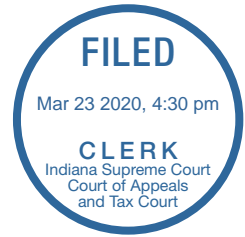


In the  
Indiana Supreme Court



In the Matter of: John P. Wilson,  
Respondent

Supreme Court Case No.  
18S-DI-365

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:** Respondent operates a small, family-run law firm. From 2013 through 2017, Respondent mismanaged his trust account. Respondent’s mismanagement included among other things multiple overdrafts, commingling of client and attorney funds, and inadequate recordkeeping. Much of this misconduct stemmed from Respondent’s failure to adequately supervise his daughter, a nonlawyer who was employed in various roles at Respondent’s firm and who was a signatory on Respondent’s trust account.

Respondent did not timely comply with a subpoena duces tecum issued by the Commission during its investigation, prompting the initiation of a show cause proceeding that was dismissed when Respondent belatedly complied.

**Violations:** The parties agree that Respondent violated these rules prohibiting the following misconduct:

Ind. Professional Conduct Rules:

- 1.15(a): Commingling client and attorney funds.
- 5.3(a): Failing to make reasonable efforts to ensure that the lawyer’s firm has taken measures to assure that a nonlawyer employee’s conduct is compatible with the professional obligations of the lawyer.
- 5.3(b): Failing to make reasonable efforts to ensure that the conduct of a nonlawyer employee over whom the lawyer has direct supervisory authority is compatible with the professional obligations of the lawyer.
- 5.3(c)(2): Failing to take reasonable remedial action with respect to the misconduct of nonlawyer assistants under the lawyer’s supervision.
- 8.1(b): Failure to respond timely to the Commission’s demands for information.

Ind. Admission and Discipline Rules (2016 and earlier):

23(29)(a)(4): Commingling client funds with other funds of the attorney or firm, and failing to create or retain sufficiently detailed records of the attorney's trust account.

23(29)(a)(5): Making withdrawals from a trust account without written withdrawal authorization stating the amount and purpose of the withdrawal and the payee.

Ind. Admission and Discipline Rules (2017):

23(29)(c)(2): Paying personal or business expenses directly from a trust account.

23(29)(c)(3) (2017): Delegating sole authority to disburse trust account funds to a nonlawyer assistant, without appropriate safeguards.

Overdraft Rule 7(B) (2016 and earlier): Delegating authority to disburse trust account funds to a nonlawyer assistant, without appropriate safeguards.

**Discipline:** The Court, having considered the submission of the parties, now approves the following agreed discipline.

For Respondent's professional misconduct, the Court **suspends Respondent from the practice of law for a period of 180 days, beginning May 4, 2020, with 30 days actively served and the remainder stayed subject to completion of at least 18 months of probation.** The Court incorporates by reference the terms and conditions of probation set forth in the parties' Conditional Agreement, which include:

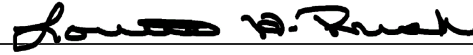
- (1) Respondent shall continue to have his trust account monitored by BGBC Partners, LLP, at his own expense.
- (2) BGBC shall report quarterly to the Commission.
- (3) If Respondent violates the terms of his probation, the stay of his suspension may be vacated and the stayed period of his suspension may be actively served without automatic reinstatement.

Respondent shall not undertake any new legal matters between service of this order and the effective date of the suspension, and Respondent shall fulfill all the duties of a suspended attorney under Admission and Discipline Rule 23(26). Notwithstanding the expiration of the term of probation set forth above, Respondent's probation shall remain in effect until it is terminated pursuant to a petition to terminate probation filed under Admission and Discipline Rule 23(16).

The costs of this proceeding are assessed against Respondent. Pursuant to the parties' stipulation, the Court hereby orders Respondent to pay the following expenses in separate checks to be transmitted to the Commission: (1) \$1,491.06, payable to the Commission for investigative expenses; (2) \$250.00, payable to the Clerk for court costs; and (3) \$480.00, payable to the Court for hearing officer expenses.

With the acceptance of this agreement, the hearing officer appointed in this case is discharged.

Done at Indianapolis, Indiana, on 3/23/2020.

A handwritten signature in black ink, appearing to read "Loretta H. Rush", written over a horizontal line.

Loretta H. Rush  
Chief Justice of Indiana

All Justices concur.