

November 26, 1996

Honorable Russell Rogers
Arkansas County Circuit/Chancery Courts Judge
P.O. Box 365
Stuttgart, Arkansas 72160-0365

Re: Case number 96-217

Dear Judge Rogers:

At A Probable Cause Hearing on November 15, 1996, the Judicial Discipline and Disability Commission reviewed its complaint file, your sworn statement, and the additional material presented on your behalf. It was decided to issue a letter of admonition to you.

The complaint alleges that shortly after 1:00 a.m. on Saturday August 3, 1996, a fight began at The Refuge, a tavern in Stuttgart known as a "hunter's hangout". The fight began over an alleged debt and was between two (2) individuals. The fight expanded into a brawl involving up to ten (10) individuals, including yourself. You were observed taking a pool stick and hitting one of the individuals involved in the original fight on the back a number of times until the pool stick broke. Investigation later revealed your action with the pool stick was your only involvement and was designed to protect another individual from being seriously injured.

You and a number of others were charged by local authorities with battery in the third degree. Later, the complaining witness and victim of the alleged battery requested the charge against you be dropped. Subsequently, upon a motion made by your attorney and joined in with by the prosecutor, the battery charge against you was dismissed.

In considering this complaint, the Commission members noted the arguments presented by your attorney and your apology. That apology was to the people of your district, the public in general, and the judiciary in particular for the disrespect and appearance of impropriety created by the adverse publicity surrounding this incident.

The Judicial Discipline and Disability Commission found that under the circumstances of this case, your actions and the accompanying publicity had a directed result in causing the public confidence of the judiciary to be adversely affected. Also, your actions were inconsistent in maintaining the high standards of conduct essential in preserving the integrity of the judiciary, and were demeaning to your judicial office. This constitutes a violation of Canons 1, 2A, and 4A(2) of the Arkansas Code of Judicial Conduct. It is the judgment of the Commission that you be 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:

Sincerely,

*James A. Badami
Executive Director*

cc: A. Watson Bell