



PRESS RELEASE

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THE MEMBERS OF THE ALABAMA STATE COMMITTEE OF AMERICAN COLLEGE OF TRIAL LAWYERS EXPRESS DEEP CONCERN FOR ATTACK BY CHIEF JUSTICE ROY S. MOORE ON INDEPENDENCE OF JUDICIARY

The American College of Trial Lawyers is a professional association of more than 5,000 lawyers and judges from across the United States and Canada skilled and experienced in the trial of cases and dedicated to maintaining and improving the standards of trial practice, the administration of justice, and the ethics of the profession. It is the policy of the College to undertake to address in an appropriate manner threats to judicial independence wherever they manifest themselves. The concept of judicial independence, that judges should decide cases, faithful to the law, without “fear or favor” and free from political or external pressures, remains one of the fundamental cornerstones of our political and legal systems, both federal and state. Judges know their judicial decisions will sometimes be unpopular. But the Constitution gives them a mandate, in both senses of that word, to do justice. They are mandated-required-by their oath of office to uphold the law. They also have the mandate-the protection-of the Constitution to do so despite the disapproval of their decisions by a temporal majority. Their judicial independence is necessary to enable them to do what is right.

The members of the Alabama State Committee of the College are deeply concerned with what we believe to be an unfair and unjustified criticism of the recent decision of U.S. District Judge Callie V. S. Granade concerning the unconstitutionality of the “Alabama Sanctity of Marriage Amendment” and the “Alabama Marriage Protection Act.” By letter dated January 27, 2015 to Alabama Governor Robert Bentley, Alabama Chief Justice Roy S. Moore described Judge Granade’s decision as an act of “judicial tyranny,” based on “specious pretexts,” and “issued without constitutional authority.” He further reported to Governor Bentley that he had advised Alabama Probate Judges that the issuance of marriage licenses between two members of the same sex would be “in defiance of the laws and Constitution of Alabama,” and that United States District Court decisions are not controlling authority in the Supreme Court of Alabama.



The members of our Committee take no position on whether Judge Granade's decision is correct. Her ruling is subject to review on appeal by the parties to the case and will be reversed if shown to be wrongly decided. We believe that it is improper and unfair for Chief Justice Moore to threaten the judicial independence of Judge Granade in the manner in which he has done, particularly where Judge Granade is forbidden by judicial canons from responding to the accusations made by Chief Justice Moore.