

Indianapolis Bar Association
Attorneys for an Independent Bench
Proposed Model Rule Guidelines

July 19, 2013

The Committee proposes the following principles as model rule guidelines for the Marion County judicial selection system:

A. Participation in Judicial Campaigns

1. Disclosure

a. A lawyer who (a) serves as an officer of a judicial candidate's committee or (b) made campaign contributions to a judicial candidate in excess of \$500 cumulatively in the candidate's election cycle, shall disclose such service or contribution to opposing parties, counsel, and the Court immediately upon entering an appearance in the Court in which such judicial candidate is assigned as a judge, or immediately upon the selection of that candidate as a special judge. This disclosure obligation shall be in effect throughout the relevant election cycle and shall conclude at the end of that term.

b. A judge shall disclose the same information upon the conditions set forth in paragraph 1a to the parties and counsel as soon as reasonably practicable and in any event prior to that judge making any substantive rulings on the case.

2. Recusal

a. If requested by an opposing party to the proceedings, a judge must recuse in all cases in which disclosure is required pursuant to the conditions set forth in 1a and/or 1b above; provided however, that the obligation to recuse shall only be mandated beginning from the date a judicial candidate's committee begins receiving contributions until December 31 of the second year after the year in which the judicial candidate is elected. A judge may recuse if deemed appropriate after the above noted time frame but recusal shall not be mandatory. However, notwithstanding the amount of a lawyer's campaign contribution or service as an officer on the judicial candidate's committee, the parties by agreement may consent to a judge presiding over the matter.

3. Firm Contributions

a. While contributions by a law firm or lawyers within the same law firm exceeding \$500 in aggregate shall not automatically require disclosure or recusal, the Court shall be permitted to consider such contributions in assessing the advisability of disclosure and/or recusal.

B. Imposition of a Slating Fee

1. A candidate for judicial office may pay to a political party a fee for the party to use in assisting that candidate's campaign, provided that the candidate and/or the candidate's party can document and establish with reasonable certainty that the fee is directly related to the costs the party will incur incidental to that candidate's judicial campaign.
2. A judicial candidate who has paid said fee but is not slated should be entitled to the return of any unused portion of the fee.
3. Any other amounts paid by a judicial candidate to a political party must be established to be separate and distinct from the above described fee, and must be totally voluntary.