

SUPREME COURT OF WYOMING

Board of Professional Responsibility v. Robert Willis Ingram

2010 WY 131 · No. D-10-0003 · Decided September 29, 2010

SUMMARY

The Wyoming Supreme Court approved the Board of Professional Responsibility's report and recommendation concerning Robert Willis Ingram. The court suspended Ingram from practicing law for eighteen months after finding that he violated Wyoming Rule of Professional Conduct 8.4(b) through criminal conduct involving the delivery of a controlled substance. The court also ordered payment of \$903.54 in costs and a \$500 administrative fee.

CASE DETAILS

COURT	Supreme Court of Wyoming
WRITING FOR THE COURT	Marilyn S. Kite, Chief Justice
JURISDICTION	Wyoming
DECIDED	September 29, 2010
DOCKET	D-10-0003
DISPOSITION	approved
PROCEDURAL POSTURE	Attorney-discipline proceeding in which the Wyoming Supreme Court reviewed and adopted the Board of Professional Responsibility's report and recommendation.
STANDARD OF REVIEW	The Supreme Court reviewed the Board of Professional Responsibility's report, recommendation, and attached materials and adopted them after careful review.
PRECEDENTIAL VALUE	Published Wyoming Supreme Court disciplinary order
PARTIES	Board of Professional Responsibility, Wyoming State Bar v. Robert Willis Ingram

TOPICS

[agency adjudication](#) [administrative law](#) [remedies](#)

PRACTICE AREAS

[legal ethics](#) [attorney discipline](#) [administrative law](#) [professional responsibility](#)

QUESTIONS PRESENTED

1. Whether the Board of Professional Responsibility's finding that Ingram violated Wyoming Rule of Professional Conduct 8.4(b) should be approved and adopted.
2. Whether an eighteen-month suspension, costs, and an administrative fee were appropriate sanctions for Ingram's misconduct.

HOLDINGS

1. The court approved, confirmed, and adopted the Board's finding that Ingram committed professional misconduct by engaging in criminal conduct that reflected adversely on his honesty, trustworthiness, or fitness as a lawyer.
2. The court suspended Ingram from the practice of law for eighteen months, required compliance with Section 22 of the Disciplinary Code, and ordered payment of \$903.54 in costs and a \$500 administrative fee.

KEY QUOTATIONS

“After a careful review of the Board of Professional Responsibility's Report and Recommendation, the materials attached thereto, and the file, this Court finds that the Report and Recommendation should be approved, confirmed and adopted by the Court; and that the Respondent, Robert Willis Ingram, should be suspended from the practice of law for a period of eighteen months.” (¶ 1)

*“It is professional misconduct for a lawyer to: * * * (b) commit a criminal act that reflects adversely on the lawyers' honesty, trustworthiness or fitness as a lawyer in other respects.”* (Report and Recommendation, Findings of Fact ¶ 4)

FACTUAL BACKGROUND

Robert Willis Ingram, an active member of the Wyoming State Bar, pleaded guilty in Wyoming district court to aiding and abetting delivery of a controlled substance. The conduct involved arranging and participating in the delivery of ecstasy to a confidential informant, with the delivery occurring within 500 feet of school-district property. The Board found by clear and convincing evidence that this criminal conduct violated Wyoming Rule of Professional Conduct 8.4(b).

PROCEDURAL HISTORY

The Board of Professional Responsibility held disciplinary hearings on June 30 and July 19, 2010, and issued its report and recommendation on August 9, 2010. The Board found that Ingram violated Wyoming Rule of Professional Conduct 8.4(b) by engaging in criminal conduct and recommended an eighteen-month suspension, payment of costs and administrative fees, and compliance with the disciplinary code. The Board filed its report with the Wyoming Supreme Court on August 13, 2010, and the court approved, confirmed, and adopted it.

DISPOSITION

approved

CASES CITED

- State of Wyoming v. Robert Willis Ingram, No. CR-2009-7649

OPINION

PER CURIAM.

2010 WY 131 BOARD OF PROFESSIONAL RESPONSIBILITY, WYOMING STATE BAR, Petitioner, v. ROBERT WILLIS INGRAM, WSB Attorney No. 6-3831, Respondent. No. D-10-0003. Supreme Court of Wyoming. April Term, A.D. 2010. September 29, 2010. ORDER SUSPENDING ATTORNEY FROM THE PRACTICE OF LAW MARILYN S. KITE, Chief Justice. [¶ 1] This matter came before the Court upon a "Report and Recommendation for Discipline," filed herein August 13, 2010, by the Board of Professional Responsibility for the Wyoming State Bar.

After a careful review of the Board of Professional Responsibility's Report and Recommendation, the materials attached thereto, and the file, this Court finds that the Report and Recommendation should be approved, confirmed and adopted by the Court; and that the Respondent, Robert Willis Ingram, should be suspended from the practice of law for a period of eighteen months.

