

In the Indiana Supreme Court

CAUSE NUMBER: 94S00-0909-MS-

ORDER AMENDING INDIANA RULES FOR ADMISSION TO THE BAR AND THE DISCIPLINE OF ATTORNEYS

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, Admission and Discipline Rules 2, 6, 19, 23 §§ 1, 3, 4, 6, 10, 11, 11.2, 11.3, 12, 13, 14, 15, 16, 17, 17.1, 17.2, 18, 19, 20, 22, 28, and 30, 25, 26 and 27 are amended to read as follows (deletions shown by ~~striking~~ and new text shown by underlining):

...

Rule 2. Registration and Fees

...

(f) **IOLTA Certification.** On or before October 1 of each year, every ~~lawyer-attorney~~ admitted to practice law in this state shall certify to the Clerk of this Court that all client funds that are nominal in amount or to be held for a short period of time by the ~~lawyer-attorney~~ so that they could not earn income for the client in excess of the costs incurred to secure such income are held in an IOLTA account (as that term is defined in Indiana Rules of Professional Conduct, Rule 1.15(f)) of the ~~lawyer-attorney~~ or law firm or that the ~~lawyer-attorney~~ is exempt under the provisions of Prof. Cond. R. 1.15(g)(2). Any attorney who fails to make an IOLTA certification on or before October 1 of each year shall be assessed a delinquent fee according to the schedule set forth in section (b) if the attorney is active or section (c) if the attorney is inactive.

(g) **Annual Registration Fee-Notice.** On or before August 1 of each year, the Clerk of this Court shall mail a notice to each attorney then admitted to the bar of this Court who is in active or inactive good standing that: (i) a registration fee must be paid on or before October 1; and (ii) the certification required by section (f) of this rule and by Ind.Prof. Cond. R. 1.15(g) must be filed with the Clerk on or before October 1. The Clerk shall also send a copy of such notice to the Clerk for each circuit and superior court in this State for posting in a prominent place in the courthouse, the Indiana State Bar Association, and such print and other media publishers of legal information as the Clerk reasonably determines appropriate. Provided, however, that the failure of the Clerk to send such notice will not mitigate the duty to pay the required fee and file the required certification.

(h) **Failure to Pay Registration Fee; Reinstatement.** Any attorney who fails to pay a registration fee required under section (b) or (c) or fails to file the certification required by section (f) of this rule and by Ind.Prof. Cond. R. 1.15(g) shall be subject to suspension from the practice of law and sanctions for contempt of this Court in the event he or she thereafter engages in the practice of law in this State. In the event there is no basis for the continued suspension of the attorney's license to practice law, such an attorney's privilege to practice law shall be reinstated upon submitting to the Clerk a written application for reinstatement and payment of:

- (1) the applicable unpaid registration fee for the year of suspension;
- (2) any delinquent fees for the year of suspension due pursuant to section (b) or (c);
- (3) the applicable unpaid registration fee for the year of reinstatement, if different from the year of suspension;
- (4) a registration fee, including delinquent fees, in the amount referred to in section (c) for all intervening years of suspension; ~~and~~
- (5) an administrative reinstatement fee of two hundred dollars (\$200.00); and
- (6) the certification required by section (f) of this rule.

The Clerk shall deposit the administrative reinstatement fee referred to in subsection (h)(5) in to the "Clerk of the Courts-Annual Fees" account, described in section (m).

...

Rule 6. Admission on Foreign License

...

Section 4. Renewal of Provisional License and Business License

(a) Renewal of Provisional License. A provisional license admission on a foreign license may continue in force for one year, and may be renewed for a like period upon the submission of such verified individualized information as will demonstrate to the satisfaction of the Board that the applicant has during the past year been both (a) engaged in the practice of law as defined in Section 1(a), and (b) predominantly in Indiana. At the time of the first renewal request, the applicant must also submit verified information to demonstrate compliance with the educational requirements of Section 5. ~~Each application for renewal of provisional license admission shall be accompanied by a fee of fifty dollars (\$50.00).~~ Upon the fifth consecutive renewal of the provisional license granted to the applicant, the admission to practice shall be permanent.

(b) Renewal of Business Counsel License. A business counsel license may continue in force for one year, and may be renewed for a like period upon the submission of such verified individualized information as will demonstrate to the satisfaction of the Board that the applicant has during the past year been employed under the terms of the business counsel license and will

continue to be so employed. At the time of the first renewal request, the applicant must also submit verified information to demonstrate compliance with the educational requirements of Section 5. A fee of fifty dollars (\$50) shall accompany each application for renewal of a business counsel license.

(c) Annual Renewal Fee - Provisional License and Business Counsel License. Each attorney who is licensed pursuant to this Rule shall pay a renewal fee of \$50.00 on or before November 1 of each year; a delinquent fee in the amount of \$25.00 shall be added to the renewal fee for fees paid after November 1 and on or before November 15 of each year; a delinquent fee in the amount of \$50.00 shall be added to the renewal fee for fees paid after November 15 and on or before December 31 of each year; a delinquent fee in the amount of \$150.00 shall be added to the renewal fee for fees paid after December 31 of each year. Additionally, a \$100.00 surcharge will be added to the late fee for each consecutive year for which the attorney fails to timely file the renewal form. This renewal fee is in addition to any annual registration and fees paid under Admission and Discipline Rule 2.

(d) Failure to Pay Renewal Fee or Comply with Educational Requirements of Section 5; Revocation of License. Any attorney who fails to pay the renewal fee required under Section 4(c) or fails to file the affidavit required under Section 4(f) or fails to comply with the educational requirements of Section 5 shall be subject to revocation of his or her license to practice law and sanctions for contempt of this Court in the event he or she thereafter engages in the practice of law in this State.

(e) Annual Renewal Notice. On or before September 1 of each year, the Executive Director of the State Board of Law Examiners shall mail a notice to each attorney admitted to practice pursuant to this Rule that (i) a renewal fee must be paid on or before November 1; and (ii) the attorney must (a) affirm compliance with eligibility requirements to maintain the license or (b) submit the signed relinquish affidavit to the State Board of Law Examiners on or before November 1. Notice sent pursuant to this section shall be sent to the name and address maintained by the Clerk of the Supreme Court pursuant to Admission and Discipline Rule 2.

