

*PRESS RELEASE*

*FOR IMMEDIATE RELEASE*

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*DECEMBER 6, 1999*

*The Arkansas Judicial Discipline & Disability Commission today announced that a unanimous recommendation is being made to the Arkansas Supreme Court that Judge Morris W. Thompson be removed from office. This recommendation is the final decision following the Formal Disciplinary Hearing which was held before a three (3) member panel on October 20, 21, and 22, 1999.*

*The full Commission reviewed the entire proceedings of the Formal Disciplinary Hearing, and the Findings and Recommendations of the three (3) member panel, as well as the objections to the Findings submitted by Judge Thompson's attorney.*

*The Commission found, by clear and convincing evidence, that Judge Thompson had, by his representation of various clients, practiced law after becoming a judge, in willful violation of the Code of Judicial Conduct. The Commission also found that Judge Thompson's failure to honor the subrogation agreement he entered into with one (1) of his clients, as well as his failure to properly report outside income to the clerk of the Arkansas Supreme Court and the Arkansas Secretary of State, constituted violations of the Code of Judicial Conduct.*

*Concerning the allegations of dishonored checks for non-sufficient funds, the Commission found that Judge Thompson admitted that fifty-nine (59) checks were returned for insufficient funds between 1993 and 1997. Forty-one (41) of those checks were returned in 1997, some two (2) years after he was notified of the complaints filed*

**FORMAL DISCIPLINARY HEARING**

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

In the matter of:

Honorable Morris W. Thompson	)	Nos. 95-141 and 97-211
Circuit Judge	)	
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 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 Morris W. Thompson (hereafter referred to as respondent) of the Code of Judicial Conduct and the Model Rules of Professional Conduct, commission of conduct involving dishonesty, fraud, deceit or misrepresentation, and the commission of conduct that is prejudicial to the administration of justice. The background and facts of the formal statement of charges are set forth in the following paragraphs.

Background

1. Respondent is now and has been a circuit court judge since January 1, 1993, in Little Rock, Arkansas
2. In complaint # 95-141, respondent was first notified of the complaint by letter dated April 27, 1995. After appropriate notice, preliminary investigative hearings concerning this complainant were held. A Statement of Allegations was served on the respondent on March 1, 1996. An amended Statement of Allegations was served on the respondent on October 22, 1998. Respondent and his counsel attended a Probable Cause Hearing that was held on May 21, 1999.
3. In complaint # 97-211, respondent was first notified of the complaint by letter dated August 22, 1997. After appropriate notice, preliminary investigative hearings were held. A Statement of Allegations was served on the respondent on October 22, 1998. Respondent and his counsel attended a Probable Cause Hearing that was held on May 21, 1999.

4. At the May 21, 1999 Probable Cause Hearing, the Judicial Discipline & Disability Commission by unanimous vote found there was probable cause to believe that respondent's conduct as shown in the investigations of complaints #95-141 and # 97-211 was of a nature requiring proceeding to a formal disciplinary hearing. After considering additional material submitted by the respondent, this finding was affirmed during a telephone conference call on June 2, 1999.

### Supporting Facts and Charges

#### PRACTICING LAW AFTER BECOMING A JUDGE - REPRESENTATION OF JACQUELINE FORD AND RELATED MATTERS

1. Respondent represented Jacqueline Ford in litigation filed in Louisiana before and after January 1, 1993 when he became a circuit court judge in Arkansas.

a. Respondent while representing Jacqueline Ford, was engaged in settlement discussions prior to January 1, 1993. Documents from CNA Insurance Company reflect that "Attorney Morris Thompson needs an offer before January 1, 1993 when he'll take judgeship".

b. Respondent met with his client Jacqueline Ford on January 13, 1993 to discuss and explain the disbursement of her share of the settlement and to sign and discuss the legal effect of the settlement draft and other documents. Respondent told his client "I'm not supposed to be doing this since I am a judge."

c. Respondent sent the settlement draft from the insurance company for collection on January 13, 1993. He disbursed the settlement funds on January 20, 1993. Approximately 7 letters were exchanged between respondent and other attorneys concerning the Ford case between January 12, and February 1, 1993.

d. Prior to becoming a judge, respondent and his client, Jacqueline Ford, signed a subrogation agreement. In this agreement, respondent and the client agreed to reimburse the Southern Council of Industrial Workers for any medical care or treatment paid by that group for injuries sustained by Jacqueline Ford on July 3, 1991.

