

IN THE ALABAMA COURT OF THE JUDICIARY

IN THE MATTER OF:

DOUGLAS L. PATTERSON  
DISTRICT JUDGE  
LIMESTONE COUNTY

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CASE NO. 55

**FILED**

**MAY 22 2020**

**COURT OF THE JUDICIARY**  
Rebecca C. Oates  
Secretary

ORDER DENYING MOTION TO STAY

A hearing was held on the record in this case remotely through video conferencing technology on May 20, 2020. The primary, although not exclusive, purpose of the hearing was to revisit the motion to stay the adjudication of this complaint in the Court of the Judiciary ("COJ") filed by the respondent judge.

The record before me shows that on December 11, 2019, Judge Patterson was indicted in the Circuit Court of Limestone County. The Judicial Inquiry Commission ("the "JIC") filed the complaint against Judge Patterson in the COJ on January 15, 2020. Along with the complaint, the JIC filed a motion to expedite the trial in the COJ. The JIC noted, among other things, that Judge Patterson was suspended from performing judicial duties upon the filing of the complaint but would continue to be paid, and that COJ Rule 8 requires a hearing to be set "as expeditiously as possible." A ruling on the motion to expedite could not be made until Judge Patterson was served with the complaint and responded or until the time for his response expired. On February 11, 2020, the Limestone Circuit Court set the trial of the indictment against Judge Patterson to be tried before a jury beginning on June 15, 2020. Judge Patterson filed an answer to the complaint in the COJ on February 12, 2020, denying the allegations. On February 13, 2020, I set a scheduling conference to be held on February 24, in part to address the motion to expedite and to determine when this case could be set for trial. A hearing was held on the record

on February 24, 2020. At the hearing, counsel for Judge Patterson made a motion to stay the COJ proceedings pending the resolution of the criminal charges pending in Limestone County. Judge Patterson was given seven days to file a brief in support of the motion, and the JIC was given seven days thereafter to respond. Judge Patterson filed his brief on March 4, and the JIC filed a brief in opposition on March 11. On March 16, 2020, I entered an order deferring a ruling, finding in part:

"National and state emergencies have unexpectedly now been declared due to a coronavirus pandemic in this country, resulting in an almost complete cessation of most judicial proceedings in this state. As a practical matter, it is impossible to address the scheduling of the trial at this time and the issue will be addressed when it becomes appropriate to do so. Both parties are requested to promptly notify the Court of the Judiciary in writing if any changes are made to the trial schedule for the criminal proceedings against the respondent judge."

Due to the circumstances created by the pandemic and other things, it became impossible to schedule the COJ trial to be held before the June 15, 2020, scheduled trial in the Limestone Circuit Court. Therefore, on April 6, 2020, I set the trial of the COJ complaint to be held on July 9 and 10, 2020. On April 30, 2020, the Alabama Supreme Court issued an order that no juror summons could be issued before July 1, 2020; therefore, the trial of the criminal case would not occur in June. On May 6, 2020, I scheduled the pre-trial conference that was held on May 20. On May 13, 2020, the Alabama Supreme Court issued an order suspending all jury trials until September 14, 2020. Counsel for Judge Patterson has provided notice that on May 8, 2020, the criminal trial has been generally continued.

I have considered the briefs filed in support of and in opposition to the motion to stay these proceeding, and I have carefully considered, analyzed, and weighed the appropriate factors in determining whether the stay should be granted. See, e.g., Ex parte McDaniel, 291 So. 3d 847 (Ala. 2019); Ex parte Rawls, 953 So.2d 374 (Ala. 2006); Ex parte Ebbers, 871 So. 2d 776, 787

(Ala. 2003); Ex parte Weems, 711 So. 2d 1011 (Ala. 1998). After considering the appropriate factors, the motion to stay is denied. In particular, but not exclusively, I note the interests of the public in proceeding to an expeditious resolution of the charges against Judge Patterson since he is unable to perform judicial duties while this complaint is pending, yet will continue to be paid from public funds; that Judge Patterson cannot be compelled to testify in the trial of this case under COJ Rule 10; that the JIC is not seeking discovery from Judge Patterson; and the indefinite suspension of the criminal trial. Regarding certain additional arguments of Judge Patterson in his brief, I agree that the circuit court has exclusive jurisdiction to adjudicate the criminal charges, but the complaint filed by the JIC in the COJ alleges violations of the Canons of Judicial Ethics, in part through the alleged commission of acts in violation of criminal statutes. The issues are not the same, and the COJ has the exclusive jurisdiction to adjudicate this complaint. I also find that based on the information currently known, COJ Rule 10 will not be interpreted or applied in a manner that would prevent testimony from being compelled from any non-party witness.

Therefore, after weighing and analyzing all of the appropriate factors and considerations, the motion to stay is denied and this case remains set for trial on July 9 and 10, 2020. A separate order is being entered regarding trial preparation.

This the 22nd day of May, 2020.

Scott Donaldson  
Scott Donaldson  
Chief Judge, Alabama Court of the Judiciary