

**In the
Supreme Court of Indiana**

IN THE MATTER OF)
)
THE HONORABLE)
)
JEFFREY F. MEADE) Cause No: 22S-JD-390
)
JUDGE OF)
)
GIBSON CIRCUIT COURT)

NOTICE OF THE INSTITUTION OF FORMAL PROCEEDINGS

AND STATEMENT OF CHARGES

The Indiana Commission on Judicial Qualifications (“Commission”), having found probable cause to warrant formal charges of judicial misconduct, now notifies Respondent, the Honorable Jeffrey F. Meade (“Respondent”) of the filing of these Charges. These Charges are brought under Admission and Discipline Rule 25 and before the Indiana Supreme Court, which, pursuant to Article 7, § 4 of the Constitution of Indiana, has original jurisdiction over the discipline, suspension, and removal of all judges and judicial officers of this State. The Commission charges that Respondent, while Judge of Gibson Circuit Court, engaged in judicial misconduct as specifically charged below. Pursuant to Admission and Discipline Rule 25VIII (F), Respondent may file a written Answer to these Charges within twenty (20) days of service.

BACKGROUND

1. Respondent was admitted to the Indiana Bar in 2000.
2. Since January 1, 2007, Respondent has served as the Judge of Gibson Circuit Court.
3. At all times pertinent to these Charges, Respondent presided over a general jurisdiction docket that included criminal and civil cases. Respondent's docket includes Children In Need of Services ("CHINS") cases, guardianship cases, paternity cases, and dissolution cases.

FACTS GIVING RISE TO MISCONDUCT CHARGES

Demeanor in Proceedings of In re the Paternity of H.L.

4. From approximately 2015 to February 2022, Respondent presided over *In re the Paternity of H. L. (Paternity of H.L.)*, Cause No. 26C01-0803-JP-000020, a juvenile paternity case that was initiated in 2008.
5. On November 7, 2019, the case was scheduled for the second day of a hearing on Mother's and Father's cross Petitions to Modify Custody of the Child. Both parties were represented by counsel at the hearing.
6. During Father's cross-examination on November 7, 2019, Respondent exhibited impatient, undignified, and discourteous behavior with Father.
7. During Father's cross-examination, Respondent interrupted the cross-examination at various times, making statements that included but are not limited to:
 - a. Telling Father to "be quiet," "zip it," to "shut [his] mouth," and to "shut up," even after Father apologized and indicated that he understood.
 - b. "And then what you don't have is, see, you don't have the child being passed off like a football. Oh, I'll pick - let me run for ten yards with it because I don't want that child to go over ten extra - over ten extra yards, and then the handoff."

- c. "This is just bullshit. I'm sorry, I'm a farm boy. I was raised - I'm older than you. I was scooping hog shit long before you, man. I'm going to tell you what, this is crap. It stinks. This kind of behavior stinks. Okay?"
8. During the November 7, 2019 hearing, Respondent also made statements about his own divorce and custody proceedings, comparing the situation with that of Mother and Father in *Paternity of H.L.*
9. During a December 17, 2020 telephonic conference to set a hearing regarding parenting time, Respondent again made statements about his own divorce and custody proceedings and compared his situation with that of Mother and Father in *Paternity of H.L.*
10. At a hearing on May 25, 2021, Respondent also exhibited impatience, made undignified comments, and engaged in discourteous behavior which included, but is not limited to:
 - a. Referring to Father as "Bud," "Buddy," "Bro," and "Man."
 - b. "Now, I'm not playing with this. Okay? This is the 10th freaking day of this hearing. Okay? And again, I'm not prejudging nothing. I'm going to hear this case out and we'll let the attorneys do their findings. Okay? But I'm going to tell you what, you best be calling daddy up to get some money coming, I'm telling you that right now, because you have intentionally interfered with this woman's parenting time. Okay? And it's going to cost you a bundle. Okay?"
 - c. "This is one of the most egregious, okay, egregious interference of parenting time that I've ever seen. Okay? You do not follow my order again you bring your toothbrush, you're going to be over there for days and weeks and months. Is this crystal for you, man?"

Off-the-Record Hearing in Child in Need of Services Case ("CHINS cases")

11. On November 14, 2018, the Indiana Department of Child Services ("DCS") filed three CHINS petitions alleging that A.W. (cause no. 26C01-1811-JC-383), K.W. (cause no. 26C01-1811-JC-384), and E.W. (cause no. 26C01-1811-JC-385) were children in need of services ("the CHINS cases").

