

State of Arkansas  
90th General Assembly  
Regular Session, 2015

# A Bill

HOUSE BILL 1457

By: Representative Baine

## For An Act To Be Entitled

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

### Subtitle

TO AMEND THE LAW CONCERNING JUDICIAL  
ETHICS; AND TO REQUIRE RECUSAL OF JUDGES  
WITH CONFLICTS ARISING FROM CERTAIN  
CAMPAIGN CONTRIBUTIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 7, Chapter 6, Subchapter 2, is amended to add an additional section to read as follows:

7-6-228. Judicial conflicts – Recusal.

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

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

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



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

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

(B) Exceeds:

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

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

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

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

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

(A) Shall be in writing; and

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

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

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

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

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

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

(4) An attorney for the party; and

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