

COURT OF THE JUDICIARY CASE NO. 44

IN THE MATTER OF JO CELESTE PETTWAY
District Judge of Wilcox County

FINAL JUDGMENT

On October 7, 2015, the Alabama Judicial Inquiry Commission ("the Commission") filed a complaint with the Alabama Court of the Judiciary charging Judge Jo Celeste Pettway with violating the Canons of Judicial Ethics in her capacity as a district judge in Wilcox County, Alabama. Judge Pettway, through counsel, filed an answer to the complaint on November 13, 2015.

Pursuant to Rule 10, Rules of Procedure of the Judicial Inquiry Commission, the Commission and Judge Pettway have jointly moved to resolve the charges of the complaint following a public hearing in accordance with Art. VI, § 157, Ala. Const. 1901 (Off. Recomp.).

The complaint alleges, in relevant part, the following:

"1. Jo Celeste Pettway (hereinafter 'Judge Pettway') took office as a district judge of Wilcox County, Alabama on or about August 4, 1984, and continues to serve in that capacity. In her capacity as District Judge, Judge Pettway regularly presides over district court criminal and civil matters, including small claims cases. This complaint concerns primarily Judge Pettway's small claims docket.

"2. This complaint arises from Judge Pettway's pattern and practice of such inattention to her small claims docket and irregular application of the law as to constitute an almost complete failure to operate or administer her small claims docket in accordance with the law, rules of court, and effective administrative procedures.

"3. Judge Pettway's failure to follow the procedures provided for small claims court has greatly complicated small claims practice by requiring extra steps of both parties and court officials, thwarting the beneficial impact of small claims court and thereby the administration of justice.

"4. In addition, Judge Pettway has almost completely ignored the court system's easy and simple means of assessing and processing small claims matters over the last seven years. She has failed to learn and regularly use Alacourt Plus, Alabama's electronic court filing, docketing, and case management system.

"5. Judge Pettway's actions and inactions are biased or have, at the very least, exhibited an appearance of bias, in favor of small claims defendants.

"6. Judge Pettway's actions and inactions have prolonged litigation and thereby prolonged the entry and execution of those judgments in favor of the plaintiffs; allowed defendants to designate a payment plan to the court without notice to or participation of the plaintiffs; and unlawfully interfered with execution of judgments by releasing garnishments without cause and without following the procedures required by law.

".....

"8. Judge Pettway's actions and inactions have in such disarray as to allow innumerable unnecessary

and harmful delays in reaching judgments as well as unenforceable judgments and impeded execution of judgments, and have generally hindered the efficient and economical resolution of claims for which the small claims court was designed."

Judge Pettway has admitted that the complaint filed by the Commission accurately states the facts upon which this proceeding is based, and she agrees that the Commission could prove by clear and convincing evidence all the facts alleged in the complaint.

Judge Pettway and the Commission stipulate that upon trial of this matter, Judge Pettway would offer the testimony of numerous witnesses, including the District Attorney of Wilcox County, Michael Jackson, who has served in her court both as an Assistant District Attorney and as elected District Attorney; at least one County Commissioner; the County Tax Assessor; the current and former Sheriff of Wilcox County; various DHR officials praising her work in other areas; various criminal defense attorneys who have practiced in her court; and various residents of the community supportive of her conduct in all other areas of her court. Additionally, Judge Pettway and the Commission stipulate that Judge Pettway would offer testimony that the cases subject to the allegations in the complaint comprised a small percentage of

her overall docket.

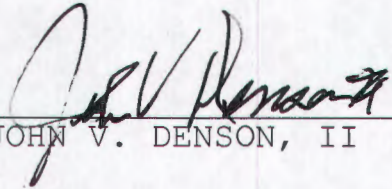
Judge Pettway has further admitted that, as alleged in the complaint, she violated Canons 1, 2, 2A, 2B, 3, 3A(1), 3A(4), 3A(5), and 3B(1). Judge Pettway has consented to the sanctions recommended by the Commission in the joint motion filed with this Court, and she has waived her right of appeal under Art. VI, § 157, Ala. Const. 1901 (Off. Recomp.).

Accordingly, in compliance with the joint motion filed by the Commission and Judge Pettway, this Court orders the following:

- (1) Judge Pettway is suspended for one hundred and eighty (180) days without pay for her violations of the Canons as stated in the complaint;
- (2) Judge Pettway shall receive credit for the number of days for which she has already been suspended; thus, she shall be eligible for reinstatement as a district judge beginning April 7, 2016, provided she complies with the other requirements of this judgment; however, the one hundred and eighty (180) days without pay shall commence the date this judgment is entered--January 21, 2016--and shall end July 21, 2016;
- (3) Judge Pettway is to complete Alacourt Plus training in person at the Administrative Office of Courts and shall submit to this Court and to the Commission written documentation of the completion of said training prior to the conclusion of her suspension;
- (4) Judge Pettway is taxed with the costs of this

proceeding.


DONE this 21st day of January, 2016.



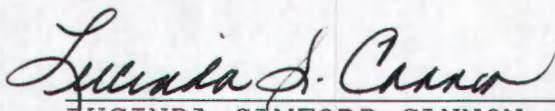
JOHN V. DENSON, II



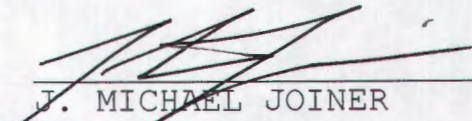
L. GWALTNEY MCCOLLUM, JR.



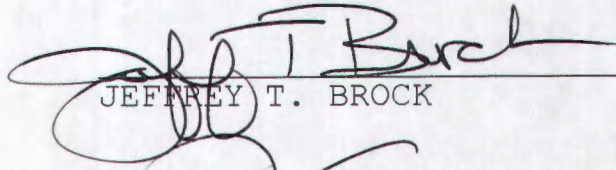
LAURA PETRO



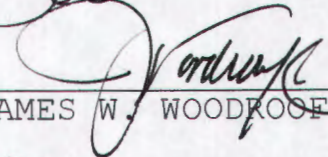
LUCINDA SAMFORD CANNON



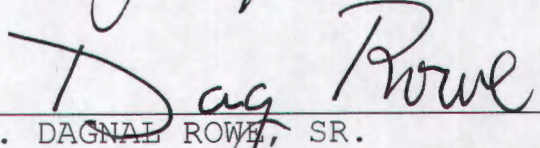
J. MICHAEL JOINER
CHIEF JUDGE



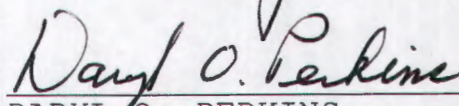
JEFFREY T. BROCK



JAMES W. WOODROFFE, JR.



S. DAGNAL ROWE, SR.



DARYL O. PERKINS