

## SUPREME COURT OF INDIANA

### In the Matter of Spurgeon Green, III

867 N.E.2d 129 (Ind. 2007) · No. 98S00-0605-DI-177 · Decided May 11, 2007

#### SUMMARY

The Indiana Supreme Court imposed reciprocal discipline on Spurgeon Green III after the Supreme Court of Georgia disbarred him for client neglect, failure to communicate, mishandling funds, misrepresentation, and failure to respond to disciplinary notices. The court ordered that Green be suspended in Indiana and remain ineligible for reinstatement until reinstated in Georgia and until his existing Indiana suspensions were lifted or further order was entered.

#### CASE DETAILS

|                    |                                                                                                                                                                                                                                                                          |
|--------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT              | Supreme Court of Indiana                                                                                                                                                                                                                                                 |
| JURISDICTION       | Indiana                                                                                                                                                                                                                                                                  |
| DECIDED            | May 11, 2007                                                                                                                                                                                                                                                             |
| DOCKET             | 98S00-0605-DI-177                                                                                                                                                                                                                                                        |
| DISPOSITION        | other                                                                                                                                                                                                                                                                    |
| PROCEDURAL POSTURE | The Indiana Supreme Court Disciplinary Commission sought reciprocal discipline after the Supreme Court of Georgia disbarred Respondent. After the Indiana court issued an order to show cause and Respondent failed to respond, the court imposed reciprocal discipline. |
| PRECEDENTIAL VALUE | Published opinion                                                                                                                                                                                                                                                        |

#### TOPICS

remedies

appellate procedure

#### PRACTICE AREAS

professional responsibility

attorney discipline

reciprocal discipline

#### QUESTIONS PRESENTED

1. Whether Indiana should impose reciprocal discipline after the Supreme Court of Georgia disbarred Respondent.
2. Whether the record demonstrated any of the grounds under Indiana Admission and Discipline Rule 23(28)(c) that would preclude identical reciprocal discipline or warrant different discipline in Indiana.

## HOLDINGS

1. When a lawyer has been disciplined in another jurisdiction and no Rule 23(28)(c) exception is shown, Indiana must impose discipline identical to that ordered in the other jurisdiction.
2. Respondent is suspended from practicing law in Indiana and may not petition for reinstatement until reinstated in Georgia and his existing Indiana suspensions are lifted, unless the Indiana Supreme Court orders otherwise.

## KEY QUOTATIONS

*“The Court finds that there has been no showing, pursuant to Admission and Discipline Rule 23(28)(c), [1] of any reason why reciprocal discipline should not issue in this state.”* (867 N.E.2d at 130)

*“Respondent shall not be eligible to petition for reinstatement in this state pursuant to Admission and Discipline Rule 23(4) until he is reinstated to the practice of law in the State of Georgia and his suspensions under Cause No. 94S00-0404-MS-187 and Cause No. 98S00-0408-DI-360 are lifted, or until further order of this Court.”* (867 N.E.2d at 130)

## FACTUAL BACKGROUND

Respondent was admitted to practice law in Indiana and Georgia. The Supreme Court of Georgia found that he neglected multiple guardianship, personal injury, criminal, and divorce matters; failed to communicate with clients; failed to return or account for fees and settlement proceeds; misrepresented the status of one divorce matter; and failed to respond to investigative notices. Georgia disbarred him, and Respondent did not contest the Indiana reciprocal-discipline proceeding.

## PROCEDURAL HISTORY

The Georgia Supreme Court disbarred Respondent for multiple instances of client neglect, failure to communicate, failure to account for or deliver client funds, misrepresentation, and failure to respond to disciplinary investigations. The Indiana Disciplinary Commission filed a verified notice of foreign discipline and petition for an order to show cause. Respondent did not respond, and the Indiana Supreme Court issued an order suspending him from practice in Indiana, subject to reinstatement conditions.

## DISPOSITION

other