

SUPREME COURT OF ARKANSAS

No. 12-763

JUDICIAL DISCIPLINE AND
DISABILITY COMMISSION

PETITIONER

V.

SAM POPE, CIRCUIT JUDGE

RESPONDENT

Opinion Delivered October 4, 2012

PETITIONER'S REPORT OF
UNCONTESTED SANCTION

ACCEPTED PETITIONER'S
REPORT OF UNCONTESTED
SANCTION.

PER CURIAM

Petitioner Arkansas Judicial Discipline and Disability Commission (“Commission”), has filed with this court its report of uncontested sanction, pursuant to Arkansas Judicial Discipline and Disability Commission Rule 12(D) (2012), recommending that this court suspend respondent Honorable Sam Pope from his duties as Circuit Judge of the Tenth Judicial District, First Division, of the State of Arkansas for thirty days without pay. The Commission bases its recommendation of suspension without pay on its conclusions that Judge Pope willfully violated Rules 1.1 and 1.2 of Canon 1 of the Arkansas Code of Judicial Conduct (2012). We accept the Commission’s recommended findings of suspension without pay.

The instant matter arises from allegations regarding Judge Pope’s involvement in a confrontation between the judge’s estranged wife, Gayle Zimmerman, and her male companion, Bill Murray, at Walmart in Crossett. In video surveillance, Judge Pope pointed

out his wife and Murray to his daughter, approached the couple, and began a physical confrontation by pushing a shopping cart and his daughter out of the way while moving toward Murray in an aggressive manner. Both men engaged in an altercation as employees and customers intervened. After approximately thirty seconds of physical fighting, the men were separated. At one point, Zimmerman approached Judge Pope, who used his hand to “flick” a cross necklace Zimmerman was wearing. The police arrived within a few minutes.

The case was resolved by the parties without a formal disciplinary hearing. On advice from counsel, Judge Pope agreed that a suspension without pay was an appropriate sanction for his actions. The investigation panel unanimously approved the disposition, and the regular members of the Commission voted 6-0 to approve the recommendation of suspension. Specifically, the Commission found that Judge Pope violated the following portions of Canon 1 of the Code of Judicial Conduct:

1. Rule 1.1 Compliance with the Law

A judge shall comply with the law, including the Arkansas Code of Judicial Conduct.

2. 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.

The suspension included the following agreed conditions: (1) suspension without pay for thirty days; (2) anger-management counseling through the Arkansas Judges & Lawyers Assistance Program; and (3) an apology letter.

The issue before us is whether to accept the Commission's recommended findings and recommendation of suspension. Based upon a review of the entire record, this court shall file a written opinion and judgment directing such disciplinary action as it finds just and proper. See Ark. Jud. Discipline & Disability Comm'n R. 12(E) (2012). We may accept, reject, or modify in whole or in part, the findings and recommendation of the Commission. *Id.*; *Judicial Discipline & Disability Comm'n v. Simes*, 2009 Ark. 543, 354 S.W.3d 72. This is a matter requiring de novo review, and we will not reverse the Commission's findings unless they are clearly erroneous. *Judicial Discipline & Disability Comm'n v. Proctor*, 2010 Ark. 38, 360 S.W.3d 61.

After a full review of the record, we accept the Commission's unanimous recommendation of Judge Pope's suspension without pay for thirty days. We further conclude that the suspension with its agreed conditions is an appropriate sanction for the judge's conduct. The suspension will begin on October 4, 2012, and continue for thirty days. However, during the period of suspension, Judge Pope shall be prevented from the practice of law because he is a judge, albeit a suspended one.

Order of suspension without pay for thirty days entered.

GUNTER, J., not participating.