Judicial Discipline & Disability Commission

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DAVID J. SACHAR
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PRESS RELEASE

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FOR IMMEDIATE RELEASE

January 16, 2015

The Arkansas Judicial Discipline and Disability Commission today announced that an agreed Letter of Censure has been issued to the Union County District Court Judge, George Van Hook, Jr., of Union County in the Thirteenth Judicial District in Arkansas, for Commission case #13-306, #14-185, #14-251, #14-252, #14-253 and #14-254. A copy of the Letter of Censure against Judge Van Hook follows this press release.

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January 16, 2015

Honorable George Van Hook, Jr.
Union County District Court
250 American Road, Suite A
El Dorado, AR 71730

RE: JDDC Case No's. 13-306, 14-185, 14-251, 14-252, 14-253 & 14-254

LETTER OF CENSURE

Dear Judge Van Hook:

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) The conduct at issue in this censure involves six (6) separate complaints.
2) JDDC #13-306 was filed by Complainant Warren Finney on October 21, 2013.
3) Judge George Van Hook (*hereinafter referred to as "Van Hook"*) is a full time District Court Judge for the Thirteenth Judicial District, serving Union County, Arkansas since 1991.
4) Warren Finney (*hereinafter referred to as "Finney"*) was a witness in the criminal case of State of Arkansas v. Michael Young, CR-13-2444, which was on your district court docket on or about October 9, 2013.
5) The underlying dispute between Finney and Young arose over Finney's towing service for a vehicle belonging to Young. On or around October 9, 2013, Finney was a local business

business owner who contracted to tow vehicles on behalf of lending agencies and insurance companies in the area.

6) On October 9, 2013, subsequent to the State's verbal Motion to Nolle Prosequi the charges against Mr. Young, (*a discontinued prosecution motion by the authorized attorney for the State of Arkansas*) the Judge *sua sponte* (*through the court's own volition, without being prompted by any party or law enforcement*) issued a warrant for the arrest of detainment of Warren Finney for Filing a False Police Report in violation of Ark. Code Ann. §5-54-122. No probable cause documentation was presented by any law enforcement officer or the Union County Prosecuting Attorney.
7) Warren Finney was present in court on October 9, 2013 and expressed his desire for the State to petition to dismiss the charges against Young because he and Young had spoken since the incident occurred and he did not wish for Young to be prosecuted as a result of the arrest.
8) Once Finney expressed this desire to the Court, the Judge appeared angry, agitated and frustrated and the Judge verbally berated Finney from the bench.
9) Finney was immediately detained, arrested and booked into the Union County Jail, with a bond set at $640.00.
10) On or about March 11, 2014, after Finney hired counsel, all criminal charges against Finney originating as a result of the Judge's actions on October 9, 2013 were dismissed by a special judge. This special judge also quashed the arrest warrant the Judge issued for Finney on October 9, 2013.
11) JDDC #14-185 was filed by Andre Ford (*hereinafter referred to as "Ford"*) on April 23, 2014.
12) Ford was a litigant in Union County District Court on February 19, 2014, charged with Driving on a Suspended Driver's License and No Proof of Liability Insurance in violation of Ark. Code Ann. §5-65-104 and §27-22-104.
13) During Ford's appearance, he requested a continuance and requested the Court appoint a public defender to represent him in the above referenced charges.
14) Subsequent to Ford's requests, the Judge *sua sponte* issued a warrant for Ford's arrest, charging him with Obstruction of Governmental Operations in violation of Ark. Code

Ann. §5-54-102. No probable cause documentation was presented by any law enforcement officer or the Union County Prosecuting Attorney.

15) Once Ford made his request known, the Judge appeared angry and agitated and the Judge verbally berated Ford from the bench.

16) At a trial on the Obstruction of Governmental Operations charge on March 5, 2014, the State moved to *nolle prosequi* the charge against Ford and the Judge refused to accept the State's Motion, and thereafter found Ford guilty of a charge the State offered no evidence to support.

17) The Union County Public Defender's Office appealed the Judge's ruling for Ford in CR-14850 and ultimately the charge against Ford was dismissed at the request of the State.

18) JDDC #14-251, #14- 252, #14-253 and #14-254 were all filed by anonymous sources.

19) Each of the above referenced complaints reference comments the Judge made from the bench.

20) In JDDC #14-251, the Judge told a female litigant before him on June 16, 2014 that she "had meth teeth."

