

IN THE ALABAMA COURT OF THE JUDICIARY

IN THE MATTER OF: *

TRACIE TODD *

CIRCUIT COURT JUDGE *

BIRMINGHAM DIVISION *

CRIMINAL DIVISION *

JEFFERSON COUNTY, AL *

FILED

DEC - 3 2021

COURT OF THE JUDICIARY
Rebecca C. Oates
Secretary

CASE NO. 58

FINAL JUDGMENT

On April 6, 2021, the Alabama Judicial Inquiry Commission ("the Commission") filed a complaint with this Court charging Judge Tracie Todd with violating the Canons of Judicial Ethics in her capacity as a circuit judge of the Tenth Judicial Circuit, Jefferson County, Alabama. The complaint included charges against Judge Todd for purported violations of numerous Canons.

A public trial was conducted on the record before this Court on November 15-16, 2021, and December 1-2, 2021. This Court has considered the testimony of the witnesses at trial and the documentary

and other exhibits submitted into evidence by the Commission and Judge Todd. Under Rule 10, R. P. Ala. Ct. Judiciary, the Commission must prove the allegations of the complaint against Judge Todd by "clear and convincing evidence." Also, pursuant to Rule 16, R. P. Ala. Ct. Judiciary, "[w]ith respect to all matters other than removal from office, [this Court] shall convict only with the concurrence of no fewer than six of its nine members. With respect to removal from office, [this Court] shall convict only with the concurrence of all members sitting."

The Canons of Judicial Ethics are not only guidelines for proper judicial conduct, the Canons also "have the force and effect of law." In re Sheffield, 465 So. 2d 350, 355 (Ala. 1984). The Canons that the Commission has alleged Judge Todd violated are as follows:

CANON 1.

"... A judge ... should [herself] observe[] high standards of conduct so that the integrity and independence of the judiciary may be preserved. ..."

CANON 2.

"A. A judge ... should conduct [herself] at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

"B. A judge should at all times maintain the decorum and temperance befitting [her] office and should avoid conduct

prejudicial to the administration of justice which brings the judicial office into disrepute."

CANON 3.

"A. Adjudicative Responsibilities.

"(1) A judge should be faithful to the law and maintain professional competence in it. [She] should be unswayed by partisan interests, public clamor, or fear of criticism.

"....

"(3) A judge should be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, and others with whom [she] deals in [her] official capacity

"(4) A judge should accord to every person who is legally interested in a proceeding, or his lawyer, full right to be heard according to law

"....

"B. Administrative responsibilities.

"(1) A judge should ... facilitate the performance of the administrative responsibilities of other judges and court officials.

"....

"C. Disqualification.

"(1) A judge should disqualify [herself] in a proceeding in which [her] disqualification is required by law or [her] impartiality might reasonably be questioned, including but not limited to instances where:

"(a) [She] has ... personal knowledge of disputed evidentiary facts concerning the proceeding[.]"

After considering the testimony and evidence, the charges alleged by the Commission in the complaint, and applicable law, this Court concludes:

1. That Judge Todd has violated Canons 1, 2.A., 2.B., 3.A.(1), and 3.C.(1) by repeatedly disregarding the law as set forth in decisions of the Alabama appellate courts and by defying and disregarding orders and decisions of the Alabama Court of Criminal Appeals, including those ordering her recusal.

2. That Judge Todd has violated Canons 1, 2.A., and 2.B. by making inappropriate statements regarding the Alabama judiciary, including, for example, statements in her March 3, 2016, order suggesting that the judiciary in Alabama is politically corrupt, that court-appointed attorney assignments are based on political contributions to judicial campaigns, and that "[a]n appeal to the higher courts in Alabama on behalf of a capital defendant sentenced to death by judicial override is ceremonial at best."

3. That Judge Todd has violated Canons 1, 2.A., 2.B., 3.A.(1), and 3.A.(4) by engaging in extrajudicial factual investigations, by making findings of fact regarding matters as to which no evidence was presented, and by inappropriately inserting legal issues not raised by the parties, thereby

abandoning her role as a neutral arbiter and becoming an advocate for defendants, her own judicial rulings, and her personal opinions.

4. That Judge Todd has violated Canons 1, 2.A., and 2.B. by questioning an attorney in her courtroom regarding his contributions to her political opponent's campaign in a matter in which such contributions were not at issue and were not raised by any party, thereby creating at least the appearance of impropriety.

This Court finds that Judge Todd's conduct is without reasonable excuse or justification and hereby sanctions her for violating the aforementioned Canons. To that end, this Court orders the following:

Judge Todd is hereby suspended, without pay, for a period of 90 days. Because Judge Todd has been disqualified from serving for the last eight months, with pay, or since April 6, 2021, the date the complaint was filed with this Court, she is to be reinstated to service on Monday, December 6, 2021. She shall serve without pay for 90 days from that date. On the 91st day following her reinstatement to service, she will be restored to full pay. Judge Todd is also taxed with the Court of the Judiciary's costs for this proceeding.

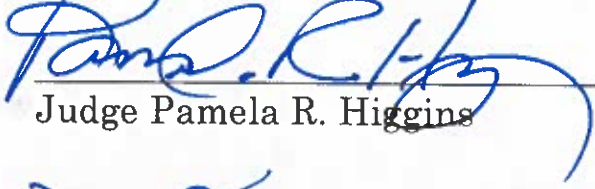
Done this the 3rd day of December, 2021.



Christy O. Edwards
Chief Judge



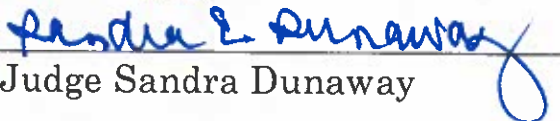
Judge Elisabeth A. French



Judge Pamela R. Higgins



Judge Jana Russell Garner



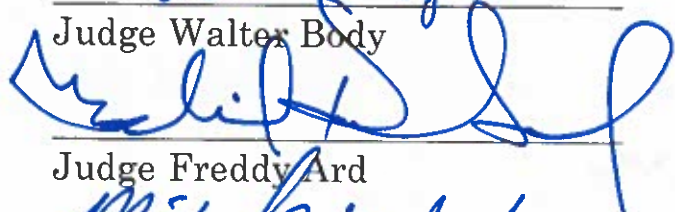
Judge Sandra Dunaway



Judge J. Clark Stankoski



Judge Walter Body



Judge Freddy Ard



Judge Michael E. Upchurch