

PRESS RELEASE

FOR IMMEDIATE RELEASE

CONTACT PERSON: JAMES A. BADAMI

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June 12, 1997

The Judicial Discipline and Disability Commission today announced actions concerning three (3) judges. The Commission will proceed to a Formal Disciplinary Hearing in two (2) complaints concerning North Little Rock Municipal Court Judge Stephen Morley. The formal charges in this action consist of various acts of "off the bench misconduct". The Commission also announced that Helena Municipal Court Judge Durwood King had been issued a reprimand. The reprimand was for willful violation of Canon 3(B) (8) of the Code of Judicial Conduct, and for failing to perform the duties of his office by unreasonably delaying the decision in approximately thirteen (13) cases. Judge King was the presiding judge in each of those cases. The Commission also announced that Mt. Ida Municipal Judge William McKimm had been issued an informal adjustment for a two and one-half (2½) year delay in deciding the case of Walker v. Sandridge.

North Little Rock Municipal Court Judge Stephen Morley

The Judicial Discipline and Disability Commission directed that a Formal Disciplinary Hearing be conducted as a result of its investigation of two (2) complaints against Judge Stephen Morley. The formal charges allege that while serving as North Little Rock Municipal Judge, Stephen Morley:

- 1. Made threats to kill a process server and used obscenities and other threats towards the process server while the process server was in the act of serving legal documents on Judge Morley.*
- 2. Made physical assaults on his first wife Bonne Morley Lewis and his second wife, Kathy Morley Sparr. Some of these assaults occurred while these women were pregnant.*
- 3. Made child support payments late and sought custody of his children by his first wife, Bonne Morley Lewis, in an attempt to harass this former wife.*

4. *During the time served as North Little Rock Municipal Court Judge, used marijuana and cocaine on numerous occasions. Also sold cocaine to some friends and was involved in the sale of an undetermined amount of marijuana.*
5. *Had an associate break into and damage the home of a former wife, and also had some personal items taken and a car damaged.*
6. *Was involved in a hit and run accident in North Little Rock, Arkansas on November 11, 1994 which was not reported to the police or owner of the other car. He struck a parked 1994 Accura causing approximately \$6,500 damage. He also caused over \$1,700 damage to his 1994 Honda. Later Judge Morley filed a fraudulent claim to an insurance company concerning this incident. In the insurance claim he filed, Judge Morley fraudulently stated that his 1994 Honda was damaged while it was parked and unattended at the Excelsior Hotel in Little Rock, Arkansas.*
7. *Failed to properly register a 1993 Jeep vehicle in a timely manner. Attempted to use the prestige of his office to influence the police investigation of a one car traffic accident on May 7, 1995.*
8. *Failed to pay state sales tax due on the purchase of a 1993 jeep in a timely manner. Attempted to use the prestige of his judicial office to advance his private interests when dealing with a claims adjuster concerning a May 7, 1995 one car traffic accident.*
9. *When transferring title to a 1993 Jeep, Judge Morley forged the signature of his former wife, Kathy Morley Sparr, on the vehicle's title documents.*

*A copy of the Formal Charges filed against Judge Stephen Morley is attached.
(Enclosure 1)*

Helena Municipal Court Judge Durwood King

On May 21, 1997, the Judicial Discipline and Disability Commission filed with the Arkansas Supreme Court the Final Decision and Order in the matter of Judge Durwood King. The Commission ordered that Judge King be reprimanded for his willful violation of Canon 3(B) (8) of the Code of Judicial Conduct, and for willfully and persistently failing to perform the duties of his office. On May 16, 1997, the Judicial Discipline Commission found that Judge King had unreasonably delayed the decision in thirteen (13) cases at which he presided.

A copy of the Final Decision and Order filed with the Arkansas Supreme Court is attached. (Enclosure 2)

Mt. Ida Municipal Court Judge William McKimm

The Judicial Discipline and Disability Commission today announced that an informal adjustment was issued to Judge William McKimm. The Commission found that he presided at the trial of Walker v. Sandridge on August 9, 1994, and that as of May 16, 1997, had not issued a decision in the case. Prior to the trial, in his private attorney capacity, Judge McKimm, discussed part of the case with Mr. Walker. He suggested that under the facts presented, Mr. Walker could file a lawsuit in the Small Claims Court. Judge McKimm then presided at that trial.

