



Ethics and Professionalism Committee
Meeting Minutes

August 19, 2011
Indiana Judicial Center

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

Attendees: Judge Marianne Vorhees, Chair, Mag. John Sedia, Judge Michael Robbins, Judge Gary Smith, Judge Heather Welch, and Ms. Adrienne Meiring.

- II. The November 19, 2010 meeting minutes were approved.

- III. Discussion Items

A. Old business

1. Attorneys under JLAP monitoring contract practicing in front of the monitoring judge – Judge Vorhees reported that this issue will be addressed on a case-by-case basis with the possibility of including pertinent language in the monitoring agreement if needed.
2. The Code of Judicial Conduct Rule 2.9(C) and the potential for unintended, negative consequences resulting from the prohibition on internet research of current cases – staff reported finding one case, *In re Terry*, No. 08-234 (N.C. Judicial Standards Comm'n 4/1/09), in which a judge was disciplined, in part, for conducting *ex parte* research on a case via the internet. Case distributed to members. The Committee will continue to monitor this issue.
3. Committee Membership – staff reported that Judge Vorhees and Judge Vance will conclude their service on the Committee at the 2011 Annual Meeting of the Indiana Judicial Conference. The Chief Justice will appoint two new members to the committee as well as the new chairperson at the Annual Meeting.
4. Best Practices articles – staff reported that three of the four best practices articles have been published in the *Indiana Court Times* magazine and posted on the committee's web page. Members expressed an interest in continuing to explore ideas for future articles.
5. Permissible political activity by senior judges – Judge Vorhees reported that she has not heard from the Chief Justice in response to her letter

requesting guidance as to whether or not the Committee should review this issue. This issue will be tabled until the Committee is directed otherwise.

B. New business

Indiana Commission on Judicial Qualifications referral – disqualification of judicial officers who were former prosecutors in certain criminal cases. Committee discussion included a review of Rule 2.11 of the Code of Judicial Conduct, Advisory Opinion #3-89, member opinions and information from Judge Cleary and Judge Duvall. Members will explore this issue further by reviewing practices in states in which the code of conduct includes a disqualification waiver or remitter provision. Ms. Meiring will consult with other states and report back to the committee.

C. Announcements

Judge Vorhees and Ms. Meiring will present “Ethical Jeopardy” at the 2011 Annual Meeting.

IV. Judge Vorhees adjourned the meeting at 2:30 pm.