

IN THE ALABAMA COURT OF THE JUDICIARY

FILED

APR 23 2021

COURT OF THE JUDICIARY
Rebecca C. Oates
Secretary

IN THE MATTER OF:

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CLIFTON S. PRICE, II
MUNICIPAL JUDGE,
LEEDS, AL

CASE NO. _____

COMPLAINT

The Judicial Inquiry Commission of the State of Alabama (hereinafter “the Commission”) files this Complaint against Judge Clifton Price (hereinafter “Judge Price”), Municipal Judge of Leeds, Alabama. The Commission alleges and charges as follows:

I. Introduction

1. Judge Price took office as Municipal Court Judge of Leeds, Alabama in 2016. He previously served in that capacity from 2000 to 2008.

2. Judge Price is a part-time municipal judge, serving three Friday mornings a month.

3. During a traffic-ticket case on February 21, 2020, Judge Price—while on the bench and dressed in his judicial robe—lost his temper; yelled profanity; threatened the defendant that he would take

action against her if she sued his adult son; and called the defendant multiple disparaging names.¹

4. This Complaint charges Judge Price with violations of the Alabama Canons of Ethics for indecorous and discourteous behavior and for allowing family relationship to improperly influence his judicial conduct. Judge Price’s conduct has, not only brought the judicial office into disrepute, but also degraded the public confidence in the integrity of the judiciary.² This conduct has compromised the dignity and decorum of the Court.

II. Facts

¹Implicit in all allegations regarding any oral statement in this Complaint is “or any words to that effect.”

² In reprimanding a judge for treating a litigant discourteously and impatiently, the Supreme Court of Florida stated:

We take this opportunity to remind ourselves as judges that tyranny is nothing more than ill-used power. We recognize that it is easy . . . to lose one’s judicial temper, but judges must recognize the gross unfairness of becoming a combatant with a party. . . . The disparity in power between a judge and a litigant requires that a judge treat a litigant with courtesy, patience, and understanding. Conduct reminiscent of the playground bully of our childhood is improper and unnecessary.

In re Eastmoore, 504 So. 2d 756, 756 (Fla. 1978).

5. According to Ms. Kimberly Farranto, while she was a waitress at the Waffle House in the summer of 2018, an unknown person driving a vehicle in the Waffle House parking lot hit her vehicle, and immediately left the scene. She learned the name of a passenger in the vehicle from the credit-card receipt for the passenger's payment of his meal.

6. On February 21, 2020, Judge Price presided over a trial docket in the municipal courtroom of Leeds, Alabama. He was sitting at an elevated judicial bench and wearing his judicial robe during that court session.

7. Present in the courtroom for the trial docket were Police Chief Jim Atkinson, City Prosecutor Lee Barnes, Public Defender Moses Stone, Court Clerk and Chief Magistrate Laura Roberts, Assistant Court Magistrates Melanie Nava and Joy Moman, Leeds police officers, the CRO officer, a municipal assistant building inspector, defendants, witnesses, and others.

8. Ms. Farranto was a defendant on that docket (for driving with a suspended license), and she represented herself.

9. While Ms. Farranto waited to be called for her case, she determined that the passenger, in the vehicle that had allegedly hit her car in 2018, was probably Judge Price's son.³

10. After Ms. Farranto was called to the lectern for the trial of her case, she attempted to explain to Judge Price that she had been doing some research and thought that Judge Price should recuse from her case.

11. Then, Ms. Farranto asked Judge Price if a certain individual is his son, for which Judge Price answered affirmatively.

12. After Judge Price inquired as to why he should recuse, Ms. Farranto explained that her vehicle, which was parked in the Waffle House parking lot was hit by the driver of a vehicle that left the scene; Judge Price's son was a passenger; and she probably was going to sue Judge Price's son to obtain the name of the driver of the vehicle.

³ Ms. Farranto did not know Judge Price's name until she saw his name plate on the bench. Presumably, she researched any connection between Judge Price and the passenger by way of her cellular telephone.

13. Judge Price interrupted Ms. Farranto and was very angry. He screamed at her that, if she went after his son, he would sue “her ass.”⁴

14. Ms. Farranto tried to explain again. She stated, “I don't have anything against your son. I just need to know the name of the driver -- he was in a car, and I was in an accident with that car, and I just need to know the name of the driver, and the only name I have is your son's.”

