

In the Indiana Supreme Court

In the Matter of: Adam M. Warnke,
Respondent

Supreme Court Case No.
23S-DI-230



Published Order Approving Statement of Circumstances and Conditional Agreement for Discipline

Pursuant to Indiana Admission and Discipline Rule 23(12.1)(b), 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.

Stipulated Facts: In February 2019, “Clients” retained Respondent and paid him \$1,766 to complete an agreed adoption. By July 2019, Clients had signed an adoption petition and other preliminary issues had been resolved, including the biological mother’s signing of a consent to adoption and release for the child’s medical records. For the next fifteen months, Respondent failed to meaningfully advance the matter and to respond to Clients’ inquiries. In October 2020, Respondent filed the adoption petition that had been signed in mid-2019 and was notified by the court of deficiencies in the pleadings. Respondent filed an amended petition correcting those deficiencies, but he failed to file the medical records within 60 days of filing the amended petition, as required by statute. In January 2021, the court twice ordered Respondent to file the required records; and when Respondent did not do so, the court scheduled a dismissal hearing for March. Respondent did not appear at the hearing or file the records, and the court dismissed the adoption. Respondent did not keep Clients adequately apprised of the pendency of dismissal proceedings or the dismissal itself.

In August 2022, Clients notified Respondent that the child was about to turn 18 and would be graduating in the spring, and Clients asked for a refund because Respondent did not complete the adoption. Respondent did not respond to that communication or to several others in the ensuing months. Respondent likewise did not respond to multiple demands for information made by the Commission during its investigation of this matter.

Violations: The parties agree that Respondent violated these Indiana Professional Conduct Rules prohibiting the following misconduct:

- 1.3: Failing to act with reasonable diligence and promptness.
- 1.4(a)(2): Failing to reasonably consult with a client about the means by which the client’s objectives are to be accomplished.
- 1.4(a)(3): Failing to keep a client reasonably informed about the status of a matter.

1.4(a)(4): Failing to comply promptly with a client's reasonable requests for information.

1.16(d): After the termination of representation, failing to protect a client's interests and to refund an unearned fee.

8.1(b): Knowingly failing to respond to a lawful demand for information from a disciplinary authority.

8.4(d): Engaging in conduct prejudicial to the administration of justice.

Discipline: The Court, having considered the submission of the parties, now approves the following agreed discipline.

For Respondent's professional misconduct, the Court **suspends Respondent from the practice of law for a period of 60 days, beginning November 4, 2024, with 30 days actively served and the remainder stayed subject to completion of at least two years of probation** with monitoring by the Indiana Judges and Lawyers Assistance Program (JLAP). The Court incorporates by reference the terms and conditions of probation set forth in the parties' Conditional Agreement, which include among other things:

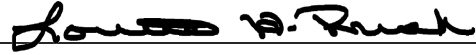
- (1) Respondent shall report to JLAP within 10 days of this order, and failure to do so shall be considered an act of contempt.
- (2) Respondent shall sign or update any and all authorizations necessary for JLAP to implement the monitoring agreement, including an authorization for the Commission to obtain information from JLAP or treatment providers.
- (3) JLAP shall submit quarterly progress reports to the Commission.
- (4) Respondent shall have no violations of the Rules of Professional Conduct, or procedural rules of any court or agency, during his probation.
- (5) Respondent shall promptly report to the Commission, in writing, any violation of the terms of Respondent's probation.
- (6) If Respondent violates the terms of his probation, the stay of his suspension may be vacated and the balance of the stayed suspension may be actively served without automatic reinstatement.

Respondent shall not undertake any new legal matters between service of this order and the effective date of the suspension, and Respondent shall fulfill all the duties of a suspended attorney under Admission and Discipline Rule 23(26). Notwithstanding the expiration of the minimum term of probation set forth above, Respondent's probation shall remain in effect until it is terminated pursuant to a petition to terminate probation filed under Admission and Discipline Rule 23(16).

The costs of this proceeding are assessed against Respondent. Pursuant to the parties' stipulation, the Court hereby orders Respondent to pay \$290.88 by check made payable and transmitted to the Clerk of the Indiana Supreme Court. Upon receipt, the Clerk is directed to disburse those funds as follows: (1) \$40.88, payable to the Commission as reimbursement for investigative expenses incurred; and (2) \$250.00, payable to the Clerk for court costs. The expenses of the hearing officer will be submitted separately.

With the acceptance of this agreement, the hearing officer appointed in this case is discharged with the Court's appreciation.

Done at Indianapolis, Indiana, on 9/23/2024.

A handwritten signature in black ink, appearing to read "Loretta H. Rush", is written above a horizontal line.

Loretta H. Rush
Chief Justice of Indiana

All Justices concur.