

IN THE ALABAMA COURT OF THE JUDICIARY

In the Matter of:

HENRY P. ALLRED,  
Walker County District Judge

CASE NO. 42



AGREEMENT AND STIPULATION OF THE PARTIES

The Alabama Judicial Inquiry Commission (“the Commission”) and Walker County District Judge Henry P. Allred (“Judge Allred”) enter this agreement and stipulation of facts regarding the Complaint filed in this case in the Court of the Judiciary by the Commission alleging Judge Allred’s violations of the Canons of Judicial Ethics.

The Commission and Judge Allred agree and stipulate:

1. The Complaint filed by the Commission contemporaneously with the filing of this Agreement accurately states the facts upon which this proceeding is based.

2. The Commission can prove all of the facts alleged in the Complaint by clear and convincing evidence.

3. By making public comments on his Facebook page and in his e-mail sent to all state court judges about contempt proceedings that were then pending against a lawyer in his court, Judge Allred violated Canon 3A(6), which provides, in part:

*A judge should abstain from public comment about a pending or impending proceeding in any court[.]*

4. By making public comments on his Facebook page and in his e-mail sent to all state court judges about contempt proceedings that were then pending against a lawyer in his court and by requesting that his Facebook friends “spread” his Facebook posting “far and wide,” Judge Allred violated Canon 2A, which provides, in part:

*A judge should . . . conduct himself at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.*

5. By making public comments on his Facebook page and in his e-mail sent to all state court judges about contempt proceedings that were then pending against a lawyer in his court and by requesting that his Facebook friends “spread” his Facebook posting “far and wide,” Judge Allred violated Canon 1 which provides:

*A judge should . . . observe high standards of conduct so that the integrity and independence of the judiciary may be preserved.*

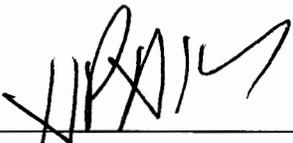
6. By making public comments on his Facebook page and in his e-mail sent to all state court judges about contempt proceedings that were then pending against a lawyer in his court and by requesting that his Facebook friends “spread” his Facebook posting “far and wide,” Judge Allred violated Canon 2B, which provides:

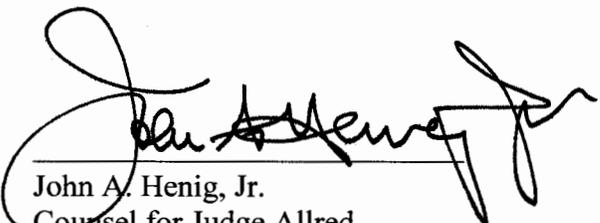
*A judge . . . should avoid conduct prejudicial to the administration of justice which brings the judicial office into disrepute.*

7. Based on the foregoing agreement, the Commission and Judge Allred agree to the appropriateness of the Court of the Judiciary entering a judgment finding that Judge Allred violated Canons 1, 2A, 2B, and 3A(6); and jointly request the following resolution of this Complaint:

- a. Judge Allred be censured by the Court of the Judiciary for his actions and for his violations of the Canons stated in the Complaint;
- b. Judge Allred shall send an e-mail apology, approved by the Commission, to each circuit and district judge to whom he sent his original e-mail; and
- c. Judge Allred be taxed with the costs in the amount of \$1,639.00 incurred by the Commission.

8. Judge Allred waives his right under Rule 5, Ala. R. P. Ct. of Judiciary, to file an answer or other responsive pleading to the Complaint herein within 30 days of its service upon him; waives his right under Rule 8, Ala. R. P. Jud. Inq. Comm’n, to 30 days’ notice of the date and time for a hearing of the Complaint in this case and consents to a more expeditious setting of the hearing; and waives his right of appeal under Article VI, §157 of the Alabama Constitution to the Alabama Supreme Court from any adjudicative order entered on the Complaint and any sanction based thereon imposed by the Court of the Judiciary.

