

INDIANA SUPREME COURT

In the Matter of the Honorable Mickey K. Weber, Judge of the Clarksville Town Court

21 N.E.3d 92 (Ind. 2014) · No. No. 10S00-1409-JD-606 · Decided December 5, 2014

SUMMARY

The Indiana Supreme Court accepted a conditional agreement for discipline concerning Mickey K. Weber, Judge of the Clarksville Town Court. The Court found that Weber violated judicial conduct rules after driving under the influence in Kentucky and causing property damage, with prior alcohol-related legal issues serving as an aggravating factor. The Court imposed a public reprimand, required his resignation effective December 31, 2014, and made future judicial service contingent on completing an approved treatment plan and two-year monitoring agreement.

CASE DETAILS

COURT	Indiana Supreme Court
WRITING FOR THE COURT	Per Curiam; Rush, C.J.; Dickson, J.; Rucker, J.; David, J.; Massa, J.
JURISDICTION	Indiana
DECIDED	December 5, 2014
DOCKET	No. 10S00-1409-JD-606
DISPOSITION	other
PROCEDURAL POSTURE	Original judicial disciplinary proceeding brought by the Indiana Commission on Judicial Qualifications against a judge of the Clarksville Town Court. The parties jointly submitted a Statement of Circumstances and Conditional Agreement for Discipline, which the Indiana Supreme Court accepted.
PRECEDENTIAL VALUE	Published opinion
PARTIES	Indiana Commission on Judicial Qualifications v. Mickey K. Weber

TOPICS

[administrative law](#) [agency adjudication](#) [municipal law](#)

PRACTICE AREAS

[judicial discipline](#) [professional responsibility](#) [administrative law](#) [municipal law](#)

QUESTIONS PRESENTED

1. Whether Weber's alcohol-related conduct violated Indiana Judicial Conduct Rules 1.1 and 1.2.
2. Whether the stipulated public reprimand, resignation, future judicial-service restriction, treatment and monitoring requirements, and assessment of costs constituted appropriate discipline.

HOLDINGS

1. Weber's alcohol-related driving, criminal conduct, and resulting convictions violated Judicial Conduct Rules 1.1 and 1.2.
2. The Court accepted the parties' conditional agreement and reprimanded Weber, required his resignation from the Clarksville Town Court effective December 31, 2014, made him ineligible for future Indiana judicial service unless he successfully completed an approved treatment plan and two-year JLAP monitoring agreement, and terminated the disciplinary proceedings concerning the underlying conduct.

FACTUAL BACKGROUND

On January 16, 2014, Mickey K. Weber, a Clarksville Town Court judge, was involved in an automobile accident in Louisville, Kentucky, damaging two parked cars and a fence. Police observed signs of intoxication after Weber admitted consuming too many beers, and he refused breathalyzer and blood testing. Weber later pleaded guilty to criminal mischief and operating a motor vehicle while under the influence of alcohol; the parties also stipulated that he had prior legal issues related to alcohol abuse.

PROCEDURAL HISTORY

The Commission filed formal disciplinary charges after Weber was arrested following an alcohol-related automobile accident in Kentucky and later pleaded guilty to criminal mischief and operating a motor vehicle while under the influence of alcohol. The parties stipulated to the relevant facts, violations, aggravating and mitigating circumstances, and proposed sanction. Exercising original jurisdiction, the Indiana Supreme Court accepted the agreement and imposed the proposed discipline.

DISPOSITION

other

OPINION

PER CURIAM.

ATTORNEY FOR HON. ATTORNEYS FOR THE COMMISSION MICKEY K. WEBER,
JUDGE ON JUDICIAL QUALIFICATIONS James H. Voyles, Jr. Adrienne L. Meiring
Indianapolis, Indiana Elizabeth Daulton Indianapolis, Indiana

In the Indiana Supreme Court _____ No. 10S00-1409-JD-606
Dec 05 2014, 2:47 pm IN THE MATTER OF THE HONORABLE MICKEY K. WEBER, JUDGE

OF THE CLARKSVILLE TOWN COURT _____ JUDICIAL
DISCIPLINARY ACTION _____ December 5, 2015 Per
Curiam.

This matter comes before the Court as a result of a judicial disciplinary action brought by the Indiana Commission on Judicial Qualifications (“Commission”) against Respondent Mickey K. Weber, Judge of the Clarksville Town Court. Article 7, section 4 of the Indiana Constitution and Indiana Admission and Discipline Rule 25 give the Indiana Supreme Court original jurisdiction over this matter.

Subsequent to the filing of formal charges by the Commission, the parties jointly tendered a “Statement of Circumstances and Conditional Agreement for Discipline” in which they have stipulated to the following facts.

On January 16, 2014, Respondent was involved in an automobile accident in Louisville, Kentucky, that resulted in property damage to two parked cars and a fence. When later questioned by police at the hospital, Respondent admitted consuming alcohol prior to driving and having “too many” beers at a local area bar. Respondent refused to submit to a breathalyzer test or provide a blood sample.

Noticing Respondent had glassy eyes and slurred speech, the officer arrested Respondent. The following day, Respondent reported his arrest to the Commission and contacted the Indiana Judges and Lawyers Assistance Program (“JLAP”).

On March 28, 2014, Respondent pled guilty to Criminal Mischief in the second degree, Ky. Rev. Stat. Ann. § 512.030 (West 2014), and Operating a Motor Vehicle While under the Influence of Alcohol, Ky. Rev. Stat. Ann. § 189A.010(5)(a) (West Supp. 2014).

The court ordered Respondent to complete an alcohol class, assessed fines and court costs against him, and imposed a mandatory driver’s license suspension against Respondent. The parties agree that the conduct recited above violates Rules 1.11 and 1.22 of the Code of Judicial Conduct.

The parties also agree that the gravity of Respondent’s conduct is aggravated by the fact that Respondent has had previous legal issues related to alcohol abuse and still engaged in the conduct recited above. In mitigation, the parties note that he is remorseful for his conduct and at no time during the police investigation or arrest did Respondent refer to his judicial title or allude to his judicial status, nor did he attempt to gain any advantage in his criminal proceedings from his status as an Indiana judge.

In light of the facts of this case, the parties submit that the appropriate sanction is as follows: a public reprimand; Respondent’s resignation from the Clarksville Town Court within ten (10) days of the date of this opinion, to be effective on December 31, 2014; Respondent’s ineligibility for

future judicial service unless/until he successfully completes an approved treatment plan and two-year monitoring agreement with JLAP; and Respondent paying the costs 1 Rule 1.1 provides, “A judge shall comply with the law, including the Code of Judicial Conduct.” Ind. Judicial Conduct Rule 1.1 (West 2014) (definitional asterisk removed).

2 Rule 1.2 provides, “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.” Jud. Cond. R. 1.2 (definitional asterisks removed). 2 of this proceeding.

The Court accepts the parties’ Statement of Circumstances and Conditional Agreement for Discipline and the proposed sanction it contains. Accordingly, Mickey K. Weber, Judge of the Clarksville Town Court, is hereby reprimanded. Within ten (10) days of the date of this opinion, Judge Weber shall tender his resignation from the Clarksville Town Court, which shall be effective December 31, 2014.

Thereafter, he shall be ineligible for future judicial service in Indiana unless/until he submits to, and successfully completes to the satisfaction of JLAP, a two-year monitoring agreement and treatment plan approved by JLAP. This discipline terminates the disciplinary proceedings relating to the circumstances giving rise to this cause. Rush, C.J., and Dickson, Rucker, David, and Massa, JJ., concur.