

SUPREME COURT
OF INDIANA



DIVISION OF SUPREME COURT ADMINISTRATION

315 Statehouse • 200 W. Washington St.

Indianapolis, Indiana 46204-2732

(317) 232-2540 • fax (317) 232-8372 • www.in.gov/judiciary

June 18, 2009

Donald R. Lundberg, Executive Secretary
Indiana Supreme Court Disciplinary Commission
30 South Meridian Street, Suite 850
Indianapolis, Indiana 46204

Mr. Kevin P. McGoff, Counsel for Respondent
Bingham McHale
2700 Market Tower, 10 West Market Street
Indianapolis, Indiana 46204

**RE: Proposed Conditional Agreement submitted in
Matter of Mark R. McKinney, Cause Number 18S00-0905-DI-220**

Dear Mr. Lundberg and Mr. McGoff:

Please be advised that a majority of the Indiana Supreme Court has voted to reject the "Statement of Circumstances and Conditional Agreement for Discipline" tendered in this case.

Specifically, a majority of the Court concluded that the agreed discipline, that being suspension from the practice of law for 90 days with automatic reinstatement, is insufficient in light of the misconduct agreed to by the parties.

Sincerely,

A handwritten signature in cursive script, appearing to read "K. Smith".

Kevin S. Smith
Supreme Court Administrator

cc: Rom Byron, Disciplinary Commission staff attorney