21) The Judge spoke to her in a discourteous and undignified manner and this demeanor is consistent with the Judge's demeanor in #13-306 and #14-185.

22) In #14-252, on June 16, 2014, the Judge called Thomas Griffith (*hereinafter referred to as "Griffith"*) "stupid" from the bench and the Judge yelled at him repeatedly to show his driver's license to the Court.

23) The Judge spoke to Griffith in a discourteous and undignified manner and this demeanor is consistent with the Judge's demeanor in #13-306 and #14-185.

24) On June 16, 2014, Tina Griffith, Thomas' mother, was arrested in court after the Judge *sua sponte* issued a warrant charging her with allowing an unauthorized person to drive her vehicle. No probable cause documentation was presented by any law enforcement officer or the Union County Prosecuting Attorney.

25) The Judge appeared angry and agitated while dealing with both Thomas and Tina Griffith.

26) In JDDC #14-253 the Judge verbally berated Richard Pierce (*hereinafter referred to as "Pierce"*) on June 23, 2014 while he appeared in Union County District Court, repetitively suggesting the marks on his arm were track marks from using drugs.

27) All the while, Pierce denied the Judge's allegations and the Court's own bailiff corrected the Judge on the appearance of the marks on Pierce's arms.

28) The Judge spoke to Pierce in a discourteous and undignified manner and this demeanor is consistent with the Judge's demeanor in #13-306 and #14-185.

29) In JDDC #14-254, while dealing with a repeat litigant, Angela Epperly Cameron, (*hereinafter referred to as "Cameron"*) in open court, the Judge told her that if she continued to drink and drive, the result was a death that he hoped was not of an innocent bystander.

30) Angela Epperly Cameron has had three (3) Driving While Intoxicated charges before Union County District Court in the last five (5) years.

31) The Judge spoke to Cameron in a discourteous and undignified manner and this demeanor is consistent with the Judge's demeanor in #13-306 and #14-185.

32) Additional undisputed facts learned through the course of this investigation include the following:

   a. On February 6, 2013, litigant Justin Jones (*hereinafter referred to as "Jones"*) was testifying in Union County District Court when the Judge *sua sponte* issued a warrant for Jones' arrest, charging him with violation of Ark. Code Ann. §5-65-105, Driving on a Suspended Driver's License and Driving Without an Interlock Device. No probable cause documentation was presented by any law enforcement officer or the Union County Prosecuting Attorney.

   b. On or about September 23, 2013, Counsel for Carol Thomas, a criminal defendant in Union County District Court, requested a forensic mental evaluation in accordance with Ark. Code Ann. §16-86-102. The State of Arkansas joined in the defendant's request to have the litigant evaluated. The Judge refused to order the evaluation and suspend the prosecution, in violation of Ark. Code Ann. §5-2-305.

   c. Multiple witnesses indicate the Judge directs profanity from the bench and the Judge regularly appears angry, rude and hostile toward litigants and attorneys in Union County District Court.

33) In the Finney, Ford, Griffith and Jones cases referenced above, the Judge engaged in a repetitive pattern of exceeding the lawful scope of his authority as a district court judge in the State of Arkansas.

34) In the Finney, Ford, Griffith and Jones cases referenced above, the Judge served as a witness to support the warrant he issued for each person's arrest and either attempted to serve, or did in fact serve, as the officiating judge over those same criminal charges resulting from the warrants he issued.

35) In the Finney, Ford, Griffith and Jones cases referenced above the Judge had, at all times, an obligation to serve as a neutral and detached magistrate.

36) The Judge's actions in the above referenced complaints evidence a repetitive pattern of rude, impatient and undignified temperament. Additionally, they promote lack of order and otherwise deficient decorum in the courtroom.

37) The totality of the Judge's conduct exhibited an attitude of bias, prejudice, partiality and a general lack of fairness against persons appearing in Union County District Court.

38) All factual allegations of each complaint referenced above occurred with a gallery full of citizens and/or court staff and inflicted damage on the public confidence in the judiciary.

39) The judge's actions in paragraphs two (2) through thirty-eight (38) violated Canons 1.1, 1.2, 2.2, 2.3, 2.4, 2.5, 2.6 and 2.8.

RELEVANT AUTHORITY:

The Judicial Discipline and Disability Commission ("JDDC") determined, and you agreed, 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 2.2 Impartiality and Fairness

A judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially.

RULE 2.3 Bias, Prejudice, and Harassment

(B) A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, or engage in harassment, and shall not permit court staff, court officials, or others subject to the judge's direction and control to do so.

