



Judicial Discipline & Disability Commission

JUDGE JOYCE WILLIAMS WARREN
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DAVID J. SACHAR
EXECUTIVE DIRECTOR

P R E S S R E L E A S E

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FOR IMMEDIATE RELEASE

September 20, 2013

The Arkansas Judicial Discipline and Disability Commission today announced that an agreed Letter of Informal Adjustment has been issued to the Twelfth Judicial District, Judge Annie Powell Hendricks of Sebastian County, in Commission case #13-171. A copy of the Letter of Informal Adjustment against Judge Hendricks follows this press release.



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DAVID J. SACHAR
EXECUTIVE DIRECTOR

September 20, 2013

Honorable Annie Powell Hendricks
Sebastian County Courts Building
901 South B Street
Fort Smith, AR 72901

RE: JDDC Case No. 13-171

LETTER OF INFORMAL ADJUSTMENT

Dear Judge Hendricks:

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 Annie Powell Hendricks (*hereinafter referred to as "Hendricks"*) is a full time Circuit Court Judge for the Twelfth Judicial District of Sebastian County, Arkansas.
- 2) Terry Weidman (*hereinafter referred to as "Weidman"*) is a resident of Fort Smith, Arkansas and at one time was married to an extended family member of Hendricks.
- 3) On April 16, 2013, Hendricks entered into an electronic conversation with Weidman via text messaging capabilities on their cellular telephones.
- 4) Hendricks writes: "*This is Judge Hendricks. Lynn's IPAD must be delivered to Kelly Underwood's mailbox by 9:30 a or I will turn matter over to Prose uting attorney.*"
- 5) Weidman responds: "*Really judge Hendricks turn it over for what. Looking at my sons iPad.*"
- 6) Hendricks writes: "*Choose your actions wisely!*"
- 7) The dispute over the iPad involved information remaining on the iPad belonging to Weidman's son and Hendricks' step-sister, Lynn, who is the ex-wife of Weidman.
- 8) Underwood has no relation to either Hendricks or Weidman in this matter.

- 9) Hendricks admits to referring to herself as “judge” in the text and regrets the reference was ever made.
- 10) Additionally, Hendricks responds that her involvement was in haste and resulted from a long history of differences between Weidman and her family.
- 11) The judge’s actions in paragraphs one (1) through ten (10) violated Canons 1.1, 1.2, 1.3, and 3.1.
- 12) The judge 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 of Judicial Conduct (*hereinafter referred to as 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.

RULE 1.3 Avoiding Abuse of the Prestige of Judicial Office

A judge shall not abuse the prestige of judicial office to advance the personal or economic interests of the judge or others, or allow others to do so.

CANON 3

A JUDGE SHALL CONDUCT THE JUDGE’S PERSONAL AND EXTRA-JUDICIAL ACTIVITIES TO MINIMIZE THE RISK OF CONFLICT WITH THE OBLIGATIONS OF JUDICIAL OFFICE

RULE 3.1 Extrajudicial Activities in General

A judge may engage in extrajudicial activities, except as prohibited by law or this Code. However, when engaging in extrajudicial activities, a judge shall not:

...

- (D) engage in conduct that would appear to a reasonable person to be coercive.

CONCLUSION:

You have agreed that an informal adjustment is the appropriate sanction for your actions in JDDC Case #13-171. 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 recommending a more serious sanction, 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.

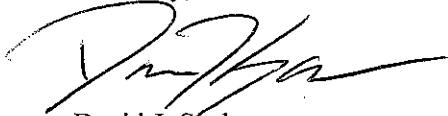
Your role as a judge takes precedence over all other roles. The judicial robe magnifies words and actions and the judicial office imposes speech and conduct restrictions that would be burdensome to the average ordinary citizen. Your willingness to make admissions and your promise to avoid such behavior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

If you violate the terms 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 #13-171, in which allegations have been substantiated and agreed as Code violations.

In view of these circumstances, it is the judgment of the JDDC that your conduct is hereby informally adjusted, for Case #13-171. This public sanction constitutes adequate discipline and no further action, other than the remedial measures and conditions described above, is warranted. Further 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

Messages

Annie Hendricks

Edit

Call

FaceTime

Contact ↗

iMessage

Apr 16, 2013, 7:53 AM

This is Judge Hendricks.
Lynn's IPAD must be
delivered to Kelly
Underwood's mailbox by
9:30 a or I will turn matter
over to Prosecuting
attorney.

Really judge Hendricks
turn it over for what .
Looking at my sons iPad

Read 7:55 AM

Choose your actions
wisely!