

SC-2022-0836

In the Supreme Court of Alabama

Tiara Young Hudson,
Appellant,

v.

Kay Ivey, in her official capacity as Governor of Alabama; Patrick Tuten in his official capacity as appointee to Madison County, Alabama's Twenty-Third Judicial Circuit; and Tom Parker in his official capacity as Chair of the Judicial Resource Allocation Commission,
Appellees.

On Appeal from the Montgomery Circuit Court (CV-22-900892); Civil Appeals Court: CL-22-0936)

Motion to Disqualify Chief Justice Tom Parker

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*Motion for admission pro hac vice to
be filed.

**Appearance to be filed.

APPELLANT’S MOTION TO DISQUALIFY
CHIEF JUSTICE TOM PARKER

Plaintiff-Appellant Tiara Young Hudson hereby moves and respectfully requests this Court to disqualify Chief Justice Tom Parker from this matter.

Pursuant to Alabama Rule of Judicial Ethics Canon 3(C)(1)(a), “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. . . he has a personal bias or prejudice concerning a party.” *In re Sheffield*, 465 So. 2d 350, 355 (Ala. 1984). “The Canons are not merely guidelines for proper judicial conduct. It is well-settled that the Canons of Judicial Ethics have the force and effect of law.” *Id.*

“Recusal is required under Canon 3C(1) when ‘facts are shown which make it reasonable for members of the public or a party, or counsel opposed to question the impartiality of the judge.’” *Moore v. Alabama Jud. Inquiry Comm’n*, 234 So. 3d 458, 481 (Ala. 2017) (quoting *In re Sheffield*, 465 So. 2d at 355–56.). The Canon 3(C) test asks:

Would a person of ordinary prudence in the judge's position knowing all the facts known to the judge find that there is a reasonable basis for questioning the judge's impartiality? The question is not whether the judge was impartial in fact, but whether another person, knowing all the circumstances, might reasonably question the judge's impartiality—whether there is an appearance of impropriety.”

Id. (internal quotations omitted.).

Here, Chief Justice Tom Parker is a named defendant in this matter. He is the Chair of the Judicial Resource Allocation Commission (“JRAC”). *C_8*. As the Chair, he not only led the meeting where JRAC eliminated the Jefferson County judgeship, but also voted in favor of it. *Id.* at 8, 12. Ms. Hudson’s sole claim is that JRAC was unlawfully delegated this power to eliminate and create judgeships. *Id.* at 12, 13.

As a result of his personal involvement in the reallocation decision that is at the heart of this dispute, Chief Justice Parker’s “impartiality” “might reasonably” be questioned by “another person” if he is permitted to decide Ms. Hudson’s appeal. *Moore*, 234 So. 3d at 481. Therefore, this Court should grant Plaintiff-Appellant’s motion and disqualify Chief Justice Tom Parker.

Dated: September 27, 2022

Respectfully submitted,

/s/ Ellen Degnan

Ellen Degnan (*she/her*),

ASB-3244-I12V

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CERTIFICATE OF COMPLIANCE

I hereby certify compliance with the font and word limits as required by Rule 32(d) of the Alabama Rules of Appellate Procedure because this Motion contains 354 words and uses Century Schoolbook 14-point font.

Dated: September 27, 2022

/s/ Ellen Degnan

Ellen Degnan

Counsel for Appellants

CERTIFICATE OF SERVICE

I hereby certify that on September 27, 2022, I electronically filed the foregoing Motion with the Clerk of Court using AlaFile, which will send notification of such filing to all counsel of record.

Dated: September 27, 2022

/s/ Ellen Degnan

Ellen Degnan

Counsel for Plaintiff