

January 24, 2000

Honorable Fred D. Davis
Circuit/Chancery Judge, 3rd Division
P.O. Box 9140
Pine Bluff, AR 71611-9140

RE: Case # 97-265 and # 97-288

Dear Judge Davis:

At a hearing on January 21, 2000, the Judicial Discipline and Disability Commission reviewed sworn complainants, your responses, the result of its investigation, and other material including your sworn testimony. In summary, it was alleged that you were rude to litigants Arnold Turner and Carla Jones who had separate cases pending in your court.

The Commission found that on September 30, 1997, Mr. Arnold Turner came to your office to deliver a jury verdict form. When he arrived he was informed by the case coordinator that you had recused from the case because Mr. Turner had filed a complaint against you with the Commission and another judge would be assigned. Mr. Turner was not satisfied with the explanation given and asked for additional explanation as to why you would not hear his case. The case coordinator became frustrated with Mr. Turner in attempting to explain the reason for your recusal. You then came out of your office and spoke angrily to Mr. Turner, at one point telling him "I'm tired of lying sons of bitches telling lies on me."

On February 25, 1997, Ms. Carla Jones came to your office regarding a motion for sanctions she had filed against another attorney. When she arrived you shouted at her, telling her "I do not have time to teach you law. What are you looking at me like that for? Am I speaking Chinese?" You were again rude and impatient with Ms. Jones several weeks later when she came to your office.

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The Judicial Discipline and Disability Commission found your conduct, as described above, to be a violation of Canons 1, 2A, and 3B(4) of the Code of Judicial Conduct. The Commission expects that you will not continue or repeat this type of conduct. Your actions were inconsistent with maintaining the high standards of conduct essential in preserving the integrity and impartiality of the judiciary. It is the judgment of the Commission that you be admonished.

It is the further judgment of the Commission that you will be required to attend counseling for anger management for an indefinite period. The Commission will receive regular reports to be assured that satisfactory progress is being made. If for any reason, satisfactory progress is not made, the Commission will revisit the sanction imposed in these two cases. This admonishment and mandatory counseling constitutes adequate discipline and no further action is warranted.

This Commission action is public information.

BY DIRECTION OF THE COMMISSION:

James A. Badami
Executive Director

cc: Maxie Kizer
Arnold Turner
Carla Jones