

POLICY ON MEETING UNJUST CRITICISM OF THE JUDICIAL SYSTEM
Indianapolis Bar Association

Resolved, that it is the view of the Board of Managers of the Indianapolis Bar Association that it is the duty of the legal profession and all its members to:

1. Respond if the judicial systems is subjected to unjust attack;
2. Foster and maintain confidence in the orderly processes of our courts among the citizens of this state and the nation;
3. Explain the difference between valid, constructive criticism of the decisions of our courts and baseless charges;
4. Assist the public in understanding the difficult burden of the courts to strike a proper balance between individual constitutional rights and the rights of the society;
5. Assist the public in understanding the operation of courts, judicial procedures and the administration of justice;
6. Bring to the attention of proper authorities fair and well founded criticism of the operation of the judicial system;

AND IT IS FURTHER RESOLVED, in order to implement the foregoing, that the Board of Managers adopts the following guidelines and procedures for responding to unjust criticism of the judicial system (within the area served by this Association):

I. Nature of Cases:

- A. A response by this Association is appropriate:
 - (1) When the criticism is misdirected at a judge but is actually an attack upon another element of the system of justice, e.g., grand jury, law enforcement, penal institutions, etc.
 - (2) When a response is necessary to educate the public about an important aspect of the administration of justice.
 - (3) When the critic is obviously misinformed about the operation of the judicial system and a correction should be made on a factual basis.
- B. A response by this Association is not appropriate:
 - (4) When the dispute is personal between the critic and the judge and arises on a local or limited basis.
 - (5) When the judge may adequately defend himself.
 - (6) When a time-consuming investigation would be necessary to determine the facts.
 - (7) When the issue is one of substantive law or requires legislation or appellate determination.

II. Nature of the Response:

- A. The response should be concise and accurate, without emotional or subjective terms.
- B. The response should be informative, using non-technical terms, not condescending or partisan and, if possible, phrased with a view toward inclusion in a newspaper or television news story.
- C. The response should include a correction of the inaccuracies, citing authorities (state law, etc.) where appropriate.
- D. When appropriate, the response should point out that the judge had no discretion of control (e.g., was bound by legislative or executive
- E. When appropriate, the response should include an explanation of the process involved, e.g., sentencing, temporary restraining order, etc.
- F. The response should not discredit or attack the critic, his or her competence, good faith, or associates.
- G. The response should not overreact or defend the indefensible.
- H. The response should be consistent with responses by this Association and other bodies of the organized Bar to prior instances of unjust criticism.
- I. The response should be timely, preferably with 24-48 hours of the criticism.

III. Procedures

- A. A Criticism Response Committee is hereby established, which shall be comprised of the President, President Elect, Counsel to the Board , and at least two other persons appointed by the President.
- B. A member of the Association should, in event any unjust criticism of the judiciary comes to his attention which appears to warrant a response, direct a request for review and possible response to the Committee.
- C. The judge or court criticized may request a review of any unjust criticism for possible response by contacting any member of the Committee.
- D. The recipient of such request shall promptly notify the other members of the Committee, and the Committee shall meet to decide on an appropriate response.
- E. The following alternative shall be considered by the Committee:
 - a. A response is not warranted.
 - b. The judge should respond on his own.
 - c. A response on behalf of the Association should be prepared.
- F. If the Committee elects to respond, the response shall be promptly released on behalf of the Association in an appropriate manner, with a copy to the affected judge or tribunal.

