

IN THE ALABAMA COURT OF THE JUDICIARY

FILED

IN THE MATTER OF:

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EDMOND G. NAMAN
CIRCUIT JUDGE,
MOBILE COUNTY, AL

CASE NO. 64

FEB 27 2023

ALABAMA COURT OF THE JUDICIARY
Nathan P. Wilson
Secretary

COMPLAINT

The Judicial Inquiry Commission of the State of Alabama (hereinafter “the Commission”) files this Complaint against Circuit Judge Edmond Naman (hereinafter “Judge Naman”), Presiding Juvenile Court Judge for the Thirteenth Judicial Circuit of Mobile County, Alabama. The Commission alleges and charges as follows:

Facts

1. Judge Naman has served as a circuit judge for the juvenile court since 2007 and is currently serving his third term.
2. This Complaint charges Judge Naman with violations of the Alabama Canons of Judicial Ethics by using his appointment authority to appoint his brother-in-law, on numerous occasions over a period of eleven years, to juvenile-court indigent cases, for which his brother-in-law received substantial compensation.¹

¹ Canon 3B(4), Alabama Canons of Judicial Ethics, provides in part:

3. The years-long practice for the judges in the Thirteenth Judicial Circuit's juvenile court has been to appoint attorneys to cover a day's docket, i.e., not to individual cases. Therefore, an attorney appointed to a day's docket would not handle the cases on that docket to their conclusion; he or she would be appointed to them for that day only. Thus, each juvenile case could generate multiple appointments—a different attorney for each hearing or stage of that case.

4. Beginning in the fiscal year 2008 and continuing until early fiscal year 2019 when Judge Naman received the complaint filed with the Commission underlying this charge, Judge Naman appointed the spouse of Judge Naman's sister, i.e., his brother-in-law, an attorney practicing in Mobile County, to numerous dockets. Those appointments over that eleven-year period constitute a pattern and practice of Judge Naman's use of his appointment authority to appoint a relative.

"A judge should not make unnecessary appointments. He should exercise his power of appointment only on the basis of merit, avoiding nepotism and favoritism." Further, the Commentary for Canon 3B(4) provides, "Consent by the parties to an appointment . . . does not relieve the judge of the obligation prescribed by this subsection." The Commission has long advised that a judge may not appoint an attorney who is related to the judge or the judge's spouse within the fourth degree of consanguinity or affinity. See Alabama Advisory Opinions 80-91, 82-138, 87-316 thru -319, 99-742, and 06-865.

5. Judge Naman appointed his brother-in-law to represent indigent children on the daily arraignment docket for one week each month; the disposition docket one day a month; and, beginning in 2014, the “gun court” docket, for Judge Naman’s post-adjudication monitoring of children who have been adjudicated as having committed a gun crime. The “gun court” convened once a week for approximately one hour.

Charge

PATTERN AND PRACTICE OF APPOINTING BROTHER-IN-LAW

6. Judge Naman violated the following provision of the Alabama Canons of Judicial Ethics, as alleged in Paragraphs 2 through 5, separately and severally, by his pattern and practice of using his appointment authority to appoint a relative, i.e., his brother-in-law, as an attorney in indigent juvenile cases:

Canon 3B(4): [A judge] should exercise his power of appointment only on the basis of merit, avoiding nepotism and favoritism.

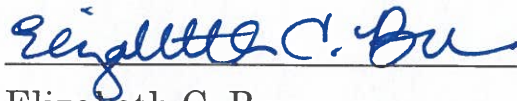
Done this 27th day of February, 2023.

THE JUDICIAL INQUIRY COMMISSION



Maibeth Porter
Acting Chair

BY ORDER OF THE COMMISSION

A handwritten signature in blue ink, reading "Elizabeth C. Bern", is written over a horizontal line.

Elizabeth C. Bern
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