

IN THE SUPREME COURT

OF

STATE OF INDIANA

IN THE MATTER OF

RANDY GODSHALK
Attorney No. 15176-64

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Cause No. 24S-DI-00250

AMENDED VERIFIED PETITION FOR EMERGENCY INTERIM SUSPENSION

The Indiana Supreme Court Disciplinary Commission (“Commission”), by its Executive Director Adrienne Meiring, hereby submits its Verified Petition for Emergency Interim Suspension, pursuant to Indiana Admission and Discipline Rule 23, § 11.1(b), against Randy Godshalk (“Respondent”). The Commission requests this extraordinary relief, as it is prepared to demonstrate that Respondent facilitated the bribe of a witness during his representation of a client and then later perjured himself under oath in two proceedings to conceal this misconduct. This Verified Petition sets out the circumstances more fully below.

BACKGROUND

1. Respondent is an attorney who was admitted to practice law in the State of Indiana on June 15, 1990.
2. At all relevant times, Respondent practiced and continues to practice law in Lake County, Indiana. His current practice focuses on criminal law, collections, and evictions.
3. In 2013, under cause number 45S00-1209-DI-00537, Respondent was publicly reprimanded for representing a client (J. B.) when the representation involved a concurrent conflict of interest (the representation of Ronnie Major (“Major”)) and for

failing to adequately supervise a nonlawyer employee. Exhibit A – Disciplinary Complaint; [REDACTED]

FACTS SUPORTING EMERGENCY SUSPENSION

Illicit Monetary Agreement for Noncooperation

4. On October 15, 2008, Respondent entered his appearance to represent Major after the Lake County Prosecutor's Office ("LCPO") filed charges against Major, under cause number 45G03-0810-FA-000037, for committing violent crimes against A. F. and J. B. Exhibit C – Criminal Case Charging Information; Exhibit D – CCS of 45G03-0810-FA-000037.
5. On November 3, 2008, A. F. went to Respondent's office and signed a document titled "Agreement" ("the Agreement") in which Major agreed to pay A. F. \$20,000, in installments, to "forever waive and give up any and all claims of any type" against Major. Exhibit E – PCR Transcript in 45G03-1206-PC-00010, p. 8-14; Exhibit F – 11/3/08 Agreement.
 - a. The Agreement further provided that "this agreement shall encompass the resolution of all disputes between the parties whether civil, criminal or a combination." Exhibit F.
 - b. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

- c. A. F. signed the Agreement in Respondent's presence, and Respondent's employee notarized the document. Exhibit E, p. 11.
6. After signing the Agreement, Respondent gave A. F. \$10,000 in cash that was supplied by Major. Exhibit E, p. 32; Exhibit G – Receipt, p. 1 (11/3/08 payment).
7. A. F. signed a receipt for the payment. Exhibit G, p. 1.

Witness Noncompliance and Discovery of Conflict of Interest

8. Respondent subpoenaed A. F. and J. B. for depositions on February 18, 2009, April 9, 2009, and May 6, 2009. Neither A. F. nor J. B. appeared for deposition on any of those dates. Exhibit D; Exhibit J – Motion to Exclude.
9. On April 27, 2009, A. F.'s wife went to Respondent's office and received the second installment payment under the Agreement for \$1,000. Exhibit E, p. 32-33; Exhibit G - Receipt, p. 2 (4/27/09 payment).
10. Respondent filed a Motion to Exclude Testimony on May 12, 2009, requesting the trial court exclude A. F. and J. B. from testifying against Major because both failed to appear for the deposition settings. Exhibit J.
11. A. F. received a third payment, \$4,000, on July 7, 2009. Exhibit E, p. 33; Exhibit G – Receipt, p.3 (7/7/09 payment).
12. The trial court took the Motion to Exclude under advisement following a hearing on June 10, 2009. Exhibit D.
13. On July 1, 2009, LCPO filed Verified Motions for Body Attachment for J. B. and A. F. The trial court ordered the clerk to issue the body attachment. The clerk issued the body attachment on July 2, 2009. Exhibit D.

14. In July 2009, LCPO discovered that Respondent was representing J. B. in a separate, pending criminal matter in Lake County, including an initial hearing on June 10, 2009. Exhibit E, p. 22, 29; Exhibit K – Motion to Disqualify Defense Counsel.
- a. LCPO filed a motion to disqualify Respondent as Major’s counsel on August 20, 2009, citing Respondent’s representation of J. B. as a conflict of interest. Exhibit E, p. 22, 29; Exhibit K.
 - b. The trial court granted LCPO’s motion to disqualify Respondent on August 26, 2009. Exhibit P – 8/26/09 Order.
15. Respondent’s representation of J. B. was the basis for his discipline under 45S00-1209-DI-00537. Exhibits A and B.
16. A. F. received the last payment, \$1,000, on September 23, 2009. Exhibit G. p. 4 - (9/23/09 payment).
17. In total, A. F. received \$16,000 under the terms of the Agreement. Exhibit G.
18. After A. F.’s arrest on August 26, 2009, LCPO learned of the existence of the Agreement during a statement A. F. gave to law enforcement. Exhibit D.
19. J. B. was murdered on December 19, 2010 before she could testify in the trial against Major. Exhibit E, p. 93-94.
20. On March 2, 2011, a jury found Major guilty of Battery, a Class C felony. The trial court sentenced Major to serve two (2) years in the Indiana Department of Correction. Exhibit D.

