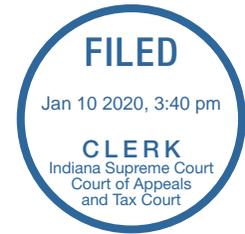


In the Indiana Supreme Court



Cause No. 20S-MS-7

Order Designating Indiana Council of Juvenile and Family Court Judges and the National Council of Juvenile and Family Court Judges as Exempted Sources of Reimbursement

Pursuant to its authority under Article 7, Section 4 of the Indiana Constitution, this Court adopted the current Code of Judicial Conduct on September 19, 2008, with amended provisions current to January 2020. Rules 3.14 and 3.15 of the Code of Judicial Conduct, which are attached and incorporated hereto as Exhibit A, set forth the annual financial reporting requirements of judges in this State.

Rule 3.14 and its commentary provide that a judge is not required to report reimbursements on the annual Statement of Economic Interests from certain legal organizations for necessary and reasonable expenses associated with the judge's participation in educational activities. Upon adoption of the current Code, this Court noted that it may designate in the future other suitable organizations as exempted sources of reimbursement. See Ind. Jud. Cond. R. 3.14, Comment 4 (2020).

The Court now finds that the Indiana Council of Juvenile and Family Court Judges (ICJFCJ) and the National Council of Juvenile and Family Court Judges (NCJFCJ) are impartial legal organizations dedicated to assisting judicial education efforts around the nation. Accordingly, this Court determines that ICJFCJ and NCJFCJ should be designated as exempted sources of reimbursement under Rules 3.14 and 3.15 of the Code of Judicial Conduct. The Court further decides that the Indiana Commission on Judicial Qualifications shall maintain a list of all organizations designated by this Court as exempted sources of reimbursement and shall make that list available to the public.

It is, therefore, Ordered that the Indiana Council of Juvenile and Family Court Judges and the National Council of Juvenile and Family Court Judges are designated as exempted sources of reimbursement under Rules 3.14 and 3.15 of the Code of Judicial Conduct and that any judicial officer who receives reimbursement from ICJFCJ and NCJFCJ for the necessary and reasonable expenses of travel, food, lodging, or other incidental expenses, or a waiver or partial waiver of fees for registration or tuition for the judge or the judge's spouse or guest is not required to report the reimbursement on the judge's annual Statement of Economic Interests.

It is further Ordered that the Indiana Commission on Judicial Qualifications shall maintain a list of all organizations designated as exempted sources of reimbursement and that the Commission shall make this list available to the public. It is further Ordered that the Clerk of this Court is directed to send notice of this Order to all judges of the Indiana Court of Appeals.

Done at Indianapolis, Indiana, on 1/10/2020.

A handwritten signature in black ink, appearing to read "Loretta H. Rush". The signature is written in a cursive style with some loops and flourishes.

Loretta H. Rush
Chair, Indiana Judicial Nominating Commission
Chief Justice of Indiana

appear to a reasonable person to undermine the judge's integrity, impartiality, or independence, and only if reported pursuant to Rule 3.15. For example, if a substantial period of time has elapsed since the judge presided over a case involving the donor and, in the interim, there has occurred a significant change of personal circumstances between the two, the judges may be permitted to accept the gift or loan or other thing of value, subject to the reporting requirements.

[3] Businesses and financial institutions frequently make available special pricing, discounts, and other benefits, either in connection with a temporary promotion or for preferred customers, based upon longevity of the relationship, volume of business transacted, and other factors. A judge may freely accept such benefits if they are available to the general public, or if the judge qualifies for the special price or discount according to the same criteria as are applied to persons who are not judges. As an example, loans provided at generally prevailing interest rates are not gifts, but a judge could not accept a loan from a financial institution at below-market interest rates unless the same rate was being made available to the general public for a certain period of time or only to borrowers with specified qualifications that the judge also possesses.

[4] Rule 3.13 applies only to acceptance of gifts or other things of value by a judge. Nonetheless, if a gift or other benefit is given to the judge's spouse, domestic partner, or member of the judge's family residing in the judge's household, it may be viewed as an attempt to evade Rule 3.13 and influence the judge indirectly. Where the gift or benefit is being made primarily to such other persons, and the judge is merely an incidental beneficiary, this concern is reduced. A judge should, however, remind family and household members of the restrictions imposed upon judges, and urge them to take these restrictions into account when making decisions about accepting such gifts or benefits.

[5] Rule 3.13 does not apply to contributions to a judge's campaign for judicial office. Such contributions are governed by Rule 4.4.

RULE 3.14: Reimbursement of Expenses and Waivers of Fees or Charges

(A) Unless otherwise prohibited by Rules 3.1 and 3.13(A) or other law,* a judge may accept reimbursement of necessary and reasonable expenses for travel, food, lodging, or other incidental expenses, or a waiver or partial waiver of fees or charges for registration, tuition, and similar items, from sources other than the judge's employing entity, if the expenses or charges are associated with the judge's participation in extrajudicial activities permitted by this Code.

(B) Reimbursement of expenses for necessary travel, food, lodging, or other incidental expenses shall be limited to the actual costs reasonably incurred by the judge and, when appropriate to the occasion, by the judge's spouse, domestic partner,* or guest.

(C) A judge who accepts reimbursement of expenses or waivers or partial waivers of fees or charges on behalf of the judge or the judge's spouse, domestic partner, or guest shall publicly report such acceptance as required by Rule 3.15.

Comment

[1] Educational, civic, religious, fraternal, and charitable organizations often sponsor meetings, seminars, symposia, dinners, awards ceremonies, and similar events. Judges are encouraged to attend educational programs, as both teachers and participants, in law-related and academic disciplines, in furtherance of their duty to remain competent in the law. Participation in a variety of other extrajudicial activity is also permitted and encouraged by this Code.