15. Continuing in a loud voice, Judge Price responded, “Oh yeah, I know who you are. You're the lady that likes to flim-flam people.”

16. Ms. Farranto replied that she was not and then stated that she was going to sue Judge Price's son.

17. Judge Price yelled at her threateningly, “If you sue my son, I will bust your ass.” Judge Price's face was very red.

18. Ms. Farranto stated, “I want the Court to make a record that I was just threatened.”

19. Judge Price responded, “We are not a court of record.”

⁴ At the time of the alleged accident, Judge Price's son was approximately 27 years old.

20. During their continued discussion of the accident at the Waffle House, Judge Price yelled at Ms. Farranto, "You're a G*d d**n liar."

21. Both City Prosecutor Barnes and Court Clerk/Chief Magistrate Roberts tried to intervene and diffuse the situation but to no avail. Ms. Roberts tried twice. Mr. Barnes even got up and walked toward Judge Price, but he could not divert Judge Price's attention, so he sat back down.

22. When Ms. Farranto told Judge Price that she would do whatever was necessary to obtain the information she needed, Judge Price shouted at her, "Let me tell you something, lady. If you mess with my son, I'll bust your ass. Do you hear me? I'll bust your ass." (Judge Price's testimony before the Commission, R. 10.)

23. Judge Price asked Ms. Farranto in a loud voice if she was the "Waffle woman" who tries to sue a lot of people, and Ms. Farranto responded that she does not.

24. Ms. Farranto again requested the driver's name, saying, "All I want is who was driving the car." This time, Judge Price said, "I'll give you the name of the driver, but you better not mess with my son." After

he provided Ms. Farranto a name, he said, “You’re nothing but a scam flim-flam artist.”

25. Judge Price concluded, “You can leave. Just go on. We’ll get you another judge.” (Judge Price’s testimony before the Commission, R. 10, 14.) He recused from Ms. Farranto’s case.

26. Ms. Farranto proceeded to the bench, and Court Clerk/Magistrate Roberts gave Ms. Farranto a new court date.

27. Then, Ms. Farranto thanked Judge Price for giving her the driver’s name and left the courtroom.

28. Throughout the entire exchange between Judge Price and Ms. Farranto, Ms. Farranto did not raise her voice, get upset, or act rudely.

29. After Ms. Farranto left, Judge Price leaned over to Court Clerk/Chief Magistrate Roberts and stated, “Ms. Roberts, I think I might have lost my cool.” She responded, “You think?”

30. Witnesses to the exchange were shocked, surprised, and appalled by Judge Price’s outburst.⁵ Police Chief Atkinson, who had been

⁵ In a judicial-disciplinary proceeding, the effect of inappropriate conduct on other persons is not an essential element, although it can be a relevant factor in assessing the gravity of misconduct and the appropriate sanction.

in law enforcement for 50 years, considered Judge Price's behavior very unprofessional and was very shocked by it. Court Clerk/Chief Magistrate Roberts was "scared" and "startled." Assistant Court Magistrate Moman, who had worked in courts for 30 years, had never seen a judge act that unprofessionally. She was embarrassed to be a part of the court staff that day.

31. Some court staff interpreted Judge Price's statement that he would "bust her ass" as threatening either to give Ms. Farranto the maximum fine allowed on her case or to expose her as a "scam artist."

32. That same day, City Prosecutor Barnes reported this courtroom incident to City Attorney Johnny Brunson and City Administrator Brad Watson. A few days later, Mr. Barnes also reported it to Mayor David Miller.

33. The Monday morning following the incident the previous Friday, the following persons were required to submit, to the City, written statements of the exchange between Ms. Farranto and Judge Price: Police Chief Atkinson, Court Clerk/Chief Magistrate Roberts, and Assistant Court Magistrates Nava and Moman,

34. Later, Ms. Farranto contacted City Attorney Brunson, concerning the court incident. In that conversation and in a second conversation, Mr. Brunson apologized to Ms. Farranto on behalf of the City of Leeds, and explained that Judge Price's behavior was not appropriate conduct from the City; that it did not reflect the City's values; and that the City does not feel that anyone being mistreated in court is an appropriate behavior. He also advised her that Judge Price's behavior would be addressed.