Post-Conviction Proceedings and First Perjury

21. Through new counsel, Major filed a petition for Post Conviction Relief (“PCR”) on June 5, 2012 under cause number 45G03-1206-PC-000010.

22. On November 9, 2012, Respondent testified under oath at an evidentiary hearing in the PCR case. Exhibit E.
23. Respondent testified that the Agreement was not intended to pay A. F. in exchange for noncooperation in the criminal prosecution of Major. Exhibit E, p. 16-20, 26-28, 39-40.
24. Regarding the purpose of the Agreement, Respondent testified, "Yes, the agreement was to settle as to unpaid wages, medical expenses, pain and suffering, both civilly and as to criminal restitution." Exhibit E, p. 10.
25. Respondent also testified, "My main goal was to try to protect Mr. Major's civil interests or money interests at the time, but not necessarily to I guess infringe on Mr. [A. F.]'s desires or whatever to pursue anything criminally. As far as the case, mine was more to insulate him financially." Exhibit E, p. 17.
26. Respondent's statements, as described in ¶¶ 23 and 24 were untrue, and Respondent knew they were untrue when he testified under oath.
27. The trial court denied Major's PCR, and the Court of Appeals affirmed that decision. Exhibit L – PCR Order; Exhibit M – Court of Appeals Opinion.

Federal Investigation and Second Perjury

28. On December 15, 2016, LCPO filed charges of Murder and Conspiracy to Commit Murder against Major under cause number 45G04-1612-MR-0000009 for Major's role in J. B.'s murder. Exhibit N – CCS in 45G04-1612-MR-000009.
29. Those charges were dismissed on July 30, 2021 after Major had been indicted for his role in J. B.'s murder by the Office of the United States Attorney for the Northern District of Indiana. Exhibit N.

30. [REDACTED]

[REDACTED]

31. [REDACTED]

[REDACTED]

32. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

33. [REDACTED]

[REDACTED]

[REDACTED]

34. [REDACTED]

[REDACTED]

[REDACTED]

35. [REDACTED]

36. [REDACTED]

[REDACTED]

[REDACTED]

¹ The crime-fraud exception is an exception to the general rule, codified in I.C. 34-46-3-1, that an attorney cannot be compelled to testify regarding confidential communications with a client. The exception recognizes that "attorney and client may not conspire to commit a crime and then contend that communications between them as to the conspiracy is privileged." *Green v. State*, 274 N.E.2d 267, 273 (Ind. 1971) (citing *Clark v. United States*, 289 U.S. 1, 53 S.Ct. 465, 77 L.Ed. 993 (1993)).

a. [REDACTED]
[REDACTED]
[REDACTED]

b. [REDACTED]

c. [REDACTED]
[REDACTED]
[REDACTED]

d. [REDACTED]
[REDACTED]

e. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

f. [REDACTED]
[REDACTED]

g. [REDACTED]
[REDACTED]
[REDACTED]

h. [REDACTED]
[REDACTED] [REDACTED]
[REDACTED]

i. [REDACTED]
[REDACTED]
[REDACTED]

j. [REDACTED]
[REDACTED]

k. [REDACTED]
[REDACTED]

l. [REDACTED]
[REDACTED]
[REDACTED]

m. [REDACTED]
[REDACTED]
[REDACTED]

37. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

38. After conducting a preliminary investigation and corroborating certain information provided by the OPR, the Commission voted unanimously at its June 14, 2024 meeting to seek this Petition.

LEGAL BASIS FOR EMERGENCY INTERIM SUSPENSION

39. Admission and Discipline Rule 23, Section 11.1(b) provides that the Disciplinary Commission may seek an emergency interim suspension against an attorney during

the pendency of a disciplinary investigation or proceeding if at least two-thirds of the Commission votes that (1) the continuation of the practice of law by the attorney during the pendency of the Commission's investigation or proceeding "may pose a substantial threat of harm to the public, clients, potential clients, or the administration of justice," and (2) the alleged conduct, if true, would subject the respondent to discipline under [Admission and Discipline Rule 23]."

40. As previously stated in ¶ 38, the Commission voted unanimously to seek an emergency interim suspension. The Commission believes that allowing Respondent to continue to practice law before this matter is completed poses a substantial threat of harm to the public, his clients, and the administration of justice.