[2] Not infrequently, sponsoring organizations invite certain judges to attend seminars or other events on a fee-waived or partial-fee-waived basis, and sometimes include reimbursement for necessary travel, food, lodging, or other incidental expenses. A judge's decision whether to accept reimbursement of expenses or a waiver or partial waiver of fees or charges in connection with these or other extrajudicial activities must be based upon an assessment of all the circumstances. The judge must undertake a reasonable inquiry to obtain the information necessary to make an informed judgment about whether acceptance would be consistent with the requirements of this Code.

[3] A judge must assure himself or herself that acceptance of reimbursement or fee waivers would not appear to a reasonable person to undermine the judge's independence, integrity, or impartiality. The factors that a judge should consider when deciding whether to accept reimbursement or a fee waiver for attendance at a particular activity include:

(a) whether the sponsor is an accredited educational institution or bar association rather than a trade association or a for-profit entity;

(b) whether the funding comes largely from numerous contributors rather than from a single entity and is earmarked for programs with specific content;

(c) whether the content is related or unrelated to the subject matter of litigation pending or impending before the judge, or to matters that are likely to come before the judge;

(d) whether the activity is primarily educational rather than recreational, and whether the costs of the event are reasonable and comparable to those associated with similar events sponsored by the judiciary, bar associations, or similar groups;

(e) whether information concerning the activity and its funding sources is available upon inquiry;

(f) whether the sponsor or source of funding is generally associated with particular parties or interests currently appearing or likely to appear in the judge's court, thus possibly requiring disqualification of the judge under Rule 2.11;

(g) whether differing viewpoints are presented; and

(h) whether a broad range of judicial and nonjudicial participants are invited, whether a large number of participants are invited, and whether the program is designed specifically for judges.

[4] Rule 3.14(C) does not require judges to report expenses paid by governmental entities, colleges and universities, or the following local, state, and national judicial and bar organizations or their subdivisions: Indiana Judges Association, Indiana State Bar Association, National Association of Women Judges, Indiana Continuing Legal Education Forum, American Bar Association, National Bar Association, National Center for State Courts, Conference of Chief Justices, National Conference of Bar Examiners, Seventh Circuit Bar Association, any Indiana city or county local bar association, or any other organization designated by the Indiana Supreme Court as an exempted source of reimbursement.

RULE 3.15: Financial Reporting Requirements

(A) A judge shall publicly report the amount or value of:

- (1) compensation received for extrajudicial activities whether or not permitted by Rule 3.12;
- (2) gifts and other things of value as permitted by Rule 3.13(C), unless the value of such items, alone or in the aggregate with other items received from the same source in the same calendar year, does not exceed \$150.00; and
- (3) reimbursement of expenses and waiver of fees or charges permitted by Rule 3.14(A), unless the amount of reimbursement or waiver, alone or in the aggregate with other reimbursements or waivers received from the same source in the same calendar year, does not exceed \$150.00.

(B) When public reporting is required by paragraph (A), a judge shall report the date, place, and nature of the activity for which the judge received any compensation; the description of any gift, loan, bequest, benefit, or other thing of value accepted; and the source of reimbursement of expenses or waiver or partial waiver of fees or charges.

(C) The public report required by paragraph (A) shall be made annually on the Statement of Economic Interests.

Comment

[1] Compensation from the performance of marriage ceremonies or from a prior law practice may be reported in lump sums and need not include the identities of individual payors or clients.

CANON 4

A JUDGE OR CANDIDATE FOR JUDICIAL OFFICE SHALL NOT ENGAGE IN POLITICAL OR CAMPAIGN ACTIVITY THAT IS INCONSISTENT WITH THE INDEPENDENCE, INTEGRITY, OR IMPARTIALITY OF THE JUDICIARY

RULE 4.1: Political and Campaign Activities of Judges and Judicial Candidates in General

(A) Except as permitted by law,* or by Rules 4.1(B), 4.1(C), 4.2, 4.3, and 4.4, a judge or a judicial candidate* shall not:

- (1) act as a leader in or hold an office in a political organization;*
- (2) make speeches on behalf of a political organization;
- (3) publicly endorse or oppose a candidate for any public office;
- (4) solicit funds for, pay an assessment to, or make a contribution* to a political organization or a candidate for public office;
- (5) attend or purchase tickets for dinners or other events sponsored by a political organization or a candidate for public office;
- (6) publicly identify himself or herself as a member or candidate of a political organization;
- (7) seek, accept, or use endorsements from a political organization;
- (8) personally solicit* or accept campaign contributions other than through a campaign committee authorized by Rule 4.4;
- (9) use or permit the use of campaign contributions for the private benefit of the judge, the candidate, or others;
- (10) use court staff, facilities, or other court resources in a campaign for judicial office or for any political purpose;
- (11) knowingly,* or with reckless disregard for the truth, make any false or misleading statement;
- (12) make any statement that would reasonably be expected to affect the outcome or impair the fairness of a matter pending* or impending* in any court; or
- (13) in connection with cases, controversies, or issues that are likely to come before the court, make pledges, promises, or commitments that are inconsistent with the impartial* performance of the adjudicative duties of judicial office.

(B) A judge or judicial candidate shall take reasonable measures to ensure that other persons do not undertake, on behalf of the judge or judicial candidate, any activities prohibited under paragraph (A).

(C) A judge in an office filled by partisan election, a judicial candidate seeking that office, and a judicial officer serving for a judge in office filled by partisan election may at any time: