

In the Indiana Supreme Court

In the Matter of: Samuel L. Berkman,
Respondent

Supreme Court Case No.
25S-DI-126



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 admits to five counts of misconduct. In Counts 1-3, Respondent accepted retainers to represent three clients charged with misdemeanors, did not sufficiently communicate with his clients thereafter, and did little or no work on his clients’ cases. In two of the cases, Respondent failed to file an appearance and attend scheduled hearings. In one case, Respondent failed to refund the unearned fee until after the disciplinary complaint was filed.

In Counts 4 and 5, between January 2024 and January 2025 Respondent failed to appear in court in several dozen cases ranging from infractions to low-level felonies. Several of these instances required the respective courts to issue rules to show cause or contempt citations.

At all times relevant to the five counts of misconduct, Respondent had health conditions that impaired his ability to practice law. With Respondent’s consent, an attorney surrogate was appointed in February 2025 to assume responsibility for Respondent’s law practice. In addition, Respondent has engaged the Judges and Lawyers Assistance Program (JLAP) to address factors contributing to his misconduct.

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(a)(2): Failing to reasonably consult with a client about the means by which the client’s objectives are to be accomplished.
- 1.4(a)(3): Failing to keep a client reasonably informed about the status of a matter.
- 1.4(a)(4): Failing to comply promptly with a client’s reasonable requests for information.

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.

1.16(d): Failing to refund an unearned fee promptly upon termination of representation.

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 120 days, effective November 20, 2025, with 60 days actively served and the remainder stayed subject to completion of at least two years of probation with continued JLAP monitoring.** The Court incorporates by reference the terms and conditions of probation set forth in the parties' Conditional Agreement, which include among other things:

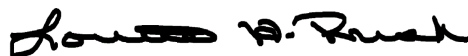
- (1) Respondent shall execute any and all authorizations necessary for JLAP to implement the monitoring agreement, including an authorization for the Commission to obtain information from JLAP. Respondent shall provide the Commission with a copy of this authorization within 15 days of the date of the Court's order. JLAP shall submit quarterly reports to the Commission. Any lack of compliance with the monitoring agreement shall be reported to the Commission and shall constitute a violation of probation.
- (2) Respondent shall refrain from using alcohol and all controlled substances except as validly prescribed.
- (3) Respondent shall have no violations of the Rules of Professional Conduct, the procedural rules of any court or agency, or the laws of any jurisdiction during his probation.
- (4) Respondent shall report in writing to the Commission, within 14 days, any failure to comply with the terms of probation.
- (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.

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. Pursuant to the parties' stipulation, the Court hereby orders Respondent to pay \$347.87 by check made payable and transmitted to the Clerk of the Indiana Supreme Court. Upon receipt, the Clerk is directed to disburse those funds as follows: (1) \$97.87, payable to the Commission as reimbursement for investigative expenses incurred; and (2) \$250.00, payable to the Clerk for court costs. The expenses of the hearing officer will be submitted separately.

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 10/9/2025.

A handwritten signature in black ink, appearing to read "Loretta H. Rush", written over a horizontal line.

Loretta H. Rush
Chief Justice of Indiana

All Justices concur.