- a. The allegations against Respondent – facilitating the bribe of a witness and then later perjuring himself to conceal that misconduct – are flagrant abuses of his responsibility as an attorney. His alleged actions will shake public confidence not only in Respondent but also the legal system overall, as Respondent's misconduct impacted a criminal trial.
- b. Allowing Respondent to practice in the interim will only compound the damage to public confidence.

- c. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

d. Finally, the information provided by OPR suggests that Respondent was dishonest with this Court in *In re Godshalk*, cause no. 45S00-1209-DI-00537, as Respondent represented in his Conditional Agreement that his misconduct “resulted from negligent supervision of a nonlawyer rather than a conscious attempt to benefit himself or another client.”

41. The foregoing facts detailed in ¶¶ 4- 36, if true, would subject Respondent to sanctions under Admission and Discipline Rule 23 for multiple violations of (at a minimum) the following Rules of Professional Conduct:

- Rule 1.2(d) - assisting a client in conduct that the lawyer know is criminal or fraudulent;
- Rule 1.16(a)(1) - failing to withdraw when the representation will result in violation of the Rule of Professional Conduct;
- Rule 3.3(a)(1) - making a false statement to a tribunal;
- Rule 3.4(b) - offering an inducement to a witness prohibited by law;
- Rule 8.4(b) - committing a criminal act that reflects on honesty, trustworthiness, or fitness as a lawyer;
- Rule 8.4(c) - engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation; and
- Rule 8.4(d) - engaging in conduct prejudicial to the administration of justice.

42. Upon the filing and service of this Petition, Respondent shall have fifteen (15) days to file a verified answer to the Court. If he fails to answer the Disciplinary Commission’s

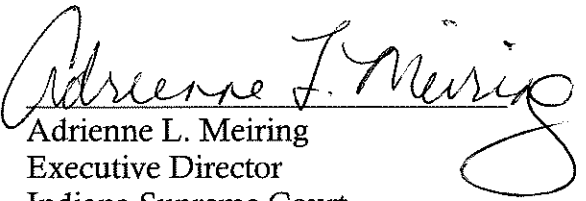
petition within the proscribed timeframe, the averments of the petition shall be conclusively established to be true for purposes of ruling on the petition. Adm. Disc. R. 23, Section 11.1(b)(3), (4).

43. Upon the filing of Respondent's answer or a determination under Rule 23, Section 11.1(b)(4) that the facts are conclusively established as true, this Court then may order an interim suspension, impose temporary conditions of probation, deny the petition, or refer the matter to a hearing officer for a hearing on whether to impose an interim suspension.

44. The Commission submits that the accompanying information demonstrates that Respondent poses a substantial threat to the public, his clients, and the administration of justice, and it respectfully requests that after Respondent is given the appropriate time to respond, this Court impose an interim suspension on Respondent's ability to practice law until this disciplinary matter is concluded.

WHEREFORE, Indiana Supreme Court Disciplinary Commission requests that the Supreme Court enter an interim order of suspension consistent with the procedures set forth in Admission and Discipline Rule 23, § 11.1(b).

Respectfully submitted,


Adrienne L. Meiring
Executive Director
Indiana Supreme Court
Disciplinary Commission
251 N. Illinois Street, Suite 1650
Indianapolis, IN 46204
(317) 232-1807

VERIFICATION

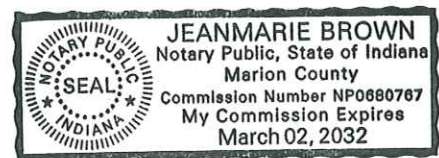
Adrienne M. Meiring, being duly sworn upon her oath, deposes and says that she is the Executive Director of the Disciplinary Commission of the Indiana Supreme Court, appointed pursuant to Ind. Admis. Disc. R. 23 § 8(a)(1); that she makes this verification as Executive Director of the Disciplinary Commission, and that the facts set forth in the above Verified Petition for Emergency Interim Suspension are true as she is informed and believes.


Adrienne L. Meiring
Executive Director

Subscribed and sworn to before me, a Notary Public, in and for said County and State, this 23rd day of July 2024.


Notary Public

My Commission Expires: 3.2.2032
County of Residence: Marion



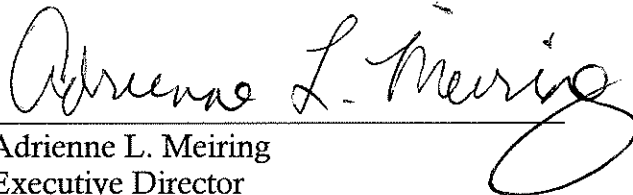
CERTIFICATE OF SERVICE

I certify that a copy of the forgoing Amended Verified Petition for Emergency Interim Suspension was filed and served on Respondent, through counsel, via the Indiana Supreme Court E-filing system this 16th day of August, upon:

Randy Godshalk
c/o James J. Bell
Janet L. Thompson
HOOVER HULL TURNER LLP
111 Monument Circle, Suite 4400
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And

Benjamin W. Murphy
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