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Cover Page Footnote

The UALR School of Law and the UALR Law Review honor the life and accomplishments of Judge Richard Sheppard Arnold by including this and four other essays paying special tribute to a remarkable man. The essays present a small sample of the impact Judge Arnold had on those who knew him while he served more than a quarter century on the federal bench. Although he will be missed by family, friends, and the legal community, Judge Arnold's legacy will undoubtedly endure.

RICHARD SHEPPARD ARNOLD, THE MAN

*Robert L. Brown**

*Nel mezzo del cammin di nostra vita
mi ritrovai per una selva oscura
ché la diritta via era smarrita.*

Dante, *Divine Comedy*

With these lines, Richard Arnold greeted me on my thirty-fifth birthday. The date was June 30, 1976, and he had just picked me up to drive to work on Capitol Hill, where we both served as legislative assistants for Senator Dale Bumpers. Loosely translated, the opening lines of the *Divine Comedy* are “in the middle of my life, I found myself in a dark wood because I had lost the straight path.” It is generally believed that Dante was thirty-five when he wrote those lines and was somewhat unsure of the direction his life should take. Richard had found a particularly unique way to acknowledge my birthday. It was vintage Richard Arnold. He later told me that he had learned Italian one summer by reading Dante’s legendary work *in toto*.

The life of Richard Arnold has been and will be celebrated in multiple ways. My initial bow, however, is to the man’s intellectual prowess, which was considerable. If intelligence is the ability to understand and remember, Richard was one of the most brilliant people I have known. His native intelligence had been burnished by an education steeped in the classics and the liberal arts. It served him well in his judicial writings, as his opinions and articles were always crisp and clear, his analysis well-honed and keen.

It was often unnecessary for Richard Arnold to construct draft after draft of legislation or judicial opinions for that matter. I recall on one occasion in 1974 when then-Governor Dale Bumpers was discussing a proposed bill with his legislative staff during a special session of the Arkansas General Assembly. As the governor described the legislation he wanted to pass, Richard was simultaneously drafting it in the minuscule print that was his trademark. There were no mark-throughs or edits. Like Mozart, Richard could simply compose “originals.”

But it is not Richard Arnold’s genius that I want to emphasize in this tribute, although that was a significant part of the man. Rather, it was his humanity or, as Shakespeare would write, the milk of human kindness that flowed through his veins, which made him a rarity. For Richard was a very gentle man who saw in others a goodness and talent which sometimes they did not see in themselves. If I would sometimes disparage a person for this

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or that failing, Richard invariably was quick to point to that person's accomplishments and successes which always counterbalanced, in his mind, the deficiencies.

And with this devout caring came loyalty. He would "stick by" his friends. When a friend was charged with a crime, Richard Arnold would not hesitate to attest in court to the man's good character. When President Bill Clinton was at perhaps his lowest ebb during the impeachment proceedings, I asked Richard what he thought about it. He acknowledged the problem, but said he and Kay had decided to simply tell Clinton that they loved him.

His morality was not superficial or skin deep. It was complex and well considered. He appreciated the writings of John Milton in *Areopagitica*, the great treatise on free speech, when Milton wrote: "I cannot praise a fugitive and cloistered virtue unexercised and unbreathed, that never sallies out and sees her adversary, but slinks out of the race, where that immortal garland is to be run for, not without dust and heat." A monkish attitude toward life's temptations would not suffice. One had to go forth and confront the temptress, as St. Augustine had, and overcome her.

Then there was the fierce curiosity of the man which led him to devour the *New York Times* on a daily basis and the biographies of historic figures. A comparable amount of time was spent practicing his religious discipline and reading the Bible. He was a devout Christian, but one who studied Hebrew at the same time and was fascinated by the eastern religions. His theology was the most important thing in his life, after his family, and he served several churches in Washington D.C. and Little Rock as acolyte, vestry member, and adult Sunday school teacher.

It was always the human condition that intrigued Richard Arnold, and politics was a major component of that condition. He enjoyed the political game and the give and take of the process. Unsited in the extreme as a traditional political candidate in Arkansas, he ran for Congress in 1966 and 1972. He did not win, but liked to say that though he was unsuccessful, he beat eight of the ten contenders he ran against in those two races. There is no question in my mind that a seat in the United States Senate is the position to which Richard Arnold truly aspired. After all, his maternal grandfather, Morris Sheppard, served as the senator from Texas and his first cousin, Connie Mack, was a senator from Florida.

Much has been said and written about Richard's considerable judicial talents and President Clinton's decision not to appoint him to the United States Supreme Court. That was an unfortunate decision on Clinton's part, for Richard Arnold would have been a great justice. But in my opinion, Richard would have been an equally superb senator in the mold of Robert Taft, Sr., from Ohio or Adlai Stevenson, Sr., from Illinois. His oratory, debating skills, and innate understanding of what lay at the heart of the matter would have made him a formidable force in Congress.

He was, finally, a man who appreciated the humor and absurdity of his fellowman. He could mimic South Carolina Senator Strom Thurmond arguing in favor of more accurate intercontinental ballistic missiles (“If you have a gun, you want it to shoot straight, don’t ya?”) or Louisiana Governor Earl Long, who was reneging on a campaign promise (“Tell ‘em I lied.”) to a T. At his core, Richard was an Arkansan. He could have practiced law at the most prestigious law firms or taught law at Harvard or Yale, but he chose to return to his native state to make his mark. And that mark has proven to be indelible.

One of Richard’s favorite quotations also comes from John Milton and his poem, “Lycidas:”

At last he rose, and twitch’d his Mantle blew:

Tomorrow to fresh Woods, and Pastures new.

Richard savored life’s vagaries, mysteries, and transitions and rose to its myriad challenges with eminent grace. His loss is felt nationwide, but especially in Arkansas, where he walked with his own. He had an expression for others who cast a long shadow and etched their accomplishments in the annals of this great country, and I close with that statement which so aptly describes Richard Arnold himself: “What a guy!”