(1). On January 13, 1993 after becoming a judge, respondent received a \$150,000 draft from the CNA insurance group in settlement of the Jacqueline Ford claim. Respondent and the client signed a release and receipt agreeing to honor the earlier described subrogation agreement with the Southern Council of Industrial Workers.

(2). After becoming a judge, respondent received the settlement funds and made the distribution of those funds. Respondent failed to honor the subrogation agreement and did not re-imburse the Southern Council of Industrial Workers as he had agreed to do.

e. Respondent's failure to honor the subrogation agreement resulted in his being sued in federal court by the Southern Council of Industrial Workers Trust fund.

f. In a federal court lawsuit brought against respondent, the federal judge ruled that by respondent accepting and disbursing the settlement funds, and by failing to reimburse the Southern Council of Industrial Workers Fund as he had personally agreed to do, respondent converted \$29,971.35 which belonged to the Southern Council of Industrial Workers Fund under the terms of the subrogation agreement.

g. After becoming a judge, respondent engaged in false swearing. During a deposition on August 6, 1994, in the matter of Southern Council of Industrial Workers Trust Fund vs. Jacqueline Ford, Morris W. Thompson, P.A. and Valley Forge Insurance Company, Federal Docket No. LR-C-94-181, respondent, while under oath, testified he deposited the settlement check he received from CNA on behalf of Jacqueline Ford into his attorney trust account. During trial of the same matter on February 4, 5, and 6, 1997, respondent while under oath, testified that he had not deposited the CNA check into his attorney trust account.

h. After becoming a judge, respondent requested a 1/3 attorney fee from the Southern Council of Industrial Workers for withholding their reimbursement under the subrogation agreement from the settlement funds received from the CNA insurance group on behalf of his client, Jacqueline Ford.

## PRACTICING LAW AFTER BECOMING A JUDGE - REPRESENTATION OF ADA GANT AND OTHERS AND RELATED MATTERS

2. Respondent represented Ada Gant and other survivors in a wrongful death suit filed in Louisiana before and after January 1, 1993, when he became a circuit judge in Arkansas.

a. Letters, correspondence, and other documents were exchanged between respondent and other attorneys and the clerk of court during the months of January 1993 through October 1994, concerning the Ada Gant lawsuit. This includes a fax dated March 30, 1993 sent, by respondent, to the opposing attorney Bruce Mintz, authorizing respondent's co-counsel, attorney Pamela Blankenship to sign respondent's name to any and all documents necessary to resolve this matter (the Gant case). Respondent never filed a motion to withdraw as counsel in this lawsuit with the Louisiana court.

b. Respondent was not truthful with the Judicial Discipline and Disability Commission when he claimed to have ceased representation of Ada Gant and others before he became a judge.

c. Various court documents filed in the Louisiana court list respondent, Morris Thompson, as counsel of record for Ada Gant. The documents were filed between the months of September 1992 and August 1994.

d. Respondent wrote a check on May 17, 1993 to the clerk of Louisiana court for \$178.86 in the Ada Gant lawsuit. These funds were an advance deposit to cover future costs of filings, service, etc. Subsequently, amounts were deducted for various expenses related to the case on eleven occasions. These deductions were made between the months of July 1993 and October 1994.

e. On March 29, 1993, Louisiana attorney, Bruce Mintz, contacted respondent telephonically at respondent's office and discussed settlement of the Gant case.

f. On November 29, 1993, Louisiana attorney, David Nelson, spoke telephonically with respondent at respondent's office and discussed the Gant case.

g. On eight occasions, between August 14, 1993 and December 9, 1993 respondent contacted his co-counsel, Pamela Blankenship, in her office in Alexandria, Louisiana. These phone calls were made from respondent's judicial office telephone.

