



Judicial Inquiry Commission

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FILING A COMPLAINT

Before filing a complaint, please read this information sheet carefully. If, after reading this, you wish to make a complaint against a judge involving ethical misconduct, you should complete the enclosed complaint form, following the instructions on the reverse side of the form.

People often contact the Commission mistakenly believing that the Commission can provide help with a legal problem. The Judicial Inquiry Commission has no power under any circumstance to change any decision made by a judge or to otherwise intervene in the conduct of a legal proceeding. The Commission and its staff also may not give legal advice or assistance to a complainant. It is the work of lawyers to advise whether grounds exist to contest a judicial decision and to provide information about and assistance with the available legal remedies.

The Judicial Inquiry Commission is part of the disciplinary system for Alabama judges. The Commission is established in the Alabama constitution as the body that investigates and prosecutes complaints of ethical misconduct or disability involving Alabama judges. Charges of ethical misconduct or disability are tried before the Court of the Judiciary, which has the power to discipline a judge through censure, suspension, removal from office or retirement.

An incorrect decision by a judge is not an ethical violation. Therefore, the Commission does not investigate judges for the correctness of their rulings. A ruling by a judge is not an ethical violation unless it was made in bad faith, that is, made out of malice, ill will, or other improper motive. If you file a complaint involving a ruling, please be sure to state the facts that lead you to believe the ruling was made in bad faith, and remember that the Commission has no power to obtain any relief for you. The Commission's only power is to determine whether to prosecute the judge for disciplinary sanction.

Under the procedural rules governing the Commission, the Commission may only investigate verified complaints. **The rules also require the Commission to send a copy of the complaint and any material provided with the complaint or thereafter to the named judge.**

The Commission carefully reviews all complaints it receives. The Commission first decides whether a complaint alleges misconduct within the Commission's jurisdiction (that is, whether the complaint alleges conduct by a judge that might violate the Alabama Canons of Judicial Ethics). If the complaint does allege ethical misconduct, the Commission then determines whether there is sufficient cause to investigate and, if there is, what investigation is appropriate. A complainant may or may not be called as a witness during a Commission investigation. A complaint may be dismissed upon initial review or at any time during an investigation if the Commission determines that a reasonable basis to charge the judge does not exist. The complainant is informed by letter of the final decision to either dismiss the matter or file charges in the Court of the Judiciary.

If you have any questions or require other information, please contact the Commission's office.

