



Judicial Discipline & Disability Commission

JUDGE JOYCE WILLIAMS WARREN
CHAIRMAN

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DAVID J. SACHAR
EXECUTIVE DIRECTOR

PRESS RELEASE

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FOR IMMEDIATE RELEASE

May 15, 2015

The Arkansas Judicial Discipline and Disability Commission today announced that an agreed Letter of Reprimand has been issued to Thirteenth Judicial District Circuit Court Judge Edwin A. Keaton, in Commission case #13-302. A copy of the reprimand against Keaton follows this press release.



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May 15, 2015

Honorable Edwin Keaton
Thirteenth Judicial District, Third Division
Ouachita County Detention Center Court Division
109 Goodgame Street
Camden, AR 71701

RE: JDDC Case No. 13-302

LETTER OF REPRIMAND

Dear Judge Keaton:

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 Edwin Keaton (*hereinafter referred to as "Keaton"*) is the elected Circuit Court Judge for the Third Division of the Thirteenth Judicial District, serving Calhoun, Cleveland, Columbia, Dallas, Ouachita and Union Counties in Arkansas.
- 2) JDDC Case No. 13-302 was filed by Eric Burns (*hereinafter referred to as "Burns"*) on October 12, 2013 alleging Keaton delayed in making a ruling on a divorce action in excess of seventeen (17) months after a final hearing occurred in the case.
- 3) Columbia County Circuit Court Case No. DR-11-205-3 was filed as a complaint for divorce on August 23, 2011 and assigned to Keaton's court. Burns is the Plaintiff in DR-11-205-3.

- 4) A final hearing in DR-11-205-3 occurred on May 10, 2012. This hearing included testimony regarding property division, alimony, child custody, visitation and support obligations. Keaton took the matter under advisement at the conclusion of the hearing.
- 5) On May 15, 2013 and on June 19, 2013, the attorneys involved in DR-11-205-3 submitted briefs in addition to the testimony taken at the May 10, 2012 trial.
- 6) On July 2, 2013 and on February 14, 2014, one of the attorneys of record in DR-11-205-3 requested a ruling on the merits of the submitted evidence and pleadings. In the alternative, the attorney requested whether any other information was needed by Keaton in order for him to make a ruling.
- 7) As of May 15, 2014, the Columbia County Circuit Clerk's file of DR-11-205-3 did not contain any file marked pleadings or correspondence beyond May 10, 2012.
- 8) Keaton admits in correspondence dated November 21, 2013, March 28, 2014 and June 27, 2014, that he misplaced the Burns divorce file inadvertently because he took the file to his home office after the May 10, 2012 hearing. The file, while in his home office was moved from its original location and therefore fell into an "out of sight, out of mind" category which caused him to forget to have it logged into his case management documentation as his courthouse office. This case management technique was something Keaton self administered after the 2012 censure from the JDDC. Because Keaton clearly forgot about the Burns file, it was not logged onto his Administrative Order No. 3 filings.
- 9) Keaton issued a ruling in the Burns divorce on January 8, 2014.
- 10) During 2011, 2012 and 2013 Keaton's docket consisted of a percentage of criminal cases (including drug court), juvenile, domestic relations and probate cases.
- 11) Keaton admits he was sanctioned for similar conduct in 1998, 2009 and 2012.
- 12) In March of 2014, the Administrative Judge over the Thirteenth Judicial District, together with Keaton, restructured Keaton's case load to allow Keaton to focus on juvenile cases and criminal cases for the district. Since 2014 Keaton is still assigned uncontested divorces and emergency matters throughout the district, but any new domestic relations cases would be assigned to other courts throughout the Thirteenth Judicial District.
- 13) In late summer 2014, another circuit court judge in the Thirteenth Judicial District became ill and his docket was dispersed among the remaining circuit court judges, Keaton included.

