



IN THE
Indiana Supreme Court

Supreme Court Case No. 19S-DI-418

In the Matter of
Bradley D. Cooper,
Respondent.

Decided: February 3, 2021

Attorney Discipline Action

Hearing Officer AmyMarie Travis

Per Curiam Opinion

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

Per curiam.

We find that Respondent, Bradley Cooper, engaged in attorney misconduct. For this misconduct, we conclude that Respondent should be suspended from the practice of law in this state for at least four years without automatic reinstatement.

The matter is before the Court on the report of the hearing officer appointed by this Court to hear evidence on the Indiana Supreme Court Disciplinary Commission's verified disciplinary complaint. Respondent's 1993 admission to this state's bar subjects him to this Court's disciplinary jurisdiction. *See* IND. CONST. art. 7, § 4.

Procedural Background and Facts

During the overnight hours of March 4 and 5, 2019, Respondent brutally beat and confined his girlfriend in his home. During this time he used his victim's cell phone to send various messages while pretending to be her. Eventually the victim managed to flee Respondent's house and summon help from a neighbor. When law enforcement officers arrived, Respondent locked the victim's phone and refused to unlock it. Shortly thereafter Respondent made statements to the media falsely accusing the victim of having attacked him.

Respondent was serving as the elected prosecutor in Johnson County at the time he committed his crimes. He was charged with confinement, domestic battery, identity deception, and official misconduct, and pled guilty to those four charges. Respondent resigned his elected office following his sentencing hearing in July 2019, simultaneously with his removal from office by operation of law due to his felony convictions.

We issued an order of interim suspension in this matter on August 2, 2019, which has remained in effect during the pendency of these disciplinary proceedings. The Commission filed a disciplinary complaint against Respondent, alleging violations as set forth below, and we appointed a hearing officer. Respondent admitted the charged violations and, in July 2020, the matter was heard on sanction alone. The hearing

officer later issued her report, which was subsequently amended. This matter now is fully briefed by the parties and before us for final disposition.

Discussion and Discipline

Respondent admits, and we find, that Respondent violated these Indiana Professional Conduct Rules prohibiting the following misconduct:

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.

We turn to the issue of appropriate sanction. Respondent urges imposition of a short suspension with automatic reinstatement, likening his case to other disciplinary cases involving acts of battery committed by elected officials, deputy prosecutors, and other attorneys. However, any similarity between those cases and this one ends there. Respondent's acts of battery were more brutal and his victim more vulnerable; his criminal conduct involved not only violence but dishonesty; and he is a repeat disciplinary offender. All of these factors elevate this case into a far more serious realm requiring, at a minimum, that Respondent demonstrate his professional fitness before ever again practicing law in this state.

The most difficult question confronting us is whether Respondent should be afforded such an opportunity. The Commission urges, and the hearing officer recommended, that Respondent be permanently disbarred, and there is support for that position. Not only is Respondent a repeat disciplinary offender, his prior misconduct also involved dishonesty and a similar lack of control over his impulses and anger. *Matter of Cooper*, 78 N.E.3d 1098 (Ind. 2017). And here, Respondent committed multiple crimes involving violence and dishonesty while serving as an elected prosecutor. Dishonest and felonious conduct committed by elected prosecutors in past

cases has resulted in disbarment or resignation.¹ *Matter of Riddle*, 700 N.E.2d 788 (Ind. 1998); *Matter of Catt*, 692 N.E.2d 885 (Ind. 1998). Similar misconduct by other elected officials has been met with a similarly severe range of sanctions. *See, e.g., Matter of Bean*, 60 N.E.3d 1021 (Ind. 2016) (disbarment imposed against attorney convicted of official misconduct and theft committed while serving as elected clerk-treasurer); *Matter of Philpot*, 31 N.E.3d 468 (Ind. 2015) (four-year suspension without automatic reinstatement imposed against attorney convicted of mail fraud and theft committed while serving as elected county clerk); *Matter of White*, 54 N.E.3d 993 (Ind. 2016) (two-year suspension without automatic reinstatement imposed against attorney convicted of perjury, theft, and voting outside a precinct of residence, all committed while serving as a town councilman and candidate for Secretary of State).

We also share the hearing officer's concern that Respondent's prior discipline did not prompt him to address sooner underlying factors that Respondent acknowledges predate his earlier misconduct. (*See Amended Hearing Officer's Report* at 20). However, subsequent to the misconduct at issue here, Respondent has taken meaningful and substantial steps to address his alcohol use disorder and anger management issues. Respondent also has accepted responsibility in both his criminal and disciplinary proceedings for his deplorable acts, he has been compliant with the terms of his criminal probation, and his testimony at the final hearing reflects a degree of insight and remorse that distinguishes him, however modestly, from some other similarly-situated respondents. *See, e.g., Riddle*, 700 N.E.2d at 795-96. While these after-the-fact measures do not mitigate the misconduct itself, which was reprehensible, they do point to Respondent's potential for rehabilitation and narrowly persuade us that the door to Respondent's legal career should not be permanently and irrevocably closed.

¹ An attorney's resignation during the pendency of a disciplinary investigation or prosecution is functionally equivalent to a five-year suspension without automatic reinstatement, *see* Admis. Disc. Rs. 23(17) and 23(18)(b)(1), and generally is the most severe disciplinary sanction imposed for attorney misconduct short of disbarment.

Respondent already has been under interim suspension for about one and a half years. Together with the four-year suspension we impose today, which is effective from the date of this opinion and not retroactive, Respondent will serve well over five years of suspension before becoming eligible to petition for reinstatement. Should Respondent seek reinstatement at that time, his petition will be granted only if he is able to prove his fitness to resume the practice of law by clear and convincing evidence, a burden that will be particularly steep given the severity of Respondent's misconduct. See *Matter of Gutman*, 599 N.E.2d 604, 608 (Ind. 1992) ("The more serious the misconduct, the greater its negative impact on future rehabilitation and eventual reinstatement, the greater Petitioner's burden of proof to overcome the implication of unfitness which is conjured by the misconduct").

Conclusion

The Court concludes that Respondent violated Professional Conduct Rules 8.4(b) and 8.4(c). For Respondent's professional misconduct, the Court suspends Respondent from the practice of law for a period of not less than four years, without automatic reinstatement, effective immediately. 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 this proceeding, 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. 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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