



IN THE MATTER OF GERARD JOHN DURWARD, MUNICIPAL JUDGE
CITY OF IRONDALE

FINAL JUDGMENT

The Alabama Judicial Inquiry Commission, by and through a majority of the Commission, and Judge Gerard John Durward and, pursuant to Rule 10, Rules of Procedure for the Judicial Inquiry Commission, have jointly moved to resolve the charges of the Complaint filed in the Court of the Judiciary in this case after a public hearing in accordance with Article VI, § 157 of the Alabama Constitution.

The facts, as alleged in the complaint, are as follows:

"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. Matthew 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."

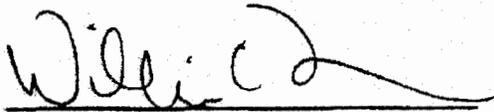
The charges set forth in the complaint are:

"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.

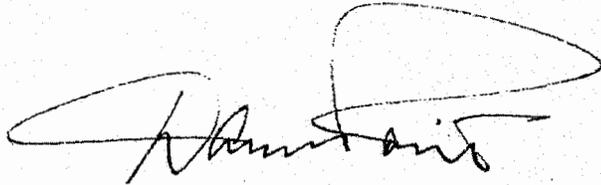
"8. Judge Durward, while serving as municipal court judge, failed to disqualify himself in a proceeding in which a person within the fourth degree of relationship to the judge is named a party to the proceeding, as required by Canon 3C(1)(d)(i) of the Alabama Canon of Judicial Ethics, in that under the circumstances set out in paragraphs 1. through 6., he failed to disqualify himself from case TR 10-3257."

Judge Durward has admitted the allegations of the complaint and admits the violations of the Canons of Judicial Ethics as set forth in the Complaint. Judge Durward has consented to the sanction recommended by the Commission. Accordingly, and in compliance with the agreement reached by the Commission and Judge Durward, we order that Judge Durward be publicly censured and that he be taxed with the costs incurred by the Commission in this case in the amount of \$1,117.12 and the costs associated with the publication of censure.

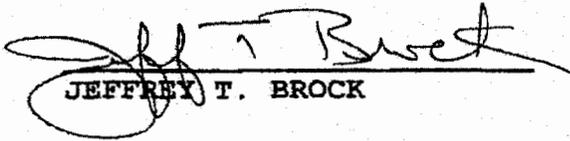
DONE this 16th day of November, 2012.



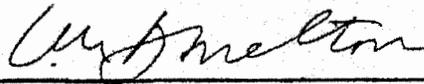
WILLIAM C. THOMPSON
CHIEF JUDGE



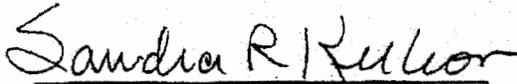
DAVID A. RAINS



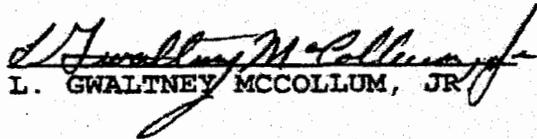
JEFFREY T. BROCK



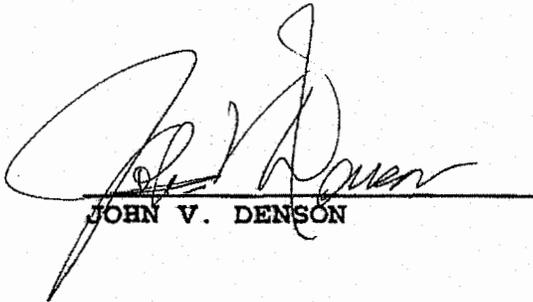
WILLIAM D. MELTON



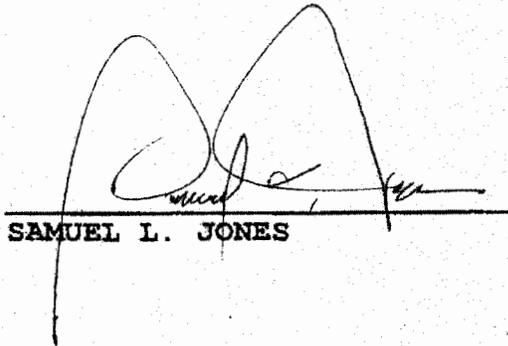
SANDRA R. KILLION



L. GWALTNEY MCCOLLUM, JR



JOHN V. DENSON



SAMUEL L. JONES