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IN THE MATTER OF:  
DOROTHEA BATISTE  
Circuit Judge of Jefferson County,  
Tenth Judicial Circuit of Alabama

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ORDER

The Judicial Inquiry Commission ("the JIC"), and Judge Dorothea Batiste ("Judge Batiste")--(collectively "the Parties")--appeared on July 1, 2013, for a hearing on various motions pending before this Court and pretrial matters. The following order details the decisions on the matters raised at the hearing:

**Motion to Quash**

On or about June 28, 2013, at the request of Judge Batiste, the Clerk of the Court of the Judiciary issued subpoenas to, among others, Judge Ben McLaughlin, Judge Randall Cole, and Augusta Dowd, ordering the respective individuals to appear on July 30, 2013, at 9 am, for the trial on the JIC complaint currently pending in this matter. On July 1, 2013, the JIC moved this Court to quash the subpoenas

directed at Dowd, Judge Cole, and Judge McLaughlin.

In its motion, the JIC argues that Dowd, Judge Cole, and Judge McLaughlin--all members of the JIC when the proceedings against Judge Batiste were commenced and all identified using the physical address of the JIC--were constitutionally prohibited from testifying to information gleaned as members of the JIC and, also, that the three individuals had no other knowledge related to this case. In support of this argument, the JIC relies on Article VI, § 156(b), of the Alabama Constitution which states that "[a]ll proceedings of the commission shall be confidential except the filing of a complain with the Court of the Judiciary."

The JIC's motion is well taken and is due to be granted. See Rule 45(c)(3)(A)(iii), Ala. R. Civ. P. ("On timely motion, the Court by which a subpoena was issued shall quash or modify the subpoena if it ... requires disclosure of privileged or other protected matter and no exception or waiver applies."). Nothing before this Court indicates that Judge Batiste intended to subpoena Dowd, Judge Cole, and Judge McLaughlin in their personal capacities for testimony unrelated to knowledge gained through JIC proceedings; whether Dowd, Judge Cole, and Judge McLaughlin may be subpoenaed in their individual

capacities to testify to matters unrelated to knowledge gained through JIC proceedings is not before this Court.

**Timeframe for Production of Documents**

On or about July 1, 2013, Judge Batiste filed a request for documents from the JIC and moved this Court for an order requiring the JIC to comply with the request within 15 days, by July 16, 2013. This Court granted the motion at the hearing and, thus, the JIC is hereby ordered to respond to Judge Batiste's request for production no later than July 16, 2013 at 5 pm.

**Judge Batiste's Motion for a Summary Judgment**

On June 13, 2013, Judge Batiste filed a motion to strike the complaint in this matter or for a summary judgment; Judge Batiste subsequently filed two supplements to her motion, one on June 26, 2013, and one on July 1, 2013. Following a review of Judge Batiste's motion and supplements, along with the JIC's response and oral argument by both parties, Judge Batiste's motion is denied. This matter remains set for a trial beginning on July 29, 2013, at 10:30 am.

**Pretrial Motions**

As discussed during the hearing, Judge Batiste must file any remaining pretrial motions by 5 pm on July 3, 2013, and

any response from the JIC must be filed by July 12, 2013 at 5  
pm.



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J. MICHAEL JOINER  
CHIEF JUDGE  
COURT OF THE JUDICIARY

Dated: July 3, 2013