



Judicial Discipline & Disability Commission

P R E S S R E L E A S E

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FOR IMMEDIATE RELEASE

March 19, 2021

The Judicial Discipline & Disability Commission today announced that a Letter of Informal Adjustment has been issued to Eighteenth Judicial District West Circuit Judge Jerry Ryan, of Polk and Montgomery Counties, in Commission case #19-188. A copy of the Letter of Informal Adjustment against Judge Ryan follows this press release.

David J. Sachar, Executive Director



Judicial Discipline & Disability Commission

JUDGE THOMAS FOWLER
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DAVID J. SACHAR
EXECUTIVE DIRECTOR

March 19, 2021

Honorable Jerry Ryan, Retired
18th Judicial Circuit Court West
Mena, Arkansas

RE: JDDC Case No. 19-188

LETTER OF INFORMAL ADJUSTMENT

Dear Judge Ryan:

You were alleged to have committed violations of the Code of Judicial Conduct in the above referenced case. The following facts comprise the violations which you agree are no longer alleged but proven:

UNDISPUTED FACTS:

- 1) Judge Jerry Ryan (*hereinafter referred to as "Ryan"*) was a full time Circuit Court Judge for Polk and Montgomery Counties in the Eighteenth Judicial Circuit West from January 1, 2015 until his retirement on December 31, 2020. Previously, he was a part time judge for Polk County District Court for almost twenty-six (26) years and a private attorney.
- 2) While he was a practicing attorney, Ryan was involved in a guardianship case as an attorney of record in 2013. After several months, the court granted his request to withdraw. In 2018, he entered an Order in the same case as a Circuit Judge.
- 3) Ryan responded to the complaint and indicated that he had failed to notice an obligation to disqualify and that he regretted the oversight.
- 4) The essential character of the violation as described by Complaint #19-188 is one governed by Canon 2, Rule 2.11(A)(1)(6).
- 5) Ryan is informally adjusted for this conduct.

RELEVANT AUTHORITY:

The Judicial Discipline and Disability Commission (“JDDC”) determined, and you agree, that the above described behavior violates the following sections of the Code:

CANON 1

A JUDGE SHALL UPHOLD AND PROMOTE THE INDEPENDENCE, INTEGRITY, AND IMPARTIALITY OF THE JUDICIARY, AND SHALL AVOID IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY.

RULE 1.1 Compliance with the Law

A judge shall comply with the law, including the Arkansas Code of Judicial Conduct.

RULE 1.2 Promoting Confidence in the Judiciary

A judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.

CANON 2

A JUDGE SHALL PERFORM THE DUTIES OF JUDICIAL OFFICE IMPARTIALLY, COMPETENTLY, AND DILIGENTLY

Rule 2.11 Disqualification

A judge shall disqualify himself or herself in any proceeding in which the judge’s impartiality might reasonably be questioned, including but not limited to the following circumstances:

- (1) The judge has a personal bias or prejudice concerning a party or a party’s lawyer, or personal knowledge of facts that are in dispute in the proceeding.
- (6) The judge: (a) served as a lawyer in the matter in controversy or was associated with a lawyer who participated substantially as a lawyer in the matter during such association.

CONCLUSION:

The Investigation Panel agrees that an informal adjustment is the appropriate disposition for your actions in JDDC Case #19-188. Your willingness to accept that your actions were in violation of the Code and your commitment to be more aware of these issues in the future should you ever serve have led the JDDC to refrain from pursuing formal discipline, public charges or a public disciplinary hearing in this case. Additionally, your full cooperation, transparency and commitment to refrain from this type of action was considered a mitigating circumstance and, as such, the JDDC recommends an informal adjustment. An informal adjustment is a sanction for

conduct that is cause for discipline but falls short of conduct that is cause for formal discipline. The purpose is to inform the respondent judge of an issue of concern, remind a justice or judge of ethical obligations, recommend changes in behavior or procedures, or suggest an appearance of impropriety that could be avoided.

In view of these circumstances, it is the judgment of the JDDC that your conduct is hereby informally adjusted for Case #19-188. This informal adjustment constitutes adequate discipline and no further action is warranted.

This Commission action is public information.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Sachar', with a large, sweeping flourish at the end.

David J. Sachar
Executive Director