

FILED

IN THE ALABAMA COURT OF THE JUDICIARY

MAR - 2 2023

ALABAMA COURT OF THE JUDICIARY
Nathan P. Wilson
Secretary

IN THE MATTER OF:

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**EDMOND G. NAMAN
CIRCUIT JUDGE
MOBILE COUNTY**

CASE NO. 64

FINAL JUDGMENT

On February 27, 2023, the Alabama Judicial Inquiry Commission (“the Commission”) filed a complaint with the Alabama Court of the Judiciary charging Judge Edmond G. Naman with violating the Canons of Judicial Ethics in his capacity as a Circuit Court Judge in Mobile County, Alabama. On the same day the complaint was filed, the Commission and Judge Naman filed a “Joint Motion to Set Expedited Hearing” and an "Agreement and Stipulation of the Parties."

In the joint motion, Judge Naman waived his right to 30 days’ notice of the date and time for a hearing on the complaint. In their agreement and stipulation, the parties jointly seek to resolve the charges in the complaint following a public hearing in accordance with Art. VI, § 157, Ala. Const. 2022, and Rule 16, Rules of Procedure for the Alabama Court of the Judiciary.

The complaint filed by the Commission includes factual allegations, detailing the conduct and circumstances that resulted in this matter being filed, and the complaint charges Judge Naman with violating Canon 3B(4) of the Alabama Canons of Judicial Ethics “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.”

According to the agreement and stipulation, Judge Naman and the Commission stipulate that the Commission could prove the allegations alleged in the complaint “by clear and convincing evidence.” The parties also stipulate that Judge Naman’s actions constitute a violation of Cannon 3B(4). Both parties also agree that, Judge Naman would offer “clear and convincing evidence” of certain mitigating facts including that he immediately ceased appointing his brother-in-law upon receiving the complaint, that the "Commission's investigation did not produce any indicia of corruption in Judge Naman's appointments," that the Commission’s “investigation did not produce any indicia of a financial loss to the state or the judicial system as a result of [his] appointments of his brother-in-law,” that he honestly and voluntarily cooperated with the Commission’s investigation, that the appointments were made with the

motivation of ensuring that "indigent juveniles and their families received ... quality representation," that he "made no effort to be secretive about his appointments," that he "will not appoint his brother-in-law in the future," that his "service to the juvenile court and the population it serves has been exemplary," and that he has used this "experience as an opportunity to evaluate all his judicial and administrative duties through the perspective of the Canons." The parties also agree that the Commission would offer "clear and convincing evidence" of certain facts, including that Judge Naman's acts "constituted a pattern and practice" during the exercise of his official judicial duties and that his "failure to 'consider[] whatsoever that what [he] was doing was wrong' is very troubling, when juxtaposed against the continuing condemnation of nepotism by the canons, and the Commission's advisory opinions."

The parties agree to the following resolution of this matter:

"a. Judge Naman be adjudged to have violated Canon 3B(4) only; and

"b. Judge Naman be censured."

The parties also stipulate that "[a]ny remaining claims in this proceeding are dismissed with prejudice."

The Court of the Judiciary considered this joint agreement and the parties' proposed resolution at a public hearing held in the Heflin-Torbert Judicial Building on March 2, 2023. The Court takes no position on the interpretation by either party of Canon 3B(4). Although not unanimous, with the concurrence of 6 or more members of the Alabama Court of the Judiciary, this Court accepts the parties' proposed resolution and hereby orders the following:

1. Judge Naman is adjudged guilty of violating Canon 3B(4) of the Alabama Canons of Judicial Ethics.
2. Judge Naman is censured.
3. Any remaining claims in this proceeding against Judge Naman are hereby dismissed with prejudice.

Ordered this the 2nd day of March, 2023.



Chief Judge J. William Cole




Judge Elisabeth A. French



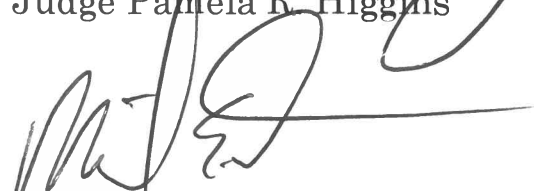
Judge J. Clark Stankoski




Judge Pamela R. Higgins




Judge Jana Russell Garner




Judge Michael E. Upchurch



Judge Walter Body



Judge Frederick D. Ard



Judge Sandra Dunaway