

Are complaints treated confidentially?

Arkansas law generally requires that papers filed with and proceedings before the Commission to be confidential unless formal charges are filed by the Commission.

A complainant's identity will come to the judge's attention during the course of an investigation. If the matter is serious enough to warrant a hearing, a complainant may be called to testify at the hearing.

Ordinarily, preliminary hearings of the Commission are closed to the public and the existence or contents of an investigation will not be disclosed by the Commission.

How much does it cost to file a complaint?

Nothing. There are no costs or filing fees associated with filing a complaint.

Can the commission help me if I am unhappy with the outcome of my case?

No. The Commission does not have authority to direct a judge to take a specific legal action or to review a case for judicial error, mistake or other legal grounds. These issues are for the state's appellate courts. If necessary, complainants should continue with the appeals process while the Commission investigates a judicial complaint.

Allegations stemming from a judge's rulings or exercise of discretion do not provide a basis for Commission action and personal dissatisfaction alone cannot be grounds for a judicial investigation.

If you need advice or assistance about what to do next about your case, you are advised to seek the advice of a lawyer. The Commission staff is prohibited by law from giving legal advice.

A summary of judicial conduct that may warrant a Commission investigation appears on the Commission website and on page 6 of this pamphlet.

Can the Commission help me with a complaint about an attorney?

No. Complaints regarding attorney misconduct should be directed to: Committee on Professional Conduct/2100 Riverfront Drive/Little Rock, AR 72201/501-376-0313.



STATE OF ARKANSAS

JUDICIAL DISCIPLINE AND DISABILITY COMMISSION

INFORMATION GUIDE

323 Center Street, Suite 1060
Little Rock, AR 72201
501-682-1050, FAX: 501-682-1049
Email: jddc@arkansas.gov,
Website: www.arkansas.gov/jddc

HOURS OF OPERATION:
Monday – Friday 8:00 a.m. - 4:30 p.m.

ABOUT THE COMMISSION:

The Judicial Discipline & Disability Commission is a state constitutional agency created when the people of Arkansas adopted Arkansas Constitutional Amendment 66 on November 8, 1988. Since its inception, the Supreme Court has the power to suspend, remove or involuntarily retire or censure judges based on the Commission's recommendation. A judge may be publically disciplined by the Commission

The vast majority of Arkansas judges are honest, conscientious and courteous to those appearing before them. However, an effective method of imposing sanctions on judges who engage in misconduct or wrongdoing is essential to the functioning of our judicial system. The Commission strives to maintain public confidence in the judiciary and promote greater awareness of proper judicial behavior. Commission proceedings provide a fair and appropriate mechanism to preserve the integrity of the judicial process

The Commission has nine (9) members: three judges or justices appointed by the Supreme Court; three lawyers, one each appointed by the Attorney General, President of the Senate, and Speaker of the House; and three non-lawyer members appointed by the Governor.

TYPES OF JUDICIAL MISCONDUCT THAT MAY LEAD TO DISCIPLINE:

IMPROPER COURTROOM DECORUM

Rude, abusive and otherwise improper treatment of parties, counsel, witnesses, jurors, court staff and others

Failing or refusing to dispose promptly of judicial business

Improper or eccentric conduct while on the bench, such as sleeping or drunkenness

Expressions of bias based on gender, ethnicity, etc.

IMPROPER INFLUENCE

Allowing family, social or political relationships to influence judicial decision making.

Conflict of interest

Giving or receiving gifts, bribes, loans or favors

Abusing the contempt power

Interfering with the attorney-client relationship

Communicating improperly with only one side to a proceeding

Commenting on or interfering with a pending or impending lawsuit

OTHER IMPROPER OR ILLEGAL ACTIVITIES (includes off the bench misconduct)

Engaging in improper political campaign activities

Misappropriating or misusing public property, funds or resources

Violating rules relating to court administration

Obstruction of justice, perjury or filing a false document

Ticket-fixing

Non-court criminal behavior.

FREQUENTLY ASKED QUESTIONS

What can the Judicial Discipline & Disability Commission do?

The Commission investigates and may take disciplinary action or, in the most serious cases, recommend to the Arkansas Supreme Court that it impose discipline upon a judge whose actions are found to a violation of the Code of Judicial Conduct.

In order of increasing severity, the Commission may make an informal adjustment (such as direct professional counseling or assistance for the judge), issue a public admonishment, reprimand or censure the judge. A recommendation will be made to the Arkansas Supreme Court if the Commission finds more stronger action is needed.

The Court may impose suspension, removal or involuntarily retirement.

How will the Commission handle my complaint?

Each complaint is carefully reviewed by the Commission staff and acted on by the Commission. Complaints that include allegations of misconduct within the Commission's jurisdiction will be investigated by the staff and those findings presented to the Commission. The Commission may dismiss the complaint or conduct a preliminary investigation. A preliminary investigation may lead to a formal hearing.

Each complainant is informed by letter whether a complaint states a basis for further consideration. The complainant will be notified of the disposition if the Commission conducts an investigation or proceeding.

Who may file a complaint with the Commission on judicial performance?

Any individual or group may file a complaint. The Commission may receive complaints from courtroom litigants, attorneys, jurors, court observers, court personnel, prisoners, court administrators, other judges or anyone who has knowledge of possible judicial misconduct or wrongdoing.

How do I file a complaint?

Complaints may be submitted by completing a Commission complaint form describing the judge's misconduct. You may write or call the Commission office to request a form, download the form or file electronically at the Commission's website: www.arkansas.gov/jddc. You may attach copies (do not send originals) of court documents to support your allegations against the judge.