



**IN THE ALABAMA COURT OF THE JUDICIARY**

**IN THE MATTER OF:**

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**KIM CHANEY  
DISTRICT JUDGE  
CULLMAN COUNTY**

**CASE NO. 56**

**FINAL JUDGMENT**

On February 18, 2020, the Alabama Judicial Inquiry Commission ( "the Commission" ) filed a complaint with the Alabama Court of the Judiciary charging Judge Kim Chaney with violating the Canons of Judicial Ethics in his capacity as a District Judge of Cullman County. Pursuant to Rule 10, Rules of Procedure of the Judicial Inquiry Commission, the Commission and Judge Chaney submitted an "Agreement and Stipulation of the Parties " in which they jointly seek to resolve the charges in the complaint following a public hearing in accordance with Art. VI, § 157, Ala . Const . 1901 (Off . Recomp.) and Rule 16, R. P. Ala. Ct. Jud. For the purposes of the agreement and if the agreement is accepted, Judge Chaney 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, among other things, that, while serving as a member of the Commission, Judge Chaney, in his capacity as a District Judge of Cullman County, appointed his son as an attorney in more than 200 indigent cases during the period from August 2015 through July 2017, for which Judge Chaney 's son was paid approximately \$105,000, exclusive of any monies paid pursuant to an indigent-defense contract. The complaint also alleges that

Judge Chaney took judicial actions in some of those cases although he was disqualified. Based on those factual allegations, the complaint alleges three specific counts against Judge Chaney.

**Count One** alleges that, by appointing his son in over 200 cases, Judge Chaney violated the following provisions of the Alabama Canons of Judicial Ethics: Canons 1, 2, 2A, 2B, 2C, and 3B(4).

**Count Two** alleges that, by improperly taking judicial action in cases in which his son was an attorney, Judge Chaney violated the following provisions of the Alabama Canons of Judicial Ethics: Canons 1, 2, 2A, 2B, and 2C.

**Count Three** alleges that, by appointing his son as an attorney in over 200 cases and by improperly taking judicial action in some of those cases, Judge Chaney established a pattern and practice of violating the following Alabama Canons of Judicial Ethics: Canons 1, 2, 2A, 2B, 2C, and 3B(4).

In the "Agreement and Stipulation of the Parties," the Commission and Judge Chaney agree and stipulate:

1. The Complaint filed by the Commission accurately states the facts upon which this proceeding is based.
2. As established by clear and convincing evidence, while serving on the Judicial Inquiry Commission, Judge Chaney appointed his son as an attorney in indigent cases in more than 200 cases during the period from August 2015 through July 2017, for which Judge Chaney's son was paid approximately \$105,000, exclusive of any monies paid pursuant to an indigent-defense contract. In addition, Judge Chaney took judicial actions in some of those cases although he was disqualified.
3. Based on the foregoing, the Commission and Judge Chaney agree to the appropriateness of the Court of the Judiciary entering a judgment finding Judge Chaney guilty on Counts I, II, and III, and therefore guilty of violating the following canons: Canon 1 (uphold the integrity and independence of the judiciary); Canon 2 (avoid impropriety); Canon 2A (respect and comply with the law and conduct himself at all times in a

manner that promotes public confidence in the integrity and impartiality of judiciary); Canon 2B (avoid conduct prejudicial to the administration of justice which brings the judicial office into disrepute); Canon 2C (should not allow his family . . . relationships to influence his judicial conduct or judgment); and Canon 3B(4) (not make unnecessary appointments); and Canon 3B(4) (avoid nepotism).

4. The Commission and Judge Chaney jointly request the following resolution of this Complaint:
  - a. Judge Chaney be adjudged guilty of Counts I, II, and III of the Complaint and has agreed to retire from the office of judge on or before February 18, 2020.
  - b. Judge Chaney be taxed with the costs of this prosecution allowed under Ala. R. Civ. P. 54, in the amount of \$ 3,731.25, to be paid within 120 days of this Court's judgment.
7. Judge Chaney has read and understands this agreement and has had the opportunity to discuss it with and be advised by his legal counsel and hereby freely and voluntarily enters into this agreement free of any threats and/or any promises not contained herein.
8. Counsel for Judge Chaney have reviewed this agreement with Judge Chaney. Judge Chaney's Counsel have advised Judge Chaney of his constitutional rights and possible defenses and hereby believe Judge Chaney is voluntarily entering into the agreement with a full understanding of the effect of the agreement.

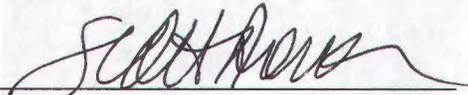
The proposal was considered by the Court of the Judiciary at a public hearing held in the Supreme Court courtroom of the Judicial Building in Montgomery, Alabama on February 24, 2020. The Court of the Judiciary accepts the proposal of the parties and hereby ORDERS the following :

1. Judge Chaney is adjudicated guilty of violating Canons 1, 2, 2A, 2B, 2C, and 3B(4) as described in the Counts One, Two, and Three of the Complaint.
2. Judge Chaney is taxed with the costs of this prosecution allowed under Ala. R. Civ. P. 54, in the amount of \$ 3,731.25, to be paid within 120

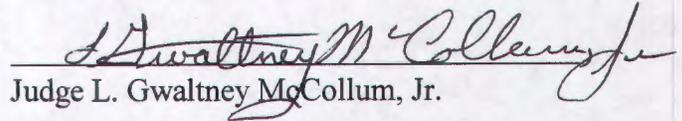
days of this Court's judgment as well as costs of the court reporter for the proceedings before the Court of the Judiciary.

Done and Ordered by the Alabama Court of the Judiciary this the 24th day of February

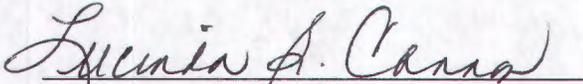
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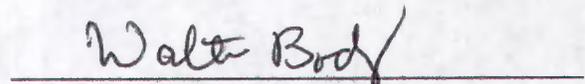
Judge Scott Donaldson,  
Chief Judge



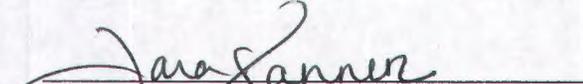
Judge L. Gwaltney McCollum, Jr.



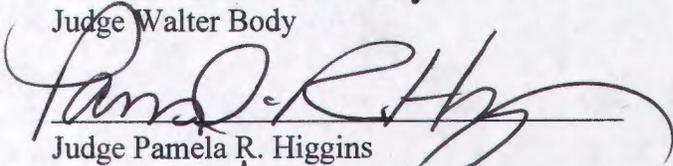
Judge Lucinda Samford Cannon



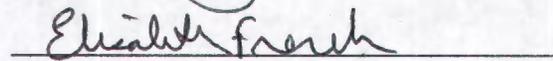
Judge Walter Body



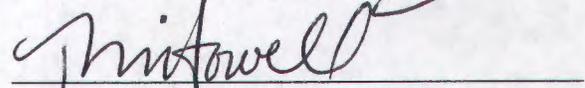
Judge Jana Russell Garner



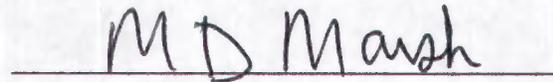
Judge Pamela R. Higgins



Judge Elizabeth A. French



Judge Brian P. Howell



Judge M. Dale Marsh