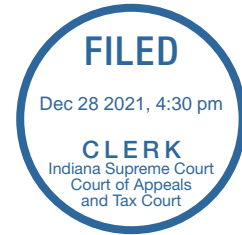


In the
Indiana Supreme Court

Cause No. 21S-MS-19



Order Amending 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 are amended as follows (deletions shown by ~~striking~~ and new text shown by underlining):

Rules for Admission to the Bar and the Discipline of Attorneys

Rule 23. Disciplinary Commission and Proceedings

...

Section 23.1 Obligations of Attorneys ~~¶~~Regarding Service; Constructive Service

...

(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 Executive Director of the Indiana Office of Admissions and Continuing Education Supreme Court Clerk of a change in contact information shall be deemed a waiver of notice involving disciplinary matters.

...

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 ~~Supreme Court Clerk~~ Executive Director of the Indiana Office of Admissions and Continuing Education of any change of designated Attorney Surrogate within thirty (30) days of such change. The ~~Supreme Court Clerk~~ Executive Director of the Indiana Office of Admissions and Continuing Education 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.
- (3) A Lawyer not practicing in a Fiduciary Entity who does not designate an Attorney Surrogate pursuant to subsection (1) above shall be deemed to designate a senior judge or other suitable member of the bar of this State in good standing appointed by a court of competent jurisdiction to perform the duties of an Attorney Surrogate.

(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 ~~Supreme Court Clerk~~ Executive Director of the Indiana Office of Admissions and Continuing Education 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.

...

This amendment is effective January 1, 2022.

Done at Indianapolis, Indiana, on 12/28/2021.



Loretta H. Rush
Chief Justice of Indiana

All Justices concur.