

In the Supreme Court of Indiana

IN THE MATTER OF)	
)	
THE HONORABLE)	
)	
MATTHEW J. ELKIN)	Case No: 25S-JD-69
)	
JUDGE OF)	
)	
HOWARD SUPERIOR COURT)	

NOTICE OF THE INSTITUTION OF FORMAL PROCEEDINGS
AND
STATEMENT OF CHARGES

The Indiana Commission on Judicial Qualifications (“Commission”), having found probable cause to warrant formal charges of judicial misconduct, now notifies Respondent, the Honorable Matthew J. Elkin (“Respondent”) of the filing of these Charges. These Charges are brought under Admission and Discipline Rule 25 and before the Indiana Supreme Court, which, pursuant to Article 7, § 4 of the Constitution of Indiana, has original jurisdiction over the discipline, suspension, and removal of all judges and judicial officers of this State. The Commission charges that Respondent, while Judge of Howard Superior Court, engaged in judicial misconduct as specifically charged below. Pursuant to Admission and Discipline Rule 25VIII (F), Respondent may file a written Answer to these Charges within twenty (20) days of service.

BACKGROUND

1. Respondent was admitted to the Indiana Bar in 1992.
2. On November 8, 2022, Respondent was elected Judge for Howard Superior Court and began serving as Judge of Howard Superior Court 1 on January 1, 2023.
3. At all times pertinent to these Charges, Respondent presided over a general jurisdiction docket that included criminal and civil cases.
4. Howard County Drug Court and Howard County Re-Entry Court are problem-solving courts (“PSCs”) within Howard Superior Court 1.
 - a. Drug Court is a PSC focused on addressing the substance abuse issues of defendants in the criminal justice system by: (1) bringing together substance abuse rehabilitation professionals, local social programs, and intensive judicial monitoring; and (2) linking eligible defendants to individually tailored programs or services. I.C. § 33-23-16-5.
 - b. Re-Entry Court is a PSC that is focused on the needs of individuals who re-enter the community after a period of incarceration and provides a range of reintegration services for eligible individuals. I.C. § 33-23-16-9.
 - c. A PSC team monitors a participant’s court case and provides services to participants. Members of the PSC team can include a coordinator, case managers, probation officers/community corrections, prosecuting attorneys, criminal defense attorneys, mental health providers, addiction treatment service providers, representatives of community transition programs, and other members approved by the PSC judge.¹
 - d. A case plan is developed for each participant in PSC to address various components, including services for substance abuse treatment, employment, education, and housing. PSC participants in Howard County Drug Court and Howard County Re-Entry Court are required to complete four phases to be considered for graduation. The PSC teams make recommendations to the court whether a participant should be advanced to the next phase.
 - e. As part of the judicial oversight, the PSC teams for Howard County Drug Court and Howard County Re-Entry Court, along with the presiding judge, hold weekly meetings in which the teams discuss reports on the progress and behavior of each PSC participant who is scheduled to appear at a status hearing that same afternoon.

¹ See Judicial Conference of Indiana Problem-Solving Court Rules, Section 13, last amended April 7, 2021.

5. When Respondent became the presiding judge of Howard Superior Court 1 on January 1, 2023, he also became the supervising judge of both the Drug Court and Re-Entry Court and presided over cases in both PSCs. As the supervising judge, Respondent has the ultimate responsibility for both Drug Court and Re-Entry Court.

SUMMARY OF CHARGES

6. The Charges against Respondent allege that Respondent failed to recognize appropriate ethical boundaries between himself and PSC participants, which resulted in Respondent's impartiality being questioned and undermined public confidence in the judiciary. After becoming the judge in Howard Superior Court 1, Respondent put his personal interests above his judicial duties. As the supervising judge of both the Drug Court and Re-Entry Court in Howard Superior Court 1, Respondent singled out certain PSC participants for special and personalized treatment over other participants.
7. These Charges against Respondent also allege multiple instances in which Respondent engaged in injudicious conduct and made injudicious statements to litigants and PSC staff. On multiple occasions, Respondent made discourteous remarks to litigants and PSC participants in the courtroom. In these instances, Respondent failed to adhere to his ethical obligation to be patient, dignified, and courteous with litigants and staff and to promote confidence in the integrity of the judiciary.

