



IN THE MATTER OF:
PATRICIA D. WARNER
Former Circuit Judge of Montgomery County, Fifteenth
Judicial Circuit of Alabama

**ORDER ON DISCOVERY MOTIONS AND ORDER
SETTING THIS MATTER FOR A STATUS CONFERENCE**

Pending before the Court in this matter are two discovery motions filed by the respondent, Patricia D. Warner, on September 23, 2011. The first motion, styled "Motion to Compel and To Sanction," sought an order from this Court compelling the Judicial Inquiry Commission ("the JIC") to comply with this Court's September 7, 2011, order requiring the JIC (1) to provide Warner with a list of every witness who has appeared before the JIC in its investigation of Warner and (2) to provide Warner with a list of each transcript the JIC has of the testimony of those witnesses. The motion also requested that this Court sanction the JIC for having failed to provide the above information. Warner's second motion related to a notice of deposition the JIC issued on September 20, 2011; the motion sought an order prohibiting the JIC from conducting the deposition without counsel for Warner being present at the deposition.

On September 26, 2011, the Court conducted a conference

telephone call in which counsel for the JIC and counsel for the respondent participated. During that telephone call, counsel for the parties informed the Court that the JIC has provided the information that Warner sought to obtain in her motion to compel. Counsel for the JIC additionally informed the Court that the September 20, 2011, subpoena it issued sought only a copy of the deposition of an individual in a particular divorce proceeding; according to counsel for the JIC, the trial court in that divorce proceeding placed the deposition at issue under seal, and that court has not yet indicated whether it will release the particular deposition at issue.

Based on the Court's September 26, 2011, discussion with counsel during the telephone call, the Court enters the following orders:

1. Warner's motion to compel is **DENIED** as moot; the Court reserves ruling on Warner's motion for sanctions pending a final hearing in this matter;
2. Warner's motion seeking to prohibit the JIC from conducting the deposition that is the subject of its September 20, 2011, notice without counsel for Warner also being present at the deposition is **DENIED**; if the divorce court releases the deposition

at issue to the JIC, however, the JIC is ordered to provide Warner, within four business days of the JIC's receipt of the deposition, with a copy, produced at the JIC's expense, of the deposition; provided, however, nothing in this Order authorizes the release of any material that may be sealed by an order of another court of competent jurisdiction; and

3. This matter is scheduled for a status conference to be held in the law library at the Shelby County Courthouse at 10 a.m. on October 26, 2011.



J. MICHAEL JOINER
CHIEF JUDGE
COURT OF THE JUDICIARY

DATED: 9/27/2011