

SUPREME COURT OF INDIANA

In the Matter of Bruce A. Lambka

950 N.E.2d 301 (Ind. 2011) · No. 45S00-1008-DI-405 · Decided July 21, 2011

SUMMARY

The Indiana Supreme Court found that Bruce A. Lambka violated Indiana Professional Conduct Rules 1.3 and 8.4(d) by failing to act diligently and engaging in conduct prejudicial to the administration of justice while representing a client. The Court suspended him from practice for at least one year and six months without automatic reinstatement, assessed costs, and imposed reinstatement conditions.

CASE DETAILS

COURT	Supreme Court of Indiana
JURISDICTION	Indiana
DECIDED	July 21, 2011
DOCKET	45S00-1008-DI-405
DISPOSITION	other
PROCEDURAL POSTURE	Attorney-discipline proceeding initiated by the Indiana Supreme Court Disciplinary Commission. After an evidentiary hearing, the hearing officer issued findings that were not challenged by either party, and the Supreme Court reviewed the findings, determined the misconduct and sanction, and entered a disciplinary order.
STANDARD OF REVIEW	When neither party challenges the hearing officer's findings, the Court accepts and adopts those findings but reserves final judgment as to whether misconduct occurred and what sanction is appropriate.
PRECEDENTIAL VALUE	Published disciplinary order

TOPICS

- sanctions
- civil procedure

PRACTICE AREAS

- legal ethics
- attorney discipline
- professional responsibility

QUESTIONS PRESENTED

1. Whether Respondent violated Indiana Professional Conduct Rule 1.3 by failing to act with reasonable diligence and promptness.
2. Whether Respondent violated Indiana Professional Conduct Rule 8.4(d) by engaging in conduct prejudicial to the administration of justice.
3. What discipline was appropriate in light of the misconduct and the aggravating circumstances.

HOLDINGS

1. Respondent violated Rule 1.3 by failing to communicate with his client, failing to appear and protect the client's interests in the underlying litigation, and failing to take corrective action after the default judgment was entered.
2. Respondent violated Rule 8.4(d) by engaging in conduct prejudicial to the administration of justice.
3. Respondent was suspended from the practice of law for at least one year and six months, without automatic reinstatement, and was assessed the costs of the proceeding.

KEY QUOTATIONS

"When neither party challenges the findings of the hearing officer, "we accept and adopt those findings but reserve final judgment as to misconduct and sanction." (302)

"Reinstatement is discretionary and requires clear and convincing evidence of the attorney's remorse, rehabilitation, and fitness to practice law." (303)

FACTUAL BACKGROUND

Respondent represented a client in litigation involving breach of warranty, fraud, and deceptive business practices but stopped communicating with the client in May 2000. Respondent deliberately failed to appear at a scheduled trial, allowing a default judgment of \$35,660 to be entered, and did not attempt to have the judgment set aside or respond to the client's later efforts to obtain information. The client subsequently faced supplemental proceedings and a contempt notice, and Respondent failed to cooperate with investigations into his conduct. Respondent also had an extensive prior history of disciplinary and administrative suspensions.

PROCEDURAL HISTORY

The Commission filed a verified disciplinary complaint on August 2, 2010. Respondent answered, and Hearing Officer Diane R. Boswell conducted an evidentiary hearing at which Respondent appeared pro se. Neither party petitioned for review of the hearing officer's report or filed a sanctions brief, so the Supreme Court accepted and adopted the unchallenged factual findings while retaining final judgment regarding misconduct and discipline.

DISPOSITION

other

CASES CITED

- Matter of Levy, 726 N.E.2d 1257, 1258 (Ind. 2000)

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