

IN THE ALABAMA COURT OF THE JUDICIARY

IN THE MATTER OF:)	
ANITA KELLY)	Court of the Judiciary
Circuit Judge,)	Case No.: 50
15 th Judicial Circuit)	



MOTION TO MODIFY ORDER GRANTING JUDGE ANITA KELLY DIGITAL ACCESS TO ALACOURT, ALACOURT PLUS, AND HER STATE E-MAIL ACCOUNT

Judge Anita Kelly respectfully moves to modify the Court’s December 4, 2017 order granting Judge Kelly and her counsel digital access to Alacourt and Alacourt Plus and to Judge Kelly’s State of Alabama e-mail account, to include not only access for her counsel but also access for counsel’s administrative staff. In support Judge Kelly shows the following:

I. Judge Kelly’s original motion for digital access:

On December 3, 2017, Judge Kelly moved for an order granting Judge Kelly and her counsel (H. Lewis Gillis, Mark Englehart, and Kristin Gillis):

“ 1) digital access to Alacourt and Alacourt Plus, to review all files, queues, and other records and information in cases in all divisions (specifically including juvenile, both dependency and delinquency cases; child support; and domestic relations) that have been assigned at some point to Judge Kelly between January 1, 2010 and the present, both a) for access to Judge Kelly’s Alacourt and Alacourt Plus account in Circuit Court and b) (for those cases assigned to Judge Kelly in which an appeal or petition for writ of mandamus or other form of appellate review was filed or taken) for Alacourt access to those matters in the Court of Civil Appeals;

and, if not already granted by the Court’s Order entered in this matter on August 31, 2017,

2) renewed digital access to Judge Kelly's State of Alabama e-mail account, anita.kelly@alacourt.gov, for the limited purpose of obtaining copies of any e-mails in that account that may be relevant to her defense in this matter."

II. The Court's order granting the motion with conditions:

Upon consideration of Judge Kelly's motion, the Court on December 4, 2017 ordered as follows:

"Upon consideration of Judge Kelly's motion, it is ORDERED as follows :

1. Judge Kelly's request for digital access is granted subject to the following conditions:
 - a. Judge Kelly is to work with the Administrative Office of Courts ("AOC ") to arrange for a time and place for Judge Kelley, accompanied by her counsel, to gain digital access to the items described above ; and
 - b. Any information obtained by Judge Kelly is subject to the protective order entered previously in this matter.
2. Judge Kelly's request for renewed digital access to her State of Alabama email account is granted for the limited purpose requested. As with the Court's granting of digital access to court files, Judge Kelly is to work with AOC to arrange for a time and place for Judge Kelly, accompanied by her counsel, to gain access to her State of Alabama email account."

III. The requested modification of the December 4, 2017 order granting digital access:

Judge Kelly requests that the digital access granted in the December 4, 2017 order be expanded to include not only access for her counsel, but also for counsel's administrative staff¹, whose assistance would be a huge asset in helping Judge Kelly and counsel review the files in the high number of individual cases (well in excess of 400) specifically identified in the amended complaint in this action. This particular request for modification arose when a staff member

¹ Counsel respectfully request, as a matter of convenience and efficiency, that their staff be granted access whether accompanied or unaccompanied by counsel, because of the likelihood that 1 of Judge Kelly's counsel may not be available all day or at all times when staff may be available to review files.

whom counsel had arranged to be present to help review files at AOC today, during a lull in activity in the courts, was not permitted access because she (admittedly) was not covered by the specific authorization in the December 4th order. Failure to include specifically such administrative staff in the original motion for digital access was an oversight on the part of undersigned counsel.

Given that high number of individual cases specifically identified and charged in the amended complaint, a modified order granting such access to Judge Kelly, her counsel, *and* her counsel's administrative staff is critical to Judge Kelly's ability to prepare for trial and to defend against the charges alleged against her in the amended complaint filed in this matter.

Respectfully submitted this 28th day of December, 2017.

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Certificate of Service

I hereby certify that a copy of the foregoing has been FILED electronically with the Court of the Judiciary and a copy of the same emailed and/or hand delivered to the person(s) shown below on this 28th day of December, 2017, as follows:

Mr. Billy C. Bedsole – Chairman
Mrs. Jenny Garrett – Executive Director
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