FACTS GIVING RISE TO MISCONDUCT CHARGES

Respondent's Previous Representation of PSC Participants

8. Respondent failed to disqualify himself from cases in Howard Superior Court 1 in 2023 and 2024, when he previously represented the defendants in the legal matters and the parties had not waived the conflict of interest.
9. Before being elected Judge in Howard Superior Court 1, Respondent practiced as a

criminal defense attorney and served as the appointed Public Defender in Howard Superior Court 1 for both PSCs. As a public defender in the PSCs, Respondent gave general legal advice to the participants.

10. After his election in November 2022 but before being sworn in as a judicial officer, Respondent started to identify cases in which he had entered an appearance to file motions to withdraw. However, Respondent did not take adequate precautions to sufficiently identify matters in which Respondent had a conflict.
 - a. Respondent created a partial and incomplete list (“conflict list”) of his cases to identify those in which he had entered an appearance.
 - b. In his deposition on August 5, 2024, Respondent testified that he did not search MyCase (mycase.in.gov)² to identify additional cases not on the conflict list in which he had entered an appearance.
11. After taking the bench, Respondent continued to use the incomplete conflict list to determine whether he should recuse himself in the matters over which he was presiding.
 - a. Respondent compared the conflict list with his daily court schedule to identify cases in which recusal was necessary, but he did not do a backup check for conflicts on MyCase.
 - b. Respondent did not utilize his court staff to assist in checking for conflicts.
 - c. Respondent did not check to see whether he had any potential conflicts with any of the PSC participants. He checked the current PSC participants for conflicts only after he received the Commission’s Notice of Inquiry.
12. Due to the haphazard treatment Respondent gave to the issue of conflicts, Respondent presided over PSC matters of multiple clients who he previously represented as counsel on those legal matters.
13. Respondent had previously represented S.W. in two (2) of the three (3) causes for which S.W. had been accepted into Drug Court (cause nos. 34C01-2105-F6-001812, 34C01-

² MyCase is a website on which the public can search for information on cases filed in the Indiana court system from the trial court level up to the Indiana Supreme Court.

2109-F6-002944).

- a. From August 8, 2021 to December 18, 2022, Respondent represented S.W. in either cause no. 34C01-2105-F6-001812 or cause no. 34C01-2109-F6-002944.
 - b. Respondent began presiding over S.W.'s cases in Drug Court on January 4, 2023.
 - c. Respondent did not disqualify himself from S.W.'s cases in Drug Court until March 1, 2024, after he received the Commission's Notice of Inquiry issued on February 23, 2024.
14. During the Commission's investigation, the Commission identified ten (10) additional PSC participants in whose cases Respondent had acted as both counsel and, later, the presiding judicial officer. A list of these participants is attached to the Complaint as Exhibit A. Respondent did not disqualify from these cases until after receiving the Commission's Notice of Inquiry.

“Game or Jail”

15. On October 26, 2023, F.H. was present in Howard Superior Court 1 as a participant in Re-Entry Court for cause no. 34D01-1106-FA-000541. R.P. was also present in Howard Superior Court 1 that day as a participant in Re-Entry Court for cause no. 34D01-1610-F3-001071.
- a. In the week prior to October 26, 2023, the Re-Entry Court team informed Respondent of alleged rule violations by R.P.
 - b. This information prompted Respondent to select F.H. and R.P. as the first subjects on whom to introduce his “Game or Jail” tactic.
 - c. Neither F.H. nor R.P. was in custody prior to the hearing on October 26, 2023.
 - d. During the court session on October 26, 2023, Respondent directed the court's security officer to place handcuffs on F.H. while F.H. was seated next to R.P.
 - e. Respondent then told F.H. and R.P. that if R.P. lied to Respondent, then Respondent would order F.H. to jail. F.H. had not committed any violations of PSC rules when this threat was made.

16. In his March 21, 2024 response to the Commission’s Notice of Inquiry, Respondent stated he employed the “Game or Jail” tactic because he “believed that the threat of F.H. going to jail would prevent R.P. from rationalizing or downplaying his behavior and it would reward him for telling the truth.”
17. In his May 15, 2024 response to the Commission’s Notice of Investigation, Respondent admitted that his use of the “Game or Jail” tactic violated Rule 1.2 of the Indiana Code of Judicial Conduct.

Failure to Maintain Proper Judicial Role with PSC Participants

PSC Participant P. H.

