

Rules of Procedure of Judicial Inquiry Commission

Rule 7.

Subpoenas and other process.

A. Subpoenas for attendance of witnesses or for the production of documentary evidence (including the production of documentary evidence for copying) before the commission, and other process of the commission, may be served in the same manner provided for service of subpoenas and other process under the rules of civil procedure applicable to the circuit courts of this state and may be served by mail or by any person designated by the commission, its clerk, or the chairman. The commission shall have jurisdiction coextensive with the circuit courts of this state to compel the attendance of witnesses and the production of documents; the failure of any person without adequate excuse to obey a subpoena or other process of the commission shall constitute contempt of the commission. All witnesses shall be entitled to such witness fees and expenses as in any civil proceeding in this state.

B. Any subpoena must be relevant to the particular complaint filed.

C. Prior to or simultaneously with serving a subpoena on a person or entity being subpoenaed, the commission shall serve a copy of the subpoena on the judge being investigated, charged, or prosecuted. Failure to serve the judge as required by this subdivision of this rule shall bar the admissibility of the information or material sought by the subpoena, all information and material obtained in response to the subpoena, and all information and material discovered as a result of information or material obtained in response to the subpoena.

D. Service shall be by personal service or by certified mail. Service by certified mail shall be deemed complete upon mailing.

[Amended eff. 10-9-2001; Amended eff. 2-1-2009.]

Note from the reporter of decisions: The order amending the Rules of Procedure of the Judicial Inquiry Commission, effective February 1, 2009, is published in that volume of *Alabama Reporter* that contains Alabama cases from 996 So.2d.