



Ethics and Professionalism Committee
Meeting Minutes
March 3, 2016
Indiana Judicial Center

I. Judge Snow called the meeting to order at 1:30 p.m.

Participating Members: Judge Terry Snow, Chair, Magistrate Larry Bradley, Judge Gary Miller, Judge Bruce Parent, Judge John Potter, Judge Michael Robbins, Judge Les Shively, and Judge Gary Smith.

Staff: Diane Mains, IJC

II. The September 10, 2015, meeting minutes were approved as submitted.

III. Discussion Items

A. Campaign Dos and Don'ts FAQs for Judicial Candidates

Members reiterated the need for this material. Judge Potter's FAQs on social media and Judge Pfleging's "use of court resources" were distributed for committee discussion. Other material for the guide was previously assigned as follows: Judge Welch - advertising, Judge Oakes - raising money, and Judge Spencer Craney - political party committee activities restrictions. Diane will follow up on the outstanding material and seek assistance with formatting the material into a brochure.

B. INcite Application on Ethics issues for Indiana Judicial Officers

The Committee decided not to pursue an INcite application because they expressed a preference for a public site accessible by non-judicial officer candidates.

C. Special Judge Case Assignment and the Duty to Decide

Members continued discussion on practices in which judges routinely refuse to hear special judge cases. Members discussed the automatic enhancement from a B to an A misdemeanor for possession of marijuana if the defendant has a prior conviction for this offense, and the potential impact on judicial disqualification if a judge was involved as a prosecutor or defense attorney in the prior case. Members tasked themselves with raising the issue of special judge assignments at their district meetings. Judge Potter agreed to work on talking points for the Committee to use at the district meetings so that the same message is being heard across the state. Diane will distribute the talking points to the committee members upon receipt.

D. Dealing with Pro Se Litigants

Judge Snow offered the Committee's assistance to the Committee on Unrepresented Litigants on ethical issues and CJC Rule 2.8. The Committee on Unrepresented Litigants will contact the Ethics Committee if assistance is needed.

IV. Other Business

Next Meeting:

July 7, 2016, at 1:30 p.m. at the Indiana Judicial Center

V. Judge Snow adjourned the meeting at 2:24 p.m.

Ethics and Professionalism Committee
Meeting Agenda

September 15, 2016
3:30 pm

French Lick Hotel
Hickman Room (1st Floor)

- I. Judge Snow called the meeting to order at 3:30 p.m.

Participating Members: Judge Terry Snow, Chair, Magistrate Larry Bradley, Judge Jane Craney, Judge Gary Miller, Judge Bruce Parent, Judge Daniel Pflieger, Judge Les Shively, Judge Gary Smith and Judge Kevin Wallace.

New members Magistrate Amy Steinkamp Miskimen, Warrick Circuit and Superior Courts and Magistrate Michael Douglass, Allen Superior Court were welcomed.

Staff: Diane Mains, Indiana Office of Court Services

- II. The March 3, 2016, meeting minutes were approved as submitted.

- III. Discussion Item: Disqualification under CJC Rule 2.11(A)(6)

The Committee decided to pursue an amendment to Rule 2.11 of the CJC again. The intent is to primarily address the disqualification issues that currently arise for former prosecutors, public defenders and DCS attorneys who are now judicial officers. Ideally, the Committee would like to place a time limit on the automatic disqualification (e.g. one year), or in the alternative, offer the remitter provision previously suggested.

A work group comprised of Judge Craney, Judge Miskimen and Judge Parent agreed to draft language for the Committee's review at the next meeting.

Diane will research the disqualification language currently used by other states and provide this information to the Committee at the next meeting.

- IV. Other Business

Judge Snow recommended that the Committee work on best practice guidelines on:

- Soliciting donations
- Advice on balancing access to justice for URLs with remaining impartial
- Encouraging pro-bono work
- Appropriately handling gifts received by the judge or judicial staff
- When recusal is appropriate (e.g. defendant files disciplinary case against the judge)
- Dos and don'ts of performing marriage ceremonies
- Campaign Dos and Don'ts

V. The 2016-2017 meeting schedule (on Thursdays) was approved.

December 8, 2016

March 2, 2017

June 1, 2017

September 14, 2017 (Annual Meeting in Fort Wayne)

All meetings begin at 1:30 pm unless otherwise indicated.

Teleconferencing will be available when the meeting is held at the Office of Court Services.

VI. Judge Snow adjourned the meeting at 4:10 p.m.