18. On January 21, 2022, defendant P.H. was accepted into Drug Court for cause nos. 34D02-2110-F4-003264, 34D02-2104-F6-001247.
19. As part of P.H.’s case plan, she was required to have housing and maintain residential stability.
20. During a status hearing on August 30, 2023, Respondent mentioned to P.H. that he had a house available that she could possibly rent. At the time, P.H.’s apartment lease was ending in October 2023, and she was looking for more room.
21. The house that Respondent mentioned to P.H. during the August 30, 2023 hearing was a rental property owned by Respondent’s wife.
22. P.H. and Respondent’s wife came to an agreement that P.H. could rent the rental property owned by Respondent’s wife. Although PSC participants are typically required to provide a lease to the judge and PSC team to review prior to moving into a rental property, P.H. and Respondent’s wife did not execute a lease prior to P.H. moving into the home.

23. P.H. needed to clean up the home prior to moving into the rental property, which included painting various rooms. Both Respondent and Respondent's wife assisted P.H. in cleaning up and painting the rental property.
24. Respondent's wife initially did not charge P.H. any rent for residing at the rental home and only required P.H. to pay the utilities. In early 2024, P.H. decided on her own to pay some rent to Respondent's wife, but it was not for the full amount.
25. Since September 2023, Respondent and his wife have engaged in a friendly, personal relationship with P.H. while Respondent presided over P.H.'s cases. Examples of such conduct include:
- a. Respondent, his wife, and his adult daughter gave P.H. rides to work in their personal vehicles on multiple occasions.
 - b. On November 15, 2023, Respondent sanctioned P.H. to jail for one day for her failure to comply with PSC recommendations. Respondent picked P.H. up from her home and transported her to the jail to serve her sanction.
 - c. Respondent gave P.H. furniture for use at the rental property.
 - d. Respondent's wife also purchased clothing items for both P.H. and her children.
 - e. Respondent's wife provided P.H. instruction and coaching as to how to care for infants and how to navigate different developmental milestones.
 - f. Respondent's wife assisted P.H. with the necessary documentation for P.H. to file for bankruptcy and assisted P.H. with filing her taxes.
26. Respondent was aware of all the things his wife was doing to help P.H., but Respondent never had any discussions with his wife about his role as the judge in P.H.'s case and his duty to maintain impartiality and to not impair the appearance of impartiality.
27. On February 6, 2024, Respondent sent P.H.'s PSC case manager a text that P.H. had been caught with a vape, and it was crushed under a car tire. Although PSC participants

are not allowed to have vapes in their possession as part of the program, P.H. did not receive a sanction for being caught with the vape on February 6, 2024.

28. Despite the personal relationship between Respondent, his wife, and P.H., Respondent did not disqualify himself from P.H.'s case until March 1, 2024, after he received the Commission's Notice of Inquiry.

29. Since Respondent became a judge, he has not made an offer to any other PSC participants to reside at the rental property owned by him or his wife.

30. Since Respondent became a judge, his wife has not provided personal assistance or parenting help to any other PSC participants besides P.H.

PSC Participant S.W.

31. S.W. was accepted into Drug Court on July 18, 2022. Although Respondent previously represented S.W. in the underlying proceedings at the time of his acceptance into Drug Court, Respondent did not disqualify himself from the proceeding or provide the required notice under Rule 2.11(C) of the Code of Judicial Conduct to allow the parties to consider whether to waive Respondent's conflict of interest.

32. On December 20, 2023, Respondent found that S.W. was in indirect contempt of court for violating the conditions of Drug Court and issued a warrant with no bond for S.W.'s arrest. S.W. was subsequently arrested on December 25, 2023.

33. On December 27, 2023, after speaking with Respondent, the PSC Coordinator³ contacted S.W. via telephone at the jail. S.W. agreed to release his keys to the PSC Coordinator and allow his vehicle to be stored in a safe place.

34. On December 29, 2023, the PSC Coordinator picked up Respondent in her personal

³ The Coordinator is a member of the PSC team who is responsible for the administration, management, and coordination of PSC services and operations.

vehicle at the Howard County Courthouse and drove them to S.W.'s apartment building, where the vehicle was located.

