SUPREME COURT OF INDIANA

In the Matter of Roger W. Hultquist

961 N.E.2d 999 (Ind. 2012) · No. 02S00-1007-DI-400 · Decided January 30, 2012

SUMMARY

The Indiana Supreme Court approved a conditional agreement imposing a public reprimand on Roger W. Hultquist for misconduct related to the handling of two clients' bankruptcy matters. The violations included lack of diligence, inadequate communication, failure to explain matters sufficiently for informed decisions, and disclosure of client information without informed consent. The Court also assessed the proceeding's costs against Respondent.

CASE DETAILS

COURT	Supreme Court of Indiana
JURISDICTION	Indiana
DECIDED	January 30, 2012
DOCKET	02S00-1007-DI-400
DISPOSITION	other
PROCEDURAL POSTURE	Attorney-discipline proceeding in which 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 Respondent.
PRECEDENTIAL VALUE	Published Indiana Supreme Court disciplinary order

TOPICS

bankruptcy disclosure requirements · bankruptcy

PRACTICE AREAS

legal ethics · attorney discipline · bankruptcy law

QUESTIONS PRESENTED

1. Whether the stipulated facts established violations of the Indiana Professional Conduct Rules concerning diligence, client communication, explanation of legal matters, and confidentiality.
2. Whether the proposed public reprimand was appropriate discipline for Respondent's misconduct.

3. Whether client financial information loses its confidential character merely because the clients expected some information to be included in a future public bankruptcy filing.

HOLDINGS

1. The Court approved the parties' stipulated violations and imposed a public reprimand on Respondent.
2. Client financial information provided in connection with a potential bankruptcy remains confidential until the client actually makes the information public through a bankruptcy filing; the client's expectation that information might later appear in a public filing does not eliminate the duty of confidentiality.

KEY QUOTATIONS

> *"Clients considering bankruptcy will likely give their attorney considerably more raw data about their financial condition than is actually summarized in their bankruptcy filings."* (1000)

> *"And in any case, until the moment a bankruptcy is actually commenced, it is the client's decision whether to make confidential financial information public."* (1000)

> *"The Court, having considered the submissions of the parties, now approves the agreed discipline and imposes a public reprimand for Respondent's misconduct."* (1001)

FACTUAL BACKGROUND

Respondent agreed to prepare bankruptcy petitions for two couples before amendments to the Bankruptcy Code became effective on October 17, 2005. Without the clients' knowledge, he arranged for an employee in another attorney's office to prepare and electronically file the petitions using software and court authorization Respondent lacked, while the other attorney would initially appear as counsel. Respondent failed to communicate adequately with the clients, one petition was never filed, and the other filing contained false representations about counsel's authority and advice concerning bankruptcy options. Respondent also disclosed client financial information to the other attorney without the clients' informed consent.

PROCEDURAL HISTORY

The Disciplinary Commission and Respondent stipulated to facts, violations of the Indiana Professional Conduct Rules, and a proposed public reprimand. The Indiana Supreme Court approved the agreement, imposed a public reprimand, assessed proceeding costs against Respondent, and discharged the appointed hearing officer.

DISPOSITION

other