

COURT OF THE JUDICIARY CASE NO. 48

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IN THE MATTER OF:  
EARLEAN ISAAC  
Probate Judge of Greene County, Alabama

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**FINAL JUDGMENT**

On August 3, 2016, the Alabama Judicial Inquiry Commission ("the Commission") filed a complaint with the Alabama Court of the Judiciary charging Earlean Isaac with violating the Canons of Judicial Ethics in her capacity as Probate Judge of Greene County. That same day, the Commission, with the consent of Judge Isaac, filed a motion to expedite the determination of the complaint, requesting that this matter be set for a hearing on August 8, 2016. This Court granted the motion to expedite.

Pursuant to Rule 10, Rules of Procedure of the Judicial Inquiry Commission, the Commission and Judge Isaac have jointly moved to resolve the charges of the complaint following a public hearing in accordance with Art. VI, § 157, Ala. Const. 1901 (Off. Recomp.). The Commission and Judge Isaac have waived any right under the requirement of Rule 10, R.P. Ala. Ct. Jud., that the alternate-dispute-resolution hearing be held more than 10 days before any trial set by the

Court of the Judiciary. Further, Judge Isaac has expressly waived (1) her right under Rule 5, R.P. Ala. Ct. Jud., to file an answer or other responsive pleading to the complaint; (2) her right under Rule 8, R.P. Ala. Ct. Jud., to 30 days' notice of the date and time for a hearing of the complaint; and (3) her right of appeal under Art. VI, § 157, Ala. Const. 1901 (Off. Recomp.).

The complaint alleges, in relevant part, the following:

"1. Judge Isaac was first elected as Probate Judge of Greene County in 1989. In 2012, she was re-elected to her fifth term which expires in 2018. Greene County has only one probate judge.

"2. Judge Isaac violated the Alabama Canons of Judicial Ethics by presiding over and by failing to disqualify herself from a case involving the probate of her father's estate in which she and her siblings were heirs. Her failure to disqualify and her participation as a judge in this case resulted in the following violations: her entering into ex parte communications with others, including her siblings; her obtaining waivers outside the court and outside the presence of all parties or their attorneys; her notarizing documents that she knew or should have known would be filed in a proceeding before her; her directing the administratrix/her sister as to who she thought should and should not be included as heirs; her directing her attorney to request a class-action check be sent to the probate office; her inserting her personal knowledge of facts and family history into the case; her misusing her status as a judge to preempt tasks normally reserved for the personal representative of an estate; and her co-mingled status as party and judge, abandoning her post as an impartial arbiter. The potential damage visited upon the judiciary by the above is

significant."

The complaint includes several pages of factual allegations detailing the conduct and circumstances that resulted in this matter being filed. The complaint alleges four specific charges against Judge Isaac.

Charge I alleges:

"Judge Isaac, while serving as a Probate Judge for Greene County, Alabama, by presiding over a proceeding in which she was disqualified in that her sister was the petitioner and Judge Isaac and their siblings were heirs in the probate of her father's estate under the circumstances described in Paragraphs 1 through 31 of this Complaint, violated [Canons 1, 2, 2A, 2B, 2C, 3C(1), 3C(1)(a), 3C(1)(d)(i), 3C(1)(d)(ii), and 3C(1)(d)(iii)] ... of the Alabama Canons of Judicial Ethics."

Charge II alleges:

"Judge Isaac, while serving as a Probate Judge for Greene County, Alabama, under the circumstances described in Paragraphs 1 through 34 of this Complaint, and being admittedly unaware of certain Canons and/or their application, violated [Canons 1 and 3A] ... of the Alabama Canons of Judicial Ethics."

Charge III alleges:

"Judge Isaac, while serving as a Probate Judge for Greene County, Alabama, under the circumstances described in Paragraphs 1 through 34 of this Complaint, and particularly by entering into ex parte communications with her siblings in obtaining her siblings' waivers outside the court and outside the presence of all parties or their attorneys, and by notarizing documents that she knew or should have known would be filed in a proceeding before her,

violated [Canons 1, 2, 2A, 2B, and 3A(4)] ... of the Alabama Canons of Judicial Ethics."

