

SUPREME COURT OF ALABAMA

Ex parte Walley

950 So. 2d 1172 (Ala. 2006) · No. 1040051 · Decided September 1, 2006

SUMMARY

The Supreme Court of Alabama considered whether state agencies and individual state officers sued in their official capacities were immune under Article I, § 14 of the Alabama Constitution from claims challenging an allegedly discriminatory employment transfer. The court held that the agencies were protected by sovereign immunity, but that the claims seeking declaratory and injunctive relief against the individual officers fell within recognized exceptions to immunity because the requested relief could result in reinstatement. The petition for a writ of mandamus was denied.

CASE DETAILS

COURT	Supreme Court of Alabama
WRITING FOR THE COURT	Parker, Justice; See, Justice; Lyons, Justice; Harwood, Justice; Woodall, Justice; Stuart, Justice; Bolin, Justice; Nabers, Chief Justice
JURISDICTION	Alabama
DECIDED	September 1, 2006
DOCKET	1040051
DISPOSITION	writ_denied
PROCEDURAL POSTURE	Petition for a writ of mandamus seeking review of the Court of Civil Appeals' refusal to direct dismissal of claims against individual state officers sued in their official capacities on sovereign-immunity grounds.
STANDARD OF REVIEW	Mandamus is an extraordinary remedy available only upon a clear legal right to the requested order, an imperative duty on the respondent accompanied by refusal to perform, lack of another adequate remedy, and properly invoked jurisdiction. Mandamus may compel dismissal of a claim barred by sovereign immunity.
PRECEDENTIAL VALUE	Published opinion of the Supreme Court of Alabama; binding Alabama precedent.
PARTIES	Page B. Walley, in his capacity as commissioner of the State Department of Human Resources, Thomas Flowers, in his official

TOPICS

sovereign immunity employment discrimination retaliation writ of certiorari appellate procedure

PRACTICE AREAS

employment law civil procedure appellate procedure constitutional law administrative law civil rights

QUESTIONS PRESENTED

1. Whether the state agencies named as defendants were absolutely immune from suit under Article I, § 14, of the Alabama Constitution.
2. Whether state officers sued in their official capacities were immune under Article I, § 14, when the plaintiff sought declaratory and injunctive relief that would effectively reinstate her to her former state position.
3. Whether the petitioners established a clear legal right to a writ of mandamus directing dismissal of the action in its entirety.

HOLDINGS

1. The State of Alabama and its agencies are absolutely immune from suit in any court under Article I, § 14, of the Alabama Constitution.
2. State officers sued in their official capacities are not immune from an action seeking declaratory and injunctive relief that would require them to correct an allegedly illegal transfer and effectively reinstate the plaintiff.
3. The petition for a writ of mandamus must be denied because the petitioners did not establish a clear legal right to dismissal of the claims against the individual state officers.

KEY QUOTATIONS

“A writ of mandamus is an extraordinary form of relief.” (at 1178)

“mandamus will lie to compel the dismissal of a claim that is barred by the doctrine of sovereign immunity.”
(at 1178)

“the State of Alabama and its agencies are immune from suit in any court.” (at 1178-79)

“the wall of immunity “erected by § 14 is nearly impregnable.”” (at 1179)

FACTUAL BACKGROUND

Laura Johnson-Price, an African-American employee of the Alabama Department of Human Resources, had previously complained of racial discrimination and retaliation while serving as assistant director of the Calhoun County Department of Human Resources. After becoming director in 1998 and receiving consistently

outstanding evaluations, she was transferred in 2003 to a quality-control consultant position approximately 70 miles away, which she alleged was a retaliatory and discriminatory demotion. She sought declaratory and injunctive relief against state agencies and officers sued in their official capacities, including relief that would effectively reinstate her as director.

PROCEDURAL HISTORY

Johnson-Price filed a common-law petition for a writ of certiorari in the Montgomery Circuit Court challenging her transfer from director of the Calhoun County Department of Human Resources to a quality-control consultant position and seeking declaratory and injunctive relief. The circuit court denied the defendants' motion to dismiss or, alternatively, for summary judgment. The Court of Civil Appeals granted mandamus in part, directing dismissal of the state agencies based on sovereign immunity, but denied relief as to the individual officers. The Supreme Court of Alabama denied the petition for mandamus.

DISPOSITION

writ_denied

CASES CITED

- Ex parte Alabama Department of Mental Health & Mental Retardation, 837 So. 2d 808, 810 (Ala. 2002)
- Ex parte Puccio, 923 So. 2d 1069, 1072 (Ala. 2005)
- Ex parte McInnis, 820 So. 2d 795, 798 (Ala. 2001)
- Ex parte City of Tuskegee, 932 So. 2d 895, 900 (Ala. 2005)
- Ex parte Blankenship, 893 So. 2d 303, 305 (Ala. 2004)
- Ex parte Franklin County Department of Human Resources, 674 So. 2d 1277 (Ala. 1996)
- Haley v. Barbour County, 885 So. 2d 783, 788 (Ala. 2004)
- Ex parte Tuscaloosa County, 796 So. 2d 1100, 1103 (Ala. 2000)
- Patterson v. Gladwin Corp., 835 So. 2d 137, 142 (Ala. 2002)
- Williams v. John C. Calhoun Community College, 646 So. 2d 1, 2 (Ala. 1994)
- Phillips v. Thomas, 555 So. 2d 81, 83 (Ala. 1989)
- Mitchell v. Davis, 598 So. 2d 801, 806 (Ala. 1992)
- Milton v. Espey, 356 So. 2d 1201 (Ala. 1978)
- Aland v. Graham, 287 Ala. 226, 250 So. 2d 677, 679 (1971)
- Ex parte Carter, 395 So. 2d 65, 67-68 (Ala. 1980)
- Ex parte Town of Lowndesboro, 950 So. 2d 1203 (Ala. 2006)
- House v. Jefferson State Community College, 907 So. 2d 424, 427-28 (Ala. 2005)
- Matthews v. Alabama Agricultural & Mechanical University, 787 So. 2d 691, 698 (Ala. 2000)
- Stark v. Troy State University, 514 So. 2d 46, 50 (Ala. 1987)
- Ex parte McLeod, 718 So. 2d 682, 684 (Ala. 1997)
- Rigby v. Auburn University, 448 So. 2d 345 (Ala. 1984)

- Ex parte State Department of Human Resources, 950 So. 2d 1165 (Ala. Civ. App. 2004)

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