

IN THE ALABAMA COURT OF THE JUDICIARY

IN THE MATTER OF:

DOROTHEA BATISTE,  
JEFFERSON COUNTY CIRCUIT JUDGE

CASE NO. 43



**OPPOSITION RESPONSE TO MOTION TO STAY JUDGE BATISTE'S  
REINSTATEMENT AS A CIRCUIT JUDGE AND/OR FOR  
SUCH OTHER RELIEF AS THE COURT DEEMS APPROPRIATE**

Comes now Dorothea Batiste, and by and through her undersigned attorney, hereby submits the following "Opposition Response to the Motion to Stay Judge Batiste's Reinstatement as a Circuit Judge." As grounds therefore the undersigned shows the following:

1. Attached hereto as exhibit A is an email from Matthew Griffin, legal aide to Judge Batiste, forwarding to the undersigned attorney an earlier email from Monica Byrd, then serving as a legal aide to Judge Pate (Batiste's temporary replacement while suspended) in which it's also noted that Benita Conley (aide to Judge Houston Brown) has forwarded a memo (attached as page 2 to exhibit A) to all judges of the Jefferson County Circuit Court urging all to attend a CLE on August 22 entitled "**Understanding Contempt and Using the Writ of Habeas Corpus.**" That CLE was in the courtroom in the Mel Baile Justice Center (see attached).
2. As requested by Judge Houston Brown and transmitted through the above-named two aides, **Judge Batiste did in fact attend said CLE workshop and hereby attaches as exhibit B a copy of the CLE program on the law of contempt which she received at said CLE workshop.**
3. The undersigned has read Judge Houston Brown's affidavit. In the first paragraph, it is notable that the affiant admits the affidavit has been "**prepared and is being given at the request of the Alabama Judicial Inquiry Commission.**"
4. The undersigned conferred with Dorothea Batiste by telephone this morning, as Judge Batiste was just preparing to leave her family's home in Louisiana to travel up to Montgomery to be at the undersigned's office by 2:00 p.m., to participate in the 3:00 p.m. conference with Judge Joiner. **The undersigned read to Judge Batiste today for the first time the affidavit from Judge Houston Brown, and Judge Batiste was surprised to read the language in paragraphs 4 - 7 of said affidavit, especially in paragraph 6 where Judge Brown is quoted as saying, "At no time subsequent ... to August 6 have I been requested to agree to Judge Batiste's attendance at any similar formal judicial training or educational opportunity."**
5. **Apparently Judge Houston Brown, with so many other judges present, must have forgotten that he had eye-to-eye contact with Judge Batiste at said August 22**

**seminar described in paragraphs one and two above. In fact Judge Batiste has authorized the undersigned to state that she very well recalls seeing Judge Brown at August 22 seminar and that, while they did not speak words to one another, there was eye contact and a nodding of heads, indicating to Judge Batiste that Judge Brown knew she was there and appreciated it.**

6. The order of the court dated August 6, 2013, on page 29 states that while Judge Batiste was ordered to attend the general jurisdiction course at the National Judicial College in Reno, Nevada. However immediately afterwards the Order states that "in the event that Judge Batiste has previously attended the general jurisdiction course, Judge Batiste is hereby ordered to undertake such other training or educational course as may be agreed upon between Judge Batiste and the presiding circuit judge of Jefferson County." **It is a well known fact that Judge Batiste had already attended said Reno, Nevada seminar, as she so stated during the trial before the Court of the Judiciary on July 29-31, 2013.**
7. **Judge Batiste therefore construed Judge Houston Brown's email request of her referenced in paragraph one above (and evidenced in exhibit A) as tantamount to an agreement on his part that the seminar on August 22 on the subject of "Understanding Contempt and Using the Writ of Habeas Corpus" (or "Contempt of Court: an Overview") was an adequate replacement for the Reno, Nevada seminar, or she would have been told otherwise by Judge Brown, but she was not.**
8. **Judge Batiste acknowledges that during most of the months of September and October 2013 she was back at her family's home in the Slidell, Louisiana area attending to pressing personal medical needs. However Judge Houston Brown had her cell phone number and certainly knew how to reach her attorney Julian McPhillips in Montgomery, had he needed to reach Judge Batiste.**
9. Nonetheless, Judge Batiste maintained constant contact with Judge Houston Brown, even calling him from her hospital bed in her mother's presence. Judge Batiste spoke to Judge Brown on numerous occasions, including twice on Monday, October 28, 2013.
10. **For this court's information Judge Batiste had very serious health issues that caused her to have to go to an emergency room at Ochsner Clinic in Slidell on September 6, 2013 and remain in said hospital for the next nine days, while doctors performed surgery [REDACTED]. After that Judge Batiste continues to remain under a doctor's care in Slidell until October 5, at which point she was released by her first set of doctors. At that point a second doctor, waiting for Judge Batiste's recovery, performed [REDACTED] surgery on her on October 15, and she remained under his care until she was recently released this past Tuesday, October 29, ready to return to work. (See Exhibit E, copy of letter of November 4, 2013 from Dr. Mahmoud Daftary attached).**
11. **Judge Batiste has also been in touch with Judge Quentin Brown, another circuit**

**judge in Jefferson County unrelated to Houston Brown, who has agreed to be her continuing mentor on contempt issues and jurisprudence generally. In addition she has signed herself up for a domestic relations seminar update for November 14-15. See attached exhibit C.**

12. Moreover, Judge Batiste has attended three CLE's this year, including **2013 Judges Mid-winter Training, 2013 Birmingham Bar Bench/Bar Retreat (Ethics and Professionalism) and Understanding Contempt and Using the Writ of Habeas Corpus.** (See Exhibit D).
13. The undersigned has heard from experienced domestic relations lawyer Wayne Wheeler of Jefferson County **that the Domestic Relations court in the Birmingham division is in dire need of Judge Batiste's return, especially now that her temporary replacement, Judge Pate, has left.** Indeed even before his departure there has been a great need for Judge Batiste's return, such that Attorney Wheeler called the undersigned a couple of months ago inquiring if there was any way Judge Batiste could return sooner than her November 5 planned date of return.
14. As stated above Judge Batiste will be available on a conference call from the undersigned attorney's office with the undersigned attorney also present on this afternoon, November 4, at 4:00 p.m., and she will gladly answer any questions.

Wherefore premises considered the undersigned submits that there is no good reason why Judge Batiste should not return to her active judicial role in the Jefferson County Domestic Relations Court on November 5, 2013.

Respectfully submitted,

Dorothea Batiste

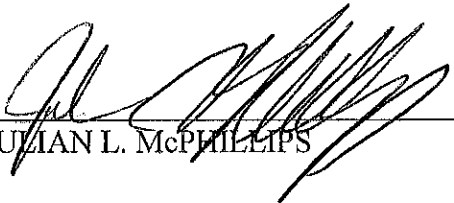
/S/Julian McPhillips  
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## CERTIFICATE OF SERVICE

I hereby certify that I have e-filed the foregoing, and have served the same, via hand-delivery and electronically upon the following, on this the 4<sup>th</sup> day of November, 2013:

Griffin Sikes, Esq.  
Alabama Judicial Inquiry Commission  
401 Adams Street  
Suite 720  
Montgomery, Alabama 36104

  
JULIAN L. McPHILLIPS