



***FOR IMMEDIATE RELEASE: April 5, 2019

JUDGE GRIFFEN MOVES FOR SUMMARY JUDGMENT BASED ON DEPOSITION OF JDDC DIRECTOR, LACK OF JDDC FACTS

On April 5, 2019, Judge Wendell Griffen filed his motion for summary judgment in Judicial Discipline and Disability Commission (JDDC) Case No. 17-171. The time for discovery has expired. The JDDC Special Counsel has produced no discovery. Judge Griffen has completed discovery, including taking the deposition of JDDC Director, David Sachar. Mr. Sachar's testimony is clear, uncontradicted, and convincingly shows:

- The JDDC cannot impose discipline on Judge Griffen for rendering decisions in cases. Judicial rulings, including decisions whether to recuse, are matters for appellate review, not judicial discipline, including the decision whether to recuse or decide a case. That is what JDDC Rule 6B says. That is how the JDDC dismissed the ethics charges against all seven members of the Arkansas Supreme Court. Judge Griffen deserves the same treatment.
- No allegations have been made, let alone supported with facts, that Judge Griffen's TRO ruling and decision to not recuse in the *McKesson* case involved fraud, bad faith or corrupt motives.
- The *McKesson* case did not involve the death penalty and did not stay executions. It was a replevin case—a case involving a claim for return of wrongfully obtained property. Judge Griffen was obliged to follow the law in that case without concern for whether executions were scheduled, when they were scheduled, or his views about the death penalty.
- Judge Griffen's 2017 Good Friday prayer vigil protest involved symbolic speech and religious expression protected from governmental infringement by the First Amendment.
- Once again, Judge Griffen is being subjected to harassing and meritless charges arising from political disagreement and intolerance. The First Amendment protects people from being subjected to threats of punishment on those grounds.
- As early as the evening of Good Friday, a member of the Arkansas Supreme Court, Justice Womack, contacted Director Sachar concerning Judge Griffen's Good Friday prayer vigil. Justice Rhonda Wood and Chief Justice John Kemp contacted Director Sachar days later to discuss impeachment.

Judge Griffen's motion and supportive brief are attached, as well as David Sachar's deposition transcript (Exhibit 1) which reflects not only the correctness of Judge Griffen's actions—both judicially and extrajudicially—but also the early efforts to silence him and the unfairness of the discipline he received. Frankly, it provides new evidence for Judge Griffen's civil rights claims. Thank you for your attention to this important matter! Please call Mike Laux with any questions: (773) 354-2129.