The Commission found that there was a possible violation of the Code of Judicial Conduct with regards to the promptness of the decision in this case. The Commission accepted Judge McKimm's statement that steps have been taken to avoid this type of delay in the future.

The Commission also dismissed the possible claim of a conflict of interest in this case. The Commission found that under the specific circumstances of this case, there was no conflict of interest or appearance of an impropriety. The Commission also suggested how Judge McKimm could proceed in the Walker v. Sandridge case.

A copy of the informal adjustment issued to Judge McKimm is attached. (Enclosure 3)

*BEFORE THE ARKANSAS JUDICIAL DISCIPLINE AND
DISABILITY COMMISSION*

In the matter of:

*Honorable Stephen Morley) No. 94-163 and 96-107
Municipal Court, Traffic Division)
North Little Rock, Arkansas) FORMAL STATEMENT OF CHARGES*

Pursuant to authority granted in Amendment 66 to the Arkansas Constitution, ACA 16-10-401 thru 411 and the Rules of Procedure of the Arkansas Judicial Discipline & Disability Commission promulgated by the Arkansas Supreme Court on May 8, 1989, as amended, and at the direction of the Judicial Discipline & Disability Commission (hereinafter referred to as Commission), this Formal Statement of Charges is filed. These charges allege the willful violation of the Code of Judicial Conduct, the commission of conduct involving dishonesty, fraud, deceit, or misrepresentation and the commission of conduct that is prejudicial to the administration of justice and the habitual intemperance in the use of alcohol or other drugs by the Honorable Stephen Morley (hereinafter referred to as respondent). The background and facts of the Formal Statement of Charges are set forth in the following paragraphs.

Background

- 1. Respondent is now and at all times hereinafter mentioned a judge of the Municipal Court of North Little Rock, Arkansas, Traffic Division.*

- 2. Respondent was first notified of complaint # 94-163 by letter dated September 1, 1994. Respondent was first notified of complaint # 96-107 by letter dated January 22, 1996. After appropriate notice, preliminary investigative hearings concerning the complaints were held. A statement of allegations was served on the respondent on November 1, 1996. An amended Statement of Allegations was prepared on April 16, 1997 and served on respondent on April 22, 1997. A probable cause hearing was conducted on May 16, 1997. Respondent attended the probable cause hearing.*

- 3. At the probable cause hearing on May 16, 1997, the Judicial Discipline & Disability Commission by unanimous vote found there was probable cause to believe that respondents' conduct was of a nature requiring proceeding to a formal disciplinary hearing.*

Supporting Facts and Charges

CHARGES

1. On July 11, 1994 at 2120 Lloyd Court in Little Rock, Judge Stephen Morley, of the North Little Rock Municipal Court, Traffic Division, threatened to kill a professional process server, Stephen Wilson. During that service, Morley spoke to the process server using numerous obscenities, including specifically saying to him "your dead. I will find you and I will kill you, you mother-fucker, your ass is mine". After the service, Morley stated "I am gonna get you, you sorry mother-fucker. I'll find you, I'll hunt you down and get your ass." When asked to elaborate as to what he meant, Morley replied, "yea, I'll elaborate all over your ass, you sorry cock sucker. I will get your ass, you piece of shit." Later, as the process server walked away, Morley stated, "Goodbye, you sorry mother-fucker, and remember, I'll get you! I'll catch you somewhere." Morley returned to his car, stuck his tongue out at the process server and then called him a "Mother-fucker". At this time Judge Morley was carrying a handgun in his car.

2. During the time he was married to his first wife, Bonne Morley Lewis, Judge Stephen Morley physically assaulted his wife and mentally abused her. While she was pregnant with their son, Kirk, he punched her in the face with his fists while she was trying to cover her stomach. On another occasion while she was pregnant, he punched her in the stomach. This was observed by their son, Miles. He yelled at her, called her names, and swung a fist at her. His fist hit the wall right next to her head.

3. During the time he was dating and later married to his second wife, Kathy Morley Sparr, Judge Stephen Morley physically assaulted her and mentally abused her.

(a) On approximately five occasions, Judge Stephen Morley physically assaulted Kathy. On one occasion while she was pregnant with Ethan, and they were living at Eagle Creek, he punched her in her stomach and tried to push her down the stairs.

