

**2003-2004
ANNUAL REPORT
OF THE
DISCIPLINARY COMMISSION
OF THE
SUPREME COURT OF INDIANA**

PUBLISHED BY THE

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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, 2003 and ending June 30, 2004. 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 30, 2004, the Supreme Court issued an order suspending **26** lawyers on active status for failure to pay their annual attorney registration fees, to be effective on May 30, 2004, and **40** inactive lawyers for failure to pay an inactive registration fee.

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
Janet L. Biddle, Chair	Remington	July 24, 1996	June 30, 2005
Diane L. Bender, Vice-Chair	Evansville	July 1, 1999	June 30, 2009
Robert L. Lewis, Secretary	Gary	July 1, 1999	June 30, 2009
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
Fred Austerman	Liberty	July 1, 2003	June 30, 2008
Corinne R. Finnerty	North Vernon	July 1, 2003	June 30, 2008

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
Robert D. Holland, Investigator
Sharon F. Scholl, Office Manager
Janice A. Lubbehusen, Secretary
Judy E. Whittaker, Secretary
Ronda Johnson, 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 Jared Simmons, Calvin Chambers, Anne Ricchiuto and Lisa Gethers.

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 or order 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 2003-2004

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 **4,348** 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, **1,626** grievances were filed with the Disciplinary Commission. Of this number, **52** grievances were initiated by the Disciplinary Commission. The total number of grievances filed represents a 5% increase over the previous year. **Appendix B** presents in graphical form the number of grievances filed for each of the past ten years.

There were **15,182** Indiana lawyers in active, good-standing status and **2,062** lawyers in inactive, good-standing as of June 30, 2004. In addition, **725** 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 **10.7 grievances for every 100** regular actively practicing lawyers or one grievance for every **9.34** 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 1,626 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, **1,033** 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, 2004, 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 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, Conflicts of Interest, Exercising Improper Influence and Excessive Fees*, with complaints about poor communications or non-diligence being more than 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, 2004, or that had been dismissed during the reporting period:

	<u>DISMISSED</u>	<u>OPEN</u>
Grievances filed before July 1, 2003	393	480
Grievances filed on or after July 1, 2003	1,293	338
Total carried over from preceding year:		813
Total carried over to next year:		818

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>
Brassart, Raymond A.	Muncie	September 22, 1971
Cortson, Michael Dean	Mishawaka	October 28, 1999
Davidson, C. Bruce, Jr.	Indianapolis	January 26, 2001
Deets, Charles R., III	Lafayette	September 25, 1968
Deets, Charles R., III	Lafayette	September 25, 1968
Eckert, Stephen P.	Indianapolis	October 9, 1981
Goudy, Diane M.	Indianapolis	June 14, 1993
Harter, Troy W. (2 nd Amended)	Fort Wayne	October 16, 2000
Hill, Danny Ray	South Bend	October 10, 1973
Hill, Danny Ray	South Bend	October 10, 1973
Hill, Danny Ray	South Bend	October 10, 1973
Kinney, Martin H.	Merrillville	December 14, 1955
Ouellette, Steven J.	Fort Wayne	June 16, 1981
Regenauer, Gerald J.	Peru	October 14, 1988
Shepard, Clifford W.	Indianapolis	October 22, 1993

Shula, Timothy A.	Indianapolis	May 31, 1977
Singleton, Edwin Dean	Owensville	October 10, 1986
Turner, Michael F.	Scottsburg	October 23, 1995
Walker, William H., Jr.	Hammond	September 22, 1971
Dismissed as moot after cooperation (no show cause order).....0		
Show cause orders with no suspension		16
Dismissed after show cause order due to compliance11		
Brassart, Raymond L.		
Cortson, Michael Dean		
Deets, Charles R., III		
Goudy, Diane M.		
Hill, Danny Ray		
Hill, Danny Ray		
Ouelette, Steven J.		
Shepard, Clifford W.		
Shepard, Clifford W. (carried over from 2002-03)		
Shula, Timothy A.		
Singleton, Edwin Dean		
Dismissed as moot due to resignation from the bar2		
Daniel, David L. (carried over from 2002-03)		
Harter, Troy W.		
Show cause orders pending without further court action.....3		
Deets, Charles R., III		
Eckert, Stephen P.		
Hill, Danny Ray		
Suspensions for non-cooperation.....		8
Reinstatements due to cooperation after suspension0		
Suspensions still effective.....9		
Davidson, C. Bruce, Jr.		
Howard, Joseph D. (from 2002-03; converted to indefinite suspension)		
Kinney, Martin H.		
Mocek, Robert J. (carried over from 2002-03)		
Poore, Regina M. (from 2002-03; converted to indefinite suspension)		
Regenauer, Gerald Joseph		
Turner, Michael F. (converted to indefinite suspension)		
Turner, Michael F. (from 2002-03; converted to indefinite suspension)		
Walker, William H., Jr.		

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.....	13
Overdraft Reports Received	56
Inquiries Closed.....	61
Reasons for Closing:	
Bank Error.....	14
Deposit of Trust Funds to Wrong Trust Account.....	11
Disbursement From Trust Before Deposited Funds Collected.....	10
Referral for Disciplinary Investigation	6
Disbursement From Trust Before Trust Funds Deposited	6
Overdraft Due to Bank Charges Assessed Against Account.....	5
Inadvertent Deposit of Trust Funds to Non-Trust Account.....	4
Overdraft Due to Refused Deposit for Bad Endorsement.....	2
Law Office Math or Record-Keeping Error	2
Death, Disbarment or Resignation of Lawyer.....	1
Inadvertent Disbursement of Operating Obligation From Trust	0
Non-Trust Account Inadvertently Misidentified as Trust Account.....	0
Inquiries Carried Over Into Following Year	8

D. Litigation

1. Overview

In 2003-2004, the Commission filed **54** 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 **93** separate counts of misconduct during the reporting year.

Including dismissals, in 2003-2004, the Supreme Court issued **54** final dispositive orders, compared to **88** in the previous year, representing the completion of **65** separate discipline files. Including private administrative admonitions, **68** lawyers were sanctioned in final orders of discipline in the reporting year, compared to **96** 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.....	54
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Number Disposed Of By End Of Year	15
Number Pending At End Of Year	39

In addition, the Disciplinary Commission authorized the filing of **12** verified complaints during the reporting period that had not yet been filed by June 30, 2004.

