

ARKANSAS SUPREME COURT

Opinions Delivered
November 19, 2009

ROBERT L. BROWN, JUSTICE:

08-1142. Robert L. Edwards v. Diane C. Edwards, from Columbia Circuit. Certified Question Answered; Remanded to Court of Appeals. Imber, J., not participating.

PAUL E. DANIELSON, JUSTICE:

09-55. Lisa Pounders v. Mike Reif; Dover, Dixon & Horne, PLLC, from Pulaski Circuit, Second Division. Affirmed. Imber, J., not participating.

PER CURIAM ORDERS

REHEARING DENIED: Petition for rehearing was denied today in the following case.

08-396. Simpson Housing Solutions, LLC et al. v. Juan C. Hernandez et al., from Washington Circuit.

REVIEWS DENIED: Petitions for review were denied today in the following cases.

09-685. Arkansas State Board of Embalmers & Funeral Directors v. Kenya Richardson et al., from Pulaski Circuit, Twelfth Division.

09-747. John Adams et ux. v. Bill Moody, from Baxter Circuit.

CR09-355. Roderick Williams v. State of Arkansas, from Desha Circuit, Arkansas City District. Order to supplement the record issued. See **per curiam** this date.

CR09-833. Myka Talley v. State of Arkansas, from Miller Circuit. Appellee's motion to direct compliance with Arkansas Supreme Court Rule 4-3(i) is granted; appellant's substituted brief due within thirty days.

CR09-833. Myka Talley v. State of Arkansas, from Miller Circuit. Appellee's motion for extension of brief time. Moot.

CR09-1182. James E. Clemons v. State of Arkansas, from Union Circuit. Motion for rule on clerk is granted. See **per curiam** this date.

09-718. Hempstead County Hunting Club, Inc. et al. v. Public Service Commission et al., from Arkansas Public Service Commission. Motion of Charles Michael Turner, Donald R. Johnson, Mary D. Johnson, Willis B. Smith and Patty Smith for leave to file an amicus curiae brief in support of appellants is granted. Gunter and Danielson, JJ., not participating.

09-886. In Re: Estate of Arver Hicks, Jr., Deceased, from Logan Circuit, Southern District. Motion for rule on clerk is dismissed without prejudice. See **per curiam** this date.

09-1192. Alfred (John) Henry Racine, III v. Helane Marie Nelson, from Pulaski Circuit, Seventeenth Division. Appellee's motion to seal record. Motion granted with respect to record and briefs; denied with respect to opinion; other relief requested is denied without prejudice. See Supreme Court Rule 6-3.

CR09-889. Lonnie Dean Vickers v. State of Arkansas, from Garland Circuit. Appellee's motion to dismiss appeal. Motion granted; appeal dismissed. See **per curiam** this date.

CR09-974. Terrance Quartez Jarrett v. State of Arkansas, from Sebastian Circuit, Fort Smith District. Pro se motion to file belated petition for review. Motion denied. See **per curiam** this date.

CR09-1037. Frank R. Garner v. State of Arkansas, from Little River Circuit. Pro se motion for belated appeal of judgment. Motion dismissed. See **per curiam** this date.

CR09-1154. John Cummings v. Honorable Willard Proctor, Circuit Judge, from Pulaski Circuit, Fifth Division. Pro se petition for writ of mandamus. Petition moot. See **per curiam** this date.

CR09-1181. James Edward Williams v. State of Arkansas, from Pulaski Circuit, Second Division. Pro se petition for review. Petition dismissed. See **per curiam** this date.

In Re: Supreme Court Committee on Child Support. See **per curiam** this date.

Honorable Rita Gruber, Arkansas Court of Appeals Judge, of Little Rock, and Mr. James A. McLarty, III, Esq., of Newport, are appointed to the Committee on Child Support for three-year terms to expire November 30, 2012. We thank Judge Gruber and Mr. McLarty for their willingness to serve on this important committee. The court thanks Honorable John Robbins and Honorable Mary McGowan whose terms have expired, for their service on the committee.

In Re: District Court Resource Assessment Board. See **per curiam** this date.

Mayor Chris Claybaker of Camden is reappointed to the District Court Resource Assessment Board for a four-year term to expire April 30, 2013. We thank Mayor Claybaker for his willingness to serve on this important board.

In Re: Supreme Court Committee on Model Jury Instructions-Civil. See **per curiam** this date.

Honorable J. Michael Fitzhugh of Fort Smith, Circuit Judge, Twelfth Judicial Circuit, and Morgan E. Welch, Esq., of North Little Rock, are appointed to the Committee on Model Jury Instructions-Civil for three-year terms to expire on September 30, 2012. The court extends its appreciation to Judge Fitzhugh and Mr. Welch for accepting appointment to this important committee.

