

IN THE ALABAMA COURT OF THE JUDICIARY

IN THE MATTER OF: )  
ANITA KELLY ) Court of the Judiciary  
Circuit Judge, ) Case No.: 50  
15<sup>th</sup> Judicial Circuit )



**THIRD JOINT MOTION FOR ENTRY OF CONSENT PROTECTIVE ORDER**

Upon joint motion of the parties, the Court previously entered a Consent Protective Order that establishes parameters for the parties regarding the filing and the handling of documents that contain information concerning a child or the family of a child who is or was under the jurisdiction of the juvenile court. *See* Ala. Code §12-15-133 (1975).

Pursuant to this Court’s Order entered January 12, 2018, the parties now jointly move the Court to adopt and enter by Order of this Court the attached Consent Protective Order, to establish the parameters for the parties regarding communications by Judge Anita Kelly or her counsel with employees of the Montgomery County Department of Human Resources, to the extent information obtained from those communications contains such information or other information relating to Alabama DHR proceedings made confidential by statute. *See* Ala. Code §§ 38-2-6 (8), 26-14-8 (c), 12-15-133 (1975); Ala. Admin. Code 660-1-6-.01.

Respectfully submitted this 23rd day of January, 2018.

/s/ William Gunter V  
William Gunter V  
Judicial Inquiry Commission  
401 Adams Avenue, Suite 720  
Montgomery, AL 36104  
(334) 242-4089  
[Bill.gunter@jic.alabama.gov](mailto:Bill.gunter@jic.alabama.gov)  
Attorney for the Judicial Inquiry Commission

/s/ Mark Englehart  
Mark Englehart (ENG007)  
Englehart Law Offices  
9457 Alysbury Place  
Montgomery, AL 36117-6005  
(334) 782-5258  
[jminglehart@gmail.com](mailto:jminglehart@gmail.com)  
Attorney for Judge Anita Kelly

**Certificate of Service**

I hereby certify that a copy of the foregoing has been FILED electronically with the Court of the Judiciary and a copy of the same emailed and/or hand delivered to the person(s) shown below on this 23rd day of January, 2018, as follows:

Mr. Billy C. Bedsole – Chairman  
Mrs. Jenny Garrett – Executive Director  
Rosa H. Davis, Esq.  
William A. Gunter V, Esq.  
Judicial Inquiry Commission  
401 Adams Avenue, Suite 720  
Montgomery, AL 36104

Felicia M. Brooks, Esq.  
Assistant Attorney General  
State of Alabama  
Department of Human Resources  
Legal Office  
P.O. Box 304000  
Montgomery, AL 36130-4000

/s/ Mark Englehart  
**OF COUNSEL**

IN THE COURT OF THE JUDICIARY OF ALABAMA

In The Matter of )  
 )  
ANITA KELLY )  
 )  
Circuit Judge, ) Case No.: COJ 50  
 )  
15<sup>th</sup> Judicial Circuit. )

CONSENT PROTECTIVE ORDER

Pursuant to the Order entered January 12, 2018, the parties having stipulated through their counsel of record for entry of this Protective Order; in order to protect information concerning minor children and their families as established by State policy, as set forth in Ala. Code §§ 38-2-6(8), 26-14-8(c), and 12-15-133 (1975), and Ala. Admin. Code 660-1-6-.01; and in order to preserve the parties' "constitutionally protected rights to a full and fair trial ... without totally eroding [a] child's concomitant right of privacy," see *Ex parte State Farm Fire & Cas. Co.*, 529 So. 2d 975, 976 (Ala. 1988),

It is hereby ORDERED as follows as to any communication by the Respondent, Judge Anita Kelly, and/or counsel with employees of the Montgomery County Department of Human Resources (MCDHR) who are identified by a list or through

documents provided to the Respondent in accordance with this Court's Order dated January 12, 2018:

1. The parties and counsel for the parties shall maintain the confidentiality of any information obtained from the MCDHR employees to the extent it contains information concerning a child or the family of a child who is or was under the jurisdiction of the juvenile court. The parties and counsel for the parties shall not release any information that may be disclosed concerning a child or the family of a child who is or was under the jurisdiction of the juvenile court to any person or entity other than this court and other than a party to or counsel of record in this proceeding.

2. Should any of the said employees be deposed, any part of the transcript of the deposition of the witness that is submitted to this court shall be filed with this court under seal; alternatively, information within such transcript that identifies a child or the family of a child who is or was under the jurisdiction of the juvenile

court shall be redacted to remove the identifying information or to abbreviate the names of children, family members of a child, foster parents, and adoptive parents using only the person's initials, before the document is filed with this court.

3. Except as necessary to identify and/or examine any of the said employees during a deposition or at trial, the parties shall refrain from identifying a child or the family of a child who is or was under the jurisdiction of the juvenile court. The names of children, family members of a child, foster parents, and adoptive parents shall be abbreviated using only the person's initials.

DONE this \_\_\_\_ day of January, 2018.

---

J. MICHAEL JOINER  
CHIEF JUDGE  
COURT OF THE JUDICIARY