

**2005-2006
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, 2005 and ending June 30, 2006. 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, approximately \$12.00 of which is transferred to the Judges and Lawyers Assistance Commission to fund its operation. The remaining \$15.00 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 May 23, 2006, the Supreme Court issued an order suspending 65 lawyers on active and inactive status, effective June 23, 2006, for failure to pay their annual attorney registration fees.

Effective with the annual registration fee payment due by October 1, 2005, lawyers are now able to make their fee payments on-line by using a credit card as the means of payment.

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>Name</u>	<u>Hometown</u>	<u>First Appointed</u>	<u>Current Term Expires</u>
Robert L. Lewis, Chair	Gary	July 1, 1999	June 30, 2009
J. Mark Robinson, Vice-Chair	Charlestown	April 11, 2001	June 30, 2011
Anthony M. Zappia, Secretary	South Bend	September 9, 2001	June 30, 2011
Diane L. Bender	Evansville	July 1, 1999	June 30, 2009
Sally Franklin Zweig	Indianapolis	September 2, 2001	June 30, 2011
Fred Austerman	Liberty	July 1, 2003	June 30, 2008
Corinne R. Finnerty	North Vernon	July 1, 2003	June 30, 2008
R. Anthony Prather	Indianapolis	July 1, 2004	June 30, 2009
Maureen Grinsfelder	Fort Wayne	July 1, 2005	June 30, 2010

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
- 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 Joshua W. Casselman, H. Max Kelln, Dea C. Lott, and Donald E. Thomas, Jr.

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. When a lawyer's license is suspended for not cooperating, the suspension will be lifted once the lawyer cooperates. However, if the lawyer is suspended for six months without curing the non-cooperation, on the Commission's motion, the Court may suspend the lawyer's law license indefinitely.

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. Occasionally, in private reprimand cases, the Court will 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 2005-2006

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 **4,065** 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/discipline.

During the reporting period, **1,589** grievances were filed with the Disciplinary Commission. Of this number, the Disciplinary Commission initiated **62** grievances. The total number of grievances filed was similar to the number filed the previous year. **Appendix B** presents in graphical form the number of grievances filed for each of the past ten years.

There were **15,517** Indiana lawyers in active, good-standing status and **2,612** lawyers in inactive, good-standing status as of June 30, 2006. In addition, **1,063** 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 **10.2 grievances for every 100** regular actively practicing lawyers or one grievance for every **9.77** 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 1,589 separate lawyers received grievances during the reporting period, because many lawyers were the recipients of multiple grievances. 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, **1,014** 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, 2006, 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, Bankruptcy, Probate and Personal Misconduct*. 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 Misinforming*, 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, 2006, or that had been dismissed during the reporting period:

	<u>DISMISSED</u>	<u>OPEN</u>
Grievances filed before July 1, 2005	180	521
Grievances filed on or after July 1, 2005	1,263	318
Total carried over from preceding year:		775
Total carried over to next year:		839

B. Nonpayment of Costs

On February 14, 2006, the Supreme Court entered an order granting a petition filed by the Disciplinary Commission pursuant to Admission and Discipline Rule 23(21)(j) suspending one lawyer for failure to pay costs assessed against him in connection with a lawyer discipline matter. Upon payment of the delinquent costs, that lawyer's law license was reinstated.

<u>Name</u>	<u>City of Practice</u>	<u>Date of Admission</u>	<u>Date Reinstated</u>
Eckert, Stephen P.	Indianapolis	October 9, 1981	March 3, 2006

C. Non-Cooperation By Lawyers

Admission and Discipline Rule 23(10) provides 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 is 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 **35** petitions with the Supreme Court to suspend the law licenses of **26** individual lawyers 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 petitions35

<u>Name</u>	<u>City of Practice</u>	<u>Date of Admission</u>
Cosby, Dwight A.	Jeffersonville	October 22, 1993
Deets, Charles R., III	Lafayette	September 25, 1968
Eckert, Stephen P.	Indianapolis	October 9, 1981
Eckert, Stephen P.	Indianapolis	October 9, 1981
Fetters, Jeffrey K.	Wolcottville	October 31, 1994
Haughee, Michael B	Griffith	May 29, 1981
Haughee, Michael B.	Griffith	May 29, 1981
Haughee, Michael B.	Griffith	May 29, 1981
Haughee, Michael B.	Griffith	May 29, 1981
Hill, Danny Ray	South Bend	October 10, 1973
Hill, Danny Ray	South Bend	October 10, 1973
Hosinski, John S.	South Bend	October 25, 1991
Hughes, John M.	Highland	June 5, 1998
Jarrett, Jerry T.	Gary	May 26, 1981
Kapitan, James M.	Highland	June 7, 1991
Kelly, Daniel S.	Indianapolis	November 9, 1998
Kendall, Michael C.	Carmel	October 21, 1975
Kilburn, James R.	Austin	October 9, 1981
Lambka, Bruce A.	Crown Point	January 7, 1978
Lambka, Bruce A.	Crown Point	January 7, 1978
Moerlein, Steven J.	South Bend	October 9, 1981
Montgomery, Thomas L.	Evansville	January 19, 1990
Ramsey, Shawn D.	Anderson	November 4, 1996
Rathburn, Charles L., Jr.	Fort Wayne	June 7, 1991
Rawls, William J.	Indianapolis	October 18, 1985
Rawls, William J.	Indianapolis	October 18, 1985
Shoker, Gursaran S.	W. College Corner	June 3, 1985
Singleton, Edwin Dean	Owensville	October 10, 1986
Stanko, Paul D.	Crown Point	January 29, 1979
Streckfus, George M.	New Albany	October 15, 1982
Streckfus, George M.	New Albany	October 15, 1982
Streckfus, George M.	New Albany	October 15, 1982
Tilden, Cynthia A.	Porter	October 25, 1991
Transki, Barbara Ann	Michigan City	October 31, 1994
Yudt, Michael F., II	Valparaiso	October 12, 1978

Dismissed as moot after cooperation without show cause order	0
Pending on June 30, 2006 without show cause order	0
Show cause orders with no suspension	26
Dismissed after show cause order due to compliance	21
Cosby, Dwight A.	
Deets, Charles R., III	
Eckert, Stephen P.	
Eckert, Stephen P.	
Fetters, Jeffrey K.	
Hill, Danny Ray	
Hill, Danny Ray	
Kendall, Michael C.	
Kilburn, James R.	
Lambka, Bruce A.	
Lambka, Bruce A.	
Montgomery, Thomas L.	
Ramsey, Shawn D.	
Rathburn, Charles J., Jr.	
Rawls, William J.	
Rawls, William J.	
Shoker, Gursaran S.	
Stanko, Paul D.	
Streckfus, George M.	
Tilden, Cynthia A.	
Transki, Barbara Ann	
Dismissed after cooperation subject to payment of costs	1
Hill, Danny Ray	
Dismissed due to other discipline	3
Hughes, John M.	
Jarrett, Jerry T.	
Regenauer, Gerald J.	
Show cause orders pending with no ruling on 6/30/06.....	6
Haughee, Michael B.	
Hosinski, John S.	
Kelly, Daniel S.	
Moerlein, Steven J.	
Streckfus, George M.	
Yudt, Michael F., II	

Suspensions for non-cooperation.....8

Suspensions still in effect on 6/30/065

- Haughee, Michael B.
- Haughee, Michael B.
- Haughee, Michael B.
- Kapitan, James M.
- Singleton, Edwin Dean

Indefinitely suspended2

- Hill, Danny Ray
- Hill, Danny Ray

Reinstatements due to cooperation after suspension1

- Baker, Amy B.

