Judicial Discipline & Disability Commission

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DAVID J. SACHAR
EXECUTIVE DIRECTOR

PRESS RELEASE

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FOR IMMEDIATE RELEASE

March 20, 2015

The Arkansas Judicial Discipline and Disability Commission today announced that an agreed Letter of Admonishment has been issued to Former Judicial Candidate, Attorney, Jeannette Robertson of Craighead County, in Commission case #14-215 and #14-216. A copy of the admonishment against Robertson follows this press release.

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March 20, 2015

Jeannette Robertson, Esq.
Former Judicial Candidate
408 W. Jefferson Ave., Suite A
Jonesboro, AR 72401

RE: JDDC Case No. 14-215 and 14-216

LETTER OF ADMONISHMENT

Dear Former Judicial Candidate Robertson:

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

UNDISPUTED FACTS:

1) Jeannette Robertson (*hereinafter referred to as "Robertson"*) is a licensed attorney in the State of Arkansas and has been licensed since 1984.
2) During the judicial election season of 2012, Robertson was a candidate for District 1, Position 2 of the Arkansas Court of Appeals.
3) JDDC Case No. 12-196 was filed by Executive Director, David Stewart on May 11, 2012 alleging Robertson titled herself as a "judge" in campaign advertisements. For instance, Robertson's billboard advertisements read "Elect Judge Jeannette Robertson Court of Appeals."
4) Additionally, Robertson's 2012 campaign advertisements included statements such as titling herself a "District Court Judge – Small Claims/Civil – 7 Years" and "Special

District Court Judge – Criminal Court – as needed – 7 years," and finally, "for the last 7 years I have had a full time private practice but I have also been a part-time District Court Judge with my main duties covering small claims and civil cases. I have also on multiple occasions, substituted for the full time district judge handling criminal misdemeanor trials and felony probable cause hearings as his schedule required. My work as a judge has yielded a new perspective on the trial process, one that has made me a better trial attorney and given me a deeper understanding of the law itself."

5) In 2012, Robertson had not been elected to, nor did she fill a vacancy by gubernatorial appointment, nor had she been hired by a city to be an office holder for any specific court in Arkansas.
6) Robertson was appointed to serve as a Small Claims Magistrate by order of the majority of circuit court judges in her district in 2008.
7) JDDC Case No. 12-196 was assigned to an Investigation Panel and ultimately the case was negotiated and ended with a dismissal conditioned on Robertson's immediate correction of the misleading statements made during her judicial campaign. The Panel did not determine Robertson's conduct in 12-196 to be intentional.
8) In 2012, the Panel's decision was that the plain reading of Arkansas Supreme Court Administrative Order #18 did not make Robertson a "judge" but simply assigned the same duties to a magistrate as were assigned to a judge under that specific order.
9) The Investigation Panel assigned to #12-196 informed Robertson in correspondence dated August 2, 2012 that any further use of the word "judge" by her in campaign materials would be considered a willful violation of the Code of Judicial Conduct by the Panel. The Panel noted that Robertson was now put on notice that they did not agree with her interpretation of the law and characterization of herself as a "judge" for campaign purposes. Finally, the Panel informed Robertson that any future similar campaign conduct would be considered misleading and could be subject to formal discipline for willful misconduct.
10) In correspondence dated August 7, 2012 Robertson accepted or adopted the Panel's interpretation and recommendation and agreed to immediately halt usage of the word "judge" in campaign materials, including but not limited to pamphlets, billboards, websites and other advertisements.

11) Robertson agreed to immediately remove all references to herself as a judge.

12) JDDC Case No. 14-215 and 14-216 were complaints filed by an anonymous source and by Executive Director, David J. Sachar on or about May 14, 2014.

13) During the judicial election season of 2014, Robertson was a candidate for District 2, Circuit Judge, Division 10, which includes Clay, Greene, Craighead, Poinsett, Mississippi and Crittenden Counties in Arkansas.

14) On or about May 13, 2014, Robertson authorized at least two (2) television campaign advertisements publicizing herself wearing a judge's robe and sitting behind a bench, discussing her "judicial experience." One televised advertisement was in Robertson's voice and one utilized a voice over.

15) During both commercials, Robertson appeared in a photograph wearing a judicial robe while appearing to be sitting at a judge's bench.

16) While it is noted that both television commercials specifically denoted Robertson as a District Court Magistrate and Special District Court Judge, the juxtaposition of the photograph of Robertson in a robe, with the written and oral verbiage of the phrase "judicial experience" could be misconstrued by the public to equate to the usage of the word "judge."