- a. Respondent secured S.W.'s vehicle and some small items inside the vehicle and drove the vehicle to a gas station to put gas in S.W.'s car.
 - b. Respondent then drove S.W.'s car to be stored at his wife's rental property (the same home at which P.H. was residing), while the PSC Coordinator followed Respondent in her personal vehicle.
35. Respondent and the PSC Coordinator called S.W.'s daughter on the phone to make arrangements for Respondent to meet S.W.'s daughter at S.W.'s apartment to help her get the rest of S.W.'s belongings.
36. Respondent also called S.W.'s landlord in an attempt to obtain S.W.'s apartment rental deposit after S.W. went to jail by making arrangements with the landlord to get the apartment keys back to the landlord. Respondent followed up the phone call by sending a letter to the landlord with the keys included in the envelope.
37. Despite these repeated personal favors for S.W., Respondent continued to preside over S.W.'s case and did not disqualify himself from S.W.'s case until March 1, 2024,

Giving PSC Participants Rides in Respondent's Personal Vehicles

38. From January 1, 2023 through December 31, 2023, Respondent provided PSC participants rides in his personal vehicle and allowed a PSC participant to drive his personal vehicle. Some instances include the following:
- a. In March 2023, Respondent drove PSC participants F.H., R.P., and R.M. to two different Indiana Department of Correction facilities to retrieve R.P.'s and R.M.'s belongings (cause nos. 34D01-1106-FA-000541, 34D01-1610-F3-001071, 34D01-1806-F2-000512).
 - b. Respondent drove PSC participant T.J. (cause no. 34D01-1406-FA-000504) approximately five times in 2023 from work release to the courthouse to meet with probation.
 - c. In March 2023, Respondent drove PSC participant J.B. (cause no. 34D04-1808-

F6-000878) to his workplace on at least one occasion. In another instance, Respondent picked up J.B. from his workplace and drove him to the Howard County Jail.

39. None of the PSC participants requested a ride from Respondent. Instead, Respondent, on his own, told the participants he would be giving them rides.
40. Additionally, Respondent allowed PSC participant B.M. (cause no. 34D04-0608-FA-000133) to drive his personal vehicle on multiple occasions in 2023, so the participant could accumulate driving hours to obtain his driver's license.

Offering Benefits and/or Assistance to Certain PSC Participants

41. From January 1, 2023 to August 2, 2024, Respondent engaged in a pattern of offering benefits and assistance to certain PSC participants but not others. Some examples include the following:
 - a. In the summer of 2023, Respondent arranged for other PSC participants to assist in cleaning out PSC participant A.M.'s home (cause nos. 34D02-1904-F5-001189, 34D02-2203-F6-934, 34D02-2109-F4-2864) over a two-day period, assisted in the cleanup himself with his wife, and provided A.M. with paint and furniture.
 - b. During a status hearing in court on December 21, 2023, Respondent urged PSC participant B.L. (cause nos. 34D01-2101-F2-000025, 34D01-1710-F4-1167) to speak with Respondent's wife about obtaining a gift certificate (valued up to \$8,000) that Respondent's wife possessed for a wedding dress.
 - c. On January 11, 2024, after sanctioning PSC participant M.R. (cause no. 34C01-1912-F2-003696) for violating terms of the Re-Entry Court program that required her to be taken into custody, Respondent made special arrangements for M.R. after learning that she had an appointment that afternoon at a nearby medical facility. These arrangements included walking M.R. to the medical facility after court concluded, waiting for M.R. as she attended her appointment, and then escorting her back to the courthouse for the Sheriff's Department to take M.R. into custody.
 - d. On August 1, 2024, Respondent rented, using his own credit card, a car for PSC participant T.T. (cause no. 34D04-2311-F2-003224) to apply for a different job that was 30 minutes away from T.T.'s residence. Respondent has not rented a car for any other PSC participant.

- e. Respondent stored belongings for at least three different PSC participants: 1) Respondent stored J.B.'s property at his old law office and brought it to J.B. at work release (cause no. 34D04-1808-F6-000878); 2) Respondent stored PSC participant L.W.'s furniture and personal items and arranged with L.W.'s mother to get L.W.'s belongings (cause nos. 34D04-2103-F5-000901, 34D04-2011-F6-003356); and 3) Respondent stored S.W.'s car containing his personal belongings at a rental property owned by Respondent's wife while S.W. was in jail (cause nos. 34C01-2105-F6-001812, 34C01-2109-F6-002944).
42. Since becoming the presiding judge of Drug Court and Re-Entry Court, Respondent has offered to give and/or given household or personal items to various PSC participants.
43. In all the above-described incidents, Respondent selectively decided whether to offer or give a participant such benefits or assistance and did not offer similar benefits to other participants.

