

*From the desk of*  
**Wiley A. Branton, Jr.**  
(Retired Circuit Court Judge)

Date: April 21, 2022

Memo To: The Citizens of the Sixth Judicial District of the State of Arkansas in general and the Voters of Judicial Subdistrict 6.1 in particular

From: Wiley A. Branton, Jr. (retired judge)

Subject: Performance of Judicial Candidate Brenda Stallings while serving as Public Defender

Following my appointment to the Eight Division Judgeship by Governor Jim Guy Tucker in June of 1993, I was blessed by the voters of Judicial Subdistrict 6.1 who kept me in office until December 31, 2020, when I retired. Thank you so very much.

As many of you know, Attorney Brenda Stallings is one of two candidates running for the Twelfth Division Judgeship of the Sixth Judicial District which will be vacated by the upcoming retirement of the current holder of that office. Attorney Stallings served as the Public Defender in my courtroom representing juveniles charged with criminal offenses for 18 years, from 2002 up until my retirement at the end of 2020; and she has continued to serve in that position after my retirement. She was the longest serving Public Defender assigned to my courtroom during my tenure.

This memo should not be construed as a letter of endorsement for the judicial candidacy of Attorney Brenda Stallings; but it has come to my attention through what I consider to be reliable reports that certain persons are spreading misinformation about her which I feel ethically bound to respond to as I am in a somewhat unique position to respond to some of the hearsay misinformation. This memo should also be considered as an effort on my part to educate the public about: (1) the nature of judicial elections in Arkansas, (2) some of the ethical campaign obligations under which judicial candidates are required to conduct their campaigns, and (3) why judicial races should be conducted at a much higher ethical standard than campaigns for other types of elected office.

I have frequently been asked to endorse various judicial candidates, but for various ethical and personal reasons, I have always declined to do so. When I was an active sitting judge (before I retired), the Arkansas Code of Judicial Conduct specifically prohibited me from endorsing candidates for public office. **Rule 4.1. (A)(3) specifically states that “a judge, a judicial candidate, and judge-elect shall not ... publicly endorse or oppose a candidate for any public office”.** That was the rule when I served as a judge, and I always complied with that rule. There are many other ethical rules which set forth the manner in which judges and judicial

candidates must conduct their judicial campaigns. The Arkansas Code of Judicial Conduct, which is available online, requires judicial races to be conducted on a higher moral standard than other races for public office; and this makes perfect sense.

I would suggest that good judges should have integrity and be of good character. Good judges should be fair and impartial. Good judges should maintain their competence in the knowledge of the law. Good judges should be compassionate and just. I also think it is helpful for a judge to bring a breadth of life experience to the bench. I have not provided an exhaustive list of what factors make for a “good judge”. But I do think these are some of the things voters should be looking for. I suggest that how a judge campaigns may be indicative of how they will judge. You be the judge. I also acknowledge that judicial races are particularly difficult for the average voter to make sense of in part because the ethical rules limit what judicial candidates can properly say and do.

Now that I am a retired judge, I am no longer bound by all of the rules in the Code of Judicial Conduct. For example, I can now endorse a candidate for judicial office, but I still decline to do so. Sometimes I like all the candidates for a given office and I simply don’t want to pick sides. But my primary reason for not endorsing judicial candidates at this time is that with my experience and whatever standing I may have in the community, I consider myself a community resource available to all judges who may seek my counsel or advice consistent with the Code of Judicial Conduct. I believe I would lose my status as a community resource if I start endorsing judicial candidates.

When I served as the Eighth Division Judge, with Ms. Stallings serving as the public defender in my courtroom, our proceedings were generally closed to the public and held in a confidential setting. That is why I say that I am in a unique position to refute some of the misinformation that is being spread about her.

To the allegation that Ms. Stallings has done a poor job representing her clients in juvenile court, or that she has done nothing for her community, and having observed her over many years, I can say that such allegations are absolutely false. While in my presence as presiding judge, Ms. Stallings has always provided her clients with competent and zealous representation. She has done an exceptionally good job in representing her clients even when the client, or the client’s family was difficult to work with. She has gone above and beyond the call of duty. When we have had children to come before the court who could not afford to pay for school uniforms to get back in school or did not have funds to pay for a medical exam to get into a beneficial program, she has gone in her own pocket, as I also did, to assist the family financially. As a judge, I could tell when a lawyer was just doing the minimum to represent a client, or whether the lawyer was doing more to help the juvenile or family beyond what the legal representation required. It was clear to me that Ms. Stallings went the extra mile to work with her families in an effort to raise them up. She has been a thoroughly committed advocate for her clients.

Apparently, the pitch made to potential voters may depend upon how receptive that voter may be to Ms. Stallings. If the voter seems favorably disposed, the prospective voter may then be told that since Ms. Stallings does such a good job for the juvenile defendants, she needs to stay there where she is needed more. My response is that if she is in fact doing such a good job as a public defender, she would be far more effective as a circuit court judge. Ask recently confirmed Supreme Court Justice Ketanji Brown-Jackson about the value of her Public Defender service to her rise to the highest court in this country.

I regret feeling the need to write this memo. It is important who is elected to be a judge. Please choose wisely and well.