

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005

HMR 1001

4
5 By: Representatives L. Smith, Thompson, Ledbetter, Stovall, Bond, Thomason

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8 **HOUSE MEMORIAL RESOLUTION**

9 CELEBRATING THE LIFE AND CONTRIBUTIONS, AND
10 MOURNING THE PASSING OF THE HONORABLE RICHARD
11 SHEPPARD ARNOLD.

12
13 **Subtitle**

14 CELEBRATING THE LIFE AND CONTRIBUTIONS,
15 AND MOURNING THE PASSING OF THE
16 HONORABLE RICHARD SHEPPARD ARNOLD.

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18
19 WHEREAS, the Honorable Richard S. Arnold, of Little Rock, former Chief
20 Judge of the United States Court of Appeals for the Eighth Circuit, died at
21 the age of 68 on Thursday, September 23, 2004, at the Mayo Clinic in
22 Rochester, Minnesota; and

23
24 WHEREAS, at age 14, Richard Arnold enrolled in the Phillips Exeter
25 Academy preparatory school in New Hampshire where he ranked second in a class
26 of 206, was a member of the Cum Laude Society, and took a diploma in
27 Classical Studies in 1953; and

28
29 WHEREAS, Richard Arnold continued his classical studies at Yale
30 University where he majored in Latin and Greek, was president of the Yale
31 Debate Association, and was a member of the Elizabethan Society before
32 graduating summa cum laude in 1957 with a Bachelor of Arts degree and the
33 highest academic ranking of any B.A. candidate in his class; and

34
35 WHEREAS, Richard Arnold then attended Harvard Law School, was elected a
36 case editor of the Harvard Law Review, earned the Sears Prize for the best



1 grades in his first-year class and the Fay Diploma for being first
2 academically in his graduating class of 1960, and graduated magna cum laude
3 with an LLB degree, and first in a class of 475; and
4

5 WHEREAS, his first year out of law school, Richard Arnold served as law
6 clerk to United States Supreme Court Justice William J. Brennan, Jr., who
7 once described him as "one of the most gifted members of the federal
8 judiciary", before joining the Washington, D.C. office of Covington & Burling
9 as an associate from 1961 to 1964, also serving as a part-time instructor at
10 the University of Virginia School of Law; and
11

12 WHEREAS, in 1964 he accepted a partnership offer at Arnold & Arnold in
13 Texarkana, where he established a reputation as a hard-working, gentlemanly
14 adversary, combining unwavering integrity and impeccable demeanor with great
15 skill in law, and began juggling his law practice in 1970 to work as
16 legislative secretary to Arkansas Governor Dale Bumpers, where he reviewed
17 all bills filed and offered his opinion to the Governor; and
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19 WHEREAS, in 1974 when Dale Bumpers, whom he supported personally,
20 politically, and professionally, was elected to the United States Senate,
21 Arnold again moved to Washington, this time to serve as the Senator's
22 legislative director; and
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24 WHEREAS, Richard Arnold was nominated by President Jimmy Carter in 1978
25 to serve as U.S. District Judge for the Eastern and Western Districts of
26 Arkansas and in 1980 to a new seat on the U.S. Court of Appeals for the
27 Eighth Circuit, where he served as chief judge from 1992 to 1998, taking
28 senior status in April 2001; and
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30 WHEREAS, Judge Arnold has been an active leader of many professional
31 associations and a vital participant in numerous civic, political,
32 educational, and judicial committees and projects, receiving, for his service
33 and leadership, the Environmental Law Institute Award (1996); The Award for
34 Leadership in Support of Women in the Law (Women Lawyers' Association of
35 Greater St. Louis, 1996); The Edward J. Devitt Distinguished Service to
36 Justice Award (American Judicature Society, 1999); The Meador-Rosenberg Award

1 (American Bar Association, 1999); The Morton A. Brody Distinguished Judicial
2 Service Award (Colby College, 2004); and The Scribes Lifetime Achievement
3 Award (2004); and