Following PSC Participants

44. Between January 1, 2023 and December 31, 2023, Respondent followed various PSC participants outside the courtroom.
45. On multiple occasions during staffing meetings, Respondent told PSC staff that he follows PSC participants outside of the courtroom. Some examples include the following:
- a. Respondent told PSC staff during a staffing that he had followed J.B. from his workplace back to work release.
 - b. During a PSC staffing in early 2023, Respondent stated he saw PSC Participant J.H. (cause no. 34D02-2203-F4-000742) receive something from the window of a vehicle.
 - c. During a PSC staffing on July 5, 2023, Respondent made comments that he had been by PSC Participant K.D.'s home multiple times and K.D. was not there (cause no. 34D01-2102-F6-000452). On October 18, 2023, Respondent contacted K.D.'s probation officer and requested K.D.'s daughter's softball schedule, so he could follow up on K.D. Respondent subsequently went to K.D.'s daughter's softball game.
46. Respondent's admission to PSC staff that he follows PSC participants was further

corroborated by statements Respondent made to PSC participants during court hearings.

Some examples include the following:

- a. During a status hearing on March 9, 2023, Respondent asked PSC Participant J.B. (cause no. 34D04-1808-F6-000878) questions about how J.B. was walking outside of court. Respondent stated J.B. would stop every fourth step. Respondent also stated J.B. would hold his phone in his left hand and put his right hand in his pocket.
- b. During a status hearing on April 6, 2023, Respondent directed statements to all participants in open court regarding their possession of cell phones. Specifically, Respondent stated to the participants, "...I'll be more than happy to explain that my dad used to steal other countries' secrets for 25 years. I am literally over Easter going to drive past every place anybody here owns or lives at. That includes going past work release, rescue mission. And I am going to scan every place to see if anybody here has a phone. If you aren't supposed to have a phone, I'm going to know by Monday."

Injudicious Conduct and Statements

47. From January 2023 through May 2024, Respondent repeatedly engaged in injudicious conduct and made injudicious statements while he was the presiding judge of Howard Superior Court 1.

48. During a status hearing on March 23, 2023, in *State v. L.G.*, cause no. 34D01-1911-F4-003548, Respondent made the following comments to L.G., a Re-Entry Court participant, regarding her prior history as a victim of domestic violence:

- a. "Do you know who Tom Brady is? How many Super Bowls? Seven Super Bowls he's won. When Tom Brady wins a Super Bowl, his brain is filled with all kinds of neurochemicals. All right? And he gets to scream, you know, I'm going to Disney World...Now, I know he's not married, he's not in a relationship anymore, but what he used to be able to do is he got two big brain rushes because he got to go I won the Super Bowl and then the next thought is I get to f*ck the super model. Okay?"
- b. "If I smack the sh*t out of you right now, what chemicals get dumped in your brain? The exact same chemicals he experiences when he wins the Super Bowl. Did you know that? So the whole thing is every time I beat you up or you beat me up, we won the Super Bowl...So if I smack you in the head and you feel the exact same way so you can enjoy the relationship. That's what happens."

- c. “That’s the truth. That’s why women don’t leave. It gets worse. He experiences it once because he won the Super Bowl. You can cause yourself to experience that emotion at least two more times after you’ve been hit. One is if you feel guilty about having had you’re a*s kicked, the exact same chemicals dump into your brain. You feel real shame over it. Then if you get angry over the fact that this person did it to you, it happens a third time. Here’s the deal, I can train for an entire lifetime for one shot at winning the Super Bowl and experiencing that elation, or I can have somebody kick my a*s and I can do it three times. Which is easier?”
- d. “You don’t deserve this chance. You don’t deserve it. I have—I know what’s wrong with you and I know how to fix you.”
- e. “You’re not even my property yet. Do you know that you’re the Department of Corrections’ property for 98 days, right? No, six months. Right?”

49. On February 17, 2023, defendant A.L. appeared before Respondent under cause no. 34D01-1511-F2-001035, for a hearing on a petition to modify a sentence on a felony drug offense. At the conclusion of the hearing and prior to ruling on the petition, Respondent made the following statements to A.L.:

- a. “How many people in America have as many felony convictions as you? There’s 300 million people in this country. How many people have as many felony convictions as you? Here’s the thing that should make your skin crawl. You have more convictions than the average child molester in this country. You are the one-third of the one percent of the worst people in the planet.”
- b. “Of every person who’s asked for modification here, you are the least likely to be successful. No matter what your success has been at the DOC for however limited period of time, you are the least likely to be successful. I want that to sink into you and I want you to think about that when we evaluate you.”

