

OCT 27 2022

IN THE ALABAMA COURT OF THE JUDICIARY

ALABAMA COURT OF THE JUDICIARY  
Nathan P. Wilson  
Secretary

IN THE MATTER OF:

\*  
\*  
\*  
\*  
\*

JAMES T. PATTERSON  
CIRCUIT JUDGE  
MOBILE COUNTY

CASE NO. 62

FINAL JUDGMENT

On June 15, 2022, the Alabama Judicial Inquiry Commission (“the Commission”) filed a complaint with the Alabama Court of the Judiciary charging Judge James T. Patterson with violating the Canons of Judicial Ethics in his capacity as a Circuit Court Judge in Mobile, Alabama. On July 11, 2022, Judge Patterson answered the complaint and filed a request for alternative dispute resolution under Rule 10, Rules of Procedure of the Judicial Inquiry Commission.

On September 21, 2022, the Commission and Judge Patterson submitted an "Agreement and Stipulation of the Parties," in which they jointly seek to resolve the charges in the complaint following a public hearing in accordance with Art. VI, § 157, Ala. Const. 1901 (Off. Recomp.) and Rule 16, Rules of Procedure for the Alabama Court of the Judiciary. As part of the agreement, Judge Patterson expressly waived his right to 30 days’ notice of the date and time for a hearing of the complaint, and

waived his right to appeal under Article IV, § 157, Ala. Const. 1901 (Off. Recomp.).

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 Patterson:

Charge I alleges that, “[b]y exhibiting inappropriate demeanor and temperament ... Judge Patterson violated [Canons 1, 2A, 2B, 3A(2), and 3A(3)] of the Alabama Canons of Judicial Ethics by making denigrating comments about the Governor of the State and the presiding judge of the circuit, using cuss words and/or profanity, and making otherwise highly inappropriate comments.”

Charge II alleges that, “[b]y abusing his judicial authority ... Judge Patterson violated [Canons 1, 2A, 2B, 3A(1), and 3A(4)] of the Alabama Canons of Judicial Ethics by declaring acts and statutes regarding court fees unconstitutional and issuing an order redirecting court funds to address budgetary concerns, thereby denying the full right to be heard belonging to every person legally interested in a proceeding.”

According to their joint agreement, Judge Patterson and the Commission stipulate that the complaint “accurately states the facts upon which this proceeding is based” and that the Commission could establish those facts “by clear and convincing evidence.” This includes an agreement that “[b]efore, during and after official court proceedings, and when issuing orders, Judge Patterson has demonstrated inappropriate demeanor and temperament [and] he has subjected attorneys, litigants, jurors, potential jurors, and court staff to this [inappropriate] behavior.” Additionally, Judge Patterson admits that he is guilty of Charges I and II and that he has violated the Alabama Canons of Judicial Ethics, as described in the complaint. The parties have requested that this Court enter a judgment to that effect. Both parties also agree that, at a trial of this matter, Judge Patterson would offer “clear and convincing evidence” of certain mitigating facts including that his behavior did not constitute a crime, his behavior was not motivated by personal or monetary gain, that his motives in addressing court funding were appropriate, albeit misguided, and that he cooperated with the Commission’s investigation. The parties also agree that the Commission would offer “clear and convincing evidence” of certain

aggravating facts, including the prejudicial effect of Judge Patterson's conduct upon the judiciary.

The parties agree to the following resolution:

"a. Judge Patterson be adjudged guilty of the Charges in the Complaint;

"b. Judge Patterson be publicly censured and, further, that public censure be issued in a newspaper of general circulation in Mobile County;

"c. Judge Patterson be ordered to complete 15 hours of judicial education on judicial ethics as approved and/or recommend by the Commission within 12 months at Judge Patterson's expense, to include at least 3 hours of training focused on cultural sensitivity;

"d. Judge Patterson be ordered to read and review weekly emails forwarded to him by the Commission from the National Center for Judicial Ethics for 6 months;

"e. Judge Patterson will consult and meet at a minimum monthly for at least six months with another judge as a mentor concerning various issues, with the mentor to be approved and/or recommended by the Commission. The mentor judge shall submit to the Commission a report of Judge Patterson's compliance with the Canons and the mentorship every 2 months;

"f. Judge Patterson be ordered to refrain from engaging in joking or other inappropriate or offensive colloquies with litigants, attorneys, or court staff while in the courtroom or with anyone in other public settings in the courthouse, and further refrain from the use of profanity or off-color language in the courthouse, including in chambers or other private settings therein;

“g. Judge Patterson be suspended without pay for a period of 45 days, to begin immediately upon acceptance of this Agreement by the Court of the Judiciary;

“h. Because Judge Patterson has been disqualified from service with pay since June 15, 2022, Judge Patterson and the Commission agree that he is to be reinstated to service without pay upon acceptance of the Agreement by the Court of the Judiciary and will be restored to pay on his 46th day of service; and

“i. Judge Patterson be taxed with the costs of this prosecution allowed to the Commission under Ala. R. Civ. P. 54, in the amount of \$2,741.60, 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 agreement and the proposed resolution at a public hearing held in the Supreme Court courtroom of the Heflin-Torbert Judicial Building on October 27, 2022. After giving it due consideration, this Court accepts the parties’ proposed resolution and hereby orders the following:

1. Judge Patterson is adjudged guilty of the Charges in the Complaint.
2. Judge Patterson is publicly censured and, further, that public censure will be issued in a newspaper of general circulation in Mobile county.

3. Judge Patterson is ordered to complete 15 hours of judicial education on judicial ethics as approved and/or recommend by the Commission within 12 months at Judge Patterson's expense, to include at least 3 hours of training focused on cultural sensitivity.

4. Judge Patterson is ordered to read and review weekly emails forwarded to him by the Commission from the National Center for Judicial Ethics for 6 months.

5. Judge Patterson shall consult and meet at a minimum monthly for at least 6 months with another judge as a mentor concerning various issues, with the mentor to be approved and/or recommended by the Commission. The mentor judge shall submit to the Commission a report of Judge Patterson's compliance with the Canons and the mentorship every 2 months.

6. Judge Patterson is ordered to refrain from engaging in joking or other inappropriate or offensive colloquies with litigants, attorneys, or court staff while in the courtroom or with anyone in other public settings in the courthouse, and further refrain from the use of profanity or off-color language in the courthouse, including in chambers or other private settings therein.

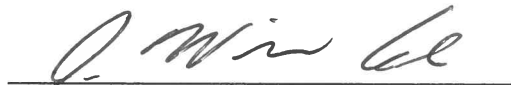
7. Judge Patterson is suspended without pay for a period of 45 days, to begin immediately.

8. Because Judge Patterson has been disqualified from service with pay since June 15, 2022, Judge Patterson is immediately reinstated to service without pay and will be restored to pay on his 46th day of service.

9. Judge Patterson is taxed with the costs of this prosecution allowed to the Commission under Ala. R. Civ. P. 54, in the amount of \$2,741.60, 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.


Ordered this the 27th day of October, 2022.

  
Chief Judge J. William Cole

  
Judge Elisabeth A. French

  
Judge Pamela R. Higgins

  
Judge J. Kevin Moulton

  
Judge Freddy Ard

  
Judge Sandra Dunaway

  
Judge Jana Russell Garner

  
Judge Walter Body

  
Judge Edwin Lamberth