(f) Relinquishing of License. Any attorney who is licensed pursuant to this Rule who is in good standing, who is current in payment of all applicable registration fees and other financial obligations imposed by these rules, who is not the subject of an investigation into or a pending proceeding involving allegations of misconduct, and who no longer is able to meet the requirements to maintain his or her license pursuant to this Rule may voluntarily relinquish his or her license to practice law in the State of Indiana by tendering the renewal form with the relinquish affidavit signed to the Executive Director of the State Board of Law Examiners. The Executive Director shall promptly verify the eligibility of the attorney to relinquish under this section and if eligible, forward a certification of eligibility to the Clerk of the Indiana Supreme Court, and the Clerk shall show on the Roll of Attorneys that the attorney's Indiana law license has been relinquished permanently and that the lawyer is no longer considered an attorney licensed to practice law in the State of Indiana. An attorney who relinquishes his license pursuant to this provision may apply for admission under Admission and Discipline Rules 3

through 21. In the event the attorney is not eligible to relinquish under this section, the Executive Director shall promptly notify the attorney of all reasons for ineligibility.

Section 5. Education Requirements for Provisional License and Business Counsel License

(a) In addition to any requirements found in Rule 29, Wwithin twelve (12) months of an applicant's initial provisional license or business counsel license admission, the applicant shall attend an annual Indiana law update ~~forum~~seminar, which ~~forum~~seminar shall provide a minimum of 12 hours of continuing legal education which has been approved by the Indiana Commission For Continuing Legal Education. The Board of Law Examiners shall publish a list of approved seminars that meet the requirements of this Rule.

(b) Applicants admitted on provisional license or business counsel license are subject to, and shall comply with, the Indiana Rules For Admission to the Bar and the Discipline of Attorneys, the Rules of Professional Conduct, and all other requirements of statute and Supreme Court Rules.

Section 6. Application of Rules and Appearance Before Board The provisions of Rule 12, Sections 7, 8, and 9 apply to admission under this Rule. An applicant for admission on foreign license who is denied admission may request an appearance before the Board and a hearing thereafter.

...

Rule 19. Confidentiality

Section 1. All information and all records obtained and maintained by the Board of Law Examiners in the performance of its duty under these rules and as delegated by the Supreme Court of Indiana shall be confidential, except as otherwise provided by these rules, or by order of (or as otherwise authorized by) the Supreme Court of Indiana.

Section 2. All materials and information in the possession or knowledge of the Board of Law Examiners, its Executive Director, or its agents or employees, shall be the property of the Supreme Court of Indiana, and the Board shall serve as custodian of such materials and information. This shall include, but not be limited to, the applications and files of all the applicants, reports and correspondence regarding investigation of applicants, inter-office and inter-member memoranda, minutes and records of all meetings and hearings, and all examination materials and results.

Section 3. The Board is authorized to disclose information relating to applicants or members of the bar only as follows:

- (a) The names of applicants successfully passing the law examination.
- (b) The name of any applicant admitted to the practice of law at any admission ceremony.
- (c) The name, date of birth, Social Security number, ~~and date of application,~~ and other

information relating to a bar application, an applicant, and the result of the bar application for placement in a national data bank operated by or on behalf of the National Conference of Bar Examiners.

(d) Upon request of any law school, the names of each of its graduating students that took the law examination and whether each passed or failed the exam.

(e) Information requests by the National Conference of Bar Examiners or from a foreign bar admitting agency, when accompanied by a written authorization and release duly executed by the person about whom such information is sought, providing, however, that no information received by the Board under an agreement of confidentiality or designation of confidentiality or otherwise restricted by law or these rules shall be disclosed.

(f) Information relating to a violation of the Indiana Rules of Professional Conduct or to the unauthorized practice of law may be supplied to the Indiana Disciplinary Commission either at the request of the Disciplinary Commission or on the Board's own motion, except that information received by the Board under an agreement of confidentiality or otherwise restricted by law shall not be disclosed.

(g) Copies of documents previously filed by an applicant may be provided upon the applicant's written request. Copies of documents submitted by other parties regarding an applicant may be supplied to the applicant only upon written consent by the party submitting such documents. The complete record of any hearing, including any and all documents or exhibits formally introduced into the record, and any transcript of such hearings may be made available to the applicant who was a party to the hearing pursuant to other provisions of these rules.

...

Rule 23. Disciplinary Commission and Proceedings

Section 1. General Principles

Each person granted the privilege to practice law in this State has the obligation to behave at all times in a manner consistent with the trust and confidence reposed in him or her by this Court and in a manner consistent with the duties and responsibilities as an officer or judge of the courts of this State. The Supreme Court has exclusive jurisdiction of all cases in which an attorney who is admitted to the bar of this Court or who practices law in this State (hereinafter referred to as "attorney") is charged with misconduct. The procedures hereinafter set forth shall be employed and construed to protect the public, the court and the members of the bar of this State from misconduct on the part of attorneys and to protect attorneys from unwarranted claims of misconduct.

The term "attorney" as used in this rule shall include, in addition to all persons admitted to the bar of this Court, or who practice law in this State, any and all judges of any and all courts of this State now in existence or hereafter created or established.

Unless otherwise specified, the term "Clerk" as used in this rule shall mean the Clerk of the Indiana Supreme Court, Court of Appeals and Tax Court.

...

Section 3. Types of Discipline and Suspension

...

(d) Notice of permanent disbarment, resignation under Section 17, suspension, reinstatement (except automatic reinstatement), revocation of probation, release from probation, or public reprimand shall be communicated to the parties to the proceeding, the Clerk of this Court, the Clerk of the United States Court of Appeals for the Seventh Circuit, the Clerk of each of the Federal District Courts in this State, the Clerk of the United States Bankruptcy Courts in this State, the Clerk of the Court and Bar Association of each county in which the attorney maintains an office, the Clerk of the Court and Bar Association of each contiguous county, a newspaper of general circulation in each county in which the attorney maintains an office, the official publication of the Indiana State Bar Association, and the American Bar Association. In addition, notice of disbarment, resignation under Section 17 or suspension of one year or more shall be communicated to the Clerk of the United States Supreme Court. Notice of private reprimand shall be communicated to the parties to the proceeding and the Clerk of this Court. In cases where probation is imposed by this Court, the Clerk shall notify such persons as the Court may direct of the action taken and of the restriction, conditions or limitations.

Section 4. Reinstatement

...

(b) A petition for reinstatement may be granted if the petitioner establishes by clear and convincing evidence before the disciplinary commission of this Court that:

- (1) The petitioner desires in good faith to obtain restoration of his or her privilege to practice law;
- (2) The petitioner has not practiced law in this State or attempted to do so since he or she was disciplined;
- (3) The petitioner has complied fully with the terms of the order for discipline;
- (4) The petitioner's attitude towards the misconduct for which he or she was disciplined is one of genuine remorse;
- (5) The petitioner's conduct since the discipline was imposed has been exemplary and above reproach;
- (6) The petitioner has a proper understanding of and attitude towards the standards that are imposed upon members of the bar and will conduct himself or herself in conformity with such standards;
- (7) The petitioner can safely be recommended to the legal profession, the courts and the public as a person fit to be consulted by others and to represent them and otherwise act in matters of trust and confidence, and in general to aid in the administration of justice as a member of the bar and an officer of the Courts;
- (8) The disability has been removed, if the discipline was imposed by reason of physical or mental illness or infirmity, or for use of or addiction to intoxicants or drugs;

(9) The petitioner has taken the Multistate Professional Responsibility Examination (MPRE) within six (6) months before or after the date the petition for reinstatement is filed and passed with a scaled score of eighty (80) or above.

