

ADVISORY OPINION

Code of Judicial Conduct Canon 3

#1-07

Canon 3B(9) of the Code of Judicial Conduct requires judges to “dispose of all judicial matters fairly, promptly, and efficiently.” The Commission has frequent occasion to review complaints about delays, and, in the past seven fiscal years, issued twenty private cautions to judges who had not resolved issues or cases in a reasonably timely manner. On a few occasions, in the most serious cases involving patterns of delay, the Commission has voted to file formal disciplinary charges or, as the Nominating Commission, declined to grant Senior Judge status to retiring judges.

Litigants, in some instances, do have a remedy in Trial Rules 53.1 and 53.2 by which they may petition the Clerk to withdraw a delayed case from the judge. First, however, filing a “lazy judge” motion often is an untenable and costly approach. Second, the existence of the remedy does not relieve the judge of the ethical obligations to promptly and efficiently resolve cases.

The Commission advises Indiana’s judges that, although it is mindful of the pressures of growing caseloads, it does pursue complaints about unreasonable delays, whether or not the grievants exercised their rights under Trial Rules 53.1 and 53.2. A response to a Commission inquiry takes the judge’s valuable time from adjudicative responsibilities and, sometimes, involves the submission of ongoing reports with the Commission. Judges are encouraged to confer with their colleagues or, for new judges, their mentor judges about effective case management practices, to educate and rely on their staffs for support, to employ the services of Senior Judges when available, and to bear in mind that unnecessary delays compromise litigants’ perceptions of the judiciary and seriously impact their lives or livelihoods when important issues are at stake.