Reinstated after cooperation subject to payment of costs.....1

- Hill, Danny Ray

Non-Cooperation Suspensions Converted to Indefinite Suspensions6

<u>Name</u>	<u>City of Practice</u>	<u>Date of Admission</u>
Allen, Larry J., Jr.	Michigan City	October 22, 1993
Ebersol, James Michael	South Bend	June 10, 1988
Gaudio-Graves, Ginamarie	Merrillville	June 7, 1991
Jarrett, Jerry T.	Gary	May 26, 1981
Lunn, Mark A.	Indianapolis	August 28, 1993
Mocek, Robert J.	Indianapolis	October 15, 1982

D. 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 results of inquiries into overdraft reports received during the reporting year are shown on the following page:

Carried Over From Prior Year.....	7
Overdraft Reports Received	122
Inquiries Closed	111
Reasons for Closing:	
Bank Error.....	30
Deposit of Trust Funds to Wrong Trust Account	5
Disbursement From Trust Before Deposited Funds Collected	4
Referral for Disciplinary Investigation.....	15
Disbursement From Trust Before Trust Funds Deposited	17
Overdraft Due to Bank Charges Assessed Against Account	3
Inadvertent Deposit of Trust Funds to Non-Trust Account	5
Overdraft Due to Refused Deposit for Bad Endorsement.....	6
Law Office Math or Record-Keeping Error	18
Death, Disbarment or Resignation of Lawyer	1
Inadvertent Disbursement of Operating Obligation From Trust.....	7
Non-Trust Account Inadvertently Misidentified as Trust Account	0
Inquiries Carried Over Into Following Year	11

E. Litigation

1. Overview

In 2005-2006, the Commission filed **42** 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 **76** separate counts of misconduct during the reporting year.

Including dismissals, in 2005-2006, the Supreme Court issued **52** final, dispositive orders, compared to **60** in the previous year. The final orders in the reporting year represent completion of **108** separate discipline files, compared to the completion of **94** separate discipline files by court order in the previous year. Including private administrative admonitions, **57** lawyers were sanctioned in the reporting year, compared to **76** in the previous year. Compared to the previous year, more cases concluded with license suspensions and fewer cases concluded with admonitions or reprimands this 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.....	42
Number Disposed Of By End Of Year	9
Number Pending At End Of Year	33

In addition, the Disciplinary Commission authorized the filing of **14** verified complaints during the reporting period that had not yet been filed by June 30, 2006.

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 Notices of Felony Guilty Findings and Requests for Suspension pursuant to Admission and Discipline Rule 23, §11.1(a) in 4 cases.

Also, during the year, 2 petitions were filed seeking a finding of contempt against lawyers and are still pending at the end of the year.

b. Status of All Pending Verified Complaints

The following reports the status of all formal disciplinary proceedings pending as of June 30, 2006:

Appointment of Hearing Officer Pending.....	5
Cases Pending Before Hearing Officers	34
Cases Pending On Review Before the Supreme Court.....	13
Total Verified Complaints Pending on June 30, 2006.....	52

During the course of the reporting year, 15 cases were tried on the merits to hearing officers at final hearings, almost double the number of tried cases (8) in the previous year. 24 cases were submitted to the Supreme Court for resolution by way of Conditional Agreements for Discipline or Consents to Discipline, a similar number (25) to the previous year, and 2 Applications for Judgment on the Complaint were filed because respondents failed to appear and file answers.

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	8
Private Reprimands	3
Public Reprimands.....	10

<u>Name</u>	<u>City of Practice</u>	<u>Date of Admission</u>
Baldwin, Brian B.	Martinsville	October 16, 1987
Bogges, Jeffrey Allan	Greencastle	June 14, 1993
Conover, Todd M.	Hammond	June 4, 1982
Conteh, Swaray E.	Indianapolis	October 23, 1995
DeSanctis, Christine Ann	Lafayette	June 3, 1983
Drake, MacArthur	Gary	May 5, 1976
Hughes, John M.	Highland	June 5, 1998
Shouse, Randall R.	Indianapolis	October 10, 1980
Thomsen, Dorothy J.	Indianapolis	October 20, 1989
Vegter, J. Robert, II	Merrillville	September 16, 1970

Suspensions With Automatic Reinstatement.....10

<u>Name</u>	<u>City of Practice</u>	<u>Date of Admission</u>	<u>Suspension</u>
Beckett, Brant R.	Mishawaka	October 26, 1992	120 days
Clark, Timothy	Indianapolis	June 2, 1982	90 days

Fetters, Jeffrey K.	Wolcottville	October 31, 1994	60 days
Goode, Blaine	Salem	June 7, 2002	60 days
Harris, James A.	Highland	February 8, 1977	60 days
Layson, David A.	Corydon	September 26, 1972	60 days
Moyer, Kevin L.	Frankfort	June 5, 1998	60 days
Peters, John W.	Portage	May 1, 1974	30 days
Roberts, Kenneth T.	Indianapolis	October 10, 1973	30 days
Winkler, Cynthia.	Salem	June 3, 1983	120 days

Suspensions With Reinstatement on Conditions.....4

<u>Name</u>	<u>City of Practice</u>	<u>Date of Admission</u>	<u>Suspension</u>
Belleperche, Thomas W.	Fort Wayne	November 9, 1979	6 months ¹
Geheb, Mark D.	Demotte	June 12, 1992	6 months ²
Ricks, Hilary Bowe	Indianapolis	May 30, 1986	6 months ³
Wittry, Daniel Lane	Indianapolis	October 20, 1989	6 months ⁴

¹ Six months suspension, six months stayed conditioned on compliance with terms of probation for 24 months.

² Six months suspension, six months stayed conditioned on compliance with terms of probation for two years.

³ Six months suspension, six months stayed conditioned on compliance with terms of probation for one year.

⁴ Six months suspension, four months stayed conditioned on compliance with terms of probation for 12 months.

