

IN THE ALABAMA COURT OF THE JUDICIARY

FILED

JUN 15 2021

COURT OF THE JUDICIARY
Rebecca C. Oates
Secretary

IN THE MATTER OF:

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CLIFTON S. PRICE, II
MUNICIPAL JUDGE
LEEDS, ALABAMA

CASE NO. 59

FINAL JUDGMENT

On April 23, 2021, the Alabama Judicial Inquiry Commission (“the Commission”) filed a complaint with the Alabama Court of the Judiciary charging Judge Clifton S. Price, II, with violating the Canons of Judicial Ethics in his capacity as a Municipal Judge in Leeds, Alabama.

The same day it filed its complaint, the Commission, with the consent of Judge Price, filed a “Joint Motion to Set Expedited Hearing,” requesting “an order expediting the setting of the public hearing required by Article VI, § 157 of the Constitution of Alabama.” In so consenting, Judge Price expressly waived his right under Rule 5, Rules of Procedure for the Alabama Court of the Judiciary, to file an answer or other responsive pleading to the complaint and he waived his right under Rule 8, Rules of Procedure for the Alabama Court of the Judiciary, to 30 days’

notice of the date and time for a hearing of the complaint. At the hearing before the Court of the Judiciary on June 15, 2021, Judge Price again expressly waived his right to file a responsive pleading and his right to 30 days' notice of the hearing.

On June 2, 2021, the Commission and Judge Price filed a "Joint Motion of Stipulation of Evidence." Said motion stipulated that the facts outlined in the complaint filed against Judge Price would be established by clear and convincing evidence if evidence was presented to this Court.

The complaint alleges, in relevant part, that, "[d]uring 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."

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

Charge I alleges that, “[b]y 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 ..., Judge Price exhibited indecorous and discourteous behavior, in violation of [Canons 1, 2, 2A, 2B, 3A(2), and 3A(3)] of the Alabama Canons of Judicial Ethics.”

Charge II alleges that, “[b]y 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 ..., Judge Price violated [Canons 1 and 2C] of the Alabama Canons of Judicial Ethics.”

According to the “Joint Motion of Stipulation of Evidence,” Judge Price and the Commission stipulate that “the Commission can prove by clear and convincing evidence the facts as stated in the Complaint in support of the charges set forth in the Complaint.” Based upon the stipulation of the parties, this Court finds that Judge Price is guilty of Charges I and II and that he violated Canons 1, 2, 2A, 2B, 2C, 3A(2), and 3A(3), as described in the complaint. Both parties agree that the

following sanctions be included in the Court's final order upon an adjudication of guilt:

"a. Judge Price be publicly censured and, further, that public censure be issued in a newspaper of general circulation in either Jefferson, St. Clair, or Shelby county;

"b. Judge Price be ordered to complete 12 hours of judicial education, including education on judicial ethics, within 18 months;

"c. Judge Price be ordered to issue a formal written apology to [the person to which he exhibited indecorous and discourteous behavior]; and

"d. Judge Price be taxed with costs of this prosecution allowed to the Commission under Ala. R. Civ. P. 54, in the amount of \$975.55, and also taxed with the costs to the Court of the Judiciary for the court reporter's transcription of the public proceeding in that Court and for the Court's publication of a Public Censure, should it issue one."

The Court of the Judiciary considered the "Joint Motion of Stipulation of Evidence" and the proposed sanctions at a public hearing held in the Supreme Court courtroom of the Judicial Building in Montgomery, Alabama on June 15, 2021. Both parties agreed to the consideration of this matter by six or more members of the Court but less than all nine members of the Court. After giving it due consideration, this Court finds that the proposed sanctions are appropriate, but that

additional sanctions are necessary based upon the seriousness of the agreed upon violations. This Court orders as follows:

1. Judge Price is adjudged guilty of violating Canons 1, 2, 2A, 2B, 2C, 3A(2), and 3A(3), as described in Charges I and II of the complaint.

2. Judge Price shall be publicly censured in a newspaper of general circulation in Jefferson County, St. Clair County, or Shelby County, which public censure is attached to this order.

3. Judge Price shall complete 12 hours of judicial education, including education on judicial ethics, within 18 months of the issuance of the certificate of judgment.

4. Judge Price shall issue a formal written apology to the person to which he exhibited indecorous and discourteous behavior. A copy of this apology shall be provided to the Judicial Inquiry Commission within 21 days of this order being entered.


