

**2002-2003
ANNUAL REPORT
OF THE
DISCIPLINARY COMMISSION
OF THE
SUPREME COURT OF INDIANA**

PUBLISHED BY THE

**INDIANA SUPREME COURT DISCIPLINARY COMMISSION
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William F. Lawler, Jr.

This report is dedicated to the memory of William F. Lawler, Jr., who was chairman of the Disciplinary Commission at the time of his death on October 7, 2002. Bill served the citizens of Madison County as their prosecuting attorney for 28 years and was a respected and well-known presence in the Indiana prosecutor's community. He was actively engaged in the private practice of law in Anderson when he died. Exemplified by his more than eight years of service on the Commission, Bill cared passionately about the legal profession, which he dearly loved. Bill was an elegant, warm and engaging person. The Commission members and staff will miss him and his many contributions to the work of lawyer regulation in Indiana.

INDIANA SUPREME COURT DISCIPLINARY COMMISSION

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I. INTRODUCTION

This is the annual report of the activities of the Disciplinary Commission of the Supreme Court of Indiana for the period beginning July 1, 2002 and ending June 30, 2003. The Disciplinary Commission is the agency of the Supreme Court of the State of Indiana charged with responsibility for investigation and prosecution of charges of lawyer misconduct. The Indiana Rules of Professional Conduct set forth the substantive law to which lawyers are held accountable by the Indiana lawyer discipline system. The procedures governing the Indiana lawyer discipline system are set forth in Indiana Supreme Court Admission and Discipline Rule 23. The broad purposes of the Disciplinary Commission are to "protect the public, the court and the members of the bar of this State from misconduct on the part of attorneys and to protect attorneys from unwarranted claims of misconduct." Admission and Discipline Rule 23, section 1.

The Disciplinary Commission is not a tax-supported agency. It is funded through an annual fee that each lawyer admitted to practice law in the State of Indiana must pay in order to keep his or her license in good standing. The current annual registration fee for lawyers in active status is \$105.00, \$90.00 of which goes to fund the Disciplinary Commission and the Judges and Lawyers Assistance Commission and \$15.00 of which goes to fund the Indiana Supreme Court Commission for Continuing Legal Education. The annual registration fee for lawyers in inactive status is \$45.00. The annual registration fee is due on or before October 1st of each year. Failure to pay the required fee within the established time subjects the delinquent lawyer to suspension of his or her license to practice law until such time as the fee and any delinquency penalties are paid. On April 21, 2002, the Supreme Court issued an order suspending **34** lawyers on active status for failure to pay their annual attorney registration fees, to be effective on May 18, 2002.

On May 21, 2003, the Supreme Court suspended the law licenses of **2,200** inactive lawyers for failing to pay an inactive registration fee. Because this was the first time inactive lawyers had been charged an annual registration fee, it is believed that the large number of suspensions was due to the fact that many inactive lawyers were unaware of their new obligation to pay an annual fee, in many cases because they had changed addresses without notifying the roll of attorneys. Subsequently, the Commission liberally granted waivers of late penalties to many suspended, inactive lawyers who thereafter reinstated their licenses to good standing by paying their registration fees. It is expected that the number of inactive lawyers who are suspended for non-payment of registration fees will be much lower in following years.

II. HISTORY AND STRUCTURE OF THE DISCIPLINARY COMMISSION

The Indiana Supreme Court has original and exclusive jurisdiction over the discipline of lawyers admitted to practice law in the State of Indiana. Ind.Const. art. 7, § 4. On June 23, 1971, the Indiana Supreme Court created the Disciplinary Commission to function in an investigatory and prosecutorial capacity in lawyer discipline matters.

The Disciplinary Commission is governed by a board of commissioners, each of whom is appointed by the Supreme Court to serve a term of five years. The Disciplinary Commission consists of seven lawyers and two lay appointees.

The Commission meets monthly in Indianapolis, generally on the second Friday of each month. In addition to acting as the governing board of the agency, the Disciplinary Commission considers staff reports on claims of misconduct against lawyers and must make a determination that there is reasonable cause to believe that a lawyer is guilty of misconduct which would warrant disciplinary action before formal disciplinary charges can be filed against a lawyer.

The officers and members of the Disciplinary Commission during the reporting year were:

		<u>First Appointed</u>	<u>Current Term Expires</u>
Grant W. Hawkins	Indianapolis	December 8, 1994	June 30, 2004
William F. Lawler, Jr., Chair	Anderson	December 8, 1994	Deceased October 7, 2002
David L. Hale, Vice-Chair and Chair	Kokomo	July 24, 1996	June 30, 2003
Janet L. Biddle, Secretary and Vice-Chair	Remington	July 24, 1996	June 30, 2005
Diane L. Bender, Secretary	Evansville	July 1, 1999	June 30, 2004
Robert L. Lewis	Gary	July 1, 1999	June 30, 2004
J. Mark Robinson	Charlestown	April 11, 2001	June 30, 2006
Sally Franklin Zweig	Indianapolis	September 2, 2001	June 30, 2006
Anthony M. Zappia	South Bend	September 9, 2001	June 30, 2006

Biographies of Commission members who served during this reporting year are included in **Appendix A**.

The Disciplinary Commission's work is administered and supervised by its Executive Secretary, who is appointed by the Commission with the approval of the Supreme Court. The Executive Secretary of the Commission is Donald R. Lundberg.

The staff of the Disciplinary Commission during this year included:

- Greg N. Anderson, Staff Attorney
- Allison S. Avery, Staff Attorney
- David B. Hughes, Trial Counsel (part-time)
- Laura B. Iosue, Staff Attorney
- Charles M. Kidd, Staff Attorney
- Carol Kirk, Staff Attorney/Investigator
- Dennis K. McKinney, Staff Attorney
- Seth T. Pruden, Staff Attorney
- Fredrick L. Rice, Staff Attorney
- Robert C. Shook, Staff Attorney
- Loyd W. Heck, Investigator
- Robert D. Holland, Investigator
- Sharon F. Scholl, Office Manager
- Janice A. Lubbehusen, Secretary
- Judy E. Whittaker, Secretary

In addition, the Disciplinary Commission employs law students as part-time clerks to assist in the work of the Commission. Law clerks who were employed during this reporting period included Amy Ford, Katherine McCanna, Sarah Pierce, Jared Simmons, Calvin Chambers and Anne Ricchiuto.

The offices of the Disciplinary Commission are located at National City Center, 115 West Washington Street, Suite 1165, South Tower, Indianapolis, Indiana 46204.

III. THE DISCIPLINARY PROCESS

A. The Grievance Process

The purpose of the Disciplinary Commission is to inquire into claims of attorney misconduct, protect lawyers against unwarranted claims of misconduct, and prosecute cases seeking attorney discipline when merited. Action by the Disciplinary Commission is not a mechanism for the resolution of private disputes between clients and attorneys, but rather is independent of private remedies that may be available through civil litigation.

An investigation into lawyer misconduct is initiated through the filing of a grievance with the Disciplinary Commission. Any member of the bench, the bar or the public may file a grievance by submitting to the Disciplinary Commission a written statement on a form prescribed by the Disciplinary Commission. There are no formal standing requirements for the filing of a grievance. Any individual having knowledge about the facts relating to the complaint may submit a grievance. A form for submission of grievances approved by the Disciplinary Commission is readily available from the Commission's office, from bar associations throughout the state, and on the Internet.

The Disciplinary Commission may also initiate an inquiry into alleged lawyer misconduct in the absence of a grievance from a third party. Acting upon information that is brought to its attention from any credible source, the Disciplinary Commission may authorize the Executive Secretary to prepare a grievance to be signed and issued by the Executive Secretary in the name of the Commission.

B. Preliminary Investigation

The Commission staff reviews each newly filed grievance to initially determine whether the allegations contained therein raise a substantial question of misconduct. If a grievance does not present a substantial question of misconduct, it may be dismissed by the Executive Secretary with the approval of the Commission, and written notice of dismissal is mailed to the grievant and the lawyer.

A grievance that is not dismissed on its face is sent to the lawyer involved, and a demand is made for the lawyer to submit a mandatory written response within twenty days of receipt. Additional time for response is allotted in appropriate circumstances. Other investigation as appropriate is conducted in order to develop the facts related to a grievance. The Executive Secretary may call upon the assistance of bar associations in the state to aid in the preliminary investigation of grievances. The bar associations that maintain Grievance Committees of volunteer lawyers to assist the Disciplinary Commission with preliminary investigations are: the Allen County Bar Association, the Evansville Bar Association, the Indianapolis Bar Association, the Lake County Bar Association, and the St. Joseph County Bar Association. Upon petition by the Commission, the Supreme Court may suspend the law license of a lawyer who fails to respond in writing to a grievance that has been opened for investigation.

Upon completion of the preliminary investigation and consideration of the grievance and the lawyer's response, the Executive Secretary, with the approval of the Commission, may dismiss the grievance upon a determination that there is not reasonable cause to believe that

the lawyer is guilty of misconduct. The grievant and the lawyer are notified in writing of the dismissal.

C. Further Investigation

Those grievances that the Executive Secretary determines present reasonable cause are docketed for further investigation and, ultimately, for full consideration by the Disciplinary Commission. Both the grievant and the lawyer are notified of this step in the process. Upon completion of the investigation, the results of the investigation are summarized in written form by Commission staff, and the matter is presented to the Disciplinary Commission for its consideration at one of its monthly meetings.

D. Authorizing Charges of Misconduct

After a grievance has been investigated, the Executive Secretary reports on it to the Disciplinary Commission, together with his recommendation about the disposition of the matter. The Commission makes a determination whether or not there is reasonable cause to believe the lawyer is guilty of misconduct that would warrant disciplinary action. If the Commission finds that there is not reasonable cause, the matter is dismissed with written notice to the grievant and the lawyer. If the Commission finds that reasonable cause exists, it directs the Executive Secretary to prepare and file with the Clerk of the Supreme Court a verified complaint charging the lawyer with misconduct.

E. Filing Formal Disciplinary Charges

Upon a finding by the Disciplinary Commission that there is reasonable cause to believe the lawyer is guilty of misconduct that would warrant disciplinary action, the Executive Secretary files a verified complaint with the Clerk of the Supreme Court setting forth the facts related to the alleged misconduct and identifying those provisions of the Rules of Professional Conduct that are alleged to have been violated by the lawyer's conduct. The respondent must file an answer to the verified complaint, or else the allegations set forth in the complaint will be taken as true.

