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**TITLE 312 NATURAL RESOURCES COMMISSION**

**Final Rule**

LSA Document #06-107(F)

**DIGEST**

Adds [312 IAC 3-1-2.5](#) governing standards to identify the applicable provisions of the Code of Judicial Conduct for administrative law judges of the Natural Resources Commission under [IC 14-10-2-2](#). Effective 30 days after filing with the Publisher.

**[312 IAC 3-1-2.5](#)**

SECTION 1. [312 IAC 3-1-2.5](#) IS ADDED TO READ AS FOLLOWS:

**[312 IAC 3-1-2.5](#) Applicable provisions of the code of judicial conduct to administrative law judges**

Authority: [IC 14-10-2-4](#)

Affected: [IC 4-21.5](#); [IC 14-10-2-2](#)

Sec. 2.5. (a) The following definitions apply throughout this section:

- (1) "Administrative law judge" means an administrative law judge for the natural resources commission.
- (2) "Code of judicial conduct" refers to the code of judicial conduct adopted by the Indiana supreme court, effective January 1, 1999 (including amendments passed through January 1, 2006).

(b) This section is intended to assist with the implementation of [IC 14-10-2-2\(a\)\(2\)\(C\)](#), which requires administrative law judges to comply with the applicable provisions of the code of judicial conduct.

(c) For purposes of this section, wherever in the code of judicial conduct the term:

- (1) "court personnel" or a term of similar application is used, the term applies to an employee of the commission's division of hearings, other than an administrative law judge; and
- (2) "judge" is used, the term applies to an administrative law judge.

(d) Unless otherwise specified in subsection (e), the provisions of the code of judicial conduct are applicable to an administrative law judge. These provisions shall be liberally construed to implement the intention of [IC 14-10-2-2](#).

(e) The following provisions of the code of judicial conduct are inapplicable to an administrative law judge:

- (1) Canon 3B(11) and 3B(13).
- (2) Canon 4C.
- (3) Canon 4G, to the extent that the practice of law in a representational capacity on a pro bono publico basis pursuant to the Indiana Rules of Professional Conduct, Rule 6.1 is prohibited. Such practice of law shall, however, be conducted subject to all applicable requirements of the code of judicial conduct.
- (4) Canon 4H(2).
- (5) Canon 5A(3), 5A(4), 5B(1), 5C, 5D, and 5F.

(Natural Resources Commission; [312 IAC 3-1-2.5](#); filed Jan 26, 2007, 10:48 a.m.: [20070214-IR-312060107FRA](#))

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Notice of Intent: May 1, 2006; 29 IR 2587

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*Documents Incorporated by Reference: Indiana Rules of Court, Code of Judicial Conduct; effective January 1, 1999, including amendments passed through January 1, 2006*

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