h. Respondent's co-counsel, Pamela Blankenship, closed her law office in the latter part of 1993. She was then living at and/or working out of her father's home. On twelve occasions, between September 9, 1993 and November 4, 1994, respondent contacted the home of his co-counsel's father in Alexandria, Louisiana. These phone calls were made from respondent's judicial office telephone.

i. Respondent called Louisiana attorney, David Nelson, twice, on November 24, 1993, and on November 29, 1993, to discuss the Gant case. These phone calls were made from respondent's judicial office telephone. The November 29, 1993 call lasted approximately twenty (20) minutes, and concerned settlement discussions in the Gant case.

j. By letters dated August 30, 1994 and October 13, 1994, the deputy clerk of court in Lincoln Parish, Louisiana sent certified copies of the court opinion in the Gant case to "Morris W. Thompson, P.O. Box 787 Little Rock, Arkansas 72203". P.O. Box 787 at Little Rock, Arkansas 72203 is registered to the Morris Thompson Campaign. These letters refer to Morris W. Thompson as the attorney for Ada Gant. Charges for these mailings were made against the funds deposited by respondent, referred to in paragraph 3d above.

k. On April 1, 1993 respondent received a \$150,000 draft from the St. Paul Fire & Marine Insurance Company in partial settlement of the lawsuit. The draft was payable to each of the clients involved and their attorneys, Pamela Blakenship and respondent. All of the clients and both Pamela Blakenship and respondent endorsed the draft.

(i) The funds from the \$150,000 draft were deposited on the Morris W. Thompson, PA, Operating Account number 773322403 at Union National Bank on April 12, 1993.

(ii) On March 26, 1993 respondent wrote checks for the disbursement of the settlement funds to his clients from his Morris. W. Thompson, PA, operating account as follows:

<u>DATE</u>	<u>CHECK NO.</u>	<u>AMOUNT</u>	<u>PAYEE/CLIENT</u>
3-26-93	4076	\$1,556.14	Darrell Singleton
3-26-93	4078	3,112.28	Montique Singleton
3-26-93	4389	18,673.65	Ada Gant
3-26-93	4390	18,673.65	Benjamin Singleton
3-26-93	4391	18,673.65	Jessie L. Jenkins
3-26-93	4392	6,224.55	Priscilla Smith
3-26-93	4393	6,224.55	Robert Smith
3-26-93	4394	6,224.55	Kevin Smith
3-26-93	4396	3,112.28	Ricky Singleton
3-26-93	4398	3,112.28	Christopher Singleton
3-26-93	4399	3,112.28	James Singleton, Jr.
3-26-93	4400	1,556.14	Rodney Blake

(iii) On April 4, 1993 respondent wrote check # 4082 to Duke & White Court Reporters Inc in the amount of \$1015.40 from his Morris W. Thompson PA, Operating Account. This check was in payment for depositions taken in the Ada Gant and others case.

(iv) On April 7, 1993, respondent wrote check # 4086 in the amount of

\$35,582 to his co-counsel, Pamela Blankenship, for her share of the attorney fees in the Ada Gant and others, case.

l. By letter dated January 25, 1994 respondent, as the attorney for Ada Gant and others, was given notice by the Louisiana court that trial of the case was scheduled for February 14, 1994. By letter dated May 2, 1994 from the clerk of court, respondent, as the attorney for Ada Gant and others was sent a certified copy of the opinion filed in the Gant case.

m. In May 1995 and November 1995 attorneys for the defendants in the Ada Gant litigation carried respondent as the attorney of record for the plaintiff, noting they had not received a notice of withdrawal from respondent in this case. However they had received notice that attorney Brenda Brown had been removed as one of plaintiff's attorneys.

