

Ethics and Professionalism Committee
Meeting Minutes

February 22, 2019

- I. Judge Welch called the meeting to order at 1:30 p.m.

Participants: Judge Welch, Chair; Judge Coleman; Judge Houk; Ms. Meiring; Judge Pancol; Judge Parent; Magistrate Renner; Judge Siamas; and Judge Williams

Staff: Diane Mains

- II. Meeting Minutes for September 5, 2018 approved unanimously.

- III. Cameras in the Courtroom Pilot – Judge Welch reported that the pilot will commence shortly under a set of rules for a short period of time allowing media to have cameras in the courtroom. The Supreme Court will review the results of the pilot to determine next steps. Judge Parent and Judge Shively are participating in the pilot.

- IV. CJC Rule 2.2 proposal – The Coalition for Court Access submitted proposed changes to Rule 2.2 to the Rules Committee in an effort to assist self-represented litigants. The Rules Committee has made significant changes to the proposal. The Rules Committee has submitted the following language back to the Coalition for its consideration:

A judge shall uphold and apply the law and shall perform all duties of judicial office fairly and impartially. A judge may make reasonable efforts, consistent with the law and court rules, to facilitate the ability of all litigants, including self-represented litigants, to be heard.

Once approved by the Coalition, the language will be submitted to the Supreme Court for consideration.

Committee members expressed concern about balancing impartiality and ensuring a meaningful hearing when self-represented litigants are involved. Diane was directed to obtain the materials from Judge Dowling's judicial education session on self-represented litigants and share this information with the Committee. Ms. Meiring suggested inviting Marcus McGhee to a future meeting to share his expertise on Sovereign Citizens as discussion on dealing with self-represented litigants continue.

- V. CJC Rule 2.15, Self-Reporting Violations – Magistrate Renner's commentary language was reviewed. The new commentary is intended to clarify the Rule's current ambiguity. The commentary does not require admissions but merely puts the Commission on notice of an incident. Exculpatory evidence can be destroyed if not collected early in the process. Narrowed to the judicial officer and criminal activity when the judge is a target of the action.

The following language was approved by the Committee. It was noted that Judge Miller is opposed to this language.

A judicial officer shall contact the Indiana Commission on Judicial Qualifications anytime the judicial officer has been involved with or has

been questioned by law enforcement authorities in regard to a criminal investigation, or potential criminal investigation, of the judicial officer. Such contact with the Commission should be as soon as practical after the contact and shall advise the Commission of the nature of the judicial officer's involvement with or questioning by law enforcement authorities.

VI. Judicial Education

Admission and Discipline of Attorneys, Rule 3, Section 2 Temporary Admission on Petition (Pro Hoc Vice) – Judge Welch reported that this issue will be discussed at the Spring Judicial College.

2019 Annual Meeting – the Committee decided to present an education session on disqualification and conflicts of interest. Presenters will be Judge Parent, Judge Shively and Judge Williams.

Diane was directed to research these topics and provide materials to the Committee.

VII. Best Practice Guides

Social Media Practices by Magistrate Miskimen – Magistrate Renner culled out the general ethical issues and reduced this material. His language was distributed to Committee. Committee members were directed to review and comment on this language in preparation for the next meeting.

VIII. Next Meeting: May 1-3, 2019, Spring Judicial College, Indiana Convention Center, Indianapolis (specific date/time TBD) – Diane directed to determine the options for meeting on Wed or Thurs and report back to the Committee.

IX. Meeting Adjourned by Judge Welch.

Ethics and Professionalism Committee
Meeting Minutes

September 18, 2019

I. Judge Welch called the meeting to order at 4:40 p.m.

Participants: Judge Welch, Chair; Judge Avery; Judge Coleman; Magistrate Cummins; Judge Krieg; Judge Pancol; Judge Rothenberg; and Judge Siamas

Staff: Diane Mains

II. Welcome new members and Judge Shively was thanked for his service. New members:

- Judge David Avery, Allen Superior Court
- Magistrate Douglas Cummins, Johnson County
- Magistrate Michael Pagano, Lake Superior Court
- Judge Marc Rothenberg, Marion Superior Court

III. The February 22, 2019 meeting minutes approved unanimously.

IV. Project Updates

- Judge Welch reported that the Committee's 2019 Annual Meeting ethics session will be held tomorrow afternoon and led by Judge Parent, Judge Shively and Judge Williams, members were encouraged to attend. The social media bookmark was included in the Conference materials and staff passed out additional copies.
- Judge Welch reported that the cameras in the courtroom pilot project is still ongoing and emphasized that cameras in the courtroom is the standard across the country. Further updates will be provided as they are available.
- Diane reported that the Committee's proposal to add a new comment to Rule 2.15 specifying that a judge has a duty to report when he/she is under criminal investigation, was rejected by the Supreme Court. Concerns were raised that false allegations could be made against a judicial officer triggering the necessity to report. The Committee defers to Ms. Meiring as to any future activities on this proposal.
- Diane reported that the Court Personnel Committee proposal to amend Rule 2.12 to support staff training was approved by the Supreme Court. The order amending the CJC with a new comment to Rule 2.12 was issued on July 25, 2019. Committee members were provided with a copy.
- Coalition for Court Access CJC proposal on self-represented litigants – Diane reported that the Coalition for Court Access proposal to amend Rule 2.2 of the CJC was approved by the Supreme Court. This amendment and new comment are intended to provide more guidance on interacting with SRLs. The Supreme Court's order amending the CJC was dated May 16, 2019.

- V. **Managing Cases with Pro Se Litigants Benchbook**
The Committee discussed the request to update this benchbook, last updated in 2006. Members determined that the Ethics and Professionalism Committee is not the appropriate committee to update this benchbook. Further, all of the listed topics are included in other benchbooks by judicial officers who work on these subject matters. Members also questioned whether there is any need for this benchbook given the current philosophy and practice guides for dealing with SRLs.
- VI. **2020 Annual Meeting Ethics Session Topics**
Members briefly discussed ideas for the Committee's 2020 Annual Meeting ethics session. Judge Avery, with the assistance of Judge Krieg and Judge Rothenberg, agreed to put together a list of topics to bring back to the Committee for further discussion.
- VII. **2020 Meetings (July 1, 2019 – June 30, 2020)**
Staff was directed to poll members for two Friday meeting dates for next year. The Committee will meet in conjunction with 2020 Spring Judicial College and the 2020 Annual Meeting.
- VIII. **Meeting adjourned by Judge Welch at approximately 5:30 p.m.**