The Commission also filed **3** Notices of Foreign Discipline and Requests for Reciprocal Discipline with the Supreme Court pursuant to Admission and Discipline Rule 23, §28(b).

During the reporting year, the Disciplinary Commission filed **3** 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 **1** case.

b. Status of All Pending Verified Complaints

The following reports the status of all formal disciplinary proceedings pending as of June 30, 2004:

Appointment of Hearing Officer Pending.....	4
Cases Pending Before Hearing Officers	48
Cases Pending On Review Before the Supreme Court.....	7
Total Verified Complaints Pending on June 30, 2003.....	59

During the course of the reporting year, **9** cases were tried on the merits to hearing officers at final hearings, and **28** 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	14
Private Reprimands	6
Public Reprimands.....	17

<u>Name</u>	<u>City of Practice</u>	<u>Date of Admission</u>
Allen, Michael E.	Indianapolis	May 29, 1981
Cloyd, Casey D.	Indianapolis	October 12, 1984
Foster, Harry W.	Fort Wayne	October 16, 1987
Hailey, Richie Douglas ¹	Indianapolis	October 9, 1974
Harris, Willie	Gary	October 4, 1979
Keller, James R.	Indianapolis	August 8, 2003
Keller, S. Jack	St. Joseph, MI	August 8, 2003
Kendall, Michael C.	Indianapolis	October 21, 1975
Layson, David A.	Corydon	September 26, 1972
Margolis, Thomas D.	Muncie	June 3, 1983

¹ Also ordered to pay \$252,596 in restitution.

Morris, Sonja A.	Schererville	October 20, 1989
Pettay, Lee	Bloomington	September 16, 1970
Roberts, Patrick J.	Peru	May 14, 1969
Stochel, Robert E.	Crown Point	October 12, 1978
Tudor, David F.	Noblesville	May 30, 1980
Westerfield, Divina K.	Sarasota, FL	January 7, 1984
Young, Patrick W.	Gary	October 12, 1984

Suspensions With Automatic Reinstatement.....1

<u>Name</u>	<u>City of Practice</u>	<u>Date of Admission</u>	<u>Suspension</u>
Richardson, Scott I.	Indianapolis	August 13, 1992	90 days

Suspensions With Reinstatement on Conditions.....6

<u>Name</u>	<u>City of Practice</u>	<u>Date of Admission</u>	<u>Suspension</u>
Breunig, Preston T.	Indianapolis	September 27, 1967	60 days ²
Broden, Timothy P.	Lafayette	October 12, 1984	60 days ³
Danks, Scott A.	Evansville	June 9, 1989	90 days ⁴
Fihe, John Joseph.	Marion	September 25, 1968	120 days ⁵
Haskin, John H.	Indianapolis	October 13, 1977	90 days ⁶
Kilburn, James R.	Austin	October 9, 1981	30 days ⁷

² 30 days of suspension stayed conditioned compliance with terms of probation for six months.

³ 60 days of suspension stayed conditioned on compliance with terms of probation for one year.

⁴ 90 days of suspension stayed conditioned on compliance with terms of probation for 120 days.

⁵ 60 days of suspension stayed conditioned on compliance with terms of probation for one year.

⁶ 90 days of suspension stayed conditioned on compliance with terms of probation for one year.

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

Suspensions Without Automatic Reinstatement15

<u>Name</u>	<u>City of Practice</u>	<u>Date of Admission</u>	<u>Suspension</u>
Anderson, John C., IV	Crown Point	October 15, 1990	6 months
Blickenstaff, Kenneth L.	Portage	October 10, 1986	1 year
Capozzoli, Louis, Jr.	Des Plaines, IL	June 1, 1984	Indefinite ⁸
Caputi, Alexandra J.	Indianapolis	October 10, 1973	6 months
Darby, Richard D., Jr.	Indianapolis	September 26, 1972	Indefinite ⁹
Gholston, Robert Michael	Franklin	September 29, 1965	90 days
Gowdy, Robert L.	Terre Haute	September 25, 1968	1 year
Halcarz, John J.	Crown Point	September 26, 1972	2 years
Howard, Joseph D.	Indianapolis	December 19, 1995	Indefinite
Milks, David Arnold.	Chicago, IL	October 11, 1977	Indefinite ¹⁰
Murphy, Richard R.	Anderson	December 10, 1953	Indefinite ¹¹

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 Illinois.

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 California.

Neeb, Randall J.	Indianapolis	June 14, 1993	60 days
O'Farrell, Scot A.	Indianapolis	November 13, 2000	18 months
Poore, Regina M.	Indianapolis	June 15, 1990	Indefinite
Turner, Michael F.	Scottsburg	October 23, 1995	Indefinite

Accepted Resignations.....7

<u>Name</u>	<u>City of Practice</u>	<u>Date of Admission</u>
Butler, Ashanti Patrice	Indianapolis	June 6, 1997
Daniel, David Leslie	Indianapolis	October 22, 1993
Harter, Troy Wayne	Fort Wayne	October 16, 2000
McLaren, Bruce W.	Muncie	October 11, 1977
Ortiz, A. Luis	Indianapolis	June 3, 1983
Rorrer, George T., III	Louisville, KY	June 10, 1988
Sherman, Stephen M.	Indianapolis	September 16, 1972

Disbarments.....0

Dismissals.....2

Findings for Respondent2

Reinstatement Proceedings

Number of Petitions Filed.....4

Hearings3

Disposed of by Final Order.....2

 Denied 1

 Okumu, Nyagudi, Arlington, TX

 Dismissed 1

 Miller, Alan Roy, New Albany

Interim Suspensions.....3

<u>Name</u>	<u>City of Practice</u>	<u>Date of Admission</u>
Beck, John Millard	Fort Wayne	May 30, 1986
Davidson, Clifton Bruce	Indianapolis	January 26, 2001
Perkins, Karon E.	Columbus	January 20, 1984

Findings of Contempt.....1

<u>Name</u>	<u>City of Practice</u>	<u>Date of Admission</u>
Fox, Travis Raymond	Indianapolis	June 5, 1998