#### DEPOSITING CLIENT'S FUNDS IN OTHER-THAN AN IDENTIFIABLE TRUST ACCOUNT - DEPOSITING PERSONAL FUNDS IN A TRUST ACCOUNT

3. During pre-trial discovery (in a deposition), in a federal law suit in which he was a defendant, respondent stated that he deposited the settlement proceeds he received in the Ford case in his attorney trust account at the Worthen Bank. Bank records for his attorney trust account do not reflect any such deposit. Other bank records show that on January 13, 1993, respondent sent the settlement draft for collection. Respondent took the proceeds, obtained (a) \$95,930.98 cashier's check for his client Jacqueline Ford, (b) \$16,665.20 cashier's check for his co-counsel's fee, (c) \$2000.00 cash as part of his attorney's fee from the Jacqueline Ford case.

4. Respondent deposited \$33,741.52 of his attorney's fee in his trust account at Worthen National Bank, account number 008907-007-7.

5. Bank records failed to show that any of the funds belonging to respondent's client, Jacqueline Ford, were deposited in an identifiable trust account.

6. On April 12, 1993 respondent deposited the \$150,000 received from the St. Paul Fire & Marine Insurance Company as partial settlement for clients in the Ada Gant case into the Morris W. Thompson, P.A., operating account 77322403 at the Union National Bank. Respondent then made distribution of the settlement to his clients on checks drawn on this account. Three of these checks written to his clients, #4390 for \$18,673.65 payable to Benjamin Singleton, #4390 for \$6,224.55 payable to Priscilla Smith and #4396 for \$3,112.28 payable to Rick Singleton were not paid by Union National Bank. The checks were returned by the bank because there were insufficient funds in the account.

7. Bank records failed to show that any of the funds belonging to respondent's client, Ada Gant and the others, were deposited in an identifiable trust account.

8. On January 22, 1993, respondent deposited the proceeds from the settlement of a claim for his clients, Major and Marcella Banks, into the operating account of Morris W. Thompson, attorney. Bank record failed to show these proceeds were deposited into an identifiable trust account.

9. On January 29, 1993, respondent issued check number 4063 to Gertie Mason, for her part of the settlement of her case. This check was drawn on the Morris W. Thompson, attorney, operating account. These funds and this payment should have been held and paid out of an identifiable trust account.

10. During March 1993, respondent received two (2) checks from the Georgia Pacific Corporation payable to Marvin L. Harris and Morris Thompson, attorney. One check, # 629649, was in the amount of \$6,431.04, and the other check #629650 in the amount of \$55.44. These checks were deposited in the Morris Thompson, attorney, operating account. These checks should have been deposited into an identifiable trust account.

#### FAILURE TO HONOR CONTRACTUAL OBLIGATIONS

11. After becoming a circuit court judge, Morris Thompson and his client, Jacqueline Ford, signed a release and receipt on January 13, 1993 in the Jacqueline Ford case. That document was signed in order to facilitate receipt of the settlement check. Part of this document acknowledged that respondent and Ford had signed a subrogation agreement with Southern Council of Industrial Workers, and that they agreed to honor that subrogation agreement. After receiving the proceeds of the settlement, respondent did not disburse the funds in accordance with that subrogation agreement.

#### FAILURE TO REPORT OUTSIDE INCOME AND FILE REQUIRED DISCLOSURE STATEMENTS

12. Respondent failed to file a report of outside income for 1993 with the office of the Clerk of the Supreme Court as required by Canon 4D (2) of the Code of Judicial Conduct. This report should have listed as outside income the following:

a. Attorney fees respondent received from settlement of the Ada Gant case, an amount of approximately \$30,000. These funds were received in March 1993.

b. Attorney fees respondent received from settlements of the Jacqueline Ford case, an amount in excess of \$50,000. These funds were received in January 1993.

c. Attorney fees respondent received from settlement of the Marvin L. Harris claim against the Georgia Pacific Corporation, an amount in excess of \$2,000. These funds were received in March 1993.

d. Attorney fees of \$4,956.96 respondent received for referral of a settled case from attorney Woodson Walker. These funds were received on August 3, 1993.

e. Attorney fees of \$3,865.68 respondent received for referral of a settled case from attorney Willard Proctor. These funds were received in September 1993.

f. Income in the amount of \$4,596.56 respondent received from the Fred Douglas Trust (attorney Willard Proctor) on October 1, 1993.

