

SUPREME COURT OF INDIANA

In the Matter of Robert C. Szilagyi

969 N.E.2d 44 (Ind. 2012) · No. No. 46S00-1204-DI-217 · Decided June 20, 2012

SUMMARY

The Indiana Supreme Court approved a conditional agreement disciplining Robert C. Szilagyi for signing his former wife's name and his secretary's name as notary on a quitclaim deed without authorization. The Court found violations of Indiana Professional Conduct Rules 8.4(c) and 8.4(d) and imposed a sixty-day suspension with automatic reinstatement, effective August 1, 2012.

CASE DETAILS

COURT	Supreme Court of Indiana
WRITING FOR THE COURT	All Justices
JURISDICTION	Indiana
DECIDED	June 20, 2012
DOCKET	No. 46S00-1204-DI-217
DISPOSITION	approved
PROCEDURAL POSTURE	The Indiana Supreme Court Disciplinary Commission and Respondent submitted a conditional agreement for discipline under Indiana Admission and Discipline Rule 23(11), which the court reviewed and approved.
PRECEDENTIAL VALUE	published

TOPICS

deeds divorce real estate family law

PRACTICE AREAS

legal ethics attorney discipline real estate family law

QUESTIONS PRESENTED

1. Whether Szilagyi's conduct violated Indiana Professional Conduct Rule 8.4(c), which prohibits conduct involving dishonesty, fraud, deceit, or misrepresentation.

2. Whether Szilagyi's conduct violated Indiana Professional Conduct Rule 8.4(d), which prohibits conduct prejudicial to the administration of justice.
3. Whether the stipulated sixty-day suspension with automatic reinstatement was appropriate discipline for the violations.

HOLDINGS

1. Szilagyi violated Rule 8.4(c) by signing his former wife's name and his secretary's name as notary and using the secretary's notary stamp without their knowledge or consent.
2. Szilagyi violated Rule 8.4(d) by engaging in conduct prejudicial to the administration of justice.
3. The court approved and imposed a sixty-day suspension from the practice of law, beginning August 1, 2012, with automatic reinstatement subject to Indiana Admission and Discipline Rule 23(4)(c).

FACTUAL BACKGROUND

As part of Szilagyi's 2009 divorce decree, he was awarded the marital home and his former wife's premarital surname was restored. When refinancing the home later that year required his former wife to execute a quitclaim deed, Szilagyi discovered that a deed prepared using her restored name had been signed without notarization. Without the knowledge or consent of his former wife or secretary, Szilagyi signed his former wife's married name, signed his secretary's name as notary, and used her notary stamp on a replacement deed. The conduct led to an investigation by the Indiana Secretary of State into the authenticity of the notarization.

PROCEDURAL HISTORY

The Disciplinary Commission and Robert C. Szilagyi stipulated to facts, violations of the Indiana Professional Conduct Rules, aggravating and mitigating circumstances, and proposed discipline. The Indiana Supreme Court approved the agreement and imposed a sixty-day suspension with automatic reinstatement subject to specified conditions.

DISPOSITION

approved

OPINION

In Re Szilagyi 969 N.E.2d 44

PER CURIAM.

969 N.E.2d 44 (2012) In the Matter of Robert C. SZILAGYI, Respondent. No. 46S00-1204-DI-217. Supreme Court of Indiana. June 20, 2012. PUBLISHED ORDER APPROVING STATEMENT OF CIRCUMSTANCES AND CONDITIONAL AGREEMENT FOR DISCIPLINE Pursuant to Indiana Admission and Discipline Rule 23(11), the Indiana Supreme Court Disciplinary Commission and Respondent have submitted for approval a "Statement of Circumstances and Conditional Agreement for Discipline" stipulating agreed facts and proposed

discipline as summarized below: Stipulated Facts: As part of Respondent's 2009 divorce decree, his wife's last name was restored to her name prior to the marriage and Respondent was awarded the marital home. Later that year, Respondent pursued refinancing of the home, which required his former wife to execute a quitclaim deed of her interest to him. Respondent's secretary prepared the deed using the former wife's restored name rather than her married name as reflected on the title. The secretary sent *45 the quitclaim deed to the former wife, who signed it with her restored name and returned it without being notarized. Respondent did not review the quitclaim deed until the day of the closing. When he discovered the problems, he asked his secretary to prepare a new deed. He then signed his former wife's married name on the deed, signed his secretary's name as notary, and used his secretary's notary stamp on the deed, all without the knowledge of consent of either his former wife or his secretary. As a result, the secretary became the subject of an investigation by the Indiana Secretary of State into the authenticity of the notarization. The parties cite the following facts in aggravation: (1) Respondent's misconduct was due to a dishonest or selfish motive, i.e., the wish to avoid an unpleasant conversation with his former wife to explain his urgent need for her assistance; and (2) Respondent, having practiced law for over 30 years, should have known the importance of authentic legal documents and how this type of misconduct can impugn the reputation of lawyers and the integrity of the legal system. The parties cite the following facts in mitigation: (1) Respondent has no disciplinary history; and (2) Respondent is remorseful and accepts responsibility for his actions. Violations: The parties agree that Respondent violated these Indiana Professional Conduct Rules prohibiting the following misconduct: 8.4(c): Engaging in conduct involving dishonesty, fraud, deceit or misrepresentation. 8.4(d): Engaging in conduct prejudicial to the administration of justice. Discipline: The parties propose the appropriate discipline is a sixty-day suspension with automatic reinstatement. The Court, having considered the submissions of the parties, now approves the agreed discipline. For Respondent's professional misconduct, the Court suspends Respondent from the practice of law for a period of sixty days, beginning August 1, 2012. Respondent shall not undertake any new legal matters between service of this order and the effective date of the suspension, and Respondent shall fulfill all the duties of a suspended attorney under Admission and Discipline Rule 23(26). At the conclusion of the period of suspension, provided there are no other suspensions then in effect, Respondent shall be automatically reinstated to the practice of law, subject to the conditions of Admission and Discipline Rule 23(4)(c). The costs of this proceeding are assessed against Respondent. The Clerk is directed to forward a copy of this Order to the parties or their respective attorneys and to all other entities entitled to notice under Admission and Discipline Rule 23(3)(d). The Clerk is further directed to post this order to the Court's website, and Thomson Reuters is directed to publish a copy of this order in the bound volumes of this Court's decisions. All Justices concur.