Suspensions Without Automatic Reinstatement.....14

<u>Name</u>	<u>City of Practice</u>	<u>Date of Admission</u>	<u>Suspension</u>
Allen, Larry J., Jr.	Michigan City	October 22, 1993	Indefinite
Corizzi, Anthony J.	Anderson	June 8, 1979	Indefinite
Cosby, Dwight A.	Jeffersonville	October 22, 1993	9 months
Ebersol, James M.	South Bend	June 10, 1988	Indefinite
Freeman, John H., IV	Indianapolis	July 13, 1993	One year
Gaudio-Graves, Ginamarie	Merrillville	June 7, 1991	Indefinite
Gofourth, Dewayne H.	English	November 8, 1999	3 years
Hill, Danny Ray	South Bend	October 10, 1973	Indefinite
Hill, Danny Ray	South Bend	October 10, 1973	Indefinite
Jarrett, Jerry T.	Gary	May 26, 1981	Indefinite
Lunn, Mark A.	Indianapolis	September 28, 1993	Indefinite
Mocek, Robert J.	Indianapolis	October 15, 1982	Indefinite
Regenauer, Gerald J.	Peru	October 14, 1988	Indefinite
Wheeler, Kimberly	Indianapolis	October 16, 1987	Indefinite

Accepted Resignations.....7

<u>Name</u>	<u>City of Practice</u>	<u>Date of Admission</u>
Fife, James H., III	Schererville	October 15, 1987
Haney, Stephen R.	Indianapolis	October 6, 2000
Hughes, John M.	Highland	June 5, 1998

Lacava, Frederick W.	Indianapolis	October 4, 1979
McQueen, Alvan Vance	Shelbyville	May 31, 1977
Ramsey, Shawn D.	Anderson	November 4, 1996
Wartenbe, Robert S.	Fort Wayne	May 31, 1977

Disbarments.....0

Judgments for Respondent.....1

Dismissals.....3

Reconsideration of Probable Cause.....2

Death of Respondent1

Reinstatement Proceedings

Number of Petitions Filed.....8

Hearings3

Disposed of by Final Order.....3

Denied0

Dismissed1

<u>Name</u>	<u>City of Residence</u>	<u>Date of Admission</u>
Krebs, Warren D.	Indianapolis	October 9, 1974

Petition Withdrawn.....1

<u>Name</u>	<u>City of Residence</u>	<u>Date of Admission</u>
Vernia, Stephen D.	Valparaiso	June 8, 1987

Conditional Reinstatement Granted1

<u>Name</u>	<u>City of Residence</u>	<u>Date of Admission</u>
Atanga, Joseph A.	Indianapolis	October 15, 1990

Revocations of Probation1

<u>Name</u>	<u>City of Practice</u>	<u>Date of Admission</u>
Belleperche, Thomas W.	Fort Wayne	November 9, 1979

V. SUMMARY OF DISCIPLINARY COMMISSION ACTIVITIES

	2005-06	2004-05	2003-04	2002-03	2001-02
Matters Completed	1,599	1,692	1,765	1,641	1,704
Complaints Filed	42	41	54	37	62
Final Hearings	15	8	10	15	21
Final Orders	52	60	54	88	82
Reinstatement Petitions Filed	8	4	4	3	4
Reinstatement Hearings	3	4	3	2	3
Reinstatements Ordered	1	4	0	4	0

	2005-06	2004-05	2003-04	2002-03	2001-02
Reinstatements Deny/Dismiss	2	2	2	0	3
Income	\$1,870,208	\$1,785,247	\$1,731,521	\$1,650,231	\$1,389,875
Expenses	\$1,766,748	\$1,629,153	\$1,638,797	\$1,621,569	\$1,454,041

VI. AMENDMENTS TO RULES AFFECTING LAWYER DISCIPLINE

A. Indiana Rules of Professional Conduct

Rule of Professional Conduct 7.5(a) and (b): On July 1, 2005, effective January 1, 2006, the Supreme Court made a technical amendment to Rule of Professional Conduct 7.5(a) and (b) to correct an erroneous cross-reference in each paragraph to Rule of Professional Conduct 7.1 to reflect that the correct cross-reference should be to Rule of Professional Conduct 7.2.

B. Admission and Discipline Rules

Admission and Discipline Rule 23, section 21(k): On July 1, 2005, effective January 1, 2006, the Supreme Court amended the rule governing permanent relinquishment of a law license. One change was that it clarified that Indiana lawyers are not eligible to permanently relinquish their law licenses unless they are current in all registration fees and financial obligations imposed on lawyers by the Admission and Discipline Rules. The second amendment was to make the procedure for permanent relinquishment administrative by requiring the relinquishing lawyer to tender an affidavit setting forth eligibility for relinquishment to the Executive Secretary of the Disciplinary Commission. Upon verifying the eligibility of the relinquishing lawyer, the Executive Secretary will certify the same to the Clerk of the Supreme Court, who will show on the roll of attorneys that the lawyer's law license has been permanently relinquished.

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 audited 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 the President and CEO of Optical Disc Solutions, Inc. in Richmond, a company that provides DVD and compact disc replicating services and project management for a wide variety of media developers. 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 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 was reappointed to a second term expiring on June 30, 2009. She has previously served as Secretary, Vice-Chair and Chair of the Commission.

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 Bar Foundation, of which she is a Patron 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 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.

Maureen I. Grinsfelder, a native of Whitley County, is Executive Director of the Fort Wayne Educational Foundation, a non-profit foundation that helps finance college for Allen County students. She is a graduate of the University of Michigan, where she was selected for membership in Scroll and Wyvern women's honor societies. For twenty-two years, she was employed by NBD Bank, NA and its predecessor banks in Fort Wayne, administering trusts, guardianships and estates. She was appointed to the Board of Trustees of the Indiana State Museum and Memorials and has served numerous boards of social service and arts organizations in Fort Wayne. She is a past president of Congregation Achduth Vesholom in Fort Wayne and a past vice-president of the Union for Reform

Judaism Northeast Lakes Regional Council. She and her husband, Alan Grinsfelder, have four sons and nine grandchildren. She is serving her first five-year term on the Disciplinary Commission, which will expire on June 30, 2010.

Robert L. Lewis is a member of the three-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 was reappointed to a second term expiring June 30, 2009. Having previously served as Secretary and Vice-Chair, he was elected Chair of the Commission on July 8, 2005.