50. While presiding over both Drug Court and Re-Entry Court, Respondent made demeaning, discourteous, and/or humiliating comments to participants and PSC staff and engaged in inappropriate actions in open court. Some examples include the following:

- a. During a status hearing on August 10, 2023, Respondent displayed a pack of adult diapers in court while discussing with PSC Participant M.B. (cause no. 34D02-1901-F2-000279) on the record a write up M.B. received at his work

release facility.

- b. During a status hearing in 2023, Respondent displayed a sign to PSC participant N.H. (cause no. 34D01-1908-F2-002590) in court that stated, “watching you dumb a*s.”
- c. On May 25, 2023, Respondent required that specific language be included in PSC Participant V.S.’s Notice of Termination that V.S. (cause no. 34D01-2105-F5-01777) had possession of a vape “violating himself by inserting a vape inside of his sphincter” and read the Notice on the record.
- d. On August 17, 2023, Respondent told PSC Participant R.B. (cause no. 34D01-1711-F2-01335) during a status hearing that he was “making sh*t up in his brain.”
- e. On April 5, 2023, Respondent ordered PSC participant K.M. (cause no. 34D01-1910-F3-003374) to be tested for “all Sexually Transmitted Diseases, Human Immunodeficiency Virus, and Hepatitis A, B, and C.” Having already issued the order, during a status hearing on April 6, 2023, Respondent discussed on the record with K.M. that there were three medical conditions that K.M. may end up with if he was on the wrong side of a test.
- f. In the beginning of 2024, during a staffing of PSC Participant Z.M. (cause no. 34D04-2010-F2-003098) with the PSC team, Respondent joked about how Z.M. had been abused as a youth.
- g. On October 7, 2023, Respondent met with PSC Participant T.H. (cause no. 34D02-2011-F6-003330) at Respondent’s former law office to discuss T.H.’s probation fees. During the meeting, Respondent discussed other PSC participants, made disparaging comments about the participants, and revealed confidential information about the participants. During this same conversation, Respondent made demeaning comments about three different PSC staff members. At the end of the meeting, Respondent told T.H., “I’m not going to say what I know about you, but I know.”
- h. Respondent made statements to PSC participants in court that they were “stupid.”
- i. When Respondent first became the presiding judge of Howard Superior Court 1, he told both Court 1 court staff and PSC staff that he was going to “mess with” and “f*ck with” the participants.
- j. Respondent has twice accused his PSC staff of being “moles.” Additionally, Respondent told PSC staff on multiple occasions that he has followed PSC staff or had them followed outside of the courtroom.

Lack of Appropriate Supervision

51. During the Commission’s investigation, the Commission received a report on April 30, 2024, that Howard County Community Corrections Field Officer Doug Hoover (“Hoover”), who was also a member of the PSC team, had rented housing to approximately six defendants who he supervised. This included one defendant who had a pending case in Re-Entry Court before Respondent in *State v. R.B.*, cause no. 34D01-1711-52-01335.
52. As the supervising judge of Drug Court and Re-Entry Court, Respondent is responsible for carrying out the functions of those PSC courts, including the hiring of employees to carry out the functions of PSCs and establishing policies and procedures for PSCs. *See* I.C. § 33-23-16-21.
53. As a Field Officer, Hoover conducts home visits to defendants/participants. He is specifically assigned to Re-Entry Court participants but also covers Drug Court participants.
54. Respondent was aware that PSC Participant R.B. was going to move into a vacant room at Hoover’s rental property and did not voice any concerns or discuss possible conflicts with Hoover. On April 27, 2023, Respondent approved R.B.’s move to Hoover’s rental property. As a Field Officer, Hoover conducted home visits to R.B.’s home (Hoover’s rental property) while on duty with probation.

APPLICABLE COURT RULES

55. Indiana Code § 33-23-16-21 defines the powers of a problem-solving court as follows:

A court may take steps necessary to carry out the functions of the problem solving court, including the following: (1) Hiring employees as

- needed to perform the required functions of the problem solving court.
- (2) Establishing policies and procedures for the problem solving court.
- (3) Adopting local court rules as necessary for the problem solving court.

