

SUPREME COURT OF INDIANA

In the Matter of David R. Butsch

916 N.E.2d 656 (Ind. 2009) · No. 21S00-0907-DI-313 · Decided November 9, 2009

SUMMARY

The Indiana Supreme Court approved an agreed disciplinary sanction against attorney David R. Butsch after his guilty plea to operating a vehicle while intoxicated. The Court extended his existing disciplinary probation by 12 months, for a total of 48 months, and assessed costs against him. Chief Justice Shepard and Justice Dickson dissented, concluding that the discipline was too lenient.

CASE DETAILS

COURT	Supreme Court of Indiana
WRITING FOR THE COURT	Per curiam; Sullivan; Boehm; Rucker; Shepard; Dickson
JURISDICTION	Indiana
DECIDED	November 9, 2009
DOCKET	21S00-0907-DI-313
DISPOSITION	approved
PROCEDURAL POSTURE	Attorney-discipline proceeding initiated by the Indiana Supreme Court Disciplinary Commission's notice of conviction and agreement for final sanction.
PRECEDENTIAL VALUE	Published disciplinary order

TOPICS

administrative law agency adjudication

PRACTICE AREAS

legal ethics attorney discipline professional misconduct

QUESTIONS PRESENTED

- Whether the Indiana Supreme Court should approve the parties' agreed discipline following Respondent's guilty finding for operating a vehicle while intoxicated.
- Whether Respondent's probation should be extended by one year as the final discipline for the ethical violation.

HOLDINGS

1. The court approved and ordered the agreed discipline submitted by the Disciplinary Commission and Respondent.
2. The court extended Respondent's existing probation by an additional twelve months, for a total probationary period of forty-eight months, and incorporated the existing probation terms and conditions.

KEY QUOTATIONS

“The Court, being duly advised, now APPROVES and ORDERS the agreed discipline.” (916 N.E.2d at 656)

“For Respondent's professional misconduct, the Court extends the length of the probation Respondent is serving under Cause No. 21S00-0802-DI-72 an additional 12 months, for a total of 48 months.” (916 N.E.2d at 656)

FACTUAL BACKGROUND

David R. Butsch had been placed under a thirty-six-month probationary disciplinary arrangement after a prior suspension. While that prior disciplinary matter was pending, he had been charged with operating a vehicle while intoxicated and later pleaded guilty to the charge. The Disciplinary Commission and Butsch agreed that the appropriate additional sanction was a one-year extension of his existing probation.

PROCEDURAL HISTORY

The Disciplinary Commission notified the Indiana Supreme Court that Respondent had pleaded guilty to operating a vehicle while intoxicated, a Class D felony, and submitted an agreed sanction. The parties requested a one-year extension of probation imposed in an earlier disciplinary matter. The court approved the agreement, extended probation by twelve months to a total of forty-eight months, and assessed costs against Respondent.

DISPOSITION

approved

CASES CITED

- Matter of Butsch, 899 N.E.2d 647 (Ind. 2009)
- Matter of Alsip, 499 N.E.2d 1102 (1986)