

**PUBLIC ADMONITION OF
THE HONORABLE CHRISTOPHER A. BUCKLEY
FORMER JUDGE OF LOWELL TOWN COURT**

November 8, 2021

The Indiana Commission on Judicial Qualifications has determined that formal disciplinary charges are warranted against the Honorable Christopher A. Buckley. However, in lieu of filing formal disciplinary proceedings, the Commission issues this Admonition pursuant to Supreme Court Admission and Discipline Rule 25(VIII)(E)(7) and with the consent of Judge Buckley. Judge Buckley fully cooperated with the Commission in this matter and acknowledges he violated the Code of Judicial Conduct.

The Commission admonishes Judge Buckley for modifying defendants' bonds without a motion from the prosecution or notice to the defendants. By participating in this practice, Judge Buckley violated the Code of Judicial Conduct and the defendants' due process rights.

From January 2016 through January 2020, Judge Buckley presided over the Lowell Town Court, which has jurisdiction over ordinance violations, infractions and misdemeanors. During his tenure, court sessions were held on the second, third, and fourth Wednesday of the month, except for in January and December, when there were just two sessions. In January 2020, there were to be two sessions – on the 8th and 22nd. On January 21, 2020, after reviewing the probable cause affidavits for two defendants, Judge Buckley entered orders finding probable cause, ordered the defendants be held without bond, and issued arrest warrants for both individuals. Neither individual was arrested before the next court session on January 22, 2020. On January 30, 2020, Judge Buckley submitted his letter of resignation as Judge of the Lowell Town Court. On February 6, 2020, Lowell Court staff noticed the two defendants remained in custody, and, by February 12, 2020, both were brought before Lake Superior Court and released with orders to appear.

On February 21, 2020, the Indiana Supreme Court received a filed report indicating that the Lake County Jail had submitted a request to local Lake County Judges to consider the release of two in-custody defendants who were being held without bond. The report relayed that the “request was based on a standing order issued by Judge Buckley, indicating anyone with a pending misdemeanor in the Lowell Town Court who is subsequently arrested and charged with another misdemeanor be held without bond.” On February 24, 2020, Judge Buckley filed his “Response to Report to the Court” denying the assertions.

Between 2016 and 2020, at least eight individuals (in thirteen separate matters) were charged with one offense, given bail, and then issued a ‘no bond’ determination by Judge Buckley when they were subsequently arrested on other offenses. In some instances, a defendant initially would receive a monetary bond according to the Lowell Town Court Bond Schedule, and Judge Buckley would subsequently amend the defendant’s bond to ‘no bond’ along with his order finding probable cause. Judge Buckley indicated that these defendants had their bonds revoked when they obtained new charges. A review of the individual cases reveals that

the files do not include any written motions to revoke or notations that an oral motion was made.

The Indiana Constitution provides that all offenses, other than murder or treason, are entitled to bail. *See* Indiana Constitution, Art. 1 §17. To revoke bail, the prosecution must provide clear and convincing evidence that the defendant engaged in any one of, or a combination of, several statutorily-enumerated factors. *See* I.C. § 35-33-8-5(d)(1)(A) through (E), inclusive, and I.C. § 35-33-8-5(d)(3). At the time Judge Buckley made his decisions to modify each defendant's bond, there was no motion to revoke before him nor had the prosecution presented clear and convincing evidence to support a revocation.

By failing to follow the statutory guidelines regarding revoking a defendant's bond, Judge Buckley violated Rule 1.1 of the Code of Judicial Conduct, which requires a judge to comply with the law, and Rule 1.2, which requires judges 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. By *sua sponte* modifying the defendants' bond, Judge Buckley denied defendants an opportunity to receive notice of the revocation and an opportunity to respond and oppose those allegations. By doing so, Judge Buckley violated Rules 1.1 and 1.2 of the Code of Judicial Conduct. He also violated Rule 2.2, which requires judges to perform all duties of judicial office fairly and impartially, and Rule 2.6(A), which requires a judge to accord every person who has a legal interest in a proceeding the right to be heard according to the law.

Although efficacious administration of one's docket is not without some importance, the Constitution recognizes higher values than speed and efficiency. Therefore, it is incumbent upon judicial officers to ensure that their pretrial release procedures comport with the Indiana Constitution, state statutes, Criminal Rule 26, and other evidence-based decision-making requirements.

This Admonition concludes the Commission's investigation, and Judge Buckley will not formally be charged with ethical misconduct. The Commission's decision to resolve this matter with a Public Admonition is due to Judge Buckley's cooperation in this matter, his acceptance of responsibility for his conduct, his lack of any prior disciplinary history, and given that most of the cases at issue were subsequently dismissed. The Commission's decision is also due to the proactive steps Judge Buckley has taken at establishing pretrial release safeguards and procedures in Porter Superior Court 4 to ensure his future rulings demonstrate his commitment to a fair and impartial judiciary.

Questions about this Admonition may be directed to Marcus Alan McGhee, Staff Attorney for the Commission, at Marcus.McGhee@courts.IN.gov or Adrienne L. Meiring, Counsel for the Commission, at Adrienne.Meiring@courts.IN.gov.