R. Anthony Prather is a partner in the Indianapolis office of Barnes & Thornburg LLP. He represents management interests exclusively in both labor and employment law and litigation matters in state courts and federal courts, including charges of employment discrimination. He handles matters that include alternative dispute resolution, discovery, bench and jury trials, and appeals. He also advises employers on various employment laws. Prior to joining Barnes & Thornburg, Mr. Prather was in-house counsel for Ameritech Corporation, Firestone Building Products Company, Firestone Industrial Products Company, and Firestone Polymers. Additionally, Mr. Prather served as the media relations spokesperson for Bridgestone/Firestone, Inc., in all federal class action and personal injury litigation against Bridgestone/Firestone, Inc. consolidated before Judge Sarah Evans Barker, and Ford Motor Company in the United States District Court for the Southern District of Indiana. Mr. Prather received his B.A. from Indiana University in 1980 and his J.D. from Indiana University School of Law–Bloomington in 1983. He is admitted to practice before the U.S. District Courts for the Northern and Southern Districts of Indiana and the U.S. Court of Appeals for the Seventh Circuit. He is a member of the American Corporate Counsel Association, the Indiana State Bar Association, and the National Bar Association. He was appointed to a five-year term on the Disciplinary Commission effective July 1, 2004.

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 1974, the State of Indiana in 1975, 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 28 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, has served Clark County in the Indiana State Bar Association House of Delegates for the past nine years, and has served on the Indiana State Bar Association Board of Governors (2004-2006). He is also a Master Fellow of the Indiana Bar Foundation and was appointed Sagamore of the Wabash in 1999. In his civic life, he serves as President of the Board of Directors of the River Ridge Development Authority, and is past 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 32 years. He served for six years on the Indiana Pro Bono Commission, and was appointed to a five-year term as a member of the Disciplinary Commission that expired on June 30, 2006. He was re-appointed to a second term on the Commission beginning July 1, 2006. On July 8, 2005, after serving as Secretary of the Commission, he was elected Vice-Chair of the Commission.

Anthony M. Zappia is the senior member of the 4-person law firm of Zappia Zappia & Stipp, 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 an initial five-year term on the Disciplinary Commission that expired on June 30, 2006, and was reappointed to a second term beginning July 1, 2006. On July 8, 2005, he was elected Secretary of the Commission.

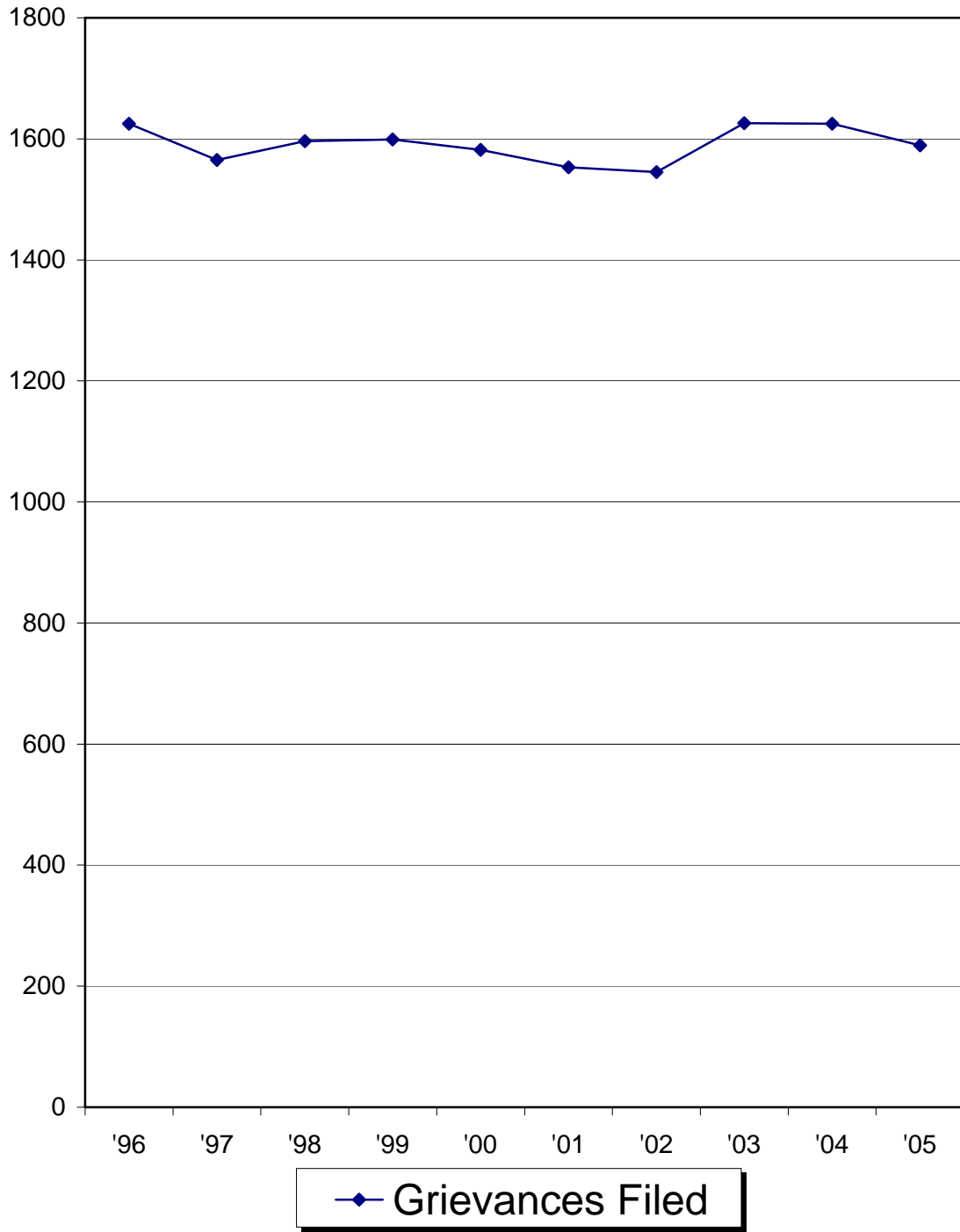
Sally Franklin Zweig is a partner of the law firm of Katz & Korin P.C. in Indianapolis. She obtained her undergraduate degree from Washington University in St. Louis in 1971 and received her law degree from Indiana University School of Law at Indianapolis in 1986 and was admitted to practice that same 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 a 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. She also presently serves on the boards of directors of the Indianapolis Art Center and At Your School Services. She was appointed to a first five-year term as a member of the Disciplinary Commission expiring on June 30, 2006, and reappointed to a second term beginning July 1, 2006.