F. The Evidentiary Hearing

Upon the filing of a verified complaint, the Supreme Court appoints a hearing officer who will preside over the case and who will submit recommended findings to the Supreme Court. The hearing officer must be an attorney admitted to practice law in the State of Indiana and is frequently a sitting or retired judge. Typically, the hearing officer is from a county close to the county in which the respondent lawyer practices law. The hearing officer's responsibilities include supervising the pre-hearing development of the case including discovery, conducting an evidentiary hearing, and reporting the results of the hearing to the Supreme Court by way of written findings of fact, conclusions of law and recommendations.

A hearing may be held at any location determined to be appropriate by the hearing officer.

G. Supreme Court Review

After the hearing officer has issued a report to the Supreme Court, either or both of the parties may petition the Court for a review of any or all of the hearing officer's findings, conclusions and recommendations. In every case, even in the absence of a petition for

review by one of the parties, the Court independently reviews the matter and issues its final order in the case.

H. Final Orders of Discipline

The conclusion of a lawyer discipline proceeding is an order from the Supreme Court setting out the facts of the case, determining the violations (if any) of the Rules of Professional Conduct that are supported by the facts, and assessing a sanction in each case where it finds misconduct. The sanction ordered by the Court is related to the seriousness of the violation and the presence or absence of mitigating or aggravating circumstances. The available disciplinary sanctions include:

- **Private Administrative Admonition.** A private administrative admonition is a disciplinary sanction that is issued by the Disciplinary Commission as an administrative resolution of cases involving minor misconduct. A private administrative admonition is issued as a sanction only when the Disciplinary Commission and the respondent lawyer agree to that disposition of a case. Unlike other disciplinary sanctions, the Supreme Court does not directly issue the admonition. However, the Court receives advance notice of the parties' intent to resolve a case by way of a private administrative admonition and may act within a period of 30 days to set aside such a proposed agreement. There is a public record made in the Office of the Clerk of the Supreme Court of every case resolved by a private administrative admonition, although the facts of the matter are not included in the public record.
- **Private Reprimand.** A private reprimand consists of a private letter of reprimand from the Supreme Court to the offending lawyer. The case does not result in a publicly disseminated opinion describing the facts of the case. The Court's brief order resolving the case by way of a private reprimand is a public record that is available through the office of the Clerk of the Supreme Court. In rare cases where a private reprimand is assessed, the Court may issue a *per curiam* opinion for publication styled *In the Matter of Anonymous*. While the published opinion does not identify the offending lawyer by name, the opinion sets out the facts of the case and the violations of the Rules of Professional Conduct involved for the edification of the bench, the bar and the public.
- **Public Reprimand.** A public reprimand is issued in the form of a publicly disseminated opinion by the Supreme Court setting forth the facts of the case and identifying the applicable Rule violations. A public reprimand does not result in any direct limitation upon the offending lawyer's license to practice law.
- **Short Term Suspension.** The Court may assess a short-term suspension of a lawyer's license to practice law as the sanction in a case. When the term of suspension is six months or less, the lawyer's reinstatement to the practice of law is generally automatic upon the completion of the term of suspension. The Court may, and does from time to time, require that a lawyer who is suspended for a period of six months or less be reinstated to practice only after petitioning for reinstatement and proving fitness to practice law. The procedures associated with reinstatement upon petition are described later in this report. Even in cases of

suspension with automatic reinstatement, for proper cause, the Disciplinary Commission may enter objections to the automatic reinstatement of the lawyer's license to practice law.

- **Long Term Suspension.** The Court may assess a longer term of suspension, which is a suspension for a period of time greater than six months. Every lawyer who is suspended for more than six months must petition the Court for reinstatement and prove fitness to re-enter the practice of law before a long-term suspension will be terminated.
- **Disbarment.** In the most serious cases of misconduct, the Court will issue a sanction of disbarment. Disbarment revokes a lawyer's license to practice law permanently, and it is not subject to being reinstated at any time in the future.

The lawyer discipline process in Indiana is not a substitute for private and other public remedies that may be available, including criminal sanctions in appropriate cases and civil liability for damages caused by lawyer negligence or other misconduct. Accordingly, the sanctions that are issued in lawyer discipline cases do not generally provide for the resolution of disputed claims of liability for money damages between the grievant and the offending lawyer. However, a suspended lawyer's willingness to make restitution may be considered by the Court to be a substantial factor in determining whether or not the lawyer will be reinstated to the practice of law at the conclusion of a term of suspension.

From time to time, the Court includes in a sanction order additional provisions that address aspects of the lawyer's misconduct in the particular case. Examples of these conditions include participation in substance abuse or mental health recovery programs, specific continuing legal education requirements, and periodic audits of trust accounts.

I. Resolution By Agreement

In cases of minor misconduct, if the Disciplinary Commission and the respondent lawyer agree before the filing of a formal complaint charging misconduct, a case may be disposed of by way of the issuance of a private administrative admonition. Unlike other disciplinary sanctions, this is an administrative sanction that is issued by the Disciplinary Commission rather than by the Supreme Court, although the Supreme Court does receive notice of a proposed administrative admonition and may act to set it aside.

In some cases that have resulted in the filing of a formal complaint charging misconduct, the respondent lawyer and the Disciplinary Commission are able to reach an agreement concerning the facts of a case, the applicable rule violations and an appropriate sanction for the misconduct in question. In these instances, the parties submit their agreement to the Supreme Court for its consideration. Any such agreement must include an affidavit from the lawyer accepting full responsibility for the agreed misconduct. The Court is free to accept the agreement of the parties and issue a final order of discipline in conformity with the agreement, or reject the agreement if the Court does not concur with the proposed sanction.

A lawyer charged with misconduct may also tender his or her written resignation from the practice of law. A resignation is not effective unless the lawyer fully admits his or her misconduct and the Court accepts the resignation as tendered. A lawyer who has resigned

with misconduct allegations pending may not seek reinstatement of his or her license until a period of at least five years has elapsed and only after successfully petitioning the Court.

J. Temporary Suspension

While a disciplinary complaint is pending against a lawyer, the Disciplinary Commission may seek the temporary suspension of the lawyer's license to practice law pending the outcome of the proceeding. Temporary suspensions are generally reserved for cases of serious misconduct or on-going risk to clients or the integrity of client funds. The hearing officer is responsible for taking evidence on a petition for temporary suspension and making a recommendation to the Supreme Court. The Court then issues an order granting or denying the petition for temporary suspension.

In addition to the temporary suspension procedure described above, whenever a lawyer licensed to practice law in Indiana is found guilty of a crime punishable as a felony, the Executive Secretary must report the finding of guilt to the Supreme Court and request an immediate temporary suspension from the practice of law. The Court may order the temporary suspension without a hearing, but the affected lawyer has the opportunity to submit to the Court reasons why the temporary suspension should be vacated. A temporary suspension granted under these circumstances is effective until such time as there is a resolution of related disciplinary charges or further order of the Court. Trial judges are required to send a certified copy of the order adjudicating criminal guilt of any lawyer to the Executive Secretary of the Commission within ten days of the date of the order.

Finally, the Executive Secretary is required to report to the Supreme Court any time he receives notice that a lawyer has been found to be delinquent in the payment of child support as a result of an intentional violation of a support order. After being given an opportunity to respond, the Supreme Court may suspend the lawyer's license to practice law until the lawyer is no longer in intentional violation of the support order.

K. The License Reinstatement Process

When any lawyer resigns or is suspended without provision for automatic reinstatement, the lawyer may not be reinstated into the practice of law until he or she successfully petitions the Supreme Court. The petitioning lawyer must successfully complete the Multi-State Professional Responsibility Examination, a standardized examination on legal ethics, prove by clear and convincing evidence that the causes of the underlying misconduct have been successfully addressed, and demonstrate that he or she is otherwise fit to re-enter the practice of law.

Lawyer reinstatement proceedings are heard in the first instance by a member of the Disciplinary Commission appointed as hearing officer by the Court, who after hearing evidence, makes a recommendation to the full Disciplinary Commission. The Disciplinary Commission, acting upon the recommendation of the hearing officer, makes its recommendation to the Supreme Court. The Court reviews the recommendation of the Disciplinary Commission and ultimately issues its order granting or denying the petition for reinstatement.

L. Lawyer Disability Proceedings

Any member of the public, the bar, the Disciplinary Commission, or the Executive Secretary may file with the Commission a petition alleging that a lawyer is disabled by reason of physical or mental illness or chemical dependency. The Executive Secretary is charged with investigating allegations of disability and, if justified under the circumstances, prosecuting a disability proceeding before the Disciplinary Commission or a hearing officer appointed by the Court. The Court ultimately reviews the recommendation of the Commission and may suspend the lawyer from the practice of law until such time as the disability has been remediated.

IV. COMMISSION ACTIVITY IN 2002-2003

A. Grievances and Investigations

An investigation into allegations of lawyer misconduct is commenced by the filing of a grievance with the Disciplinary Commission. During the reporting period, the Commission directly provided **4,807** grievance forms to members of the public. Additionally, forms are made available for distribution through local bar associations, service organizations, governmental offices and on the Commission's web site:

www.in.gov/judiciary/agencies/dis.html.

During the reporting period, **1,545** grievances were filed with the Disciplinary Commission. Of this number, **57** grievances were initiated by the Disciplinary Commission. The total number of grievances filed represents a slight decrease over the previous year. **Appendix B** presents in graphical form the number of grievances filed for each of the past ten years.

There were **14,918** Indiana lawyers in active, good-standing status and **1,848** lawyers in inactive, good-standing as of June 30, 2003. In addition, **875** lawyers regularly admitted to practice in other jurisdictions were granted temporary admission to practice law by trial court orders in specific cases during the year, pursuant to the provisions of Indiana Admission and Discipline Rule 3. The total grievances filed represent **10.4 grievances for every 100** regular actively practicing lawyers or one grievance for every **9.7** lawyers in regular active practice. **Appendix C** presents in graphical form the grievance rate for each of the past ten years.

