

January 26, 2010

**PUBLIC ADMONITION OF
COMMISSIONER BRIAN M. PIERCE
DELAWARE CIRCUIT COURT**

The Indiana Commission on Judicial Qualifications has determined that formal disciplinary charges are warranted against Commissioner Brian M. Pierce. However, in lieu of filing formal disciplinary proceedings, the Commission issues this Admonition pursuant to Supreme Court Admission and Discipline Rule 25 VIII E(7) and with the consent of Commissioner Pierce. Commissioner Pierce cooperated fully with the Commission in this matter, acknowledges he violated the Code of Judicial Conduct, and apologizes for engaging in conduct unbecoming of a judicial officer.

Around 7:45 a.m. on February 2, 2009, a City of Muncie code enforcement officer ticketed Commissioner Pierce's personal vehicle for parking in the wrong direction. When Commissioner Pierce saw the code enforcement officer near his car, he ran from his residence, confronted the code enforcement officer, and announced that he works as a court commissioner/juvenile court judge. Commissioner Pierce then suggested that he would call the sheriff's department to intervene. The code enforcement officer got into his city vehicle and left the scene. Although the customary City of Muncie Parking Enforcement insignia was not on the side of the city vehicle, the license plate was marked as a City of Muncie government vehicle. In addition, the code enforcement officer was wearing a sweatshirt with a City of Muncie emblem.

Later that same morning, after arriving at work, Commissioner Pierce telephoned the City of Muncie's Board of Public Works and Safety to complain about the parking ticket. Commissioner Pierce spoke to the Board's secretary and identified himself as a judicial officer from juvenile court. In an agitated tone, Commissioner Pierce demanded to know why city officials were ticketing vehicles after a snowstorm and, at one point, suggested that he would subpoena the secretary and code enforcement officer into his courtroom to explain the situation.

The secretary suggested to Commissioner Pierce that he speak to the Deputy Mayor, which he did that same morning. During that call, Commissioner Pierce again identified himself as a judicial officer and vigorously protested the City's parking enforcement practices, using profanity on several occasions during the conversation. Commissioner Pierce also telephoned the Mayor to complain about the ticket and again made expletive remarks during the call. Commissioner Pierce promptly paid the parking ticket on February 12, 2009.

Commissioner Pierce acknowledges that he violated Rule 1.2 of the Code of Judicial Conduct which requires judges to act in a manner that promotes the public's

confidence in the judiciary and to avoid the appearance of impropriety. Commissioner Pierce also acknowledges that, by referring to his judicial title while contesting a traffic ticket, he violated Rule 1.3 of the Code of Judicial Conduct which prohibits judges from abusing the prestige of judicial office in an attempt to advance personal interests.

The Commission now admonishes Commissioner Pierce for violating Rule 1.2 and 1.3 of the Code of Judicial Conduct. The Commission further would note that its decision to issue this Public Admonition in lieu of filing formal charges was influenced, in part, by the fact that the Delaware County Board of Judges already sanctioned Commissioner Pierce to a two-week suspension without pay for his misconduct. Although the Commission views judicial abuse of the prestige of office, or even the appearance of such impropriety, as a very serious violation, the Commission determined that this matter should be concluded with a Public Admonition, in light of the Delaware County Board of Judges' immediate and appropriate response and Commissioner Pierce's acceptance of that discipline.

This Admonition concludes the Commission's investigation, and Commissioner Pierce will not formally be charged with ethical misconduct.

Questions about this Admonition may be directed to Adrienne L. Meiring, Counsel for the Commission, at (317) 232-4706. Commissioner Pierce is represented by Kevin P. McGoff (317) 635-8900.