

IN THE ALABAMA COURT OF THE JUDICIARY

IN THE MATTER OF:

TRACIE TODD
CIRCUIT COURT JUDGE
BIRMINGHAM DIVISION
CRIMINAL DIVISION
JEFFERSON COUNTY, AL

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CASE NO. 61

FILED

MAR 17 2022

ALABAMA COURT OF THE JUDICIARY
Nathan P. Wilson
Secretary

ORDER OF RECUSAL

The undersigned has reviewed the Complaint filed in this matter. Cannon 3(C)(1), Cannons of Judicial Ethics, states that “[a] judge should disqualify himself in a proceeding in which his disqualification is required by law or his impartiality might reasonably be questioned, including but not limited to instances where: (a) He has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding.”


Although there is no actual bias in this case, when someone might reasonably question a judge’s ability to be impartial, then recusal is appropriate. The Complaint in this case involves an alleged violation of an Order entered by the Court of the Judiciary in case number 58, a previous case also involving Judge Tracie Todd. The undersigned was required to enter an Order of Recusal in case number 58. The reasons given for recusal in case number 58 include: (1) that the Complaint in that case alleged instances of “erroneous rulings,” and some of Judge Todd’s rulings mentioned in the Complaint conflict with previous rulings by the undersigned judge when I served as a circuit court judge; and (2) that after the undersigned was reappointed to serve as a circuit court judge several months after Judge Todd became a judge, my new courtroom was the only other courtroom on the floor also occupied by Judge Todd. Although it appeared to be unlikely that I would be called

as a witness for either party in that case (which would require recusal under Canon 3(C)(1)(d)(iii)), different individuals did discuss with me some occurrences during the time period in question and those conversations gave the undersigned judge “personal knowledge of disputed evidentiary facts” or facts that could potentially be disputed.

The reasons for recusal in Judge Todd’s original case would apply to this case, which involves an alleged violation of the original Order (in Case number 58) finding that Judge Todd violated the Alabama Canons of Judicial Ethics. Furthermore, the undersigned still has an office in the Jefferson County Courthouse and has prior indirect knowledge of some of the allegations included in the Complaint filed in case number 61. Thus, the undersigned has knowledge of facts that could be disputed in this case.

Although neither party has filed a motion to recuse as of today’s date, the undersigned has an affirmative duty to determine if recusal is appropriate. Based upon the foregoing particular circumstances, I find that recusal is required, and I hereby recuse from this matter.

Done this the 17th day of March, 2022.



J. William Cole
Chief Judge
Alabama Court of the Judiciary