

In the Indiana Supreme Court



In the Matter of: Jonathan T. Tempel,
Respondent

Supreme Court Case No.
19S-DI-445

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: In September 2018, pursuant to a guilty plea, Respondent was convicted in Marion County of two misdemeanor counts of operating a vehicle while intoxicated (“OWI”). Respondent has a prior conviction for OWI in Boone County.

Respondent has no prior discipline and has voluntarily taken several measures since his arrest in Marion County to respond to his misconduct, including entering into a long-term monitoring agreement with JLAP. Respondent’s criminal probation and JLAP monitoring agreement include among other things the use of a SoberLink device for real-time alcohol monitoring.

Violation: The parties agree that Respondent violated Indiana Professional Conduct Rule 8.4(b), which prohibits committing a criminal act that reflects adversely on Respondent’s trustworthiness or fitness as a lawyer.

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 90 days, beginning on the date of this order, all stayed subject to completion of at least one year of probation under a JLAP monitoring agreement.** 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 shall abstain from the use of alcohol or any other mind-altering substances for the duration of his probation.
- (2) Respondent shall commit no violations of the Rules of Professional Conduct or commit any criminal act during his probation.
- (3) Respondent shall pay all costs of compliance associated with the terms of probation.

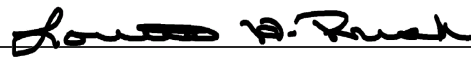
(4) If Respondent violates the terms of his probation, the stay of his suspension may be vacated and the balance of his stayed suspension may be actively served without automatic reinstatement.

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.

Done at Indianapolis, Indiana, on 9/6/2019.

FOR THE COURT



Loretta H. Rush

Chief Justice of Indiana

All Justices concur, except Rush, C.J., who would reject the conditional agreement, believing that a period of active suspension and a longer term of probation are warranted given the endangerment involved in the Marion County criminal case.