

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