Select Indiana Law of Ethics and Professional Responsibility
for Lawyers and Judges

Select Indiana Rules of Professional Conduct (summarized)

Rule 1.1  Competence
A lawyer shall be competent.

Rule 1.3 Diligence
A lawyer shall act with reasonable diligence and promptness in representation of client.

Rule 1.4 Communication
A lawyer shall communicate clearly, keep the client reasonably informed, and promptly comply with reasonable request for information.
Indiana Law about Ethics

a. Ethics Commission and Code of Ethics: I.C. 4-2-6

   i. Excess compensation
   ii. Financial disclosure
   iii. Conflict of economic interest
   iv. One year restriction on certain employment
   v. Retaliation
   vi. Use of state officer’s name or likeness, prohibited
   vii. Social media
   viii. Nepotism
   ix. Use of state property for other than official business

b. Indiana Administrative Code: Ethics Code for Indiana Executive Branch Employees

   i. 42 IAC 1-5-1 Gifts; Travel Expenses; Waivers
      A state employee or special state appointee, or the spouse or unemancipated child of a state employee or special state appointee, shall not knowingly solicit, accept, or receive any:
      1. gift;
      2. favor;
      3. service;
      4. entertainment;
      5. food;
      6. drink;
      7. travel expenses; or
      8. registration fees
      from a person who has a business relationship with the employee's or special state appointee's agency or is seeking to influence an action by the employee or special state appointee in his or her official capacity.

   ii. 42 IAC 1-5-10 and 42 IAC 1-5-11 Benefiting from Confidential Information
A state officer, employee, or special state appointee shall not benefit from, or permit any other person to benefit from, information of a confidential nature except as permitted or required by law.

iii. **42 IAC 1-5-11 Divulging Confidential Information**

A state officer, employee or special state appointee shall not divulge information of a confidential nature except as permitted by law.

iv. **42 IAC 1-4-1 Training Requirements**

a. All state officers, employees, and special state appointees, shall be properly trained in the code of ethics as described in this article. All persons who have a business relationship with a state agency are obligated to abide by the code of ethics.

b. Each agency's appointing authority shall do the following:
   1. Require all new employees and special state appointees to participate in ethics training within six (6) weeks of the employee's starting employment and the special state appointee's appointment date with the agency.
   2. Require all employees and special state appointees to participate in ethics training at least every two (2) years during an employee's and special state appointee's tenure with the agency.
   3. Maintain documentation to demonstrate an employee's and special state appointee's compliance with subdivisions (1) and (2).

**Example Ethics Opinion from Indiana’s Ethics Commission.** This four-page advisory opinion concerning a state employee’s consideration of accepting a cash prize for winning a contest from an entity that was a grantee of the employee’s state government employer, FSSA.
Select Rules of the Indiana Code Judicial Conduct:

SCOPE

[4] To implement fully the principles of this Code as articulated in the Canons, judges should strive to exceed the standards of conduct established by the Rules, holding themselves to the highest ethical standards and seeking to achieve those aspirational goals, thereby enhancing the dignity of the judicial office.

RULE 2.12: Supervisory Duties

(A) A judge shall require court staff, court officials, and others subject to the judge’s direction and control to act in a manner consistent with the judge’s obligations under this Code.

Comment:

[1] A judge is responsible for his or her own conduct and for the conduct of others, such as staff, when those persons are acting at the judge’s direction or control. A judge may not direct court personnel to engage in conduct on the judge’s behalf or as the judge’s representative when such conduct would violate the Code if undertaken by the judge.

RULE 1.2: Promoting Confidence in the Judiciary

A judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.

RULE 2.2: Impartiality and Fairness

A judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially.
Comment:

[1] To ensure impartiality and fairness to all parties, a judge must be objective and open-minded.

[2] Although each judge comes to the bench with a unique background and personal philosophy, a judge must interpret and apply the law without regard to whether the judge approves or disapproves of the law in question.

[3] When applying and interpreting the law, a judge sometimes may make good-faith errors of fact or law. Errors of this kind do not violate this Rule.