(c) Whenever a person is suspended for a definite period not to exceed six (6) months with provision for automatic reinstatement, the commission shall have the right to file written objections to such automatic reinstatement, setting forth its reasons for such objections, which shall be limited to:

- (1) failure to comply with the terms of the order;
- (2) pendency of other complaints;
- (3) failure to comply with the terms of Section 26, infra; and
- (4) failure to satisfy fully the costs of the proceeding assessed pursuant to Section 16.

Such objections must be filed with the Court at least ~~ten (10)~~ fifteen (15) days prior to the expiration of such period of suspension, and a copy of such objections shall be mailed to the suspended attorney. The Court shall conduct a hearing on such objections and upon the question of reinstatement of such attorney, except that the Court need not conduct a hearing when the reason for the objections is the respondent's failure to satisfy fully the costs of the proceeding assessed pursuant to Section 16. After such hearing, the Court shall determine whether or not such suspended attorney shall be reinstated. If the Court determines that such attorney should not then be reinstated, the Court shall, in its order, specify when such attorney shall be eligible to apply for reinstatement pursuant to subsection (a) of this section.

If the Court determines that the respondent has failed to satisfy fully the costs assessed against him or her, the Court may enter an order staying the automatic reinstatement until the suspended attorney satisfies fully the costs of the proceeding assessed against such attorney or until further order of the Court.

(d) The Court may provide for reinstatement on other terms and by other procedures than those set forth above, such as reinstatement conditioned only on the attorney's submission of proof of compliance with a requirement for reinstatement.

...

Section 6. Composition of Supreme Court Disciplinary Commission

...

(b) The Disciplinary Commission shall consist of nine (9) members appointed by the Supreme Court of Indiana, seven (7) of whom shall be admitted to the Bar of the Supreme Court and two (2) of whom shall be lay persons. Those who are not members of the Bar must take and subscribe to an oath of office which shall be filed and maintained by the Clerk ~~of this Court~~. A reasonable effort shall be made to provide a geographical representation of the State. The term of each member shall be for five (5) years. Provided, however, upon the effective date of this rule, two (2) members shall be appointed for a term of two (2) years, two (2) members for a term of three (3) years, two (2) members for a term of four (4) years and one (1) member for a term of five (5) years. The initial term of the two additional members authorized by the amendment of

this subsection effective February 1, 1996, shall be for two (2) and four (4) years, respectively. Thereafter, the terms of each appointee shall be for five (5) years, or in the case of an appointee to fill the vacancy of an unexpired term, until the end of such unexpired term. Any member may be terminated by the Court for a good cause.

(c) Commission members who are not admitted to the Bar shall not be eligible for appointment as hearing officers under Section 18(b) of this rule.

...

Section 10. Investigatory Procedures

...

(e) It shall be the duty of every attorney against whom a grievance is filed under this Section to cooperate with the Commission's investigation, accept service, comply with the provisions of these rules, and when notice is given by registered or certified mail, claim the same in a timely manner either personally or through an authorized agent. Every attorney is obligated under the terms of Admission and Discipline Rule 2 to notify the Clerk of the Supreme Court of any change of address or name within thirty (30) days of such change, and a failure to file the same shall be a waiver of notice involving licenses as attorneys or disciplinary matters.

...

Section 11. Pre-hearing Procedures

...

(b) If after such consideration, the Commission determines there is a reasonable cause to believe the respondent is guilty of misconduct which would warrant disciplinary action, it shall file with the Clerk a complaint as provided in Section 12. Upon the filing of a complaint, the Supreme Court shall appoint a hearing officer or officers, not to exceed three (3) in number, who shall be members of the Bar of this Court, none of whom shall be members of the Disciplinary Commission, to hear and determine said charges. A respondent may on a showing of good cause petition the Court for a change of hearing officer within ten (10) days after the appointment of such hearing officer.

(c) After the filing of a complaint with the Clerk, the parties (commission and respondent) may conditionally agree upon the discipline to be imposed, in which event they shall jointly submit to the Division of State Supreme Court Administration Office a statement of circumstances which shall contain the charges, the facts agreed to, the facts in dispute, the evidence the parties separately believe would be adduced in a hearing, the charge(s) which the parties agree are established, and the discipline with which the parties are in conditional agreement. Said agreement shall also contain an affidavit executed by the respondent stating that the respondent consents to the agreed discipline and that:

...

Section 11.2 Filing and Service of Pleading and Other Papers

(a) *Filing.*

(1) Except as otherwise provided in subsection (2) hereof, all pleadings and papers subsequent to the complaint which are required to be served upon a party shall be filed with the Clerk ~~of the Supreme Court~~.

(2) No deposition or request for discovery or response thereto shall be filed with the Court unless required under circumstances set forth in Trial Rule 5(D)(2).

(3) Original depositions shall be maintained according to the procedures set forth in Trial Rule 5(D)(3).

(4) In the event it is made to appear to the satisfaction of the hearing officer that the original of a deposition or request for discovery or response thereto cannot be filed with the Court when required, the Court may allow use of a copy instead of the original.

(5) The filing of any deposition shall constitute publication.

(b) *Filing With the Court Defined.* All papers will be deemed filed with the Clerk when they are:

(1) personally delivered to the Clerk;

(2) deposited in the United States Mail, postage prepaid, properly addressed to the Clerk; or

(3) deposited with any third-party commercial carrier for delivery to the Clerk within three (3) calendar days, cost prepaid, properly addressed.

(c) *Filing; Number of Copies.* Except as otherwise provided in this rule, the following shall be filed with the Clerk:

(1) An original and one (1) copy of any pleading, motion or other paper directed to the attention of the hearing officer that is filed between the date the Court appoints the hearing officer and the date the hearing officer files written findings of fact.

(2) An original and one (1) copy of a motion for extension of time, an appearance, a motion to withdraw appearance, a petition by the Commission for an order to show cause under Rule 23(10)(f), and a motion by the Commission to dismiss a show cause proceeding under Rule 23(10)(f).

(3) An original and five (5) copies of all other documents filed with the Clerk.

