



Judicial Discipline & Disability Commission

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

POINT OF CONTACT:
DAVID J. SACHAR
EMILY ABBOTT

PHONE: 501-682-1050

FOR IMMEDIATE RELEASE

MARCH 17, 2023

The Judicial Discipline & Disability Commission today announces a Letter of Informal Adjustment against Circuit Court Judge Ralph Ohm. The letter and agreement follows this press release and resolves JDDC case #22-400 that was pending before the Commission.



Judicial Discipline & Disability Commission

JUDGE THOMAS FOWLER
CHAIRMAN

*323 Center Street • Suite 1060
Little Rock, AR 72201
(501) 682-1050 • Fax: (501) 682-1049
E-Mail: jddc@arkansas.gov*

DAVID J. SACHAR
EXECUTIVE DIRECTOR

March 17, 2023

Honorable Ralph Ohm
501 Ouachita Avenue, Room 301
Hot Springs, Arkansas 71901

RE: JDDC Case No. 22-400

LETTER OF INFORMAL ADJUSTMENT

Dear Judge Ohm:

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 Ohm ("Ohm") was elected as a circuit court judge for Garland County in the Eighteenth Judicial Circuit in 2020. His term began on January 1, 2021. Previously, Judge Ohm served as a part-time district judge for more than 20 years.
- 2) On or about November 1, 2022, Judge Ohm held a campaign sign for a candidate who was running for mayor in Hot Springs, Arkansas. Ohm was seen at a busy intersection in Hot Springs and was holding a campaign sign that contained the mayoral candidate's name and the position the candidate was seeking. Judge Ohm was seen waving to passing motorists.
- 3) Ohm proactively contacted the Judicial Discipline & Disability Commission ("JDDC or Commission") staff and self-reported before he was contacted by the JDDC, cooperated fully, and acknowledged the truth of the allegation.

- 4) Judge Ohm indicated that his conduct was a lapse in judgment that would not be repeated. Ohm willingly discussed the pertinent Rules of Judicial Conduct and the types of conduct that falls within the wording of the Code.
- 5) Judge Ohm has no history of previous sanctions.
- 6) The essential character of the violation is one governed by Canon 1, Rule 1.3 and Canon 4, Rule 4.1(A)(3).
- 7) Judge Ohm is informally adjusted for this conduct.

RELEVANT AUTHORITY:

The Judicial Discipline and Disability Commission 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 1.3 Avoiding the Abuse of the Prestige of Judicial Office

A judge shall not abuse the prestige of judicial office to advance the personal or economic interests of the judge or others, or allow others to do so.

CANON 4: A JUDGE OR CANDIDATE FOR JUDICIAL OFFICE OR JUDGE-ELECT SHALL NOT ENGAGE IN POLITICAL OR CAMPAIGN ACTIVITY THAT IS INCONSISTENT WITH THE INDEPENDENCE, INTEGRITY, OR IMPARTIALITY OF THE JUDICIARY

Rule 4.1 Political and Campaign Activities of Judges, Judicial Candidates and a Judge-Elect in General

(A) Except as permitted by law or by Rules 4.2, 4.3, and 4.4, a judge, a judicial candidate, and a judge-elect shall not:

...

(3) publicly endorse or oppose a candidate for any public office.

Ark. Code of Judicial Conduct 1.3, 4.1

CONCLUSION:

As stated in the Preamble to the Code of Judicial Conduct (“the Code”),

“...the judiciary plays a central role in preserving the principles of justice and the rule of law. Inherent in all the Rules contained in this Code are the precepts that judges, individually and collectively, must respect and honor the judicial office as a public trust and strive to maintain and enhance confidence in the legal system. Judges should maintain the dignity of the judicial office at all times, and avoid both impropriety and the appearance of impropriety in their professional and personal lives. They should aspire at all times to conduct that ensures the greatest possible public confidence in their independence, impartiality, integrity, and competence.”

Ark. Code of Judicial Conduct preamble

The Investigation Panel agrees that an informal adjustment is the appropriate disposition for your actions in JDDC Case #22-400. Rule 4.1, Comment 4 of the Code indicates that the prohibition of judges endorsing or opposing candidates for public office serves to prevent the abuse of the prestige of judicial office to advance the interests of others. Your willingness to accept that your actions were in violation of the Code and your commitment to be aware of these issues in the future 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 conduct were considered mitigating circumstances and, as such, the JDDC recommends an informal adjustment. As indicated in the Scope detailed in the Code

“... it is not contemplated that every transgression will result in the imposition of discipline. Whether discipline should be imposed should be determined through a reasonable and reasoned application of the Rules, and should depend upon factors such as the seriousness of the transgression, the facts and circumstances that existed at the time of the transgression, the extent of any pattern of improper activity, whether there have been previous violations, and the effect of the improper activity upon the judicial system or others.”

Ark. Code of Judicial Conduct scope [6]

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 #22-400. An informal adjustment constitutes adequate discipline and no further action is warranted.

This Commission action is public information.

Sincerely,

A handwritten signature in blue ink, appearing to read 'D. Sachar', with a long horizontal flourish extending to the right.

David J. Sachar
Executive Director