V. SUMMARY OF DISCIPLINARY COMMISSION ACTIVITIES

	2003-04	2002-03	2001-02	2000-01	1999-2000
Matters Completed	2,719	1,641	1,704	1,657	1,680
Complaints Filed	54	37	62	56	59

Final Hearings	10	15	21	23	21
Final Orders	54	88	82	83	75
Reinstatement Petitions Filed	4	3	4	4	4
Reinstatement Hearings	3	2	3	3	3
Reinstatements Ordered	0	4	0	1	3
Reinstatements Deny/Dismiss	2	0	3	2	0
Income	\$1,731,521	\$1,650,231	\$1,389,875	\$1,252,528	\$1,194,789
Expenses	\$1,638,797	\$1,621,569	\$1,454,041	\$1,360,653	\$1,198,731

VI. AMENDMENTS TO RULES AFFECTING LAWYER DISCIPLINE

A. Admission and Discipline Rule 23, section 10(f)(5)—Taxable Costs in Show Cause Proceedings

Effective August 1, 2003, the Supreme Court amended the rule allowing suspension of the law licenses by lawyers who fail to cooperate with the disciplinary process by adding a provision for taxing costs of such show cause proceedings to the respondent lawyer. Upon the disposition of any such show cause proceeding, the Commission may seek an order of costs, including a flat amount \$500 plus any out-of-pocket expenses devoted to the matter.

B. Admission and Discipline Rule 23, sections 16 and 21(j)—Law License Suspension for Unpaid Costs

Effective August 1, 2003, the Supreme Court amended the rules pertaining to assessment of costs in disciplinary proceedings to provide that costs unpaid by the due date of the annual registration fee (October 1 of each year) will subject the delinquent lawyer to a suspension from the practice of law until the costs are paid.

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**. In addition, the Executive Secretary and most of the Commission staff attorneys acted as liaisons to the five committees of the Indiana State Bar Association Ethics 2000 Task Force throughout the year.

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

Fred Austerman is from Union County, Indiana. He is one of two non-lawyer members of the Disciplinary Commission. He is Vice-President of Sanyo Laser Products, Inc. in Richmond, a company that provides DVD and compact disc replicating services and project management for a wide variety of media developers. He is also an officer and director of the company. His areas of responsibility include oversight of human resources, finance, purchasing and physical plant. Mr. Austerman attended Indiana University East and graduated from Indiana University/Purdue University in Indianapolis in 1983 receiving an undergraduate degree in business, specializing in accounting. He is married and has twin sons. He is serving his first five-year term on the Commission, ending on June 30, 2008.

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 initially appointed to a five-year term on the Disciplinary Commission effective July 1, 1999 and has been reappointed to a second term expiring on June 30, 2009. She has previously served as Secretary of the Commission and was elected Vice-Chair of the Commission on July 11, 2003.

Janet L. Biddle is 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 two 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 and Vice-Chair of the Commission, she became Chair on July 11, 2003.

Corinne R. Finnerty, a Jennings County native, practices law in the partnership of McConnell & Finnerty in North Vernon. She received her undergraduate degree from Indiana University in Bloomington. In 1981, she graduated magna cum laude from Indiana University School of Law in Bloomington, where she was selected for membership in the Order of the Coif. She was admitted to practice law in Indiana that same year. She is also admitted to practice before the United States Supreme Court, the United States Court of Appeals for the Seventh Circuit, and the United States District Courts for the Northern and Southern Districts of Indiana. Her bar association memberships include the Jennings County Bar Association, of which she is a past president, the Indiana State Bar Association, and the American Bar Association. Other professional memberships include the Indiana

APPENDIX A

Bar Foundation, of which she is a Master Fellow, the Indiana Trial Lawyers Association, and the Association of Trial Lawyers of America. Ms. Finnerty has previously been employed as Chief Deputy Prosecuting Attorney for Jennings County and is the city attorney for North Vernon. In 1993, she was selected as one of forty-three outstanding women in the law at the annual meeting of the Indiana State Bar Association. Effective July 1, 2003, she was appointed by the Indiana Supreme Court to serve a five-year term on the Indiana Supreme Court Disciplinary Commission.

Grant W. Hawkins is a trial judge in the Criminal Division of the Marion Superior Courts. He presides in a major felony court, 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. Additionally, Judge Hawkins serves as the Presiding Judge of the Criminal Term of the Marion Superior Court. After the 1971 award of a B.A. from Wesleyan University, Middletown, Connecticut, 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, 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 served as a member of the Indiana Education Roundtable and the Criminal Law Study Commission. Appointed to complete the balance of the term of a retiring member of the Disciplinary Commission on December 8, 1994, his current term expired on June 30, 2004. He was Secretary and Vice-Chairman of the Commission before being Chairman from September 14, 2001, to July 12, 2002.

Robert L. Lewis is a member of the four-person law firm of Robert L. Lewis & Associates, 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 a retired JAG Corps 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 commissioned a Kentucky Colonel by former Kentucky Governor Julian Carroll. He was initially appointed to a five-year term on the Disciplinary Commission effective July 1, 1999 and has been reappointed to a second term expiring June 30, 2009. He was elected Secretary of the Commission on July 11, 2003.

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

APPENDIX A

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 seven years. He is also a Master Fellow of the Indiana Bar Foundation. In his civic life, he serves as Secretary of the Board of Directors of the River Ridge Development Authority, and is a trustee of the Southern Indiana Economic Development Council. 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 expiring on June 30, 2006.

