



Supreme Court of Arkansas

PAUL E. DANIELSON
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April 8, 2015

The Honorable Jim Hannah
Chief Justice
Arkansas Supreme Court
625 Marshall Street
Little Rock, AR 72201

Re: *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.*
Arkansas Supreme Court No. CV-15-227

Dear Chief Justice Hannah:

It is after careful consideration and with much regret that I present this letter to you. I must recuse from this matter because I believe that a majority of this court has manufactured a case where no case or controversy exists. There has been no motion by any party challenging the qualification of Justice Robert McCorkindale to continue to decide the appeal in *Smith v. Wright*, No. CV-14-427. Indeed, there can be no such challenge as former Governor Mike Beebe appointed Special Justice McCorkindale to participate in that "specific case," and there are no time limits on his service in Special Justice McCorkindale's official appointment on file with the Arkansas Secretary of State.

When I took the oath of office, I swore to uphold the Constitutions of the United States and the State of Arkansas. Moreover, I am bound by the Code of Judicial Conduct, and Canon 1 demands that a judge shall uphold and promote the independence, integrity, and impartiality of the judiciary. I cannot be complicit in machinations which have the effect of depriving justice to any party before this court. Because I believe the current actions of the court impinge on the oath I took and my duties under the Code, I must recuse in this matter; although, to be clear, at this time I am not recusing from the appeal in *Smith v. Wright*, CV-14-427.

Sincerely,

A handwritten signature in cursive script that reads "Paul E. Danielson".

Paul E. Danielson

PED:mc
letter\recusal\cv-15-227.smith

cc: All Justices
Clerk of the Supreme Court