APPENDIX A

APPENDIX A

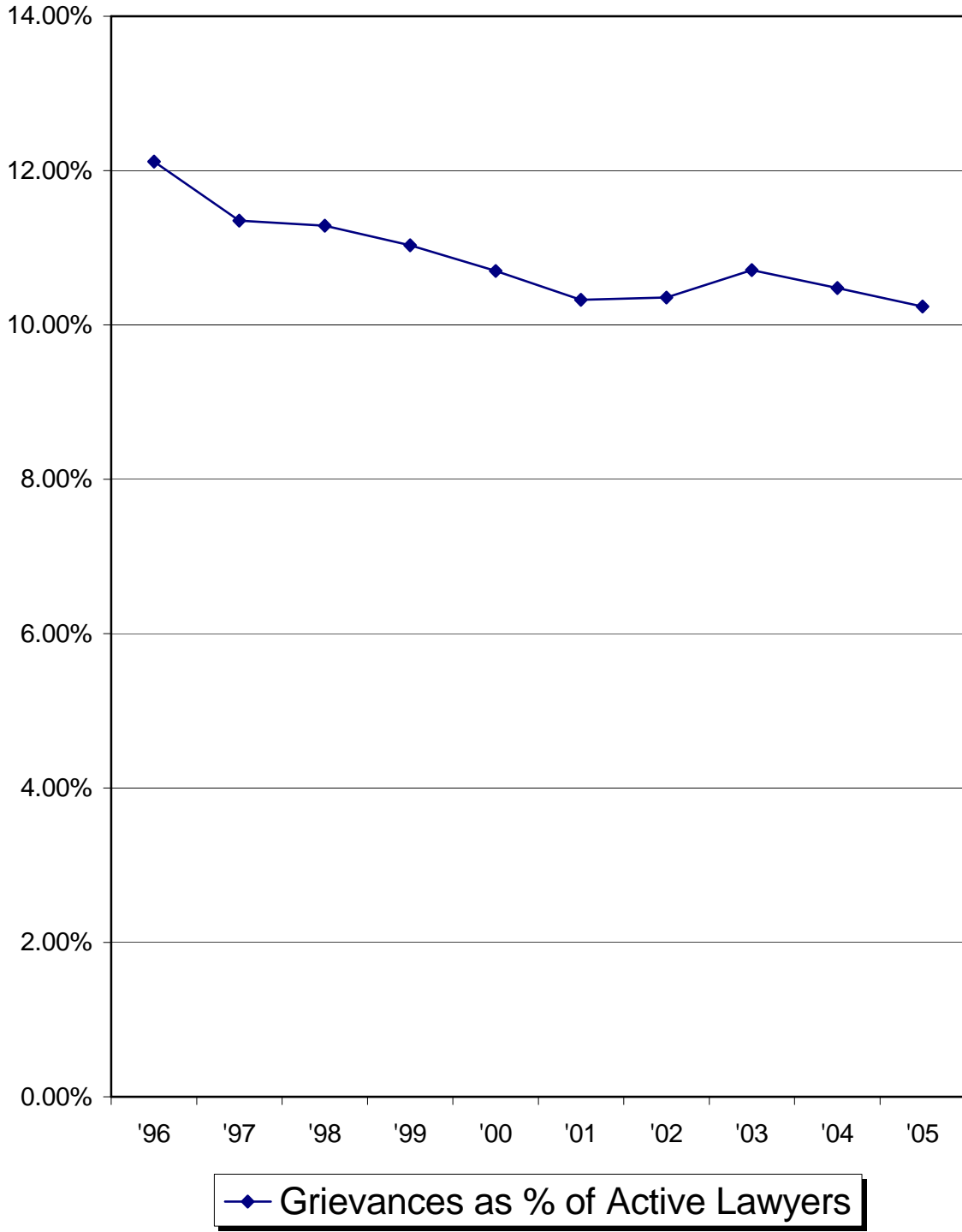
TRENDS IN LAWYER DISCIPLINE

NUMBER OF GRIEVANCES FILED 1996-2005



TRENDS IN LAWYER DISCIPLINE

GRIEVANCE RATES 1996-2005

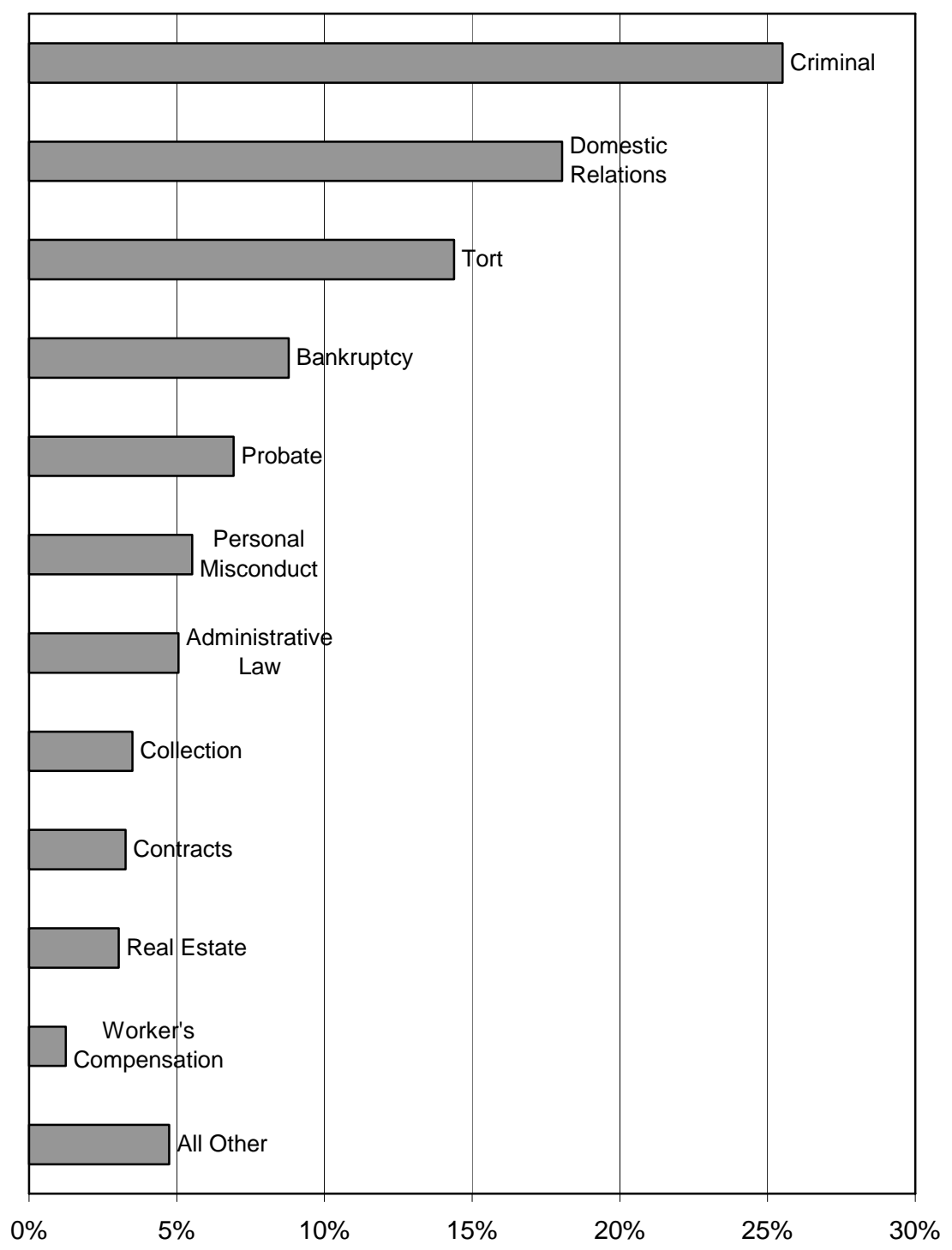


GRIEVANCES BY CASE TYPE AND MISCONDUCT ALLEGED (2005-2006)

