

INDIANA SUPREME COURT

In re Schrems

856 N.E.2d 1201 (Ind. 2006) · Decided November 20, 2006

SUMMARY

The Indiana Supreme Court approved a conditional agreement imposing a public reprimand on an attorney for failing to communicate with a criminal-defense client, keep the client informed, and appear at scheduled court proceedings. The Court assessed costs against the respondent and discharged the hearing officer.

CASE DETAILS

COURT	Indiana Supreme Court
WRITING FOR THE COURT	All Justices
JURISDICTION	Indiana
DECIDED	November 20, 2006
DISPOSITION	approved
PROCEDURAL POSTURE	Attorney disciplinary proceeding submitted to the Indiana Supreme Court for approval of a Statement of Circumstances and Conditional Agreement for Discipline.
PRECEDENTIAL VALUE	Published attorney-discipline order

TOPICS

civil procedure

PRACTICE AREAS

legal ethics attorney discipline

QUESTIONS PRESENTED

- Whether the respondent violated Indiana Professional Conduct Rules 1.3, 1.4(a), and 1.4(b) by failing to act diligently, keep the client informed, and explain the matter sufficiently for informed decision-making.
- Whether the Indiana Supreme Court should approve the parties' conditional agreement imposing a public reprimand.

HOLDINGS

1. The respondent violated Professional Conduct Rule 1.3 by failing to act with reasonable diligence and promptness, Rule 1.4(a) by failing to keep the client reasonably informed and respond promptly to reasonable requests for information, and Rule 1.4(b) by failing to explain the matter sufficiently to permit informed decisions.
2. The court approved the parties' agreed discipline and ordered a public reprimand, with costs assessed against the respondent.

KEY QUOTATIONS

“The Court, having considered the submission of the parties, now APPROVES and ORDERS the agreed discipline.” (856 N.E.2d 1202)

FACTUAL BACKGROUND

The respondent agreed in 2001 to represent a client charged with a criminal violation and accepted a \$1,500 fee. He rarely communicated with the client, failed to return most calls, and failed to inform her of scheduled pretrial and trial dates. He also failed to appear at multiple scheduled proceedings, after which the court appointed a public defender at the client's request; the respondent later withdrew from the representation.

PROCEDURAL HISTORY

The Indiana Supreme Court Disciplinary Commission and the respondent submitted an agreed statement of facts and proposed discipline under Indiana Admission and Discipline Rule 23, section 11. The court approved the agreement, imposed a public reprimand, assessed costs against the respondent, and discharged the appointed hearing officer.

DISPOSITION

approved