

In the Indiana Supreme Court

In the Matter of: Jay M. Wehmeier,
Respondent

Supreme Court Case No.
20S-DI-534



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: “JS” personally guaranteed a lease agreement between “Landlord” and “Tenant.” Respondent was retained by Tenant to represent him in a small claims action that later arose involving the lease. Respondent filed an appearance on behalf of both Tenant and JS, even though Respondent had never met JS and had not been authorized to represent JS. Respondent later agreed to entry of judgment against Tenant and JS, jointly and severally, in the amount of \$7,652.90.

Neither Tenant nor JS appeared at a proceedings supplemental hearing, and a garnishment order was issued against JS. After his wages were garnished JS learned of the lawsuit and hired counsel, who successfully moved to set aside the judgment against JS. Landlord and JS then negotiated a settlement.

JS contends he suffered a negative mark on his credit score report and had to pay his attorney several thousand dollars as a result of Respondent’s misconduct. A civil action brought by JS against Respondent remains pending.

Respondent has no prior discipline in over four decades of practice, is remorseful, and has been cooperative with the Commission.

Violations: The parties agree that Respondent violated these Indiana Professional Conduct Rules prohibiting the following misconduct:

- 1.4(a)(1): Failure to promptly inform a client of any decision or circumstance with respect to which the client’s informed consent is required.
- 1.4(a)(2): Failure to reasonably consult with a client about the means by which the client’s objectives are to be accomplished.
- 1.4(a)(3): Failure to keep a client reasonably informed about the status of a matter.
- 8.4(d): Engaging in conduct prejudicial to the administration of justice.

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.

Done at Indianapolis, Indiana, on 10/7/2020.



Loretta H. Rush
Chief Justice of Indiana

All Justices concur.