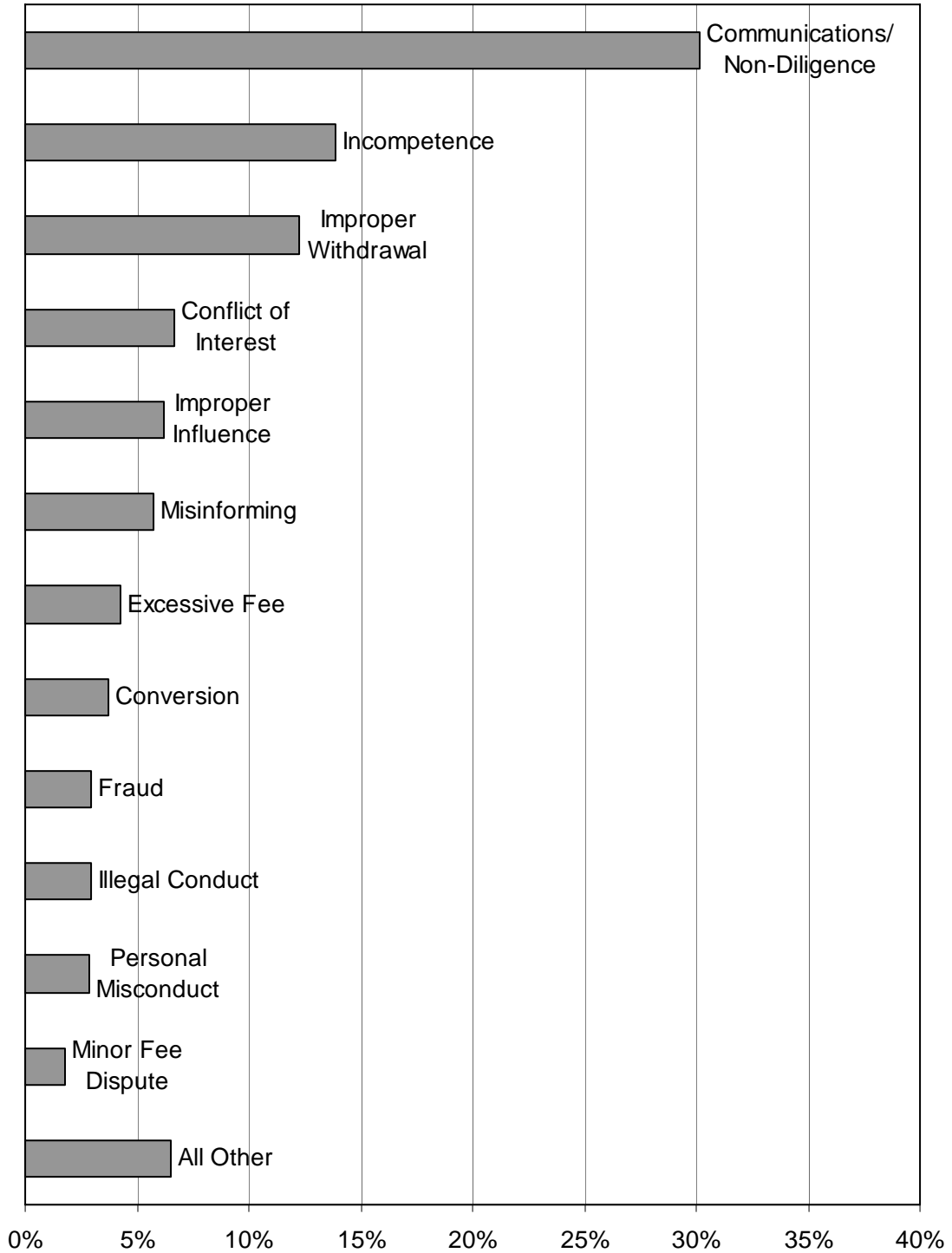
Type of Legal Matter	Number	% of Total
Administrative Law	65	5.1%
Adoption	4	0.3%
Bankruptcy	113	8.8%
Collection	45	3.5%
Condemnation	0	0.0%
Contracts	42	3.3%
Corporate	21	1.6%
Criminal	328	25.5%
Domestic Relations	232	18.0%
Guardianship	21	1.6%
Other Judicial Action	3	0.2%
Patent, Copyright	4	0.3%
Personal Misconduct	71	5.5%
Real Estate	39	3.0%
Tort	185	14.4%
Probate	89	6.9%
Worker's Compensation	16	1.2%
Zoning	1	0.1%
Other	7	4.7%
TOTAL	1286	100.0%

Alleged Misconduct	Number	% of Total
Action in Bad Faith	16	0.8%
Advertising	32	1.6%
Bypassing Other Attorney	16	0.8%
Communications/ Non-Diligence	599	30.2%
Conflict of Interest	133	6.7%
Conversion	74	3.7%
Disclosure of Confidences	19	1.0%
Excessive Fee	84	4.2%
Fraud	59	3.0%
Illegal Conduct	58	2.9%
Improper Influence	123	6.2%
Improper Withdrawal	244	12.3%
Incompetence	276	13.9%
Minor Disagreement	1	0.1%
Minor Fee Dispute	35	1.8%
Misinforming	114	5.7%
Overreaching	38	1.9%
Personal Misconduct	57	2.9%
Solicitation	8	0.4%
TOTAL	1986	100.0%