4
5 WHEREAS, on nomination by the International Olympic Committee, Judge
6 Arnold served since 1994 as a member of the International Council of
7 Arbitration for Sport, an independent body of jurists which supervises the
8 Court of Arbitration for Sport, located in Lausanne, Switzerland, which hears
9 voluntarily submitted cases arising out of athletics and related disputes
10 throughout the world, including disputes arising at Olympic games; and

11
12 WHEREAS, Judge Arnold was an informative and enjoyable speaker and a
13 renowned writer of legal articles for many of the nation's most respected law
14 reviews and journals; and

15
16 WHEREAS, Judge Arnold favored bow ties, but had no use for the ordinary
17 vanities of men, wearing his learning as lightly as an old hat; and

18
19 WHEREAS, in the words of Professor Frank I. Michelman, Robert Walmsley
20 University Professor at Harvard Law School, a close friend of Judge Arnold
21 since their college and law school days together, "Judge Arnold's reputation
22 for scholarly excellence in the law, and for thoughtful reflectiveness about
23 the judicial craft and judicial responsibility, is amply deserved and is
24 unexcelled by any judge of this generation. There are other brilliant
25 judges, of course, but judicial brilliance does not always come coupled, as
26 it does so notably in Judge Arnold's case, with high self-consciousness about
27 the limits and obligations of the judicial office. Nor does it always come
28 coupled with the humane sensibility that has been the hallmark of Arnold's
29 judging, or with the personal warmth, decency, humor, and consideration for
30 others that Judge Arnold's friends and co-workers so cherish in him"; and

31
32 WHEREAS, Judge Arnold was highly regarded by his law clerks and staff
33 as a lifetime teacher, mentor, and role model; befittingly, in May 2002, the
34 United States Courthouse in Little Rock, Arkansas was renamed in Judge
35 Arnold's honor; and

36

1 WHEREAS, Judge Arnold had an active life in the church and was a
2 devoted husband to Kay Kelley, whom he publicly stated was “the perfect wife”
3 and “what God intended humanity to be”; and
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5 WHEREAS, in addition to his wife, Judge Arnold is survived by his
6 brother, Judge Morris Sheppard Arnold of Little Rock and his wife, Gail; two
7 daughters, Janet Sheppard Arnold Hart of San Carlos, California, and her
8 husband, Richard John Hart, and Lydia Palmer Arnold Turnipseed of Syracuse,
9 New York, and her husband, Terry Lynn Turnipseed; four grandchildren, Evan
10 Antonio Hart and Saxon McGrath Hart of San Carlos, California, and Lucile Mae
11 Turnipseed and Grace Arnold Turnipseed of Syracuse, New York; and his cousin,
12 Thomas Saxon Arnold and his wife Dolores.
13

14 WHEREAS, Judge Arnold and his brother are unique in the history of the
15 United States, as the only two siblings ever to serve together on a federal
16 court; and
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18 WHEREAS, like the best of judges, Judge Arnold was not distinguished by
19 his office but distinguished it, and like Learned Hand before him, Richard
20 Sheppard Arnold was a literary craftsman and the greatest American jurist of
21 his time not to serve on the Supreme Court of the United States; and
22

23 WHEREAS, the decision Richard Arnold reached in a case might be
24 unexpected, but only before he delivered it; afterward, it was hard to see
25 how the law could be otherwise; agree or disagree with the judge’s opinion,
26 one was usually charmed and always educated by it.
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29 NOW THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE GENERAL
30 ASSEMBLY OF THE STATE OF ARKANSAS:
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32 THAT the House of Representatives honors the memory of Richard Sheppard
33 Arnold; celebrates his life and significant contributions to the judiciary,
34 jurisprudence, academia, literature, and public service; and remembers him,
35 with the deepest admiration and respect, for his personal warmth, decency,
36 humor, and consideration for others.