



Ethics and Professionalism Committee  
Meeting Minutes  
August 9, 2012

- I. Judge Welch called to order at 12:05 pm. The meeting was held via conference call.

Meeting participants were: Judge Heather Welch, Chair; Mag. Larry Bradley; Judge Marc Kellams; Judge Evan Roberts; Mag. John Sedia; and Judge Gary Smith.

Staff: Diane Mains

- II. The April 13, 2012, meeting minutes were approved.

- III. Discussion Items

- A. Judicial Performance Evaluation Program

Judge Welch reported that Judge Kirsch discussed this issue with the COA judges who are supportive of the concept but concerned about providing for the costs of the program, particularly for the fast approaching 2014 election cycle. Judge Welch also reported that Justice Dickson is supportive of the concept. Judge Welch will contact Bert Brandenburg, Executive Director of the Justice at Stake Campaign to discuss funding options.

- B. Revision of the Mission Statement

The Committee adopted revisions to the mission statement 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. Indiana Commission on Judicial Qualifications referral on disqualification of judicial officers who were former prosecutors in certain criminal cases

Judge Smith provided draft Rule 2.11 amendment language that was distributed to the Committee for consideration. This issue was tabled for further discussion at the next meeting.

- D. Survey results and 2012 Annual Meeting

The Committee will present a session on ex parte communication and SRLs at the Annual Workshop on Wednesday, September 12, 2012, from 3:00 – 4:00 pm. Judge Welch will serve as the moderator and Mag. Bradley, Mag. Sedia and Judge Smith will serve as panelists for the discussion. The presenters will meet on August 24, 2012, to put together discussion material for the session.

E. Best practice guidance on the use of social media

Judge Welch reported that six states have issued ethics opinions on the use of social media by judicial officers – California, Florida, Kentucky, New York, Ohio and Massachusetts. These states provide a range of advice from prohibiting to authorizing the “friending” on Facebook of attorneys who appear before the judge. The Committee discussed the need to provide Indiana judges with guidance in this area. Judge Welch will draft language for best practices on the use of social media by judicial officers for the Committee to review.

F. Application of Rule 2.17 and AR 9

Issue was tabled for further discussion at a later time.

G. Best practice guidance on ex part communications with CASA/GAL and receivers

Issue was tabled for further discussion at a later time.

H. Best practice guidance for problem-solving court judges on ex parte communication

Issue was tabled for further discussion at a later time.

I. Application of Rule 4.2(B)(4)

Issue was tabled for further discussion at a later time.

IV. 2012 Committee Meeting Schedule

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. The meeting was adjourned at 12:50 pm.