In Re: The Retirement of Justice Annabelle Clinton Imber. See **per curiam** this date.

Upon her retirement as Associate Justice of the Supreme Court of Arkansas, the court recognizes and expresses appreciation to Justice Annabelle Clinton Imber for her dedicated service to the state of Arkansas and this court. Justice Imber's tireless devotion to the administration of justice is evidenced by her willingness to serve on committees of the court, the bar, and the Judicial Council; to teach continuing legal education seminars; and to judge moot court competitions, all while managing her substantial case load. Her influence on the judiciary is far reaching, be it through the well-reasoned judicial opinions she writes, the respect and dignity she affords to each party on appeal, or the standards of excellence and commitment to justice that she instills in her law clerks.

Justice Imber's contributions to the bench and bar began in 1977 when she graduated from the University of Arkansas at Little Rock School of Law. She practiced law in Little Rock, eventually becoming a partner in the Wright, Lindsey & Jennings law firm. In 1984, then-Governor Bill Clinton appointed her to serve as circuit judge for the Fifth Division of the Sixth Judicial District. Later, Justice Imber was elected chancery judge for the Sixth Division of the Sixth Judicial District, where she served from 1989 to 1996. It was during this time that Justice Imber presided over the Lake View case and declared that the public-school financing system then in effect violated the equal protection and education provisions of the Arkansas Constitution. In 1997, Justice Imber became the first woman elected to the Supreme Court of Arkansas.

While much could be said about her work as a lawyer and a judge, as well as her work in the community, we take this opportunity to briefly mention a few areas in which she has so ably served this court. Justice Imber served on the court's Amendment 80 Committee, which was formed to oversee implementation of amendment 80 to the Arkansas Constitution. She has also served for a number of years as the liaison to the Supreme Court Committee on Civil Practice. In her service to these committees, Justice Imber has played a pivotal role in carrying out one of the court's constitutional duties – its rule-making authority.

Justice Imber currently serves as a member of the Arkansas Access to Justice Commission. Upon her retirement, she will continue to work with the Commission to help further the cause of providing legal services to Arkansans with limited resources.

This court and the people of Arkansas have been well served by Justice Imber's commitment to the judiciary. We commend her for her faithful service and wish her success in her future endeavors.

MOTIONS SUBMITTED

PETITION FOR REHEARING:

08-1383. PH, LLC v. City of Conway, Arkansas, from Faulkner Circuit.

PETITIONS FOR REVIEW:

CR09-1137. Naeem Hassan Rasul v. State of Arkansas, from Pulaski Circuit, Fifth Division.

09-808. John J. Bronakowski and Judith C. Bronakowski v. John R. Lindhurst and Lisa Lindhurst, from Marion Circuit.

CA09-695. John Schubert et ux. v. Arkansas Department of Human Services, from Crawford Circuit. Resubmission of appellee's motion to reconsider granting of appellants' request for an additional thirty days to file brief.

09-718. Hempstead County Hunting Club, Inc. et al. v. Public Service Commission et al., from Arkansas Public Service Commission. Appellants' motion to file supplemental brief.

09-718. Hempstead County Hunting Club, Inc. et al. v. Public Service Commission et al., from Arkansas Public Service Commission. Public Service Commission's motion to file supplemental brief.

09-718. Hempstead County Hunting Club, Inc. et al. v. Public Service Commission et al., from Arkansas Public Service Commission. Southwestern Electric Power Company's motion to file supplemental brief.

09-718. Hempstead County Hunting Club, Inc. et al. v. Public Service Commission et al., from Arkansas Public Service Commission. Appellants' motion to file pleadings previously filed with the Court of Appeals.

09-718. Hempstead County Hunting Club, Inc. et al. v. Public Service Commission et al., from Arkansas Public Service Commission. Southwestern Electric Power Company's motion to dismiss appeal.

09-718. Hempstead County Hunting Club, Inc. et al. v. Public Service Commission et al., from Arkansas Public Service Commission. Southwestern Electric Power Company's motion for oral argument on motion to dismiss appeal.

09-1204. Michalle Moss v. Steve Absher, from Lonoke Circuit. Motion for rule on clerk.

SUBMISSIONS

CR08-793. Jeremy Michael Richie v. State of Arkansas, from Faulkner Circuit.

CR09-494. Tracy Ann Cross v. State of Arkansas, from Lawrence Circuit.

CR09-530. State of Arkansas v. Edward Joshaway, from Phillips Circuit.

09-11. Darryl V. Talley, Sr. v. City of North Little Rock, from Pulaski Circuit, Thirteenth Division.

09-643. John Schubert et ux. v. Arkansas Department of Human Services, from Crawford Circuit.