

**In the  
Supreme Court of Indiana**

IN THE MATTER OF )  
 )  
THE HONORABLE )  
 )  
PATRICK R. MILLER )  
 )  
FORMER JUDGE OF )  
 )  
ADAMS 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 Patrick R. Miller (“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 Adams Superior Court, engaged in judicial misconduct as specifically charged below. Pursuant to Admission and Discipline Rule 25 VIII (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 1991.
2. From January 1, 2009 until December 31, 2020, Respondent served as the Judge of Adams Superior Court.
3. At all times pertinent to these Charges, Respondent presided over a general jurisdiction docket which included criminal and civil cases. Respondent's court was also a problem-solving drug court (Adams County Drug Court) ("Drug Court").

## **FACTS GIVING RISE TO MISCONDUCT CHARGES**

4. In 2015, "Employee" was hired by Respondent as an independent contractor to be the Drug Court Coordinator of the Adams County Drug Court.
5. In March 2017, Employee's position changed from an independent contractor to an employee of the court and was directly supervised by Respondent until the end of his term in December 2020.
6. Employee was required to report work hours to Respondent on a bi-weekly timesheet, which was later reported to the Adams County Auditor. While Employee was an exempt employee, Employee was expected to have office hours from 8:00 a.m. until 4:30 p.m.
7. In 2020, Respondent's six (6) year term was up for election as his judicial term was set to end on December 31, 2020.
8. Respondent filed his declaration of candidacy to seek re-election for Judge of Adams Superior Court on January 15, 2020 as a Republican.

9. During the 2020 judicial political campaign for the general election, Respondent and Respondent's mother were the only members of the Respondent's campaign committee, with Respondent's mother acting as the campaign treasurer.
10. On July 1, 2020, Sam Conrad filed his intention to run as an Independent against Respondent for Judge of Adams Superior Court.

*Use of Court Staff, Facilities, or Other Court Resources for Political Purposes  
Activities Involving K.S.*

11. As the coordinator of the Adams County Drug Court, Employee was assigned an office in the building of the Adams County Superior Court.
12. Additionally, as part of Employee's duties as the Adams County Drug Court Coordinator, Employee attended court during Drug Court sessions and was seated to the immediate right of Respondent at a desk. Employee was positioned at a desk nearly arms-length of the court bench.
13. Others also regularly attended Drug Court sessions, including a prosecutor, attorneys for Drug Court participants, Drug Court case managers, and a court reporter.
14. During the 2020 judicial campaign, Employee assisted Respondent with his political campaign by reviewing campaign materials and assisting with marketing of the campaign.
15. Employee worked on Respondent's political campaign website during office hours and in Employee's office inside the courthouse building.
16. Employee asked other court employees their opinion about the campaign website during office hours and inside the courthouse building. Employee then took notes about the opinions of others regarding the campaign website on post-it notes.

17. Employee worked on Respondent's political campaign flyers during office hours while inside the courthouse building and commented to another court employee that there was an issue with the flyer not containing a disclaimer. Additionally, Employee asked other court employees for their opinions about the campaign flyers while inside the courthouse building.
18. Respondent never explained to Employee that there were rules about working on judicial campaigns while also working for the court, nor did Respondent explain that there were rules against campaign work being done inside a court facility.
19. On Friday, October 9, 2020, at approximately 9:30 a.m., Respondent and Employee went to the *Decatur Daily Democrat* business office. The *Daily Democrat* is a newspaper located in downtown Decatur, Indiana.
20. Respondent and Employee went to the newspaper so that Employee could review Respondent's political campaign newspaper ad and discuss the ad with the newspaper's sales manager.
21. The timesheet that Employee submitted for the week containing October 9, 2020 indicated that Employee worked 8.0 hours on October 9th. Given that the meeting took place on a Friday, Employee would have been wearing apparel with a Drug Court logo when they went to the *Daily Democrat*. Further, Employee, Respondent, and the newspaper's sales manager knew one another due to each being a member of the Decatur Rotary Club.
22. Respondent and Employee never discussed the appearance to the public of Employee, a court employee, accompanying Respondent to the *Daily Democrat* to work on campaign materials in the middle of the morning on a workday.

23. During the 2020 judicial campaign, Employee accompanied Respondent to Bear's Den Embroidery and More in downtown Decatur, Indiana on two occasions.
24. On the first occasion, Employee and Respondent went into Bear's Den Embroidery together in the late morning prior to their Rotary club's meeting in order to place an order for Respondent's campaign t-shirts.
25. On the second occasion, Employee and Respondent went into Bear's Den Embroidery together in the early afternoon of October 1, 2020 after leaving their Rotary club's meeting in order to pick up Respondent's campaign t-shirts.
26. The Decatur Rotary Club meets every Thursday from noon until 1:00 p.m.
27. The owner of Bear's Den Embroidery, who was present when Employee accompanied Respondent into the store, knew Employee worked for Respondent in his role as an Adams Superior Court Judge.

