

November 18, 2002

Honorable Russell "Jack" Roberts
Conway District Court
1312 Oak Street
Conway, AR 72032

RE: Case #01-317

Dear Judge Roberts:

In its November 15, 2002 meeting, the Judicial Discipline & Disability Commission imposed an informal adjustment in complaint number 01-317. In that complaint, it was alleged you violated the Arkansas Code of Judicial Conduct.

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, but for which an informal adjustment is appropriate.

In response to a phone call from the mother of a suspect who was in police custody and about to be fingerprinted and photographed, you asked to speak to the arresting officer. You advised the arresting officer that he should seek a warrant for the defendant since the alleged crime did not take place in the officer's presence. This action was perceived by the officer as judicial advice, and he released the defendant from custody. The next day, after a probable cause hearing, a warrant was issued for the suspect. The Commission understands that you were not representing the suspect. As you candidly acknowledge, through your actions, there was some confusion created in this case.

You have pledged to the Commission that you will refrain from advising law enforcement officials regarding the sufficiency of criminal charges, except in the ordinary course of your judicial duties, which include making probable cause determinations pursuant to Arkansas law. Although your intentions may well have been good, the Commission indulges in the expectation that you will do your utmost to avoid this type of situation in the future.

The Commission has instructed me to give you notice of this informal adjustment. No

further action is warranted, and the complaint is dismissed. This Commission action is public information.

Sincerely

James A. Badami
Executive Director

cc: Honorable David Reynolds
Attorney Van Gearhart
Attorney Jeff Pence

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