

COURT OF THE JUDICIARY CASE NO. 47



IN THE MATTER OF:
LEON ARCHER
Probate Judge of Tallapoosa County, Alabama

FINAL JUDGMENT

On August 3, 2016, the Alabama Judicial Inquiry Commission ("the Commission") filed a complaint with the Alabama Court of the Judiciary charging Leon Archer with violating the Canons of Judicial Ethics in his capacity as Probate Judge of Tallapoosa County. That same day, the Commission, with the consent of Judge Archer, 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 Archer 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 Archer 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 Archer has expressly waived (1) his right under Rule 5, R.P. Ala. Ct. Jud., to file an answer or other responsive pleading to the complaint; (2) his 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) his right of appeal under Art. VI, § 157, Ala. Const. 1901 (Off. Recomp.).

The complaint alleges, in relevant part, the following:

"1. Leon Archer (hereinafter 'Judge Archer') took office as a Probate Judge of Tallapoosa County, Alabama on January 12, 2013, and has continuously served in that capacity until the present date. In his capacity as Probate Judge, Judge Archer issues marriage licenses and performs marriages. Judge Archer also exercises jurisdiction over appointing guardians and setting up conservatorships.

"2. This Complaint arises out of a Facebook relationship Judge Archer developed with a woman, hereinafter referred to as 'J.T.', whom he met in his capacity as Probate Judge. The substance of the Complaint concerns sexually explicit dialogue, including sexual propositions and invitations, and photographs exchanged between Ms. J.T. and Judge Archer on the Facebook private-messaging service and over cell phone. Much of this dialogue occurred during office hours and from the office of the probate court. Although this dialogue began as a private interchange between Judge Archer and Ms. J.T., their conversations were preserved on their respective Facebook accounts and the nature of those conversations were made public when Ms. J.T. copied and released the dialogue to an Alexander City Outlook reporter.

"3. Judge Archer's conduct described in this

complaint demonstrates: a failure to uphold the high standards of conduct required of judges so that the integrity and independence of the judiciary may be preserved, a failure to avoid impropriety and the appearance of impropriety in all his activities, a failure to at all times maintain the decorum and temperance befitting his office, and a failure to avoid conduct prejudicial to the administration of justice that brings the judicial office into disrepute."

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

Charge I alleges:

"Leon Archer, Probate Judge of Tallapoosa County, Alabama, while serving in that capacity, by communicating with a woman not his wife and former litigant in his court in an explicitly sexual manner via social media, by exchanging sexually explicit material, including photographs of genitalia, breasts and buttocks, and by propositioning the woman for sexual encounters, all described conduct occurring primarily during working hours, described in paragraphs 1 through 36 of this Complaint, violated [Canons 1, 2, 2A, and 2B] ... of the Alabama Canons of Judicial Ethics."

Charge II alleges:

"Leon Archer, Probate Judge of Tallapoosa County, Alabama, while serving in that capacity, by taking and transmitting a sexually explicit photograph of himself in the Tallapoosa County Courthouse and during working hours, described in paragraph 24 of this Complaint, violated [Canons 1, 2, 2A, and 2B] ... of the Alabama Canons of Judicial Ethics."

Charge III alleges:

"Leon Archer, Probate Judge of Tallapoosa County, Alabama, while serving in that capacity, by creating and maintaining a Facebook profile titled 'Judge Leon Archer', by using a photograph of himself in his judicial robes, by identifying himself as 'probate judge of Tallapoosa County, Alabama', and by displaying photographs of official court business, described in paragraph 12 of this Complaint, Judge Archer held out as his official judicial page the Facebook profile used to communicate the sexually explicit messages at issue, violated [Canons 1, 2, 2A, and 2B] ... of the Alabama Canons of Judicial Ethics."

According to the joint motion filed with this Court, Judge Archer 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.

Further, the Commission and Judge Archer have submitted an agreed-upon statement of aggravating and mitigating factors for this Court to review. Those factors are as follows:

"Aggravating Factors

"1) The conduct occurred frequently over a one-month period.

"2) Most of Judge Archer's conduct occurred inside the courthouse during working hours.

"3) Judge Archer encouraged Ms. J.T. to call him on his direct office telephone number and invited Ms. J.T. to his office several times.

