executive Director of the ~~State Board of Law Examiners Indiana Office of Admissions and Continuing Education~~. The Executive Director shall promptly verify the eligibility of the attorney to relinquish under this section and if eligible, ~~forward a certification of eligibility to the Clerk of the Indiana Supreme Court, and the Clerk~~ shall show on the Roll of Attorneys that the attorney's Indiana law license has been relinquished permanently and that the lawyer is no longer considered an attorney licensed to practice law in the State of Indiana. An attorney who relinquishes his license pursuant to this provision may apply for admission under Admission and Discipline Rules 3 through 21. In the event the attorney is not eligible to relinquish under this section, the Executive Director shall promptly notify the attorney of all reasons for ineligibility.

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### **Rule 7. Certificates**

An applicant admitted through examination shall be entitled to a certificate of his admission upon taking the oath of attorneys and being entered on the roll of attorneys by the ~~Executive Director of the Indiana Office of Admissions and Continuing Education~~ ~~Clerk of this court~~.

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### **Rule 9. State Board of Law Examiners**

The State Board of Law Examiners of the State of Indiana shall consist of ten (10) members of the bar, two (2) from each Supreme Court judicial district, who shall be appointed by this Court to serve for terms of five (5) years and until their successors are appointed. The terms of two (2) members of such Board shall expire on December 1 of each year. The Board shall elect annually, a president, a vice-president, ~~and~~ a secretary, ~~and a treasurer~~. These officers shall take office on December 1. ~~The Board shall maintain its office in a location determined by the Indiana Supreme Court. The Court shall appoint a person to serve as Executive Director to said Board.~~

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### **Rule 15. Applications, Filing Dates and Fees for Examination and Re-Examination**

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If an applicant fails to pass the first examination and is permitted to take further examinations, the application for re-examination must be made on forms prescribed by the Board and filed with the Executive Director ~~of the Indiana Office of Admissions and Continuing Education~~ by the following dates. Applications for re-examination for the July examination must be filed by May 30 and accompanied by a filing fee of two hundred fifty dollars (\$250). The late filing deadline is June 15 and the late filing fee is five hundred dollars (\$500). Applications for re-examination for the February examination must be filed by December 15 of the previous year. The regular filing fee is two hundred fifty dollars (\$250). The late filing deadline is December 30 of the previous year. The late filing fee is five hundred dollars (\$500).

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### **Rule 19. Confidentiality**

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**Section 2.** All materials and information in the possession or knowledge of the Board of Law Examiners, ~~its the Executive Director Indiana Office of Admissions and Continuing Education~~, or its agents or employees, shall be the property of the Supreme Court of Indiana, and the Board shall serve as custodian of such materials and information. This shall include, but not be limited to, the applications and files of all the applicants, reports and correspondence regarding investigation of applicants, inter-office and inter-

member memoranda, minutes and records of all meetings and hearings, and all examination materials and results.

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## **Rule 20. Immunity**

### **Section 1. Persons Providing Information to the State Board of Law Examiners.**

Every person or entity shall be immune from civil liability for providing, in good faith, documents, statements of opinion, records, or other information regarding an applicant or potential applicant for admission to the bar of this State to the State Board of Law Examiners; the Indiana Office of Admissions and Continuing Education and to its officers, Executive Director, staff, employees, or agents; or to the Committees on Character and Fitness and their members and agents.

### **Section 2. Immunity for Board, Staff and Character and Fitness Committee.**

The State Board of Law Examiners and its officers, members, the Indiana Office of Admissions and Continuing Education and its Executive Director, staff, employees and agents, and the Committees on Character and Fitness and their members and agents, are immune from all civil liability for acts performed in the course of their official duties relating to the examination, character and fitness qualification, and licensing of persons seeking to be admitted to the practice of law.

