

Richard AVERY, et al. v. Willie WARD, Jr.

95-880

911 S.W.2d 578

Supreme Court of Arkansas
Opinion delivered December 4, 1995

JUDGES — DISQUALIFICATION MOTION DENIED — RECUSAL ORDER ENTERED WHERE JUSTICES INTENDED TO SEEK ARK. R. CIV. P. 11 SANCTIONS AGAINST APPELLEE'S ATTORNEY. — Where three justices named in appellee's motion for disqualification intended to seek Ark. R. Civ. P. 11 sanctions to be imposed against appellee's attorney and his attorneys for filing a no-merit petition in federal court, the supreme court denied the disqualification motion but entered a recusal order.

Motion for Disqualification denied; Recusal Order entered.

J.L. Wilson, for appellee.

[1] PER CURIAM. In response to appellee's motion for disqualification, Justices Robert H. Dudley, Tom Glaze, and Donald Corbin recuse but not for any of the reasons set out in his motion. Appellee's attorney, J. L. Wilson, was sanctioned in federal court as a result of a criminal conviction and is now the subject of disciplinary proceedings before the State Professional Conduct Committee and disbarment proceedings before the Phillips County Circuit Court which have been remanded to federal court. Because these named justices intend to seek Rule 11 sanctions to be imposed against attorney J. L. Wilson and his attorneys for filing a no-merit petition in federal court, we recuse.