13. Respondent failed to file a report of outside income for 1996 with the office of the Clerk of the Supreme Court as required by Canon 4D (2) of the Code of Judicial Conduct.

14. Respondent filed an incomplete report of outside income for 1994 with the Clerk of the Supreme Court as required by Canon 4D (2) of the Code of Judicial Conduct. Respondent failed to list the compensation he received from sources outside of his judicial activities, to wit;

a. Attorney fee of \$2,016 received as part of a settled case from attorney Willard Proctor. These funds were received in February 1994.

b. Attorney fee of \$6,060.25 received as part of a settled case from attorney Willard Proctor. These funds were received in March 1994.

c. Attorney fee of \$6,849.31 received as part of a settled case from attorney Willard Proctor. These funds were received in December 1994.

d. Fee of \$5,400 received from the Arkansas Municipal League. These funds were received in September 1994.

e. Attorney fee of \$160,000 received as part of a settlement in the Wilma Dixon case from the Needham, Johnson, Lovelace, and Johnson Law Firm of Texas. These funds were received on October 24, 1994.

f. Attorney fee of \$4,586 respondent received on January 14, 1994 from attorney James Rhodes.

15. Respondent filed an incomplete report of outside income for 1995 with the Clerk of the Supreme Court as required by Canon 4D (2) of the Code of Judicial Conduct. Respondent failed to list compensation he received from sources outside of his judicial activities, to wit;

a. Interest and dividends received from his Merrill Lynch account.

b. Stock holdings and income from The Little Red Wash House on Main Street in Little Rock AR.

16. Respondent failed to file a Statement of Financial Interest with the Secretary of State's Office for 1996 as is required by Arkansas Law.

NON SUFFICIENT FUNDS -DISHONORED CHECKS AND RELATED MATTERS

17. Respondent, during the period December 1992 to June 1997, did make and issue certain checks as set forth below for the purchase of certain goods or services or in payment of debts and did thereafter dishonorably fail to place or maintain sufficient funds in various banks for payment of those checks in full, upon their presentation for payment.

(A) UNION NATIONAL BANK OF ARKANSAS

(Worthen National Bank)  
(Boatman's National Bank of Arkansas)  
(Nations Bank)

Morris W. Thompson, PA  
Operating Account  
Little Rock, Arkansas  
Account No. 0077-322-403

NO.	CHECK NUMBER	DATE OF CHECK	AMOUNT OF CHECK	DATE OF BANK STATEMENT
(1)	3989	12-21-92	\$ 87.55	01-93
(2)	4016	12-31-92	572.00	01-93
(3)	4017	12-31-93	282.00	01-93
(4)	3973	12-15-93	438.75	01-93
(5)	4390	03-26-93	18,673.65	03-93
(6)	4396	03-26-93	3,112.28	03-96
(7)	4392	03-26-93	6,224.55	03-93
(8)	1715	02-27-96	5.75	03-96

(9)	1697	02-23-96	21.25	03-96
(10)	1716	02-27-96	101.65	03-96
(11)	1714	02-----	37.45	03-96
(12)	1698	02-25-96	320.18	03-96
(13)	1717	03-06-96	20.00	03-96
(14)	1719	03-07-96	9.75	03-96
(15)	1793	04-21-96	12.43	04-96
(16)	1794	04-20-96	15.16	04-96
(17)	1791	04-20-96	20.00	04-96
(18)	1856	06-03-96	307.20	06-96
(19)	2012	11-11-96	371.00	11-96
(20)	2055	01----97	384.00	01-97
(21)	2069	01-08-97	533.68	01-97
(22)	2085	01-24-97	91.15	02-97
(23)	2092	01-29-97	161.32	02-97
(24)	2127	02-01-97	317.29	02-97
(25)	2098	01-29-97	366.44	02-97
(26)	2131	02-04-97	138.34	02-97
(27)	2099	01-29-97	143.00	02-97
(28)	2133	02-09-97	25.00	02-97
(29)	2086	01-24-97	25.00	02-97
(30)	2134	02-11-97	25.25	02-97
(31)	2132	02-07-97	33.91	02-97

