

INDIANA SUPREME COURT

In re Mullins

993 N.E.2d 1140 (Ind. 2013) · Decided September 6, 2013

SUMMARY

The Indiana Supreme Court imposed reciprocal discipline on an attorney who had been disciplined by the Supreme Court of Kentucky. The Court suspended the respondent indefinitely from practicing law in Indiana, effective October 18, 2013, with reinstatement subject to specified conditions.

CASE DETAILS

COURT	Indiana Supreme Court
JURISDICTION	Indiana
DECIDED	September 6, 2013
DISPOSITION	other
PROCEDURAL POSTURE	Reciprocal attorney-discipline proceeding initiated by the Indiana Supreme Court Disciplinary Commission after the Supreme Court of Kentucky imposed discipline on Respondent.
PRECEDENTIAL VALUE	Published
PARTIES	Indiana Supreme Court Disciplinary Commission v. Mullins

TOPICS

administrative law

PRACTICE AREAS

professional responsibility

attorney discipline

legal ethics

QUESTIONS PRESENTED

1. Whether reciprocal discipline should be imposed in Indiana after the Supreme Court of Kentucky disciplined Respondent.
2. Whether Respondent should receive a delayed effective date for the Indiana suspension.
3. Whether Respondent should be excused from notifying clients of the Indiana suspension.

HOLDINGS

1. Reciprocal discipline should be imposed because no reason was shown under Indiana Admission and Discipline Rule 23(28)(c) why reciprocal discipline should not issue.
2. Respondent is suspended indefinitely from the practice of law in Indiana, with a minimum active suspension of thirty days and eligibility to seek reinstatement under Rule 23(28)(e) if the specified conditions are satisfied.
3. The effective date of the suspension should be delayed for approximately six weeks, until October 18, 2013, rather than the requested 120 days.
4. Respondent must notify clients of the suspension because he did not state a compelling reason for relief from that obligation.

KEY QUOTATIONS

“The Court finds that there has been no showing, pursuant to Admission and Discipline Rule 23(28)(c), of any reason why reciprocal discipline should not issue in this state.” (993 N.E.2d at 1140)

“Being duly advised, the Court orders Respondent suspended indefinitely from the practice of law in this state beginning October 18, 2013.” (993 N.E.2d at 1140)

FACTUAL BACKGROUND

Respondent was admitted to practice law in both Indiana and Kentucky. On May 23, 2013, the Supreme Court of Kentucky found that Respondent violated that jurisdiction's professional-conduct rules and imposed a ninety-day suspension, consisting of thirty days of active suspension and sixty days probated for two years. Respondent did not contest reciprocal discipline in Indiana, but requested that the suspension be delayed and that he be relieved of the obligation to notify clients.

PROCEDURAL HISTORY

The Kentucky Supreme Court suspended Respondent for ninety days, with thirty days actively served and sixty days probated for two years. The Indiana Supreme Court issued an order to show cause under Indiana Admission and Discipline Rule 23(28). Respondent did not oppose reciprocal discipline but requested a delayed effective date and exemption from notifying clients. The Indiana Supreme Court granted the requested delay in part, imposed an indefinite suspension, and ordered compliance with the duties of a suspended attorney.

DISPOSITION

other

INSTRUCTIONS FOR AN AI ASSISTANT

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