

SUPREME COURT OF INDIANA

In the Matter of Daniel E. Moore

915 N.E.2d 973 (Ind. 2009) · No. No. 10S00-0905-DI-227 · Decided November 3, 2009

SUMMARY

The Indiana Supreme Court approved a conditional agreement imposing a public reprimand on Daniel E. Moore for charging an unreasonable fee and amending a client's fee agreement without advising the client to seek independent counsel. The misconduct arose from representation in a dissolution of marriage action, and one justice dissented, favoring suspension absent proof that excess fees were refunded.

CASE DETAILS

COURT	Supreme Court of Indiana
WRITING FOR THE COURT	Per curiam; Shepard, C.J.; Sullivan, J.; Boehm, J.; Rucker, J.; Dickson, J.
JURISDICTION	Indiana
DECIDED	November 3, 2009
DOCKET	No. 10S00-0905-DI-227
DISPOSITION	approved
PROCEDURAL POSTURE	Attorney disciplinary proceeding submitted to the Indiana Supreme Court for approval of a Statement of Circumstances and Conditional Agreement for Discipline.
PRECEDENTIAL VALUE	Published disciplinary order

TOPICS

- dissolution of marriage
- family law procedure
- contracts
- contract interpretation

PRACTICE AREAS

- legal ethics
- family law

QUESTIONS PRESENTED

- Whether the Indiana Supreme Court should approve the parties' Statement of Circumstances and Conditional Agreement for Discipline.

2. Whether a public reprimand was an appropriate sanction for charging an unreasonable fee and amending a client fee agreement without the required advice and opportunity to obtain independent counsel.

HOLDINGS

1. The court approved the Statement of Circumstances and Conditional Agreement for Discipline.
2. For charging an unreasonable fee and entering into fee-agreement business transactions with a client without the required independent-counsel advice and opportunity, Moore received a public reprimand, and the proceeding's costs were assessed against him.

KEY QUOTATIONS

"The Court, having considered the submissions of the parties, now APPROVES and ORDERS the agreed discipline." (915 N.E.2d at 974)

"For Respondent's professional misconduct, the Court imposes a public reprimand." (915 N.E.2d at 974)

FACTUAL BACKGROUND

Moore represented a client in a dissolution of marriage action under an agreement providing that the client's \$15,000 payment was his total flat or fixed fee. He later obtained an additional \$5,000 and \$1,500 from the client without advising her in writing to seek independent counsel before agreeing to amendments benefiting him. The parties stipulated that Moore charged an unreasonable fee and entered into prohibited business transactions with a client; they also stipulated that he had no prior disciplinary history and that there were no aggravating facts.

PROCEDURAL HISTORY

The Indiana Supreme Court Disciplinary Commission and Daniel E. Moore jointly submitted an agreed statement of facts and proposed discipline under Indiana Admission and Discipline Rule 23(11). The Supreme Court approved the agreement, imposed a public reprimand, assessed costs against Moore, and discharged any appointed hearing officer.

DISPOSITION

approved

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