5. Judge Price is taxed with the costs of this proceeding, including the amount of \$975.55 incurred by the Commission, the costs to this Court for the court reporter's transcription of the public proceeding, and for the publication of the public censure.

6. Judge Price has already served over seven weeks of suspension from office during the pendency of this matter as required by Section 159 of the Alabama Constitution of 1901.


7. Judge Price's salary as a Municipal Court Judge in Leeds, Alabama, shall be suspended for three months. If the

City of Leeds has been paying Judge Price during his suspension from duties since the Complaint was filed on April 23, 2021, then he shall not be paid for his next three months of service as the Leeds Municipal Court Judge. If Judge Price has not been paid by the City of Leeds since April 23, 2021, then he will receive credit for that time and he shall not be paid for his continued service until July 23, 2021.

Done this 15th day of June, 2021.



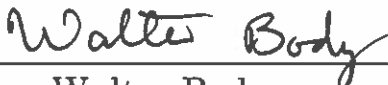
Chief Judge J. William Cole



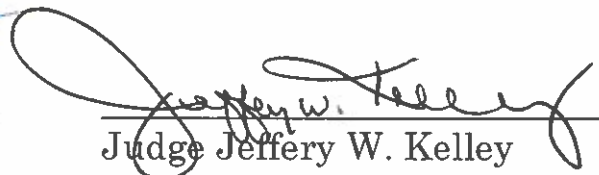
Judge Michael E. Upchurch



Judge Freddy Ard



Judge Walter Body



Judge Jeffery W. Kelley



Judge Jana Russell Garner



Judge Sandra Dunaway

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**CLIFTON S. PRICE, II
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CASE NO. 59

CENSURE

Clifton S. Price, II, a part-time municipal court judge in the Municipality of Leeds, Alabama, is hereby publicly censured by the Alabama Court of the Judiciary.

The Alabama Court of the Judiciary is a constitutionally created judicial body that is convened to hear complaints filed by the Alabama Judicial Inquiry Commission pertaining to alleged violations of the Alabama Canons of Judicial Ethics. Those Canons were adopted by our Alabama Supreme Court “as a code for judges and a declaration of that which the people of the State of Alabama have a right to expect of them.” Preamble, Ala. Canons of Judicial Ethics.

On June 15, 2021, the Alabama Court of the Judiciary convened, in a public hearing, to consider a complaint filed by the Alabama Judicial

Inquiry Commission charging Judge Price with violating the Canons of Judicial Ethics and to also consider the “Joint Motion of Stipulation of Evidence” submitted by the parties.

The Alabama Court of the Judiciary accepted Judge Price’s admissions, found Judge Price guilty of violating the Canons of Judicial Ethics by the following conduct: On February 21, 2020, during a traffic-ticket case of a defendant who was representing herself: (1) losing his temper, yelling profanity, making threats, and called the defendant disparaging names—all while presiding from the bench and wearing his judicial robe; and (2) threatening the defendant that he would take action against her if she sued his adult son.

More particularly, by such conduct, Judge Price admitted to having violated the following Canon provisions:

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.

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. ...

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

Canon 3A(2) A judge should maintain order and decorum in proceedings before him.

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 capacity. ...

Judge Price has stipulated that his demeanor was inappropriate and contrary to the required temperament of a judge. His inappropriate

conduct compromised the dignity and decorum of the Court, brought the judicial office into disrepute, and degraded the public's confidence in the impartiality and integrity of the judiciary. Because a far greater number of citizens become familiar with Alabama's court system through interaction with municipal courts than with any other type of court in our state, it is particularly critical for municipal court judges to exemplify the traits the public has a right to expect from judges.

As a result of the Alabama Court of the Judiciary finding that Judge Price has violated the Canons of Judicial Ethics, Judge Price is publicly censured. The Court has also ordered him to receive no compensation as the Leeds Municipal Court Judge for three months; to complete 12 hours' judicial education, including education of judicial ethics, within 18 months of the Court's issuance of the certificate of judgment; to issue an apology to the defendant; to pay the costs of this prosecution allowed to the Commission under Ala. R. Civ. P. 54, and to pay the costs to the Court of the Judiciary for the court reporter's transcription of the public proceedings in that Court and for the Court's publication of this censure.