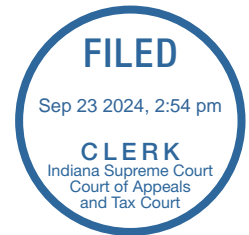


# In the Indiana Supreme Court

In the Matter of: James B. Dillon,  
Respondent

Supreme Court Case No.  
24S-DI-17



## Published Order Approving Statement of Circumstances and Conditional Agreement for Discipline

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 as summarized below.

**Stipulated Facts:** Respondent neglected four client matters. In the first, Respondent represented a seller attempting to reclaim two commercial properties from the estate of a buyer who died after making only 17 of 180 monthly installment payments. Respondent did not respond to the client’s repeated requests for information or the estate’s motion to disallow the claim, which was granted. Respondent later offered by text message to make monthly payments until the client was “made whole,” without advising the client of the desirability of being independently represented with respect to the settlement offer. During the Commission’s investigation, Respondent did not timely comply with a subpoena duces tecum, leading to the initiation of show cause proceedings. Respondent also produced a settlement letter he purportedly sent to the client, which likewise failed to advise the client of the desirability of independent representation, but the client advised the Commission no settlement offer had been sent to him after the text message.

In the second matter, Respondent represented the plaintiff in a civil action. The defendant moved for a Trial Rule 41(E) dismissal after about eighteen months of case inactivity. Respondent initially did not respond to his client’s inquiries about the motion, but later told the client he was experiencing various personal difficulties. Although the dismissal motion was denied after Respondent filed a response, Respondent later failed to appear for a status conference or schedule a court-ordered mediation. The defendant again moved to dismiss, indicating that neither counsel nor the mediator had been able to contact Respondent. The motion was granted after Respondent failed to appear for the hearing, and the client’s case was dismissed with prejudice.

In the third matter, Respondent again represented a plaintiff in a civil action. Respondent left in the middle of a mediation conference and did not return. The parties reached a settlement agreement several months later, but the defendant thereafter was unable to contact Respondent

in order to execute the agreement. At a hearing on the defendant's motion to enforce the settlement agreement, Respondent failed to appear and his client was forced to proceed without him. The parties executed their agreement and the court fined Respondent for his failure to maintain contact with the parties.

In the fourth matter, Respondent represented a defendant in a suit alleging fraud, unjust enrichment, and conversion. Respondent failed to comply with discovery, leading to multiple motions to compel and to impose sanctions. Shortly after Respondent failed to appear at a sanctions hearing in June 2022, the plaintiff moved for default judgment. In August 2022, default judgment was granted against the client in the amount of \$122,541.03.

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

- 1.1: Failing to provide competent representation.
- 1.3: Failing to act with reasonable diligence and promptness.
- 1.4: Failing to keep a client reasonably informed about the status of a matter.
- 1.8: Attempting to settle a malpractice claim with a client without advising the client in writing of the desirability of seeking advice from independent counsel.
- 1.16(a)(2): Failing to withdraw from representation when the lawyer's physical or mental condition materially impairs the lawyer's ability to represent the client.
- 8.1(b): Knowingly failing to respond to a lawful demand for information from a disciplinary authority.
- 8.4(c): Engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation.
- 8.4(d): Engaging in conduct prejudicial to the administration of justice.

**Discipline:** The Court, having considered the submission of the parties, now approves the following agreed discipline.

For Respondent's professional misconduct, the Court **suspends Respondent from the practice of law for a period of 180 days, beginning November 4, 2024, with 90 days actively served and the remainder stayed subject to completion of at least two years of probation** with monitoring by the Indiana Judges and Lawyers Assistance Program (JLAP). The Court incorporates by reference the terms and conditions of probation set forth in the parties' Conditional Agreement, which include among other things:

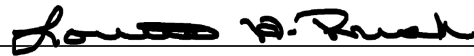
- (1) Respondent's JLAP monitoring shall include grief counseling by a provider to be determined by JLAP.
- (2) Respondent shall timely execute any release or waiver necessary for the Commission to obtain information concerning Respondent's compliance with any treatment regimen undertaken in connection with the conditional agreement.
- (3) Respondent shall have no violations of the Rules of Professional Conduct during his probation.
- (4) Respondent shall promptly report to the Commission, in writing, any violation of the terms of Respondent's probation and/or JLAP monitoring agreement.

(5) If Respondent violates the terms of his probation, the stay of his suspension may be vacated and the balance of the stayed suspension may be actively served without automatic reinstatement.

Respondent shall not undertake any new legal matters between service of this order 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). Notwithstanding the expiration of the minimum term of probation set forth above, Respondent's probation shall remain in effect until it is terminated pursuant to a petition to terminate probation filed under Admission and Discipline Rule 23(16).

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

Done at Indianapolis, Indiana, on 9/23/2024.



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Loretta H. Rush  
Chief Justice of Indiana

All Justices concur.