



Judicial Discipline & Disability Commission

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DAVID J. SACHAR
EXECUTIVE DIRECTOR

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JDDC Executive Director Statement to the Arkansas Judiciary

The historic issues that are affecting life in the United States are certainly testing our judicial system as well. In response to these issues, virtually every government entity has formulated plans for operation of essential services. The judiciary is no exception.

On March 17, 2020, the Arkansas Supreme Court promulgated an order concerning the judiciary, administration of justice and the essential functions that must continue in our courts. The Judicial Discipline & Disability Commission realizes that these provisions may pose challenges for parties, litigants, attorneys, court staff, and judges. The Supreme Court clearly made the decision based on balancing personal protection while providing logistical avenues to keep the judiciary operational during these trying times.

The order is clear and detailed.

The Supreme Court provides a well-formulated approach to confronting the national health crisis while still maintaining access to justice for our citizens. Time and resources must be reallocated to meet the requirements set out by Chief Justice Kemp. The JDDC staff are willing to help in any way that we can to assist judges who are working to comply with the order. We have always been available to help judges with ethical dilemmas and will remain so through this unique time. Judges also have resources available to them from the Administrative Office of the Courts. The majority of our judges are working to solve problems and follow the law as they continue to serve the people of Arkansas with dignity and distinction. A copy of the order can be found here:

<https://www.arcourts.gov/sites/default/files/articles/COVID-19-PC.pdf>

The order is not a suggestion. It is an order. Full compliance is expected.

Willfully refusing to abide by a Supreme Court order is not an option. While very few judges would even consider defying a direct order from the Supreme Court, the effect of any such defiance is fundamentally detrimental to the public's faith in the judiciary. Complaints against judges who do not obey the order of the Supreme Court will be investigated and may result in public charges by the JDDC. The Rules of Procedure of the Judicial Discipline & Disability Commission allow the Executive Director to initiate complaints. (see Rule 8 A). Therefore, regardless of whether an attorney or party complains, open disobedience to a Supreme Court order would make it incumbent on Executive Director to take the initiative to file a complaint and bring these matters to the Commission for disciplinary consideration.

There are many opinions on how best to handle the crisis caused by the COVID-19 virus. However, the only opinion that matters as to court administration and the matters in the *Per Curiam* of March 17, 2020, are those of the Chief Justice and the Associate Justices of the Arkansas Supreme Court.

It is possible that never in our lifetime has the rule of law been more important. The judicial branch, following the precepts of our national and state constitutions, stand in the breach between mob rule and what makes our American democracy work; the promise that our fundamental law will be followed. The Arkansas Judiciary is made up of amazing men and women of honor, ability and work ethic. The JDDC expects nothing less than full compliance and unity as the courts still function. Your hard work as judges in Arkansas will help sustain us. Your excellence will provide a calming effect and send the clear message that our courts will always support the rule of law and our freedom.

Judges, parties, and the public are encouraged to contact the JDDC staff with any questions or concerns about ethical obligations or possible misconduct. We will be available to address time-sensitive matters. Many members of the judiciary and the bar have already reached out for assistance, and we are committed to doing our part to help guide our State through these difficult and unusual times.

Godspeed to all of you.

A handwritten signature in blue ink, appearing to read 'D. Sachar', with a stylized flourish at the end.

David J. Sachar
Executive Director