INDIANA SUPREME COURT

In re Carmouche

23 N.E.3d 661 (Ind. 2014) · Decided December 18, 2014

SUMMARY

The Indiana Supreme Court approved a conditional agreement disciplining an attorney who commingled client funds with personal and business funds and made unauthorized trust-account withdrawals. The Court imposed a six-month suspension, stayed subject to at least two years of probation with trust-account monitoring and other conditions.

CASE DETAILS

COURT	Indiana Supreme Court
WRITING FOR THE COURT	Loretta H. Rush, Chief Justice
JURISDICTION	Indiana
DECIDED	December 18, 2014
DISPOSITION	approved
PROCEDURAL POSTURE	The Indiana Supreme Court reviewed a Statement of Circumstances and Conditional Agreement for Discipline submitted jointly by the Indiana Supreme Court Disciplinary Commission and the respondent attorney.
PRECEDENTIAL VALUE	Published disciplinary order; precedential as to the disposition and approval of the agreed discipline.

TOPICS

bankruptcy · trustee duties · trusts

PRACTICE AREAS

legal ethics and professional discipline · bankruptcy law · client trust accounts

QUESTIONS PRESENTED

1. Whether the court should approve the parties' Statement of Circumstances and Conditional Agreement for Discipline.
2. What discipline was appropriate for commingling client and attorney funds, failing to deposit advance fees and expenses into a client trust account, and making unauthorized trust-account withdrawals.

HOLDINGS

1. The Indiana Supreme Court approved the parties' Conditional Agreement for Discipline and imposed a six-month suspension from the practice of law, stayed subject to completion of at least two years of probation.

KEY QUOTATIONS

> *"For Respondent's professional misconduct, the Court suspends Respondent from the practice of law for a period of six months, beginning on the date of this order, all stayed subject to completion of at least two years of probation."* (23 N.E.3d at 662)

> *"Notwithstanding the expiration of the minimum term of probation set forth above, Respondent's probation shall remain in effect until it is terminated pursuant to a petition to terminate probation filed under Admission and Discipline Rule 23(17.1)."* (23 N.E.3d at 663)

FACTUAL BACKGROUND

Carmouche practiced exclusively in consumer bankruptcy law and maintained a trust account and a business account. She made at least five electronic transfers from the trust account without written withdrawal authorizations or signed attorney approval. She also deposited client filing fees and advance expenses, along with personal funds, into a nontrust business account and made dozens of disbursements from that account unrelated to any client.

PROCEDURAL HISTORY

The Disciplinary Commission and Respondent Loretta H. Carmouche submitted an agreed statement of facts and proposed discipline under Indiana Admission and Discipline Rule 23(11). The Indiana Supreme Court approved the agreement and imposed a stayed six-month suspension subject to at least two years of probation.

DISPOSITION

approved