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## **Rule 23. Disciplinary Commission and Proceedings**

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- (c) *Executive Director of the Indiana Office of Admissions and Continuing Education Supreme Court Clerk as agent to receive constructive service*

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#### **Section 10.1. Noncooperation with Disciplinary Investigation**

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- (b) *Failure to cooperate.* The failure to: (1) respond to a grievance under this Rule; (2) comply with any written demand from the Executive Director under this Rule; (3) accept certified mail from the Disciplinary Commission that is sent to the attorney's official address of record with the Executive Director of the Indiana Office of Admissions and Continuing Education Clerk and that requires a written response under this Rule; (4) comply with a subpoena issued pursuant to this Rule; or (5) unexcused failure to appear at any hearing on the matter under investigation shall be deemed failure to cooperate with an investigation by the Disciplinary Commission.

- (c) *Suspension for noncooperation.* A respondent who fails to cooperate with an investigation by the Disciplinary Commission may be subject to suspension from the practice of law.

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- (3) *Certification of cooperation.* If the respondent complies with the demand from the Disciplinary Commission or Executive Director, the Executive Director shall certify to the Supreme Court that the respondent has cooperated with the investigation. Upon the filing of the certification, the Supreme Court may enter an order dismissing the proceeding as moot. If a noncooperation suspension has taken effect, the order shall also direct the Executive Director of the Indiana Office of Admissions and Continuing Education

~~Supreme Court Clerk~~ to adjust the respondent's status on the Roll of Attorneys to reflect that the respondent is no longer suspended, provided that no other suspension is in effect. Any outstanding order to pay costs shall remain in effect, and the Disciplinary Commission may, if appropriate, seek costs.

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## **Section 12. Prosecution of Attorney Misconduct**

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(c) *Service of Disciplinary Complaint and summons.*

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(2) If personal service or service by registered or certified mail cannot be obtained upon a respondent, the summons and Disciplinary Complaint shall be served on the ~~Executive Director of the Indiana Office of Admissions and Continuing Education Supreme Court Clerk~~ as set forth in Section 23.1(c) of this Rule.

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## **Section 23.1. Obligations of Attorneys regarding Service; Constructive Service**

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(b) *Obligation to notify ~~Executive Director of the Indiana Office of Admissions and Continuing Education Supreme Court Clerk~~ of change of contact information.* A failure to notify the Supreme Court Clerk of a change in contact information shall be deemed a waiver of notice involving disciplinary matters.

(c) *~~Executive Director of the Indiana Office of Admissions and Continuing Education Supreme Court Clerk~~ as agent to receive constructive service.* Each attorney admitted to practice law in this State or practicing law in this State shall be deemed to have appointed the ~~Executive Director of the Indiana Office of Admissions and Continuing Education Supreme Court Clerk~~ as his or her agent to receive constructive service of all papers, including processes and notices, called for by any provision of this Rule when actual service on the attorney at the attorney's addresses shown on the records of the ~~Executive Director of the Indiana Office of Admissions and Continuing Education Supreme Court Clerk~~ cannot be accomplished, or when the attorney has not provided the ~~Executive Director of the Indiana Office of Admissions and Continuing Education Supreme Court Clerk~~ with an address. These papers may be served by filing them with the ~~Executive Director of the Indiana Office of Admissions and Continuing Education Supreme Court Clerk~~ as the agent for the attorney, together with an affidavit setting forth the facts necessitating this method of service. Upon receipt of the papers and the affidavit, the ~~Executive Director of the Indiana Office of Admissions and Continuing Education Supreme Court Clerk~~ shall immediately mail notification to the attorney at the attorney's office address, or if unavailable the attorney's residence address, as shown in the records of the ~~Executive Director of the Indiana Office of Admissions and Continuing Education Supreme Court Clerk~~, informing the attorney that the papers have been filed with the ~~Executive Director of the Indiana Office of Admissions and Continuing Education Supreme Court Clerk~~ as agent for the attorney. Alternatively, the ~~Executive Director of the Indiana Office of Admissions and Continuing Education Supreme Court Clerk~~ may accomplish this notification by emailing copies of or hyperlinks to the documents to the attorney at his or her email address, as shown upon the records of the ~~Executive Director of the Indiana Office of Admissions and Continuing Education Supreme Court Clerk~~. The ~~Executive Director of the Indiana Office of Admissions and Continuing Education Supreme Court Clerk~~ shall then file with the Supreme Court Clerk a written certification showing the mailing or emailing of the notification to the attorney. If the attorney has provided no contact information to the ~~Executive Director of the Indiana Office of Admissions and Continuing Education Supreme Court Clerk~~, the ~~Executive Director of the Indiana Office of Admissions and Continuing Education Supreme Court Clerk~~ may, but need not, attempt to accomplish notification through other means. Upon the completion of this procedure, the attorney shall be deemed to have been served with the papers.