- a. Respondent presided over the CHINS cases and related guardianship cases involving the children.
 - b. Upon initiation of the CHINS cases, the children were placed with foster parents, S.T. and G.T. (“foster parents”).
 - c. On November 15, 2018, a Court Appointed Special Advocate (“CASA”) was appointed on behalf of the children.
12. In December 2019, the foster parents moved to intervene in the CHINS cases, and Respondent granted the Motion to Intervene on December 18, 2019.
 - a. It was the intent of the foster parents to adopt the children.
 - b. The children who were the subject of the CHINS cases lived with the foster parents for over eighteen months during the pendency of the proceedings.
13. On March 13, 2020, the paternal grandmother filed a petition to intervene and for third party custody.
14. On March 24, 2020, Respondent’s court reporter advised the parties that Respondent would consider paternal grandmother’s Motion to Intervene at a hearing on May 14, 2020 and that an all-day contested hearing would be set at a later date after discussion with the parties at the May 14, 2020 hearing.
15. At an April 29, 2020 telephonic attorney conference attended by counsel for DCS, counsel for the foster parents, counsel for Mother, counsel for Father, and the CASA Executive Director, Respondent granted a Motion for Grandparent Visitation over the objection of foster parents’ counsel.
16. On May 6, 2020, paternal grandmother filed petitions in separate guardianship proceedings to obtain guardianship of the children.

17. On May 8, 2020, DCS filed a motion for permanency and joinder of the CHINS and guardianship cases.
18. On May 11, 2020, DCS filed a Notice of Filing Report to Court regarding Facebook Communications (“Notice of Filing Report”).
 - a. The Notice of Filing Report contained messages sent between the CASA assigned to the CHINS cases and the DCS Family Case Manager.
 - b. Attached to the Notice of Filing Report were over 30 pages of Facebook Communications.
19. On May 12, 2020, the foster parents filed petitions to adopt the children.
20. The May 14, 2020 hearing was held in Respondent’s chambers and off-the-record.
 - a. Respondent, counsel for DCS, counsel for Father, counsel for Mother, and the CASA Executive Director were present in person; the foster parents’ counsel participated through a speakerphone system positioned on Respondent’s desk.
 - b. No audio recording or transcript was made of the May 14, 2020 in-chambers hearing.
 - c. Prior to the May 14, 2020 in-chambers hearing, Respondent did not contact the Indiana Office of Court Services or Office of Judicial Administration about options to upgrade his recording system or to address technological issues in his court or his chambers.
 - d. Paternal Grandmother was not present for the in-chambers hearing even though she was in the hallway outside of Respondent’s courtroom.
 - e. The CASA assigned to the CHINS cases also was not present for the in-chambers hearing.

21. The May 14, 2020 hearing was held in Respondent's chambers due to foster parents' counsel unavailability to be present in person for the hearing and Respondent's courtroom was not equipped with the ability to allow a telephone conference call.
22. Scheduled to be heard at the May 14, 2020 in-chambers hearing were the issues as to paternal grandmother's prior written motion to intervene and DCS' prior written motion for permanency and joinder.
23. At the May 14th in-chambers hearing, Respondent made the following rulings:
 - a. Respondent granted the paternal grandmother's prior written Motion to Intervene, giving her party status, without objection from any party.
 - b. Respondent granted DCS' prior written motion for permanency and joinder.
24. During the May 14th in-chambers hearing, also considered three (3) oral motions were made: a motion by DCS to dismiss the CHINS cases; a motion by Counsel for Mother for the children to have extended visits with paternal grandmother; and a motion by Counsel for Mother to remove the CASA assigned to the CHINS cases.
 - a. No witness testimony was presented during the in-chambers hearing.
 - b. Paternal grandmother was never included in the in-chambers hearing even after Respondent granted her Motion to Intervene making her a party to the proceedings.
 - c. The Facebook Communications that had been attached to the DCS Notice of Filing Report were discussed and read from during the hearing.
 - d. The foster parents' counsel objected to the oral motions of DCS and Mother's counsel.
 - e. Respondent gave the foster parents fourteen days to file a written response to

DCS' oral motion to dismiss the CHINS petitions, and the other parties were granted an opportunity to respond in writing.

- f. Over the objection of the foster parents' counsel, Respondent granted Mother's motion for extended visitation with the paternal grandmother.
- g. Over objections of the CASA Executive Director and the foster parents' counsel, Respondent granted Mother's oral Motion to remove the assigned CASA from the case.

25. The foster parents' counsel requested an opportunity to appear in person and to present evidence on the oral motions before Respondent ruled on the oral motions, but Respondent did not grant that request and the foster parents were never afforded the opportunity to present evidence.

26. After the conclusion of the hearing and after the conference call with foster parents' counsel ended, Respondent requested Mother's counsel assist the court reporter in preparing the minute entry for the hearing because there was no recording of the proceedings to review.

