

BEFORE THE COURT OF THE JUDICIARY
OF
ALABAMA



In the Matter of)
PATRICIA D. WARNER,)
Former Circuit Judge of the) Court of the Judiciary
Fifteenth Judicial Circuit) Case No. 40
of Alabama)

Motion to Compel and To Sanction

Respondent and Former Judge Patricia D. Warner moves for an Order again directing the Alabama Judicial Inquiry Commission ("AJIC") to provide her a list of every transcribed statement that has been provided to her by AJIC and a list of every witness who appeared before AJIC. At the meeting with Justice Joiner held on September 7, 2011, Justice Joiner stated that AJIC was to provide Warner the information referenced above "within the next five days or so." On September 15, 2011, counsel for Warner wrote counsel for AJIC asking when the information would be provided. (A copy of the letter which was forwarded electronically on September 15 is attached as Exhibit One.) Counsel for Warner received two telephone calls in which counsel for AJIC promised they would provide the information right away. No information has been received.

Instead of providing the information ordered by this

Court, AJIC has initiated additional discovery through the issuance of a subpoena to appear before AJIC. Obviously, AJIC has had sufficient time to provide the information but has chosen not to.

Wherefore, Warner asks the Court to again order AJIC to provide the information directed by Justice Joiner and to sanction AJIC for the attorney's fees incurred in the drafting of the September 15, 2011 letter, the taking of subsequent telephone calls, the filing of this motion, plus participating in any subsequent hearing which may be required.

Respectfully submitted,

s/ Charles A. Dauphin
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CERTIFICATE OF SERVICE

I hereby certify that on September 23, 2011, I electronically filed the foregoing with the Court of the Judiciary of Alabama and served the following counsel by email:

Richard E. Trewhella
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/s Charles A. Dauphin
Of Counsel

Exhibit 1

BAXLEY, DILLARD, DAUPHIN, MCKNIGHT & JAMES

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September 15, 2011

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Re: Patricia D. Warner

Dear Counsel:

At the informal meeting before Judge Joiner on September 7, 2011, he stated you were to provide me "within the next five days or so," a list of every transcribed statement that has been provided and a list of every witness who appeared before the Commission. See Transcript pp. 16-19. It has now been eight days since the meeting. When will you provide me the names?

Sincerely yours,

BAXLEY, DILLARD, DAUPHIN,
MCKNIGHT & JAMES



Charles A. Dauphin

CAD:ln

cc: Patricia Warner