

In the
Indiana Supreme Court



CAUSE NUMBER: 94S00-1205-MS-275

ORDER AMENDING INDIANA ADMISSION AND DISCIPLINE RULES

Under the authority vested in this Court pursuant to Article 7, Section 4 of the Indiana Constitution providing for the admission and discipline of attorneys in this state, Indiana Admission and Discipline Rule 23 § 26 is amended to read as follows (deletions shown by ~~striking~~ and new text shown by underlining):

...

Rule 23. Disciplinary Commission and Proceedings

...

Section 26. Duties of Disbarred or Suspended Attorneys, and Attorneys who have Resigned

(a) *Duties of Disbarred Attorneys.*

- (1) In any case where an attorney has been disbarred under the provisions of this rule, said attorney shall promptly notify or cause to be notified by registered or certified mail, return receipt requested, all clients being represented by him or her in pending matters, of the disbarment and the attorney's consequent inability to act as an attorney. Such notice shall advise said clients to seek legal advice of the client's own choice elsewhere.
- (2) In addition to notifying clients as set forth above, the attorney who has been disbarred shall move in the Court or agency in which any proceeding is pending for leave to withdraw as such attorney, shall notify all attorneys for adverse parties in such proceedings, and shall furnish the address of the client involved to the Court or agency and to the attorneys for adverse parties.
- (3) Any attorney who has been disbarred under the provisions of this rule shall make available to any of his or her clients, to new counsel for any of said clients or to any other person designated by the Court having appropriate jurisdiction all papers,

documents, files or information which may be in his or her possession.

(4) Within thirty (30) days after the effective date of the disbarment order, the disbarred attorney shall file with this Court an affidavit showing that he or she has fully complied with the provisions of the order and with these rules and also stating all other State, Federal and Administrative jurisdictions to which the attorney has been admitted to practice. The disbarred attorney shall also serve a copy of such affidavit upon the Executive Secretary and shall set forth the address where communications may thereafter be directed to him or her.

~~(5) An attorney whose resignation from the Bar has been accepted pursuant to Section 17 of this rule shall comply with the provisions of this section.~~

(b) *Duties of Disbarred and Suspended Attorneys.* Upon receiving notice of the order of suspension or disbarment, the respondent shall not undertake any new legal matters between service of the order and the effective date of the discipline. Upon the effective date of the order, the respondent shall not maintain a presence or occupy an office where the practice of law is conducted. A respondent suspended for more than six (6) months or disbarred shall take such action as is necessary to cause the removal of any indicia of lawyer, counselor at law, legal assistant, law clerk or similar title.

(c) *Duties of Suspended Attorneys.* The suspended attorney shall, within twenty (20) days from the date of the notice of the suspension, file with the Court an affidavit showing that:

(1) All clients being represented by the attorney in pending matters have been notified by certified mail, return receipt requested, of the nature and duration of the suspension, and all pending matters of clients requiring the attorney's services during the period of suspension have been placed in the hands and care of an attorney admitted to practice before the Supreme Court of Indiana with the consent of the client.

(2) Clients not consenting to be represented by substitute counsel have been advised to seek the services of counsel of their own choice.

(3) Proof of compliance with this section of the rule shall be a condition precedent to reinstatement.

(d) Duties of Attorneys who have Resigned. An attorney whose resignation from the Bar has been accepted pursuant to Section 17 of this rule shall comply with the provisions of this section applicable to a disbarred attorney.

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This amendment shall take effect January 1, 2013.

The Clerk of this Court is directed to forward a copy of this Order to the clerk of each circuit court in the state of Indiana; Attorney General of Indiana; Legislative Services Agency and its Office of Code Revision; Administrator, Indiana Supreme Court; Administrator, Indiana Court of Appeals; Administrator, Indiana Tax Court; Public Defender of Indiana; Prosecuting Attorney's Council; Public Defender's Council; Indiana Supreme Court Disciplinary Commission; Indiana Supreme Court Commission for Continuing Legal Education; Indiana Board of Law Examiners; Indiana Judicial Center; Division of State Court Administration; Indiana Judges and Lawyers Assistance Program; the libraries of all law schools in this state; the Michie Company; and Thomson Reuters. The Clerk is also directed to post this Order to the Court's website.

Thomson Reuters is directed to publish this Order in the advance sheets of this Court.

The Clerks of the Circuit and Superior Courts are directed to bring this Order to the attention of all judges within their respective counties and to post this Order for examination by the Bar and general public.

DONE at Indianapolis, Indiana, this 18th day of September, 2012.

/s/Brent E. Dickson
Brent E. Dickson
Chief Justice of Indiana

All Justices concur.