(d) *Required Service.* All documents tendered to the Clerk for filing must be served upon all parties or their counsel and the hearing officer, after one has been appointed.

(e) *Time for Service.* A party shall serve a document no later than the date the document is filed.

(f) *Manner and Date of Service.* Unless otherwise provided in this rule, all papers will be deemed served when they are:

(1) personally delivered;

(2) deposited in the United States Mail, postage prepaid, properly addressed; or

(3) deposited with any third-party commercial carrier for delivery within three (3) calendar days, cost prepaid, properly addressed.

(g) *Certificate of Service.* An attorney or unrepresented party tendering a document to the Clerk for filing shall certify that service has been made, list the parties or other served, and specify the date and means of service. The certificate of service shall be placed at the end of the documents and shall not be separately filed. The separate filing of a certificate of service,

however, shall not be grounds for rejecting a document for filing. The Clerk may permit documents to be filed without a certificate of service but shall require prompt filing of a separate certificate of service.

~~(h) *Time Calculation.* If service is made by mail, an additional three (3) days shall be allowed for service of any responsive document.~~

Section 11.3. Computation of Time

(a) *Non-Business and Business Days.* For purposes of this rule, a non-business day shall mean a Saturday, a Sunday, a legal holiday as defined by state statute, or a day the Office of the Clerk is closed during regular business hours. A business day shall mean all other days.

(b) *Counting Days.* In computing any period of time allowed by these Rules, by order of the court, or by any applicable statute, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed is to be included unless it is a non-business day. If the last day is a non-business day, the period runs until the end of the next business day. When the time allowed is less than seven (7) days, all non-business days shall be excluded from the computation.

(c) *Extension of Time When Served by Mail or Carrier.* When a party serves a document by mail or third-party commercial carrier, the time period for filing any response or reply to the document shall be extended automatically for an additional three (3) days from the date of deposit in the mail or with the carrier. This Rule does not extend any time period that is not triggered by a party's service of a document, such as the time for filing a petition for review.

Section 12. Prosecution of Grievances

...

(b) An administrative admonition shall be issued in the form of a letter from the Executive Secretary to the respondent summarizing the facts and setting out the applicable violations of the Rules of Professional Conduct. A copy of the admonition letter shall first be sent to each Justice of the Supreme Court and to the ~~Division of State Supreme Court Administration Office~~. The administrative admonition shall be final within thirty (30) days thereafter, unless set aside by the Court. If not set aside by the Court, the admonition shall be sent to the respondent, and notice of the fact that a respondent has received a private administrative admonition shall be given by the Executive Secretary to the grievant. The fact that an attorney has received a private administrative admonition shall be a public record, which shall be filed with the Clerk ~~of this Court~~ and shall be kept by the Executive Secretary.

...

(e) Contemporaneously with the filing of the complaint, the Commission shall promptly prepare and furnish to the ~~clerk~~ Clerk as many copies of the complaint and summons as are

necessary. The ~~clerk~~-Clerk shall examine, date, sign and affix his/her seal to the summons and thereupon issue and deliver the papers to the appropriate person for service. Separate or additional summons shall be issued by the ~~clerk~~-Clerk at any time upon proper request by the Commission.

(f) The summons shall contain:

- (1) The name and address of the person on whom the service is to be effected;
- (2) The Supreme Court cause number assigned to the case;
- (3) The title of the case as shown by the complaint;
- (4) The name, address, and telephone number of the Disciplinary Commission;
- (5) The time within which this rule requires the person being served to respond, and a clear statement that in case of his or her failure to do so, the allegations in the complaint shall be taken as true.

The summons may also contain any additional information that will facilitate proper service.

(g) Upon the filing of such complaint, the summons and complaint shall be served upon the respondent by delivering a copy of them to the respondent personally or by sending a copy of them by registered or certified mail with return receipt requested and returned showing the receipt of the letter.

In the event the personal service or service by registered or certified mail cannot be obtained upon any respondent attorney, said summons and complaint shall be served on the Clerk ~~of this Court~~ as set forth ~~below~~ in Section 12(h) of this rule.

(h) Each attorney admitted to practice law in this State shall be deemed to have appointed the Clerk ~~of this Court~~ as his or her agent to receive service of any and all papers, processes or notices which may be called for by any provision of this rule. Such papers, process or notice may be served by filing the same with the Clerk ~~of this Court~~ as the agent for said attorney, together with an affidavit setting forth the facts necessitating this method of service. Upon receipt of such papers, process or notice together with such affidavit, the Clerk ~~of this Court~~ shall immediately mail such papers, process or notice to such attorney at the attorney's office address, or if unavailable the attorney's residence address, as shown upon the records of the Clerk ~~of this Court~~, and the Clerk shall make an affidavit file a written certification showing the mailing of such papers, process or notice to said attorney. Upon the completion of this procedure, said attorney shall be deemed to have been served with such papers, process or notice.

...

Section 13. Hearing Officers

In addition to the powers and duties set forth in the rule, hearing officers shall have the power and duty to:

- (a) Conduct a hearing on a complaint of misconduct ~~within sixty (60) days after the hearing officer is appointed and has qualified;~~
- (b) Administer oaths to witnesses;
- (c) Receive evidence and file a "Hearing Officer's Report" make making written findings of fact and conclusions of law and recommendations to the Court; and
- (d) Do all things necessary and proper to carry out their responsibilities under this rule.

Section 14. Proceedings Before the Hearing Officer

(a) The rules of pleading and practice in civil cases shall not apply. No motion to dismiss or dilatory motions shall be entertained. The case shall be heard on the complaint and an answer which shall be filed by the respondent within thirty (30) days after service of the summons and complaint, or such additional time as may be allowed upon written application to the hearing officer that sets forth good cause. A written application for enlargement of time to answer shall be automatically allowed for an additional thirty (30) days from the original due date without a written order of the Hearing Officer. Any motion for automatic enlargement of time filed pursuant to this rule shall state the date when such answer is due and the date to which time is enlarged. The motion must be filed on or before the original due date or this provision shall be inapplicable. All subsequent motions shall be so designated and shall be granted by the hearing officer only for good cause shown. ~~An answer shall assert any legal defense. Six (6) copies of such answer shall be filed with the Court. A respondent may on a showing of good cause petition for a change of hearing officer within ten (10) days after the appointment of such hearing officer.~~

(b) The answer shall admit or controvert the averments set forth in the complaint by specifically denying designated averments or paragraphs or generally denying all averments except such designated averments or paragraphs as the respondent expressly admits. If the respondent lacks knowledge or information sufficient to form a belief as to the truth of an averment, he or she shall so state and his statement shall be considered a denial. If in good faith the respondent intends to deny only a part of an averment, he or she shall specify so much of it as is true and material and deny the remainder. All denials shall fairly meet the substance of the averments denied. Averments in a complaint are admitted when not denied in the answer. The answer ~~may~~ shall assert any legal defense. ~~Six (6) copies of such answer shall be filed with the Court. A respondent may on a showing of good cause petition for a change of hearing officer within (10) days after the appointment of such hearing officer.~~

...