It is, therefore, [¶ 2] ADJUDGED AND ORDERED that the Board of Professional Responsibility's Report and Recommendation for Discipline, which is attached hereto and incorporated herein, shall be, and the same hereby is, approved, confirmed, and adopted by this Court; and it is further [¶ 3] ADJUDGED AND ORDERED that, as a result of the conduct set forth in the Report and Recommendation.

Respondent Robert Willis Ingram shall be, and hereby is, suspended from the practice of law for a period of eighteen months from the date of this order; and it is further [¶ 4] ORDERED that Respondent shall comply with Section 22 of the Disciplinary Code for the Wyoming State Bar. That Section governs duties of disbarred and suspended attorneys; and it is further. [¶ 5] ORDERED that Robert Willis Ingram shall reimburse the Wyoming State Bar the amount of \$903.54, representing the costs incurred in handling this matter, as well as pay an administrative fee of \$500.00, by paying the amount of \$1,403.54 to the Clerk of the Board of Professional Responsibility, on or before November 8, 2010; and it is further [¶ 6] ORDERED that, pursuant to Section 4(c) of the Disciplinary Code for the Wyoming State Bar, this Order Suspending Attorney from the Practice of Law, along with the incorporated Report and Recommendation, shall be published in the Wyoming Reporter and the Pacific Reporter; and it is further [¶ 7] ORDERED that the Clerk of this Court shall docket this Order Suspending Attorney from the Practice of Law, along with the Report and Recommendation, as a matter coming regularly before this Court as a public record; and it is further [¶ 8] ORDERED that the Clerk of this Court transmit a copy of this

Order Suspending Attorney from the Practice of Law to the members of the Board of Professional Responsibility and to the clerks of the appropriate courts of the State of Wyoming.

BEFORE THE BOARD OF PROFESSIONAL RESPONSIBILITY WYOMING STATE BAR
STATE OF WYOMING In the matter of) ROBERT WILLIS INGRAM) WSB Attorney No. 6-
3831) Docket No. 2009-132 Respondent.) REPORT AND RECOMMENDATION I OR
DISCIPLINE This matter having come before the Board of Professional Responsibility for a
disciplinary hearing held on June 30th, 2010, and continued to July 19th, 2010, pursuant to
Section 19 of the Disciplinary Code for the Wyoming State Bar.

The Wyoming State Bar was represented by Rebecca A. Lewis. The Respondent Robert Willis Ingram was present and represented by Terry W. Mackey. The following members of the Board of Professional Responsibility were present: Rex O. Arney, Joseph B. Bluemel, Jennifer Scoggin, Ann Robinson, Katherine H. Tomassi, Francis E. Stevens, Chairman, conducted the hearings. The Board of Professional Responsibility makes the following Report and Recommendation, with its Findings of Fact, Conclusions of Law, and Recommendation to the Supreme Court of Wyoming:
FINDINGS OF FACT 1.

Respondent. Robert W. Ingram, is an active member of the Wyoming State Bar and has been since February of 2005. He currently maintains his private practice out of his office in Colorado. 2. The Respondent appeared before the Honorable John Brooks.

Second Judicial District Court. State of Wyoming, #CR-2009-7649, State of Wyoming v. Robert Willis Ingram on January 28, 2010. The Respondent entered a plea of guilty to the charge of Aiding and Abetting Delivery of a Controlled Substance, a felony, in violation of W.S. 1977, as amended, §35-7-1031 (a)(ii); §35-7-1036(b) and §6-1-201.

On March 10, 2010. Judge John Brooks entered an "Order Upon Sentencing Hearing", deterring further proceedings without entering a judgment of guilt or conviction pursuant to W.S. 1977, as revised, § 7-13-301. et. seq. Pursuant to said Order, the Respondent was placed on one (1) to five (5) years supervised probation upon terms and conditions set forth in said Order.

(Exhibit "A") 3. The facts surrounding the events which resulted in the charges and plea involved the Respondent, his wife and a confidential informant. The Respondent was a participant in communications arranging for and resulting in the delivery of a controlled substance, commonly known as "ecstasy" to the confidential informant on or about January 16 and 17, 2009.

That delivery occurred within 500 feet of the boundaries of property used by a school district. (Exhibit "B" Transcript pages 11-15 and testimony of the Respondent at Hearing.) 4. Rule 8.4 (b) to the Wyoming Rules of Professional Conduct states: "It is professional misconduct for a lawyer to: * * * (b) commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects."

5. It has been proved by clear and convincing evidence that the Respondent violated Rule 8.4 (b) of the Wyoming Rules of Professional Conduct by actively engaging in an act or acts that were criminal conduct which was the basis for the charges described in Finding I., the basis for his plea of guilty and the resultant court order. CONCLUSIONS OF LAW 1. Rule 8.4 (b) of Wyoming Rules of Professional Conduct states: "It is professional misconduct for a lawyer to: * * * * (b) commit a criminal act that reflects adversely on the lawyers' honesty, trustworthiness or fitness as a lawyer in other respects."

