

March 15, 1999

Judge W. Q. Hall  
Huntsville Municipal Court Judge  
P.O. Box 7  
Huntsville, Arkansas 72740

RE: Case # 97-337

Dear Judge Hall:

At a hearing on March 12, 1999, the Judicial Discipline and Disability Commission reviewed a sworn complainant, your response, the result of its investigation, and other material including your sworn testimony. In summary, it was alleged that you presided at a trial and declined to recuse after it was brought to your attention that the defendant had, some years before, filed a complaint against you for unprofessional conduct in your attorney capacity. As a result of that complaint, you received a letter or reprimand from the Arkansas Professional Conduct Committee.

The Commission found that you presided at the Small Claim's case of Paul and Wanda Foster v. Wallis in the Huntsville Municipal Court on December 11, 1997. On December 9, you received a telephone call from an attorney in Berryville on behalf of defendant Wallis. The attorney requested that you recuse from the case as Mr. Wallis was uncomfortable with you presiding at the trial. Wallis claimed that some years before, he filed a complaint against you which resulted in your receiving a letter of reprimand. You claimed not to recall any such complaint being filed against you.

On December 10, 1997, you received a phone call from a Huntsville attorney who stated he would be representing the defendant Wallis the following day. This attorney asked for a continuance to obtain additional witnesses, and renewed the request that you step aside because of the possible bias. You denied both requests, and again denied any recollection of the reprimand.

At trial, the attorney for Wallis renewed the request for a continuance and that you step aside. You denied both of these requests. After hearing the evidence, you rendered a judgment against the defendant Wallis in the amount requested by the plaintiff.

The Commission investigation revealed that in 1982, based on an affidavit filed by the wife of the complainant Wallis, you were issued a letter of reprimand by the Professional Conduct Committee. That Committee found you had violated the Code of Professional Responsibility by engaging in conduct adversely reflecting on your fitness to practice law, and by communicating with a party you knew to be represented by a lawyer without prior consent of that lawyer. Your defense before the Judicial Discipline and Disability Commission was that while you generally recalled the matter, you had no recollection of the complaint or ever receiving the reprimand from the Professional Conduct Committee.

The Judicial Discipline and Disability Commission found your conduct, as described above, to be a violation of Canons 2A and 3E of the Code of Judicial Conduct. The Commission also found that your defense was incredulous and not acceptable. Your action was inconsistent with maintaining the high standards of conduct essential in preserving the integrity and impartiality of the judiciary. It is the judgment of the Commission that you be admonished. This admonishment constitutes adequate discipline and no further action is warranted.

This Commission action is public information.

BY DIRECTION OF THE COMMISSION:

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James A. Badami  
Executive Director

cc: Thomas J. Wallis