

In the Indiana Supreme Court

In the Matter of: Curtis T. Hill, Jr.,
Respondent

Supreme Court Case No.
19S-DI-156



Published Order

The Court held that Respondent engaged in misconduct and should be suspended from the practice of law in this State for thirty days, beginning May 18, with automatic reinstatement subject to conditions. *Matter of Hill*, No. 19S-DI-156, 2020 WL 2312460 (Ind. May 11, 2020). On May 12, Governor Eric J. Holcomb filed an emergency motion to intervene (“motion”). The parties filed responses to the motion.

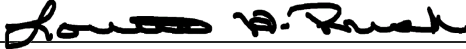
This attorney discipline case was heard under Indiana Admission and Discipline Rule 23. The rule’s purpose is to protect the public, the courts, and the members of the bar of this State from misconduct by attorneys, and to protect attorneys from unwarranted claims of misconduct. Admis. Disc. R. 23(1)(c). Such proceedings invoke our original jurisdiction over attorney discipline. Ind. Const. art. VII, § 4. The parties in such cases are the Disciplinary Commission and the respondent attorney. Admis. Disc. R. 23(12)(a).

The pending motion, filed by a non-party to this case, seeks an opinion on two issues: namely, (1) whether, during the suspension, Respondent is “duly licensed to practice law” in Indiana within the meaning of the statute establishing qualifications to serve as Attorney General, Ind. Code § 4-6-1-3; and (2) if Respondent is not, whether that creates a vacancy in the Office of Attorney General under the Indiana Constitution and statute. These issues were not litigated by the parties and are extraneous to our disciplinary opinion, making intervention inappropriate. *See Anderson Fed’n of Teachers, Local 519 v. Sch. City of Anderson*, 252 Ind. 558, 254 N.E.2d 329 (1970) (denying motion to intervene to raise new question after appeal was decided and explaining that a question or issue may not be presented to the Court for the first time on a petition for rehearing).

Moreover, courts generally should not issue advisory opinions, *Snyder v. King*, 958 N.E.2d 764, 786 (Ind. 2011), or decide issues if there is no case or controversy before them. *Ind. Bureau of Motor Vehicles v. Zimmerman*, 476 N.E.2d 114, 118 (Ind. 1985); *see Pence v. State*, 652 N.E.2d 486, 488 (Ind. 1995) (noting that the requirement for standing mandates that courts act in real cases and is a key component in maintaining the separation of powers under Ind. Const. art III, § 1). These principles, too, counsel for judicial restraint and against allowing intervention.

Accordingly, the Court DENIES the “Emergency Motion to Intervene and Request for Clarification on Attorney Discipline Order.”

Done at Indianapolis, Indiana, on 5/18/2020 .



Loretta H. Rush
Chief Justice of Indiana

All Justices concur.