## **Section 23.2. Computation of Time**

(a) *Non-business and business days.* For purposes of this Rule, a non-business day shall mean a Saturday, a Sunday, a legal holiday as defined by State statute, or a day the Indiana Office of Admissions and Continuing Education Office of the Supreme Court Clerk is closed during regular business hours. A business day shall mean all other days.

## **Section 27. Attorney Surrogates**

(b) *Designation of Attorney Surrogate.*

(1) At the time of completing the annual registration required by Ind. Admission and Discipline Rule 2(b), a Lawyer may designate an Attorney Surrogate in the Clerk of Courts Portal provided by the Supreme Court Clerk by specifying the attorney number of the Attorney Surrogate and certifying that the Attorney Surrogate has agreed to the designation in a writing in possession of both the Lawyer and the surrogate. The designation of an Attorney Surrogate shall remain in effect until revoked by either the designated Attorney Surrogate or the Lawyer designating the Attorney Surrogate. The Lawyer who designates the Attorney Surrogate shall notify the Executive Director of the Indiana Office of Admissions and Continuing Education Supreme Court Clerk of any change of designated Attorney Surrogate within thirty (30) days of such change. The Executive Director of the Indiana Office of Admissions and Continuing Education Supreme Court Clerk shall keep a list of designated Attorney Surrogates and their addresses.

(2) A Lawyer, practicing in a Fiduciary Entity, shall state the name and address of the Fiduciary Entity where indicated in the Attorney Surrogate designation section of the Clerk of Courts Portal. Because of the ongoing responsibility of the Fiduciary Entity to the clients of the Lawyer, no Attorney Surrogate shall be appointed for a Lawyer practicing in a Fiduciary Entity.

(c) *Role of Attorney Surrogate.*

(2) A copy of the verified petition shall be served upon the Lawyer at the address on file with the Executive Director of the Indiana Office of Admissions and Continuing Education Supreme Court Clerk or, in the event the Lawyer has died, upon the Lawyer's personal representative, if one has been appointed. Upon the filing of the verified petition, the court shall, after notice and opportunity to be heard (which in no event shall be longer than ten (10) days from the date of service of the petition), determine whether there is an occurrence under (a), (b), (c) or (d), and an Attorney Surrogate needs to be appointed to act as custodian of the law practice. If the court finds that an Attorney Surrogate should be appointed then the court shall appoint as Attorney Surrogate either the designated Attorney Surrogate as set forth pursuant to subsection (b)(1), a suitable member of the Bar of this State in good standing or a senior judge.

## **Rule 26. Group Legal Service Plans**

**(B)** A lawyer may not render legal services pursuant to a group legal service plan unless the following conditions have been satisfied:

(3) A copy of the group legal service plan has been filed with the Executive Director of the Indiana Office of Admissions and Continuing Education Clerk of the Supreme Court and Court of Appeals together with a one hundred dollar (\$100) filing fee; and

...  
**(D)** Every group legal services plan shall file an annual report with the Executive Director of the Indiana Office of Admissions and Continuing Education Clerk of the Supreme Court. A fifty dollar (\$50) annual fee shall accompany the report. The annual report shall be filed between February 1st and March 31st of each year. A copy of said annual report shall be sent to plan members by March 31st of each year. An additional twenty-five dollar (\$25) late fee shall accompany all annual reports filed after March 31st. The annual report shall update any information regarding the plan as originally filed and shall specifically set forth:

...  
An annual report form may be obtained from the Executive Director of the Indiana Office of Admissions and Continuing Education Clerk of the Supreme Court and Court of Appeals to assist in the filing of the annual report.

