



IN THE MATTER OF:
ANITA KELLY
Circuit Judge, Fifteenth Judicial Circuit

ORDER

The Court has before it Judge Anita Kelly's "motion to modify conditions, and to reconsider denial of identification of telephone numbers and current employer, in order compelling Alabama DHR to identify former Montgomery County DHR employees," filed on February 14, 2018, and the response of the Alabama Department of Human Resources ("DHR"), filed on February 21, 2018. Upon due consideration of those filings, this Court has determined that Judge Kelly's motion is well taken and is due to be **GRANTED**. Accordingly, this Court hereby **ORDERS** the following:

1. This Court's January 12, 2018, order is modified to eliminate the requirement that "before contacting any individual who previously worked for or was employed by Montgomery County DHR, Judge Kelly must give at least 48 hours' notice to DHR of her intention to do so."


2. This Court's January 12, 2018, order is further modified to eliminate the statement that "DHR has the right to have an attorney or another representative present, either in person or via phone or videoconference, during any questioning of any individual whom Judge Kelly contacts as a result of this order."

3. For each person DHR has identified whose employment with Montgomery County DHR ended during the time period January 1, 2012, through the present and who, to DHR's knowledge, worked on or had any involvement with any matter in which Judge Kelly was involved, DHR is directed to provide to Judge Kelly, within 5 business days of the date of this order, a revised list of such persons that includes, if known by DHR, the current or last-known telephone numbers and current or last-known employers for those persons.

In issuing this order, this Court notes, as Judge Kelly indicated in her motion, that the January 24, 2018, consent-protective order, which was jointly submitted by the parties, adequately addresses the concerns about confidentiality that this Court expressed in its January 12, 2018, order.

As to this Court's earlier stated concerns about privileged matters, this Court is confident that it can rely on Judge Kelly representations that in their communications with former DHR employees, "[o]ut of an abundance of caution, and concern for avoiding going outside the ethical lines, [Judge Kelly and her counsel] will assiduously avoid seeking any privileged matter during any contact with any former DHR employee."

DONE this 22nd day of February, 2018.



J. MICHAEL JOINER
CHIEF JUDGE
COURT OF THE JUDICIARY