

January 27, 1997

Honorable Olly Neal  
Justice Building, 2nd Floor  
625 Marshall Street  
Little Rock, Arkansas 72201

Re: Case # 95-164

Dear Judge Neal:

At a Probable Cause Hearing on January 17, 1997, the Judicial Discipline and Disability Commission reviewed a Statement of Allegations, the results of its investigation, including the review of a number of court transcripts, and your sworn testimony before the Commission. This letter concerns the allegations that on May 17, 1995, while serving as a circuit judge in the First Judicial District, you assumed jurisdiction and presided in a disbarment case styled James A. Neal, as Executive Director of the Supreme Court Committee on Professional Conduct vs. Jimmie L. Wilson. At the time, that case had been assigned to and was pending before Judge John Lineberger. During the hearing of this matter, you failed to mention that you had been one of the attorneys who represented Jimmie L. Wilson in the federal criminal trial which eventually led to the present Wilson disbarment action.

In March 1985, Jimmie L. Wilson was tried and convicted in the U.S. District Court for the Eastern District of Arkansas. The case concerned the stealing of money from the United States by scheming to sell mortgaged property and by withdrawing funds for unauthorized purposes by lying about the intended use of such funds. In your private attorney capacity, you served as one of the counsel of record for Jimmie L. Wilson and participated in his defense at the federal criminal trial in March 1985. About two (2) years later, you appeared before federal Judge Eisele and argued a motion on behalf of your client, Jimmie L. Wilson.

During the hearing before the Judicial Discipline and Disability Commission, it was your sworn

testimony that at the time of your presiding at the disbarment hearing against Jimmie L. Wilson, you did not remember ever representing Wilson in the federal criminal trial or in the oral motion you argued on his behalf before federal Judge Eisele. During your testimony before the Commission, you acknowledged that your failure to recall your involvement in the underlying criminal trial of Jimmie L. Wilson was an omission that may have violated Canons of the Code of Judicial Conduct.

The Commission found that under the circumstances of this case as described above, your actions created the appearance of an impropriety which failed to promote public confidence in the integrity and impartiality of the judiciary. The Commission also found that your actions were in contravention of the proscription that judges may not preside in a matter in which they were involved in their attorney capacity. Your actions constitute a violation of Canons 2A, and 3E(1) of the Code of Judicial Conduct. It is the judgment of the Commission, that you be and that you are hereby admonished.

This public admonition constitutes adequate discipline and no further action is warranted. The Commission indulges the expectation that this conduct will not be repeated.

This Commission action is public information.

BY DIRECTION OF THE COMMISSION:

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James A. Badami  
Executive Director

cc: George Hariston  
Don Trimble