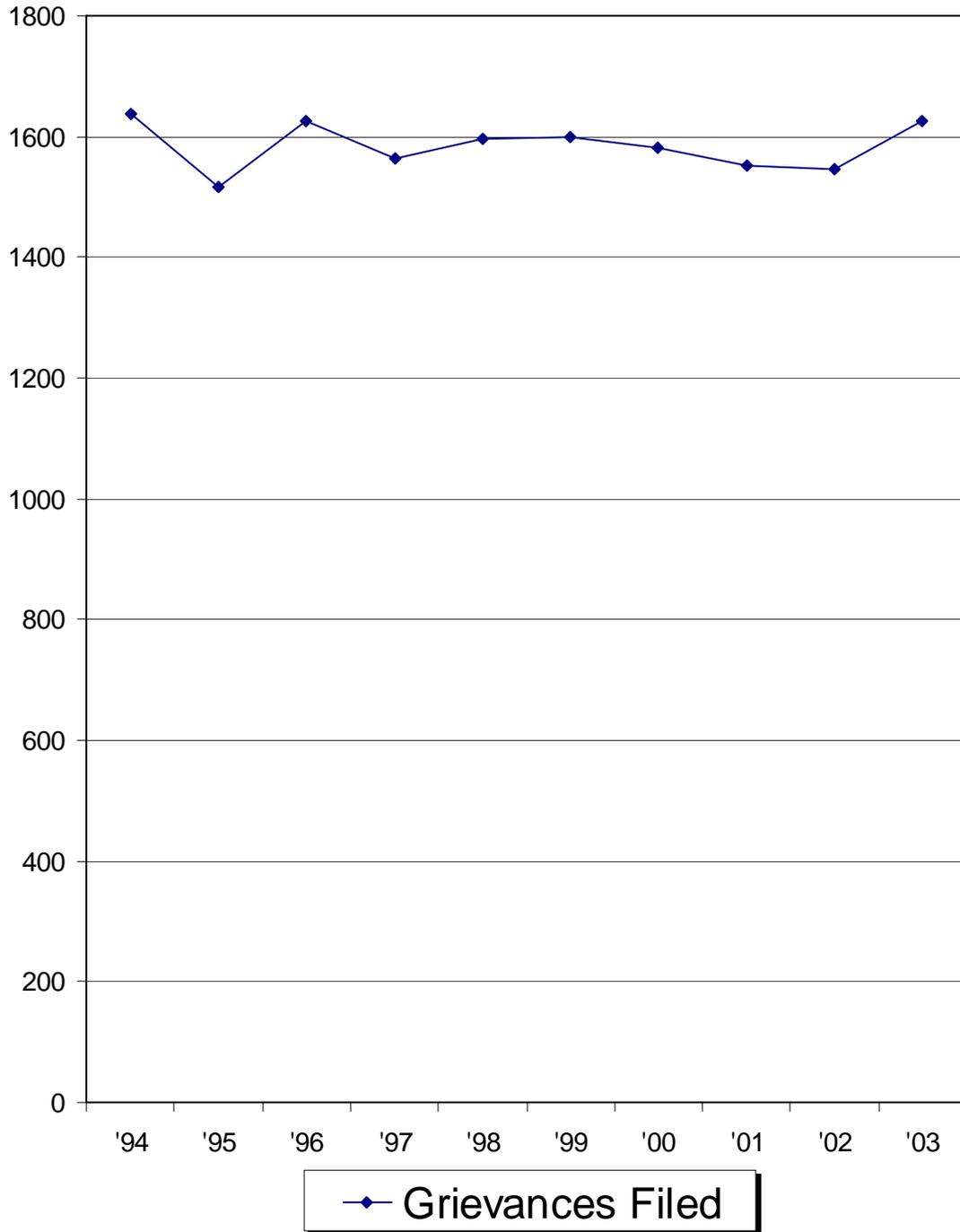
Anthony M. Zappia is the senior member of the 4-person law firm of Zappia & Zappia, located in South Bend, Indiana. He attended the University of Notre Dame where he received his B.A. in 1972, cum laude, in the School of Economics, and earned his law degree in 1976 from Valparaiso University. He is admitted 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 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 to a five-year term that expires on June 30, 2006.

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 expiring on June 30, 2006.

