

IN THE COURT OF THE JUDICIARY
OF ALABAMA



IN THE MATTER OF:

GERARD JOHN DURWARD,
Municipal Judge, City of Irondale

Case No. 41

JOINT MOTION TO EXPEDITE

Come now the Judicial Inquiry Commission and Judge Gerard John Durward and jointly move the Court for an order expediting the setting of a public hearing as required by Article VI, §157 and expediting the resolution of the Complaint contemporaneously filed with this motion in this case.

As grounds for this motion, the Commission and Judge Durward show and represent to the Court that:

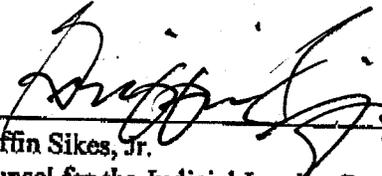
- a. pursuant to Article VI, §157, Judge Durward is disqualified from acting as a judge during the period of time that the Complaint filed herein remains pending and unresolved;
- b. the interest of the administration of justice would best be served by an expeditious resolution of this Complaint;
- c. the spirit of the Rules of Procedure promulgated for the Court of the Judiciary by the Alabama Supreme Court favor the prompt, expeditious resolution of complaints, e.g., see Rule 7, Ala. R. P. Ct. of Judiciary, which favors "the prompt disposition of the proceedings pending before the court" and the avoidance of undue delay; and Rule 8, Ala. R. P. Ct. of Judiciary, which provides that "the court shall fix a date for hearing upon the complaint as expeditiously as possible"; and
- d. Judge Durward waives his right under Rule 5, Ala. R. P. Ct. of Judiciary, to file an answer or other responsive pleading to the Complaint herein within 30 days of its service upon him; waives his right under Rule 8, Ala. R. P. Jud. Inq. Comm'n,

to 30 days' notice of the date and time for a hearing of the Complaint in this case and consents to a more expeditious setting of the hearing; and waives his right of appeal under Article VI, §157 of the Alabama Constitution to the Alabama Supreme Court from adjudication of the Complaint and any sanction imposed by the Court of the Judiciary.

Respectfully submitted, this 5th day of ~~October~~^{November}, 2012.



William N. Clark
Counsel for Judge Gerard John Durward



Griffin Sikes, Jr.
Counsel for the Judicial Inquiry Commission