

SUPREME COURT OF INDIANA

In the Matter of Jimmie L. Montgomery

919 N.E.2d 1146 (Ind. 2010) · No. No. 13S00-0904-DI-138 · Decided January 21, 2010

SUMMARY

The Indiana Supreme Court approved a conditional agreement disciplining Jimmie L. Montgomery for taking county-owned legal books, making false statements during the disciplinary investigation, and engaging in dishonest conduct. The Court suspended him from practicing law for at least six months without automatic reinstatement, effective February 25, 2010.

CASE DETAILS

COURT	Supreme Court of Indiana
WRITING FOR THE COURT	Per curiam
JURISDICTION	Indiana
DECIDED	January 21, 2010
DOCKET	No. 13S00-0904-DI-138
DISPOSITION	approved
PROCEDURAL POSTURE	The Indiana Supreme Court Disciplinary Commission and Respondent submitted a Statement of Circumstances and Conditional Agreement for Discipline for the Court's approval.
PRECEDENTIAL VALUE	Published disciplinary order

TOPICS

administrative law

PRACTICE AREAS

legal ethics

lawyer discipline

professional responsibility

QUESTIONS PRESENTED

1. Whether the Court should approve the parties' conditional agreement for discipline.
2. What discipline was appropriate for Montgomery's stipulated violations of Indiana Professional Conduct Rules 8.1(a), 8.4(b), and 8.4(c).

HOLDINGS

1. The Court approved the Statement of Circumstances and Conditional Agreement for Discipline and ordered the agreed discipline.
2. Montgomery was suspended from the practice of law in Indiana for not less than six months, without automatic reinstatement, beginning February 25, 2010.

KEY QUOTATIONS

“For Respondent's professional misconduct, the Court suspends Respondent from the practice of law in this state for a period of not less than six months, without automatic reinstatement, beginning February 25, 2010.” (919 N.E.2d at 1147)

FACTUAL BACKGROUND

While serving as Crawford County prosecutor, Montgomery used county funds to purchase a new set of West's Indiana Code for the prosecutor's office and donated his personal set to the county library. After losing reelection, he took the county-purchased set with him, leaving the prosecutor's office without a current set, and later made false statements to the Disciplinary Commission about what had occurred. He reimbursed the county after the investigation began.

PROCEDURAL HISTORY

The Disciplinary Commission and Montgomery stipulated to facts, violations of the Indiana Professional Conduct Rules, and proposed discipline. The Indiana Supreme Court approved the agreement and ordered a suspension of not less than six months without automatic reinstatement.

DISPOSITION

approved