

SUPREME COURT OF INDIANA

In the Matter of Patrick V. Baker

955 N.E.2d 729 (Ind. 2011) · No. No. 49S00-0802-DI-73 · Decided October 21, 2011

SUMMARY

The Indiana Supreme Court approved a conditional agreement disciplining Patrick V. Baker for professional misconduct arising from his representation of a murder defendant. The Court found violations involving client communication, unreasonable expenses, unsupported trial statements, false statements to a third person, and improper solicitation. Baker was suspended from practicing law for at least six months without automatic reinstatement.

CASE DETAILS

COURT	Supreme Court of Indiana
JURISDICTION	Indiana
DECIDED	October 21, 2011
DOCKET	No. 49S00-0802-DI-73
DISPOSITION	approved
PROCEDURAL POSTURE	The Indiana Supreme Court reviewed and approved a Statement of Circumstances and Conditional Agreement for Discipline submitted by the Indiana Supreme Court Disciplinary Commission and Patrick V. Baker.
STANDARD OF REVIEW	The Court considered the parties' submitted statement and conditional agreement for discipline and independently approved the agreed discipline.
PRECEDENTIAL VALUE	Published disciplinary order

TOPICS

- evidence
- appellate procedure
- criminal procedure

PRACTICE AREAS

- legal ethics
- attorney discipline
- professional responsibility

QUESTIONS PRESENTED

1. Whether the stipulated facts established violations of Indiana Professional Conduct Rules 1.4(b), 1.5(a), 3.4(e), 4.1(a), and 7.3(a).
2. Whether the proposed six-month suspension without automatic reinstatement was appropriate discipline for Respondent's professional misconduct.

HOLDINGS

1. The Court approved the parties' agreement that Respondent violated Indiana Professional Conduct Rules 1.4(b), 1.5(a), 3.4(e), 4.1(a), and 7.3(a).
2. Respondent was suspended from the practice of law for a period of not less than six months, without automatic reinstatement.

KEY QUOTATIONS

“For Respondent's professional misconduct, the Court suspends Respondent from the practice of law for a period of not less than six months, beginning November 25, 2011.” (955 N.E.2d at 730)

“Reinstatement is discretionary and requires clear and convincing evidence of the attorney's remorse, rehabilitation, and fitness to practice law.” (955 N.E.2d at 730)

FACTUAL BACKGROUND

Respondent undertook to represent an indigent murder defendant and made false statements during opening argument about purported tracking-dog evidence that he should have known would not be admissible. During the appeal, he misled the defendant's mother about whether the appellate brief had been filed and solicited at least \$1,500 for copying and binding costs, despite the defendant's indigency and the availability of public funding procedures. The stipulated aggravating circumstances included selfish motivation, victimization of vulnerable persons, and multiple ethical violations; mitigating circumstances included no prior discipline, cooperation, and remorse.

PROCEDURAL HISTORY

The Disciplinary Commission and Respondent stipulated to facts, violations of the Indiana Professional Conduct Rules, aggravating and mitigating circumstances, and proposed discipline. The Supreme Court approved the agreement, suspended Respondent from practicing law for at least six months without automatic reinstatement, assessed costs, and discharged the hearing officer.

DISPOSITION

approved