(f) Within thirty (30) days after the hearing officer is appointed and has qualified, the hearing officer shall schedule a date for a final hearing on the complaint, which date, absent good cause to the contrary, shall be within ninety (90) days of the same.

~~(g)~~ The grievant, the respondent, and the Commission shall be given not less than fifteen (15) days written notice of the hearing date. The respondent shall have the right to attend the hearing in person, to be represented by counsel, to cross-examine the witnesses testifying against him or her and to produce at the hearing and require the production of evidence and witnesses in his or her own behalf at the hearing, as in civil proceedings. All notices connected with processing of such complaint shall be issued only under the direction of the hearing officer or hearing officers, and no other court or judicial officer of this State shall have jurisdiction to issue any orders or processes in connection with a disciplinary complaint. Upon request of a party, the hearing officer may issue a subpoena, or a subpoena for the production of documentary evidence, signed and sealed but otherwise in blank, to a party requesting it or his or her attorney, who shall

fill it in before service. The hearing officer may also authorize an attorney admitted to practice law in this state who has appeared for a party, as an officer of the court, to issue and sign such subpoena. Subpoenas for the attendance of witnesses and production of documentary evidence shall conform to the provisions of Trial Rule 45. The hearing officer or officers shall have authority to enforce, quash or modify subpoenas upon proper application by an interested party or witness.

(gh) The proceedings may be summary in form and shall be without the intervention of a jury and shall be ~~reported~~conducted on the record.

(hi) Within thirty (30) days after the conclusion of the hearing, the hearing officer shall determine whether misconduct has been proven by clear and convincing evidence and shall ~~submit to the Supreme Court~~ file with the Clerk a written "Hearing Officer's Report" with findings of fact and conclusions of law. Either party may request or the hearing officer at his or her own motion may make a recommendation concerning the disposition of the case and the discipline to be imposed. Such recommendation is not binding on the Supreme Court. A copy of ~~the report said findings and any recommendations~~ shall be served by the hearing officer on the respondent and the Executive Secretary of the Disciplinary Commission at the time ~~of filing same with the Supreme Court~~ the report is filed with the Clerk.

Section 15. Supreme Court Review

(a) The respondent or Commission shall have thirty (30) days after the filing of the ~~h~~Hearing Officer's finding and recommendation Report to petition for a review of the same before the Supreme Court. Instead of a petition for review, the respondent or the Commission may file a brief on sanctions. If no petition for review or brief on sanctions is filed within thirty (30) days of the ~~finding and recommendation of the hearing officer~~ filing of the Hearing Officer's Report, the Supreme Court shall enter judgment or such other appropriate order ~~in the premises~~.

(b) In the event a party does not concur in a factual finding made by the hearing officer and asserts error in such finding in the petition for review, such party shall file with the petition for review a record of all the evidence before the hearing officer relating to this factual issue. Within thirty (30) days of the filing of the transcript, opposing parties may file such additional transcript as deemed necessary to resolve the factual issue so raised in the petition for review. Any transcript filed must be settled, signed and certified as true and correct by the hearing officer. The cost of procuring a transcript shall be borne by the party obtaining it for purposes of seeking review.

(c) The respondent or Commission may file a brief at the time a petition for review is filed. Opposing parties shall have thirty (30) days from the ~~filing date~~ date of service of the petition for review or brief on sanctions to file a response brief. The party opposing a petition for review may raise in its brief any issues for review that were not raised in the brief of the party filing the petition for review. The party filing the petition for review or brief on sanctions shall then have fifteen (15) days from the date of service of the response brief to file a reply brief. The briefs filed under the provisions of this rule need not conform to the Rules of Appellate Procedure adopted by this Court.

Section 16. Expenses

The judgment of this Court imposing discipline will normally include an order that the respondent pay the costs and expenses of the proceeding. The Executive Secretary shall prepare

an itemized statement of expenses allocable to each case, including expenses incurred by the Commission in the course of the investigatory, hearing or review procedures under this rule and costs attributable to the services of the hearing officer. The Executive Secretary shall include in the itemized statement of expenses a fee of one hundred dollars (\$100) payable to the Clerk of this Court, as reimbursement for the Clerk's processing of all papers in connection with the proceeding. Proceedings for the collection of the costs taxed against the respondent may be initiated by the Executive Secretary on the order approving expenses and costs entered by this Court. An attorney who fails to pay costs and expenses assessed pursuant to this section by the due date of the annual registration fee required by Admission and Discipline Rule 2(b) shall be subject to an order of suspension from the practice of law pursuant to Indiana Admission and Discipline Rule 2(h), and shall be reinstated only upon paying the outstanding costs and expenses and submitting to the Clerk a written application for reinstatement and payment of an administrative reinstatement fee of two hundred dollars (\$200).

Section 17. Resignations and Consents to Discipline on Admission of Misconduct

(a) An attorney who is the subject of an investigation into, or a pending proceeding involving, allegations of misconduct may resign as a member of the bar of this Court, or may consent to discipline, but only by delivering ~~to the Court~~ an affidavit and five copies to the Supreme Court Administration Office and providing a copy to the Commission. The affidavit shall state ~~stating~~ that the respondent desires to resign or to consent to discipline and that:

- (1) The respondent's consent is freely and voluntarily rendered; he or she is not being subjected to coercion or duress; he or she is fully aware of the implications of submitting his or her consent;
- (2) The respondent is aware that there is a presently pending investigation into, or proceeding involving, allegations that there exist grounds for his or her discipline the nature of which shall be specifically set forth;
- (3) The respondent acknowledges that the material facts so alleged are true; and
- (4) The respondent submits his or her resignation or consent because the respondent knows that if charges were predicated upon the matters under investigation, or if the proceeding were prosecuted, he or she could not successfully defend himself or herself.

(b) Upon receipt of the required affidavit in support of resignation, this Court may enter an order approving the resignation. In the case of consent to discipline, the Commission and the respondent may file a brief regarding an appropriate sanction within thirty (30) days of delivery of the required affidavit. The Court shall then enter an order ~~of~~ imposing a disciplinary sanction on consent.

(c) ~~Such~~ An order entered under (b) above shall be a matter of public record. However, the affidavit required under the provisions of (a) above shall not be publicly disclosed or made available for use in any other proceeding except upon order of this Court.