(32) 2135 02-12-97 27.00 02-97

(B) FIRST COMMERCIAL BANK

First Commercial Bank

Morris W. Thompson  
DBA Little Red Wash House  
4323 West 17th Street  
Little Rock, Arkansas

Account No. 0-84086-6

(33) 1124 03-27-96 \$ 58.50 03-96

(34) 1268 05-20-96 50.00 06-96

(35) 1272 06-01-96 898.81 06-96

(36) 1250 07-18-96 43.47 07-96

(37) 1298 06-28-96 113.05 07-96

(38) 1299 06----96 18.13 07-96

(39) 1229 07-08-96 59.57 07-96

(40) 1240 ----- 39.97 07-96

(41) 1236 07----96 2.13 07-96

(42) 1249 07-18-96 323.91 07-96

(43) 1246 ----- 265.27 07-96

(44) 1245 ----- 237.68 07-96

(45) 1304 08-27-96 100.00 08-96

(46) 1301 08-27-96 2.99 08-96

(47) 1523 08-20-96 780.78 08-96

(48)	1524	08-24-96	357.49	08-96
(49)	1379	01-07-97	975.57	01-97
(50)	1385	01-10-97	111.25	01-97
(51)	1406	02-15-97	12.68	02-97
(52)	1403	02-13-97	106.82	02-97
(53)	1484	05-01-97	173.99	05-97
(54)	1556	05-28-97	451.63	06-97
(55)	1554	05-28-97	230.21	06-97
(56)	1562	06-03-97	141.10	06-97
(57)	1563	06-03-97	61.25	06-97
(58)	1564	06-04-97	60.30	06-97
(59)	1561	06-02-97	105.00	06-97
(60)	1560	06-02-97	100.65	06-97
(61)	1552	05-28-97	336.76	06-97

(C) TWIN CITY BANK (MERCANTILE BANK)

**(Mercantile Bank)**

**Morris Thompson or Minnie Thompson  
4323 West 17th Street  
Little Rock, Arkansas**

**Account No. 0100-088-9**

(62)	1345	07-23-93	29.00	07-27-93
(63)	1402	10-04-93	509.00	10-18-93

(64) 1407      10-12-93                      153.00                      10-18-93

18. On March 26, 1993 while serving as circuit court judge, respondent made disbursements of the settlement to his clients in the Ada Gant case. These disbursements were made on Union National Bank account # 77-322-403 entitled Morris W. Thompson, PA, Operating Account. Check #4390 was issued to Benjamin Singleton in the amount of \$18,673.65 for settlement of a claim. Check #4392 was issued to Priscilla Smith in the amount of \$6,224.55 for settlement of a claim. Check #4396 was issued to Rick Singleton in the amount of \$3,112.28 for settlement of a claim. Each of these checks was not paid by the bank and returned for insufficient funds.

19. While serving as circuit court judge, respondent presided at criminal cases which included so called "hot check" cases.

a. On April 20, 1996, respondent issued check #1794 to Pop-a-Top in the amount of \$15.16 drawn on a Boatmen's Bank account #7732 2403 held in the name of Mr. Morris W. Thompson. This check was not (honored) paid by the bank because of insufficient funds. An affidavit for warrant arrest (hot checks) was prepared by and served on respondent by the Pulaski County Prosecuting Attorney's Office. Mrs. Thompson, respondent's wife, made full payment on June 21, 1996 to the Prosecuting Attorney's Office to settle this matter.

b. On February 1, 1997 respondent issued check #2127 to Sam's in the amount of \$317.29 drawn on a Boatmen's's Bank account number 77322403 held in the name of Mr. Morris W. Thompson. This check as not paid by the bank because of insufficient funds. An affidavit for a warrant of arrest (hot checks) was prepared by and served on respondent by the Pulaski County Prosecuting Attorney's office on March 7, 1997. At respondent's direction, a prosecuting attorney staff member went to respondent's office to pick up his money order to settle the matter.