35. When Ms. Farranto first contacted City Attorney Brunson, he was undertaking to appoint a special judge to her case.

36. Although the matter was not presented in any open city-council meeting or reflected in the minutes of any meeting, i.e., it was not public, Judge Price met privately in a meeting with Councilman Eric Turner and City Attorney Brunson. In that meeting, Councilman Turner conveyed to Judge Price a verbal reprimand from the City Council, confirmed to him that the City has a zero-tolerance policy, and notified him that any future incidents would result in his removal as the municipal judge.

37. In addition, Judge Price's behavior was a topic of conversation in at least the local legal community.

III. CHARGES

CHARGE 1

INDECOROUS AND DISCOURTEOUS BEHAVIOR

38. By losing his temper in the courtroom, yelling profanity, making threats, and calling a defendant who was representing herself disparaging names—all while presiding from the bench and wearing his judicial robe, as alleged in Paragraphs 6 through 31, separately and severally, Judge Price exhibited indecorous and discourteous behavior, in violation of the following provisions of the Alabama Canons of Judicial Ethics:

Canon 1: A judge should uphold the integrity and independence of the judiciary.

A judge should participate in . . . maintaining . . . and should himself observe high standards of conduct so that the integrity and independence of the judiciary may be preserved.

Canon 2: A judge should avoid impropriety. . . in all his activities.

Canon 2A: A judge . . . should conduct himself at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

- Canon 2B: A judge should at all times maintain the decorum and temperance befitting the office and should avoid conduct prejudicial to the administration of justice which brings the judicial office into disrepute.
- Canon 3A(2): A judge should maintain order and decorum in proceedings before him.⁶
- Canon 3A(3): A judge should be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, and others with whom he deals in his official capacity⁷

⁶ In the section on Demeanor for Municipal Judges, the handbook emphasizes demeanor especially in the municipal court setting:

The judge's demeanor in the courtroom should reflect the dignity of the office. At all times, the judge should be self-confident, fair, firm, patient, and courteous. In many cases, the defendant in municipal court is a first-time offender who has little knowledge of the judicial system. Consequently, the judge should conduct court proceedings in an unhurried and dignified manner, conscious of his words and actions. The judge must remain in control of the proceedings by demonstrating impartial authority and avoiding unnecessary familiarity with attorneys, parties, and spectators.

T. Brad Bishop, Municipal Courts § 2.14 (4th ed. 2012).

⁷ Canon 3A(3) "emphasizes a judge's unique role as exemplar and guardian of the dignity of the court." Charles Gardner Geyh, James J. Alfani, & James Sample, Judicial Conduct and Ethics § 3.02 [1] (6th ed. 2020).

CHARGE 2

ALLOWING FAMILY RELATIONSHIP TO IMPROPERLY INFLUENCE JUDICIAL CONDUCT

39. By threatening a defendant from the bench during a traffic trial docket that he would take action against that defendant if the defendant sued his son, as alleged in Paragraphs 6 through 31, separately and severally, Judge Price violated the following provisions of the Alabama Canons of Judicial Ethics by:

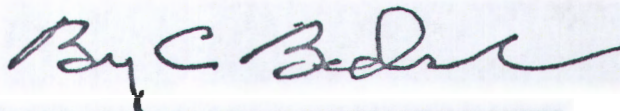
Canon 1: A judge should uphold the integrity and independence of the judiciary.

A judge should participate in . . . maintaining . . . and should himself observe high standards of conduct so that the integrity and independence of the judiciary may be preserved.

Canon 2C: A judge should not allow his family . . . to influence his judicial conduct He should not lend the prestige of his office to advance the private interests of others

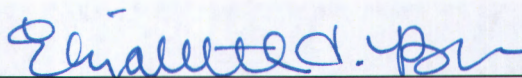
Done this 23rd day of April, 2021.

THE JUDICIAL INQUIRY COMMISSION



Billy C. Bedsole
Chairman

BY ORDER OF THE COMMISSION



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