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SUPREME COURT OF ALABAMA

OCTOBER TERM, 2020-2021

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Ex parte W. Perry Hall

PETITION FOR WRIT OF MANDAMUS

(In re: Briargrove Homeowners Association, Inc., et al.

v.

DMIH, LLC, et al.)

(Mobile Circuit Court, CV-17-273)

MITCHELL, Justice.

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Attorney W. Perry Hall petitions this Court for a writ of mandamus directing the Mobile Circuit Court ("the circuit court"), Judge James Patterson presiding, to vacate its order entered on August 15, 2019 ("the order"), requiring Hall, among other things, to issue a letter of apology to his clients. We dismiss the petition as moot.

Hall represents a homeowners association and multiple individual homeowners in a Mobile subdivision in a lawsuit against the developer of that subdivision. After Hall moved to dismiss certain counterclaims asserted against those homeowners, the circuit court entered an order demanding that Hall "provide a copy of this order and a copy of Ala. R. Civ. P. Rule 19, as well as a copy of [the motion to dismiss] to [his homeowner clients], along with a letter explaining how Rule 19 works, apologizing for the invectives and sheer puffery used in this frankly scandalous pleading." (Emphasis in original.) The circuit court entered the order because it "dislike[d]" Hall's use of the phrase "forced Plaintiff's [sic]" to describe the plaintiffs, as well as other terms used in the motion to dismiss. The circuit court provided no other basis for the directives in its order.

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On August 30, 2019, Hall filed this petition for a writ of mandamus because, he says, the circuit court had exceeded its discretion by entering the order. We need not address that issue, however, because, six days later, the circuit court vacated the order after the individual homeowners were dismissed from the action by joint stipulation. It is unclear whether all the parties named in the order were dismissed before the circuit court vacated the order, but, because the order was vacated, Hall's petition is now moot.

Although we do not review whether the circuit court exceeded its discretion by entering the order, we emphasize that a judge is expected to maintain "the decorum and temperance befitting his office" and should be "patient, dignified and courteous to litigants, jurors, witnesses, lawyers, and others with whom he deals in his official capacity." Canon 2.B., Canon 3.A.(3), Canons of Judicial Ethics. This is because deference to the judgments and rules of courts depends on public confidence in the integrity and independence of judges. Canon 2.A., Canons of Judicial Ethics. "The Canons are not merely guidelines for proper judicial conduct" but have "the force and effect of law." In re Sheffield, 465 So. 2d 350, 355

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(Ala. 1984). We expect the circuit court to faithfully comply with the Canons at all times in its interaction with the litigants and attorneys who appear before it.

PETITION DISMISSED.

Parker, C.J., and Bolin, Wise, Bryan, Mendheim, and Stewart, JJ.,
concur.

Shaw and Sellers, JJ., concur in the result.