



Judicial Discipline & Disability Commission

DGE RICE VAN AUSDALL
CHAIRMAN

Tower Building - Suite 1060
323 Center Street
Little Rock, AR 72201
(501) 682-1050
November 21, 1995

JAMES A. BACAMI
Executive Director

Honorable Roy Edward Thomas
Municipal Judge
Independence County
P.O. Box 2432
Batesville, Arkansas 72501

Re: Case # 94-113

Dear Judge Thomas:

During the November 17, 1995 meeting, the Judicial Discipline & Disability Commission decided to issue a letter of admonition to you in complaint number 94-113. In that complaint, the Commission found you violated the Code of Judicial Conduct.

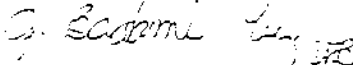
At a probable cause hearing, the Commission considered a number of allegations which stemmed from the actions of an attorney in your court chambers, on March 17, 1993. In the presence of legal counsels, police officials, and court personnel, while court business was to be conducted, the attorney opened his coat in the style of flashing. Over his pants, the attorney was wearing a pair of gag or novelty men's briefs which had a sexual connotation. Comments were then made which implied improper or preferential treatment should be given to the attorney's cases pending that day. Included in the allegations considered by the Commission, was that you improperly dismissed the charges in three cases because of the attorney's actions. After reviewing his file, including the sworn statements of approximately 16 witnesses, your testimony at the hearing, and other available evidence, the Commission found there was no credible evidence to support that allegation.

The Commission believes that as the judge of the Batesville Municipal Court, you are required to maintain order and decorum in the court, to include your chambers, when judicial matters are being considered. You are also required to act at all times in a manner that promotes the public confidence in the integrity of the judiciary, and you must enforce high standards of conduct of attorneys and court officials. Your failure to take any timely corrective action of the errant attorney showed a failure to maintain the required order and decorum during judicial proceedings. By your inaction, you also failed to enforce the standards of conduct required of attorneys who come before you in judicial proceedings. Such inaction denigrates rather than promotes public confidence in the integrity of the judiciary and the Batesville Municipal Court.

The Commission found your actions to be inappropriate, and in violation of Canons 1, 2, and 3B of the Arkansas Code of Judicial Conduct. You are therefore admonished for this violation. This admonishment constitutes adequate discipline and no further action is warranted. This Commission action is public information.

BY DIRECTION OF THE COMMISSION:

Sincerely,


James A. Badami
Executive Director

cc: James A. McLarty, III



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PRESS RELEASE

FOR IMMEDIATE RELEASE

CONTACT PERSON: JAMES A. BADAMI

PHONE: 682-1050

November 22, 1995

The Arkansas Judicial Discipline & Disability Commission today announced that a letter of admonition was imposed on Judge Roy Thomas. Thomas is the Batesville Municipal Court Judge.

The Commission investigated allegations that Judge Thomas dismissed the charges against three clients of an attorney because of a prank by that attorney. During court proceedings in Judge Thomas' chambers, the attorney wore a pair of gag men's briefs with an elephant's trunk like an appendage, sewn on the front of the briefs. Some comments were then made which inferred that an arrangement had been made that after the attorney's appearance of wearing the novelty men's briefs, the judge would dismiss the charges in the attorney's cases pending in court that day.

The Commission reviewed the sworn statements of 26 individuals, numerous other statements, and other evidence to include court and police records. The Commission found that there was no credible evidence to show that any improper or preferential treatment was given to the three pending cases of that attorney.

The Commission stated that Judge Thomas, like all judges, has an affirmative obligation to maintain order and decorum during court proceedings. He is also obliged at all times to act in a manner that promotes public confidence in the integrity of the judiciary. Additionally he must enforce high standards of conduct of all attorneys appearing before him. The Commission found that Thomas failed to correct the inappropriate behavior of the attorney. As such, Judge Thomas did not live up to the high ethical standards required by the Arkansas Code of Judicial Conduct.

A copy of the letter of admonishment is attached.