Section 17.1. Termination of Probation

~~Unless otherwise provided in the order of probation, an attorney on probation at any time after 10 days prior to expiration of the period of probation may serve on the Executive Secretary (i) an affidavit showing successful compliance with all terms of probation, and (ii) an application for termination of probation. The Executive Secretary shall have ten (10) days after receipt to serve written objections on the attorney. Upon Service of any objection the~~

~~probation shall continue until further ordered by the Court. If no objection has been served, termination shall be effective ten (10) days (or thirteen (13) days if the application is served by mail) after receipt by the Executive Secretary.~~

(a) Unless provided in the order of probation, disciplinary probation shall remain in effect until terminated pursuant to this rule or by Court order.

(b) At any time after fifteen (15) days prior to expiration of a period of probation, an attorney on probation may file with the Clerk and shall serve on the Commission (i) a "Petition for Termination of Probation," and (ii) an affidavit by the attorney attesting to successful compliance with all terms of probation.

(c) The Commission shall have fifteen (15) days after service of a petition for termination of probation to file with the Clerk and serve on the attorney an objection to the petition. If such an objection is filed, the order of probation and all related obligations shall continue until further order of the Court. The attorney shall have fifteen (15) days after service of an objection to file a response. The Commission shall have ten (10) days after service of a response to file a reply.

(d) If no objection to a petition for termination of probation is filed, the petition shall be deemed granted with no further action required by the Court, effective fifteen (15) days after the petition was filed, and the Clerk shall adjust the attorney's status on the Roll of Attorneys to reflect that the attorney is no longer on probation.

...

Section 17.2. Revocation of Probation

...

(d) *Disposition.* After the time for filing an answer has expired, the Court may dispose of the matter on the pleadings and supportive materials or, in the event there are material factual disputes, may refer it to a hearing officer who shall hold a hearing on the revocation motion within fourteen (14) days of the date the hearing officer is appointed. The hearing officer shall file with the Clerk ~~of the Court~~ findings and a recommendation within ten (10) days of the hearing. Following receipt of the hearing officer's findings and recommendation, the Court shall enter an order granting or denying the revocation motion and entering an appropriate disposition consistent with the Court's ruling in the matter.

...

Section 18. Petitions for Reinstatement:

(a) A person who has been suspended from the practice of law under the provisions of this rule, except pursuant to Section 11.1(c) of this rule, may apply for reinstatement by filing with the Clerk ~~of this Court~~ a petition conforming with the requirements of Section 4 of this rule. Nine (9) copies of such petition shall be filed with the Clerk ~~of this Court~~, together with a filing fee of five hundred dollars (\$500.00).

A person who has been suspended pursuant to Section 11.1(c) of this rule may petition for reinstatement and pay a filing fee pursuant to subsection (c) of this section. If costs have been imposed as part of an order of suspension, those costs must be paid before any petition for

reinstatement is filed.

Upon the filing of such petition and filing fee under this subsection, the commission shall schedule a hearing. After such hearing, the commission shall determine whether the petitioner has met the requirements set forth in Section 4 of this rule and may recommend that the Supreme Court enter an order continuing the suspension or reinstating the petitioner as a member of the Bar of this Court on such terms and conditions as the Supreme Court may deem proper. The applicant for reinstatement may petition this Court for a review of the recommendation of the Commission within thirty (30) days of the entry thereof.

...

(c) An attorney suspended pursuant to Section 11.1(c) of this rule may be automatically reinstated by the Supreme Court upon filing a petition for reinstatement and presenting therewith a certified copy of a court order stating that the attorney is no longer in intentional violation of an order for child support. Nine (9) copies of such petition shall be filed with the Clerk of this Court together with a filing fee of two hundred dollars (\$200).

...

Section 19. Assistance of Law Enforcement Agencies and to Lawyer Disciplinary Agencies in Other Jurisdictions

...

(b) The Supreme Court may order a person domiciled or found within this state to give testimony or a statement or to produce documents or other things for use in an lawyer~~attorney~~ discipline or disability proceeding in another state. The order may be made upon the application of any interested person or in response to a letter rogatory, and may prescribe the practice and procedure, which may be wholly or in part the practice and procedure of a tribunal outside this state, for the taking of the testimony or statement or producing the documents or other things. To the extent that the order does not prescribe otherwise, the practice and procedure shall be in accordance with the applicable provisions of the Indiana Rules of Trial Procedure. The order may direct that the testimony or statement be given, or document or other thing be produced, before a person appointed by the Court. A person may be required to give testimony or a statement only in the county wherein he or she resides or is employed or transacts business in person, or at such other convenient place as is fixed in the order. The person appointed shall have the power to administer any necessary oath. Any order to testify or to produce documents or other things issued as prescribed in this subsection may be enforced in the circuit court of the county wherein the person commanded to appear is domiciled, upon petition of any party interested in the subject attorney discipline or disability proceeding.

Section 20. Immunity

Each person shall be absolutely immune from civil suit for all of his or her ~~sworn-oral~~ or written statements, ~~made without malice, and~~ intended for transmittal either: a) to the

Commission, the Executive Secretary, or the Commission staff, or made in the course of investigatory, hearing or review proceedings under this rule; or b) to a Lawyers Assistance Program approved by the Supreme Court. ~~Sworn-Oral~~ or written statements made to others which are not intended for such transmittal have no immunity under this Section. The Executive Secretary, his staff, counsel, investigators, hearing officers, and the commissioners shall be immune from suit for any conduct arising out of the performance of their duties.

...

Section 22. Public Disclosure

(a) Except as provided in Section 22(b), after a verified complaint has been filed with the Court, all proceedings, except for adjudicative deliberations, and all papers filed of record with the Clerk shall be open and available to the public. Proceedings and papers that relate to matters that have not resulted in the filing of a verified complaint shall not be open and available to the public. Investigative reports and other work product of the Executive Secretary or his or her agents, and statements of circumstances conditionally agreeing to discipline submitted pursuant to Section 11(c), shall be confidential and not open to public inspection.

...

Section 28. Discipline Imposed by Other Jurisdictions

(a) Within fifteen (15) days of the issuance of any final order in another jurisdiction imposing a public disciplinary sanction, an lawyerattorney admitted to practice in this state shall notify the Executive Secretary in writing of the discipline. Upon notification from any source that an lawyerattorney admitted to practice in Indiana has been publicly disciplined in another jurisdiction, the Executive Secretary shall obtain a certified copy of the order of discipline.