(b) On an occasion while traveling, Judge Stephen Morley physically assaulted his wife Kathy in a Vicksburg, Mississippi motel in front of her children.

8 On an occasion while traveling, Judge Stephen Morley physically assaulted his wife Kathy in the lobby of a hotel in St. Louis, Missouri. This was witnessed by her children.

(d) On November 10, 1994, at a lake in the Lakewood section of North Little Rock, Judge Stephen Morley physically assaulted his wife, Kathy, by striking her in the head, face, eye, and choked her. A physical exam later that day, at the Jacksonville Rebsamen Regional Hospital emergency room, indicated Kathy had contusions on the

central forehead, was sore in her left jaw, contusions lateral marks on the upper left neck consistent with a finger-tip bruised areas over the right deltoid (shoulder). to the right eye, small mark, and had several

(e) During the time they were married, on numerous occasions, Judge Stephen Morley cussed at her, called her "every name in the book", and was demeaning to her. These insults included calling her a "slit-licker", "cunt", "pussy", and accusing her of sleeping with her fourteen year old son. He would also punch Kathy in the head and threaten that her body would be found floating in the Arkansas River. Judge Stephen Morley also told Kathy that if he did not win reelection, he was going to kill her. Occasionally these actions occurred in the presence of Kathy's children.

4. On November 10, 1994, at approximately 5:00 p.m., while Judge Stephen Morley was assaulting his wife Kathy at the lake in the Lakewood section of North Little Rock, Judge Stephen Morley also physically and verbally assaulted a youngster who was playing nearby.

5. Many of the physical and mental assaults by Judge Stephen Morley occurred while he was under the influence of alcohol.

6. While married to Bonne Morley Lewis, Judge Stephen Morley committed adultery with Kathy Sparr.

7. In the spring of 1994, while married to Kathy Morley Sparr, Judge Stephen Morley committed adultery with Wanda Manees.

8. On numerous occasions, Judge Stephen Morley would pay his child support to Bonne Morley Lewis late, or the check would be returned for insufficient funds. This was done in an attempt to harass his former wife and cause her to spend extra money. He did this to "press her buttons" and enjoy watching her become angry. Generally he would eventually pay all of the required child support.

9. On at least one occasion, he attempted to obtain custody of his children by his first wife, Bonne. After Bonne had spent nearly \$10,000 to resist, Judge Stephen Morley withdrew and dismissed his request for custody. This action was taken to harass his former wife.

10. During the late 1980's, including the time he was serving as a municipal judge, Stephen Morley smoked marijuana and sniffed cocaine in the presence of his then wife, Bonne Morley Lewis, neighbors and friends.

11. On a number of occasions, while married to Kathy Morley, Judge Stephen

Morley would purchase more cocaine than he could use. He would then sell the cocaine to some of his friends. These transactions were a give and take situation where those in his group of friends would sell cocaine to each other when they had more than they needed. This occurred both before and after Stephen Morley became a municipal court judge.

12. *On one occasion Stephen Morley had a friend, "Red", break into the home of Burt and Bonne Morley Lewis. The house, located at 2120 Lloyd Court, Little Rock, was damaged and some personal items taken. The vehicle owned by the Lewis' was damaged by having acid thrown on the car, handles ripped off the doors, and the tires deflated. Stephen Morley made sure he was out of town with his family while these actions occurred.*
13. *On November 11, 1994, while driving a 1994 Honda Passport in North Little Rock, Traffic Court Judge Stephen Morley hit a parked 1994 Accura causing approximately \$6,500 damage. He had been drinking before the accident. Repairs to the Honda Passport cost approximately \$1,727. On December 18, 1995, Morley paid approximately \$1,500 restitution to the owner of the Accura and the insurance company. Morley did not report this accident to the police in the required time or to the owner of the car that he struck in violation of criminal law.*
14. *In an attempt to conceal and cover up his hit and run accident on November 11, 1994, Traffic Court Judge Stephen Morley filed a fraudulent claim with L & R Adjustment Company on behalf of his insurance company Equity Mutual. Morley claimed the cause of the loss (damage) to the 1994 Honda was that the car was struck while it was parked and left unattended at the Excelsior Hotel in Little Rock. In fact the loss (damage) to the 1994 Honda was caused by the hit and run accident on November 11, 1994 described in paragraph thirteen (13) above.*
15. *Traffic Court Judge Stephen Morley lied to the police during the subsequent 1995 investigation of the November 11, 1994 hit and run accident. He stated to the police investigator that a friend of his was driving when he in fact was driving the car. Judge Morley refused to reveal the identity of the driver, but admitted to having been in the car at the time of the accident.*
16. *Traffic Court Judge Stephen Morley purchased a 1993 Jeep on March 17, 1995. He failed to register this vehicle with the state licensing authorities (Department of Finance & Administration) within the required ten working days after purchase. Failure to register a vehicle within ten working days after purchase is a misdemeanor.*
17. *Traffic Court Judge Stephen Morley operated the 1993 Jeep with license plates which belonged to his father and were registered to be used on a 1994 Honda Passport.*

