



## *Judicial Discipline & Disability Commission*

JUDGE LEON N. JAMISON  
CHAIRMAN

323 Center Street • Suite 1060  
Little Rock, AR 72201  
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DAVID A. STEWART  
EXECUTIVE DIRECTOR

Re-Release of

### PRESS RELEASE

PONT OF CONTACT: DAVID STEWART

PHONE: 501-682-1050

FOR IMMEDIATE RELEASE

March 19, 2010

The Arkansas Judicial Discipline & Disability Commission today announced that agreed Letters of Admonishment have been issued to Judge Barry Sims of the Sixth Judicial Circuit Court and to Judge Mark Johnson of the Sharp County District Court.

Judge Sims was represented by:  
Attorney Nate Coulter,  
WILSON ENGSTROM CORUM & COULTER  
200 S. Commerce Suite 600  
P.O. Box 71  
Little Rock, AR 72203  
(501) 375-6453 (501) 375-5914 (fax)

Judge Johnson was represented by:  
Attorney Tom Thompson  
Attorney Casey Castleberry  
Murphy, Thompson, Arnold, Skinner & Castleberry  
Post Office Box 2595  
Batesville, Arkansas 72503-2595  
(870)793-3821; (870)793-3815 (fax)

A copy of the formal reprimands against Judge Sims and Judge Johnson follows

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DAVID A. STEWART  
EXECUTIVE DIRECTOR

March 19, 2010

Honorable Barry Sims  
7th Division Circuit Court  
401 West Markham, Suite 220  
Little Rock, AR 72201

RE: JDDC Case #09-325, Letter of Admonishment

Dear Judge Sims:

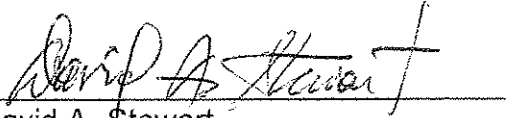
The above-listed complaint was referred to us by the Arkansas Supreme Court arising from their decision in *Hutson Burks v. State of Arkansas* (December 3, 2009). During the March 19, 2010 meeting, the Judicial Discipline & Disability Commission decided to issue a letter of admonishment to you in complaint #09-325. After careful review of the complaint and the accompanying investigation, the Commission determined you violated the Code of Judicial Conduct.

While serving as the Circuit Court Judge in Pulaski County (7th Judicial Division), the Court stated in a footnote that because you abdicated your judicial responsibilities the matter was referred to the Judicial Discipline & Disability Commission for review. Specifically, the Court stated that in facilitating attorneys in a criminal matter, you allowed the parties to use a *Writ of Coram Nobis* to improperly invest subject-matter jurisdiction. The Court was concerned, and the Panel found, that the duty to maintain the integrity of the judiciary (Ark. Code Jud. Conduct Canon 1) and the duty to be faithful to the law (Ark. Code Jud. Conduct Canon 2(B)(2)) were not upheld as a result of your mistake in granting a writ of error *Coram Nobis*. The writ was used to facilitate the testimony of a witness, whose criminal case had been closed, to support the prosecution in a separate pending criminal case. Your actions gave the appearance that you abandoned your judicial role.

The Commission notes that you have agreed to strictly follow the law as to post-conviction relief. You have admitted that you were mistaken to rely exclusively on lawyers presenting the petition for a Writ of Error Coram Nobis and should have researched the matter more carefully before agreeing to grant the writ. Additionally, you have agreed to attend advanced training within a year and show proof of attendance in an effort to improve your ability to handle these issues in the future.

For your conduct in violating this provision of the Code of Judicial Conduct, it is the decision of the Commission that you be admonished. This public admonishment constitutes adequate discipline and no further action is warranted. Further, discipline may occur if the Judicial Discipline & Disability Commission finds any similar violations in the future. This Commission action is public information.

BY DIRECTION OF THE COMMISSION:

A handwritten signature in black ink, appearing to read "David A. Stewart", is written over a horizontal line.

David A. Stewart  
Executive Director

cc: Leslie Steen, Clerk, Arkansas Supreme Court  
Attorney Nate Coulter



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DAVID A. STEWART  
EXECUTIVE DIRECTOR

March 19, 2010

Honorable Mark Johnson  
Sharp County District Court  
P.O. Box 2  
Ash Flat, AR 72513

RE: JDDC Case #09-261, Letter of Admonishment

Dear Judge Johnson:

The above listed complaint was investigated by this office and at the direction of a JDDC Investigative Panel. During the March 19, 2010 meeting, the Judicial Discipline and Disability Commission decided to issue a letter of admonishment to you in complaint #09-261. After careful review of the complaint and the accompanying investigation, the Commission determined you violated the Code of Judicial Conduct.

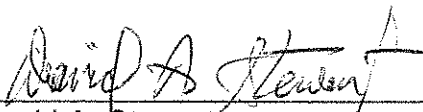
While serving as the District Court Judge in Sharp County, you are responsible for a docket that includes criminal and traffic offenses. It was determined that you presided over the dismissal of a D.W.I. charge against a relative. The case was dismissed after it was determined and agreed that the State could not prove the charge. This relative was within the 3rd degree of relation to you and was a party to the action. Therefore, you should have recused pursuant to Canon 2.11(A)(2)(a). While you have stated, and others have confirmed, that the defendant received no preferential treatment, your actions did not avoid the appearance of impropriety and promote public confidence in the Judiciary as required by Canon 1.2.

The Commission notes that you have agreed that you violated the provisions listed above. You have admitted that you were mistaken and should have recused from this case in order to comply with the Canon and preserve public confidence in the Judiciary. You have agreed to review your docket carefully and avoid such conflicts in the future.

For your conduct in violating this provision of the Code of Judicial Conduct, it is the decision of the Commission that you be admonished. This public admonishment constitutes adequate discipline and no further action is warranted. Further discipline may occur if the Judicial Discipline and Disability Commission find similar violations in the future. This Commission action is public information.

Honorable Mark Johnson  
Letter of Admonishment  
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BY DIRECTION OF THE COMMISSION:

A handwritten signature in cursive script, reading "David A. Stewart", written over a horizontal line.

David A. Stewart  
Executive Director

cc: Attorney Tommy Thompson  
Attorney Casey Castleberry  
Complainant James Ellis