- a. No other party was afforded the opportunity to give input to the minute entry for the May 14, 2020 in-chambers hearing.
- b. Foster parents' counsel did not know Respondent had communicated to the remaining parties that he wanted Mother's counsel to assist the court reporter with the CCS entry.
- c. A proposed Order on the May 14, 2020 hearing was circulated by DCS counsel to the other attorneys for review and approval.
- d. The foster parents' counsel communicated to DCS' counsel that she had a

different recollection of Respondent's rulings during the off-the-record hearing; however, the foster parents' counsel's proposed changes were not incorporated into the final Order on the hearing.¹

27. The May 14, 2020 in-chambers hearing was entered on the chronological case summary ("CCS") as a Hearing Journal Event.

28. On June 9, 2020, Respondent approved the Order on Hearing that was submitted by DCS' counsel.

29. On March 15, 2022, Respondent, through his staff, changed the CCS entry for the May 14, 2020 hearing to reflect that the in-chambers hearing was an Administrative Event and not a Hearing Journal Event.

CHARGES

The Commission incorporates the facts set out in ¶¶ 1-29 into the Charges below.

Count 1

The Commission charges that Respondent's statements and conduct during the hearings on November 7, 2019, December 17, 2020 and May 25, 2021 in *Paternity of H.L.* violated Rule 1.2 of the Code of Judicial Conduct, which requires judges to act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety; and violated Rule 2.8(B) of the Code of Judicial Conduct, which requires judges to be patient, dignified, and courteous to litigants and lawyers.

¹ Foster parents' counsel never filed anything to challenge or correct the final Order of Respondent.

Count 2

The Commission charges that by holding an off-the-record, unrecorded hearing in chambers on May 14, 2020, in the CHINS cases, in which he ruled on various substantive motions, Respondent violated Rule 1.2; Rule 2.2 of the Code of Judicial Conduct, which requires judges to uphold and apply the law and shall perform all duties of judicial office fairly and impartially; and Rule 2.5 of the Code of Judicial Conduct, which requires judges to perform judicial and administrative duties competently, diligently, and promptly; and constituted conduct prejudicial to the administration of justice.

Count 3

The Commission charges that by failing to provide all parties in the CHINS cases with sufficient notice and an opportunity to be heard when Respondent considered oral motions on substantive issues that were outside the noticed purpose of the hearing on May 14, 2020, Respondent violated Rules 1.1 of the Code of Judicial Conduct, which requires that judges to comply with the law including the Code of Judicial Conduct, 1.2, 2.2, 2.5, and 2.6 of the Code of Judicial Conduct, which requires judges to accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law; and constituted conduct prejudicial to the administration of justice.

Count 4

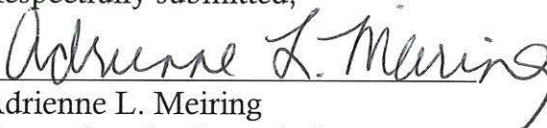
The Commission charges that by Respondent failing to provide all parties in the CHINS cases an opportunity to fairly participate in proceedings and by allowing only one party to assist in creating a court entry on substantive issues heard during the May 14, 2020 hearing, Respondent violated Rules 1.2, 2.2, 2.5, and 2.9(A) of the Code of Judicial Conduct,


which forbids judges from initiating, permitting, or considering ex parte communications, or consider other communications made to the judge outside the presence of the parties or their lawyers, concerning a pending or impending matter subject to certain exceptions; and constituted conduct prejudicial to the administration of justice.


WHEREFORE, the Commission respectfully requests that, upon the filing of Respondent's Answer, the Indiana Supreme Court appoint three Masters to conduct a public hearing on the charges that Respondent committed judicial misconduct as alleged, and further prays that the Supreme Court find that Respondent committed misconduct and that it impose upon him the appropriate sanction.

December 1, 2022
DATE

Respectfully submitted,


Adrienne L. Meiring
Counsel to the Commission
Atty. No. 18414-45


Larry Newman
Staff Attorney for the Commission
Attorney No. 21760-49


Lyubov Gore
Staff Attorney for the Commission
Attorney No. 31323-53

Indiana Commission on
Judicial Qualifications
251 N. Illinois Street, Suite 1600
Indianapolis, IN 46204
(317) 232-4706

CERTIFICATE OF SERVICE

I certify that a copy of this “Notice of the Institution of Formal Proceedings and Statement of Charges” was sent by certified mail, postage pre-paid and electronically, to Respondent, through counsel, James Bell, at the following mailing and electronic address:

Hon. Jeffrey Meade
c/o James Bell
Hoover Hull Turner
111 Monument Circle, Suite 4400
P.O. Box 44989
Indianapolis, IN 46244-0989
jbell@hooverhullturner.com

December 1, 2022

DATE



Larry Newman
Staff Attorney for the Commission
Attorney No. 21760-49