

INDIANA SUPREME COURT

In re Ragland

878 N.E.2d 198 (Ind. 2007) · Decided December 18, 2007

SUMMARY

The Indiana Supreme Court grants a petition to reinstate an attorney whose six-month suspension had not provided for automatic reinstatement. The Court finds that the petitioner’s compliance with monitoring requirements and the passage of time substantially satisfied the suspension’s probationary purposes, and reinstates him without conditions.

CASE DETAILS

COURT	Indiana Supreme Court
JURISDICTION	Indiana
DECIDED	December 18, 2007
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner sought reinstatement to the practice of law after a six-month suspension without automatic reinstatement. The Indiana Supreme Court Disciplinary Commission recommended reinstatement.
PRECEDENTIAL VALUE	Published opinion
PARTIES	Petitioner Ragland v. Indiana Supreme Court Disciplinary Commission

TOPICS

remedies

PRACTICE AREAS

legal ethics attorney discipline professional licensing

QUESTIONS PRESENTED

- Whether Petitioner satisfied the requirements for reinstatement to the practice of law under Indiana Admission and Discipline Rule 23(4)(b).
- Whether the Court should accept the Disciplinary Commission's recommendation and reinstate Petitioner without imposing the probationary conditions identified in the original suspension order.

HOLDINGS

1. A petition for reinstatement may be granted only upon clear and convincing proof of the requirements specified in Indiana Admission and Discipline Rule 23(4)(b), and the Court accepted the Disciplinary Commission's recommendation that Petitioner met those requirements.
2. Petitioner was reinstated to the practice of law without condition because the passage of time and compliance with the Interim Monitoring Agreement substantially satisfied the purpose of the probationary terms stated in the original suspension order.

KEY QUOTATIONS

“The Court therefore reinstates Petitioner to the practice of law in this state without condition.” (199)

FACTUAL BACKGROUND

The Indiana Supreme Court had suspended Petitioner for six months without automatic reinstatement. Petitioner later filed for reinstatement and had executed an Interim Monitoring Agreement with the Judges and Lawyers Assistance Program, under which he continued to receive care and monitoring. The Court found that the passage of time and Petitioner's compliance with the Monitoring Agreement substantially satisfied the purpose of the probationary terms imposed in the original suspension order.

PROCEDURAL HISTORY

The Indiana Supreme Court suspended Petitioner for six months in 1998. Petitioner filed a petition for reinstatement in 2006, and the Disciplinary Commission filed its recommendation for reinstatement in 2007. The Supreme Court accepted the recommendation and reinstated Petitioner without condition.

DISPOSITION

other

CASES CITED

- In re Ragland, 697 N.E.2d 44 (Ind. 1998)