RULE 2.4 External Influences on Judicial Conduct

(A) A judge shall not be swayed by public clamor or fear or criticism.
(B) A judge shall not permit family, social, political, financial, or other interests or relationships to influence the judge's judicial conduct or judgment.

RULE 2.5 Competence, Diligence, and Cooperation

(A) A judge shall perform judicial and administrative duties, competently and diligently.
(B) A judge shall cooperate with other judges and court officials in the administration of court business.

RULE 2.6 Ensuring the Right to Be Heard

(A) A judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to the law.

RULE 2.8 Decorum, Demeanor, and Communication with Jurors

(A) A judge shall require order and decorum in proceedings before the court.
(B) A judge shall be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, court staff, court officials and others with whom the judge deals in an official capacity, and shall require similar conduct of lawyers, court staff, court officials, and others subject to the judge's direction and control.

CONCLUSION:

You agree that a censure is the appropriate sanction for your conduct in JDDC Cases #13-306, #14-185, #14-251, #14-252, #14-253 and #14-254. 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, public charges or a public disciplinary hearing in this case. 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. It could involve misconduct that is more serious but the judge presented substantial mitigating factors. A censure may include a requirement that the judge follow a specified corrective course of action. A censure also serves as a public warning to other judges.

Regarding JDDC #13-306, #14-185 and the incidents involving Justin Jones and Tina Griffith, the Commission finds the evidence points to your inability to separate the authority of your judicial office from that of the local prosecuting attorney or local law enforcement. Your conduct of acting as a "super-prosecutor" toward Finney, Ford, Griffith and Jones could reasonably be perceived as reflecting bias against those appearing before you. The concept of a "super-prosecutor" is not a role for the judiciary. Judges should seek to avoid entering into situations where their actions could be viewed as such. Acting in disregard of the law and the established limits of your judicial role to pursue a notion of the greater good for Union County violates Rules 1.1, 1.2 and 2.2 through 2.8. Your role is different from the local prosecutor and the local law enforcement personnel for a reason. You shall at all times and to the best of your abilities, remain a neutral and detached magistrate.

Regarding your demeanor in all cases, even in the face of provocative and disrespectful comments by a litigant, a judge is required to be an exemplar of decorum and dignity in the courtroom and not allow the proceedings to devolve into an undignified exchange of insults and obscenities. Your conduct in the above referenced cases was generally undignified and discourteous. Improper judicial demeanor impacts the overall fairness of judicial proceedings and any respect the general public has for the judicial institution as a whole. The robe magnifies words and conduct and the judicial office imposes speech and conduct restrictions that would be burdensome to the average ordinary citizen. As with most district courts in Arkansas, the

dockets are crowded and may present repetitive litigants. Judges face people who may not understand the legal processes, even when represented by counsel. Those litigants may not behave with the same decorum shown by counsel. Even in the face of a litigant who shows outright disrespect for the process and the judge himself, it is the judge's responsibility to control his or her courtroom and to continually treat the litigants and counsel with dignity and respect. The origin of the disrespect and the rude, undignified comments cannot and should not come from the bench.

Pursuant to Rule 2.16, the Commission finds you were candid and honest in your responses and the misunderstood belief that your conduct was appropriate. Additionally, no witnesses indicated allegations of retaliatory actions from you toward them. Those two factors are considered mitigating circumstances for purposes of this negotiated sanction. 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 here and that these allegations were substantiated and agreed as Code violations. The censure for JDDC #13-306, #14-185, #14-251, #14-252, #14-253 and #14-254 includes the following agreed conditions:

- You shall refrain from issuing *sua sponte* warrants from the bench without probable cause determinations from local law enforcement, unless otherwise specifically allowed by law.
- You shall maintain restraint in dealings with litigants and/or their counsel before you at all times.
- You shall maintain patience, dignity and courtesy toward all litigants, witnesses, counsel and staff at all times.
- You shall disqualify yourself pursuant to Rule 2.11 in any and all cases where you feel unable to maintain restraint in dealings with litigants and/or their counsel, before you.

The JDDC will monitor your compliance by sending random observers to your courtroom over the next twenty-four (24) months. The observers will report back to the JDDC concerning your

demeanor and treatment of litigants in your court. The JDDC may file new allegations against you if your behavior is not in compliance with the Code.

In view of these circumstances, it is the judgment of the JDDC that you are hereby censured for all above referenced cases. 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