- 56. Rule 1.1 of the Indiana Code of Judicial Conduct provides that “A judge shall comply with the law, including the Code of Judicial Conduct.”
- 57. Rule 1.2 of the Indiana Code of Judicial Conduct provides that “A judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.”
- 58. Rule 1.3 of the Indiana Code of Judicial Conduct provides that “A judge shall not abuse the prestige of judicial office to advance the personal or economic interests of the judge or others, or allow others to do so.”
- 59. Rule 2.1 of the Indiana Code of Judicial Conduct provides that “The duties of judicial office, as prescribed by law, shall take precedence over all of a judge’s personal and extrajudicial activities.”
- 60. Rule 2.2 of the Indiana Code of Judicial Conduct provides, in relevant part, that “A judge shall uphold and apply the law and shall perform all duties of judicial office fairly and impartially. . . .”
- 61. Rule 2.5(A) of the Indiana Code of Judicial Conduct provides that “A judge shall perform judicial and administrative duties competently, diligently, and promptly.”
- 62. Rule 2.8(A) of the Indiana Code of Judicial Conduct provides that “A judge shall require order and decorum in proceedings before the court.”
- 63. Rule 2.8(B) of the Indiana Code of Judicial Conduct provides that “A judge shall be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, court staff, court

officials, and others with whom the judge deals in an official capacity and shall require similar conduct of lawyers, court staff, court officials, and others subject to the judge's direction and control."

64. Rule 2.11(A) of the Indiana Code of Judicial Conduct provides, in part, that:

A judge shall disqualify himself or herself in any proceeding in which the judge's impartiality might reasonably be questioned, including but not limited to the following circumstances:

(6) The judge:

(a) served as a lawyer in the matter in controversy

65. Rule 2.11(C) of the Indiana Code of Judicial Conduct provides that:

A judge subject to disqualification under this Rule, other than for bias or prejudice under paragraph (A)(1) or for conflicts under paragraph (A)(2), shall disclose on the record the basis of the judge's disqualification and may ask the parties and their lawyers to consider, outside the presence of the judge and court personnel, whether to waive disqualification. If, following the disclosure, the parties and lawyers agree, without participation by the judge or court personnel, that the judge should not be disqualified, the judge may participate in the proceeding. The agreement shall be incorporated into the record of the proceeding and shall be in writing and signed by the parties.

66. Rule 2.12(A) of the Indiana Code of Judicial Conduct provides that "A judge shall require court staff, court officials, and others subject to the judge's direction and control to act in a manner consistent with the judge's obligations under this Code."

67. Rule 3.1 of the Indiana Code of Judicial Conduct, provides in part, that:

A judge may engage in extrajudicial activities, except as prohibited by law or this Code. However, when engaging in extrajudicial activities, a judge shall not:

(A) participate in activities that will interfere with the proper performance of the judge's judicial duties;

(B) participate in activities that will lead to frequent disqualification of the judge;

(C) participate in activities that would appear to a reasonable person to undermine the judge's independence, integrity, or impartiality.

CHARGES

The Commission incorporates the facts set out in ¶¶ 1-54 into the Charges below.

Count 1

By failing to disqualify from cases in Howard Superior Court 1 in 2023 and 2024 when he previously represented the defendants in the legal matters and the parties had not waived the conflict of interest, Respondent violated Rules 1.1., 1.2, 2.5, and 2.11 of the Code of Judicial Conduct.

Count 2

By utilizing a tactic called "Game or Jail" against two PSC participants, on October 26, 2023, in which one participant was handcuffed while Respondent threatened to place the participant in jail if the other PSC participant did not tell the truth, Respondent violated Rules 1.1, 1.2, 2.5(A), 2.8(A), and 2.8(B) of the Code of Judicial Conduct.

Count 3

By allowing PSC participant P.H. to reside at Respondent's family's rental property, providing use of a personal vehicle for P.H., and providing personal services to assist P.H., while Respondent continued to preside over P.H.'s case, Respondent violated Rules 1.2, 2.1, 2.2, and 2.11 of the Code of Judicial Conduct.

Count 4

By allowing PSC participant S.W. to store personal belongings at Respondent's wife's rental home and by providing other personal assistance to S.W. while Respondent continued to preside over S.W.'s case, Respondent violated Rules 1.2, 2.1, and 2.2 of the Code of Judicial Conduct.

Count 5

By providing personal transportation to certain PSC participants between January 1, 2023 and December 31, 2023, and allowing a PSC participant to drive his personal vehicle, Respondent violated Rules 1.2, 2.1, 2.11, and 3.1 of the Code of Judicial Conduct.

