

**BEFORE THE
ARKANSAS JUDICIAL DISCIPLINE & DISABILITY COMMISSION**

COMPLAINTS NO. 98-281, 98-331, 99-215 AND 00-304

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding is made between Bill Ross, former Blytheville Municipal Court Judge, (hereinafter referred to as "Respondent"), and the Arkansas Judicial Discipline & Disability Commission (hereinafter referred to as "Commission").

There are presently pending before the Commission Statements of Allegations arising from complaints no. 98-281, 98-331, 99-215, and 00-304 against Respondent. In lieu of a hearing on these matters, the parties agree and consent to submit the following Memorandum of Understanding.

STATEMENT OF ALLEGATIONS, COMPLAINT NUMBERS 98-281,98-331, 99-215 AND 00-304

For the limited purpose of resolving these complaints, the Respondent admits to certain allegations contained in the complaint. A copy of those portions of the Statement of Allegations is appended to and made a part of this Memorandum of Understanding. One allegation has been withdrawn. Respondent denies the other allegations. The Commission believes that it has evidence which is sufficient to make a finding that Respondent did commit the acts alleged therein. However, in light of the agreed resolution of this matter, the parties have agreed that it would be a waste of resources to litigate the issue.

Respondent has completed his term of office as Blytheville's Municipal Court Judge on December 31, 2000 and has ceased performance of judicial functions.

Respondent agrees that he will never again serve as a judge or accept appointment to or seek election for judicial office in the State of Arkansas.

It is agreed between the parties that upon execution of this Memorandum of Understanding and its approval by the Commission, no further action will be taken by the Commission relative to complaints no. 98-281, 98-331, 99-215 and 00-304. The Commission letter announcing the resolution of complaint nos. 98-281, 98-331, 99-215 and 00-304 will note that while the Commission was investigating allegations of improper conduct. Respondent completed his term of office and agreed never to serve again as a judge in the State of Arkansas.

It is further agreed between the parties that if Respondent violates the terms of this Memorandum of Understanding and serves as a judge or accepts appointment to or seeks election for judicial office, the Commission may reinstate complaints no. 98-281, 98-331, 99-215 and 00-304 and shall proceed in accordance with Amendment 66 of the Arkansas Constitution, Arkansas Statutes and the Procedural Rules of the Commission. The Commission may consider and use this Memorandum of Understanding as evidence in any subsequent consideration of the allegations in complaints no. 98-281, 98-331, 99-215 and 00-304.

It is further understood and agreed between the parties that the files relative to

complaint nos. 98-281, 98-331, 99-215 and 00-304 shall be sealed except for this Memorandum of Understanding and all proceedings, documents and pleadings remain confidential as provided for by Arkansas Statutes and the Procedural Rules of the Commission, except in the existence of a valid court order to the contrary. The execution of this Memorandum of Understanding is not intended to be a waiver by Respondent of the confidentiality provisions except as provided for in this Memorandum of Understanding, Arkansas Statutes and the Procedural Rules of the Commission.

In the event Respondent denies, implies or otherwise suggests that the Commission had no probable cause to proceed against Respondent with regard to these complaints, the Commission is authorized to respond accordingly. However, this shall not preclude Respondent from asserting his innocence of any allegation which he has not admitted.

Witness our signature, this the 1st day of FEB., 2001.

FOR RESPONDENT

Original Signed
Bill Ross
Respondent

Original Signed
Jeff Rosenzweig
Attorney for Respondent

FOR THE COMMISSION

Original Signed
James A. Badami
Executive Director

STATEMENT OF ALLEGATIONS

CASE # 98-281, 98-331, 99-215

It is alleged that Judge Bill Ross of the Blytheville Municipal Court by the conduct indicated below is subject to a sanction including removal from office pursuant to A.C.A. 16-10-410 (b)(3) for the commission of conduct involving dishonesty, fraud, deceit or misrepresentation; and A.C.A. for 16-10-410 (b)(4) for the commission of conduct that is prejudicial to the administration of justice and A.C.A. 16-10-410 (b)(5) for willful violation of the Code of Judicial Conduct.

5. *The respondent has presided over criminal cases involving his sister, Linda French. She was arrested on September 1, 1997 and charged with disorderly conduct, public intoxication and refusal to submit to arrest. Her first appearance was on September 3, 1997. The respondent presided at that first appearance and has continued the case seven times at least until January 20, 1999. There was no disposition of any of these three charges.*

6. *The respondent has presided over criminal cases involving his nephew, Mark Stevenson. Stevenson was arrested in Blytheville on August 9, 1997, and charged with careless driving. The respondent took action on that case, continuing it several times until October 22, 1998. Stevenson's first appearance was scheduled for August 21, 1997. The case was continued by the respondent to September 3, 1997, then to September 25, 1997 which is a conflict court date. On September 25, 1997, Stevenson failed to appear before conflict Judge Lee Fergus. Judge Fergus set a \$250.00 cash bond. On October 20, 1997, the case was continued to December 4, 1997. On December 4, 1997, Stevenson again failed to appear and a \$250.00 cash bond was set by conflict Judge Lee Fergus.*

7. *Stevenson was arrested and given another court date of January 22, 1998 to appear before Judge Fergus. Stevenson again failed to appear and Judge Fergus set a \$500.00 cash bond. On June 26, 1998, Stevenson was arrested and appeared before his uncle, Judge Ross. Judge Ross continued the case until July 22, 1998 which was a conflict court date. On July 22, 1998, Judge Ross called from Osecela, Arkansas and told the clerk's office to have Stevenson's case continued to August 27, 1998 even though Judge Fergus was available to hear the case and the arresting officer had been subpoenaed. Stevenson failed to appear for court on August 27, 1998 and Judge Fergus set a \$750.00 cash bond. On September 1, 1998, Judge Ross set aside Judge Fergus cash bond and continued the case to October 22, 1998 for trial. On October 22, 1998, the case was continued to December 24, 1998 a conflict court date. As of December 9, 1998, Stevenson had not been to trial.*