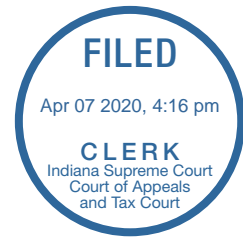


In the
Indiana Supreme Court



In the Matter of: Iurie Cuciuc,
Respondent

Supreme Court Case No.
19S-DI-267

Published Order Finding Misconduct and Imposing Discipline

Upon review of the report of the hearing officer, the Honorable Kathleen Maicher, who was appointed by this Court to hear evidence on the Indiana Supreme Court Disciplinary Commission's "Disciplinary Complaint," and the briefs of the parties, the Court finds that Respondent engaged in professional misconduct and imposes discipline on Respondent.

Procedural Background: The Commission filed its disciplinary complaint against Respondent on May 1, 2019. Respondent was served but did not appear or respond. Accordingly, the Commission filed motions for judgment on the complaint, to which Respondent likewise failed to respond, and the hearing officer took the facts alleged in the complaint as true. *See* Admis. Disc. R. 23(14)(c)(3).

Facts: After twice failing the Indiana bar exam, Respondent applied again in December 2014, took and passed the July 2015 bar exam, and was admitted to practice in April 2016.

In his bar exam application, Respondent answered "no" to Questions 14 ("Have you ever been a party in a civil court case or proceeding?") and 15 ("Have you ever had a complaint or other action (including but not limited to, allegations of fraud, deceit, misrepresentation, forgery or malpractice) initiated against you in any administrative forum?"). Respondent also acknowledged in his application his affirmative obligation to notify the Board of Law Examiners of any events between his application and bar admission that would cause any of the answers on his application to change.

After he submitted his application and took the bar exam, but before he was admitted to the Indiana bar, Respondent was the subject of a civil protective order proceeding filed in Marion Superior Court as well as a Title IX complaint filed with the McKinney School of Law. Respondent failed to supplement his bar application to include information about the protective order and Title IX proceedings.

Discussion: Respondent has petitioned for review, but his petition does not articulate any grounds that would call into question the appropriateness of the hearing officer's entry of judgment on the complaint. Moreover, Respondent's argument that prosecution of the underlying misconduct is barred on res judicata grounds, due to the prior dismissal of a show cause proceeding that involved Respondent's failure to timely cooperate with the Commission's investigation into that misconduct, is without merit. *See* Matter of Krasnoff, 78 N.E.3d 657,

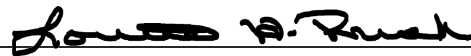
661-62 (Ind. 2017). So too is Respondent's argument that he is being prosecuted for "a purely private affair disconnected from the practice of law." (Pet. for Rev. at 12). Respondent is not being prosecuted for having been the subject of protective order and Title IX proceedings; rather, he is being prosecuted for having failed to comply with the requirement that he disclose those proceedings on his bar application, a failure with a direct and immediate bearing on the practice of law. *See Matter of Charos*, 585 N.E.2d 1334, 1335 (Ind. 1992).

Violation: The Court finds that Respondent violated Professional Conduct Rule 8.1(b) by failing to disclose a fact necessary to correct a misapprehension known by the person to have arisen in a bar admission matter.¹

Discipline: For Respondent's professional misconduct, the Court **suspends Respondent from the practice of law in this state for a period of not less than 180 days, without automatic reinstatement, effective immediately.** Respondent already is under an order of suspension for failing to fulfill his continuing legal education requirements. At the conclusion of the minimum period of suspension, Respondent may petition this Court for reinstatement to the practice of law in this state, provided Respondent pays the costs of this proceeding, fulfills the duties of a suspended attorney, cures the causes of all suspensions then in effect, and satisfies the requirements for reinstatement of Admission and Discipline Rule 23(18). Reinstatement is discretionary and requires clear and convincing evidence of the attorney's remorse, rehabilitation, and fitness to practice law. *See Admis. Disc. R. 23(18)(b)*.

The costs of this proceeding are assessed against Respondent. The hearing officer appointed in this case is discharged.

Done at Indianapolis, Indiana, on 4/7/2020.



Loretta H. Rush
Chief Justice of Indiana

All Justices concur.

¹ The hearing officer's report and the Commission's response brief also cite Indiana Admission and Discipline Rule 12(2), but we find no violation of this rule because none was charged. *See Matter of Lewis*, 113 N.E.3d 608, 609 n.1 (Ind. 2018).