18. *On May 7, 1995, after the one car accident involving the 1993 Jeep, Traffic Court Judge Stephen Morley lied to the police officer investigating the accident. He fraudulently stated the vehicle was registered in his father's name. This vehicle was owned by Stephen or Kathy Morley and was not registered. Judge Morley also told the police investigator that he bought the Jeep from his father. That was not true.*
19. *During the police investigation of the one car accident involving the 1993 Jeep, Traffic Court Judge Stephen Morley attempted to use the prestige of his judicial office to influence the police investigation. During the initial investigation of the accident, he told the police investigator he was the North Little Rock Municipal Court Judge.*
20. *Traffic Court Judge Stephen Morley failed to pay \$1,190 state sales tax due on the purchase of the 1993 Jeep until fourteen weeks after he purchased the vehicle. This payment was made after the vehicle was destroyed in an accident on May 7, 1995, after repeated demands by insurance company representatives that he provide them with the title.*
21. *Traffic Court Judge Stephen Morley attempted to use the prestige of his judicial office to advance his private interest when dealing with the claims adjuster handling the 1993 Jeep accident for the Bexley Claims' Service in Fayetteville, Arkansas.*
22. *Traffic Court Judge Stephen Morley filed a certificate of non-use for the 1993 Jeep after wrecking the vehicle. This was done after more than 4000 miles were driven on the vehicle. It was also done in a fraudulent attempt to avoid paying a penalty for failure to register the vehicle in a timely manner.*
23. *When transferring title to the destroyed 1993 Jeep to the Southern Guarantee Insurance Company in August 1995, Traffic Court Judge Stephen Morley forged his former wife's signature, Kathy Morley, on the vehicle's title document.*
24. *During the years 1991 through 1995, on numerous occasions, Traffic Court Judge Stephen Morley used marijuana and sniffed cocaine. He used the cocaine while in the presence of his former wife, Kathy, and other friends.*
25. *In 1995, Traffic Court Judge Stephen Morley bought a pickup truck for his son. He failed to assess the vehicle. He also failed to pay any personal property tax on the vehicle.*
26. *During 1995, Traffic Court Judge Stephen Morley possessed and later was involved in the sale of an undetermined amount of marijuana in Pulaski County.*

Basis for Commission Action

On May 16, 1997 the Commission found that probable cause exists for believing that there has been misconduct of a nature requiring a formal disciplinary proceeding. Respondent is charged with willfully violating A.C.A. ' 16-10-410 (b)(5), specifically Canons 1, 2A, 2B and 4A of the Code of Judicial Conduct and violating A.C.A. ' 16-10-410 (b)(3) by the commission of conduct involving dishonesty, fraud, deceit or misrepresentation, A.C.A. ' 16-10-410 (b)(4) by the commission of conduct that is prejudicial to the administration of justice and A.C.A. ' 16-10-410 (b)(6) habitual intemperance in the use of alcohol or other drugs.

WHEREFORE, Respondent is advised that an answer to this formal statement of charges should be filed by the Respondent with the Commission, located at 323 Center Street, Suite 1060, Little Rock, AR 72201 within twenty (20) days after service upon Respondent of this formal statement of charges; and that the Commission shall thereafter set a time and place of hearing of this formal statement of charges and shall give notice thereof to Respondent. Respondent is hereby advised of his right to counsel and to file an answer in his own behalf or through counsel, and that all of the proceedings in connection with the Formal Statement of Charges shall be in accordance with the said procedural rules of this Commission. The offenses and violations contained in the Formal Statement of Charges constitute willful violation of the Code of Judicial Conduct, the commission of conduct involving dishonesty, fraud, deceit, or misrepresentation and the commission of conduct that is prejudicial to the administration of justice and the habitual intemperance in the use of alcohol or other drugs by the Honorable Stephen Morley.

