

SUPREME COURT OF INDIANA

In the Matter of Douglas O. Beerbower

873 N.E.2d 52 (Ind. 2007) · No. No. 02S00-0704-DI-176 · Decided August 31, 2007

SUMMARY

The Indiana Supreme Court approved a conditional agreement disciplining Douglas O. Beerbower for professional misconduct arising from multiple operating-while-intoxicated convictions, including a felony conviction causing serious bodily injury. The Court suspended him from practicing law for at least two years or for the duration of his incarceration, whichever was longer, beginning May 25, 2007.

CASE DETAILS

COURT	Supreme Court of Indiana
JURISDICTION	Indiana
DECIDED	August 31, 2007
DOCKET	No. 02S00-0704-DI-176
DISPOSITION	approved
PROCEDURAL POSTURE	The Indiana Supreme Court reviewed and approved a conditional agreement for attorney discipline submitted by the Indiana Supreme Court Disciplinary Commission and Respondent.
PRECEDENTIAL VALUE	Published disciplinary order; binding as to the disciplinary disposition and the rule violation determined in this case.

TOPICS

administrative law

PRACTICE AREAS

professional responsibility

attorney discipline

QUESTIONS PRESENTED

1. Whether the Court should approve the parties' conditional agreement concerning Respondent's professional misconduct.
2. What discipline is appropriate for violating Indiana Professional Conduct Rule 8.4(b).

HOLDINGS

1. The Court approved the Statement of Circumstances and Conditional Agreement for Discipline submitted by the Disciplinary Commission and Respondent.
2. Respondent violated Indiana Professional Conduct Rule 8.4(b) by committing criminal acts that reflected adversely on his honesty, trustworthiness, or fitness as a lawyer.
3. Respondent was suspended from the practice of law in Indiana for at least two years or for the period of his incarceration, whichever was longer, beginning May 25, 2007, without automatic reinstatement.

KEY QUOTATIONS

“The Court, having considered the submission of the parties, now APPROVES and ORDERS the agreed discipline.” (873 N.E.2d at 52)

“For Respondent's professional misconduct, the Court suspends Respondent from the practice of law in this state for a period of not less than two years or for the period Respondent is incarcerated, whichever is longer, beginning May 25, 2007.” (873 N.E.2d at 52)

FACTUAL BACKGROUND

Respondent had three misdemeanor convictions for operating a vehicle while intoxicated and later pleaded guilty to operating a vehicle while intoxicated causing serious bodily injury, a Class C felony. He was sentenced to four years in prison for the felony. Respondent admitted the charged misconduct, and the parties stipulated that he had no prior discipline, cooperated, and accepted responsibility.

PROCEDURAL HISTORY

The Disciplinary Commission charged Respondent with two counts of professional misconduct based on multiple operating-while-intoxicated convictions and a felony conviction for operating a vehicle while intoxicated causing serious bodily injury. After the Court entered an interim suspension with Respondent's consent, the parties submitted a conditional agreement admitting the misconduct and proposing suspension. The Court approved the agreement and ordered the agreed discipline.

DISPOSITION

approved

OPINION

PER CURIAM.

873 N.E.2d 52 (2007) In the Matter of Douglas O. BEERBOWER, Respondent. No. 02S00-0704-DI-176. Supreme Court of Indiana. August 31, 2007. 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: Facts: Respondent is charged with two counts of professional misconduct.

Count I asserts Respondent has three misdemeanor convictions for Operating a Vehicle While Intoxicated, which were entered on the following dates: December 26, 1988, January 27, 1995, and March 7, 2003. Count II asserts Respondent pled guilty to Operating a Vehicle While Intoxicated Causing Serious Bodily Injury, a Class C Felony, and on April 23, 2007, he was sentenced to four years in prison for this crime.

The Court entered an order of interim suspension, with Respondent's consent, on May 25, 2007, pursuant to Admission and Discipline Rule 23(11.1)(a). On July 19, 2007, the Commission and Respondent tendered a Conditional Agreement in which Respondent admitted to the charged misconduct.

The parties agree to these facts in mitigation: (1) Respondent has no prior discipline, (2) Respondent has been cooperative, and (3) Respondent acknowledge his guilt and accepts responsibility for his conduct. Violations: The parties agree that Respondent violated Indiana Professional Conduct Rule 8.4(b), which prohibits committing criminal acts that reflect adversely on a lawyer's honesty, trustworthiness, or fitness as a lawyer.

Discipline: The parties agree the appropriate sanction is suspension without automatic reinstatement beginning May 25, 2007, for two years or as long as Respondent is incarcerated, whichever is longer. The Court, having considered the submission of the parties, now APPROVES and ORDERS the agreed discipline.

For Respondent's professional misconduct, the Court suspends Respondent from the practice of law in this state for a period of not less than two years or for the period Respondent is incarcerated, whichever is longer, beginning May 25, 2007. Respondent shall fulfill all the duties of a suspended attorney under Admission and Discipline Rule 23(26). At the conclusion of that period, Respondent may petition this Court for reinstatement to the practice of law in this state, provided he pays the costs of this proceeding, fulfills his duties as a suspended attorney, and satisfies the requirements for reinstatement of Admission and Discipline Rule 23(4).

The costs of this proceeding are assessed against Respondent. The Court directs the Clerk 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). All Justices concur.