

# Public Admonition of Rex Kepner

## Former Judge of Benton Circuit Court

### May 17, 2024

The Indiana Commission on Judicial Qualifications has determined that formal disciplinary charges are warranted against Rex Kepner, former Judge of Benton Circuit Court. 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). Rex Kepner cooperated fully with the Commission in this matter, acknowledges that he violated the Code of Judicial Conduct, and apologizes for engaging in conduct unbecoming of a judicial officer.

The Commission admonishes Rex Kepner for inappropriate conduct during a hearing on October 6, 2020 over which Judge Kepner presided. Judge Kepner's conduct went beyond a judge's ethical authority to encourage a settlement and tarnished the independence, integrity, and impartiality of the judiciary.

On October 6, 2020, Judge Kepner presided over a hearing to address the status of a default judgment previously entered for the plaintiff. During the hearing, Judge Kepner inquired as to how much the defendant had already paid and the outstanding balance of the judgment. In an effort to determine whether the matter could be settled, Judge Kepner asked how much the plaintiff would accept that day to resolve the matter. Judge Kepner's involvement in the case, however, did not end with that legitimate use of judicial authority.

After the plaintiff answered Judge Kepner's questions and provided an amount, Judge Kepner stepped off the bench and entered his chambers. Judge Kepner, through his court reporter, provided the defendant the money necessary to pay the plaintiff's judgment. Judge Kepner's court reporter explained to the defendant that the money was a loan from Judge Kepner and that the defendant would have to repay when able. Judge Kepner returned to the bench and made a record of the defendant's payment to the plaintiff. The plaintiff was not aware that Judge Kepner was the source of the money received from the defendant.

Rex Kepner acknowledges that by making a loan to a defendant in a case pending before him, he violated Rule 1.2 of the Code of Judicial Conduct, which requires judges to act at all times in a manner that promotes the public's confidence in the independence, integrity, and impartiality of the judiciary and to avoid the appearance of impropriety.<sup>1</sup> Rex Kepner expresses remorse for his conduct and offers, by way of mitigation, that his intent was to help a member of his community who had fallen upon hard times. Although the Commission appreciates that Rex Kepner did not

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<sup>1</sup> The Commission would note that under Indiana Professional Conduct Rule 1.8(e), attorneys also are prohibited from providing financial assistance to their clients in connection with pending or contemplated litigation. This includes making or guaranteeing loans to clients for their living expenses, "because to do so would encourage clients to pursue lawsuits that might not otherwise be brought and because such assistance gives lawyers too great a financial stake in the litigation." See Comment 10 to Ind. Prof. Cond. R. 1.8.

have an improper motive for the loan and merely sought to assist a struggling community member, he acted outside of his role as a neutral arbiter of the dispute by making the loan. The Commission cautions that while judges can feel sympathy towards a litigant, judges must be mindful of the duty to remain impartial and to not allow such compassion to cause them to take actions, such as the instant matter, which cause the public to question their impartiality.

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

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*Questions concerning this Admonition may be directed to Adrienne L. Meiring, Counsel for the Commission, at [adrienne.meiring@courts.in.gov](mailto:adrienne.meiring@courts.in.gov) or James Bell, counsel for Rex Kepner, at [jbelle@hooverhullturner.com](mailto:jbelle@hooverhullturner.com).*

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