This Formal Statement of Charges and respondent's answer are the only pleadings required.

Dated this 12th day of June, 1997.

*BY ORDER OF THE
ARKANSAS JUDICIAL DISCIPLINE & DISABILITY COMMISSION*

*BY: _____
James A. Badami
Executive Director*

advisement. He was asked to make a decision on a number of occasions by James Arnold, James Holmes and Municipal Court Judge Jess Porter. On January 24, 1994, a complaint was filed with the Judicial Discipline & Disability Commission for the delay in deciding the case. Thirteen months after the trial, respondent recused and transferred the case to another judge.

3. In the case of Bingham v. Rains, Helena Municipal Court docket # 92-361, respondent presided at the trial of this case on March 10, 1993. The case was taken under advisement. A letter opinion was issued by respondent on January 29, 1996, thirty-three months after the trial. Respondent was asked six or seven times by the plaintiff's attorney, Charles Allen, to make a decision in this case.

4. In the case of Wiggins v. Dwight & Sheila Hardison, West Helena Municipal Court Docket # 93-24, on transfer, respondent presided at the trial of this case on November 10, 1993. This case was taken under advisement. A letter opinion was issued on December 15, 1994, thirteen months after the trial. Respondent was requested a number of times by Municipal Court Judge Jess Porter to decide this case.

5. In the case of Horner Motor Co. v. Roscoe Wilson, Helena Municipal Court Docket # 93-67, respondent presided at the trial of this case on May 12, 1993. Final briefs by both sides were filed by June 9, 1993. This case was taken under advisement. As of April 22, 1996, approximately thirty-four months after the trial, no decision had been issued. Respondent was reminded approximately two times, by attorney L. Ashley

Higgins, that a decision was needed in this case.

6. In the case of Hudson v. Sibley, Helena Municipal Court Docket # 93-441, respondent presided at the trial of this case on August 25, 1993. This case was taken under advisement. As of April 22, 1996, approximately thirty-two months after trial, no decision had been issued. Respondent was reminded by attorney Vandell Bland that a decision was needed in this case.

7. In the case of Martin v. J.J. & Sherry Wheeler, Helena Municipal Court Docket # 93-538, respondent presided at the trial of this case on October 27, 1993. This case was taken under advisement. As of April 22, 1996, approximately thirty months after the trial, no decision had been issued. Respondent was reminded by attorney Vandell Bland that a decision was needed in this case.

8. In the case of Williams v. Key, Helena Municipal Court Docket # 93-654, respondent presided at the trial of this case on October 13, 1993. This case was taken under advisement. As of April 22, 1996, approximately thirty months after the trial, no decision had been issued in this case.

9. In the case of Rain and Hail Insurance and Catt v. Johnny Rich, Helena Municipal Court Docket # 93-763, responded presided at the trial of this case on December 8, 1993. This case was taken under advisement. A judgment was

issued on September 18, 1995, twenty-one months after the trial.

10. In the case of Jackson v. Myton, Helena Municipal Court Docket # 93-868, respondent presided at the trial of this case on January 12, 1994. This case was taken under advisement. As of April 22, 1996, approximately twenty-seven months after the trial, no decision had been issued in this case.

11. In the case of Brown v. West Memphis Cleaning, Helena Municipal Court Docket # 93-939, respondent presided at the trial of this case on January 26, 1994. This case was taken under advisement. As of April 22, 1996, approximately twenty-seven months after the trial, no decision had been issued in this case.

12. In the case of Smith v. Jordan, Helena Municipal Court Docket # 94-146, respondent presided at the trial of this case on October 12, 1994. This case was taken under advisement. As of April 22, 1996, approximately eighteen months after the trial, no decision had been issued in this case. Respondent was reminded several times by attorney Charles Allen that a decision was needed in this case.

13. In the case of King v. Corbitt, Helena Municipal Court Docket # 94-544, respondent presided at the trial of this case on September 14, 1994. This case was taken under advisement. As of April 22, 1996, approximately nineteen months after the trial, no decision had been issued in this case.