  
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District Judge Henry P. Allred

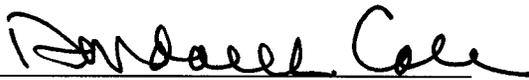
  
\_\_\_\_\_  
John A. Henig, Jr.  
Counsel for Judge Allred



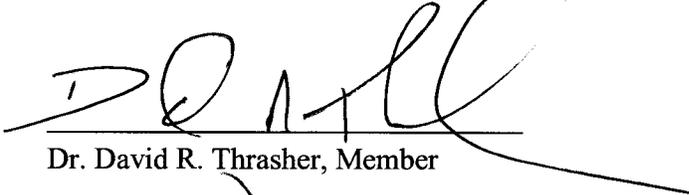
P. Ben McLauchlin, Jr., Chairman  
Judicial Inquiry Commission



David Scott, First Vice Chairman



Randall L. Cole, Second Vice Chairman



Dr. David R. Thrasher, Member



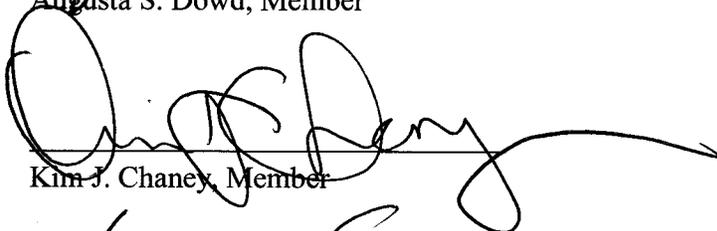
Ralph D. Malone, Member



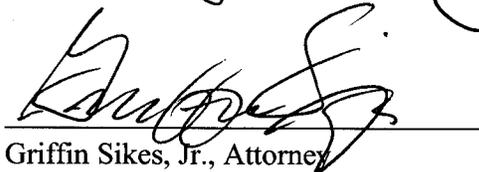
Billy C. Bedsole, Member



Augusta S. Dowd, Member



Kim J. Chaney, Member



Griffin Sikes, Jr., Attorney  
Judicial Inquiry Commission

Fellow Judges,

Some months ago I sent you all an email concerning a problem I was having with a lawyer and pending contempt proceedings against that lawyer. Sending that email showed extremely poor judgment, and I never should have sent it. I allowed my frustration and emotions to negatively affect my judicial temperament and demeanor and for that, and for sending the email, I apologize.

In connection with the same incident, I received a private Facebook message from a close friend (an attorney) asking me about the situation. I responded via a Facebook posting. My comments were disseminated to a list serve of lawyers. My posting quickly became public. Again, I exercised poor judgment.

Further, I made, in my Facebook posting and in my email, inaccurate characterizations of events, persons, and/or actions involved in the pending proceeding.

My comments in my email and my Facebook posting violated several of the Canons of Judicial Ethics that are enumerated in the complaint filed by the Judicial Inquiry Commission against me in the Court of the Judiciary, including Canon3A(6), which provides: "A judge should abstain from public comment about a pending or impending proceeding in any court[.]"

That complaint has now been resolved through alternate dispute resolution (ADR) which I requested pursuant to Rule 10 of the Commission's rules. In the course of the ADR process with the Commission, I suggested, as a part of any sanction which the Court of the Judiciary might impose, that I write this e-mail. The Court of the Judiciary, in imposing the agreed upon sanction of censure in the case, approved my writing this email to each of you.

My purpose, in sending this email is two-fold: First, I apologize for making public comment on a pending matter in both the e-mail and the Facebook posting. Second, I want to caution everyone about the dangers of social media. Once something is posted to a forum where others (even close friends) can have access to it, control over that posting is lost forever. Regardless of intent, judges are, and should be, held to a higher standard of conduct. I should have more closely adhered to that principle. I have closed my Facebook account and will not reopen it. Nor will I ever again discuss, through any means, outside of the judicial process, matters pending before me.

Again, I apologize.