

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

IN THE MATTER OF:

Honorable Joel C. Cole

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No. 91-158

FINAL DECISION AND ORDER

Pursuant to authority granted by Amendment 66 to the Arkansas Constitution, A.C.A. 16-10-410 et seq. and the Rules of Procedure of the Arkansas Judicial Discipline and Disability Commission promulgated by the Arkansas Supreme Court, the Commission issues this Final Decision and Order.

I. FINDINGS OF FACTS

- 1. At all times relevant hereto, respondent Joel C. Cole was and continues to be a judge of the Municipal Court of North Little Rock, Arkansas.*
- 2. On May 13, 1991, respondent appointed Diane Coomes to be a probation officer in the North Little Rock Municipal Court. At that time respondent was the presiding judge and hiring official in that court.*
- 3. At the time of her appointment, Diane Coomes did not have any experience as a probation officer. For the prior nine years she was a bartender at the Elks Club in*

North Little Rock. Before that she had been a secretary for three years. Prior to being appointed to the position, Diane Coomes did not have any formal training or experience as a probation officer nor did she have a bachelor's degree from an accredited College or University. Requirements for the position of probation officer, as promulgated by the North Little Rock personnel department in 1989, were a bachelor's degree or an equivalent amount of very related experience.

4. Prior to the May 13, 1991 appointment, respondent and Diane Coomes were close personal friends. They had known each other about eight years, had lived together for some time and have been involved in a sexual affair. During the time of his divorce, respondent and Diane Coomes were involved in a sexual affair. The sexual affair between respondent and Diane Coomes, which began by mid 1989, continued through at least December 1991.

5. At the time of her initial appointment, Diane Coomes' starting annual salary, as directed and approved by respondent, was \$18,025. This starting annual salary is more than the salary of the other probation officers of the North Little Rock Municipal Court who had between 2 and 30 years experience and at least the same amount as Ms. Coomes' predecessor who had many years of experience as a police officer and 2 years as a probation officer in the North Little Rock Municipal Court when he terminated his employment.

6. The appointment of Diane Coomes to the position of probation officer by respondent, effective May 13, 1991 at the starting salary of \$18,025, resulted in a great deal of publicity that appeared in the statewide newspapers.

7. Respondent was first notified of the complaint by letter dated July 2, 1991. After appropriate notice, preliminary investigative hearings concerning this complaint were held on December 20, 1991 and February 21, 1992. A probable cause hearing was conducted on April 17, 1992. Respondent and his counsel were present at these hearings.

8. On April 17, 1992, the Commission found that probable cause exists for believing that there has been misconduct of a nature requiring a formal disciplinary proceeding.

9. Respondent admits the foregoing facts and has waived his right to a formal disciplinary hearing.

II. FINAL DECISION AND CONCLUSIONS OF LAW

The above constitutes a violation of A.C.A. 16-10-410(4) and (5) by being conduct that is prejudicial to the administration of justice and is in wilful violation of Canons 1, 2A, and 3B(4) of the Code of Judicial Conduct. The Commission further finds that respondent's actions of the appointment and continued employment of Diane Coomes was based on favoritism; that the directing and approving of Diane Coomes' starting salary to be \$18,025 per year was beyond the fair value of services rendered. These actions with the resulting publicity detrimentally affected the integrity of the judiciary, undermined public confidence in the administration of justice, and constituted and continues to constitute unacceptable behavior.

ORDER

It is therefore ordered that the respondent be censured. It is further ordered that respondent take action to correct the continuing nature of the violations, specifically that respondent terminate the employment relationship of the probation officer Diane Coomes, who was appointed and employed in violation of the aforementioned code provisions and Canons.

Respondent is hereby censured.

By direction of the Judicial Discipline and Disability Commission

Sept 14, 1992
Date

Badami
James A. Badami
Executive Director
Judicial Discipline & Disability Commission

Daie Price
Daie Price
Attorney For Respondent

M. Wade Hodge
M. Wade Hodge
Attorney for Commission

NORTH LITTLE ROCK MUNICIPAL COURT

FIRST DIVISION

RECEIVED

200 WEST PERSHING BOULEVARD
NORTH LITTLE ROCK, ARKANSAS 72114



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JUDICIAL DISCIPLINE
AND
DISABILITY COMMISSION

JOEL C. COLE
MARY L. WILKINSON
YVONNE HARRIS
JANE L. HILL

September 10, 1992

Ms. Diane L. Coomes
Probation Office
First Division Municipal Court
North Little Rock, Arkansas 72114

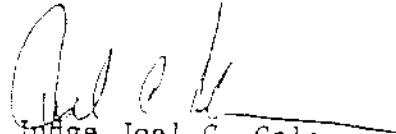
RE: Termination of Employment

Dear Ms. Coomes:

In compliance with an order of the Arkansas Judicial Discipline and Disabilities Commission, your employment by this Court as probation officer, process server and bailiff is hereby terminated effective September 11, 1992.

Your performance of your position has been truly exemplary and except for the above-mentioned order this action would not have been taken.

Very truly yours,


Judge Joel C. Cole

cc: NLR Personnel
Wade Hodge
Dale Price