

In the  
Indiana Supreme Court



In the Matter of: ) Supreme Court Cause No.  
George R. LIVARCHIK, ) 64S00-0902-DI-69  
Respondent. )

PUBLISHED 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:

**Stipulated Facts:** Respondent entered into a fee agreement with a client in a dissolution case under which Respondent would charge an hourly fee and the client would be billed monthly. When the client fell behind in her payments, the trial court entered a stipulated order requiring the client and her husband to turn over their tax refunds to Respondent's trust account. The client and her husband failed to comply with the order. Three days prior to the final hearing in the matter, Respondent presented to the client, and the client signed, a promissory note for the amount of fees owing secured by a mortgage on her real estate. Respondent entered into this transaction without giving the client a copy of the document prior to the time it was executed, without giving her a reasonable opportunity to seek independent counsel, and without obtaining her written informed consent to the essential terms of the transaction.

The parties cite no facts in aggravation. Facts in mitigation are: (1) Respondent's lack of disciplinary history; and (2) his cooperation with the Commission.

**Violation:** The parties agree that Respondent violated Indiana Professional Conduct Rule 1.8(a), which prohibits entering into a business transaction with a client unless the terms are fair and reasonable, the terms are fully and clearly disclosed, the client is given reasonable opportunity to seek independent counsel, and the client consents in writing to the transaction.

**Discipline:** The parties propose the appropriate discipline is a public reprimand. The Court, having considered the submissions of the parties, now APPROVES and ORDERS the agreed discipline.

For Respondent's professional misconduct, the Court imposes a **public reprimand**. The costs of this proceeding are assessed against Respondent. With the acceptance of this agreement, the hearing officer appointed in this case is discharged.

The Clerk is directed to forward a copy of this Order to the hearing officer, to the parties or their respective attorneys, and to all other entities entitled to notice under Admission and Discipline Rule 23(3)(d). The Clerk is further directed to post this order to the Court's website, and Thomson Reuters is directed to publish a copy of this order in the bound volumes of this Court's decisions.

DONE at Indianapolis, Indiana, this 11th day of March, 2010.

/s/ Randall T. Shepard  
Chief Justice of Indiana

All Justices concur.