#### OTHER INCIDENTS OF PRACTICING LAW AFTER BECOMING A CIRCUIT COURT JUDGE AND RELATED MATTERS

20. Respondent was disbursing settlement funds to one of his clients, Gloria Easter, prior to becoming a circuit court judge. These funds were obtained as settlement of a claim arising from a car accident. Respondent was to make payment to his client, as she needed the money until it ran out. Funds were paid from the Morris Thompson attorney operating account, instead of from an identifiable trust account. Payments included:

- a. Un-numbered check, dated August 9, 1993, in the amount of \$700.  
Noted as partial distribution.
- b. Un-numbered check, dated September 30, 1993, in the amount of \$1,000.  
Noted as partial distribution.

c. Un-numbered check, dated December 8, 1993, in the amount of \$1,500.

#### FAILURE TO PROPERLY FILE AND PAY FEDERAL PERSONAL INCOME TAX

21. On October 28, 1996, respondent was assessed \$86,936.91 as delinquent federal income taxes paid for the year ending December 31, 1994. On January 17, 1997, the Internal Revenue Service filed a notice of Federal Tax Lien on respondent and his wife.

#### OPERATING A MOTOR VEHICLE WITH A FICTITIOUS LICENSE PLATE TAG

22. On June 18, 1997, respondent was arrested and issued a traffic ticket for exhibiting a fictitious license plate tag while he was driving his gold 1982 Ford pickup truck in Little Rock, Arkansas. The gold 1982 Ford pickup displayed license tag number 692 AJX. This license plate was assigned to a 1981 gold Toyota Cressida, also owned by respondent. He was later found guilty of this offense in the Little Rock Municipal Court. Respondent occasionally drove the 1982 Ford pickup truck with the fictitious license tag in the Little Rock area from January to September 1997.

#### Basis for Commission Action

On May 21, 1999, the Commission found that probable cause exists for believing that there has been misconduct of a nature requiring a formal disciplinary proceeding. This finding was affirmed by the Commission on June 2, 1999. Respondent is charged with violating ACA 16-10-410 (b) (3) by the Commission of conduct involving dishonesty, fraud, deceit, or misrepresentation; violating ACA 16-10-410 (b) (4) by the commission of conduct that is prejudiced to the administration of justice; and violating ACA 16-10-410 (b) (5), willful violation of the Code of Judicial Conduct and Model Rules of Professional Conduct, specifically Canons 1, 2, 4A, 4G, 4H (2) and 4I of the Code of Judicial Conduct and Rule 1.15 of the Model Rules of Professional Conduct.

### CODE OF JUDICIAL CONDUCT

#### CANON 1

#### **A JUDGE SHALL UPHOLD THE INTEGRITY AND INDEPENDENCE OF THE JUDICIARY**

**An independent and honorable judiciary is indispensable to justice in our**

**society. A judge should participate in establishing, maintaining and enforcing high standards of conduct, and shall personally observe those standards so that the integrity and independence of the judiciary will be preserved. The provisions of this Code are to be construed and applied to further that objective.**

## **CANON 2**

### **A JUDGE SHALL AVOID IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY IN ALL OF THE JUDGE'S ACTIVITIES**

**A. A 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.**

**B. A judge shall not allow family, social, political or other relationships to influence the judge's judicial conduct or judgment. A judge shall not lend the prestige of judicial office to advance the private interests of the judge or others; nor shall a judge convey or permit others to convey the impression that they are in a special position to influence the judge. A judge shall not testify voluntarily as a character witness.**

## **CANON 4**

### **A JUDGE SHALL SO CONDUCT THE JUDGE'S EXTRA-JUDICIAL ACTIVITIES AS TO MINIMIZE THE RISK OF CONFLICT WITH JUDICIAL OBLIGATIONS**

**A. Extra-judicial Activities in General. A judge shall conduct all of the judge's extra-judicial activities so that they do not:**

- (1) cast reasonable doubt on the judge's capacity to act impartially as a judge;**
- (2) demean the judicial office; or**
- (3) interfere with the proper performance of judicial duties.**

**G. Practice of Law. A judge shall not practice law or appear as counsel in any**

court within this state. Notwithstanding this prohibition, a judge may act pro se and may, without compensation, give legal advice to and draft or review documents for a member of the judge's family.

