

September 23, 1997

*Honorable Stephen Choate
Circuit/Chancery Courts Judge
P.O. Box 525
Heber Springs, Arkansas 72543-0525*

RE: 96-105 and 97-162

Dear Judge Choate:

At a hearing on September 19, 1997, the Judicial Discipline & Disability Commission reviewed a sworn complaint, your response, the results of it's investigation, and other material including your sworn testimony. In summary, it was alleged that you delayed making a decision in the case of Covie Moore v. Betty Ann Moore for more than one (1) year, that you delayed making the decision in the case of Grantham v. Grantham for almost one (1) year, and you failed to file required reports to the Administrative Office of the Courts.

The facts developed showed that while serving as Circuit/Chancery Court Judge, you presided in the case of Moore v. Moore. The trial was completed on January 13, 1995, and you took the matter under advisement. Counsel for both sides repeatedly requested a decision. No decision was made until April 8, 1996. In the case of Grantham v. Grantham, a petition for increased child support was ready for determination on May 1, 1995. After repeated attempts for a ruling, you decided the case on March 29, 1996.

The facts also developed to show that you failed to file a quarterly report listing cases held under advisement for more than 90 days, which was due on January 31, 1995. You failed to file quarterly reports listing cases held under advisement for more than 90 days, which were due on July 31, 1995, October 31, 1995, and January 31, 1996 until April 5, 1996. These reports were filed only after the Chief Justice of the Supreme Court wrote to you. These quarterly reports are required to be filed by Supreme Court Administrative Order No. 3.

The Judicial Discipline & Disability Commission found that your delay in deciding the cases of Moore v. Moore and Grantham v. Grantham to be unreasonable, and a failure to promptly dispose of the business of the court in violation of Canon 3B (8) of the Arkansas Code of Judicial Conduct. The Commission also found that your failure to file quarterly reports as required by Supreme Court Administrative Order No. 3, was in violation of Canon 2A of the Arkansas Code of Judicial Conduct. It is the judgement of the Commission that you be and 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:

*James A. Badami
Executive Director*

*cc: Covie Moore
Betty A. Moore-Bullard*