Charge IV alleges:

"Judge Isaac, while serving as a Probate Judge for Greene County, Alabama, under the circumstances described in Paragraphs 1 through 34 of this Complaint, and particularly by entering into ex parte communications with others including her siblings, by directing her administratrix/sister as to who should and should not be included as heirs, by directing her attorney to request the Black Farmers Litigation check be sent to the probate office, by inserting her personal knowledge of facts and family history into the case, by misusing her status as a judge to preempt tasks normally reserved for the personal representative of an estate, and by personally obtaining waivers outside the court and outside the presence of all parties or their attorneys, co-mingled her status as party and judge, and abandoned her post as an impartial arbiter in violation of [Canons 1, 2, 2A, 2B, and 2C] ... of the Alabama Canons of Judicial Ethics."

According to the joint motion filed with this Court, Judge Isaac agrees that the complaint accurately states the facts upon which this proceeding is based and that the Commission could prove by clear and convincing evidence all the facts alleged in the complaint. Specifically, Judge Isaac agrees the Commission could prove the following:

"a. As the only judge in the Probate Court of Greene County, Alabama, Judge Isaac presided over the administration of her father's estate in which she had a financial interest as an heir and in which her sister was administratrix;

"b. As part of a clear pattern of similar

conduct, Judge Isaac also presided over the administration of an estate in which her nephew, Jeffrey Moore, Sr., was a possible heir, and ruled on a petition for legitimation filed by her sister;

"c. Judge Isaac shed any semblance of impartiality when, prior to the Letters of Administration even being issued in her father's estate, she advised the future administratrix, her sister, as to who should and should not be recognized as heirs to the estate, and continually discarded any impartiality by consistently taking positions adversarial to the administratrix throughout the probate of the estate;

"d. Judge Isaac admits a sister raised the issue of Judge Isaac's potential recusal arising from issues with Christine Turner's interest in the estate;

"e. In a personal letter to a third party, Judge Isaac misused her title as Probate Judge to give extra weight to a request for documentation concerning a debt owed by an heir's estate;

"f. On numerous occasions Judge Isaac notarized documents and forms concerning proceedings before her that potentially exposed her to being called as a witness in those same proceedings;

"g. Judge Isaac initially claimed she did not breach any Canons by presiding over her father's estate;

"h. Judge Isaac admits to having been unfamiliar with the Canons at the time of the violations;

"i. Judge Isaac admits to not having familiarized herself with the Canons after receiving the Commission's investigation letter detailing the alleged violations of the Canons under investigation;

"j. Judge Isaac, a probate judge for 27 years,

should have been familiar with the high standards expected for judicial conduct; and

"k. The actual or potential for harm to the judiciary, to the parties involved, and to the public's perception of the fairness of the judicial system was significant."

Judge Isaac has further admitted that, as alleged in the complaint, she violated numerous provisions of the Canons of Judicial Ethics, and she has consented to the sanctions recommended by the Commission in the joint motion filed with this Court.

Accordingly, in compliance with the joint motion filed by the Commission and Isaac, ORDERS the following:

1. Judge Isaac is adjudicated guilty of four charges of violating the Canons of Judicial Ethics as alleged in the complaint in this matter;
2. Judge Isaac is to immediately retire and shall never again seek through election or appointment a judicial office in the State of Alabama; and
3. Judge Isaac is taxed with the costs of this proceeding including the amount of \$806.95 incurred by the Commission.

DONE this 8th day of August, 2016.

J. MICHAEL JOINER  
CHIEF JUDGE

JOHN V. DENSON, II

JEFFREY T. BROCK

L. GWALTNEY MCCOLLUM, JR.

JAMES W. WOODROOF, JR.

LAURA PETRO

S. DAGNAL ROWE, SR.

LUCINDA SAMFORD GANNON

DARYL O. PERKINS