



Ethics and Professionalism Committee  
April 13, 2012  
Meeting Minutes

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

Attendees: Judge Heather Welch, Chair; Mag. Larry Bradley; Judge Marc Kellams (via teleconference); Judge James Kirsch; Ms. Adrienne Meiring; Judge Timothy Oakes; Judge Evan Roberts; Mag. John Sedia; Judge Gary Smith and Judge Terry Snow.

- II. The January 20, 2012 meeting minutes were unanimously approved.

- III. Discussion Items

A. Judicial Performance Evaluation Program

Indiana has been selected to participate in a pilot project for appellate judicial performance evaluation in collaboration with AJS and Justice at Stake, IAALS and CED. Judge Kirsch summarized the IAALS conference on evaluating appellate judges that he attended in August 2011 by providing an overview of current judicial evaluation programs nationally and detailing the four purposes of judicial evaluation:

- Judicial self-improvement
- Providing relevant, objective information for the purposes of re-election
- Improve the design and content of judicial education
- Enhance public confidence in the courts

Handouts: Judge Kirsch memo, August 17, 2011  
AJS/Justice at Stake letter, December 16, 2011

Members discussed need to identify funds to support this project long-term and will seek advice from Justice Dickson to that end.

B. Revision of the Mission Statement

The current mission statement was developed by IJC staff and was revised to reflect current Committee efforts as follows:

The Ethics and Professionalism Committee meets regularly and at the request of the Supreme Court to give a judicial perspective on ethical and

professionalism issues. In addition, this committee makes recommendations for education programs on ethics and professionalism topics.

- C. Members further discussed the need to develop a proposed amendment to Rule 2.11 in light of Advisory Opinion #3-89 on disqualification of judicial officers who were former prosecutors. Judges Smith and Snow will draft proposed language for the Committee's review at the next meeting.
- D. Ethics and professionalism education for judges was further discussed. The Committee proposes to present at the 2012 Annual Meeting and the 2013 Spring Judicial College on ethics and professionalism. Diane will contact Vicki to explore the options and report back to the Committee at the next meeting.
- E. A draft survey intended to determine the ethics needs of judges was reviewed and approved. Diane will compile the survey using SurveyMonkey and report the survey results to the Committee at the next meeting.
- F. Best practice guidance on the use of social media was tabled for further review and discussion.
- G. The application of Rule 2.17 and AR 9 was tabled for further research.
- H. Best practice guidance on ex parte communications with CASA/GAL and receivers was tabled to allow Judge Oakes to assign this issue to a summer law clerk for research.
- I. Best practice guidance for problem-solving court judges in the area of ex parte communication was tabled for further review and discussion.
- J. Magistrate Sedia presented two articles to the Committee on fitness to serve indicating that the current sentiment is against mandatory retirement of judicial officers. This issue ties in nicely with the judicial performance evaluation program pilot project.

Articles: Report on Candidates for Judge at the International Criminal Court, October 29, 2011

IBA: Trial Judges No Longer Required to Retire by Judge Timothy Oakes, August 3, 2011.

- K. Application of Rule 4.2(B)(4) was tabled for further review and discussion.

#### IV. 2012 Committee Meeting Schedule

July 13, 2012 at 1:30 pm at the Indiana Judicial Center

September 14, 2012 at 1:30 pm at the Indiana Judicial Center

December 14, 2012 at 1:30 pm at the Indiana Judicial Center

- V. Judge Welch adjourned the meeting at 3:17 pm.