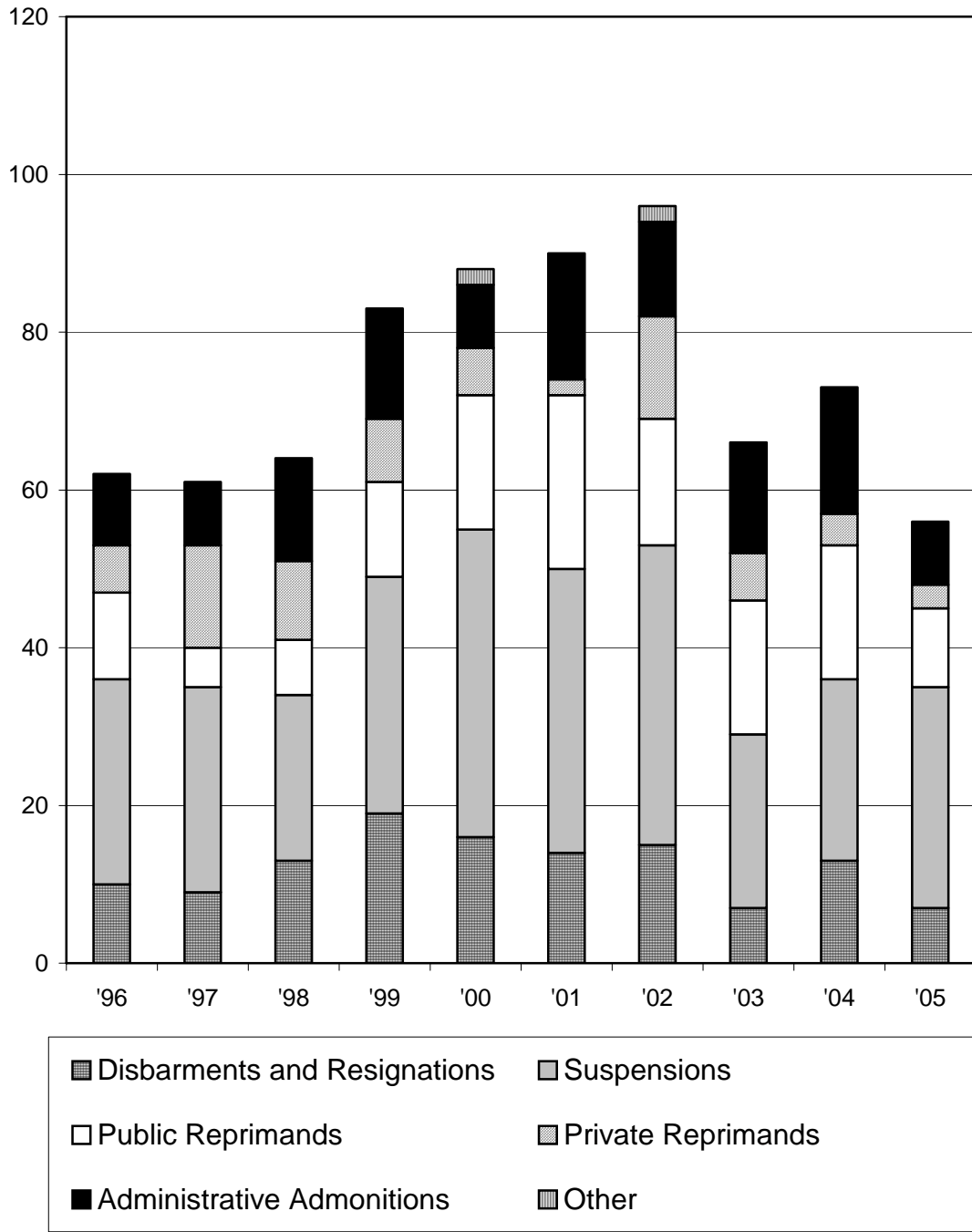
GRIEVANCES BY CASE TYPE 2005-2006



GRIEVANCES BY MISCONDUCT ALLEGED 2005-2006



SANCTIONS ORDERED 1996-2005



**PUBLIC AND BAR IMPROVEMENT AND EDUCATION ACTIVITIES
2005-2006**

AUTHORS	<i>You Say You Want an Evolution? An Overview of the Ethics 2000 Amendments to the Indiana Rules of Professional Conduct</i> , 38 INDIANA LAW REVIEW 1255 (2005)	Lundberg & Kidd
AUTHOR	<i>Survey of the Law of Professional Responsibility</i> , 39 INDIANA LAW REVIEW 1199 (2006)	Kidd
AUTHOR	<i>Trust Accounts and More</i> , Vol. 49, No. 1 RES GESTAE 19 (2005)	Lundberg
AUTHOR	<i>What Do You Do When You Receive a Grievance?</i> , Vol. 49, No. 2 RES GESTAE 35 (2005)	Lundberg
AUTHOR	<i>An Advertising Primer: Part 1</i> , Vol. 49, No. 3 RES GESTAE 19 (2005)	Lundberg
AUTHOR	<i>An Advertising Primer: Part 2</i> , Vol. 49, No. 4 RES GESTAE 32 (2005)	Lundberg
AUTHOR	<i>Finder's Fee or Kickback? You Decide</i> , Vol. 49, No. 5 RES GESTAE 32 (2005)	Lundberg
AUTHOR	<i>Trust Account Debit Cards and a Footnote on Client Confidentiality</i> , Vol. 49, No. 6 RES GESTAE 36 (2006)	Lundberg
AUTHOR	<i>Disciplinary Commission Rolls Out New Website</i> , Vol. 49, No. 7 RES GESTAE 43 (2006)	Lundberg
AUTHOR	<i>Turning Due Process on Its Head: Ethical Limitations on Ex Parte Practice</i> , Vol. 49, No. 8 RES GESTAE 26 (2006)	Lundberg
AUTHOR	<i>Lawyers and Judicial Criticism</i> , Vol. 49, No. 9 RES GESTAE 34 (2006)	Lundberg
AUTHOR	<i>Migratory Lawyers and Other Exotic Species</i> , Vol. 49, No. 10 RES GESTAE 27 (2006)	Lundberg
JUL 20, 2005	Presenter: "Hidden Ethics Matters of Interest in Family Law" Indianapolis Bar Association, Indianapolis	Kidd
AUG 16, 2005	Presenter: "Ethics in Mediation," Public Policy Mediation Course, Prof. Krauss, Indiana University School of Law, Indianapolis	Kidd
AUG 25, 2005	Co-Presenter: "Recent Amendments to the Rules of Professional Conduct," Fulton County Bar Association, Rochester	Lundberg
SEP 23, 2005	Presenter: "Update of Recent Cases" Utility Law Section, Indiana State Bar Association, Bloomington	Kidd
SEP 27, 2005	Co-Presenter: "Professional Responsibility," Indiana Law Update, Indiana Continuing Legal Education Forum, Indianapolis	Lundberg
OCT 20, 2005	Panelist: "Ethical Dilemmas in Mediation," Indiana State Bar Association, Annual Meeting, Indianapolis	Lundberg
OCT 21, 2005	Presenter: "Update on Recent Ethics Decisions," Applied Professionalism Course, Indianapolis Bar Association, Indianapolis	Kidd
OCT 21, 2005	Presenter: "Trust Account Management" Applied Professionalism Course, Indianapolis Bar Association,	Pruden

