

IN THE ALABAMA COURT OF THE JUDICIARY

FILED

IN THE MATTER OF: *

OCT 18 2022

TRACIE TODD *

ALABAMA COURT OF THE JUDICIARY
Nathan P. Wilson
Secretary

CIRCUIT COURT JUDGE *

CASE NO. 61

BIRMINGHAM DIVISION *

CRIMINAL DIVISION *

JEFFERSON COUNTY, AL *

FINAL JUDGMENT

On March 16, 2022, 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 four charges based on Judge Todd's purported violations of several Canons, particularly regarding her alleged failure to comply with this Court's December 3, 2021, judgment entered against her in case no. 58.

In the December 2021 judgment, this Court expressly determined that Judge Todd had, among other violations of the Canons, "def[ied] and disregard[ed] orders and decisions of the Alabama Court of Criminal Appeals." This Court sanctioned Judge Todd by suspending her, without pay, for a period of 90 days. However, in light of her lengthy suspension with pay after the Commission filed the complaint in case no. 58, this Court reinstated her and directed her to return to service beginning Monday, December 6, 2021.

In her postjudgment motion, which consisted of three separate filings, Judge Todd challenged this Court's subject-matter jurisdiction, our finding that she had violated the Canons at issue in that case, and the legality of the sanctions we imposed. As to the latter, she specifically alleged that the Court's requiring her to return to work without pay violated federal employment law, violated her rights under the United States Constitution, and possibly created legal problems implicating the constitutional rights of litigants who might appear before her. Judge Todd's

postjudgment motion was denied on December 15, 2021. She did not appeal the December 2021 judgment entered in case no. 58.

As to the present case, a public trial was conducted on the record before this Court on August 15-16, 2022, September 15-16, 2022, and October 14, 2022. Under Rule 10, R. P. Ala. Ct. Judiciary, the Commission must prove the allegations of the complaint 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."

This Court dismissed Charge 4 of the complaint at the conclusion of the Commission's case. As to Charges 1, 2, and 3 of the complaint, this Court has considered the testimony of the witnesses at trial and the exhibits submitted into evidence by the Commission and Judge Todd. Canon 1 provides that "[a] judge should participate in ... maintaining, ... and should [herself] observe, high standards of conduct so that the integrity and

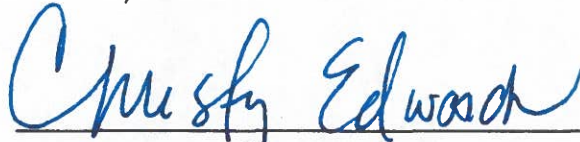
independence of the judiciary may be preserved." The commentary to Canon 1 states:

"Deference to the judgments and rulings of courts depends upon public confidence in the integrity and independence of judges. ... Public confidence in the impartiality of the judiciary is maintained by the adherence of each judge to his responsibility. Conversely, violation of the Canons diminishes public confidence in the judiciary and thereby does injury to the system of government under the law."

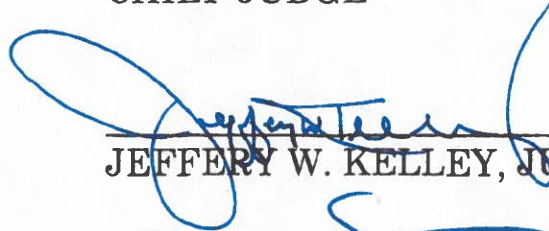
As to Charge 1 of the complaint, while not unanimous, more than six members of the Court find, based on clear and convincing evidence, that Judge Todd violated Canon 1 by refusing to fully comply with this Court's December 2021 judgment ordering her to return to service on December 6, 2021. The Court considers Charge 3 redundant, in pertinent part, and to have been subsumed under Charge 1. The Court declines to find that Charge 2 was proven by clear and convincing evidence.

Based on Judge Todd's violation of Canon 1 as alleged in Charge 1 of the complaint, Judge Todd is hereby suspended, without pay, for a period of 120 days. Judge Todd is also taxed with the Court of the Judiciary's costs for this proceeding.

DONE this the 19th day of October, 2022.



CHRISTY O. EDWARDS,
CHIEF JUDGE



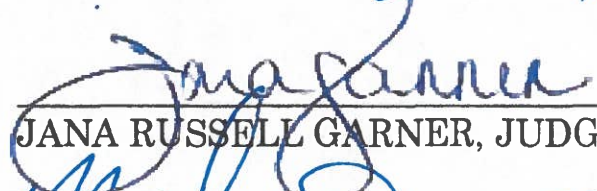
JEFFERY W. KELLEY, JUDGE



J. CLARK STANKOSKI, JUDGE



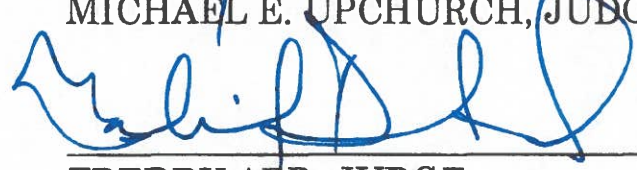
PAMELA R. HIGGINS, JUDGE



JANA RUSSELL GARNER, JUDGE



MICHAEL E. UPCHURCH, JUDGE



FREDDY ARD, JUDGE



SANDRA DUNAWAY, JUDGE



WALTER BODY, JUDGE