Count 6

By engaging in a pattern of selectively offering benefits and assistance to certain PSC participants between January 1, 2023 and August 2, 2024, Respondent violated Rules 1.2, 2.1, 2.2, and 3.1 of the Code of Judicial Conduct.

Count 7

By following certain PSC participants outside of the courtroom in his personal vehicle between January 1, 2023 and December 31, 2023, Respondent violated Rules 1.2, 2.1, 2.2, and 3.1 of the Code of Judicial Conduct.

Count 8

By engaging in injudicious conduct and making injudicious statements to litigants and PSC staff between January 1, 2023 and May 31, 2024, Respondent violated Rules 1.2, 2.5(A), 2.8(A), and 2.8(B) of the Code of Judicial Conduct.

Count 9

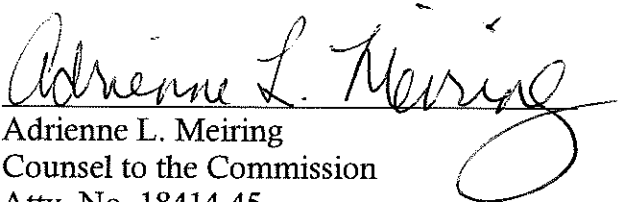
By failing to adequately supervise Probation Field Officer, Douglas Hoover, who allowed defendants to reside at rental property owned by Hoover between April 27, 2023 to October 4, 2023, Respondent violated Rules 1.2 and 2.12(A) of the Code of Judicial Conduct.


WHEREFORE, the Commission respectfully requests that, upon the filing of Respondent's Answer, the Indiana Supreme Court appoint three Masters to conduct a public

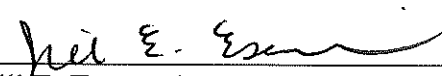
hearing on the charges that Respondent committed judicial misconduct as alleged, and further prays that the Supreme Court find that Respondent committed misconduct and that it impose upon him the appropriate sanction.

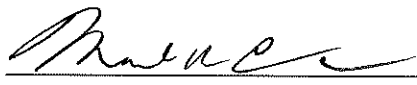
Respectfully submitted,

3/24/25
DATE


Adrienne L. Meiring
Counsel to the Commission
Atty. No. 18414-45


Stephanie K. Bibbs
Deputy Director of Litigation
Atty. No. 25145-49


Jill E. Esenwein
Staff Attorney
Atty. No. 34291-20


Mark R. Conner
Staff Attorney
Atty. No. 25530-49


Indiana Commission on
Judicial Qualifications
251 N. Illinois Street, Suite 500
Indianapolis, IN 46204
(317) 232-4706

CERTIFICATE OF SERVICE

I certify that a copy of this "Notice of the Institution of Formal Proceedings and Statement of Charges" was sent by certified mail, postage pre-paid to Respondent, through counsel, and via electronic mail at the following mailing and electronic address:

Honorable Matthew Elkin
c/o Jennifer Lukemeyer
Voyles, Vaiana, Lukemeyer, Baldwin & Webb
One Indiana Square
211 North Pennsylvania Street
Suite 2400
Indianapolis, IN 46204

3/26/25
DATE


Adrienne L. Meiring
Counsel to the Commission
Atty. No. 18414-45



Jill E. Esenwein
Staff Attorney
Atty. No. 34291-20

Exhibit A – List of PSC Participants Responded Previously Represented

1.	S.W.:	34C01-2105-F6-001812 -	entered appearance 6/8/2021
		34C01-2109-F6-002944 -	entered appearance 9/16/2021
2.	B.R.:	34C01-2103-F6-000734 -	entered appearance 3/22/2021
3.	D.B.:	34C01-2201-F6-000071 -	entered appearance 1/13/2022
		34C01-2206-F6-001695 -	entered appearance 6/7/2022
4.	J.W.:	34C01-2104-F2-001252 -	entered appearance 4/15/2021
5.	K.D.:	34C01-2005-F6-001256 -	entered appearance 2/26/2021
6.	L.G.:	34C01-2209-F6-002892 -	entered appearance 9/16/2022
7.	M.B.:	34D01-2202-F4-000599 -	entered appearance 3/29/2022
8.	N.H.:	34D02-1908-F2-002590 -	entered appearance 11/27/2019
9.	T.J.:	34D01-1305-FB-000384 -	entered appearance 8/26/2013
10.	J.L.:	34C01-2107-F6-002397 -	entered appearance 8/4/2021
11.	M.R.:	34C01-1912-F2-003696 -	entered appearance 12/12/2019