



Ethics and Professionalism Committee
Meeting

May 7, 2010

- I. Judge Vorhees called the meeting to order at 1:30 pm.

Attendees: Judge Marianne Vorhees, Chair, Judge Marc Kellams, Judge Margot Reagan (via teleconference), Judge Rex Reed, Judge Michael Robbins, Magistrate John Sedia, Judge Gary Smith, Judge Dean Sobbecki, Judge William Vance, Judge Heather Welch, Adrienne Meiring, Advisor, and Diane Mains, Staff Assistant

- II. The October 16, 2009, meeting minutes were reviewed.

- III. Discussion Items

A. Old business

1. Judge Vorhees will contact Terry Harrell, JLAP, to determine if Ms. Harrell has found any guidance on how other states handle the issue of attorneys practicing in front of the monitoring judge and report back to the Committee.
2. Code of Judicial Conduct Rule 2.9(C) will remain on the agenda for additional discussion. Concerns regarding the potential for unintended, negative consequences resulting from the prohibition on internet research of current cases remain. Diane will check with Mike McMahon to determine if the Criminal Law Policy Committee intends to provide guidance for judges when summarily dismissing a petition challenging sex offender registration requirements.
3. The statewide informal survey of judges revealed that there are so few paid law clerks that amending the rule is impractical. The Committee urges the Commission on Judicial Qualifications to issue an advisory opinion on this subject.
4. The Judicial Education Committee has been advised of the Committee's recommendation to provide training on improving and promoting civility among attorneys and litigants in the courtroom. Judge Vorhees reported that there may be training on this issue at the Annual Meeting.
5. No action on the issue of "stand-by" counsel in criminal cases with pro-se defendants will be taken at this time. The Committee will continue to monitor this issue.

B. New business

1. Judge Vorhees reported that Strategic Planning Committee may be seeking support from the Committee in the future as implementation of the White Paper continues.
2. Ms. Meiring provided the Committee members with a copy of Ethical Issues for New Judges published by the American Judicature Society and suggested that the Committee consider developing a similar resource for new Indiana judges. The Committee approved the project. Judge Vorhees and Ms. Meiring will draft a booklet for the Committee's review.
3. The Indiana Supreme Court requested that the Committee determine if the Code of Judicial Conduct requires revision in light of *Caperton v. A. T. Massey Coal Co.*, 129 S. Ct. 2252 (U.S. 2009). Judge Vorhees provided the Committee with copies of the case and a memo summarizing the ABA's September 2008 report on judicial disqualification. Following a lengthy discussion, the Committee adopted the following resolutions.
 - a. Resolution: judicial disqualification as a result of campaign contributions as discussed in *Caperton* does not present concerns for Indiana judicial officers.
 - b. Resolution: enhanced public accessibility to the judicial campaign finance reports filed with the Election Commission is needed. The Committee, in conjunction with Ms. Meiring and her office, will explore avenues to promote the accessibility of judicial campaign finance reports.

IV. Judge Vorhees adjourned the meeting at 3:15 pm.