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TRENDS IN LAWYER DISCIPLINE

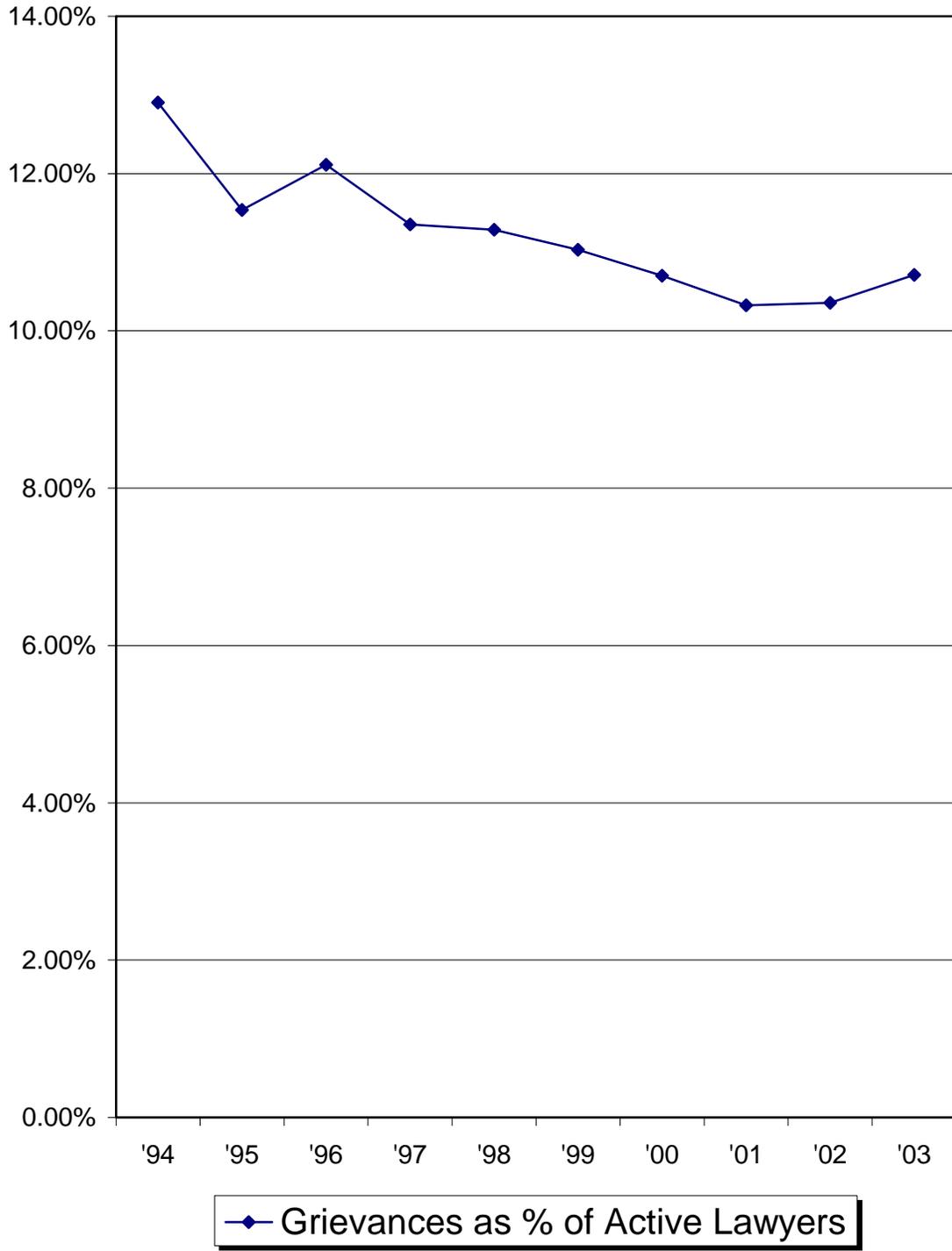
NUMBER OF GRIEVANCES FILED 1994-2003



APPENDIX B

TRENDS IN LAWYER DISCIPLINE

GRIEVANCE RATES 1994-2003

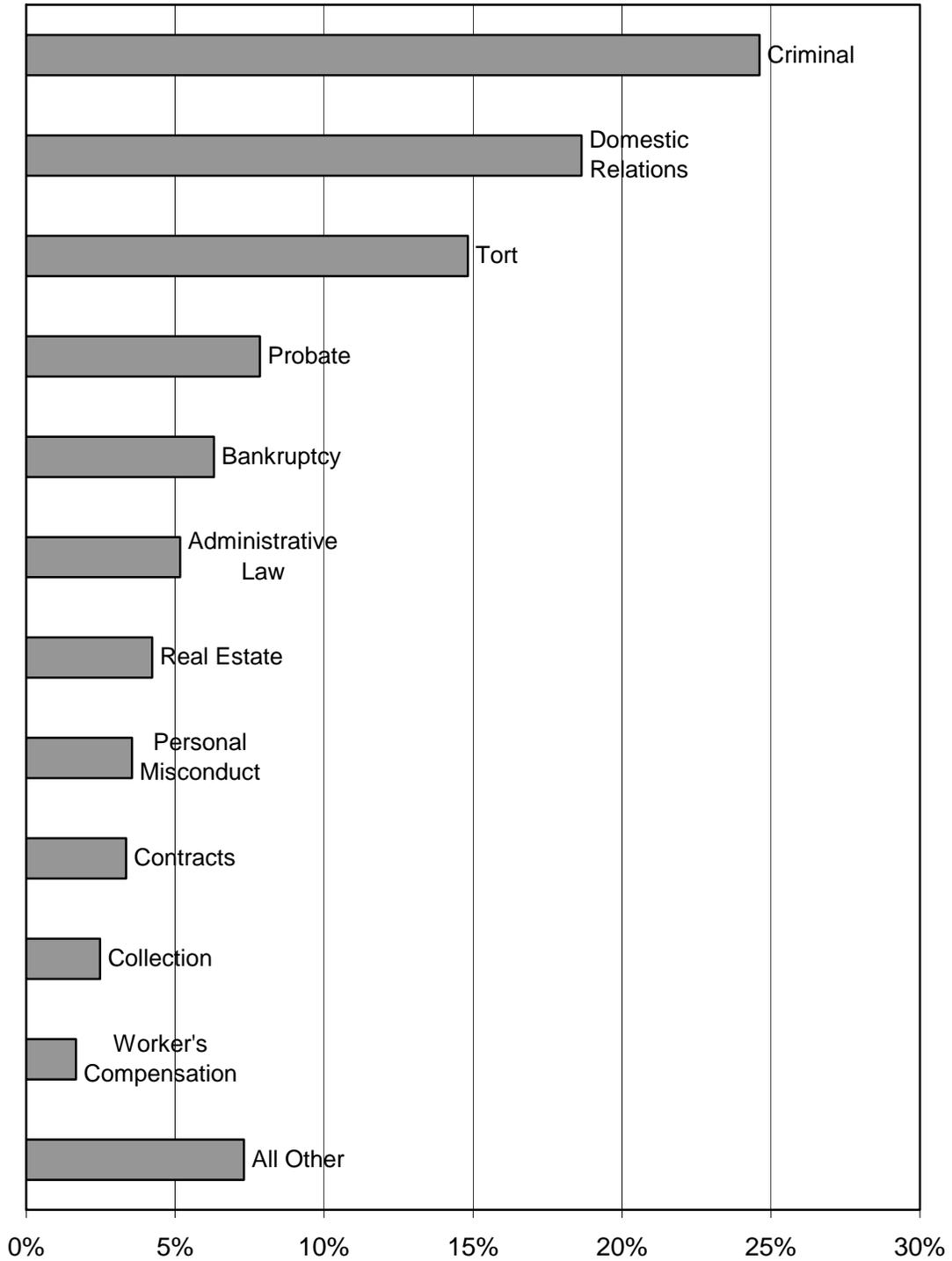


GRIEVANCES BY CASE TYPE AND MISCONDUCT ALLEGED (2003-2004))

