

INDIANA SUPREME COURT

In the Matter of the Honorable William I. Garrard, Senior Judge of the Indiana Court of Appeals

56 N.E.3d 24 (Ind. 2016) · No. No. 98S00-1607-JD-381 · Decided August 3, 2016

SUMMARY

The Indiana Supreme Court considered a judicial disciplinary action against William I. Garrard, Senior Judge of the Indiana Court of Appeals, arising from his arrest and conviction for operating a vehicle while intoxicated. The Court found violations of Indiana Code of Judicial Conduct Rules 1.1 and 1.2 and imposed the jointly recommended sanction of a public reprimand.

CASE DETAILS

COURT	Indiana Supreme Court
WRITING FOR THE COURT	Per Curiam
JURISDICTION	Indiana
DECIDED	August 3, 2016
DOCKET	No. 98S00-1607-JD-381
DISPOSITION	other
PROCEDURAL POSTURE	Original judicial disciplinary proceeding before the Indiana Supreme Court based on formal charges and the parties' joint Statement of Circumstances and Conditional Agreement for Discipline.
PRECEDENTIAL VALUE	Published Indiana Supreme Court opinion
PARTIES	Indiana Commission on Judicial Qualifications v. William I. Garrard, Senior Judge

TOPICS

- appellate jurisdiction
- appellate procedure
- administrative law

PRACTICE AREAS

- judicial discipline
- legal ethics
- administrative law

QUESTIONS PRESENTED

1. Whether Garrard's conviction for operating a vehicle while intoxicated endangering a person violated the Indiana Code of Judicial Conduct.
2. Whether Garrard's statements seeking favorable treatment from police and identifying himself as a senior judge violated the Code of Judicial Conduct.
3. What disciplinary sanction was appropriate under the stipulated circumstances.

HOLDINGS

1. By being arrested and convicted for operating a vehicle while intoxicated endangering a person, Garrard violated Code of Judicial Conduct Rules 1.1 and 1.2.
2. Garrard violated Code of Judicial Conduct Rule 1.2 by asking a police officer to take him home and forget about the drinking and driving and by identifying himself to the officer as a senior judge of the Court of Appeals.
3. A public reprimand was the appropriate sanction under the stipulated circumstances.

KEY QUOTATIONS

"Accordingly, William I. Garrard, Senior Judge of the Indiana Court of Appeals, is hereby reprimanded." (56 N.E.3d at 26)

FACTUAL BACKGROUND

Garrard was involved in a motor vehicle collision while intoxicated, with testing showing blood alcohol concentrations of 0.14% and 0.15%. He asked an officer to take him home and forget about the drinking and driving and identified himself as a senior judge. He pleaded guilty to operating a vehicle while intoxicated endangering a person, promptly self-reported the arrest, cooperated with the Commission, and participated in the Judges and Lawyers Assistance Program and Alcoholics Anonymous.

PROCEDURAL HISTORY

The Indiana Commission on Judicial Qualifications brought a disciplinary action against Senior Judge William I. Garrard. The parties stipulated to the relevant facts and jointly agreed that a public reprimand was appropriate. The Indiana Supreme Court accepted the agreement, reprimanded Garrard, terminated the disciplinary proceedings arising from the circumstances, and assessed costs against him.

DISPOSITION

other