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October 8, 2024

Honorable Judge Pam Honeycutt  
Second Judicial District Administrative Judge  
P.O. Box 1951  
Jonesboro, AR 72403-1951  
Fax (870)933-7713  
(via email only)

RE: Douglas Brimhall, Circuit Judge-Elect

Dear Judge Honeycutt,

As officers of the Court, and former Presidents of the Craighead County Bar Association, we have a duty to uphold the integrity of our judicial system. This letter is written to carry out that duty and express the concern many attorneys in the Second Judicial District, as well as members of the public, share regarding Mr. Brimhall's actions on May 3, 2024, and the possibility that he will be sworn in as a Circuit Court Judge and take the bench in January of 2025.

Many people in the State seem to assume that complaints have been filed with the Office of Professional Conduct and/or the Judicial Discipline and Disability Committee. In fact, there are multiple instances online of an unknown person or person(s) actively soliciting for such formal complaints to be filed by members of the public. While we do not know whether complaints have been filed, whether all relevant facts have been presented, or what action may ultimately be taken, it will gravely undermine the integrity of the judicial system if Mr. Brimhall is sworn in as a judge in the Second Judicial District. We plan to file formal complaints with the Office of Professional Conduct and the Judicial Discipline and Disability Committee.

Attorneys, Judges, and the public are aware that Mr. Brimhall's actions on May 3, 2024, led to him being charged with one (1) felony charge of Aggravated Assault on a Family or Household Member, a class D felony, and one (1) misdemeanor charge of Domestic Battery Third Degree, against his eldest child. Mr. Brimhall negotiated a guilty plea to Harassment, a Class A Misdemeanor, and received a 12-month suspended imposition of sentence, fines, fees, anger management classes, mandatory compliance with the JLAP program, forty (40) hours of community service and is required to write a letter of apology to the victim, his eldest daughter.

Despite Mr. Brimhall's guilty plea to this criminal charge, and the fact that he will still be under the suspended imposition of sentence for the criminal charge at the time he takes the bench, a press release issued by Mr. Brimhall's attorney indicates that he still intends to be sworn in as judge. As attorneys, we have a duty under the Model Rules of Professional Conduct to report those lawyers and judges who engage in behavior which "raises a substantial question as to that" lawyer's honesty, trustworthiness, or fitness as a lawyer, and/or that judge's fitness for office.

While Mr. Brimhall's criminal actions have been publicized, how his actions affect his children and step-children in custody and guardianship cases have not been made public, although these cases are readily available to those who know how to find them. Mr. Brimhall agreed that his eldest daughter, the victim, would be placed in a guardianship with Mr. Brimhall's former wife, who is the victim's former stepmother. Mr. Brimhall agreed he would have no contact with the victim until certain conditions were met including a drug/alcohol assessment, that he obtain and use a Soberlink alcohol monitoring device, and complete anger management program, among other things.

Mr. Brimhall has joint custody of a younger minor child, with an ex-wife, who is the guardian of the victim in the criminal case. After the events on May 3, 2024, his ex-wife filed an *Expedited Motion to Change Custody and Modify Visitation*. On July 26, 2024, Mr. Brimhall's attorney filed *Plaintiff's Response to Defendant's Expedited Motion to Change Custody* which was signed and verified by Mr. Brimhall under oath wherein he admitted "that he arrived home on May 3<sup>rd</sup> from The Jonesboro County Club, that Mr. Brimhall and his eldest daughter had a verbal altercation, that Mr. Brimhall's current wife left home with the eldest daughter and Mr. Brimhall's stepchildren, that Mr. Brimhall jumped on his wife's vehicle and broke the windshield, that Mr. Brimhall's eldest daughter exited the vehicle to challenge Mr. Brimhall, and that Mr. Brimhall and the eldest daughter fell to the ground."

A temporary hearing was held on the *Expedited Motion to Change Custody and Modify Visitation* which resulted in a *Temporary Order* being filed on September 8, 2024, following a contested hearing. More than four (4) months after the events of May 3, 2024, the Judge who heard the evidence in that case determined that Mr. Brimhall's visitation should be supervised with his child even though that child was not the victim in the criminal case.

Mr. Brimhall's current wife shares custody of two (2) minor children with her former husband. As a result of Mr. Brimhall's actions, those children are also the subject of ongoing litigation.

There is simply no way the public can have any confidence in the judicial system or that they will have a fair and impartial hearing with a judge who is serving out his criminal sentence, voluntarily agreed to an order that he would have no contact with one minor child, the victim, until certain conditions are met, and is ordered to have supervised visitation with another minor child. Why would we, as a profession, allow him to take a position to pass judgment upon or issue decisions which may affect the lives of other children in our community?

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In the event Mr. Brimhall is allowed to be sworn in as a Circuit Judge, we are requesting that he not be allowed to hear the following:


1. Petitions for Orders of Protection;
2. Juvenile cases including those with the Arkansas Department of Human Services;
3. Divorce, Paternity and Custody cases;
4. Guardianship cases involving juveniles; and
5. Adoption cases.

Further, although we write only in our capacity as attorneys in private practice, we concur with Prosecuting Attorney Sonia Hagood's request that Mr. Brimhall not be allowed to hear criminal cases if he is sworn in as a Circuit Judge. We agree with Mrs. Hagood's statement that to stay silent on this issue is to be complicit in Mr. Brimhall's conduct.

Sincerely,



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Arkansas Bar No. 2016155

Cc: Honorable Richard Lusby, Honorable Christopher Thyer, Honorable Charles Mooney, Jr., Honorable Tonya Alexander, Honorable Mary Broadaway, Honorable Kimberly Bibb, Honorable Melissa Richardson, Honorable Dan Ritchey, Honorable Randy Philhours, Honorable Scott Ellington, Honorable Keith Chrestman, and Judge-Elect Douglas Brimhall (via email only)

The Honorable Chief Justice Dan Kemp

Emily Abbott, Executive Director of Judicial Discipline and Disability Commission

Charlene Fleetwood, Deputy Director of the Office of Professional Conduct