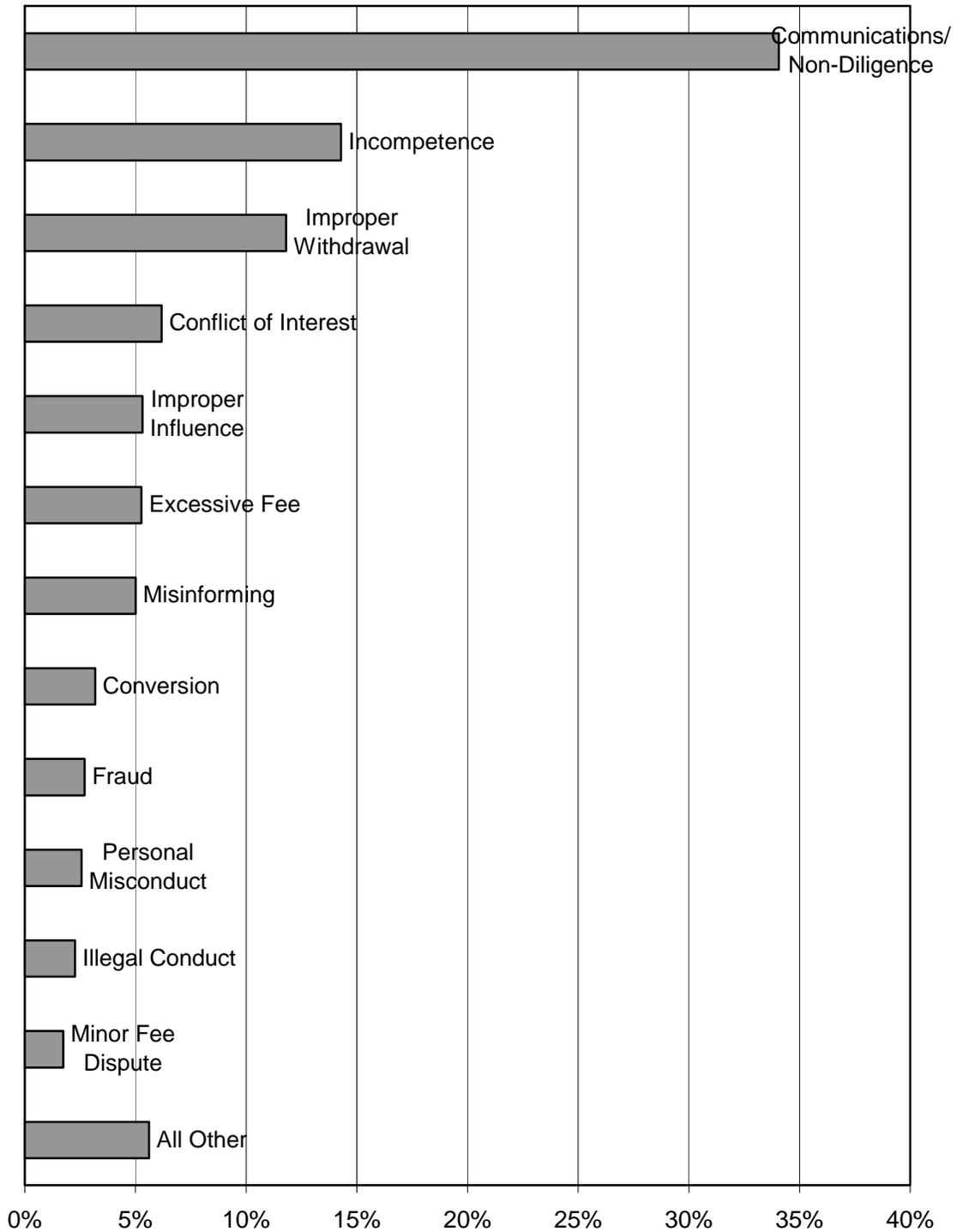
Type of Legal Matter	Number	% of Total
Administrative Law	77	5.2%
Adoption	4	0.3%
Bankruptcy	94	6.3%
Collection	37	2.5%
Condemnation	1	0.1%
Contracts	50	3.4%
Corporate	17	1.1%
Criminal	367	24.6%
Domestic Relations	278	18.6%
Guardianship	20	1.3%
Other Judicial Action	13	0.9%
Patent, Copyright	5	0.3%
Personal Misconduct	53	3.6%
Real Estate	63	4.2%
Tort	221	14.8%
Probate	117	7.8%
Worker's Compensation	25	1.7%
Zoning	2	0.1%
Other	109	7.3%
TOTAL	1491	100.0%

Alleged Misconduct	Number	% of Total
Action in Bad Faith	19	0.8%
Advertising	23	1.0%
Bypassing Other Attorney	18	0.8%
Communications/ Non-Diligence	782	34.1%
Conflict of Interest	142	6.2%
Conversion	73	3.2%
Disclosure of Confidences	26	1.1%
Excessive Fee	121	5.3%
Fraud	62	2.7%
Illegal Conduct	52	2.3%
Improper Influence	122	5.3%
Improper Withdrawal	271	11.8%
Incompetence	328	14.3%
Minor Disagreement	0	0.0%
Minor Fee Dispute	40	1.7%
Misinforming	115	5.0%
Overreaching	38	1.7%
Personal Misconduct	59	2.6%
Solicitation	5	0.2%
TOTAL	2296	100.0%