...  
**(F)** Whenever a new attorney is employed by any plan, the plan shall, within ten days of the employment, transmit to the Executive Director of the Indiana Office of Admissions and Continuing Education Clerk of the Supreme Court and Court of Appeals the name of such attorney so employed.

...  
**(I)** Failure to comply with the above requirements could subject plans and individuals involved to legal action. In addition, if a plan member represented by a plan attorney is a party in an action in a court of this State, any other party to the action may file a motion to dismiss the action if the plan has not filed its initial disclosure statement or its annual report as required under Subsections C and D of this Rule. Provided, however, that the motion to dismiss shall only dismiss the case, after hearing, if the initial disclosure statement and plan or the annual report are not filed with the Executive Director of the Indiana Office of Admissions and Continuing Education Clerk of the Supreme Court and Court of Appeals within sixty (60) days after the filing of the motion to dismiss.

...  
**Rule 27. Professional Corporations, Limited Liability Companies and Limited Partnerships**

**Section 1. General Provisions.** One or more lawyers may form a professional corporation, limited liability company or a limited liability partnership for the practice of law under Indiana Code 23-1.5-1, IC 23-18-1 and IC 23-4-1, respectively.

...  
**(i)** Lawyers seeking to organize or practice by means of a professional corporation, limited liability company or limited liability partnership shall obtain applications to do so and instructions for preparing and submitting these applications from the State Board of Law Examiners. Applications shall be upon a form prescribed by the State Board of Law Examiners. Two copies of the application for a certificate of registration shall be delivered to the State Board of Law Examiners, accompanied by a registration fee of two hundred dollars (\$200.00), plus ten dollars (\$10.00) for each officer, director, shareholder, member, partner, other equity owner or lawyer employee licensed to practice law in Indiana of the professional corporation, limited liability company or limited liability partnership, two copies of a certification of the Executive Director of the Indiana Office of Admissions and Continuing Education Clerk of the Supreme Court and Court of Appeals of Indiana that each officer, director, shareholder, member, partner, other equity owner or lawyer employee who will practice law in Indiana holds an unlimited license to practice law in Indiana, and two copies of a certification of the Indiana

Disciplinary Commission that each officer, director, shareholder, member, partner, other equity owner or lawyer employee licensed to practice in Indiana has no disciplinary complaints pending against him or her and if he or she does, what the nature of each such complaint is. Applications must be accompanied by four copies of the Articles of Incorporation, Articles of Organization or Registration of the professional corporation, limited liability company or limited liability partnership with appropriate fees for the Secretary of State. All forms are to be filed with the State Board of Law Examiners.

Upon receipt of such application form and fees, the State Board of Law Examiners shall make an investigation of the professional corporation, limited liability company or limited liability partnership in regard to finding that all officers, directors, shareholders, members, partners, other equity owners, managers of lawyer employees licensed to practice law in Indiana are each duly licensed to practice law in Indiana and that all hereinabove outlined elements of this Rule have been fully complied with, and the Executive Director of the Indiana Office of Admissions and Continuing Education Clerk of the Supreme Court and Court of Appeals shall likewise certify this fact. The Executive Secretary of the Indiana Disciplinary Commission shall certify whether a disciplinary action is pending against any of the officers, directors, shareholders, members, partners, other equity owners, managers or lawyer employees licensed to practice law in Indiana. If it appears that no such disciplinary action is pending and that all officers, directors, shareholders, members, partners, other equity owners, managers of lawyer employees required to be are duly licensed to practice law in Indiana are, and that all hereinabove outlined elements of this Rule have been fully complied with, the Board shall issue a certificate of registration which will remain effective until January 1st of the year following the date of such registration.

