Judicial Discipline & Disability Commission

JUDGE JOYCE WILLIAMS WARREN
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

PRESS RELEASE

POINT OF CONTACT: DAVID SACHAR

PHONE: 501-682-1050

FOR IMMEDIATE RELEASE

November 21, 2014

The Arkansas Judicial Discipline and Disability Commission today announced that an agreed Letter of Censure has been issued to Fourth Judicial District, Circuit Court Judge Doug Martin of Washington County, in Commission case #14-180. A copy of the censure against Judge Martin follows this press release.

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November 21, 2014

Honorable Doug Martin
Circuit Judge, Fourth Judicial District, Second Division
P.O. Box 1206
Fayetteville, AR 72702-1206

RE: JDDC Case No. 14-180

LETTER OF CENSURE

Dear Judge Martin:

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 Doug Martin (*hereinafter referred to as "Martin"*) is the Second Division Circuit Court Judge for the Fourth Judicial District in Arkansas and has served in this capacity since January of 2013.
2) Martin announced his 2014 judicial candidacy for the Fourth Judicial District Circuit Court Position, Division One, on July 17, 2013.
3) Martin drew an opponent in the 2014 judicial election.
4) During the campaign, extending from July 17, 2013 through May 20, 2014, Martin made statements that were improperly prejudicial and harassing against his opponent and his opponent's supporters.
5) Martin's statements were both in-person and in writing via electronic mail and social media to his opponent and supporters of his opponent, inappropriately chastising them for their opposition to his candidacy.
6) On more than one occasion Martin spoke publically about his disdain for his opponent and others who supported his opponent.
7) On more than one occasion Martin confronted members of the community regarding their association with his opponent.
8) During the 2014 judicial election, Martin's behavior toward his opponent and his opponent's supporters went beyond normal election rhetoric and gave the appearance of coercion whether intended or not.

9) The judge's actions in paragraphs one (1) through eight (8) violated Canons 1.1, 1.2, 2.1, and 3.1.
10) The judge is formally censured for this conduct.

RELEVANT AUTHORITY:

The Judicial Discipline and Disability Commission (*hereinafter referred to as the "JDDC"*) determined, and you agree, that the above described behavior 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 2
A JUDGE SHALL PERFORM THE DUTIES OF JUDICIAL OFFICE IMPARTIALLY, COMPETENTLY, AND DILIGENTLY.

RULE 2.1 Giving Precedence to the Duties of Judicial Office

The duties of judicial office, as prescribed by law, shall take precedence over all of the judge's personal and extrajudicial activities.

Comment to Rule 2.1: To ensure that judges are available to fulfill their judicial duties, judges must conduct their personal and extrajudicial activities to minimize the risk of conflicts that would result in frequent disqualification.

CANON 3
A JUDGE SHALL CONDUCT THE JUDGE'S PERSONAL AND EXTRAJUDICIAL ACTIVITIES TO MINIMIZE THE RISK OF CONFLICT WITH THE OBLIGATIONS OF JUDICIAL OFFICE.

RULE 3.1 Extrajudicial Activities in General

A judge may engage in extrajudicial activities, except as prohibited by law or this Code. However, when engaging in extrajudicial activities, a judge shall not:

(A) Participate in activities that will interfere with the proper performance of the judge's judicial duties;
(B) Participate in activities that will lead to frequent disqualification of the judge;
(C) Participate in activities that would appear to a reasonable person to undermine the judge's independence, integrity or impartiality;
(D) Engage in conduct that would appear to a reasonable person to be coercive;

Comment [3] to 3.1: Discriminatory actions and expressions of bias or prejudice by a judge, even outside the judge's official or judicial actions, are likely to appear to a reasonable person to call into question the judge's integrity and impartiality. Examples include jokes or other remarks that demean individuals based upon their personal characteristics.

CONCLUSION:

You have agreed that a censure is the appropriate sanction for your conduct in JDDC Case # 14-180. A censure is a formal sanction for violating the Code of Judicial Conduct. It is a declaration that a judge is guilty of misconduct that does not require suspension or removal. A stern rebuke that finds the conduct of the judge violates a rule of judicial conduct, detrimentally affects the integrity of the judiciary, and undermines public confidence in the administration of justice. A censure also serves as a public warning to other judges. Your willingness to accept that your actions were in violation of the Code and your commitment to be more aware of the issues listed above in the future, have led the JDDC to refrain from recommending a more serious sanction.

Undoubtedly, a judge is required to be an exemplar of decorum and dignity in the courtroom. However, judges should also maintain the dignity of the judicial office outside the courtroom and avoid both impropriety and the appearance of impropriety in their professional and personal lives. The robe magnifies words and actions and the judicial office imposes speech and conduct restrictions that would be burdensome to the average ordinary citizen.

Pursuant to this negotiated resolution the following conditions are imposed. If you violate the terms below or have additional violations of the Code, 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 were sanctioned in Case #14-180, in which allegations have been substantiated and agreed as Code violations.

The censure for Case #14-180 includes the following agreed conditions:

- You shall refrain from engaging in conduct similar to your conduct involved in the above referenced complaint.

- You shall attend a course at The National Judicial College involving stress management within eighteen (18) months of today and provide proof to the Commission of its completion.

The JDDC will monitor your compliance over the next eighteen (18) months. The JDDC may file new allegations against you if your behavior is not in compliance with the Code, violates the

conditions of this negotiated resolution or if you fail to respond to the Commission's request for status reports.

In view of these circumstances, it is the judgment of the JDDC that you are hereby censured, for your behavior in Case #14-180. This public sanction constitutes adequate discipline and no further action, other than the remedial measures and conditions described above, is warranted. Further discipline may occur if the JDDC finds you committed additional violations of the Code, at any time in the future.

This Commission action is public information.

Sincerely,

David J. Sachar
Executive Director