

INDIANA SUPREME COURT

In re Lipsky

10 N.E.3d 499 (Ind. 2014) · Decided June 12, 2014

SUMMARY

The Indiana Supreme Court converted Respondent's suspension for failing to cooperate with the disciplinary process into an indefinite suspension. The order requires Respondent to comply with the continuing duties of a suspended attorney and to petition for reinstatement after curing all suspension causes.

CASE DETAILS

COURT	Indiana Supreme Court
JURISDICTION	Indiana
DECIDED	June 12, 2014
DISPOSITION	other
PROCEDURAL POSTURE	Attorney-discipline proceeding on the Indiana Supreme Court Disciplinary Commission's motion to convert an existing suspension for noncooperation into an indefinite suspension.
PRECEDENTIAL VALUE	Published attorney-discipline order

TOPICS

appellate procedure

PRACTICE AREAS

legal ethics

attorney discipline

professional responsibility

QUESTIONS PRESENTED

1. Whether an attorney's suspension for noncooperation with the disciplinary process should be converted to an indefinite suspension after more than six months under Indiana Admission and Discipline Rule 23(10)(f)(4).

HOLDINGS

1. When more than six months have passed since an attorney was suspended for noncooperation with the disciplinary process, the suspension may be converted to an indefinite suspension under Indiana

Admission and Discipline Rule 23(10)(f)(4); the court converted Respondent's suspension effective immediately.

2. To be readmitted, Respondent must cure the causes of all suspensions in effect and successfully petition the Indiana Supreme Court for reinstatement under Admission and Discipline Rules 23(4) and 23(18).

KEY QUOTATIONS

“Accordingly, the Court concludes that Respondent’s suspension should be converted to an indefinite suspension from the practice of law pursuant to Admission and Discipline Rule 23(10)(f)(4).”

“IT IS THEREFORE ORDERED that Respondent’s current suspension from the practice of law for failure to cooperate with the disciplinary process is converted to an indefinite suspension, effective immediately.”

FACTUAL BACKGROUND

Respondent was suspended from practicing law in Indiana for failing to cooperate with the Indiana Supreme Court Disciplinary Commission regarding a grievance. More than six months passed after the suspension, and Respondent did not respond to the Commission's motion to convert the suspension to an indefinite suspension.

PROCEDURAL HISTORY

On October 28, 2013, the Indiana Supreme Court suspended Respondent for failing to cooperate with the Disciplinary Commission concerning grievance No. 13-1805. After more than six months had passed, the Commission moved under Admission and Discipline Rule 23(10)(f)(4) to convert the suspension to an indefinite suspension; Respondent did not respond. The court granted the motion and ordered the conversion effective immediately.

DISPOSITION

other

OPINION

PER CURIAM.

PUBLISHED ORDER CONVERTING SUSPENSION FOR NONCOOPERATION WITH THE DISCIPLINARY PROCESS TO INDEFINITE SUSPENSION On October 28, 2013, pursuant to Indiana Admission and Discipline Rule 23(10)(f), this Court suspended Respondent from the practice of law in this State for failing to cooperate with the Indiana Supreme Court Disciplinary Commission concerning a grievance, No. 13-1805, filed against Respondent.

The Commission has now moved to convert Respondent’s suspension to an indefinite suspension from the practice of law pursuant to Admission and Discipline Rule 23(10)(f)(4). Respondent has not responded to the Commission’s motion to convert the current suspension.

The Court finds that more than six months have passed since Respondent was suspended due to noncooperation with the disciplinary process. Accordingly, the Court concludes that Respondent's suspension should be converted to an indefinite suspension from the practice of law pursuant to Admission and Discipline Rule 23(10)(f)(4). IT IS THEREFORE ORDERED that Respondent's current suspension from the practice of law for failure to cooperate with the disciplinary process is converted to an indefinite suspension, effective immediately.

Respondent is ordered to fulfill the continuing duties of a suspended attorney under Admission and Discipline Rule 23(26). To be readmitted to the practice of law in this State, Respondent must cure the causes of all suspensions in effect and successfully petition this Court for reinstatement pursuant to Admission and Discipline Rule 23(4) and (18).

The Clerk of this Court is directed to forward notice of this order to Respondent by certified mail, return receipt requested, at the address reflected in the Roll of Attorneys; to the Disciplinary Commission; 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.