

COURT OF THE JUDICIARY CASE NO. 42



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IN THE MATTER OF HENRY P. ALLRED, DISTRICT JUDGE  
WALKER COUNTY

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Reprimand and Censure

Henry P. Allred, Walker County District Judge, is hereby reprimanded and censured by the Court of the Judiciary of Alabama for violating the Canons of Judicial Ethics by making public comments on his Facebook page and in an e-mail he sent to all state court judges about contempt proceedings then pending against Lawyer A and requesting that his Facebook friends "spread" his Facebook posting "far and wide."

This cause came before the Court of the Judiciary on March 22, 2013, in a public hearing held on a Joint Motion to Resolve the Charges filed by the Judicial Inquiry Commission ("the Commission") and Judge Allred. That motion was jointly filed after the Commission conducted an alternate dispute resolution hearing with Judge Allred, pursuant to Rule 10 of the Rules of Procedure of the Judicial Inquiry Commission.

Based upon the representations made by Judge Allred and the Commission in the Joint Motion to Resolve the Charges, and made in the March 22, 2013, hearing before this Court, the

Court adopts the facts as set out in this Court's final judgment and hereby issues the following reprimand and censure:

1. By making public comments on his Facebook page and in his e-mail sent to all state court judges about contempt proceedings then pending against Lawyer A, Judge Allred violated Canon 3A(6), which provides: "A judge should abstain from public comment about a pending or impending proceeding in any court[.]"

2. By making public comments on his Facebook page and in his e-mail sent to all state court judges about contempt proceedings then pending against Lawyer A and requesting that his Facebook friends "spread" the his Facebook posting "far and wide," Judge Allred violated Canon 2A, which provides: "A judge should ... conduct himself at all times in a manner that promotes public confidence in the ... impartiality of the judiciary."

3. By making public comments on his Facebook page and in his e-mail sent to all state court judges about contempt proceedings then pending against Lawyer A and 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."

4. By making public comments on his Facebook page and in his e-mail sent to all state court judges about contempt proceedings then pending against Lawyer A and 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."

This Court regards Judge Allred's conduct under these circumstances as serious violations of judicial ethics.

This Court, in arriving at the decision to issue a reprimand and censure to Judge Allred, rather than a more serious sanction, considered that Judge Allred, when confronted with his misconduct, admitted the same and its wrongfulness, and has before this Court acknowledged such misconduct and has agreed, in addition to being publicly reprimanded and censured, to send an e-mail apology, approved by the Commission and attached hereto as an exhibit, to each circuit and district judge to whom he sent his original e-mail.

In addition to this reprimand and censure, the Court further orders and directs that Judge Allred be taxed costs in the proceeding.

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.