

PRESS RELEASE
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FOR IMMEDIATE RELEASE

The Arkansas Judicial Discipline & Disability Commission today announced the sanctions of Circuit/Chancery Court Judge Benny Swindell and Mount Ida Municipal Court Judge William McKimm for violations of the Code of Judicial Conduct.

The Judicial Discipline and Disability Commission announced that Circuit/Chancery Court Judge Benny Swindell had agreed that as of January 1, 1999, he would never again serve in any capacity as a judge or a member of the Arkansas Judiciary while the Judicial Discipline Commission agreed that no further action would be taken in a pending investigation. Judge Swindell's current term of office ends on December 31, 1998. He was defeated in his bid for reelection

Judge Swindell had been under investigation for approximately fifteen (15) allegations of inappropriate conduct including taking a juvenile he had sentenced to a Juvenile Detention Center, to a casino in Tunica, Mississippi. He gave the juvenile money for lunch. Later, he observed the juvenile gambling on the slot machines. The investigation was also looking into allegations indicating improper or lack of judicial judgment by the judge.

The Commission also announced the censure of Mount Ida Municipal Court Judge William McKimm. The judge was also required to develop a plan to insure there are no unreasonable delays in deciding cases and in responding to correspondence from the Judicial Discipline and Disability Commission.

Judge McKimm had been formally charged with failing to decide a case pending before him in excess of three (3) years and, failing to decide and notify the parties of his decision for five (5) months after testifying that he would render a decision the following week. The Judge was also charged with failing to respond to Commission correspondence and for his failure to appear at a scheduled Probable Cause Hearing before the Judicial Discipline and Disability Commission.

5TH JUDICIAL DISTRICT CIRCUIT/CHANCERY COURT JUDGE BENNY SWINDELL

The Judicial Discipline and Disability Commission announced an agreement with the 5th Judicial Circuit/Chancery Court Judge Benny Swindell. Judge Swindell agreed to not serve again in any capacity as a judge or member of the Arkansas Judiciary as of January 1, 1999. Judge Swindell's present term expires December 31, 1998.

Judge Swindell and the Judicial Discipline and Disability Commission entered into a Memorandum of Understanding. Part of that memorandum provided that Judge Swindell would never again serve as a judge, accept a judicial appointment, or seek election for a judicial office in the State of Arkansas.

The Commission agreed that no further action will be taken relative to pending complaint number 94-164. The complaint contained approximately fifteen (15) allegations against Judge Swindell. If Judge Swindell violates the terms of the agreement, the Commission may resume the consideration of those allegations.

A Probable Cause Hearing was scheduled to begin at 10:30 A.M., November 20, 1998. The hearing was to consider if there was sufficient evidence to bring formal charges against Judge Swindell. As a result of the Memorandum of Understanding between Judge Swindell and the Commission, no further action will be taken against Judge Swindell.

A copy of the Memorandum of Understanding is also attached to this press release.

The allegations against Judge Swindell question his judgment. While on his way to Tunica, Mississippi, Judge Swindell took a juvenile he had sentenced to the Juvenile Detention Center in North Little Rock, and they refused to accept the juvenile. The judge took the juvenile from North Little Rock to a gambling casino in Tunica, Mississippi.

Judge Swindell is also alleged to have on occasion given cigars and cigarettes to juveniles he had sentenced while supervising their community service work consisting of picking up trash in I-40. It is also alleged that Judge Swindell had extrajudicial contact with a juvenile in acting as his mentor while the juvenile was enrolled in the Youth Challenge Program of the Arkansas National Guard. All of these actions would be in violation of Canons 1 and 2 of the Code of Judicial Conduct.

MOUNT IDA MUNICIPAL COURT JUDGE WILLIAM McKIMM

The Judicial Discipline and Disability Commission today announced the censure of Municipal Court Judge McKimm. In addition, the judge was directed to develop a plan to insure that in all future cases, decisions will be made in a timely manner and that the judge will respond to future correspondence from the Judicial Discipline and Disability Commission. Monthly copies of the report generated for this plan are required to be filed with the Judicial Discipline and Disability Commission through June 1, 1999. A copy of the Commission's Final Decision and Order is attached to this press release.

In an Agreed Statement of Facts submitted to the Commission at a Formal Disciplinary Hearing, Judge McKimm admitted the facts as charged and that he was in violation of Canons 1, 2A and 3B (8) of the Code of Judicial Conduct. He acknowledged that there was a potential for public disrepute to be brought onto the judicial system and himself by his failure to take care of cases in a timely manner. He was embarrassed by his failure and would take steps to insure it would not happen in the future.