



Judicial Discipline & Disability Commission

JUDGE JOYCE WILLIAMS WARREN
CHAIRMAN

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DAVID J. SACHAR
EXECUTIVE DIRECTOR

PRESS RELEASE

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FOR IMMEDIATE RELEASE

September 19, 2014

The Arkansas Judicial Discipline and Disability Commission today announced that an agreed Letter of Informal Adjustment has been issued to the Pope County District Court Judge Don Bourne, in Commission case #14-152. A copy of the informal adjustment against Judge Bourne follows this press release.



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September 19, 2014

Honorable Don Bourne
Pope County District Court
1506 East Second St., Suite 2
Russellville, AR 72801

RE: JDDC Case No. 14-152

LETTER OF INFORMAL ADJUSTMENT

Dear Judge Bourne:

You were alleged to have committed violations of the Code of Judicial Conduct in the above referenced case. The following facts comprise the violations which you agree are no longer alleged but proven:

UNDISPUTED FACTS:

- 1) Judge Don Bourne (*hereinafter referred to as "Bourne"*) is a full time District Court Judge for Pope County, Arkansas, in the Fifth Judicial District since 2001.
- 2) Trevor Drown (*hereinafter referred to as "Drown"*) is a 2014 candidate for the Arkansas State House of Representatives.
- 3) On October 8, 2013, Bourne contributed five hundred and twenty-five dollars (\$525.00) to the political campaign of Drown as reflected on Drown's Campaign Contribution and Expenditure Report of February 10, 2014.
- 4) Except as permitted by law, judges in Arkansas are barred from contributing to any candidate's campaign for public office, pursuant to Canon 4, Rule 4.1 of the Code of Judicial Conduct (*hereinafter referred to as "Code"*).
- 5) The JDDC Complaint referenced above was filed by an anonymous source on March 13, 2014.
- 6) Bourne admits he contributed to the Drown campaign under a mistaken assumption that the Code permitted such contributions. Bourne did not review the Code provision at the time of his donation. However, relatively recent media reports describing campaign contributions as free speech protected by the First Amendment led Bourne to mistakenly believe he was not committing a violation of the code at the time he made the contribution.

- 7) Bourne's actions in paragraphs one (1) through three (3) violated Canons 1.1, 1.2, and 4.1.
- 8) It was neither alleged, nor proven, that Bourne publically endorsed any candidate for political office, other than by making a monetary campaign contribution as described herein. Therefore the essential character of the violation as described by Complaint #14-152 is one governed by Canon 4, Rule 4.1(A)(4).
- 9) Bourne is informally adjusted for this conduct.

RELEVANT AUTHORITY:

The Judicial Discipline and Disability Commission ("JDDC") determined, and you agree, that the above described behavior violates the following sections of the Code:

CANON 1

A JUDGE SHALL UPHOLD AND PROMOTE THE INDEPENDENCE, INTEGRITY, AND IMPARTIALITY OF THE JUDICIARY, AND SHALL AVOID IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY.

RULE 1.1 Compliance with the Law

A judge shall comply with the law, including the Arkansas Code of Judicial Conduct.

RULE 1.2 Promoting Confidence in the Judiciary

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.

CANON 4

A JUDGE OR CANDIDATE FOR JUDICIAL OFFICE SHALL NOT ENGAGE IN POLITICAL OR CAMPAIGN ACTIVITY THAT IS INCONSISTENT WITH THE INDEPENDENCE, INTEGRITY, OR IMPARTIALITY OF THE JUDICIARY.

RULE 4.1 Political and Campaign Activities of Judges and Judicial Candidates in General

Except as permitted by law, or by Rules 4.2, 4.3, and 4.4, a judge or judicial candidate shall not:

...

- (4) solicit funds for, pay an assessment to, or make a contribution to a political organization or candidate for public office;

CONCLUSION:

You have agreed that an informal adjustment is the appropriate disposition for your actions in JDDC Case #14-152. Your willingness to accept that your actions were in violation of the Code

and your commitment to be more aware of these issues in the future, have led the JDDC to refrain from pursuing formal discipline, public charges or a public disciplinary hearing in this case. Additionally, your commitment to refrain from this type of future action was considered a mitigating circumstance and, as such, the JDDC recommends an informal adjustment. An informal adjustment is a sanction for conduct that is cause for discipline but falls short of conduct that is cause for formal discipline. The purpose is to inform the respondent judge of an issue of concern, remind a justice or judge of ethical obligations, recommend changes in behavior or procedures, or suggest an appearance of impropriety that could be avoided.

Your role as a judge takes precedence over all other roles. The judicial robe magnifies words and actions and the judicial office imposes conduct restrictions that would be burdensome to the average ordinary citizen. Your willingness to make admissions and your promise to avoid such behavior in the future negated a likely recommendation of formal discipline, which would be a more serious sanction.

The informal adjustment for Case #14-152 includes the following agreed conditions:

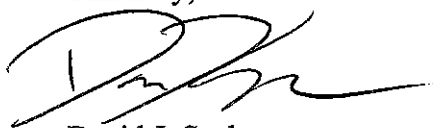
- o You shall refrain from making a contribution to any political organization or any candidate for public office for the duration of your time as a judge in the State of Arkansas.

If you violate the agreement above or have additional violations of the Code, the JDDC may initiate a new investigation under the Rules of Procedure of the Judicial Discipline & Disability Commission. In any future proceeding, the JDDC may take into consideration the fact that you have had Case #14-152, in which an allegation has been substantiated as existing under the circumstances described herein, and agreed as a Code violation.

In view of these circumstances, it is the judgment of the JDDC that your conduct is hereby informally adjusted for Case #14-152. This informal adjustment constitutes adequate discipline and no further action, other than the remedial measures and conditions described above, is warranted. Formal discipline may occur if the JDDC finds you committed additional violations of the Code, at any time in the future.

This Commission action is public information.

Sincerely,



David J. Sachar
Executive Director