Upon written application of the holder, upon a form prescribed by the State Board of Law Examiners, accompanied by a fee of fifty dollars (\$50.00), the Executive Director of the Board shall annually renew the certificate of registration, if the Board finds that the professional corporation, limited liability company or limited liability partnership has complied with the provisions of the statute under which it was formed and this Rule. Such application for renewal shall be filed each year on or before June 30th. Within ten (10) days after any change in the officers, directors, shareholders, members, partners, other equity owners or lawyer employees licensed to practice law in Indiana, a written listing setting forth the names and addresses of each shall be filed with the State Board of Law Examiners with a fee of ten dollars (\$10.00) for each new person listed.

Copies of any amendments to the Articles of Incorporation, Articles of Organization or Registration of the professional corporation, limited liability company or limited liability partnership thereafter filed with the Secretary of State's office shall also be filed with the State Board of Law Examiners.

## **Section 2. Applications for Registration.**

...

- (3) Two copies of a certification of the Executive Director of the Indiana Office of Admissions and Continuing Education Clerk of the Supreme Court and Court of Appeals of Indiana that each officer, director, shareholder, member, partner, other equity owner or lawyer employee who will practice law in Indiana holds an unlimited license to practice law in Indiana; and,

...

- (c) Upon receipt of such application form and fees, the State Board of Law Examiners shall make an investigation of the professional corporation, limited liability company or limited liability partnership in regard to finding that all officers, directors, shareholders, members, partners, other equity owners, managers of lawyer employees licensed to practice law in Indiana are each duly licensed to practice law in Indiana and that all hereinabove outlined elements of this Rule have been fully complied with, and the Executive Director of the Indiana Office of Admissions and Continuing Education Clerk of the Supreme Court and Court of Appeals shall likewise

certify this fact. The Executive Secretary of the Indiana Disciplinary Commission shall certify whether a disciplinary action is pending against any of the officers, directors, shareholders, members, partners, other equity owners, managers or lawyer employees licensed to practice in Indiana. If it appears that no such disciplinary action is pending and that all officers, directors, shareholders, members, partners, other equity owners, managers of lawyer employees required to be duly licensed to practice law in Indiana are, and that all hereinabove outlined elements of this Rule have been fully complied with, the Board shall issue a certificate of registration which will remain effective until June 30<sup>th</sup> of the year following the date of such registration.

...

**Section 6. Annual Renewal Notice.** On or before May 1 of each year, the Executive Director of the State Board of Law Examiners shall mail a notice to or notify via electronic mail each professional corporation, limited liability company or limited liability partnership registered pursuant to this Rule that (i) a renewal fee must be paid on or before June 30; and (ii) the attorney must (a) affirm continued compliance with this Rule to maintain the certificate of registration or (b) submit the signed relinquish affidavit to the State Board of Law Examiners on or before June 30. Notice sent pursuant to this section shall be sent to the name and address maintained by the Executive Director of the Indiana Office of Admissions and Continuing Education Clerk of the Supreme Court pursuant to Admission & Discipline Rule 2 for the attorney listed as the registered agent pursuant to the records previously filed with the State Board of Law Examiners.

**Section 7. Relinquishing of Certificate of Registration.** Any lawyer who is registered to practice law pursuant to this Rule who is current in payment of all applicable registration fees and other financial obligations imposed by this rule who no longer is able to meet the requirements to maintain such registration or who no longer practices under the professional corporation, limited liability company or limited liability partnership may voluntarily relinquish his or her certificate of registration by tendering a signed relinquish affidavit to the Executive Director of the State Board of Law Examiners no later than June 30 of the reporting year (July 1 through June 30). The Executive Director shall promptly verify the eligibility of the lawyer to relinquish the certificate of registration under this section and if eligible, forward a notice of the relinquishment to the Secretary of State. In the event that the lawyer is not eligible to relinquish under this section, the Executive Director of the Indiana Office of Admissions and Education shall promptly notify the lawyer of all reasons for ineligibility.

