PRESS RELEASE

POINT OF CONTACT: DAVID A. STEWART, Executive Director

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FOR IMMEDIATE RELEASE

FEBRUARY 28, 2008

The Arkansas Judicial Ethics Advisory Committee issued an advisory opinion to Judicial Candidate Laurie A. Bridewell of Lake Village, Arkansas. Attorney Bridewell requested an opinion as to whether it would be permissible to continue to serve as city attorney for the City of Lake Village if she is elected district judge in the City of Eudora. She also requested an opinion addressing the ramifications of her husband/law partner collecting fees from criminal cases.

In addressing whether it would be permissible to serve as city attorney for one city and district judge for another, the Committee stated that nothing in the Code addressed the issue directly. Therefore, the Committee cannot opine that the Code prohibits the holding of both offices. However, the Code of Judicial Conduct requires that she resign from judicial office to run for her elective office of City Attorney.

The Committee stated that it could not address the inquiry concerning the ramifications of criminal law generated fees collected by the judicial candidate’s husband/law partner in general. The Committee only addresses specific prospective questions with regard to judicial conduct.

A copy of the advisory opinion is attached.
February 22, 2008

Laurie A. Bridewell, Esquire
Bridewell & Bridewell Attorneys
Post Office Box 391
Lake Village, Arkansas 71653

Re: Advisory Opinion No. 2008-01

Dear Ms. Bridewell:

In your request for an opinion you stated that you practice in a partnership with your husband, Robert Bridewell, who practices criminal law in Chicot County and “quite actively” in Circuit Court throughout the Tenth Judicial District. You also stated that you are the elected City Attorney for Lake Village in Chicot County “advising the municipality strictly on civil matters.”

You stated that there are three District Court positions in Chicot County: Eudora, Lake Village and Dermott and that you intend to file your petition to run for the elective office for judge of the District Court of Eudora.

We will first address your second question asking if you “…can continue to serve as city attorney for the City of Lake Village and also as a district judge in another city.” We find nothing in the Code that addresses this issue directly, and therefore we cannot opine that the Code prohibits your holding both offices. We would invite your attention to our Opinion 99-02 where under different factual circumstances we stated that we cannot prohibit the holding of both positions but that we did consider it to be unwise and imprudent. While your situation is an even closer call than that of 99-02 we have similar reactions. If you choose to hold the office of District Judge you must be particularly diligent in always complying with the entire Code and specifically with Canon 1 dealing with upholding the integrity and independence of the office and Canon 2 dealing with the avoidance of impropriety and the appearance of impropriety in all your activities.

In our opinion No. 2004-07 we emphasized that assuming the office of a continuing part-time judge places a great burden on the holder of that office and this requires a great deal of diligence and sensitivity to the issues covered by the Code. An individual who accepts the position of a continuing part-time judge places the judicial office first in service and priority and certain restrictions must follow. See our Opinion No. 98-02.

Canon 5, entitled, “A judge of Judicial Candidate shall Refrain from Inappropriate Political Activity” contains the following provision in Section A (2):

“(2) A judge shall resign from judicial office upon becoming a candidate for a non-judicial office either in a primary or in a general election, except that the
judge may continue to hold judicial office while being a candidate for election to
or serving as a delegate in a state constitutional convention if the judge is
otherwise permitted by law to do so.”

The exceptions for a Continuing Part-time Judge under Application of the Code of Judicial
Conduct section B does not cover the provision of the Code quoted above. This poses a curious
problem for you. While the Code does not have any specific provision prohibiting your holding
the office of City Attorney of one city and District Judge of another city it does require that you
resign from your judicial office to run for your elective office of City Attorney. This would
mean that the next time you run for City Attorney of Lake Village you should resign your
position as District Judge of Eudora. We will not speculate on this issue, but does this mean that
the drafters of the Code never even envisioned any judge holding another elective office?

We cannot address your first inquiry concerning the “ramifications of criminal law
generated fees” in general. We address only specific prospective questions with regard to
judicial conduct. Should you choose to run for and are subsequently elected to judicial office
you will have to deal with these issues as they arise. We suggest that you and your partner
carefully read Advisory Opinion 2003–02 of the Professional Ethics Committee of the Arkansas
Bar Association which reaches several conclusions, including the fact that your law partner
cannot practice criminal matters in the same county; and fees cannot be shared with the law
partner judge.

Very truly yours,