Distribution of grievances is not even. Far fewer than 1,545 separate lawyers received grievances during the reporting period, because many lawyers were the recipients of multiple grievances. It is important to note that the mere filing of a grievance is not, in and of itself, an indication of misconduct on the part of a lawyer.

During the reporting period, **892** of the grievances received were dismissed without further investigation upon a determination that, on their face, they presented no substantial question of misconduct.

Upon receipt, each grievance that is not initially dismissed is classified according to the type of legal matter out of which the grievance arose and the type of misconduct alleged by the grievant. The table in **Appendix D** sets forth the classification by legal matter and by misconduct alleged of all grievances that were pending on June 30, 2003, or that were dismissed during the reporting year after investigation. Many grievances arise out of more

than one type of legal matter or present claims of more than one type of alleged misconduct. Accordingly, the total numbers presented in Appendix D represent a smaller number of actual grievances.

Ranked in order of complaint frequency, the legal matters most often giving rise to grievances involve *Criminal, Domestic Relations, Tort and Probate*. To understand the significance of this data, it is important to keep in mind that criminal cases (felonies, misdemeanors and infractions) make up, by far, the largest single category of cases filed in our trial courts. With the exception of civil plenary filings, domestic relations cases account for the next highest category of cases filed. Thus, in part, the high rates of grievances filed that pertain to criminal and domestic relations matters merely reflect the high number of cases of those types handled by lawyers in Indiana. The predominant types of legal matters out of which grievances arose during the reporting period are presented graphically in **Appendix E**.

Ranked in order of complaint frequency, the alleged misconduct types most often giving rise to grievances are *Poor Communications or Non-Diligence, Not Acting With Competence, Improper Withdrawal, Misinforming, Conflicts of Interest, and Excessive Fees*, with complaints about poor communications or non-diligence being about twice as frequent as the next category of alleged misconduct. The predominant types of misconduct alleged in grievances during the reporting period are presented graphically in **Appendix F**.

The following is the status of all grievances that were pending before the Disciplinary Commission on June 30, 2003, or that had been dismissed during the reporting period:

	<u>DISMISSED</u>	<u>OPEN</u>
Grievances filed before July 1, 2002	447	416
Grievances filed on or after July 1, 2002	1,060	397
Total carried over from preceding year:		841
Total carried over to next year:		813

B. Non-Cooperation By Lawyers

Effective January 1, 2001, the Supreme Court amended Admission and Discipline Rule 23(10) to provide for the suspension of a lawyer’s law license upon a showing that the lawyer has failed to cooperate with the disciplinary process. The purpose of this rule was to promote lawyer cooperation to aid in the effective and efficient functioning of the disciplinary system. The Commission brings allegations of non-cooperation before the Court by filing petitions to show cause. During the reporting year, the Disciplinary Commission filed **19** petitions to suspend the law licenses of **16** lawyers with the Supreme Court for failing to cooperate with investigations. The following are the dispositions of the non-cooperation matters that the Commission filed with the Court during the reporting year:

Show cause petitions19

<u>Name</u>	<u>City of Practice</u>	<u>Date of Admission</u>
Clark, Timothy V.	Indianapolis	June 2, 1982
Cook, Adam N.	Terre Haute	November 3, 1997
Daniel, David L.	Indianapolis	October 22, 1993

Harter, Troy W.	Indianapolis	October 16, 2000
Holbrook, Neil E.	Goshen	October 7, 1983
Howard, Joseph D.	Indianapolis	December 19, 1995
Lamar, Brian K.	Indianapolis	October 22, 1993
Mocek, Robert J.	Indianapolis	October 15, 1982
Modesitt, Terry R.	Terre Haute	January 24, 1983
Moss, John O., III	Indianapolis	June 4, 1999
Poore, Regina M.	Indianapolis	June 15, 1990
Shepard, Clifford W.	Indianapolis	October 22, 1993
Shepard, Clifford W.	Indianapolis	October 22, 1993
Shepard, Clifford W.	Indianapolis	October 22, 1993
Sherman, Stephen M.	Indianapolis	September 26, 1972
Simler, Michael W. (amended)	Clinton	December 29, 1994
Turner, Michael F.	Scottsburg	October 23, 1995
Turner, Michael F.	Scottsburg	October 23, 1995
Weitgenant, Roger A.	Merrillville	June 15, 1990
Dismissed as moot after cooperation (no show cause order).....1		
Moss, John O., III		
Show cause orders.....		18
Dismissed after show cause order due to compliance9		
Clark, Timothy V.		
Cook, Adam N.		
Holbrook, Neil E.		
Lamar, Brian K.		
Modesitt, Terry R.		
Shepard, Clifford W.		
Shepard, Clifford W.		
Sherman, Stephen M.		
Turner, Michael F.		
Dismissed as moot due to resignation from the bar1		
Weitgenant, Roger A.		
Show cause orders pending without further court action.....		3
Harter, Troy W.		
Shepard, Clifford W.		
Turner, Michael F.		
Suspensions for non-cooperation.....		5
Reinstatements due to cooperation after suspension0		
Suspensions still effective.....5		
Daniel, David L.		
Howard, Joseph D.		

Mocek, Robert J.
 Poore, Regina M.
 Simler, Michael W. (converted to indefinite suspension)

C. Trust Account Overdraft Reporting

Pursuant to Admis.Disc.R. 23, section 29, all Indiana lawyers must maintain their client trust accounts in financial institutions that have agreed to report any trust account overdrafts to the Disciplinary Commission. Upon receipt of a trust account overdraft report, the Disciplinary Commission sends an inquiry letter to the lawyer directing that the lawyer supply a documented, written explanation for the overdraft. After review of the circumstances surrounding the overdraft, the investigation is either closed or referred to the Disciplinary Commission for consideration of filing a disciplinary grievance.

The following are the results of inquiries into overdraft reports received during the reporting year:

Carried Over From Prior Year.....	14
Overdraft Reports Received	68
Inquiries Closed.....	69
Reasons for Closing:	
Bank Error.....	17
Referral for Disciplinary Investigation	12
Law Office Math or Record-Keeping Error	10
Disbursement From Trust Before Deposited Funds Collected.....	6
Disbursement From Trust Before Trust Funds Deposited	6
Inadvertent Deposit of Trust Funds to Non-Trust Account.....	4
Inadvertent Disbursement of Operating Obligation From Trust	4
Overdraft Due to Refused Deposit for Bad Endorsement	2
Overdraft Due to Bank Charges Assessed Against Account.....	2
Deposit of Trust Funds to Wrong Trust Account.....	2
Non-Trust Account Inadvertently Misidentified as Trust Account.....	0
Death, Disbarment or Resignation of Lawyer.....	0
Inquiries Carried Over Into Following Year	13

D. Litigation

1. Overview

In 2002-2003, the Commission filed **37** Verified Complaints for Disciplinary Action with the Supreme Court. These Verified Complaints, together with amendments to pending Verified Complaints, represented findings of reasonable cause by the Commission in **46** separate counts of misconduct during the reporting year.

Including dismissals, in 2002-2003, the Supreme Court issued **88** final dispositive orders, compared to **82** in the previous year, representing the completion of **135** separate discipline files. Including private administrative admonitions, **96** lawyers were sanctioned in final orders of discipline in the reporting year, compared to **91** in the previous year. **Appendix G** provides a comparison of disciplinary sanctions entered for each of the past ten years.

2. Verified Complaints for Disciplinary Action

a. Status of Verified Complaints Filed During the Reporting Period

The following reports the status of all verified complaints filed during the reporting period:

Verified Complaints Filed During Reporting Period.....	37
Number Disposed Of By End Of Year.....	12
Number Pending At End Of Year	25

In addition, the Disciplinary Commission authorized the filing of **19** verified complaints during the reporting period that had not yet been filed by June 30, 2003.

The Commission also filed **5** Notices of Foreign Discipline and Requests for Reciprocal Discipline with the Supreme Court pursuant to Admis.Disc.R. 23, §28(b).

During the reporting year, the Disciplinary Commission filed no Motions for Suspension Pending Prosecution pursuant to Admission and Discipline Rule 23, §11.1(b) and filed Notices of Conviction and Requests for Suspension pursuant to Admission and Discipline Rule 23, §11.1(a) in **2** cases.

Also, during the year, **2** petitions were filed seeking a finding of contempt against lawyers for maintaining a presence in a law office after their law licenses were suspended. Indianapolis attorney Frank J. Pope was ordered incarcerated for 15 days after being found in contempt of court. The contempt action against Indianapolis attorney Travis Raymond Fox was pending at the close of the reporting year.

b. Status of All Pending Verified Complaints

The following reports the status of all formal disciplinary proceedings pending as of June 30, 2003:

Appointment of Hearing Officer Pending.....	1
Cases Pending Before Hearing Officers	36
Cases Pending On Review Before the Supreme Court.....	<u>12</u>
Total Verified Complaints Pending on June 30, 2003	49

During the course of the reporting year, **15** cases were tried on the merits to hearing officers at final hearings, and **31** cases were submitted to the Supreme Court for resolution by way of Conditional Agreements for Discipline.