GRIEVANCES BY CASE TYPE 2003-2004

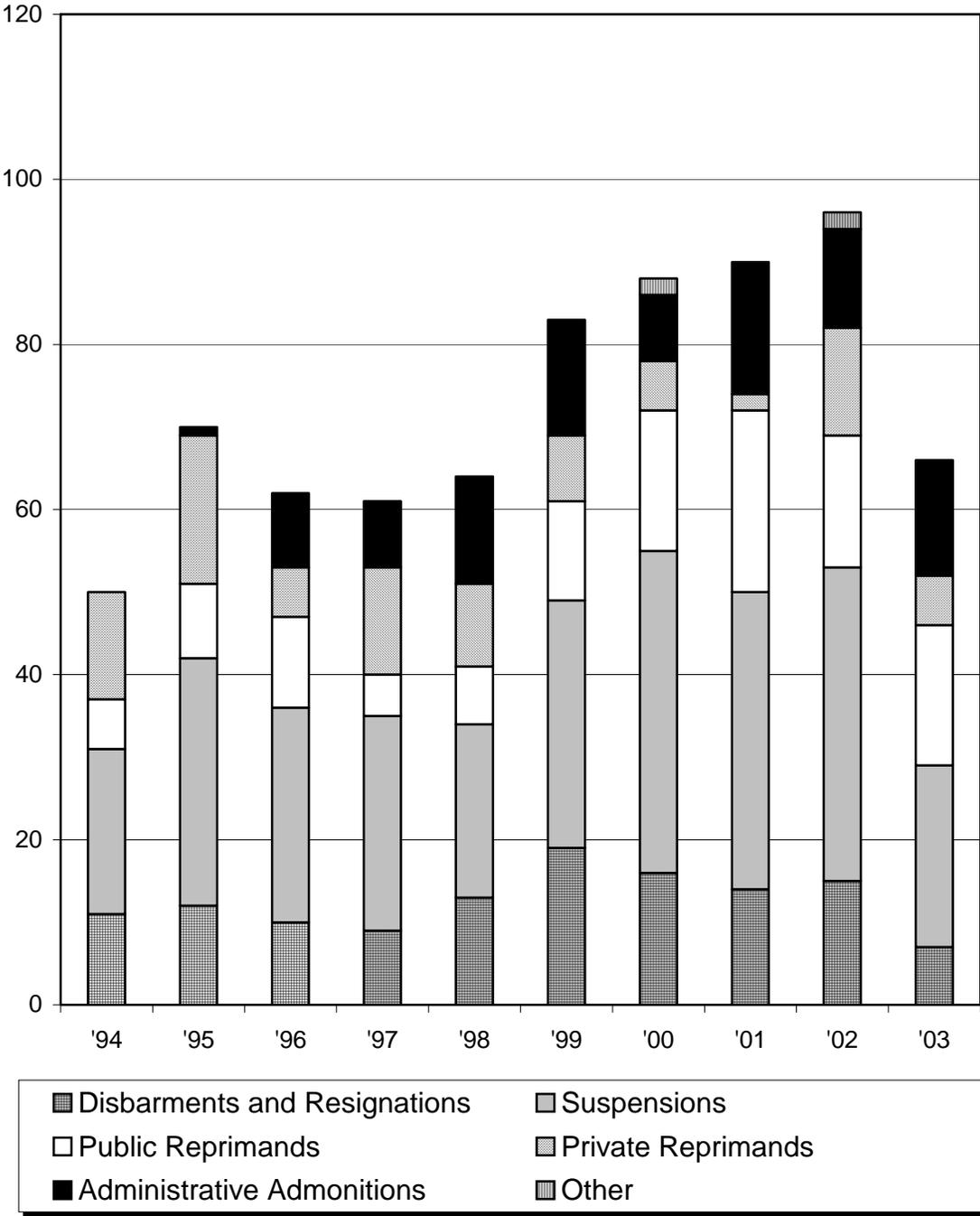


GRIEVANCES BY MISCONDUCT ALLEGED 2003-2004



TRENDS IN LAWYER DISCIPLINE

SANCTIONS ORDERED 1994-2003



**PUBLIC AND BAR IMPROVEMENT AND EDUCATION ACTIVITIES
2003-2004**

Author	“Survey of the Law of Professional Responsibility,” 37 Indiana Law Review 1291 (2004)	Kidd
Author	“Documenting Client Decisions: A Critique of the Model Rules Post-Ethics 2000,” 14 The Professional Lawyer, No. 4, at 2 (2004)	Lundberg
AUG 8, 2003	Moderator: “Going Outside the Box: When Do We Have a Duty To Do Something Other Than Prosecute?” National Organization of Bar Counsel, San Francisco	Lundberg
AUG 12, 2003	Presenter: "Ethics Update Seminar," Indianapolis Bar Association, Indianapolis	Kidd
AUG 18, 2003	Presenter: "Public Policy Mediation Course," Indiana School of Law at Indianapolis	Kidd
SEP 9, 2003	Presenter: “Ethics Update,” Benjamin Harrison Inn of Court, Fort Wayne	Lundberg
SEP 11, 2003	Panelists: “Reporting Lawyer Misconduct,” Annual Meeting of the Judicial Conference of Indiana, Indianapolis	Hawkins & Lundberg
SEP 12, 2003	Panelist: “Clarence Darrow: Crimes, Causes and the Courtroom,” Johnson County Bar Association, Franklin	Shook
SEP 16, 2003	Co-Presenter: "Legal Ethics," Indiana Law Update, Indiana Continuing Legal Education Forum, Indianapolis	Kidd & Lundberg
OCT 7, 2003	Guest lecturer: "The Lawyer Discipline System," Course on The Legal Profession, Indiana University School of Law at Bloomington, Prof. Orenstein	Lundberg
OCT 17, 2003	Co-Presenter: "Ethics for Public Defenders," Indiana Public Defenders Counsel, Indianapolis	Kidd
OCT 20, 2003	Presenter: "Ethics Ghoulash: 2003 Case Update," Allen County Bar Association, Fort Wayne	Kidd
OCT 24, 2003	Panelist: “Employment Litigation Ethical Issues Arising from Motions to Withdraw and Motions to Disqualify,” Employment and Labor Law Section, Indiana State Bar Association Annual Meeting, Indianapolis	Lundberg
OCT 24, 2003	Presenter: "Ethics and the General Practitioner," General Practice, Solo & Small Firm Section, Indiana State Bar Association Annual Meeting, Indianapolis	Lundberg
Oct. 24, 2003	Presenter: “Ethical Considerations for Prosecutors,” Marion County Prosecutors Office, Indianapolis	Iosue

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OCT 29, 2003	Co-Presenter: "Vignettes of Legal Ethics," Indiana Continuing Legal Education Forum, Indianapolis	Kidd
NOV 7, 2003	Presenter: "Top Ten Ways To Attract the Disciplinary Commission's Attention," Boone County Bar Association, Lebanon	Shook
NOV 7, 2003	Presenter: "Ethical Context of Being an Independent Hearing Officer or Board of Special Education Appeals Member," Indiana Department of Education, Indianapolis	Rice
NOV 12, 2003	Co-Presenter: "Legal Jeopardy," Sagamore American Inn of Court, Indianapolis	Kidd
NOV 17, 2003	Presenter: "Two Perspectives On The Lawyer Discipline System," Allen County Bar Association, Fort Wayne	Lundberg
NOV 19, 2003	Presenter: "Trust Accounts and IOLTA," Practice Skills Summit, Indiana Continuing Legal Education, Indianapolis	Lundberg
NOV 19, 2003	Co-Presenter: "Case Studies: Video Ethics Vignettes," Practice Skills Summit, Indiana Continuing Legal Education Forum, Indianapolis	Kidd
NOV 19, 2003	Presenter: "Attorney Relationships with Third Parties," Applied Professionalism Course, Indianapolis Bar Association, Indianapolis	Lundberg
NOV 19, 2003	Co-Presenter: "Update on Recent Ethics Decisions," Applied Professionalism Course, Indianapolis Bar Association, Indianapolis	Kidd
NOV 19, 2003	Presenter: "Trust Account Management," Applied Professionalism Course, Indianapolis Bar Association, Indianapolis	Pruden
DEC 4, 2003	Presenter: "Ethical Issues in Labor and Employment Law," Labor and Employment Law Section, Indianapolis Bar Association, Indianapolis	Lundberg
DEC 4, 2003	Co-Presenter: "Vignettes of Legal Ethics," Indiana Continuing Legal Education Forum, Highland	Kidd
DEC 4, 2003	Presenter: "Ethical Considerations in Family Law," Indianapolis Bar Association, Indianapolis	Pruden
DEC 5, 2003	Co-Presenter: "Vignettes of Legal Ethics," Indiana Continuing Legal Education Forum, Fort Wayne	Kidd
DEC 8, 2003	Presenter: "Trust Accounts and IOLTA," Indianapolis Bar Association, Indianapolis, IN	Pruden
DEC 9, 2003	Presenter: "A Review and Critique of the Ethics 2000 Amendments to the Model Rules of Professional Conduct," St Joseph County Bar Association, Mishawaka	Lundberg

