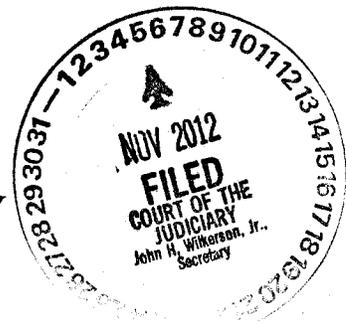


IN THE COURT OF THE JUDICIARY
OF ALABAMA



IN THE MATTER OF:

GERARD JOHN DURWARD,
Municipal Judge, City of Irondale

Case No. 41

COMPLAINT

The Judicial Inquiry Commission of the State of Alabama files this Complaint against Judge Gerard John Durward, Municipal Judge for the City of Irondale, Alabama. The Commission alleges and charges:

Facts

1. Judge Gerard John Durward is presently and for approximately the last 20 years has been the part-time municipal judge for the City of Irondale in Jefferson County, Alabama.
2. On December 6, 2010, City of Irondale Police Officer Terry Lewis issued Uniform Traffic Ticket and Complaint V3185553 to Michael Patrick Durward. This ticket was issued for speeding within the jurisdiction of the City of Irondale and was the basis for the case of *City of Irondale v. Michael Patrick Durward*, TR 10-3257, Irondale Municipal Court.
3. Michael Patrick Durward, born September 9, 1975, is the adult son of Judge Durward.
4. On December 13, 2010, Judge Durward, acting in his capacity as a municipal court judge, entered an order dismissing *City of Irondale v. Michael Patrick Durward*, TR 10-3257. In doing so, he acted outside of a court session, outside the presence of the defendant and the municipal prosecutor, and without any request from or any communication with the municipal prosecutor.

5. Judge Durward was aware, at the time he dismissed case TR 10-3257, that his son was the subject of the traffic ticket upon which this case was based.

6. Section 12-1-12, Code of Alabama, 1975, provides in part: "No judge of any court shall sit in any case or proceeding in which he is . . . related to any party within the fourth degree of consanguinity or affinity[.]" The parent-child relationship is within the fourth degree of consanguinity.

Charges

Charge One

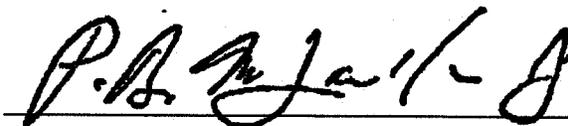
7. Judge Durward, while serving as municipal court judge, failed to disqualify himself in a proceeding in which his disqualification is required by law, as required by Canon 3C(1) of the Alabama Canon of Judicial Ethics, in that under the circumstances set out in paragraphs 1. through 6., he sat in a case or proceeding in which he was related to a party within the fourth degree of relationship to him, as prohibited by §12-1-12, Code of Alabama, 1975.

Charge Two

8. Judge Durward, while serving as municipal court judge, failed to disqualify himself in a proceeding in which a person within the fourth degree of relationship to the judge is named a party to the proceeding, as required by Canon 3C(1)(d)(i) of the Alabama Canon of Judicial Ethics, in that under the circumstances set out in paragraphs 1. through 5., he failed to disqualify himself from case TR 10-3257.

Done this 5th day of November, 2012.

THE JUDICIAL INQUIRY COMMISSION



P. Ben McLauchlin, Jr.
Chairman

BY ORDER OF THE COMMISSION