3. Final Dispositions

During the reporting period, the Disciplinary Commission imposed administrative sanctions and the Supreme Court imposed disciplinary sanctions, made reinstatement determinations, or took other actions as follows:

Private Administrative Admonitions	12
Private Reprimands	13

Public Reprimands.....16

<u>Name</u>	<u>City of Practice</u>	<u>Date of Admission</u>
Brinley, David M.	Columbus	October 14, 1988
Cobb, Arthur Thomas	Indianapolis	May 14, 1969
Gerling, Gary Leon	Evansville	September 25, 1963
Giannetto, Charles A.	Valparaiso	October 15, 1990
Grant, Robert G.	Indianapolis	May 1, 1974
Hoffman, Thomas K.	Crown Point	October 11, 1977
Kopko, Andrew J.	Merrillville	September 23, 1964
Loiseau, Richard	Indianapolis	October 25, 1991
Mandel, Derek L.	Zionsville	November 17, 1987
Nordmann, Benjamin E.	Fort Wayne	September 18, 2000
Page, Paul J.	Indianapolis	October 15, 1990
Royer, Martell B.	Hammond	November 19, 1969
Saint, Robert E.	Indianapolis	May 31, 1979
Stern, Patrick H.	Beech Grove	June 8, 1987
Summers, Paul Michael	New Albany	June 9, 1995
Wilkins, Michael A.	Indianapolis	October 14, 1988

Suspensions With Automatic Reinstatement.....14

<u>Name</u>	<u>City of Practice</u>	<u>Date of Admission</u>	<u>Suspension</u>
Allen, Kenneth J.	Valparaiso	May 29, 1981	90 days
Bryan, Lon D.	Muncie	June 9, 1978	90 days
Clark, Timothy V.	Indianapolis	June 2, 1982	6 months ¹
Flora, Ben W.	Frankfort	September 18, 1990	30 days
Haughee, Michael B.	Griffith	May 29, 1981	60 days
Hefron, William K.	Vermillion, OH	June 9, 1989	6 months
Jones, Mark E.	Batesville	May 29, 1981	120 days
Madeira, David Lowe	Wheaton, IL	July 6, 1989	60 days
Malkowski, Lynn M.	Griffith	October 26, 1992	30 days
Scahill, Patricia L.	Carmel	November 9, 1998	30 days
Transki, Barbara A.	Michigan City	October 31, 1994	90 days
Webster, Franklin A.	Fort Wayne	September 27, 1961	6 months
Wegner, Claude D.	Indianapolis	May 1, 1974	30 days
Welke, W. Brent	English	March 28, 1991	30 days

¹ Automatic reinstatement conditioned on refunding \$5,434 to client.**Suspensions With Reinstatement on Conditions.....6**

<u>Name</u>	<u>City of Practice</u>	<u>Date of Admission</u>	<u>Suspension</u>
Batesky, Richard P., Jr.	Indianapolis	October 15, 1990	180 days ²
Fairchild, Raymond F.	Indianapolis	September 22, 1971	1 year ³

²150 days of suspension stayed conditioned on submission of quarterly trust account audits for one year.³6 months of suspension stayed conditioned on compliance with terms of probation for two years.

Hicks, Mitchell W.	Fort Wayne	August 7, 1989	60 days ⁴
Johnson, Theodore J.	Valparaiso	October 22, 1993	180 days ⁵
Rawls, William J.	Indianapolis	October 18, 1985	12 months ⁶
Wagoner, Linda M.	Indianapolis	October 13, 1976	180 days ⁷

⁴ 60 days of suspension stayed conditioned on compliance with terms of probation for 18 months.

⁵ 120 days of suspension stayed conditioned on compliance with terms of probation for two years.

⁶ Six months of suspension stated conditioned on compliance with terms of probation for one year.

⁷ 90 days of suspension stayed conditioned on compliance with terms of probation for two years.

Suspensions Without Automatic Reinstatement18

<u>Name</u>	<u>City of Practice</u>	<u>Date of Admission</u>	<u>Suspension</u>
Anderson, Allison Riley	Winamac	October 26, 1992	2 years
Belt, Richard Kevin	Schaumburg, IL	October 25, 1991	5 years ⁸
Chinn, David Paul	Louisville, KY	June 3, 1985	2 years ⁹
Clayton, Dan L.	Indianapolis	May 19, 1971	6 months
Clifford, Lawrence J.	South Bend	October 21, 1975	6 months
Forgey, J. Scott	Muncie	June 8, 1987	Indefinite
Geller, Steven B.	Indianapolis	June 9, 1989	12 months
Hardy, David John	Indianapolis	June 7, 1991	Indefinite
Johnson, David C.	Indianapolis	November 4, 1996	2 years
Loosemore, Allan G., Jr.	Evansville	September 18, 1981	3 years
Parker, Erick Scott	Decatur, IL	April 18, 1997	Indefinite ¹⁰
Partenheimer, Robert S.	Princeton	September 22, 1992	12 months
Perry, Kevin Eugene	Waco, TX	October 15, 1982	Indefinite ¹¹
Phillips, Nicole C.	New Albany	June 5, 1998	Indefinite
Putsey, Albert E.	Winamac	October 4, 1979	2 years
Regnier, Robert H., Jr.	Rockford, IL	May 3, 1977	3 years ¹²
Simler, Michael W.	Clinton	December 29, 1994	Indefinite
Trauffer, Harry L.	Powder Spgs, GA	June 14, 1983	Indefinite ¹³

⁸ Not eligible to seek reinstatement until reinstated in the state of Illinois.

⁹ Not eligible to seek reinstatement until reinstated in the state of Kentucky.

¹⁰ Not eligible to seek reinstatement until reinstated in the state of Illinois.

¹¹ Not eligible to seek reinstatement until reinstated in the state of Texas.

¹² Not eligible to seek reinstatement until reinstated in the state of Illinois.

¹³ Not eligible to seek reinstatement until reinstated in the state of Georgia.

Accepted Resignations11

<u>Name</u>	<u>City of Practice</u>	<u>Date of Admission</u>
Carnall, Ned R.	Huntington	September 14, 1960
Chase, Lynn G.	Whiting	October 10, 1973
Daily, William E.	Danville	June 8, 1973
Delfine, Michael P.	Portage	December 13, 1988
Dunham, Jeffrey C.	Indianapolis	June 19, 1980
Kelley, Keri L.	Terre Haute	November 3, 1997
Kusbach, Paul Bruno	South Bend	September 14, 1965

Phipps, James W.	Greencastle	June 10, 1988
Targgart, Alan W.	Wolcottville	June 9, 1989
Weitgenant, Roger A.	Merrillville	June 15, 1990
Zonakis, Steven B.	Fort Wayne	June 9, 1995

Disbarments.....4

<u>Name</u>	<u>City of Practice</u>	<u>Date of Admission</u>
Beckner, Dean M.	Delphi	May 24, 1972
Gariepy, Roland W.	Fort Wayne	November 19, 1969
Harris, David B	Portland, OR	June 9, 1989
Williams, Robert G.	Mooreville	September 16, 1970

Other (indefinitely barred from practice in Indiana).....2

<u>Name</u>	<u>Jurisdiction of Admission</u>	<u>Date of Admission</u>
Coale, John P.	Washington, DC	Not admitted in Indiana
Allen, Phillip B.	Illinois/Ohio	Not admitted in Indiana

Dismissals.....4

Reconsideration of Probable Cause.....	1
Death of Respondent	1
Findings for Respondent	2

Reinstatement Proceedings

Number of Petitions Filed.....	3
Hearings	2
Disposed of by Final Order.....	7
Reinstated with conditions	4
Garringer, Donald M., Plainfield	
Herthel, Nick J., Bedford	
Miller, Robert W., Anderson	
Osborne, William D., Bloomington	
Dismissed	3
Brubaker, R. Alan, Kokomo	
Perrello, Biagio J., Indianapolis	
Stewart, Terry L., Indianapolis	

Temporary Suspensions2

<u>Name</u>	<u>City of Practice</u>	<u>Date of Admission</u>
O'Farrell, Scot A.	Indianapolis	November 13, 2000
Johnson, David Charles	Indianapolis	November 4, 1996

V. SUMMARY OF DISCIPLINARY COMMISSION ACTIVITIES

	2002-03	2001-02	2000-01	1999-2000	1998-99
Matters Completed	1,641	1,704	1,657	1,680	1,442
Complaints Filed	37	62	56	59	69
Final Hearings	15	21	23	21	14
Final Orders	89	82	83	75	65
Reinstatement Petitions Filed	3	4	4	4	1
Reinstatement Hearings	2	3	3	3	2
Reinstatements Ordered	4	0	1	3	2
Reinstatements Denied	0	3	2	0	2
Income	\$1,650,231	\$1,389,875	\$1,252,528	\$1,194,789	\$1,151,376
Expenses	\$1,621,569	\$1,454,041	\$1,360,653	\$1,198,731	\$1,103,233

VI. AMENDMENTS TO RULES AFFECTING LAWYER DISCIPLINE

A. Admission and Discipline Rule 23, section 21(a) and (b) – Annual Registration Fee

Financial penalties for delinquent registration fee payments. On July 1, 2002, effective January 1, 2003, the Supreme Court amended the method for assessing financial penalties against lawyers who are delinquent in paying their annual registration fees. Annual fees are due and payable on or before October 1 of each year. For active lawyers, in addition to the registration fee, the penalty fee structure will be \$50 for payments made after October 1 and on or before October 15; \$100 for payments made after October 15 and on or before December 31; and \$250 for payments made after December 31. For inactive lawyers, in addition to the registration fee, the penalty structure will be identical, except that the delinquent fee will remain at \$100 after October 15, rather than increasing after December 31.

VII. OTHER DISCIPLINARY COMMISSION ACTIVITIES

Members of the Disciplinary Commission and its staff spent many hours during the reporting year engaged in education efforts related to the lawyer discipline process and professional responsibility. Some of those activities are highlighted in **Appendix H**.

VIII. FINANCIAL REPORT OF THE DISCIPLINARY COMMISSION

A report setting forth the financial condition of the Disciplinary Commission Fund is attached as **Appendix I**.

IX. APPENDICES

BIOGRAPHIES OF DISCIPLINARY COMMISSION MEMBERS

Grant W. Hawkins is a trial judge in the Criminal Division of the Marion Superior Courts. He presides in a court where major felony cases are filed, and he has also been appointed to serve as a member of the Court Technology Committee, the Court Reporter Issues and Initiatives Committee, and a committee charged with revising the Marion County bail matrix. Following the award of a B.A. degree by Wesleyan University, Middletown, Connecticut, in 1971, he received his law degree from Indiana University School of Law at Indianapolis in 1974 and, that same year, was admitted to practice in the State of Indiana and the United States District Court for the Southern District of Indiana. Prior to assuming the bench, Judge Hawkins shared office space in the Indianapolis offices of Samper Hawkins Atz & Reid. In addition to his private practice, from January of 1975 until December of 2000, he was a part-time Public Defender. Professional memberships include the Indianapolis and Marion County Bar Associations, and the Indianapolis Inn of the American Inns of Court. Judge Hawkins has been appointed a member of the Indiana Education Roundtable and the Criminal Law Study Commission. First appointed to complete the balance of the five-year term of a retiring member of the Disciplinary Commission on December 8, 1994, his current term will expire on June 30, 2004. He was Secretary and Vice-Chairman of the Commission before being Chairman from September 14, 2001, to July 12, 2002.

