

SUPREME COURT OF INDIANA

In the Matter of Douglas O. Beerbower

938 N.E.2d 217 (Ind. 2010) · No. 02S00-0704-DI-176 · Decided December 10, 2010

SUMMARY

The Supreme Court of Indiana conditionally reinstated Douglas O. Beerbower to the practice of law after his disciplinary suspension. Reinstatement was conditioned on at least three years of probation, continued participation in the Indiana Judges and Lawyers Assistance Program, and compliance with the program agreement, the law, and the Rules of Professional Conduct.

CASE DETAILS

COURT	Supreme Court of Indiana
JURISDICTION	Indiana
DECIDED	December 10, 2010
DOCKET	02S00-0704-DI-176
DISPOSITION	other
PROCEDURAL POSTURE	Petition for reinstatement to the Indiana bar following a disciplinary suspension.
PRECEDENTIAL VALUE	Published opinion
PARTIES	Douglas O. Beerbower v. Indiana Supreme Court Disciplinary Commission

TOPICS

appellate procedure administrative law

PRACTICE AREAS

attorney discipline legal ethics bar reinstatement

QUESTIONS PRESENTED

- Whether Beerbower satisfied the requirements for reinstatement to the practice of law under Indiana Admission and Discipline Rule 23.
- Whether reinstatement should be conditioned on continued participation in the Indiana Judges and Lawyers Assistance Program and a period of probation.

HOLDINGS

1. A petition for reinstatement may be granted only when the petitioner proves by clear and convincing evidence the requirements set out in Indiana Admission and Discipline Rule 23(4)(b), including good-faith desire for reinstatement, compliance with the disciplinary order, genuine remorse, exemplary post-discipline conduct, fitness to practice, removal of any disability related to the discipline, and passage of the MPRE with the required score.
2. Beerbower was conditionally reinstated subject to probation of at least three years, continued participation in JLAP, no violations of his JLAP agreement, the law, or the Rules of Professional Conduct, and possible revocation of probation and reimposition of suspension if probation was violated.

KEY QUOTATIONS

“A petition for reinstatement may be granted only if the petitioner proves to the Commission by clear and convincing evidence that:” (938 N.E.2d at 217)

“IT IS, THEREFORE, ORDERED that Petitioner's petition for reinstatement is granted and that Petitioner is conditionally reinstated as a member of the Indiana bar subject to the terms and conditions of probation stated above.” (938 N.E.2d at 218)

FACTUAL BACKGROUND

Beerbower had been suspended from practicing law after being incarcerated for operating a vehicle while intoxicated. He had entered into a treatment and monitoring agreement with the Indiana Judges and Lawyers Assistance Program in 2006 and sought reinstatement in January 2010. The Disciplinary Commission recommended reinstatement conditioned on his continued participation in that program.

PROCEDURAL HISTORY

The Indiana Supreme Court suspended Beerbower on August 31, 2007, for two years or for as long as he remained incarcerated for operating a vehicle while intoxicated, whichever was longer, without automatic reinstatement. Beerbower petitioned for reinstatement on January 22, 2010, and the Indiana Supreme Court Disciplinary Commission recommended reinstatement conditioned on his continued participation in the Indiana Judges and Lawyers Assistance Program. The Supreme Court granted conditional reinstatement subject to at least three years of probation.

DISPOSITION

other