



IN THE
Indiana Supreme Court

Supreme Court Case No. 21S-DI-16

In the Matter of
Jared M. Thomas,
Respondent.

Decided: April 21, 2022
Attorney Discipline Action

Per Curiam Opinion
Chief Justice Rush and Justices David, Massa, Slaughter, and Goff concur.

Per curiam.

We find that Respondent, Jared M. Thomas, engaged in attorney misconduct by criminally mismanaging his trust account, forging a judge's signature, and falsifying at least one document. For this misconduct, we conclude that Respondent should be disbarred.

Pursuant to Indiana Admission and Discipline Rule 23(12.1)(b), 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. Respondent's 2011 admission to this state's bar subjects him to this Court's disciplinary jurisdiction. *See* IND. CONST. art. 7, § 4. The Court approves the agreement and proposed discipline.

Stipulated Facts

Respondent currently is under an order of interim suspension arising from his September 2021 conviction for check deception. *Matter of Thomas*, 177 N.E.3d 433 (Ind. 2021). This criminal conduct also forms the basis for the disciplinary complaint filed by the Commission in this case. During an approximately three-week span in early 2020, Respondent wrote several checks from his trust account to his operating account and vice versa as part of a check kiting scheme that left his trust account overdrawn. Soon thereafter, Respondent received and deposited into his overdrawn trust account a \$6,000 equalization payment owing to a client in a marital dissolution case, which reduced the negative balance but still left the account overdrawn. The \$6,000 had not been paid to the client by the time the account was closed, but instead served to reduce the loss written off by the bank when it closed the account.

The parties further stipulate that the Commission is investigating several additional matters involving Respondent. In connection with one of these investigations, Respondent admits he fraudulently created a document purporting to be an order granting a sentence modification to a client and forged the presiding judge's signature on that document. The parties indicate that other pending investigations also involve allegations

of fraudulent documents, and the parties agree these matters make disbarment an appropriate sanction.

The parties agree that Respondent violated these Indiana Professional Conduct Rules prohibiting the following misconduct:

1.15(a): Failing to safeguard property of clients and to hold property of a client separate from the lawyer's own property.

8.4(b): Committing criminal acts that reflect adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer.

8.4(c): Engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation.

8.4(d): Engaging in conduct that is prejudicial to the administration of justice.

Agreed facts in aggravation include among other things that Respondent engaged in a pattern of misconduct that was illegal in nature, his misconduct resulted from a dishonest or selfish motive, and Respondent has prior discipline. *See Matter of Thomas*, 111 N.E.3d 1013 (Ind. 2018). Respondent's acceptance of responsibility and the imposition of criminal sanctions against him are cited by the parties as facts in mitigation.

Discussion and Discipline

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).

These considerations point in a single direction here, and the parties' conditional agreement appropriately proposes that Respondent be disbarred. We have imposed severe sanctions in prior cases involving crimes of dishonesty, misappropriation of client funds, creation of

fraudulent documents, or forging of signatures. *See, e.g., Matter of Fraley*, 138 N.E.3d 262 (Ind. 2020); *Matter of Schuyler*, 97 N.E.3d 618 (Ind. 2018); *Matter of Brown*, 766 N.E.2d 363 (Ind. 2002). Here, Respondent admits having done all of these things. These acts demonstrate Respondent's unfitness to practice law, now or ever. We agree with the parties that permanent disbarment is warranted.

Conclusion

Respondent already is under an order of interim suspension. For Respondent's professional misconduct, the Court disbars Respondent from the practice of law in this state, effective immediately. Respondent shall fulfill all the duties of a disbarred attorney under Admission and Discipline Rule 23(26). The costs of this proceeding are assessed against Respondent. With our acceptance of the parties' agreement, the hearing officer appointed in this case is discharged with the Court's appreciation.

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

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