William F. Lawler, Jr., practiced law in Anderson, Indiana up until the time of his death on October 7, 2002. He received a B.S. degree from Purdue University and his law degree from Indiana University School of Law at Indianapolis. He was admitted to practice law in the State of Indiana in 1956 and is also admitted to practice in the United States District Court for the Southern District of Indiana and the Supreme Court of the United States. Mr. Lawler was a member of the Madison County, Indiana State and American Bar Associations and a member of Phi Delta Phi International Legal Fraternity. He served seven terms as the elected prosecuting attorney of Madison County, Indiana, and also served for five years as a deputy prosecutor in that county. He was a past Chairman and former board member of the Indiana Prosecuting Attorney's Council, a past President and former board member of the Indiana Prosecuting Attorney's Association, and he served for seven years as a member of the Indiana Law Enforcement Training Board. Mr. Lawler served on several civic and governmental committees in his home community of Anderson. He taught criminal law and procedure at Anderson University. He was appointed to his first term as a member of the Disciplinary Commission on December 8, 1994, and he was re-appointed to a second five-year term that was to have expired on December 8, 2004. He was Secretary and Vice-Chairman of the Commission before becoming Chairman on July 12, 2002.

David L. Hale is employed by Chrysler Corporation in Kokomo, Indiana, where he has worked since 1964. He has been a long-standing member of the United Auto Workers and currently serves as the Director of Regional Health Care Initiatives for the UAW. From 1982 until 1996, he served as the Benefit Plans Representative for the UAW. Mr. Hale is a veteran of the United States Air Force, having served from 1965 until 1969, including a tour of duty in Vietnam from 1966 to 1968. Included among his many community involvements are membership in the Howard County Community Action Program, the Howard County Minority Health Coalition, and the First Church of the Nazarene. Mr. Hale is married to Diana G. Hale, and they have two children, Deron and Amy, and one grandchild. Mr. Hale was appointed as one of the first lay members of the Disciplinary Commission on July 24, 1996, for a two-year term and was reappointed for a five-year term expiring

APPENDIX A

on June 30, 2003. He was Secretary and Vice-Chair before becoming Chairman of the Commission on November 8, 2002.

Janet L. Biddle is currently involved in the family businesses of Biddle Farms, Biddle Seed, Inc. and Biddle Insurance Service, Inc. Ms. Biddle earned an associates degree in 1966 from Ball State University. She was employed by Eli Lilly and Company until 1973 when she joined her family business. She has been involved in numerous philanthropic organizations. She is actively involved in Covenant Presbyterian Church of Lafayette and many other community activities. In 1996, she earned her Property and Casualty Insurance License. She is married to D. William Biddle and has two sons, Bryce and Stephen. Ms. Biddle was appointed as one of the first lay members of the Disciplinary Commission on July 24, 1996, for a four-year term and was reappointed for a five-year term expiring on June 30, 2005. Having previously served as Secretary of the Commission, she became Vice-Chair on November 8, 2002.

Robert L. Lewis is a member of the four-person law firm of Robert L. Lewis & Associates, located in Gary, Indiana. Two other attorneys in the office are of counsel. He attended Indiana University in Bloomington where he received his B.A. in 1970 and his law degree in 1973. He also obtained a Masters in Public Administration from Western Kentucky University in 1980. He is currently a JAG Corp Lieutenant Colonel in the U.S. Army Reserves with prior active duty service in Viet Nam as a U.S. Marine. He is admitted to practice before the U.S. Supreme Court, the U.S. Seventh Circuit Court of Appeals, the Northern and Southern U.S. District Courts of Indiana, and the U.S. Court of Military Appeals. He is also a member of the Indiana and Kentucky Bars. He served as a part-time public defender in the Lake Superior Court, Criminal Division, for nine years before becoming a Magistrate in the same Superior Court system. He served there for four years and is currently a civil referee in the Gary City Court. He is a life member of the NAACP, Phi Alpha Delta Legal Fraternity, Omega Psi Phi Fraternity, Indiana University Alumni Association and the U.S. Reserve Officer's Association. Mr. Lewis is also a member of the American Bar Association, National Bar Association, Indiana State Bar Association, Lake County Bar Association, the James Kimbrough Bar Association, and the American and Indiana Trial Lawyers Associations. He was also commissioned a Kentucky Colonel by former Kentucky Governor Julian Carroll. He was appointed to a five-year term on the Disciplinary Commission expiring on June 30, 2004.

Diane L. (Wolf) Bender is a sole practitioner in Evansville, Indiana. She received a B.B.A. degree, with highest honors, from the University of Notre Dame in 1977. She received her law degree, cum laude, from the Notre Dame Law School in 1980. Ms. Bender was admitted to practice law in the State of Indiana in 1980 and is also admitted to practice in the United States District Court for the Southern District of Indiana and the Supreme Court of the United States. She is a member of the Evansville Bar, Indiana State Bar, and American Bar Associations. She served as president of the Evansville Bar Association in 1992 and was recipient of the Evansville Bar Association's James Bethel Gresham Freedom Award in 1991. She served as Chair of the Probate, Trust and Real Property Section of the Indiana State Bar Association in 1996. Ms. Bender is a current member of the Indiana Probate Study Commission, a Fellow of the Indiana Bar Foundation, and a Fellow of the American College of Trust and Estate Counsel. She was appointed to a five-year term on the Disciplinary Commission expiring on June 30, 2004, and was elected Secretary of the Commission on November 8, 2002.

APPENDIX A

J. Mark Robinson is the managing attorney of the New Albany office of Indiana Legal Services, Inc. He received his B.S. in Civil Engineering from Purdue University in 1969, his law degree from the University of Louisville School of Law in 1973, and a Master of Divinity from the Louisville Presbyterian Theological Seminary in 1974. He was admitted to practice in the Commonwealth of Kentucky in 1973, the State of Indiana in 1974, and the United States District Courts for the Southern District of Indiana and the Western District of Kentucky. Mr. Robinson has served as in-house counsel to Chemetron Corporation, a staff attorney for the U.S. Army Corps of Engineers, and has spent the past 24 years with Indiana Legal Services. His professional memberships include the Clark and Floyd County Bar Associations; the Indiana State, Kentucky, and American Bar Associations; and the Sherman Minton American Inn of Court. He is the past president of the Clark County Bar Association, past president of the Clark County Board of Public Defenders, and has served Clark County in the Indiana State Bar Association House of Delegates for the past six years. He is also a Master Fellow of the Indiana Bar Foundation. As a Presbyterian minister, Mr. Robinson has served small rural parishes in southeastern Indiana throughout the past 27 years. In addition to being a member of the Indiana Pro Bono Commission, he was appointed to a five-year term as a member of the Disciplinary Commission on April 11, 2001.

Sally Franklin Zweig is a partner of the law firm of Katz & Korin P.C. in Indianapolis. She obtained her undergraduate degree from Washington University in St. Louis in 1971 and received her law degree from Indiana University School of Law at Indianapolis in 1986 and was admitted to practice that same year. Prior to her current affiliation she was a partner at Johnson Smith LLP where she chaired the Health Care Practice Group. She is admitted to practice in all Indiana state courts and both Indiana federal court districts, as well as the Seventh Circuit Court of Appeals and the Supreme Court of the United States. Ms. Zweig is the immediate-past President of the Board of Directors of the Indiana University-Indianapolis Law School Alumni Association and a past President of the Indianapolis Chapter of the American Inns of Court. She has been recognized as a Distinguished Fellow of the Indianapolis Bar Foundation and is a lecturer for the Bar Review presented by the Indianapolis Bar Association. She is also a Fellow of the Aspen Institute [1997] and the Oxford Center for Social Justice [1998]. Her civic service includes mayoral appointments to the Executive Board of the Greater Indianapolis Progress Committee and co-chair of the Race Relations Leadership Counsel of Indianapolis, and election to the boards of directors of the Indianapolis Art Center and At Your School Services. She was appointed to a five-year term as a member of the Disciplinary Commission on September 2, 2001.

Anthony M. Zappia is the senior member of the 4-person law firm of Zappia & Zappia, located in South Bend, Indiana. He attended the University of Notre Dame where he received his B.A. in 1972, cum laude, in the School of Economics, and earned his law degree in 1976 from Valparaiso University. He is admitted to practice before the Supreme Court of Indiana and the United States District Court for the Northern District of Indiana. Mr. Zappia was a Deputy Prosecuting Attorney in St. Joseph County from 1976 to 1986. He was also the attorney for the Mishawaka City Council from 1981 to 1986. He has served St. Joseph County as its County Attorney from 1986 until the present. He has been a member of the St. Joseph County Judicial Nominating Committee on two separate occasions, and presently serves on the St. Joseph County Public Defender's Advisory Committee, and is a member of the Indiana Supreme Court Committee on Character and Fitness. Mr. Zappia was President-Elect in 1989-1990 and President in 1990-1991 of the St. Joseph County Bar Association. He is a member of the Indiana State and American Bar Associations; Indiana Trial

