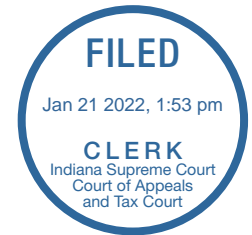


In the Indiana Supreme Court

In the Matter of the Honorable
Patrick R. Miller, former Judge of the
Adams Superior Court

Supreme Court Case No.
21S-JD-513



Published Order Approving Statement of Circumstances and Conditional Agreement for Discipline

We find that Patrick R. Miller (“Respondent”), former judge of the Adams Superior Court, engaged in misconduct while holding judicial office.

The matter is before us on the “Notice of the Institution of Formal Proceedings and Statement of Charges” filed by the Indiana Commission on Judicial Qualifications (“Commission”) against Respondent. After the filing of formal charges, the parties jointly tendered a “Statement of Circumstances and Conditional Agreement for Discipline,” stipulating to the following facts.

From January 1, 2009 to December 31, 2020, Respondent served as the judge of the Adams Superior Court, which had criminal and civil dockets and also was the Adams County Drug Court. In 2015, Respondent hired “Employee” as the coordinator for the Drug Court. Employee was expected to have office hours from 8:00 a.m. to 4:30 p.m., though she often flexed her hours.

In 2020, Respondent filed his declaration to seek re-election. Employee assisted Respondent with his campaign. Employee was assigned an office in the courthouse and attended Drug Court sessions, sitting at a desk next to the bench. During office hours and while inside the courthouse, Employee worked on Respondent’s campaign and asked other court employees about campaign materials. Respondent never adequately explained to Employee that there were rules about working on judicial campaigns while also working for the court or that there were rules against campaign work being done inside court facilities.

On a Thursday during the campaign, before attending a noon Rotary Club meeting, Employee accompanied Respondent to a store to order campaign t-shirts. Respondent and Employee picked up the shirts around 1:00 p.m. on another Thursday after leaving their Rotary meeting. The store owner was present and knew Employee worked for Respondent in his role as judge. On Friday, October 9, 2020, at approximately 9:30 a.m., Respondent and Employee went to the local newspaper office so Employee could review Respondent’s political campaign ad and discuss it with the sales manager. Because it was a Friday, Employee would have been wearing apparel with the Drug Court’s logo. Employee, Respondent, and the sales manager knew each other through Rotary membership. Respondent and Employee never discussed the

appearance to the public of a court employee accompanying Respondent to the newspaper office to review a campaign ad in the middle of the morning on a workday.

Respondent presided over a case against “Defendant” in the Adams County Drug Court from February 2020 until he left office on December 31, 2020. In September or October of 2020, Defendant was present in Drug Court and participated in a session. At the conclusion of the session, Defendant approached the bench and asked Respondent if Defendant could obtain a campaign sign for Defendant’s yard. While still seated on the bench and wearing his robe, Respondent discussed with Defendant the size of the sign Defendant wanted and confirmed Defendant would get a yard sign. Other members of the Drug Court, including Employee and the prosecutor, heard this conversation. A small yard sign was delivered to Defendant’s yard and displayed. In September or October of 2020, Respondent delivered a large campaign sign to Defendant’s yard and removed the small sign.

Respondent lost the election. His last day as the Adams Superior Court Judge was December 31, 2020.

The parties agree that Respondent’s misconduct violated these provisions of the Judicial Code.

- Rule 1.1 requiring a judge to comply with the law.
- Rule 1.2 requiring a judge to act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary and to avoid impropriety and the appearance of impropriety.
- Rule 3.1(C) prohibiting judges from participating in activities that would appear to a reasonable person to undermine the judge’s independence, integrity, or impartiality.
- Rule 4.1(A)(10) prohibiting judges and judicial candidates from using court staff, facilities, or other court resources in a campaign for judicial office.
- Rule 4.1(B) requiring judges or judicial candidates to take reasonable measures to ensure that other persons do not undertake, on behalf of the judge or judicial candidate, activities that are prohibited under Rule 4.1(A).
- Rule 4.2(A)(1) requiring a judicial candidate in a partisan, nonpartisan, or retention election to act at all times in a manner consistent with the independence, integrity, and impartiality of the judiciary.
- Rule 4.2(A)(2) requiring a judicial candidate in a partisan, nonpartisan, or retention election to comply with all applicable election, election campaign, and election campaign fund-raising laws and regulations.

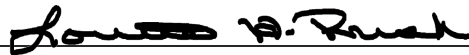
The parties cite as an aggravating factor that Respondent has prior discipline as a judge under case number 20S-JD-108, for which he received a public reprimand. As mitigators, the parties agree that Respondent has expressed remorse and accepted responsibility for his misconduct and fully cooperated with the Commission.

The parties agree an appropriate sanction in this matter is that Respondent is “Barred from Judicial Service for his Lifetime and receives a Public Reprimand” for his misconduct. The parties agree the costs to be assessed against Respondent are \$1,496.72.

A sanction for judicial misconduct “must be designed to discourage others from engaging in similar misconduct and to assure the public that judicial misconduct will not be condoned.” *In re Hawkins*, 902 N.E.2d 231, 244 (Ind. 2009). The parties’ agreed sanction will prohibit Respondent from serving as a judicial officer.

We approve the parties’ agreement. Accordingly, Respondent is hereby reprimanded and barred from judicial service for his lifetime. Costs of \$1,496.72 are assessed against Respondent. This discipline terminates these proceedings.

Done at Indianapolis, Indiana, on 1/21/2022.



Loretta H. Rush
Chief Justice of Indiana

All Justices concur.