17) Robertson presented herself as having "eight years judicial experience," in two website advertisements.

18) JDDC #14-215 and #14-216 also involved campaign website communication authored or approved by Robertson which read:

> *"My work as a judge has yielded a new perspective on the trial process, one that has made me a better trial attorney and given me a deeper understanding of the law itself."*
> *"When she was first asked to serve as a Special District Court Judge in 2005, she was delighted to put her legal experience to work for Craighead County residents and has continued this judicial work as a District Court Magistrate over the last 9 years."*

19) Additionally, JDDC #14-215 and #14-216 included campaign website communication authored or approved by Robertson which read:

> *"For the last 7 years I have had a full time private practice but I have also been a part-time District Court Judge with my duties covering small claims and civil cases……*
> *"The only candidate with judicial experience."*

*"*Significant Judicial Experience*, 8 years of judicial experience, I have adjudicated thousands of misdemeanor criminal cases and felony probable cause hearings; as well as thousands, of civil and small claims as a part-time District Court Magistrate and Special District Court Judge."*
"I will use my wisdom and experience I have gained as an attorney and judge to uphold the Constitution and the laws of our state."

20) Robertson's campaign committee and website administrator maintained this campaign website and the administrator could affect changes to said website on his own authority.
21) Robertson's position is that the language noted in subparagraphs 18 and 19 above were inadvertently added to her 2014 campaign website.
22) Robertson did not notice the language on the 2014 website was identical to the 2012 campaign material, until it was pointed out to her by the JDDC Executive Director.
23) When Robertson was notified of complaints #14-215 and #14-216, she immediately removed all television advertisements and computer advertisements referenced above.
24) Though Robertson's appointment as a Special District Court Magistrate may currently remain effective, she has not been compensated for serving as a District Court Magistrate since December of 2012.
25) Robertson's actions in paragraphs one (1) through twenty-two (22) violated Canons 1.1, 1.2 and 4.1.
26) Robertson has been open and candid with her communication regarding her reasons for this action. She has been cooperative and honest with the Commission in compliance with Canon 2, Rule 2.16.
27) Robertson is admonished for this conduct.

RELEVANT AUTHORITY:

The Judicial Discipline and Disability Commission ("JDDC") determined, and you agree, that the above described conduct violates the following sections of the Code of Judicial Conduct (*hereinafter referred to as 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 4

A JUDGE OR CANDIDATE FOR JUDICIAL OFFICE 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 and Judicial Candidates in General

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

(11) knowingly, or with reckless disregard for the truth, make any false or misleading statement;

(B) A judge or judicial candidate shall take reasonable measures to ensure that other persons do not undertake, on behalf of the judge or judicial candidate, any activities prohibited under paragraph (A).

Comment to Rule 4.1: When a person becomes a judicial candidate, this Canon becomes applicable to his or her conduct.

SANCTION:

You agree that an admonishment is the appropriate sanction for your actions in JDDC cases #14-215 and #14-216. An admonishment is more corrective than an Informal Adjustment. It is for conduct that also falls short of conduct that is cause for formal discipline, but is an expression of disapproval of certain conduct. An admonishment may contain a proscription to follow, a corrective course of conduct and may direct professional treatment, counseling or assistance if warranted. *Rule 9, Rules of Procedure of the Arkansas Judicial Discipline and Disability Commission.* Additionally, your cooperation with the Commission and your willingness to cease the release of the misleading campaign communication until the Panel's investigation could be completed were considered by the Commission as mitigating circumstances to the conduct. Your willingness to accept that your actions were considered misleading by the Panel and were therefore, in violation of the Code and your commitment to be more aware of these issues in the future have led the JDDC to refrain from recommending a more serious sanction, public charges or a public disciplinary hearing in this case.

If you violate the terms above or have additional violations of the Code in any future judicial campaign, the JDDC may initiate a new investigation under the Rules of Procedure of the Judicial Discipline & Disability Commission. In any future proceeding, the JDDC may take into consideration the fact that you have had Case No. 14-215 and 14-216, in which allegations have been substantiated and agreed as Code violations.

CONCLUSION:

In view of these circumstances, it is the judgment of the JDDC that your conduct is hereby admonished for Case No. 14-215 and 14-216, jointly. This public sanction constitutes adequate discipline and no further action is warranted.

This Commission action is public information.

Sincerely,

David J. Sachar
Executive Director