

IN THE ALABAMA COURT OF THE JUDICIARY



In the Matter of:

DOROTHEA BATISTE,
Jefferson County Circuit Judge

Case No. 43

MOTION TO STAY JUDGE BATISTE'S REINSTATEMENT AS A CIRCUIT JUDGE
AND/OR FOR SUCH OTHER RELIEF AS THE COURT DEEMS APPROPRIATE

Comes now the Judicial Inquiry Commission and moves the Court to stay Judge Batiste's reinstatement as a circuit court judge for Jefferson County pending Judge Batiste's completion of all of the sanctions imposed upon her in this Court's August 6, 2013 Final Judgment and Sanctions order.

As grounds for this motion, the Judicial Inquiry Commission does show and represent as follows:

1. Upon information and belief, on Monday, November 4, 2013, or on Tuesday, November 5, 2013, Judge Batiste will have completed that portion of the Court of the Judiciary's August 6, 2013 Final Judgment and Sanctions which ordered that Judge Batiste be suspended without pay from the circuit court bench of Jefferson County for a period of ninety days.
2. Upon information and belief, Judge Batiste plans to return to her office on November 5, 2013, and resume her duties as a circuit judge for Jefferson County.
3. However, the ninety day suspension from office without pay was only one part of the sanctions imposed by this Court in its August 6, 2013 order. As an additional part of those sanctions, this Court ordered Judge Batiste as follows:

[T]he Court hereby orders Judge Batiste to attend the General Jurisdiction course at the National Judicial College in Reno, Nevada, in September 2013, or any other similar formal judicial training or educational opportunity as agreed to between Judge Batiste and the presiding circuit judge of Jefferson County. In the event that Judge Batiste has previously attended the General Jurisdiction course, Judge Batiste is hereby ordered to undertake such other training or educational course as may be agreed to between Judge Batiste and the presiding circuit judge of Jefferson County. This training may either be in a formal and structured training program—such as a continuing legal Education (“CLE”)

program or a judicial-college type program—or in the form of a mentoring program.

4. In addition, this Court reiterated in its Public Reprimand of Judge Batiste in the Order of August 6, 2013:

Judge Batiste is also ordered to undertake professional development to ensure the protection of the due process rights of witnesses and litigants appearing before her.

5. Because Judge Batiste previously attended the General Jurisdiction course at the National Judicial College in Reno, Nevada, she did not again attend that course subsequent to entry of this Court's August 6, 2013 Final Judgment and Sanctions order.

6. Judge Batiste has not undertaken and completed any other training or educational course nor has she engaged in or implemented a mentoring program, either of which has been agreed upon by Judge Batiste and the presiding circuit judge of Jefferson County; and has thereby failed to comply with this Court's August 6, 2013 order.

7. Based upon Judge Batiste's failure to comply with this Court's August 6, 2013 Final Judgment and Sanctions order, the Judicial Inquiry Commission moves the Court for an order staying Judge Batiste's reinstatement as a circuit judge until this court receives verification that she has met all of the requirements of this Court's Final Judgment and Sanctions order and/or moves the Court for any other relief which the Court deems appropriate in this case.

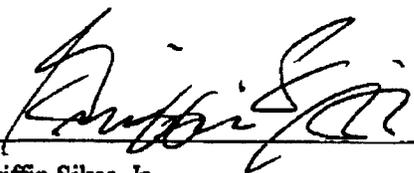
8. As authority for such action, the Judicial Inquiry Commission cites the Court to §12-1-7(3), Code of Alabama, 1975, which provides:

Every court shall have power:

* * * *

(3) To compel obedience to its judgments, orders and process and to orders of a judge out of court, in an action or proceeding therein[.]

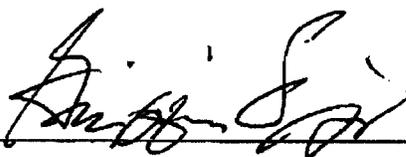
9. In support of this Motion, the Judicial Inquiry Commission attaches hereto the affidavit of Judge Houston Brown, presiding judge of the 10th Judicial Circuit and the statement of Mittie Chappel, Director of Personnel of the Alabama Administrative Office of Courts.


Griffin Sikes, Jr.
Attorney for the Commission

Judicial Inquiry Commission
Post Office Box 303400
Montgomery, AL 36130-3400

Certificate of Service

I hereby certify that a copy of this Motion has been sent to Austin Burdick, Esq.,
counsel for Judge Dorothea Batiste, by e-mail and by first class mail, postage prepaid, on
this ~~X~~¹ day of ~~October~~, 2013.
November 1st


Of Counsel

From: Mittie Chappell [<mailto:mittie.chappell@alacourt.gov>]

Sent: Thursday, October 31, 2013 12:24 PM

To: Groves, Peggy; Sikes, Griffin

Subject: Information on Judge DBB

I am writing to confirm that Judge Dorothea Batiste was taken off of the AOC state payroll on August 6, 2013 due to a 90 day suspension authorized by the Alabama Court of the Judiciary, case no. 43.