"4) The conduct occurred through Judge Archer's Facebook page, with a profile that gave the appearance of being the judge's official page, including a picture of him in his judicial robe and identifying him as 'Probate Judge of Tallapoosa County, Alabama.'

"5) Although the conduct occurred through private messaging on Facebook, every message sent by Judge Archer identified the sender as 'Judge Leon Archer.'

"6) The conduct was directed toward a former litigant in the Tallapoosa County Probate Court.

"7) The conduct was susceptible to public disclosure and was disclosed to the community due to publication in at least three news articles.

"8) Conduct of such nature endangers a judge's relationships with court staff, parties, and attorneys appearing before the judge.

"Mitigating Factors

"1) Judge Archer cooperated fully and honestly with the Commission during its investigation.

"2) Judge Archer's communications with the former litigant were not carried out during a judicial proceeding or during the performance of his official duties.

"3) The former litigant involved in the conduct did not have any matters pending before Judge Archer, and he took no official action involving her, her family or any of her interests.

"4) Judge Archer has shown remorse and there is no indication the activity will be repeated.

"5) Judge Archer understands the dangers of Facebook communications and the public nature of even 'private' messages on social media.

"6) Judge Archer has deleted his Facebook page and no longer participates in social media.

"7) The lack of vulnerability of the 'victim.'

"8) All contact between Judge Archer and the former litigant was by Facebook messaging. There was no sexual or physical contact.

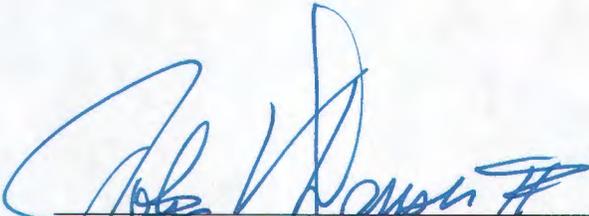
"9) Judge Archer admitted his conduct prior to any complaint being filed against him with the JIC."

Judge Archer has further admitted that, as alleged in the complaint, he violated Canons 1, 2, 2A, and 2B, and he has consented to the sanctions recommended by the Commission in the joint motion filed with this Court.

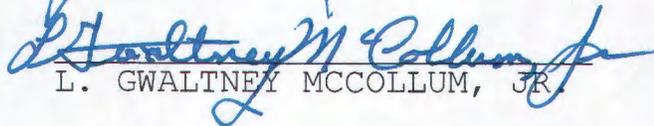
Accordingly, in compliance with the joint motion filed by the Commission and Judge Archer, ORDERS the following:

1. Judge Archer is adjudicated guilty of three charges of violating the Canons of Judicial Ethics as alleged in the complaint in this matter;
2. Judge Archer is suspended without pay for a period of 180 days, beginning on the date of entry of this order;
3. Judge Archer is taxed with the costs of this proceeding including the amount of \$995.44 incurred by the Commission; and
4. Judge Archer shall continue counseling through at least June 30, 2017, or until his counselor deems it appropriate to conclude counseling.

DONE this 8th day of August, 2016.



JOHN V. DENSON, II



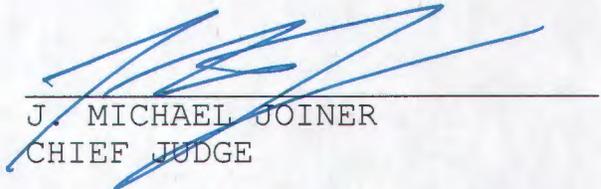
L. GWALTNEY MCCOLLUM, JR.



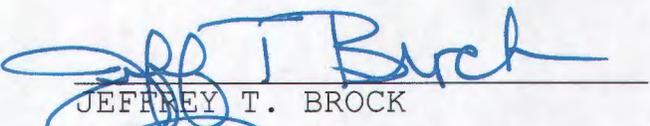
LAURA PETRO



LUCINDA SAMFORD CANNON



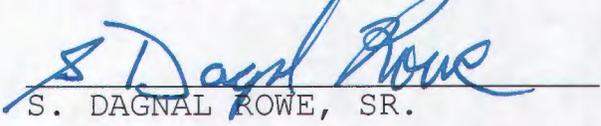
J. MICHAEL JOINER
CHIEF JUDGE



JEFFREY T. BROCK



JAMES W. WOODROOF, JR.



S. DAGNAL ROWE, SR.



DARYL O. PERKINS