

INDIANA SUPREME COURT

In re Voils

988 N.E.2d 261 (Ind. 2013) · Decided May 30, 2013

SUMMARY

The Indiana Supreme Court approved a conditional agreement disciplining an attorney who failed to diligently pursue a life-insurance claim, return the client’s file, and timely respond to disciplinary authorities. The Court imposed a 30-day suspension with automatic reinstatement, subject to specified conditions, and assessed proceeding costs against the respondent.

CASE DETAILS

COURT	Indiana Supreme Court
JURISDICTION	Indiana
DECIDED	May 30, 2013
DISPOSITION	approved
PROCEDURAL POSTURE	Attorney-discipline proceeding submitted to the Indiana Supreme Court under Indiana Admission and Discipline Rule 23(11) on a stipulated statement of circumstances and conditional agreement for discipline.
PRECEDENTIAL VALUE	Published disciplinary order

TOPICS

life insurance litigation insurance

PRACTICE AREAS

legal ethics attorney discipline life insurance

QUESTIONS PRESENTED

1. Whether Respondent violated Indiana Professional Conduct Rules 1.3, 1.16(d), and 8.1(b) based on the stipulated facts.
2. Whether the proposed thirty-day suspension with automatic reinstatement was appropriate discipline for the stipulated misconduct.

HOLDINGS

1. Respondent violated Rule 1.3 by failing to act with reasonable diligence and promptness in pursuing the client's accidental-death insurance claim.
2. Respondent violated Rule 1.16(d) by failing promptly to return the client's file materials after termination of the representation.
3. Respondent violated Rule 8.1(b) by failing to respond timely to the Commission's demands for information concerning the grievance and subpoena duces tecum.
4. A thirty-day suspension from the practice of law, beginning July 12, 2013, with automatic reinstatement subject to Admission and Discipline Rule 23(4)(c), was approved as appropriate discipline.

KEY QUOTATIONS

“However, in light of the Commission’s assessment that the proposed discipline is sufficient under the circumstances of this case, the Court now APPROVES and ORDERS the agreed discipline.” (988 N.E.2d at 261)

“For Respondent’s professional misconduct, the Court suspends Respondent from the practice of law for a period of thirty (30) days, beginning July 12, 2013.” (988 N.E.2d at 262)

FACTUAL BACKGROUND

Respondent represented a client seeking accidental-death benefits under a life-insurance policy after the decedent died from carbon monoxide inhalation. The insurer denied the claim in 2005, and Respondent did little to pursue it despite the client's requests. After the client terminated the representation in 2009, Respondent failed to provide the client file promptly and also failed to timely respond to the Commission's demand for information and subpoena.

PROCEDURAL HISTORY

The Indiana Supreme Court Disciplinary Commission and Respondent submitted an agreed statement of facts and proposed discipline to the Indiana Supreme Court. The Court approved the agreement and imposed a thirty-day suspension with automatic reinstatement subject to the conditions of Admission and Discipline Rule 23.

DISPOSITION

approved