- 14) Keaton's contribution to the management of the increased case load in the district was helpful and beneficial to the district while they were without a sitting circuit judge.
- 15) As of February 2, 2015 the Thirteenth Judicial District, with the recommendation of their Administrative Judge and the agreement of Keaton, continued to assign Keaton juvenile, criminal and civil circuit court cases, no longer assigning him domestic relations or probate cases in the district.
- 16) The restructuring of Keaton's docket was due in large part to this JDDC complaint.
- 17) Keaton accepts full responsibility for the delay in ruling on the Burns case.
- 18) Keaton has been open and candid in all communication regarding his reasons for this action. He has been fully cooperative and honest with the Commission in compliance with Canon 2, Rule 2.16. Additionally, he self disciplined and took additional steps at the direction of his administrative judge to remedy the conduct that caused this delay and to ensure this action does not happen again.
- 19) Keaton's actions in paragraphs one (1) through ten (10) violated Canons 1.1, 1.2, 2.5, and 2.7.
- 20) Judge Keaton is reprimanded for this conduct.

RELEVANT AUTHORITY:

The Judicial Discipline and Disability Commission ("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 2.5 Competence, Diligence and Cooperation

A judge shall perform judicial and administrative duties, competently and diligently.

RULE 2.7 Responsibility to Decide

A judge shall hear and decide matters assigned to the judge except when disqualification is required by Rule 2.11 or other law.

CONCLUSION:

You have agreed that a reprimand is the appropriate sanction for your actions in JDDC Case # 13-302. A reprimand is a formal sanction of a judge for violating the Code of Judicial Conduct. It is a rebuke for one or more violations that does not require a censure. A reprimand usually involves an isolated incident or behavior that can easily be corrected. It could involve misconduct that is more serious but the judge presented substantial mitigating factors.

You acknowledge that prior to your internal disciplinary actions, together with the assistance of your administrative judge and your work to alleviate the additional case load of the judges in your district from July of 2014 through January of 2015, your recommended sanction would have been more serious. However, since your 2012 censure you instituted a case management

system to decrease the amount of cases where substantial delayed rulings occur. The Burns 2011 divorce cases was literally a case that “fell through the cracks” during the time of your newly initiated case management system. The delay in the Burns divorce involved only one (1) case as compared to the multiple cases of delay in both of the 2009 and 2012 Commission sanctions. Additionally, the Burns divorce case occurred close in time to the institution of your case management techniques resulting from your 2012 sanction. It appears in all cases except the Burns divorce action you adequately utilize these case management techniques to keep your docket current. Finally, as a result of your agreement to the 2012 proposed sanction, you completed Management Skills for Judges at the National Judicial College in Reno, Nevada on September 30, 2013 through October 4, 2013.

This negotiated sanction is not intended be empty noise or words merely written on paper but is intended to communicate the seriousness of the finality of this negotiated sanction. 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.

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 have had Case #13-302 in addition to the other similar cases since 1998, in which allegations have been substantiated and agreed as Code violations.

The reprimand for Case #13-302 includes the following agreed conditions:

- You shall review your docket every ninety (90) days in compliance with Administrative Order No. 3 and rule on all cases pending in accordance with your obligations under the Code.
- You shall conduct a quarterly docket review together with your trial court assistant and maintain written documentation that the review occurred.

- You shall maintain constant and continuous communication with your administrative judge regarding strategies for case management of your docket.
- You will endeavor to maintain organization of cases on your docket and avoid delayed rulings on all cases ripe for a resolution.

The JDDC will monitor your compliance by sending random requests for confirmation that you conduct quarterly docket reviews with your case coordinator. Additionally, the JDDC will randomly request copies of your Administrative Order No. 3 filings. Finally, the JDDC will continue communication with the administrative judge in the Thirteenth regarding your compliance with the above conditions.

In view of these circumstances, it is the judgment of the JDDC that you are hereby reprimanded, for Case #13-302. 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,

A handwritten signature in black ink, appearing to read 'David J. Sachar', with a long horizontal flourish extending to the right.

David J. Sachar
Executive Director