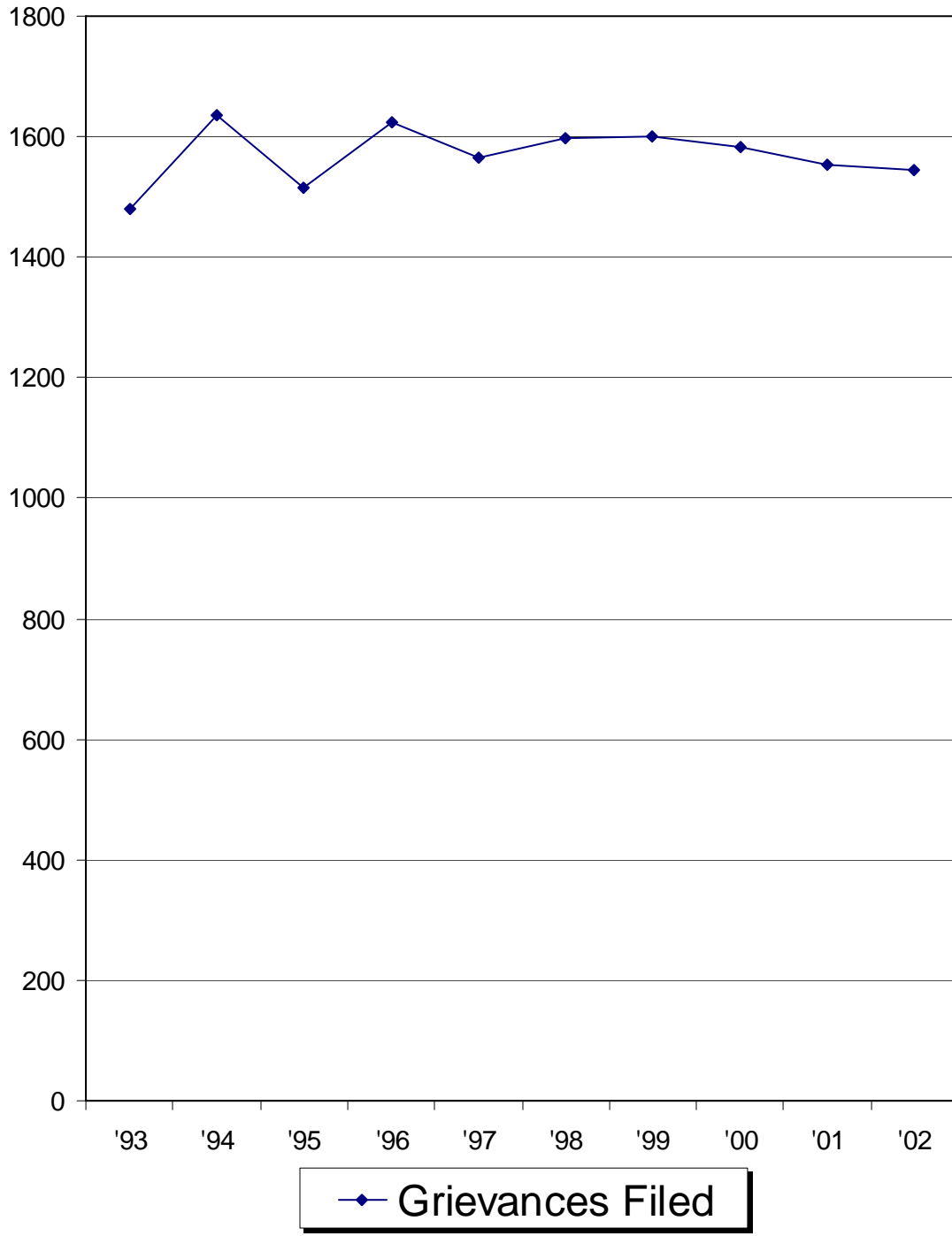
APPENDIX A

Lawyers Association; and Association of Trial Lawyers of America. Mr. Zappia's principal areas of practice are personal injury, criminal defense, domestic relations and civil litigation. He was appointed to the Disciplinary Commission on September 9, 2001, to a 5-year term that expires on September 8, 2006.