### **Rule 28. Mandatory Continuing Judicial Education**

...

### **SECTION 3. EDUCATION REQUIREMENTS.**

...

- (i) A Judge who fails to comply with the educational requirements of this rule shall be subject to suspension from office and to all sanctions under Section 7. A Judge so suspended shall be automatically reinstated upon compliance with Section 7(b) "Reinstatement Procedures". The Commission shall issue a statement reflecting reinstatement which shall also be sent to the Executive Director of the Indiana Office of Admissions and Continuing Education Clerk to show on the Roll of Attorneys that the Judge is in good standing

...

### **SECTION 6. ANNUAL REPORTING TO JUDGES.**

- (a) On or before September 1 of each year, the Commission shall mail or electronically transmit to each Judge, a statement showing the Approved Courses which the Judge is credited on the records of the Commission with having attended during the current year and the current Educational Period. This statement will be sent to the mailing or e-mail address for the Judge listed on the Roll of Attorneys maintained by the Executive Director of the Indiana Office of Admissions and Continuing Education Clerk. A Judge shall at all times keep his or her address and e-mail address current with the Roll of Attorneys. If the Judge has completed the minimum hours for the year or Educational Period, the statement will so reflect and inform the Judge that

he or she is currently in compliance with the education requirements of the Rule. It shall not be a defense to noncompliance that a Judge has not received an annual statement. Additional statements will be provided to a Judge upon written request and a five dollar (\$5.00) fee made payable to the Continuing Legal Education Fund.

If the statement shows the Judge is deficient in educational hours, but the Judge believes he or she is in compliance for the year or Educational Period the Judge shall file a letter of explanation, a Sponsor certification of course attendance, a personal affidavit of attendance, and an application for course accreditation. All fees must be included with the submission. The documents required by this subsection shall be filed by December 31 of the year or Educational Period in question unless an extension of time to file the same has been granted by the Commission. When a Judge has resolved the above discrepancies, the Commission shall issue a statement showing that the Judge is in compliance with the Rule for the year or Educational Period. In the event credit is not granted, the Judge shall have thirty (30) days after written notification of that fact to comply with the educational requirements or appeal the determination pursuant to Section 8. Failure to do so will result in referral to the Supreme Court for suspension.

...

## **SECTION 7. SANCTIONS AND REINSTATEMENTS.**

...

The Commission shall issue a statement reflecting reinstatement ~~which shall also be sent to the Clerk~~ to show on the Roll of Attorneys that the Judge is in good standing. A Judge suspended by the Supreme Court who continues to hold office or practice law shall be subject to sanctions by the Supreme Court.

...

## **Rule 29. Mandatory Continuing Legal Education**

...

## **SECTION 5. ORGANIZATION OF THE COMMISSION.**

- (a) *Election of Officers.* At the first meeting of the Commission after each December 1, the Commissioners shall elect from the membership of the Commission a Chair who shall preside at all meetings, a Vice Chair who shall preside in the absence of the Chair, ~~and~~ a Secretary who shall be responsible for ~~giving notices and~~ keeping the minutes of the meetings of the Commission ~~and a Treasurer who shall be responsible for keeping the records of account of the Commission.~~
- (b) *Meetings.* The Commission shall meet at least twice each year at times and places designated by the Chair. The Chair, the Executive Committee or any six (6) Commissioners may call special meetings of the Commission.
- (c) *Notices.* The ~~Secretary Executive Director of the Indiana Office of Admissions and Continuing Education~~ shall send notice of each meeting of the Commission, stating the purposes of the meeting, to all Commissioners at least five (5) business days before the meeting. Commissioners may waive notice of a meeting by attending the meeting or by delivering a written waiver to the ~~Secretary Executive Director of the Indiana Office of Admissions and Continuing Education~~ either before or after the meeting.

...

