



## *Judicial Discipline & Disability Commission*

JUDGE JOYCE WILLIAMS WARREN  
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DAVID J. SACHAR  
EXECUTIVE DIRECTOR

December 31, 2016

Judge Timothy Parker  
Carroll County District Court  
Western Division  
44 South Main Street  
Eureka Springs, AR 72632

**RE: JDDC Case #16-329**

### **LETTER OF REMOVAL FROM OFFICE**

Dear Judge Parker:

You were alleged to have committed violations of the Code of Judicial Conduct in the above referenced case filed by the Executive Director. The following facts comprise the violations the Investigation Panel was prepared to charge you with, until your voluntary resignation from the Carroll County District Court bench effective December 31, 2016:

#### **Undisputed Facts of JDDC #16-329:**

1. You are an appointed District Court Judge in the Western District of Carroll County, Arkansas (Eureka Springs), and have served in this capacity since 2013. Your appointed term ended without an intervening election or appointment, so you continued to serve. Your term is now scheduled to end on December 31, 2016. You previously served as an elected Municipal Court Judge from 1999-2004 in Eureka Springs, Arkansas.
2. In June 2013, you were contacted by a friend, whom you were personally familiar with, who requested that you, in your capacity as a District Court Judge, go to the Carroll County Jail and conduct her post-arrest probable cause (PC) determination. You appeared

at the jail, and in your official capacity, conducted the PC determination and then ordered her to be released without bail (otherwise known as being released on her own recognizance). Upon her release you gave her a ride to her home in your car. Given your friendship with the defendant you should not have performed the PC determination or made a bail determination. After being at the jail in your official capacity as judge you should not have driven a defendant home after you had served as judge in her case that day.

3. Official docket sheets and other public documents corroborate the facts that you have admitted to in paragraph two (2).
4. Over the course of several years you performed probable cause determinations, lowered bail settings and released defendants on their own recognizance as part of your judicial duties. You received *ex parte* calls from the jail from defendants and discussed their cases. You improperly performed these judicial acts to the benefit of many defendants who were either friends of yours or former clients from your part time private practice. You did not properly recuse or disclose your relationships with these defendants. You often went to, or called the jail personally to affect their prompt release. In some cases, you gave rides to defendants in your own vehicle after they had just had their release secured by your rulings on their case.

**Admitted Facts Constituting Judicial Misconduct:**

5. You admit that the facts in paragraphs one (1) through four (4) are true and contain violations of the Code of Judicial Conduct.
6. The totality of your conduct referenced in the paragraphs above exhibit an attitude of bias, conflict of interest and general disregard for the integrity of the judiciary.

**Disputed Allegations Rendered Moot by Your Resignation:**

7. You also acknowledge that you would have faced judicial discipline charges on the general allegations recited below. You intended to fully contest these allegations and fully avail yourself of any and all defenses during a formal disciplinary hearing. Had you not resigned and agreed that you are no longer eligible for judicial office, the following

allegations would have resulted in a formal statement of charges against you for violations of the Code of Judicial Conduct. As you are never to again serve as a judge, these allegations need not be proven. You chose to resign in lieu of contesting these allegations; making no admission and intending to fully contest their veracity:

**Disputed allegations:**

From approximately 2013 to 2016, you allegedly engaged in a pattern of personal relationships with many female litigants who appeared in your court. Bonds would be set, or release of the women on their own recognizance was ordered by going to the jail or via telephone. The bonds or release of these women or their family or friends were done by their request in exchange for sexual favors. Jail records and court records reveal the District Court's authority over these persons. Allegations also exist about trading cash and certain prescription pills for sexual favors or money with many of the same women, as well as other women in the community. The JDDC possesses video statements from over a dozen women, as well as recordings of conversations women in the jail had with you in your role as District Court Judge. Print outs of text messages from your cell phone and from the phones of female litigants with cases in District Court also support these allegations. Our investigation led to docket sheets and other records that corroborate the allegations.

You have denied that these allegations are based on fact and dispute all of them. You have not had the ability to cross examine the witnesses, offer your own evidence or defend these allegations in detail. You resigned before receiving the names and details from the disputed allegations which, if you had received that information, may have allowed you to investigate and contradict the witness statements. The JDDC did not have to turn those over to you until you were served with a Rule 8D letter.

You stated that your decision was influenced by the effect litigation would have on your family, the time and expense of litigation and that your term on the bench was to expire on December 31, 2016. You resigned with a declaration of permanent ineligibility to serve in the judiciary before the case progressed to that point.

**Conclusion:**

You agree that a voluntary resignation and removal from judicial office is appropriate for all admitted allegations of JDDC #16-329. Your actions and this agreement have rendered you ineligible to serve in judicial office. Your admitted actions to paragraphs one (1) through four (4), constitute violations of the Code of Judicial Conduct. Specifically, you violated Rules 1.1, 1.2, 1.3, 2.2, 2.3, 2.4, 2.9 and 2.11. The other allegations were not litigated, as you resigned and agreed to a permanent bar from holding judicial office in this state. You made no admissions, but acknowledged that the JDDC informed you that you would have been charged with those additional allegations. You would have had to defend the additional allegations in a formal public disciplinary hearing.

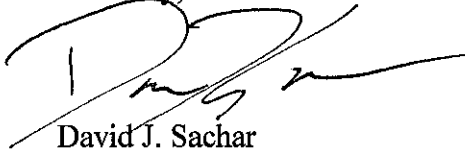
Any information that is relevant, was turned over to other agencies pursuant to JDDC Rule of Procedure 7C(6) & (7).

Pursuant to your agreement, as of December 31, 2016, you will resign your judicial office as Carroll County District Court Judge and relinquish all powers of that office.

Pursuant to the meaning of "removal" from office in *Proctor v. Daniels*, 2010 Ark. 206 (Ark. 2010), you are specifically no longer eligible to ever serve in a judicial capacity in the State of Arkansas. Should you seek any Federal office or other State public office, the JDDC may respond to a background check with information in our investigation file concerning the allegations you were facing upon acceptance of this negotiated agreement for your permanent removal from office. This final action letter concludes JDDC #16-329.

This Commission action is public information.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Sachar', written over a horizontal line.

David J. Sachar  
Executive Director