**Commentary:**

*This prohibition refers to the practice of law in a representative capacity under the Arkansas Constitution, and not in a pro se capacity. . . .*

**H. Compensation, Reimbursement and Reporting.**

**(2) Public Reports.** A judge shall report the date, place and nature of any activity for which the judge received compensation, and the name of the payor and the amount of compensation so received.

The judge's report shall be made at least annually and shall be filed as a public document in the office of the Clerk of the Supreme Court.

**Commentary:**

*See Section 4D(5) regarding reporting of gifts, bequests and loans. The Code does not prohibit a judge from honoraria or speaking fees provided that the compensation is reasonable and commensurate with the task performed, however, that no conflicts are created by the arrangement. A judge must not appear to trade on the for personal advantage. Nor should a judge spend significant time away from court duties to meet speaking or writing commitments for compensation. In addition, the source of the payment must not raise any question of undue influence on the judge's ability or willingness to be impartial.*

**I. Disclosure of a judge's income, debts, investments or other assets is required only to the extent provided in this Canon and in Sections 3E and 3F, or as otherwise required by law.**

**Commentary:**

*Section 3E requires a judge to disqualify himself or herself in any proceeding in which the judge has an economic interest. See "economic interest" as explained in the Terminology Section. Section 4D requires a judge to refrain from business and from financial activities that might interfere with the impartial performance of judicial duties. Section 4F requires a judge to report all compensation*

*the judge received for activities outside judicial office. A judge has the rights of any other citizen, including the right to manage the judge's financial affairs, except to the extent that limitations established by law are required to safeguard the public interest.*

*performance of the judge's duties.*

## MODEL RULES OF PROFESSIONAL CONDUCT

### **RULE 1.15 Safekeeping Property**

(a) All lawyers shall hold property of clients or third persons that is in a lawyer's possession in connection with a representation separate from the lawyer's own property.

(1) Funds of a client shall be deposited and maintained in one or more identifiable trust accounts in the state where the lawyer's office is situated, or elsewhere with the consent of the client or third person. The lawyer or law firm may not deposit funds belonging to the lawyer or law firm in any account designated as the trust account, other than the amount necessary to cover bank charges, or comply with the minimum balance required for the waiver of bank charges.

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 the Model Rules of Professional Conduct, commission of conduct involving dishonesty, fraud, deceit or misrepresentation, and the commission of conduct that is prejudicial to the administration of justice.

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

Dated this \_\_\_\_\_ day of June, 1999

BY ORDER OF THE  
ARKANSAS JUDICIAL DISCIPLINE AND DISABILITY COMMISSION

By: \_\_\_\_\_  
James A. Badami  
Executive Director

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*against him with the Judicial Discipline and Disability Commission. During this time, Judge Thompson presided at criminal cases which included "hot check" cases.*

*Judge Thompson's failure to pay his personal federal income tax for the year ending December 31, 1994, and his operating a vehicle exhibiting a fictitious license plate also violated the Code of Judicial Conduct.*

*One (1) Commission member did not believe that the failure to honor a subrogation agreement and the failure to pay personal federal income taxes should be used as a basis to sanction a judge. He did join in the unanimous recommendation that Judge Thompson be removed from office.*

*The Commission found by clear and convincing evidence these matters were willful violations of the Code of Judicial Conduct, and that Judge Thompson's actions were prejudicial to the administration of justice. While some of the offenses may have warranted a lesser sanction as a isolated event, the seriousness of some of the other offenses, as well as the sheer number of violations committed over such a lengthy period of time, left no other alternative than to request that the Arkansas Supreme Court remove Judge Thompson from office.*

*A copy of the Findings and Recommendations adopted by the Judicial Discipline and Disability Commission is attached.*