## **SECTION 7. SOURCES AND USES OF FUNDS COMPENSATION OF COMMISSIONERS.**

- (a) ~~The Indiana Supreme Court shall periodically designate a portion of the registration fee charged to attorneys pursuant to Admission and Discipline Rule 2 to be used for the operations of the Commission on Continuing Legal Education. The Executive Director of the Commission shall deposit such funds into an account designated "Supreme Court Continuing Legal Education Fund."~~

(b) ~~Disbursements from the fund shall be made solely upon vouchers signed by or pursuant to the direction of the Chief Justice of this Court.~~

(c) ~~The Supreme Court shall specifically approve all salaries to be paid out of Continuing Legal Education Fund.~~

(d) ~~Not later than May 1 of each year, the Commission shall submit for approval by the Supreme Court an operating budget for July 1 to June 30 of the following fiscal year.~~

(e) Commissioners shall be paid one hundred dollars (\$100) for each meeting of the Commission they attend and be reimbursed for expenses in accordance with guidelines established by the State of Indiana.

...

## **SECTION 9. ANNUAL REPORTING TO ATTORNEYS.**

(a) On or before September 1 of each year, the Commission shall mail or electronically transmit to each Attorney, a statement showing the Approved Courses which the Attorney is credited on the records of the Commission with having attended during the current year and the current Educational Period. This statement will be sent to the mail or e-mail address for the Attorney listed on the Roll of Attorneys maintained by the Executive Director of the Indiana Office of Admissions and Continuing Education Clerk. An Attorney shall at all times keep his or her mailing or e-mail address current with the Roll of Attorneys. If the Attorney has completed the minimum hours for the year or Educational Period, the statement will so reflect and inform the Attorney that he or she is currently in compliance with the education requirements of the Rule. It shall not be a defense to noncompliance that an Attorney has not received an annual statement. Additional statements will be provided to an Attorney upon written request and a five dollar (\$5.00) fee made payable to the Continuing Legal Education Fund.

If the statement shows the Attorney is deficient in educational hours, but the Attorney believes he or she is in compliance for the year or Educational Period the Attorney shall file a letter of explanation, a Sponsor certification of course attendance, a personal affidavit of attendance, and an application for course accreditation. All fees must be included with the submission. The documents required by this subsection shall be filed by December 31 of the year or Educational Period in question unless an extension of time to file the same has been granted by the Commission. When an Attorney has resolved the above discrepancies, the Commission shall issue a statement showing that the Attorney is in compliance with the Rule for the year or Educational Period. In the event credit is not granted, the Attorney shall have thirty (30) days after written notification of that fact to comply with the educational requirements or appeal the determination pursuant to Section 11. Failure to do so will result in referral to the Supreme Court for suspension.

...

## **SECTION 10. SANCTIONS AND REINSTATEMENTS.**

...

The Commission shall issue a statement reflecting reinstatement which shall also be sent to the Executive Director of the Indiana Office of Admissions and Continuing Education Clerk to show on the Roll of Attorneys that the Attorney is in good standing. An Attorney suspended by the Supreme Court who continues to practice law shall be subject to the sanctions for the unauthorized practice of law.

...

## **Mandatory Continuing Legal Education and Mandatory Judicial Education Guidelines**

...

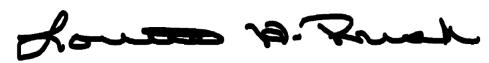
## **SECTION 3. ACCREDITATION POLICIES.**

...

| (e) **Executive Director's Discretionary Powers.** The Executive Director of the Indiana  
Commission for Continuing Legal EducationOffice of Admissions and Continuing Education  
may use discretion in waiving the 30-day pre-program application requirements of these  
Guidelines upon a showing of good cause by the applicant and may waive application or late  
processing fees.

...

The amendment is effective as of January 1, 2022.  
Done at Indianapolis, Indiana, on 10/6/2021.



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Loretta H. Rush  
Chief Justice of Indiana

All Justices concur.