(b) Upon receipt of a certified copy of an order demonstrating that an lawyerattorney admitted to practice in Indiana has been disciplined in another jurisdiction, resulting in suspension or revocation of the lawyerattorney's license to practice law in that jurisdiction, disbarment or acceptance of resignation with an admission of misconduct, the Executive Secretary shall file a notice with the Court, attaching a certified copy of the order of discipline, and request the issuance of an order to the Executive Secretary and the lawyerattorney directing them to show cause in writing within thirty (30) days from service of the order why the imposition of ~~identical-reciprocal~~ discipline in this state would be unwarranted.

(c) Upon the expiration of thirty (30) days from service of the order set out in subsection (b), this Court shall ~~impose discipline identical to that ordered in the other jurisdiction~~ suspend the attorney from the practice of law in this state indefinitely unless the Executive Secretary or the lawyerattorney demonstrate, or this Court finds that it clearly appears upon the face of the record from which the discipline is predicated, that:

- (1) The procedure was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process;
- (2) There was such infirmity of proof establishing the misconduct as to give rise to the clear conviction that the Court could not, consistent with its duty, accept as final the conclusion on that subject;
- (3) The imposition of ~~the same discipline~~ suspension by the Court would be inconsistent with

standards governing sanctions in this rule or would result in grave injustice; or

(4) The misconduct established warrants substantially different discipline in this state.

If this Court determines that any of those elements exists, this Court shall enter such other order of discipline as it deems appropriate. The burden is on the party seeking different discipline in this state to demonstrate that the imposition of the same discipline is unwarranted.

(d) In all other aspects, a final adjudication in another jurisdiction that an ~~lawyer~~attorney has been guilty of misconduct shall establish conclusively the misconduct for purposes of a disciplinary proceeding in this state.

(e) An attorney suspended under this section may file a "Motion for Reinstatement" in this state only after the attorney is reinstated to the practice of law in the jurisdiction that imposed the discipline and after the attorney has paid all costs assessed by the Court against him or her. However, regardless of the attorney's date of reinstatement in the foreign jurisdiction, the attorney's suspension in this state shall not be lifted until the attorney has been suspended at least as long as the attorney was suspended in the foreign jurisdiction.

(1) The suspension in this state shall be deemed to begin on the date the foreign suspension begins only if the attorney promptly notifies the Commission of the foreign suspension and states that the attorney has suspended his or her practice in Indiana as of the date the foreign suspension began.

(2) The motion for reinstatement shall be verified, shall be accompanied by certified proof of reinstatement in the foreign jurisdiction, and shall state the length of time the attorney was suspended in the foreign jurisdiction and the date on which the length of the attorney's Indiana suspension equals the length of the attorney's foreign suspension.

(3) The Court may grant the motion without appointment of a hearing officer, and the provisions of Admission and Discipline Rules 23(4) and (18) shall not apply.

(4) If the attorney's reinstatement in the foreign jurisdiction is subject to terms of probation, the attorney's reinstatement in Indiana shall be subject to compliance with those terms as determined by the disciplinary authorities in the foreign jurisdiction.

...

Section 30. Audits of Trust Accounts

(a) *Generally.* Whenever the Executive Secretary has probable cause to believe that a trust account of an attorney contains, should contain, or has contained funds belonging to a client that have not been properly maintained or properly handled pursuant to Section ~~2829~~, the Executive Secretary shall request the approval of the Commission to audit the accuracy and integrity of all trust accounts maintained by the attorney. In the event that the Commission approves, the Executive Secretary shall proceed to audit the accounts.

(b) *Confidentiality.* Investigations, examinations, and audits shall be conducted so as to preserve the private and confidential nature of the attorney's records insofar as is consistent with these rules.

...

Rule 25. Judicial Disciplinary Proceedings

Preamble. The regulation of judicial conduct is critical to the integrity of the judiciary and to public confidence in the judicial system. The purpose of this rule is to provide a mechanism for the discipline of judicial officers of the State of Indiana.

I. Jurisdiction.

...

E. The Commission shall have jurisdiction over violations of Canon 5_4 of the Code of Judicial Conduct committed by a candidate for judicial office.

...

Rule 26. Group Legal Service Plans

(A) A "group legal service plan" is a plan or arrangement by which legal services are rendered (1) to individual members of a group identifiable in terms of substantial common interest; (2) by a lawyer provided, secured, recommended or otherwise selected by: (a) the group, its organization, or its officers; (b) some other agency having an interest in obtaining legal services for members of the group; or (c) the individual members. Not-for-profit legal services programs funded through governmental appropriations are excluded from this rule.

...

(B) A lawyer may not render legal services pursuant to a group service plan unless the following conditions have been satisfied:

...

- (3) A copy of the group legal service plan has been filed with the Clerk of the Supreme Court and Court of Appeals together with a one hundred dollar (\$100) filing fee; and
- (4) The requirements, as appropriate, for an initial disclosure statement or annual report have been met.

...

Rule 27. Professional Corporations, Limited Liability Companies and Limited Partnerships

Section 1. General Provisions. One or more lawyers may form a professional corporation, limited liability company or a limited liability partnership for the practice of law under Indiana

Code 23-1.5-1, IC 23-18-1 and IC 23-4-1, respectively.

(a) The name of the professional corporation, limited liability company or limited liability partnership shall contain the surnames of some of its members, partners or other equity owners followed by the words "Professional Corporation," "PC," "P.C.," "Limited Liability Company," "L.L.C.," "LLC," "Limited Liability Partnership," "L.L.P.," or "LLP," as appropriate. Such a professional corporation, limited liability company, or limited liability partnership shall be permitted to use as its name the name or names of one or more deceased or retired members of a predecessor law firm in a continuing line of succession, subject to Rule of Professional Conduct 7.2.

...

Section 2. Applications for Registration

~~(a)~~ Lawyers seeking to organize or practice by means of a professional corporation, limited liability company or limited liability partnership shall submit an obtain applications for a certificate of registration to do so and instructions for preparing and submitting these applications from to the State Board of Law Examiners.

(b) The Board of Law Examiners shall publish instructions for submission of the application and a prescribed form for use by all lawyers seeking to organize under this Rule. The application shall include, at a minimum, the following: Applications shall be upon a form prescribed by the State Board of Law Examiners.

(1) Two copies of the application for a certificate of registration shall be delivered to the State Board of Law Examiners; and, accompanied by a

(2) A registration fee of two hundred dollars (\$200.00), plus ten dollars (\$10.00) for each officer, director, shareholder, member, partner, other equity owner or lawyer employee licensed to practice law in Indiana of the professional corporation, limited liability company or limited liability partnership; and,

(3) Two copies of a certification of the Clerk of the Supreme Court and Court of Appeals of Indiana that each officer, director, shareholder, member, partner, other equity owner or lawyer employee who will practice law in Indiana holds an unlimited license to practice law in Indiana; and,

(4) Two copies of a certification of the Indiana Disciplinary Commission that each officer, director, shareholder, member, partner, other equity owner or lawyer employee licensed to practice in Indiana has no disciplinary complaints pending against him or her and if he or she does, what the nature of each such complaint is; and,

(5) Applications must be accompanied by four copies of the Articles of Incorporation, Articles of Organization or Registration of the professional corporation, limited liability company or limited liability partnership with appropriate fees for the Secretary of State.