Her last day of being paid for work was August 5, 2013. The State of Alabama's last payment toward insurance for Judge Batiste was July 31, 2013 and the states' last contribution to the Retirement Systems of Alabama for her was on August 15, 2013.

Judge Batiste is scheduled to return to work as a Circuit Judge in the 10th Judicial Circuit of Alabama on November 4, 2013.

Respectfully submitted,

Mittie J. Chappell
Human Resources Director, UJS
Phone: 334-954-5100

**STATE OF ALABAMA)
JEFFERSON COUNTY)**

AFFIDAVIT OF HOUSTON L. BROWN

Before me, the undersigned Notary Public in and for said County and State, personally appeared Houston L. Brown, who being by me first duly sworn on oath, deposes and says as follows:

1. This affidavit is prepared and being given at the request of the Alabama Judicial Inquiry Commission.

2. I currently serve as the Presiding Judge of the Tenth Judicial Circuit of Alabama and have been serving in such capacity since January 15, 2013. I am familiar with the Order of the Court of the Judiciary entered on August 6, 2013 at the conclusion of its trial of a Complaint previously filed by the Alabama Judicial Inquiry Commission against Judge Dorothea Batiste, Circuit Judge, Tenth Judicial Circuit of Alabama. The portion of the said Order relevant to this affidavit reads as follows:

“Additionally, the Court hereby Orders Judge Batiste to attend the General Jurisdiction course at the National Judicial College in Reno, Nevada, in September 2013, or any other similar formal judicial training or educational opportunity as agreed to between Judge Batiste and the presiding circuit judge of Jefferson County. In the event that Judge Batiste has previously attended the general jurisdiction course, Judge Batiste is hereby ordered to undertake such other training or educational course as may be agreed to between Judge Batiste and the presiding

judge of Jefferson County. This training may either be in a formal or structured training program -- such as a continuing legal Education ("CLE") program or a judicial-college type program -- or in the form of a mentoring program".

3. Immediately following the trial and announcement of the Court of the Judiciary's decision, I met and discussed with the Administrative Director of Courts, Rich Hobson, potential "formal judicial training or educational opportunit(ies)" for Judge Batiste and my consideration. Subsequently, the Director of the Alabama Judicial College, Wally Lowery, identified a course being offered by the National Judicial College in Reno, Nevada on October 7 through 10, 2013. The course identified was "Ethics, Fairness, and Security in Your Courtroom and Community," which was to be presented by Judge Phyllis Kotey, a leading national expert on the use of contempt.

4. I received an email on August 7, 2013 from Director Hobson providing the detailed information about the course which also included an internet link to a website containing scholarship applications. Within 2-3 days of my receipt of said email, I forwarded the same to Judge Batiste for her consideration. Subsequently, not having heard from her, I telephoned her to confirm her receipt of the information. Judge Batiste acknowledged that she had received such information and would look further into the course. I later learned from Judge Batiste that she did not attend the course.

5. I do not have any personal knowledge nor, have I been provided with any information tending to establish the attendance by Judge Batiste at the General Jurisdiction course at the National Judicial College in Reno, Nevada.

6. At no time subsequent to the entry of the Court of the Judiciary's Final Judgment And Sanctions on August 6, 2013, have I been requested to agree to Judge Batiste's attendance at any "similar formal judicial training or educational opportunity".

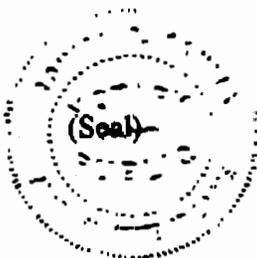
7. At no time subsequent to the entry of the Court of the Judiciary's Final Judgment And Sanctions on August 6, 2013, have I been requested to agree to Judge Batiste's undertaking any "such other training or educational course as may be agreed to between Judge Batiste and the Presiding Judge of Jefferson County".

8. At no time subsequent to the entry of the Court of the Judiciary's Final Judgment And Sanctions on August 6, 2013, have I been requested to agree to Judge Batiste's entering into a "form of a mentoring program".

Having been duly sworn on oath by me, the said Houston L. Brown says that the foregoing facts are true and correct.

Houston L. Brown
HOUSTON L. BROWN

Sworn to and subscribed before me this 1st day of November, 2013.



Bonita G. Conley
NOTARY PUBLIC
STATE AT LARGE