

October 15, 2004

The Hon. L.T. Simes, II
Circuit Judge
P.O. Box 2775
Helena, Arkansas 72390-2775

Re: Complaint No. 03-178

Dear Judge Simes:

In its September 17, 2004 meeting, the Judicial Discipline & Disability Commission imposed an informal adjustment and decided that no further action will be taken in Complaint No. 03-178. In that complaint it was alleged that you violated the Arkansas Code of Judicial Conduct.

The Commission considered the facts and circumstances surrounding the allegation, your statements, documents, and the other evidence produced. Applying these materials to the Code of Judicial Conduct, the Commission found that there had been conduct that might be cause for discipline but for which an informal adjustment is appropriate.

The Commission found that you produced a musical compact disk ("CD") entitled "The Testimony," a collection of your inspirational musical performances. You appeared on the cover of that CD in your judicial robes, holding a gavel, identified as "Judge L.T. Simes."

You explained that "The Testimony" was your attempt to inspire young people from backgrounds similar to yours to transcend what may have been difficult beginnings in their own lives and that it was motivated by your sincere religious beliefs. Although the Commission commends your efforts, it found that the CD and its cover constituted a technical, although unintentional, violation of the Code of Judicial Conduct. However, in light of your explanation, the Commission has accepted your promise not to so employ your judicial office in the future and to refrain from selling copies of "The Testimony" henceforth as a satisfactory and appropriate resolution of this complaint. Of course, you certainly may distribute the remaining copies free of cost.

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

JAB/wls