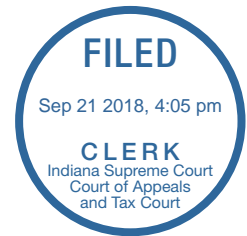


In the Indiana Supreme Court

In the Matter of: Anna D. Saar,
Respondent

Supreme Court Case No.
18S-DI-317



Published Order Approving Statement of Circumstances and Conditional Agreement for Discipline

Pursuant to Indiana Admission and Discipline Rule 23(12.1)(b), the Indiana Supreme Court Disciplinary Commission and Respondent have submitted for approval a “Statement of Circumstances and Conditional Agreement for Discipline” stipulating agreed facts and proposed discipline as summarized below.

Stipulated Facts: “Client” signed a representation agreement with “Law Firm” in a personal injury matter. The agreement called for a contingent attorney fee of 35% if the case was resolved without trial and 45% plus expenses if the case was resolved with trial. The agreement also included a provision under which Law Firm, in the event it was discharged by Client prior to an eventual settlement or recovery, would be entitled to a fee of \$175/hr for work performed on the case.

Respondent was an associate with Law Firm from June 2015 until February 2017 and represented Client during that time. When Respondent departed Law Firm and began working with a new firm, Client elected to have Respondent complete his case. Respondent informed Client her representation and fees would be governed by identical terms as his agreement with Law Firm and that any fees owed to Law Firm would be deducted from any settlement award or judgment obtained in Client’s case. However, Respondent failed to explicitly contract away her liability for attorney fees owed to Law Firm.

In September 2017, an \$18,000 mediated settlement of Client’s case was reached. Respondent kept 35% (\$6,300) as her fee and then negotiated a \$2,000 settlement with Law Firm for its fee. This resulted in Client being charged a total attorney fee of 46% of the settlement amount instead of the contracted amount of 35%.

Respondent has no prior discipline, cooperated with the disciplinary process, and refunded the \$2,000 owed to Client.

Violation: The parties agree that Respondent violated Indiana Professional Conduct Rule 1.5(a), which prohibits collecting an unreasonable fee. *Accord Galanis v. Lyons & Truitt*, 715 N.E.2d 858, 863 (Ind. 1999).

Discipline: The parties propose the appropriate discipline is a public reprimand. The Court, having considered the submissions of the parties, now approves the agreed discipline and imposes a **public reprimand** for Respondent's misconduct.

The costs of this proceeding are assessed against Respondent. With the acceptance of this agreement, the hearing officer appointed in this case is discharged.

Done at Indianapolis, Indiana, on 9/21/2018.



Loretta H. Rush
Chief Justice of Indiana

All Justices concur.