

November 22, 1999

Honorable John Norman Harkey  
Circuit/Chancery Court Judge  
Sixteenth Judicial District  
P.O. Box 2656  
Batesville, Arkansas 72503

RE: Case # 98-229

Dear Judge Harkey:

In its November 19, 1999 meeting, the Judicial Discipline and Disability Commission reviewed complaint number 98-229. In that complaint, it was alleged that you violated the Code of Judicial Conduct by advising local law enforcement personnel concerning the validity of the out-of-county court orders, and that you imposed a policy that local law enforcement officials could not execute such orders without your approval.

The Commission considered the facts and circumstances surrounding the allegation, your statements, documents, and other evidence before the Commission. Applying this material to the Code of Judicial Conduct, the Commission found that there had been conduct that might be cause for discipline.

The Commission did not find that you had imposed a policy that precluded law enforcement officials from executing out-of-county orders without your approval. The Commission did find that you advised law enforcement agency officials as to the legality of executing out-of-county court orders. You now realize it is not prudent for you to so advise local law enforcement officials concerning the validity of such orders that do not originate from you. You pledged, that in the future, to refrain from advising any law enforcement agency on the legality of orders emanating from other judicial districts. If your advice is solicited on this subject matter, you will refer them to the judge issuing the order, or the prosecuting attorney's office.

You regretted the confusion created in this case, and will do your utmost to avoid these situations in the future. The Commission found that your advice was sought by the sheriff's office, and it was given in good faith. You recognize that such informal advice from you in these instances does not promote the best interest of the judicial system.

The Commission has instructed me to give you notice of this informal resolution and that in view of your pledge, no further action will be taken. This Commission action is public information.

Sincerely,

James A. Badami  
Executive Director

cc: Mr. James M. Shadrick