~~All forms are to be filed with the State Board of Law Examiners.~~

(c) Upon receipt of such application form and fees, the State Board of Law Examiners shall make an investigation of the professional corporation, limited liability company or limited liability partnership in regard to finding that all officers, directors, shareholders, members, partners, other equity owners, managers of lawyer employees licensed to practice law in Indiana are each duly licensed to practice law in Indiana and that all hereinabove outlined elements of this Rule have been fully complied with, and the Clerk of the Supreme Court and Court of Appeals shall likewise certify this fact. The Executive Secretary of the Indiana Disciplinary

Commission shall certify whether a disciplinary action is pending against any of the officers, directors, shareholders, members, partners, other equity owners, managers or lawyer employees licensed to practice in Indiana. If it appears that no such disciplinary action is pending and that all officers, directors, shareholders, members, partners, other equity owners, managers of lawyer employees required to be are duly licensed to practice law in Indiana are, and that all hereinabove outlined elements of this Rule have been fully complied with, the Board shall issue a certificate of registration which will remain effective until ~~January 1st~~ June 30th of the year following the date of such registration.

Section 3. Renewal of Certificate of Registration; Fees

(a) A certificate of registration shall continue in force for one year (July 1 thru the following June 30), and may be renewed for a like period upon the submission of such verified information to the Board of Law Examiners as will demonstrate

~~Upon written application of the holder, upon a form prescribed by the State Board of Law Examiners, accompanied by a fee of fifty dollars (\$50.00), the Executive Director of the Board shall annually renew the certificate of registration, if the Board finds that the professional corporation, limited liability company or limited liability partnership has complied with the provisions of the statute under which it was formed and this Rule.~~

(b) Such application for renewal shall be filed each year on or before November 30th. Each professional corporation, limited liability company or limited liability partnership formed pursuant to this Rule shall pay a renewal fee of fifty dollars (\$50.00) on or before June 30 of each year; a delinquent fee in the amount of twenty-five dollars (\$25.00) shall be added to the renewal fee for fees paid after June 30 and on or before July 15 of each year; a delinquent fee in the amount of fifty dollars (\$50.00) shall be added to the renewal fee for fees paid after July 15 and on or before August 31 of each year; a delinquent fee in the amount of one hundred fifty dollars (\$150.00) shall be added to the renewal fee for fees paid after August 31 of each year. Additionally, a one hundred dollar (\$100.00) surcharge will be added to the late fee for each consecutive year for which the attorney fails to timely file the renewal form. This renewal fee is in addition to any annual registration and fees paid under Rule 2 and/or Rule 6.

Section 4. Registration of Changes; Fees

(a) Within ~~ten~~ thirty (~~10~~30) days after any change in the officers, directors, shareholders, members, partners, other equity owners or lawyer employees licensed to practice in Indiana, a written listing setting forth the names and addresses of each shall be filed with the State Board of Law Examiners with a fee of ten dollars (\$10.00) for each new person listed-

(b) A delinquent fee of ten dollar (\$10.00) for each new person listed shall be added to the Registration Change Fee for fees paid after the 30th day. Additionally, a twenty-five dollar (\$25.00) surcharge will be added to the late fee for each consecutive time for which the Registration of Changes fails to be timely filed. This Registration of Changes fee is in addition to any annual registration and fees paid under Rule 2, Rule 6 or otherwise in this Rule.

(c) Copies of any amendments to the Articles of Incorporation, Articles of Organization or Registration of the professional corporation, limited liability company or limited liability partnership thereafter filed with the Secretary of State's office shall also be filed with the State Board of Law Examiners.

Section 5. Failure to Pay Renewal Fee; Revocation of Certificate of Registration

(a) Any lawyer practicing under a certificate of registration who fails to pay the renewal fee required under Section 3(b) or fails to file the affidavit required under Section 7 shall be subject to revocation of the certificate of registration and sanctions for contempt of this Court in the event he or she thereafter engages in the practice of law under the professional corporation, limited liability company or limited liability partnership in this State.

(b) Any lawyer whose certificate of registration has been revoked pursuant to this provision and wishes to engage in the practice of law under the professional corporation, limited liability company or limited liability partnership in this State may apply for a new certificate of registration pursuant to Section 2 of this Rule.

Section 6. Annual Renewal Notice. On or before May 1 of each year, the Executive Director of the State Board of Law Examiners shall mail a notice to each professional corporation, limited liability company or limited liability partnership registered pursuant to this Rule that (i) a renewal fee must be paid on or before June 30; and (ii) the attorney must (a) affirm continued compliance with this Rule to maintain the certificate of registration or (b) submit the signed relinquish affidavit to the State Board of Law Examiners on or before June 30. Notice sent pursuant to this section shall be sent to the name and address maintained by the Clerk of the Supreme Court pursuant to Admission & Discipline Rule 2 for the attorney listed as the registered agent pursuant to the records previously filed with the State Board of Law Examiners.

Section 7. Relinquishing of Certificate of Registration. Any lawyer who is registered to practice law pursuant to this Rule who is current in payment of all applicable registration fees and other financial obligations imposed by this rule who no longer is able to meet the requirements to maintain such registration or who no longer practices under the professional corporation, limited liability company or limited liability partnership may voluntarily relinquish his or her certificate of registration by tendering a signed relinquish affidavit to the Executive Director of the State Board of Law Examiners no later than June 30 of the reporting year (July 1 through June 30). The Executive Director shall promptly verify the eligibility of the lawyer to relinquish the certificate of registration under this section and if eligible, forward a notice of the relinquishment to the Secretary of State. In the event that the lawyer is not eligible to relinquish under this section, the Executive Director shall promptly notify the lawyer of all reasons for ineligibility.

These amendments shall take effect January 1, 2010.

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.

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

The Clerks of the Circuit 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 15th day of September, 2009.

/s/ Randall T. Shepard
Chief Justice of Indiana

SHEPARD, C.J. and SULLIVAN and BOEHM, JJ concur.

DICKSON, J. concurs except as to Admission and Discipline Rule 23 § 20 from which he dissents.

RUCKER, J. concurs except as to Admission and Discipline Rules 2 and 23 § 20 from which he dissents.