APPENDIX A

TRENDS IN LAWYER DISCIPLINE

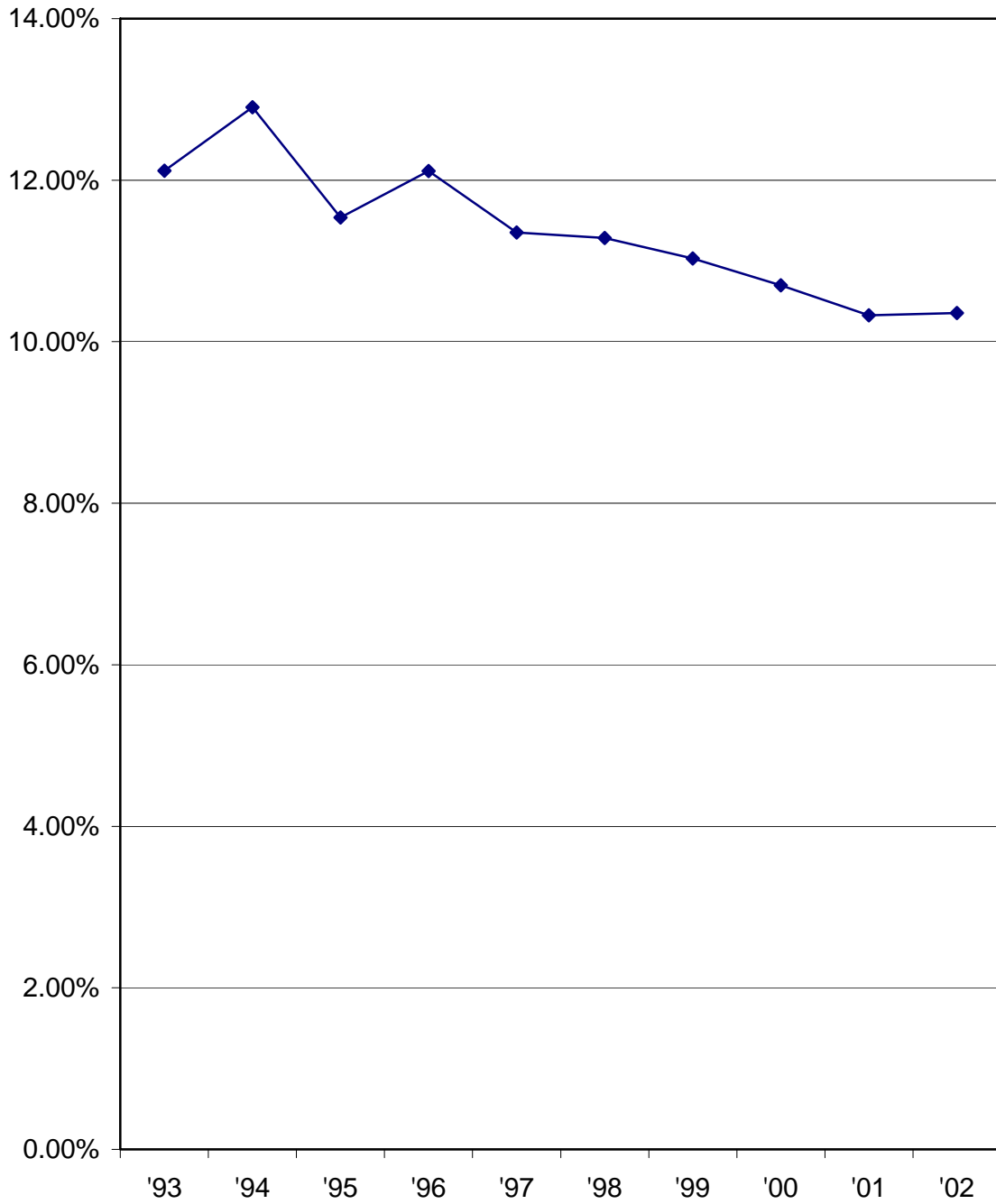
NUMBER OF GRIEVANCES FILED 1993-2002



APPENDIX B

TRENDS IN LAWYER DISCIPLINE

GRIEVANCE RATES 1993-2002



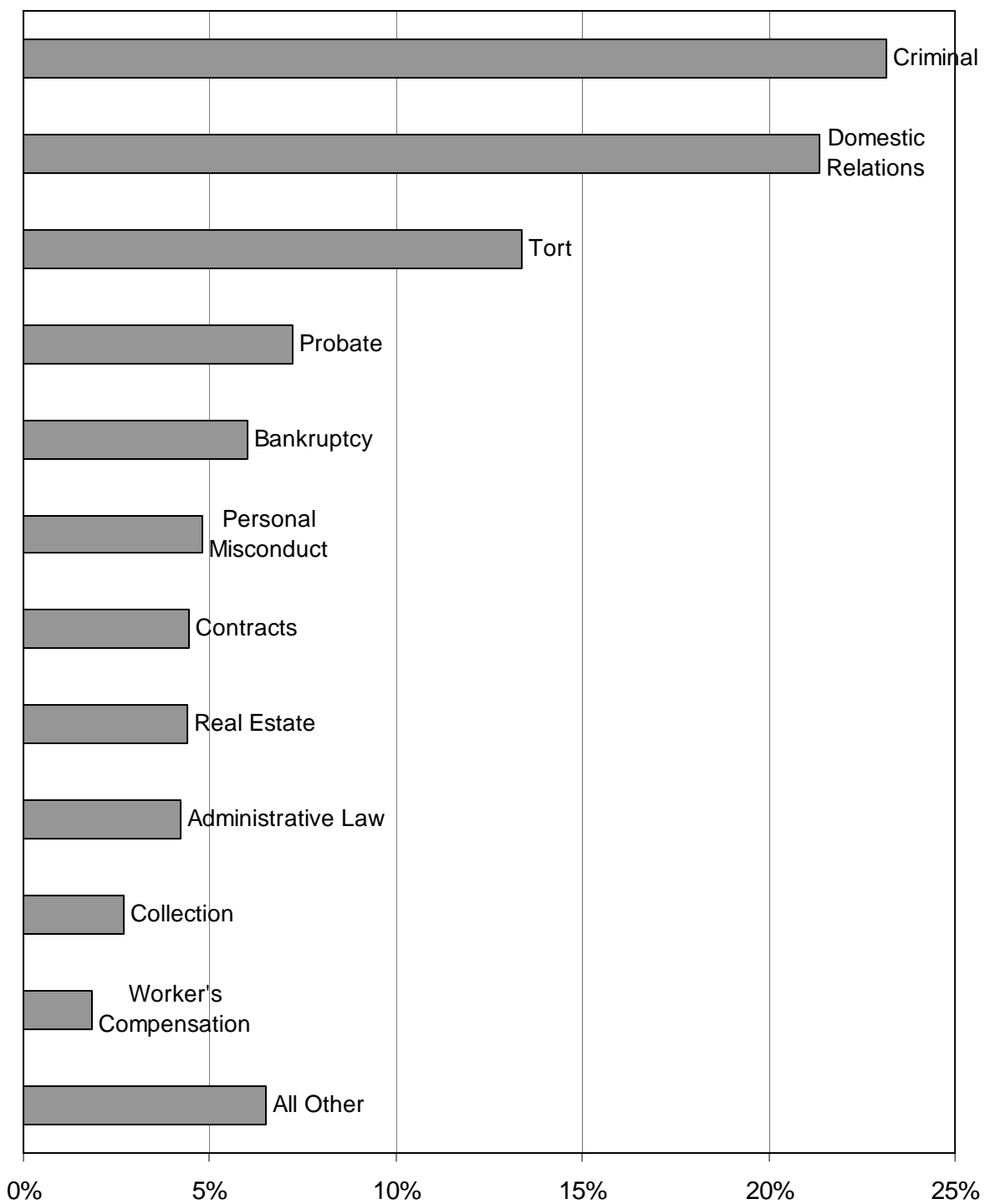
◆ Grievances as % of Active Lawyers

TRENDS IN LAWYER DISCIPLINE

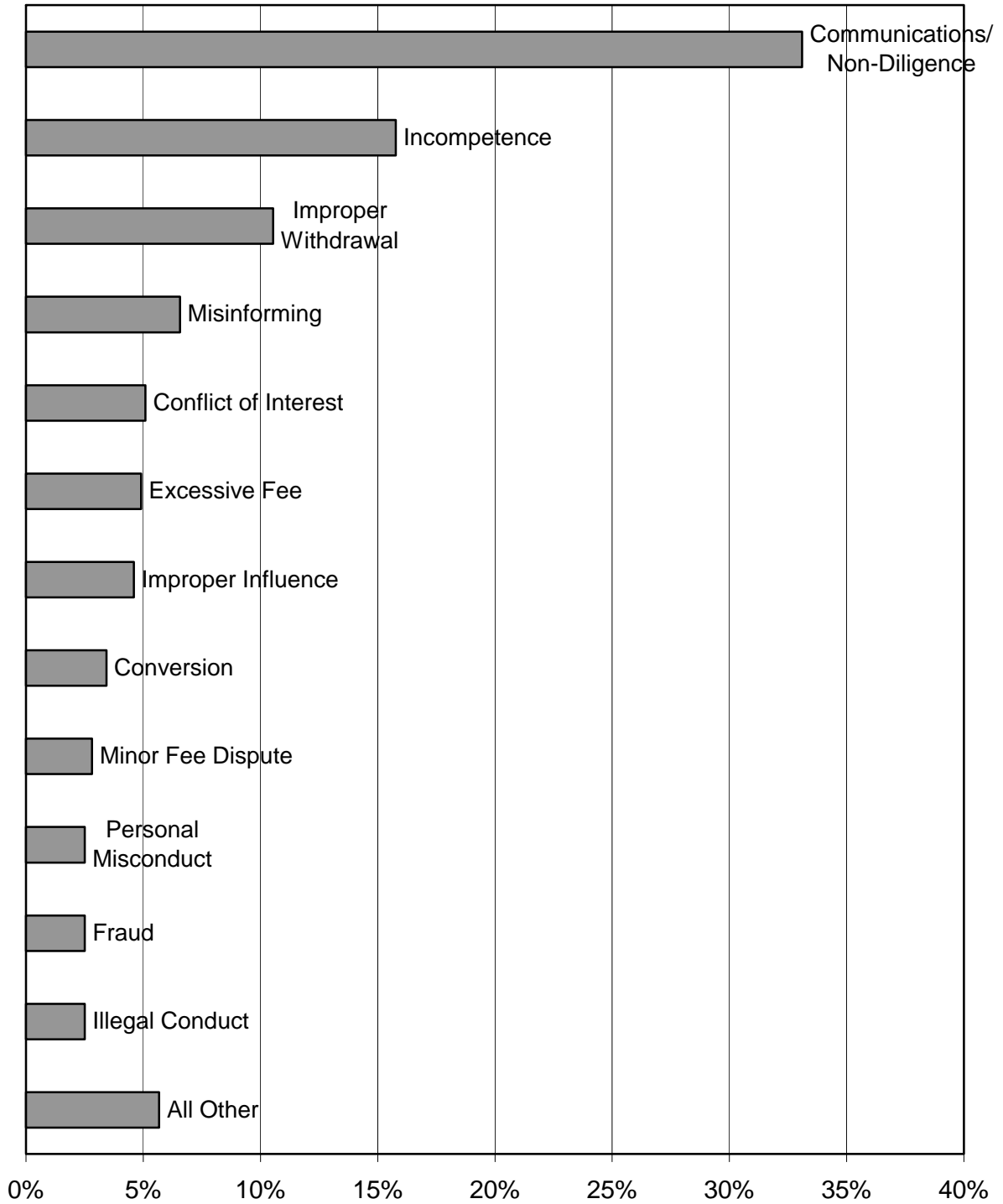
GRIEVANCES BY CASE TYPE AND MISCONDUCT ALLEGED (2002-2003))

TYPE OF LEGAL MATTER	NUMBER	% OF TOTAL
Administrative Law	60	4.2%
Adoption	3	0.2%
Bankruptcy	85	6.0%
Collection	38	2.7%
Condemnation	0	0.0%
Contracts	63	4.5%
Corporate	10	0.7%
Criminal	328	23.2%
Domestic Relations	302	21.3%
Guardianship	17	1.2%
Other Judicial Action	9	0.6%
Patent, Copyright	7	0.5%
Personal Misconduct	68	4.8%
Real Estate	62	4.4%
Tort	189	13.4%
Probate	102	7.2%
Worker's Compensation	26	1.8%
Zoning	3	0.2%
Other	43	3.0%
TOTAL	1415	100.0%
ALLEGED MISCONDUCT	NUMBER	% OF TOTAL
Action in Bad Faith	27	1.2%
Advertising	23	1.0%
Bypassing Other Attorney	17	0.8%
Communication/Non-Diligence	741	33.1%
Conflict of Interest	114	5.1%
Conversion	77	3.4%
Disclosure of Confidences	17	0.8%
Excessive Fee	110	4.9%
Fraud	56	2.5%
Illegal Conduct	56	2.5%
Improper Influence	103	4.6%
Improper Withdrawal	236	10.5%
Incompetence	353	15.8%
Minor Disagreement	0	0.0%
Minor Fee Dispute	63	2.8%
Misinforming	147	6.6%
Overreaching	38	1.7%
Personal Misconduct	56	2.5%
Solicitation	5	0.2%
TOTAL	2239	100.0%

GRIEVANCES BY CASE TYPE 2002-2003

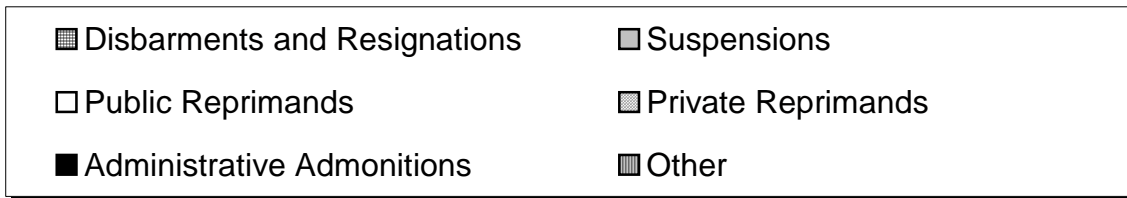
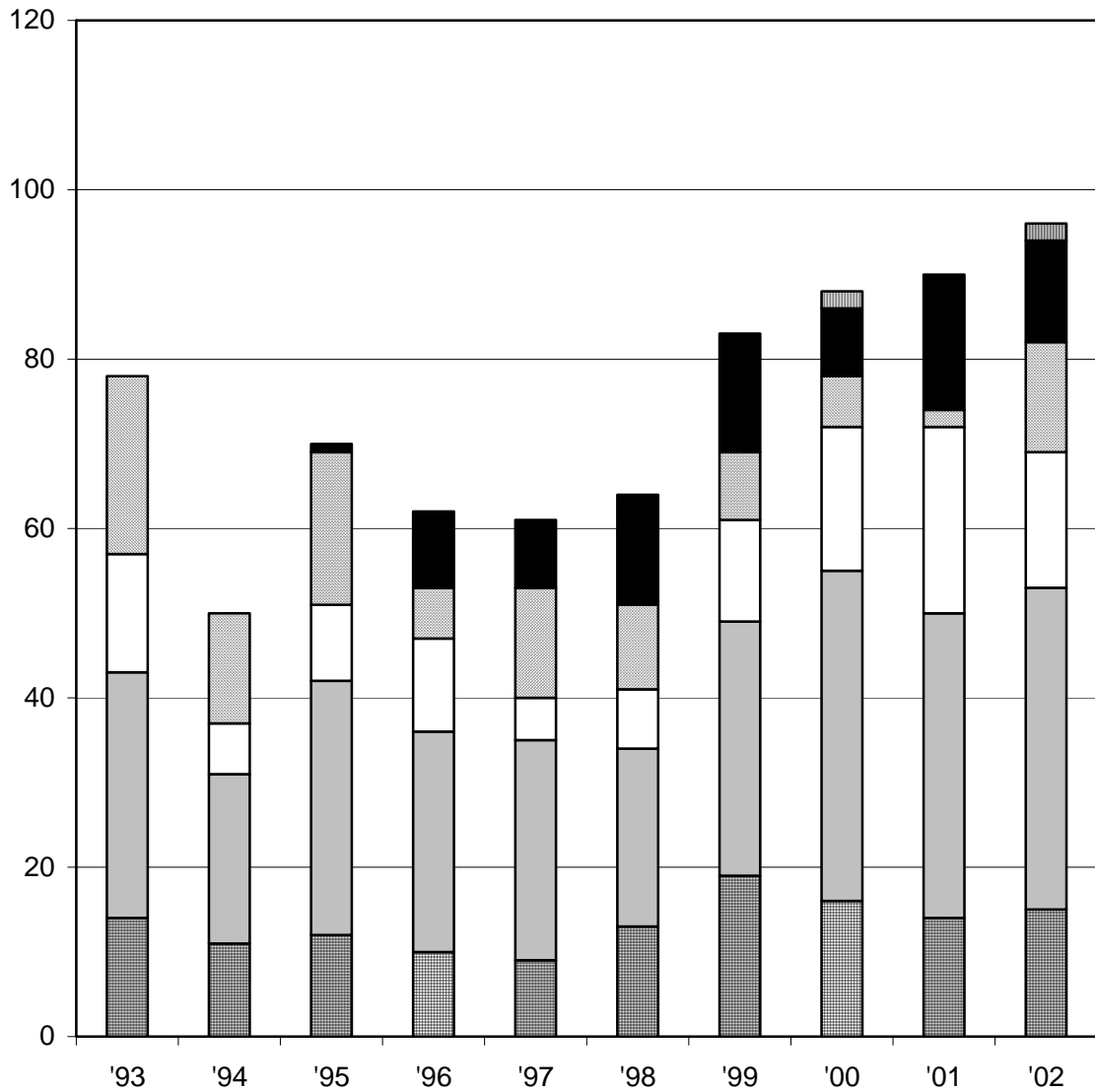