APPENDIX H

	Indianapolis	
OCT 25, 2005	Presenter: "Ethical Issues Relating to Discovery and Evidence in Business Litigation," Indiana Continuing Legal Education Forum, Indianapolis	Lundberg
OCT 27, 2005	Presenter: "Trust Account Management," Applied Professionalism Course, Evansville Bar Association, Evansville	Pruden
NOV 4, 2005	Presenter: "Amended Rules of Professional Conduct," Boone County Bar Association, Lebanon	Pruden
NOV 10, 2005	Co-Presenter: "Top Ten Ethics Problems for Lawyers," ICLEF Practice Skills Seminar, Indianapolis	Kidd
NOV 11, 2005	Presenter: "Ethics Issues in Pro Bono Practice," Heartland Pro Bono Council, Indianapolis	Kidd
NOV 15, 2005	Guest lecturer: "The Lawyer Discipline Process," Course in The Legal Profession, Prof. Fuentes-Rowher, Indiana University School of Law, Bloomington	Lundberg
NOV 21, 2005	Presenter: "Top Ten Ethics Tips for Litigation," Indiana State Bar Association, Indianapolis	Pruden
NOV 29, 2005	Co-Presenter: "Overview of the Lawyer Discipline System," Indiana University School of Law, Indianapolis	Kidd
DEC 6, 2005	Presenter: "Trust Account Management," Bridge the Gap Program (Applied Professionalism Course), Lake County Bar Association, Merrillville	Pruden
DEC 6, 2005	Co-Presenter: "Year In Review," Indiana Continuing Legal Education Forum, Indianapolis	Kidd
DEC 9, 2005	Presenter: "Family Law Ethics," Heartland Pro Bono Council, Indianapolis	Iosue
DEC 16, 2005	Presenter: "The Disciplinary Process in Indiana," Brown County Bar Association, Nashville	Shook
DEC 16, 2005	Presenter: "Legal Advertising and Trust Accounts," Year End Update, Indiana Trial Lawyers Association, Indianapolis	Lundberg
DEC 20, 2005	Presenter: "Staying Out of Trouble," Allen County Bar Association, Fort Wayne	Pruden
DEC 30, 2005	Presenter: "Applied Professionalism," Allen County Bar Association, Fort Wayne	McKinney
JAN 9, 2006	Presenter: "Recent Amendments to the Rules of Professional Conduct," Indiana School Boards Association, School Law Seminar, Indianapolis	Lundberg
JAN 10, 2006	Presenter: "Ethics in Mediation," Public Policy Mediation Course, Prof. Krauss, Indiana University School of Law, Indianapolis	Kidd
FEB 8, 2006	Co-Presenter: "The Wreck of the S.S. Robert Hanna: Leaks and Other Releases" Sagamore American Inn of Court, Indianapolis	Rice
FEB 10, 2006	Moderator: "Is Check 21 Checkmate for Discipline?" Mid-Year Meeting, National Organization of Bar Counsel, Chicago, IL	Lundberg

APPENDIX H

FEB 24, 2006	Presenter: "Update of Recent Ethics Cases," Allen County Bar Association, Fort Wayne	Kidd
MAR 7, 2006	Co-Presenter: "Overview of the Lawyer Discipline System," Indiana University School of Law, Indianapolis	Kidd
MAR 9, 2006	Presenter: "Update of Recent Ethics Cases," Grant American Inn of Court, South Bend	Kidd
MAR 9, 2006	Presenter: "Disciplinary Enforcement," Applied Professionalism Course, Indianapolis Bar Association, Indianapolis	Iosue
MAR 9, 2006	Co-Presenter: "Law Practice Scenarios," Applied Professionalism Course, Indianapolis Bar Association, Indianapolis	Lundberg
MAR 29, 2006	Presenter: "Trust Account Management," Applied Professionalism Course, Indianapolis Bar Association, Indianapolis	Pruden
MAR 30, 2006	Moderator: "Public Sector Career Panel," Indiana University School of Law, Indianapolis	Lundberg
APR 24, 2006	Guest-lecturer: "Criminal Ethics," Class in Criminal Procedure, Prof. Schumm, Indiana University School of Law, Indianapolis	Iosue
MAY 10, 2006	Co-Presenter: "The Dull Edge of Advocacy: Techniques of Oral Argument," Sagamore American Inn Of Court	Kidd
MAY 11, 2006	Moderator and Panelist: "Masters Series: Advanced Legal Ethics," Indiana Continuing Legal Education Forum, Indianapolis	Lundberg
MAY 12, 2006	Presenter: "Rules of Professional Conduct for the Planning and Zoning Lawyer," Indiana Continuing Legal Education Forum, Indianapolis	McKinney
MAY 18, 2006	Presenter: "Ten Top Topical Ethics Topics," Indiana Pro Bono District Eleven, Volunteer Lawyers Appreciation Luncheon, Columbus	Lundberg
MAY 24, 2006	Moderator and Panelist: "Masters Series: Advanced Legal Ethics," Indiana Continuing Legal Education Forum, Evansville	Lundberg
MAY 25, 2006	Presenter: " Rules of Professional Conduct for the Commercial Real Estate Lawyer," Indiana Continuing Legal Education Forum, Indianapolis	McKinney
MAY 30, 2006	Presenter: "Recent Amendments to the Rules of Professional Conduct," Allen County Bar Association, Fort Wayne	Lundberg
JUN 2, 2006	Presenter: "Lawyer Advertising," Solo & Small Firm Conference, Indiana State Bar Association, Bloomington	Kidd
JUN 14, 2006	Moderator and Panelist: "Masters Series: Advanced Legal Ethics," Indiana Continuing Legal Education Forum, Merrillville	Lundberg
JUN 22, 2006	Presenter: "Prosecutorial Misconduct," Indiana Public Defender Council, Indianapolis	Iosue

APPENDIX H

INDIANA SUPREME COURT DISCIPLINARY COMMISSION FUND
Statement of Revenues and Expenses (Audited)
Fiscal Year Ending June 30, 2006

BEGINNING DISCIPLINARY FUND BALANCE		\$1,010,628
REVENUES:		
REGISTRATION FEES:		
2005-06 Active Fees	\$1,396,530	
Prior Year Fees	20,426	
Pro Hac Vice Fees	95,670	
2005-06 Inactive Fees	117,540	
Delinquent Fee Penalties	159,807	
TOTAL REGISTRATION FEES COLLECTED		\$1,789,973
REVENUE FROM OTHER SOURCES:		
Court Costs	\$17,103	
Reinstatement Fees	4,000	
Investment Income	47,354	
Rule 7.3 Filing Fees	7,100	
Other	4,678	
TOTAL REVENUE FROM OTHER SOURCES		\$80,235
TOTAL REVENUE		\$1,870,208
EXPENSES:		
OPERATING EXPENSES:		
Personnel	\$1,272,003	
Investigations/Hearings	36,911	
Postage and Supplies	41,663	
Utilities and Rent	142,520	
Travel	43,196	
Equipment	3,211	
Other Expenses	28,584	
TOTAL OPERATING EXPENSES		\$1,568,088
TRANSFER TO JUDGES/LAWYERS ASSISTANCE PROGRAM		\$198,660
TOTAL EXPENSES		\$1,766,748
NET INCREASE (DECREASE) IN FUND BALANCE		\$103,460
ENDING DISCIPLINARY FUND BALANCE		\$1,114,088