14. In the case of Gunnels v. Starr, Helena Municipal Court Docket # 93-697, respondent presided at the trial of this case on August 25, 1993. This case was taken under advisement. As of April 22, 1996, approximately thirty-two months after the trial, no decision had been issued in this case.

15. Respondent was first notified of the complaint by letter dated February 2, 1994. After appropriate notice, preliminary investigative hearings concerning this complaint were held. A Probable Cause Hearing was conducted on November 15, 1996, at which respondent was present.

16. On November 15, 1996, the Commission found that probable cause existed for believing that there had been misconduct of a nature requiring Formal Disciplinary Hearing.

17. A Formal Disciplinary Hearing was held on May 16, 1997.

18. That there was an unreasonable delay in deciding the cases listed in the above paragraphs 2 through 15 by Judge Durwood King.

II. FINAL DECISION AND CONCLUSION OF LAW

It is the unanimous decision of the Commission that Judge Durwood King willfully, violated Canon 3 (B) (8) and also willfully violated Arkansas Statutes Annotated 16-10-410 (6) by willful and persistent failure to perform the duties of his office.

The Commission also unanimously is of the opinion that the appropriate disposition is a reprimand of Judge King.

ORDER

It is therefore ordered that the respondent Judge Durwood King be reprimanded.

Respondent is hereby reprimanded.

By direction of the Judicial Discipline and Disability Commission

Date

James A. Badami
Executive Director and Attorney
for the Judicial Discipline & Disability Commission

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CERTIFICATE OF SERVICE

The undersigned attorney states that he has on this 21st day of May, 1997, served a copy of the foregoing Final Decision and Order by depositing a copy of the same in the United States mail properly addressed and with sufficient postage prepaid to insure delivery addressed as follows:

Raymond R. Abramson
Attorney at Law
P.O. Box 281
281 Madison
Clarendon, Arkansas 72079

Vicki M. Pickering
Assistant Attorney General
323 Center Street 2nd Floor
Little Rock, Arkansas 72201

James A. Badami, #93099

BEFORE THE ARKANSAS JUDICIAL DISCIPLINE AND
DISABILITY COMMISSION

In the matter of:

Honorable William McKimm)	No. 97-284
Municipal Court)	
Mount Ida, Arkansas)	FORMAL STATEMENT OF CHARGES

Pursuant to authority granted in Amendment 66 to the Arkansas Constitution, ACA 16-10-401 thru 411 and the Rules of Procedure of the Arkansas Judicial Discipline and Disability Commission promulgated by the Arkansas Supreme Court on May 8, 1989, as amended, and at the direction of the Judicial Discipline and Disability Commission (hereafter referred to as Commission), this formal statement of charges is filed alleging the willful violation by Honorable William McKimm (hereafter referred to as respondent) of the Code of Judicial Conduct and the willful and persistent failure to perform the duties of office. The background and facts of the formal statement of charges are set forth in the following paragraphs.

Background

1. Respondent is now and at all times hereafter mentioned was a judge of the Municipal Court of Mount Ida.
2. Respondent was first notified of the complaint by letter dated October 21, 1997. After appropriate notice, preliminary investigative hearings concerning this complainant were held. A sworn complaint was served on the respondent on March 11, 1998. A Probable Cause Hearing was conducted on September 18, 1998. Respondent attended the Probable Cause Hearing.
3. At the Probable Cause Hearing on September 18, 1998, the Commission, by unanimous vote, found there was probable cause to believe that respondent's conduct of delay in deciding the Walker v. Standridge case, failure to notify the attorneys representing the parties of the decision, the failure to respond to Commission letters, and his failure to appear at a scheduled Probable Cause Hearing on July 17, 1998 was of a nature requiring proceeding to a formal disciplinary hearing.

Supporting Facts and Charges

1. That after a Probable Cause Hearing on May 16, 1997, respondent was issued an

informal adjustment by the Commission. During that hearing the Commission found that:

a) Respondent presided at the trial of Walker v. Standridge on August 4, 1994. The lawsuit concerned a dispute over the failure to pay \$2524 for the delivery of certain goods.

b) After the trial, respondent took the matter under advisement. Respondent was contacted by approximately fifteen (15) letters and telephone calls by the attorneys for both parties reminding him that a decision was needed in the case.

c) As of the date of the Probable Cause Hearing, May 16, 1997, respondent still had not decided the case.

d) Respondent acknowledged responsibility for failing to decide the case in a timely manner. The Commission also accepted respondent's representation that steps had been taken to avoid this type of delay in the future.

