



IN THE
Indiana Supreme Court

Supreme Court Case No. 21S-DI-476

In the Matter of
Ralph W. Staples
Respondent

Decided: November 2, 2022

Attorney Discipline Action

Per Curiam Opinion

Chief Justice Rush and Justices Massa, Slaughter, Goff, and Molter concur.

Per curiam.

We find that Respondent, Ralph W. Staples, engaged in attorney misconduct by dividing attorney fees without his client's permission, disobeying court orders, making false statements to the Disciplinary Commission, and failing to timely respond to the Commission's demands for information. For this misconduct, we conclude that Respondent should be suspended for not less than one year, without automatic reinstatement.

The matter is now before us on the report of the hearing officer this Court appointed to hear evidence on the Indiana Supreme Court Disciplinary Commission's verified disciplinary complaint. Respondent's 1987 admission to this state's bar subjects him to this Court's disciplinary jurisdiction. *See* IND. CONST. art. 7, § 4.

Procedural Background and Facts

In October 2018, Respondent was hired to represent "Client," who was facing criminal charges for a domestic battery incident that also prompted related paternity and Child in Need of Services (CHINS) proceedings. Based on a referral, Client and his mother met with Respondent's office manager to hire Respondent. Respondent did not attend the meeting. At the meeting, Client requested that Respondent exclusively represent him in all three cases, and Client's mother agreed to pay a total of \$11,500—an initial \$2,500 retainer fee and monthly installments thereafter. The parties did not execute a contract, retainer agreement, or any other written instrument. Additionally, the parties did not agree, in writing or otherwise, that any other attorney would represent Client or that Respondent would divide his legal fees with anyone. Following the meeting, neither Client nor his mother received a retention or engagement letter.

Respondent filed an appearance in Client's criminal case, as did solo practitioner Matthew Draving, who shared office space with Respondent but with whom Respondent had no official firm affiliation or partnership. When Respondent failed to appear at a January 2019 pretrial conference, Client contacted Respondent's office and Draving was sent to represent

Client. Draving again appeared at Client's deposition instead of Respondent. Days after the deposition, Respondent filed a motion to withdraw, which the trial court granted. Respondent never directly spoke with Client about his case or appeared in court on Client's behalf.

By the time Respondent withdrew, Client's mother had paid him \$4,300, \$1,148 of which Respondent had paid to Draving without consent from Client or his mother. Client's mother requested a full refund from Respondent but never received one. So, Client's mother sued Respondent in case number 49D11-1911-CC-46864 ("Refund Case").

Respondent never answered the complaint, and default judgment was entered against him. Following the default judgment, the trial court ordered Respondent to produce financial documents, but Respondent did not comply with the court's order or appear at the show cause hearing meant to address his failure. The trial court found Respondent in contempt and awarded Client's mother attorney's fees. Respondent has yet to pay the ordered judgment and fees.

Respondent's conduct was referred to the Disciplinary Commission, which began investigating. Respondent answered the Commission's inquiries only after this Court ordered him to show cause why he should not be suspended from the practice of law for his noncooperation. In his eventual response, Respondent claimed that it is not his "custom, habit, or practice...to fail to respond to the Indiana Supreme Court Disciplinary Commission when required to do so..." Yet in two prior instances, Respondent had to be ordered to show cause due to his failures to cooperate with Commission investigations. And even here, after he filed his response, this Court yet again had to issue a show cause order for Respondent to comply with a subpoena *duces tecum* for a copy of Client's case file.

Subsequently, the Commission filed a disciplinary complaint alleging Respondent violated Indiana Professional Conduct Rules 1.5(e), 3.4(c), and 8.1(a) and (b). Following a March 2022 final hearing and submission of proposed findings by the parties, the hearing officer issued a report finding that Respondent violated all four rules and recommending an 18-month suspension without automatic reinstatement. The hearing officer

also recommended that satisfaction of the judgment entered against Respondent be a condition of his reinstatement. Neither party has petitioned for review of the hearing officer's report. When neither party challenges the hearing officer's findings, "we accept and adopt those findings but reserve final judgment as to misconduct and sanctions." *Matter of Levy*, 726 N.E.2d 1257, 1258 (Ind. 2000).