2. Standard 5.1 of ABA Standards for Imposing Lawyer Sanctions discusses the range of sanctions applicable to violations of Rule 8.4 (b). The Disciplinary Code to for the Wyoming State Bar Section 3(y) defines "serious crime" as (i) "any felony". 3. ABA Standards for Imposing Lawyer Sanctions. Standard 5.11 (a) provides that disbarment is "generally appropriate" when a lawyer engages in: * * * * "the sale, distribution, or importation of controlled substances:" Standard 5.12 provides that suspension is "generally appropriate" when a lawyer engages in criminal conduct which does not contain the elements contained in Standard 5.11 and that seriously adversely affects the lawyer's fitness to practice."

4. ABA Standards for Imposing lawyer Sanctions. Standard 9.1 provides for consideration of aggravating and mitigating circumstances in deciding on an appropriate sanction. a. Applicable aggravating factors in this case are: i. Section 9.22 (g) Respondent's refusal to admit his conduct was a violation of the Rules of Professional Conduct, although he admitted to the offense and pled guilty before the District Court: ii.

Section 9.22 (k.) illegal conduct. iii. Section 9.22(k.) The Respondent's conduct was aiding and abetting in the illegal delivery of a controlled substance that occurred within 500 feet of the boundaries of property used by a school district. b. Mitigating factors in this case are: i. Section 9.32 (a.) no prior disciplinary record: ii. Section 9.32(k.) imposition of other penalties; The Respondent will be on supervised probation for a period of one (1) to five (5) years.

RECOMMENDATION TO THE SUPREME COURT OF WYOMING As an appropriate sanction for Respondent's violation of Rule 8.4(b) of the Wyoming Rules of Professional Conduct, the Board of Professional Responsibility recommends that the Respondent: 1. Be suspended from the practice of law for the period of eighteen (18) months and comply with requirements of Section 22 of the Disciplinary Code for the Wyoming State Bar.

2. Pay costs including the cost of the hearing in the amount of \$903.54, as set forth in the affidavit of Patricia F. Becklinger, Clerk of the Board of Professional Responsibility, and attached hereto, no later than 15 November 2010. 3. Pay the administrative fees of \$500.00 no later than 8 November 2010. This decision regarding the violation of the Wyoming Rules of Professional Conduct noted above is unanimously made by a quorum of the Board of Professional Responsibility.

DATED this 9th day of August 2010. CERTIFICATE OF SERVICE I. do hereby certify that a true and correct copy of the Report and Recommendation For Discipline was sent by e-mail and mailed by United States Mail, postage prepaid, on this 9th day of August 2010 to the following individual: Terry W. Mackcy, Respondent Counsel Terry W. Mackcy, PC 314 Last 21* Street Cheyenne, WY 82001 and a copy was sent by e-mail and hand delivered to: Rebecca A. Lewis.

Bar Counsel Wyoming State Bar P.O. Box 109 Cheyenne. WY 82003. AFFIDAVIT OF PATRICIA F. BECKLINGER STATE OF WYOMING)) COUNTY OF LARAMIE) PATRICIA F. BECKLINGER, being first duly sworn, upon oath, deposes and states as follows: 1. I am and was at all times relevant to this action as Clerk of the Board of Professional Responsibility.

As such I am custodian of all disciplinary tiles. I also track of all costs incurred in all disciplinary matters. 2. The costs in No. 2009-132 are \$903.54. Costs cover copying, postage. BPR hearing teleconferences and court reporting costs.

The details of the costs are attached hereto as Exhibit A. FURTHER AFFIANT SAITH NOT. Dated this 9th day of August 2010. _____ Patricia F. Becklinger. Clerk Board of Professional Responsibility Subscribed, sworn to, and acknowledged before me by Patricia F. Becklinger this 9th day of August 2010. Witness my hand and official seal. My commission expires: EXHIBIT A COST DETAILS Robert W. Ingram File No. 2009-132 Copies @.50 ea) & Postage: 3/22/10 64 pages \$32.00 Postage \$1.05 4/19/10 11 Pages \$5.50 Postage \$1.22 4/21/10 6 pages \$5.50 Postage (certitied) \$6.32 5/27/10 6 pages \$3.00 Postage \$.44 6/1/10 2 pages \$1.00 Postage \$.44 6/14/10 2 pages \$1.00 Postage \$.44 7/13/10 1 page \$.50 Postage \$.44 Total: \$58.85 BPR Teleconference Costs: 6/30/10 \$63.36 7/19/10 \$47.73 Total: \$110.09 Wyoming Reporting Services (hearings): 6/30/10 \$528.80 7/19/10 \$205.80 Total: \$734.60 TOTAL COSTS: \$903.54