

Francis J. HART and Other Benton County Taxpayers Similarly Situated *v.* BENTON COUNTY; Bruce Rutherford, County Judge of Benton County, Arkansas; Quorum Court Members, Robert "Dodie" Evans, William R. Fortune, Leon E. Lynch, Cary Anderson, Tim Summers, Mary Baggett, Earl Femmer, Margaret "Marge" Wolf, Sheryll A. Harbaugh, Clyde C. Cummings, Charles Bilby, Jeff Moser, Anne Miners; Benton County Treasurer; Gloria Spring-Peterson; and State of Arkansas

96-1255

938 S.W.2d 856

Supreme Court of Arkansas
Opinion delivered March 10, 1997

APPEAL & ERROR — MOTION FOR DISQUALIFICATION OR RECUSAL DENIED. — The supreme court denied appellant's motion for disqualification or recusal of supreme court justices, having found that appellant's request for a hearing after denial of the motion was inconsistent; the request for a hearing was denied on grounds of mootness.

Motion for Disqualification or Recusal of Supreme Court Justices; denied.

Oscar Stilley, for appellant.

No response.

PER CURIAM. The motion for disqualification or recusal of Supreme Court justices filed by appellants, Francis J. Hart, and other Benton County Taxpayers similiary situated, is denied. Appellants also request a hearing "[i]f the Justices choose not to recuse without a hearing." We find appellants' request for a hearing after denial of the motion to be inconsistent. The purpose of a hearing is to consider the merits of a motion *before* making a decision. Therefore, appellants' request for a hearing "if the Justices choose not to recuse" is denied on grounds of mootness.