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IN THE MATTER OF:  
DOROTHEA BATISTE  
Circuit Judge of Jefferson County,  
Tenth Judicial Circuit of Alabama

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ORDER

On July 3, 2013, this Court entered an order ("the July 3rd order") which, in part, granted a motion filed by the JIC to quash certain subpoenas--issued at the request of Judge Batiste--directed to Judge Ben McLaughlin, Judge Randall Cole, and Augusta Dowd, all members of the JIC. Contemporaneous with the filing of the July 3rd order, Judge Batiste filed an "Opposition Response to Motion to Quash Subpoenas."

On July 8, 2013, Judge Batiste filed an "Exception to Ruling of Court, and Motion to Reinstate Subpoenas Service [sic] on Randall Cole, Ben McLauchlin [sic], and Augusta Dowd." As Judge Batiste states in her "Exception to Ruling of Court," the undersigned had previously indicated to the parties that the Court would await Judge Batiste's response to the JIC's motion to quash before ruling on the motion. In her exception, Judge Batiste objects to the timing of the July 3rd

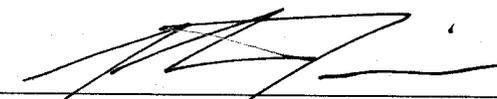
order and urges this Court to reconsider the July 3rd order in light of her opposition motion.

Judge Batiste's July 3rd response is consistent with her oral arguments of July 1, and supports the conclusion reached in the July 3rd order. Specifically, the arguments in the July 3rd response reinforce the conclusion that Judge Batiste seeks to subpoena Judge Ben McLaughlin, Judge Randall Cole, and Augusta Dowd to have those individuals testify to information gained through JIC proceedings. See Opposition Response, p. 1 (asserting that "[t]he testimony of all three []JIC members subpoenaed is critical for [Judge] Batiste on her selective prosecution defense" which asserts that "the complaint [against Judge Batiste] amounts to a form of race discrimination by the []JIC due to its disparate treatment of Judge Batiste when compared to at least two other circuit-court judges").

In light of the purpose for which Judge Batiste seeks to subpoena the three members of the JIC, the JIC's motion to quash is due to be granted. See Ala. Const. 1901, Art. VI, § 156(b) ("All proceedings of the commission shall be confidential except the filing of a complain with the Court of the Judiciary."); Rule 45(c)(3)(A)(iii), Ala. R. Civ. P. ("On

timely motion, the Court by which a subpoena was issued shall quash or modify the subpoena if it ... requires disclosure of privileged or other protected matter and no exception or waiver applies.").

After reconsidering both filings by Judge Batiste--the "Opposition Response to Motion to Quash Subpoenas" and the "Exception to Ruling of Court"--the Court hereby again grants the JIC's motion to quash for the reasons set forth above, as well as those set forth in the July 3rd order.



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J. MICHAEL JOINER  
CHIEF JUDGE  
COURT OF THE JUDICIARY

Dated: July 10, 2013