GRIEVANCES BY MISCONDUCT ALLEGED 2002-2003



TRENDS IN LAWYER DISCIPLINE

SANCTIONS ORDERED 1993-2002



**PUBLIC AND BAR IMPROVEMENT AND EDUCATION ACTIVITIES
2002-2003**

JUL 18, 2002	Presenter: "New Rule of Professional Conduct 8.4(g)," Christian Legal Society, Indianapolis	Lundberg
JUL 19, 2002	Presenter: "Ethical Considerations in Estate Planning," <i>What's New in Estate Planning?</i> , Indiana Continuing Legal Education Forum, Indianapolis	Pruden
JUL 25, 2002	Panelist/Moderator: "Ethical Issues in Consumer Cases," <i>The Rights of Consumers, A Case Study: Used Cars</i> , Heartland Pro Bono Council, Indiana Legal Services, Indiana Justice Center, Indianapolis	Robinson
AUG 1, 2002	Presenter: "Ethics Update Seminar," Indianapolis Bar Association, Indianapolis	Kidd
AUG 10, 2002	Panelist: "Cutting the Gordian Knot: Towards a Shared View of the Responsibilities of Lawyers Who Investigate," National Organization of Bar Council, Washington, DC	Lundberg
AUG 19, 2002	Presenter: "Ethics in Mediation," <i>State Government Mediation Course</i> , Program on Law and State Government, Indiana University School of Law, Indianapolis	Kidd
AUG 20, 2002	Presenter: "Ethical Considerations in Litigation," <i>Top Ten Litigation Tips For Younger Lawyers</i> , Indianapolis Bar Association, Indianapolis	Pruden
SEP 6, 2002	Presenter: "Recent Trends in Lawyer Discipline," Lake County Bar Association, Crown Point	Lundberg
SEP 11, 2002	Presenter: "Essentials to Avoid Problems With the Disciplinary Commission," Marion County Bar Association, Indianapolis	Lundberg
SEP 19, 2002	Co-Presenter: "Legal Ethics," <i>Annual Law Update</i> , Indiana Continuing Legal Education Forum--Indianapolis	Lundberg
OCT 18, 2002	Co-Presenter: "Ethics for Public Defenders," Indiana Public Defenders Counsel, Indianapolis	Kidd
OCT 19, 2002	Co-Facilitator: "Fundamental Questions (Core Values & Diversity)," Indiana Legal Education Conclave, Indianapolis	Lundberg
OCT 22, 2002	Guest Lecturer: "Avoiding the Disciplinary Process," Civil Practice Clinic, Indiana University School of Law, Indianapolis	Lundberg
OCT 23, 2002	Presenter: "Ethical Considerations for the Charitable Gift Planner," Indiana Continuing Legal Education Forum, Indiana University Foundation, Bloomington	Pruden
OCT 30, 2002	Presenter: "Trust Account Management," <i>Applied Professionalism Course: Bridging the Gap</i> , Merrillville	Pruden
NOV 6, 2002	Co-Presenter: "Attorney Relationships With Third Parties," Applied Professionalism Course, Indianapolis Bar Association, Indianapolis	Lundberg

NOV 6, 2002	Presenter: "Update on Recent Ethics Decisions," Applied Professionalism Course, Indianapolis Bar Association, Indianapolis	Kidd
NOV 7, 2002	Co-Presenter: "Vignettes of Legal Ethics," Indiana Continuing Legal Education Forum, Indianapolis	Kidd
NOV 14, 2002	Presenter: "Emerging Issues of Professional Responsibility in the Insurance Defense Arena," Annual Meeting, Defense Trial Counsel of Indiana, Indianapolis	Rice
NOV 14, 2002	Co-Presenter: "Vignettes of Legal Ethics"—Indiana Continuing Legal Education Forum, South Bend	Kidd
NOV 19, 2002	Presenter: "Trust Accounts & IOLTA," <i>Practice Skills Summit</i> , Indiana Continuing Legal Education Forum, Indianapolis	Lundberg
NOV 19, 2002	Co-Presenter: "Case Studies (Video Ethics Vignettes)," <i>Practice Skills Summit</i> , Indiana Continuing Legal Education Forum, Indianapolis	Kidd
Dec 3, 2002	Co-Presenters: "Ethical Guidelines for Pre-Trial Publicity and Post-Trial Contact," <i>We, The Jury</i> , Lake County Bar Association, Merrillville	Lewis & Lundberg
DEC 4, 2002	Presenter: "Rules of Professional Conduct Most Pertinent to the Business Lawyer," Business Law Section, St. Joseph County Bar Association, South Bend	Lundberg
DEC 4, 2002	Co-Presenter: "Vignettes of Legal Ethics," Indiana Continuing Legal Education Forum, Evansville	Kidd
DEC 13, 2002	Presenter: "Ethics Issues in Family Law," Heartland Pro Bono Council, Neighborhood Christian Legal Clinic, Indianapolis Legal Aid Society, Indianapolis	Kidd
DEC 16, 2002	Presenter: "The Disciplinary Process in Indiana," <i>Introduction To Pro Bono Day</i> , Indiana Pro Bono Commission, Indianapolis	Shook
DEC 19, 2002	Co-Presenter: "Attorney Relationships With Third Parties," <i>Applied Professionalism Course</i> , Indianapolis Bar Association, Indianapolis	Lundberg
DEC 19, 2002	Presenter: "Update on Recent Ethics Decisions," <i>Applied Professionalism Course</i> , Indianapolis Bar Association, Indianapolis	Kidd
DEC 19, 2002	Presenter: "Trust Account Management," <i>Applied Professionalism Course</i> , Indianapolis Bar Association, Indianapolis	Pruden
JAN 6, 2003	Presenter: "Ethics in Mediation," <i>State Government Mediation Course</i> , Program on Law and State Government, Indiana University School of Law, Indianapolis	Kidd
FEB 6, 2003	Panelist: "A Critique of Ethics 2000 for Bar Counsel Friendliness," National Organization of Bar Counsel—Seattle, WA	Lundberg

APPENDIX G

FEB 7, 2003	Panelist: "Ethics for Paralegals," Indiana Continuing Legal Education Forum, Indianapolis	Kidd
MAR 19, 2003	Presenter: "Combat Ethics," St. Joseph Inn of Court, South Bend	Kidd
APR 10, 2003	Presenter: "Hot Topics In Business Litigation," Professional Education Systems Institute, Indianapolis	Kidd
APR 25, 2003	Presenter: "Planned Giving Issues," Philanthropy Advisory Committee Annual Meeting, Ball State University Foundation, Muncie	Kidd
MAY 20, 2003	Co-Presenter: "Employees, Former Employees & Rule 4.2," Sagamore American Inn of Court, Indianapolis	Kidd
MAY 28, 2003	Presenter: "Six (and Then Some) Recent Provocative Cases," Office of Legal Counsel, Indiana Department of Environmental Management, Indianapolis	Lundberg
MAY 28, 2003	Co-Presenter: "Attorney Relationships With Third Parties," <i>Applied Professionalism Course</i> , Indianapolis Bar Association, Indianapolis	Lundberg
MAY 28, 2003	Presenter: "Update on Recent Ethics Decisions," <i>Applied Professionalism Course</i> , Indianapolis Bar Association, Indianapolis	Kidd
MAY 28, 2003	Presenter: "Update on Recent Ethics Decisions," <i>Applied Professionalism Course</i> , Indianapolis Bar Association, Indianapolis	Pruden
MAY 29, 2003	Presenter: "Ethical Considerations in Litigation," <i>Top Ten Litigation Tips For Younger Lawyers</i> , Indianapolis Bar Association, Indianapolis	Pruden
JUN 18, 2003	Presenter: "What You Need to Know About the Disciplinary Commission," <i>What Summer Associates Need to Know: Practicing Law in Indy</i> , Indianapolis Bar Association, Indianapolis	Lundberg
JUN 21, 2003	Co-Presenters: "Trust Account Management," 10 th Annual Bench-Bar Conference, Indianapolis Bar Association, Cincinnati, OH	Hawkins & Lundberg

APPENDIX H

INDIANA SUPREME COURT DISCIPLINARY COMMISSION FUND
Statement of Revenues and Expenses (Unaudited)
Fiscal Year Ending June 30, 2003

BEGINNING DISCIPLINARY FUND BALANCE		\$733,149
REVENUES:		
REGISTRATION FEES:		
2002-03 Fees	\$1,351,350	
Prior Year Fees	7,710	
Pro Hac Vice Fees	70,000	
2002-03 Inactive Fees	83,160	
Delinquent Fee Penalties	106,780	
TOTAL REGISTRATION FEES COLLECTED		\$1,619,000
REVENUE FROM OTHER SOURCES:		
Court Costs	\$18,642	
Reinstatement Fees	1,500	
Investment Income	9,320	
Other	1,769	
TOTAL REVENUE FROM OTHER SOURCES		\$31,231
TOTAL REVENUE		\$1,650,231
EXPENSES:		
OPERATING EXPENSES:		
Personnel	\$1,173,988	
Investigations/Hearings	38,172	
Postage and Supplies	25,490	
Utilities and Rent	134,216	
Travel	36,288	
Equipment	8,127	
Other Expenses	20,788	
TOTAL OPERATING EXPENSES		\$1,437,069
TRANSFER TO JUDGES/LAWYERS ASSISTANCE PROGRAM		\$184,500
TOTAL EXPENSES		\$1,621,569
NET INCREASE (DECREASE) IN FUND BALANCE		\$28,662
ENDING DISCIPLINARY FUND BALANCE		\$761,811