2. During the May 16, 1997 Probable Cause Hearing, under oath respondent stated:

a) That he was acutely aware of the potential for public disrepute to be brought onto the judicial system and himself by this 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.

b) That he had already prepared and had with him a hand written letter which was his decision in the Walker v. Standridge case, and was ready to enter judgment in the case.

c) That the lawyers for both parties had agreed that it would be acceptable with them if he issued a decision in the case. Also, that he would have the decision in the mail to the lawyers on the following Monday, May 19, 1997.

d) (In response to a comment that he had failed to respond to several letters to him from the Commission) That his failure to respond was not intended to be any disrespect to the Commission or any lack of regard for the complaint. He was embarrassed over this complaint and simply avoided dealing with it. He apologized for his failure to respond to the Commission's letters.

3. In late August or early September, Gail Walker, the complaining party in complaint # 95-260, called the Commission staff to ask for help in getting a decision made in the Walker v Standridge case. The Commission staff called respondent. The respondent thought the case had been decided. The case docket sheet reflects a entry on 7/7/97 Upon consideration of testimony, exhibits judgment entered for

D@defendant). No decision was sent to the parties of their lawyers. Respondent failed to dispose of this case and notify the parties of his decision in a prompt and efficient manner.

4. By transmittal letter dated October 16, 1997, respondent forwarded his decision in the Walker v. Standridge case to the lawyers for the parties.
5. Respondent was sent two (2) letters requesting his comments to the complaint in this case. Respondent was sent two (2) letters requesting his comments to a sworn complaint in this case. Respondent failed to respond to any of these letters.
6. By letter dated May 19, 1998, respondent was requested to appear at a Probable Cause Hearing before the Commission on July 17, 1998 at 11:00 a.m. Respondent received the letter but failed to appear at the Probable Cause Hearing.
7. Respondent has failed to cooperate with the Commission, testified with a lack of candor at the May 16, 1997 Probable Cause Hearing, and failed to do what he stated under oath, to the Commission, that he would:
 - a) Send the decision to the lawyers representing the parties on Monday May 19, 1997.
 - b) Respond to letters sent to him by the Commission in matters relating to the complaint of Gail Walker.
8. Respondent failed to cooperate with the Commission when he failed to appear at a Probable Cause Hearing before the Commission on July 17, 1998 after receiving notice of the hearing.

Basis for Commission Action

On September 18, 1998, the Commission found that probable cause exists for believing that there has been misconduct of a nature requiring a formal disciplinary proceeding. Respondent is charged with willfully violating ACA 16-100-410 (5), specifically Canons 1, 2A, 3B(8) of the Code of Judicial Conduct and violating ACA 16-10-410 (6) by willful and persistent failure to perform the duties of office.

Canon 1 states:

AN independent and honorable judiciary is indispensable to justice in our society. A judge should participate in establishing, maintaining, and enforcing, and

should himself observe high standards of conduct so that the integrity and independence of the judiciary may be preserved. The provisions of this code are to be construed and applied to further that objective@

Canon 2A states:

AA judge shall respect and comply with the law and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.@

Canon 3B (8) states:

AA judge shall dispose of all judicial matters promptly, efficiently and fairly.@

WHEREFORE, Respondent is advised that an answer to this formal statements of charges should be filed by the Respondent with the Commission, located at 323 Center Street, Suite 1060, Little Rock, AR 72201 within twenty (20) days after service upon Respondent of this formal statement of charges; and that the Commission shall thereafter set a time and place of hearing of this formal statement of charges and shall give notice thereof to Respondent. Respondent is hereby advised of his right to counsel and to file an answer in his own behalf or through counsel, and that all of the proceedings in connection with the formal statement of charges shall be in accordance with the said procedural rules of this Commission. The offenses and violations contained in the formal statement of charges constitute willful violation of the Code of Judicial Conduct and willful and persistent failure to perform the duties of office.

This formal Statement of Charges and respondent's answer are the only pleadings required.

Dated this 25th day of September 1998

BY ORDER OF THE
ARKANSAS JUDICIAL DISCIPLINE AND DISABILITY COMMISSION

By: _____

James A. Badami
Executive Director

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