[5] A judge’s responsibility to promote access to justice, especially in cases involving self-represented litigants, may warrant the exercise of discretion by using techniques that enhance the process of reaching a fair determination in the case. Although the appropriate scope of such discretion and how it is exercised will vary with the circumstances of each case, a judge’s exercise of such discretion will not generally raise a reasonable question about the judge’s impartiality. Reasonable steps that a judge may take, but in no way is required to take, include:

(c) Explain legal concepts in everyday language.

RULE 2.10: Judicial Statements on Pending and Impending Cases

(A) A judge shall not make any public statement that might reasonably be expected to affect the outcome or impair the fairness of a matter pending or impending in any court, or make any nonpublic statement that might substantially interfere with a fair trial or hearing.

(C) A judge shall require court staff, court officials, and others subject to the judge’s direction and control to refrain from making statements that the judge would be prohibited from making by paragraphs (A) and (B).

Comment:

[1] This Rule’s restrictions on judicial speech are essential to the maintenance of the independence, integrity, and impartiality of the judiciary.
RULE 2.11: Disqualification

(A) A judge shall disqualify himself or herself in any proceeding in which the judge’s impartiality might reasonably be questioned, including but not limited to the following circumstances:

(1) The judge has a personal bias or prejudice concerning a party or a party’s lawyer, or personal knowledge of facts that are in dispute in the proceeding.

(2) The judge knows that the judge, the judge’s spouse or domestic partner, or a person within the third degree of relationship to either of them, or the spouse or domestic partner of such a person is:

   (a) a party to the proceeding, or an officer, director, general partner, managing member, or trustee of a party;

   (b) acting as a lawyer in the proceeding;

   (c) a person who has more than a de minimis interest that could be substantially affected by the proceeding

(3) The judge knows that he or she, individually or as a fiduciary, or the judge’s spouse, domestic partner, parent, or child, or any other member of the judge’s family residing in the judge’s household, has an economic interest in the subject matter in controversy or in a party to the proceeding that could be substantially affected by the proceeding.

(6) The judge:

   (a) served as a lawyer in the matter in controversy, or was associated with a lawyer who participated substantially as a lawyer in the matter during such association;

   (b) served in governmental employment, and in such capacity participated personally and substantially as a lawyer or public official concerning the proceeding, or has publicly expressed in such capacity an opinion concerning the merits of the particular matter in controversy;

   (d) previously presided as a judge over the matter in another court.

Comment:

[4] The fact that a lawyer in a proceeding is affiliated with a law firm with which a relative of the judge is affiliated does not itself disqualify the judge. If, however,
the judge’s impartiality might reasonably be questioned under paragraph (A), or the relative is known by the judge to have an interest in the law firm that could be substantially affected by the proceeding under paragraph (A)(2)(c), the judge’s disqualification is required.

RULE 3.1: Extrajudicial Activities in General:

A judge may engage in extrajudicial activities, except as prohibited by law or this Code. However, when engaging in extrajudicial activities, a judge shall not:

(C) participate in activities that would appear to a reasonable person to undermine the judge’s independence, integrity, or impartiality;

(E) make use of court premises, staff, stationery, equipment, or other resources, except for incidental use or for activities that concern the law, the legal system, or the administration of justice.

RULE 3.5: Use of Nonpublic Information

I. A judge shall not intentionally disclose or use nonpublic information acquired in a judicial capacity for any purpose un

12. Examples of Corporate Ethics and Compliance Guidelines

a. The HIPAA Privacy Rule provides federal protections for personal health information (PHI) held by covered entities and gives patients an array of rights with respect to that information. At the same time, the Privacy Rule is balanced so that it permits the disclosure of personal health information needed for patient care and other important purposes.

b. Individuals, organizations, and agencies that meet the definition of a covered entity under HIPAA must comply with the Rules' requirements to protect the privacy and security of health information and must provide individuals with certain rights with respect to their health information. If a covered entity engages a business associate to help it carry out its health care activities and functions, the covered entity must have a written business associate contract or other arrangement with the business associate that establishes specifically what the business associate has been
engaged to do and requires the business associate to comply with the Rules’ requirements to protect the privacy and security of protected health information. In addition to these contractual obligations, business associates are directly liable for compliance with certain provisions of the HIPAA Rules.