

PRESS RELEASE

May 25, 1995

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FOR IMMEDIATE RELEASE

The Arkansas Judicial Discipline & Disability Commission today announced the admonishments of Circuit Judge David Reynolds of Faulkner, Searcy and Van Buren Counties and Fort Smith Municipal Court Judge Les Evitts for violations of the Code of Judicial Conduct.

The allegation contained in one of the complaints against Judge Reynolds was that he unreasonably delayed in deciding the case of Bristow v. Homes Inc. for 18 months. One of the litigants complained of Judge Reynold's tardiness in deciding the case. This case was tried in March 1993 with a final submission of an attorney's brief filed shortly thereafter. The case was decided in October 1994.

The admonition issued to Reynolds was also for his failure to file required quarterly reports with the Administrative Office of the Courts. For at least one year Reynolds failed to file quarterly reports of cases he had under advisement more than 90 days. Reynolds, like all other circuit and chancery judges, is required to file these reports by an order of the Arkansas Supreme Court.

In another admonishment, Reynolds was cited for failure to decide pending issues in the case of Kowolski et al. v. Fairfield Bay C. C. Inc. for more than a year. A hearing was held in February 1994 and requested briefs were filed in April 1994. Reynolds has not decided issues concerning attorney fees and associated costs.

Judge Evitts of Fort Smith was sanctioned for punishing an individual defendant partial for an inappropriate comment of his attorney. Evitts found a defendant guilty of a crime. He imposed a sentence of 1 year confinement, suspended and a \$1000 fine, \$900 of which was suspended. After learning the defendant would appeal, the suspended portions of the sentence were eliminated. The defendant was then immediately remanded to the custody of the sheriff. The suspended portions of the sentence were restored by Evitts when the defendant announced he would not appeal.

Copies of the admonitions are attached.

May 24, 1995

Honorable David Reynolds
Faulkner County Courthouse, 2nd Floor
Conway, AR 72032

Re: 95-126

Dear Judge Reynolds:

At a hearing on May 19, 1995, the Judicial Discipline & Disability Commission reviewed its file concerning a complaint filed by Hugh Munro and your testimony before the Commission. It is noted you waived your right to additional hearings, including a probable cause hearing in this complaint. The complaint alleges that you unreasonably delayed deciding pending issues in the case of Kowolski et al. v. Fairfield Bay CC Inc. for more than a year. In that case a hearing was held on February 2, 1994 and the requested briefs were filed by April 28, 1994. To date no decision concerning attorney fees and costs has been entered. The Commission noted that you repeatedly failed to respond to letters from the Judicial Discipline & Disability Commission.

The Commission found your delay in deciding the case of Kowolski et al. v. Fairfield Bay CC Inc. to be unreasonable and a failure to promptly dispose of the business of the Court in violation of Canon 3B(8) of the Arkansas Code of Judicial Conduct. It is the judgment of this Commission that you be and you are hereby admonished. You are also directed to keep better records of pending cases and to decide cases in a timely manner.

The Commission indulges the expectations that you will also respond to letters from the Judicial Discipline & Disability Commission.

This Commission action is public information.

BY DIRECTION OF THE COMMISSION

Sincerely,

James A. Badami
Executive Director

CF Hugh Munro

May 24, 1995

Honorable Les Evitts
Sebastian County Courthouse
Fort Smith, AR 72901

Re: # 93-160 and 93-161

Dear Judge Evitts:

At a probable cause hearing on May 19, 1995, the Judicial Discipline & Disability Commission reviewed a sworn complaint of Mr. Thomas Tarkington, your responses to that complaint, the results of its investigation, including your appearance and testimony before the Commission. The allegations were that after you found an individual guilty, you sentenced him to a one year confinement which was suspended and a \$1,000 fine, \$900 of which was suspended. After you learned that the individual would appeal your decision, the suspended portions of the sentence were eliminated and the individual immediately remanded to the custody of the sheriff. Investigation revealed the attorney representing the individual, announced in open court in an inappropriate manner that the conditions surrounding the suspended portion of the sentence did not have to be explained to his client as an appeal was to be taken. During the Commission hearing you admitted punishing an individual defendant for the inappropriate conduct of his attorney.

The Commission found the evidence substantiated the allegations that your actions were inappropriate and inconsistent with maintaining the high standards of conduct essential in preserving the integrity of the judiciary. This constitutes a violation of Canons 1, 2A and 3B(2) and 3B(7) of the Arkansas Code of Judicial Conduct. It is the judgment of the Commission that you be and you are hereby admonished.

This public admonition constitutes adequate discipline and no further action is warranted. The Commission appreciates your forthrightness, acceptance of responsibility and pledge that this type of conduct will not be repeated.

This Commission action is public information.

BY DIRECTION OF THE COMMISSION:

Sincerely,

*James A. Badami
Executive Director*

cc: *Attorney Eddie Christian
Attorney Robert Blatt
Thomas Tarkington*