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DEC 9, 2003	Presenter: "Ethics in Advertising," St. Joseph County Bar Association, Mishawaka	Kidd
DEC 12, 2003	Presenter: "Ethics Issues in Family Law," Heartland Pro Bono Council, Neighborhood Christian Legal Clinic, Indianapolis Legal Aid, Indianapolis	Kidd
JAN 5, 2004	Presenter: "Public Policy Mediation Course," Indiana University School of Law, Indianapolis	Kidd
FEB 6, 2004	Panelist: "Cross-Examination of an Expert Witness," National Organization of Bar Counsel, San Antonio, Texas	Lundberg
FEB 7, 2004	Moderator: "Managing Complex Cases From Investigation Through Decision: Some Recent Case Studies," National Organization of Bar Counsel, San Antonio, Texas	Lundberg
FEB 19, 2004	Panelists: "Ethical Considerations for Public Defenders," Marion County Public Defender's Office, Indianapolis	Lundberg, Avery & Anderson
FEB 26, 2004	Presenter: "Are You Sure Governmental Immunity Applies? Ethical Considerations for the Public Sector Attorney," Public Sector Section, Indianapolis Bar Association, Indianapolis	Lundberg
MAR 23, 2004	Guest lecturer: "The Lawyer Discipline Process," Civil Practice Clinic, Indiana University School of Law at Indianapolis, Prof. Wolf	Lundberg
APR 10, 2003	Presenter: "Hot Topics In Business Litigation," Professional Education Systems Institute, Indianapolis	Kidd
APR 23, 2004	Co-Presenter: "Law Practice Scenarios," Applied Professionalism Course, Indianapolis Bar Association, Indianapolis	Lundberg
APR 23, 2004	Co-Presenter: "Disciplinary Enforcement," Applied Professionalism Course, Indianapolis Bar Association, Indianapolis	Kidd
APR 23, 2004	Presenter: "Trust Account Management," Applied Professionalism Course, Indianapolis Bar Association, Indianapolis	Pruden
APR 29, 2004	Panelist: "Ethics Summit at the Summit City," Spring Meeting, Indiana State Bar Association, Fort Wayne	Lundberg
APR 30, 2004	Presenter: "How To Avoid the Dreaded Disciplinary Commission Demand Letter," Johnson County Bar Association, Franklin	Shook
MAY 21, 2004	Presenter: "Appellate Ethical Issues," Appellate Advocacy Training, Indiana Public Defender Council, Bloomington	Lundberg

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JUN 2, 2004	Presenter: "Starting Out Right: Key Ethical Issues in Estates"--Indiana Continuing Legal Education Forum, Indianapolis	Kidd
JUN 4, 2004	Co-Presenter: "The Investigation, Procedures and Defense of Lawyer Discipline Matters and Recent Trends in Legal Ethics," Lake County Bar Association, Crown Point	Lundberg
JUN 4, 2003	Presenter: "Trust Account Management," Solo and Small Firm Conference, Indiana State Bar Association, Lafayette	Pruden
JUN 5, 2004	Presenter: "Ethics Jeopardy"--Indiana State Bar Association, Solo & Small Firm Conference, Lafayette	Kidd
JUN 8, 2004	Presenter: "Rules of Professional Conduct and the Child Support Prosecutor", 2004 Child Support Enforcement Conference, Indianapolis	Iosue
JUN 25, 2004	Presenter: "Ethics 2000 Taskforce," Indiana Municipal Lawyers Association, Indianapolis	Lundberg

APPENDIX H

INDIANA SUPREME COURT DISCIPLINARY COMMISSION FUND
Statement of Revenues and Expenses (Unaudited)
Fiscal Year Ending June 30, 2004

BEGINNING DISCIPLINARY FUND BALANCE		\$761,811
REVENUES:		
REGISTRATION FEES:		
2003-03 Active Fees	\$1,376,724	
Prior Year Fees	10,810	
Pro Hac Vice Fees	65,286	
2002-03 Inactive Fees	92,790	
Delinquent Fee Penalties	137,496	
TOTAL REGISTRATION FEES COLLECTED		\$1,682,806
REVENUE FROM OTHER SOURCES:		
Court Costs	\$38,644	
Reinstatement Fees	4,000	
Investment Income	4,903	
Other	1,167	
TOTAL REVENUE FROM OTHER SOURCES		\$48,715
TOTAL REVENUE		\$1,731,521
EXPENSES:		
OPERATING EXPENSES:		
Personnel	\$1,206,157	
Investigations/Hearings	25,189	
Postage and Supplies	34,767	
Utilities and Rent	137,959	
Travel	43,307	
Equipment	3,393	
Other Expenses	21,510	
TOTAL OPERATING EXPENSES		\$1,472,281
TRANSFER TO JUDGES/LAWYERS ASSISTANCE PROGRAM		\$166,516
TOTAL EXPENSES		\$1,638,797
NET INCREASE (DECREASE) IN FUND BALANCE		\$92,723
ENDING DISCIPLINARY FUND BALANCE		\$854,534