

SUPREME COURT OF INDIANA

In re Conditional Admission of Applicant No. 26724, Barkes

761 N.E.2d 395 (Ind. 2001) · No. 26724 · Decided January 18, 2002

SUMMARY

The Indiana Supreme Court revoked Jeffery Allan Barkes's conditional license to practice law after the Board of Law Examiners determined that he had violated the conditions of his admission. The court acted after Barkes failed to respond to the Board's notice and ordered the revocation effective immediately, along with related notice requirements.

CASE DETAILS

COURT	Supreme Court of Indiana
JURISDICTION	Indiana
DECIDED	January 18, 2002
DOCKET	26724
DISPOSITION	other
PROCEDURAL POSTURE	The Indiana State Board of Law Examiners recommended revocation of respondent's conditional license to practice law after determining that he violated the conditions of admission. The Supreme Court of Indiana reviewed the certified findings and the respondent's failure to respond.
PRECEDENTIAL VALUE	Published opinion

TOPICS

administrative law agency adjudication appellate procedure

PRACTICE AREAS

legal ethics and professional responsibility bar admission and attorney discipline administrative law

QUESTIONS PRESENTED

1. Whether the Supreme Court of Indiana should revoke a conditional license to practice law after the Board of Law Examiners certified findings that the licensee violated the conditions of admission and the licensee failed to respond.

HOLDINGS

1. The Court revoked Barkes's conditional license to practice law because the Board's notice and certified findings established that he failed to comply with the conditions of his admission and he filed no response.

KEY QUOTATIONS

“The Notice and attached certified findings establish that respondent failed to abide by the terms of his conditional admission.” (396)

“The Court orders that the license of Jeffery Allan Barkes to practice law in Indiana is hereby revoked, effective immediately.” (396)

FACTUAL BACKGROUND

Barkes was admitted to the Indiana bar on June 16, 2000, subject to conditions established by the Board of Law Examiners and memorialized in a Consent Agreement. The Board determined that he violated those conditions, filed certified findings and a recommendation for revocation, and served the materials on him. Barkes did not respond within the Court's allotted thirty-day period or at any later time.

PROCEDURAL HISTORY

Jeffery Allan Barkes was conditionally admitted to the Indiana bar pursuant to a consent agreement. After the Board determined that he violated the conditions, it filed a notice of recommendation for revocation and certified findings with the Supreme Court of Indiana. The Court gave Barkes thirty days to respond, but he filed no response, and the Court revoked his license effective immediately.

DISPOSITION

other

OPINION

PER CURIAM.

ORDER REVOKING CONDITIONAL LICENSE TO PRACTICE LAW Jeffery Allan Barkes ("respondent") was admitted to the Indiana bar on June 16, 2000. However, that admission was made conditional to compliance with certain provisions established by the Board of Law Examiners. Admission and Discipline *396Rule 12 § 6(c) authorizes the Board to permit a conditional admission, in lieu of denying admission to the bar outright, where the Board has special concerns about the applicant's moral character and fitness.

As part of that conditional admission, respondent signed a Consent Agreement setting out the conditions for continued admission. The Consent Agreement provided that any violation of the conditions of admission could terminate the conditional admission. Further, our rules provide,

"If... the Board determines that an applicant admitted upon condition has violated any of the conditions of the admission... the Board shall certify such findings to the Supreme Court of Indiana with the recommendation that the Court revoke such admission."

See Ind. Admission and Discipline Rule 12 §10. ~ The Board determined that the conditions of admission had been violated by respondent. The Board accordingly filed with this Court a "Notice of Recommendation of Revocation of Conditional License" ("Notice").

The Board also prepared certified findings in accordance with Admission and Discipline Rule 12 §§ 8 and 10, and those findings were attached to the Notice. The Notice and its attachments were also served on respondent.

After reviewing the Notice, the Court issued an order allowing respondent thirty days within which to file any response. No response was filed within the time period allotted, nor was any response tendered to the Court at any time.

The Notice and attached certified findings establish that respondent failed to abide by the terms of his conditional admission. In light of respondent's failure to comply with the conditions of his admission to practice law, the Court finds that respondent's law license should be revoked.

We pause to note that the Notice and the Court's initial order on the docket in this cause refer to respondent simply as Applicant (26724. Respondent was not previously identified by name because Admission and Discipline Rule 12 § 6(c) states that the "fact that the admission is conditional shall be confidential." Had respondent complied with the terms of his admission, the conditional nature of his admission would have remained confidential.

Similarly, had the Court found no just cause to revoke the admission, the fact that respondent had been admitted conditionally would have stayed confidential. However, as we stated in the order permitting respondent the opportunity to respond to the Board's Notice, we are obliged to drop the cloak of confidentiality if respondent's conditional admission is revoked.

The Court orders that the license of Jeffery Allan Barks to practice law in Indiana is hereby revoked, effective immediately. Because this order effectively operates as a suspension or disbarment, the Clerk is directed to provide notice of this order in accordance with Admission and Discipline Rule 28 § 3(d) and to provide the Clerk of the U.S. Court of Appeals for the Seventh Circuit, and the clerks of each of the U.S. District Courts and U.S. Bankruptcy Courts of this state with respondent's personal and business addresses.

In addition, the Clerk is further directed to send a copy of this order to respondent by certified mail, return receipt requested, to both his personal and business addresses. Copies of the order are also to be sent to Mary Godsey, Executive Director of the State Board of Law Examiners; to the

Supreme Court Administrator; and to Donald Lundberg, Executive Secretary of *397the Supreme Court Disciplinary Commission.

All Justices concur.

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/indiana-supreme-court-of-indiana/2002/in-re-conditional-admission-of-applicant-no-26724-barkes-5bx4ryqs>