



Supreme Court of Arkansas

JIM HANNAH
CHIEF JUSTICE

JUSTICE BUILDING
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April 8, 2015

Justice Paul Danielson
Arkansas Supreme Court
625 Marshall Street
Little Rock, AR 72201

Re: CV-15-227 *Nathaniel Smith, M.D., et al. v. M. Kendall Wright and Julia E. Wright, Individually and on behalf of their minor children, G.D.W. and P.L.W., et al*

Dear Justice Danielson:

After careful consideration and with much regret, I must recuse from *Smith v. Wright*, No. CV-15-227. I believe that a majority of this court has created out of whole cloth an issue to delay the disposition in *Smith v. Wright*, No. CV-14-427.

Following Justice Cliff Hoofman's disqualification in *Smith v. Wright*, No. CV-14-427, Governor Mike Beebe appointed the Honorable Robert W. McCorkindale "as Special Associate Justice of the Arkansas Supreme Court to participate in this specific case." The governor's appointment power conferred by the Arkansas Constitution is a matter protected from judicial interference by the separation-of-powers doctrine. This court cannot by judicial fiat usurp the powers of the executive branch.

When I took the oath of the office, I swore to uphold the Constitutions of the United States and the State of Arkansas. Further, I am obligated to follow the Arkansas Code of Judicial Conduct. Canon 1 mandates that a judge shall uphold and promote the independence, integrity, and impartiality of the judiciary. The oath of office and my duties pursuant to the Code of Judicial Conduct require that I recuse in *Smith v. Wright*, No. CV-15-227. To be clear, I do not recuse from the appeal in *Smith v. Wright*, No. CV-14-427.

Sincerely,

A handwritten signature in cursive script that reads "Jim Hannah".

Jim Hannah

cc: All Justices
Clerk of the Supreme Court