Discussion and Discipline

We concur in the hearing officer's findings of fact and conclude that Respondent violated these Indiana Professional Conduct Rules prohibiting the following misconduct:

1.5(e): Failing to obtain a client's approval of a fee division between lawyers who are not in the same firm;

3.4(c): Knowingly disobeying an obligation under the rules or an order of a court;

8.1(a): Knowingly making a false statement of material fact to the Disciplinary Commission in connection with a disciplinary matter; and

8.1(b): Failing to respond in a timely manner to the Commission's demands for information.

Our analysis of appropriate discipline entails consideration of the nature of the misconduct, the duties violated by the respondent, any resulting or potential harm, the respondent's state of mind, our duty to preserve the integrity of the profession, the risk to the public should we allow the respondent to continue in practice, and matters in mitigation and aggravation. *See Matter of Newman*, 958 N.E.2d 792, 800 (Ind. 2011).

We have disciplined Respondent twice in the past for neglecting clients' cases, failing to appear at hearings, and disregarding court orders. We publicly reprimanded him in one of the cases and suspended him with automatic reinstatement in the other. *See Matter of Staples*, 66 N.E.3d 939 (Ind. 2017); *Matter of Staples*, 969 N.E.2d 684 (Ind. 2012). After 35 years of

practice, and despite these gentler attempts at correction, Respondent continues to flout judicial authority and violate his clients' trust.

In this case, Respondent made no meaningful effort to represent Client. Not only did he foist representation of Client on an unaffiliated attorney without Client's knowledge or assent, but for three years he has refused to refund Client the fees he collected but did not earn—even after judgment was entered against him in a separate lawsuit. Respondent's obstinance and dishonesty continued during these disciplinary proceedings, during which he made a false statement to the Commission, missed a hearing, disregarded orders from the hearing officer, and generally continued his pattern of noncooperation.

To protect the public from ongoing harm and to preserve the integrity of the legal profession and system, we have suspended attorneys without automatic reinstatement when they serially neglect their clients. *See, e.g., Matter of Roberts*, 727 N.E.2d 705 (Ind. 2000) (suspending attorney for at least one year for serial neglect of client affairs); *Matter of Daniels*, 39 N.E.3d 639 (Ind. 2015) (suspending attorney with a history of neglecting client cases and failing to cooperate with Commission investigations for at least one year without automatic reinstatement for neglecting two additional client matters). At this point, Respondent's continued misconduct requires more substantial discipline than we have previously imposed on him. Thus, we suspend him from the practice of law for not less than one year, without automatic reinstatement. Additionally, he must satisfy the judgment entered against him in the Refund Case as a necessary condition of any future request for reinstatement.

Conclusion

The Court concludes that Respondent violated Indiana Professional Conduct Rules 1.5(e), 3.4(c), 8.1(a), and 8.1(b). For Respondent's professional misconduct, the Court suspends Respondent from the practice of law in this state for a period not less than one year, without automatic reinstatement, beginning December 6, 2022. Respondent shall not undertake any new legal matters between service of this opinion 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). At the conclusion of the minimum period of suspension, Respondent may petition this Court for reinstatement to the practice of law in this state, provided Respondent pays the costs of these proceedings, satisfies the judgment against him in the Refund Case, fulfills the duties of a suspended attorney, and satisfies the requirements for reinstatement of Admission and Discipline Rule 23(18).

The costs of this proceeding are assessed against Respondent, and the hearing officer appointed in this case is discharged with the Court's appreciation.

Rush, C.J., and Massa, Slaughter, Goff, and Molter, JJ., concur.

RESPONDENT PRO SE

Ralph W. Staples
Indianapolis, Indiana

ATTORNEYS FOR INDIANA SUPREME COURT
DISCIPLINARY COMMISSION

Adrienne L. Meiring, Executive Director
Akash Burney, Staff Attorney
Julie E. Bennett, Staff Attorney
Indianapolis, Indiana