*Activities Related to Drug Court Participant*

28. "Defendant" was a Drug Court participant in Adams Superior Court under case number 01D01-1602-F5-000004 beginning on February 13, 2020 until Defendant's graduation date in April 2021 when Defendant's case was closed. Respondent presided over Defendant's case in Drug Court beginning in February 2020 until Respondent left office on December 31, 2020.
29. During September or October 2020, Defendant was present in Respondent's court for a Drug Court session in which Defendant participated.
  - a. At the conclusion of the session, Defendant approached Respondent at the front of the bench while Respondent was still seated at the bench and wearing his robe.

- b. Employee also was sitting at a desk next to the bench. Other members of the Drug Court were present when Defendant approached the bench.
30. Upon arrival at the front of the bench, Defendant asked Respondent whether Defendant could obtain a yard sign for Defendant's yard.
- a. Respondent discussed with Defendant the size of the sign Defendant wanted and confirmed with Defendant that Defendant would get a yard sign.
  - b. Other members of the Drug Court heard the conversation between Respondent and Defendant.

*Extrajudicial Activities Undermining Respondent's Independence, Integrity, or Impartiality*

31. Respondent had two different sizes of political campaign yard signs. One size was a small yard sign, and the other yard sign was four feet by four feet.
32. After confirming with Defendant in the courtroom that Defendant wanted a yard sign for Defendant's yard, a small yard sign was delivered to Defendant's yard and displayed.
33. A large yard sign later was delivered to Defendant's yard in September or October 2020 by Respondent, and Respondent also removed the small yard sign that had been previously placed in Defendant's yard.
34. Employee later observed a large yard sign in Defendant's yard during the campaign cycle.
35. The 2020 general election was held November 3, 2020 and Respondent lost his election to Sam Conrad.
36. The last day Respondent was in office as Adams County Superior Court Judge was December 31, 2020.

## **CHARGES**

The Commission incorporates the facts set out in ¶¶ 1 to 36 into the Charges below.

### **COUNT 1**

The Commission charges that, during the 2020 judicial campaign, Respondent allowed a court employee, Employee, to engage in campaign activities during work hours. By engaging in this conduct, Respondent violated Rule 1.1 of the Code of Judicial Conduct, which requires judges to comply with the law; Rule 1.2 of the Code of Judicial Conduct, 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; Rule 4.1(A)(10) of the Code of Judicial Conduct, which prohibits judges and judicial candidates from using court staff, facilities, or other court resources in a campaign for judicial office; Rule 4.1(B) of the Code of Judicial Conduct, which requires 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) of the Code of Judicial Conduct; and Rule 4.2(A)(2) of the Code of Judicial Conduct, which requires 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.

### **COUNT 2**

The Commission charges that, during the 2020 judicial campaign, Respondent did not take reasonable measures to ensure that a court employee, Employee, refrain from bringing campaign materials to court facilities or instruct Employee that Employee should not review campaign materials, including a campaign website, during the workday. By engaging in this conduct, Respondent violated Rule 4.1(B) of the Code of Judicial Conduct.

### **COUNT 3**

The Commission charges that, during the 2020 judicial campaign, Respondent discussed and coordinated the distribution of one of his political campaign yard signs with a drug court participant, Defendant, while Respondent was in the courtroom and still occupying his place on the bench. At the time this conduct took place, Defendant was a defendant in Adams Superior Court under case number 01D01-1602-F5-000004 and had appeared that day for a court session. By engaging in this conduct, Respondent violated Rules 1.1, 1.2, 4.1(A)(10), 4.2(A)(1), 4.2(A)(2) of the Code of Judicial Conduct.

### **COUNT 4**

The Commission charges that, during the 2020 judicial campaign, Respondent delivered a political campaign yard sign to Defendant with the intention that the yard sign would be displayed at Defendant's residence while Defendant had a pending case before Respondent under case number 01D01-1602-F5-000004. By engaging in this conduct, Respondent violated Rule 1.2, Rule 4.2(A)(1), and Rule 3.1(C) of the Code of Judicial Conduct, which prohibits judges from participating in extrajudicial activities that would appear to a reasonable person to undermine the judge's independence, integrity, or impartiality.

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,

11/17/21  
DATE

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**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 and electronically, to Respondent 323 W. Berry Street, Fort Wayne, Indiana 46802 and [REDACTED]

11/17/21  
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