

SUPREME COURT OF INDIANA

In the Matter of Steven B. Geller

777 N.E.2d 1099 (Ind. 2002) · No. 49S00-0008-DI-460 · Decided November 4, 2002

SUMMARY

The Indiana Supreme Court found Steven B. Geller guilty of four counts of attorney misconduct involving excessive fees, mishandling client and third-party funds, misrepresentation, improper limitation of malpractice liability, delayed payment of liens, and retaliation against a former client. The court ordered that he be suspended from practicing law for at least twelve months, effective December 10, 2002, with eligibility to petition for reinstatement.

CASE DETAILS

COURT	Supreme Court of Indiana
JURISDICTION	Indiana
DECIDED	November 4, 2002
DOCKET	49S00-0008-DI-460
DISPOSITION	other
PROCEDURAL POSTURE	Attorney-discipline proceeding arising from the Indiana Supreme Court Disciplinary Commission's verified complaint and the report of a court-appointed hearing officer.
STANDARD OF REVIEW	The Supreme Court reviewed the hearing officer's report and the evidence concerning the alleged disciplinary violations.
PRECEDENTIAL VALUE	Published Indiana Supreme Court disciplinary order

TOPICS

remedies appellate procedure

PRACTICE AREAS

legal ethics attorney discipline professional responsibility

QUESTIONS PRESENTED

- Whether the respondent committed the charged violations of the Indiana Rules of Professional Conduct.
- What disciplinary sanction was appropriate for the misconduct found.

HOLDINGS

1. The respondent committed attorney misconduct in four counts by charging an unreasonable fee, improperly prospectively limiting malpractice liability, failing to safeguard and promptly distribute client and third-party funds, delaying payment of subrogation claims, converting funds, making misrepresentations, and using former-client information to the client's disadvantage.
2. The respondent was suspended from the practice of law for not fewer than twelve months, effective December 10, 2002, with eligibility to petition for reinstatement after the suspension.

KEY QUOTATIONS

“For the misconduct found herein, this Court now finds that the respondent should be suspended from the practice of law for a period of not fewer than twelve (12) months, effective December 10, 2002, at the conclusion of which the respondent may petition this Court for reinstatement to the practice of law under Ind. Admission and Discipline Rule 23(4).” (777 N.E.2d at 1099)

FACTUAL BACKGROUND

Geller charged an excessive fee in a workers' compensation matter, used language purporting to limit his malpractice liability without the client's independent representation, commingled or converted client and third-party funds, delayed payment of health-care-provider and insurer claims, and made misrepresentations concerning those payments. He also threatened to disclose a former client's child-molesting conviction after the client threatened to file a disciplinary grievance.

PROCEDURAL HISTORY

The Disciplinary Commission charged Steven B. Geller with six counts of attorney misconduct. After an evidentiary hearing, the appointed hearing officer found misconduct on four counts. The Indiana Supreme Court reviewed the report, adopted the misconduct findings, and imposed a suspension from the practice of law.

DISPOSITION

other

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