

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

A Bill

HOUSE BILL 1457

5 By: Representative Baine
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For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING JUDICIAL ETHICS;
9 TO REQUIRE RECUSAL OF JUDGES WITH CONFLICTS ARISING
10 FROM CERTAIN CAMPAIGN CONTRIBUTIONS; AND FOR OTHER
11 PURPOSES.
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Subtitle

14 TO AMEND THE LAW CONCERNING JUDICIAL
15 ETHICS; AND TO REQUIRE RECUSAL OF JUDGES
16 WITH CONFLICTS ARISING FROM CERTAIN
17 CAMPAIGN CONTRIBUTIONS.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code Title 7, Chapter 6, Subchapter 2, is amended
24 to add an additional section to read as follows:

25 7-6-228. Judicial conflicts – Recusal.

26 (a) In a civil action on motion of a party or on the motion of the
27 court, a justice or judge shall recuse himself or herself if as a result of a
28 substantial campaign contribution made to or on behalf of the justice or
29 judge in the immediately preceding election by a party who has a case pending
30 before that justice or judge:

31 (1) A reasonable person would perceive that the justice or
32 judge's ability to carry out his or her judicial responsibilities with
33 impartiality is impaired; or

34 (2) There is a serious, objective probability of actual bias by
35 the justice or judge due to his or her acceptance of the campaign
36 contribution.



1 (b)(1) A rebuttable presumption arises that a campaign contribution is
2 substantial if the campaign contribution:

3 (A) Was made by the party when it was reasonably
4 foreseeable that the case would come before the judge or justice; and

5 (B) Exceeds:

6 (i) Ten percent (10%) of the total contributions
7 raised during the election cycle by a Justice of the Supreme Court or Judge
8 of the Court of Appeals;

9 (ii) Fifteen percent (15%) of the total
10 contributions raised during the election cycle by a circuit court judge; and

11 (iii) Twenty-five percent (25%) of the total
12 contributions raised during the election cycle by a district court judge.

13 (2) If a contribution or a portion of a contribution was
14 refunded by the candidate for justice or judge, the amount refunded shall not
15 count toward the percentages under subdivision (b)(1)(B) of this section.

16 (c)(1) If the justice or judge denies a motion to recuse under this
17 section, the order of the court:

18 (A) Shall be in writing; and

19 (B) May be appealed within thirty (30) days of the order
20 denying the motion to recuse in the same manner as a final order to the
21 appellate court which would otherwise have jurisdiction over the appeal from
22 a final order in the action.

23 (2) If an appeal under subdivision (c)(1) of this section is
24 pending, the action in the court in which the justice or judge denied the
25 motion to recuse shall be stayed in all respects.

26 (d) As used in this section, "party" includes:

27 (1) A party or real party in interest to the case or an
28 immediate family member of the party or real party in interest;

29 (2) A holder of five percent (5%) or more of the value of a
30 party that is a corporation, limited liability company, firm, partnership, or
31 any other business entity;

32 (3) An affiliate or subsidiary of a corporate party;

33 (4) An attorney for the party; and

34 (5) Another lawyer in practice with the party's attorney.

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